

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

NO. R. 5124

16 August 2024

RULES BOARD FOR COURTS OF LAW ACT, 1985 (ACT NO. 107 OF 1985)

**AMENDMENT OF THE RULES REGULATING THE CONDUCT OF THE PROCEEDINGS
OF THE PROVINCIAL AND LOCAL DIVISIONS OF THE HIGH COURT 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), with the approval of the Minister of Justice and Constitutional Development, made the rules in the Schedule.

SCHEDULE

GENERAL: EXPLANATORY NOTE:

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

_____ Words or expressions underlined with a solid line represent insertions into the existing rules.

Definition

1. In this Schedule "the Rules" means the Rules Regulating the Conduct of the Proceedings of the Provincial and Local Divisions of the High Court of South Africa published under Government Notice No. R. 48 of 12 January 1965, as amended by Government Notice Nos. R. 235 of 18 February 1966, R. 2004 of 15 December 1967, R. 3553 of 17 October 1969, R. 2021 of 5 November 1971, R. 1985 of 3 November 1972, R. 480 of 30 March 1973, R. 639 of 4 April 1975, R. 1816 of 8 October 1976, R. 1975 of 29 October 1976, R. 2477 of 17 December 1976, R. 2365 of 18 November 1977, R. 1546 of 28 July 1978, R. 1577 of 20 July 1979, R. 1535 of 25 July 1980, R. 2527 of 5 December 1980, R. 500 of 12 March 1982, R. 773 of 23 April 1982, R. 775 of 23 April 1982, R. 1873 of 3 September 1982, R. 2171 of 6 October 1982, R. 645 of 25 March 1983, R. 841 of 22 April 1983, R. 1077 of 20 May 1983, R. 1996 of 7 September 1984, R. 2094 of 13 September 1985, R. 810 of 2 May 1986, R. 2164 of 2 October 1987, R. 2642 of 27 November 1987, R. 1421 of 15 July 1988, R. 210 of 10 February 1989, R. 608 of 31 March 1989, R. 2628 of 1 December 1989, R. 185 of 2 February 1990, R. 1929 of 10 August 1990, R. 1262 of 30 May 1991, R. 2410 of 30 September 1991, R. 2845 of 29 November 1991, R. 406 of 7 February 1992, R. 1883 of 3 July 1992, R. 109 of 22 January 1993, R. 960 of 28 May 1993, R. 974 of 1 June 1993, R. 1356 of 30 July 1993, R. 1843 of 1

October 1993, R. 2365 of 10 December 1993, R. 2529 of 31 December 1993, R. 181 of 28 January 1994, R. 411 of 11 March 1994, R. 873 of 31 May 1996, R. 1063 of 28 June 1996, R. 1557 of 20 September 1996, R. 1746 of 25 October 1996, R. 2047 of 13 December 1996, R. 417 of 14 March 1997, R. 491 of 27 March 1997, R. 700 of 16 May 1997, R. 798 of 13 June 1997, R. 1352 of 10 October 1997, R. 785 of 5 June 1998, R. 881 of 26 June 1998, R. 1024 of 7 August 1998, R. 1723 of 30 December 1998, R. 315 of 12 March 1999, R. 568 of 30 April 1999, R. 1084 of 10 September 1999, R. 1299 of 29 October 1999, R. 502 of 19 May 2000, R. 849 of 25 August 2000, R. 373 of 30 April 2001, R. 1088 of 26 October 2001, R. 1755 of 5 December 2003, R. 229 of 20 February 2004, R. 1343 of 12 December 2008, R. 1345 of 12 December 2008, R. 516 of 8 May 2009, R. 518 of 8 May 2009, R. 86 of 12 February 2010, R. 87 of 12 February 2010, R. 88 of 12 February 2010, R. 89 of 12 February 2010, R. 90 of 12 February 2010, R. 500 of 11 June 2010, R. 591 of 09 July 2010, R. 980 of 19 November 2010, R. 981 of 19 November 2010, R. 464 of 22 June 2012, R. 992 of 7 December 2012, R. 114 of 15 February 2013, R. 262 of 12 April 2013, R. 471 of 12 July 2013, R. 472 of 12 July 2013, R. 759 of 11 October 2013, R. 212 of 28 March 2014, R. 213 of 28 March 2014, R. 214 of 28 March 2014, R. 30 of 23 January 2015, R. 31 of 23 January 2015, R. 317 of 17 April 2015, R. 781 of 31 August 2015, R. 3 of 19 February 2016, R. 678 of 3 June 2016, R. 1055 of 29 September 2017, R. 1272 of 17 November 2017, R. 1318 of 30 November 2018, R. 61 of 25 January 2019, R. 842 of 31 May 2019, R. 1343 of 18 October 2019, R. 107 of 7 February 2020, R. 1157 of 30 October 2020, R. 1603 of 17 December 2021, R. 2133 of 3 June 2022, R. 2413 of 26 August 2022, R. 3397 of 12 May 2023 and R. 4477 of 8 March 2024.

Amendment of rule 6 of the Rules

2. Rule 6 of the Rules is hereby amended—

(a) by the substitution for subrule (1) of the following subrule:

“(1) Every application **[must]** shall be brought on notice of motion supported by an affidavit as to the facts upon which the applicant relies for relief.”

(b) by the substitution for subrule (2) of the following subrule:

“(2) When relief is claimed against any person, or where it is necessary or proper to give any person notice of such application, the notice of motion **[must]** shall be addressed to both the registrar and such person, otherwise it **[must]** shall be addressed to the registrar only.”

(c) by the substitution in subrule (4) for paragraphs (a) and (b), of the following paragraphs, respectively:

“(a) Every application brought *ex parte* shall—

[upon notice to the registrar supported by an affidavit as aforesaid must be filed with the registrar and set down, before noon on the court day but one preceding the day upon which it is to be heard. If brought upon notice to the registrar, such notice must set forth the form of order sought, specify the affidavit filed in support thereof, request the registrar to place the matter on the roll for hearing, and be as near as may be in accordance with Form 2 of the First Schedule.]

(i) be upon notice to the registrar supported by an affidavit referred to in subrule (1);
(ii) be filed with the registrar and set down, before noon on the court day but one preceding the day upon which it is to be heard; and
(iii) set forth the form of order sought, specify the affidavit filed in support thereof, request the registrar to place the matter on the roll for hearing, and be as near as may be in accordance with Form 2 of the First Schedule:

Provided that where an *ex parte* application is brought as an urgent application—

(i) the applicant shall indicate the basis on which the application is deemed to be urgent, including the provisions of any law upon which the applicant relies;

(ii) the application may be brought before a judge in chambers; and

(iii) the provisions of subrule (12) may be applied in so far as is necessary.”; and

“(b)(i) Any person having an interest which may be affected by a decision on an application being brought *ex parte*, may deliver notice of an application for leave to oppose, supported by an affidavit setting forth the nature of such interest and the ground upon which such person desires to be heard, whereupon the registrar **[must]** shall set such application down for hearing at the same time as the initial application.”

(ii) The court hearing the matter may grant or dismiss either or both such applications as the case may require, or may adjourn the same upon such terms as to the filing of further affidavits by either applicant or otherwise as it deems fit.”

(d) by the deletion of paragraph (c) in subrule (4).

(e) by the substitution for subrule (9) of the following subrule:

“(9) A copy of every application to court in connection with the estate of any person deceased, or alleged to be a prodigal, or under any legal disability, mental or otherwise, **[must]** shall, before such application is filed with the registrar, be submitted to the Master for consideration and report, and if any person is to be suggested to the court for appointment as curator to property, such suggestion **[must]** shall likewise be submitted to the Master for report: Provided that the provisions of this subrule do not apply to any application under rule 57 except where that rule otherwise provides.”

(f) by the substitution in subrule (12) for paragraph (b) of the following paragraph:

“(b) In every affidavit filed in support of any application under paragraph (a) of this subrule, the applicant **[must]** shall set forth explicitly the circumstances which it is averred render the matter urgent and the reasons why the applicant claims that applicant could not be afforded substantial redress at a hearing in due course.”; and

(g) by the substitution for subrule (13) of the following subrule:

“(13) In any application against any Minister, Deputy Minister, Member of an Executive Council, officer or servant of the State, in such capacity, the State or the administration of any province, the respective periods referred to in paragraph (b) of subrule (5), or for the return of a rule *nisi*, **[must]** shall be not less than 15 days after the service of the notice of motion, or the rule *nisi*, as the case may be, unless the court has specially authorized a shorter period.”

Insertion of rule 57A in the Rules

3. The following rule is hereby inserted after rule 57 of the Rules:

“57A Appointment and discharge of curators in terms of the Prevention of Organised Crime Act, 1998

(1) An application referred to in sections 28, 30(2) and 47 read with section 42 of the Prevention of Organised Crime Act, 1998 (Act No. 121 of 1998), for—

(a) the appointment of a *curator bonis*;

(b) the variation or rescission of an order appointing a *curator bonis*;

(c) the variation of the terms of appointment of a *curator bonis*; or

(d) the discharge of a *curator bonis*;

shall be made in accordance with the provisions of rule 6 of these rules and the forms in the First Schedule to these rules: Provided that an application in terms of paragraph (a) may be combined with an application for a restraint, preservation or realisation of property order.

(2) An application for any interlocutory order, where such order may be necessary, may be made upon notice in accordance with the provisions of rule 6(11).

(3) Every application made in terms of subrules (1) and (2) shall, *inter alia*—

(a) indicate the provision of the Prevention of Organised Crime Act, 1998 in terms of which the application is made;

(b) set forth such particulars as are necessary to enable the court to consider the reasons for the appointment and the functions of a *curator bonis* or, where required, a *curator ad litem*;

(c) set forth the particulars of the person or entity in respect of whom and the property in respect of which a curator is sought to be appointed;

(d) set forth the particulars of the curator and the powers and duties to be ascribed to the curator sought to be appointed;

(e) set forth such particulars as are necessary in support of an application for the discharge of a curator or for the variation or rescission of an order appointing a curator to enable the court to consider the application; and

(f) be accompanied by a draft order prayed.

(4) The powers of a *curator bonis* applied for in terms of subrule (3) shall be confirmed or may be varied and confirmed by the court as it deems appropriate.

(5) A court hearing an application in terms of this rule may—

(a) (i) grant an order in terms of subrules (1) or (2);

(ii) give further directions for service upon any person or entity or for the joinder in the proceedings of any person or entity;

(iii) dismiss or postpone the application; or

(iv) make such order as it deems fit, including any appropriate order for costs.

(b) upon application by any party, permit the filing of further affidavits or the leading of oral evidence.”

Amendment of rule 68 of the Rules

4. Rule 68 of the Rules is hereby amended by the substitution for the Tariff of the following Tariff:

"TARIFF

Item	R c
1. For registration of any document for service or execution, upon receipt thereof.	[14,50] 16,00
2. (a) For service of summonses, notices of motion, other notices, orders or any other documents, each	[92,50] 99,00
Provided that—	
(i) Whenever any document to be served with any such process is mentioned in the process or forms an annexure thereto, no additional fee shall be charged for the service of such document, but otherwise a fee of [R14,50] R16,00 may be charged in respect of each separate document served;	
(ii) No fee for the service of a separate document shall be charged in respect of the service of process in criminal cases.	
(b) Attempted service of summonses, notices of motion, other notices, orders and any other documents: Provided that an attempted service of more than one document on the same person shall be treated as an attempted service of one document only.	[69,00] 74,00
3. Travelling allowance:	
(a) For the distance actually and necessarily travelled by the sheriff or his or her officer, reckoned, subject to item 3(c) and (d), from the office of the sheriff, both on the forward and the return journey, per kilometre or part thereof.	R7,50
(b) When two or more summonses or other process, whether at the instance of the same party or of different parties, are capable of being served on one and the same journey, the travelling allowance for performing the round of service shall be fairly and equitably apportioned among the several cases, regard being had to the distance at which the parties against whom such process is directed respectively reside from the office of the sheriff, but the fee for service shall be payable for each service made or attempted to be made.	
(c) The travelling allowance mentioned in item 3(a) and (b) 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.	
(d) If the requirement in item 3(c) is not met, then the travelling allowance mentioned in item 3(a) and (b) shall be calculated on the distance reckoned from the court-house closest to the address for service.	
4. (a) Postage in civil matters, as per postal tariff.	
(b) Postage in criminal matters, free.	

NOTE: The sheriff may take any postal matter to the registrar of the High Court, or if there is no registrar in his or her town or city, to the magistrate, who shall frank the envelope with his or her official franking stamp.	
5. For the execution of any writ-	
(a)(i) of personal arrest, including the conveyance of the person concerned to court, to an attorney's office or to a prison, per person	[115,50] <u>124,00</u>
(ii) for conveying the person concerned to court from a place of custody on a day subsequent to the day of arrest and attending at court, per hour or part thereof	[137,50] <u>148,00</u>
(iii) for attachment of property <i>ad fundandam jurisdictionem</i> or <i>ad confirmandam jurisdictionem</i>	[115,50] <u>124,00</u>
(iv) where an attachment in terms of item 5(a)(iii) is withdrawn or suspended;	[32,50] <u>35,00</u>
(b)) of ejectment: [R137,50] <u>R342,00 [per] for the first hour</u> or part thereof, [subject to a minimum of which shall include the first hour] and thereafter <u>R158,00 per every half hour or part thereof</u> (in addition to reasonable expenses necessarily incurred);	[205,00]
(c) 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 officer charged with the registration of such property, and if the property is in occupation of some person other than the owner, also upon such occupier	[273,50] <u>293,00</u>
(ii) for notice of attachment to a single lessee or occupier (identical notices where there are several lessees, occupiers or owners, for each after the first)	[25,50] <u>27,00</u> [9,50] <u>10,00</u>
(iii) for making valuation report for purposes of sale per half hour or part thereof	[69,00] <u>74,00</u>
(iv) when— (aa) 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 (bb) upliftment of judicial attachment on immovable property occurs	[273,50] <u>293,00</u> [273,50] <u>293,00</u>
(v) 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)	[137,50] <u>148,00</u>
(vi) 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	[25,50] <u>27,00</u>
(vii) for consideration of proof that a preferent creditor has complied with the requirements of rule 46(5)(a)	[14,50] <u>16,00</u>
(viii) for the notice referred to in rule 46(6)	[25,50]

	<u>27,00</u>
(ix) for consideration of notice of sale prepared by the execution creditor in consultation with the sheriff; and	
(x) for verifying that notice of sale has been published in the newspapers indicated and in the <i>Gazette</i> inclusive fee for (ix) and (x)	[137,50] <u>148,00</u>
(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	[25,50] <u>27,00</u>
(xii) for affixing a copy of the notice of sale to the notice board of the magistrate's court referred to in rule 46(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 [R58,00] <u>R62,00</u> and travelling costs referred to in item 3	
(xiii) for—	[137,50]
(aa) considering the conditions of sale prepared by the execution creditor	<u>148,00</u>
(bb) considering further or amended conditions of sale submitted by an interested party	[137,50] <u>148,00</u>
(cc) settling of conditions of sale	[137,50] <u>148,00</u>
(dd) all necessary attendances prescribed by any law related to auctions, in particular the Consumer Protection Act, 2008 (Act No. 68 of 2008)	[414,50] <u>445,00</u>
(ee) the conducting of an auction, save that this fee may not be charged if commission is claimed in terms of item (xiv)	[273,50] <u>293,00</u>
(xiv) 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;	
(xv) for —	
(aa) written notice to the purchaser who has failed to comply with the conditions of sale	[69,00] <u>74,00</u>
(bb) any report referred to in rule 46(11)	[69,00] <u>74,00</u>
(cc) informing judgment debtor of the cancellation referred to in rule 46(11)(a)(iii)	[25,50] <u>27,00</u>
(dd) giving notice referred to in rule 46(11)(c)	[25,50] <u>27,00</u>
(xvi) for giving transfer to the purchaser	[32,50] <u>35,00</u>
(xvii) for—	[25,50]

(aa) receipt of certificate referred to in rule 46(14)(a)	27,00
(bb) preparing a plan of distribution of the proceeds (including the necessary copies) and for forwarding a copy to the registrar	[137,50] 148,00
(xviii) 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	[25,50] 27,00
(xix) for the report referred to in rule 46A(9)(d)	[69,00] 74,00
(d) against movable property—	
(i) when a writ is paid on presentation, 9 per cent on the amount so paid, with a minimum fee of [R93,00]R100,00 and a maximum of	[908,00] 974,00
(ii) for any abortive attempt at attachment, including one hour's search and enquiry	[93,00] 100,00
(iii) when a writ is withdrawn or stayed before any property is attached	[30,00] 32,00
(iv) for making an attachment, including one hour's search and enquiry	[208,00] 223,00
(v) notice of attachment, if necessary, to a single person (identical notices, when there is more than one person to be given notice, for each after the first)	[24,50] 26,00 [14,50] 16,00
(vi) when an attachment is withdrawn by a judgment creditor or stayed before sale, 3 per cent on the value of the property attached or the amount of the writ, whichever is the lesser, but subject to a maximum of	[626,50] 672,00
(vii) when a writ is paid by the debtor to the sheriff after attachment but before sale, 9 per cent on the amount so paid, with a minimum fee of [R93,00]R100,00 and a maximum of	[908,00] 974,00
(viii) when moneys are taken in execution, 9 per cent of the amount so taken, but subject to a maximum of	[908,00] 974,00
(ix) for drawing up advertisements of sale of goods attached	[93,00] 100,00
(x) for selling in execution, including distribution of the proceeds, on the first R15 000,00 or part thereof, 9 per cent, and thereafter, 6 per cent, with a maximum of	[12706,50] 13 634,00
(xi)	
(xii) commission shall not be chargeable against a judgment debtor on the value of movable property attached and subsequently claimed by a person other than the judgment debtor and released in consequence of such claim, unless such property has been attached at the express direction of the judgment creditor, in writing, in which event the judgment creditor shall be liable to the sheriff for the commission;	
(xiii) for insuring movable property attached when it is considered necessary and when the sheriff is directed thereto in writing by the judgment creditor, in addition to the amount of premium paid, an inclusive fee of	[49,00] 53,00
(e) for keeping possession of property (money excluded)—	

(i) for each officer necessarily left in possession, a reasonable inclusive fee per officer per day not exceeding	[172,50] <u>185,00</u>
NOTE: 'Possession' means the continuous and necessary presence on the premises for the period in respect of which possession is reckoned, of a person employed and paid by the sheriff for the sole purpose of retaining possession	
(ii) for removal and storage, the reasonable and necessary expenses for such removal and storage, and if an animal is to be stabled or fed, the reasonable charges for such stabling and feeding;	
(iii) for tending livestock, the necessary expenses for tending such stock;	
(iv) when no officer is left in possession and no security bond is taken, but movable property attached remains under the supervision of the sheriff, per day	[7,00] <u>8,00</u>
6. (a) For making an inventory, including all necessary copies and time spent in stocktaking, per hour or part thereof	[172,50] <u>185,00</u>
(b) For assistance, where necessary, in taking inventory, a reasonable and inclusive fee per day, not exceeding	[172,50] <u>185,00</u>
7. (a) For making return of service or execution, including drawing up and typing of original for court, limited to one person upon each original process; and	
(b) copy thereof for party desiring service or execution.	[57,00] <u>61,00</u>
8. Drawing and completing of bail bond, deed of suretyship or indemnity bond.	[34,00] <u>36,00</u>
9. For the making of all necessary copies of documents per A4 size page.	[7,50] <u>8,00</u>
10.	
11. Attending any criminal session of a superior court or any circuit court, [R137,50] <u>R148,00</u> per hour or part thereof, with a maximum per day of	[626,50] <u>672,00</u>
12. For the writing of each necessary letter, facsimile or electronic mail excluding formal letters accompanying process or returns	[25,50] <u>27,00</u>
13. Each necessary attendance by telephone:	[22,00] <u>24,00</u>
14. Sending and receiving of each necessary facsimile or electronic mail per page (in addition to telephone charges):	[9,50] <u>10,00</u>
15. Bank charges: Actual costs incurred regarding bank charges	
16. For interpleaders referred to in rule 58.	[873,00] <u>937,00</u>
17. (a) Where the mandator instructs the sheriff, in writing, to serve or execute a document referred to in item 2 or 5 on an urgent basis or after hours, the sheriff shall charge an additional fee, irrespective of whether the service or execution was successful, and such additional fee shall be paid by the mandator, save where the court orders otherwise. (b) For the purpose of paragraph (a)— (i) "urgent" means on the same day or within twenty four hours of the written instruction; and	[308,00] <u>330,00</u>

(ii)	“after hours” means any time—	
	(aa) before 7h00 or after 19h00 on Mondays to Fridays; or	
	(bb) on a Saturday, Sunday or public holiday.”	

Amendment of rule 70 of the Rules

5. Rule 70 of the rules is hereby amended by the substitution for the Tariff of Fees of Attorneys of the following Tariff of Fees of Attorneys:

"TARIFF OF FEES OF ATTORNEYS

**A – CONSULTATIONS, APPEARANCES,
CONFERENCES AND INSPECTIONS**

1. Consultation with a client and witnesses to institute or to defend an action, for advice on evidence or advice on commission, for obtaining an opinion or an advocate's guidance in preparing pleadings, including exceptions, and to draft an affidavit, per quarter of an hour or part thereof—
 - (a) by an attorney.....**[R388,00]**R417,00
 - (b) by a candidate attorney.....**[R120,50]**R130,00

2. Consultation to note, prosecute or defend an appeal, per quarter of an hour or part thereof—
 - (a) by an attorney**[R388,00]**R417,00
 - (b) by a candidate attorney**[R120,50]**R130,00

3. Attendance by an attorney in court at proceedings in terms of rule 37 of these Rules, per quarter of an hour or part thereof**[R388,00]**R417,00

4. (a) Attendance by an attorney, where necessary, to assist at a contested proceeding, per quarter of an hour or part thereof.....**[R388,00]**R417,00
 (b) Attendance by a candidate attorney, where necessary, to assist at a contested proceeding, per quarter of an hour or part thereof**[R120,50]**R130,00

5. Any conference with an advocate, with or without witnesses, on pleadings, including exceptions and particulars to pleadings, applications, affidavits and testimony, and on any other matter which the taxing officer may consider necessary, per quarter of an hour or part thereof—
 - (a) by an attorney.....**[R388,00]**R417,00
 - (b) by a candidate attorney.....**[R120,50]**R130,00

6. Any other conference which the taxing officer may consider necessary, per quarter of an hour or part thereof—
 - (a) by an attorney**[R388,00]**R417,00
 - (b) by a candidate attorney**[R120,50]**R130,00

7. Any inspection *in loco, in situ*, or otherwise, per quarter of an hour or part thereof—
 - (a) by an attorney.....**[R388,00]**R417,00
 - (b) by a candidate attorney**[R120,50]**R130,00

8. Attending to give or take disclosure, per quarter of an hour or part thereof—
 - (a) by an attorney**[R388,00]**R417,00
 - (b) by a candidate attorney**[R120,50]**R130,00

9. Inclusive fee for necessary consultations and discussions with a client, witness, other party or advocate not otherwise provided for, per quarter of an hour or part thereof—
 - (a) by an attorney.....**[R388,00]**R417,00
 - (b) by a candidate attorney**[R120,50]**R130,00

10. Appearance by an attorney in court or the performance by an attorney of any of the other functions of an advocate, in terms of the Legal Practice Act, 2014 (Act No. 28 of 2014). The tariff under rule 69 shall apply.

11. The rates of remuneration in items 1 to 9 do not include time spent travelling or waiting and the taxing officer may, in respect of time necessarily so spent, allow such additional remuneration as he or she in his or her discretion considers fair and reasonable, but not exceeding **[R388,00]**R417,00 per quarter of an hour or part thereof in the case of an attorney and **[R120,50]** R130,00 per quarter of an hour or part thereof in the case of a candidate attorney plus a reasonable amount for necessary conveyance.

B - DRAFTING AND DRAWING

1. The drawing up of a formal statement in a matrimonial matter, verifying affidavits, affidavits of service or other formal affidavits, index to brief, short brief, statements of witnesses, powers of attorney to sue or defend, as well as other formal documents and summonses, including all documents such as the prescribed forms in the First Schedule to these Rules, but not the particulars of claim in an annexure to the summons: an inclusive tariff - drawing up, checking, typing, printing, delivery and filing thereof, per page of the original only**[R156,50]**R168,00

2. The drawing up of other necessary documents, including—
 - (a) instructions for an opinion, for an advocate's guidance in preparing pleadings, including further particulars and requests for same, including exceptions;
 - (b) instructions to advocate in respect of all classes of pleadings;
 - (c) an exception or affidavit, any notice (except a formal notice), particulars of claim or an annexure to the summons, opinion by an attorney or any other important document not otherwise provided for,
 an inclusive tariff - drawing up, checking, typing, printing, delivery and filing thereof, per page of the original only**[R388,00]**R417,00

3. Letters, facsimiles and electronic mail: Inclusive tariff for drawing up, checking, typing, printing, scanning, delivery, postage, posting and transmission thereof, per page.....**[R156,50]**R168,00

NOTE 1: Particulars of dispatched letters including letters electronically transmitted need not be specified in a bill of costs. The number of letters written must be specified, as well as the total amount charged. The opposing party, as well as the taxing officer, is entitled to inspect the papers should the correctness of the item be disputed.

NOTE 2: Whenever an attorney performs any of the work listed in this section, the fees set out herein in respect of such work shall apply and not any fees which would be applicable in terms of the tariff under rule 69 if an advocate had performed the work in question.

C - ATTENDANCE AND PERUSAL

- 1. Attending the receipt, entry, perusing, considering and filing of—
 - (a) any summons, affidavit, pleading, advocate's advice and drafts, report, important letter, notice or document;
 - (b) any formal letter, record stock sheets in voluntary surrenders, judgments or any other material document not elsewhere specified;
 - (c) any plan or exhibit or other material document which was necessary for the conduct of the action, per page.....**[R78,00]**R84,00

- 2. Sorting, arranging and paginating papers for pleadings, advice on evidence or brief on trial or appeal, per quarter of an hour or part thereof—
 - (a) by an attorney.....**[R388,00]**R417,00
 - (b) by a candidate attorney.....**[R120,50]**R130,00

NOTE: Particulars of received papers need not be specified in bills of costs. The number of papers and pages received, as well as the total amount charged therefor, must be specified. The opposing party as well as the taxing officer is entitled to inspect the papers received if the correctness of the item is disputed.

D – MISCELLANEOUS

- 1. For necessary copies, including photocopies, of any document or papers not already provided for in this tariff, per A4 size page.....**[R6,00]**R7,00

- 2. Attending to arrange translation and thereafter to procure same, per quarter of an hour or part thereof—
 - (a) by an attorney.....**[R388,00]**R417,00
 - (b) by a candidate attorney.....**[R120,50]**R130,00

- 3. Necessary telephone calls: The actual cost thereof, plus for every five minutes or part thereof—
 - (a) by an attorney.....**[R130,00]**R140,00
 - (b) by a candidate attorney**[R40,00]**R43,00

- 4. ...

5. Testimony: Fair and reasonable charges and expenses which in the opinion of the taxing officer were duly incurred in the procurement of the evidence and the attendance of witnesses whose witness fees have been allowed on taxation: Provided that the preparation fees of a witness shall not be allowed without an order of the court or the consent of all interested parties.
6. The fees in sections A, B, C and D shall be increased by 15% in accordance with any costs order made in terms of rule 67A(4)(a) and as allowed at taxation.

E - BILL OF COSTS

In connection with a bill of costs for services rendered by an attorney, the attorney shall be entitled to charge:

1. For drawing the bill of costs, making the necessary copies and attending settlement, 11 per cent of the attorney's fees, either as charged in the bill, if not taxed, or as allowed on taxation.
2. In addition to the fees charged under item 1, if recourse is had to taxation for arranging and attending taxation and obtaining consent to taxation, 11 per cent on the first R10 000,00 or portion thereof, 6 percent on the next R10 000,00 or portion thereof and 3 per cent on the balance of the total amount of the bill.
3. (a) Whenever an attorney employs the services of another person to draft his or her bill of costs, a certificate shall accompany that bill of costs in which that attorney certifies that—
 - (i) the bill of costs thus drafted was properly perused by him or her and found to be correct; and
 - (ii) every description in such bill with reference to work, time and figures is consistent with what was necessarily done by him or her.
- (b) The taxing officer may—
 - (i) if he or she is satisfied that one or more of the requirements referred to in item 3(a) has not been complied with, refuse to tax such bill;
 - (ii) if he or she is satisfied that fees are being charged in a party-and-party bill of costs —
 - (aa) for work not done;
 - (bb) for work for which fees are to be charged in an attorney-and-client bill of costs; or
 - (cc) which are excessively high,

deny the attorney the remuneration referred to in items 1 and 2 of this section, if more than 20 per cent of the number of items in the bill of costs, including expenses, or of the total amount of the bill of costs, including expenses, is taxed off.

NOTE: The minimum fees under items 1 and 2 shall be ~~[R309,50]~~R332,00 for each item.

F - EXECUTION

1. Drafting, issue and execution of a warrant of execution and attendances in connection therewith, excluding sheriffs fees if not taxed)..... ~~[R772,00]~~R828,00
2. Reissue.....~~[R194,00]~~R208,00".

Commencement

6. These Rules come into operation on **20 September 2024**.