DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

NO. R. 858 **07 AUGUST 2020**

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

AMENDMENT OF THE RULES OF THE SUPREME COURT OF APPEAL

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 Correctional Services, made the rules in the Schedule.

SCHEDULE

GENERAL EXPLANATORY NOTE:

[ ] Expressions in square brackets in bold indicate omissions from the existing rules.

_____ Expressions underlined with a solid line indicate insertions into existing rules.

Definition

1. In this Schedule "the rules" mean the Rules Regulating the Conduct of the Proceedings of the Supreme Court of Appeal of South Africa published under Government Notice No. R. 1523 of 27 November 1998, as amended by Government Notices Nos. R. 979 of 19 November 2010, R. 191 of 11 March 2011, R. 113 of 15 February 2013, R. 1055 of 29 September 2017, R. 1318 of 30 November 2018, R. 842 of 31 May 2019, and R. 107 of 7 February 2020.

Amendment of rule 18 of the rules

2. The rules are hereby amended by the substitution for rule 18 of the following rule:

"Attorneys' fees

18. The following fees shall be allowed to attorneys conducting appeals or other matters before the Court:

A – TAKING INSTRUCTIONS

R.c

1. (a) To note an appeal or cross-appeal when leave to appeal is not required per quarter of an hour—
   (i) by an attorney .....**[263,00]**328,00
   (ii) by a candidate attorney .....**[81,00]**102,00
   (b) To prosecute or defend an appeal, including continuation of a cross-appeal per quarter of an hour:
   (i) by an attorney .....**[263,00]**328,00
   (ii) by a candidate attorney .....**[81,00]**102,00
   (c) To make or oppose an application per quarter of an hour
   (i) by an attorney .....**[263,00]**328,00
   (ii) by a candidate attorney .....**[81,00]**102,00
2. To draft any application or affidavit per page .....**[R105,50]** 131,50

B – PREPARATION OF RECORDS

1. Making, for the purpose of preparing copies of the record on appeal (except where a charge is made under paragraph 5 hereof), a copy of such particulars of the record as were not in the possession of the appellant or his or her attorney at the time when the order appealed from was made, per page.....**[3,50]**4,50
2. Arranging record for printing or typing, excluding unnecessary documents therefrom, and preparing an index and list of documents not included in the record on appeal, per quarter of an hour or part thereof—
   (i) by an attorney .....**[263,00]**328,00
   (ii) by a candidate attorney .....**[81,00]**102,00
3. Correcting typed copy, per quarter of an hour or part thereof—
   (i) by an attorney .....**[263,00]**328,00
   (ii) by a candidate attorney .....**[81,00]**102,00
4. Attending at the office of the registrar or officer of the court appealed from to peruse or authenticate the record, per quarter of an hour or part thereof —

(i) by an attorney .....**[263,00]**328,00
(ii) by a candidate attorney.....**[81,00]**102,00

5. Making typed copies of record on appeal and heads of arguments, per page.....**[3,50]**4,50

C – PERUSAL

R.c

1. (a) Perusing judgment of court *a quo* when taking instructions for the continuation of an appeal or cross-appeal, where leave to appeal is not required, per page.....**[53,00]**66,50
   (b) Perusing record of appeal, for each page.....**[4,50]**6,50
   (c) Perusing judgment of court *a quo* by which leave to appeal was denied, when taking instructions to apply for leave to appeal to the Court, per page.....**[4,50]**R6,50
2. Perusing any plan, diagram, photograph or other annexure to the record to which the remuneration hereinbefore set out cannot be applied per page.....**[53,00]**66,50
3. (a) Attendance on and perusal of any application or affidavit or any other document not elsewhere provided for, per page.....**[53,00]**66,50
   (b) Attendance on and perusal of any annexure to an application and answering affidavit, per page.....**[4,50]**6,50
   (c) Attendance on and perusal of an application or affidavit composed or corrected by counsel, per page.....**[12,00]**16,00
4. Attendance on and perusal of heads of argument, excluding annexures for example unreported judgments of court or copies of publications attached as confirmation of heads of arguments, per page .....**[53,00]**66,50

D - ATTENDANCE

R.c

1. Any formal attendance on an acknowledgement, receipt, etc.....**[53,00]**66,50
2. (a) Attendance on any letter or document.....**[53,00]**66,50
   (b) Necessary telephone calls made, the actual costs thereof, plus for every five minutes or part thereof —
      (i) by an attorney.....**[88,00]** 109,00
      (ii) by a candidate attorney.....**[27,00]** 34,00

(c) Attendance on telephone calls, the actual costs thereof, plus for every five minutes or part thereof —
(i) by an attorney.....**[88,00]** 109,00
(ii) by a candidate attorney.....**[27,00]** 34,00

3. (a) Attendance at office of registrar to deliver a letter or document, or to uplift an order, etc, per quarter of an hour or part thereof—
(i) by an attorney.....**[263,00]**328,00
(ii) by a candidate attorney .....**[81,00]**102,00

(b) Attendance on business other than formal business, per quarter of an hour or part thereof—
(i) by an attorney.....**[263,00]**328,00
(ii) by a candidate attorney.....**[81,00]**102,00

4. (a) Attendance at any consultation with counsel or client—
(i) by an attorney.....**[263,00]**328,00
(ii) by a candidate attorney.....**[81,00]**102,00

(b) A comprehensive fee for attendance, obtaining and payment of counsel for noting of judgment per quarter of an hour—
(i) by an attorney.....**[263,00]**328,00
(ii) by a candidate attorney.....**[81,00]**102,00

5. Attendance at court to note judgment per quarter of an hour —
(a) by an attorney.....**[263,00]**328,00
(b) by a candidate attorney.....**[81,00]**102,00

6. Attendance at court on hearing of appeal or application, per quarter of an hour or part thereof —
(a) by an attorney.....**[263,00]**328,00
(b) by a candidate attorney.....**[81,00]**102,00

E - DRAWING UP OF DOCUMENTS

R c

1. Any application or affidavit, per page.....**[105,50]**131,50

2. Instructions to counsel—
(a) on appeal per page.....**[105,50]**131,50
(b) on application per page.....**[105,50]**131,50
(c) in justifiable cases, for the drawing up or correcting of application or affidavit for an application for leave to appeal or disputing thereof per page.....**[105,50]**131,50

3. Drawing up of notice of appeal or other necessary notices, per page.....**[105,50]**131,50

4. Letters per page, including copy to keep .....**[105,50]**131,50

5. Drawing up power of attorney, per page.....**[105,50]**131,50

6. Drawing up short brief to counsel per page.....**[105,50]**131,50

7. Drawing up bond of security, per page.....**[105,50]**131,50

F – COPYING

Other documents not specially provided for, per page..... **[3,50]**4,50

G - BILLS OF COSTS

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

1. For drawing up 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 paragraph 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 per cent on the next R10 000,00 or portion thereof and 3 per cent on the balance of the total amount of the bill.".

Commencement

3. These Rules shall come into effect on **11 September 2020.**

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 SEVERAL PROVINCIAL AND LOCAL DIVISIONS OF THE HIGH COURT OF SOUTH AFRICA

SCHEDULE

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 Correctional Services, made the rules in the Schedule.

GENERAL: EXPLANATORY NOTE:

[ ] Expressions in bold type in square brackets represent omissions from existing rules

_____ Expressions underlined with a solid line represent insertions into existing rules

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Definition

1. In this Schedule "the rules" means the Rules Regulating the Conduct of the Proceedings of the several 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.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 and R. 107 of 7 February 2020.

Amendment of rule 68 of the rules

2. 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.	**[10,00]** 11,00
2 *(a)* For service of summonses, petitions together with notice of motion or set down, other notices, orders or any other documents, each	**[63,00]** 70,50
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 **[R10,00]** R11,00 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, petitions together with notice of motion or notice of set down, 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.	**[47,00]** 52,50
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.	**[5,00]** 6,00
(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	**[78,50]** 88,00
(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	**[93,50]** 104,50
(iii) for attachment of property *ad fundandam jurisdictionem* or *ad confirmandam jurisdictionem*	**[78,50]**

	88,00
where an attachment in terms of item 5(a)(iii) is withdrawn or suspended;	**[23,00]** 25,00
(b) of ejectment:**[R93,50]** R104,50 per hour or part thereof, subject to a minimum of which shall include the first hour (in addition to reasonable expenses necessarily incurred);	**[139,00]** 156,00
(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	**[186,00]** 208,50
(ii) for notice of attachment to a single lessee or occupier	**[17,50]** 19,00
(identical notices where there are several lessees, occupiers or owners, for each after the first)	**[5,50]** 6,50
(iii) for making valuation report for purposes of sale per half hour or part thereof	**[47,00]** 52,50
(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	**[186,00]** 208,00
(bb) upliftment of judicial attachment on immovable property occurs	**[186,00]** 208,00
(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)	**[93,50]** 104,50
(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	**[17,50]** 19,00
(vii) for consideration of proof that a preferent creditor has complied with the requirements of rule 46(5)*(a)*	**[10,00]** 11,00
(viii) for the notice referred to in rule 46(6)	**[17,50]** 19,00
(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 *Gazette* inclusive fee for (ix) and (x)	**[93,50]** 104,50
(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	**[17,50]** 19,00
(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 **[R40,00]** R44,00 and travelling costs referred to in item 3	
(xiii) for— *(aa)* considering the conditions of sale prepared by the execution creditor	**[93,50]** 104,50
(bb) considering further or amended conditions of sale submitted by an interested party	**[93,50]** 104,50
(*cc*) settling of conditions of sale	**[93,50]** 104,50
(dd) all necessary attendances prescribed by any law related to auctions, in particular the Consumer Protection Act, 2008 (Act No. 68 of 2008)	**[280,50]** 315,00
(ee) the conducting of an auction, save that this fee may not be charged if commission is claimed in terms of item (xiv)	**[186,00]** 208,50
(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	**[47,00]** 52,50
(bb) any report referred to in rule 46(11)	**[47,00]** 52,50
(cc) informing judgment debtor of the cancellation referred to in rule 46(11)(a)(iii)	**[17,50]** 19,00
(dd) giving notice referred to in rule 46(11)(c)	**[17,50]** 19,00
(xvi) for giving transfer to the purchaser	**[23,00]** 25,00

(xvii) for— *(aa)* receipt of certificate referred to in rule 46(14)(a) *(bb)* preparing a plan of distribution of the proceeds (including the necessary copies) and for forwarding a copy to the registrar	**[17,50]** 19,00 **[93,50]** 104,50
(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	**[17,50]** 19,00
(xix) for the report referred to in rule 46A(9)(d)	**[47,00]** 52,50
(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 **[R63,00]** R71,00 and a maximum of	**[614,50]** 691,50
(ii) for any abortive attempt at attachment, including one hour's search and enquiry	**[63,00]** 71,00
(iii) when a writ is withdrawn or stayed before any property is attached	**[23,00]** 25,00
(iv) for making an attachment, including one hour's search and enquiry	**[153,50]** 172,50
(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)	**[16,00]** 18,00 **[10,00]** 11,00
(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	**[460,00]** 517,00
(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 **[R63,00]** R71,00 and a maximum of	**[614,00]** 691,50
(viii) when moneys are taken in execution, 9 per cent of the amount so taken, but subject to a maximum of	**[614,00]** 691,50
(ix) for drawing up advertisements of sale of goods attached	**[63,00]** 71,00
(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	**[8 531,50]** 9 607,50

(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	**[33,50]** 37,50
(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	**[117,00]** 132,00
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	**[3,00]** 4,00
6 *(a)* For making an inventory, including all necessary copies and time spent in stocktaking, per hour or part thereof	**[117,00]** 132,00
(b) For assistance, where necessary, in taking inventory, a reasonable and inclusive fee per day, not exceeding	**[117,00]** 132,00
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.	**[33,50]** 42,50
8 Drawing and completing of bail bond, deed of suretyship or indemnity bond.	**[23,50]** 25,50

9 For the making of all necessary copies of documents per A4 size page.	**[4,00]** 5,00
10	
11 Attending any criminal session of a superior court or any circuit court, **[R93,50]** R104,50 per hour or part thereof, with a maximum per day of	**[460,00]** 517,00
12 For the writing of each necessary letter, facsimile or electronic mail excluding formal letters accompanying process or returns	**[17,50]** 19,00
13 Each necessary attendance by telephone:	16,00
14 Sending and receiving of each necessary facsimile or electronic mail per page (in addition to telephone charges):	**[5,50]** 6,50
15 Bank charges: Actual costs incurred regarding bank charges and cheque forms.	
16 For the drawing up and issuing of an interpleader summons.	**[93,50]** 104,50
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 (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.	**[165,00]** 235,00

Amendment of rule 70 of the Rules

3. 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 a petition or affidavit, per quarter of an hour or part thereof—

(a) by an attorney.....**[R292,50]** R328,00

(b) by a candidate attorney..... .... **[R90,50]** R102,00

2. Consultation to note, prosecute or defend an appeal, per quarter of an hour or part thereof—

(a) by an attorney .....**[R292,50]** R328,00

(b) by a candidate attorney .....**[R90.50]** R102,00

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 .....**[R292,50]** R328,00

4. Attendance by a candidate attorney, where necessary, to assist at a contested proceeding, per quarter of an hour or part thereof .....**[R90,50]**R102,00

5. Any conference with an advocate, with or without witnesses, on pleadings, including exceptions and particulars to pleadings, applications, petitions, 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 .....**[R292,50]**R328,00

(b) by a candidate attorney .....**[R90,50]**R102,00

6. Any other conference which the taxing officer may consider necessary, per quarter of an hour or part thereof—

(a) by an attorney .....**[R292,50]**R328,00

(b) by a candidate attorney .....**[R90,50]**R102,00

7. Any inspection *in situ*, or otherwise, per quarter of an hour or part thereof—

(a) by an attorney .....**[R292,50]**R328,00

(b) by a candidate attorney .....**[R90,50]**R102,00

8. Attending to give or take disclosure, per quarter of an hour or part thereof—

(a) by an attorney .....**[R292,50]**R328,00

(b) by a candidate attorney .....**[R90,50]**R102,00

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 .....**[R292,50]**R328,00

(b) by a candidate attorney .....**[R90,50]**R102,00

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 **[Right of Appearance in Courts Act, 1995 (Act No. 62 of 1995)]** 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 **[R292,50]** R328,00 per quarter of an hour or part thereof in the case of an attorney and **[R90,50]** R102,00 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, **[copies,]** delivery and filing thereof, per page of the original
only .....**[R117,50]**R132,00

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) a petition, 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, **[copies,]** delivery and filing thereof, per page of the original only .....**[R292,00]**R328,00

3. Letters, **[telegrams and]** facsimiles and electronic mail: Inclusive tariff for drawing up, checking, typing, printing, scanning, delivery, **[copies,]** postage, posting and transmission thereof, per page.....**[R117,50]**R132,00

NOTE 1: Particulars of dispatched letters, telegrams and facsimiles 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, petition, 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.....**[R59,50]**R66,50

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.....**[R292,50]**R328,00
   (b) by a candidate attorney .....**[R90,50]**R102,00
   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 **[making]** necessary copies, including photocopies, of any document or papers not already provided for in this tariff, per A4 size page .....**[R4,00]**R4,50

2. Attending to arrange translation and thereafter to procure same, per quarter of an hour or part thereof—
   (a) by an attorney .....**[R292,50]**R328,00
   (b) by a candidate attorney .....**[R90,50]**R102,00

3. Necessary telephone calls: The actual cost thereof, plus for every five minutes or part thereof—

(a) by an attorney .....**[R98,00]**R109,00
(b) by a candidate attorney .....**[R30,00]**R34,00

4. Sending facsimile letters: The actual cost of sending the facsimile letter, in addition to the fee allowed for the drawing thereof under item B3 above.

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.

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..... **[R234, 50]** R261,50 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).....**[R583,50]**R652,50
2. Reissue..... **[R146,00]**R164,00.".

Commencement

4. These Rules shall come into effect on **11 September 2020.**

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 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), with the approval of the Minister of Justice and Correctional Services, made the rules in the Schedule.

SCHEDULE

GENERAL EXPLANATORY NOTE:

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

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

Definition

1. In these rules "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, 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, and R. 107 of 7 February 2020.

Amendment of Annexure 2 to the rules

2. 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. Fees to counsel 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).

7. Where the amount allowed for an item is specified, the amount shall be inclusive of all necessary **[copies,]** 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 **[R27,00]** R30,00 per document.

8. Where the amount allowed for an item is left blank—
(a) the drawing of documents (not pleadings) shall be allowed at **[R27,00]** R30,00 for each folio;
(b) copies for filing, service and an attorney's copy to retain shall also be allowed;
(c) **[R27,00]** R30,00 shall be allowed for each necessary service;
(d) **[R27,00]** R30,00 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 **[R10,00]** R11,50 per folio in respect of any document or pleading necessarily perused.
(b) **[Where a charge is allowed for copying, it shall be allowed at R4,00 per page, regardless of the number of words, unless otherwise provided]** For necessary copies, including photocopies, of any document or papers not already provided for in this tariff, per A4 size page R4,50.

12. Where there are more defendants than one **[R17,00]** R19,00 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 **[R410,00]** R459,00 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.".

PART II
UNDEFENDED ACTIONS

	R
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	**[R40,00]** R45,00
(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	**[R54,00]** R61,00
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	**[R135,50]** R151,50
(b) Claim or claims where the aggregate amount of the claim or claims exceeds R7 000,00 but does not exceed R50 000	**[R449,50]** R502,50
(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	**[R665,00]** R743,00
(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	**[R866,50]** R969,50
Item 3 - Judgment:	
(a) Claim or claims where the aggregate of the claim or claims does not exceed the amount in 2(a)	**[R135,50]** R151,50
(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	**[R343,50]** R383,50
(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.	**[R560,00]** R627,00
(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	**[R728,00** R815,00
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	**[R64,50]** R71,50

	R
time to time in respect of magistrates' courts for districts.	
(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.	**[R84,00]** R93,00
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.	**[R64,50]** R71,50
(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.	**[R84,00]** R93,00
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.	**[R41,50]** R46,50
(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.	**[R55,50]** R62,50
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.	**[R108 ,50]** R121,50
(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.	**[R141 ,00]** R157,00
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.	**[R108,50]** R121,50
(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.	**[R141,00]** R157,00

	R

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	[R542,00] R606,00	[R719,50] R804,50	[R865,50] R968,50	[R1125,00] R1258,00
2 Summons	[R272,50] R304,50	[R378,00] R423,00	[R452,50] R506,50	[R587,00] R656,00
2A Particulars of Claim or Declaration	[R272,50] R304,50	[R378,00] R423,00	[R452,50] R506,50	[R587,00] R656,00
3 Appearance	[R45,50] R50,50	[R45,50] R50,50	[R56,00] R63,00	[R72,00] R81,00
4 Notice under rules 12(2)and 21B(2)	[R45,50] R50,50	[R45,50] R50,50	[R56,00] R63,00	[R72,00] R81,00
5 Plea	[R272,50] R304,50	[R378,00] R423,00	[R452,50] R506,50	[R587,00] R656,00
6 Claim in reconvention	[R272,50] R304,50	[R378,00] R423,00	[R452,50] R506,50	[R587,00] R656,00
7 Reply, if necessary	[R272,50] R304,50	[R378,00] R423,00	[R452,50] R506,50	[R587,00] R656,00
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	[R160,50] R180,50	[R160,50] R180,50	[R202,50] R226,50	[R261,00] R292,00
10. [Each copy of service per page]	[R4.00]	[R4.00]	[R4.00]	[R4.00]
10A Pagination and indexing of pleadings per quarter of an hour or part thereof :	[R108,00] R121,00	[108,00] R121,00	[131,50] R147,50	[171,00] R191,00
11 The recording of statements by witnesses, per quarter of an hour or part thereof	[R160,50] R180,50	[R160,50] R180,50	[R202,50] R226,50	[R261,00] R292,00
12 Notice of trial or reinstatement	[R45,50] R50,50	[R45,50] R50,50	[R56,00] R63,00	[R72,00] R81,00
13 Preparing for trial (if counsel not employed)	[R900,00] R1007,00	[R1 225,00] R1370,00	[R1469,00] R1643,00	[R1 910,00] R2136,00

Item	Scale A R	Scale B R	Scale C R	Scale D R
14 Attendance at settlement negotiations, for each quarter of an hour or part thereof actually spent in such negotiations	**[R160,50]** R180, 50	**[R160,50]** R180, 50	**[R202,50]** R226, 50	**[R261,00]** R292, 00
14A Drawing up heads of argument per quarter of an hour or part thereof:	**[R160,50]** R180,50	**[R160,50]** R180,50	**[R202,50]** R226,50	**[R261,00]** R292,00
15 Attending court during trial, or at an on-the-spot inspection, or at postponement or examination on commission, for each quarter of an hour or part thereof spent in court while the case is actually being heard-				
(a) if counsel not employed	**[R160,50]** R180,50	**[R160,50]** R180,50	**[R202,50]** R226,50	**[R261,00]** R292,00
(b) if counsel employed	Nil	**[R64,50]** R71,50	**[R79,00]** R88,00	**[R101,00]** R113,00
16 Attending pre-trial conference, for each quarter of an hour or part thereof actually spent in such conference	**[R160,50]** R180, 50	**[R160,50]** R180, 50	**[R202,50]** R226, 50	**[R261,00]** R292,00
17 Attending court to hear reserved judgment, per quarter of an hour or part thereof	**[R33,00]** R37,00	**[R33,00]** R37,00	**[R39,50]** R44,50	**[R51,50]** R57,50
18 Correspondence-				
(a) for each necessary letter or telegram, per folio	**[R25,50]** R28,50	**[R25,50]** R28,50	**[R33,00]** R37,00	**[R41,50]** R46,50
(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	**[R17,50]** R19,50	**[R25,50]** R28,50	**[R33,00]** R37,00	**[R41,50]** R46,50
19 Attendances: For each necessary attendance not otherwise provided for, per attendance	**[R17,50]** R19,50	**[R25,50]** R28,50	**[R33,00]** R37,00	**[R41,50]** R46,50
20 Necessary formal telephone calls, per call	**[R17,50]** R19,50	**[R25,50]** R28,50	**[R33,00]** R37,00	**[R41,50]** R46,50
21 Telephone consultations: For every 5 minutes or part thereof, subject to a maximum fee per consultation of **[R156,50]** R174,50 for Scales A to C and **[R 201,50]** R225,50 for Scale D	**[R45,50]** R50,50	**[R45,50]** R50,50	**[R56,00]** R63,00	**[R72,00]** R81,00
22 Each necessary consultation, per quarter of an hour or part thereof	**[R160,50]** R180,50	**[R160,50]** R180,50	**[R202,50]** R226,50	**[R261,00]** R292,50
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	**[R560,00]** R627,00	**[R793,00]** R887,00	**[R951,50]** R1063,50	**[R1 235,00]** R1381,00

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	[R108,00] R121,00	R108,00 R121, 00	[R131,50 R147,50	[R171,00] R191,00
25 Travelling time [subject to the provisions of rule 33(9)] per quarter of an hour or part thereof	[R108,00] R121,00	[R108,00] R121,00	[R131,50] R147, 50	[R171,00] R191,00
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)	[R136,00] R152,00	[R272,50] R304,50	[R323,50] R361,50	[R421,00] R470,00
(b) Instructions to make application for liquidation of close corporation, perusal of all documentation and consideration of merits, and all necessary consultations	[R665,00] R743,00	[R665,00] R743,00	[R796,50] R890,50	[R1035 ,00] R1158,00
2. Drawing up of all documents, affidavits, applications and notices, orders, etc	-	-	-	-
3. Attending court on hearing:				
(a) If unopposed or opposed (if counsel not employed), for each quarter of an hour or part thereof actually spent in court	[R160,50] R180,50	[R160,50] R180,50	[R202,50] R226,50	[R261,00] R292,50
(b) If opposed (if counsel employed), for each quarter of an hour actually spent in court or part thereof	Nil	[R64,50] R71,50	[R79,50] R88,50	[R101,00] R113,00
4. *(a)* Fee for preparation for argument when opposed	[R560,00] R627,00	[R661,00] R739,00	[R796,50] R890,50	[R1035,00] R1158,00
(b) Fee for preparation for trial where proceedings are referred to trial or oral evidence	[R560,00] R627, 00	[R661,00] R739,00	[R796,50] R890, 50	[R1035 ,00] R1158,00
5. Consultations and settlement negotiations – when opposed, per quarter of an hour or part thereof	[R160,50] R180,50	[R160,50] R180,50	[R202,50] R226,50	[R261,00] R292,50

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	**[R160,50]** R180,50
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	**[R108,50]** R121,50
(b) For each reissue thereof	**[R45,50]** R50,50
12. Inclusive fee for work done in connection with releasing of immovable property attached	**[R135,50]** R151,50
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)	**[R344,00]** R384,00
14. (a) Drawing up of notice of sale in terms of rule 41(8) or rule 43(6), or conditions of sale in terms of rule 43(7)	-
(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	**[R235,00]** R262,00
15. Security for restitution, where necessary	**[R88,50]** R99,50

WHERE COUNSEL 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	**[R160,50]** R180,50
(b) Claim or claims where the aggregate of the claim or claims exceeds the	**[R209,50]**

WHERE COUNSEL IS EMPLOYED	
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
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	**[R206,50]** R230,50
(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	**[R259,00]** R290,00
18. Drawing brief on exception or application, where allowed	-
19. Drawing brief on trial	-
20. Attending each necessary consultation with counsel, 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	**[R67,00]** R75,00
(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	**[R84,00]** R94,00

FEES TO COUNSEL	
21. With brief to argue exception or application	**[R793,00]** R887,00
22. With trial brief for the first day, not exceeding	**[R2248 ,50]** R2514,50
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	**[R5,50]** R6.00 per km
24. Each necessary consultation, per quarter of an hour	**[R160,50]** R180,50
25. For every day exceeding one on which evidence is taken or arguments heard, a refresher not exceeding	**[R1351 ,50]** R1511,50
26. Drawing up pleadings	**[R361,50]** R404,50
Notes:	

FEES TO COUNSEL	
(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 counsel in regard to items 22, 24, 25 and 26.	
(c) A fee for travelling time by counsel shall be allowed at the same rate as for attorneys under rule 33(9).	

MISCELLANEOUS	
27. Obtaining certified copy of judgment	**[R82,00]** R91,00
28. Obtaining payment in terms of rule 18(4)	**[R56,00]** R63,00
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 **[R410,00]** R459,00 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 **[R449,00]** R502,00. The total amount to be allowed for each tracing shall not exceed **[R343,50]** R383,50.

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	**[R226,00]** R253,00
(b)	Where the claim exceeds the amount of R1 000,00 but is not more than R2 000,00	**[R343,50]** R383,50
(c)	Where the claim exceeds the amount of R2 000,00	**[R405,00]** R452,00
(d)	Warrant of arrest (Form 40A)	**[R88,50]** R99,50
(e)	(i) Emoluments attachment order (Form 38)	**[R180,00]** R202,00
	(ii) Reissue (Certificates included)	**[R144,00]** R161,00
(f)	Application for costs on notice (including appearance in court)	**[R88,50]** R99,50
(g)	Obtaining a certified copy of a judgment	**[R88,50]** R99,50
(h)	Affidavit or certificate by the judgment creditor or his or her attorney	**[R64,00]** R71,00
(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	**[R41,00]** R46,00
(j)	Affidavit or affirmation by debtor [Rule 45(7)]	**[R108,00]** R121,00

(k)	Request for an order under section 65 of the Act	**[R64,00]** R71,00
(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)	**[R88,50]** R99,50
(m)	Subpoena:	
	(i) Drawing up of subpoena, per folio	**[R25,50]** R28,50
	(ii) Every necessary attendance, per attendance	**[R17,00]** R19,00
(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	**[R25,50]** R28,50
	(ii) Attendances: For each necessary attendance not otherwise provided for, per attendance	**[R25,50]** R28,50
	(iii) Necessary formal telephone calls, per call	**[R25,50]** R28,50

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	**[R136,00]** R152,00
(b) Where the claim exceeds R200.00	**[R289,00]** R323,00
(c) Obtaining certified copy of a judgment	**[R82,00]** R91,00
(d) Application for an order of execution against the garnishee	**[R82,00]** R91,00
(e) Garnishee order (Form 39)	**[R108,00]**

	R121,00

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	**[R160,50]** R180,50	**[R225,50]** R252,50	**[R360,50]** R403,50
2. Instructions on application under section 74Q(1) or to oppose such application or the granting of administration order	**[R127,00]** R142,00	**[R127,00]** R142,00	**[R127,00]** R142,00
3. Drawing up application for administration order or review thereof and affidavit, including all annexures thereto and all attendances, excluding attendance in court	**[R225,00]** R252,00	**[R225,00]** R252,00	**[R225,00]** R252,00
4. Making copies of application, affidavit and annexures for creditors, per page	**[R4,00]** R4,50	**[R4,00]** R4,50	**[R4,00]** R4,50
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.	**[R9,50]** R11,00	**[R9,50]** R11,00	**[R9,50]** R11,00
6. Attending court:			
(a) On postponement or setting aside, if not occasioned by the attorney or his or her client;	**[R61,00]** R68,00	**[R61,00]** R68,00	**[R61,00]** R68,00
(b) On any other hearing	**[R127,00]** R142,00	**[R242,00]** R271,00	**[R242,00]** R271,00
7. For furnishing to a creditor by the administrator of the information referred to in section 74 m(a) of the Act, per application	**[R17,00]** R19,00	**[R17,00]** R19,00	**[R17,00]** R19,00
8. For furnishing of a copy of the debtor's statement	**[R4,00]**	**[R4,00]**	**[R4,00]**

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	R4,50	R4,50
9. Correspondence and attendances	**[R26,00]** R29,00	**[R26,00]** R29,00	**[R26,00]** R29,00"

(b) by the substitution for Part II of Tables 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: **[R10,00]** R11,00

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: **[R40,00]** R44,00;

(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: **[R47,00]** R 52,00;

(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]** R71,00;

(iv) ...

(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: **[R33,50]** R37,50;

(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: **[R40,00]** R44,00;

(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: **[R56,00]** R63,00;

(iv) ...

(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 **[R10,00]** R11,00 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 **[R165,00]** R235,00 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: **[R56,00]** R63,00;

(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: **[R63,00]** R71,00;

(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]** R88,00;

(iv) ...

(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: **[R47,00]** R52,00;

(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: **[R56,00]** R63,00;

(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: **[R70,50]** R78,50,

(iv) ...

(c) (i) For the ejectment of a defendant from the premises referred to in the warrant of ejectment: **[R33,50]** R37,50 per half hour or part thereof (except extraordinary expenses necessarily incurred)**[.]**;

(ii) A further fee of **[R22,50]** R24,50 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: **[R186,00]** R208,50;

(ii) for notice of attachment to a single lessee or occupier: **[R17,50]** R19,00;

(iii) identical notices where there are several lessees, occupiers or owners, for each after the first: **[R5,50]** R6,50;

(iv) for making valuation report for purposes of sale, per half hour or part thereof: **[R47,00]** R52,50;

(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: **[R186,00]** R208,00; Upliftment of judicial attachment on immovable property: **[R186,00]** R208,00;

(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): **[R93,50]** R104,50;

(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: **[R17,50]** R19,00;

(viii) for consideration of proof that a preferent creditor has complied with the requirements of rule 43(5)(a): **[10,00]** R11,00;

(ix) for notice referred to in rule 43(6): **[17,50]** R19,00;

(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: **[R93,50]** R104,50**[;]**.

(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: **[17,50]** R19,00;

(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 **[R40,00]** R45,00 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: **[R93,50]** R104,50 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): **[R280,50]** R315,00;

(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): **[186,00]** R208,00;

(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: **[R47,00]** R52,50;

(xix) for any report referred to in rule 43(11):**[47,00]** R52,50;

(xx) for informing judgment debtor of the cancellation referred to in rule 43(11)*(a)*(iii): **[R17,50]** R19,00;

(xxi) for giving notice referred to in rule 43(11)*(c)*: **[R17,50]** R19,00;

(xxii) for giving transfer to the purchaser: **[R23,00]** R25,00;

(xxiii) for receipt of certificate referred to in rule 43(14)(a): **[17,50]** R19,00;

(xxiv) for preparing a plan of distribution of the proceeds (including necessary copies) and for forwarding a copy to the registrar: **[R93,50]** R104,50;

(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: **[R17,50]** R19,00;

(xxvi) for the report referred to in rule 43A(9)(d): **[R47,00]** R52,50.

3. Compilation of any return in terms of rule 8, in duplicate: **[R16,00]** R17,50.

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 **[R5,00]** 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 **[R5,00]** 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 **[R5,00]** 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:**[R33,50]** R37,50 per half hour or part thereof.

(b) For assistance, if necessary, with the making of an inventory, **[R33,50]** R37,50 per half hour or part thereof.

7. The perusing, drawing up and completing of a bail bond, deed of suretyship or indemnity bond: **[R10,00]** R11,00.

8. Charge or custody of property (money excluded):
   (a) (i) For each officer necessarily left in possession, a reasonable inclusive amount not exceeding **[R117,00]** R132,00 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 **[warrant of execution or]** garnishee order is paid in full or in part, to the sheriff **[or moneys attached in execution against movables]**, 9 per cent **[of]** on the **[amounts so]** amount paid **[or attached,]** with a minimum fee of **[R63,00]** R70,50 and a maximum of **[R614,00]** R691,50.
   (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,and a maximum of R691,50;
   (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 and a maximum of R691,50; or

(cc) when moneys are taken in execution, 9 per cent of the amount so taken, but subject to a maximum of R691,50.

(b) Notice of attachment to defendant and to each person to be notified: **[R10,00]** R11,00

11. Where property is released from attachment in terms of rule 41(7)*(f)*(i), 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 **[R186,00]** R208,00: 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.

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 **[R8 178,50]** R9 209,50.

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 **[R33,50]** R37,50 .

14 ...

15. When immovable property has been attached in execution and the attachment lapses, as referred to in section 66(4) of the Act: **[R56,00]** R63,00.

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**[; and]**.

(b) ...

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 **[R10,00]** R11,00 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: **[R33,50]** R37,50 per journey and **[R63,00]** R71,00 per hour, or part thereof, for attending at court.

23. For the examination of indicated newspapers and the *Gazette* in which the notice of sale has been published, as referred to in rule 41(8)*(c)*: **[R10,00]** R11,00.

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)*: **[R23,50]** R25,50 and travelling costs, referred to in item 5*(a)*.

26. For the drawing up and issuing of an interpleader summons: **[R93,50]** R104,50.

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: **[R17,50]** R19,00.

29. Each necessary attendance by telephone: **[R16,00]** R18,00.

30. Sending and receiving of each necessary facsimile or electronic mail per page (in addition to telephone charges): **[R5,50]** R6,50.

31. ...

32. For the making of all necessary copies of documents: **[R4,00]** R5,00, per A4 size page.

33. *(a)* A request to tax an account of a sheriff shall be done within 90 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: **[R63,00]** R71,00.

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: **[R17,50]** R19,00.

(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:**[R5,00]** R6,00.

(iii) Waiting time in regard to handing over the judgment debtor to the relevant authority, referred to in paragraph *(b)*: **[R33,50]** R37,50, per half hour or part thereof, with a maximum of **[R124,00]** R139,00.".

Commencement

3. These Rules shall come into effect on **11 September 2020.**