GOVERNMENT NOTICE

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

No. R. 545 **30 June 2015**

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

AMENDMENT OF RULES REGULATING THE CONDUCT OF THE PROCEEDINGS OF THE MAGISTRATES' COURTS OF SOUTH AFRICA

The Rules Board for Courts of Law has, under section 6 of the Rules Board for Courts of Law Act, 1985 (Act No. 107 of 1985), 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 typed in square brackets indicate omissions from existing rules.

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

Definition

1. In this Schedule "the Rules" means the Rules Regulating the Conduct of the Proceedings of the Magistrates' Courts of South Africa published under Government Notice No. R. 740 of 23 August 2010, as amended by Government Notice Nos. R. 1222 of 24 December 2010, R. 611 of 29 July 2011, R. 1085 of 30 December 2011, R. 685 of 31 August 2012, R. 115 of 15 February 2013, R. 263 of 12 April 2013, R. 760 of 11 October 2013, R. 183 of 18 March 2014, R. 215 of 28 March 2014, R. 507 of 27 June 2014, R. 5 of 9 January 2015, R. 32 of 23 January 2015, R. 33 of 23 January 2015 and R. 318 of 17 April 2015.

Amendment of rule 1(4)

2. Rule 1 of the Rules is hereby amended by the substitution for sub-rule (4) of the following sub-rule:

"(4)(a) The forms contained in Annexure 1 may be used with such variation as circumstances require.

(b) **[Non-compliance with this subrule shall not in itself be a ground for exception, but at any court in which equipment has been installed for the purpose of facilitating the issue of summonses,]** Subject to the provisions of paragraph (a), the clerk or registrar of the court may refuse to issue:

(i) any summons purporting to be in the form of Form 2, 2A, 2B or 3 but which does not substantially comply with the prescribed requirements; or

(ii) any written request as referred to in section 59 of the Act which does not substantially comply with a request contained in Form 5A or 5B.

(c) All process of the court for service or execution and all documents or copies to be filed of record other than documents or copies filed of record as documentary proof shall be on paper known as A4 standard paper of a size of approximately 210mm by 297 mm."

Amendment of Annexure 1 to the Rules

3. Annexure 1 to the Rules is hereby amended by the substitution for –

(a) Form No. 2A of Form No. 2A contained in the Annexure to this Schedule; and

(b) Form No. 2B of Form No. 2B contained in the Annexure to this Schedule.

Commencement

4. These rules come into operation on **31 July 2015**.

ANNEXURE

"No. 2A –

Summons: Provisional Sentence

*** For use in the District Court**

In the Magistrate's Court for the District of .....

held at .....

Case No..... of 20 .....

In the matter between

.....Plaintiff

and

.....Defendant

To the sheriff or his/her deputy:

INFORM A.B., of ..... (state residence or place of business and if known, gender, occupation and place of employment) .....(hereinafter called the defendant), that C.D. (state gender and occupation), of ..... (residence or place of business) ..... (hereinafter called the plaintiff), hereby institutes action against him or her in which action:

(1) Defendant is hereby summoned to pay to the plaintiff herein immediately after service of this summons an amount of ..... together with interest thereon at the rate of .....% per annum as from .....

Plaintiff's claim against defendant for payment of the above-mentioned amount is for: (set out the cause of action)

.....

.....

and a copy of which document is annexed hereto;

(2) By failing such payment, defendant is hereby called upon to appear before this court personally or by a practitioner at ..... (place and court if necessary) on the ..... day of ..... 20..... at ..... (time) in the forenoon (or as soon thereafter as the matter can be heard) to admit or deny defendant's liability for the said claim.

(3) If defendant denies liability for the claim, defendant shall not later than the ..... day of ..... 20....., file an affidavit with the clerk of this court, and serve a copy thereof on the plaintiff or plaintiff's attorney at the address indicated for service on the summons, which affidavit shall set forth the grounds of defendant's defence to the said claim, and in particular state whether defendant admits or denies defendant's or defendant's agent's signature which appears on the said ..... and if it is defendant's agent's signature whether defendant admits or denies the signature or authority of defendant's agent.

Defendant is further informed that in the event of defendant not paying the amount and interest above-mentioned to the plaintiff immediately and if defendant further fails to file an affidavit as aforesaid, and to appear before this court at the time above stated, provisional sentence may be granted against defendant with costs, but that against payment of the said amount, interest and costs, defendant will be entitled to demand security for the restitution thereof if the said sentence should thereafter be reversed.

DATED at .....this .....day of .....20....

.....

Clerk of the Court

.....

Plaintiff/Plaintiff's Attorney

(15 km Physical Address)

.....

Postal Address

.....

Facsimile Number

.....

Electronic Mail Address

.....

*The plaintiff is prepared to accept all subsequent documents and notices at the facsimile address/electronic mail address/other address stated herein.

(Delete whichever is not applicable)

Costs, if the action is undefended, will be as follows:

Attorney's charges

(i) Issue of summons

(Item 2 of Part II of Table A) R .....

(ii) Attending court

(Item 7 of Part II of Table A) R .....

(iii) Judgment fees

(Item 3 of Part II of Table A) R .....

Court fees R .....

Sheriff's fees R .....

Sheriff's fees on re-issue of summons R .....

Total R .....

And take notice that-

(a) if defendant pays the said claim and costs immediately judgment will not be given against defendant herein and defendant will save judgment charges;

(b) if defendant admits the claim and wishes to consent to judgment, defendant may file with the clerk of the court an admission of liability signed by defendant and witnessed by defendant's attorney, or otherwise verified by affidavit, and if defendant wishes to undertake to pay the claim in instalments or otherwise, defendant may approach the plaintiff or plaintiff's attorney.

Notice:

(i) Any person against whom a court has, in a civil case, given judgment or made any order who has not, within 10 days, satisfied in full such judgment or order may be called upon by notice in terms of section 65A(1) of the Act to appear on a specified date before the court in chambers to enable the court to enquire into the financial position of the judgment debtor and to make such order as the court may deem just and equitable.

(ii) If the court is satisfied that-

(aa) the judgment debtor or, if the judgment debtor is a juristic person, a director or officer of the juristic person has knowledge of the abovementioned notice and that he or she has failed to appear before the court on the date and at the time specified in the notice; or

(bb) the judgment debtor, director or officer, where the proceedings were postponed in his or her presence to a date and time determined by the court, has failed to appear before the court on that date and at that time; or

(cc) the judgment debtor, director or officer has failed to remain in attendance at the proceedings or at the proceedings so postponed,

the court may, at the request of the judgment creditor or his or her attorney, authorise the issue of a warrant directing a sheriff to arrest the said judgment debtor, director or officer and to bring him or her before a competent court to enable that court to conduct a financial inquiry. [Section 65A(6) of the Act]

(iii) Any person who-

(aa) is called upon to appear before a court under a notice in terms of section 65A(1) or (8)(b) of the Act (where the sheriff, in lieu of arresting a person, hands to that person a notice to appear in court) and who wilfully fails to appear before the court on the date and at the time specified in the notice; or

(bb) where the proceedings were postponed in his or her presence to a date and time determined by the court, wilfully fails to appear before the court on that date and at that time; or

(cc) wilfully fails to remain in attendance at the proceedings or at the proceedings so postponed,

shall be guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding three months. [Section 65A(9) of the Act]

(iv) On appearing before the court on the date determined in the notice in terms of section 65A(1) or (8)(b) of the Act in pursuance of the arrest of the judgment debtor, director or officer under a warrant referred to in section 65A(6) of the Act or on any date to which the proceedings have been postponed, such judgment debtor, director or officer shall be called upon to give evidence on his or her financial position or that of the juristic person and his or her or its ability to pay the judgment debt. [Section 65D of the Act]

(v) Any person against whom a court has, in a civil case, given any judgment or made any order who has not satisfied in full such judgment or order and paid all costs for which he or she is liable in connection therewith shall, if he or she has changed his or her place of residence, business or employment, within 14 days from the date of every such change notify the clerk of the court who gave such judgment or made such order and the judgment creditor or his or her attorney fully and correctly in writing of his or her new place of residence, business or employment, and by his or her failure to do so such judgment debtor shall be guilty of an offence and liable upon conviction to a fine or to imprisonment for a period not exceeding three months. [Section 109 of the Act.]

1: Admission of liability

Kindly take notice that the defendant admits liability to the plaintiff as claimed in this summons.

Dated at ..... this ..... day of ....., 20.....,

.....

Defendant

(Must be witnessed by defendant's attorney or otherwise verified by affidavit)

OR

2: Notice of intention to defend*

To: THE CLERK OF THE COURT

Kindly take notice that the defendant denies liability and that defendant's affidavit setting forth the grounds upon which defendant disputes liability is attached hereto.

Dated at ..... this ..... day of ....., 20.....,

.....

Defendant/Defendant's attorney

.....

.....

(15 km physical address where service of process and documents shall be accepted)

.....

.....

.....

(Postal address)

* The original notice and affidavit must be filed with the clerk of the court and a copy thereof served on the plaintiff or plaintiff's attorney.

No. 2A - Summons: Provisional Sentence

*** For use in the Regional Court**

IN THE REGIONAL COURT FOR THE REGIONAL DIVISION OF .....

Held at .....

Case No..... of 20 .....

In the matter between

..... Plaintiff

and

..... Defendant

To the sheriff or his/her deputy:

INFORM A.B., of ..... (state residence or place of business and if known, gender, occupation and place of employment) .....(hereinafter called the defendant), that C.D. (state gender and occupation), of ..... (residence or place of business) ..... (hereinafter called the plaintiff), hereby institutes action against him or her in which action the plaintiff claims:

(1) Defendant is hereby summoned to pay to the plaintiff herein immediately after service of this summons an amount of ..... together with interest thereon at the rate of .....% per annum as from .....

Plaintiff's claim against defendant for payment of the above-mentioned amount is for: (set out the cause of action)

.....

.....

and a copy of which document is annexed hereto;

(2) By failing such payment, defendant is hereby called upon to appear before this court personally or by a practitioner at ..... (place and court if necessary) on the ..... day of ..... 20..... at ..... (time) in the

forenoon (or as soon thereafter as the matter can be heard) to admit or deny defendant's liability for the said claim.

(3) If defendant denies liability for the claim, defendant shall not later than the ..... day of ..... 20....., file an affidavit with the registrar of this court, and serve a copy thereof on the plaintiff or plaintiff's attorney at the address indicated for service on the summons, which affidavit shall set forth the grounds of defendant's defence to the said claim, and in particular state whether defendant admits or denies defendant's or defendant's agent's signature which appears on the said ..... and if it is defendant's agent's signature whether defendant admits or denies the signature or authority of defendant's agent.

Defendant is further informed that in the event of defendant not paying the amount and interest above-mentioned to the plaintiff immediately and if defendant further fails to file an affidavit as aforesaid, and to appear before this court at the time above stated, provisional sentence may be granted against defendant with costs, but that against payment of the said amount, interest and costs, defendant will be entitled to demand security for the restitution thereof if the said sentence should thereafter be reversed.

DATED at .....this .....day of .....20....

.....

Registrar of the Regional Court

.....

Plaintiff/Plaintiff's Attorney

(15 km Physical Address)

.....

Postal Address

.....

Facsimile number

.....

Electronic Mail Address

.....

*The plaintiff is prepared to accept all subsequent documents and notices at the facsimile address/electronic mail address/other address stated herein.

(Delete whichever is not applicable)

Costs, if the action is undefended, will be as follows:

Attorney's charges

(i) Issue of summons

(Item 2 of Part II of Table A) R .....

(ii) Attending court

(Item 7 of Part II of Table A) R .....

(iii) Judgment fees

(Item 3 of Part II of Table A) R .....

Court fees R .....

Sheriff's fees R .....

Sheriff's fees on re-issue of summons R .....

Total R .....

And take notice that-

(a) if defendant pays the said claim and costs immediately judgment will not be given against defendant herein and defendant will save judgment charges;

(b) if defendant admits the claim and wishes to consent to judgment, defendant may file with the registrar of the court an admission of liability signed by defendant and witnessed by defendant's attorney, or otherwise verified by affidavit, and if defendant wishes to

undertake to pay the claim in instalments or otherwise, defendant may approach the plaintiff or plaintiff's attorney.

Notice:

(i) Any person against whom a court has, in a civil case, given judgment or made any order who has not, within 10 days, satisfied in full such judgment or order may be called upon by notice in terms of section 65A(1) of the Act to appear on a specified date before the court in chambers to enable the court to inquire into the financial position of the judgment debtor and to make such order as the court may deem just and equitable.

(ii) If the court is satisfied that-

(aa) the judgment debtor or, if the judgment debtor is a juristic person, a director or officer of the juristic person has knowledge of the abovementioned notice and that he or she has failed to appear before the court on the date and at the time specified in the notice; or

(bb) the judgment debtor, director or officer, where the proceedings were postponed in his or her presence to a date and time determined by the court, has failed to appear before the court on that date and at that time; or

(cc) the judgment debtor, director or officer has failed to remain in attendance at the proceedings or at the proceedings so postponed,

the court may, at the request of the judgment creditor or his or her attorney, authorise the issue of a warrant directing a sheriff to arrest the said judgment debtor, director or officer and to bring him or her before the court to enable that court to conduct a financial inquiry. [Section 65A(6) of the Act]

(iii) Any person who-

(aa) is called upon to appear before a court under a notice in terms of section 65A(1) or (8)(b) of the Act (where the sheriff, in lieu of arresting a person, hands to that person a notice to appear in court) and who wilfully fails to appear before the court on the date and at the time specified in the notice; or

(bb) where the proceedings were postponed in his or her presence to a date and time determined by the court, wilfully fails to appear before the court on that date and at that time; or

(cc) wilfully fails to remain in attendance at the proceedings or at the proceedings so postponed,

shall be guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding three months. [Section 65A(9) of the Act]

(iv) On appearing before the court on the date determined in the notice in terms of section 65A(1) or (8)(b) of the Act in pursuance of the arrest of the judgment debtor, director or officer under a warrant referred to in section 65A(6) of the Act or on any date to which the proceedings have been postponed, such judgment debtor, director or officer shall be called upon to give evidence on his or her financial position or that of the juristic person and his or her or its ability to pay the judgment debt. [Section 65D of the Act]

(v) Any person against whom a court has, in a civil case, given any judgment or made any order who has not satisfied in full such judgment or order and paid all costs for which he or she is liable in connection therewith shall, if he or she has changed his or her place of residence, business or employment, within 14 days from the date of every such change notify the registrar of the court who gave such judgment or made such order and the judgment creditor or his or her attorney fully and correctly in writing of his or her new place of residence, business or employment, and by his or her failure to do so such judgment debtor shall be guilty of an offence and liable upon conviction to a fine or to imprisonment for a period not exceeding three months. [Section 109 of the Act.]

1: Admission of liability

Kindly take notice that the defendant admits liability to the plaintiff as claimed in this summons.

Dated at ..... this ..... day of ....., 20.....

.....

Defendant

(Must be witnessed by defendant's attorney or otherwise verified by affidavit)

OR

2: Notice of intention to defend*

To: THE REGISTRAR

Kindly take notice that the defendant denies liability and that defendant's affidavit setting forth the grounds upon which defendant disputes liability is attached hereto.

Dated at ..... this ..... day of ....., 20.....,

.....

Defendant/Defendant's attorney

.....

.....

(15 km physical address where service of process and documents shall be accepted)

.....

.....

.....

(Postal address)

* The original notice and affidavit must be filed with the registrar of the court and a copy thereof served on the plaintiff or plaintiff's attorney."

"No. 2B –

Combined Summons

*** For use in the District Court**

IN THE MAGISTRATE'S COURT FOR THE DISTRICT OF .....

HELD AT .....

Case No..... of 20 .....

In the matter between:

..... Plaintiff

and

..... Defendant

To the sheriff or his/her deputy:

INFORM A.B., of ..... (state residence or place of business and if known, gender, occupation and place of employment) .....(hereinafter called the defendant), that C.D., (state gender and occupation), of ..... (state residence or place of business) ..... (hereinafter called the plaintiff), hereby institutes action against him or her in which action the plaintiff claims the relief and on the grounds set out in the particulars annexed hereto.

INFORM the defendant further that if he or she disputes the claim and wishes to defend the action he or she shall-

(i) within ..... days of the service upon him or her of this summons file with the clerk of this court at .....(set out the physical address of the clerk of the court) notice of his or her intention to defend and serve a copy thereof on the plaintiff or plaintiff's attorney, which notice shall give an address referred to in rule 13(3) for the service upon the defendant of all notices and documents in the action;

(ii) thereafter, and within 20 days after filing and serving notice of intention to defend as aforesaid, file with the clerk of the court and serve upon the plaintiff or plaintiff's attorney a plea, exception, notice to strike out, with or without a counter-claim.

INFORM the defendant further that if defendant fails to file and serve notice as aforesaid judgment as claimed may be given against him or her without further notice to him or her, or if, having filed and served such notice, defendant fails to plead, except, make application to strike out or counter-claim, judgment may be given against him or her. And immediately thereafter serve on the defendant a copy of this summons and return the same to the clerk of the court with whatsoever you have done thereupon.

DATED at .....this .....day of .....20.....

.....

Clerk of the Court

.....

Plaintiff/Plaintiff's Attorney

(15 km Physical Address)

.....

Postal Address

.....

Facsimile Number

.....

Electronic Mail Address

.....

*The plaintiff is prepared to accept all subsequent documents and notices at the facsimile address/electronic mail address/other address stated herein.

(Delete whichever is not applicable)

If a claim is based on a liquidated sum of money, the defendant must take note that-

(a) in default of defendant paying the amount of the claim and costs within the said period, or of defendant delivering a notice of intention to defend, he or she will be held to have admitted the said claim and the plaintiff may proceed therein and judgment may be given against defendant in his or her absence;

(b) if defendant pays the said claim and costs within the said period judgment will not be given against defendant herein and he or she will save judgment charges. Defendant will also save judgment charges if, within the said period, he or she lodges with the clerk of the aforesaid Court a consent to judgment;

(c) if defendant admits the claim and wishes to consent to judgment or wishes to undertake to pay the claim in instalments or otherwise, defendant may approach the plaintiff or plaintiff's attorney.

Notice:

(i) Any person against whom a court has, in a civil case, given judgment or made any order who has not, within 10 days, satisfied in full such judgment or order may be called upon by notice in terms of section 65A(1) of the Act to appear on a specified date before the court in chambers to enable the court to enquire into the financial position of the judgment debtor and to make such order as the court may deem just and equitable.

(ii) If the court is satisfied that-

(aa) the judgment debtor or, if the judgment debtor is a juristic person, a director or officer of the juristic person has knowledge of the abovementioned notice and that he or she has failed to appear before the court on the date and at the time specified in the notice; or

(bb) the judgment debtor, director or officer, where the proceedings were postponed in his or her presence to a date and time determined by the court, has failed to appear before the court on that date and at that time; or

(cc) the judgment debtor, director or officer has failed to remain in attendance at the proceedings or at the proceedings so postponed,

the court may, at the request of the judgment creditor or his or her attorney, authorise the issue of a warrant directing a sheriff to arrest the said judgment debtor, director or officer and to bring him or her before a competent court to enable that court to conduct a financial inquiry. [Section 65A(6) of the Act]

(iii) Any person who-

(aa) is called upon to appear before a court under a notice in terms of section 65A(1) or 65A(8)(b) of the Act (where the sheriff, in lieu of arresting a person, hands to that person a notice to appear in court) and who wilfully fails to appear before the court on the date and at the time specified in the notice; or

(bb) where the proceedings were postponed in his or her presence to a date and time determined by the court, wilfully fails to appear before the court on that date and at that time; or

(cc) wilfully fails to remain in attendance at the relevant proceedings or at the proceedings so postponed,

shall be guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding three months. [Section 65A(9) of the Act]

(iv) On appearing before the court on the date determined in the notice in terms of section 65A(1) or (8)(b) of the Act in pursuance of the arrest of the judgment debtor, director or officer under a warrant referred to in section 65A(6) of the Act or on any date to which the proceedings have been postponed, such judgment debtor, director or officer shall be called upon to give evidence on his or her financial position or that of the juristic person and his or her or its ability to pay the judgment debt. [Section 65D of the Act]

(v) Any person against whom a court has, in a civil case, given any judgment or made any order who has not satisfied in full such judgment or order and paid all costs for which he or she is liable in connection therewith shall, if he or she has changed his or her place of residence, business or employment, within 14 days from the date of every such change notify the clerk of the court who gave such judgment or made such order and the judgment creditor or his or her attorney fully and correctly in writing of his or her new place of residence, business or employment, and by his or her failure to do so such judgment debtor shall be guilty of an offence and liable upon conviction to a fine or imprisonment for a period not exceeding three months. [Section 109 of the Act)]

* Consent to judgment.

I admit that I am liable to the plaintiff as claimed in this summons (or in the amount of R..... and costs to date) and I consent to judgment accordingly.

Dated at ..... this ..... day of ....., 20.....,

.....

Defendant

WITNESSES:

1. (full names)....., (signature).....

   (address).....

2. (full names)....., (signature).....

   (address).....

OR

* Notice of intention to defend.

To the Clerk of the Court.

Kindly take notice that the defendant hereby notifies his or her intention to defend this action.

Dated at ..... this ..... day of ....., 20.....,

.....

Defendant/Defendant's attorney

15 km physical address from the Court-house for acceptance of service of process or documents

.....

Postal address

.....

Facsimile (fax) number (where available).....

Electronic mail (e-mail) address (where available).....

*The defendant is prepared to accept all subsequent documents and notices at the facsimile address/electronic mail address/other address stated herein.

(Delete whichever is not applicable)

* The original notice must be filed with the clerk of the court and a copy thereof served on the plaintiff or plaintiff's attorney.

Costs if the action is undefended will be as follows:

Summons.....R

Judgment.....R

Attorney's charges.....R

Sheriff's fees.....R

Sheriff's fees on re-issue.....R

Total:..... R

ANNEXURE

Particulars of Plaintiff's Claim

.....

.....

.....

Dated at.....this.....day of.....20.....

.....

Plaintiff/Plaintiff's Attorney

Address of Plaintiff/Plaintiff's Attorney

.....

No. 2B –

Combined Summons

*** For use in the Regional Court**

IN THE REGIONAL COURT FOR THE REGIONAL DIVISION OF .....

HELD AT .....

Case No..... of 20 .....

In the matter between:

..... Plaintiff

and

..... Defendant

To the sheriff or his/her deputy:

INFORM A.B., of ..... (state residence or place of business and if known, gender, occupation and place of employment) .....(hereinafter called the defendant), that C.D. (state gender and occupation), of ..... (residence or place of business) ..... (hereinafter called the plaintiff), hereby institutes action against him or her in which action the plaintiff claims the relief and on the grounds set out in the particulars annexed hereto

INFORM the defendant further that if he or she disputes the claim and wishes to defend the action he or she shall-

(i) within ..... days of the service upon him or her of this summons file with the registrar of this court at .....(set out the physical address of the registrar of the court) notice of his or her intention to defend and serve a copy thereof on the plaintiff or plaintiff's attorney, which notice shall give an address referred to in rule 13(3) for the service upon the defendant of all notices and documents in the action;

(ii) thereafter, and within 20 days after filing and serving notice of intention to defend as aforesaid, file with the registrar of the court and serve upon the plaintiff or plaintiff's attorney a plea, exception, notice to strike out, with or without a counter-claim.

INFORM the defendant further that if defendant fails to file and serve notice as aforesaid judgment as claimed may be given against him or her without further notice to him or her, or if, having filed and served such notice, defendant fails to plead, except, make application to strike out or counter-claim, judgment may be given against him or her. And immediately thereafter serve on the defendant a copy of this summons and return the same to the registrar of the court with whatsoever you have done thereupon.

DATED at .....this .....day of .....20.....

.....

Registrar

.....

Plaintiff/Plaintiff's Attorney

(15 km Physical Address)

.....

Postal Address

.....

Facsimile Number

.....

Electronic Mail Address

.....

*The plaintiff is prepared to accept all subsequent documents and notices at the facsimile address/electronic mail address/other address stated herein.

(Delete whichever is not applicable)

If a claim is based on a liquidated sum of money, the defendant must take note that-

(a) in default of defendant paying the amount of the claim and costs within the said period or of defendant delivering a notice of intention to defend he or she will be held to have admitted the said claim and the plaintiff may proceed therein and judgment may be given against defendant in his or her absence;

(b) if defendant pays the said claim and costs within the said period judgment will not be given against defendant herein and he or she will save judgment charges. Defendant will also save judgment charges if, within the said period, he or she lodges with the registrar of the aforesaid Court a consent to judgment;

(c) if defendant admits the claim and wishes to consent to judgment or wishes to undertake to pay the claim in instalments or otherwise, defendant may approach the plaintiff or plaintiff's attorney.

Notice:

(i) Any person against whom a court has, in a civil case, given judgment or made any order who has not, within 10 days, satisfied in full such judgment or order may be called upon by notice in terms of section 65A(1) of the Act to appear on a specified date before the court in chambers to enable the court to enquire into the financial position of the judgment debtor and to make such order as the court may deem just and equitable.

(ii) If the court is satisfied that-

(aa) the judgment debtor or, if the judgment debtor is a juristic person, a director or officer of the juristic person has knowledge of the abovementioned notice and that he or she has failed to appear before the court on the date and at the time specified in the notice; or

(bb) the judgment debtor, director or officer, where the proceedings were postponed in his or her presence to a date and time determined by the court, has failed to appear before the court on that date and at that time; or

(cc) the judgment debtor, director or officer has failed to remain in attendance at the proceedings or at the proceedings so postponed,

the court may, at the request of the judgment creditor or his or her attorney, authorise the issue of a warrant directing a sheriff to arrest the said judgment debtor, director or officer and to bring him or her before a competent court to enable that court to conduct a financial inquiry. [Section 65A(6) of the Act]

(iii) Any person who-

(aa) is called upon to appear before a court under a notice in terms of section 65A(1) or 65A(8)(b) of the Act (where the sheriff, in lieu of arresting a person, hands to that person a notice to appear in court) and who wilfully fails to appear before the court on the date and at the time specified in the notice; or

(bb) where the proceedings were postponed in his or her presence to a date and time determined by the court, wilfully fails to appear before the court on that date and at that time; or

(cc) wilfully fails to remain in attendance at the relevant proceedings or at the proceedings so postponed, shall be guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding three months. [Section 65A(9) of the Act]

(iv) On appearing before the court on the date determined in the notice in terms of section 65A(1) or (8)(b) of the Act in pursuance of the arrest of the judgment debtor, director or officer under a warrant referred to in section 65A(6) of the Act or on any date to which the proceedings have been postponed, such judgment debtor, director or officer shall be called upon to give evidence on his or her financial position or that of the juristic person and his or her or its ability to pay the judgment debt. [Section 65D of the Act]

(v) Any person against whom a court has, in a civil case, given any judgment or made any order who has not satisfied in full such judgment or order and paid all costs for which he or she is liable in connection therewith shall, if he or she has changed his or her place of residence, business or employment, within 14 days from the date of every such change notify the registrar of the court who gave such judgment or made such order and the judgment creditor or his or her attorney fully and correctly in writing of his or her new place of residence, business or employment, and by his or her failure to do so such judgment debtor shall be guilty of an offence and liable upon conviction to a fine or imprisonment for a period not exceeding three months. [Section 109 of the Act)]

* Consent to judgment.

I admit that I am liable to the plaintiff as claimed in this summons (or in the amount of R..... and costs to date) and I consent to judgment accordingly.

Dated at ..... this ..... day of ....., 20.....,

.....

Defendant

WITNESSES:

1. (full names)....., (signature).....

   (address).....

2. (full names)....., (signature).....

   (address).....

OR

* Notice of intention to defend.

To the Registrar.

Kindly take notice that the defendant hereby notifies his or her intention to defend this action.

Dated at ..... this ..... day of ....., 20.....,

.....

Defendant/Defendant's attorney

15 km physical address from the Court-house for acceptance of service of process or documents

.....

Postal address

.....

Facsimile (fax) number (where available).....

Electronic mail (e-mail) address (where available).....

*The defendant is prepared to accept all subsequent documents and notices at the facsimile address/electronic mail address/other address stated herein.

(Delete whichever is not applicable)

* The original notice must be filed with the registrar of the court and a copy thereof served on the plaintiff or plaintiff's attorney.

Costs if the action is undefended will be as follows:

Summons.....R

Judgment.....R

Attorney's charges.....R

Sheriff's fees.....R

Sheriff's fees on re-issue.....R

Total:.....R

ANNEXURE

Particulars of Plaintiff's Claim

.....

.....

.....

Dated at.....this.....day of.....20.....

.....

Plaintiff/Plaintiff's Attorney

Address of Plaintiff/Plaintiff's Attorney

....."