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:

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

Expressions with solid underline indicate insertions into the existing rules.

Definition

1. In this Schedule "the Rules" means the Rules Regulating the Conduct of the Proceedings of the Magistrates' Courts of South Africa published under Government Notice No. R. 740 of 23 August 2010, as amended by Government Notice Nos. R. 1222 of 24 December 2010, R. 611 of 29 July 2011, R. 1085 of 30 December 2011, R. 685 of 31 August 2012, R. 115 of 15 February 2013, R. 263 of 12 April 2013, R. 760 of 11 October 2013, R. 183 of 18 March 2014, R. 215 of 28 March 2014 and 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 and R. 2 of 19 February 2016.

Amendment of rule 2 of the Rules

2. Subrule (1) of rule 2 of the Rules is hereby amended by the insertion of the following definition after the definition of "clerk of the court":

""**Consumer Protection Act, 2008**" means the Consumer Protection Act, 2008 (Act No. 68 of 2008);"

Amendment of rule 9 of the Rules

3. Rule 9 of the Rules is hereby amended by the substitution for subrule (2) of the following subrule:

"(2)*(a)* Except as provided in paragraph **[*(b)*]** *(c)* or in the case of service by post or upon order of the court, process, notices or other documents shall not be served on a Sunday or public holiday.

(b) Service shall be effected as near as possible between the hours of 7:00 and 19:00.

[*(b)*] *(c)* An interdict, a warrant of arrest, and a warrant of attachment of property under section 30*bis* of the Act may be executed on any day at any hour and at any place."

Substitution of rule 12 of the Rules

4. The following rule is hereby substituted for rule 12 of the Rules:

"12. Judgment by default

(1)*(a)* If a defendant has failed to deliver the notice of intention to defend within the time stated in the summons or before the lodgement of the request provided for in this paragraph, and has not consented to judgment, the plaintiff may lodge with the registrar or clerk of the court a request in writing similar to Form 5 of Annexure 1, in duplicate, together with the original summons and the return of service, for judgment against such defendant for-

(i) any sum not exceeding the sum claimed in the summons or for other relief so claimed;

(ii) the costs of the action; and

(iii) interest at the rate specified in the summons to the date of payment or, if no rate is specified, at the rate prescribed under section 1(2) of the Prescribed Rate of Interest Act, 1975 (Act No. 55 of 1975).

(b) When the defendant has been barred in terms of rule **[21B(3)]** 21B from delivering a plea, the plaintiff may lodge with the registrar or clerk of the court a request in writing for judgment in the same manner as when the defendant has failed to deliver the notice of intention to defend.

(c) When the defendant has failed to deliver the notice of intention to defend or, having delivered such notice, has been barred in terms of rule **[21B(3)]** 21B from delivering a plea and the plaintiff has in either case lodged a request for judgment, the registrar or clerk of the court shall process the request in terms of the provisions of subrules (2), (3), (4), (5), (6), (6A) and (7), and notify the plaintiff of the outcome of the request by returning the duplicate copy duly endorsed as to the result and the date thereof.

(d) When **[a]** the defendant has delivered the notice of intention to defend but has been barred in terms of rule **[21B(3)]** 21B from delivering a plea and the registrar or clerk of the court has entered judgment in terms of a request lodged by the plaintiff, costs shall be taxed as if it had been a defended action.

(e) If the original summons cannot be filed together with the request for judgment as required by paragraph (a), the plaintiff may-

(i) file with the registrar or clerk of the court a copy or duplicate original of the summons and a copy of the signed return of service received from the sheriff; and

(ii) file an affidavit together with the documents mentioned in subparagraph (i) stating the reasons why the original summons and return of service cannot be filed: **[Provided that in divorce actions or actions for nullity of marriage, rule 22(5) shall apply.]**

Provided that in divorce actions or actions for nullity of marriage, rule 22(5) shall apply.

(2)*(a)* If it appears to the registrar or clerk of the court that the defendant intends to defend the action but that his or her notice of intention to defend is defective, in that the notice-

(i) has not been properly delivered; or

(ii) has not been properly signed; or

(iii) does not set out the postal address of the person signing it or an address for service as provided in rule 13; or

(iv) exhibits any two or more of such defects or any other defect of form,

he or she must not enter judgment against the defendant unless the plaintiff has delivered notice in writing to the defendant calling upon him or her to deliver the notice of intention to defend in due form within 5 days of the receipt of such notice.

(b) The notice provided for in subrule (2)*(a)* must set out in what respect the defendant's notice of intention to defend is defective.

(c) On failure of the defendant to deliver the notice of intention to defend as provided in paragraph *(a)*, the plaintiff may lodge with the registrar or clerk of the court a written request for judgment in default of due notice of intention to defend: Provided that in divorce actions or actions for nullity of marriage, rule 22(5) shall apply.

(3) Judgment in default of the notice of intention to defend must not be entered in an action in which the summons has been served by registered post unless the acknowledgement of receipt referred to in rule 9(13)*(a)* has been filed by the sheriff with his or her return of service.

(3A) When a claim is for a debt or liquidated amount in money and the defendant has failed to deliver the notice of intention to defend or, having delivered the notice of intention to defend, has failed to deliver a plea within the period specified in the notice delivered in terms of rule **[21B(2)]** 21B and the plaintiff has in either case lodged a request for judgment, the registrar or clerk of the court may, subject to the provisions of subrules (2), (4), (5), (6) and (6A) grant judgment or refer the matter to the court in terms of sub-rule (7).

(4) The registrar or clerk of the court shall refer to the court any request for judgment for an unliquidated amount and the plaintiff shall furnish to the court evidence either oral or by affidavit of the nature and extent of the claim, whereupon the court shall assess the amount recoverable by the plaintiff and **[shall]** give an appropriate judgment.

(5) The registrar or clerk of the court must refer to the court any request for judgment on a claim founded on any cause of action arising out of or based on an agreement governed by the National Credit Act, 2005, **[or]** the Credit Agreements Act, 1980 (Act No. 75 of 1980), or the Consumer Protection Act, 2008, and the court shall thereupon make such order or give such judgment as it may deem fit.

(6) If the action **[be]** is based on a liquid document or any agreement in writing the plaintiff shall together with the request for default judgment file the original of such document or the original agreement in writing or an affidavit setting out reasons to the satisfaction of the court or the registrar or clerk of the court, as the case may be, why such original cannot or should not be filed.

(6A) If a claim is founded on any cause of action arising out of or regulated by legislation, then the plaintiff shall together with the request for default judgment file evidence confirming compliance with the provisions of such legislation to the satisfaction of the court.

(7) The registrar or clerk of the court may refer to the court any request for judgment and the court may thereupon-

(a) if a default judgment be sought, call upon the plaintiff to produce such evidence either in writing or oral in support of his or her claim as it may deem necessary;

(b) if a judgment by consent be sought, call upon the plaintiff to produce evidence to satisfy the court that the consent has been signed by the defendant and is a consent to the judgment sought;

(c) give judgment in terms of plaintiff's request or for so much of the claim as has been established to its satisfaction;

(d) give judgment in terms of defendant's consent;

(e) refuse judgment; or

(f) make such other order as it may deem fit.

(7A) When the registrar or clerk of the court refers a request for judgment to the court, it shall be recorded, dated and signed by the registrar or clerk of the court on the cover of the court file.

(8) When one or more of several defendants in an action consent to judgment or fail to deliver notice of intention to defend or to deliver a plea, judgment may be entered against the defendant or defendants who have consented to judgment or are in default, and the plaintiff may proceed on such judgment without prejudice to his or her right to continue the action against another defendant or other defendants.

(9) Judgment shall be **[entered]** recorded by making a minute **[of record]** thereof on the cover of the court file, dated and signed."

Amendment of rule 17 of the Rules

5. Rule 17 of the Rules is hereby amended by the insertion in rule 17 after subrule (6) of the following subrule:

"(7) Any defence which can be adjudicated upon without the necessity of going into the main case may be set down by either party for a separate hearing upon 10 days' notice at any time after such defence has been raised."

Substitution of rule 58 of the Rules

6. The following rule is hereby substituted for rule 58 of the Rules:

"58. [Maintenance *pendente lite,* contribution towards costs, interim custody and access to children] Interim relief in matrimonial matters

(1) This rule shall apply whenever a spouse seeks relief from the court in respect of one or more of the following matters:

(a) **[Maintenance *pendente lite*]** Interim maintenance;

(b) a contribution towards the costs of a pending matrimonial action;

(c) interim care of any child; or

(d) interim contact with any child.

(2)*(a)* An applicant for any relief contemplated in subrule (1) shall deliver a sworn or an affirmed statement in the nature of a declaration, setting out the relief claimed and the grounds therefor, together with a notice to the respondent which shall substantially correspond with Form 42 of Annexure 1.

[*(b)* A statement and notice contemplated in paragraph *(a)* shall be signed by the applicant or his or her legal practitioner, and contain an address for service and shall be served by the sheriff.]

(b) The applicant or his or her attorney shall sign the notice referred to in paragraph *(a)*, and shall indicate in the notice if the applicant prefers to be served with all documents in the application at a physical (residential or business), postal, an electronic mail address, or by facsimile, and give full details of such address: Provided that if a physical address is preferred for the purpose of service, that address shall, in places where there are three or more attorneys or firms of attorneys practicing independently of one another, be within 15 kilometres of the courthouse.

(c)(i) In the case of an unrepresented respondent, the statement and notice referred to in paragraph *(a)* shall be served by the sheriff on the respondent personally, unless the court orders otherwise.

(ii) Where the respondent is represented by an attorney of record, service may be effected on such attorney by the applicant, the applicant's attorney or the sheriff, unless the court orders otherwise.

[(3) The respondent shall within 10 court days after receiving a statement and notice contemplated in subrule (2) deliver a sworn reply in the nature of a plea, signed and giving an address for service, in default of which he or she shall be *ipso facto* barred.]

(3)*(a)* The respondent shall deliver a sworn or affirmed reply in the nature of a plea within 10 days after receiving the statement and notice contemplated in subrule (2).

(b) The respondent shall indicate in the reply referred to in paragraph *(a)* if he or she prefers to be served with all documents in the application at a physical (residential or business), postal, an electronic mail address, or by facsimile and give full details of such address: Provided that if a physical address is preferred for the purpose of such service, that address shall, in places where there are three or more attorneys or firms of attorneys practicing independently of one another, be within 15 kilometres of the courthouse.

[(4) As soon as possible after subrule (3) has been complied with the registrar shall bring the matter before the court for summary hearing, on 10 court days' notice to the parties, unless the respondent is in default.]

(4) As soon as possible after the 10 days period referred to in subrule (3)*(a)* has expired, either of the parties may set the matter down for summary hearing on 10 days' notice to all the parties.

(5) The court may hear such evidence as is considered necessary and may dismiss the application or make such order as it deems fit to ensure a just and expeditious decision.

(6) The court may, on the same procedure, vary a decision referred to in subrule (5) in the event of a material change taking place in the circumstances of either party or a child, or the contribution towards costs proving inadequate.

[(7) No attorney or advocate appearing in a case under this rule shall charge a fee of more than R404.00 if the claim is undefended or R929.00 if it is defended, unless the court in an exceptional case otherwise directs.]

[(8) No instructing attorney in cases under this rule shall charge a fee of more than R1 414.00 if the claim is undefended or R2 020.00 if it is defended, unless the court in an exceptional case otherwise directs.]

Amendment of Annexure 1 to the Rules

7. Annexure 1 to the Rules is hereby amended by the substitution for Form 42 of the form contained in the Annexure to this Schedule.

ANNEXURE

"No. 42 –

Notice in terms of Rule 58(2)*(a)*

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

HELD AT..... CASE NO: .....

In the matter between

.....Applicant

and

.....Respondent

To the above-mentioned respondent:

TAKE NOTICE that ..... (hereinafter called the applicant) intends to make application to this Court for an order (1) ..... (2) ..... (3) ..... (here set forth the form of order prayed) and that the accompanying sworn/affirmed statement of ..... will be used in support thereof.

TAKE NOTICE FURTHER that if you intend to oppose this application you shall, within 10 court days of receiving this notice: –

(a) draft a sworn or affirmed reply in the nature of a plea;

(b) serve a copy of the sworn or affirmed reply on the applicant or his or her attorney; and

(c) file the original of the sworn or affirmed reply with the registrar of the court.

TAKE NOTICE FURTHER that–

(i) in your reply you are required to give your full physical, residential or business address, postal address and where available, facsimile and electronic mail address;

(ii) in your reply you are further required to indicate the preferred address for service upon you of all documents in the application, and service thereof at the address so given shall be valid and effectual, except where personal service is required by an order or practice of the court.

(iii) if a physical address is given by you in the reply referred to as your preferred address for the purpose of service, that address shall, in places where

there are three or more attorneys or firms of attorneys practicing independently of one another, be within 15 kilometres of the courthouse; and

(iv) your reply shall indicate what averments in the applicant's statement you admit or deny, and shall concisely set out your defence.

AND TAKE NOTICE FURTHER that upon the expiration of the 10 days period within which you may deliver your reply, the matter may be set down for summary hearing on 10 days' notice, regardless of whether or not you have delivered your reply.

AND TAKE NOTICE FURTHER that you have a right to be assisted by a legal representative (a lawyer) of your own choice. **IF YOU CANNOT AFFORD THE SERVICES OF A LEGAL REPRESENTATIVE, YOU ARE ENTITLED TO APPLY FOR LEGAL AID IN ORDER TO BE ALLOCATED A LAWYER IF YOU QUALIFY.**

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

.....

Applicant/Applicant's attorney

Physical address (within 15 kilometres of the courthouse):

.....

.....

.....

Postal address: .....

Electronic mail address: .....

Facsimile: .....

Indicate the preferred address for service: .....

....."

Amendment of Annexure 2 to the Rules

8. Annexure 2 to the Rules is hereby amended 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, costs shall, unless the court orders otherwise, be computed at the higher rate.
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) and shall not be so allowed unless payment thereof is vouched by the signature of counsel.
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.
8. Where the amount allowed for an item is left blank—
(a) the drawing of documents (not pleadings) shall be allowed at R27,00 for each folio;
(b) copies for filing, service and an attorney's copy to retain shall also be allowed;
(c) R17, 00 shall be allowed for each necessary service;
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 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.
12. Where there are more defendants than one R17, 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 R411,00 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.

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
(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	R54,00
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
(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
(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
(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
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
(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
(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
(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	R728,00

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	
Item 4 - Notice in terms of rule 12(2)	
(a) Claim or claims where the aggregate of the claim or claims does not exceed the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts.	R64,50
(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 or when the matter is in respect of a cause of action in terms of section 29(1B)(*a*) of the Act.	R84,00
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
(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
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
(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
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
(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	R141,00

respect of magistrates' courts for districts and the process is issued out of a magistrate's court for a regional division.	
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
(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

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	R719,50	R865,50	R1125,00
2 Summons 2A Particulars of Claim or Declaration	R272,50 R272,50	R378,00 R378,00	R452,50 R452,50	R587,00 R587,00
3 Appearance	R45,50	R45,50	R56,00	R72,00
4 Notice under rules 12(2)and 21B(2)	R45,50	R45,50	R56,00	R72,00
5 Plea	R272,50	R378,00	R452,50	R587,00
6 Claim in reconvention	R272,50	R378,00	R452,50	R587,00
7 Reply, if necessary	R272,50	R378,00	R452,50	R587,00
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	R160,50	R202,50	R261,00
10 Each copy of service, per page	R4,00	R4,00	R4,00	R4,00

11 The recording of statements by witnesses, per quarter of an hour or part thereof	R160,50	R160,50	R202,50	R261,00
12 Notice of trial or reinstatement	R45,50	R45,50	R56,00	R72,00
13 Preparing for trial (if counsel not employed)	R900,00	R1 225,00	R1469,00	R1 910,00
14 Attendance at settlement negotiations, for each quarter of an hour or part thereof actually spent in such negotiations	R160,50	R160,50	R202,50	R261,00
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	R160,50	R202,50	R261,00
(b) if counsel employed	Nil	R64,50	R79,00	R101,00
16 Attending pre-trial conference, for each quarter of an hour or part thereof actually spent in such conference	R160,50	R160,50	R202,50	R261,00
17 Attending court to hear reserved judgment, per quarter of an hour or part thereof	R33,00	R33,00	R39,50	R51,50
18 Correspondence-				
(a) for each necessary letter or telegram, per folio	R25,50	R25,50	R33,00	R41,50
(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	R25,50	R33,00	R41,50
19 Attendances: For each necessary attendance not otherwise provided for, per attendance	R17,50	R25,50	R33,00	R41,50
20 Necessary formal telephone calls, per call	R17,50	R25,50	R33,00	R41,50
21 Telephone consultations: For every 5 minutes or part thereof, subject to a maximum fee per consultation of R156,50 for Scales A to C and R 201,50 for Scale D	R45,50	R45,50	R56,00	R72,00
22 Each necessary consultation, per quarter of an hour or part thereof	R160,50	R160,50	R202,50	R261.00
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	R793,00	R951,50	R1 235,00
24 Time spent waiting at court (owing to no	R108,00	R108,00	R131,50	

court being available) per quarter of an hour or part thereof				R171,00
25 Travelling time [subject to the provisions of rule 33(9)] per quarter of an hour or part thereof	R108,00	R108.00	R131,50	R171,00
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	R272,50	R323,50	R421,00
(b) Instructions to make application for liquidation of close corporation, perusal of all documentation and consideration of merits, and all necessary consultations	R665,00	R665,00	R796,50	R1035,00
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	R160,50	R202,50	R261,00
(b) If opposed (if counsel employed), for each quarter of an hour actually spent in court or part thereof	Nil	R64,50	R79,50	R101,00
4*(a)* Fee for preparation for argument when opposed	R560,00	R661,00	R796,50	R1035,00
(b) Fee for preparation for trial where proceedings are referred to trial or oral evidence	R560,00	R661,00	R796,50	R1035,00

5 Consultations and settlement negotiations – when opposed, per quarter of an hour or part thereof	R160,50	R160,50	R202,50	R261,00

Item	**Scale**
TAXATION OF COSTS	**R**
6 Drawing up bill of costs:	5% of the fees allowed
7 Attending taxation:	5% of the total of the bill allowed
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
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
(b) For each reissue thereof	R45,50
12 Inclusive fee for work done in connection with releasing of immovable property attached	R135,50
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
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
15 Security for restitution, where necessary	R88,50

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

(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	R209,50
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
(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
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
(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

FEES TO COUNSEL	
21 With brief to argue exception or application	R793,00
Note: A fee to counsel on application shall be allowed only where the court certifies that the briefing of counsel was warranted	
22 With trial brief for the first day, not exceeding	R2248,50
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 per km
24 Each necessary consultation, per quarter of an hour	R160,50
25 For every day exceeding one on which evidence is taken or arguments heard, a refresher not exceeding	R1351,50
26 Drawing up pleadings	R361,50
Notes:	
(a) In regard to items 22 and 25 a fee in lieu of the fee for the first day's hearing shall be allowed as follows when the case is settled or withdrawn or postponed at the instance of any party on or before the date of hearing:	

(i) not more than two days prior to the date of hearing: The fee otherwise allowable on taxation for the first day's hearing;	
(ii) not less than three days and not more than seven days prior to the date of hearing: Two thirds of the fee under (i); and	
(iii) not less than eight days and not more than 21 days prior to the date of hearing: Half of the fee under (i).	
(b) The court may on request allow a higher fee for 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
28 Obtaining payment in terms of rule 18(4)	R56,00
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 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. The total amount to be allowed for each tracing shall not exceed R343, 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
(b)	Where the claim exceeds the amount of R1 000,00 but is not more than R2 000,00	R343,50
(c)	Where the claim exceeds the amount of R2 000,00	R405,00
(d)	Warrant of arrest (Form 40A)	R88,50
(e)	(i) Emoluments attachment order (Form 38)	R180,00
	(ii) Reissue (Certificates included)	R144,00
(f)	Application for costs on notice (including appearance in court)	R88,50
(g)	Obtaining a certified copy of a judgment	R88,50
(h)	Affidavit or certificate by the judgment creditor or his or her attorney	R64,00
(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
(j)	Affidavit or affirmation by debtor [Rule 45(7)]	R108,00
(k)	Request for an order under section 65 of the Act	R64,00
(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
(m)	Subpoena:	

	(i) Drawing up of subpoena, per folio	R25,50
	(ii) Every necessary attendance, per attendance	R17,00
(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
	(ii) Attendances: For each necessary attendance not otherwise provided for, per attendance	R25,50
	(iii) Necessary formal telephone calls, per call	R25,50

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

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.

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	R225,50	R360,50
2. Instructions on application under section 74Q(1) or to oppose such application or the granting of administration order	R127,00	R127,00	R127,00
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	R225,00	R225,00
4. Making copies of application, affidavit and annexures for creditors, per page	R4,00	R4,00	R4,00
5. Perusal of application and other documents served, if any, per folio. *Note*: The fees under this item are only claimed by the attorney or an opposing party.	R9,50	R9,50	R9,50
6. Attending court:			
(a) On postponement or setting aside, if not occasioned by the attorney or his or her client;	R61,00	R61,00	R61,00
(b) On any other hearing	R127,00	R242,00	R242,00
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	R17,00	R17,00
8. For furnishing of a copy of the debtor's statement of affairs referred to in sections 74 and 74A(1) of the Act by the administrator in terms of section 74M*(b)* or of a list or account referred to in section 74G(1) or 74J of the Act or of the debtor's statement of affairs referred to in section 65I(2) of the Act, per page	R4,00	R4,00	R4,00
9. Correspondence and attendances	R26,00	R26,00	R26,00

Amendment of Annexure 2 to Rules

9. Annexure 2 to the Rules is hereby amended by the substitution for Part II of Table C of the following part:

"PART II

SHERIFFS WHO ARE NOT OFFICERS OF THE PUBLIC SERVICE

1A. For registration of any document for service or execution upon receipt thereof: **[R8,00]** R10,00.

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: **[R35,00]** R40,00;

(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: **[R41,00]** R47,00;

(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: **[R55,00]** R63,00;

(iv) where a mandator instructs the sheriff in writing to serve a document referred to in item 1B*(a)* urgently on the day of receipt of such document or after normal office hours, the costs shall be calculated at double the tariff in item 1B*(a)*(i), (ii) and (iii), respectively, which additional costs shall be paid by the mandator, save where the court orders otherwise.

(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: **[R28,50]** R33,50;

(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: **[R35,00]** R40,00;

(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: **[R49,00]** R56,00;

(iv) where a mandator instructs the sheriff in writing to serve a document referred to in item 1B*(a)* urgently on the day of receipt of such document or after normal office hours and the sheriff is unsuccessful in his or her attempt to effect service, the costs shall be calculated at double the tariff in item 1B*(b)*(i), (ii) and (iii) respectively, which additional costs shall be paid by the mandator, save where the court orders otherwise.

(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 **[R8,00]** R10,00 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.

2. *(a)* For the execution of a warrant, 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: **[R49,00]** R56,00;

(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: **[R55,00]** 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: **[R68,50]** R78,50;

(iv) where a mandator instructs the sheriff in writing to execute a document referred to in item 2*(a)* urgently on the day of receipt of such document or after normal office hours, the costs shall be calculated at double the tariff in item 2*(a)*(i), (ii) and (iii), respectively, which additional costs shall be paid by the mandator, save where the court orders otherwise.

(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: **[R41,00]** R47,00;

(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: **[R49,00]** R56,00;

(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: **[R62,00]** R70,50;

(iv) where a mandator instructs the sheriff in writing to execute a document referred to in item 2*(a)* urgently on the day of receipt of such document or after normal office hours and the sheriff is unsuccessful in his or her attempt to effect execution, the costs shall be calculated at double the tariff in item 2*(b)*(i), (ii) and (iii) respectively, which costs shall be paid by the mandator, save where the court orders otherwise.

(c) (i) For the ejectment of a defendant from the premises referred to in the warrant of ejectment: **[R28,50]** R33,50 per half hour or part thereof (except extraordinary expenses necessarily incurred).

(ii) A further fee of **[R19,50]** R22,50 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.

3. Compilation of any return in terms of rule 8, in duplicate: **[R14,00]** R16,00.

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 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 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 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: **[R28,50]** R33,50 per half hour or part thereof.

(b) For assistance, if necessary, with the making of an inventory, **[R28,50]** R33,50 per half hour or part thereof.

7. The perusing, drawing up and completing of a bail bond, deed of suretyship or indemnity bond: **[R8,00]** R10,00.

8. Charge or custody of property (money excluded):

(a) (i) For each officer necessarily left in possession, a reasonable inclusive amount not exceeding **[R103,00]** R117,00 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)* 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 the amounts so paid or attached, with a minimum of **[R55,00]** R63,00 and a maximum of **[R542,00]** R614,00.

(b) Notice of attachment to defendant and to each person to be notified: **[R8,00]** R10,00.

11. Where property is released from attachment in terms of rule **[41(7)*(e)*]** 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 **[R164,00]** R186,00: 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 **[R7 237,00]** R8 178,50.

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 **[R28,50]** R33,50.

14. *(a)* When immovable property has been attached in execution and is not sold, either by reason of the warrant having been withdrawn or stayed, or of the sequestration of the estate of the execution debtor, the expenses in connection with the attempted sale and the sum of **[R164,00]** R186,00 shall be payable to the sheriff or the person in fact authorised to act as auctioneer, as the case may be.

(b) The drawing up of a report of the improvements on the property for the purpose of sale: **[R28,50]** R33,50 per half hour or part thereof.

(c) Written notice to the purchaser who has failed to comply with the conditions of sale: **[R41,00]** R47,00.

(d) Consideration of conditions of sale: **[R81,50]** R93,50.

15. When immovable property has been attached in execution and the attachment lapses, as referred to in section 66(4) of the Act: **[R49,00]** R56,00.

16. When an execution against immovable property is completed by sale, the following fees shall be allowed to the sheriff on the proceeds of the sale:

(a) On the sale of immovable property by the sheriff as auctioneer, 6 per cent on the first **[R30 000,00 of the proceeds of the sale and]** R100 000,00, 3.5 per cent on R100 001,00 to R400 000,00 and 1.5 per cent on the balance

[thereof,] of the proceeds of the sale, subject to a maximum commission of **[R10 777,00]** R40 000,00, in total, and a minimum of **[R542,00]** 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.

(b) If an auctioneer is employed as provided in rule 43(9), 3 per cent on the first **[R30 000,00 of the proceeds of the sale and]** 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 **[R6 158,00]** R22 850,00, in total, and a minimum of **[R542,00]** 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.

17. In addition to the fees allowed by items 10 to 15, 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) the sum of **[R20,00]** R23,50 to the sheriff for giving transfer to the purchaser.

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 **[R8,00]** R10,00 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: **[R28,50]** R33,50 per journey and **[R55,00]** R63,00 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 43(6)*(c)* and rule 41(8)*(c)*: **[R8,00]** R10,00.

24. For forwarding a copy of the notice to every execution creditor who has lodged a warrant of execution and to every mortgagee in respect of the immovable

property concerned whose address is reasonably ascertainable, for each copy: **[R8,00]** R10,00.

25. *(a)* For affixing a copy of the notice of sale on the notice board or door of the court-house or other public building, referred to in rule 43(6)*(e)* and rule 41(8)*(b)*: **[R20,00]** R23,50.

(b) For affixing a copy of the notice of sale on the property due to be sold, the amount in paragraph *(a)* **[above]** and travelling costs, referred to in item 5*(a)*.

26. For the drawing up and issuing of an interpleader summons: **[R81,50]** R93,50.

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, excluding formal letters accompanying process or returns: **[R8,00]** R10,00.

29. Each necessary attendance by telephone (in addition to prescribed trunk charges and cellular charges): **[R8,00]** R10,00.

30. Sending and receiving of each necessary facsimile, per A4 size page (in addition to telephone charges): **[R4,50]** R5,50.

31. For the perusal of the records of the Registrar of Deeds, in terms of rule 43(3), to determine the order of precedence of creditors:

(a) If investigated by the sheriff him or herself: **[R49,00]** R56,00 per case.

(b) If the sheriff utilises the services of a third party for the investigation, the actual cost, as required by the third party, provided that it is reasonable.

32. For the making of all necessary copies of documents: **[R3,50]** R4,00, 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: **[R55,00]** R63,00.

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: **[R14,50]** R17,50.

(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.

(iii) Waiting time in regard to handing over the judgment debtor to the relevant authority, referred to in paragraph *(b)*: **[R28,50]** R33,50, per half hour or part thereof, with a maximum of **[R109,00]** R124,00.".

Commencement

10. These rules come into operation on **1 November 2017.**