

Government Gazette
Staatskoerant

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID AFRIKA

Regulation Gazette **No. 10907** *Regulasiekoerant*

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Contents

No.		Gazette No.	Page No.
GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS			
Justice and Constitutional Development, Department of/ Justisie en Staatkundige Ontwikkeling, Departement van			
R. 61	Rules Board for Courts of Law Act (107/1985): Amendment of the Rules Regulating the conduct of the Proceedings of the Several Provincial and Local Divisions of the High Court of South Africa	42186	11
R. 61	Wet op die Reëlsraad vir Geregshowe (107/1985): Wysiging van die Reëls waarby die Verrigtinge van die verskillende Provinsiale en Plaaslike Afdelings van die Hoë Hof van Suid-Afrika gereël word	42186	26
Rural Development and Land Reform, Department of/ Landelike Ontwikkeling en Grondhervorming, Departement van			
R. 62	Deeds Registries Act (47/1937): Amendment of Regulations	42186	38
R. 62	Registrasie van Aktes Wet (47/1937): Wysiging van Regulasies	42186	45

Closing times for **ORDINARY WEEKLY** *REGULATION GAZETTE* 2019

*The closing time is **15:00** sharp on the following days:*

- **27 December 2018,** Thursday for the issue of Friday **04 January 2019**
- **04 January,** Friday for the issue of Friday **11 January 2019**
- **11 January,** Friday for the issue of Friday **18 January 2019**
- **18 January,** Friday for the issue of Friday **25 January 2019**
- **25 January,** Friday for the issue of Friday **01 February 2019**
- **01 February,** Friday for the issue of Friday **08 February 2019**
- **08 February,** Friday for the issue of Friday **15 February 2019**
- **15 February,** Friday for the issue of Friday **22 February 2019**
- **22 February,** Friday for the issue of Friday **01 March 2019**
- **01 March,** Friday for the issue of Friday **08 March 2019**
- **08 March,** Friday for the issue of Friday **15 March 2019**
- **14 March,** Thursday for the issue of Friday **22 March 2019**
- **22 March,** Friday for the issue of Friday **29 March 2019**
- **29 March,** Friday for the issue of Friday **05 April 2019**
- **05 April,** Friday for the issue of Friday **12 April 2019**
- **11 April,** Thursday for the issue of Thursday **18 April 2019**
- **17 April,** Wednesday for the issue of Friday **26 April 2019**
- **25 April,** Thursday for the issue of Friday **03 May 2019**
- **03 May,** Friday for the issue of Friday **10 May 2019**
- **10 May,** Friday for the issue of Friday **17 May 2019**
- **17 May,** Friday for the issue of Friday **24 May 2019**
- **24 May,** Friday for the issue of Friday **31 May 2019**
- **31 May,** Friday for the issue of Friday **07 June 2019**
- **07 June,** Friday for the issue of Friday **14 June 2019**
- **13 June,** Thursday for the issue of Friday **21 June 2019**
- **21 June,** Friday for the issue of Friday **28 June 2019**
- **28 June,** Friday for the issue of Friday **05 July 2019**
- **05 July,** Friday for the issue of Friday **12 July 2019**
- **12 July,** Friday for the issue of Friday **19 July 2019**
- **19 July,** Friday for the issue of Friday **26 July 2019**
- **26 July,** Friday for the issue of Friday **02 August 2019**
- **01 August,** Thursday for the issue of Friday **08 August 2019**
- **08 August,** Thursday for the issue of Friday **16 August 2019**
- **16 August,** Friday for the issue of Friday **23 August 2019**
- **23 August,** Friday for the issue of Friday **30 August 2019**
- **30 August,** Friday for the issue of Friday **06 September 2019**
- **06 September,** Friday for the issue of Friday **13 September 2019**
- **13 September,** Friday for the issue of Friday **20 September 2019**
- **19 September,** Thursday for the issue of Friday **27 September 2019**
- **27 September,** Friday for the issue of Friday **04 October 2019**
- **04 October,** Friday for the issue of Friday **11 October 2019**
- **11 October,** Friday for the issue of Friday **18 October 2019**
- **18 October,** Friday for the issue of Friday **25 October 2019**
- **25 October,** Friday for the issue of Friday **01 November 2019**
- **01 November,** Friday for the issue of Friday **08 November 2019**
- **08 November,** Friday for the issue of Friday **15 November 2019**
- **15 November,** Friday for the issue of Friday **22 November 2019**
- **22 November,** Friday for the issue of Friday **29 November 2019**
- **29 November,** Friday for the issue of Friday **06 December 2019**
- **06 December,** Friday for the issue of Friday **13 December 2019**
- **12 December,** Thursday for the issue of Friday **20 December 2019**
- **18 December,** Wednesday for the issue of Friday **27 December 2019**

LIST OF TARIFF RATES

FOR PUBLICATION OF NOTICES

COMMENCEMENT: 1 APRIL 2018

NATIONAL AND PROVINCIAL

Notice sizes for National, Provincial & Tender gazettes 1/4, 2/4, 3/4, 4/4 per page. Notices submitted will be charged at R1008.80 per full page, pro-rated based on the above categories.

Pricing for National, Provincial - Variable Priced Notices		
Notice Type	**Page Space**	**New Price (R)**
Ordinary National, Provincial	1/4 - Quarter Page	252.20
Ordinary National, Provincial	2/4 - Half Page	504.40
Ordinary National, Provincial	3/4 - Three Quarter Page	756.60
Ordinary National, Provincial	4/4 - Full Page	1008.80

EXTRA-ORDINARY

All Extra-ordinary National and Provincial gazette notices are non-standard notices and attract a variable price based on the number of pages submitted.

The pricing structure for National and Provincial notices which are submitted as **Extra ordinary submissions** will be charged at R**3026.32** per page.

GOVERNMENT PRINTING WORKS - BUSINESS RULES

The **Government Printing Works** (**GPW**) has established rules for submitting notices in line with its electronic notice processing system, which requires the use of electronic *Adobe* Forms. Please ensure that you adhere to these guidelines when completing and submitting your notice submission.

Closing Times for Acceptance of Notices

1. The *Government Gazette* and *Government Tender Bulletin* are weekly publications that are published on Fridays and the closing time for the acceptance of notices is strictly applied according to the scheduled time for each gazette.

2. Please refer to the Submission Notice Deadline schedule in the table below. This schedule is also published online on the Government Printing works website www.gpwonline.co.za

   All re-submissions will be subject to the standard cut-off times.
   All notices received after the closing time will be rejected.

Government Gazette Type	Publication Frequency	Publication Date	Submission Deadline	Cancellations Deadline
National Gazette	Weekly	Friday	Friday 15h00 for next Friday	Tuesday, 15h00 - 3 working days prior to publication
Regulation Gazette	Weekly	Friday	Friday 15h00 for next Friday	Tuesday, 15h00 - 3 working days prior to publication
Petrol Price Gazette	Monthly	Tuesday before 1st Wednesday of the month	One day before publication	1 working day prior to publication
Road Carrier Permits	Weekly	Friday	Thursday 15h00 for next Friday	3 working days prior to publication
Unclaimed Monies (Justice, Labour or Lawyers)	January / September 2 per year	Last Friday	One week before publication	3 working days prior to publication
Parliament (Acts, White Paper, Green Paper)	As required	Any day of the week	None	3 working days prior to publication
Manuals	Bi- Monthly	2nd and last Thursday of the month	One week before publication	3 working days prior to publication
State of Budget (National Treasury)	Monthly	30th or last Friday of the month	One week before publication	3 working days prior to publication
Extraordinary Gazettes	As required	Any day of the week	*Before 10h00 on publication date*	*Before 10h00 on publication date*
Legal Gazettes A, B and C	Weekly	Friday	One week before publication	Tuesday, 15h00 - 3 working days prior to publication
Tender Bulletin	Weekly	Friday	Friday 15h00 for next Friday	Tuesday, 15h00 - 3 working days prior to publication
Gauteng	Weekly	Wednesday	Two weeks before publication	3 days **after** submission deadline
Eastern Cape	Weekly	Monday	One week before publication	3 working days prior to publication
Northern Cape	Weekly	Monday	One week before publication	3 working days prior to publication
North West	Weekly	Tuesday	One week before publication	3 working days prior to publication
KwaZulu-Natal	Weekly	Thursday	One week before publication	3 working days prior to publication
Limpopo	Weekly	Friday	One week before publication	3 working days prior to publication
Mpumalanga	Weekly	Friday	One week before publication	3 working days prior to publication

GOVERNMENT PRINTING WORKS - BUSINESS RULES

Government Gazette Type	Publication Frequency	Publication Date	Submission Deadline	Cancellations Deadline
Gauteng Liquor License Gazette	Monthly	Wednesday before the First Friday of the month	Two weeks before publication	3 working days **after** submission deadline
Northern Cape Liquor License Gazette	Monthly	First Friday of the month	Two weeks before publication	3 working days **after** submission deadline
National Liquor License Gazette	Monthly	First Friday of the month	Two weeks before publication	3 working days **after** submission deadline
Mpumalanga Liquor License Gazette	Bi-Monthly	Second & Fourth Friday	One week before publication	3 working days prior to publication

EXTRAORDINARY GAZETTES

3. *Extraordinary Gazettes* can have only one publication date. If multiple publications of an *Extraordinary Gazette* are required, a separate Z95/Z95Prov *Adobe* Forms for each publication date must be submitted.

NOTICE SUBMISSION PROCESS

4. Download the latest *Adobe* form, for the relevant notice to be placed, from the **Government Printing Works** website www.gpwonline.co.za.

5. The *Adobe* form needs to be completed electronically using *Adobe Acrobat* / *Acrobat Reader*. Only electronically completed *Adobe* forms will be accepted. No printed, handwritten and/or scanned *Adobe* forms will be accepted.

6. The completed electronic *Adobe* form has to be submitted via email to submit.egazette@gpw.gov.za. The form needs to be submitted in its original electronic *Adobe* format to enable the system to extract the completed information from the form for placement in the publication.

7. Every notice submitted **must** be accompanied by an official **GPW** quotation. This must be obtained from the *eGazette* Contact Centre.

8. Each notice submission should be sent as a single email. The email **must** contain **all documentation relating to a particular notice submission**.

   8.1. Each of the following documents must be attached to the email as a separate attachment:

      8.1.1. An electronically completed *Adobe* form, specific to the type of notice that is to be placed.

         8.1.1.1. For National *Government Gazette* or *Provincial Gazette* notices, the notices must be accompanied by an electronic Z95 or Z95Prov *Adobe* form

         8.1.1.2. The notice content (body copy) **MUST** be a separate attachment.

      8.1.2. A copy of the official **Government Printing Works** quotation you received for your notice. *(Please see Quotation section below for further details)*

      8.1.3. A valid and legible Proof of Payment / Purchase Order: **Government Printing Works** account customer must include a copy of their Purchase Order**. Non-Government Printing Works** account customer needs to submit the proof of payment for the notice

      8.1.4. Where separate notice content is applicable (Z95, Z95 Prov and TForm 3, it should **also** be attached as a separate attachment. *(Please see the Copy Section below, for the specifications)*.

      8.1.5. Any additional notice information if applicable.

GOVERNMENT PRINTING WORKS - BUSINESS RULES

9. The electronic *Adobe* form will be taken as the primary source for the notice information to be published. Instructions that are on the email body or covering letter that contradicts the notice form content will not be considered. The information submitted on the electronic *Adobe* form will be published as-is.

10. To avoid duplicated publication of the same notice and double billing, Please submit your notice **ONLY ONCE.**

11. Notices brought to **GPW** by "walk-in" customers on electronic media can only be submitted in *Adobe* electronic form format. All "walk-in" customers with notices that are not on electronic *Adobe* forms will be routed to the Contact Centre where they will be assisted to complete the forms in the required format.

12. Should a customer submit a bulk submission of hard copy notices delivered by a messenger on behalf of any organisation e.g. newspaper publisher, the messenger will be referred back to the sender as the submission does not adhere to the submission rules.

QUOTATIONS

13. Quotations are valid until the next tariff change.

    13.1. ***Take note:*** **GPW**'s annual tariff increase takes place on ***1 April*** therefore any quotations issued, accepted and submitted for publication up to ***31 March*** will keep the old tariff. For notices to be published from 1 April, a quotation must be obtained from **GPW** with the new tariffs. Where a tariff increase is implemented during the year, **GPW** endeavours to provide customers with 30 days' notice of such changes.

14. Each quotation has a unique number.

15. Form Content notices must be emailed to the *eGazette* Contact Centre for a quotation.

    15.1. The *Adobe* form supplied is uploaded by the Contact Centre Agent and the system automatically calculates the cost of your notice based on the layout/format of the content supplied.

    15.2. It is critical that these *Adobe* Forms are completed correctly and adhere to the guidelines as stipulated by **GPW**.

16. **APPLICABLE ONLY TO GPW ACCOUNT HOLDERS**:

    16.1. **GPW** Account Customers must provide a valid **GPW** account number to obtain a quotation.

    16.2. Accounts for **GPW** account customers **must** be active with sufficient credit to transact with **GPW** to submit notices.

        16.2.1. If you are unsure about or need to resolve the status of your account, please contact the **GPW** Finance Department prior to submitting your notices. (If the account status is not resolved prior to submission of your notice, the notice will be failed during the process).

17. **APPLICABLE ONLY TO CASH CUSTOMERS:**

    17.1. Cash customers doing **bulk payments** must use a **single email address** in order to use the **same proof of payment** for submitting multiple notices.

18. The responsibility lies with you, the customer, to ensure that the payment made for your notice(s) to be published is sufficient to cover the cost of the notice(s).

19. Each quotation will be associated with one proof of payment / purchase order / cash receipt.

    19.1. This means that **the quotation number can only be used once to make a payment.**

GOVERNMENT PRINTING WORKS - BUSINESS RULES

COPY (SEPARATE NOTICE CONTENT DOCUMENT)

20. Where the copy is part of a separate attachment document for Z95, Z95Prov and TForm03

20.1. Copy of notices must be supplied in a separate document and may not constitute part of any covering letter, purchase order, proof of payment or other attached documents.

The content document should contain only one notice. (You may include the different translations of the same notice in the same document).

20.2. The notice should be set on an A4 page, with margins and fonts set as follows:

Page size = A4 Portrait with page margins: Top = 40mm, LH/RH = 16mm, Bottom = 40mm; Use font size: Arial or Helvetica 10pt with 11pt line spacing;

Page size = A4 Landscape with page margins: Top = 16mm, LH/RH = 40mm, Bottom = 16mm; Use font size: Arial or Helvetica 10pt with 11pt line spacing;

CANCELLATIONS

21. Cancellation of notice submissions are accepted by **GPW** according to the deadlines stated in the table above in point 2. Non-compliance to these deadlines will result in your request being failed. Please pay special attention to the different deadlines for each gazette. Please note that any notices cancelled after the cancellation deadline will be published and charged at full cost.

22. Requests for cancellation must be sent by the original sender of the notice and must accompanied by the relevant notice reference number (N-) in the email body.

AMENDMENTS TO NOTICES

23. With effect from 01 October 2015, **GPW** will not longer accept amendments to notices. The cancellation process will need to be followed according to the deadline and a new notice submitted thereafter for the next available publication date.

REJECTIONS

24. All notices not meeting the submission rules will be rejected to the customer to be corrected and resubmitted. Assistance will be available through the Contact Centre should help be required when completing the forms. (012-748 6200 or email info.egazette@gpw.gov.za). Reasons for rejections include the following:

24.1. Incorrectly completed forms and notices submitted in the wrong format, will be rejected.

24.2. Any notice submissions not on the correct *Adobe* electronic form, will be rejected.

24.3. Any notice submissions not accompanied by the proof of payment / purchase order will be rejected and the notice will not be processed.

24.4. Any submissions or re-submissions that miss the submission cut-off times will be rejected to the customer. The Notice needs to be re-submitted with a new publication date.

GOVERNMENT PRINTING WORKS - BUSINESS RULES

Approval of notices

25. Any notices other than legal notices are subject to the approval of the Government Printer, who may refuse acceptance or further publication of any notice.

26. No amendments will be accepted in respect to separate notice content that was sent with a Z95 or Z95Prov notice submissions. The copy of notice in layout format (previously known as proof-out) is only provided where requested, for Advertiser to see the notice in final Gazette layout. Should they find that the information submitted was incorrect, they should request for a notice cancellation and resubmit the corrected notice, subject to standard submission deadlines. The cancellation is also subject to the stages in the publishing process, i.e. If cancellation is received when production (printing process) has commenced, then the notice cannot be cancelled.

Government Printer Indemnified Against Liability

27. The Government Printer will assume no liability in respect of—

27.1. any delay in the publication of a notice or publication of such notice on any date other than that stipulated by the advertiser;

27.2. erroneous classification of a notice, or the placement of such notice in any section or under any heading other than the section or heading stipulated by the advertiser;

27.3. any editing, revision, omission, typographical errors or errors resulting from faint or indistinct copy.

Liability of advertiser

28. Advertisers will be held liable for any compensation and costs arising from any action which may be instituted against the Government Printer in consequence of the publication of any notice.

Customer inquiries

Many of our customers request immediate feedback/confirmation of notice placement in the gazette from our Contact Centre once they have submitted their notice – While **GPW** deems it one of their highest priorities and responsibilities to provide customers with this requested feedback and the best service at all times, we are only able to do so once we have started processing your notice submission.
GPW has a 2-working day turnaround time for processing notices received according to the business rules and deadline submissions.
Please keep this in mind when making inquiries about your notice submission at the Contact Centre.

29. Requests for information, quotations and inquiries must be sent to the Contact Centre ONLY.

30. Requests for Quotations (RFQs) should be received by the Contact Centre at least **2 working days** before the submission deadline for that specific publication.

GOVERNMENT PRINTING WORKS - BUSINESS RULES

Payment of cost

31. The Request for Quotation for placement of the notice should be sent to the Gazette Contact Centre as indicated above, prior to submission of notice for advertising.

32. Payment should then be made, or Purchase Order prepared based on the received quotation, prior to the submission of the notice for advertising as these documents i.e. proof of payment or Purchase order will be required as part of the notice submission, as indicated earlier.

33. Every proof of payment must have a valid **GPW** quotation number as a reference on the proof of payment document.

34. Where there is any doubt about the cost of publication of a notice, and in the case of copy, an enquiry, accompanied by the relevant copy, should be addressed to the Gazette Contact Centre, **Government Printing Works**, Private Bag X85, Pretoria, 0001 email: info.egazette@gpw.gov.za before publication.

35. Overpayment resulting from miscalculation on the part of the advertiser of the cost of publication of a notice will not be refunded, unless the advertiser furnishes adequate reasons why such miscalculation occurred. In the event of underpayments, the difference will be recovered from the advertiser, and future notice(s) will not be published until such time as the full cost of such publication has been duly paid in cash or electronic funds transfer into the **Government Printing Works** banking account.

36. In the event of a notice being cancelled, a refund will be made only if no cost regarding the placing of the notice has been incurred by the **Government Printing Works**.

37. The **Government Printing Works** reserves the right to levy an additional charge in cases where notices, the cost of which has been calculated in accordance with the List of Fixed Tariff Rates, are subsequently found to be excessively lengthy or to contain overmuch or complicated tabulation.

Proof of publication

38. Copies of any of the *Government Gazette* or *Provincial Gazette* can be downloaded from the **Government Printing Works** website www.gpwonline.co.za free of charge, should a proof of publication be required.

39. Printed copies may be ordered from the Publications department at the ruling price. The **Government Printing Works** will assume no liability for any failure to post or for any delay in despatching of such *Government Gazette*(s)

GOVERNMENT PRINTING WORKS CONTACT INFORMATION

Physical Address:	**Postal Address:**	**GPW Banking Details:**
Government Printing Works	Private Bag X85	**Bank:** ABSA Bosman Street
149 Bosman Street	Pretoria	**Account No.:** 405 7114 016
Pretoria	0001	**Branch Code:** 632-005

For Gazette and Notice submissions: Gazette Submissions:	**E-mail:** submit.egazette@gpw.gov.za
For queries and quotations, contact: Gazette Contact Centre:	**E-mail:** info.egazette@gpw.gov.za
	Tel: 012-748 6200
Contact person for subscribers: Mrs M. Toka:	**E-mail:** subscriptions@gpw.gov.za
	Tel: 012-748-6066 / 6060 / 6058
	Fax: 012-323-9574

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

NO. R. 61 **25 JANUARY 2019**

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

AMENDMENT OF THE RULES REGULATING THE CONDUCT OF THE PROCEEDINGS OF THE SEVERAL PROVINCIAL AND LOCAL DIVISIONS OF THE HIGH COURT OF SOUTH AFRICA

The Rules Board for Courts of Law has under section 6 of the Rules Board for Courts of Law Act, 1985 (Act No. 107 of 1985), and with the approval of the Minister of Justice and Correctional Services, made the rules in the Schedule.

SCHEDULE

GENERAL EXPLANATORY NOTE:

Expressions in square brackets in bold **[ ]** represent omissions from existing text.

Expressions with solid underline represent insertions into existing text.

Definition

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

May 1993, R. 974 of 1 June 1993, R. 1356 of 30 July 1993, R. 1843 of 1 October 1993, R. 2365 of 10 December 1993, R. 2529 of 31 December 1993, R. 181 of 28 January 1994, R. 411 of 11 March 1994, R. 873 of 31 May 1996, R. 1063 of 28 June 1996, R. 1557 of 20 September 1996, R. 1746 of 25 October 1996, R. 2047 of 13 December 1996, R. 417 of 14 March 1997, R. 491 of 27 March 1997, R. 700 of 16 May 1997, R. 798 of 13 June 1997, R. 1352 of 10 October 1997, R. 785 of 5 June 1998, R. 881 of 26 June 1998, R. 1024 of 7 August 1998, R 1723 of 30 December 1998, R. 315 of 12 March 1999, R. 568 of 30 April 1999, R. 1084 of 10 September 1999, R. 1299 of 29 October 1999, R. 502 of 19 May 2000, R. 849 of 25 August 2000, R. 373 of 30 April 2001, R. 1088 of 26 October 2001, R. 1755 of 5 December 2003, R. 229 of 20 February 2004, R. 1343 of 12 December 2008, R. 1345 of 12 December 2008, R. 516 of 8 May 2009, R. 518 of 8 May 2009, R 86 of 12 February 2010, R 87 of 12 February 2010, R 88 of 12 February 2010, R 89 of 12 February 2010, R. 90 of 12 February 2010, R. 500 of 11 June 2010, R. 591 of 09 July 2010, R. 980 of 19 November 2010, R. 981 of 19 November 2010, R. 464 of 22 June 2012, R. 992 of 7 December 2012, R 114 of 15 February 2013, R. 262 of 12 April 2013, R. 471 of 12 July 2013, R. 472 of 12 July 2013, R. 759 of 11 October 2013, R. 212 of 28 March 2014, R. 213 of 28 March 2014, R. 214 of 28 March 2014, R. 30 of 23 January 2015, R. 31 of 23 January 2015, R. 317 of 17 April 2015, R. 781 of 31 August 2015, R. 3 of 19 February 2016 and R. 678 of 3 June 2016, R. 1055 of 29 September 2017, R. 1272 of 17 November 2017 and R. 1318 of 30 November 2018.

Substitution of rule 31 of the Rules

2. The following rule is hereby substituted for rule 31 of the Rules:

"**Judgment on confession and by default and rescission of judgments**

31. (1) *(a)* Save in actions for relief in terms of the Divorce Act, 1979 (Act No. 70 of 1979), or nullity of marriage, a defendant may at any time confess in whole or in part the claim contained in the summons.

(b) **[Such]** The confession referred to in paragraph *(a)* shall be signed by the defendant personally and **[his]** the defendant's signature shall either be witnessed by an attorney acting for **[him]** the defendant, not being the attorney acting for the plaintiff, or shall be verified by affidavit.

(c) Such confession shall then be furnished to the plaintiff, whereupon the plaintiff may apply in writing through the registrar to a judge for judgment according to such confession.

(2) *(a)* Whenever in an action the claim or, if there is more than one claim, any of the claims is not for a debt or liquidated demand and a defendant is in default of delivery of notice of intention to defend or of a plea, the plaintiff may set the action down as provided in subrule (4) for default judgment and the court may, after hearing evidence, grant judgment against the defendant or make such order as **[to]** it **[seems meet]** deems fit.

(b) A defendant may within 20 days after **[he or she has]** acquiring knowledge of such judgment apply to court upon notice to the plaintiff to set aside such judgment and the court may, upon good cause shown, set aside the default judgment on such terms as **[to]** it **[seems meet]** deems fit.

(3) Where a plaintiff has been barred from delivering a declaration the defendant may set the action down as provided in subrule (4) and apply for absolution from the instance or, after adducing evidence, for judgment, and the court may make such order thereon as **[to]** it **[seems meet]** deems fit.

(4) The proceedings referred to in subrules (2) and (3) shall be set down for hearing upon not less than five days' notice to the party in default: Provided that no notice of set down **[need]** shall be given to any party in default of delivery of notice of intention to defend.

(5) *(a)* Whenever a defendant is in default of delivery of notice of intention to defend or of a plea, the plaintiff, **[if he or she]** who wishes to obtain judgment by default, shall where each of the claims is for a debt or liquidated demand, file with the registrar a written application for judgment against such defendant: Provided that when a defendant is in default of delivery of a plea, the plaintiff shall give such defendant not less than **[5]** five days' notice of **[his or her]** the intention to apply for default judgment.

(b) The registrar may—

(i) grant judgment as requested;

(ii) grant judgment for part of the claim only or on amended terms;

(iii) refuse judgment wholly or in part;

(iv) postpone the application for judgment on such terms as **[he or she]** may be **[consider]** considered just;

(v) request or receive oral or written submissions;

(vi) require that the matter be set down for hearing in open court:

Provided that if the application is for an order declaring residential property specially executable, the registrar must refer such application to the court:

(c) The registrar shall record any judgment granted or direction given **[by him or her]**.

(d) Any party dissatisfied with a judgment granted or direction given by the registrar may, within 20 days after such party has acquired knowledge of such judgment or direction, set the matter down for reconsideration by the court.

(e) The registrar shall grant judgment for costs **[in an amount of R200]**:

(i) in accordance with Part II of Table A of Annexure 2 to the Rules for the Magistrates' Courts plus the sheriff's fees if the value of the claim as stated in the summons, apart from any consent to jurisdiction, is within the jurisdiction of the magistrate's court; and **[,]**

(ii) in other cases, unless the application for default judgment requires costs to be taxed or the registrar requires a decision on costs from the Court, **[R650]** in accordance with items 1 and 2 of Section B of rule 70 plus the sheriff's fees.

(6) *(a)* Any person affected by a default judgment which has been granted, may, if the plaintiff has consented in writing to the judgment

being rescinded, apply to court in accordance with Form 2B of the First Schedule to rescind the judgment, and the court may upon such application rescind the judgment.

(b) A judgment debtor against whom a default judgment has been granted, or any person affected by such judgment, may, if the judgment debt, the interest at the rate granted in the judgment and the costs have been paid, apply to court to rescind the judgment, and the court may on such application by the judgment debtor or other person affected by the judgment, rescind the judgment.

(c) An application in terms of paragraph *(b)* shall—

(i) be made on Form 2C of the First Schedule;

(ii) be accompanied by reasonable proof that the judgment debt, interest and costs, as referred to in paragraph *(b)*, have been paid; and

(iii) be served on the judgment creditor not less than 10 days (which exclude a public holiday, Saturday or Sunday) before the hearing of the application and proof of such service shall accompany the application.

(d) The application referred to in paragraph *(c)*—

(i) may be set down for hearing not less than 10 days (which exclude a public holiday, Saturday or Sunday) after service of the application upon the judgment creditor; and

(ii) may be heard by a judge in chambers.".

Insertion of Forms 2B and 2C in the First Schedule to Rules

3. The following Forms are hereby inserted in the First Schedule to the Rules, after Form 2A:

"Form 2B

APPLICATION FOR RESCISSION OF JUDGMENT IN TERMS OF RULE 31(6)*(a)*

IN THE HIGH COURT OF SOUTH AFRICA

(……..DIVISION)

Case No. ……../20…...

In the matter between

.....Applicant

and

.....Respondent

PLEASE TAKE NOTICE that application will be made to the above Honourable Court (in Chambers, through the office of the Registrar) in terms of section 23A(1) of the Superior Courts Act, 2013 (Act No. 10 of 2013), as amended, for an order in the following terms:

1. That the judgment granted against the judgment debtor on ……. (*state date of judgment*) be rescinded.
2. Costs only in the event of the application being opposed.

TAKE NOTICE FURTHER that the written consent of the respondent, attached hereto marked "ANNEXURE A", will be used in support of the application.

KINDLY place the matter on the roll for hearing accordingly.

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

Applicant/ Applicant's Attorney

Address of Applicant/Applicant's Attorney

.....

.....

.....

To: The Registrar of the High Court

And To: Respondent/Respondent's Attorney

.....

Address of Respondent/Respondent's Attorney

.....

.....

.....

(Note: Provide proof of service on the respondent or attorney)

Form 2C

APPLICATION FOR RESCISSION OF JUDGMENT IN TERMS OF RULE 31(6)*(b)*

IN THE HIGH COURT OF SOUTH AFRICA

(……..DIVISION)

Case No. ……../20…..

In the matter between

……Applicant

and

……Respondent

To: The Registrar

PLEASE TAKE NOTICE that application will be made to the above Honourable Court on …… at……., (or before a Judge in Chambers, if so directed) for an order in the following terms:

1. That the judgment granted against the judgment debtor on …… *(state date of judgment)* be rescinded.
2. Costs if applicable.

TAKE NOTICE FURTHER that the affidavit of the applicant, attached hereto, will be used in support of the application.

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

Applicant/ Applicant's Attorney

Address of Applicant/Applicant's Attorney

.....

.....

.....

To: The Registrar of the High Court

And To: Respondent/Respondent's Attorney

.....

Address of Respondent/Respondent's Attorney

.....

.....

.....

(Note: Provide proof of service of the application on the respondent or attorney)

IN THE HIGH COURT OF SOUTH AFRICA

(.....DIVISION)

Case No. ...../20.....

In the matter between

.....Applicant

and

.....Respondent

AFFIDAVIT IN SUPPORT OF APPLICATION FOR RESCISSION OF JUDGMENT

---

1. I the undersigned:

.....

(*State full names and surname*)

Identity/Passport No.

.....

Residing at.....

hereby make oath and state/solemnly affirm:

1.1 I am the applicant in this matter and the judgment debtor in the main case.

OR

1.1 I am the applicant in this matter. The judgment debtor is..... (*state the name of the judgment debtor*). I am affected by the judgment granted against the judgment debtor, for the following reasons:

_____

_____

_____

_____

_____

_____

(Delete whichever paragraph is not applicable)

1.2 The respondent is the judgment creditor in the main case.

1.3 The facts deposed to herein are within my personal knowledge and are to the best of my knowledge and belief true and correct.

2. This application is made in terms of section 23A(2) of the Superior Courts Act, 2013 (Act No. 10 of 2013), as amended.

3. On ..... *(state date)* the above Honourable Court granted default judgment against the judgment debtor, in favour of the respondent for ..... *(State the amount of the judgment, the rate of interest and costs)* Attached hereto marked "Annexure A" is a copy of the court order/report from the Credit Bureaux.

4. The judgment debt, interest and costs have been paid. Attached hereto marked "Annexure B" is the proof of payment. *(Attach copy of receipt or other form of proof of payment)*

5. The written consent of the respondent has not been obtained for the following

reasons:

_____

_____

_____

_____

_____

_____

_____

6. I do not ask for costs to be granted against the respondent.

OR

6. The respondent should pay the costs of this application for the following reasons:

_____

_____

_____

_____

_____

_____

_____

(Delete whichever paragraph that is not applicable)

WHEREFORE I pray that the above Honourable Court grants the orders in the Notice of Application.

.....

(Applicant)

Signed and sworn to/solemnly affirmed at .....on this .....day of .....after the deponent admitted that he/she knows and understands the contents of this affidavit, that he/she has no objection in taking the prescribed oath/solemnly affirming the contents of this affidavit and that he/she considers the oath/affirmation binding on his/her conscience.

.....

COMMISSIONER OF OATHS

NAME.....

CAPACITY.....

ADDRESS.....".

Commencement

4. These Rules shall come into effect on 11 March 2019.

DEPARTEMENT VAN JUSTISIE EN STAATKUNDIGE ONTWIKKELING

NO. R. 61 **25 JANUARIE 2019**

WET OP REËLSRAAD VIR GEREGSHOWE, 1985 (WET NO. 107 VAN 1985)

WYSIGING VAN DIE REËLS WAARBY DIE VERRIGTINGE VAN DIE VERSKILLENDE PROVINSIALE EN PLAASLIKE AFDELINGS VAN DIE HOË HOF VAN SUID-AFRIKA GEREËL WORD

Die Reëlsraad vir Geregshowe het kragtens artikel 6 van die Wet op die Reëlsraad vir Geregshowe, 1985 (Wet No. 107 van 1985), met die goedkeuring van die Minister van Justisie en Korrektiewe Dienste, die reëls in die Bylae gemaak.

BYLAE

ALGEMENE VERDUIDELIKENDE NOTA:

1. Uitdrukkings in **[ ] vet druk** dui uitlatings uit bestaande reëls aan.
2. Uitdrukkings met 'n volstreep daaronder dui invoegings in bestaande reëls aan.

Woordomskrywing

1. In hierdie Bylae beteken die "Reëls" die Reëls waarby die verrigtinge van die verskillende provinsiale en plaaslike afdelings van die Hoë Hof van Suid-Afrika gereël word gepubliseer kragtens Goewermentskennisgewing No. R. 48 van 12 Januarie 1965, soos gewysig by Goewermentskennisgewings No. R. 235 van 18 Februarie 1966, R. 2004 van 15 Desember 1967, R. 3553 van 17 Oktober 1969, R. 2021 van 5 November 1971, R. 1985 van 3 November 1972, R. 480 van 30 Maart 1973, R. 639 van 4 April 1975, R. 1816 of 8 Oktober 1976, R. 1975 van 29 Oktober 1976, R. 2477 van 17 Desember 1976, R. 2365 van 18 November 1977, R. 1546 van 28 Julie 1978, R. 1577 van 20 Julie 1979, R. 1535 van 25 Julie 1980, R. 2527 van 5 Desember 1980, R. 500 van 12 Maart 1982, R. 773 van 23 April 1982, R. 775 van 23 April 1982, R. 1873 van 3 September 1982, R. 2171 van 6 Oktober 1982, R. 645 van 25 Maart 1983, R. 841 van 22 April 1983, R. 1077 van 20 Mei 1983, R. 1996 van 7 September 1984, R. 2094 van 13 September 1985, R. 810 van 2 Mei 1986, R. 2164 van 2 Oktober 1987, R. 2642 van 27 November 1987, R. 1421 van 15 Julie 1988, R. 210 van 10 Februarie 1989, R. 608 van 31 Maart 1989, R. 2628 van 1 Desember 1989, R. 185 van 2 Februarie 1990, R. 1929 van 10 Augustus 1990, R. 1262 van 30 Mei 1991, R. 2410 van 30 September 1991, R. 2845 van 29 November

1991, R. 406 van 7 Februarie 1992, R. 1883 van 3 Julie 1992, R. 109 van 22 Januarie 1993, R. 960 van 28 Mei 1993, R. 974 van 1 Junie 1993, R. 1356 van 30 Julie 1993, R. 1843 van 1 Oktober 1993, R. 2365 van 10 Desember 1993, R. 2529 van 31 Desember 1993, R. 181 van 28 Januarie 1994, R. 411 van 11 Maart 1994, R. 873 van 31 Mei 1996, R. 1063 van 28 Junie 1996, R. 1557 van 20 September 1996, R. 1746 van 25 Oktober 1996, R. 2047 van 13 Desember 1996, R. 417 van 14 Maart 1997, R. 491 van 27 Maart 1997, R. 700 van 16 Mei 1997, R. 798 van 13 Junie 1997, R. 1352 van 10 Oktober 1997, R. 785 van 5 Junie 1998, R. 881 van 26 Junie 1998, R. 1024 van 7 Augustus 1998, R 1723 van 30 Desember 1998, R. 315 van 12 Maart 1999, R. 568 van 30 April 1999, R. 1084 van 10 September 1999, R. 1299 van 29 Oktober 1999, R. 502 van 19 Mei 2000, R. 849 van 25 Augustus 2000, R. 373 van 30 April 2001, R. 1088 van 26 Oktober 2001, R. 1755 van 5 Desember 2003, R. 229 van 20 Februarie 2004, R. 1343 van 12 Desember 2008, R. 1345 van 12 Desember 2008, R. 516 van 8 Mei 2009, R. 518 van 8 Mei 2009, R. 86 van 12 Februarie 2010, R. 87 van 12 Februarie 2010, R. 88 van 12 Februarie 2010, R. 89 van 12 Februarie 2010, R. 90 van 12 Februarie 2010, R. 500 van 11 Junie 2010, R. 591 van 09 Julie 2010, R. 980 van 19 November 2010, R. 981 van 19 November 2010, R. 464 van 22 Junie 2012 en R. 992 van 7 Desember 2012, R. 114 van 15 Februarie 2013, R. 262 van 12 April 2013, R. 471 van 12 Julie 2013, R. 472 van 12 Julie 2013, R. 759 van 11 Oktober 2013, R. 212 van 28 Maart 2014, R. 213 van 28 Maart 2014, R. 214 van 28 Maart 2014, R. 30 van 23 Januarie 2015; R. 31 van 23 Januarie 2015, R. 317 van 17 April 2015, R. 781 van 31 Augustus 2015, R. 3 van 19 Februarie 2016, R. 678 van 3 Junie 2016, R. 1055 van 29 September 2017, R. 1272 van 17 November 2017 en R. 1318 van 30 November 2018.

Vervanging van reël 31 van die Reëls

2. Reël 31 van die Reëls word hierby deur die volgende reël vervang:

"**Toestemming tot vonnis [en], vonnis by verstek en herroeping van vonnisse**

31. (1) *(a)* Behalwe in aksies om regshulp ingevolge die Wet op Egskeiding, 1979 (Wet No. 70 van 1979), of nietigverklaring van 'n huwelik, kan 'n verweerder te eniger tyd geheel of gedeeltelik toestem tot vonnis.

(b) Die toestemming in paragraaf *(a)* bedoel word deur die verweerder persoonlik onderteken en geattesteer deur 'n prokureur wat namens **[hom]** die verweerder optree en nie ook vir die eiser nie, of dit **[word]** moet by beëdigde verklaring bevestig word.

(c) Die toestemming word dan aan die eiser verskaf, waarop hy skriftelik deur die griffier by 'n regter aansoek kan doen om vonnis ooreenkomstig die toestemming.

(2) *(a)* Wanneer die eis in 'n aksie of, indien daar meer as een eis is, enige van die eise nie vir skuld of andersins likwied is nie en 'n verweerder in verstek is met sy of haar kennisgewing van voorneme om te verdedig of met sy of haar pleit, kan die eiser die aksie ter rolle plaas soos in subreël (4) vir verstekvonnisse voorgeskryf en die hof kan, na die aanhoor van getuienis, vonnis teen die verweerder gee of na goeddunke 'n ander bevel gee.

(b) 'n Verweerder kan binne 20 dae **[nadat]** <u>ná kennisname van</u> so 'n vonnis **[tot sy of haar kennis gekom het]**, met kennisgewing aan die eiser by die hof aansoek doen om tersydestelling van die vonnis en die hof kan by aanvoering van gegronde redes, die verstekvonnis tersyde stel op die voorwaardes wat **[hy]** <u>die hof</u> goedvind.

(3) Waar 'n eiser onder belet is om 'n deklarasie af te lewer, kan die verweerder die aksie ter rolle plaas soos in subreël (4) bepaal en aansoek doen om absolusie van die instansie of, nadat hy getuienis aangebied het, om vonnis, en die hof kan daarop na goeddunke 'n bevel gee.

(4) Die verrigtinge in subreëls (2) en (3) bedoel, word ter rolle geplaas met minstens vyf dae kennisgewing aan die party wat in verstek is: Met dien verstande dat aan 'n party wat geen kennis gegee het van voorneme om te verdedig nie, geen kennisgewing van terrolleplasing gegee **[hoef te]** word nie.

(5) *(a)* Wanneer 'n verweerder in verstek is met aflewering van sy of haar kennisgewing van voorneme om te verdedig of met sy of haar pleit, moet die eiser wat vonnis by verstek verlang, waar elk van die else vir skuld of andersins likwied is, 'n skriftelike aansoek om vonnis teen die verweerder by die griffier indien: Met dien verstande dat wanneer die verweerder in verstek is met sy of haar aflewering van 'n pleit, die eiser sodanige verweerder minstens **[5]** <u>5</u> dae kennis moet gee van **[sy of haar]** <u>die</u> voorneme om aansoek om vonnis by verstek te doen.

(b) Die griffier kan—

(i) vonnis soos versoek gee;

(ii) vonnis vir slegs 'n gedeelte van die eis of op gewysigde voorwaardes gee;

(iii) vonnis in die geheel of gedeeltelik weier;

(iv) die aansoek om vonnis op die voorwaardes wat **[hy of sy]** geag kan word billik **[ag]** te wees, uitstel;

(v) mondelinge of skriftelike voorleggings aanvra of ontvang;

(vi) vereis dat die saak ter rolle geplaas word vir verhoor in die ope hof:

Met dien verstande dat indien die aansoek om 'n bevel is wat residensiële eiendom spesiaal as vatbaar vir eksekusie verklaar, die griffier sodanige aansoek aan die hof rig.

(c) Die griffier notuleer 'n vonnis of voorskrif **[deur hom of haar gegee]**.

(d) 'n Party wat ontevrede is met 'n vonnis of voorskrif deur die griffier gegee, kan binne 20 dae nadat so 'n vonnis of voorskrif tot sodanige party se kennis gekom het die saak vir heroorweging deur die hof ter rolle plaas.

(e) Die griffier staan vonnis vir koste toe:

(i) ooreenkomstig Deel II van Tabel A van Bylae 2 tot die Landdroshofreëls plus baljugelde indien die waarde van die eis volgens die dagvaarding, afgesien van enige toestemming tot jurisdiksie, binne die jurisdiksie van die landdroshof val**[,]**; en

(ii) in ander gevalle, tensy in die aansoek om vonnis by verstek vir taksasie gevra word of die griffier 'n beslissing omtrent koste van die hof verlang, **[R650]** ooreenkomstig items 1 en 2 van Artikel B van reël 70 plus baljugelde.

(6) *(a)* Enige persoon wat deur 'n toegestaande verstekvonnis geraak word, kan, indien die eiser skriftelik tot die tersydestelling van die vonnis ingestem het, ooreenkomstig Vorm 2B van die Eerste Bylae by die hof aansoek doen om tersydestelling van die vonnis, en die hof kan by sodanige aansoek die vonnis tersyde stel.

(b) 'n Vonnisskuldenaar teen wie 'n verstekvonnis gegee is, of enige persoon deur sodanige vonnis geraak word, kan, indien die vonnisskuld, die rente teen die koers in die vonnis gegee en die koste betaal is, by die hof aansoek doen om die tersydestelling van die vonnis, en die hof kan by sodanige aansoek deur die vonnisskuldeiser of ander persoon deur die vonnis geraak, die vonnis tersyde stel.

(c) 'n Aansoek ingevolge paragraaf *(b)*—

(i) word op Vorm 2C van die Eerste Bylae gedoen;

(ii) gaan vergesel van redelike bewyse dat die vonnisskuld, rente en koste, soos in paragraaf *(b)* bedoel, betaal is; en

(iii) word aan die vonnisskuldeiser beteken ten minste 10 dae (wat 'n openbare vankansiedag, Saterdag of Sondag uitsluit), voor die aanhoor van die aansoek en die aansoek gaan vergesel van bewys van daardie betekening.

(d) Die aansoek in paragraaf *(c)* bedoel—

(i) kan ter rolle geplaas word vir verhoor ten minste 10 dae (wat 'n openbare vakansiedag, Saterdag of Sondag uitsluit) ná betekening van die aansoek aan die vonnisskuldeiser; en

(ii) kan in kamers deur 'n regter aangehoor word.".

Invoeging van Vorms 2B en 2C in Eerste Bylae by Reëls

3. Die volgende Vorms word hierby na Vorm 2A in die Eerste Bylae tot die Reëls ingevoeg:

"Vorm 2B
AANSOEK OM TERSYDESTELLING VAN VONNIS INGEVOLGE REëL 31(6)*(a)*

IN DIE HOOGGEREGSHOF VAN SUID-AFRIKA
(……..AFDELING)

Saaknommer ……../20…...

In die saak tussen
……Eiser
en
……Respondent

NEEM KENNIS dat aansoek by die bogenoemde Agbare Hof (in Kamers, deur die kantoor van die Griffier) ingevolge artikel 23A(1) van die Wet op Hoër Howe, 2013 (Wet No. 10 van 2013), soos gewysig, gedoen gaan word, vir 'n bevel luidens die volgende:

1. Dat die vonnis op …… (*stel datum van vonnis*) teen die vonnisskuldenaar gegee, tersyde gestel word.
2. Koste slegs indien die aansoek geopponeer word.

NEEM VERDER KENNIS dat die skriftelike toestemming van die respondent, as "Aanhangesl A" hierby aangeheg, ter ondersteuning van die aansoek gebruik sal word.

GELIEWE die saak ter rolle te plaas om aangehoor te word.

Gedateer te ……hierdie ……dag van ……20……

Applikant/ Applikant se prokureur
Adres van applikant/applikant se prokureur
……
……
……

Aan: Die Griffier van die Hooggeregshof

en aan: Respondent/respondent se prokureur
.....
Adres van respondent/respondent se prokureur
.....
.....
.....

(Let wel: Lewer bewys van betekening aan respondent of prokureur)

Vorm 2C
AANSOEK OM TERSYDESTELLING VAN VONNIS INGEVOLGE REëL 31(6)*(b)*

IN DIE HOOGGEREGSHOF VAN SUID-AFRIKA
(.....AFDELING)

Saaknommer. ...../20.....

In die saak tussen
.....Applikant
en
.....Respondent

Aan: Die Griffier

NEEM KENNIS dat aansoek by die bogenoemde Agbare Hof op ..... te....., (of voor 'n Regter in kamers, indien aldus gelas) gedoen sal word vir 'n bevel luidens die volgende:

1. Dat die vonnis op ..... *(verstrek datum van vonnis)* teen die vonnisskuldenaar gegee, tersyde gestel word.
2. Koste indien van toepassing.

NEE VERDER KENNIS dat die beëdigde verklaring van die aansoeker, hierby aangeheg, ter ondersteuning van die aansoek gebruik sal word.

GEDATEER te .....hierdie .....dag van .....20....

Applikant/ applikant se prokureur
Adres van applikant /applikant se prokureur
.....
.....
.....

Aan: Die Griffier van die Hooggeregshof

En aan: Respondent/respondent se prokureur
.....
Adres van respondent/respondent se prokureur
.....
.....
.....
(Let wel: Voorsien bewys van betekening van die aansoek aan die respondent of prokureur)

IN DIE HOOGGEREGSHOF VAN SUID-AFRIKA
(.....AFDELING)

Saaknommer...../20.....

In die saak tussen
.....Applikant
en
.....Respondent

BEëDIGDE VERKLARING TER ONDERSTEUNING VAN AANSOEK OM TERSYDESTELLING VAN VONNIS

1. Ek, die ondergetekende:
.....
(*Stel volle name en van*)
Identiteits-/paspoortnommer. .....
Woonagtig te .....
lê hierby 'n eed af en verklaar/bevestig plegtig:

1.1 Ek is die applikant in hierdie saak en die vonnisskuldenaar in die hoofsaak.

OF

1.1 Ek is die applikant in hierdie aangeleentheid. Die vonnisskuldenaar is ..... (*stel die naam van die vonnisskuldenaar*). Ek is geraak deur vonnis teen die vonnisskuldenaar gegee, weens die volgende redes:

_____

_____

_____

(Skrap watter paragraaf ook al nie van toepassing is nie)

1.2 Die respondent is die vonnisskuldeiser in die hoofsaak.

1.3 Die feite waaroor hierin getuig word is binne my persoonlike waarneming en is tot die beste van my wete en oortuiging waar en korrek.

2. Hierdie aansoek word ingevolge artikel 23A(2) van die Wet op Hoër Howe, 2013 (Wet No. 10 van 2013), soos gewysig, gemaak.

3. Op ..... *(stel datum)* het die bogenoemde Agbare Hof vonnis by verstek teen die vonnisskuldenaar gegee, ten gunste van die respondent vir ..... *(Verstrek die vonnisbedrag, die rentekoers en koste)* Hierby aangeheg, gemerk as "Aanhangsel A" is 'n afskrif van die hofbevel/verslag van die Kredietburo.

4. Die vonnisskuld, rente en koste is betaal. Hierby aangeheg as "Aanhangsel B" is die bewys van betaling. *(Heg afskrif van kwitansie of ander vorm van betalingsbewys aan)*

5. Die skriftelike toestemming van die respondent is om die volgende redes nie verkry nie:

_____

_____

_____

_____

_____

_____

_____

6. Ek vra nie dat koste teen die respondent toegestaan word nie.

OF

6. Die respondent moet weens die volgende redes die koste van hierdie aansoek betaal:

_____

_____

_____

_____

_____

_____

_____

(Skrap die paragraaf wat nie van toepassing is nie)

WESHALWE vra ek dat die bogenoemde Agbare Hof die bevel in die Kennisgewing van Aansoek toestaan.

.....
(Applikant)

Geteken en beëdig/bevestig te .....op hierdie ..... dag van .....nadat die deponent verklaar het dat hy/sy die inhoud van hierdie verklaring ken en begryp, dat hy/sy geen beswaar teen die aflê van die voorgeskrewe eed het nie en dat hy/sy die eed/bevestiging as bindend op sy/haar gewete beskou.

.....
KOMMISSARIS VAN EDE
NAAM.....
HOEDANIGHEID.....
ADRES.....".

Inwerkingtreding

4. Hierdie Reëls tree in werking op 11 Maart 2019.

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NO. R. 62 **25 JANUARY 2019**

DEEDS REGISTRIES ACT, 1937 (ACT NO. 47 OF 1937): AMENDMENT OF REGULATIONS

In terms of section 9 (9) of the Deeds Registries Act, 1937 (Act No. 47 of 1937), I, Maite Nkoana-Mashabane, Minister of Rural Development and Land Reform, hereby approve the regulations contained in the Schedule as made by the Deeds Registries Regulations Board under section 10 of the said Act. The regulations will come into operation one month from the date of publication hereof in the *Gazette*.

MS MAITE NKOANA-MASHABANE, (MP)
MINISTER OF RURAL DEVELOPMENT AND LAND REFORM

SCHEDULE

Definitions

1. In this Schedule "the Regulations" mean the Regulations promulgated by Government Notice No. R. 474 of 29 March 1963, as amended.

Amendment of regulation 68

2. Regulation 68 of the Regulations is hereby amended-

(*a*) by the substitution for subregulation (1) of the following subregulation:

"(1) If any deed conferring title to land or any interest therein or any real right, or any registered lease or sublease or registered cession thereof or any mortgage or notarial bond, is lost or destroyed and a copy is required for any purpose other than one of those mentioned in either of the last two preceding regulations, the registered holder thereof or his duly authorized agent may make written application for such copy, which application shall be accompanied by an affidavit, which affidavit must be attested by a notary public, describing the deed and stating that it has not been pledged and it is not being detained by any one as security for debt or otherwise, but that it has been actually lost or destroyed and cannot be found though diligent search has been made therefor, and further setting forth where possible the circumstances under which it was lost or destroyed: Provided that where a Registrar is satisfied that any deed mentioned in this paragraph has been inadvertently lost, destroyed, defaced or damaged by him, it shall, notwithstanding the provisions of subregulation (2), be competent for him to issue a copy thereof free of charge upon submission of an application and an affidavit, which affidavit must be attested by a notary public.";

(*b*) by the insertion after subregulation (1D) of the following subregulation:

"(1E) (*a*) Before the issuing of a certified copy of any deed conferring title to land or any interest therein or any real right, or any registered lease or sub-lease or registered cession thereof or any mortgage or notarial bond under this regulation, the applicant shall publish, substantially in the prescribed form, a notification of intention to apply for such certified copy in an ordinary issue of the *Government Gazette*.

(*b*) Copies of deeds referred to in paragraph (*a*) shall be open for inspection in the deeds registry free of charge by any interested person, for a period of two weeks after the date of publication of the notice, during which period any person interested may object to the issue of a copy.

(*c*) All persons having objection to the issue of such copy must lodge such objection in writing with the relevant Registrar of Deeds within two weeks after the date of the publication of the notice"; and

(*c*) by the substitution for subregulation (11) of the following subregulation:

"(11) If the registered holder of a mortgage or notarial bond (which has been lost, destroyed or is unserviceable) or his or her duly authorised agent desires to procure cancellation of the bond, and has made written application duly witnessed to the Registrar to cancel such bond, and has complied, mutatis mutandis, with the provisions of subregulations (1), (1E), (2) and (3) of this regulation, the Registrar shall, if he or she is satisfied that no good reason to the contrary exists, cancel the registration duplicate of such bond, and such cancellation shall be deemed to be a cancellation of such bond notwithstanding that the original of such bond was not submitted for cancellation.".

Substitution and addition of forms

3. Regulations are hereby amended-

(*a*) by the substitution for form E of the following form:

"Form E

Prepared by me

.....

CONVEYANCER

.....

(State full name and surname
in block letters)

DEED OF TRANSFER

Be it hereby made known:

That.....appeared before me.....at....., the said appearer, being duly authorised thereto by a power of attorney granted to him/her.....dated the.....day of.....19.....and signed at .....and the said appearer declared that .....(here insert an appropriate recital of the nature of the transaction or the circumstances necessitating transfer) and that he/she in his/her capacity aforesaid, did, by these presents, cede and transfer to and on behalf of....., heirs, executors, administrators or assigns, *in full and free property/all rights, title and interest in a leasehold/initial ownership.....(here insert the description of the land or share therein to be conveyed, including the name, number, registration division and administrative district, and the area. The regulations governing the extending clause and reference to conditions must be observed).

Wherefore the appearer, renouncing all the rights and title .....(insert name of transferor) heretofore had to the premises, did, in consequence also acknowledge him/her/it, to be entirely dispossessed of, and disentitled to, the same; and that, by virtue of these presents, the said....., heirs, executors, administrators or assigns, now is and henceforth shall be entitled thereto, conformably to local customs; the State, however, reserving its rights, and finally acknowledging .....(here quote the * purchase price / declared value of the property where a purchase price is not applicable / purchase price and the declared value where the declared value of the property is higher than the purchase price).

In witness whereof I, the said Registrar, together with the appearer, have subscribed to these presents, and have caused the seal of office to be affixed thereto.

Thus done and executed at the Office of the.....at.....on this..... day of .....in the year .....

.....

Signature of appearer q.q.

.....

In my presence

.....

Registrar of Deeds

(Add a registration clause approved by the Registrar)

N.B. - In the case of donation transfers if a signed acceptance is lodged with the deed such acceptance should be quoted in the recital and no further reference would be necessary. If it is desired to insert an acceptance clause in the deed, such must appear immediately before the 'In witness whereof' clause: Provided that this is only applicable to donations entered into prior to 19 October 1982.

* Omit whichever is not applicable";

(*b*) by the addition of the following form:

"FORM JJJ

LOST OR DESTROYED DEED

Notice is hereby given in terms of regulation 68 of the Deeds Registries Act, 1937, of the intention to apply for the issue of a certified copy of .....(here describe the deed) passed by .....in favour of .....*in respect of certain .....(here insert the description of the property, omitting extent) which has been lost or destroyed.

All persons having objection to the issue of such copy are hereby required to lodge the same in writing with the Registrar of Deeds at .....within two weeks after the date of the publication of this notice.

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

.....
Applicant
Address
E-mail address
Contact number

* In the case of notarial bonds, omit reference to property"; and

(*c*) by the addition of the following form:

"FORM KKK

CANCELLATION OF LOST OR DESTROYED BOND

Notice is hereby given in terms of regulation 68 of the Deeds Registries Act, 1937, of the intention to apply for the cancellation of..... (here insert bond code, number and year)..... passed by.....for a capital amount of..... in favour of.....*in respect of certain..... (here insert the description of the property, omitting extent) which has been lost or destroyed.

All persons having objection to such cancellation are hereby required to lodge the same in writing with the Registrar of Deeds at ..... within two weeks after the date of the publication of this notice.

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

.....
Applicant
E-mail address
Contact number

* In the case of Notarial Bonds, omit reference to property".

Short title

4. These regulations shall be known as the Deeds Registries Amendment Regulations, 2019.

DEPARTEMENT VAN LANDELIKE ONTWIKKELING EN GRONDHERVORMING

NO. R. 62 **25 JANUARIE 2019**

REGISTRASIE VAN AKTES WET, 1937 (WET NO. 47 VAN 1937): WYSIGING VAN REGULASIES

Kragtens artikel 9(9) van die Registrasie van Aktes Wet, 1937 (Wet No. 47 van 1937), keur ek, Maite Nkoana-Mashabane, Minister van Landelike Ontwikkeling en Grondhervorming, hiermee die regulasies soos in die Bylae vervat, uitgevaardig deur die Registrasieregulasieraad kragtens artikel 10 van bedoelde Wet, goed. Die regulasies tree in werking een maand vanaf die datum van publikasie hiervan in die *Staatskoerant*.

MS MAITE NKOANA-MASHABANE, (MP)
MINISTER VAN LANDELIKE ONTWIKKELING EN GRONDHERVORMING

BYLAE

Woordomskrywing

1. In hierdie Bylae beteken "die Regulasies" die regulasies uitgevaardig by Goewermentskennisgewing No. R. 474 van 29 Maart 1963, soos gewysig.

Wysiging van Regulasie 68

2. Regulasie 68 van die Regulasies word hierby gewysig-

(*a*) deur subregulasie (1) deur die volgende subregulasie te vervang:

"(1) As 'n akte waarby reg op grond of enige belang daarin of enige saaklike reg verleen word, of enige geregistreerde huurkontrak of onderhuurkontrak of geregistreerde sessie daarvan of enige verbandakte of notariële verband verlore raak of vernietig is, en 'n afskrif nodig is vir 'n ander doel as vir dié genoem in enigeen van die laaste twee voorafgaande regulasies, kan die geregistreerde houer daarvan, of sy behoorlik gemagtigde agent, skriftelik aansoek doen om sodanige afskrif, en dié aansoek moet vergesel wees van 'n beëdigde verklaring wat die akte beskryf, welke beëdigde verklaring deur 'n notaris geattesteer moet wees, en meld dat dit nie verpand of deur iemand gehou word as sekuriteit vir skuld of andersins nie, maar dat dit werklik verlore geraak het of vernietig is, en dat dit na grondige ondersoek nie te vind is nie, en verder om, waar moontlik, die omstandighede uiteen te sit waaronder dit verlore geraak het of vernietig is: Met dien verstande dat waar 'n Registrateur oortuig is dat enige akte waarna in hierdie paragraaf verwys word, onopsetlik deur hom verloor, vernietig, geskend of beskadig is, hy, nieteenstaande die bepalings van subregulasie (2), 'n afskrif daarvan gratis kan uitleik by voorlegging van 'n aansoek en beëdigde verklaring, welke beëdigde verklaring deur 'n notaris geattesteer moet wees.";

(*b*) deur ná subregulasie (1D) die volgende subregualsie in te voeg:

"(1E) (*a*) Alvorens 'n gesertifiseerde afskrif van enige akte waarby reg op grond of enige belang daarin of enige saaklike reg verleen word, of enige geregistreerde huurkontrak of onderhuurkontrak of geregistreerde sessie daarvan of enige verbandakte of notariële verband kragtens hierdie regulasie uitgereik word, moet die aansoeker, substansieel in die voorgeskrewe vorm, 'n kennisgewing van voorneme om aansoek vir sodanige afskrif te doen publiseer in 'n gewone uitgawe van die *Staatskoerant*.

(*b*) Afskrifte van aktes na verwys in paragraaf (*a*) moet in die registrasiekantoor ter kostelose insage van belanghebbendes beskikbaar gehou word, vir 'n tydperk van twee weke nà datum van publikasie van die kennisgewing, gedurende welke tydperk enige belanghebbende teen die uitreiking daarvan beswaar mag aanteken.

(*c*) Alle persone wat beswaar het teen die uitreiking van sodanige afskrif, moet skriftelike beswaar indien by die toepaslike Registrateur van Aktes binne twee weke nà datum van publikasie van die kennisgewing." en

(*c*) deur subregulasie (11) deur die volgende subregulasie te vervang:

"(11) As die geregistreerde houer van 'n verband of notariële verband (wat verlore geraak het, vernietig is of onbruikbaar geword het) of sy of haar behoorlik gemagtigde agent begeer om die rojering van die verband te verkry en skriftelik aansoek, behoorlik deur getuies onderteken, gedoen het by die Registrateur om die rojering van sodanige verband, en mutatis mutandis voldoen het aan die bepalings van subregulasies (1), (1E), (2) en (3) van hierdie regulasie, moet die Registrateur, as hy of sy oortuig is dat daar geen goeie rede bestaan waarom hy of sy dit nie sou doen nie, die registrasieduplikaat van sodanige verband rojeer, en sodanige rojering word geag 'n rojering van sodanige verband te wees nieteenstaande dat die oorspronklike van sodanige verband nie vir rojering voorgelê is nie.".

Vervanging en byvoeging van Vorms

3. Die Regulasies word hierby gewysig:-

(a) deur Vorm E deur die volgende Vorm te vervang

"**Vorm E**

Opgestel deur my

.....

TRANSPORTBESORGER

.....

(Vermeld volle naam en van in blokletters.)

TRANSPORTAKTE

Hierby word bekendgemaak:

Dat..... voor my verskyn het te..... die genoemde komparant synde behoorlik daartoe gemagtig deur 'n volmag aan hom/haar verleen deur ..... gedateer die .....dag van.....19.....en geteken te.....en genoemde komparant het verklaar .....(voeg hier in die gepaste uiteensetting van die aard van die transaksie of die omstandighede wat 'n transport nodig maak) en dat hy/sy in sy/haar voornoemde hoedanigheid hierby sedeer en transporteer aan en ten gunste van ....., erfgename, eksekuteurs, administrateurs of regverkrygendes, * in volkome en vrye eiendom/alle regte, titel en belang in 'n huurpag/voorlopige eiendomsreg (voeg hier in die beskrywing van die grond of aandeel daarin wat oorgedra moet word, insluitende die naam, nommer, registrasie-afdeling of administratiewe distrik, en die grootte. Die regulasies wat die uitstrekklousule bepaal en die verwysing na die voorwaardes, moet nagekom word).

Weshalwe die komparant afstand doen van al die regte en titel wat..... (meld naam van transportgewer) voorheen op genoemde eiendom gehad het en gevolglik ook erken dat hy/sy/dit, geheel en al van die besit daarvan onthef en nie meer daartoe geregtig is nie; en dat, kragtens hierdie akte, bogenoemde ....., erfgename, eksekuteurs, administrateurs of regverkrygendes tans en voortaan daartoe geregtig is, doreenkomstig plaaslike gebruik, behoudens die regte van die Staat en erken hy/sy ten slotte..... (voeg hier in * die koopprys / verklarende waarde van die eiendom waar 'n koopprys nie van toepassing is nie / koopprys en die

verklarende waarde waar die verklarende waarde van die eiendom meer is as die verkoopprys).

Ten bewyse waarvan ek, genoemde Registrateur, tesame met die komparant hierdie Akte onderteken en dit met die ampseël bekragtig het.

Aldus gedoen en verly op die Kantoor van die ..... te ..... op hede die.....dag van .....in die jaar .....

.....

qq Handtekening van komparant.

In my teenwoordigheid

.....

Registrateur van Aktes

(Voeg in 'n registrasieklousule deur die Registrateur goedgekeur.)

LW: In die geval van begiftigingstransporte, as 'n getekende aanname ingedien word tesame met die Akte, moet die aanname in die uiteensetting aangehaal word 'n daarna is geen verdere verwysing nodig nie. As verlang word om 'n aannameklousule in die Akte in te voeg, moet dit onmiddellik voor die "Ten bewyse waarvan"-klousule ingevoeg word: Met dien verstande dat dit slegs van toepassing is op skenkings aangegaan voor 19 Oktober 1982.

Laat weg wat nie van toepassing is nie.";

(b) deur die byvoeging van die volgende vorm:

"VORM JJJ

Verlore of vernietigde Titelbewys

Hiermee word kennis gegee dat kragtens die bepalings van regulasie 68 van die Registrasie van Aktes Wet, 1937, dit die voorneme is om aansoek te doen om 'n gesertifiseerde afskrif van .....(beskryf hier die akte) gepasseer deur..... ten gunste van ..... *ten aansien van sekere .....(voeg hier in die beskrywing van die eiendom uitsluitende die grootte) wat verlore geraak het of vernietig is.

Alle persone wat teen die uitreiking van sodanige afskrif beswaar het, word hierby versoek om dit skriftelik in te dien by die Registrateur van Aktes te ..... binne twee weke ná datum van publikasie van hierdie kennisgewing.

Gedateer te ..... op hede die ... dag van .....
.....
Aansoeker
Adres
E-pos adres
Kontak nommer

* Skrap die verwysing na eiendom in geval van notariële verbande."; en

(c) deur die byvoeging van die volgende vorm:

"**VORM KKK**

KANSELLASIE VAN VERLORE OF VERNIETIGDE VERBAND

Hiermee word kennis gegee dat kragtens die bepalings van regulasie 68 van die Aktes Wet, 1937, dit die voorneme is om aansoek te doen om die kansellasie van ..... (voeg hier in die verbandkode, nommer en jaar) gepasseer deur .....vir die kapitale bedrag van ..... ten gunste van ..... *ten aansien van sekere .....(voeg hier in die beskrywing van die eiendom, uitsluitende die grootte) wat verlore geraak het of vernietig is.

Alle persone wat teen die sodanige kansellering beswaar het, word hierby versoek om dit skriftelik in te dien by die Registrateur van Aktes te ..... binne twee weke ná datum van publikasie van hierdie kennisgewing.

Gedateer te ..... op hede die ..... dag van .....

.....

Aansoeker

Adres

E-pos adres

Kontak nommer

* Skrap die verwysing na eiendom in geval van notariële verbande.".

Kort titel

4. Hierdie regulasies heet die Aktesregistrasie Wysigingsregulasies, 2019.

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