DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

NO. R. 1158 30 OCTOBER 2020

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

AMENDMENT OF THE RULES REGULATING THE CONDUCT OF THE PROCEEDINGS OF THE SUPREME COURT OF APPEAL 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:

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

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

Definition

1. In this Schedule "the Rules" means the Rules Regulating the Conduct of the Proceedings of the Supreme Court of Appeal of South Africa published under Government Notice No. R. 1523 of 27 November 1998, as amended by Government Notice Nos. R. 979 of 19 November 2010, R. 191 of 11 March 2011, R. 113 of 15 February 2013, R. 1055 of 29 September 2017, R. 1318 of 30 November 2018, R. 842 of 31 May 2019 and R. 858 of 7 August 2020.

Amendment of rule 11 of the Rules

2. Rule 11 of the Rules is hereby amended by the substitution in subrule (1) for the words preceding paragraph (*a*) of the following words:
"Powers
(1) The President or the Court may **[*mero motu*]** of own accord, on request or application—"

Amendment of rule 13 of the Rules

3. Rule 13 of the Rules is hereby amended—
(a) by the substitution for subrule (1) of the following subrule:
"Notification
(1) The registrar shall, subject to the directions of the President, notify each party **[by registered letter]** electronically of the date of hearing: Provided that where electronic notification is not possible the registrar shall notify the party concerned, by registered letter."; and

(b) by the substitution for subrule (2) of the following subrule:
"Address
(2) (a) Where notification in terms of subrule (1) is given electronically, the provisions of Chapter III, Part 2 of the Electronic Communications and Transactions Act, 2002 (Act No. 25 of 2002) shall apply.
(b) A registered letter **[forwarded]** sent to a party's last known address shall be deemed to be sufficient notice of the date of the hearing.".

Amendment of rule 17 of the Rules

4. Rule 17 of the Rules is hereby amended—
(a) by the substitution for subrule (1) of the following subrule:
"Taxation
(1) The costs incurred in any appeal or application shall be taxed by the registrar who, when exercising this function, shall be called the taxing master, but **[his or her]** the taxation shall be subject to review in terms of subrule (3).";

(b) by the substitution for subrule (3) of the following subrule:
"Statement of case
(3) Any party dissatisfied with the ruling of the taxing master as to any item or part of an item which was objected to or disallowed **[*mero motu*]** by the taxing master of own accord, may within 20 days of the **[*allocatur*]** amount taxed and allowed require the taxing master to state a case for the decision of the President, which case shall set out each item or part of an item together with the grounds of objection advanced at the taxation, and shall embody any relevant findings of facts by the taxing master.";

(c) by the substitution for subrule (4) of the following subrule:

"Contentions of parties

(4) The taxing master shall supply a copy of the stated case to each of the parties, who may within 15 days of receipt of the copy submit contentions in writing thereon, including grounds of objection not advanced at the taxation, in respect of any item or part of an item which was objected to before the taxing master or disallowed **[*mero motu*]** by the taxing master of own accord.";

(d) by the substitution for subrule (5) of the following subrule:

"Report

(5) Thereafter the taxing master shall frame **[his or her]** a report and supply a copy thereof to each of the parties and shall forthwith lay the case, together with the contentions of the parties thereon and **[his or her]** such report, before the President.";

(e) by the substitution in subrule (6) for paragraph *(a)* of the following paragraph:

"Hearing of review

(6) (a) The President or a judge or judges designated by **[him or her]** the President may—

(i) decide the matter upon the merits of the case and submissions so submitted;

(ii) require any further information from the taxing master;

(iii) if deemed fit, hear the parties or their advocates or attorneys in chambers; or

(iv) refer the case for decision to the Court."; and

(f) by the substitution for subrule (7) of the following subrule:

"(7) The judge, judges or **[court]** Court deciding the matter may make such order as to costs of the case as deemed fit, including an order that the unsuccessful party pay to the successful party the costs of review in a sum fixed by the judge, the judges or the Court.".

Commencement

5. These Rules come into operation on **1 December 2020.**