DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

NO. R. 2135 3 June 2022

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 for Justice and Correctional Services, made the rules in the Schedule.

SCHEDULE

GENERAL EXPLANATORY NOTE:

1	1	Words or expressions in bold type in square brackets indicate omissions from the existing rules.
<u> </u>		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, R. 858 of 7 August 2020, R. 1158 of 30 October 2020 and R. 1602 of 17 December 2021.

Amendment of rule 15 of Rules

- 2. Rule 15 of the Rules is hereby amended—
- (a) by the substitution of the heading for the following heading:

"Legal assistance to indigent persons";

- (b) by the substitution for subrule (1) of the following subrule:
 - "(1) (a) Any party who is a natural person, [and] who is of the opinion that he or she is indigent, and who does not qualify for legal aid, or who requires to continue as an indigent litigant in an appeal already commenced may request the registrar for leave to prosecute or defend an appeal [in forma pauperis] as an indigent litigant, and if it appears to the

registrar that such person is as contemplated by subrule (2), the registrar shall refer such person to an attorney and an advocate.

- (b) Where a person applies to continue as an indigent litigant in an appeal already commenced, such person may do so by proceeding in terms of the provisions of this rule but in addition, he or she shall—
- (i) set out the alteration in his or her circumstances which renders it

 necessary to continue to prosecute or defend an appeal as an indigent

 litigant; and
- (ii) give notice of the application to the opposite party.
- (c) In the event of the opposite party raising an objection to the granting of such an application, the applicant must apply formally to the court for such leave, after giving proper notice to the other side.".
- (c) by the substitution for subrule (2) of the following subrule:
 - "(2) A party shall be deemed to be indigent if **[he or she]**that party can satisfy the registrar that, except for household goods, wearing apparel and tools of trade **[he or she]** such party is not possessed of property to the amount of **[R10 000]** R640 000 and will not be able within a reasonable time to provide such sum from **[his or her]** own earnings or obtain legal aid.";
- (d) by the substitution for subrule (3) of the following subrule:
 - "(3) No such request shall be lodged with the registrar unless the opposite party has been asked and has failed or refused to consent to the applicant proceeding [in forma pauperis] as an indigent litigant within one month thereafter."; and
- (e) by the substitution for subrule (5) of the following subrule:
 - "(5) Whenever a party obtains leave to prosecute or defend an appeal [in forma pauperis] as an indigent litigant that party shall not be

required to lodge security in terms of these rules for the costs of the opposite party [or to pay any court fees] notwithstanding the existence of any order referred to in rule 9(1).".

Amendment of rule 18 of the rules

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

"Attorneys' fees

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

A - TAKING INSTRUCTIONS

RC

		R.C.
1.	(a)	To note an appeal or cross-appeal when leave to appeal is
		not required per quarter of an hour—
		(i) by an attorney[328,00]357,00
		(ii) by a candidate attorney[102,00]111,00
	(b)	To prosecute or defend an appeal, including continuation of a cross-appeal
		per quarter of an hour—
		(i) by an attorney[328,00]357,00
		(ii) by a candidate attorney
	(c)	To make or oppose an application per quarter of an hour—
		(i) by an attorney
		(ii) by a candidate attorney
2.	Tod	raft any application or affidavit per page[131,50]143,00
		B – PREPARATION OF RECORDS
		R.c
1.	Mak	ing, for the purpose of preparing copies of the record on appeal (except where
	a ch	arge is made under paragraph 5 hereof), a copy of such particulars of the
	reco	rd as were not in the possession of the appellant or his or her attorney at the
	time	when the order appealed from was made, per
	page	[4,50] 5,0
	<u>o</u>	
2.	Arra	nging record for printing or typing, excluding unnecessary documents
	there	efrom, and preparing an index and list of documents not included in the record
	on a	ppeal, per quarter of an hour or part thereof—
	(i)	by an attorney[328,00]357,00
	(ii)	by a candidate attorney[102,00]111,00
3.	Corr	ecting typed copy, per quarter of an hour or part thereof—
	(i) b	y an attorney[328,00]357,00
	(ii) b	y a candidate attorney[102,00]111,00

4.	Attending at the office of the registrar or officer of the court appealed from to peruse or authenticate the record, per quarter of an hour or part thereof —
5.	(i) by an attorney
	page[4,50] <u>5,00</u>
	C - PERUSAL
	R.c
1.	(a) Perusing judgment of court a quo when taking instructions for the continuation of an appeal or cross-appeal, where leave to appeal is not required, per page
	 (b) Perusing record of appeal, for each page
2.	page [6,50] 7.50 Perusing any plan, diagram, photograph or other annexure to the record to which
	the remuneration hereinbefore set out cannot be applied per page [66,50]72,00
3.	(a) Attendance on and perusal of any application or affidavit or any other document not elsewhere provided for, per page[66,50]72,00
	(b) Attendance on and perusal of any annexure to an application and answering affidavit, per page[6,50]7,50
	(c) Attendance on and perusal of an application or affidavit composed or corrected by counsel, per page
4.	Attendance on and perusal of heads of argument, excluding annexures for example unreported judgments of court or copies of publications attached as confirmation of
	heads of arguments, per page[66,50]72,00
	D - ATTENDANCE
	R.c
1.	Any formal attendance on an acknowledgement, receipt, etc [66,50]72,00
2.	 (a) Attendance on any letter or document
	(i) by an attorney
	(ii) by a candidate attorney
	(c) Attendance on telephone calls, the actual costs thereof, plus for every five minutes or part thereof —
	(i) by an attorney
3.	(a) Attendance at office of registrar to deliver a letter or document, or to uplift an order, etc, per quarter of an hour or part thereof—
	(i) by an attorney

(b)	Attendance on business other than formal business, per quarter of an hour o part thereof—	r
	(i) by an attorney	ĺ
	(ii) by a candidate attorney[102,00]111,00	
(a)		
/h)	altitus was altitus was de la variable de la company de la	
(0)	그는 이 그는 그는 이 나는 가는 그는 아무리를 받는데 되었다면 하는데 그는 그들은 사람들이 되었다면 하는데 그는 그는 이 사람들이 되었다면 하는데 그는	
Atte		h
(a)		
(b)		
Atte	ndance at court on hearing of appeal or application, per quarter of an hour o	r
(a)	(A) 5	
(p)	by a candidate attorney[102,00]111,00	
	E - DRAWING UP OF DOCUMENTS	
		į
	c	
Any	application or affidavit, per page[131,50]143,00	
Instr		
(a)		
0.3711033	Paradition of the form of the properties of the	Title 1
(c)	그리는	
Desi		
		î
		7
	보이면 함께는 그렇게 그렇게 되었다. 얼굴은 아이에는 얼마 집에 되어 그래? 그래는 그리는 그리는 그리는 그리는 그리는 그리는 그리는 그리는 그리는 그리	
		-
	F _ COPYING	
		C
	(a) (b) Atter (a) (b) Any Instr (a) (b) (c) Draw per Lette Draw Draw	part thereof— (i) by an attorney. [328,00]357,00 (ii) by a candidate attorney. [102,00]111,00 (a) Attendance at any consultation with counsel or client— (i) by an attorney. [328,00]357,00 (ii) by a candidate attorney. [102,00]111,00 (b) A comprehensive fee for attendance, obtaining and payment of counsel for noting of judgment per quarter of an hour— (i) by an attorney. [328,00]357,00 (ii) by a candidate attorney. [102,00]111,00 Attendance at court to note judgment per quarter of an hour— (a) by an attorney. [328,00]357,00 (b) by a candidate attorney. [102,00]111,00 Attendance at court on hearing of appeal or application, per quarter of an hour or part thereof— (a) by an attorney. [328,00]357,00 (b) by a candidate attorney. [102,00]111,00 E - DRAWING UP OF DOCUMENTS C Any application or affidavit, per page. [131,50]143,00 Instructions to counsel— (a) on appeal per page. [131,50]143,00 (b) on application per page. [131,50]143,00

G - BILLS OF COSTS

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

- For drawing up the bill of costs, making the necessary copies and attending settlement, 11 per cent of the attorney's fees, either as charged in the bill, if not taxed or as allowed on taxation.
- In addition to the fees charged under paragraph 1, if recourse is had to taxation for arranging and attending taxation, and obtaining consent to taxation, 11 per cent on the first R10 000,00 or portion thereof, 6 per cent on the next R10 000,00 or portion thereof and 3 per cent on the balance of the total amount of the bill."

Commencement

4. These Rules come into operation on 08 July 2022.

DEPARTEMENT VAN JUSTISIE EN STAATKUNDIGE ONTWIKKELING

NO. R. 2135 3 Junie 2022

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

REËLS WAARBY DIE VERRIGTINGE VAN DIE HOOGSTE HOF VAN APPÈL 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 vir Justisie en Korrektiewe Dienste, die reëls in die Bylae gemaak.

BYLAE

[] Woorde of uitdrukkings in vetdruk in vierkantige hakies dui op weglatings uit bestaande reëls Woorde of uitdrukkings met 'n volstreep daaronder dui op invoegings in bestaande reëls.

Woordomskrywing

ALGEMENE VERDUIDELIKENDE NOTA:

In hierdie Bylae beteken "die reëls" die Reëls waarby die verrigtinge van die Hoogste Hof van Appèl van Suid-Afrika gereël word, afgekondig in Goewermentskennisgewing No. R. 1523 van 27 November 1998, soos gewysig deur Goewermentskennisgewings R. 979 van 19 November 2010, R. 191 van 11 Maart 2011, R. 113 van 15 Februarie 2013, R. 1055 van 29 September 2017, R. 1318 van 30 November 2018, R. 842 van 31 Mei 2019, R. 858 van 7 Augustus 2020, R. 1158 van 30 Oktober 2020 en R. 1602 van 17 Desember 2021.

Wysiging van reël 15 van Reëls

- 2. Reël 15 van die Reëls word hierby gewysig-
- (a) deur die opskrif deur die volgende opskrif te vervang:

"Regshulp aan behoeftige persone";

- (b) deur subreël (1) deur die volgende subreël te vervang:
 - "(1) (a) Enige party wat 'n natuurlike persoon is, [en] wat van mening is dat hy of sy behoeftig is, en wat nie vir regshulp kwalifiseer nie, of wat as 'n behoeftige gedingvoerder in 'n appèl wat reeds 'n aanvang geneem het, moet voortgaan, kan by die griffier aansoek doen om [in forma

pauperis] as 'n behoeftige gedingvoerder 'n appèl voort te sit of te verdedig en indien dit vir die griffier wil voorkom dat daardie persoon 'n persoon beoog in subreël (2) is, moet die griffier daardie persoon na 'n prokureur en 'n advokaat verwys.

- (b) Waar 'n persoon aansoek doen om voort te
 gaan as 'n behoeftige gedingvoerder in 'n appèl wat reeds in aanvang
 geneem het, kan sodanige persoon dit doen deur ingevolge die bepalings van
 hierdie reël voort te gaan, maar daarbenewens moet hy of sy—
- (i) die verandering in sy of haar omstandighede uiteensit wat dit nodig

 maak om as 'n behoeftige gedingvoerder voort te gaan met die

 vervolging of verdediging van 'n appèl; en
- (ii) kennis van die aansoek aan die teenparty gee.
- (c) Indien die teenparty teen die toestaan van sodanige aansoek beswaar aanteken, moet die applikant formeel by die hof aansoek doen om sodanige toestemming, nadat behoorlik kennis aan die teenparty gegee is."
- (c) deur subreël (2) deur die volgende subreël te vervang:
 - "(2) 'n Party word geag behoeftig te wees indien [hy of sy] daardie party die griffier daarvan kan oortuig dat, met uitsondering van huisraad, klere en ambagsgereedskap, [hy of sy] daardie party minder as [R10 000] R640 000 aan waarde besit en nie binne 'n redelike tyd sodanige bedrag uit [sy of haar] eie verdienste sal kan bybring nie of regshulp sal verkry nie.";
- (d) deur subreël (3) deur die volgende subreël te vervang:
 - "(3) Sodanige versoek mag nie by die griffier ingedien word nie tensy die teenparty wie se toestemming gevra is, versuim het om dit binne een maand te verskaf of toestemming geweier het om die applikant die

verrigtinge [in forma pauperis] as 'n behoeftige gedingvoerder te laat voortsit."; en

- (e) deur subreël (5) deur die volgende subreël te vervang:
 - "(5) Indien 'n party verlof toegestaan is om 'n appèl [in forma pauperis] as 'n behoeftige gedingvoerder voort te sit of te verdedig, kan die verskaffing van sekuriteit ingevolge hierdie reëls vir die koste van die teenparty [of die betaling van enige hofgelde] nie van die party geëis word nie, ondanks die bestaan van 'n bevel in reël 9(1) bedoel.".

Wysiging van reël 18 van die reels

3. Die reëls word hierby gewysig deur reël 18 deur die volgende reël te vervang:

"Prokureursgelde

18. Die volgende gelde word toegelaat vir prokureurs wat appèlle of ander sake voor die Hof voer:

A - NEEM VAN INSTRUKSIES

R.s

- - (b) Om 'n appèl voort te sit of te verdedig, insluitende voortsetting van 'n teenappèl per kwartier van 'n uur—
 - (c) Om 'n aansoek te doen of dit te bestry per kwartier van 'n uur-
- - B VOORBEREIDING VAN STUKKE

R.s

 Die maak van 'n afskrif van besonderhede van die stukke wat nie in besit van die appellant of sy of haar prokureur was toe die bevel waarteen geappelleer word, uitgevaardig is nie, met die doel om afskrifte van die oorkonde van appèl (behalwe waar 'n bedrag kragtens paragraaf 5 hiervan gevorder word) voor te berei, per bladsy

.....[**4,50**]<u>5,00</u>

2.	Rangskikking van stukke vir druk of tik, met uitsluiting van onnodige dokumente, en voorbereiding van 'n inhoudsopgawe en lys van dokumente nie ingesluit in die oorkonde van appèl nie, per kwartier van 'n uur of gedeelte daarvan — (i) deur 'n prokureur
3.	(ii) deur 'n kandidaatprokureur
4.	Opwagting by die kantoor van die griffier of beampte van die hof waarvandaan geappelleer word, om die oorkonde na te gaan of te laat waarmerk, per kwartier van 'n uur of gedeelte daarvan—
	(i) deur 'n prokureur
5.	Maak van getikte afskrifte van die oorkonde van appèl en betoogpunte, per
	bladsy[4,50] <u>5,00</u>
	C – NAGAAN
	R.s
1.	(a) Nagaan van die hofuitspraak a quo wanneer instruksies geneem word vir die voortsetting van 'n appèl of teenappèl, waar verlof om te appelleer nie 'n vereiste is nie, per bladsy
	(b) Nagaan van die oorkonde van appèl vir elke bladsy[6,50]7,50
	(c) Nagaan van die hofuitspraak a quo waarby verlof om te appelleer geweier word, wanneer instruksies geneem word om aansoek te doen om verlof om na die Hof te appelleer, per bladsy
2.	Nagaan van enige plan, skets, foto of ander aanhangsel van die stukke waarop die
	vergoeding hierbo uiteengesit, nie toegepas kan word nie, per
3.	bladsy
J.	enige ander dokument waarvoor nie elders voorsiening gemaak word nie, per bladsy
	(b) Aandag gee aan en nagaan van enige aanhangsel van 'n aansoek en antwoordende verklaring, per bladsy
	(c) Aandag gee aan en nagaan van 'n aansoek of beëdigde verklaring wat deur
	'n advokaat opgestel of nagesien is, per
4	bladsy[16,00]18,00
4.	Aandag gee aan en nagaan van betoogpunte met uitsluiting van aanhangsels soos byvoorbeeld ongerapporteerde hofuitsprake of afskrifte van publikasies wat ter
	stawing van betoogpunte aangeheg is, per bladsy[66,50]72,00
	D – BEHARTIGING R.s
1.	Enige formele behartiging van 'n erkenning, ontvangs, ens [66,50]72,00
2.	 (a) Behartiging van enige brief of dokument
	(i) deur 'n prokureur

	(c) Behartiging van telefoonoproepe vir elke vyf minute of gedeelte daarvan— (i) deur 'n prokureur	-
3.	 (ii) deur 'n kandidaatprokureur	
	(i) deur 'n prokureur	
	(b) Behartiging van besigheid wat nie formeel is nie, per kwartier van 'n uur o	
	gedeelte daarvan— (i) deur 'n prokureur	1
	(ii) deur 'n kandidaatprokureur	
4.	 (a) Opwagting by enige samesprekings met 'n advokaat of kliënt per kwartier va 	n
	'n uur of gedeelte daarvan —	
	(i) deur 'n prokureur	
	(b) 'n Allesinsluitende bedrag vir opwagtings, verkryging en betaling van 'advokaat om 'n uitspraak te noteer —	
	(i) deur 'n prokureur)
	(ii) deur 'n kandidaatprokureur[102,00]111,00	2
5.	Opwagting by hof om vonnis te noteer per kwartier van 'n uur—	277
	(a) deur 'n prokureur	5340
6.	(b) deur 'n kandidaatprokureur	
٠.	gedeelte daarvan—	53
	(a) deur 'n prokureur[328,00]357,0	0
	(b) deur 'n kandidaatprokureur	0
	E - OPSTEL VAN DOKUMENTE	
	R	
1. 2.	Enige aansoek of beëdigde verklaring, per bladsy[131,50]143,0 Instruksies aan advokaat—	<u>0</u>
	(a) by appèl per bladsy[131,50]143,0	
	(b) by aansoek per bladsy	-
	(c) in geregverdigde gevalle, vir die opstel of nasien van 'n aansoek of beëdigd verklaring vir 'n aansoek om verlof om te appelleer of bestryding daarvan pe	
	bladsy[131,50]143,00	
3.	Opstel van kennisgewing van appèl of ander nodige kennisgewings,	
	per bladsy[131,50]143,0	
4.	Briewe, per bladsy, insluitende afskrif om te hou[131,50]143,0	
5. 6	Opstel van volmag, per bladsy	
6. 7.	Opstel van kort opdrag aan advokaat, per bladsy[131,50]143,00 Opstel van borgakte, per bladsy[131,50]143,00	
	F – MAAK VAN AFSKRIFTE	

Ander dokumente waarvoor nie spesiaal voorsiening gemaak is nie, per bladsy [4,50]5,00

R.s

G - KOSTEREKENINGE

In verband met 'n kosterekening vir werk gedoen of dienste gelewer deur 'n prokureur, is sodanige prokureur daarop geregtig om die volgende te vorder:

- Vir die opstel van die kosterekening, die maak van die nodige afskrifte en opwagting by afrekening, 11 persent van die prokureursgelde, hetsy soos in die rekening gehef indien nie getakseer nie of soos by taksasie toegelaat.
- 2. Benewens die gelde kragtens paragraaf 1 gehef, indien tot taksasie oorgegaan word vir reëling en behartiging van taksasie, en verkryging van toestemming tot taksasie, 11 persent op die eerste R10 000.00 of gedeelte daarvan, 6 persent op die volgende R10 000.00 of gedeelte daarvan en 3 persent op die balans van die totale bedrag van die rekening.".

Inwerkingtreding

Hierdie Reëls tree in werking op 08 Julie 2022.