

Amendment of rule 68 of the Rules

4. Rule 68 of the Rules is hereby amended by the substitution for the Tariff of the following Tariff:

"TARIFF"

| Item | R c |
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| 1. For registration of any document for service or execution, upon receipt thereof. | [14,50] 16,00 |
| 2. (a) For service of summonses, notices of motion, other notices, orders or any other documents, each | [92,50] 99,00 |
| Provided that— | |
| (i) Whenever any document to be served with any such process is mentioned in the process or forms an annexure thereto, no additional fee shall be charged for the service of such document, but otherwise a fee of [R14,50] R16,00 may be charged in respect of each separate document served; | |
| (ii) No fee for the service of a separate document shall be charged in respect of the service of process in criminal cases. | |
| (b) Attempted service of summonses, notices of motion, other notices, orders and any other documents: Provided that an attempted service of more than one document on the same person shall be treated as an attempted service of one document only. | [69,00] 74,00 |
| 3. Travelling allowance: | |
| (a) For the distance actually and necessarily travelled by the sheriff or his or her officer, reckoned, subject to item 3(c) and (d), from the office of the sheriff, both on the forward and the return journey, per kilometre or part thereof. | R7,50 |
| (b) When two or more summonses or other process, whether at the instance of the same party or of different parties, are capable of being served on one and the same journey, the travelling allowance for performing the round of service shall be fairly and equitably apportioned among the several cases, regard being had to the distance at which the parties against whom such process is directed respectively reside from the office of the sheriff, but the fee for service shall be payable for each service made or attempted to be made. | |
| (c) The travelling allowance mentioned in item 3(a) and (b) shall be calculated on the distance reckoned from the office of the sheriff if- | |
| (i) the sheriff's office is situated within the area of jurisdiction allocated to the sheriff by the Minister; and | |
| (ii) the distance from the sheriff's office is less than the distance reckoned from the court-house closest to the address for service. | |
| (d) If the requirement in item 3(c) is not met, then the travelling allowance mentioned in item 3(a) and (b) shall be calculated on the distance reckoned from the court-house closest to the address for service. | |
| 4. (a) Postage in civil matters, as per postal tariff. | |
| (b) Postage in criminal matters, free. | |

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| NOTE: The sheriff may take any postal matter to the registrar of the High Court, or if there is no registrar in his or her town or city, to the magistrate, who shall frank the envelope with his or her official franking stamp. | |
| 5. For the execution of any writ- | |
| (a)(i) of personal arrest, including the conveyance of the person concerned to court, to an attorney's office or to a prison, per person | [115,50] 124,00 |
| (ii) for conveying the person concerned to court from a place of custody on a day subsequent to the day of arrest and attending at court, per hour or part thereof | [137,50] 148,00 |
| (iii) for attachment of property <i>ad fundandam jurisdictionem</i> or <i>ad confirmandam jurisdictionem</i> | [115,50] 124,00 |
| (iv) where an attachment in terms of item 5(a)(iii) is withdrawn or suspended; | [32,50] 35,00 |
| (b)) of ejectment: [R137,50] R342,00 [per] for the first hour or part thereof, [subject to a minimum of which shall include the first hour] and thereafter R158,00 per every half hour or part thereof (in addition to reasonable expenses necessarily incurred); | [205,00] |
| (c) against immovable property— | |
| (i) for execution, including service of notice of attachment upon the owner of the immovable property and upon the registrar of deeds or other officer charged with the registration of such property, and if the property is in occupation of some person other than the owner, also upon such occupier | [273,50] 293,00 |
| (ii) for notice of attachment to a single lessee or occupier (identical notices where there are several lessees, occupiers or owners, for each after the first) | [25,50] 27,00 [9,50] 10,00 |
| (iii) for making valuation report for purposes of sale per half hour or part thereof | [69,00] 74,00 |
| (iv) when— (aa) a sheriff has been authorised to sell property and the property is not sold by reason of the fact that the attachment is withdrawn or stayed, all the necessary notice for the withdrawal or stay of the attachment (bb) upliftment of judicial attachment on immovable property occurs | [273,50] 293,00 [273,50] 293,00 |
| (v) for ascertaining and recording what bonds or other encumbrances are registered against the property, together with the names and addresses of the persons in whose favour such bonds and encumbrances are so registered, including any correspondence in connection therewith (in addition to reasonable expenses necessarily incurred) | [137,50] 148,00 |
| (vi) for notifying the execution creditor of such bonds or other encumbrances and of the names and addresses of the persons in whose favour such bonds or other encumbrances are registered | [25,50] 27,00 |
| (vii) for consideration of proof that a preferent creditor has complied with the requirements of rule 46(5)(a) | [14,50] 16,00 |
| (viii) for the notice referred to in rule 46(6) | [25,50] |

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| | <u>27,00</u> |
| (ix) for consideration of notice of sale prepared by the execution creditor in consultation with the sheriff; and | |
| (x) for verifying that notice of sale has been published in the newspapers indicated and in the <i>Gazette</i> inclusive fee for (ix) and (x) | [137,50] <u>148,00</u> |
| (xi) for forwarding a copy of the notice of sale to every judgment creditor who had caused the immovable property to be attached and to every mortgagee thereof whose address is known, for each copy | [25,50] <u>27,00</u> |
| (xii) for affixing a copy of the notice of sale to the notice board of the magistrate's court referred to in rule 46(7)(e) and at or as near as may be to the place where the sale is actually to take place, an inclusive fee of [R58,00] <u>R62,00</u> and travelling costs referred to in item 3 | |
| (xiii) for— | [137,50] <u>148,00</u> |
| (aa) considering the conditions of sale prepared by the execution creditor | |
| (bb) considering further or amended conditions of sale submitted by an interested party | [137,50] <u>148,00</u> |
| (cc) settling of conditions of sale | [137,50] <u>148,00</u> |
| (dd) all necessary attendances prescribed by any law related to auctions, in particular the Consumer Protection Act, 2008 (Act No. 68 of 2008) | [414,50] <u>445,00</u> |
| (ee) the conducting of an auction, save that this fee may not be charged if commission is claimed in terms of item (xiv) | [273,50] <u>293,00</u> |
| (xiv) on the sale of immovable property by the sheriff as auctioneer, 6 per cent on the first R100 000,00, 3,5 per cent on R100 001,00 to R400 000,00 and 1,5 per cent on the balance of the proceeds of the sale, subject to a maximum commission of R40 000,00 in total and a minimum of R3 000,00 (inclusive in all instances of the sheriff's bank charges and other expenses incurred in paying the proceeds into his or her trust account), which commission shall be paid by the purchaser; | |
| (xv) for — | |
| (aa) written notice to the purchaser who has failed to comply with the conditions of sale | [69,00] <u>74,00</u> |
| (bb) any report referred to in rule 46(11) | [69,00] <u>74,00</u> |
| (cc) informing judgment debtor of the cancellation referred to in rule 46(11)(a)(iii) | [25,50] <u>27,00</u> |
| (dd) giving notice referred to in rule 46(11)(c) | [25,50] <u>27,00</u> |
| (xvi) for giving transfer to the purchaser | [32,50] <u>35,00</u> |
| (xvii) for— | [25,50] |

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| (aa) receipt of certificate referred to in rule 46(14)(a) | <u>27,00</u> |
| (bb) preparing a plan of distribution of the proceeds (including the necessary copies) and for forwarding a copy to the registrar | [137,50] <u>148,00</u> |
| (xviii) for giving notice to all parties who have lodged writs and to the execution debtor that the plan of distribution will lie for inspection, for every notice | [25,50] <u>27,00</u> |
| (xix) for the report referred to in rule 46A(9)(d) | [69,00] <u>74,00</u> |
| (d) against movable property— | |
| (i) when a writ is paid on presentation, 9 per cent on the amount so paid, with a minimum fee of [R93,00] <u>R100,00</u> and a maximum of | [908,00] <u>974,00</u> |
| (ii) for any abortive attempt at attachment, including one hour's search and enquiry | [93,00] <u>100,00</u> |
| (iii) when a writ is withdrawn or stayed before any property is attached | [30,00] <u>32,00</u> |
| (iv) for making an attachment, including one hour's search and enquiry | [208,00] <u>223,00</u> |
| (v) notice of attachment, if necessary, to a single person (identical notices, when there is more than one person to be given notice, for each after the first) | [24,50] <u>26,00</u> [14,50] <u>16,00</u> |
| (vi) when an attachment is withdrawn by a judgment creditor or stayed before sale, 3 per cent on the value of the property attached or the amount of the writ, whichever is the lesser, but subject to a maximum of | [626,50] <u>672,00</u> |
| (vii) when a writ is paid by the debtor to the sheriff after attachment but before sale, 9 per cent on the amount so paid, with a minimum fee of [R93,00] <u>R100,00</u> and a maximum of | [908,00] <u>974,00</u> |
| (viii) when moneys are taken in execution, 9 per cent of the amount so taken, but subject to a maximum of | [908,00] <u>974,00</u> |
| (ix) for drawing up advertisements of sale of goods attached | [93,00] <u>100,00</u> |
| (x) for selling in execution, including distribution of the proceeds, on the first R15 000,00 or part thereof, 9 per cent, and thereafter, 6 per cent, with a maximum of | [12706,50] <u>13 634,00</u> |
| (xi) | |
| (xii) commission shall not be chargeable against a judgment debtor on the value of movable property attached and subsequently claimed by a person other than the judgment debtor and released in consequence of such claim, unless such property has been attached at the express direction of the judgment creditor, in writing, in which event the judgment creditor shall be liable to the sheriff for the commission; | |
| (xiii) for insuring movable property attached when it is considered necessary and when the sheriff is directed thereto in writing by the judgment creditor, in addition to the amount of premium paid, an inclusive fee of | [49,00] <u>53,00</u> |
| (e) for keeping possession of property (money excluded)— | |

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| (i) for each officer necessarily left in possession, a reasonable inclusive fee per officer per day not exceeding | [172,50] <u>185,00</u> |
| NOTE: 'Possession' means the continuous and necessary presence on the premises for the period in respect of which possession is reckoned, of a person employed and paid by the sheriff for the sole purpose of retaining possession | |
| (ii) for removal and storage, the reasonable and necessary expenses for such removal and storage, and if an animal is to be stabled or fed, the reasonable charges for such stabling and feeding; | |
| (iii) for tending livestock, the necessary expenses for tending such stock; | |
| (iv) when no officer is left in possession and no security bond is taken, but movable property attached remains under the supervision of the sheriff, per day | [7,00] <u>8,00</u> |
| 6. (a) For making an inventory, including all necessary copies and time spent in stocktaking, per hour or part thereof | [172,50] <u>185,00</u> |
| (b) For assistance, where necessary, in taking inventory, a reasonable and inclusive fee per day, not exceeding | [172,50] <u>185,00</u> |
| 7. (a) For making return of service or execution, including drawing up and typing of original for court, limited to one person upon each original process; and | |
| (b) copy thereof for party desiring service or execution. | [57,00] <u>61,00</u> |
| 8. Drawing and completing of bail bond, deed of suretyship or indemnity bond. | [34,00] <u>36,00</u> |
| 9. For the making of all necessary copies of documents per A4 size page. | [7,50] <u>8,00</u> |
| 10. | |
| 11. Attending any criminal session of a superior court or any circuit court, [R137,50]R148,00 per hour or part thereof, with a maximum per day of | [626,50] <u>672,00</u> |
| 12. For the writing of each necessary letter, facsimile or electronic mail excluding formal letters accompanying process or returns | [25,50] <u>27,00</u> |
| 13. Each necessary attendance by telephone: | [22,00] <u>24,00</u> |
| 14. Sending and receiving of each necessary facsimile or electronic mail per page (in addition to telephone charges): | [9,50] <u>10,00</u> |
| 15. Bank charges: Actual costs incurred regarding bank charges | |
| 16. For interpleaders referred to in rule 58. | [873,00] <u>937,00</u> |
| 17. (a) Where the mandator instructs the sheriff, in writing, to serve or execute a document referred to in item 2 or 5 on an urgent basis or after hours, the sheriff shall charge an additional fee, irrespective of whether the service or execution was successful, and such additional fee shall be paid by the mandator, save where the court orders otherwise. | [308,00] <u>330,00</u> |
| (b) For the purpose of paragraph (a)— | |
| (i) "urgent" means on the same day or within twenty four hours of the written instruction; and | |

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| (ii) | “after hours” means any time— | |
| | (aa) before 7h00 or after 19h00 on Mondays to Fridays; or | |
| | (bb) on a Saturday, Sunday or public holiday.” | |

Amendment of rule 70 of the Rules

5. Rule 70 of the rules is hereby amended by the substitution for the Tariff of Fees of Attorneys of the following Tariff of Fees of Attorneys:

"TARIFF OF FEES OF ATTORNEYS

A – CONSULTATIONS, APPEARANCES, CONFERENCES AND INSPECTIONS

1. Consultation with a client and witnesses to institute or to defend an action, for advice on evidence or advice on commission, for obtaining an opinion or an advocate's guidance in preparing pleadings, including exceptions, and to draft an affidavit, per quarter of an hour or part thereof—
 - (a) by an attorney.....[R388,00]R417,00
 - (b) by a candidate attorney.....[R120,50]R130,00

2. Consultation to note, prosecute or defend an appeal, per quarter of an hour or part thereof—
 - (a) by an attorney[R388,00]R417,00
 - (b) by a candidate attorney[R120,50]R130,00

3. Attendance by an attorney in court at proceedings in terms of rule 37 of these Rules, per quarter of an hour or part thereof[R388,00]R417,00

4.
 - (a) Attendance by an attorney, where necessary, to assist at a contested proceeding, per quarter of an hour or part thereof.....[R388,00]R417,00
 - (b) Attendance by a candidate attorney, where necessary, to assist at a contested proceeding, per quarter of an hour or part thereof[R120,50]R130,00

5. Any conference with an advocate, with or without witnesses, on pleadings, including exceptions and particulars to pleadings, applications, affidavits and testimony, and on any other matter which the taxing officer may consider necessary, per quarter of an hour or part thereof—
 - (a) by an attorney.....[R388,00]R417,00
 - (b) by a candidate attorney.....[R120,50]R130,00

6. Any other conference which the taxing officer may consider necessary, per quarter of an hour or part thereof—
 - (a) by an attorney[R388,00]R417,00
 - (b) by a candidate attorney[R120,50]R130,00