

No.R. 760

11 October 2013

RULES BOARD FOR COURTS OF LAW ACT, 1985 (ACT NO. 107 OF 1985)**AMENDMENT OF RULES REGULATING THE CONDUCT OF THE PROCEEDINGS
OF THE MAGISTRATES' COURTS OF SOUTH AFRICA**

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

SCHEDULE**GENERAL EXPLANATORY NOTE:**

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

____ Words or expressions underlined with a solid line indicate insertions in existing rules.

Definition

1. In these rules “the Rules” means the Rules Regulating the Conduct of the Proceedings of the Magistrates’ Courts of South Africa published under Government Notice No. R. 740 of 23 August 2010, as amended by Government Notice Nos. R. 1222 of 24 December 2010, R. 611 of 29 July 2011, R.1085 of 30 December 2011, R. 685 of 31 August 2012, R. 115 of 15 February 2013, and R. 263 of 12 April 2013.

Amendment of rule 33 of the Rules

2. Rule 33 of the Rules is hereby amended by the substitution for subrule (5) of the following subrule:

“(5) (a) In district court civil matters, the scale of fees to be taken by attorneys as between party and party shall—

- (i) be that set out in Table A of Annexure 2 in addition to the necessary expenses;
- (ii) in relation to proceedings under **[section] sections** 65, 65A to 65M, inclusive, and 72 of the Act and all matters ancillary thereto be that set out in Parts I and II, respectively, of Table B of the said Annexure; and
- (iii) in relation to proceedings under **[section] sections** 74 and 74A to 74W, inclusive, of the Act and all matters ancillary thereto be that set out in Part III of Table B of the said Annexure.

(b) The scale of fees referred to in paragraph (a)(iii) of this subrule shall also be the scale of fees to be taken between attorney and client in relation to proceedings under **[section] sections** 74 and 74A to 74W, inclusive, of the Act.

(c) In regional court civil matters, including **[divorce or matrimonial]** matters in respect of causes of action in terms of section 29(1B)(a) of the Act, the scale of fees to be taken by attorneys as between party and party shall be that set out in scale D of [table] Table A of Annexure 2 in addition to the necessary expenses **[scale C of Table A of Annexure 2 being applicable: Provided that the**

applicable scale of fees to be taken by attorneys as between party and party in civil claims whose monetary value falls within the jurisdiction of district courts shall be the one contained in paragraph (a) of this subrule, notwithstanding such claims having been instituted in the regional court].”.

Amendment of Annexure 2 to the Rules

3. Annexure 2 to the Rules is hereby amended by the substitution for Tables A and B of the following Tables, respectively:

**“TABLE A
COSTS
PART I
GENERAL PROVISIONS**

1. When the amount in dispute is less than or equal to the amount of **[R12 000]** R7 000, costs shall be taxed on Scale A; when the amount in dispute exceeds the amount of **[R12 000]** R7 000, but is less than or equal to R50 000, costs shall be taxed on Scale B; when the amount in dispute exceeds R50 000 **[or when the matter is in respect of a divorce or matrimonial dispute]**, but is less than or equal to the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates’ courts for districts, costs shall be taxed on Scale C; when the amount in dispute exceeds the maximum jurisdictional amount so determined by the Minister in respect of magistrates’ courts for districts and the process is issued out of a magistrate’s court for a regional division or when the matter is in respect of a cause of action in terms of section 29(1B)(a) of the Act, costs shall be taxed on Scale D.

2.(a) For the purpose of computing costs, the expression 'amount in dispute' means, where costs are awarded to the plaintiff, the amount or value of the judgment and 'amount or value of the judgment' means, where more than one claim is involved in the action, the total of the amounts involved in the judgment. Where costs are awarded to

the defendant, the expression 'amount in dispute' means, the amount or value of the claim, and 'amount or value of the claim' means, where more than one claim is involved in the action, the total of the amounts of all the claims. The amount or value of the judgment or claim shall be inclusive of interest but exclusive of costs. If a matter is settled at any time the costs shall be taxed on the scale laid down in the agreement of settlement.

(b) Where the amount in dispute is not apparent on the face of the proceedings, costs shall, unless the court orders otherwise, be computed at the higher rate.

3. Costs taxable in terms of rule 33(19) shall be deemed to have been awarded under a judgment for the amount offered or a judgment in the terms of the settlement, as the case may be.

4. Claims for ejectment shall be computed at two months' rent of the premises.

5. The rate at which costs are computed shall not be increased by reason of any claim for confirmation of any interdict or interlocutory order.

6. Fees to counsel shall be allowed on taxation only in cases falling within **[Scale B or Scale C]** Scale B, C or D or where the court has made an order in terms of rule 33(8) and shall not be so allowed unless payment thereof is vouched by the signature of counsel.

7. Where the amount allowed for an item is specified, the amount shall be inclusive of all necessary copies, attendances and services (other than services by the sheriff for the magistrate's court) in connection therewith.

8. Where the amount allowed for an item is left blank—

(a) the drawing of documents (not pleadings) shall be allowed at **[R19,00]** R21,00 for each folio;

- (b) **[copies for filing and service shall also be allowed]** copies for filing, service and an attorney's copy to retain shall also be allowed;
- (c) **[R12,00]** R13,00 shall be allowed for each necessary service.

9.(a) Where any document appears to the court to be unnecessary prolix, the court may disallow the whole or any part of the fee therefor.

(b) Where printed forms of documents to be copied are available, the fees for copying shall be limited to the necessary particulars inserted in such printed forms.

10.(a) A folio shall consist of 100 written or printed words or figures or part thereof.

(b) Four figures shall be reckoned as one word.

11.(a) Unless otherwise provided, a charge for perusal shall be allowed at **[R7,00]** R8,00 per folio in respect of any document or pleading necessarily perused.

(b) Where a charge is allowed for copying, it shall be allowed at **[R3,00]** R3,50 per page, regardless of the number of words, unless otherwise provided.

12. Where there are more defendants than one **[R12,00]** R13,00 shall be added in respect of each additional defendant for each of items 2 and 3 of Part II and items 2 and 7 of Part III.

13. Where the judgment debt is payable in instalments in terms of the judgment or an agreement, a fee of 10% on each instalment collected in redemption of the capital, costs and interest shall be allowed, subject to a maximum of **[R300,00]** R330,00 on each instalment. No additional fee shall be charged for any attendance in connection with the receipt or payment of any instalment.

14. The clerk or registrar of the court shall on taxation disallow any charge unnecessarily incurred.

15. Where the fee under any item is calculated on a time basis, the total time spent on any one day shall be calculated and the fee for that day calculated on such total.
16. Any amount necessarily and actually disbursed in tracing the debtor.

PART II
UNDEFENDED ACTIONS

Item 1 - Registered letter of demand in terms of section 56 of the Act:

- (a) Claim or claims where the aggregate of the claim or claims does not exceed the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts **[R29,00]**
R32,00
- (b) Claim or claims where the aggregate of the claim or claims exceeds the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts and the process is issued out of a magistrate's court for a regional division R42,00

Item 2 - Summons, inclusive of a letter of demand other than the letter of demand referred to in item 1:

- (a) Claim or claims where the aggregate amount of the claim or claims does not exceed **[R12 000]** R7 000 **[R98,00]**
R108,00
- (b) Claim or claims where the aggregate amount of the claim or claims exceeds **[R12 000]** R7 000 but does not exceed R50 000 **[R327,00]**
R361,00
- (c) Claim or claims where the aggregate of the claim or claims exceeds R50 000 **[R485,00]** **[, and in respect of divorces or matrimonial matters]** but does not exceed the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts R535,00
- (d) Claim or claims where the aggregate of the claim or claims exceeds the maximum jurisdictional amount determined by the Minister from time to R696,00

time in respect of magistrates' courts for districts and the process is issued out of a magistrate's court for a regional division or when the matter is in respect of a cause of action in terms of section 29(1B)(a) of the Act

Item 3 - Judgment:

(a) Claim or claims where the aggregate of the claim or claims does not exceed the amount in 2(a) **[R98,00]**
R108,00

(b) Claim or claims where the aggregate of the claim or claims exceeds the amount in 2(b) but is not more than R50 000 **[R250,00]**
R276,00

(c) Claim or claims where the aggregate of the claim or claims exceeds R50 000 [**and in respect of divorces or matrimonial matters**] but does not exceed the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts **[R408,00]**
R450,00

(d) Claim or claims where the aggregate of the claim or claims exceeds the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts and the process is issued out of a magistrate's court for a regional division or when the matter is in respect of a cause of action in terms of section 29(1B)(a) of the Act **R585,50**

Item 4 - Notice in terms of rule 12(2):

(a) Claim or claims where the aggregate of the claim or claims does not exceed the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts **[R47,00]**
R52,00

(b) Claim or claims where the aggregate of the claim or claims exceeds the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts and the process is issued out of a magistrate's court for a regional division or when the matter is in respect of a cause of action in terms of section 29(1B)(a) of the Act **R67,50**

Item 5 - Notice in terms of rule 54(1):

(a) Claim or claims where the aggregate of the claim or claims does not exceed the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts **[R47,00]**
R52,00

(b) Claim or claims where the aggregate of the claim or claims exceeds the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts and the process is issued out of a magistrate's court for a regional division **R67,50**

Item 6 - Affidavit or certificate

Item 7 - Attending court at the request of the magistrate when claim is referred to court for judgment or to obtain provisional sentence when claim is undefended as allowed under item 15 on the scale for defended actions

Item 8 - For each registered letter forwarded to the debtor in terms of section 57(1) or (3) or section 58(2), of the Act by the creditor or his attorney, including copies:

(a) Claim or claims where the aggregate of the claim or claims does not exceed the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts **[R30,00]**
R33,00

(b) Claim or claims where the aggregate of the claim or claims exceeds the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts and the process is issued out of a magistrate's court for a regional division **R43,50**

Item 9 - Admission of liability and undertaking to pay debt in instalments or otherwise (section 57 of the Act):

(a) Claim or claims where the aggregate of the claim or claims does not exceed the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts **[R79,00]**
R87,00

(b) Claim or claims where the aggregate of the claim or claims exceeds the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts and the process is issued out of a magistrate's court for a regional division **R113,50**

Item 10 - Consent to judgment or to judgment and an order for the payment of judgment debt in installments (section 58 of the Act):

(a) Claim or claims where the aggregate of the claim or claims does not exceed the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts **[R79,00]**
R87,00

(b) Claim or claims where the aggregate of the claim or claims exceeds the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts and the process is issued out of a magistrate's court for a regional division **R113,50**

Note: The amount of fees allowable under items 4, 5, 6, 7, 8, 9 and 10 shall be included without taxation in the amount of the costs for which judgment is entered

PART III

DEFENDED ACTIONS (AND INTERPLEADER PROCEEDINGS)

Item	Scale A R	Scale B R	Scale C R	Scale D R
1. Instructions to sue or defend or to counterclaim or defend a counterclaim, perusal of all	[R394,00] <u>R435,00</u>	[R525,00] <u>R579,00</u>	[R630,00] <u>R695,00</u>	R904,00

documentation and consideration of merits and all necessary consultations to issue summons

2.	Summons	[R198,00]	[R275,00]	[R329,00]	
		<u>R218,50</u>	<u>R303,50</u>	<u>R363,00</u>	<u>R472,00</u>
3.	Appearance	[R33,00]	[R33,00]	[R40,00]	
		<u>R36,50</u>	<u>R36,50</u>	<u>R44,00</u>	<u>R57,00</u>
4.	Notice under rule 12(1)(b) and (2)	[R33,00]	[R33,00]	[R40,00]	
		<u>R36,50</u>	<u>R36,50</u>	<u>R44,00</u>	<u>R57,00</u>
5.	Plea	[R198,00]	[R275,00]	[R329,00]	
		<u>R218,50</u>	<u>R303,50</u>	<u>R363,00</u>	<u>R472,00</u>
6.	Claim in reconvention	[R198,00]	[R275,00]	[R329,00]	
		<u>R218,50</u>	<u>R303,50</u>	<u>R363,00</u>	<u>R472,00</u>
7.	Reply, if necessary	[R198,00]	[R275,00]	[R329,00]	
		<u>R218,50</u>	<u>R303,50</u>	<u>R363,00</u>	<u>R472,00</u>
8.	Drawing up of all documents not specifically mentioned, including request for further particulars, schedule of documents, all affidavits, subpoenas, any notice not otherwise provided for and drawing up of statements by witnesses	-	-	-	-
9.	Production of documents for inspection, or inspecting documents, per quarter of an hour or part thereof of the time spent	[R117,00]	[R117,00]	[R140,00]	
		<u>R129,00</u>	<u>R129,00</u>	<u>R154,50</u>	<u>R201,00</u>
10.	Each copy of service, per page	[R3,00]	[R3,00]	[R3,00]	
		<u>R3,50</u>	<u>R3,50</u>	<u>R3,50</u>	<u>R3,50</u>

11. The recording of statements by witnesses, per quarter of an hour or part thereof	R117,00 <u>R129,00</u>	[R117,00] <u>R129,00</u>	[R140,00] <u>R154,50</u>	<u>R201,00</u>
12. Notice of trial or reinstatement	[R33,00] <u>R36,50</u>	[R33,00] <u>R36,50</u>	[R40,00] <u>R44,00</u>	<u>R57,00</u>
13. Preparing for trial (if counsel not employed)	[R656,00] <u>R724,00</u>	[R893,00] <u>R985,50</u>	[R1071,00] <u>R1 182,00</u>	<u>R1 536,50</u>
14. Attendance at settlement negotiations, for each quarter of an hour or part thereof actually spent in such negotiations	[R117,00] <u>R129,00</u>	[R117,00] <u>R129,00</u>	[R140,00] <u>R154,50</u>	<u>R201,00</u>
15. Attending court during trial, or at an on-the-spot inspection, or at postponement or examination on commission, for each quarter of an hour or part thereof spent in court while the case is actually being heard-				
(a) if counsel not employed	[R117,00] <u>R129,00</u>	[R117,00] <u>R129,00</u>	[R140,00] <u>R154,50</u>	<u>R201,00</u>
(b) if counsel employed	Nil	[R47,00] <u>R52,00</u>	[R56,00] <u>R62,00</u>	<u>R81,00</u>
16. Attending pre-trial conference, for each quarter of an hour or part thereof actually spent in such conference	[R117,00] <u>R129,00</u>	[R117,00] <u>R129,00</u>	[R140,00] <u>R154,50</u>	<u>R201,00</u>
17. Attending court to hear reserved judgment, per quarter of an hour or part thereof	[R23,00] <u>R25,00</u>	[R23,00] <u>R25,00</u>	[R28,00] <u>R31,00</u>	<u>R40,50</u>
18. Correspondence—	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

(a) for each necessary letter or telegram, per folio	[R19,00] <u>R21,00</u>	[R19,00] <u>R21,00</u>	[R23,00] <u>R25,00</u>	<u>R33,00</u>
(b) for each letter or telegram received, provided that a fee for perusal shall not be allowed in addition to the fee herein provided for	[R12,00] <u>R13,00</u>	[R19,00] <u>R21,00</u>	[R23,00] <u>R25,00</u>	<u>R33,00</u>
19. Attendances: For each necessary attendance not otherwise provided for, per attendance	[R12,00] <u>R13,00</u>	[R19,00] <u>R21,00</u>	[R23,00] <u>R25,00</u>	<u>R33,00</u>
20. Necessary formal telephone calls, per call	[R12,00] <u>R13,00</u>	[R19,00] <u>R21,00</u>	[R23,00] <u>R25,00</u>	<u>R33,00</u>
21. Telephone consultations: For every 5 minutes or part thereof, subject to a maximum <u>fee per consultation</u> of [R113,00] <u>R125,00 for Scales A to C and R 162,00 for Scale D</u> [, per consultation].	[R33,00] <u>R36,50</u>	[R33,00] <u>R36,50</u>	[R40,00] <u>R44,00</u>	<u>R57,00</u>
22. Each necessary consultation, per quarter of an hour or part thereof	[R117,00] <u>R129,00</u>	[R117,00] <u>R129,00</u>	[R140,00] <u>R154,50</u>	<u>R201,00</u>
23. The court may, on request made at the hearing, allow in addition to the fee prescribed in item 13 above a refresher fee in postponed or partly heard trials	[R408,00] <u>R450,00</u>	[R578,00] <u>R638,00</u>	[R693,00] <u>R765,00</u>	<u>R994,50</u>
24. Time spent waiting at court (owing to no court being available) per quarter of an hour or part thereof	[R79,00] <u>R87,00</u>	[R79,00] <u>R87,00</u>	[R95,00] <u>R105,00</u>	<u>R136,50</u>
25. Travelling time [subject to the provisions of rule 33(9)] per quarter of	[R79,00] <u>R87,00</u>	[R79,00] <u>R87,00</u>	[R95,00] <u>R105,00</u>	<u>R136,50</u>

an hour or part thereof

26. Subsistence and travelling expenses as laid down in rule 33(9) The actual reasonable subsistence and travelling expenses as laid down in rule [as] 33(9)

PART IV OTHER MATTERS

Exceptions, applications to strike out, applications for summary judgment, appearance to obtain provisional sentence when claim is defended, interlocutory applications, arrest, interdict, applications under rule 27(9), applications to review judgment, order or taxation, applications for liquidation of close corporations and applications in terms of section 65J of the Act.

Item	<i>Scale A</i> R	<i>Scale B</i> R	<i>Scale C</i> R	<i>Scale D</i> R
1.(a) Instructions to make application or to oppose or to show cause (the court may on request allow a higher amount)	[R98,00] <u>R108,00</u>	[R198,00] <u>R218,50</u>	[R236,00] <u>R260,50</u>	<u>R338,50</u>
(b) Instructions to make application for liquidation of close corporation, perusal of all documentation and consideration of merits, and all necessary consultations	[R485,00] <u>R535,00</u>	[R485,00] <u>R535,00</u>	[R581,00] <u>R641,00</u>	<u>R833,50</u>
2. Drawing up of all documents,-	-	-	-	-

affidavits, applications and notices, orders, etc				
3. Attending court on hearing:				
(a) If unopposed or opposed (if counsel not employed), for each quarter of an hour or part thereof actually spent in court	[R117,00] <u>R129,00</u>	[R117,00] <u>R129,00</u>	[R140,00] <u>R154,50</u>	<u>R201,00</u>
(b) If opposed (if counsel employed), for each quarter of an hour actually spent in court or part thereof	Nil	[R47,00] <u>R52,00</u>	[R56,00] <u>R62,00</u>	<u>R81,00</u>
4.(a) Fee for [preparing for trial] preparation for argument, when opposed [if allowed by the court on request]	[R408,00] <u>R450,00</u>	[R485,00] <u>R535,00</u>	[R581,00] <u>R641,00</u>	<u>R833,50</u>
(b) Fee for preparation for trial where proceedings are referred to trial or oral evidence	<u>R450,00</u>	<u>R535,00</u>	<u>R641,00</u>	<u>R833,50</u>
5. Consultations and settlement negotiations – when opposed, per quarter of an hour or part thereof	[R117,00] <u>129,00</u>	[R117,00] <u>R129,00</u>	[R140,00] <u>R154,50</u>	<u>R201,00</u>
[Note: The court may on request made at the hearing allow, as an alternative to the fees prescribed in item 4, a fee for preparing argument under items 13 and 23 of the scale for defended actions.]				

Item	Scale			
TAXATION OF COSTS	R			
6. Drawing up bill of costs:	5% of the fees allowed			
7. Attending taxation:	5% of the total of the bill allowed			
8. Attending on review of taxation, for each quarter of an hour or part thereof in court while review is actually being heard	[R117,00] <u>R129,00</u>			
9. Notice of application for review of taxation and service	-			
10. Affidavit, where necessary	-			
EXECUTION				
11.(a) Issue of warrant of execution, ejectment, and delivery up of possession	[R79,00] <u>R87,00</u>			
(b) For each reissue thereof	[R33,00] <u>R36,50</u>			
12. Inclusive fee for work done in connection with releasing of immovable property attached	[R98,00] <u>R108,00</u>			
13. Inclusive fee for work done in connection with sale in execution of	[R250,00]			

immovable property only (excluding work in respect of which fees are already provided for elsewhere and the drawing up of the conditions of sale)	<u>R276,00</u>
14.(a) Drawing up of notice of sale in terms of rule 41(8) or rule 43(6), or conditions of sale in terms of rule 43(7)	
(b) For all other work done and papers and documents supplied to the sheriff of the magistrate's court in connection with a sale in execution of movable property, an inclusive fee of	[R170,00] <u>R187,50</u>
15. Security for restitution, where necessary	[R65,00] <u>R72,00</u>
WHERE COUNSEL IS EMPLOYED	
16. Instructions for exception or application, where allowed:	
(a) Claim or claims where the aggregate of the claim or claims does not exceed the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts	[R117,00] <u>R129,00</u>
(b) Claim or claims where the aggregate of the claim or claims exceeds the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts and the process is issued out of a magistrate's court for a regional division	<u>R168,00</u>
17. Instructions on trial:	
(a) Claim or claims where the aggregate of the claim or claims does not exceed the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts	[R145,00] <u>R166,50</u>
(b) Claim or claims where the aggregate of the claim or claims exceeds the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts and the process is issued out of a magistrate's court for a regional division	<u>R208,00</u>

18. Drawing brief on exception or application, where allowed	-
19. Drawing brief on trial	-
20 Attending each necessary consultation with counsel, per quarter of an hour or part thereof:	
(a) Claim or claims where the aggregate of the claim or claims does not exceed the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts	[R47,00] <u>R54,00</u>
(b) Claim or claims where the aggregate of the claim or claims exceeds the maximum jurisdictional amount determined by the Minister from time to time in respect of magistrates' courts for districts and the process is issued out of a magistrate's court for a regional division	<u>R67,50</u>

FEES TO COUNSEL

21. With brief to argue exception or application	[R578,00] <u>R638,00</u>
<i>Note: A fee to counsel on application shall be allowed only where the court certifies that the briefing of counsel was warranted</i>	
22. With trial brief for the first day, not exceeding	[R1640,00] <u>R1 810,00</u>
23. In any court held more than 30 km from the nearest town where a provincial or local division (other than a Circuit Court) of the High Court sits, a travelling allowance (in addition to the fee on brief) may be allowed by special order of the court at	[R3,00] <u>R3,50</u> per km

24. Each necessary consultation, per quarter of an hour	[R117,00] <u>R129,00</u>
25. For every day exceeding one on which evidence is taken or arguments heard, a refresher not exceeding	[R985,00] <u>R1 087,00</u>
26. Drawing up pleadings	[R263,00] <u>R290,00</u>
<i>Notes:</i>	
(a) In regard to items 22 and 25 a fee in lieu of the fee for the first day's hearing shall be allowed as follows when the case is settled or withdrawn or postponed at the instance of any party on or before the date of hearing:	
(i) not more than two days prior to the date of hearing: The fee otherwise allowable on taxation for the first day's hearing;	
(ii) not less than three days and not more than seven days prior to the date of hearing: Two thirds of the fee under (i); and	
(iii) not less than eight days and not more than 21 days prior to the date of hearing: Half of the fee under (i).	
(b) The court may on request allow a higher fee for counsel in regard to items 22, 24, 25 and 26.	
(c) A fee for travelling time by counsel shall be allowed at the same rate as for attorneys under rule 33(9).	

MISCELLANEOUS

27. Obtaining certified copy of judgment	[R60,00] <u>R66,00</u>
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28.	Obtaining payment in terms of rule 18(4)	[R40,00] <u>R44,00</u>
29.	Request for security in terms of rule 62(1)	-
30.	Furnishing security in terms of rule 62(1)	-

TABLE B**COSTS****PART I****GENERAL PROVISIONS IN RESPECT OF PROCEEDINGS IN TERMS OF
[SECTION] SECTIONS 65 AND 65A TO 65M OF THE ACT**

1. Subject to the provisions of paragraph 3, no fees other than those in the Tariff to this Part shall be allowed.
2. Subject to the provisions of section 65K of the Act, the fees laid down in items (a), (b) or (c) of the Tariff to this Part, as the case may be, shall be payable for the drawing up of the notice referred to in section 65A(1), including appearance at the inquiry into the judgment debtor's financial position referred to in section 65D, or any appearance at subsequent suspension, amendment or rescission proceedings, and shall, with the exception of the fee allowed under item (m) of the tariff, be chargeable only once for the drawing up, issue and all reissues of the notice and all postponements of the inquiry, irrespective of the number of days on which the proceedings are heard in court: Provided that where the debtor leaves the area of jurisdiction of the court after issue of the notice referred to in section 65A(1) and the notice is reissued in any other district, the aforesaid fee may also be charged in such other district if the court so orders.

3. The following shall be allowed in addition to the fees laid down in the Tariff to this Part:
- (a) All necessary disbursements incurred in connection with the proceedings.
 - (b) A fee of 10% on each instalment collected in redemption of the capital and costs of the action, subject to a maximum amount of **[R300,00]** R330,00 on every instalment. Where the amount is payable in instalments the collection fees shall be recoverable only on payment of every instalment. Such fees shall be in substitution for and not in addition to the collection fees prescribed in paragraph 13 of Part 1 of Table A.
 - (c) All necessary disbursements incurred in connection with any prior abortive proceedings under section 72, if the court has so ordered.
 - (d) Any amount necessarily and actually disbursed in tracing the judgment debtor, where the capital amount of the debt at the time the tracing agent was employed was not less than **[R327,00]** R361,00. The total amount to be allowed for each tracing shall not exceed **[R250,00]** R276,00.
- 4 For the purpose of the Tariff to this Part the amount of the claim shall, subject to the provisions of paragraph 3(d), be the total of the capital amount and costs outstanding at the date of the first institution of proceedings under section 65A(1) of the Act.
5. Items 1 to 5 of Part IV of Table A of Annexure 2 are applicable in terms of section 65J of the Act.

TARIFF		
(a)	Where the claim does not exceed the amount of R1 000.00	[R165,00] <u>R182,00</u>
(b)	Where the claim exceeds the amount of R1 000.00 but is not more than R2 000.00	[R250,00] <u>R276,00</u>

(c)	Where the claim exceeds the amount of R2 000.00	[R296,00] <u>R327,00</u>
(d)	Warrant of arrest (Form 40A)	[R65,00] <u>R72,00</u>
(e)	(i) Emoluments attachment order (Form 38)	[R131,00] <u>R144,50</u>
	(ii) Reissue (Certificates included)	[R105,00] <u>R116,00</u>
(f)	Application for costs on notice (including appearance in court)	[R65,00] <u>R72,00</u>
(g)	Obtaining a certified copy of a judgment	[R65,00] <u>R72,00</u>
(h)	Affidavit or certificate by the judgment creditor or his or her attorney	[R47,00] <u>R52,00</u>
(i)	For each registered letter forwarded to the debtor in terms of sections 65A(2), 65E(6) or 65J(2) of the Act by the creditor or his or her attorney	[R30,00] <u>R33,00</u>
(j)	Affidavit or affirmation by debtor [Rule 45(7)]	[R79,00] <u>R87,00</u>
(k)	Request for an order under section 65 of the Act	[R47,00] <u>R52,00</u>
(l)	Attending postponed proceedings in terms of section 65E(3) of the Act or attending proceedings at court pursuant to the arrest of a judgment debtor, director or officer or pursuant to a notice referred to in 65A(8)(b)	[R65,00] <u>R72,00</u>
(m)	Subpoena:	
	(i) Drawing up of subpoena, per folio	[R19,00]

		<u>R21,00</u>
	(ii) Every necessary attendance, per attendance	[R12,00] <u>R13,00</u>
(n)	(i) Correspondence: For every necessary letter or telegram written or received, including copy to retain, provided that a fee for perusal shall not be allowed in addition to the fee herein provided for, per folio □	[R19,00] <u>R21,00</u>
	(ii) Attendances: For each necessary attendance not otherwise provided for, per attendance	[R19,00] <u>R21,00</u>
	(iii) Necessary formal telephone calls, per call	[R19,00] <u>R21,00</u>

PART II

GENERAL PROVISIONS IN RESPECT OF PROCEEDINGS IN TERMS OF SECTION 72 OF THE ACT

1. Subject to the provisions of paragraphs 2 and 3 no fees other than those laid down in the Tariff to this Part shall be allowed.
2. Paragraph 3(a), (b) and (d) of the general provisions under Part 1 of this Table shall apply *mutatis mutandis* to this Part.
3. All necessary disbursements incurred in connection with any prior abortive proceedings under section 65 shall be allowed if the court has so ordered.
4. For the purpose of the Tariff to this Part the amount of the claim shall, subject to the provisions of paragraph 3(d) of the general provisions under Part 1 of this Table, be the total of the capital amount outstanding at the date of the first institution of proceedings in terms of section 72 of the Act.

TARIFF

- | | |
|---|-----------------|
| (a) Where the claim does not exceed R200.00 | [R98,00] |
|---|-----------------|

	<u>R108,00</u>
(b) Where the claim exceeds R200.00	[R210,00]
	<u>R232,00</u>
(c) Obtaining certified copy of a judgment	[R60,00]
	<u>R66,00</u>
(d) Application for an order of execution against the garnishee	[R60,00]
	<u>R66,00</u>
(e) Garnishee order (Form 39)	[R79,00]
	<u>R87,00</u>

PART III

GENERAL PROVISIONS IN RESPECT OF PROCEEDINGS IN TERMS OF SECTION
74 OF THE ACT

1. The following fees shall be allowed in addition to those laid down in the Tariff to this Part:
 - (a) All necessary disbursements incurred in connection with the proceedings.
 - (b) In addition to the fees stated below, the administrator shall be entitled to a fee of 10% on each instalment collected for the redemption of capital and costs.
2. For the purposes of items 4 and 5 of the Tariff to this Part, a folio shall consist of 100 written or printed words or figures and four figures shall be reckoned as one word.

TARIFF

Item	One to ten creditors	Eleven to twenty creditors	Twenty-one or more creditors
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	R	R	R
1. Instructions to apply for administration order, including the necessary perusal of summonses, demands, etc, and ascertaining the amount of assets and liabilities, including all attendances and correspondence necessary in connection therewith	[R117,00] <u>R129,00</u>	[R165,00] <u>R182,00</u>	[R263,00] <u>R290,00</u>
2. Instructions on application under section 74Q(1) or to oppose such application or the granting of administration order	[R93,00] <u>R102,50</u>	[R93,00] <u>R102,50</u>	[R93,00] <u>R102,50</u>
3. Drawing up application for administration order or review thereof and affidavit, including all annexures thereto and all attendances, excluding attendance in court	[R165,00] <u>R182,00</u>	[R165,00] <u>R182,00</u>	[R165,00] <u>R182,00</u>
4. Making copies of application, affidavit and annexures for creditors, per page	[R3,00] <u>R3,50</u>	[R3,00] <u>R3,50</u>	[R3,00] <u>R3,50</u>
5. Perusal of application and other documents served, if any, per folio	[R7,00] <u>R7,50</u>	[R7,00] <u>R7,50</u>	[R7,00] <u>R7,50</u>
<i>Note:</i> The fees under this item are only claimed by the attorney or an opposing party.			
6. Attending court:			
(a) On postponement or setting aside, if not occasioned by the attorney or his or her client	[R44,00] <u>R48,50</u>	[R44,00] <u>R48,50</u>	[R44,00] <u>R48,50</u>
(b) On any other hearing	[R93,00] <u>R102,50</u>	[R177,00] <u>195,50</u>	[R177,00] <u>R195,50</u>

7.	For furnishing to a creditor by the administrator of the information referred to in section 74 m(a) of the Act, per application	[R12,00] <u>R13,00</u>	[R12,00] <u>R13,00</u>	[R12,00] <u>R13,00</u>
8.	For furnishing of a copy of the debtor's statement of affairs referred to in sections 74 and 74A(1) of the Act by the administrator in terms of section 74 m(b) or of a list or account referred to in section 74 g(1) or 74J of the Act or of the debtor's statement of affairs referred to in section 65I(2) of the Act, per page	[R2,00] <u>R2,50</u>	[R2,00] <u>R2,50</u>	[R2,00] <u>R2,50</u>
9.	Correspondence and attendances	[R19,00] <u>R21,00</u>	[R19,00] <u>R21,00</u>	[R19,00] <u>R21,00"</u>

Commencement

4. These rules come into operation on **15 November 2013**.