
GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

NO. R. 1602

17 December 2021

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 existing rules.

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

Definition

1. In this Schedule the “Rules” means the Rules of the Supreme Court of Appeal 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 and R.1158 of 30 October 2020.

Amendment of rule 8 of the Rules

2. Rule 8 of the Rules is hereby amended—

- (a) by the substitution in subrule (4) for paragraph (a) of the following paragraph:
“(a) If an appeal is withdrawn or has lapsed and no record has been lodged with the registrar, a respondent who has noted a cross-appeal may, within one month from such withdrawal or lapsing of the appeal, notify the registrar in writing that **[he or she]** such respondent desires to prosecute the cross-appeal.”;
- (b) by the substitution in subrule (6) for paragraph (a) of the following paragraph:
“(a) The copies of the record shall be clearly typed on stout A4 standard paper in double-spacing in black record ink, on one side of the paper only: Provided that where such copies are more than 10 pages in length, they shall be typed on both sides of the paper.”;
- (c) by the substitution in subrule (6) for paragraph (e) of the following paragraph:
“(e) The record shall be divided into separate conveniently-sized volumes of approximately **[100] 200 pages or 100 sheets** each.”;
- (d) by the substitution in subrule (6) for paragraph (j) of the following paragraph:
“(j) Unless it is essential for the determination of the appeal and the parties agree thereto in writing, the record shall not contain—
(i) argument and opening address;
(ii) formal documents;
(iii) discovery affidavits and the like;
(iv) identical duplicates of any document; **[or]**
(v) documents not proved or admitted; **[, and] or**
(vi) colour photographs, and
the registrar shall **[mero motu] of own accord** disallow the costs, also between attorney and own client, of such documents and photographs.”;
- (e) by the substitution in subrule (9) for paragraph (a) of the following paragraph:
“(a) Whenever the decision of an appeal is likely to hinge exclusively on part of the record in the court *a quo*, the appellant shall, within 10 days of the noting of the appeal, request the respondent's consent to—
(i) omit the unnecessary parts from the record~~[,]~~ ; and
(ii) include colour photographs where considered necessary, and

[failing which] should the appellant fail to do so, the respondent shall, within 10 days thereafter, make a similar request to the appellant.”; and

- (f) by the substitution in subrule (9) for paragraph (b) of the following paragraph:
“(b) The respondent or the appellant, as the case may be, shall within 10 days of the request agree thereto or state the reasons for not agreeing to the request.”

Amendment of rule 10 of the Rules

3. Rule 10 of the Rules is hereby amended—

- (a) by the substitution in subrule (3) for paragraph (f) of the following paragraph:
“(f) A photocopy, or a printout from an electronic database, of those provisions of any statute, regulation, rule, ordinance or by-law directly at issue, shall accompany the heads of argument in a separate volume, where a separate volume is appropriate.”;
- (b) by the substitution in subrule (4) for paragraph (a) of the following paragraph:
“(a) The heads of argument shall be clearly typed on stout A4 standard paper in double-spacing in black record ink, on one side of the paper only; Provided that where such heads are more than 10 pages in length, they shall be typed on both sides of the paper.”; and
- (c) by the substitution in subrule (4) for paragraph (b) of the following paragraph:
“(b) All annexures to the heads of argument shall be bound separately, where a separate volume is appropriate.”.

Commencement

4. These Rules come into operation on 1 February 2022.

DEPARTEMENT VAN JUSTISIE EN STAATKUNDIGE ONTWIKKELING

NO. R. 1602

17 Desember 2021

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

REËLS WAARBY DIE VERRIGTINGE VAN DIE HOOGSTE HOF VAN APPÈL VAN
SUIDAFRIKA GEREËL WORD

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

ALGEMENE VERDUIDELIKENDE NOTA:

[] Uitdrukkings in vet druk in vierkantige hake dui op weglatings uit bestaande reëls.

_____ Uitdrukkings met 'n volstreep daaronder dui op invoegings in bestaande reëls.

BYLAE

Woordomskrywing

1. 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 en R. 1158 van 30 Oktober 2020.

Wysiging van reël 8 van die reëls

2. Reël 8 van die reëls word hierby gewysig—

- (a) deur paragraaf (a) in subreël (4) deur die volgende paragraaf te vervang:
“(a) Indien 'n appèl teruggetrek word of verval het en geen oorkonde by die griffier ingedien is nie, kan 'n respondent wat 'n teenappèl aangeteken het, binne een maand vanaf sodanige terugtrekking of verval van die appèl die griffier skriftelik in kennis stel dat **[hy of sy]** die respondent die teenappèl wil voortsit.”;
- (b) deur in subreël (6) paragraaf (a) deur die volgende paragraaf te vervang:
“(a) Die afskrifte van die oorkonde word duidelik getik op sterk A4-standaard papier, met dubbel spasiëring, in swart oorkonde-ink, slegs op een kant van die papier: Met dien verstande dat waar sodanige afskrifte meer as 10 bladsye lank is, hulle op albei kante van die papier getik sal word.”;

- (c) deur in subreël (6) paragraaf (e) deur die volgende paragraaf te vervang:
“(e) Die oorkonde moet in afsonderlike volumes van gerieflike grootte van ongeveer **[100] 200** bladsye of 100 velle elk verdeel word.”;
- (d) deur in subreël (6) paragraaf (j) deur die volgende paragraaf te vervang:
“(j) Tensy dit noodsaaklik vir die beslissing van die appèl is en die partye skriftelik daartoe ooreenkom, bevat die oorkonde nie-
(i) die betoog en openingsbetoog;
(ii) formele dokumente;
(iii) blootleggingsverklarings en dies meer;
(iv) identiese duplikate van enige dokument; **[of]**
(v) dokumente wat nie bewys of toegelaat is; **[,en] of**
(vi) kleurfoto’s, en
nie en die griffier moet **[mero motu] uit eie beweging** nie koste, ook tussen prokureur en eie kliënt, van sodanige dokumente en foto’s toelaat nie.”;
- (e) deur in subreël (9) paragraaf (a) deur die volgende paragraaf te vervang:
“(a) Wanneer die beslissing van 'n appèl waarskynlik uitsluitlik op 'n deel van die oorkonde in die hof *a quo* berus, moet die appellant, binne 10 dae na aantekening van die appèl, die respondent se toestemming versoek om—
(i) die onnodige dele uit die oorkonde weg te laat **[,]; en**
(ii) kleurfoto’s insluit waar dit nodig geag word, en
by versuim deur die appellant om dit te doen, moet die respondent, binne 10 dae daarna, 'n soortgelyke versoek tot die appellant rig.”; en
- (f) deur in subreël (9) paragraaf (b) deur die volgende paragraaf te vervang:
“(b) Die respondent of die appellant, na gelang van die geval, moet binne 10 dae sedert die versoek daartoe toestem of redes verskaf waarom nie tot die versoek toegestem is nie.”.

Wysiging van reël 10 van die Reëls

3. Reël 10 van die Reëls word hierby gewysig—

- (a) deur in subreël (3) paragraaf (f) deur die volgende paragraaf te vervang:
“(f) 'n Fotokopie of uitdrukstuk vanaf 'n elektroniese databasis van die bepalings van 'n statuut, regulasie, reël, ordinansie of verordening wat direk ter sprake is, moet die betoogpunte in 'n afsonderlike volume vergesel, waar 'n afsonderlike volume gepas is.”;
- (b) deur in subreël (4) paragraaf (a) deur die volgende paragraaf te vervang:
“(a) 'n Fotokopie of uitdrukstuk vanaf 'n elektroniese databasis van die bepalings van 'n statuut, regulasie, reël, ordinansie of verordening wat direk ter sprake is, moet die betoogpunte in 'n afsonderlike volume vergesel: Met dien verstande dat waar sodanige betoogpunte meer as 10 bladsye lank is, hulle op albei kante van die bladsy getik sal word.”; en

- (c) deur in subreël (4) paragraaf (b) deur die volgende paragraaf te vervang:
“(a) Alle aanhangsels tot die betoogpunte moet afsonderlik gebind wees, waar 'n afsonderlike volume gepas is.”.

Inwerkingtreding

4. Hierdie Reëls tree in werking op 1 Februarie 2022.