



**RULES BOARD FOR COURTS OF LAW
REPUBLIC OF SOUTH AFRICA**

2nd Floor, Centre Walk East Tower, 266 Pretorius Street, PRETORIA

28 June 2024

Our ref: 13/3/2/6 – June 2024

F Njobe/Z Mbombo

Your ref:

Per: e-mail

Dear Sir/Madam,

PROPOSED AMENDMENTS TO MAGISTRATES' COURTS RULE 6 – (RULES RELATING TO PLEADINGS GENERALLY)

The purpose of this letter is to invite comments on the proposed amendments to rule 6(1) of the Magistrates' Courts Rules.

During March 2024 the Rules Board received representations from a former Rules Board member pertaining to a *lacuna* in rule 6. In view also of certain legislative developments, such as those reflected in the provisions of Section 34 of the Legal Practice Act 28 of 2014, the Rules Board intends amending rule 6(1).

The rule amendments are aimed at avoiding potential injustices or a *lacuna* which could occur in the rules.

The proposed amendments are contained in the annexure hereto.

[Annexure A]

As part of its consultative process, the Board hereby invites your comments on the proposed amendments, for submission to the Secretariat by no later than **31 July 2024**.

Submissions can be sent via hand delivery or email as follows:

PHYSICAL ADDRESS: 2nd Floor, Centre Walk East Tower, 266 Pretorius Street, PRETORIA.

EMAIL: Zintle Mbombo (ZMbombo@justice.gov.za).

Office telephone lines via switchboard are temporarily inoperative pending an upgrading process.

Yours sincerely,



F NJOBE

Secretary: Rules Board for Courts of Law

Email: FNjobe@justice.gov.za

www.justice.gov.za

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.

Amendment of rule 6 of the Rules

Rule 6 of the Rules is hereby amended by the substitution for sub-rule (1) of the following sub-rule:

“(1) Every pleading shall be signed by an attorney or an advocate referred to in section 34(2)(a)(ii) of the Legal Practice Act, 2014 (Act 28 of 2014), if a party is unrepresented, by that party.”.