



## Church Square Association of Advocates

*Church Square Association of Advocates*  
*Church Square Bar*

*Kerkplein Vereniging van Advokate*  
*Kerkplein Balie*

20 April 2015

### NOTICE

#### PLEASE TAKE NOTE THAT:

**GOVERNMENT NOTICES NO. R317 and R318 PROMULGATED IN GOVERNMENT GAZETTE NO. 38694, DATED 17 APRIL 2015, the RULES BOARD FOR COURTS OF LAW** has amended the rules regulating the conduct of the proceedings of the several Provincial and Local Divisions of the High Court of South Africa and the Magistrate's Court.

Same is available on our website at [www.churchsquarebar.co.za](http://www.churchsquarebar.co.za) under legal amendments.

Should you not have internet access, same is available at our Chambers, Suite 410, Standard Bank Chambers, Pretoria, for your perusal.

**MEMBERS ARE URGED** to take note thereof and to comply with the said amendments in order to avoid embarrassment.

  
**ADV. W F PIENAAR**  
**CHAIRMAN**

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Pretoria  
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**GOVERNMENT NOTICES  
GOEWERMENTSKENNISGEWINGS**

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**DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT  
DEPARTEMENT VAN JUSTISIE EN STAATKUNDIGE ONTWIKKELING**

**No. R. 317**

**17 April 2015**

**RULES BOARD FOR COURTS OF LAW ACT, 1985 (ACT NO. 107 OF 1985)**

**AMENDMENT OF RULES REGULATING THE CONDUCT OF THE PROCEEDINGS  
OF THE SEVERAL PROVINCIAL AND LOCAL DIVISIONS OF THE HIGH COURT  
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 Correctional Services, made the rules in the Schedule.

**SCHEDULE**

**Definition**

1. In this Schedule the "Rules" means the rules regulating the conduct of the proceedings of the several provincial and local divisions of the High Court of South Africa, published under Government Notice No. R. 48 of 12 January 1965, as amended by Government Notices Nos. 235 of 18 February 1966, R. 2004 of 15 December 1967, R. 3553 of 17 October 1969, R. 2021 of 5 November 1971, R. 1985 of 3 November

1972, R. 480 of 30 March 1973, R. 639 of 4 April 1975, R. 1816 of 8 October 1976, R. 1975 of 29 October 1976, R. 2477 of 17 December 1976, R. 2365 of 18 November 1977, R. 1546 of 28 July 1978, R. 1577 of 20 July 1979, R. 1535 of 25 July 1980, R. 2527 of 5 December 1980, R. 500 of 12 March 1982, R. 773 of 23 April 1982, R. 775 of 23 April 1982, R. 1873 of 3 September 1982, R. 2171 of October 1982, R. 645 of 25 March 1983, R. 841 of 22 April 1983, R. 1077 of 20 May 1983, R. 1996 of 7 September 1984, R. 2094 of 13 September 1985, R. 810 of 2 May 1986, R. 2164 of 2 October 1987, R. 2642 of 27 November 1987, R. 1421 of 15 July 1988, R. 210 of 10 February 1989, R. 608 of 31 March 1989, R. 2628 of 1 December 1989, R. 185 of 2 February 1990, R. 1929 of 10 August 1990, R. 1262 of 30 May 1991, R. 2410 of 30 September 1991, R. 2845 of 29 November 1991, R. 406 of 7 February 1992, R. 1883 of 3 July 1992, R. 109 of 22 January 1993, R. 960 of 28 May 1993, R. 974 of 1 June 1993, R. 1356 of 30 July 1993, R. 1843 of 1 October 1993, R. 2365 of 10 December 1993, R. 2529 of 31 December 1993, R. 181 of 28 January 1994, R. 411 of 11 March 1994, R. 873 of 31 May 1996, R. 1063 of 28 June 1996, R. 1557 of 20 September 1996, R. 1746 of 25 October 1996, R. 2047 of 13 December 1996, R. 417 of 14 March 1997, R. 491 of 27 March 1997, R. 700 of 16 May 1997, R. 798 of 13 June 1997, R. 1352 of 20 October 1997, R. 785 of 5 June 1998, R. 881 of 26 June 1998, R. 1024 of 7 August 1998, R. 1723 of 30 December 1998, R. 315 of 12 March 1999, R. 568 of 30 April 1999, R. 1084 of 10 September 1999, R. 1299 of 29 October 1999, R. 502 of 19 May 2000, R. 849 of 25 August 2000, R. 373 of 30 April 2001, R. 1088 of 26 October 2001, R. 1755 of 5 December 2003, R. 229 of 20 February 2004, R. 1343 of 12 December 2008, R. 1345 of 12 December 2008, R. 516 of 8 May 2009 and R. 518 of 8 May 2009, R. 88 of 12 February 2010, R. 500 in GG 33273 of 11 June 2010, R. 591 of 8 July 2010, R. 980 of 19 November 2010, R. 981 of 19 November 2010, R. 464 of 22 June 2012, R. 992 of 7 December 2012, R. 144 of 15 February 2013, R. 262 of 12 April 2013, R. 471 of 12 July 2013, R. 472 of 12 July 2013, and R. 759 of 11 October 2013, R. 212 of 28 March 2014, R. 213 of 28 March 2014, R. 214 of 28 March 2014, R. 30 of 23 January 2015 and R. 31 of 23 January 2015.

#### **Substitution of rule 10A of Rules**

2. The following rule is hereby substituted for rule 10A of the Rules:

**“10A. Joinder of provincial or national executive authorities and service on Rules Board for Courts of Law**

(1) If in any proceedings before the court, the validity of a law is challenged, whether in whole or in part and whether on constitutional grounds or otherwise, the party challenging the validity of the law must join the provincial or national executive authorities responsible for the administration of the law in the proceedings.

(2) Where a challenge referred to in subrule (1) is made against a rule made by the Rules Board for Courts of Law, the party challenging the rule must, at the time when the challenge is made, serve on the Rules Board for Courts of Law, a notice setting out the basis of the challenge, together with copies of all documents in which the challenge is referred to.”

**Amendment of rule 49 of the Rules**

3. Rule 49 of the Rules is hereby amended by the repeal of subrule (11).

**Amendment of rule 53 of the Rules**

4. Rule 53 of the Rules is hereby amended—

(a) by the substitution for subrule (1) of the following subrule:

“(1) Save where any law otherwise provides, all proceedings to bring under review the decision or proceedings of any inferior court and of any tribunal, board or officer performing judicial, quasi-judicial or administrative functions shall be by way of notice of motion directed and delivered by the party seeking to review such decision or proceedings to the magistrate, presiding officer or chairperson of the court, tribunal or board or to the officer, as the case may be, and to all other parties affected-

(a) calling upon such persons to show cause why such decision or proceedings should not be reviewed and corrected or set aside, and

(b) calling upon the magistrate, presiding officer, chairperson or officer, as the case may be, to despatch, within fifteen days after receipt of the notice of motion, to the registrar the record of such proceedings sought to be corrected or

set aside, together with such reasons as he or she is by law required or desires to give or make, and to notify the applicant that he or she has done so.”

(b) by the substitution for subrule (3) of the following subrule:

“(3) The registrar shall make available to the applicant the record despatched to him or her as aforesaid upon such terms as the registrar thinks appropriate to ensure its safety, and the applicant shall thereupon cause copies of such portions of the record as may be necessary for the purposes of the review to be made and shall furnish the registrar with two copies and each of the other parties with one copy thereof, in each case certified by the applicant as true copies. The costs of transcription, if any, shall be borne by the applicant and shall be costs in the cause.”

(c) by the substitution for subrule (4) of the following subrule:

“(4) The applicant may within ten days after the registrar has made the record available to him or her, by delivery of a notice and accompanying affidavit, amend, add to or vary the terms of his or her notice of motion and supplement the supporting affidavit.”

(d) by the substitution for subrule (5) of the following subrule:

“(5) Should the presiding officer, chairperson or officer, as the case may be, or any party affected desire to oppose the granting of the order prayed in the notice of motion, he or she shall-

(a) within fifteen days after receipt by him or her of the notice of motion or any amendment thereof deliver notice to the applicant that he or she intends so to oppose and shall in such notice appoint an address within 15 kilometres of the office of the registrar at which he or she will accept notice and service of all process in such proceedings; and

(b) within thirty days after the expiry of the time referred to in subrule (4) hereof, deliver any affidavits he or she may desire in answer to the allegations made by the applicant.”

### **Commencement**

5. These rules commence on **22 May 2015**.

No. R. 317

17 April 2015

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

**WYSIGING VAN DIE REËLS WAT DIE VERRIGTINGE BEPAAL VAN DIE  
VERSKEIE PROVINSIALE EN PLAASLIKE AFDELINGS VAN DIE  
HOOGGEREGSHOF VAN SUID-AFRIKA**

Die Reglementsraad vir Geregshowe het, kragtens artikel 6 van die Wet op die Reglementsraad vir Geregshowe, 1985 (Wet No. 107 of 1985) en met die goedkeuring van die Minister van Justisie en Korrektiewe Dienste, die Reëls in die Bylaag opgestel.

**BYLAAG**

**Bepalings**

1. In hierdie Bylaag verwys die "Reëls" na die reëls wat die verrigtinge bepaal van die verskeie provinsiale en plaaslike afdelings van die Hooggeregshof van Suid-Afrika, gepubliseer kragtens Regeringskennisgewing No. R. 48 van 12 Januarie 1965, soos gewysing deur Regeringskennisgewings Nos. 235 van 18 Februarie 1966, R. 2004 van 15 Desember 1967, R. 3553 van 17 Oktober 1969, R. 2021 van 5 November 1971, R. 1985 van 3 November 1972, R. 480 van 30 Maart 1973, R. 639 van 4 April 1975, R. 1816 van 8 Oktober 1976, R. 1975 van 29 Oktober 1976, R. 2477 van 17 Desember 1976, R. 2365 van 18 November 1977, R. 1546 van 28 Julie 1978, R. 1577 van 20 Julie 1979, R. 1535 van 25 Julie 1980, R. 2527 van 5 Desember 1980, R. 500 van 12 Maart 1982, R. 773 van 23 April 1982, R. 775 van 23 April 1982, R. 1873 van 3 September 1982, R. 2171 van Oktober 1982, R. 645 van 25 Maart 1983, R. 841 van 22 April 1983, R. 1077 van 20 Mei 1983, R. 1996 van 7 September 1984, R. 2094 van 13 September 1985, R. 810 van 2 Mei 1986, R. 2164 van 2 Oktober 1987, R. 2642 van 27 November 1987, R. 1421 van 15 Julie 1988, R. 210 van 10 Februarie 1989, R. 608 van 31 Maart 1989, R. 2628 van 1 Desember 1989, R. 185 van 2 Februarie 1990, R. 1929 van 10 Augustus 1990,



R.1262 van 30 Mei 1991, R. 2410 van 30 September 1991, R. 2845 van 29 November 1991, R. 406 van 7 Februarie 1992, R. 1883 van 3 Julie 1992, R. 109 van 22 Januarie 1993, R. 960 van 28 Mei 1993, R. 974 van 1 Junie 1993, R. 1356 van 30 Julie 1993, R. 1843 van 1 Oktober 1993, R. 2365 van 10 Desember 1993, R. 2529 van 31 Desember 1993, R. 181 van 28 Januarie 1994, R. 411 van 11 Maart 1994, R. 873 van 31 Mei 1996, R. 1063 van 28 Junie 1996, R. 1557 van 20 September 1996, R. 1746 van 25 Oktober 1996, R. 2047 van 13 Desember 1996, R. 417 van 14 Maart 1997, R. 491 van 27 Maart 1997, R. 700 van 16 Mei 1997, R. 798 van 13 Junie 1997, R. 1352 van 20 Oktober 1997, R. 785 van 5 Junie 1998, R. 881 van 26 Junie 1998, R. 1024 van 7 Augustus 1998, R. 1723 van 30 Desember 1998, R. 315 van 12 Maart 1999, R. 568 van 30 April 1999, R. 1084 van 10 September 1999, R. 1299 van 29 Oktober 1999, R. 502 van 19 Mei 2000, R. 849 van 25 Augustus 2000, R. 373 van 30 April 2001, R. 1088 van 26 Oktober 2001, R. 1755 van 5 Desember 2003, R. 229 van 20 Februarie 2004, R. 1343 van 12 Desember 2008, R. 1345 van 12 Desember 2008, R. 516 van 8 Mei 2009 en R.518 van 8 Mei 2009, R. 88 van 12 Februarie 2010, R500 in SK 33273 van 11 Junie 2010, R. 591 van 8 Julie 2010, R. 980 van 19 November 2010, R. 981 van 19 November 2010, R. 464 van 22 Junie 2012, R. 992 van 7 Desember 2012, R. 144 van 15 Februarie 2013, R. 262 van 12 April 2013, R. 471 van 12 Julie 2013, R. 472 van 12 Julie 2013 en R. 759 van 11 Oktober 2013, R. 212 van 28 Maart 2014, R. 213 van 28 Maart 2014, R. 214 van 28 Maart 2014, R. 30 van 23 Januarie 2015 en R. 31 van 23 Januarie 2015.

#### **Vervanging van reël 10A van die Reëls**

2. Die volgende reël vervang vervolgens reël 10A van die Reëls:

#### **"10A. Samevoeging van die provinsiale en nasionale uitvoerende owerhede en die geregtelike bestellings op die Reglementsraad vir Geregshowe**

(1) Wanneer die geldigheid van 'n wet in enige verrigting voor die hof betwis word, óf in sy geheel of 'n gedeelte daarvan óf volgens grondwetlike of ander beginsels, moet die party wat die geldigheid van die wet betwis en die provinsiale of nasionale uitvoerende owerhede wat vir die toepassing van die wet tydens verrigtinge verantwoordelik is, saamgevoeg word.

(2) Wanneer so 'n betwisting ingevolge subreël (1) teen 'n reël van die Reglementsraad vir Geregshowe aangevoer word, moet die party wat die reël betwis, tydens die betwisting 'n kennisgewing aan die Reglementsraad vir Geregshowe rig wat die beginsels van die betwisting uiteensit, vergesel van afskrifte van al die dokumente waarin na die betwisting verwys word.

#### **Wysiging aan reël 49 van die Reëls**

3. Reël 49 van die Reëls word hiermee gewysig deur subreël (11) te herroep.

#### **Wysiging aan reël 53 van die Reëls**

4. Reël 53 van die Reëls word hiermee gewysig –

(a) terwyl subreël (1) deur die onderstaande subreël vervang word:

“(1) Behalwe waar enige wet anders bepaal, sal al die beslissings wat hersien moet word van die besluite of verrigtinge van enige ondergeskikte hof en van enige regbank, kommissie of enige amptenaar wat geregtelike, kwasigeregtelike of afdwingbare pligte uitvoer, deur middel van 'n kennisgewing van voorstel deur die party wat die hersiening van sodanige besluit of verrigtinge versoek aan die toepaslike magistraat, voorsittende beampte of voorsitter van die hof, regbank of kommissie of die amptenaar gerig en afgelewer word asook aan al die ander betrokke partye -

(a) met 'n beroep op sodanige persone om redes aan te voer waarom sodanige verrigtinge nie hersien, verbeter of ter syde gestel behoort te word nie en

(b) met 'n beroep op die toepaslike magistraat, voorsittende beampte, voorsitter of amptenaar om binne vyftien dae nadat die kennis van voorstel ontvang is, 'n verslag aan die registrateur te stuur van die versoek om sodanige verrigtinge te verbeter of ter syde te stel, insluitende sodanige redes wat die wet van hom of haar vereis of versoek om te verskaf of te verstrek en om die aansoeker te verwittig dat hy of sy dit gedoen het.”

(b) terwyl subreël (3) deur die onderstaande subreël vervang word:

“(3) Die registrateur sal die verslag wat aan hom of haar gestuur is, aan die aansoeker beskikbaar stel in terme van sodanige bepalings wat reeds genoem is wanneer die registrateur dink dit is toepaslik om die veiligheid daarvan te verseker en die aansoeker sal vervolgens toesien dat afskrifte van toepaslike gedeeltes van die verslag wat noodsaaklik vir die hersieningsdoeleindes is, gemaak word en sal twee afskrifte daarvan aan die registrateur voorsien en een afskrif aan elke ander party; die aansoeker moet elke juiste afskrif waarmerk. Indien daar enige transkriberingskoste is, sal die aansoeker verantwoordelikheid aanvaar om dit te betaal en dit sal deel van die aansoekskoste uitmaak.”

(c) terwyl subreël (4) deur die onderstaande subreël vervang word:

“(4) Die aansoeker moet binne tien dae nadat die registrateur die verslag aan hom of haar beskikbaar gestel het, deur die aflewering van ’n kennisgewing en aangehegte beëdigde verklaring wat die bepalings van sy of haar kennis van voorstel wysig, byvoeg of verander en die ondersteunende beëdigde verklaring aanheg.”

(d) terwyl subreël (5) deur die onderstaande subreël vervang word:

“(5) Indien die toepaslike voorsittende beampte, voorsitter of amptenaar, of enige party wat deur die aansoek geraak word, verkies om die bekragtiging teen te staan wat in die kennis van voorstel versoek word, moet hy of sy -  
(a) binne vyftien dae nadat hy of sy die kennis van voorstel of enige wysiging daarvan ontvang het aan die aansoeker ’n kennisgewing oorhandig waarin hy of sy hulle voorneme om die aansoek teen te staan te kenne gee en moet in sodanige kennisgewing ’n adres binne 15 kilometer van die kantoor van die registrateur aangewys word waar hy of sy enige kennisgewing of geregtelike bestelling van al die prosesse van sodanige verrigtinge sal aanvaar en  
(b) binne dertig dae na die verstryking van die tydperk waarna in subreël (4) hiervan verwys word, enige beëdigde verklaring oorhandig wat hy of sy verkies in antwoord op die aantygings van die aansoeker.”

### **Inwerkingtreding**

5. Hierdie Reëls tree op **22 Mei 2015** in werking.

No. R. 318

17 April 2015

**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 107 of 1985), 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 in existing rules.

**Definition**

1. In this schedule "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, R. 263 of 12 April 2013, R. 760 of 11 October 2013, R. 183 of 18 March 2014, R. 215 of 28 March 2014, R. 507 of 27 June 2014, R. 5 of 9 January 2015, R. 32 of 23 January 2015 and R. 33 of 23 January 2015.

**Amendment of rule 14**

2. Rule 14 of the Rules is hereby amended by substitution for sub-rules (1) and (2) of the following sub-rules:

“(1) Where the defendant has **[delivered]** served notice of intention to defend, the plaintiff may apply to court for summary judgment on each of such claims in the summons as is only-

- (a) on a liquid document;
- (b) for a liquidated amount in money;
- (c) for delivery of specified movable property; or
- (d) for ejectment,

together with any claim for interest and costs.

(2)(a) The plaintiff shall within 15 days after the date of **[delivery]** service of notice of intention to defend, deliver notice of application for summary judgment, together with an affidavit made by plaintiff or by any other person who can swear positively to the facts verifying the cause of action and the amount, if any, claimed and stating that in his or her opinion there is no *bona fide* defence to the action and that notice of intention to defend has been **[delivered]** served solely for the purposes of delay.

(b) A copy of the served notice of intention to defend must be annexed to such affidavit.

(c) If the claim is founded on a liquid document a copy of the document must be annexed to such affidavit.

(d) The notice of application for summary judgment must state that the application will be set down for hearing on a stated day not being less than 10 days from the date of the delivery thereof.”

**Amendment of Rule 60**

3. Rule 60 of the Rules is hereby amended by the insertion of the following sub-rule (9):

"(9) The court may, on good cause shown, condone non-compliance with these rules."

**Amendment of Form 8 of Annexure 1 of the Rules**

4. Form 8 of Annexure 1 of the Rules is hereby substituted for the following form:

**"No. 8 - Affidavit in support of Application for Summary Judgment**

**\*For use in the District Court**

In the Magistrate's Court for the District of  
..... held at .....

Case No. .... of 20.....

In the matter between

.....Applicant

and

.....Respondent

I, ....., of .....

..... (address), declare **[on]** under oath/affirm as follows:

(a) I am the plaintiff (or state the relationship on which the authority to represent the plaintiff is based) in this action and am duly authorised to make this affidavit, the contents of which are within my personal knowledge.

(b) I verify that the defendant is indebted to me/to the plaintiff in the amount of R..... and on the grounds stated in the summons.

(c) I believe that the defendant does not have a bona fide defence to the claim and that **[appearance has been entered]** the notice of intention to defend has been served solely for purposes of delay.

(d) A copy of the notice of intention to defend served on ..... (date) is annexed hereto.

(e) (If the claim is founded on a liquid document) A copy of the  
..... (describe the relevant liquid document) is annexed hereto.

.....

Signature

The deponent has acknowledged that he/she knows and understands the contents of this affidavit.

Signed and sworn to/affirmed before me at ..... on this ..... day of ....., 20.....

.....

Commissioner of Oaths

.....

Area

.....

Office held if appointment is held ex officio.

**No. 8 - Affidavit in support of Application for Summary Judgment**

**\*For use in the Regional Court**

In the Regional Court for the Regional Division of  
..... held at .....

Case No. .... of 20.....

In the matter between

.....Applicant

and

.....Respondent

I, ....., of .....

..... (address), declare **[on]** under  
oath/affirm as follows:

(a) I am the plaintiff (or state the relationship on which the authority to represent the plaintiff is based) in this action and am duly authorised to make this affidavit, the contents of which are within my personal knowledge.

(b) I verify that the defendant is indebted to me/to the plaintiff in the amount of R..... and on the grounds stated in the summons.

(c) I believe that the defendant does not have a bona fide defence to the claim and that **[appearance has been entered]** the notice of intention to defend has been served solely for purposes of delay.

(d) A copy of the notice of intention to defend served on ..... (date) is annexed hereto.

(e) (If the claim is founded on a liquid document) A copy of the ..... (describe the relevant liquid document) is annexed hereto.

.....

Signature

The deponent has acknowledged that he/she knows and understands the contents of this affidavit.

Signed and sworn to/affirmed before me at ..... on this ..... day of ....., 20.....

.....

Commissioner of Oaths

.....

Area

.....

Office held if appointment is held ex officio.”

**7. Commencement**

These rules come into operation on **22 May 2015.**



**ISAZISO SIKARHULUMENTE****ISEBE LEZOBULUNGISA NOPHULISO LOMGAQO-SISEKO**

No. R. 318

17-04-2015

**UMTHETHO WEBHODI YEMITHETHO YEENKUNDLA ZOMTHETHO, 1985  
(UMTHETHO OYINOMBOLO YE-107 KA-1985)**

**UKUTSHINTSHWA KWEMITHETHO ELAWULA UKUQHUTYWA KWEENKQUBO  
KWIINKUNDLA ZOOMANTYI ZOMZANTSI AFRIKA**

IBhodi yemiThetho yeeNkundla zomThetho iye, phantsi kwamacandelo ele 6 lomThetho weBhodi yemiThetho yeeNkundla zomThetho, 1985 (umThetho we-107 ka-1985), ngemvume yoMphathiswa wezobuLungisa neeNkonzo zoLuleko, yenza imithetho kwiShedyuli.

**ISHEDYULI****INKQAKU LENGCACISO JIKELELE:**

[ ] Amagama okanye iintetho ezibhalwe ngqindilili kwizibiyeli ezisisikwere zikhombisa ukukhutshwa kwimithetho esele ikhona.

Amagama okanye iintetho ezikrwelwe umgca ngomgca ongqindilili zikhombisa ukufakwa kwimithetho esele ikhona.

**Inkcazo**

1. Kule shedyuli "imiThetho" ithetha imiThetho eLawulayo ekuqhutyweni kweeNkqubo kwiinkundla zoomantyi zomzantsi Afrika epapashwe phantsi kweSaziso sikaRhulumente esiyiNombolo R. 740 wama-23 Agasti 2010, njengoko utshintshwie siSaziso sikaRhulumente esineeNombolo R. 1222 wama-24 Disemba 2010, R. 611 wama-29 Julayi 2011, R. 1085 wama-30 Disemba 2011, R. 685 wama-31 Agasti 2012, R. 115 we-15 Februwari 2013, R. 263 we-12 Epreli 2013, R. 760 we-11 Oktobha 2013, R. 183 we-18 Matshi 2014, R. 215 wama-28 Matshi 2014, R. 507 wama-27 Juni 2014,

R. 5 we-9 Janywari 2015, R. 32 wama-23 Janywari 2015 kunye no-R 33 wama-23 Janywari 2015.

#### Ukutshintshwa komThetho we-14

2. UmThetho we-14 wemiThetho ngale ndlela uyatshintshwa ngokufakwa endaweni yawo komthetho onganeno (1) kunye no (2) yale mithetho inganeno ilandelayo:

“(1) Apho ummangalelwa [ahambise] azise isaziso senjongo yokuzikhusela, ummangali unokufaka isicelo enkundlelni sesishwankathelo sesigwebo kula ngalinye lamabango anjalo akwiisamani njengoko kuphela-

- (a) kukuxwebhu olubonisa isixa mali sokuthengiswa kwempahla ukuze kuhlulwe amatyala;
- (b) ngesixa esihlawulwayo esiyimali;
- (c) ngokuhanjiswa kwempahla exeliweyo ethathekayo; okanye
- (d) ityala lokufumana ubunini kwimpahla,

kunye nalo naliphi na ibango lenzala kunye nendleko.

(2)(a) Ummangali kufuneka kwiintsuku ezili-15 ezisemva komhla [wokuhanjiswa] wokuziswa kwesaziso senjongo yokuzikhusela, azise isaziso sesicelo sesigwebo esisisishwankathelo, kunye nengxelo efungelweyo eyenziwe ngummangali okanye nguye nawuphi na omnye umntu onokufunga kakuhle kwimiba eqinisekisa ubukho betyala ngokubhekisele komnye umntu kunye nesixa, ukuba kukho nasiphi, esibangiweyo kwaye exela ukuba ngokoluvo lwakhe alukho ukhuselo olunyanisekileyo kwityala kwaye isaziso senjongo yokuzikhusela [sihanjiswe] sinikelwe kuphela iinjongo zokulibazisa.

(b) Ikopi yesaziso senjongo yokuzikhusela esinikiweyo kufuneka sihlonyelwe kwingxelo.

(c) Ukuba ngaba ibango lifunyenwe kuxwebhu olubonisa isixa mali sokuthengiswa kwempahla ukuze kuhlulwe amatyala ikopi yoxwebhu kufuneka ihlonyelwe kwingxelo efungelweyo enjalo.

(d) Isaziso sesicelo sesigwebo esisisishwankathelo masixele ukuba isicelo siza

kuhlalelwa sichotshelwe ngosuku oluxeliweyo olungekho ngaphantsi weentsuku ezili-10 ukusuka kumhla wokuziswa kwaso ngaphaya koko.”

**Ukutshintshwa komThetho wama-60**

3. UmThetho wama-60 wemiThetho ngale ndlela uyatshintshwa ngokufakwa kwalo mthetho unganeno (9):

“(9) Inkundla, ngesizathu esibonakalo esibonisiweyo, inako ukuvuma ukungathotyelwa kwale mithetho.”

**Ukutshintshwa kweFom yesi-8 yeSihlomelo soku-1 semiThetho**

4. IFom yesi-8 yeSihlomelo soku-1 semiThetho ngale ndlela itshintshwa ngale fom ilandelayo:

**“INombolo yesi-8 -INGxelo efungelweyo exhasa iSicelo seSigwebo esisiSishwankathelo**

**\*Kusetyenziswa yiNkundla yeSithili**

kwiNkundla kaMantyi yeSithili

yase..... ebelibanjwe e

.....

INombolo yeTyala ..... ka-20.....

Kumba ophakathi

.....UMfaki

sicelo

kunye no

.....UMmangalel

wa

Mna, .....,

wase

.....

..... (idilesi), ndibhengeza [ngo] phantsi  
kwesifungo njengoku kulandelayo:

(a) Ndingummangali (okanye xela ubudlelwane obo igunya lokumela ummangali busekelwe kubo) kula manyathelo kwaye ndigunyaziswe ngokufanelekileyo ukuba ndenze le ngxelo ifungelweyo, ekuquletheyo endinolwazi buqu ngako.

(b) Ndiyaqinisekisa ukuba ummangalelwa unetyala kum/kummangali lesixa sama-R..... kunye nakwimihlaba exelwe kwisamani.

(c) Ndiyakholwa ukuba ummangalelwa akanalo ukhuselo olunyanisekileyo kwibango kwaye [ukucela kungenisiwe] isaziso senjongo yokuzikhusela sinikelwe kuphela iinjongo zokulibazisa.

(d) Ikopi yesaziso senjongo yokuzikhusela sinikwe ngo ..... (umhla) sihlonyelwe apha.

(e) (Ukuba ngaba ibango lifunyenwe kuxwebhu olubonisa isixa mali sokuthengiswa kwempahla ukuze kuhlalulwe amatyala) Ikopi yo ..... (chaza uxwebhu olubandakanyekayo olubonisa isixa mali sokuthengiswa kwempahla ukuze kuhlalulwe amatyala) ihlonyelwe apha.

.....  
 Usayino

Ummangalelwa uyavuma ukuba uyakwazi kwaye ekuqonda okuqulethwe kule ngxelo ifungelweyo.

Isayinwe kwaye yafungelwa phambi kwam.....ngalo .....  
 wosuku lwama ....., 20.....

.....  
 UMkomishinala oFungisayo

.....  
 Ummandla

.....

I-Ofisi ebambileyo ukuba ngaba kubanjwe lilungu ngesikhundla.

**INombolo yesi-8 -INGxelo efungelweyo yeSicelo seSigwebo esisiSishwankathelo**

**\*\*Kusetyenziswa kwiNkundla yoMmandla**

KwiNkundla    yoMmandla    kwiCandelo    loMmandla  
 le.....    ebelibanjwe    e  
 .....

INombolo yeTyala ..... ka-20.....

Kumba ophakathi

.....UMfaki  
 sicelo

kunye no

.....OMangalelw  
 eyo

Mna, ..... wase  
 .....

..... (idilesi), ndibhengeza [ngo] phantsi kwesifungo njengoku kulandelayo:

- (a) Ndingummangali (okanye xela ubudlelwane obo igunya lokumela ummangali busekelwe kubo) kula manyathelo kwaye ndigunyaziswe ngokufanelekileyo ukuba ndenze le ngxelo ifungelweyo, ekuquletheyo endinolwazi buqu ngako.
- (b) Ndiyaqinisekisa ukuba ummangalelwa unetyala kum/kummangali lesixa sama-R..... kunye nakwimihlaba exelwe kwiisamani.
- (c) Ndiyakholwa ukuba ummangalelwa akanalo ukhuselo olunyanisekileyo kwibango kwaye [ukuvela kungenisiwe] isaziso senjongo yokuzikhusela sinikelwe kuphela iinjongo zokulibazisa.
- (d) Ikopi yesaziso senjongo yokuzikhusela sinikwe ngo ..... (umhla) sihlonyelwe apha.

(e) (Ukuba ngaba ibango lifunyenwe kuxwebhu olubonisa isixa mali sokuthengiswa kwempahla ukuze kuhlawulwe amatyala) Ikopi yo ..... (chaza uxwebhu olubandakanyekayo olubonisa isixa mali sokuthengiswa kwempahla ukuze kuhlawulwe amatyala) ihlonyelwe apha.

.....

Usayino

Ummangalelwa uyavuma ukuba uyakwazi kwaye ekuqonda okuqulethwe kule ngxelo ifungelweyo.

Isayinwe kwaye yafungelwa phambi kwam.....ngalo .....  
wosuku lwama ....., 20.....

.....

UMkomishinala oFungisayo

.....

Ummandla

.....

I-Ofisi ebambileyo ukuba ngaba kubanjwe lilungu ngesikhundla.”

**7. Ukuqalisa**

Le mithetho iqala ukusebenza ngowe- 22 ku-Meyi 2015.

