

(1 September 1992 – to date)

SHORT PROCESS COURTS AND MEDIATION IN CERTAIN CIVIL CASES ACT 103 OF 1991

Government Notice 1499 in Government Gazette 13350 dated 3 July 1991. Commencement date: 17 July 1992 [Proc. No. 74 in Gazette No. 14164 dated 17 July 1992]

RULES FOR SHORT PROCESS COURTS AND MEDIATION PROCEEDINGS, 1992

Government Notice R2196 in Government Gazette 14188 dated 31 July 1992. Commencement date: 1 September 1992

The Minister of Justice has, under section 13 of the Short Process Courts and Mediation in Certain Civil Cases Act, 1991 (Act No.103 of 1991), made the rules contained in the Annexure hereto regulating matters in respect of short *[sic]* Process Courts and Mediation proceedings, with effect from 1 September 1992.

ANNEXURE DIVISION OF RULES

These rules are divided as follows:

Definitions (rule 1).

PART I - Advisory Boards (rules 2 and 3).

PART II - Practice and procedure in respect of mediation proceedings (rules 4 to 8).

PART III - Practice and procedure of court (rules 9 to 21).

PART IV - Fees and costs (rules 22 to 24).

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1. Definitions

In these rules a word or expression to which a meaning has been assigned in the Act bears the meaning so assigned to it and unless the context otherwise indicates –

"days" means calendar days;

"judicial [sic] process" means a process issued out of a court;

"local authority" means an institution or body contemplated in section 84(1)(f) of the Provincial Government Act, 1961 (Act No.2 of 1961) and includes –

- (a) a board of management or board referred to in section 1 of the Rural Areas Act (House of Representatives), 1987 (Act No.9 of 1987);

- (b) a regional services council established under section 3 of the Regional Services Councils Act, 1985 (Act no. 109 of 1985);
- (c) a local authority as defined in section 1 of the Black Local Authorities Act, 1982 (Act No. 102 of 1982);
- (d) a local management body established by virtue of the provisions of section 32(2)(a) of the Black Administration Act, 1927 (Act No. 38 of 1927); or
- (e) a local council as defined in section 1 of the Local Councils Act (House of Assembly), 1987 (Act No. 94 of 1987):

"magistrate" means a judicial officer appointed in terms of section 9 of the Magistrates' Courts Act, 1944 (Act No. 32 of 1944);

"Magistrates' Courts Rules" means the rules promulgated by Government Notice No. R. 1108 of 21 June 1968, as amended;

"plaintiff", "defendant", "applicant", "respondent" and "party" include an attorney or a counsel appearing for such party, and the officer of a local authority nominated by that authority for that purpose;

"service" means delivery to a party and **"serve"** has a corresponding meaning;

"sheriff" means a person appointed in terms of section 2 of the Sheriff's Act, 1986 (Act No. 90 of 1986), and includes a person appointed in terms of section 5 or section 6 of that Act as an acting sheriff or a deputy sheriff, respectively; and

"the Act" means the Short Process Courts and Mediation in Certain Civil Cases Act, 1991 (Act No. 103 of 1991).

PART ADVISORY BOARDS

2. Appointment of advisory board

(1)

- (a) The Minister may establish a board as contemplated in section 13(1)(g) of the Act and may appoint as many members to such board as he deems fit.
- (b) A member of a board shall hold office during the Minister's pleasure.

- (c) The Minister shall appoint a member of a board to be the chairman and a member to be the vice-chairman of a board.
 - (d) If the chairman and the vice-chairman are not available to act as chairman, the members present shall elect one from among their number to preside at that meeting.
- (2) The Minister may at any time dissolve a board.

3. Duties of advisory board

A board may advise the Minister in regard to –

- (a) a suitable territory or district for which a court may be established, the seat of the court as well as the places for the holding of the court;
- (b) suitable accommodation for the court and its staff;
- (c) the times for the holding of the court;
- (d) the administration of the court after consultation with the magistrate (if the magistrate is not a member of the board) in whose district the court in question is seated;
- (e) the functioning of the court and mediation proceedings and the promulgation or amendment of rules in terms of the Act; and
- (f) any matter which may be necessary for the proper functioning of the court.

PART II

PRACTICE AND PROCEDURE IN RESPECT OF MEDIATION PROCEEDINGS

4. Notice that parties have agreed to submit their dispute to mediation proceedings

- (1) If the parties have agreed to submit their dispute to mediation proceedings, one of the parties shall
- (a) in the case of intended action in the court or magistrate's court, notify the clerk of the court concerned as required by section 3(1)(a)(i) of the Act of such, through a notice contained in Form 1 of Annexure 1; or
 - (b) in the case of an action which has already been instituted in the court or magistrate's court, notify the court or magistrate's court concerned as required by section 3(1)(a)(ii) of the Act of such, through a notice contained in Form 2 of Annexure 1.

- (2) The notices referred to in paragraphs (a) and (b) of subrule (1) shall contain a clear and concise exposition of the dispute which is to be submitted to mediation proceedings.
- (3) The notices referred to in paragraphs (a) and (b) of subrule (1) shall be subject to the payment with revenue stamps of R10,00 court fees and shall be filed with the clerk of the court concerned and the party filing a notice shall serve a copy thereof on the opposite party.
- (4) The clerk of the court shall on receipt of the notice referred to in paragraph (a) of subrule (1) number the notice with a consecutive number for mediation proceedings for the year in which it was filed with him and he shall file the notice under such number in a case file.
- (5) The clerk of the court shall on receipt of a notice referred to in paragraph (b) of subrule (1), file the notice under the number assigned to the case in question in the case file and submit it to the court or the magistrate's court where that case originated for consideration of the request to adjourn the dispute for mediation proceedings.
- (6) The adjudicator or magistrate may consider a request in terms of section 3(1)(a)(ii) of the Act in chambers in the absence of the parties concerned and record his finding on the case file concerned and sign and date that case file.

5. Notice of time, date and place of mediation proceedings

- (1) The clerk of the court shall inform the parties for the purposes of section 3(1)(b) of the Act, by letter, official telegram or telephone, at the address or telephone number that the parties supplied on Form 1 of Annexure 1, to appear at a specified time, date and place in chambers before a mediator for an interview and investigation as contemplated in that section.
- (2) The clerk of the court shall –
 - (a) in the case of a notice by letter or official telegram, file a copy of that letter or telegram in the case file concerned; or
 - (b) in the case of a notice by telephone, make a note to that effect on the case file concerned and sign and date that case file.

6. Filing of documents at mediation proceedings

The parties may file any document or evidential material upon which the action is based, or which the parties intend to use at the mediation proceedings, with the clerk of the court and deliver it to each other at least seven days before the mediation proceedings: Provided that the parties may also file or supplement it during the mediation proceedings.

7. Furnishing the mediator with the prescribed documents

The clerk of the court shall supply the mediator in question in preparation of mediation proceedings by hand or by post at least five days before the start of the mediation proceedings, with the case file concerned with all the judicial process and any other documents filed by the parties.

8. Recording mediation proceedings and furnishing copies

- (1) The mediator shall record an order in terms of section 3(2)(a), a settlement in terms of section 3(4), an order or judgment in terms of section 3(5) or an order for costs in terms of section 3(6) of the Act, on the case file concerned and sign and date that case file.
- (2) The mediator shall record the time spent in preparation of mediation proceedings and on mediation proceedings on the case file concerned and sign and date that case file.
- (3) A clerk of the court shall at the request of a party make a copy of a recorded order, settlement, judgment or order for costs on payment of court fees with revenue stamps of R1,00 for every 100 typed words or part thereof, or on payment with revenue stamps of R0,50 for every A4 photocopy page or part thereof and certify that copy or photocopy.
- (4) The particulars of negotiations which took place during the mediation proceedings before a mediator are privileged.

PART III

PRACTICE AND PROCEDURE OF COURT

9. Clerk of the court

- (1) A summons filed in a dispute in a court shall be numbered by the clerk of that court with a consecutive number for the year during which the summons is filed.
- (2) Every judicial process or other document which is afterwards filed in that dispute shall be marked with the number referred to in subrule (1) by the party filing it and shall not be accepted by the clerk of the court until so marked.
- (3) All judicial process or other documents delivered to the clerk of the court to be filed and any process of the court shall be filed by the clerk of the court in the case file of the action concerned.
- (4) A clerk of the court shall sign (manually or by machining a facsimile of his signature), date and issue all judicial process as sued out by a party.

- (5) Any act to be performed by the clerk of the court in terms of these rules may be performed by a magistrate, except that no magistrate shall write out a statement or judicial process for any party or tax any bill of costs.

10. Sheriff

- (1) All judicial process of the court, at the request of any party, shall be served or executed through a sheriff: Provided that a sheriff shall be under an obligation to effect services only if a party who desires the service has remunerated him according to rule 24 of these rules beforehand for the said service.
- (2) Service or execution of judicial process shall, after payment of the remuneration, be effected by the sheriff concerned without delay, and the sheriff may where resistance to the due service or execution of judicial process is experienced or is reasonably expected, call upon any member of the Force as defined in section 1 of the Police Act, 1958 (Act No.7 of 1958), to assist him.
- (3) A sheriff who is entrusted with the service or execution of judicial process shall –
 - (a) in writing notify the clerk of the court concerned and the party concerned who sued out the process that service or execution has been duly effected, stating the date and manner of service or the result of execution, and return that process to the clerk of that court; or
 - (b) in writing notify the party who sued out the judicial process concerned if he has been unable to effect service or execution, and of the reason for such inability, and return that process to the party concerned, and keep a record of any process so returned.
- (4) A sheriff shall after service or attempted service of any judicial process specify the total amount of his charges on the original of that document and each copy thereof and the amount of each of his charges separately on the return of service.

11. Summons commencing action

- (1) Save where an action has already been instituted in a competent court of law and is transferred to the court, the adjudication of a dispute in a court shall commence with the issuing of a summons.
- (2) The summons shall be in the form of Form 3 of Annexure 1 or as close as possible thereto and is subject to the payment of R10,00 court fees in the form of a revenue stamp.
- (3) A plaintiff shall file a summons with the clerk of the court and if the clerk of the court is satisfied that the summons complies essentially with the prescribed requirements, the clerk of the court shall determine a date and time for the adjudication of the action, issue the summons by signing and dating it and return it to the plaintiff.

- (4) A summons shall be served on a defendant not less than seven days before the date of trial.

12. Contents of summons

- (1) A summons shall before issue –

- (a) state the particulars of the claim; and
- (b) contain an endorsement that the defendant consented in writing that the dispute be instituted in the court.

- (2) A summons shall be signed by the plaintiff and shall contain the following particulars:

- (a) The nature and amount of the claim and, where the summons contains more than one claim, the particulars of each claim and the relief sought in respect thereof shall be stated separately: Provided that similar separate claims may be stated in one particularity of action on condition that it is clear that every separate claim is within the jurisdiction of the court;
- (b) the initials, surname, sex and residence or place of business of the plaintiff; and
- (c) the surname of the defendant by which he is known to the plaintiff, the defendant's sex and residence or place of business, and, where known, his first name or initials, and, in the case of a woman, where known, her marital status, and, in the case of a legal person, partnership, club, association, business, church or syndicate, the name by which such body is known to the plaintiff.

13. Amendment of summons before service

A summons may before service be amended by the plaintiff as he may deem fit.

14. Service of a summons by plaintiff

- (1) A plaintiff shall serve the summons on the defendant concerned personally or hand that summons to the defendant's legal representative or deliver it to a sheriff for service on the defendant.
- (2) A plaintiff shall make as many copies of a summons as there are parties on which the summons is to be served.
- (3) The original of a summons shall on demand be exhibited to the person on or against whom the summons is served.

- (4) If a summons is served by a plaintiff on a defendant personally or on his legal representative, the plaintiff shall obtain a receipt therefor and file the original summons and the return of service with the clerk of the court concerned as soon as possible.

15. Service of judicial process by sheriff

- (1) A party requiring service of any judicial process to be effected by the sheriff, shall deliver to the sheriff the original of that process, together with as many copies thereof as there are parties on which the process is to be served.
- (2) Subject to the provisions of this rule, all judicial process shall be served by a sheriff on the party concerned by delivery of a copy thereof in one of the following manners, namely –
- (a) to the said person personally or to his duly authorised agent;
 - (b) at his residence or place of business to some person apparently not less than 16 years of age and apparently residing or employed there: Provided that for the purpose of this paragraph, when a building is occupied by more than one person or family, "residence" means that portion of the building occupied by the person;
 - (c) at his place of employment to some person apparently not less than 16 years of age and apparently in authority over him or, in the absence of such person in authority, to a person apparently not less than 16 years of age and apparently in charge at his place of employment;
 - (d) if the person to be served has chosen a *domicilium citandi* at that *domicilium* so chosen;
 - (e) in the case of a body corporate at its local office or principal place of business within the area of jurisdiction of the court concerned to a responsible employee thereof or in any other manner specially provided by law;
 - (f) if a party or his authorised agent has instructed a sheriff in writing to serve by registered post, a judicial process shall be so served;
 - (g) in the case of a Minister, Deputy Minister or Administrator, in his official capacity, the State or a provincial administration, at the Office of the State Attorney in Pretoria, or a branch of that Office which serves the area of jurisdiction of the court from which the process has been issued: Provided that where such service has been effected in the manner prescribed by paragraphs (b), (c), (e) or (g), the sheriff shall indicate in the return of service of the process concerned the name of the person to whom it has been served and the capacity in which that person stands in relation to the person, body corporate or institution affected by the process, and where such service has been effected in the manner prescribed by paragraphs (b), (c) or (f), the court may,

if there is reason to doubt whether the process served has come to the actual knowledge of the person to be served, and in the absence of satisfactory evidence, treat such service as invalid.

- (3) A sheriff shall, on demand by the person upon or against whom process is served, exhibit to him the original of the process, except where service has been effected by registered post, in which case the original process may be inspected by that person where it is filed of record in respect of the case in question.
- (4) Where the person on which a judicial process is to be or may be served keeps his residence or place of business closed and thus prevents the sheriff from serving the process, it shall be sufficient service to affix a copy thereof to the outer or principal door of such residence or place of business.
- (5) Where the sheriff is unable after diligent search to find at the residence or *domicilium citandi* of the person on which a judicial process is to be served, either that person or a person referred to in subrule (2)(b) or, in the case of a body corporate referred to in subrule (2)(e), a responsible employee, it shall be sufficient service to affix a copy of the process to the outer or principal door of such residence, local office or principal place of business or to leave a copy of the process at such *domicilium*.
- (6) If it comes to a sheriff's knowledge that the person on whom service must be effected has a new residential address, the sheriff shall serve a judicial process on the person at his new address.
- (7) Where the relief claimed in any dispute is limited to an order for ejectment from premises or land or a judgment for the rent thereof and for the cost of such proceedings and it is not possible to effect service according to subrule (2), service may be effected by affixing a copy thereof to the outer or principal door of such premises or on some other suitable structure of such premises or land in question.
- (8) Where two or more persons are to be served with the same judicial process, service shall be effected upon each, except –
 - (a) in the case of a partnership, when service may be effected by delivery at the office or place of business of the partnership, or if there be none such, then by service on any member of the partnership in any manner prescribed in this rule;
 - (b) in the case of two or more persons sued in their capacity as trustees of an insolvent estate, liquidators of a company, executors, curators or guardians, when service may be effected by delivery to any one of such persons in any manner prescribed in this rule;
 - (c) in the case of a syndicate, unincorporated company, club, society or church, when service may be effected by delivery at the local office or place of business of such body or, if there be none such, by service on the chairman or secretary or other responsible officer thereof in any manner prescribed in this rule.

- (9) Where a court is satisfied that service cannot be effected in any manner prescribed in these rules and that the action is within its jurisdiction, the court may make an order allowing service to be effected by the person and in the manner specified in such order.
- (10) Service of a subpoena on a witness may be effected at a reasonable time before attendance at court is required in any manner prescribed in this rule and need not be effected through a sheriff.
- (11)
- (a) If a sheriff causes service of a judicial process to be effected by registered post he shall –
- (i) affix on the postal item containing that document a printed or type written notice in the following terms:
- "This postal item must not be readdressed. If delivery is not effected on the addressee before.....19....., it must be returned to the sheriff of.....";
- and
- (ii) obtain an advice of delivery referred to in regulation 44(5) of the Regulations published under Government Notice No. R 550 of 14 April 1960, as amended, in respect of that postal item from the post office concerned, and such an advice shall, for the purposes of these rules, be considered sufficient service.
- (b) If no such an advice is received from the post office, the sheriff shall state this in his return of service of that process.

16. Withdrawal of action

The withdrawal of an action or a decree of absolution from the instance shall not be a defence against any subsequent action.

17. Representation of parties

- (1)
- (a) A party may institute or defend and may carry to completion any legal proceedings either in person or by a legal representative referred to in section 14 of the Act.
- (b) No person acting under paragraph (a), other than a legal representative referred to in section 14 of the Act, shall be entitled to recover therefor any costs other than necessary disbursements.
- (2) It shall not be necessary for any person to file a power of attorney to act on behalf of a body corporate, but the authority of any person acting for such a body corporate may be challenged by the other party

during the proceedings after he has become aware that such person is so acting and thereupon that person may not without the leave of the court so act further until he has satisfied the court during the proceedings that he has authority so to act.

- (3) If a party dies or becomes incompetent to continue an action, the action shall thereby be stayed until such time as an executor, trustee, guardian or other competent person has been appointed in his place or until such incompetence of the party shall cease to exist.
- (4) Where an executor, trustee, guardian or other competent person has been so appointed, a court may, at the verbal request of such person, order that he be substituted in the place of the party who has so died or become incompetent.

18. Non-compliance with rules, including time limits and errors

- (1) Except where otherwise provided in these rules, failure to comply with these rules or with a request made in pursuance thereof shall not be ground for the giving of judgment against a party in default.
- (2) Where any provision of these rules or any request made in pursuance thereof has not fully been complied with, a court may at request, order compliance therewith within a stated time.
- (3) If the request is not or has not been fully complied with within the stated time, the court concerned may forthwith give judgment in an action against a party so in default.
- (4) No process shall be invalid by reason of any obvious error in spelling or in figures or of date.
- (5) If any party has in fact been misled by any error in any judicial process served on him, the court may at the verbal request of a party, grant him such relief as may be deemed just in the circumstances, and the court may for that purpose set aside the process.

19. Adjudication process

- (1) The adjudication process in a court shall commence after the issue of a summons in the court or after the transfer before judgment of an action that had been instituted in a magistrate's court, with the written consent of the parties, to the court.
- (2) The clerk of the court shall on receipt of the written consent of the parties to transfer a case instituted in a magistrate's court but in which judgment has not been given, record on the magistrate's court case file concerned that the matter has been transferred to the court, and –
 - (a) file that magistrate's court case file together with the documents therein in a new case file that has been numbered with a consecutive number for the year in which the transfer has been requested;

- (b) allocate a trial date for the action; and
 - (c) inform the parties by letter, official telegram or telephone of the case number and the trial date; and
 - (d) in the case of a notification by letter or official telegram, file a copy of that letter or telegram in the case file concerned; or
 - (ii) in the case of a notification by telephone, file a note to that effect in the case file concerned and sign and date that case file.
- (3) The parties must at least seven days before the date of the adjudication proceedings file the following documents with the clerk of the court and, where necessary, deliver to each other –
- (a) a clear and concise exposition of the claim and counterclaim, if applicable, between the parties that must be adjudicated;
 - (b) a certified copy of any order, settlement, judgment or order for costs which was recorded by a mediator in terms of section 3 of the Act;
 - (c) the written consent of the defendant that the action may be instituted in the court or may be proceeded with, as the case may be, or a certified copy thereof; and
 - (d) any document or evidential material upon which the action is based or which the parties intend using in the proceedings and which they wish to file before the commencement of the proceedings: Provided that the parties may also file or supplement such document or evidential material during the proceedings.
- (4) On receipt of the documents referred to in subrule (3) from the parties, the clerk of the court must file them in the case file and must hand the case file wherein those prescribed documents have been filed, within five days from the trial date to the adjudicator for preparation.
- (5) An adjudicator must record all postponements, judgments, orders and orders for costs and also the time spent in preparation for adjudication proceedings, preparation for postponed proceedings, preparation for judgment and the adjudication of the dispute on the case file concerned and sign and date it.
- (6)
- (a) The judicial process documents and other documents of a court shall be available for inspection by the public under the supervision of the clerk of the court during office hours and upon payment with revenue stamps of court fees of R2,00 per case file, and those documents shall

be preserved at the seat of the court concerned for such period as the Director-General of Justice may determine.

- (b) The Director-General of Justice may order that after the expiry of the period contemplated in paragraph (a) the documents so preserved shall be removed to a specified place of custody or be destroyed or otherwise disposed of.

- (7) A clerk of the court must at the request of a party make certified copies of any of the documents in a case file or of the case record under his supervision, upon payment with revenue stamps of court fees of R1,00 for each 100 typed words or part thereof or upon payment with revenue stamps of R0,50 for each A4 photocopy page or part thereof: Provided that if the proceedings were mechanically recorded, the requesting party must pay the full transcription costs thereof.

20. Actions by and against partners, a person carrying on business in a name or style other than his own name, syndicate or association

- (1) Any person carrying on business in a name or style other than his own name or two or more parties who are co-partners may be sued in that other name or style or in the name of the partnership.
- (2) The provisions of this rule shall also *mutatis mutandis* apply to an unincorporated company, syndicate or association.

21. Review proceedings

If a party desires to take the mediation proceedings or proceedings of the court under review, as contemplated in section 12 of the Act, he must within 30 days after the proceedings or an alleged irregularity, institute review proceedings in terms of the provisions in rule 53 of the Uniform Court Rules published under Government Notice No. R. 48 of 12 January 1965, as amended.

**PART IV
FEES AND COSTS**

22. Value added tax

Except where specifically otherwise stated, value added tax shall be included in all tariffs or fees prescribed in these rules.

23. Costs

- (1)
 - (a) A bill of costs shall be taxed by a clerk of the court and if the parties agree on an amount during the proceedings, the court shall record that amount as an order for costs.

- (b) The clerk of the court concerned shall after the conclusion of the mediation proceedings or the adjudication process in court –
 - (i) compute the remuneration payable in terms of rule 25 to the mediator or adjudicator in question and record the amount on the case file concerned; and
 - (ii) determine that an amount equivalent to one half of the amount, but at least R50,00, be paid in full or in part, by one or both parties concerned in the same proportion as the award of costs in the recorded order for costs and record that amount on that case file: Provided that if no order for costs has been recorded, the amount is to be divided in equal proportions between the parties.
 - (c) A recording referred to in paragraph (b)(ii) shall be considered a taxed bill of costs in favour of the State.
 - (d) The clerk of the court shall notify the party or parties by registered letter to pay to him the amount owed to the State by the party or parties (as the case may be), referred to in paragraph (b)(ii), with revenue stamps within 10 days from the forwarding of the letter.
 - (e) If a party fails to comply with the notice referred to in paragraph (d), execution proceedings may be proceeded with against that party as if a civil judgment for the amount referred to in paragraph (b)(ii) has been entered against him in favour of the State.
- (2) If a judgment or order for costs is made against two or more persons it shall, unless the contrary is stated, have effect against such persons jointly and separately.
 - (3) Unless a court for good cause otherwise orders, a party may present only one bill for taxation up to and including the judgment or other conclusion of a dispute.
 - (4) The tariff of fees to be taken by attorneys as between party and party shall be –
 - (a) that set out in Annexure 2;
 - (b) with regard to that part of proceedings that took place in the magistrate's court, the tariff set out in the Magistrates' Courts Rules unless the court otherwise orders; and
 - (c) with regard to execution proceedings the tariff prescribed in the Magistrates' Courts Rules.
 - (5)
 - (a) If the parties waive the tariff referred to in subrule (4) in writing, and agree on another tariff, a taxing master must tax on the agreed tariff.

- (b) If the parties agree in writing on a cost amount at the end of the proceedings, the agreement may be filed with the clerk of the court, who shall record it on the case file concerned, whereafter it shall be regarded as a taxed bill of costs.
- (6) Witness fees may be allowed in addition to the fees in subrule (4), in accordance with the tariff of fees in terms of section 51*bis* of the Magistrates' Courts Act, 1944 (Act No. 32 of 1944): Provided that witness fees shall not be allowed in taxation unless properly vouched for.
- (7) If costs or expenses are awarded to a party by a court, the party to whom such costs or expenses have been awarded shall serve a bill of the costs or expenses and give at least five days' notice of taxation for a date and time to be fixed (generally or specifically) by the clerk of the court concerned and such clerk of the court shall thereupon tax and allow the costs and expenses so awarded.
- (8) Where more than one quarter of a bill (excluding expenses) is taxed off, a party presenting the bill shall not be allowed any costs of taxation.
- (9) On failure of a party giving notice of taxation to appear at the appointed date and time, the bill of costs may be taxed in his absence, but such party shall not be allowed any costs of taxation.

24. Sheriff's fees

The fees and travelling expenses to be taken by a sheriff shall be those prescribed in Table C of Annexure 2 of the Magistrates' Courts Rules: Provided that value added tax shall be added to the prescribed tariffs and be taxed as such.

PART V

REMUNERATION AND ALLOWANCES PAYABLE TO MEDIATORS AND ADJUDICATORS

25. Remuneration payable to mediators and adjudicators

Anyone filling the position of a mediator or an adjudicator shall be remunerated out of public funds as follows –

(a) For the preparation of mediation or adjudication proceedings	R40,00 per quarter of an hour or part thereof with a maximum of R80,00
(b) For the preparation of postponed proceedings.	R40,00.
(c) For the preparation of judgment in adjudication proceedings	R40,00 per quarter of an hour or part thereof with a maximum of R160,00.

(d) For an interview and investigation by a mediator and acting as presiding officer by an adjudicator for short process	R40,00 per quarter of an hour or part thereof with a maximum of R640,00 per day.
--	--

PART VI EXECUTION

26. Process in execution

- (1) An order by a mediator in terms of section 3 of the Act and an order or judgment by the court is enforceable by execution in the competent magistrate's court according to the provisions of the Magistrates' Courts Act, 1944 (Act No. 32 of 1944), and the Magistrates' Courts Rules and the judgment creditor may act as if the order was granted or the judgment was entered in his favour in the magistrate's court.
- (2) A judgment creditor may file with the clerk of a competent magistrate's court a certified copy of an order or judgment referred to in subrule (1) and an affidavit or affirmation by the judgment creditor or a certificate by his attorney stating the amount and costs due in terms of the judgment or order, and in what respect the order of the court remained unsatisfied, whereafter that judgment or order will have all the consequences of a judgment or order of that court.

PART VII MISCELLANEOUS PROVISIONS

27. Procedure for requests

A party may verbally or in writing submit any request, including a request for the amendment of a judicial process after service and also the rescission or amendment of a judgment granted by a court in the absence of a party against whom that judgment was granted to a court and an adjudicator may hear that request on the provisions that he may deem fit in court or in chambers: Provided that the plaintiff shall at least seven days before the date of the trial deliver to the defendant particulars of any request for the amendment of the particulars of his claim.

28. Short title

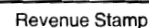
These rules shall be called the Rules of Courts for Short Process and Mediation Proceedings, 1992.

Revenue Stamp

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UNIVERSITEIT VAN PRETORIA
UNIVERSITY OF PRETORIA
YUNIBESITHI YA PRETORIA



Case No......

To: THE CLERK OF THE COURT

.....plaintiff

.....defendant

Address of Plaintiff's Legal Representative

.....

.....

.....

Tel. No

Fax. No

Address of Defendant's Legal Representative

.....

.....

Tel. No

Fax. No.

[illegible]

UNIVERSITEIT VAN PRETORIA
UNIVERSITY OF PRETORIA
YUNIBESITHI YA PRETORIA

.....

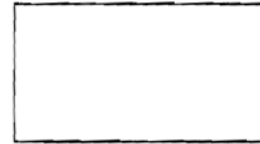
or Plaintiff's/Defendant's Legal

Request considered on by the Court/Magistrate's Court

.....

ADJUDICATOR FOR SHORT PROCESS/MAGISTRATE

FORM 3



Revenue Stamp

Issued by

Case No

.....

Date

Clerk of the Court

SUMMONS COMMENCING ACTION

Name and address of Plaintiff

.....

.....

.....

.....

.....

Signature of Plaintiff

In the Court for Short Process for held at

.....

between

.....Plaintiff

.....(sex)

and

.....Defendant

.....(sex, and if female, also marital status)

To

.....

.....

.....

.....

1. Whereas the plaintiff and the defendant have agreed in writing to have their dispute adjudicated in the Court for Short Process, you are hereby summoned to appear before this Court on thedayof.....19.....at.....(time) to admit or deny your liability for the undermentioned claim.

2. Particulars of claim

.....

.....

.....

.....

.....

.....

.....

.....

Prepared by:

.....
.....

3.

- (a) Take note that if you fail to appear in Court on the trial date after a summons has been served on you, judgment for the amount or legal aid claimed may be granted against you and that you will be compelled to pay the amount or comply with the order.
- (b) Moneys payable in terms of a judgment or order of the Court shall be paid directly to the judgment creditor.
- (c) If you admit the claim and wish to consent to judgment or wish to undertake to pay the claim in instalments or otherwise, you may approach the plaintiff or his attorney.

4. The sheriff's fees areR..... .

*5. *Notice of defence.*

I admit that I have agreed that the dispute may be heard in the Court for Short Process and hereby give notice of defence.

Dated at.....this.....day of, 19.....

.....

Defendant

.....

Date

* (If the defendant completes the notice of defence, he may send it to the clerk of the court or return it to the person serving the summons)

ANNEXURE 2

TARIFFS

Tariff of fees to be taken by attorneys as between party and party

R

1.	Consultations with client, witnesses, adjudicator/trial/inspection, per quarter of an hour or part thereof.....	40.00
2.	Preparing of trial, per quarter of an hour or part thereof	40.00
	with a maximum of	120.00
3.	Preparing for mediation, per quarter of an hour or part thereof	40,00
	with a maximum of	120,00
4.	Documentation, including summons, process and plea: (Inclusive of drawing, copies, delivering, filing) per page of the original.....	30.00
5.	Telephone calls: Actual costs plus R15,00 per call	
6.	Letters: Comprehensive tariff for drawing, copies, postage, post, per letter	20.00
7.	Receipt or perusal of any document or letter, irrespective of how many pages, per document or letter	15.00
8.	Each necessary attendance, not otherwise provided for, per quarter of an hour or part thereof	30.00

Prepared by: