

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

NO. R. 1055

29 SEPTEMBER 2017

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

**AMENDMENT OF 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), 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" mean the Rules Regulating the Conduct of the Proceedings of the Supreme Court of Appeal of South Africa 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 and R. 113 of 15 February 2013.

Amendment of Rule 18 of the Rules

2. The Rules are hereby amended by the substitution for rule 18 of the following rule:

"18 Attorneys' fees

The following fees shall be allowed to attorneys conducting appeals or other matters before the Court:

A - TAKING INSTRUCTIONS

	R.c
1.(a) To note an appeal or cross-appeal when leave to appeal is not required per quarter of an hour	
(i) by an attorney	263,00
(ii) by a candidate attorney	81,00
(b) To prosecute or defend an appeal, including continuation of a cross-appeal per quarter of an hour	
(i) by an attorney	263,00
(ii) by a candidate attorney	81,00
(c) To make or oppose an application per quarter of an hour	
(i) by an attorney	263,00
(ii) by a candidate attorney	81,00
2. To draft any application or affidavit per page	105,50

B - PREPARATION OF RECORDS

	R.c
1. Making, for the purpose of preparing copies of the record on appeal (except where a charge is made under paragraph 5 hereof), a copy of such particulars of the record as were not in the possession of the appellant or his or her attorney at	

	the time when the order appealed from was made, per page	3,50
2.	Arranging record for printing or typing, excluding unnecessary documents therefrom, and preparing an index and list of documents not included in the record on appeal, per quarter of an hour or part thereof	
(i)	by an attorney	263,00
(ii)	by a candidate attorney	81,00
3.	Correcting typed copy, per quarter of an hour or part thereof	
(i)	by an attorney	263,00
(ii)	by a candidate attorney	81,00
4.	Attending at the office of the registrar or officer of the court appealed from to peruse or authenticate the record, per quarter of an hour or part thereof	
(i)	by an attorney	263,00
(ii)	by a candidate attorney	81,00
5.	Making copies of record on appeal and heads of arguments, per page	3,50

C - PERUSAL

R.c

1.(a)	Perusing judgment of court <i>a quo</i> when taking instructions for the continuation of an appeal or cross-appeal, where leave to appeal is not required, per page	53,00
(b)	Perusing record of appeal, for each page	4,50
(c)	Perusing judgment of court <i>a quo</i> by which leave to appeal was denied, when taking instructions to apply for leave to appeal to the Court, per page	4,50
2.	Perusing any plan, diagram, photograph or other annexure	

	to the record to which the remuneration hereinbefore set out cannot be applied per page	53,00
3.(a)	Attendance on and perusal of any application or affidavit or any other document not elsewhere provided for, per page	53,00
(b)	Attendance on and perusal of any annexure to an application and answering affidavit, per page	4,50
(c)	Attendance on and perusal of an application or affidavit composed or corrected by counsel, per page	12,00
4.	Attendance on and perusal of heads of argument, excluding annexures for example unreported judgments of court or copies of publications attached as confirmation of heads of arguments, per page	53,00

D - ATTENDANCE

		R.c
1.	Any formal attendance on an acknowledgement, receipt, etc	53,00
2.(a)	Attendance on any letter or document	53,00
(b)	Necessary telephone calls made, the actual costs thereof, plus for every five minutes or part thereof	
(i)	by an attorney	88,00
(ii)	by a candidate attorney	27,00
(c)	Attendance on telephone calls for every five minutes or part thereof	
(i)	by an attorney	88,00
(ii)	by a candidate attorney	27,00
3.(a)	Attendance at office of registrar to deliver a letter or document, or to uplift an order, etc, per quarter of an hour or part thereof	
(i)	by an attorney	263,00
(ii)	by a candidate attorney	81,00
(b)	Attendance on business other than formal business, per	

	quarter of an hour or part thereof	
(i)	by an attorney	263,00
(ii)	by a candidate attorney	81,00
4.(a)	Attendance at any consultation with counsel or client, per quarter of an hour or part thereof	
(i)	by an attorney	263,00
(ii)	by a candidate attorney	81,00
(b)	A comprehensive fee for attendance, obtaining and payment of counsel for noting of judgment	
(i)	by an attorney	263,00
(ii)	by a candidate attorney	81,00
5.	Attendance at court to note judgment per quarter of an hour	
(a)	by an attorney	263,00
(b)	by a candidate attorney	81,00
6.	Attendance at court on hearing of appeal or application, per quarter of an hour or part thereof-	
(a)	by an attorney	263,00
(b)	by a candidate attorney	81,00

E-DRAWING UP OF DOCUMENTS

		R c
1.	Any application or affidavit, per page	105,50
2.	Instructions to counsel	
(a)	on appeal per page	105,50
(b)	on application per page	105,50
(c)	in justifiable cases, for the drawing up or correcting of application or affidavit for an application for leave to appeal or disputing thereof per page	105,50
3.	Drawing up of notice of appeal or other necessary notices, per page	105,50
4.	Letters per page, including copy to keep	105,50
5.	Drawing up power of attorney, per page	105,50
6.	Drawing up short brief to counsel per page	105,50
7.	Drawing up bond of security, per page	105,50

F-COPYING

Other documents not specially provided for, per page 3,50

G-BILLS OF COSTS

In connection with a bill of costs for work done or services rendered by an attorney, such attorney shall be entitled to charge the following:

1. For drawing up the bill of costs, making the necessary copies and attending settlement: 11,00 per cent of the attorney's fees, either as charged in bill if not taxed or as allowed on taxation.
2. For arranging and attending taxation: 11,00 per cent on the first R10 000,00 or portion thereof, 6 per cent on the next R10 000,00 or portion thereof and 2,12 percent on the balance of the total amount of the bill.”.

Commencement

3. These rules shall come into operation on **1 November 2017**.