
GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

NO. R. 858

07 AUGUST 2020

RULES BOARD FOR COURTS OF LAW ACT, 1985 (ACT NO. 107 OF 1985)**AMENDMENT OF THE RULES OF THE SUPREME COURT OF APPEAL**

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**GENERAL EXPLANATORY NOTE:**

[] Expressions in square brackets in bold indicate omissions from the existing rules.

 Expressions underlined with a solid line indicate insertions into existing rules.

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 Notices 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, and R. 107 of 7 February 2020.

Amendment of rule 18 of the rules

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

“Attorneys’ fees

18. 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]328,00 |
| | (ii) | by a candidate attorney | [81,00]102,00 |
| | (b) | To prosecute or defend an appeal, including continuation of a cross-appeal per quarter of an hour: | |
| | (i) | by an attorney | [263,00]328,00 |
| | (ii) | by a candidate attorney | [81,00]102,00 |
| | (c) | To make or oppose an application per quarter of an hour | |
| | (i) | by an attorney | [263,00]328,00 |
| | (ii) | by a candidate attorney | [81,00]102,00 |
| 2. | | To draft any application or affidavit per page
..... | [R105,50] 131,50 |

B – PREPARATION OF RECORDS

- | | | | |
|----|---|-------------------------------|----------------|
| 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]4,50 | |
| 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]328,00 |
| | (ii) | by a candidate attorney | [81,00]102,00 |
| 3. | Correcting typed copy, per quarter of an hour or part thereof— | | |
| | (i) | by an attorney | [263,00]328,00 |
| | (ii) | by a candidate attorney | [81,00]102,00 |
| 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]328,00
(ii) by a candidate attorney..... [81,00]102,00
5. Making typed copies of record on appeal and heads of arguments, per page..... [3,50]4,50

C – PERUSAL

R.c

1. (a) Perusing judgment of court *a quo* when taking instructions for the continuation of an appeal or cross-appeal, where leave to appeal is not required, per page..... [53,00]66,50
(b) Perusing record of appeal, for each page..... [4,50]6,50
(c) Perusing judgment of court *a quo* by which leave to appeal was denied, when taking instructions to apply for leave to appeal to the Court, per page..... [4,50]R6,50
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]66,50
3. (a) Attendance on and perusal of any application or affidavit or any other document not elsewhere provided for, per page..... [53,00]66,50
(b) Attendance on and perusal of any annexure to an application and answering affidavit, per page..... [4,50]6,50
(c) Attendance on and perusal of an application or affidavit composed or corrected by counsel, per page..... [12,00]16,00
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]66,50

D - ATTENDANCE

R.c

1. Any formal attendance on an acknowledgement, receipt, etc..... [53,00]66,50
2. (a) Attendance on any letter or document..... [53,00]66,50
(b) Necessary telephone calls made, the actual costs thereof, plus for every five minutes or part thereof —
(i) by an attorney..... [88,00] 109,00
(ii) by a candidate attorney..... [27,00] 34,00

- (c) Attendance on telephone calls, the actual costs thereof, plus for every five minutes or part thereof =
- (i) by an attorney.....[88,00] 109,00
- (ii) by a candidate attorney.....[27,00] 34,00
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]328,00
- (ii) by a candidate attorney [81,00]102,00
- (b) Attendance on business other than formal business, per quarter of an hour or part thereof—
- (i) by an attorney.....[263,00]328,00
- (ii) by a candidate attorney..... [81,00]102,00
4. (a) Attendance at any consultation with counsel or client—
- (i) by an attorney.....[263,00]328,00
- (ii) by a candidate attorney.....[81,00]102,00
- (b) A comprehensive fee for attendance, obtaining and payment of counsel for noting of judgment per quarter of an hour—
- (i) by an attorney.....[263,00]328,00
- (ii) by a candidate attorney.....[81,00]102,00
5. Attendance at court to note judgment per quarter of an hour =
- (a) by an attorney..... [263,00]328,00
- (b) by a candidate attorney.....[81,00]102,00
6. Attendance at court on hearing of appeal or application, per quarter of an hour or part thereof =
- (a) by an attorney..... [263,00]328,00
- (b) by a candidate attorney..... [81,00]102,00

E - DRAWING UP OF DOCUMENTS

R c

1. Any application or affidavit, per page.....[105,50]131,50
2. Instructions to counsel—
- (a) on appeal per page..... [105,50]131,50
- (b) on application per page.....[105,50]131,50
- (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]131,50
3. Drawing up of notice of appeal or other necessary notices, per page..... [105,50]131,50
4. Letters per page, including copy to keep [105,50]131,50
5. Drawing up power of attorney, per page.....[105,50]131,50
6. Drawing up short brief to counsel per page.....[105,50]131,50
7. Drawing up bond of security, per page.....[105,50]131,50

F – COPYING

Other documents not specially provided for, per page..... ~~[3,50]~~4,50

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 per cent of the attorney's fees, either as charged in the bill, if not taxed or as allowed on taxation.
2. In addition to the fees charged under paragraph 1, if recourse is had to taxation for arranging and attending taxation, and obtaining consent to taxation, 11 per cent on the first R10 000,00 or portion thereof, 6 per cent on the next R10 000,00 or portion thereof and 3 per cent on the balance of the total amount of the bill."

Commencement

3. These Rules shall come into effect on **11 September 2020**.