

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

NO. R. 7530

29 May 2026

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT**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 No. 107 of 1985), with the approval of the Minister of Justice and Constitutional Development, made the rules in the Schedule.

SCHEDULE**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.

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. 571 of 18 July 2014, R. 5 of 9 January 2015, R. 32 of 23 January 2015, R. 33 of 23 January 2015, R. 318 of 17 April 2015, R. 545 of 30 June 2015, R. 2 of 19 February 2016, R. 1055 of 29 September 2017, R. 1272 of 17 November 2017, R. 632 of 22 June 2018, R. 1318 of 30 November 2018, R. 842 of 31 May 2019, R. 1343 of 18 October 2019, R. 107 of 7 February 2020, R. 858 of

7 August 2020, R. 1156 of 30 October 2020, R. 1602 of 17 December 2021, R. 2134 of 3 June 2022, R. 2298 of 22 July 2022, R. 2414 of 26 August 2022, R. 2434 of 2 September 2022, R. 3371 of 5 May 2023, R. 3399 of 12 May 2023, R. 4476 of 8 March 2024, R. 5127 of 16 August 2024, R. 5559 of 22 November 2024, R. 6231 of 30 May 2025, R. 6232 of 30 May 2025, R. 6505 of 15 August 2025, R. 6752 of 24 October 2025, R. 6825 of 14 November 2025, R. 6974 of 24 December 2025 and R. 7178 of 27 February 2026.

Amendment of rule 18 of the Rules

2. Rule 18 of the Rules is hereby amended by the substitution for subrule (8) of the following subrule:

“(8) If notice of the acceptance of the offer or tender in terms of subrule (6) or notice in terms of subrule (7) is required to be given at an address other than that provided in rule 13(3), then it shall be given at an address, which is not a post office box or *poste restante*, **[within 15 kilometres of the office of the registrar or clerk of the court at which such notice must be delivered]** situated in an area either within the court’s jurisdiction or within 25 kilometres of the courthouse.”.

Amendment of rule 43A of the Rules

3. Rule 43A of the Rules is hereby amended—
(a) by the substitution for subrule (4) of the following subrule:

“(4) (a) The applicant shall in the notice of application—
(i) state the date on which the application is to be heard;
(ii) inform every respondent cited therein that if the respondent intends to oppose the application or make submissions to the court, the respondent must do so on affidavit within 10 days of service of the application and appear in court on the date on which the application is to be heard;
(iii) appoint a physical address which shall **[, in places where there are three or more attorneys or firms of attorneys practising independently of one another, be within 15 kilometres]** be situated in an area either within the court’s jurisdiction or within 25 kilometres of the courthouse at which the applicant will accept service of all documents in these proceedings; and

- (iv) state the applicant's postal, facsimile or electronic mail address where available.
- (b) The application shall not be set down for hearing on a date less than five days after expiry of the period referred to in paragraph (a)(ii)."; and
- (b) by the substitution for subrule (6) of the following subrule:
- "(6)(a) A respondent, upon service of an application referred to in subrule (3), may—
- (i) oppose the application; or
 - (ii) oppose the application and make submissions which are relevant to the making of an appropriate order by the court; or
 - (iii) without opposing the application, make submissions which are relevant to the making of an appropriate order by the court.
- (b) A respondent referred to in paragraph (a)(i) and (ii) shall—
- (i) admit or deny the allegations made by the applicant in the applicant's founding affidavit; and
 - (ii) set out the reasons for opposing the application and the grounds on which the application is opposed.
- (c) Every opposition or submission referred to in paragraphs (a) and (b) shall be set out in an affidavit.
- (d) A respondent opposing an application or making submissions shall, within 10 days of service of the application—
- (i) deliver the affidavit referred to in paragraph (c);
 - (ii) appoint a physical address which shall **[, in places where there are three or more attorneys or firms of attorneys practising independently of one another, be within 15 kilometres] be situated in an area either within the court's jurisdiction or within 25 kilometres** of the courthouse at which documents may be served upon such respondent; and
 - (iii) state the respondent's postal, facsimile or electronic mail address where available."

Amendment of rule 51 of the Rules

4. Rule 51 is hereby amended by the substitution for sub-rule (4) of the following sub-rule:

“(4)(a) **[Unless the respondent waives his or her right to security or the court subsequently on application to it has released the appellant wholly or partially from that obligation, the appellant shall, before lodging copies of the record on appeal with the registrar or clerk of the court, enter good and sufficient security for the respondent’s costs of appeal.]**

A party desiring to apply for security for costs may, upon good cause, apply to the court granting leave to appeal or to the court of appeal, for such security for costs to be provided.

(b) **[In the event of failure by the parties to agree on the amount of security]** Where security for costs of the appeal is ordered by the court, the registrar or clerk of the court shall fix the amount of such security to be provided **[and the appellant shall enter into security in the amount so fixed or such percentage thereof as the court has determined, as the case may be]**: Provided that no security shall be required from the State or, unless the court of appeal otherwise orders, from a person to whom legal aid is rendered by a statutorily established legal aid board.”.

Amendment of rule 52A of the Rules

5. Rule 52A of the Rules is hereby amended—

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

“(1) (a) Where an attorney acting in any proceedings for a party ceases so to act, such attorney shall forthwith deliver notice thereof to—

- (i) such party at the party’s last known address, which address shall be stated in the notice;
- (ii) the registrar or clerk of the court; and
- (iii) all other parties to the proceedings:

Provided that the notice to the party for whom such an attorney acted shall be served in accordance with the provisions of rule 9(9).

(b) The notice contemplated in paragraph (a)(i) shall inform the said party to appoint an address for service of subsequent documents and notices on him or her, and to

notify all other parties and the registrar or clerk of the court of such address within 10 days of the notice, such address being a—

- (i) physical address, which address shall **[, in places where there are three or more attorneys or firms of attorneys practising independently of one another, be within 15 kilometres]** be situated in an area either within the court's jurisdiction or within 25 kilometres of the courthouse;
- (ii) postal address; and, where available;
- (iii) facsimile address and electronic mail address.

(c) The notice to the registrar or clerk of the court shall state the names and addresses of the parties notified and the date on which and the manner in which the notice was sent to them.

(d) Notwithstanding the withdrawal of an attorney as the attorney of record for a party in any proceedings, all subsequent documents in the proceedings shall be served on such party in accordance with the rules relating to service: Provided that the party whose attorney has withdrawn and who has failed to provide an address within the period of 10 days stated in paragraph (b) shall be liable for the payment of the costs occasioned by subsequent service on such party in terms of the rules relating to service, unless the court orders otherwise.”; and

(b) by the substitution for subrule (2) of the following subrule:

“(2) (a) Save as may be otherwise provided for in rules 5 and 13, whenever an attorney acts on behalf of any party in any proceedings, such attorney shall notify all other parties of—

- (i) the attorney's name and physical address, which address shall **[, in places where there are three or more attorneys or firms of attorneys practising independently of one another, be within 15 kilometres]** be situated in an area either within the court's jurisdiction or within 25 kilometres of the courthouse;
- (ii) the attorney's postal address, and, where available,
- (iii) the attorney's facsimile address and electronic mail address.

(b) The provisions of this subrule apply, with appropriate variations, to an attorney appointed as a substitute to a party's previous attorney.”.

Amendment of rule 58 of the Rules

6. Rule 58 of the Rules is hereby amended—

(a) by the substitution for subrule (2) of the following subrule:

“(2)(a) An applicant for any relief contemplated in subrule (1) shall deliver a sworn or an affirmed statement in the nature of a declaration, setting out the relief claimed and the grounds therefor, together with a notice to the respondent which shall substantially correspond with Form 42 of Annexure 1.

(b) The applicant or his or her attorney shall sign the notice referred to in paragraph (a), and shall indicate in the notice if the applicant prefers to be served with all documents in the application at a physical (residential or business), postal, an electronic mail address, or by facsimile, and give full details of such address: Provided that if a physical address is preferred for the purpose of service, that address shall **[, in places where there are three or more attorneys or firms of attorneys practicing independently of one another, be within 15 kilometres]** be situated in an area either within the court’s jurisdiction or within 25 kilometres of the courthouse.

(c)

(i) In the case of an unrepresented respondent, the statement and notice referred to in paragraph (a) shall be served by the sheriff on the respondent personally, unless the court orders otherwise.

(ii) Where the respondent is represented by an attorney of record, service may be effected on such attorney by the applicant, the applicant’s attorney or the sheriff, unless the court orders otherwise.”; and

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

“(3)(a) The respondent shall deliver a sworn or affirmed reply in the nature of a plea within 10 days after receiving the statement and notice contemplated in subrule (2).

(b) The respondent shall indicate in the reply referred to in paragraph (a) if he or she prefers to be served with all documents in the application at a physical (residential or business), postal, an electronic mail address, or by facsimile and give full details of such address: Provided that if a physical address is preferred for the purpose of such

service, that address shall [, in places where there are three or more attorneys or firms of attorneys practicing independently of one another, be within 15 kilometres] be situated in an area either within the court's jurisdiction or within 25 kilometres of the courthouse.”.

Amendment of Annexure 1 to the Rules

7. Annexure 1 to the Rules is hereby amended—

- (a) by the substitution for Form 1B (**For use in the District Court*) and Form 1B (**For use in the Regional Court*) of Form 1B contained in the Annexure hereto;
- (b) by the substitution for Form 2 (**For use in the District Court*) and Form 2 (**For use in the Regional Court*) of Form 2 contained in the Annexure hereto;
- (c) by the substitution for Form 2A (**For use in the District Court*) and Form 2A (**For use in the Regional Court*) of Form 2A contained in the Annexure hereto;
- (d) by the substitution for Form 2B (**For use in the District Court*) and Form 2B (**For use in the Regional Court*) of Form 2B contained in the Annexure hereto;
- (e) by the substitution for Form 2C (**For use in the District Court*) and Form 2C (**For use in the Regional Court*) of Form 2C contained in the Annexure hereto;
- (f) by the substitution for Form 3 (**For use in the District Court*) and Form 3 (**For use in the Regional Court*) of Form 3 contained in the Annexure hereto;
- (g) by the substitution for Form 4 (**For use in the District Court*) and Form 4 (**For use in the Regional Court*) of Form 4 contained in the Annexure hereto;
- (h) by the substitution for Form 38A (**For use in the District Court*) of Form 38A contained in the Annexure hereto;
- (i) by the substitution for Form 42 (**For use in the Regional Court*) of Form 42 contained in the Annexure hereto; and
- (j) by the substitution for Form 59 (**For use in the District Court*) and Form 59 (**For use in the Regional Court*) of Form 59 contained in the Annexure hereto.

Commencement

8. These Rules and Forms come into operation on **03 July 2026**

“No. 1B - Notice of application to declare immovable property executable in terms of rule 43A

***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

To the above-mentioned respondent:

TAKE NOTICE that (hereinafter called the applicant) intends to make application to this Court on at or as soon thereafter as the application may be heard for an order (1) (2) (3) (set forth the form of order prayed) and that the annexed affidavit of, together with annexures thereto, will be used in support thereof.

PLEASE TAKE NOTICE that the applicant has appointed the address below at which the applicant will accept service of all documents in this application.

TAKE NOTICE FURTHER that if you intend to oppose this application you must, within 10 court days of service of this application—

- (a) in an affidavit admit or deny the allegations made in the applicant's founding affidavit;
- (b) set out in such affidavit the reasons for your opposition and the grounds on which your opposition is based;
- (c) serve a copy of the affidavit on the applicant or his or her attorney; and
- (d) file the original of the affidavit with the Clerk of the Court.

TAKE NOTICE FURTHER that if you wish to make submissions which are relevant to the making of an appropriate order such as the determination of a reserve price; you must, within 10 court days of service of this application—

- (a) set out in an affidavit the submissions and grounds therefor;

- (b) serve a copy of the affidavit on the applicant or his or her attorney; and
- (c) file the original of the affidavit with the Clerk of the Court.

TAKE NOTICE FURTHER that—

- (a) together with service and filing of the affidavit, you must give your physical address, postal address and where available, facsimile and electronic mail address;
- (b) in your affidavit you must indicate the preferred address for service upon you of all documents in the application, and service thereof at the address so given shall be valid and effectual, except where personal service is required by an order or practice of the court; and
- (c) a physical address given by you must [**in places where there are three or more attorneys or firms of attorneys practicing independently of one another, be within 15 kilometres**] be situated in an area either within the court’s jurisdiction or within 25 kilometres of the courthouse.

AND TAKE NOTICE FURTHER that you must appear before the above Honourable Court on

AND TAKE FURTHER NOTICE that your failure to do any of the things mentioned in this notice of application may result in the court granting the orders as prayed for above.

DATED at this day of, 20

Applicant / Applicant's attorney

Physical address [**(within 15 kilometres of the courthouse)**] (situated in an area either within the court’s jurisdiction or within 25 kilometres of the courthouse):

.....
.....

Postal address:

Electronic mail address:

Facsimile:

To: The Clerk of the above Court

And to:

.....

Respondent

Address:

.....

Postal address:

Electronic mail address:

Facsimile:

No. 1B - Notice of application to declare immovable property executable in terms of rule 43A

***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

To the above-mentioned respondent:

TAKE NOTICE that (hereinafter called the applicant) intends to make application to this Court on at or as soon thereafter as the application may be heard for an order (1) (2) (3) (here set forth the form of order prayed) and that the annexed affidavit of, together with annexures thereto, will be used in support thereof.

PLEASE TAKE NOTICE that the applicant has appointed the address below at which the applicant will accept service of all documents in this application.

TAKE NOTICE FURTHER that if you intend to oppose this application you must, within 10 court days of service of this application—

- (a) in an affidavit admit or deny the allegations made in the applicant's founding affidavit;
- (b) set out in such affidavit the reasons for your opposition and the grounds on which your opposition is based;

- (c) serve a copy of the affidavit on the applicant or his or her attorney; and
- (d) file the original of the affidavit with the registrar.

TAKE NOTICE FURTHER that if you wish to make submissions which are relevant to the making of an appropriate order such as the determination of a reserve price; you must, within 10 court days of service of this application—

- (a) set out in an affidavit the submissions and grounds therefor;
- (b) serve a copy of the affidavit on the applicant or his or her attorney; and
- (c) file the original of the affidavit with the registrar.

TAKE NOTICE FURTHER that—

- (a) together with service and filing of the affidavit, you must give your physical address, postal address and where available, facsimile and electronic mail address;
- (b) in your affidavit you must indicate the preferred address for service upon you of all documents in the application, and service thereof at the address so given shall be valid and effectual, except where personal service is required by an order or practice of the court; and
- (c) a physical address given by you must **[, in places where there are three or more attorneys or firms of attorneys practicing independently of one another, be within 15 kilometres]** be situated in an area either within the court's jurisdiction or within 25 kilometres of the courthouse.

AND TAKE NOTICE FURTHER that you must appear before the above Honourable Court on

AND TAKE FURTHER NOTICE that your failure to do any of the things mentioned in this notice of application may result in the court granting the orders as prayed for above.

DATED at this day of, 20.....

.....

Applicant / Applicant's attorney

Physical address **[(within 15 kilometres of the courthouse)]** (situated in an area either within the court's jurisdiction or within 25 kilometres of the courthouse):

.....

Postal address:

Electronic mail address:

Facsimile:

To: The Registrar of the above Court

And to:

.....

Respondent

Address:

.....

Postal address:

Electronic mail address:

Facsimile: ”

“No. 2 - Simple Summons

(Claim in respect of debt or liquidated demand)

*** For use in the District Court**

IN THE MAGISTRATE'S COURT FOR THE DISTRICT OF.....

Held at Case No

In the matter between:

.....

Plaintiff

and

.....

Defendant

To the sheriff or his / her deputy:

INFORM A.B., of (state residence or place of business and if known, gender, occupation and place of employment).....
..... (hereinafter called the defendant), that C.D., (state gender and occupation), of (state residence or place of business) (hereinafter called the plaintiff), hereby institutes action against him or her in which action the plaintiff claims:
(Here set out in concise terms plaintiff's cause of action)

INFORM the defendant further that if defendant disputes the claim and wishes to defend the action he or she shall within days of the service upon him or her of this summons file with the clerk of this court at (here set out the physical address of the clerk of the court's office) notice of his or her intention to defend and serve a copy thereof on the plaintiff or plaintiff's attorney, which notice shall give an address referred to in rule 13(3) for the service upon the defendant of all notices and documents in the action.

INFORM the defendant further that if he or she fails to file and serve notice as aforesaid, judgment as claimed may be given against him or her without further notice to him or her.

And immediately thereafter serve on the defendant a copy of this summons and return the same to the clerk of the court with whatsoever you have done thereupon.

DATED at this day of, 20.....

.....

Clerk of the Court

.....

Plaintiff / Plaintiff's Attorney

[(15km Physical Address)] Physical address (situated in an area either within the court's jurisdiction or within 25 kilometres of the courthouse)

.....

Postal Address

.....

Facsimile number

.....

Electronic Mail Address

*The plaintiff is prepared to accept all subsequent documents and notices at the facsimile / electronic mail address stated herein.

Defendant must take notice that—

- (a) in default of defendant paying the amount of the claim and costs within the said period, or of defendant delivering a notice of intention to defend, he or she will be held to have admitted the said claim and the plaintiff may proceed therein and judgment may be given against defendant in his or her absence;
- (b) if defendant pays the said claim and costs within the said period judgment will not be given against defendant herein and he or she will save judgment charges. Defendant will also save judgment charges if, within the said period, he or she lodges with the clerk of the aforesaid Court a consent to judgment;
- (c) if defendant admits the claim and wishes to consent to judgment or wishes to undertake to pay the claim in instalments or otherwise, defendant may approach the plaintiff or plaintiff's attorney.

Notice:

- (i) Any person against whom a court has, in a civil case, given judgment or made any order who has not, within 10 days, satisfied in full such judgment or order may be called upon by notice in terms of section 65A(1) of the Act to appear on a specified date before the court in chambers to enable the court to enquire into the financial position of the judgment debtor and to make such order as the court may deem just and equitable.
- (ii) If the court is satisfied that—
 - (aa) the judgment debtor or, if the judgment debtor is a juristic person, a director or officer of the juristic person has knowledge of the abovementioned notice and that he or she has failed to appear before the court on the date and at the time specified in the notice; or
 - (bb) the judgment debtor, director or officer, where the proceedings were postponed in his or her presence to a date and time determined by the court, has failed to appear before the court on that date and at that time; or
 - (cc) the judgment debtor, director or officer has failed to remain in attendance at the proceedings or at the proceedings so postponed, the court may, at the request of the judgment creditor or his or her attorney, authorise the issue of a warrant directing a sheriff to arrest the said judgment debtor, director or officer and to bring him or her before a competent court to enable that court to conduct a financial inquiry. [Section 65A(6) of the Act]
- (iii) Any person who—
 - (aa) is called upon to appear before a court under a notice in terms of section 65A(1) or 65A(8)(b) of the Act (where the sheriff, in lieu of arresting a person, hands to that person a notice to appear in court) and who wilfully fails to appear before the court on the date and at the time specified in the notice; or
 - (bb) where the proceedings were postponed in his or her presence to a date and time determined by the court, wilfully fails to appear before the court on that date and at that time; or
 - (cc) wilfully fails to remain in attendance at the relevant proceedings or at the proceedings so postponed,

shall be guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding three months. [Section 65A(9) of the Act]

(iv) On appearing before the court on the date determined in the notice in terms of section 65A(1) or (8)(b) of the Act in pursuance of the arrest of the judgment debtor, director or officer under a warrant referred to in section 65A(6) of the Act or on any date to which the proceedings have been postponed, such judgment debtor, director or officer shall be called upon to give evidence on his or her financial position or that of the juristic person and his or her or its ability to pay the judgment debt. [Section 65D of the Act]

(v) Any person against whom a court has, in a civil case, given any judgment or made any order who has not satisfied in full such judgment or order and paid all costs for which he or she is liable in connection therewith shall, if he or she has changed his or her place of residence, business or employment, within 14 days from the date of every such change notify the clerk of the court who gave such judgment or made such order and the judgment creditor or his or her attorney fully and correctly in writing of his or her new place of residence, business or employment, and by his or her failure to do so such judgment debtor shall be guilty of an offence and liable upon conviction to a fine or imprisonment for a period not exceeding three months. [Section 109 of the Act]

(1) Consent to judgment.

I admit that I am liable to the plaintiff as claimed in this summons (or in the amount of R and costs to date) and I consent to judgment accordingly.

DATED at this day of, 20

Defendant

WITNESSES:

1 (full names) (signature)
(address)

2 (full names) (signature)
(address)

OR

* (2) Notice of intention to defend.

To the Clerk of the Court.

Kindly take notice that the defendant hereby notifies his or her intention to defend this action.

DATED at this day of, 20.....

.....

Defendant / Defendant's attorney

Address

.....

Postal address

.....

Facsimile (fax) number (where available)

Electronic mail (e-mail) address (where available)

(Give full physical address for acceptance of service of process or documents [**within 15 kilometres from the issuing Court-house**] situated in an area either within the court's jurisdiction or within 25 kilometres of the issuing courthouse and also the postal address.)

* The original notice must be filed with the clerk of the court and a copy thereof served on the plaintiff or plaintiff's attorney.

Costs if the action is undefended will be as follows:

Summons R

Judgment R

Attorney's charges R

Sheriff's fees R

Sheriff's fees on re-issue R

Total: R

No. 2 - Simple Summons

(Claim in respect of debt or liquidated demand)

*** For use in the Regional Court**

IN THE REGIONAL COURT FOR THE REGIONAL DIVISION OF.....

Held at..... Case No

In the matter between:

.....

Plaintiff

and

.....

Defendant

To the sheriff or his / her deputy:

INFORM A.B., of (state residence or place of business and if known, gender, occupation and place of employment) (hereinafter called the defendant), that C.D., (state gender and occupation), of (state residence or place of business) (hereinafter called the plaintiff), hereby institutes action against him or her in which action the plaintiff claims: (Here set out in concise terms plaintiff's cause of action)

INFORM the defendant further that if defendant disputes the claim and wishes to defend the action he or she shall within days of the service upon him or her of this summons file with the registrar of this court at (here set out the physical address of the registrar's office) notice of his or her intention to defend and serve a copy thereof on the plaintiff or plaintiff's attorney, which notice shall give an address referred to in rule 13(3) for the service upon the defendant of all notices and documents in the action.

INFORM the defendant further that if he or she fails to file and serve notice as aforesaid, judgment as claimed may be given against him or her without further notice to him or her.

And immediately thereafter serve on the defendant a copy of this summons and return the same to the registrar of the court with whatsoever you have done thereupon.

DATED at this day of, 20.....

.....

Registrar

.....

Plaintiff / Plaintiff's Attorney

[(15 km Physical Address)] Physical address (situated in an area either within the court's jurisdiction or within 25 kilometres of the courthouse)

.....

Postal Address

.....

Facsimile number

.....

Electronic Mail Address

*The plaintiff is prepared to accept all subsequent documents and notices at the facsimile/electronic mail address stated herein.

.....

.....

Defendant must take notice that—

- (a) in default of defendant paying the amount of the claim and costs within the said period or of defendant delivering a notice of intention to defend he or she will be held to have admitted the said claim and the plaintiff may proceed therein and judgment may be given against defendant in his or her absence;
- (b) if defendant pays the said claim and costs within the said period judgment will not be given against defendant herein and he or she will save judgment charges. Defendant will also save judgment charges if, within the said period, he or she lodges with the registrar of the aforesaid Court a consent to judgment;

- (c) if defendant admits the claim and wishes to consent to judgment or wishes to undertake to pay the claim in instalments or otherwise, defendant may approach the plaintiff or plaintiff's attorney.

Notice:

- (i) Any person against whom a court has, in a civil case, given judgment or made any order who has not, within 10 days, satisfied in full such judgment or order may be called upon by notice in terms of section 65A(1) of the Act to appear on a specified date before the court in chambers to enable the court to enquire into the financial position of the judgment debtor and to make such order as the court may deem just and equitable.

- (ii) If the court is satisfied that—

(aa) the judgment debtor or, if the judgment debtor is a juristic person, a director or officer of the juristic person has knowledge of the abovementioned notice and that he or she has failed to appear before the court on the date and at the time specified in the notice; or

(bb) the judgment debtor, director or officer, where the proceedings were postponed in his or her presence to a date and time determined by the court, has failed to appear before the court on that date and at that time; or

(cc) the judgment debtor, director or officer has failed to remain in attendance at the proceedings or at the proceedings so postponed,

the court may, at the request of the judgment creditor or his or her attorney, authorise the issue of a warrant directing a sheriff to arrest the said judgment debtor, director or officer and to bring him or her before a competent court to enable that court to conduct a financial inquiry. [Section 65A(6) of the Act]

- (iii) Any person who—

(aa) is called upon to appear before a court under a notice in terms of section 65A(1) or 65A(8)(b) of the Act (where the sheriff, in lieu of arresting a person, hands to that person a notice to appear in court) and who wilfully fails to appear before the court on the date and at the time specified in the notice; or

- (bb) where the proceedings were postponed in his or her presence to a date and time determined by the court, wilfully fails to appear before the court on that date and at that time; or
- (cc) wilfully fails to remain in attendance at the relevant proceedings or at the proceedings so postponed, shall be guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding three months. [Section 65A(9) of the Act]
- (iv) On appearing before the court on the date determined in the notice in terms of section 65A(1) or (8)(b) of the Act in pursuance of the arrest of the judgment debtor, director or officer under a warrant referred to in section 65A(6) of the Act or on any date to which the proceedings have been postponed, such judgment debtor, director or officer shall be called upon to give evidence on his or her financial position or that of the juristic person and his or her or its ability to pay the judgment debt. [Section 65D of the Act]
- (v) Any person against whom a court has, in a civil case, given any judgment or made any order who has not satisfied in full such judgment or order and paid all costs for which he or she is liable in connection therewith shall, if he or she has changed his or her place of residence, business or employment, within 14 days from the date of every such change notify the registrar of the court who gave such judgment or made such order and the judgment creditor or his or her attorney fully and correctly in writing of his or her new place of residence, business or employment, and by his or her failure to do so such judgment debtor shall be guilty of an offence and liable upon conviction to a fine or imprisonment for a period not exceeding three months. [Section 109 of the Act]
- (1) Consent to judgment.

I admit that I am liable to the plaintiff as claimed in this summons (or in the amount of R.....
..... and costs to date) and I consent to judgment accordingly.

Dated at this day of, 20

.....

Defendant

WITNESSES:

1 (full names) (signature)
 (address)

2 (full names) (signature)
 (address)

OR

*(2) Notice of intention to defend.

To the Registrar.

Kindly take notice that the defendant hereby notifies his or her intention to defend this action.

Dated at this day of, 20.....

Defendant / Defendant's attorney

Address

.....

Postal address

Facsimile (fax) number (where available)

Electronic mail (e-mail) address (where available)

(Give full physical address for acceptance of service of process or documents [**within 15 kilometres from the issuing Court-house**] situated in an area either within the court's jurisdiction or within 25 kilometres of the issuing courthouse and also the postal address.)

* The original notice must be filed with the registrar of the court and a copy thereof served on the plaintiff or plaintiff's attorney.

Costs if the action is undefended will be as follows:

Summons R

Judgment R

Attorney's charges R

Sheriff's fees R

Sheriff's fees on re-issue R

Total:R”.

“No. 2A - Summons: Provisional Sentence

*** 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

..... Plaintiff

and

..... Defendant

To the sheriff or his / her deputy:

INFORM A.B., of (state residence or place of business and if known, gender, occupation and place of employment) (hereinafter called the defendant), that C.D. (state gender and occupation), of (residence or place of business) (hereinafter called the plaintiff), hereby institutes action against him or her in which action:

(1) Defendant is hereby summoned to pay to the plaintiff herein immediately after service of this summons an amount of together with interest thereon at the rate of% per annum as from

Plaintiff's claim against defendant for payment of the above-mentioned amount is for: (set out the cause of action)

.....

and a copy of which document is annexed hereto.

(2) By failing such payment, defendant is hereby called upon to appear before this court personally or by a practitioner at (place and court if necessary) on the day of 20 at (time) in the forenoon (or as soon thereafter as the matter can be heard) to admit or deny defendant's liability for the said claim.

(3) If defendant denies liability for the claim, defendant shall not later than the day of 20, file an affidavit with the clerk of this court, and serve a copy thereof on the Plaintiff or plaintiff's attorney at the address indicated for service on the summons, which affidavit shall set forth the grounds of defendant's defence to the said claim, and in particular state whether defendant admits or denies defendant's or defendant's agent's signature which appears on the said and if it is defendant's agent's signature whether defendant admits or denies the signature or authority of defendant's agent.

Defendant is further informed that in the event of defendant not paying the amount and interest above-mentioned to the plaintiff immediately and if defendant further fails to file an affidavit as aforesaid, and to appear before this court at the time above stated, provisional sentence may be granted against defendant with costs, but that against payment of the said amount, interest and costs, defendant will be entitled to demand security for the restitution thereof if the said sentence should thereafter be reversed.

DATED at this day of 20.....

.....

Clerk of the Court

.....

Plaintiff/Plaintiff's Attorney

[(15 km Physical Address)] Physical address (situated in an area either within the court's jurisdiction or within 25 kilometres of the courthouse)

.....

Postal Address

.....

Facsimile Number

.....
 Electronic Mail Address

*The plaintiff is prepared to accept all subsequent documents and notices at the facsimile address / electronic mail address / other address stated herein.

(Delete whichever is not applicable)

Costs, if the action is undefended, will be as follows:

Attorney's charges

(i) Issue of summons

(Item 2 of Part II of Table A) R

(ii) Attending court

(Item 7 of Part II of Table A) R

(iii) Judgment fees

(Item 3 of Part II of Table A) R

Court fees R

Sheriff's fees R

Sheriff's fees on re-issue of summons R

Total R

And take notice that—

- (a) if defendant pays the said claim and costs immediately judgment will not be given against defendant herein and defendant will save judgment charges;
- (b) if defendant admits the claim and wishes to consent to judgment, defendant may file with the clerk of the court an admission of liability signed by defendant and witnessed by defendant's attorney, or otherwise verified by affidavit, and if defendant wishes to undertake to pay the claim in instalments or otherwise, defendant may approach the

plaintiff or plaintiff's attorney.

Notice:

(i) Any person against whom a court has, in a civil case, given judgment or made any order who has not, within 10 days, satisfied in full such judgment or order may be called upon by notice in terms of section 65A(1) of the Act to appear on a specified date before the court in chambers to enable the court to enquire into the financial position of the judgment debtor and to make such order as the court may deem just and equitable.

(ii) If the court is satisfied that—

(aa) the judgment debtor or, if the judgment debtor is a juristic person, a director or officer of the juristic person has knowledge of the above-mentioned notice and that he or she has failed to appear before the court on the date and at the time specified in the notice; or

(bb) the judgment debtor, director or officer, where the proceedings were postponed in his or her presence to a date and time determined by the court, has failed to appear before the court on that date and at that time; or

(cc) the judgment debtor, director or officer has failed to remain in attendance at the proceedings or at the proceedings so postponed,

the court may, at the request of the judgment creditor or his or her attorney, authorise the issue of a warrant directing a sheriff to arrest the said judgment debtor, director or officer and to bring him or her before a competent court to enable that court to conduct a financial inquiry. [Section 65A(6) of the Act]

(iii) Any person who—

(aa) is called upon to appear before a court under a notice in terms of section 65A(1) or (8)(b) of the Act (where the sheriff, in lieu of arresting a person, hands to that person a notice to appear in court) and who wilfully fails to appear before the court on the date and at the time specified in the notice; or

(bb) where the proceedings were postponed in his or her presence to a date and time determined by the court, wilfully fails to appear before the court on that date and at that time; or

(cc) wilfully fails to remain in attendance at the proceedings or at the proceedings

so postponed,

shall be guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding three months. [Section 65A(9) of the Act]

- (iv) On appearing before the court on the date determined in the notice in terms of section 65A(1) or (8)(b) of the Act in pursuance of the arrest of the judgment debtor, director or officer under a warrant referred to in section 65A(6) of the Act or on any date to which the proceedings have been postponed, such judgment debtor, director or officer shall be called upon to give evidence on his or her financial position or that of the juristic person and his or her or its ability to pay the judgment debt. [Section 65D of the Act]
- (v) Any person against whom a court has, in a civil case, given any judgment or made any order who has not satisfied in full such judgment or order and paid all costs for which he or she is liable in connection therewith shall, if he or she has changed his or her place of residence, business or employment, within 14 days from the date of every such change notify the clerk of the court who gave such judgment or made such order and the judgment creditor or his or her attorney fully and correctly in writing of his or her new place of residence, business or employment, and by his or her failure to do so such judgment debtor shall be guilty of an offence and liable upon conviction to a fine or to imprisonment for a period not exceeding three months. [Section 109 of the Act.]

1: Admission of liability

Kindly take notice that the defendant admits liability to the plaintiff as claimed in this summons.

DATED at this day of, 20.....

.....

Defendant

(Must be witnessed by defendant's attorney or otherwise verified by affidavit)

OR

2: Notice of intention to defend*

To: THE CLERK OF THE COURT

Kindly take notice that the defendant denies liability and that defendant's affidavit setting forth the grounds upon which defendant disputes liability is attached hereto.

27

DATED at this day of, 20.....

.....
Defendant / Defendant's attorney

.....
.....
[(15 km physical address where service of process and documents shall be accepted)]
(Physical address situated in an area either within the court's jurisdiction or within 25 kilometres of the courthouse, where service of process and documents shall be accepted)

.....
.....
.....
(Postal address)

* The original notice and affidavit must be filed with the clerk of the court and a copy thereof served on the plaintiff or plaintiff's attorney.

No. 2A - Summons: Provisional Sentence

*** 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

..... Plaintiff

and

..... Defendant

To the sheriff or his / her deputy:

INFORM A.B., of (state residence or place of business and if known, gender, occupation and place of employment) (hereinafter called the defendant), that C.D. (state gender and occupation), of (residence or place of business) (hereinafter called the plaintiff), hereby institutes action against him or her in which action:

(1) Defendant is hereby summoned to pay to the plaintiff herein immediately after service of this summons an amount of together with interest thereon at the rate of

.....% per annum as from

Plaintiff's claim against defendant for payment of the above-mentioned amount is for: (set out the cause of action)

.....

and a copy of which document is annexed hereto.

(2) By failing such payment, defendant is hereby called upon to appear before this court personally or by a practitioner at (place and court if necessary) on the day of 20 at (time) in the forenoon (or as soon thereafter as the matter can be heard) to admit or deny defendant's liability for the said claim.

(3) If defendant denies liability for the claim, defendant shall not later than the day of 20, file an affidavit with the clerk of this court, and serve a copy thereof on the Plaintiff or plaintiff's attorney at the address indicated for service on the summons, which affidavit shall set forth the grounds of defendant's defence to the said claim, and in particular state whether defendant admits or denies defendant's or defendant's agent's signature which appears on the said and if it is defendant's agent's signature whether defendant admits or denies the signature or authority of defendant's agent.

Defendant is further informed that in the event of defendant not paying the amount and interest above-mentioned to the plaintiff immediately and if defendant further fails to file an affidavit as aforesaid, and to appear before this court at the time above stated, provisional sentence may be granted against defendant with costs, but that against payment of the said amount, interest and costs, defendant will be entitled to demand security for the restitution thereof if the said sentence should thereafter be reversed.

DATED at this day of, 20.....

.....

Registrar of the Regional Court

.....

Plaintiff / Plaintiff's Attorney

[(15 km Physical Address)] Physical address (situated in an area either within the court's jurisdiction or within 25 kilometres of the courthouse)

.....
Postal Address

.....
Facsimile Number

.....
Electronic Mail Address

.....
*The plaintiff is prepared to accept all subsequent documents and notices at the facsimile address/electronic mail address/other address stated herein.

(Delete whichever is not applicable)

Costs, if the action is undefended, will be as follows:

Attorney's charges

(i) Issue of summons	
(Item 2 of Part II of Table A)	R
(ii) Attending court	
(Item 7 of Part II of Table A)	R
(iii) Judgment fees	
(Item 3 of Part II of Table A)	R
Court fees	R
Sheriff's fees	R
Sheriff's fees on re-issue of summons	R
Total	R

And take notice that—

- (a) if defendant pays the said claim and costs immediately judgment will not be given against defendant herein and defendant will save judgment charges;

- (b) if defendant admits the claim and wishes to consent to judgment, defendant may file with the registrar of the court an admission of liability signed by defendant and witnessed by defendant's attorney, or otherwise verified by affidavit, and if defendant wishes to undertake to pay the claim in instalments or otherwise, defendant may approach the plaintiff or plaintiff's attorney.

Notice:

- (i) Any person against whom a court has, in a civil case, given judgment or made any order who has not, within 10 days, satisfied in full such judgment or order may be called upon by notice in terms of section 65A(1) of the Act to appear on a specified date before the court in chambers to enable the court to inquire into the financial position of the judgment debtor and to make such order as the court may deem just and equitable.

- (ii) If the court is satisfied that—

(aa) the judgment debtor or, if the judgment debtor is a juristic person, a director or officer of the juristic person has knowledge of the above-mentioned notice and that he or she has failed to appear before the court on the date and at the time specified in the notice; or

(bb) the judgment debtor, director or officer, where the proceedings were postponed in his or her presence to a date and time determined by the court, has failed to appear before the court on that date and at that time; or

(cc) the judgment debtor, director or officer has failed to remain in attendance at the proceedings or at the proceedings so postponed,

the court may, at the request of the judgment creditor or his or her attorney, authorise the issue of a warrant directing a sheriff to arrest the said judgment debtor, director or officer and to bring him or her before the court to enable that court to conduct a financial inquiry. [Section 65A(6) of the Act]

- (iii) Any person who—

(aa) is called upon to appear before a court under a notice in terms of section 65A(1) or (8)(b) of the Act (where the sheriff, in lieu of arresting a person, hands to that person a notice to appear in court) and who wilfully fails to appear before the court on the date and at the time specified in the notice; or

(bb) where the proceedings were postponed in his or her presence to a date and time determined by the court, wilfully fails to appear before the court on that date and at that time; or

(cc) wilfully fails to remain in attendance at the proceedings or at the proceedings so postponed,

shall be guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding three months. [Section 65A(9) of the Act]

(iv) On appearing before the court on the date determined in the notice in terms of section 65A(1) or (8)(b) of the Act in pursuance of the arrest of the judgment debtor, director or officer under a warrant referred to in section 65A(6) of the Act or on any date to which the proceedings have been postponed, such judgment debtor, director or officer shall be called upon to give evidence on his or her financial position or that of the juristic person and his or her or its ability to pay the judgment debt. [Section 65D of the Act]

(v) Any person against whom a court has, in a civil case, given any judgment or made any order who has not satisfied in full such judgment or order and paid all costs for which he or she is liable in connection therewith shall, if he or she has changed his or her place of residence, business or employment, within 14 days from the date of every such change notify the registrar of the court who gave such judgment or made such order and the judgment creditor or his or her attorney fully and correctly in writing of his or her new place of residence, business or employment, and by his or her failure to do so such judgment debtor shall be guilty of an offence and liable upon conviction to a fine or to imprisonment for a period not exceeding three months. [Section 109 of the Act.]

1: Admission of liability

Kindly take notice that the defendant admits liability to the plaintiff as claimed in this summons.

DATED at this day of, 20.....
.....

Defendant

(Must be witnessed by defendant's attorney or otherwise verified by affidavit)

OR

2: Notice of intention to defend*

To: THE REGISTRAR

Kindly take notice that the defendant denies liability and that defendant's affidavit setting forth the grounds upon which defendant disputes liability is attached hereto.

DATED at this day of 20.....

.....

Defendant/Defendant's attorney

.....

.....

[(15 km physical address where service of process and documents shall be accepted)]

(Physical address situated in an area either within the court's jurisdiction or within 25 kilometres of the courthouse, where service of process and documents shall be accepted)

.....

.....

.....

(Postal address)

* The original notice and affidavit must be filed with the clerk of the court and a copy thereof served on the plaintiff or plaintiff's attorney.”.

“No. 2B – Combined Summons*** 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

..... Plaintiff

and

..... Defendant

To the sheriff or his / her deputy:

INFORM A.B., of (state residence or place of business and if known, gender, occupation and place of employment) (hereinafter called the defendant), that C.D., (state gender and occupation), of (state residence or place of business) (hereinafter called the plaintiff), hereby institutes action against him or her in which action the plaintiff claims the relief and on the grounds set out in the particulars annexed hereto.

INFORM the defendant further that if he or she disputes the claim and wishes to defend the action he or she shall—

- (i) within days of the service upon him or her of this summons file with the clerk of this court at (set out the physical address and electronic mail address of the clerk of the court) notice of his or her intention to defend and serve a copy thereof on the plaintiff or plaintiff's attorney, which notice shall give an address referred to in rule 13(3) for the service upon the defendant of all notices and documents in the action;
- (ii) thereafter, and within 20 days after filing and serving notice of intention to defend as aforesaid, file with the clerk of the court and serve upon the plaintiff or plaintiff's attorney a plea (with or without a counter-claim), or an exception or application to strike out in the manner and within the timeframes provided for in rule 19.

INFORM the defendant further that if defendant fails to file and serve notice as aforesaid judgment as claimed may be given against him or her without further notice to him or her, or if, having filed and served such notice, defendant fails to plead, except, make application to

strike out or counter-claim, judgment may be given against him or her. And immediately thereafter serve on the defendant a copy of this summons and return the same to the clerk of the court with whatsoever you have done thereupon.

DATED at this day of 20.....

.....

Clerk of the Court

.....

Plaintiff / Plaintiff's Attorney

[(15 km Physical Address)] Physical address (situated in an area either within the court's jurisdiction or within 25 kilometres of the courthouse)

.....

Postal Address

.....

Facsimile Number

.....

Electronic Mail Address

.....

*The plaintiff is prepared to accept all subsequent documents and notices at the facsimile address/electronic mail address/other address stated herein.

(Delete whichever is not applicable)

If a claim is based on a liquidated sum of money, the defendant must take note that—

- (a) in default of defendant paying the amount of the claim and costs within the said period, or of defendant delivering a notice of intention to defend, he or she will be held to have admitted the said claim and the plaintiff may proceed therein and judgment may be given against defendant in his or her absence;

- (b) if defendant pays the said claim and costs within the said period judgment will not be given against defendant herein and he or she will save judgment charges. Defendant will also save judgment charges if, within the said period, he or she lodges with the clerk of the aforesaid Court a consent to judgment;
- (c) if defendant admits the claim and wishes to consent to judgment or wishes to undertake to pay the claim in instalments or otherwise, defendant may approach the plaintiff or plaintiff's attorney.

Notice:

- (i) Any person against whom a court has, in a civil case, given judgment or made any order who has not, within 10 days, satisfied in full such judgment or order may be called upon by notice in terms of section 65A(1) of the Act to appear on a specified date before the court in chambers to enable the court to enquire into the financial position of the judgment debtor and to make such order as the court may deem just and equitable.
- (ii) If the court is satisfied that—
 - (aa) the judgment debtor or, if the judgment debtor is a juristic person, a director or officer of the juristic person has knowledge of the above-mentioned notice and that he or she has failed to appear before the court on the date and at the time specified in the notice; or
 - (bb) the judgment debtor, director or officer, where the proceedings were postponed in his or her presence to a date and time determined by the court, has failed to appear before the court on that date and at that time; or
 - (cc) the judgment debtor, director or officer has failed to remain in attendance at the proceedings or at the proceedings so postponed,

the court may, at the request of the judgment creditor or his or her attorney, authorise the issue of a warrant directing a sheriff to arrest the said judgment debtor, director or officer and to bring him or her before a competent court to enable that court to conduct a financial inquiry. [Section 65A(6) of the Act]

(iii) Any person who—

- (aa) is called upon to appear before a court under a notice in terms of section 65A(1) or 65A(8)(b) of the Act (where the sheriff, in lieu of arresting a person, hands to that person a notice to appear in court) and who wilfully fails to appear before the court on the date and at the time specified in the notice; or
- (bb) where the proceedings were postponed in his or her presence to a date and time determined by the court, wilfully fails to appear before the court on that date and at that time; or
- (cc) wilfully fails to remain in attendance at the relevant proceedings or at the proceedings so postponed,

shall be guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding three months. [Section 65A(9) of the Act]

- (iv) On appearing before the court on the date determined in the notice in terms of section 65A(1) or (8)(b) of the Act in pursuance of the arrest of the judgment debtor, director or officer under a warrant referred to in section 65A(6) of the Act or on any date to which the proceedings have been postponed, such judgment debtor, director or officer shall be called upon to give evidence on his or her financial position or that of the juristic person and his or her or its ability to pay the judgment debt. [Section 65D of the Act]
- (v) Any person against whom a court has, in a civil case, given any judgment or made any order who has not satisfied in full such judgment or order and paid all costs for which he or she is liable in connection therewith shall, if he or she has changed his or her place of residence, business or employment, within 14 days from the date of every such change notify the clerk of the court who gave such judgment or made such order and the judgment creditor or his or her attorney fully and correctly in writing of his or her new place of residence, business or employment, and by his or her failure to do so such judgment debtor shall be guilty of an offence and liable upon conviction to a fine or imprisonment for a period not exceeding three months. [Section 109 of the Act]

* Consent to judgment.

I admit that I am liable to the plaintiff as claimed in this summons (or in the amount of R.....
..... and costs to date) and I consent to judgment accordingly.

DATED at this day of, 20
.....

Defendant

WITNESSES:

1 (full names) (signature)
(address)

2 (full names) (signature)
(address)

OR

* Notice of intention to defend.

To the Clerk of the Court.

Kindly take notice that the defendant hereby notifies his or her intention to defend this action.

DATED at this day of 20
.....

Defendant / Defendant's attorney

[15 km physical] Physical address situated in an area either within the court's jurisdiction or within 25 kilometres from the courthouse for acceptance of service of process or documents

.....

Postal address

.....

Facsimile (fax) number (where available)

Electronic mail (e-mail) address (where available)

*The defendant is prepared to accept all subsequent documents and notices at the facsimile address / electronic mail address / other address stated herein.

(Delete whichever is not applicable)

* The original notice must be filed with the clerk of the court and a copy thereof served on the plaintiff or plaintiff's attorney.

Costs if the action is undefended will be as follows:

Summons	R
Judgment	R
Attorney's charges	R
Sheriff's fees	R
Sheriff's fees on re-issue	R
Total:	R

ANNEXURE

Particulars of Plaintiff's Claim

.....

.....

.....

DATED at this day of 20

.....

Plaintiff / Plaintiff's Attorney

Address of Plaintiff / Plaintiff's Attorney

.....

No. 2B – Combined Summons*** For use in the Regional Court**

IN THE REGIONAL COURT FOR THE REGIONAL DIVISION OF

HELD ATCase No of 20

In the matter between

..... Plaintiff

and

..... Defendant

To the sheriff or his / her deputy:

INFORM A.B., of.....(state residence or place of business and if known, gender, occupation and place of employment) (hereinafter called the defendant), that C.D. (state gender and occupation), of (residence or place of business) (hereinafter called the plaintiff), hereby institutes action against him or her in which action the plaintiff claims the relief and on the grounds set out in the particulars annexed hereto.

INFORM the defendant further that if he or she disputes the claim and wishes to defend the action he or she shall—

- (i) within days of the service upon him or her of this summons file with the registrar of this court at (set out the physical address and electronic mail address of the registrar of the court) notice of his or her intention to defend and serve a copy thereof on the plaintiff or plaintiff's attorney, which notice shall give an address referred to in rule 13(3) for the service upon the defendant of all notices and documents in the action;
- (ii) thereafter, and within 20 days after filing and serving notice of intention to defend as aforesaid, file with the registrar of the court and serve upon the plaintiff or plaintiff's attorney a plea [**, exception,**] (with or without a counter-claim), or an exception or application to strike out in the manner and within the timeframe provided for in rule 19.

INFORM the defendant further that if defendant fails to file and serve notice as aforesaid judgment as claimed may be given against him or her without further notice to him or her, or if, having filed and served such notice, defendant fails to plead, except, make application to strike out or counter-claim, judgment may be given against him or her. And immediately

thereafter serve on the defendant a copy of this summons and return the same to the registrar of the court with whatsoever you have done thereupon.

DATED at this day of 20.....

.....

Registrar

.....

Plaintiff/Plaintiff's Attorney

[(15 km Physical Address)] Physical address (situated in an area either within the court's jurisdiction or within 25 kilometres of the courthouse)

.....

Postal Address

.....

Facsimile Number

.....

Electronic Mail Address

.....

*The plaintiff is prepared to accept all subsequent documents and notices at the facsimile address/electronic mail address/other address stated herein.

(Delete whichever is not applicable)

If a claim is based on a liquidated sum of money, the defendant must take note that—

(a) in default of defendant paying the amount of the claim and costs within the said period or of defendant delivering a notice of intention to defend he or she will be held to have admitted the said claim and the plaintiff may proceed therein and judgment may be given against defendant in his or her absence;

(b) if defendant pays the said claim and costs within the said period judgment will not be given against defendant herein and he or she will save judgment charges. Defendant will also save judgment charges if, within the said period, he or she lodges with the registrar of the aforesaid Court a consent to judgment;

(c) if defendant admits the claim and wishes to consent to judgment or wishes to undertake to pay the claim in instalments or otherwise, defendant may approach the plaintiff or plaintiff's attorney.

Notice:

- (i) Any person against whom a court has, in a civil case, given judgment or made any order who has not, within 10 days, satisfied in full such judgment or order may be called upon by notice in terms of section 65A(1) of the Act to appear on a specified date before the court in chambers to enable the court to enquire into the financial position of the judgment debtor and to make such order as the court may deem just and equitable.
- (ii) If the court is satisfied that—
- (aa) the judgment debtor or, if the judgment debtor is a juristic person, a director or officer of the juristic person has knowledge of the above-mentioned notice and that he or she has failed to appear before the court on the date and at the time specified in the notice; or
 - (bb) the judgment debtor, director or officer, where the proceedings were postponed in his or her presence to a date and time determined by the court, has failed to appear before the court on that date and at that time; or
 - (cc) the judgment debtor, director or officer has failed to remain in attendance at the proceedings or at the proceedings so postponed,
- the court may, at the request of the judgment creditor or his or her attorney, authorise the issue of a warrant directing a sheriff to arrest the said judgment debtor, director or officer and to bring him or her before a competent court to enable that court to conduct a financial inquiry. [Section 65A(6) of the Act]
- (iii) Any person who—
- (aa) is called upon to appear before a court under a notice in terms of section 65A(1) or 65A(8)(b) of the Act (where the sheriff, in lieu of arresting a person, hands to that person a notice to appear in court) and who wilfully fails to appear before the court on the date and at the time specified in the notice; or
 - (bb) where the proceedings were postponed in his or her presence to a date and time determined by the court, wilfully fails to appear before the court on that date and at that time; or

(cc) wilfully fails to remain in attendance at the relevant proceedings or at the proceedings so postponed,

shall be guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding three months. [Section 65A(9) of the Act]

(iv) On appearing before the court on the date determined in the notice in terms of section 65A(1) or (8)(b) of the Act in pursuance of the arrest of the judgment debtor, director or officer under a warrant referred to in section 65A(6) of the Act or on any date to which the proceedings have been postponed, such judgment debtor, director or officer shall be called upon to give evidence on his or her financial position or that of the juristic person and his or her or its ability to pay the judgment debt. [Section 65D of the Act]

(v) Any person against whom a court has, in a civil case, given any judgment or made any order who has not satisfied in full such judgment or order and paid all costs for which he or she is liable in connection therewith shall, if he or she has changed his or her place of residence, business or employment, within 14 days from the date of every such change notify the registrar of the court who gave such judgment or made such order and the judgment creditor or his or her attorney fully and correctly in writing of his or her new place of residence, business or employment, and by his or her failure to do so such judgment debtor shall be guilty of an offence and liable upon conviction to a fine or imprisonment for a period not exceeding three months. [Section 109 of the Act]

* Consent to judgment.

I admit that I am liable to the plaintiff as claimed in this summons (or in the amount of R..... and costs to date) and I consent to judgment accordingly.

Dated at this day of, 20.....

.....

Defendant

WITNESSES:

1 (full names) (signature)

(address)

2 (full names) (signature)
(address)

OR

* Notice of intention to defend.

To the Registrar.

Kindly take notice that the defendant hereby notifies his or her intention to defend this action.

DATED at this day of 20
.....

Defendant / Defendant's attorney

[15 km physical] Physical address situated in an area either within the court's jurisdiction or within 25 kilometres from the courthouse for acceptance of service of process or documents

.....

Postal address

.....

Facsimile (fax) number (where available)

Electronic mail (e-mail) address (where available)

*The defendant is prepared to accept all subsequent documents and notices at the facsimile address / electronic mail address / other address stated herein.

(Delete whichever is not applicable)

* The original notice must be filed with the registrar of the court and a copy thereof served on the plaintiff or plaintiff's attorney.

Costs if the action is undefended will be as follows:

Summons R

Judgment R

Attorney's charges R

Sheriff's fees R

Sheriff's fees on re-issue R

Total: R

ANNEXURE

Particulars of Plaintiff's Claim

.....
.....
.....

Dated at this day of 20.....

.....

Plaintiff / Plaintiff's Attorney

Address of Plaintiff / Plaintiff's Attorney

.....”

“No. 2C - Combined Summons (Divorce Matters)

*** For use only in the Regional Court**

IN THE REGIONAL COURT FOR THE REGIONAL DIVISION OF _____

HELD AT _____ CASE NUMBER: _____

IN THE MATTER BETWEEN: - _____

PLAINTIFF

Identity Number:

AND

DEFENDANT

Identity Number:

TO THE SHERIFF OR HIS / HER DEPUTY:

INFORM (Full names of the Defendant):

A MAJOR MALE / FEMALE BY OCCUPATION: OF

(Address):
.....

(Hereinafter referred to as the defendant),

THAT (full names of the Plaintiff):

A MAJOR MALE / FEMALE BY OCCUPATION: OF

(Address):
.....

(Hereinafter referred to as the Plaintiff),

HEREBY institutes action against him/her in which action the Plaintiff claims the relief on the grounds set out in the particulars of claim attached hereto;

INFORM the defendant further that if defendant disputes the claim and wishes to defend the action he / she—

shall within 10 **[(Ten)]** days of the service upon him or her of this summons file with the registrar of this court at (here set out the physical address and electronic mail address of the assistant registrar's office) notice of his / her intention to defend and serve a copy thereof on the plaintiff or plaintiff's attorney, which notice shall give an address referred to in rule 13(3) for the service upon the defendant of all notices and documents in the action;

thereafter, and within 20 **[(Twenty)]** days after filing and serving notice of intention to defend as aforesaid, file with the assistant registrar and serve upon the plaintiff or plaintiff's attorney a plea (with or without a counter-claim), or an exception or application to strike out in the manner and within the timeframe provided for in rule 19.

INFORM the defendant further that if he / she fails to file and serve notice as aforesaid, judgment as claimed may be given against him/her without further notice to him/her, or if, having filed and served such notice, he / she fails to plead, except or to counterclaim, judgment may be given against him/her.

INFORM the defendant also that if he / she does not intend to defend the action, he / she may give written notice to that effect to the plaintiff and the registrar and the action may then, at the written request of the plaintiff, be forthwith set down by the registrar for hearing without further notice to defendant.

And immediately thereafter serve on the defendant a copy of this summons and return the same to the registrar or assistant registrar with whatsoever you have done thereupon.

DATED at on this day of 20

REGISTRAR / ASSISTANT REGISTRAR

REGIONAL COURT

REGIONAL DIVISION OF

PLAINTIFF / PLAINTIFF'S ATTORNEY

Address

Postal address

Facsimile (fax) number (where available)

.....

Electronic mail (e-mail) address (where available)

.....

(Give full physical address for acceptance of service of process or documents situated in an area either within the court's jurisdiction or within 25 kilometres from the courthouse [15 kilometres from the Court-house] and also the postal address.)

The plaintiff is prepared to accept all subsequent documents and notices at the electronic mail address stated herein.**

(1) Notice of intention not to Defend

To the Registrar

Kindly take notice that the defendant hereby gives notice that he / she does not intend to defend the action.

DATED at this day of 20

Defendant / Defendant's attorney

OR

(2) Notice of intention to Defend*

To the Registrar

Kindly take notice that the defendant hereby notifies his or her intention to defend this action.

DATED at this day of 20

.....

Defendant / Defendant's attorney

Address

.....

Postal address

.....

Facsimile (fax) number (where available)

.....

Electronic mail (e-mail) address (where available)

.....

(Give full physical address for acceptance of service of process or documents situated in an area either within the court's jurisdiction or within 25 kilometres from the courthouse [15 kilometres from the Court-house] and also the postal address.)

Costs if the action is undefended will be as follows:

Summons R

Judgment R

Attorney's charges R

Sheriff's fees R

Sheriff's fees on re-issue R

Total: R

*The original notice must be filed with the registrar and a copy thereof served on the plaintiff

or plaintiff's attorney.

**** Delete if not applicable**.**

“No 3 - Summons (in which is included an automatic rent interdict)

*** For use in the District Court**

IN THE MAGISTRATE'S COURT FOR THE DISTRICT OF.....

HELD AT.....Case No.....

In the matter between:

.....Plaintiff

and

.....Defendant

To: of
(state residence or place of business and if known, gender, occupation and place of employment) (hereinafter called the defendant).

You are hereby summoned that you do within days of the service of this summons deliver or cause to be delivered to the clerk of the aforesaid court and also the plaintiff or plaintiff's attorney, at the address specified herein, a notice in writing of your intention to defend this action and answer the claim of (state gender and occupation), of (residence or place of business) (hereinafter called the plaintiff), particulars whereof are endorsed hereunder.

Thereafter, within 20 days after delivering a notice of intention to defend as aforesaid, file with the clerk of the court and serve upon the plaintiff or plaintiff's attorney a plea (with or without a counter-claim), or an exception or application to strike out in the manner and within the timeframes provided for in rule 19.

And take notice that—

- (a) in default of your paying the amount of the claim and costs within the said period or of your delivering a notice of intention to defend you will be held to have admitted the said claim and the plaintiff may proceed therein and judgment may be given against you in your absence;

- (b) if you pay the said claim and costs within the said period judgment will not be given against you herein and you will save judgment charges. You will also save judgment charges if, within the said period, you lodge with the clerk of the aforesaid court a consent to judgment;
- (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 plaintiff's attorney.

And further take notice that you, the defendant, and all other persons are hereby interdicted from removing or causing or suffering to be removed any of the furniture or effects in or on the premises described in the particulars of claim endorsed hereon which are subject to the plaintiff's hypothec for rent until an order relative thereto shall have been made by the court.

Costs, if the action is undefended, will be as follows:

Summons	R
Judgment	R
Attorney's charges	R
Sheriff's fees	R
Sheriff's fees on re-issue	R
Totals R	R
Total.....	R

Notice:

- (i) Any person against whom a court has, in a civil case, given judgment or made any order who has not, within 10 days, satisfied in full such judgment or order may be called upon by notice in terms of section 65A(1) of the Act to appear on a specified date before the court in chambers to enable the court to enable the court to enquire into the financial position of the judgment debtor and to make such order as the court may deem just and equitable.
- (ii) If the court is satisfied that—
 - (aa) the judgment debtor or, if the judgment debtor is a juristic person, a director or officer of the juristic person has knowledge of the

abovementioned notice and that he or she has failed to appear before the court on the date and at the time specified in the notice; or

- (bb) the judgment debtor, director or officer, where the proceedings were postponed in his or her presence to a date and time determined by the court, has failed to appear before the court on that date and at that time; or
- (cc) the judgment debtor, director or officer has failed to remain in attendance at the proceedings or at the proceedings so postponed,

the court may, at the request of the judgment creditor or his or her attorney, authorise the issue of a warrant directing a sheriff to arrest the said judgment debtor, director or officer and to bring him or her before a competent court to enable that court to conduct a financial inquiry. [Section 65A(6) of the Act]

(iii) Any person who—

- (aa) is called upon to appear before a court under a notice in terms of section 65A(1) or 65A(8)(b) of the Act (where the sheriff, in lieu of arresting a person, hands to that person a notice to appear in court) and who wilfully fails to appear before the court on the date and at the time specified in the notice; or
- (bb) where the proceedings were postponed in his or her presence to a date and time determined by the court, wilfully fails to appear before the court on that date and at that time; or
- (cc) wilfully fails to remain in attendance at the relevant proceedings or at the proceedings so postponed,

shall be guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding three months. [Section 65A(9) of the Act]

(iv) On appearing before the court on the date determined in the notice in terms of section 65A(1) or (8)(b) of the Act in pursuance of the arrest of the judgment debtor, director or officer under a warrant referred to in section 65A(6) of the Act or on any date to which the proceedings have been postponed, such judgment debtor, director or officer shall be called upon to give evidence on his or her financial position or that of the juristic person and his or her or its ability to pay the judgment debt.

- (v) Any person against whom a court has, in a civil case, given any judgment or made any order who has not satisfied in full such judgment or order and paid all costs for which he or she is liable in connection therewith shall, if he or she has changed his or her place of residence, business or employment, within 14 days from the date of every such change notify the clerk of the court who gave such judgment or made such order and the judgment creditor or his or her attorney fully and correctly in writing of his or her new place of residence, business or employment, and by his or her failure to do so such judgment debtor shall be guilty of an offence and liable upon conviction to a fine or imprisonment for a period not exceeding three months. [Section 109 of the Act]

(1) Particulars of claim.

Plaintiff's claim is—

- (i) for arrears of rent due in respect of the defendant's tenancy of
and for confirmation of the interdict appearing in this summons.

Particulars:

.....
.....

Date

Period

Amount

R.....

.....
.....

and

- (ii) for ejectment.

Particulars:

.....
.....

(2) Consent to judgment.

I admit that I am liable to the plaintiff as claimed in this summons (or in the amount of R
.....and costs to date) and I consent to judgment accordingly.

DATED at this day of, 20.....
.....

Defendant

[WITNESSES:

- 1. (full names) (signature)
(address)
- 2. (full names) (signature)
- 3. (address)]

WITNESSES 1:

- (a) (full names)
- (b) (signature)
- (c) (address)

WITNESSES 2:

- (a) (full names)
- (b) (signature)
- (c) (address)

ALTERNATIVE TO (2)

* (3) Notice of intention to defend.

To the Clerk of the Court.

Kindly take notice that the defendant hereby gives notice of defendant's intention to defend this action.

DATED at this day of, 20.....

.....

Defendant / Defendant's Attorney.

Physical address where service of process or documents will be accepted **[(within 15 kilometres from the Court-house)]** situated in an area either within the court's jurisdiction or within 25 kilometres of the courthouse.

.....

Postal address

.....

* The original notice must be filed with the clerk of the court and a copy thereof served on the plaintiff or plaintiff's attorney.

No. 3 - Summons (in which is included an automatic rent interdict)***For use in the Regional Court**

IN THE REGIONAL COURT FOR THE REGIONAL DIVISION OF.....

HELD AT Case number:

In the matter between:

.....
Plaintiff

and

.....
Defendant

To: of

(state residence or place of business and if known, gender, occupation and place of employment) (hereinafter called the defendant).

You are hereby summoned that you do within days of the service of this summons deliver or cause to be delivered to the registrar of the aforesaid court and also the plaintiff or plaintiff's attorney, at the address specified herein, a notice in writing of your intention to defend this action and answer the claim of (state gender and occupation), of (residence or place of business) (hereinafter called the plaintiff), particulars whereof are endorsed hereunder.

Thereafter, within 20 days after delivering a notice of intention to defend as aforesaid, file with the registrar of the court and serve upon the plaintiff or plaintiff's attorney a plea (with or without a counter-claim), or an exception or application to strike out in the manner and within the timeframes provided for in rule 19.

Notice to Defendant:

And take notice that—

- (a) in default of your paying the amount of the claim and costs within the said period or of your delivering a notice of intention to defend you will be held to have admitted the said claim and the plaintiff may proceed therein and judgment may be given against you in your absence;
- (b) if you pay the said claim and costs within the said period judgment will not be given against you herein and you will save judgment charges. You will also save judgment charges if, within the said period, you lodge with the registrar of the aforesaid court a consent to judgment;

- (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 plaintiff's attorney.

And further take notice that you, the defendant, and all other persons are hereby interdicted from removing or causing or suffering to be removed any of the furniture or effects in or on the premises described in the particulars of claim endorsed hereon which are subject to the plaintiff's hypothec for rent until an order relative thereto shall have been made by the court.

Costs if the action is undefended will be as follows:

Summons	R
Judgment	R
Attorney's charges	R
Sheriff's fees	R
Sheriff's fees on re-issue	R
Totals R	R
Total.....	R

Notice:

- (i) Any person against whom a court has, in a civil case, given judgment or made any order who has not, within 10 days, satisfied in full such judgment or order may be called upon by notice in terms of section 65A(1) of the Act to appear on a specified date before the court in chambers to enable the court to enquire into the financial position of the judgment debtor and to make such order as the court may deem just and equitable.
- (ii) If the court is satisfied that—
 - (aa) the judgment debtor or, if the judgment debtor is a juristic person, a director or officer of the juristic person has knowledge of the abovementioned notice and that he or she has failed to appear before the court on the date and at the time specified in the notice; or
 - (bb) the judgment debtor, director or officer, where the proceedings were postponed in his or her presence to a date and time determined by the

court, has failed to appear before the court on that date and at that time;
or

(cc) the judgment debtor, director or officer has failed to remain in attendance at the proceedings or at the proceedings so postponed,

the court may, at the request of the judgment creditor or his or her attorney, authorise the issue of a warrant directing a sheriff to arrest the said judgment debtor, director or officer and to bring him or her before a competent court to enable that court to conduct a financial inquiry. [Section 65A(6) of the Act]

(iii) Any person who—

(aa) is called upon to appear before a court under a notice in terms of section 65A(1) or 65A(8)(b) of the Act (where the sheriff, in lieu of arresting a person, hands to that person a notice to appear in court) and who wilfully fails to appear before the court on the date and at the time specified in the notice; or

(bb) where the proceedings were postponed in his or her presence to a date and time determined by the court, wilfully fails to appear before the court on that date and at that time; or

(cc) wilfully fails to remain in attendance at the relevant proceedings or at the proceedings so postponed,

shall be guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding three months. [Section 65A(9) of the Act]

(iv) On appearing before the court on the date determined in the notice in terms of section 65A(1) or (8)(b) of the Act in pursuance of the arrest of the judgment debtor, director or officer under a warrant referred to in section 65A(6) of the Act or on any date to which the proceedings have been postponed, such judgment debtor, director or officer shall be called upon to give evidence on his or her financial position or that of the juristic person and his or her or its ability to pay the judgment debt. [Section 65D of the Act]

(v) Any person against whom a court has, in a civil case, given any judgment or made any order who has not satisfied in full such judgment or order and paid all costs for which he or she is liable in connection therewith shall, if he or she has changed his or her place of residence, business or employment, within 14

days from the date of every such change notify the clerk of the court who gave such judgment or made such order and the judgment creditor or his or her attorney fully and correctly in writing of his or her new place of residence, business or employment, and by his or her failure to do so such judgment debtor shall be guilty of an offence and liable upon conviction to a fine or imprisonment for a period not exceeding three months. [Section 109 of the Act]

(1) Particulars of claim.

Plaintiff's claim is—

- (i) for arrears of rent due in respect of the defendant's tenancy of
and for confirmation of the interdict appearing in this summons.

Particulars:

.....
.....

Date

Period

Amount

R.....

.....
.....

and

- (ii) for ejectment.

Particulars:

.....
.....

(2) Consent to judgment.

I admit that I am liable to the plaintiff as claimed in this summons (or in the amount of R
.....and costs to date) and I consent to judgment accordingly.

DATED at this day of, 20.....
.....

Defendant

[WITNESSES:

(full names) (signature)

(address)

(full names) (signature)

(address)]

WITNESSES 1:

(a) (full names)

(b) (signature)

(c) (address)

WITNESSES 2:

(a) (full names)

(b) (signature)

(c) (address)

ALTERNATIVE TO (2)

* (3) Notice of intention to defend.

To the Registrar of the Court.

Kindly take notice that the defendant hereby gives notice of defendant's intention to defend this action.

DATED at this day of, 20.....

.....

Defendant / Defendant's Attorney.

[Address] Physical address where service of process or documents will be accepted **[..... (within 15 kilometres from the Court-house)]** situated in an area either within the court's jurisdiction or within 25 kilometres of the courthouse

.....

Postal address

.....

.....

.....

* The original notice must be filed with the registrar of the court and a copy thereof served on the plaintiff or plaintiff's attorney.”.

“No 4 - Edictal citation / substituted service: short form of process

*** For use in the District Court**

IN THE MAGISTRATE'S COURT FOR THE DISTRICT OF.....

HELD AT.....Case No.....

In the matter between:

.....

Plaintiff

and

.....

Defendant

To:

AB formerly residing at, but whose present whereabouts are unknown (defendant herein):

TAKE NOTICE that by summons sued out of this court, you have been called upon to give notice, within days after publication hereof, to the clerk of this court and to the plaintiff / plaintiff's attorney of your intention to defend (if any) in an action wherein

C D (plaintiff herein) claims:

- (a)
- (b)
- (c)

TAKE NOTICE FURTHER that if you fail to give such notice, judgment may be granted against you without further reference to you.

DATED at this day of, 20.....

Plaintiff / Plaintiff's Attorney

Address for service:

Physical address **[15 km from court house]** situated in an area either within the court's jurisdiction or within 25 kilometres of the courthouse

.....
.....

Clerk of the Court

No 4 - Edictal citation / substituted service: short form of process

*** For use in the Regional Court**

IN THE REGIONAL COURT FOR THE REGIONAL DIVISION OF.....

HELD AT..... Case No.....

In the matter between:

.....

Plaintiff

and

.....

Defendant

To:

A B formerly
residing at, but whose present whereabouts
are unknown (defendant herein):

TAKE NOTICE that by summons sued out of this court, you have been called upon to give
notice, within days after publication hereof, to the registrar of this court and to
the plaintiff/plaintiff's attorney of your intention to defend (if any) in an action wherein

C D (plaintiff herein) claims:

(a)

(b)

(c)

TAKE NOTICE FURTHER that if you fail to give such notice, judgment may be granted against
you without further reference to you.

DATED at this day of 20.....

Plaintiff / Plaintiff's Attorney

Address for service:

Physical address **[15 km from court house]** situated in an area either within the court's jurisdiction or within 25 kilometres of the courthouse

.....

.....

Registrar"

“No. 38A - Notice of intention to issue an Emoluments Attachment Order – Section 65J(2A) of the Magistrates' Courts Act 1944 (Act 32 of 1944)

***Only 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

..... Judgment Creditor

and

..... Judgment Debtor

Particulars of the judgment debtor (where available):

Identity number / date of birth / Passport number:

Employee number:

Address:

Particulars of the Garnishee:

.....Garnishee

Address:

.....

TO: THE ABOVE-MENTIONED JUDGMENT DEBTOR AND HIS OR HER EMPLOYER
(HEREIN REFERRED TO AS THE 'GARNISHEE'):

WHEREAS on the (date) the Court authorised the attachment of the judgment debtor's emoluments and that the garnishee must pay the judgment creditor or his or her attorney R of the emoluments of the said judgment debtor on the day of each and every month / week with effect from (date) until a sufficient amount has been paid to satisfy a judgment or order obtained against the judgment debtor by the judgment creditor in the..... Court at on the day of for the amount of R (on which judgment or order the amount of R remains unpaid) with costs amounting to R and the costs of attachment amounting to R as well as R sheriff's fees.

KINDLY TAKE NOTICE that the judgment creditor intends to apply for the issuing of the aforesaid emoluments attachment order.

TAKE FURTHER NOTICE that the full amount of the capital debt, interest and costs outstanding is the sum of R, substantiated by the statement of account attached hereto.

TAKE FURTHER NOTICE that unless the judgment debtor or his or her employer (cited herein as the Garnishee) files a notice of intention to oppose the issuing of the emoluments attachment order within 10 court days after service of this Form 38A notice, the judgment creditor will apply to court to issue an emoluments attachment order. The notice of intention to oppose, if any, must be delivered by—

- (a) serving a copy thereof on the judgment creditor or his or her attorney; and
- (b) filing the original thereof with the clerk of this Court.

TAKE FURTHER NOTICE that—

- (i) in your notice of intention to oppose you are required to give your full physical, residential or business address, postal address and where available, facsimile and electronic mail address; and indicate the preferred address for service upon you of all documents in this matter, and service thereof at the address so given shall be valid and effectual, except where personal service is required by an order of the court; and
- (ii) if a physical address is given by you in your notice of intention to oppose and is referred to as your preferred address for the purpose of service, that address shall **[, in places where there are three or more attorneys or firms of attorneys practicing independently of one another, be within 15 kilometres]** be situated in an area either within the court's jurisdiction or within 25 kilometres of the courthouse.

TAKE FURTHER NOTICE that—

(1) The contemplated notice of intention to oppose must state the grounds upon which the judgment debtor or employer wishes to oppose the issuing of the emoluments attachment order;

(2) The grounds which may be used to oppose the issuing of the emoluments attachment order include, but are not limited to, the following—

- (a) that the amounts claimed are erroneous or not in accordance with the law; or

- (b) that 25 per cent of the judgment debtor's basic salary* is already committed to other emoluments attachment orders and that the debtor will not have sufficient means left for his or her own maintenance or that of his or her dependents;
- (3) The notice of intention to oppose must be accompanied by—
- (a) a certificate by the employer of the judgment debtor setting out particulars of—
- (i) all existing court orders against the judgment debtor or agreements with other creditors for payment of a debt and costs in instalments; and
- (ii) when reasonably attainable, the amounts needed by the debtor for necessary expenses and those of the persons dependent on him or her and for the making of periodical payments which he or she is obliged to make in terms of an agreement or otherwise in respect of his or her other commitments;
- (b) the contact details of all the relevant judgment creditors or their attorneys; and
- (c) the latest salary advice of the judgment debtor.

TAKE FURTHER NOTICE that if this matter is opposed, it may be set down for hearing on 10 court days' notice.

TAKE FURTHER NOTICE that should you not oppose this matter, application will be made to court on the..... day of at 09h00 or as soon thereafter as this matter may be heard for the issuing of an emoluments attachment order.

TAKE FURTHER NOTICE that you have a right to be assisted by a legal representative (a lawyer) of your own choice. IF YOU CANNOT AFFORD THE SERVICES OF A LEGAL REPRESENTATIVE, YOU ARE ENTITLED TO APPLY FOR LEGAL AID IN ORDER TO BE ALLOCATED A LAWYER IF YOU QUALIFY.

DATED at this day of 20.....

.....

Judgment Creditor / Judgment Creditor's attorney

Physical address **[(within 15 kilometres of the courthouse)]** situated in an area either within the court's jurisdiction or within 25 kilometres of the courthouse:

.....

.....

.....

Postal address:

Electronic mail address:

Facsimile:
.....

Indicate the preferred address for service:

.....

* See section 65J(1A)(a) and (b) of the Magistrates' Courts Act, 1944, which reads as follows:

“(a) The amount of the instalment payable or the total amount of instalments payable where there is more than one emoluments attachment order payable by the judgment debtor, may not exceed 25 per cent of the judgment debtor's basic salary.

(b) For purposes of this section, 'basic salary' means the annual gross salary a judgment debtor is employed on divided by 12 and excludes additional remuneration for overtime or other allowances.”.

“No 42 - Notice in terms of rule 58(2)(a)

IN THE REGIONAL COURT FOR THE REGIONAL DIVISION OF

HELD AT CASE NO:

In the matter between

..... Applicant

and

..... Respondent

To the above-mentioned respondent:

TAKE NOTICE that (hereinafter called the applicant) intends to make application to this Court for an order (1) (2) (3) (here set forth the form of order prayed) and that the accompanying sworn / affirmed statement of will be used in support thereof.

TAKE NOTICE FURTHER that if you intend to oppose this application you shall, within 10 court days of receiving this notice—

- (a) draft a sworn or affirmed reply in the nature of a plea;
- (b) serve a copy of the sworn or affirmed reply on the applicant or his or her attorney; and
- (c) file the original of the sworn or affirmed reply with the registrar of the court.

TAKE NOTICE FURTHER that—

- (i) in your reply you are required to give your full physical, residential or business address, postal address and where available, facsimile and electronic mail address;
- (ii) in your reply you are further required to indicate the preferred address for service upon you of all documents in the application, and service thereof at the address so given shall be valid and effectual, except where personal service is required by an order or practice of the court;

- (iii) if a physical address is given by you in the reply referred to as your preferred address for the purpose of service, that address shall [**in places where there are three or more attorneys or firms of attorneys practicing independently of one another, be within 15 kilometres**] be situated in an area either within the court's jurisdiction or within 25 kilometres of the courthouse; and
- (iv) your reply shall indicate what averments in the applicant's statement you admit or deny, and shall concisely set out your defence.

AND TAKE NOTICE FURTHER that upon the expiration of the 10 days period within which you may deliver your reply, the matter may be set down for summary hearing on 10 days' notice, regardless of whether or not you have delivered your reply.

AND TAKE NOTICE FURTHER that you have a right to be assisted by a legal representative (a lawyer) of your own choice. **IF YOU CANNOT AFFORD THE SERVICES OF A LEGAL REPRESENTATIVE. YOU ARE ENTITLED TO APPLY FOR LEGAL AID IN ORDER TO BE ALLOCATED A LAWYER IF YOU QUALIFY.**

DATED at this day of 20

.....

Applicant / Applicant's attorney

Physical address [**(within 15 kilometres of the courthouse)**] situated in an area either within the court's jurisdiction or within 25 kilometres of the courthouse:

.....

Postal address:

.....

Electronic mail address:

Facsimile:

Indicate the preferred address for service:

.....”

“No. 59 – Notice to alleged member, partner or proprietor***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

..... Plaintiff

and

..... Defendant

TAKE NOTICE that action has been instituted by the above-named plaintiff against the above-named defendant for the sum of R..... and that it is alleged that the above-named defendant is an association, partnership, firm or sole proprietorship of which you were from to a member, office-bearer, partner or proprietor.

If you dispute that you were a member, office-bearer, partner or proprietor or that the above-mentioned period is in any way relevant to your liability as a member, office-bearer, partner or proprietor or that the defendant is liable you must within 10 days of the service of this notice give notice of your intention to defend.

To give such notice you must file with the clerk of the court and serve a copy thereof upon the plaintiff at the address set out below a notice stating that you intend to defend. In such a notice—

- (i) you are required to give your full physical, residential or business address [**within the court's area of jurisdiction**] situated in an area either within the court's jurisdiction or within 25 kilometres of the courthouse, postal address and where available, facsimile and electronic mail address; and
- (ii) you are further required to indicate the preferred address for service upon you of all documents in the application, and service thereof at the address so given shall be valid and effectual, except where personal service is required by an order or practice of the court.

Thereafter you should deliver a plea in which you may dispute that you were a member, office-bearer, partner or proprietor or that the period alleged above is relevant or that the defendant is liable, or all three of these matters.

If you do not give such notice you will not be at liberty to contest any of the above issues. If the above-named defendant is held liable you will be liable to have execution issued against you, should the defendant's assets be excused in execution and found to be insufficient.

DATED at this day of 20.....

Attorney for

.....
.....
.....

(Address)

(N.B. In application proceedings this form should be appropriately altered.)