

**RULES REGULATING THE CONDUCT OF THE PROCEEDINGS OF THE  
SUPREME COURT OF APPEAL OF SOUTH AFRICA**

(R. 1523, 27 November 1998)

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**Definitions**

1.

*[Definitions]*<sup>2</sup>

(1) In these rules, unless inconsistent with the context -

"apply" means apply on notice of motion on the prescribed form in the Annexure, and

"application" has a corresponding meaning;

"Court" means the Supreme Court of Appeal of South Africa;

"court day" means any day other than a Saturday, Sunday or public holiday;

"Judge" means a judge or an acting judge of the Court sitting otherwise than in open court;

"lodging of documents with the registrar" means the lodging of documents with the registrar through an attorney practising in Bloemfontein or, if a party is not represented by an attorney, by registered post or by that party personally, after prior service of copies of such documents on any other party;

"party" or any other reference to a litigant in terms includes a legal practitioner appearing on behalf of a party, as the context may require; and

"registrar" means the registrar of the Court and includes any acting or assistant registrar of the Court.

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<sup>1</sup> The rules as published refer to the Chief Justice but the Constitution has since been amended and in this version reflects the change.

<sup>2</sup> Headings between [\*] have been added for the sake of convenience..

*[Court days]*

- (2) (a) Only court days shall be included in the computation of any time expressed in days prescribed by these rules or fixed by any order of the Court.
- (b) The period between 16 December and 15 January (both dates inclusive) shall not be taken into account in the calculation of any period in terms of these rules.

**Court terms**

2

*[Terms]*

- (1) There shall be four terms in each year as follows:
- 15 February to 31 March, inclusive;
  - 1 May to 31 May, inclusive;
  - 15 August to 30 September, inclusive;
  - 1 November to 30 November, inclusive.

*[Hearing case out of term]*

- (2) A matter may be heard out of term if the President so directs.

*[Commencement of term]*

- (3) If the day fixed for the commencement of a term is not a court day, the term shall commence on the next succeeding court day and, if the day fixed for the end of a term is not a court day, the term shall end on the court day preceding.

**Registrar's office hours**

3.

*[Hours]*

- (1) The office of the registrar shall be open on court days from 08:30 to 13:00 and from 14:00 to 15:30, save that no documents shall be lodged after 15:00.

*[Exceptional cases]*

- (2) The registrar may in exceptional cases accept documents at any time, and shall do so when directed by a judge.

**General powers and duties of registrar**

4.

*[Filing of documents]*

- (1) (a) The registrar may refuse to accept any document tendered for lodging if, in the registrar's opinion, it does not comply with these rules: Provided that if proper copies of the rejected documents are resubmitted within 10 days of rejection, such lodging shall not be deemed untimely.
- (b) The registrar may provisionally accept, in lieu of the original document tendered for lodging, a copy (including a facsimile or other electronic copy) thereof, but the original shall be filed within 10 days thereafter.

*[Maintaining court records]*

- (2) (a) A notice of appeal or the first application in an intended appeal shall be numbered by the registrar with a consecutive number for the year during which it is filed.
- (b) Every document lodged afterwards in such a case shall be marked with that number by the party lodging it and shall not be received by the registrar until so marked.

(c) All the documents delivered to the registrar to be filed in a case shall be filed by the registrar in a case file under the number of such case.

(d) The registrar shall maintain the Court's records and shall not permit any of them to be removed from the court building, except as authorised by the registrar.

(e) Any document lodged with the registrar and made part of the Court's records shall not thereafter be withdrawn permanently from the official court files.

*[Inspection and copying]*

(3) Copies of any document forming part of the Court's records may be made by any person in the presence of the registrar: Provided that the registrar shall, at the request of a party, make a copy of a recorded order, settlement or judgment on payment of the prescribed court fees and the registrar shall certify that copy or photocopy to be a true copy of the original.

*[Settlement of disputes with registrar]*

(4) If a dispute arises as to the correctness of any ruling by the registrar, the registrar shall refer the dispute to a judge for a final ruling.

**Power of attorney**

5.

*[When required]*

(1) A power of attorney need not be filed, but the authority of a legal practitioner to act on behalf of any party may, within one month after it has come to the notice of any other party that the legal practitioner is so acting, or with the leave of the Court on good cause shown at any time before judgment, be disputed by notice, whereafter upon expiry of one month after service of the notice the legal practitioner shall no longer so act, unless a power of attorney is lodged with the registrar within that month.

*[Format]*

(2) Every power of attorney shall be signed by or on behalf of the party giving it, and shall otherwise be executed according to law.

*[Exceptions]*

(3) No power of attorney shall be required to be filed by -

- (a) an attorney-general;
- (b) a legal practitioner acting pro deo or amicus curiae; or
- (c) the State Attorney, any deputy state attorney or any professional assistant to the State Attorney, or any attorney instructed in writing or by telegram or facsimile by or on behalf of the State Attorney or a deputy state attorney in any matter in which the State Attorney or deputy state attorney is acting as such by virtue of any statute.

**Application for leave to appeal**

6.

*[Filing of application]*

(1) In every matter where leave to appeal is by law required of the Court, an application therefor shall be lodged in duplicate with the registrar within the time limits prescribed by that law.

*[Annexures required]*

- (2) Every such application shall be accompanied by -
- (a) a copy of the order of the court a quo appealed against;
  - (b) where leave to appeal has been refused by that court, a copy of that order;
  - (c) a copy of the judgment delivered by the court a quo; and
  - (d) where leave to appeal has been refused by that court, a copy of the judgment refusing such leave:

Provided that the registrar may, on written request, extend the period for the filing of a copy of the judgment or judgements.

*[Answer]*

- (3) Every affidavit in answer to an application for leave to appeal shall be lodged in duplicate within one month after service of the application on the respondent.

*[Reply]*

- (4) An applicant who applied for leave to appeal shall, within 10 days after an affidavit referred to in subrule (3) has been received, be entitled to lodge an affidavit in reply dealing strictly only with new matters raised in the answer.

*[Format of application, answer and reply]*

- (5) Every application, answer and reply -
- (a) shall -
    - (i) be clear and succinct and to the point;
    - (ii) furnish fairly all such information as may be necessary to enable the Court to decide the application;
    - (iii) deal with the merits of the case only in so far as is necessary for the purpose of explaining and supporting the particular grounds upon which leave to appeal is sought or opposed;
    - (iv) be properly and separately paginated; and
  - (b) shall not -
    - (i) be accompanied by the record, or
    - (ii) traverse extraneous matters.

*[Request for further documents]*

- (6) The judges considering the application may call for -
- (a) submissions or further affidavits;
  - (b) the record or portions of it; and
  - (c) additional copies of the application.

*[Time for filing further documents]*

- (7) The party concerned shall lodge the required documents within the period prescribed by the registrar.

*[Failure to comply]*

- (8) If the party concerned fails to comply with a direction by the registrar or fails to cure the defects in the application within the period directed, the registrar shall refer the matter to the judges assigned to the application who may dispose of it in its incomplete form.

## Notice of appeal

7.

### *[Lodging]*

- (1) An appellant in a civil case shall lodge a notice of appeal with the registrar and the registrar of the court a quo within one month after the date of -
- (a) the granting of the judgment or order appealed against where leave to appeal is not required;
  - (b) the granting of leave to appeal where leave to appeal is required; or
  - (c) the setting aside of a direction of a high court in terms of section 20(2) (b) of the Supreme Court Act, 1959 (Act No. 59 of 1959).

### *[Cross-appeal]*

- (2) A respondent in a civil appeal who intends to cross-appeal shall, within one month after receipt of the appellant's notice of appeal, lodge a notice of the cross-appeal with the registrar and with the registrar of the court a quo.

### *[Form of notice]*

- (3) Every notice of appeal and cross-appeal shall -
- (a) state what part of the judgment or order is appealed against;
  - (b) state the particular respect in which the variation of the judgment or order is sought; and
  - (c) be accompanied by a certified copy of the order (if any) granting leave to appeal or to cross-appeal.

### *[Extension of time]*

- (4) The time limit for lodging of the notice of appeal may be extended by written agreement of all the parties to the appeal.

## Record

8.

### *[Lodging]*

- (1) An appellant shall within three months of the lodging of the notice of appeal lodge with the registrar six copies of the record of the proceedings in the court a quo and deliver to each respondent such number of copies as may be considered necessary or as may reasonably be requested by the respondent.

### *[Extension of time]*

- (2) The time limit for lodging of the record may be extended -
- (a) by written agreement of all the parties to the appeal; or
  - (b) by the registrar upon written request with notice to all the parties to the appeal:

Provided that the registrar shall not be entitled to extend the period for more than two months.

### *[Failure to comply]*

- (3) If the appellant fails to lodge the record within the prescribed period or within the extended period, the appeal shall lapse.

### *[Compliance by respondent]*

(4) (a) If an appeal is withdrawn or has lapsed and no record has been lodged with the registrar, a respondent who has noted a cross-appeal may, within one month from such withdrawal or lapsing of the appeal, notify the registrar in writing that he or she desires to prosecute the cross appeal.

(b) Such respondent shall thereupon be deemed to be the appellant and the period prescribed in subrule (1) shall be calculated from the date on which the appellant withdrew the appeal or the appeal lapsed.

*[Certification]*

(5) One of the copies of the record lodged with the registrar shall be certified correct by the registrar of the court a quo.

*[Format]*

(6) (a) The copies of the record shall be clearly typed on stout A4 standard paper in double-spacing in black record ink, on one side of the paper only.

(b) Legible documents that were typed or printed in the original, including all processes in the court a quo forming part of the record on appeal, and documents such as typed or printed contracts and cheques (whether handwritten, typed or printed) and the like shall not be retyped and a clear photocopy shall be provided instead.

(c) The pages shall be numbered clearly and consecutively, and every tenth line on each page shall be numbered and the pagination used in the court a quo shall be retained where possible.

(d) (i) At the top of each page containing evidence, the name of the witness and, at the top of each page containing exhibits, the number of the exhibit, shall appear.

(ii) All references in the record to page numbers of exhibits shall be transposed to reflect the page numbers of such exhibits in the appeal record.

(e) The record shall be divided into separate conveniently-sized volumes of approximately 100 pages each.

(f) The record shall be securely bound in suitable covers disclosing -  
 (i) the case number;  
 (ii) the names of the parties;  
 (iii) the volume number and the numbers of the pages contained in that volume;

(iv) the total number of volumes in the record;

(v) the court appealed from; and

(vi) the names and addresses of all the parties for service.

(g) (i) The volume number and the numbers of the pages contained in a volume shall also appear on the upper third of the spine of the volume.

(ii) Each volume shall be so bound that upon being eased open it will lie open without any manual or other restraint and upon being so opened and thereafter repeatedly closed, the binding shall not fail.

(h) The -  
 (i) judgment and order appealed against;  
 (ii) judgment and order granting leave to appeal; and  
 (iii) notice of appeal shall, if the record consists of more than one volume, be contained in a separate volume.

(i) The record, in the first or in a separate volume, shall contain a correct and complete index of the evidence, documents and exhibits in the case, the nature of the documents and exhibits being briefly stated therein.

(j) Unless it is essential for the determination of the appeal and the parties agree thereto in writing, the record shall not contain -

(i) argument and opening address;

- (ii) formal documents;
- (iii) discovery affidavits and the like;
- (iv) identical duplicates of any document; or
- (v) documents not proved or admitted, and the registrar shall mero motu disallow the costs, also between attorney and own client, of such documents.

*[Core bundle]*

- (7) (a) A core bundle of documents shall be prepared if to do so is appropriate to the appeal.
- (b) The core bundle shall consist of the material documents of the case in a proper, preferably chronological, sequence.
- (c) Documents contained in the core bundle shall be omitted from the record, but the record shall indicate where each such document is to be found in the core bundle.

*[Specific points of law or fact]*

- (8) (a) Whenever the decision of an appeal is likely to hinge exclusively on a specific issue or issues of law and/or fact, the appellant shall, within 10 days of the noting of the appeal, request the respondent's consent to submit such issue or issues to the Court, failing which the respondent shall, within 10 days thereafter, make a similar request to the appellant.
- (b) The respondent or the appellant, as the case may be, shall within 10 days agree thereto or state the reasons for not agreeing to the request.
- (c) The request and the response shall form part of the record.
- (d) The Court may make a special order of costs if no request was made or if either of the parties was unreasonable in this regard.
- (e) If the parties reach agreement as referred to in paragraph (a), only those parts of the record of the proceedings in the court a quo as may be agreed upon shall be contained in the record lodged with the registrar:

Provided that the Court may call for the full record and may order full argument of the whole case.

*[Limiting record]*

- (9) (a) Whenever the decision of an appeal is likely to hinge exclusively on part of the record in the court a quo, the appellant shall, within 10 days of the noting of the appeal, request the respondent's consent to omit the unnecessary parts from the record, failing which the respondent shall, within 10 days thereafter, make a similar request to the appellant.
- (b) The respondent or the appellant, as the case may be, shall within 10 days agree thereto or state the reasons for not agreeing to the request.
- (c) The request and the respondent's response shall form part of the record.
- (d) The Court may make a special order of costs if no request was made or if either of the parties was unreasonable in this regard.
- (e) If the parties agree to limit the record, only those parts of the record of the proceedings in the court a quo as are agreed upon shall be contained in the record lodged with the registrar: Provided that the Court may call for the full record and may order full argument of the whole case.

*[Criminal appeals]*

- (10) Any person convicted of any offence who intends to appeal to the Court and -
- (a) has the right so to appeal; or

(b) intends to make application to the Court for leave to appeal, shall be entitled, upon request, to obtain from the registrar of the court from which that person intends to appeal, such number of copies of the record or extracts from it as may be necessary, on payment of the prescribed fees:

Provided that -

- (i) if such a person is unable to pay the prescribed fee; and
- (ii) the copies are necessary for the aforesaid purposes, that person shall be entitled to obtain the same without payment of any fees.

*[Deciding inability to pay]*

(11) (a) Any question arising as to the inability of a person referred to in subrule (10) to pay the prescribed fees or as to the number of copies or as to what extracts are necessary shall be decided by the registrar of the court a quo.

(b) If the registrar's decision is confirmed by a judge of that court, it shall be final.

### **Security**

9.

*[When required]*

(1) If the court which grants leave to appeal orders the appellant to provide security for the respondent's costs of appeal, the appellant shall, before lodging the record with the registrar, enter into sufficient security for the respondent's costs of appeal and shall inform the registrar accordingly.

*[Form or amount of security]*

(2) If the form or amount of security is contested, the registrar of the court a quo shall determine the issue and this decision shall be final.

### **Heads of argument**

10

*[Filing]*

(1) Unless the President otherwise directs -

- (a) the appellant shall lodge with the registrar six copies of his or her main heads of argument within three months from the lodging of the record; and
- (b) the respondent shall lodge with the registrar six copies of his or her main heads of argument within two months from the receipt of the appellant's heads of argument.

*[Urgency]*

(2) When the lodging of an application or record of appeal with the registrar does not allow the heads of argument to be lodged and served in terms of subrule (1), the applicant or appellant, as the case may be, shall file the same without delay and the respondent shall thereafter file the argument in answer as soon as possible.

*[Format]*

(3) (a) The heads of argument shall be clear, succinct and without unnecessary elaboration.

(b) The heads of argument shall not contain lengthy quotations from the record or authorities.

(c) References to authorities and the record shall not be general but to specific pages and paragraphs.



(d) (i) The heads of argument of the appellant shall, if appropriate to the appeal, be accompanied by a chronology table, duly cross referenced, without argument.

(ii) If the respondent disputes the correctness of the chronology table in a material respect, the respondent's heads of argument shall be accompanied by the respondent's version of the chronology table.

(e) (i) The heads of argument shall be accompanied by a list of the authorities to be quoted in support of the argument and shall indicate the authorities to which particular reference will be made during the course of argument.

(ii) If any such authority is not readily available, copies of the text relied upon shall accompany the heads of argument.

(iii) The heads of argument shall define the form of order sought from the Court.

(f) If reliance is placed on subordinate legislation, a copy of such legislation shall accompany the heads of argument.

### **Powers of the President or the Court**

11.

*[Powers]*

(1) The President or the Court may -

(a) *mero motu* or on application, extend or reduce any time period prescribed in these rules and may condone non-compliance with these rules;

(b) give such directions in matters of practice, procedure and the disposal of any appeal, application or interlocutory matter as the President or the Court may consider just and expedient.

*[Delegation]*

(2) Any power or authority vesting in the President in terms of these rules may be exercised by a judge or judges designated by the President for that purpose.

### **Application for condonation**

12.

*[Filing]*

(1) In every matter where condonation is sought, the application shall be lodged in duplicate with the registrar.

*[Answer]*

(2) Every affidavit in answer to an application for condonation shall be lodged in duplicate with the registrar within one month after service of the application on the respondent.

*[Reply]*

(3) The applicant shall lodge with the registrar any reply in duplicate within 10 days of receipt of the answering affidavit.

*[Form]*

(4) Every application, answer or reply shall -

(a) be clear and succinct and to the point;

(b) furnish fairly all such information as may be necessary to enable the Court to decide the application; and

(c) deal with the merits of the case only in so far as is necessary for the purpose of explaining and supporting the particular grounds upon which the application is sought or opposed.

*[Request for further documents]*

- (5) The judges considering the application may call for -
- (a) submissions or further affidavits;
  - (b) the record or portions of it; and
  - (c) additional copies of the application,

and the party concerned shall lodge with the registrar the required documents within the period prescribed.

*[Failure to comply]*

- (6) If the applicant fails to comply with a direction by the Court or the registrar or to complete the application within the period prescribed, the registrar shall refer the matter to the judges assigned to the application who may dispose of it in its incomplete form.

**Set-down**

13.

*[Notification]*

- (1) The registrar shall, subject to the directions of the President, notify each party by registered letter of the date of hearing.

*[Address]*

- (2) A registered letter forwarded to a party's last-known address shall be deemed to be sufficient notice of the date of the hearing.

*[Non-appearance]*

- (3) If the applicant or appellant fails to appear at the date thus notified, the application or appeal shall be dismissed for non-prosecution, unless the Court otherwise directs.

**Oral argument**

14.

*[Time limits]*

- (1) If a matter has been set down for one day, subject to the presiding judge's directions, the time for argument shall not exceed -
- (a) two hours for the applicant or appellant's main argument;
  - (b) two hours for the argument in answer; and
  - (c) a quarter of an hour for the argument in reply.

*[Language]*

- (2) If a party intends to argue a matter in an official language which differs from that in which the heads of argument are drawn, the party shall inform the registrar accordingly in writing at least three weeks before the hearing of the matter.

**In forma pauperis**

15.(1) Any party who is a natural person and who is of the opinion that he or she is indigent may request the registrar for leave to prosecute or defend an appeal in forma pauperis.

(2) A party shall be deemed to be indigent if he or she can satisfy the registrar that, except for household goods, wearing apparel and tools of trade, he or she is not possessed of property to the amount of R10 000 and will not be able within a reasonable time to provide such sum from his or her earnings or obtain legal aid.

(3) No such request shall be lodged with the registrar unless the opposite party has been asked and has failed or refused to consent to the applicant proceeding in forma pauperis within one month thereafter.

(4) Any party dissatisfied with a ruling of the registrar under this rule may apply to the President for a revision in chambers.

(5) Whenever a party obtains leave to prosecute or defend an appeal in forma pauperis, that party shall not be required to lodge security in terms of these rules for the costs of the opposite party or to pay any court fees notwithstanding the existence of any order referred to in rule 9(1).

### **Amicus curiae submissions**

16.

#### *[Admission as amicus]*

(1) Subject to this rule, any person interested in any matter before the Court may, with the written consent of all the parties in the matter before the Court given not later than the time specified in subrule (5), be admitted therein as an amicus curiae upon such terms and conditions and with such rights and privileges as may be agreed upon in writing with all the parties before the Court or as may be directed by the President in terms of subrule (3).

#### *[Admission by consent]*

(2) The written consent referred to in subrule (1) shall, within 10 days of it having been obtained, be lodged with the registrar and the amicus curiae shall, in addition to any other provision, comply with the times agreed upon for the lodging of written argument.

#### *[Amendment of consent]*

(3) The President may amend the terms, conditions, rights and privileges agreed upon as referred to in subrule (1).

#### *[Application to be admitted]*

(4) If the written consent referred to in subrule (1) has not been secured, any person who has an interest in any matter before the Court may apply to the President to be admitted therein as an amicus curiae, and the President may grant such application upon such terms and conditions and with such rights and privileges as he or she may determine.

#### *[Time for application]*

(5) An application pursuant to the provisions of subrule (4) shall be made within one month after the record has been lodged with the registrar.

#### *[Format]*

(6) An application to be admitted as an amicus curiae shall -

- (a) briefly describe the interest of the amicus curiae in the proceedings;
- (b) briefly identify the position to be adopted by the amicus curiae in the proceedings;
- (c) set out the submissions to be advanced by the amicus curiae, their relevance to the proceedings and his or her reasons for believing that the submissions All be useful to the Court and different from those of the other parties.

#### *[Argument]*

(7) An amicus curiae shall have the right to lodge written argument, provided that such written argument does not repeat any matter set forth in the argument of the other parties and raises new contentions which may be useful to the Court.

*[Limitation]*

(8) An amicus curiae shall be limited to the record on appeal and may not add thereto and, unless otherwise ordered by the Court, shall not present oral argument.

*[Filing of heads]*

(9) An order granting leave to be admitted as an amicus curiae shall specify the date of lodging the written argument of the amicus curiae or any other relevant matter.

*[Costs]*

(10) An order of the Court dealing with costs may make provision for the payment of costs incurred by or as a result of the intervention of the amicus curiae.

### **Taxation of costs**

17.

*[Taxation]*

(1) The costs incurred in any appeal or application shall be taxed by the registrar, who, when exercising this function, shall be called the taxing matter, but his or her taxation shall be subject to review of the court.

*[VAT]*

(2) Value-added tax may be added to all costs, fees, disbursements and tariffs in respect of which value-added tax is chargeable.

*[Review]*

(3) Any party dissatisfied with the ruling of the taxing master as to any item or part of an item which was objected to or disallowed *mero motu* by the taxing master may within 20 days of the allocatur require the taxing master to state a case for the decision of the court, which case shall set out each item or part of an item, together with the grounds of objection advanced at the taxation, and shall embody any relevant findings of facts by the taxing master.

*[Stated case]*

(4) The taxing master shall supply a copy of the stated case to each of the parties, who may within 15 days of receipt of the copy submit contentions in writing thereon, including grounds of objection not advanced at the taxation, in respect of any item or part of an item which was objected to before the taxing master or disallowed *mero motu* by the taxing master.

*[Report]*

(5) Thereafter the taxing master shall frame his or her report and shall supply a copy thereof to each of the parties and shall forthwith lay the case, together with the contentions of the parties thereon and his or her report, before the Court.

*[Hearing]*

(6) After the taxing master has so laid his or her report before the Court he or she shall, subject to the directions of the President, notify the parties or their respective attorneys of the date of hearing.

### **Attorneys' fees**

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

[Omitted]

### **Fees of the court**

19. The following shall be the fees of the court:

Lodging of any application	R10,00	
Lodging of an answering affidavit (each)	R10,00	
Lodging of a notice of appeal or cross-appeal (each)		R10,00
Order of the court granting leave to appeal	R10,00	
For the registrar's certificate on certified copies of documents (each)		R2,00
For each copy of any document made by the registrar (per page)	R1,00	
Taxing fee with regard to appeals	R25,00	
Taxing fee with regard to applications	R25,00	

### **Repeal of rules**

20. The rules of the Supreme Court of Appeal published under Government Notice No. R. 1207 of 15 December 1961, as amended by Government Notices Nos. R. 980 of 22 June 1962, R. 120 of 31 January 1969, R. 679 of 30 April 1971, R. 1815 of 8 October 1976, R. 2476 of 17 December 1976, R. 1547 of 28 July 1978, R. 248 of 8 February 1980, R. 1120 of 30 May 1980, 2170 of 6 October 1982, R. 644 of 25 March 1983, R. 840 of 22 April 1983, R. 1995 of 7 September 1984, R. 2093 of 13 September 1985, R. 2137 of 20 September 1985, R. 2643 of 12 December 1986, R. 1766 of 2 September 1988, R. 1930 of 10 August 1990, R. 2408 of 30 September 1991, R. 407 of 7 February 1992, R. 1884 of 3 July 1992, R. 872 of 21 May 1993, R. 410 of 11 March 1994, R. 418 of 14 March 1997, R. 490 of 27 March 1997, R. 799 of 13 June 1997 and R. 783 of 5 June 1998 are hereby repealed: Provided that any proceedings already commenced under the repealed rules may continue thereunder, save in so far as the rules herein contained may be applicable thereto without injustice or increased costs to any of the parties.

### **Short title and commencement**

21. These rules shall be called the Rules of the Supreme Court of Appeal and shall commence on 28 December 1998.

**Annexure  
FORM 1  
NOTICE OF MOTION**

IN THE SUPREME COURT OF APPEAL OF SOUTH AFRICA  
In the matter between -

.....Appellant / Applicant\*  
and  
..... Respondent

Take notice that ..... (hereinafter called the Appellant / Applicant\*) hereby applies to this Court/the President\* for an order in the following terms:

- 1 \*Leave to appeal against the judgment [state particulars]  
.....  
.....
2. \*Condonation for the failure to [state particulars]  
.....  
.....
3. \*Any other matter [state particulars]  
.....  
.....

The accompanying affidavit of ..... is annexed in support of the application.

If you intend to oppose this application, you are required to lodge your affidavit in support of your opposition, after prior service upon the Appellant / Applicant\*, with the registrar of this Court within one month after service of this application upon you.

DATED at ..... this ..... day  
of .....

.....  
Applicant / Appellant / Attorney\*  
Address

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

To: 1. .... (Respondent)

Address  
.....  
.....  
.....

2. The Registrar of the Court,  
Bloemfontein

(\*Delete what is inapplicable.)