

FIFTH SCHEDULE
Tariff of Maximum Fees for Advocates on Party and Party

Basis in Certain Civil Matters

1. Written advice and memoranda in the course of litigation.....R150.00
2. Drawing pleadings and stated cases, settling a statement of claim in a combined summons or third party notice
.....R150.00
3. Advice on evidenceR150.00
4. Consultations on trial, to settle affidavits, stated cases, etc., and receive instructions and/or furnish advice, informal inspections with attorney and/or client prior to hearing, etc.(per hour)
.....R100.00
5. Settling notice of motion, affidavit, etc., where consultation not held
.....R...150.00

6. Appearances in court-
 - (a) First day of hearing:
 - (i) Opposed applications.....R250.00
 - (ii) Exceptions or motions to strike outR250.00
 - (iii) Stated casesR250.00
 - (iv) TrialsR450.00
 - (iv) Appeals from magistrates' courts including review of proceedings thereofR450.00

 - (b) Subsequent days: A refresher (without the necessity of a refresher brief) in an amount per day to be allowed in the discretion of the taxing master, but not to exceed two-thirds of the fees allowed on taxation in respect of the first day.

- (c) (i) Attending court to note a reserved judgment.....R75.00
- (ii) Attending court to note a reserved judgment,
including argument as to terms of order, whether as to costs
or otherwise, and an application for leave to appealR250.00
- (d) Attending court on formal unopposed postponement.....R75.00
- (e) Fee in lieu for first day's hearing when case settled or withdrawn or postponed at
the instance of any party:
 - (i) not more than 2 days prior to the date of
hearing.....Fee otherwise allowable
on taxation for first day's
hearing.
 - (ii) not less than 3 days and not more
than 10 days prior to the date
of hearing.... Two-thirds of fee under (i).
 - (iii) not less than 8 days and not more
than 21 days prior to the date of
hearing Half the fee under (i).

B – Attendance and Perusal

1. Attending the receipt of and perusing, and considering –
 - (a) any summons, petition, affidavit, pleading, advocate's advice and
drafts, report, or important letter, notice or document per folio.....3.50
 - (b) any formal letter, record, stock sheets in voluntary
surrenders, judgments or any other material
document not elsewhere specified (per folio).....1.25
 - subject to a minimum fee of.....2.25
2. Attending the receipt of and considering any plan or exhibit or other material
document in respect of which the basis of remuneration set out in
item 1 of this section cannot be applied.....5.00 to 65.00
3. Making searches in offices of record, per

half-hour or part thereof-

- (a) by an attorney.....33.00
- (b) by a clerk.....10.00
- 4. Sorting out, arranging and paginating papers for pleading, advice on evidence or brief on trial or appeal, per half-hour or part thereof.....10.00
- 5. Attending to give or take disclosure, per half-hour or part thereof
 - (a) by an attorney.....22.50 to 45.00
 - (c) by a clerk.....10.00
- 6. Attending on witness to obtain particulars of his or her claim and to settle same.....10.00
- 7. Attending to bespeak and thereafter to procure translation.....10.00
- 8. Other attendances including telephone calls other than formal telephone calls.....6.00 to 65.00

NOTE – The fees allowed under this Section shall be in addition to such fees as may be allowed for instructions under Section A. In computing the fees chargeable for perusal of documents in connection with instructions under items A1 and A6, the number of words in all documents to be perused, should be added together and the total divided by 100.

C – Attendance (Formal)

- 1. To serve or deliver (other than by post) any necessary document or letter or despatch any telegram..... 4.50
- 2. To sue out any process or file any document..... .4.50
- 3. To set down causes for trial..... .4.50
- 4. To search for any return..... 4.50
- 5. On receipt of notice of intention to defend..... .4.50
- 6. On advocate, eg with brief or to make appointment..... 4.50
- 7. On signature of powers of attorney to sue or defend..... 4.50
- 8. Other formal attendances, including telephone calls..... 4.50

9. Attending receipt of a formal acknowledgement.....2.85

D – Drafting and Drawing

1. Any entry in the chamber book, where used, including all attendance.....9.00

2. Instructions for case on opinion, for advocate’s guidance in preparing pleadings, including further particulars and requests for same, including exceptions (per folio)..... 7.00

3. Instructions to advocate for advice on evidence for brief on trial or on commission (per folio).....7.00

4. Instructions to advocate for argument in respect of all classes of pleading: Provided that a fee for drafting instructions on motion, petition, exception or appeal, shall only be allowed in discretion of the taxing master (per folio)..... 4.50

5. Statements of witnesses (per folio)..... 7.00

6. (a) Powers of attorney to sue or defend (per folio).....7.00

(b) Formal notices and subpoenas (per folio)..... 3.50

7. (a) A petition affidavit, any notice (except a formal notice), summons, further particulars requested and furnished for trial, writs of execution, arrest or attachment and any other important document not otherwise provided for (per folio).....15.00

	(b)	A formal affidavit of non-return in restitution suits, verifying affidavits, affidavits of service and other formal affidavits (per folio).....	4.50
8.	(a)	Letter or telegram per folio.....	2.50 to 7.00
	(b)	Copy or telegram per folio.....	0.50
9.		Drawing index to brief (per folio).....	3.50
10.		Short brief.....	4.50

NOTE 1 – In computing the number of folios of any document referred to in items 2, 3, 4, 5 and 7 of this Section, the taxing master shall deduct, but treat as annexures where relevant, any portions consisting of quotations from other documents and papers.

NOTE 2 – The charges allowed in this Section for drafting and drawing do not, save in the case of items, 1, 6, 8 and 10 include making the first fair copy, which shall be charged for under item 1 of Section F.

E – Appearance, Conference and Inspection

1.	(a)	Attendance by attorney when an advocate is employed in court or before a judge or before a commissioner or referee or at an inspection directed by the Court –	
	(i)	to note judgment only –	
	(aa)	by an attorney.....	33.00
	(bb)	by a clerk.....	10.00
	(ii)	otherwise per half-hour or part thereof.....	45.00 to 70.00
	(b)	Appearance by attorney without an advocate before a judge on request by the judge, or	

before a commissioner or referee, per
half-hour or part thereof.....45.00 to 70.00

The above rates of remuneration shall not be applicable in respect of the time spent in travelling or waiting, but the taxing master shall, in respect of time necessarily so spent, allow such additional remuneration not exceeding R70 per diem as he or she in his or her discretion may deem fair and reasonable, and shall also allow a reasonable amount to cover the cost of necessary conveyance.

2. Attendance of attorney's articled clerk to assist a contested proceeding10.00
 - (i) if advocate employed, per hour or part thereof.....
 - (ii) if advocate not employed, per hour or part thereof..... 10.00
 - (iii) when assisting attorney, per diem if necessary.....45.00
3. Any conference or consultation with advocate with or without witnesses and on pleadings including exceptions and particulars to pleadings, applications, petitions affidavits, testimony and on any other matter which the taxing officer may consider necessary, per half-hour or part thereof.....45.00 to 70.00
4. (a) Any conference or consultation with client, witness or opposite party, and any other conference or consultation which the taxing officer may consider necessary, per half-hour or part thereof.....45.00 to 70.00
 - (b) Attending conference in terms of Rules 37, per half-hour or part thereof –
 - (i) by an attorney.....45.00 to 70.00
 - (ii) by a clerk.....22.50 to 35.00
5. Any inspection in situ, or otherwise, per half-hour or part thereof
 - (a) by an attorney.....45.00 to 70.00
 - (b) by a clerk.....22.50 to 35.00

The above rates of remuneration shall not be applicable in respect of time spent in travelling but the taxing master shall in respect of time necessarily so spent allow

additional remuneration not exceeding R50 per service and shall also allow the reasonable cost of necessary conveyance.

6. Evidence: Such just and reasonable charges and expenses as may, in the opinion of the taxing master, have been properly incurred in procuring the evidence and attendance of witnesses whose fees have been allowed on taxation: Provided that the qualifying expenses of a witness shall not be allowed without an order of court or the consent of all interested parties.

F – Miscellaneous

1. (a) Briefing and copying: for making typewritten copies for the court, counsel or attorney, or for service or for any other necessary purpose, the charge shall be for the first copy at the rate of 75c per folio (including the first copy of any document drafted in respect of which a charge is recoverable under items 2, 3, 4, 5, 7 and 9 of Section D of this tariff) and for further copies, per folio.....
.....0.50
- (b) For making typewritten copies of the record in a civil appeal from a magistrate’s court the charge shall be as set out above.
- (c) Where any of the above copies are made other than by typewriter, the charge shall be, for the first copy, 75c per page, for the next 4 copies, 30c per page, and for further copies, per page...0.25
2. For giving a written opinion (as between attorney and client).....15.00 to 150.00
3. General: Inclusive fee for consultations and discussions with client or advocate not otherwise provided for.....22.50 to 125.00

G – Bill of Costs

In connection with a bill of costs for service rendered by an attorney, an attorney shall be entitled to charge:

1. For drawing the bill of costs, making the necessary copies and attending settlement, 5 per cent on the first R500 or portion thereof, 2½ per cent on the second R500 or portion thereof, and 1 per cent on the amount in excess of R1 000 of the amount of the attorney's fees, either as charged in the bill if not taxed, or as allowed on taxation.

2. In addition thereto, if recourse is had to taxation for arranging and attending taxation and obtaining consents to taxation, 5 per cent on the first R500 or portion thereof, and 2½ per cent on the second R500 or portion thereof, and 1½ per cent on the amount in excess of R1 000 of the fees allowed.

NOTE:

(1) The minimum fee under each item of this Section shall be R7.50

(2) The fee under each item of this Section shall be calculated on the same amount.

H – Notarial Charges

1. Noting of bills of exchange and promissory notes:
 - (a) Attending to present note or bill and noting answer..... 7.00
 - (b) Letter or notice to maker, drawer or endorser, each.....2.50
 - (c) Copy to keep.....0.50
 - (d) Paid for conveyance.....
 - (e) Copy each letter or document to annex to
 protest, if necessary (per folio).....0.70
 - (f) Protest in duplicate.....7.00
 - (g) Paid in stamps.....
 - (h) Certificate of presentation in duplicate.....7.00
 - (i) Copy documents to annex, if necessary (per folio).....0.70

(j) Paid stamps.....

2. Charges for services rendered by a notary public other than those above set forth shall be assessed upon the same scale as is allowed to attorneys.