

## Civil procedure in South Africa

South African civil procedure was merged with this page · Interest

**Civil procedure in South Africa** sets out the rules and standards that courts follow in that country when adjudicating [civil suits](#) (as opposed to [procedures](#) in [criminal law](#) matters). These rules govern how a [lawsuit](#) or case may be commenced, and what kind of service of process is required, along with the types of [pleadings](#) or statements of case, [motions](#) or applications, and orders allowed in civil cases, the timing and manner of [depositions](#) and [discovery](#) or disclosure, the conduct of trials, the process for judgment, various available remedies, and how the courts and clerks are to function.

### Sources

The sources of civil procedure in South Africa are to be found the [Magistrates' Court Act](#) and Rules, the [Supreme Court Act](#), the Uniform Rules of Court, [jurisprudence](#), court practice rules and other legislation. Notice ought also to be taken of the Seventeenth Constitutional Amendment Bill and the Superior Courts Bill.

### Courts

#### System

The South African court system comprises the lower courts, the High Courts, the Supreme Court of Appeal, the Constitutional Court and such special courts as the Small Claims Court, the Labour Court, the Competition Appeal Court, the Tax Courts, the Land Claims Court and the Electoral Court.

There is only a very slight distinction between the procedures of the High Court and those in the Magistrate's Court. As a result, save where otherwise indicated, it is safe to assume that the form and content of the proceedings is the same. It is important to note, however, that both courts have their own empowering statutes and court rules. The Act, in each case, sets out what kinds of disputes may be heard by each court, and the rules prescribe how the disputes will be brought before court: that is to say, the form of pleadings and time limits.

#### Magistrate's Court

The magistrate's courts are the lower courts in South Africa. These are creatures of statute, created by the Magistrates' Courts Act, and therefore do not have inherent jurisdiction. This means that they may hear only those matters prescribed by the Act. There are two kinds: the district Magistrate's Court and the Regional Magistrate's Court. The country is divided into

# Civil Procedure In South Africa

**John Bilyeu Oakley, Vikram D.  
Amar, Vikram Amar**



## **Civil Procedure In South Africa:**

**Introduction to the Law of South Africa** C. G. Van der Merwe, J. E. Du Plessis, 2004-01-01 This title is part of an established Series which introduces various legal systems of the world It provides an authoritative and accessible overview of the main branches of South African public private and commercial law Offering insight into the rich system of South African law this title will be of particular interest to the international legal community The South African legal system has not only developed fascinating mixtures of civil law and common law rules over more than a century but has also experienced a post apartheid South Africa Of particular interest is the way in which so many branches of law have been infused by basic constitutional values Many of the contributors have published work in their own fields and have considerable experience of presenting their subject matter in a broader comparative perspective The succinct and balanced nature of the contributions makes this title attractive to a wide audience of academics students and practitioners with an interest in this remarkable legal system

**Civil Procedure in South Africa** Roshana Kelbrick, Fawzia Cassim, 2021-11-21 Derived from the renowned multi volume International Encyclopaedia of Laws this convenient volume provides comprehensive analysis of the legislation and rules that determine civil procedure and practice in South Africa Lawyers who handle transnational matters will appreciate the book's clear explanation of distinct terminology and application of rules The structure follows the classical chapters of a handbook on civil procedure beginning with the judicial organization of the courts jurisdiction issues a discussion of the various actions and claims and then moving to a review of the proceedings as such These general chapters are followed by a discussion of the incidents during proceedings the legal aid and legal costs and the regulation of evidence There are chapters on seizure for security and enforcement of judgments and a final section on alternative dispute resolution Facts are presented in such a way that readers who are unfamiliar with specific terms and concepts in varying contexts will fully grasp their meaning and significance Succinct scholarly and practical this book will prove a valuable time saving tool for business and legal professionals alike Lawyers representing parties with interests in South Africa will welcome this very useful guide and academics and researchers will appreciate its comparative value as a contribution to the study of civil procedure in the international context

**Comparative Civil Procedure** Margaret Y.K. Woo, Cornelis H. van Rhee, 2025-03-12 Bringing together an international array of legal scholars this discerning Research Handbook provides a comparative analysis of civil procedure law Chapters examine the rules that dictate how a civil dispute is initiated processed decided and enforced in a court of law comparing each aspect of the procedure across continents including Asia Europe and the Americas

*Civil Procedure in South Africa* Roshana Kelbrick, 2015 This book was originally published as a monograph in the International encyclopaedia of laws Civil law

**International Civil Procedure** World Law Group Member Firms, World Law Group, 2003-01-01 A desk reference for lawyers and their clients faced with the prospect of litigation in foreign jurisdictions this book is a guide to the civil procedure rules and practices in thirty two major countries and in the

European Community Local rules relating to arbitration and where available mediation are also covered *On Civil Procedure* J. A. Jolowicz, 2000-02-17 Professor Jolowicz's comparative analysis of civil procedure concentrates on the purposes served by the institution of litigation rather than on the intentions of those who litigate Stressing that those purposes go beyond mere dispute resolution by non violent means Jolowicz surveys a variety of topics of procedural law making substantial use of the comparative method in the attempt to examine and explain the ideas which underlie some of the most important of its constituent elements In the final section he deals with the reform of English law and ventures a prediction of the consequences that the new Civil Procedure Rules together with the reforms which more or less immediately preceded them will have on the character of English procedural law **The Modern Civil Process** Neil Andrews, 2008 Examines court proceedings as well as settlement mediation and arbitration **Cost and Fee Allocation in Civil Procedure** Mathias Reimann, 2011-11-15 The volume describes and analyzes how the costs of litigation in civil procedure are distributed in key countries around the world It compares the various approaches draws general conclusions from that comparison and presents global trends as well as common problems and solutions In particular the book deals with three principal questions First who pays for civil litigation costs i e to what extent do losers have to make winners whole Second how much money is at stake i e how expensive is civil litigation in the respective jurisdictions And third whose money is ultimately spent i e how are civil litigation costs distributed through mechanisms like legal aid litigation insurance collective actions and success oriented fees Inter alia the study reveals a general trend towards deregulation of lawyer fees as well as a substantial correlation between the burden of litigation costs and membership of a jurisdiction in the civil and common law families This study is the result of the XVIIIth World Congress of Comparative Law held under the auspices of the International Academy of Comparative Law **The Civil Procedure Rules at 20** Andrew Higgins, 2020-09-27 Civil Procedure Rules at 20 is a collection of presentations and papers to mark the 20th anniversary of the CPR coming into force many of which were delivered orally at the CPR at 20 Conference at the Bonavero Institute of Human Rights at Mansfield College Oxford in 2019 The presentations and papers have been edited and extended to provide a permanent record available to a wider audience The book is dedicated to examining key challenges and changes facing the civil justice system marking the 20th anniversary of the current civil procedures governing civil litigation in England and Wales It addresses a range of technical political and controversial subjects on access to justice and the rules governing civil litigation including the digitization of the justice system and the future role of artificial intelligence the emergence of class actions disclosure rules and reform restrictions on Judicial Review challenges to Government decisions closed material proceedings and efforts to make the costs of civil litigation more affordable and proportional including the availability of legal aid With a Foreword by Lord Briggs the contributions come from those best qualified to tell this story from senior judges practitioners and leading academic scholars each with their own unique perspective *Practical Approach to Civil Procedure* Stuart Sime, 2024

*Civil Procedure* Law Society of Upper Canada. Bar Admission Course,1971      Civil and Political Rights in Cameroon Avitus Agbor,2021-10-15 The book explores and appraises concepts related to human rights and situates them within the Cameroonian context      Private International Law in BRICS Stellina Jolly,Saloni Khanderia,2024-08-08 This book examines the convergences divergences and reciprocal lessons that the BRICS countries Brazil Russia India China and South Africa share with one another in developing the principles of private international law The chapters provide a thematic understanding of the cornerstones of private international law in each of the BRICS countries namely 1 the procedure to initiate claims in civil and commercial matters 2 the law that would govern such matters in litigation and arbitration as well as 3 the mechanism to recognise and enforce foreign judgments and arbitral awards Written by leading private international law scholars and practitioners the chapters draw on domestic legislation and its interpretation through cases decided by the courts in each of these emerging economies and explicitly cover the rules applicable in contractual and non contractual concerns and issues of choice of court agreements Issues around marriage divorce matrimonial property succession and surrogacy are also addressed considering the implication of such aspects through the increased movement of persons The book is a useful comparative resource for the governments of the BRICS countries legislators traders academics researchers and students looking for an in depth discussion of the reciprocal lessons that these countries may have to offer one another on these issues      Official Year Book of the Union and of Basutoland, Bechuanaland Protectorate, and Swaziland ,1923

**Mixed Jurisdictions Worldwide** Vernon Valentine Palmer,2012-06-28 This examination of the mixed jurisdiction experience makes use of an innovative cross comparative methodology to provide a wealth of detail on each of the nine countries studied It identifies the deep resemblances and salient traits of this legal family and the broad analytical overview highlights the family links while providing a detailed individual treatment of each country which reveals their individual personalities This updated second edition includes two new countries Botswana and Malta and the appendices explore all other mixed jurisdictions and contain a special report on Cameroon      **American Civil Procedure** John Bilyeu Oakley,Vikram D. Amar,Vikram Amar,2009-01-01 This convenient description of civil procedure in the federal and state courts of the United States will be greatly welcomed by lawyers and legal scholars everywhere Without going into deep analysis the book covers every important feature of these legal systems drawing on the expertise and experience of two well versed practitioners As well as the rules policies normative principles and future trends the authors cite recent cases affecting procedure Areas covered include sources judicial organization exercise of the legal profession jurisdiction due process standards rules of evidence enforcement of judgements arbitration and much more      The Road to Justice: The Bible and the law as cornerstones of civilisation and culture Eltjo JH Schrage,Jan Adriaan van der Walt,Glynis van der Walt,Hashali Hamukuaya,2023-10-24 The relationship between art Christian culture and the law often receives attention It is trite that law influences all human lives as well as culture and art The law however does not only provide a context within

which art and culture can develop but it is also the cornerstone of civilisation and culture On the other hand we must contemplate whether civilisation and culture are necessary conditions for a legal system This book consists of a compilation of essays narrating the influence of principles from the Bible on which the Christian belief is premised and practised by Christians worldwide on law and on culture Consideration is given to the foundation of the law on different and well known Biblical texts The interplay between Christian principles vis vis the law and culture is considered and unpacked in this research In addition copies of well known art depicting scenes from the Bible enhance each chapter The main author the late Prof Eltjo Schrage passed away shortly before the book was published with the assistance of Prof Jan Adriaan van der Walt Dr Glynis van der Walt and Dr Hashali Hamukuaya South Africa Business Law Handbook Volume 1 Strategic Information and Basic Laws IBP, Inc.,2017-12-15 South Africa Business Law Handbook Strategic Informtion and Basic Laws **New Developments in Civil and Commercial Mediation** Carlos Esplugues,Louis Marquis,2015-09-11 By means of the analysis of more than 20 national jurisdictions of different legal and geographical origin this book provides a general understanding of the developments that civil and commercial mediation is currently undertaking across the world The book combines 25 national reports with a General Report analyzing the major trends in civil and commercial mediation worldwide A number of the key variables that make mediation so effective are studied in depth in the book The concept of mediation that varies from country to country Its legal framework and the branches of public and private law in which it is used The legal condition of the mediation agreement and its relevant conditions of form and content the responsibilities of the parties in the event that they violate this agreement and the effects of this agreement on potential recourse to the courts or to arbitration as well as with regard to pending cases As well as the role played by the mediator his or her appointment or designation legal and ethical responsibilities and the role of institutions in mediation As well as the mediation process its applicable rules and principles and its costs are analyzed on comparative basis The book also pays special attention to the outcome of mediation The enforceability of the settlement reached both in domestic and cross border mediations constitutes a basic element for the success of the institution and is thoroughly studied This volume constitutes a unique instrument for those interested on mediation either practitioners judges or academics **International Encyclopedia of Comparative Law** Viktor Knapp,1983

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name the four principle tissue types and briefly describe each epithelial tissues covers exposed surfaces lines internal passageways produces glandular secretions connective tissues fills internal spaces provides structural support and stores energy muscle tissues contracts to produce active movements

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