



OFFICE OF THE JUDGE PRESIDENT

GAUTENG DIVISION OF THE HIGH COURT OF SOUTH AFRICA

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17 February 2021

To:

1. Legal Practice Council – Gauteng
2. Law Society of South Africa
3. Gauteng Family Law Forum
4. Gauteng Attorneys Association
5. Pretoria Attorneys Association
6. Johannesburg Attorneys Association
7. West Rand Attorneys Association
8. South African Black Women in Law
9. National Association of Democratic Lawyers
10. Black Lawyers Association
11. South African Women Lawyers Association
12. South African Medical Malpractice Lawyers Association
13. Personal Injury Plaintiff Lawyers Association
14. South African Medico-Legal Association
15. Office of the Director of Public Prosecutions, Pretoria and Johannesburg
16. Office of the State Attorneys, Pretoria and Johannesburg
17. Solicitor General
18. Office of the Family Advocate, Pretoria and Johannesburg
19. Legal Aid South Africa

Copy to: All Registrars of the Gauteng Division of the High Court, Pretoria and Johannesburg

NOTICE TO THE LEGAL PROFESSION:-



IN RE: TAXATION OF BILLS OF COST WHERE A MATTER IS SETTLED *INTER PARTES*

1. The Notice regarding the subject heading that was issued under my hand on 04 January 2021 is herewith withdrawn in its entirety and replaced with the provisions set out herein.
2. Rule 70(1) (a) of the Uniform Rules of Court provides that a Taxing Master "shall be competent to tax any bill of costs for services actually rendered by an attorney in his capacity as such in connection with litigious work and such bill shall be taxed subject to the provisions of subrule (5), in accordance with the provisions of the appended tariff: Provided that the taxing master shall not tax costs in instances where some other officer is empowered so to do." Rule 70(3) of the Uniform Rules of Court further provides that a Taxing Master may tax a bill of costs where a party has been awarded an Order for costs.
3. Under no circumstances may a Taxing Master tax costs in matters wherein the claim was settled *inter partes* without a Court Order OR a valid Discharge Document or an equivalent document confirming settlement of the claim(s).
4. A settlement agreement between parties where the Defendant is the RAF, must be enrolled in the Settlements Court in order for the agreement to be made an Order of Court before the taxation may be enrolled.
5. This Notice applies ONLY to matters that were settled *inter partes* and does not affect the ability of practitioners to enroll bills of cost that are not related to a settled claim; including, but not limited to: bills of cost relating to abandoned or withdrawn litigation; bills to be taxed for the purpose of setting security for cost or settled bills of cost.
6. Attorney and own client bills where the attorney-client relationship had ceased may not be enrolled before a Taxing Master unless the bill of costs is the subject of litigation in the High Court.

M. RACHO

JUDGE PRESIDENT OF THE GAUTENG DIVISION OF THE
HIGH COURT OF SOUTH AFRICA

Electronically submitted therefore unsigned

