

Civil procedure in South Africa

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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

Raffaela Di Napoli



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