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PART C

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LEGAL NOTICE NO. 53 OF 1985

THE HIGH COURT ACT, 1954

(Act No. 20 of 1954)

THE HIGH COURT (AMENDMENT) RULES, 1985

(Under section 10)

In exercise of the powers conferred by section 10 of the High Court Act, 1954 the Chief Justice of Swaziland hereby makes the following Rules —

Citation and commencement.

1. These Rules may be cited as the High Court (Amendment) Rules, 1985 shall be read as one with the High Court Rules and shall be deemed to have come into force on the 1st April, 1985.

Amendment of Part II of the Third Schedule of the Tariff for the Sheriff and Deputy Sheriff.

2. Part II of the Third Schedule is replaced by the following —

“PART II

1. For registration of any document for service or execution on receipt thereof — E1.00.
2. (a) For service (including attempted service) of summonses, writs, petitions, together with notice of motion, or set down, and any other annexures thereto:
composite fee — E7.50.
(b) For any subsequent service in the same case, a composite fee of — E2.50.

Travelling allowance.

3. (a) For the distance actually and necessarily travelled by the Deputy Sheriff, or his Officer, reckoned from the office of the Magistrate of his District, both on the forward and the return journey, per kilometre or part thereof — E0.50.
(b) Subsistence allowance where over 30 km. travelled, Per day — E5.00.

Postage.

4. In the event of the Deputy Sheriff experiencing any difficulties with local postal authorities in the acceptance of envelopes containing documents served by him, or returns of service, and marked “Official” by him, the Deputy Sheriff may take the postal matter to the Magistrate of his District, who shall frank the envelope with his official franking stamp.

Execution of writs.

5. The fees shall be as follows —

(1) For personal arrest, including conveying the person arrested to Court, to the Applicant's Attorney's offices, or to a prison, per person — E10.00.

- (2) For conveying the person arrested, from place of custody on any day subsequent to the date of arrest, and attending Court — E2.50 per hour, or part thereof but not exceeding E10.00.
- (3) For ejectment — E2.50 per hour or part thereof, exclusive of travelling time subject to a maximum fee of — E10.00.
- (4) Against *Immovable* property —
- (a) For a watchman necessarily left to guard attached property. Tariff in accordance with the Wages Act, 1964. (The Regulation of Wages, (Watching and Protective Services Industry) Order, 1983, Group A.
 - (b) For service of notice of attachment upon the owner, and/or tenants, and the Registrar of Deeds of the immovable property concerned — E6.00. All necessary copies thereof — E2.50.
 - (c) If the amount of the Writ is paid to the Deputy Sheriff after attachment, but before sale, 2% of the amount so paid.
 - (d) If the Writ is stayed or withdrawn by the Judgment Creditor, or the Judgment debtor's estate is sequestrated before attachment, 1% of the amount of the Writ.
 - (e) If the Writ is stayed or withdrawn by the Judgment Creditor, or the judgment debtor's estate is sequestrated after attachment, but before sale, 2% of the amount of the Writ.
 - (f) Where an attachment has been withdrawn, for each necessary notice of withdrawal — E2.00.
 - (g) For the sale of the immovable property attached by the Deputy Sheriff, 2% of the amount for which the property is sold.
 - (h) For drawing up posters, advertising a sale in execution, per necessary copy thereof — E3.50.
 - (i) For drawing up advertisement for sale of property attached — E10.00.
- (5) Against *Movable* property —
- (a) If a Writ is paid on presentation, 3% on the amount so paid, subject to a maximum ceiling of E200.00.
 - (b) For an abortive attempt at attachment, not due in any way to the fault of Deputy Sheriff, including search and enquiry — E10.00.
 - (c) (i) If a Writ is withdrawn, or the debtor's estate is placed under sequestration, or liquidation, before any attachment is made — E7.50.
 - (ii) If a Deputy Sheriff is instructed to withdraw his attachment, or the debtor's estate is placed under sequestration, or into liquidation, before sale, 3% of the amount of the writ, or the value of the goods attached, whichever is the lesser, subject to a maximum ceiling of E200.00.
 - (d) For making an attachment, including search and inquiry — E10.00.
 - (e) Necessary notice of attachment, to one person — E7.50.
For each necessary copy thereof — E1.00.
 - (f) If the amount of the Writ is paid to the Deputy Sheriff after attachment, but before sale, 3% on the amount so paid, with a maximum ceiling of — E500.00.

- (g) For drawing up advertisement of goods attached, (plus costs of actual advertisements) — E10.00.
 - (h) For drawing up posters advertising a sale in execution, per necessary copy — E3.50.
 - (i) For making an inventory of the goods attached, per 100 words, or part thereof — E3.00. For each necessary copy thereof — E1.00.
 - (j) For selling in execution, (whether auctioneer employed or not), including distribution of the proceeds, 5%.
 - (k) The Deputy Sheriff himself shall sell movable property in execution, but he shall engage the services of an auctioneer if directed thereto in writing by the Judgment Creditor, provided that the Judgment Creditor bears the additional commission — if any.
 - (l) Commission shall not be chargeable as against a Judgment Debtor, on the value of movables attached and subsequently claimed by a person other than the Judgment Debtor, and released in consequence of such claim, unless such property has been attached at the express direction of the Judgment Creditor, in writing, in which event the Judgment Creditor shall be liable to the Deputy Sheriff for the commission.
 - (m) For insuring movable property attached when it is considered necessary, and when the Deputy Sheriff is directed thereto in writing by the Judgment Creditor, in addition to the amount of the premium paid, an inclusive fee of — E3.00.
- (6) For keeping possession of property, (money excepted).
- (a) For officers necessarily left in possession, Tariff to be in accordance with preceding paragraph 5(4)(a).
 - (b) For removal and storage, the reasonable and necessary expenses for such removal and storage. If an animal, or animals, are to be stabled and fed, the reasonable charges for such stabling and feeding, (including grazing).
 - (c) For herding and preserving livestock, including dipping, the reasonable and necessary expenses for so herding and preserving.
 - (d) When no officer is left in possession, and no security bond is taken, but movable property attached remains under the supervision of the Deputy Sheriff, fee per day — E1.50.

6. The Deputy Sheriff shall be entitled to payment of all postage stamps and telephone calls paid by him, and necessary for the discharge of his functions.

7. For all necessary letters, or memoranda, in connection with any Writ or other process — E2.00.

For each necessary copy thereof — E1.00.

8. For making a return of service including copies thereof — E2.50.

Chief Justice of Swaziland

MBABANE,
1st April, 1985.

MINISTRY OF JUSTICE

NEW EDITION

LAWS OF SWAZILAND

A completely new and updated edition of the Laws of Swaziland is being prepared.

In order to assist the Ministry of Justice to assess the demand and quantities required all interested Parties are hereby invited and requested to complete the detachable portion of this form and return it to Government Printers Swaziland Printing & Publishing P.O. Box 28, Mbabane.

PLEASE DETACH HERE

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Name of Person/Company or Institution..... *

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wish to notify you that I/We* will require..... copies of the new edition of the Laws of Swaziland consisting of 8 Volumes when they become available.

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* Delete which ever is not applicable —