

decision of such appeal or application, unless the court which gave such order, on the application of a party, otherwise directs.

(12) If the order referred to in subrule (11) is carried into execution by order of the court the party requesting such execution shall, unless the court otherwise orders, before such execution enter into such security as the parties may agree or the registrar may decide for the restitution of any sum obtained upon such execution. The registrar's decision shall be final.

(13) (a) Unless the respondent waives his or her right to security or the court in granting leave to appeal or subsequently on application to it, has released the appellant wholly or partially from that obligation, the appellant shall, before lodging copies of the record on appeal with the registrar, enter into good and sufficient security for the respondent's costs of appeal.

(b) In the event of failure by the parties to agree on the amount of security, the registrar shall fix the amount and the appellant shall enter into security in the amount so fixed or such percentage thereof as the court has determined, as the case may be.

[Subrule (13) substituted by GN R1299 of 29 October 1999.]

(14) The provisions of subrules (12) and (13) shall not be applicable to the Government of the Republic of South Africa or any provincial administration.

(15) Not later than fifteen days before the appeal is heard the appellant shall deliver a concise and succinct statement of the main points (without elaboration) which he intends to argue on appeal, as well as a list of the authorities to be tendered in support of each point, and not later than ten days before the appeal is heard the respondent shall deliver a similar statement. Three additional copies shall in each case be filed with the registrar.

[Subrule (15) substituted by GN R2164 of 2 October 1987 and by GN R2642 of 27 November 1987.]

(16) A notice of appeal in terms of section 76 of the Patents Act, 1978 (Act 57 of 1978), or section 63 of the Trade Marks Act, 1963 (Act 62 of 1963), may be served on the patent agent referred to in the Patents Act, 1978, or the agent referred to in section 8 of the Trade Marks Act, 1963, who represented the respondent in the proceedings in respect of which an appeal is noted.

(17) In the case of appeals to the full court in terms of the provisions of a statute in which the procedure to be followed is laid down, this rule is applicable as far as provision is made for matters not regulated by the statute.

(18) Notwithstanding the provisions of this rule the judge president may, in consultation with the parties concerned, direct that a contemplated appeal be dealt with as an urgent matter and order that it be disposed of, and the appeal be prosecuted, at such time and in such manner as to him seems meet.

[Subrule (18) added by GN R2164 of 2 October 1987 and by GN R2642 of 27 November 1987.]

[Rule 49 substituted by GN R645 of 25 March 1983 and corrected by GN R841 of 22 April 1983.]

49A Criminal Appeals to the Full Court

(1) (a) Within 10 days of leave to appeal being granted in terms of sections 316 up to and including 319 of the Criminal Procedure Act 51 of 1977, the appellant shall deliver to the registrar and the director of public prosecutions concerned, a notice containing the full residential and postal address of the appellant and the

address of his or her legal representative.

(b) In the case of an appeal in terms of section 315 (3) of the Criminal Procedure Act 51 of 1977 to the full court, the registrar shall, subject to the provisions of section 316 (5) (b) of the said Act, prepare three additional copies of the case record or parts thereof, as the case may be, and shall furnish the State with the number it requires and, on payment of the prescribed fee, shall furnish the appellant with the number he or she requires: Provided that if the registrar is of the opinion that the appellant is too poor to pay the prescribed fee, such copies may be furnished without payment of any fee, in which case the registrar's decision shall be final.

(c) (i) In the case of an appeal against the judgment or order of the court of the Witwatersrand Local Division, the judge president of the Transvaal Provincial Division shall determine whether the appeal should be heard by the full court of the said local division

(ii) If the judge president has directed that the appeal should be heard by the full court of the Witwatersrand Local Division the registrar of the said local division shall immediately inform the director of public prosecutions and the appellant or his or her legal representative.

(iii) If the judge president has not so directed, the registrar shall inform the registrar of the provincial division as well as the director of public prosecutions and the appellant or his or her legal representative accordingly

(2) (a) Written argument shall be delivered on behalf of the appellant and the director of public prosecutions within the time periods prescribed by the registrar.

(b) The written argument contemplated in paragraph (a) shall contain references to the record and to the authorities relied upon in support of each point, together with a list of such authorities.

(c) In each case, four copies of the written argument shall simultaneously be filed with the registrar.

(3) The appeal shall be set down by the registrar of the court where the appeal is to be heard on a date assigned by him or her with written notice to the director of public prosecutions and the appellant or his or her legal representative

(4) The ultimate responsibility for ensuring that all copies of the record on appeal and all the necessary exhibits are in all respects properly before the court shall rest on the appellant or his or her attorney: Provided that where the appellant is not represented by an attorney, such responsibility shall rest on the director of public prosecutions.

[Rule 49A inserted by GN R645 of 1983, amended by GN R2164 of 1987, by GN R2642 of 1987 and by GN R2410 of 1991 and substituted by GN R518 of 2009.]

50 Civil Appeals from Magistrates' Courts

(1) An appeal to the court against the decision of a magistrate in a civil matter shall be prosecuted within 60 days after the noting of such appeal, and unless so prosecuted it shall be deemed to have lapsed.

[Subrule (1) substituted by GN R2164 of 2 October 1987 and GN R2642 of 27 November 1987 and amended by GN R185 of 2 February 1990.]

(2) The prosecution of an appeal shall *ipso facto* operate as the prosecution of any cross-appeal which has been duly noted.

(3) If a cross-appeal has been noted, and the appeal lapses, the cross-appeal shall also lapse, unless application for a date of hearing for such cross-appeal is made to the registrar within twenty days after the date of the lapse of such appeal.