

# CONSTITUTIONAL COURT RULES (CC)

## **Definitions –**

**"Sheriff** - means a person appointed in terms of section 2 of the Sheriffs Act, 1986 (Act 90 of 1986), and includes a person appointed in terms of section 5 or section 6 of that Act as an acting or a deputy sheriff, respectively, and a sheriff, an acting or a deputy sheriff appointed in terms of any law not get repealed by a competent authority and in force immediately before the commencement of the Constitution, in any area which forms part of the national territory.

## **CC R33 EXECUTION: SECTION 3 OF THE CONSTITUTIONAL COURT COMPLEMENTARY ACT, 1995 (ACT 13 OF 1995)**

Costs orders of the Court shall be executed in the magistrate's court as follows:'

- (1) The costs order shall have the effect of a civil judgment of the magistrate's court and the party in whose favour a costs order was made shall be deemed the judgment creditor and the party against whom such order was made shall be deemed the judgment debtor.
- (2) The party in whose favour a costs order was made shall, where a costs order has not been complied with, file with the Registrar an affidavit setting out the details of the costs order and stating that the costs order has not been complied with or has not been complied with in full, as the case may be, and the amount outstanding, and shall request the Registrar to furnish him or her with a certified copy of such costs order.
- (3) The Registrar shall, after having inspected the court file concerned to verify the contents of the affidavit, furnish the party referred to in subrule (2) with a certified copy of the costs order concerned and shall record such furnishing on the Court file.
- (4) The party referred to in subrule (2) shall file the said copy with the clerk of the civil court of the district in which he or she resides, carries on business or is employed.

(5) Such order shall be executed in accordance with the provisions of the Magistrates' Courts Act, 1994 (Act 32 of 1994) and the Magistrates' Courts Rules published under Government Notice R1108 of 21 June 1968, as amended, regarding warrants of execution against movable and immovable property and the issuing of emolument attachment orders and garnishee orders only.