

REPUBLIC OF SOUTH AFRICA

SUPERIOR COURTS AMENDMENT BILL

(.....)

(.....)

GENERAL EXPLANATORY NOTE:

[] Words in bold type in square brackets indicate omissions from existing enactments.
 Words underlined with a solid line indicate insertions in existing enactments.

BILL

To amend the Superior Courts Act, 2013 to provide for the rescission of judgments by consent; and to provide for matters connected therewith.

Parliament of the Republic of South Africa enacts as follows:—

Insertion of section 23A in Act 10 of 2013

1. The Superior Courts Act, 2013, is hereby amended by the insertion of the following section after section 23:

“Rescission of judgment

23A. (1) If a plaintiff in whose favour a default judgment has been granted has agreed in writing that the judgment be rescinded or varied, a court may rescind or vary such judgment on application by any person affected by it.

(2) Except where a judgment was obtained erroneously or fraudulently, the rescission of a judgment referred to in subsection (1) does not affect the rights of third parties or the parties to the case.

(3) Nothing precludes a court from proceeding with the rescission or variation of a judgment if there is proof that the judgment debt has been settled by the judgment debtor, where an agreement in writing that the judgment be rescinded or varied cannot be obtained from the judgment creditor.”.

Short title and commencement

2. This Act is called the Superior Courts Amendment Act, 2014 and comes into operation on a date fixed by the President by proclamation in the *Gazette*.