

RECIPROCAL SERVICE OF CIVIL PROCESS ACT 12 OF 1990

[ASSENTED TO 9 MARCH 1990]

[DATE OF COMMENCEMENT: 1 SEPTEMBER 1990]

(English text signed by the State President)

ACT

To provide for the reciprocal service of process in civil matters in the Republic and in designated countries; and for matters connected therewith.

1 Definitions

In this Act, unless the context otherwise indicates-

'designated country' means a country designated under section 2 (1);

'Minister' means the Minister of Justice;

'process' means any process in a civil matter and includes any document relating to such matter.

2 Application of Act

(1) The Minister may designate any country for the purposes of sections 3 and 4 by notice in the *Gazette*.

(2) The Minister may by like notice withdraw any such designation.

3 Service of process received from designated country

(1) Whenever any process, other than a process relating to the enforcement of a civil judgment, purporting to be issued by an officer of a competent court of law in a designated country, is received from such officer by any magistrate within whose area of jurisdiction such process is sought to be served, such magistrate shall, if he is satisfied that the process was lawfully issued, notwithstanding the provisions of any other law relating to the service of process received from a foreign country, endorse such process for service, whereupon it shall be served as if it was a process issued out of the court of that magistrate.

(2) Any process not drawn up in the English or the Afrikaans language shall not be endorsed in terms of subsection (1) unless it is accompanied by a sworn translation thereof in English or Afrikaans.

4 Service of process in designated country

Notwithstanding the provisions of any other law relating to the service of any process outside the Republic, any process, other than a process relating to the enforcement of a civil judgment, may be issued by the registrar of any division of the Supreme Court or by any clerk of the magistrate's court, as the case may be, without leave of the court in question.

5 Authentication

Notwithstanding the provisions of any other law, the authentication of any process for the purposes of the service or a return of service thereof shall not be required if such process is issued within the territory of a designated country and was certified by a magistrate or a registrar or clerk of the court of that designated country to be an original process or a true copy of translation thereof, as the case may be.

6 Short title and commencement

This Act shall be called the Reciprocal Service of Civil Process Act, 1990, and shall come into operation on a date fixed by the State President by proclamation in the *Gazette*.