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DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

NO. R. 8152 **6 November 2026**

PROMOTION OF ACCESS TO INFORMATION ACT 2 OF 2000

RULES OF PROCEDURE FOR APPLICATION TO COURT IN TERMS OF THE PROMOTION OF ACCESS TO INFORMATION ACT 2 0F 2000

The Rules Board for Courts of Law has under section 6 of the Rules Board for Courts of Law Act, 1985 (Act No. 107 of 1985), with the approval of the Minister of Justice and Constitutional Development, made the rules in the Schedule.

SCHEDULE

Definitions

1. In these Rules—

(a) any word or expression to which a meaning has been assigned in the Act shall bear the meaning so assigned; and

(b) any word or expression to which a meaning has been assigned in the rules governing the procedures of the court in which an application in terms of these rules is brought, shall bear the meaning so assigned, unless the context otherwise indicates.

"**Act**" means the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000);

"**affidavit**" means a written statement made—

(a) under oath or affirmation; or

(b) by solemn or attested declaration;

contemplated in section 7 of the Justices of the Peace and Commissioners of Oaths Act, 1963 (Act No. 16 of 1963), confirming that the information within the statement is a true and accurate representation of the facts;

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"**application**" means an application made to a court in terms of section 78 of the Act and "applicant" has a corresponding meaning;

"**court**" means a Division of the High Court or a Magistrates' Court for any district or for any regional division established by the Minister for the purposes of adjudicating civil disputes in terms of section 2 of the Magistrates' Courts Act, 1944 (Act No. 32 of 1944), within whose area of jurisdiction—

(a) the decision of the information officer or relevant authority of the public body or the head of a private body has been taken; or

(b) the public body or private body concerned has its principal place of administration or business; or

(c) the requester or third party concerned is domiciled or ordinarily resident;

"**Information officer**" means the official of a public body or the head of a private body as defined in section 1 of the Act;

"**Information Regulator**" means the Information Regulator established in terms of section 39 of the Protection of Personal Information Act, 2013 (Act No. 4 of 2013);

"**internal appeal**" means an appeal by a requester or a third party to the relevant authority as referred to in section 74 of the Act, against the decision of the information officer of a public body, or in relation to any department of state or administration in the national or provincial sphere of government or any municipality in the local sphere of government;

"**Magistrates' Courts Rules**" means the Rules Regulating the Conduct of the Proceedings of the Magistrates' Courts of South Africa;

"**requester**", means a person making a request for access to the record of a public or private body as defined in section 1 of the Act; and

"**Uniform Rules of Court**" means the Rules Regulating the Conduct of the Proceedings of the Several Provincial and Local Divisions of the High Court of South Africa.

Applications

2. (1) An application contemplated in section 78 of the Act must be brought within 180 days from the date of the applicable event referred to in section 78.

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(2) The application referred to in sub-rule (1) must be brought on notice of motion supported by an affidavit and—

(a) if brought in the High Court, the provisions of Uniform Rule 6 shall apply; or

(b) if brought in the Magistrates' Court, the provisions of Magistrates' Courts Rule 55 shall apply.

(3) The affidavit referred to in sub-rule (2) above must set out every factor in support of the application, including the following—

(a) whether the applicant is aggrieved—

(i) as a requester referred to in section 78(2) of the Act;

(ii) as a third party referred to in section 78(3) of the Act; or

(iii) as an Information Officer.

(b) where an internal appeal procedure in terms of section 74 of the Act is applicable—

(i) the outcome of the internal appeal procedure; or

(ii) if exemption from exhausting the internal appeal procedure is requested, the reasons for such request.

(c) the outcome of the complaints procedure provided for in section 77A of the Act, if applicable.

(4) Save as otherwise provided for in these Rules, the rules regulating the procedures of the court in which an application is brought in terms of sub-rules (1) and (2), shall apply.

Application for condonation

3. (1) Any party who fails to apply for relief within the time limit prescribed by section 78 of the Act, must apply to the court to condone such non-compliance in terms of section 82*(e)* of the Act.

(2) An application for condonation must—

(a) be in writing and upon affidavit, made by the applicant or any person who has personal knowledge of the facts upon which the application for condonation is made;

(b) explain why the application was not made within the prescribed time limit, with sufficient particulars to enable the court to assess whether the delay was reasonable;

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and

(c) indicate what prejudice such party would suffer if the application for condonation is not granted.

(3) An application for condonation must be made together with the main application which the applicant intends to make in terms of the Act.

(4) The court considering the application for condonation may grant or refuse such application or may make any other order which it deems just and equitable, including an order for costs.

(5) A party who fails to comply with the rules of the court in which an application is made, must apply for condonation in accordance with the rules of that court.

Ex parte representations

4. (1) Any person or entity wishing to make an *ex parte* representation as contemplated in section 80(3)*(a)* of the Act must lodge such representation with the clerk or registrar of the court under cover of a filing notice.

(2) Every *ex parte* representation must—

(a) be made on affidavit; and

(b) where applicable, be supported by documentary proof of the representations made.

(3) The court considering an *ex parte* representation may make any order or issue any directive as contemplated in section 80(3) of the Act.

Appeals

5. An appeal against the decision of the court to which an application is made in terms of section 78 of the Act, shall be regulated by the rules of that court.

Repeal of Rules

6. The Promotion of Access to Information Rules published under Government Notice No. R. 1284 of 4 October 2019 are hereby repealed.

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Short title

7. These Rules shall be called the Rules of Procedure for Application to Court in terms of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000).

Commencement

8. These Rules come into operation on 11 December 2026.

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UMTHETHO WOKUPHAKANYISWA KOKUFUMANEKA KOLWAZI 2 KA2000

IMITHETHO YENKQUBO YOFAKO LWESICELO ENKUNDLENI NGOKWEMIMISELO YOMTHETHO WOKUPHAKANYISWA KOKUFUMANEKA KOLWAZI 2 KA2000

IBhodi yeMigaqo yeeNkundla zoMthetho ithe ngaphantsi kwesolotya 6 loMthetho weBhodi yeMigaqo yeeNkundla zoMthetho, ka1985 (uMthetho No. 107 ka1985), ngemvume yoMphathiswa weSebe lezoBulungisa noPhuhliso loMgaqo-Siseko, yenza imigaqo kwiShedyuli.

SHEDYULI

Iingcaciso

1. Kule Migaqo—

(a) naliphi na igama okanye isenzo esithe sanikwa intsingiselo ngokoMthetho liza kuthi lisebenzise okanye siza kuthi sisebenzise loo ntsingiselo; kwaye

(b) naliphi na igama okanye isenzo esithe sanikwa intsingiselo kwimigaqo elawula iinkqubo zenkundla nalapho isicelo ngokwemimiselo yale miqathango izisiwe, iza kutsho isebenzise loo ntsingiselo eyinikiweyo, ngaphandle kokuba umongo ubhekisa kwelinye icala.

"uMthetho" ubhekisa kuMthetho wokuPhakanyiswa kokuFumaneka koLwazi, ka2000 (uMthetho No. 2 ka2000);

"iafidavithi" ibhekisa kwingxelo ebhaliweyo eyenziweyo—

(a) ngaphantsi kwesifungo okanye kwesibhambathiso; okanye

(b) liziko lokubhengeza elisesikweni;

edakacwe kwisolotya 7 loMthetho *weJustices of the Peace and Commissioners of Oaths*,

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ka1963 (uMthetho No. 16 ka1963), ongqinayo ukuba iinkcukacha ezibhalwe kwingxelo zingowona mfuziselo wokwenene wenyaniso;

"isicelo" sibhekisa kwisicelo esenziwe enkundleni ngokwemimiselo yesolotya 78 loMthetho kwaye "umfaki sicelo" unentsingiselo ehambelanayo;

"inkundla" ithetha iCandelo leNkundla ePhakamileyo okanye iNkundla kaMantyi yaso nasiphi na isithili okanye nayo nayiphi na ingingqi yecandelo emiliselwe nguMphathiswa ngeenjongo zokuqubisana neempixano ngokwemimiselo yesolotya 2 loMthetho weeNkundla zooMantyi, ka1944 (uMthetho No. 32 ka1944), ngaphakathi kwezo ngingqi zokusebenzala okugunyazisiweyo—

(a) isigqibo esenziwa ligosa leenkcukacha okanye igunyabantu elifanelekileyo lebhunga loluntu okanye intloko yebhunga labucala; okanye

(b) ibhunga loluntu okanye ibhunga labucala elichaphazelekayo libe nendawo yalo yolawulo okanye yoshishino; okanye

(c) umfaki sicelo okanye umntu wesithathu ochaphazeekayo uhlala okanye udla ngokuhlala;

"iGosa leenkcukacha" libhekisa kwigosa lebhunga loluntu okanye intloko yebhunga labucala nanjengoko licacisiwe kwisolotya 1 loMthetho;

"uMlawuli weeNkcukacha" ubhekisa kuMlawuli weeNkcukacha omiliselwe ngokwemimiselo yesolotya 39 loMthetho wokuKhusela iiNkcukacha zaBucala, ka2013 (uMthetho No. 4 ka2013);

"ukubhena kwangaphakathi" kubhekisa kwisibheno esenziwe ngumfaki sicelo okanye ngumntu wesithathu abe esenza kwigunyabantu elifanelekileyo nanjengoko kubhekiswa kwisolotya 74 loMthetho, sibe sibhena kwisigqibo esenziwe ligosa leenkcukacha lebhunga loluntu, okanye ngokumayelana nalo naliphi na isebe lesizwe okanye ulawulo kwisizwe okanye emaphondweni okanye kulo naluphi na ulawulo lukamasipala kurhulumento lwasemakhaya;

"iMigaqo yeeNkundla zooMantyi" ithetha iMigaqo eLawula iiNkqubo zeeNkundla zooMantyi zoMzantsi Afrika;

"umfaki sicelo", uthetha umntu ofaka isicelo sokufikelela kwizinto ezishicilelweyo zoluntu okanye ezabucala nanjengoko kudakaciwe kwisolotya 1 loMthetho; kunye

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"neMigaqo eFanayo yeNkundla" ibhekisa kwiMigaqo eLawula ukuziPhatha kwiiNkqubo kwaMacandelo aLiqela eMaphondweni nakwiZithili zeeNkundla eziPhakamileyo zoMzantsi Afrika.

Izicelo

2. (1) Isicelo esidakacwe kwisolotya 78 loMthetho kumele siziswe zingaphelanga iintsuku ezili180 ukusukela ngomhla wesiganeko ekubhekiselwa kuso kwisolotya 78.

(2) Isicelo ekubhekiswa kuso kumgaqwana (1) kumele siziswe ngesaziso esixhaswa yiafidavithi kwaye—

(a) ukuba siziswe kwiNkundla ePhakamileyo, izindululo zoMgaqo oFanayo 6 ziza kusebenza; okanye

(b) ukuba siziswe kwiNkundla kaMantyi, izindululo zoMgaqo weeNkundla zooMantyi 55 ziza kusebenza.

(3) Iafidavithi ekubhekiswa kuyo kumgaqwana (2) ngasentla kumele idakace yonke into ngelixhasa isicelo, oko kuquka oku kulandelayo—

(a) nokuba umfaki sicelo woniwe—

(i) njengomfaki sicelo ekubhekiswa kuye kwisolotya 78(2) loMthetho;

(ii) njengomntu wesithathu ekubhekiswa kuye kwisolotya 78(3) loMthetho; okanye

(iii) njengeGosa leeNkcukacha.

(b) apho kusebenza khona inkqubo yesibheno yangaphakathi ngokwemimiselo yesolotya 74 loMthetho—

(i) isiphumo senkqubo yesibheno yangaphakathi; okanye

(ii) ukuba kucelwe ukhululwa kokusetyenziswa kwenkqubo yesibheno yangaphakathi, isizathu seso sicelo.

(c) ukuba siyasebenza isiphumo senkqubo yommangali ngokwesolotya 77A loMthetho.

(4) Ukonga ngokwesindululo sale Migaqo, imigaqo elawula iinkqubo zenkundla nalapho isicelo sizisiwe ngokwemimiselo yomgaqwana (1) kwakunye (2), kuza

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kusebenza.

Isicelo soxolelo

3. (1) Nabani na othi asilele ukufaka isicelo sesiqabu lingaphelanga ixesha eliqingqiweyo lisolotya 78 loMthetho, kumele afake isicelo soxolelo kuloo meko yakhe yokusilela ngokwemimiselo yesolotya 82(e) loMthetho.

(2) Isicelo soxolelo kumele—

(a) sibhalwe phantsi kwaye sibe kwiafidavithi, eyenziwe ngumfaki sicelo okanye naye nabani na onengcombolo ethe vetshe ngeenkcukacha zalo mba ucelelwa uxolelo;

(b) acacise ukuba bekutheni isicelo size singenziwa ngexesha eliqingqiweyo, kwakunye neenkcukacha ezifunekayo ukwenza inkundla ukuphonononga ukuba ngenene olu lubaziseko luyevakala kusini na; kwaye

(c) acacise ukuba loluphi unyhasho oluya kuthi loo mntu alufumane xa esi sicelo soxolelo singavunywa.

(3) Isicelo soxolelo kumele senziwe kunye sikhatshwe sesiya sicelo sokuqala ubesifuna umfaki sicelo ngokwemimiselo yoMthetho.

(4) Inkundla eqwalasela isicelo soxolelo ingasivuma okanye isale isicelo okanye ize nelinye icebo elibona lifanelekile, oko kuquka ukunika umdliwo.

(5) Umntu osilelayo ukuthobela imigaqo yenkundla ekwenziwa kuyo isicelo, kumele afake isicelo soxolelo ngokuhambelana nemigaqo yaloo nkundla.

Izicelo ezingaphikiswayo

4. (1) Nabani na okanye nantoni na enqwenela ukwenza isicelo esingaphikiswayo nanjengoko kudakaciwe kwisolotya 80(3)(a) loMthetho kumele afake eso sicelo sinjalo kunobhala wenkundla ngaphantsi kwesihloko sefayile yesaziso.

(2) Isicelo esingaphikiswayo kumele—

(a) senziwe kwiafidavithi; kwaye

(b) apho kukhona imfuneko khona, kumele ixhaswe ngamaxwebhu obungqina besicelo esenziweyo.

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(3) Inkundla eqwalasela isicelo esingaphikiswayo inako ukwenza nawo nawuphi na umyalelo okanye nawo nawuphi na umkhombandlea nanjengoko kudakaciwe kwisolotya 80(3) loMthetho.

Izibheno

5. Nasiphi na isibheno ngakwisigqibo senkundla apho isicelo besifakwe khona ngokwemimiselo yesolotya 78 loMthetho, siza kulawulwa ngokwemigaqo yaloo nkundla.

Ukucinywa kweMigaqo

6. UPhakanyiswa kokuFumaneka kweeMigaqo yeeNkcukacha epapashwe ngaphantsi kweSaziso sikaRhulumente No. R. 1284 ngomhla we4 kweyeDwarha 2019 zithe ke ngoko zacinywa.

Isihloko esifutshane

7. Le Migaqo iza kubizwa ngeMigaqo yeNkqubo yeSicelo seNkundla ngokwemimiselo yoMthetho wokuPhakanyiswa kokuFumaneka koLwazi, ka2000 (uMthetho No. 2 ka2000).

Umhla wokuqala kwawo ukusebenza

8. LeMigaqo iqalisa ukusebenza ngo 11 Disemba 2026 .