

## 60 Translation of documents

RS 22, 2023, D1 Rule 60-1

(1) If any document in a language other than an official language of the Republic is produced in any proceedings, it shall be accompanied by a translation certified to be correct by a sworn translator.

[Subrule (1) substituted by GN R235 of 18 February 1966.]

(2) A translation so certified by a sworn translator shall be deemed *prima facie* to be a correct translation and admissible as such upon its production.

(3) If no sworn translator is available or if, in the opinion of the court, it would not be in the interests of justice to require a sworn translation, whether by reason of the expense, inconvenience or delay involved, the court may, notwithstanding the provisions of subrule (1), admit in evidence a translation certified to be correct by any person who it is satisfied is competent to make such translation.

### Commentary

**Subrule (1): 'Other than an official language.'** This subrule, in requiring that a document in a foreign language must be accompanied by a sworn translation, gives effect to the decisions in *Ex parte Marx et uxor* <sup>1</sup> and *Ex parte Scalabrino*. <sup>2</sup> Section 6 of the Constitution of the Republic of South Africa, 1996, provides that the official South African languages are Sepedi, Sesotho, Setswana, siSwati, Tshivenda, Xitsonga, Afrikaans, English, isiNdebele, IsiXhosa and isiZulu.

**'Is produced in any proceedings.'** This subrule applies only to documents actually produced in court. <sup>3</sup>

**'A translation certified to be correct by a sworn translator.'** It is undesirable that the attorney of record acting for a particular party should translate or certify as correct documents to be used on behalf of his client in the litigation, even though the attorney is a sworn translator of the court. <sup>4</sup>

RS 22, 2023, D1 Rule 60-2

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<sup>1</sup> 1936 CPD 483.

<sup>2</sup> 1939 (2) PH F93 (C).

<sup>3</sup> *Tarry & Co Ltd v Matatiele Municipality* 1965 (3) SA 131 (E).

<sup>4</sup> *Westdeutsche Landesbank Girozentrale (Landesbausparkasse) v Horsch* 1993 (2) SA 342 (NmH) at 345C.