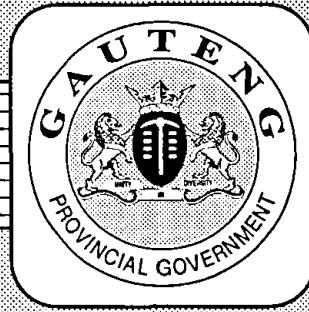


THE PROVINCE OF
GAUTENG



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PRETORIA, 27 MARCH
MAART 1998

No. 466

GENERAL NOTICE

NOTICE 738 OF 1998

In terms of section 29 (2) of the Consumer Affairs (Unfair Business Practices) Act, 1996 (Act No. 7 of 1996), notice is hereby given that the Member of the Executive Council responsible for finance and economic affairs intends, with the concurrence of the Standing Committee of the Provincial Legislature responsible for consumer affairs; and after consultation with the chairperson of the Consumer Affairs Court established by section 13 of the said Act, to make the regulations in the Schedule in terms of section 29 (1) of the said Act.

Interested persons are invited to furnish comments on the proposed regulations, or representations they may wish to make in regard thereto, within one month of the date of publication of this notice.

Comments and representations should be sent to:

The Department of Finance and Economic Affairs,
Gauteng Provincial Government,
94 Main Street,
Johannesburg; or
Private Bag X091,
Marshalltown,
2107

Fax (011) 355-8019

(for the attention of C. Caine).

SCHEDULE**CONSUMER AFFAIRS (UNFAIR BUSINESS PRACTICES)
REGULATIONS****CHAPTER 1***Interpretation***Definitions**

1. In these regulations, unless the context indicates otherwise, a word or expression to which a meaning has been assigned in the Consumer Affairs (Unfair Business Practices) Act 1996 (Act No. 7 of 1996), retains that meaning, and in addition-

- (i) **"chairperson"** means the chairperson of the court, and includes an alternate chairperson appointed under section 14(3) of the Act;
- (ii) **"Consumer Protector"** includes -
 - (a) an acting Consumer Protector appointed under section 4(1)(h) of the Act; and
 - (b) except in regulations 8 and 9(2), a person in the service of the Office authorised by the Consumer Protector;
- (iii) **"the Act"** means the Consumer Affairs (Unfair Business Practices) Act, 1996.

CHAPTER 2

Investigations by Office for the Investigation of Unfair Business Practices

Office may request complainant to provide further information

2.(1) Where a person has lodged a complaint with the Office regarding an alleged unfair business practice, as contemplated in section 6(1) of the Act, the Office may request the complainant to provide further information in the form of an affidavit or otherwise.

(2) The Office must reduce further information provided as contemplated in subregulation (1) to writing.

Notice of investigation to person allegedly responsible for unfair business practice

3.(1) When the Office institutes an investigation, whether on receipt of a complaint as contemplated in section 6 of the Act or of its own accord or at the instance of the responsible Member as contemplated in sections 7(1) and (2) respectively, the Office must give notice of the investigation and of the alleged unfair business practice to the person alleged or suspected to be responsible for the unfair business practice in question, if the whereabouts of that person are known to the Office.

(2) The Consumer Protector must give notice -

- (a) through personal delivery or by tendering the notice to the person to be notified; or
- (b) by sending the notice to that person by electronic facsimile or prepaid registered post to his or her -
 - (i) business address; or
 - (ii) address last known to the Office.

(3) A warning to the person allegedly implicated must accompany a notice referred to in subregulation (1) that a statement or explanation which he may give may be used against him in proceedings before the court.

(4) A notice as referred to in subregulation (1) may be sent regardless of whether the Office makes known the investigation in the *Provincial Gazette* as contemplated in section 7(3) of the Act.

Form of summons

4. A summons contemplated in section 8(2)(a) of the Act requiring a person to appear before a person in the service of the Office for questioning or to produce a book, document or other object as contemplated in section 8(1)(a) of the Act, must be substantially in the form of Form 1 in Annexure A.

Manner of service of summons

5. As contemplated in section 8(2)(d) of the Act, the Consumer Protector must serve a summons referred to in regulation 4 in one or other of the following manners:

- (a) Through personal delivery by the Consumer Protector delivering or tendering a copy of the summons to the person summoned; or
- (b) by sending a copy of the summons to the person

summoned by prepaid registered post at his or her -

- (i) business address; or
- (ii) address last known to the Office.

Oath or affirmation by, and assistance of, person summoned

6.(1) A person summoned in terms of section 8(1)(a) of the Act must, before being questioned or required to produce an object, take an oath or solemn affirmation which must be put to him or her in the terms set out in Part 1 of Annexure C.

(2) A person summoned may, when being questioned or required to produce an object, be assisted by an advocate, attorney or another person.

Witness fees to which person summoned entitled

7.(1) As contemplated in section 8(3)(b) of the Act, a person summoned is entitled to witness fees in accordance with Tariff 1 contained in Annexure B.

(2) A person summoned at his or her request is entitled to fees from the Office in accordance with the tariff referred to in (1).

Conditions of service and remuneration of certain investigating Officers

8.(1) The conditions contemplated in section 9(3) of the Act governing the appointment of an investigating Officer who is not in the full-time service of the State are as follows:

- (a) the appointee holds Office as an investigating Officer for the hours, days or other period or periods as the Consumer Protector may determine;
- (b) the investigating Officer performs his or her functions subject to the control and directions of the Consumer Protector;
- (c) the investigating Officer performs his or her functions faithfully and diligently; and
- (d) as determined by the Consumer Protector.

(2) An investigating Officer who is not in the full-time service of the State must be remunerated -

- (a) at the rate at which the Provincial Government pays for services provided by persons possessing the qualifications and experience of the person allegedly implicated;
- (b) in a particular case, a lesser or, with the concurrence of the responsible Member, higher rate determined by the Consumer Protector after consultation with the person appointed or to be appointed.

Certificate of appointment

9.(1) An investigating Officer must be provided with a certificate of appointment in terms of section 9(4) that complies with Form 2 in Annexure A.

(2) The Consumer Protector must sign a certificate of appointment in his or her own name with the necessary changes and must state that he or she is deemed to have been appointed as an investigating Officer.

Search warrant

10. A search warrant contemplated in section 10(2) of the Act must comply with Form 3 in Annexure A.

Receipt to be issued on seizure

11. Where an investigating Officer seizes anything which has or might have a bearing on an investigation as contemplated in section 10(1)(d) of the Act, the investigating Officer must issue a receipt complying with Form 4 in Annexure A to the owner or person in charge of the premises or to the person in possession or charge of the thing seized.

Notice of discontinuance of investigation to person investigated and complainant

12. If the Office decides not to institute proceedings in the court, the Consumer Protector must inform –
- (a) the complainant as provided in section 12(2) of the Act;
 - (b) the person who was under investigation.

CHAPTER 3

*Proceedings before the Consumer Affairs Court***Oath or affirmation by member of court**

13. A member or alternative member of a court must, before assuming Office, make and sign an oath or solemn affirmation before the responsible Member in the form contained in Part 2 of Annexure C.

Costs award where person responsible acted fraudulently or grossly unreasonably

14.(1) Where the court awards costs against a person found to have conducted the unfair business practice concerned and to have acted fraudulently or grossly unreasonably, as contemplated in section 17(1)(b) of the Act, such costs must -

- (a) be paid to the Office by the person against whom they are awarded to the Office;
 - (b) subject to subregulation (2), be on the scale of costs contained in Tariff 2 in Annexure B.
- (2) The court may award costs in an amount or manner other than as prescribed by subregulation (1)(b).
- (3) The Consumer Protector must cause the amount of costs paid to the Office as contemplated in subregulation (1)(a) to be paid into the Provincial Revenue Fund.

Form of summons initiating proceedings against person allegedly responsible for unfair business practice

15.(1) Proceedings before the court against a person alleged to be responsible for an unfair business practice must be initiated, as contemplated in section 18(1) of the Act, by a summons complying with Form 5 in Annexure A.

- (2) The summons must -
- (a) contain the substance of the allegations regarding the unfair business practice in question;
 - (b) specify a date on which the person summoned is required to appear before the court that affords that person a reasonable time to prepare representations.

Manner of service of summons on person allegedly responsible

16.(1) A summons referred to in regulation 15 initiating proceedings against a person alleged to be responsible for an unfair business practice must be served in one or other of the following manners:

- (a) delivery of a copy of the summons to the person to be served;
- (b) by leaving a copy thereof at the place or residence of the person to be served with a person who appears to be in charge of the premises at the time of delivery and who

- seems to be older than 16 years of age;
- (c) by delivering a copy thereof at the place of employment of the person to be served to a person who appears to be in authority over the said person and seems to be older than 16 years of age;
- (d) if the person to be served has chosen an address at which the summons may be served, by delivering or leaving a copy thereof at the address so chosen;
- (e) in the case of a company or close corporation, by delivering a copy to a responsible employee thereof at its registered Office or its principal place of business within the jurisdiction of the court or, if none of the employees are willing to accept service, by affixing a copy to the main door of such Office or place of business;
- (f) by delivering a copy thereof to an agent who is duly authorised in writing to accept service on behalf of the person to be served;
- (g) where a partnership, firm or voluntary association is to be served -
 - (i) by leaving a copy thereof at the place of business of the partnership, firm or voluntary association with a person who appears to be in charge of the premises at the time of delivery and who seems to be older than 16 years of age; or
 - (ii) if such partnership, firm or voluntary association has no place of business at the time of service, by effecting service on a partner, the proprietor or the chairman or secretary of the committee or other managing body of the association, as the case may be, in a manner set forth in this regulation; or
- (h) in a manner determined by the court in a particular case.

(2) Where the person to be served is a minor or a person under legal disability, the summons must be served in a manner mentioned in subregulation (1) on that person's guardian, tutor, curator or caregiver instead of being served on that person.

(3) For the purposes of subregulation (1)(b), when a block of flats or other building (other than an hotel, boarding-house, hostel or similar residential building) is occupied by more than one person or family, the summons must be served as provided in that subregulation at the part of the building which the person to be served occupies as his or her residence or place of business.

(4) The summons must be served by the Consumer Protector unless the court orders otherwise in a particular case.

Summoning by court of witnesses and producing documents to ascertain a matter relating to proceedings

17.(1) Where the court issues an order requiring a person to appear before it to give evidence or to produce an object for the purpose of ascertaining a matter relating to proceedings before the court as contemplated in section 19(1)(a), the clerk of the court must issue a summons addressed to that person

complying with Form 6 in Annexure A.

(2) A summons referred to in subregulation (1) must be served in a manner prescribed by regulation 16.

Oath or affirmation by person giving evidence or producing objects

18. Before giving evidence or producing an object, a person summoned in terms of section 19 of the Act must take an oath or solemn affirmation put to him or her in the terms set out in Part 3 of Schedule C.

Witness fees for persons who attended proceedings of court

19.(1) A person who has attended proceedings of the court as a witness is entitled to witness fees in accordance with Tariff 1 in Annexure B, as contemplated in section 19(4).

(2) The clerk of the court must pay fees in accordance with the tariff referred to in subsection (1) at his or her request.

Proceedings against persons allegedly responsible for unfair business practice

20.(1) Proceedings before the court against a person allegedly responsible for an unfair business practice must be conducted in accordance with this regulation, with a view to ascertaining whether an unfair business practice exists or may come into existence and whether that person is or was implicated in that practice or future practice.

(2) The Office must state the alleged unfair business practice and the nature of the involvement of the person who is, allegedly, implicated.

(3) The chairperson must ask the person who is, allegedly, implicated, whether he or she admits to any or all of the allegations, and an admission must be recorded.

(4) Where that person does not admit all the allegations, the Office must have the opportunity to produce evidence in support of the allegations which are denied.

(5) The person who is, allegedly, implicated, must then have the opportunity of stating his or her case against the allegations and of producing evidence in support thereof.

(6) The court may in its discretion allow further evidence to be produced or witnesses to be recalled by the Office or the person allegedly implicated.

(7) After the Office and the person who is, allegedly, implicated, have produced their evidence and stated their cases, the court may recall a witness or call further witnesses to submit to questioning by the court and thereafter by the Office and the person allegedly implicated.

(8) After all the evidence has been produced, the Office may address the court on the evidence and the conclusions which it has drawn therefrom.

(9) The person allegedly implicated may then address the court.

(10) The Office may thereafter address the court to reply only to matters raised by the person allegedly implicated which the Office has not yet dealt with.

(11) The chairperson may determine that proceedings before the court may be conducted otherwise than in accordance with this regulation if justified

in the interests of a speedy resolution or of establishing that an unfair business practice exists or may come into existence or that the person against whom the proceedings have been instituted is involved in that practice or future practice.

(12) The practice and rules of evidence and procedure applicable in a court of law do not apply in respect of proceedings before the court, and the court may ascertain a relevant fact in a manner as it may deem fit.

(13) The court must ensure that the person allegedly implicated is sufficiently informed of the allegations regarding the unfair business practice in question to enable him or her to make representations.

(14) The court may adjourn the proceedings where necessary to give the person allegedly implicated a reasonable time to prepare representations, or for other good cause.

(15) Whenever the chairperson is satisfied on evidence or information presented to the court that the proceedings of the court may adversely affect existing, instituted or pending legal proceedings or an investigation instituted in terms of another law, the court must deal with evidence which is relevant to the legal proceedings or investigation in a manner that will not adversely affect the legal proceedings or investigation.

Examination of witnesses

21.(1) A witness called by the Office may be cross-examined by the person against whom the proceedings were instituted and the other way around, and a witness called by the court may be cross-examined by the Office and that person.

(2) Without prejudice to the right of the Office or a person allegedly implicated to be represented or assisted as contemplated in sections 18(4) and (6) of the Act, a witness appearing before the court may, in the discretion of the chairperson and in the manner as the chairperson may determine, be assisted by an advocate, attorney or another person approved by the chairperson.

(3) The court may direct that no person will be allowed to disclose in a manner whatsoever the name or address of a person who testified or testifies or who has been summoned and so requests the court not to reveal his or her identity.

(4) Where evidence is given in a language with which the court or the Office or the person alleged to be responsible for the unfair business practice in question or their representatives are not sufficiently conversant, a competent interpreter must interpret the evidence.

(5) If, in the opinion of the court, it is expedient to do so or if the Office or the person allegedly implicated so desires, the court may satisfy itself as to the competence and integrity of a proposed interpreter before he or she is employed as such.

Urgent temporary orders

22.(1) Where the Office seeks an urgent temporary order contemplated in section 20(1) of the Act, it must, before the temporary order is issued but subject to subregulation (4), give notice thereof to each person against whom the order will be sought or who will be named in or affected by the order.

(2) A notice contemplated in subregulation (1) must -

(a) state that the Office intends to place information before

the court that circumstances relating to the particular matter concerned, which is the subject of an investigation by the Office, render that matter urgent in that irreparable prejudice would be caused to a consumer or a group or class of consumers if the matter were to be dealt with only by the court at proceedings in due course and that the Office will accordingly request the court to issue a temporary order;

- (b) give particulars of the investigation sufficient to identify the matter which is the subject of the investigation;
- (c) state the terms of the temporary order sought by the Office;
- (d) state the date and time when and place where the Office will request the court to issue the order;
- (e) state that the person notified may appear at that date, time and place and that he or she may object only on the ground that the matter is not urgent as contemplated in paragraph (a);
- (f) comply with Form 6 in Annexure A.

(3) A notice contemplated in subregulation (1) must be served in a manner prescribed by rule 16.

(4) On request by the Office, the court may in a particular case dispense with the notice requirement under subregulation (1) to any or all persons concerned if the giving of such notice would defeat the object of the temporary order, or for other good cause shown.

Procedure for confirming arrangements and for incidental requests and applications

23.(1) The chairperson may determine the manner in which applications to the court by the Office for confirmation of an arrangement as contemplated in section 21(1) of the Act, and a request or other application by the Office or by a interested person incidental to pending proceedings may be brought in a manner determined by the chairperson; or

(2) Subject to the control and directions of the chairperson, by the clerk of the court.

(3) Applications and requests contemplated in subregulation (1) may be disposed of in such manner and in accordance with such procedure as the chairperson may determine.

Rate of interest on money repayable to affected consumers

24. Where the court orders that interest must be paid on money to be repaid to affected consumers as contemplated in section 22(2)(a) of the Act -

- (a) the interest must be calculated at the prevailing rate prescribed from time to time under section 1(2) of the Prescribed Rate of Interest Act, 1975 (Act No. 55 of 1975), unless the court on the ground of special circumstances orders otherwise;
- (b) the court must specify in its order -
 - (i) the rate of interest; and

- (ii) the date on which the interest commenced or will commence.

Remuneration of certain curators

25. The remuneration contemplated in section 23(4) of the Act which is payable to a curator who is not in the full-time service of the State must be in accordance with Tariff 3 in Annexure B.

Proceedings in general

26. Proceedings not against a particular person but which are instituted generally as contemplated in section 12(1)(b) of the Act with a view to declaring the business practice or type of business practice concerned to be unlawful as contemplated in section 24(1)(a) of the Act, may be disposed of in the manner and in accordance with the procedure as determined by the chairperson.

Oath or affirmation by transcriber and interpreter

27.(1) A person appointed or designated to take down or record the proceedings of the court in shorthand or by mechanical means, or to transcribe the proceedings which have been so taken down or recorded, must at the outset make and sign an oath or solemn affirmation before the clerk of the court in the form of Part 4 of Annexure C.

(2) A person appointed or designated to perform the functions of an interpreter before the court must at the outset make and sign an oath or solemn affirmation before the clerk of the court in the form of Part 5 of Annexure C.

Signing of court order

28. An order by the court intended to be made known by notice in the *Provincial Gazette* must be signed by the chairperson or by a member of the court designated by the chairperson or by the clerk of the court, as determined by the chairperson in general or in a particular case.

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3. Oath or affirmation by person summoned
4. Oath or affirmation by transcriber
5. Oath or affirmation by interpreter

(e) makes a false statement to the Consumer Protector or other person in the service of the Office designated by the Consumer Protector, knowing such statement to be false or not knowing or believing it to be true.

..... (*date*)

.....
Consumer Protector/Person in service of Office
for the Investigation of Unfair Business
Practices

Form 2
GAUTENG PROVINCIAL GOVERNMENT
FINANCE AND ECONOMIC AFFAIRS

CERTIFICATE OF APPOINTMENT OF INVESTIGATING OFFICER
(Consumer Affairs (Unfair Business Practices) Act, 1996
(Act No. 7 of 1996),
Section 9(4) and regulation 9(1)

It is hereby certified that

.....
(full names)

is an investigating Officer appointed in terms of the above-mentioned Act.

..... *(date)*

.....
Consumer Protector

Form 3

GAUTENG PROVINCIAL GOVERNMENT
FINANCE AND ECONOMIC AFFAIRS
SEARCH WARRANT

(Consumer Affairs (Unfair Business Practices) Act, 1996
(Act No. 7 of 1996),
Section 10(2) and regulation 10)

To (full names), an
investigating Officer appointed in terms of the above-mentioned Act.

Whereas it appears to the Consumer Affairs Court from information given to
it on oath or solemn affirmation that there are reasonable grounds to suspect
that an unfair business practice as contemplated in the said Act exists or may
come into existence, namely

.....
.....

(describe practice) and that the following books, documents or other objects
which may afford evidence of unfair business practice, being

.....
.....

(describe books, documents or objects) are in or on the premises situated at

.....
.....
(address).

This warrant is therefore to authorise you to enter the said premises in the day
time, *and also in the night time as hereby authorised in terms of section
10(3)(b) of the said Act (*delete if not applicable), and there -

- (a) inspect or search those premises, and there make such inquiries
as may be necessary for the purpose of obtaining information in
relation to the said unfair business practice;
- (b) examine an object found on or in the premises which has or
might have a bearing on the investigation into the said unfair
business practice and request from the owner or person in
charge of the premises or from a person in whose possession or
charge that object is, information regarding that object;
- (c) make copies of or extracts from a book or document
found on or in the premises which has or might have a
bearing on the investigation, and request from a person
who is suspected of having the necessary information,
an explanation of a entry therein;

(d) seize, against the issue of a receipt, anything on or in the premises which has or might have a bearing on the investigation, if the investigating Officer needs to retain it for

further examination or for safe custody.

..... (date)

.....
Consumer Affairs Court

Form 4

**GAUTENG PROVINCIAL GOVERNMENT
FINANCE AND ECONOMIC AFFAIRS**

**RECEIPT FOR ARTICLES SEIZED
(Consumer Affairs (Unfair Business Practices) Act, 1996
(Act No. 7 of 1996),
Section 10(1)(d) and regulation 11**

To
(name of owner or person in charge of premises)

I *(full names)*,
investigating Officer, have seized on or in the premises situated at

.....
..... *(address of premises)* and retained for further examination or for
safe custody, the following articles:

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.
- 9.
- 10.

..... *(date)*

.....
Investigating Officer

Form 5

GAUTENG PROVINCIAL GOVERNMENT
FINANCE AND ECONOMIC AFFAIRS

SUMMONS INITIATING PROCEEDINGS BEFORE
THE CONSUMER AFFAIRS COURT
(Consumer Affairs (Unfair Business Practices) Act, 1996
(Act No. 7 of 1996),
Section 18(1) and regulation 15(1)

To:
.....
.....
.....

Court ref:

TAKE NOTICE THAT you are alleged to be responsible for the unfair
business practice of

.....
.....
.....
.....

(particulars of unfair business practice);

THAT proceedings are hereby instituted in the Consumer Affairs Court for
*the province of Gauteng/the area of *(insert area)**
against you as the person allegedly responsible for the above-mentioned
business practice;

THAT the proceedings against you will commence before the Consumer
Affairs Court at *(place)* ath.... *(time)* on
..... *(date)*;

THAT proceedings before the Consumer Affairs Court will be prosecuted by
the Office for the Investigation of Unfair Business Practices, who may be
represented or assisted by an advocate, attorney, or a other person approved
by the Member of the Executive Council of the Province responsible for
economic affairs and finance; and

THAT you are entitled to participate in the proceedings and may appear in
person or be represented or assisted by an advocate, attorney or another
person.

..... *(date)*

.....
Consumer Protector

Form 6

GAUTENG PROVINCIAL GOVERNMENT
FINANCE AND ECONOMIC AFFAIRS

SUMMONS TO APPEAR BEFORE THE CONSUMER AFFAIRS COURT
(Consumer Affairs (Unfair Business Practices) Act, 1996
(Act No. 7 of 1996),
Section 19(1)(a) and regulation 17(1))

To:
.....
.....
.....

Court ref:

In the matter of the alleged

.....
.....
.....
.....
.....

(particulars of matter in connection with which person summoned is required to appear)

You are hereby summoned to appear before the Consumer Affairs Court at
..... *(place)* at
.....h..... *(time)* on *(date)*

- **(a)* to give evidence in connection with the matter particularised above;
* and
- **(b)* to produce

.....
.....
(describe books, documents or objects) and be questioned in connection therewith.

(* *Delete what is not applicable.*)

Section 19(4) of the Act states that a person must be guilty of an offence if he or she, having been summoned -

- (a) fails without sufficient cause to attend at the time and place specified in the summons, or to remain in attendance until the conclusion of the proceedings or until he or she has been excused by the court from further attendance;
- (b) refuses to take the oath or make an affirmation;
- (c) refuses to answer, or to answer fully and satisfactorily to the best of his or her knowledge and belief, a question lawfully put to him or her;
- (d) fails to produce a book, document or object in his or her possession or custody or under his or her control, which he or she was required to produce; or

- (e) makes a false statement before the court knowing such statement to be false or not knowing or believing it to be true.

..... (date)

.....
Clerk of the Consumer Affairs Court

ANNEXURE B**TARIFFS****Tariff 1****Witness fees****(Section 8(3) and regulation 7(1))*****Subsistence Allowance***

1. (1) A person summoned must be entitled to the following allowances for each 24 hours or part thereof for which he or she is, for the purpose of such attendance, absent from his or her place of residence or sojourn:

- (a) (i) A person who resides or sojourns more than 8 kilometres from the place where he or she appears: R10: Provided that, if the Consumer Protector is satisfied that the person had to incur expenses exceeding R10 in respect of such attendance, the person may be paid his or her reasonable actual expenses.
- (ii) A person who of necessity has to hire accommodation for a night: His or her reasonable actual expenses.
- (b) A person who resides or sojourns 8 kilometres or less from the place where he or she appears, if the Consumer Protector is satisfied that the person had to incur expenses in respect of such attendance: His or her reasonable actual expenses.

(2) A person summoned must qualify for the allowance referred to in subparagraph (1) (a)(ii) for the full period for which he or she is absent from his or her place of residence or sojourn for the purpose of attending at the place to which he or she is summoned, if during such absence he or she has to hire accommodation for a night or spend a night on a train.

Income Forfeited

2. A person summoned who has forfeited income as a result of his attendances pursuant to the summons must, in addition to a allowance to which he or she is entitled in terms of paragraph 1, be entitled to an allowance equal to the actual amount of income so forfeited, subject to a maximum of R100 per day.

Travelling Expenses and Transport

3. (1) Whenever a person summoned makes use of public transport to attend, an allowance equal to the actual cost of such transport for the forward and return journey along the shortest convenient route must be paid to him or her: Provided that, if more than one suitable means of public transport is available, such allowance must be paid in respect of the least expensive of such means of transport.

(2) Whenever suitable public transport is not available and the person makes use of his or her own or hired transport to attend, an amount for the forward and return journey along the shortest convenient route must be paid,

calculated at 50c per kilometre in respect of a motor vehicle, excluding a motor cycle, and at 42c per kilometre in respect of a motor cycle or another means of conveyance.

(3) Whenever suitable public transport is available and the person makes use of his or her own or hired transport to attend, the amount referred to in subparagraph (2) must be paid for a forward and return journey not exceeding 100 kilometres: Provided that, if the Consumer Protector is satisfied that the circumstances in a particular instance justify the use of transport other than public transport for a distance in excess of 100 kilometres, he or she may order that the amount referred to in subparagraph (2) or such lesser amount as he or she may deem equitable in the circumstances be paid for such longer distance.

(4) If the Consumer Protector is satisfied that in particular circumstances a person is justified in making use of air transport to attend, he or she may grant approval for an allowance equal to the cost of such air transport to be paid to that person.

Supplementary Provisions

4. In calculating the period of his or her absence for the purposes of paragraph 1, a person summoned must be allowed not more than four hours -

(a) if making use of private transport, for each -

(i) 100 kilometres or part thereof if travelling by motor vehicle;

or

(ii) 10 kilometres or part thereof if travelling by a means of transport other than a motor vehicle; or

(b) if travelling on foot, for each five kilometres or part thereof.

5. Whenever the fare of a person summoned includes the cost of meals and sleeping accommodation, no allowance in terms of paragraph 1 must be paid.

6. The Consumer Protector may, if satisfied that the payment of the allowances prescribed in this tariff may cause a person hardship, approve the payment to that person of allowances at a higher tariff.

7. Where the expenses of a person summoned in connection with his or her attendance at the place to which he or she is summoned are provided for from another source, no allowance in terms of this tariff must be paid to him or her.

8. The allowances prescribed in this tariff are also payable to a person who of necessity accompanies a person summoned on account of the youth or infirmity, owing to old age, or another infirmity of the person summoned.

Tariff 2
Scale of costs
(Section 17(1)(b) and regulation 14(1))

- 1 For the investigation by the Office, an amount of R5 000.
- 2 In addition to the amount mentioned in item 1, an amount of R3 000 for each day or part of a day on which the court sat for the hearing of a proceeding relating to the person allegedly implicated.

Tariff 3

**Remuneration payable to a curator
who is not in the full-time service of the State
(Section 23(4) and regulation 25)**

- 1 On the gross proceeds of movable property (other than shares or similar securities) realised or disposed of as contemplated in section 23(1)(a) or (j) of the Act, or on the gross amount collected under promissory notes or book debts, or as rent, interest or other income 10 percent
- 2 On the gross proceeds of immovable property, shares or similar securities realised or disposed of as contemplated in section 23(1)(a) or (j) of the Act, life insurance policies and mortgage bonds recovered and the balance recovered in respect of immovable property sold prior to a court order under section 22(1) of the Act.....3 percent
- 3 On -
 - (i) money of the person for whom the curator is appointed;
 - (ii) the gross proceeds of cheques and postal orders payable to that person; and
 - (iii) the gross proceeds of amounts standing to the credit of that person, in current, savings and other accounts and of fixed deposits and other deposits at banking institutions, building societies or other financial institutions 1 percent
- 4 On sales by the curator in carrying on the business of the person, or a part thereof, as contemplated in section 23(1)(d) of the Act6 percent
- 5 On amounts and assets distributed as contemplated in section 23(1)(b) of the Act, excluding a amount on which remuneration is payable under a other item of this tariff.....2 percent:

Provided that the total remuneration of a curator in terms of this tariff must not be less than R2 000.

ANNEXURE C**OATHS AND AFFIRMATIONS**

If a person objects to taking an oath or affirmation in a form set out in this annexure or it appears that a person would not regard an oath or affirmation in such a form as binding on his or her conscience, such person may take an oath or affirmation to the same effect as set out in the applicable part of this annexure in another form that the person considers binding on his or her conscience.

Part 1

***Oath or affirmation by person summoned to appear before person in service
of Office
(Regulation 6(1))***

"I, A.B., *swear/solemnly affirm *(**delete what is not applicable*) that the answers that I must give must be the truth, the whole truth and nothing but the truth. (*In the case of an oath:*) So help me God."

Part 2

***Oath or affirmation by member or
alternate member of court
(Regulation 13)***

"I, A.B., *swear/solemnly affirm* that, as a member/alternate member of the Consumer Affairs Court for *Gauteng/the area of(insert area)*, I will truly and faithfully uphold and apply the Consumer Affairs (Unfair Business Practices) Act, 1996 (Act No. 7 of 1996), of the province of Gauteng. (*In the case of an oath:*) So help me God."

(*Delete what is not applicable.)

Part 3***Oath or affirmation by person summoned***
(Regulation 18)

"I, A.B., *swear/solemnly affirm *(*delete what is not applicable) that the evidence which I must give must be the truth, the whole truth and nothing but the truth. (*In the case of an oath:*) So help me God."

Part 4

Oath or affirmation by transcriber
(Regulation 27(1))

"I, A.B., *swear/solemnly affirm* -

***(a)** that I must faithfully and to the best of my ability *take down/record* the proceedings of the Consumer Affairs Court for *Gauteng/the area of
.....(insert area)*, *in shorthand/by mechanical means* as ordered by the chairperson of the court or other person presiding;

***(b)** that I must transcribe fully and to the best of my ability a shorthand notes/mechanical record of the proceedings of the Consumer Affairs Court for *Gauteng/the area of(insert area)* made by me or by another person.

(In the case of an oath:) So help me God."

*(*Delete what is not applicable.)*

Part 5

Oath or affirmation by interpreter
(Regulation 27(2))

"I, A.B., *swear/solemnly affirm* that, whenever I am called upon to perform the functions of an interpreter in the proceedings in the Consumer Affairs Court for *Gauteng/the area of(*insert area*)*, I will truly and correctly to the best of my ability interpret from the language which I may be called upon to interpret into another language as required by the Court, and the other way around. (*In the case of an oath:*) So help me God."

(*Delete what is not applicable.)*

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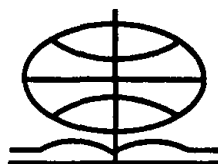
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