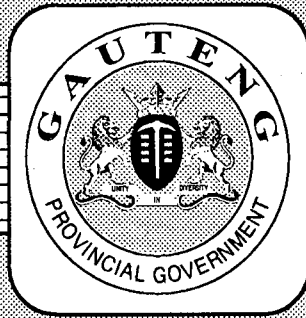


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GAUTENG**



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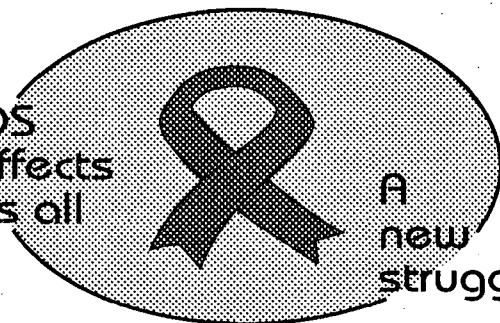
**Vol. 7**

**PRETORIA, 8 JUNE  
JUNIE 2001**

**No. 97**

**We all have the power to prevent AIDS**

AIDS  
affects  
us all



A  
new  
struggle

**Prevention is the cure**

**AIDS  
HELPLINE**

**0800 012 322**

DEPARTMENT OF HEALTH

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# GENERAL NOTICE

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NOTICE 3336 OF 2001

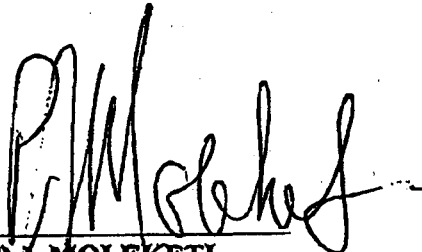
## GAUTENG PROVINCIAL GOVERNMENT

DEPARTMENT OF FINANCE AND ECONOMIC AFFAIRS

### REGULATIONS

IN TERMS OF SECTION 29 OF CONSUMER AFFAIRS (UNFAIR BUSINESS PRACTICES) ACT NO. 7 OF 1996.

I, **PHILLIP JABULANI MOLEKETI**, Member of the Executive Council responsible for Finance and Economic Affairs has under Section 29(3) of the Consumer Affairs (Unfair Business Practices) Act, 1996 (Act No. 7 of 1996), made the regulations in the Schedule.



**P.J. MOLEKETI**

### SCHEDULE

#### 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)(b) of the Act;
    - and
    - (b) a person in the service of the office authorised by the Consumer Protector.
  - (iii) "Person" in the case of a consumer or complainant, refers to a natural person.
  - (iv) "The Act" means the Consumer Affairs (Unfair Business Practices) Act, 1996; and any amendment thereto.

**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, of the Act, 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.
- (2) The Consumer Protector must cause notice to be given-
  - (a) through delivery to the person to be notified; or
  - (b) by sending the notice to that person by electronic facsimile or prepaid registered post to his/her –
    - (c) (i) business address; or
    - (ii) address last known to the office.
- (3) A warning to the person allegedly implicated, that a statement or explanation, which he/she may give, may be used against him/her in proceedings before the court must accompany a notice referred to in subregulation (1).
- (4) A notice as referred to in subregulation (1) must 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 (subpoena)**

4. A summons (subpoena) contemplated in section 8 (2) (a) of the Act must be substantially in the form of Form 1 in Annexure A.

**Manner of service of summons (subpoena)**

5. A summons (subpoena) referred to in Regulation 4 shall be served in the manner prescribed in Regulation 15 hereof.

**Oath or affirmation by person summoned (subpoenaed)**

6. A person summoned (subpoenaed) in terms of section 8(1) (a) of the Act must, before being questioned or required to produce an object, make and sign an oath or solemn affirmation in the terms set out in Part 1 of Annexure C.

**Witness fees to which person summoned (subpoenaed) entitled**

7. (1) A person summoned (subpoenaed), as contemplated in section 8(1) (a) of the Act, is entitled to witness fees in accordance with witness fees as determined under the Supreme Court Act, No. 59 of 1959, as amended.

**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/her functions subject to the control and directions of the Consumer Protector;
  - (c) the investigating officer performance his/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 on a scale as determined by the Consumer Protector after consultation with the responsible Member.

**Certificate of appointment**

9. 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.

**Search warrant**

10. A search warrant contemplated in section 10(2) of the Act must comply substantially with Form 3 in Annexure A and signed by the chairperson or a member of the court designated by the chairperson.

**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 in the form of Form 4 in Annexure A to the owner or person in charge of the premises or to the person in possession or in charge of the object seized.

**CHAPTER 3****PROCEEDINGS BEFORE THE CONSUMER AFFAIRS COURT****Oath or affirmation by member or court**

12. A member or alternative member of the 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 grossly unreasonably**

13. (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;
  - (b) be on the scale of costs contained in Tariff 1 in Annexure B; and
  - (c) include disbursement, as at the court's discretion.
- (2) The office must cause the amount of costs paid to the office as contemplated in Subregulation (1) to be paid into the Provincial Revenue Fund.

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

14. (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 substantially with Form 5 Annexure A.
- (2) The summons must:
- (a) contain the substance of the allegations regarding the unfair business practice in question;
  - (b) specify a date, which will not be less than 10 working days and place on which the person summoned is required to appear before the court.

**Manner of service of summons on person allegedly responsible for unfair business practice.**

15. (1) A summons referred to in regulation 14 initiating proceedings against a person alleged to be responsible for an unfair business practice must be served in one of the following manners:
- (a) delivery of a copy of the summons to the person to be served;
  - (b) 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 premises and seems to be older than 16 years of age;
  - (c) by delivering a copy thereof at the place of residence of the person to be served to a person who appears to be in authority over the said premises 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
  - (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 without legal capacity, 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 a 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 the said subregulation at that part of the building which the person to be served occupies as his or her residence or place of business.
  - (4) The office must cause summons to be served, unless the court orders otherwise in a particular case.
  - (5) The court may postpone a matter to a future unspecified date or strike the matter off the roll, where it is satisfied that service has not been properly effected.

**Summoning (subpoenaing) by court of witness and producing documents to ascertain a matter relating to proceedings**

- 16. (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 court must issue a summons (subpoena) addressed to that person complying with Form 6 in Annexure A.
- (2) A summons (subpoena) referred to in subregulation (1) must be served in a manner prescribed by regulation 15.

**Oath or affirmation by person giving evidence or producing objects**

- 17. Before giving evidence or producing an object, a person summoned (subpoenaed) in terms of section 19 of the Act must make an oath or solemn affirmation in the terms set out in Part 3 of Schedule C.



**Witness fees for persons who attended proceedings of court**

18. (1) A person who has attended proceeding of the court as a witness is entitled to witness fees in accordance with witness fees as determined in the Supreme Court Act, No.59 of 1959, as amended as contemplated in section 19(4).

**Proceedings against persons allegedly for unfair business practice**

19. (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 ascertain 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 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.
- (4) 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.
- (5) Where that person does not admit all the allegations, the office has the opportunity to produce evidence in support of the allegations that are denied.
- (6) The person, who is, allegedly, implicated, then has the opportunity of starting his or her case against the allegations and of producing evidence in support thereof.
- (7) 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.
- (8) 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.
- (9) After all the evidence has been produced, the office may address the court.
- (10) The person allegedly implicated may then address the court.
- (11) 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.
- (12) The court may adjourn the proceedings where necessary upon good cause shown.

- (13) Whenever the chairperson is satisfied on evidence or information presented to the court that other instituted or pending legal proceedings or investigations in terms of other laws exist or may come into existence, the court must take note thereof and consider appropriate ways in which to deal with such other proceedings or investigations.
- (14) The chairperson may determine that proceedings before the court may be conducted otherwise than in accordance with this regulation.

#### **Joinder of parties and causes of action**

20. (1) In the event where there is a number of persons, each of whom has a claim, (whether jointly, and severally, separately, in the alternative or conditionally upon the claim of any person in the same action, against the same party or parties, such persons may be permitted to join in the action at any stage of the proceeding. Provided that the right to relief of such persons requires the determination of the same question of law or fact which would arise if separate actions were instituted.
- (2) Similarly, as provided in subregulation (1), parties against whom unfair business practice is alleged may be joined in the same action by one or more person.

#### **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, a person allegedly implicated may be represented or assisted as contemplated in sections 18(4) and (6) of the Act and 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 any 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 appoint a competent interpreter 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/she is employed as such.

- (6) Interpreters should be remunerated in accordance with the tariff of allowance prescribed by the Minister of Justice and published by notice in the Gazette in terms of section 15 of the Magistrate's Court Act, No. 32 of 1944, as amended.

#### **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 that 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 the person notified may appear on that date, time and place and that he or she may object on any ground that he or she may deem necessary;
  - (f) comply with Form 6 in Annexure A
- (3) A notice contemplated in subregulation (1) must be served in a manner prescribed by regulation 15.
- (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 office shall cause the matter to be set down on motion, before the court, for confirmation of an arrangement as contemplated in section 21 of the Act, on a form complying with Form 7 in Annexure A.

- (2) The notice of motion referred to in subregulation (1) must be served in the manner prescribe in regulation 15.
- (3) Application 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 grounds of special circumstances orders otherwise;
  - (b) the court must specify in its order the date from which and the amount on which interest is payable.

#### **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 2 in Annexure B.

#### **Oath by transcribers, recorders and interpreters**

26. (1) A person appointed or designated to take down or record the proceedings, which have been so taken down or recorded, must before commencing with his/her duties 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 before commencing with his/her duties 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**

27. 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.

#### **Transcriptions**

28. In the event of any person requiring a transcription of court proceedings, the person requiring such transcription shall bear the costs thereof.

**ANNEXURES**

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**ANNEXURE A**

**FORMS**

**Form 1**

**GAUTENG PROVINCIAL GOVERNMENT  
FINANCE AND ECONOMIC AFFAIRS  
94 Main Street, Johannesburg 2000  
Tel: (011) 355-8000**

**SUMMONS (SUBPOENA) TO APPEAR BEFORE THE CONSUMER PROTECTOR OR A  
PERSON IN THE SERVICE OF THE OFFICE FOR THE INVESTIGATION OF UNFAIR  
BUSINESS PRACTICES**

**(Consumer Affairs (Unfair Business Practices) Act, 1996  
(Act No. 7 of 1996)**

**Section 8(2)(a) and regulation 4**

To: .....

Office Ref:

In the matter of the alleged or suspected

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

You are hereby summoned (subpoenaed) to appear before the Consumer Protector or a person in  
the service of the Office for the Investigation of Unfair Business Practices at  
.....(place) at .....h.....(time) on .....(date).

- \*(a) to be questioned 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 8(4) of the Act states that a person shall 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 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 by the Consumer Protector, knowing such statement to be false or not knowing or believing it to be true.*

.....(date)

\_\_\_\_\_  
 Consumer Protector/Person authorised by Consumer Protector

**Form 2**

**GAUTENG PROVINCIAL GOVERNMENT  
FINANCE AND ECONOMIC AFFAIRS  
94 Main Street, Johannesburg 2000  
Tel: (011) 355-8000**

**CERTIFICATE OF APPOINTMENT AS INVESTIGATING OFFICER  
(Consumer Affairs (Unfair Business Practices) Act, 1996  
(Act No. 7 of 1996)**

**Section 9(4) and regulation 9(1)**

It is 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**

94 Main Street, Johannesburg 2000  
Tel: (011) 355-8000

**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 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; and
- (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

94 Main Street, Johannesburg 2000  
Tel: (011) 355 8000

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  
94 Main Street, Johannesburg 2000  
Tel: (011) 355 8000**

**SUMMONS INITIATING PROCEEDINGS BEFORE  
THE COUNSUMER AFFAIRS COURT  
(Consumer Affairs (Unfair Business Practices) Act, 1996  
(Act No. 7 of 1996)**

**Section 18(1) and regulation 14(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 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/  
Person Authorised by  
Consumer Protector.**

\_\_\_\_\_  
**Clerk of the Consumer Affairs Court**

**Form 6**  
**GAUTENG PROVINCIAL GOVERNMENT**  
**FINANCE AND ECONOMIC AFFAIRS**  
 94 Main Street, Johannesburg 2000  
 Tel: (011) 355 8000

**SUMMONS (SUBPOENA) 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 16(1)**

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

Court Ref:

In the matter of the alleged

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

Your are hereby summoned (subpoenaed) 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(2) of the Act states that a person shall 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) *refuse to answer, or to answer fully and satisfactorily to the best of his or her knowledge and belief, 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**

**Form 7  
GAUTENG PROVINCIAL GOVERNMENT  
FINANCE AND ECONOMIC AFFAIRS**

94 Main Street, Johannesburg 2000

Tel: (011) 355 8000

**NOTICE OF MOTION TO CONFIRM AN ARRANGEMENT IN TERMS OF  
SECTION 21**

**Consumer Affairs (Unfair Business Practices) Act, 1996  
(Act No. 7 of 1996)**

In the matter between

Case No:

and

Plaintiff

Defendant

**KINDLY TAKE NOTICE THAT** the office intends to apply to court confirm an arrangement between the parties in terms of Section 21 of the Consumer Affairs Act, 1996.

**TAKE NOTICE FURTHER THAT** the above matter has been place on the Roll for hearing on the .....day of .....at 09h00 or so soon thereafter at the court as the matter may be heard and at the Consumer Affairs Court, 94 Main street, Johannesburg.

**DATED at JOHANNESBURG** on this the .....day of .....

\_\_\_\_\_  
CONSUMER PROTECTOR

**TO: THE CLERK OF THE CONSUMER AFFAIRS COURT  
GAUTENG PROVINCE**

And  
TO:

Received copy hereof on  
.....day of at .....h (time)  
day of .....

\_\_\_\_\_  
Respondent

**ANNEXURE B****TARIFFS****Tariff 1****Scale of costs****(Section 17(1)(b) and regulation 13(1))**

1. For the investigation by the office, and amount of R5 000.
2. In addition to the amount mentioned in item 1, 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 2**

**Remuneration payable to a curator who is not in the full-time service of the State  
(Section 23(4) and regulation 24)**

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 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 Act ..... 6 percent
  
5. On amounts and assets distributed as contemplated in section 23(1)(b) of the Act, excluding an 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 R 2000.

**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 / subpoenaed to appear before  
Consumer Protector or person in service of office  
(Regulation 6)**

"I, A.B., \*swear/solemnly affirm \* that the answers that I give are the truth, the whole truth and nothing but the truth. *(In the case of an oath)* So help me God".

*(\*delete what is not applicable)*

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**DEPONENT**

I certify that the deponent acknowledges that he / she knows and understands the contents of this oath / affirmation\* and has no objection to taking the prescribed oath / affirmation which was signed and sworn before me at .....on this .....day .....and at .....

---

**Consumer Protector / Person  
Authorised by Consumer Protector  
Ex Officio: Commissioner of Oath**



**Part 2**

**Oath or affirmation by member or alternate member of court  
(Regulation 12)**

“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.)*

---

**DEPONENT**

**I certify that the deponent acknowledges that he / she knows and understands the contents of this oath / affirmation\* and has no objection to taking the prescribed oath / affirmation which was signed and sworn before me at .....on this .....day .....and at .....**

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**MEC: Finance and  
Economic Affairs**

Part 3

**Oath or affirmation by person summoned  
(Regulation 17)**

"I, A.B., swear/solemnly affirm\* that the evidence which I shall give is the truth, the whole truth and nothing but the truth. *(In the case of an oath:)* So help me God."

*(\*delete what is not applicable)*

\_\_\_\_\_  
DEPONENT

**I certify that the deponent acknowledges that he / she knows and understands the contents of this oath / affirmation\* and has no objection to taking the prescribed oath / affirmation which was signed and sworn before me at .....on this .....day .....and at .....**

\_\_\_\_\_  
Member of the  
Consumer Affairs Court

**Part 4**

**Oath or affirmation by transcriber  
(Regulation 25(1))**

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

- \* (a) that I shall 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 short hand/by mechanical means\* as ordered by the chairperson of the court or other person presiding;
- \* (b) that I shall transcribe fully and to the best of my ability 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.)*

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**DEPONENT**

**I certify that the deponent acknowledges that he / she knows and understands the contents of this oath / affirmation\* and has no objection to taking the prescribed oath / affirmation which was signed and sworn before me at .....on this .....day .....and at .....**

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**Clerk of the Consumer Affairs  
Court, Ex Officio: Commissioner of  
Oath.**

**Part 5**

**Oath or affirmation by interpreter  
(Regulation 25(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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**DEPONENT**

**I certify that the deponent acknowledges that he / she knows and understands the contents of this oath / affirmation\* and has no objection to taking the prescribed oath / affirmation which was signed and sworn before me at .....on this .....day .....and at .....**

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**Clerk of the  
Consumer Affairs Court**

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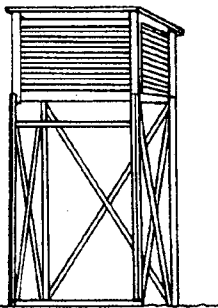
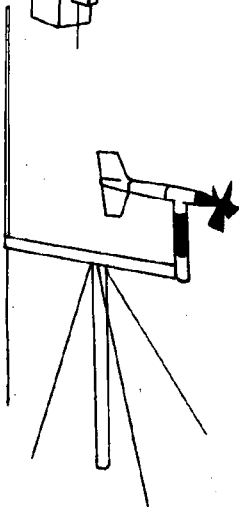
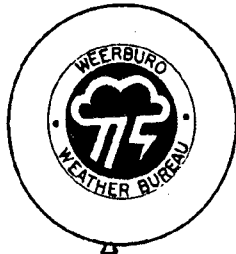
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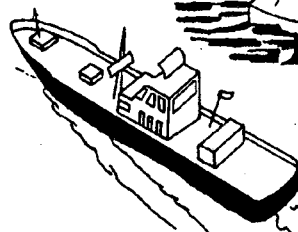
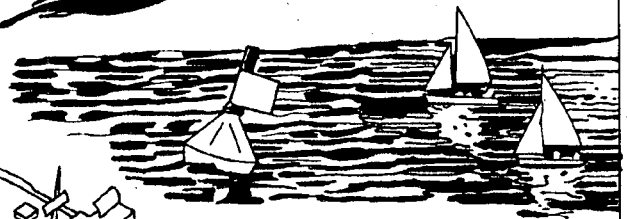
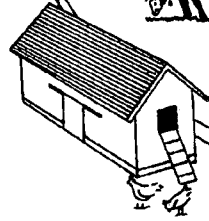
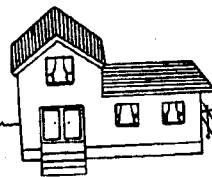
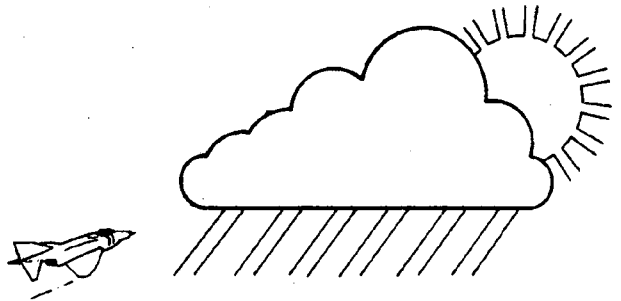
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