



Western Cape Government • Wes-Kaapse Regering • URhulumente weNtshona Koloni

PROVINCE OF THE WESTERN CAPE

PROVINSIE WES-KAAP

IPHONDO LENTSHONA KOLONI

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18 April 2012

NOTICE

WESTERN CAPE CONSUMER AFFAIRS (UNFAIR BUSINESS PRACTICES) ACT, 2002 (ACT NO.10 of 2002) REGULATIONS

I, Alan Winde, Provincial Minister of Finance, Economic Development and Tourism in the Western Cape, under section 30 of the Western Cape Consumer Affairs (Unfair Business Practices) Act, 2002 (Act No.10 of 2002) do hereby make the regulations set out in the schedule hereto. I furthermore determine 18 April 2012 as the date of commencement of the regulations.

A. Winde

PROVINCIAL MINISTER OF FINANCE, ECONOMIC DEVELOPMENT AND TOURISM

PK 102/2012

18 April 2012

KENNISGEWING

WET OP WES-KAAPSE VERBRUIKERSAKE (ONREGVERDIGE SAKEPRAKTYKE), 2002 (WET NR.10 VAN 2002) REGULASIES

Ek, Alan Winde, Provinsiale Minister van Finansies, Ekonomiese Ontwikkeling en Toerisme in die Wes-Kaap, ingevolge artikel 30 van die Wet op Wes-Kaapse Verbruikersake (Onregverdige Sakepraktyke) van 2002, Wet Nr.10 van 2002, vaardig hiermee die regulasies uit, soos vervat in die aangehegte skedule. Verder bepaal ek dat die Regulasies op 18 April 2012 in werking sal tree.

A. Winde

PROVINSIALE MINISTER VAN FINANSIES, EKONOMIESE ONTWIKKELING EN TOERISME

PN 102/2012

18 Apreli 2012

JIKELELE

IMIMISELO YOMTHETHO KA-2002 WEMICIMBI YABATHENGI (IZENZO ZORHWEBO EZINGALUNGANGE)
UMTHETHO WE-10 KA-2002) WENTSHONA KOLONI

Mna, Alan Winde, Mphathiswa weziMali, uPhuhliso loQoqosho noKhenketho wePhondo eNthsona Koloni, phantsi kwecandelo lama-30 loMthetho ka-2002 weMicimbi yabaThengi (iZenzo zoRhwebo ezingaLunganga) (uMthetho we-10 ka-2002) weNthsona Koloni ndenza imimiselo ezakubhengezwa kule shedyuli. Ukongeza koko ndimisa umhla we-18 ka-Apreli 2012 njengomhla wokuqalisa kwemimiselo.

A. Winde

UMPHATHISWA WEZIMALI, UPHUHLISO LOQOQOSHO NOKHENKETHO WEPHONDO

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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 Western Cape Consumer Affairs (Unfair Business Practices) Act, 2002 (Act 10 of 2002), retains that meaning, and in addition —

“**Consumer Protector**” includes an acting Consumer Protector appointed under section 5(1)(b) of the Act;

“**juristic person**” includes —

- (a) a body corporate;
- (b) a partnership or association; and
- (c) a trust as defined in the Trust Property Control Act, 1988 (Act 57 of 1988);

“**person**” includes a juristic person;

“**respondent**” means a person against whom a complaint regarding an alleged unfair business practice is lodged in terms of the Act; and

“**the Act**” means the Western Cape Consumer Affairs (Unfair Business Practices) Act, 2002 (Act 10 of 2002).

CHAPTER 2

INVESTIGATION OF UNFAIR BUSINESS PRACTICES

Lodging of complaint

2. When a person has lodged a complaint with the office regarding an alleged unfair business practice, the office may request the complainant to –
 - (a) set out his or her complaint in the format of Form 1 in Annexure A; and
 - (b) provide further information in the form of an affidavit.

Notice of investigation

3.
 - (1) When the Consumer Protector institutes an investigation in terms of the Act, the office must, subject to subregulation (4), give notice in writing of the investigation and of the alleged unfair business practice to the respondent.
 - (2) The office must cause notice to be given to the respondent by -
 - (a) delivering the notice to the respondent ; or
 - (b) sending the notice to the respondent by registered post addressed to the respondent's registered office or business address or residential address.
 - (3) The notice must be in the format of Form 2 in Annexure A.
 - (4) The Consumer Protector may determine that the giving of notice as contemplated in subregulation (1) may be prejudicial to the investigation. Where the Consumer Protector has so determined, such notice must not be given by the office.
 - (5) Subject to subregulation (4), a notice contemplated in subregulation (1) must be given regardless of whether the office makes known the investigation in the *Provincial Gazette* as contemplated in section 8(3) of the Act.

Investigation meeting

4.
 - (1) When the Consumer Protector receives a complaint regarding an alleged unfair business practice as contemplated in section 7(1) or 8(2) or (6) of the Act, the office may request the respondent to attend an investigation meeting.
 - (2) Unless the Consumer Protector directs otherwise, the complainant must also attend the investigation meeting.

- (3) The purpose of the investigation meeting is to -
 - (a) where necessary, inform the respondent more fully of the complaint;
 - (b) obtain the views of the respondent regarding the complaint and the factual averments on which the complaint is based; and
 - (c) where appropriate, negotiate an arrangement as contemplated in section 12 of the Act.
- (4) The office must cause notice of an investigation meeting to be given by -
 - (a) delivering the notice to the person to be notified; or
 - (b) sending the notice to that person by registered post to that person's registered office or business address or residential address.
- (5) If the respondent fails to attend an investigation meeting, the office may issue a summons in terms of section 9(1) of the Act to compel the respondent to attend an investigation meeting.

Summons to appear or furnish information

5. (1) A summons contemplated in section 9(1) of the Act must be in the format of Form 3 in Annexure A.
- (2) Regulation 14 applies, with the changes required by the context, in respect of the service of a summons referred to in subregulation (1).

Witness fees

6. A person summoned to appear in terms of section 9(1)(a) of the Act is entitled to witness fees in accordance with the tariff prescribed in the regulations issued in terms of section 191(3) of the Criminal Procedure Act, 1977 (Act 51 of 1977).

Conditions of service and remuneration of investigation officers

7. (1) Subject to subregulation (2), the conditions contemplated in section 10(3) of the Act governing the appointment of an investigation officer who is not in the full-time service of the State are as follows:

- (a) The appointee holds office as an investigation officer for the hours, days or other period or periods as the Consumer Protector may determine; and
 - (b) the investigation officer performs his or her functions faithfully and diligently and subject to the control and directions of the Consumer Protector.
- (2) The remuneration payable to an investigation officer who is not in the full-time service of the State is as set out in tariff 3 in Annexure B.

Certificate of appointment

8. The office must provide an investigation officer with a certificate of appointment in the format of Form 4 in Annexure A.

Search warrant

9.
 - (1) An investigation officer requiring a search warrant as contemplated in section 11(2) of the Act, must complete a draft search warrant in the format of Form 5 in Annexure A.
 - (2) The draft search warrant must be presented to the Consumer Protector or a person in the service of the office authorised thereto by the Consumer Protector, together with the information contemplated in section 11(2)(a) and (b) of the Act.
 - (3) Once the Consumer Protector or the other person referred to in subregulation (2) has signed the draft search warrant, the draft search warrant and the supporting information may be presented to a judge or magistrate for issuing, as contemplated in section 11(2) of the Act.

Receipt to be issued on seizure

10. Where an investigation officer seizes anything which has or might have a bearing on an investigation as contemplated in section 11(1)(d) of the Act, the investigation officer must issue a receipt in the format of Form 6 in Annexure A to the owner or person in charge of the premises concerned or to the person in possession or in charge of the object seized.

CHAPTER 3

CONSUMER AFFAIRS TRIBUNALS

Form of oath or affirmation by member of tribunal

11. (1) A member or alternate member of a tribunal must make the oath or solemn affirmation contemplated in section 15(8) of the Act in the form of Part 1 of Annexure C.
- (2) The Minister may extend the period of appointment of a member or alternate member of a tribunal by a period of no longer than three (3) years.

Costs

12. (1) Where a tribunal awards costs against a person as contemplated in section 18(1)(b) of the Act —
 - (a) the scale of costs set out in Tariff 1 in Annexure B is applicable unless a tribunal determines otherwise; and
 - (b) costs must be paid by that person to the office.
- (2) The Consumer Protector must cause those costs to be paid into the Provincial Revenue Fund.

Summons instituting proceedings in tribunal

13. (1) A summons contemplated in section 19(1) of the Act must be in the format of Form 7 in Annexure A.
- (2) The summons must -
 - (a) contain the substance of the allegations regarding the unfair business practice in question, with sufficient detail for the person receiving the summons to be able to understand the allegations against him or her and to properly prepare a response to the allegations;
 - (b) be accompanied by copies of all documents and other material on which the allegations are based, and that will be used to provide proof of the allegations; and

- (c) specify a date, which may not be less than 15 working days from the date of service of the summons, and the place at which the person summoned is required to appear before a tribunal.

Manner of service of summons

- 14. (1) A summons must be served by the Sheriff, or by a person designated by the Consumer Protector, by delivering a copy of the summons—
 - (a) to the person mentioned in the summons; or
 - (b) at that person's usual or last known place of residence or of employment or business, to a person apparently over the age of 18 years and apparently residing or employed there.
- (2) A return by the person who served the summons that service thereof has been effected in accordance with subsection (1) is *prima facie* proof of the service.

Summons of witness

- 15. (1) A summons contemplated in section 20(1)(a) of the Act must be in the format of Form 8 in Annexure A.
- (2) Regulation 14 applies, with the changes required by the context, in respect of the service of a summons referred to in subregulation (1).

Proceedings of tribunal

- 16. Subject to the Act and these regulations, the chairperson of a tribunal determines the procedure of the tribunal.

Examination of witness

- 17. (1) The chairperson of a tribunal determines the procedure applicable to the examination and cross examination of witnesses before the tribunal.
- (2) A witness appearing before a tribunal may, in the discretion of the chairperson and in the manner determined by the chairperson, be assisted by an advocate, attorney or another person approved by the chairperson.

- (3) A tribunal may direct that a person may not disclose in any manner whatsoever the identity of a witness.

Urgent temporary order

18. (1) Where the office seeks an urgent temporary order contemplated in section 21(1) of the Act, the office must, before the temporary order is issued, but subject to section 21(4) of the Act, give notice thereof to each person against whom the order will be sought or who will be named in the order.
- (2) A notice contemplated in subregulation (1) must be in the format of Form 9 in Annexure A.
- (3) Regulation 14 applies, with the changes required by the context, in respect of the service of a notice contemplated in subregulation (1).

Confirmation of arrangements

19. An application for confirmation of an arrangement as contemplated in section 22(1) of the Act must be accompanied by—
 - (a) a short affidavit or affirmation setting out the factual basis of the application; and
 - (b) the arrangement concerned and any supporting documentation.

Rate of interest on money repayable to affected consumers

20. (1) Where a tribunal orders that interest must be paid on money to be repaid to affected consumers as contemplated in section 23(2)(a) of the Act —
 - (a) the interest must be calculated at the prevailing rate prescribed under section 1(2) of the Prescribed Rate of Interest Act, 1975 (Act 55 of 1975), and
 - (b) the tribunal must specify in its order the amount on which interest is payable, and the date from which and until when interest must be paid.

Remuneration of curators

21. The remuneration payable to a curator who is not in the full-time service of the State out of the funds of a person involved in the unfair business as contemplated in section 24(4) of the Act is as set out in Tariff 2 in Annexure B.

Transcribers and interpreters

22. (1) A person appointed or designated to record proceedings of a tribunal by any means, or to transcribe the proceedings so recorded, must before commencing with his or her duties make and sign an oath or affirmation before the secretary of the tribunal in the form of Part 2 of Annexure C.
- (2) If an interpreter is appointed, the tribunal must satisfy itself as to the competence of the interpreter before he or she is employed as such.
- (3) A person appointed as an interpreter must, before commencing with the duties of interpreter, make and sign an oath or affirmation before the secretary of the tribunal in the form of Part 3 of Annexure C.
- (4) The remuneration of a person employed in terms of subregulation (1) or (2) must be—
- (a) contained in a written agreement between the Consumer Protector and the person concerned; and
 - (b) approved by the responsible Minister in consultation with the Minister responsible for financial matters in the Province.

Publication of tribunal order

23. (1) An order of a tribunal which has to be made known by notice in the *Provincial Gazette* must be signed by the chairperson of the tribunal or by a member of the tribunal designated by the chairperson in general or in a particular case.
- (2) The secretary of the tribunal must cause an order referred to in subregulation (1) to be published in the *Provincial Gazette* and in any other manner that the tribunal directs.

Transcription

- 24 If a person requires a transcription of proceedings of a tribunal, that person must bear the costs of the transcription, but if the tribunal or the office has already had a transcript prepared, the person bears only the cost of copying the transcript.

Short title

26. These regulations are called the Western Cape Consumer Affairs (Unfair Business Practices) Regulations, 2012.

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ANNEXURE A

FORMS

Form 1

WESTERN CAPE DEPARTMENT OF ECONOMIC DEVELOPMENT & TOURISM

COMPLAINT TO THE CONSUMER PROTECTOR

*Western Cape Consumer Affairs (Unfair Business Practices) Act, 2002 (Act . 10 of 2002)
Section 7) and regulation 2*

Details of Complainant

Surname:

Full Names:

Residential Address:

Postal Address:

Home Tel No: Work Tel No:

Cell No: e-mail:

Fax no:

Details of Person Business owned to complainant

Name of Person / Business:

Business Address:

Postal Address:

Business Tel No: Business Fax No:

Contact Person 1: Position: Cell No:

Contact Person 2: Position: Cell No:

Details of the Alleged Unfair Business Practice

The questions below serve as a guide only and you may add other relevant information.

1. Provide a short explanation of the practice you are complaining about

2. Explain how the practice about which you are complaining harmed relations between you and the business.

3. Has the practice unreasonably prejudiced you as a consumer

4. Were you deceived by the practice and, if yes, how

5. Were you unfairly affected by the practice

(Provide full particulars of the conduct that you want to complain about. Attach documentation where available)

I, the Complainant whose details are provided above, confirm that the information provided by me is to the best of my knowledge true and correct.

_____ **Signature**

_____ **Date**

Form 2

WESTERN CAPE DEPARTMENT OF ECONOMIC DEVELOPMENT & TOURISM

NOTICE OF INVESTIGATION BY THE OFFICE OF THE CONSUMER PROTECTOR

Western Cape Consumer Affairs (Unfair Business Practices) Act, 2002 (Act . 10 of 2002)

Section 8(1) and (2) and regulation 3

TO _____ / _____ (Name of Business or full names of person)
_____ .. _____ (Address)
_____ .

PLEASE TAKE NOTE:

THAT the Office of the Consumer Protector has received a complaint regarding the following alleged or suspected unfair business practice:

.....
.....

(Provide full particulars of the complaint received)

THAT you are required to attend an Investigation Meeting which will be held at

_____ (place) **and on** _____
(day) **at** _____ .(time).

THAT the purpose of the meeting will be to:

- (a) where necessary, inform you more fully of the complaint against you
- (b) to obtain your views regarding the complaint, and the factual averments on which the complaint is based;
- (c) where appropriate, negotiate an arrangement as contemplated in section 12 of the Act.

(* Delete if no meeting will be held)

_____ (date)

_____ (place)

Cons e P otecto Pe son t o ise Cons e P otecto

(Kin l t ke note t t co of t e co l ints fo s ecei e fo t e cons e is
tt c e eeto s n nne e)

Section 9(4) of the Act states that a person is guilty of an offence if he or she, having been summonsed –

- (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 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.

Kindly take note that section 32 of the Act prescribes the following penalties for non compliance with the Act:

A person who is convicted of an offence in terms of this Act is liable, in the case of an offence referred to in-

- (1) section 31, to a fine not exceeding R200 000 or to imprisonment for a period not exceeding five years or to both that fine and that imprisonment, and
- (2) any other provision of this Act, to a fine not exceeding R100 000 or to imprisonment for a period not exceeding 12 months, or to both that fine and that imprisonment.

_____ (date)

_____ (place)

Cons e P otecto Pe son t o ise Cons e P otecto

Form 4

WESTERN CAPE DEPARTMENT OF ECONOMIC DEVELOPMENT & TOURISM

CERTIFICATE OF APPOINTMENT AS INVESTIGATING OFFICER

Western Cape Consumer Affairs (Unfair Business Practices) Act, 2002 (Act . 10 of 2002)

Section 10(4) and regulation 8

It is certified that(Full Names)

with ID No. (ID Number)

is an investigating officer appointed in terms of the Western Cape Consumer Affairs (Unfair Business Practices) Act, 2002.

This appointment is effective from(date)

and will terminate on(date)

_____ (date)

_____ (place)

Cons e P otecto

Form 5

WESTERN CAPE DEPARTMENT OF ECONOMIC DEVELOPMENT & TOURISM

SEARCH WARRANT

Western Cape Consumer Affairs (Unfair Business Practices) Act, 2002 (Act 10 of 2002)

Section 11(2) and Regulation 9

Ref no.

To.....(full names),
with ID Number(ID Number), an
investigation officer appointed in terms of the Consumer Affairs (Unfair Business Practices) Act,
2002:

This warrant authorises you to enter following
premises:.....
(name and or address of premises).

in connection with the following alleged unfair business practice:.....
.....
(provide details)

You are authorised to enter the said premises:

- (a) between the hours of 07h00 and 19h00;

or (delete the one that is not applicable)
- (b) at any time, as hereby authorised in terms of Section 10(3)(b) of the said Act.

You are authorised to enter the said premises to:

- (a) inspect or search those premises and make such inquiries as may be necessary for the purpose of obtaining information in relation to the said unfair business practice
- (b) examine any 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 any 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.

This warrant will be of force until executed, or for a period of one month from the date of issue, whichever is the first to occur.

I, the undersigned _____, in my capacity as _____
 _____, have reviewed the evidence and am satisfied that there is a reasonable possibility that the search warrant will be issued by a judge or magistrate.

Sign t e

D te

ISSUING OF SEARCH WARRANT BY JUDGE OR MAGISTRATE

_____ (date)

_____ (time)

 SIGNATURE OF JUDGE MAGISTRATE

 NAME OF COURT OUT OF WHICH WARRANT IS ISSUED

STAMP OF THE COURT

Form 6

WESTERN CAPE DEPARTMENT OF ECONOMIC DEVELOPMENT & TOURISM

RECEIPT FOR ARTICLES SEIZED

Western Cape Consumer Affairs (Unfair Business Practices) Act, 2002 (Act . 10 of 2002)

Section 11(1)(d) and Regulation 10

To

..... ID
(name and ID Number 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.

(Add an additional page if more space is required)

_____ *(date)*

_____ *(place)*

In estig ting Office

Form 7

WESTERN CAPE DEPARTMENT OF ECONOMIC DEVELOPMENT & TOURISM

SUMMONS INSTITUTING PROCEEDINGS BEFORE THE CONSUMER AFFAIRS TRIBUNAL

Western Cape Consumer Affairs (Unfair Business Practices) Act, 2002 (Act . 10 of 2002)

Section 19(1) and Regulation 13

TO _____ Tribunal ref:.....
 . (Name of Business or full names of person)
 .. (Address)
 .

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

.....

(Particulars of alleged unfair business practice).

THAT attached to this summons you will find full particulars of the allegations against you, as well as copies of all documents and other material on which the allegations are based, and that will be used to provide proof of the allegations;

THAT proceedings are hereby instituted in the Consumer Affairs Tribunal against you as the person allegedly responsible for the above-mentioned business practice;

THAT the proceedings against you will commence before the Consumer Affairs Tribunal at

(place) on*(date)*, at*h*.....*(time)* ;

THAT proceedings before the Consumer Affairs Tribunal will be prosecuted by the Office of the Consumer Protector, which may be represented or assisted by an advocate, attorney, or any other person approved by the Consumer Protector.

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

AND THAT if you intend to defend the allegation against you, you must notify the Consumer Protector of your intention within 7 days of receipt of this summons.

Take note that if you fail to appear, an order may be made against you.

_____ (date)

_____ (place)

Consumer Protector Person to issue Consumer Protector

Form 8

WESTERN CAPE DEPARTMENT OF ECONOMIC DEVELOPMENT & TOURISM

SUMMONS TO APPEAR BEFORE THE CONSUMER AFFAIRS TRIBUNAL

Western Cape Consumer Affairs (Unfair Business Practices) Act, 2002 (Act . 10 of 2002)

Section 20(1)(a) and Regulation 15(1)

TO . Tribunal ref:.....
 (Full names of person)
 .. (Address)
 .

In proceedings instituted in the Consumer Affairs Tribunal
 against.....
(name of person against whom proceedings were instituted)

You are hereby summonsed to appear before the Consumer Affairs Tribunal at
 *(place)*

and on*(date)*, at*h.*.....*(time)*; in order to:

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

 *(describe books, documents or objects)*
- and answer questions in connection therewith.

*(*Delete what is not applicable.)*

Section 20(2) of the Act states that a person is guilty of an offence if he or she, having been summonsed —

- (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 tribunal 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 tribunal knowing such statement to be false or not knowing or believing it to be true.

_____ (date)

_____ (place)

Cons e P otecto Pe son t o ise Cons e P otecto

Form 9

WESTERN CAPE DEPARTMENT OF ECONOMIC DEVELOPMENT & TOURISM

NOTICE OF APPLICATION FOR URGENT TEMPORARY ORDER

*Western Cape Consumer Affairs (Unfair Business Practices) Act, 2002 (Act . 10 of 2002)
Section 21) and Regulation 18(2)(e)*

TO . Tribunal ref:.....
 . (Name of Business or full names of person)
 .. (Address)
 .

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

 (*particulars of unfair business practice*).

THAT the Consumer Protector intends placing information before the tribunal that circumstances relating to this matter render the matter urgent and that irreparable prejudice will be caused to a consumer or a class of consumers if the matter were to be dealt with by the tribunal in the normal course, and that the Consumer Protector will accordingly request the tribunal to issue a temporary order.

THAT the Consumer Protector intends to place this information before tribunal on
(date) ath..... (time), and at (place),
 or as soon as the Consumer Protector may be heard.

THAT the Consumer Protector will apply for an order on the following terms:

- (1) That this application is treated as an urgent temporary application and that the tribunal in accordance with section 21 of the Western Cape Consumer Affairs (Unfair Business Practices) Act, 2002 (Act 10 of 2002) dispense with the normal forms and service provided for in that Act and regulations;
- (2) That the respondent is prohibited from

THAT proceedings before the Consumer Affairs Tribunal will be prosecuted by the Office of the Consumer Protector, which may be represented or assisted by an advocate, attorney or any other person approved by the Consumer Protector.

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

Take note that if you fail to appear, an order may be made against you.

_____ (date)

_____ (place)

Cons e P otecto Pe son t o ise Cons e P otecto

ANNEXURE B

TARIFFS

Tariff 1

Scale of Costs

Western Cape Consumer Affairs (Unfair Business Practices) Act, 2002 (Act No. 10 of 2002)
(Section 18(1)(b) and Regulation 12)

Where a tribunal orders costs against a person found to have conducted an unfair business practice as contemplated in section 18(1)(b) of the Act, the following costs shall be paid, unless the tribunal determines otherwise.

1. Costs of the Investigation:

- a. An amount of R1 500 per day for the duration of the investigation;
- b. The office of the Consumer Protector must issue a certificate wherein the number of days that were actively spent on the investigation, is certified. Any such certificate properly signed by the Consumer Protector, or any other person authorised by him or her to do so, shall be prima facie evidence of the duration of the investigation.

2. Costs of the Tribunal

- a. An amount of R3 000 per day for every day on which the tribunal was convened;
- b. The secretary of the tribunal must issue a certificate wherein the number of days that the tribunal was convened, is certified. Any such certificate properly signed by the Consumer Protector, or any other person authorised by him or her to do so, shall be prima facie evidence of the duration of the hearing.

3. Incurred Expenses

All expenses actually incurred by the office during the investigation and the hearing of the matter, including all taxed legal expenses.

Tariff 2

Remuneration payable to a curator not in full time service of the State

Western Cape Consumer Affairs (Unfair Business Practices) Act, 2002 (Act No. 10 of 2002)
(Section 24(4) and regulation 21)

1	On the gross proceeds of movable property (other than shares or similar securities) realised or disposed of as contemplated in section 24(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 24(1)(a) or (j) of the Act, life insurance policies and mortgage bonds recovered and the balance recorded in respect of immovable property sold prior to a tribunal order under section 23(1) of the Act :	3 percent
3	On –	
	(i) money of the person for whom the curator is appointed;	3 percent
	(ii) the gross proceeds of cheques and postal orders payable to that person; and	3 percent
	(iii) the gross proceeds of amounts standing to the credit of the person, in current, savings and other accounts and of fixed deposit and other deposits at banking institutions, building societies or financial institutions:	3 percent
4	On sales by the curator in carrying on the business of the person or part thereof, as contemplated in section 24(1)(d) of the Act:	2 percent
5	On amounts and assets distributed as contemplated in section 24(1)(b) of the Act, excluding an amount on which remuneration payable under another item of this tariff:	6 percent

Tariff 3

***Remuneration payable to an investigating officer
not in full time service of the State***

Western Cape Consumer Affairs (Unfair Business Practices) Act, 2002 (Act 10 of 2002)
(Section 10(3) and regulation 7(2))

1	An investigating officer whose existing employment outside of the public service equals or exceeds the level of Chief Director within the public service	Maximum of R3742 per day
2	An investigating officer whose existing employment outside of the public service equals or exceeds the level of Director within the public service	Maximum of R2473 per day
3	An investigating officer whose existing employment outside of the public service is equal to or less than the level of Deputy Director within the public service	Maximum of R1 335 per day

ANNEXURE C

OATH 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 member or alternate member of Tribunal

Western Cape Consumer Affairs (Unfair Business Practices) Act, 2002 (Act 10 of 2002)
(Section 15(8) and regulation 11)

"I, *(full name of member)*,
swear/solemnly affirm* that, as a member/alternate member* of the Consumer Affairs Tribunal
*(*Delete what is not applicable.)* for *(insert area)*,
I will truly and faithfully uphold and apply the Western Cape Consumer Affairs (Unfair Business
Practices) Act, 2002 (Act 10 of 2002). So help me God *(in the case of an oath)*"

_____ *(Date)*

_____ *(Place)*

DEPONENT

**MINISTER: FINANCE, ECONOMIC DEVELOPMENT
& TOURISM**

Part 2

Oath or affirmation by transcriber

Western Cape Consumer Affairs (Unfair Business Practices) Act, 2002 (Act 10 of 2002)
(Regulation 22(1))

"I, *(full names of transcriber)*.,
swear/solemnly affirm* -

- ***(a)** that I shall faithfully and to the best of my ability take down/record* the proceedings of the Consumer Affairs Tribunal for the area of *(insert area)*, in short hand/by mechanical means* as ordered by the chairperson of the tribunal or other person presiding;
- ***(b)** that I shall transcribe fully and to the best of my ability shorthand notes/ a mechanical record of the proceedings of the Consumer Affairs Tribunal made by me or by another person.

*(*Delete what is not applicable.)*

So help me God *(in the case of an oath)*"

_____ *(Date)*

_____ *(Place)*

DEPONENT

**Secretary of the Consumer Affairs
Tribunal**

Part 3

Oath or affirmation by interpreter

*Western Cape Consumer Affairs (Unfair Business Practices) Act, 2002 (Act No. 10 of 2002)
(Regulation 22(3))*

“I, *(full names of Interpreter)*,
swear/solemnly affirm* that , whenever I am called upon to perform the functions of an interpreter
in the proceedings in the Consumer Affairs Tribunal for 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 from, into another language as
required by the Tribunal. So help me God *(in the case of an oath)*”

*(*Delete what is not applicable.)*

_____ *(Date)*

_____ *(Place)*

DEPONENT

**Secretary of the Consumer Affairs
Tribunal**

BYLAE

INDEKS

HOOFSTUK 1

INTERPRETASIE

1. Woordomsrywings

HOOFSTUK 2

ONDERSOEK VAN ONBILLIKE SAKEPRAKTYKE

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3. Kennisgewing van ondersoek

4. Ondersoekvergadering

5. Dagvaarding om te verskyn of inligting te verstrek

6. Getuiegelde

7. Diensvoorwaardes en besoldiging van ondersoekbeamptes

8. Aanstellingsertifikaat

9. Lasbrief

10. Kwitansie wat metbeslaglegginguitgereik moet word

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VERBRUIKERSAKETRIBUNALE

11. Vorm van eed of verklaring deur lede van tribunaal

12. Koste

13. Daagvaarding om verigtinge voor 'n tribunaal te stel

14. Manier waarop dagvaarding beteken word

15. Dagvaarding van getuie

16. Verrigtinge van die tribunaal

17. Ondervraging van getuie

18. Dringende tydelike bevel

19. Bekragting van reelings

20. Rentekoers op geld terugbetaalbaar aan betrokke verbruikers

21. Besoldiging van kurators

22. Oorskrywers en tolke

23. Publiseering van tribunaalbevel

24. Transkripsie

25. Kort titel

HOOFSTUK 1

INTERPRETASIE

Woordomskrywings

1. In hierdie regulasies, tensy uit die samehang anders blyk, behou 'n woord of uitdrukking die mening wat in die Wes-Kaapse Wet op Verbruikersake (Onbillike Sakepraktyke), 2002 (Wet 10 van 2002) daaraan toegewys is en daarbenewens —

beteken "**die Wet**" die Wes-Kaapse Wet op Verbruikersake (Onbillike Sakepraktyke), 2002 (Wet 10 van 2002);

sluit 'n "**Verbruikersbeskermer**" 'n waarnemende Verbruikersbeskermer in soos aangestel ingevolge artikel 5(1)(b) van die Wet;

sluit "**persoon**" 'n regspersoon in;

sluit "**regspersoon**" die volgende in —

(a) 'n liggaam met regspersoonlikheid;

(b) 'n vennootskap of vereniging; en

(c) 'n trust soos omskryf in die Wet op die Beheer van Trustgoed, 1988 (Wet 57 van 1988);

en

beteken "**respondent**" 'n persoon teen wie 'n aantygning ten opsigte van 'n beweerde onbillike sakepraktyk ingevolge die Wet gemaak word.

HOOFSTUK 2

ONDERSOEK VAN ONBILLIKE SAKEPRAKTYKE

Indiening van klagte

2. Wanneer iemand 'n klagte by die kantoor indien rakende 'n beweerde onbillike sakepraktyk, kan die kantoor die klaer versoek om –
 - (a) sy of haar klag uiteen te sit in die formaat van Vorm 1 in Aanhangsel A; en
 - (b) verdere inligting in die vorm van 'n beëdigde verklaring te verstrek.

Kennisgewing van ondersoek

3. (1) Wanneer die Verbruikersbeskermer 'n ondersoek ingevolge die Wet instel, moet die kantoor, onderhewig aan subregulasie (4), aan die verdagte respondent wat vir die onbillike sakepraktyk verantwoordelik is skriftelikkennis gee van die ondersoek en van die beweerde onbillike sakepraktyk.
 - (2) Die kantoor moet aan die betrokke respondent kennis gee deur –
 - (a) die kennisgewing by daardie respondent af te lewer; of
 - (b) die kennisgewing per geregistreerde pos gerig aan daardie respondent se geregistreerde kantoor of sakeadres of woonadres, te stuur.
 - (3) Die kennisgewing moet in die formaat van Vorm 2 in Aanhangsel A wees.
 - (4) Die Verbruikersbeskermer kan bepaal dat die kennisgewing beoog in subregulasie (1) vir die ondersoek nadelig kan wees. Waar die Verbruikersbeskermer dit bepaal, moet sodanige kennisgewing nie deur die kantoor gegee word nie.
 - (5) Onderhewig aan subregulasie (4), moet 'n kennisgewing beoog in subregulasie (1) gegee word ongeag of die kantoor die ondersoek in die *Provinsiale Koerant* beoog in artikel 8(3) van die Wet bekend maak of nie.

Ondersoekvergadering

4. (1) Wanneer 'n Verbruikersbeskermer 'n klagte ontvang rakende 'n beweerde onbillike sakepraktyk soos beoog in artikel 7(1) of 8(2) of (6) van die Wet, kan die kantoor die respondent versoek om 'n ondersoekvergadering by te woon.
 - (2) Tensy die Verbruikersbeskermer anders bepaal, moet die klaer ook die ondersoekvergadering bywoon.

- (3) Die doel van die ondersoekvergadering is om –
- (a) waar nodig, die respondent meer volledig van die klagte in te lig;
 - (b) die menings van die respondent rakende die klagte te verkry asook die feitelike bewerings waarop die klagte gebaseer is te bekom; en
 - (c) waar gepas, 'n reëling soos beoog in artikel 12 van die Wet te onderhandel.
- (4) Die kantoor moet veroorsaak dat kennisgewing van 'n ondersoekvergadering gegee word deur –
- (a) aflewering van die kennisgewing aan die persoon wat in kennis gestel moet word; of
 - (b) die kennisgewing aan daardie persoon per geregistreerde pos aan daardie persoon se geregistreerde kantoor of sake-adres of woonadres te stuur.
- (5) Indien die respondent versuim om 'n ondersoekvergadering by te woon, kan die kantoor 'n dagvaarding ingevolge artikel 9(1) van die Wet uitreik om daardie persoon te verplig om 'n ondersoekvergadering by te woon.

Dagvaarding om te verskyn of inligting te verstrek

5. (1) 'n Dagvaarding beoog in artikel 9(1) van die Wet moet in die formaat van Vorm 3 in Aanhangsel A wees.
- (2) Regulasie 14 is van toepassing, met die veranderinge wat deur die konteks verlang word, ten opsigte van die beteken van dagvaarding waarna daar in subregulasie (1) verwys word.

Getuiegelde

6. Enigiemand wat gedagvaar word om ingevolge artikel 9(1)(a) van die Wet te verskyn is geregtig op getuiegelde in ooreenstemming met die tarief wat in die regulasies voorgeskryf word en ingevolge artikel 191(3) van die Strafproseswet, 1977 (Wet 51 van 1977) uitgereik word.

Diensvoorwaardes en besoldiging van ondersoekbeamptes

7. (1) Onderhewig aan subregulasie (2) is die voorwaardes beoog in artikel 10(3) van die Wet wat die aanstelling van 'n ondersoekbeampte wat nie in die healtydse diens van die Staat is nie, soos volg:

- (a) die aangestelde beklee die amp as 'n ondersoekbeampte vir die ure, dae of ander tydperk of tydperke soos bepaal deur die Verbruikersbeskermer; en
 - (b) die ondersoekbeampte oefen sy of haar funksies getrou en toegewyd uit en onderhewig aan die beheer en aanwysings van die Verbruikersbeskermer.
- (2) Die vergoeding betaalbaar aan 'n ondersoekbeampte wat nie in die heeltydse diens van die Staat soos uiteengesit in tarief 3 in Aanhangsel B.

Aanstellingsertifikaat

8. Die kantoor moet 'n ondersoekbeampte van 'n aanstellingsertifikaat voorsien in die formaat van Vorm 4 in Aanhangsel A.

Lasbrief

9. (1) 'n Ondersoekbeampte wat 'n lasbrief vereis soos beoog in artikel 11(2) van die Wet, moet 'n konsep-lasbrief invul in die formaat van Vorm 5 in Aanhangsel A.
- (2) Die konsep-lasbrief moet vir die Verbruikersbeskermer gegee word of 'n persoon in diens van die kantoor wat deur die Verbruikersbeskermer daartoe gemagtig is, tesame met die inligting beoog in artikel 11(2)(a) en (b) van die Wet.
- (3) Nadat die Verbruikersbeskermer of die ander persoon waarna daar in subregulasie verwys word die konsep-lasbrief onderteken het, kan die konsep-lasbrief en die stawende inligting vir 'n regter of landdros gegee word vir uitreiking, soos beoog in artikel 11(2) van die Wet.

Kwitansie wat met beslaglegging uitgereik moet word

10. Waar 'n ondersoekbeampte enigiets in beslag neem wat met 'n ondersoek soos beoog in artikel 11(1)(d) van die Wet verband hou, moet die ondersoekbeampte 'n kwitansie in die formaat van Vorm 6 in Aanhangsel A aan die eienaar of persoon die voorwerp wat in beslag geneem is, uitreik .

HOOFSTUK 3

VERBRUIKERSAKETRIBUNALE

Vorm van eed of verklaring deur lid van tribunaal

11. (1) 'n Lid of plaasvervangende lid van 'n tribunaal moet die eed of plegtige bevestiging aflê soos beoog in artikel 15(8) van die Wet in die vorm van Deel 1 van Aanhangsel C.
- (2) Die Minister kan die aanstellingstermyn van 'n lid of plaasvervangende lid van 'n tribunaal met 'n tydperk van hoogstens drie (3) jaar verleng.

Koste

12. (1) Waar 'n tribunaal koste teen 'n persoon toewys soos beoog in artikel 18(1)(b) van die Wet—
 - (a) is die kosteskaal soos uiteengesit in Tarief 1 in Aanhangsel B van toepassing tensy die tribunaal anders bepaal; en
 - (b) moet die koste deur daardie persoon aan die kantoor betaal word.
- (2) Die Verbruikersbeskermer moet veroorsaak dat daardie koste aan die Provinsiale Inkomstefonds betaal word.

Dagvaarding om verrigtinge voor tribunaal in te stel

13. (1) 'n Dagvaarding beoog in artikel 19(1) van die Wet moet in die formaat van Vorm 7 in Aanhangsel A wees.
- (2) Die dagvaarding moet –
 - (a) die hoofsaak bevat van die bewerings rakende die onbillike sakepraktyk wat ter sprake is, met voldoende besonderhede vir die persoon wat die dagvaarding ontvang om die bewerings teen hom of haar te verstaan en om 'n behoorlike respons op die bewerings voor te berei;
 - (b) vergesel word van afskrifte van alle dokumente en ander materiaal waarop die bewerings gebaseer is, en wat gebruik sal word om bewys van die bewerings te lewer; en

- (c) 'n datum spesifiseer, wat nie minder nie as 15 werksdae van die datum van betekening van die dagvaarding mag wees nie, asook die plek waar die persoon wat gedagvaar is voor die tribunaal moet verskyn.

Manier waarop dagvaarding beteken word

14. (1) 'n Dagvaarding moet beteken word deur die Balju, of deur 'n persoon wat deur die Verbruikersbeskermer aangewys is, by wyse van die aflewering van 'n kopié van die dagvaarding—
- (a) aan die persoon wat in die dagvaarding genoem word; of
- (b) by daardie persoon se gewone of laaste bekende woonplek of werkplek, aan 'n persoon wat skynbaar bo die ouderdom van 18 jaar is en skynbaar daar woonagtig of werksaam is.
- (2) 'n Terugvoering deur die persoon wat die dagvaarding beteken het dat die beteken daarvan uitgevoer is ooreenkomstig subartikel (1) is *prima facie*-bewys van die betekening.

Dagvaarding van getuie

15. (1) 'n Dagvaarding beoog in artikel 20(1)(a) van die Wet moet in die formaat van Vorm 8 in Aanhangsel A wees.
- (2) Regulasie 14 is van toepassing, met die veranderinge wat deur die konteks verlang word, ten opsigte van die beteken van 'n dagvaarding waarna daar in subregulasie (1) verwys word.

Verrigtinge van tribunaal

16. Onderhewig aan die Wet en hierdie regulasies, bepaal die voorsitter van 'n tribunaal die verrigtinge van die tribunaal.

Ondersoek van getuie

17. (1) Die voorsitter van 'n tribunaal bepaal die prosedure van toepassing op die ondersoek en kruisondervraging van getuies voor die tribunaal.
- (2) 'n Getuie wat voor 'n tribunaal verskyn, kan na goeddunke van die voorsitter en op die manier wat deur die voorsitter bepaal word, deur 'n advokaat, prokureur of ander persoon wat deur die voorsitter goedgekeur is, bygestaan word.

- (3) 'n Tribunaal kan gelas dat 'n persoon nie op enige manier hoegenaamd die identiteit van 'n getuie bekend mag maak nie.

Dringende tydelike bevel

18. (1) Waar die kantoor 'n dringende tydelike bevel versoek soos beoog in artikel 21(1) van die Wet, moet die kantoor, voordat 'n tydelike bevel uitgereik word, maar onderhewig aan artikel 21(4) van die Wet, kennis daarvan aan elke persoon gee teen wie die bevel versoek sal word of wat in die bevel genoem sal word.
- (2) 'n Kennisgewing beoog in subregulasie (1) moet in ooreenstemming wees met Vorm 9 in Aanhangsel A.
- (3) Regulasie 14 is van toepassing, tesame met die veranderinge wat deur die konteks verlang word, ten opsigte van die beteken van 'n kennisgewing beoog in subregulasie (1).

Bekragtiging van reëlings en ander aansoeke

19. 'n Aansoek vir bekragtiging van 'n reëling soos beoog in artikel 22(1) van die Wet moet vergesel word van –
 - (a) 'n kort beëdigde verklaring of bevestiging wat die feitelike grondslag van die aansoek uiteensit; en
 - (b) die betrokke reëling en enige stawende dokumentasie.

Rentekoers op geld terugbetaalbaar aan betrokke verbruikers

20. (1) Waar 'n tribunaal 'n bevel uitreik dat rente betaal moet word op geld wat aan betrokke verbruikers terugbetaal moet word soos beoog in artikel 23(2)(a) van die Wet—
 - (a) moet die rente bereken word teen die heersende koers wat van tyd tot tyd ingevolge artikel 1(2) van die Wet op Voorgeskrewe Rentekoers, 1975 (Wet 55 van 1975) voorgeskryf word, en
 - (b) moet die tribunaal in sy bevel die bedrag spesifiseer waarop rente betaalbaar is, en die datum vanaf en tot wanneer rente betaal moet word.

Besoldiging van kurators

21. Die besoldiging betaalbaar aan 'n kurator wat nie in die heeltydse diens van die Staat is nie uit die fondse van 'n persoon wat by die onbillike sakepraktyk betrokke is soos beoog in artikel 24(4) van die Wet, is soos uiteengesit in Tarief 2 in Aanhangsel B.

Oorskrywers en tolke

22. (1) 'n Persoon wat aangestel of toegewys is om prosedures van 'n tribunaal op enige manier aan te teken, of die prosedures wat sodanig aangeteken is, oor te skryf, moet voordat hy of sy met sy pligte begin 'n eed of verklaring voor die sekretaris van die tribunaal aflê en onderteken in die vorm of Deel 2 van Aanhangsel C.
- (2) Indien 'n tolk aangestel is, moet die tribunaal hom van die bevoegdheid van die tolk vergewis voordat hy of sy as sodanig aangestel word.
- (3) 'n Persoon wat as 'n tolk aangestel is, moet 'n eed of verklaring voor die sekretaris aflê en onderteken in die vorm van deel 3 van Aanhangsel C voordat hy of sy met die pligte van tolk begin.
- (4) Die besoldiging van 'n persoon wat ingevolge subregulasie (1) of (2) aangestel is, moet —
- (a) vervat word in 'n skriftelike ooreenkoms tussen die Verbruikersbeskermer en
- (b) deur die verantwoordelike Minister goedgekeur word in oorleg met die Minister wat vir finansiële sake in die Provinsie verantwoordelik is.

Publisering van tribunaalbevel

23. (1) 'n Bevel van 'n tribunaal wat bekend gemaak is deur 'n kennisgewing in die *Provinsiale Koerant* moet deur die voorsitter van die tribunaal of deur 'n lid van die tribunaal wat deur die voorsitter in die algemeen of in 'n spesifieke geval toegewys word, onderteken word.
- (2) Die sekretaris van die tribunaal moet veroorsaak dat 'n bevel waarna daar in subregulasie (1) verwys word in die *Provinsiale Koerant* gepubliseer word en op enige ander manier wat die tribunaal mag voorskryf.

Transkripsie

24. Indien enigiemand 'n transkripsie van die prosedures van 'n tribunaal vereis, moet daardie persoon die koste van die transkripsie dra, maar indien die tribunaal of die kantoor reeds 'n voorbereide transkripsie het, dra die persoon slegs die koste van die kopiëring van die transkripsie.

Kort titel

25. Hierdie regulasies heet die Wes-Kaapse Verbruikersakeregulasies (Onbillike Sake-praktyke), 2012.

AANHANGSELS

INHOUD TOT AANHANGSELS

A. Vorms

1. Klagte aan die Verbruikersbeskermer
2. Kennisgewing van Onderzoek deur die Kantoor van die Verbruikersbeskermer
3. Dagvaarding om voor die Verbruikersbeskermer of 'n persoon in diens van die Kantoor te verskyn
4. Aanstellingsertifikaat van Onderzoekbeampte
5. Lasbrief
6. Kwitansie vir voorwerpe wat in beslag geneem is
7. Dagvaarding wat verrigtinge voor die Verbruikersaktribunaal instel
8. Dagvaarding om voor die Verbruikersaktribunaal te verskyn
9. Dringende tydelike bevel

B. Tariewe

1. Kostetarif
2. Besoldiging betaalbaar aan 'n kurator wat nie in die healtydse diens van die Staat is nie

C. Ede en plegtige verklarings

1. Eed of verklaring deur lid of plaasvervangende lid van die tribunaal
2. Eed of verklaring deur oorskrywer
3. Eed of verklaring deur tolk

AANHANGSEL A

VORMS

Vorm 1

WES-KAAPSE DEPARTEMENT VAN EKONOMIESE ONTWIKKELING & TOERISME

KLAGTE AAN DIE VERBRUIKERSBESKERMER

Wes-kaapse Wet op verbruikersake (Onbillike Sakepraktyke) 2002 (Wet 10 van 2002)
Artikel 7 en regulasie 2

Besondere besonderhede

an:

volle name:

Woonadres:

Posadres:

Huistel-nr.: Werktel-nr:

Selnr: e-pos:

Faksnr:

Besondere besonderhede van persoon/besigheid

Naam van persoon/besigheid:

Sake-dres:

Posadres:

Saketelefoon no.: Besigheidsfaksnr.:

ontakpersoon 1: Posisie: Selnr:

ontakpersoon 2: Posisie: Selnr:

Besondere besonderhede van onbillike sake

Die vrae hieronder dien slegs as 'n gids en u kan enige ander toepaslike inligting byvoeg.

1. Voorsien 'n kort verduideliking van die praktyk waaroor u 'n klagte ingedien het
2. Verduidelik hoe die praktyk waaroor u 'n klag ingedien het, die verhouding tussen u en die sake-onderneming geskaad het
3. Het die praktyk u as verbruiker onredelik benadeel
4. Is u deur die praktyk mislei, en indien wel, hoe
5. Is u onregverdiglik geraak deur die praktyk

(verskaf volledige besonderhede oor die gedrag waaroor u kla. Heg dokumentasie aan waar moontlik).

Ek, die klaer, wie se besonderhede hierbo verskyn, bevestig dat die inligting wat deur my verskaf word na my beste wete waar en korrek is.

H n tekening

D t

Vorm 2

WES-KAAPSE DEPARTEMENT VAN EKONOMIESE ONTWIKKELING & TOERISME**KENNISGEWING VAN ONDERSOEK DEUR****DIE KANTOOR VAN DIE VERBRUIKERSBESKERMER**

Wes-Kaapse Wet op Verbruikersake (Onbillike Sakepraktyke) 2002 (Wet 10 van 2002)
Artikel (1) en (2) en regulasie

AAN
persoon)

/.

(naam van besigheid of volle name van

..

(adres)

LET WEL

DAT die Kantoor van die Verbruikersbeskermer 'n klagte rakende die volgende beweerde of vermeende onbillike sakepraktyk ontvang het:

(Verskaf volledige besonderhede van die klagte wat ontvang is)

DAT u 'n On e soek e g e ing moet bywoon wat te

. (plek) **en op** .

(dag) **om** .(tyd) **gehou gaan word.**

DAT die doel van die vergadering is om:

- (a) **waar nodig, u meer volledig oor die klagte teen u in te lig**
- (b) **om u menings oor die klagte te kry, en die feitelike bewerings waarop die klagte gebaseer is en**
- (c) **waar gepas, om 'n re ling te onderhandel soos beoog in artikel 12 van die Wet.**

(* Skrap indien geen vergadering gehou word nie)

_____ (datum)

_____ (plek)

Ve ike eske e Pe soon ge gtig e ie Ve ike eske e

(Let sse lief o t'n fsk if n ie kl gte o w t n ie e ike ont ng is, s'n
l e ie nge eg wo)

Vorm 3

WES-KAAPSE DEPARTEMENT VAN EKONOMIESE ONTWIKKELING & TOERISME

DAGVAARDING OM VOOR DIE VERBRUIKERSBESKERMER TE VERSKYN

OF `N PERSOON IN DIENS VAN DIE

KANTOOR VAN DIE VERBRUIKERSBESKERMER

Wes - aapse Wet op erbruikersake (Onbillike Sakepraktyke) 2002 (Wet 10 van 2002)
Artikel (1)(a) en regulasie

antoorverw.:.....

AAN

(volle name van persoon)

(adres)

In die saak van die volgende beweerde of vermeende onbillike sakepraktyk:

(Verskaf besonderhede van die saak in verband waarmee die persoon wat gedagvaar is en moet verskyn. Voldoende besonderhede moet verskaf word sodat die persoon wat die dagvaarding ontvang die bewerings teen hom/haar kan verstaan, en sy/haar respons op die bewerings behoorlik kan voorberei.)

U word hiermee gedagvaar om voor die Verbruikersbeskermer of `n persoon in diens van die Kantoor van die Verbruikerbeskermer te verskyn te

.....

(plek) om

(tyd) op

. (datum), ten einde:

(a) vrae in verband met die saak wat hierbo gespesifiseer word, te beantwoord en

(b) die volgende voor te l :

(beskryf boeke, dokumente of voorwerpe) en om in verband daarmee ondervra te word.

(* Skrap wat nie van toepassing is nie)

Artikel 9(4) van die Wet bepaal dat 'n persoon aan 'n misdryf skuldig is indien hy of sy, wanneer gedagvaar

- (a) versuim om te verskyn op die tyd en plek in die dagvaarding gespesifiseer, of om aanwesig te bly tot die beindiging van die verrigtinge of totdat hy of sy van verdere bywoning verskoon word
- (b) weier om die eed af te lê of die plegtige verklaring te doen
- (c) weier om enige vraag wat wettig aan hom of haar gestel is, te beantwoord of na sy of haar beste wete en oortuiging ten volle en op bevredigende wyse te beantwoord
- (d) versuim om 'n boek, stuk of voorwerp in sy of haar besit of veilige bewaring of onder sy of haar beheer wat hy of sy moet voorvoel, voor te lê of
- (e) 'n valse verklaring doen aan die Verbruikersbeskermer of aan ander persoon aangewys deur hom of haar in die diens van die kantoor, in die wete dat daardie verklaring vals is of terwyl hy of sy nie dink dat dit juis is nie.

Let asseblief daarop dat Artikel 32 van die Wet die volgende strafbepalings voorskryf indien die Wet nie nagekom word nie:

'n Persoon wat gevonnissen word vir 'n oortreding ingevolge hierdie Wet, is onderhewig, in die geval van 'n oortreding vermeld in -

(1) Artikel 31, tot 'n boete van nie meer as R200 000 nie, of gevangenisstraf vir 'n periode van nie langer as vyf jaar nie, of tot beide die boete en die gevangenisstraf, en

(2) enige ander bepaling van hierdie Wet, tot 'n boete van nie meer as R100 000 nie, of tot gevangenisstraf vir 'n tydperk nie langer as 12 maande nie, of tot beide die boete en die gevangenisstraf.

_____ (datum)

_____ (plek)

Veike eske e Pe soon ge gtig e Ve ike eske e

Vorm 4

WES-KAAPSE DEPARTEMENT VAN EKONOMIESE ONTWIKKELING & TOERISME

**AANSTELLINGSERTIFIKAAT AS
ONDERSOEKBEAMPTE**

Wes-kaapse Wet op verbruikersake (Onbillike Sakepraktyke) 2002 (Wet 10 van 2002)
Artikel 10() en regulasie

Hiermee word verklaar dat (volle name)

met ID-nommer (ID-nommer)

'n ondersoekbeampte is wat ingevolge die Wes-Kaapse Wet op Verbruikersake (Onbillike Sakepraktyke), 2002 (Wet 10 van 2002) aangestel is.

Hierdie aanstelling tree met ingang van (datum) in werking

en eindig op.....(datum)

_____ (datum)

_____ (plek)

Ve ike s eske e

Vorm 5

WES-KAAPSE DEPARTEMENT VAN EKONOMIESE ONTWIKKELING & TOERISME

LASBRIEF

Wes-Kaapse Wet op Verbruikersake (Onbillike Sakepraktyke) 2002 (Wet 10 van 2002)
Artikel 11(2) en Regulasie

Aan .

Verw.-nr.:

(volle name),

met ID-nommer (ID-nommer), 'n
ondersoekbeampte wat ingevolge die Wes-Kaapse Wet op Verbruikersake (Onbillike Sakepraktyke)
2002 (Wet 10 van 2002) aangestel is:

Hierdie lasbrief magtig u om die volgende perseel te
betree:.....(naam en/of adres van perseel).

in verband met die volgende beweerde onbillike sakepraktyk:

.....
(verskaf besonderhede)

U word gemagtig om die genoemde perseel te betree:

- (a) tussen die ure van 07:00 en 19:00
of (skrap wat nie van toepassing is nie)
- (b) enige tyd, soos hierdeur gemagtig ingevolge artikel 10(3)(b) van die genoemde Wet.

U word gemagtig om die genoemde perseel te betree om:

- (a) hierdie perseel te inspekteer of te deursoek en om sulke navrae te doen as wat nodig mag wees vir die verkryging van inligting met betrekking tot die genoemde onbillike sakepraktyk
- (b) enige voorwerp te ondersoek wat op of by die perseel gevind word wat met die ondersoek na die genoemde onbillike sakepraktyk verband hou of verband mag hou en inligting rakende daardie voorwerp kan versoek van die eienaar of persoon in beheer van die perseel of van 'n persoon in wie se besit of bewaring daardie voorwerp is
- (c) afskrifte of uittreksels te maak van 'n boek of dokument wat op of by die perseel gevind word en wat met die ondersoek verband hou of verband mag hou, en om 'n verduideliking te versoek vir enige inskrywing daarin van 'n persoon wat vermoedelik oor die nodige inligting beskik

- (d) met die uitreiking van 'n kwitansie, beslag te l op enigiets op of by die perseel wat met die ondersoek verband hou of verband daarmee mag hou, indien die ondersoekbeampte dit vir verdere ondersoek of veilige bewaring moet hou.

Hierdie lasbrief is van krag totdat dit uitgevoer is, of vir 'n tydperk van een maand vanaf die datum van uitreiking, wat ook al eerste plaasvind.

Ek, die ondergetekende _____, in my hoedanigheid as _____, het die bewysmateriaal ondersoek en is tevrede dat daar 'n redelike moontlikheid bestaan dat die lasbrief vir visentering deur 'n regter of landdros uitgereik sal word.

H n tekening

D t

UITREIKING VAN LASBRIEF DEUR REGTER OF LANDDROS

_____ (datum)

_____ (tyd)

HANDTEKENING VAN REGTER LANDDROS

NAAM VAN HOF WAAR LASBRIEF UITGEREIK WORD

STEMPE AN IE HOF

Vorm 6**WES-KAAPSE DEPARTEMENT VAN EKONOMIESE ONTWIKKELING & TOERISME****KWITANSIE VIR VOORWERPE WAT IN BESLAG GENEEM IS**

Wes-Kaapse Wet op Verbruikersake (Onbillike Sakepraktyke) 2002 (Wet 10 van 2002)
 Artikel 11(1)(d) en regulasie 10

Aan:

..... **ID**

(naam en ID-nommer van eienaar of persoon in beheer van perseel)

Ek, **(volle name), ondersoekbeampte, het op of by**
die perseel geleë te

(adres van perseel)

die volgende voorwerpe in beslag geneem en vir verdere ondersoek of veilige bewaring gehou:

- 1.
- 2.
- 3.
- 4.
- 5.

(Heg 'n addisionele bladsy aan indien meer spasie benodig word)

_____ *(datum)*

_____ *(plek)*

On e s o e k e t e

Vorm 7

WES-KAAPSE DEPARTEMENT VAN EKONOMIESE ONTWIKKELING & TOERISME

DAGVAARDING OM VERRIGTINGE VOOR DIE VERBRUIKERSAKETRIBUNAAL IN TE STEL

Wes-Kaapse Wet op Verbruikersake (Onbillike Sakepraktyke) 2002 (Wet 10 van 2002) Artikel 1 (1) en regulasie 1 (1)

AAN Tribunaalverw.: (naam van besigheid of volle name van persoon) (adres)

GELIEWE KENNIS TE NEEM DAT u na bewering verantwoordelik is vir die onbillike sakepraktyk van:

(besonderhede van beweerde onbillike sakepraktyk)

DAT aangeheg tot hierdie dagvaarding vind u volledige besonderhede van die bewerings teen u, asook afskrifte van alle dokumente en ander materiaal waarop die bewerings gebaseer is, en wat gebruik sal word om as bewys van die bewerings te dien

DAT verrigtinge hiermee in die Verbruikersaketricunaal teen u as die persoon wat na bewering vir die bogenoemde onbillike sakepraktyk verantwoordelik is, ingestel word

DAT die verrigtinge teen u voor die Verbruikersaketricunaal sal begin op

(plek) op (datum), om (tyd);

DAT die verrigtinge voor die Verbruikersaketricunaal voortgesit sal word deur die Kantoor van die Verbruikersbeskermer, wat verteenwoordig of bygestaan mag word deur 'n advokaat, prokureur, of enige ander persoon wat deur die Verbruikersbeskermer goedgekeur is

DAT u geregtig is om op die bepaalde datum te verskyn en aan die verrigtinge deel te neem, en persoonlik mag verskyn of deur 'n advokaat, prokureur of ander persoon verteenwoordig of bygestaan mag word

EN DAT indien u voornemens is om die bewerings teen u te verdedig, moet u die Verbruikersbeskermer binne sewe dae van ontvangs van hierdie dagvaarding van u voorneme in kennis stel.

Let sse lief o t in ien e s i o te e sk n, k n'n e el teen ge k wo .

_____ (datum)

_____ (plek)

Ve ike s eske e Pe soon ge gtig e Ve ike s eske e

Vorm 8

WES-KAAPSE DEPARTEMENT VAN EKONOMIESE ONTWIKKELING & TOERISME

DAGVAARDING OM VOOR DIE VERRBUIKERSAKETRIBUNAAL TE VERSKYN

Wes-Kaapse Wet op verbruikersake (Onbillike Sakepraktyke) 2002 (Wet 10 van 2002) Artikel 20(1)(a) en regulasie 1 (1)

AAN Tribunaalverw.:..... (volle name van persoon) (adres)

In verrigtinge ingestel in die Verbruikersaktribunaal

teen (naam van persoon teen wie die verrigtinge ingestel is)

U word hiermee gedagvaar om voor die Verbruikersaktribunaal te verskyn te:

.. (plek)

en op (datum), om(tyd); ten einde:

- (a) getuienis te lewer in verband met die bogenoemde saak
(b) om die volgende voor te l

..... (beskryf die boeke, dokumente of voorwerpe) en om vrae in verband daarmee te beantwoord.

(*Skrap wat nie van toepassing is nie.)

Artikel 20(2) van die Wet bepaal dat 'n persoon aan 'n misdryf skuldig is indien hy of sy, wanneer gedagvaar

- (a) versuim om die verrigtinge op die tyd en plek in die dagvaarding gespesifiseer, by te woon of aanwesig te bly tot die beindiging van die verrigtinge of totdat hy of sy deur 'n tribunaal van verdere bywoning verskoon is
(b) weier om die eed af te lê of 'n plegtige verklaring te doen
(c) weier om enige vraag wat wettig aan hom of haar gestel word, te beantwoord, of ten volle en bevredigend na die beste van sy of haar wete of oortuiging te beantwoord

- (d) versuim om 'n boek, stuk of voorwerp voor te lê wat in sy of haar besit of veilige bewaring of onder sy of haar beheer is en wat hy of sy moet voorlê of
- (e) 'n valse verklaring voor die tribunaal doen, in die wete dat so 'n verklaring vals is of terwyl hy of sy nie weet of nie dink dat dit juis is nie.

_____ (datum)

_____ (plek)

Ve ike s eske e Pe soon ge gtig e Ve ike s eske e

Vorm 9

WES-KAAPSE DEPARTEMENT VAN EKONOMIESE ONTWIKKELING & TOERISME

KENNISGEWING VAN AANSOEK
OM DRINGENDE TYDELIKE BEVEL

Wes-Kaapse Wet op Verbruikersake (Onbillike Sakepraktyke) 2002 (Wet 10 van 2002)
Artikel 21(1) en regulasie 1 (2)(e)

AAN: Tribunaalverw.:.....
(naam van besigheid of volle name van persoon)
.. (adres)
.

GELIEWE KENNIS TE NEEM DAT u na bewering verantwoordelik is vir die onbillike sakepraktyk van:

(besonderhede van onbillike sakepraktyk).

DAT die Verbruikersbeskermer voornemens is om inligting aan die tribunaal voor te l dat omstandighede rakende hierdie saak dit dringend maak en dat 'n verbruiker of 'n klas verbruikers onherstelbare skade aangedoen sal word indien die saak op die gewone manier deur die tribunaal hanteer word, en dat die Verbruikersbeskermer gevolglik die tribunaal sal versoek om 'n tydelike bevel uit te reik.

DAT die Verbruikersbeskermer voornemens is om hierdie inligting aan die tribunaal voor te l op (datum) om (tyd), en te (plek), of so gou as moontlik as wat die Verbruikersbeskermer aangehoor kan word.

DAT die Verbruikersbeskermer op die volgende voorwaardes om 'n bevel aansoek sal doen:

(1) Dat hierdie aansoek as 'n dringende tydelike aansoek beskou word en dat die tribunaal ooreenkomstig artikel 21 van die Wes-Kaapse Wet op Verbruikersake (Onbillike Sakepraktyke) 2002 (Wet 10 van 2002) afsien van die gewone vorms en diens waarvoor daar in die Wet en regulasies voorsiening gemaak word

(2) Dat die respondent verbied word om

DAT verrigtinge voor die Verbruikersaktribunaal deur die Kantoor van die Verbruikerbeskermer voortgesit sal word, wat deur 'n advokaat, prokureur of enige ander persoon wat deur die Verbruikerbeskermer goedgekeur is, bygestaan kan word.

DAT u geregtig is op die vasgestelde datum te verskyn en aan die verrigtinge deel te neem, en persoonlik kan verskyn of deur 'n advokaat, prokureur of ander persoon bygestaan kan word.

Let sse lief o t in ien e s i o te e sk n, k n n e el teen ge k wo .

_____ (datum)

_____ (plek)

 Ve ike s eske e Pe soon ge gtig e Ve ike s eske e

AANHANGSEL B

TARIEWE

Tarief 1

Kosteskaal

Wes-Kaapse Wet op Verbruikersake (Onbillike Sakepraktyke) 2002 (Wet 10 van 2002)
(Artikel 1 (1)(b) en regulasie 12)

Waar die tribunaal koste toeken teen 'n persoon wat 'n onbillike sakepraktyk bedryf het soos beoog in artikel 18(1)(b) van die Wet, moet die volgende koste betaal word, tensy die tribunaal andersins bepaal.

1. **Koste in die ondersoek**
 - a. 'n Bedrag van R1 500 per dag vir die duur van die ondersoek
 - b. Die kantoor van die Verbruikersbeskermer moet 'n sertifikaat uitreik waarin die aantal dae wat aktief aan die ondersoek bestee is, bevestig word. Enige sodanige sertifikaat moet behoorlik deur die Verbruikersbeskermer onderteken word, of enige ander persoon wat deur hom gemagtig is om dit te doen, en is dan prima facie bewys van die duur van die ondersoek.
2. **Koste in die T i n l**
 - a. 'n Bedrag van R3 000 per dag vir elke dag waarop die tribunaal byeengeroep is
 - b. Die sekretaris van die tribunaal moet 'n sertifikaat uitreik waarin die aantal dae wat die tribunaal byeengeroep is, bevestig word. Enige sodanige sertifikaat wat behoorlik deur die Verbruikersbeskermer onderteken is, of enige ander persoon wat deur hom of haar gemagtig is om dit te doen, is dan prima facie bewys van die duur van die verhoor.

Uitgawes n

Alle uitgawes wat werklik deur die kantoor gedurende die ondersoek en die verhoor van die saak aangegaan is, insluitende alle belasbare regs-kostes.

Tarief 2

Besoldiging betaalbaar aan 'n kurator wat nie in die heeltydse diens van die Staat is nie

Wes-Kaapse Wet op verbruikersake (Onbillike Sakepraktyke) 2002 (Wet 10 van 2002)
(Artikel 2 () en Regulasie 21)

1	Op die bruto opbrengs van roerende eiendom (behalwe aandele of soortgelyke sekuriteite) gerealiseer of van die hand gesit, of soos beoog in artikel 24(1)(a) of (j) van die Wet, of op die bruto bedrag verhaal deur promesse of boekskulde, of as huurgeld, rente of ander inkomste:	10 persent
2	Op die bruto opbrengs van onroerende eiendom, aandele of soortgelyke sekuriteite gerealiseer of van die hand gesit soos beoog in artikel 24(1)(a) of (j) van die Wet, lewensversekeringspolisse en verbande verhaal en die saldo aangeteken ten opsigte van onroerende eiendom verkoop voor 'n tribunaalbevel ingevolge artikel 23(1) van die Wet:	3 persent
3	Op –	
	(i) geld van die persoon vir wie die kurator aangestel is;	3 persent
	(ii) die bruto opbrengs van tjeks en posorders betaalbaar aan daardie persoon; en	3 persent
	(iii) die bruto opbrengs van bedrae tot krediet van die persoon, in lopende, spaar- of ander rekeninge en van vaste deposito's en ander deposito's by bankinstellings, bouverenigings of finansiële instellings:	3 persent
4	Op verkope deur die kurator deur die besigheid van die persoon of deel daarvan te bedryf, soos beoog in artikel 24(1)(d) van die Wet:	2 persent
5	Op bedrae en bates verdeel soos beoog in artikel 24(1)(b) van die Wet, met uitsluiting van 'n bedrag waarop vergoeding betaalbaar is onder 'n ander item van hierdie tarief:	6 persent

Tarief 3

Vergoeding betaalbaar aan 'n ondersoekbeampte wat in voltydse diens van die Staat is nie

*Wes-Kaapse Wet op Verbruikersake (Onbillike Sakepraktyke) 2002 (Wet 10 van 2002)
(Artikel 10(1) en regulasie 7(2))*

1	'n Ondersoekbeampte wie se bestaande werk buite die staatsdiens gelyk is aan die vlak van Hoofdirekteur binne die staatsdiens of dit oortref	Maksimum van R3742 per dag
2	'n Ondersoekbeampte wie se huidige werk buite die staatsdiens gelyk is aan die vlak van Direkteur binne die staatsdiens of dit oortref	Maksimum van R2473 per dag
3	'n Ondersoekbeampte wie se huidige werk buite die staatsdiens gelyk is aan die vlak van Direkteur binne die staatsdiens	Maksimum van R1 335 per dag

AANHANGSEL C

EED EN VERKLARINGS

Indien 'n persoon beswaar maak om 'n eed af te lê of verklaring te doen in 'n vorm soos uiteengesit in hierdie aanhangsel, of dit blyk dat 'n persoon 'n eed of verklaring in sodanige vorm nie as bindend op sy of haar gewete beskou nie, kan sodanige persoon 'n eed aflê of verklaring doen met dieselfde strekking soos uiteengesit in die toepaslike deel van hierdie aanhangsel en in 'n ander vorm wat die persoon as bindend op sy of haar gewete beskou.

Deel 1

Eed of verklaring deur lid of plaasvervangende lid van tribunaal

Wes-Kaapse Wet op Verbruikersake (Onbillike Sakepraktyke) 2002 (Wet 10 van 2002)

(Artikel 1 () en regulasie 11)

Ek, (volle naam van lid), verklaar onder eed/verklaar plegtig dat, as 'n lid/alternatiewe lid van die Verbruikersaktribunaal (*skrap wat nie van toepassing is nie) vir (voeg gebied in), ek werklik en getrou die Wes-Kaapse Wet op Verbruikersake (Onbillike Sakepraktyke) 2002 (Wet 20 van 2002) sal handhaaf en toepas. So help my God (in die geval van 'n eed)

_____ (datum)

_____ (plek)

DEPONENT

MINISTER FINANSIES, EKONOMIESE
ONTWIKKELING TOERISME

Deel 2

Eed of verklaring deur oorskrywer

Wes-Kaapse Wet op Verbruikersake (Onbillike Sakepraktyke) 2002 (Wet 10 van 2002)
(Regulasie 22(1))

Ek, (volle name van oorskrywer), verklaar onder eed/verklaar plegtig

- (a) dat ek getrou en tot die beste van my vermoë die verrigtinge van die Verbruikersaktribunaal vir die gebied van _____ sal neerskryf/opteken (voeg gebied in), in snelskrif/op 'n meganiese manier soos beslis deur die voorsitter van die tribunaal of ander persoon wat as voorsitter optree
- (b) dat ek volledig en tot die beste van my vermoë snelskrif notas/ 'n meganiese rekord van die verrigtinge van die Verbruikersaktribunaal deur my of deur 'n ander persoon gemaak, sal oorskryf.

(*Skrap wat nie van toepassing is nie.)

So help my God (in die geval van 'n eed)

_____ (datum)

_____ (plek)

DEPONENT

Sekretaris
Verbruikersake

Deel 3

Eed of verklaring deur tolk

Wes-Kaapse Wet op Verbruikersake (Onbillike Sakepraktyke) 2002 (Wet 10 van 2002)
(Regulasie 22())

Ek, (volle name van tolk), verklaar onder eed/verklaar plegtig dat, wanneer ek versoek word om die funksies van 'n tolk uit te oefen in die verrigtinge in die Verbruikersaktribunaal vir die gebied van
. (voeg gebied in), ek werklik en korrek tot die beste van my vermoë sal vertolk uit die taal wat ek versoek word om uit te vertolk, in 'n ander taal soos vereis deur die tribunaal. So help my God (in die geval van 'n eed)

(*Skrap wat nie van toepassing is nie.)

_____ (datum)

_____ (plek)

DEPONENT

Seketaris

Verkeersketting

ISHEDYULI**ISALATHISO****ISAHLUKO 1****UTOLIKO**

1. Inkcazelo

ISAHLUKO 2**UPHANDO LWEZENZO ZORWHEBO EZINGALUNGANGA**

2. Ukufaka isiKhalazo
3. Isaziso soPhando
4. Intlanganiso yoPhando
5. Iisamani zoKuvela Okanye zoKunikezela ngoLwazi
6. Umrhumo weNgqina
7. Iimiqathango yeNgqesho noMvuzo waMagosa oPhando
8. Isiqinisekiso seNgqesho
9. Isigunyaziso soPhando
10. Irisithi ekhutshwa ngexesha leNtimbo

ISAHLUKO 3**INKUNDLA YAMATYALA EMICIMBI YABATHENGI**

11. Isifungo okanye iSiqinisekiso eSenziwa liLungu leNkundla yaMatyala
12. Iindleko
13. Iisamani zokuQalisa iziMangalo kwiNkundla yaMatyala
14. Indlela yoKuthumela iiSamani
15. Iisamani zeNgqina
16. Izimangalo Phambi kweNkundla yaMatyala
17. Uvavanyo lwaMangqina
18. Umyalelo weXeshana oNgxamisekileyo
19. Isiqinisekiso saMalungiselelo
20. Umlinganiselo weNzala kwiMali ebuyekezw kuBathengi abaChaphazelekayo
21. Umvuzo wabaPhathi
22. Abakhupheli neeToliki
23. Upapasho loMyalelo weNkundla yaMatyala
24. Ukhuphelo
25. Isihloko esiFutshane

ISAPHLUKO 1

UTOLIKO

linkcazelo

1. Kule mimiselo, ngaphandle kokuba imeko bume ibonisa ngokwahlukileyo, igama okanye intetho equlathe intsingiselo kwiMicimbi yabaThengi beNtshona Koloni (iZenzo zoRhwebo ezingalunganga) UMthetho, wama- 2002 (uMthetho we- 10 wama- 2002), uyayigcina loo ntsingiselo, kwaye ngaphezulu—

“uMkhuseli waBathengi” uquka uMkhuseli obambeleyo waBathengi oqeshwe phantsi kwecandelo 5 (1) (b) loMthetho;

“umntu ongumqondisi-mthetho” uquka —

- (a) Iqela lamaqhumrhu;
- (b) ulwahlulelwano okanye ubudlelwane; ne
- (c) thrasti njengoko kucacisiwe kuMthetho we -1988 woLawulo lwePropati , (UMthetho 57 we – 1988);
“**umntu**” uquka umntu ongumqondisi;
“**ummangalelwa**” kuthethwa lowo kufakwe izimangalo ngakuye zokwenza izenzo zorhwebo ezingalunganga ngokoMthetho;

“**uMthetho**” kuthethwa ngeMicimbi yabaThengi beNtshona Koloni (iZenzo zoRhwebo eziNgalunganga) uMthetho, wama- 2002 (“uMthetho we-10 wama- 2002).

ISAPHLUKO 2

UPHANDO LWEZENZO ZORHWEBO EZINGALUNGANGA

Ukufaka isimangalo sesikhalazo

2. Xa umntu efake isimangalo sesikhalazo kwi-ofisi malunga nokubanga izenzo zorhwebo ezingalunganga, i-ofisi ingacela ukuba ummangali a-
 - (a) ngasizisa isikhalazo sakhe sibe kwifomathi ye Fomu 1 kwiSihlomelo A; ngokunjalo
 - (b) Anikezele ulwazi olungaphezulu nge –Afidavithi.

ISaziso sophando

3. (1) Xa uMkhuseli waBathengi eqalise ngophando ngokwemigaqo yoMthetho, i-ofisi kufuneka ngokommiselwano (4), inike isaziso sophando kunye nebango lezenzo zorhwebo ezingalunganga kummangalelwa orhanelwa ngobutyala bezenzo zorhwebo ezingalunganga.
 - (2) i-ofisi mayiyalele ukunikwa kummangalelwa isaziso ngo-
 - (a) kunikezela isaziso kummangalelwa lowo; okanye
 - (b) Ngokuthumela isaziso kummangalelwa lowo ngeposi yerejista ebhalwe idilesi yommangalelwa lowo, eye-ofisi okanye idilesi yeshishini okanye idilesi yendawo ahlala kuyo.
 - (3) Isaziso masibekuhlobo lweFomu 2 kwiSihlomelo A.
 - (4) uMkhuseli waBathengi unakho ukugqiba ukuba ngokunika isaziso njengoko kucetyiwe kummiselwano (1), kunokuba ngumonakalo kuphando. Xa uMkhuseli waBathengi egqibe njalo, eso saziso masinganikezelwa yi-ofisi.
 - (5) Ngokommiselwana (4), isaziso esicetywe kummiselwana (1) masinikezelwe nokuba i-ofisi yazisa ngophando kwiGazethi yePhondo, njengoko kucetyiwe njalo kwicandelo 8 (3) loMthetho.

Intlanganiso yophando

4. (1) Xa uMkhuseli waBathengi efumana isikhalazo malunga nebango lezenzo zorhwebo ezingalunganga njengokuba kucetyiwe kwicandelo 7(1) okanye 8 (2) woMthetho, i-ofisi inokucela ummangalelwa aye kwintlanganiso yophando.

- (2) Ngaphandle kokuba uMkhuseli waBathengi uyalele ngenye indlela, ummangali kufuneka naye aye kwintlanganiso yophando.
- (3) Injongo yentlanganiso yophando kukuthi-
 - (a) xa kuyimfuneko, yazise ummangalelwa malunga nesikhalazo ngakuye;
 - (b) kufumaneka izimvo zommangalelwa malunga nesikhalazo ngakuye nobungqina isikhalazo esisekelezwe kubo;
 - (c) Apho kufanelekileyo, kuthetha-thethwane ngamalungiselelo njengoko kucetyiwe kwicandelo 12 loMthetho.
4. I-ofisi mayenze isaziso sentlanganiso yophando ukuba sinekezelwe ngoku -
 - (a) nikezela isaziso kumntu ekufuneka ezisiwe; okanye
 - (b) ukuthumela isaziso kulo mntu ngeposi yerejista kwi-ofisi yaloo mntu okanye indawo yeshishini okanye indawo ahlala kuyo.
- (5) Ukuba ummangalelwa akaphumelelanga ukuya kwintlanganiso yophando, i-ofisi inakho ukukhupha isamani ngokwemigaqo yecandelo 9 (1) yoMthetho ukunyanzelisa ukuba ummangalelwa aye kwintlanganiso yophando.

IiSamani zokuvela okanye unike ulwazi

5. (1) Iisamani ezicetywe kwicandelo 9 (1) loMthetho mazibe kwifomathi yeFomu 3 kwi-Sihlomelo A.
- (2) Ummiselo 14 usebenza, ngokweemfuno zotshintsho ezikhoyo, ekukhutshweni kweesamani ekubhekiselelwe kuzo kummiselwana (1).

Umrhumo weNgqina

6. Umntu oyalelwe ukuba avele ngokwemigaqo yecandelo 9 (1) (a) yoMthetho unelungelo kumrhumo wengqina ngokoluhlu olumiselweyo kwiMimiselo ekhutshwe ngokwemigaqo yecandelo 191 (3) yoMthetho weNkqubo zoLwaphulo Mthetho we- 1977 (uMthetho 51 ka-1977).

Imiqathango yengqesho nemivuzo yamagosa ophando

7. (1) Ngokwemimiselwano (2), imiqathango ecetyiweyo kwicandelo 10 (3) loMthetho olawula ukuqeshwa kwamagosa ophando angekho kwinkonzo yesigxina kaRhulumente ime ngolu hlobo:

- (a) Umqeshwa usebenza njengegosa lophando iiyure, iintsuku okanye amanye amaxesha njengoko uMkhuseli waBathengi enokugqiba njalo;
 - (b) Igosa lophando lenza umsebenzi walo ngokunyanisekileyo nangokukhuthala ngokolawulo nemiyalelo yoMkhuseli waBathengi.
- (2) Intlawulo enikwa igosa lophando elingekho kwinkonzo yesigxina kaRhulumente icaciswe kuluhlu lwamaxabiso 3 kwiSihlomelo B.

ISatifiketi sengqesho

8. I-ofisi mayibonelele igosa lophando ngesatifiketi sengqesho ngokwefomathi yeFomu 4 kwiSihlomelo A.

Isigunyaziso soPhando

9. (1) Igosa lophando elinqwenela isigunyaziso sophando njengoko kucetyiwe kwicandelo 11 (2) loMthetho, kufuneka lizalise isigunyaziso sophando esiyiliweyo ngokwefomathi yeFomu 5 ekwiSihlomelo A.
- (2) Isigunyaziso sophando esiyiliweyo masinikezelwe kuMkhuseli waBathengi okanye umntu okwinkonzo ye-ofisi ogunyanzisiweyo ngoko nguMkhuseli waBathengi, kunye nolwazi olucetyiweyo kwicandelo 11 (2) (a) kunye (b) loMthetho.
- (3) Xa uMkhuseli waBathengi okanye loo mntu kubhekiswe kuye kummiselwana (2) esisayinile isigunyaziso sophando esiyiliweyo, kunye nolwazi oluxhasa oku lunganikezelwa kwijaji okanye umantyi ukuze asikhuphe, njengoko kucetyiwe kwicandelo 11 (2) loMthetho.

IRisithi ekhutshwayo ngexesha lokuthimba

10. Xa igosa lophando lithimba nayiphina into enokuba nento yokwenza nophando njengoko kucetyiwe kwicandelo 11 (1) (d) loMthetho, igosa lophando kufuneka likhuphe irisithi ngokwefomathi yeFomu 6 kwiSihlomelo A kumnini okanye umntu obambeleyo onegunya lesakhiwo okanye umntu onento okanye onegunya lento ethinjwayo.

ISAPHLUKO 3

IINKUNDLA ZAMATYALA EMICIMBI YABATHENGI

IFomu yesifungiso okanye yesiqiniseko lilungu lenkundla yamatyala

11. (1) Ilungu okanye ilungu elililalela lenkundla yamatyala kufuneka lenze isifungo okanye isiqiniseko esindilisekileyo esicetyiweyo kwicandelo 15 (8) loMthetho kwifomu yeSahluko 1 yeSihlomelo C.
- (2) UMphathiswa usenokulandisa ixesha lelungu lezikhhalazo okanye lelungu elililalela ngexesha elingadlulanga kwiminyaka emithathu (3).

Iindleko

12. Xa inkundla yamatyala ithe yagwebela umntu iindleko njengoko kucetyiwe kwicandelo 18 (1) (b) loMthetho—
 - (a) isikali seendleko esimisiweyo kuluhlu 1 lweRafu kwiSihlomelo B sifanelekile ngaphandle kokuba inkundla yamatyala igqibe ngokwahlukileyo; ne
 - (b) ndleko mazibhatalwe ngumntu lowo kwi-ofisi.
- (2) UMkhuseli waBathengi kufuneka enze ukuba ezo ndleko zibhatalwe kwiNgxowa- mali yeNgeniso yePhondo.

IiSamani zokuqalisa isimangalo kwinkundla yamatyala

13. (1) Isamani ecetyiweyo kwicandelo 19 (1) loMthetho kufuneka ibe kwifomathi yeFomu 7 kwiSihlomelo A.
- (2) Iisamani kufuneka –
 - (a) ziqulathe undoqo wezityholo malunga nezenzo ezingalunganga zorhwebo ekuthethwa ngazo, zineenkukhaca ezipheleleyo kumntu lowo ofumana iisamani ukuze aziqonde izityholo ezibhekiswe kuye ze alungise impendulo ngokufanelekileyo kwizityholo;
 - (b) zikhatshwe ziikopi zawo onke amaxwebhu nenye imathiriyeli ekusekelwe kuyo izityholo, neziya kusetyenziswa ukubonisa ubungqina bezityholo; ngokunjalo
 - (c) Kucaciswe umhla, ongayi kuba nganeno kweentsuku zokusebenza ezili- 15 ukususela kumhla wokunikezelwa kweesamani, kunye nendawo apho umntu oyalelweyo ekufuneka evele kuyo phambi kwenkundla yamatyala.

Indlela yokunikezela ngeesamani

14. (1) Iisamani mazikhutshwe liGosa leNkundla, okanye nguntu omiselwe oko nguMkhuseli waBathengi, ngokuthi lihambise ikopi yesamani-
 - (a) kumntu ochazwe kwisamani; okanye
 - (b) kwindawo yaloo mntu yakutsha nje eyaziwayo yokuhlala okanye yokusebenzela okanye yoshishino, kumntu oneminyaka engaphezu kwe-18 ubudala okanye ohlala okanye oqeshwe apho.
- (2) Okubuyiswa nguloo mntu obehambise iisamani okuchatshazelwe ngokwecandelwana (1) kuma njengobungqina boluvo lokuqala bokuhanjiswa kwazo.

IiSamani zamangqina

15. Iisamani ezicetyiweyo kwicandelo 20 (1) (a) loMthetho mazibe kwifomathi yeFomu 8 kwi-Sihlomelo A.
 - (2) Ummiselo 14 usebenza, ngokweenguqu ezidingekayo ngokomeko leyo, ngokuphathelele ekukhutshweni kweesamani ekubhekiselwe kuzo kummiselwana (1).

Iinkqubo zenkundla yamatyala

16. Ngokuxhomekeke kulo Mthetho, usihlalo wenkundla yamatyala wenza isigqibo senkqubo yenkundla yamatyala.

Uvavanyo lwamangqina

17. (1) Inkqubo efanelekileyo kuvavanyo nogocagoco lwamangqina igqitywa ngusihlalo weNkundla yamatyala ngaphambi kokuchotshelwa kwetyala;
 - (2) Inggina elivela phambi kwenkundla yamatyala linakho, ngokubona kukasihlalo, ukuncedwa ngummeli, ligqwetha okanye omnye umntu ovunyiweyo ngusihlalo.
 - (3) Inkundla yamatyala inokuyalela ukuba umntu usenongalixeli nangayiphi na indlela ukuba ngubani na ingqina.

Umyalelo wethutyana ongxamisekileyo

18. (1) Xa i-ofisi ifuna umyalelo wethutyana ongxamisekileyo ocetyiweyo kwicandelo 21 (1) loMthetho, i-ofisi kufuneka, phambi kokukhutshwa komyalelo ongxamisekileyo wethutyana, kodwa ngokunxulumene necandelo 21 (4) loMthetho, inike isaziso soko kumntu ngamnye ekuza kufunwa umyalelo ngaye okanye oza kukhankanywa kumyalelo.
- (2) Isaziso esicetyiweyo kummiselwano (1) kufuneka sibe kwifomathi yeFomu 9 kwi-Sihlomelo A.
- (3) Ummiselo 14 usebenza, ngokweenguqu ezidingekayo ngokwemeko leyo, ngokuphathelele ekukhutshweni kwezaziso ezichazwe kummiselwana (1).

Ukuqinisekiswa kwezicwangciso

19. Isicelo sokuqinisekisa ngesicwangciso njengoko kucetyiwe kwicandelo 22 (1) loMthetho masikhatshwe –
- (a) sisiqinisekiso okanye uxwebhu olufungelweyo oluchaza ngokuthe ngqo amanqaku esisekelwe kuwo isicelo,
- b) nangamalungiselelo afanelekileyo kunye nawo nawaphi na amanye amaxwebhu axhasayo
- (2) Isicelo esicetyiweyo kummiselwano (1) kufuneka sihanjiswe kusihlalo wenkundla yamatyala, ekufuneka egqibe ngesicelo ngohlobo abona kufanelekile ngalo.

Umlinganiselo wenzala kwimali ehlawulwa abathengi abachaphazelekayo

20. (1) Xa inkundla yamatyala iyalela ukuba inzala mayibhatalwe kwimali eza kubhatalwa abathengi abachaphazelekayo njengoko kucetyiwe kwicandelo 23 (2) (a) loMthetho—
- (a) inzala mayibalwe ngomlinganiselo okhoyo omiselweyo phantsi kwecandelo 1 (2) loMthetho we-1977 woMlinganiselo oMiselweyo weNzala, (uMthetho 55 we-1975), kwaye
- (b) inkundla yamatyala kufuneka icacise kumyalelo wayo, imali ekubhatalwa kuyo inzala, nomhla ekuqalwa kuwo ukuya kutsho apho inzala kufuneka ibhatelwe.

Umvuzo wabaphathi

21. Umvuzo ohlawulwa umphathi ongesiso isigxina kwinkonzo kaRhulumente, kwingxowa-mali yomntu obandakanyekayo kurhwebo olungalunganga, njengoko kucetyiwe kwicandelo 24 (4) loMthetho, unjengoko kubonisiwe kuluhlu lwemiRhumo 2 kwiSihlomelo B.

Abakhupheli netoliki

22. (1) Umntu oqeshiweyo okanye onyuliweyo ukushicilela iinkqubo zenkundla yamatyala nangaluphina uhlobo, okanye okhuphele iinkqubo ezirekhodiweyo, kufuneka phambi kokuqalisa umsebenzi wakhe enze, kwaye asayine isifungo okanye isiqiniseko phambi konobhala wenkundla yamatyala, kwifomu yesahluko -2 yeSihlomelo C.
- (2) Ukuba itoliki iqeshiwe, inkundla yamatyala kufuneka izanelise ngobuchule betoliki phambi kokuba iqeshelwe oko.
- (3) Umntu oqeshelwe ukuba yitoliki kufuneka, phambi kokuba aqalise umsebenzi wakhe wokutolika, enze kwaye asayine isifungo okanye isiqiniseko, phambi konobhala wenkundla yamatyala kwifomu yeSahluko 3 seSihlomelo C.
- (4) Umvuzo womntu oqeshwe ngokwemigaqo yommiselwana (1) kufuneka –
- (a) ube kwisivumelwano esibhaliweyo phakathi koMkhuseli waBathengi kunye nomntu ochaphazelekayo; kwaye
- (b) uvunywe nguMphathiswa ofanelekileyo ngothetha-thethwano noMphathisa onoxanduva lwemicimbi yezemali kwiPhondo.

UPapasho lomyalelo wenkundla yamatyala

- 23 (1) Umyalelo wenkundla yamatyala ekufuneka wazisiwe ngesaziso kwiGazethi yePhondo, kufuneka usayinwe ngusihlalo wenkundla yamatyala okanye lilungu lenkundla yamatyala elinyuliweyo ngusihlalo ngokubanzi, okanye ngokwetyala elithile.
- (2) Unobhala wenkundla yamatyala makenze ukuba umyalelo ochazwe kummiselwana (1) ube nokupapashwa kwiGazethi yePhondo nangayiphina enye indlela inkundla yamatyala ethi iyalele yona.

Ukhuphelo

24. Ukuba umntu ufuna iinkqubo zenkundla yamatyala ezibhaliweyo, loo mntu kufuneka athwale iindleko zokukhuphela, kodwa ukuba inkundla yamatyala okanye i-ofisi ibisele ilungise ukhuphelo, umntu uthwala kuphela iindleko zokukopa okukhutshelweyo.

Isihloko esifutshane

25. Le mimiselo ibizwa ngokuba yiMimiselo, yama -2012 yeMicimbi yabaThengi beNtshona Koloni (iZenzo zoRhwebo eziNgalunganga).

IZIHLOMELO**IZALATHISO ZEZIHLOMELO****A. Ifomu**

1. ISikhalazo kuMkhuseli waBathengi
2. ISaziso soPhando yiOfisi yoMkhuseli waBathengi
3. IiSamani zokucela phambi koMkhuseli waBathengi okanye umntu okwinkonzo ye-Ofisi 4. yoMkhuseli waBathengi
4. ISatifiketi sokuqeshwa kweGosa loPhando kunye
5. nesiSiqinisekiso sokuphanda
6. IRisithi yezinto ezithinjweyo
7. IiSamani zokuqalisa isimangalo phambi koMkhuseli weMicimbi yabaThengi yeNkundla yamatyala IiSamani zokucela phambi kweNkundla yeMicimbi yabaThengi
8. UMyalelo oKhawulezileyo weThutyana

B. Uluhlu lwemiRhumo

1. isikali seendleko
2. Umvuzo obhatalwa umphathi/ityhureyitha engesiso isigxina kuRhulumente

C. Izifungo kunye neziqiniseko ezindilisekileyo

1. Isifungo okanye isiqiniseko esenziwa lilungu okanye ilungu elililalela leNkundla yamatyala
2. Isifungo okanye isiqiniseko esenziwa ngumkhupheli
3. Isifungo okanye isiqiniseko esenziwa yitoliki

ISIHLOMELO A

IIFOMU

Ifomu 1

ISEBE LOPHUHLISO LOQOQOSHO NOTYELELO LWENTSHONA KOLONI

ISIKHALAZO KUMKHUSELI WABATHENGI

ImiCimbi yabaThengi yeNtshona oloni (i en o e ingalunganga oRhwebo) uMthetho, 2002 (uMthetho we 10 wama 2002)
iCandelo 7 kunye nommiselo 2

IiNkc k c o K l i

fani:

Amagama apheleleyo:

dilesi yasekhaya:

dilesi yePosi:

nombolo yomnxeba ekhaya: iNombolo yo seben i:

.....

nombolo yeSelula: i-email:

.....

iNombolo yeFeksi:

IiNkc k c oMnt iS is ini of n k k l ng lo

gama lomntu / iShishini:

dilesi yeshishini:

iDilesi yePosi:

nombolo yeShishini: iFeksi yeShishini:

mntu eku hagamshelwana naye woku- 1: Sikhundla: Nombolo yeSelula

.....

mntu eku hagamshelwana naye we- 2: Sikhundla: Nombolo yeSelula

.....

IiNkc k c esiT olo seZen o oR we o ol ng l ng ng

Imibuzo engezantsi isebenza njengesikhokhelo kuphela ngoko ke ungakwazi ukongeza ezinye iinkcukacha

1. Nika inkcazo emfutshane ngesenzo okhalaza ngaso
2. Cacisa ukuba esi senzo ukhalaza ngaso sibumoshe njani na ubudlelwane phakathi kwakho neshishini
3. Ingaba esi senzo sikonakalise ngokungafanelekanga njengomthengi
4. Ingaba esi senzo sikukhohlisile, ukuba ewe, njani
5. Ingaba uye wachaphazeleka ngokungalunganga sesi senzo

(Nike ela ngeenkukhaca e ipheleleyo esimilo ofuna ukukhala ela sona. hoboshela amaxwebhu apho kunokwen eka)
Mna oNgokhala ayo onkcukhaca inike elweyo ngasentla ndiyang ina ukuba ulwa i olunike elweyo luyinyaniso kwaye lulungile.

UT ikit o _____
U I

IFomu 2

ISEBE LOPHUHLISO LOPHUHLISO LOQOQOSHO NOTYELELO LWENTSHONA KOLONI

ISAZISO SOPHANDO
I-OFFISI YOMKHUSELI WABATHENGI

ImiCimbi yabaThengi yeNtshona Koloni (i-entshona e-Ingalinganga oRhwebo) uMthetho, 2002 (uMthetho we-10 wama-2002)
iCandelo (1) neCandelo (2) kunye nommiselo

KU _____ / _____ (I-ama leShishini okanye igama elipheleleyo lomntu)
_____. _____ (I-ilesi)
_____.

NCEDA UQAPHELE

UKUBA i-Ofisi yomKhuseli waBathengi ifumene isikhalazo malunga nesi sityholo silandelayo okanye urhano lwezenzo zorhwebo olungalunganga:

(Nika iinkcukhaca ezipheleleyo zesikhalazo esifumanekileyo)

UKUBA kufuneka uye kwiNtlanganiso yoPhando eya kubanjelwa e-----

_____. _____ (indawo) **ngokunjalo**
ngo _____ (usuku) **nge** _____ (ixesha).

UKUBA injongo yentlanganiso iya kuba:

- (a) xa kuyimfuneko, waziswe ngokupheleleyo malunga nesikhalazo
- (b) ukufumana izimvo zakho malunga nesikhalazo kunye nesiqiniseko ekusekelezelwe kuso isikhalazo;
- (c) xa kukho imfuneko, thetha-thethana malunga nesicwangciso njengoko kucetyiwe kwicandelo 12 loMthetho.

(* Cima ukuba intlanganiso ayi- okuban- wa)

_____ (umhla)

_____ (indawo)

UMk seli w B t engi U nt og n isiwe o ng Mk seli w B t engi
(Nce ele k iko i efo e ik l o e is k k t engi if kiwe
n engesi lo elo)

IFomu 3

ISEBE LOPHUHLISO LOQOQOSHO NOKHENKETHO ENTSHONA KOLONI

IISAMANI ZOKUVELA PHAMBI KOMKHUSELI WABATHENGI

OKANYE UMNTU OKWINKONZO

YE-OFISI YOMKHUSELI WABATHENGI

ImiCimbi yabaThengi yeNtshona Koloni (i en o e ingalunganga oRhwebo) uMthetho, 2002 (uMthetho we 10 wama 2002)
iCandelo (1)(a) nommiselo

KU

irefarensi ye-Ofisi:.....

(amagama apheleleyo omntu)

.. (Idilesi)

Kumcimbi wesityholo esilandelayo okanye urhano lwezenzo zorhwebo ezingalunganga:

(Nika iinkcukhaca zomcimbi malunga nokulindelekileyo kumntu ekufuneka evelile. Iinkcukhaca ezaneleyo mazinikwe ukuze umntu ofumana iisamani akwazi ukuqonda izityholo ngakuye, kwaye akwazi ukuzilungisele la ukuphendula kwizityholo.

Ngoko uyalelwa ukuba uvele phambi koMkhuseli waBathengi okanye umntu okwinkonzo ye-Ofisi yoMkhuseli waBathengi

(indawo) e-

(ixesha) ngo

. (umhla),

ukuze u:

- (a) Phendule imibuzo malunga nomcimbi othile ngentla ngokunjalo
- (b) uVelise oku kulandelayo:

(chaza iincwadi,

amaxwebhu okanye izinto)kwaye ubuzwe malunga nawo.

(* Cima okungafanelekanga)

ICandelo 9 (4) loMthetho likhankanya ukuba umntu unetyala lolwaphulo mthetho, ukuba okanye ekubeni eyalelwe

- (a) angaphumeleli ngaphandle kwesizathu esaneleyo, ukuya ngexesha kwindawo ecacisiweyo kwiisamani, okanye ahlale abe khona kude kugqitywe isimangalo, okanye abe uxolelwe ekuqhubeleni phambili ukuzimasa
- (b) uyala ukuthatha isifungo okanye ukwenza isiqiniseko
- (c) uyala ukuphendula, okanye ukuphendula ngokuzeleyo nangokwanelisayo, ngeyona ndlela ilungileyo yakhe ngokolwazi nenkolo yakhe, umbuzo ngokusemthethweni obuzwe kuye
- (d) akaphumeleli ukuveza incwadi, uxwebhu okanye into ekuye, okanye eselugcinweni lwakhe okanye phantsi kolawulo lwakhe, ebekufuneka eyivezile, okanye

- (e) wenza inkcazelo engeyiyo inyani kuMkhuseli waBathengi, okanye omnye umntu kwinkonzo ye-ofisi onyulwe nguMkhuseli waBathengi, esazi ukuba ezo nkcazelo aziyiyo inyani okanye engeyazi okanye engakholelwa ukuba ziyinyani.

Nceda uqaphele ukuba icandelo lama-32 loMthetho limisele ezi zohlwayo zilandelayo kulowo ungawuthobeliyo uMthetho:

Umntu onetyala lokwaphula umthetho ngokoMthetho, ngokolwaphulo mthetho ekubhekiselewe kulo, kufaneleke-

- (1) ngokwecandelo lama-31, anikwe isohlwayo esingadlulanga kuma -R200 000 okanye avalelwe ejele ithuba elingadlulanga kwiminyaka emihlanu okanye ngazo zozibini, isohlwayo nokuvalelwa ejele, kwaye
- (2) ngokwazo naziphi na izinikezelo ngokwalo Mthetho, anikwe isohlwayo esingadlulanga kwi-R100 000 okanye avalelwe ejele ithuba elingadlulanga kwinyanga ezili-12, okanye anikwe zozibini, isohlwayo nokuvalelwa ejele.

_____ (umhla)

_____ (indawo)

UMk seli w B t engi U nt og n iswe ng Mk seli w B t engi

IFomu 4

ISEBE LOPHUHLISO LOQOQOSHO NOKHENKETHO ENTSHONA KOLONI

**ISATIFIKETI SENGQESHO
NJENEGOSA LOPHANDO**

ImiCimbi yabaThengi yeNtshona Koloni (iNtshona eNingalunganga eRhwebo) uMthetho, 2002 (uMthetho we 10 wama 2002)
iCandelo10() nommiselo

Kuyaqinisekiswa ukuba(aMagama aPheleleyo)

kunye neNombolo yeSazisi
(Inombolo ye Sazisi)

uligosa lophando eliqeshwe ngokwemigaqo yeMicimbi yabaThengi baseNtshona Koloni (iZenzo zoRhwebo eziNgalunganga) uMthetho, 2002.

Le ngqesho isebenza ukususela(umhla)

Kwaye iya kuphelelwa ngo.....(umhla)

.....(umhla)

.....(indawo)

_____ **UMk seli w B t engi**

IFomu 5

ISEBE LOPHUHLISO LOQOQOSHO NOKHENKETHO ENTSHONA KOLONI

ISIGUNYAZISO SOKUPHANDA

ImiCimbi yabaThengi yeNtshona Koloni (i en o e ingalunganga oRhwebo) uMthetho, 2002 (uMthetho we 10 wama 2002)
iCandelo 11(2) nommiselo

Ku **Inombolo yeRefarensi.....**
(amagama apheleleyo),

Kunye neNombolo
yeSazisi..... **..... (iNombolo yeSazisi),**

igosa lophando liqeshwe ngokwemigaqo yeMicimbi yabaThengi: (Izenzo ezingalunganga zoRhwebo)uMthetho, 2002

Esi sigunyaziso sikuyalela ukuba ungene

kwizakhiwo:.....
....(igama nedilesi yesakhiwo).

malunga nesi sityholo sezenzo zorhwebo ezingalunganga:.....

(nika iinkcukhaca)

Uyagunyaziswa ukuba ungene kwizakhiwo ezikhankanyiweyo:

- a) **phakathi kweeyure ze 07h00 neze 19h00 okanye***(cima leyo ingafanelekanga)*
- b) **nangaliphi ixesha, njengoko kugunyazisiwe ngokwemigaqo yeCandelo 10 (3) (b) loMthetho okhankanyiweyo**

Uyagunyaziswa ukuba ungene kwizakhiwo ezikhankanyiweyo:

- (a) **hlola okanye uphande ezo zakhiwo kwaye wenze naluphina uphando olufanelekileyo ngenjongo yokufumana ulwazi malunga nezenzo ezikhankanyiweyo zorhwebo ezingalunganga**
- (b) **vavanya nayiphina into efumaneka kwizakhiwo enokwenza okanye enokuthi ibe nento yokwenza nophando olukhankanyiweyo lwezenzo zorhwebo ezingalunganga ngokunjalo ucele kumnini sakhiwo okanye umntu onegunya lokuphatha izakhiwo okanye umntu ekuye, okanye onegunya lento leyo, ulwazi malunga nento**
- (c) **yenza iikopi zazo okanye ucaphule kwincwadi okanye uxwebhu olufunyenweyo kwizakhiwo olunokuba nonxulumano nophando, ucele kumntu orhaneleka enolwazi inkcazelo yayo nayiphina into engenisiweyo**
- (d) **thimba ukhuphe irisithi, nayiphina into ekhoyo kwizakhiwo enento yokwenza okanye**

enganento yokwenza nophando, ukuba igosa lophando lifuna ukuyigcina ukuze
liyihlale kwakhona okanye liyigcine endaweni ekhuselekileyo.

Esi sigunyaziso sophando siya kunyanzeliswa side sisetyenziswe, okanye ixesha elingangenyange
enye ukususela kumhla wokukhutshwa kwaso nokuba yeyiphi eyenzeka kuqala .

Mna ndisayine ngezantsi _____, ngokwesikhundla sam njenge
_____, ndibuhlolile ubungqina kwaye ndanele ukuba bukhona kwaye
kunokwenzeka ukuba isigunyaziso sophando siya kukhutshwa yijaji okanye ngumantyi

UT ikit o

U I

UKUKHUTSHWA KWESIGUNYAZISO SOPHANDO YIJAJI OKANYE UMANTYI

_____ (umhla)

_____ (ixesha)

UTYIKITYO YI A I/MANTYI_____

IGAMA LENKUNDLA EKUKHUTSHWE KUYO ISIQINISEKISO SOPHANDO

ISITAMPU SEN UN A

IFomu 6**ISEBE LOPHUHLISO LOQOQOSHO NOKHENKETHO ENTSHONA KOLONI****IRISITHI YEMPAHLA ETHINJIWEYO**

ImiCimbi yabaThengi yeNtshona Koloni (i en o e ingalunganga oRhwebo) uMthetho, 2002 (uMthetho we 10 wama 2002)
iCandelo 11(1)(d) nommiselo 10

Ku **ISAZISI**

.....
(igama nenombolo yesazisi yomnini okanye umntu ophethe izakhiwo)

Mna, (amagama ngokuzeleyo), gosa lophando,
ndithimbe kwizakhiwo ezise

.....
..... (idilesi yezakhiwo)
ndazigcina ukwenzela uphononongo ngaphezulu okanye ukuzigcina kwindawo ekhuselekileyo ezi
mpahla zilandelayo:

- 1.
- 2.
- 3.
- 4.
- 5.

(Yongeza iphepha ukuba kufuneka isithuba esongezelweyo)

_____ (umhla)

_____ (indawo)

IGos loP n o

IFomu 7

ISEBE LOPHUHLISO LOQOQOSHO NOKHENKETHO ENTSHONA KOLONI

**ISAMANI ZOKUQALISA ISIMANGALO PHAMBI
KWENKUNDLA YEMICIMBI YABATHENGI**

ImiCimbi yabaThengi yeNtshona oloni (i en o e ingalunganga oRhwebo) uMthetho, 2002 (uMthetho we 10 wama 2002)
iCandelo 1 (1) nommiselo 1

KU iRef yeNkundla
..... (i ama leShishini okanye amagama apheleleyo omntu)
..... (idilesi)
.....

QAPHELA UKUBA uyatyholwa ngoku ngezenzo zorhwebo ezingalunganga:

.....
.....
(Inkcukhaca zezityholo zezenzo zorhwebo ezingalunganga).

UKUBA uyakufumana kuqhotyoshelwe kwezi samani iinkcuchaca ezipheleleyo zezityholo ezibhekisele kuwe, ngokunjalo neekopi zawo onke amaxwebhu nenye imathiriyeli ekusekelezelwe kuwo ezi zityholo, eziya kusetyenziswa njengobungqina bezi zityholo

UKUBA izimangalo ngoko ziyaqalisa ngezityholo ngakuwe kwiNkundla yeMicimbi yabaThengi njengonobutyala bezenzo ezikhankanyiweyo zorhwebo ngasentla

UKUBA izimangalo ngakuwe ziya kuqalisa kwiNkundla yeMicimbi yabaThengi

..
. (indawo) ngo (umhla), ngeh.....(ixesha) ;

UKUBA izimangalo kwiNkundla yeMicimbi yabaThengi ziya kutshutshiswa yiOfisi yoMkhuseli waBathengi, enokuthi imelwe okanye incediswe ligqwetha, ummeli okanye nawuphina umntu ovunyiweyo nguMkhuseli waBathengi.

UKUBA unelungelo lokuvela ngomhla okhankanyiweyo kwaye uthathe inkxaxheba kwinkqubo, ngokunjalo unakho ukuza ngokwakho okanye umelwe okanye uncediswe ligqwetha, ummeli okanye omnye umntu

KWAKHONA UKUBA uzimisele ukuzikhusela kwezi zityholo zakho, kufuneka wazise uMkhuseli waBathengi ngezo njongo kwisithuba seentsuku ezi-7 zokufumana irisithi yeesamani.

Q el k , k k k nge elele k el , lelo k k ts elw wen

_____ (umhla)

_____ (indawo)

UMk seli w B t engi UMnt og n isiwe o ng Mk seli w B t engi

IFomu 8

ISEBE LOPHUHLISO LOQOQOSHO NOKHENKETHO ENTSHONA KOLONI

ISAMANI ZOKUVELA PHAMBI

ImiCimbi yabaThengi yeNtshona Koloni (i-entshona e-Ingalinganga orhwebo) uMthetho, 2002 (uMthetho we-10 yowa-2002)
iCandelo 20(1)(a) nommiselo 1 (1)

iRef yeNkundla:.....

KU

(amagama apheleleyo omntu)

.. (Idilesi)

Kwizimangalo eziqalisiweyo kwiNkundla yeMicimbi yabaThengi ngaku

.. (*igama lomntu ekufakwe izimangalo ngakuye*)

Uyalelwa ngoko ukuba uvele phambi kweNkundla yeMicimbi yabaThengi e

.. (indawo)

ngo (*mhla*), *nge* (*xesha*);

ukuze:

(a) **ukunika ubungqina malunga nomcimbi ongentla**

(b) **uveze**

.....(*chaza iincwadi, amaxwebhu okanye izinto*)

Uphendule imibuzo malunga ngazo

(*Cima okungafanelekanga.)

ICandelo 20(2) loMthetho lichaza ukuba umntu unetyala lolwaphulo mthetho ukuba ngaba ekubeni eyalelwe—

- (a) angaphumeleli ngaphandle kwesizathu esaneleyo ukuza kwindawo nexesha elichaziweyo kwiisamani, okanye ahlale ekhona kude kugqitywe inkqubo yezimangalo okanye ade avunyelwe ukukhululeka yinkundla yamatyala ekubeni aqhubekeke ngokuza;
- (b) uyala ukwenza isifungo okanye isiqiniseko;
- (c) uyala ukuphendula okanye ukuphendula ngokwanelisayo ngokweyona ndlela ilungileyo ngokolwazi nenkolo yakhe;
- (d) akaphumeleli ukuveza incwadi, uxwebhu okanye into ekuye okanye eselugcinweni lwakhe, okanye ephantsi kolawulo lwakhe, ebekufuneka ezivezile
- (e) Wenza ingxelo engeyonyani phambi kweNkundla esazi ukuba lo ngxelo asiyonyani

okanye engazi okanye engakholelwa ukuba iyinyani.

_____ (umhla)

_____ (indawo)

UMk _____
seli w B t engi U nt og n isiwe o ng Mk seli w B t engi

IFomu 9

ISEBE LOPHUHLISO LOQOQOSHO NOKHENKETHO ENTSHONA KOLONI

ISAZISO SESICELO

UKWENZELA UMYALELO ONGXAMISEKILEYO WETHUTYANA

ImiCimbi yabaThengi yeNtshona Koloni (i en o e ingalunganga oRhwebo) uMthetho, 2002 (uMthetho we 10 yowa 2002)
iCandelo 21 nommiselo 1 (2)(e)

KU

apheleleyo omntu)

iRef yeNkundla

((i ama leShishini okanye amagama

(Idilesi)

THATHA INGQALELO uyatyholwa ngezzeno zorhwebo ezingalunganga

(iinkcukhaca zezzeno zorhwebo ezingalunganga).

UKUBA uMkhuseli waBathengi uzimisele ukubeka olu lwazi phambi kwenkundla yamatyala, ukuba iimeko ezibhekiselele kulo mcimbi zinika lo mcimbi njengongxamisekileyo kwaye iya kubangela umonakali ongenakulungiseka kumthengi okanye iqela labathengi, ukuba lo mcimbi uza kuchotshelwa yinkundla ngokwendlela yesiqhelo, kwaye uMkhuseli waBathengi uya kucela ngokunjalo ukuba inkundla yamatyala ikhuphe umyalelo wethutyana.

UKUBA uMkhuseli waBathengi uceba ukubeka olu lwazi phambi kwenkundla yamatyala ngo (mhla) ngeh .. (ixesha), ngokunjalo nase (indawo), okanye ngokukhawuleza xa uMkhuseli waBathengi enokuviwa.

UKUBA uMkhuseli waBathengi uza kwenza isicelo somyalelo kule migaqo ilandelayo:

- (1) Ukuba siphathwe njengesicelo sethutyana esingxamisekileyo kwaye iNkundla ngokwecandelo 21 leMicimbi yaBathengi beNtshona Koloni (iZenzo zoRhwebo eZingalunganga) uMthetho, 2002 (uMthetho we-10 wama-2002) iya kuhanjiswa ngesiqhelo nezinye iifomu nenkonzo enikezelwa kulo Mthetho kunye nemimiselo;
- (2) Ukuba ummangalelwa uyathintelwa ekubeni.....

UKUBA izimangalo phambi kweNkundla yeMicimbi yabaThengi iya kutshutshiswa yi-Ofisi yoMkhuseli waBathengi, enokumelwa okanye incediswe ligqwetha, ummeli okanye nawuphina umntu ovunyiweyo nguMkhuseli waBathengi.

UKUBA unelungelo lokuvela ngomhla omisiwe uthathe inkxaxheba kwizimangalo, kwaye unokuvela ngokwakho okanye umelwe okanye uncediswe ligqwetha okanye ummeli, okanye omnye umntu.

Q el k , k k eleli k el , lelo kwen iw ng k we.

_____ (umhla)

_____ (indawo)

UMk seli w B t engi U nt og n iswe ng Mk seli w B t engi

ISIHLOMELO B**ULUHLU LWAMAXABISO****Uluhlu lwaMaxabiso 1****Umlinganiselo weeNdleko**

ImiCimbi yabaThengi yeNtshona Koloni (i en o e ingalunganga oRhwebo) Umthetho, 2002 (Umthetho we 10 yowa 2002)
(Icandelo 1 (1)(b) nommiselo 12)

a inkundla iyalela iindleko kumntu ofunyenwe enze izenzo zorhwebo ezingalunganga njengoko zicetyiwe kwicandelo 18 (1) (b) loMthetho, ezi ndleko zilandelayo ziya kubhataleka, ngaphandle kokuba inkundla yamatyala igqibe ngolunye uhlobo.

1. In leko oP n o

- a. Isambuku sama R 1 500 ngosuku ngexesha lophando
- b. I-ofisi yoMkhuseli waBathengi mayikhuphe isatifiketi esiqulathe inani leentsuku ezisetyenzisiweyo kuphando ngokuqinisekisa. Nasiphina eso satifiketi sisayinwa nguMkhuseli waBathengi, okanye nawuphina omnye umntu ogunyaziswe nguye ukuba enze njalo, iya kuba bubungqina boluvo lokuqala ngexesha lophando.

2. Iin leko eNk n l

- a. iSambuku sama R 3 000 ngalunye imihla yonke inkundla iqhubeka
- b. Unobhala wenkundla makakhuphe isatifiketi esinazo zonke iintsuku zokuhlala kwenkundla asiqinisekise. Nasiphina eso satifiketi esisayinwe nguMkhuseli waBathengi, okanye nawuphina omnye umntu ogunyazisiweyo nguye ukuba enze njalo, iya kuba bubungqina boluvo lokuqala lonke ixesha lokuxoxwa kwetyala.

Iin leko eZen ekile o

Zonke iindleko ezenziwe yi-ofisi ngexesha lophando nangexesha lokuxoxwa kwetyala lalo mcimbi, kuquka nendleko zomthetho ezinerhafu.

Uluhlu lwaMaxabiso 2

**Umvuzo obhatalwa umphathi/ityhureyitha
ongekho kwinkonzo yesigxina kaRhulumente**

ImiCimbi yabaThengi yeNtshona Koloni (i en o e ingalunganga oRhwebo) uMthetho,, 2002 (uMthetho we 10 wama 2002)
(iCandelo 2 () nommiselo 21)

1	Inzuzo iyonke yempahla (ngaphandle kwezabelo okanye izibambiso) ezizuziweyo okanye ezichithiweyo njengoko kucetyiwe kwicandelo 24 (1) (a) okanye (j) loMthetho, okanye isambuku Sisonke esiqokelelwe phantsi kwesithembiso esisayiniweyo sokubhatala :	10 pesenti
2	Kwiinzuzo zizonke zempahla engenakushukunyiswa, izabelo okanye izibambiso ezifanayo ezizuziweyo nezichithiweyo, njengoko kucetyiwe kwicandelo 24 (1) (a) loMthetho, ipolisi zobomi nebhondi ezifumanekileyo kunye nentsalela ebhaliweyo malunga nempahla engenakushukunyiswa ethengisiweyo phambi komyalelo wenkundla yamatyala, phantsi kwecandelo 23 (1) loMthetho:	3 pesenti
3	Kwi-	
	(i) mali yomntu umphathi/ityhureyitha anyulelwe yona ;	3 pesenti
	(ii) inzuzo zizonke zeetshekhi nepowustal oda ezibhatalwa lomntu kunye	3 pesenti
	(iii) inzuzo zizonke zezambuku ezikwityala lomntu, kwii –akhawunti zolondolozo- mali nezinye ezikulondolozo oluzinzileyo lwediposithi kumaziko ebhanki iisosayethi okanye amaziko emali:	3 pesenti
4	kwintengiso eyenziwa ngumphathi/tyhureyitha ngokuqhuba ishishini lomntu okanye inxalenye yoko, njengoko kucetyiwe kwicandelo 24 (1) (d) loMthetho:	2 pesenti
5	kwizambuku nakwizinto anazo ezahluliweyo njengokuba kucetyiwe kwicandelo 24 (1) (b) loMthetho, ngaphandle kwesambuku ekubhatalwa kuso umvuzo ngaphantsi kwenye i-ayithem yolu luhlu lwerhafu:	6 pesenti

*Uluhlu lwaMaxabiso 3***Umvuzo ohlawulwa igosa lophando elingekho kwinzo esisigxina karhulumente**

ImiCimbi yabaThengi beNtshona oloni (i en o e ingalunganga oRhwebo) uMthetho,, 2002 (uMthetho we 10 wama 2002)
(iCandelo 10() nommiselo 7(2))

1	Igosa lophando elingasebenzeli urhulumente elikwinqanaba elilingana okanye elingaphezu kweloMlawuli oyiNtloko kurhulumente emsebenzini walo	Owona myinge uphezu lu R3742 ngosuk u
2	Igosa lophando elingasebenzeli urhulumente elikwinqanaba elilingana okanye elingaphezu kweloMlawuli kurhulumente emsebenzini walo	Owona myinge uphezu lu R2473 ngosuk u
3	Igosa lophando elingasebenzeli urhulumente elikwinqanaba elilingaphantsi kweloMlawuli kurhulumente emsebenzini walo	Owona myinge uphezu lu R1 335 ngosuk u

ISIHLOMELO C**ISIFUNGO NEZIQINISELO**

Ukuba umntu uyala ukuthatha isifungo okanye isiqiniseko kwifomu emiselwe kwisihlomelo, okanye kukhangeleka ngathi umntu akayi kukhathalela isifungo okanye isiqiniseko kwifomu njengesibophelelayo kwisazela sakhe, umntu onjalo unokuthatha isifungo okanye isiqiniseko ngokwesiphumo esifana nokumiswe kwinxalenye efanelekileyo yesi sihlomelo nakwenye ifomu umntu ayicingela ukuba iyabophelela kwisazele.

Isahluko 1**IsiFungo okanye isiqiniseko esenziwa lilungu okanye elinye ilingu elililalela leNkundla**

ImiCimbi yabaThengi yeNtshona Koloni (iNtshona Koloni eNingalunganga eRhwebo) uMthetho, 2002 (uMthetho we 10 wama 2002) (iCandelo 1 () nommiselo 11)

Mna,..... (igama elipheleleyo lelungu),
ndiyafunga/ndiqinisekisa ngokundilisekileyo ukuba, njengelungu /ilungu elililalela leNkundla
yeMicimbi yabaThengi (*Cima engafanelekanga.) ye
..... (faka indawo), ndiyakuxhasa
ngokunyanisekileyo nangokuthembekileyo ndisebenzise iMicimbi yabaThengi beNtshona Koloni
(iZenzo eziNgalunganga zoRhwebo) UMthetho, 2002 (uMthetho we-20 wama-2002). Ngoko
ndincece Thixo (xa isisifungo)

_____ (Umhla)

_____ (Indawo)

INGQINA

UMPHATHISWA WEZIMALI, UPHUHLISO
LOQOQOSHO

Isahluko 2

IsiFungo okanye isiqinisekiso esenziwa ngumkhupheli

ImiCimbi yabaThengi yeNtshona oloni (i en o e ingalunganga oRhwebo) uMthetho2002 (uMthetho we 10 wama 2002)
(Ummiselo 22(1))

.Mna..... (amagama apheleleyo omkhupheli),
ndiyafunga /qinisekisa ngokundilisekileyo -

- (a) ukuba ndiya kubhala phantsi/ndirekhodishe ngokunyanisekileyo nangeyona ndlela yam elungileyo iinkqubo zeNkundla yeMicimbi yabaThengi kwindawo ye (faka indawo), ngendlela yokubhala efinyeziweyo /ngokomatshini njengoko ndiyalelwe ngumgcini sihlalo wenkundla yamatyala okanye omnye umntu ochopeleyo
- (b) ukuba ndiya kukhuphela ngokupheleleyo kwaye ndenze ngeyona ndlela yam ilungileyo amanqaku ngokufinyeziweyo /ngokomatshini, inkqubo yeNkundla yeMicimbi yabaThengi yenziwe ndim okanye omnye umntu (*Cima engafanelekanga.)

Ngoko ndincede Thixo

(xa isisifundo)

_____ (uMhla)

_____ (Indawo)

INGQINA

No 1 weNk n l eMici i
B t engi

ISahluko 3

IsiFungo okanye isiqiniseelo esenziwa yitoliki

ImiCimbi yabaThengi yeNtshona Koloni (i en o e ingalunganga oRhwebo) uMthetho, 2002 (uMthetho we 10 wama 2002)
(Ummiselo 22())

**Mna,(amagama apheleleyo etoliki),
funga /ndiqinisekisa ngokundilisekileyo ukuba, Naninina ndibizwa ukuba ndenze umsebenzi
wokutolika kwiinkqubo zeNkundla yeMicimbi yabaThengi kwindawo
yase**

**. (fakela indawo), ndiya kutolika ukusuka kulwimi endiyalelwe
ukuba ndilitolike, ukuya kwelinye ngokunyanisekileyo nangendlela eyiyeyona ilungileyo njengoko
kufunwa njalo yiNkundla. Ngoko ndinceda Thixo (xa isisifungo)**

(*Cima engafanelekanga.)

_____ (Umhla)

_____ (Indawo)

INGQINA

UNo I weNk n l eMici i
Bt engi