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GOVERNMENT NOTICES GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT DEPARTEMENT VAN JUSTISIE EN STAATKUNDIGE ONTWIKKELING

No. R. 965

9 October 2009

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

The Rules Board for Courts of Law has under section 79 of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000), made the rules in the schedule.

SCHEDULE

Definitions

1. In these rules -

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

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

“clerk of the court” means a clerk and assistant clerk of the court appointed under section 13 of the Magistrates' Courts Act, 1944 (Act No. 32 of 1944);

“decision” means a decision in respect of which an application in terms of section 78 of the Act is brought;

“deliver” means serve copies on all parties and file the original with the registrar or

clerk of the court as the case might be; and

“registrar” means a registrar and assistant registrar appointed under section 34 of the Supreme Court Act, 1959 (Act No. 59 of 1959) or a registrar appointed under any law not yet repealed by a competent authority and in force, immediately before the commencement of the Constitution of the Republic of South Africa, 1996, in any area which forms part of the national territory.

Procedure in an application to court in terms of the Act

2. (1) The procedure prescribed in these rules must be followed in all applications contemplated in section 78 of the Act.
- (2) Unless as otherwise provided for in these rules, the rules governing the procedures in the court to which an application in terms of these rules is brought shall apply with appropriate changes, unless otherwise directed by the court.

Applications

3. (1) An application contemplated in section 78 of the Act must be brought on notice of motion that must correspond substantially in accordance with the form set out in the Annexure to these rules, addressed to the information officer or the head of a private body, as the case may be.
- (2) The notice of motion must:
 - (a) set out an address within eight kilometres of the court to which the application is brought, where the applicant will accept notice and service of all process;
 - (b) call upon the respondent –
 - (i) to give notice, within 15 days after receipt of the application, of his or her intention to oppose the application, which notice shall also contain an address within eight kilometres of the court to which the application is brought where notice and service of documents will be accepted; and
 - (ii) to file any answering affidavit within 15 days after service

- of the notice of intention to oppose the application; and
- (c) inform the respondent that –
 - (i) if no notice to oppose the application is delivered in terms of subrule (2)(b)(i); or
 - (ii) if notice of intention to oppose has been delivered but no answering affidavit is delivered in terms of subrule (2)(b)(ii), the matter will be placed on the roll for hearing without further notice.
 - (3) The notice of motion referred to in sub-rule (1) must be supported by an affidavit and be accompanied by true copies of all documents upon which the applicant intends to rely.
 - (4) The affidavit referred to in subrule (3) must:
 - (a) set out the facts and circumstances upon which the application is based;
 - (b) state whether the internal appeal procedure contemplated in section 74 of the Act has been exhausted and if so, provide particulars of the manner in which and date upon which the internal appeal procedure was exhausted and if not, the reasons for failing to exhaust such procedure; and
 - (c) explain the relevance of each document upon which the applicant intends to rely.
 - (5) The information officer or head of a private body, as the case may be, must:
 - (a) immediately after receipt of the application, notify, in writing, all other persons affected, of the application and attach a copy of the application to such notice; and
 - (b) within 15 days after receipt of the application –
 - (i) file with the clerk of the court or the registrar, as the case may be, two true copies of the request and the notification sent to the requester in terms of section 25(1)(b) of the Act;
 - (ii) notify the applicant in writing that the requirements of

subparagraph (i) have been complied with; and

(iii) serve on the applicant a true copy of the reasons, if they have not yet been provided.

(6) The applicant may, if the information officer or head of a private body as the case may be, fails to comply with the provisions of subrule (4), request the clerk of the court or the registrar as the case may be, in writing, to place the application before the court for an order in terms of section 82(b) of the Act.

Representations

4. (1) Representations contemplated in section 80(3)(a) of the Act must be -

(a) made under oath in writing, and supported by documentary proof, where applicable; and

(b) filed with the clerk of the court or the registrar as the case may be, at least five days before the date of the hearing of the application.

(2) The court receiving the representations referred to in subrule (1) shall take the steps that it may deem appropriate to bring the representations to the attention of the parties to the application.

Court fees

5. Any application in terms of these rules shall be subject to the payment of the court fees applicable in the court in which the application is brought, unless waived by the court at its discretion on such grounds as it deems appropriate.

Short title

6. These rules may be called the Promotion of Access to Information Rules.

Commencement

7. These rules come into operation on **16 November 2009**.

ANNEXURE TO THE PROMOTION OF ACCESS TO INFORMATION RULES**PROMOTION OF ACCESS TO INFORMATION RULES****NOTICE OF MOTION**

IN TERMS OF THE PROMOTION OF ACCESS TO INFORMATION ACT No. 2 OF 2000

IN THECOURT

HELD AT

CASE NO. _____

In the matter between:

Applicant _____ (Full name)

and

Respondent _____ (Full name)

TAKE NOTICE THAT _____

(the applicant)

intends to apply for the following order:

and that the accompanying affidavit of _____ and
the documents referred to in rule 3(3)(a) will be used in support thereof.

TAKE NOTICE further that the applicant has appointed _____

(provide an address within eight kilometres of the court at which the applicant will
accept notice and service of all process in these proceedings).

Notice:

- (i) Notice of intention to oppose this application must be given within 15 days after receipt hereof and must contain an address within eight kilometres of the court to which the application is brought, where notice and service of documents will be accepted.
- (ii) Answering affidavits, if any, must be filed within 15 days after service of the notice of intention to oppose the application.
- (iii) In default of your complying with rule 3(5) of the Promotion of Access to Information Rules, the applicant may request the clerk of the court or the registrar as the case may be, to place the application before the Court for an order in terms of section 82(b) of the Act.
- (iv) In default of your delivering a notice of intention to oppose, the matter will without further notice, be placed on the roll for hearing after the expiry of the period mentioned in paragraph (i) above, on a date fixed by the clerk of the court or the registrar as the case may be.

SIGNED at _____ this _____ day of _____

Applicant/Applicant's legal representative

Address _____

To: (1) Respondent: _____

(Address) _____

(2) The Clerk of the Court or the Registrar of abovementioned court

No. R. 965

9 Oktober 2009

WET OP BEVORDERING VAN TOEGANG TOT INLIGTING 2 VAN 2000
REËLS VAN PROSEDURE VIR AANSOEK BY HOF INGEVOLGE DIE WET OP
BEVORDERING VAN TOEGANG TOT INLIGTING 2 VAN 2000

Die Reëlsraad vir Geregshoue het kragtens artikel 79 van die Wet op Bevordering van Toegang tot Inligting, 2000 (Wet No. 2 van 2000), die reëls in die Bylae uitgevaardig.

BYLAE

Woordomskrywing

1. In hierdie reëls—

- (a) het enige woord of uitdrukking waaraan 'n betekenis in die Wet geheg is, die betekenis aldus daaraan geheg; en
- (b) het enige woord of uitdrukking waaraan 'n betekenis geheg is in die reëls wat die prosedures reël van die hof waarin 'n aansoek ingevolge hierdie reëls gebring word, die betekenis aldus daaraan geheg en, tensy uit die samehang anders blyk, beteken—

“**aflewer**” afskrifte op al die partye beteken en die oorspronklike by die griffier of klerk van die hof indien, na gelang van die geval;

“**beslissing**” 'n beslissing ten opsigte waarvan 'n aansoek ingevolge artikel 78 van die Wet gebring word;

“griffier” 'n griffier en assistent-griffier aangestel kragtens artikel 34 van die Wet op die Hooggeregshof, 1959 (Wet No. 59 van 1959), of 'n griffier aangestel kragtens enige wet wat nog nie herroep is deur 'n bevoegde owerheid nie en wat onmiddellik voor die inwerkingtreding van die Grondwet van die Republiek van Suid-Afrika, 1996, van krag is in enige gebied wat deel van die nasionale grondgebied uitmaak;

“klerk van die hof” 'n klerk en assistent-klerk van die hof aangestel kragtens artikel 13 van die Wet op Landdroshoue, 1944 (Wet No. 32 van 1944); en

“Wet” die Wet op Bevordering van Toegang tot Inligting, 2000 (Wet No. 2 van 2000).

Prosedure vir 'n aansoek by hof ingevolge die Wet

2. (1) Die prosedure in hierdie reëls voorgeskryf moet in alle aansoeke beoog in artikel 78 van die Wet gevolg word.
- (2) Tensy anders in hierdie reëls bepaal, geld die reëls wat die prosedure van die hof reël waarin 'n aansoek ingevolge hierdie reëls gebring word met die toepaslike veranderinge, tensy anders deur die hof gelas.

Aansoeke

3. (1) 'n Aansoek beoog in artikel 78 van die Wet word gedoen by kennisgewing van mosie wat wesenlik ooreenstem met die vorm in die Aanhangsel by hierdie reëls uiteengesit, gerig aan die inligtingsbeampte of die hoof van die privaatliggaam, na gelang van die geval.
- (2) Die kennisgewing van mosie moet:
 - (a) 'n adres binne agt kilometer van die hof waar die aansoek gebring word, verstrek, waar die applikant kennisgewing en betekening van alle prosesstukke sal aanvaar;
 - (b) die respondent aansê om—
 - (i) binne 15 dae na ontvangs van die aansoek kennis te gee van sy of haar voorneme om die aansoek teen te staan, welke kennisgewing ook 'n adres binne agt kilometer van die hof waar die aansoek gebring word, moet bevat, waar kennisgewing en

- betekening van dokumente aanvaar sal word; en
- (ii) binne 15 dae na betekening van die kennisgewing van voorneme om die aansoek teen te staan, 'n antwoordende beëdigde verklaring in te dien; en
- (c) die respondent inlig dat –
- (i) indien geen kennisgewing van voorneme om die aansoek teen te staan ingevolge subreël (2)(b)(i) afgelewer word nie; of
- (ii) indien die kennisgewing van voorneme om teen te staan, afgelewer is maar geen antwoordende verklaring ingevolge subreël (2)(b)(ii) afgelewer word nie,
- die saak op die rol vir verhoor geplaas sal word sonder enige verdere kennisgewing.
- (3) Die kennisgewing van mosie in subreël (1) bedoel, moet deur 'n beëdigde verklaring ondersteun word en vergesel gaan van ware afskrifte van alle dokumente waarop die aansoeker beoog om te steun.
- (4) Die verklaring in subreël (3) bedoel, moet:
- (a) die feite en omstandighede waarop die aansoek gegrond word, uiteensit;
- (b) meld of die interne appèlprosedure beoog in artikel 74 van die Wet uitgeput is en, indien wel, besonderhede verstrek van die wyse en datum waarop die interne appèlprosedure uitgeput is en, indien nie, die redes vir versuim om sodanige prosedure uit te put; en
- (c) die tersaaklikheid van elke stuk waarop die applikant beoog om te steun, verduidelik.
- (5) Die inligtingsbeampte of hoof van 'n privaatliggaam, na gelang van die geval, moet:
- (a) onmiddellik ná ontvangs van die aansoek alle ander persone wat geraak word skriftelik van die aansoek in kennis stel en 'n afskrif van die aansoek by daardie kennisgewing aanheg;
- (b) binne 15 dae na ontvangs van die aansoek—
- (i) twee ware afskrifte van die versoek en die

kennisgewing wat aan die versoeker ingevolge artikel 25(1)(b) van die Wet gestuur is, by die klerk van die hof of griffier, na gelang van die geval, indien;

(ii) die applikant skriftelik verwittig dat daar aan die vereistes van subparagraaf (i) voldoen is; en

(iii) 'n ware afskrif van die redes, indien dit nog nie verskaf is nie, op die applikant beteken.

(6) Die applikant kan, indien die inligtingsbeampte of hoof van 'n privaatliggaam, na gelang van die geval, versuim om aan die bepalings van subreël (4) te voldoen, die klerk van die hof of griffier, na gelang van die geval, skriftelik versoek om die aansoek om 'n bevel ingevolge artikel 82(b) van die Wet voor die hof te plaas.

Vertoë

4. (1) Vertoë beoog in artikel 80(3)(a) van die Wet moet—

(a) skriftelik onder eed gemaak word en, waar toepaslik, deur dokumentêre bewys gesteun word; en

(b) minstens vyf dae voor die datum van aanhoor van die aansoek by die klerk van die hof of die griffier, na gelang van die geval, ingedien word.

(2) Die hof wat die vertoë bedoel in subreël (1) ontvang, moet die stappe doen wat hy toepaslik ag om die vertoë onder die aandag van die partye tot die aansoek te bring.

Hofgelde

5. Enige aansoek ingevolge hierdie reëls is onderhewig aan die betaling van die hofgelde wat van toepassing is in die hof waarin die aansoek gebring word, tensy die hof na goeë dunnke daarvan afstand doen op die gronde wat hy paslik ag.

Kort titel

6. Hierdie reëls word die Bevordering van Toegang tot Inligting Reëls genoem.

Inwerkingtreding

7. Hierdie reëls tree op **16 November 2009** in werking.

AANHANGSEL BY DIE BEVORDERING VAN TOEGANG TOT INLIGTING REËLS**BEVORDERING VAN TOEGANG TOT INLIGTING REËLS****KENNISGEWING VAN MOSIE**

INGEVOLGE DIE WET OP BEVORDERING VAN TOEGANG TOT INLIGTING
WET NO. 2 VAN 2000

IN DIEHOF

GEHOU TE

SAAKNO.

In die saak tussen:

Applikant (Volle name)

en

Respondent (Volle name)

NEEM KENNIS DAT

(die applikant)

van voorneme is om vir die volgende bevel aansoek te doen:

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

en dat die meegaande beëdigde verklaring van
..... en die dokumente in reël 3(3)(a) bedoel ter
ondersteuning daarvan gebruik sal word.

NEEM VERDER KENNIS dat die applikant

.....

aangewys het (verskaf 'n adres binne agt kilometer van die hof) waar die applikant kennisgewing en betekening van alle prosesstukke in hierdie verrigtinge sal ontvang.

Kennisgewing:

- (i) Kennisgewing van voorneme om die aansoek teen te staan moet binne 15 dae na ontvangs hiervan gegee word en moet 'n adres binne agt kilometer van die hof waar die aansoek gebring word, bevat waar kennisgewing en betekening van dokumente ontvang sal word.
- (ii) Antwoordende beëdigde verklarings, indien enige, moet binne 15 dae na betekening van die kennisgewing van voorneme om die aansoek teen te staan, ingedien word.
- (iii) By u versuim om aan reël 3(5) van die Toegang tot Inligting Reëls te voldoen, kan die applikant die klerk van die hof of die griffier, na gelang van die geval, versoek om die aansoek om 'n bevel ingevolge artikel 82(b) van die Wet voor die Hof te plaas.
- (iv) By u versuim om 'n kennisgewing van voorneme om teen te staan, te beteken, sal die saak na die verstryking van die tydperk in paragraaf (i) hierbo vermeld sonder verdere kennisgewing op die rol vir verhoor geplaas word, op 'n datum vasgestel deur die klerk van die hof of die griffier, na gelang van die geval.

ONDERTEKEN te _____ op hierdie _____ dag van

Applikant/Aplikant se regsverteenvoordiger

Adres _____

Aan: (1) Respondent: _____
(Adres) _____

(2) Die Klerk van die Hof of die Griffier van bovermelde hof

No. R. 966

9 October 2009

PROMOTION OF ADMINISTRATIVE JUSTICE ACT 3 OF 2000

**RULES OF PROCEDURE FOR JUDICIAL REVIEW OF ADMINISTRATIVE
ACTION**

In accordance with section 7(3) of the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000) the Rules Board has made the rules in the schedule and the Minister and Parliament have approved them.

SCHEDULE

Preamble

Section 33(1) of the Constitution guarantees everyone the right to administrative action that is lawful, reasonable and procedurally fair. The Promotion of Administrative Justice Act, 3 of 2000 gives effect to that right and section 7 of the Act requires the Rules Board for Courts of Law to make rules of procedure for judicial review subject to the approval of the Minister and Parliament. The Rules Board has made the rules and the Minister and Parliament have approved them. These rules provide a procedure to facilitate proceedings for judicial review.

Arrangement of rules**Part A: Application of rules and definitions**

- 1 Application of rules
- 2 Definitions

Part B: Request for reasons and disclosure

- 3 Request for reasons
- 4 Request for disclosure
- 5 Application for variation of time
- 6 Application for reasons
- 7 Application to compel disclosure and access

Part C: Application for judicial review

- 8 Application for judicial review
- 9 Opposition and reply

Part D: General

- 10 Form of affidavit
- 11 Conference
- 12 Discovery of documents during proceedings
- 13 Bundle of documents
- 14 Power of court to give directions
- 15 Title and commencement

PART A: APPLICATION OF RULES AND DEFINITIONS

1. Application of Rules

- (1) These rules apply to proceedings for judicial review in the High Court, the Labour Court or the Magistrates' Courts.
- (2) In an application for judicial review in a court other than one referred to in sub-rule (1), the court may adapt these rules to suit its particular requirements and procedures.
- (3) If in any legal proceedings other than an application for judicial review, a party raises an issue concerning the validity of an administrative action, the court may -
 - (a) give directions as to the process to be followed for the determination of the validity of the administrative action taking these rules into account; or
 - (b) suspend the proceedings pending the outcome of the proceedings for judicial review under these rules.
- (4) To the extent that these rules do not provide for any matter regulated by the rules of the court in which the proceedings are instituted, those rules apply insofar as they do not conflict with these rules, provided that-
 - (a) the rules relating to applications and discovery apply subject to the provisions of rules 8(2) and 12 respectively; and
 - (b) Rule 53 of the Uniform Rules of the High Court and Rule 7A of the Rules for the Conduct of Proceedings in the Labour Court no longer apply in proceedings for judicial review.

2. Definitions

- (1) Any word or expression defined in the Act or in any rules of court that may apply to proceedings in terms of these rules bears the same meaning unless provided otherwise in sub-rule (2).

- (2) In these Rules, unless the context indicates otherwise-

'Act' means the Promotion of Administrative Justice Act, 2000 (Act No 3 of 2000;

'affidavit' means a written statement contemplated in rule 10;

'day' means any day other than a Saturday, Sunday or a public holiday;

'document' includes any recorded information regardless of form or medium;

'judicial review' means judicial review of an administrative action based on a ground in section 6 of the Act for an order contemplated in section 8 of the Act;

'mediation' means a voluntary process in which a neutral third party assists litigants or prospective litigants to avoid or end litigation and resolve or find a process for resolving the litigation;

'registrar' means a registrar or clerk of court appointed in terms of any legislation governing the administration of courts;

'relevant document' means a document that directly relates to a ground of judicial review upon which a requester or applicant relies or intends to rely in proceedings for judicial review.

'Rules' includes the Forms.

PART B: REQUEST FOR REASONS AND DISCLOSURE

3. Request for reasons

- (1) Any person whose rights are materially and adversely affected by an administrative action may request the administrator to-
 - (a) furnish written reasons for the action;
 - (b) agree to a variation of the time periods for the request for, or giving of, reasons in section 5 (1) and (2) of the Act in terms of section 9(1) of that Act.
- (2) The request must be made in accordance with Form A and sent and delivered in the manner provided in the Form to the administrator within the time period referred to in section 5 (1) of the Act, or such period as may be varied in terms of section 9.
- (3) The administrator must within 10 days of receipt of the request respond to it in accordance with Form B stating whether the request is acceded to or declined.
- (4) If the administrator accedes to the request, the administrator must furnish the reasons within the period permitted in section 5 (2) of the Act unless that period has been varied by agreement or by a court in terms of section 9
- (5) The administrator may refuse a request for reasons if-
 - (a) written reasons have already been furnished to the requester;
 - (b) written reasons are publicly available and the requester is informed of where and how they are available;
 - (c) the requester is not a person whose rights are materially and adversely affected by the administrative action;

- (d) it is reasonable or justifiable to depart from the requirement to give reasons in terms of section 5(4) of the Act; or
 - (e) on any other valid ground.
- (6) An administrator who declines to furnish reasons in response to a request under this rule must give reasons for refusing to do so.

4. Request for disclosure

- (1) A person intending to institute an application for judicial review under Part C may request the administrator to-
 - (a) furnish a list of relevant documents;
 - (b) agree to vary the time periods set out in section 7(1) in terms of section 9(1) of the Act;
 - (c) agree to mediation; or
 - (d) agree to an address for and manner of service or delivery for any application made in terms of these Rules.
- (2) The request must be made in accordance with Form C and delivered to the administrator in the manner provided in the Form.
- (3) The request may be made at any time after the administrative action was taken but no later than 30 days from the date on which reasons are furnished under section 5 of the Act or rule 3.
- (4) The administrator may refuse to furnish a list of relevant documents if there are valid grounds for the refusal.
- (5) The administrator must within 30 days of receipt of a request furnish the list in accordance with Form D or notify the requester of the refusal to do so together with reasons in accordance with Form E.
- (6) The administrator must allow the requester to inspect the documents in Part 1 of schedule A to Form D at a place, time and manner determined by the administrator in Form D and to make copies at the

fee prescribed under the Promotion of Access to Information Act 2000 (Act No. 2 of 2000).

- (7) The administrator may refuse to allow the requester to inspect and copy the documents in Part 2 of schedule A to Form D.

5. Application for variation of time

- (1) If an administrator fails to respond or refuses to agree to a variation of a time period, the requester may apply to court for a variation of the time periods in sections 5(1) and (2) and 7(1) of the Act or the Rules under this Part.
- (2) The application must be made on notice of motion supported by affidavit.

6. Application for reasons

- (1) If an administrator fails to respond to a request for reasons or refuses to give reasons, the requester may apply to court for an order compelling the administrator to give reasons.
- (2) The application for reasons must be made on notice of motion supported by affidavit.

7 Application to compel disclosure and access

- (1) The requester may apply to court for an order compelling the administrator to furnish a list of relevant documents or grant access to a document on the list in Part 1 of Schedule A to Form D if the administrator-
 - (a) fails to respond to a request to furnish a list within the time period referred to in rule 4;
 - (b) refuses to furnish a list; or

- (c) refuses to grant access to a document listed in Part 1 of Schedule A to Form D.
- (2) Any such application must be made-
- (a) on notice of motion;
 - (b) supported by affidavit; and
 - (c) within 15 days of the failure or notification of the refusal in question.
- (3) A court may grant an application for furnishing a list or access to a document in Part 1 of Schedule A to Form D if it is satisfied that-
- (a) the applicant has legal standing to bring an application for judicial review of the administrative action;
 - (b) any internal remedy contemplated in section 7(2)(a) of the Act in respect of the administrative action to be reviewed has been exhausted, or if not, that there are exceptional circumstances for an exemption from this requirement;
 - (c) the applicant has made a request under rule 4(1);
 - (d) the application is made within 15 days of the notification of refusal of a request;
 - (e) there are prima facie grounds for the intended review of the administrative action; and
 - (f) the documents are necessary for the intended review of the administrative action.

PART C: APPLICATION FOR JUDICIAL REVIEW

8. Application for judicial review

- (1) A person who has not made a request or application in terms of Part B of these rules is not precluded from instituting an application for judicial review in terms of this Part.
- (2) The rules concerning applications in the court in which the proceedings are instituted apply to the proceedings under this rule subject to the specific changes effected by it.
- (3) An application for judicial review of an administrative action must be brought on notice of motion substantially in accordance with Form F supported by affidavit.
- (4) The notice of motion must be addressed to -
 - (a) the registrar of the court in which proceedings are instituted;
 - (b) the administrator;
 - (c) any person against whom relief is sought; and
 - (d) any other person necessary or proper to join in the proceedings.
- (5) The supporting affidavit must set out -
 - (a) the grounds of review referring in each case to the relevant provision in section 6(2) of the Act;
 - (b) the remedy which the applicant seeks referring in each case to the relevant provision of section 8 of the Act;
 - (c) whether there is any internal remedy, and if so, whether the remedy has been exhausted, and if not the exceptional circumstances justifying an exemption from this requirement;

- (d) whether the application was brought within the time period stipulated in section 7 or varied in terms of section 9 of the Act; and
 - (e) whether the applicant acts in a representative capacity, and if so, particulars thereof.
- (6) The application comprising the notice of motion, affidavits and annexures must be served upon every party referred to in sub-rule (4).
- (7) The application must state-
 - (a) an address and method for delivery on the applicant of all documents in the proceedings provided that if the address is a physical address and the method of delivery is by hand, that address must be within 25 kilometres of the office of the registrar of the court in which the proceedings are instituted;
 - (b) that, if the respondent intends to oppose the application, the respondent must deliver a notice of intention to defend within 15 days of receipt of the notice of motion; and
 - (c) that if the respondent does not deliver such a notice, the registrar will be requested to set the matter down for hearing without further notice.
- (8) The administrator responsible for the administrative action must be cited as a respondent.
- (9) If the administrator is a functionary, the functionary need not be cited as a respondent if the functionary's department of state, administration or institution has been cited.

9. Opposition and reply

- (1) Any person opposing the granting of an order sought in the notice of motion must-
 - (a) within the period stated in the application deliver a notice of an intention to oppose the application;
 - (b) state in that notice an address and method of delivery on the respondent of all documents in the proceedings provided that if the address is a physical address and the method of service is by hand, that address must be within 25 kilometres of the office of the registrar of the court in which the proceedings are instituted; and
 - (c) within 15 days of the notice of the intention to oppose, deliver an answering affidavit, if any.
- (2) The applicant may deliver a replying affidavit within 10 days of delivery of the respondent's answering affidavit.

PART D: GENERAL**10. Form of affidavit**

- (1) For the purpose of these rules, an affidavit may be in the form of a written statement made under oath or under a declaration of truth.
- (2) A declaration of truth must-
 - (a) take the following form:

‘I have read this affidavit and declare under pain of perjury that its contents are true and correct’; and
 - (b) be followed by the signature of the person making the affidavit and the date and place of signature.

- (3) A declaration of truth need not be attested to before a commissioner of oath in order to be admitted into evidence in proceedings for judicial review.

11. Conference

- (1) A judicial officer may at any time after an application for judicial review has been instituted require the parties to attend a conference in chambers for purposes of-
 - (a) the limitation of issues;
 - (b) considering settlement or mediation;
 - (c) directions as to applications to strike out and other interlocutory applications;
 - (d) directions to expedite proceedings; or
 - (e) any other matter considered necessary.
- (2) All agreements reached and directions given must be recorded in writing.

12. Discovery of documents during proceedings

The rules of the court in which proceedings for judicial review are instituted, relating to the discovery of documents in motion proceedings apply to applications for judicial review to the extent that those rules permit.

13. Bundle of documents

- (1) Documents other than affidavits must be identified and placed in a separate bundle divided into parts with each party's documents paginated as follows:

- (a) The applicant's documents will be marked A, with the pagination commencing at A1. If there is more than one applicant, the first applicant must mark his or her documents 1A and the second applicant as 2A and so on.
 - (b) The same applies to the documents of the respondents except that they should mark their documents as R, 1R or 2R as the case may be.
- (2) Unless there is good reason for doing so, no document may be included in the application papers more than once.
- (3) Documents must be referred to in affidavits and heads of argument as prescribed under sub-rule (1).

14. Power of court to give directions

Unless the Act precludes the court from doing so, the court may-

- (a) give directions for the proper conduct of proceedings under these rules;
- (b) shorten any period prescribed in these rules or the rules of the court in which the proceedings are instituted; and
- (c) extend any period prescribed in these rules or the rules of the court in which the proceedings are instituted notwithstanding that that period may have elapsed.

15. Title and Commencement

- 1. These rules are called the Rules of Procedure for Judicial Review of Administrative Action.
- 2. These rules will come into operation on a date to be fixed by the Minister by notice in the Gazette.

FORM A REQUEST FOR REASONS

Legal context of this form: Section 5(1) of the Promotion of Administrative Justice Act (PAJA) permits any person who is materially and adversely affected by an administrative action to request reasons within 90 days after the date on which that person became aware of the action or might reasonably have been expected to have become aware of the action. Section 5(2) of PAJA requires the person who made the decision (the administrator) to give reasons for the administrative action within 90 days of the request. These time limits may be reduced or extended by consent.

The request for reasons and variation of time must be done in accordance with rule 3 which prescribes that the request must be made in accordance with this Form.

The relevant provisions of PAJA are reproduced.

What this form is about: You need to fill in this Form if you have been materially and adversely affected by an administrative action and

- the administrator has not given reasons and you want the reasons for the administrative action;
- you need to shorten or extend the periods contained in PAJA for reasons.

You do not have to make both requests in this form.

How do you send or deliver this request? Delivery of this Form shall be effected in one or other of the following ways: hand delivery, registered post, fax or electronic mail.

PART A: DETAILS OF REQUESTER

How to fill this part of the Form:

1. Provide full details.

Item 3. The requester must state the address for delivery of the reasons and state the manner in which the reasons must be delivered.

The requester may choose one of the following methods of delivery:

- * registered post
- * facsimile
- * electronic mail

Item 4. You must explain why you are materially and adversely affected by the administrative action. The administrator may refuse to provide you with reasons or documents if you have not been so affected.

Item 5. It is important to state when and how you became aware of the administrative action because the administrator may refuse to give you reasons if you request them later than 90 days after you became aware of the action or ought reasonably to have become aware of the action.

1. If an individual-

- Full name
- Date of birth
- Identity or Passport number

2. If a company, closed corporation, partnership etc-

- Name and description
- Registration details, if any.....
- Persons authorised to act on its behalf

3. Contact details:

- Telephone number
- Email address
- Details of legal representative (if represented)
- Postal address
- Manner of delivery.....

4. Explain why you are materially and adversely affected by the administrative action.
5. When and how did you become aware of the administrative action?

PART B: NAME AND DETAILS OF ADMINISTRATOR**How to fill this part of the Form:**

1. This section is very important because they identify who must respond to your request.
2. If you do not know the name of the person responsible for the action, then it is sufficient to give the details of the body responsible for the decision. The body may be one of the following:

- a national department
- a provincial department
- a municipality
- a government agency or institution like the OCMG, SASSA or a transport bureau

1. Details of administrator who took the action (if known):
 - Full name
 - Official designation
 - Work address
 - Contact details including facsimile, telephone number and email address.
2. Details of department or institution responsible for the action:
 - Name of department or institution
 - Address
 - Contact details including facsimile, telephone number and email address
 - Head of the office

PART C: DETAILS OF THE ADMINISTRATIVE ACTION**How to fill this part of the Form:**

Part C of the Form must be as detailed as possible. This will assist the administrator in identifying the administrative action and will accordingly eliminate unnecessary delays.

1. Have you been informed of the administrative action? If "yes" provide:
 - The date of the administrative action
 - Any file or reference number used by the administrator
 - Any other details that will assist in identifying the administrative action
 - In terms of which law was the administrative action taken (if known)?
2. If you have not been informed of the administrative action, then provide:
 - A description of the administrative action
 - Any details that will assist in identifying the administrative action
 - Any file or reference number used in any documentation concerning the administrative action
3. Have you been provided with reasons for the administrative action referred to in this section? yes/no

PART D: REQUEST TO REDUCE OR EXTEND TIME PERIODS**How to fill in this form:**

You must set out in sufficient detail, the reasons why the administrator should vary the time periods stipulated in the rules of the Act.

The administrator may grant a request for the variation of the time periods taking into account the particular facts of each request.

1. Do you want to extend the time period of 90 days to make a request for reasons? Yes/No

If yes, give the reasons for the extension

2. Do you want to reduce the time period of 90 days for the administrator to submit written reasons? Yes/No

If yes, give the reasons for reducing the period.

Meaning of terms: Definition of important terms from the Act:

* "administrator" means an organ of state or any natural or juristic person taking administrative action

* "administrative action" means any decision taken, or any failure to take a decision, by—

(a) an organ of state, when—

(i) exercising a power in terms of the Constitution or a provincial constitution; or

(ii) exercising a public power or performing a public function in terms of any legislation; or

(b) a natural or juristic person, other than an organ of state, when exercising a public power or performing a public function in terms of an empowering provision, which adversely affects the rights of any person and which has a direct, external legal effect, but does not include—

(aa) the executive powers or functions of the National Executive, including the powers or functions referred to in sections 79(1) and (4), 84(2)(a), (b), (c), (d), (f), (g), (h), (i) and (k), 85(2)(b), (c), (d) and (e), 91(2), (3), (4) and (5), 92(3), 93, 97, 98, 99 and 100 of the Constitution;

(ab) the executive powers or functions of the Provincial Executive, including the powers or functions referred to in sections 121(1) and (2), 125(2)(d), (e) and (f), 126, 127(2), 132(2), 133(3)(b), 137, 138, 139 and 145(1) of the Constitution;

(ac) the executive powers or functions of a municipal council;

(ad) the legislative functions of Parliament, a provincial legislature or a municipal council;

(ae) the judicial functions of a judicial officer of a court referred to in section 166 of the Constitution or of a Special Tribunal established under section 2 of the Special Investigating Units and Special Tribunals Act, 1996 (Act No. 74 of 1996), and the judicial functions of a traditional leader under customary law or any other law;

(af) a decision to institute or continue a prosecution;

(ag) a decision relating to any aspect regarding the appointment of a judicial officer, by the Judicial Service Commission;

(ah) any decision taken, or failure to take a decision, in terms of any provision of the Promotion of Access to Information Act, 2000; or

(ai) any decision taken, or failure to take a decision, in terms of section 4(i);

* "decision" means any decision of an administrative nature made, proposed to be made, or required to be made, as the case may be, under an empowering provision, including a decision relating to—

(a) making, suspending, revoking or refusing to make an order, award or determination;

(b) giving, suspending, revoking or refusing to give a certificate, direction, approval, consent or permission;

(c) issuing, suspending, revoking or refusing to issue a licence, authority or other instrument;

(d) imposing a condition or restriction;

(e) making a declaration, demand or requirement;

(f) retaining, or refusing to deliver up, an article; or

(g) doing or refusing to do any other act or thing of an administrative nature,

and a reference to a failure to take a decision must be construed accordingly.

FORM B RESPONSE TO REQUEST FOR REASONS

Legal context of this form: Section 5(1) of the Promotion of Administrative Justice Act (PAJA) permits any person who is materially and adversely affected by an administrative action to request reasons within 90 days after the date on which that person became aware of the action or might reasonably have been expected to have become aware of the action. Section 5(2) of PAJA requires the person who made the decision (the administrator) to give reasons for the administrative action within 90 days of the request. These time limits may be reduced or extended by consent.

The request for reasons and variation of time must be done in accordance with Rule 3 which prescribes that the request must be made in accordance with Form A of the rules. Once the administrator receives the request in accordance with Form A, the administrator must within 10 days notify the requester whether the administrator accedes to or declines the request.

What this form is about: The administrator must fill in this Form if there has been a request in accordance with Form A.

How to send or deliver this notification: Delivery of this Form must be effected in the manner and at the delivery address provided for by the requester in Form A.

PART A: NAME AND DETAILS OF ADMINISTRATOR

How to fill this part of the Form:

1. The administrator must confirm, supplement or rectify the details of the administrator set out by the requester in Form A to the extent that the information in Form A is not correct.

Details of administrator responsible for the administrative action

Name:

Official designation:

Department or institution:

Address of the administrator or institution

Telephone numbers:

Fax number:

Email address:

PART B: RESPONSE TO REQUEST FOR REASONS

How to fill this part of the Form:

1. If the administrator accedes to the request, the administrator must:
 - Furnish reasons within the period permitted in section 5(2) of PAJA; or
 - Within the period varied by agreement or by a court in terms of section 9 of PAJA.
2. If the request is refused, the administrator must state which one of the following grounds for refusal is applicable:
 - Written reasons already furnished to requester
 - Written reasons are publicly available and the requester is informed of where and how they are available (give details as to how and where the reasons are available)
 - The requester is not a person whose rights are materially and adversely affected by the administrative action
 - It is reasonable and justifiable to depart from the requirement to give reasons in terms of section 5(4)

of the Act

- Another valid ground (please give detail of the ground on which you rely)

Will reasons be provided? Yes/No

If no, reasons for refusal:

If the reasons are publicly available, please give details of how and where they are available:

PART C: REQUEST TO REDUCE OR EXTEND TIME PERIODS

How to complete this part of the Form:

The administrator may grant a request for the variation of the time periods taking into account the particular facts of each request. Such request may not be unreasonably refused.

Will the request for variation of time be agreed to?: Yes/No

If no, reasons for refusal:

FORM C

REQUEST FOR DISCLOSURE OF DOCUMENTS

Legal context of this form: The Rules that governs judicial review of administrative action allows a person intending to institute an application for judicial review to request a file and access to relevant documents that that person needs in order to apply to court for the judicial review of an administrative action. The request must be made in accordance with this Form.

Meaning of terms: An explanation of important legal terms referred to is given at the end of this form. The relevant provisions of PAIA are also reproduced.

What this form is about: You need to fill in this form if you want to institute proceedings for the review of the administrative action and:

- you need disclosure and access to the documents relevant to your grounds of review in order to assist you in formulating your intended application to court;
- you need to identify or extend the periods contained in the Rules for disclosure.

How do you want to deliver this request? Delivery of this form shall be effected in one or other of the following ways:
Delivery by hand delivery, registered post, fax or electronic mail.

PART A: DETAILS OF REQUESTER

How to fill this part of the Form:

The requester must state the address for delivery of the reasons and state the manner in which the documents must be delivered.

The requester may choose one of the following methods of delivery:

- registered post
- hand-delivery
- electronic mail

You must make this request no later than 30 days from the date on which reasons are furnished under section 5 of the Act or Rule 1.

1. If a natural person-
 - Full name
 - Date of birth
 - Identity or Passport number
2. If a company, closed corporation, partnership etc –
 - Name and description
 - Registration details (if any)
 - Persons authorised to act on its behalf
3. Are you applying in your individual capacity? Yes/no
 - If yes, did the administrative action materially and adversely affect your rights?
 -
 -
 - If yes, give details of the rights affected and how they have been materially and adversely affected.
 -
 -
 -
4. Are you applying in another capacity? Yes/No
 - If so, in what capacity?
5. Contact details:
 - Telephone number and email address
 - Details of legal representative (if represented)
 - Postal address
 - Manner in which the reasons should be delivered

6. Have reasons been furnished under section 5 of the Act or Rule 3? Yes/No

If yes, when and how were reasons furnished to you

PART B: NAME AND DETAILS OF ADMINISTRATOR

How to fill this part of the Form:

1. These details are important because they identify who must respond to your request.
2. If you do not know the name of the person responsible for the action, then it is sufficient to give the details of the body responsible for the decision. The body may be one of the following:

- a national department,
- a provincial department,
- a municipality

a government agency or institution like the CCMA, SASSA or a bargaining council

1. Details of person administrator who took the decision (if known):

- Full name
- Official designation
- Work address
- Contact details including facsimile, telephone number and email address.

2. Details of department or institution responsible for action:

- Name of department or institution
- Address
- Contact details including facsimile, telephone number and email address
- Head of the office

PART C: DETAILS OF THE ADMINISTRATIVE ACTION

How to fill this part of the Form:

Part C of the Form must be as detailed as possible. This will assist the administrator in identifying the administrative action and will accordingly eliminate unnecessary delays.

1. Have you been informed of the administrative action? If "yes" provide the:

- Date of the administrative action
- Any file or reference number used by the administrator
- Any other details that will assist in identifying the administrative action
- In terms of which law was the administrative action taken (if known)?

2. If you have not been informed of the administrative action, then provide:

- Description of the administrative action
- Any details that will assist in identifying the administrative action
- Any file or reference number used in any documentation concerning the administrative action

PART D: REQUEST FOR DOCUMENTS**How to fill this part of the Form:**

1. The purpose of this request is to assist you in the formulation of your application for judicial review of the administrative action, and accordingly should not be utilised if you are not intending to institute review proceedings.
2. You must explain why you would have legal standing in a judicial review application. An individual whose rights have been materially and adversely affected by the administrative action has legal standing. A person representing those whose rights have been so affected, or a person acting in the public interest, may have legal standing. The administrator may refuse to provide you with documents if you do not have legal standing.
3. The administrator may refuse to disclose documents if you have not exhausted an internal remedy.
4. You must list the reasons and ground(s) under section 6 of PAJA you intend to use in the review of the administrative action. The grounds in section 6 are set out at the end of this form.

1. Do you intend to institute an application for judicial review? Yes/No
2. Explain why you would have standing in a judicial review application.
.....
3. Have you exhausted any internal remedy in respect of the administrative action to be reviewed? Yes/No
If not, why has the internal remedy not been exhausted?
.....
4. What are the grounds of the intended application for judicial review?
.....
.....

PART E: REQUEST TO REDUCE OR EXTEND TIME PERIODS**How to fill in this form :**

You must set out in sufficient detail, the reasons why the administrator should vary the time periods stipulated in the rules or the Act.

The administrator may grant a request for the variation of the time periods taking into account the particular facts of each request.

Note: 180 days are calendar days

1. Do you want to extend the period of 180 days in section 7(1) to institute proceedings for judicial review? Yes/No
If Yes, set out reasons
.....

Part F: Request to agree to an address and manner of delivery of documents in any court application made in terms of these rules

1. Do you want the administrator to agree to an address for and mode of delivery of all documents in any court application made in terms of these rules? Yes/No.

If any party to an application for judicial review under these Rules has consented to service or delivery of documents by fax or e-mail and any dispute arises as to the proper or timeous service or delivery of any document, the onus of proof is on the delivering party.

Part G: Request for mediation

Do you request the administrator to consent to mediation regarding your intended judicial review of the administrative action? Yes/No

Comment:

Mediation offers an alternative to litigation. You may request the administrator to consent to mediation with the help of a

	<p>neutral third party (the mediator) in order to clarify potential issues in dispute, and possibly negotiate a settlement of the case for the purpose of avoiding litigation and facilitating the speedy resolution of the grievance.</p> <p>The mediator does not decide the dispute or tell the parties what to do, but helps the parties to reach an agreement. If the matter is not resolved at mediation, you are entitled to proceed with your application for judicial review.</p> <p>Mediation is entirely voluntary and neither party will be prejudiced for refusing to consent to mediation.</p>
--	--

EXCERPTS FROM STATUTE

GROUNDING FOR REVIEW OF ADMINISTRATIVE ACTION:

The administrative action is reviewable if –

1. the administrator who took it –
 - was not authorized to do so by the empowering provision;
 - acted under a delegation of power which was not authorized by the empowering provision; or
 - was himself reasonably suspected of bias;
2. a statutory and statutory subordinate or condition prescribed by an empowering provision has not complied with it;
3. the action was procedurally unfair;
4. the action was materially influenced by an error of law;
5. the action was taken –
 - for a reason not authorized by the empowering provision;
 - for an improper purpose or motive;
 - because irrelevant considerations were taken into account or relevant considerations were not considered;
 - because of the unreasonableness or unreasonable duration of another administrative body;
 - on bad faith; or
 - arbitrarily or capriciously;
6. the action itself contravenes a law or is not authorized by the empowering provision; or
7. the action based on not correctly established or –
 - the purpose for which it was taken;
 - the purpose of the empowering provision;
 - the information before the administrator; or
 - the reasons given for it by the administrator;
8. unreasonable delay in taking the decision where –
 - an administrator has a duty to take a decision;
 - there is no law that prescribes a period within which the administrator is required to take that decision; and
 - the administrator has failed to take that decision;
9. unreasonable delay in taking the decision where –
 - an administrator has a duty to take a decision;
 - the law prescribes a period within which the administrator is required to take that decision; and
 - the administrator failed to take that decision before the expiration of that period;
10. the character of the process or the performance of the function authorized by the empowering provision, in performance of which the administrative action was purportedly taken, is an unreasonable or an unreasonable process could have so concerned the process as performed the function, as the action is arbitrary or unreasonable or unlawful.

REMEDIES IN PROCEEDINGS FOR JUDICIAL REVIEW

(1) The court or tribunal, in proceedings for judicial review in terms of section 5 (1), may grant any order that is just and equitable, including orders-

- (a) directing the administrator-
 - (i) to give reasons; or
 - (ii) to act in the manner the court or tribunal requires;
- (b) prohibiting the administrator from acting in a particular manner;
- (c) setting aside the administrative action and-
 - (i) remitting the matter for reconsideration by the administrator, with or without directions; or
 - (ii) in exceptional cases:
 - (aa) substituting or varying the administrative action or correcting a defect resulting from the administrative action; or
 - (ab) directing the administrator or any other party to the proceedings to pay compensation;
 - (d) declaring the rights of the parties in respect of any matter to which the administrative action relates;
 - (e) granting a temporary interdict or other temporary relief; or
 - (f) as to costs.

(2) The court or tribunal, in proceedings for judicial review in terms of section 5 (3), may grant any order that is just and equitable, including orders-

- (a) directing the taking of the decision;
- (b) declaring the rights of the parties in relation to the taking of the decision;
- (c) directing any of the parties to do, or to refrain from doing, any act or thing the doing, or the refraining from the doing, of which the court or tribunal considers necessary to do justice between the parties; or
- (d) as to costs.

FORM D**AFFIDAVIT - LIST OF DOCUMENTS DISCLOSED****Details of Administrator:**

- Name:
- Official designation
- Department or institution
- Address of the administrator or institution
- Contact details of administrator including a telephone number, facsimile and electronic mail address
- Name and designation of person authorised by the administrator to depose to this affidavit

Details of the Requester

- Name:
- Address for delivery of list

I, (the person authorised by the administrator),
declare:

- (1) I have in my possession documents relevant to the grounds of the intended judicial review of the administrative action set out in Form C.
- (2) The requester will be allowed to inspect and make copies of the documents listed in Part 1 of Schedule A.
- (3) The requester may inspect and make copies (at the fees determined under the Promotion of Access to Information Act 2 of 2000) of the documents listed in Schedule A, Part 1 at the time, place and manner set out below:

.....

- (4) I object to produce the documents listed in Part 2 of Schedule A, for the following reasons:

.....

- (5) I had, but no longer have in my possession, the documents listed in Schedule B hereto. These documents were last in my possession on:

.....
.....

The documents were given to:

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

- (6) According to the best of my knowledge and belief, I have not now, and never had in my possession, any documents relevant to the review grounds set out in Form C other than the documents listed in Schedule A and Schedule B.
- (7) I have read this affidavit and declare under pain of perjury that its contents are both true and correct. (this affidavit must be attested under oath or affirmation before a commissioner of oaths)

DATED atthisday of20.....

Administrator:

PART 2

[illegible]

FORM E NOTIFICATION OF REFUSAL TO DISCLOSE DOCUMENTS

Legal context of this form: The Rules that govern judicial review of administrative action allow a person intending to institute an application for judicial review to request a list and access to documents that that person needs in order to apply in court for the judicial review of an administrative action. The request must be made in accordance with Form C. Once the administrator receives the request in accordance with Form C, the administrator must within 15 days furnish the list of documents or notify the requester of his or her refusal to furnish the list.

When this form is about: the administrator must complete this form if there has been a request in accordance with Form C and the administrator is refusing to provide:

- A list of documents relevant to the grounds of review of the administrative action;
- An extension of the 180 day period in section 7(1) of the Act to institute proceedings for judicial review.

How to deliver this notification: Delivery of this form must be effected in the manner and at the delivery address provided for by the requester in Form C.

PART A: NAME AND DETAILS OF ADMINISTRATOR

How to fill this part of the Form:

The administrator must confirm, supplement or verify the details of the administrator set out by the requester in Form C in the extent that the information in Parts C is not correct.

2. The administrator must provide the details for accepting service of documents in any court application.

1. Details of administrator responsible for the administrative action:

- Administrator
- Official designation
- Department or institution
- Address of the administrator or institution
- Contact details of administrator including a telephone number, facsimile and electronic mail address

2. Details of address and method for accepting all documents in any court litigation regarding the administrative action.

PART B: REASONS FOR REFUSAL

How to fill this part of the Form:

The administrator must identify the grounds for the refusal to provide a list of documents.

PART C: REQUEST TO REDUCE OR EXTEND TIME PERIODS

How to fill this part of the Form:

The administrator may grant a request for the variation of the time periods taking into account the particular facts of each request. Such request may not be unreasonably refused.

Will the request for variation of time be agreed to?: Yes/No

PART D: REQUEST FOR MEDIATION

Do you consent to mediation? Yes/No

Comment:

Mediation is entirely voluntary and no party will be prejudiced for refusing to consent to mediation.

FORM F

NOTICE OF MOTION: APPLICATION FOR JUDICIAL REVIEW

IN THECOURT

HELD AT

CASE NO.

IN THE MATTER BETWEEN:

.....

Applicant

And

.....

Respondent

TAKE NOTICE that the applicant intends to make application to this Court for the review of the following administrative action:

.....

and claims an order in the following terms:

.....

and take notice that the accompanying affidavit(s)

of... will be used in support thereof.

TAKE NOTICE FURTHER that the applicant has appointed the following address at which delivery of all process in these proceedings will be accepted and method of delivery for all procedures and documents in these proceedings.

.....

TAKE NOTICE FURTHER that the applicant has elected the following manner in which he or she will accept delivery of documents:

.....

TAKE NOTICE FURTHER that if you intend opposing this application, notice of intention to oppose must be given within 15 days of receipt of the notice of motion. This notice must appoint an address for and manner of delivery of all process and documents. If you provide a physical address and require that the documents be served on you by hand, the address provided must be within 25km of a Court.

TAKE NOTICE FURTHER that within 15 days after giving notice of your intention to oppose, you must deliver an answering affidavit, if any.

If no such notice of intention to oppose is given, the registrar will be requested to set the matter down for hearing ondate at.....time.

DATED atthisday of20.....

.....
Applicant or his Attorney
(address)

To:

- (1) The Registrar of the above Court;
- (2) The Administrator;
- (3) Any persons against whom relief is sought; and
- (4) Any other person necessary to join in the proceedings.

**ISAZISO SIKARHULUMENTE
ISEBE LEZOBULUNGISA NOPHULISO LOMGAQO-SISEKO**

**UMTHETHO WENKUTHAZO YOBULUNGISA 3 WAMA-2000
IMIMISELO YENKQUBO YOPHENGULULO LWEZOBULUNGISA
LWESENZO SOLAWULO**

Ngokuhambelana necandelo 7(3) lomThetho weNkuthazo yoBulungisa, 2000 (UmThetho No. 3 wama-2000) iBhodi yeMimiselo yenze imimiselo kwishedyuli yaye uMphathiswa nePalamente bayamkele.

ISHEDYULI

Intshayelelo

Icandelo 33(1) lomGaqosiseko liqinisekisa wonke ubani ilungelo lesenzo solawulo esisemthethweni, esamkelekileyo nesiingenasheyi ngokomgaqo-nkqubo. UmThetho weNkuthazo yoLawulo ngoBulungisa, 3 wama- 2000 unikeza isiphumo kwelo lungelo yaye icandelo 7 lomThetho lifuna iBhodi yeMimiselo yeeNkundla zomThetho ukuba yenze imimiselo yenkqubo yophengululo lwezobulungisa ngokulawulwa yimvume yoMphathiswa nePalamente. IBhodi yeMimiselo iyile imimiselo yaye yamkelwe nguMphathiswa nePalamente. Le mimiselo ibonelela ngenkqubo efanelekileyo yokulungiselela iingxoxo zophengululo lobulungisa.

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ISAHLULO A: UKUSETYENZISWA KWEMIMISELO NEENKCAZELO**1. Ukusetyenziswa kweMimiselo**

- (1) Le mimiselo isebenza kwiinkqubo zophengululo lobulungisa kwiNkundla ePhakamileyo, iNkundla yaBasebenzi okanye iiNkundla zooMantyi.
- (2) Kwisicelo sophengululo lobulungisa kwinkundla ngaphandle kwaleyo ekubhekiswe kuyo kummiselwana (1), inkundla ingalungisa le mimiselo ukufanelana neentswelo neenkqubo zayo ngokukodwa.
- (3) Ukuba nakweziphi iingxoxo zomthetho ngaphandle kwesicelo sophengululo ngobulungisa, iqela liphakamisa umba malunga nokuba semthethweni kwesenzo solawulo, inkundla inga -
 - (a) nika imiyalelo ngokuphathelele kwinkqubo yokulandela ukumisela ukuba semthethweni kwesenzo solawulo kuthathelwa ingqalelo le mimiselo; okanye
 - (b) xhoma iingxoxo ngokuxhomekeke kwisiphumo seengxoxo zophengululo lobulungisa phantsi kwale mimiselo.
- (4) Kangangoko le mimiselo ingaboneleli nangawuphi umba olawulwa yimimiselo yenkundla apho iingxoxo zisungulwe khona, loo mimiselo isebenza kangangoko ingaphikisani nale mimiselo, ngokuxhomekeke ekubeni -
 - (a) Imimiselo enxulumene nezicelo nokufumanisa isebenza ngokulawulwa yimigaqo yemimiselo 8(2) nowe-12 ngokulandelelana, yaye
 - (b) UMmiselo 53 weMimiselo yokuFana yeNkundla ePhakamileyo noMmiselo 7A weMimiselo yokuQhuba iiNgxoxo kwiNkundla yaBasebenzi ayisasebenzi kwiingxoxo zophengululo lobulungisa.

2. linkcazelo

- (1) Naliphi igama okanye ibinzana elichaziweyo kumThetho okanye nayiphi imimiselo yenkundla enokusebenza kwiingxoxo ngokwale mimiselo iqulathe intsingiselo efanayo ngaphandle xa kubonelelwe ngenye indlela kummiselwana (2).

- (2) Kule Mimiselo, ngaphandle xa umxholo ubonisa ngenye indlela-

'iafidavithi' ithetha ingxelo ebhaliweyo ekhankanywe kummiselo 10;

'Imimiselo' iquka iiFomu;

'ukulamla' kuthetha inkqubo yokuzithandela apho iqela lesithathu elingathathi icala lincedisela abamangalelene okanye abaza kumangalelana ukuphepha okanye ukuphelisa ukumangalelana nokusombulula okanye ukufumana inkqubo yokusombulula ukumangalelana;

'umbhalisi' uthetha umbhalisi okanye unobhala wenkundla onyulwe ngokomthetho nawuphi olawula ukuphathwa kweenkundla;

'UmThetho' uthetha umThetho weNkuthazo yoLawulo ngoBulungisa, 2000 (umThetho No 3 wama-2000);

'uphengululo lobulungisa' luxela uphengululo lobulungisa kwisenzo solawulo ngokusekwe kwicandelo 6 lomThetho lomyalelo okhankanywayo kwicandelo 8 lomThetho;

'usuku' luxela naluphi usukungaphandle koMgqibelo, iCawa okanye iholide kawonkewonke;

'uxwebhu olunonxulumano' luthetha uxwebhu olunxulumene ngqo kwisizathu sophengululo lobulungisa elo umceli okanye umenzi wesicelo athembele okanye afuna ukuthembela kulo kwiingxoxo zophengululo lobulungisa.

'uxwebhu' luquka naluphi ulwazi olushicilelweyo kungakhathaliseki ngokwemo okanye uhlobo lonikelo lweendaba.

ISAPHLULO B: UKUCELA IZIZATHU NOKUBHENGENZA**3. Ukucelwa kwezizathu**

- (1) Nawuphi umntu lowo amalungelo akhe achaphazeleka ngokuphathekayo nakakubi sisenzo solawulo unokucela umphathi uku-
 - (a) bonelela ngezizathu ezibhaliweyo zesenzo;
 - (b) ukuvuma ukwahlukahluhana kwamathuba exesha lokucelela, okanye lokunikela, izizathu kwicandelo 5 (1) nele- (2) lomThetho ngokwecandelo 9 (1) laloo mThetho.
- (2) Ukucela kufuneka kwenziwe ngokweFomu A yaye kuthunyelwe ngendlela ebonelelwe kwiFomu kumphathi kwithuba lexesha ekubhekiswe kulo kwicandelo 5 (1) lomThetho, okanye ngokwethuba njengoko linokuhlukaniswa ngokwecandelo 9.
- (3) Umphathi kufuneka kwithuba leentsuku ezili-10 zokufumana isicelo siphendule ngokuhambelana neFomu B uxela nokuba isicelo siyamkelwa okanye siyalandulwa.
- (4) Ukuba umphathi uyasamkela isicelo, kufuneka umphathi anikele ngezizathu kwithuba lexesha elivunyiweyo kwicandelo 5 (2) lomThetho ngaphandle xa elo xesha lihlukahlukanisiwe ngokwesivumelwano okanye yinkundla ngokwecandelo 9.
- (5) Umphathi angasilandula isicelo sezizathu ukuba-
 - (a) izizathu ezibhaliweyo selezinikiwe umceli;
 - (b) izizathu ezibhaliweyo zifumaneka ngendlela kawonkewonke yaye umceli uxelelwe indawo nendlela ezifumaneka ngayo;
 - (c) umceli asinguye umntu lowo amalungelo akhe achaphazeleka ngokuphathekayo nakakubi sisenzo solawulo;

- (d) kwamkelekile okanye kuyathetheleleka ukuphambuka kwimfuneko yokunika izizathu ngokwecandelo 5(4) lomThetho; okanye
 - (e) nasiphi esinye izizathu esisemthethweni.
- (6) Umphathi olandula ukunika izizathu ukusabela kwisicelo phantsi kwalo mmiselo kufuneka anike izizathu zokwala ukwenza njalo.

4. Ukucelwa kokubhengeza

- (1) Umntu ozimisele ukufaka isicelo sophengululo lobulungisa phantsi kweSahlulo C unokucela umphathi-
- (a) ukubonelela ngoluhlu lwamaxwebhu anonxulumano;
 - (b) ukuvuma ukwahlukanisa izithuba zamaxesha njengoko kuxeliwe kwicandelo 7(1) ngokwecandelo 9(1) lomThetho;
 - (c) ukuvuma kulamlo;
 - (d) ukuvuma kwidilesi nendlela yokwenza okanye ukuthumela nasiphi isicelo esenziwe ngokwale Mimiselo.
- (2) Kufuneka isicelo senziwe ngokuhambelana neFomu C yaye sithunyelwe kumphathi ngendlela ebonelelwe kwiFomu.
- (3) Isicelo sinokwenziwa nanini na emva kokuba isenzo solawulo siphunyeziwe kodwa kungabi semva kweentsuku ezingama-30 - ukusuka kumhla ezinikwe ngawo izizathu phantsi kwecandelo 5 lomThetho okanye uMmiselo 3.
- (4) Umphathi unokwala ukunikela ngoluhlu lwamaxwebhu anonxulumano ukuba kukho izizathu ezisemthethweni zokulandula.
- (5) Umphathi kufuneka kwithuba leentsuku ezili-15 zokwamkela isicelo anikele uluhlu ngokweFomu D okanye azise umceli ngokwala kwakhe ukwenza njalo kunye nezizathu ngokweFomu E.

- (6) Umphathi kufuneka avumele umceli ukuhlola amaxwebhu kwiSahlulo 1 seshedyuli A seFomu D kwindawo, inxesha nendlela emiselwe ngumphathi kwiFomu D nokwenza iikopi ngokomrhumo omiselwe phantsi komThetho wePromotion of Access of Information Act, 2000.
- (7) Umphathi unokwala ukuvumela umceli ukuhlola nokukopa amaxwebhu kwiSahlulo 2 seshedyuli A yeFomu D.

5. Isicelo sokwahlukanisa ixesha

- (1) Ukuba umphathi uyasilela ukuphendula okanye uyala ukuvuma ukwahlukanisa ithuba lexesha, umceli unokwenza isicelo kwinkundla yokwahlukanisa amathuba exesha kumacandelo 5(1) ne- (2) ne- 7(1) omThetho okanye iMimiselo phantsi kwesi Sahlulo.
- (2) Isicelo kufuneka senziwe kwisaziso sentshukumo exhaswa yiafidavithi.

6. Isicelo sezizathu

- (1) Ukuba umphathi uyasilela ukuphendula isicelo sezizathu okanye ulandula ukunika izizathu, umceli angenza isicelo kwinkundla yomyalelo onyanzela umphathi ukunika izizathu.
- (2) Isicelo sezizathu kufuneka senziwe kwisaziso sentshukumo esixhaswa yiafidavithi.

7. Isicelo sokunyanzelisa ukubhengeza nokufikelela

- (1) Umceli unokwenza isicelo kwinkundla somyalelo onyanzelisa umphathi ukunikela ngoluhlu lwamaxwebhu anonxulumano okanye ukunikela ngofikelelo kuxwebhu olukuhlu kwi Sahlulo 1 seShedyuli A yeFomu D ukuba umphathi-

- (a) uyasilela ukusabela kwisicelo sokubonelela ngoluhlu kwithuba lexesha ekubhekiswa kulo kummiselo 4;
 - (b) uyala ukunikela ngoluhlu; okanye
 - (c) uyala ukunikela ngokufikelela kuxwebhu oludweliswe kwiSahlulo 1 seShedyuli A kuFomu D.
- (2) Nasiphi isicelo esinjalo kufuneka senziwe-
 - (a) kwisaziso sentshukumo;
 - (b) esixhaswa yiafidavithi; yaye
 - (c) kwithuba leentsuku ezili-15 zokusilela okanye isaziso sokwala okuxelwayo.
- (3) Inkundla inokunikela isicelo sokubonelela ngoluhlu okanye ukufikelela kuxwebhu kwiSahlulo 1 seShedyuli A kwiFomu D ukuba yanelisekile ukuba-
 - (a) umenzi wesicelo unesizathu esisemthethweni sokwenza isicelo sophengululo lobulungisa lwesenzo solawulo;
 - (b) naluphi uncendo lwangaphakathi olukhankanywayo kwicandelo 7(2)(d) lomThetho ngokuphathelele kwisenzo solawulo esiza kuphengululwa lusetyenziswe lonke, ukuba akunjalo, ukuba kukho iimeko ezikhethekileyo zokuyekelela kule mfuneko;
 - (c) umenzi wesicelo wenze isicelo phantsi kommiselo 4(1); yaye
 - (d) isicelo senziwe kwithuba leentsuku ezili-15 zesaziso sokwala okanye zesicelo;
 - (e) ukuba kukho izizathu ezi-prima facie (zoluvo lokuqala) zophengululo olucetywayo lwesenzo solawulo;
 - (f) amaxwebhu ayafuneka ngokuphathelele kuphengululo olucetywayo lwesenzo solawulo.

ISAPHLULO C: ISICELO SOPHENGULULO LOBULUNGISA**8. Isicelo sophengululo lobulungisa**

- (1) Umntu ongenzanga isicelo okanye afeke isicelo ngokweSahlulo B sale mimiselo akabekelwanga bucala ekufakeni isicelo sophengululo lobulungisa ngokwesi Sahlulo.
- (2) Imimiselo malunga nezicelo enkundleni apho iingxoxo zifakwa khona iyasebenza kwiingxoxo phantsi kwalo Mmiselo ngokulawulwa ziinguqu ezithile eziphunyezwe yiyo.
- (3) Isicelo sophengululo lobulungisa besenzo solawulo kufuneka siziswe kwisaziso sentshukumo ngokuphathekayo ngokweFomu F exhaswa yiAfidavithi;
- (4) Isaziso sentshukumo kufuneka sibhekiswe ku:
 - (a) umbhalisi wenkundla apho iingxoxo zifakwe khona;
 - (b) mphathi;
 - (c) nawuphi umntu okufunwa uncedo ngokuchasene naye; kwakunye
 - (d) nawuphi omnye umntu ofunekayo okanye ofanelekile ukungena kwiingxoxo.
- (5) Iafidavithi exhasayo kufuneka ibonise:
 - (a) izizathu zophengululo ibhekisa kwimeko nganye kumgaqo ononxulumano kwicandelo 6(2) lomThetho;
 - (b) uncedo olo umenzi wesicelo alufunayo kubhekiswa kwimeko nganye kumgaqo onxulumeneyo wecandelo 8 lomThetho;
 - (c) nokuba kukho naluphi uncedo lwangaphakathi, yaye xa kunjalo, nokuba uncedo lusetyenziswe kanobom, yaye ukuba akunjalo iimeko ezikhethhekileyo ezithethelela uyekelelo kule mfuneko;
 - (d) nokuba isicelo siziswe kwithuba lexesha elibekiweyo kwicandelo 7 okanye saguquguqulwa ngokwecandelo 9 lomThetho; yaye

- (e) nokuba umenzi wesicelo usebenza njengommeli, ukuba kunjalo neenkukacha zoko.
- (6) Isicelo esiquka isaziso sentshukumo, iiafidavithi nezihlomelo kufuneka zinikwe elinye nelinye lamaqela ekubhekiswa kuwo kummiselwana (4).
- (7) Isicelo kufuneka sixele-
 - (a) idilesi nendlela yokuthumela kumenzi wesicelo onke amaxwebhu kwiingxoxo ngokuxhomekeke ekubeni idilesi yidilesi yendawo yaye nendlela yokuthumela yeyesandla, kwanokuthi idilesi kufuneka ibe kungama wama-25 eekilometre eofisi yombhalisi wenkundla apho iingxoxo zifakwa khona;
 - (b) ukuba, xa ummangalelwa ezimisele ukuphikisana nesicelo, kufuneka ummangalelwa athumele isaziso senjongo yokukhusela kwithuba leentsuku ezili-15 zokufumana isaziso sentshukumo; yaye
 - (c) ukuba ummangalelwa akathumeli isaziso esinjalo, umbhalisi uza kucelwa ukumisela umcimbi ingxoxo ngaphandle kwesaziso esongezelelweyo.
- (8) Umphathi onoxanduva lwesenzo solawulo kufuneka athathwe njengommangalelwa
- (9) Ukuba umphathi uligosa likarhulumente njengoMphathiswa, akukho mfuneko yokuba igosa likarhulumente lithathwe njengommangalelwa ukuba isebe, ulawulo okanye iziko legosa lebizwe njalo.

9. Impikiso nempendulo

- (1) Nawuphi umntu ophikisa ukunikwa komyalelo ofunwayo kwisaziso sentshukumo kufuneka-
 - (a) phakathi kwexesha elixeliweyo kwisicelo athumele isaziso nenjongo yokuphikisa isicelo;
 - (b) axele kweso saziso idilesi nendlela yokuthumela kummangalelwa onke amaxwebhu kwiingxoxo ngokuxhomekeke ekubeni ukuba idilesi yeyendawo yaye nendlela yenkonzo yeyesandla, loo dilesi kufuneka ibe phakathi kwee-kilometre ezingama-25 zeofisi yombhalisi wenkundla apho iingxoxo zifakwe khona;
 - (c) kwithuba leentsuku ezili-15 zesaziso senjongo yokuphikisa, thumela iafidavithi ephendulayo, ukuba ikhona.
- (2) Umenzi wesicelo angathumela iafidavithi ephendulayo kwithuba leentsuku ezili-10.

ISAHLULO D: NGOKUBANZI**10. Uhlobo lweafidavithi**

- (1) Ngokwenjongo yale Mimiselo, iafidavithi inokuba ngohlobo lwengxelo ebhaliweyo eyenziwe phantsi kwesifungo okanye phantsi kwesibhengezo senyaniso.
- (2) Isibhengezo senyaniso kufuneka-
 - (a) sibe ngendlela elandelayo:

'Ndiyifundile le afidavithi yaye ndibhengeza phantsi kwentlungu yesifungo sobuxoki ukuba iziququlatho zayo ziyinyaniso yaye zichanekile'; yaye

- (b) ilandelwe kukusayina komntu owenza iafidavithi nomhla nendawo yomsayino.
- (3) Isibhengezo senyaniso akukho mfuneko yokuba senziwe phambi kwekhomishina yezifungo ukuze samkeleke njengobungqiba kwiingxoxo zophengululo lobulungisa.

11. Ingqungquthela

- (1) Igosa lezobulungisa nanini na emva kokuba isicelo sophengululo lobulungisa senziwe lingafuna ukuba amaqela eze kwingqungquthela kumagumbi ezolawulo ngenjjongo-
 - (a) yokubeka imida kwimiba;
 - (b) ukucinga ngokulungisa okanye ukulamla;
 - (c) imiyalelo ngokwezicelo ukulungisa izinto kwizicelo nezinto ezithatha inxaxheba kwizicelo;
 - (d) imiyalelo yokukhawulezisa iingxoxo;
 - (e) nayiphi eminye imicimbi ekucingwa ukuba iyafuneka.
- (2) Zonke izivumelwano ezifikelelweyo nemiyalelo enikiweyo kufuneka irekhodwe ngokubhaliweyo.

12. Ukufumana amaxwebhu ngethuba leengxoxo

Imithetho yenkundla apho iingxoxo zophengululo lobulungisa zifakwe khona, ngokunxulumene nokufumana amaxwebhu kwinkqubo yeengxoxo iyasebenza kwisicelo sophengululo lobulungisa kangangoko loo mimiselo ivuma.

13. Umqulu wamaxwebhu

- (1) Amaxwebhu ngaphandle kweefidavithi kufuneka aphawulwe yaye abekwe kwimiqulu eyahlukile eyahlulwe ngokwezahlulo ezo amaxwebhu eqela ngalinye alandelelaniswe ngazo ngokwamaphepha ngokulandelayo:

- (a) Amaxwebhu omenzi wesicelo aza kuphawulwa ngo-A, namanani amaphepha eqala ku-A:1. Ukuba kukho abenzi besicelo abangaphezulu komnye, umenzi wesicelo wokuqala kufuneka aphawule amaxwebhu akhe ngo-1A kuthi umenzi wesicelo wesibini awakhe abe ngu-2A njalo njalo.
 - (b) Kwenzeka okufanayo kumaxwebhu ommangalelwa ngaphandle nje kokuba kufuneka baphawule amaxwebhu njengo-R, 1R okanye 2R ngokuya ngokwemeko.
- (2) Ngaphandle xa kukho isizathu esilungileyo sokwenza njalo, akukho xwebhu ekufuneka lifakwe kumaphepha esicelo ngaphezulu kwesihlandlo esinye.
- (3) Amaxwebhu kufuneka kubhekiswe kuwo kwiiafidavithi nezihloko zeempikiswano njengoko kumiselwe phantsi kommiselwana (1).

14. Amandla enkundla ukunika imiyalelo

Ngaphandle xa umThetho uyibekela bucala ekwenzeni njalo, inkundla inakho-

- (a) ukunika imiyalelo yenkqubo efanelekileyo yeengxoxo phantsi kwale mimiselo;
- (b) yokufutshanisa naliphi ixesha elimiselweyo kule mimiselo okanye imimiselo yenkundla apho iingxoxo zifakwe khona;
- (c) ukolula naliphi ixesha elimiselweyo kule mimiselo okanye imimiselo yenkundla apho iingxoxo zifakwe khona kungakhathaliseki nokuba elo xesha beselidlule.

15. Isihloko nokuQalisa

1. Le mimiselo ibizwa iMimiselo yeNkqubo yoPhengululo loBulungisa lweSenzo soLawulo.
2. Le mimiselo iza kungena entsebenzweni ngomhla oza kumiswa nguMphathiswa ngesaziso kwiGazethi.

IFOMU A ISICELO SEZIZATHU

Umkholo wemthetho wale fomu: Icanalelo 5(1) IomThetho weNkuthazo yeLawulo ngoDalungisa (Promotion of Administrative Justice Act) (PAJA) livumele naniyiphi ientlo oqatshelwe ngokuphathekayo nangokungalinganga sisenzo solawulo ukucela izizathu kwithuba leentlaku ezingama-90 emva kakhulu loo mntu eqaphile ngesenzo okanye enokutshatshiswa ngokwamkricileyo ukapapshela ngesenzo. Icanalelo 5(2) lePAJA lifuna umntu oqatshelwe isigqibo (umphathi) anikere izizathu zesenzo solawulo kwithuba leentlaku ezingama-90 zesicelo. Le mda yexesha isokuncitshiswa okanye yoluhle ngemvume.

Isicelo sezizathu nokugaqungquka kwexesha kufuneka kwenziwe ngokuhambelana nobhinqiso 3 omisela ukuba isicelo kufuneka senziwe ngokuhambelana nale Fomu.

Iingqo yePAJA emaxulumanano iyaveliwa kwakhona.

Le fomu imalunga nantoni: Kufuneka ugcalise le Fomu ukuba uqatshelwe ngokuphathekayo nangokungalinganga sisenzo solawulo yaye:

- umphathi akanakwazi ngesizathu yaye ufuna izizathu zesenzo solawulo;
- ufuna ukufutshana okanye ukulula amaxesha ezizathu aqatshelwe kwiPAJA.

Akukho mfuneko yokwenza izicelo zozibini kule fomu.

Ukuthumela njani esi sicelo? Ukuthunyelwa kwale Fomu kuba kuthathelwe yaye yendlela ezilandelayo: ukuthunyelwa ngesandla, ngeposi ebhalisiweyo, ngefaksi okanye ngo-imeyile.

ISAHLULO A: IINKCUKACHA ZOMENZI WESICELO

Indlela yokugcalisa esi sahlulo seFomu:

1. Bonela ngeenkukacha zipheleleyo.

Umgcimi 3. Umenzi wesicelo kufuneka axele idilesi yokuthumela izizathu yaye axele indlela leyo izizathu kufuneka zithunyelwe ngayo.

Umenzi wesicelo unokukhetha enye yeendlela ezilandelayo zokuthumela:

- ngeposi ebhalisiweyo
- ngefaksi
- Ngo-imeyile.

Umgcimi 4. Kufuneka uchaze ukuba kutheni uqatshelwe ngokuphathekayo nangokungalinganga sisenzo solawulo. Umphathi unokwala ukukubonela ngesizathu okanye amaxesha ukuba awichatshazelwanga njalo.

Umgcimi 5. Kubalulekile ukucela ukuba uqaphile nini nakanjani ngesenzo solawulo ngenxa yokuba umphathi unokwala ukukunika izizathu ukuba uzicela emva kweentsuku ezingama-90 emva kokuba uqaphile ngesenzo okanye kancinci ngokwamkricileyo ukuba uqaphile ngesenzo.

1. Ukuba ungumntu ozimeleyo-
 - Igama ngokupheleleyo
 - Umhla wokuzalwa
 - Inomboli yeSazisi okanye yePaspoti
2. Ukuba yinkampani, inkampani yabambalwa (i-CC), ulwahlulelwano, njljl.-
 - Igama nenkcazo
 - Iinkcukacha zobhaliso; ukuba zikhona.....
 - Abantu abagunyaziswe ukuthatha amanyathelo egameni layo
3. Iinkcukacha zoqhagamshelwano:
 - Inombolo yefowuni
 - Idilesi ye-Imeyile
 - Iinkcukacha zomeli wezomthetho (ukuba bamelwe)
 - Idilesi yePosi

- Indlela yokuthumela.....

4. Chaza ukuba kutheni uchaphazeleke ngokuphathekayo nangokungalinganga sisenzo solawulo.

5. Uqaphele nini nangeyiphi indlela ngesenzo solawulo?

ISIAHLULO B: IGAMA NEENKUKACHA ZOMPHATHI

Indlela yokugcwalisa esi sahlulo seFomu:

1. Ezi zinkukacha zibalekile ngokuba yinkukacha elandelayo elinokuba kwisicelo sakho.
2. Ukuba awunzi igama kanye nomatshelwano, ngokwazi ukuthi iinkukacha ezilandelayo zibalekile.

Umbutho unokuba ngesenzo solawulo:

- Isicelo lesenzo,
- Isicelo lesenzo,
- Umsebenzi,
- Iinkukacha ezilandelayo okanye izinkukacha ezilandelayo.

1. Iinkukacha zomphathi oqhuba isenzo (ukuba uyaziwa):
 - Igama ngokupheleleyo
 - Isikhundla ngokusemthethweni
 - Idilesi yasemsebenzini
 - Iinkukacha zohagamshekwano kuquka ifeksi, inombolo yefowuni nedilesi ye-imeyile.
2. Iinkukacha zesebe okanye isiza esinoxanduva lwesenzo:
 - Igama lesebe okanye iziko
 - Idilesi
 - Iinkukacha zohagamshekwano kuquka ifeksi, inombolo yefowuni nedilesi ye-imeyile.....
 - Intloko yeofisi

ISIAHLULO C: IINKUKACHA ZESENZO SOLAWULO

Indlela yokugcwalisa esi sahlulo seFomu:

Isahlulo C seFomu kufuneka sibe neenkukacha kangangoko kunokwenzeka. Oku kuza kunceda umphathi ukuchonga isenzo solawulo yayi kuza kushenxisa ngokukuko ukulibazisa okungafunekiyo.

1. Ingaba uxelelwe ngesenzo solawulo? Ukuba uthi "ewe" bonelela:
 - Ngomhla wesenzo solawulo
 - Nayiphi ifayili okanye inamba yokubhekisa esetyenziswe ngumphathi
 - Naziphi iinkukacha eziza kunceda ukuchonga isenzo solawulo.....
 - Isenzo solawulo sithathwe phantsi kowuphi umthetho (nkuba uyaziwa)?.....
2. Ukuba awuxelelwanga ngesenzo solawulo, ngako bonelela:
 - Ngenkazo yesenzo solawulo
 - Naziphi iinkukacha eziza kunceda ukuchonga isenzo solawulo.....
 - Nayiphi ifayili okanye inamba yokubhekisa esetyenziswe nakuwaphi amaxwebhu malunga nesenzo solawulo
3. Ingaba ubonelelwe ngezizathu zesenzo solawulo okubhekiswa kuso kweli candelo: ewe /hayi

ISIAHLULO D: ISICELO SOKUNCIPHISA OKANYE UKOLULA AMATHUBA EXESHA

Indlela yokugcwalisa le fomu :

Kufuneka ucacise ngeenkukacha ezaneleyo, izizathu zokuba kutheni umphathi kufuneka aguquguqule amathuba exesha amisiweyo kwininzi okanye umThetho.

Umphathi unokwamkela isicelo sokuguquguqule amathuba exesha ethathela ingqalelo imiba eyodwa yesicelo ngasinye.

1. Ingaba ufuna ukolula ithuba lexesha leentsuku ezingama-90 ukwenza isicelo sezizathu? Ewe/Hayi Ukuba uthi 'ewe', nikela izizathu zokolula.
2. Ingaba ufuna ukunciphisa ithuba lexesha leentsuku ezingama- 90 ukwenzela umphathi athumele izizathu ezibhaliweyo? Ewe/Hayi Ukuba uthi 'ewe', nikela izizathu zokunciphisa ixesha.

Iintsingiselo yanagama: Inkcazo yanagama abalandelelayo aphuma komThetho:

- **"umphathi"** uthetha igunya likarhulumente okanye nawuphi umntu wendalo okanye ngokusemthethweni oqhuba isenzo solawulo
- **"isenzo solawulo"** sithetha nasiphi isigqibo esithathiweyo, okanye nakuphi ukusilela okuthatha isigqibo, —

(a) igunya lotobush, xa —

- (i) isebenzisa igunya ngokomGagosiseko okanye umgagosiseko wephando okanye
- (ii) isebenzisa igunya likawonke-wonke okanye liguqula imisebenzi kawonke-wonke ngokomntseto 10 wumthetho nawuphi, okanye

(b) amntu wendalo okanye ngokusemthethweni, ngaphandle kwegatyalo kumbuso, xa esebenzisa igunya likawonke-wonke okanye ngokuboneza umsebenzi wawo womgaqo oxbabisiyo, okuphazela ngokungalinganga amahungelo amntu nawuphi eHlabathi ngokungalingayo, sonkeletho wangaphandle, kodwa singaqulqi —

- (i) amagunya okulawula okanye imisebenzi yesiGcaba seSirwe esiLawulayo,

kuquka amagunya okanye imisebenzi ekhankanywa kumacandelo 79(1) ne-

- (a), 84(2)(a), (b), (c), (d), m, (e), (f), 85(2)(b), (c), (d)

ne-(e), 91(2), (3), (4) ne-(5), 92(3), 93, 97, 98, 99 ne-100

omGagqo-siseko;

- (ii) amagunya okulawula okanye imisebenzi yesiGcaba sePhando esiLawulayo,

kuquka amagunya okanye imisebenzi ekhankanywa kumacandelo 124(1) ne-

- (2), 125(2)(d), (e) ne-m, 126, 127(2), 132(2), 133(3)(b), 137, 138

139 ne-145(1) yomGagqo-siseko;

- (cc) amagunya okulawula okanye imisebenzi yehhanga likamasipala;

- (dd) imisebenzi yowisoentetho yePalamente, yowisoentetho yephando okanye

ibanga likamasipala;

- (ee) imisebenzi yobulungisa yegosa lobulungisa yenkundla ekhankanywa

kumacandelo 166 yomGagqo-siseko okanye inkundla eKhethekileyo esakw-

phantshi kwecandelo 2 weYunithi zePhando olulawula (i-Special Investigating Units) kunye

nomThetho weSpecial Tribunals Act, 1996 (UmThetho No. 74 wowe-1996), imisebenzi yobulungisa

yenkokheli zenzeleli phantsi kumthetho wemveli okanye nawuphi omnye umthetho;

- (ff) isigqibo sokuhlalisa okanye ukugqibela ngokushushisa;

(gg) isigqibo esinxulumene nawuphi umthetho melunga nkonzo;

kwegosa lobulungisa, yiKhomisheni yeNkonzo yobulungisa (Judicial Service Commission); 20

(hh) nasiphi isigqibo esithathiweyo, okanye ukusilela ukuthatha isigqibo, ngokomgaqo nawuphi

wumThetho we-Promotion of Access to Information Act, 2000; okanye

(ii) nasiphi isigqibo esithathiweyo, okanye ukusilela okuthatha isigqibo, ngokomgaqo nawuphi

8(1);

- **"isigqibo"** sithetha nasiphi isigqibo xemo yolawulo esenziweyo, esidululwa

ukwenziwa, okanye ekufuneka abathathwe, ngokuya ngokwenzeke, phantsi komgaqo oxbabisiyo, kuquka nasiphi esinxulumene —

- (a) ekwenzeni, ekuboneni, ekuboxiseni, nasikwaleni ekwenzeni umyalelo, umvuzo okanye

ukumisela;

- (b) ekusikeni, ekuboneni, ekuboxiseni okanye ekwaleni ukusika isatifiketi, inkcazelo,

umvuzo okanye irevuye;

- (c) ekukhupheni, ekuboneni, ekuboxiseni okanye ekwaleni ukukhupha iphepha-omvume, igunya okanye

naluphina olunye okwethu;

- (d) ekufakeni umqathango okanye intethelo;

- (e) ekwenzeni isibhongozo, ubungo okanye isifutheko;

- (f) ekugxiseni okanye ekwaleni ukusikezela ngento; okanye

- (g) ekwenzeni okanye ekwaleni ukwenza niso naluphina senzo okanye into eluhlalo lolawulo,

yaye into ebhekiselele ekwaleni ukuthatha isigqibo mayitholwe kanyalo;

[illegible][illegible]

Le fomu imakanga natant: Umphahle kufuneka ngokwenza le Fomu njengakubonisa ukuba ngokwenza Fomu A. Indlela yokufumela lefomu: Ukufumelwa kwele Fomu kufuneka kuthathwe ngumntu omdaka ukufumela okufuneka ngumntu omdaka ukufumela le Fomu A.

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1. Umphathi kuFomu A akhatholekile, ongase odaye alungise irekhodi zamphathi ezintathu ngumenziso wakhe kuFomu A kengaphakathi okuwazi kuFomu A. Ungachanekanga nokhona.

Iqama:

Isikhundla ngokusemthethweni:

Isebe okanye Iziko:

Idilesi yomphathi okanye iziko:

linombolo zeFowuni:

Inombolo yefeksi :

İdilesi ye-İmeyile:

Integritas voluntariales es anhelo de amor:

1. Ukuba umphathi uyasivuma isibalo, kufuneka umphathi:
 - Arikezela ngelizathu kwithaba lexesha elivunyele ikandelo 5(2) loPAJA, okanye
 - Kwithaba lexesha eligugukayo ngokwumelana okanye ngesikunda ngokwecandelo 8 loPAJA.
2. Ukuba isibalo ayilwazi, umphathi kufuneka arole ukuba yeyiphi yesinto ezilandelayo esebenza njengesizathu sokusandula:
 - Izizathu ezibhaliweyo sele zinikezwe umenzi wesicelo
 - Izizathu ezibhaliweyo zifumaneka ngendlela kawonkewonke yaye umceli uxelelwe indawo nendlela ezifumaneka ngayo; (nikezela ngeenkokacha zokuba izizathu zifumaneka njani yaye kwayiphi indawo)
 - Umenzi wesicelo asinguye umntu lowo amalungelo akhe achaphazeleka ngokuphathekayo nakakubi sisenzo solawulo;

- Kwamkelekile okanye kuyathetheleleka ukuphambuka kwimfuneko yokunika izizathu ngokwecandelo 5(4) lomThetho; okanye
- Esinye izizathu esisemthethweni (nceda unikezele ngeenkukacha zesizathu othembele kuso)

Ingaba izizathu ziza kunikezelwa? Ewe / Hayi

Ukuba ngu-hayi, izizathu zokwala:

Ukuba izizathu ziyafumaneka kuwonke-wonke, nceda unike iinkukacha zokuba zifumaneka njani yaye kweyiphi indawo:

ISAPHLULO C: ISICELO SOKUNCIPHISA OKANYE UKOLULA AMATHUBA EXESHA

Indlela yokugcwalisa esi sahlulo seFomu:

Umphathi unokwamkela isicelo sokuguquguqula amathuba exesha ethathela ingqalelo imiba eyodwa yesicelo ngasinye. Isicelo esinjalo asinakulandulwa ngokungamkelekanga.

Ingaba isicelo sokuguqula ixesha siza kuvunywa?: Ewe / Hayi

Ukuba ngu-hayi, izizathu zokwala:

IFOMU C

ISICELO SOKUBHENGEZA AMAXWEBHU

Umxholo wamthetha wale fomu: Imimiselo elawula uphengu lalo lobalungisa lwesenzo solawulo ayamela umntu ofana ukwenza isicelo sophengululo lobalungisa ukacela utshilo nokufikelela kumaxwebhu anoxulumano lowo loo mntu awadingayo ukuse eze isicelo eakandleni sophengululo lobalungisa lwesenzo solawulo. Isicelo kufuneka senziwe ngokulumbelana nale Fomu.

Imimiselo yamagama: Inkcazo yamagama abalulekileyo omthetho ekubhekiswe kuwo inikiwe ekhapheni kwale Fomu. Imigqo yePAJA enoxulumano nayo kanzalo iyaveliswa kwakhona.

Le fomu imalunga nantoni: Udinga ukugwalisa iFomu okuba ofuna ukapalisa imigqo sokuphengu lwa kwesenzo solawulo.

Udinga ubhengeze nokufikelela kumaxwebhu anoxulumano kwizithu zakho zophengululo ngomjongo yokukunceda ukuyila izizathu zakho zophengululo kwisicelo akandleni.

Ufuna ukufutshana okanye ukolula amaxwebhu ezizithu aqulathwe kwiMiniselo yokubhengeza.

Ukuthumela njani esi sicelo? Ukuthunyelwa kwale Fomu kuzo kuchatshazelwa yinye ycedilela ezilandelayo: Ukuthunyelwa ngesandi, ngaposi ebhalisiweyo, ngelixa okanye ngo-imeyile.

ISAHLULO A: IINKCUKACHA ZOMENZI WESICELO

Indlela yokugwalisa esi sahlobo seFomu:

Umcwazi wesicelo kufuneka axele idilesi yokuthumela izizathu yaye axele indlela leyo amaxwebhu kufuneka athunyelwe ngayo.

Umcwazi wesicelo unokukhethe enye yocedilela ezilandelayo yokuthumela:

- * ngaposi ebhalisiweyo
- * ngelixa
- * Ngo-imeyile

Kufuneka wenze esi sicelo kungqululanga iintsuku ezili-15 ukusuka kumhla izizithi zinkelwe ngawo phantsi kwecandelo 5 lomThetho okanye ubmiselo 3.

1. Ukuba ungumntu wendalo-
Igama ngokupheleleyo.....
Umhla wokuzalwa
Inomboli yeSazisi okanye yePaspoti
2. Ukuba yinkampani, inkampani yabambalwa (i-CC), ulwahlulelwano, njlnj.-
Igama nenkcazo
Iinkcukacha zobhaliso; (ukuba zikhona).....
Abantu abagunyaziswe ukuthatha amanyathelo egameni layo
3. Ingaba wenza isicelo kwimo yakho yobuqu? Ewe /hayi
Ukuba ngu-ewe, ingaba isenzo solawulo sichaphazele amalungelo akho ngokuphathekayo nangokungalunganga?
.....
Ukuba ngu-ewe, nika iinkcukacha zamalungelo achatshazelweyo nendlela achatshazelwe ngayo ngokuphathekayo nangokungalunganga.
.....
4. Ingaba wenza isicelo kwimo eyenye? Ewe/ Hayi
Ukuba kunjalo, phantsi kweyiphi imo?
5. Iinkcukacha zohagamshelwano:
Inombolo yefowuni nedilesi ye-imeyile
Iinkcukacha zommeli wezomthetho (ukuba bamelwe)
Idilesi yePosi
Indlela izizathu kufuneka zithunyelwe ngayo

6. Ingaba izizathu zinikezelwe phantsi kwecandelo 5 lomThetho okanye uMmiselo 3? Ewe / Hayi
 Ukuba ngu-ewe, izizathu zinikezelwe nini nangeyiphi indlela

ISIAHLULO B: IGAMA NEENKCUKACHA ZOMPHATHI

Indlela yokugcwalisa esi sahlulo seFomu:

1. Ezi nkukacha zibhalakile ngenxa yokuba zichonga iwe ofanele ukusabela kwisicelo sakho.
2. Ukuba awulazi igama locantu onoxanduva lwesenzo, ngako kwanle etunika iinkukacha zomphathi onoxanduva lwesigqibo. Umvutho uqokuba ngomnye welandelayo:

- isebe lesizwe,
- isebe lephondo,
- amasipala

Iarbenic kaTulumisente okanye iziko elifana noCCMA u SAASSA okanye ibhanga lathethathethwano.

1. Iinkukacha zomphathi othathe isigqibo (ukuba uyaziwa):
 - Igama ngokupheleleyo
 - Isikhundla ngokusemthethweni
 - Idilesi yasemsebenzini
 - Iinkukacha zohagamshekwano kuquka ifeksi, inombolo yefowuni nedilesi ye-imeyile
2. Iinkukacha zesebe okanye isiza esinoxanduva lwesenzo:
 - Igama lesebe okanye iziko
 - Idilesi
 - Iinkukacha zohagamshekwano kuquka ifeksi, inombolo yefowuni nedilesi ye-imeyile
 - Intloko yeofisi

ISIAHLULO C: IINKCUKACHA ZESSENZO SOLAWULO

Indlela yokugcwalisa esi sahlulo seFomu:

Iisahlulo C seFomu kufuneka sibe neenkukacha langangoko kunokwenzeka. Oku kuba kunceda umphathi ukuchonga isenzo solawulo yaye kuzo kusetyenziswa ngokukhulu ukubazisa okuphelele kuyo.

1. Ingaba uxelelwe ngesenzo solawulo? Ukuba uthi "ewe" bonelela:
 - Ngomhla wesenzo solawulo
 - Nayiphi ifayili okanye inamba yokubhekisa esetyenziswe ngumphathi
 - Naziphi iinkukacha eziza kunceda ukuchonga isenzo solawulo.....
 - Isenzo solawulo sithathwe phantsi kowuphi umthetho (ukuba uyaziwa)?.....
2. Ukuba awuxelelwanga ngesenzo solawulo, ngako bonelela:
 - Inkcazo yesenzo solawulo
 - Naziphi iinkukacha eziza kunceda ukuchonga isenzo solawulo.....
 - Nayiphi ifayili okanye inamba yokubhekisa esetyenziswe nakuwuphi amaxwebhu malunga nesenzo solawulo

ISIAHLULO D: ISICELO SAMAXWEBHU

Indlela yokugcwalisa esi sahlulo seFomu:

1. Injongo yesi sicelo kukukunceda ukwakha isicelo sakho sophengululo lobungisa lwesenzo solawulo, yaye ngokunjalo kufuneka singasetyenziswa ukuba awuzimisela ukuqalisa iingxoxo zophengululo.

2. Kufuneka uchaze ukuba kutheni unokuba nesizathu esisemthethweni kwisicelo sophengululo lobulungisa. Umntu ozimeleyo lowo amalungelo akhe achatshazelwe ngokuphathekayo nangokungalunganga sisenzo solawulo enesizathu esisemthethweni, umntu omele loo malungelo achatshazelweyo, okanye umntu osebenza ngokungumdlu kuluntu, unokuba nesizathu esisemthethweni. Umphathi angala ukubonelela ngamaxwebhu ukuba awunaso isizathu esinjalo.
3. Umphatho unokwala ukubhengeza amaxwebhu ukuba awuwasebenzisanga onke amancedo angaphakathi.
4. Kufuneka udwelise izizathu nezizathu phantsi kwecandelo 6 lePAJA uzimisele ukusebenzisa uphengululo lwesenzo solawulo. Izizathu kwicandelo 6 zibekiwe ekupheleni kwale fomu.

1. Ingaba uzimisele ukufaka isicelo sophengululo lobulungisa? Ewe / Hayi
2. Chaze ukuba kutheni unokuba nesizathu esisemthethweni kwisicelo sophengululo lobulungisa.
.....
.....
3. Ingaba uwasebenzise onke amancedo angaphakathi ngokuphathelele kwisenzo solawulo esiza kuphengululwa? Ewe / Hayi
Ukuba ngu-hayi, kutheni amancedo angaphakathi engasetyenziswa ngokupheleleyo?
.....
4. Zeziphi izizathu zesicelo sophengululo lobulungisa esicetywayo?
.....
.....

ISIAHLULO E: ISICELO SOKUNCIPHISA OKANYE UKOLULA AMATHUBA EXESHA

Indlela yokugcwalisa le fomu :

Kufuneka ucacise ngeenkcukacha ezaneleyo, izizathu zokuba kutheni umphathi kufuneka aguquguqule amathuba exesha amisiweyo kwimimiselo okanye umThetho.

Umphathi unokwamkela isicelo sokuguquguqule amathuba exesha ethathela ingqalelo imiba eyodwa yesicelo ngasinye.

Qaphela: iintsuku ezili-180 ziintsuku zenyanga

1. Ingaba ufuna ukolula ixesha leentsuku ezili-180 kwicandelo 7(1) ukufaka iingxoxo zophengululo lobulungisa? Ewe Hayi

Ukuba ngu-Ewe, bonisa izizathu
.....

ISIAHLULO F: Isicelo sokuvuma ukujongana nendlela yokuthumela amaxwebhu kwisicelo nasiphi senkundla esenziwe ngokwale mimiselo

1. Ingaba ufuna umphathi avume ukujongana nendlela yokuthumela onke amaxwebhu kwisicelo nasiphi senkundla esenziwe ngokwale mimiselo? Ewe / Hayi

Ukuba naliphi iqela kwisicelo sophengululo lobulungisa phantsi kwale Mimiselo livumile kunikezelo okanye uthumelo lwamaxwebhu ngefeksi okanye nge-imeyile yaye nayiphi impikiswano iyavela malunga nonikezelo okanye uthumelo lwamaxwebhu ngokukuko okanye ngethuba, imfanelo yobungqina ikwiqela elithumelayo.

ISIAHLULO G: Isicelo sokulamla

Ingaba ucela umphathi ukuvuma ulamlo ngokuphathelele kwinjongo yakho yophengululo lobulungisa lwesenzo solawulo? Ewe / Hayi

Uluvo:

Ulamlo lunikela ngenye indlela kumangalelwano. Ungacela umphathi ukuvuma kulamlo ngoncedo lweqela lesithathu elingathathi'icala (umlamli) ukuze kachazwe imicimbi ekhoyo kwimpikiswano, nethuba elinokubakho lokuthethathethana ngesisombululo semeko ngenjongo yokuphepha ukumangalelwano nokuququzelela isisombululo esikhawulezayo sentlangu.

Umlamli akathathi isigqibo ngempikiswano okanye axelele amaqela ukuba enze ntoni, kodwa unceda amaqela ukufikelela isivumelwano. Ukuba umcimbi awusombululwanga kulamlo, unelungelo lokuqhubeka nesicelo sakho sophengululo lobulungisa.

Ulamlo lolokuzithandela ngokupheleleyo yaye akukho qela liza konakalelwa ngokwala ukuvuma ulamlo.

IZICATSHULWA EZIVELA KUMTHETHO**IZIZATHU ZOPHENGULULO LWESSENZO SOLAWULO**

Isenzo solawulo siyaphengululeka ukuba —

1. umphathi osenzileyo—
 - ubengagunyaziswanga ukwenza njalo ngumgaqo ogunyazisayo;
 - nsebenze phantsi kolwabiwo lwamandla elingagunyaziswanga ngumgaqo ogunyazisayo; okanye
 - ubegweba kwakuqala okanye ukroreleka ngokwamkelekileyo ngokugweba kwakuqala;
2. inkqubo enyanzelisayo nephathekayo okanye umqathango omiselwe ngumgaqo ogunyazisayo awuthotyelwanga;
3. isenzo besinomkhethe ngokwenkqubo
4. isenzo besifuthelwe ngokuphathekayo yimpazamo yomthetho;
5. isenzo senziwe—
 - ngenxa yesizathu esingagunyaziswanga ngumgaqo ogunyazisayo;
 - ngenjongo engaphaya;
 - Ngenxa yokuba iingcamango ezingekho emxholweni zithathelwe ingqalelo okanye iingcamango ezisemxholweni azithathelwanga ingqalelo;
 - ngenxa yemiyalelo engagunyaziswanga okanye engafunekayo yomnye umntu okanye umbutho;
 - ngokunganyanisekanga; okanye
 - ngogonyamelo okanye ngokugququkayo;
6. isenzo ngokwaso siphikisana nomthetho okanye asingunyaziswanga ngumgaqo ogunyazisayo; okanye
7. isenzo ngokwaso asinxulumananga ngokwegqiqo
 - injongo esenzelwe yona;
 - injongo yomgaqo oxhobisayo;
 - ulwazi oluphambi komphathi; okanye
 - izizathu ezinikwe ngenxa yaso ngumphathi;
8. ukulibazisa okungamkelekanga kokuthatha isigqibo apho —
 - umphathi enemfanelo yokuthatha isigqibo;
 - Akukho mthetho omisela ithuba lexesha elo umphathi kufuneka athathe isigqibo ngalo; yaye
 - umphathi usilele ukuthatha isigqibo
9. ukulibazisa okungamkelekanga kokuthatha isigqibo apho —
 - umphathi enemfanelo yokuthatha isigqibo;
 - akukho mthetho omisela ithuba lexesha elo umphathi kufuneka athathe isigqibo ngalo; yaye
 - umphathi usilele ukuthatha isigqibo phambi kokuphela kwexesha
10. ukusetyenziswa kwamandla okanye ukuphumeza umsebenzi ogunyaziswe ngumgaqo ogunyazisayo, ukungqinelana nenjongo esithathelwe yona isenzo solawulo, akwamkelekanga kangokuba umntu

omengqiso ubengeke asibenzise amandla okanye aphumeze ngesibemi; okanye isenzo asibambelani nomgaqo-siseko okanye asikho mthethweni.

AMANCEDO KWIINGXOXO ZOPHENGULULO LOBULUNGISA

(1) Inkundla okanye inkundla yamatyala, kwiingxoxo zophengululo lobulungisa ngokwecandelo 6 (1), isenikela nawuphi umyalelo obulungisa nolungileyo, kuquka imiyalelo-

- (a) eyalela umphathi-
 - (i) ukusika izizathu; okanye
 - (ii) ukwenza ngendlela inkundla okanye inkundla yamatyala eyifanayo;
- (b) ethumele umphathi ukwenza ngendlela ethile;
- (c) ebekela bucala isenzo solawulo kunye-
 - (i) nokuthumela umcimbi ukuya kcingwa kwakhona ngumphathi, kunye okanye ngaphandle kwemiyalelo; okanye
 - (ii) kwiindleko ezingaqhelekanga-
 - (aa) ukobambisa ngesinye okanye ukugqela isenzo solawulo okanye ukulungisa isiphene esidalwe sisenzo solawulo; okanye
 - (ab) ukuyalela umphathi okanye nantiphi elinye iqela kwiingxoxo ukuhlawula imbeyekozo;
 - (d) ukubhengeza azulungelo amaqela ngokuphathelele kumcimbi nawuphi omulungane nesenzo solawulo;
 - (e) ukunikela isithintelo werhafyana okanye olunye uncedo lwerhafyana; okanye
 - (f) ngokuphathelele kwiindleko.

(2) Inkundla okanye inkundla yamatyala, kwiingxoxo zophengululo lobulungisa ngokwecandelo 6 (3), isenikela nawuphi umyalelo obulungisa nolungileyo, kuquka imiyalelo-

- (a) eyalela ukuthathwa kwezigqibo;
- (b) ebhengeza azulungelo amaqela ngokuxhumene nokuthathwa kwezigqibo;
- (c) eyalela nawuphi amaqela ukwenza, okanye ukungenzi, nantiphi isenzo okanye into, okanye ukungenzi into, leyo inkundla okanye inkundla yamatyala ibiza kuyintfuneko ukwenza ubulungisa phakathi kwamaqela; okanye
- (d) ngokuphathelele kwiindleko.

IFOMU D**IAFIDVITHI /INGXELO EFUNGELWEYO – ULUHLU LWAMAXWEBHU ABHENGEZIWEYO****Inkcukacha zoMphathi:**

- Igama:
- Isikhundla ngokusemthethweni
- Isebe okanye iziko
- Idilesi yomphathi okanye iziko
- Iinkcukacha zokhagamshelwano zomphathi kuquka ifeksi, inombolo yefowuni nedilesi ye-imeyile.....
- Igama nesikhundla somntu ogunyaziswe ngumphathi ukungqinela kule afidavithi

Iinkcukacha zoMenzi wesicelo

- Igama
- Idilesi yoluhlu lokuthumela

Mna, (umntu ogunyaziswe ngumphathi), ndibhengeza ukuba:

- (1) kugcino lwam ndinamaxwebhu anxulumene nezizathu zenjongo yophengululo lobulungisa lwesenzo solawulo oluchazwe kwiFomu C.
- (2) Umenzi wesicelo uza kuvunyelwa ukuhlola nokwenza iikopi zamaxwebhu adweliswe kwiSahlulo 1 seShedyuli A.
- (3) Umenzi wesicelo unokuhlola yaye enze iikopi (ngomrhumo omiselweyo phantsi komThetho we-Promotion of Access to Information Act 2 of 2000) zamaxwebhu adweliswe kwiShedyuli A, iSahlulo 1 ngexesha, indawo nendlela echaziweyo ngezantsi:

.....

- (4) Ndiyala ukuvelisa amaxwebhu adweliswe kwiSahlulo 2 seShedyuli A, ngenxa yezizathu ezilandelayo:

.....

- (5) Bendinawo, kodwa andisenawo, amaxwebhu adweliswe kwiShedyuli B ngaphambili. La maxwebhu agqibele ukuba selugcinweni lwam ngomhla:

.....

Amaxwebhu anikelwe ku-:.....

.....

- (6) Ngokolwazi lwam okugqibeleleyo nenkolo, andinawo ngoku, yaye andizange ndibenawo elugcinweni lwam, nawaphi amaxwebhu anxulumene nezizathu zophengululo ezichazwe kuFomu C ngaphandle kwamaxwebhu adweliswe kuShedyuli A noShedyuli B.
- (7) Ndiyifundile iafidavithi yaye ndibhengeza phantsi kwentlungu yesifungo sobuxoki ukuba iziquiatho zayo ziyinyaniso yaye zichanekile. (Ie afidavithi kufuneka ingqinelwe phantsi kwesifungo okanye ingqinwe phambi kwekhomishina yezifungo)

IBEKWE UMHLA apha ngalo mhla wosuku 20.....

UMphathi:.....

ISAHLULO 2

SHEDYULI B

This image shows a full page of white paper with horizontal dashed lines, typical of primary school writing paper. The lines are evenly spaced and run across the entire width of the page. There are no margins, text, or other markings present.

IFOMU F

ISAZISO SENTSHUKUMO: ISICELO SOPHENGULULO LOBULUNGISA

KWI-NKUNDLA

ECHOTSHELWE E-.....

INO. YETYALA

KUMCIMBI OPHAKATHI KWABA

.....

Umenzi wesicelo

Kunye

.....

Ummangalelwa

QAPHELA ukuba umenzi wesicelo uzimisele ukwenza isicelo kule Nkundla malunga nophengululo lwesenzo solawulo esilandelayo:

.....

yaye ubanga umyalelo kwimimiselo elandelayo:

.....

yaye qaphela ukuba i(ii)afidavithi ezikhaphayo

zika.ziza kusetyenziswa ukuxhasa oko.

QAPHELA NGAPHEZU KOKO ukuba umenzi wesicelo unyule idilesi elandelayo apho uthumelo lwazo zonke iinkqubo kwezi ngxoxo luza kwamkelwa khona kunye nendlela yothumelo lwazo zonke iinkqubo namaxwebhu kwezi ngxoxo.

.....

QAPHELA NGAPHEZU KOKO ukuba umenzi wesicelo ukhethe indlela elandelayo yokwamkela uthumelo lwamaxwebhu:

QAPHELA NGAPHEZU KOKO ukuba xa uzimisele ukuphikisa esi sicelo, isaziso senjongo yokuphikisa kufuneka sinikwe kwithuba leentsuku ezili-15 zokufumana isaziso sentshukumo. Esi saziso kufuneka sinyule idilesi nendlela yokuthumela onke amaxwebhu enkqubo. Ukuba unikela ngedilesi yendawo yaye ufuna ukuba amaxwebhu athunyelwe kuwe ngesandla, idilesi enikelweyo kufuneka ibe phakathi komgama wama-25km wale Nkundla.

QAPHELA NGAPHEZU KOKO ukuba kwithuba leentsuku ezili-15 emva kokunika isaziso senjongo yakho yokuphikisa, kufuneka uthumele iafidavithi ephendulayo, ukuba ikhona.

Ukuba asikho isaziso esinjalo senjongo yokuphikisa esinikiweyo, umbhalisi uza kucelwa ukumisela umcimbi ingxoxo ngomhlae-
.....ixesha.

IBEKWE UMHLA apha ngalo mhla wosuku20....

Umenzi wesicelo okanye iGqwetha lakhe
(idilesi)

Iya Ku:

- (1) Umbhalisi weNKundla engentla,
- (2) Umphathi;
- (3) Nabaphi abantu abo uncedo lufunwa ngokuchasene nabo; kunye
- (4) Nawuphi omnye umntu ofunekayo ukungena kwiingxoxo.