



KwAZULU-NATAL PROVINCE
KwAZULU-NATAL PROVINSIE
ISIFUNDAZWE SA KwAZULU-NATALI

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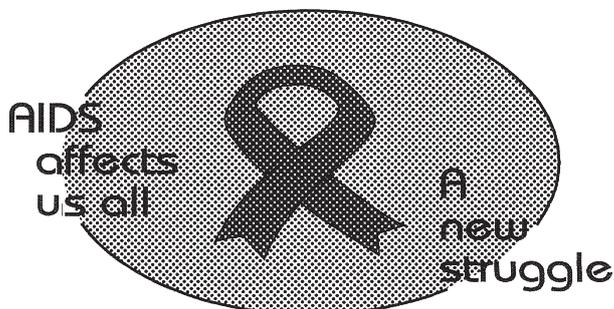
Vol. 9

28 AUGUST 2015
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No. 1483

PART 1 OF 2

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Information

from Government Printing Works

Dear Valued Customers,

Government Printing Works has implemented rules for completing and submitting the electronic Adobe Forms when you, the customer, submits your notice request.

Please take note of these guidelines when completing your form.



GPW Business Rules

1. No hand written notices will be accepted for processing, this includes Adobe forms which have been completed by hand.
2. Notices can only be submitted in Adobe electronic form format to the email submission address submit.egazette@gpw.gov.za. This means that any notice submissions not on an Adobe electronic form that are submitted to this mailbox will be **rejected**. National or Provincial gazette notices, where the Z95 or Z95Prov must be an Adobe form but the notice content (body) will be an attachment.
3. Notices brought into GPW by "walk-in" customers on electronic media can only be submitted in Adobe electronic form format. This means that any notice submissions not on an Adobe electronic form that are submitted by the customer on electronic media will be **rejected**. National or Provincial gazette notices, where the Z95 or Z95Prov must be an Adobe form but the notice content (body) will be an attachment.
4. All customers who walk in to GPW that wish to submit a notice that is not on an electronic Adobe form will be routed to the Contact Centre where the customer will be taken through the completion of the form by a GPW representative. Where a customer walks into GPW with a stack of hard copy notices delivered by a messenger on behalf of a newspaper the messenger must be referred back to the sender as the submission does not adhere to the submission rules.
5. All notice submissions that do not comply with point 2 will be charged full price for the notice submission.
6. The current cut-off of all Gazette's remains unchanged for all channels. (Refer to the GPW website for submission deadlines – www.gpwonline.co.za)
7. Incorrectly completed forms and notices submitted in the wrong format will be rejected to the customer to be corrected and resubmitted. Assistance will be available through the Contact Centre should help be required when completing the forms. (012-748 6200 or email info.egazette@gpw.gov.za)
8. All re-submissions by customers will be subject to the above cut-off times.
9. All submissions and re-submissions that miss the cut-off will be rejected to the customer to be submitted with a new publication date.
10. Information on forms will be taken as the primary source of the notice to be published. Any instructions that are on the email body or covering letter that contradicts the notice form content will be ignored.

You are therefore advised that effective from **Monday, 18 May 2015** should you not comply with our new rules of engagement, all notice requests will be rejected by our new system.

Furthermore, the fax number **012- 748 6030** will also be **discontinued** from this date and customers will only be able to submit notice requests through the email address submit.egazette@gpw.gov.za.

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For any information, please contact the eGazette Contact Centre on 012-748 6200 or email info.egazette@gpw.gov.za

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PROVINCIAL NOTICES • PROVINSIALE KENNISGEWINGS

PROVINCIAL NOTICE 123 OF 2015

DEPARTMENT OF ECONOMIC DEVELOPMENT, TOURISM AND ENVIRONMENTAL AFFAIRS
REGULATION NOTICE

KWAZULU-NATAL CONSUMER PROTECTION REGULATIONS, 2014

I hereby make the Regulations contained in the Schedule hereto under section 45 of the KwaZulu-Natal Consumer Protection Act, 2013 (Act No. 4 of 2013), in order to regulate consumer protection matters in the Province.

Given under my Hand at Pietermaritzburg on this day of
....., Two thousand and Fourteen.



MR M MABUYAKHULU, MPL

Member of the Executive Council of the Province of KwaZulu-Natal responsible for Consumer Protection

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PART I INTRODUCTORY PROVISIONS

Definitions

1. In these Regulations, any word or expression to which a meaning is assigned in the Act, bears the meaning so assigned to it, and unless the context indicates otherwise –

“**alteration**” means any alteration, variation or reformulation of a preliminary assessment of a consumer complaint by the Office of the Consumer Protector in terms of section 29(2) of the Act;

“**Code**” means the Code of Conduct of Members of Council referred to in Part IV of these Regulations;

“**complaint**” means a consumer complaint lodged with the Office of the Consumer Protector in terms of section 27 of the KwaZulu-Natal Consumer Protection Act, 2013 (Act No. 4 of 2013);

“**member**” means a member of the Consumer Tribunal appointed in terms of section 11 of the KwaZulu-Natal Consumer Protection Act, 2013 (Act No. 4 of 2013);

“**regulations**” include the Annexures;

“**the Act**” means the KwaZulu-Natal Consumer Protection Act, 2013 (Act No. 4 of 2013);

“**the complainant**” means a person who lodges a complaint with the Office of the Consumer Protector; and

“**the Office**” means the Office of the Consumer Protector.

PART II

LODGEMENT, INVESTIGATION, RESOLUTION OF CONSUMER COMPLAINTS AND INSTITUTION OF PROCEEDINGS

Lodging complaint with Office of Consumer Protector (section 27 of Act)

2.(1) A consumer complaint –

- (a) may be lodged by any consumer by using the form in Annexure A, with the Office; and
- (b) must be lodged with the Office on any business day excluding declared public holidays and weekends at an address provided by the Office.

(2) A consumer complaint referred to in subregulation (1), which is made verbally at the premises of the Office, must be reduced to writing by the Office.

(3) The Office must open a file or dossier concerning the consumer complaint and must maintain an index and filing system of consumer complaints.

Duties and functions of Office in relation to complaints (section 7 of Act)

3.(1) In addition to the functions referred to in section 7 of the Act, the staff of the Office –

- (a) must, after receipt of consumer complaints, open files and enter the cases in a register of complaints;
- (b) may trace and contact respondents using information received from complainants;
- (c) may hold consultations with complainants and respondents and record all the information received;

- (d) may obtain relevant documents and place such documents in the complainant's file;
- (e) may obtain sworn statements, if required, from disputing parties and other parties concerned;
- (f) may obtain or examine copies of all books and documents, which may be relevant to a complaint;
- (g) may obtain copies of all receipts in respect of the subject matter of a complaint;
- (h) may provide any information and produce any report or other documents concerning an inspection conducted which may have a bearing on any complaint;
- (i) must assist illiterate complainants with filling in the relevant forms and providing written information;
- (j) may assist in conducting any preliminary inquiry to provide a complete record of all relevant information acquired as a result of inspections and investigations;
- (k) may, upon the directive of the Consumer Protector to conduct a preliminary assessment in terms of section 28(2) of the Act, make recommendations to the Consumer Protector;
- (l) may do anything in the reasonable execution of functions and duties required by the Consumer Protector;
- (m) may conduct preliminary routine investigations;
- (n) may, verbally and in writing, examine cases and advise complainants accordingly;
- (o) may record the status of matters and the outcomes;
- (p) may receive and carry out the instructions of the Consumer Protector; and
- (q) may utilise the form in Annexure R to issue a compliance notice on behalf of the National Consumer Commission, in terms of section 100 of the Consumer Protection Act, 2008 (Act No. 68 of 2008), on behalf of the Commission.

(2) In performing the functions contemplated in section 7 of the Act, and in subregulation (1), the staff of the Office –

- (a) must observe the standards of impartiality and integrity;
- (b) must diligently discharge their responsibilities without bias or prejudice;
- (c) must maintain professional competence and diligence;
- (d) must refrain from manifesting bias or prejudice towards any party; and
- (e) may not solicit or accept any donation, reward, or other benefit from any person or on behalf of any person.

Alteration of preliminary assessment (section 29(2) of Act)

4.(1) Where the Office decides to alter a preliminary assessment of a consumer complaint in terms of section 29(2) of the Act, the Office must forthwith, in writing, notify the complainant about such alteration.

(2) Where the alteration referred to in subregulation (1) adversely affects, or is likely to adversely affect, the rights of other parties, such parties must be notified of such alteration in writing.

Refusal to investigate complaint by Office (section 29(5) of Act)

5.(1) Where the Office declines to investigate the consumer complaint due to a finding that the complainant is not a *bona fide* consumer in terms of section 29(5) of the Act, the Office must, forthwith and by using the form in Annexure B –

- (a) notify the complainant about such refusal; and
- (b) provide reasons for the refusal.

(2) Where the refusal contemplated in subregulation (1) adversely affects, or is likely to adversely affect, the complainant, the Office must, prior to reaching a decision on the matter, invite the complainant to make a written representation: Provided that the Office must assist illiterate complainants to reduce their representations to writing.

Business or business practice that conveys potential of criminal or civil liability (section 29(6) of Act)

6.(1) Where the Office has, in terms of section 29(6) of the Act, made a determination that a consumer complaint against a business, or a person purporting to carry on business, or a business practice, conveys the potential of criminal liability, the Office must, within seven days of such a determination –

- (a) report the matter to the South African Police Service; and
- (b) use the form in Annexure C1 to –
 - (i) notify the complainant that the Office has made a determination that the complaint against a business, or a person purporting to carry on a business or a business practice, conveys the potential of criminal liability; and
 - (ii) provide the complainant with the details of the criminal case.

(2) Where the Office has, in terms of section 29(6) of the Act, made a determination that a business, or a person purporting to carry on a business or a business practice, conveys the potential of civil liability, the Office must, within seven days, use the form in Annexure C2 to notify the complainant –

- (a) of such a determination; and
- (b) whether the Office intends to institute proceedings in the Consumer Tribunal or in the High Court.

Summons (subpoena) by Consumer Protector (section 30 of Act)

7.(1) The Consumer Protector or a person in the Office authorised by the Consumer Protector may, for the purposes of the investigation contemplated in section 28(1) of the Act, use the form in Annexure D to summon any person to –

- (a) appear before the Consumer Protector;
- (b) be questioned; and
- (c) produce any book, document or other object.

(2) The provisions of subregulations 12(2) and (3) apply with the necessary changes in respect of the service of summons contemplated in subregulation (1).

Search warrant and seizure of articles (section 32 of Act)

8.(1) A search warrant contemplated in section 32(2) of the Act must be completed in accordance with the form in Annexure E1.

(2) Where an investigating officer, in terms of section 32(1)(d) of the Act, seizes and retains anything on or in the premises –

- (a) which may have a bearing on the investigation in question; and
- (b) for further examination or safe custody,

he or she must use the form in Annexure E2 to issue a receipt to the owner of, or to the person responsible for, the premises.

Resolution of consumer complaints (sections 33 and 37 of Act)

9.(1) The Consumer Protector may –

- (a) at any time from receipt of a consumer complaint and prior to the institution of proceedings in terms of section 34 of the Act; or
- (b) upon the direction of, and subject to the general principles laid down by, the Consumer Tribunal or the High Court,

assist the parties to the consumer complaint to resolve the complaint amicably through negotiations or mediation.

(2) For the purposes of subregulation (1), the Consumer Protector may, by notice to the complainant and the respondent and using the form in Annexure F1 –

- (a) appoint any –
 - (i) person in the service of the Office; or

- (ii) other suitably qualified and impartial person not in the service of the Office, to facilitate the negotiations or to mediate the dispute between the parties; and
- (b) inform the parties regarding the dispute of the venue, date and time of the first negotiation or mediation meeting.

(3) In the event that the complainant or the respondent has any justifiable reason to object to the appointment of any person contemplated in subregulation (2)(a), he or she must notify the Consumer Protector of his or her objection within seven days of receipt of the notice contemplated in subregulation (2).

(4) The Consumer Protector must, within seven days of receipt of the objection notice contemplated in subregulation (3) –

- (a) determine if the objection contemplated in subregulation (3) is justifiable; and
- (b) notify the complainant and the respondent, in writing –
 - (i) of the identity of the person to substitute the person initially appointed to facilitate the negotiations or to mediate the dispute between the parties in terms of subregulation 2(a), if the objection is found to be justifiable; or
 - (ii) if the objection is found not to be justifiable reasons for the dismissal of the objection.

(5) The person appointed in terms of subregulation (2) must, within thirty days of appointment and by using Annexure F2, submit a progress report to the Consumer Protector.

(6) If the negotiations or mediation result in the parties agreeing to the arrangement to resolve a consumer complaint –

- (a) the arrangement to resolve a consumer complaint must be recorded and signed in accordance with the form in Annexure F3; and
- (b) the Consumer Protector may, in terms of section 37 of the Act and –
 - (i) on notice to the complainant and the respondent; and
 - (ii) by using the prescribed form in the Uniform Rules of the High Court, make an application to the High Court for the confirmation of an arrangement negotiated and concluded in terms of section 33 of the Act.

(7) Where the High Court has, in terms of section 37(2) of the Act –

- (a) confirmed the arrangement;
- (b) confirmed the arrangement with necessary amendments; or
- (c) set aside the arrangement,

contemplated in subregulation (6), the Consumer Protector must publish the resultant order of court in the *Gazette*, by using the form in Annexure F4.

Institution of proceedings (section 34 of Act)

10.(1) The Consumer Protector must, prior to instituting proceedings in terms of section 34(3) of the Act, use the form in Annexure G to obtain from the complainant –

- (a) confirmation of the veracity of the complaint; and
- (b) an indemnification of the Office against the consequences of any false information or evidence which may be adduced by the consumer during the lodgement and investigation of the complaint or during the prosecution of the complaint.

(2) If the Consumer Protector has decided to institute proceedings, he or she must complete and serve summons upon both the complainant and the respondent: Provided that –

- (a) if the proceedings are instituted in the Consumer Tribunal, the summons must be completed and served in the manner prescribed in regulation 12; and
- (b) if the proceedings are instituted in the High Court, the summons must be completed and served in accordance with the applicable Uniform Rules of the High Court.

(3) Where the Office appoints a prosecutor in terms of section 21(1)(c) of the Act, the Office must use the form in Annexure H.

Review of decisions of Consumer Protector (section 35 of Act)

11.(1) Where the Office of the Consumer Protector has decided not to –

- (a) institute proceedings;
- (b) refer the consumer complaint to another authority; or
- (c) proceed before a Consumer Tribunal,

the Consumer Protector must use the form in Annexure I1 to notify the consumer and the respondent –

- (i) of such a decision together with the reasons for it; and
- (ii) that, if the complainant is aggrieved by the decision of the Consumer Protector not to initiate proceedings, he or she has a right to refer the decision of the Consumer Protector to the Review Panel contemplated in section 35 of the Act for review.

(2) If the complainant decides to refer the decision of the Consumer Protector to the Review Panel, he or she must, within fourteen days of receipt of the decision contemplated in subregulation 1(c) –

- (a) complete the review notice by using the form in Annexure I2; and
- (b) deliver the review notice to the Office.

- (3) The Office must, upon receipt of the review notice –
- (a) open a file and assign a reference number to it;
 - (b) note the referral for a review by –
 - (i) acknowledging receipt of the review notice, in writing, to the complainant; and
 - (ii) forwarding the review notice to the respondent; and
 - (c) forthwith, inform the responsible Member of the Executive Council of the need to convene a Review Panel.
- (4) The review judgement referred to in section 35(12) of the Act must be duly communicated to the Consumer Protector, the complainant and the respondent by using the form in Annexure I3.

PART III
CONSUMER TRIBUNAL

Institution of proceedings in Consumer Tribunal (section 21 of Act)

- 12.(1)** The proceedings in the Consumer Tribunal must be initiated by summons –
- (a) completed in accordance with the form in Annexure J1;
 - (b) issued by the secretary of the Consumer Tribunal; and
 - (c) served in accordance with subregulation (2).
- (2) The service of the summons referred to in subregulation (1) may be –
- (a) delivered by hand;
 - (b) sent by registered mail;
 - (c) facsimile transmission; or
 - (d) delivered by substituted service in a local newspaper.
- (3) The following shall suffice as proof of service of summons –
- (a) in respect of summons served by hand, the proof of service completed by using the form in Annexure J4;
 - (b) in respect of service by facsimile, a confirmation of a successful transmission of the facsimile; or
 - (c) in respect of service by registered mail, a registered mail receipt.
- (4) The respondent must, within seven days of receipt of summons –
- (a) use the form in Annexure J2 to file a notice of intention to defend; or

(b) use the form in Annexure J3 to file consent to judgement.

(5) The Consumer Protector must file the summons and proof of service thereof with the secretary of the Consumer Tribunal.

Powers, duties and functions of Consumer Tribunal on receipt of summons

13.(1) Upon receipt of a summons referred to in subregulation 12(5), the secretary of the Consumer Tribunal must open a file and allocate a reference number to the summons.

(2) The front cover of the file referred to in subregulation (1) must reflect the name of the complainant, reference number of the case and the names of the parties.

(3) The Consumer Tribunal may, upon receipt of the summons –

(a) conduct such preliminary investigations, as may be necessary, to determine whether the complaint relates to a dispute in respect of a matter which may constitute a complaint in terms of the Act; and

(b) obtain any additional information from either the complainant or the respondent.

(4) Where the Consumer Tribunal considers it necessary, it may instruct an investigator to inspect the premises of the service provider and compile a report on the complaint.

Summoning of witnesses and production of documents before Consumer Tribunal (section 22 of Act)

14. The Consumer Tribunal may, by summons contemplated in section 22(1) of the Act, and completed by using the form in Annexure K –

(a) subpoena any person, including the person against whom a consumer complaint has been made, to appear before the Consumer Tribunal to give evidence; and

(b) order any person, including the person against whom a consumer complaint has been made, to produce any book or document –

(i) in possession or custody, or under control or custody, of such a person; and

(ii) which may reasonably be necessary, material and relevant in connection with the proceedings before the Consumer Tribunal.

Hearing process and procedure

15.(1) The Consumer Tribunal is competent to –

- (a) hear any matter in respect of a complaint referred to it in terms of the Act; and
- (b) make such ruling as it may consider just and fair in the circumstances, based on the provisions of the Act, Regulations and any other applicable laws and facts of the case.

(2) In the event of any changes to the date of the hearing recorded in the summons, the secretary of the Consumer Tribunal must, using the form in Annexure L, notify parties of the place, date and time of the hearing.

(3) At least three Consumer Tribunal members must be present at any hearing, one of whom is the Chairperson or Deputy Chairperson.

(4) The Consumer Tribunal may call upon and administer an oath to, or accept an affirmation from, any person present at the hearing or who has been summoned to appear before the Consumer Tribunal, in accordance with Annexure M.

(5) The Chairperson of the Consumer Tribunal must, prior to the commencement of the hearing, ensure that the parties are informed of –

- (a) their rights;
- (b) the procedure to be followed by the Consumer Tribunal; and
- (c) the effect of its rulings and the consequences of contravention thereof.

(6) The parties must be afforded the opportunity to –

- (a) state their case;
- (b) cross-examine witnesses;
- (c) call witnesses; and
- (d) produce any relevant information, book, document, or object.

(7) The rules of evidence must be observed and the members may, where the need arises, pose questions to the parties or witnesses at any stage of the hearing proceedings.

(8) Before the hearing the parties –

- (a) must exchange all relevant documents with each other at least five days before the hearing;
- (b) must inform each other and provide details of witnesses they intend to use, at least five days before the hearing; and
- (c) may meet before the hearing in an attempt to resolve the dispute, clarify issues or to agree on the exact nature of the complaints to be adjudicated.

Witness fees

16.(1) A witness in any proceedings in the Consumer Tribunal is entitled to be paid in accordance with the tariff of allowances prescribed by the Minister of Justice and published by notice in the *Gazette* in terms of section 42 of the Supreme Court Act, 1959 (Act No. 59 of 1959).

(2) Witness fees may be claimed by using the form in Annexure N.

(3) Despite subregulation (1), the Consumer Tribunal may order that no allowance, or only a portion of the prescribed allowance, be paid to any witness.

(4) A party who summons a witness is responsible to pay that witness the witness fees provided for in subregulation (1).

Awards and Orders

17.(1) The Consumer Tribunal may make a default order –

- (a) after it has considered or heard any necessary evidence; and
- (b) if it is satisfied that the application documents were adequately served.

(2) The Consumer Tribunal may order the Consumer Protector to record, in the list of adverse notations, and in the manner prescribed in subregulation 19(1)(m), the –

- (a) name of the business and the name of the person conducting such business; and
- (b) finding of the Consumer Tribunal in terms of section 10(2)(a) to (c) of the Act.

(3) The Tribunal may award costs in the circumstances referred to in section 10(2) of the Act, on the following terms –

- (a) the fees of a single representative may be allowed between party and party;
- (b) the costs between party and party must be taxed by the secretary of the Consumer Tribunal according to the tariff agreed on between the parties or otherwise according to the tariff applicable in the High Court; or
- (c) the secretary of the Consumer Tribunal may tax a bill of costs for services actually rendered in connection with proceedings and call for any book, document, paper or account that, in the opinion of the secretary of the Consumer Tribunal, is necessary to properly determine any matter relating to the taxation.

(4) The secretary of the Consumer Tribunal must not proceed to tax any bill of costs unless the party liable to pay the bill –

- (a) is the party requesting the taxation;
- (b) failed to appear and was not represented at the hearing;
- (c) consented in writing to the taxation taking place *in absentia*; or
- (d) received due notice as to the place and time of the taxation and of the party's right to be present.

(5) The secretary of the Consumer Tribunal may delegate any of the responsibilities imposed under subregulations (2) and (5) to a suitably qualified person in the employ of the Tribunal to conduct the taxation of bills of costs.

(6) The Consumer Tribunal may award punitive costs against any party who is found to have made a frivolous or vexatious application to the Tribunal.

(7) The taxation of costs is subject to the review of the High Court on application.

General responsibilities of members of Consumer Tribunal

18.(1) The members of the Consumer Tribunal must accord to every party to a proceeding, or to that party's representative, the right to be heard in accordance with the law.

(2) Members of the Consumer Tribunal may not initiate, permit or consider –

- (a) *ex parte* communications, unless required by the Act or Regulations; or
- (b) communications with the public or parties that fall under the administrative responsibilities of the Office.

(3) The staff of the Office may conduct any preliminary inquiry and investigate the circumstances surrounding the complaint to ascertain the urgency thereof and must advise the Consumer Tribunal accordingly.

(4) Where urgency is deemed to exist after conducting the preliminary investigation referred to in subregulation (3), the respondent must be served immediately with the Consumer Tribunal's interim ruling made, together with a copy of the complainant's statement.

Duties and functions of the Office in relation to Consumer Tribunal

19.(1) In addition to the functions referred to in section 7 of the Act, the staff of the Office may, on the directive of the Consumer Tribunal –

- (a) conduct routine investigations into a matter and provide written reports when requested to do so by the Consumer Tribunal;
- (b) trace and contact respondents from information held by the Office;
- (c) hold consultations with complainants and respondents and record all the information received;
- (d) obtain relevant documents and place such documents in the complainant's file;
- (e) obtain sworn statements, if required, from disputing parties and other parties concerned;
- (f) give evidence before the Consumer Tribunal when requested to do so;
- (g) obtain and examine copies of all books and documents which may be relevant to a case;
- (h) obtain copies of all receipts in respect of a matter which is the subject of a complaint;
- (i) provide any information and produce any report or other documents concerning an inspection conducted, which may have bearing on any complaint;
- (j) serve any notice or summons on a party to a dispute or any other person who may reasonably be able to give information of material importance concerning a complaint –
 - (i) to appear before the Consumer Tribunal; and
 - (ii) to produce any book or any other document as the Consumer Tribunal may require;and
- (k) assist in conducting any preliminary inquiry to provide a complete record of all relevant information acquired as a result of inspections and investigations;
- (l) deliver written recommendations of the Consumer Tribunal to parties against whom action may be taken for non-compliance with unfair practices;
- (m) record, maintain and keep a list of adverse notations as contemplated in section 10(1)(f) of the Act: Provided that adverse notations must be recorded by using the form in Annexure O;
- (n) do anything in the reasonable execution of functions and duties required by the Consumer Tribunal;
- (o) receive and carry out the instructions of the Consumer Tribunal and prepare the necessary documentation for the Consumer Tribunal; and
- (p) facilitate negotiations and mediation, subject to the general principles that govern conflict resolution as may be issued by the Consumer Tribunal, from time to time, in terms of section 10(1)(e) of the Act.

(2) The provisions of subregulation 3(2) apply with the necessary changes in respect of the duties of the staff of the Office contemplated in subregulation (1).

Records of proceedings (section 21(3) of the Act)

20.(1) The secretary of the Consumer Tribunal must keep and maintain the records of the proceedings of the Consumer Tribunal.

(2) Hearings of the Consumer Tribunal must be recorded.

(3) Any person who is interested in the proceedings which may already have taken place before the Consumer Tribunal, may request access to the records of the proceedings by completing and submitting the form in Annexure P to the secretary of the Consumer Tribunal.

(4) Reproduction of any record of the proceedings for the purpose of access contemplated in subregulation (3) is subject to the payment of reproduction costs contemplated in section 22 of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000).

PART IV

CODE OF CONDUCT FOR MEMBERS OF CONSUMER TRIBUNAL

General conduct of members of Consumer Tribunal (section 45 of Act)

21.(1) Members of the Consumer Tribunal, in dealing with matters before the Consumer Tribunal, must, at all times, act and conduct themselves in a manner that promotes public confidence in the integrity and impartiality of the Consumer Tribunal.

(2) Members of the Consumer Tribunal must –

- (a) perform the functions of the Consumer Tribunal in good faith, honestly, transparently and with due diligence;
- (b) be patient with and courteous to the parties, representatives, witnesses and others who appear before the Consumer Tribunal and must require similar conduct of others;
- (c) at all times, act in the best interests of the Consumer Tribunal and in such a way that the credibility and integrity of the Consumer Tribunal is not compromised;
- (d) strive to be familiar with and abide by all statutory and other instructions applicable to his or her conduct;
- (e) co-operate with public institutions established under legislation and the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996), in the promotion of public interest;
- (f) serve the public in an unbiased and impartial manner in order to create confidence in the Consumer Tribunal;
- (g) be helpful and reasonably accessible in their dealings with the public and, at all times, treat members of the public as customers who are entitled to receive high standards of service;
- (h) not unfairly discriminate against any member of the public on account of race, gender, ethnic or social origin, colour, sexual orientation, age, disability, religion, political persuasion, conscience, belief, culture or language;

- (i) not abuse their position to promote prejudice or self-interest;
- (j) recognise the public's right of access to information, excluding information that is specifically protected by law;
- (k) strive to achieve the objectives of the Consumer Tribunal cost-effectively and in the public interest;
- (l) be punctual in the execution of their duties;
- (m) be honest and accountable in dealing with public funds;
- (n) use the Consumer Tribunal's property and other resources effectively, efficiently and only for authorised official purposes;
- (o) execute their responsibilities in a professional and competent manner; and
- (p) not engage in any action that is in conflict with, or infringes on, the execution of his or her official duties.

Rewards, gifts and favours

22. A member of the Consumer Tribunal may not request, solicit or accept any reward, gift or favour for –

- (a) voting or not voting in a particular manner on any matter before the Consumer Tribunal or before a committee which that member is part of;
- (b) influencing the Consumer Tribunal or any committee concerning the exercise of any power, function or duty;
- (c) making a representation to the Consumer Tribunal; or
- (d) disclosing privileged or confidential information.

Unauthorised disclosure of information

23.(1) A member of the Consumer Tribunal may not, without the permission of the Consumer Tribunal, disclose any privileged or confidential information of the Consumer Tribunal to any third party.

(2) For the purpose of this regulation, "privileged or confidential information" includes, but is not limited to, any information –

- (a) determined by the Consumer Tribunal to be privileged or confidential;
- (b) discussed in closed session by the Consumer Tribunal;
- (c) of which disclosure would violate the right to privacy of any person; or
- (d) declared to be privileged, confidential or secret in terms of the law.

(3) This regulation does not derogate from the right of any person to access information in terms of national legislation.

Breach of Code of Conduct

24.(1) The Consumer Tribunal may –

- (a) investigate, charge, adjudicate and make a finding on any alleged breach of a provision of the Code of Conduct; or
- (b) establish a special committee to deal with any alleged breach of a provision of the Code of Conduct –
 - (i) to investigate and make a finding on any alleged breach of the Code of Conduct; and
 - (ii) to make appropriate recommendations to the responsible Member of the Executive Council.

(2) If the Consumer Tribunal or a special committee finds that a member has breached a provision of the Code of Conduct the Consumer Tribunal may recommend to the responsible Member of the Executive Council to –

- (a) issue a formal warning to the member;
- (b) suspend the member from office for a period determined by the Consumer Tribunal; or
- (c) remove the member from office.

(3) The responsible Member of the Executive Council may appoint a person or a committee to investigate any alleged breach of a provision of the Code of Conduct and to make a recommendation as to the appropriate sanction in terms of subregulation (2).

(4) The responsible Member of the Executive Council may determine that any of, or all of, sections 3 to 11 of the KwaZulu-Natal Commissions Act, 1999 (Act No. 3 of 1999), apply to an investigation in terms of subregulation (4).

(5) If the responsible Member of the Executive Council is of the opinion that the member has breached a provision of the Code of Conduct and that such contravention warrants a suspension or removal from office, the responsible Member of the Executive Council may –

- (a) suspend the member for a period and on conditions determined by the responsible Member of the Executive Council; or
- (b) remove the member from office.

(6) Any investigation or action taken in terms of this Regulation must be in accordance with the rules of natural justice.

PART V INVESTIGATIONS AND ENQUIRIES

Appointment of investigators and investigating officers (section 31 of Act)

25.(1) The Consumer Protector must –

- (a) by using the form in Annexure Q1, issue each person appointed as an investigator in terms of section 31(1) of the Act, with a certificate contemplated in section 31(1)(b) of the Act; and
- (b) by using the form in Annexure Q2, issue each person appointed as an investigating officer in terms of section 31(5) of the Act with a certificate contemplated in section 31(7) of the Act.

(2) A person who is not in the full-time employment of the State and who is appointed as an investigator must be appointed on such conditions and be paid such remuneration as may be determined by the responsible Member of the Executive Council.

(3) A person may be appointed as an investigator or an investigating officer for an indefinite or a specific period of time to perform specific powers and functions which must be endorsed on the certificate referred to in subregulation (1).

(4) An investigator or investigating officer must, whenever performing a function or exercising a power in terms of the Act, have the certificate issued in terms of subregulation (1) in his or her possession and must produce it whenever requested to do so by any person affected by the actions of the investigator concerned.

Functions and powers of investigators and investigating officers

26.(1) Any person appointed as an investigator or investigating officer must perform such functions and exercise such powers conferred on him or her by the Act, Regulations and any other applicable law.

(2) When performing any function in terms of these Regulations, an investigator or investigating officer may be accompanied by, and may utilise the services of, an assistant, an interpreter or any member of the South African Police Service.

Resistance against entry

27. If an investigator or investigating officer encounters resistance when entering any premises with a search warrant and in accordance with section 32 of the Act, such investigator must immediately request the assistance of a member of the South African Police Service.

Short title

28. These Regulations are called the KwaZulu-Natal Consumer Protection Regulations, 2014.



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PROVINCE OF KWAZULU-NATAL

ANNEXURE A

KWAZULU-NATAL CONSUMER PROTECTOR	
Form: (section 27(1) of the Act)	
Complaint	
Full name(s) and surname of complainant	
Identity number of complainant	
Postal address	
Physical address	
Cell phone number	
Land line number	
Fax number	
e-mail address	
When is the best time to contact you, should this be necessary?	
Nature of complaint	
Provision of KZN Consumer Protection Act/National Consumer Protection Act/or Regulations promulgated under it (if known)	
Name of business or person against whom complaint is made	
Address of the business or person against whom complaint is made	

Short description of complaint <i>(if the space provided is insufficient you may attach additional pages)</i>	
List of certified copies of documents relevant to complaint attached to this form <i>(if any)</i>	
What outcome do you propose for this complaint?	
Place	
Date	
Signature	
OFFICE USE ONLY	
Reference number	
File number	
Investigator/official responsible	



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PROVINCE OF KWAZULU-NATAL

ANNEXURE B

KWAZULU-NATAL CONSUMER PROTECTOR	
Form: (section 29(5) of the Act)	
Notice of Refusal to Investigate	
Reference number	
Date	
Name(s) and surname of complainant	
Postal address	
Fax number	
e-mail address	
<p>Dear</p> <p>Complaint:</p> <p>Date:</p> <p>KINDLY BE INFORMED THAT the Office of the Consumer Protector has –</p> <ul style="list-style-type: none"> (a) assessed your consumer complaint in terms of section 29(3) of the Act; (b) made a determination that you are not a <i>bona fide</i> consumer; (c) decided not to refer your matter to the Consumer Tribunal; and (d) for one or more of the following reasons, decided not to investigate your consumer complaint: 	
	your complaint appears to be frivolous or vexatious;
	your complaint does not allege any facts which, if true, would constitute grounds for a remedy under the KwaZulu-Natal Consumer Protection Act, 2013 (Act No. 4 of 2013), or the Consumer Protection Act, 2008 (Act No. 68 of 2008); or

	<p>your complaint is prevented, in terms of section 116 of the Consumer Protection Act, 2008 (Act No. 68 of 2008), from being referred to the Consumer Tribunal because more than three years have passed since –</p> <p>(a) the act or omission that is the cause of the complaint; or</p> <p>(b) in the case of a course of conduct or continuing practice, the date that the conduct or practice ceased.</p>
	<p>_____</p> <p>_____</p> <p>other (<i>provide reason</i>)</p>
<p><i>(mark the correct option with an X)</i></p> <p>Kindly note that you may, within thirty (30) days of the date hereof, make a request for the Review Panel to review the decision.</p>	
<p>Yours faithfully</p> <p>_____</p> <p>CONSUMER PROTECTOR</p>	



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PROVINCE OF KWAZULU-NATAL

ANNEXURE C1

KWAZULU-NATAL CONSUMER PROTECTOR	
Form: (section 29(6) of the Act)	
Notice of a determination that a complaint conveys the potential of criminal liability	
Reference number	
Date	
Name(s) and surname of complainant	
Postal address	
Fax number	
e-mail address	
<p>Dear</p> <p>Complaint:</p> <p>Date:</p> <p>1. KINDLY BE ADVISED THAT the Office of the Consumer Protector has made a determination that the complaint lodged against (name of the business or person) conveys the potential of criminal liability; and</p> <p>2. FURTHER BE ADVISED THAT the Office of the Consumer Protector has, in view of the determination contemplated in abovementioned paragraph 1, reported the matter to the South African Police Service (..... name of the station) under Case Number:</p>	

Yours faithfully

CONSUMER PROTECTOR



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PROVINCE OF KWAZULU-NATAL

ANNEXURE C2

KWAZULU-NATAL CONSUMER PROTECTOR	
Form: (section 29(6) of the Act)	
Notice of a determination that a complaint conveys the potential of civil liability	
Reference number	
Date	
Name(s) and surname of complainant	
Postal address	
Fax number	
e-mail address	
<p>Dear</p> <p>Complaint:</p> <p>Date:</p> <p>1. KINDLY BE ADVISED THAT the Office of the Consumer Protector has made a determination that the complaint lodged against (name of the business or person) conveys the potential of civil liability; and</p> <p>2. FURTHER BE ADVISED THAT, in view of the determination contemplated in paragraph 1 above, the Consumer Protector intends to institute proceedings against (name of the business or person) in the Consumer Tribunal/High Court*. <i>(*delete that which is not applicable)</i></p>	

Yours faithfully

CONSUMER PROTECTOR



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PROVINCE OF KWAZULU-NATAL

ANNEXURE D

KWAZULU-NATAL CONSUMER PROTECTOR

Form: (section 30 of the Act)

Summons (subpoena) to appear before the Consumer Protector or a person in the service of the office authorised by the Consumer Protector

TO:
(Name(s) and surname of the person)

Address:
.....
.....
.....

In the matter of the following consumer complaint:
.....
.....
.....
(Provide sufficient particulars and details of the consumer complaint so that the person receiving a summons can understand the complaint)

KINDLY TAKE NOTE THAT you are hereby summoned to appear before the Consumer Protector or a person in the service of the Office of the Consumer Protector, authorised by the Consumer Protector at (place) on (date) at (time), in order to –

- (a) be questioned, under oath or affirmation, in connection with the complaint stipulated above; and
- (b) produce and be questioned, under oath or affirmation, on the following:

.....
.....
(describe books, documents or objects).

FURTHER TAKE NOTE THAT –

- (a) you may be assisted during the examination by any person of your choice;
- (b) you are entitled to receive from moneys appropriated by law for such purpose, as

witness fees, an amount equal to the amount which you would have received as witness fees had you been summoned to attend criminal proceedings in the High Court held in the place specified in the summons;

(c) you are guilty of an offence if you, having been summoned in terms of section 30 of the Act –

(i) fail without sufficient cause to attend, at the place and time specified in the summons, or to remain in attendance until the conclusion of the proceedings or until you have been excused from further attendance by the Consumer Protector; or

(ii) refuse to take the oath or make an affirmation; and

(d) when questioned in relation to the consumer complaint specified above, you must answer each question truthfully and to the best of your ability BUT you are not obliged to answer any question if the answer is self-incriminating; and

(e) no self-incriminating, or any other, statement made to the Consumer Protector or a person in the service of the Office of the Consumer Protector, authorised by the Consumer Protector in terms of section 30 of the Act, shall be admissible in any criminal proceedings, unless you have been charged for perjury or in which you are tried for an offence contemplated in subsection 30(5) of the Act, and then only to the extent that the answer or statement is relevant to prove the offence charged.

**THUS DONE AND SIGNED AT _____ ON THIS
_____ DAY OF _____, 20_____ .**

CONSUMER PROTECTOR



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PROVINCE OF KWAZULU-NATAL

ANNEXURE E1

<p>KWAZULU-NATAL CONSUMER PROTECTOR</p> <p>Form: (section 32(2) of the Act)</p> <p>Search Warrant</p>
<p>To: (full name(s) and surname of the Investigating Officer), with identity number:, an investigation officer appointed in terms of the Act.</p> <p>1. This warrant authorises you to enter the following premises: (description of the premises) in connection with the following consumer complaint:</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p><i>(provide details of the consumer complaint)</i></p> <p>2. You are authorised to enter the abovementioned premises –</p> <p style="padding-left: 40px;">(a) during business hours, that is to say between 8h00 and 17h00*;</p> <p style="text-align: center;">OR</p> <p style="padding-left: 40px;">(b) at (specify the hours), as hereby authorised in terms of section 32(3)(b) of the Act.*</p> <p style="padding-left: 40px;"><i>(*delete that which is not applicable)</i></p> <p>3. You are authorised to enter the abovementioned premises to –</p> <p style="padding-left: 40px;">(a) inspect or search the said premises and make such inquiries as may be necessary for the purposes of obtaining information relating to the consumer complaint;</p> <p style="padding-left: 40px;">(b) examine any object found on, or in, the premises which has, or may have, a bearing on the investigation in question and request from the owner or person in charge of the premises or any person in whose possession or charge that object is, information regarding the object;</p>

- (c) make copies of, or extracts from, any book or document found on, or in, the premises which has, or may have, a bearing on the investigation in question, and request from any person who is suspected of having the necessary information an explanation of any entry therein; or
- (d) seize, against the issue of a receipt, anything on, or in, the premises which has, or might reasonably have, a bearing on the investigation in question if you need to retain it for further examination or for safe custody.

4. This warrant is in force –

- (a) until it is executed or cancelled by a competent court; or
- (b) until a period of one week, from the date of issue, has expired,

whichever occurs first.

I, the undersigned (name(s) and surname), in my capacity as Investigating Officer, have reviewed the evidence and am satisfied that there is a reasonable possibility that the search warrant will be issued by a judge or magistrate.

INVESTIGATING OFFICER

Date:

SIGNATURE OF JUDGE/ MAGISTRATE

COURT STAMP

Date:

Time:



ANNEXURE E2

KWAZULU-NATAL CONSUMER PROTECTOR
Form: (section 32(1)(d) of the Act)
Receipt of Seized Items
<p>To:</p> <p>.....(full name(s) and surname and identity number of the owner or person in charge of the premises).</p> <p>I, (full name(s) and surname), the Investigating Officer, have seized on, or in, the premises situated at:</p> <p>.....</p> <p>(address of premises) and retained for further investigation, or for safe custody, the following articles:</p> <p>1.</p> <p>2.</p> <p>3.</p> <p>4.</p> <p>5.</p> <p>6.</p> <p>7.</p> <p>8.</p> <p>9.</p> <p>10.</p> <p>11.</p> <p>12.</p> <p>13.</p> <p>14.</p> <p>15.</p> <p><i>(Add additional page if more space is required)</i></p>

SIGNATURE OF INVESTIGATING OFFICER

Date:

Time:

**SIGNATURE OF THE PERSON IN CHARGE
OF THE PREMISES**

Date:

Time:



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PROVINCE OF KWAZULU-NATAL

ANNEXURE F1

KWAZULU-NATAL CONSUMER PROTECTOR	
Form: (section 33(1) of the Act) Notice of Appointment of Facilitator/Mediator	
Reference number	
Date	
TO: Name(s) and surname of plaintiff	
Postal address	
Fax number	
e-mail address	
AND TO: Name(s) and surname of the person/business against whom the consumer complaint was lodged	
Postal address	
Fax number	
e-mail address	
Dear	
1. KINDLY TAKE NOTE THAT –	
(a) in the matter of the following consumer complaint:	
.....	

.....

(Provide sufficient particulars and details of the consumer complaint)

I, by virtue of the powers vested in me in terms of the provisions of subregulation 9(2) read with section 33(1) of the Act, have decided to appoint a facilitator/mediator to assist the parties to resolve the abovementioned consumer complaint by facilitation or mediation;

(b) the details of the facilitator/mediator referred to in paragraph 1 above are as follows; and

Name(s) and surname	
Contact details	
Qualifications/experience in facilitation/mediation of disputes or consumer matters	
Other	

(c) the details of the first meeting with the facilitator/mediator are as follows:

Venue	
Date	
Time	

2. FURTHER TAKE NOTE THAT if you have any objection to the appointment of the facilitator/mediator, contemplated in abovementioned paragraph 1, you must submit your objection to the Consumer Protector within seven (7) days of this notice.

Yours faithfully

CONSUMER PROTECTOR



ANNEXURE F2

KWAZULU-NATAL CONSUMER PROTECTOR	
Form: (section 33 of the Act and subregulation 9(5))	
Facilitation/Mediation Progress Report	
Reference Number	
Full name(s) and surname of complainant	
Identity number of complainant	
Postal address	
Physical address	
Cell phone number	
Land line number	
Fax number	
e-mail address	
Full name(s) and surname of respondent	
Identity number of respondent	
Postal address	
Physical address	
Cell phone number	
Land line number	
Fax number	
e-mail address	
Facilitator/Mediator	



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PROVINCE OF KWAZULU-NATAL

ANNEXURE F3

KWAZULU-NATAL CONSUMER PROTECTOR
Form: (sections 33(2) and 37(1) of the Act)
Settlement Agreement: Arrangement to settle a consumer complaint

REFERENCE NUMBER:/.....

In the matter between:

COMPLAINANT

AND

RESPONDENT

SETTLEMENT AGREEMENT: ARRANGEMENT TO SETTLE A CONSUMER COMPLAINT

BE PLEASED TO TAKE NOTE that the abovementioned matter was set down for negotiations/mediation at the Office of the Consumer Protector on the (day) of, 20..... at (time);

FURTHER TAKE NOTE of the details of the matter at hand or in dispute;

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

AND FURTHER TAKE NOTE THAT –

(a) the parties agree to resolve the dispute as follows:

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

.....; and

(b) the parties hereto **WISH/DO NOT WISH*** to confirm the abovementioned mediation agreement in the High Court in terms of section 33(2)(c) of the Act.

*(*Delete that which is not applicable)*

THUS DONE AND SIGNED AT **ON THIS** **DAY OF**, **20.....** .

SIGNATURE OF COMPLAINANT

Full name(s) and surname:

.....

SIGNATURE OF RESPONDENT

Full name(s) and surname:

.....

CONSUMER PROTECTOR



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PROVINCE OF KWAZULU-NATAL

ANNEXURE F4

KWAZULU-NATAL CONSUMER PROTECTOR
Form: (section 37(2) of the Act)
Publication Notice: Court Order – Confirmation of an arrangement to settle a consumer complaint by the High Court

File Reference:/.....

In the matter between:

.....

COMPLAINANT

AND

.....

RESPONDENT

PUBLICATION OF AN ARRANGEMENT CONCLUDED BY THE PARTIES IN TERMS OF SECTION 33(1) OF THE ACT AND CONFIRMED BY THE HIGH COURT IN TERMS OF SECTION 37(1) OF THE ACT

KINDLY TAKE NOTE THAT–

(a) the parties have entered into an arrangement to settle the consumer complaint as follows:

.....

; and

(b) the High Court has, in terms of section 37(2) of the Act –

	confirmed the arrangement;
	confirmed the arrangement with necessary amendments; or
	set aside the arrangement.

(mark the correct option with an X)

Please refer to the Order of the High Court attached hereto as **Annexure A**.

THUS DONE AND SIGNED AT ON THIS DAY OF
....., 20.....

CONSUMER PROTECTOR



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PROVINCE OF KWAZULU-NATAL

ANNEXURE G

KWAZULU-NATAL CONSUMER PROTECTOR	
Form: (section 34(8) of the Act)	
Confirmation of Veracity of the Complaint and Indemnity	
Reference Number	
<p>I, the undersigned, (name(s) and surname of the complainant), in the matter of the following consumer complaint:</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p><i>(Provide sufficient particulars and details of the consumer complaint so that the person receiving a summons can understand the complaint)</i></p> <p>hereby –</p> <p>(a) confirm the veracity of the abovementioned complaint; and</p> <p>(b) unconditionally indemnify the Office of the Consumer Protector against any liabilities or consequences which may arise as a result of any false information or evidence furnished or adduced by myself during –</p> <p>(i) the lodgement and investigation of the abovementioned complaint; and</p> <p>(ii) the prosecution of the abovementioned complaint before the Consumer Tribunal or the High Court.</p> <p>THUS DONE AT AND SIGNED AT ON THIS DAY OF , 20.....</p> <p>1. _____ WITNESS</p> <p>2. _____ WITNESS</p> <p style="text-align: right;">_____ COMPLAINANT</p>	



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PROVINCE OF KWAZULU-NATAL

ANNEXURE H

KWAZULU-NATAL CONSUMER PROTECTOR
Form: (section 21(1)(c) of the Act) Notice of Appointment of a Prosecutor

CASE NUMBER:/.....

In the matter between:

KWAZULU-NATAL CONSUMER PROTECTOR — **First Plaintiff**

..... — **Second Plaintiff**

Name of the Consumer

AND

..... — **Defendant**

NOTICE OF APPOINTMENT OF PROSECUTOR (SECTION 21(1) OF ACT)

TO:
THE SECRETARY OF THE CONSUMER TRIBUNAL
ADDRESS:

.....
.....

BE PLEASED TO TAKE NOTE that the abovementioned matter has been set down for hearing at the Consumer Tribunal on the day of, 20..... at; and

FURTHER TAKE NOTE of the following details of the prosecutor appointed in terms of section 21(1) of the Act –

(a) surname and initials:

.....

(b) contact details:

.....

THUS DONE AND SIGNED AT **ON THIS** **DAY OF**
....., 20.....

CONSUMER PROTECTOR

AND TO:
THE SECOND PLAINTIFF
ADDRESS:

.....
.....

AND TO:
THE DEFENDANT
ADDRESS:

.....
.....


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PROVINCE OF KWAZULU-NATAL

ANNEXURE I1

KWAZULU-NATAL CONSUMER PROTECTOR	
Form: (sections 35(1) and (2) of the Act)	
Notice: Decision not to institute proceedings/not to refer the complaint to another authority*	
Reference number	
Date	
TO: Name(s) and surname of complainant	
Postal address	
Fax number	
e-mail address	
AND TO: Name(s) and surname of the person/name of the business against whom the consumer complaint was lodged	
Postal address	
Fax number	
e-mail address	

Dear

Complaint:

1. I regret to inform you that the Office of the Consumer Protector has, in respect of the abovementioned complaint decided **not to** –

- (a) initiate any proceedings in the Consumer Tribunal or High Court; or
- (b) refer the matter to another authority.

2. The reason(s) for this decision is/are* the following:

.....

.....

.....

.....

.....

.....

.....

.....

KINDLY NOTE: If you are aggrieved by the decision not to institute proceedings, you may –

- (a) within fourteen (14) days of the date hereof; and
- (b) by completing the Review Notice in Annexure I2,

make a request for the Review Panel, contemplated in section 35(3) of the Act, to review the decision.

(* Delete that which is not applicable)

THUS DONE AND SIGNED AT ON THIS DAY OF, 20.....

CONSUMER PROTECTOR



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Department :
Economic Development, Tourism and
Environmental Affairs
PROVINCE OF KWAZULU-NATAL

ANNEXURE I2

KWAZULU-NATAL CONSUMER PROTECTOR	
Form: (section 35(3) of the Act)	
Review Notice: Review of the decision of the Consumer Protector not to refer the consumer complaint to the Consumer Tribunal	
<p>In the matter between:</p> <p>..... —</p> <p>AND</p> <p>..... —</p>	<p>File Reference:/.....</p> <p style="text-align: center;">COMPLAINANT</p> <p style="text-align: center;">RESPONDENT</p>
REVIEW NOTICE	
<p>TO: THE CONSUMER PROTECTOR</p> <p>KINDLY TAKE NOTE THAT –</p> <p>(a) I am aggrieved by the decision of the Consumer Protector, dated 20....., copy of which is attached hereto as Annexure A, not to refer my consumer complaint to the Consumer Tribunal. The basis for my dissatisfaction with the said decision is as follows:</p> <p><i>(if necessary attach an additional sheet)</i></p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p>	

.....
.....
.....
.....
.....; and

(b) I request that the abovementioned decision is referred to the Review Panel, contemplated in section 35 of the Act, for review.

THUS DONE AND SIGNED AT **ON THIS** **DAY OF**
....., 20.....

CONSUMER



edtea

Department :
Economic Development, Tourism and
Environmental Affairs

PROVINCE OF KWAZULU-NATAL

ANNEXURE I3

KWAZULU-NATAL CONSUMER PROTECTOR
Form: (section 35 of the Act) Review Judgement

CASE NUMBER:/.....

In the matter between:

.....

— **COMPLAINANT**

AND

.....

— **RESPONDENT**

REVIEW JUDGMENT (section 35 of the Act)

PLEASE TAKE NOTE that the abovementioned matter was reviewed by the Consumer Review Panel established in terms of section 35 of the KwaZulu-Natal Consumer Protection Act, 2013 (Act No. 4 of 2013), at (place) on this day of, 20.....;

AND FURTHER TAKE NOTE that the following Order was made:

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

THUS DONE AND SIGNED AT **ON THIS** **DAY OF**, 20.....

CHAIRPERSON: REVIEW PANEL



ANNEXURE J1

KWAZULU-NATAL CONSUMER PROTECTOR
Form: (sections 21(1) and 34(1) of the Act)
Summons initiating proceedings in the Consumer Tribunal

CASE NUMBER:/.....

In the matter between:

KWAZULU-NATAL CONSUMER PROTECTOR — **First Plaintiff**

..... — **Second Plaintiff**
Name of the Consumer

AND

..... — **Defendant**

SUMMONS

TO: (THE DEFENDANT)

ADDRESS OF THE DEFENDANT:

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

1. TAKE NOTE THAT in the matter of the following consumer complaint:

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

(Provide sufficient particulars and details of the consumer complaint so that the person receiving a summons can understand the complaint. If necessary attach an additional sheet)

proceedings are hereby instituted against you as the person responsible for the business practice which gave rise to the consumer complaint; and

2. FURTHER TAKE NOTE THAT –

(a) the proceedings against you will commence before the Consumer Tribunal at (place) on the day of, 20..... (date), at (time); and

(b) an order will be sought against you on the following terms:

- (i)
- (ii)
- (iii)
- (iv)
- (v)

(If necessary attach an additional sheet.)

3. THAT the proceedings before the Consumer Tribunal will be prosecuted by the Office of the Consumer Protector, which may be represented by a prosecutor duly appointed in terms of section 21(1)(c) of the Act;

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

5. THAT if you intend to defend these proceedings, you must complete the form in Annexure J2, and file the Notice of Intention to Defend to the secretary of the Consumer Tribunal within seven (7) days of receipt of summons; and

6. THAT if you intend to consent to the relief sought against you in the summons you may, utilising the form in Annexure J3, file a Consent to Judgement to the secretary of the Consumer Tribunal within seven (7) days of receipt of summons.

THUS DONE AND SIGNED AT **ON THIS** **DAY OF**, **20.....**

CONSUMER PROTECTOR

**AND TO:
THE SECOND PLAINTIFF
ADDRESS:**

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

**AND TO:
THE DEFENDANT
ADDRESS:**

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



ANNEXURE J2

NOTICE OF INTENTION TO DEFEND

CASE NUMBER:/.....

In the matter between:

KWAZULU-NATAL CONSUMER PROTECTOR

—

First Plaintiff

.....
Name of the Consumer

—

Second Plaintiff

AND

.....

—

Defendant

NOTICE OF INTENTION TO DEFEND

TO:

THE SECRETARY OF THE CONSUMER TRIBUNAL

ADDRESS:

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

KINDLY TAKE NOTE THAT the Defendant hereby gives notice of his or her intention to defend this action.

DATED AT **ON THIS** **DAY OF**,
20.....

DEFENDANT

**AND TO:
THE FIRST PLAINTIFF
ADDRESS:**

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

**AND TO:
THE SECOND PLAINTIFF
ADDRESS:**

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



ANNEXURE J3

CONSENT TO JUDGEMENT

CASE NO./.....

In the matter between:

KWAZULU-NATAL CONSUMER PROTECTOR	—	First Plaintiff
.....	—	Second Plaintiff
Name and surname of the Consumer		
AND		
.....	—	Defendant

CONSENT TO JUDGMENT

**TO:
THE SECRETARY OF THE CONSUMER TRIBUNAL
ADDRESS:**

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

I admit that I am liable to the Second Plaintiff as claimed in the summons and I consent to the ruling accordingly.

DATED AT ON THIS DAY OF,
20.....

DEFENDANT

AND TO:
THE DEFENDANT
ADDRESS:

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

AND TO:
THE SECOND PLAINTIFF
ADDRESS:

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



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Economic Development, Tourism and
Environmental Affairs

PROVINCE OF KWAZULU-NATAL

ANNEXURE J4

PROOF OF SERVICE

1. I, (full name(s) and surname), with identity number, the undersigned, hereby certify that I have served this summons upon the defendant by –

(a) delivering the original copy to him or her; or

(b) delivering a true copy to (name(s) and surname), a person above the age of 16 years, and employed at the respondent’s place of business, as the defendant could not be found.

2. The nature, exigency and the consequences of this summons were explained to the recipient hereof.

Place:

Day:

Month 20

SIGNATURE OF RECIPIENT

SIGNATURE OF OFFICIAL



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Department :
Economic Development, Tourism and
Environmental Affairs

PROVINCE OF KWAZULU-NATAL

ANNEXURE K

<p>KWAZULU-NATAL CONSUMER TRIBUNAL</p> <p>Form: (section 22)(1) of the Act</p> <p>Summons (subpoena) to appear before the Consumer Tribunal</p>
<p>TO:</p> <p>(Name(s) and surname of person)</p> <p>Address:</p> <p>.....</p> <p>.....</p> <p>In the matter of the following consumer complaint:</p> <p>.....</p> <p>.....</p> <p>.....</p> <p><i>(Provide sufficient particulars and details of the consumer complaint so that the person receiving the summons can understand the complaint)</i></p> <p>KINDLY TAKE NOTE THAT –</p> <p>you are hereby summoned to appear before the Consumer Tribunal at</p> <p>..... (place) on (date) at (time),</p> <p>in order –</p> <p style="padding-left: 40px;">(a) to give evidence and be questioned under oath or affirmation in connection with the complaint detailed above; and</p> <p style="padding-left: 40px;">(b) to produce and be questioned under oath or affirmation on the following:</p> <p style="padding-left: 40px;">.....</p> <p style="padding-left: 40px;">.....</p> <p style="padding-left: 40px;">(describe books, documents or objects).</p>

FURTHER TAKE NOTE THAT –

(a) you are entitled to receive, from moneys appropriated by law for such purpose, as witness fees, an amount equal to the amount which you would have received as witness fees had you been summoned to attend criminal proceedings in the High Court held in the place specified in the summons;

(b) you are guilty of an offence if you, having been summoned in terms of section 30 of the Act –

(i) fail, without sufficient cause, to attend at the time and place specified in the summons, or to remain in attendance until the conclusion of the proceedings or until you have been excused from further attendance by the Consumer Tribunal;

(ii) refuse to take the oath or make an affirmation;

(iii) refuse to answer, or to answer fully and satisfactorily to the best of your knowledge or belief, any question lawfully put to you;

(iv) fail to produce any book, document or object in your possession or custody or, under your control, which you are required to produce; or

(v) make a false statement before the Consumer Tribunal knowing such statement to be false or not knowing or believing it to be true; and

(c) you are not entitled to refuse to answer any question or to produce any book, document or object on the grounds that you would be exposed to a criminal charge: Provided that, to the extent that such answer, book, document or article does expose you to a criminal charge, no evidence thereof may be admissible in any criminal proceedings against you, except where you stand trial on a charge contemplated in –

(i) paragraph (b)(iii) to (v) above, read with subsection 22(3)(c) to (e) of the Act; or

(ii) section 319(3) of the Criminal Procedure Act, 1977 (Act No. 51 of 1977).

**THUS DONE AND SIGNED AT ON THIS DAY OF
....., 20.....**

SECRETARY: CONSUMER TRIBUNAL



ANNEXURE L

KWAZULU-NATAL CONSUMER TRIBUNAL
Form: (subregulasie 15(2)) Notice of Set Down

CASE NUMBER:/.....

In the matter between:

KWAZULU-NATAL CONSUMER PROTECTOR — **First Plaintiff**

..... — **Second Plaintiff**
Name of the Consumer

AND

..... — **Defendant**

NOTICE OF SET DOWN

BE PLEASED TO TAKE NOTE that the abovementioned matter has been set down for hearing at the Consumer Tribunal at on the day of, 20..... at

THUS DONE AND SIGNED AT **ON THIS** **DAY**
OF, 20.....

SECRETARY: CONSUMER TRIBUNAL



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Department :
 Economic Development, Tourism and
 Environmental Affairs
PROVINCE OF KWAZULU-NATAL

ANNEXURE M

KWAZULU-NATAL CONSUMER PROTECTOR	
Oaths and Affirmations	
WITNESS	<p>I,(full name(s) and surname) swear/solemnly declare upon my honour and conscience that I shall speak the truth, the whole truth and nothing but the truth, so help me God/I truly affirm.*</p> <p>_____</p> <p style="text-align: center;">SIGNATURE _____ DATE</p>
EXPERT WITNESS	<p>I,(full name(s) and surname) swear/solemnly declare upon my honour and conscience that I shall state what I sincerely believe to be correct and true, so help me God/I truly affirm.*</p> <p>_____</p> <p style="text-align: center;">SIGNATURE _____ DATE</p>
INTERPRETER	<p>I,(full name(s) and surname) swear/solemnly declare upon my honour and conscience that whenever I am called upon to interpret in any proceedings before the Tribunal, I will correctly interpret to the best of my ability from the language of the inquisitor to the language of the witness or deponent and <i>vice versa</i>, so help me God/I truly affirm.*</p> <p>_____</p> <p style="text-align: center;">SIGNATURE _____ DATE</p>

(*Delete that which is not applicable)



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PROVINCE OF KWAZULU-NATAL

ANNEXURE N

KWAZULU-NATAL CONSUMER PROTECTOR
Form: (section 22(5) of the Act) Claim form for Witness Fees
REFERENCE NUMBER:
FILE NUMBER:

A. PARTICULARS OF CLAIMANT

SURNAME: NAME(S): IDENTITY NUMBER: RESIDENTIAL ADDRESS: POSTAL ADDRESS: TELEPHONE/CELL PHONE NUMBER: FAX NUMBER:
LODGED BY: SIGNATURE: DATE: 20.....

FOR OFFICIAL USE

RECEIVED BY:

SIGNATURE: DATE:

20.....

APPROVED BY:

DESIGNATION:

SIGNATURE:

DATE:

AUTHORISED BY:

DESIGNATION:

PAYMENT AMOUNT:

DATE OF APPROVAL:

DATE OF PAYMENT:



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PROVINCE OF KWAZULU-NATAL

ANNEXURE O

KWAZULU-NATAL CONSUMER PROTECTOR		
Form: (section 10(1)(f) of the Act)		
Adverse Notations		
Consumer Protector reference number		
Consumer Tribunal reference number		
Registered name of the company		
Trading name of the company		
Company's registration number		
Postal address		
Fax number		
e-mail address		
File Reference:/.....		
In the matter between:		
KWAZULU-NATAL CONSUMER PROTECTOR	—	First Plaintiff
.....	—	Second Plaintiff
Name of the Consumer		
AND		
.....	—	Defendant
BE PLEASED TO TAKE NOTE that in the abovementioned matter, the Consumer Tribunal ordered the Consumer Protector to record the following adverse notations against the respondents herein:*		

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

(*Attach additional sheet if necessary)

**THUS DONE AND SIGNED AT ON THIS
DAY OF 20.....**

CONSUMER PROTECTOR



edtea

Department :
Economic Development, Tourism and
Environmental Affairs
PROVINCE OF KWAZULU-NATAL

ANNEXURE P

KWAZULU-NATAL CONSUMER TRIBUNAL		
Form: (section 21(4) of the Act)		
Request for Access to the Records of the Proceedings		
CASE NUMBER:/.....		
In the matter between:		
KWAZULU-NATAL CONSUMER PROTECTOR	—	First Plaintiff/Applicant
.....	—	Second Plaintiff/Applicant
Name of the Consumer		
AND		
.....	—	Defendant/Respondent
REQUEST FOR ACCESS TO THE RECORDS OF THE PROCEEDINGS		
Full name(s) and surname of the requester		
Identity number of the requester		
Postal address		
Physical address		
Cell phone number		
Land line number		
Fax number		
e-mail address		

TO: THE SECRETARY OF THE CONSUMER TRIBUNAL

I, the undersigned, request to have access to copies of the following records of the proceedings:

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

(Provide the description of the record or part of the record requested)

I am aware that the approval of my request to access the abovementioned record/s is subject to –

- (a) whether the proceedings were open to the public in terms of section 21(1) of the Act; and
- (b) the payment of reproduction fees as contemplated in section 22 of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000).

**THUS DONE AND SIGNED AT ON THIS DAY OF
....., 20.....**

REQUESTER



ANNEXURE Q1

KWAZULU-NATAL CONSUMER PROTECTOR
Form: (section 31(1) of the Act) INVESTIGATOR'S CERTIFICATE
<p>I,, by virtue of the powers vested in me as the Consumer Protector (in terms of section 31(1) of the Act), hereby appoint and designate –</p> <p style="text-align: center; margin-top: 20px;">_____</p> <p style="text-align: center;">NAME OF INVESTIGATOR</p> <p>as investigator in terms of the KwaZulu-Natal Consumer Protection Act, 2013 (Act No. 4 of 2013).</p> <div style="text-align: center; margin-top: 40px;"> <div style="border: 1px solid black; width: 150px; height: 100px; display: flex; align-items: center; justify-content: center;"> <p>Photograph of Investigator</p> </div> </div> <p style="margin-top: 40px;">THIS DONE AND SIGNED AT ON THIS DAY OF, 20.....</p> <p style="margin-top: 40px;">_____</p> <p>CONSUMER PROTECTOR</p>



Department :
Economic Development, Tourism and
Environmental Affairs

PROVINCE OF KWAZULU-NATAL

ANNEXURE Q2

KWAZULU-NATAL CONSUMER PROTECTOR
Form: (section 31(7) of the Act INVESTIGATING OFFICER'S CERTIFICATE
<p>This is to certify that:, Identity number:, has been appointed and designated as an investigating officer in terms of section 31(5) of the KwaZulu-Natal Consumer Protection Act, 2013 (Act No. 4 of 2013).</p> <div style="border: 1px solid black; width: 150px; height: 150px; margin: 20px auto; text-align: center; padding: 10px;"> <p>Photograph of Investigating Officer</p> </div> <p>THUS DONE AND SIGNED ATON THE DAY OF , 20.....</p> <hr style="width: 25%; margin-left: 0;"/> <p>CONSUMER PROTECTOR</p>



ANNEXURE R

KWAZULU-NATAL CONSUMER PROTECTOR	
Compliance Notice in terms of section 100 of the Consumer Protection Act, 2008 (Act No. 68 of 2008)	
Name(s) and surname of person or entity to whom notice applies	
Address	
Reference number	
Date	
Provision(s) of Act not complied with	
The details* of the nature and extent of the non-compliance are as follows: (*Attach additional sheet if necessary) 	
The details* of any steps that are required to be taken and the period within which those steps must be taken: (*Attach additional sheet if necessary) 	

<p>The penalties/imprisonment/administrative fines that may be imposed in terms of the Consumer Protection Act, 2008 (Act No. 68 of 2008), if those steps are not taken: sections 107-113 of the Consumer Protection Act, 2008 (Act No. 68 of 2008).</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p>	
<p>ENQUIRIES MAY BE SUBMITTED TO:</p>	
Name(s) and surname	
Contact details	
Business hours	
Address to which objections to this notice may be submitted in the prescribed form	
<p>FOR OFFICE USE ONLY</p>	
Details of response	
Recommendation	
Date	
Signed	

PROVINSIALE KENNISGEWING 123 VAN 2015**DEPARTEMENT VAN EKONOMIESE ONTWIKKELING, TOERISME EN
OMGEWINGSAKE
REGULASIEKENNISGEWING****KWAZULU-NATAL VERBRUIKERSBESKERMINGSREGULASIES, 2014**

Hiermee maak ek die Regulasies vervat in die Bylae hierby kragtens artikel 45 van die KwaZulu-Natal Wet op Verbruikersbeskerming, 2013 (Wet No. 4 van 2013), ten einde aangeleenthede rakende verbruikersbeskerming in die Provinsie te reguleer.

Gegee onder my Hand te Pietermaritzburg op hierdie dag van,
Tweeduisend-en-veertien.



MR M MABUYAKHULU, MPL

Lid van die Uitvoerende Raad van die Provinsie van KwaZulu-Natal
verantwoordelik vir Verbruikersbeskerming

BYLAE
RANGSKIKKING VAN ARTIKELS

Regulasie

DEEL 1
INLEIDENDE BEPALINGS

1. Omskrywings

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INDIENING, ONDERSOEK, BESLISSING VAN VERBRUIKERSKLAGTES EN INSTELLING
VAN GEREGETELIKE VERRIGTINGS

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3. Pligte en werksaamhede van Kantoor met betrekking tot klagtes (artikel 7 van Wet)
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 20. Rekords van Verrigtinge (artikel 21(3) van Wet)

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- Aanhangsel F2: Vorderingsverslag van Fasilitering/Bemiddeling (artikel 33 van Wet en subregulasie 9(5))
- Aanhangsel F3: Skikkingsooreenkoms: Ooreenkoms om 'n verbruikersklagte te skik (artikel 33(2) en 37(1) van Wet)
- Aanhangsel F4: Publikasiekennisgewing: Hofbevel – Bevestiging van ooreenkoms om 'n verbruikersklagte deur die Hoërhof te skik (artikel 37(2) van Wet)
- Aanhangsel G: Bevestiging van geloofwaardigheid van die Klagte en Kwytskelding (artikel 34(8) van Wet)

- Aanhangsel H: Kennisgewing van Aanstelling van 'n Vervolger (artikel 21(1)(c) van Wet)
- Aanhangsel I1: Kennisgewing: Besluit om nie geregtelike stappe in te stel nie/om nie die klagte na 'n ander gesag te verwys nie (artikel 35(1) en (2) van Wet)
- Aanhangsel I2: Hersieningskennisgewing: Hersiening van die Verbruikersbeskermer se beslissing om nie die verbruikersklagte na die Verbruikerstribunaal te verwys nie (artikel 35(3) van Wet)
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- Aanhangsel J3: Instemming tot Beslissing
- Aanhangsel J4: Vorm: Bewys van Betekening
- Aanhangsel K: Dagvaarding (subpoena) om voor die Verbruikerstribunaal te verskyn (artikel 22(1) van Wet)
- Aanhangsel L: Kennisgewing van Terrolleplasing (subregulasie 15(2))
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DEEL I INLEIDENDE BEPALINGS

Omskrywings

1. In hierdie Regulasies beteken enige woord of uitdrukking waaraan 'n betekenis in die Wet toegeken is, die betekenis daaraan toegeken en, tensy uit die samehang anders blyk, beteken –

“**die Kantoor**” die Kantoor van die Verbruikersbeskermer;

“**die klaer**” 'n persoon wat 'n klag indien by die Kantoor van die Verbruikersbeskermer;

“**die Wet**” die KwaZulu-Natal Wet op Verbruikersbeskerming, 2013 (Wet No. 4 van 2013);

“**klagte**” ’n verbruikersklagte ingedien by die Kantoor van die Verbruikersbeskermer ingevolge artikel 27 van die KwaZulu-Natal Wet op Verbruikersbeskerming, 2013 (Wet No. 4 van 2013);

“**Kode**” die Gedragskode van Raadslede verwys na in Deel IV van hierdie Regulasies;

“**lid**” ’n lid van die Verbruikerstribunaal aangestel ingevolge artikel 11 van die KwaZulu-Natal Wet op Verbruikersbeskerming, 2013 (Wet No. 4 van 2013);

“**regulasies**” sluit die Aanhangsels in; en

“**wysiging**” enige wysiging, variasie of herformulering van ’n voorlopige beoordeling van ’n verbruikersklagte deur die Kantoor van die Verbruikersbeskermer ingevolge artikel 29(2) van die Wet.

DEEL II

INDIENING, ONDERSOEK, BESLISSING VAN VERBRUIKERSKLAGTES EN INSTELLING VAN GEREGETELIKE VERRIGTINGS

Indiening van klagte by Kantoor van Verbruikersbeskermer (artikel 27 van Wet)

2.(1) ’n Verbruikersklagte –

- (a) kan deur enige verbruiker by die Kantoor ingedien word deur gebruik te maak van die vorm in Aanhangsel A ; en
- (b) moet by die Kantoor ingedien word op enige besigheidsdag, uitgesluit verklaarde openbare vakansies en naweke, by ’n adres voorsien deur die Kantoor.

(2) ’n Verbruikersklag, verwys na in subregulasie (1), en wat mondelings gemaak word op die perseel van die Kantoor, moet na skrif herlei word deur die Kantoor.

(3) Die Kantoor moet ’n lêer of dossier aangaande die verbruikersklagte oopmaak en ’n indeks- en liassingstelsel van verbruikersklagtes byhou.

Pligte en werksaamhede van Kantoor met betrekking tot klagtes (artikel 7 van Wet)

3.(1) Die personeel van die Kantoor, bykomend tot die werksaamhede verwys na in artikel 7 van die Wet –

- (a) moet, na ontvangs van verbruikersklagtes, lêers oopmaak en die aangeleentheid in 'n klagteregister aanteken;
- (b) kan respondente opspoor en kontak deur gebruik te maak van inligting ontvang deur klaers;
- (c) kan klaers en respondente konsulteer en rekord hou van alle inligting wat op hierdie wyse ontvang is;
- (d) kan toepaslike dokumente bekom en sodanige dokumente in die klaer se lêer plaas;
- (e) kan beëdigde verklarings vanaf partye betrokke by die dispuut en ander betrokke partye bekom, indien benodig;
- (f) kan afskrifte van alle boeke en dokumente tersaaklik tot 'n klagte by die Kantoor bekom en ondersoek;
- (g) kan afskrifte van alle kwitansies, ten opsigte van 'n onderwerp in hand, van 'n klagte bekom;
- (h) kan enige inligting voorsien en enige verslag of ander dokumente, wat betrekking mag hê op enige klagte rakende 'n inspeksie wat uitgevoer is, lewer;
- (i) moet ongeletterde klaers bystaan met die invul van die tersaaklike vorms en skriftelike inligting voorsien;
- (j) kan bystand verleen in die uitvoer van enige voorlopige ondersoek ten einde 'n volledige rekord van alle tersaaklike inligting, verkry deur inspeksies en ondersoeke, te verskaf;
- (k) kan, in die opdrag van die Verbruikersbeskermer om 'n voorlopige beoordeling uit te voer ingevolge artikel 28(2) van die Wet aanbevelings maak aan die Verbruikersbeskermer;
- (l) kan enigiets doen binne die redelike verrigting van werksaamhede en uitvoering van pligte soos vereis deur die Verbruikersbeskermer;
- (m) kan voorlopige roetine-ondersoeke uitvoer;
- (n) kan gevalle ondersoek en klaers dienooreenkomstig, mondelings en skriftelik, van raad voorsien;
- (o) kan die stand van sake en die uitkoms aanteken;
- (p) kan instruksies van die Verbruikersbeskermer ontvang en uitvoer; en
- (q) kan, deur gebruik te maak van die vorm in Aanhangsel R, 'n nakomingskennisgewing namens die Nasionale Verbruikerskommissie, ingevolge

artikel 100 van die Wet op Verbruikersbeskerming, 2008 (Wet No. 68 van 2008), namens die Kommissie, uitreik.

(2) Die personeel van die Kantoor, in die verrigting van die werksaamhede bedoel in artikel 7 van die Wet en in subregulasie (1) –

- (a) moet standarde van onpartydigheid en integriteit handhaaf;
- (b) moet hul verantwoordelikhede, sonder vooroordeel of benadeling, met toewyding verrig;
- (c) moet professionele bekwaamheid en toewyding volhou;
- (d) moet hulself weerhou van duidelike vooroordeel teen, of benadeling van, enige party; en
- (e) kan nie enige skenking, beloning, of ander voordeel vanaf enige persoon, of namens enige persoon, vra of ontvang nie.

Wysiging van voorlopige beoordeling (artikel 29(2) van Wet)

4.(1) Waar die Kantoor besluit om 'n voorlopige beoordeling van 'n verbruikersklag te wysig ingevolge artikel 29(2) van die Wet, moet die Kantoor onverwyld die klaer skriftelik in kennis stel van sodanige wysiging.

(2) Waar die wysiging waarna verwys word in subregulasie (1) die regte van ander partye ongunstig beïnvloed, of die moontlikheid bestaan dat hul regte ongunstig beïnvloed mag word, moet sodanige partye skriftelik van sodanige wysiging in kennis gestel word.

Weiering van Kantoor om klagte te ondersoek (artikel 29(5) van Wet)

5.(1) Waar die Kantoor die ondersoek van die verbruikersklagte afwys weens 'n bevinding dat die klaer nie 'n *bona fide* verbruiker is ingevolge artikel 29(5) van die Wet nie, moet die Kantoor, onverwyld en deur gebruik te maak van die vorm in Aanhangsel B –

- (a) die klaer in kennis stel van sodanige weiering; en
- (b) redes vir die weiering verskaf.

(2) Waar die weiering bedoel in subregulasie (1) die klaer ongunstig beïnvloed, of die moontlikheid bestaan dat die klaer nadelig beïnvloed mag word, moet die Kantoor, voordat 'n beslissing oor die saak geneem is, die klaer uitnoui om skriftelike verhoë in te dien: Met dien verstande dat die Kantoor ongeletterde klaers moet bystaan om hul verhoë na skrif te herlei.

Besigheid of besigheidspraktyk wat moontlikheid van strafregtelike of siviele aanspreeklikheid inhou (artikel 29(6) van Wet)

6.(1) Waar die Kantoor, ingevolge artikel 29(6) van die Wet, bepaal het dat 'n verbruikersklagte teen 'n besigheid, of 'n persoon wat beweer dat 'n besigheid of besigheidspraktyk bedryf word, die moontlikheid van strafregtelike aanspreeklikheid inhou, moet die Kantoor, binne sewe dae vanaf sodanige bepaling –

- (a) die saak aan die Suid-Afrikaanse Polisiediens rapporteer; en
- (b) gebruik maak van die vorm in Aangangsel C1 ten einde –
 - (i) die klaer in kennis te stel dat die Kantoor bepaal het dat die klagte teen 'n besigheid, of 'n persoon wat beweer dat 'n besigheid of 'n besigheidspraktyk bedryf word, die moontlikheid van strafregtelike aanspreeklikheid inhou; en
 - (ii) die klaer te voorsien van die besonderhede van die strafregtelike saak.

(2) Waar die Kantoor, ingevolge artikel 29(6) van die Wet, bepaal het dat 'n besigheid, of 'n persoon wat beweer dat 'n besigheid of besigheidspraktyk bedryf word, die moontlikheid van siviele aanspreeklikheid inhou, moet die Kantoor, binne sewe dae, deur gebruik te maak van die vorm in Aangangsel C2, die klaer in kennis stel –

- (a) van sodanige bepaling; en
- (b) hetsy die Kantoor van voorneme is om 'n geding in die Verbruikerstribunaal of in die Hoërhof in te stel.

Dagvaarding (subpoena) deur Verbruikersbeskermer (artikel 30 van Wet)

7.(1) Die Verbruikersbeskermer of 'n persoon in die Kantoor wat gemagtig is deur die Verbruikersbeskermer kan, vir die doeleindes van die ondersoek bedoel in artikel 28(1) van die Wet, die vorm in Aangangsel D gebruik vir die dagvaarding van enige persoon om –

- (a) voor die Verbruikersbeskermer te verskyn;
- (b) ondervra te word; en
- (c) enige boek, dokument of ander voorwerp te lewer.

(2) Die bepalings van subregulasies 12(2) en (3) is van toepassing, met die nodige veranderinge, ten opsigte van die betekening van 'n dagvaarding bedoel in subregulasie (1).

Visenteringslasbrief en beslaglegging op voorwerpe (artikel 32 van Wet)

8.(1) 'n Visenteringslasbrief bedoel in artikel 32(2) van die Wet moet voltooi word in ooreenstemming met die vorm in Aanhangsel E1.

(2) Waar 'n ondersoekbeampte, ingevolge artikel 32(1)(d) van die Wet, beslag lê op enige artikel op, of in, die perseel en dit terughou –

- (a) omrede dit 'n invloed kan hê op die betrokke ondersoek; en
- (b) vir verdere ondersoek of veilige bewaring,

moet hy of sy die vorm in Aanhangsel E2 gebruik om 'n kwitansie aan die eienaar van, of die persoon verantwoordelik vir, die perseel uit te reik.

Beslissing op verbruikersklagtes (artikel 33 en 37 van Wet)

9.(1) Die Verbruikersbeskermer kan –

- (a) te eniger tyd vanaf ontvangs van 'n verbruikersklagte en voor die instelling van geregtelike stappe kragtens artikel 34 van die Wet; of
- (b) deur opdrag van, en behoudens die algemene riglyne soos neergelê deur, die Verbruikerstribunaal of die Hoërhof,

die partye van die verbruikersklagte bystaan ten einde die klag deur onderhandelinge of bemiddeling in der minne skik.

(2) Vir die doeleindes van subregulasie (1), kan die Verbruikersbeskermer, deur kennisgewing aan die klaer en die respondent en deur gebruik te maak van die vorm in Aanhangsel F1 –

- (a) enige –
 - (i) persoon in diens van die Kantoor; of
 - (ii) ander geskikte, bekwame en onpartydige persoon nie in die diens van die Kantoor nie,

aanstel om die onderhandelinge te fasiliteer of om die geskil tussen die partye te bemiddel; en

- (b) die partye rakende die geskil in te lig ten opsigte van die tyd, datum en plek van die eerste onderhandelings- of bemiddelingsvergadering.

(3) In die geval dat die klaer of die respondent enige geregverdigde rede het om beswaar te maak teen die aanstelling van enige persoon bedoel in subregulasie (2)(a), moet hy of sy die Verbruikersbeskermer, binne sewe dae na ontvangs van die kennisgewing bedoel in subregulasie (2), van sy of haar beswaar in kennis stel.

(4) Die Verbruikersbeskermer moet, binne sewe dae vanaf ontvangs van die kennisgewing van beswaar bedoel in subregulasie (3) –

(a) bepaal of die beswaar bedoel in subregulasie (3) geregverdig is; en

(b) die klaer en die respondent skriftelik in kennis stel –

(i) van die identiteit van die persoon wat die persoon wat aanvanklik aangestel is om die onderhandelinge te fasiliteer, of om die geskil tussen die partye te bemiddel, te vervang ingevolge subregulasie (2)(a), indien die beswaar as geregverdig beskou word; of

(ii) van die redes vir die tersydestelling van die beswaar indien die beswaar beskou word as ongeregverdig.

(5) Die persoon aangestel ingevolge subregulasie (2) moet, binne dertig dae na aanstelling en deur gebruik te maak van Aanhangsel F2, 'n vorderingsverslag by die Verbruikersbeskermer indien.

(6) Indien die onderhandelinge of bemiddeling aanleiding gee daartoe dat partye ooreenkom om 'n verbruikersklag op te los –

(a) moet die ooreenkoms vir die oplossing van 'n verbruikersklag opgeneem en geteken word in ooreenstemming met die vorm in Aanhangsel F3; en

(b) die Verbruikersbeskermer kan, kragtens artikel 37 van die Wet en –

(i) by kennisgewing aan die klaer en die respondent; en

(ii) deur gebruik te maak van die voorgeskewe vorm in die Eenvormige Reëls van die Hoërhof,

by die Hoërhof aansoek doen om bevestiging van die onderhandeling en sluiting van 'n ooreenkoms ingevolge kragtens artikel 33 van die Wet.

(7) Waar die Hoërhof, kragtens artikel 37(2) van die Wet –

(a) die ooreenkoms bevestig het;

(b) die ooreenkoms bevestig het met die nodige wysigings; of

(c) die ooreenkoms ter syde gestel het,

soos bedoel in subregulasie (6), moet die Verbruikersbeskermer die gevolglike hofbevel in die *Koerant* publiseer deur gebruik te maak van die vorm in Aanhangsel F4.

Instelling van geregtelike stappe (artikel 34 van Wet)

10.(1) Die Verbruikersbeskermer moet, voor stappe ingevolge artikel 34(3) van die Wet ingestel word, die vorm in Aanhangsel G gebruik ten einde vanaf die klaer–

- (a) 'n bevestiging van die klag se geloofwaardigheid te bekom; en
- (b) 'n vrywaring bekom wat die Kantoor vrywaar van die gevolge van enige onjuiste inligting of bewys wat aangevoer kan word deur die verbruiker tydens die indiening en ondersoek van die klagte of tydens die vervolging van die klag.

(2) Indien die Verbruikersbeskermer besluit om geregtelike stappe in te stel, moet hy of sy 'n dagvaarding voltooi en beteken aan beide die klaer en die respondent: Met dien verstande dat –

- (a) indien geregtelike stappe ingestel word in die Verbruikerstribunaal, moet die dagvaarding voltooi en beteken word op die wyse voorgeskryf in regulasie 12; en
- (b) indien geregtelike stappe ingestel word in die Hoërhof, moet die dagvaarding voltooi en beteken word in ooreenstemming met die toepaslike Eenvormige Reëls van die Hoërhof.

(3) Waar die Kantoor 'n aanklaer ingevolge artikel 21(1)(c) van die Wet aanstel moet die vorm in Aanhangsel H gebruik word.

Hersiening van beslissings van Verbruikersbeskermer (artikel 35 van Wet)

11.(1) Indien die Kantoor van die Verbruikersbeskermer besluit om nie –

- (a) geregtelike stappe in te stel nie;
- (b) die verbruikersklag na 'n ander owerheid te verwys nie; of
- (c) voor 'n Verbruikerstribunaal voort te gaan nie,

moet die Verbruikersbeskermer die vorm in Aanhangsel I1 gebruik om die verbruiker en respondent in kennis te stel –

- (i) van sodanige besluit, tesame met die redes daarvoor; en
- (ii) dat, indien die klaer deur die beslissing van die Verbruikersbeskermer om nie geregtelike stappe in te stel nie benadeel word, hy of sy die reg het om die beslissing van die Verbruikersbeskermer na die Hersieningspaneel, bedoel in artikel 35 van die Wet, te verwys vir hersiening.

(2) Indien die klaer besluit om die beslissing van die Verbruikersbeskermer te verwys na die Hersieningspaneel, moet hy of sy, binne veertien dae vanaf ontvangs van die beslissing bedoel in subregulasie 1(c) –

- (a) die hersieningskennisgewing voltooi deur gebruik te maak van die vorm in Aangangsel I2; en
 - (b) die hersieningskennisgewing by die Kantoor inhandig.
- (3) Die Kantoor moet, by ontvangs van die hersieningskennisgewing –
- (a) 'n lêer oopmaak en 'n verwysingsnommer daaraan toeken;
 - (b) die verwysing vir 'n hersiening aanteken deur –
 - (i) ontvangserkenning van die hersieningskennisgewing, skriftelik, aan die klaer te verskaf; en
 - (ii) die hersieningskennisgewing na die respondent aan te stuur; en
 - (c) die verantwoordelike Lid van die Uitvoerende Raad onverwyld inlig van die nodigheid om 'n Hersieningspaneel byeen te roep.
- (4) Die hersieningsuitspraak verwys na in artikel 35(12) van die Wet moet behoorlik gekommunikeer word aan die Verbruikersbeskermer, die klaer en die respondent, deur gebruik te maak van die vorm in Aangangsel I3.

DEEL III

VERBRUIKERSTRIBUNAAL

Instelling van geregtelike stappe in Verbruikerstribunaal (artikel 21 van Wet)

12.(1) Geregtelike stappe in die Verbruikerstribunaal moet ingestel word deur 'n dagvaarding

–

- (a) in ooreenstemming met die vorm in Aangangsel J1 te voltooi;
 - (b) wat deur die sekretaris van die Verbruikerstribunaal uitgereik word; en
 - (c) wat in ooreenstemming met subregulasie (2) beteken word.
- (2) Die betekening van die dagvaarding verwys na in subregulasie (1) kan –
- (a) per hand afgelewer word;
 - (b) per geregistreerde pos gestuur word;
 - (c) deur 'n faksimilee versend word; of
 - (d) deur vervangende betekening in 'n plaaslike koerant gelewer word.
- (3) Die volgende sal voldoende wees as bewys van betekening van dagvaarding –
- (a) ten opsigte van 'n dagvaarding beteken per hand, die bewys van betekening voltooi deur gebruik te maak van die vorm in Aangangsel J4;

- (b) ten opsigte van betekening per faksimilee, bevestiging van suksesvolle versending van die faksimilee; of
 - (c) ten opsigte van betekening per geregistreerde pos, 'n kwitansie vir geregistreerde pos.
- (4) Die respondente moet binne sewe dae na ontvangs van die dagvaarding –
- (a) die vorm in Aanhangsel J2 gebruik om 'n kennisgewing van voorneme om te verdedig in te dien; of
 - (b) die vorm in Aanhangsel J3 gebruik om instemming tot beslissing in te dien.
- (5) Die Verbruikersbeskermer moet die dagvaarding en bewys van betekening daarvan indien by die sekretaris van die Verbruikerstribunaal.

Bevoegdhede, pligte en werksaamhede van Verbruikerstribunaal by ontvangs van dagvaarding

13.(1) By ontvangs van 'n dagvaarding soos verwys na in subregulasie 12(5), moet die sekretaris van die Verbruikerstribunaal 'n lêer oopmaak en 'n verwysingsnommer aan die dagvaarding toeken.

(2) Die voorblad van die lêer, verwys na in subregulasie (1), moet die name van die klaer, verwysingsnommer van die saak en die name van die partye aandui.

- (3) Die Verbruikerstribunaal kan, by ontvangs van die dagvaarding –
- (a) sodanige voorlopige ondersoek, soos wat nodig mag wees, uitvoer ten einde te bepaal of die klagte verband hou met 'n geskil ten opsigte van 'n aangeleentheid wat 'n klag ingevolge die Wet kan uitmaak; en
 - (b) enige bykomende inligting vanaf die klaer of die respondente bekom.

(4) Waar die Verbruikerstribunaal dit nodig ag, kan 'n ondersoeker beveel word om die perseel van die diensverskaffer te inspekteer en 'n verslag oor die klagte saam te stel.

Dagvaarding van getuies en lewering van dokumente voor Verbruikerstribunaal (artikel 22 van Wet)

14. Deur dagvaarding, soos bedoel in artikel 22(1) van die Wet, en voltooiing deur gebruik te maak van die vorm in Aanhangsel K, kan die Verbruikerstribunaal –

- (a) enige persoon, ingesluit die persoon teen wie 'n verbruikersklag gelê is, gelas om voor die Verbruikerstribunaal te verskyn ten einde getuienis te lewer; en
- (b) enige persoon, ingesluit die persoon teen wie 'n klag gelê is, gelas om enige boek of dokument –
 - (i) in besit of bewaring, of onder die sorg of bewaring, van sodanige persoon; en
 - (ii) wat redelikerwys nodig, weselik en tersaaklik mag wees in verband met die geregtelike geding voor die Verbruikerstribunaal, te lewer.

Aanhoorproses en prosedure

15.(1) Die Verbruikerstribunaal is bevoeg om –

- (a) enige saak ten opsigte van 'n klag na hom verwys ingevolge die Wet aan te hoor; en
 - (b) sodanige beslissing, wat hy beskou as regverdig en billik onder die omstandighede, te maak wat gebaseer is op die bepalings van die Wet, Regulasies en enige ander toepaslike wette en feite van die saak.
- (2) In die geval van enige veranderinge aan die datum van die aanhoor, soos aangeteken in die dagvaarding, moet die sekretaris van die Verbruikerstribunaal, deur gebruik te maak van die vorm in Aanhangsel L, die partye in kennis stel van die tyd, datum en plek van die aanhoor.
- (3) Minstens drie lede van die Verbruikerstribunaal moet teenwoordig wees by enige aanhoor, waarvan een die Voorsitter of Ondervoorsitter is.
- (4) Die Verbruikerstribunaal kan enige persoon teenwoordig by die aanhoor, of wie gedagvaar is om voor die Verbruikerstribunaal te verskyn, oproep vir die oplegging van 'n eed, of 'n plegtige verklaring aanvaar in ooreenstemming met Aanhangsel M.
- (5) Die Voorsitter van die Verbruikerstribunaal moet, voor die aanvang van die aanhoor, verseker dat die partye ingelig is van –
- (a) hul regte;
 - (b) die prosedure wat deur die Verbruikerstribunaal gevolg sal word; en
 - (c) die gevolge van die Verbruikerstribunaal se beslissing en oortreding daarvan.

- (6) Die partye moet die geleentheid gegun word om –
- (a) hul saak te stel;
 - (b) getuies onder kruisverhoor te neem;
 - (c) getuies te roep; en
 - (d) enige ander tersaaklike inligting, boek, dokument of voorwerp voor te lê.
- (7) Die getuienisreëls moet gehandhaaf word en die lede kan, waar die behoefte ontstaan en op enige stadium van die aanhoorverrigtinge, vrae aan die partye of getuies stel.
- (8) Voor die aanhoor –
- (a) moet die partye, minstens vyf dae voor die aanhoor, alle tersaaklike dokumente met mekaar deel;
 - (b) moet die partye, minstens vyf dae voor die aanhoor, mekaar inlig oor en besonderhede van getuies wat hulle beoog om te gebruik verskaf; en
 - (c) kan die partye voor die aanhoor ontmoet in 'n poging om die geskil op te los, aangeleenthede uit te klaar of om ooreenstemming te bereik oor die presiese aard van die klagtes waaroor beslis moet word.

Getuiefooie

16.(1) 'n Getuie vir enige geding in die Verbruikerstribunaal is daarop geregtig om betaal te word in ooreenstemming met die toelaetariëwe soos voorgeskryf deur die Minister van Justisie en gepubliseer deur kennisgewing in die *Koerant* ingevolge artikel 42 van die Wet op die Hooggeregshof, 1959 (Wet No. 59 van 1959).

(2) Getuiefooie kan geëis word deur gebruik te maak van die vorm in Aanhangsel N.

(3) Ten spyte van subregulasie (1), kan die Verbruikerstribunaal gelas dat geen toelae, of slegs 'n gedeelte van die voorgeskrewe toelae, aan enige getuie betaal word.

(4) 'n Party wat 'n getuie dagvaar is verantwoordelik vir die betaling van die getuiefooie aan daardie getuie, soos voorsien in subregulasie (1).

Toekennings en Bevele

17.(1) Die Verbruikerstribunaal kan 'n verstekbevel maak –

- (a) nadat hy enige nodige getuienis in ag geneem of aangehoor het; en
- (b) indien hy tevrede is dat die aansoekdokumente behoorlik beteken is.

- (2) Die Verbruikerstribunaal kan die Verbruikersbeskermer beveel om –
- (a) die naam van die besigheid en die naam van die persoon wat sodanige besigheid bedryf; en
 - (b) die bevinding van die Verbruikerstribunaal ingevolge artikel 10(2)(a) tot (c) van die Wet,
- in die lys van ongunstige notasies op te teken op die wyse soos voorgeskryf in subregulasie 19(1)(m)
- (3) Die Tribunaal kan, onder die omstandighede verwys na in artikel 10(2) van die Wet, kostetoewysings maak op die volgende voorwaardes –
- (a) die fooie van 'n enkel verteenwoordiger kan tussen twee partye toegelaat word;
 - (b) die kostes tussen party en party deur die sekretaris van die Verbruikerstribunaal moet belas word in ooreenstemming met die tarief soos ooreengekom tussen die partye of andersins in ooreenstemming met die tarief van toepassing in die Hoërhof; of
 - (c) die sekretaris van die Verbruikerstribunaal kan 'n kosterekening belas vir werklike dienste gelewer in verband met geregtelike stappe en aandrang op enige boek, dokument, papier of rekening wat, na die mening van die sekretaris van die Verbruikerstribunaal, nodig is vir die behoorlike beslissing van enige saak wat verband hou met belastingheffing.
- (4) Die sekretaris van die Verbruikerstribunaal moet nie voortgaan om belasting te hef op enige kosterekening nie, tensy die party aanspreeklik vir die betaling van die rekening –
- (a) die party is wat die belastingheffing versoek;
 - (b) versuim het om te verskyn en wat nie verteenwoordig was by die aanhoor nie;
 - (c) skriftelik ingestem het tot die belastingheffing wat *in absentia* plaasvind; of
 - (d) behoorlike kennisgewing ontvang het van die tyd en plek van die belastingheffing en van die party se reg om teenwoordig te wees.
- (5) Die sekretaris van die Verbruikerstribunaal kan enige verantwoordelikhede, opgelê kragtens subregulasies (2) en (5), delegeer aan 'n geskikte en bekwame persoon in diens van die Tribunaal om die belasting op kosterekening te hef.
- (6) Die Verbruikerstribunaal kan stafkoste oplê teen enige party wat skuldig bevind is daaraan dat 'n beuselagtige of kwelsugtige aansoek by die Tribunaal ingedien is.
- (7) Kostebelasting is, by aansoek, onderworpe aan hersiening deur die Hoërhof.

Algemene verantwoordelikhede van lede van Verbruikerstribunaal

18.(1) Die lede van die Verbruikerstribunaal moet aan elke party tot 'n geding, of aan daardie party se verteenwoordiger, die reg toeken om aangehoor te word in ooreenstemming met die wet.

(2) Lede van die Verbruikerstribunaal kan nie –

(a) *ex parte* kommunikasies, tensy deur die Wet of Regulasies vereis; of

(b) kommunikasie met die publiek of partye wat onder die administratiewe verantwoordelikhede van die Kantoor val,

iniseer, toelaat of oorweeg nie.

(3) Die personeel van die Kantoor kan enige voorlopige ondersoek instel en die omstandighede rondom die klag ondersoek ten einde die dringende daarvan te bepaal en moet die Verbruikerstribunaal dienooreenkomstig adviseer.

(4) Waar beskou word dat dringende bestaan nadat die voorlopige ondersoek uitgevoer is, soos verwys na in subregulasie (3), moet die Verbruikerstribunaal se tydelike beslissing, saam met 'n afskrif van die klaer se verklaring, onverwyld aan die respondent beteken word.

Pligte en werksaamhede van Kantoor met betrekking tot Verbruikerstribunaal

19.(1) Bykomend tot die werksaamhede verwys na in artikel 7 van die Wet kan die personeel van die Kantoor, in opdrag van die Verbruikerstribunaal –

(a) roetineondersoeke ingestel in 'n aangeleentheid en skriftelike verslae, wanneer aldus versoek word deur die Verbruikerstribunaal, te verskaf;

(b) respondente opspoor en kontak deur inligting wat in die Kantoor gehou word;

(c) konsultasies met klaers en respondente hou en al die inligting ontvang aanteken;

(d) tersaaklike dokumente bekom en sodanige dokumente in die klaer se lêer plaas;

(e) beëdigde verklarings bekom, indien vereis, vanaf die partye in dispuut en ander betrokke partye;

(f) getuienis lewer, wanneer versoek word om so te doen, voor die Verbruikerstribunaal;

(g) afskrifte van alle boeke en dokumente wat tersaaklik kan wees tot 'n saak bekom en ondersoek;

(h) afskrifte van alle kwitansies ten opsigte van 'n saak wat die onderwerp van 'n klag is bekom;

- (i) enige inligting verskaf en enige verslag of ander dokumente rakende 'n ondersoek wat uitgevoer is, en wat enige invloed op enige klagte mag hê, lewer;
- (j) enige kennisgewing of dagvaarding beteken aan 'n party tot 'n dispuut of enige ander persoon wat redelikerwys in staat is om inligting van wesenlike belang rakende 'n klagte kan verskaf –
 - (i) om voor die Verbruikerstribunaal te verskyn; en
 - (ii) enige boek of enige ander dokument, soos die Verbruikerstribunaal mag vereis, te lewer; en
- (k) bystand verleen in die uitvoer van enige voorlopige ondersoek ten einde 'n volledige rekord van alle tersaaklike inligting wat bekom is as gevolg van inspeksies en ondersoeke te verskaf;
- (l) skriftelike aanbevelings van die Verbruikerstribunaal te laat aflewer aan die partye teen wie stappe geneem mag word vir nie-nakoming van onregverdige praktyke;
- (m) 'n lys van ongunstige notasies aanteken, volhou en byhou, soos bedoel in artikel 10(1)(f) van die Wet: Met dien verstande dat ongunstige notasies aangeteken moet word deur gebruik te maak van die vorm in Aanhangsel O;
- (n) enigiets doen in die redelike verrigting van werksaamhede en uitvoer van pligte soos vereis word deur die Verbruikerstribunaal;
- (o) die instruksies van die Verbruikerstribunaal ontvang en uitvoer en die nodige dokumentasie voorberei vir die Verbruikerstribunaal; en
- (p) onderhandelinge en bemiddelinge fasiliteer behoudens die algemene riglyne wat die oplossing van konflik bepaal, soos van tyd tot tyd deur die Verbruikerstribunaal uitgereik kan word ingevolge artikel 10(1)(e) van die Wet.

(2) Die bepalings van subregulasie (3)(2) is van toepassing, met die nodige veranderinge, ten opsigte van die pligte van die personeel van die Kantoor bedoel in subregulasie (1).

Rekords van Verrigtinge (artikel 21(3) van Wet)

20.(1) Die sekretaris van die Verbruikerstribunaal moet die rekords van die verrigtinge van die Verbruikerstribunaal hou en byhou.

(2) Enige aanhoor van die Verbruikerstribunaal moet opgeneem word.

(3) Enige persoon wat belangstel in die verrigtinge wat alreeds plaasgevind het voor die Verbruikerstribunaal, kan toegang tot die rekords van die verrigtinge versoek deur die vorm in Aanhangsel P te voltooi en by die sekretaris van die Verbruikerstribunaal in te dien.

(4) Reproduksie van enige rekord van die verrigtinge vir die doel van toegang soos bedoel in subregulasie (3), is onderhewig aan die betaling van reproduksiekostes soos bedoel in artikel 22 van die Wet op die Bevordering van Toegang tot Inligting, 2000 (Wet No. 2 van 2000).

DEEL IV

GEDRAGSKODE VIR LEDE VAN VERBRUIKERSTRIBUNAAL

Algemene gedrag van lede van Verbruikerstribunaal (artikel 45 van Wet)

21.(1) Wanneer aangeleenthede voor die Verbruikerstribunaal hanteer word, moet die lede van die Verbruikerstribunaal te alle tye optree, en hulself gedra, op 'n wyse wat openbare vertroue in die integriteit en onpartydigheid van die Verbruikerstribunaal bevorder.

(2) Lede van die Verbruikerstribunaal moet –

- (a) die werksaamhede van die Verbruikerstribunaal te goeder trou, eerlik, deursigtig en met die nodige toewyding verrig;
- (b) geduldig en beleefd wees teenoor die partye, verteenwoordigers, getuies en ander persone wat voor die Verbruikerstribunaal verskyn en moet aandring op soortgelyke gedrag van ander;
- (c) te alle tye optree in die beste belang van die Verbruikerstribunaal en op sodanige wyse dat die geloofwaardigheid en integriteit van die Verbruikerstribunaal nie gekompromitteer word nie;
- (d) strewe daarna om vertrouwd te wees met alle statutêre en ander voorskrifte van toepassing op sy of haar gedrag en sodanige voorskrifte nakom;
- (e) saamwerk met openbare instellings ingestel kragtens wetgewing en die Grondwet van die Republiek van Suid-Afrika, 1996 (Wet 108 van 1996), ter bevordering van openbare belang;
- (f) die publiek op 'n onbevooroordeelde en onpartydige wyse dien ten einde vertroue in die Verbruikerstribunaal te kweek;
- (g) behulpsaam en redelikerwys toeganklik wees in hul omgang met die publiek en lede van die publiek te alle tye behandel as kliënte wat geregtig is op hoë diensstandaarde;
- (h) nie onregverdiglik diskrimineer teen enige lid van die publiek op grond van ras, geslag, etniese of sosiale oorsprong, kleur, seksuele oriëntasie, ouderdom, gestremdheid, godsdiens, politieke oortuiging, gewete, geloof, kultuur of taal nie;

- (i) nie hul amp misbruik ten einde vooroordeel of selfbelang te bevorder nie;
- (j) die publiek se reg om toegang tot inligting erken, uitgesluit inligting wat uitdruklik deur wetgewing beskerm word;
- (k) daarna streef om die doelwitte van die Verbruikerstribunaal op koste-effektiewe wyse en in openbare belang te bereik;
- (l) stiptelik wees in die uitvoer van hul pligte;
- (m) eerlik en aanspreeklik wees in die hantering van openbare fondse;
- (n) die Verbruikerstribunaal se eiendom en ander hulpbronne doeltreffend, doelmatig en slegs vir gemagtigde amptelike doeleindes gebruik;
- (o) hul verantwoordelikhede op 'n professionele en bevoegde wyse uitvoer; en
- (p) nie betrokke wees by enige handeling wat in konflik is met, of inbreuk maak op, die uitvoer van hui amptelike pligte nie.

Belonings, geskenke en gunste

22 'n Lid van die Verbruikerstribunaal kan nie enige beloning, geskenk of guns aanvra, versoek of aanvaar om –

- (a) op 'n spesifieke wyse te stem of nie te stem nie oor enige saak voor die Verbruikerstribunaal of voor 'n komitee waarvan daardie persoon lid is nie;
- (b) die Verbruikerstribunaal of enige ander komitee te beïnvloed rakende die uitoefening, verrigting of uitvoering van enige bevoegdhede, funksies of pligte nie;
- (c) 'n versoë tot die Verbruikerstribunaal te rig nie; of
- (d) beskermde of vertroulike inligting bekend te maak nie.

Ongemagtigde openbaarmaking van inligting

23.(1) 'n Lid van die Verbruikerstribunaal kan nie, sonder die toestemming van die Verbruikerstribunaal, enige beskermde of vertroulike inligting van die Verbruikerstribunaal aan 'n derde party bekend maak nie.

(2) Vir die doel van hierdie regulasie, sluit “beskermd of vertroulike inligting” in, maar is nie beperk nie tot, enige inligting –

- (a) bepaal deur die Verbruikerstribunaal as beskermd en vertroulik;
- (b) bespreek in geslote sessie van die Verbruikerstribunaal;
- (c) waarvan bekendmaking 'n persoon se reg op privaatheid sal skend; of
- (d) verklaar as beskermd, vertroulik of geheim ingevolge die wet.

(3) Hierdie regulasie doen nie afbreuk aan enige persoon se reg om toegang tot inligting ingevolge nasionale wetgewing nie.

Skending van Gedragskode

24.(1) Die Verbruikerstribunaal kan –

(a) ondersoek instel, aankla, 'n oordeel vel en 'n bevinding maak rakende enige beweerde skending van 'n bepaling van die Gedragskode; of

(b) 'n spesiale komitee instel vir die hantering van enige beweerde skending van 'n bepaling van die Gedragskode –

(i) om ondersoek in te stel in en 'n beslissing te bereik oor enige beweerde skending van die Gedragskode; en

(ii) om toepaslike aanbevelings aan die verantwoordelike Lid van die Uitvoerende Raad te maak.

(2) Sou die Verbruikerstribunaal of 'n spesiale komitee bevind dat 'n lid skuldig is aan die skending van 'n bepaling van die Gedragskode, kan die Verbruikerstribunaal aanbeveel dat die verantwoordelike Lid van die Uitvoerende Raad –

(a) 'n formele waarskuwing aan die lid uitreik;

(b) die lid uit die amp skors vir 'n tydperk soos deur die Verbruikerstribunaal bepaal; of

(c) die lid uit amp ontslaan.

(3) Die verantwoordelike Lid van die Uitvoerende Raad kan 'n persoon of komitee aanstel om enige beweerde skending van 'n bepaling van die Gedragskode te ondersoek en 'n aanbeveling te maak ten opsigte van die toepaslike strafbepaling ingevolge subregulasie (2).

(4) Die verantwoordelike Lid van die Uitvoerende Raad kan bepaal dat enige, of die geheel, van artikels 3 tot 11 van die KwaZulu-Natal Wet op Kommissies, 1999 (Wet No. 3 van 1999), van toepassing is op 'n ondersoek ingevolge subregulasie (4).

(5) Sou die verantwoordelike Lid van die Uitvoerende Raad van mening wees dat die lid 'n bepaling van die Gedragskode geskend het en dat sodanige oortreding 'n skorsing of ontslag uit amp regverdig, kan die verantwoordelike Lid van die Uitvoerende Raad –

(a) die lid skors vir 'n tydperk en op voorwaardes bepaal deur die verantwoordelike Lid van die Uitvoerende Raad; of

(b) die lid uit amp ontslaan.

(6) Enige ondersoek of stappe geneem ingevolge hierdie regulasie moet in ooreenstemming wees met die reëls van natuurlike geregtigheid.

DEEL V
ONDERSOEKE EN NAVRAE

Aanstelling van ondersoekers en ondersoekbeamptes (artikel 31 van Wet)

25.(1) Die Verbruikersbeskermer moet –

(a) deur gebruik te maak van die vorm in Aanhangel Q1, elke persoon aangestel as 'n ondersoeker, ingevolge artikel 3(1) van die Wet, voorsien van 'n sertifikaat bedoel in artikel 31(1)(b) van die Wet; en

(b) deur gebruik te maak van die vorm in Aanhangel Q2, elke persoon aangestel as 'n ondersoekbeampte ingevolge artikel 31(5) van die Wet, voorsien van 'n sertifikaat bedoel in artikel 31(7) van die Wet.

(2) 'n Persoon wat nie voltyds in diens van die Staat is nie en wat aangestel is as 'n ondersoeker moet aangestel word op sodanige voorwaardes en sodanige besoldiging betaal word soos deur die verantwoordelike Lid van die Uitvoerende Raad bepaal.

(3) 'n Persoon kan aangestel word as 'n ondersoeker of ondersoekbeampte vir 'n onbepaalde of 'n spesifieke tydperk ten einde bepaalde bevoegdhede uit te oefen of werksaamhede te verrig wat op die sertifikaat, verwys na in subregulasie (1), geëndosseer moet word.

(4) 'n Ondersoeker of ondersoekbeampte moet, wanneer 'n werksaamheid verrig of 'n bevoegdheid uitgeoefen word ingevolge die Wet, die sertifikaat uitgereik ingevolge subregulasie (1) in sy of haar besit hê en moet dit voorlê wanneer enige persoon wat geraak word deur die optrede van die betrokke ondersoeker daarvoor vra.

Werksaamhede en bevoegdhede van ondersoekers en ondersoekbeamptes

26.(1) Enige persoon aangestel as 'n ondersoeker of ondersoekbeampte moet sodanige werksaamhede verrig en sodanige bevoegdhede uitoefen soos aan hulle opgelê deur die Wet, Regulasies en enige ander toepaslike wetgewing.

(2) Wanneer enige werksaamheid ingevolge hierdie Regulasies verrig word kan 'n ondersoeker of ondersoekbeampte vergesel word en gebruik maak van die dienste van 'n assistent, 'n tolk of enige lid van die Suid-Afrikaanse Polisie.

Verset teen toegang

27. Indien 'n ondersoeker of ondersoekbeampte vernet teekom wanneer enige perseel betree word met 'n visenteringslasbrief en in ooreenstemming met artikel 32 van die Wet moet sodanige ondersoeker onmiddelik die bystand van 'n lid van die Suid-Afrikaanse Polisie versoek.

Kort titel

28. Hierdie Regulasies word die KwaZulu-Natal Verbruikersbeskermingsregulasies, 2014, genoem.


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PROVINCE OF KWAZULU-NATAL
AANHANGSEL A

KWAZULU-NATAL VERBRUIKERSBESKERMER	
Vorm: (artikel 27(1) van die Wet)	
Klagte	
Klaer se volle naam(e) en van	
Identiteitsnommer van klaer	
Posadres	
Woonadres	
Selfoonnommer	
Landlynommer	
Faksimileenommer	
e-posadres	
Wanneer is die mees geleë tyd om u te kontak, sou dit nodig wees?	
Aard van klagte	
Bepaling van KZN Wet op Verbruikersbeskerming/ Nasionale Wet op Verbruikersbeskerming/ of Regulasies behoudens dit uitgevaardig (indien bekend)	
Naam van besigheid of persoon teen wie klagte ingedien is	
Adres van die besigheid of persoon teen wie klagte ingedien is	
Kort beskrywing van klagte <i>(Heg addisionele bladsye aan indien nodig)</i>	

Lys van gesertifiseerde afskrifte van dokumente tersaaklik tot die klagte hierby aangeheg (indien enige)	
Watter uitkoms stel u voor vir hierdie klagte?	
Datum	
Plek	
Handtekening	
SLEGS VIR KANTOORGEBRUIK	
Verwysingsnommer	
Lêernommer	
Ondersoeker/verantwoordelike beampte	


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PROVINCE OF KWAZULU-NATAL
AANHANGSEL B

KWAZULU-NATAL VERBRUIKERSBESKERMER Vorm: (artikel 29(5) van die Wet) Kennisgewing vir Weiering van Onderzoek	
Verwysings- nommer	
Datum	
Klaer se naam(e) en van	
Posadres	
Faksimilee- nommer	
e-posadres	
Geagte Klagte: Datum:	
NEEM HIERMEE KENNIS DAT die Kantoor van die Verbruikersbeskermer – (a) u verbruikersklagte beoordeel het ingevolge artikel 29(3) van die Wet; (b) beslis het dat u nie 'n <i>bona fide</i> verbruiker is nie; (c) besluit het om nie u saak na die Verbruikerstribunaal te verwys nie; en (d) besluit het om nie u verbruikersklagte te ondersoek nie, vir een of meer van die volgende redes:	
	u klagte blyk beuselagtig of kwelsugtig te wees;
	u klagte voer nie enige feite aan wat, indien waar, gronde sal uitmaak vir remediëring kragtens die KwaZulu-Natal Wet op Verbruikersbeskerming, 2013 (Wet No. 4 van 2013), of die Wet op Verbruikersbeskerming, 2008 (Wet No. 68 van 2008), nie; of

	<p>u klagte word verbied, ingevolge artikel 116 van die Wet op Verbruikersbeskerming, 2008 (Wet No 68 van 2008), om na die Verbruikerstribunaal verwys te word aangesien meer as drie jare verloop het sedert –</p> <p>(a) die handeling of weglating wat aanleiding gegee het tot die klagte; of</p> <p>(b) in die geval van 'n gedragslyn of volgehoue praktyk, die datum waarop die gedrag of praktyk gestaak is.</p>
	<p>_____</p> <p>_____</p> <p>ander (<i>verskaf rede</i>)</p>
<p><i>(dui die korrekte keuse aan met 'n X)</i></p> <p>Neem asseblief kennis dat u, binne dertig (30) dae vanaf die datum van hierdie kennisgewing, 'n versoek kan rig aan die Hersieningspaneel vir die hersiening van die beslissing.</p>	
<p>Die uwe</p> <p>_____</p> <p>VERBRUIKERSBESKERMER</p>	



AANHANGSEL C1

KWAZULU-NATAL VERBRUIKERSBESKERMER	
Vorm: (artikel 29(6) van die Wet)	
Kennisgewing van 'n beslissing dat 'n klagte die moontlikheid van strafregtelike aanspreeklikheid inhou	
Verwysings- nommer	
Datum	
Klaer se naam(e) en van	
Posadres	
Faksimilee- nommer	
e-posadres	
<p>Geagte</p> <p>Klagte:</p> <p>Datum:</p> <p>1. NEEM HIERMEE KENNIS DAT die Kantoor van die Verbruikersbeskermer 'n beslissing geneem het dat die klagte wat teen (naam(e) van die besigheid of persoon) ingedien is die moontlikheid van strafregtelike aanspreeklikheid inhou; en</p> <p>2. NEEM VERDER KENNIS DAT die Kantoor van die Verbruikersbeskermer, in die lig van die beslissing bedoel in voormelde paragraaf 1, die saak by die Suid-Afrikaanse Polisie diens</p>	

(..... naam van die stasie) onder Saaknommer:
..... aangemeld het.

Die uwe

VERBRUIKERSBESKERMER


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AANHANGSEL C2

KWAZULU-NATAL VERBRUIKERSBESKERMER	
Vorm: (artikel 29(6) van die Wet)	
Kennisgewing van 'n beslissing dat 'n klagte die moontlikheid van siviele aanspreeklikheid inhou	
Verwysings- nommer	
Datum	
Klaer se naam(e) en van	
Posadres	
Faksimilee- nommer	
e-posadres	
<p>Geagte</p> <p>Klagte:</p> <p>Datum:</p> <p>1. NEEM KENNIS DAT die Kantoor van die Verbruikersbeskermer 'n beslissing geneem het dat die klagte ingedien teen (naam van die besigheid of die persoon) die moontlikheid van siviele aanspreeklikheid inhou; en</p> <p>2. NEEM VERDER KENNIS DAT, in die lig van die beslissing bedoel in voormelde paragraaf 1, die Verbruikersbeskermer van voorneme is om geregtelike stappe teen (naam van die besigheid of persoon) in die Verbruikerstribunaal/Hoërhof* in te stel.</p> <p>(*skrap dit wat nie van toepassing is nie)</p>	

Die uwe

VERBRUIKERSBESKERMER


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PROVINCE OF KWAZULU-NATAL
AANHANGSEL D
KWAZULU-NATAL VERBRUIKERSBESKERMER

Vorm: (artikel 30 van die Wet)

Dagvaarding (subpoena) om voor die Verbruikersbeskermer of 'n persoon in diens van die Kantoor gemagtig deur die Verbruikersbeskermer te verskyn
AAN:

(Persoon se naam(e) en van)

Adres:

In die aangeleentheid rakende die volgende verbruikersklagte:

(Verskaf voldoende besonderhede van die verbruikersklagte ten einde die klagte duidelik te maak aan die persoon wat die dagvaarding ontvang)
NEEM KENNIS DAT u hiermee gedagvaar word om voor die Verbruikerstribunaal, of 'n persoon in diens van die Kantoor van die Verbruikersbeskermer, wat gemagtig is deur die Verbruikersbeskermer, te verskyn om (tyd) op (datum) te (plek), ten einde –

(a) onder eed of plegtige verklaring ondervra te word in verband met die voormelde klagte soos gestipuleer; en

(b) onder eed of plegtige verklaring ondervra te word en die volgende te lewer:

(omskryf boeke, dokumente of voorwerpe).

NEEM VERDER KENNIS DAT –

(a) u tydens die ondersoek bygestaan kan word deur enige persoon van u keuse;

(b) u daarop geregtig is om 'n bedrag gelykstaande aan die bedrag wat u as getuiefooie sou ontvang het indien u gedragvaar is om strafregtelike verrigtinge in die Hoërhof by te

woon, gehou op die plek vermeld in die betrokke dagvaarding, as getuiefooie te ontvang uit gelde wat regtens vir sodanige doel toegeken is;

(c) u skuldig is aan 'n oortreding indien u, nadat u gedagvaar is ingevolge artikel 30 van die Wet –

(i) sonder voldoende rede versuim om aanwesig te wees op die tyd en plek vermeld in die dagvaarding, of om aanwesig te bly tot die afsluiting van die verrigtinge of totdat u deur die Verbruikersbeskermer verskoon is van verdere bywoning; of

(ii) weier om die eed of 'n plegtige verklaring af te lê; en

(d) wanneer u ondervra word met betrekking tot die voormelde verbruikersklagte, moet u elke vraag eerlik en na die beste van u vermoë beantwoord, MAAR u is nie verplig om enige vraag te antwoord indien die antwoord selfbeskuldigend is nie; en

(e) geen selfbeskuldigende antwoord wat gegee is of enige ander verklaring wat afgelê is aan die Verbruikersbeskermer of 'n persoon in diens van die Kantoor van die Verbruikersbeskermer, gemagtig deur die Verbruikersbeskermer ingevolge artikel 30 van die Wet, is toelaatbaar in enige strafregtelike verrigtinge, tensy u aangekla word van meened of waarin u verhoor word vir 'n misdryf bedoel in subartikel 30(5) van die Wet, en dan slegs tot in die mate dat die antwoord of verklaring tersaaklik is om die ten laste gelegde misdryf te bewys.

**ALDUS GEDOEN EN GETEKEN TE _____ OP HIERDIE
____ DAG VAN _____, 20_____ .**

VERBRUIKERSBESKERMER



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PROVINCE OF KWAZULU-NATAL

AANHANGSEL E1

KWAZULU-NATAL VERBRUIKERSBESKERMER

**Vorm: (artikel 32(2) van die Wet)
Visenteringslasbrief**

Aan:(Ondersoekbeampte se volle naam(e) en van), met identiteitsnommer:, 'n ondersoekbeampte aangestel ingevolge die Wet.

1. Hierdie lasbrief verleen volmag aan u om die volgende perseel te betree: (beskrywing van die perseel) met betrekking tot die volgende verbruikersklagte:

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

(verskaf besonderhede van die verbruikersklagte)

2. U is gemagtig om die voormelde perseel te betree –

(a) tydens besigheidsure, met ander woorde tussen 8h00 en 17h00*;

OR

(b) om (spesifiseer die ure), soos hiermee gemagtig is ingevolge artikel 32(3)(b) van die Wet*.

*(*Skrap dit wat nie van toepassing is nie)*

3. U is gemagtig om die voormelde perseel te betree om –

(a) die vermelde perseel te inspekteer of deursoek en sodanige navrae te doen as wat nodig mag wees vir die verkryging van inligting wat verband hou met die verbruikersklagte;

(b) enige voorwerp gevind op, of in, die perseel en wat verband hou, of mag hou, met die tersaaklike ondersoek, en die eienaar of persoon verantwoordelik vir die perseel of enige

persoon in wie se besit of sorg daardie voorwerp is, versoek om inligting aangaande daardie voorwerp;

(c) afskrifte van, of uittreksels maak uit, enige boek of dokument gevind op, of in, die perseel wat met die berokke ondersoek verband hou of mag hou maak en 'n verduideliking van enige inskrywing daarin van enige persoon wat vermoedelik die nodige inligting het, versoek; of

(d) teen die uitreiking van 'n kwitansie, op enigiets op, of in, die perseel beslag lê wat met die betrokke ondersoek verband hou of redelikerwys mag hou, indien u dit vir verdere ondersoek of vir veilige bewaring moet hou.

4. Hierdie lasbrief is van krag –

(a) totdat dit uitgevoer is of gekanselleer is deur 'n bevoegde hof; of

(b) totdat 'n tydperk van een week, vanaf die datum van uitreiking, verstryk het,

wat ook al eerste plaasvind.

Ek, die ondergetekende (naam(e) en van), in my hoedanigheid as Onderzoekbeampte, het die bewysstuk ondersoek en is oortuig dat 'n redelike moontlikheid bestaan dat 'n regter of magistraat die visenteringslasbrief sal uitreik.

ONDERSOEKBEAMPTE

Datum:

HANDTEKENING VAN REGTER/ MAGISTRAAT

HOFSTEMPEL

Tyd:

Datum:



AANHANGSEL E2

<p>KWAZULU-NATAL VERBRUIKERSBESKERMER</p> <p>Vorm: (artikel 32(1)(d) van die Wet)</p> <p>Ontvangs van Voorwerpe waarop beslag gelê is</p>
<p>Aan:</p> <p>.....</p> <p>.....(volle naam(e), van en identiteitsnommer van die eienaar of die persoon verantwoordelik vir die perseel).</p> <p>Ek, (volle naam(e) en van), die Ondersoekbeampte het beslag gelê op, of in, die perseel geleë te</p> <p>.....</p> <p>(adres van perseel), die volgende artikels en dit teruggehou vir verdere ondersoek of veilige bewaring:</p> <ol style="list-style-type: none"> 1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. <p>(*Heg addisionele bladsye aan indien nodig)</p>

HANDTEKENING VAN ONDERSOEKBEAMPTE

Tyd:

Datum:

**HANDTEKENING VAN DIE PERSOON
VERANWOORDELIK VIR DIE PERSEEL**

Tyd:

Datum:


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PROVINCE OF KWAZULU-NATAL

AANHANGSEL F1

KWAZULU-NATAL VERBRUIKERSBESKERMER	
Vorm: (artikel 33(1) van die Wet)	
Aanstellingskennisgewing van Fasiliteerder/Bemiddelaar	
Verwysings- nommer	
Datum	
AAN: Eiser se naam(e) en van	
Posadres	
Faksimilee- nommer	
e-posadres	
EN AAN: Naam van die persoon/besigheid teen wie die verbruikersklagte ingedien is	
Posadres	
Faksimileenommer	
e-posadres	
Geagte	
1. NEEM KENNIS DAT –	
(a) in die aangeleentheid van die volgende verbruikersklagte:	
.....	
.....	

.....

 (Verskaf voldoende besonderhede van die verbruikersklagte)

Ek, uit hooft van die bevoegdhede aan my verleen ingevolge die bepalings van subregulasie 9(2) gelees met artikel 33(1) van die Wet, het besluit om 'n fasiliteerder/bemiddelaar aan te stel ten einde die partye by te staan ten einde die voornoemde verbruikersklagte te skik deur fasilitering of bemiddeling; en

(b) die besonderhede van die fasiliteerder/bemiddelaar verwys na in paragraaf 1 is as volg;

Naam(e) en van	
Kontakbesonderhede	
Kwalifikasies/ervaring in fasilitering/bemiddeling van dispute of verbruikersaangeleenthede	
Ander	

(c) die besonderhede van die eerste vergadering met die fasiliteerder/bemiddelaar is as volg; en

Tyd	
Datum	
Plek	

2. NEEM VERDER KENNIS DAT indien u enige beswaar teen die aanstelling van die fasiliteerder/bemiddelaar, soos bedoel in voornoemde paragraaf 1, het moet u die beswaar binne sewe (7) dae vanaf hierdie kennisgewing by die Verbruikersbeskermer indien.

Die uwe

VERBRUIKERSBESKERMER


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PROVINCE OF KWAZULU-NATAL
AANHANGSEL F2

KWAZULU-NATAL VERBRUIKERSBESKERMER Vorm: (artikel 33 van die Wet en subregulasie 9(5)) Vorderingsverslag van Fasilitering/Bemiddeling	
Verwysingsnommer	
Klaer se volle naam(e) en van	
Identiteitsnommer van klaer	
Posadres	
Straatadres	
Selfoonnommer	
Landlynommer	
Faksimileenommer	
e-posadres	
Respondent se volle naam(e) en van	
Identiteitsnommer van respondent	
Posadres	
Straatadres	
Selfoonnommer	
Landlynommer	
Faksimileenommer	
e-posadres	
Fasiliteerder/Bemiddelaar	



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PROVINCE OF KWAZULU-NATAL

AANHANGSEL F3

KWAZULU-NATAL VERBRUIKERSBESKERMER
Vorm: (artikels 33(2) en 37(1) van die Wet)
Skikkingsooreenkoms: Ooreenkoms om 'n verbruikersklagte te skik

VERWYSINGSNOMMER:/.....

In die aangeleentheid tussen:

.....
KLAER

EN

.....
RESPONDENT

**SKIKKINGSOOREENKOMS:
OOREENKOMS OM 'N VERBRUIKERSKLAGTE TE SKIK**

NEEM KENNIS dat die voormelde aangeleentheid terrolle geplaas is vir onderhandeling/bemiddeling by die Kantoor van die Verbruikersbeskermer om (tyd), op die dag van, 20.....;

NEEM VERDER KENNIS van die besonderhede van die saak op hande of in dispuut;

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

EN NEEM VERDER KENNIS DAT –

(a) die partye ooreenstem om die dispuut soos volg te skik:

.....
.....
.....
.....
.....
.....; en

(b) die partye hierby **VERLANG/VERLANG NIE*** om die voormelde skikkingsooreenkoms in die Hoërhof, ingevolge artikel 33(2)(c) van die Wet, te bevestig **/NIE***

*(*Skrap dit wat nie van toepassing is nie)*

**ALDUS GEDOEN EN GETEKEN TE OP HIERDIE
DAG VAN, 20..... .**

HANDTEKENING VAN KLAER

Volle naam(e) en van:

.....

HANDTEKENING VAN RESPONDENT

Volle naam(e) en van:

.....

VERBRUIKERSBESKERMER


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PROVINCE OF KWAZULU-NATAL
AANHANGSEL F4

KWAZULU-NATAL VERBRUIKERSBESKERMER Vorm: (artikel 37(2) van die Wet) Publikasiekennisgewing: Hofbevel – Bevestiging van ooreenkoms om 'n verbruikersklagte deur die Hoërhof te skik

Lêerverwysing:/.....

In die aangeleentheid tussen:

.....

KLAER
EN

.....

RESPONDENT

**PUBLIKASIE VAN 'N OOREENKOMS BEREIK DEUR DIE PARTYE INGEVOLGE
 ARTIKEL 33(1) EN BEVESTIG DEUR DIE HOËRHOF INGEVOLGE ARTIKEL
 37(1) VAN DIE WET**

NEEM KENNIS DAT –

(a) die partye 'n ooreenkoms aangegaan het om die verbruikersklagte soos volg te skik:

.....; en

(b) die Hoërhof het, ingevolge artikel 37(2) van die Wet –

	die ooreenkoms bevestig;
	die ooreenkoms bevestig met noodsaaklike wysigings; of
	die ooreenkoms ter syde gestel.

(Dui die korrekte keuse aan met 'n X)

Verwys asseblief na die Bevel van die Hoërhof hierby aangeheg as **Aanhangsel A**.

ALDUS GEDOEN EN GETEKEN TE **OP HIERDIE**
DAG VAN , **20.....**

VERBRUIKERSBESKERMER


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PROVINCE OF KWAZULU-NATAL

AANHANGSEL G

KWAZULU-NATAL VERBRUIKERSBESKERMER	
Vorm: (artikel 34(8) van die Wet)	
Bevestiging van Geloofwaardigheid van die Klage en Kwytskelding	
Verwysingsnommer	
<p>Ek, die ondergetekende, (klaer se naam(e) en van), in die aangeleentheid van die volgende verbruikersklagte:</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p><i>Verskaf voldoende besonderhede van die verbruikersklagte ten einde die klagte duidelik te maak aan die persoon wat die dagvaarding ontvang)</i></p> <p>verklaar hiermee dat–</p> <p>(a) die geloofwaardigheid van die voormelde klagte bevestig is; en</p> <p>(b) die Kantoor van die Verbruikersbeskermer onvoorwaardelik gevrywaar is van enige aanspreeklikheid of gevolge wat mag voortspruit uit enige onjuiste inligting of bewysstukke deur my verskaf of aangevoer tydens –</p> <p>(i) die indien en ondersoek van die voormelde klagte; en</p> <p>(ii) die vervolging van die voormelde klagte voor die Verbruikertribunaal of die Hoërhof.</p>	
<p>ALDUS GEDOEN EN GETEKEN TE OP HIERDIE DAG</p> <p>VAN , 20.....</p>	
<p>1. _____</p> <p>GETUIE</p>	<p>2. _____</p> <p>GETUIE</p>
<p>_____</p> <p>KLAER</p>	



AANHANGSEL H

KWAZULU-NATAL VERBRUIKERSBESKERMER
Vorm: (artikel 21(1)(c) van die Wet) Kennisgewing van Aanstelling van 'n Vervolger

SAAKNOMMER:/.....

In die aangeleentheid tussen:

KWAZULU-NATAL VERBRUIKERSBESKERMER	—	Eerste Eiser
.....	—	Tweede Eiser
Naam van die Verbruiker		

EN

.....	—	Verweerder
-------	---	-------------------

**KENNISGEWING VAN AANKLAER SE AANSTELLING
(ARTIKEL 21(1) VAN WET)**

**AAN:
DIE SEKRETARIS VAN DIE VERBRUIKERSTRIBUNAAL
ADRES:**

.....
.....

NEEM KENNIS dat die voormelde saak ter rolle geplaas is vir aanhoor deur die Verbruikertribunaal op die dag van, 20..... te

NEEM VERDER KENNIS van die volgende besonderhede van die aanklaer wat aangestel is

ingevolge artikel 21(1) van die Wet –

(a) van en voorletters:

(b) kontakbesonderhede:

ALDUS GEDOEN EN GETEKEN TE OP HIERDIE
DAG VAN, 20.....

VERBRUIKERSBESKERMER

**EN AAN:
DIE TWEEDE EISER
ADRES:**

.....
.....

**EN AAN:
DIE VERWEERDER
ADRES:**

.....
.....



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PROVINCE OF KWAZULU-NATAL

AANHANGSEL I1

KWAZULU-NATAL VERBRUIKERSBESKERMER	
Vorm: (artikels 35(1) en (2) van die Wet)	
Kennisgewing: Beslissing om nie geregtelike stappe in te stel nie/om nie die klagte na 'n ander gesag te verwys nie*	
Verwysingsnommer	
Datum	
AAN: Klaer se naam(e) en van	
Posadres	
Faksimileenommer	
e-posadres	
EN AAN: Naam van die persoon/besigheid teen wie die verbruikersklagte ingedien is	
Posadres	
Faksimileenommer	
e-posadres	
<p>Geagte</p> <p>Klagte:</p> <p>1. Dit spyt my om u in kennis te stel dat die Kantoor van die Verbruikersbeskermer, ten opsigte van die voormelde klagte, beslis het om nie –</p> <p style="padding-left: 40px;">(a) enige geregtelike stappe in die Verbruikerstribunaal of Hoërhof in te stel nie ; of</p> <p style="padding-left: 40px;">(b) die saak na 'n ander gesag te verwys nie.</p>	

2. Die rede(s) vir hierdie besluit is soos volg:

.....

.....

.....

.....

.....

.....

.....

.....

NEEM KENNIS dat indien u veronreg voel deur die beslissing om nie geregtelike stappe in te stel nie, kan u –

(a) binne veertien (14) dae vanaf die datum hiervan; en

(b) deur die Hersieningskennisgewing in Aanhangsel I2 te voltooi,

'n versoek rig aan die Hersieningspaneel, soos bedoel in artikel 35(3) van die Wet, om die beslissing te hersien.

(*Skrap dit wat nie van toepassing is nie)

ALDUS GEDOEN EN GETEKEN TE **OP HIERDIE**
..... DAG VAN, 20.....

VERBRUIKERSBESKERMER



AANHANGSEL I2

KWAZULU-NATAL VERBRUIKERSBESKERMER		
Vorm: (artikel 35(3) van die Wet)		
Hersieningskennisgewing: Hersiening van die Verbruikersbeskermer se beslissing om nie die verbruikersklagte na die Verbruikerstribunaal te verwys nie		
<p style="text-align: right; margin-right: 100px;">Lêerverwysing:/.....</p> <p>In die aangeleentheid tussen:</p> <p>..... — KLAER</p> <p>EN</p> <p>..... — RESPONDENT</p>		
HERSIENINGSKENNISGEWING		
<p>AAN: DIE VERBRUIKERSBESKERMER</p> <p>NEEM KENNIS DAT –</p> <p>(a) ek veronreg voel deur die beslissing van die Verbruikersbeskermer, gedateer 20....., waarvan 'n afskrif hierby aangeheg is as Aanhangsel A, om nie my verbruikersklagte na die Verbruikerstribunaal te verwys nie. Die grondslag van my ontevredenheid oor die vermelde beslissing is as volg:</p> <p>(*Heg addisionele bladsye aan indien nodig)</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p>		

CONTINUES ON PAGE 130 - PART 2



KwAZULU-NATAL PROVINCE
KwAZULU-NATAL PROVINSIE
ISIFUNDAZWE SA KwAZULU-NATALI

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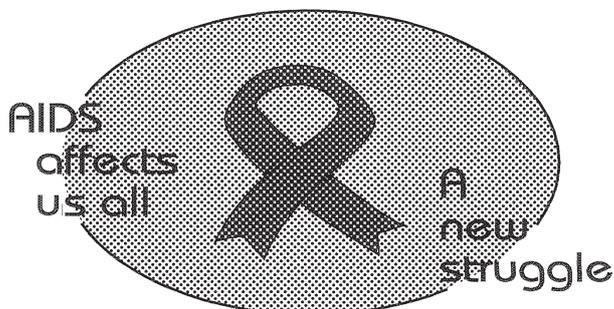
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PART 2 OF 2

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.....;

en

(b) ek versoek dat die voornoemde beslissing na die Hersieningspaneel, soos bedoel in artikel 35 van die Wet, verwys word vir hersiening.

ALDUS GEDOEN EN GETEKEN TE OP HIERDIE

DAG VAN, 20.....

VERBRUIKER



AANHANGSEL I3

KWAZULU-NATAL VERBRUIKERSBESKERMER
Vorm: (artikel 35 van die Wet) Hersieningsbeslissing

SAAKNUMMER:/.....

In die aangeleentheid tussen:

.....

— **KLAER**

EN

.....

— **RESPONDENT**

HERSIENINGSBESLISSING (artikel 35 van die Wet)

NEEM ASSEBLIEF KENNIS dat die voornoemde aangeleentheid deur die Verbruikershersieningspaneel, ingestel kragtens artikel 35 van die KwaZulu-Natal Wet op Verbruikersbeskerming, 2013 (Wet No. 4 van 2013), hersien is op hierdie dag van, 20....., om

EN NEEM VERDER KENNIS dat die volgende Bevel uitgereik is;

.....

ALDUS GEDOEN EN GETEKEN TE **OP HIERDIE**
 **DAG VAN**, 20.....

VOORSTTER: HERSIENINGSPANEEL



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PROVINCE OF KWAZULU-NATAL

AANHANGSEL J1

KWAZULU-NATAL VERBRUIKERSBESKERMER
Vorm: (artikels 21(1) en 34(1) van die Wet)
Dagvaarding vir die aanvang van Verrigtinge in die Verbruikerstribunaal

SAAKNOMMER:/.....

In die aangeleentheid tussen:

KWAZULU-NATAL VERBRUIKERSBESKERMER

—

Eerste Eiser

.....

—

Tweede Eiser

Verbruiker se naam(e) en van

EN

.....

—

Verweerder

DAGVAARDING

AAN: (DIE VERWEERDER)

ADRES VAN DIE VERWEERDER:

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

1. NEEM KENNIS DAT in die aangeleentheid van die volgende verbruikersklagte:

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

.....;

Verskaf voldoende besonderhede van die verbruikersklagte ten einde die klagte duidelik te maak aan die persoon wat die dagvaarding ontvang. Heg addisionele bladsye aan indien nodig)

geregtelike stappe hiermee teen u ingestel word as die persoon verantwoordelik vir die besigheidspraktyk wat aanleiding gegee het tot die verbruikersklagte; en

2. NEEM VERDER KENNIS DAT –

(a) die geregtelike verrigtinge teen u voor die Verbruikerstribunaal 'n aanvang sal neem om(tyd) op die dag van, 20.....(datum), te (plek); en

(b) 'n bevel sal teen u aangevra word op die volgende voorwaardes:

(i)

(ii)

(iii)

(iv)

(v)

(Heg addisionele bladsye aan indien nodig)

3. DAT die geregtelike stappe voor die Verbruikerstribunaal uitgevoer sal word deur die Kantoor van die Verbruikersbeskermer, wat verteenwoordig kan word deur 'n aanklaer wat behoorlik aangestel is ingevolge artikel 21(1)(c) van die Wet;

4. DAT u geregtig is om op die vasgestelde datum te verskyn en aan die verrigtinge deel te neem en verteenwoordig kan word deur 'n prokureur, advokaat of enige ander persoon;

5. DAT, indien u van plan is om hierdie geregtelike stappe te verdedig, u die vorm in Aanhangsel J2 moet voltooi en die Kennisgewing van Voorneme om te Verdedig by die sekretaris van die Verbruikerstribunaal, binne sewe (7) dae vanaf ontvangs van die dagvaarding, indien; en

6. DAT, indien u van plan is om in te stem tot die regsmiddele wat teen u in die dagvaarding beoog word, kan u, deur gebruik te maak van die vorm in Aanhangsel J3, Instemming tot die Beslissing, by die sekretaris van die Verbruikerstribunaal, binne sewe (7) dae vanaf ontvangs van die dagvaarding, indien.

ALDUS GEDOEN EN GETEKEN TE OP HIERDIE
DAG VAN, 20.....

VERBRUIKERSBESKERMER

EN AAN:
DIE TWEEDE EISER
ADRES:

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

EN AAN:
DIE VERWEERDER
ADRES:

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



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PROVINCE OF KWAZULU-NATAL

AANHANGSEL J2

KENNISGEWING VAN VOORNEME OM TE VERDEDIG

SAAKNOMMER:/.....

In die aangeleentheid tussen:

KWAZULU-NATAL VERBRUIKERSBESKERMER	—	Eerste Eiser
.....	—	Tweede Eiser
Verbruiker se naam(e) en van		
EN		
.....	—	Verweerder

KENNISGEWING VAN VOORNEME OM TE VERDEDIG

AAN:
DIE SEKRETARIS VAN DIE VERBRUIKERSTRIBUNAAL
ADRES:

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

NEEM KENNIS DAT die Verweerder hiermee kennis gee van sy of haar voorneme om hierdie saak te verdedig.

GEDATEER TE OP HIERDIE DAG VAN
....., 20.....

VERWEERDER

EN AAN:
DIE EERSTE EISER
ADRES:

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

EN AAN:
DIE TWEDE EISER
ADRES:

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



AANHANGSEL J3

INSTEMMING TOT BESLISSING

SAAKNOMMER/.....

In die aangeleentheid tussen:

KWAZULU-NATAL VERBRUIKERSBESKERMER	—	Eerste Eiser
..... Verbruiker se naam(e) en van	—	Tweede Eiser
EN		
.....	—	Verweerder

INSTEMMING TOT BESLISSING

AAN:
DIE SEKRETARIS VAN DIE VERBRUIKERSTRIBUNAAL
ADRES:

.....

Ek erken dat ek aanspreeklik is teenoor die Tweede Eiser, soos beweer word in die dagvaarding, en ek stem in tot die beslissing waarop ooreengekom is.

GEDATEER TE OP HIERDIE DAG VAN
..... 20.....

VERWEERDER

**EN AAN:
DIE VERWEERDER
ADRES:**

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

**EN AAN:
DIE TWEEDE EISER
ADRES:**

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



AANHANGSEL J4

BEWYS VAN BETEKENING

1. Ek, (volle naam(e) en van),
 met identiteitsnommer, die ondergetekende, verklaar
 hiermee dat ek hierdie dagvaarding aan die verweerder beteken het deur –

(a) die oorspronklike afskrif by hom of haar af te lewer;

(b) 'n ware afskrif by (naam)e en van), 'n persoon ouer as 16
 jaar en in diens by die verweerder se plek van besigheid, af te lewer aangesien die
 verweerder nie opgespoor kon word nie.

2. Die aard, dringendheid en gevolge van hierdie dagvaarding is aan die ontvanger hiervan
 verduidelik.

Dag:

Maand 20

Plek:

HANDTEKENING VAN ONTVANGER

HANDTEKENING VAN BEAMPTE



AANHANGSEL K

KWAZULU-NATAL VERBRUIKERSBESKERMER
Vorm: (artikel (22(1) van die Wet) Dagvaarding (subpoena) om voor die Verbruikerstribunaal te verskyn
<p>AAN:</p> <p>(Persoon se naam(e) en van)</p>
<p>Adres:</p> <p>.....</p> <p>.....</p>
<p>In die aangeleentheid van die volgende verbruikersklagte:</p> <p>.....</p> <p>.....</p> <p>.....</p> <p><i>(Verskaf voldoende besonderhede van die verbruikersklagte ten einde die klagte duidelik te maak aan die persoon wat die dagvaarding ontvang)</i></p>
<p>NEEM KENNIS DAT –</p> <p>u hiermee gedagvaar word om voor die Verbruikerstribunaal te verskyn om</p> <p>(tyd), op (datum) te (plek), ten einde –</p> <p>(a) getuienis te lewer en onder eed of plegtige verklaring ondervra te word met betrekking tot die voormelde gespesifiseerde klagte; en</p> <p>(b) die volgende te lewer en onder eed of plegtige verklaring ondervra word daarvoor:</p> <p>.....</p> <p>.....</p> <p>(beskryf boeke, dokumente of voorwerpe).</p>
<p>NEEM VERDER KENNIS DAT –</p> <p>(a) u geregtig is daarop om 'n bedrag gelykstaande aan die bedrag wat u as getuiefooie sou ontvang het indien u gedagvaar is om strafregtelike verrigtinge in die Hoërhof by te</p>

woon, gehou op die plek in die betrokke dagvaarding, as getuiefooie te ontvang uit gelde wat regtens vir sodanige doel toegeken is;

(b) u skuldig is aan 'n oortreding indien u, nadat u gedagvaar is ingevolge artikel 30 van die Wet –

(i) sonder voldoende rede versuim om aanwesig te wees op die tyd en plek vermeld in die dagvaarding, of om aanwesig te bly tot die afsluiting van die verrigtinge of totdat u deur die Verbruikersbeskermer verskoon is van verdere bywoning; of

(ii) weier om die eed of 'n plegtige verklaring af te lê;

(iii) weier om enige vraag wat regtens aan u gerig word te antwoord, of ten volle en bevredigend na die beste van u vermoë of u kennis of oortuiging te antwoord;

(iv) versuim om enige boek, dokument of voorwerp in u besit of bewaring of in u sorg te lewer soos u vereis word om te doen; of

(v) 'n vals verklaring aflê voor die Verbruikerstribunaal, wetend dat sodanige verklaring vals is of nie weet nie of oortuig is dat dit waar is nie; en

(c) u nie geregtig daarop is om te weier om enige vraag te beantwoord of om enige boek, dokument of voorwerp te lewer op die gronde dat u blootgestel sal word aan 'n stragregtelike aanklag nie: Met dien verstande dat, tot in die mate wat sodanige antwoord, boek, dokument of voorwerp u wel blootstel aan 'n strafregtelike aanklag, kan geen bewys daarvan toelaatbaar wees in enige strafregtelike stappe teen u nie, behalwe waar u teregstaan op 'n klagte soos bedoel in –

(i) paragraaf (b)(iii) tot (v) vermeld hierbo, gelees met subartikel 22(3)(c) tot (e) van die Wet; of

(ii) artikel 319(3) van die Strafproseswet, 1977 (Wet No. 51 van 1977).

ALDUS GEDOEN EN GETEKEN TE OP HIERDIE
DAG VAN, 20.....

SEKRETARIS: VERBRUIKERSTRIBUNAAL



edtea

Department :
Economic Development, Tourism and
Environmental Affairs

PROVINCE OF KWAZULU-NATAL

AANHANGSEL L

KWAZULU-NATAL VERBRUIKERSBESKERMER
Vorm: (subregulasie 15(2))
Kennisgewing: Terrolleplasing

SAAKNOMMER:/.....

In die aangeleentheid tussen:

KWAZULU-NATAL VERBRUIKERSBESKERMER	—	Eerste Eiser
.....	—	Second Plaintiff
Verbruiker se naam(e) en van		
EN		
.....	—	Verweerder

KENNISGEWING VAN TERROLLEPLASING

NEEM KENNIS dat die voormelde aangeleentheid ter rolle geplaas is vir 'n aanhoor by die Verbruikerstribunaal op diedag van 20..... te

ALDUS GEDOEN EN GETEKEN TE **OP HIERDIE**
..... **DAG VAN**, **20**.....

SEKRETARIS: VERBRUIKERSTRIBUNAAL



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Environmental Affairs

PROVINCE OF KWAZULU-NATAL

AANHANGSEL M

KWAZULU-NATAL VERBRUIKERSBESKERMER	
Ede en Plegtige Verklarings	
GETUIE	<p>Ek,(volle naam(e) en van) sweer/verklaar plegtig op my eer en gewete dat ek die waarheid, die volle waarheid en niks behalwe die waarheid sal praat nie, so help my God/bevestig ek plegtig.*</p> <p style="text-align: right;">_____</p> <p>HANDTEKENING DATUM</p>
KUNDIGE GETUIE	<p>Ek, (volle naam(e) en van) sweer/verklaar plegtig op my eer en gewete dat ek sal meedeel wat ek opreg glo waar en juis is, so help my God/bevestig ek plegtig.*</p> <p style="text-align: right;">_____</p> <p>HANDTEKENING DATUM</p>
TOLK	<p>Ek, (volle naam(e) en van) sweer/verklaar plegtig op my eer en gewete dat wanneer ook al ek geroep word as tolk by enige verrigtinge voor die Tribunaal, ek na die beste van my vermoë vanuit die taal van die ondervraer na die taal van getuie of deponent, en omgekeerd, akkuraat sal interpreteer, so help my God/bevestig ek plegtig.*</p> <p style="text-align: right;">_____</p> <p>HANDTEKENING DATUM</p>

(*Skrap dit wat nie van toepassing is nie)



AANHANGSEL N

KWAZULU-NATAL VERBRUIKERSBESKERMER
Vorm: (artikel 22(5) van die Wet) Eisvorm vir Getuiefooie
VERWYSINGSNOMMER: LÊERNOMMER:

A. BESONDERHEDE VAN EISER

VAN: NAAM(E): IDENTITEITSNOMMER: STRAATADRES: POSADRES: TELEFOON/SELFOONNOMMER: FAKSIMILEENOMMER:
INGEDIEN DEUR: HANDTEKENING: DATUM: 20.....

SLEGS VIR AMPTELIKE GEBRUIK

ONTVANG DEUR:

HANDTEKENING: DATUM:

20.....

GOEDGEKEUR DEUR:

BENOEMING:

HANDTEKENING:

DATUM:

GEMAGTIG DEUR:

BENOEMING:

BETALINGSBEDRAG:

GOEDKEURINGSDATUM:

BETALINGSDATUM:


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 Environmental Affairs

PROVINCE OF KWAZULU-NATAL
AANHANGSEL O

KWAZULU-NATAL VERBRUIKERSBESKERMER		
Vorm: (artikel 10(1)(f) van die Wet)		
Ongunstige Notasies		
Verwysingsnommer: Verbruikersbeskermer		
Verwysingsnommer: Verbruikerstribunaal		
Geregistreerde maatskappynaam		
Handelsnaam van die maatskappy		
Registrasienuommer van die maatskappy		
Posadres		
Faksimileenuommer		
e-posadres		
Lêerverwysing:/.....		
In die: aangeleentheid tussen:		
KWAZULU-NATAL VERBRUIKERSBESKERMER	—	Eerste Eiser
.....	—	Tweede Eiser
Verbruiker se naam(e) en van		
EN		
.....	—	Verdediger
<p>NEEM ASSEBLIEF KENNIS dat die Verbruikerstribunaal, in die voornoemde aangeleentheid, aan die Verbruikersbeskermer opdrag gegee het om die volgende ongunstige notasies teen die respondente hierin aan te teken:*</p> <p>1.</p> <p>2.</p>		

- 3.
- 4.
- 5.

*(*Heg addisionele bladsye aan indien nodig)*

**ALDUS GEDOEN EN GETEKEN TE OP HIERDIE
DAG VAN 20.....**

VERBRUIKERSBESKERMER


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 Environmental Affairs

PROVINCE OF KWAZULU-NATAL
AANHANGSEL P

KWAZULU-NATAL VERBRUIKERSBESKERMER		
Vorm: (artikel 21(4) van die Wet)		
Versoek om Toegang tot die Rekords van die Verrigtinge		
SAAKNOMMER:/.....		
In die aangeleentheid tussen:		
KWAZULU-NATAL VERBRUIKERSBESKERMER	—	Eerste Eiser/Aansoeker
.....	—	Tweede Eiser/Applikant
Verbruiker se naam(e) en van		
EN		
.....	—	Verweerder/Respondent
VERSOEK OM TOEGANG TOT DIE REKORDS VAN DIE VERRIGTINGE		
Versoeker se volle naam(e) en van		
Identiteitsnommer van versoeker		
Posadres		
Straatadres		
Selfoonnommer		
Landlynnommer		
Faksimileenommer		
e-posadres		

AAN: DIE SEKRETARIS VAN DIE VERBRUIKERSTRIBUNAAL

Ek, die ondergetekende, versoek toegang tot afskrifte van die volgende rekords van die verrigtinge:

1.
2.
3.
4.
5.

(Verskaf die beskrywing van die rekords of gedeelte van die rekords wat versoek word)

Ek is bewus daarvan dat die goedkeuring van my versoek om toegang tot die voormelde rekord/s onderworpe is aan –

- (a) hetsy of nie die verrigtinge oop was vir die publiek ingevolge artikel 21(1) van die Wet; en
- (b) die betaling van reproduksiefooi soos bedoel in artikel 22 van die Wet op die Bevordering van Toegang tot Inligting, 2000 (Wet No. 2 van 2000).

ALDUS GEDOEN EN GETEKEN TE OP HIERDIE.....
DAG VAN, 20.....

AANSOEKER


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 Economic Development, Tourism and
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PROVINCE OF KWAZULU-NATAL
AANHANGSEL Q1
KWAZULU-NATAL VERBRUIKERSBESKERMER

 Vorm: (artikel 31(1) van die Wet)
SERTIFIKAAT VAN ONDERSOEKER

Ek,, uit hoofde van die bevoegdheid aan my verleen as die Verbruikersbeskermer (ingevolge artikel 31(1) van die Wet), verklaar dat –

NAAM VAN ONDERSOEKER

aangestel en aangewys is as ondersoeker ingevolge die Kwazulu Natal Wet op Verbruikersbeskerming, 2013 (Wet No. 4 van 2013).

Foto van
Ondersoeker

ALDUS GEDOEN EN GETEKEN TE **OP HIERDIE**
DAG VAN, 20.....

VERBRUIKERSBESKERMER



AANHANGSEL Q2

KWAZULU-NATAL VERBRUIKERSBESKERMER

Vorm: (artikel 31(7) van die Wet)
SERTIFIKAAT VAN ONDERSOEKBEAMPTTE

Hiermee word gesertifiseer dat:
 Identiteitsnommer:
 aangestel en aangewys is as 'n ondersoekbeampte ingevolge artikel 31(5) van die KwaZulu-Natal
 Wet op Verbruikersbeskerming, 2013 (Wet No. 4 van 2013).



ALDUS GEDOEN EN GETEKEN TE..... OP HIERDIE
DAG VAN, 20.....

VERBRUIKERSBESKERMER



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Department :
Economic Development, Tourism and
Environmental Affairs

PROVINCE OF KWAZULU-NATAL

AANHANGSEL R

KWAZULU-NATAL VERBRUIKERSBESKERMER	
Nakomingskennisgewing ingevolge artikel 100 van die Wet op Verbruikersbeskerming, 2008 (Wet No. 68 van 2008)	
Naam(e) en van van persoon of entiteit op wie kennisgewing van toepassing is	
Adres	
Verwysingsnommer	
Datum	
Wetsbepaling(s) wat nie nagekom is nie	
Die besonderhede* van die aard en omvang van die nie-nakoming is as volg: (*Heg addisionele bladsye aan indien nodig)	
.....	
.....	
.....	
.....	
.....	
.....	
Die besonderhede* van enige voorgeskrewe stappe wat geneem moet word en die tydperk waarbinne daardie stappe geneem moet word: (*Heg addisionele bladsy aan indien nodig)	
.....	
.....	
.....	
.....	
.....	

Die strawwe/tronkstraf/administratiewe boetes wat opgelê kan word ingevolge die Wet op Verbruikersbeskerming, 2008 (Wet No. 68 van 2008), indien daardie stappe nie geneem word nie: artikels 107-113 van die Wet op Verbruikersbeskerming, 2008 (Wet No. 68 van 2008).

.....

.....

.....

.....

.....

NAVRAE KAN GERIG WORD AAN:

Naam(e) en van	
Kontakbesonderhede	
Besigheidsure	
Adres waar besware teen hierdie kennisgewing ingedien kan word in die voorgeskrewe vorm	

SLEGS VIR KANTOORGEBRUIK

Besonderhede van antwoord	
Aanbeveling	
Datum	
Handtekening	

PROVINCIAL NOTICE 123 OF 2015**UMNYANGO WEZOKUTHUTHUKISWA KOMNOTHO, EZOKUVAKASHA NEZEMVELO
ISAZISO SOMTHETHONQUBO****IMITHETHONQUBO YOKUVIKELA ABATHENGI YAKWAZULU-NATALI, 2014**

Ngalokhu ngisungula iMithethonqubo esoHlelweni olungezansi ngokwesigaba 45 soMthetho wokuVikela abathengi waKwaZulu-Natali, 2013 (uMthetho No. 4 ka 2013), ukuze kulawulwe izindaba zokuvikela abathengi esiFundazweni.

Sikhishwe ngaphansi kweSandla sami eMgungundlovu ngalolu suku
ku....., oNyakeni weziNkulungwane eziMbili neShumi naNe.



MR M MABUYAKHULU, MPL

iLungu loMkhandlu oPhethe esiFundazweni saKwaZulu-Natali
elibhekele ezokuVikela abathengi

UHLELO
UKUHLELEKA KWEZIGABA

Imithethonqubo

INGXENYE I
IZINHLINZEKO ZESINGENISO

1. Izincazelo

INGXENYE II

UKUFAKWA NOKUPHENYWA, NOKUXAZULULWA KWEZIKHALO ZABATHENGI KANYE
NOKUDINGIDWA KWEZIKHALO

2. Ukufaka isikhalo eHhovisi loMvikeli wabaThengi (isigaba 27 soMthetho)
3. Amajoka nemisebenzi kweHhovisi loMvikeli wabaThengi okuphathelene nezikhalo ezifakiwe (isigaba 7 soMthetho)
4. Ukuguqula uphenyo oluyisandulelo (isigaba 29(2) soMthetho)
5. Ukwenqaba kweHhovisi ukuphenya isikhalo (isigaba 29(5) soMthetho)
6. Ibhizinisi noma indlela okuqhutshwa ngayo ibhizinisi engaba icala lobugebengu icala noma okumele likhokhelwe izindleko (isigaba 29(6) soMthetho)
7. Amasamanisi okuvela phambi koMvikeli wabaThengi (isigaba 30 soMthetho)
8. Incwadi egunyaza ukusesha nokushaqa izimpahla (isigaba 32 soMthetho)
9. Ukuxazululwa kwezikhalo zabathengi (izigaba 33 no 37 zoMthetho)
10. Ukudingidwa kwesikhalo (isigaba 34 soMthetho)
11. Ukubuyekwezwa kwezinqumo zoMvikeli wabaThengi (isigaba 35 soMthetho)

INGXENYE III

ISIGUNGU SABATHENGI

12. Ukudingidwa kwesikhalo kwisiGungu sabaThengi (isigaba 21 soMthetho)
13. Amandla, namajoka, kanye nemisebenzi yesiGungu sabaThengi uma sesithole amasamanisi
14. Ukubizwa kofakazi nokwethulwa kwemibhalo kwisiGungu sabaThengi (isigaba 22 soMthetho)
15. Ukulalelwa nokudingidwa kwesikhalo
16. Izimali ezikhokhelwa ofakazi
17. IziNqumo neMiyalelo

18. Amajoka ajwayelekile amalungu esiGungu sabaThengi
19. Imisebenzi namajoka eHhovisi mayelana nesiGungu sabaThengi
20. Amarekhodi okudingidwa kwesikhalo (isigaba 21(3) soMthetho)

INGXENYE IV

UMGOMO WOKUZIPHATHA WAMALUNGU ESIGUNGU SABATHENGI

21. Umgomo wokuziphatha kwamalungu esiGungu sabaThengi (isigaba 45 soMthetho)
22. Imihlomulo, izipho nokwenzelwa
23. Ukudalulwa kolwazi okungagunyaziwe
24. Ukwephula uMgomo wokuziPhatha

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UPHENYO NOKUPHEKWA NGEMIBUZO

25. Ukuqokwa kwabaphenyi nabaphenyi abakhulu (isigaba 31 soMthetho)
26. Imisebenzi namandla abaphenyi nabaphenyi abakhulu
27. Ukwenqaba ukungenisa abaphenyi nabaphenyi abakhulu
28. Isihloko esifingqiwe

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IZITHASISELO

- IsiThasiselo A: Ifomu lesikhalo (isigaba 27(1) soMthetho)
- IsiThasiselo B: Isaziso sokweNqaba kweHhovisi ukwenza uphenyo (isigaba 29(5) soMthetho)
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- IsiThasiselo D: Amasamanisi okuvela phambi koMvikeli wabaThengi noma komuntu ogunyazwe iHhovisi loMvikeli wabaThengi (isigaba 30 soMthetho)
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- IsiThasiselo E2: Irisidi lezimpahla ezishaqiwe (isigaba 32(1)(d) soMthetho)
- IsiThasiselo F1: Isaziso sokuqokwa koMxazululi/koMlamuli (isigaba 33(1) soMthetho)

- IsiThasiselo F2: Umbiko ngokutholwe uMxazululi/uMlamuli (isigaba 33 soMthetho nesigatshana soMthethonqubo 9(5))
- IsiThasiselo F3: Isivumelwano ngesiXazululo: UHlelo zokuxazulula isikhalo somthengi (isigaba 33(2) no 37(1) soMthetho)
- IsiThasiselo F4: Isaziso esishicilelwe seNcwadi yoMyalelo weNkantolo – isiqinisekiso sohlelo lokuthi isikhalo somthengi sixazululwe iNkantolo ePhakeme (isigaba 37(2) soMthetho)
- IsiThasiselo G: Ukuqinisekisa ukukhuluma iqiniso lodwa ngesikhalo kanye nokuhlangula iHhovisi loMvikeli wabaThengi (isigaba 34(8) soMthetho)
- IsiThasiselo H: Isaziso sokuqokwa koMshushisi (isigaba 21(1)(c) soMthetho)
- IsiThasiselo I1: Isaziso: Isinqumo sokungaludingidi udaba/ sokungadluliseli isikhalo komunye umuntu ogunyaziwe* (isigaba 35(1) no (2) soMthetho)
- IsiThasiselo I2: Isaziso sokuBuyekeza isiKhalo: Ukubuyekwezwa kwesinqumo soMvikeli wabaThengi sokungadluliseli isikhalo somthengi kwisiGungu sabaThengi (isigaba 35(3) soMthetho)
- IsiThasiselo I3: Isinqumo sokuBuyekeza isiNqumo (isigaba 35 soMthetho)
- IsiThasiselo J1: Amasamanisi okuvela uzovela phambi koMvikeli wabaThengi (isigaba 21(1) nesigaba 34(1) soMthetho)
- IsiThasiselo J2: Isaziso seNhloso yokuziPhendulela
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- IsiThasiselo J4: Ifomu lobufakazi bokuthunyelwa kwamasamanisi
- IsiThasiselo K: Amasamanisi okuvela phambi kwesiGungu sabaThengi (isigaba 22(1) soMthetho)
- IsiThasiselo L: Isaziso sokuNqunywa koSuku neNdawo okuzodingidwa ngalo udaba (isigatshana somthethonqubo 15(2))
- IsiThasiselo M: Izifungo nokuqinisekisa ukukhuluma iqiniso lodwa
- IsiThasiselo N: Ifomu lesicelo sokukhokhelwa imali yofakazi (isigaba 22(5) soMthetho)
- IsiThasiselo O: Ifomu lokufakwa ohlwini lwabephula umthetho (isigaba 10(1)(f) soMthetho)
- IsiThasiselo P: Ifomu lesicelo sokuThola amaRekhodi okuQulwa kweCala (isigaba 21(4) soMthetho)
- IsiThasiselo Q1: Isitifiketi soMphenyi (isigaba 31(1) soMthetho)
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INGXENYE I
IZINHLINZEKO ZESINGENISO

Izincazelo

1. Kule Mithethonqubo, wonke amagama noma isisho okuchaziwe eMthethweni kuchaza lokho okuchaziwe, ngaphandle uma ingqikithi isho okwehlukile –

“**ukuguqulwa**” kushiwo noma ikuphi ukuguqulwa, ukubekwa ngokwehlukile noma ukuhlelwa kabusha kophenyo olwandulela ukudingidwa kwesikhalo somthengi okwenziwa iHhovisi loMvikeli wabaThengi ngokwesigaba 29(2) soMthetho;

“**uMgomo**” kushiwo uMgomo wokuziPhatha kwamaLungu oMkhandlu okukhulunywe ngawo kwiNgxenye IV yale Mithethonqubo;

“**isikhalo**” kushiwo isikhalo esifakwe umthengi eHhovisi loMvikeli wabaThengi ngokwesigaba 27 soMthetho wokuVikela abathengi waKwaZulu-Natali, 2013 (uMthetho No. 4 ka 2013);

“**ilungu**” kushiwo ilungu lesiGungu sabaThengi esiqokwe ngokwesigaba 11 soMthetho wokuVikela abathengi waKwaZulu-Natali, 2013 (uMthetho No. 4 ka 2013);

“**imithethonqubo**” kubandakanya neziThasiselo;

“**uMthetho**” kushiwo uMthetho wokuVikela abathengi waKwaZulu-Natali, 2013 (uMthetho No. 4 ka 2013);

“**umuntu okhalazayo**” kushiwo umuntu ofaka isikhalo eHhovisi loMvikeli wabaThengi; kanti

“**iHhovisi**” kushiwo iHhovisi loMvikeli wabaThengi.

INGXENYE II

UKUFAKWA NOKUPHENYWA NOKUXAZULULWA KWEZIKHALO ZABATHENGI KANYE
NOKUDINGIDWA KWEZIKHALO**Ukufaka isikhalo eHhovisi loMvikeli wabaThengi (isigaba 27 soMthetho)****2.(1) Isikhalo somthengi –**

- (a) singafakwa umthengi, ngokusebenzisa ifomu elikwisiThasiselo A, eHhovisi; futhi
- (b) kumele sifakwe eHhovisi nganoma iluphi usuku lokusebenza ngaphandle kwamaholidi nezimpelasonto, ekhelini elihlinzekwe iHhovisi.

(2) Isikhalo somthengi okukhulunywe ngaso kwisigatshana somthethonqubo (1), esifakwa ngomlomo eHhovisi, kumele sibhalwe abasebenzi baseHhovisi.

(3) IHhovisi kumele livule ifayela noma idokodo lesikhalo somthengi futhi kumele kube nenkomba kanye nohlelo lokugcina amafayela lwezikhalo zabathengi.

Amajoka nemisebenzi yeHhovisi mayelana nezikhalo (isigaba 7 soMthetho)**3.(1) Ngaphezu kwemisebenzi ehlongozwe kwisigaba 7 soMthetho, abasebenzi baseHhovisi –**

- (a) kumele, ngemuva kokwamukela izikhalo zabathengi, bavule amafayela futhi babhalise amacala kwirejista yezikhalo;
- (b) bangafuna futhi baxhumane nomuntu okukhalazwe ngaye ngokusebenzisa imininingwane abayithole kumuntu okhalazayo;
- (c) bangaxoxisana nabantu abakhalazayo kanye nalabo okukhalazwa ngabo futhi babhale phansi yonke imininingwane abayitholile;
- (d) bangaqoqa imibhalo edingekayo bayifake kwifayela lomuntu okhalazayo;
- (e) bangaqoqa izitatimende ezifungelwe ezivela kulabo abaphikisayo kanye nabanye abathintekayo;
- (f) bangaqoqa noma bacubungule amakhophi azo zonke izincwadi nemibhalo, okungase kudingeke kuleso sikhalo;
- (g) bangaqoqa amakhophi awo wonke amarisidi aphaathelene nesikhalo;
- (h) bangahlinzeka nganoma iluphi ulwazi futhi babhale umbiko noma eminye imibhalo ephaathelene nokuhlola okwenziwe, okungaba nomthelela kunoma isiphi isikhalo;
- (i) kumele basize abantu abakhalazayo abangakwazi ukufunda nokubhala ngokubagcwalisela amafomu futhi babahlinzeke ngolwazi olubhaliwe oludingekayo;

- (j) bangasiza ngokwenza uphenyo oluyisandulelo ukuze bakwazi ukuhlinzeka ngerekhodi eligcwele layo yonke imininingwane etholakale ngokuhlola nokuphenya;
 - (k) ngokomyalelo woMvikeli wabaThengi, bangenza uphenyo oluyisandulelo ngokwesigaba 28(2) soMthetho, benze izincomo ezibhekiswe kuMvikeli wabaMthengi;
 - (l) bangenza noma yini efanele ukuze benze kahle imisebenzi namajoka okudingwa uMvikeli wabaThengi;
 - (m) bangenza uphenyo oluyisandulelo oluyinqubo;
 - (n) bangahlolisisa izikhalo futhi baluleke abantu abakhalaza ngomlomo noma ngokubhaliwe;
 - (o) bangabhala ngosekwenziwe ngesikhalo kanye nemiphumela yalokho;
 - (p) bangamukela futhi bagcine imiyalelo kaMvikeli wabaThengi; futhi
 - (q) bangasebenzisa ifomu elikwisiThasiselo R, ukuze, egameni leKhomisana yabaThengi kuZwelonke, bakhiphe isaziso sokuhambisana noMthetho, ngokwesigaba 100 soMthetho wokuVikela abaThengi, 2008 (uMthetho No. 68 ka 2008), egameni leKhomishana.
- (2) Uma benza imisebenzi ehlongozwe kwisigaba 7 soMthetho nakwisigatshana somthethonqubo (1), abasebenzi beHhovisi –
- (a) kumele balandele imigomo yokungachemi neyobuqotho;
 - (b) kumele umsebenzi wabo bawenzisise ngaphandle kokwenzelela noma kokubandlulula;
 - (c) kumele basebenze ngendlela efanele nangokuzimisela;
 - (d) kumele bagweme ukwenzelela noma nokubandlulula abantu abathintekayo esikhaweni; futhi
 - (e) abavumelekile ukuthi bacele noma bamukele noma imuphi umnikelo, umvuzo, noma omunye umhlomulo kunoma imuphi umuntu noma bawuthathele omunye umuntu.

Ukuguqulwa kophenyo oluyisandulelo (isigaba 29(2) soMthetho)

4.(1) Uma iHhovisi linquma ukuguqula ukuphenyo oluyisandulelo lwesikhalo somthengi ngokwesigaba 29(2) soMthetho, iHhovisi kumele lazise umuntu okhalazayo ngalolo guquko ngaleso sikhathi, ngokubhaliwe.

(2) Uma ukuguqulwa okuhlongozwe kwisigatshana somthethonqubo (1), kunomthelela omkhulu noma uma kungase kukhinyabeze amalungelo abanye abathintekayo, kumele labo abangakhinyabezeka baziswe ngalolo guquko ngokubhaliwe.

Ukwenqaba kweHhovisi ukuphenya isikhalo (isigaba 29(5) soMthetho)

5.(1) Uma iHhovisi linqaba ukuphenya isikhalo somthengi ngoba lithole ukuthi umthengi bekungesiye umthengi othinteka ngqo ngokwesigaba 29(5) soMthetho, iHhovisi kumele, ngaleso sikhathi nangokusebenzisa ifomu elikwisiThasiselo B –

- (a) lazise umuntu okhalazayo ngalokho kwenqaba; futhi
- (b) lidalule izizathu zokwenqaba.

(2) Uma ukwenqaba okuhlongozwe kwisigatshana somthethonqubo (1), sikhinyabeza noma singakhinyabeza umuntu okhalazayo, iHhovisi kumele, ngaphambi kokuthatha isinqumo ngaleso sigaba, limbize umuntu okhalazayo ukuze azokwenza isethulo esibhaliwe: Kuncike ekutheni iHhovisi kumele lize abantu abakhalazayo abangakwazi ukubhala nokufunda ukuze izethulo zabo zibhalwe phansi.

Ibhizinisi noma indlela okuqhutshwa ngayo ibhizinisi engaba icala lobugebengu noma icala okumele likhokhelwe izindleko (isigaba 29(6) soMthetho)

6.(1) Uma iHhovisi, ngokwesigaba 29(6) soMthetho, lithathe isinqumo sokuthi isikhalo somthengi esibhekiswe ebhizinisini, noma kumuntu ohlose ukuqhuba ibhizinisi noma ngendlela okuqhutshwa ngayo ibhizinisi kubonakala ukuthi singaba icala lobugebengu, iHhovisi kumele, zingakapheli izinsuku eziyisikhombisa kuthathwe lesi sinqumo –

- (a) libikele uMbutho wamaPhoyisa waseNingizimu Afrika; futhi
- (b) lisebenzise ifomu elikwisiThasiselo C1 ukuze –
 - (i) lazise umuntu okhalazayo ngokuthi iHhovisi lithathe isinqumo sokuthi isikhalo ngebhizinisi, noma ngomuntu ohlose ukuqhuba ibhizinisi noma ngendlela okuqhutshwa ngayo ibhizinisi, kubonakala ukuthi singaba icala lobugebengu; futhi
 - (ii) lihlinzeke umuntu okhalazayo ngemininingwane yecala lobugebengu.

(2) Uma iHhovisi, ngokwesigaba 29(6) soMthetho, lithathe isinqumo sokuthi isikhalo ngebhizinisi, noma ngomuntu ohlose ukuqhuba ibhizinisi noma ngendlela okuqhutshwa ngayo ibhizinisi kubonakala ukuthi singaba icala okumele likhokhelwe izindleko, iHhovisi kumele, zingakapheli izinsuku eziyisikhombisa, lisebenzise ifomu elikwisiThasiselo C2 ukuze lazise ummangali –

- (a) ngesinqumo esithathiwe;
- (b) nangenhloso yeHhovisi yodlulisela icala kwisiGungu sabaThengi noma eNkantolo ePhakeme.

Amasamanisi okuvela phambi koMvikeli wabaThengi (isigaba 30 soMthetho)

7.(1) UMvikeli wabaThengi noma umuntu osebenzela eHhovisi ogunyazwe uMvikeli wabaThengi, ngenhloso yophenyo oluhlongozwe kwisigaba 28(1) soMthetho, angasebenzisa ifomu elikwisiThasiselo D ukubiza noma ubani ukuthi –

- (a) avele phambi koMvikeli wabaThengi; futhi
- (b) aphekwe ngemibuzo; noma
- (c) ahlinzeke noma iyiphi incwadi, umbhalo noma okunye.

(2) Izinhlinzeko zesigatshana somthethonqubo 12(2) no (3) zisebenza ngezinguquko ezidingekayo mayelana nokuthunyelwa kwamasamanisi okuhlongozwe kwisigatshana somthethonqubo (1).

Incwadi egunyaza ukusesha nokushaqa izimpahla (isigaba 32 soMthetho)

8.(1) Incwadi egunyaza ukusesha ehlongozwe kwisigaba 32(2) soMthetho kumele igcwaliswe kanye nefomu elikwisiThasiselo E1.

(2) Uma umphenyi omkhulu, ngokwesigaba 32(1)(d) soMthetho, eshaqa futhi egcina noma yini ekuleyo ndawo –

- (a) engase ibe usizo uma kwenziwa uphenyo; futhi
- (b) ukuze aphinde ayihlolise noma ayigcine endaweni ephephile,

kumele asebenzise ifomu elikwisiThasiselo E2 ukuze alinikeze umnikazi wayo, noma umuntu olawula lezo zakhiwo, irisidi.

Ukuxazululwa kwezikhalo zabathengi (izigaba 33 no 37 zoMthetho)

9.(1) UMvikeli wabaThengi –

- (a) noma inini uma esethole isikhalo somthengi futhi ngaphambi kokudingidwa kwesikhalo ngokwesigaba 34 soMthetho; noma
- (b) ngokuyalelwa, futhi kuncike kwimigomo ejwayelekile ebekwe isiGungu sabaThengi noma iNkantolo ePhakeme,

angasiza abantu abathintekayo kwisikhalo somthengi ukuze lesi sikhalo basixazulule ngokuthula, ngokuxoxisana, nangokubuyisana.

(2) UMvikeli wabaThengi, ngenhloso yokwenza okuhlongozwe kwisigatshana somthethonqubo (1), nangokukhipha isaziso esibhekiswe kumuntu okhalazayo nomuntu okukhalazwa ngaye nangokusebenzisa ifomu elikwisiThasiselo F1 –

(a) angaqoka noma imuphi umuntu –

(i) osebenza eHhovisi; noma

(ii) ofanelekile ngokokuqeqeshwa futhi ongachemile ongasebenzi eHhovisi, ukuthi ahole izingxoxo noma ukubuyisana phakathi kwabantu abathintekayo; futhi

(b) azise abathintekayo ekungabonini ngaso linye ngendawo, ngosuku, nangesikhathi okuyobanjwa ngaso izingxoxo zokuqala noma umhlangano wokubuyisana.

(3) Uma kwenzeka umuntu okhalazayo noma okukhalazwa ngaye eba nesizathu sokuphikisana nokuqokwa komuntu ohlongozwe kwisigatshana somthethonqubo (2)(a), kumele azise uMvikeli wabaThengi ngalokho, zingakapheli izinsuku eziyisikhombisa kukhishwe isaziso esihlongozwe kwisigatshana somthethonqubo (2).

(4) UMvikeli wabaThengi kumele, zingakapheli izinsuku eziyisikhombisa ethole isaziso sesiphikiso esihlongozwe kwisigatshana somthethonqubo (3) –

(a) anqume ukuthi ngabe isiphikiso esihlongozwe kwisigatshana somthethonqubo (3) sinezizathu ezizwakalayo na; futhi

(b) azise umuntu okhalazayo nokukhalazwa ngaye, ngokubhaliwe –

(i) uma isiphikiso kutholakale ukuthi siyezwakalwa, ukuze kuhlonzwe umuntu ongathatha indawo yomuntu obeqokiwe ekuqaleni ukuthi ahole izingxoxo noma ahole ukubuyisana phakathi kwabantu abathintekayo ngokwesigatshana somthethonqubo 2(a); noma

(ii) uma isiphikiso kutholakale ukuthi asinazo izizathu ezizwakalayo okuholele ekutheni sichithwe.

(5) Umuntu oqokwe ngokwesigatshana somthethonqubo (2), zingakapheli izinsuku ezingamashumi amathathu eqokiwe nangokusebenzisa isiThasiselo F2, kumele athumele umbiko wokuqhubekayo kuMvikeli wabaThengi.

(6) Uma, ngemuva kwezingxoxo noma kwemizamo yokubuyisana, abantu abathintekayo begcina bevumelana ngezinhlelo zokuxazulula isikhalo –

(a) izinhlelo zokuxazulula isikhalo somuntu okhalazayo kumele zibhalwe phansi futhi zisayinwe, njengoba kubekiwe kwifomu elikwisiThasiselo F3; futhi

(b) uMvikeli wabaThengi ngokwesigaba 37 soMthetho –

(i) nangokwazisa umuntu okhalazayo nokukhalazwa ngaye;

(ii) nangokusebenzisa ifomu elifanele eliseMthethweni eMisiwe yaseNkantolo ePhakeme,

angafaka isicelo eNkantolo ePhakeme ukuze kuqinisekise izinhlelo ezibekwe etafuleni zokuxazulula isikhalo futhi kwavunyelwana ngazo ngokwesigaba 33 soMthetho.

(7) Uma iNkantolo ePhakeme ngokwesigaba 37(2) soMthetho –

(a) iziqinisekise izinhlelo,

(b) iziqinisekise izinhlelo ezihambisana nezichibiyelo; noma

(c) ichithe izinhlelo,

ezihlongozwe kwisigatshana somthethonqubo (6), uMvikeli wabaThengi kumele ashicilele umyalelo wesinqumo senkantolo kwiGazethi, ngokusebenzisa ifomu elikwisiThasiselo F4.

Ukudingidwa kwesikhalo (isigaba 34 soMthetho)

10.(1) UMvikeli wabaThengi, ngaphambi kokudingidwa kwesikhalo ngokwesigaba 34(3) soMthetho, kumele asebenzise ifomu elikwisiThasiselo G ukuze athole imininingwane egcwele ngesikhalo –

(a) ukuqinisekisa ubuqiniso besikhalo; kanye

(b) nokuvikela iHhovisi nalokho okungase kwenzeka uma kunolwazi olungelona iqiniso, noma ubufakazi obuzothulwa umuntu okhalazayo ngesikhathi kufakwa isikhalo nalapho sekwenziwa uphenyo noma ngesikhathi sekushushiswa isikhalo.

(2) Uma uMvikeli wabaThengi enqume ukufaka icala, kumele agcwalise futhi athunyelwe amasamanisi kumuntu okhalazayo nakulowo okukhalazwa ngaye: Kuncike ekutheni –

(a) uma isikhalo sidingidwa kwisiGungu sabaThengi, amasamanisi kumele agcwalise futhi athunyelwe ngendlela echazwe kumthethonqubo 12; kanti

(b) uma isikhalo sidingidwa eNkantolo ePhakeme, kumele kugcwalise amasamanisi futhi athunyelwe ngendlela ehambisana neMithetho eMisiwe yaseNkantolo ePhakeme.

(3) Uma iHhovisi liqoka umshushisi ngokwesigaba 21(1)(c) soMthetho, iHhovisi kumele libenzise ifomu elikwisiThasiselo H.

Ukubuyezwa kwezinqumo zoMvikeli wabaThengi (isigaba 35 soMthetho)

11.(1) Uma iHhovisi loMvikeli wabaThengi selinqume –

- (a) ukungasidingidi isikhalo;
- (b) ukungasidluliseli isikhalo somthengi komunye umaziphathe; noma
- (c) ukungaqhubeki nesikhalo kwisiGungu sabaThengi,

uMvikeli wabaThengi kumele athumele isaziso kumuntu okhalazayo kanye nokukhalazwa ngaye ngefomu elikwisiThasiselo I1 –

- (i) mayelana nesinqumo kanye nezizathu eziholele kuso; futhi
- (ii) uma umuntu okhalazayo enganelisekile ngesinqumo soMvikeli wabaThengi sokungayiqalisi inqubo yokudingida isikhalo, unelungelo lodlulisela isinqumo soMvikeli wabaThengi kwiThimba lokuBuyekeza iziKhalo zabaThengi elihlongozwe kwisigaba 35 soMthetho, ukuze sibuyezwe.

(2) Uma umuntu okhalazayo enquma ukudlulisela isinqumo soMvikeli wabaThengi kwiThimba lokuBuyekeza iziKhalo zabaThengi, kumele, zingakapheli izinsuku eziyishumi nane ethole isinqumo ezihlongozwe kwisigatshana somthethonqubo 1(c) –

- (a) agcwalise isaziso sokubuyekeza isikhalo, ngokusebenzisa ifomu elikwisiThasiselo I2; futhi
- (b) ahambise isaziso sokubuyekeza isikhalo eHhovisi.

(3) IHhovisi kumele, uma selithole isaziso sokubuyekeza isikhalo –

- (a) livule ifayela futhi lifakwe inombolo eyinkomba;
- (b) libhale phansi ukuthi lithole isicelo sokubuyekeza isikhalo –
 - (i) ngokwazisa umuntu okhalazayo ukuthi lisitholile isaziso sokubuyekeza isikhalo, ngokubhaliwe;
 - (ii) nangokudlulisela isaziso sokubuyekeza isikhalo kumuntu okukhalazwa ngaye; futhi
- (c) ngaleso sikhathi, lazise iLungu loMkhandlu oPhethe ngesidingo sokuhlenganisa iThimba lokuBuyekeza iziKhalo zabaThengi.

(4) Kumele kwaziswe uMvikeli wabaThengi, umuntu okhalazayo nokukhalazwa ngaye ngesinqumo sokubuyekeza isikhalo okukhulunywe ngaso kwisigaba 35(12) soMthetho, ngokusebenzisa ifomu elikwisiThasiselo I3.

INGXENYE III
ISIGUNGU SABATHENGI

Ukudingidwa kwesikhalo kwisiGungu sabaThengi (isigaba 21 soMthetho)

12.(1) Ukudingidwa kwesikhalo kwisiGungu sabaThengi kumele kuqaliswe ngamasamanisi –

- (a) agcwaliswe ngokwefomu elikwisiThasiselo J1;
- (b) akhishwe unobhala wesiGungu sabaThengi; futhi
- (c) athunyelwe ngokwesigatshana somthethonqubo (2).

(2) Amasamanisi okukhulunywe ngawo kwisigatshana somthethonqubo (1) angathunyelwa –

- (a) ngesandla;
- (b) ngeposi eliqinisekisiwe;
- (c) ngefeksi; noma
- (d) ngokushicilelwa kwiphephandaba.

(3) Lokhu okulandelayo kuyoba ubufakazi obanele bokuthi amasamanisi athunyelwe –

- (a) uma ethunyelwe ngesandla, kuyogcwaliswa ifomu elikwisiThasiselo J4;
- (b) uma ethunyelwe ngefeksi, kuyoba nombhalo okhombisa ukuthi ifeksi ifikile lapho ebeyithunyelwe khona; noma
- (c) uma ethunyelwe ngeposi elibhalisiwe, kuyoba nerisidi lokuthi incwadi iposwe ngeposi eliqinisekisiwe.

(4) Zingakapheli izinsuku eziyisikhombisa umuntu okhalazayo ethole amasamanisi kumele –

- (a) asebenzise ifomu elikwisiThasiselo J2 ukuze afake isaziso senhloso yokuziphendulela; noma
- (b) asebenzise ifomu elikwisiThasiselo J3 ukuze afake isaziso sokwamukela isinqumo.

(5) UMvikeli wabaThengi kumele athumele amasamanisi kanye nobufakazi bokuthunyelwa kwawo kwifayela kuNobhala wesiGungu sabaThengi.

Amandla, amajoka, kanye nemisebenzi yesiGungu sabaThengi uma sesithole amasamanisi

13.(1) Uma uNobhala wesiGungu sabaThengi esethole amasamanisi okukhulunywe ngawo kwisigatshana somthethonqubo 12(5), kumele avule ifayela futhi alifake inombolo eyinkomba yamasamanisi.

(2) Uqwembe lwangaphambili lwefayela okukhulunywe ngalo kwisigatshana somthethonqubo (1) kumele lubhalwe igama lomuntu okhalazayo, inombolo eyinkomba yesikhalo kanye namagama abantu abathintekayo.

(3) Uma isiGungu sabaThengi sithola amasamanisi –

(a) singenza uphenyo oluyisandulelo, okungase ludingeke, ukuze sinqume ukuthi ngabe lesi sikhalo simayelana nodaba lokungaboni ngaso linye okuthathwa njengesikhalo ngokoMthetho; futhi

(b) singathola noma oluphi olunye ulwazi kumuntu okhalazayo noma kumuntu okukhalazwa ngaye.

(4) Uma isiGungu sabaThengi sibona kunesidingo, singayalela umphenyi ukuthi ahlole izakhiwo zomuntu ohlinzeka ngemisebenzi bese sibhala umbiko ngesikhalo.

Ukubizwa kofakazi nokwethulwa kwemibhalo kwisiGungu sabaThengi (isigaba 22 soMthetho)

14. IsiGungu sabaThengi, ngokusebenzisa amasamanisi ahlangozwe esigabeni 22(1) soMthetho, futhi agcwaliswe ngokusebenzisa ifomu elikwisiThasiselo K –

(a) singabiza noma imuphi umuntu, okubandakanya nomuntu okukhalazwe ngaye, ukuthi azothola ubufakazi kwisiGungu sabaThengi; futhi

(b) singayalela noma imuphi umuntu, kubandakanya nomuntu okukhalazwe ngaye, ukuthi ahlinzeke nganoma iyiphi incwadi noma umbhalo –

(i) egcinwe noma engaphansi kwesandla salowo muntu; futhi

(ii) okungase kube umbhalo obalulekile nongaba usizo ekudingidweni kodaba olusezithebeni zesiGungu sabaThengi.

Ukulalelwa nokudingidwa kwesikhalo

15. (1) IsiGungu sabaThengi sinamandla –

(a) okulalela noma iluphi udaba mayelana nesikhalo esidluliselwe kuso ngokoMthetho; futhi

(b) okuthatha leso sinqumo esingasibona silungile futhi sifanele kuleso simo, ngokulandela izinhlinzeko zoMthetho, zeMithethonqubo nezanoma imiphi eminye imithetho namaphuzu ayiqiniso aleso sikhalo.

(2) Uma kwenzeka kuba noshintsho oluthile oluphathelele nosuku lwecala oluqoshwe emasamanisini, unobhala wesiGungu sabaThengi kumele, ngokugcwalisa ifomu elikwisiThasiselo L, azise abantu abathintekayo ngosuku, nesikhathi nendawo okuzodingidwa isikhalo kuyo.

(3) Kumele kube nabantu ababili kunoma ikuphi ukudingidwa kwesikhalo kwisiGungu sabaThengi, oyedwa wabo kumele abe uSihlalo noma iSekela likaSihlalo.

(4) IsiGungu sabaThengi singafungisa noma siqinisekise noma imuphi umuntu okhona ngesikhathi kudingidwa isikhalo noma obizelwe ukuthi avele phambi kwesiGungu sabaThengi, ngokulandela isiThasiselo M.

(5) USihlalo wesiGungu sabaThengi kumele, ngaphambi kokudingidwa kwesikhalo, aqinisekise ukuthi abantu abathintekayo bayaziswa –

- (a) ngamalungelo abo;
- (b) ngenqubo elandelwa isiGungu sabaThengi;
- (c) nangomthelela wezinqumo zaso kanye nokwenzekayo uma izinqumo zingalandelwanga.

(6) Abantu abathintekayo kumele banikezwe ithuba –

- (a) lokwethula udaba lwabo;
- (b) lokubuza ofakazi imibuzo;
- (c) lokubiza ofakazi; kanye
- (d) nelokuletha noma iluphi ulwazi, incwadi, umbhalo, noma nokuthile okudingekayo.

(7) Imithetho yokwethula ubufakazi kumele ilandelwe futhi amalungu, uma kuba nesidingo, angabuza imibuzo kubantu abathintekayo noma kofakazi noma inini ngesikhathi kudingidwa ngesikhalo.

(8) Ngaphambi kokuqala kwenqubo yokudingidwa kwesikhalo abantu abathintekayo –

- (a) kumele banikezane imibhalo edingekayo, okungenani ezinsukwini ezinhlanu ngaphambi kokudingidwa kwesikhalo;

(b) kumele bazisane futhi bahlinzekane ngemininingwane yofakazi abafisa ukubasebenzisa, okungenani ezinsukwini ezinhlanu ngaphambi kokudingidwa kwesikhalo; futhi

(c) bangahlangana ngaphambi kosuku lokudingidwa kwesikhalo ngenhloso yokuxazulula impikiswano ekhona, yokucacisa izinkinga noma yokuvumelana ngohlobo lwesikhalo esizohlaziywa.

Izimali ezikhokhelwa ofakazi

16.(1) Ufakazi kunoma ikuphi ukudingidwa kwesikhalo kwisiGungu sabaThengi unelungelo lokukhokhelwa ngokwesilinganiso esinqunywe uNgqongqoshe wezobuLungiswa futhi esishicilelwe kwisaziso kwiGazethi ngokwesigaba 42 soMthetho weNkantolo yokuDluliselwa kwamaCala, 1959 (uMthetho No. 59 ka 1959).

(2) Isicelo sokukhokhelwa imali ekhokhelwa ofakazi singafakwa ngokusebenzisa isiThasiselo N.

(3) Ngale kokushiwo kwisigatshana somthethonqubo (1), isiGungu sabaThengi singakhipha umyalelo wokuthi kungabibikho mali ekhokhwayo, noma ufakazi akhokhelwe ingxenye kuphela.

(4) Umuntu obize ufakazi unesibopho sokukhokhela lowo fakazi imali ekhokhelwa ofakazi ehlinzekelwe kwisigatshana somthethonqubo (1).

Izinqumo nemiyalelo

17.(1) Uma kukhona ongaphumelelanga ukuvela phambi kwesiGungu, isiGungu sabaThengi singathatha isinqumo –

(a) uma sesicubungule noma sesilalele noma ibuphi ubufakazi obudingekayo; futhi

(b) sanelisekile ukuthi imibhalo yesicelo yathunyelwa ngendlela efanele.

(2) IsiGungu sabaThengi singayalela uMvikeli wabaThengi ukuthi afake, ohlwini lwabantu abephule umthetho, ngendlela enqunywe kwisigatshana somthethonqubo 19(1)(m), –

(a) igama lebhizinisi negama lomuntu oqhuba lelo bhizinisi; kanye

(b) nokutholwe isiGungu sabaThengi ngokwesigaba 10(2)(a) kuya ku (c) soMthetho.

(3) IsiGungu singakhokhisa izindleko ezimweni ezibalulwe kwisigaba 10(2) soMthetho, ngokulandela le migomo –

(a) kungavunyelwa ukuthi kukhokhelwe umuntu oyedwa omele umuntu othile phakathi kwezinhlangothi ezithintekayo;

(b) uNobhala wesiGungu sabaThengi kumele akhokhise izinhlangothi ezithintekayo izindleko ngokulandela amanani ezivumelane ngawo noma ngokulandela amanani asebenza eNkantolo ePhakeme; noma

(c) uNobhala wesiGungu sabaThengi angathatha izindleko zokukhokhela imisebenzi ehlinzekiwe maqondana nokudingidwa kwesikhalo nokucelwa kwanoma iyiphi incwadi, umbhalo, iphepha noma i-akhawunti unobhala wesiGungu sabaThengi abona ukuthi kuyadingeka ukuze kuthathwe isinqumo nganoma oluphi udaba olumayelana nokukhokhwa kwezindleko.

(4) Unobhala wesiGungu sabaThengi akufanele aqhubeke nokukhokhisa izindleko ngaphandle uma ozokhokha lezo zindleko –

(a) ecela ukukhokha izindleko;

(b) engakwazanga ukufika futhi engathumelanga ozommela ngesikhathi kudingidwa isikhalo;

(c) evumile ngokubhalwe phansi ukuthi angakhokhiswa izindleko noma engekho; noma

(d) ethole isaziso kusenesikhathi esimazisa ngesikhathi nendawo okuyokhokhwa kuyona izindleko nokuthi unelungelo lokuba khona.

(5) Unobhala wesiGungu sabaThengi angadlulisela noma imiphi imisebenzi ebekwe ngaphansi kwesigatshana somthethonqubo (2) no (5) kumuntu oqeqeshwe ngokufanele osebenzela isiGungu ukuthi enze umsebenzi wokukhokhisa izindleko.

(6) IsiGungu sabaThengi singakhokhisa izindleko njengesijeziso kumuntu okungatholakala ukuthi ufake isicelo kwisiGungu ngoba elelesa noma eqhuba inkohlakalo.

(7) Ukukhokhiswa izindleko kuncike ekutheni kubuyezwe iNkantolo ePhakeme uma kufakwa isicelo.

Amajoka ajwayelekile amalungu esiGungu sabaThengi

18.(1) Amalungu esiGungu sabaThengi kumele anike zonke izinhlangothi ezithintekayo ekudingidweni kwesikhalo, noma nabantu ababamele, ilungelo lokulalelwa ngendlela ehambisana nomthetho.

(2) Amalungu esiGungu sabaThengi akufanele aqalise, avumele noma acubungule –

- (a) ukuxhumana nabantu abathintekayo, ngaphandle uma kunesidingo ngokoMthetho noma ngokoMthethonqubo; noma
- (b) ukuxhumana nomphakathi noma nabantu abathintekayo abenza imisebenzi yezobubhalane eHhovisi.

(3) Abasebenzi baseHhovisi bangenza noma iluphi uphenyo oluyisandulelo futhi baphenye ngezimo ezithinta umuntu okhalazayo ukuze bathole ukuthi ngabe udaba luphuthuma kangakanani futhi kumele bazise isiGungu sabaThengi ngalokho.

(4) Uma kutholakala ukuthi udaba luyaphuthuma ngemuva kophenyo oluyisandulelo okuhlongozwe kwisigatshana somthethonqubo (3), umuntu okukhalazwa ngaye kumele athunyelelwe isinqumo sesiGungu sabaThengi sesikhashana, kanye nekhophi yesitatimende somuntu okhalazayo.

Imisebenzi namajoka eHhovisi mayelana nesiGungu sabaThengi

19.(1) Ngaphezu kwemisebenzi ehlongozwe kwisigaba 7 soMthetho, abasebenzi beHhovisi, ngomyalelo wesiGungu sabaThengi –

- (a) bangenza uphenyo ngezikhathi ezithile ngodaba oluthile futhi bahlinzeke ngemibiko ebhaliwe uma isiGungu sabaThengi sibacelile;
- (b) bangafuna futhi bathinte abantu okukhalazwe ngabo ngokusebenzisa imininingwane egcinwe eHhovisi;
- (c) bangaxoxisana nabantu abakhalazayo kanye nokukhalazwa ngabo futhi babhale yonke imininingwane abayitholile;
- (d) bangathola imibhalo engaba usizo bayifake kwifayela lomuntu okhalazayo;
- (e) bangathola izitatimende ezifungelwe, uma kunesidingo, ezivela kubantu abaphikisayo nabanye abathintekayo;
- (f) bangethula ubufakazi phambi kwesiGungu sabaThengi uma beceliwe;
- (g) bangathola futhi bahlaziye amakhophi azo zonke izincwadi nemibhalo, okungase kudingeke ecaleni;
- (h) bangathola amakhophi awo wonke amarisidi aphaathelene nesikhalo olufakwe umuntu okhalazayo;

- (i) bangahlinzeka noma iluphi ulwazi futhi bahlinzeke noma imuphi umbiko noma eminye imibhalo ephathelene nokuhlola okwenziwe, okungathinta noma imuphi umuntu okhalazayo;
- (j) bangathumela noma isiphi isaziso noma amasamanisi kumuntu othintekayo ekungabonini ngaso linye nakunoma imuphi omunye umuntu ongakwazi ukuhlinzeka ngolwazi olubalulekile oluphathelene nesikhalo –
- (i) ukuze avele kwisiGungu sabaThengi; futhi
 - (ii) ukuze ahlinzeke nganoma eyiphi incwadi noma omunye umbhalo ongase udingwe isiGungu sabaThengi; futhi
- (k) bangasiza ngokwenza uphenyo oluyisandulelo ukuze bahlinzeke ngerekhodi eligcwele lalo lonke ulwazi olutholakale kade kuhlolwa futhi kwenziwa uphenyo;
- (l) bangahambisa izincomo ezibhaliwe kwisiGungu sabaThengi, kubantu abangathathelwa izinyathelo ngenxa yokungalandeli imithetho emisiwe yokusebenza;
- (m) bangabhala futhi bagcine uhlu lwamabhizinisi aphula umthetho njengoba kuhlongozwe esigabeni 10(1)(f) soMthetho: Kuncike ekutheni ukufakwa ohlwini lwabephula umthetho kufanele kwenziwe ngokusebenzisa ifomu elikwisiThasiselo O;
- (n) bangenza noma yini efanelekile ekwenzeni amajoka nemisebenzi okudingwa isiGungu sabaThengi;
- (o) bangamukela futhi balandele imiyalelo yesiGungu sabaThengi futhi balungise imibhalo edingwa isiGungu sabaThengi; futhi
- (p) bangahola izingxoxo nohlelo lokubuyisana, kuncike emigomweni ejwayelekile elawula ukuxazululwa kwezinkinga njengoba ingakhishwa isiGungu sabaThengi ngezikhathi ezithile ngokwesigaba 10(1)(e) soMthetho.

(2) Izinhlizeko zesigatshana somthethonqubo 3(2) zisebenza ngezinguquko ezidingekayo ngokwamajoka abaSebenzi beHhovisi okuhlongozwe kwisigatshana somthethonqubo (1).

Amarekhodi okudingidwa kwesikhalo (isigaba 21(3) soMthetho)

20.(1) Unobhala wesiGungu sabaThengi kumele agcine futhi anakekele amarekhodi okudingidwa kwesikhalo esiGungu sabaThengi.

(2) Ukudingidwa kwezikhalo isiGungu sabaThengi kumele kuqoshwe.

(3) Noma imuphi umuntu onentshisekelo enqubweni yokudingidwa kwesikhalo okungenzeka ukuthi sesidingidiwe kwisiGungu sabaThengi, angacela ukuthola amarekhodi ngokugcwalisa nangokuthumela ifomu elikwisiThasiselo P kunobhala wesiGungu sabaThengi.

(4) Ukukhiqizwa kabusha kwanoma iliphi irekhodi lenqubo ngenhloso ehlongozwe kwisigatshana somthethonqubo (3) kuncike ekukhokhweni kwezindleko zokukhiqiza kabusha okuhlongozwe kwisigaba 22 soMthetho wokuGqugquzela ukuTholakala koLwazi, 2000 (uMthetho No. 2 ka 2000).

INGXENYE IV

UMGOMO WOKUZIPHATHA KWAMALUNGU ESIGUNGU SABATHENGI

Umgomo wokuziphatha kwamalungu esiGungu sabaThengi (isigaba 45 soMthetho)

21.(1) Amalungu esiGungu sabaThengi, uma edingida izikhalo ezilethwe kwisiGungu sabaThengi, ngazo zonke izikhathi, kumele aziphathe ngendlela egqugquzela umphakathi ukuthi usethembe lesi siGungu futhi ukholwe ukuthi asichemile.

(2) Amalungu esiGungu sabaThengi kumele –

- (a) aqhube imisebenzi yesiGungu sabaThengi ngokwethembeka, ngobuqotho, ngokuvuleleka nangokucophelela;
- (b) abe nesineke futhi abe nesihe kubantu abathintekayo, nababamele, kofakazi kanye nakwabanye abantu abavela phambi kwesiGungu sabaThengi futhi kumele alindele ukuthi nabanye baziphathe ngaleyo ndlela;
- (c) ngazo zonke izikhathi, asebenze ngendlela ebeka phambili isiGungu sabaThengi nangendlela engathunazi isithunzi nobuqotho besiGungu sabaThengi;
- (d) aphokophele ukwazi nokulandela yonke imithetho kanye neminye imiyalelo ephathelene nokuziphatha kwawo;
- (e) abambisane nezikhungo zikahulumeni ezisungulwe ngaphansi kwalo Mthetho kanye noMthethosisekelo weRiphabhulikhi yaseNingizimu Afrika, 1996 (uMthetho 108 ka 1996) ekufezekiseni izidingo zomphakathi;
- (f) asebenzele umphakathi ngokungachemi ukuze abantu basethembe isiGungu sabaThengi;
- (g) abe usizo futhi atholakale kalula uma esebenzisana nomphakathi futhi ngazo zonke izikhathi apha the amalungu omphakathi njengemakhasimende afaneleke ukuthola usizo olusezingeni eliphezulu;
- (h) lingabibikho ilungu lomphakathi alicwasa ngokobuhlanga, ngokobulili, ngokwemvelaphi noma ngokwendabuko, ngokwebala, ngokohlobo lobudlelwane bezothando elikubona, ngokweminyaka, ngenxa yokukhubazeka, ngokwenkolo, ngokobuqembu bezombusazwe, ngokwanembeza, ngokwenkolelo, ngokwamasiko noma ngokolimi;

- (i) angasebenzisi izikhundla zawo ngokungafanele ukugqugquzela ukucindezela noma ukwenza okuzohlomulisa wona;
- (j) azise ilungelo lomphakathi lokuthola ulwazi, ngaphandle kolwazi oluvikelekile ngokomthetho olungedalulwe;
- (k) aphokophele ukufeza izinjongo zesiGungu sabaThengi ngokusebenzisa imali ngokucophelela nangokubhekelela izidingo zomphakathi;
- (l) agcine isikhathi sokwenza imisebenzi yawo;
- (m) athembeke futhi agcine isibopho sokubika ngokusetshenziswa kwezimali zikahulumeni;
- (n) asebenzise impahla yesiGungu sabaThengi kanye nezinye izinsiza ngendlela efanele nenemiphumela ebonakalayo futhi azisebenzisele izidingo zomsebenzi ezigunyaziwe kuphela;
- (o) afeze amajoka awo ngobungcweti nangendlela efanele; futhi
- (p) angazibandakanyi kunoma iziphi izenzo eziphambene noma ezithikameza ukwenziwa kwemisebenzi ajutshelwe yona.

Imihlomulo, izipho nokwenzelela

22. Ilungu lesiGungu sabaThengi alivumelekile ukucela, ukunxenxa noma ukwamukela noma imuphi umhlomulo, isipho noma ukwenzelwa –

- (a) ngokuvota noma ngokungavoti ngendlela ethile kunoma iluphi udaba oluphambi kwesiGungu sabaThengi noma oluphambi kwekomidi ilungu eliyingxenywe yalo;
- (b) ngokuba nesandla ekutheni isiGungu sabaThengi nanoma iluphi elinye ikomidi lisebenzise amandla, senze amajoka nemisebenzi yalo ngendlela ethile;
- (c) ngokwenza isethulo kwiGungu sabaThengi; noma
- (d) ngokudalula ulwazi olugodliwe noluyimfihlo.

Ukudalulwa kolwazi okungagunyaziwe

23.(1) Ilungu lesiGungu sabaThengi alivumelekile ukudalula ulwazi olugodliwe noluyimfihlo lwesiGungu sabaThengi komunye umuntu ngaphandle kwemvume.

(2) Ngokwenhloso yalo mthethonqubo, “ulwazi olugodliwe noluyimfihlo” lubandakanya, kodwa kungacini nje nganoma iluphi olunye ulwazi –

- (a) oluthathwa isiGungu sabaThengi njengolugodliwe noluyimfihlo;
- (b) oludingidwe isiGungu sabaThengi ngasese;

- (c) olungacekela phansi ilungelo lanoma imuphi umuntu lobumfihlo uma lungase ludalulwe; noma
- (d) oluthathwa njengolugodliwe noluyimfihlo ngokomthetho.

(3) Lo mthethonqubo awuphikisani nelungelo lanoma imuphi umuntu lokuthola ulwazi ngokomthetho kazwelonke.

Ukwephula uMgomo wokuziPhatha

24.(1) IsiGungu sabaThengi –

- (a) singaphenya, sihlawulise, sihlulele futhi sithathe isinqumo nganoma iziphi izinsolo zokwepulwa koMgomo wokuziPhatha; noma
- (b) singasungula ikomidi elikhethekile ukuze lidingide noma ikuphi ukwepulwa kwezinhlinzeko zoMgomo wokuziPhatha –
 - (i) ukuze liphenye futhi lithathe isinqumo nganoma iziphi izinsolo zokwepulwa koMgomo wokuziPhatha;
 - (ii) nokuthi lenze izincomo ezifanele kumaLungu oMkhandlu oPhethe.

(2) Uma isiGungu sabathengi noma ikomidi elikhethekile lithola ukuthi ilungu lephule izinhlinzeko zoMgomo wokuziPhatha, isiGungu sabaThengi singenza izincomo kwiLungu loMkhandlu oPhethe ukuze –

- (a) linikeze ilungu isexwayiso;
- (b) limise ilungu emsebenzini isikhathi esinqunywe isiGungu sabaThengi; noma
- (c) lixoshe ilungu.

(3) ILungu loMkhandlu oPhethe lingaqoka umuntu noma ikomidi ukuze liphenye noma iziphi izinsolo zokwepulwa uMgomo wokuziPhatha futhi lenze izincomo mayelana nesijeziso esifanele ngokwesigatshana somthethonqubo (2).

(4) ILungu loMkhandlu oPhethe linganquma ukuthi noma isiphi isigaba, noma zonke, izigaba 3 kuya ku 11 zoMthetho wamaKhomishana waKwaZulu-Natali, 1999 (uMthetho No. 3 ka 1999) zingasebenza uma kwenziwa uphenyo ngokwesigatshana somthethonqubo (4).

(5) Uma iLungu loMkhandlu oPhethe likholwa ukuthi ilungu lephule izinhlinzeko zoMgomo wokuziPhatha nokuthi lokho kwepulwa kwezinhlinzeko kugunyaza ukuthi limiswe noma lixoshwe, iLungu loMkhandlu oPhethe –

- (a) lingamisa ilungu isikhathi nangokwemigomo enqunywe iLungu loMkhandlu oPhethe; noma
- (b) lixoshe ilungu.

(6) Noma iluphi uphenyo noma isenzo esenziwe ngokwalo Mthethonqubo kumele kuhambisane nemithetho yobulungiswa.

INGXENYE V

UPHENYO NOKUPHEKWA NGEMIBUZO

Ukuqokwa kwabaphenyi nabaphenyi abakhulu (isigaba 31 soMthetho)

25.(1) UMvikeli wabaThengi kumele –

- (a) ngokusebenzisa ifomu elikwisiThasiselo Q1, anikeze wonke umuntu oqokwe njengomphenyi ngokwesigaba 31(1) soMthetho, isitifiketi esihlongozwe kwisigaba 31(1)(b) soMthetho; futhi
- (b) ngokusebenzisa ifomu elikwisiThasiselo Q2, anikeze wonke umuntu oqokwe njengomphenyi omkhulu ngokwesigaba 31(5) soMthetho, isitifiketi esihlongozwe kwisigaba 31(7) soMthetho.

(2) Umuntu ongaqashiwe uHulumeni ngokugcwele kodwa oqokwe njengomphenyi kumele aqokwe ngokwaleyo migomo futhi akhokhelwe umholo oyonqunywa iLungu loMkhandlu oPhethe elibhekele ezokuVikela abaThengi.

(3) Umuntu angaqokwa njengomphenyi noma njengomphenyi omkhulu ozosebenza ngokugcwele noma ngesikhathi esithile ukuze asebenzise amandla futhi enze imisebenzi ethile okumele ibhalwe esitifiketini okukhulunywe ngaso kwisigatshana somthethonqubo (1).

(4) Umphenyi noma umphenyi omkhulu kumele, njalo uma enza umsebenzi noma esebenzisa amandla ngokwale Mthetho, isitifiketi esikhishwe ngokwesigatshana somthethonqubo (1), ahlale esiphethe futhi kumele asikhiphe njalo uma ecelwa inoma ubani othintekayo kulokho okwenziwa umphenyi.

Imisebenzi namandla omphenyi nomphenyi omkhulu

26.(1) Noma imuphi umuntu oqokwe njengomphenyi noma njengomphenyi omkhulu kumele enze leyo misebenzi futhi asebenzise lawo mandla awanikezwe uMthetho, iMithethonqubo kanye nanona imuphi omunye umthetho.

(2) Uma enza noma imuphi umsebenzi wakhe ngokwale Mithethonqubo, umphenyi noma umphenyi omkhulu angaphelezela futhi angasebenzisa umsizi, utolika nanoma iliphi ilungu loMbutho wamaPhoyisa waseNingizimu Afrika.

Ukwenqaba ukungenisa abaphenyi nabaphenyi abakhulu

27. Uma umphenyi noma umphenyi omkhulu ebhekana nesimo lapho enqatshelwa ukuba angene kunoma isiphi isakhiwo ephethe incwadi egunyaza ukuthi enze uphenyo ngokwesigaba 32 soMthetho, lowo mphenyi kumele ngaleso sikhathi acele usizo lwelungu loMbutho wamaPhoyisa waseNingizimu Afrika.

Isihloko esifingqiwe

28. Le Mithethonqubo ibizwa ngokuthi iMithethonqubo yokuVikela abaThengi yaKwaZulu-Natali, 2014.



ISITHASISELO A

UMVIKELI WABATHENGI WAKWAZULU-NATALI	
Ifomu: (isigaba 27(1) soMthetho)	
Isikhalo	
Amagama aphelele nesibongo somuntu okhalazayo	
Inombolo kamazisi yomuntu okhalazayo	
Ikheli leposi	
Ikheli lasekhaya	
Inombolo yeselula	
Inombolo yocingo	
Inombolo yefeksi	
I-imeyli	
Isiphi isikhathi ongatholakala ngaso, uma kunesidingo sokuthi uthintwe?	
Uhlobo lwesikhalo esifakiwe	
Inhlinzeko yoMthetho wokuVikela abaThengi waKwaZulu-Natali/yoMthetho wokuVikela abaThengi kaZwelonke/noma yeMithethonqubo esungulwe ngaphansi kwawo (<i>uma ikhona</i>)	
Igama lebhizinisi okukhalazwe ngalo noma lomuntu okukhalazwe ngaye	
Ikheli lebhizinisi okukhalazwe ngalo noma lomuntu okukhalazwe ngaye	
Incazelo emfishane yesikhalo esifakiwe (<i>ungafaka amanye amakhasi uma isikhala esihlinzekiwe singenele</i>)	

Uhlu lwamakhophi emibhalo ephathelene nesikhalo ahambisana naleli fomu aqinisekisiwe afakwa isigxivizo (<i>uma ekhona</i>)	
Ingabe ulindele ukuthi kuthathwe ziphi izinyathelo ngesikhalo osifakile?	
Indawo	
Usuku	
Isiginesha	
OKUSETSHENZISWA IHHOVISI KUPHELA	
Inombolo eyinkomba	
Inombolo yefayela	
Umphenyi/umsebenzi ophethe lolu daba	

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PROVINCE OF KWAZULU-NATAL**ISITHASISELO B**

UMVIKELI WABATHENGI WAKWAZULU-NATALI	
Ifomu: (isigaba 29(5) soMthetho)	
Isaziso sokweNqaba kweHhovisi ukwenza uphenyo	
Inombolo eyinkomba	
Usuku	
Amagama aphelele nesibongo somuntu okhalazayo	
Ikheli leposi	
Inombolo yefeksi	
I-imeyli	
<p>Mnu./Nkk./Nksz.</p> <p>Isikhalo:</p> <p>Usuku:</p>	
<p>UYAZISWA UKUTHI iHhovisi loMvikeli wabaThengi —</p> <p>(a) liscubungulile isikhalo somthengi ngokwesigaba 29(3) soMthetho;</p> <p>(b) lifinyelele esinqumweni sokuthi umthengi limthole engumuntu ongathembekile;</p> <p>(c) linqume ukuthi lingasidluliseli isikhalo esiGungwini sabaThengi; futhi</p> <p>(d) ngalesi sizathu noma ngalezi zizathu ezilandelayo, linqume ukuthi lingalwenzi uphenyo ngesikhalo osifakile:</p>	
	isikhalo sakho asikholeki futhi sibonakala singelona iqiniso;
	isikhalo sakho asinabo ubufakazi obuphathekayo, okungathi uma kutholakala ukuthi buyiqiniso, bube ngobenele ukuthi sixazululwe ngaphansi koMthetho wokuVikela abaThengi waKwaZulu-Natali, 2013 (uMthetho No. 4 ka 2013) noma uMthetho wokuVikela abaThengi, 2008 (uMthetho No. 68 ka 2008); noma

	<p>isikhalo sakho sivinjwe, ngokwesigaba 116 soMthetho wokuVikela abaThengi, 2008 (uMthetho No. 68 ka 2008) ukuthi sidluliselwe esiGungwini sabaThengi ngesizathu sokuthi sekuphele iminyaka engaphezulu kwemithathu selokhu —</p> <p>(a) kwenzeka okuthile noma kungenzekanga okuthile okuyimbangela yokuthi kufakwe isikhalo; noma</p> <p>(b) esimweni esiholele ekutheni kwenzeke lokho noma sokuthi kuqhubeke nokwenzeka, kwagcina ukwenzeka lokho okwenzeka.</p>
	<hr/> <hr/> <p>okunye (<i>isho isizathu</i>)</p>
	<p>(faka uphawu u-X kulokhu okukhethile)</p> <p>Uyaziswa ukuthi ezinsukwini ezingamashumi amathathu (30) kusukela osukwini olubekwe lapha, ungafaka isicelo esiGungwini sokuBuyekeza iziKhalo zabaThengi sokuthi sibuyekeze isinqumo esithathiwe mayelana nesikhalo sakho.</p>
<p>Ozithobayo</p> <hr/>	<p>UMVIKELI WABATHENGI</p>


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PROVINCE OF KWAZULU-NATAL
ISITHASISELO C1

UMVIKELI WABATHENGI WAKWAZULU-NATALI Ifomu: (isigaba 29(6) soMthetho) Isaziso ngesinqumo sokuthi isikhalo sibonakala siyicala lobugebengu	
Inombolo eyinkomba	
Usuku	
Amagama aphelele nesibongo somuntu okhalazayo	
Ikheli leposi	
Inombolo yefeksi	
I-imeyli	
<p>Mnu./Nkk./Nksz.</p> <p>Isikhalo:</p> <p>Usuku:</p> <p>1. UYAZISWA UKUTHI iHhovisi loMvikeli wabaThengi lithathe isinqumo sokuthi isikhalo ngo (igama lebhizinisi noma lomuntu) sibonakala siyicala lobugebengu; futhi</p>	

2. UYAZISWA UKUTHI iHhovisi loMvikeli wabaThengi ekucubunguleni isinqumo esibalulwe endimeni 1 ngenhla, linqume ukudlulisela lolu daba eMbuthweni wamaPhoyisa waseNingizimu Afrika (..... igama lesiteshi) ngaphansi kwale Nombolo yeCala:

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PROVINCE OF KWAZULU-NATAL
ISITHASISELO C2

UMVIKELI WABATHENGI WAKWAZULU-NATALI Ifomu: (isigaba 29(6) soMthetho) Isaziso ngesinqumo sokuthi isikhalo esifakiwe siyicala okumele likhokhelwe izindleko	
Inombolo eyinkomba	
Usuku	
Amagama aphelele nesibongo somuntu okhalazayo	
Ikheli leposi	
Inombolo yefeksi	
I-imeyli	
<p>Mnu./Nkk./Nksz.</p> <p>Isikhalo:</p> <p>Usuku:</p> <p>1. UYAZISWA UKUTHI iHhovisi loMvikeli wabaThengi lithathe isinqumo sokuthi isikhalo ngo(igama lebhizinisi noma lomuntu) sisezingeni sokuba icala okufanele likhokhelwe izindleko; futhi</p> <p>2. UYAZISWA UKUTHI iHhovisi loMvikeli wabaThengi ngenxa yesinqumo esihlongozwe endimeni 1 ngenhla, uMvikeli wabaThengi uhlose ukuhlawulisa (igama lebhizinisi noma lomuntu) esiGungwini sabaThengi/eNkantolo ePhakeme*. <i>(*susa okungadingeki)</i></p>	

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PROVINCE OF KWAZULU-NATAL

ISITHASISELO D

UMVIKELI WABATHENGI WAKWAZULU-NATALI Ifomu: (isigaba 30 soMthetho) Amasamanisi okuvela phambi koMvikeli wabaThengi noma phambi komuntu ogunyazwe iHhovisi loMvikeli wabaThengi
<p>Iqondiswe ku: (amagama aphelele nesibongo somuntu)</p>
<p>Ikheli:</p>
<p>Mayelana nesikhalo somthengi esilandelayo: <i>(Hlinzeka imininingwane eyanele mayelana nesikhalo somthengi ukuze umuntu owamukela amasamanisi ezokwazi ukuqonda isikhalo)</i></p>
<p>UYAZISWA UKUTHI ngalokhu ubizelwa ukuthi uzovela phambi koMvikeli wabaThengi noma komuntu ogunyazwe iHhovisi loMvikeli wabaThengi e..... (indawo) ngo (isikhathi) mhla (usuku), ukuze —</p> <p>(a) uzophonswa imibuzo, uzofunga/uzoqinisekisa ukukhuluma iqiniso lodwa, mayelana nesikhalo esibalulwe ngenhla; futhi</p> <p>(b) uzoveza uphinde uphonswe imibuzo, ufunge noma uqinisekise ukukhuluma iqiniso lodwa, ngalokhu okulandelayo:</p> <p><i>(uzochaza ngezincwadi, ngemibhalo noma ngezimpahla).</i></p>

UYAZISWA UKUTHI —

- (a) ungakwazi ukusizwa ngumuntu omkhethile ngesikhathi uphekwa ngemibuzo;
- (b) unelungelo lokuthi ukhokhelwe imali eyabelwe ukukhokhela ofakazi ngokomthetho, njengezimali ezikhokhelwa ofakazi, imali elingana nemali okumele uyithole njengofakazi uma ubizelwe ukuthi uvele ecaleni lezobugebengu eNkantolo ePhakeme endaweni ebalulwe kumasamanisi;
- (c) uyothweswa icala, uma ubiziwe ngokwesigaba 30 soMthetho kodwa —
- (i) wehluleka ukuvela phambi koMvikeli wabaThengi ngesikhathi esifanele nasendaweni ebalulwe encwadini yamasamanisi, noma wehluleka ukufika ngezinsuku zonke okudingeka ukuba ufike ngazo kuze kube liyaphothulwa icala noma uze ukhululwe uMvikeli wabaThengi ekutheni uqhubeke nokuvela phambi kwakhe; noma
- (ii) wenqaba ukufunga noma ukuqinisekisa ukukhuluma iqiniso lodwa;
- (d) ngesikhathi uphonswa imibuzo ephathelene nesikhalo esifakwe umthengi esibalulwe ngenhla, kufanele uyiphendule yonke imibuzo ngeqiniso nangolwazi lonke onalo KODWA awuphoqwa ukuthi uphendule noma imuphi umbuzo uma impendulo ingakwenza ukuthi ubukeke njengomuntu onecala;
- (e) azikho izitatimende ezingakwenza ukuthi ubukeke njengomuntu onecala nanoma iziphi ezinye ezethulwe phambi koMvikeli wabaThengi noma komuntu ogunyazwe iHhovisi loMvikeli wabaThengi ngokwesigaba 30 soMthetho, eziyovunyelwa kunoma ikuphi ukuqulwa kwecala ngaphandle uma ubekwe icala lokungakhulumi iqiniso noma ubekwa icala elihlongozwe esigatshaneni 30(5) soMthetho, kuyoba ilapho leso sitatimende sisetshenziswa khona ukukhombisa icala obekwe lona.

SENZIWE FUTHI SASAYINWA E _____ NGALOLU SUKU ____ KU

_____, 20 ____ .

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PROVINCE OF KWAZULU-NATAL

ISITHASISELO E1

UMVIKELI WABATHENGI WAKWAZULU-NATALI Ifomu: (isigaba 32(2) soMthetho) Incwadi egunyaza ukusesha
<p>Iqondiswe ku: (amagama aphelele oMphenyi oMkhulu), nenombolo kamazisi: yomphenyi omkhulu oqokwe ngokoMthetho.</p> <p>1. Le ncwadi ikugunyaza ukusesha izakhiwo ezilandelayo:(ukuchazwa kwezakhiwo) mayelana nesikhalo esilandelayo esifakwe umthengi: <i>(hlinzeka imininingwane ngesikhalo somthengi)</i></p> <p>2. Ugunyaziwe ukungena kulezi zakhiwo ezingenhla — (a) ngezikhathi zokusebenza, phakathi kwehora lesi-8h00 nelesi-17h00*; NOMA (b) e (isho amahora), njengalokhu kugunyazwe ngokwesigaba 32(3)(b) soMthetho. <i>(*susa okungadingekile)</i></p> <p>3. Unegunya lokungena ezakhiweni ezibaluliwe ngenhla — (a) uhlole noma useshe izakhiwo futhi ubuze imibuzo nokubuza uma kunesidingo ukuze uthole nanoma iluphi ulwazi oluphathelele nesikhalo somthengi; (b) uhlole nanoma yini etholakale esakhiweni okungenzeka ibe usizo ophenyweni olwenziwayo futhi ungacela kumuntu olawula izakhiwo noma kumuntu ongumnikazi waleyo nto, ulwazi mayelana naleyo nto;</p>

- (c) wenze amakhophi noma uthathe noma iyiphi incwadi noma umbhalo otholakale esakhiweni okungenzeka kube usizo ophenyweni olwenziwayo, futhi ungacela kunoma imuphi umuntu okusolakala ukuthi unolwazi oludingekayo, ukuba achaze njengoba kungadingeka; noma
- (d) ushaqe noma iyiphi into esesakhiweni ewusizo noma okungenzeka ibe usizo ophenyweni olwenziwayo bese ukhipha irisidi yalokho, uma kunesidingo ungayigcina leyo nto ukuze uphinde wenze uphenyo olunzulu noma uyigcine endaweni ephephile.

4. Le mvume yokusesha isebenza —

(a) kuze kube iyasetshenziswa noma iyasulwa inkantolo efanele; noma

(b) kuze kuphele isikhathi esiyisonto kusukela osukwini ekhishwe ngalo, noma ngabe ikuphi okwenzeka kuqala.

Mina, (amagama aphelele nesibongo), esikhundleni sami njengomphenyi omkhulu, ngibucubungulile ubufakazi futhi ngiyeneliseka ukuthi kunezizathu ezizwakalayo zokuthi incwadi yokusesha ikhishwe ijaji noma imantshi.

UMPHENYI OMKHULU

Usuku:

ISIGINESHA YEJAJI/YEMANTSHI

Usuku:

Isikhathi:

ISITEMBU SASENKANTOLO


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PROVINCE OF KWAZULU-NATAL
ISITHASISELO E2
UMVIKELI WABATHENGI WAKWAZULU-NATALI
**Ifomu: (isigaba 32(1)(d) soMthetho)
 Irisidi lezimpahla ezishaqiwe**

Iqondiswe ku:

 (amagama aphelele kanye
 nenombolo kamazisi yomnikazi noma yomuntu olawula izakhiwo.

 Mina, (amagama aphelele), uMphenyi oMkhulu), ngishaqe noma
 iyiphi impahla esesakhiweni esise (ikheli
 lendawo) futhi ngizoyigcina leyo mpahla ukuze ngenze olunye uphenyo olunzulu noma ngizoyigcina
 endaweni ephephile:

1.

2.

3.

4.

5.

6.

7.

8.

9.

10.

11.

12.

13.

14.

15.

(Ungafaka amanye amakhasi uma isikhala esihlinzekiwe singenele)

ISIGINESHA YOMPHENYI OMKHULU

Usuku:

Isikhathi:

ISIGINESHA YOMUNTU OLAWULA IZAKHIWO

Usuku:

Isikhathi:


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PROVINCE OF KWAZULU-NATAL
ISITHASISELO F1

UMVIKELI WABATHENGI WAKWAZULU-NATALI Ifomu: (isigaba 33(1) soMthetho) Isaziso sokuqokwa koMxazululi/koMlamuli	
Inombolo eyinkomba	
Usuku	
IQONDISWE KU: Amagama aphelele nesibongo sommangali	
Ikheli leposi	
Inombolo yefeksi	
I-imeyli	
NAKU: Igama lomuntu okukhalazwe ngaye/lebhizinisi okukhalazwe ngalo	
Ikheli leposi	
Inombolo yefeksi	
I-imeyli	
Mnu./Nkk./Nksz	
1. UYAZISWA UKUTHI — (a) mayelana nodaba olulandelayo lwesikhalo somthengi:	

(Hlinzeka imininingwane eyanele ngesikhalo somthengi)

Mina, ngokwamandla engiwanikezwe ngokwezinhlinzeco zesigatshana somthethonqubo 9(2) sifundwa nesigaba 33(1) soMthetho, ngingquma ukuqoka umxazululi/umlamuli ozosiza izinhlangothi ezithintekayo ukusombulula isikhalo somthengi obalulwe ngenhla ngokuxoxisana ngezinhlelo zokuxazulula isikhalo somthengi;

(b) imininingwane yonke yokuxhumana yomxazululi/yomlamuli okukhulunywe ngaye endimeni 1

ngenhla ilandelana kanje; futhi

Amagama aphelele nesibongo	
Imininingwane yokuxhumana:	
Iziqu/isipiliyoni sokusebenza njengomxazululi/umlamuli maqondana nokungaboni ngaso linye noma izindaba zabathengi	
Okunye	

(c) imininingwane yomhlangano wokuqala nomxazululi/nomlamuli ime kanje:

Indawo	
Usuku	
Isikhathi	

2. UYAZISWA FUTHI UKUTHI uma ukuphikisana nokuqokwa komxazululi/komlamuli ohlongozwe kwindima 1 ngenhla, kumele ufake isiphakamiso sokuphikisana nesinqumo kuMvikeli wabaThengi ngaphambi kwezinsuku eziyisikhombisa (7) kukhishwe lesi saziso.

Ozithobayo

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PROVINCE OF KWAZULU-NATAL

ISITHASISELO F2

UMVIKELI WABATHENGI WAKWAZULU-NATALI	
Ifomu: (isigaba 33 nesigatshana somthethonqubo 9(5))	
Umbiko ngokutholwe uMxazululi/uMlamuli	
Inombolo eyinkomba	
Amagama aphelele nesibongo somuntu okhalazayo	
Inombolo kamazisi yomuntu okhalazayo	
Ikheli leposi	
Ikheli lasekhaya	
Iselula	
Inombolo yocingo	
Inombolo yefeksi	
I-imeyli	
Amagama aphelele omuntu okukhalazwa ngaye	
Inombolo kamazisi yomuntu okukhalazwa ngaye	
Ikheli leposi	
Ikheli lasekhaya	
Iselula	
Inombolo yocingo	
Inombolo yefeksi	
Umxazululi/Umlamuli	



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PROVINCE OF KWAZULU-NATAL

ISITHASISELO F3

UMVIKELI WABATHENGI WAKWAZULU-NATALI
Ifomu: (isigaba 33(2) no 37(1) soMthetho)
Isivumelwano ngesiXazululo: Uhlelo lokuxazulula isikhalo somthengi

Inkomba eyinkomba. /

Udabeni oluphakathi kuka:

UMUNTU OKHALAZAYO

KANYE NO:

UMUNTU OKUKHALAZWA NGAYE

**ISIVUMELWANO NGESIXAZULULO: UHLELO LOKUXAZULULA ISIKHALO ESIFAKWE
UMTHENGI**

UYAZISWA ukuthi udaba olubalulwe ngenhla kunqunywe ukuthi luxoxwe/ludingidwe eHhovisi loMvikeli wabaThengi mhla ku 20 e (isikhathi);

UYAZISWA FUTHI ngemininingwane yodaba olufakwe kithina noma lokungaboni ngaso linye:

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

UYAZISWA FUTHI UKUTHI —

(a) izinhlangothi ezithintekayo zivumelene ngokusombulula ukungaboni ngaso linye kanje:

.....
.....
.....
.....
.....
.....
.....; futhi

(b) izinhlangothi ezithintekayo lapha **ZIFISA/AZIFISI*** ukuqinisekisa isivumelwano sokuxoxisana esingenhla eNkantolo ePhakeme ngokwesigaba 33(2)(c) soMthetho.

(*susa okungadingekile)

SENZIWE SASAYINWA E MHLA KU

20..... .

ISIGINESHA YOMUNTU

OKHALAZAYO:

Bhala amagama aphelele nesibongo

.....

ISIGINESHA YOMUNTU

OKUKHALAZWA NGAYE

Bhala amagama aphelele nesibongo:

.....

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PROVINCE OF KWAZULU-NATAL

ISITHASISELO F4

UMVIKELI WABATHENGI WAKWAZULU-NATALI
Ifomu: (isigaba 37(2) soMthetho)
Isaziso esishicilelwe seNcwadi yoMyalelo weNkantolo - Isiqinisekiso sohlelo lokuthi isikhalo somthengi sixazululwe eNkantolo ePhakeme

Inkomba Yefayela:/.....

Odabeni oluphakathi kuka:

.....

UMUNTU OKHALAZAYO

KANYE NO:

.....

UMUNTU OKUKHALAZWA NGAYE

**UKUSHICILELWA KWESIXAZULULO IZINHLANGOTHI EZITHINTEKAYO
EZIVUMELENE NGASO NGOKWESIGABA 33(1) SOMTHETHO SAQINISEKISWA
INKANTOLO EPHAKEME NGOKWESIGABA 37(1) SOMTHETHO**

UYAZISWA UKUTHI —

(a) izinhlangothi ezithintekayo zivumelene ukuxazulula isikhalo somthengi ngale ndlela elandelayo:

.....
.....
.....
.....; futhi

(b) iNkantolo ePhakeme, ngokwesigaba 37(2) soMthetho —

	isiqinisekisile isixazululo
	isiqinisekisile isixazululo ngezinguquko ezidingekayo
	ibeke eceleni isixazululo

(faka uphawu u-X kulokhu okukhethile)

Uyacelwa ufunde uMyalelo weNkantolo ePhakeme ofakwe ngezansi **njengesithasiselo A.**

SENZIWE SASAYINWA E **MHLA** **KU**
20.....

UMVIKELI WABATHENGI


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PROVINCE OF KWAZULU-NATAL
ISITHASISELO G

UMVIKELI WABATHENGI WAKWAZULU-NATALI	
Ifomu: (isigaba 34(8) soMthetho)	
Ukuqinisekisa ukukhuluma iqiniso lodwa ngesikhalo kanye nokuzihlangula ecaleni	
Inombolo	
Eyinkomba	
<p>Mina, obhalwe lapha (igama nesibongo somuntu okhalazayo), mayelana nesikhalo somthengi esilandelayo:</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p><i>(Hlinzeka imininingwane eyanele mayelana nesikhalo somthengi ukuze umuntu owamukela amasamanisi akwazi ukuqonda isikhalo)</i></p> <p>ngalokhu —</p> <p>(a) ngiyaqinisekisa ukuthi isikhalo esibhalwe ngenhla siyiqiniso lodwa; futhi</p> <p>(b) ngiyaqinisekisa ngokuthi ecaleni ngokuthi iHhovisi loMvikeli wabaThengi alinakho ukwenzelela mayelana nanoma iziphi izindleko noma imiphumela engaqhamuka ngenxa yanoma iluphi ulwazi olungelona iqiniso noma ubufakazi obethulwe yimina ngesikhathi —</p> <p>(i) sokufakwa nokuphenywa kwesikhalo esibalulwe ngenhla; kanye</p> <p>(ii) nangesikhathi sokushushiswa kwesikhalo esingenhla ngaphambi kwesiGungu sabaThengi noma kweNkantolo ePhakeme.</p>	
SENZIWE SASAYINWA E MHLA KU 20.....	
1. _____	2. _____

UFAKAZI

UFAKAZI

UMUNTU OKHALAZAYO



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PROVINCE OF KWAZULU-NATAL

ISITHASISELO H

UMVIKELI WABATHENGI WAKWAZULU-NATALI
Ifomu: (isigaba 21(1)(c) soMthetho) Isaziso sokuqokwa koMshushisi

INOMBOLO YECALA:/.....

Odabeni oluphakathi kuka:

UMVIKELI WABATHENGI WAKWAZULU-NATALI — Ummangali Wokuqala

..... — Ummangali Wesibili

(Igama loMthengi)

KANYE NO

..... — Ummangalelwa

ISAZISO SOKUQOKWA KOMSHUSHISI (ISIGABA 21(1) SOMTHETHO)

IQONDISWE:
KUNOBHALA WOMVIKELI WABATHENGI
IKHELI:

.....
.....

UYAZISWA ukuthi isiGungu sabaThengi sinqume ukudingida udaba olungenhla mhla
ku 20..... e

UYAZISWA FUTHI ngale mininingwane elandelayo yomshushisi oqokwe ngokwesigaba
21(1) soMthetho:

(a) isibongo nama-inishali:

.....
.....

(b) iminingwane yokuxhumana:

.....

SENZIWE SASAYINWA E MHLA KU

20.....

UMVIKELI WABATHENGI

**NAKU:
UMMANGALI WESIBILI
IKHELI:**

.....
.....

**NAKU:
UMMANGALELWA
IKHELI:**

.....
.....


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PROVINCE OF KWAZULU-NATAL
ISITHASISELO I1

UMVIKELI WABATHENGI WAKWAZULU-NATALI	
Ifomu: (isigaba 35(1) no (2) soMthetho)	
Isaziso: Isinqumo sokungasiqhubeli phambili isikhalo/sokungaludluliseli phambili udaba komunye umuntu oGunyaziwe*	
Inombolo eyinkomba	
Usuku	
IQONDISWE KU: Amagama aphelele nesibongo somuntu okhalazayo	
Ikheli leposi	
Inombolo yefeksi	
I-imeyli	
NAKU: Igama lomuntu okukhalazwa ngaye/lebhizinisi okukhalazwa ngalo	
Ikheli leposi	
Inombolo yefeksi	
I-imeyli	

Mnu./Nkk./Nksz.

Umuntu okhalazayo:

1. Ngiyaxolisa ukuwazisa ukuthi iHhovisi loMvikeli wabaThengi, mayelana nesikhalo esibalulwe ngenhla linqume —

(a) ukungadluliseli isikhalo/udaba esiGungwini sabaThengi noma eNkantolo ePhakeme; noma

(b) ukungaludluliseli udaba komunye umuntu ogunyaziwe.

2. Isizathu sale sinqumo yilesi/izizathu zalesi nqumo yilezi*:

.....

UYAZISWA UKUTHI uma ungenelisekile ngesinqumo esithathiwe sokungadluliselwa kwesikhalo sakho ungafaka isikhalo —

(a) ezinsukwini eziyishumi nane (14) kukhishwe isinqumo; noma

(b) ugcwalise isiThasiselo 12 seSaziso sokuBuyekeza kweziKhalo ezifakwe abaThengi, ufake isicelo kwiThimba lokuBuyekeza iziKhalo zabaThengi, elihlongozwe esigabeni 35(3) soMthetho, ukuba sibuyekeze isinqumo.

(*Susa okungadingekile)

SENZIWE SASAYINWA E MHLA KU 20.....

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PROVINCE OF KWAZULU-NATAL
ISITHASISELO 12

UMVIKELI WABATHENGI WAKWAZULU-NATALI	
Ifomu: (isigaba 35(3) soMthetho) Isaziso sokuBuyekeza isiKhalo: Ukubuyekwezwa kwesinqumo soMvikeli wabaThengi sokungadluliseli isikhalo somthengi esiGungwini sabaThengi	
Odabeni oluphakathi kuka: 	Inkomba yefayela:/..... UMUNTU OKHALAZAYO
KANYE NO: 	UMUNTU OKUKHALAZWA NGAYE
ISAZISO SOKUBUYEKEZA ISIKHALO	
SIQONDISWE: KUMVIKELI WABATHENGI	
UYAZISWA UKUTHI —	
(a) nginesikhalo ngesinqumo esithathwe uMvikeli wabaThengi mhla 20....., sokungadluliseli isikhalo sami esiGungwini sabaThengi ikhophi yesikhalo ifakwe lapha njengesithasiselo A. Angigculisekile ngesinqumo ngenxa yalezi zizathu ezilandelayo <i>(ungafaka amanye amakhasi uma isikhala esihlinzekiwe singenele)</i>	

.....

; futhi
 (b) ngicela ukuthi isinqumo esingenhla sidluliselwe kwiThimba lokuBuyekeza iziKhalo zabaThengi, elihlongozwe esigabeni 35 soMthetho, ukuze siphinde sibuyekwezwe.

SENZIWE SASAYINWA E MHLA
KU, 20.....

UMTHENGI


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PROVINCE OF KWAZULU-NATAL
ISITHASISELO I3

UMVIKELI WABATHENGI WAKWAZULU-NATALI
Ifomu: (isigaba 35 soMthetho) Isinqumo sokuBuyekezwa kwesiNqumo

Odabeni oluphakathi kuka:	INOMBOLO YECALA
.....	— UMUNTU OKHALAZAYO
KANYE NO	
.....	— UMUNTU OKUKHALAZWA NGAYE

UKUBUYEKEZWA KWESINQUMO (isigaba 35 soMthetho)

UYAZISWA ukuthi udaba olungenhla lwabuyekezwa iThimba lokuBuyekeza iziKhalo zabaThengi ngokwesigaba 35 soMthetho woMvikeli wabaThengi waKwaZulu-Natali, 2013 (uMthetho No. 4 ka 2013) e.....(indawo) mhlalwa ku, 20.....;

UYAZISWA FUTHI ukuthi kwakhishwa lo Myalelo:

.....

SENZIWE SASAYINWA E **MHLA** **KU**, 20.....

**USIHLALO WETHIMBA LOKUBUYEKEZA
IZIKHALO ZABATHENGI**



ISITHASISELO J1

UMVIKELI WABATHENGI WAKWAZULU-NATALI
Ifomu: (izigaba 21(1) no 34(1) zoMthetho)
Amasamanisi akubizela ukuthi uzovela phambi koMvikeli wabaThengi

INOMBOLO YECALA:/.....

Odabeni oluphakathi kuka:

UMVIKELI WABATHENGI WAKWAZULU-NATALI — **Ummangali Wokuqala**
 — **Ummangali Wesibili**
 (Igama loMthengi)

KANYE NO:

..... — **Ummangalelwa**

AMASAMANISI

IQONDISWE KU: (UMMANGALELWA)

IKHELI LIKAMMANGALELWA:

.....

1. UYAZISWA UKUTHI udaba olumayelana nesikhalo somthengi esilandelayo:

.....

(Hlinzeka imininingwane eyanele mayelana nesikhalo somthengi ukuze umuntu owamukela amasamanisi akwazi ukuqonda isikhalo. Ungafaka amanye amakhasi uma isikhala esihlinzekiwe singenele)

ngalokhu uyamangalelwa njengomuntu olawula ibhizinisi eliyimbangela yesikhalo; futhi

2. UYAZISWA UKUTHI —

(a) isikhalo esifakwe maqondana nawe siyoqala ngaphambi kwesiGungu sabaThengi e.....(indawo) ngo (isikhathi) mhlaku 20.....; futhi

(b) uzokhishelwa incwadi yomyalelo ngaphansi kwale mibandela elandelayo:

- (i)
- (ii)
- (iii)
- (iv)
- (v)

(Ungafaka amanye amakhasi uma isikhala esihlinzekiwe singenele)

3. UKUTHI okuyodingidwa esiGungwini sabaThengi kuyoshushiswa iHhovisi loMvikeli wabaThengi, elingamelwa umshushisi oqokwe ngokwesigaba 21(1)(c) soMthetho;

4. UKUTHI unelungelo lokuvela ngalolu suku olubaluliwe ukuba uzoba yingxenywe yokudingidwa kwesikhalo somthengi futhi ungafika nommeli wakho, ummeli wasemajajini nanoma imuphi omunye umuntu;

5. UKUTHI uma ufuna ukuzimela, kumele ugqwalise ifomu elikwisiThasiselo J2, bese ufaka iSaziso seNhloso yokuziMela usiqondise kunobhala wesiGungu sabaThengi zingakapheli izinsuku eziyisikhombisa (7) uthole amasamanisi; kanye

6. NOKUTHI uma uvumelana nesinqumo esithathiwe kumasamanisi, ungasebenzisa ifomu elikwisiThasiselo J3, uthumele isaziso yokwamukela isinqumo kunobhala wesiGungu sabaThengi ezinsukwini eziyisikhombisa (7) uthole amasamanisi.

SENZIWE SASAYINWA E MHLA KU
....., 20.....

UMVIKELI WABATHENGI

IQONDISWE NAKU:
UMUNTU OKHALAZAYO WESIBILI
IKHELI:

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IQONDISWE NAKU:
UMUNTU OKUKHALAZWA NGAYE
IKHELI:

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PROVINCE OF KWAZULU-NATAL

ISITHASISELO J2

ISAZISO SENHLOSO YOKUZIPHENDULELA

INOMBOLO YECALA:/.....

Odabeni oluphakathi kuka:

UMVIKELI WABATHENGI WAKWAZULU-NATALI

—

Ummangali Wokuqala

.....

—

Ummangali Wesibili

Igama loMthengi

KANYE NO:

.....

—

Ummangalelwa

ISAZISO SENHLOSO YOKUZIPHENDULELA

**SIQONDISWE:
UNOBHALA WESIGUNGU SABATHENGI
IKHELI:**

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

UYAZISWA UKUTHI ngalokhu ummangalelwa ukhipha isaziso senhloso yokuziphendulela ngezenzo zakhe.

SENZIWE SASAYINWA E MHLA KU
20.....

UMMANGALELWA

**IQONDISWE NAKU:
UMMANGALI WOKUQALA
IKHELI:**

.....
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**IQONDISWE NAKU:
UMMANGALI WESIBILI
IKHELI:**

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PROVINCE OF KWAZULU-NATAL
ISITHASISELO J3
UKWAMUKELA ISINQUMO ESITHATHIWE
INOMBOLO YECALA:/.....
Odabeni oluphakathi kuka:
UMVIKELI WABATHENGI WAKWAZULU-NATALI
—
Ummangali Wokuqala

Amagama aphelele nesibongo soMthengi
—
Ummangali Wesibili
KANYE NO:

.....

—
Ummangalelwa
UKWAMUKELA ISINQUMO ESITHATHIWE
IQONDISWE KU:
UNOBHALA WESIGUNGU SABATHENGI
IKHELI:

Ngiyavuma ukuthi nginecala Kummagalelwa Wesibili njengoba kushiwo emasamanisini futhi ngiyasamukela isinqumo esithathiwe.

SENZIWE SASAYINWA E MHLA KU
..... 20.....

UMMANGALELWA

**IQONDISWE NAKU:
UMMANGALELWA
IKHELI:**

.....
.....
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**IQONDISWE NAKU:
UMMANGALI WESIBILI
IKHELI:**

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



ISITHASISELO J4

IFOMU LOKUTHUNYELWA KWAMASAMANISI

1. Mina, (amagama aphelele nesibongo),
inombolo kamazisi, obhalwe lapha, ngalokhu ngiyaqinisekisa
ukuthi nginike ummangalelwa amasamanisi —

(a) ngokuhambisa ikhophi yamasamanisi kuyena; noma

(b) ngokuhambisa amasamanisi uqobo ku..... (igama
noma amagama nesibongo), oneminyaka engaphezulu kweyi-16 futhi oqashwe
ebhizinisini lomuntu obekwe icala, njengoba ummangalelwa engatholakalanga.

2. Isimo somthetho, nokungatholakali kanye nemiphumela yalokhu kukhishwa kwamasamanisi
uchazelwa lowo aqondiswe kuye.

Indawo:

Usuku:

Inyanga: 20

ISIGINESHA YALOWO OWAMUKELILE

ISIGINESHA YOMSEBENZI



ISITHASISELO K

<p>ISIGUNGU SABATHENGI SAKWAZULU-NATALI Ifomu: (isigaba (22(1) somthetho) Amasamanisi okuvela phambi kwesiGungu sabaThengi</p>
<p>IQONDISWE KU:</p> <p>(Amagama aphelele nesibongo somuntu)</p> <p>Ikheli:</p> <p>.....</p> <p>.....</p> <p>Maqondana nalesi sikhalo somthengi esilandelayo:</p> <p>.....</p> <p>.....</p> <p>.....</p> <p><i>(Hlinzeka imininingwane efanele mayelana nesikhalo somthengi ukuze umuntu owamukela amasamanisi akwazi ukuqonda isikhalo esifakiwe)</i></p> <p>UYAZISWA UKUTHI —</p> <p>ngalokhu ubizelwa phambi koMvikeli wabaThengi e..... (indawo) mhla (usuku) ngo..... (isikhathi), ukuze —</p> <p>(a) uzokwethula ubufakazi futhi uphekwe ngemibuzo ufungile noma uqinisekisile ukuthi uzokhuluma iqiniso, mayelana nesikhalo esibalulwe ngenhla; futhi</p> <p>(b) uzoveza uphinde uphekwe ngemibuzo ufungile noma uqinisekisile ukuthi uzokhuluma iqiniso, ngalokhu okulandelayo:</p> <p>.....</p> <p>.....</p> <p><i>(chaza ngezincwadi, ngemibhalo noma ngezimpahla).</i></p> <p>UYAZISWA FUTHI UKUTHI:</p> <p>(a) unelungelo lokuthi ukhokhelwe imali eyabelwe ukukhokhela ofakazi ngokomthetho, njengezimali ezikhokhelwa ofakazi, imali elingana nemali okumele uyithole njengofakazi</p>

uma ubizelwe ukuthi uvele ecaleni lobugebengu eNkantolo ePhakeme endaweni ebalulwe kumasamanisi;

(b) uyothweswa icala, uma ubiziwe ngokwesigaba 30 soMthetho kodwa —

(i) wehluleka ukuvela phambi kwesiGungu sabaThengi ngesikhathi esifanele nasendaweni ebalulwe kumasamanisi, noma wehluleka ukufika ngezinsuku zonke odingeka ngazo kuze kube icala liyaphothulwa noma uze ukhululwe isiGungu sabaThengi ekutheni uqhubeke nokuvela ngaphambi kwaso;

(ii) wenqaba ukufunga noma ukuqinisekisa ukukhuluma iqiniso;

(iii) wenqaba ukuphendula, noma ungaphenduli ngokugcwele nangendlela egculisayo

ngolwazi onalo ngalokhu okholelwa ukuthi kuyikho, uma uphonswa noma imiphi imibuzo okubonakala kufanelekile ukuba ubuzwe yona;

(iv) wehluleka ukuveza noma iziphi izincwadi, imibhalo noma izimpahla ezikuwe noma

ozigcinile noma ezilawulwa nguwe, okudingeka ukuba uziveze; noma

(v) wakhuluma amanga phambi kwesiGungu sabaThengi ube wazi kahle

kamhlophe ukuthi ukhuluma amanga noma okwaziyo noma okholwelwa ukuthi kuyiqiniso; futhi

(c) awunalo ilungelo lokwenqaba ukuphendula noma imuphi umbuzo ophonswa wona noma

lokwenqaba ukuveza incwadi, umbhalo noma impahla ngoba ubona ukuthi kuzovela ukuthi unecala: Kuncike ekutheni uma kungukuthi leyo ncwadi, umbhalo noma impahla iveza ukuthi wenze icala, lobo bufakazi angeke busetshenziswe ekuqulweni, ngaphandle uma ubekwa icala elihlongozwe —

(i) ezigatshaneni (b)(iii) kuya ku (v) ngenhla, zifundwa nesigatshana 22(3)(c) kuya ku (e) zoMthetho; noma

(ii) esigabeni 319(3) soMthetho wokuQulwa kwamaCala obuGebengu, 1955 (uMthetho No. 56 ka 1955).

SENZIWE SASAYINWA E MHLA

KU 20.....

UNOBHALA WESIGUNGU SABATHENGI


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PROVINCE OF KWAZULU-NATAL
ISITHASISELO L

ISIGUNGU SABATHENGI SAKWAZULU-NATALI Ifomu: (isigatshana somthethonqubo 15(2)) Isaziso Sokunqunywa Kosuku Nendawo Okuzodingidwa kuyo Udaba

INOMBOLO YECALA/.....

Odabeni oluphakathi kuka:

UMVIKELI WABATHENGI WAKWAZULU-NATALI — Ummangali Wokuqala

 — **Ummangali Wesibili**
Igama loMthengi
KANYE NO:

 — **Ummangalelwa**

ISAZISO SOKUNQUNYWA KOSUKU NENDAWO OKUZODINGIDWA KUYO UDABA

UYAZISWA ukuthi udaba olungenhla kuhlelwe ukuthi ludingidwe esiGungwini sabaThengi
 mhlaku 20..... e

SENZIWE SASAYINWA E MHLA KU
20.....

UNOBHALA WESIGUNGU SABATHENGI



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PROVINCE OF KWAZULU-NATAL

ISITHASISELO M

UMVIKELI WABATHENGI WAKWAZULU-NATALI	
Izifungo nokuqinisekisa ukukhuluma iqiniso lodwa	
UFAKAZI	<p>Mina, amagama aphelele nesibongo) ngiyafunga/ngiyaqinisekisa ukuthi ngizokhuluma iqiniso lodwa elisuka ekujuleni kukanembeza wami, ngiyaqinisekisa ukuthi ngizokhuluma iqiniso lodwa.*</p> <p style="text-align: center;">_____</p> <p>ISIGINESHA USUKU</p>
UFAKAZI OWUNGOTI	<p>Mina, (amagama aphelele nesibongo) ngiyafunga/ngiyaqinisa ukuthi ngizokhuluma iqiniso lodwa elisuka ekujuleni kukanembeza wami nengikholelwa ukuthi ikona okufanele nokuyiqiniso, inkosi ingisize/ngiyaqinisekisa ukuthi ngizokhuluma iqiniso lodwa.*</p> <p style="text-align: center;">_____</p> <p>ISIGINESHA USUKU</p>
UMHUMUSHI	<p>Mina, (amagama aphelele nesibongo) ngiyafunga/ngiyaqinisa ukuthi ngizokhuluma iqiniso lodwa elisuka ekujuleni kukanembeza wami ukuthi uma ngibezelwe ukuba ngizohumusha kunoma yiliphi icala eliqulwa ngaphambi kwesiGungu sabaThengu, ngizohumusha okuyikho ngendlela efanele okususelwa olimini olukhulunywa yilowo ophonsa imibuzo kuyiswa olimini likafakazi noma kanjalo nokushiwo ummangalelwa, inkosi</p>

	ingisize/ngiyaqinisekisa ukuthi ngizokhuluma iqiniso lodwa.* _____ ISIGINESHA _____ USUKU
--	--

(*susa okungadingekile)



ISITHASISELO N

<p>UMVIKELI WOMPHEKATHI WAKWAZULU-NATALI Ifomu: (isigaba 22(5) soMthetho) Ifomu lesicelo sokukhokhelwa Imali Yofakazi</p>
<p>INOMBOLO EYINKOMBA:</p> <p>INOMBOLO YEFAYELA:</p>

A. IMININGWANE YALOWO OFAKE ISICELO SOKUKHOKHELWA

<p>ISIBONGO:</p> <p>AMAGAMA APHELELE NESIBONGO:</p> <p>INOMBOLO KAMAZISI:</p> <p>IKHELI LASEKHAYA:</p> <p>IKHELI LEPOSI:</p> <p>INOMBOLO YOCINGO/YESELULA:</p> <p>INOMBOLO YEFEKSI:</p>
<p>SIFAKWE NGU:</p> <p>ISIGINESHA: USUKU: 20.....</p>

OKUSETSHENZISWA IHHOVISI

SAMUKELWE NGU:
ISIGINESHA:USUKU: 20.....

SIVUNYWE NGU:
ISIKHUNDLA:
ISIGINESHA:
USUKU:
SIGUNYAZWE NGU:
ISIKHUNDLA:
IMALI EZOKHOKHWA:
USUKU OKUGUNYAZWE NGALO INKOKHELO:
USUKU LOKUKHOKHA:



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ISITHASISELO O

UMVIKELI WABATHENGI WAKWAZULU-NATALI	
Ifomu: (isigaba 10(1)(f) soMthetho)	
Ukufakwa ohlwini lwabephule umthetho	
Inombolo eyinkomba yoMvikeli wabaThengi	
Inombolo eyinkomba yesiGungu sabaThengi	
Igama inkampani ebhaliswe ngalo	
Igama elisetshenziswa inkampani	
Inombolo inkampani ebhaliswe ngayo	
Ikheli leposi	
Inombolo yefeksi	
I-imeyli	
<p>Odabeni oluphakathi kuka:</p> <p style="text-align: right;">Inkomba Yefayela/.....</p> <p>UMVIKELI WABATHENGI WAKWAZULU-NATALI — Ummangali Wokuqala</p> <p>..... — Ummangali Wesibili</p> <p>(Igama loMthengi)</p> <p>KANYE NO:</p> <p>..... — Ummangalelwa</p> <p>UYAZISWA ukuthi udaba olungenhla, isiGungu sabaThengi siyalele uMvikeli wabaThengi ukuba afake amagama abamangalelwa ababalulwe lapha ngezansi ohlwini lwabephule umthetho:*</p> <p>1.</p> <p>2.</p>	

3.
4.
5.
*(*Ungafaka amanye amakhasi uma isikhala esihlinzekiwe singenele)*

SENZIWE SASAYINWA E MHLA KU
20.....

UMVIKELI WABATHENGI



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PROVINCE OF KWAZULU-NATAL

ISITHASISELO P

ISIGUNGU SABATHENGI SAKWAZULU-NATALI	
Ifomu: (isigaba 21(4) soMthetho)	
Isicelo sokuThola amaRekhodi ukuQulwa kweCala	
Odabeni oluphakathi kuka:	INOMBOLO YECALA:/.....
UMVIKELI WABATHENGI WAKWAZULU-NATALI	— Ummangali Wokuqala/ Umfakisicelo
.....	— Ummangali Wesibili/ Umfakisicelo
Igama loMthengi	Ummangalelwa/Umuntu okukhalazwa ngaye
KANYE NO:	
.....	— Ummangalelwa/Umuntu okukhalazwa ngaye
ISICELO SOKUTHOLA AMAREKHODI OKUQULWA KWECALA	
Amagama aphelele omfakisicelo	
Inombolo kamazisi womfakisicelo	
Ikheli leposi	
Ikheli lasekhaya	
Inombolo yeselula	
Inombolo yocingo	
Inombolo yefeksi	
I-imeyli	

IQONDISWE: KUNOBHALA WESIGUNGU SABATHENGI

Mina, obalulwe ngenhla ngicela ukuba ngithole amakhophi ala marekhodi okuqhutshwa kwecala:

1.
2.
3.
4.
5.

(Chaza uhlobo lwamarekhodi noma lwengxenye yamarekhodi owacelayo.)

Ngiyazi ukuthi ukugunyazwa kwesicelo sami sokuthola amarekhodi abalulwe ngenhla kuncike ekutheni —

- (a) ukuqulwa kwecala kwavulelekile emphakathini noma cha ngokwesigaba 21(1) soMthetho; kanye
- (b) nasekukhokhelweni kwezindleko njengoba kuhlangozwe esigabeni 22 soMthetho wokuTholakala koLwazi, 2000 (uMthetho No. 2 ka 2000).

SENZIWE SASAYINWA E MHLA KU,
20.....

UMFAKISICELO



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PROVINCE OF KWAZULU-NATAL

ISITHASISELO Q1

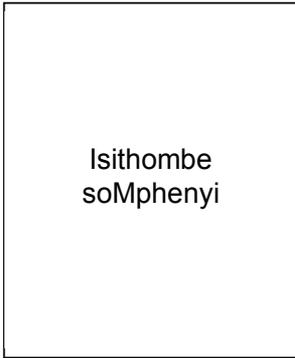
UMVIKELI WABATHENGI WAKWAZULU-NATALI

**Ifomu: (isigaba 31(1) soMthetho)
ISITIFIKETI SOMPHENYI**

Mina,, ngokwamandla engiwanikezwe,
njengoMvikeli wabaThengi ngokwesigaba 31(1) soMthetho), ngalokhu ngiqoka futhi ngibeka —

IGAMA LOMPHENYI

njengomphenyi ngokoMthetho wokuVikela abaThengi waKwaZulu-Natali, 2013 (uMthetho No. 4 ka 2013).



SENZIWE SASAYINWA E MHLA KU
20.....

UMVIKELI WABATHENGI


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PROVINCE OF KWAZULU-NATAL
ISITHASISELO Q2
UMVIKELI WABATHENGI WAKWAZULU-NATALI
**Ifomu: (isigaba 31(7) soMthetho)
 ISITIFIKETI SOMPHENYI OMKHULU**

Lokhu kuqinisekisa ukuthi:....., kamazisi:
 Inombolo
,
 uqokiwe futhi ubekwa njengomphenyi ngokwesigaba 31(5) soMthetho wokuVikela abathengi waKwaZulu-Natali, 2013 (uMthetho No. 4 ka 2013).

Isithombe soMphenyi
 oMkhulu

SENZIWE SASAYINWA E MHLAKU
20.....

UMVIKELI WABATHENGI



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PROVINCE OF KWAZULU-NATAL

ISITHASISELO R

UMVIKELI WABATHENGI WAKWAZULU-NATALI	
ISaziso sokuHambisana noMthetho ngokwesigaba 100 soMthetho wokuVikela abaThengi, 2008 (uMthetho No. 68 ka 2008)	
Amagama aphelele nesibongo somuntu noma kwebhizinisi isaziso esibhekiswe kuye noma kulona	
Ikheli	
Inombolo eyinkomba	
Usuku	
Izinhlizeko zoMthetho okungahanjisananga nazo	
<p>Imininingwane yalokhu okungahanjisananga nakho nokuthi kungakanani: <i>(*Ungafaka amanye amakhasi uma isikhala esihlinzekiwe singenele)</i></p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p>	
<p>Imininingwane yanoma iziphi izinyathelo okudingeka ukuthi zithathwe kanye nesikhathi lezi zinyathelo okumele zithathwe ngaso: <i>(*Ungafaka amanye amakhasi uma isikhala esihlinzekiwe singenele)</i></p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p>	

Izinhlawulo/ukugqunywa ejele/nokukhokha izinhlawulo zokwenziwa komsebenzi ezingafuneka ngokoMthetho wokuVikela abaThengi, 2008 (uMthetho No. 68 ka 2008), uma lezo zinyathelo zingathathwanga: Izigaba 107 kuya ku113 zoMthetho wokuVikela abaThengi, 2008 (uMthetho No. 68 ka 2008)

.....

IMIBUZO INGAQONDISWA KU:

Amagama aphelele nesibongo

Imininingwane yokuxhumana

Izikhathi zokusebenza

Ikheli lapho izimvo eziphikisana
 nalesi saziso zingathunyelwa
 khona ngendlela enqunyiwe

OKUSETSHENZISWA IHHOVISI KUPHELA

Imininingwane yependulo

Izincomo

Usuku

Isayinwe

IMPORTANT

Information

from Government Printing Works

Dear Valued Customers,

Government Printing Works has implemented rules for completing and submitting the electronic Adobe Forms when you, the customer, submits your notice request.

Please take note of these guidelines when completing your form.

GPW Business Rules

1. No hand written notices will be accepted for processing, this includes Adobe forms which have been completed by hand.
2. Notices can only be submitted in Adobe electronic form format to the email submission address submit.egazette@gpw.gov.za. This means that any notice submissions not on an Adobe electronic form that are submitted to this mailbox will be **rejected**. National or Provincial gazette notices, where the Z95 or Z95Prov must be an Adobe form but the notice content (body) will be an attachment.
3. Notices brought into GPW by "walk-in" customers on electronic media can only be submitted in Adobe electronic form format. This means that any notice submissions not on an Adobe electronic form that are submitted by the customer on electronic media will be **rejected**. National or Provincial gazette notices, where the Z95 or Z95Prov must be an Adobe form but the notice content (body) will be an attachment.
4. All customers who walk in to GPW that wish to submit a notice that is not on an electronic Adobe form will be routed to the Contact Centre where the customer will be taken through the completion of the form by a GPW representative. Where a customer walks into GPW with a stack of hard copy notices delivered by a messenger on behalf of a newspaper the messenger must be referred back to the sender as the submission does not adhere to the submission rules.
5. All notice submissions that do not comply with point 2 will be charged full price for the notice submission.
6. The current cut-off of all Gazette's remains unchanged for all channels. (Refer to the GPW website for submission deadlines – www.gpwonline.co.za)
7. Incorrectly completed forms and notices submitted in the wrong format will be rejected to the customer to be corrected and resubmitted. Assistance will be available through the Contact Centre should help be required when completing the forms. (012-748 6200 or email info.egazette@gpw.gov.za)
8. All re-submissions by customers will be subject to the above cut-off times.
9. All submissions and re-submissions that miss the cut-off will be rejected to the customer to be submitted with a new publication date.
10. Information on forms will be taken as the primary source of the notice to be published. Any instructions that are on the email body or covering letter that contradicts the notice form content will be ignored.

You are therefore advised that effective from **Monday, 18 May 2015** should you not comply with our new rules of engagement, all notice requests will be rejected by our new system.

Furthermore, the fax number **012- 748 6030** will also be **discontinued** from this date and customers will only be able to submit notice requests through the email address submit.egazette@gpw.gov.za.



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