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GOEWERMENSKENNISGEWING

DEPARTEMENT VAN JUSTISIE

No. R. 2330

1 Desember 1993

WET OP DIE VOORKOMING VAN GESINSGEWELD, 1993

REGULASIES

Die Minister van Justisie het kragtens artikel 7 van die Wet op die Voorkoming van Gesinsgeweld, 1993 (Wet No. 133 van 1993), die regulasies in die Bylae uitgevaardig.

BYLAE

INHOUDSOPGAWE

<i>Regulasie No.</i>	<i>Beskrywing</i>
1.	Woordskrywing.
2.	Aansoek om interdik.
3.	Bestelling van interdik deur griffier van die Hooggeregshof of klerk van die hof.
4.	Bestelling van interdik deur balju.
5.	Wysiging of tersydestelling van interdik.
6.	Beëdigde verklaring vir uitvoering van lasbrief.
7.	Titel en inwerkingtreding.

AANHANGSEL

Vorm No.

1. Aansoek om interdik.
2. Interdik.
3. Lasbrief.
4. Relas van bestelling.
5. Aansoek om wysiging/tersydestelling van interdik.
6. Wysiging/tersydestelling van interdik.
7. Beëdigde verklaring by verbreking van voorwaarde van bevel.

GOVERNMENT NOTICE

DEPARTMENT OF JUSTICE

No. R. 2330

1 December 1993

PREVENTION OF FAMILY VIOLENCE ACT, 1993

REGULATIONS

The Minister of Justice has, under section 7 of the Prevention of Family Violence Act, 1993 (Act No. 133 of 1993), made the regulations in the Schedule.

SCHEDULE

TABLE OF CONTENTS

<i>Regulation No.</i>	<i>Description</i>
1.	Definitions.
2.	Application for interdict.
3.	Service of interdict by registrar of the Supreme Court or clerk of the court.
4.	Service of interdict by sheriff.
5.	Amendment or setting aside of interdict.
6.	Affidavit for execution of warrant of arrest.
7.	Title and commencement.

ANNEXURE

Form No.

1. Application for interdict.
2. Interdict.
3. Warrant of arrest.
4. Return of service.
5. Application for amendment/setting aside of interdict.
6. Amendment/setting aside of interdict.
7. Affidavit when condition of order is breached.

Woordomskrywing

1. In hierdie regulasies het 'n woord of uitdrukking waaraan 'n betekenis in die Wet geheg word, die betekenis aldus daaraan geheg en, tensy uit die samehang anders blyk, beteken—

“**balju**” ’n balju kragtens artikel 2 (1) van die Wet op Balju's, 1986 (Wet No. 90 van 1986), aangestel en ook 'n waarnemende balju kragtens artikel 5 (1) van genoemde Wet aangestel;

“**die Wet**” die Wet op die Voorkoming van Gesinsgeweld, 1993 (Wet No. 133 van 1993);

“**interdik**” ’n interdik bedoel in artikel 2 (1) van die Wet; en

“**lasbrief**” ’n lasbrief bedoel in artikel 2 (2) van die Wet.

Aansoek om interdik

2. (1) 'n Aansoek om 'n interdik bedoel in artikel 2 (1) van die Wet word gedoen op 'n vorm wat wesenlik ooreenstem met Vorm 1 van die Aanhangsel, en geskied by wyse van 'n beëdigde verklaring waarin die feite waarop die aansoek berus en die aard van die bevel waarom aansoek gedoen word, vermeld word.

(2) Die aansoek kan vergesel gaan van stawende beëdigde verklarings van persone wat kennis van die aangeleentheid het.

(3) Die aansoek en beëdigde verklarings word by die griffier van die Hooggeregshof of die klerk van die hof ingedien, wat die aansoek en beëdigde verklarings tesame met vorms wat wesenlik met Vorms 2 en 3 van die Aanhangsel ooreenstem, onverwyld aan 'n regter of 'n landdros in kamers, na gelang van die geval, voorlê.

Bestelling van interdik deur griffier van die Hooggeregshof of klerk van die hof

3. (1) Die interdik kan, indien die respondent by die hof teenwoordig is, deur die griffier van die Hooggeregshof of die klerk van die hof bestel word deur een afskrif daarvan aan die respondent te oorhandig of vir oorhandiging aan te bied en 'n aantekening te dien effekte op die oorspronklike interdik aan te bring.

(2) Die griffier van die Hooggeregshof of die klerk van die hof oorhandig of stuur per geregisteerde pos 'n gewaarmerkte afskrif van die interdik en die oorspronklike lasbrief aan die applikant na bestelling van die interdik.

Bestelling van interdik deur balju

4. (1) Indien die interdik nie bestel is soos beoog in regulasie 3 nie, word die interdik tesame met een afskrif daarvan deur die applikant of, indien 'n ander persoon ten behoeve van die applikant om die interdik aansoek gedoen het, deur sodanige persoon vir bestelling aan 'n balju oorhandig.

(2) Die interdik word deur 'n balju bestel deur 'n afskrif daarvan aan die respondent daarin vermeld, te oorhandig of vir oorhandiging aan te bied of, indien sodanige respondent nie gevind kan word nie, deur dit by sy woon-, werk- of besigheidsplek aan 'n persoon te oorhandig wat oënskynlik nie jonger as 16 jaar is nie en oënskynlik daar woonagtig of werksaam is.

Definitions

1. In these regulations any word or expression to which a meaning has been assigned in the Act shall bear that meaning and, unless the context otherwise indicates—

“**interdict**” means an interdict referred to in section 2 (1) of the Act;

“**sheriff**” means a sheriff appointed under section 2 (1) of the Sheriffs Act, 1986 (Act No. 90 of 1986), and also an acting sheriff appointed under section 5 (1) of the said Act;

“**the Act**” means the Prevention of Family Violence Act, 1993 (Act No. 133 of 1993); and

“**warrant of arrest**” means a warrant referred to in section 2 (2) of the Act.

Application for interdict

2. (1) An application referred to in section 2 (1) of the Act shall be made on a form substantially corresponding to Form 1 of the Annexure, and shall be made by way of an affidavit in which shall be stated the facts on which the application is based and the nature of the order applied for.

(2) Supporting affidavits by persons who have knowledge of the matter may accompany the application.

(3) The application and affidavits shall be lodged with the registrar of the Supreme Court or the clerk of the court who shall forthwith submit the application and affidavits, together with forms substantially corresponding to Forms 2 and 3 of the Annexure, to a judge or a magistrate in chambers, as the case may be.

Service of interdict by registrar of the Supreme Court or clerk of the court

3. (1) The interdict may, if the respondent is present at the court, be served by the registrar of the Supreme Court or the clerk of the court, by delivering or presenting for delivery a copy thereof to the respondent and endorsing the original interdict to this effect.

(2) The registrar of the Supreme Court or the clerk of the court shall, after the interdict has been served, deliver or send by registered post a certified copy of the interdict and the original warrant of arrest to the applicant.

Service of interdict by sheriff

4. (1) If the interdict is not served as contemplated in regulation 3, the interdict, together with one copy thereof, shall be delivered by the applicant or if any other person applied for the interdict on behalf of the applicant by such person to a sheriff for service.

(2) The interdict shall be served by a sheriff by delivering or presenting for delivery a copy thereof to the respondent named therein or, if such respondent cannot be found, by delivering it at his place of residence, work or business, to some person apparently not less than 16 years of age and apparently residing or working there.

(3) Indien die respondent in die interdik genoem, sy woon-, werk- of besigheidsplek gesluit hou, word dit voldoende bestelling geag indien 'n afskrif daarvan aan die buite- of hoofdeur van sodanige woon-, werk- of besigheidsplek aangebring word.

(4) Die balju moet, op versoek van die persoon aan wie die interdik bestel word, die oorspronklike interdik aan hom toon.

(5) Die balju moet op 'n vorm wat wesenlik met Vorm 4 van die Aanhangsel ooreenstem, die wyse waarop die afskrif van die interdik bestel is, aanteken en die vorm aan die oorspronklike interdik heg en aan die griffier van die Hooggeregshof of die klerk van die hof terugbesorg.

(6) Die griffier van die Hooggeregshof of die klerk van die hof stel die applikant en, indien 'n ander persoon ten behoeve van die applikant om die interdik aansoek gedoen het, sodanige persoon onverwyld in kennis dat die stukke bestel is.

(7) Die griffier van die Hooggeregshof of die klerk van die hof oorhandig of stuur per geregistreerde pos 'n gewaarmerkte afskrif van die interdik en die oorspronklike lasbrief aan die applikant na bestelling van die interdik.

Wysiging of tersydestelling van interdik

5. (1) 'n Aansoek om wysiging of tersydestelling van 'n interdik bedoel in artikel 2 (2) (c) van die Wet geskied by wyse van 'n beëdigde verklaring waarin die feite waarop die aansoek om wysiging of tersydestelling van die interdik berus, vermeld word en word gedoen op 'n vorm wat wesenlik ooreenstem met Vorm 5 van die Aanhangsel.

(2) Die aansoek kan vergesel gaan van stawende beëdigde verklarings van persone wat kennis van die aangeleentheid het.

(3) Die aansoek en beëdigde verklarings word by die griffier van die Hooggeregshof of die klerk van die hof ingedien, wat onverwyld 'n datum vir die oorweging van die aansoek bepaal en daardie datum op die oorspronklike aansoek aanbring.

(4) 'n Afskrif van die aansoek om die wysiging of tersydestelling van die interdik word ooreenkomstig die bepalinge van regulasie 3 of 4 aan die applikant ten gunste van wie die interdik toegestaan is, bestel.

(5) Die applikant ten gunste van wie die interdik toegestaan is, kan na ontvangs van die aansoek om die wysiging of tersydestelling van die interdik maar voor die datum waarop die aansoek oorweeg word, 'n beëdigde verklaring by die griffier van die Hooggeregshof of die klerk van die hof indien waarin redes aangevoer word waarom die interdik nie gewysig of tersyde gestel moet word nie.

(6) Op die datum waarop die aansoek oorweeg word, lê die griffier van die Hooggeregshof of die klerk van die hof die aansoek om die interdik, die interdik, die aansoek om wysiging of tersydestelling van die interdik, beëdigde verklarings, relase van bestelling en 'n vorm wat wesenlik met Vorm 6 van die Aanhangsel ooreenstem, aan 'n regter of 'n landdros, na gelang van die geval, voor.

(3) If the respondent named in the interdict keeps his place of residence, work or business closed, it shall be sufficient service to affix a copy thereof to the outer or principal door of such place of residence, work or business.

(4) The sheriff shall, on demand by the person upon whom the interdict is served, exhibit to him the original interdict.

(5) The sheriff shall, on a form substantially corresponding to Form 4 of the Annexure, endorse the manner in which the copy of the interdict was served, and attach such form to the original interdict and return it to the registrar of the Supreme Court or the clerk of the court.

(6) The registrar of the Supreme Court or the clerk of the court shall forthwith notify the applicant and, if any other person applied for the interdict on behalf of the applicant, such person of the service thereof.

(7) The registrar of the Supreme Court or the clerk of the court shall, after the interdict has been served, deliver or send by registered post a certified copy of the interdict and the original warrant of arrest to the applicant.

Amendment or setting aside of interdict

5. (1) An application for the amendment or setting aside of an interdict referred to in section 2 (2) (c) of the Act shall be made by way of an affidavit in which shall be stated the facts on which the application for the amendment or setting aside of the interdict is based, and shall be made on a form substantially corresponding to Form 5 of the Annexure.

(2) Supporting affidavits by persons who have knowledge of the matter may accompany the application.

(3) The application and affidavits shall be lodged with the registrar of the Supreme Court or the clerk of the court, who shall forthwith determine a date for the consideration of the application and who shall endorse that date on the original application.

(4) A copy of the application for the amendment or setting aside of the interdict shall, in accordance with the provisions of regulation 3 or 4, be served on the applicant in whose favour the interdict was granted.

(5) The applicant in whose favour the interdict was granted may, after receiving the application for the amendment or the setting aside of the interdict, but before the date on which the application is to be considered, lodge an affidavit with the registrar of the Supreme Court or the clerk of the court, in which shall be stated the reasons why the interdict should not be amended or set aside.

(6) On the date on which the application is to be considered the registrar of the Supreme Court or the clerk of the court shall submit the application for the interdict, the interdict, the application for the amendment or setting aside of the interdict, affidavits, returns of service and a form substantially corresponding to Form 6 of the Annexure, to a judge or a magistrate, as the case may be.

(7) Die griffier van die Hooggeregshof of die klerk van die hof moet die applikant ten gunste van wie die interdik toegestaan is en die respondent teen wie die interdik toegestaan is, onverwyld van die wysiging of tersydestelling van die interdik in kennis stel deur 'n afskrif van die vorm wat wesenlik met Vorm 6 van die Aanhangsel ooreenstem, aan sodanige persone persoonlik te oorhandig of per geregistreerde pos te stuur.

Beëdigde verklaring vir uitvoering van las-brief

6. 'n Beëdigde verklaring bedoel in artikel 3 (1) van die Wet word gedoen op 'n vorm wat wesenlik ooreenstem met Vorm 7 van die Aanhangsel.

Titel en inwerkingtreding

7. Hierdie regulasies heet die **Regulasies betreffende die Voorkoming van Gesinsgeweld, 1993**, en tree op 1 Desember 1993 in werking.

(7) The registrar of the Supreme Court or the clerk of the court shall forthwith notify the applicant in whose favour the interdict was granted and the respondent against whom the interdict was granted, of the amendment or setting aside of the interdict, by personally delivering a copy of the form substantially corresponding to Form 6 of the Annexure to such persons, or by sending it by registered post.

Affidavit for execution of warrant of arrest

6. An affidavit referred to in section 3 (1) of the Act shall be made on a form substantially corresponding to Form 7 of the Annexure.

Title and commencement

7. These regulations shall be called the **Prevention of Family Violence Regulations, 1993**, and shall come into operation on 1 December 1993.

AANHANGSEL

VORM 1

AANSOEK OM INTERDIK

[Regulasie 2 (1)]

WET OP DIE VOORKOMING VAN GESINSGEWELD, 1993
(WET No. 133 VAN 1993)

1. *(a) Ek, (volle naam)
..... (ID-no.)
Woonadres
..... (Tel.no.)
Werkadres
.....
Beroep (Tel.no.)
(die applikant) doen hiermee aansoek—
- *(b) Ek, (volle naam)
..... (ID-no.)
Woonadres
..... (Tel.no.)
Werkadres
.....
Beroep (Tel.no.),
..... (meld verwantskap en/of belang),
doen hiermee ten behoeve van die applikant,
..... (volle naam)
..... (ID-no.)

Woonadres.....

 (Tel.no.....)

Werkadres.....

Beroep (Tel.no.....)
 aansoek—

om 'n interdik teen.....
 (volle naam)
 (ID-no.)

Woonadres.....

 (Tel.no.....)

Werkadres.....

Beroep (Tel.no.....)

(die respondent) aangesien die respondent op of ongeveer diedag
 van 19.... en te of nabydie volgende handeling verrig het:

.....

en versoek dat die respondent beveel word om—

*(i) nie (1)
 aan te rand of te dreig nie;

*(ii) nie (2)
 te betree nie;

*(iii) nie (3)
 wat gewoonlik in die gesinswoning woon, te verhinder om die gesinswoning te betree en daar te bly nie;

*(iv) nie voort te gaan nie met ('n) handeling(e), te wete

2. Ter staving van my aansoek is beëdigde verklarings van die volgende persone aangeheg:

.....

EED/BEVESTIGING

Ek,.....

*verklaar onder eed/bevestig opreg dat bostaande inligting na my beste wete waar, volledig en korrek is.

.....
 Handtekening van verklaarder

.....
 Datum

Ek sertifiseer dat ek, voordat ek die voorgeskrewe *eed/bevestiging afgeneem het, die volgende vrae aan die verklaarder gestel en *sy/haar antwoorde in *sy/haar teenwoordigheid neergeskryf het:

1. Is u vertrouwd met die inhoud van bostaande verklaring en begryp u dit?

Antwoord.....

2. Het u enige beswaar teen die aflê van die voorgeskrewe eed?

Antwoord.....

3. Beskou u die voorgeskrewe eed as bindend vir u gewete?

Antwoord.....

Ek sertifiseer dat die verklaarder erken dat *hy/sy vertrou is met die inhoud van die verklaring en dit begryp. Hierdie verklaring is *beëdig/bevestig voor my en verklaarder se *handtekening/duimafdruk/merk is in my teenwoordigheid daarop aangebring.

.....
Vrederegtter/Kommissaris van Ede

.....
Volle naam

.....
Amp (rang) en gebied waarvoor aangestel

SAKEADRES:

Datum.....

Plek

- (1) Volle naam van die applikant en/of kind(ers) wat by die partye of by een van hulle woon.
(2) Adres van die gesinswoning of ander plek waar die applikant woonagtig is of adres en beskrywing van die bepaalde deel van die gesinswoning of sodanige ander plek of bepaalde gebied waarbinne die gesinswoning of sodanige ander plek geleë is.
(3) Volle naam van die applikant en/of kind(ers).

* Skrap wat nie van toepassing is nie.

VORM 2

INTERDIK

[Regulasies 2 (3), 3 en 4]

WET OP DIE VOORKOMING VAN GESINSGEWELD, 1993
(WET No. 133 VAN 1993)

In die Hooggeregshof van Suid-Afrika (..... Afdeling)

In die laer hof vir die distrik.....

Aansoek No.19.....

In die saak tussen

Applikant: (ID-no.)

en

Respondent: (ID-no.)

Woonadres.....

..... (Tel.no.)

Werkadres.....

.....

Beroep..... (Tel.no.)

1. Nademaal * (die applikant)/ ten behoeve van (die applikant) aansoek gedoen het om 'n interdik teen (die respondent), wat die respondent beveel om—

- *(a) nie die applikant of 'n kind wat by die partye of by een van hulle woon, aan te rand of te dreig nie;
- *(b) nie die gesinswoning of ander plek waar die applikant woonagtig is of 'n bepaalde deel van die gesinswoning of sodanige ander plek of 'n bepaalde gebied waarbinne die gesinswoning of sodanige ander plek geleë is, te betree nie;
- *(c) nie die applikant, of 'n kind wat gewoonlik in die gesinswoning woon, te verhinder om die gesinswoning of 'n bepaalde deel van die gesinswoning te betree en daar te bly nie;
- *(d) nie enige ander handeling, te wete te verrig nie,

en na oorweging van die aansoek en die stawende beëdigde verklaring(s), word die interdik *nie toegestaan nie/toegestaan en die respondent beveel om—

- *(i) nie aan te rand of te dreig nie;
- *(ii) nie te betree nie;
- *(iii) nie wat gewoonlik in die gesinswoning woon, te verhinder om die gesinswoning of 'n bepaalde deel van die gesinswoning te betree en daar te bly nie; of
- *(iv) nie enige ander handeling, te wete te verrig nie.

2. Verder word beveel dat—

- (a) 'n lasbrief tot inhegtenisneming van die respondent, wat hierby aangeheg is, uitgereik word;
- (b) die uitvoering van die lasbrief opgeskort word onderworpe aan die volgende voorwaardes betreffende nakoming van hierdie interdik: ; en
- (c) die respondent na 24 uur kennisgewing aan die applikant en hierdie hof aansoek kan doen om wysiging of tersydestelling van hierdie interdik.

REGTER/LANDDROS

DATUM

* Skrap wat nie van toepassing is nie.

VORM 3

LASBRIEF

[Regulasies 2 (3), 3 en 4]

WET OP DIE VOORKOMING VAN GESINSGEWELD, 1993
(WET No. 133 VAN 1993)

In die Hooggeregshof van Suid-Afrika (..... Afdeling)
In die laer hof vir die distrik

Aansoek No. 19

In die saak tussen

Applikant:
en

Respondent:

Aan alle vredesbeamptes

Nademaal die aangehegte interdik teen die respondent op die dag van 19..... in hierdie hof toegestaan is, word u kragtens die bepalings van die Wet op die Voorkoming van Gesinsgeweld, 1993 (Wet No. 133 van 1993), beveel om die respondent in hegtenis te neem indien daar deur middel van 'n beëdigde verklaring gekonstateer word dat die respondent 'n voorwaarde van die bevel vervat in die interdik, verbreek het.

Gegee onder my hand te op hede die dag van 19.....

REGTER/LANDDROS

* Skrap wat nie van toepassing is nie.

VORM 4

RELAAS VAN BESTELLING

[Regulasie 4 (5)]

WET OP DIE VOORKOMING VAN GESINSGEWELD, 1993
(WET No. 133 VAN 1993)

Aansoek No. 19.....

Ek,, sertifiseer
dat ek—

*(a) 'n afskrif van die *interdik/aansoek ter wysiging of tersydestelling van die interdik aan
persoonlik oorhandig het;

of

*(b) 'n afskrif van die *interdik/aansoek ter wysiging of tersydestelling van die interdik aan
persoonlik vir oorhandiging aangebied het;

of

*(c) 'n afskrif van die *interdik/aansoek ter wysiging of tersydestelling van die interdik oorhandig het aan
....., 'n
persoon wat oënskynlik nie jonger as 16 jaar is nie en wat oënskynlik by
se *woonplek/werkplek/besigheidsplek woonagtig of werksaam is, aangesien
nie maklik gevind kon word nie;

of

*(d) 'n afskrif van die *interdik/aansoek ter wysiging of tersydestelling van die interdik aan die buite- of hoof deur van
..... se *woonplek/
werkplek/besigheidsplek gehê het, aangesien hy oorhandiging verhinder het deur sy *woonplek/werkplek/besig-
heidsplek gesluit te hou.

Tyd Dag Maand
..... 19.....

Plek
BALJU

* Skrap wat nie van toepassing is nie.

VORM 5

AANSOEK OM WYSIGING/TERSYDESTELLING VAN INTERDIK

[Regulasie 5 (1)]

WET OP DIE VOORKOMING VAN GESINSGEWELD, 1993

(WET No. 133 VAN 1993)

Aan die griffier van die Hooggeregshof van Suid-Afrika (.....)
 Afdeling/klerk van die hof vir die distrik.....

1. Ek, (volle naam)
 (ID-no.),

doen hiermee aansoek dat die interdik, Aansoek No., toegestaan op die.....
 dag van..... 19..... deur die *Hooggeregshof van Suid-Afrika (.....
 Afdeling)/laer hof vir die distrik.....
 *tersyde gestel word/gewysig word om te bepaal dat

Ter ondersteuning van my aansoek verklaar ek dat—

2. Ter staving van my aansoek is beëdigde verklarings van die volgende persone aangeheg:

EED/BEVESTIGING

Ek,
 *verklaar onder eed/bevestig opreg dat bostaande inligting na my beste wete waar, volledig en korrek is.

Handtekening van verklaarder

Datum

Ek sertifiseer dat ek, voordat ek die voorgeskrewe *eed/bevestiging afgeneem het, die volgende vrae aan die verklaarder gestel en *sy/haar antwoorde in *sy/haar teenwoordigheid neergeskryf het:

1. Is u vertrouwd met die inhoud van bostaande verklaring en begryp u dit?

Antwoord

2. Het u enige beswaar teen die aflê van die voorgeskrewe eed?

Antwoord.....

3. Beskou u die voorgeskrewe eed as bindend vir u gewete?

Antwoord.....

Ek sertifiseer dat die verklaarder erken dat *hy/sy vertrouwd is met die inhoud van die verklaring en dit begryp. Hierdie verklaring is *beëdig/bevestig voor my en verklaarder se *handtekening/duimafdruk/merk is in my teenwoordigheid daarop aangebring.

Vrederegter/Kommissaris van Ede

Volle naam

Amp (rang) en gebied waarvoor aangestel

SAKEADRES:

.....

Datum

Plek

Die aansoek sal by die (hof)
 op die dag van 19.... om (tyd)
 oorweeg word.

DATUM

GRIFFIER/KLERK VAN DIE HOF

* Skrap wat nie van toepassing is nie.

VORM 6**WYSIGING/TERSYDESTELLING VAN INTERDIK****[Regulasie 5 (7)]**

WET OP DIE VOORKOMING VAN GESINSGEWELD, 1993
 (WET No. 133 VAN 1993)

In die Hooggeregshof van Suid-Afrika (..... Afdeling)
 In die laer hof vir die distrik.....

Aansoek No.

In die saak tussen

Applikant:

en

Respondent:

Die interdik toegestaan op die dag van 19....
 is op die dag van 19....

*tersyde gestel/gewysig deur

REGTER/LANDDROS

DATUM

* Skrap wat nie van toepassing is nie.

VORM 7**BEËDIGDE VERKLARING BY VERBREKING VAN VOORWAARDE VAN BEVEL****[Regulasie 6]**

WET OP DIE VOORKOMING VAN GESINSGEWELD, 1993
 (WET No. 133 VAN 1993)

1. Ek, (volle naam)
 (ID-no.)

Woonadres
 (Tel.no.)

Werkadres

Beroep (Tel.no.),

*verklaar hiermee onder eed/bevestig hiermee opreg dat—

daar op die dag van 19.....

'n interdik teen
 (volle naam)
 (ID-no.)

Woonadres
 (Tel.no.)

Werkadres

Beroep (Tel.no.)

(respondent) verleen is in die *Hooggeregshof van Suid-Afrika (.....
 Afdeling)/laer hof vir die distrik.....

kragtens Aansoek No. van 19....., waarkragtens
 die respondent beveel is om—

*(a) nie (1)
 aan te rand of te dreig nie;

*(b) nie (2)
 te betree nie;

*(c) nie (3)
 wat gewoonlik in die gesinswoning woon, te verhinder om die gesinswoning te betree en daar te bly nie;

*(d) nie voort te gaan nie met die volgende handeling, te wete

2. Die respondent het op die dag van 19.....
 te of naby 'n voorwaarde in die
 bevel verbreek deurdat hy

 (4)

3. Die interdik is nie tersyde gestel nie.

EED/BEVESTIGING

Ek,
 *verklaar onder eed/bevestig opreg dat bostaande inligting na my beste wete waar, volledig en korrek is.

Handtekening van verklaarder

Datum

Ek sertifiseer dat ek, voordat ek die voorgeskrewe *eed/bevestiging afgeneem het, die volgende vrae aan die verklaarder
 gestel en *sy/haar antwoorde in *sy/haar teenwoordigheid neergeskryf het:

1. Is u vertrouwd met die inhoud van bostaande verklaring en begryp u dit?

Antwoord.....

2. Het u enige beswaar teen die aflê van die voorgeskrewe eed?

Antwoord.....

3. Beskou u die voorgeskrewe eed as bindend vir u gewete?

Antwoord.....

Ek sertifiseer dat die verklaarder erken dat *hy/sy vertrou is met die inhoud van die verklaring en dit begryp. Hierdie verklaring is *beëdig/bevestig voor my en verklaarder se *handtekening/duimafdruk/merk is in my teenwoordigheid daarop aangebring.

.....
Vrederegter/Kommissaris van Ede

.....
Volle naam

.....
Amp (rang) en gebied waarvoor aangestel

SAKEADRES:

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

Datum

Plek

- (1) Volle naam van die applikant en/of kind(ers) wat by die partye of by een van hulle woon.
- (2) Adres van die gesinswoning of ander plek waar die applikant woonagtig is of adres en beskrywing van die bepaalde deel van die gesinswoning of sodanige ander plek of bepaalde gebied waarbinne die gesinswoning of sodanige ander plek geleë is.
- (3) Volle naam van die applikant en/of kind(ers).
- (4) Die beëdigde verklaring moet vergesel gaan van 'n gewaarmerkte afskrif van die interdik en, indien die interdik gewysig is, van die kennisgewing van wysiging van die interdik en die oorspronklike lasbrief.

* Skrap wat nie van toepassing is nie.

ANNEXURE

FORM 1

APPLICATION FOR INTERDIKT

[Regulation 2 (1)]

PREVENTION OF FAMILY VIOLENCE ACT, 1993
(ACT No. 133 OF 1993)

1. *(a) I, (full name)
..... (ID No.)
- Residential address.....
.....
..... (Tel. No.)
- Employment address.....
.....
.....
- Occupation..... (Tel. No.)
- (the applicant) herewith apply—

*(b) I, (full name)
 (ID No.)

Residential address
 (Tel. No.)

Employment address

 Occupation (Tel. No.),
 (state relationship and/or concern),

herewith on behalf of the applicant,
 (full name)
 (ID No.)

Residential address
 (Tel. No.)

Employment address

 Occupation (Tel. No.)

apply—
 for an interdict against
 (full name)
 (ID No.)

Residential address
 (Tel. No.)

Employment address

 Occupation (Tel. No.)

(the respondent), since the respondent at or near

on or about the day of 19....

committed the following act:

and request that the respondent be ordered—

- *(i) not to assault or threaten (1);
- *(ii) not to enter (2);
- *(iii) not to prevent (3)
 who ordinarily lives in the matrimonial home from entering and remaining there;
- *(iv) not to commit (an) act(s), to wit

2. In support of my application affidavits by the following people are attached:

.....

OATH/AFFIRMATION

I,,
hereby *declare under oath/truly affirm that to the best of my knowledge and belief the above information is true, complete and correct.

.....
Signature of deponent

.....
Date

I certify that, before administering the *oath/taking the affirmation, I asked the deponent the following questions and wrote down *his/her answers in *his/her presence:

1. Do you know and understand the contents of the above declaration?

Answer

2. Do you have any objection to taking the prescribed oath?

Answer

3. Do you consider the prescribed oath to be binding on your conscience?

Answer

I certify that the deponent has acknowledged that *he/she knows and understands the contents of this declaration which was *sworn to/affirmed before me, and the deponent's *signature/thumb print/mark was placed thereon in my presence.

.....
Justice of the Peace/Commissioner of Oaths

.....
Full name

.....
Designation (rank) and area for which appointed

BUSINESS ADDRESS:

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

Date

Place

- (1) Full names of the applicant and/or child(ren) who reside with the parties or with either of them.

- (2) Address of the matrimonial home or other place where the applicant is resident or address and description of the specified part of the matrimonial home or such other place or specified area in which the matrimonial home or such other place is situated.

- (3) Full names of the applicant and/or child(ren).

* Delete whichever is not applicable.

FORM 2**INTERDICT**

[Regulations 2 (3), 3 and 4]

**PREVENTION OF FAMILY VIOLENCE ACT, 1993
(ACT No. 133 OF 1993)**

In the Supreme Court of South Africa (..... Division)

In the lower court for the district

Application No. 19

In the matter between

Applicant: (ID No.)

and

Respondent: (ID No.)

Residential address

.....

..... (Tel. No.)

Employment address

.....

.....

Occupation (Tel. No.)

1. Whereas * (the applicant)/ on behalf of (the applicant) has applied for an interdict against (the respondent), which orders the respondent—

- * (a) not to assault or threaten the applicant or a child living with the parties or with either of them;
- * (b) not to enter the matrimonial home or other place where the applicant is resident or a specified part of the matrimonial home or such other place or specified area in which the matrimonial home or such other place is situated;
- * (c) not to prevent the applicant or a child who ordinarily lives in the matrimonial home from entering and remaining in the matrimonial home or a specified part of the matrimonial home;
- * (d) not to commit any other act, to wit

and after consideration of the application and the supporting affidavit(s), the interdict is *not granted/granted and the respondent is ordered—

- * (i) not to assault or threaten
- * (ii) not to enter
- * (iii) not to prevent who ordinarily lives in the matrimonial home from entering and remaining in the matrimonial home or a specific part of the matrimonial home; or
- * (iv) not to perform any other act, to wit

2. It is further ordered that—

- (a) a warrant for the arrest of the respondent, which is attached hereto, be issued;
- (b) the execution of the warrant of arrest be suspended subject to the following conditions regarding compliance with this interdict:

.....

.....; and
- (c) the respondent may, after 24 hours' notice to the applicant and this court, apply for the amendment or setting aside of this interdict.

.....
JUDGE/MAGISTRATE

.....
DATE

FORM 3

WARRANT OF ARREST

[Regulations 2 (3), 3 and 4]

PREVENTION OF FAMILY VIOLENCE ACT, 1993
(ACT No. 133 OF 1993)

In the Supreme Court of South Africa (..... Division)

In the lower court for the district

Application No. 19.....

In the matter between

Applicant:

and

Respondent:**To all peace officers**

Whereas the attached interdict against the respondent was granted by this court on the day of 19....., you are ordered under the provisions of the Prevention of Family Violence Act, 1993 (Act No. 133 of 1993), to arrest the respondent if it is stated, by means of an affidavit, that the respondent has breached a condition of the order contained in the interdict.

Given under my hand at this day of 19.....

JUDGE/MAGISTRATE

* Delete whichever is not applicable.

FORM 4

RETURN OF SERVICE

[Regulation 4 (5)]

PREVENTION OF FAMILY VIOLENCE ACT, 1993
(ACT No. 133 OF 1993)

Application No. 19.....

I,, certify that
I have—

*(a) delivered a copy of the *interdict/application for the amendment or setting aside of the interdict to personally;

or

*(b) offered a copy of the *interdict/application for the amendment or setting aside of the interdict for delivery to personally;

or

*(c) delivered a copy of the *interdict/application for the amendment or setting aside of the interdict to a person apparently not younger than the age of 16 years and apparently residing or employed at the *residence/place of employment/place of business of since could not conveniently be found;

or

- *(d) affixed a copy of the *interdict/application for the amendment or setting aside of the interdict to the outer or principal door of the *residence/place of employment/place of business of , since he prevented the service by keeping his *residence/place of employment/place of business closed.

Time Day Month
.....19.....

Place
SHERIFF

* Delete whichever is not applicable.

FORM 5

APPLICATION FOR AMENDMENT/SETTING ASIDE OF INTERDICT

[Regulation 5 (1)]

PREVENTION OF FAMILY VIOLENCE ACT, 1993
(ACT No. 133 OF 1993)

To the registrar of the Supreme Court of South Africa (.....
Division)/clerk of the court for the District of

1. I, (full name)
..... (ID No.),

hereby apply for the interdict, Application No., granted on the
day of 19..... by the *Supreme Court of South Africa (.....
..... Division)/lower court for the District of.....
to be *set aside/amended to provide that.....

In support of my application I declare that—

2. In support of my application affidavits by the following persons are attached:

OATH/AFFIRMATION

I,
hereby *declare under oath/truly affirm that to the best of my knowledge and belief the above information is true, complete and correct.

Signature of deponent

Date

I certify that, before administering the *oath/taking the affirmation, I asked the deponent the following questions and wrote down *his/her answers in *his/her presence:

1. Do you know and understand the contents of the above declaration?

Answer

2. Do you have any objection to taking the prescribed oath?

Answer.....

3. Do you consider the prescribed oath to be binding on your conscience?

Answer.....

I certify that the deponent has acknowledged that *he/she knows and understands the contents of this declaration which was *sworn to/affirmed before me and the deponent's *signature/thumb print/mark was placed thereon in my presence.

Justice of the Peace/Commissioner of Oaths

Full name

Designation (rank) and area for which appointed

BUSINESS ADDRESS:

Date

Place

The application will be considered at the (court)
on the day of 19.... at (time)

DATE

REGISTRAR/CLERK OF THE COURT

* Delete whichever is not applicable.

FORM 6

AMENDMENT/SETTING ASIDE OF INTERDICT

[Regulation 5 (7)]

PREVENTION OF FAMILY VIOLENCE ACT, 1993
(ACT No. 133 OF 1993)

In the Supreme Court of South Africa (..... Division)
In the lower court for the district

Application No.

In the matter between

Applicant:

and

Respondent:

The interdict granted on the day of 19....,
was *set aside/amended by

on the day of 19....

JUDGE/MAGISTRATE

DATE

* Delete whichever is not applicable.

FORM 7

AFFIDAVIT WHEN CONDITION OF ORDER IS BREACHED

[Regulation 6]

PREVENTION OF FAMILY VIOLENCE ACT, 1993
(ACT No. 133 OF 1993)

1. I, (full name)
..... (ID No.)

Residential address
.....
..... (Tel. No.)

Employment address
.....
Occupation (Tel. No.),

*hereby declare under oath/solemnly affirm that—

on the day of 19..... an
interdict was granted against
..... (full name)
..... (ID No.)

Residential address
.....
..... (Tel. No.)

Employment address
.....
Occupation (Tel. No.)

(respondent) in the *Supreme Court of South Africa (.....
..... Division)/lower court for the district of
under Application No. of 19....., under which the
respondent was ordered—

- *(a) not to assault or threaten (1);
- *(b) not to enter (2);
- *(c) not to prevent (3),
who ordinarily lives in the matrimonial home, from entering the matrimonial home and remaining there;
- *(d) not to commit the following act, to wit
.....
.....

2. The respondent breached a condition in the order on or near
..... on the day of
..... 19....., in that he
.....
..... (4)

3. The interdict has not been set aside.

OATH/AFFIRMATION

I,,
hereby *declare under oath/truly affirm that to the best of my knowledge and belief the above information is true, complete and correct.

.....
Signature of deponent

.....
Date

I certify that, before administering the *oath/taking the affirmation, I asked the deponent the following questions and wrote down *his/her answers in*his/her presence:

1. Do you know and understand the contents of the above declaration?

Answer.....

2. Do you have any objection to taking the prescribed oath?

Answer.....

3. Do you consider the prescribed oath to be binding on your conscience?

Answer.....

I certify that the deponent has acknowledged that *he/she knows and understands the contents of this declaration which was *sworn to/affirmed before me, and the deponent's *signature/thumb print/mark was placed thereon in my presence.

.....
Justice of the Peace/Commissioner of Oaths

.....
Full name

.....
Designation (rank) and area for which appointed

BUSINESS ADDRESS:

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

Date

Place

(1) Full names of the applicant and/or child(ren) who reside with the parties or with either of them.

(2) Address of the matrimonial home or other place where the applicant is resident or address and description of the specified part of the matrimonial home or such other place or specified area in which the matrimonial home or such other place is situated.

(3) Full names of the applicant and/or child(ren).

(4) A certified copy of the interdict and, if the interdict has been amended, the notice of amendment of the interdict and the original warrant of arrest shall accompany the affidavit.

* Delete whichever is not applicable.

BELANGRIK!!

Plasing van tale:

Staatskoerante

1. Hiermee word bekendgemaak dat die omruil van tale in die *Staatskoerant* jaarliks geskied met die eerste uitgawe in Oktober.
2. Vir die tydperk 1 Oktober 1993 tot 30 September 1994 word Afrikaans EERSTE geplaas.
3. Hierdie reëling is in ooreenstemming met dié van die Parlement waarby koerante met Wette ens. die taalvolgorde deurgaans behou vir die duur van die sitting.
4. *Dit word dus van u, as adverteerder, verwag om u kopie met bogenoemde reëling te laat strook om onnodige omskakeling en stylredigering in ooreenstemming te bring.*

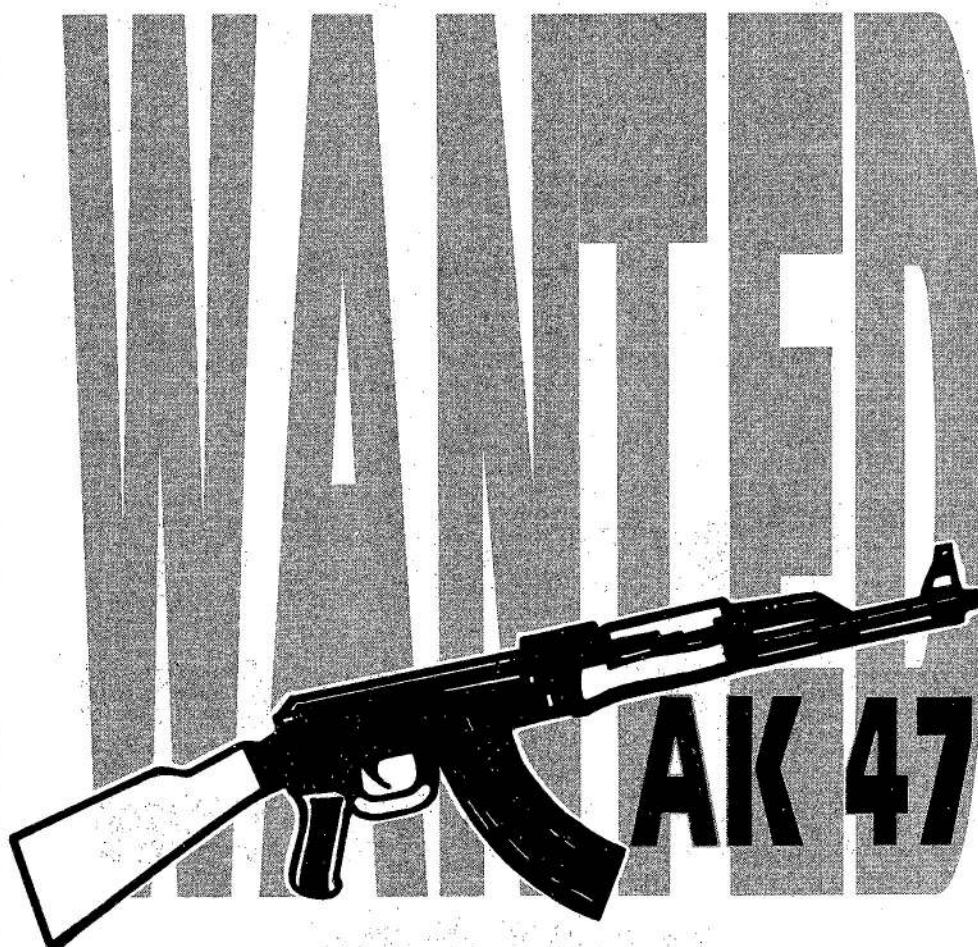
—oOo—

IMPORTANT!!

Placing of languages:

Government Gazettes

1. Notice is hereby given that the interchange of languages in the *Government Gazette* will be effected annually from the first issue in October.
2. For the period 1 October 1993 to 30 September 1994, Afrikaans is to be placed FIRST.
3. This arrangement is in conformity with Gazettes containing Act of Parliament etc. where the language sequence remains constant throughout the sitting of Parliament.
4. *It is therefore expected of you, the advertiser, to see that your copy is in accordance with the above-mentioned arrangement in order to avoid unnecessary style changes and editing to correspond with the correct style.*



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No.**GOEWERMENSKENNISGEWING**Justisie, Departement van
Goewermentskennisgewing

R. 2330 Voorkoming van gesinsgeweld: Regulasies 1 15307

CONTENTS

No.

Page
No. Gazette
No.**GOVERNMENT NOTICE**Justice, Department of
Government Notice

R. 2330 Prevention of family violence: Regulations 1 15307