

# NORTHERN CAPE PROVINCE

PROFENSI YA KAPA-BOKONE



NOORD-KAAP PROVINSIE

IPHONDO LOMNTLA KOLONI

## EXTRAORDINARY • BUITENGEWONE

Provincial Gazette  
Kasete ya Profensi

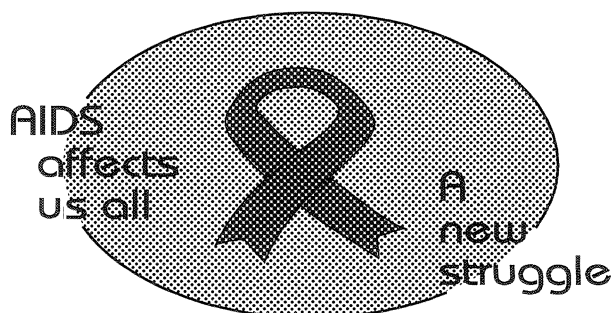
iGazethi YePhondo  
Provinsiale Koerant

Vol. 20

KIMBERLEY, 14 OCTOBER 2012  
OKTOBER

No. 1741

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



Prevention is the cure

**AIDS  
HELPLINE**

**0800 012 322**

DEPARTMENT OF HEALTH

*N.B. The Government Printing Works will not be held responsible for the quality of "Hard Copies" or "Electronic Files" submitted for publication purposes*



**IMPORTANT NOTICE**

The Government Printing Works will not be held responsible for faxed documents not received due to errors on the fax machine or faxes received which are unclear or incomplete. Please be advised that an "OK" slip, received from a fax machine, will not be accepted as proof that documents were received by the GPW for printing. If documents are faxed to the GPW it will be the sender's responsibility to phone and confirm that the documents were received in good order.

Furthermore the Government Printing Works will also not be held responsible for cancellations and amendments which have not been done on original documents received from clients.

**CONTENTS • INHOUD***No.**Page  
No.      Gazette  
            No.***GENERAL NOTICE • ALGEMENE KENNISGEWING**

114	Northern Cape Consumer Protection Act (1/2012): Northern Cape Consumer Protection Regulations.....	3	1741
114	Noord-Kaapse Verbruikersbeskermingwet (1/2012): Noord-Kaapse Verbruikersbeskermingsregulasies .....	21	1741

---

## GENERAL NOTICE ALGEMENE KENNISGEWING

---

### NOTICE 114 OF 2013

#### NORTHERN CAPE PROVINCIAL GOVERNMENT

#### DEPARTMENT OF ECONOMIC DEVELOPMENT AND TOURISM

#### NORTHERN CAPE CONSUMER PROTECTION ACT, 2012 (ACT NO. 1 OF 2012)

#### NORTHERN CAPE CONSUMER PROTECTION REGULATIONS

#### PROPOSED CONSUMER PROTECTION REGULATIONS

The above draft regulations are hereby published for public comment in terms of section 43(2) of the Northern Cape Consumer Protection Act, 2012 (Act No. 1 of 2012).

Written comments may be submitted to the Office of the MEC for Finance, Economic Development and Tourism and must be directed to:

Derek Martin  
Head of Ministry  
14<sup>th</sup> Floor  
Metlife Building  
Private Bag X 5054  
KIMBERLEY  
8300

Fax: 053 832 2672

Tel: 053 830 8404

E-mail: [DMartin@ncpg.gov.za](mailto:DMartin@ncpg.gov.za)

Comments should be submitted no later than 25 October 2013.



---

J BLOCK, MPL  
MEC: FINANCE, ECONOMIC DEVELOPMENT AND TOURISM

## CHAPTER 1

## INTERPRETATION

## Definitions

1. In these Regulations, any word or expression to which a meaning has been assigned in the Consumer Protection Act, 2008 or in the Act or the National Credit Act, 2005 has the meaning so assigned to it, and, unless the context otherwise indicates –

“**Act**” means the Northern Cape Consumer Protection Act, 2012 (Act No. 1 of 2012);

“**Chairperson**” means the Chairperson or Deputy Chairperson, of the Consumer Court appointed in accordance with sections 18 and 22, respectively, of the Act;

“**compliance notice**” means a compliance notice issued in terms of section 100 of the Consumer Protection Act, 2008 (Act No. 68 of 2008);

“**Consumer Protection Act**” means the Consumer Protection Act, 2008 (Act No. 68 of 2008);

“**National Credit Act**” means the National Credit Act, 2005 (Act No. 34 of 2005);

“**Office of the Consumer Protector**” means the main place of business of the Consumer Protector and regional offices; and

“**Office of the Registrar**” means the main place of business of the Consumer Court.

## Interpretation

2. These Regulations must be interpreted in a manner that gives effect to sections 2, 3 and 4 of the Consumer Protection Act.

## CHAPTER 2

## INVESTIGATION AND DISPOSAL OF COMPLAINTS BY THE AUTHORITY

## Submission of complaints

3.
  - (1) Any person who wishes to enforce a consumer right as provided for in the Act must do so by submitting the complaint substantially in the form of Form NC-CP 1 contained in Schedule 1, to the Office of the Consumer Protector.
  - (2) On receipt of a complaint contemplated in subsection (1), the Consumer Protector must register the complaint and allocate a reference number to the complaint.
  - (3) The Consumer Protector must, in writing, notify the complainant of the reference number of the complaint.

### Disposal of complaints by Authority

4. (1) The Consumer Protector must investigate a complaint contemplated in regulation 3 within a reasonable time and by way of mediation attempt to resolve the dispute between the complainant and the supplier.
- (2) If the Consumer Protector fails to dispose of the complaint by way of mediation as contemplated in subsection (1), he or she may –
  - (a) issue a notice of non-referral, in accordance with section 8(1), 9 or 11(1) of the Act, substantially in the form of Form NC-CP 2, contained in Schedule 1; or
  - (b) issue a notice of referral to the Consumer Court in accordance with section 6(1) or 11(2) of the Act, substantially in the form of Form NC-CP 3, contained in Schedule 1.

### Direct referral to Consumer Court by complainant

5. If a complainant makes an application for direct referral to the Consumer Court in terms of section 11(2) of the Act, he or she must do so substantially in the form of Form NC-CP 4, contained in Schedule 1.

## CHAPTER 3

### HEARINGS BY THE CONSUMER COURT

#### Date, time and venue of hearings

6. The Chairperson determines the date, time and venue of a hearing to resolve a matter referred to the Consumer Court.

#### Issuing of summonses

7. The Registrar must, at the request of a party, issue a summons substantially in the form of Form NC-CP 8 or NC-CP 9.

## CHAPTER 4

### PROCEDURAL MATTERS AND FEES

#### Non-appearance and default judgements

8. (1) If a party to a matter fails to attend or be represented at any hearing or any proceedings and that party –
    - (a) is the complainant, the Chairperson may dismiss the matter by issuing a written ruling;
- or

- (b) is not the complainant, the Chairperson may –
  - (i) continue with the proceedings in the absence of that party; or
  - (ii) adjourn the hearing to a later date.
- (2) The Chairperson must be satisfied that the party had been properly notified of the date, time and venue of the proceedings, before making a decision in terms of subsection (1).
- (3) If a matter is dismissed, the Registrar must send a copy of the ruling to the parties.
- (4) The Chairperson may make a default order –
  - (a) after he or she has considered or heard any necessary evidence; and
  - (b) if he or she is satisfied that the documents were adequately served; and
  - (c) make an order to related costs as contemplated in section 147 of the National Credit Act.

#### **Witness fees**

- 9. (1) A witness in any proceedings in the Consumer Court is entitled to be paid in accordance with the tariffs prescribed by the Minister of Justice and published by notice in the *Government Gazette* in terms of section 42 of the Supreme Court Act, 1959 (Act No.59 of 1959).
- (2) Despite subsection (1) above, the Consumer Court may order that no allowance, or only a portion of the prescribed allowances, be paid to any witness.
- (3) A party who summonses a witness is responsible to pay to that witness the witness fees provided for in subsection (1).

#### **Confidential information**

- 10. A person claiming confidentiality of information must simultaneously submit a statement substantially in the form of Form NC-CP 7 contained in Schedule 1, setting out the grounds for the claim of confidentiality.

### **CHAPTER 5**

#### **PRESCRIBED OATHS**

- 11. The prescribed Oaths for the respective offices are contained in Schedule 2.

## SCHEDULES

### SCHEDULE 1

#### Forms

FORM	DESCRIPTION	ACT
NC-CP 1	Registration of complaint	Sections 8 and 12
NC-CP 2	Notice of non-referral	Sections 8, 9 and 11
NC-CP 3	Referral of proceedings to the Consumer Court by Authority	Sections 6(1) and 11(2)
NC-CP 4	Application by the complainant for leave for direct referral to Consumer Court	Section 11
NC-CP 5	Inspector's /Investigator's certificate	Section 7
NC-CP 6	Compliance notice	Section 100 Act 68 of 2008
NC-CP 7	Confidentiality claim	Section 17
NC-CP 8	Summons initiating proceedings before Consumer Court	Section 118 Act 68 of 2008
NC-CP 9	Summons for witness to appear before Authority or Consumer Court	Section 13

### SCHEDULE 2

#### Prescribed oaths for respective offices

NC-CP 1

NORTHERN CAPE PROVINCIAL CONSUMER PROTECTION AUTHORITY	
REGISTRATION OF COMPLAINT (Sections 8 and 12 of the Act)	
Full names of complainant	
ID/Registration number of complainant	
Postal address	
Physical address	
Cellphone number	
Landline number	
Fax number	
E-mail address	
When is the best time to contact you, should this be necessary?	
Has the complainant previously filed a complaint with the NC-CPA?	
If so, please provide the reference number	
Nature of present complaint <i>(If space is inadequate, use additional sheet of paper)</i>	
Provision of Consumer Protection Act or Regulations promulgated (if known) not adhered to	
Name of company or person against whom complaint is made	
Address of company or person against whom complaint is made	
Description of complaint by way of declaration or affidavit <i>(If space is inadequate, use additional sheet of paper)</i>	
Details of steps taken by the complainant to resolve the complaint <i>(If space is inadequate, use additional sheet of paper)</i>	

1/2



NC-CP 1

List of documents relevant to complaint, attached to this form	
What outcome does the complainant propose to resolve the complaint?	
Date	
Place	
Signature of Complainant	

OFFICE USE ONLY	
Reference number	
Mode of complaint	

NC-CP 2

**NORTHERN CAPE PROVINCIAL CONSUMER PROTECTION AUTHORITY**

**NOTICE OF NON-REFERRAL (Sections 8, 9 and 11 of the Act)**

Reference number	
Date	
Name of complainant	
ID/Registration number of complainant	
Postal address	
Fax number	
E-mail address	

Dear \_\_\_\_\_

Complaint: \_\_\_\_\_

Date: \_\_\_\_\_

I regret to inform you that the Authority will not refer your complaint to the Consumer Court, as the complaint –

	Appears to be frivolous or vexatious.
	Does not disclose any cause of action.
	Has prescribed because 3 years has lapsed since the transaction had taken place or the act or omission that is the cause of the complaint had ceased.
	In my opinion, has no reasonable prospect of success in die Consumer Court.

*(Mark the applicable reason X )*

Yours faithfully

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

\_\_\_\_\_, 20\_\_\_\_\_  
**DATE**

NC-CP 3

NORTHERN CAPE PROVINCIAL CONSUMER PROTECTION AUTHORITY

REFERRAL OF PROCEEDINGS TO THE CONSUMER COURT BY THE AUTHORITY  
(Sections 6(1) or 11(2) of the Act)

CASE REFERENCE: \_\_\_\_\_ 20\_\_\_\_

TO: The Registrar of the Consumer Court: Enrol for hearing in the Consumer Court

IN THE MATTER BETWEEN

\_\_\_\_\_  
\_\_\_\_\_  
COMPLAINANT /  
APPLICANT

AND

\_\_\_\_\_  
\_\_\_\_\_  
RESPONDENT /  
LEGAL REPRESENTATIVE

The Office of the Consumer Protector received a complaint and registered that complaint as

CASE REFERENCE: \_\_\_\_\_ 20\_\_\_\_

This complaint had been investigated by the Office of the Consumer Protector and all attempts to mediate and resolve the matter between the parties, failed.

The Office of the Consumer Protector refers in terms of sections 6(1) and 11(2) of the Act, the matter for a full hearing to the Consumer Court because, in the opinion of Consumer Protector, the Complainant has a reasonable prospect of success in his/her complaint.

Would you kindly enrol the matter for a hearing in the Consumer Court and notify all involved of the date, time, venue and town.

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

\_\_\_\_\_  
DATE 20\_\_\_\_

NC-CP 4

**NORTHERN CAPE PROVINCIAL CONSUMER PROTECTION AUTHORITY**

**APPLICATION BY THE COMPLAINANT FOR LEAVE TO REFER PROCEEDINGS DIRECTLY  
 TO THE CONSUMER COURT  
 (Section 11 of the Act)**

**CASE REFERENCE:** \_\_\_\_\_ 20\_\_\_\_

**TO:** The Registrar of the Consumer Court, please enrol for application in the Consumer Court

**IN THE MATTER BETWEEN**

\_\_\_\_\_ **COMPLAINANT /**

\_\_\_\_\_ **APPLICANT**

**AND**

\_\_\_\_\_ **RESPONDENT /**

\_\_\_\_\_ **LEGAL REPRESENTATIVE**

The Office of the Consumer Protector received a complaint and registered that complaint as

**CASE REFERENCE:** \_\_\_\_\_ 20\_\_\_\_

This complaint had been investigated by the Office of the Consumer Protector and all attempts to mediate and resolve the matter between the parties, failed.

It was the opinion of the Office of the Consumer Protector that the matter would not be referred for a full hearing in the Consumer Court, because of the reasons attached hereto in a notice of non-referral.

Would you kindly enrol the matter for an application for leave, in terms of section 11(1) of the Act, to be heard in a full hearing in the Consumer Court in terms of section 11(2) of the Act, and notify all involved of the date, time, venue and town.

I fully understand that, in the event of being granted leave to proceed with the matter, I shall have to do so fully at my own expense and provide my own legal representation, and the Office of the Consumer Protector will no longer be part of the proceedings.

\_\_\_\_\_  
**Complainant/ Legal Representative of complainant**

\_\_\_\_\_ 20\_\_\_\_  
**Date**

NC-CP 5

NORTHERN CAPE PROVINCIAL CONSUMER PROTECTION AUTHORITY

INSPECTOR'S OR INVESTIGATOR'S CERTIFICATE (Section 7 of the Act)

I, \_\_\_\_\_, Member of the Executive Council responsible for Economic Development in the Province, hereby appoints and designates

\_\_\_\_\_  
(*Name of Inspector/Investigator*)

as Inspector/Investigator of the Northern Cape Consumer Protection Authority in terms of section 7 of the Northern Cape Consumer Protection Act, 2012 (Act No 1 of 2012).

Photo of  
Inspector / Investigator

THUS DONE AND SIGNED in KIMBERLEY on the \_\_\_\_\_ DAY OF \_\_\_\_\_

20\_\_\_\_\_

\_\_\_\_\_  
MEC: ECONOMIC DEVELOPMENT AND TOURISM

NC-CP 6

<b>NORTHERN CAPE PROVINCIAL CONSUMER PROTECTION AUTHORITY</b>	
<b>COMPLIANCE NOTICE IN TERMS OF THE CONSUMER PROTECTION ACT, 2008</b> (Section 100 of Act No. 68 of 2008)	
<b>Name of person or entity to whom notice applies</b>	
<b>Address</b>	
<b>Reference number</b>	
<b>Date</b>	
<b>Provision(s) of Act not complied with</b>	
<b>The details* of the nature and extent of the non-compliance are as follows:</b> <i>(*Attach Annexure if necessary)</i>	
<b>Details* of any steps that are required to be taken and the period within which those steps must be taken:</b> <i>(*Attach Annexure if necessary)</i>	
<b>Penalties/Imprisonment/ Administrative fines that may be imposed in terms of this Act if those steps are not taken: See Sections 107-113 of the Consumer Protection Act, 2008(Act No. 68 of 2008).</b>	

NC-CP 7

NORTHERN CAPE PROVINCIAL CONSUMER PROTECTION AUTHORITY	
<b>CONFIDENTIALITY CLAIM</b> (Section 17 of the Act)	
<b>TO:</b> The Northern Cape Consumer Protection Authority, the Northern Cape Consumer Court, an Inspector or Investigator appointed or designated in terms of the Northern Cape Consumer Protection Act	
Name of person Claiming Confidentiality	
Address	
Reference number	
Date	
<p>On a separate sheet of paper, list the following information, and explain why the information is confidential.</p> <p>Column 1 - name the document that contains the confidential information</p> <p>Column 2 - the page and line number at which the confidential information begins and ends</p> <p>Column 3 - the name of the person who has the particular information</p> <p>Column 4 - the nature of the economic value if any, of the information</p> <p>Column 5 - the existing restrictions, if any, on access to the information</p>	

1/2

NC-CP 7

**Statement of confidentiality:**

I, \_\_\_\_\_,  
(Name of Applicant)

Compiled or supervised the persons who compiled and submitted the attached list in accordance with Regulation 10 and section 17 of the Act.

I believe and declare that the information identified in this list is confidential information.

\_\_\_\_\_  
Name and Title/Rank of person authorized to sign as Applicant

\_\_\_\_\_  
Authorised signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Recipient of the confidential information  
at Office of the Registrar

\_\_\_\_\_  
Rank

OFFICIAL DATE STAMP

2/2



NC-CP 8

NORTHERN CAPE PROVINCIAL CONSUMER PROTECTION AUTHORITY

SUMMONS INITIATING PROCEEDINGS BEFORE THE NORTHERN CAPE CONSUMER COURT

CASE NUMBER: \_\_\_\_\_ 20 \_\_\_\_\_

IN THE MATTER BETWEEN

\_\_\_\_\_ COMPLAINANT

AND

\_\_\_\_\_ RESPONDENT

**TO:** The Sheriff or his/her Deputy: Serve on Respondent in accordance to section 118 of the Consumer Protection Act, 2008 (Act No. 68 of 2008), and

**RESPONDENT, TAKE NOTE** that proceedings are hereby instituted in the Northern Cape Consumer Court for a hearing in \_\_\_\_\_ (City/Town) at the hour of 09:00 on \_\_\_\_\_ (Day) of \_\_\_\_\_ (Month/Year), situated at \_\_\_\_\_ (Building/Address).

**TAKE FURTHER NOTE THAT:**

- (1) You allegedly contravened the Northern Cape Consumer Protection Act 2012, (Act No. 1 of 2012) and allegedly committed prohibited conduct that may cause you liable for damages/harm/penalties/fines as indicated in Annexure: **Particulars of Contravention and Claim**, attached hereto; and
- (2) You have 10 calendar days (excluding Saturdays, Sundays and Public Holidays) within which to file with the Registrar and Consumer Protector your notice of intention to defend the matter, inclusive of an address to where all future correspondence need be served; and
- (3) You have thereafter 10 calendar days (excluding Saturdays, Sundays and Public Holidays) to file with the Registrar a plea, exception or any further notice; and
- (4) Failure to attend the hearing or file any documentation with the Registrar may result in default judgement taken against you and administrative fines imposed on you; and
- (5) You are entitled to appear in the Consumer Court, in person and you may be assisted by a legal practitioner or any other person at own cost.

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

\_\_\_\_\_  
DATE 20 \_\_\_\_\_

Registrar: Consumer Court contact details: \_\_\_\_\_

NC-CP 9

NORTHERN CAPE CONSUMER PROTECTION AUTHORITY					
<b>SUMMONS FOR A WITNESS TO APPEAR BEFORE THE NORTHERN CAPE CONSUMER          PROTECTION AUTHORITY OR THE CONSUMER COURT</b> (Section 13 of the Act)					
CASE REFERENCE: _____ 20____					
<b>WEEKDAY</b>	Monday	Tuesday	Wednesday	Thursday	Friday
DATE OF APPEARANCE:					
BUILDING/ROOM:					
TOWN & REGION:					
NORTHERN PROVINCE		CAPE			

**TO:** The Sheriff or his/her Deputy, or any officer or other person authorized to serve process

You are hereby instructed in the name of the Northern Cape Provincial Consumer Protection Authority to serve a true copy of this summons on the person of whom particulars appear hereunder as to appear in person before the **Provincial Consumer Protection Authority\*/Consumer Court\*** (*\*Indicate applicable entity*) at 09:00 on the above-mentioned date and place as well as to remain in attendance to testify and declare all he/she knows concerning certain allegations preferred against:

**Name:** \_\_\_\_\_

**Address:** \_\_\_\_\_

1. Take note that it is an offence not to comply with this summons (section 37 of the Act).
2. Witness fees payable in accordance with Regulation 9 of the Northern Cape Consumer Protection Act, 2012.

Name of witness:	Gender	Age
Residential Address:		
Allegations made:		
Alleged sections of the Act to have been contravened:		

**TO:** The person who is hereby summoned as witness:

You are hereby summoned to appear in person before the above mentioned **Provincial Consumer Protection Authority\*/Consumer Court\*** (*\*Indicate applicable entity*) at 09:00 on the above mentioned date and place as well to remain in attendance to testify and declare all you know concerning certain allegations preferred against the above-mentioned person/legal entity.

You are further instructed to bring the items as listed in Annexure \_\_\_\_\_.

If you are present at the Consumer court as directed, you are only entitled to witness fees on conditions as prescribed by regulation 9 of the Act.

Name of the investigating officer: \_\_\_\_\_

Telephone No.: \_\_\_\_\_

Fax No.: \_\_\_\_\_

Signature of the Consumer Protector: \_\_\_\_\_

**WARNING**

You are compelled to inform the Office of the Consumer Protector of any change in address or contact details before the proceedings are finally disposed of or before you are officially advised that you are no longer required as a witness.

Failure to comply with the above-mentioned warning of this summons renders you liable to a pay cost or fine.

**FOR OFFICIAL PURPOSE ONLY**

I, the undersigned, certify that I have served this summons upon the within-named person by –

	Delivering a true copy to him/her PERSONALLY:
	Delivering as he/she could not be found, true copy to: _____, a person apparently over the age of 16 years and apparently residing or employed at the witness's place of RESIDENCE/EMPLOYMENT/BUSINESS.

The nature and exigency of this summons was explained to the recipient thereof.

Time \_\_\_\_\_ Day \_\_\_\_\_ Month \_\_\_\_\_ Year \_\_\_\_\_ Place \_\_\_\_\_

\_\_\_\_\_  
Signature of authorized officer

\_\_\_\_\_  
Full name in print

\_\_\_\_\_  
Capacity

\_\_\_\_\_  
Signature of recipient

\_\_\_\_\_  
Full name in print

## SCHEDULE 2

## PRESCRIBED OATHS

## 1. Oath for Functionaries of the Provincial Consumer Protection Authority

"I, \_\_\_\_\_ (full names), swear/solemnly declare that as a Member of the Northern Cape Consumer Court, (or Consumer Protector, or Registrar as the case may be), I will be faithful to the Republic of South Africa, I will uphold and protect the Constitution, the laws of the Republic of South Africa and Consumer rights entrenched in it and will administer justice to all persons alike without fear, favour or prejudice in accordance with the Constitution and the law" (In case of an oath add: "So help me God")

The Oath/Affirmation shall be administered by a Judge of the High Court of South Africa (Northern Cape Provincial Division) and signed and dated by the person in his/her presence.

## 2. Oath for Witness, Respondent, and Complainant

Before a witness begins to testify, the Chairperson of the Consumer Court shall administer the oath (or solemn declaration) to such witness in the following manner:

"Please state your full names and surname for the record:" \_\_\_\_\_

"Do you have any objections against taking the prescribed oath?" (Yes / No)

[In case of a 'yes' answer, proceed to ask the witness whether he/she is prepared to make a declaration to solemnly speak the whole truth, and nothing else but the truth. (Yes / No)]

"Do you regard the prescribed oath [declaration] as binding on your conscience?" (Yes / No)

"Do you swear (declare) that the evidence you are about to give is the whole truth and nothing but the truth?" "So help me God" (in case of an oath only)

## 3. Oath for Interpreter

The Chairperson of the Consumer Court will administer the oath of an Interpreter, if required, on record in the following manner:

"I, \_\_\_\_\_ (full names), swear/truly declare that as an Interpreter of the Northern Cape Consumer Court shall, when called upon to perform the functions of an interpreter in any proceedings before the Consumer Court, I will truly, faithfully and to the best of my ability interpret correctly from \_\_\_\_\_ (language) to English/Afrikaans, and vice versa, as ordered by the Chairperson of the Consumer Court."

**KENNISGEWING 114 VAN 2013**

**NOORD-KAAPSE PROVINSIALE REGERING  
DEPARTEMENT VAN EKONOMIESE ONTWIKKELING EN TOERISME**

**NOORD-KAAPSE VERBRUIKERSBESKERMINGSWET, 2012  
(WET NO. 1 VAN 2012)**

**NOORD-KAAPSE VERBRUIKERSBESKERMINGSREGULASIES**

**VOORGESTELDE VERBRUIKERSBESKERMINGSREGULASIES**

Die bogenoemde konsepregulasies word kragtens artikel 43(2) van die Noord-Kaapse Verbruikersbeskermingswet, 2012 (Wet No.1 van 2012) hiermee vir openbare kommentaar gepubliseer.

Skriftelike kommentaar kan ingedien word by die Kantoor van die LUR vir Finansies, Ekonomiese Ontwikkeling en Toerisme en moet gerig word aan:

**Derek Martin**  
**Hoof van Ministerie**  
**14de Vloer**  
**Metlife Gebou**  
**Privaatsak X 5054**  
**KIMBERLEY**  
**8300**

Faks: 053 832 2672  
Tel: 053 830 8404  
E-pos: [DMartin@ncpg.gov.za](mailto:DMartin@ncpg.gov.za)

Kommentaar moet ingedien word nie later as 25 Oktober 2013.



**J BLOCK, LPW**  
**LUR: FINANSIES, EKONOMIESE ONTWIKKELING EN TOERISME**

## HOOFSUK 1

### UITLEG

#### Woordomskrywing

1. In hierdie Regulasies het enige woord of uitdrukking waaraan 'n betekenis deur die "Consumer Protection Act", of die Wet, of die Nasionale Kredietwet toegeken is, die betekenis wat sodanig daaraan toegeken is en, tensy dit uit die samehang anders blyk, beteken –

"Consumer Protection Act" die "Consumer Protection Act, 2008 (Act No. 68 of 2008)";

"Kantoor van die Registrateur" die hoofsetel van die Verbruikershof;

"Kantoor van die Verbruikersbeskermer" die hoofsetel van die Verbruikersbeskermer en ook streekskantore;

"nakomingskennisgewing" 'n kennisgewing vir nakoming uitgereik kragtens artikel 100 van die "Consumer Protection Act";

"Nasionale Kredietwet" die Nasionale Kredietwet, 2005 (Wet No. 34 van 2005);

"Voorsitter" die Voorsitter of Ondervoorsitter van die Verbruikershof aangestel onderskeidelik kragtens artikel 18 en 22 van die Wet; en

"Wet" die Noord-Kaapse Verbruikersbeskermingswet, 2012 (Wet No. 1 van 2012).

#### Uitleg

2. Hierdie Regulasies word uitgelê om uitvoering te gee aan artikels 2, 3 en 4 van die "Consumer Protection Act".

## HOOFSUK 2

### ONDERSOEK EN AFHANDELING VAN KLAGTES DEUR DIE OWERHEID

#### Indiening van klagtes

3. (1) Iemand wat van voorneme is om sy of haar verbruikersregte soos in die Wet bepaal, af te dwing, doen dit deur 'n klagte, wesentlik in die vorm van **Vorm NC-CP 1** vervat in Bylae 1, by die Kantoor van die Verbruikersbeskermer in te dien.
- (2) By ontvangs van 'n klagte soos in subartikel (1) bedoel, moet die Verbruikersbeskermer die klagte registreer en 'n verwysingsnommer aan die klagte toeken.
- (3) Die Verbruikersbeskermer moet skriftelik, die verwysingsnommer van die klagte aan die klaer voorsien.

### Afhandeling van klagtes deur Owerheid

4. (1) Die Verbruikersbeskermer moet 'n klagte in regulasie 3 bedoel, binne 'n redelike tyd ondersoek en by wyse van bemiddeling poog om die geskil tussen verbruiker en verskaffer op te los.
- (2) Indien die Verbruikersbeskermer nie daarin slaag om die klagte by wyse van bemiddeling soos in subregulasie (1) bedoel, by te lê nie, kan hy of sy –
  - (a) 'n kennisgewing van geen verwysing kragtens artikel 8(1), 9 of 11(1) van die Wet, wesentlik in die vorm van **Vorm NC-CP 2** soos vervat in Bylae 1, uitreik; of
  - (b) 'n kennisgewing van verwysing na die Verbruikershof kragtens artikel 6(1) of 11(2) van die Wet, wesentlik in die vorm van **Vorm NC-CP 3** soos vervat in Bylae 1, uitreik.

### Direkte verwysing na Verbruikershof deur klaer

5. Indien 'n klaer 'n aansoek om direkte verwysing na die Verbruikershof kragtens artikel 11(2) van die Wet doen, doen hy of sy dit wesentlik in die vorm van **Vorm NC-CP 4** soos vervat in Bylae 1.

## HOOFSTUK 3

### VERHORE DEUR DIE VERBRUIKERSHOF

#### Datum, tyd en plek van verhoor

6. Die Voorsitter bepaal die datum, tyd en plek van 'n verhoor om 'n geskil wat na die Verbruikershof verwys is, te bereg.

#### Uitreik van dagvaardings

7. Die Griffier moet, op versoek van 'n party, 'n dagvaarding wesentlik in die vorm van **Vorm NC-CP 8** of **NC-CP 9** uitreik.

## HOOFSTUK 4

### AANGELEENTHEDE OOR PROSEDURE EN GELDE

#### Nie-verskyning en vonnis by verstek

8. (1) Indien 'n party nalaat om te verskyn of verteenwoordig te wees by enige verhoor of proses, en daardie party –
  - (a) die klaer is, kan die Voorsitter die aangeleentheid by wyse van geskrewe bevel van die rol verwyder; of

- (b) nie die klaer is nie, kan die Voorsitter –
  - (i) voortgaan met die verhoor in die afwesigheid van daardie party; of
  - (ii) die aangeleentheid tot 'n latere datum uitstel.
- (2) Die Voorsitter moet, alvorens hy of sy 'n beslissing kragtens subregulasie (1) maak, tevrede wees dat die party reeds behoorlik in kennis gestel is van die datum, tyd en plek van die verrigtinge.
- (3) Indien 'n aangeleentheid van die hand gewys word, moet die Griffier 'n afskrif van die beslissing aan die partye stuur.
- (4) Die Voorsitter kan 'n vonnis by verstek uitreik –
  - (a) nadat hy of sy die nodige getuienis oorweeg het; en
  - (b) indien hy of sy tevrede is dat die tersaaklike dokumente behoorlik beteken is, en
  - (c) 'n kostebevel maak soos in artikel 147 van die Nasionale Kredietwet bedoel.

#### Getuiefooie

- 9. (1) 'n Getuie, in enige verrigtinge in die Verbruikershof, is geregtig op gelde ooreenkomstig die tarief soos voorgeskrif deur die Minister van Justisie en gepubliseer by kennisgewing in die *Staatskoerant* kragtens artikel 42 van die Wet op die Hooggeregshof, 1959 (Wet No. 59 van 1959).
- (2) Ondanks subartikel (1), kan die Verbruikershof beveel dat geen gelde, of slegs 'n gedeelte van die voorgeskrewe gelde aan die getuie betaal word.
- (3) 'n Party wat 'n getuie dagvaar, is verantwoordelik vir betaling van die getuie se gelde soos in subartikel (1) bedoel.

#### Vertroulike inligting

- 10. Iemand wat aanspraak maak op die vertroulikheid van inligting, moet terselfdertyd 'n verklaring, wat die gronde uiteensit waarom die inligting vertroulik is, wesentlik in die vorm van **Vorm NC-CP 7** soos in Bylae 1, indien.

### HOOFSTUK 5

#### VOORGESKREWE EED

- 11. Die voorgeskrewe Eed vir die onderskeie ampte is in Bylae 2 vervat.



## BYLAES

### BYLAE 1

#### Vorms

VORM	BESKRYWING	WET
NC-CP 1	Registrasie van klagte	Artikels 8 en 12
NC-CP 2	Kennisgewing van geen verwysing	Artikels 8, 9 en 11
NC-CP 3	Verwysing deur Owerheid van aangeleentheid na Verbruikershof	Artikels 6(1) en 11(2)
NC-CP 4	Aansoek deur klaer om klagte direk na Verbruikershof te bring	Artikel 11
NC-CP 5	Inspekteur- /Ondersoekersertifikaat	Artikel 7
NC-CP 6	Nakomingskennisgewing	Artikel 100 Wet 68 van 2008
NC-CP 7	Aanspraak op vertroulikheid	Artikel 17
NC-CP 8	Dagvaarding vir aanvang van proses voor Verbruikershof	Artikel 118 Wet 68 van 2008
NC-CP 9	Getuiedagvaarding om voor Owerheid of Verbruikershof te verskyn	Artikel 13

### BYLAE 2

#### Voorgeskrewe ede vir onderskeie ampte

NC-CP 1

NOORD-KAAPSE PROVINSIALE VERBRUIKERSBESKERMINGSOWERHEID	
AANMELDING VAN KLAGTE (Artikels 8 en 12 van die Wet)	
Volle name van klaer	
ID/Registrasienommer van klaer	
Posadres van klaer	
Fisiese adres van klaer	
Selfoonnommer van klaer	
Landlynnommer van klaer	
Faksnommer van klaer	
E-posadres van klaer	
Wanneer is die beste tyd om u te kontak, indien nodig?	
Het u al tevore 'n klagte aangemeld by die Noord Kaapse-Verbruikersbeskermingsowerheid?	
Indien wel, gee verwysingsnommer	
Aard van huidige klagte <i>(Indien spasie te min is, verskaf inligting op afsonderlike vel papier)</i>	
Bepaling van Verbruikersbeskermingswet en Regulasies wat oortree is, indien bekend	
Naam van persoon of besigheid teen wie klagte ingebring word	
Adres van persoon of besigheid teen wie klagte ingebring word	
Beskrywing van klagte by wyse van verklaring of beëdigde verklaring <i>(Indien spasie te min is, verskaf inligting op afsonderlike vel papier)</i>	
Volledige besonderhede van stappe reeds geneem om klagte te probeer oplos <i>(Indien spasie te min is, verskaf inligting op afsonderlike vel papier)</i>	

1/2

**NC-CP 1**

Lys van tersaaklike dokumente wat betrekking het op klagte aangeheg aan die vorm	
Watter oplossing verlang klaer?	
Datum	
Plek	
Handtekening van klaer	

<b>VIR KANTOORGEBRUIK ALLEENLIK</b>	
Verwysingsnommer	
Metode van aanmelding van klagte	

NC-CP 2

<b>NOORD-KAAPSE PROVINSIALE VERBRUIKERSBESKERMINGSOWERHEID</b>	
<b>KENNISGEWING VAN GEEN VERWYSING (Artikels 8, 9 en 11 van die Wet)</b>	
<b>Verwysingsnommer</b>	
<b>Datum van klagte</b>	
<b>Naam van klaer</b>	
<b>ID/Registrasienommer van klaer</b>	
<b>Posadres</b>	
<b>Faksnommer</b>	
<b>E-posadres</b>	
<p>Geagte _____</p> <p>Klagte: _____</p> <p>Datum: _____</p> <p>Dit spyt my om u mee te deel dat u klagte nie deur die Owerheid na die Verbruikershof verwys word nie, omrede klagte/eis –</p>	
	Beuselagtig of kwelsugtig skyn te wees.
	Geen eisorsaak openbaar nie.
	Verjaar het, deurdat 3 jaar verloop het sedert die transaksie plaasgevind het of sedert die gewraakte optrede tot 'n einde gekom het.
	Na my mening, geen redelike vooruitsig op sukses in die Verbruikershof het nie.
<p><i>(Merk die toepaslike rede X )</i></p> <p>Dienswillig die uwe</p>	
<b>VERBRUIKERSBESKERMER</b>	<b>DATUM</b> _____ 20____

NC-CP 3

NOORD-KAAPSE PROVINSIALE VERBRUIKERSBESKERMINGSOWERHEID

VERWYSING VAN AANGELEENTHEID DEUR OWERHEID NA VERBRUIKERSHOF  
(Artikels 6(1) of 11(2) van die Wet)

SAAKVERWYSINGSNOMMER: \_\_\_\_\_ 20 \_\_\_\_\_

AAN: Die Griffier van die Verbruikershof: Plaas ter rolle vir verhoor in Verbruikershof

DIE AANGELEENTHEID TUSSEN

\_\_\_\_\_ KLAER /  
\_\_\_\_\_ APPLIKANT

EN

\_\_\_\_\_ RESPONDENT /  
\_\_\_\_\_ REGSVORTEENWOORDIGER

Die Kantoor van die Verbruikersbeskermer het 'n klagte ontvang en het daardie klagte geregistreer as

SAAKVERWYSINGSNOMMER: \_\_\_\_\_ 20 \_\_\_\_\_

Hierdie klagte was ondersoek deur die Kantoor van die Verbruikersbeskermer en alle pogings om te bemiddel om die geskil tussen die partye op te los, het misluk.

Die Kantoor van die Verbruikersbeskermer verwys kragtens artikels 6(1) en 11(2) van die Wet, die saak vir volle verhoor na die Verbruikershof omdat, na die mening van die Verbruikersbeskermer, die klaer 'n redelike kans op sukses het met afdwing van die klagte.

Sal u die aangeleentheid ter rolle plaas vir verhoor in die Verbruikershof en alle betrokkenes kennis gee van die datum, tyd, plek en dorp van die verhoor.

\_\_\_\_\_  
VERBRUIKERSBESKERMER

\_\_\_\_\_ 20 \_\_\_\_\_  
DATUM

NC-CP 4

## NOORD-KAAPSE PROVINSIALE VERBRUIKERSBESKERMINGSOWERHEID

AANSOEK OM VERLOF DEUR DIE KLAER OM KLAGTE DIREK NA DIE VERBRUIKERSHOF  
TE BRING  
(Artikel 11 van die Wet)

SAAKNOMMER: \_\_\_\_\_ 20 \_\_\_\_\_

AAN: Die Griffier van die Verbruikershof: Plaas asseblief ter rolle vir aansoek in die Verbruikershof:

## IN DIE AANGELEENTHEID TUSSEN

\_\_\_\_\_ KLAER /  
\_\_\_\_\_ APPLIKANT

EN

\_\_\_\_\_ RESPONDENT /  
\_\_\_\_\_ REGSVERTEENWOORDIGER

Die Kantoor van die Verbruikersbeskermer het 'n klagte ontvang en geregistreer as

SAAKVERWYSINGSNOMMER: \_\_\_\_\_ 20 \_\_\_\_\_

Hierdie klagte was ondersoek deur die Kantoor van die Verbruikersbeskermer en alle pogings om te bemiddel om die geskil tussen die partye op te los, het misluk.

Die Kantoor van die Verbruikersbeskermer is van mening dat die aangeleentheid nie na die Verbruikershof vir verhoor verwys word nie vir die redes hierby aangeheg in Vorm NC-CP2.

Plaas asseblief die aangeleentheid kragtens artikel 11(1) van die Wet, ter rolle om aansoek om verlof te bekom vir direkte volle verhoor in die Verbruikershof kragtens artikel 11 (2) en gee aan alle betrokkenes kennis van die datum, tyd, plek en dorp van die voorgenome aansoek.

Ek verstaan ten volle dat, indien gevraagde aansoek toegestaan sou word, ek die aansoek en verhoor op eie koste en met eie regsverteenvoordiging, indien nodig, bring en dat die Kantoor van die Verbruikersbeskermer geensins verder deel hieraan het nie.

\_\_\_\_\_  
Klaer/ Regsverteenvoordiger van klaer

\_\_\_\_\_ 20 \_\_\_\_\_  
Datum

NC-CP 5

NOORD-KAAPSE PROVINSIALE VERBRUIKERSBESKERMINGSOWERHEID

INSPEKTEUR- OF ONDERSOEKERAANSTELLINGSERTIFIKAAT (Artikel 7 van die Wet)

Ek, \_\_\_\_\_, Lid van die Uitvoerende Raad  
verantwoordelik vir Ekonomiese Ontwikkeling in die Noord-Kaap Provinsie, stel en wys hiermee aan

\_\_\_\_\_  
(*Naam van Inspekteur/ Ondersoeker*)

as Inspekteur/Ondersoeker van die Noord-Kaapse Verbruikersbeskermingsowerheid ooreenkomstig artikel 7  
van die Noord-Kaapse Verbruikersbeskermingswet, 2012 (Wet No. 1 van 2012).

Foto van  
Inspekteur / Ondersoeker

ALDUS GEDOEN EN ONDERTEKEN te KIMBERLEY op die \_\_\_\_\_ DAG VAN  
\_\_\_\_\_ 20 \_\_\_\_\_

\_\_\_\_\_  
LUR: EKONOMIESE ONTWIKKELING EN TOERISME

NC-CP 6

<b>NOORD-KAAPSE PROVINSIALE VERBRUIKERSBESKERMINGSOWERHEID</b>	
<b>NAKOMINGSKENNISGEWING OOREENKOMSTIG DIE “CONSUMER PROTECTION ACT, 2008”</b> <b>(Artikel 100 van Wet No. 68 van 2008)</b>	
<b>Naam van persoon of entiteit op wie die kennisgewing betrekking het</b>	
<b>Adres</b>	
<b>Verwysingsnommer</b>	
<b>Datum</b>	
<b>Bepaling(s) van Wet waaraan nie voldoen word nie</b>	
<b>Nadere besonderhede* van die aard en omvang van nie-nakoming van die Wet is as volg:</b> <i>(*Heg Bylae aan indien nodig)</i>	
<b>Besonderhede* van enige regstellende maatreëls en datums waarbinne dit moet geskied:</b> <i>(*Heg Bylae aan indien nodig)</i>	
<b>Boetes/Gevangenisstraf/ Administratiewe boetes indien geen regstelling plaasvind nie: Sien Artikels 107-113 van die “Consumer Protection Act, 2008 (Act No. 68 of 2008)”.</b>	



NC-CP 7

NOORD-KAAPSE PROVINSIALE VERBRUIKERSBESKERMINGSOWERHEID	
AANSPRAAK OP VERTROULIKHEID (Artikel 17 van die Wet)	
<b>AAN:</b> Die Noord-Kaapse Verbruikersbeskermingsowerheid, die Noord-Kaapse Verbruikershof, 'n Inspekteur of Ondersoeker aangestel of aangewys, ooreenkomstig die Noord-Kaapse Verbruikersbeskermingswet	
Naam van persoon wat aanspraak maak op vertroulikheid	
Adres	
Verwysingsnommer	
Datum	
<p>Lys op 'n afsonderlikede bladsy die gedeelte van of lys van dokumente waarop vertroulikheidsaanspraak gedoen word en verskaf die redes vir handhawing van vertroulikheid daarvan.</p> <p>Kolom 1 – identifiseer die dokument wat as “vertroulik” behandel moet word</p> <p>Kolom 2 – meld die bladsy- en reëlnommer waarop die vertroulike inligting begin en eindig</p> <p>Kolom 3 – die naam van die persoon wat oor die betrokke inligting beskik</p> <p>Kolom 4 – die ekonomiese waarde, indien enige, van die vertroulike inligting</p> <p>Kolom 5 – die bestaande beperkings, indien enige, op toegang tot hierdie inligting</p>	

1/2

NC-CP 7

**Verklaring ten aansien van vertroulikheid:**

Ek, \_\_\_\_\_,  
(*Naam van Applikant*)

het die aangehegte lys van vertroulike inligting saamgestel, of toesig gehou oor die persone verantwoordelik vir die samestelling van hierdie inligting en die indiening daarvan kragtens Regulasie 10 en artikel 17 van die Wet.

Ek glo en verklaar dat die inligting op hierdie lys inderdaad vertroulike inligting bevat.

\_\_\_\_\_  
**Naam en Titel/ Rang van gevolmagtigde aanspraakmaker op vertroulikheid van dokumente**

\_\_\_\_\_  
**Gemagtigde handtekening**

\_\_\_\_\_  
**Datum**

\_\_\_\_\_  
**Handtekening van Ontvanger van die  
vertroulike inligting van die Kantoor van die Griffier**

\_\_\_\_\_  
**Rang**

**AMPTELIKE DATUMSTEMPEL**

NC-CP 8

NOORD-KAAPSE PROVINSIALE VERBRUIKERSBESKERMINGSOWERHEID

DAGVAARDING WAARDEUR PROSES IN DIE NOORD-KAAPSE VERBRUIKERSHOF BEGIN

SAAKNOMMER: \_\_\_\_\_ 20 \_\_\_\_\_

IN DIE SAAK TUSSEN

\_\_\_\_\_ KLAER

EN

\_\_\_\_\_ RESPONDENT

**AAN:** Die Balju of sy/haar Adjunk: Beteken kragtens artikel 118 van die “Consumer Protection Act, 2008 (Act No. 68 of 2008)” op Respondent, en

**RESPONDENT, NEEM KENNIS DAT** proses teen u ingestel is in die Noord-Kaapse Verbruikershof en ter rolle geplaas is vir verhoor te \_\_\_\_\_ (Dorp/Stad) om 09:00 op \_\_\_\_\_ (Dag) van \_\_\_\_\_ (Maand/Jaar), in \_\_\_\_\_ (Gebou) geleë te \_\_\_\_\_ (Straataadres).

**RESPONDENT NEEM VERDER KENNIS DAT:**

- (1) U na bewering die Noord-Kaapse Verbruikersbeskermingswet, 2012 met verbode handelinge/ handelspraktyke oortree het en u moontlik aanspreeklik gehou kan word vir skade/benadeling/boetes soos aangedui in **Bylae: Besonderhede van Oortreding en Eis** hiertoe aangeheg; en
- (2) U het 10 kalenderdae (met uitsondering van Saterdag, Sondag en Openbare Vakansiedae) van datum van betekening tyd om u voorneme om te verdedig by die Griffier en Verbruikersbeskermer te liasseer, tesame met `n adres waar alle toekomstige korrespondensie beteken sal word; en
- (3) Daarna het u `n verdere 10 kalenderdae (met uitsondering van Saterdag, Sondag en Openbare Vakansiedae) tyd om by die Griffier enige pleit, eksepsie of kennisgewing te liasseer; en
- (4) Versuim om die verhoor by te woon of enige dokumentasie by die Griffier te liasseer, mag lei tot vonnis by verstek en oplegging van administratiewe boetes; en
- (5) U is geregtig om in eie persoon in die Verbruikershof te verskyn en u mag deur `n regsverteenwoordiger of enige ander persoon, op eie koste, bygestaan word.

\_\_\_\_\_  
VERBRUIKERSBESKERMER

\_\_\_\_\_  
DATUM 20 \_\_\_\_\_

Griffier: Verbruikershof kontakbesonderhede: \_\_\_\_\_

NC-CP 9

<b>NOORD-KAAPSE PROVINSIALE VERBRUIKERSBESKERMINGSOWERHEID</b>					
<p align="center"><b>DAGVAARDING AAN GETUIE OM VOOR DIE NOORD-KAAPSE VERBRUIKERSBESKERMINGSOWERHEID OF VERBRUIKERSHOF TE VESKYN</b> (Artikel 13 van die Wet)</p>					
SAAKVERWYSINGSNOMMER: _____ 20_____					
WEEKSDAG	Maandag	Dinsdag	Woensdag	Donderdag	Vrydag
VERSKYNINGSDATUM:					
GEBOU/LOKAAL:					
DORP & STREEK:					
NOORD-KAAPSE PROVINSIE					

**AAN:** Die Balju of sy/haar Adjunk, of enige beampte of ander persoon gemagtig om dokumente te beteken

U word hiermee opdrag gegee om in die naam van die Noord-Kaapse Verbruikersbeskermingsowerheid 'n ware en getroue afskrif van hierdie dagvaarding op die persoon wie se naam hierop verskyn, te beteken, sodat genoemde persoon voor die **Provinsiale Verbruikersbeskermingsowerheid\*/Verbruikershof\*** (*\*Merk toepaslike*) moet verskyn om 09:00 op die vermelde datum en plek en daar teenwoordig te bly om alles binne sy/haar kennis te getuig aangaande die sekere bewerings teen:

Naam: \_\_\_\_\_

Adres: \_\_\_\_\_

1. Neem kennis dat dit 'n misdryf is om nie aan die dagvaarding te voldoen nie (artikel 37 van die Wet).
2. Getuiefooie is betaalbaar ooreenkomstig Regulasie 9 van die Noord-Kaapse Verbruikersbeskermingswet, 2012.

Naam van getuie:		Geslag	Ouderdom
Woonadres:			
Beweerde aangeleentheid:			
Beweerde artikels van die Wet wat oortree is:			

**AAN: Die persoon genoem in hierdie getuiedagvaarding:**

U word hiermee in die naam van die Noord-Kaapse Verbruikersbeskermingsowerheid opdrag gegee om self voor die **Provinsiale Verbruikersbeskermingsowerheid\*/Verbruikershof\*** (*\*Merk toepaslike*) te verskyn om 09:00 op die vermelde datum en plek en daar teenwoordig te bly om alles binne u kennis te getuig aangaande die bepaalde bewerings teen bostaande persoon/ regspersoon.

U word verder opdrag gegee om die items saam te bring soos gelys in die bylaag

Indien u teenwoordig is by die Verbruikershof, is u slegs geregtig op getuiefooie soos per Regulasie 9 van die Wet voorgeskryf.

**Naam van ondersoekbeampte:** \_\_\_\_\_

**Telefoonno.:** \_\_\_\_\_

**Faksno.:** \_\_\_\_\_

**Handtekening van Verbruikersbeskerm:** \_\_\_\_\_

**WAARSKUWING**

U is verplig om enige verandering in adres en kontakbesonderhede aan die Kantoor van die Verbruikersbeskerm te verskaf .

Versuim om uitvoering aan die dagvaarding te gee, kan lei tot 'n kostebevel of boete.

**VIR AMPTELIKE GEBRUIK ALLEENLIK: RELAAS VAN BETEKENING**

Ek die ondergetekende, bevestig hiermee dat ek hierdie dagvaarding op die getuie as volg beteken het –

	Oorhandiging aan hom/haar <b>PERSOONLIK</b> .
	Betekening aan 'n persoon ouer as 16 jaar, naamlik _____ en opsigtelik woonagtig of werksaam by die adres van die getuie, omdat die genoemde getuie nie self beskikbaar was om die dagvaarding in ontvangs te neem nie.

Die aard en dringendheid van hierdie dagvaarding was aan die ontvanger verduidelik.

Tyd \_\_\_\_\_ Dag \_\_\_\_\_ Maand \_\_\_\_\_ Jaar \_\_\_\_\_ Plek \_\_\_\_\_

\_\_\_\_\_  
Handtekening van gemagtigde  
beampte

\_\_\_\_\_  
Naam en van in drukskrif

\_\_\_\_\_  
Hoedanigheid

\_\_\_\_\_  
Handtekening van ontvanger

\_\_\_\_\_  
Naam en van in drukskrif

## BYLAE 2

## VOORGESKREWE EED/VERKLARING

## 1. Eed vir Funkisionarisse van die Provinsiale Verbruikersbeskermingsowerheid

*“Ek, \_\_\_\_\_ (volle name), sweer (bevestig plegtig) dat ek as Lid van die Noord-Kaapse Verbruikershof (of Verbruikersbeskermer, of Griffier) getrou aan die Republiek van Suid Afrika sal wees, dat ek die Grondwet, die Wette van die Republiek en Verbruikersregte daarin vervat, sal handhaaf en beskerm, en dit regverdig sal administreer sonder vrees, guns of vooroordeel teenoor alle persone ooreenkomstig die Grondwet en die Reg.” (In geval van `n eed voeg by: “So help my God”)*

`n Regter van die Hoë Hof van Suid-Afrika (Noord-Kaapse Provinsiale Afdeling) sal die eedsbevestiging/plegtige verklaring afneem van die funksionarisse wie in sy/haar teenwoordigheid ook die eed/verklaring onderteken.

## 2. Eed vir Getuies, Verweerder/Respondent en Eiser/Klaer

Alvorens `n getuie begin getuig moet die Voorsitter van die Verbruikershof daardie getuie insweer of `n plegtige verklaring van daardie getuie afneem op die volgende wyse:

*“Verskaf asseblief vir doeleindes van die rekord u volle name en van:” \_\_\_\_\_*

*“Het u enige beswaar teen die aflegging van die voorgeskrewe eed?” (Ja / Nee)*

[Indien die getuie beswaar het, ‘ja’ antwoord, word `n plegtige verklaring afgeneem waarin die getuie verklaar dat hy/sy die waarheid en niks anders as die volle waarheid sal getuig (Ja/Nee)]

*“Beskou u die voorgeskrewe eed (bevestig plegtig) as bindend op u gewete?” (Ja / Nee)*

*“Sweer (bevestig plegtig) u dat die getuienis wat u nou sal aflê, is die volle waarheid, en niks anders as die waarheid nie” en “So help my God”*

## 3. Eed vir Tolk

Die Voorsitter van die Verbruikershof hanteer die eedaflegging of plegtige verklaring van `n Tolk op rekord op die volgende wyse:

*“Ek, \_\_\_\_\_ (volle name), sweer (bevestig plegtig) dat ek as Tolk van die Noord Kaapse Verbruikershof, wanneer van my verwag word om te tolk in die Noord-Kaapse Verbruikershof, getrou, geloofwaardig en na die beste van my vermoë korrek sal tolk uit \_\_\_\_\_ na Engels/Afrikaans en omgekeerd, soos versoek deur die Verbruikershof.”*



Printed by and obtainable from the Government Printer, Bosman Street, Private Bag X85, Pretoria, 0001. Tel: (012) 334-4507, 334-4511, 334-4509, 334-4515

Also available at the **Northern Cape Provincial Legislature, Private Bag X5066, Nobengula Extension, Kimberley, 8301.**

Tel. (direct line): (053) 839-8073. Fax: (053) 839-8094

Gedruk deur en verkrygbaar by die Staatsdrukker, Bosmanstraat, Privaat Sak X85, Pretoria, 0001. Tel: (012) 334-4507, 334-4511, 334-4509, 334-4515

Ook verkrygbaar by die **Noord-Kaap Provinsiale Wetgewer, Privaatsak X5066, Nobengula-uitbreiding, Kimberley, 8301.**

Tel. (direkte lyn): (053) 839-8073. Faks: (053) 839-8094