

NORTHERN CAPE PROVINCE

PROFENSI YA KAPA-BOKONE



NOORD-KAAP PROVINSIE

IPHONDO LOMNTLA KOLONI

EXTRAORDINARY • BUITENGEWONE

Provincial Gazette
Kasete ya Profensi

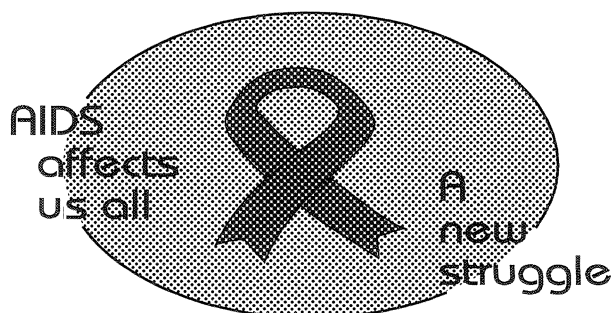
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Provinsiale Koerant

Vol. 20

KIMBERLEY, 8 NOVEMBER 2012

No. 1750

We all have the power to prevent AIDS



Prevention is the cure

**AIDS
HELPLINE**

0800 012 322

DEPARTMENT OF HEALTH

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GENERAL NOTICE • ALGEMENE KENNISGEWING

NOTICE 121 OF 2013

NORTHERN CAPE PROVINCIAL GOVERNMENT

DEPARTMENT OF ECONOMIC DEVELOPMENT AND TOURISM

NORTHERN CAPE CONSUMER PROTECTION ACT, 2012

**PROMULGATION OF NORTHERN CAPE CONSUMER PROTECTION
REGULATIONS**

The above regulations contained in this Notice are hereby promulgated in accordance with section 43 of the above Act.



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 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) 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 or 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

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>	

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 (<i>if obtainable</i>)	

OFFICE USE ONLY

Reference number	
Mode of complaint (in person, telephonically, by e-mail, etc.)	

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									
<p>Dear _____</p> <p>Complaint: _____</p> <p>Date: _____</p> <p>I regret to inform you that the Authority will not refer your complaint to the Consumer Court, as the complaint –</p> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <tr> <td style="width: 20%;"></td> <td>Appears to be frivolous or vexatious.</td> </tr> <tr> <td></td> <td>Does not disclose any cause of action.</td> </tr> <tr> <td></td> <td>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.</td> </tr> <tr> <td></td> <td>In my opinion, has no reasonable prospect of success in die Consumer Court.</td> </tr> </table>			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.
	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.								
<p><i>(Mark the applicable reason ✓)</i></p> <p>Yours faithfully</p> <div style="display: flex; justify-content: space-between; margin-top: 50px;"> <div style="width: 45%;"> <p>_____</p> <p>CONSUMER PROTECTOR</p> </div> <div style="width: 45%; text-align: right;"> <p>_____ 20____</p> <p>DATE</p> </div> </div>									

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 and notify all involved of the date, time and venue and town.

CONSUMER PROTECTOR

_____ 20____
DATE

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 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 in terms 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

NORTHERN CAPE PROVINCIAL CONSUMER PROTECTION AUTHORITY	
COMPLIANCE NOTICE IN TERMS OF THE CONSUMER PROTECTION ACT, 2008 (Section 100 of Act No. 68 of 2008)	
Name 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: <i>(*Attach Annexure if necessary)</i>	
Details* of any steps that are required to be taken and the period within which those steps must be taken: <i>(*Attach Annexure if necessary)</i>	
Penalties/Imprisonment/Administrative fines that may be imposed in terms of this Act if those steps are not taken: Sections 107-113 of the Consumer Protection Act, 2008(Act No. 68 of 2008)	

NC-CP 7

NORTHERN CAPE PROVINCIAL CONSUMER PROTECTION AUTHORITY

CONFIDENTIALITY CLAIM
(Section 17 of the Act)

TO: 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

On a separate sheet of paper, list the following information, and explain why the information is confidential.

Column 1 - name the document that contains the confidential information

Column 2 - the page and line number at which the confidential information begins and ends

Column 3 - the name of the person who has the particular information

Column 4 - the nature of the economic value if any, of the information

Column 5 - the existing restrictions, if any, on access to the information

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 that the information identified in this list is confidential information.

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

Authorised signature

Date

**Recipient of the confidential information
at Office of the Registrar**

Rank

OFFICIAL DATE STAMP

NC-CP 8

NORTHERN CAPE PROVINCIAL CONSUMER PROTECTION AUTHORITY

SUMMONS INITIATING PROCEEDINGS BEFORE THE NORTHERN CAPE CONSUMER COURT

CASE REFERENCE: _____ 20____

IN THE MATTER BETWEEN

_____ COMPLAINANT

AND

_____ RESPONDENT

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

RESPONDENT, TAKE NOTE that proceedings are hereby instituted in the **Consumer Court** of the **Northern Cape** 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 infringed, impaired or threatened Complainant's consumer rights and committed prohibited conduct or acted in a manner inconsistent with the Consumer Protection Act, Act No. 68 of 2008, that may cause you liable for damages or harm or penalties or fines as indicated in Annexure: **Particulars of Contravention and Claim**, attached hereto; and
- (2) You have 10 calendar days 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 filing with the Registrar a plea, exception or any further notice; and
- (4) Failure to attend is an offence. Failure to 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.

CONSUMER PROTECTOR

_____ 20____
DATE

Registrar: Consumer Court contact details: _____

NC-CP 9

NORTHERN CAPE CONSUMER PROTECTION AUTHORITY					
SUMMONS FOR A WITNESS TO APPEAR BEFORE AUTHORITY OR THE CONSUMER COURT (Section 13 of the Act)					
CASE REFERENCE: _____ 20____					
WEEKDAY	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 Northern Cape Consumer Protection Act, 2012 (Act No. 1 of 2012).

Name of the investigating officer: _____

Telephone No.: _____

Fax No.: _____

Signature of the Consumer Protector: _____

WARNING

You are compelled to inform the official who served this subpoena upon you of any change in the above-mentioned address 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, at _____

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 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 presence.

2. Oath for Witness, Respondent, and Complainant

Before a witness or a party to the legal process begin to testify, the presiding Chairperson or Member nominated by him shall administer the oath (or solemn declaration) to such witness / person on record in the following manner:

"Please state your full names for the record:" _____

"Do you have any objections against taking the 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 oath [declaration] as binding on your conscience?" (Yes / No)

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

3. Oath for Translator/Interpreter

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

"I, _____ (full names), swear/truly declare that as an Interpreter/Translator of the Northern Cape Consumer Court I 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 translate correctly from _____ (language) to English/Afrikaans, and vice versa, as ordered by the Chairperson of the Consumer Court."

KENNISGEWING 121 VAN 2013

PROVINSIALE REGERING VAN DIE NOORD-KAAP

DEPARTEMENT VAN EKONOMIESE ONTWIKKELING EN TOERISME

NOORD-KAAPSE VERBRUIKERSBESKERMINGSWET, 2012

AFKONDIGING VAN NOORD-KAAPSE VERBRUIKERSBESKERMINGSREGULASIES

Bogenoemde regulasies vervat in hierdie kennisgewing word hierby ooreenkomstig artikel 43 van bogenoemde Wet afgekondig.



J Block : LPW

LUR: Finansies, Ekonomiese Ontwikkeling en Toerisme

HOOFSTUK 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" beteken 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".

HOOFSTUK 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 aan die klaer voorsien.

Afhandeling van klagtes deur die 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 die Verbruikershof deur die 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 subartikel (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 reelmatig 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 voorgeskryf 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 ede 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 en	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	Artikel 118 Wet 68 van 2008
NC-CP 9	Getuiedagvaarding	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 NK-VBO?	
Indien wel, gee verwysingsnommer	
Aard van huidige klagte (Indien spasie te min is, verskaf inligting op afsonderlike vel papier)	
Bepaling van Verbruikerswet 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	
Kort beskrywing van klagte by wyse van verklaring of beëdigde verklaring (Indien spasie te min is, verskaf inligting op afsonderlike vel papier)	
Volledige besonderhede van stappe reeds geneem om klagte te probeer oplos (Indien spasie te min is, verskaf inligting op afsonderlike vel papier)	

NC-CP 1

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

VIR KANTOORGEBRUIK ALLEENLIK

Verwysingsnommer	
Metode van klagte aanmeld (persoonlik, telefonies, ens.)	

NC-CP 2

NOORD-KAAPSE PROVINSIALE VERBRUIKERSBESKERMINGSOWERHEID

KENNISGEWING VAN GEEN VERWYSING (Artikels 8, 9 en 11 van die Wet)

Verwysingsnommer	
Datum van klagte	
Naam van klaer	
ID/Registrasienommer van klaer	
Posadres	
Faksnommer	
E-posadres	

Geagte _____

Klagte: _____

Datum: _____

Dit spyt my om u mee te deel dat u klagte nie deur die Owerheid na die Verbruikershof verwys word nie, omrede klagte/eis –

Beuselagtig of kwelsugtig skyn te wees.

Geen eisorsaak openbaar nie.

Verjaar het, deurdat 3 jaar verloop het sedert die transaksie plaasgevind het sedert die gewraakte optrede tot 'n einde gekom het.

Na my mening, geen redelike vooruitsig op sukses in die Verbruikershof het nie.

(Merk die toepaslike rede v)

Dienswillig die uwe

VERBRUIKERSBESKERMER_____
DATUM 20____

NC-CP 3

NOORD-KAAPSE PROVINSIALE VERBRUIKERSBESKERMINGSOWERHEID

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

SAAKNOMMER: _____ 20_____

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

DIE AANGELEENTHEID TUSSEN

_____ KLAER /
_____ APPLIKANT

EN

_____ RESPONDENT /
_____ REGSVERTEENWOORDIGER

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

SAAKNOMMER: _____ 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 nou ooreenkomstig 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 en remedie daarvoor.

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

DIE AANGELEENTHEID TUSSEN

_____ KLAER /

_____ APPLIKANT

EN

_____ RESPONDENT /

_____ REGSVERTENWOORDIGER

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

SAAKNOMMER: _____ 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 Verbruikersbeskermer was 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 ooreenkomstig artikel 11(1) van die Wet, ter rolle om aansoek om verlof te bekom vir direkte volle verhoor in die Verbruikershof, 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_____
Datum 20 _____

NC-CP 5

NOORD-KAAPSE PROVINSIALE VERBRUIKERSBESKERMINGSOWERHEID

INSPEKTEUR- EN 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

NOORD-KAAPSE PROVINSIALE VERBRUIKERSBESKERMINGSOWERHEID	
<p align="center">NAKOMINGSKENNISGEWING OOREENKOMSTIG DIE “CONSUMER PROTECTION ACT, 2008” (Artikel 100 van Wet No. 68 van 2008)</p>	
Naam van persoon of entiteit op wie die kennisgewing betrekking het	
Adres	
Verwysingsnommer	
Datum	
Bepalings van Wet waaraan nie voldoen word nie	
<p>Nadere besonderhede* van die aard en omvang van nie-nakoming van die Wet: (*Heg Bylae aan indien nodig)</p>	
<p>Besonderhede* van regstellende maatreëls en datums waarbinne dit moet geskied: (*Heg Bylae aan indien nodig)</p>	
<p>Boete/Gevangenisstraf/Administratiewe boete indien geen regstelling plaasvind nie: Artikels 107-113 van die “Consumer Protection Act, 2008 (Act No. 68 of 2008)” by skuldigbevinding moontlik</p>	

NC-CP 7

NOORD-KAAPSE PROVINSIALE VERBRUIKERSBESKERMINGSOWERHEID	
AANSPRAAK OP VERTROULIKHEID (Artikel 17 van die Wet)	
AAN: 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 begin- en eindbladsye waarop die vertroulike inligting begin en eindig</p> <p>Kolom 3 – die naam van die persoon wat oor die vertroulike 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>	

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 samestelling van hierdie vertroulike inligting en die indiening daarvan ooreenkomstig Regulasie 10 en artikel 17 van die Wet.

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

Naam en 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 VAN

_____ KLAER

EN

_____ RESPONDENT

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

RESPONDENT, NEEN 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 _____ (Straatadres).

RESPONDENT NEEM VERDER KENNIS DAT:

- (1) U na bewering die Noord-Kaapse Verbruikersbeskermingswet, 2012 oortree het deurdat u inbreuk, skending of bedreiging veroorsaak het op die Klaer se verbruikersregte en met verbode handeling en handelspraktyke teenstrydig met die “Consumer Protection Act, Act 68 of 2008” opgetree het, en u moontlik aanspreeklik gehou kan word vir skadevergoeding of benadeling of strawwe of boetes soos aangedui in **Bylae: Besonderhede van Oortreding en Eis** hiertoe aangeheg; en
- (2) U het 10 kalenderdae 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 tyd om by die Griffier enige pleit, eksepsie of kennisgewing te liasseer; en
- (4) Versuim om die verhoor by te woon is `n misdryf. Versuim om 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 regsverteenvoerder of enige ander persoon, op eie koste, bygestaan word.

_____ VERBRUIKERSBESKERMER

_____ 20 _____
DATUM

Griffier: Verbruikershof kontakbesonderhede: _____

NC-CP 9

NOORD-KAAPSE PROVINSIALE VERBRUIKERSBESKERMINGSOWERHEID

DAGVAARDING AAN PERSOON OM VOOR DIE NOORD-KAAPSE VERBRUIKERSHOF OF
VERBRUIKERSBESKERMINGSOWERHEID TE VESKYN

(Artikel 13 van die Wet)

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 **Owerheid*/Verbruikershof*** (*Merk toepaslike) moet verskyn om 09:00 op die vermelde dag en 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 oortreding van artikels en Wet:		

AAN: Die persoon genoem in hierdie getuiedagvaarding:

U word hiermee in die naam van die Noord-Kaapse Verbruikersbeskermingsowerheid opdrag gegee om self voor die **Owerheid*/Verbruikershof*** (**Merk toepaslike*) te verskyn om 09:00 op die vermelde dag en 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 volgende dokumente / items / fotos in die Bylae _____ hiertoe aangeheg, saam te bring.

U kan in aanmerking kom vir getuiefooie soos per Regulasie 9 van die Wet voorgeskryf.

Naam van ondersoekbeampte: _____

Telefoonno.: _____

Faksno.: _____

Handtekening van Verbruikersbeskermer: _____

WAARSKUWING

U is verplig om enige verandering in adres en kontakbesonderhede aan die ondersoekbeampte te verskaf. Versuim om uitvoering aan die dagvaarding te gee of om sodanige verandering in adres/kontakbesonderhede mee te deel, kan lei tot 'n kostebevel of boete.

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

VIR AMPTELIKE GEBRUIK ALLEENLIK: RELAAS VAN BETEKENING

Ek die ondergetekende, bevestig hiermee dat ek hierdie dagvaarding op die genoemde persoon soos volg beteken het –

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

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 Funksionarisse 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 of `n party tot die regsproses begin getuig, moet die Voorsitter van die Verbruikershof, of `n persoon deur hom genomineer, daardie persoon die eed ople of `n plegtige verklaring van daardie persoon afneem, op oorkonde op die volgende wyse:

“Verskaf asseblief vir doeleindes van die oorkonde u volle name:” _____

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

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

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

“Sweer 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/Vertaler

Die Voorsitter van die Verbruikershof of `n persoon deur hom genomineer, hanteer die eedaflegging of plegtige verklaring van `n Vertaler of Tolk op die volgende wyse:

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

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