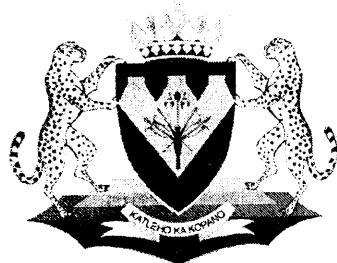


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## PROVINCIAL NOTICE

[No. 178 of 2002]

### REGULATIONS : CONSUMER AFFAIRS COURT

I, ST Belot, Member of the Executive Council responsible for Economic Affairs, with the concurrence of a committee of the Provincial Legislature responsible for consumer affairs and after consultation with the chairperson of the court, under section 28 of the Consumer Affairs (Unfair Business Practices) Act, 1998 (Act No. 14 of 1998), hereby make the regulations set out in the Schedule.

### SCHEDULE

#### Definitions

1. In these regulations, unless the context indicates otherwise, a word or expression to which a meaning has been assigned in the Consumer Affairs (Unfair Business Practices) Act, 1998 (Act No. 14 of 1998), retains that meaning, and in addition –

“chairperson” means the chairperson of the court, and includes an alternate chairperson appointed under section 14(2) of the Act; and

“the Act” means the Consumer Affairs (Unfair Business Practices) Act, 1998 (Act No. 14 of 1998).

#### Request for further information

2. (1) Where a person has lodged a complaint with the office regarding an alleged unfair practice, as contemplated in section 6(1) of the Act, the office may request the complainant to provide further information in the form of an affidavit or otherwise.  
  
(2) The office may reduce further information provided as contemplated in subregulation (1) to writing.

#### Notice of investigation

3. (1) When the office institutes an investigation, whether on receipt of a complaint as contemplated in section 6 of the Act or of its own accord or at the instance of the responsible Member as contemplated in section 7(1) and (2) of the Act, the office must give notice of the investigation and of the alleged unfair business practice to the person alleged or suspected to be responsible for the unfair business practice in question.

## PROVINSIALE KENNISGEWING

[No. 178 van 2002]

### REGULASIES : HOF VIR VERBRIKERSAKE

Ek, ST Belot, Lid van die Uitvoerende Raad verantwoordelik vir Ekonomiese Sake, met die instemming van 'n komitee van die Provinsiale Wetgewer verantwoordelik vir verbruikersake en ná oorlegpleging met die voorsitter van die hof, kragtens artikel 28 van die Wet op Verbruikersake (Onbillike Sakepraktyke), 1998 (Wet No. 14 van 1998), vaardig hiermee die regulasies soos in hierdie Bylae uiteengesit, uit.

### BYLAE

#### Woordomskrywing

1. In hierdie regulasies, tensy deur die samehang anders aangedui, behou 'n woord of uitdrukking waaraan 'n betekenis geheg is in die Wet op Verbruikersake (Onbillike Sakepraktyke), 1998 (Wet No. 14 van 1998), daardie betekenis, en daarbenewens beteken –

“voorsitter” die voorsitter van die hof, met inbegrip van 'n plaasvervangende voorsitter kragtens artikel 14(2) van die Wet aangestel; en.

“die Wet” die Wet op Verbruikersake (Onbillike Sakepraktyke), 1998 (Wet No. 14 van 1998).

#### Versoek vir nadere inligting

2. (1) Waar 'n persoon 'n klagte by die kantoor ingedien het in verband met 'n beweerde onbillike praktyk, soos beoog in artikel 6(1) van die Wet, kan die kantoor die klaer versoek om verdere inligting in die vorm van 'n beëdigde verklaring of die teengestelde te voorsien.  
(2) Die kantoor kan verdere inligting verskaf soos beoog in sub-regulasie (1) op skrif stel.

#### Kennisgewing van ondersoek

3. (1) Wanneer die kantoor 'n ondersoek instel, het sy by ontvangs van 'n klagte soos in artikel 6 van die Wet beoog of uit eie beweging of op die aandrang van die verantwoordelike Lid soos in artikel 7(1) en (2) van die Wet beoog, moet die kantoor kennis gee van die ondersoek en van die beweerde onbillike sakepraktyk aan die persoon wat beweer word of vermoed word verantwoordelik is vir die onbillike sakepraktyk ter sprake.

- (2) The Consumer Protector must cause notice to be given –
- (a) through delivery to the person to be notified; or
  - (b) by sending the notice to that person by electronic facsimile or prepaid registered post to his or her –
    - (i) business address; or
    - (ii) address last known to the office.
- (3) A warning to the person allegedly implicated that a statement or explanation, which he or she may give, may be used against him or her in proceedings before the court must accompany a notice referred to in subregulation (1).
- (4) A notice referred to in subregulation (1) must be sent even when the investigation is not made known by notice in the *Provincial Gazette* as contemplated in section 7(3) of the Act.

#### **Form of summons**

4. (1) Proceedings before the court must be initiated, as contemplated in section 18(1) of the Act, by a summons complying substantially with Form 5 in Annexure A.
- (2) The summons must –
- (a) contain the substance of the allegations regarding the unfair business practice in question;
  - (b) specify a date, which will not be less than 10 working days, time and place on which the person summoned is required to appear before the court.
- (3) Where the court issues an order requiring a person to appear before it to give evidence or to produce any book, document or object for the purpose of ascertaining a matter relating to proceedings before the court as contemplated in section 19(1)(a), the court must issue a summons addressed to that person complying with Form 6 in Annexure A.
- (4) A summons must be served in a manner prescribed by Regulation 13.

#### **Oath or affirmation by person summoned**

5. A person summoned in terms of section 8(1)(a) of the Act must before being questioned or required to produce any book, document or other object, take an oath or make solemn affirmation in the terms set out in Part 1 of Annexure C.

- (2) Die Verbruikersbeskermer moet kennis laat geskied –
- (a) by wyse van aflêwering aan die persoon wat in kennis gestel moet word; of
  - (b) deur die kennisgewing aan daardie persoon by wyse van elektroniese faksimilee of voorafbetaalde geregistreerde pos aan sy of haar –
    - (i) besigheidsadres; of
    - (ii) laaste adres bekend aan die kantoor.
- (3) ‘n Waarskuwing aan die persoon wat na bewering geïmpliseer is dat ‘n verklaring of verduideliking, wat hy of sy mag gee, teen hom of haar gebruik kan word in die verrigtinge voor die hof moet die kennisgewing vermeld in (1) vergesel.
- (4) ‘n Kennisgewing vermeld in sub-regulasie (1) moet gestuur word al word die ondersoek ook nie by wyse van kennisgewing in die *Provinciale Koerant* soos in artikel 7(3) van die Wet, bekend gemaak nie.

### **Vorm van dagvaarding**

4. (1) Verrigtinge voor die hof moet in werking gestel word, soos in artikel 18(1) van die Wet beoog, deurmiddel van ‘n dagvaarding wat in wese met Vorm 5 in Aanhangsel A ooreenstem.
- (2) Die dagvaarding moet –
- (a) die kern bevat van die bewerings rakende die onbillike sakeprakteke ter sprake;
  - (b) ‘n datum spesifiseer, wat nie minder is as 10 werksdae en ‘n plek waar die gedagvaarde persoon voor die hof moet verskyn.
- (3) Waar die hof ‘n bevel uitreik wat ‘n persoon verplig om voor dit te verskyn om getuenis af te le of om ‘n voorwerp voor te lê vir die doel om sekerheid te kry oor ‘n saak rakende die verrigtinge voor die hof soos beoog in artikel 19(1)(a), moet die hof ‘n dagvaarding aan daardie persoon uitreik wat met Vorm 6 in Aanhangsel A ooreenstem.
- (4) ‘n Dagvaarding moet beteken word op ‘n wyse soos voorgeskryf deur Regulasie 13.

### **Eed van bevestiging deur gedagvaarde persoon**

5. ‘n Persoon wat ingevolge artikel 8(1)(a) van die Wet gedagvaar is moet, voordat hy of sy ondervra word of verplig word om enige boek, dokument of enige ander voorwerp voor te lê, ‘n eed of ‘n plegtige bevestiging aflê volgens die bepalings uiteengesit in Deel 1 van Aanhangsel C.

**Witness fees**

6. (1) A person summoned in terms of section 8(1)(a) of the Act and a person who has attended proceedings of the court as a witness as contemplated in section 19(4) of the Act, is entitled to witness fees in accordance with witness fees determined under section 42 of the Supreme Court Act, 1959 (Act No. 59 of 1959).
- (2) The clerk of the court must pay the fees in accordance with the tariff referred to in subregulation (1).

**Conditions of service and remuneration of certain investigating Officers**

7. (1) The conditions contemplated in section 9(3) of the Act governing the appointment of an investigating Officer who is not in the full-time service of the State are as follows:
- (a) the appointee holds office as an investigating Officer for the hours, days and other period or periods as the responsible Member may determine;
- (b) the investigating Officer performs his or her functions subject to the control and directions of the Consumer Protector; and
- (c) the investigating Officer performs his or her functions faithfully and diligently.
- (2) An investigating Officer who is not in the full-time service of the State must be remunerated –
- (a) as contemplated in sections 9(3) of the Act on the scale as set out in the Supreme Court Act, 1959 (Act No. 59 of 1959);
- (b) in a particular case, a lesser, or, with the concurrence of the Consumer Protector, higher rate determined by the responsible Member after consultation with the person appointed or to be appointed.

**Certificate of appointment**

8. An investigating Officer must be provided with a certificate of appointment in terms of section 9(4) of the Act in the form of Form 2 in Annexure A.

**Search warrant**

9. A search warrant contemplated in section 10(2) of the Act must comply substantially with Form 3 in Annexure A.

## **Getuiegelde**

6. (1) ‘n Persoon gedagvaar kragtens artikel 8(1)(a) van die Wet en ‘n persoon wat hofverrigtinge bygewoon het as ‘n getuie soos in artikel 19(4) van die Wet beoog, is geregtig op getuiegelde in ooreenstemming met getuiegelde soos vasgestel kragtens artikel 42 van die Wet op die Hooggereghof, 1959 (Wet No. 59 van 1959).
- (2) Die klerk van die hof moet die gelde betaal in ooreenstemming met die tarief vermeld in sub-regulasie (1).

## **Diensvoorraarde en vergoeding van bepaalde ondersoekbeamptes**

7. (1) Die voorraarde beoog in artikel 9(3) van die Wet wat die aanstelling van ‘n ondersoekbeampte reël wat nie voltyds in diens van die Staat is, is soos volg:
- (a) die aangestelde beklee die amp as ondersoekbeampte vir die ure, dae en ander periode of periodes soos wat die verantwoordelike Lid mag bepaal;
  - (b) die ondersoekbeampte verrig sy of haar funksies onderhewig aan die beheer en voorskrifte van die Verbruikersbeskermer; en
  - (c) die ondersoekbeampte verrig sy of haar funksies getrou en sorgvuldig.
- (2) ‘n Ondersoekbeampte wat nie voltyds in diens van die Staat is nie, moet vergoed word –
- (a) soos beoog in artikel 9(3) van die Wet op die skaal soos uiteengesit in die Wet op die Hooggereghof, 1959 (Wet No. 59 van 1959);
  - (b) in ‘n bepaalde geval, teen ‘n laer, of, met die instemming van die verantwoordelike Lid, ‘n hoër koers soos deur die Verbruikersbeskermer vasgestel ná oorlegpleging met die persoon wat aangestel is of word.

## **Sertifikaat van aanstelling**

8. ‘n Ondersoekbeampte moet voorsien word van ‘n sertifikaat van aanstelling ingevolge artikel 9(4) van die Wet in die vorm van Vorm 2 in Aanhangsel A.

## **Lasbrief vir visentering**

9. ‘n Lasbrief vir visentering soos beoog in artikel 10(2) van die Wet moet in hoofsaak voldoen aan Vorm 3 in Aanhangsel A.

**Receipt to be issued on seizure**

10. Where an investigating Officer seizes anything which has or might have a bearing on an investigation as contemplated in section 10(1)(d) of the Act, the investigating Officer must issue a receipt in the form of Form 4 in Annexure A to the owner or person in charge of the premises or to the person in possession or in charge of the object seized.

**Oath or affirmation by member of court**

11. A member or alternate member of the court must, before assuming office, make and sign an oath or solemn affirmation before the Commissioner of Oaths in the presence of the responsible Member in the form contained in Part 2 of Annexure C.

**Costs**

12. (1) Where the court awards costs against a person found to have conducted the unfair business practice concerned and to have acted fraudulently or grossly unreasonably, as contemplated in section 17(1)(b) of the Act, such costs must –

- (a) be paid to the office by the person against whom they are awarded;
- (b) be on the scale of costs contained in Tariff 1 in Annexure B.

(2) The Consumer Protector must cause the amount of costs paid to the office as contemplated in subregulation (1)(a) to be paid into the Provincial Revenue Fund.

**Manner of service**

13. (1) A summons or notice issued in terms of the provisions of the Act must be served by the Sheriff of the Magistrates' Court in one of the following manners:

- (a) by delivery of a copy of the summons to the person to be served;
- (b) by leaving a copy thereof at the place of residence of the person to be served with a person who appears to be in charge of the premises at the time of delivery and who seems to be older than 16 years of age;
- (c) by delivering a copy thereof at the place of employment of the person to be served to a person who appears to be in authority over the said person and seems to be older than 16 years of age;

## **Ontvangsbewys uitgereik by beslaglegging**

- 10.** Waar 'n ondersoekbeampte beslag le op enigets wat op 'n ondersoek betrekking het soos beoog in artikel 10(1)(d) van Wet, moet die ondersoekbeampte 'n ontvangstbewys in die vorm van Vorm 4 in Aanhangsel A aan die eienaar of persoon in beheer van die perseel uitreik of aan die persoon in besit van of in beheer van die voorwerp waarop beslag gele word.

## **Eed van bevestiging deur lid van hof**

- 11.** 'n Lid of alternatiewe lid van die hof moet, voor ampsaanvaarding, 'n eed of 'n plegtige bevestiging voor die verantwoordelike lid aflê en onderteken in die vorm soos vervat in Deel 2 van Aanhangsel C.

## **Koste**

- 12.** (1) Wanneer die hof koste toestaan teen die persoon wat volgens bevindings die gemelde onbillike sakepraktyk voer en wat bedrieglik of grof onredelik opgetree het, soos beoog in artikel 17(1)(b) van die Wet, word sodanige koste –
- (a) aan die kantoor deur die persoon teen wie die uitspraak gedoen is, toegeken;
  - (b) teen die skaal bereken wat in Tarief 1 in Aanhangsel B vervat is.
- (2) Die Verbruikersbeskermer moet die bedrag van die koste wat aan die kantoor betaal word soos in sub-regulasie (1)(a) beoog in die Provinsiale Inkomsfonds laat inbetaal.

## **Wyse van betekening**

- 13.** (1) 'n Dagvaarding of kennisgewing wat ingevolge die bepalings van die Wet uitgereik is, word deur die Balju van die Landdroshof op een van die volgende maniere beteken:
- (a) by wyse van aflêwering van 'n afskrif van die dagvaarding aan die persoon aan wie dit beteken word;
  - (b) deur 'n afskrif daarvan by die woonplek van die persoon aan wie dit beteken word, te los by 'n persoon wat ten tye van die aflêwering in beheer van die perseel blyk te wees en ouer as 16 jaar blyk te wees;
  - (c) deur 'n afskrif daarvan by die werkplek van die persoon aan wie dit beteken word, te los by 'n persoon wat ten tye van die aflêwering in beheer oor die gemelde persoon blyk te wees en ouer as 16 jaar blyk te wees;

- (d) if the person to be served has chosen an address at which the summons may be served, by delivering or leaving a copy thereof at the address so chosen;
  - (e) in the case of a company or close corporation, by delivering a copy to a responsible employee thereof at its registered office or its principal place of business within the jurisdiction of the court or, if none of the employees are willing to accept service, by affixing a copy thereof to the main door of such office or place of business;
  - (f) by delivering a copy thereof to an agent who is duly authorised in writing to accept service on behalf of the person to be served;
  - (g) where a partnership, firm or voluntary association is to be served –
    - (i) by leaving a copy thereof at the place of business of the partnership, firm or voluntary association with a person who appears to be in charge of the premises at the time of delivery and who seems to be older than 16 years of age; or
    - (ii) if such a partnership, firm or voluntary association has no place of business at the time of service, by effecting service on a partner, the proprietor or the chairman or secretary of the committee or other managing body of the association, as the case may be, in a manner set forth in this regulation; or
  - (h) in a manner determined by the court in a particular case.
- (2) Where the person to be served is a minor or a person without legal capacity, the summons must be served in a manner mentioned in subregulation (1) on that person's guardian, tutor, curator or caregiver instead of being served on that person.
- (3) For the purposes of subregulation (1)(b), when a block of flats or other building (other than a hotel, boarding-house, hostel or similar residential building) is occupied by more than one person or family, the summons must be served as provided in the said subregulation at that part of the building which the person to be served occupies as his or her residence or place of business.
- (4) The Consumer Protector must cause summons to be served, unless the court orders otherwise in a particular case.

- (d) indien die persoon aan wie dit beteken word 'n adres gekies het waar die dagvaarding beteken moet word, 'n afskrif by die adres wat aldus gekies is, af te lewer of te los;
  - (e) in die geval van 'n maatskappy of beslote korporasie, deur 'n afskrif aan 'n verantwoordelike werknemer daarvan by sy geregistreerde kantoor of sy hoofbesigheidsplek binne die jurisdiksie van die hof af te lewer of, indien geeneen van die werknemers bereid is om die betekening in ontvangs te neem nie, deur 'n afskrif daarvan aan die hoofdeur van sodanige kantoor of besigheidsplek vas te heg;
  - (f) deur 'n afskrif af te lewer by 'n agent wat behoorlik op skrif gemagtig is om die betekening in ontvangs te neem namens die persoon wat beteken moet word;
  - (g) waar 'n vennootskap, firma of vrywillige vereniging beteken moet word –
    - (i) deur 'n afskrif daarvan by die besigheidsplek van die vennootskap, firma of vrywillige vereniging te los by 'n persoon wat ten tye van die aflêwing in beheer van die perseel blyk te wees en ouer as 16 jaar blyk te wees;
    - (ii) indien sodanige vennootskap, firma of vrywillige vereniging oor geen besigheidsplek beskik ten tye van die betekening nie, deur betekening te laat geskied aan 'n vennoot, die eienaar of voorsitter of sekretaris van die komitee of ander bestuursliggaam van die vereniging, wat ookaal die geval mag wees, op 'n wyse wat in hierdie regulasie uiteengesit is; of
  - (h) op 'n wyse soos deur die hof in 'n bepaalde saak beslis word.
- (2) Waar 'n persoon wat beteken word 'n minderjarige of 'n persoon sonder regsbevoegdheid is, moet die dagvaarding beteken word op 'n wyse gemeld in sub-regulasie (1) aan daardie persoon se voog, kurator of sorggewer in plaas van dit aan daardie persoon te beteken.
- (3) Vir die doeleindes van sub-regulasie (1)(b), wanneer 'n woonstelblok of ander gebou (behalwe 'n hotel, losieshuis, koshuis of soortgelyke woongebou) deur meer as een persoon of gesin beset word, word die dagvaarding beteken soos deur die gemelde regulasie bepaal by daardie gedeelte van die gebou wat die persoon wat beteken word beset as sy of haar woonplek of besigheidsplek.
- (4) Die Verbruikersbeskermer moet die dagvaarding laat beteken, tensy die hof anders in 'n bepaalde geval gelas.

- (5) Persons ordered to serve summons in terms of subregulation (4), must be remunerated on the scale of messengers of the Magistrate's Court Act, 1944 (Act No. 32 of 1944).

### **Oath or affirmation by person giving evidence or producing objects**

14. Before giving evidence or producing an object, a person summoned in terms of section 19 of the Act must make and sign an oath or solemn affirmation in the terms set out in Part 1 of Annexure C.

### **Proceedings against persons allegedly responsible for unfair business practice**

15. (1) Proceedings before the court against a person allegedly responsible for an unfair business practice must be conducted in accordance with this regulation, with a view to ascertaining whether an unfair business practice exists or may come into existence and whether that person is or was implicated in that practice or future practice.
- (2) The office must state the alleged unfair practice and the nature of the involvement of the person who is, allegedly, implicated.
- (3) The chairperson must ask the person who is, allegedly, implicated, whether he or she admits to any or all of the allegations, and an admission must be recorded.
- (4) Where that person does not admit all the allegations, the office has the opportunity to produce evidence in support of the allegations that are denied.
- (5) The person who is allegedly implicated, then has the opportunity of stating his or her case against the allegations and of producing evidence in support thereof.
- (6) The court may in its discretion allow further evidence to be produced or witnesses to be recalled by the office or the person allegedly implicated.
- (7) After the office and the person who is, allegedly, implicated, have produced their evidence and stated their cases, the court may recall a witness or call further witnesses to submit to questioning by the court and thereafter by the office and the person allegedly implicated.
- (8) After all the evidence has been produced, the office may address the court.
- (9) The person allegedly implicated may then address the court.

- (5) Persone wat beveel word om dagvaardings ingevolge subregulasie (4) te beteken, word volgens die skaal van bodes van die Wet op Landdroshewe, 1944 (Wet No. 32 van 1944), vergoed.

**Eed van bevestiging deur 'n persoon wat getuienis lewer of voorwerpe produseer**

14. Voordat getuienis gelewer of 'n voorwerp voorgelê word, le 'n persoon wat ingevolge artikel 19 van die Wet gedagvaar is eed of plegtige bevestiging af kragtens die bepalings in Deel 1 van Bylae C uiteengesit.

**Stappe teen persone wat na bewering verantwoordelik is vir onbillike sakepraktyke**

15. (1) Verrigtinge in die hof teen 'n persoon wat na bewering verantwoordelik is vir 'n onbillike sakepraktyk word ooreenkomsdig hierdie regulasie gevoer, ten einde te bepaal of 'n onbillike sakepraktyk bestaan of ontstaan en of daardie persoon in die gemelde praktyk of toekomstige praktyk geïmpliseer is of word.
- (2) Die kantoor moet die beweerde onbillike praktyk vermeld en die aard van die betrokkenheid van die persoon wat, na bewering, geïmpliseer word.
- (3) Die voorsitter moet die persoon wat, na bewering, geïmpliseer word, vra of hy of sy enige van of al die bewerings erken, en 'n bekentenis moet geboekstaaf word.
- (4) Waar die persoon nie al die bewerings erken nie, kry die kantoor die geleentheid om getuienis voor te lê ter ondersteuning van die bewerings wat ontken word.
- (5) Die persoon wat, na bewering, geïmpliseer word, kry dan die geleentheid om sy of haar saak teen die bewerings te stel en getuienis voor te lê ter ondersteuning daarvan.
- (6) Die hof kan na goeddunke toelaat dat verdere getuienis voorgelê word of dat getuies deur die kantoor of die persoon wat na bewering geïmpliseer word, herroep word.
- (7) Nadat die kantoor en die persoon wat, na bewering, geïmpliseer word, hul getuienis voorgelê het en hul sake gestel het, kan die hof 'n getuie herroep of verdere getuies roep en deur die hof aan ondervraging onderwerp en daarna deur die kantoor en die persoon wat na bewering geïmpliseer word.
- (8) Nadat alle getuienis voorgelê is, kan die kantoor die hof toespreek.
- (9) Die persoon wat na bewering geïmpliseer word kan dan die hof toespreek.

- (10) The office may thereafter address the court to reply only to matters raised by the person allegedly implicated which the office has not yet dealt with.
- (11) The court may adjourn the proceedings where necessary to give the person allegedly implicated a reasonable time to prepare representations, or for other good cause.
- (12) Whenever the chairperson is satisfied on evidence or information presented to the court that other instituted or pending legal proceedings or investigations in terms of other laws exist or may come into existence, the court must take note thereof and consider appropriate ways in which to deal with such other proceedings and investigations.
- (13) The chairperson may, where he or she deems it expedient, determine that proceedings before the court may be conducted otherwise than in accordance with this regulation.
- (14) The court must ensure that the person allegedly implicated is sufficiently informed of the allegations regarding the unfair business practice in question to enable him or her to make representations.
- (15) Person accused of alleged unfair business practice may be subjected to cross-examination.

#### **Examination of witnesses**

16. (1) A witness called by the office may be cross-examined by the person against whom the proceedings were instituted and the other way around, and a witness called by the court may be cross-examined by the office and that person.
- (2) Without prejudice to the right of the office or a person allegedly implicated to be represented or assisted as contemplated in sections 18(4) and (6) of the Act, a witness appearing before the court may, in the discretion of the chairperson and in the manner as the chairperson may determine, be assisted by an advocate, attorney or another person.
- (3) The court may direct that no person will be allowed to disclose in any manner whatsoever the name or address of a person who testified or testifies or who has been summoned and so requests the court not to reveal his or her identity.
- (4) Where evidence is given in a language with which the court or the office or the person alleged to be responsible for the unfair business practice in question or their representatives are not sufficiently conversant, a competent interpreter must interpret the evidence.

- (10) Die kantoor kan hierna die hof toespreek om repliek te lewer slegs op aangeleenthede wat geopper is deur die persoon wat na bewering geïmpliseer word en wat die kantoor nog nie aangeraak het nie.
- (11) Die hof kan die verrigtinge waar nodig verdaag waar nodig om die persoon wat na bewering geïmpliseer word redelike tyd te gun om vertoë voor te berei, of vir enige ander goeie rede.
- (12) Elke keer wanneer die voorsitter op getuienis of inligting aan die hof voorgelê tevrede is dat ander hofverrigtinge wat ingestel of hangend is of ondersoek wat ingevolge ander wette wat bestaan of wat gemaak gaan word, moet die hof kennis daarvan neem en toepaslike maniere vind om sodanige verrigtinge en procedures te hanteer.
- (13) Die voorsitter kan bepaal dat die verrigtinge voor die hof anders gevoer mag word as op 'n wyse wat met hierdie regulasie ooreenstem.
- (14) Die hof moet verseker dat die persoon wat na bewering geïmpliseer word voldoende ingelig word oor die bewerings rakende die onbillike sakepraktyk wat ter sprake is ten einde hom of haar in staat te stel om vertoë te rig.
- (15) 'n Persoon wat van onbillike sakepraktyke beskuldig word kan aan kruisondervraging onderwerp word.

### **Ondervraging van getuies**

- 16.
- (1) 'n Getuie wat deur die kantoor opgeroep word kan kruisondervra word deur die persoon teen wie die verrigtinge ingestel is en andersom, en 'n getuie wat deur die hof opgeroep word kan deur die kantoor en daardie persoon kruisondervra word.
  - (2) Sonder die inkorting van die regte van van die kantoor of persoon wat na bewering geïmpliseer word om verteenwoordig of bygestaan te word soos beoog in artikels 18(4) en (6) van die Wet, kan 'n getuie wat voor die hof verskyn, na goeddunke van die voorsitter en op 'n wyse soos deur die voorsitter bepaal, deur 'n advokaat, prokureur of ander persoon bygestaan word.
  - (3) Die hof kan beslis dat geen persoon toegelaat word om op enige wyse ook al die naam of adres van 'n persoon wat getuig het of besig is om te getuig of wie gedagvaar is bekend te maak en aldus die hof versoek om nie sy of haar identiteit bekend te maak nie.
  - (4) Waar getuienis gelewer word in 'n taal waarin die hof of die kantoor of die persoon wat na bewering verantwoordelik is vir die onbillike sakepraktryk ter sprake of hul verteenwoordigers nie voldoende vertroud is nie, moet 'n bevoegde tolk die getuienis interpreteer.

- (5) If, in the opinion of the court, it is expedient to appoint a competent interpreter or if the office or the person allegedly implicated so desires, the court may satisfy itself as to the competence and integrity of a proposed interpreter before he or she is employed as such.
- (6) Interpreters should be remunerated in accordance with the tariff of allowances prescribed by the Minister Of Justice and published by notice in the Gazette in terms of section 15 of the Magistrates Courts Act, 1944 (Act No. 32 of 1944), as amended.

### **Urgent temporary orders**

17. (1) Where the office seeks an urgent temporary order contemplated in section 20(1) of the Act, it must, before the temporary order is issued but subject to subregulation (4), give notice thereof to each person against whom the order will be sought or who will be named in or affected by the order.
  - (2) A notice contemplated in subregulation (1) must –
    - (a) state that the office intends to place information before the court that circumstances relating to the particular matter concerned, which is the subject of an investigation by the Office, render that matter urgent in that irreparable prejudice would be caused to a consumer or a group or class of consumers if the matter were to be dealt with only by the court during proceedings in due course and that the office will accordingly request the court to issue a temporary order;
    - (b) give particulars of the investigation sufficient to identify the matter that is the subject of the investigation;
    - (c) state the terms of the temporary order sought by the office;
    - (d) state the date and time when and place where the office will request the court to issue the order;
    - (e) state that the person notified may appear at that date, time and place and that he or she may only object on the grounds that the matter is not urgent as contemplated in paragraph (a);
    - (f) comply with Form 6 in Annexure A.
  - (3) A notice contemplated in subregulation (1) must be served in a manner prescribed in regulation 13.

- (5) Indien, na die hof se mening, dit raadsaam is om 'n bevoegde tolk aan te stel of indien die kantoor of die persoon wat na bewering geïmpliseer word dit verkies, kan die hof homself vergewis van die bevoegdheid en integriteit van die voorgestelde tolk voordat hy of sy as sodanig aangestel word.
- (6) Tolke moet vergoed word in ooreenstemming met die tarief van toelaes voorgeskryf deur die Minister van Justisie en deur kennisgewing in die Staatskoerant gepubliseer ingevolge artikel 15 van die Wet op Landdroshowe, 1944 (Wet No. 32 van 1944), soos gewysig.

### **Dringende tydelike bevele**

17. (1) Waar die kantoor 'n dringende tydelike bevel soos beoog in artikel 20(1) van die Wet aanvra, moet dit, voordat die tydelike bevel uitgereik word maar onderhewig aan sub-regulasie (4), kennis daarvan gee aan elke persoon teen wie die bevel aangevra gaan word of wie deur die bevel genoem of geraak sal word.
- (2) 'n Kennisgewing soos in sub-regulasie (1) beoog moet-
- (a) vermeld dat die kantoor beoog om inligting voor die hof te bring dat omstandighede rakende die besondere betrokke geval, wat onderhewig is aan 'n ondersoek deur die Kantoor, die saak dringend maak deurdat onherstelbare skade aan 'n verbruiker of groep of klas van verbruikers veroorsaak sal word indien die saak slegs deur die hof te gelegener tyd in die loop van verrigtinge aangeraak sal word en dat die kantoor gevvolglik die hof sal versoek om 'n tydelike bevel uit te reik;
  - (b) besonderhede verskaf vir die ondersoek wat voldoende is om die saak wat die onderwerp van die ondersoek is, te identifiseer;
  - (c) bepalings van die tydelike bevel deur die kantoor aangevra, vermeld;
  - (d) melding maak van die datum en tyd wanneer en die plek waar die kantoor die hof sal versoek om die bevel uit te reik;
  - (e) vermeld dat die persoon wat in kennis gestel is op daardie datum, tyd en plek kan verskyn en dat hy of sy slegs beswaar kan aanteken op grond daarvan dat die saak nie so dringend is nie soos wat in paragraaf (a) beoog is;
  - (f) met **Vorm 6** in Aanhengsel A ooreenstem.
- (3) 'n Kennisgewing soos beoog in sub-regulasie (1) moet beteken word op 'n wyse soos in regulasie 13 voorgeskryf.

- (4) On request by the Office, the court may in a particular case dispense with the notice requirement under subregulation (1) to any or all persons concerned if the giving of such notice would defeat the object of the temporary order, or for other good cause shown.

**Procedure for confirming arrangements and for incidental requests and applications**

18. (1) The chairperson may determine the manner in which applications to the court by the office for confirmation of an arrangement as contemplated in section 21(1) of the Act, and a request or other application by the office or by a interested person incidental to pending proceedings may be brought.
- (2) Applications and requests contemplated in subregulation (1) may be disposed of in such manner and in accordance with such procedure as the chairperson may determine.

**Rate of interest on money repayable to affected consumers**

19. Where the court orders that interest must be paid on money to be repaid to affected consumers as contemplated in section 22(2)(a) of the Act –
- (a) the interest must be calculated at the prevailing rate prescribed from time to time under section 1(2) of the Prescribed Rate of Interest Act, 1975 (Act No 55 of 1975), unless the court on the grounds of special circumstances orders otherwise;
- (b) the court must specify in its order the date from which and the amount on which interest is payable.

**Remuneration of certain curators**

20. The remuneration contemplated in section 23(3) of the Act which is payable to a curator who is not in the full-time service of the State must be in accordance with Tariff 2 in Annexure B.

**Oath or affirmation by transcriber and interpreter**

21. (1) A person appointed or designated to take down or record the proceedings of the court by shorthand or by mechanical means or to transcribe the proceedings which have been so taken down and recorded, must before commencing with his or her duties make and sign an oath or solemn affirmation before the clerk of the court in the form of Part 4 of Annexure C.
- (2) A person appointed or designated to perform the functions of an interpreter before the court must before commencing with his or her duties make and sign an oath or solemn affirmation before the clerk of the court in the form of Part 5 of Annexure C.

- (4) Op versoek deur die Kantoor, kan die hof in 'n bepaalde saak afsien van die kennisgewingvereiste ingevolge sub-regulasie (1) aan enige of alle betrokke persone indien sodanige kennisgewing die oogmerk van die tydelike bevel verydel, of vir ander goeie gronde aangevoer.

**Procedure vir die bevestiging van reëlings en vir bybehorende versoeke en aansoeke**

18. (1) Die voorsitter kan bepaal op watter wyse aansoeke aan die hof deur die kantoor vir bevestiging van 'n reëling soos beoog in artikel 21(1) van die Wet, en 'n versoek of ander aansoek deur die kantoor of deur 'n belanghebbende party ontstaande uit die hangende verrigtinge voor die hof gebring kan word.
- (2) Aansoeke en versoeke soos beoog in sub-regulasie (1) kan op sodanige wyse afgehandel word en in ooreenstemming met sodanige prosedure soos wat die voorsitter mag bepaal.

**Rentekoers op geld terugbetaalbaar aan geaffekteerde verbruikers**

19. Waar die hof beveel dat rente betaal word op geld wat terugbetaal moet word aan geaffekteerde verbruikers soos beoog in artikel 22(2)(a) van die Wet –
- (a) moet rente bereken word teen die heersende koers wat van tyd tot tyd voorgeskryf word kragtens artikel 1(2) van die Wet op die Voorgeskrewe Rentekoers (Wet No. 55 van 1975), tensy die hof op grond van spesiale omstandighede anders beslis;
- (b) moet die hof in sy bevel spesifiseer die datum van wanneer en bedrag waarop rente betaalbaar is.

**Vergoeding van sekere kurators**

20. Die vergoeding beoog in artikel 23(4) van die Wet aan 'n kurator betaalbaar wat nie voltyds in diens van die Staat is nie moet in ooreenstemming met Tarief 2 in Aanhangel B geskied.

**Eed van bevestiging deur oorskrywer en tolk**

21. (1) 'n Persoon wat aangestel of aangewys is om die hofverrigtinge deur snelskrif of by wyse van meganiese middele af te neem of te boekstaaf moet, voordat hy of sy met hul pligte begin, 'n eed of plegtige bevestiging voor die klerk van die hof in die vorm van Deel 4 van Aanhangel C aflê en onderteken.
- (2) 'n Persoon wat aangestel of aangewys is om die funksies van 'n tolk voor die hof te verrig moet, voordat hy met sy pligte begin, 'n eed of plegtige bevestiging voor die klerk van die hof in die vorm van Deel 5 van Aanhangel C aflê en onderteken.

**Signing of court order**

22. An order by the court intended to be made known by notice in the *Provincial Gazette* must be signed by the chairperson or by a member of the court designated by the chairperson or by the clerk of the court, as determined by the chairperson in general or in a particular case.

**Transcriptions**

23. In the event of any person requiring a transcript of court proceedings, the person requiring the transcript shall bear the costs thereof.

### **Ondertekening van Hofbevel**

22. ‘n Bevel deur die hof wat bedoel is om by wyse van kennisgewing in die *Provinsiale Koerant* bekend gemaak te word moet onderteken word deur die voorsitter of deur ‘n lid van die hof wat deur die voorsitter of klerk van die hof aangewys is, soos deur die voorsitter oor die algemeen of in ‘n bepaalde geval vasgestel.

### **Transkripsies**

23. In die geval van enige persoon wat ‘n transkripsie van hofverrigtinge verlang, dra die persoon wat die transkripsie verlang die koste daarvan.

# **ANNEXURES**

## ***INDEX TO ANNEXURES***

### **A. Forms**

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2. Certificate of appointment of investigating Officer
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4. Receipt for articles seized
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### **B. Tariffs**

1. Scale of costs
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1. Oath or affirmation by person summoned to appear before the Consumer Protector or person in the service of the Office
2. Oath or affirmation by member or alternate member of court
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# **AANHANGSELS**

## **REGISTER VAN AANHANGSELS**

### **A. VORMS**

1. Dagvaarding om voor die Verbruikersbeskermer of 'n persoon in diens van die Kantoor vir Ondersoek na Onbillike Sakepraktyke te verskyn
2. Sertifikaat van aanstelling van ondersoekbeampte
3. Lasbrief vir visentering
4. Ontvangsbewys van items waarop beslag gelê is
5. Dagvaarding wat verrigtinge voor die Hof vir Verbruikersake inisieer
6. Dagvaarding om voor die Hof vir Verbruikersake te verskyn

### **B. Tariewe**

1. Kosteskaal
2. Vergoeding betaalbaar aan kurator wat nie in voltydse diens van die Staat is nie

### **C. Eed en plegtige verklarings**

1. Eed of plegtige verklaring deur persoon wat gedagvaar word om voor die Verbruikersbeskermer of persoon in diens van die kantoor te verskyn
2. Eed of verklaring deur lid of alternatiewe lid van hof
3. Eed of verklaring deur gedagvaarde persoon
4. Eed of verklaring deur oorskrywer
5. Eed of verklaring deur tolk

## **ANNEXURE A**

### **FORMS**

#### **Form 1**

**FREE STATE PROVINCIAL GOVERNMENT  
ECONOMIC AFFAIRS**

#### **SUMMONS TO APPEAR BEFORE THE CONSUMER PROTECTOR OR A PERSON IN THE SERVICE OF THE OFFICE FOR THE INVESTIGATION OF UNFAIR BUSINESS PRACTICES**

To: .....

Office ref:

In the matter of the alleged or suspected

.....  
.....  
.....  
.....  
.....  
.....  
*(particulars of matter in connection with which person summoned is required to appear)*

You are hereby summoned to appear before the Consumer Protector or a person in the service of the Office for the investigation of Unfair Business Practices at

..... (place) at ..... (time) on  
..... (date)

\*(a) to be questioned in connection with the matter particularised above;  
\* and

\*(b) to produce

.....  
.....  
.....  
.....  
.....  
.....  
*(describe books, documents or objects) and be questioned in connection therewith.*

(\* Delete what is not applicable)

---

## **AANHANGSEL A**

## **VORMS**

Vorm 1

# VRYSTAATSE PROVINSIALE REGERING EKONOMIESE SAKE

# DAGVAARDING OM VOOR DIE VERBRUIKERSBESKERMER OF 'N PERSOON IN DIENS VAN DIE KANTOOR VIR ONDERSOEK NA ONBILLIKE SAKEPRAKTYKE TE VERSKYN

Aan: .....

Kantoor verw.

In die saak van die beweerde of vermoedelike

.....(besonderhede van saak in verband **waarmee persoon wat gedagvaar is, moet verskyn**)

U word hiermee gedagvaar om voor die Verbruikersbeskermer of 'n persoon in diens van die Kantoor vir Ondersoek na Onbillike Sakepraktyke te verskyn te

.....(plek) om.....(tyd) op  
.....(datum)

- (a) om ondervra te word in verband met die saak waarvan besonderhede hierbo verskaf is;  
en  
(b) om voor te lê

.....  
.....  
.....  
.....  
*(beskryf boeke, dokumente of voorwerpe) en om daaroor ondervra te word.*

(\*Skrap wat nie van toepassing is nie)

Section 8(4) of the Act states that a person shall be guilty of an offence if he or she, having been summoned –

- (a) fails without sufficient cause to attend at the time and place specified in the summons, or to remain in attendance until the conclusion of the proceedings or until he or she has been excused from further attendance;
- (b) refuses to take the oath or make an affirmation;
- (c) refuses to answer, or to answer fully and satisfactorily to the best of his or her knowledge and belief, a question lawfully put to him or her;
- (d) fails to produce a book, document or object in his or her possession or custody or under his or her control, which he or she was required to produce; or
- (e) makes a false statement to the Consumer Protector or other person in the service of the Office designated by the Consumer Protector, knowing such statement to be false or not knowing or believing it to be true.

..... (date)

---

Consumer Protector / Person authorised by Consumer Protector

---

*Artikel 8(4) van die Wet bepaal dat 'n persoon aan 'n oortreding skuldig is indien hy of sy, nadat hy/sy gedagvaar is-*

- (a) *sonder genoegsame rede versuim om op die tyd en plek wat in die dagvaarding gespesifiseer is die verrigtinge by te woon, of om teenwoordig te wees totdat die verrigtinge ten einde loop of totdat hy of sy verskoon word van verdere bywoning;*
- (b) *weier om die eed of verklaring af te lê;*
- (c) *weier om te antwoord, of om ten volle en bevredigend na sy beste wete en oortuiging op 'n vraag te antwoord wat regmatig aan hom of haar gestel is;*
- (d) *versuim om 'n boek, dokument of voorwerp in sy/haar besit voor te lê of*
- (e) *wat in sy bewaring of onder sy beheer is, wat hy of sy moes voorlê; of*
- (f) *'n valse verklaring maak aan die Verbruikersbeskermer of ander persoon in diens van die Kantoor aangewys deur die Verbruikersbeskermer, wetende dat sodanige stelling vals is of nie weet of glo dat dit waar is nie.*

.....(datum)

---

Verbruikersbeskermer/Persoon deur die Verbruikersbeskermer gemagtig

---

**Form 2**  
FREE STATE PROVINCIAL GOVERNMENT  
ECONOMIC AFFAIRS

**CERTIFICATE OF APPOINTMENT AS INVESTIGATING OFFICER**

---

It is certified that

.....  
is an investigating Officer appointed in terms of the above-mentioned Act.

..... (date).

---

Consumer Protector

**Vorm 2**  
**VRYSTAATSE PROVINSIALE REGERING**  
**EKONOMIESE SAKE**

**SERTIFIKAAT VAN AANSTELLING AS ONDERSOEKBEAMPTE**

---

Dit word gesertifiseer dat

.....

'n ondersoekbeampte is wat kragtens bogenoemde Wet aangestel is.

....., *(datum)*

---

Verbruikersbeskerming

---

**Form 3**  
FREE STATE PROVINCIAL GOVERNMENT  
ECONOMIC AFFAIRS

**SEARCH WARRANT**

---

To: ..... (*full names*),  
an investigating Officer appointed in terms of the above-mentioned Act.

Whereas it appears to the Consumer Affairs Court from information given to it on oath or solemn affirmation that there are reasonable grounds to suspect that an unfair business practice as contemplated in the said Act exists or may come into existence, namely

.....  
..... (*describe practice*) and that the following books, documents or other objects which may afford evidence of unfair business practice, being  
.....  
.....  
..... (*describe books, documents or objects*)  
are in or on the premises situated at ..... (*address*).

This warrant is therefore to authorise you to enter the said premises in the day time, \* and also in the night time as hereby authorised in terms of section 10(3)(b) of the said Act (\* *delete if not applicable*), and there –

- (a) inspect or search those premises, and there make such inquiries as may be necessary for the purpose of obtaining information in relation to the said unfair business practice;
- (b) examine an object found on or in the premises which has or might have a bearing on the investigation into the said unfair business practice and request from the owner or person in charge of the premises or from a person in whose possession or charge that object is, information regarding that object;
- (c) make copies or extracts from a book or document found on or in the premises which has or might have a bearing on the investigation, and request from a person who is suspected of having the necessary information, an explanation of an entry therein;
- (d) seize, against the issue of a receipt, anything on or in the premises which has or might have bearing on the investigation, if the investigating Officer needs to retain it for further examination or for safe custody.

..... (*date*)

---

Consumer Affairs Court

---

**Vorm 3**  
**VRYSTAATSE PROVINSIALE REGERING**  
**EKONOMIESE SAKE**

**LASBRIEF VIR VISENTERING**

---

Aan: ..... (volle name),  
'n ondersoekbeampte wat kragtens bogenoemde Wet aangestel is.

Aangesien dit vir die Hof vir Verbruikersake uit inligting aan hom onder eed of plegtige verklaring verskaf wil voorkom dat daar redelike gronde bestaan om te vermoed dat 'n onbillike sakepraktyk soos in die voormalde Wet beoog bestaan of kan ontstaan, naamlik

.....  
..... (beskryf praktyk) en dat die volgende boeke, dokumente of ander voorwerpe wat getuenis van onbillike sakepraktyke kan oplewer, synde  
.....  
..... (beskryf boeke, dokumente of voorwerpe) gevind kan word in of op die perseel geleë te

magtig hierdie lasbrief vir visentering u dus om die voormalde perseel gedurende die dag te betree, \* en ook gedurende die nag soos hiermee kragtens artikel 10(3)(b) van die voormalde Wet gemagtig (\* skrap wat nie van toepassing is nie), en dat u daar-

- (a) die persele ondersoek of visenteer, en dat u daar sodanige navrae doen wat nodig is vir die doel om inligting te bekom wat verband hou met die voormalde onbillike sakepraktyk;
- (b) 'n voorwerp ondersoek op of binne die perseel wat verband hou of mag hou met die ondersoek na die onbillike sakepraktyk en van die eienaar of persoon in beheer van die perseel of van die persoon in wie se besit of beheer die voorwerp verkeer, inligting oor die voorwerp vra;
- (c) afskrifte maak van of uittreksels haal uit 'n boek of dokument wat op of in die perseel gevind word wat verband hou of kan hou met die ondersoek, en om van die persoon wat u vermoed oor die nodige inligting beskik, 'n verduideliking te vra oor 'n inskrywing daarin;
- (d) beslag lê, teen die uitreiking van 'n ontvangsbewys, op enigiets op of in die perseel wat verband hou of kan hou met die ondersoek, indien die ondersoekbeampte dit vir verdere ondersoek of veilige bewaring benodig.

..... (datum)

---

Hof vir Verbruikersake

---

**Form 4**  
**FREE STATE PROVINCIAL GOVERNMENT**  
**ECONOMIC AFFAIRS**

**RECEIPT FOR ARTICLES SEIZED**

---

To: .....  
*(name of owner or person in charge of premises)*

I, ..... (full names),  
investigating Officer, have seized on or in the premises situated at

..... (address of premises)  
and retained for further examination or for safe custody, the following articles:

1. ....
2. ....
3. ....
4. ....
5. ....
6. ....
7. ....
8. ....
9. ....
10. ....

..... (date)

---

Investigating Officer

---

**Vorm 4**  
**VRYSTAATSE PROVINSIALE REGERING**  
**EKONOMIESE SAKE**

**ONTVANGSBEWYS VIR ITEMS WAAROP BESLAG GELê IS**

---

Aan:

.....  
*(naam van eiennaar of persoon in beheer van die perseel)*

Ek, ..... (volle name),  
ondersoekbeampte, het beslag gelê op, in of op die perseel geleë te

.....  
*(adres  
van perseel)*

en vir verdere ondersoek of veilige bewaring, die volgende items in besit  
geneem:

1. .....
2. .....
3. .....
4. .....
5. .....
6. .....
7. .....
8. .....
9. .....
10. .....

.....  
*(datum)*

---

Ondersoekbeampte

---

**Form 5**  
**FREE STATE PROVINCIAL GOVERNMENT**  
**ECONOMIC AFFAIRS**

## **SUMMONS INITIATING PROCEEDINGS BEFORE THE CONSUMER AFFAIRS COURT**

To: .....

Court ref:

**TAKE NOTICE THAT** you are alleged to be responsible for the unfair business practice of

.....(particulars of unfair business practice)

THAT proceedings are hereby instituted in the Consumer Affairs Court for the province of Free State/the area of ..... (*insert area*)\* against you as the person allegedly responsible for the above-mentioned business practice;

THAT the proceedings against you will commence before the Consumer Affairs Court at ..... (place) at .....h..... (time) on ..... (date);

AND THAT you are entitled to participate in the proceedings and may appear in person or be represented or assisted by an advocate, attorney or another person.

..... (date)

---

**Consumer Protector/  
Person Authorised by  
Consumer Protector**

## Clerk of the Consumer Affairs Court

**Vorm 5**  
**VRYSTAATSE PROVINSIALE REGERING**  
**EKONOMIESE SAKE**

**DAGVAARDING WAT VERRIGTINGE INISIEER  
VOOR DIE HOF VIR VERBRIUKERSSAKE**

Aan: .....

.....

.....

.....

Hof verw:

**NEEM KENNIS DAT u na bewering verantwoordelik is vir onbillike sakepraktyk synde**

.....  
.....  
.....  
.....(besonderhede van onbillike sakepraktyk)

DAT verrigtinge hiermee ingestel word in die Hof vir Verbruikerssake in die Provinsie Vrystaat/die gebied van .....(vul gebied in)\* teen u as die persoon wat na bewering vir die bogenoemde sakepraktyk verantwoordelik is;

DAT die verrigtinge teen u voor die Hof vir Verbruikerssake 'n aanvang sal neem te ..... (plek) om ..... op .....(datum)

EN DAT u geregtig is om aan die verrigtinge deel te neem en persoonlik kan verskyn of deur 'n advokaat, prokureur of ander persoon verteenwoordig of bygestaan kan word.

.....(datum)

---

Verbruikersbeskermer  
Persoon gemagtig deur  
Verbruikersbeskermer

---

Klerk van die Hof vir Verbruikerssake

---

**Form 6**  
FREE STATE PROVINCIAL GOVERNMENT  
ECONOMIC AFFAIRS

**SUMMONS TO APPEAR BEFORE THE CONSUMER AFFAIRS COURT**

To: .....

Court ref:

In the matter of the alleged

.....  
.....  
.....  
.....  
.....  
.....  
*(particulars of matter in connection with which person summoned is required to appear).*

You are hereby summoned to appear before the Consumer Court at  
..... (place) at ..... h ..... (time) on ..... (date)

- \*(a) to give evidence in connection with the matter particularised above;  
\* and  
\*(b) to produce  
.....  
.....  
*(describe books, documents or objects) and be questioned in connection therewith.*

(\* Delete what is not applicable)

*Section 19(2) of the Act states that a person shall be guilty of an offence if he or she, having been summoned –*

- (a) *fails without sufficient cause to attend at the time and place specified in the summons, or to remain in attendance until the conclusion of the proceedings or until he or she has been excused from further attendance;*
- (b) *refuses to take the oath or make an affirmation;*
- (c) *refuses to answer, or to answer fully and satisfactorily to the best of his or her knowledge and belief, a question lawfully put to him or her;*
- (d) *fails to produce a book, document or object in his or her possession or custody or under his or her control, which he or she was required to produce; or*
- (e) *makes a false statement to the Consumer Protector or other person in the service of the Office designated by the Consumer Protector, knowing such statement to be false or not knowing or believing it to be true.*

..... (date)

---

Clerk of the Consumer Affairs Court

**Vorm 6**  
VRYSTAATSE PROVINSIALE REGERING  
EKONOMIESE SAKE

**DAGVAARDING OM VOOR DIE HOF VIR VERBRIKERSAKE TE  
VERSKYN**

Aan: .....

Hof verw:

In die saak van die beweerde

.....  
.....  
.....  
.....(besonderhede van saak in  
verband **waarmee persoon wat gedagvaar is, moet verskyn**)

U word hiermee gedagvaar om voor die Verbruikershof te verskyn te  
.....(plek) om ..... op  
.....(datum)

- (a) om getuienis te lewer in verband met die saak waarvan besonderhede  
hierbo verskaf is;  
en  
(b) om voor te lê  
.....  
.....(beskryf  
boeke, dokumente of voorwerpe) en om daaroor ondervra te word.

(\*Skrap wat nie van toepassing is nie)

*Artikel 19(2) van die Wet bepaal dat 'n persoon aan 'n oortreding skuldig is  
indien hy of sy, nadat hy gedagvaar is-*

- (a) sonder genoegsame rede versuim om op die tyd en plek wat in die  
dagvaarding gespesifiseer is die verrigtinge by te woon, of om  
teenwoordig te wees totdat die verrigtinge ten einde loop of totdat hy of  
sy verskoon word van verdere bywoning;  
(b) weier om die eed of verklaring af te lê;  
(c) weier om te antwoord, of om ten volle en bevredigend na sy beste wete  
en oortuiging op 'n vraag te antwoord wat regmatig aan hom of haar  
gestel is;  
(d) versuim om 'n boek, dokument of voorwerp in sy of haar besit of  
bewaring of onder sy of haar beheer voor te lê, wat hy of sy moes  
voorlê; of  
(e) 'n valse verklaring maak aan die Verbruikersbeskermer of ander  
persoon in diens van die Kantoor aangewys deur die  
Verbruikersbeskermer, wetende dat sodanige stelling vals is of nie  
weet of glo dat dit waar is nie.

.....(datum)

---

Klerk van die Hof vir Verbruikersake

## **ANNEXURE B**

### **TARIFFS**

#### **Tariff 1 Scale of costs**

1. For the investigation by the Office, an amount of R5 000.
2. In addition to the amount mentioned in item 1, an amount of R3 000 for each day or part of a day on which the court sat for the hearing of a proceeding relating to the person allegedly implicated.

## **AANHANGSEL B**

### **TARIEWE**

#### **Tarief 1 Kosteskaal**

1. Vir die ondersoek deur hierdie kantoor, 'n bedrag van R5 000.
2. Bykomend tot die bedrag in item 1 genoem, 'n bedrag van R3 000 vir elke dag of gedeelte van 'n dag waarop die hof gesit het vir die verhoor van 'n verrigting wat verband hou met die persoon wat na bewering geïmpliseer word.

## **Tariff 2**

### **Remuneration payable to a curator who is not in the full-time service of the State**

1. On the gross proceeds of movable property (other than shares or similar securities) realised or disposed of as contemplated in section 23(1)(a) or (j) of the Act, or on the gross amount collected under promissory notes or book debts, or as rent, interest or other income.....10 percent
2. On the gross proceeds of immovable property, shares or similar securities realised or disposed of as contemplated in section 23(1)(a) or (j) of the Act, life insurance policies and mortgage bonds recovered and the balance recovered in respect of immovable property sold prior to a court order under section 22(1) of the Act.....3 percent
3. On –
  - (i) money of the person for whom the curator is appointed;
  - (ii) the gross proceeds of cheques and postal orders payable to that person; and
  - (iii) the gross proceeds of amounts standing to the credit of that person, in current, savings and other accounts and of fixed deposits and other deposits at banking institutions, building societies or other institutions..... 1 percent
4. On sales by the curator in carrying on the business of the Person, or a part thereof, as contemplated in section 23(1)(d) of the Act..... 6 percent
5. On amounts and assets distributed as contemplated in section 23(1)(b) of the Act, excluding an amount on which remuneration is payable under a other item of this tariff ..... 2 percent

Provided that the total remuneration of a curator in terms of this tariff must not be less than R2 000.

## **Tarief 2**

### **Vergoeding betaalbaar aan 'n kurator wat nie in volydse diens van die Staat is nie**

1. Op die bruto opbrengs van roerende eiendom (behalwe aandele of soortgelyke sekuriteite) gerealiseer of verhandel soos beoog in artikel 23(1)(a) of (j) van die Wet, of op die bruto bedrag ingesamel uit hoofde van skuldbewyse of boekskulde, of as huurgeld, rente of ander inkomste ..... 10 persent
2. Op die bruto opbrengs van onroerende eiendom, aandele of soortgelyke sekuriteite gerealiseer of verhandel soos beoog in artikel 23(1)(a) of (j) van die Wet, lewensversekeringspolisse en verbande wat verhaal is en die saldo wat verhaal is ten opsigte van onroerende eiendom wat verkoop is vóór die uitreiking van 'n hofbevel ingevolge artikel 22(1) van die Wet ..... 3 persent
3. Op –
  - (i) geld van die persoon vir wie 'n kurator aangestel word;
  - (ii) die bruto opbrengs van tjeëks en posorders betaalbaar aan daardie persoon; en
  - (iii) die bruto opbrengs van bedrae tot krediet van daardie persoon, in lopende, spaar- en ander rekeninge en van vaste deposito's en ander deposito's by bankinstellings, bouverenigings en ander instellings ..... 1 persent
4. Op verkoede deur die kurator met die bedryf van die besigheid van die Persoon, of 'n gedeelte daarvan, soos beoog in artikel 23(1) van die Wet ..... 6 persent
5. Op bedrae en bates verdeel soos beoog in artikel 23(1)(b) van die Wet, met uitsluiting van 'n bedrag waarop vergoeding betaalbaar is onder 'n ander item van hierdie tarief .... 2 persent

Met dien verstande dat die totale vergoeding van 'n kurator ingevolge hierdie tarief nie minder as R2 000 moet wees nie.

## **ANNEXURE C**

### **OATHS AND AFFIRMATIONS**

If a person objects to taking an oath or affirmation in a form set out in this annexure or it appears that a person would not regard such an oath or affirmation in such a form as binding on his or her conscience, such person may take an oath or affirmation to the same effect as set out in Form 1 or 2.

#### **Part 1**

##### **Oath or affirmation by person summoned to appear before Consumer Protector or person in the service of Office**

"I, A.B., \*swear/solemnly affirm\* that the answers I give are the truth, the whole truth and nothing but the truth. (*In the case of an oath.*) So help me God."

(\*delete what is not applicable)

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DEPONENT

Consumer Protector / Person  
Authorised by Consumer Protector

#### **Part 2**

##### **Oath or affirmation by member or alternate member of court**

"I, A.B., swear/solemnly affirm that as a member/alternate member of the Consumer Affairs Court for Free State/the area of .....  
(insert area)\*, I will truly and faithfully uphold and apply the Consumer Affairs (Unfair Business Practices) Act, 1998 (Act No 14 of 1998) and any applicable law of the province of Free State. So help me God." (*In the case of an oath.*)

(\*delete what is not applicable)

---

DEPONENT

Commissioner of Oaths  
(in the presence of the responsible Member)

## **AANHANGSEL C**

### **EED EN VERKLARINGS**

Indien 'n persoon beswaar aanteken teen die aflegging van 'n eed of verklaring in 'n vorm soos in hierdie aanhangsel uiteengesit of indien dit blyk dat 'n persoon sodanige eed of verklaring in sodanige vorm nie as bindend op sy of haar gewete sal beskou nie, kan so 'n persoon 'n eed of verklaring tot dieselfde effek aflê soos in Vorm 1 of 2 uiteengesit.

#### **Deel 1**

##### **Eed of verklaring deur 'n persoon wat gedagvaar word om voor die Verbruikersbeskermer of persoon in diens van die Kantoor te verskyn**

\*Ek, A.B., \* verklaar onder eed/verklaar plegtig\* dat die antwoorde wat ek verskaf die waarheid, die volle waarheid en niks anders nie as die waarheid is.

(*In die geval van 'n eed.*) So help my God."

(\*Skrap wat nie van toepassing is nie)

---

VERKLAARDER

Verbruikersbeskermer / Persoon  
gemagtig deur Verbruikersbeskermer

#### **Deel 2**

##### **Eed of verklaring deur lid of alternatiewe lid van hof**

Ek, A.B., verklaar onder eed/verklaar plegtig dat as 'n lid/alternatiewe lid van die Hof vir Verbruikersake vir die Vrystaat/die gebied van .....  
(vul gebied in)\*, ek waarlik en getrou die Wet op Verbruikersake (Onbillike Sakepraktyke), 1998 (Wet No. 14 van 1998) en enige toepaslike wet van die Provinsie Vrystaat sal handhaaf. So help my God." (*In die geval van 'n eed.*)

(\*Skrap wat nie van toepassing is nie)

---

VERKLAARDER

Kommissaris van Ede  
(in die teenwoordigheid van die verantwoordelike Lid)

### **Part 3**

#### **Oath or affirmation by person summoned**

"I, A.B., \*swear/solemnly affirm\* that the evidence I am to give is the truth, the whole truth and nothing but the truth.  
*(In the case of an oath.) So help me God.*"

(\*delete what is not applicable)

---

DEPONENT

Chairperson of the Court

### **Part 4**

#### **Oath or affirmation by transcriber**

"I, A.B., \*swear/solemnly affirm\* -

- \*(a) that I shall faithfully and to the best of my ability \*take down/record\* the proceedings of the Consumer Affairs Court for Free State/the area of .....*(insert area)\**, \*in short hand/by mechanical means\* as ordered by the chairperson of the court or other person presiding;
- \*(b) that I shall transcribe fully and to the best of my ability \*shorthand notes/ a mechanical record\* of the proceedings of the Consumer Affairs Court for \*Free State/the area of .....*(insert area)\** made by me or another person.  
*(In the case of an oath.) So help me God.*"

(\*delete what is not applicable)

---

DEPONENT

Clerk of the  
Consumer Affairs Court

### **Deel 3**

#### **Eed of verklaring deur gedagvaarde persoon**

"Ek, A.B., verklaar onder eed/verklaar plegtig dat die getuienis wat ek verskaf die waarheid, die volle waarheid en niks anders nie as die waarheid is.  
*(In die geval van 'n eed.) So help my God.*"

(\*Skrap wat nie van toepassing is nie)

---

VERKLAARDER

Voorsitter van die Hof

### **Deel 4**

#### **Eed of verklaring deur oorskrywer**

Ek, A.B., verklaar onder eed/verklaar plegtig\* -

- (a) dat ek getrou en na my beste vermoë die verrigtinge van die Hof vir Verbruikersake vir die Vrystaat/die gebied van .....(vul gebied in)\*, \* in snelkrif/by wyse van meganiese middele\* sal afneem/boekstaaf soos deur die voorsitter van die hof of ander voorsittende persoon beveel;
- (b) dat ek na my beste vermoë snelskrifnotas/n meganiese rekord van die verrigtinge van die Hof vir Verbruikersake vir die \*Vrystaat/die gebied van .....(vul gebied in) deur my of deur 'n ander persoon gemaak sal oorskryf.

*(In die geval van 'n eed.) So help my God.*"

(\*Skrap wat nie van toepassing is nie)

---

VERKLAARDER

Klerk van die  
Hof vir Verbruikersake

## **Part 5**

### **Oath or affirmation by interpreter**

"I, A.B., \*swear/solemnly affirm\* that I am conversant with English\*/Afrikaans language and ..... (language of witness) and shall faithfully and to the best of my ability translate from the English/Afrikaans language to ..... and vice versa.

(*In the case of an oath.*) So help me God."

(\*delete what is not applicable)

---

Clerk of the  
Consumer Affairs Court

## **Deel 5**

### **Eed of verklaring deur tolk**

"Ek, A.B., verklaar onder eed/verklaar plegtig dat ek die tale Engels\*/Afrikaans en ..... (taal van getuie) ken en verstaan en getrou en na my beste vermoë sal vertaal van Engels/Afrikaans na ..... en vice versa

(*In die geval van 'n eed.*) So help my God."

(\*Skrap wat nie van toepassing is nie)

---

Klerk van die  
Verbruikershof

## **PROVINCIAL GAZETTE**

(Published every Friday)

All correspondence, advertisements, etc. must be addressed to the Officer in charge of the Provincial Gazette, P.O. Box 517, Bloemfontein. Free Voucher copies of the Provincial Gazette or cuttings of advertisements are NOT supplied. If copies of the Provincial Gazette are required, R4,70 must be sent for each copy.

### **Subscription Rates (payable in advance)**

The subscription fee for the Provincial Gazette (including all Extraordinary Provincial Gazettes) are as follows:

<b>Half-yearly (post free) .....</b>	<b>R 122,50</b>
<b>Yearly (post free) .....</b>	<b>R 245,00</b>
<b>Price per single copy (post free) .....</b>	<b>R 4,70</b>

Stamps are not accepted

### **Closing time for acceptance of copy**

All advertisements must reach the Officer in Charge of the Provincial Gazette **not later than 12:00, seven working days** prior to the publication of the Gazette. Advertisements received after that time will be held over for publication in the issue of the following week, or if desired by the advertiser, will be inserted in the current issue as a "Late Advertisement". In such case the advertisement must be delivered to the Officer in Charge **not later than 10:30 on the Thursday** of the week preceding the publication of the Gazette and double rate will be charged for that advertisement.

A "Late Advertisement" will not be inserted as such without definite instructions from the advertiser.

### **Advertisement Rates**

Notices required by Law to be inserted in the Provincial Gazette: R2,00 per centimeter or portion thereof, single column.

**Advertisement fees are payable in advance to the Officer in charge of the Provincial Gazette, P.O. Box 517, Bloemfontein, 9300.**

## **PROVINSIALE KOERANT**

(Verskyn elke Vrydag)

Alle korrespondensie, advertensies, ens. moet aan die Beamppte Belas met die Proviniale Koerant, Posbus 517, Bloemfontein, geadresseer word. Gratis eksemplare van die Proviniale Koerant of uitknippels van advertensies word NIE verskaf nie. Indien eksemplare van die Proviniale Koerant verlang word, moet R4,70 vir elke eksemplaar gestuur word.

### **Intekengeld (vooruitbetaalbaar)**

Die intekengeld vir die Proviniale Koerant (insluitend alle Buitengewone Proviniale Koerante) is soos volg:

<b>Halfjaarliks (posvry) .....</b>	<b>R 122,50</b>
<b>Jaarliks (posvry) .....</b>	<b>R 245,00</b>
<b>Prys per los eksemplaar (posvry).....</b>	<b>R 4,70</b>

Seëls word nie aanvaar nie.

### **Sluitingstyd vir die Aanname van Kopie**

Alle advertensies moet die Beamppte Belas met die Proviniale Koerant bereik nie later nie **as 12:00 sewe werksdae** voordat die Koerant uitgegee word. Advertensies wat na daardie tyd ontvang word, word oorgehou vir publikasie in die uitgawe van die volgende week, of as die adverteerde dit verlang, sal dit in die Koerant wat op die pers is as 'n "Laat Advertensie" geplaas word. In sulke gevalle moet die advertensie aan die Beamppte oorhandig word **nie later nie as 10:30 op die Donderdag van die week** voordat die Koerant gepubliseer word en dubbeltarief sal vir dié advertensie gevra word.

'n "Laat Advertensie" sal nie sonder definitiewe instruksies van die Adverteerde as sodanige geplaas word nie.

### **Advertensietariewe**

Kennisgewings wat volgens Wet in die Proviniale Koerant geplaas moet word: R2,00 per sentimeter of deel daarvan, enkelkolom.

**Advertensiegelde is vooruitbetaalbaar aan die Beamppte belas met die Proviniale Koerant, Posbus 517, Bloemfontein 9300.**