



# GOVERNMENT GAZETTE

## OF THE

# REPUBLIC OF NAMIBIA

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## Government Notices

### MINISTRY OF JUSTICE

No. 232 2003

#### COMMENCEMENT OF THE MAINTENANCE ACT, 2003 (ACT NO. 9 OF 2003)

In terms of section 52 of the Maintenance Act, 2003 (Act No. 9 of 2003), I hereby determine that the said Act will come into operation on the 17th November 2003.

**A. KAWANA**  
**MINISTER OF JUSTICE**

Windhoek, 7 November 2003

### MINISTRY OF JUSTICE

No. 233 2003

#### MAINTENANCE ACT, 2003: REGULATIONS RELATING TO MAINTENANCE

The Minister of Justice has, under section 49 of the Maintenance Act, 2003 (Act No. 9 of 2003), -

- a) made the regulations set out in the Schedule;
- b) repealed Government Notices Nos. R97 and R99 published in the Government Gazette of the Republic of South Africa on 22 January 1965 and Government

Notices Nos. R2331 and R2332 published in the Government Gazette of the Republic of South Africa on 24 December 1970.

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**CHAPTER 1  
DEFINITIONS****Definitions**

1. In these regulations any word or expression to which a meaning has been given in the Act bears that meaning and, unless the context otherwise indicates -

“the Act” means the Maintenance Act, 2003 (Act No. 9 of 2003).

**CHAPTER 2  
COMPLAINTS AND INVESTIGATIONS****Complaints**

2. A person who lodges a complaint as contemplated in section 9(1) of the Act must -

- (a) in the case of a new complaint, lodge the complaint on a form corresponding substantially to Form A of the Annexure; or
- (b) in a case where there is an existing maintenance order, lodge the complaint on a form corresponding substantially to Form B of the Annexure.

**Investigation by maintenance officer**

3. (1) The directive which a maintenance officer may issue under section 10(1) of the Act must be in a form corresponding substantially to Form C 1A of the Annexure.

(2) A maintenance officer must keep a record of all directives issued under section 10 of the Act.

(3) Any person who fails to comply with a direction contemplated in subregulation (1) commits an offence and liable on conviction to a fine not exceeding N\$2000 or to imprisonment for a period not exceeding six months.

**Summons**

4. (1) The summons, contemplated in section 11 or 12 of the Act must -

- (a) in the case of the complainant and the defendant, be in a form corresponding substantially to Part A of Form C1 of the Annexure; and
- (b) in the case of other witnesses, be in a form corresponding substantially to Part A of Form C11 of the Annexure.

(2) The defendant must complete Part B of Form C1 of the Annexure.

(3) The service of a summons referred to in sub-regulation (1) must be done in accordance with regulation 28(1).

(4) A return of service must, in the case of a summons referred to in -

- (a) subregulation (1)(a), be in a form corresponding substantially to Part C of Form C1 of the Annexure; and

- (b) subregulation 1(b), be in a form corresponding substantially to Part B of Form C11 of the Annexure.

(5) A summons to the defendant must be accompanied by a document in a form corresponding substantially to Form G of the Annexure.

#### **Subsistence and travelling allowances**

5. Any person who, under section 12(6) of the Act, is entitled to receive an allowance for attending an enquiry as a witness must be paid the allowances which are payable under section 191 of the Criminal Procedure Act, No. 51 of 1977, to a person attending criminal proceedings as a witness for the State.

#### **Statements by witnesses**

6. (1) The written statement contemplated in section 14(1) of the Act, must -

- (a) be signed by the person who made it; and
- (b) contain a declaration by such a person to the effect that it is true to the best of his or her knowledge and belief and that he or she made the statement knowing that he or she commits an offence if he or she intentionally includes anything therein which he or she knows to be false or did not know or believe to be true.

(2) If the person who makes a statement in terms of subregulation (1) cannot read the statement, that statement must -

- (a) be read to him or her by the person taking down the statement before the statement is signed by the person making the statement; and
- (b) be endorsed by the person who so read the statement to the effect that it was read.

#### **Notification to admit statements by witnesses**

7. A notification, contemplated in section 14(3) of the Act, requiring any party to consent to the admission of a statement as evidence, must be in a form corresponding substantially to Form D of the Annexure.

### **CHAPTER 3 MAINTENANCE AND OTHER ORDERS**

#### **Maintenance and ancillary orders**

8. An order of the maintenance court contemplated in section 17 of the Act, must be in a form corresponding substantially to Form E of the Annexure.

#### **Notices**

9. (1) The directive, contemplated in section 32(1) of the Act, to any person who is indebted to the defendant, must be in a form corresponding substantially to Part A of Form F of the Annexure.

(2) The service of a notice referred to in subregulation (1) must be done in accordance with regulation 28(1) or (5), as the case may be.

(3) The return of service on a notice referred to subregulation (1) must be in a form corresponding substantially to Part B of Form F of the Annexure.

(4) Where the person indebted to the defendant is discharged from the liability, he or she must give notice to the maintenance in a form corresponding substantially to Part C of Form F of the Annexure.

#### **Orders by consent**

10. (1) The consent of a defendant contemplated in section 18 of the Act must be in a form corresponding substantially to Part A of Form G of the Annexure.

(2) An order made in accordance with the consent referred to in subregulation (1) must be in a form corresponding substantially to Part B of Form G of the Annexure.

(3) The return of service of a maintenance officer, messenger of the court or maintenance investigator showing that a copy of an order by consent referred to in subregulation (2) was delivered or tendered to the defendant must be in a form corresponding substantially to Part C of Form G of the Annexure.

#### **Default maintenance order**

11. (1) A default maintenance order, contemplated in section 19(1) of the Act, must be in a form corresponding substantially to Part A of Form H of the Annexure.

(2) A notice to the defendant against whom a default order, has been made, must be in a form corresponding substantially to Part B of Form H of the Annexure.

(3) The return of service of a maintenance officer, messenger of the court or maintenance investigator showing that a copy of a default maintenance referred to in subregulation (1) was delivered or tendered to the defendant must be in a form corresponding substantially to Part C of Form H of the Annexure.

(4) An application for the substitution or setting aside of a default order, contemplated in section 19(4) of the Act, must be in a form corresponding substantially to Part A of Form I of the Annexure.

(5) The notice to be given by the defendant to the complainant as, contemplated in section 19(7) of the Act, must be in a form corresponding substantially to Part B of Form I of the Annexure.

(6) Any notice under subregulation (5) must be served on the complainant in any manner which is convenient to the defendant but the defendant must keep proof of service of the notice.

#### **Variation or setting aside of orders**

12. (1) The notice of variation or the setting aside of an order as contemplated in section 22 of the Act must, in the manner which is reasonable and appropriate in the circumstances, inform -

- (a) the defendant;
- (b) the complainant; and
- (c) the person referred to in section 31(1) or 32(1) of the Act,

of the variation or the setting aside of the order and that notice which must be in a form corresponding substantially to Form J of the Annexure.

(2) The maintenance officer must keep record of all notices issued under this regulation.

**Substitution or discharge of maintenance orders**

13. On receipt of a notice of the substitution or discharge of a maintenance order, as contemplated in section 23 of the Act, the clerk of the court must -

- (a) file the notice with the original documents applicable to the case;
- (b) in the case of an order substituting a maintenance order, record the particulars of the new order on the order which is being substituted; and
- (c) in the case of an order discharging the maintenance order, endorse the original order to that effect.

**Transfer of maintenance orders**

14. (1) Where a complainant in whose favour a maintenance order or any other order under the Act was made or given changes his or her place of residence he or she must, within 30 days of such change of place of residence notify the maintenance officer of the maintenance court which has jurisdiction in the area where the complainant now resides.

(2) A notice contemplated in subregulation must be in a form substantially corresponding to Part A of Form R of the Annexure.

(3) On receipt of a request made under subregulation (1), the clerk of the court where the maintenance order is registered must -

- (a) retain certified copies of all orders or judgments, including previous amended orders, and documents with regard to the record of payment which are applicable to the particular case; and
- (b) send by hand or registered post all the original documents on the file to the clerk of the maintenance court which requested the transfer.

(4) On receipt of the maintenance order referred to in subregulation (1), the clerk of the maintenance court where the complainant now resides must register the order by numbering it with the following consecutive number for maintenance cases for the year during which it was received.

(5) The clerk of the court referred to in subregulation (4) must give notice to the defendant and any person who is required under the Act to deliver money or property of such transfer on a form corresponding substantially to Part B of Form R of the Annexure.

**Notice of change of address by defendant**

15. Where the defendant has changed his or her place of residence or employment as contemplated in section 17(5) of the Act he or she must give notice in a form corresponding substantially to Form S of the Annexure.

**Registration of maintenance orders**

16. The clerk of the maintenance court must maintain the register of maintenance orders referred to in section 27 of the Act by -

- (a) retaining certified copies of all orders or judgements, including previous amended orders, and documents with regard to the record of payment which are applicable to the particular case; and
- (b) on receipt of a maintenance order as contemplated in section 27 of the Act, registering that order by numbering it with the following consecutive number for maintenance cases for the year during the year which it was received.

### Appeal against orders

17. (1) An appeal in terms of section 47 of the Act must be noted within 21 days of the granting of the order appealed against and any cross-appeal must be noted within seven days of the noting of the appeal.

(2) An appeal or cross-appeal must be noted by delivery, within the period prescribed in subregulation (1), to the clerk of the maintenance court concerned and to the other party, of a notice stating -

- (a) whether the whole or part only of the order is appealed against and, if part only, which part; and
  - (b) the grounds of appeal, specifying the findings of fact or rulings of law appealed against.
- (3) The judicial officer who presided at the enquiry must -
- (a) within 14 days of the noting of an appeal; or
  - (b) if the proceedings at the enquiry were recorded by mechanical means, within 14 days after the transcription of the mechanical record of the proceedings has been placed before him or her by the clerk of the maintenance court,

transmit to the clerk of the maintenance court a statement in writing setting out -

- (i) the facts he or she found to be proved;
- (ii) his or her reasons for any finding of fact specified in the notice of appeal ; and
- (iii) his or her reasons for any ruling on a question of law or for the admission or rejection of any evidence specified in the notice of appeal.

(4) Where an appeal has been noted under this regulation, the clerk of the relevant maintenance court must, notwithstanding regulation 26, if the proceedings at an enquiry were recorded by mechanical means, forthwith cause the mechanical record of the proceedings to be transcribed.

(5) The person who has noted an appeal bears the cost of the transcription contemplated in subregulation (4), but, if the magistrate of the relevant maintenance court is satisfied that such person is unable to pay the costs, the costs must be paid by the State.

(6) After an appeal has been noted in terms of sub-regulation (1), the appeal must be prosecuted as if it were an appeal against the decision of a magistrates' court in a civil case and the rules regulating the conduct of the proceedings of the High Court in so far as they relate to civil appeals from the magistrates' courts do, with the necessary changes, apply to such an appeal.

(7) The clerk of the maintenance court must, within seven days of the receipt by that clerk of court of a notice that an appeal has been set down for hearing, transmit to the Registrar of the High Court, the record of the proceedings at the enquiry, certified by the presiding judicial officer as a true record of the proceedings and a transcription of that part of the proceedings mechanically recorded, certified as provided for in regulation 26.

(8) If the complainant notes an appeal or cross-appeal, as the case may be, and he or she cannot afford a legal practitioner, the complainant must notify the clerk of the maintenance court accordingly.

- (9) The clerk of the court must -
- (a) on receipt of the notice referred to in subregulation (8), immediately inform the Prosecutor-General of the appeal or cross-appeal and that the complainant cannot afford a legal practitioner;
  - (b) on receipt of the statement of the presiding judicial officer referred to in subregulation (3), furnish the Prosecutor-General with copies of all relevant documentation; and
  - (c) within seven days of the receipt by him or her of a notice that the appeal has been set down for hearing submit the original record as prescribed in subregulation (7) and a copy of the record to the Prosecutor-General.

#### **CHAPTER 4 CIVIL EXECUTION**

##### **Application for enforcement of maintenance or other orders**

18. The application for -
- (a) the authorisation of the issue of a warrant of execution;
  - (b) an order for the attachment of emoluments; or
  - (c) an order for the attachment of any debt,

contemplated in section 28 of the Act, must be in a form corresponding substantially to Form K of the Annexure.

##### **Warrant of execution**

19. (1) A warrant of execution, contemplated in section 29 of the Act, must be -

- (a) in a form corresponding substantially to Form L of the Annexure; and
- (b) prepared in triplicate.

(2) The complainant must complete Part A of Form L of the annexure and thereafter lodge that form with the clerk of the maintenance court concerned.

(3) On receipt of the partly completed form referred to in subregulation (2) the clerk of the maintenance court must issue the warrant of execution by completing Part B of Form L of the Annexure if he or she is satisfied that -

- (a) authorisation for the issuing of a warrant of execution was granted; and
- (b) the warrant of execution has been properly prepared.

(4) The clerk of the maintenance court must, after the warrant of execution has been issued -

- (a) return the original warrant of execution and one copy thereof to the complainant; and
- (b) file the second copy of the warrant of execution on the relevant maintenance file.

(5) Any alteration on the warrant of execution must be initialled by the clerk of the maintenance court.



(6) The messenger of the court executing the warrant of execution must complete Part C and, if applicable, Part D of Form L of the Annexure and return the form to the clerk of the maintenance court.

(7) The messenger of the court must pay the proceeds of the execution directly to the complainant who is the execution creditor in the case.

#### **Persons authorised to execute a warrant of execution**

20. The messenger of the court for the district in which the property subject to execution is found is authorised to execute a warrant of execution against that property.

#### **Application for the setting aside of a warrant of execution**

21. (1) An application for the setting aside of a warrant of execution by a person against whom such a warrant has been issued, as contemplated in section 29(5) of the Act, must be in a form corresponding substantially to Part A of Form M of the Annexure.

(2) An application for the substitution or suspension of a warrant of execution, contemplated in section 29(8) of the Act, must be in a form corresponding substantially to Part B of Form M of the Annexure.

(3) A notice of application for the substitution or suspension of a warrant of execution contemplated in section 29(9)b) of the Act must be in a form corresponding substantially to Part C of Form M of the Annexure.

(4) A defendant who makes an application under this regulation must serve the notice referred to in subregulation (3) on the complainant in any manner convenient to him or her, and he or she must keep a record of proof of service.

#### **Attachment of emoluments**

22. (1) An application for the suspension, amendment or rescission of an order for the attachment of emoluments, contemplated in section 30(2) of the Act, must be in a form corresponding substantially to Part A of Form N of the Annexure.

(2) A notice of an application for the suspension, amendment or rescission of an order for the attachment of emoluments, contemplated in section 30(3) of the Act, must be in a form corresponding substantially to Part B of Form N of the Annexure.

(3) A person who makes an application under this regulation must serve the notice referred to in subregulation (2) on the complainant in any manner convenient to him or her, and he or she must keep a record of proof of service.

(4) A notice to an employer or the person contemplated in section 31(1) of the Act, must be in a form corresponding substantially to Part A of Form O of the Annexure.

(5) The service of a notice referred to in subregulation (4) must be done in accordance with regulation 28(1) or (5), as the case may be.

(6) The return of service of a notice referred to in subregulation (4), must be in a form corresponding substantially to Part B of Form O of the Annexure

(7) A notice by the employer or the person contemplated in section 31(2) of the Act that the defendant has left his or her service or that the person has been discharged from liability, must be in a form corresponding substantially to Part C of Form O of the Annexure.

(8) The notice referred to in subregulation (7) must be submitted to the maintenance officer of the court where the order was made in any manner convenient to the employer or person, and that employer or person must keep a record of the notice.

**Attachment of debts**

23. (1) An application for the suspension, amendment or rescission of an order for the attachment of debts, contemplated in section 32(2) of the Act, must be in a form corresponding substantially to Part A of Form P of the Annexure.

(2) A notice of an application for the suspension, amendment or rescission of an order for the attachment of debts, contemplated in section 32(3) of the Act, must be in a form corresponding substantially to Part B of Form P of the Annexure.

(3) A person who makes an application under this regulation must serve the notice referred to in subregulation (2) on the complainant in any manner convenient to him or her, and he or she must keep a record of proof of service.

**CHAPTER 5  
OFFENCES AND ORDERS RELATING TO PROSECUTIONS****Complaints of failure to comply with orders**

24. Where the public prosecutor makes the application contemplated in section 33(1) of the Act, that application must be accompanied by a complaint by the complainant which complaint must be in a form corresponding substantially to Form Q of the Annexure.

**Recovery of arrear maintenance**

25. (1) The clerk of the court which has convicted a person must submit a certified copy of an order made by the court in terms of section 33(1) of the Act to the clerk of the civil court for registration of such order, as contemplated in section 27(1) of the Act.

(2) The clerk of the civil court must -

- (a) register the order referred to in sub-regulation (1) by numbering it with the following consecutive case number for the year during which it is registered; and
- (b) inform the maintenance officer of the maintenance court where the order was made and the complainant of the registration and the number of the case.

**CHAPTER 6  
GENERAL AND SUPPLEMENTARY PROVISIONS****Record of proceedings**

26. (1) The proceedings at an enquiry must be recorded by keeping minutes of -

- (a) the proceedings generally;
- (b) any evidence given at the enquiry and of any objection to any evidence given or tendered at the enquiry and of any ruling by the court;
- (c) any variation of a maintenance order; and
- (d) any maintenance order, including any provisional maintenance order as defined in the Reciprocal Enforcement of Maintenance Orders Act, 1995 (Act No. 3 of 1995), made at any enquiry, and of any refusal to make such a maintenance order.

(2) The maintenance court must mark each document admitted as evidence and note such mark on the record.

(3) The statement by judicial officer presiding at an enquiry referred to in regulation 17(3) becomes part of the record.

(4) The judicial officer presiding at an enquiry must record the proceedings of the enquiry or appoint or designate any person, either generally or specially for the purpose of a particular enquiry, to record the proceedings by mechanical means.

(5) A mechanical record of the proceedings must not be transcribed unless a judicial officer designated to preside in the court concerned has so directed or an appeal has been noted in terms of regulation 17.

(6) The person making a transcription of a mechanical record of the proceedings at an enquiry must certify it as a true transcription of such record and any such transcription becomes part of the record of the proceedings.

### **Photographs of persons subject to maintenance orders**

27. (1) On receipt of photographs or a copy of the identity document of a defendant against whom the maintenance court has made a maintenance order, the maintenance officer must -

- (a) endorse on the back of each photograph or copy of identity document the personal particulars of the defendant;
- (b) file one photograph or copy of the identity document in the relevant maintenance file; and
- (c) attach the second photograph or copy of identity document to the relevant register of payments.

(2) The maintenance officer may make a photograph or copy of the identity document of the defendant available to any person executing a court order or serving a document on the defendant in terms of the Act.

### **Service of documents**

28. (1) A document, which under the Act or these regulations is required to be served by the maintenance investigator or the messenger of court must, together with any copy, be handed over to the maintenance investigator or messenger of the court who must, subject this regulation, forthwith serve it on the person referred to in that document by delivering a copy of the document in one of the following ways -

- (a) to that person personally;
- (b) at that person's residence or place of business to a person apparently not less than 16 years of age and apparently residing or employed there;
- (c) at that person's place of employment to a person apparently not less than 16 years of age and apparently in authority over that person or, in the absence of such a person in authority, to a person apparently not less than 16 years of age and apparently in charge at that person's place of employment; and
- (d) in the case of a juristic person, at its registered office or main place of business within the area of jurisdiction of the court concerned, to a director or a responsible employee of the juristic person.

(2) For the purpose of subregulation (1)(b), "residence" means, where the building is occupied by more than one person or family, that portion of the building occupied by the person on whom service is to be effected.

(3) A messenger of the court or maintenance investigator must, if requested by the person on whom a document is or is to be served, show him or her the original of the document.

(4) Where the person on whom a document is to be or may be served keeps his or her residence, place of business or place of employment closed and thereby prevents the messenger of the court or maintenance investigator from serving the document, it is sufficient service to affix a copy of the document to the outer or principal door or security gate of such residence, place of business or place of employment, or to place a copy of such document in the mail box at such residence, place of business or employment.

(5) A notice referred to in regulation 9(2) or 22(5) may be served by the maintenance investigator or messenger of court on the person referred to in that notice by -

- (a) handing a copy of that notice to that person personally and endorsing the original notice to that effect; or
- (b) sending the notice by facsimile to that person, in which case proof thereof must be kept, and by sending a copy of the notice by registered post to that person.

#### **Access to records and fees**

29. (1) For the purposes of section 46(1) of the Act the record of proceedings is only accessible to -

- (a) the defendant or his or her legal practitioner;
- (b) the complainant or his or her legal practitioner;
- (c) a judicial officer, maintenance officer, maintenance investigator or clerk of court; or
- (c) any person who has been permitted to have access by the maintenance court.

(2) The fees payable in terms of section 46(2) of the Act must be the same as those prescribed in Rule 34 of the Magistrates Court Rules of Court promulgated by Government Notice No.R1108 of 21 June 1968.

#### **Misuse of maintenance money**

30. (1) Any person who is aware of the fact that a recipient of maintenance money on behalf and for the benefit of another person is misusing such money by failing to use it for the benefit of the beneficiary, may lodge a complaint at the court at which the maintenance order was issued.

(2) A person who lodges a complaint as contemplated in subregulation (1) must lodge the complaint on a form corresponding substantially to Form T of the Annexure.

**ANNEXURE INDEX  
FORMS**

<b>FORM A -</b>	COMPLAINT IN TERMS OF SECTION 9(1) OF THE ACT (NEW COMPLAINT)
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<b>FORM Q</b>	COMPLAINT FOR THE PURPOSES OF SECTION 33 OF THE ACT
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**FORM S**

NOTICE IN TERMS OF SECTION 17(5) OF THE ACT

**FORM T**COMPLAINT OF MISUSE OF MAINTENANCE FOR THE  
PURPOSES OF SECTION 40 OF THE ACT

ANNEXURE

FORM A  
(Regulation 2(a))

COMPLAINT IN TERMS OF SECTION 9(1) OF THE ACT  
(NEW COMPLAINT)

Reference No.....

*(This information should, as far as possible, be given in order to investigate the complaint)*

I, .....  
(full name of complainant)

born on .....(date) / age.....

identity number .....

living at .....

.....

telephone number .....

Working at .....

Telephone number .....

Hereby \*declare under oath/truly affirm as follows:

1. ....  
(full name of defendant)

born on .....(date) / age .....

Identity number .....

Living at .....

.....

telephone number .....

working at .....

.....

telephone number .....

is legally liable to maintain \*me and/or the following beneficiary(ies), who is/are under my care:

.....born on .....

.....born on .....

.....born on .....

.....born on .....

..... born on .....

2. \*The defendant is legally liable to maintain me or the beneficiary(ies) because .....

.....  
.....

3. \*The beneficiary(ies) mentioned in paragraph 1 is/are under my care because.....

.....  
.....

4. The defendant has since.....not supported \*myself/ the said beneficiary(ies) and has made \*no contribution towards maintenance/the following contribution towards maintenance:

.....  
.....

5. I request that the defendant be ordered to make the following contribution(s) towards maintenance:

(a) A\*weekly/monthly contribution of -

NS	Name of Beneficiary
N\$ In respect of myself (complainant)	.....
N\$ In respect of	.....
N\$ In respect of	.....
N\$ In respect of	.....
N\$ In respect of	.....
N\$ In respect of	.....

(b) The first payment should be made on ..... and after that on or before the ..... day of each succeeding \*week/month. All payments should be made

to.....

in favour of .....

and/or



- (c) Other contributions (for example medical and dental costs, school fees, fees to tertiary institutions, school clothes, expenses for sport and/or cultural activities, birth expenses and maintenance for beneficiary(ies) from birth):

.....

.....

.....

.....

6. Particulars of my assets and \*weekly/monthly income and expenditures (supported by documentary proof, where possible) are as follows:

<b>Assets</b>	
Fixed property .....	N\$ .....
Investments .....	N\$ .....
Savings .....	N\$ .....
Shares .....	N\$ .....
Motor vehicles .....	N\$ .....
Other: .....	N\$ .....
.....	N\$ .....
.....	N\$ .....
.....	N\$ .....
<b>Total value of Assets</b> .....	<b>N\$</b> .....

<b>Income</b>	
Gross salary .....	N\$ .....
Minus deductions:	
Tax .....	N\$ .....
Medical Aid .....	N\$ .....
Pension .....	N\$ .....
Other: .....	N\$ .....
.....	N\$ .....
.....	N\$ .....
.....	N\$ .....
Total nett salary .....	N\$ .....
Other income (state source) .....	N\$ .....
.....	N\$ .....
.....	N\$ .....
<b>Total income</b> .....	<b>N\$</b> .....

<b>Expenditure</b>			
	<b>Self</b>	<b>beneficiary(ies)</b>	<b>Total</b>
1. Lodging(bond repayment/ levy/rent/board)	N\$ .....	N\$ .....	N\$ .....
2. Food: Groceries .....	N\$ .....	N\$ .....	N\$ .....
Meat .....	N\$ .....	N\$ .....	N\$ .....
Bread and milk .....	N\$ .....	N\$ .....	N\$ .....
Fruit and vegetables .....	N\$ .....	N\$ .....	N\$ .....
Baby food .....	N\$ .....	N\$ .....	N\$ .....
Lunches .....	N\$ .....	N\$ .....	N\$ .....
3. Household expenditure:			
Water and electricity/	N\$ .....	N\$ .....	N\$ .....
Gas/paraffin .....	N\$ .....	N\$ .....	N\$ .....
Rates and taxes .....	N\$ .....	N\$ .....	N\$ .....
Cleaning materials .....	N\$ .....	N\$ .....	N\$ .....
Laundry/Dry-cleaning .....	N\$ .....	N\$ .....	N\$ .....
Toiletries .....	N\$ .....	N\$ .....	N\$ .....
Telephone .....	N\$ .....	N\$ .....	N\$ .....
Domestic worker .....	N\$ .....	N\$ .....	N\$ .....
Garden services .....	N\$ .....	N\$ .....	N\$ .....
Insurance (short term) .....	N\$ .....	N\$ .....	N\$ .....
4. Clothing:			
Clothes and shoes .....	N\$ .....	N\$ .....	N\$ .....
School uniforms .....	N\$ .....	N\$ .....	N\$ .....
Sports clothes .....	N\$ .....	N\$ .....	N\$ .....
5. Personal care (including hair care/ cosmetics, etc.) .....	N\$ .....	N\$ .....	N\$ .....
6. Transport:			
Bus .....	N\$ .....	N\$ .....	N\$ .....
Car: Installments .....	N\$ .....	N\$ .....	N\$ .....
Maintenance .....	N\$ .....	N\$ .....	N\$ .....
Fuel .....	N\$ .....	N\$ .....	N\$ .....
Licenses .....	N\$ .....	N\$ .....	N\$ .....
Insurance .....	N\$ .....	N\$ .....	N\$ .....
Taxi .....	N\$ .....	N\$ .....	N\$ .....
Lift Club .....	N\$ .....	N\$ .....	N\$ .....
Parking .....	N\$ .....	N\$ .....	N\$ .....
Other .....	N\$ .....	N\$ .....	N\$ .....
7. Educational expenditure:			
School fees .....	N\$ .....	N\$ .....	N\$ .....
After school care .....	N\$ .....	N\$ .....	N\$ .....
Day care .....	N\$ .....	N\$ .....	N\$ .....
Study policy (insurance) .....	N\$ .....	N\$ .....	N\$ .....
Books .....	N\$ .....	N\$ .....	N\$ .....
Stationery .....	N\$ .....	N\$ .....	N\$ .....
Outings .....	N\$ .....	N\$ .....	N\$ .....
Sports .....	N\$ .....	N\$ .....	N\$ .....
Extramural .....	N\$ .....	N\$ .....	N\$ .....
Other school expenditure.....	N\$ .....	N\$ .....	N\$ .....
8. Medical expenditure:			
Doctor/dentist/etc. ....	N\$ .....	N\$ .....	N\$ .....
Medication (prescription) .....	N\$ .....	N\$ .....	N\$ .....
Hospital .....	N\$ .....	N\$ .....	N\$ .....
Other medical expenditure .....	N\$ .....	N\$ .....	N\$ .....

Expenditure			
	Self	beneficiary(ies)	Total
9. Insurance:			
Life .....	N\$ .....	N\$ .....	N\$ .....
Annuity .....	N\$ .....	N\$ .....	N\$ .....
House owners/holders .....	N\$ .....	N\$ .....	N\$ .....
10. Pocket money/allowances .....	N\$ .....	N\$ .....	N\$ .....
11. Holidays .....	N\$ .....	N\$ .....	N\$ .....
12. Maintenance, House .....	N\$ .....	N\$ .....	N\$ .....
replacement Household appliances .....	N\$ .....	N\$ .....	N\$ .....
and repairs Kitchenware .....	N\$ .....	N\$ .....	N\$ .....
of items Linen, towels, etc. ....	N\$ .....	N\$ .....	N\$ .....
Bicycles/bikes/scooters .....	N\$ .....	N\$ .....	N\$ .....
Other items .....	N\$ .....	N\$ .....	N\$ .....
13. Entertainment & recreation (incl.M-net)			
14. Personal loans .....	N\$ .....	N\$ .....	N\$ .....
15. Security alarm system .....	N\$ .....	N\$ .....	N\$ .....
16. Membership fees .....	N\$ .....	N\$ .....	N\$ .....
17. Religious contributions/charities .....	N\$ .....	N\$ .....	N\$ .....
18. Gifts .....	N\$ .....	N\$ .....	N\$ .....
19. TV License .....	N\$ .....	N\$ .....	N\$ .....
20. Reading materials: Books .....	N\$ .....	N\$ .....	N\$ .....
Newspapers .....	N\$ .....	N\$ .....	N\$ .....
Periodicals .....	N\$ .....	N\$ .....	N\$ .....
21. Lease/instalment Furniture .....	N\$ .....	N\$ .....	N\$ .....
sales payments Appliances .....	N\$ .....	N\$ .....	N\$ .....
Other .....	N\$ .....	N\$ .....	N\$ .....
22. Pets			
Food .....	N\$ .....	N\$ .....	N\$ .....
Veterinary surgeon .....	N\$ .....	N\$ .....	N\$ .....
Licence .....	N\$ .....	N\$ .....	N\$ .....
23. Other (not specified above) .....	N\$ .....	N\$ .....	N\$ .....
<b>Total expenditure</b> .....	N\$ .....	N\$ .....	N\$ .....

Dated at ..... This ..... day of .....

.....  
Signature of Complainant

**Oath/Affirmation**

1. I certify that before administering the \*oath/affirmation I asked the complainant the following questions and wrote down \*his/her answers in \*his/her presence:

(a) Do you know and understand the contents of the above declaration?

Answer .....

(b) Do you have any objection to taking the prescribed oath?

Answer .....

(c) Do you consider the oath as binding on your conscience?

Answer .....

2. I certify that the complainant acknowledged that \*he/she knows and understands the contents of this declaration. The complainant uttered the following words \*"I swear that the contents of this declaration are true – so help me God"/"I truly affirm that the contents of this declaration are true". The \*signature/mark of the complainant was affixed to the declaration in my presence.

.....  
Commissioner of Oaths

Full name and surname .....  
(block letters)

Designation (Rank) ..... Ex Officio

Business address .....  
(street address must be stated)

.....

Dated at ..... this ..... day of .....

\*Delete whichever is not applicable

**FORM B  
(Regulation 2(b))**

**COMPLAINT IN TERMS OF SECTION 9(1) ACT  
(CHANGES TO EXISTING MAINTENANCE ORDER)**

Reference number .....

*(This information should, as far as possible, be given fully in order to investigate the complaint)*

I, .....  
(full name of deponent)

born on ..... (date)/ age .....

identity number .....

Living at .....

.....

telephone number .....

working at .....

.....

telephone number .....

hereby \*declare under oath/ truly affirm as follows:

I .....  
(full name of defendant)

born on ..... (date)/age .....

identity number .....

Living at .....

.....

telephone number .....

working at .....

.....

telephone number .....

was ordered by .....(Court)

on the ..... day of ..... to pay -

(a) on a \*weekly/monthly basis with effect from .....

Towards the maintenance of myself and/or the following beneficiary(ies) in the sum of -		
NS	Name of Beneficiary	Born on
NS .....	complainant	.....
NS .....	.....	.....
NS .....	.....	.....
NS .....	.....	.....
NS .....	.....	.....
NS .....	.....	.....

All payments should have been made to

.....

in favour of .....

and/or

(b) .....

(other contributions, for example medical and dental costs, school fees, fees to tertiary institutions, school clothes, expenses for sport and/or cultural activities, birth expenses and maintenance for children from birth).

A copy of the order is attached.

2. Good cause/ reason exists for the **substitution** of the said maintenance order as follows:

(a) A \*weekly/monthly payment with effect from .....in the amount of

NS	Name of Beneficiary
NS..... In respect of	complainant
NS..... In respect of	.....
NS..... In respect of	.....
NS..... In respect of	.....
NS..... In respect of	.....
NS..... In respect of	.....

and the first payment must be made on ..... and after that on or before the .....day of each succeeding \*week/month. All payments must be made to .....

in favour of .....

and/or

(c) .....  
.....  
.....

(other contributions, for example medical and dental costs, school fees, fees to tertiary institutions, school clothes, expenses for sport and/or cultural activities, birth expenses and maintenance for child(ren) from birth);

**OR**

- 3. \*Good cause/reason exists for the **discharge** of the said maintenance order
- 4. The cause/reason for the \***substitution/discharge** of the maintenance order is -  
.....  
.....  
.....  
.....
- 5. Particulars of my assets and \*weekly/monthly income and expenditures (supported by documentary proof, where possible) are as follows:

Assets	
Fixed property .....	N\$ .....
Investments .....	N\$ .....
Savings .....	N\$ .....
Shares .....	N\$ .....
Motor vehicles .....	N\$ .....
Other: .....	N\$ .....
.....	N\$ .....
.....	N\$ .....
.....	N\$ .....
<b>Total value of Assets</b> .....	N\$ .....

<b>Income</b>	
Gross salary .....	N\$ .....
Minus deductions:	
Tax .....	N\$ .....
Medical Aid .....	N\$ .....
Pension .....	N\$ .....
Other: .....	N\$ .....
.....	N\$ .....
.....	N\$ .....
Total deductions .....	N\$ .....
Total nett salary .....	N\$ .....
Other income (state source) .....	N\$ .....
.....	N\$ .....
.....	N\$ .....
<b>Total income</b> .....	N\$ .....

<b>Expenditure</b>			
	<b>Self</b>	<b>beneficiary(ies)</b>	<b>Total</b>
1. Lodging(bond repayment/ levy/rent/board)			
2. Food: Groceries .....	N\$ .....	N\$ .....	N\$ .....
Meat .....	N\$ .....	N\$ .....	N\$ .....
Bread and milk .....	N\$ .....	N\$ .....	N\$ .....
Fruit and vegetables .....	N\$ .....	N\$ .....	N\$ .....
Baby food .....	N\$ .....	N\$ .....	N\$ .....
Lunches .....	N\$ .....	N\$ .....	N\$ .....
3. Household expenditure:			
Water and electricity/			
Gas/paraffin .....	N\$ .....	N\$ .....	N\$ .....
Rates and taxes .....	N\$ .....	N\$ .....	N\$ .....
Cleaning materials .....	N\$ .....	N\$ .....	N\$ .....
Laundry/Dry-cleaning .....	N\$ .....	N\$ .....	N\$ .....
Toiletries .....	N\$ .....	N\$ .....	N\$ .....
Telephone .....	N\$ .....	N\$ .....	N\$ .....
Domestic worker .....	N\$ .....	N\$ .....	N\$ .....
Garden services .....	N\$ .....	N\$ .....	N\$ .....
Insurance (short term) .....	N\$ .....	N\$ .....	N\$ .....
4. Clothing:			
Clothes and shoes .....	N\$ .....	N\$ .....	N\$ .....
School uniforms .....	N\$ .....	N\$ .....	N\$ .....
Sports clothes .....	N\$ .....	N\$ .....	N\$ .....
5. Personal care (including hair care/ cosmetics, etc.) .....	N\$ .....	N\$ .....	N\$ .....
6. Transport:			
Bus .....	N\$ .....	N\$ .....	N\$ .....
Car: Installments .....	N\$ .....	N\$ .....	N\$ .....
Maintenance .....	N\$ .....	N\$ .....	N\$ .....
Fuel .....	N\$ .....	N\$ .....	N\$ .....
Licenses .....	N\$ .....	N\$ .....	N\$ .....
Insurance .....	N\$ .....	N\$ .....	N\$ .....
Taxi .....	N\$ .....	N\$ .....	N\$ .....
Lift Club .....	N\$ .....	N\$ .....	N\$ .....
Parking .....	N\$ .....	N\$ .....	N\$ .....
Other .....	N\$ .....	N\$ .....	N\$ .....



Expenditure			
	Self	beneficiary(ies)	Total
7. Educational expenditure:			
School fees .....	N\$ .....	N\$ .....	N\$ .....
After school care .....	N\$ .....	N\$ .....	N\$ .....
Day care .....	N\$ .....	N\$ .....	N\$ .....
Study policy (insurance) .....	N\$ .....	N\$ .....	N\$ .....
Books .....	N\$ .....	N\$ .....	N\$ .....
Stationery .....	N\$ .....	N\$ .....	N\$ .....
Outings .....	N\$ .....	N\$ .....	N\$ .....
Sports .....	N\$ .....	N\$ .....	N\$ .....
Extramural .....	N\$ .....	N\$ .....	N\$ .....
Other school expenditure.....	N\$ .....	N\$ .....	N\$ .....
8. Medical expenditure:			
Doctor/dentist/etc. ....	N\$ .....	N\$ .....	N\$ .....
Medication (prescription) .....	N\$ .....	N\$ .....	N\$ .....
Hospital .....	N\$ .....	N\$ .....	N\$ .....
Other medical expenditure .....	N\$ .....	N\$ .....	N\$ .....
9. Insurance:			
Life .....	N\$ .....	N\$ .....	N\$ .....
Annuity .....	N\$ .....	N\$ .....	N\$ .....
House owners/holders .....	N\$ .....	N\$ .....	N\$ .....
10. Pocket money/allowances			
.....	N\$ .....	N\$ .....	N\$ .....
11. Holidays			
.....	N\$ .....	N\$ .....	N\$ .....
12. Maintenance, House .....			
replacement Household appliances .....	N\$ .....	N\$ .....	N\$ .....
and repairs Kitchenware .....	N\$ .....	N\$ .....	N\$ .....
of items Linen, towels, etc. ....	N\$ .....	N\$ .....	N\$ .....
Bicycles/bikes/scooters .....	N\$ .....	N\$ .....	N\$ .....
Other items .....	N\$ .....	N\$ .....	N\$ .....
13. Entertainment & recreation (incl.M-net)			
.....	N\$ .....	N\$ .....	N\$ .....
14. Personal loans .....			
.....	N\$ .....	N\$ .....	N\$ .....
15. Security alarm system .....			
.....	N\$ .....	N\$ .....	N\$ .....
16. Membership fees .....			
.....	N\$ .....	N\$ .....	N\$ .....
17. Religious contributions/charities .....			
.....	N\$ .....	N\$ .....	N\$ .....
18. Gifts .....			
.....	N\$ .....	N\$ .....	N\$ .....
19. TV License .....			
.....	N\$ .....	N\$ .....	N\$ .....
20. Reading materials: Books .....			
Newspapers .....	N\$ .....	N\$ .....	N\$ .....
Periodicals .....	N\$ .....	N\$ .....	N\$ .....
21. Lease/instalment Furniture .....			
sales payments Appliances .....	N\$ .....	N\$ .....	N\$ .....
Other .....	N\$ .....	N\$ .....	N\$ .....
22. Pets			
Food .....	N\$ .....	N\$ .....	N\$ .....
Veterinary surgeon .....	N\$ .....	N\$ .....	N\$ .....
Licence .....	N\$ .....	N\$ .....	N\$ .....
23. Other (not specified above) .....			
.....	N\$ .....	N\$ .....	N\$ .....
<b>Total expenditure .....</b>			
.....	N\$ .....	N\$ .....	N\$ .....

Dated at ..... this ..... day of .....

.....  
Signature of deponent

**Oath/Affirmation**

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

(a) Do you know and understand the contents of this declaration?

Answer.....

(b) Do you have any objection to taking the prescribed oath?

Answer .....

(c) Do you consider the oath binding on your conscience?

Answer.....

2. I certify that the deponent acknowledged that \*he/she knows and understands the contents of this declaration. The deponent uttered the following words \*"I swear that the contents of this declaration are true, so help me God."/"I truly affirm that the contents of this declaration are true." The \*signature/mark of the deponent was affixed to the declaration in my presence.

.....  
Commissioner of Oaths

Full name and surname .....  
(block letters)

Designation (Rank) .....Ex officio

Business address.....  
(street address)

.....  
Dated at ..... this ..... day of .....

\*Delete whichever is not applicable

**FORM C 1**  
**(Regulation 4(1)(a), (2) and (4)(a))**

**SUMMONS IN TERMS OF SECTION 11(1) OR 12(1) OF THE ACT**  
**(COMPLAINANT OR DEFENDANT)**

*(A document in the form of Form G must accompany the summon to the defendant)*

Reference No. ....

Maintenance Court  
(Magistrate's Court)

Court/Room No.

Date of enquiry

.....

**PART A**  
**SUMMONS**

To any person authorised to serve process:

You are hereby directed to -

1. summon the following persons:

Name of complainant .....

Identity number/Date of birth .....

Address .....

Rail warrant attached/not attached\* .....

**And/or**

Name of defendant .....

Identity number/Date of birth .....

Address .....

\*Rail warrant attached/not attached .....

(a) \*to appear in person before the above-mentioned court or maintenance officer of the abovementioned court at 09h00 on the date stated above; and

(b) to remain present until excused by the court, or

(c) to be examined by the maintenance officer in terms of section 11 of the Act or to give evidence at an enquiry, in terms of section 12 of the Act.

2. serve on each of the above-mentioned persons a copy of the summons and report to this Court what you have done with regard to it; and

3. request the above-mentioned persons to produce the following at the enquiry:

(a) Part B of this form, duly completed by .....(the other party), together with supporting documents, where possible

(b) .....

(c) .....

To the persons who are hereby summoned:

1 Warnings:

- (a) If your above-mentioned address changes before the proceedings are finalised or before you are officially advised that you are no longer required as a witness, you must inform the maintenance officer of the above-mentioned court thereof.
- (b) If you fail to comply with this warning in (a) and this summons you may be arrested and on conviction be sentenced to a fine or to a term of imprisonment.

2. An application has been made for -

\* (a) the \*making of the following maintenance order/substitution of the existing maintenance order

\* (i) A \*weekly/monthly contribution of

N\$	Name of Beneficiary
N\$ In respect of	complainant
N\$ In respect of	.....
N\$ In respect of	.....
N\$ In respect of	.....
N\$ In respect of	.....
N\$ In respect of	.....

and/or

\* (ii)

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

(other contributions, for example medical and dental costs, school fees, fees for tertiary institutions, school clothes, expenses for sport and/or cultural activities, birth expenses and maintenance for beneficiary(ies) from birth);  
or

(b) the discharge, variation or suspension of the existing maintenance order.

To the defendant

Your attention is drawn to -

- 1. section 18(1) of the Act, in terms of which you may consent in writing (on the attached document) to the making, in your absence, of an order against you for the payment of the maintenance as requested; and
- 2. section 19(1) of the Maintenance Act, in terms of which an order by default may be issued against you if the maintenance court is satisfied that you had knowledge of the summons and still failed to appear.

Dated at ..... this ..... day of .....

.....  
\*Maintenance Officer/Clerk of the Maintenance Court

\*Delete whichever is not applicable

**PART B**

*(To be completed by defendant or on defendant's instructions)*

**Particulars regarding assets, income and expenditure of opposing party**

Particulars of my assets and \*weekly/monthly income and expenditures (supported by documentary proof, where possible) are as follows:

Assets	
Fixed property .....	N\$ .....
Investments .....	N\$ .....
Savings .....	N\$ .....
Shares .....	N\$ .....
Motor vehicles .....	N\$ .....
Other: .....	N\$ .....
.....	N\$ .....
.....	N\$ .....
.....	N\$ .....
<b>Total value of Assets</b> .....	N\$ .....

<b>Income</b>	
Gross salary .....	N\$ .....
Minus deductions:	
Tax .....	N\$ .....
Medical Aid .....	N\$ .....
Pension .....	N\$ .....
Other: .....	N\$ .....
.....	N\$ .....
.....	N\$ .....
.....	N\$ .....
<b>Total nett salary</b> .....	<b>N\$</b> .....
Other income (state source) .....	N\$ .....
.....	N\$ .....
.....	N\$ .....
<b>Total income</b> .....	<b>N\$</b> .....

<b>Expenditure</b>			
	<b>Self</b>	<b>beneficiary(ies)</b>	<b>Total</b>
1. Lodging(bond repayment/ levy/rent/board)			
2. Food: Groceries .....	N\$ .....	N\$ .....	N\$ .....
Meat .....	N\$ .....	N\$ .....	N\$ .....
Bread and milk .....	N\$ .....	N\$ .....	N\$ .....
Fruit and vegetables .....	N\$ .....	N\$ .....	N\$ .....
Baby food .....	N\$ .....	N\$ .....	N\$ .....
Lunches .....	N\$ .....	N\$ .....	N\$ .....
3. Household expenditure:			
Water and electricity/.....	N\$ .....	N\$ .....	N\$ .....
Gas/paraffin .....	N\$ .....	N\$ .....	N\$ .....
Rates and taxes .....	N\$ .....	N\$ .....	N\$ .....
Cleaning materials .....	N\$ .....	N\$ .....	N\$ .....
Laundry/Dry-cleaning .....	N\$ .....	N\$ .....	N\$ .....
Toiletries .....	N\$ .....	N\$ .....	N\$ .....
Telephone .....	N\$ .....	N\$ .....	N\$ .....
Domestic worker .....	N\$ .....	N\$ .....	N\$ .....
Garden services .....	N\$ .....	N\$ .....	N\$ .....
Insurance (short term) .....	N\$ .....	N\$ .....	N\$ .....
4. Clothing:			
Clothes and shoes .....	N\$ .....	N\$ .....	N\$ .....
School uniforms .....	N\$ .....	N\$ .....	N\$ .....
Sports clothes .....	N\$ .....	N\$ .....	N\$ .....
5. Personal care (including hair care/ cosmetics, etc.) .....	N\$ .....	N\$ .....	N\$ .....
6. Transport:			
Bus .....	N\$ .....	N\$ .....	N\$ .....
Car: Installments .....	N\$ .....	N\$ .....	N\$ .....
Maintenance .....	N\$ .....	N\$ .....	N\$ .....
Fuel .....	N\$ .....	N\$ .....	N\$ .....
Licenses .....	N\$ .....	N\$ .....	N\$ .....
Insurance .....	N\$ .....	N\$ .....	N\$ .....
Taxi .....	N\$ .....	N\$ .....	N\$ .....
Lift Club .....	N\$ .....	N\$ .....	N\$ .....
Parking .....	N\$ .....	N\$ .....	N\$ .....
Other .....	N\$ .....	N\$ .....	N\$ .....

Expenditure			
	Self	beneficiary(ies)	Total
7. Educational expenditure:			
School fees .....	N\$ .....	N\$ .....	N\$ .....
After school care .....	N\$ .....	N\$ .....	N\$ .....
Day care .....	N\$ .....	N\$ .....	N\$ .....
Study policy (insurance) .....	N\$ .....	N\$ .....	N\$ .....
Books .....	N\$ .....	N\$ .....	N\$ .....
Stationery .....	N\$ .....	N\$ .....	N\$ .....
Outings .....	N\$ .....	N\$ .....	N\$ .....
Sports .....	N\$ .....	N\$ .....	N\$ .....
Extramural .....	N\$ .....	N\$ .....	N\$ .....
Other school expenditure.....	N\$ .....	N\$ .....	N\$ .....
8. Medical expenditure:			
Doctor/dentist/etc. ....	N\$ .....	N\$ .....	N\$ .....
Medication (prescription) .....	N\$ .....	N\$ .....	N\$ .....
Hospital .....	N\$ .....	N\$ .....	N\$ .....
Other medical expenditure .....	N\$ .....	N\$ .....	N\$ .....
9. Insurance:			
Life .....	N\$ .....	N\$ .....	N\$ .....
Annuity .....	N\$ .....	N\$ .....	N\$ .....
House owners/holders .....	N\$ .....	N\$ .....	N\$ .....
10. Pocket money/allowances			
.....	N\$ .....	N\$ .....	N\$ .....
11. Holidays			
.....	N\$ .....	N\$ .....	N\$ .....
12. Maintenance, replacement and repairs of items			
House .....	N\$ .....	N\$ .....	N\$ .....
Household appliances ....	N\$ .....	N\$ .....	N\$ .....
Kitchenware .....	N\$ .....	N\$ .....	N\$ .....
Linen, towels, etc. ....	N\$ .....	N\$ .....	N\$ .....
Bicycles/bikes/scooters .....	N\$ .....	N\$ .....	N\$ .....
Other items .....	N\$ .....	N\$ .....	N\$ .....
13. Entertainment & recreation (incl.M-net)			
.....	N\$ .....	N\$ .....	N\$ .....
14. Personal loans .....			
.....	N\$ .....	N\$ .....	N\$ .....
15. Security alarm system .....			
.....	N\$ .....	N\$ .....	N\$ .....
16. Membership fees .....			
.....	N\$ .....	N\$ .....	N\$ .....
17. Religious contributions/charities .....			
.....	N\$ .....	N\$ .....	N\$ .....
18. Gifts .....			
.....	N\$ .....	N\$ .....	N\$ .....
19. TV License .....			
.....	N\$ .....	N\$ .....	N\$ .....
20. Reading materials: Books .....			
Newspapers .....	N\$ .....	N\$ .....	N\$ .....
Periodicals .....	N\$ .....	N\$ .....	N\$ .....
21. Lease/instalments sales payments :			
Furniture .....	N\$ .....	N\$ .....	N\$ .....
Appliances .....	N\$ .....	N\$ .....	N\$ .....
Other .....	N\$ .....	N\$ .....	N\$ .....
22. Pets			
Food .....	N\$ .....	N\$ .....	N\$ .....
Veterinary surgeon .....	N\$ .....	N\$ .....	N\$ .....
Licence .....	N\$ .....	N\$ .....	N\$ .....
23. Other (not specified above) .....			
.....	N\$ .....	N\$ .....	N\$ .....
<b>Total expenditure</b> .....	<b>N\$ .....</b>	<b>N\$ .....</b>	<b>N\$ .....</b>

**PART C  
RETURN OF SERVICE**

I, ....., certify that I have -

- \* (a) delivered a copy of the summons to .....personally (regulation 28(1)(a)); or
- \* (b) offered a copy of the summons for delivery to .....personally (regulation 28(1)(a)); or
- \* (c) \*delivered a copy of the summons to, ....., a person apparently not younger than the age of 16 years and apparently residing or employed at the \*residence/place of employment/place of business of .....,since \*he/she could not be found (regulation 28(1)(b) or (c)); or
- \* (d) \*affixed/placed a copy of the summons to/in the \*outer/ principal door/ security gate/post box of the \*residence place of employment/place of business of .....,since \*he/she prevented the service by keeping \*his/her \*residence/place of employment/place of business close (regulation 28(4)).

Dated at ..... this ..... day of .....

.....  
\*Maintenance Investigator/Messenger of the Court

\*Delete whichever is not applicable



**FORM C 1A  
(Regulation 3)  
DIRECTIVE IN TERMS OF 10(1)(a) OF THE MAINTENANCE ACT**

Reference No.....

Maintenance Court  
.....

Court/Room No.  
.....

Date of investigation  
.....

In the maintenance inquiry between  
.....  
(complainant)

and

.....  
(defendant)

Name of person .....

Id No/Date of birth .....

Work address .....

Home address.....

You are hereby summoned to appear in person before the maintenance officer at the abovementioned court at 9h00 to:

- (a) give evidence and/or
- (b) produce the following **\*book/s \*documents/\*material**

If you fail to comply with this directive, you commit an offence and are liable on conviction to a fine of up to N\$ 2000, or to imprisonment up to six months, or to both fine and imprisonment.

.....  
Maintenance officer

Dated at.....this.....day of .....

\*Delete whichever is inapplicable

**FORM C11**  
**(Regulation 4(1)(b) and 4(4)(b))**  
**SUMMONS IN TERMS OF SECTION 11 OR 12 OF THE ACT**  
**(WITNESSESS)**

Reference No. ....

Maintenance Court(Magistrate's Court)	Court/Room No.	Date of Enquiry
.....	.....	.....

In the maintenance enquiry between -

.....  
(complainant)

and

.....  
(defendant)

**PART A**  
**SUMMONS**

To any person authorised to serve process:

You are hereby directed to -

1. Summon the following person(s):

Name of witness: .....

Identity number/date of birth: .....

Address: .....

\*Rail warrant attached/not issued:

and

Name of witness: .....

Identity number/date of birth: .....

Address: .....

\*Rail warrant attached/ Not issued:

and

Name of witness: .....

Identity number/date of birth: .....

Address: .....

\*Rail warrant attached/not issued:

\*(a) to appear in person before the above-mentioned court/ the maintenance officer of the above-mentioned court at 09h00 on the date stated above; and

\*(b) to remain present until excused by the court,

\*(c) to be examined by the maintenance officer in terms of section 11 of the Act or to give evidence at an enquiry in terms of section 12 of the Act.

2. Serve on each of the above-mentioned person(s) a copy of this summons and report to this Court what you have done with regard to it; and

- 3. Request the above-mentioned person(s) to produce the following at the enquiry:
  - (a) .....
  - (b) .....
  - (c) .....

Warnings to the person(s) who \*is/are hereby summoned as \*a witness(es):

- 1. If your above-mentioned address changes before the proceedings are finalised or before you are officially informed that you are no longer required as a witness, you must inform the maintenance officer of the above-mentioned court thereof.
- 2. If you fail to comply with the above-mentioned warning and this summons you may be arrested and on conviction be sentenced to a fine or a term of imprisonment.

Dated at .....this ..... day of .....

.....  
\*Maintenance Officer/Clerk of the Maintenance Court.

**PART B  
RETURN OF SERVICE**

I, ....., certify that I have -

- \*(a) delivered a copy of the summons to .....personally (regulation 28(1)(a)); or
- \*(b) offered a copy of the summons for delivery to .....personally (regulation 28(1)(a)); or
- \*(c) \*delivered a copy of the summons to, ....., a person apparently not younger than the age of 16 years and apparently residing or employed at the \*residence/place of employment/place of business of .....,since \*he/she could not be found (regulation 28(1)(b) or (c)); or
- \*(d) \*affixed/placed a copy of the summons to/in the \*outer/ principal door/ security gate/post box of the \*residence place of employment/place of business of.....,since \*he/she prevented the service by keeping \*his/her \*residence/place of employment/place of business close (regulation 28(4)).

Dated at ..... this ..... day of .....

.....  
\*Maintenance Investigator/messenger of the Court

\*Delete whichever is not applicable

**FORM D**  
**(Regulation 7)**

**NOTICE IN TERMS OF SECTION 14(3) OF THE ACT**  
**(NOTICE TO ADMIT STATEMENT AS EVIDENCE)**

*(This notice shall be served on the person concerned at least 14 days before the hearing of the enquiry.)*

Reference No. ....

In the maintenance enquiry between -

.....  
(complainant)

and

.....  
(defendant)

to be held on .....at ..... with regard to the  
payment of maintenance in respect of .....

To: .....  
(defendant/complainant)

of .....  
.....  
(address)

1. You are hereby notified that it is intended to submit the attached statement(s)  
made by -

.....  
.....,

and the attached document(s), referred to in the statement(s), as evidence in  
the above-mentioned enquiry.

2. The information contained in the(se) document(s) will be regarded as  
evidence as if the person(s) who made the(se) statement(s) has (have) given  
oral evidence, unless you object thereto to the maintenance officer of the  
above-mentioned court at least seven days before the commencement of  
the enquiry.

Dated at .....this .....day of .....

.....  
\*Maintenance Officer/Clerk of the Maintenance Court.

\*Delete whichever is inapplicable

**FORM E  
(Regulation 8)**

**ORDER IN TERMS OF SECTION 17 OF THE ACT  
(MAINTENANCE ORDER)**

Reference No. ....

*(Form G must be used in the event of an order by consent and form H must be used in the event of a default order)*

In the maintenance matter between:

.....  
(complainant)

and

.....  
(defendant)

In terms of the provisions of section 17(1)(a) or (b) of the Act, it is ordered that -

I, .....  
(full name of defendant)

identity number .....

living at .....

.....

and working at .....

.....

\*(a) must pay on a \*weekly/monthly basis with effect from ..... towards the maintenance of \*the complainant and/or the following beneficiary(ies) the sum of -

N\$		Name of Beneficiary
N\$	In respect of	complainant
N\$	In respect of	.....
N\$	In respect of	.....
N\$	In respect of	.....
N\$	In respect of	.....
N\$	In respect of	.....

the first payment is to be made on ..... and after that on/or before the.....day of each succeeding \*week/month to ..... in favour of .....

and/or

\*(b) .....

.....

(other contributions, for example medical and dental costs, school fees, fees to tertiary institutions, school clothes, expenses for sport and/or cultural activities, birth expenses and maintenance for beneficiary(ies) from birth.  
or

\*2 It is ordered that in terms of section 17(1)(b)(i) of the Act, the maintenance order, dated .....,made by the ..... is hereby **substituted** by the following order.....; or

\*3 It is ordered that in terms of section 17(1)(b) (i)/(ii) of the Act, the maintenance order dated ....., made by the .....is hereby **suspended or discharged**.

Dated at ..... this ..... day of .....

.....  
Magistrate

\*Delete whichever is not applicable

**FORM F  
(Regulation 9)**

**DIRECTIVE IN TERMS OF SECTION 32(1) OF THE ACT**

Reference No .....

In the maintenance matter between:

.....  
Complainant

and

.....  
Defendant

**PART A  
DIRECTIVE TO DEFENDANT'S DEBTOR (SECTION 32(1))**

*(This notice must be served on the under-mentioned person(s) within seven days after the day on which the order was made.)*

To: .....  
(the person who is indebted to the defendant)

of .....  
.....(address(s))

1. You are hereby informed of the attached order of court in terms of which you are directed to make the payments as specified. Please note that these payments must be given priority over any other order of court requiring payments to be made from any moneys due to the defendant.
2. If you are discharged from your contractual obligation you must, within seven days, after the day on which you are so discharged give notice thereof on Part C of this form to the maintenance officer of the court where the attached maintenance order was made. This notice may be submitted to the maintenance officer in any manner convenient to you, but you must keep record of the manner in which the notice was submitted.
3. Warning:

If you, without good reason, refuses or fails to -

- (a) make any payment in accordance with the attached order; or
- (b) furnish the maintenance officer with the notice provided for in Part C of this form,

you commit an offence and may on conviction be sentenced to a fine not exceeding N\$2000 or to imprisonment for a period not exceeding six months.

Dated at ..... this ..... day of .....

.....  
\*Maintenance Officer/ Clerk of the Maintenance Court

**PART B  
RETURN OF SERVICE**

I, ....., certify that I have -

- \* (a) delivered a copy of the summons to .....personally (regulation 28(1)(a)); or
- \* (b) offered a copy of the summons for delivery to .....personally (regulation 28(1)(a)); or
- \* (c) \*delivered a copy of the summons to, ....., a person apparently not younger than the age of 16 years and apparently residing or employed at the \*residence/place of employment/place of business of .....,since \*he/she could not be found (regulation 28(1)(b) or (c)); or
- \* (d) \*affixed/placed a copy of the summons to/in the \*outer/ principal door/ security gate/post box of the \*residence place of employment/place of business of .....,since \*he/she prevented the service by keeping \*his/her \*residence/place of employment/place of business close (regulation 28(4)); or
- \* (e) delivered a copy of the notice to .....a \*director/ responsible employee of.....at the latter's registered office/main place of business(regulation 28(1)(d).

Dated at ..... This ..... day of .....

.....  
\*Maintenance Investigator/Messenger of the Court.

\*Delete whichever is not applicable

**PART C  
NOTICE BY DEFENDANT'S EMPLOYER OR DEBTOR (SECTION 31(2))**

To.  
The Maintenance Officer, Magistrate's Court, .....

I, .....,certify that -

1. \* I have been discharged from liability with effect from .....(date), to ....., the defendant in the above-mentioned matter, for the following reasons:  
.....  
.....
2. the following information at my disposal may be relevant for purposes of making a new order against another person who may employ or be indebted to the defendant  
.....  
.....

Dated at .....this .....day of .....

.....  
Signature of person making maintenance payments on behalf of the defendant



**FORM G  
(Regulation 10)**

**CONSENT ORDER IN TERMS OF SECTION 18 OF THE ACT**

Reference No. ....

In the maintenance matter between:

.....  
Complainant  
and  
.....  
Defendant

**PART A  
DEFENDANT'S WRITTEN CONSENT (SECTION 18(1))**

I, .....  
(full name of defendant)  
identity number .....  
living at ..... and working at  
.....

consent to the following:

That a maintenance order be issued against me as requested i.e.

\*(a) to pay on a \*weekly/monthly basis with effect from ..... towards the maintenance of \*the complainant and/or the following beneficiary(ies) the sum of:

N\$	Name of Beneficiary
N\$..... In respect of	complainant
N\$..... In respect of	.....
N\$..... In respect of	.....
N\$..... In respect of	.....
N\$..... In respect of	.....
N\$..... In respect of	.....

and that the first payment be made on ..... and after that on or before the ..... day of each succeeding \*week/month to ..... in favour of .....

and/or

\*(b) to \*make the following contribution/pay .....  
.....  
.....  
.....

Dated at ..... this ..... day of .....

.....  
Signature of Defendant

\*Delete whichever is not applicable

**PART B  
CONSENT MAINTENANCE ORDER**

1. A maintenance order in accordance with the above written consent is hereby made against .....  
(name of defendant)

\*2. And/the maintenance order dated ....., made by the .....  
is hereby substituted.

Dated at ..... this..... day of .....

.....  
Magistrate

\*Delete what is not applicable.

**PART C  
RETURN OF SERVICE (SECTION 18(3))**

I, ....., hereby certify that I have \*tendered/delivered a copy of this order to ..... at .....  
.....(place) at .....h ..... on this ..... day of ....., and informed \*him/her of the nature and urgency thereof.

Dated at .....this ..... day of .....

.....  
\*Maintenance Officer/Maintenance Investigator/  
Messenger of the Court.

\*Delete whichever is not applicable

**FORM H  
(Regulation 11)**

**DEFAULT MAINTENANCE ORDER IN TERMS OF SECTION 19 READ  
WITH SECTION 17 OF ACT**

Reference No.....

In the maintenance matter between:

.....  
Complainant

and

.....  
Defendant

**PART A  
DEFAULT MAINTENANCE ORDER**

In terms of section 19 read with section 17 of the Act, it is ordered that -

I, .....  
(full name of the defendant)

identity number .....

Living at .....

and working at .....

.....

\*(a) must pay on a weekly/monthly basis with effect from .....towards  
the maintenance of \*the complainant and/or the following beneficiary(ies)  
the sum of -

N\$	Name of Beneficiary
N\$..... In respect of	complainant
N\$..... In respect of	.....
N\$..... In respect of	.....
N\$..... In respect of	.....
N\$..... In respect of	.....
N\$..... In respect of	.....

The first payment is to be made on ..... and after that on or before  
the ..... Day of each succeeding \*week/month to  
.....In favour of

.....

and/or

\*(b) .....

.....

.....

(other contributions, for example medical and dental costs, school fees, fees for tertiary institutions, school clothes, expenses for sport and/or cultural activities, birth expenses and maintenance for beneficiary(ies) from birth);

- \*2 And/the maintenance order made by the ..... on .....is substituted by the above-mentioned maintenance order.

Dated at ..... this .....day of .....

.....  
Magistrate

\*Delete whichever is not applicable

**PART B  
NOTIFICATION OF DEFAULT MAINTENANCE ORDER (SECTION 19(3))**

1. You are hereby informed of the default maintenance order as per Part A hereof in terms of which you are directed to make payments as specified in the order.
2. Should you wish to apply for the substitution or setting aside of the order, your application must be lodged with the maintenance officer of the court that issued the order within 10 days after receipt of this notice.
3. Please take note that, should you lodge an application mentioned in paragraph 2 above, you must give notice of your application to the complainant and the notice must be served on the complainant at least 14 days before the date on which the court will hear your application.
4. Your application (see paragraph 2) and the notice (see paragraph 3) must be on the prescribed forms available at any magistrate's office.

Dated at ..... this ..... day of .....

.....  
\*Maintenance officer/messenger  
of the court/maintenance investigator

\*Delete whichever is not applicable.

**PART C  
RETURN OF SERVICE (SECTION 19(3))**

I, ....., hereby certify that I have  
\*tendered/delivered a copy of the order to .....  
At .....(place)  
at ..... h..... on this ..... day of ....., and informed him/her  
of the nature and urgency thereof.

Dated at ..... this ..... day of .....

.....  
Maintenance Officer/Maintenance  
Investigator/Messenger of the Court.

\*Delete whichever is not applicable

**FORM I  
(Regulation 11(4))**

**APPLICATION FOR \*VARIATION/SETTING ASIDE OF A DEFAULT  
MAINTENANCE ORDER IN TERMS OF SECTION 19 OF THE  
MAINTENANCE ACT**

Reference No. ....

In the matter between:

.....

Complainant

and

.....

Defendant

**PART A  
APPLICATION FOR VARIATION/SETTING ASIDE (SECTION 19(4))**

To the Maintenance Officer of the Maintenance Court,

.....

I, .....

(full name of defendant)

identity number .....

1. Hereby apply that the maintenance order made against me on the .....day of  
..... by the Maintenance Court, .....in terms section  
19 of the Act, be **\*set aside/varied** as follows.

.....  
.....

2. In support of my application I hereby \*declare under oath/truly affirm that the  
following reasons exist for the \*variation/setting aside of the order:

.....  
....., and

3. Attach affidavits by the following persons:

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

Dated at ..... this..... day of .....

.....  
Signature of Deponent

**Oath/Affirmation**

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

(a) Do you know and understand the contents of this declaration?

Answer.....

(b) Do you have any objection to taking the prescribed oath?

Answer.....

(c) Do you consider the oath binding on your conscience?

Answer .....

19. I certify that the deponent acknowledged that \*he/she knows and understands the contents of this declaration. The deponent uttered the following words \*"I swear that the contents of this declaration are true, so help me God."/"I truly affirm that the contents of this declaration are true." The \*signature/mark of the deponent was affixed to the declaration in my presence.

.....  
Commissioner of Oaths

Full name and surname .....  
(block letters)

Designation (Rank) .....Ex officio

Business address.....  
(street address)

Dated at ..... this ..... day of .....

\*Delete whichever is not applicable

**PART B  
NOTICE OF APPLICATION (SECTION 19(7))**

*(Submit this notice, at least 14 days before your application is heard, to the complainant in any manner convenient to you but keep record of the manner in which the notice was submitted.)*

To.....  
(complainant)

1. Take note that the application in Part A of this form will be heard on the .....day of ..... at .....h.....(time) at the Maintenance Court, .....
2. Attached hereto *(if applicable)* are copies of affidavits submitted in support of the application.

Dated at ..... This ..... day of.....

.....  
Signature of Defendant.

\*Delete whichever is not applicable

**FORM J  
(Regulation 12)**

**NOTICE OF VARIATION OR SETTING ASIDE OF CERTAIN ORDERS  
(SECTION 22 OF THE ACT)**

Reference No. ....

In the maintenance matter between:

.....  
(complainant)

and

.....  
(defendant)

To:

.....  
(complainant)

and

.....  
(defendant)

and

.....  
(person making payments on behalf of defendant)

\*1. Take note that the order issued under section 17(1) of the Act on .....,in the Maintenance Court, ..... was **amended** -

\*(a) by the designation of .....as from .....(date) as the \*person/officer/organisation/institution or account to whom, to which or into which payment in terms of the order is to be made;  
or

\*(b) by determining that payment in terms of the order will be made in the following manner:.....as from .....(date).

\*2. Take note that the order made under section 17(1)(b) on .....in the Maintenance Court, ....., was -

(a) **set aside/suspended** with effect from .....

(b) **substituted** by the following order: .....

Dated at ..... this ..... day of .....

.....  
Maintenance Officer

\*Delete whichever is not applicable

**FORM K  
(Regulation 18)**

**APPLICATION FOR ENFORCEMENT OF MAINTENANCE ORDER OR  
OTHER ORDER IN TERMS OF SECTION 28 OF THE MAINTENANCE ACT**

Reference No. ....

In the maintenance matter between:

.....  
(complainant)

and

.....  
(defendant)

To the Maintenance Officer of the Maintenance Court, .....

I, .....  
(full name of complainant)

identity number .....

1. hereby apply -

- \* (a) for the authorisation to issue a warrant of execution;
- \* (b) for an order for the attachment of emoluments; or
- \* (c) for an order for the attachment of a debt.

2. The following information is important for the purposes of my application:  
*(submit information relating to property and/or debts of the defendant or his or her employer and income)*

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

3. The whereabouts of the defendant are as follows:

.....  
.....

4. In support of my application I hereby \* declare under oath/truly affirm that:

- (a) on .....(date) the attached order in terms of the Act was made by the above-mentioned court;
- (b) the order has remained unsatisfied; and
- (c) the amount of N\$ ..... is still outstanding. This amount has been calculated as follows:

.....  
.....



Dated at ..... this ..... day of .....

.....  
Complainant

**Oath/Affirmation**

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

(a) Do you know and understand the contents of this declaration?

Answer.....

(b) Do you have any objection to taking the prescribed oath?

Answer.....

(c) Do you consider the oath binding on your conscience?

Answer.....

I certify that the deponent acknowledged that \*he/she knows and understands the contents of this declaration. The deponent uttered the following words \*"I swear that the contents of this declaration are true, so help me God."/"/"I truly affirm that the contents of this declaration are true." The \*signature/mark of the deponent was affixed to the declaration in my presence.

.....  
Commissioner of Oaths

Full name and surname .....  
(block letters)

Designation (Rank) ..... Ex Officio

Business address.....  
.....  
(street address must be stated)

Dated at ..... this ..... day of .....

\*Delete whichever is not applicable

**FORM L**  
**(Regulation 19)**

**WARRANT OF EXECUTION AGAINST PROPERTY IN TERMS OF  
SECTION 29 OF THE ACT**

*(Part A must be completed by the complainant. Part B must be completed by the clerk of the maintenance court. Parts C and D must be completed by the Messenger of the Court.)*

Reference No. ....

In the maintenance matter between:

.....  
(complainant as execution creditor)

and

.....  
(defendant as execution debtor)

**PART A**

To the Clerk of the Maintenance Court,.....

1. Amounts to be levied:

- |     |                             |           |
|-----|-----------------------------|-----------|
| (a) | Outstanding amount of order | N\$ ..... |
| (b) | Interest on amount in (a)   | N\$ ..... |
|     | Total due                   | N\$ ..... |

2. Address of the execution debtor: .....

Dated at ..... this ..... day of .....

.....  
Execution Creditor.

**PART B**

To the Messenger of the Court

1. The maintenance court on the ..... day of ..... authorized , in favour of the execution creditor, the issuing of a warrant of execution in terms of section 29 of the Act, against the \*movable/immovable property of the execution debtor for the abovementioned amounts, amounting to a total sum of N\$ .....
2. You are herewith authorised and required to raise on the property of the execution debtor the sum of N\$ ....., together with your costs of this execution (calculated in terms of the Magistrates' Courts' Rules), and pay to the said execution creditor the sum of N\$....., and report to this Court what you have done by virtue hereof.

Dated at ..... this..... day of .....

Date stamp of issuing office

.....  
Clerk of the Maintenance Court.

**Note to Messenger of the Court:**

1. If the execution debtor pays the above-mentioned amount and the costs of this execution within half an hour of your entry, he or she will not be required to pay any further costs of execution. The amount of any payment made by the execution debtor and the date thereof must forthwith be endorsed on the original and copy hereof, which endorsement must be signed by the Messenger of the Court and countersigned by the execution debtor or his or her representative.
2. This execution may be paid out of sale, subject to the payment of the execution costs, which may be required to be taxed.
3. The only immovable property upon which this warrant may be executed is:  
.....  
.....  
*(set out its situation and nature sufficiently to enable it to be identified)*
4. Any alterations made herein must be initialed by the clerk of the maintenance court when the warrant is issued or re-issued by him or her.

**PART C**

**Return of service**

I, ....., certify that I have -  
.....  
.....  
.....  
.....

**PART D**

**Endorsement \***

The execution debtor paid the amount of N\$ ..... within half an hour of my entry.

.....  
Signature of Messenger  
of the Court

.....  
Signature of Execution  
Debtor

**FORM M  
(Regulation 21)**

**APPLICATION FOR SETTING ASIDE OF A WARRANT OF EXECUTION IN  
TERMS OF SECTION 29(5) OF THE MAINTENANCE ACT**

Reference No.....

In the maintenance matter between:

.....  
(complainant)

and

.....  
(defendant)

**PART A**

**APPLICATION TO SET ASIDE WARRANT OF EXECUTION (SECTION 29(5))**

To the Maintenance Officer of the Maintenance Court, .....

I, .....  
(full name of defendant)

identity number .....

1. Hereby apply that the warrant of execution issued on the ..... day of .....  
..... by the clerk of the above-mentioned maintenance court be set  
aside.

2. In support of my application I hereby -

(a) \*declare under oath/truly affirm that the following reasons exist for the  
setting aside of the warrant of execution:

.....; and

(b) attach affidavits by the following persons:

.....

Dated at ..... this ..... day of .....

.....  
Signature of Deponent.

**Oath/Affirmation**

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

(a) Do you know and understand the contents of this declaration?

Answer.....

(b) Do you have any objection to taking the prescribed oath?

Answer .....

(c) Do you consider the oath binding on your conscience?

Answer .....

I certify that the deponent acknowledged that \*he/she knows and understands the contents of this declaration. The deponent uttered the following words \*"I swear that the contents of this declaration are true, so help me God."/"I truly affirm that the contents of this declaration are true." The \*signature/mark of the deponent was affixed to the declaration in my presence.

.....  
Commissioner of Oaths

Full name and surname .....  
(block letters)

Designation (Rank) .....Ex Officio

Business address .....  
(street address must be stated)  
.....

Dated at .....this .....day of .....

**PART B  
APPLICATION TO SUBSTITUTE OR SUSPEND WARRANT OF  
EXECUTION(SECTION 29(8))**

To the Maintenance Officer of the Maintenance Court, .....

I, .....  
(full name of defendant)

identity number .....

1. Hereby apply that the warrant of execution issued on the ..... day of .....  
..... by the clerk of the above-mentioned maintenance court be  
\*substituted/suspended.

2. In support of my application I hereby -

(a) \*declare under oath/truly affirm that the following reasons exist for the  
substitution/suspension of the warrant of execution:

.....; and

(b) attach affidavits by the following persons:

.....

.....

Dated at ..... this ..... day of .....

.....  
Signature of Deponent

\*Delete whichever is inapplicable

**Oath/Affirmation**

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

(a) Do you know and understand the contents of this declaration?

Answer.....

(b) Do you have any objection to taking the prescribed oath?

Answer .....

(c) Do you consider the oath binding on your conscience?

Answer.....

I certify that the deponent acknowledged that \*he/she knows and understands the contents of this declaration. The deponent uttered the following words \*"I swear that the contents of this declaration are true, so help me God."/"I truly affirm that the contents of this declaration are true." The \*signature/mark of the deponent was affixed to the declaration in my presence.

.....  
Commissioner of Oaths

Full name and surname .....  
(block letters)

Designation (Rank) ..... Ex Officio

Business address .....  
(street address must be stated)

Dated at ..... this ..... day of .....

**PART C  
NOTICE IN TERMS OF SECTION 29(9)(b)**

*(Submit this notice, at least 14 days before your application is to be heard, to the complainant in any manner convenient to you but keep record of the manner in which the notice was submitted.)*

To : .....  
(complainant/execution creditor)

- 1. Take note that the above-mentioned application will be heard on the ..... day..... of..... at .....h..... (time) at the Maintenance Court, .....

2. Attached hereto (*if applicable*) are copies of affidavits in support of the application.

Dated at ..... This.....day of .....

.....  
Defendant/Execution Debtor

\*Delete whichever is not applicable

**FORM N  
(Regulation 22)**

**APPLICATION FOR SUSPENSION, AMENDMENT OR RESCISSION OF AN  
ORDER FOR THE ATTACHMENT OF EMOLUMENTS IN TERMS OF  
SECTION 30(2) OF THE ACT**

Reference No. ....

In the maintenance matter between:

.....  
(complainant)

and

.....  
(defendant)

**PART A  
APPLICATION FOR SUSPENSION, AMENDMENT OR RESCISSION  
(SECTION 30(2))**

To the Maintenance Officer of the Maintenance Court, .....

I, .....,  
(full name of defendant)

identity number .....

1. Hereby apply that the order for the attachment of emoluments made on the  
.....day of ....., by the above-mentioned  
maintenance court, be \*suspended/rescinded/amended as follows:

.....  
.....

2. In support of my application I hereby -

(a) \*declare under oath/truly affirm that the following reasons exist for  
the\*suspension/rescission/amendment of the order: .....

....., and

(b) attach affidavits by the following persons:

.....  
.....

Dated at .....this ..... day of .....

.....  
Signature of Deponent



**Oath/Affirmation**

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

(a) Do you know and understand the contents of this declaration?

Answer.....

(b) Do you have any objection to taking the prescribed oath?

Answer .....

(c) Do you consider the oath binding on your conscience?

Answer .....

I certify that the deponent acknowledged that \*he/she knows and understands the contents of this declaration. The deponent uttered the following words \*"I swear that the contents of this declaration are true, so help me God."/\*"I truly affirm that the contents of this declaration are true." The \*signature/mark of the deponent was affixed to the declaration in my presence.

.....  
Commissioner of Oaths

Full name and surname .....  
(block letters)

Designation (Rank)..... Ex Officio

Business address.....  
(street address)

.....

Dated at ..... this ..... Day of .....

**PART B  
NOTICE IN TERMS OF SECTION (30)(3)**

*(Submit this notice, at least 14 days before the date on which your application is to be heard, to the complainant in any manner convenient to you, but keep record of the manner in which the notice was submitted.)*

To: .....  
(complainant)

1. Take notice that the above-mentioned application will be heard on the .....  
Day of..... at .....h.....(time) at the Maintenance Court,  
.....

2. Attached hereto(*if applicable*) are copies of affidavits in support of the application.

Dated at .....this..... day of .....

.....  
Signature of Defendant

\*Delete whichever is not applicable

**FORM O  
(Regulation 22)**

**NOTICES TO AND BY EMPLOYER IN TERMS OF  
SECTION 31 OF THE ACT**

Reference No. ....

In the maintenance matter between:

.....  
(complainant)

and

.....  
(defendant)

**2. Notification in terms of section 31(1)**

*(This notice shall be served on the person concerned within seven days of the date on which the order was made)*

To: .....  
(the employer of the defendant or person who is obliged to make periodic payments to defendant)

of .....  
(address)

1. You are hereby informed of the attached order of the court in terms of which you are directed to make the payments as specified. Please note that these payments must be given priority over any other order of a court requiring payments to be made from the emoluments due to .....(the defendant in this matter).
2. If the defendant leaves your service or you are discharged from the obligation to pay money to the defendant, you must, within seven days after the date on which he or she left your service or you are discharged, give notice thereof on Part C of this form to the maintenance officer of the court where the attached order was made. This notice may be submitted to the maintenance officer in any manner convenient to you, but you must keep record of the manner in which the notice was submitted.

**Warning  
If you-**

1. fail to make the payments specified in the attached order you may be held liable for the payment; and
2. without good reason cause, refuse or fail to-
  - (a) make the payments specified in the attached order; or
  - (b) furnish the maintenance officer with the notice provided for in Part C of this form,
 you commit an offence and may on conviction be sentenced to a fine not exceeding N\$2 000 or to imprisonment for a period not exceeding six months.

Dated at ..... this ..... day of .....

.....  
\*Maintenance Officer/Clerk of the Maintenance Court.

**PART B  
RETURN OF SERVICE**

I,....., certify that I have -

- \*(a) delivered a copy of the summons to .....personally (regulation 28(1)(a)); or
- \*(b) offered a copy of the summons for delivery to.....personally (regulation 28(1)(a)); or
- \*(c) \*delivered a copy of the summons to, ..... a person apparently not younger than the age of 16 years and apparently residing or employed at the \*residence/place of employment/place of business of .....since \*he/she could not be found (regulation 28(1)(b) or (c)); or
- \*(d) \*affixed/placed a copy of the summons to/in the \*outer/ principal door/ security gate/post box of the \*residence place of employment/place of business of.....,since \*he/she prevented the service by keeping \*his/her \*residence/place of employment/place of business close (regulation 28(4)); or
- \*(e) delivered a copy of the notice to .....a \*director/responsible employee of.....at the latter's registered office/main place of business(regulation 28(1)(d).

Dated at .....this ..... day of .....

.....  
\*Maintenance Investigator/Messenger of the Court

\*Delete whichever is not applicable

**PART C  
NOTICE IN TERMS OF SECTION 31(2)**

To:

The Maintenance Officer, .....

\*I, ....., hereby give notice that .....,who was in my employment, left my service on .....(date); or

I.....hereby give notice that I have been discharged from my contractual liability to make periodic payments to .....the defendant.

\*He/she left no forwarding address./ \*His/her forwarding address is .....

Dated at ..... this ..... day of .....

.....  
#Signature of Employer/other person

\*Delete whichever is not applicable

**FORM P  
(Regulation 23)**

**APPLICATION FOR SUSPENSION, AMENDMENT OR RESCISSION OF AN  
ORDER FOR THE ATTACHMENT OF DEBTS IN TERMS OF SECTION  
32(2) OF THE MAINTENANCE ACT**

Reference No. ....

In the maintenance matter between:

.....  
(complainant)

and

.....  
(defendant)

**PART A  
APPLICATION FOR SUSPENSION, AMENDMENT OR RESCISSION OF AN  
ATTACHMENT ORDER(SECTION 32(2))**

To the Maintenance Officer of the Maintenance Court, .....

I, .....  
(full name of defendant)

identity number .....

1. Hereby apply that the order for the attachment of debts made on the .....  
Day of..... by the above-mentioned maintenance court, be \*suspended/  
rescinded/amended as follows:

.....  
.....

2. In support of my application I hereby -

(a) \*declare under oath/truly affirm that the following reasons exist for  
the\*suspension/rescission/amendment of the order:.....  
.....; and

(b) attach affidavits by the following persons:

.....  
.....

Dated at ..... this ..... day of .....

.....  
Signature of Deponent

**Oath/Affirmation**

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

(a) Do you know and understand the contents of this declaration?

Answer.....

(b) Do you have any objection to taking the prescribed oath?

Answer.....

(c) Do you consider the oath binding on your conscience?

Answer .....

I certify that the deponent acknowledged that \*he/she knows and understands the contents of this declaration. The deponent uttered the following words \*‘‘I swear that the contents of this declaration are true, so help me God.’’/‘‘I truly affirm that the contents of this declaration are true.’’ The \*signature/mark of the deponent was affixed to the declaration in my presence.

.....  
Commissioner of Oaths.

Full name and surname .....  
(block letters)

Designation (Rank) .....Ex Officio  
Business address .....  
(street address must be stated)

Dated at.....this..... day of .....

**PART B  
NOTICE IN TERMS OF SECTION 32(3)**

*(Submit this notice at least 14 days before the date in which your application is to be heard to the complainant in any manner convenient to you, but keep record of the manner in which the notice was submitted.)*

To:.....  
(complainant)

1. Take notice that the above-mentioned application will be heard on the.....Day of ..... at .....h.....(time) at the Maintenance Court, .....
2. Attached hereto *(if applicable)* are copies of affidavits in support of the application.

Dated at ..... this .....day of .....

.....  
Defendant

\*Delete whichever is not applicable

**FORM Q  
(Regulation 24)**

**COMPLAINT FOR THE PURPOSES OF SECTION 33(1) OF THE ACT**

Reference No. ....

I, .....  
(full name of the complainant)

born on .....(date)/age .....

identity number .....

living at .....

telephone number .....

working at .....

telephone number .....

hereby \*declare under oath/truly affirm as follows:

1.....  
(full name of defendant)

born on .....(date)/age .....

identity number .....

Living at .....

telephone number .....

working at .....

telephone number.....

was ordered by the .....(Court)  
on ..... to pay the amount of N\$..... per \*week/  
month being N\$..... current maintenance for \*me and/or the  
beneficiary(ies)and/or an outstanding amount of N\$..... towards

2. The first payment should have been made on .....and after that on  
or before the .....day of each succeeding \*week/month. All  
payments should have been made to \*the clerk of the court, ...../  
myself in person /the following bank account .....

3. The defendant failed to comply with the court order and is in arrears to the  
following extent: .....

- 4. A certified copy of the relevant maintenance order is \*attached/is on file at the Maintenance Court, .....

.....  
Signature of Deponent

**Oath/Affirmation**

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

- (a) Do you know and understand the contents of this declaration?

Answer.....

- (b) Do you have any objection to taking the prescribed oath?

Answer .....

- (c) Do you consider the oath binding on your conscience?

Answer .....

I certify that the deponent acknowledged that \*he/she knows and understands the contents of this declaration. The deponent uttered the following words \*"I swear that the contents of this declaration are true, so help me God."/"I truly affirm that the contents of this declaration are true." The \*signature/mark of the deponent was affixed to the declaration in my presence

.....  
Commissioner of Oaths

Full name and surname.....  
(block letters)

Designation (Rank) .....Ex Officio

Business address .....  
(street address must be stated)

Dated at .....this .....day of .....

\*Delete whichever is not applicable

**FORM R**  
**(Regulation 14)**  
**NOTICE IN TERMS OF SECTION 24 OF THE MAINTENANCE ACT**

Reference No. ....

In the maintenance matter between:

.....  
(complainant)

and

.....  
(defendant)

**PART A**  
**To: The Clerk of the Court**

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

Please take note that the complainant in this matter has changed his/ her place of residence from.....to.....and thus request your office to transfer his/her maintenance file to .....

**PART B**

To: .....  
(Defendant)

and

.....  
(person making payments on behalf of defendant)

Take note that the order made under the Maintenance Act on .....in the Maintenance Court .....in favour of .....was transferred to ..... with effect from .....

All future payments should henceforth be made to .....

Dated at .....this .....day of.....20.....

.....  
Maintenance officer



**FORM S**  
**(Regulation 15)**  
**NOTICE IN TERMS OF SECTION 17(5) OF THE MAINTENANCE ACT**

.....  
Reference

In the maintenance matter between:

.....  
(complainant)

.....  
(defendant)

To: The Clerk of the Court

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

Please take note that the defendant in this matter has changed his/her place of residence and or employment from .....to.....

All correspondence should henceforth be addressed to the new work address at

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

Tel.....

OR

Place of residence at

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

Tel.....

Dated at .....this.....day of.....20.....

.....  
Defendant

**FORM T**  
**(Regulation 30)**  
**COMPLAINT OF MISUSE OF MAINTENANCE FOR THE PURPOSES OF**  
**SECTION 40 OF THE MAINTENANCE ACT**

I .....  
 (complainant)

Identity No/date of birth.....

Work address.....

Home address.....

Tel No.....

Capacity in which complaint is made.....

hereby **declare under oath/\*** truly affirm as follows

1. ....  
 (full name of recipient of maintenance)

Identity No/date of birth.....Age.....

Work address.....

Home address.....

(a) receives maintenance money in the sum of N\$.....per week/ month  
 from..... on behalf and to the benefit  
 of.....; and/or

(b) .....  
 .....  
 (other contributions, for example medical and dental costs, school fees, fees  
 for tertiary institutions, school clothes, expenses for sport and/or cultural  
 activities, birth expenses and maintenance for beneficiary(ies) from birth);

in his/her capacity as.....

2. He/she however misuses the maintenance money/contributions .....  
 .....  
 .....  
 .....  
 .....  
 .....  
 .....

Dated at.....this.....day of.....20.....

.....  
 Signature of deponent

OATH/AFFIRMATION

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

- (a) Do you know and understand the contents of this declaration?

Answer.....

- (b) Do you have any objection to taking the prescribed oath?

Answer.....

- (c) Do you consider the oath binding on your conscience?

Answer .....

I certify that the deponent acknowledged that \*he/she knows and understands the contents of this declaration. The deponent uttered the following words \*"I swear that the contents of this declaration are true, so help me God."/"/"I truly affirm that the contents of this declaration are true." The \*signature/mark of the deponent was affixed to the declaration in my presence.

.....  
Commissioner of oaths

Full name and surname.....

Designation/Rank.....

Business address.....

Dated at .....this.....day of.....20.....

\*Delete whichever is not applicable

\_\_\_\_\_