
PROVINCIAL NOTICE—PROVINSIALE KENNISGEWING—ISAZISO SESIFUNDAZWE

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**DEPARTMENT OF ECONOMIC DEVELOPMENT, TOURISM AND ENVIRONMENTAL
AFFAIRS
REGULATION NOTICE**

KWAZULU-NATAL CONSUMER PROTECTION REGULATIONS, 2015

I hereby make the Regulations contained in the Schedule hereto under section 45 of the KwaZulu-Natal Consumer Protection Act, 2013 (Act No. 4 of 2013), in order to regulate consumer protection matters in the Province.

Given under my Hand at Pietermaritzburg on this 27th day of February, Two thousand and Fifteen.

**MR M MABUYAKHULU, MPL**

Member of the Executive Council of the Province of KwaZulu-Natal
responsible for Consumer Protection

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PART I

INTRODUCTORY PROVISIONS

Definitions

1. In these Regulations, any word or expression to which a meaning is assigned in the Act, bears the meaning so assigned to it, and unless the context indicates otherwise –

“**alteration**” means any alteration, variation or reformulation of a preliminary assessment of a consumer complaint by the Office of the Consumer Protector in terms of section 29(2) of the Act;

“**Code**” means the Code of Conduct of Members of Council referred to in Part IV of these Regulations;

“**complaint**” means a consumer complaint lodged with the Office of the Consumer Protector in terms of section 27 of the KwaZulu-Natal Consumer Protection Act, 2013 (Act No. 4 of 2013);

“**member**” means a member of the Consumer Tribunal appointed in terms of section 11 of the KwaZulu-Natal Consumer Protection Act, 2013 (Act No. 4 of 2013);

“**regulations**” include the Annexures;

“**the Act**” means the KwaZulu-Natal Consumer Protection Act, 2013 (Act No. 4 of 2013);

“**the complainant**” means a person who lodges a complaint with the Office of the Consumer Protector; and

“**the Office**” means the Office of the Consumer Protector.

PART II

LODGEMENT, INVESTIGATION, RESOLUTION OF CONSUMER COMPLAINTS AND INSTITUTION OF PROCEEDINGS

Lodging complaint with Office of Consumer Protector (section 27 of Act)

2.(1) A consumer complaint –

- (a) may be lodged by any consumer by using the form in Annexure A, with the Office; and
- (b) must be lodged with the Office on any business day excluding declared public holidays and weekends at an address provided by the Office.

(2) A consumer complaint referred to in subregulation (1), which is made verbally at the premises of the Office, must be reduced to writing by the Office.

(3) The Office must open a file or dossier concerning the consumer complaint and must maintain an index and filing system of consumer complaints.

Duties and functions of Office in relation to complaints (section 7 of Act)

3.(1) In addition to the functions referred to in section 7 of the Act, the staff of the Office –

- (a) must, after receipt of consumer complaints, open files and enter the cases in a register of complaints;

- (b) may trace and contact respondents using information received from complainants;
- (c) may hold consultations with complainants and respondents and record all the information received;
- (d) may obtain relevant documents and place such documents in the complainant's file;
- (e) may obtain sworn statements, if required, from disputing parties and other parties concerned;
- (f) may obtain or examine copies of all books and documents, which may be relevant to a complaint;
- (g) may obtain copies of all receipts in respect of the subject matter of a complaint;
- (h) may provide any information and produce any report or other documents concerning an inspection conducted which may have a bearing on any complaint;
- (i) must assist illiterate complainants with filling in the relevant forms and providing written information;
- (j) may assist in conducting any preliminary inquiry to provide a complete record of all relevant information acquired as a result of inspections and investigations;
- (k) may, upon the directive of the Consumer Protector to conduct a preliminary assessment in terms of section 28(2) of the Act, make recommendations to the Consumer Protector;
- (l) may do anything in the reasonable execution of functions and duties required by the Consumer Protector;
- (m) may conduct preliminary routine investigations;
- (n) may, verbally and in writing, examine cases and advise complainants accordingly;
- (o) may record the status of matters and the outcomes;
- (p) may receive and carry out the instructions of the Consumer Protector; and
- (q) may utilise the form in Annexure R to issue a compliance notice on behalf of the National Consumer Commission, in terms of section 100 of the Consumer Protection Act, 2008 (Act No. 68 of 2008), on behalf of the Commission.

(2) In performing the functions contemplated in section 7 of the Act, and in subregulation (1), the staff of the Office –

- (a) must observe the standards of impartiality and integrity;
- (b) must diligently discharge their responsibilities without bias or prejudice;
- (c) must maintain professional competence and diligence;
- (d) must refrain from manifesting bias or prejudice towards any party; and
- (e) may not solicit or accept any donation, reward, or other benefit from any person or on behalf of any person.

Alteration of preliminary assessment (section 29(2) of Act)

4.(1) Where the Office decides to alter a preliminary assessment of a consumer complaint in terms of section 29(2) of the Act, the Office must forthwith, in writing, notify the complainant about such alteration.

(2) Where the alteration referred to in subregulation (1) adversely affects, or is likely to adversely affect, the rights of other parties, such parties must be notified of such alteration in writing.

Refusal to investigate complaint by Office (section 29(5) of Act)

5.(1) Where the Office declines to investigate the consumer complaint due to a finding that the complainant is not a *bona fide* consumer in terms of section 29(5) of the Act, the Office must, forthwith and by using the form in Annexure B –

- (a) notify the complainant about such refusal; and
- (b) provide reasons for the refusal.

(2) Where the refusal contemplated in subregulation (1) adversely affects, or is likely to adversely affect, the complainant, the Office must, prior to reaching a decision on the matter, invite the complainant to make a written representation: Provided that the Office must assist illiterate complainants to reduce their representations to writing.

Business or business practice that conveys potential of criminal or civil liability (section 29(6) of Act)

6.(1) Where the Office has, in terms of section 29(6) of the Act, made a determination that a consumer complaint against a business, or a person purporting to carry on business, or a business practice, conveys the potential of criminal liability, the Office must, within seven days of such a determination –

- (a) report the matter to the South African Police Service; and
- (b) use the form in Annexure C1 to –
 - (i) notify the complainant that the Office has made a determination that the complaint against a business, or a person purporting to carry on a business or a business practice, conveys the potential of criminal liability; and
 - (ii) provide the complainant with the details of the criminal case.

(2) Where the Office has, in terms of section 29(6) of the Act, made a determination that a business, or a person purporting to carry on a business or a business practice, conveys the potential of civil liability, the Office must, within seven days, use the form in Annexure C2 to notify the complainant –

- (a) of such a determination; and
- (b) whether the Office intends to institute proceedings in the Consumer Tribunal or in the High Court.

Summons (subpoena) by Consumer Protector (section 30 of Act)

7.(1) The Consumer Protector or a person in the Office authorised by the Consumer Protector may, for the purposes of the investigation contemplated in section 28(1) of the Act, use the form in Annexure D to summon any person to –

- (a) appear before the Consumer Protector;
- (b) be questioned; and
- (c) produce any book, document or other object.

(2) The provisions of subregulations 12(2) and (3) apply with the necessary changes in respect of the service of summons contemplated in subregulation (1).

Search warrant and seizure of articles (section 32 of Act)

8.(1) A search warrant contemplated in section 32(2) of the Act must be completed in accordance with the form in Annexure E1.

(2) Where an investigating officer, in terms of section 32(1)(d) of the Act, seizes and retains anything on or in the premises –

- (a) which may have a bearing on the investigation in question; and
- (b) for further examination or safe custody,

he or she must use the form in Annexure E2 to issue a receipt to the owner of, or to the person responsible for, the premises.

Resolution of consumer complaints (sections 33 and 37 of Act)

9.(1) The Consumer Protector may –

- (a) at any time from receipt of a consumer complaint and prior to the institution of

proceedings in terms of section 34 of the Act; or
(b) upon the direction of, and subject to the general principles laid down by, the Consumer Tribunal or the High Court,
assist the parties to the consumer complaint to resolve the complaint amicably through negotiations or mediation.

(2) For the purposes of subregulation (1), the Consumer Protector may, by notice to the complainant and the respondent and using the form in Annexure F1 –

(a) appoint any –

(i) person in the service of the Office; or

(ii) other suitably qualified and impartial person not in the service of the Office, to facilitate the negotiations or to mediate the dispute between the parties; and

(b) inform the parties regarding the dispute of the venue, date and time of the first negotiation or mediation meeting.

(3) In the event that the complainant or the respondent has any justifiable reason to object to the appointment of any person contemplated in subregulation (2)(a), he or she must notify the Consumer Protector of his or her objection within seven days of receipt of the notice contemplated in subregulation (2).

(4) The Consumer Protector must, within seven days of receipt of the objection notice contemplated in subregulation (3) –

(a) determine if the objection contemplated in subregulation (3) is justifiable; and

(b) notify the complainant and the respondent, in writing –

(i) of the identity of the person to substitute the person initially appointed to facilitate the negotiations or to mediate the dispute between the parties in terms of subregulation 2(a), if the objection is found to be justifiable; or

(ii) if the objection is found not to be justifiable reasons for the dismissal of the objection.

(5) The person appointed in terms of subregulation (2) must, within thirty days of appointment and by using Annexure F2, submit a progress report to the Consumer Protector.

(6) If the negotiations or mediation result in the parties agreeing to the arrangement to resolve a consumer complaint –

(a) the arrangement to resolve a consumer complaint must be recorded and signed in

accordance with the form in Annexure F3; and

(b) the Consumer Protector may, in terms of section 37 of the Act and –

(i) on notice to the complainant and the respondent; and

(ii) by using the prescribed form in the Uniform Rules of the High Court,

make an application to the High Court for the confirmation of an arrangement negotiated and concluded in terms of section 33 of the Act.

(7) Where the High Court has, in terms of section 37(2) of the Act –

(a) confirmed the arrangement;

(b) confirmed the arrangement with necessary amendments; or

(c) set aside the arrangement,

contemplated in subregulation (6), the Consumer Protector must publish the resultant order of court in the *Gazette*, by using the form in Annexure F4.

Institution of proceedings (section 34 of Act)

10.(1) The Consumer Protector must, prior to instituting proceedings in terms of section 34(3) of the Act, use the form in Annexure G to obtain from the complainant –

(a) confirmation of the veracity of the complaint; and

(b) an indemnification of the Office against the consequences of any false information or evidence which may be adduced by the consumer during the lodgement and investigation of the complaint or during the prosecution of the complaint.

(2) If the Consumer Protector has decided to institute proceedings, he or she must complete and serve summons upon both the complainant and the respondent: Provided that –

(a) if the proceedings are instituted in the Consumer Tribunal, the summons must be completed and served in the manner prescribed in regulation 12; and

(b) if the proceedings are instituted in the High Court, the summons must be completed and served in accordance with the applicable Uniform Rules of the High Court.

(3) Where the Office appoints a prosecutor in terms of section 21(1)(c) of the Act, the Office must use the form in Annexure H.

Review of decisions of Consumer Protector (section 35 of Act)

11.(1) Where the Office of the Consumer Protector has decided not to –

- (a) institute proceedings;
- (b) refer the consumer complaint to another authority; or
- (c) proceed before a Consumer Tribunal,

the Consumer Protector must use the form in Annexure I1 to notify the consumer and the respondent –

- (i) of such a decision together with the reasons for it; and
- (ii) that, if the complainant is aggrieved by the decision of the Consumer Protector not to initiate proceedings, he or she has a right to refer the decision of the Consumer Protector to the Review Panel contemplated in section 35 of the Act for review.

(2) If the complainant decides to refer the decision of the Consumer Protector to the Review Panel, he or she must, within fourteen days of receipt of the decision contemplated in subregulation 1(c) –

- (a) complete the review notice by using the form in Annexure I2; and
- (b) deliver the review notice to the Office.

(3) The Office must, upon receipt of the review notice –

- (a) open a file and assign a reference number to it;
- (b) note the referral for a review by –
 - (i) acknowledging receipt of the review notice, in writing, to the complainant; and
 - (ii) forwarding the review notice to the respondent; and
- (c) forthwith, inform the responsible Member of the Executive Council of the need to convene a Review Panel.

(4) The review judgement referred to in section 35(12) of the Act must be duly communicated to the Consumer Protector, the complainant and the respondent by using the form in Annexure I3.

PART III CONSUMER TRIBUNAL

Institution of proceedings in Consumer Tribunal (section 21 of Act)

12.(1) The proceedings in the Consumer Tribunal must be initiated by summons –

- (a) completed in accordance with the form in Annexure J1;
- (b) issued by the secretary of the Consumer Tribunal; and

- (c) served in accordance with subregulation (2).
- (2) The service of the summons referred to in subregulation (1) may be –
- (a) delivered by hand;
 - (b) sent by registered mail;
 - (c) facsimile transmission; or
 - (d) delivered by substituted service in a local newspaper.
- (3) The following shall suffice as proof of service of summons –
- (a) in respect of summons served by hand, the proof of service completed by using the form in Annexure J4;
 - (b) in respect of service by facsimile, a confirmation of a successful transmission of the facsimile; or
 - (c) in respect of service by registered mail, a registered mail receipt.
- (4) The respondent must, within seven days of receipt of summons –
- (a) use the form in Annexure J2 to file a notice of intention to defend; or
 - (b) use the form in Annexure J3 to file consent to judgement.
- (5) The Consumer Protector must file the summons and proof of service thereof with the secretary of the Consumer Tribunal.

Powers, duties and functions of Consumer Tribunal on receipt of summons

- 13.(1) Upon receipt of a summons referred to in subregulation 12(5), the secretary of the Consumer Tribunal must open a file and allocate a reference number to the summons.
- (2) The front cover of the file referred to in subregulation (1) must reflect the name of the complainant, reference number of the case and the names of the parties.
- (3) The Consumer Tribunal may, upon receipt of the summons –
- (a) conduct such preliminary investigations, as may be necessary, to determine whether the complaint relates to a dispute in respect of a matter which may constitute a complaint in terms of the Act; and
 - (b) obtain any additional information from either the complainant or the respondent.

(4) Where the Consumer Tribunal considers it necessary, it may instruct an investigator to inspect the premises of the service provider and compile a report on the complaint.

Summoning of witnesses and production of documents before Consumer Tribunal (section 22 of Act)

14. The Consumer Tribunal may, by summons contemplated in section 22(1) of the Act, and completed by using the form in Annexure K –

- (a) subpoena any person, including the person against whom a consumer complaint has been made, to appear before the Consumer Tribunal to give evidence; and
- (b) order any person, including the person against whom a consumer complaint has been made, to produce any book or document –
 - (i) in possession or custody, or under control or custody, of such a person; and
 - (ii) which may reasonably be necessary, material and relevant in connection with the proceedings before the Consumer Tribunal.

Hearing process and procedure

15.(1) The Consumer Tribunal is competent to –

- (a) hear any matter in respect of a complaint referred to it in terms of the Act; and
- (b) make such ruling as it may consider just and fair in the circumstances, based on the provisions of the Act, Regulations and any other applicable laws and facts of the case.

(2) In the event of any changes to the date of the hearing recorded in the summons, the secretary of the Consumer Tribunal must, using the form in Annexure L, notify parties of the place, date and time of the hearing.

(3) At least three Consumer Tribunal members must be present at any hearing, one of whom is the Chairperson or Deputy Chairperson.

(4) The Consumer Tribunal may call upon and administer an oath to, or accept an affirmation from, any person present at the hearing or who has been summoned to appear before the Consumer Tribunal, in accordance with Annexure M.

(5) The Chairperson of the Consumer Tribunal must, prior to the commencement of the hearing, ensure that the parties are informed of –

- (a) their rights;
- (b) the procedure to be followed by the Consumer Tribunal; and
- (c) the effect of its rulings and the consequences of contravention thereof.

(6) The parties must be afforded the opportunity to –

- (a) state their case;
- (b) cross-examine witnesses;
- (c) call witnesses; and
- (d) produce any relevant information, book, document, or object.

(7) The rules of evidence must be observed and the members may, where the need arises, pose questions to the parties or witnesses at any stage of the hearing proceedings.

(8) Before the hearing the parties –

- (a) must exchange all relevant documents with each other at least five days before the hearing;
- (b) must inform each other and provide details of witnesses they intend to use, at least five days before the hearing; and
- (c) may meet before the hearing in an attempt to resolve the dispute, clarify issues or to agree on the exact nature of the complaints to be adjudicated.

Witness fees

16.(1) A witness in any proceedings in the Consumer Tribunal is entitled to be paid in accordance with the tariff of allowances prescribed by the Minister of Justice and published by notice in the *Gazette* in terms of section 42 of the Supreme Court Act, 1959 (Act No. 59 of 1959).

(2) Witness fees may be claimed by using the form in Annexure N.

(3) Despite subregulation (1), the Consumer Tribunal may order that no allowance, or only a portion of the prescribed allowance, be paid to any witness.

(4) A party who summons a witness is responsible to pay that witness the witness fees provided for in subregulation (1).

Awards and Orders

17.(1) The Consumer Tribunal may make a default order –

- (a) after it has considered or heard any necessary evidence; and
- (b) if it is satisfied that the application documents were adequately served.

(2) The Consumer Tribunal may order the Consumer Protector to record, in the list of adverse notations, and in the manner prescribed in subregulation 19(1)(m), the –

- (a) name of the business and the name of the person conducting such business; and
- (b) finding of the Consumer Tribunal in terms of section 10(2)(a) to (c) of the Act.

(3) The Tribunal may award costs in the circumstances referred to in section 10(2) of the Act, on the following terms –

- (a) the fees of a single representative may be allowed between party and party;
- (b) the costs between party and party must be taxed by the secretary of the Consumer Tribunal according to the tariff agreed on between the parties or otherwise according to the tariff applicable in the High Court; or
- (c) the secretary of the Consumer Tribunal may tax a bill of costs for services actually rendered in connection with proceedings and call for any book, document, paper or account that, in the opinion of the secretary of the Consumer Tribunal, is necessary to properly determine any matter relating to the taxation.

(4) The secretary of the Consumer Tribunal must not proceed to tax any bill of costs unless the party liable to pay the bill –

- (a) is the party requesting the taxation;
- (b) failed to appear and was not represented at the hearing;
- (c) consented in writing to the taxation taking place *in absentia*; or
- (d) received due notice as to the place and time of the taxation and of the party's right to be present.

(5) The secretary of the Consumer Tribunal may delegate any of the responsibilities imposed under subregulations (2) and (5) to a suitably qualified person in the employ of the Tribunal to conduct the taxation of bills of costs.

(6) The Consumer Tribunal may award punitive costs against any party who is found to have made a frivolous or vexatious application to the Tribunal.

(7) The taxation of costs is subject to the review of the High Court on application.

General responsibilities of members of Consumer Tribunal

18.(1) The members of the Consumer Tribunal must accord to every party to a proceeding, or to that party's representative, the right to be heard in accordance with the law.

(2) Members of the Consumer Tribunal may not initiate, permit or consider –

- (a) *ex parte* communications, unless required by the Act or Regulations; or
- (b) communications with the public or parties that fall under the administrative responsibilities of the Office.

(3) The staff of the Office may conduct any preliminary inquiry and investigate the circumstances surrounding the complaint to ascertain the urgency thereof and must advise the Consumer Tribunal accordingly.

(4) Where urgency is deemed to exist after conducting the preliminary investigation referred to in subregulation (3), the respondent must be served immediately with the Consumer Tribunal's interim ruling made, together with a copy of the complainant's statement.

Duties and functions of the Office in relation to Consumer Tribunal

19.(1) In addition to the functions referred to in section 7 of the Act, the staff of the Office may, on the directive of the Consumer Tribunal –

- (a) conduct routine investigations into a matter and provide written reports when requested to do so by the Consumer Tribunal;
- (b) trace and contact respondents from information held by the Office;
- (c) hold consultations with complainants and respondents and record all the information received;
- (d) obtain relevant documents and place such documents in the complainant's file;
- (e) obtain sworn statements, if required, from disputing parties and other parties concerned;
- (f) give evidence before the Consumer Tribunal when requested to do so;
- (g) obtain and examine copies of all books and documents which may be relevant to a case;
- (h) obtain copies of all receipts in respect of a matter which is the subject of a complaint;

- (i) provide any information and produce any report or other documents concerning an inspection conducted, which may have bearing on any complaint;
 - (j) serve any notice or summons on a party to a dispute or any other person who may reasonably be able to give information of material importance concerning a complaint
-
- (i) to appear before the Consumer Tribunal; and
 - (ii) to produce any book or any other document as the Consumer Tribunal may require; and
- (k) assist in conducting any preliminary inquiry to provide a complete record of all relevant information acquired as a result of inspections and investigations;
 - (l) deliver written recommendations of the Consumer Tribunal to parties against whom action may be taken for non-compliance with unfair practices;
 - (m) record, maintain and keep a list of adverse notations as contemplated in section 10(1)(f) of the Act: Provided that adverse notations must be recorded by using the form in Annexure O;
 - (n) do anything in the reasonable execution of functions and duties required by the Consumer Tribunal;
 - (o) receive and carry out the instructions of the Consumer Tribunal and prepare the necessary documentation for the Consumer Tribunal; and
 - (p) facilitate negotiations and mediation, subject to the general principles that govern conflict resolution as may be issued by the Consumer Tribunal, from time to time, in terms of section 10(1)(e) of the Act.

(2) The provisions of subregulation 3(2) apply with the necessary changes in respect of the duties of the staff of the Office contemplated in subregulation (1).

Records of proceedings (section 21(3) of the Act)

20.(1) The secretary of the Consumer Tribunal must keep and maintain the records of the proceedings of the Consumer Tribunal.

(2) Hearings of the Consumer Tribunal must be recorded.

(3) Any person who is interested in the proceedings which may already have taken place before the Consumer Tribunal, may request access to the records of the proceedings by completing and submitting the form in Annexure P to the secretary of the Consumer Tribunal.

(4) Reproduction of any record of the proceedings for the purpose of access contemplated in subregulation (3) is subject to the payment of reproduction costs contemplated in section 22 of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000).

PART IV

CODE OF CONDUCT FOR MEMBERS OF CONSUMER TRIBUNAL

General conduct of members of Consumer Tribunal (section 45 of Act)

21.(1) Members of the Consumer Tribunal, in dealing with matters before the Consumer Tribunal, must, at all times, act and conduct themselves in a manner that promotes public confidence in the integrity and impartiality of the Consumer Tribunal.

(2) Members of the Consumer Tribunal must –

- (a) perform the functions of the Consumer Tribunal in good faith, honestly, transparently and with due diligence;
- (b) be patient with and courteous to the parties, representatives, witnesses and others who appear before the Consumer Tribunal and must require similar conduct of others;
- (c) at all times, act in the best interests of the Consumer Tribunal and in such a way that the credibility and integrity of the Consumer Tribunal is not compromised;
- (d) strive to be familiar with and abide by all statutory and other instructions applicable to his or her conduct;
- (e) co-operate with public institutions established under legislation and the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996), in the promotion of public interest;
- (f) serve the public in an unbiased and impartial manner in order to create confidence in the Consumer Tribunal;
- (g) be helpful and reasonably accessible in their dealings with the public and, at all times, treat members of the public as customers who are entitled to receive high standards of service;
- (h) not unfairly discriminate against any member of the public on account of race, gender, ethnic or social origin, colour, sexual orientation, age, disability, religion, political persuasion, conscience, belief, culture or language;
- (i) not abuse their position to promote prejudice or self-interest;
- (j) recognise the public's right of access to information, excluding information that is specifically protected by law;

- (k) strive to achieve the objectives of the Consumer Tribunal cost-effectively and in the public interest;
- (l) be punctual in the execution of their duties;
- (m) be honest and accountable in dealing with public funds;
- (n) use the Consumer Tribunal's property and other resources effectively, efficiently and only for authorised official purposes;
- (o) execute their responsibilities in a professional and competent manner; and
- (p) not engage in any action that is in conflict with, or infringes on, the execution of his or her official duties.

Rewards, gifts and favours

22. A member of the Consumer Tribunal may not request, solicit or accept any reward, gift or favour for –

- (a) voting or not voting in a particular manner on any matter before the Consumer Tribunal or before a committee which that member is part of;
- (b) influencing the Consumer Tribunal or any committee concerning the exercise of any power, function or duty;
- (c) making a representation to the Consumer Tribunal; or
- (d) disclosing privileged or confidential information.

Unauthorised disclosure of information

23.(1) A member of the Consumer Tribunal may not, without the permission of the Consumer Tribunal, disclose any privileged or confidential information of the Consumer Tribunal to any third party.

(2) For the purpose of this regulation, "privileged or confidential information" includes, but is not limited to, any information –

- (a) determined by the Consumer Tribunal to be privileged or confidential;
- (b) discussed in closed session by the Consumer Tribunal;
- (c) of which disclosure would violate the right to privacy of any person; or
- (d) declared to be privileged, confidential or secret in terms of the law.

(3) This regulation does not derogate from the right of any person to access information in terms of national legislation.

Breach of Code of Conduct

24.(1) The Consumer Tribunal may –

- (a) investigate, charge, adjudicate and make a finding on any alleged breach of a provision of the Code of Conduct; or
- (b) establish a special committee to deal with any alleged breach of a provision of the Code of Conduct –
 - (i) to investigate and make a finding on any alleged breach of the Code of Conduct; and
 - (ii) to make appropriate recommendations to the responsible Member of the Executive Council.

(2) If the Consumer Tribunal or a special committee finds that a member has breached a provision of the Code of Conduct the Consumer Tribunal may recommend to the responsible Member of the Executive Council to –

- (a) issue a formal warning to the member;
- (b) suspend the member from office for a period determined by the Consumer Tribunal; or
- (c) remove the member from office.

(3) The responsible Member of the Executive Council may appoint a person or a committee to investigate any alleged breach of a provision of the Code of Conduct and to make a recommendation as to the appropriate sanction in terms of subregulation (2).

(4) The responsible Member of the Executive Council may determine that any of, or all of, sections 3 to 11 of the KwaZulu-Natal Commissions Act, 1999 (Act No. 3 of 1999), apply to an investigation in terms of subregulation (4).

(5) If the responsible Member of the Executive Council is of the opinion that the member has breached a provision of the Code of Conduct and that such contravention warrants a suspension or removal from office, the responsible Member of the Executive Council may –

- (a) suspend the member for a period and on conditions determined by the responsible Member of the Executive Council; or
- (b) remove the member from office.

(6) Any investigation or action taken in terms of this Regulation must be in accordance with the rules of natural justice.

PART V
INVESTIGATIONS AND ENQUIRIES

Appointment of investigators and investigating officers (section 31 of Act)

25.(1) The Consumer Protector must –

(a) by using the form in Annexure Q1, issue each person appointed as an investigator in terms of section 31(1) of the Act, with a certificate contemplated in section 31(1)(b) of the Act; and

(b) by using the form in Annexure Q2, issue each person appointed as an investigating officer in terms of section 31(5) of the Act with a certificate contemplated in section 31(7) of the Act.

(2) A person who is not in the full-time employment of the State and who is appointed as an investigator must be appointed on such conditions and be paid such remuneration as may be determined by the responsible Member of the Executive Council.

(3) A person may be appointed as an investigator or an investigating officer for an indefinite or a specific period of time to perform specific powers and functions which must be endorsed on the certificate referred to in subregulation (1).

(4) An investigator or investigating officer must, whenever performing a function or exercising a power in terms of the Act, have the certificate issued in terms of subregulation (1) in his or her possession and must produce it whenever requested to do so by any person affected by the actions of the investigator concerned.

Functions and powers of investigators and investigating officers

26.(1) Any person appointed as an investigator or investigating officer must perform such functions and exercise such powers conferred on him or her by the Act, Regulations and any other applicable law.

(2) When performing any function in terms of these Regulations, an investigator or investigating officer may be accompanied by, and may utilise the services of, an assistant, an interpreter or any member of the South African Police Service.

Resistance against entry

27. If an investigator or investigating officer encounters resistance when entering any premises with a search warrant and in accordance with section 32 of the Act, such investigator must immediately request the assistance of a member of the South African Police Service.

Short title

28. These Regulations are called the KwaZulu-Natal Consumer Protection Regulations, 2014.



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PROVINCE OF KWAZULU-NATAL

ANNEXURE A

KWAZULU-NATAL CONSUMER PROTECTOR	
Form: (section 27(1) of the Act)	
Complaint	
Full name(s) and surname of complainant	
Identity number of complainant	
Postal address	
Physical address	
Cell phone number	
Land line number	
Fax number	
e-mail address	
When is the best time to contact you, should this be necessary?	
Nature of complaint	
Provision of KZN Consumer Protection Act/National Consumer Protection Act/or	

Regulations promulgated under it (if known)	
Name of business or person against whom complaint is made	
Address of the business or person against whom complaint is made	
Short description of complaint <i>(if the space provided is insufficient you may attach additional pages)</i>	
List of certified copies of documents relevant to complaint attached to this form <i>(if any)</i>	
What outcome do you propose for this complaint?	
Place	
Date	
Signature	

OFFICE USE ONLY	
Reference number	
File number	
Investigator/official responsible	



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PROVINCE OF KWAZULU-NATAL

ANNEXURE B

KWAZULU-NATAL CONSUMER PROTECTOR	
Form: (section 29(5) of the Act)	
Notice of Refusal to Investigate	
Reference number	
Date	
Name(s) and surname of complainant	
Postal address	
Fax number	
e-mail address	
<p>Dear</p> <p>Complaint:</p> <p>Date:</p> <p>KINDLY BE INFORMED THAT the Office of the Consumer Protector has –</p> <ul style="list-style-type: none"> (a) assessed your consumer complaint in terms of section 29(3) of the Act; (b) made a determination that you are not a <i>bona fide</i> consumer; (c) decided not to refer your matter to the Consumer Tribunal; and (d) for one or more of the following reasons, decided not to investigate your consumer complaint: 	
	your complaint appears to be frivolous or vexatious;
	your complaint does not allege any facts which, if true, would constitute grounds for a remedy under the KwaZulu-Natal Consumer Protection Act, 2013 (Act No. 4 of 2013), or the Consumer Protection Act, 2008 (Act No. 68 of 2008); or

	<p>your complaint is prevented, in terms of section 116 of the Consumer Protection Act, 2008 (Act No. 68 of 2008), from being referred to the Consumer Tribunal because more than three years have passed since –</p> <p>(a) the act or omission that is the cause of the complaint; or</p> <p>(b) in the case of a course of conduct or continuing practice, the date that the conduct or practice ceased.</p>
	<p>_____</p> <p>_____</p> <p>other (<i>provide reason</i>)</p>
<p><i>(mark the correct option with an X)</i></p> <p>Kindly note that you may, within thirty (30) days of the date hereof, make a request for the Review Panel to review the decision.</p>	
<p>Yours faithfully</p> <p>_____</p> <p>CONSUMER PROTECTOR</p>	



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ANNEXURE C1

KWAZULU-NATAL CONSUMER PROTECTOR	
Form: (section 29(6) of the Act)	
Notice of a determination that a complaint conveys the potential of criminal liability	
Reference number	
Date	
Name(s) and surname of complainant	
Postal address	
Fax number	
e-mail address	
<p>Dear</p> <p>Complaint:</p> <p>Date:</p> <p>1. KINDLY BE ADVISED THAT the Office of the Consumer Protector has made a determination that the complaint lodged against (name of the business or person) conveys the potential of criminal liability; and</p> <p>2. FURTHER BE ADVISED THAT the Office of the Consumer Protector has, in view of the determination contemplated in abovementioned paragraph 1, reported the matter to the South African Police Service (..... name of the station) under Case Number:</p>	

Yours faithfully

CONSUMER PROTECTOR



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PROVINCE OF KWAZULU-NATAL

ANNEXURE C2

KWAZULU-NATAL CONSUMER PROTECTOR	
Form: (section 29(6) of the Act)	
Notice of a determination that a complaint conveys the potential of civil liability	
Reference number	
Date	
Name(s) and surname of complainant	
Postal address	
Fax number	
e-mail address	
<p>Dear</p> <p>Complaint:</p> <p>Date:</p> <p>1. KINDLY BE ADVISED THAT the Office of the Consumer Protector has made a determination that the complaint lodged against (name of the business or person) conveys the potential of civil liability; and</p> <p>2. FURTHER BE ADVISED THAT, in view of the determination contemplated in paragraph 1 above, the Consumer Protector intends to institute proceedings against (name of the business or person) in the Consumer Tribunal/High Court*. (*delete that which is not applicable)</p>	

Yours faithfully

CONSUMER PROTECTOR



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PROVINCE OF KWAZULU-NATAL

ANNEXURE D

KWAZULU-NATAL CONSUMER PROTECTOR
Form: (section 30 of the Act)
Summons (subpoena) to appear before the Consumer Protector or a person in the service of the office authorised by the Consumer Protector
<p>TO:</p> <p>(Name(s) and surname of the person)</p> <p>Address:</p> <p>.....</p> <p>.....</p> <p>.....</p>
<p>In the matter of the following consumer complaint:</p> <p>.....</p> <p>.....</p> <p>.....</p> <p><i>(Provide sufficient particulars and details of the consumer complaint so that the person receiving a summons can understand the complaint)</i></p>
<p>KINDLY TAKE NOTE THAT you are hereby summoned to appear before the Consumer Protector or a person in the service of the Office of the Consumer Protector, authorised by the Consumer Protector at (place) on (date) at (time), in order to –</p> <p style="padding-left: 40px;">(a) be questioned, under oath or affirmation, in connection with the complaint stipulated above; and</p> <p style="padding-left: 40px;">(b) produce and be questioned, under oath or affirmation, on the following:</p> <p>.....</p> <p>.....</p> <p>(describe books, documents or objects).</p>
<p>FURTHER TAKE NOTE THAT –</p> <p style="padding-left: 40px;">(a) you may be assisted during the examination by any person of your choice;</p> <p style="padding-left: 40px;">(b) you are entitled to receive from moneys appropriated by law for such purpose, as</p>

witness fees, an amount equal to the amount which you would have received as witness fees had you been summoned to attend criminal proceedings in the High Court held in the place specified in the summons;

(c) you are guilty of an offence if you, having been summoned in terms of section 30 of the Act –

(i) fail without sufficient cause to attend, at the place and time specified in the summons, or to remain in attendance until the conclusion of the proceedings or until you have been excused from further attendance by the Consumer Protector; or

(ii) refuse to take the oath or make an affirmation; and

(d) when questioned in relation to the consumer complaint specified above, you must answer each question truthfully and to the best of your ability BUT you are not obliged to answer any question if the answer is self-incriminating; and

(e) no self-incriminating, or any other, statement made to the Consumer Protector or a person in the service of the Office of the Consumer Protector, authorised by the Consumer Protector in terms of section 30 of the Act, shall be admissible in any criminal proceedings, unless you have been charged for perjury or in which you are tried for an offence contemplated in subsection 30(5) of the Act, and then only to the extent that the answer or statement is relevant to prove the offence charged.

THUS DONE AND SIGNED AT _____ ON THIS
_____ DAY OF _____, 20____ .

CONSUMER PROTECTOR



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PROVINCE OF KWAZULU-NATAL

ANNEXURE E1

KWAZULU-NATAL CONSUMER PROTECTOR

**Form: (section 32(2) of the Act)
Search Warrant**

To: (full name(s) and surname of the Investigating Officer), with identity number:, an investigation officer appointed in terms of the Act.

1. This warrant authorises you to enter the following premises: (description of the premises) in connection with the following consumer complaint:
.....
.....
.....
.....
(provide details of the consumer complaint)

2. You are authorised to enter the abovementioned premises –
(a) during business hours, that is to say between 8h00 and 17h00*;
OR
(b) at (specify the hours), as hereby authorised in terms of section 32(3)(b) of the Act.*
*(*delete that which is not applicable)*

3. You are authorised to enter the abovementioned premises to –
(a) inspect or search the said premises and make such inquiries as may be necessary for the purposes of obtaining information relating to the consumer complaint;
(b) examine any object found on, or in, the premises which has, or may have, a bearing on the investigation in question and request from the owner or person in charge of the premises or any

person in whose possession or charge that object is, information regarding the object;

(c) make copies of, or extracts from, any book or document found on, or in, the premises which has, or may have, a bearing on the investigation in question, and request from any person who is suspected of having the necessary information an explanation of any entry therein; or

(d) seize, against the issue of a receipt, anything on, or in, the premises which has, or might reasonably have, a bearing on the investigation in question if you need to retain it for further examination or for safe custody.

4. This warrant is in force –

(a) until it is executed or cancelled by a competent court; or

(b) until a period of one week, from the date of issue, has expired,

whichever occurs first.

I, the undersigned (name(s) and surname), in my capacity as Investigating Officer, have reviewed the evidence and am satisfied that there is a reasonable possibility that the search warrant will be issued by a judge or magistrate.

INVESTIGATING OFFICER

Date:

SIGNATURE OF JUDGE/ MAGISTRATE

COURT STAMP

Date:

Time:



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PROVINCE OF KWAZULU-NATAL

ANNEXURE E2

KWAZULU-NATAL CONSUMER PROTECTOR

**Form: (section 32(1)(d) of the Act)
Receipt of Seized Items**

To:

.....(full name(s) and surname and
identity number of the owner or person in charge of the premises).

I, (full name(s) and surname), the Investigating Officer, have seized
on, or in, the premises situated at:

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

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.
- 9.
- 10.
- 11.
- 12.
- 13.
- 14.
- 15.

(Add additional page if more space is required)

SIGNATURE OF INVESTIGATING OFFICER

Date:

Time:

**SIGNATURE OF THE PERSON IN CHARGE
OF THE PREMISES**

Date:

Time:



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PROVINCE OF KWAZULU-NATAL

ANNEXURE F1

KWAZULU-NATAL CONSUMER PROTECTOR	
Form: (section 33(1) of the Act)	
Notice of Appointment of Facilitator/Mediator	
Reference number	
Date	
TO: Name(s) and surname of plaintiff	
Postal address	
Fax number	
e-mail address	
AND TO: Name(s) and surname of the person/business against whom the consumer complaint was lodged	
Postal address	
Fax number	
e-mail address	
Dear	
1. KINDLY TAKE NOTE THAT –	
(a) in the matter of the following consumer complaint:	
.....	

.....

(Provide sufficient particulars and details of the consumer complaint)

I, by virtue of the powers vested in me in terms of the provisions of subregulation 9(2) read with section 33(1) of the Act, have decided to appoint a facilitator/mediator to assist the parties to resolve the abovementioned consumer complaint by facilitation or mediation;

(b) the details of the facilitator/mediator referred to in paragraph 1 above are as follows; and

Name(s) and surname	
Contact details	
Qualifications/experience in facilitation/mediation of disputes or consumer matters	
Other	

(c) the details of the first meeting with the facilitator/mediator are as follows:

Venue	
Date	
Time	

2. FURTHER TAKE NOTE THAT if you have any objection to the appointment of the facilitator/mediator, contemplated in abovementioned paragraph 1, you must submit your objection to the Consumer Protector within seven (7) days of this notice.

Yours faithfully

CONSUMER PROTECTOR



ANNEXURE F2

KWAZULU-NATAL CONSUMER PROTECTOR	
Form: (section 33 of the Act and subregulation 9(5))	
Facilitation/Mediation Progress Report	
Reference Number	
Full name(s) and surname of complainant	
Identity number of complainant	
Postal address	
Physical address	
Cell phone number	
Land line number	
Fax number	
e-mail address	
Full name(s) and surname of respondent	
Identity number of respondent	
Postal address	
Physical address	
Cell phone number	
Land line number	
Fax number	
e-mail address	
Facilitator/Mediator	

DETAILS OF MEETING(S) HELD:

OUTCOME:

COMMENTS/RECOMMENDATIONS (IF ANY):

SIGNED AT ON THIS DAY OF
....., 20.....

FACILITATOR/MEDIATOR



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PROVINCE OF KWAZULU-NATAL

ANNEXURE F3

KWAZULU-NATAL CONSUMER PROTECTOR
Form: (sections 33(2) and 37(1) of the Act)
Settlement Agreement: Arrangement to settle a consumer complaint

REFERENCE NUMBER:/.....

In the matter between:

COMPLAINANT

AND

RESPONDENT

SETTLEMENT AGREEMENT: ARRANGEMENT TO SETTLE A CONSUMER COMPLAINT

BE PLEASED TO TAKE NOTE that the abovementioned matter was set down for negotiations/mediation at the Office of the Consumer Protector on the (day) of, 20..... at (time);

FURTHER TAKE NOTE of the details of the matter at hand or in dispute;

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

AND FURTHER TAKE NOTE THAT –

(a) the parties agree to resolve the dispute as follows:

.....
.....
.....
.....
.....
.....; and

(b) the parties hereto **WISH/DO NOT WISH*** to confirm the abovementioned mediation agreement in the High Court in terms of section 33(2)(c) of the Act.

*(*Delete that which is not applicable)*

THUS DONE AND SIGNED AT **ON THIS** **DAY OF**, **20.....** .

SIGNATURE OF COMPLAINANT

Full name(s) and surname:

.....

SIGNATURE OF RESPONDENT

Full name(s) and surname:

.....

CONSUMER PROTECTOR



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PROVINCE OF KWAZULU-NATAL

ANNEXURE F4

KWAZULU-NATAL CONSUMER PROTECTOR
Form: (section 37(2) of the Act)
Publication Notice: Court Order – Confirmation of an arrangement to settle a consumer complaint by the High Court

File Reference:/.....

In the matter between:

.....

COMPLAINANT

AND

.....

RESPONDENT

**PUBLICATION OF AN ARRANGEMENT CONCLUDED BY THE PARTIES IN
TERMS OF SECTION 33(1) OF THE ACT AND CONFIRMED BY THE HIGH
COURT IN TERMS OF SECTION 37(1) OF THE ACT**

KINDLY TAKE NOTE THAT–

(a) the parties have entered into an arrangement to settle the consumer complaint as follows:

.....
.....
.....; and

(b) the High Court has, in terms of section 37(2) of the Act –

<input type="checkbox"/>	confirmed the arrangement;
<input type="checkbox"/>	confirmed the arrangement with necessary amendments; or
<input type="checkbox"/>	set aside the arrangement.

(mark the correct option with an X)

Please refer to the Order of the High Court attached hereto as **Annexure A**.

THUS DONE AND SIGNED AT ON THIS DAY OF
....., 20.....

CONSUMER PROTECTOR



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PROVINCE OF KWAZULU-NATAL

ANNEXURE G

KWAZULU-NATAL CONSUMER PROTECTOR	
Form: (section 34(8) of the Act)	
Confirmation of Veracity of the Complaint and Indemnity	
Reference Number	
<p>I, the undersigned, (name(s) and surname of the complainant), in the matter of the following consumer complaint:</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p><i>(Provide sufficient particulars and details of the consumer complaint so that the person receiving a summons can understand the complaint)</i></p> <p>hereby –</p> <p>(a) confirm the veracity of the abovementioned complaint; and</p> <p>(b) unconditionally indemnify the Office of the Consumer Protector against any liabilities or consequences which may arise as a result of any false information or evidence furnished or adduced by myself during –</p> <p style="padding-left: 40px;">(i) the lodgement and investigation of the abovementioned complaint; and</p> <p style="padding-left: 40px;">(ii) the prosecution of the abovementioned complaint before the Consumer Tribunal or the High Court.</p> <p>THUS DONE AT AND SIGNED AT ON THIS DAY OF , 20.....</p> <p>1. _____ WITNESS</p> <p style="text-align: right;">2. _____ WITNESS</p> <p style="text-align: right;">_____ COMPLAINANT</p>	



ANNEXURE H

KWAZULU-NATAL CONSUMER PROTECTOR
Form: (section 21(1)(c) of the Act) Notice of Appointment of a Prosecutor

CASE NUMBER:/.....

In the matter between:

KWAZULU-NATAL CONSUMER PROTECTOR — **First Plaintiff**

..... — **Second Plaintiff**

Name of the Consumer

AND

..... — **Defendant**

NOTICE OF APPOINTMENT OF PROSECUTOR (SECTION 21(1) OF ACT)

**TO:
THE SECRETARY OF THE CONSUMER TRIBUNAL
ADDRESS:**

.....
.....

BE PLEASED TO TAKE NOTE that the abovementioned matter has been set down for hearing at the Consumer Tribunal on the day of , 20..... at; and

FURTHER TAKE NOTE of the following details of the prosecutor appointed in terms of

section 21(1) of the Act –

(a) surname and initials:

.....

(b) contact details:

.....

THUS DONE AND SIGNED AT ON THIS DAY OF
....., 20.....

CONSUMER PROTECTOR

AND TO:
THE SECOND PLAINTIFF
ADDRESS:

.....
.....

AND TO:
THE DEFENDANT
ADDRESS:

.....
.....



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PROVINCE OF KWAZULU-NATAL

ANNEXURE I1

KWAZULU-NATAL CONSUMER PROTECTOR	
Form: (sections 35(1) and (2) of the Act)	
Notice: Decision not to institute proceedings/not to refer the complaint to another authority*	
Reference number	
Date	
TO: Name(s) and surname of complainant	
Postal address	
Fax number	
e-mail address	
AND TO: Name(s) and surname of the person/name of the business against whom the consumer complaint was lodged	
Postal address	
Fax number	
e-mail address	

Dear

Complaint:

1. I regret to inform you that the Office of the Consumer Protector has, in respect of the abovementioned complaint decided **not to** –

- (a) initiate any proceedings in the Consumer Tribunal or High Court; or
- (b) refer the matter to another authority.

2. The reason(s) for this decision is/are* the following:

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

KINDLY NOTE: If you are aggrieved by the decision not to institute proceedings, you may –

- (a) within fourteen (14) days of the date hereof; and
- (b) by completing the Review Notice in Annexure I2,

make a request for the Review Panel, contemplated in section 35(3) of the Act, to review the decision.

(* Delete that which is not applicable)

THUS DONE AND SIGNED AT ON THIS DAY OF
....., 20.....

CONSUMER PROTECTOR

TO: THE CONSUMER PROTECTOR

KINDLY TAKE NOTE THAT –

(a) I am aggrieved by the decision of the Consumer Protector, dated
20....., copy of which is attached hereto as Annexure A, not to refer my consumer
complaint to the Consumer Tribunal. The basis for my dissatisfaction with the said decision
is as follows:

(if necessary attach an additional sheet)

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

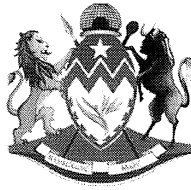
.....
.....
.....
.....
.....

.....; and

(b) I request that the abovementioned decision is referred to the Review Panel,
contemplated in section 35 of the Act, for review.

THUS DONE AND SIGNED AT ON THIS DAY OF
....., 20.....

CONSUMER



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PROVINCE OF KWAZULU-NATAL

ANNEXURE I3

KWAZULU-NATAL CONSUMER PROTECTOR
Form: (section 35 of the Act)
Review Judgement

CASE NUMBER:/.....

In the matter between:

.....

—

COMPLAINANT

AND

.....

—

RESPONDENT

REVIEW JUDGMENT (section 35 of the Act)

PLEASE TAKE NOTE that the abovementioned matter was reviewed by the Consumer Review Panel established in terms of section 35 of the KwaZulu-Natal Consumer Protection Act, 2013 (Act No. 4 of 2013), at (place) on this day of, 20.....;

AND FURTHER TAKE NOTE that the following Order was made:

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

THUS DONE AND SIGNED AT ON THIS DAY OF, 20.....

CHAIRPERSON: REVIEW PANEL



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PROVINCE OF KWAZULU-NATAL

ANNEXURE J1

KWAZULU-NATAL CONSUMER PROTECTOR
Form: (sections 21(1) and 34(1) of the Act)
Summons initiating proceedings in the Consumer Tribunal

CASE NUMBER:/.....

In the matter between:

KWAZULU-NATAL CONSUMER PROTECTOR — **First Plaintiff**

.....
Name of the Consumer — **Second Plaintiff**

AND

..... — **Defendant**

SUMMONS

TO: (THE DEFENDANT)

ADDRESS OF THE DEFENDANT:

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

1. TAKE NOTE THAT in the matter of the following consumer complaint:

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

.....
.....

(Provide sufficient particulars and details of the consumer complaint so that the person receiving a summons can understand the complaint. If necessary attach an additional sheet)

proceedings are hereby instituted against you as the person responsible for the business practice which gave rise to the consumer complaint; and

2. FURTHER TAKE NOTE THAT –

(a) the proceedings against you will commence before the Consumer Tribunal at (place) on the day of, 20..... (date), at (time); and

(b) an order will be sought against you on the following terms:

- (i)
- (ii)
- (iii)
- (iv)
- (v)

(If necessary attach an additional sheet.)

3. THAT the proceedings before the Consumer Tribunal will be prosecuted by the Office of the Consumer Protector, which may be represented by a prosecutor duly appointed in terms of section 21(1)(c) of the Act;

4. THAT you are entitled to appear on the stipulated date and participate in the proceedings and may be represented by an attorney, advocate or any other person;

5. THAT if you intend to defend these proceedings, you must complete the form in Annexure J2, and file the Notice of Intention to Defend to the secretary of the Consumer Tribunal within seven (7) days of receipt of summons; and

6. THAT if you intend to consent to the relief sought against you in the summons you may, utilising the form in Annexure J3, file a Consent to Judgement to the secretary of the Consumer Tribunal within seven (7) days of receipt of summons.

THUS DONE AND SIGNED AT **ON THIS**
DAY OF, 20.....

CONSUMER PROTECTOR

**AND TO:
THE SECOND PLAINTIFF
ADDRESS:**

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

**AND TO:
THE DEFENDANT
ADDRESS:**

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



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Environmental Affairs

PROVINCE OF KWAZULU-NATAL

ANNEXURE J2

NOTICE OF INTENTION TO DEFEND

CASE NUMBER:/.....

In the matter between:

KWAZULU-NATAL CONSUMER PROTECTOR — **First Plaintiff**

..... — **Second Plaintiff**
Name of the Consumer

AND

..... — **Defendant**

NOTICE OF INTENTION TO DEFEND

TO:
THE SECRETARY OF THE CONSUMER TRIBUNAL
ADDRESS:

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

KINDLY TAKE NOTE THAT the Defendant hereby gives notice of his or her intention to defend this action.

DATED AT **ON THIS** **DAY OF**
....., 20.....

DEFENDANT

**AND TO:
THE FIRST PLAINTIFF
ADDRESS:**

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

**AND TO:
THE SECOND PLAINTIFF
ADDRESS:**

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



ANNEXURE J3

CONSENT TO JUDGEMENT

CASE NO. /.....

In the matter between:

KWAZULU-NATAL CONSUMER PROTECTOR	—	First Plaintiff
..... Name and surname of the Consumer	—	Second Plaintiff
AND		
.....	—	Defendant

CONSENT TO JUDGMENT

TO:
THE SECRETARY OF THE CONSUMER TRIBUNAL
ADDRESS:

.....

I admit that I am liable to the Second Plaintiff as claimed in the summons and I consent to the ruling accordingly.

DATED AT ON THIS DAY OF
....., 20.....

DEFENDANT

**AND TO:
THE DEFENDANT
ADDRESS:**

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

**AND TO:
THE SECOND PLAINTIFF
ADDRESS:**

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



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PROVINCE OF KWAZULU-NATAL

ANNEXURE J4

PROOF OF SERVICE

1. I, (full name(s) and surname), with identity number, the undersigned, hereby certify that I have served this summons upon the defendant by –

(a) delivering the original copy to him or her; or

(b) delivering a true copy to
(name(s) and surname), a person above the age of 16 years, and employed at the respondent's place of business, as the defendant could not be found.

2. The nature, exigency and the consequences of this summons were explained to the recipient hereof.

Place:

Day:

Month 20

SIGNATURE OF RECIPIENT

SIGNATURE OF OFFICIAL



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PROVINCE OF KWAZULU-NATAL

ANNEXURE K

KWAZULU-NATAL CONSUMER TRIBUNAL
Form: (section 22)(1) of the Act
Summons (subpoena) to appear before the Consumer Tribunal
<p>TO:</p> <p>(Name(s) and surname of person)</p> <p>Address:</p> <p>.....</p> <p>.....</p> <p>In the matter of the following consumer complaint:</p> <p>.....</p> <p>.....</p> <p>.....</p> <p><i>(Provide sufficient particulars and details of the consumer complaint so that the person receiving the summons can understand the complaint)</i></p> <p>KINDLY TAKE NOTE THAT –</p> <p>you are hereby summoned to appear before the Consumer Tribunal at (place) on (date) at (time), in order –</p> <p style="padding-left: 40px;">(a) to give evidence and be questioned under oath or affirmation in connection with the complaint detailed above; and</p> <p style="padding-left: 40px;">(b) to produce and be questioned under oath or affirmation on the following:</p> <p>.....</p> <p>.....</p> <p style="padding-left: 40px;">(describe books, documents or objects).</p> <p>FURTHER TAKE NOTE THAT –</p> <p style="padding-left: 40px;">(a) you are entitled to receive, from moneys appropriated by law for such purpose, as</p>

witness fees, an amount equal to the amount which you would have received as witness fees had you been summoned to attend criminal proceedings in the High Court held in the place specified in the summons;

(b) you are guilty of an offence if you, having been summoned in terms of section 30 of the Act –

(i) fail, without sufficient cause, to attend at the time and place specified in the summons, or to remain in attendance until the conclusion of the proceedings or until you have been excused from further attendance by the Consumer Tribunal;

(ii) refuse to take the oath or make an affirmation;

(iii) refuse to answer, or to answer fully and satisfactorily to the best of your knowledge or belief, any question lawfully put to you;

(iv) fail to produce any book, document or object in your possession or custody or, under your control, which you are required to produce; or

(v) make a false statement before the Consumer Tribunal knowing such statement to be false or not knowing or believing it to be true; and

(c) you are not entitled to refuse to answer any question or to produce any book, document or object on the grounds that you would be exposed to a criminal charge: Provided that, to the extent that such answer, book, document or article does expose you to a criminal charge, no evidence thereof may be admissible in any criminal proceedings against you, except where you stand trial on a charge contemplated in –

(i) paragraph (b)(iii) to (v) above, read with subsection 22(3)(c) to (e) of the Act; or

(ii) section 319(3) of the Criminal Procedure Act, 1977 (Act No. 51 of 1977).

THUS DONE AND SIGNED AT ON THIS DAY OF
....., 20.....

SECRETARY: CONSUMER TRIBUNAL



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PROVINCE OF KWAZULU-NATAL

ANNEXURE L

KWAZULU-NATAL CONSUMER TRIBUNAL
Form: (subregulasie 15(2))
Notice of Set Down

CASE NUMBER:/.....

In the matter between:

KWAZULU-NATAL CONSUMER PROTECTOR — **First Plaintiff**

..... — **Second Plaintiff**
Name of the Consumer

AND

..... — **Defendant**

NOTICE OF SET DOWN

BE PLEASED TO TAKE NOTE that the abovementioned matter has been set down for hearing at the Consumer Tribunal at on the day of, 20..... at

THUS DONE AND SIGNED AT **ON THIS** **DAY OF**, 20.....

SECRETARY: CONSUMER TRIBUNAL



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PROVINCE OF KWAZULU-NATAL

ANNEXURE M

KWAZULU-NATAL CONSUMER PROTECTOR	
Oaths and Affirmations	
WITNESS	<p>I,(full name(s) and surname) swear/solemnly declare upon my honour and conscience that I shall speak the truth, the whole truth and nothing but the truth, so help me God/I truly affirm.*</p> <p>_____</p> <p>SIGNATURE _____ DATE</p>
EXPERT WITNESS	<p>I,(full name(s) and surname) swear/solemnly declare upon my honour and conscience that I shall state what I sincerely believe to be correct and true, so help me God/I truly affirm.*</p> <p>_____</p> <p>SIGNATURE _____ DATE</p>
INTERPRETER	<p>I,(full name(s) and surname) swear/solemnly declare upon my honour and conscience that whenever I am called upon to interpret in any proceedings before the Tribunal, I will correctly interpret to the best of my ability from the language of the inquisitor to the language of the witness or deponent and <i>vice versa</i>, so help me God/I truly affirm.*</p> <p>_____</p> <p>SIGNATURE _____ DATE</p>

(*Delete that which is not applicable)



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PROVINCE OF KWAZULU-NATAL

ANNEXURE N

KWAZULU-NATAL CONSUMER PROTECTOR
Form: (section 22(5) of the Act) Claim form for Witness Fees
REFERENCE NUMBER:
FILE NUMBER:

A. PARTICULARS OF CLAIMANT

SURNAME:
NAME(S):
IDENTITY NUMBER:
RESIDENTIAL ADDRESS:
POSTAL ADDRESS:
TELEPHONE/CELL PHONE NUMBER:
FAX NUMBER:
LODGED BY:
SIGNATURE: DATE: 20.....

FOR OFFICIAL USE

RECEIVED BY:

SIGNATURE: DATE:

20.....

APPROVED BY:

DESIGNATION:

SIGNATURE:

DATE:

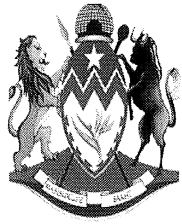
AUTHORISED BY:

DESIGNATION:

PAYMENT AMOUNT:

DATE OF APPROVAL:

DATE OF PAYMENT:



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PROVINCE OF KWAZULU-NATAL

ANNEXURE O

KWAZULU-NATAL CONSUMER PROTECTOR		
Form: (section 10(1)(f) of the Act) Adverse Notations		
Consumer Protector reference number		
Consumer Tribunal reference number		
Registered name of the company		
Trading name of the company		
Company's registration number		
Postal address		
Fax number		
e-mail address		
File Reference:/.....		
In the matter between:		
KWAZULU-NATAL CONSUMER PROTECTOR	—	First Plaintiff
..... Name of the Consumer	—	Second Plaintiff
AND		
.....	—	Defendant
BE PLEASED TO TAKE NOTE that in the abovementioned matter, the Consumer Tribunal ordered the Consumer Protector to record the following adverse notations against the		

respondents herein:*

- 1.
- 2.
- 3.
- 4.
- 5.

(*Attach additional sheet if necessary)

**THUS DONE AND SIGNED AT ON THIS
DAY OF 20.....**

CONSUMER PROTECTOR



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PROVINCE OF KWAZULU-NATAL

ANNEXURE P

KWAZULU-NATAL CONSUMER TRIBUNAL	
Form: (section 21(4) of the Act)	
Request for Access to the Records of the Proceedings	
CASE NUMBER:/.....	
In the matter between:	
KWAZULU-NATAL CONSUMER PROTECTOR	— First Plaintiff/Applicant
.....	— Second Plaintiff/Applicant
Name of the Consumer	
AND	
.....	— Defendant/Respondent
REQUEST FOR ACCESS TO THE RECORDS OF THE PROCEEDINGS	
Full name(s) and surname of the requester	
Identity number of the requester	
Postal address	
Physical address	
Cell phone number	
Land line number	

Fax number	
e-mail address	

TO: THE SECRETARY OF THE CONSUMER TRIBUNAL

I, the undersigned, request to have access to copies of the following records of the proceedings:

1.

2.

3.

4.

5.

(Provide the description of the record or part of the record requested)

I am aware that the approval of my request to access the abovementioned record/s is subject to –

(a) whether the proceedings were open to the public in terms of section 21(1) of the Act; and

(b) the payment of reproduction fees as contemplated in section 22 of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000).

THUS DONE AND SIGNED AT **ON THIS DAY OF**
....., 20.....

REQUESTER



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Environmental Affairs

PROVINCE OF KWAZULU-NATAL

ANNEXURE Q1

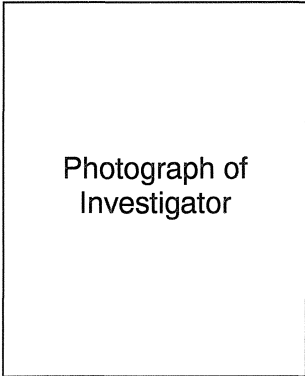
KWAZULU-NATAL CONSUMER PROTECTOR

**Form: (section 31(1) of the Act)
INVESTIGATOR'S CERTIFICATE**

I,, by virtue of the powers vested in me as the Consumer Protector (in terms of section 31(1) of the Act), hereby appoint and designate –

NAME OF INVESTIGATOR

as investigator in terms of the KwaZulu-Natal Consumer Protection Act, 2013 (Act No. 4 of 2013).



**THUS DONE AND SIGNED AT ON THIS
DAY OF, 20.....**

CONSUMER PROTECTOR

--



edtea

Department :

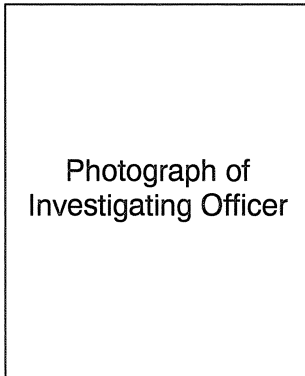
Economic Development, Tourism and
Environmental Affairs

PROVINCE OF KWAZULU-NATAL

ANNEXURE Q2

KWAZULU-NATAL CONSUMER PROTECTOR
Form: (section 31(7) of the Act INVESTIGATING OFFICER'S CERTIFICATE

This is to certify that:,
 Identity number:,
 has been appointed and designated as an investigating officer in terms of section 31(5) of the KwaZulu-Natal Consumer Protection Act, 2013 (Act No. 4 of 2013).



THUS DONE AND SIGNED ATON THE DAY OF
, 20.....

CONSUMER PROTECTOR



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PROVINCE OF KWAZULU-NATAL

ANNEXURE R

<p>KWAZULU-NATAL CONSUMER PROTECTOR Compliance Notice in terms of section 100 of the Consumer Protection Act, 2008 (Act No. 68 of 2008)</p>

Name(s) and surname of person or entity to whom notice applies	
Address	
Reference number	
Date	
Provision(s) of Act not complied with	
<p>The details* of the nature and extent of the non-compliance are as follows: <i>(*Attach additional sheet if necessary)</i></p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p>	
<p>The details* of any steps that are required to be taken and the period within which those steps must be taken: <i>(*Attach additional sheet if necessary)</i></p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p>	
<p>The penalties/imprisonment/administrative fines that may be imposed in terms of the Consumer Protection Act, 2008 (Act No. 68 of 2008), if those steps are not taken: sections 107-113 of the Consumer Protection Act, 2008 (Act No. 68 of 2008).</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p>	

ENQUIRIES MAY BE SUBMITTED TO:	
Name(s) and surname	
Contact details	
Business hours	
Address to which objections to this notice may be submitted in the prescribed form	
FOR OFFICE USE ONLY	
Details of response	
Recommendation	
Date	
Signed	