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PROCLAMATION*by the**President of the Republic of South Africa*

No. R. 49, 2003

COMMENCEMENT OF SECTIONS 4(1), 7 - 23, 30, 31(WITH THE EXCEPTION OF SUBSECTION (7)) and 34(2) OF THE PROMOTION OF EQUALITY AND PREVENTION OF UNFAIR DISCRIMINATION ACT, 2000 (ACT NO. 4 OF 2000)

Under section 35 of the Promotion of Equality and Prevention of Unfair Discrimination Act, 2000 (Act No. 4 of 2000), I hereby fix 16 June 2003 as the date on which sections 4(1), 7 - 23, 30, 31 and 34(2) of the said Act shall come into operation.

Given under my Hand and the Seal of the Republic of South Africa at Durban this 13th day of June Two Thousand and Three.

T. MBEKI
President.

By Order of the President-in-Cabinet:

P. M. MADUNA
Minister of the Cabinet

**GOVERNMENT NOTICE
GOEWERMENTSKENNISGEWING**

**DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT
DEPARTEMENT VAN JUSTISIE EN STAATKUNDIGE ONTWIKKELING**

No. R. 764

13 June 2003

**PROMOTION OF EQUALITY AND PREVENTION OF UNFAIR
DISCRIMINATION ACT, 2000: REGULATIONS**

The Minister for Justice and Constitutional Development has in consultation with the Minister of Finance, under section 30 of the Promotion of Equality and Prevention of Unfair Discrimination Act, 2000 (Act No. 4 of 2000), made the regulations in the Schedule.

SCHEDULE

**REGULATIONS RELATING TO THE PROMOTION OF EQUALITY AND
PREVENTION OF UNFAIR DISCRIMINATION ACT, 2000**

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- 3. Notice to respondent regarding the institution of proceedings in terms of section 20 of the Promotion of Equality and Prevention of Unfair Discrimination Act, 2000 (Act No. 4 of 2000)
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- 5. Referral of matter in terms of section 20(5) of the Promotion of Equality and Prevention of Unfair Discrimination Act, 2000 (Act No. 4 of 2000)

6. Subpoena to witnesses to appear before the Equality Court in terms of section 18 of the Promotion of Equality and Prevention of Unfair Discrimination Act, 2000 (Act No. 4 of 2000)

CHAPTER I GENERAL PROVISIONS

Definitions

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

"clerk" means a clerk of an equality court;

"Committee" means the Equality Review Committee established in terms of section 32 of the Act;

"court" means an equality court;

"day" means any day of the week other than a Saturday, Sunday or public holiday;

"directions hearing" means a directions hearing contemplated in regulation 10(5);

"Director-General" means the Director-General of the Department of Justice and Constitutional Development;

"inquiry" means an inquiry contemplated in section 21(1) of the Act;

"registrar" means a registrar of a High Court appointed under section 34 of the Supreme Court Act, 1959 (Act No. 59 of 1959), or a registrar appointed under any law not yet repealed by a competent authority and which, immediately before the commencement of the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996), was in force in any area which forms part of the

national territory; and

"the Act" means the Promotion of Equality and Prevention of Unfair Discrimination Act, 2000 (Act No. 4 of 2000).

CHAPTER II

CLERKS OF EQUALITY COURTS

Application for appointment as clerk

2.(1) An application for appointment as a clerk, contemplated in section 17 of the Act, must be in writing on a form which corresponds substantially with Form 1 of the Annexure and must be submitted to the Director-General.

- (2) The application referred to in subregulation (1) must be accompanied by-
- (a) a certified copy of the identity document of the applicant;
 - (b) certified copies of all educational qualifications of the applicant;
 - (c) certificates of service or, if not available, an affidavit by the applicant in respect of previous periods of service rendered by him or her;
 - (d) testimonials, if available, from previous employers of the applicant; and
 - (e) the names, addresses and telephone numbers of two references.

Appointment requirements of clerk

3.(1) A person may be appointed as a clerk by the Director-General if he or she complies with the appointment requirements as stipulated in the Public Service Act, 1994 (Proclamation No. 103 of 1994), and the appointment policies for a post of administrative clerk in the Department.

(2) The appointment of a clerk is subject to the completion of a course approved by the Director-General.

Conditions of appointment of clerk

4.(1) The Director-General may appoint a person as a clerk for the period agreed to between the Director-General and the applicant, who is entitled to an all inclusive remuneration equal to the total remuneration package of an administrative clerk in the Department.

(2) The conditions of service of a person appointed as a clerk in terms of subregulation (1) are the same as the conditions of service applicable in respect of a person appointed as clerk of the court in terms of the Public Service Act, 1994 (Proclamation No. 103 of 1994).

Additional functions of clerk

5. In addition to the functions prescribed by the Act, a clerk must-

- (a) upon receipt of the notification contemplated in regulation 6(1), open a file and number the matter with a consecutive number of the year;
- (b) keep a register in which he or she records -
 - (i) the particulars of the parties involved in each matter;
 - (ii) the number of the matter referred to in paragraph (a);
 - (iii) the relief requested;
 - (iv) the date and the outcome of the inquiry;
 - (v) the outcome of an appeal or review, if applicable; and
 - (vi) the particulars of the alternative forum to which the matter was referred, the date of referral and the outcome of the matter if applicable;
- (c) mark every document received afterwards with such number as assigned to the specific matter;
- (d) file any documentation received on the appropriate file;
- (e) assist to the best of his or her ability a person who is illiterate or disabled with the completion of any document relating to the

- proceedings in the court;
- (f) if a person instituting proceedings is not represented or assisted -
 - (i) inform the person of his or her right to representation;
 - (ii) inform the person of the assistance available to him or her by constitutional institutions or other non-governmental organisations;
 - (iii) inform and explain to that person his or her rights and remedies in terms of the Act to the best of his or her ability;
 - (iv) assist a person further by reading or explaining any documentation to him or her; and
 - (v) explain the process and procedures relating to the attendance of witnesses;
 - (g) perform the duties assigned to him or her in terms of these regulations;
 - (h) subpoena a witness to attend the inquiry at the request of a party or by direction of the court;
 - (i) inform a witness that he or she is entitled to witness fees and ensure that a witness is assisted in this regard where necessary; and
 - (j) perform the duties of the clerk of a civil court insofar as it is necessary to give effect to the provisions of the Act.

CHAPTER III

EQUALITY COURT PROCEEDINGS

Institution of proceedings

6.(1) A person, an association or a commission contemplated in section 20 of the Act, wishing to institute proceedings in terms of the Act, must notify the clerk of his or her intention to do so on a form which corresponds substantially with Form 2 of the Annexure.

(2) The clerk must within seven days after receipt of the notice referred to in subregulation (1) -

- (a) notify the respondent on a form which corresponds substantially with Form 3 of the Annexure that proceedings have been instituted against him or her; and
- (b) invite the respondent, if he or she so wishes, to submit the information contemplated in paragraph C of Form 3 of the Annexure in writing within 10 days of the receipt of such notice.

(3) The clerk must, within seven days after receipt of the response of the respondent contemplated in subregulation (2)(b), submit a copy thereof to the complainant.

(4) The clerk must, within three days after the expiry of the period contemplated in subregulation (2)(b), refer the matter to a presiding officer, who must, within seven days after receiving the documentation relating to the matter, decide whether the matter is to be heard in the court or whether it should be referred to an alternative forum.

(5) If the presiding officer decides that the matter is to be heard in the court, the presiding officer must refer the matter to the clerk who must, within three days after such referral, assign a date for the directions hearing.

(6) The clerk must, after a date of the directions hearing has been assigned, notify the complainant and the respondent on a form which corresponds substantially with Form 4 of the Annexure, of the date of the directions hearing.

(7) If the presiding officer decides that the matter must be referred to an alternative forum he or she -

- (a) must make an order in a form which corresponds substantially with paragraph 1 of Part A of Form 5 of the Annexure; and
- (b) may make remarks or comments he or she deems necessary for the attention of the alternative forum in writing on a form which corresponds substantially with paragraph 2 of Part A of Form 5 of the Annexure.

(8) On receipt of an order contemplated in subregulation (7), the clerk must, in the manner determined by the presiding officer -

- (a) submit all relevant original documents relating to the matter, including the order, to the alternative forum mentioned in the order;
- (b) retain certified copies of all the documentation relating to the matter;
- (c) forward a copy of the order to the parties; and
- (d) notify the parties of the documents submitted to the alternative forum referred to in paragraph (a).

(9) On receipt by the alternative forum of the documents referred to in subregulation (8)(a), the alternative forum must notify the parties and the clerk in writing of the receipt of the matter.

(10) The alternative forum to which the matter is referred, must within 60 days after receipt of the documents referred to in subregulation (8), submit a report on the progress made in respect of the matter to the clerk.

(11) When the matter is resolved by the alternative forum, the forum must immediately inform the clerk of the outcome of the matter.

(12) If the alternative forum refers the matter back to the court, such referral must be in writing on a form which corresponds substantially with Part B of Form 5 of the Annexure, stating the reasons why the matter was referred back.

(13) The court must, within seven days from the date on which the matter was returned to the court, give instructions in respect of the adjudication of the matter.

(14) The clerk must immediately inform the parties of the date of the directions hearing in the manner contemplated in subregulation (6).

(15) Upon written application to the presiding officer, and in the case of an urgent matter, the presiding officer may direct a deviation from the periods of time specified in the regulations.

Service and submission of documents

7.(1) The notice referred to in regulation 6(2)(a) must be -

- (a) served personally on the respondent by a sheriff or a clerk; or
- (b) submitted to the respondent by -
 - (i) registered post;
 - (ii) facsimile; or
 - (iii) e-mail, if proof of receipt thereof can be given by the person who sent the e-mail; or
- (c) served or submitted in any other manner as directed by a presiding officer.

(2) If the notice is submitted to the respondent by -

- (a) registered post, proof thereof must be kept; and
- (b) facsimile or e-mail, proof thereof must be kept and the original form must be sent without delay to the respondent by registered post.

(3) The notice referred to in regulation 6(6) must be served personally on the parties by a sheriff or a clerk.

Attendance of proceedings

8.(1)(a) A party wishing to have a witness subpoenaed must, within 14 days before the date of the inquiry, request the clerk to issue a subpoena, and the clerk must forthwith issue the subpoena.

(b) The subpoena issued must correspond substantially with Form 6 of the Annexure.

(c) After a subpoena contemplated in paragraph (a) has been issued, the subpoena must be handed to the person who requested the subpoena who must serve the subpoena on the witness or cause the subpoena to be served on the witness -

- (i) by a sheriff at own cost; or
- (ii) by any person designated by the clerk on the recommendation of the presiding officer.

(d) The person who serves the subpoena must complete Part B of Form 6 of the Annexure.

(2)(a) The attendance of proceedings by a witness by direction of the court is secured by means of a subpoena, issued by a clerk, which corresponds substantially with Form 6 of the Annexure.

(b) The subpoena referred to paragraph (a) must be served on the witness at State expense by a sheriff.

(3) A person subpoenaed to attend the proceedings as a witness, may be required to produce any book, document or statement or object relating to the matter.

(4)(a) Any witness, excluding a person who is in the full-time employ of the State, attending the proceedings is, subject to paragraph (b), entitled to the allowance set out in paragraph (c).

(b) The presiding officer may order that no allowance or only part thereof be paid.

(c) The allowance payable to a witness is as follows:

- (i) R100 for each day or part of a day during which the witness is required to be present at the proceedings; and
- (ii) reasonable substantiated travel and subsistence expenses incurred by the witness in order to attend the proceedings.

(d) The expenses relating to the allowances referred to in paragraph (c) must be paid by -

- (i) the State if the witness attends the proceedings by direction of the court; or
- (ii) the party who requested the attendance of the witness, unless the presiding officer directs otherwise.

(5) The provisions of section 51 of the Magistrates' Courts Act, 1944 (Act No. 32 of 1944), apply with the necessary changes in respect of any witness subpoenaed to attend proceedings under these regulations.

Confirmation of court order

9.(1) If a magistrate's court, sitting as a court, makes an order which exceeds the monetary jurisdiction of the said court, the clerk must within seven days after the order becomes available-

- (a) inform the respondent that -
 - (i) the order is to be submitted to the High Court, for

- confirmation; and
- (ii) he or she has the right to submit to the clerk any statement or argument within three days after receipt of the notification; and
- (b) forward to the registrar of the High Court, the record of the proceedings or a copy thereof certified by the clerk, together with any statement or argument submitted by the respondent in terms of paragraph (a)(ii).

(2) The registrar must lay the record of the proceedings referred to in subregulation (1) before a judge of the High Court for confirmation.

Powers and functions of court

10.(1) The inquiry must be conducted in an expeditious and informal manner which facilitates and promotes participation by the parties.

(2) The regulations regulating the proceedings of the inquiry must, as far as possible, be interpreted in a manner that gives effect to the guiding principles contemplated in section 4 of the Act.

(3) The proceedings should, where possible and appropriate, be conducted in an environment conducive to participation by the parties.

(4) The court is a court of record and-

- (a) the proceedings at an inquiry must be recorded by the presiding officer or by a person appointed or designated thereto by the presiding officer;
- (b) the proceedings at an inquiry must be taken down in shorthand or recorded by mechanical means and may be transcribed only if the presiding officer so directs or where required by the Act;

- (c) the shorthand notes or any transcription thereof or any mechanical recording of the proceedings or transcription thereof must be certified as true notes, a true transcription, or a true record taken, as the case may be, whereafter they become part of the record of the proceedings and for purposes of disposal are regarded as records of the civil court.

(5)(a) On the date assigned by the clerk contemplated in regulation 6(5), a directions hearing must be held by the presiding officer to resolve matters of an administrative or procedural nature in respect of the inquiry.

(b) At a directions hearing the presiding officer must give such directions in respect of the conduct of the proceedings as he or she deems fit.

(c) Without detracting from the generality of paragraph (b), the presiding officer may, after hearing the views of the parties to the proceedings, make an order in respect of -

- (i) discovery, inspection and exchange of documents;
- (ii) interrogatories;
- (iii) admission of facts or of documents;
- (iv) the limiting of disputes;
- (v) the joinder of parties;
- (vi) amicus curiae interventions;
- (vii) the manner of service of documents not provided for in the regulations;
- (viii) amendments;
- (ix) the filing of affidavits;
- (x) the giving of further particulars;
- (xi) the place and time of future hearings;
- (xii) procedures to be followed in respect of urgent matters; and

- (xiii) the giving of evidence at the hearing, including whether evidence of witnesses in chief is to be given orally or by affidavit, or both.

(d) In order to give effect to -

- (i) the guiding principles contemplated in section 4 of the Act; and
- (ii) sections 21(1) and 30(1)(a) of the Act and in exercising his or her discretion in terms of subparagraphs (b) and (c),

the presiding officer must, as far as possible, follow the legislation governing the procedures in the court in which the proceedings were instituted, with appropriate changes for the purpose of supplementing this regulation where necessary, but may, in the interests of justice and if no one is prejudiced, deviate from these procedures after hearing the views of the parties to the proceedings.

(e) At a directions hearing, the presiding officer must, if a party is unrepresented -

- (i) inform him or her of his or her right to be represented at his or her own expense by a legal representative of his or her own choice and if he or she cannot afford legal representation, that he or she may apply for legal aid and of the institutions which he or she may approach for legal assistance; and
- (ii) explain the contents and implications of any direction or order made in terms of subparagraphs (b) and (c).

(6)(a) An affidavit made by a witness to the proceedings, may be allowed as evidence to the same extent as oral evidence unless a party objects thereto and if such statement -

- (i) (aa) is in writing;
- (bb) is signed by the person who made it;
- (cc) contains a declaration by such person that it is true to the best of his or her knowledge and belief; and
- (dd) contains a declaration that he or she made the statement

knowing that he or she may be guilty of an offence if he or she wilfully stated anything therein which he or she knew to be false; and

- (ii) has come to the knowledge of the other party at least seven days before the inquiry.

(b) When an affidavit by a witness has been allowed as evidence in terms of paragraph (a) and if a party subsequently so requests, or the presiding officer is of the opinion that it is desirable, such witness must be subpoenaed to appear in court and such witness may be cross-examined.

(7) Save as is otherwise provided for in these regulations, the law of evidence, including the law relating to competency and compellability, as applicable in civil proceedings, applies in respect of an inquiry: Provided that in the application of the law of evidence, fairness, the right to equality and the interests of justice should, as far as possible, prevail over mere technicalities.

(8) The court must, before oral evidence is adduced, administer an oath to, or accept an affirmation from, any witness or party appearing before the court, as if the witness or party were a witness in a criminal case.

(9)(a) Any party to the proceedings may, during the proceedings in court, be represented by an attorney or advocate or any person of his or her choice.

(b) The presiding officer must, if a party is represented by a person other than an attorney or advocate and if the presiding officer is of the opinion that such person is not a suitable person to represent the party, inform the party accordingly.

(10)(a) A party may cross-examine any other party who elects to give evidence or who is called by the other party.

(b) The presiding officer must, where necessary and appropriate, ascertain the relevant facts about the complaint and to that end he or she may question any party who elects to give evidence or who is called as a witness at any stage of the proceedings.

(c) The presiding officer may on his or her own initiative call a person to appear before him or her as a witness in the proceedings.

(11) If a party, during the course of the proceedings, wishes the presiding officer to make an order contemplated in subregulation (5)(c), a motion application is brought to this effect, after notification to the parties and the court.

(12) The presiding officer may in compelling circumstances postpone an inquiry.

Withdrawal of complaints

11.(1) The complainant may, if he or she so wishes, withdraw the complaint upon written notice to the respondent and the clerk.

(2) Upon the receipt of the notice by the court, the complaint is deemed to have been withdrawn if the presiding officer is, in the case of a complainant not being represented by an attorney or advocate, satisfied that the withdrawal is made freely and voluntarily.

Fees and costs

12.(1) No court fees are payable in respect of the institution of proceedings in the court.

(2) Each party bears his or her own costs unless the presiding officer directs otherwise.

(3)(a) If a complainant, without reasonable excuse, does not attend a directions hearing or the inquiry and the presiding officer is satisfied that proper notice of the directions hearing or the inquiry has been given to the complainant, the presiding officer may -

- (i) dismiss the complaint; and
- (ii) order the complainant to pay the costs of the respondent.

(b) The clerk must in the event of a dismissal of the complaint or a cost order contemplated in paragraph (a) inform the complainant in writing accordingly.

(4)(a) If a respondent, without reasonable excuse, does not attend a directions hearing or the inquiry and the presiding officer is satisfied that proper notice of the directions hearing or the inquiry has been given to the respondent, the presiding officer may -

- (i) order that the proceedings continue in the absence of the respondent; and
- (ii) order the respondent to pay the costs of the complainant.

(b) The clerk must in the event of an order contemplated in paragraph (a)(i) or (ii) inform the respondent in writing accordingly.

CHAPTER IV ASSESSORS

Criteria in respect of assessors

13. A person will be suitable to serve as an assessor in the court if he or she -

- (a) is at least 21 years of age, of sound mind and body and resident in

- the area in which he or she will serve as assessor;
- (b) is respected in the community and is preferably involved in community activities;
 - (c) has knowledge of the cultural and social environment of a particular group of the community;
 - (d) has not been convicted of an offence of which violence, dishonesty, extortion or intimidation is an element or of corruption, perjury, or obstructing the course of justice, arson or an offence under law relating to organised crime or the dealing in dependence-producing substances, unless amnesty has been granted to such a person in terms of national legislation, or such person has received a presidential pardon;
 - (e) is not a political office bearer; and
 - (f) does not hold a permanent post in the Public Service.

Factors relating to the summons of assessors

14. In considering whether summoning an assessor would be in the interests of the administration of justice, the presiding officer must take into account -

- (a) the cultural and social environment of one or both of the parties;
- (b) the educational background of one or both of the parties;
- (c) the nature and seriousness of the complaint;
- (d) the nature of the relief sought by the complainant;
- (e) any particular interest which the community in general, or any specific community, may have in the adjudication of the matter concerned; or
- (f) any other matter or circumstances which he or she may deem to be indicative of the desirability of summoning an assessor or assessors.

Taking of oath

15. Every assessor must in writing take an oath or make an affirmation subscribed by him or her before a presiding officer of an equality court, in the following form:

"I,,(full name) do hereby swear/solemnly affirm that whenever I may be called upon to perform the functions of an assessor in terms of section 22 of the Promotion of Equality and Prevention of Unfair Discrimination Act, 2000 (Act No. 4 of 2000), I shall to the best of my ability make a considered finding or decision, or give a considered opinion, as the case may be, according to the evidence tendered in the matter."

Role of presiding officer

16.(1) An assessor must, when considering an appropriate order contemplated in section 21(2) of the Act, assist the presiding officer in an advisory capacity only.

(2) The presiding officer must adjourn the proceedings regarding any matter or question contemplated in section 22(3) of the Act and must sit alone for the hearing of such proceedings and the decision of such matter or question.

(3) Whenever the presiding officer makes a decision in terms of section 22(3) of the Act, he or she must give reasons for the decision.

(4) The presiding officer must, before a determination of whether unfair discrimination, hate speech or harassment, as the case may be, has taken place is made, explain to an assessor any specific rule of evidence or any other matter that is relevant in respect of the evidence tendered to the court.

(5) The clerk must for the purposes of section 22 (6)(b) of the Act, in any manner

he or she deems fit, forward the reasons of the presiding officer and the record of the proceedings to the appeal court concerned.

Recusal of assessor

17.(1) A presiding officer who is assisted by an assessor may, on application by a party, order the recusal of an assessor from the proceedings if the presiding officer is satisfied that -

- (a) the assessor has a personal interest in the proceedings concerned;
- (b) there are reasonable grounds for believing that there is likely to be a conflict of interests as a result of the assessor's participation in the proceedings concerned; or
- (c) there are reasonable grounds for believing that there is a likelihood of bias or prejudice on the part of the assessor.

(2) An assessor may recuse himself or herself from the proceedings for the reasons contemplated in subregulation (1).

(3)(a) The other party must, before the recusal of an assessor is ordered in terms of subregulation (1), be given an opportunity to address arguments to the presiding officer.

(b) The parties must, in so far as it is practicable, before the recusal of an assessor in terms of subregulation (2), be given an opportunity to address arguments to the presiding officer on the desirability of such recusal.

(4) The assessor concerned must be given an opportunity to respond to any argument referred to in subregulation (3), and the presiding officer may put such questions regarding the matter to the assessor as he or she may deem fit.

(5) The presiding officer must give reasons for an order referred to in subregulation (1).

Honoraria

18.(1) An assessor who is not employed by the State may, for purposes of his or her attendance as assessor at equality proceedings, be paid an honorarium of twenty rand per hour or every part of an hour in excess of fifteen minutes.

(2) The period for which an assessor may be paid an honorarium is calculated from the time the assessor is required to be at court or arrives at court, whichever is latest, up to the time that the assessor is excused from attendance or the court adjourns for the day, whichever is earliest.

CHAPTER V APPEALS AND REVIEW

Appeals

19.(1) Any person wishing to appeal against any order made by the court as contemplated in section 23(1) of the Act must, within 14 days of such order being made, deliver a notice of appeal to the clerk and the complainant or the respondent as the case may be.

(2) The notice of appeal to the High Court having jurisdiction or the Supreme Court of Appeal, must -

- (a) be in writing;
- (b) state whether the whole or only a specific part of the order is being appealed against;
- (c) set out fully the finding of fact or the ruling of law appealed against;
and

- (d) where appropriate, set out the order or orders or part thereof against which the appeal is directed and the grounds on which the appeal is founded.

(3) A cross appeal must be noted by delivery within 15 days of the noting of an appeal to the clerk and the complainant or the respondent as the case may be.

(4) A cross appeal must meet the requirements referred to in subregulation (2).

(5) The presiding officer concerned must -

- (a) within 15 days of the noting of an appeal; or
- (b) if the proceedings at an inquiry were taken down or recorded in shorthand or by mechanical means, within 15 days after a transcription of the shorthand notes or mechanical record of the proceedings has been placed before such officer by the clerk concerned, but within a reasonable period after the noting of the appeal,

transmit to the clerk 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 as appealed against; and
- (iii) his or her reasons for any ruling on any question of law or for the admission or rejection of any evidence so specified as appealed against.

(6)(a) The clerk concerned must, notwithstanding the provisions of subregulation (5)(b), if the proceedings at an inquiry were taken down or recorded in shorthand or by mechanical means and an appeal has been noted, forthwith cause the shorthand notes or the mechanical record of the proceedings to be transcribed.

(b) The person who noted an appeal bears the costs of the transcription contemplated in paragraph (a): Provided that if the presiding officer is satisfied that such person is unable to pay the costs, the costs or part thereof must be paid by the State.

(7)(a) After an appeal has been noted in terms of subregulation (1) the appeal must be prosecuted as if it was an appeal against the decision of a magistrate in a civil matter, and the rules regulating the conduct of the proceedings of the several provincial and local divisions of the High Court in so far as they relate to civil appeals from the magistrates' courts apply, with the necessary changes, to any such appeal.

(b) The provisions of the relevant Uniform Rules of Court with regard to an appeal from a High Court to the Supreme Court of Appeal apply with the necessary changes.

Review

20.(1) Within seven days after the finalisation of the proceedings in which a determination is made as contemplated in section 23(5)(a) of the Act, the clerk must forward the following to the registrar of the High Court for purposes of review:

- (a) The record of the proceedings in the matter, or a certified copy thereof together with any remarks the presiding officer wishes to append thereto; and
- (b) any written statement or argument furnished to the clerk by the parties.

(2) The written statement or argument referred to in subregulation (1) must be

submitted to the clerk by the parties within five days after the proceedings were finalised.

CHAPTER VI

EQUALITY REVIEW COMMITTEE

Terms and conditions of appointment of members of Committee

21.(1) The office of a member of the Committee referred to in section 32(a), (d) and (e) of the Act becomes vacant -

- (a) when a member dies;
- (b) when the term of office of a member expires;
- (c) when, in the opinion of the Minister, a member becomes unable to act as a member; or
- (d) when a member resigns by giving the Minister three months' notice thereof in writing.

(2) A vacancy must be filled as soon as possible in accordance with the provisions of section 32 of the Act.

(3) A vacancy so filled is for the unexpired period of the term of office in respect of which the vacancy occurred.

Powers and functions of Committee

22. In addition to the powers and functions referred to in the Act, the Committee must advise the Minister on further measures to give full effect to the Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Elimination of All Forms of Discrimination against Women.

CHAPTER VII

MISCELLANEOUS

Offences and penalties

23. Any person who submits false information in terms of a provision of these regulations is guilty of an offence and is on conviction liable to a fine or to imprisonment for a period not exceeding twelve months.

Short title and commencement

24. These regulations are called the Regulations Relating to the Promotion of Equality and Prevention of Unfair Discrimination, 2003 and shall come into operation on 16 June 2003.

(18/2001)

81/.....

J692

FORM 1

**APPLICATION FOR APPOINTMENT AS CLERK IN TERMS OF SECTION 17 OF THE
PROMOTION OF EQUALITY AND PREVENTION OF UNFAIR DISCRIMINATION ACT, 2000
(ACT NO. 4 OF 2000)**

[Regulation 2 (1)]

Please note:

1. *This form must be completed in block letters.*
2. *You are not obliged to complete items 5 and 6 of Part A of this form. The information will, however, be useful in giving effect to legislation and policies relating to equity.*
3. *The following documentation must accompany the application form-*
 - (a) *a certified copy of your identity document;*
 - (b) *certified copies of all educational qualifications;*
 - (c) *certificates of service or, if not available, an affidavit by you in respect of previous periods of service;*
 - (d) *testimonials, if available, from previous employers;*
 - (e) *the names, addresses and telephone numbers of two references.*

[If the space provided is inadequate, submit information as an Annexure to this form and sign each page.]

PART A: APPLICATION [To be completed by applicant]			
Surname:			
Full names:			
ID. No./Date of birth:	/ /		
Race:	African	White	Coloured Indian
Gender:	Female		Male
Are you a South African Citizen? If no, please state nationality:	Yes	No	
Have you been convicted of a criminal offence or been dismissed from employment? If yes, please give details of offence and sentence:	Yes	No	
Residential address:			
	Code ()		
Residential telephone number:			
Cellular telephone number:			
Occupation:			
Work address:			
	Code ()		
Work telephone number:			
Preferred method for correspondence:	Post	E-mail	Fax
Correspondence contact details (In terms of above):			
Postal address:			

		Code ()	
Preferred official language for correspondence?			
Do you have a valid driver's license?	Yes	No	Code:

PART B: CHOICE OF OFFICE

Centres where appointment is preferred, in order of preference:	1.
	2.
	3.

PART C: LANGUAGE PROFICIENCY - state 'good', 'fair' or 'poor'

	Languages (specify)					
Speak						
Read						
Write						

PART D: QUALIFICATIONS

Name of School/Technical College	Highest qualification obtained	Year obtained
Tertiary education (complete for each qualification you obtained as well as seminar/courses attended relating to functions of Clerk of the Court)		
Name of institution	Name of qualification	Year obtained
Current study (institution and qualification):		

PART E: WORK EXPERIENCE

Employer (including current employer)	Post held	From		To		Reason for leaving	
		MM	YY	MM	YY		
If you were previously employed in the Public Service, indicate whether any condition exists that prevents your re-appointment:						Yes	No
If yes, provide the name of the previous employing department:							

in terms of the Promotion of Equality and Prevention of Unfair Discrimination Act, 2000 (Act No. 4 of 2000):					
PART B: PARTICULARS OF PERSON ACTING IN TERMS OF SECTION 20(1)(b) - (f) ON BEHALF OF ANOTHER PERSON/ASSOCIATION/BODY (Proof of capacity of person acting in terms of section 20(1)(b) - (f) to be attached)					
Surname:					
Full names:					
ID. No./Date of birth:					/ /
Capacity of person acting in terms of section 20 (1) (b) - (f):					
Registration number of corporate body:					
Residential address:					
	Code ()				
Residential telephone number:					
Cellular telephone number:					
Work address:					
	Code ()				
Work telephone number:					
Fax number:					
Physical address (where documents can be served):					
	Code ()				
Preferred method in which the form is to be served:	Registered post	E-mail	Fax	Sheriff	Clerk
Correspondence contact details (In terms of above):					
E-mail address:					
Name(s) and address(es) of person(s) on whose behalf you are acting.					
	Code ()				

PART C: PARTICULARS OF RESPONDENT(S) (The under-mentioned particulars should be furnished in respect of each respondent.

Name of person(s)/organization(s) against whom/which proceedings are instituted:					
ID. No./Date of birth/Registration No.:	/ /				
Residential address (if applicable):					
	Code ()				
Residential telephone number:					
Cellular telephone number:					
Work/Business address:					
	Code ()				
Work telephone number:					
Fax number:					
Preferred method in which the form is to be served:	Registered post	E-mail	Fax	Sheriff	Clerk
Correspondence contact details (In terms of above):					
Physical address (where documents can be served):					
	Code ()				
E-mail address:					

PART D: PARTICULARS OF PERSON APPEARING ON BEHALF OF COMPLAINANT

Full names and surname of person appearing on your behalf (representative):					
ID. No./Date of birth:	/ /				
Postal address of representative:					
	Code ()				
Residential telephone number:					
Cellular telephone number:					
Fax number:					
E-mail address:					

PART E: PARTICULARS OF COMPLAINT AND RELIEF SOUGHT

<p>Nature of complaint: <i>(Please give full details of the complaint, the date of the incident(s) and the particulars of possible witnesses. Also indicate which right has been violated and the reasons why you think such right was violated.)</i></p>	
<p>How has it affected you?</p>	
<p>Documents: Are there any documents to substantiate your complaint (e.g. pay slips, references, records of conversations) to substantiate your claim? (If so please attach):</p>	
<p>Relief sought: <i>(Please indicate what assistance you require. The court may make an interim order, declaratory order, an order for the payment of damages, an order that an unconditional apology be made etc)</i></p>	

PART F: PARTICULARS OF INSTITUTIONS/BODIES APPROACHED

<p>Particulars of institutions/bodies previously approached in respect of the complaint:</p>	
<p>The response of the institutions/bodies mentioned above:</p>	

Signed atthis.....day of.....20.....

.....
Signature of Complainant/Representative of class of persons/institution/organisation

PART G: AFFIDAVIT

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:

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

Answer:.....

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

Answer:.....

(3) Do you consider the prescribed oath to be binding on your conscience?

Answer:.....

I certify that the deponent has 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 the declaration are true." The signature/mark of the deponent was affixed to the declaration in my presence.

.....
Commissioner of Oaths

Full first names and
surname.....

(Block letters)

Designation (rank).....Ex Officio Republic of South Africa

Business address.....

.....Code.....

(Street address must be stated)

Date:.....Place.....

PART C: INVITATION TO RESPONDENT TO RESPOND TO ALLEGATIONS AND TO SUBMIT INFORMATION

- (a) You are hereby invited to -
- (i) respond to the complaint(s) mentioned in part B; and
 - (ii) submit any information you wish to bring to the attention of the presiding officer, relating to your personal circumstances (e.g. your financial and socio-economic position). You may also indicate whether the matter in your opinion should be heard by the court or any other forum, stating reasons for your preference.
- (b) The information must be in writing and in the form of an affidavit and must be submitted to the clerk of the above-mentioned court on or before
- (c) At the date referred to in paragraph (b) above, the matter will be referred to the presiding officer.

PART D: GENERAL INFORMATION

Your attention is drawn to the fact that the presiding officer may decide to refer the matter to an alternative forum (such as the Human Rights Commission, the Gender Commission etc.) in terms of section 20(5)(a) of the Promotion of Equality and Prevention of Unfair Discrimination Act, 2000 (Act No. 4 of 2000), for a decision and that the alternative forum may refer the matter back to the equality court for finalisation. The clerk of the court will inform all the parties accordingly.

Signed atthis.....day of.....20.....

.....
Clerk of the Equality Court

PART E: RETURN OF SERVICE

I,, certify that I have delivered a copy of the notice to
..... personally.

Signed atthis.....day of.....20.....

.....
*Sheriff/.....

*Delete whichever is not applicable

PART B: RETURN OF SERVICE (To be completed in respect of both the complainant and the respondent)

I,, certify that I have -

* delivered a copy of the notice to personally;

or

* offered a copy of the notice for delivery to personally;

or

* offered a copy of the notice 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 conveniently be found;

or

* *affixed/placed a copy of the notice 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 closed.

PART C: OTHER MANNER OF NOTIFICATION

.....
.....

Signed at this day of 20

.....

**Sheriff/*

*Delete whichever is not applicable

PART A: TRANSFER OF MATTER TO ALTERNATIVE FORUM (SECTION 20(5))

1. I,, presiding officer of the above-mentioned court hereby transfer the matter in terms of section 20(5) of the Promotion of Equality and Prevention of Unfair Discrimination Act, 2000 (Act No. 4 of 2000) to:

.....
.....
.....(name, address, tel. no. of the alternative forum)

2. I also wish to make the following remarks/comment regarding the matter:

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

3. You are required to report back to the above-mentioned Court within days of receipt hereof, regarding the progress made in the matter.

Signed atthis.....day of.....20.....

.....
Presiding officer

PART B: REFERRAL OF MATTER TO EQUALITY COURT (SECTION 20(8))

I, in my capacity as
..... of

the alternative forum to which the above-mentioned matter was referred, hereby refer the matter back to the equality court in terms of section *20(8)(a)/20(8)(b) of the Promotion of Equality and Prevention of Unfair Discrimination Act, 2000 (Act No. 4 of 2000) for the following reasons:

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

Signed at this day of 20

.....
Signature

*Delete whichever is not applicable

or

* offered a copy of the subpoena 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 conveniently be found;

or

* *affixed/placed a copy of the subpoena 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 closed.

Signed atthis..... day of.....20.....

.....
Signature of person who served subpoena

Full first names and surname.....
.....

(Block letters)

Designation (rank).....Ex Officio Republic of South Africa

Business address.....
.....code.....

(Street address must be stated)

Telephone number Fax number.....

Date:.....Place.....

*Delete whichever is not applicable

ISIMEMEZELO**Ngu-****Mongameli weZwe laseNingizimu Afrika****UNombolo R. 49, 2003**

UKUQALA UKUSEBENZA KWALEZIZIGABA EZILANDELAYO, 4(1), 7 – 23, 30, 31(NGAPHANDLE KWESIGATSHANA (7)) KANYE NESIGABA 34(2). LEZI YIZIGABA ZOMTHETHO WOKUQHUBEKISA AMALUNGelo OKULINGANA NOKUVINJELWA KOBANDLULULO OLUNGALUNGILE, KA 2000 (UMTHETHO ONGUNOMBOLO 4 WONYAKA KA 2000)

Ngokulandisa kwesigaba 35 soMthetho wokuQhubekisa ukuLingana nokuVinjelwa koBandlululo olungaLungile ka 2000, (uMthetho onguNombolo 4 wonyaka ka 2000), nginquma usuku lomhla ka 16 kuNhlanguvana (June) 2003 njengosuku lapho izigaba nezigatshana ezilandelayo zaloMthetho zizoqalisa khona ukusebenza. Zona ke yizigaba 4(1), 7-23, 30, 31 kanye nesigaba 34(2).

Lokhu kwaziwe kwanikezwa ngaphansi kwesandla sami nesigxivizo seZwe LaseNingizimu Afrika endaweni yase Thekwini kulolusuku lwange 13 Eyangeni ka Nhlanguvana (June) onyakeni wezinkulungwane ezimbili nantathu.

T. MBEKI**UMongameli****Ngokuyalela kukaMongameli kwisigungu sokuphatha iLizwe****P. M. MADUNA****UNgqongqoshe wesigungu sokuphatha iLizwe**

**ISAZISO NGUHULUMENI
UMNYANGO WEZOBULUNGISWA NOKUTHUTHUKISWA
KOMTHETHOSISEKELO**

UNombolo. R. 764

13 June 2003

**UMTHETHO WOKUQHUBEKISA UKULINGANA NOKUVIMBELA
UBANDLULULO OLUNGALUNGILE, KA 2000: IMITHETHONKAMBISO**

UNgqongqoshe wezoBulungiswa nokuThuthukiswa koMthethosisekelo umise lemithethonkambiso ekuloluhlaka ngemva kokuxoxisana noNgqongqoshe wezezimali, ngokulandisa kwesigaba 30 soMthetho wokuQhubekisa ukuLingana nokuVinjelwa koBandlululo olungaLungile wonyaka ka 2000 (uMthetho onguNombolo 4 ka 2000).

UHLAKA

**IMITHETHONKAMBISO EPATHELENE NOMTHETHO WOKUQHUBEKISA
UKULINGANA NOKUVINJELWA KOBANDLULULO OLUNGALUNGILE KA
2000**

ISAPHLUKO 1

IZINHLINZEKO EZIJWAYELEKILE

Ukuhlelwa kwemithethonkambiso**Imithethonkambiso**

1. Izincazelo

ISAPHLUKO II**OMABHALANE BASEZINKANTOLO ZOKULINGANA**

2. Ukufaka isicelo sokuqashwa njengomabhalane
3. Okudingekayo ukuze uqashwe ube ngumabhalane
4. Imibandela yokuqashwa njengoMabhalane
5. Eminye imisebenzi eyongeziwe kaMabhalane

ISAPHLUKO III**IZINQUBO ZENKANTOLO YOKULINGANA**

6. Ukwethulwa kodaba ezithebeni zenkantolo
7. Ukuyogxobisa amaphepha odaba enkantolo nokuwathumela komunye umuntu othintekayo odabeni nasenkantolo
8. Ukwethamela ukuqulwa kodaba
9. Ukuqinisekiswa kwesiyalelo senkantolo
10. Amandla kanye noMsebenzi weNkantolo
11. Ukuhoxiswa kwesimangalo
12. Izindleko

ISAPHLUKO IV**ABASIZI /ABALEKELELI**

13. Inqubo engasetshenziswa mayelana nabasizi
14. Amaphuzu mayelana nokuthunyelwa kwezinxuso kubasizi
15. Ukuthatha isifungo noma Ukufungiswa

16. Iqhaza loMquli wodaba
17. Ukushiywa ngaphandle noma ukukhishwa kwabasizi
18. Ukubongwa

ISAPHLUKO V

UKWEDLULISWA KODABA NOKUBUYEKEZWA KODABA

19. Ukwedluliswa kodaba
20. UkuBuyekezwa

ISAPHLUKO VI

ISIGUNGU SOKUBUYEKEZA UKULINGANA

21. Imininingwane kanye nemibandela yokuqokwa njengelunga lesigungu
22. Amandla kanye nemisebenzi yesigungu

ISAPHLUKO VII

OKUNHLOBONHLOBO/OKUXUBILE

23. Amacala kanye nokujeziswa
24. Isihloko ngokufingqiwe kanye nosuku lokuqala ukusebenza kwalomthetho

ISIXHUMELO A

Inombolo yefomu

1. Ukufaka isicelo sokuqashwa njengomabhalane ngokuyala kwesigaba 17 soMthetho wokuQhubekisa ukuLingana nokuVinjelwa koBandlululo olungaLungile ka 2000 (uMthetho onguNombolo 4 ka 2000)
2. Ukufakwa kwesimangalo ngokuyala kwesigaba 20 somthetho wokuqhubekisa ukulingana nokuvimbela ubandlululo olungaLungile ka 2000 (uMthetho onguNombolo 4 ka 2000)
3. Isaziso esiqondiswe kummangalelwa mayelana nokufakwa kwesimangalo

- ngokuyala kwesigaba 20 soMthetho wokuQhubekisa ukuLingana nokuVimbela uBandlululo olungaLungile ka 2000 (uMthetho onguNombolo 4 ka 2000)
4. Isaziso esiqondiswe kubo bonke abathintekayo odabeni ukuba bavele enkantolo ngokuyala kwesigaba 20 soMthetho wokuQhubekisa ukuLingana nokuVimbela uBandlululo olungaLungile ka 2000 (uMthetho onguNombolo 4 ka 2000)
 5. Incwadi yokubizela enkantolo ufakazi noma ofakazi ukuze bavele phambi kwenkantolo yokulingana ngokuyala kwesigaba 18 soMthetho wokuQhubekisa ukuLingana nokuVimbela uBandlululo OlungaLungile ka 2000 (uMthetho onguNombolo 4 ka 2000)
 6. Ukudluliswa kodaba ngokuyala kwesigaba 20(5) soMthetho wokuQhubekisa ukuLingana nokuVinjelwa koBandlululo olungaLungile ka 2000 (uMthetho onguNombolo 4 ka 2000)

ISAHLUKO I

IZINHLINZEKO EZIJWAYELEKILE

Izincazelo

Kulemithethonkambiso noma iliphi igama noma isisho esinikwe incazelo ethile ngokwalomthetho, lelogama noma lesosisho kusuke kuchaza lokho okucaciswe kulomthetho; ngaphandle nje kokuthi ingqikithi iqonde noma isho okunye-

"umabhalane" kushiwo umabhalane weNkantolo yokuLingana;

"isigungu" kushiwo isigungu sokubuyekeza ukulingana ngokuyala kwesigaba 32 soMthetho;

"inkantolo" kushiwo inkantolo yokulingana;

"usuku" kushiwo noma iluphi usuku ngaphandle koMgqibelo, Isonto noma iholide lomphakathi;

"Ukulalelwa kodaba okungumhlahlandlela (direction hearing)" kushiwo ukulalelwa kodaba okukhulunywa ngakho kumthethonkambiso 10 (5);

"uMqondisi-Jikelele" kushiwo uMqondisi-Jikelele woMnyango wezoBulungiswa nokuThuthukiswa koMthethosisekelo;

"ukuphenywa/ukuhlaziywa (inquiry)" kushiwo ukuphenywa noma ukuhlaziywa kodaba okukhulunywa ngakho esigabeni 21 (1) soMthetho;

"uNobhala (registrar)" kushiwo uNobhala weNkantolo ePhakeme oqashwe ngaphansi kwesigaba 34 soMthetho weziNkantolo eziPhakeme (Supreme Court) ka 1959 (uMthetho onguNombolo 59 ka 1959), noma unobhala oqashwe ngaphansi kwanoma imuphi umthetho ongakachithwa yiziphathimandla ezinegunya lokwenza lokho futhi owawusentshenziswa noma kuyiphi indawo engaphakathi kwalelizwe ngaphambi kokuqala ukusebenza koMthethosisekelo wezwe laseNingizimu Afrika ka 1996, (uMthetho onguNombolo 108 ka 1996); kanye

"uMthetho" kushiwo uMthetho wokuQhubekisa ukuLingana nokuVinjelwa koBandlululo olungaLungile ka 2000, (uMthetho onguNombolo 4 ka 2000).

ISAHLUKO II

OMABHALANE BEZINKANTOLO ZOKULINGANA

Ukufaka isicelo sokuqashwa njengomabhalane

2.(1) Ukufakwa kwesicelo sokuqashwa njengomabhalane okukhulunywa ngakho esigabeni 17 soMthetho kufanele kube ngokubhalwe phansi efomini elicishe lifane neFomu 1 elixhunyelwe kuSixhumelo bese kuthunyelwa kuMqondisi-Jikelele.

(2) Isicelo okukhulunywa ngaso esigatshaneni (1) ngenhla kufanele siphelzelwe yilokhu-

- (a) ikhophi noma umfanekiso oqinisekisiwe (certified) kamazisi walowo ofaka isicelo;
- (b) imifanekiso eqinisekisiwe yazo zonke izincwadi noma izitifiketi zemfundo zalowo ofaka isicelo;

- (c) izitifiketi zalapho ebesebenza khona, uma zingekho lowo ofaka isicelo angenza umbhalosifungo (affidavit) mayelana nezindawo lapho eke waqashwa khona nokuthi ubenza msebenzi muni futhi kwakunini esebenza lapho;
- (d) izincwadi zobufakazi ezivela kubaqashi ake wabasebenzela lomuntu ofaka isicelo, uma zikhona; kanye
- (e) namagama, amakheli kanye nezinombolo zocingo zabantu ababili abamaziyo okungakhulunywa nabo ngobunjalo bakhe.

Okudingekayo ukuze uqashwe ube ngumabhalane

3. (1) Umuntu angaqashwa nguMqondisi-Jikelele ukuba abe ngumabhalane uma ehambisana nezidingo ezimiswe kuMthetho wabasebenzi boMbuso/bakaHulumeni (Public Service Act) ka 1994 (Isimemezelo esinguNombolo 103 sika 1994) futhi ehambisana nenqubomgomo yokuqashelwa lesosikhundla sokuba ngumabhalane kwezokuphatha kulowoMnyango.

(2) Ukuqashwa kukamabhalane kuncike ekuphuthulweni kwezifundo ezithile ezigunyazwe nguMqondisi-Jikelele.

Imibandela yokuqashwa njengomabhalane

4. (1) uMqondisi-Jikelele angaqasha umuntu ukuthi abe ngumabhalane isikhathi abangavumelana ngaso bobabili uMqondisi-Jikelele kanye nalowo ofake isicelo, lowo ofake isicelo uyakuba nelungelo lokwamukeliswa isamba esipheleleyo seholo esilingana nesamba esigcwele esamukeliswa omabhalane bezokuphatha kuwo belu uMnyango.

(2) Imibandela yokuqashwa komuntu njengomabhalane ngokuyala kwesigatshana (1) ngenhla iyefana nemibandela yokusebenza esentshenziswa kumuntu oqashwe njengomabhalane wenkantolo ngaphansi koMthetho

wabasebenzi boMbuso ka 1994 (Isimemezelo esinguNombolo 103 sika 1994).

Eminye imisebenzi eyongeziwe kaMabhalane

5. Ngaphezu kwaleyo misebenzi emiswe nguMthetho uMabhalane kuyofanele enze lemisebenzi elandelayo-

- (a) emva kokuthola isaziso okukhulunywa ngaso kumthethonkambiso 6 (1), avule ifayela bese enikeza lolodaba izinombolo ngokulandelana kwazo ngonyaka;
- (b) agcine uhlu lapho ezobhala agcine khona lokhu:
 - (i) imininingwane yalowo nalowo muntu ngamunye othintekayo kulolodaba;
 - (ii) inombolo yalolodaba okukhulunywa ngalo esigabeni esingenhla;
 - (iii) isinxephezelo esicelwayo;
 - (iv) usuku kanye nemiphumela yophenyo;
 - (v) imiphumela yokudluliswa kodaba noma ukubuyekezwa kodaba, uma kwenziwe; kanye
 - (vi) nemininingwane yenye inkundla lapho kuke kwadluliselwa khona lolodaba, usuku lokudluliswa kodaba kanye nemiphumela yalokhu kudluliswa uma kwenziwe;
- (c) enze uphawu ngokubhala inombolo yalolodaba kulelo nalelo phepha alitholayo;
- (d) agcine noma afake emafayeleni wonke amaphepha awatholayo mayelana nalolo nalolodaba;
- (e) asize ngalo lonke ulwazi analo umuntu okhubazekileyo noma ongakwazi ukubhala nokufunda, ngokumgcwalisisa wonke amaphepha ahambisana nokuqhutshwa kodaba enkantolo;
- (f) uma ngabe umuntu ozofaka isimangalo noma ozomangala engenaye umuntu ongammela noma ongamsiza-

- (vii) azise/atshele lowo muntu ngamalungelo akhe mayelana nokumelwa;
- (viii) atshele lowo muntu ngosizo angaluthola kwezinye izikhungo ezimiswe ngokoMthethosisekelo noma ezinye izinhlangano ezingekho ngaphansi kukaHulumeni;
- (ix) atshele futhi achazele lowo muntu ngamalungelo akhe kanye nezinxephezelo angazithola ngokwaloMthetho ngakho konke okusemandleni akhe;
- (x) asize lowomuntu ngokumfundela noma ukumchazela amaphepha odaba; futhi
- (xi) achaze nenkambiso emayelana nokubizwa kofakazi ukuze beze enkantolo;
- (g) enze yonke imisebenzi anikwe yona kulemithethonkambiso;
- (h) akhiphe incwadi yokubiza ufakazi ukuba eze ophenyweni uma eceliwe ngomunye walabo abathintekayo odabeni noma njengokulawulwa inkantolo;
- (i) azise ofakazi ukuthi banelungelo lokuhola imali yofakazi nokuthi aqinisekise ukuthi ufakazi uyasizwa ngalokhu, lapho kudingeka khona; nokuthi
- (j) enze imisebenzi eyenziwa ngumabhalane wenkantolo yamacala ombango uma kudingekile ukuze kufezwe okumiswe nguMthetho.

ISAHLUKO III

IZINQUBO ZENKANTOLO YOKULINGANA

Ukwethulwa kodaba ezithebeni zenkantolo

6. (1) Umuntu, inhlango noma ikhomishana okukhulunywa ngayo esigabeni 20 saloMthetho, ofisa ukubeka udaba esigcawini senkantolo noma ukumangala

ngokwaloMthetho, angakwenza lokhu ngokwazisa umabhalane wenkantolo ngenhloso yakhe yokwenza lokhu ngefomu elithi alifane nefomu 2 elixhunyelwe kuSixhumelo.

(2) Umabhalane kufanele kuthi zingakapheli izinsuku eziyisikhombisa ethole lesa saziso okukhulunywa ngaso kusigatshana (1) -

- (a) azise ummangalelwa ngefomu elithi alifane nefomu 3 elixhunyelwe kuSixhumelo, ukuthi umangalelwe; nokuthi
- (b) anxuse ummangalelwa ukuba alethe ulwazi olubhaliwe okukhulunywa ngalo esigabeni 3 sefomu 3 elixhunyelwe kuSixhumelo zingakapheli izinsuku eziyi-10 kusukela osukwini athola ngalo isaziso lesa.

(3) Umabhalane kufanele kuthi zingakapheli izinsuku eziyisikhombisa emva kokuthola impendulo evela kummangalelwa okukhulunywa ngayo kusigatshana (2) (b) ngenhla athumele ikhophi noma umfanekiso walempendulo kummangali noma lowo ofake udaba.

(4) Umabhalane kufanele kuthi zingakapheli izinsuku ezintathu emva kokuphela kwesikhathi okukhulunywa ngaso kusigatshana (2) (b) ngenhla adlulisele udaba kuMquli wodaba (presiding officer), yena kufanele kuthi zingakapheli izinsuku eziyisikhombisa emva kokuthola wonke amaphepha aphantelene nalolodaba, akhiphe isinqumo mayelana nokuthi loludaba luzoqulwa yinkantolo noma luzodluliselwa kwenye inkundla yini.

(5) Uma ngabe uMquli wodaba enquma ukuba udaba luqulwe enkantolo kufanele adlulisele udaba kumabhalane yena okufanele kuthi zingakapheli izinsuku ezintathu emva kokuthola loludaba amise usuku okuzoqulwa ngalo loludaba.

(6) Umabhalane kufanele kuthi emva kokuba esemise usuku okuzoqulwa ngalo udaba, azise ummgali kanye nommangalelwa ngosuku lokuqulwa kodaba ngefomu elithi alifane nalelo elingufomu 4 elixhunyelwe kuSixhumelo.

(7) Uma uMquli wodaba enquma ukuthi udaba malwedluliselwe kwenye inkundla kufanele –

- (l) akhipe isinqumo senkantolo ngefomu elithi alifane nesigaba 1 sengxenye A yefomu elingunombolo 5 elixhunyelwe kuSixhumelo ; futhi
- (m) angenza izincomo noma imibono ebhaliwe ayibona ifanele ukuze ibhekwe yileyonkundla ngefomu elithi alifane nesigaba 2 sengxenye A yefomu elingunombolo 5 elixhunyelwe kusiXhumelo.

(8) Emva kokuthola isiyalelo okukhulunywa ngaso kusigatshana (7) ngenhla, umabhalane kufanele ngokulandela indlela emiswe uMquli wodaba-

- (a) athumele wonke amaphepha okuyiwona qobo (originals) aphaathelene nodaba, lawomaphepha ahambisane ukuya nesiyalelo, kuleyonkundla okukhulunywa ngayo kulesosiyalelo;
- (b) agcine amakhophi noma imifanekiso eqinisekisiwe yawo wonke amaphepha aphaathelene nalolo ludaba;
- (c) athumele ikhophi lesiyalelo senkantolo kulabo abathintekayo odabeni; futhi
- (d) azise/atshela bonke abathintekayo odabeni ngamaphepha athunyelwe kuleyonkundla okukhulunywa ngayo esigabeni (a).

(9) Emva kokuba inkundla ezokwethamela udaba isiwatholile amaphepha odaba okukhulunywa ngawo kusigatshana (8) (a), leyonkundla kufanele ikhiphe isaziso esibhaliwe yazise bonke abathintekayo kuloludaba kanye nomabhalane wenkantolo ngokuthola kwayo loludaba.

(10) Inkundla okudluliselwe kuyo udaba kufanele kuthi zingakapheli izinsuku ezingu-60 emva kokuthola amaphepha odaba okukhulunywa ngawo kusigatshana (8), ithumele kumabhalane wenkantolo umbiko, ibika ngenqubekelaphambili esiyenziwe kulolodaba.

(11) Uma udaba seluxazululiwe yinkundla ebilangamele, leyonkundla kufanele ngokushesha emva kokuxazulula udaba yazise umabhalane wenkantolo ngemiphumela yodaba.

(12) Uma ngabe lenkundla iphindisela udaba emuva enkantolo, lokhu kubuyiselwa emuva kodaba kufanele kube ngokubhalwe phansi efomini ecishe ifane naleyo esengxenyeni B yefomu 5 kuSixhumelo, inike nezizathu ukuthi yingani udaba lubuyiselwa emuva.

(13) Inkundla kufanele kuthi zingakapheli izinsuku eziyisikhombisa kusukela osukwini olubuyiswe ngalo enkantolo udaba, iyale ukuthi loludaba luzodingidwa kanjani.

(14) Umabhalane kufanele azise labo abathintekayo odabeni ngokushesha ngosuku lokulalela umhlahlandlela okuzoqhutshwa ngawo udaba ngendlela okukhulunywa ngayo esigatshaneni (6).

(15) Emva kokufaka isicelo esibhaliwe kuMquli wodaba, uma ngabe udaba kungoluphuthumayo, uMquli wodaba angayala ukuba kungalandelwa isikhathi esinqunyiwe kumthethonkambiso.

Ukuyogxobisa amaphepha odaba enkantolo nokuwathumela komunye umuntu othintekayo odabeni nasenkantolo

7. (1) Isaziso okukhulunywa ngaso kumthethonkambiso 6(2)(a) kufanele -

- (a) sihanjiswe isikhonzi senkantolo noma umabhalane wenkantolo kummangalelwa sinikwe yena ngqo; noma
 - (b) sithunyelwe kummangalelwa –
 - (i) ngeposi elibhalisiwe (registered post);
 - (ii) ngesikhahlamezi noma ifekisi (facsimile); noma
 - (iii) ngokusiposa ngeposi lesishwezisi (*e-mail*), uma ngabe ubufakazi bokuthi ulitholile iposi lesishwezisi (*e-mail*) ebelithunyelwe kuye bungavezwa yilowo olithumele, kufanele kugcinwe ubufakazi bokuthunyelwa futhi ifomu okuyiyona qobo (original) kufanele ithunyelwe kummangalelwa ngokushesha ngeposi elibhalisiwe.
 - (c) Sithunyelwe kummangalelwa kumbe sifakwe enkantolo nganoma iyiphi enye indlela engalawulwa uMqudi wodaba.
- (2) Uma isaziso sinikezwe ummangalelwa-
- (c) ngeposi elibhalisiwe (registered post) ubufakazi balokhu kufanele bugcinwe; kumbe
 - (d) ngesikhahlamezi noma ngeposi lesishwezisi (*e-mail*), ubufakazi balokhu kufanele bugcinwe, bese kuthi ifomu yoqobo (original) ithunyelwe ngaphandle kokulibala kummangalelwa ngeposi elibhalisiwe (registered post).
- (3) Isaziso okukhulunywa ngaso kumthethonkambiso 6(6) kufanele sinikezwe isikhonzi senkantolo noma umabhalane kubo bonke abathintekayo odabeni siqu sabo.

Ukwethamela ukuqulwa kodaba

- 8.(1) (a) Umuntu ofisa ukuthumela incwadi yokubiza ufakazi ukuba avele phambi kwenkantolo, kufanele kuthi kusasele izinsuku eziyi-14 ngaphambi kosuku

lokuphenywa kodaba, acele umabhalane wenkantolo ukuba enze futhi agxobe lencwadi yokubiza ufakazi ngokushesha.

(b) Incwadi yokubiza ufakazi ekhishiwe kufanele icishe ifane nefomu 6 elikusiXhumelo.

(c) Emva kokuba incwadi yokubizela ufakazi enkantolo okukhulunywa ngayo esigabeni (a) ngenhla isigxotshiwe ngokufanele, kufanele inikezwe lowo muntu ocele ukuba yenziwe lencwadi yena ayobe eseyihambisa kulowo fakazi noma enze amalungiselelo okuba ihanjiswe kulowo fakazi-

- (i) yisikhonzi senkantolo ngezindleko zakhe; noma
- (ii) ngumuphi omunye umuntu ongaqokwa umabhalane ngesincomo soMquli wodaba.

(d) Umuntu ohambisa incwadi yokubiza ufakazi kufanele agcwalise ingxenye B yesibili yefomu 6 elixhunyelwe kuSixhumelo.

(2) (a) Ukuvela phambi kwenkantolo kukafakazi ngokuyala kwenkantolo kwenziwa ngokuthumela yona lencwadi yokubiza ufakazi, egxotshwa ngumabhalane okufanele icishe ifane nefomu 6 elixhunyelwe kuSiXhumelo.

(b) Incwadi yokubiza ufakazi okukhulunywa ngayo esigatshaneni (a) kufanele ithunyelwe kufakazi yisikhonzi senkantolo ngezindleko zikahulumeni.

(3) Umuntu obizwe ukuba avele phambi kwenkantolo njengofakazi anganxuswa ukuba aveze izincwadi noma amaphepha athile noma isilandiso (statement) noma into ethile ehambisana nalolodaba.

(4) (a) Yilowo nalowo fakazi, ngaphandle komuntu oyisisebenzi sikahulumeni

ngokugcwele, obizwe ukuba avele phambi kwenkantolo unelungelo lokukhokhelwa imali emiswe noma enqunywe esigabeni (c) ngezansi ngokuhambisana nalokho okushiwo esigabeni (b).

(b) UMquli wodaba anganquma ukuthi ufakazi kungabikho mali anikwa yona noma anikwe ingxenye ethile yemali emiswe.

(c) Imali ekhokhelwa ufakazi ime kanje:

- (i) u-R100 ngosuku noma ingxenye yosuku okudingeka ukuba ufakazi abe senkantolo ngalo; kanye
- (ii) nezindleko angazichaza ngokwanelisayo zokuza enkantolo kanye nezindleko zokuthenga ukudla asuke angene kuzo ufakazi ngenxa yokuza kwakhe enkantolo.

(d) Izindleko zemali okukhulunywa ngazo esigabeni (c) ngenhla kufanele zikhokhwe-

- (i) nguhulumeni uma ufakazi lowo ebizelwe enkantolo ngokuyala kwenkantolo noma ebizwe yinkantolo; noma
- (ii) umuntu ocele ukuba kubizwe lowofakazi noma zikhokhwe njengokuyala koMquli wodaba.

(5) Inqubo echazwe esigabeni 51 soMthetho weziNkantolo zoMantshi ka 1944, (uMthetho onguNombolo 32 ka 1944), izogququlwa uma kudingekile ukuze isetshenziswe kunoma imuphi ufakazi obizwe ukuba phambi kwenkantolo ngokuyala kwalemithethonkambiso.

Ukuqinisekiswa kwesiyalelo senkantolo

9.(1) Uma ngabe inkantolo kaMantshi ihleli njengenkantolo yokuLingana, ikhipha isinqumo semali esingaphezu kwesamba esivumelekile kuleyonkantolo,

umabhalane wenkantolo kufanele kuthi zingakapheli izinsuku eziyisikhombisa ethole isinqumo leso-

- (a) azise ummangalelwa ukuthi-
 - (i) isinqumo leso sizothunyelwa enkantolo ePhakeme (High Court) ukuthi siyoqinisekiswa; nokuthi
 - (ii) unelungelo lokuthumela kumabhalane wenkantolo isilandiso(statement) noma amaphuzu okuphikisa (argument) zingakapheli izinsuku ezintathu emva kokuba ethole isaziso; nokuthi
- (a) athumele kunobhala weNkantolo ePhakeme, okuqoshwe phansi ekulalelweni kodaba enkantolo noma ikhophi / umfanekiso walokhu oqinisekisiwe (certified) ngumabhalane kanye nanoma isiphi isilandiso(statement) noma amaphuzu okuphikisa athunyelwe ngummangalelwa ngokuyala kwesigaba (a) (ii).

(2) UNobhala wenkantolo kufanele ethule phambi koMahluleli weNkantolo, ePhakeme konke okuqoshwe phansi ekudingidweni kodaba okukhulunywa ngalo kusigatshana (1) ngenhla ukuze kuwaqinisekise.

Amandla kanye noMsebenzi weNkantolo

10. (1) Ukuphenywa kodaba kufanele kwenziwe ngokushesha nangendlela ezokhuthaza ukukhululeka kwalabo abathintekayo ukuze babambe iqhaza ngokukhululeka.

(2) Imithethonkambiso elawula ukuqhutshwa kwaloluphenyo kufanele ihunyushwe ngendlela eyenza kube lula ukulandela imigomo engumhlahlandlela okukhulunywa ngayo esigabeni 4 saloMthetho.

(3) Ukuqhutshwa kodaba kufanele uma kungenzeka kwenziwe ngendlela

ezokwenza lula ukuba abathintekayo babambe iqhaza.

(4) Inkantolo iyinkantolo eqopha phansi futhi-

- (a) ukulalelwa kodaba kulolophenyo kufanele kuqoshwe nguMquli wodaba noma ngumuntu oqokwe noma othunywe ukuba enze lokhu nguMquli wodaba;
- (b) ukulalelwa kodaba kulolophenyo kufanele kubhalwe phansi ngezimpawu (shorthand) noma kuqoshwe ngomshini futhi kungabhalwa phansi kuphela uma kusho uMquli wodaba noma ngokuyala koMthetho;
- (c) umbhalo lo obhalwe ngezimpawu noma ukubhalwa ngokugcwele kwawo noma ukuqoshwa ngomshini kokulalelwa kodaba noma ukubhalwa kabusha kwakho kufanele kuqinisekiswa (certified) njengokuyikho (true notes) ukubhalwa ngokugcwele okuyikho, umlando oyiwo, emva kwalokho kuyothathwa njengomlando owenzeke ekulalelweni kodaba futhi kuthathwa njengomlando wenkantolo yamacala ombango.

(5)(a) Ngosuku olunqunywe ngumabhalane wenkantolo okukhulunywa ngalo kumthethonkambiso 6 (5), uMquli wodaba kufanele alalele udaba ngenhloso yokuxazulula inqubo ezolandelwa nokuphathwa kwalolophenyo.

(b) Ekulalelweni kodaba ngenhloso yokumisa inqubo ezolandelwa uMquli wodaba kufanele ayale noma ahlahle indlela mayelana nokuqhutshwa kodaba ngendlela ayibona ifanele.

(c) Ngale kokuphambuka kulokho okushiwo esigabeni (b), uMquli wodaba kungathi emva kokulalela imibono yabo bonke abathintekayo kulolodaba, akhiphe isiyalelo mayelana-

- (ii) nokudalula ngamaphepha nezincwadi ezizosetshenziswa ekulalelweni kodaba (discovery), ukuhlolwa kwalezincwadi namaphepha kanye nokunikezana lezo zincwadi namaphepha okuzosetshenziswa;
 - (iii) abazobuza imibuzo (interrogatories);
 - (iv) ukuvumelana ngamaphuzu athile nezincwadi ezithile;
 - (v) ukufinyeza lokho okuphikiswana ngakho;
 - (vi) ukuhlanganisa abathintekayo odabeni;
 - (vii) ukungenelela kwabahlobo benkantolo;
 - (viii) indlela okuzothunyelwa ngayo amaphepha okungashiwo lutho ngayo kulemithethonkambiso;
 - (ix) izichibiyelo;
 - (x) ukugcinwa kwemibhalosifungo efayeleni;
 - (xi) ukunikezwa kwemininingwane yokwenezela;
 - (xii) indawo kanye nesikhathi lapho kuzolalelwa khona udaba ngokuzayo;
 - (xiii) inqubo okufanele ilandelwe mayelana nezindaba eziphuthumayo;
 - (xiv) ukwethula ubufakazi, kumbandakanya nokuthi ubufakazi bukafakazi ophambili kufanele bunikwe ngomlomo noma ngombhalosifungo noma ngazo zombili lezizindlela.
- (d) Ukuze kufezwe-
- (i) imigomo engumhlahlandlela okukhulunywa ngayo esigabeni 4 saloMthetho; kanye
 - (ii) nesigaba 21 (1) nesigaba 30 (1) (a) saloMthetho kanye nokusebenzisa amandla akhe ngaphansi kwesigaba (b) no (c), Umquli wodaba kufanele alandele umthetho ongamele (ohlaha) inqubo enkantolo lapho udaba lufakwe khona lokhu akwenze ngokuvumela izinguquko ezifanele enqubweni ngenhloso yokwengeza lokhu okushiwo yilomthethonkambiso lapho kufanele khona, kodwa ngokulandela izimfuno zobulungiswa futhi uma kungekho

ozokhinyabezeka ilokho; angagudluka ekusebenziseni lenqubo emva kokulalela imibono nezimvo zalobo abathintekayo odabeni.

(e) Ekulalelweni kodaba okungumhlahlandlela, uMquli wodaba kufanele uma kukhona omunye kulaba abathintekayo odabeni ongamelwe-

- (i) azise lowo muntu ngelungelo lakhe lokumelwa ngummeli azikhethela yena futhi azomkhokhela yena izindleko zakhe lowo mmeli noma uma engenawo amandla okukhokhela ummeli amtshela ukuthi angafaka isicelo esikhwameni sikahulumeni sosizo kwezomthetho ngokuxhaswa inhlangotho elekelela ngokuxhasa abantu abangenawo amandla okuzikhokhela izindleko zommeli (Legal Aid Board), noma amchazele ngezinye izinhlangano angathola kuzo usizo lwezomthetho; nokuthi
- (ii) achaze ingqikithi kanye nemiphumela yanoba isiphi isiyalo noma isinqumo esenziwe ngokuyala kwesigatshana (b) no (c).

(6)(a) Umbhalosifungo owenziwe ngufakazi ekulalelweni kodaba ungamukelwa njengobufakazi ngendlela efanayo nobufakazi obethulwa ngomlomo ngaphandle nje ke uma omunye wabathintekayo odabeni ekuphikisa lokhu futhi uma lesosilandiso(statement)-

- (i) (aa) sibhaliwe;
- (bb) sisayindwe yilowo osenzile;
- (cc) sinesimemezelo esenziwe yilowo muntu esho ukuthi ngokwazi nangokukholwa kwakhe siyiqiniso; nokuthi
- (dd) sinesimemezelo lapho esho khona ukuthi usenze lesi silandiso enolwazi lokuthi kungenzeka atholakale enecala uma konke akushilo ekusho ngokuzikhethela ebe enolwazi ukuthi akusilo iqiniso; nokuthi
- (ii) isilandiso(statement) leso sikhonjiswe omunye othintekayo

kuloludaba kusasele okungenani izinsuku eziyisikhombisa ngaphambi kosuku lokuphenywa kodaba.

(b) Uma ngabe umbhalosifungo owenziwe ngufakazi wamukelwa njengobufakazi enkantolo ngokuyala kwesigaba (a) futhi uma omunye wabathintekayo ecela ukuba wamukelwe kanjalo, noma uma uMquli wodaba ebona ukuthi kufanele ukuba lowo fakazi abizwe ukuba eze enkantolo ukuze azofakwa imibuzo (cross-examine) ngesilandiso(statement) sakhe.

(7) Ngaphandle uma kuyalwe ngenye indlela kulemithethonkambiso, umthetho wezobufakazi kubalwa nomthetho ophathelene nokuvumeleka kanye nokuphoqeleka (competency and compellability), njengoba kwenzeka emacaleni ombango kuyosentshenziswa kuloluphenyo; Inqobo nje uma ekusentshenzisweni komthetho wokwethula ubufakazi, ubulungiswa, ilungelo lokulingana kufanele kulandelwe ngaphezu kwezimpambankwici zimbe (technicalities).

(8) Inkantolo kufanele ngaphambi kokuba kwethulwe ubufakazi ngomlomo, ifungise noma ivumise lowo muntu ukuthi uzokhuluma iqiniso, noma imuphi ufakazi ozovela phambi kwenkantolo njengoba kwenziwa kofakazi abethula ubufakazi enkantolo yamacala obelelesi.

(9)(a) Noma imuphi umuntu othintekayo odabeni kungathi kulalelwe udaba enkantolo amelwe ngummeli noma ngummeli weNkantolo ePhakeme futhi angamelwa yinoma ngumuphi nje omunye umuntu amkhethile.

(b) Uma ngabe umuntu emelwe ngumuntu ongesiye ummeli noma ummeli weNkantolo ePhakeme, uMquli wodaba kufanele uma ebona ukuthi lowo muntu akakulungele ukumela lowo omelwe kulolophenyo, amtshela lona omelwe ngalokhu.

(10) (a) Omunye othintekayo odabeni angaphonsa imibuzo komunye abhekene naye noma ufakazi obizwe yilowo abhekene naye.

(b) UMquli wodaba kufanele kuthi uma ebona kufanele, aqiniseke ngamaphuzu athile amayelana nesikhalazo, futhi ukufezekisa lokhu angabuza imibuzo kunoma imuphi umuntu ongufakazi noma kumuntu obizwe njengofakazi nangasiphi isikhathi sokulalelwa kodaba.

(a) UMquli wodaba ngokuzikhethela yena angabiza noma yimuphi umuntu ukuba avele enkantolo njengofakazi kulolo ludaba.

(11) Uma ngabe omunye walabo abathintekayo odabeni, kusaqhubeka ukulalelwa kodaba, efisa ukuba uMquli wodaba enze isiyalelo okukhulunywa ngaso esisigatshaneni (5) (c), kungafakwa isicelo esiphuthumayo emva kokwazisa abanye abathintekayo kuloludaba kanye nenkantolo.

(12) UMquli wodaba angahlehlisa uphenyo uma kuphoqelekile.

Ukuhoxiswa kwesimangalo

11. (1) Ummangali angahoxisa isimangalo noma isikhalazo sakhe uma efisa, ngokuthumela isaziso esibhaliwe kummangalelwa kanye nomabhalane wenkantolo.

(2) Emva kokuthola lesisaziso yinkantolo, isikhalazo sithathwa njengesesihoxisiwe uma uMquli wodaba anelisiwe ukuthi ukuhoxiswa kwenziwe ngokukhululeka nangokuzikhethela uma ummangali engamelwe ngummeli noma ngummeli weNkantolo ePhakeme.

Izindleko

12. (1) Akukho mali ekhokhelwa inkantolo mayelana nokufaka isimangalo noma ukumangala enkantolo.

(2) Lowo nalowo othintekayo odabeni uyazikhokhela izindleko zakhe ngaphandle nje uma uMquli wodaba enquma ngokunye.

(3) (a) Uma ngabe ummangali ngaphandle kwesizathu esizwakalayo ehluleka ukuvela ekulalelweni kodaba noma ophenyweni futhi uMquli wodaba anelisekile ukuthi ummangali wanikwa isaziso esiyiso mayelana nokulalelwa kodaba noma uphenyo, uMquli wodaba anga-

- (i) chitha lesi sikhhalazo/lolodaba; futhi
- (ii) akhiphe isinqumo sokuthi ummangali akakhokhe izindleko zikammangalelwa,

(b) Umabhalane kufanele kuthi lapho kuchithwa isikhhalazo/isimangalo noma kukhishwa isinqumo okukhulunywa ngaso esigabeni (a) ngenhla akhiphe isaziso esibhaliwe azise ummangali ngalokhu.

(4) (a) Uma ngabe ummangalelwa ngaphandle kwesizathu esizwakalayo ehluleka ukuvela ekulalelweni kodaba noma ophenyweni futhi uMquli wodaba anelisiwe ukuthi ummngalelwa wanikwa isaziso esiyiso mayelana nokulalelwa kodaba noma mayelana nophenyo, uMquli wodaba anga-

- (i) nquma ukuthi ukulalelwa kodaba kuqhubeke nakuba ummangalelwa engekho; futhi
- (ii) anganquma ukuthi ummangalelwa akhokhe izindleko zikammangali.

(b) Umabhalane kufanele kuthi uma kukhishwe isinqumo okukhulunywa ngaso esigabeni (a) (i) noma (ii) athumele isaziso esibhaliwe kummangalelwa amazise ngalokhu.

ISAHLUKO IV**ABASIZI/ ABALEKELELI****Inqubo engasetshenziswa mayelana nabasizi**

13. Umuntu angalunga ukuba abe ngumsizi enkantolo uma-

- (a) eneminyaka engama-21 okungenani, ephila kahle engqondweni nasemzimbeni futhi ehlala kuleyondawo lapho ezoba ngumsizi khona;
- (b) ehloniphekile emphakathini futhi ebambe iqhaza ezintweni ezithile zomphakathi;
- (c) enolwazi ngamasiko kanye nendlela yenhlalo yalowomphakathi;
- (d) engakaze alahlwe icala lapho udlame, ukungathembeki, ukuphanga noma ukwesabisa kuyingxenye yalelocala noma ukukhwabanisa, ukukhuluma amanga efungile, noma ukuvimbela ukusebenza kobulungiswa, ukushisa impahla noma icala ngaphansi komthetho wamacala ahleliwe noma ukudayisa izidakamizwa, ngaphandle nje uma exolelwe ngaphansi kwemithetho kazwelonke noma efumene isinxephezelo sikaMongameli wezwe;
- (e) akumele abe yisikhulu sezombusazwe; futhi
- (f) engaqashiwe ngokuphelele noma engesiso isisebenzi sombuso/sikahulumeni ngokugcwele.

Amaphuzu mayelana nokuthunyela kwezinxuso kubasizi

14. Uma ngabe sebhekisisa ukuthi ukubizwa komsizi kuyahambisana yini nezinjongo zobulungiswa, uMquli wodaba kufanele abhekisise lokhu-

- (a) amasiko kanye nezenhlalakahle zaleyondawo koyedwa noma kwabo bobabili labo abathintekayo odabeni;

- (b) isimo semfundo soyedwa noma sabo bobabili labo abathintekayo odabeni;
- (c) uhlobo kanye nokubamqoka kwesikhalazo;
- (d) isimo sesinxephezelo esifunwa ngummangali;
- (e) ukuthi umphakathi wonkana noma umphakathi othile uyathinteka yini noma ungazuza okuthile ekuxazululweni kwaloludaba; noma
- (f) iluphi olunye udaba noma isimo abona ukuthi siyinkomba yokuthi kufanele kubizwe umsizi noma abasizi.

Ukuthatha isifungo noma Ukufungiswa

15. Noma imuphi umsizi kufanele afungiswe ngokubhaliwe noma athembise ukukhuluma iqiniso (affirmation) ngalokho okuhambisana naye ngaphambi kwemantshi yeNkantolo yokuLingana ngalendlela elandelayo :

“Mina(igama ngokuphelele) ngiyafunga/ngiqinisile ngithi uma kwenzeka ngibizwa ukuzokwenza umsebenzi wokuba umsizi ngokuyala kwesigaba 22 soMthetho wokuQhubekisa ukuLingana nokuVinjelwa koBandlululo olungaLungile ka 2000 (uMthetho onguNombolo 4 ka 2000), ngakho konke okusemandleni ami ngiyonikeza isinqumo esicutshungulisiwe noma umbono ocutshungulisiwe ngokobufakazi obunikeziwe kulolodaba”.

Iqhaza loMquli wodaba

16. (1)Umsizi kufanele uma ebhekisisa isinqumo esifanele okukhulunywa ngaso esigabeni 21 (2) soMthetho, asize uMquli wodaba ngokumeluleka kuphela.

(2) UMquli wodaba angahlehlisa noma amise okwesikhashana ukulalelwa kodaba noma umbuzo okukhulunywa ngawo esigabeni 22 (3) soMthetho futhi kufanele abe yedwa angahlali nabasizi ekulalelweni kwalolodaba noma sekukhishwa isinqumo salolodaba noma umbuzo.

(3) Uma ngabe uMquli wodaba ekhipha isinqumo ngakuyala kwesigaba 22 (3) soMthetho kufanele anike izizathu ezenze ukubani akhiphe lesi sinqumo.

(4) UMquli wodaba kufanele ngaphambi kokuba kunqunywe ukuthi kube khona ubandlululo olungalungile, inkulamo enenzondo, ukuhlukunyezwa/ukuhlushwa noma yikuphi okuthintekayo, achazele umsizi ngemithetho ethile yobufakazi noma yini enye ebalulekile mayelana nobufakazi obunikwe inkantolo.

(5) Umabhalane kufanele ngenhloso yesigaba 22 (6) (b) soMthetho noma yingayiphi indlela ayibona ifanele athumele izizathu zoMquli wodaba kanye nalokho okuqoshiwe ekulalelweni kodaba enkantolo yokwedlulisela amacala eqondene.

Ukushiywa ngaphandle noma ukukhishwa kwabasizi

17. (1)UMquli wodaba esizwa ngumsizi anganquma ukuba kukhishwe umsizi ekulalelweni kodaba, emva kokucela komunye walabo abathintekayo odabeni, uma uMquli wodaba aneliseka ukuthi-

- (a) umsizi kukhona angakuzuzwa yena ngokwakhe ekulalelweni kwalolodaba;
- (b) kunezizathu ezizwakalayo ezenza kukholakale ukuba kungenzeka kube nokuphambana kwezinhloso ngenxa yokuba khona komsizi kulokho kulalelwa kodaba; noma
- (c) kunezizathu ezizwakalayo ezenza kukholakale ukuthi kungaba nokuchema noma ukuyengeka ngasohlangothini lomsizi.

(2) Umsizi naye angazicelela ngokwakhe ukuba aphume ekulalelweni noma ashiye ekulalelwa kodaba oluthile ngezizathu okukhulunywa ngazo esigatshaneni

(1) ngenhla.

(3)(a) Lowo ongacelanga ukuba kukhishwe umsizi ekulalelweni kodaba kufanele kuthi ngaphambi kokuba kukhishwe isinqumo sokuba umsizi akhishwe ngokuyala

kwesigatshana (1) ngenhla, anikwe ithuba lokwethula ukuphikisa kwakhe lokhu phambi koMquli wodaba.

(b) Labo abathintekayo kufanele uma kwenzeka ngaphambi kokuba kukhishwe umsizi ngokuyala kwesigatshana (2) banikwe ithuba lokwethula phambi koMquli wodaba amaphuzu okuphikisa kwabo mayelana nalokhu kukhishwa komsizi.

(4) Lomsizi okhishwayo kufanele anikezwe ithuba lokuba aziphendulele kuleyo mpikiswano okukhulunywa ngayo kusigatshana (3), kanti uMquli wodaba yena angaphonsa imibuzo ayibona ifanele kumsizi lowo mayelana naloludaba lokukhishwa kwakhe.

(5) UMquli wodaba kufanele anikeze izizathu ezenze ukuba athathe isinqumo okukhulunywa ngaso kusigatshana (1).

Ukubongwa

18. (1) Umsizi ongaqashiwe nguhulumeni, mayelana nokwethamela njengomsizi ukulalelwa kodaba angakhokhelwa imali yokumbonga engamashumi amabili amarandi ngehora noma akhokhelwe leyomali ngengxenye yehora engaphezu kwemizuzu eyishumi nesihlanu.

(2) Isikhathi angakhokhelwa sona umsizi singabalwa kusukela esikhathini lapho kudingeka ukuba abe senkantolo noma ngesikhathi efika enkantolo, noma ikuphi okwenzeka kamuva, kuze kufike isikhathi lapho evunyelwa ukuba aphume enkantolo noma inkantolo ihlehlisa noma imisa udaba okwalolosuku, noma ikuphi okwenzeka kuqala.

ISAPHLUKO V

UKWEDLULISWA KODABA NOKUBUYEKEZWA KODABA

Ukwedluliswa kodaba

19. (1) Umuntu ofisa ukudlulisa udaba noma ukuphikisa isinqumo esenziwe yinkantolo ngaphansi kwesigaba 23 (1) soMthetho kufanele kuthi zingakapheli izinsuku eziyi-14 kusukela osukwini esikhishwe ngalo isinqumo leso, alethe kumabhalane wenkantolo kanye nakummangali noma ummangalelwa, kuya ngokuthi ubani odlulisa udaba, isaziso sokwedlulisa udaba.

(2) Isaziso sokudlulisela udaba eNkantolo ePhakeme enamandla okulalela lokho kwedluliswa noma iNkantolo ePhakeme yokwedlulisela amacala, kufanele-

- (a) sibe ngesibhalwe phansi;
- (b) sichaze ukuthi kwedluliswa isinqumo sonke senkantolo noma ingxenye yaso yini;
- (c) sibeke kucace amaphuzu atholakele noma umthetho okwedluliswa udaba ngenxa yawo; nokuthi
- (d) uma kudingekile, sibeke kucace isinqumo noma ingxenye yesinqumo okwadluliswa udaba ngaso kanye nezizathu okwedluliswa udaba phezu kwazo.

(3) Ukwedluliswa kodaba okuphikisana nalokhu (cross appeal) kungenziwa kuthunyelwe zingakapheli izinsuku eziyi-15 emva kokunikezwa kwesaziso sokudluliswa kodaba kumabhalane kanye nommangali noma ummangalelwa kuya ngokuthi ubani oqale ukwedlulisa udaba.

(4) Ukwedluliswa kodaba okuphikisayo nakho kufanele kufeze/kugcine izidingo okukhulunywa ngazo kusigatshana (2).

(5) Umquli wodaba othintekayo kufanele kuthi-

- (a) zingakapheli izinsuku eziyi-15 kusukela ngosuku okutholakale ngalo isaziso sokwedluliswa kodaba; noma
- (b) uma ngabe ukulalelwa kophenyo lodaba kwabhalwa phansi noma kwabhalwa ngezimpawu (shorthand) noma kwaqoshwa kwagcina ngomshini, zingakapheli izinsuku eziyi-15 emva kokubhalwa

ngokugcwele kombhalo wezimpawu noma ukuqoshwa okugcinwe ngomshini kwenqubo yokulalelwa kodaba sekwenekwe phambi kwesikhulu leso ngumabhalane wenkantolo, kodwa ngesikhathi esamukelekile emva kokutholakala kwesaziso sokwedluliswa kodaba,

athumele kumabhalane wenkantolo isilandiso(statement) esibhaliwe ekhombisa-

- (i) amaphuzu athola ukuthi ayafakazeleka;
- (ii) izizathu ezenza ukuthi athole amaphuzu athile abalulwe kusaziso sokwedluliswa ukuthi yiwona okwedluliswa udaba ngawo;kanye
- (iii) nezizathu zakhe zokukhipha isinqumo ngokomthetho noma ukwamukela noma ukungavunyelwa kobufakazi obuthile obubalulwe njengokwedluliswa kodaba ngenxa yakho.

(6) (a) Umabhalane wenkantolo kufanele, ngokungaphikisani nokushiwo yisigatshana (5) (b) ngenhla uma ngabe ukulalelwa kodaba kwabhalwa phansi noma kwaqoshwa ngokubhalwa ngezimpawu noma kwaqoshwa ngomshini futhi sekutholakele isaziso sokwedluliswa kodaba, ngale kokuchitha isikhathi ayale ukuba umbhalo-zimpawu noma ukuqoshwa ngomshini kwenqubo yokulalelwa kodaba kubhalwe ngokugcwele.

(b) Umuntu okunguyena odlulisa udaba nguyena othwala izindleko zokubhala ngokugcwele inqubo yokulalelwa kodaba okukhulunywa ngakho esigabeni (a): Ngaphandle kokuthi uma uMquli wodaba anelisekile ukuthi lowo muntu ngeke akwazi ukuthwala izindleko lezo, lezo zindleko noma ingxenye yazo iyokhokhwa nguhulumeni.

(7)(a) Emva kokuba sekutholakale isaziso sokudluliswa kodaba njengoba kushiwo kusigatshana (1) lokho kwedluliswa kodaba kufanele kuqhutshwe ngokufanayo ngendlela okudluliswa izinqumo zenkantolo kamantshi odabeni lombango kanti izimiso ezimayelana nokuphathwa kokulalelwa kodaba

eziNkantolo eziPhakeme zendawo noma zesifunda ezihambisana nokwedluliswa kodaba lombango lusuka enkantolo kamantshi, ziyosentshenziswa kulokhu kwedluliswa kodaba, kungaguqulwa lapha nalaphaya uma kudingekile.

(b) Izimiso ezifanele zeZimiso eZifanayo zeZinkantolo ezimayelana nokwedluliswa kodaba lusuka eNkantolo ePhakeme luya enkantolo yokwedlulisela amacala ziyosentshenziswa, nalapho kungaguqulwa lapho kufanele khona.

UkuBuyekezwa

20.(1) Zingakapheli izinsuku eziyisikhombisa kuqediwe ukulalelwa kodaba lapho kukhishwe khona isinqumo okukhulunywa ngaso esigabeni 23 (5) (a) soMthetho, umabhalane wenkantolo kufanele athumele lokhu okulandelayo kunobhala weNkantolo ePhakeme ngenhloso yokuba kubuyekwezwe udaba:

- (a) Umbiko oqoshiwe ekulalelweni kodaba noma ikhophi noma umfanekiso walo oqinisekisiwe kanye nokuphawula okuthile uMquli wodaba obekade ongamele lolodaba afisa ukukusho; kanye
 - (b) Noma isiphi isilandiso(statement) esibhaliwe noma amaphuzu okuphikisa anikwe umabhalane wenkantolo yilabo abathintekayo odabeni.
- (a) Isilandiso(statement) esibhaliwe noma amaphuzu okuphikisa okukhulunywa ngawo kusigatshana (1) ngenhla kufanele kunikwe umabhalane wenkantolo yilabo abathintekayo odabeni zingakapheli izinsuku ezintathu emva kokuba seluphothuliwe udaba.

ISAHLUKO VI

ISIGUNGU SOKUBUYEKEZA UKULINGANA

Imininingwane kanye nemibandela yokuqokwa njengelunga lesigungu

21.(1) Isikhundla noma ihhovisi lelunga lesigungu okukhulunywa ngalo esigabeni 32 (a), (d) no (e) soMthetho sisala singenamuntu-

- (a) uma ilunga lifa;
- (b) uma ngabe isikhathi sokuba kulesosikhundla siphela;
- (c) uma ngabe ngokubona kukaNgqongqoshe lelolunga lingasakwazi ukwenza umsebenzi walo wobulunga; noma
- (d) uma ngabe lelolunga lishiya umsebenzi ngokunika uNgqongqoshe isaziso sezinyanga ezintathu ezibhaliwe.

(2) Leso sikhala kufanele sigcwaliswe ngokushesha ngokulandela okushiwo isigaba 32 soMthetho.

(3) Leso sikhundla esigcwalisiwe sigcwaliswa isikhathi esisasilele kuleso sikhathi esasimisiwe ngaphambi kokuba kuvele lesisikhala.

Amandla kanye nemisebenzi yesigungu

22. Ngaphezu kwamandla kanye nomsebenzi okukhulunywa ngawo kuMthetho, isigungu kufanele seluleke uNgqongqoshe ngezinye izinyathelo okufanele zithathwe ukuze kufezwe izinjongo zesivumelwano sokuQeda Zonke Izinhlobo zokuBandlulula ngokweBala/ngokobuhlanga kanye nesivumelwano sokuqedwa kwalolonke uhlobo lokuBandlululwa kwabesiFazane.

ISAHLUKO VII

OKUNHLOBONHLOBO/OKUXUBILE

Amacala kanye nokujeziswa

23. Noma imuphi umuntu oletha ulwazi olungesilo iqiniso ngokulandela okumiswe yilemithethonkambiso unecala futhi kuyothi uma elahlwa yicala aphoqeleke ukuba akhokhe inhlawulo noma ahlale ejele isikhathi esingevile ezinyangeni eziyishumi nambili.

Isihloko ngokufingqiwe kanye nosuku lokuqala ukusebenza kwalomthetho

24. Lemithethonkambisa iyakubizwa ngeMithethonkambiso mayelana nokuQhubekisa ukuLingana nokuVinjelwa koBandlululo olungaLungile ka 2003, Kanti iyakuqala ukusebenza ngomhlaka 16 kuNhlanguvana (June) 2003.

(18/2001)

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Iminingwane yokuxhumana (Bheka ngenhla)			
Ikheli lokuposa:			
	Ikhodi ()		
Ulimi olwamukelekile ngokomthetho ofisa ukubhalelwa ngalo?			
Unazo izincwadi ezamukelekile ngokomthetho zokushayela?	Yebo	Qha	Code: Uhlobo lwezincwadi

kuNgxenywe B: IHHOVISI OFISA UKUSEBENZA KULO

Izindawo lapho ukhetha ukusebenza khona, zibale ngokukhetha kwakho:	1.
	2.
	3.

KuNgxenywe C: IZILIMI OZAZIYO – Bala izilimi kahle bese ukhombisa izinga lokuzazi kanje”kahle”, “lingene”, noma “kubi” esikhaleni esifanele

Chaza (Izilimi)						
Ukulukhuluma						
Ukulufunda						
Ukulubhala						

kuNgxenywe D: IZIJU ZEMFUNDO

Igama lesikole noma isikhungo	Izitifiketi, idiploma noma iziqu onazo	Unyaka owazithola ngawo
Imfundo ephakeme(Gcwalisa izifundo ozitholile kanye nezifundo ozenzile maqondana nomsebenzi Kamabhalane wenkantolo)		
Igama lesikhungo sezemfundo	Iziqu	Unyaka owazithola ngawo
Izifundo ozenzayo kumanje(Isikhungo semfundo okuso kanye neziqu ozifundelayo):		

kuNgxenywe E: ULWAZI LOMSEBENZI (EXPERIENCE)

Umqashi	Isikhundla osiphethe	Kusukela kulolusuku		Kuya		Isizathu sokushiya lesisikhundla
		MM	YY	MM	YY	

(18/2001)

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Njengesisebenzi sikahulumeni— Chaza isizathu esenza ukuba bangabe besakuqasha kulomnyango	Yebo	Qha
Uma kunjalo, nikeza umnyango obuwusebenzela.		

kuNgxenye F: REFERENCES

Igama	Ubuhlobo	Inombolo yocingo(ngezikhathi zomsebenzi)

kuNgxenye G: ISIFUNGO

Ngiaqinisa futhi ngiyafunga ukuthi yonke imininingwane enikeziwe ngami (Kanye nako konke okuhambisana nalesisicelo). Kuyiqiniso ngokwazi kwami. Ngiaqonda ukuthi imininingwane engesilo iqiniso ingenza ukuthi isicelo sami singathathwa noma ngixoshwe emsebenzini uma ngabe besengiqashiwe.

Isayinwe engalolusuku lomhlaka.....Ngenyanga ka
.....ku 20.....

.....
Kusayina umfakisicelo
Ukushicilela ngumfakisicelo

(18/2001/2)

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IFOMU 2

**UKUFAKWA KWESIMANGALO NGOKUYALA KWESIGABA 20 SOMTHETHO
WOKUQHUBEKISA UKULINGANA NOKUVIMBELA UBANDLULULO
OLUNGALUNGILE KA 2000(UMTHETHO ONGUNOMBOLO 4 KA 2000)
[uMthethonkambiso 6 (1)]**

Qaphela: *1.Imibhalosifungo eyenziwe ngabanye abantu noma amanye amaphepha okufakazela udaba kufanele kuxhunyelwe kuleli fomu.
2Uyakhunjuzwa ukuthi inkantolo yokulingana ingadlulisela loludaba kwenye inkundla noma isigungu. Uma udaba lubuyiselwa emuva enkantolo yokulingana umabhalane wenkantolo uyokwazisa galokho.*

[Uma isikhala esinikeziwe singanele, thumela imininingwane uyinamathisele kule fomu, usayine wonke awakhasi.]

kuNgxenywe A: IMINININGWANE KAMMANGALI (kumele kugcwaliswe uma ufaka isimangalo wena ngokwakho)					
Isibongo:					
Amagama ngokuphelele:					
Inombolo kamazisi/Usuku lokuzalwa:					/ /
Ikheli lalapho uhlala khona:					
	Ikhodi ()				
Inombolo yocingo:yalapho uhlala khona					
Inombolo ye selula:					
Ikheli lasemsebenzini:					
	Ikhodi ()				
Inombolo yocingo:lwasebenzini					
Inombolo yesikhahlamezi (fax):					
Ikheli lalapho uhlala khona (lapho kuzothunyelwa khona amaphepha ecala):					
	Ikhodi ()				
Indlela okhetha ukuthi lithunyelwe ngayo lelifomu kulabo abathintekayo kuloludaba:	Iposi elibhalisiwe (Registered)	Iposilesishwezisi (E-mail)	Isikhahlamezi (fax)	Isikhonzi senkantolo	Umabhalane wenkantolo
Imininingwane yokuxhumana (Bheka ngenhla)					
Ikheli lokuposa ngesishwezisi (e-mail)					
Eminye imininingwane engasiza (njengesimo sezimali, ukuba khona kwezinqola zokuhamba, isimo somnotho nenhlalakahle, ukuthi uzodingeka yini umuntu ozohumusha/ozotolika noma akhona amanwe amalumeiselelo enziwe					

amanye amalungiselelo enziwe njengokulungisela izihlalo/izinqola zabakhubazekile) angasiza uMquli wodaba ukwenza izinqumo ezithaphelene nenkundla okufanele kwedluliselwe kuyo udaba :											
kuNgxenywe B: IMINININGWANE YOMUNTU OMANGALA EGAMENI LOMUNYE UMUNTU NGOKUYALA KWESIGABA 20(1)(b)-(f) UMUNTU/UMGWAMANDA (kufanele kuxhunyelwe ubufakazi bokuthi lowo muntu unalo igunya lokumangala ngokuyala kwesigaba 20(1)(b)-(f)											
Isibongo:											
Amagama ngokuphelele:											
Inombolo kamazisi/Usuku lokuzalwa:	/ /										
Igunya lalowo muntu lokumangala ngokuyala kwesigaba 20 (1) (b) - (f):											
Inombolo yokubhaliswa yaleyo nhlangano:											
Ikheli laseKhaya:											
	Ikhodi ()										
Inombolo yocingo: Iwalopho uhlalakhona											
Inombolo yeselula:											
Ikheli lasemsebenzini:											
	Ikhodi ()										
Inombolo yocingo:											
Inombolo yesikhahlamezi(fax):											
Ikheli lalapho uhlala khona (lapho kuzothunyelwa khona amaphepha odaba):											
	Ikhodi ()										
Indlela okhetha ukuba lithunyelwe ngayo lelifomu:	<table border="1"> <thead> <tr> <th>Iposi elibhalisiwe</th> <th>Iposilesishwezisi (E-mail)</th> <th>Isikhahlamezi (fax)</th> <th>Isikhonzi senkantolo</th> <th>Umabhalane wenkantolo</th> </tr> </thead> <tbody> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>	Iposi elibhalisiwe	Iposilesishwezisi (E-mail)	Isikhahlamezi (fax)	Isikhonzi senkantolo	Umabhalane wenkantolo					
Iposi elibhalisiwe	Iposilesishwezisi (E-mail)	Isikhahlamezi (fax)	Isikhonzi senkantolo	Umabhalane wenkantolo							
Imininingwane yokuxhumana (Bheka ngenhla)											
Ikheli lokuposa ngesishwezisi (e-mail)											
Amagama namakheli abantu okufakwa isimangalo egameni labo:											
	Ikhodi ()										

Ikheli lokuposa ngesishwezi (e-mail):	
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kuNgxenywe E: IMININIGWANE YESIMANGALO NESINXEPHEZELO ESIFUNWAYO

Uhlobo lwesikhalo: <i>(uyacelwa ukuba unikeze imininingwane ephelele, usuku okwenzeka ngalo isehlakalo (izehlakalo) kanye nemininingwane yabo bonke labo okungenzeka babe ngofakazi.</i>	
Kukuphathe kanjani lokhu?	
Izincwadi: Ngakubezikhona yini izincwadi noma amaphepha angafakazela isikhalo sakho (isibonelo, isilipho (incwadiyeholo) sokukhokhela impahla, okuphathelele nakho, ukuqoshwa kwezinkulumo (record). (Uma kukhona kuxhumele lapha):	
Isinxephezelo osifunayo: <i>(Sitshele ukuthi ufuna sizo luni. Inkantolo ingakhipa isinqumo sesikhashana, noma inqume ukuba kukhokhwe inhlawulo, noma inqume ukuba ummangalelwa axolise ngokungenambandela noma isiphi esinye isinqumo.)</i>	

kuNgxenywe F: IMINININGWANE YEZINHLANGANO/NEZIZINDA OWAKE WACELA KUZO USIZO NGAPHAMBILINI

Imininingwane yezinhlango nezizinda awake wacela usizo kuzo ngaphambili mayelana nesikhalo:	
Izimpendulo noma usizo olutholakale kulezo zinhlango okukhulunyagazo ngasenhla.	

Kushicilelwe engalolusuku lomhlaka.....Ngenyanga kaku 20.....

.....
 Shicilelwe uMmangali/omele iqulu labantu/isigungu/inhlango

kuNgxenywe G: UMBHALOSIFUNGO

Ngiyaqinisa ukuthi ngaphambi kokumfungisa/ukusho iqiniso, ngimbuze lemibuzo elandelayo lona othathe isifungo ngase ngibhala izimpendulo zakhe phambi kwakhe ekhona:

(1) Uyakwazi futhi uyakuqonda okuqukethwe kulesisimemezelo esibhaliwe?

Impendulo:.....

(2) Uyaphikisana yini nokuthatha isifungo/ngokufunga njengoba kumisiwe?

Impendulo:.....

(3) Ngabe isifungo esigciniwe usithatha njengesikubophayo kunembeza wakho na?

Impendulo:.....

Ngiyaqinisa ukuthi lona othatha isifungo uvumile ukuthi uyakwazi futhi uyakuqonda okuqukethwe yilesi simemezelo esibhaliwe. Lona othatha isifungo usho lamazwi alandelayo: “ngiyafunga ukuthi lokhu okuqukethwe yilesi simemezelo esibhaliwe kuyiqiniso, inkosi ingisize”/ Ngqiqinisile ngiqinisile ngithi lokhu okuqukethwe yilesi simemezelo esibhaliwe kuyiqiniso”. Lona othatha isifungo usayinde/wenze uphawu phambi kwami ngikhona.

.....
Umthathisisifungo

Amagama nesibongo ngokuphelele.....

(Bhala ngezinhlamvu ezinkulu)

Umsebenzi owenzayo (Isikhundla).....Isikhundla osiphethe ezweni laseNingizimu

Afrika

Ikheli

lasemsebenzini.....

.....Ikhodi.....

(Bhala ikheli lomgwaqo)

Usuku:.....Indawo.....

kuNgxenywe C: UMMANGALELWA UYANXUSWA UKUBA APHENDULE LOKHO AMANGALELWE NGAKHO NOKUTHI ALETHE OLUNYE ULWAZI

- (a) Unxuswa ukuba -
- (i) uphendule isimangalo esibhalwe kuNgxenywe B; nokuthi
- (ii) ulethe olunye ulwazi ofisa ukulwethula phambi koMquli wodaba, mayelana nesimo sakho (isibonelo: isimo sakho sezimali, isimo sezenhlalakahle-nomnotho). Ungasitshela futhi ukuthi wena ngokubona kwakho loludaba kufanele lulalelwe yinkantolo noma ngenye inkundla/isithangami, ubeke nezizathu ukuthi yingani ukhetha lokho okukhethile.
- (b) Lolulwazi kufanele lubhalwe phansi ngohlobo lombhalosifungu futhi kufanele lulethwe kumabhalane wenkatolo ebhalwe ngenhla ngomhlaka noma engakashayi umhlaka.....
- (c) Ngalolusuku okukhulunywa ngalo esigabeni (b) ngenhla, udaba luyodluliselwa kuMquli wodaba.

kuNgxenywe D: ULWAZI OLUJWAYELEKILE

Uyaxwayiswa ukuthi uMquli wodaba kungenzeka anqume ukudlulisela loludaba kwezinye izithangami (njengeKhomishane yamalungelo abantu, iKhomishana yezobulili noma ezinye) ngokulandela lokhu okushiwo isigaba 20(5)(a) somthetho wokuQhubekisa UkuLingana nokuVimbelea uBandlululo olungaLungile ka 2000 (uMthetho onguNombolo 4 ka 2000) ukuba sikhuphe isinqumo nokuthi lesi sithangami singalubuyisela emuva udaba kulenkantolo yokulingana ukuze iluphuthule. Umabhalane wenkatolo uyokwazisa bonke abathintekayo ngokufanele..

Isayindwe engalolusuku lomhlaka.....Ngenyanga ka

..... ku 20.....

.....
Umabhalane weNkantolo yokuLingana

kuNgxenywe E: UKUBIKA NGOKUTHUNYELWA KWESIMANGALO

Mina,, ngiyaqinisa ukuthi nginikeze/ngethula umfanekiso walesi
saziso kungasinika yena qobo ezandleni.

Isayindwe engalolusuku lomhlaka.....Ngenyanga
ka.....ku 20.....

.....
**Isikhonzi senkantolol.....*

**Cisha lokho okungafanele.*

Kanye no

Amangama aphelele nesibongo sikammangalelwa noma abamangalalelwa(kumbandakanywa nomuntu omangala ngokuyala kwesigaba 20(1)(b)-(f) emangala egameni lomunye umuntu noma inhlango ethile:	
Inombolo kamazisi/Usuku lokuzalwa.:iNombolo yokubhaliswa	/ /
Ikheli lalapho ungatholakala khona :	
	Ikhodi ()

- (i) ukuba bafike bona mathupha/ngokwabo phambi kwenkantolo ebhalwe ngenhla e.....ngosuku olushiwo ngenhla;
- (ii) bahlale bekhona enkantolo baze bavunyelwe inkantolo ukuba bangahamba; futhi
- (b) Nikeza lowo nalowo muntu obhalwe lapha ngenhla umfanekiso/ikhophi yalesi saziso bese ubika kulenkantolo ukuthi wenzenjani mayelana nalokhu.

2: KUBANTU ABANIKEZWA ISAZIZO NGOKULALELWA KWALOLUDABA OLUNGENHLA

- (i) Kufanele uqiniseke ukuthi bonke ofakazi bakho abazofakazela wena bakhona enkantolo ngosuku lokulalelwa kophenyo. Uma ngabe ufisa ukuthi inkantolo ithumele incwadi yokubabiza, uyacelwa ukuba uthumele kumabhalane wenkantolo yonke imininingwane yabo (njenge- amagama aphelele, inombolo kamazisi kanye nekheli lalapho betholakala khona)kusasele izinsuku ezi.....ngaphambi kosuku lokulalelwa kophenyo.
- (ii) Izindleko zokuthunyelwa noma ukuhanjiswa kwalencwadi yokubiza ufakazi ziyothwalwa yilowo muntu ocele ukuba ithunyelwe lencwadi ngaphandle kokuthi ezimweni ezithile, inkantolo ingayala ukuthi izindleko zikhokhwe nguhulumeni.
- (iii) Ummangalelwa uyexwayiswa ukuthi uma kwenzeka ehluleka ukuvela enkantolo ngosuku olumisiwe, uMquli wodaba angakhipha isinqumo sokuthi udaba luqhubeke nakuba engekho nokuthi akhokhe izindleko zikammangali.
- (iv) Ummangali uyexwayiswa ukuthi uma ngabe kwenzeka ehluleka ukuvela enkantolo ngosuku olunqunyiwe uMquli wodaba angachitha udaba/isimangalo sakhe futhi akhiphe isinqumo sokuba akhokhe izindleko zikammangalelwa.

**kuNgxenywe B: UMBIKO OBUYISWA ISIKHONZI SENKANTOLO NGAMAPHEPHA
 ASENKANTOLO EBESIWA KULABO ABATHINTEKAYO ODABENI (kufanele kugcwaliswe njengoba
 kwenzekile kubo bobabili, ummangali nommangalelwa)**

Mina,, ngiyaqinisa ukuthi -

* nginikeze umfanekiso/ikhophi yesaziso ku

yena qobo lwakhe;

noma

* nginikeze ikhophi yesaziso ku yena qobo lwakhe;

noma

* nginikeze ikhophi yalesi saziso ku.....

ongumuntu obonakala eneminyaka engekho ngaphansi kweyi-16 yobudala futhi okubonakala ukuthi uhlala

noma usebenza *emzini/endaweni yomsebenzi/endaweni yebhizimisi

lika.....,ngoba yena qobo lwakhe bekungelula ukuba atholakale;

noma

* *nginamathelise/ngishiye ikhophi yesaziso ngaphandle/emnyangweni omkhulu, esangweni lokuvikela

esigxotsheni seposi *emzini/endaweni yomsebenzi/endaweni yebhizimisi lika.....ngoba yena

ukuvimbele ukuba anikwe isaziso ngoba uvalile *umuzi/indlu/indawo yomsebenzi/indawo yebhizimisi lakhe.

kuNgxenye C: EZINYE IZINDLELA ZOKUNIKEZA ISAZISO

Ishicilelwengalolusuku lomhlaka.....Ngenyanga

ka.....ku 20.....

.....
**Isikhonzi senkantolo/*

**Cisha lokho okungafanele*

.....
.....
.....(igama, ikheli, inombolo yocingo nenombolo
yefekisi yaleyokundla yokwedluliselwa kuyo udaba)

2. Futhi ngifisa ukuphawula noma ukubeka lemibono elandelayo ngaloludaba:

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

3. Niyanuswa ukuba nifike kulenkantolo engenhla zingakapheli izinsuku ezi.....kusukela nithole
lesizasiso, mayelana nenqubekelaphambilieseyenziwe odabeni

Ishicilelwe engalolusuku

lomhlaka.....eNyangeni ka.....ku 20.....

.....
UMquli wodaba

kuNgxenywe B: UKUBUYISELWA KODABA EMUVA ENKANTOLO YOKUPHATHWA NGOKULINGANA (ISIGABA 20(8))

Mina,.....ngokwesikhundla sami njengo.....e....., kulenkundla okwadluliselwa kuyo loludaba olubalulwa ngenhla, ngibuyisela emuva loludaba enkantolo yamacala okulingana ngokuyala kwesigaba *20(8)(a)/20(8)(b) soMthetho wokuQhubekisa ukuLingana nokuVinjelwa koBandlululo olungaLungile ka 2000, (uMthetho unguNombolo 4 ka 2000) ngalezi zizathu ezilandelayo:

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

Ishicilelwe engalolusuku lomhlaka.....enyangeni ka.....ku 20.....

Isishicilelo

*Cima lokho okungafanele

Ikheli lalapho uhlala khona:	
	Ikhodi ()
Inombolo yocingo:	
Inombolo yeseli:	
Ikheli lasemsebenzini:	
	Ikhodi ()
Inombolo yocingo/iwasemsebenzini	
Umsebenzi awenzayo:	

1. Kudingeka ukuba uvele phambi kwenkantolo ebhalwe ngenhla ngomhlaka.....eNyangeni kangonyaka ka 20.....ngo.....(isikhathi) futhi uhlale ukhona enkantolo uze uvunyelwe yileyonkantolo ukuba ungahamba.

2. Kudingeka ukuba uvele khona -

(a) uzokwethula ubufakazi mayelana:

.....

(b) uphathe futhi uveze phambi kwenkantolo amaphepha noma izincwadi noma izinto ezibhalwe lapha ngezansi:

.....

Ishicilelwe e.....ngalolusuku lomhlaka.....eNyangeni kaku 20.....

.....
uMabhalne weNkantolo

Qaphela: Uma kungenzeka wehluleke ukufika enkantolo singekho isizathu esizwakalayo sokuhlomphepa lencwadi yokubizela ufakazi enkantolo, ungatholakala unecala uma ulahlwa yicala ungakhokha inhlawulo noma ugqunywe ejele isikhathi esingevile onyakeni owodwa.

kuNgxeneye B: UKUBUYISWA KWALOKHO OBEKUTHUNYWE ISIKHONZI SENKANTOLO

Mina,, ngiyaqinisa ukuthi -

* nginikeze umfanekiso/ikhophi yesaziso ku yena qobo lwakhe;

noma

* nginikeze ikhophi yesaziso ku yena qobo lwakhe;

noma

* nginikeze ikhophi yalesi saziso ku..... ongumuntu obonakala eneminyaka engekho ngaphansi kweyi-16 yobudala futhi okubonakala ukuthi uhlala noma usebenza

*emzini/endaweni yomsebenzi/endaweni yebhizimisi lika.....ngoba yena qobo lwakhe bekungelula ukumthola.

noma

* *nginamathelise/ngishiye ikhophi yesaziso ngaphandle/emnyango omkhulu, esangweni lokuvikela, esigxotsheni seposi *emzini/endaweni yomsebenzi/endaweni yebhizimisi lika.....ngoba yena ukuvimbele ukuba anikwe isaziso ngoba uvalile *umuzi/indlu/indawo yomsebenzi/indawo yebhizimisi lakhe.

Ishicilelwe engalolusuku lomhlaka.....Ngenyanga ka.....ku 20.....

Isishicilelo somuntu ohambise incwadi yokubizela ufakazi enkantolo

Amagama nesibongo ngokuphelele.....

(Bhala ngezinhlamvu ezinkulu)

Umsebenzi owenzayo (Isikhundla).....Isikhunda osiphethe ezweni laseNingizimu Afrika

Ikheli lasemsebenzini.....

.....Inombolo yePosi.....

(Bhala igama lomgwaqo)

Inombolo yocingoInombolo yesikhahlemezi (fax).....

Usuku:.....Indawo.....

*Cisha lokho okungafanele

Printed by and obtainable from the Government Printer, Bosman Street, Private Bag X85, Pretoria, 0001
Publications: Tel: (012) 334-4508, 334-4509, 334-4510
Advertisements: Tel: (012) 334-4673, 334-4674, 334-4504
Subscriptions: Tel: (012) 334-4735, 334-4736, 334-4737
Cape Town Branch: Tel: (021) 465-7531

Gedruk deur en verkrygbaar by die Staatsdrukker, Bosmanstraat, Privaatsak X85, Pretoria, 0001
Publikasies: Tel: (012) 334-4508, 334-4509, 334-4510
Advertensies: Tel: (012) 334-4673, 334-4674, 334-4504
Subskripsies: Tel: (012) 334-4735, 334-4736, 334-4737
Kaapstad-tak: Tel: (021) 465-7531