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PROCLAMATION*by the**President of the Republic of South Africa***No. R.10, 2015****COMMENCEMENT OF THE NATIONAL CREDIT AMENDMENT, 2014 (ACT NO.19 OF 2014)**

In terms of Section 39 of the National Credit Amendment Act 2014 (Act 19 of 2014), I hereby determine that the National Credit Amendment Act shall come into operation on the date of publication of this Proclamation.

Given under my Hand and the Seal of the Republic of South Africa at ~~CAPE TOWN~~ this ~~26~~ day of ~~FEBRUARY~~ Two Thousand and Fifteen.

**PRESIDENT**

By order of the President- in-Cabinet

MINISTER OF THE CABINET

ISAZISO

ESIVELA

KUMONGAMELI WERIPHABHLIKHI YASENINGIZIMU AFRIKA

No. R.10, 2015

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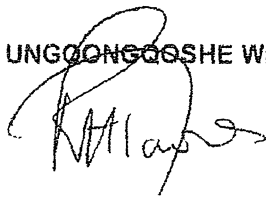
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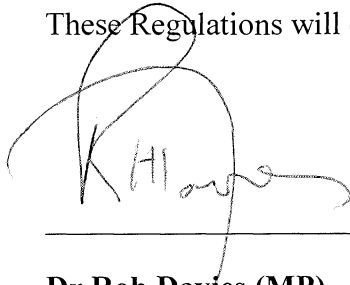


GOVERNMENT NOTICES

DEPARTMENT OF TRADE AND INDUSTRY**No. R. 202****13 March 2015****NATIONAL CREDIT REGULATIONS INCLUDING AFFORDABILITY ASSESSMENT REGULATIONS**

I, Dr Rob Davies, Minister of Trade and Industry, after having published a Notice inviting public comments to the draft National Credit Regulations including, Affordability Assessment Regulations, which Notice was published in **Government Gazette No.37882** of 01 August 2014 under **Notice10242 of 2014**, as amended in **Government Gazette No.29442** under **Notice R.1209 of 2006**, in **Government Gazette No. 35327** under **Notice R. 362 of 2012**, as amended in **Government Gazette No.37386** under **Notice R,144 of 2014**, do hereby in terms of Section 171(1) of the National Credit Act, 2005 (Act 34 of 2005), publish the final National Credit Regulations including Affordability Assessment Regulations.

These Regulations will come into effect on the date of publication.



Dr Rob Davies (MP)

Minister of Trade and Industry

Date: 7/3/2015

SCHEDULE

CHAPTER 1

INTERPRETATION AND DEFINITIONS (Reg1)

1. In these Regulations, any word or expression defined in the National Credit Act, 2005 bears the same meaning as in the Act:

“Credit Cost Multiple”

means the ratio of the total cost of credit to the advanced principal debt, that is, the total cost of credit divided by the advanced principal debt expressed as a number to two decimal places;

“Credit Record”

means the consumer’s payment profile including, adverse information on a credit profile held by a credit bureau;

“Discretionary Income”

means Gross Income less statutory deductions such as, income tax, unemployment insurance fund, maintenance payments and less Necessary Expenses (at a minimum as defined herein); less all other committed payment obligations as disclosed by a consumer including, such as may appear from the applicant’s credit records as held by any Credit Bureau which income is the amount available to fund the proposed credit Instalment;

“Gross Income”

means all income earned without deductions from whatever source;

“Joint Consumers”

means consumers that are co-principal debtors who are jointly and severally liable with regard to the same credit agreement and apply jointly for the credit agreement excluding the surety or a credit guarantor under a credit guarantee;

“National Credit Regulator”

means the National Credit Regulator established in terms of section 12 of the Act;

“Necessary Expenses”

means the consumer’s minimum living expenses including maintenance payments if applicable as determined in accordance with Regulation 23A(9) excluding monthly debt repayment obligations in terms of credit agreements as reflected on the prospective consumer’s credit profile held by a credit bureau;

“Payment Profile”

refers to the consumer’s payment history in respect of a particular transaction; and

“the Act” means the National Credit Act, 2005 (Act 34 of 2005) as amended.

CHAPTER 2

Insertion of regulation 10A to the Regulations

Regulation 10 of the Regulations is hereby amended by the insertion of Regulation 10A as follows:-

“Payment distribution agent

Criteria for registration as a payment distribution agent

- (1) A person who applies for registration as a payment distribution agent in terms of section 44A of the Act must submit to the National Credit Regulator:-
 - (a) a completed application in Form 46;
 - (b) any additional information required in the application form; and
 - (c) the applicable application fee as set out in the schedule.

- (2) Any person who applies for registration must provide any information required by the National Credit Regulator in terms of section 45(2), within fifteen (15) business days after the request is delivered to the applicant.

- (3) The National Credit Regulator must not register a person as a payment distribution agent unless that person complies with the following requirements:-
 - (a) **Education**
 - (i) maintain and impose appropriate qualification requirements for its employees or contractors who will have authority to represent it in any function of its business of collection and payment distribution;
 - (ii) a successful payment distribution training programme approved by the National Credit Regulator and provided by an accredited institution;

- (iii) a training programme completed within six (6) months after the payment distribution agent has been registered by the National Credit Regulator; and
 - (iv) comply with the training programme after registration as a payment distribution agent.
- (b) **Experience**
- (i) The payment distribution agency must have an executive director:-
 - (aa) responsible for the day to day operations, with five (5) years experience in dealing with the business of collecting, distributing payments, accounting or financial services;
 - (bb) who is a person with good record of managing the finances of a company; and
 - (cc) responsible for the day to day management of applications.
- (c) **Competence**
- (i) A person applying to be registered as a payment distribution agent must:-
 - (aa) have sufficient human, financial and operational resources to carry out the functions of payment distribution agent efficiently and effectively;
 - (bb) put in place adequate resources, systems and procedures to carry out the functions of payment distribution efficiently and effectively;
 - (cc) comply with the Broad-based Black Economic Empowerment Act, 2003 (Act 53 of 2003) as amended;
 - (dd) be registered with the South African Revenue Services and have a valid tax clearance certificate;
 - (ee) be a company incorporated in terms of the Companies Act, 2008 (Act 71 of 2008) or Close Corporations Act, 1984 (Act 69 of 1984) or Cooperatives Act 2005 (Act 14 of 2005);
 - (ff) have a board of directors consisting of not less than three (3) non-executive directors, one of whom must be independent, with qualifications and experience of not less than two (2) years in the accounting, auditing or legal profession;

- (gg) have a director who-
 - (i) is not under the age of eighteen (18) years;
 - (ii) is not subject to an order of mental unfitness or disordered;
 - (iii) was not removed from office of trust on account of misconduct relating to fraud or the misappropriation of money, whether in the Republic or equivalent jurisdictions;
 - (iv) was not a director or member of a governing body of an entity at the time that such entity :-
 - (aa) was involuntarily deregistered in terms of public Regulation;
 - (bb) brought the consumer credit industry into disrepute; or
 - (cc) acted with disregard for consumer rights generally.

- (4) A person applying for registration as a payment distribution agent must not have been convicted during the previous five (5) years, in the Republic or elsewhere, of:-
 - (a) theft, fraud, forgery, perjury or an offence under the Prevention and Combating of Corrupt Activities Act, 2004 (Act 12 of 2004), or comparable legislation of another jurisdiction; and
 - (b) has been sentenced to imprisonment without the option of a fine unless the person has received a grant of amnesty or free pardon for the offence.

- (5) A payment distribution-agent must have a minimum capital amount of five million (R5m) for investment in the establishment and operation of the payment distribution agency and proof of this amount must be provided in the form of a bank guaranteed cheque to the National Credit Regulator at the time of application.

- (6) A person applying for registration as a payment distribution agent must have sufficient insurance to compensate consumers and credit providers in the event of loss or damage:-
 - (a) The compensatory value as stipulated in sub-regulation 10A (6) shall be equivalent to the aggregate amount collected for distribution occasioned by the conduct of the payment distribution agent.

- (7) A person applying for registration as a payment distribution agent who conducts a debt counselling business must:-
- (a) demonstrate that the businesses of debt counselling and payment distribution will be operationally independent of each other and managed independently by different persons; and
 - (b) demonstrate that the payment distribution is not made in respect of consumers under debt review in his or her debt counselling business.

Transitional period for a payment distribution agent already registered

- (8) A payment distribution agent that is already registered must:-
- (a) commit to train his or her employees in line with the training courses or programmes approved by the National Credit Regulator or with an institution accredited by the National Credit Regulator; and
 - (b) comply to training programme of its employees within a period of six (6) months after he or she has been registered, failure which shall constitute a prohibited conduct in accordance with the Act.

Duties and obligations of a payment distribution agent

- (9) Payment distribution agent must:-
- (a) implement, maintain and utilise an electronic payment distribution system that offers the functionality determined by the National Credit Regulator in its conditions of registration and any guidelines that may be issued by the National Credit Regulator from time to time;
 - (b) comply with the reporting requirements to consumers, credit providers, debt counsellors and the National Credit Regulator in the manner and form determined by the National Credit Regulator in its conditions of registration and any guidelines that may be issued by the National Credit Regulator from time to time;

- (c) on a monthly basis provide a statement to the consumer reflecting the following information:-
- (i) date of receipt of payment;
 - (ii) amount of payment received;
 - (iii) names of the consumer's credit providers who received payments during the relevant month and the actual amounts paid;
 - (v) undistributed funds;
 - (vi) outstanding balances under the debt re-arrangement plan, court, or tribunal order as the case may be, reflecting a disclaimer to the effect that the outstanding balances may be adjusted from time to time after the debt counsellor has provided the payment distribution agent with updated transactions from credit providers including, interests;
 - (vii) fees of the payment distribution agent;
 - (viii) payments made to the debt counsellor; and
 - (ix) payments made to the credit providers.
- (d) provide a monthly statement referred to in sub-regulation 8(c), in a manner chosen by the consumer which may be in the form of an e-mail, short message service (sms), multi-media messaging service (mms), fax or written statement;
- (e) comply with any other requirements that may be imposed by the National Credit Regulator in its conditions of registration and any guidelines that may be issued by the National Credit Regulator from time to time;
- (f) deposit monies collected from consumers into a trust account opened at a registered bank and distribute the monies to the credit providers and debt counsellors;
- (g) distribute monies received within five (5) days of receipt, failure which reasons must be submitted to the National Credit Regulator.

- (h) open a separate trust account with a registered bank into which interest earned on monies collected from consumers is deposited. The National Credit Regulator must:-
- (i) open a trust account into which all interest earned on monies held by the payment distribution agent is deposited;
 - (ii) transfer interest accrued from these monies to the trust account stipulated in sub-regulation 10A(9)(h)(i)r; and
 - (iii) develop a policy on the usage of trust account funds for approval by the Minister of Trade and Industry.”

Insertion of Regulations 4(1)(a)(v)

The following Regulations are hereby inserted in the Regulations, after Regulation 4(1)(a)(iv) as follows:

- “(v) Form 46, if applying for registration as a payment distribution agent;
(vi) Form 47, if applying for registration as an alternative dispute resolution agent.”

Insertion of Regulation 10B

Regulation 10 of the Regulations is hereby amended by the insertion of Regulation 10B as follows:-

“Alternative disputes resolution agent

Criteria for registration as an alternative dispute resolution agent

- (1) A person who applies for registration as an alternative dispute resolution agent in terms of section 134A of the Act must submit to the National Credit Regulator:-
- (a) a completed application in Form 47;
 - (b) the applicable registration fee as set out in the schedule; and
 - (c) any additional information required in the application form.

- (2) An application for registration as an alternative dispute resolution agent must contain:-
- (a) an overview of an applicant's capabilities and background in providing alternative dispute resolution services including, a description of the applicant's track record in handling the clerical aspects of expedited alternative dispute resolution proceedings, if any;
 - (b) a list of names and qualifications of personnel providing alternative dispute resolution services, whom the applicant for alternative dispute resolution services proposes to include on its list of adjudicators;
 - (c) a description of the screening requirements the applicant for alternative dispute resolution services has used in selecting adjudicators to be included on its list; and
 - (d) an indication whether it intends to make exclusive use of adjudicators who are residents or citizens of the Republic of South Africa;
 - (e) a description of training and educational measures the applicant for alternative dispute resolution services proposes to employ for listed adjudicators with respect to credit related disputes;
 - (f) a commitment by the National Credit Regulator not to prevent or discourage any of its adjudicators from serving as adjudicators for other providers;
 - (g) a proposed schedule for the alternative dispute resolution services , its programme for administering disputes under these Regulations including, a statement regarding the administrative capacity to manage disputes on a monthly basis."
- (3) To be accredited as an alternative dispute resolution agent, an applicant must-
- (a) have a track record and a detailed plan for providing alternative dispute resolution services;
 - (b) propose a list of at least five (5) highly qualified neutral persons from the public and private sectors that are experts in consumer law, credit law, commercial law, cultural, religious and personal rights who have agreed to serve as adjudicators;
 - (c) show how it shall ensure that the listed adjudicators are trained concerning these Regulations;

- (d) state whether it intends to make exclusive use of adjudicators who are citizens or residents of the Republic of South Africa;
- (e) indicate a familiarity with international and foreign jurisdictions accredited dispute resolution mechanisms and processes and indicate its plan to provide an international benchmark for a process that is unique to the Republic of South Africa;
- (f) have a statement of any requested limitations on the number of disputes the alternative dispute resolution agent handles, either during a start-up period or on a permanent basis;
- (g) have a description of how the alternative dispute resolution agent proposes to administer disputes including, its interactions with parties to the dispute, the National Credit Regulator, and other approved providers; a description of how the alternative dispute resolution agent intends to publish decisions of adjudicators in disputes it administers and a commitment to provide the National Credit Regulator with copies of all decisions of adjudicators not published.
- (h) demonstrate in its plan that the National Credit Regulator understands these Regulations; and
- (i) show that both the alternative dispute resolution agent and its panel of adjudicators are representative of women, disabled and historically disadvantaged individuals where such representativeness is assessed in terms of the Codes of Good Practice for Broad Based Black Economic Empowerment, as such Codes may be amended from time to time.”

Amendment of Regulation 4 of the Regulations

Regulation 4 is hereby amended by addition of the following sub-regulation:

- (4) The National Credit Regulator must not register an applicant as a payment distribution agent if the information available at the time of considering the application indicates that the applicant was, but not limited to:-
 - (a) found guilty in criminal proceedings or liable in civil proceedings by a court of law or breach of fiduciary duty, taking into account the seriousness of the

conduct, surrounding circumstances, explanations offered, the relevance of the offence or liability to the role applied for such as:

- (i) whether the person has been the subject of any adverse finding or any settlement in civil proceedings related to financial or business management;
 - (ii) misconduct or fraud; or
 - (iii) license or registration certificate issued by a regulatory authority has been suspended, withdrawn or cancelled.
- (b) Without formal qualifications, experience and competencies as prescribed in the Regulations.”

Amendment of Regulation 11 of the Regulations

Regulation 11 is hereby substituted as follows:

“A debt counselor must not collect and distribute monies on behalf of consumers.”

CHAPTER3

Chapter 3 of the Regulations is hereby amended by the insertion of Regulation 23A in the Regulations as follows:-

“CRITERIA TO CONDUCT AFFORDABILITY ASSESSMENT

APPLICATION

- (1) These Regulations apply to:-
 - (a) current, prospective and joint consumers;
 - (b) all credit providers; and
 - (c) all credit agreements to which this Act applies, subject to Regulation 2.

- (2) These Regulations do not apply to a credit agreement in respect of which the consumer is a juristic person and do not apply to:-
 - (a) a developmental credit agreement;
 - (b) a school loan or a student loan;
 - (c) a public interest credit agreement;
 - (d) a pawn transaction;
 - (e) an incidental credit agreement;
 - (f) an emergency loan;
 - (g) a temporary increase in the credit limit under a credit facility;
 - (h) a unilateral credit limit increase in terms of sections 119(1)(c);119(4); and 119(5) of the Act under a credit facility;
 - (i) a pre-existing credit agreement in terms of Schedule 3 Item 4(2) of the Act;
 - (j) any change to a credit agreement and/or any deferral or waiver of an amount under an existing credit agreement in accordance with section 95 of the Act; and

- (k) mortgage credit agreements that qualify for the Finance Linked Subsidy Programs developed by the Department of Human Settlements and credit advanced for housing that falls within the threshold set from time to time.

Existing financial means and prospects

- (3) A credit provider must take practicable steps to assess the consumer or joint consumer's discretionary income to determine whether the consumer has the financial means and prospects to pay the proposed credit instalments.
- (4) A credit provider must take practicable steps to validate gross income, in relation to:-
 - (a) consumers that receive a salary from an employer:
 - (i) latest three(3) payslips; or
 - (ii) latest bank statements showing latest three(3) salary deposits;
 - (b) consumers that do not receive a salary as contemplated in (a) above by requiring:
 - (i) latest three(3) documented proof of income; or
 - (ii) latest three(3) months bank statements;
 - (c) consumers that are self-employed, informally employed or employed in a way through which they do not receive a payslip or proof of income as contemplated in (a) or (b) above by requiring:
 - (i) latest three (3) months bank statements; or
 - (ii) latest financial statements.
- (5) Where the consumer's monthly gross income shows material variance, the average gross income over the period of not less than three (3) pay periods preceding the credit application must be utilised.
- (6) The consumer must accurately disclose to the credit provider all financial obligations to enable the credit provider to conduct the affordability assessment.
- (7) The consumer must provide authentic documentation to the credit provider to enable the credit provider to conduct the affordability assessment.

Existing financial obligations

- (8) A credit provider must make a calculation of the consumer's existing financial means, prospects and obligations as envisaged in sections 78(3) and 81(2)(a)(iii) of the Act.
- (9) The credit provider must utilise the minimum expense norms table below, broken down by monthly gross income when calculating the existing financial obligations of consumers.
- (10) The methodology in the table requires for:
- credit providers to ascertain gross income;
 - statutory deductions and minimum living expenses to be deducted to arrive at a net income, which must be allocated for payment of debt instalments; and
 - when existing debt obligations are taken into account, the credit provider must calculate discretionary income to enable the consumer to satisfy any new debt.

Table1: **Minimum Expense Norms**

Minimum	Maximum	Minimum monthly Fixed Factor	Monthly Fixed Factor = % of Income Above Band minimum
R0.00	R800.00	R0.00	100%
R800.01	R6,250.00	R800.00	6.75%
R6,250.01	R25,000.00	R1,167.88	9.00%
R25,000.01	R50,000.00	R2,855.38	8.20%
R50,000.01	Unlimited	R4,905.38	6.75%

- (11) The credit provider may however on an exceptional basis, where justified, accept the consumer's declared minimum expenses which are lower than those set out in table 1 provided the questionnaire set out in the Schedule, as issued from time to time, is completed by the consumer or joint consumers.
- (12) When conducting the affordability assessment, the credit provider must:-
- (a) calculate the consumer's discretionary income;
 - (b) take into account all monthly debt repayment obligations in terms of credit agreements as reflected on the consumer's credit profile held by a registered credit bureau; and
 - (c) take into account maintenance obligations and other necessary expenses.

Debt re-payment history as a Consumer under Credit Agreements

- (13) A credit provider must take into account the consumer's debt repayment history as a consumer under credit agreements, as envisaged in section 81(2)(a) and must ensure that this requirement is performed:-
- (a) within seven(7)business days immediately prior to the initial approval of credit or the increasing of an existing credit limit; and
 - (b) within fourteen (14) business days with regards to mortgages.

Avoiding double counting in calculating the Discretionary Income

- (14) Where a credit agreement is entered into on a substitutionary basis in order to settle off one or more existing credit agreement, a credit provider must:-
- (a) record that the credit being applied for is to replace other existing credit agreement/s; and
 - (b) take practicable steps to ensure that such credit is properly used for such purposes.

Disclosure of the credit cost multiple and the total cost of credit

(15) A credit provider must:-

- (a) disclose to the consumer the credit cost multiple and total cost of credit in the pre-agreement statement and quotation;
- (b) ensure that the credit cost multiple disclosures for credit facilities is based on one year of full utilisation up to the credit limit proposed;
- (c) ensure that the attention of the prospective consumer is drawn to the credit cost multiple and that the cost of credit as disclosed, is understood by the prospective consumer;
- (d) disclose a total cost of credit which includes but not limited to, the following items:-
 - (i) the principal debt;
 - (ii) interest;
 - (iii) initiation fee, if any;
 - (iv) service fee aggregated to the life of a loan; and
 - (v) credit insurance aggregated to the life of a loan, as set out in section 106 of the Act.

Outcome of Affordability Assessment

- (16) A consumer who is aggrieved by the outcome of affordability assessment may at any time lodge a complaint in terms of section 134 or 136 with the credit provider for dispute resolution.
- (17) The credit provider must attempt to resolve the complaint within fourteen (14) business days after receiving notification of the complaint from the ombud in terms of section 134.
- (18) If the grievance is not addressed by the credit provider within the period referred to in sub-regulation 10A (15) above, the consumer can approach the National Credit Regulator.
- (19) The National Credit Regulator must resolve the complaint within seven (7) business days.

(20) If the National Credit Regulator issues a notice of non-referral in response to a complaint, the consumer may refer the matter directly to the National Consumer Tribunal, subject to its rules of procedure.”

CHAPTER 4**Credit Information****Amendment of Regulation 17 of the Regulations**

Regulation 17 is hereby deleted and replaced with new Regulation 17 as below:

Retention periods for credit bureau information

- (1) The consumer credit information as per the following table must be displayed and used for purposes of credit scoring or credit assessment for a maximum period from the date of the event, as indicated:

Categories of Consumer Credit Information	Description	Maximum Period
1. Details and results of complaints lodged by consumers	Number and nature of complaints lodged and whether a complaint was rejected. No information may be displayed on complaints that were upheld	6 months
2. Enquiries	Number of enquiries made on a consumer's record, including the name of the entity/person who made the enquiry and a contact person if available	1 year
3. Payment Profile	Factual information pertaining to the payment profile of the consumer	5 years

4. Adverse classifications of enforcement action	Classification related to enforcement action taken by a credit provider	1 year or within the period prescribed in section 71A
5. Adverse classifications of consumer behaviour	Subjective classifications of consumer behaviour	1 year or within the period prescribed in section 71A
6. Debt Restructuring	As per section 86 of the Act, an order given by the Court or Tribunal	Within the period prescribed in section 71(1) of the Act or until a clearance certificate is issued
7. Civil court judgments	Civil court judgments including default judgments	The earlier of 5 years or until the judgment is rescinded by a court or abandoned by the credit provider in terms of section 86 of the Magistrates Courts Act 32 of 1944 or within the period prescribed in section 71A of the Act
8. Maintenance judgments in terms of the Maintenance Act 99 of 1998	As per the court judgment	until the judgment is rescinded by a court
9. Sequestration order	As per court order	5years or until rehabilitation order is granted
10. Rehabilitation order	As per court order	5 years
11. Administration Order	As per the court order	5 years or until order is rescinded by court

Amendment of Regulation 18 of the Regulations

Regulation 18 is hereby amended, and replaced with:

Regulation 18(4)(c) “considering a candidate for employment in a position that requires honesty in dealing with cash or finances.”

Amendment of Regulation 19 of the Regulations

Regulation 19 of the Regulations is hereby amended by addition of the following Sub-Regulations:

- “(6) No source of information as set out in section 70(2) of the Act and Regulation 18(7) may submit adverse or other information to a credit bureau in respect of a debt that has prescribed in terms of the Prescription Act 68 of 1998.
- (7) No source of information shall submit consumer credit information comprising adverse information to a credit bureau, unless the required minimum monthly or such other instalment payments have not been paid for a minimum period of at least three (3) consecutive billing cycles.
- (8) No source of information shall submit consumer credit information comprising adverse information to a credit bureau without giving the consumer the notice contemplated in Regulation 19(4).
- (9) No source of information shall submit consumer credit information comprising adverse information if any arrears owing on an account are settled within the period of the notice contemplated in Regulation 19(4) or if the consumer has disputed liability for the outstanding amounts, within the period contemplated in Regulation 20(2).

- (10) Upon settlement of the amount in arrears which forms the subject matter of the adverse information, the source of data must in its next data of submission to the credit bureaus, advise such credit bureaus that the arrear amounts have been settled, the credit bureau must update the consumer's credit records within seven(7) days of being notified as such.
- (11) Upon the settlement of the capital amount of a judgment debt and administration order, the source of data must advise the credit bureaus that the judgment or order has been settled within the period prescribed in section 71(A) of the Act and the credit bureaus must update the consumer's credit record within seven(7) days of being notified.
- (12) A consumer credit record may not be accessed by an employment agency, recruitment consultant, staffing company or employer unless they certify that any and all requests for consumer credit records relate to positions requiring honesty in dealing with cash or finances and the job descriptions of such positions are clearly outlined.
- (13) A credit provider must submit credit information to the credit bureaus in the manner and form prescribed by the National Credit Regulator through conditions of registration and any guidelines that may be issued by the National Credit Regulator from time to time.”

CHAPTER5

“Requirements and standards for training for registrants

- (1) Payment distribution agent must be trained in the following areas:
 - (a) risk management and fraud prevention;
 - (b) the National Credit Act;
 - (c) financial management;
 - (d) accounting;
 - (e) business management;
 - (f) customer service;
 - (g) governance and compliance; and
 - (h) computer literacy.

- (2) Credit providers must be trained in the following areas:
 - (a) National Credit Act;
 - (b) governance and compliance;
 - (c) customer service;
 - (d) risk management;
 - (e) computer literacy;
 - (f) financial management;
 - (g) business management; and
 - (h) economics.

- (3) Debt counselors must be trained on the National Credit Act and on the basic principles of the following areas:
 - (a) financial management;
 - (b) business management;
 - (c) customer service;
 - (d) debt counseling;
 - (e) economics;
 - (f) governance and compliance;

- (g) accounting; and
- (h) bookkeeping.”

(4) Alternative Dispute Resolution Agent must be trained on the National Credit Act, Consumer Protection Act and on the basic principles of the following areas:

- (a) Alternative dispute resolution
- (b) financial management;
- (c) business management;
- (d) governance and compliance
- (e) customer service.”

Chapter 6

“Non-compliance in terms these Regulations

- (1) These Regulations are binding to the extent of their application; non-adherence with these Regulations will be dealt with in terms of the remedies and procedures under the National Credit Act.”

SCHEDULE

FEES

Schedule 2 of the Regulations is amended by addition of the following:

“PAYMENT DISTRIBUTION FEES

Payment distribution fees applicable:

The fees which a payment distribution agent may recover in respect of payment distribution services rendered are as follows:

- A fee of R5.00 for each payment of between R100.00 and R200.00 distributed in respect of each credit agreement included in the consumer’s debt re-arrangement plan;
- A fee of R10.00 for each payment between R201.00 and R500.00 distributed in respect of each credit agreement included in the consumer’s debt re-arrangement plan;
- A fee of R15.00 for each payment exceeding R500.00 distributed in respect of each credit agreement included in the consumer’s debt re-arrangement plan; and
- A fee of R3.00 is payable for any additional monthly statement requested by the consumer.

These amounts are inclusive of value added tax (VAT).”

ALTERNATIVE DISPUTE RESOLUTION FEES

“Fees prescribed in terms of section 51”

The fees which a payment distribution agent must pay for application, registration and renewal are as follows:

- A non-refundable application fee of R500.00 payable upon submission of the application form;
- Initial registration fee of R100 000.00;
- Branch fee of R250.00 per location or premises; and
- Registration renewal fee of R100 000.00 payable annually by the date of anniversary of the registration

The fees which alternative dispute resolution agent must pay for application, registration and renewal are as follows:

- A non-refundable application fee of R500.00 payable upon submission of the application form;
- Initial registration fee of R20 000.00;
- Branch fee of R250.00 per location or premises; and
- Registration renewal fee of R20 000.00 payable annually by the date of anniversary of the registration

These amounts are inclusive of value added tax (VAT).

ANNEXURE “A”**FORMS****“DECLARATION OF CONSUMER’S NECESSARY EXPENSE
QUESTIONNAIRE****Instructions:**

- i. This questionnaire must be completed in instances where a consumer discloses minimum living expenses that are below those defined in the Regulations.
- ii. In case of joint applications only one questionnaire must be completed that considers the details of all applicants.

Consumer Declaration:

1. The consumer/s completing this questionnaire is hereby reminded that in terms of section 81(1) of the National Credit Act when applying for a credit agreement, and while that credit agreement is being considered by the credit provider, the prospective consumer must fully and truthfully answer any requests for information made by the credit provider as part of the assessment. Misrepresentation of facts will be dealt with in terms of the applicable law.

Section 1: Applicant Details

Description	
Credit provider’s trading name:	
Credit provider’s NCRCP number:	
Date of application for credit:	
Transaction number	
Principle debt of credit transaction	
Credit applicant/s first name	
Credit applicant/s family name	

Credit applicant/s identity/passport number	
Consumer signature	

Section 2: Necessary Expenses

Declared monthly expenses by the consumer

(Please fill in for the relevant income band. In the case of joint applications the joint annual gross income of all applicants must be used.)

Table A: Necessary Expense Norms Terms

	Monthly Necessary Expenses	
	Applicable monthly necessary expenses (Calculated by the credit provider as per Table I above	Consumer declared expenses (As per consumer declaration)
Gross Monthly Income		
R	R	R

Section 3: Consumer Declaration**3A Monthly Expenses****3.1 Accommodation expense****Monthly****Amount**

- Own home: provide address
- Living with family: insert name/s and contact details
- Living with friends: insert name/s and contact details
- Other (please explain)

R

3.2 Transport expense

- Live close to work/school/college: give address
- Transported by family: insert name/s and contact details

Monthly**Amount**

- Own transport:
- Transported by friends: insert name/s and contact details
- Other (please explain)

R

3.3 Food expense

- Provided by employer: insert name

Monthly**Amount**

- Provided by family: insert name/s and contact details
- Provided by friends: insert name/s and contact details
- Other (please explain)

R

3.4 Education expense**Monthly****Amount**

- Provided by family: insert name/s and contact details
- Provided by friends: insert name/s and contact details
- Not studying at the moment

R

- No school going children
 Other (please explain)

3.5 Medical expense

- Provided by employer: insert name/s and contact details

Monthly

Amount

- Provided by family: insert name/s and contact details

R

- Provided by friends: insert name/s and contact details

- Own medical expense

- Other (please explain)

3.6 Water and electricity

Monthly

Amount

- Water and Electricity:

R

- Other (please explain)

3.7 Maintenance expense

Monthly

Amount

- Living with family: insert name and contact details

R

- Payment provided by court order

- Other (please explain)

NATIONAL CREDIT REGULATOR**FORM: 46 APPLICATION FORM FOR REGISTRATION AS A PAYMENT
DISTRIBUTION AGENT IN TERMS OF SECTION 45 OF THE
NATIONAL CREDIT ACT 34 OF 2005, AS AMENDED****General information**

The applicant must submit the completed application form together with the required documentation and application fee to the National Credit Regulator.

PART 1 APPLICANT'S INFORMATION

1. Name of applicant
2. Trading name of applicant
3. Legal status
 - 3.1 private company
 - 3.2 public company
 - 3.3 close corporation
 - 3.4 co-operative
4. Companies and Intellectual Property Commission (CIPC)/other official registration number
5. Date of commencement of trading
6. Financial year-end
7. Income tax registration number
8. Vat registration number
9. Which, if any, other regulated activity does the applicant engage in?
 - 9.1 Banking
 - 9.2 Insurance
 - 9.3 Debt collectors
 - 9.4 Financial advisory
 - 9.5 Other (specify)
10. Contact detail of the applicant
 - Physical address

Postal address
Telephone
Fax number
E-mail address (if applicable)

11. Name of auditor/independent reviewer/compiler
Telephone number
Fax number
E-mail address
Practice number
Name of professional body registered with (if applicable)

12. Name of attorney
Telephone number
Fax number
E-mail address
Practice number
Name of professional body registered with

13. Compliance
- Does the applicant comply with protection of personal information (POPI)?
 - Does the applicant comply with the payment system in South Africa?

PART 2 EDUCATION & EXPERIENCE

1. EDUCATION

Qualification
Year achieved
Institution that issued the qualification (attach certified copies of certificates)

2. EXPERIENCE

Name of employer / self-employed
Date of employment
Position held

Responsibilities

Contact details

PART 3 QUESTION, CONCERNS AND COMPLAINTS

1. Do you have a policy in place to handle questions, concerns and complaints?
2. Does this policy outline your commitment to handle questions, concerns and complaints as well as your internal systems and procedures for resolving questions, concerns and complaints?
3. Do these internal systems and procedures ensure that questions, concerns and complaints from consumers or credit providers are treated in a timely, efficient and courteous manner?
4. Do you have sufficient human resources to handle questions, concerns, and complaints from consumers and credit providers?
5. Is your human personnel adequately trained to handle questions, concerns, and complaints?
6. Are you prepared to train professional employees in accordance with these Regulations?
7. Are your facilities accessible to consumers and credit providers?

PART 4 DECLARATION BY APPLICANT

1. The applicant hereby permits the National Credit Regulator or any person authorised by the National Credit Regulator, as set out in section 50(2)(a) to enter any place at or from which the applicant conducts the registered activities during normal business hours, to conduct reasonable enquiries for compliance purposes, including any act contemplated in sections 156(1)(d) to (h) of the Act.
2. The applicant confirms that the information contained in this application is accurate and complete.

NATIONAL CREDIT REGULATOR**FORM: 47 APPLICATION FORM FOR REGISTRATION AS AN ALTERNATIVE
DISPUTE RESOLUTION AGENT IN TERMS OF SECTION 134 A OF
THE NATIONAL CREDIT ACT 34 OF 2005, AS AMENDED****General information**

The applicant must submit the completed application form together with the required documentation and application fee to the National Credit Regulator.

PART 1 APPLICANT'S INFORMATION

14. Name of applicant
15. Trading name of applicant
16. Legal status
 - 3.5 private company
 - 3.6 public company
 - 3.7 close corporation
 - 3.8 co-operative
17. Companies and Intellectual Property Commission (CIPC)/other official registration number
18. Date of commencement of trading
19. Financial year-end
20. Income tax registration number
21. Vat registration number
22. Which, if any, other regulated activity does the applicant engage in?

Specify:

23. Contact detail of the applicant
 - Physical address
 - Postal address
 - Telephone
 - Fax number
 - E-mail address (if applicable)

24. Name of auditor/independent reviewer/compiler
Telephone number
Fax number
E-mail address
Practice number
Name of professional body registered with (if applicable)
25. Name of attorney
Telephone number
Fax number
E-mail address
Practice number
Name of professional body registered with
26. Compliance
- Does the applicant comply with protection of personal information (POPI)?
 - Does the applicant comply with the payment system in South Africa?

PART 3 QUESTION, CONCERNS AND COMPLAINTS

8. Do you have a policy in place to handle questions, concerns and complaints?
9. Does this policy outline your commitment to handle questions, concerns and complaints as well as your internal systems and procedures for resolving questions, concerns and complaints?
10. Do these internal systems and procedures ensure that questions, concerns and complaints from consumers or credit providers are treated in a timely, efficient and courteous manner?
11. Do you have sufficient human resources to handle questions, concerns, and complaints from consumers and credit providers?
12. Is your human personnel adequately trained to handle questions, concerns, and complaints?
13. Are you prepared to train professional employees in accordance with these Regulations?

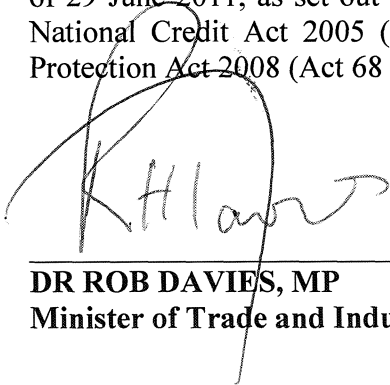
14. Are your facilities accessible to consumers and credit providers?

PART 4 DECLARATION BY APPLICANT

3. The applicant hereby permits the National Credit Regulator or any person authorised by the National Credit Regulator, as set out in section 50(2)(a) to enter any place at or from which the applicant conducts the registered activities during normal business hours, to conduct reasonable enquiries for compliance purposes, including any act contemplated in sections 156(1)(d) to (h) of the Act.
4. The applicant confirms that the information contained in this application is accurate and complete.

No. R. 203**13 March 2015****AMENDMENT OF REGULATIONS FOR MATTERS RELATING TO THE
FUNCTIONS OF THE TRIBUNAL AND RULES FOR THE CONDUCT OF
MATTERS BEFORE THE NATIONAL CONSUMER TRIBUNAL**

I, Dr Rob Davies, Minister of Trade and Industry, after consultation with the Chairperson of the National Consumer Tribunal, hereby amend the regulations for matters relating to the functions of the Tribunal and rules for the conduct of matters before the Tribunal published under Government Notice No. 789, in Government Gazette 30225 of 28 August 2007, as amended by Government Notice No. 428, in Government Gazette 34405 of 29 June 2011, as set out in the Schedule hereto. In terms of section 171(1)(c) of the National Credit Act 2005 (Act 34 of 2005) and section 120(1)(c) of the Consumer Protection Act 2008 (Act 68 of 2008).



DR ROB DAVIES, MP
Minister of Trade and Industry

SCHEDULE

Definition

1. In these regulations “the Rules” means the Regulations for matters relating to the functions of the Tribunal and Rules for the conduct of matters before the National Consumer Tribunal published under Government Notice No. 789, in Government Gazette 30225 of 28 August 2007, as amended by Government Notice No. 428, in Government Gazette 34405 of 29 June 2011,

Amendment of Table of Contents of the Rules

2. The table of contents in the Rules is hereby amended –
 - (1) by the substitution for-
“7. filing and application ”

of:
“7. Filing an application”;
 - (2) By the substitution of “11. Intervention notice” for “Interventions by notice”;
 - (3) By the substitution of “12. Interventions by application” for “12. Interventions by application” ;
 - (4) by the insertion after
“16. Joinder or substitution of parties” of the following item:

of
“16A. Consolidation of matters ”;
 - (5) By the substitution of “17. Allocation of matters and pre-hearing procedures” of 17. Pre-hearing procedures”
 - (6) by the insertion after

“17. Pre-hearing procedures” of the following items:

(b) “17A. Summoning of witnesses”;

(c) “17B. Expert witnesses”;

(7) By the substitution of “18. Set down and postponements” for “18. “Set downs and postponements”

(8) by the insertion after

“24. Non appearance”

of

“24A. Variation or rescission of Tribunal orders”;

(9) By the substitution of “27. Decision of the Appeal panel” for “27. Decisions of the Appeal panel”; and

(10) by the substitution of “38. Forms and Tables” of “38. Forms”

Amendment of rule 1 of the Rules

3. Rule 1 of the Rules is hereby amended:

(1) by the substitution of the definition of “file or filing” for the following definition:

“File or filing means to deliver to the Registrar in terms of Rules 30 to 31;”

(2) by the insertion, in the definition of “record”, after the word “record” of the words “means the documents listed in rule 23 and”;

(3) by the deletion of the definition of ‘Sheriff’;

(4) by the insertion, after the definition of the “Registrar of Companies”, of the following definition:

“‘Tribunal’, means the National Consumer Tribunal, a body established by section 26 (1) of the Act”;

- (5) by the insertion of the following subrule (3):
- “(3) Saturdays, Sundays, Public Holidays and the days between 24 December and 2 January shall not be included in the computation of any time expressed in days (or as business days) prescribed by these Rules or fixed by any order of the Tribunal.”.

Amendment of rule 2 of the Rules

4. Rule 2 of the Rules is hereby amended:

- (1) by the insertion in subrule (1):
- (a) after the word “holidays” of the words “and the days between 24 December and 2 January”;
- (b) after the expression “09:00” of the words “to 13:00 and from 14:00”;
- (2) by the deletion of the letter “s” from the word “Tribunals” in subrule (2);
- (3) by the addition in paragraph (a) of subrule (2) of the words “Or as publicised by the Tribunal from time to time in the Government Gazette and on the Tribunal’s website.”.

Amendment of rule 3 of the Rules

5. Rule 3 of the Rules is hereby amended by the insertion of the following subrule (3):

- “(3) The Chairperson may issue practice directives, which are consistent with the Act, the CPA and these rules, which shall be binding on parties to Tribunal proceedings and which will assist in proper case management and service delivery at the Tribunal.”.

Amendment of rule 4A of the Rules

6. Rule 4A of the Rules is hereby amended by the substitution for the expression “Section 4(b), (c), (d) or (e)” of the expression “4(1)(c), (d) or (e)”.

Amendment of rule 5 of the Rules

7. Rule 5 of the rules is hereby amended by renumbering paragraph (c) as subrule (2) and such renumbered subrule (2) is hereby amended-
- (1) by the insertion after the word “designated” of the word “bank”;
 - (2) by the insertion after the word “account” of the word “details”;
 - (3) by the deletion of the expression “,in a manner provided for in sub-rule 2(2)”.

Amendment of rule 7 of the Rules

8. Subrule (3) of rule 7 of the Rules is hereby amended by the insertion of a new subrule (e)
- “(3) Applications to the Tribunal must be addressed to the Registrar and:
- (a) delivered to the physical address; or
 - (b) sent by registered mail to the postal address; or
 - (c) sent by fax; or
 - (d) sent by e-mail; or.
 - (e) sent by electronic filing.”.

Subrule (4) of rule 7 of the Rules is hereby amended by the deletion of subrule (4)(b)

Amendment of rule 8 of the Rules

9. Subrule (1)(a) of the Rules is hereby amended by the deletion after the word “Registrar” of “must within the time mentioned in rule 7(4)(b)”
10. Subrule (2) of rule 8 of the Rules is hereby amended by the substitution for the expression “sub-rule (b)” of the expression “subrule (1)(b)”.

Amendment of rule 9 of the Rules

11. Paragraph (a) of subrule (1) of rule 9 of the Rules is hereby amended by deletion of the expression “in the referred matter”.
12. Subrule (2) of rule 9 of the Rules is hereby amended by deletion of the word “a” where it appears between the words “be” and “deemed”.

Amendment of rule 11 of the Rules

13. Rule 11 of the Rules is hereby amended-
 - (1) by the insertion in subrule (1) after the word “referred” of the word “to”;
 - (2) by the insertion in paragraph (b) of subrule (2) after the word “application” of the words “in the principal matter”.

Amendment of rule 13 of the Rules

14. Rule 13 of the Rules is hereby amended-
 - (1) by the substitution in subrule (1) for the words “person required by these rules to be notified of” of the words “Respondent to”;
 - (2) by, in subrule (2):
 - (a) the insertion after the words “to an application or” of the word “a”;
 - (b) the substitution for the words “the date” of the words “receipt by such party”;

- (3) by, in subrule (3):
- (a) the substitution for the words “the application date” of the words “receipt by such party of the application”;
 - (b) the deletion of the comma “,” after the word “period”.
- (4) by the substitution for subrule (6) of the following subrule:
- “(6) If an Application relates to the review of any decision, determination or ruling made by the Regulator, the Commission, the Registrar of Companies, or any other person or entity, when exercising a power or function in terms of Act or the CPA, then the Regulator, the Commission, the Registrar of Companies, or any other person or entity as the case may be, must within a time period as notified by the Tribunal, serve and file a complete record of the decision, determination or ruling forming the subject matter of the review proceedings.”.

Amendment of rule 15 of the Rules

15. Subrule (1) of rule 15 of the Rules is hereby amended by the substitution for the words “the application or response” of the words “documents filed in connection with the proceedings, save that where all parties to the proceedings consent in writing to a proposed amendment, such amendment may be effected by merely delivering the amended documents to the Tribunal and to the parties.”.

Amendment of rule 16 of the Rules

16. Subrule (1) of rule 16 of the Rules is hereby amended by the substitution for the words “A presiding member may” of the words and punctuation “The Tribunal may of its own accord or on application by a party.”

Insertion of a rule 16A in the Rules

17. The following rule is hereby inserted in the Rules:

“Consolidation of matters

- 16A (1) Where separate applications have been instituted the Tribunal may, if it appears convenient to do so, consolidate such applications alternatively, upon the application of any party thereto and having served on all interested parties, make an order consolidating such applications, whereupon:-
- (a) the said applications shall proceed as one;
 - (b) the Tribunal may make any order which to it deems appropriate with regard to the further procedure, and may give one judgment disposing of all matters in dispute in the said applications.”.

Amendment of rule 17 of the Rules

18.

- (1) Rule 17 of the Rules is hereby amended by the deletion of subrule (1)(a) and (b).
- (2) Subrule 3 is hereby substituted for the following subrule 3 –
 - “(3) Prior to a hearing, the Tribunal may confer with the parties to the matter and may convene a pre-hearing conference.”.
- (3) Subrule (5)(c) is hereby amended by the insertion after the word “be” of the word “requested” and by the insertion after the word “obtained” of the words “and delivered”.
- (4) Subrule (8)(c) is hereby amended by the deletion of the word “that” after the word “direct”.

Insertion of rules 17A, 17B and 17C in the Rules

19. The following rules 17A and 17B are hereby inserted in the Rules:

“17A Summoning of witnesses

- (1) A member of the Tribunal may issue a summons for any person as contemplated in section 144 by-
 - (a) completing Form TI.144, ensuring that-
 - (i) the names, addresses and contact details of the persons to be summonsed are adequately set out;

- (ii) the venue, time and date of the hearing are clearly stated; and
 - (iii) any document or item which such person must produce is accurately described;
 - (b) signing the Form in the place marked for the Tribunal member's signature; and
 - (c) submitting the completed and signed Form to the Registrar, to be stamped by the Registrar.
- (2) Any party in a matter who requires a Tribunal member to issue a summons as contemplated in subrule(1) must file with the Registrar a Form TI.144, fully completed and containing the information required in 1(a)(i) to (iii), to be submitted by the Registrar to the Tribunal member for signature.
- (3) Upon submission in terms of subrule(2) of a completed form TI.144 to a Tribunal member, the Tribunal member may-
 - (a) sign the Form and direct the Registrar to stamp same; or
 - (b) direct the party requiring the issuing of the summons to make submissions on:
 - (i) why the evidence of the person(s) to be summonsed is (are) required; and
 - (ii) any other aspect relating to the issuing of the summons.
- (4) After receipt of a party's submissions in subrule(3)(b), the Tribunal member may either decline to issue the summons or may sign the form and direct the registrar to stamp same.
- (5) When a summons is issued by a Tribunal member-
 - (a) of the Tribunal's own accord, the Registrar must ensure that the summons is served on the persons set out therein, in accordance with rule 30; or
 - (b) at the request of a party in a matter, such party must ensure that the summons is served on the persons set out therein, in accordance with rule 30.
- (6) A summons may, in the summons form TI.144, require a witness to hand any documents or items to the Registrar by a date before the hearing. The parties to a matter will then, subject to the provisions of rule 32, be entitled to inspect and/or obtain copies of such documents or items.”.

“Expert witnesses

17B Subject to any agreement reached between the parties or direction given or ruling made by the Tribunal pursuant to, or at a pre-hearing conference or otherwise, where any party in a matter intends to rely at the hearing on the evidence of an expert witness, such party must notify the other parties and the Tribunal not less than 10 (ten) days before the hearing date.”.

Substitution of rule 18 of the Rules

20. The following rule is hereby substituted for rule 18 of the Rules:

“Set downs and postponements

- (1) The Registrar must issue a notice of set-down to the parties in a matter that is set down for hearing.
- (2) Subsequent to issuing a notice of set-down to the parties, the Registrar will file a Certificate of Set Down on the case file, certifying that the set down was issued in accordance with subsection (1). Such Certificate will be prima facie proof of the contents thereof.
- (3) A party to the proceedings may apply for a postponement and, if permitted by the Tribunal, the Registrar will notify the parties of the postponement in writing.”

Amendment of rule 20 of the Rules

21. Rule 20 of the Rules is hereby amended-

- (1) by the substitution for subrule (2) of the following subrule:

“(2) Upon the receipt of an application for a consent order, the Tribunal may:
 - (a) make its ruling on the application based on the documents filed alone, without hearing any evidence;
 - (b) require further submissions or documents from the parties before adjudicating on the application, in which case the directions of the Tribunal will be communicated to the parties by the Registrar; or

(c) require that a hearing date be scheduled for the application, in which case the Registrar will proceed in terms of rule 18(1).”.

(3) by the insertion in subrule (3) of the following paragraph (c):

“(c) a copy of the Tribunal’s reasons for the refusal.”.

Amendment of rule 21 of the Rules

22.

(1) Subrule (1) is hereby amended by the insertion after the word “time” of the words “before or.”

(2) Subrules (5) and (6) are hereby deleted.

(3) Subrule 11 is hereby substituted for the following subrule -

“(11) The Tribunal may at any stage condone any non-compliance with these Rules or any irregularities in the conduct of proceedings.”

Amendment of rule 23 of the Rules

23. Subrule (1) of rule 23 of the Rules is hereby amended by renumbering paragraphs (a) to (f) to be numbered as “(a) to (g).”

Amendment of rule 24 of the Rules

24. Subrule (3) of rule 24 is hereby amended by the substitution for the words and Punctuation “If the matter is dismissed, the” for the word “*The*.”

Insertion of rule 24A in the Rules

25. The following rule 24A is hereby inserted in the Rules:

“Variation or rescission of Tribunal orders

24A (1) An application for the variation or rescission of a Tribunal order must be made within 20 days of the date on which the applicant became aware of

(a) the Tribunal order which was granted in the absence of the applicant;

- (b) the ambiguity, error or omission; or
- (c) a mistake common to the parties to the proceedings; or
- (d) within such longer period as permitted by the Tribunal.

(2) An application for rescission or variation in terms of section 165 must be made by way of Form TI.165.”

Amendment of rule 25 of the Rules

26. Rule 25 of the Rules is hereby amended as follows:

(1) the substitution for subrule (2A) of the following subrule:

“(2A) Upon the filing of an application in terms of subrule (2), a hearing date will be scheduled in accordance with rule 18(1).”

(2) subrule (5) is hereby amended-

(a) by the substitution for paragraph (a) of the following paragraph:
“(a) is present or represented at the taxation”.

(b) by the deletion of paragraph (b).

(c) by the insertion in paragraph (d) after the word “present” of the words and punctuation “, and despite this notice fails to appear, in person or by representative, at the taxation”.

Amendment of rule 26 of the Rules

27. Rule 26 of the Rules is hereby Amended-

- (1) by the substitution in subrule (4) for the word “notice” of the words “replying affidavit”;
- (2) by the deletion in paragraph (b) of subrule (5) of the repeated words “of the”;
- (3) by the substitution in subrule (10) for the word “or” of the word “of.”

Amendment of rule 29 of the Rules

28. Subrule (1) of rule 29 of the Rules is hereby Amended by the substitution for the expression “Section 115(2)(b)” of the expression “section 115(2)(b)”.

Amendment of rule 30 of the Rules

29. Rule 30 of the Rules is hereby Amended-

- (1) by the insertion of the following subrule (1A):
“(1A) Any document, application or affidavit served or delivered by a party must contain at the front thereof a filing notice in accordance with form TL.r30A and must be filed at the Tribunal.”
- (2) by the addition to subrule (2) of the following sentence:
“Parties to proceedings may agree in writing to service of notices and documents by way of fax or email only, in which event service in terms of rule 30(1) will not be required.”.
- (3) by the substitution for subrule (4) of the following subrule:
“(4) The Tribunal may serve documents in accordance with rule 31”;
- (4) by the deletion in subrule (5) of the words “other than the Tribunal.”

Amendment of rule 33 of the Rules

30. Paragraph (a) of subrule (3) of rule 33 of the Rules is hereby amended by the substitution for the expression “332)(e)” of the expression “33(2)(e).”

Amendment of rule 37 of the Rules

31. Rule 37 of the rules is hereby amended-

- (1) by the deletion in subrule (2) of the word “presiding.”

Amendment of rule 38 of the Rules

32. Subrule (1) of rule 38 of the Rules is hereby amended by the deletion after the word “prescribed” of the word “forms.”

Amendment of rule 39

33. Rule 39 of the Rules is hereby amended by the deletion of the punctuation and numbers “, 2007.”

Repeal and Substitution of schedule 1 of the Rules

34. Schedule 1 of the Rules is hereby repealed and substituted by Schedule 1 of these Regulations.

SCHEDULE 1

35. Prescribed Forms in the conduct of matters before the National Consumer Tribunal and Tables 1 and 2.

PART 1. Applications that may be made directly to the Tribunal

Form TI. 55(6)

IN THE NATIONAL CONSUMER TRIBUNAL

Tribunal Case no.:

In the matter between:

The National Credit Regulator

Applicant

and

Respondent

Notice of Application to the National Consumer Tribunal to enforce compliance with a notice issued in terms of section. 55(1) of the National Credit Act, 2005, in terms of section 55(6)(b)

This Notice must be filed with the Tribunal and served on the parties mentioned in Part E, in accordance with Tribunal rule 30 (see also Tribunal Rules 6 and 7)

Please take note that the National Credit Regulator (the Applicant) has commenced proceedings before the National Consumer Tribunal for an order set out in Part D, based on a failure as described in Part C to comply with a compliance notice issued in terms of section 55(1) of the National Credit Act, 2005 .

Further note that the Respondent described in Part B may oppose the application by serving an answer on the applicant and on any other party to whom this notice is

addressed. The Respondent's answer must be delivered in accordance with Tribunal rule 30 within 15 business days of the date of receipt of this notice and must comply with Tribunal rule 13.

Part A: Details of the Applicant.

Name, physical and postal address, e-mail, telephone and fax numbers of the National Credit Regulator:

Person responsible for this application, and positions within the National Credit Regulator:

Part B: Details of the Respondent (person to whom the section. 55(1) notice was issued)

Name, physical and postal address, e-mail, telephone and fax numbers:

Company registration or identity number _____

National Credit Regulator registration number _____

Date of registration with the Regulator _____

The Respondent,

- Is a regulated financial institution, being a _____
(describe the category of institution) license in terms of the _____
_____ Act; or
- Is not a regulated financial institution.

Part C: Details of Respondent's Non-compliance

Attach a copy of the notice sent to the Respondent (Form NCR 13) and provide further details if necessary of the non-compliance addressed by the notice:

List the documents appended as proof of the failures or contraventions:

Part D: Order sought from the Tribunal.

The National Credit Regulator hereby applies for an order against the Respondent as follows:

(Formulate the order sought from the Tribunal).

Part E: Applicant's certification of notice to parties, service of documents and means of service

I/we certify that the following parties have been notified of this application by service in the manner indicated below, of a copy of this Form and the documents required in Table 2 of the Tribunal Rules:

<p>The Respondent described in Part B</p>	<ul style="list-style-type: none"> <input type="checkbox"/> delivery to the party's physical address; <input type="checkbox"/> dispatch by registered mail to the party's postal address <input type="checkbox"/> dispatch by fax or e-mail, with delivery to a physical address or by registered mail to follow <input type="checkbox"/> dispatch by fax or e-mail only, (by agreement between the parties)
---	--

financial regulator (if applicable)	<input type="checkbox"/> delivery to the party's physical address; <input type="checkbox"/> dispatch by registered mail to the party's postal address <input type="checkbox"/> dispatch by fax or e-mail, with delivery to a physical address or by registered mail to follow <input type="checkbox"/> dispatch by fax or e-mail only, (by agreement between the parties)
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Part F: Applicant's certification of other documents appended to the application.

I/we certify that the following documents are appended to this application:

- a) A copy of Form NCR 13;
- b) Copies of the documents mentioned in Part C;
- c) proof of service according to Tribunal rule 30 for each of the parties named in Part E.

Signed at

_____ on _____
 by _____ (name) _____
 (position) _____

_____ duly authorized to sign on behalf of the National Credit Regulator

Form TI.57 (1)

IN THE NATIONAL CONSUMER TRIBUNAL

Tribunal Case no.:

In the matter between:

The National Credit Regulator

Applicant

and

Respondent

Notice of Application to the National Consumer Tribunal to cancel the registration of a registrant, in terms of section 57(1) of the National Credit Act, 2005

This Notice must be filed with the Tribunal and served on the parties mentioned in Part F, in accordance with Tribunal rule 30 (see also Tribunal Rules 6 and 7)

Please take note that the National Credit Regulator has commenced proceedings before the National Consumer Tribunal for an order to cancel the registration of the registrant named in Part B (the Respondent), on the grounds set out in Parts C and D of this application.

Further note that the Respondent described in Part B may oppose the application by serving an answer on the applicant and on any other party to whom this notice is addressed. The Respondent's answer must be delivered in accordance with Tribunal rule 30 within 15 business days of the date of receipt of this notice and must comply with Tribunal rule 13.

Part A: Details of the Applicant

Name, physical address and postal address, e-mail, telephone and fax numbers of the National Credit Regulator.

Person responsible for this application, and position within the National Credit Regulator:

Part B: Details of the Respondent (the registrant)

Name, physical and postal address, e-mail, telephone and fax numbers:

Company registration or identity number _____

National Credit Regulator registration number _____

Date of registration with Regulator _____

The Respondent,

is a regulated financial institution, being a _____
(describe the category of institution) licensed in terms of _____
_____ ; or

Is not a regulated financial institution.

Part C: Details of grounds for cancellation.

The order is sought in response to the Respondent's:

- repeated failure to comply with a condition of its registration.
- repeated failure to meet a s.48(1) commitment;

- repeated contravention of the Act.

Part D: Details of failures or contraventions

date of occurrence.	description of failure or contravention.

Documents appended as proof of the failures or contraventions.

(using the date of each alleged failure or contravention as a heading, name and describe each document appended in support of that allegation).

Part E: Applicant's certification of notice to parties, service of documents and means of services

I/we certify that the following parties have been notified of this application by service in the manner indicated below, of a copy of this Form and the documents required in Table 2 of the Tribunal Rules:

<p>The Respondent described in Part B (registrant)</p>	<p><input type="checkbox"/> delivery to the party's physical address;</p> <p><input type="checkbox"/> dispatch by registered mail to the party's postal address</p> <p><input type="checkbox"/> dispatch by fax or e-mail, with delivery to a physical address or by</p>
--	--

	<p>registered mail to follow</p> <p><input type="checkbox"/> dispatch by fax or e-mail only, (by agreement between the parties)</p>
The financial regulator (if applicable)	<p><input type="checkbox"/> delivery to the party's physical address;</p> <p><input type="checkbox"/> dispatch by registered mail to the party's postal address</p> <p><input type="checkbox"/> dispatch by fax or e-mail, with delivery to a physical address or by registered mail to follow</p> <p><input type="checkbox"/> dispatch by fax or e-mail only, (by agreement between the parties)</p>

Part F: Applicant's certification of other documents appended to the application

I/we certify that the following documents are appended to the application:

- a) copies of the documents mentioned in Part D,
- b) a copy of the registrant's registration certificate and of any conditions imposed upon and after registration;
- c) if the registrant is a regulated financial institution, a copy of the financial regulator's consent in terms of section.57(2)(c);
- d) proof of service in accordance with Tribunal rule 30 for each of the parties named in Part E.

Signed at

.....on.....

by.....(name).....

(position)

.....

duly authorized to sign on behalf of the National Credit Regulator.

Form TI.59(1)**IN THE NATIONAL CONSUMER TRIBUNAL**

Tribunal Case no.:

In the matter between:

Applicant

and

The National Credit Regulator

Respondent

(insert name of registrant or aspirant registrant if
if the Applicant is someone other than
the registrant in respect of the Regulator's decision)

Respondent

Notice of Application to the National Consumer Tribunal to review a decision of the Regulator, in terms of section 59(1) of the National Credit Act, 2005

This Notice must be filed with the Tribunal and served on the parties mentioned in Part E, in accordance with Tribunal rule 30 (see also Tribunal Rules 6 and 7)

Please take note that the Applicant named in Part A has commenced proceedings before the National Consumer Tribunal for an order to set aside a decision of the Regulator on the grounds set out in Part D of this application.

Further note that the Respondent(s) described in Part B may oppose the application by serving an answer on the applicant and on any other party to whom this notice is addressed. The Respondent's answer must be delivered in accordance with Tribunal rule 30 within 15 business days of the date of receipt of this notice and must comply with Tribunal rule 13.

Part A: Details of the Applicant

Name, physical and postal address, e-mail, telephone and fax numbers:

Company registration or identity number _____

National Credit Regulator registration number and date of registration with the Regulator (if applicable).

The Applicant is,

- the registrant / aspirant registrant in respect of the decision of the Regulator; or
 a third party affected by the decision in the following way:

(provide a detailed description)

Part B: Details of the Respondent(s)

Name, physical address and postal address, e-mail, telephone and fax numbers of the National Credit Regulator.

If the Applicant is a third party, provide details of the registrant or aspirant registrant:

Name, physical and postal address, e-mail, telephone and fax numbers:

Company registration or identity number _____

National Credit Regulator registration number and date of registration with the Regulator (if applicable).

Part C: Decision to be Reviewed

The decision of the Regulator to be reviewed is –

(1) a decision taken in response to an application:

- by a person to become a credit provider (section.40)
- by a credit provider or aspirant credit provider to provide developmental credit (section.41)
- by a person to become a credit bureau (section.43)
- by a person wishing to become a debt counsellor.

or,

2) a decision:

- in terms of section.45 to request additional information
- in terms of section.48 to impose conditions on registrant
- in terms of section.49 to vary conditions or impose new conditions.

If the Tribunal is required to review a decision under (1), append to this Form a copy of:

- a) the completed NCR Form by which the application was made to the Regulator and all documents submitted in support of that application; and
- b) the written record of the Regulator's decision to be reviewed.

If the Tribunal is required to review a decision under (2), append to this Form a copy of the written record of the Regulator's decision to be reviewed and state clearly which aspect of the decision is to be reviewed;

Part D: Grounds for Review

Set out in detail the grounds for a review of the decisions (alternative grounds may be stated if based on the same facts)

If the application is more than 20 business days after the date of the decision to be reviewed, state reasons why the application should be permitted:

Part E: Applicant's Certification of Notice to Parties, Service of Documents and Means of Service

I/we certify that the following parties have been notified of this application by service in the manner indicated below, of a copy of this Form and the documents required in Table 2 of the Tribunal Rules:

The National Credit Regulator	<input type="checkbox"/> delivery to the party's physical address; <input type="checkbox"/> dispatch by registered mail to the party's postal address <input type="checkbox"/> dispatch by fax or e-mail, with delivery to a physical address or by registered mail to follow <input type="checkbox"/> dispatch by fax or e-mail only, (by agreement between the parties)
registrant or aspirant registrant (required if the Applicant in this matter is someone other than that person)	<input type="checkbox"/> delivery to the party's physical address; <input type="checkbox"/> dispatch by registered mail to the party's postal address

	<input type="checkbox"/> dispatch by fax or e-mail, with delivery to a physical address or by registered mail to follow <input type="checkbox"/> dispatch by fax or e-mail only, (by agreement between the parties)
--	--

Part F: Applicant’s Certification of Other Documents Appended to the Application

I/we certify that the following documents are appended to this application:

- (a) copies of the documents required under Part C;
- (b) proof of service in accordance with Tribunal rule 30 for each of the parties named in Part E;
- (c) proof of payment in accordance with Tribunal Rules – Form TI.r35

Signed.....at.....
on.....by.....
(name).....(position)

Applicant, or duly authorized to sign on behalf of the Applicant

Form TL.63(5)

IN THE NATIONAL CONSUMER TRIBUNAL

Tribunal Case no.:

In the matter between:

Applicant

and

The National Credit Regulator

Respondent

Notice of Application to the National Consumer Tribunal to review the rejection of a language proposal, in terms of section 63(5) of the National Credit Act, 2005

This Notice must be filed with the Tribunal and served on the parties mentioned in Part E, in accordance with Tribunal rule 30 (see also Tribunal Rules 6 and 7)

Please take note that the applicant named in Part A has commenced proceedings before the National Consumer Tribunal for an order to set aside a decision of the Regulator (Respondent) in respect of a language proposal.

Further note that the Respondent described in Part B may oppose the application by serving an answer on the applicant and on any other party to whom this notice is addressed. The Respondent's answer must be delivered in accordance with Tribunal rule 30 within 15 business days of the date of receipt of this notice and must comply with Tribunal rule 13.

Part A: Details of the Applicant

Name, physical and postal address; e-mail, telephone and fax numbers:

Company registration or identity number _____

National Credit Regulator registration number and date of registration with the Regulator
(if applicable)

Part B: Details of the Respondent (the Regulator)

Name, physical address and postal address, e-mail, telephone and fax numbers of the
National Credit Regulator

Part C: Decision to be Reviewed

Attach copies of:

- (1) The proposal made by the Applicant to the Respondent; and
- (2) The Respondent's written notification of rejection of the proposal in terms of section 63(4)(b)(ii).

Part D: Grounds for Review

With reference to the provisions of section. 63 (1) of the Act, set out in detail the grounds for a review of the decision (alternative grounds may be stated if based on the same facts).

If the application is made more than 20 business days after the date of the decision to be reviewed, state reasons why the application should be permitted:

Part E: Applicant's Certification of Notice to Parties, Service of Documents and Means of Service

I/we certify that the following parties have been notified of this application by service in the manner indicated below, of a copy of this Form and the documents required in Table 2 of the Tribunal Rules:

<p>The Respondent (the National Credit Regulator)</p>	<ul style="list-style-type: none"> <input type="checkbox"/> delivery to the party's physical address; <input type="checkbox"/> dispatch by registered mail to the party's postal address <input type="checkbox"/> dispatch by fax or e-mail, with delivery to a physical address or by registered mail to follow <input type="checkbox"/> dispatch by fax or e-mail only, (by agreement between the parties)
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Part F: Applicant's Certification of Other Documents Appended to the Application.

I/we certify that the following documents are appended are appended to this application:

- (a) the documents mentioned in Part C;
- (c) proof of service in accordance with Tribunal rule 30 for the party named in Part E;
- (d) proof of payment – Form TI.r35.

Signed at

.....on.....
.....by.....(name).....
.....(position)

.....
Applicant, or duly authorized to sign on behalf of the Applicant.

Form TI.71(3)

IN THE NATIONAL CONSUMER TRIBUNAL

Tribunal Case no.:

In the matter between:

and

Applicant

(Insert name of debt counsellor)

Respondent

Notice of Application to the National Consumer Tribunal to review a decision not to issue or a failure to issue a clearance certificate, in terms of section 71(3) of the National Credit Act, 2005

This Notice must be filed with the Tribunal and served on the parties mentioned in Part D, in accordance with Tribunal rule 30 (see also Tribunal Rules 6 and 7)

Please take note that Applicant named in Part A has commenced proceedings before the National Consumer Tribunal to review a decision to not to issue or failure to issue a clearance certificate and for an order to compel the production of a clearance certificate.

Further note that the Respondent described in Part B may oppose the application by serving an answer on the applicant and on any other party to whom this notice is addressed. The Respondent's answer must be delivered in accordance with Tribunal rule 30 within 15 business days of the date of receipt of this notice and must comply with Tribunal rule 13.

Part A: Details of the Applicant (consumer):

Name, physical and postal address, e-mail, telephone and fax numbers:

Company registration or Identity number _____

Part B: Details of the Respondent (the debt counsellor)

Name, physical and postal address, e-mail, telephone and fax numbers:

Identity number _____

National Credit Regulator registration number and date of registration with the
Regulator _____

Part C: Details of application for clearance certificate

Date of debt re-arrangement _____

Names of the parties to the debt re-arrangement:

Append a copy of the agreement or Magistrate's Court order whereby the debt was re-arranged.

Date on which application was made to the debt counsellor _____

Append a copy of the application to the counsellor, which must include any receipts or other documents submitted to prove that the consumer has met the obligations arising from the agreement or order. Alternatively the application must show that the consumer has settled all the obligations under the agreement or order except for a mortgage

agreement and any other long term debt and has demonstrated the financial ability to satisfy these remaining obligations.

Debt counsellor's reference if any _____

The debt counsellor's reasons for deciding not to issue or failing to issue the clearance certificate:

If the debt counsellor's reasons for deciding not to issue or failing to issue the certificate are in writing, append a copy of the document.

Part D: Applicant's Certification of Notice to Parties, Service of Documents and Means of Service

I/we certify that the following parties have been notified of this application by service in the manner indicated below, of a copy of this Form and the documents required in Table 2 of the Tribunal Rules:

<p>The Respondent described in Part B (the debt counsellor)</p>	<ul style="list-style-type: none"> <input type="checkbox"/> delivery to the party's physical address; <input type="checkbox"/> dispatch by registered mail to the party's postal address <input type="checkbox"/> dispatch by fax or e-mail, with delivery to a physical address or by registered mail to follow <input type="checkbox"/> dispatch by fax or e-mail only, (by agreement between the parties)
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Part E: Applicant’s Certification of Other Documents Appended to the Application

I/we certify that the following documents are appended to this application:

- (a) the documents mentioned in Part C;
- (b) proof of service in accordance with Tribunal rule 30 for the party named in Part D;

Signed.....at.....
.....on.....by.....
.....(name).....(position).....

.....
Applicant, or duly authorized to sign on behalf of the Applicant

Form TI.99(2)

IN THE NATIONAL CONSUMER TRIBUNAL

Tribunal Case no.:

In the matter between:

Applicant

and

Respondent

(Insert name of pawn broker)

Notice of Application to the National Consumer Tribunal for compensation from a pawnbroker in lieu of property, in terms of section 99(2) of the National Credit Act, 2005

This Notice must be filed with the Tribunal and served on the parties mentioned in Part E, in accordance with Tribunal rule 30 (see also Tribunal Rules 6 and 7)

Please take note that the Applicant named in Part A has commenced proceedings before the National Consumer Tribunal for compensation from the pawnbroker named in Part B (the Respondent) in lieu of property lost or sold.

Further note that the Respondent described in Part B may oppose the application by serving an answer on the Applicant and on any other party to whom this notice is addressed in Part E. The Respondent's answer must be delivered in accordance with Tribunal rule 30 within 15 business days of the date of receipt of this notice and must comply with Tribunal rule 13.

Part A: Details of the Applicant

Name, physical and postal address, e-mail, telephone and fax numbers:

Company registration or identity number _____

Part B: Details of the Respondent (the pawn broker)

Name, physical and postal address, e-mail, telephone and fax numbers:

Company registration or identity number _____

National Credit Regulator registration number and date of registration _____

Part C: Details of Property and Pawn-Broking Transaction

Description of the property

Date on which property was delivered to the pawnbroker _____

with a copy of the agreement and pawnbroker's receipt appended.

The Applicant's estimate of the value of the property, setting out the basis for the valuation

Attach any document giving evidence of the value of the property.

Date on which pawn-broking agreement terminated

Date on which settlement amount was paid or tendered to the pawnbroker

with the pawnbroker's receipt of payment appended (if applicable).

Part D: Grounds for the Application

I/we submit that the settlement value under the agreement was paid or tendered prior to the date on which the pawn-broking agreement terminated, and that the amount tendered in settlement:

- was not accepted by the pawnbroker; or
- was accepted by the pawnbroker, but the property was not returned

Part E: Applicant's Certification of Notice to Parties, Service of Documents and Means of Service

I/we certify that the following parties have been notified of this application by service in the manner indicated below, of a copy of this Form and the documents required in Table 2 of the Tribunal Rules:

<p>The Respondent described in Part B (credit provider /pawn broker)</p>	<ul style="list-style-type: none"> <input type="checkbox"/> delivery to the party's physical address; <input type="checkbox"/> dispatch by registered mail to the party's postal address <input type="checkbox"/> dispatch by fax or e-mail, with delivery to a physical address or by registered mail to follow <input type="checkbox"/> dispatch by fax or e-mail only, (by agreement between the parties)
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Part F: Applicant's Certification of Other Documents Appended to the Application

I/we certify that the following are appended to this application:

- (a) the documents and receipts mentioned in Part C;
- (b) proof of service in accordance with Tribunal rule 30 for the party named in Part E.

Signed at _____ on _____

by _____ (name) _____

(position) _____

duly authorized to sign on behalf of the Applicant.

Form TL.114(1)**IN THE NATIONAL CONSUMER TRIBUNAL**

Tribunal Case no.:

In the matter between:

and

Applicant

(Insert name of credit provider)

Respondent

Notice of Application to the National Consumer Tribunal to compel production of a statement, in terms of section 114 of the National Credit Act, 2005

This Notice must be filed with the Tribunal and served on the parties mentioned in Part E, in accordance with Tribunal rule 30 (see also Tribunal Rules 6 and 7)

Please take note that the Applicant named in Part A has commenced proceedings before the National Consumer Tribunal for an order to compel the production of a statement.

Further note that the Respondent described in Part B may oppose the application by serving an answer on the applicant and on any other party to whom this notice is addressed in Part E. The Respondent's answer must be delivered in accordance with Tribunal rule 30 within 15 business days of the date of receipt of this notice and must comply with Tribunal rule 13.

Part A: Details of the Applicant

Name, physical and postal address, e-mail, telephone and fax number:

Company registration or identity number _____

Part B: Details of the Respondent (the credit provider required to produce the statement)

Name, physical and postal address, e-mail, telephone and fax number:

Company registration number or Identity number _____

National Credit Regulator registration number and date of registration with the Regulator.

Part C: Details of Statement Required

Describe the type of credit agreement (whether a mortgage loan, revolving loan, instalment agreement, lease, secured loan or pawn transaction, etc.)

State the account no, if any _____

State the type of statement required:

- a periodic statement of account
- the current balance of the account
- amounts credited or debited over a specified period
- amounts currently overdue
- amounts currently payable
- the amount required to settle the credit agreement

(1) If a periodic statement is required,

(a) is there any provision in the credit agreement dealing with the frequency of statements, and if so what does the agreement say?

(b) state the date on which the statement was due to be delivered.

(2) If the statement required is to be delivered in response to a request, state the date on which the statement was requested, attaching a copy of the request or stating the manner in which and the person to whom the request was made:

Part D: Grounds for Application

I/we certify that on the date of this application the statement was due, and that the statement has not been delivered.

Part E: Applicant's Certification of Notice to Parties, Service of Documents and Means of Service

I/we certify that the following parties have been notified of this application by service in the manner indicated below, of a copy of this Form and the documents required in Table 2 of the Tribunal Rules:

<p>The Respondent described in Part B (credit provider)</p>	<p><input type="checkbox"/> delivery to the party's physical address;</p> <p><input type="checkbox"/> dispatch by registered mail to the party's postal address</p> <p><input type="checkbox"/> dispatch by fax or e-mail, with delivery to a physical address or by registered mail to follow</p> <p><input type="checkbox"/> dispatch by fax or e-mail only, (by</p>
---	--

	agreement between the parties
--	-------------------------------

Part F: Applicant's Certification of Other Documents Appended to the Application

I/we certify that the following documents are appended to this application:

- (a) a copy of the credit agreement mentioned in Part C;
- (b) if available, a copy of the latest periodic statement delivered under the credit agreement;
- (c) if applicable, a copy of the Applicant's written request for a statement;
- (d) proof of service in accordance with Tribunal rule 30 for the party named in Part E

Signed at _____ on _____
by _____ (name) _____
(position) _____

Applicant, or duly authorized to sign on behalf of the Applicant.

Form TL.115(1)

IN THE NATIONAL CONSUMER TRIBUNAL

Tribunal Case no.:

In the matter between:

Applicant

and

(Insert name of credit provider)Respondent

Notice of Application to the National Consumer Tribunal to resolve a disputed entry to a statement, in terms of section 115 of the National Credit Act, 2005

This Notice must be filed with the Tribunal and served on the parties mentioned in Part F, in accordance with Tribunal rule 30 (see also Tribunal Rules 6 and 7)

Please take note that the Applicant named in Part A has commenced proceedings before the National Consumer Tribunal for an order described in Part D to rectify an entry to a statement.

Further note that the Respondent described in Part B may oppose the application by serving an answer on the applicant and on any other party to whom this notice is addressed in Part F. The Respondent's answer must be delivered in accordance with Tribunal rule 30 within 15 business days of the date of receipt of this notice and must comply with Tribunal rule 13.

Part A: Details of the Applicant

Name, physical and postal address, e-mail, telephone and fax number:

Company registration or identity number _____

Part B: Details of the Respondent (the credit provider)

Name, physical and postal address, e-mail, telephone and fax number:

Company registration number or Identity number _____

National Credit Regulator registration number and date of registration with the Regulator

Part C: Details of the ADR Agent to Whom the Matter was ReferredName, physical and postal address, e-mail, telephone and fax
number: _____

Company registration number or Identity number _____

Part D: Details of Rectification Order Sought

Describe the type of credit agreement (whether a mortgage loan, revolving loan, instalment agreement, lease, secured loan or pawn transaction, etc.)

State the account no, if any _____

Attach copies of the statement(s) containing disputed entries showing and numbering the disputed entries.

In respect of each of the disputed entries, using the numbers as the reference, set out the grounds on which it is disputed:

Attach a copy of the credit provider's written explanation of these entries given in terms of section 111 (2) (a) of the Act.

State why the explanation is not accepted

Part E: Applicant's Certification that its Attempt at Alternative Dispute Resolution has Failed

I/we certify that we have tried in good faith to resolve the dispute directly with the credit provider and through alternative dispute resolution, but that these attempts failed.

Attach a copy of the ADR agent's completed Form NCR 28.

Part F: Applicant's Certification of Notice to Parties, Service of Documents and Means of Service

I/we certify that the following parties have been notified of this application by service in the manner indicated below, of a copy of this Form and the documents required in Table 2 of the Tribunal Rules:

The Respondent described in Part B (credit provider)	<input type="checkbox"/> delivery to the party's physical address; <input type="checkbox"/> dispatch by registered mail to the party's postal address <input type="checkbox"/> dispatch by fax or e-mail, with delivery to a physical address or by registered mail to follow <input type="checkbox"/> dispatch by fax or e-mail only, (by agreement between the parties)
The ADR agent described in part C	<input type="checkbox"/> delivery to the party's physical address; <input type="checkbox"/> dispatch by registered mail to the party's postal address <input type="checkbox"/> dispatch by fax or e-mail, with delivery to a physical address or by registered mail to follow <input type="checkbox"/> dispatch by fax or e-mail only, (by agreement between the parties)

Part G: Applicant's Certification Other Documents Appended to the Application

I/we certify that the following documents are appended to this application:

- (a) copies of the documents mentioned in Part D;
- (b) a copy of the Form mentioned in Part E;
- (c) proof of service in accordance with Tribunal rule 30 for the parties named in Part F.

Signed at _____ on _____
 by _____ (name) _____
 (position) _____

Applicant, or duly authorized to sign on behalf of the Applicant

Form TI.128(1)

IN THE NATIONAL CONSUMER TRIBUNAL

Tribunal Case no.:

In the matter between:

Applicant

and

(Insert name of credit provider)

Respondent

Notice of Application to the National Consumer Tribunal for a review of a sale of goods, in terms of section 128(1) of the National Credit Act, 2005

This Notice must be filed with the Tribunal and served on the parties mentioned in Part E, in accordance with Tribunal rule 30 (see also Tribunal Rules 6 and 7)

Please take note that the Applicant named in Part A has commenced proceedings before the National Consumer Tribunal for an order against the credit provider in Part B (the Respondent) for the payment of compensation in respect of the sale of goods.

Further note that the Respondent described in Part B may oppose the application by serving an answer on the applicant and on any other party to whom this notice is addressed in Part E. The Respondent's answer must be delivered in accordance with Tribunal rule 30 within 15 business days of the date of receipt of this notice and must comply with Tribunal rule 13.

Part A: Details of the Applicant

Name, physical and postal address, e-mail, telephone and fax number:

Company registration or identity number _____

Part B: Details of the Credit Provider

Name, physical and postal address, e-mail, telephone and fax number:

Company registration or Identity number _____

National Credit Regulator registration number and date of registration with the Regulator _____

Part C: Grounds for Compensation

I/we claim compensation from the credit provider named in Part B, on the grounds that:

- the credit provider did not sell the goods as soon as reasonably possible; or
- the credit provider did not sell the goods at the best price reasonably obtainable
(both may be marked)

If possible, if the claim is based on an unreasonable delay in the sale of goods:

- state the date of the sale of goods _____
- state the interest and other costs to you resulting from any unreasonable delay in the sale

If the claim is based on an unreasonable price obtained on the sale of goods:

- describe the goods

sold _____

- state the net proceeds of the

sale _____

- state your estimate of the value of the goods, setting out the basis for your

valuation _____

- append any document supporting the valuation of the goods.

(complete either i or ii below)	
i. If goods were surrendered voluntarily:	
State the date on which notice of termination was given in terms of section 127(1), and append a copy of the notice if possible:	
State the date on which the goods were delivered to the credit provider, with a copy of the receipt if possible:	

Describe any other communications with the credit provider prior to the sale and append copies if possible:	
Attach the credit provider's written estimate of the value of the goods as required in terms of section.127(2) Attach a copy of the credit provider's written notice given in terms of section.127 (5)(b)	
Attach a copy of the credit provider's written notice given in terms of section.127 (5)(b)	
Set out details of attempts to resolve the disputed sale with the credit provider and attach copies of correspondence:	
ii. If goods were repossessed in terms of an attachment order:	
State the date of the order and append a copy:	
State the date on which the goods were attached	

(repossessed) by credit provider, with a copy of the receipt if possible:	
Attach the credit provider's written estimate of the value of the goods as required in terms of section.127(2) (read with section.131)	
Describe any other communications with the credit provider prior to the sale and append copies if possible:	
Attach a copy of the credit provider's written notice given in terms of section.127 (5)(b) (read with section.131):	
Set out details of attempts to resolve the disputed sale with the credit provider and attach copies of correspondence:	

**Part D: Details of the ADR Agent to Whom the Matter was Referred and
Certification that its Attempt at Alternative Dispute Resolution has Failed - (Delete
Part D if not applicable)**

Name, physical and postal address, e-mail, telephone and fax number:

Company registration number or Identity number _____

I/we certify that we have tried in good faith to resolve the dispute through alternative dispute resolution, but that these attempts failed.

Attach a copy of the ADR agent's completed Form NCR 28.

**Part E: Applicant's Certification of Notice to Parties, Service of Documents and
Means of Service**

I/we certify that the following parties have been notified of this application by service in the manner indicated below, of a copy of this Form and the documents required in Table 2 of the Tribunal Rules:

<p>The Respondent described in Part B (credit provider)</p>	<ul style="list-style-type: none"> <input type="checkbox"/> delivery to the party's physical address; <input type="checkbox"/> dispatch by registered mail to the party's postal address <input type="checkbox"/> dispatch by fax or e-mail, with delivery to a physical address or by registered mail to follow <input type="checkbox"/> dispatch by fax or e-mail only, (by agreement between the parties)
---	--

<p>The ADR agent described in part D (delete if not applicable)</p>	<p><input type="checkbox"/> delivery to the party's physical address;</p> <p><input type="checkbox"/> dispatch by registered mail to the party's postal address</p> <p><input type="checkbox"/> dispatch by fax or e-mail, with delivery to a physical address or by registered mail to follow</p> <p><input type="checkbox"/> dispatch by fax or e-mail only, (by agreement between the parties)</p>
---	---

Part F: Applicant's Certification of Other Documents Appended to the Application

I/we certify that the following documents are appended to this application:

- a) copies of the documents mentioned in Part C;
- b) copies of the Form mentioned in Part D (delete if not applicable);
- b) proof of service in accordance with Tribunal rule 30 for the party(ies) named in Part E.

Signed at _____ on _____
 by _____ (name) _____
 (position) _____

 Applicant, or duly authorized to sign on behalf of the Applicant.

Form **TI.138(1)****IN THE NATIONAL CONSUMER TRIBUNAL**

Tribunal Case no.:

In the matter between:

and

Applicant

Respondent

Notice of Application to the National Consumer Tribunal for a consent order, in terms of section 138 of the National Credit Act, 2005

This Notice must be filed with the Tribunal and served on the parties mentioned in Part B, in accordance with Tribunal rule 30 (see also Tribunal Rules 6 and 7)

Please take note that the Applicant named in Part A has commenced proceedings before the National Consumer Tribunal for an order that the agreement reached between the parties named in Part A and B of this application be made a consent order of the Tribunal.

Further note that the Respondent(s) described in Part B may oppose the application by serving an answer on the applicant and on any other party to whom this notice is addressed in Part B. The Respondent's answer must be delivered in accordance with Tribunal rule 30 within 15 business days of the date of receipt of this notice and must comply with Tribunal rule 13.

Part A: Details of the Applicant

Name, physical and postal address, e-mail, telephone and fax number:

Company registration or identity number _____

Part B: Details of the parties / other parties to the consensual agreement.

This part must be completed in full for each of the other parties to the agreement.

Name, physical and postal address, e-mail, telephone and fax number:

Company registration or identity number. _____

If applicable, National Credit Regulator registration number and date of registration with the Regulator:

Part C: Details of Facilitator

If this application is made:

- subsequent to an investigation by the Regulator or by the Commission, state name and contact details of the person responsible for the investigation
-
- subsequent to a dispute resolution by an Ombud, consumer court, ADR agent, or debt counsellor state details of the entity and the name and contact details of the person responsible
-
-

Part D: Applicant's Certification of Notice to Parties, Service of Documents and Means of Service

This part must be completed in full for every person named in Part B.

I/we certify that the following parties have been notified of this application by service in the manner indicated below, of a copy of this Form and the documents required in Table 2 of the Tribunal Rules:

The Respondent described in Part B	<input type="checkbox"/> delivery to the party's physical address; <input type="checkbox"/> dispatch by registered mail to the party's postal address <input type="checkbox"/> dispatch by fax or e-mail, with delivery to a physical address or by registered mail to follow <input type="checkbox"/> dispatch by fax or e-mail only, (by agreement between the parties)
------------------------------------	--

Part F: Applicant's Certification of Other Documents Appended to the Application

I/we certify that the following documents are appended to this application:

- (a) a signed copy of the agreement between the parties, formulated as an order of the Tribunal;
- (b) proof of service in accordance with Tribunal rule 30 for the part(ies) named in Part B.
- (c) proof of payment – Form Tl.r35.

Signed _____ at _____
 on _____ by _____ (name) _____
 _____ (position) _____

 Applicant, or duly authorized to sign on behalf of the Applicant.

Form TL.142(3)(f)**IN THE NATIONAL CONSUMER TRIBUNAL**

Tribunal Case no.:

In the matter between:

Applicant

and

(Insert name of consumer)

Respondent

Notice of Application to the National Consumer Tribunal to limit obligations in response to consumer requests, in terms of sections 62, 65, 72, 110 or 113 of the National Credit Act, 2005

This Notice must be filed with the Tribunal and served on the parties mentioned in Part E, in accordance with Tribunal rule 30 (see also Tribunal Rules 6 and 7)

Please take note that the Applicant named in Part A has commenced proceedings before the National Consumer Tribunal for an order limiting the Applicant's obligations in respect of the consumer (Respondent) named in Part B of this application.

Further note that the Respondent described in Part B may oppose the application by serving an answer on the applicant and on any other party to whom this notice is addressed in Part E. The Respondent's answer must be delivered in accordance with Tribunal rule 30 within 15 business days of the date of receipt of this notice and must comply with Tribunal rule 13.

Part A: Details of the Applicant

Name, physical and postal address, e-mail, telephone and fax number:

Company registration or identity number _____

National Credit Regulator registration number and date of registration with the Regulator, if applicable.

Part B: Details of the Respondent (consumer)

Name, physical and postal address, e-mail, telephone and fax number:

Company registration or identity number. _____

Part C: Order Sought from the Tribunal

I/we hereby apply for an order to limit my/ our obligations in terms of:

- section.62 (to produce written statement of reasons for declining an application or terminating credit)
- section.65 (to produce replacement copies of credit documentation from a credit provider)
- section.72 (to provide information held or to be reported to a credit bureau and require an investigation into the accuracy of information)
- section.110 (to produce statements of balances)
- section.113 (to produce settlement amounts)

Part D: Grounds for Application

Details of previous request made by the same person

date of request.	type of request.

For the purpose of an order in terms of section.62, section.65, section.110 and section.113, state reasons why the request is to be considered frivolous or vexatious:

Or

For purpose of an order in terms of section.72, state why the request is to be considered frivolous, unfounded or wholly unreasonable, or why the history or pattern of such requests should be considered frivolous or vexatious:

Append any documentary or other evidence for the allegations made under this Part.

Part E: Applicant's Certification of Notice to Parties, Service of Documents and Means of Service

I/we certify that the following parties have been notified of this application by service in the manner indicated below, of a copy of this Form and the documents required in Table 2 of the Tribunal Rules:

<p>The Respondent described in Part B (consumer)</p>	<p><input type="checkbox"/> delivery to the party's physical address;</p> <p><input type="checkbox"/> dispatch by registered mail to the party's postal address</p> <p><input type="checkbox"/> dispatch by fax or e-mail, with delivery to a physical address or by registered mail to follow</p> <p><input type="checkbox"/> dispatch by fax or e-mail only, (by agreement between the parties)</p>
--	---

Part F: Applicant's Certification of Other Documents Appended to the Application

I/we certify that the following records are appended to this application:

- (a) the documentation or other evidence mentioned in Part ;
- (b) proof service in accordance with Tribunal Rules 30 for the party named in Part E;
- (c) proof of payment – Form TL.r35.

Signed _____ at _____ on

by _____ (name) _____

(position) _____

Duly authorised to sign on behalf of the Applicant.

Part 6. Appeals and variation orders

Form TI. 148(1)**IN THE NATIONAL CONSUMER TRIBUNAL**

Tribunal Case no.:

In the Appeal between

Appellant

and

Respondent

regarding the matter between:

Applicant

and

Respondent

Notice of Appeal to a full panel of the National Consumer Tribunal, in terms of section 148(1) of the National Credit Act, 2005

This Notice must be filed with the Tribunal and served on the parties mentioned in Part E, in accordance with Tribunal rule 30 (see also Tribunal rule 26)

Please take note that the Applicant named in Part A hereby appeals to a full panel of the National Consumer Tribunal for an order to set aside its earlier ruling made by a single member of the Tribunal.

Further note that the Respondent described in Part B may deliver an answer to this application and such answer must be delivered within 15 business days of the date of receipt of this notice

Part A: Details of the Appellant.

Name, physical and postal address, e-mail, telephone and fax number:

Company registration or identity number

National Credit Regulator registration number and date of registration with the Regulator, if applicable:

Part B: Details of the Respondent (other party in the proceedings)

Name, physical and postal address, e-mail, telephone and fax number:

Company registration number or Identity number

If applicable, National Credit Regulator registration number and date of registration with the Regulator:

Part C: Details of the ruling appealed against.

The matter between the appellant and

(name of other party to the matter) for

(describe the relief or order that had been applied for) was heard on

_____ by

_____ (name the Member
responsible for the ruling)

Tribunal Reference Number

Append a copy of the ruling to this application.

Part D: Order sought from the Tribunal and grounds for appeal.

The appellant seeks an order in the following terms:

That the earlier ruling of the single member be set aside, and that the following order /
ruling be made by the Tribunal instead:

(specify the alternative order or ruling sought)

The appeal is sought on the following grounds:

(note that alternative grounds for the appeal may be set out provided they are based on
the same facts).

Part E: Applicant's certification of notice to parties, service of documents and means of service.

I/we certify that the following parties have been notified of this application by service in the manner indicated below, of a copy of this Form and the documents required in Table 2 of the Tribunal Rules:

The Respondent described in Part B	<input type="checkbox"/> delivery to the party's physical address; <input type="checkbox"/> dispatch by registered mail to the party's postal address <input type="checkbox"/> dispatch by fax or e-mail, with delivery to a physical address or by registered mail to follow <input type="checkbox"/> dispatch by fax or e-mail only, (by agreement between the parties)
------------------------------------	--

Part F: Applicant's certification of other documents appended to the application

I/we certify that the following records are appended to this application:

- (a) a copy of the ruling appealing against;
- (b) proof of service in accordance with Tribunal rule 30 for the other parties to the ruling

Signed at _____ on

by

_____ (name)

_____ (position)

Appellant, or duly authorised to sign on behalf of the Appellant.

Form TL.165**IN THE NATIONAL CONSUMER TRIBUNAL**

Tribunal Case no.:

In the matter between:

Applicant

and

Respondent

Notice of Application to the National Consumer Tribunal to vary or rescind an order, in terms of section 165 of the National Credit Act, 2005

This Notice must be filed with the Tribunal and served on the parties mentioned in Part E, in accordance with Tribunal rule 30 (see also Tribunal rules 6 and 7)

Please take note that the Applicant named in Part A hereby applies to the National Consumer Tribunal to vary or rescind an order made in respect of the matter described in Part C of this application.

Further note that the Respondent described in Part B may oppose the application by serving an answer on the applicant and on any other party to whom this notice is addressed in Part E. The Respondent's answer must be delivered in accordance with Tribunal rule 30 within 15 business days of the date of receipt of this notice and must comply with Tribunal rule 13.

Part A: Details of the Applicant.

Name, physical and postal address, e-mail, telephone and fax number:

Company registration or identity number

National Credit Regulator registration number and date of registration with the Regulator, if applicable:

Part B: Details of the Respondent

Name, physical and postal address, e-mail, telephone and fax number:

Company registration number or Identity number

If applicable, National Credit Regulator registration number and date of registration with the Regulator:

Part C: Details of the ruling to be varied or rescinded.

The order was made in respect of the matter between

for

(describe the relief or order that had been applied for) and was heard on

by

(name the Presiding Member or members of the Panel)

The Tribunal Reference Number for this matter is

Append a copy of the ruling to this application.

Part D: Order sought from the Tribunal and grounds for rescission or variation

I/we, being affected by the decision or order of the Tribunal described in Part C in the following way:

(describe in detail how you are affected by the decision or order)

hereby apply for an order that the order / decision be –

rescinded

or

varied in the following way

The rescission / variation is sought on the following grounds:

order / decision was erroneously sought or granted in my / our absence on the following basis:

(State reasons why the order was erroneously sought and why the Applicant was absent from the hearing or did not oppose the application) _____

- the order / decision contains an ambiguity, obvious error or omission, being _____

(describe the ambiguity, error or omission)

- the order / decision was made or granted as a result of a mistake common to all the parties to the proceedings, being _____
- _____

(describe mistake)

If the application is made more than 20 business days after the date on which the applicant became aware of;- the tribunal order which was granted in the absence of the applicant, the ambiguity error or omission, or mistake common to the parties to the proceedings, state reasons why the application should be permitted:

Part E: Applicant's certification of notice to parties, service of documents and means of service.

I/we certify that the following parties have been notified of this application by service in the manner indicated below, of a copy of this Form and the documents required in Table 2 of the Tribunal Rules:

(This part must be completed in full for all parties named in Part B.)

The Respondent described in Part B	<input type="checkbox"/> delivery to the party's physical address; <input type="checkbox"/> dispatch by registered mail to the party's postal address <input type="checkbox"/> dispatch by fax or e-mail, with delivery to a physical address or by registered mail to follow <input type="checkbox"/> dispatch by fax or e-mail only, (by agreement between the parties)
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Part F: Applicant's certification of other documents appended to the application.

I/we certify that the following documents are appended to this application:

- a) a copy of the ruling to be varied or rescinded;
- b) proof of service in accordance with Tribunal rule 30 for the party named in Part B.

Signed at _____ on

by

_____ (name)

_____ (position)

Applicant or duly authorized to sign on behalf of the Applicant.

Form TI.164(3)(b)

Application to the National Consumer Tribunal for a certificate declaring conduct to be prohibited or required in terms of the Act.

[Form TI.164(3)(b) amended by GN 428 of 29 June 2011]

This application must be filed with the Tribunal in accordance with Tribunal Rules.

Date: _____

Part A: Details of the Applicant

Name, physical and postal address, e-mail, telephone and fax numbers:

Company registration or identity number: _____

National Credit Regulator registration number and date of registration with the Regulator, if applicable

Part B: Details of the Loss or Damages

I/we the applicant suffered loss or damages as follows

- (describe quantum or extent of loss) in the following circumstances

(description the circumstances leading to the loss.)

Part C: Details of the Conduct

I/we allege that the loss or damages was caused or partly caused by conduct previously found by the Tribunal to be prohibited conduct, or a dereliction of required conduct.

Tribunal Reference Number of the matter _____

Date of ruling _____

Name and details of person responsible for the conduct: _____

Company registration or identity number _____

National Credit Regulator registration number and date of registration with the Regulator, if applicable

Describe in detail the conduct leading to the loss or damages

Signed at _____ on _____

by _____ (name) _____

(position) _____

Applicant, or duly authorised to sign on behalf of the Applicant

Form TL.60 (3) & 101 CPA**IN THE NATIONAL CONSUMER TRIBUNAL**

Tribunal Case no.:

In the matter between:

Applicant

and

The National Consumer Commission

Respondent

Notice of Application to the National Consumer Tribunal to review notice issued by the National Consumer Commission, in terms of section 60(3) or 101 of the Consumer Protection Act, 2008

This Notice must be filed with the Tribunal and served on the parties mentioned in Part E, in accordance with Tribunal rule 30 (see also Tribunal Rules 6 and 7)

Please take note that the Applicant named in Part A has commenced proceedings before the National Consumer Tribunal for an order described in Part C to review a notice issued by the National Consumer Commission (the Respondent) the grounds set out in Part D of this application.

Further note that the Respondent described in Part B may oppose the application by serving an answer on the applicant and on any other party to whom this notice is addressed in Part E. The Respondent's answer must be delivered in accordance with Tribunal rule 30 within 15 business days of the date of receipt of this notice and must comply with Tribunal rule 13.

Part A: Details of the Applicant

Name, physical and postal address, e-mail, telephone and fax numbers:

Company registration or identity number _____

Part B: Details of the Respondent (the Commission)

Physical address and postal address, e-mail, telephone and fax numbers of the National Consumer Commission.

Part C: Notice to be Reviewed and Order Sought

Notice of the Commission to be reviewed is-

(1) Date of Notice issued by Commission _____
(attach a copy of the Notice)

(2) Section of CPA in terms of which the Notice was issued _____

I/we hereby apply for an order against the Respondent as follows:

(Formulate order sought – i.e. reviewing and setting aside, in whole or in part or modifying the notice)

Part D: Grounds for Review

If the application is more than 15 days after the date receipt of the Notice issued in terms of section 100(1) or more than 20 business days after the notice issued in terms of section 60(3) state reasons why the application should be permitted:

Attach an affidavit setting out in detail the grounds for the review

Part E: Applicant's Certification of Notice to Parties, Service of Documents and Means of Service

I/we certify that the following parties have been notified of this application by service in the manner indicated below, of a copy of this Form and the documents required in Table 2 of the Tribunal Rules:

<p>The National Consumer Commission (the Respondent)</p>	<ul style="list-style-type: none"> <input type="checkbox"/> delivery to the party's physical address; <input type="checkbox"/> dispatch by registered mail to the party's postal address <input type="checkbox"/> dispatch by fax or e-mail, with delivery to a physical address or by registered mail to follow <input type="checkbox"/> dispatch by fax or e-mail only, (by agreement between the parties)
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Part F: Applicant's Certification of Other Documents Appended to the Application

I/we certify that the following documents are appended to the application:

- (a) copy of the Notice issued by Commission as mentioned in Part C;
- (b) copy of the affidavit mentioned in Part D;
- (c) proof of service in accordance with Tribunal rule 30 for each of the parties named in Part E.
- (d) proof of payment – Form TL.r35

Signed at _____ on _____
_____ by _____ (name) _____
_____ (position) _____

Applicant, or duly authorised to sign on behalf of the Applicant

Form TL.80(5) CPA

IN THE NATIONAL CONSUMER TRIBUNAL

Tribunal Case no.:

In the matter between:

Applicant

and

The Registrar of Companies

Respondent

Respondent

(Insert the person in respect of whose
business name the Registrar of Companies made a
determination if this is not the Applicant)

Notice of Application to the National Consumer Tribunal to review a decision of the Registrar of Companies relating to the cancellation of a registered business name, in terms of section 80(5) of the Consumer Protection, 2008

This Notice must be filed with the Tribunal and served on the parties mentioned in Part E, in accordance with Tribunal rule 30 (see also Tribunal Rules 6 and 7)

Please take note that the Applicant named in Part A has commenced proceedings before the National Consumer Tribunal for an order described in Part C to review a determination of the Registrar of Companies on the grounds set out in Part D of this application.

Further note that the Respondent(s) described in Part B may oppose the application by serving an answer on the Applicant and on any other party to whom this notice is addressed in Part E. The Respondent's answer must be delivered in accordance with

Tribunal rule 30 within 15 business days of the date of receipt of this notice and must comply with Tribunal rule 13.

Part A: Details of the Applicant

Name, physical and postal address, e-mail, telephone and fax numbers:

Company registration or identity number _____

The Applicant is,

- the person in respect of whose business name the Registrar of Companies made a determination; or
- a third party affected by the decision in the following way:

(provide a detailed description)

Part B: Details of the Respondent(s)

Physical address and postal address, e-mail, telephone and fax numbers of the Registrar of Companies

If the Applicant is a third party, provide details of the registered business name holder:

Name, physical and postal address, e-mail, telephone and fax numbers:

Company registration or identity number _____

Part C: Notice to be Reviewed and Order Sought

The following action of the Registrar of Companies to be reviewed is

(describe)

Append to this Form copies of:

1. the Notice issued by the Registrar of Companies in terms of section 80(4)(a);
2. the submissions made to the Registrar of Companies in terms of section 80(4)(b)(i) or(ii);
3. the Notice issued by the Registrar of Companies in terms of section 80(4)(b); and
4. the Registrar of Companies' written reasons for its determination (if available).

I/we hereby apply for an order against the Respondent(s) as follows:

(Formulate order sought – i.e. reviewing and setting aside, in whole or in part or modifying the notice)

Part D: Grounds for Review

If the application is more than 20 days after the date of the decision to be reviewed, state reasons why the application should be permitted:

Attach affidavit and set out in detail the grounds for the review of the determination.

Part E: Applicant's Certification of Notice to Parties, Service of Documents and Means of Service

I/we certify that the following parties have been notified of this application by service in the manner indicated below, of a copy of this Form and the documents required in Table 2 of the Tribunal Rules:

The Registrar of Companies	<input type="checkbox"/> delivery to the party's physical address; <input type="checkbox"/> dispatch by registered mail to the party's postal address <input type="checkbox"/> dispatch by fax or e-mail, with delivery to a physical address or by registered mail to follow <input type="checkbox"/> dispatch by fax or e-mail only, (by agreement between the parties)
The registered business name holder (delete if not applicable)	<input type="checkbox"/> delivery to the party's physical address; <input type="checkbox"/> dispatch by registered mail to the party's postal address <input type="checkbox"/> dispatch by fax or e-mail, with delivery to a physical address or by registered mail to follow <input type="checkbox"/> dispatch by fax or e-mail only, (by agreement between the parties)

Part F: Applicant's Certification of Other Documents Appended to the Application

I/we certify that the following documents are appended to the application:

- (a) copies of the documents required under Part C;

- (b) the affidavit mentioned in Part D
- (c) proof of service in accordance with Tribunal rule 30 for each of the parties named in Part E;
- (d) Proof of payment – Form TL.r35

Signed at _____ on _____
_____ by _____ (name) _____
_____ (position) _____

Applicant, or duly authorised to sign on behalf of the Applicant

Form TL100(6) CPA**IN THE NATIONAL CONSUMER TRIBUNAL**

Tribunal Case no.:

In the matter between:

The National Consumer Commission

Applicant

and

Respondent

Notice of Application to the National Consumer Tribunal for imposition of administrative fine, in terms of section 100(6) of the Consumer Protection Act, 2008

This Notice must be filed with the Tribunal and served on the parties mentioned in Part E, in accordance with Tribunal rule 30 (see also Tribunal Rules 6 and 7)

Please take note that the National Consumer Commission has commenced proceedings before the National Consumer Tribunal against the Respondent named in Part B to impose an administrative fine in terms of section 100(6) of the Consumer Protection Act, 68 of 2008

Further note that the Respondent described in Part B may oppose the application by serving an answer on the applicant and on any other party to whom this notice is addressed in Part E. The Respondent's answer must be delivered in accordance with Tribunal rule 30 within 15 business days of the date of receipt of this notice and must comply with Tribunal rule 13.

Part A: Details of the Applicant

Name, physical and postal address, e-mail, telephone and fax numbers of the Commission:

Person responsible for this referral, and position within the Commission

Company registration or identity number _____

Part B: Details of the Respondent

Name, physical and postal address, e-mail, telephone and fax numbers:

Company registration or identity number _____

Part C: Details of the Compliance Notice

Attach a copy of the notice sent to the Respondent (in terms of section 100(1)) and provide further details if necessary of the non-compliance addressed by the notice:

List the documents appended as proof of the failures or contraventions:

Part D: Order Sought from the Tribunal

I/we hereby apply for an order imposing and administrative fine on the Respondent in the following amount:

Part E: Applicant's Certification of Notice to Parties, Service of Documents and Means of Service

I/we certify that the following parties have been notified of this application by service in the manner indicated below, of a copy of this Form and the documents required in Table 2 of the Tribunal Rules:

<p>The Respondent described in Part B</p>	<ul style="list-style-type: none"> <input type="checkbox"/> delivery to the party's physical address; <input type="checkbox"/> dispatch by registered mail to the party's postal address <input type="checkbox"/> dispatch by fax or e-mail, with delivery to a physical address or by registered mail to follow <input type="checkbox"/> dispatch by fax or e-mail only, (by agreement between the parties
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**Part F: Applicant's Certification of Other Documents Appended to the
Application**

I/we certify that the following records are appended to this application:

- (a) the documents mentioned in Part C
- (b) proof of service in accordance with Tribunal rule 30 for the party named in Part B.

Signed at _____ on _____ by
_____ (name) _____ (position)

Applicant, or duly authorized to sign on
behalf of the National Consumer Commission

Form TL102(3)(b) CPA**IN THE NATIONAL CONSUMER TRIBUNAL**

Tribunal Case no.:

In the matter between:

The National Consumer Commission

Applicant

and

Respondent

Notice of Application to the National Consumer Tribunal to extend the time period to retain books, document or other objects, in terms of section 102(3)(b) of the Consumer Protection Act, 2008

This Notice must be filed with the Tribunal and served on the parties mentioned in Part E, in accordance with Tribunal rule 30 (see also Tribunal Rules 6 and 7)

Please take note that the National Consumer Commission (“the Commission”) has brought an application to extend the time period within which it shall be entitled to retain books, document or other objects (“the Items”) in its possession, in terms of section 102(3)(b) of the Consumer Protection Act, 2008

Further note that the Respondent described in Part B may oppose the application by serving an answer on the applicant and on any other party to whom this notice is addressed in Part E. The Respondent’s answer must be delivered in accordance with Tribunal rule 30 within 10 business days or such shorter period as the Tribunal may notify in writing and must comply with Tribunal rule 13.

Part A: Details of the Applicant

Name, physical and postal address, e-mail, telephone and fax numbers of the Commission

Person responsible for this Application, and position within the Commission

Company Registration or identity number

Part B: Details of the Respondent

Name, physical and postal address, e-mail, telephone and fax numbers:

Company registration or identity number _____

Part C: Details of the Summons and the Items

Append a copy of the summons issued in in terms of section 102(1)

Date on which the Commission took possession of Items _____

Date on which two month period contemplated in section 102(3)(b) will expire _____

Description of items sought to be retained (list each individually)

Part D: Order sought from the Tribunal and Grounds

I/we hereby apply for an order that the Commission be entitled to retain the Items for a further period of _____

Set out detailed grounds for the order sought

For the reasons which follow, I/we request that the Tribunal schedules a date for hearing of this application by no later than _____ (insert date by which the application must be heard), and for this purpose/ we request that that the Tribunal directs the Respondent to deliver its answering affidavit, if the Respondent chooses to do so, by _____ (insert date)

(Explain why the application must be heard by the date inserted)

Part E: Applicant's Certification of Notice to Parties, Service of Documents and Means of Service

I/we certify that the following parties have been notified of this application by service in the manner indicated below, of a copy of this Form and the documents required in Table 2 of the Tribunal Rules:

The Respondent described in Part B	<input type="checkbox"/> delivery to the party's physical address; <input type="checkbox"/> dispatch by registered mail to the party's postal address <input type="checkbox"/> dispatch by fax or e-mail, with delivery to a physical address or by registered mail to follow <input type="checkbox"/> dispatch by fax or e-mail only, (by agreement between the parties)
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Part F: Applicant's Certification of Other Documents Appended to the Application:

I/we certify that the following records are appended to the application:

- (a) the documents mentioned in Part C
- (b) proof of service in accordance with Tribunal rule 30 for the party named in Part B

Signed _____ at _____ on
 _____ by _____
 (name) _____ (position) _____

 Applicant, or duly authorized to sign on behalf of the
 National Consumer Commission

PART 2 Matters originating as complaints

[Heading to Part 2 amended by *GN 428 of 29 June 2011*]

Refer to the Forms NCR 30 and 32, contained in the National Credit Regulations, 2006.

Form TL.73(2)(b) CPA

IN THE NATIONAL CONSUMER TRIBUNAL

Tribunal Case no.:

In the matter between:

The National Consumer Commission

Applicant

and

Respondent

Notice of Referral of a complaint to the National Consumer Tribunal by the National Consumer Commission, in terms of section 73(2)(b) of the Consumer Protection Act, 2008 (the CPA)

This Notice must be filed with the Tribunal and served on the parties mentioned in Part E, in accordance with Tribunal rule 30 (see also Tribunal Rules 6 and 7)

Please take note that the National Consumer Commission has referred a complaint against the Respondent set out in Part B in terms of section.73(2)(b) of the Consumer Protection Act 2008 to the National Consumer Tribunal for the order set out in Part D.

Further note that the Respondent described in Part B may oppose the application by serving an answer on the Applicant and on any other party to whom this notice is addressed in Part E. The Respondent's answer must be delivered in accordance with

Tribunal rule 30 within 15 business days of the date of receipt of this notice and must comply with Tribunal rule 13.

Part A: Details of the Applicant

Name, physical and postal address, e-mail, telephone and fax numbers:

Person responsible for this referral, and position within the Commission

Part B: Details of the Respondent

Name, physical and postal address, e-mail, telephone and fax numbers:

Company registration or identity number

Part C: Details of the Complaint

The following document(s) to be attached:

- a copy of the complaint - Annexure E of the CPA Regulations, with all documents which were submitted with that complaint;
- a copy of the Commission's report on its investigation into the matter with all relevant information and conclusions.

Part D: Order Sought from the Tribunal

The National Consumer Commission hereby applies for an order in the following terms:

Part E: Applicant's Certification of Notice to Parties, Service of Documents and Means of Service

I/we certify that the following parties have been notified of this application by service in the manner indicated below, of a copy of this Form and the documents required in Table 2 of the Tribunal Rules:

The Respondent described in part B.	<input type="checkbox"/> delivery to the party's physical address; <input type="checkbox"/> dispatch by registered mail to the party's postal address <input type="checkbox"/> dispatch by fax or e-mail, with delivery to a physical address or by registered mail to follow <input type="checkbox"/> dispatch by fax or e-mail only, (by agreement between the parties)
The complainant.	<input type="checkbox"/> delivery to the party's physical address; <input type="checkbox"/> dispatch by registered mail to the party's postal address <input type="checkbox"/> dispatch by fax or e-mail, with delivery to a physical address or by registered mail to follow <input type="checkbox"/> dispatch by fax or e-mail only, (by agreement between the parties)

Part F: Applicant's Certification of Other Documents Appended to the Application

I/we certify that the following documents are appended to the application:

- (a) a copy of the complaint - Annexure E of the CPA Regulations, with all documents which were submitted with that complaint;
- (b) a copy of the Commission's report on its investigation into the matter with all relevant information and conclusions.

(c) proof of service in accordance with Tribunal rule 30 for each of the parties named in Part E.

Signed at _____ on _____

by _____ (name)

_____ (position) _____

Applicant, or duly authorised to sign on behalf of the

National Consumer Commission

**Form TL.73(3) & 75(1)(b) & (2) CPA
IN THE NATIONAL CONSUMER TRIBUNAL**

Tribunal Case no.:

In the matter between:

Applicant

and

Respondent

Notice of Application for referral of a complaint to the National Consumer Tribunal, with leave of the Tribunal Required, in terms of section 73(3), 75(1)(b) or section 75(2) of the Consumer Protection Act, 2008

This Notice must be filed with the Tribunal and served on the parties mentioned in Part E, in accordance with Tribunal rule 30 (see also Tribunal Rules 6 and 7)

Please take note that the Applicant in Part A has commenced proceedings before the National Consumer Tribunal for an order detailed in Part D that a complaint detailed in Part C be referred directly to the Tribunal in terms of section:-

- 73(3)
- 75(1)(b)
- 75(2)

(Mark whichever is applicable.)

Further note that the Respondent described in Part B may oppose the application by serving an answer on the applicant and on any other party to whom this notice is addressed in Part E. The Respondent's answer must be delivered in accordance with

Tribunal rule 30 within 15 business days of the date of receipt of this notice and must comply with Tribunal rule 13.

Part A: Details of the Applicant

Name, physical and postal address, e-mail, telephone and fax numbers:

Company registration or identity number _____

Part B: Details of the Person Against Whom the Complaint was Filed

Name, physical and postal address, e-mail, telephone and fax numbers:

Company registration or identity number _____

Part C: Details of the Complaint/Referral

The following documents to be attached:

- a copy of the complaint - Annexure E of the CPA Regulations, with all documents which were submitted with that complaint
- a copy of the notice of non-referral – Annexure G of the CPA Regulations – if this application is being brought in terms of section 75(1)(b) or section 75(2) of the CPA
- a copy of the complaint referral to the consumer court – if this application is being brought in terms of section 73(3) or 75(2) of the CPA

If the application is made outside the 20 business day periods as stated in Table 2 of the Tribunal Rules, state reasons why the application should be permitted:

Part D: Order Sought from the Tribunal

I/we hereby apply for an order in the following terms:

1. That leave be granted to refer a complaint directly to the Tribunal
(Attach an affidavit setting out grounds for such leave to be granted)
2. In the event that leave is granted as per 1. above, the Applicant will seek the following relief:

(Set out the orders/relief the Applicant seeks following the hearing of the complaint referral.)

Part E: Applicant’s Certification of Notice to Parties, Service of Documents and Means of Service

I/we certify that the following parties have been notified of this application by service in the manner indicated below, of a copy of this Form and the documents required in Table 2 of the Tribunal Rules:

<p>The National Consumer Commission (service required in all instances)</p>	<ul style="list-style-type: none"> <input type="checkbox"/> delivery to the party’s physical address; <input type="checkbox"/> dispatch by registered mail to the party’s postal address <input type="checkbox"/> dispatch by fax or e-mail, with delivery to a physical address or by registered mail to follow <input type="checkbox"/> dispatch by fax or e-mail only, (by agreement between the parties)
<p>The consumer court (service required if this application is being brought in terms of section 73(3) or 75(2) of the CPA).</p>	<ul style="list-style-type: none"> <input type="checkbox"/> delivery to the party’s physical address; <input type="checkbox"/> dispatch by registered mail to the party’s postal address

	<input type="checkbox"/> dispatch by fax or e-mail, with delivery to a physical address or by registered mail to follow <input type="checkbox"/> dispatch by fax or e-mail only, (by agreement between the parties)
The person against whom the complaint was filed (Service required if the person bringing this application is not the person against whom the complaint was filed)	<input type="checkbox"/> delivery to the party's physical address; <input type="checkbox"/> dispatch by registered mail to the party's postal address <input type="checkbox"/> dispatch by fax or e-mail, with delivery to a physical address or by registered mail to follow <input type="checkbox"/> dispatch by fax or e-mail only, (by agreement between the parties)
The complainant (Service required if the person bringing this application is not the complainant)	<input type="checkbox"/> delivery to the party's physical address; <input type="checkbox"/> dispatch by registered mail to the party's postal address <input type="checkbox"/> dispatch by fax or e-mail, with delivery to a physical address or by registered mail to follow <input type="checkbox"/> dispatch by fax or e-mail only, (by agreement between the parties)

Part F: Applicant's Certification of Other Documents Appended to the Application

I/we certify that the following documents are appended to the application:

- (a) an affidavit setting out the facts on which the application is based;
- (b) proof of service in accordance with Tribunal rule 30 for each of the parties named in Part E.

-
- (c) the complaint (Annexure E of the CPA Regulations), with all documents which were submitted with that complaint
 - (d) the notice of non-referral (Annexure G of the CPA Regulations) (delete if not applicable);
 - (e) the complaint referral to the consumer court (delete if not applicable)

Signed at _____ on _____
by _____ (name) _____
(position) _____

Applicant, or duly authorised to sign on behalf of the Applicant

PART 3. Disputes between consumers and credit providers referred to the Tribunal upon failure of ADR

Form TI.137(3)

IN THE NATIONAL CONSUMER TRIBUNAL

Tribunal Case no.:

In the matter between:

(Insert your name)

Applicant

and

(Insert name of credit provider or consumer)

Respondent

Notice of Application to the National Consumer Tribunal upon failure of alternative dispute resolution between a consumer and credit provider, in terms of section 137(3) of the National Credit Act, 2005

This Notice must be filed with the Tribunal and served on the parties mentioned in Part F, in accordance with Tribunal rule 30 (see also Tribunal Rules 6 and 7)

Please take note that the Applicant named in Part A has commenced proceedings before the National Consumer Tribunal for an order described in Part D in respect of a dispute between a credit provider and a consumer, in terms of section 137(3) of the National Credit Act, 2005.

Further note that the Respondent described in Part B may oppose the application by serving an answer on the applicant and on any other party to whom this notice is addressed in Part F. The Respondent's answer must be delivered in accordance with Tribunal rule 30 within 15 business days of the date of receipt of this notice and must comply with Tribunal rule 13.

Part A: Details of the Applicant (credit provider or consumer).

Name, physical and postal address, e-mail, telephone and fax number:

Company registration or identity number _____

If applicable, National Credit Regulator registration number and date of registration with the Regulator:

Part B: Details of the Respondent (credit provider or consumer)

Name, physical and postal address, e-mail, telephone and fax number:

Company registration number or Identity number _____

If applicable, National Credit Regulator registration number and date of registration with the Regulator:

**Part C: Details of the Alternative Dispute Resolution Agent (ADR) Agent to Whom
the Matter was Referred**

Name, physical and postal address, e-mail, telephone and fax number:

Company registration number or Identity number _____

Part D: Order Sought from the Tribunal.

I/we, in view of, _____

(state the principal points of dispute as well as any allegation of prohibited conduct)

hereby apply for an order that:

(formulate the order sought from the Tribunal).

**Part E: Applicant's Certification that its Attempt at Alternative Dispute Resolution
has Failed**

I/we certify that we have tried in good faith to resolve the dispute directly with the other party and through alternative dispute resolution, but that these attempts have failed.

State date of the failure of ADR (as stated on the agent's certificate Form NCR 28)

If this application is brought more than 20 business days after the date stated above,
provide reasons why the Tribunal should permit the application

Part F: Applicant's Certification of Notice to Parties, Service of Documents and Means of Service.

I/we certify that the following parties have been notified of this application by service in the manner indicated below, of a copy of this Form and the documents required in Table 2 of the Tribunal Rules:

The Respondent described in Part B (credit provider or consumer)	<input type="checkbox"/> delivery to the party's physical address; <input type="checkbox"/> dispatch by registered mail to the party's postal address <input type="checkbox"/> dispatch by fax or e-mail, with delivery to a physical address or by registered mail to follow <input type="checkbox"/> dispatch by fax or e-mail only, (by agreement between the parties)
The ADR agent described in part C	<input type="checkbox"/> delivery to the party's physical address; <input type="checkbox"/> dispatch by registered mail to the party's postal address <input type="checkbox"/> dispatch by fax or e-mail, with delivery to a physical address or by registered mail to follow <input type="checkbox"/> dispatch by fax or e-mail only, (by agreement between the parties)
The National Credit Regulator	<input type="checkbox"/> delivery to the party's physical address; <input type="checkbox"/> dispatch by registered mail to the party's postal address

	<input type="checkbox"/> dispatch by fax or e-mail, with delivery to a physical address or by registered mail to follow <input type="checkbox"/> dispatch by fax or e-mail only, (by agreement between the parties)
--	--

Part G: Applicant's certification of other documents appended to the application

I/we certify that the following documents are appended to the application:

- (a) a copy of the ADR Agent's completed and signed Form NCR 28 together with the documents referred to in that form.
- (b) proof of service in accordance with Tribunal rule 30 for the parties named in Part F.

Signed _____ at _____
on _____ by _____
(position) _____

Applicant, or duly authorised to sign on
Behalf of the Applicant

PART 4. Interim relief in respect of a complaint referral

Form TL149(1)**IN THE NATIONAL CONSUMER TRIBUNAL**

Tribunal Case no.:

In the matter between:

(Insert your name)

Applicant

and

(Insert name of entity or person complained about)

Respondent

Notice of Application to the National Consumer Tribunal for an interim order or for an order extending an interim order pending the hearing of a complaint referral, in terms of section 149 of the National Credit Act, 2005 or in terms of section 114 of the Consumer Protection Act, 2008

This Notice must be filed with the Tribunal and served on the parties mentioned in Part D, in accordance with Tribunal rule 30 (see also Tribunal Rules 6 and 7)

Please take note that the Applicant named in Part A has commenced proceedings before the National Consumer Tribunal for an interim order as described in Part C for relief pending the hearing of a complaint, in terms of:

- section 149(1) of the National Credit Act, 2005
 - section 114(1) of the Consumer protection Act, 2008
 - section 149(3) of the National Credit Act, 2005
 - section 114(3) of the Consumer Protection Act, 2008
- (mark whichever is applicable)

Further note that Respondent described in Part B may oppose the application by serving an answer within 10 business days or such shorter period as the Tribunal may notify in writing. The Respondent's answer must comply with Tribunal rule 13.

Part A: Details of the Applicant

Name, physical and postal address, e-mail, telephone and fax number:

Company registration or identity number _____

**Part B: Details of the Respondent to the Complaint (i.e. the entity or person
Complained about)**

Name, physical and postal address, e-mail, telephone and fax number:

Company registration or identity number _____

National Credit Regulator registration number and date of registration with the Regulator,
if applicable:

**Part C: Order Sought from the Tribunal and Grounds for Application (complete
either 1 or 2 below and delete the other)**

1. Application for Interim Order

I/we, having initiated a complaint before the National Credit Regulator in terms of the National Credit Act, 2005 / having referred a complaint to the Tribunal in terms of the Consumer Protection Act, 2008 (Delete whichever is not applicable), hereby apply for an interim order providing relief in the following terms:

(formulate the order sought from the Tribunal).

In the event that interim relief is not granted, the following serious, irreparable damage may result to us:

or, the purpose of the National Credit Act, 2005/ Consumer Protection Act, 2008 may be frustrated in the following way:

2. Application for Extension of Interim Order

I/we, having obtained an interim order in the Tribunal on _____ (insert date of interim order), which interim order will expire on _____ (insert date)

And the hearing into the complaint proceedings not have been concluded as yet

hereby apply for an order extending the interim order to _____
(insert date not exceeding 6 months)

The reasons why I/we require an extension of the interim order are as follows: _____

_____ (applicant must show good cause for the requested extension)

For the reasons which follow, I/we request that the Tribunal schedules a date for hearing of this application by no later than _____ (insert date by which the application must be heard), and for this purpose/ we request that that the Tribunal directs the Respondent to deliver its answering affidavit, if the Respondent chooses to do so, by _____ (insert date)

(Explain why the application must be heard by the date inserted)

Part D: Applicant's Certification of Notice to Parties, Service of Documents and Means of Service

I/we certify that the following parties have been notified of this application by service in the manner indicated below, of a copy of this Form and the documents required in Table 2 of the Tribunal Rules:

The Respondent described in Part B	<input type="checkbox"/> delivery to the party's physical address; <input type="checkbox"/> dispatch by registered mail to the party's postal address <input type="checkbox"/> dispatch by fax or e-mail, with delivery to a physical address or by registered mail to follow <input type="checkbox"/> dispatch by fax or e-mail only, (by agreement between the parties)
The National Consumer Commission (required if the application is brought in terms of section 114 of the Consumer Protection Act, 2008)	<input type="checkbox"/> delivery to the party's physical address; <input type="checkbox"/> dispatch by registered mail to the party's postal address <input type="checkbox"/> dispatch by fax or e-mail, with delivery to a physical address or by registered mail to follow <input type="checkbox"/> dispatch by fax or e-mail only, (by

	agreement between the parties
The National Credit Regulator (required if the Application is brought in terms of section 149 of the National Credit Act, 2005)	<input type="checkbox"/> delivery to the party's physical address; <input type="checkbox"/> dispatch by registered mail to the party's postal address <input type="checkbox"/> dispatch by fax or e-mail, with delivery to a physical address or by registered mail to follow <input type="checkbox"/> dispatch by fax or e-mail only, (by agreement between the parties)

Part E: Applicant's Certification on Other Documents Appended to the Application

I/we certify that the following records are appended to this application;

- a) Interim order of Tribunal (delete if not applicable)

Signed at

_____ on _____
 by _____ (name) _____

(position) _____

 Applicant, or duly authorized to sign on behalf of the Applicant

PART 5. Procedural Matters

Form TI. r4**The National Consumer Tribunal Notice of Motion**
[Form TI.r4 amended by GN 428 of 29 June 2011]

This application must be filed with the Tribunal and served in accordance with Tribunal Rules on the party mentioned in part D.

Date _____

To _____

(the respondent).

Please take note that the Applicant named in Part A has commenced proceedings before the National Consumer Tribunal for an order described in Part C

Further note that you may oppose the application by serving an answer on the Applicant and on the other party to whom this notice is addressed. Your answer must be within 15 business days of the date of this notice and must comply with the Tribunal Rules.

Part A: Details of the Applicant

Name, physical and postal address, e-mail, telephone and fax number:

Company registration or identity number _____

National Credit Regulator registration number and date of registration with the Regulator, if applicable.

Part B: Details of the Respondent

Name, physical and postal address, e-mail, telephone and fax number:

Company registration or identity number _____

If applicable, National Credit Regulator registration number and date of registration with the Regulator.

Part C: Order Sought from the Tribunal

I / we hereby apply for an order in the following terms:

Part D: Applicant's Certification of Notice to Parties, Service of Documents and Means of Service

I/we certify that the following parties have been notified of this application by service in the manner indicated below, of a copy of this Form and the documents required in Table 2 of the Tribunal Rules:

The Respondent described in Part B	<input type="checkbox"/> delivery to the party's physical address; <input type="checkbox"/> dispatch by registered mail to the party's postal address
------------------------------------	--

	<input type="checkbox"/> dispatch by fax or e-mail, with delivery to a physical address or by registered mail to follow <input type="checkbox"/> dispatch by fax or e-mail only, (by agreement between the parties)
--	--

Part E: Applicant's Certification on Other Documents Appended to the Application

I/we certify that the following records are appended to this application:

- a) an affidavit setting out the facts on which the application is based.
- b) proof of service in accordance with Tribunal rule 30 for the party named in Part B.

Signed at

_____ on _____
by _____ (name) _____
_____ (position) _____

Applicant, or duly authorized to sign on behalf of the Applicant

Form TLr4A CPA**IN THE NATIONAL CONSUMER TRIBUNAL**

Tribunal Case no.:

In the matter between:

Applicant

and

Respondent

Notice of Application to the National Consumer Tribunal for leave to institute proceedings for or on behalf of persons set out in section 4(1)(c), (d) or (e) of the Consumer Protection Act, 2008

This Notice must be filed with the Tribunal and served on the parties mentioned in Part E, in accordance with Tribunal rule 30 (see also Tribunal rules 6 and 7)

Please take note that the Applicant named in Part A has commenced proceedings before the National Consumer Tribunal for an order described in Part D for leave to institute proceedings described in Part C on behalf of persons referred to in section 4(1)(c) or (d) of the Consumer Protection Act, 2008.

Further note that the Respondent described in Part B may oppose the application by serving an answer on the applicant and on any other party to whom this notice is addressed in Part E. The Respondent's answer must be delivered in accordance with Tribunal rule 30 within 15 business days of the date of receipt of this notice and must comply with Tribunal rule 13.

Part A: Details of the Applicant

Name, physical and postal address, e-mail, telephone and fax numbers:

Company registration or identity number _____

Part B: Details of the Respondent

Name, physical and postal address, e-mail, telephone and fax number:

Company registration number or Identity number _____

Part C: Proceedings which Applicant Intends to Institute in Terms of Consumer Protection Act, 2008

The Applicant intends to institute the following proceeding-

(Describe with reference to specific provision of the CPA, and attach copy of a draft application)

Part D: Order Sought from the Tribunal

I/we seek leave to institute the proceedings set out in Part C on behalf of the following persons

- A person acting as a member of, or in the interest of, a group or class of affected persons
- A person acting in the public interest

(Mark whichever is applicable. More than one may be marked)

I/we attach hereto an affidavit setting out the grounds upon which such relief is sought.

**Part E: Applicant's Certification of Notice to Parties, Service of Documents and
Means of Service**

I/we certify that the following parties have been notified of this application by service in the manner indicated below, of a copy of this Form and the documents required in Table 2 of the Tribunal Rules:

The Respondent described in Part B	<input type="checkbox"/> delivery to the party's physical address; <input type="checkbox"/> dispatch by registered mail to the party's postal address <input type="checkbox"/> dispatch by fax or e-mail, with delivery to a physical address or by registered mail to follow <input type="checkbox"/> dispatch by fax or e-mail only, (by agreement between the parties)
The National Consumer Commission	<input type="checkbox"/> delivery to the party's physical address; <input type="checkbox"/> dispatch by registered mail to the party's postal address <input type="checkbox"/> dispatch by fax or e-mail, with delivery to a physical address or by registered mail to follow <input type="checkbox"/> dispatch by fax or e-mail only, (by agreement between the parties)

Part F: Applicant's Certification of Other Documents Appended to the Application

I/we certify that the following documents are appended to the application:

- (a) copy of the draft application referred to in Part C
- (b) proof of service in accordance with Tribunal rule 30 for each of the parties named in Part E.
- (c) affidavit setting out the grounds upon which relief is sought

Signed _____ at _____
on _____ by _____ (name)
_____ (position)

Applicant, or duly authorised to sign on behalf of the Applicant

Form TL.r11*[Form TL.r11 amended by GN 428 of 29 June 2011]***IN THE NATIONAL CONSUMER TRIBUNAL**

Tribunal Case no.:

In the matter between:

Applicant

and

Respondent

and

The National Credit Regulator

Intervening Party

Notice of intervention by the National Credit Regulator in an application in terms of section 137 (3) pending in the National Consumer Tribunal, in terms of section 137(4) of the National Credit Act, 2005

This notice must be filed with the Tribunal and served on the parties mentioned in Part D, in accordance with Tribunal rule 30

Please take note of the intention of the National Credit Regulator (the Regulator) to intervene in the matter described in Part C which is an application in terms of section 137(3) of the National Credit Act, 2005 pending before the Tribunal (the Principal Matter).

Part A: Details of the Intervening Party

Name, physical and postal address, e-mail, telephone and fax number of the National Credit Regulator:

Persons responsible for this application, and position within the National Credit Regulator:

Part B: Details of the Parties in the Principal Matter

(provide these details for every party to the matter in which the Regulator will intervene).

Name, physical and postal address, e-mail, telephone and fax numbers:

Company registration or identity number _____

National Credit Regulator registration number and date of registration with the Regulator if applicable.

Part C: Details of the Principal Matter in which the Regulator will Intervene

Tribunal reference number

The nature of the Regulator's interest in the proceedings and reason for the intervention

The aspect in respect of which the Regulator will make representations

CONTINUES ON PAGE 162—PART 2



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PART 2 OF 2

N.B. The Government Printing Works will not be held responsible for the quality of "Hard Copies" or "Electronic Files" submitted for publication purposes



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Part D: Applicant's Certification of Notice to Parties, Service of Documents and Means of Service

I/we certify that the following parties have been notified of this application by service in the manner indicated below, of a copy of this Form and the documents required in Table 2 of the Tribunal Rules:

The Applicant in the Principal Matter	<input type="checkbox"/> delivery to the party's physical address; <input type="checkbox"/> dispatch by registered mail to the party's postal address <input type="checkbox"/> dispatch by fax or e-mail, with delivery to a physical address or by registered mail to follow <input type="checkbox"/> dispatch by fax or e-mail only, (by agreement between the parties)
The Respondent in the Principal Matter	<input type="checkbox"/> delivery to the party's physical address; <input type="checkbox"/> dispatch by registered mail to the party's postal address <input type="checkbox"/> dispatch by fax or e-mail, with delivery to a physical address or by registered mail to follow <input type="checkbox"/> dispatch by fax or e-mail only, (by agreement between the parties)

Part E: Applicant's Certification on Other Documents Appended to the Application

I/we certify that the following records are appended to this application;

a) proof of service in accordance with Tribunal rule 30 for each party named in Part D.

Signed

_____ at _____
on _____ by _____
(name) _____ (position)

Duly authorized to sign on behalf of the National Credit Regulator.

Form TI. r12

[Form TI.r12 amended by GN 428 of 29 June 2011]

IN THE NATIONAL CONSUMER TRIBUNAL

Tribunal Case no.:

In the matter between:

Applicant

and

Respondent

Intervening Party

Notice of Application to intervene in a matter before the National Consumer Tribunal, in terms of Tribunal rule 12

This Notice must be filed with the Tribunal and served on the parties mentioned in Part D, in accordance with Tribunal rule 30 (see also Tribunal Rules 6 and 7)

Please take note that the Intervening Party named in Part A has commenced proceedings before the National Consumer Tribunal for an order to permit the Intervening Party to intervene in the matter described in Part C (the Principal Matter).

Further note that the Respondent described in Part B may oppose the application by serving an answer on the applicant and on any other party to whom this notice is addressed in Part D. The Respondent's answer must be delivered in accordance with Tribunal rule 30 within 15 business days of the date of receipt of this notice and must comply with Tribunal rule 13.

Part A: Details of the Intervening Party

Name, physical and postal address, e-mail, telephone and fax number:

Company registration or identity number _____

National Credit Regulator registration number and date of registration with the Regulator, if applicable:

Part B: Details of the Parties to the Principal Matter

(Provide these details for every party in the Principal Matter).

Name, physical and postal address, e-mail, telephone and fax number:

Company registration or identity number _____

National Credit Regulator registration number and date of registration with the Regulator, if applicable:

Part C: Description of the Matter, and Grounds for Intervention

The Intervening Party hereby applies for an order that the Intervening Party be permitted to intercede in the matter and to the extent described below.

Description of the matter

Tribunal Reference Number

The aspect(s) in the Principal Matter in respect of which the Intervening Party wishes to make representations

The nature of the Intervening Party's interest in the proceedings and reasons why the intervention should be granted

Part D: Applicant's Certification of Notice to Parties, Service of Documents and Means of Service

I/we certify that the following parties have been notified of this application by service in the manner indicated below, of a copy of this Form and the documents required in Table 2 of the Tribunal Rules:

The Applicant in the Principal Matter	<input type="checkbox"/> delivery to the party's physical address; <input type="checkbox"/> dispatch by registered mail to the party's postal address <input type="checkbox"/> dispatch by fax or e-mail, with delivery to a physical address or by registered mail to follow <input type="checkbox"/> dispatch by fax or e-mail only, (by agreement between the parties)
The Respondent in the Principal Matter	<input type="checkbox"/> delivery to the party's physical address; <input type="checkbox"/> dispatch by registered mail to the party's postal address <input type="checkbox"/> dispatch by fax or e-mail, with delivery to a physical address or by registered mail to follow <input type="checkbox"/> dispatch by fax or e-mail only, (by

	agreement between the parties
--	-------------------------------

Part E: Intervening Party's Certification of Other Documents Appended to the Application

I/we certify that the following documents are appended to this application:

- (a) proof of service in accordance with Tribunal rule 30 for the parties named in Part B.
- (b) Form TL.r35 - proof of payment

[Part F, previously Part E, renamed and amended by GN 428 of 29 June 2011]

Signed _____ at _____ on
by _____
(name) _____ (position)

Applicant, or duly authorized to sign on behalf of the Applicant.

Form TL.r15

IN THE NATIONAL CONSUMER TRIBUNAL

Tribunal Case no.:

In the matter between:

Applicant

and

Respondent

Notice of Notice of Application to Amend In terms of rule 15

This Notice must be filed with the Tribunal and served on the parties mentioned in Part D, in accordance with Tribunal rule 30 (see also Tribunal Rules 6 and 7)

TAKE NOTICE that the Applicant named in Part A hereby applies for an order authorising the amendment of its _____ (describe document Applicant intends to amend) by effecting the amendments thereto listed in Part C.

Further note that the Respondent described in Part B may oppose the application by serving an answer on the applicant and on any other party to whom this notice is addressed. The Respondent's answer must be delivered in accordance with Tribunal rule

30 within 15 business days of the date of receipt of this notice and must comply with Tribunal rule 13.

Part A: Details of Applicant

Name, physical and postal address, e-mail, telephone and fax number:

Company registration or Identity number _____

National Credit Regulator registration number and date of registration with the Regulator, if applicable:

Part B: Details of all Other Parties to the Proceedings

(Separate details must be completed for each party to the proceeding)

Name, physical and postal address, e-mail, telephone and fax number:

Company registration or identity number _____

National Credit Regulator registration number and date of registration with the Regulator, if applicable,

Part C: Details of Amendment

I / we intend amending the above named document in the following manner:

(a copy of the printed form of the amended document may also be attached and marked "proposed amendment")

I/we intend amending the above named documents for the following reasons:

Part D: Applicant's Certification of Notice to Parties, Service of Documents and Means of Service

I/we certify that the following parties have been notified of this application by service in the manner indicated below, of a copy of this Form and the documents required in Table 2 of the Tribunal Rules:

<p>The Respondent(s) described in Part B</p>	<ul style="list-style-type: none"> <input type="checkbox"/> delivery to the party's physical address; <input type="checkbox"/> dispatch by registered mail to the party's postal address <input type="checkbox"/> dispatch by fax or e-mail, with delivery to a physical address or by registered mail to follow <input type="checkbox"/> dispatch by fax or e-mail only, (by agreement between the parties)
--	--

Part E: Applicant's Certification of Other Documents Appended to the Application

I/we certify that the following records are appended to this application:

- ▲ a copy of the printed form of the amended document may also be attached and marked "proposed amendment"
(mark if attached)

Signed at

_____ on _____

by _____ (name) _____
(position) _____

Applicant, or duly authorised to sign on

Behalf of the Applicant

Form TL.144

National Consumer Tribunal Summons

To _____

(insert name and address of person(s) being summonsed)

Concerning _____

(insert the Tribunal case number and the parties to the matter)

Take Note:

In terms of sections 158 and 159 of the National Credit Act –

A person commits an offence if that person, having been summoned, fails without sufficient cause to appear at the time and place specified or to remain in attendance until excused; or attends as required, but, refuses to be sworn in or to make an affirmation; or fails to produce a book, document or other item as ordered, if it is in the possession of, or under the control of, that person.

A person commits an offence if that person, having been sworn in or having made an affirmation fails to answer any question fully and to the best of his or her ability, or gives false evidence, knowing or believing it to be false.

1. A proceeding concerning this matter has been brought before the National Consumer Tribunal.
2. You are required to appear at _____ and give evidence before the National Consumer Tribunal on _____ at _____ o'clock, in the morning/afternoon.
3. You are also required to bring with you:

- (a) the documents or items listed on the attached _____ sheet(s); and
- (b) any other documents or items in your possession or under your control that relate to this matter.

4. You are also required to deliver the aforesaid documents or items to the Registrar of the Tribunal at _____ on or before the _____ (date).

Issued on _____ by _____ the member of the National Consumer Tribunal, in terms of section 144 of the National Credit Act.

Tribunal member

Registrar stamp

Form TI. r19

The National Consumer Tribunal Notice of Withdrawal
[Form TI.r19 amended by GEN428 of 29 June 2011]

This notice must be filed with the Tribunal and served on the parties mentioned in Part D, in accordance with the Tribunal Rules.

Date _____

To _____

(the respondent and other parties in the matter)

In the matter between

(Applicant)

and

(Respondent)

Tribunal Reference Number

Please take note that the Applicant hereby-

- withdraws the application / referral; or
- part of the application / referral, as specified

The Applicant –

- consent to pay costs as specified in the attached schedule;
or
- does not consent to pay costs, pending the award of costs by the Tribunal.

Part A: Details of the Applicant

Name, physical and postal address, e-mail, telephone and fax number:

Company registration or identity number

National Credit Regulator registration number and date of registration with the Regulator, if applicable:

Part B: Details of the Other Party or Parties to the Matter

Name, physical and postal address, e-mail, telephone and fax number:

Company registration or identity number

National Credit Regulator registration number and date of registration with the Regulator, if applicable,

Part C: Applicant's Certification of Notice to Parties, service of Documents and Means of Service

I/we certify that the following parties have been notified of this application by service in the manner indicated below, of a copy of this Form and the documents required in Table 2 of the Tribunal Rules:

<p align="center">The Respondent(s) described in Part B</p>	<p><input type="checkbox"/> delivery to the party's physical address;</p> <p><input type="checkbox"/> dispatch by registered mail to the party's postal address</p> <p><input type="checkbox"/> dispatch by fax or e-mail, with delivery to a physical address or by registered mail to follow</p> <p><input type="checkbox"/> dispatch by fax or e-mail only, (by agreement between the parties)</p>
---	---

Part D: Applicant's Certification on Other Documents Appended to the Application

I/we certify that the following records are appended to this application:

- a) if applicable, a schedule of the costs which the Applicant has consent to pay;
- b) proof of service in accordance with Tribunal rule 30 for the party named in Part B.

Signed _____ at _____
 on _____ by _____
 (name) _____ (position) _____

 Applicant, or duly authorized to sign on behalf of the Applicant.

Form TL.r25(2)

IN THE NATIONAL CONSUMER TRIBUNAL

Tribunal Case no.:

In the matter between:

(Insert your name)

Applicant

and

Respondent

Notice of Application to the National Consumer Tribunal for a default order, in terms of Tribunal rule 25(2)

This application must be filed in accordance with Tribunal rule 7(3) (see also Tribunal rule 2(1))

Please take note that the Applicant named in Part A hereby applies to the National Consumer Tribunal for a default order described in Part B in terms of Tribunal rule 25(2)

Part A: Details of the Applicant

Name, physical and postal address, email, telephone and fax numbers

Company registration or identity number

National Credit Regulator registration number and date of registration with the Regulator, if applicable

Part B: Order Sought from the Tribunal and Grounds for Application

I/we hereby apply to the Tribunal for a default order in the principal matter as per the draft order attached hereto on the grounds that:

- (a) The application in the principal matter was served on _____ (state date)
- (b) The time period within which the party was required to file a response expired on _____ (state date)
- (c) The party failed to deliver a response within required time period.

Part C: Applicant's Certification of Other Documents Relating to this Application

I/we certify that Below listed documents, which will be considered in this application, have previously been filed at the Tribunal

DATE FILED AT TRIBUNAL	DOCUMENT DESCRIPTION

Signed _____ at _____
 on _____ by _____
 (name) _____ (position) _____

Applicant, or duly authorized to sign on

behalf of the Applicant

Form TLr30A

IN THE NATIONAL CONSUMER TRIBUNAL

Tribunal Case no.:

In the matter between:

Applicant

and

Respondent

FILING NOTICE

DOCUMENT: _____

(Describe document attached to the filing notice intended to be filed)

FILED BY: - _____

(insert full details of party filing the document i.e. full name address and contact details.)

TO: The Registrar of the
National Consumer Tribunal

Acknowledgement of receipt – personal delivery:
(to be completed by recipient)

Received by:

Designation:

Date: _____

Time: _____

Signature of recipient: _____

OR

Certification if document was served or delivered by way of
email/ fax/ registered post:-

Date sent: _____

Addressed to: _____

Proof of transmission must be attached

AND TO: _____

(insert full details of the party to whom document was delivered i.e. full name address and contact details. – repeat for every additional party)

Acknowledgement of receipt – personal delivery:
(to be completed by recipient)

Received by:

Designation:

Date: _____

Time: _____

Signature of recipient: _____

OR

Certification if document was served or delivered by way of email/ fax/ registered post:-

Date sent: _____

Addressed to: _____

Proof of transmission /dispatch must be attached

Form TL.r30

IN THE NATIONAL CONSUMER TRIBUNAL

Tribunal Case no.:

In the matter between:

(Insert your name)

Applicant

and

Respondent

Notice of Application to the National Consumer Tribunal for an order of substituted service, in terms of Tribunal rule 30(5)

This application must be filed in accordance with Tribunal rule 30.

Please take note that the Applicant named in Part A intends to or has commenced proceedings described in Part B before the National Consumer Tribunal (the Principal Matter) and seeks an order for substituted service of notice of proceedings in the Principal Matter on the party described in Part C

Part A: Details of the Applicant

Name, physical and postal address, email, telephone and fax numbers

Company Registration or Identity Number _____

National Credit Regulator registration number and date of registration with the Regulator, if applicable

Part B: Details of Principal Matter

I/we intend to/have institute/d the proceedings, being the Principal Matter, in the National Consumer Tribunal as are attached hereto for identification purposes.

Part C: Order Sought from the Tribunal and Grounds for Application

I/we have attempted to serve Notice of proceedings in the Principal Matter on the following person:

Name, physical and postal address, e-mail, telephone and fax number:

Company registration number or Identity number _____

If applicable, National Credit Regulator registration number and date of registration with the Regulator:

I/we hereby apply to the Tribunal for an order:

- (a) that non-compliance with rule 30 (service and proof of service of documents) be condoned for the following reasons (describe attempts at serving in the conventional way and state the difficulties experienced):

(b) that the means of service or the publication of a notice, in the manner described below, be taken as proper service on the party mentioned above:

Part D: Applicant's Certification of Other Documents Appended to the Application

I/we certify that the following documents are appended to this application.

- (a) Proof of attempts and failure to serve in a manner required by Rules 30(1) to (3);
- (b) Copy of the documents in the Principal matter.

Signed _____ at _____ on _____ by

(name)
(position) _____

Applicant, or duly authorized to sign on
behalf of the Applicant

Form TL.r34

[Form TL.r34 amended by GN 428 of 29 June 2011]

IN THE NATIONAL CONSUMER TRIBUNAL

Tribunal Case no.:

In the matter between:

Applicant

and

Respondent

Notice of Application to the National Consumer Tribunal to condone non-compliance with a rule or procedure, in terms of Tribunal rule 34

This Notice must be filed with the Tribunal and served on the parties mentioned in Part D, in accordance with Tribunal rule 30 (see also Tribunal Rules 6 and 7)

Please take note that the Applicant named in Part A hereby applies for an order described in Part C condoning the Applicant's non-compliance with Tribunal rules.

Further note that the Respondent described in Part B may oppose the application by serving an answer on the applicant and on any other party to whom this notice is addressed in Part D. The Respondent's answer must be delivered in accordance with

Tribunal rule 30 within 15 business days of the date of receipt of this notice and must comply with Tribunal rule 13.

Part A: Details of the Applicant (the party bringing this application)

Name, physical and postal address, e-mail, telephone and fax number:

Company registration or identity number _____

National Credit Regulator registration number and date of registration with the Regulator, if applicable:

Part B: Details of the Respondent (other party to the principal matter)

Name, physical and postal address, e-mail, telephone and fax number:

Company registration or identity number _____

National Credit Regulator registration number and date of registration with the Regulator, if applicable,

Part C: Order Sought from the Tribunal and Grounds for Application

In the matter of _____ (Insert Tribunal case number)

I/we, hereby apply to the Tribunal for an order that the following non-compliance:

(describe the non-compliance specifying which rule has not been complied with)

be condoned for the reasons as are set out in the affidavit attached hereto.

Part D: Applicant's Certification of Notice to Parties, Service of Documents and Means of Service

I/we certify that the following parties have been notified of this application by service in the manner indicated below, of a copy of this Form and the documents required in Table 2 of the Tribunal Rules:

<p>The Respondent described in Part B</p>	<p><input type="checkbox"/> delivery to the party's physical address;</p> <p><input type="checkbox"/> dispatch by registered mail to the party's postal address</p> <p><input type="checkbox"/> dispatch by fax or e-mail, with delivery to a physical address or by registered mail to follow</p> <p><input type="checkbox"/> dispatch by fax or e-mail only, (by agreement between the parties)</p>
---	---

**Part E: Applicant's Certification of Other Documents Appended to
the Application**

[Part D deleted by GN 428 of 29 June 2011]

I/we certify that the following records are appended to this application:

- a) An affidavit stating reasons for late filing and why late filing should be condoned

- b) _____ (describe any documents which the Applicant may
choose to attach to this _____ application)

[Part D, previously Part E, renamed and amended by GN 428 of 29 June 2011]

Signed _____ at _____ on _____
by _____ (name) _____
(position) _____

Applicant, or duly authorized to sign on behalf of the Applicant.

Form TL.r35

The National Consumer Tribunal Payment Advice.

This payment must be filed in accordance with Tribunal rule 35.

Date _____

In the matter between

(Applicant)

and

(Respondent)

Tribunal Reference Number

The signatory hereby confirms payment of the amount of

(amount in words) payable in respect of

Into the Tribunal's designated bank account, by

- cash deposit
 electronic funds transfer

on _____ (date of payment)

Payer's reference number as on the payment record

(attach a copy of the payment record)

Signed _____ at _____ on _____

by _____ (name) _____

(position) _____

Payer/on behalf of the Payer.

PART 6. Appeals and Variation Orders

Form T.I**148(1)****IN THE NATIONAL CONSUMER TRIBUNAL**

Tribunal Case no.:

In the Appeal between

Appellant

and

Respondent

regarding the matter between:

Applicant

and

Respondent

Notice of Appeal to a full panel of the National Consumer Tribunal, in terms of section 148(1) of the National Credit Act, 2005

This Notice must be filed with the Tribunal and served on the parties mentioned in Part E, in accordance with Tribunal rule 30 (see also Tribunal rule 26)

Please take note that the Applicant named in Part A hereby appeals to a full panel of the National Consumer Tribunal for an order to set aside its earlier ruling made by a single member of the Tribunal.

Further note that the Respondent described in Part B may deliver an answer to this application and such answer must be delivered within 15 business days of the date of receipt of this notice.

Part A: Details of the Appellant

Name, physical and postal address, e-mail, telephone and fax number:

Company registration or identity number _____

National Credit Regulator registration number and date of registration with the Regulator, if applicable:

Part B: Details of the Respondent (other party in the proceedings)

Name, physical and postal address, e-mail, telephone and fax number:

Company registration number or Identity number _____

If applicable, National Credit Regulator registration number and date of registration with the Regulator:

Part C: Details of the Ruling Appealed Against

The matter between the appellant and

(name of other party to the matter) for

(describe the relief or order that had been applied for) was heard on

_____ by

_____ (name the Member responsible for the ruling)

Tribunal Reference Number

Append a copy of the ruling to this application.

Part D: Order Sought from the Tribunal and Grounds for Appeal

The appellant seeks an order in the following terms:

That the earlier ruling of the single member be set aside, and that the following order / ruling be made by the Tribunal instead:

(specify the alternative order or ruling sought)

The appeal is sought on the following grounds:

(note that alternative grounds for the appeal may be set out provided they are based on the same facts).

Part E: Applicant's Certification of Notice to Parties, Service of Documents and Means of Service

I/we certify that the following parties have been notified of this application by service in the manner indicated below, of a copy of this Form and the documents required in Table 2 of the Tribunal Rules:

The Respondent described in Part B	<input type="checkbox"/> delivery to the party's physical address; <input type="checkbox"/> dispatch by registered mail to the party's postal address <input type="checkbox"/> dispatch by fax or e-mail, with delivery to a physical address or by registered mail to follow <input type="checkbox"/> dispatch by fax or e-mail only, (by agreement between the parties)
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Part F: Applicant's Certification of Other Documents Appended to the Application

I/we certify that the following records are appended to this application:

- (a) a copy of the ruling appealing against;
- (b) proof of service in accordance with Tribunal rule 30 for the other parties to the ruling.

Signed _____ at _____ on _____
 by _____ (name) _____
 (position) _____

 Appellant, or duly authorised to sign on behalf of the Appellant.

FormTL165**IN THE NATIONAL CONSUMER TRIBUNAL**

Tribunal Case no.:

In the matter between:

Applicant

and

Respondent

Notice of Application to the National Consumer Tribunal to vary or rescind an order, in terms of section 148 of the National Credit Act, 2005

This Notice must be filed with the Tribunal and served on the parties mentioned in Part E, in accordance with Tribunal rule 30 (see also Tribunal Rules 6 and 7)

Please take note that the Applicant named in Part A hereby applies to the National Consumer Tribunal to vary or rescind an order made in respect of the matter described in Part C of this application.

Further note that the Respondent described in Part B may oppose the application by serving an answer on the applicant and on any other party to whom this notice is addressed in Part E. The Respondent's answer must be delivered in accordance with Tribunal rule 30 within 15 business days of the date of receipt of this notice and must comply with Tribunal rule 13.

Part A: Details of the Applicant

Name, physical and postal address, e-mail, telephone and fax number:

Company registration or identity number _____

National Credit Regulator registration number and date of registration with the Regulator, if applicable:

Part B: Details of the Respondent

Name, physical and postal address, e-mail, telephone and fax number:

Company registration number or Identity number _____

If applicable, National Credit Regulator registration number and date of registration with the Regulator:

Part C: Details of the Ruling to be Varied or Rescinded

The order was made in respect of the matter between

for

(describe the relief or order that had been applied for)and was heard on

by _____

(name the Presiding Member or members of the Panel)

The Tribunal Reference Number for this matter is

Append a copy of the ruling to this application.

Part D: Order Sought from the Tribunal and Grounds for Rescission or Variation

I/we, being affected by the decision or order of the Tribunal described in Part C in the following way:

(describe in detail how you are affected by the decision or order)

hereby apply for and order that the order / decision to be –

rescinded

or

varied in the following way

The rescission / variation is sought on the following grounds:

order / decision was erroneously sought or granted in my / our absence on the following basis:

(State reasons why the order was erroneously sought and why the Applicant was absent from the hearing or did not oppose the application) _____

the order / decision contains an ambiguity, obvious error or omission, being _____

(describe the ambiguity, error or omission)

the order / decision was made or granted as a result of a mistake common to all the parties to the proceedings, being

(describe mistake)

Part E: Applicant's Certification of Notice to Parties, Service of Documents and Means of Service

I/we certify that the following parties have been notified of this application by service in the manner indicated below, of a copy of this Form and the documents required in Table 2 of the Tribunal Rules:

(This part must be completed in full for all parties named in Part B.)

The Respondent described in Part B	<input type="checkbox"/> delivery to the party's physical address; <input type="checkbox"/> dispatch by registered mail to the party's postal address <input type="checkbox"/> dispatch by fax or e-mail, with delivery to a physical address or by registered mail to follow <input type="checkbox"/> dispatch by fax or e-mail only, (by agreement between the parties)
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Part F: Applicant's Certification of Other Documents Appended to the Application

I/we certify that the following documents are appended to this application:

- a) a copy of the ruling to be varied or rescinded;
- b) proof of service in accordance with Tribunal rule 30 for the party named in Part B.

Signed

_____ at _____ on _____
 by _____ (name) _____ (position) _____

 Applicant or duly authorized to sign on behalf of the Applicant.

PART 7. Distribution orders

Form TL.127(6)**Notice of a remittance to the National Consumer Tribunal of the proceeds from sale of goods and an application for the distribution of proceeds**

This application must be filed with the Tribunal and served on the parties mentioned in Part B, in accordance with Tribunal Rules

Please take note that the Applicant named in Part A has remitted the balance of the proceeds derived from a sale of goods described in Part C to the National Consumer Tribunal with an application for an equitable distribution of those proceeds to other credit providers having registered credit agreements against the consumer named in Part B, in respect of the same goods.

Further note that you may oppose or become party to the application by serving an answer on the Applicant and on the other parties to whom this notice is addressed, within 15 business days of the date of this notice. Your answer must comply with the Tribunal Rules.

Part A: Details of the Applicant

Name, physical and postal address, e-mail, telephone and fax number:

Company registration or identity number _____

National Credit Regulator registration number

Date of registration with the Regulator _____

Part B: Details of Other Parties having an Interest in the Proceeds

This part must be completed in full for the consumer in respect of whom the goods were sold and for every other credit provider with a registered credit agreement in respect of the same goods.

Name, physical and postal address, e-mail, telephone and fax number:

Company registration or Identity number _____

Part C: Description of Goods and Proceeds

An amount of _____ (the amount in words) was deposited to the

Tribunal 's designated account on _____ being the proceeds from the sale of the following asset:

(give detailed description, including and registration or other unique number) in settlement of an instalment agreement, secured loan or lease owing by the consumer.

(Attach a statement setting forth the proceeds of the sale and the amounts deducted and showing clearly how the balance constituting the deposit was derived.)

Part D: Applicant's Certification of Notice to Parties, Service of Document and Means of Service

This part must be completed in full for every person named in Part B.

We certify that the following parties have been notified of this application by service in the manner indicated below, of a copy of this Form:

The consumer described in Part B	<input type="checkbox"/> delivery to the party's physical address; <input type="checkbox"/> dispatch by registered mail to the party's postal address <input type="checkbox"/> dispatch by fax or e-mail, with
----------------------------------	--

	<p>delivery to a physical address or by registered mail to follow</p> <p><input type="checkbox"/> dispatch by fax or e-mail only, (by agreement between the parties)</p>
The credit provider described in Part B	<p><input type="checkbox"/> delivery to the party's physical address;</p> <p><input type="checkbox"/> dispatch by registered mail to the party's postal address</p> <p><input type="checkbox"/> dispatch by fax or e-mail, with delivery to a physical address or by registered mail to follow</p> <p><input type="checkbox"/> dispatch by fax or e-mail only, (by agreement between the parties)</p>

Part E: Applicant's Certification on Other Documents Appended to the Application

I/we certify that the following documents are appended to this application:

- a) the statement mentioned in Part C;
- b) proof of service in accordance with the Tribunal Rules on the parties set out in Part B.

Signed _____ at _____ on _____

by _____ (name) _____ (position)

Duly authorised to sign on behalf of Applicant

PART 8. Notice issued by the Tribunal in terms of Section 164(3)(b)

Form TI.164(3)

The National Consumer Tribunal Certificate issued in terms of section.164(3)(b) of the National Credit Act (Act 34 of 2005) or certificate issued in terms of section 115(2)(b) of the Consumer Protection Act (68 of 2008)

[Form TO.164(3) substituted by GN 428 of 29 June 2011]

Date _____

To The Registrar or Clerk of the Court

In the matter

Between

(the claimant)

And

(the respondent)

The National Consumer Tribunal, having considered evidence relating to conduct regulated by the National Credit Act (“the Act”) or the Consumer Protection Act (“CPA”), has, with respect to the conduct described below, namely:

(a) found the conduct to be prohibited conduct in terms of section _____ of the Act/Regulations/CPA/Regulations; or

(b) found the conduct to amount to a failure to perform according to the requirements of section _____ of the Act, Regulations/CPA/Regulations.

The finding is based in the following grounds:

Tribunal Reference Number: _____

Date of finding by Tribunal _____

Signed _____ at _____ on _____

Chairperson, or duly authorised to sign on
Behalf of the Chairperson

Table 1 A	
<i>[Table 1A, previously Table 1, renumbered and amended by GN 428 of 29 June 2011]</i>	
Section of the Act	Type of Application
55(6)	Application by the Regulator to enforce compliance with a notice issued in terms of section 55(1)
56(1)	Application to set aside a notice issued by the Regulator in terms of section 54(1) or section 55(1)
57(1)	Application by the Regulator to cancel the registration of a registrant under the Act
59(1)	Application to review a decision of the Regulator under chapter 3 of the Act
62(3)	Application to limit a credit provider's obligation to provide reasons for a refusal of credit (refer to section 142(3) (f) application)
63(5)	Application to review decision regarding the languages used in credit documentation.
65(5)	Application to limit a credit provider's obligation to deliver documents (refer to section 142(3) (f) application)
71(3)	Application by a consumer to produce a clearance certificate
72(6)	Application to limit an obligation to produce information (refer to section 142(3) (f) application)
99(2)	Application by a consumer for compensation from a pawnbroker in lieu of property
110(5)	Application to limit a credit provider's obligation to produce statements of amounts owing (refer to section 142(3) (f) application)
113(4)	Application to limit a credit provider's obligation to produce settlement amounts (refer to section 142(3)(f) application)
114(1)	Application by a consumer upon failure to produce a statement
115(1)	Application by consumer to resolve a disputed entry to a statement
127(6)	Notice of a remittance to the National Consumer Tribunal of the proceeds from sale of goods and an application for the distribution of proceeds
128(1)	Application by a consumer for review of sale of goods
137(3)	Notice of Application to the National Consumer Tribunal upon failure of alternative dispute resolution between a consumer and credit provider, in terms of section 137(3) of the National Credit Act, 2005
138(1)	Notice of application to the National Consumer Tribunal for a consent order, in terms of section 138 of the National Credit Act, 2005
141(1) (b)	Referral to the Tribunal by a complainant who submitted a complaint to the Regulator in terms of section 136, with application for leave to refer
142(3) (f)	Application to limit obligations in respect of frivolous, vexatious or unreasonable request of sections 62, 65, 72, 110 or 113
148	Notice of Appeal to a full panel of the National Consumer Tribunal, in terms of section 148(1) of the National Credit Act, 2005
149	Notice of Application to the National Consumer Tribunal for an interim order or for an order extending an interim order pending the hearing of a complaint referral, in terms of section 149 of the National Credit Act, 2005 or in terms of section 114 of the Consumer Protection Act, 2008
164(3)b	Application to the National Consumer Tribunal for a certificate declaring conduct to be prohibited or required in terms of the Act

165	Notice of Application to the National Consumer Tribunal to vary or rescind an order, in terms of section 165 of the National Credit Act, 2005
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Table 1 B

[Table 1 B added by GN 428 of 29 June 2011]

Section of the CPA	Type of Application
60(3)	Application by producer or importer to review A Notice issued by Commission in terms of Sections 60(2)
70(3)	Application for consent order after resolution of dispute by ADR agent
73(3)	Application for referral to the Tribunal by any party to a referral by the Commission in terms of section. 73(2)(a) of the CPA, with application for leave that mater be referred to the Tribunal
73(2) (b)	Referral of complaint by Commission
74(1)	Application for consent order
75(1) (b)	Referral to the Tribunal by A complainant who submitted a complaint to the Commission in terms of section. 71(1) of the CPA, with application for leave to refer.
75(2)	Application to the Tribunal by a Respondent when matter has been referred to a Consumer Court by Commission in terms of section 75(1) (a), with application for leave to refer
80(5)	Application to review the determination of the Registrar made in terms of section. 80(4) of the CPA (Subject to commencement of section 80 of the CPA)
100(6)	Application by the Commission for imposition of administrative fine for failure to comply with compliance notice issued in terms of section. 100(1)
101(1)	Application to review issuing of notice in terms of section. 100 of the CPA
102(3)(b)	Application by commission for extension of the time to retain books, document of objects
106(1)	Claim of confidentiality of information submitted and determinations of such claims in terms of sections 106(3) of the CPA
114(1)	Application for interim relief

Table 2								
Part1A: Applications directly to the Tribunal								
Row No.	Column a	Column b	Column c	Column d	Column e	Column f	Column g	Column h
	Application type	Description	Limitation on time for submission	Forms to be used	Other documentation to be included in application	Application fee	Parties to be notified	Documents to be served
1.	Section 55(6)(b)	Application by the Regulator on failure to comply with compliance notice issued in terms of s.55(1)	The application must be served before receipt of an application in terms of s. 56 to set aside the notice	Forms TL 55(6)	(1) Copy of the notice issued in terms of s. 55(1) (Form NCR 13) (2) Copies of documents or records in evidence of the failure or non-compliance (3) Form TL.r30A	n/a	(1) The person to whom the compliance notice was issued. (2) If the person to whom the compliance notice was issued is a regulated financial institution, the financial regulator	On both parties mentioned in column g, Form TL. 55(6) and the documents described in column e
2.	Section 56(1)	Application to modify or set aside a notice issued by the Regulator	The application must be filed within 15 business days	Form NCR 14	(1) A copy of the notice issued by the Regulator (Form NCR 12 or 13)	Five hundred rand (R500.00)	The Regulator	On the Regulator, a copy of Form NCR 14; and documents described in (2) and (3) of column e.

		r in terms of s.54(1) or s.55(1)	of receiving the notice, or later if the Tribunal permits		(2) An affidavit setting out the grounds for the objection and the order sought from the tribunal (3) Form TI.r30A (4) Proof of payment utilising Form TI.r35			
3.	Section 57(1)	Application by the Regulator to cancel the registration of a registrant	n/a	Form TI.57(1)	(1) Documents in support of the allegation of failure or contravention (2) A copy of the registration certificate and any conditions attached at the time of registration, and any subsequent	n/a	(1) The registrant (2) If the registrant is a regulated financial institution, the financial regulator	(3) On the registrant, a copy of Form TI.57(1) and the all of the documents under <i>column e</i> (4) On a financial regulator that has given its consent for the purposes of s. 57(2)(c), copies of Form TI.57(1) and item (4) of <i>column e</i> only.

					<p>conditions or revisions of conditions</p> <p>(3) if the application relates to a regulated financial institution, a copy of the consent given by the financial regulator in terms of s.57(2)(c)</p> <p>(4) Form TI.r30A</p>			
4.	Section 59(1)	Application to review a decision of the Regulator under Chapter 3 of the Act	The application must be filed within 20 business days of the Regulator's decision, or later if the Tribunal permits	Form TI.59(1)	If the decision was in response to an application to the regulator, then a copy of the relevant From NCR by which the application was made, together with all documents	Five hundred rand (R500.00)	(1) The Regulator (2) If the applicant for review is someone other than the registrant in respect of the Regulator's decision, then also the registrant or aspirant registrant	On all parties mentioned in <i>column g</i> , copies of Form TI. 59(1) and (4) of <i>column e</i>

					submitted in support of the application a copy of the written record of the decision of the Regulator which is to be reviewed Proof of payment utilising Form TL.r35 Form TL.r30A			
5.	Section 62(3)	Application to limit a credit providers obligation to provide reasons for refusal of credit	n/a	Form TL.142(3)(f)	(1) If available, records or documents to show that requests are frivolous vexatious or wholly unreasonable (2) Proof of payment utilising Form TL.r35 (3) Form TL.r30A	One hundred rand (R100.00)	The consumer	On the consumer, a copy of Form TL.142(3)(f) and item (3) of <i>column e</i>
6.	Section 63(5)	Application to review the rejection of a	The application must be filed within	Form TL.63(5)	A copy of the proposal that was rejected A copy of	Five hundred rand (R500.00)	The Regulator	On the Regulator, A copy of From TL.63(5) and item (4) of <i>column e</i>

		language proposal	20 business days of receipt of the Regulator's notification of rejection of the proposal, or later if the Tribunal permits		the Regulator's notification of rejection of the proposal Proof of payment utilising Form TL.r35 Form TL.r30A			
7.	Section 65(5)	Application to limit a credit provider's obligation to deliver document	n/a	Form TL.142(3)(f)	(1) If available, records or document to show that requests are frivolous vexatious or wholly unreasonable (2) Proof of payment utilising Form TL.r35 (3) Form TL.r30A	One hundred rand (R100.00)	The consumer	On the, consumer, a copy of Form TL.142(3)(f) and item (3) of <i>column e</i>
8.	Section 71(3)	Application by a consumer to review a decision to not to issue or a	n/a	Form TL.71(3)	(1) A copy of the agreement or Magistrate's Court order whereby the debt was re-	n/a	The debt counsellor from whom the certificate is to be obtained	On the debt counsellor Form TL.71(3) and item (4) of <i>column e</i>

		failure to issue a clearance certificate.			<p>arranged</p> <p>(2) A copy of the application to the debt counsellor (including any receipt of other documents to prove obligation arising from the agreement)</p> <p>(3) If available, the debt counsellor's reasons in writing for deciding not to issue the clearance certificate</p> <p>(4) Proof that the consumer has settled all obligations except for mortgage agreement or other long term debt and can demonstrate the financial ability to satisfy these</p>			
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					remaining obligations. (5) Form TL.r30A			
9.	Section 72(6)	Application to limit an obligation to produce information	n/a	Form TL.142(3)(f)	(1) If available, records or document to show that requests are frivolous vexatious or wholly unreasonable (2) Proof of payment utilising Form TL.r35 (3) Form TL.r30A	One hundred rand (R100.00)	The consumer	On the, consumer, a copy of Form TL.142(3)(f) and item (3) of <i>column e</i>
10	Section 99 (2)	Application for compensation from a pawnbroker in lieu of property	Within 20 business days of paying the settlement value under the agreement or within such longer period permitted by the Tribunal	Form TL.99(2)	(1) Pawnbroker's agreement and receipt of goods (2) If applicable, documents in evidence of the value of the property (3) If applicable, the pawnbroker's receipt of the settlement value	n/a	The pawn broker	On the pawn broker, a copy of Form TL. 99(2) and item (4) of <i>column e</i>

			I		(4) Form TL.r30A			
11	Section 110(5)	Application to limit a credit provider's obligation to produce statements of amounts owing	n/a	Form TL.142(3)(f)	(3) If available, records or documents to show that requests are frivolous vexatious or wholly unreasonable (4) Proof of payment utilising Form TL.r35 (3) Form TL.r30A	One hundred rand (R100.00)	The consumer	On the consumer, a copy of Form TL.142(3)(f) and item (3) of <i>column e</i>
12	Section 113(4)	Application to limit a credit provider's obligation to produce settlement amounts	n/a	Form TL.142(3)(f)	(5) If available, records or documents to show that requests are frivolous vexatious or wholly unreasonable (6) Proof of payment utilising Form TL.r35 (3) Form TL.r30A	One hundred rand (R100.00)	The consumer	On the consumer, a copy of Form TL.142(3)(f) and item (3) of <i>column e</i>
13	Section 114(1)	Application by a consumer to compel	n/a	Form TL.114(1)	(1) A copy of the credit agreement	n/a	The credit provider	On the credit provider, a copy of Form TL.114(1) and item (4) of

		the production of a statement			(2) If available, a copy of the most recent statement (3) If applicable, a copy of the applicant's written request for a statement (4) Form TL.r30A			<i>column e</i>
14	Section 115(1)	Application to resolve a disputed entry to a statement	Within 15 business days of the issuing of a Form NCR 28 (issuing by an ADR agent upon failure of dispute resolution)	Form TL.115(1)	(1) the Form NCR 28 issued by the ADR agent (2) A copy of the statement containing disputed entries (3) A copy of credit provider's written notice under s.111(2)(a) (4) Form TL.r30A	n/a	(1) The credit provider (2) The ADR agent that issued the Form NCR 28	On the credit provider and the ADR agent, a copy of form TL.115(1) and item (4) of <i>column e</i>
15	Section 128(1)	Application for review of a sale of goods	n/a	Form TL.128(1)	(1) A copy of the credit provider's written notice of the	n/a	(1) The credit provider (2) If applicable,	(1) On the credit provider, a copy of Form TL.128(1) and items (5) and

				<p>estimated value of the goods, as required by s. 127(2) or the attachment order mentioned in s 131.</p> <p>(2) If applicable, a copy of the notice given under s. 127(1)</p> <p>(3) If applicable, the credit provider's receipt of goods delivered in terms of s. 127(1)(b)(ii)</p> <p>(4) If applicable, any correspondence with the credit provider regarding the sale of goods</p> <p>(5) If applicable, any document supporting the</p>	<p>the ADR agent that issued the Form NCR 28</p>	<p>(8) of <i>column e</i></p> <p>(2) On the ADR agent (if applicable), a copy of Form TI.128(1) and item (8) of <i>column e</i></p>
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					<p>applicant's valuation of the goods</p> <p>(6) If available, a copy of the credit provider's written notice mentioned in s.127(5)(b).</p> <p>(7) If applicable, a copy of the Form NCR 28 issued by the ADR agent</p> <p>(8) Form TLr30A</p>			
16	Section 138(1)	Application for a consent order	n/a	Form TL.138(1)	<p>(1) A signed copy of the agreement reached between the parties, formulated as an order of the Tribunal</p> <p>(2) Proof of payment utilising Form TL.r35 (if applicable)</p> <p>(3) Form</p>	<p>(1) If application is brought in terms of s.138(1)(a) and/or s. 86(8)(a) : One hundred rand (R100.00)</p> <p>(2) If Application is brought in terms of s.138(1)(b) : no fee</p>	<p>The parties to the consent agreement</p>	<p>To all parties, a copy of Form TL.138(1) and item (1) and (3) in <i>column e</i></p>

17	Section 142(3)(f)	Application to limit obligations in respect of frivolous, vexatious or unreasonable requests	n/a	Form TI.142(3)(f)	TI.r30A (1) If available, records or documents to show that requests are frivolous vexatious or wholly unreasonable (2) Proof of payment utilising Form TI.r35 (3) Form TI.r30A	One hundred rand (R100.00)	The consumer	On the consumer, a copy of Form TI.142(3)(f) and item (3) of <i>column e</i>
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Part 1B: Applications directly to the Tribunal in terms of the CPA

18.	Section 60(3) of the CPA	Application by producer or importer to modify or set aside notice issued by Commission in terms of s60(2)	20 business days from date of notice issued by commission	TI.60(3) & 101 CPA	(1) copy of Notice issued by the Commission (2) an affidavit setting out the grounds for the objection and the order sought from the Tribunal (3) Proof of payment utilising Form TI.r35 (4) Form TI.r30A	Five hundred rand (R500.00)	The Commission	On the Commission, a copy of Form TI.60(3) & 101 CPA and items (2) and (4) in <i>column e</i>
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19.	Section 80(5) of the CPA (applicable when section 80 of the CPA commences on a date to be determined by the Minister)	Application to review determination of Registrar of Companies in terms of s.80(4) of the CPA relating to cancellation of registered business name	n/a	Form TL.80(5) CPA	<p>(1) A copy of the Notice issued in terms of s.80(4)(a) of the CPA, if available</p> <p>(2) A copy of the submissions made to the Registrar of Companies in terms of s.80(4)(b)(i) or (ii) of the CPA, if available</p> <p>(3) A copy of the Notice issued in terms of s.80(4)(b) of the CPA, with the Registrar of Companies' reasons if available</p> <p>(4) An affidavit setting out the grounds for the review and the order sought from the Tribunal</p> <p>(5) Proof of payment utilising Form TL.r35</p>	Five hundred rand (R500.00)	<p>(1) The Registrar of Companies</p> <p>(2) If the applicant for review is someone other than the person to whom the business name is registered, then also to the person to whom the business name is registered</p>	On the Registrar of Companies, and the person to whom the business name is registered (if applicable), a copy of Form TL.80(5) CPA and items (4) and (6) of <i>column e</i>
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					(6) Form TI.r30A			
20.	Section 100(6)(a) of the CPA	Application by the Commission to impose an administrative fine for failure to comply with Notice issued in terms of s.100(1) of the CPA	The application must be filed before receipt of an application in terms of s.101(1) to set aside the Notice	Form TI.100(6) CPA	(1) A copy of the Notice issued in terms of s.100(1) of the CPA (1) Copies of documents or records in evidence of the prohibited conduct and of the failure or non-compliance (3) Form TI.r30A	n/a	The person to whom the compliance notice was issued	The person to whom the compliance notice was issued, Form TI.100(6) CPA and all of the documents described in <i>column e</i>
21.	Section 101(1) of the CPA	Application to review notice issued by the Commission in terms of s.100(1) of the CPA	The application must be filed within 15 (fifteen) business days of receiving the notice, or later if the Tribunal permits	TI.60(3) & 101 CPA	(1) A copy of the notice issued by the Commission in terms of s. 100(1) of the CPA (2) An affidavit setting out the grounds for the review and the order sought from the Tribunal (3) Proof of payment utilising Form TI.r35 (4) Form	Five hundred rand (R500.00)	The Commission	On the Commission, a copy of Form TI. 60(3) & 101 CPA and items (2) and (4) in <i>column e</i>

					TL.r30A			
22.	Section 70(3)(b) of the CPA	Application for a consent order after dispute resolved by alternative dispute resolution agent	n/a	Form TL.138(1)	(1) A signed copy of the agreement reached between the parties to the dispute resolution, formulated as an order of the Tribunal (2) Proof of payment utilising Form TL.r35 (3) Form TL.r30A	One hundred rand (R100.00)	The parties to the consent agreement	To all parties, a copy of Form TL.138(1) and (3) in <i>column e</i>
23.	Section 102(3)(b) of the CPA	Application by Commission for extension of time to retain book, document or other object for examination	Ten business days before expiration of the 2 month period contemplated in s.102(3)(b)	Form TL.102(3)(b) CPA	(1) A copy of the summons issued in terms of s.102(1) of the CPA (2) A list of the items sought to be retained (3) an affidavit setting out the grounds upon which the extension of time is sought (4) Form TL.r30A	n/a	The person to whom the summons in terms of s.102(1) of the CPA was issued and from whom the items were obtained	On the person to set out in <i>column g</i> , a copy of Form TL.102(3)(b) CPA and all the documents described in <i>column e</i>

Part 2A: Complaint referrals (matters originating as complaints to the Regulator)								
24.	Section 137(1)(a)	Application by the Regulator to resolve a dispute over information held by a credit bureau	n/a	Form NCR 30	(1) A copy of the complainant's Form NCR 29; (2) A copy of any evidence produced by the credit bureau in terms of s. 72(3)(a); and (3) The Regulator's report on its investigation into the matter with all relevant information and conclusions (4) Form TI.r30A	n/a	(1)The complainant (person to whom the disputed information relates) (2)The credit bureau	(1)On the complaint, a copy of Form NCR 30 only (2)On the credit bureau, copies of form 30, Form NCR 29, and items (1), (3) and (4) in <i>column e</i>
25.	Section 137(1)(b)	Application by the Regulator compelling the production of a statement of account or the review of a statement	Within 15 business days of the consumer lodging the complaint with the Regulator (being, the receipt of Form NCR	Form NCR 30	The consumer's form NCR 29 The Regulator's report on its investigation into the matter with all relevant information	n/a	(1) The complainant (person to whom the statement is owing) (2) The credit provider	(1) On the complaint, a copy of Forms NCR 30 and TI. 114(1) or 115(1) and

			29)		and conclusions If the application is to compel the delivery of a statement, Form TI.114(1) completed by the Regulator together with the other documents mentioned in that Form; or If the application is to review entries to a statement, Form TI.115(1) completed by the Regulator together with the other document mentioned in that Form (5) Form TI.r30A			Form TI.r30A (2) On the credit provider, copies of Form NCR 30, documents (1),(2) and (4) from the list in column e and Form TI.114(1) or TI.115(1)
26.	Section 137(1)(c)	Application by the Regulator to review a sale of goods or the distribution of the proceeds of	n/a	Form NCR 30	The complainant's completed Form NCR 29 The Regulator's report on its investigation	n/a	(1) The complainant (2) The Credit Provider	(3) On the complainant, a copy of Form NCR 30 (4) On the

		a sale			<p>into the matter with all relevant information and conclusions</p> <p>If the application is to review a sale of goods, Form TI.128(1) completed by the Regulator with the other documents mentioned in that Form</p> <p>If the application is to review the distribution of proceeds, Form TI.127(6) completed by the Regulator with the other documents mentioned in that Form</p> <p>Form TI.r30A</p>			<p>credit provider, copies of Form NCR 30, documents (1), (2) and (5) from the list in column e and if applicable, documents listed in (3) and (4) in column e</p>
27.	Section 137(1)(d)	Referral by the Regulator of a complaint and application for leave to bring	n/a	Form NCR 30	(1) The complainant's completed Form NCR 29 with all the documents that were included in	n/a	(1) The complainant (2) The parties that will be affected	To the all of the parties in <i>column g</i> a copy of Form

		compliant directly before the Tribunal (matters referred before the conclusion of an investigation)			the complaint initiation (2) An affidavit setting out the order sought from the Tribunal, the parties that will be affected by the order, findings of any preliminary investigation into the complaint, the reasons why the Regulator is unable or unwilling to investigate the matter, whether the complainant consents to the matter being brought before the Tribunal; and reasons why leave should be granted. (3) Form TL.r30A		by the order sought in the complaint referral	NCR 30, and items (2) and (3) mentioned in <i>column e</i>
28.	Section 140(1)	Complaint referral by the Regulator at the conclusion	n/a	Form NCR 32	(1) The complainant's completed Form NCR 29 with all the	n/a	(1) The complainant (2) The entity or	(1) To the complainant, a copy of Form

		of an investigation into a s.136 complaint			documents that were included in the complaint initiation (2) The Regulator's report on its investigation into the matter with all relevant information and conclusions (3) Form TI.r30A		person complained about and all other parties that will be affected by the order or relief sought in terms of Form NCR 32	NCR 32 and item (3) of <i>column e</i> (2) To all the other parties, copies of Form NCR 32, and all the documents listed in <i>column e</i>
29.	Section 141(b)	Referral by a complainant following the Regulator's non-referral of a s.136 complaint, with application for leave to refer	Within 20 business days of the date of the notice of non-referral, or within a longer time permitted by the Tribunal	Form NCR 32	(1) The complainant's completed Form NCR 29 with all the documents that were included in the complaint initiation (2) The Regulator's notice of non-referral (Form NCR 31) (3) Form TI.r30A	n/a	(1) The Regulator (2) the entity or person complained about (As described in Form NCR 32)	(1) To the Regulator, a copy of Form NCR 32 and Form TI.r30A (2) To the person complained about, copies of Form NCR 32; Form NCR 31, Form

								NCR 29 and Form TI.r30A
Part 2B : Complaint referrals (matters originating as complaints to the Commission) in terms of the CPA								
30.	Section 73(2)(b) of the CPA	Referral of complaint by Commission after conclusion of investigation	Within 3 years as set out in section 116 of the CPA	Form TI.73(2)(b) CPA	(1) The completed form TI.73(2)(b) CPA (2) The complainant's completed complaint (Annexure E of the CPA Regulations) with all the documents that were included in the complaint initiation (3) The Commission's report on its investigation into the matter with all relevant information and conclusions (4) Form TI.r30A	n/a	(1) The complainant (2) The entity or person complained about and all other parties that will be affected by the order or relief sought in terms of Form TI.73(2)(b)	(1) To the complainant, a copy of Form TI.73(2)(b) CPA and Form TI.r30A (2) To the entity or person complained about and all other parties, copies of Form TI.73(2)(b) and all the documents listed in <i>column e</i>
31.	Section 73(3) of the CPA	Application by any party to a referral by Commission of matter	Within 20 business days of matter being referred to	Form TI.73(3) & 75(1)(b) & (2) CPA	(1) The complainant's completed complaint (Annexure E of the CPA	n/a	(1) The Commission (2) The Consumer	(1) To the Commission and the Consumer

		to consumer court for order that matter be referred to the Tribunal	Consumer Court or within longer time permitted by the Tribunal		Regulations) with all the documents that were included in the complaint initiation (2) The Commission's referral to the Consumer Court with all documents attached to that referral (3) affidavit setting out grounds for leave to refer directly to the Tribunal (4) Form TI.r30A		Court (3) All other parties that will be affected by the order or relief sought in terms of Form TI.73(3) & 75(1)(b) & (2) CPA	er Court, copies of Form TI.73(3) & 75(1)(b) & (2) CPA and Form TI.r30A (2) All other parties copies of Form TI.73(3) & 75(1)(b) & (2) CPA and all documents listed in <i>column e</i>
32.	Section 75(1)(b) of the CPA	Referral by complainant following the Commission's non-referral of a complaint other than on grounds contemplated in s.116 of the CPA, with application for leave to	Within twenty business days of the date of the Notice of Non-Referral, or within a longer time permitted by the Tribunal	Form TI.73(3) & 75(1)(b) & (2) CPA	(1) The complainant's completed complaint (Annexure E of the CPA Regulations) with all the documents that were included in the complaint initiation (2) the Commission's Notice of	n/a	(1) The Commission (2) The entity or person complained about and all parties that will be affected by the order or	(1) To the Commission, copies of Form TI.73(3) & 75(1)(b) & (2) CPA (2) To the entity or person

		refer			Non -Referral (Annexure G of the CPA Regulations) (3) affidavit setting out grounds for leave to refer directly to the Tribunal (4) Form TI.r30A		relief sought in terms of Form TI.73(3) & 75(1)(b) & (2) CPA	complained about and all other parties, copies of form TI73(3) & 75(1)(b) & (2), CPA and all documents listed in <i>column e</i>
33.	Section 75(2) of the CPA	Application by Respondent for referral to the Tribunal in circumstances where the Commission has issued a Notice of Non-Referral and the complainant has referred the matter directly to the Consumer Court, with application	Within 20 business days of the date of the complainant's referral to the Consumer Court in terms of s.75(1)(a) of the CPA	Form TI.73(3) & 75(1)(b) & (2) CPA	(1) The complainant's referral to the consumer court, with all documents attached to that referral (2) The Commission's Notice of Non-Referral (3) Affidavit setting out grounds for leave to refer directly to the Tribunal (4) Form TI.r30A	n/a	(1) The Commission (2) The consumer court (3) The complainant and all parties that will be affected by the order or relief sought in terms of Form TI.73(3) & 75(1)(b) & (2) CPA	(1) To the Commission and the Consumer Court, copies of Form TI.73(3) & 75(1)(b) & (2) CPA (2) To the complainant and all other parties, copies of Form TI.73(3) & 75(1)(b)

		for leave to refer						& (2) CPA and all documents listed in <i>column e</i>
Part 3: Disputes between consumers and credit providers referred after failure of ADR								
34.	Section 137(3)	Application upon failure of alternative dispute resolution between consumer and credit provider	Within 20 business days from the date of a certification in the form of NCR 28 that the dispute resolution has failed, or within a longer time if the Tribunal permits	Form TL.137(3)	(1) A copy of Form NCR 28 certifying the failure of dispute resolution between the parties, together with all documents mentioned in that Form (2) Form TL.r30A	n/a	(1) The other party to the failed dispute resolution (credit provider or consumer) (2) The Regulator (3) The ADR agent that completed the Form NCR 28	(1) To both parties mentioned in (2) and (3) in <i>column g</i> , copies of Forms TL.137(3) and NCR 28 (without the other documents mentioned in that form) (2) To the party mentioned in (1) in <i>column g</i> , copies of Form

								TI.137(3) and all documents listed in <i>column e</i> .
Part 4A: Interim relief in respect of a complaint referral								
35.	Section 149(1)	Application for an interim order pending the hearing of a complaint referral	At any time before the conclusion of the hearing of the complaint	Form TI.149(1)	n/a	n/a	(1) The Regulator (2) The respondent or prospective respondent in the complaint (i.e. the entity or person complained about)	To all parties mentioned in <i>column g</i> , a copy of Form TI.149(1)
Part 4B: Interim relief in respect of a complaint referral in terms of the CPA								
36.	Section 114(1) of the CPA	Application for interim order pending the hearing of complaint referral pending before the Tribunal	At any time before the conclusion of the hearing of the pending complaint referral	Form TI.149(1)	n/a		(1) The Commission (2) The Respondent in the pending complaint referral	To all parties mentioned in <i>column g</i> , a copy of Form TI.149(1)
Part 5: Procedural matters								

37.	Rule 11	Notice by the Regulator of intention to intervene in a s.137(3) application	At any time before the conclusion of the hearing of the s.137(3) application	Form TL.r11	Form TL.r30A	n/a	The parties to the s137(3) application	To all parties mentioned in <i>column g</i> , copies of Form TL.r11 and Form TL.r30A
38.	Rule 12	Application to intervene in a matter before the Tribunal	At least 5 business days before the hearing of the principle matter	Form TL.r12	(1) Proof of payment utilising Form TL.r35 (2) Form TL.r30A	One hundred rand (R100.00)	The parties to the principal matter pending before the Tribunal	To all parties mentioned in <i>column g</i> , copies of Form TL.r12 and all documents listed in <i>column e</i>
39.	Rule 15	Notice of application to amend pleading or document filed in the proceedings	At any time prior to the conclusion of the hearing	Form TL.r15	n/a	n/a	All parties to the proceedings	On all parties to the proceedings a copy of Form TL.r15(1) together with the documents attached thereto
40.	Section 140(4) or	Application for a	Within 20 business	Form NCR 33	(1) an affidavit	One Hundre	(1) The consumer	To all parties,

	141(2)(a)	matter, referred by the Regulator to a consumer court or to the Tribunal, to be referred to a different consumer court or to the Tribunal	days of the date of notification that the matter has been referred to the original forum, but no less than 10 business days before the matter set down to be heard in the original forum		in support of the application, showing why the alternative forum – (a) would better serve the interests of justice; or (b) would on a balance of interests be more convenient to the parties to the matter (2) Form Tl.r30A	d rand (R100.00)	court to which the matter was referred (2) The other parties to the matter	a copy of Form NCR 33 and the affidavit mentioned in <i>column e</i> and Form Tl.r30A
41.	Section 137(1)(e)	Application by the Regulator to condone late filing	n/a	Form NCR 30	(1) An affidavit stating reasons for late filing and why late filing should be condoned (2) Form Tl.r30A	n/a	The other parties to the matter	To All parties, a copy of Form NCR 30 and the affidavit described in <i>column e</i>
42.	Rule 34	Applicatio	n/a	Form	(1) Form	n/a	The other	To all

		n to condone non-compliance with the Tribunal's rules and procedures		TI.r34	TI.r30A (2)An affidavit stating reasons for late filing and why late filing should be condoned		parties to the matter	parties, a copy of Form TI.r34 and the affidavit described in <i>column e</i>
43.	Rule 30	Application for an order of substituted service	If the order is required in respect of a respondent in the principal matter, application must be filed concurrently with the application in the principal matter, or, in other circumstances, at a time permitted by the Tribunal	Form TI.r30	(1) Documentary proof of attempts and failure to serve in accordance with rules (2) The documents constituting the Application which is sought to be served by the order of substituted service	n/a	n/a	n/a
44.	Section 149(3)	Application for extension of interim order	At any time before the conclusion of the hearing of the complaint referral but within 5	Form TI.149(1)	A copy of the interim order	n/a	(1) The Regulator (2) The respondent or prospective respondent	To all parties, a copy of Form TI.149(1)

			months of the granting of the interim order				t in the complaint (i.e. the entity or person complained about)	
45.	Section 114(3) of the CPA	Application for extension of interim order	At any time before the conclusion of the hearing of the complaint referral but within 5 months of the granting of the interim order	Form TI.149(1)	A copy of the interim order	n/a	(1) The Commission (2) The Respondent in the pending complaint referral	To all parties, a copy of Form TI.149(1)
46.	Rule 4A	Application for leave to institute proceedings provided for in the CPA on behalf of persons or on grounds as set out in Section 4(1), (c) or (d) of the CPA.	n/a	Form TI.r4A	(1) Copy of the draft documents constituting the proceedings for which leave is being sought to institute (the Principal proceedings) (2) Detailed affidavit setting out grounds for leave to institute the Principal proceedings	n/a	(1) The Commission (2) The envisaged Respondent in the Principal Proceedings	To all parties, a copy of Form TI.r4A and the documents in <i>column e</i>

					(3) Form TI.r30A			
47.	Rule 25(2)	Application for Default order after party failed to deliver response within requisite time period	At any time after expiry of the time period within which the party was required to deliver a response	TI.r25(2)		n/a	n/a	n/a
Part 6: Appeals and variation orders								
48	Section 148(1)	Appeal to a full panel against the decision of a single member of the Tribunal	Within 20 business days of the date of the ruling, or within a longer period if the Tribunal allows	Form TI.148(1)	(1) A copy of the ruling appealed against (2) Form TI.r30A	n/a	The parties to original matter being taken on appeal	To all parties, copies of Form TI.148(1) and items (1) and (2) in <i>column e</i>
49	Section 165	Application for variation or rescission of order	n/a	Form TI.165 in respect of section 165 (a) to (c) or Form TI.r4 in respect of section 165 (d) or (e)	(1) A copy of the ruling to be varied or rescinded (2) Form TI.r30A (3) A copy of the consent of the other parties in respect of whom the order was	n/a	The parties to the matter in respect of which the order was made	To all parties in <i>column g</i> a copy of Form TI.165 or Form TI.r4 and items (1) to (4) in <i>column e</i> , as applicable

					made, if applicable (4) A detailed affidavit setting out the grounds for an application in terms of section 165(e), if applicable.			
Part 7: Distribution order in respect of remittances								
50.	s.127(6)	Application by a credit provider for distribution of a remittance	Within 5 business days of receiving the proceeds of the sale of goods	Form TI.127(6)	A statement of account showing the proceeds of sale and how the remitted amount was derived	n/a	(1) The consumer (2) The other credit providers with registered claims	To all parties, a copy of Form TI.127(6) and the statement described in <i>column e</i>

Table 3 Oaths and affirmations	
Witness	I, (full names) swear/solemnly declare upon my honour and conscience that I shall speak the truth, the whole truth and nothing but the truth.
Expert Witness	I, (full names) swear/solemnly declare upon my honour and conscience that I shall state what I sincerely believe to be correct and true.
Interpreter	I, (full names) swear/solemnly declare upon my honour and conscience that whenever I am called upon to interpret in any proceedings before the Tribunal, I will correctly interpret to the best of my ability from the language of the inquisitor to the language of the witness or deponent and <i>vice versa</i> .

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