

(29 March 2019 – to date)

NATIONAL CREDIT ACT 34 OF 2005

(Gazette No. 28619, Notice No. 230 – See Act for Commencement dates)

RULES FOR THE CONDUCT OF MATTERS BEFORE THE NATIONAL CONSUMER TRIBUNAL

Government Notice 789 in Government Gazette 30225, 28 August 2007. Commencement date: 28 August 2007.

As amended by:

General Notice 428 in Government Gazette 34405 (published in terms of section 120(1)(c) of the Consumer Protection Act, 2008 (Act No. 68 of 2008)). Commencement date: 29 June 2011

Government Notice R203 in Government Gazette 38557, dated 13 March 2015 (published in terms of section 120(1)(c) of the Consumer Protection Act 68 of 2008 and section 171(1)(c) of the National Credit Act 34 of 2005). Commencement date: 13 March 2015.

Government Notice 157 in Government Gazette 39663 dated 4 February 2016 (published in terms of Section 171(1)(c) of the National Credit Act 34 of 2005 and Section 120(1)(c) of the Consumer Protection Act 68 of 2008). Commencement date: 4 February 2016.

Government Notice 496 in Government Gazette 42337 dated 29 March 2019. Commencement date: 29 March 2019.

In terms of section 171 of the National Credit Act, 2005 (Act No. 34 of 2005), I, Mandisi Mpahlwa, Minister of Trade and Industry, in consultation with the Chairperson of the National Consumer Tribunal, hereby make regulations for matters relating to the functions of the Tribunal and rules for the conduct of matters before the Tribunal, as set out in the Schedule hereto.

Signed

Mandisi Mpahlwa

Minister of Trade and Industry

SCHEDULE

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(Table of Contents amended by Regulation 2 of GNR 203 of 2015)

PART A INTERPRETATION AND DEFINITIONS

1. Definitions

- (1) In these rules any word or expression to which a meaning has been assigned in the Act bears the same meaning, and unless the context indicates otherwise-

"Applicant" means the person initiating proceedings before the Tribunal;

"Commission" means the National Consumer Commission established by Section 85 of the CPA.

(Definition of "Commission" inserted by Regulation 3(2) of General Notice 428 in Government Gazette 34405 dated 29 June 2011)

"Form NCR" means a form contained in the National Credit Regulations, 2006

"Form TI" means a Form contained in these rules

"File or filing" means to deliver to the Registrar in terms of Rules 30 to 31

(Definition of "File or filing" substituted by Regulation 3(1) of GNR 203 of 2015)

"party" to any matter includes an Applicant, Respondent, intervener, or any party joined in or substituted for another

"record" means the documents listed in rule 23 and includes an electronic record and a voice recording;

(Definition of "record" amended by Regulation 3(2) of GNR 203 of 2015)

"referral" includes, where applicable, all the documents and other records appended to a referral;

"registered mail" includes any type of mail with tracking capability;

"Registrar" means a person performing the functions of the Tribunal Registrar and includes any acting or assistant Registrar;

"Sheriff"

(Definition of "Sheriff" deleted by Regulation 3(3) of GNR 203 of 2015)

"the Act" means the National Credit Act, 2005 (Act 34 of 2005);

(Definition of "the Act" inserted by Regulation 3(3) of General Notice 428 in Government Gazette 34405 dated 29 June 2011)

"the CPA" means the Consumer Protection Act, 2008 (Act 68 of 2008);

(Definition of "the CPA" inserted by Regulation 3(3) General Notice 428 in Government Gazette 34405 dated 29 June 2011)

"the Registrar of Companies" means the Registrar of Companies appointed in terms of the Companies Act, 1973 (Act 61 of 1973) or the official performing similar functions in terms of any subsequent legislation.

(Definition of "the Registrar of Companies" inserted by Regulation 3(3) of General Notice 428 in Government Gazette 34405 dated 29 June 2011)

"Tribunal", means the National Consumer Tribunal, a body established by section 26(1) of the Act:

(Definition of "Tribunal" inserted by Regulation 3(4) of GNR 203 of 2015)

(Rule 1 renumbered to 1(1) by Regulation 3(1) of General Notice 428 in Government Gazette 34405 dated 29 June 2011)

- (2) Any reference to a section in these rules is a reference to a section in the Act unless the context indicates otherwise.

(Rule 1(2) added by Regulation 3(1) of General Notice 428 in Government Gazette 34405 dated 29 June 2011)

- (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.

(Rule 1(3) inserted by Regulation 3(5) of GNR 203 of 2015)

PART B
ACCESS TO AND FUNCTIONS OF THE TRIBUNAL

2. Office hours and address of the Tribunal

- (1) The offices of the Tribunal are open to the public Monday to Friday, excluding public holidays and the days between 24 December and 2 January, from 09:00 to 13:00 and from 14:00 to 16:00.

(Rule 2(1) amended by Regulation 4(1) of GNR 203 of 2015)

- (2) The contact details of the Tribunal are:

- (a) Physical address:-

Ground
Floor, Building B
272 West Avenue,
Lakefield Office Park
Centurion

Or as publicised by the Tribunal from time to time in the *Government Gazette* and on the Tribunal's website.

(Rule 2(2)(a) amended by Regulation 4(3) of GNR 203 of 2015)

- (b) Postal address:-

Private
Bag X110
Centurion
0046

- (c) Telephone (012) 663 5615

- (d) Facsimile (012) 663 5693.

- (e) Email to registry@thenct.org.za

(Rule 2(2) substituted by Regulation 4 of General Notice 428 in Government Gazette 34405 dated 29 June 2011)

3. Powers of the Tribunal

- (1) The Tribunal may deal with a matter:

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- (a) listed in Table 1A and Table 1B of these rules;

(Rule 3(1)(a) amended by Regulation 5(1) of General Notice 428 in Government Gazette 34405 dated 29 June 2011)

- (b) referred to the Tribunal in terms of s134(2)(c) of the Act;

- (c) originating as a complaint to the Regulator or arising from a complaint, and referred to the Tribunal in terms of s137(1), s140 or s141(1)(b) of the Act;

- (d) which is referred to the Tribunal in terms of s137(3) of the Act;

(Rule 3(1)(d) amended by Regulation 5(2) of General Notice 428 in Government Gazette 34405 dated 29 June 2011)

(2) The Tribunal may:

- (a) grant interim relief in respect of a matter described in rule 3(1)(c);

- (b) confirm a consent agreement entered into between parties (s138);

- (c) consider applications related to an adjudication process-

- (i) to intervene in proceedings in terms of rules 11 and 12;

- (ii) to amend documents in terms of rule 15;

- (iii) to change the forum at which a matter will be heard in terms of section 140(4) or 141(2)(a);

- (iv) to condone non-compliance with the rules and proceedings of the Tribunal;

- (v) for an order of substituted service in terms of rule 30;

- (vi) to grant a default order in terms of rule 25; or

- (vii) relating to other procedural matters;

- (d) in respect of its prior rulings, consider-

- (i) matters on appeal in terms of s148(1);

- (ii) an application in terms of s165 for the variation or rescission of a decision or order.

- (e) distribute a remittance in terms of s127(6); and
 - (f) deal with any other matter in accordance with rule 10.
- (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.

(Rule 3(3) inserted by Regulation 5 of GNR 203 of 2015)

PART C APPLICATIONS

4. Proceedings before the Tribunal

- (1) An Applicant must comply with the requirements set out in Table 2 of the rules for the type of application being made, in respect of:
- (a) the time within which the application must be made;
 - (b) the form to be used;
 - (c) documents and information required;
 - (d) any application fee that is payable;
 - (e) the parties requiring notification of the application; and
 - (f) the documents that must be served on them.
- (2) If an application relates to a matter contemplated in rule 3(2)(c) that is not specifically provided for in Table 2, the Applicant must:
- (a) apply by way of Notice of Motion in Form T1.r4;
 - (b) append a supporting affidavit setting out the facts on which the application is based;
 - (c) serve the Notice and affidavit on the Respondent and other parties to *[sic]* the matter; and
 - (d) file the application documents and proof of service with the Registrar.
- (3) If the Applicant is a company or other corporate entity, the officer signing the application must append a copy of the board resolution or other proof of authority to act on behalf of that company or entity.

4A. Representative or class proceedings

Any person or persons, who intend to approach the Tribunal in any manner provided for in the CPA and in terms of these rules and who base their *locus standi* on Section 4(1)(c), (d) or (e) of the CPA or on either one or more of those provisions, must first make application to the Tribunal for :-

- (1) Leave to approach the Tribunal on this basis; and
- (2) If such leave is granted, directions from the Tribunal as to:
 - (a) Service of further papers;
 - (b) joinder and/or participation of other parties; and
 - (c) the further proceeding of the matter

(Rule 4A inserted by Regulation 6 of General Notice 428 in Government Gazette 34405 dated 29 June 2011)

(Rule 4A amended by Regulation 6 of GNR 203 of 2015)

5. Fees

- (1) If a fee is payable in respect of a matter:
 - (a) it must be deposited in cash or transferred by way of electronic funds transfer into the Tribunal's designated bank account before the application is submitted; and
 - (b) a copy of the deposit slip or a print-out of the transfer record must be included in the application documents as proof of payment.

(Rule 5(1)(b) amended by Regulation 7(1) of General Notice 428 in Government Gazette 34405 dated 29 June 2011)

(Rule 5(1) amended by Regulation 7(2) of General Notice 428 in Government Gazette 34405 dated 29 June 2011 by the addition of opening brackets to paragraphs a), b) and c))

- (2) The Tribunal's designated bank account details can be requested from the Registrar.
(Rule 5(1)(c) renumbered to 5(2) and amended by Regulation 7 of GNR 203 of 2015)

6. Notification of parties and service of application documents

- (a) The Applicant must notify the persons mentioned in column g of Table 2 by serving on them the documents required under column h of that Table.

- (b) The application documents filed with the Tribunal must include a proof of service for every person requiring notification.

(Rule 6(b) amended by Regulation 8 of General Notice 428 in Government Gazette 34405 dated 29 June 2011)

- (c) Notification and service must comply with rule 30.

7. Filing an application

- (1) Once notification of an application has been served in terms of rule 6, the application must be filed with the Registrar.
- (2) An application is filed by delivery of the relevant Form and all the documents listed in column e of Table 2, if applicable, or as required elsewhere in these rules, to the Registrar.
- (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.

(Rule 7(3)(e) inserted by Regulation 8 of GNR 203 of 2015)

(Rule 7(3) amended by Regulation 8 of GNR 203 of 2015)

- (4) In response to an application, the Registrar must -

- (a) allocate a unique reference number to the matter;
- (b)

(Rule 7(4)(b) amended by Regulation 9 of General Notice 428 in Government Gazette 34405 dated 29 June 2011)

(Rule 7(4)(b) deleted by Regulation 8 of GNR 203 of 2015)

- (5) The filing of an application must comply with the general rules for delivery of documents in terms of these rules.

8. Incomplete applications

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- (1) If an application does not satisfy the requirements of the rules-
- (a) the Registrar may notify the Applicant and the other parties of the defect; and
(Rule 8(1)(a) amended by Regulation 9 of GNR 203 of 2015)
 - (b) the Applicant may within a time permitted by the Registrar-
 - (i) complete the application; and
 - (ii) if required to do so, serve additional documents or information on the parties.
(Rule 8 renumbered to 8(1) by Regulation 10 of General Notice 428 in Government Gazette 34405 dated 29 June 2011)
- (2) The application shall lapse if the Applicant does not take any further steps in completing the application within the time permitted by the Registrar as contemplated in subrule (1)(b).
(Rule 8(2) added by Regulation 10 of General Notice 428 in Government Gazette 34405 dated 29 June 2011)
(Rule 8(2) amended by Regulation 10 of GNR 203 of 2015)

9. Deemed applications

- (1) If the Tribunal grants leave in terms of s137(1)(d) of the Act for a complaint submitted to the National Credit Regulator or in terms of Section 73(4) or Section 75(2) of the CPA for a complaint referred to a Consumer Court to be brought directly before the Tribunal the Complainant in the referred matter-
- (a) will become the Applicant to the Tribunal; and
(Rule 9(1)(a) amended by Regulation 11 of GNR 203 of 2015)
 - (b) must proceed in accordance with the rules applicable to the type of application made, provided that no application fee is payable.
(Rule 9(1) amended by Regulation 11(1) and (2) of General Notice 428 in Government Gazette 34405 dated 29 June 2011)
- (2) If:
- (a) a Respondent to a matter, that has been referred to alternative dispute resolution in terms of s134(1)(b)(ii) of the Act objects in writing to the referral;
 - (b) the objection was noted within 10 business days of the referral; and
 - (c) the matter could give rise to an application listed in Table 1A; then

(Rule 9(2)(c) amended by Regulation 11(3) of General Notice 428 in Government Gazette 34405 dated 29 June 2011)

the matter will be deemed to be an application to the Tribunal.

(Rule 9(2)(d) amended by Regulation 11(4) of General Notice 428 in Government Gazette 34405 dated 29 June 2011 by the deletion of the expression "d")

(Rule 9(2) amended by Regulation 12 of GNR 203 of 2015)

- (3) On receiving notification in terms of rule 9(2)(b), the person who referred the matter to alternative dispute resolution may apply to the Tribunal according to the rules governing such an application.

10. Applications in respect of matters not provided for in the rules

- (1) A person wishing to bring before the Tribunal a matter which is not listed in rule 3, or otherwise provided for in these rules, must first apply to the High Court for a declaratory order confirming the Tribunal's jurisdiction -
 - (a) to deal with the matter;
 - (b) to grant the order to be sought from the Tribunal.
- (2) The Tribunal must be served with a notice of an application under rule 10(1).
- (3) If the High Court issues the declaratory order, the Registrar must notify the Applicant of-
 - (a) the appropriate Form to be used and the manner in which the matter may be brought before the Tribunal;
 - (b) the fee payable;
 - (c) the parties to be notified; and
 - (d) documents to be served.

11. Interventions by notice

- (1) The National Credit Regulator may intervene before the Tribunal in any matter referred to in terms of s137(4) of the Act.

(Rule 11(1) amended by Regulation 13(1) of GNR 203 of 2015)

- (2) An intervention in terms of rule 11(1) must be

- (a) by way of a notice of intervention in Form TL.r11,
- (b) served on the Applicant and every other party on whom the application in the principal matter was served; and

(Rule 11(2)(b) amended by Regulation 13(2) of GNR 203 of 2015)

- (c) filed with the Tribunal.

- (3) The notice of intervention of the National Credit Regulator must include a description of the-

- (a) nature of the interest of the National Credit Regulator in the proceedings; and
- (b) aspect on which the National Credit Regulator will make representations.

12. Interventions by application

- (1) An intervention other than in terms of rule 11(1) must be-

- (a) by application on Form TL.r12;
- (b) served on the Applicant and every other party on whom the application in the principal matter was served; and

(Rule 12(1)(b) amended by Regulation 12 of General Notice 428 in Government Gazette 34405 dated 29 June 2011)

- (c) filed with the Registrar.

- (2) The application to intervene must include a concise statement of the nature of the interest of the Applicant in the proceedings and the aspect on which the Applicant will make representations.

- (3) The presiding member in the principal matter may at his or her discretion-

- (a) grant the application to intervene without a hearing;
- (b) hear the application concurrently with the principal matter; or
- (c) hear the application before the principal matter.

13. Opposing an application or referral

- (1) Any Respondent to an application or referral to the Tribunal may oppose the application or referral by serving an answering affidavit on:

(a) the Applicant; and

(b) every other person on whom the application was served.

(Rule 13(1) amended by Regulation 14(1) of GNR 203 of 2015)

(2) An answering affidavit to an application or a referral other than an application for interim relief must be served on the parties and filed with the Registrar within 15 business days of receipt by such party of the application.

(Rule 13(2) amended by Regulation 14(2) of GNR 203 of 2015)

(3) An answering affidavit to an application for interim relief must be served on the parties and filed with the Registrar within 10 business days of receipt by such party of the application, or within a shorter period if directed by the Registrar by notice in writing.

(Rule 13(3) amended by Regulation 14(3) of GNR 203 of 2015)

(4) The answering affidavit must set out in numbered paragraphs-

(a) a concise statement of the grounds on which the matter is opposed;

(b) facts or allegations contained in the application or referral that the Respondent admits;

(c) facts or allegations contained in the application or referral that the Respondent denies and the grounds for such denial; and

(d) the material facts or points of law on which the Respondent relies.

(5) Any fact or allegation in the application or referral not specifically denied or admitted in an answering affidavit, will be deemed to have been admitted.

(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.

(Rule 13(6) substituted by Regulation 14(4) of GNR 203 of 2015)

14. Reply by Applicant

(1) The Applicant may within 10 business days of being served with an answering affidavit, lodge a replying affidavit to any new issues raised in the answering affidavit, other than a point of law.

- (2) A replying affidavit must set out in numbered paragraphs-
 - (a) an admission or denial of each new ground or material fact raised in the answering affidavit; and
 - (b) the position of the Applicant on any point of law raised in the answering affidavit.
- (3) The Applicant must -
 - (a) serve the replying affidavit on the Respondent and on every other person who had to be notified of the application; and
 - (b) file the replying affidavit with the Registrar, together with -
 - (i) a cover sheet describing the matter and stating its Tribunal Reference Number; and
 - (ii) proof of service in accordance with rule 30(3) for the persons mentioned in rule 14(3)(a).
- (4) If the Applicant does not file a replying affidavit, the Applicant will be deemed to have denied each new issue raised in the answering affidavit and each allegation of fact relevant to each of those issues.

15. Amendment of documents

- (1) An Applicant or Respondent may at any time prior to the conclusion of the hearing of the matter, apply by way of Form Tl.r15 for an order authorising an amendment of 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.

(Rule 15(1) amended by Regulation 15 of GNR 203 of 2015)

- (2) A party affected by an amendment may respond within a time allowed by the Tribunal.

16. Joinder or substitution of parties

- (1) The Tribunal may of its own accord or on application by a party, combine any number of persons, either jointly, jointly and severally, separately, or in the alternative, as parties in the same proceedings, if their rights to relief depend on the determination of substantially the same questions of law or fact.

(Rule 16(1) amended by Regulation 16 of GNR 203 of 2015)

- (2) A party to proceedings, on giving notice to the other parties, may apply to the presiding member for an order to substitute a person for a current party.

- (3) A joinder or substitution in terms of these rules will not affect the validity of any prior proceedings in the matter.

16A. Consolidation of matters

- (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.

(Rule 16A inserted by Regulation 17 of GNR 203 of 2015)

PART D HEARINGS

17. Allocation of matters and pre-hearing procedures

- (1)

(Rule 17(1) deleted by Regulation 18(1) of GNR 203 of 2015)

Publisher's Note:

No subrule (2) published

- (3) Prior to a hearing, the Tribunal may confer with the parties to the matter and may convene a pre-hearing conference.

(Rule 17(3) substituted by Regulation 18(2) of GNR 203 of 2015)

- (4) A pre-hearing conference-

- (a) may be in person, by telephone, via video-conferencing or other means of telecommunication;
- (b) need not follow any formal procedures;
- (c) may be adjourned and re-convened; and
- (d) is not open to the public.

- (5) At a pre-hearing conference, the presiding member may –

- (a) give directions for the clarification or simplification of issues;
- (b) obtain admissions of facts or documents;
- (c) set the time within which any evidence must be requested [sic] obtained and delivered or preparations for the hearing must be complete;
(Rule 17(5)(c) amended by Regulation 18(3) of GNR 203 of 2015)
- (d) determine the treatment of confidential information;
- (e) determine procedures to be followed at a hearing;
- (f) determine the date, time and place of a hearing; or
- (g) attend to any other matter that might assist with the proceedings or to resolve the matter.

(6) If the presiding member considers that it would be practical to resolve any point of law before proceeding with a pre-hearing conference, the member may -

- (a) direct the Registrar to set down that point of law for adjudication by the Tribunal; and
- (b) may adjourn or postpone the conference pending the outcome of the adjudication on the point of law.

(Rule 17(6) amended by Regulation 13(1) of General Notice 428 in Government Gazette 34405 dated 29 June 2011)

(7) In any matter which originated as a complaint to the National Credit Regulator, and was referred to the Tribunal in terms of s137(1), s140 or s141(1)(b), the presiding member may direct the National Credit Regulator to investigate or further investigate the matter or to procure specified evidence.

(7A) In any matter which originated as a complaint to the Commission, referred to the Tribunal in terms of s73, 74 or 75 of the CPA, the presiding member may direct the Commission to investigate or further investigate the matter or to procure further specified evidence.

(Rule 17(7A) inserted by Regulation 13(2) of General Notice 428 in Government Gazette 34405 dated 29 June 2011)

(8) At the conclusion of pre-hearing procedures, the presiding member must -

- (a) issue a notice recording any agreements or rulings relating to the matter dealt with;
- (b) publish the notice to the parties and file it with the Registrar; and

- (c) direct the Registrar to set the matter down for the time and place specified in rule 17(5)(f).

(Rule 17(8)(c) amended by Regulation 18(4) of GNR 203 of 2015)

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 TL144, 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.

(Rule 17A inserted by Regulation 19 of GNR 203 of 2015)

17B. Expert witnesses

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.

(Rule 17B inserted by Regulation 19 of GNR 203 of 2015)

18. 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.

(Rule 18 substituted by Regulation 20 of GNR 203 of 2015)

19. Withdrawal of matters

- (1) An Applicant, before an application has been decided, may withdraw all or part of the application by-

(a) serving a notice of withdrawal in Form TL19 by hand delivery, fax or email; and

(Rule 19(1)(a) amended by Regulation 14 of General Notice 428 in Government Gazette 34405 dated 29 June 2011)

(b) filing with the Registrar a copy of the notice of withdrawal with proof of service.

- (2) A notice of withdrawal may include a consent to pay costs, or the other party may apply to the Tribunal for an order for costs.

20. Consent orders

- (1) The Tribunal may confirm a resolution or agreement as a consent order -
 - (a) on application by the facilitator of that resolution or agreement; and
 - (b) without hearing any evidence.
- (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).

(Rule 20(2) substituted by Regulation 21(1) of GNR 203 of 2015)

- (3) If the Tribunal refuses to make the consent order applied for, or requires any changes that a party is unwilling to accept, the Registrar must serve on each party to the agreement or resolution-
 - (a) a notice that the application has been refused; and
 - (b) a copy of the agreement or resolution in its original form, in respect of which the application was refused.
 - (c) a copy of the Tribunal's reasons for the refusal.

(Rule 20(3)(c) inserted by Regulation 21(3) of GNR 203 of 2015)

21. Hearings

- (1) A hearing must be informal and follow procedures determined by the presiding member in terms of rule 17(5)(e) or at any time before or during the hearing.

(Rule 21(1) amended by Regulation 15 of General Notice 428 in Government Gazette 34405 dated 29 June 2011)

(Rule 21(1) amended by Regulation 22(1) of GNR 203 of 2015)

- (2) The Tribunal will be the judge of the admissibility of any evidence adduced and of its probative value.

- (3) The hearings of the Tribunal are open to the public unless otherwise determined by the Presiding Member
- (4) In a hearing for interim relief, only evidence by affidavit will be admitted, subject to sub-rule (2).
- (5)
(Rule 21(5) deleted by Regulation 22(2) of GNR 203 of 2015)
- (6)
(Rule 21(6) deleted by Regulation 22(2) of GNR 203 of 2015)
- (7) A witness must take an oath or affirm the undertaking contained in Table 3.
- (8) The Tribunal may order that a witness-
- (a) be paid in accordance with the tariff of allowances published by the Minister responsible for Justice by notice in the *Gazette* in terms section 42 of the Supreme Court Act, 1959 (Act No. 59 of 1959);
 - (b) be paid a portion of the amount permitted under paragraph(a); or
 - (c) not be paid.
- (9) A party requiring the services of an interpreter must notify the Registrar at least 10 business days prior to the date for which the matter has been set down.
- (10) An interpreter-
- (a) will be procured at the expense of the Tribunal;
 - (b) must be a person admitted as a sworn translator of the High Court; or
 - (c) must take an oath or affirm the undertaking contained in Table 3, with a signed copy to form part of the record of the proceedings.
- (11) The Tribunal may at any stage condone any non-compliance with these Rules or any irregularities in the conduct of proceedings.
(Rule 21(11) substituted by Regulation 22(3) of GNR 203 of 2015)

22. Settlement conference

At any time prior to making a final order in relation to a matter, the member or panel, as the case may be, may order an adjournment of the proceedings to allow an opportunity for the parties to reach agreement on an issue.

23. Record of hearing

- (1) The Registrar must compile a record of the proceedings in respect of any matter that has come before the Tribunal, comprising of:
 - (a) the application documents;
 - (b) notices;
 - (c) the presiding member's record of pre-hearing procedures;
 - (d) any interlocutory orders made by the Tribunal;
 - (e) all documentary evidence;
 - (f) the transcript, if any, of the oral evidence given at the hearing; and
 - (g) a written record of the Tribunal's final decision with reasons.

(Rule 23(1) amended by Regulation 23 of GNR 203 of 2015 by renumbering the paragraphs)

24. Non appearance

- (1) If a party to a matter fails to attend or be represented at any hearing or any proceedings, and that party –
 - (a) is the applicant, the presiding member may dismiss the matter by issuing a written ruling; or
 - (b) is not the applicant, the presiding member may –
 - (i) continue with the proceedings in the absence of that party; or
 - (ii) adjourn the hearing to a later date.
- (2) The Presiding member must be satisfied that the party had been properly notified of the date, time and venue of the proceedings, before making any decision in terms of subrule (1).
- (3) The Registrar must send a copy of the ruling to the parties.

(Rule 24(3) amended by Regulation 24 of GNR 203 of 2015)

(Rule 24 substituted by Regulation 16 of General Notice 428 in Government Gazette 34405 dated 29 June 2011)

24A. Variation or rescission of Tribunal orders

- (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.
(Rule 24A inserted by Regulation 25 of GNR 203 of 2015)

25. Orders and awards of the Tribunal

- (1) The Tribunal may make the orders contemplated in section 150 of the Act.
- (2) An Applicant may make application by way of form TI.r25(2) for purposes of obtaining a default order, if no response to the application was filed within the time stated in the application.
(Rule 25(2) substituted by Regulation 17 of General Notice 428 in Government Gazette 34405 dated 29 June 2011)
- (2A) Upon the filing of an application in terms of subrule (2), a hearing date will be scheduled in accordance with rule 18(1).
(Rule 25(2A) inserted by Regulation 17 of General Notice 428 in Government Gazette 34405 dated 29 June 2011)
(Rule 25(2A) substituted by Regulation 26(1) of GNR 203 of 2015)
- (3) The Tribunal may make a default order –
 - (a) after it has considered or heard any necessary evidence; and
 - (b) if it is satisfied that the application documents were adequately served.*(Rule 25(3) substituted by Regulation 17 of General Notice 428 in Government Gazette 34405 dated 29 June 2011)*

- (4) The Tribunal may award costs in the circumstances contemplated in section 147 of the Act, in the following terms-
- (a) the fees of a single representative may be allowed between party and party;
 - (b) the costs between party and party must be taxed by the Registrar according to the tariff agreed between the parties or otherwise according to the tariff applicable in the High Court;
 - (c) the Registrar may tax a bill of costs for services actually rendered in connection with proceedings, and call for any book, document paper or account that in the opinion of the Registrar is necessary to properly determine any matter relating to the taxation.
- (5) The Registrar must not proceed to tax any bill of costs unless the party liable to pay the bill-
- (a) is present or represented at the taxation;
(Rule 25(5)(a) substituted by Regulation 26(2)(a) of GNR 203 of 2015)
 - (b)
(Rule 25(5)(b) deleted by Regulation 26(2)(b) of GNR 203 of 2015)
 - (c) consented in writing to the taxation taking place in absentia; or
 - (d) received due notice as to the time and place of the taxation and of the party's right to be present, and despite this notice fails to appear, in person or by representative, at the taxation.
(Rule 25(5)(d) amended by Regulation 26(2)(c) of GNR 203 of 2015)
- (6) The Registrar may delegate any of the responsibilities imposed under sub-rules (4) and (5) to a suitably qualified person in the employ of the Tribunal to conduct the taxation of bills of costs.
- (7) The Tribunal may award punitive costs against any party who is found to have made a frivolous or vexatious application to the Tribunal.
- (8) The taxation of costs is subject to the review of the High Court on application.

26. Appeals

- (1) An appeal lodged against a ruling of a single member of the Tribunal must be referred by the Chairperson to an appeal panel consisting of three members of the Tribunal.
(Rule 26(1) amended by Regulation 18(1) and (2) of General Notice 428 in Government Gazette 34405 dated 29 June 2011)

- (2) The Notice of Appeal must-
- (a) be lodged with the Registrar within 20 days of the ruling;
 - (b) set out concisely the grounds of appeal;
 - (c) be accompanied by a record of the ruling ; and
 - (d) attach any relevant documentation.
- (3) The appellant must deliver a copy of the Notice of Appeal and relevant documentation to the respondent within 2 days of lodging such documents with the Registrar.
- (4) The respondent may file with the Registrar a replying affidavit within 15 days of receipt of the Notice of Appeal and deliver a copy of such replying affidavit to the Appellant.
- (Rule 26(4) amended by Regulation 27(1) of GNR 203 of 2015)*
- (5) The appellant must -
- (a) prepare 4 copies of the record of the ruling appealed against; and
 - (b) prepare 4 copies of the appeal documentation; and
- (Rule 26(5) amended by Regulation 27(2) of GNR 203 of 2015)*
- (c) index and paginate such documents in separate bundles.
- (Rule 26(5) substituted by Regulation 18(3) of General Notice 428 in Government Gazette 34405 dated 29 June 2011)*
- (6) The bundles contemplated in subrule (5) must be delivered to the Registrar within 5 days of the filing of the respondent's replying affidavit or in the absence of a reply within 5 days of the lapse of the period provided for in subrule (4).
- (Rule 26(6) amended by Regulation 18(4) of General Notice 428 in Government Gazette 34405 dated 29 June 2011)*
- (7) The respondent may, within 5 days supplement the bundles in the event of any relevant documents being omitted.
- (8) Upon the filing of a Notice of Appeal, the Registrar must -
- (a) in consultation with the Chairperson, set down a date and time for the hearing of the appeal;
 - (b) deliver a notice of set down on every party to the matter appealed against.

- (9) The parties and their legal representatives may appear at the appeal hearing.
- (10) A party that wishes to submit heads of argument must deliver within 48 hours of the hearing, 4 copies of the heads of argument to the Registrar and a copy to the other party.

(Rule 26(10) amended by Regulation 27(3) of GNR 203 of 2015)

27. Decision of the Appeal Panel

- (1) The appeal panel may refer any matter to a panel appointed by the Chairperson for re-consideration or for such action as the appeal panel may decide.
- (2) The appeal panel is not restricted to the record of the proceedings before a single member and may:
 - (a) call for additional documentation and representations from the parties on any matter relevant to the complaint; or
 - (b) procure expert evidence and further research.

(Rule 27(2) amended by Regulation 19(1) of General Notice 428 in Government Gazette 34405 dated 29 June 2011)

- (3) The appeal panel, in collaboration with the Chairperson, may take any steps as are reasonably necessary for the just and effective determination of the appeal.

(Rule 27(3) amended by Regulation 19(2) of General Notice 428 in Government Gazette 34405 dated 29 June 2011)

28. Rules relating to court orders and court notices

- (1) A court which in terms of section 130(4)(d), serves an order or delivers a notice to the Tribunal must, in either case,
 - (a) identify the parties to the court proceeding;
 - (b) identify the credit agreement concerned;
 - (c) specify the date on which application was made to the court;
 - (d) cite the matter as it is cited before that court;
 - (e) cite the Tribunal Reference Number of the matter;

- (2) In respect of an order, state how the matter before the Tribunal affects the issues to be determined by the court;
- (3) In respect of a notice, state how the court depends on the outcome of the matter before the Tribunal in order to conclude its own matter.
- (4) An order or notification under rule 28 must be served or delivered in accordance with the general rules relating to the service or delivery of documents provided for in rule 30.
- (5) Within 5 business days of receipt of an order under section 130 the Registrar must send a notice of adjournment to the Applicant and any other parties to the matter before the Tribunal.

29. Certificate of prohibited or required conduct

- (1) Any person may submit a request in writing to the Registrar for the Tribunal to issue a certificate in terms of section 164(3)(b) of the Act or in terms of section 115(2)(b) of the CPA.

(Rule 29(1) amended by Regulation 28 of GNR 203 of 2015)

- (2) The Chairperson must issue a section 164(3)(b) notice or a notice in terms of section 115(2)(b) of the CPA if the conduct was found by the Tribunal to be prohibited or required in terms of the Act or the CPA, as the case may be.
- (3) A section 164(3)(b) certificate or a certificate in terms of Section 115(2)(b) of the CPA, must –
 - (a) be issued in the form of TI.164(3);
 - (b) be signed by the Chairperson;
 - (c) name the person requesting the certificate;
 - (d) describe in detail the conduct which was found to be a prohibited or required conduct in terms of the Act or the CPA
 - (e) state the specific section of the Act or the CPA in terms of which the conduct was found to constitute prohibited or required conduct; and
 - (f) set out the basis on which the finding was made.

(Rule 29 substituted by Regulation 20 of General Notice 428 in Government Gazette 34405 dated 29 June 2011)

PART E GENERAL RULES

30. Service and proof of service of documents

(1) A document may be served on a party by -

- (a) delivering it to the party; or
- (b) sending it by registered mail to the party's last known address.

(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.

(Rule 30(1A) inserted by Regulation 29(1) of GNR 203 of 2015)

(2) Parties may expedite service by sending notices and documents by fax or e-mail, provided that this is followed within 3 business days with service in accordance with rule 30(1)(a). 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.

(Rule 30(2) amended by Regulation 29(2) of GNR 203 of 2015)

(3) Proof of service in terms of:

- (a) rule 30(1)(a), must be by -
 - (i) a signed acknowledgment of receipt by the party, a representative of the party, or a person who is 16 years or older residing or employed at premises occupied or utilised by the party; or
 - (ii) an affidavit by the person who served the document if the person to whom it was delivered refused to sign for it;
- (b) rule 30(1)(b), must be the postal agent's receipt with the tracking code of the document;
- (c) rule 30(2), must be a copy of the transmission report, to be followed subsequently with proof in terms of rules 30(3)(a) or (b).

(4) The Tribunal may serve documents in accordance with rule 31.

(Rule 30(4) substituted by Regulation 29(3) of GNR 203 of 2015)

(5) If any party cannot serve a document or notice in accordance with these rules, it may apply to the Tribunal in Form Tl.r30 for an order of substituted service.

(Rule 30(5) amended by Regulation 29(4) of GNR 203 of 2015)

31. Delivery of documents

- (1) Subject to these rules, a document or notice that is not required by the rules to be served on a person, may be delivered to that person -
 - (a) at a physical address;
 - (b) by registered mail;
 - (c) by fax; or
 - (d) by e-mail.
- (2) Documents sent by fax or e-mail must include all of the following information on a cover page or cover message:
 - (a) the name, address and telephone number of the sender;
 - (b) the name of the person to whom it is addressed;
 - (c) the date and time of transmission;
 - (d) the total number of pages sent;
 - (e) the name and telephone number of the person to contact if transmission is flawed; and
 - (f) the manner in which and person to whom an acknowledgment of receipt should be sent.
- (3) If the rules require that a certified copy of a document be filed with the Tribunal, that document must be filed in hard copy format, either by delivery to the physical address of the Tribunal or by registered mail to the postal address of the Tribunal

(Rule 31(3) amended by Regulation 21 of General Notice 428 in Government Gazette 34405 dated 29 June 2011)
- (4) If a document is delivered to the Tribunal later than the closing time specified in rule 2(1), the next business day will be recorded as the date of filing of that document.

32. Confidential information

- (1) Confidential information includes any information containing or consisting of -
 - (a) trade secrets;

- (b) financial, commercial, scientific or technical information, if disclosure of the information is likely to cause harm to the commercial or financial interests of a person; or
- (c) information supplied in confidence by a person, if the disclosure of the information could reasonably be expected to-
 - (i) put that person at a disadvantage in contractual or other negotiations; or
 - (ii) prejudice that person in commercial competition.

- (2) Any alleged confidential information forming part of an application, response or other written submission to the Tribunal must be contained in a separate annexure and clearly marked 'confidential'.

(Rule 32(2) substituted by Regulation 22 of General Notice 428 in Government Gazette 34405 dated 29 June 2011)

- (3) Subject to an eventual finding that information is not confidential, information marked as confidential may be excluded from documents required to be served on parties under Table 2.

(Rule 32(3) substituted by Regulation 22 of General Notice 428 in Government Gazette 34405 dated 29 June 2011)

- (4) When submitting any information claimed to be confidential, such person will include a written statement setting out the grounds for the claim of confidentiality.

(Rule 32(4) added by Regulation 22 of General Notice 428 in Government Gazette 34405 dated 29 June 2011)

- (5) Within 10 business days of submission of the confidentiality claim, the Tribunal must notify such person as to whether or not the Tribunal will treat the information submitted as confidential.

(Rule 32(5) added by Regulation 22 of General Notice 428 in Government Gazette 34405 dated 29 June 2011)

- (6) If the Tribunal has notified such a person that the information will not be treated as confidential, it may not make the information available to any other party at a time earlier than 5 days after having notified such person in terms of subrule (5).

(Rule 32(6) added by Regulation 22 of General Notice 428 in Government Gazette 34405 dated 29 June 2011)

33. Representation of parties

- (1) A party to a matter may act in person or appoint a representative.
- (2) A person appointed as representative must notify the Registrar and the other parties to the matter by providing them with the following particulars -

- (a) name;
 - (b) postal address and address for service of documents;
 - (c) telephone and fax numbers;
 - (d) e-mail address;
 - (e) Tribunal Reference Number of the matter; and
 - (f) name of the person represented.
- (3) A party who terminates a representative's authority to act in a matter must notify the Registrar and the other parties, and-
- (a) if that party will from then act in person, provide the details as listed in rules 33(2)(b) to 33(2)(e).
(Rule 33(3)(a) amended by Regulation 23 of General Notice 428 in Government Gazette 34405 dated 29 June 2011)
(Rule 33(3)(a) amended by Regulation 30 of GNR 203 of 2015)
 - (b) if another representative has been appointed, provide details as listed in rule 33(2).
- (4) On receipt of a notice under rule 33(2) or rule 33(3), the address given in that notice will become the party's address for all notification and service required in that matter.
- (5) A party does not need to be represented by a legal representative before the Tribunal.

34. Condonation of late filing and non-compliance with rules

- (1) A party may apply to the Tribunal in Form Tl.r34 for an order to:
- (a) condone late filing of a document or application;
 - (b) extend or reduce the time allowed for filing or serving;
 - (c) condone the non-payment of a fee; or
 - (d) condone any other departure from the rules or procedures.
- (2) The Tribunal may grant the order on good cause shown.

35. Payments and remittances

- (1) The payment of fees specified in Table 2, or fines imposed by the Tribunal under section 151 of the Act or of remittances in terms of section 127(6) of the Act must be by cash deposit or electronic transfer into the designated bank account of the Tribunal specified in rule 5.
- (2) A payment must be identified with a payment reference chosen by the payer.
- (3) A copy of the deposit slip or a printout of the transfer record must be appended to any document in which proof of payment is required.
- (4) Subsequent to the payment of a fine or remittance, but no later than 3 business days after the payment, a payment advice in the form of Tl.r35 with a copy of the deposit record must be delivered to the Tribunal.

(Rule 35(4) substituted by Regulation 24 of General Notice 428 in Government Gazette 34405 dated 29 June 2011)

36. Access to Tribunal records

- (1) Tribunal records may be inspected by arrangement with the Registrar.
- (2) A person may, by arrangement with the Tribunal, obtain a copy of a transcript of a hearing of the Tribunal upon payment of the required fee in terms of sub-rule (4).
- (3)

(Rule 36(3) deleted by Regulation 25 of General Notice 428 in Government Gazette 34405 dated 29 June 2011)

- (4) The Registrar may charge a fee of:
 - (a) R2.00 per A4 page for copies of Tribunal documents; and
 - (b) R45.00 for the Registrar's certification of the correctness of copies of documents.

37. Powers of the Chairperson to deviate from certain rules

- (1) The Chairperson may on good cause shown, and in keeping with the requirements of justice, expediency and the objects of the Act and the CPA:
 - (a) direct that the Registrar
 - (i) accept documents:

- (aa) at a different location to that in rule 2(2);
- (bb) outside of the hours specified in rule 2(1);
- (ii) waive any fee:
 - (aa) payable by a consumer in respect of an application;
 - (bb) payable in an application to limit obligations in respect of frivolous, vexatious or wholly unreasonable requests;
- (b) direct that any time permitted for lodgement of an answering affidavit to an application, a replying affidavit or any other action in response to an application or referral, be shortened or extended;
- (c) direct that a matter be heard by telephone or video conferencing.

(Rule 37(1) amended by Regulation 26 of General Notice 428 in Government Gazette 34405 dated 29 June 2011)

- (2) The Chairperson may delegate any of these powers to a member.

(Rule 37(2) amended by Regulation 31(1) of GNR 203 of 2015)

38. Forms

- (1) Forms prescribed for purposes of these rules are contained in the schedule 1 at the end of the Rules
- (Rule 38(1) amended by Regulation 27 of General Notice 428 in Government Gazette 34405 dated 29 June 2011)*

(Rule 38(1) amended by Regulation 32 of GNR 203 of 2015)

- (2) If a prescribed form of words or expression is used in conjunction with other information in a document the document must be designed in such a manner that the prescribed form or words or expression are:
- (a) clearly distinguishable from the other information in that document; and
 - (b) at least as prominent, in respect of size and legibility as the other information in that document.
- (3) If a prescribed form is used in conjunction with another prescribed form, each must clearly be distinguishable from the other.
- (4) If a form is prescribed by these rules-
- (a) It is sufficient if a person required to prepare such document does so in a form that satisfies all the substantive requirements as to content and design of the prescribed form; and

- (b) Any deviation from the prescribed form does not invalidate the document unless the deviation-
 - (i) fail [sic] to satisfy the requirements set out in paragraph (a);
 - (ii) negatively affects the substance of the document; or
 - (iii) is deceptive or misleading.

39. Short title

These Regulations are called the Regulations for matters relating to the functions of the Tribunal and Rules for the conduct of matters before the National Consumer Tribunal.

(Rule 39 amended by Regulation 33 of GNR 203 of 2015)

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 [sic] s 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:

Prepared by:

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:

Prepared by:

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)
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)

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.

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:

Prepared by:

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.

Prepared by:

(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:

The Respondent described in Part B (registrant)	<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 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)

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) _____

Prepared by:

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

Respondent

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

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 _____

Prepared by:

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:

Prepared by:

- ☐ 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)
-------------------------------	---

Prepared by:

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

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

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

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)

Prepared by:

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:

The Respondent (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 F: Applicant's Certification of Other Documents Appended to the Application.

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

Prepared by:

- (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 Tl.r35.

Signed at

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

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

IN THE NATIONAL CONSUMER TRIBUNAL

Tribunal Case no.:

In the matter between:

_____ Applicant
and

_____ Respondent
(Insert name of debt counsellor)

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:

Prepared by:

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 [sic] 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>	<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

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;

Signedat
 on by
(name)(position)

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

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:

Prepared by:

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:

The Respondent described in Part B (credit provider / pawn broker)	<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 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.

IN THE NATIONAL CONSUMER TRIBUNAL

Tribunal Case no.:

In the matter between:

_____ Applicant
and

_____ Respondent
(Insert name of credit provider)

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.

Prepared by:

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:

Prepared by:

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)
---	---

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.

IN THE NATIONAL CONSUMER TRIBUNAL

Tribunal Case no.:

In the matter between:

_____ Applicant

and

_____ Respondent

(Insert name of credit provider)

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 _____

Prepared by:

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

Part C: Details of the ADR Agent to Whom the Matter was Referred [sic]

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

Company registration 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.

Prepared by:

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

IN THE NATIONAL CONSUMER TRIBUNAL

Tribunal Case no.:

In the matter between:

Applicant

and

Respondent

(Insert name of credit provider)

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

Prepared by:

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)

Prepared by:

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:

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 D (deleted 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)

Prepared by:

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.

IN THE NATIONAL CONSUMER TRIBUNAL

Tribunal Case no.:

In the matter between:

Applicant

and

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.

Prepared by:

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)
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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 signed copy of the agreement between the parties, formulated as an order of the Tribunal;

Prepared by:

- (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.

IN THE NATIONAL CONSUMER TRIBUNAL

Tribunal Case no.:

In the matter between:

_____ Applicant

and

_____ Respondent

(insert name of consumer)

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.

Prepared by:

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

Prepared by:

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:

The Respondent described in Part B (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)
--	---

I/we certify that an application fee of R100,00 has been transferred/deposited into the Tribunal's designated bank account.

The Applicant's deposit/transfer reference is _____

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 [sic];
- (b) proof service in accordance with Tribunal Rules 30 for the party named in Part E;
- (c) proof of payment - Form T1.r35.

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

Duly authorised to sign on behalf of the Applicant.

Prepared by:

PART 6. Appeals and variation orders

Form TL 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

Prepared by:

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.

Prepared by:

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.

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.

Prepared by:

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

Prepared by:

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.)

Prepared by:

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 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.

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

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 [sic] 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.

Prepared by:

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

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: _____

Prepared by:

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:

Prepared by:

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:

The National Consumer Commission (the Respondent)	<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 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

IN THE NATIONAL CONSUMER TRIBUNAL

Tribunal Case no.:

In the matter between:

_____ Applicant

and

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:

Prepared by:

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:

Prepared by:

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)
----------------------------	---

Prepared by:

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

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

Prepared by:

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 an 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:

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

Prepared by:

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

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

Prepared by:

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

Prepared by:

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 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

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

Form TI.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

Prepared by:

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)

Prepared by:

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 TI.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 _____

Prepared by:

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:

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

Prepared by:

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 Consumer Commission (service required in all instances)	<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 consumer court (service required if this application is being brought in terms of section 73(3) or 75(2) of the CPA).	<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)

Prepared by:

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:

Applicant

(insert your name)

and

Respondent

(Insert name of credit provider or consumer)

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:

Prepared by:

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)

Prepared by:

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)

Prepared by:

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)
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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 TI.149(1)

IN THE NATIONAL CONSUMER TRIBUNAL

Tribunal Case no.:

In the matter between:

Applicant

(Insert your name)

and

Respondent

(Insert name of entity or person complained about)

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.

Prepared by:

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:

Prepared by:

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 [sic] 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:

Prepared by:

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.

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.

Prepared by:

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)
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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.

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:

Prepared by:

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)

Prepared by:

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

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).

Prepared by:

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

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)
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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.

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:

Prepared by:

Part B: Details of the Parties 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: 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

Prepared by:

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

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

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

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:

Prepared by:

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:

Prepared by:

The Respondent(s) 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 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.

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.

Prepared by:

Tribunal member

Registrar stamp

Prepared by:

The National Consumer Tribunal Notice of Withdrawal.

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 [sic] 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 _____

Prepared by:

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:

The Respondent(s) 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 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.

Prepared by:

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.

Prepared by:

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

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: _____

Acknowledgement of receipt - personal delivery:

(to be completed by recipient)

Prepared by:

(insert full details of the party to whom document was delivered i.e. full name address and contact details. - repeat for every additional party)

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

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.

Prepared by:

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

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. _____

Prepared by:

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 by 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:

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

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)

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

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

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 TL148(1)

IN THE NATIONAL CONSUMER TRIBUNAL

Tribunal Case no.:

In the Appeal between:

and

Appellant

Respondent

Regarding the matter between:

and

Applicant

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:

Prepared by:

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).

Prepared by:

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.

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:

Prepared by:

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) 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) _____

Prepared by:

- ☐ 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)
------------------------------------	---

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 TL127(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.

Prepared by:

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 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 credit provider 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 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)

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

Prepared by:

Table 1 A	
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

(Table 1 renumbered to 1A and amended by GN 428 of 2011)

Table 1 B	
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 <i>[sic]</i> 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. 110 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 1B added by GN 428 of 2011)

Table 2								
Part 1A: 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 <i>column g</i> , Form Tl.55(6) and the documents described in <i>column e</i>
2.	Section 56(1)	Application to modify or set aside a notice issued by the Regulator in terms of s.54(1) or s. 55(1)	The application must be filed within 15 business days of receiving the notice, or later if the Tribunal permit	Form NCR 14	(1) A copy of the notice issued by the Regulator (Form NCR 12 or 13) (2) An affidavit setting out the grounds for the objection and the order sought from the tribunal (3) Form Tl.r30A (4) Proof of payment utilising Form Tl.r35	Five hundred rand (R500.00)	The Regulator	On the Regulator, a copy of Form [sic] NCR 14: and documents described in (2) and (3) of <i>column e</i>
3.	Section 57(1)	Application by the Regulator to cancel the registration of a registrant	n/a	Form Tl.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 conditions or revisions of conditions (3) if the application relates to a regulated financial institution, a copy of the consent given by the	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 Tl.57(1) and the [sic] 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 Tl.57(1) and item (4) of <i>column e</i> only

					financial regulator in terms of s.57(2)(c) (4) Form Tl.r30A			
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 Tl.59(1)	If the decision was in response to an application to the regulator, then a copy of the relevant From [sic] NCR by which the application was made, together with all documents submitted in support of the application a copy of the written records of the decision of the Regulator which is to be reviewed Proof of payment utilising Form Tl.r35 Form Tl.r30A	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 Tl.59(1) and (4) of <i>column e</i>
5.	Section 62(3)	Application to limit a credit providers [sic] 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	Two hundred rand (R200.00)	The consumer	On the, [sic] 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 language proposal	The application must be filed within 20 business days of receipt of the Regulator's notification of rejection of the proposal, or later if the Tribunal permits	Form Tl.63(5)	A copy of the proposal that was rejected A copy of the Regulator's notification of rejection of the proposal Proof of payment utilising Form Tl.r35 Form Tl.r30A	Five hundred rand (R500.00)	The Regulator	On the Regulator, A copy of From [sic] Tl.63(5) and item (4) of <i>column e</i>
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	Two hundred rand (R200.00)	The consumer	On the, [sic] consumer, a copy of Form Tl.142(3)(f) and item (3) of <i>column e</i>

					(3) Form Tl.r30A			
8.	Section 71(3)	Application by a consumer to review a decision to not to issue or a failure to issue a clearance certificate.	n/a	Form Tl.71(3)	<p>(1) A copy of the agreement or Magistrate's Court order whereby the debt was re-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 remaining obligations.</p> <p>(5) Form Tl.r30A</p>	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>
9.	Section 72(6)	Application to limit an obligation to produce information	n/a	Form Tl.142(3)(f)	<p>(1) If available, records or document to show that requests are frivolous vexatious or wholly unreasonable</p> <p>(2) Proof of payment utilising Form Tl.r35</p> <p>(3) Form Tl.r30A</p>	Two hundred rand (R200.00)	The consumer	On the, [sic] 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)	<p>(1) Pawnbroker's agreement and receipt of goods</p> <p>(2) If applicable, documents in evidence of the value of the property</p> <p>(3) If applicable, the pawnbroker's receipt of the settlement value</p>	n/a	The pawn broker	On the pawn broker, a copy of Form Tl.99(2) and item (4) of <i>column e</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	Two hundred rand (R200.00)	The consumer	On the, consumer, a copy of Form Tl.142(3)(f) and item (3) of column e
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	Two hundred rand (R200.00)	The consumer	On the, consumer, a copy of Form Tl.142(3)(f) and item (3) of column e
13.	Section 114(1)	Application by a consumer to compel the production of a statement	n/a	Form Tl.114(1)	(1) A copy of the credit agreement (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	n/a	The credit provider	On the credit provider, a copy of Form Tl.114(1) and item (4) of column e
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 column e
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 estimated value of the goods, as required by s. 127(2) or the attachment order mentioned in s.131.	n/a	(1) The credit provider (2) If applicable, the ADR agent that issued the Form NCR 28	(1) On the credit provider, a copy of Form 11.128(1) and items (5) and (8) of column e

					<p>(2) If applicable, a copy of the notice given under s. 127(1)</p> <p>(3) If applicable, the credit providers 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 applicant's valuation of the goods</p> <p>(6) If available, a copy of the credit provider's written notice mentioned in s127(5)(b)</p> <p>(7) If applicable, a copy of the Form NCR 28 issued by the ADR agent</p> <p>(8) Form Tl.r30A</p>			(2) On the ADR agent (if applicable), a copy of Form Tl.128(1) and item (8) of <i>column e</i>
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 Tl.r30A</p>	<p>(1) If application is brought in terms of s.138(1)(a) and/or s. 86(8)(a) : Three hundred rand (R300.00) for the period 1 April 2019 to 31 March 2020, Four hundred rand (R400.00) for the period 1 April 2020 to 31 March</p>	The parties to the consent agreement	To all parties, a copy of Form Tl.138(1) and item (1) and (3) in <i>column e</i>

						2021, Five hundred rand (R500.00) for the period 1 April 2021 to 31 March 2022, thereafter the fee will increase 7.5% annually from the 1 April 2022 (2) If Application is brought in terms of s.138(1)(b): no fee		
17.	Section 142(3)(f)	Application to limit obligations in respect of frivolous, vexatious or unreasonable requests	n/a	Form Tl.142(3)(f)	(1) If available, records or documents to show that request are frivolous vexatious or wholly unreasonable (2) Proof of payment utilising Form Tl.r35 (3) Form Tl.r30A	Two hundred rand (R200.00)	The consumer	On the, consumer, a copy of Form Tl.142(3)(f) and item (3) of <i>column e</i>
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	Tl.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 Tl.r35 (4) Form Tl.r30A	Five hundred rand (R500.00)	The Commission	On the Commission, a copy of Form Tl.60(3) & 101 CPA and items (2) and (4) in <i>column e</i>
19.	Section 80(5) of the CPA (applicable)	Application to review determination of Registrar of	n/a	Form Tl.80(5) CPA	(1) A copy of the Notice issued in terms of s80(4)(a) of the CPA, if available	Five hundred	(1) The Registrar of Companies	On the Registrar of Companies, and the person to whom the

	when section 80 of the CPA commences on a date to be determined by the Minister)	Companies in terms of s. 80(4) of the CPA relating to cancellation of registered business name			<p>(2) a copy of the submissions made to the Registrar of Companies in terms of s.80(4)(b)(i) or (11) 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> <p>(6) Form Tl.r30A</p>	rand (R500.00)	(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.	business name is registered (if applicable), a copy of Form Tl.80(5) CPA and items (4) and (6) of <i>column e</i>
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 s100(1) of the CPA	The application must be filed before receipt of an application in terms of s101(1) to set aside the Notice	Form Tl.100(6) CPA	<p>(1) A copy of the Notice issued in terms of s100(1) of the CPA</p> <p>(1) Copies of documents or records in evidence of the prohibited conduct and of the failure or non-compliance</p> <p>(3) Form Tl.r30A</p>	n/a	The person to whom the compliance notice was issued	The person to whom the compliance notice was issued, Form Tl.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 s100(1) of the CPA	The application must be filed within 15 (fifteen) business days of receiving the notice, or later if the Tribunal permits	Tl.60(3) & 101 CPA	<p>(1) A copy of the notice issued by the Commission in terms of Section 100(1) of the CPA</p> <p>(2) An affidavit setting out the grounds for the review and the order sought from the Tribunal</p> <p>(3) Proof of payment utilising Form Tl.r35</p> <p>(4) Form Tl.r30A</p>	Five hundred rand (R500.00)	The Commission	On the Commission, a copy of Form Tl 60(3) & 101 CPA and items (2) and (4) in <i>column e</i>
22.	Section 70(3)(b) of the CPA	Application for a consent order after dispute resolved by	n/a	Form Tl.138(1)	(1) A signed copy of the agreement reached between the parties to the dispute resolution,	Two hundred rand (R200.00)	The parties to the consent agreement	To all parties, a copy of Form Tl.138(1) and item (1) and (3) in <i>column e</i>

		alternative dispute resolution agent			formulated as an order of the Tribunal (2) Proof of payment utilising Form TI.r35 (3) Form TI.r30A			
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 s102(3)(b)	Form TI.102(3)(b) CPA	(1) A copy of the summons issued in terms of s102(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 TI.r30A	n/a	The person to whom the summons in terms of s102(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 TI.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 complaint (person to whom the disputed information relates) (2) The credit bureau	(1) On the complainant, 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 29)	Form NCR 30	The consumer's form NCR 29 The Regulator's report on its investigation into the matter with all relevant information 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	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 Form TI.r30A (2) On the credit provider, copies of Form NCR 30, documents (1), (2) and (4) from the list in <i>column e</i> and Form TI.114(1) or TI.115(1)

					documents mentioned in that Form; or If the application is to review entries to a statement, Form Tl.115(1) completed by the Regulator together with the other document mentioned in that Form (5) Form Tl.r30A			
26.	Section 137(1)(c)	Application by the Regulator to review a sale of goods or the distribution of the proceeds of a sale	n/a	Form NCR 30	The complainant's completed Form NCR 29 The Regulator's report on its investigation into the matter with all relevant information and conclusions If the application is to review a sale of goods, Form Tl.128(1) completed by the Regulator with the other documents mentioned in that Form If the application is to review the distribution of proceeds, Form Tl.127(6) completed by the Regulator with the other documents mentioned in that Form Form Tl.r30A	n/a	(1) The complainant (2) The Credit Provider	(3) On the complainant, a copy of Form NCR 30 (4) On the credit provider, copies of Form NCR 30, documents (1), (2) and (5) from the list in <i>column e</i> and if applicable, documents listed in (3) and (4) in <i>column e</i>
27.	Section 137(1)(d)	Referral by the Regulator of a complaint and application for leave to bring compliant <i>[sic]</i> directly before the Tribunal (matters referred before the conclusion of an investigation)	n/a	Form NCR 30	(1) The complainant's completed Form NCR 29 with all the documents that were included in 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	n/a	(1) The complainant (2) The parties that will be affected by the order sought in the complaint referral	To the all of the parties in <i>column g</i> a copy of Form NCR 30, and items (2) and (3) mentioned in <i>column e</i>

					matter being brought before the Tribunal; and reasons why leave should be granted. (3) Form TI.r30A			
28.	Section 140(1)	Complaint referral by the Regulator at the conclusion of an investigation into a s.136 complaint	n/a	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 report on its investigation into the matter with all relevant information and conclusions (3) 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 NCR 32	(1) To the complainant, a copy of Form 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(1)(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 Consumer Court or within	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 Court	(1) To the Commission and the Consumer Court, copies of Form

		to consumer court for order that matter be referred to the Tribunal	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 Tl.r30A		(3) All other parties that will be affected by the order or relief sought in terms of Form Tl.73(3) & 75(1)(b) & (2) CPA	Tl.73(3) & 75(1)(b) & (2) CPA and Form Tl.r30A (2) All other parties copies of Form Tl.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 refer	Within twenty business days of the date of the Notice of Non Referral, or within a longer time permitted by the Tribunal	Form Tl.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 Non-Referral (Annexure G of the CPA Regulations) (3) affidavit setting out grounds for leave to refer directly to the Tribunal (4) Form Tl.r30A	n/a	(1) The Commission (2) The entity or person complained about and all parties that will be affected by the order or relief sought in terms of Form Tl.73(3) & 75(1)(b) & (2) CPA	(1) To the Commission copies of Form Tl.73(3) & 75(1)(b) & (2) CPA (2) To the entity or person complained about and all other parties, copies of form Tl.73(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 for leave to refer	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 Tl.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 Tl.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 Tl.73(3) & 75(1)(b) & (2) CPA	(1) To the Commission and the Consumer Court, copies of Form Tl.73(3) & 75(1)(b) & (2) CPA (2) To the complainant and all other parties, copies of Form Tl.73(3) & 75(1)(b) & (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	Within 20 business days from the date of a	Form Tl.137(3)	(1) A copy of Form NCR 28 certifying the failure of	n/a	(1) The other party to the failed dispute	(1) To both parties mentioned in (2) and

		dispute resolution between consumer and credit provider	certification in the form of NCR 28 that the dispute resolution has failed, or within a longer time if the Tribunal permits		dispute resolution between the parties, together with all documents mentioned in that Form (2) Form TI.r30A		resolution (credit provider or consumer) (2) The Regulator (3) The ADR agent that completed the Form NCR 28	(3) in <i>column g</i> , copies of Forms TI.137(3) and NCR 28 (without the other documents mentioned in that form) (2) To the party mentioned in (1) in <i>column g [sic]</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 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 TI.r11	Form TI.r30A	n/a	The parties to the s137(3) application	To all parties mentioned in <i>column g</i> , copies of Form TI.r11 and Form TI.r30A
38.	Rule 12	Application to intervene in a matter before the Tribunal	At least 5 business days before the hearing of the principle [sic] matter	Form TI.r12	(1) Proof of payment utilising Form TI.r35 (2) Form TI.r30A	Two hundred rand (R200.00)	The parties to the principal matter pending before the Tribunal	To all parties mentioned in <i>column g</i> , copies of Form TI.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 TI.r15	n/a	n/a	All parties to the proceedings	On all parties to the proceedings a copy of Form TI.r15(1) together with the documents attached thereto
40.	Section 140(4) or 141(2)(a)	Application for a matter referred by the Regulator to a consumer court or to	Within 20 business days of the date of notification that the matter has been referred to the original	Form NCR 33	(1) an affidavit in support of the application, showing why the alternative forum –	Two hundred rand (R200.00)	(1) The consumer court to which the matter was referred	To all parties, a copy of Form NCR 33 and the affidavit mentioned in

		the Tribunal, to be referred to a different consumer court or to the Tribunal	forum, but no less than 10 business days before the matter set down to be heard in the original 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 TI.r30A		(2) The other parties to the matter	<i>column e</i> and Form TI.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 TI.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	Application to condone non-compliance with the Tribunal's rules and procedures	n/a	Form TI.r34	(1) Form TI.r30A (2) An affidavit stating reasons for late filing and why late filing should be condoned	n/a	The other parties to the matter	To all 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 months of the granting of the interim order	Form TI.149(1)	A copy of the interim order	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, a copy of Form TI.149(1)
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	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)	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>

		in Section 4(1), (c) or (d) of the CPA.			(2) Detailed affidavit setting out grounds for leave to institute the Principal proceedings (3) Form Tl.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	Tl.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 Tl.148(1)	(1) A copy of the ruling appealed against (2) Form Tl.r30A	n/a	The parties to original matter being taken on appeal	To all parties, copies of Form Tl.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 Tl.165 in respect of section 165(a) to (c) or Form Tl.r4 in respect of section 165 (d) or (e)	(1) A copy of the ruling to be varied or rescinded (2) Form Tl.r30A (3) A copy of the consent of the other parties in respect of whom the order was made, if applicable (4) A detailed affidavit setting out the grounds for an application in terms of section 165(e), if applicable.	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 Tl.165 or Form Tl.r4 and items (1) to (4) in <i>column e</i> , as 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 Tl.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 Tl.127(6) and the statement described in <i>column e</i>

(Table 2 amended by Government Notice 157 in Government Gazette 39663 dated 4 February 2016)

(Table 2 amended by Government Notice 496 in Government Gazette 42337 dated 29 March 2019)

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> .

(Schedule amended by Regulation 28 of General Notice 428 in Government Gazette 34405 dated 29 June 2011)

(Schedule 1 substituted by Regulation 34 of GNR 203 of 2015)