

(16 September 2013 - to date)

## PROTECTION FROM HARASSMENT ACT 17 OF 2011

*(Government Notice 1014 in Government Gazette 34818 dated 5 December 2011. Commencement date: 27 April 2013 [Proc. No. R9, Gazette No. 36357, dated 12 April 2013])*

### DEPARTMENT OF POLICE

### NATIONAL INSTRUCTION ON PROTECTION FROM HARASSMENT

*Government Notice 688 in Government Gazette 36845 of 16 September 2013. Commencement date: 16 September 2013.*

The National Instruction on Protection from Harassment is hereby published in terms of section 20(2)(a) of the Protection from Harassment Act, 2011 (Act No. 17 of 2011) for general information.

(signed)

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**GENERAL NATIONAL COMMISSIONER: SOUTH AFRICAN POLICE SERVICE**  
**MV PHIYEGA**

### NATIONAL INSTRUCTION 1/2013

### PROTECTION FROM HARASSMENT

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### FORMS

Prepared by:

## 1. Background

The Protection from Harassment Act, 2011 (Act No. 17 of 2011) provides protection to victims of harassment by affording them the right to apply for a protection order as an effective remedy against harassment. In order to achieve this purpose, members have certain powers and responsibilities to ensure that proper protection is afforded to the victims.

The purpose of this instruction is to provide clear direction to a member on how to respond to a complaint of harassment in order to comply with the obligations imposed upon a member in terms of the Act.

## 2. Definitions

In this instruction, unless the context otherwise indicates, -

- (a) **“complainant”** means any person who alleges that he or she is being or has been harassed;
- (b) **“electronic communications service provider”** means an entity or a person who is licensed or exempted from being licensed in terms of Chapter 3 of the Electronic Communications Act, 2005 (Act No. 36 of 2005), to provide an electronic communication service;
- (c) **“harassment”** means directly or indirectly engaging in conduct that the respondent knows or ought to know -
  - (i) causes harm or inspires the reasonable belief that harm may be caused to the complainant or a related person by unreasonably -
    - (a) following, watching, pursuing or accosting the complainant or a related person, or loitering outside of or near the building or place where the complainant or a related person resides, works, carries on business, studies or happens to be;
    - (b) engaging in verbal, electronic or any other communication aimed at the complainant or a related person, by any means, whether or not conversation ensues; or
    - (c) sending, delivering or causing the delivery of letters, telegrams, packages, facsimiles, electronic mail or other objects to the complainant or a related person or leaving them where they will be found by, given to, or brought to the attention of, the complainant or a related person; or
  - (ii) amounts to sexual harassment of the complainant or a related person;
- (d) **“harm”** means any mental, psychological, physical or economic harm;

- (e) **“related person”** means any member of the family or household of a complainant, or any other person in a close relationship with the complainant;
- (f) **“respondent”** means any person against whom proceedings are instituted in terms of the Act and includes any person who is reasonably suspected of engaging in or having engaged in harassment of the complainant or a related person;
- (g) **“sexual harassment”** means any -
  - (i) unwelcome sexual attention from a person who knows or ought reasonably to have known that such attention is unwelcome;
  - (ii) unwelcome explicit or implicit behaviour, suggestions, messages or remarks of a sexual nature that have the effect of offending, intimidating or humiliating the complainant or a related person in circumstances, in which a reasonable person having regard to all the circumstances would have anticipated that the complainant or related person would be offended, humiliated or intimidated;
  - (iii) implied or expressed promise of reward for complying with a sexually oriented request; or
  - (iv) implied or expressed threat of reprisal or actual reprisal for refusal to comply with a sexually oriented request;
- (h) **“the Act”** means the Protection from Harassment Act, 2011 (Act No. 17 of 2011) and the regulations issued in terms thereof; and
- (i) **“weapon”** means -
  - (i) any firearm or any handgun or airgun or ammunition as defined in section 1(1) of the Firearms Control Act, 2000 (Act No. 60 of 2000); and
  - (ii) any object, other than that which is referred to in paragraph (i), which is likely to cause serious bodily injury if it were used to commit an assault.

### 3. Keeping of documents and registers in the community service centre

The station commander must ensure that -

- (a) the Act and regulations;
- (b) this National Instruction;

- (c) the Protection from Harassment Register (SAPS 590); and
- (d) any relevant station orders issued by the station commander,

are at all times available in the Community Service Centre.

#### **4. Reporting of complaints of harassment to a member**

- (1) If a complaint of harassment is reported to the Police, the member receiving the complaint, must carefully listen to the complainant and consider whether the conduct constitutes an offence. The member must inform the complainant of the right to -
  - (a) apply for a protection order in terms of the Act,
  - (b) lay a criminal charge (if the conduct allegedly committed by the respondent, constitutes an offence). (If the complainant wishes to lay a criminal charge, the member must assist the complainant to make an affidavit and ensure that a docket is opened and registered on CAS); or
  - (c) lay a criminal charge as well as apply for a protection order and inform the complainant that laying a criminal charge is not a prerequisite for applying for a protection order.
- (2) The member must obtain any relevant information from the complainant as to the identity and whereabouts of the respondent of the alleged harassment. The member must make an entry into the Protection from Harassment Register (SAPS 590) detailing the particulars of the complainant and any particulars of the alleged respondent that may have been provided by the complainant.
- (3) If the member is satisfied, based on the information provided by the complainant, that the harassment has actually taken place, he or she must take an affidavit from the complainant in which the complainant states under oath -
  - (a) the details of the alleged harassment;
  - (b) whether he or she knows the identity of the respondent, and if so, mention the particulars of the identity and whereabouts of the respondent; and
  - (c) whether he or she intends to apply for a protection order.
- (4) The station commander must ensure that a file is kept in the community service centre in which a copy of every affidavit referred to in subparagraph (3) must be kept. "Protection from Harassment" must be recorded on the cover page of the file. The affidavit must be clearly marked as "affidavit concerning

alleged harassment” and the serial number of the entry in the Protection from Harassment Register must be recorded on the first page of the affidavit.

- (5) If the complainant does not know who the respondent is, the complainant must be informed that he or she may in any event apply for a protection order at the court and should then inform the court that the identity and address of the respondent is unknown to him or her.
- (6) The complainant must be informed that a court may authorise -
  - (a) the Police to investigate the matter with a view to determine the identity and address of the respondent; or
  - (b) in the case of harassment committed by means of electronic communications or electronic mail, an electronic communications service provider to provide particulars of the respondent to the court,

to enable the court to consider the application.

#### **5. Serving of a direction of court to an electronic communications service provider**

- (1) If an application for a protection order is made as a result of the alleged harassment of the complainant or a related person by means of electronic communications or electronic mail over an electronic communications system of an electronic communications service provider and the identity or address of the respondent is unknown, the court may, in terms of section 4 of the Act, direct an electronic communications service provider to provide information to establish the identity and address of the respondent.
- (2) The court may direct a member to serve the direction referred to in subparagraph (1) on an electronic communications service provider.
- (3) If the court directs the Police to serve a direction on an electronic communications service provider to furnish information to the court, the service of the direction must be undertaken in the manner set out in Standing Order (General) 307 (with the amendments necessitated by the context).

#### **6. Investigation to ascertain the name and address of the respondent as directed by a court**

- (1) A court may, if it is satisfied that a protection order must be issued as a result of the alleged harassment of the complainant or a related person and the identity or address of the respondent is not known, direct the relevant station commander in terms of section 5(2) of the Act, or any member in terms of section 6(1)(b) of the Act, to investigate the matter to determine the name and address of the respondent or to obtain any other information which may assist the Police to identify or trace the respondent.

- (2) If the direction referred to in subparagraph (1) is served on the relevant station commander, he or she must immediately instruct a member under his or her command to investigate the matter.
- (3) The Police may utilise the information provided by the complainant or any other person to identify the name and address of the respondent.
- (4) The station commander must, on form SAPS 590(a), within the time period specified by the court, provide the information gathered during the course of the investigation, together with an affidavit of the member that had conducted the investigation (on form SAPS 590(b)).
- (5) In terms of section 5(3)(b) of the Act, the relevant station commander may, subject to subparagraph (6), on form SAPS 590(c) apply to the court for -
  - (a) an extension of the time period specified in the direction of the court on the ground that the information cannot be provided within the time period specified by the court; or
  - (b) the cancellation of the direction on the ground that, after a reasonable investigation of the matter, the Service is unable to determine the name and address of the respondent or gather any other information to identify or trace the respondent.
- (6) If the station commander considers to have the time period extended or to request the court to cancel the direction, he or she must explain (on the SAPS 590(c)) the steps already taken to investigate the matter, the difficulties encountered and measures that may possibly assist the court. (If the station commander has reason to believe that a certain person has information that may assist the court to determine the name and address of the respondent and that he or she refuses to provide this information, the station commander may request the court to summon the person as a witness.)
- (7) The station commander must consult the relevant provincial legal services; before he or she applies to court for an extension of the time period as directed by the court or the cancellation of the direction of the court. The relevant provincial legal services must assist the station commander in the preparation of the application.
- (8) The application by the station commander for the extension of the period within which the information must be provided to court (or for the cancellation of the direction) must be filed with the clerk of the court -
  - (a) by delivering the completed application (SAPS 590(c)) to the clerk of the court personally and obtaining an acknowledgment of receipt from him or her; or
  - (b) by sending the completed application (SAPS 590(c)) by fax to the fax number of the clerk of the court (as provided for in Regulation 29): Provided that the transmission verification report is kept, an OB entry is made in this regard and a statement (SAPS 590(f)) is completed. The SAPS 590(c),

transmission verification report and statement (SAPS 590(f)) of the station commander must be kept as proof that the application was made and faxed.

- (9) Once a court has considered the application, the court may request additional information by way of an affidavit from the station commander. This must be furnished on form SAPS 590(d), in accordance with the direction of the court. The station commander will be informed by the clerk of the court by means of a "Decision of court" - form regarding the outcome of the application made by him or her.

## **7. Investigation to determine the name and address of the respondent**

- (1) In addition to a station commander who is directed by court, in accordance with paragraph 6 above, any member, to whom a complaint of harassment is made, may if -
  - (a) a complainant states under oath or affirmation that he or she intends applying for a protection order; and
  - (b) it appears to the member from the information stated under oath or affirmation that there are reasonable grounds to believe that a respondent, whose name and address are unknown to the complainant or a related person is engaging or has engaged in harassment of the complainant,

investigate the matter in order to determine the name and address of the respondent.

- (2) A member may request any person whom the member has reason to believe may be the respondent, to furnish his or her full name and address or any other information which may assist the member to identify or trace the respondent.
- (3) A person who is requested by the member in accordance with subparagraph (2) and who fails to provide his or her name and address or other information or furnishes a false or incorrect name and address or other information, commits an offence in terms of section 18(5) of the Act.
- (4) The information provided to the member by the person, must be recorded by the member in his or her pocketbook and must be reported to the court on form SAPS 590(b).

## **8. Issuing of a protection order by the court**

- (1) Whenever a protection order has been issued by a court (irrespective of whether it is an interim or final order), certified copies of the order and warrant of arrest (which is suspended on the condition that the respondent complies with the order) will be forwarded to the police station identified by the complainant.
- (2) A copy of every protection order and warrant of arrest that is received at the police station, must be filed in a separate file (under reference 39/4/3/1) opened in accordance with the Registration and Record Control Procedure which forms part of the Record Classification System. Every file must be allocated a

case reference to facilitate finding it (e.g. 39/4/3/1(1) Piet Nel). The number of the case (in the above example (1)), must correspond with the number appearing in the index system created as set out in the fourth paragraph under section 16.2 of the Registration and Record Control Procedure. These files must be kept for a period of 5 years in a place that is accessible after hours, to ensure that they are readily available for checking purposes in the event of an alleged breach of the protection order.

- (3) Disposal of the aforementioned files must take place in accordance with the approved disposal authorisation.
- (4) A protection order remains in force for a period of five (5) years, or such further period determined by the court, unless it is set aside.
- (5) A court may, in terms of section 10(3)(b) of the Act, order a station commander to investigate the matter, with a view to the possible opening of a docket in respect of the conduct of the respondent.

#### **9. Seizure of any weapon in terms of a court order**

- (1) The court may, in terms of section 10(3)(a)(i) of the Act, order a member to seize any weapon in the possession or under the control of a respondent.
- (2) Any such weapon seized must be handed in at the police station to be dealt with in accordance with section 102 or section 103 of the Firearms Control Act, 2000 (Act No. 60 of 2000), whichever may be applicable.
- (3) Any weapon seized must be handed in at the police station and a SAPS 13 tag must be attached thereto and the weapon must be retained in police custody for such period of time as the court may determine and may only be returned to the respondent on such conditions as the court may determine.

#### **10. Arresting a respondent who contravenes a protection order**

- (1) Where a respondent has contravened any prohibition, condition, obligation or order contained in a protection order, a complainant may hand the warrant of arrest together with an affidavit, wherein it is stated that the respondent contravened such protection order, to any member.
- (2) If, upon receipt of the warrant of arrest together with the affidavit, referred to in subparagraph (a) (above), it appears to the member that there are reasonable grounds to suspect that the complainant may suffer imminent harm as a result of the alleged breach of the protection order, the member must immediately arrest the respondent for contravening the protection order.
- (3) In considering whether or not the complainant may suffer imminent harm, a member must take into account -



- (a) the risk to the safety, health or well-being of the complainant or related person;
- (b) the seriousness of the conduct constituting the alleged breach of the protection order;
- (c) the length of time since the alleged breach has occurred; and
- (d) the nature and extent of the harm previously suffered by the complainant or related person:

Provided that if the respondent is under the influence of liquor to such an extent that a form SAPS 590(e) (referred to in subparagraph (4)(below)) cannot be handed to him or her, the respondent must be arrested.

- (4) If the member is of the opinion that there are insufficient grounds to arrest the respondent, he or she must immediately be handed a form SAPS 590(e). The member must insert the first court day thereafter as date of appearance on the form and complete the certificate, provided for in form SAPS 590(e). The member must put the duplicate original of the SAPS 590(e) in the docket which is opened for the contravention. This docket must be taken to court on the first court day thereafter.
- (5) If a warrant of arrest is handed to a member of the Service as contemplated in subparagraph (1) (above), the member must inform the complainant or related person of his or her right to simultaneously lay a criminal charge against the respondent, if applicable, and explain to the complainant or related person how to lay such a charge.

#### **11. Collection of personal property identified in the application for a protection order**

- (1) The court may in a protection order, order a member to accompany the complainant or related person to a specified place to assist with arrangements regarding the collection of the personal property specified in the order. It is important to note that the purpose of accompanying the complainant is to ensure the safety of such complainant and not to involve the member in any dispute regarding the ownership of such personal property. Such member must take reasonable steps to ensure the safety of the complainant during the collection of the property.
- (2) The complainant and the member may enter the premises mentioned in the protection order in order to collect the personal property of the complainant or a related person as stipulated in the protection order. Before entering a private dwelling, the complainant and the member must audibly demand admission and must notify the occupant of the purpose for which they seek to enter the dwelling.
- (3) If, after having audibly demanded admission to a private dwelling, consent to enter is refused by the respondent, he or she contravenes the protection order and is therefore guilty of contempt of court. In such a case, the member may use such force as may be reasonably necessary in the circumstances to overcome any resistance against entry, including the breaking open of any door or window of such

premises and enter the premises and arrest the respondent, whereafter the complainant may collect the said personal belongings.

- (4) If a member is approached by a complainant to accompany him or her and it is not possible to do so immediately, the member must, if no other peace officer is available to accompany the complainant, arrange a reasonable time when it will be suitable to do so.
- (5) If a member accompanies a complainant, in accordance with a protection order to collect his or her personal property, the member must ensure the safety of the complainant while the complainant removes the property specified in such protection order.

## **12. Serving of a protection order issued by the court**

- (1) A member may be ordered by the court to serve an interim or final protection order. If a member is ordered to serve an interim protection order, the member must serve the order without delay as the order only becomes binding on the respondent once the order has been served on him or her. As long as an interim protection order remains unserved, the complainant may be in danger. A final protection order becomes binding immediately upon it being issued even though it may not have been served.
- (2) A copy of the application for the protection order and the record of any evidence presented to court, together with the interim protection order must be served on the respondent.
- (3) In terms of the Act, a court may direct the clerk of the court or a sheriff to serve a protection order.
- (4) A sheriff who is authorised to effect the service of a protection order, may, where resistance to the service of a document is encountered or reasonably anticipated, request a member to assist him or her with such service.

## **13. Failure by a member to comply with the Act or this Instruction**

It is the responsibility of the commander of a member to institute disciplinary proceedings against a member who failed to comply with an obligation imposed in terms of the Act or this National Instruction.

# PROTECTION FROM HARASSMENT REGISTER / BESKERMING TEEN TEISTERING REGISTER

Volgno / Serial number	Datum en tyd van voorval / Date and time of incident	VB-nommer/ OB number	Besonderhede van klaer/ Particulars of complainant	Besonderhede van respondent/ Particulars of respondent	Besonderhede van lid(lede) wat voorval hanteer het/ Particulars of Member(s) who dealt with incident	Sakboekverwysing/ Pocketbook reference

Prepared by:

Uitslag/ Outcome	Respondent gearresteer? Respondent arrested? /	Beskermingsbevel bestaan reeds / Protection Order already in existence		Beskermingsbevel ontvang van hof / Protection Order Received from court			SAPD 590(e) Kennisgewing aan die respondent om in die hof te verskyn / SAPS 590(e) Notice to respondent to appear in court	
	Ja/Nee/ Yes/No	Ja/Nee/ Yes/No	Stasie/ Station	Datum/ Date	Landdroshof/ Magistrates Court	Lasbrief uitgereik Ja/ Nee/ Warrant Issued Yes/No	Volgnommer/ Serial number	Lid wat uitreik/ Issuing member

Prepared by:

**SOUTH AFRICAN POLICE SERVICE****AFFIDAVIT BY STATION COMMANDER TO FURNISH INFORMATION TO COURT**

Section 5(3)(a) of the Protection from Harassment Act, 2011 (Act No 17 of 2011)

**TO BE COMPLETED IN DUPLICATE**

This affidavit must be handed to the clerk of the court, at the request of the complainant or clerk of the court, when the complainant or person applies for an interim protection order in terms of section 2 of the Act.

AFFIDAVIT NO: ...../ 20.....

DIRECTION NO: ...../ 20.....

To: .....(name and surname of clerk of the court identified in the direction).

I, Persal number ..... Rank ..... Name and surname .....  
 stationed at (physical address) .....with contact number .....  
 and fax number ..... state under oath as follows:

1.  
 In terms of the direction of the court, I was ordered to investigate the alleged harassment of the complainant or related person to determine the name and address or any other information which may be of assistance to identify or trace the respondent.

2.  
 \*As a result of the investigation, the following information of the respondent has been gathered:

Name and surname of respondent: .....

Address of the respondent: .....

The following information has been gathered in order to identify and trace the respondent:

.....  
 (Any documentation obtained which may be used to identify or trace the respondent must be attached as an annexure to this Form)

The above statement was made by me at the place, date and time as indicated.

\*I know and understand the contents of this statement.  
 I have no objection to taking the prescribed oath.  
 I consider the prescribed oath to be binding on my conscience.

OR

\*I truly affirm that the content of this statement is true.

SIGNATURE OF STATION COMMANDER

I certify that the deponent has acknowledged that he/she\* knows and understands the contents of this statement which was sworn to/affirmed\* before me and the deponent's signature was placed thereon in my presence.

Signed and sworn to / solemnly confirmed\* in my presence on this ..... day of .....20..... at .....(place)

at .....(time).

COMMISSIONER OF OATHS

Full names and surname: .....  
 Designation: .....  
 Area for which appointed: .....  
 Business address: .....

**TO BE COMPLETED BY THE CLERK OF THE COURT ON RECEIPT OF THE AFFIDAVIT**

I, .....(name and surname of the clerk of the court), hereby certify that I have received the

affidavit from .....(name and surname of person who furnished affidavit to clerk of the court) on .....

.....(date).

CLERK OF THE COURT



## SOUTH AFRICAN POLICE SERVICE

## AFFIDAVIT BY MEMBER TO FURNISH INFORMATION TO COURT

Section 6(3)(b) of the Protection from Harrassment Act, 2011 (Act No 17 of 2011)

## TO BE COMPLETED IN DUPLICATE

This affidavit must be handed to the clerk of the court, at the request of the complainant or clerk of the court, when the complainant or person applies for an interim protection order in terms of section 2 of the Act.

AFFIDAVIT NO: ...../ 20.....

To the clerk of the Magistrate's Court for the district: .....

I, Persal number ..... Rank ..... Name and surname .....

stationed at (physical address) .....with contact number .....

and fax number ..... state under oath as follows:

On (date) ....., the complainant made an affidavit that he or she intends to apply for a protection order against harrassment.

From the affidavit of the complainant, which is attached as Annexure A, it appears that there are reasonable grounds to believe that the respondent whose name and address are unknown to the complainant, has been or is harrassing the complainant or related person.

The complaint was investigated in accordance with section 6 (1) of the Protection from harrassment Act, 2011 to determine the name and address of the respondent.

\*As a result of the investigation, the following information has been gathered:

Name and surname of respondent: .....

Address of the respondent: .....

The following information has been gathered in order to identify and trace the respondent:

(Any documentation obtained which may be used to identify or trace the respondent must be attached as an annexure to this Form)  
OR

\*After a reasonable investigation of the matter, I was unable to determine the name or address of the respondent.

The above statement was made by me at the place, date and time as indicated

\*I know and understand the contents of this statement.

I have no objection to taking the prescribed oath.

I consider the prescribed oath to be binding on my conscience.

OR

\*I truly affirm that the content of this statement is true.

SIGNATURE OF DEPONENT

I certify that the deponent has acknowledged that he/she\* knows and understands the contents of this statement which was sworn to/affirmed\* before me and the deponent's signature was placed thereon in my presence.

Signed and sworn to / solemnly confirmed\* in my presence on this ..... day of .....20..... at .....(place)

at .....(time).

COMMISSIONER OF OATHS

Full names and surname: .....

Designation: .....

Area for which appointed: .....

Business address: .....

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**TO BE COMPLETED BY THE CLERK OF THE COURT ON RECEIPT OF THE AFFIDAVIT**

I, .....(name and surname of the clerk of the court), hereby certify that I have received the  
affidavit from .....(name and surname of person who furnished affidavit to clerk of the court)  
on .....(date).

.....  
**CLERK OF THE COURT**



**APPLICATION BY STATION COMMANDER FOR EXTENSION OF TIME OR CANCELLATION OF DIRECTION**

Section 5(3)(b) of the Protection from Harrassment Act, 2011 (Act No 17 of 2011)

DIRECTION NO: ..... / 20.....

AFFIDAVIT NO: ...../ 20.....

APPLICATION NO: ...../.....

**To:** ..... (The clerk of the court)

Fax number: .....

From: .....(\*station commander / \*designated member of .....  
 .....(police station)

Fax number: ..... E-mail address of station commander: .....

Phone number of station commander: .....

**TO BE COMPLETED BY THE STATION COMMANDER:**

I hereby apply for -

\*an extension of the time within which the affidavit must be submitted to court, in terms of section 5(3)(a) of the Protection from harrassment Act; or

10/10/2019

\*the cancellation of the direction on the grounds that, after a reasonable investigation of the matter, the South African Police Service is not in a position to determine the name and address of the respondent or obtain any other information in order to identify or trace the respondent.

Indicate with "X" in the appropriate column

I, Persal number ..... Rank ..... Name and Surname .....

the station commander of the ..... police station, in support of this application hereby state under oath as follows:

[illegible]

Prepared by:



The above statement was made by me at the place, date and time as indicated

\*I know and understand the contents of this statement.  
I have no objection to taking the prescribed oath.  
I consider the prescribed oath to be binding on my conscience.

OR

\*I truly affirm that the content of this statement is true.

.....  
**SIGNATURE OF DEPONENT**

I certify that the deponent has acknowledged that he/she\* knows and understands the contents of this statement which was sworn to/affirmed\* before me and the deponent's signature was placed thereon in my presence.

Signed and sworn to / solemnly confirmed\* in my presence on this ..... day of .....20..... at .....(place)

at .....(time).

.....  
**COMMISSIONER OF OATHS**

Full names and surname: .....

Designation: .....

Area for which appointed: .....

Business address: .....

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**TO BE COMPLETED BY THE CLERK OF THE COURT ON RECEIPT OF THE AFFIDAVIT FILED IN TERMS OF REGULATION 15(2)(a) OF THE PROTECTION FROM HARRASSMENT REGULATIONS:**

I, .....(name and surname of the clerk of the court), hereby certify that I have received the

affidavit from .....(name and surname of person who furnished affidavit to clerk of the court)

on .....(date).

.....  
**CLERK OF THE COURT**



**SOUTH AFRICAN POLICE SERVICE**

**FURNISHING OF ADDITIONAL INFORMATION BY STATION COMMANDER AS REQUESTED BY COURT**

Section 5(4)(b) of the Protection from Harrassment Act, 2011 (Act No 17 of 2011)

**If this affidavit is filed by delivering it to the clerk of the court personally, it must be completed and submitted in duplicate.**

**DIRECTION NO:** ..... / 20.....

APPLICATION NO: ...../.....

**To:** ..... (The clerk of the court)

Fax number: .....

**From:** .....  
(name and surname of the station commander and name of police station)

**Fax number:** ..... **Phone number of station commander:** .....

**TO BE COMPLETED BY THE STATION COMMANDER:**

I, Persal number ..... Rank ..... Name and Surname .....

the station commander of the ..... police station, in response to the request for additional evidence hereby state under oath as follows:

The above statement was made by me at the place, date and time as indicated

\*I know and understand the contents of this statement.  
I have no objection to taking the prescribed oath.  
I consider the prescribed oath to be binding on my conscience.

**OR**

\*I truly affirm that the content of this statement is true.

**SIGNATURE OF DEPONENT**

I certify that the deponent has acknowledged that he/she\* knows and understands the contents of this statement which was sworn to/affirmed\* before me and the deponent's signature was placed thereon in my presence.

Signed and sworn to / solemnly confirmed\* in my presence on this ..... day of ..... 20..... at ..... (place)

at .....(time).

COMMISSIONER OF OATHS

Full names and surname: .....

Designation: \_\_\_\_\_

Area for which appointed: .....

Business address: .....

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**TO BE COMPLETED BY THE CLERK OF THE COURT ON RECEIPT OF THE AFFIDAVIT FILED IN TERMS OF REGULATION 16(4)(a) OF THE  
PROTECTION FROM HARRASSMENT REGULATIONS:**

I, .....(name and surname of the clerk of the court), hereby certify that I have received the  
affidavit from .....(name and surname of person who furnished affidavit to clerk of the court)

on .....(date).

.....  
**CLERK OF THE COURT**



**SOUTH AFRICAN POLICE SERVICE**

**WRITTEN NOTICE TO APPEAR IN COURT**

Section 11(4)(c) of the Protection from Harrassment Act, 2011 (Act No 17 of 2011)

**TO BE COMPLETED IN DUPLICATE**

CAS no \_\_\_\_\_  
MAS no ...../...../.....

IN THE MAGISTRATE'S COURT FOR THE DISTRICT ..... HELD AT .....

<b>COURT</b>	<b>DATE OF APPEARANCE</b>
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**TO:**

Name of accused:

Home address:

Sex:  Occupation:  Identity number:

Contact numbers:	
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You are hereby notified that you must appear personally before the above-mentioned court on the date stated above at 08:30 on the following charge:

**PARTICULARS OF CHARGE:**

You are guilty of contravening section 18(1)(a) of the Protection from Harrassment Act, 2011 (Act No. 17 of 2011), in that upon or about the

..... day of ..... and at or near .....

in the district of ..... you contravened a prohibition, condition, obligation or order imposed in terms of section

10(1) or (2) of the Act in that: .....

[illegible]

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100 101 102 103 104 105 106 107 108 109 110 111 112 113 114 115 116 117 118 119 120 121 122 123 124 125 126 127 128 129 130 131 132 133 134 135 136 137 138 139 140 141 142 143 144 145 146 147 148 149 150 151 152 153 154 155 156 157 158 159 160 161 162 163 164 165 166 167 168 169 170 171 172 173 174 175 176 177 178 179 180 181 182 183 184 185 186 187 188 189 190 191 192 193 194 195 196 197 198 199 200 201 202 203 204 205 206 207 208 209 210 211 212 213 214 215 216 217 218 219 220 221 222 223 224 225 226 227 228 229 230 231 232 233 234 235 236 237 238 239 240 241 242 243 244 245 246 247 248 249 250 251 252 253 254 255 256 257 258 259 260 261 262 263 264 265 266 267 268 269 270 271 272 273 274 275 276 277 278 279 280 281 282 283 284 285 286 287 288 289 290 291 292 293 294 295 296 297 298 299 300 301 302 303 304 305 306 307 308 309 310 311 312 313 314 315 316 317 318 319 320 321 322 323 324 325 326 327 328 329 330 331 332 333 334 335 336 337 338 339 340 341 342 343 344 345 346 347 348 349 350 351 352 353 354 355 356 357 358 359 360 361 362 363 364 365 366 367 368 369 370 371 372 373 374 375 376 377 378 379 380 381 382 383 384 385 386 387 388 389 390 391 392 393 394 395 396 397 398 399 400 401 402 403 404 405 406 407 408 409 410 411 412 413 414 415 416 417 418 419 420 421 422 423 424 425 426 427 428 429 430 431 432 433 434 435 436 437 438 439 440 441 442 443 444 445 446 447 448 449 450 451 452 453 454 455 456 457 458 459 460 461 462 463 464 465 466 467 468 469 470 471 472 473 474 475 476 477 478 479 480 481 482 483 484 485 486 487 488 489 490 491 492 493 494 495 496 497 498 499 500 501 502 503 504 505 506 507 508 509 510 511 512 513 514 515 516 517 518 519 520 521 522 523 524 525 526 527 528 529 530 531 532 533 534 535 536 537 538 539 540 541 542 543 544 545 546 547 548 549 550 551 552 553 554 555 556 557 558 559 560 561 562 563 564 565 566 567 568 569 570 571 572 573 574 575 576 577 578 579 580 581 582 583 584 585 586 587 588 589 590 591 592 593 594 595 596 597 598 599 600 601 602 603 604 605 606 607 608 609 610 611 612 613 614 615 616 617 618 619 620 621 622 623 624 625 626 627 628 629 630 631 632 633 634 635 636 637 638 639 640 641 642 643 644 645 646 647 648 649 650 651 652 653 654 655 656 657 658 659 660 661 662 663 664 665 666 667 668 669 670 671 672 673 674 675 676 677 678 679 680 681 682 683 684 685 686 687 688 689 690 691 692 693 694 695 696 697 698 699 700 701 702 703 704 705 706 707 708 709 710 711 712 713 714 715 716 717 718 719 720 721 722 723 724 725 726 727 728 729 730 731 732 733 734 735 736 737 738 739 740 741 742 743 744 745 746 747 748 749 750 751 752 753 754 755 756 757 758 759 760 761 762 763 764 765 766 767 768 769 770 771 772 773 774 775 776 777 778 779 780 781 782 783 784 785 786 787 788 789 790 791 792 793 794 795 796 797 798 799 800 801 802 803 804 805 806 807 808 809 810 811 812 813 814 815 816 817 818 819 820 821 822 823 824 825 826 827 828 829 830 831 832 833 834 835 836 837 838 839 840 841 842 843 844 845 846 847 848 849 850 851 852 853 854 855 856 857 858 859 860 861 862 863 864 865 866 867 868 869 870 871 872 873 874 875 876 877 878 879 880 881 882 883 884 885 886 887 888 889 890 891 892 893 894 895 896 897 898 899 900 901 902 903 904 905 906 907 908 909 910 911 912 913 914 915 916 917 918 919 920 921 922 923 924 925 926 927 928 929 930 931 932 933 934 935 936 937 938 939 940 941 942 943 944 945 946 947 948 949 950 951 952 953 954 955 956 957 958 959 960 961 962 963 964 965 966 967 968 969 970 971 972 973 974 975 976 977 978 979 980 981 982 983 984 985 986 987 988 989 990 991 992 993 994 995 996 997 998 999 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011 1012 1013 1014 1015 1016 1017 1018 1019 1020 1021 1022 1023 1024 1025 1026 1027 1028 1029 1030 1031 1032 1033 1034 1035 1036 1037 1038 1039 1040 1

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Notes: (1) Please produce this document to the clerk of the court on the date of trial.  
(2) By failing to appear before the court as notified above, you will be arrested in terms of a warrant of arrest authorised by the court in terms of section 11(1)(a) of the Act.

**CERTIFICATE BY MEMBER OF POLICE SERVICE**

I, Persal number ..... rank ..... name and surname .....

in my capacity as a member of the South African Police Service stationed at .....

hereby certify that I have handed the original of this notice to the accused mentioned therein at ..... (place)

on ..... (date) and that I explained the contents thereof to the accused.