Government Gazette
Staatskoerant

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID AFRIKA

Regulation Gazette **No. 11949** *Regulasiekoerant*

Vol. 728 **27 February Februarie 2026** **No. 54219**

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

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AIDS HELPLINE: 0800-0123-22 Prevention is the cure

IMPORTANT NOTICE:

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NO FUTURE QUERIES WILL BE HANDLED IN CONNECTION WITH THE ABOVE.

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government printing
Department:
Government Printing Works
REPUBLIC OF SOUTH AFRICA

HIGH ALERT: SCAM WARNING!!!

TO ALL SUPPLIERS AND SERVICE PROVIDERS OF THE GOVERNMENT PRINTING WORKS

It has come to the attention of the *GOVERNMENT PRINTING WORKS* that there are certain unscrupulous companies and individuals who are defrauding unsuspecting businesses disguised as representatives of the *Government Printing Works* (*GPW*).

The scam involves the fraudsters using the letterhead of *GPW* to send out fake tender bids to companies and requests to supply equipment and goods.

Although the contact person's name on the letter may be of an existing official, the contact details on the letter are not the same as the *Government Printing Works*'. When searching on the Internet for the address of the company that has sent the fake tender document, the address does not exist.

The banking details are in a private name and not company name. Government will never ask you to deposit any funds for any business transaction. *GPW* has alerted the relevant law enforcement authorities to investigate this scam to protect legitimate businesses as well as the name of the organisation.

Example of e-mails these fraudsters are using:

PROCUREMENT@GPW-GOV.ORG

Should you suspect that you are a victim of a scam, you must urgently contact the police and inform the *GPW*.

GPW has an official email with the domain as **@gpw.gov.za**

Government e-mails DO NOT have org in their e-mail addresses. All of these fraudsters also use the same or very similar telephone numbers. Although such number with an area code 012 looks like a landline, it is not fixed to any property.

GPW will never send you an e-mail asking you to supply equipment and goods without a purchase/order number. *GPW* does not procure goods for another level of Government. The organisation will not be liable for actions that result in companies or individuals being resultant victims of such a scam.

Government Printing Works gives businesses the opportunity to supply goods and services through RFQ / Tendering process. In order to be eligible to bid to provide goods and services, suppliers must be registered on the National Treasury's Central Supplier Database (CSD). To be registered, they must meet all current legislative requirements (e.g. have a valid tax clearance certificate and be in good standing with the South African Revenue Services - SARS).

The tender process is managed through the Supply Chain Management (SCM) system of the department. SCM is highly regulated to minimise the risk of fraud, and to meet objectives which include value for money, open and effective competition, equitability, accountability, fair dealing, transparency and an ethical approach. Relevant legislation, regulations, policies, guidelines and instructions can be found on the tender's website.

Fake Tenders

National Treasury's CSD has launched the Government Order Scam campaign to combat fraudulent requests for quotes (RFQs). Such fraudulent requests have resulted in innocent companies losing money. We work hard at preventing and fighting fraud, but criminal activity is always a risk.

How tender scams work

There are many types of tender scams. Here are some of the more frequent scenarios:

Fraudsters use what appears to be government department stationery with fictitious logos and contact details to send a fake RFQ to a company to invite it to urgently supply goods. Shortly after the company has submitted its quote, it receives notification that it has won the tender. The company delivers the goods to someone who poses as an official or at a fake site. The Department has no idea of this transaction made in its name. The company is then never paid and suffers a loss.

OR

Fraudsters use what appears to be government department stationery with fictitious logos and contact details to send a fake RFQ to Company A to invite it to urgently supply goods. Typically, the tender specification is so unique that only Company B (a fictitious company created by the fraudster) can supply the goods in question.

Shortly after Company A has submitted its quote it receives notification that it has won the tender. Company A orders the goods and pays a deposit to the fictitious Company B. Once Company B receives the money, it disappears. Company A's money is stolen in the process.

Protect yourself from being scammed

- If you are registered on the supplier databases and you receive a request to tender or quote that seems to be from a government department, contact the department to confirm that the request is legitimate. Do not use the contact details on the tender document as these might be fraudulent.
- Compare tender details with those that appear in the Tender Bulletin, available online at **www.gpwonline.co.za**
- Make sure you familiarise yourself with how government procures goods and services. Visit the tender website for more information on how to tender.
- If you are uncomfortable about the request received, consider visiting the government department and/or the place of delivery and/or the service provider from whom you will be sourcing the goods.
- In the unlikely event that you are asked for a deposit to make a bid, contact the SCM unit of the department in question to ask whether this is in fact correct.

Any incidents of corruption, fraud, theft and misuse of government property in the *Government Printing Works* can be reported to:

Supply Chain Management: Ms. Anna Marie Du Toit, Tel. (012) 748 6292.
Email: **Annamarie.DuToit@gpw.gov.za**

Marketing and Stakeholder Relations: Ms Bonakele Mbhele, at Tel. (012) 748 6193.
Email: **Bonakele.Mbhele@gpw.gov.za**

Security Services: Mr Daniel Legoabe, at tel. (012) 748 6176.
Email: **Daniel.Legoabe@gpw.gov.za**

Closing times for **ORDINARY WEEKLY** *REGULATION GAZETTE* 2026

*The closing time is **15:00** sharp on the following days:*

- **23 December,** Tuesday for the issue of Friday **02 January 2026**
- **02 January,** Friday for the issue of Friday **09 January 2026**
- **09 January,** Friday for the issue of Friday **16 January 2026**
- **16 January,** Friday for the issue of Friday **23 January 2026**
- **23 January,** Friday for the issue of Friday **30 January 2026**
- **30 January,** Friday for the issue of Friday **06 February 2026**
- **06 February,** Friday for the issue of Friday **13 February 2026**
- **13 February,** Friday for the issue of Friday **20 February 2026**
- **20 February,** Friday for the issue of Friday **27 February 2026**
- **27 February,** Friday for the issue of Friday **06 March 2026**
- **06 March,** Friday for the issue of Friday **13 March 2026**
- **13 March,** Friday for the issue of Thursday **20 March 2026**
- **20 March,** Friday for the issue of Friday **27 March 2026**
- **26 March,** Thursday for the issue of Thursday **02 April 2026**
- **01 April,** Wednesday for the issue of Friday **10 April 2026**
- **10 April,** Friday for the issue of Friday **17 April 2026**
- **17 April,** Friday for the issue of Friday **24 April 2026**
- **22 April,** Wednesday for the issue of Thursday **30 April 2026**
- **30 April,** Thursday for the issue of Friday **08 May 2026**
- **08 May,** Friday for the issue of Friday **15 May 2026**
- **15 May,** Friday for the issue of Friday **22 May 2026**
- **22 May,** Friday for the issue of Friday **29 May 2026**
- **29 May,** Friday for the issue of Friday **05 June 2026**
- **05 June,** Friday for the issue of Friday **12 June 2026**
- **11 June,** Thursday for the issue of Friday **19 June 2026**
- **19 June,** Friday for the issue of Friday **26 June 2026**
- **26 June,** Friday for the issue of Friday **03 July 2026**
- **03 July,** Friday for the issue of Friday **10 July 2026**
- **10 July,** Friday for the issue of Friday **17 July 2026**
- **17 July,** Friday for the issue of Friday **24 July 2026**
- **24 July,** Friday for the issue of Friday **31 July 2026**
- **31 July,** Friday for the issue of Friday **07 August 2026**
- **06 August,** Thursday for the issue of Friday **14 August 2026**
- **14 August,** Friday for the issue of Friday **21 August 2026**
- **21 August,** Friday for the issue of Friday **28 August 2026**
- **28 August,** Friday for the issue of Friday **04 September 2026**
- **04 September,** Friday for the issue of Friday **11 September 206**
- **11 September,** Friday for the issue of Friday **18 September 2026**
- **17 September,** Thursday for the issue of Friday **25 September 2026**
- **25 September,** Friday for the issue of Friday **02 October 2026**
- **02 October,** Friday for the issue of Friday **09 October 2026**
- **09 October,** Friday for the issue of Friday **16 October 2026**
- **16 October,** Friday for the issue of Friday **23 October 2026**
- **23 October,** Friday for the issue of Friday **30 October 2026**
- **30 October,** Friday for the issue of Friday **06 November 2026**
- **06 November,** Friday for the issue of Friday **13 November 2026**
- **13 November,** Friday for the issue of Friday **20 November 2026**
- **20 November,** Friday for the issue of Friday **27 November 2026**
- **27 November,** Friday for the issue of Friday **04 December 2026**
- **04 December,** Friday for the issue of Friday **11 December 2026**
- **10 December,** Thursday for the issue of Friday **18 December 2026**
- **17 December,** Thursday for the issue of Thursday **24 December 2026**
- **23 December,** Wednesday for the issue of Thursday **31 December 2026**

LIST OF TARIFF RATES

FOR PUBLICATION OF NOTICES

COMMENCEMENT: 1 APRIL 2018

NATIONAL AND PROVINCIAL

Notice sizes for National, Provincial & Tender gazettes 1/4, 2/4, 3/4, 4/4 per page. Notices submitted will be charged at R1008.80 per full page, pro-rated based on the above categories.

Pricing for National, Provincial - Variable Priced Notices		
Notice Type	**Page Space**	**New Price (R)**
Ordinary National, Provincial	1/4 - Quarter Page	252.20
Ordinary National, Provincial	2/4 - Half Page	504.40
Ordinary National, Provincial	3/4 - Three Quarter Page	756.60
Ordinary National, Provincial	4/4 - Full Page	1008.80

EXTRA-ORDINARY

All Extra-ordinary National and Provincial gazette notices are non-standard notices and attract a variable price based on the number of pages submitted.

The pricing structure for National and Provincial notices which are submitted as **Extra ordinary submissions** will be charged at R**3026.32** per page.

GOVERNMENT PRINTING WORKS - BUSINESS RULES

The **Government Printing Works** (**GPW**) has established rules for submitting notices in line with its electronic notice processing system, which requires the use of electronic *Adobe* Forms. Please ensure that you adhere to these guidelines when completing and submitting your notice submission.

Closing Times for Acceptance of Notices

1. The *Government Gazette* and *Government Tender Bulletin* are weekly publications that are published on Fridays and the closing time for the acceptance of notices is strictly applied according to the scheduled time for each gazette.

2. Please refer to the Submission Notice Deadline schedule in the table below. This schedule is also published online on the Government Printing works website www.gpwonline.co.za

   All re-submissions will be subject to the standard cut-off times.
   All notices received after the closing time will be rejected.

Government Gazette Type	Publication Frequency	Publication Date	Submission Deadline	Cancellations Deadline
National Gazette	Weekly	Friday	Friday 15h00 for next Friday	Tuesday, 15h00 - 3 working days prior to publication
Regulation Gazette	Weekly	Friday	Friday 15h00 for next Friday	Tuesday, 15h00 - 3 working days prior to publication
Petrol Price Gazette	Monthly	Tuesday before 1st Wednesday of the month	One day before publication	1 working day prior to publication
Road Carrier Permits	Weekly	Friday	Thursday 15h00 for next Friday	3 working days prior to publication
Unclaimed Monies (Justice, Labour or Lawyers)	January / September 2 per year	Last Friday	One week before publication	3 working days prior to publication
Parliament (Acts, White Paper, Green Paper)	As required	Any day of the week	None	3 working days prior to publication
Manuals	Bi- Monthly	2nd and last Thursday of the month	One week before publication	3 working days prior to publication
State of Budget (National Treasury)	Monthly	30th or last Friday of the month	One week before publication	3 working days prior to publication
Extraordinary Gazettes	As required	Any day of the week	*Before 10h00 on publication date*	*Before 10h00 on publication date*
Legal Gazettes A, B and C	Weekly	Friday	One week before publication	Tuesday, 15h00 - 3 working days prior to publication
Tender Bulletin	Weekly	Friday	Friday 15h00 for next Friday	Tuesday, 15h00 - 3 working days prior to publication
Gauteng	Weekly	Wednesday	Two weeks before publication	3 days **after** submission deadline
Eastern Cape	Weekly	Monday	One week before publication	3 working days prior to publication
Northern Cape	Weekly	Monday	One week before publication	3 working days prior to publication
North West	Weekly	Tuesday	One week before publication	3 working days prior to publication
KwaZulu-Natal	Weekly	Thursday	One week before publication	3 working days prior to publication
Limpopo	Weekly	Friday	One week before publication	3 working days prior to publication
Mpumalanga	Weekly	Friday	One week before publication	3 working days prior to publication

GOVERNMENT PRINTING WORKS - BUSINESS RULES

Government Gazette Type	Publication Frequency	Publication Date	Submission Deadline	Cancellations Deadline
Gauteng Liquor License Gazette	Monthly	Wednesday before the First Friday of the month	Two weeks before publication	3 working days **after** submission deadline
Northern Cape Liquor License Gazette	Monthly	First Friday of the month	Two weeks before publication	3 working days **after** submission deadline
National Liquor License Gazette	Monthly	First Friday of the month	Two weeks before publication	3 working days **after** submission deadline
Mpumalanga Liquor License Gazette	Bi-Monthly	Second & Fourth Friday	One week before publication	3 working days prior to publication

EXTRAORDINARY GAZETTES

3. *Extraordinary Gazettes* can have only one publication date. If multiple publications of an *Extraordinary Gazette* are required, a separate Z95/Z95Prov *Adobe* Forms for each publication date must be submitted.

NOTICE SUBMISSION PROCESS

4. Download the latest *Adobe* form, for the relevant notice to be placed, from the **Government Printing Works** website www.gpwonline.co.za.

5. The *Adobe* form needs to be completed electronically using *Adobe Acrobat* / *Acrobat Reader*. Only electronically completed *Adobe* forms will be accepted. No printed, handwritten and/or scanned *Adobe* forms will be accepted.

6. The completed electronic *Adobe* form has to be submitted via email to submit.egazette@gpw.gov.za. The form needs to be submitted in its original electronic *Adobe* format to enable the system to extract the completed information from the form for placement in the publication.

7. Every notice submitted **must** be accompanied by an official **GPW** quotation. This must be obtained from the *eGazette* Contact Centre.

8. Each notice submission should be sent as a single email. The email **must** contain **all documentation relating to a particular notice submission**.

   8.1. Each of the following documents must be attached to the email as a separate attachment:

      8.1.1. An electronically completed *Adobe* form, specific to the type of notice that is to be placed.

         8.1.1.1. For National *Government Gazette* or *Provincial Gazette* notices, the notices must be accompanied by an electronic Z95 or Z95Prov *Adobe* form

         8.1.1.2. The notice content (body copy) **MUST** be a separate attachment.

      8.1.2. A copy of the official **Government Printing Works** quotation you received for your notice. *(Please see Quotation section below for further details)*

      8.1.3. A valid and legible Proof of Payment / Purchase Order: **Government Printing Works** account customer must include a copy of their Purchase Order**. Non-Government Printing Works** account customer needs to submit the proof of payment for the notice

      8.1.4. Where separate notice content is applicable (Z95, Z95 Prov and TForm 3, it should **also** be attached as a separate attachment. *(Please see the Copy Section below, for the specifications)*.

      8.1.5. Any additional notice information if applicable.

GOVERNMENT PRINTING WORKS - BUSINESS RULES

9. The electronic *Adobe* form will be taken as the primary source for the notice information to be published. Instructions that are on the email body or covering letter that contradicts the notice form content will not be considered. The information submitted on the electronic *Adobe* form will be published as-is.

10. To avoid duplicated publication of the same notice and double billing, Please submit your notice **ONLY ONCE.**

11. Notices brought to **GPW** by "walk-in" customers on electronic media can only be submitted in *Adobe* electronic form format. All "walk-in" customers with notices that are not on electronic *Adobe* forms will be routed to the Contact Centre where they will be assisted to complete the forms in the required format.

12. Should a customer submit a bulk submission of hard copy notices delivered by a messenger on behalf of any organisation e.g. newspaper publisher, the messenger will be referred back to the sender as the submission does not adhere to the submission rules.

QUOTATIONS

13. Quotations are valid until the next tariff change.

    13.1. ***Take note:*** **GPW**'s annual tariff increase takes place on ***1 April*** therefore any quotations issued, accepted and submitted for publication up to ***31 March*** will keep the old tariff. For notices to be published from 1 April, a quotation must be obtained from **GPW** with the new tariffs. Where a tariff increase is implemented during the year, **GPW** endeavours to provide customers with 30 days' notice of such changes.

14. Each quotation has a unique number.

15. Form Content notices must be emailed to the *eGazette* Contact Centre for a quotation.

    15.1. The *Adobe* form supplied is uploaded by the Contact Centre Agent and the system automatically calculates the cost of your notice based on the layout/format of the content supplied.

    15.2. It is critical that these *Adobe* Forms are completed correctly and adhere to the guidelines as stipulated by **GPW**.

16. **APPLICABLE ONLY TO GPW ACCOUNT HOLDERS**:

    16.1. **GPW** Account Customers must provide a valid **GPW** account number to obtain a quotation.

    16.2. Accounts for **GPW** account customers **must** be active with sufficient credit to transact with **GPW** to submit notices.

        16.2.1. If you are unsure about or need to resolve the status of your account, please contact the **GPW** Finance Department prior to submitting your notices. (If the account status is not resolved prior to submission of your notice, the notice will be failed during the process).

17. **APPLICABLE ONLY TO CASH CUSTOMERS:**

    17.1. Cash customers doing **bulk payments** must use a **single email address** in order to use the **same proof of payment** for submitting multiple notices.

18. The responsibility lies with you, the customer, to ensure that the payment made for your notice(s) to be published is sufficient to cover the cost of the notice(s).

19. Each quotation will be associated with one proof of payment / purchase order / cash receipt.

    19.1. This means that **the quotation number can only be used once to make a payment.**

GOVERNMENT PRINTING WORKS - BUSINESS RULES

COPY (SEPARATE NOTICE CONTENT DOCUMENT)

20. Where the copy is part of a separate attachment document for Z95, Z95Prov and TForm03

20.1. Copy of notices must be supplied in a separate document and may not constitute part of any covering letter, purchase order, proof of payment or other attached documents.

The content document should contain only one notice. (You may include the different translations of the same notice in the same document).

20.2. The notice should be set on an A4 page, with margins and fonts set as follows:

Page size = A4 Portrait with page margins: Top = 40mm, LH/RH = 16mm, Bottom = 40mm; Use font size: Arial or Helvetica 10pt with 11pt line spacing;

Page size = A4 Landscape with page margins: Top = 16mm, LH/RH = 40mm, Bottom = 16mm; Use font size: Arial or Helvetica 10pt with 11pt line spacing;

CANCELLATIONS

21. Cancellation of notice submissions are accepted by **GPW** according to the deadlines stated in the table above in point 2. Non-compliance to these deadlines will result in your request being failed. Please pay special attention to the different deadlines for each gazette. Please note that any notices cancelled after the cancellation deadline will be published and charged at full cost.

22. Requests for cancellation must be sent by the original sender of the notice and must accompanied by the relevant notice reference number (N-) in the email body.

AMENDMENTS TO NOTICES

23. With effect from 01 October 2015, **GPW** will not longer accept amendments to notices. The cancellation process will need to be followed according to the deadline and a new notice submitted thereafter for the next available publication date.

REJECTIONS

24. All notices not meeting the submission rules will be rejected to the customer to be corrected and resubmitted. Assistance will be available through the Contact Centre should help be required when completing the forms. (012-748 6200 or email info.egazette@gpw.gov.za). Reasons for rejections include the following:

24.1. Incorrectly completed forms and notices submitted in the wrong format, will be rejected.

24.2. Any notice submissions not on the correct *Adobe* electronic form, will be rejected.

24.3. Any notice submissions not accompanied by the proof of payment / purchase order will be rejected and the notice will not be processed.

24.4. Any submissions or re-submissions that miss the submission cut-off times will be rejected to the customer. The Notice needs to be re-submitted with a new publication date.

GOVERNMENT PRINTING WORKS - BUSINESS RULES

Approval of notices

25. Any notices other than legal notices are subject to the approval of the Government Printer, who may refuse acceptance or further publication of any notice.

26. No amendments will be accepted in respect to separate notice content that was sent with a Z95 or Z95Prov notice submissions. The copy of notice in layout format (previously known as proof-out) is only provided where requested, for Advertiser to see the notice in final Gazette layout. Should they find that the information submitted was incorrect, they should request for a notice cancellation and resubmit the corrected notice, subject to standard submission deadlines. The cancellation is also subject to the stages in the publishing process, i.e. If cancellation is received when production (printing process) has commenced, then the notice cannot be cancelled.

Government Printer Indemnified Against Liability

27. The Government Printer will assume no liability in respect of—

27.1. any delay in the publication of a notice or publication of such notice on any date other than that stipulated by the advertiser;

27.2. erroneous classification of a notice, or the placement of such notice in any section or under any heading other than the section or heading stipulated by the advertiser;

27.3. any editing, revision, omission, typographical errors or errors resulting from faint or indistinct copy.

Liability of advertiser

28. Advertisers will be held liable for any compensation and costs arising from any action which may be instituted against the Government Printer in consequence of the publication of any notice.

Customer inquiries

Many of our customers request immediate feedback/confirmation of notice placement in the gazette from our Contact Centre once they have submitted their notice – While **GPW** deems it one of their highest priorities and responsibilities to provide customers with this requested feedback and the best service at all times, we are only able to do so once we have started processing your notice submission.
GPW has a 2-working day turnaround time for processing notices received according to the business rules and deadline submissions.
Please keep this in mind when making inquiries about your notice submission at the Contact Centre.

29. Requests for information, quotations and inquiries must be sent to the Contact Centre ONLY.

30. Requests for Quotations (RFQs) should be received by the Contact Centre at least **2 working days** before the submission deadline for that specific publication.

GOVERNMENT PRINTING WORKS - BUSINESS RULES

PAYMENT OF COST

31. The Request for Quotation for placement of the notice should be sent to the Gazette Contact Centre as indicated above, prior to submission of notice for advertising.

32. Payment should then be made, or Purchase Order prepared based on the received quotation, prior to the submission of the notice for advertising as these documents i.e. proof of payment or Purchase order will be required as part of the notice submission, as indicated earlier.

33. Every proof of payment must have a valid **GPW** quotation number as a reference on the proof of payment document.

34. Where there is any doubt about the cost of publication of a notice, and in the case of copy, an enquiry, accompanied by the relevant copy, should be addressed to the Gazette Contact Centre, **Government Printing Works**, Private Bag X85, Pretoria, 0001 email: info.egazette@gpw.gov.za before publication.

35. Overpayment resulting from miscalculation on the part of the advertiser of the cost of publication of a notice will not be refunded, unless the advertiser furnishes adequate reasons why such miscalculation occurred. In the event of underpayments, the difference will be recovered from the advertiser, and future notice(s) will not be published until such time as the full cost of such publication has been duly paid in cash or electronic funds transfer into the **Government Printing Works** banking account.

36. In the event of a notice being cancelled, a refund will be made only if no cost regarding the placing of the notice has been incurred by the **Government Printing Works**.

37. The **Government Printing Works** reserves the right to levy an additional charge in cases where notices, the cost of which has been calculated in accordance with the List of Fixed Tariff Rates, are subsequently found to be excessively lengthy or to contain overmuch or complicated tabulation.

PROOF OF PUBLICATION

38. Copies of any of the *Government Gazette* or *Provincial Gazette* can be downloaded from the **Government Printing Works** website www.gpwonline.co.za free of charge, should a proof of publication be required.

39. Printed copies may be ordered from the Publications department at the ruling price. The **Government Printing Works** will assume no liability for any failure to post or for any delay in despatching of such *Government Gazette*(s)

GOVERNMENT PRINTING WORKS CONTACT INFORMATION

Physical Address:	**Postal Address:**	**GPW Banking Details:**
Government Printing Works	Private Bag X85	**Bank:** ABSA Bosman Street
149 Bosman Street	Pretoria	**Account No.:** 405 7114 016
Pretoria	0001	**Branch Code:** 632-005

For Gazette and Notice submissions: Gazette Submissions:	**E-mail:** submit.egazette@gpw.gov.za
For queries and quotations, contact: Gazette Contact Centre:	**E-mail:** info.egazette@gpw.gov.za
	Tel: 012-748 6200
Contact person for subscribers: Mrs M. Toka:	**E-mail:** subscriptions@gpw.gov.za
	Tel: 012-748-6066 / 6060 / 6058
	Fax: 012-323-9574

GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

NO. R. 7178 **27 February 2026**

RULES BOARD FOR COURTS OF LAW ACT, 1985 (ACT NO. 107 OF 1985)

AMENDMENT OF THE RULES REGULATING THE CONDUCT OF THE PROCEEDINGS OF THE MAGISTRATES' COURTS OF SOUTH AFRICA

The Rules Board for Courts of Law has, under section 6 of the Rules Board for Courts of Law Act, 1985 (Act No. 107 of 1985), and with the approval of the Minister of Justice and Constitutional Development, made the rules in the Schedule.

SCHEDULE

GENERAL EXPLANATORY NOTE:

[ ] Words or expressions in bold type in square brackets indicate omissions from the existing rules.

_____ Words or expressions underlined with a solid line indicate insertions into the existing rules.

Definition

1. In this Schedule the "Rules" means the Rules Regulating the Conduct of the Proceedings of the Magistrates' Courts of South Africa published under Government Notice No. R. 740 of 23 August 2010, as amended by Government Notice Nos. R. 1222 of 24 December 2010, R. 611 of 29 July 2011, R. 1085 of 30 December 2011, R. 685 of 31 August 2012, R. 115 of 15 February 2013, R. 263 of 12 April 2013, R. 760 of 11 October 2013, R. 183 of 18 March 2014, R. 215 of 28 March 2014, R. 507 of 27 June 2014, R. 571 of 18 July 2014, R. 5 of 9 January 2015, R. 32 of 23 January 2015, R. 33 of 23 January 2015, R. 318 of 17 April 2015, R. 545 of 30 June 2015, R. 2 of 19 February 2016, R. 1055 of 29 September 2017, R. 1272 of 17 November 2017, R. 632 of 22 June 2018, R. 1318 of 30 November 2018, R. 842 of 31 May 2019, R. 1343 of 18 October 2019, R. 107 of 7 February 2020, R. 858 of 7 August 2020, R. 1156 of 30 October 2020, R. 1602 of 17 December 2021, R. 2134 of 3 June 2022, R. 2298 of 22 July 2022, R. 2414 of 26 August 2022, as corrected by Government Notice

No. R. 2434 of 2 September 2022, as amended by Government Notice Nos. R. 3371 of 5 May 2023, R. 3399 of 12 May 2023, R. 4476 of 8 March 2024, R. 5127 of 16 August 2024, R 5559 of 22 November 2024, R. 6231 of 30 May 2025, R. 6232 of 30 May 2025, R. 6505 of 15 August 2025, R. 6752 of 24 October 2025, as corrected by Government Notice No. R. 6825 of 14 November 2025, as amended by Government Notice Nos. R. 6974 of 24 December 2025.

Amendment of Part II of Table B of Annexure 2 to the Rules

2. Part II of Table B of Annexure 2 to the Rules is hereby amended by the substitution for Part II of the following Part:

"**PART II**

GENERAL PROVISIONS IN RESPECT OF PROCEEDINGS IN TERMS OF SECTION 72 OF THE ACT

1. Subject to the provisions of paragraphs 2 and 3 no fees other than those laid down in the Tariff to this Part shall be allowed.
2. Paragraph 3*(a)*, *(b)* and *(d)* of the general provisions under Part 1 of this Table shall apply with the necessary changes to this Part.
3. All necessary disbursements incurred in connection with any prior abortive proceedings under section 65 shall be allowed if the court has so ordered.
4. For the purpose of the Tariff to this Part the amount of the claim shall, subject to the provisions of paragraph 3*(d)* of the general provisions under Part 1 of this Table, be the total of the capital amount outstanding at the date of the first institution of proceedings in terms of section 72 of the Act.

TARIFF	
	R
(a) Where the claim does not exceed **[R200,00]** R10 000,00	**[R203,00]** R771,00
(b) Where the claim exceeds **[R200,00]** R10 000,00	**[R433,00]** R901,00
(c) Obtaining certified copy of a judgment	R121,00

(d)	Application for an order of execution against the garnishee	R121,00
(e)	Garnishee order (Form 39)	R160,00

"

Commencement

3. These Rules come into operation on 27 March 2026.

JUSTISIE EN STAATKUNDIGE ONTWIKKELING, DEPARTEMENT VAN

NO. R. 7178 **27 Februarie 2026**

WET OP DIE REËLSRAAD VIR GEREGSHOWE, 1985 (WET NO. 107 VAN 1985)

WYSIGING VAN REËLS WAARBY DIE VOER VAN VERRIGTINGE VAN DIE LANDDROSHOWE VAN SUID-AFRIKA GEREËL WORD

Die Reëlsraad vir Gesregshowe het kragtens artikel 6 van die Wet op die Reëlsraad vir Geregshowe, 1985 (Wet No. 107 van 1985), en met die goedkeuring van die Minister van Justisie en Staatkundige Ontwikkeling, die reëls in die bylae gemaak.

BYLAE

ALGEMENE VERDUIDELIKENDE NOTA:

[ ] Woorde of uitdrukkings in vetdruk in vierkantige hakies dui op weglatings uit die bestaande reëls.

_____ Woorde of uitdrukkings met ’n volstreep daaronder dui op invoegings in die bestaande reëls.

Woordomskrywing

1. In hierdie Bylae beteken “Reëls”, die Reëls waarby die verrigtinge van die Landdroshowe van Suid-Afrika gereël word soos gepubliseer in Goewermentskennisgewing No. R. 740 van 23 Augustus 2010, en soos gewysig deur Goewermentskennisgewing No's. R. 1222 van 24 Desember 2010, R. 611 van 29 Julie 2011, R. 1085 van 30 Desember 2011, R. 685 van 31 Augustus 2012, R. 115 van 15 Februarie 2013, R. 263 van 12 April 2013, R. 760 van 11 Oktober 2013, R. 183 van 18 Maart 2014, R. 215 van 28 Maart 2014, R. 507 van 27 Junie 2014, R. 571 van 18 Julie 2014, R. 5 van 9 Januarie 2015, R. 32 van 23 Januarie 2015, R. 33 van 23 Januarie 2015, R. 318 van 17 April 2015, R. 545 van 30 Junie 2015, R. 2 van 19 Februarie 2016, R. 1055 van 29 September 2017, R. 1272 van 17 November 2017, R. 632 van 22 Junie 2018, R. 1318 van 30 November 2018, R. 842 van 31 Mei 2019, R. 1343 van 18 Oktober 2019, R. 107 van 7 Februarie 2020, R. 858 van 7 Augustus 2020, R. 1156 van 30 Oktober 2020, R. 1602 van 17 Desember 2021, R. 2134 van 3 Junie 2022, R. 2298

van 22 Julie 2022, R. 2414 van 26 Augustus 2022, soos gewysig deur Goewermentskennisgewing No. R. 2434 van 2 September 2022, soos gewysig deur Goewermentskennisgewing No's. R. 3371 van 5 Mei 2023, R. 3399 van 12 Mei 2023, R. 4476 van 8 Maart 2024, R. 5127 van 16 Augustus 2024, R 5559 van 22 November 2024, R. 6231 van 30 Mei 2025, R. 6232 van 30 Mei 2025, R. 6505 van 15 Augustus 2025, R. 6752 van 24 Oktober 2025, soos gewysig deur Goewermentskennisgewing No. R. 6825 van 14 November 2025, soos gewysig deur Goewermentskennisgewing No's R. 6974 van 24 Desember 2025.

Wysiging van Deel II van Tabel B van Aanhangsel 2 aan die Reëls

2. Deel II van Tabel B van Aanhangsel 2 tot die Reëls word hierby gewysig deur Deel II met die volgende Deel te vervang:

"DEEL II

ALGEMENE BEPALINGS TEN OPSIGTE VAN VERRIGTINGE INGEVOLGE ARTIKEL 72 VAN DIE WET

1. Behoudens die bepalings van paragrawe 2 en 3, word geen gelde behalwe dié in die Tarief by hierdie Deel uiteengesit, toegelaat nie.
2. Paragraaf 3*(a)*, *(b)* en *(d)* van die algemene bepalings onder Deel I van hierdie Table sal toegepas word met die nodige veranderinge aan hierdie Deel.
3. Alle nodige uitbetalings aangegaan in verband met enige vorige onsuksesvolle verrigtinge kragtens artikel 65, moet toegelaat word indien die hof aldus gelas het.
4. Vir die doeleindes van die Tarief van hierdie Deel, is die bedrag van die eis, onderworpe aan die bepalings van paragraaf 3*(d)* van die algemene bepalings kragtens Deel 1 van hierdie Tabel, die totaal van die kapitaalbedrag uitstaande op die datum van die eerste instelling van verrigtinge ingevolge artikel 72 van die Wet.

TARIEF	
	R
(a) Waar die eis nie meer as **[R200.00]** R10 000,00 is nie	**[R203,00]** R771,00
(b) Waar die eis meer as **[R200,00]** R10 000,00 is	**[R433,00]** R901,00

(c)	Verkryging van gesertifiseerde afskif van ‘n vonnis	R121,00
(d)	Aansoek om 'n uitwinningsbevel teen die beslagskuldenaar	R121,00
(e)	Loonbeslagorder (Vorm 39)	R160,00

"

Inwerkingtreding

3. Hierdie reëls tree in werking op 27 Maart 2026.

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

NO. R. 7179 **27 February 2026**

RULES BOARD FOR COURTS OF LAW ACT, 1985 (ACT NO. 107 OF 1985)

THE CHILDREN'S COURTS RULES OF SOUTH AFRICA

The Rules Board for Courts of Law has, under section 6 of the Rules Board for Courts of Law Act, 1985 (Act No. 107 of 1985), read with section 52 of the Children's Act, 2005 (Act No. 38 of 2005), with the approval of the Minister of Justice and Constitutional Development, made the rules in the Schedule.

SCHEDULE

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CHAPTER 1

DEFINITIONS, PURPOSE, APPLICATION AND INTERPRETATION OF RULES

Definitions

1. (1) In these rules and in the forms annexed hereto any word or expression to which a meaning has been assigned in the Act bears the meaning so assigned and, unless the context otherwise indicates—

"affidavit" means a written statement made—

(a) under oath or affirmation; or
(b) by solemn or attested declaration;

contemplated in section 7 of the Justices of the Peace and Commissioners of Oaths Act, 1963 (Act No. 16 of 1963), confirming that the information within the statement is a true and accurate representation of the facts;

"applicant" means a party who applies to the court for assistance or relief as provided for in the Act;

"audio-visual facility" means a facility that enables both audio and visual communications between a witness and persons in a court in real-time as they take place;

"comfort person" means a person who—

(a) is trusted by the child;
(b) has a close relationship with the child;
(c) is not necessarily a party to the proceedings; and
(d) who will provide reassurance and comfort to the child during the proceedings;

"child" means a person under the age of 18 years and includes—

(a) a very young child that is three years of age or less, as referred to in section 157(3) of the Act,
(b) an unaccompanied or separated migrant child,
(c) a child who is an asylum seeker or refugee as contemplated in the Refugee's Act, 1998 (Act No. 130 of 1998), and
(d) undocumented children;

"court" means a children's court established in terms of section 42(1) of the Act and 'court' and 'children's court' are synonymous unless the context indicates otherwise;

"clerk" means a clerk of the children's court appointed or designated in terms of section 67(2) of the Act;

"*ex parte* application" means an application that is brought in which immediate relief is sought without first giving notice of court proceedings to the person against whom an order is sought;

"general regulations" means the General Regulations regarding Children published under Government Notice R: 261 in Government *Gazette* No. 33076 of 1 April 2010 made by the Minister of Social Development in terms of the Children's Act, 2005, as amended;

"justice regulations" means the Regulations relating to Children's Courts and International Child Abduction published under Government Notice R: 250 in Government *Gazette* No. 33067 of 31 March 2010 made by the Minister of Justice and Constitutional Development in terms of the Children's Act, 2005, as amended;

"legal representative" means an attorney, an advocate or a candidate legal practitioner who is entitled to appear in a court;

"presiding officer" means a presiding officer of a children's court as provided for in section 42 of the Act;

"reasonable accommodation" means the necessary and appropriate modifications and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms;

"respondent" means any person against whom relief is sought, or who may be affected by the assistance or relief sought by the applicant, and includes an interested party and a respondent as referred to in the Act; and

"the Act" means the Children's Act, 2005 (Act No. 38 of 2005).

(2) A Saturday, Sunday or public holiday must not, unless the contrary intention appears, be reckoned as part of any period calculated in terms of these rules.

Application, purpose and interpretation of rules

2. (1) These rules are applicable to proceedings in the court and are aimed at establishing uniformity in the processes and procedures in the courts.

(2) The purposes of these rules are to—

(*a*) promote access to the court;

(*b*) give effect to the objects contained in section 2, and the principles contained in section 6, of the Act;

(c) ensure that all matters in court are dealt with expeditiously and are prioritised as contemplated in section 6(4)*(b)* of the Act; and

(d) enhance the standard of the best interests of the child contemplated in section 7 of the Act.

(3) The court, family advocate, legal practitioner, social worker or other suitably qualified person, having regard to the child's age, maturity and stage of development, as contemplated in section 10 of the Act, must—

(*a*) give due consideration to the views expressed by the child; and

(*b*) ensure the child's right to participate in an appropriate way.

(4) These rules must be interpreted and applied so as to give effect to the following objectives:

(*a*) the child's best interests are of paramount importance;

(*b*) the just determination of every court proceeding by ensuring the parties a fair hearing and the recognition and enforcement of their constitutional and other rights under the Act or any other law;

(*c*) simplicity and uniformity in procedure, fairness in administration, and the elimination of unjustifiable expense and delay;

(*d*) the care, protection and physical and mental development and social well-being of the child; and

(*e*) expeditious finalisation of all matters.

CHAPTER 2
GENERAL

Participation of child

3. (1) The court must determine if the child is able to participate in the proceedings and chooses to do so as provided for in the Act, and record the reasons for such determination.

(2) The court must, where it is found that the child is able and chooses to participate—

(*a*) inform the child of the child's rights and opportunity to participate in an age appropriate manner;

(*b*) explain the process and procedure of the court in simple language for the child to understand and participate in the process, including requesting breaks when needed;

(*c*) ensure an informal, child friendly environment as provided for in section 60(3) of the Act;

(*d*) promote the child's participation in the proceedings, including but not limited to the appointment of an intermediary, an interpreter, a legal representative, allowing a comfort person and conducting the proceedings using an audio-visual facility;

(*e*) ensure that a child with a disability has an opportunity to actively participate, and that reasonable accommodation is provided where necessary; and

(*f*) allocate sufficient time for the hearing, taking into consideration the needs and comfort of the child, including time to eat, rest and refresh.

(3) If the child is not present, either in person or through audio-visual facility, the court must enquire why the child is not present and postpone the enquiry in order to ensure that the child is afforded the opportunity to participate, unless circumstances exist why the matter should proceed in the absence of the child, which must be recorded.

(4) When the matter is postponed, the court may make any order as it may deem necessary to afford the child an opportunity to participate in the proceedings.

Reasonable accommodation

4. (1) (*a*) The court must be accessible to the child and any person with a disability involved in the proceedings to enable them to actively participate in the proceedings.

(*b*) The court must consider measures including the appointment of an intermediary, an interpreter, conducting the proceedings using an audio-visual facility and any other measure which the presiding officer deems appropriate for the active participation in the proceedings.

(2) The court must ensure that the child or any person with a disability involved in the proceedings is provided with the necessary support to actively participate in the proceedings.

(3) Reasonable accommodation needed for a child or any person with disability involved in the proceedings must include but not be limited to—

(*a*) suitable waiting and ablution facilities;

(*b*) adequate and comfortable seating;

(*c*) a facility to allow the child or any person to testify from where they are seated; and

(*d*) allowing the parent, guardian, or any person present to provide any other form of seating to ensure that the child or other person is comfortable.

(4) (*a*) The court must on request by any party or of its own accord, at any time, enquire whether reasonable accommodation is necessary.

(*b*) Where facilities are inadequate, any party may request for additional arrangements to be made to accommodate the specific needs of the child or such other person.

(5) The court may invoke the provisions of section 51(4) of the Magistrates' Courts Act, 1944 (Act No. 32 of 1944), pertaining to infrastructure and operational needs.

Questioning techniques for children

5. (1) All questions to children during proceedings must—

(*a*) be in plain and age-appropriate language, taking into consideration the child's age, maturity and stage of development;

(*b*) not be complex and be easy to understand;

(*c*) not consist of more than one question at a time;

(*d*) not be posed in the negative;

(*e*) not contain legal terminology; and

(*f*) not be intimidating or aggressive.

(2) The court must disallow questions which are misleading, irrelevant, ambiguous, annoying, harassing, inappropriate, intimidating, offensive, aggressive and repetitive or is in a form that is not likely to be understood by the child, including any other question which in the view of the court is unsuitable or inappropriate.

(3) The court must, where the child is not testifying through an intermediary, order that—

(*a*) questions must be put through the court, and

(*b*) the court may rephrase the questions to convey the general purport of the question to the child, where necessary.

(4) Where there is no separate audio-visual facility in order that the child may not see any person who is involved in the proceedings, the court may—

(*a*) allow the child to participate from behind a screen; or

(*b*) in any other manner as directed by the court.

(5) Where a child is unable to participate and respond, the court may allow the child to do so in any suitable manner, including—

(*a*) gestures;

(*b*) drawing or painting;

(*c*) writing;

(*d*) electronic devices in any format;

(*e*) picture or symbol cards;

(*f*) toys;

(*g*) demonstrations; and

(*h*) any other manner the court considers suitable.

(6) A suitably qualified expert may be allowed by the court to interpret and explain the meaning of responses in sub-rules (4) and (5).

(7) The child must be allowed time to consider a question before responding.

(8) The child should be questioned for the shortest time possible and where necessary the court should adjourn to allow the child to rest.

(9) The court may rephrase any question to the child—

(*a*) where the child experiences difficulty in testifying due to fear, timidity, embarrassment, confusion or reluctance to testify, or

(*b*) where the question is not understood or not likely to be understood by the child.

(10) The provisions of this rule apply, with the necessary changes, to children in general, children with intellectual or psychiatric difficulties, hearing or other physical disabilities which complicate communication, to traumatised children and very young children.

Additional questioning techniques for very young children in terms of section 52(2)*(a)*(iv) of the Act

6. (1) The court may—

(*a*) use any mode of communication to facilitate the participation of a very young child; and

(*b*) request a suitably qualified expert to assist the court with the observations and conclusion from such communication before the court evaluates and considers the non-verbal communication.

(2) When a very young child is unable to respond orally, the court may allow the child to do so in any other manner, including—

(*a*) play;

(*b*) body language;

(*c*) facial expression;

(*d*) drawing or painting;

(*e*) gestures;

(*f*) demonstrations; or

(*g*) picture or symbol cards.

CHAPTER 3
CLERK

Additional functions, powers and duties of clerk

7. (1) In addition to the functions provided for in the justice regulations, a clerk must inform a party that—

(*a*) if not represented by a legal practitioner, such party is entitled to be legally represented;

(*b*) if unable to afford legal representation, such party may approach Legal Aid South Africa, a law clinic, or the Legal Practice Council for *pro bono* legal representation;

(*c*) such party may apply for reasonable accommodation if needed as provided for in rule 4;

(*d*) such party may request that an interpreter be arranged as provided for in sub-rule (7) of this rule; and

(*e*) such party may apply to appear using an audio-visual facility.

(2) The clerk must accept and submit all applications to the presiding officer and may not refuse to accept an application for any reason.

(3) The offices of the clerk are open during 07h45 to 16h15 every day of the week except on a Saturday, Sunday or public holiday.

(4) The clerk who attends the proceedings as contemplated in section 73 of the Act may not participate in the proceedings, except to render administrative support to the court.

(5) Where any party will be appearing using an audio-visual facility, the clerk must arrange for the link to be created and forwarded to the relevant party at least three days prior to the date of the hearing, unless a shorter period is agreed to with such party.

(6) The clerk must, on the direction of the court, summons a suitably qualified intermediary to attend the hearing.

(7) The clerk must, on the direction of the court, arrange for an interpreter, including a sign language or tactile sign language interpreter, if required, to attend the hearing.

CHAPTER 4
COURT PROCEEDINGS

Forms of proceedings

8. (1) Except where otherwise provided for in these rules, proceedings must be brought on notice, substantially corresponding with Form 2 of the justice regulations: Provided that Form 2 shall not be required in any subsequent proceedings in the same matter.

(2) An application, including subsequent applications in the same matter, may be brought substantially in accordance with Form A of the Annexure, if the nature of the application does not favour the use of Form 2 of the justice regulations.

(3) Every application using Form A of the Annexure must be accompanied by an affidavit setting out the nature of the application, the grounds upon which the application is based and the relief sought, and where available, attach all documents and reports relevant to the application.

(4) Every application must contain—

(*a*) the full names, residential address, work address, cell phone or telephone number of the applicant, including electronic mail address, if available;

(*b*) the preferred address, including electronic mail address, at which further documents in the application may be served on the applicant;

(*c*) the names, gender, date of birth, residential address and name of school or preschool of the child in respect of whom the application relates, if available;

(*d*) the full names, residential address, work address, cell phone or telephone number of the parents, guardians or caregivers of the child, including email address, if available;

(*e*) the full names, residential address, work address, cell phone or telephone number of the respondent, including electronic mail address, if known;

(*f*) an averment as to whether the family advocate, social worker, psychologist or other professional person or body is involved;

(*g*) the particulars of any pending matter or previous order of any court, either interim or final, relating to the child or parties involved;

(*h*) if there is an existing court order which is sought to be varied or suspended the grounds upon which relief is sought to change the existing order are based;

(*i*) any other relevant factor that may assist the court in considering the application; and

(*j*) all necessary supporting documents including court orders if such documents are available.

(5) Every application must be served on the parent, guardian or care-giver of the child in accordance with the provisions of rule 11 or 12, whichever is applicable.

(6) *(a)* A person against whom an order is sought—

(i) may oppose the application; and

(ii) file within 10 days after receiving the application, an answering affidavit setting out the grounds upon which the application is opposed.

(b) Any other person affected by the relief sought—

(i) may oppose or support the application; and

(ii) file within 10 days after receiving the application, an affidavit setting out the grounds upon which the application is supported or opposed.

(7) An application may be brought outside ordinary court hours or on a day which is not an ordinary court day in accordance with the provisions of rule 10.

(8) (*a*) A party must attach a confirmatory affidavit where applicable.

(*b*) A party may attach a supporting affidavit of any person who has knowledge of the matter concerned.

(9) The application and affidavits must be lodged with the clerk who must immediately submit the application and affidavits to the court.

(10) The court must as soon as is reasonably possible consider an application submitted to it, and may, for that purpose—

(*a*) receive such additional evidence as it deems fit, including oral evidence, which must form part of the record of the proceedings; and

(*b*) direct whether the child must attend the hearing, including whether in person or through audio-visual link, taking into consideration the child's age, health and personal circumstances.

(11) The court may make any other order provided for in the Act, including—

(*a*) an investigation in terms of section 62 of the Act; or

(*b*) such other order as it deems necessary to safeguard the best interest of a child.

(12) A court order may be made on a form corresponding substantially with Form B of the Annexure.

Applications to enforce rights

9. (1) (*a*) (i) This rule applies whenever a person intends to enforce rights referred to in section 15 of the Act.

(ii) An application referred to in sub-paragraph (i) must be made on a form corresponding substantially with Form A of the Annexure and must be supported by an affidavit.

(*b*) The affidavit in support of the application must, in addition to setting out every factor in support of the application, include the—

(i) particulars of the person whose rights have been infringed;

(ii) alleged rights which have been infringed or threatened;

(iii) manner in which the minor child has been impacted and the factors that impact on the best interest of the minor child;

(iv) facts upon which the person relies;

(v) relief sought, including a declaration of rights; and

(vi) particulars of interested persons against whom or in whose favour the relief or declaration will operate.

(2) (*a*) Any party affected by the application must be cited and given notice.

(*b*) (i) Any affected party wishing to oppose the application must file an answering affidavit at least 10 days after receipt of the application.

(ii) The answering affidavit must set out the grounds on which the application is opposed.

(*c*) The applicant may file a replying affidavit within five days of receipt of the answering affidavit.

(*d*) In *ex parte* or urgent matters, the provisions of rule 10 will apply.

(3) The application must be lodged with the clerk who must immediately submit the application to the court.

(4) The court may direct that notice must be given to any other affected party.

(5) The court must direct whether—

(*a*) the child must attend the hearing taking into consideration the child's age, health and personal circumstances;

(*b*) a legal representative for the child must be appointed if it is in the best interests of the child; and

(*c*) a report on the best interest of the minor child is required.

(6) The clerk must, not later than 10 days before the date of the hearing, or such other period as the court may direct, notify the parties of such date in the manner prescribed in the justice regulations.

(7) The court may grant such relief as may be appropriate including interim relief.

(8) A court order may be made on a form corresponding substantially with Form B of the Annexure.

***Ex parte* and urgent applications**

10. (1) (*a*) An *ex parte* application may be made—

(i) where no notice is required to be given to any party; and

(ii) must be on a form corresponding substantially with Form A of the Annexure, supported by an affidavit.

(*b*) The affidavit in support of an *ex parte* application must set out every factor in support of the application.

(2) An urgent application may be considered if the court is satisfied that the—

(a) if the court is satisfied that the child may suffer imminent harm to that child's physical, mental or social well-being if the application is not dealt with immediately; or

(b) the degree of urgency is so great that it is in the best interest of the child to dispense with the giving of notice of the application.

(3) In urgent applications—

(a) the court may dispense with the giving of notice of the application to the person against whom the order is sought if the giving of notice would defeat the purpose of the application;

(b) an order made against a party on an urgent basis is of an interim nature and must call upon the party against whom it is made to appear before the court on a specified return date to show cause why the interim order should not be made final; and

(c) a copy of the interim order and the urgent application on which it was made must be served on the respondent in accordance with the provisions of rule 11.

(4) (*a*) Any person against whom an urgent order is granted or a person who is affected by the order granted may anticipate the return day upon not less than 24 hours' notice service of the notice on the applicant and all other parties and filing with the clerk.

(*b*) The party anticipating the return date must file an answering affidavit together with the notice referred to in paragraph *(a)*.

(5) (*a*) Where cause is shown against any order made on urgent basis against a party or a person who is affected by the order, the court may order the applicant or respondent or the deponent to any affidavit to appear and to testify orally, in person or through audio-visual link.

(*b*) The court may make any other order which it deems appropriate.

(6) The interim order may be confirmed, discharged or varied by the court on good cause shown by any party or other person affected thereby, and on such terms as the court may deem appropriate.

(7) A court order may be made on a form corresponding substantially with Form B of the Annexure.

(8) If the matter is not finally disposed of, the presiding officer must direct the further conduct of the matter as provided for in rule 15.

Service of applications, affidavits, notices, documents and orders of court

11. (1) All applications, affidavits, notices, documents and orders of court must be served in one or other of the following manners—

(*a*) personally on the person affected thereby, by a sheriff, or the clerk, or a person authorised by the court;

(*b*) in any other manner as authorised by the court, including an electronic mail address, or any other electronic manner:

Provided that—

(i) if the service is effected by electronic mail the person sending the document by electronic mail must file a delivery report as to whether the document was successfully transmitted to the electronic mail address of the other person; or

(ii) if effected in any other electronic manner, a screenshot or delivery report of such electronic transmission.

(2) All subsequent applications, affidavits, notices, documents and orders may be served by a party personally, or by the sheriff, a clerk, a person authorised by the court or in any electronic manner agreed between the parties or authorised by the court.

(3) Where service is effected by electronic mail, the provisions of Chapter III, Part 2 of the Electronic Communications and Transactions Act, 2002 (Act No. 25 of 2002), apply.

(4) The court may, if there is reason to doubt whether the application, affidavit, notice, document or order served has come to the actual knowledge of the person to be served, and in the absence of satisfactory evidence, order such further steps to be taken as it deems appropriate.

(5) Unless otherwise authorised by the court, an application, affidavit, notice, document or order—

(*a*) shall not be served on a Saturday, Sunday or public holiday; and

(*b*) shall be served as near as possible between the hours of 7:00 and 19:00.

(6) (*a*) No application, affidavit, notice, document or order shall be served in a foreign country without leave of the court.

(*b*) Any person wishing to obtain leave to effect service in a foreign country may apply for such leave to the court, on a form substantially corresponding with Form A of the Annexure, and which shall be supported by an affidavit.

(*c*) The court must authorise the manner of service in the foreign country and be satisfied that such manner of service will ensure that the application, affidavit, notice, document or order will come to the knowledge of the person to be served.

Substituted service

12. If service of any application, affidavit, notice, document or order cannot be effected in any manner prescribed in rule 11, the court may authorise service in any other manner, if satisfied that such manner of service will ensure that the application, affidavit, notice, document or order will come to the knowledge of the person to be served.

Audio-visual evidence

13. (1) Subject to the provisions of section 51C of the Magistrates Court Act, 1944, any party may make an application for evidence to be given by means of audio-visual facility.

(2) A court making an order in terms of sub-rule (1) may give such directions which it considers appropriate for the taking and recording of such evidence.

(3) An application to give evidence through audio-visual facility in terms of sub-rule (1) must be in accordance with Form H of the Annexure and supported by an affidavit.

Judicial case management

14. (1) The objectives of judicial case management are—

(*a*) to protect and act in the best interests of the child;

(*b*) to address all causes of delays; and

(*c*) to expedite the finalisation of cases.

(2) The presiding officer controls the conduct of the proceedings and must ensure that all cases are dealt with judiciously and expeditiously.

(3) The same presiding officer must, where reasonably possible, deal with all pending matters in respect of a specific child.

(4) If the presiding officer determines that a judicial case management hearing is necessary, the presiding officer must—

(*a*) allocate a date and inform the clerk of such date;

(*b*) indicate whether the judicial case management hearing is to be held in person or using an audio-visual facility;

(*c*) indicate who, in addition to the parties, should attend the judicial case management hearing, and

(*d*) give any other directions, as deemed appropriate.

(5) The clerk must within 5 days after such determination, notify the parties and any other person directed by the court on a notice corresponding substantially with Form C of the Annexure—

(*a*) to attend the judicial case management hearing on the specified date;

(*b*) whether to attend in person or using an audio-visual facility; or

(*c*) any other directions given by the court.

(6) The notice referred to in sub-rule (5) must be served as provided for in rule 11.

(7) The clerk must make the necessary arrangements to ensure that all steps are taken to facilitate the audio-visual hearing, where such hearing has been directed.

(8) The court, when conducting a judicial case management hearing may—

(*a*) consider information and make such order as the court deems necessary for the progress of the application;

(*b*) determine who has to be present at the hearing;

(*c*) deal with interim applications and orders;

(*d*) give such orders, instructions or directions to the clerk, social worker, designated social worker or other suitably qualified persons as the court deems necessary; and

(*e*) where, necessary, issue timelines for the taking of further steps in order that the matter be finalised speedily.

(9) The court must at the judicial case management hearing consider and give further directions in respect of—

(*a*) legal representation of any party or the child;

(*b*) the appointment of a curator *ad litem* for any party in accordance with the provisions of section 33 of the Magistrates' Courts Act, 1944;

(*c*) the need for—

(i) an interpreter to be appointed;

(ii) an intermediary to be appointed;

(iii) a comfort person to be with the child during the proceedings;

(iv) reasonable accommodation;

(v) audio-visual testimony;

(*d*) investigation and report by social worker, designated social worker, family advocate as well as other suitably qualified persons;

(*e*) submission of reports, affidavits and supporting documents;

(*f*) attendance of any other person at the hearing;

(*g*) exchange of reports and documents;

(*h*) where there are multiple professional reports, may direct a joint meeting of experts and furnishing of a joint report on such issues as required;

(*i*) whether to order a pre-hearing conference, cause a family group conference or refer the matter to a lay forum as provided for in sections 69, 70 and 71 of the Act: Provided that the court may not order a pre-hearing conference or refer the matter to a lay forum in a matter involving the alleged abuse or sexual abuse of a child;

(*j*) whether there is a question of law or fact which may conveniently be decided either before any evidence is led or separately from any other aspect; or

(*k*) any other aspect relating to the conduct of the matter.

(10) The presiding officer may postpone the judicial case management hearing on good cause shown, for periods not exceeding 30 calendar days at a time as provided for in section 64(1) of the Act in order to monitor compliance with court orders and directives.

(11) If there is a question of law or fact which may conveniently be decided either before any evidence is led or separately from any other question, whether by the court on its own accord or on application by any party, the court may make an order directing the disposal of such question in such manner as it may deem fit.

(12) Upon finalising the judicial case management process, the presiding officer must certify that the matter is ready for a hearing and allocate a date for the hearing.

Hearing

15. (1) (*a)* Upon allocation of a date for the hearing the clerk must cause a notice corresponding substantially with Form 4 of the justice regulations to be served on the parties or any other person to the proceedings informing them of the date of hearing, where the hearing has to be attended in person: Provided that where the parties or any person have been informed by the court to attend, such notice is not required.

(*b*) The parties or any other person may be informed of the hearing electronically;

(2) If the court has directed that the hearing can be attended virtually, or that any witnesses can testify using an audio-visual facility, the clerk must make the necessary arrangements for the audio-visual hearing or testimony.

(3) Unless the court directs otherwise the hearing must—

(*a*) take place as provided for in section 42(8) of the Act;

(*b*) be conducted *in camera* as provided for in section 56 of the Act; and

(*c*) be conducted in the manner provided for in section 60(3) of the Act.

(4) (*a*) The court must explain the nature and purpose of the hearing, how it will be conducted, including the right of the child to participate.

(*b*) A witness who is not a party to the hearing must be ordered by the court to—

(i) leave the courtroom until he or she is called to give evidence; or

(ii) to remain present outside the courtroom until his or her evidence has been given and he or she had been excused by the court.

(*c*) The court must ensure compliance with the provisions of rule 3 regarding participation of the child.

(5) The court may, before proceeding to hear evidence, require the parties to state shortly the issues of fact or questions of law which are in dispute and may record the issues so stated.

(6) If, in any pending matter, it appears to the court, that there is a question of law or fact which may conveniently be decided either before any evidence is led or separately from any other question, the court may make an order directing the disposal of such question in such manner as it may deem fit, and the court must at the request of any party make such order unless it appears that the questions cannot conveniently be decided separately.

(7) If the question in dispute is a question of law and the parties are agreed upon the facts, the facts may be admitted in court, either orally or by written statement, by the parties and recorded by the court and judgment may be given thereon without further evidence.

(8) When questions of law and issues of fact arise in the same case and the court is of the opinion that the case may be disposed of upon the questions of law only, the court may—

(*a*) require the parties to argue upon those questions only;

(*b*) give its decision thereon before taking evidence as to the issues of fact; and

(*c*) give final judgment without dealing with the issues of fact.

(9) All parties to the proceedings, including the child may adduce evidence, call witnesses, question witnesses, cross-examine witnesses and address the court as provided for in sections 58, 60 and 63(3)*(b)* of the Act.

CHAPTER 5

CHILD IN NEED OF CARE AND PROTECTION

Review of removal of child to temporary safe care

16. (1) Upon receiving Form 36 of the general regulation and any other supporting documentation, the clerk must submit the form, other supporting documentation, report, or affidavit as provided for in sections 151 and 152 of the Act to the presiding officer without delay.

(2) The court must, before the expiry of the next court day, review whether it was necessary to remove and place a child in temporary safe care.

(3) Where the review is not submitted to the court within the prescribed time limit, the court must record the reasons for the failure and act in the best interests of the child as provided for in section 6(2)*(a)* of the Act by reviewing the decision to remove the child.

(4) (*a*) When reviewing the decision to remove the child, the court must consider—

(i) whether reasonable grounds existed at the time to believe that the child may be in need of care or protection;

(ii) whether the removal was necessary to secure the child's safety and well-being; and

(iii) the best interest of the child at the time of the removal.

(*b*) The court must consider all available evidence, including the report of the social worker, the submissions by the parent, guardian or care-giver of the child, if present, and any other relevant information.

(*c*) If it is in the best interests of the child, the court may postpone the matter for the shortest period of time to call for further evidence or for the purpose of giving notice to any other person whose attendance at the proceedings is necessary.

(*d*) If the review proceeding is postponed, the court must make an appropriate order as to the placement of the child.

(5) After reviewing the decision to remove the child, the court may—

(*a*) confirm the removal of the child and—

(i) confirm the placement of the child at the place of temporary safe care;

(ii) place the child in any other approved temporary safe care; or

(iii) make any other order regarding the placement or care of the child that would be in the best interests of the child;

(*b*) set aside the removal of the child and—

(i) order the return of the child to the care of the person from whose care the child has been removed; and

(ii) make any other order the court deems fit that would be in the best interests of the child; and

(*c*) where appropriate, make any additional orders as provided for in section 50 of the Act.

(6) The court must, whether the removal of the child was confirmed or set aside, order that the question whether the child is in need of care and protection be referred to a designated social worker for an investigation as contemplated in section 155(2) of the Act.

(7) The court may, on application and where appropriate, amend or vary any order, made in terms of this rule.

Extension of alternative care order

17. (1) Subject to the provisions of section 159(2A) of the Act, the report and supporting documents for the extension of an alternative care order must be submitted to the clerk before the order lapses: Provided that if the order has already lapsed, the report and supporting documents must be accompanied by the grounds indicating good cause as to why the request for extension was not made timeously.

(2) Where the alternative care order was made by a court other than the court deciding the request for the extension of the foster care order, the clerk where the order was made must upon request submit a certified copy of the court order to the designated social worker of the other court.

(3) Where the court previously made a finding that the child has been abandoned or orphaned, it will not be necessary for a further notice to be placed on the notice board or published on the website of the provincial department of social development or designated child protection organisation prior to the request for extension of the foster care order to court.

CHAPTER 6
APPLICATION FOR ADOPTION

Freeing order

18. (1) An application for a freeing order must be made on a form substantially complying with Form A in the Annexure.

(2) The clerk must immediately submit the application to the court.

(3) The court order granted must be recorded on Form D of the Annexure.

Notice of proposed adoption

19. (1) The notice informing each person whose consent to the adoption is required must be given on a form corresponding substantially with Form E of the Annexure.

(2) The notice must be served personally by the sheriff.

(3) Where the person to be served is outside the Republic, the notice must be served as provided for in rule 12.

(4) The response to the notice must be in writing.

Consent to adoption

20. (1) The consent to adoption may be given before a presiding officer at any court notwithstanding that the application for adoption is pending before another court.

(2) When a parent, guardian or child approaches the court to consent to the proposed adoption of the child, the clerk must arrange that the parent, guardian or child appears immediately, or as soon as possible, before the presiding officer.

(3) The record of the consent proceedings and consent form must be submitted to the court dealing with the proposed adoption.

(4) The presiding officer must—

(*a*) verify the identity of the parent or guardian as prescribed in the general regulations;

(*b*) explain the parent's or guardian's right to legal representation;

(*c*) confirm that the parent, guardian and child, where applicable, has been counseled on the decision to make the child available for adoption; and

(*d*) consider the appointment of a legal representative for the child.

(5) The presiding officer must inform the person giving the consent of the—

(a) effect of an adoption order as set out in section 242 of the Act;

(b) prohibited considerations as provided for in section 249 of the Act;

(c) right to withdraw the consent, within 60 days of such consent;

(d) alternative placement options;

(e) freeing orders; and

(*f*) right to apply for a post adoptive agreement.

(6) The presiding officer must record the reason for the parent's or guardian's refusal to consent to the proposed adoption.

Consideration of adoption application

21. (1) The clerk must, upon the direction of the presiding officer, notify the prospective adoptive parent, the parent who has not consented to the proposed adoption, the adoption social worker or any other person whose attendance is necessary to attend the adoption proceedings: Provided that where the person was warned by the court, no further notice will be required.

(2) The court must record the proceedings.

(3) The following documents, if applicable, must be submitted and considered by the court—

(*a*) Form 60 of the general regulations;

(*b*) the original identity document or birth certificate of the child or, where not available, a sworn statement to that effect by the adoption social worker;

(*c*) a certified copy of the identity document or passport of the prospective adoptive parent;

(*d*) a certified copy of the marriage certificate of the prospective adoptive parent;

(*e*) a certified copy of the divorce order or death certificate of the spouse;

(f) in the case where a child has been abandoned or orphaned, proof that the notice was placed on the noticeboard and published on the website of the relevant provincial department of social development or designated child protection organisation as provided for in the general regulations, or that an advertisement was published in a newspaper as provided for in the general regulations;

(g) an affidavit by the adoption social worker setting out the steps taken to trace the parent or guardian;

(h) an affidavit by a person, that the child had no contact with the parent or guardian for a period of at least three months;

(i) a certified copy of death certificate of the parent;

(j) the court order placing the child in the care of the prospective adoptive parent;

(k) the certificate from the National Register for Sex Offenders in terms *of* section 48 of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 (Act No. 32 of 2007);

(l) a certified copy of a formal response to an enquiry in terms of section 126(3) of the Act to establish whether or not the name of the prospective adoptive parent appears in Part B of the National Child Protection Register, and if so, the reasons for entry of his or her name in such a Register;

(m) a post adoption agreement;

(n) the report of an accredited adoption social worker;

(o) a letter by the head of the provincial department of social development recommending the adoption of the child;

(p) any reports from other suitably qualified persons;

(q) the consent of the child;

(r) the consent of the parent;

(s) the consent of the guardian;

(t) the record of consent proceedings;

(u) the written statement of the foster parent;

(v) any information established by the clerk with regard to the request of a person who has consented to the adoption and who wants the court to dispense with the consent of another person;

(w) the written response of a person who has been requested to indicate why the court should not dispense with such person's consent;

(x) any other relevant document; and

(y) the report by the clerk on any failure to respond to the requests.

(4) (*a*) The court must, in considering the adoption application, have regard to all the relevant factors and record findings in respect of the following:

(i) whether the child is adoptable in terms of section 230(3) of the Act;

(ii) whether the prospective adoptive parent is fit and proper to be entrusted with the full parental responsibilities and rights in respect of the child as provided for in section 231(2)*(a)* of the Act;

(iii) whether the prospective adoptive parent is willing and able to undertake, exercise and maintain those responsibilities and rights as provided for in section 231(2)*(b)* of the Act;

(iv) whether the prospective adoptive parent is over the age of 18 years as provided for in section 231(2)*(c)* of the Act;

(v) whether the prospective adoptive parent was properly assessed by an adoption social worker for compliance with section 231(2)*(a)* and *(b)* of the Act;

(vi) whether the religious and cultural background and preferences of the child, the child's parent and the prospective adoptive parent have been taken into account as provided for in section 240(1)*(a)* of the Act;

(vii) all reasonable preferences expressed by a parent and stated in the consent as provided for in section 240(1)*(b)* of the Act;

(viii) the written statement of the foster parent if the child is adopted by a person who is not the foster parent, if applicable; and

(ix) whether the proposed adoption is in the best interests of the child as provided for in section 240(2)*(a)*.

(*b*) The court must be satisfied and record the finding that consent—

(i) to the adoption has been given as provided for in section 233 of the Act, and that such consent has not been withdrawn;

(ii) is not required as provided for in section 236 of the Act; or

(iii) has unreasonably been withheld and the adoption is in the best interests of the child as provided for in section 241(1)*(a)* and *(b)* of the Act.

(5) The adoption order must be made on Form F of the Annexure.

(6) Where the adoption order does not terminate parental responsibilities and rights, when an adoption order is granted in favour of the spouse or permanent domestic life partner of a parent, the adoption order must be made on Form G of the Annexure.

(7) The court must record the time and date that the adoption order was made.

CHAPTER 7
GENERAL MATTERS

Appointment of intermediary

22. (1) If the court finds that it would be in the best interests of the child who is a party or a witness, for an intermediary referred to in section 61(2) of the Act to be appointed, the court must appoint a competent person as an intermediary.

(2) Notwithstanding sub-rule (1), a court may on application by any party or of its own accord, appoint a competent person as an intermediary for a witness as referred to section 51A of the Magistrates' Court Act, 1944.

Costs of proceedings

23. The court, in making an appropriate order for costs, must indicate the scale, as set out in Annexure 2 of the Rules Regulating the Conduct of the Proceedings of the Magistrates' Courts of South Africa, on which such costs will be taxed and allowed.

Appeals

24. The Rules Regulating the Conduct of the Proceedings of the Magistrates' Courts of South Africa, pertaining to civil appeals shall apply with the necessary changes.

Short title and commencement

25. These Rules are called the Children's Courts Rules of South Africa, and commence on **27 March 2026**.

ANNEXURE

FORMS

Form.

A — Notice of Application (under rules 8, 9, 10, 11 and 18)

B — Court Order (under rules 8, 9 and 10)

C — Judicial Case Management Notice (under rule 14)

D — Freeing Order (under rule 18)

E — Notice of proposed Adoption (under rule 19)

F — Adoption Order (under rule 21)

G — Adoption Order not terminating parental responsibilities and rights (under rule 21)

H — Application to give evidence through audio-visual facility (under rule 13)

A — Notice of Application (under rules 8, 9, 10, 11 and 18)

IN THE CHILDREN'S COURT FOR THE DISTRICT OF……...

Held at: …… Case No: …… of 20 ...……

In the matter between:

..... Applicant

and

……. Respondent

TAKE NOTICE that application will be made to the above-mentioned Court on a date to be allocated for an order in the following terms:

(1) _____

(2) _____

(3) _____

The attached affidavit will be used in support of the application.

This application is brought on an ***ex parte* / urgent basis as indicated in the attached affidavit.

****Delete what is not applicable***

DATED at ……..... this …….. day of ……..... 20 ...…

.....
Applicant / Applicant's legal representative
(Physical address)
.....……..……...

(Telephone / cell phone number)
……

(E-mail address)
……..

TO: **(1)** The Clerk of the above-named Court
……

(2) ……..
Respondent / Respondent's legal representative
(Physical address)
……..……..……
(Telephone / cell phone number)
……....
(E-mail address)
……

B — Court Order (under rules 8, 9 and 10)

IN THE CHILDREN'S COURT FOR THE DISTRICT OF……...

Held at: …… Case No: …… of 20 ...……

In the matter between:

..... Applicant

and

……. Respondent

COURT ORDER

Date: _____

Presiding Officer: _____

Having considered the application, the court makes the following orders:

(1) _____

(2) _____

(3) _____

(4) _____

(5) _____

The Respondent is called upon to provide reasons on affidavit on or before……..…….
……..... (date) why this order should not be made final.

_____

SIGNED: PRESIDING OFFICER OF THE CHILDREN'S COURT

DATE STAMP:

C — Judicial Case Management Notice (under rule 14)

IN THE CHILDREN'S COURT FOR THE DISTRICT OF……..……...

Held at: …… Case No: …… of 20 ...……...……

In the matter between:

..... Applicant

and

……. Respondent

_____

NOTICE OF JUDICIAL CASE MANAGEMENT HEARING IN TERMS OF RULE 14 OF THE CHILDREN'S COURTS RULES

_____

TO: (state parties as well as any additional persons to attend)

Applicant / Legal Representative: _____

Respondent / Legal Representative: _____

Other persons: _____

You are hereby directed to attend a judicial case management hearing to be held *in person / through audio-visual link before the Presiding Officer in the Children's Court at…… on the ……..…. day of ……..…… 20 ……., at …… (time) to:

Delete what is not applicable

(1) consider information and make such order as the court deems necessary for the progress of the application;

(2) determine who has to be present at the hearing;

(3) deal with interim applications and orders;

(4) consider whether to give such orders, instructions or directions to the clerk, social worker, designated social worker or other suitably qualified persons as the court deems necessary;

(5) were, necessary, issue timelines for the taking of further steps in order that it be finalised speedily;

(6) consider and give further direction in respect of—

(a) legal representation of the applicant, respondent and child;

(b) the appointment of a curator *ad litem* for any party in accordance with the provision of section 33 of the Magistrates' Court Act, 1944;

(c) *the need for—

(i) an interpreter to be appointed;

(ii) an intermediary to be appointed;

(iii) a comfort person to be with the child during the proceedings;

(iv) reasonable accommodation;

(v) audio-visual testimony;

(vi) investigation and report by social worker, designated social worker as well as other suitably qualified persons;

(vii) submission of reports, affidavits and supporting documents;

(viii) attendance of any other person at the hearing;

(ix) exchange of reports and documents;

(x) where there are multiple professional reports, may direct a joint meeting of experts and furnishing of a joint report on such issues as required; and

(xi) whether to order a pre-hearing conference, cause a family group conference or refer the matter to a lay forum as provided for in sections 69, 70 and 71 of the Act; or

(xii) whether there is a question of law or fact which may conveniently be decided either before any evidence is led or separately from any other aspect; or

(xiii) any other aspect relating to the conduct of the matter namely:

……..……..

Delete what is not applicable

DATED at …….. on the ……. day of ……..…… 20 …….

SIGNED: PRESIDING OFFICER OF THE CHILDREN'S COURT

DATE STAMP:

TO:

Applicant / Legal Representative: _____

Telephone / cell phone number: _____

E-Mail address: _____

Respondent / Legal Representative: _____

Telephone / cell phone number: _____

E-Mail address: _____

Other Persons:

(1) _____

Telephone / cell phone number: _____

E-Mail address: _____

(2) _____

Telephone / cell phone number: _____

E-Mail address: _____

(Attach delivery or read receipt to copy of notice and file on file)

D — Freeing Order (under rule 18)

IN THE CHILDREN'S COURT FOR THE DISTRICT OF…….....

Held at: …… Case No: …… of 20 ...……...

In the *ex parte* application of:

……..…….. Applicant

(For freeing of ……..……...…… (name) from parental responsibilities and rights of the child ……. ……. in terms of section 235 of the Children's Act, 2005)

ORDERS GRANTED

Whereas ……..…….. *the Department of Social Development / a Provincial Department of Social Development a child protection organisation accredited in terms of section 251 of the Children's Act, 2005 (Act No 38 of 2005) / adoption social worker has applied to provide adoption services pending the adoption of…… ……..……. (name of child)

And whereas…… (name of parents / parent / guardian / guardians) whose consent to the adoption is / are required, have / has consented to the adoption, the following orders are made:

(1) ……..…… (name of CPO / other person) is authorised to exercise parental rights and responsibilities in terms of section 18 of the Children's Act, 2005 over ……. ……. (name of child), pending the adoption of the said child.

(2) ……..……..…. (name of parent / guardian) is freed from parental rights and responsibilities, in terms of section 235 of the Children's Act, 2005.

(3) ……... (name of parent / guardian) *is / are relieved / not relieved from the duty to *maintain / contribute to the maintenance of……. ……. pending the adoption of ……..……..….

Delete what is not applicable

_____

SIGNED: PRESIDING OFFICER OF THE CHILDREN'S COURT

DATE: _____

E — Notice of proposed adoption (under rule 19)

NOTICE OF PROPOSED ADOPTION: SECTION 238 OF THE CHILDREN'S ACT, ACT 38 OF 2005

IN THE CHILDREN'S COURT FOR THE DISTRICT OF……
Held at: …….. Case No: ……..…….

In the adoption application before this Court in respect of the following children:
_____
_____

TO: _____
_____
_____
_____

Kindly take notice that:

(1) The abovementioned child has become available for adoption.

(2) An application for the adoption of the abovementioned child has been lodged at this court.

(3) You are requested either to consent to or to indicate your intention to withhold your consent to the proposed adoption of your child.

(4) Note further that if the biological father of the child was not married to the mother, he may consent to, or indicate his intention to withhold consent, or apply in terms of section 239 for the adoption of the child.

(5) Kindly inform the Presiding Officer at the above court in writing within 30 days after service of this notice upon you whether**—**

(a) you consent to the adoption of the child; or

(b) indicate your intention to withhold your consent to the proposed adoption of the child; or

(c) file an application for adoption of the child in terms of section 239 of the Act.

IMPORTANT NOTICE:

If you fail to comply with the abovementioned request within a period of 30 days after the service upon you of this notice, you will be regarded as having consented to the adoption of the abovementioned child.

DATED at …… this …….. day of …….. 20 …….

_____
SIGNED: PRESIDING OFFICER OF THE CHILDREN'S COURT

Address: _____

_____

_____

Telephone number: _____

Email address: _____

F — Adoption Order (under rule 21)

IN THE CHILDREN'S COURT FOR THE DISTRICT OF…….....

Held at: …… Case No: …… of 20 ...……...

Registrar's No: …….....

IN THE APPLICATION FOR THE ADOPTION OF:

(*Full Names of Child*)

……

(*ID of Child)*

……

On the ……..…… day of ……. 20 …….

Before:

……...

(Presiding Officer of the Children's Court)

IT IS ORDERED THAT:

(1) ……. (Full names of Child) a……. child, (state gender) born on the ……..…. day of the month of …… in the year ……..…. be and is hereby adopted by ……. ……..……..... (Full Names) born on ……..……..…… Identity Number ……..……

AND ……..……... ……...……..……. (Full Names) born on ……...……...…… Identity Number ……..……..….

(2) In terms of the provisions of section 242(2)*(a)* of Act 38 of 2005, this adoption order confers full parental responsibilities and the rights in respect of the adopted child upon the adoptive parents.

(3) In terms of the provisions of section 242(2)*(b)* of Act 38 of 2005, this adoption order:

******(a)* confers the surname of the adoptive parents, namely……..……
……..……..……..…
on the adoptive child; or

******(b)* the child shall retain his/her surname notwithstanding this adoption being granted.

(4) *****In terms of section 234(4) of Act 38 of 2005, the Post Adoption Agreement is hereby confirmed and made an order of Court.

(5) *****The following provisions are accordingly applicable:

(a) Sections 234(6)*(b)*(i) and (ii) of Act 38 of 2005 which stipulate that this Post Adoption Agreement may be amended or terminated only by an order of court on application by a party to the agreement or the adopted child.

(b) General Regulations 103(2) of Act 38 of 2005 which obligates a party to the agreement to inform the other parties of any change of any of the particulars contained in the Post Adoption Agreement on Form 33 within seven days of such change.

****Delete what is not applicable***

_____

PRESIDING OFFICER OF THE CHILDREN'S COURT_____

IN THE DISTRICT OF_____

DATE: _____TIME: _____

(1) Date of registration of adoption: .....

(2) Adoption register number: .....

(3) Amendment of the Births Register in terms of section 245 of the Children's Act, 2005 (Act No. 38 of 2005), may proceed.

.....
Adoption Registrar

Date: .....

G — Adoption order not terminating parental responsibilities and rights of parent
(under rule 21)

IN THE CHILDREN'S COURT FOR THE DISTRICT OF…….....

Held at: ……..…… Case No: …….…… of 20 ...……...

Registrar's No: ……..…….....

IN THE APPLICATION FOR THE ADOPTION OF:

(*Full Names of Child*)

……

(*ID of Child)*

……

On the ……..……. day of ……..……. 20 ……..……

Before:

…….....

(Presiding Officer of the Children's Court)

IT IS ORDERED THAT:

(1) ……..…….…… (Full names of Child)
a……. child, (state gender) born on the……. day of the month of ……..…
in the year……...……be and is hereby adopted by…….……
……..……...…… (Full Names)
born on …….……
Identity Number ……..…

AND ……..……...……....
…….....…. (Full Names)
born on …….…….……
Identity Number ……..……...

(2) In terms of the provisions of section 242(2)*(b)* of Act 38 of 2005, this adoption order:

**(a)* confers the surname of the adoptive parents, namely…….……..
……
on the adoptive child; or

**(b)* the child shall retain his/her surname notwithstanding this adoption being granted.

(3) *In terms of section 242(1) *read with* section 242(2)*(e)* of Act 38 of 2005, the parent,……
……..
with ID No ……
retains full parental responsibilities and rights as envisaged in sections 18 and 19 of Act 38 of 2005, notwithstanding him / her having given consent for the adoption of his / her child by applicant as the applicant is the spouse or permanent domestic life-partner of the said parent.

(4) *In terms of section 234(4) of Act 38 of 2005, the Post Adoption Agreement is hereby confirmed and made an order of Court.

(5) *The following provisions are accordingly applicable:

(a) Sections 234(6)*(b)*(i) and (ii) of Act 38 of 2005 which stipulate that this Post Adoption Agreement may be amended or terminated only by an order of court on application by a party to the agreement or the adopted child.

(b) General Regulations 103(2) of Act 38 of 2005 which obligates a party to the agreement to inform the other parties of any change of any of the particulars contained in the Post Adoption Agreement on Form 33 within seven days of such change.

Delete what is not applicable

_____

PRESIDING OFFICER OF THE CHILDREN'S COURT_____
IN THE DISTRICT OF_____
DATE: _____**TIME:** _____

(1) Date of registration of adoption: .....…..
(2) Adoption register number: .....…..
(3) Amendment of the Births Register in terms of section 245 of the Children's Act, 2005 (Act No. 38 of 2005), may proceed.

.....
Adoption Registrar

Date: .....

H — Application to give evidence through audio-visual facility (under rule 13)

IN THE CHILDREN'S COURT FOR THE DISTRICT OF……...

Held at: ……...…… Case No: …… of 20 ...……

In the matter between:

..... Applicant

and

……. Respondent

TAKE NOTICE that an application will be made to the above-mentioned Court on a date to be allocated for an order in the following terms:

(1) The applicant / witness to the applicant's case ……..…… (state the name of the witness) is permitted to adduce evidence by way of audio-visual facility / link on a date and time to be arranged by the parties and presiding officer in the following manner:

(2) The applicant / witness to the applicant's case ……
(state the name of the witness) will give evidence at ……...
(state the address of the premises from where evidence will be given).

(3) The respondent may have a legal representative present when the applicant / witness to the applicant's case ……..……..……..……...
(state the name of the witness) gives evidence at……
……..……..……
(state the address of the premises from where evidence will be given).

(4) The applicant's / witnesses' evidence will be transmitted through audio-visual facility / link to ……....……..……..……
(state the address of the premises to where the evidence will be transmitted by audio-visual facility / link) or any other place as the court may order.

The attached affidavit will be used in support of the application.

DATED at ……..... this …….. day of ……..... 20 .....……

.....

Applicant / Applicant's legal representative

(Physical address)

.....

(Telephone / cell phone number)

……

(E-mail address)

……..……..

TO: **(1)** The Clerk of the above-named Court

……..…….

(2) ……...

Respondent / Respondent's legal representative

(Physical address)

……..……..……

(Telephone / cell phone number)

……..……

(E-mail address)

……..……

ISAZISO SIKAHULUMENI

UMNYANGO WEZOBULUNGISWA NOKUTHUTHUKISWA KOMTHETHOSISEKELO

NOMBOLO. R..... ……... 2026

IBHODI LEMITHETHO WEZINKANTOLO ZOMTHETHO, 1985
(UMTHETHO 107 WE-1985)

IMITHETHO YEZINKANTOLO ZEZINGANE YASENINGIZIMU AFRIKA

Ibhodi Lemithetho Yezinkantolo Zomthetho, ngaphansi kwesigaba sesi-6 soMthetho Webhodi Lemithetho Yezinkantolo Zomthetho, 1985 (uMthetho 107 we-1985), ofundwe nesigaba 52 soMthetho Wezingane, 2005 (uMthetho 38 wezi-2005), ngemvume kaNgqongqoshe Wezobulungiswa Nokuthuthukiswa koMthethosisekelo, yenze imithetho esohlelweni.

UHLELO

OKUQUKETHWE

ISAHLUKO 1

IZINCAZELO, INHLOSO, UKUSEBENZA KANYE NOKUCHAZWA KWEMITHETHO

1. Izincazelo
2. Ukusetshenziswa, inhloso kanye nokuchazwa kwemithetho

ISAHLUKO 2
OKUJWAYELEKILE

3. Ukubamba iqhaza kwengane
4. Indawo yokuhlala ehlelekile
5. Amasu okubuza imibuzo ezinganeni
6. Amasu engeziwe okubuza imibuzo ezinganeni ezincane kakhulu ngokwesigaba 52(2)*(a)*(iv) soMthetho.

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7. Imisebenzi eyengeziwe, amandla kanye nemisebenzi kamabhalane

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8. Amafomu okuqulwa kwamacala
9. Izicelo zokuphoqelela amalungelo
10. Izicelo zohlangothi olulodwa neziphuthumayo
11. Ukuhanjiswa kwezicelo, izincwadi ezifungelwe, izaziso, imibhalo kanye nemiyalelo yenkantolo
12. Umsebenzi oshintshiwe kwasuswa omunye
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ISAHLUKO 5

INGANE EDINGA UKUNAKEKELWA NOKUVIKELWA

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ISICELO SOKUTHOLA INGANE

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19. Isaziso sokuthola ingane okuhlongozwayo
20. Imvume yokutholisa ngengane
21. Ukucubungula isicelo sokuthola ingane

ISAHLUKO 7

IZINDABA EZIJWAYELEKILE

22. Ukuqokwa komlamuli
23. Izindleko zokuqhutshwa kwecala
24. Ukwedlulisa izikhalazo
25. Isihloko esifushane kanye nokuqala komthetho

ISAHLUKO 1

IZINCAZELO, INHLOSO, UKUSETSHENZISWA KANYE NOKUCHAZWA KWEMITHETHO

Izincazelo

1. (1) Kule mithetho kanye nakumafomu axhunywe lapha noma yiliphi igama noma inkulumo enikezwe incazelo eMthethweni izoba nencazelo enikwe yona, ngaphandle uma umongo ubonisa ngenye indlela—

"incwadi efungelwe" ichaza isitatimende esibhaliwe esenziwe—

(a) ngaphansi kwesifungo noma isiqinisekiso; noma
(b) ngesimemezelo esinesizotha noma esifakazelwe;

okuhlongozwe esigabeni 7 soMthetho weJustice of the Peace and Commissioners of Oaths Act, 1963 (uMthetho 16 we-1963), oqinisekisa ukuthi ulwazi olungaphakathi esitatimendeni luwukumelwa okuyiqiniso nokunembile kwamaqiniso;

"umfakisicelo" kushiwo umuntu ofake isicelo enkantolo ukuze athole usizo noma usizo njengoba kuhlinzekelwe eMthethweni;

"indawo yokulalelwayo nokubukwayo" kushiwo indawo eyenza ukuxhumana okulalelwayo nokubonwayo phakathi kukafakazi nabantu abasenkantolo ngesikhathi sangempela njengoba kwenzeka;

"umuntu oduduzayo" kusho umuntu—

(a) othenjwa ngumntwana;
(b) onobudlelwane obusondelene nengane;
(c) ongeyona ingxenye yokuqulwa kwecala; futhi
(d) ozonikeza ingane isiqinisekiso nenduduzo ngesikhathi kuqhubeka icala;

"ingane" kushiwo umuntu oneminyaka engaphansi kweyi-18 futhi kubandakanya—

(a) ingane encane kakhulu eneminyaka emithathu noma ngaphansi, njengoba kushiwo esigabeni 157(3) soMthetho,
(b) ingane efudukayo engaphelezelwa muntu noma ehlukanisiwe,
(c) ingane ecela ukukhoseliswa noma umbaleki njengoba kuhlongozwe kuMthetho Wababaleki, we-1998 (uMthetho 130 we-1998), kanye
(d) nezingane ezingenazo izincwadi;

"inkantolo" ichaza inkantolo yezingane esungulwe ngokwesigaba 42(1) soMthetho futhi 'inkantolo' kanye 'nenkantolo yezingane' kusho inteyodwa ngaphandle uma ingqikithi isho okuhlukile;

“umabhalane” kushiwo umabhalane wenkantolo yezingane oqokwe noma oqokwe ngokwesigaba 67(2) soMthetho;

"isicelo sohlangothi olulodwa" sichaza isicelo esilethwa lapho kucelelwa khona ukukhululeka ngokushesha ngaphandle kokunikeza isaziso sezinqubo zenkantolo kumuntu okufunwa kuye umyalelo;

"imithethonqubo ejwayelekile" ichaza iMithethonqubo Ejwayelekile mayelana Nezingane eshicilelwe ngaphansi kweSaziso Sikahulumeni R: 261 *kuGazethi* Kahulumeni Ino. 33076 yomhla lu-1 kuMbasa wezi-2010 esenziwe nguNgqongqoshe wezokuThuthukiswa koMphakathi ngokoMthetho Wezingane, wezi-2005, njengoba uchitshiyelwe;

"imithethonqubo yobulungiswa" ichaza iMithethonqubo ephathelene neziNkantolo zeZingane kanye Nokuthunjwa Kwezingane Kwamazwe Ngamazwe eshicilelwe ngaphansi kweSaziso Sikahulumeni R: 250 kwiGazethi Kahulumeni Ino. 33067 yamhla zingama-31 kuNdasa wezi-2010 eyenziwe nguNgqongqoshe Wezobulungiswa Nokuthuthukiswa Komthethosisekelo ngokoMthetho Wezingane, wezi-2005, njengoba uchitshiyelwe;

“ummeli” kushiwo ummeli, noma ummeli onelungelo lokuvela enkantolo;

“isiphathimandla esiphethe” sichaza isiphathimandla esiphethe inkantolo yezingane njengoba kuhlinzekelwe esigabeni 42 soMthetho;

“indawo yokuhlala efanele” kushiwo izinguquko ezidingekayo nezifanele kanye nokulungiswa okungabeki umthwalo omkhulu noma ongadingeki, lapho kudingekile esimweni esithile, ukuze kuqinisekiswe ukuthi abantu abakhubazekile bayajabula noma bazivocavoca ngendlela elinganayo nabanye kuwo wonke amalungelo abantu kanye nenkululeko eyisisekelo;

"ummangalelwa" kusho noma yimuphi umuntu okufunwa usizo kuye, noma ongathinteka ngosizo noma usizo olufunwa ngumfakisicelo, futhi kuhlanganisa umuntu othintekayo nommangalelwa njengoba kushiwo eMthethweni; futhi

"uMthetho" kusho uMthetho Wezingane, wezi-2005 (uMthetho 38 wezi-2005).

(2) UMgqibelo, iSonto noma iholide akufanele, ngaphandle uma kuvela inhloso ephambene, kuthathwe njengengxenye yanoma yisiphi isikhathi esibalwe ngokwale mithetho.

Ukusetshenziswa, inhloso kanye nokuchazwa kwemithetho

2. (1) Le mithetho iyasebenza ekuqulweni kwamacala enkantolo futhi ihloselwe ukusungula ukufana kwizinqubo nezinkambiso zezinkantolo.

(2) Izinhloso zale mithetho yilezi—

(*a*) ukukhuthaza ukufinyelela enkantolo;

(*b*) ukusebenzisa ngempumelelo izinhloso eziqukethwe esigabeni 2, kanye nezimiso eziqukethwe esigabeni 6, soMthetho;

(c) ukuqinisekisa ukuthi zonke izindaba ezisenkantolo zisingathwa ngokushesha futhi zibekwe phambili njengoba kuhlongozwe esigabeni 6(4)*(b)* soMthetho; futhi

(d) ukuthuthukisa izinga lezidingo ezibalulekile zengane okuhlongozwe esigabeni 7 soMthetho.

(3) Inkantolo, ummeli womndeni, umsebenzi wezomthetho, usonhlalakahle noma omunye umuntu oqeqeshwe ngokufanele, ngokubheka iminyaka yengane, ukukhula kanye nesigaba sokuthuthuka kwempilo, njengoba kuhlongozwe esigabeni 10 soMthetho, kufanele—

(*a*) acabangele imibono evezwe ingane; futhi

(*b*) aqinisekise ilungelo lengane lokubamba iqhaza ngendlela efanele.

(4) Le mithetho kumele ihunyushwe futhi isetshenziswe ukuze kufezeke lezi zinhloso ezilandelayo:

(*a*) izidingo ezibaluleke kakhulu yilezo ezizuzisa kakhulu ingane;

(*b*) ukunqunywa okunobulungiswa kwazo zonke izinkantolo ngokuqinisekisa ukuthi izinhlangothi zilalelwa ngendlela efanele kanye nokwamukelwa nokusetshenziswa kwamalungelo azo omthethosisekelo namanye ngaphansi koMthetho nanoma yimuphi omunye umthetho;

(*c*) ukuba lula kanye nokufana kwenqubo, ubulungiswa ekuphathweni, kanye nokususwa kwezindleko ezingafanele kanye nokubambezeleka okungenasidingo;

(*d*) ukunakekelwa, ukuvikelwa kanye nokuthuthukiswa ngokomzimba nengqondo kanye nenhlalakahle yengane; futhi

(*e*) ukuphothulwa ngokushesha kwazo zonke izindaba.

ISAHLUKO 2
OKUJWAYELEKILE

Ukubamba iqhaza kwengane

3. (1) Inkantolo kufanele inqume ukuthi ingane izokwazi yini ukubamba iqhaza ekuqulweni kwecala futhi ikhetha ukwenza lokho njengoba kuhlinzekwe eMthethweni, futhi ibhale izizathu zalokho kunquma.

(2) Inkantolo kufanele, lapho kutholakala ukuthi ingane ingakwazi futhi ikhetha ukubamba iqhaza—

(*a*) yazise ingane ngamalungelo engane nethuba lokubamba iqhaza ngendlela efanele iminyaka yayo;

(*b*) ichaze uhlelo nenqubo yenkantolo ngolimi olulula ukuze ingane iqonde futhi ibambe iqhaza ohlelweni, okuhlanganisa nokucela ikhefu lapho kudingeka;

(*c*) iqinisekise indawo ejwayelekile, nelungele izingane njengoba kuhlinzekelwe esigabeni 60(3) soMthetho;

(*d*) ikhuthaze ukubamba iqhaza kwengane ekuqulweni kwecala, okuhlanganisa kodwa kungagcini nje ngokuqokwa komlamuli, utolika, ummeleli wezomthetho, ukuvumela umuntu oduduzayo futhi iqhube ukuqulwa kwecala isebenzisa indawo yokulalelwayo nokubukwayo;

(*e*) iqinisekise ukuthi ingane ekhubazekile inethuba lokubamba iqhaza ngokugcwele, futhi kuhlinzekwa ngendawo yokuhlala efanele lapho kunesidingo; futhi

(*f)* inikeza isikhathi esanele sokulalelwa kwecala, kucatshangelwa izidingo nenduduzo yengane, kuhlanganise nesikhathi sokudla, sokuphumula nokupholisa ikhanda.

(3) Uma ingane ingekho, kungaba mathupha noma ngezinsiza zokulalelwayo nokubukwayo, inkantolo kumele ibuze ukuthi kungani ingane ingekho bese ihlehlisa uphenyo ukuze kuqinisekiswe ukuthi ingane inikezwa ithuba lokubamba iqhaza, ngaphandle uma kunezimo ezibangela ukuthi udaba luqhubeke lapho ingane ingekho, okumele-ke ukuthi luqoshwe.

(4) Lapho udaba luhlehliswa, inkantolo ingenza noma yimuphi umyalo njengoba ibona kudingekile ukuze inikeze ingane ithuba lokubamba iqhaza ekuqulweni kwamacala.

Indawo yokuhlala ehlelekile

4. (1) (*a*) Inkantolo kufanele ikwazi ukufinyeleleka enganeni kanye nanoma yimuphi umuntu onokukhubazeka obandakanyekayo ekuqulweni kwamacala ukuze ikwazi ukubamba iqhaza ngokugcwele ekuqulweni kwamacala.

(*b*) Inkantolo kufanele icubungule izinyathelo ezihlanganisa ukuqokwa komlamuli, utolika, ukuqhuba ukuqulwa kwecala kusetshenziswa indawo yokulalelwayo nokubukwayo kanye nanoma yisiphi esinye isinyathelo isiphathimandla esiphethe esibona sifanele ukubamba iqhaza okubonakalayo ekuqulweni kwecala.

(2) Inkantolo kufanele iqinisekise ukuthi ingane nanoma yimuphi umuntu onokukhubazeka othintekayo ekuqulweni kwamacala uhlinzekwa ngosizo oludingekayo ukuze abambe iqhaza ngokugcwele ekuqulweni kwamacala.

(3) Indawo yokuhlala efanele edingekayo enganeni nanoma yimuphi umuntu onokukhubazeka othintekayo ekuqulweni kwecala kumele ihlanganise kodwa ingagcini ngalokhu kuphela—

(*a*) izindawo zokulinda nezindawo zangasese ezifanele;

(*b*) izihlalo ezanele nezinethezekile;

(*c*) indawo yokuvumela ingane nanoma yimuphi umuntu ukuthi afakaze lapho ehlezi khona; futhi

(*d*) ivumele umzali, umbheki, nanoma yimuphi umuntu okhona ukuthi ahlinzeke nganoma iyiphi enye indlela yokuhlala ukuze aqinisekise ukuthi ingane noma omunye umuntu ukhululekile.

(4) (*a*) Inkantolo kufanele ngokucelwa yinoma yiluphi uhlangothi noma ngokuthanda kwayo, nganoma yisiphi isikhathi, ibuze ukuthi iyadingeka yini indawo yokuhlala efanele.

(*b* Lapho izinsiza zingenele, noma yiliphi iqembu lingacela ukuthi kwenziwe ezinye izinhlelo ukuze kuhlangatshezwane nezidingo ezithile zengane noma zalowo muntu.

(5) Inkantolo ingasebenzisa imihlinzeko yesigaba 51(4) soMthetho weziNkantolo zeZimantshi, we-1944 (uMthetho 32 we-1944), ophathelene nengqalasizinda kanye nezidingo zokusebenza.

Amasu okubuza imibuzo ezinganeni

5. (1) Yonke imibuzo ezinganeni ngesikhathi kuqhubeka icala kufanele—

(*a*) ibe ngolimi olulula noluhambisana neminyaka, kucatshangelwa iminyaka yengane, ukukhula kanye nesigaba sokuthuthuka sempilo yengane;

(*b*) ingabi nzima futhi ibe lula ukuyiqonda;

(*c*) ingaqukathi imibuzo engaphezu kowodwa ngesikhathi;

(*d*) ingabekwa ngendlela ephikisanayo;

(e) ingaqukathi amagama omthetho; futhi

(f) ingasabisi noma ibe nendluzula.

(2) Inkantolo kufanele ingavumeli imibuzo edukisayo, engabalulekile, engacacile, ecasulayo, ehlukumezayo, engafanele, esabisayo, ehlambalazayo, enolaka futhi ephindaphindwayo noma esesimweni esingeke saqondwa yingane, kuhlanganisa nanoma yimuphi omunye umbuzo ngokombono wenkantolo ongafanelekile noma ongalungile.

(3) Inkantolo kumele, lapho ingane ingafakazi khona ngomxhumanisi, iyalelwe ukuthi—

(*a*) imibuzo kumele ifakwe enkantolo, futhi

(*b*) inkantolo ingabeka kabusha imibuzo ukuze idlulisele inhloso evamile yombuzo enganeni, lapho kunesidingo.

(4) Lapho kungekho khona indawo ehlukile yenkulumo elalelwayo nebukwayo ukuze ingane ingaboni noma yimuphi umuntu othintekayo ekuqulweni kwamacala, inkantolo—

(*a*) ingavumela ingane ukuthi ibambe iqhaza ngemuva kwesikrini; noma

(*b*) nganoma iyiphi enye indlela njengoba iyalwa yinkantolo.

(5) Lapho ingane ingakwazi ukubamba iqhaza futhi iphendule, inkantolo ingavumela ingane ukuthi yenze lokho nganoma iyiphi indlela efanele, okuhlanganisa—

(*a*) ukushukuma komzimba;

(*b*) ukudweba noma umdwebo wesithombe;

(*c*) ukubhala;

(*d*) izinto zikagesi nganoma iyiphi indlela;

(*e*) amakhadi ezithombe noma izimpawu;

(*f*) amathoyizi;

(*g*) imiboniso; kanye

(*h*) nanoma iyiphi enye indlela inkantolo eyibona ifanele.

(6) Uchwepheshe oqeqeshwe ngokufanele angase avunyelwe yinkantolo ukuba ahumushe futhi achaze incazelo yezimpendulo emithethweni emncane (4) no (5).

(7) Ingane kufanele inikezwe isikhathi sokucabangisisa umbuzo ngaphambi kokuphendula.

(8) Ingane kufanele ibuzwe imibuzo isikhathi esifushane kakhulu futhi lapho kunesidingo khona inkantolo kufanele ihlehlise ukuze ingane iphumule.

(9) Inkantolo ingabeka kabusha noma yimuphi umbuzo enganeni—

(*a*) lapho ingane ihlangabezana nobunzima bokufakaza ngenxa yokwesaba, ukwethuka, ukuphoxeka, ukudideka noma ukungabaza ukufakaza, noma

(*b*) lapho umbuzo ungaqondakali noma ungeke uqondwe yingane.

(10) Imihlinzeko yalo mthetho iyasebenza, ngezinguquko ezidingekayo, ezinganeni ngokuvamile, izingane ezinobunzima bokuhlakanipha noma obungokwengqondo, ukuzwa noma okunye ukukhubazeka ngokomzimba okwenza kube nzima ukuxhumana, ezinganeni ezihlukumezekile kanye nezingane ezincane kakhulu.

Amasu engeziwe okubuza imibuzo ezinganeni ezincane kakhulu ngokwesigaba 52(2)*(a)*(iv) soMthetho

6. (1) Inkantolo—

(*a*) ingasebenzisa noma iyiphi indlela yokuxhumana ukuze kube lula ukubamba iqhaza kwengane encane kakhulu; futhi

(*b*) ingacela uchwepheshe oqeqeshwe ngokufanele ukuthi asize inkantolo ngokubona kanye nesiphetho salokho kuxhumana ngaphambi kokuba inkantolo ihlaziye futhi icubungule ukuxhumana ngokwezimpawu.

(2) Lapho ingane encane kakhulu ingakwazi ukuphendula ngomlomo, inkantolo ingavumela ingane ukuba yenze kanjalo nganoma iyiphi enye indlela, okuhlanganisa—

(*a*) ukudlala;

(*b*) ulimi lomzimba;

(*c*) isimo sobuso;

(*d*) ukudweba noma ukupenda;

(*e*) ukushukuma komzimba;

(*f*) imiboniso; noma

(*g*) isithombe noma amakhadi ezimpawu.

ISAHLUKO 3
UMABHALANE

Imisebenzi eyengeziwe, amandla kanye nemisebenzi kamabhalane

7. (1) Ukwengeza emisebenzini ehlinzekwe kwimithethonqubo yezobulungiswa, umabhalane kufanele azise iqembu ukuthi—

(*a*) uma lingamelwe ummeli, lelo qembu linelungelo lokumelwa ngokusemthethweni;

(*b*) uma lingakwazi ukukhokhela ukumelwa ngokomthetho, lelo qembu lingathintana noSizo lwezoMthetho eNingizimu Afrika, iziko losizo lwezomthetho, noma uMkhandlu wezeMisebenzi yabaMmeli ukuze limelwe ngaphandle kokukhokha imali*;*

(*c*) lelo qembu lingafaka isicelo sendawo yokuhlala efanele uma kudingeka njengoba kuhlinzekwe kumthetho 4;

(*d*) lolo hlangothi lungase lucele ukuthi kuhlelwe umhumushi njengoba kuhlinzekwe esigatshaneni somthetho (7) walo mthetho; futhi

(*e*) lelo qembu lingafaka isicelo sokuvela lisebenzisa indawo yokulalelwayo nokubukwayo.

(2) Umabhalane kufanele amukele futhi athumele zonke izicelo kumphathi owengamele futhi angeke anqabe ukwamukela isicelo nganoma yisiphi isizathu.

(3) Amahhovisi kamabhalane avulwa ngo 07h45 kuya ku-16h15 zonke izinsuku zeviki ngaphandle kwangoMgqibelo, iSonto noma iholidi.

(4) Umabhalane owethamela ukuqulwa kwamacala njengoba kuhlongozwe esigabeni 73 soMthetho angeke abambe iqhaza ekuqulweni kwaleli cala, ngaphandle kokuthi anikeze ukwesekwa kwezokuphatha enkantolo.

(5) Lapho noma yiliphi iqembu elizovela lisebenzisa indawo yokulalelwayo nokubukwayo, umabhalane kufanele ahlele ukuthi kwenziwe isixhumanisi futhi sidluliselwe ohlangothini olufanele okungenani izinsuku ezintathu ngaphambi kosuku lokulalelwa kwecala, ngaphandle uma kuvunyelwane isikhathi esifushane nalolo hlangothi.

(6) Umabhalane kufanele, ngokuyalelwa yinkantolo, abize umxhumanisi ofanelekile ukuba eze ekulalelweni kwecala .

(7) Umabhalane kufanele, ngokuyalelwa yinkantolo, ahlele ukuba utolika, okuhlanganisa nolimi lwezimpawu noma umhumushi wolimi lwezandla oluthintayo, uma kudingeka, ukuba eze ekulalelweni.

ISAHLUKO 4
IZINQUBO ZENKUNDLA

Amafomu okuqulwa kwamacala

8. (1) Ngaphandle kwalapho kuhlinzekwe ngenye indlela kule mithetho, ukuqulwa kwamacala kufanele kwethulwe ngesaziso, okuhambisana kakhulu neFomu lesi-2 lemithethonqubo yezobulungiswa: Kuncike ekutheni iFomu lesi-2 ngeke lidingeke kunoma yiziphi izinyathelo ezilandelayo odabeni olufanayo.

(2) Isicelo, kuhlanganisa nezicelo ezilandelayo odabeni olufanayo, singalethwa kakhulu ngokuhambisana neFomu A leSithasiselo, uma uhlobo lwesicelo lungavuni ukusetshenziswa kweFomu lesi-2 lemithethonqubo yezobulungiswa.

(3) Zonke izicelo ezisebenzisa iFomu A lesiThasiselo kufanele lihambisane nencwadi efungelwe echaza uhlobo lwesicelo, izizathu ekusekelwe kuzo isicelo kanye nosizo olufunwayo, futhi lapho lutholakala khona, namathisela yonke imibhalo nemibiko ehambisana nesicelo.

(4) Sonke isicelo kumele sibe—

(*a*) namagama aphelele, ikheli lendawo yokuhlala, ikheli lasemsebenzini, inombolo yeselula noma yocingo yomfakisicelo, okuhlanganisa nekheli le-imeyili, uma likhona;

(*b*) ikheli elikhethiwe, okuhlanganisa nekheli le-imeyili , lapho eminye imibhalo yesicelo ingase ihanjiswe khona kumfakisicelo;

(*c*) amagama, ubulili, usuku lokuzalwa, ikheli lendawo yokuhlala kanye negama lesikole noma isikole sojahidada sengane okuhloswe ngayo isicelo, uma kukhona;

(*d*) amagama aphelele, ikheli lendawo yokuhlala, ikheli lasemsebenzini, inombolo yeselula noma yocingo yabazali, noma ababheki bengane, kuhlanganisa nekheli le-imeyili, uma likhona;

(*e*) amagama aphelele, ikheli lendawo yokuhlala, ikheli lasemsebenzini, inombolo yeselula noma yocingo yommangalelwa, okuhlanganisa nekheli le-imeyili, uma laziwa;

(*f*) isiphakamiso sokuthi ummeli womndeni, usonhlalakahle, isazi sokusebenza kwengqondo noma omunye umuntu oqeqeshiwe noma othintekayo;

(*g*) imininingwane yanoma yiluphi udaba olusalindile noma umyalelo wangaphambili wanoma iyiphi inkantolo, owesikhashana noma owokugcina, ophathelene nengane noma izinhlangothi ezithintekayo;

(*h*) uma kunesinqumo senkantolo esivele sikhona okufunwa ukuba sishintshwe noma simiswe okwesikhashana, izizathu okufunwa ngazo ukulungisa ukuze kushintshwe isinqumo esivele sikhona;

(*i*) nanoma yiziphi ezinye izici ezingasiza inkantolo ekucubunguleni isicelo ; futhi

(*j*) wonke amadokhumenti adingekayo asekelayo okuhlanganisa nemiyalelo yenkantolo uma leyo mibhalo ikhona.

(5) Zonke izicelo kufanele zihanjiswe kumzali, umbheki noma umnakekeli wengane ngokuhambisana nemihlinzeko yomthetho we-11 noma we-12, nanoma yikuphi okuzosebenza.

(6) *(a)* Umuntu okufunwa kuye umyalelo—

(i) angasiphikisa isicelo; futhi

(ii) zingakapheli izinsuku eziyi-10 ngemuva kokuthola isicelo, angathumela incwadi efungelwe ephendulayo echaza izizathu lapho isicelo siphikiswa.

(b) Noma yimuphi omunye umuntu othintekile ekutholeni usizo—

(i) angaphikisa noma asekele isicelo; futhi

(ii) zingakapheli izinsuku eziyi-10 ngemuva kokuthola isicelo, angathumela incwadi efungelwe ebeka izizathu lapho isicelo sisekelwa noma siphikiswa.

(7) Isicelo singalethwa ngemva kwamahora ajwayelekile asenkantolo noma ngosuku okungelona usuku olujwayelekile lwenkantolo ngokuhambisana nemihlinzeko yomthetho we-10.

(8) (*a*) Uhlangothi kufanele lunamathisele incwadi efungelwe yokuqinisekisa lapho kufanele khona.

(*b*) Iqembu linganamathisela incwadi efungelwe esekelayo yanoma yimuphi umuntu onolwazi ngodaba oluthintekayo.

(9) Isicelo kanye nezincwadi ezifungelwe kufanele zifakwe kumabhalane okufanele alethe ngokushesha isicelo kanye nezincwadi ezifungelwe enkantolo.

(10) Inkantolo kufanele ngokushesha ngangokunokwenzeka icubungule isicelo esifakwe kuyo, futhi, ngaleyo njongo—

(*a*) ingathola lobo bufakazi obengeziwe njengoba ibona kufanele, kuhlanganisa nobufakazi bomlomo, okumele bube yingxenye yerekhodi lokuqulwa kwecala; futhi

(*b*) icacise ukuthi ingane kufanele ize ekulalelweni, okuhlanganisa ukuthi mathupha noma ngesixhumanisi sokulalelwayo nokubukwayo, kucatshangelwa iminyaka yengane, impilo kanye nezimo zayo.

(11) Inkantolo ingenza noma yimuphi omunye umyalelo ohlinzekwe eMthethweni, kubandakanya—

(*a*) uphenyo ngokwesigaba 62 soMthetho; noma

(*b*) nanoma yimuphi omunye umyalo owubona ufanelekile ukuze kuvikelwe izintshisekelo ezinhle zengane.

(12) Umyalelo wenkantolo ungenziwa efomini elihambisana kakhulu neFomu B lesiThasiselo.

Izicelo zokuphoqelela amalungelo

9. (1) (*a*) (i) Lo mthetho usebenza noma nini lapho umuntu ehlose ukuphoqelela amalungelo okukhulunywe ngawo esigabeni 15 soMthetho.

(ii) Isicelo okukhulunywe ngaso endimeni (i) kufanele senziwe efomini elihambisana kakhulu neFomu A lesiThasiselo futhi kufanele sisekelwe nge-afidavithi.

(*b*) Incwadi efungelwe esekela isicelo kufanele, ngaphezu kokubeka yonke into esekela isicelo, ihlanganise—

(i) imininingwane yomuntu olungelo lakhe liphuliwe;

(ii) amalungelo okuthiwa ayephulwa noma asongelwayo;

(iii) indlela ingane encane ethinteke ngayo kanye nezinto ezithinta izidingo zengane encane;

(iv) amaqiniso umuntu athembele kuwo;

(v) usizo olufunwayo, okuhlanganisa nokumenyezelwa kwamalungelo; futhi

(vi) imininingwane yabantu abanentshisekelo okuzosebenza kubo isinqumo noma isimemezelo, noma esizosebenza ngokumelene nabo noma sibazuze.

(2) (*a*) Noma yiliphi iqembu elithintekayo esicelweni kumele licashunwe futhi linikezwe isaziso.

(*b*) (i) Noma yiluphi uhlangothi oluthintekayo olufisa ukuphikisana nesicelo kufanele lufake incwadi efungelwe yokuphendula okungenani ezinsukwini eziyi-10 ngemuva kokuthola isicelo.

(ii) Incwadi efungelwe ephendulayo kufanele iveze izizathu ezibangela ukuba isicelo siphikiswe.

(*c*) Umfakisicelo angafaka incwadi efungelwe yokuphendula zingakapheli izinsuku ezinhlanu ethole incwadi efungelwe ephendulayo.

(*d*) Ezindabeni zohlangothi olulodwa noma eziphuthumayo, imihlinzeko yomthetho we-10 izosebenza.

(3) Isicelo kufanele sifakwe kumabhalane okumele alethe ngokushesha isicelo enkantolo.

(4) Inkantolo ingayalela ukuthi isaziso sinikezwe nanoma yiluphi olunye uhlangothi oluthintekayo.

(5) Inkantolo kufanele inqume ukuthi—

(*a*) ingane kufanele ibe khona ekulalelweni kwecala kucatshangelwa iminyaka yengane, impilo kanye nezimo zayo siqu;

(*b*) ummeleli osemthethweni wengane kufanele aqokwe uma lokho kuyinzuzo yengane; futhi

(*c*) kudingeka umbiko mayelana nenzuzo yengane encane.

(6) Umabhalane kufanele, kungakedluli izinsuku eziyi-10 ngaphambi kosuku lokulalelwa kwecala, noma esinye isikhathi inkantolo enganquma ngaso, azise izinhlangothi ngalolo suku ngendlela ebekwe emithethweni yezobulungiswa.

(7) Inkantolo inganikeza lokho kukhululwa okungahle kubandakanye nokukhululwa kwesikhashana.

(8) Umyalelo wenkantolo ungenziwa efomini elihambisana kakhulu neFomu B leSithasiselo.

Izicelo zohlangothi olulodwa neziphuthumayo

10. (1) (*a*) Isicelo *sengxenye* ethile singenziwa—

(i) lapho kungekho saziso esidingekile ukuba sinikezwe noma yiliphi iqembu; futhi

(ii) kufanele sibe sefomini elihambisana kakhulu neFomu A leSithasiselo, elisekelwe yincwadi efungelwe.

(*b*) Incwadi efungelwe esekela isicelo *senye ingxenye* kufanele iveze zonke izici ezisekela isicelo.

(2) Isicelo esiphuthumayo singacutshungulwa uma inkantolo yanelisekile ukuthi—

(a) uma inkantolo yanelisekile ukuthi ingane ingase ilimale ngokushesha emzimbeni, engqondweni noma enhlalakahleni yaleyo ngane uma isicelo singasingathwanga ngaso leso sikhathi; noma

(b) izinga lokuphuthuma likhulu kangangokuthi kuyinzuzo yengane ukuphipha ukunikezwa kwesaziso sesicelo.

(3) Ezicelweni eziphuthumayo—

(a) inkantolo ingachitha ukunikezwa kwesaziso sesicelo kumuntu okufunwa kuye umyalelo uma ukunikezwa kwesaziso kuzoyiphula inhloso yesicelo;

(b) umyalelo owenziwe ngeqembu ngokuphuthumayo ungowesikhashana futhi kufanele ubize uhlangothi olubhekiswe kulo ukuthi luvele phambi kwenkantolo ngosuku olubekiwe lokubuya ukukhombisa isizathu sokuthi kungani umyalelo wesikhashana ungafanele ukwenziwa owokugcina; futhi

(c) ikhophi yomyalelo wesikhashana kanye nesicelo esiphuthumayo esenziwe kufanele sinikezwe ummangalelwa ngokuhambisana nemihlinzeko yomthetho we-11.

(4) (*a*) Noma yimuphi umuntu onikezwe umyalelo ophuthumayo noma umuntu othintwa ngumyalelo okhishiwe angalindela usuku lokulethwa kwesaziso engakapheli amahora angama-24 kwesaziso kumfakisicelo kanye nazo zonke ezinye izinhlangothi kanye nokusifaka kumabhalane.

(*b*) Uhlangothi olulindele usuku lokulethwa kufanele lufake incwadi efungelwe yokuphendula kanye nesaziso okukhulunywe ngaso endimeni *(a)*.

(5) (*a*) Lapho isizathu sikhonjisiwe ngokumelene nanoma yimuphi umyalelo owenziwe ngokuphuthumayo ohlangothini noma kumuntu othintwa yilo myalelo, inkantolo ingayala umfakisicelo noma ummangalelwa noma ophikisayo kunoma iyiphi incwadi efungelwe ukuba avele futhi afakaze ngomlomo, mathupha noma ngesixhumanisi esilalelwayo nokubukwayo.

(*b*) Inkantolo ingenza noma yimuphi umyalelo ewubona ufanelekile.

(6) Umyalelo wesikhashana ungaqinisekiswa, ukhishwe noma ushintshwe yinkantolo ngesizathu esihle esikhonjiswe yinoma yiluphi uhlangothi noma omunye umuntu othintekayo ngalokho, futhi nangaleyo mibandela inkantolo engabona kufanele.

(7) Umyalelo wenkantolo ungenziwa efomini elihambisana kakhulu neFomu B leSithasiselo.

(8) Uma udaba lungakaqedwa ekugcineni, isiphathimandla esiphethe kufanele siqondise ukuqhubeka kokuziphatha kodaba njengoba kuhlinzekwe kumthetho we-15.

Ukuhanjiswa kwezicelo, izincwadi ezifungelwe, izaziso, imibhalo kanye nemiyalelo yenkantolo

11. (1) Zonke izicelo, izincwadi ezifungelwe, izaziso, imibhalo kanye nemiyalelo yenkantolo kumele kuhanjiswe ngenye yalezi zindlela ezilandelayo—

(*a*) mathupha kumuntu othintakayo, ngosherifu, noma umabhalane, noma umuntu ogunyazwe yinkantolo;

(*b*) nganoma iyiphi enye indlela egunyazwe yinkantolo, okuhlanganisa nekheli le-imeyili, nanoma iyiphi enye indlela yobuchwepheshe:

Kuncike ekutheni—

(i) uma isevisi yenziwa nge-imeyili umuntu othumela idokhumenti nge-imeyili kufanele afake umbiko wokulethwa kokuthi ingabe idokhumenti ithunyelwe ngempumelelo ekhelini le-imeyili lomunye umuntu; noma

(ii) uma kwenziwa nganoma iyiphi enye indlela ye-elekthronikhi, i-*screenshot* noma umbiko wokulethwa walokho kudluliswa kwe-elekthronikhi.

(2) Zonke izicelo ezilandelayo, izincwadi ezifungelwe, izaziso, imibhalo kanye nemiyalelo kungalethwa yiqembu mathupha, noma ngusherifu, umabhalane, umuntu ogunyazwe yinkantolo noma nganoma iyiphi indlela ye-elekthronikhi okuvunyelwene ngayo phakathi kwezinhlangothi noma ezigunyazwe yinkantolo.

(3) Lapho isevisi yenziwa nge-imeyili, amalungiselelo eSahluko III, Ingxenye 2 yoMthetho wezokuXhumana Nge-elekthronikhi nezoHwebo, 2002 (Umthetho 25 wezi-2002), iyasebenza.

(4) Inkantolo, uma kunesizathu sokungabaza ukuthi isicelo, incwadi efungelwe, isaziso, incwadi noma umyalelo okhishiwe ufinyelele olwazini lwangempela lomuntu ozonikezwa, futhi uma bungekho ubufakazi obugculisayo, iyalele ukuba kuthathwe ezinye izinyathelo ngokubona kufanele.

(5) Ngaphandle uma kugunyazwe ngenye indlela yinkantolo, isicelo, incwadi efungelwe, isaziso, incwadi noma umyalelo—

(*a*) ngeke inikezwe ngoMgqibelo, ngeSonto noma ngeholidi lomphakathi; futhi

(*b*) izolethwa eduze ngangokunokwenzeka phakathi kwamahora ka-7:00 no-19:00.

(6) (*a*) Asikho isicelo, incwadi efungelwe, isaziso, incwadi noma umyalelo ozohanjiswa kwelinye izwe ngaphandle kwemvume yenkantolo.

(*b*) Noma yimuphi umuntu ofisa ukuthola imvume yokusebenza kwelinye izwe angafaka isicelo saleyo mvume enkantolo, efomini elihambisana kakhulu neFomu A leSithasiselo, futhi eliyosekelwa incwadi efungelwe.

(*c*) Inkantolo kufanele igunyaze indlela yokusebenza ezweni langaphandle futhi yeneliseke ukuthi leyo ndlela yokusebenza izoqinisekisa ukuthi isicelo, incwadi efungelwe, isaziso, incwadi noma umyalelo uzofika olwazini lomuntu ozonikezwa.

Umsebenzi oshintshiwe kwasuswa omunye

12. Uma ukulethwa kwanoma yisiphi isicelo, incwadi efungelwe, isaziso, incwadi noma umyalelo kungeke kwenzeke nganoma iyiphi indlela ebekwe kumthetho we-11, inkantolo ingagunyaza ukusebenza nganoma iyiphi enye indlela, uma inelisekile ukuthi leyo ndlela yokwenziwa komsebenzi izoqinisekisa ukuthi isicelo, incwadi efungelwe, isaziso, incwadi noma umyalelo uzofika olwazini lomuntu ozonikezwa.

Ubufakazi obulalelwayo nobubukwayo

13. (1) Ngokuya ngemihlinzeko yesigaba 51C soMthetho weNkantolo yeziMantshi, we-1944, noma iluphi uhlangothi lungafaka isicelo sobufakazi obuzonikezwa kusetshenziswa indawo yokulalelwayo nokubukwayo.

(2) Inkantolo ekhipha umyalelo ngokwesigatshana somthetho (1) inganikeza lezo ziqondiso ebona zifaneleka ekuthathweni nasekurekhodeni lobo bufakazi.

(3) Isicelo sokunikeza ubufakazi ngomshini wokulalelwayo nokubukwayo ngokwesigatshana somthetho (1) kufanele ihambisane neFomu H leSithasiselo futhi isekelwe yincwadi efungelwe.

Ukuphathwa kwamacala ezinkantolo

14. (1) Izinjongo zokuphathwa kwamacala ezinkantolo yilezi—

(*a*) ukuvikela kanye nokwenza izinto ngendlela ezuzisa ingane;

(*b*) ukubhekana nazo zonke izimbangela zokubambezeleka; futhi

(*c*) ukusheshisa ukuqedwa kwamacala.

(2) Isiphathimandla esiphethe silawula ukuqhutshwa kwamacala futhi kufanele siqinisekise ukuthi wonke amacala adingidwa ngobuhlakani nangokushesha.

(3) Isiphathimandla esiphethe esifanayo kufanele, lapho kungenzeka khona, sibhekane nawo wonke amacala asalindile mayelana nengane ethile.

(4) Uma isiphathimandla esiphethe sinquma ukuthi ukulalelwa kwecala lokwahlulela kuyadingeka, isiphathimandla esiphethe kufanele—

(*a*) sinikeze usuku futhi sazise umabhalane ngalolo suku;

(*b*) sikhombise ukuthi ukulalelwa kokuphathwa kwamacala kufanele kube mathupha noma kusetshenziswa indawo yokulalelwayo nokubukwayo;

(*c*) sikhombise ukuthi ubani, ngaphezu kwezinhlangothi, okufanele eze ekulalelweni kokuphathwa kwamacala, futhi

(*d*) sinikeze noma yiziphi ezinye iziqondiso, ngokubona kufanele.

(5) Umabhalane kumele zingakapheli izinsuku ezi-5 ngemuva kwesinqumo, azise izinhlangothi kanye nanoma yimuphi omunye umuntu okubhekiswe kuye yinkantolo ngesaziso esihambisana kakhulu neFomu C leSithasiselo—

(*a*) ukuthamela ukulalelwa kwamacala omthetho ngosuku olubekiwe;

(*b*) ukuthi uzozihambela mathupha noma usebenzise indawo yokulalelwayo nokubukwayo; noma

(*c*) nanoma yiziphi ezinye iziqondiso ezinikezwe yinkantolo.

(6) Isaziso okukhulunywe ngaso esigatshaneni somthetho (5) kufanele sikhishwe njengoba kuhlinzekwe kumthetho we-11.

(7) Umabhalane kufanele enze amalungiselelo adingekayo ukuze aqinisekise ukuthi zonke izinyathelo ziyathathwa ukuze kube lula ukusebenzisa okulalelwayo nokubukwayo, lapho lokho kulalelwa kuqondiswe khona.

(8) Inkantolo, lapho iqhuba ukulalelwa kwecala lokwahlulela—

(*a*) ingacubungula ulwazi futhi yenze lowo myalelo njengoba inkantolo ibona kudingekile ukuze kuqhutshekwe nesicelo;

(*b*) inganquma ukuthi ubani okufanele abe khona ekulalelweni;

(*c*) ingabhekana nezicelo nemiyalo yesikhashana;

(*d*) inganikeza leyo miyalelo, imiyalelo noma iziqondiso kumabhalane, usonhlalakahle, usonhlalakahle oqokiwe noma abanye abantu abaqeqeshwe ngokufanele njengoba inkantolo ibona kunesidingo; futhi

(*e*) lapho, kunesidingo, ikhiphe isikhathi sokuthathwa kwezinyathelo ezengeziwe ukuze udaba luphothulwe ngokushesha.

(9) Inkantolo kumele ekulalelweni kwabaphathi becala lezobulungiswa icubungule futhi inikeze eminye imiyalelo maqondana—

(*a*) ukumelwa okusemthethweni kwanoma yiliphi iqembu noma ingane;

(*b*) ukuqokwa kommeli wanoma yiluphi uhlangothi ngokuhambisana nemihlinzeko yesigaba 33 soMthetho weziNkantolo zeziMantshi, we-1944;

(*c*) isidingo—

(i) sokuqokwa kukatolika;

(ii) sokuqokwa komlamuli;

(iii) sokuthi umuntu oduduzayo abe nengane ngesikhathi kuqhubeka icala;

(iv) sendawo yokuhlala efanelekile;

(v) sobufakazi obulalelwayo nobubukwayo;

(*d*) uphenyo kanye nombiko kasonhlalakahle, usonhlalakahle oqokiwe, ummeli womndeni kanye nabanye abantu abaqeqeshwe ngokufanele;

(*e*) ukulethwa kwemibiko, izincwadi ezifungelwe kanye nemibhalo esekelayo;

(*f*) ukuba khona kwanoma yimuphi omunye umuntu ekulalelweni kwecala;

(*g*) ukushintshana kwemibiko kanye nemibhalo;

(*h*) lapho kunemibiko eminingi yobungcweti, angaqondisa umhlangano ohlanganyelwe wongoti futhi alethe umbiko ohlanganyelwe ngalezo zindaba ezidingekayo;

(*i*) ukuthi akhiphe umyalelo wokuthi kube nengqungquthela eyandulela ukulalelwa, abangele ingqungquthela yeqembu lomndeni noma adlulisele udaba esithangamini sabafundi njengoba kuhlinzekwe ezigabeni 69, 70 kanye nesama-71 zoMthetho: Kuncike ekutheni inkantolo ingeke yayalela ukuba kube nengqungquthela eyandulela ukulalelwa noma idlulisele udaba esithangamini samakholwa odabeni olubandakanya izinsolo zokuhlukunyezwa noma ukunukubezwa ngokocansi kwengane;

(*j*) ukuthi kukhona yini indaba yomthetho noma yeqiniso okungase kunqunywe ngayo ngaphambi kokuba kuholwe noma ibuphi ubufakazi noma ngokuhlukaniswa nanoma iyiphi enye into; noma

(*k*) nanoma yisiphi esinye isici esiphathelene nokuqhutshwa kwecala.

(10) Isiphathimandla esiphethe singahlehlisa ukulalelwa kokuphathwa kwamacala ngesizathu esiqotho esikhonjisiwe, isikhathi esingeqile ezinsukwini ezingama-30 zekhalenda ngesikhathi njengoba kuhlinzekwe esigabeni 64(1) soMthetho ukuze kuqashwe ukuthotshelwa kwemiyalelo imiyalelo yenkantolo.

(11) Uma kunodaba lomthetho noma iqiniso okungahle kunqunywe ngalo ngaphambi kokuba kuholwe ubufakazi noma ngokwehlukana nanoma yimuphi omunye umbuzo, kungaba yinkantolo ngokuthanda kwayo noma ngesicelo sanoma yiluphi uhlangothi, inkantolo ingenza umyalelo oyalela ukuchithwa kwalowo mbuzo ngendlela ebona kufanele.

(12) Ngemva kokuphothula uhlelo lokuphathwa kwamacala, isiphathimandla esiphethe kufanele siqinisekise ukuthi icala selulungele ukulalelwa futhi sinikeze nosuku lokuqulwa kwecala.

Ukulalelwa kodaba

15. (1) (*a)* Ekunikezelweni kosuku lokuqulwa kwecala umabhalane kumele enze isaziso esihambisana kakhulu neFomu lesi-4 lemithethonqubo yezobulungiswa ukuthi sinikezwe abathintekayo noma omunye umuntu ezigcawini ezibazisa ngosuku lokuqulwa kwecala, lapho ukulalelwa kufanele kuhanjelwe khona mathupha: Kuncike ekutheni labo abathintekayo noma yimuphi umuntu azisiwe yinkantolo ukuba abe khona, leso saziso asidingeki.

(*b*) Abathintekayo nanoma yimuphi omunye umuntu angaziswa ngokulalela nge-elekthronikhi;

(2) Uma inkantolo inqume ukuthi ukulalelwa kwecala kungabakhona nge inthanethi, noma yibaphi ofakazi bangafakaza kusetshenziswa indawo yokulalelwayo nokubukwayo, umabhalane kumele enze amalungiselelo adingekayo okulalelwa kwecala noma ubufakazi.

(3) Ngaphandle uma inkantolo iyalela ngenye indlela ukulalelwa kufanele—

(*a*) kwenzeke njengoba kuhlinzekiwe esigabeni 42(8) soMthetho;

(*b*) kwenziwe ngekhamera njengoba kuhlinzekwe esigabeni 56 soMthetho; futhi

(*c*) kwenziwe ngendlela ehlinzekwe esigabeni 60(3) soMthetho.

(4) (*a*) Inkantolo kumele ichaze uhlobo kanye nenhloso yokulalelwa kwecala, ukuthi kuzoqhutshwa kanjani, okuhlanganisa nelungelo lomntwana lokubamba iqhaza.

(*b*) Ufakazi ongeyona ingxenye yokuqulwa kwecala kumele inkantolo inqume ukuba—

(i) aphume enkantolo aze abizwe ukuthi azonikeza ubufakazi; noma

(ii) ahlale ekhona ngaphandle kwenkantolo kuze kube ubufakazi bakhe sebukhishiwe futhi ukhululiwe yinkantolo.

(*c*) Inkantolo kufanele iqinisekise ukuthotshelwa kwemihlinzeko yomthetho wesi-3 mayelana nokubamba iqhaza kwengane.

(5) Inkantolo ngaphambi kokuqhubeka nokulalela ubufakazi, ingadinga ukuthi abathintekayo basho kafushane izingqinamba eziyiqiniso noma imibuzo yomthetho okuphikiswana ngayo futhi ingaqopha izingqinamba ezishiwo.

(6) Uma, kunoma yiluphi udaba olusalindile, kuvela enkantolo, ukuthi kunodaba lomthetho noma iqiniso okungahle kunqunywe ngalo ngaphambi kokuba kuholwe noma yibuphi ubufakazi noma ngokwehlukana nanoma yimuphi omunye umbuzo, inkantolo ingenza umyalelo oyalela ukuchithwa kwalowo mbuzo ngendlela eyibona ifanele, futhi inkantolo kufanele ngesicelo sanoma yiluphi uhlangothi ikhiphe lowo myalelo ngaphandle uma kubonakala sengathi leyo mibuzo ayikwazi ukuxazululwa kalula ngokwehlukana.

(7) Uma umbuzo ophikisanayo uwumbuzo womthetho futhi izinhlangothi zivunyelwene ngamaqiniso, amaqiniso angavunyelwa enkantolo, ngomlomo noma ngesitatimende esibhaliwe, ngamaqembu futhi aqoshwe yinkantolo futhi isahlulelo singanikezwa ngaphandle kobunye ubufakazi.

(8) Uma imibuzo yomthetho kanye nezingqinamba zamaqiniso ivela ecaleni elifanayo futhi inkantolo inombono wokuthi icala lingaxazululwa ngokusekelwa emibuzweni yomthetho kuphela, inkantolo—

(*a*) ingadinga ukuthi abathintekayo baphikisane ngaleyo mibuzo kuphela;

(*b*) inganikeza isinqumo lapho ngaphambi kokuthatha ubufakazi mayelana nezingqinamba eziyiqiniso; futhi

(*c*) ingakhipha isahlulelo sokugcina ngaphandle kokubhekana nezingqinamba eziyiqiniso.

(9) Zonke izinhlangothi ezibandakanyekayo ezinqubweni, kuhlanganise nengane, zingethula ubufakazi, zibize ofakazi, zibuze ofakazi, ziphikise ofakazi (ngokubabuza ngokuphambene), futhi zikhulume enkantolo njengoba kuhlinzekwe ezigabeni 58, 60 no-63(3)*(b)* zoMthetho.

ISAHLUKO 5

INGANE EDINGA UKUNAKEKELWA NOKUVIKELWA

Ukubuyekezwa kokuthathwa kwengane iyiswe endaweni ekunakekelweni okuphephile okwesikhashana

16. (1) Lapho umabhalane esamukele iFomu 36 lomthetho ojwayelekile kanye nanoma yimiphi eminye imibhalo esekelayo, umabhalane kumele alethule leli fomu, eminye imibhalo esekelayo, umbiko, noma incwadi efungelwe njengoba kuhlinzekwe ezigabeni 151 no-152 zoMthetho esikhulwini esiphethe ngokushesha.

(2) Inkantolo kufanele, ngaphambi kokuphela kosuku olulandelayo lwenkantolo, ibuyekeze ukuthi kwakudingekile yini ukukhipha nokubeka ingane endaweni yokunakekelwa kwesikhashana okuphephile.

(3) Lapho ukubuyekezwa kungalethwanga enkantolo phakathi nesikhathi esinqunyiwe, inkantolo kufanele ibhale izizathu zokwehluleka futhi ithathe isinyathelo esizuzisa ingane njengoba kuhlinzekwe esigabeni 6(2) *(a)* soMthetho ngokubuyekeza isinqumo sokukhipha ingane.

(4) (*a*) Lapho ibuyekeza isinqumo sokususa ingane, inkantolo kufanele icabangele—

(i) ukuthi zazikhona yini izizathu ezizwakalayo ngaleso sikhathi zokukholelwa ukuthi ingane ingase idinge ukunakekelwa noma ukuvikelwa;

(ii) ukuthi ngabe ukususwa kwakudingekile ukuze kuvikelwe ukuphepha nenhlalakahle yengane; futhi

(iii) isidingo esingcono kakhulu sengane ngesikhathi sokusususwa.

(*b*) Inkantolo kufanele icubungule bonke ubufakazi obutholakalayo, okuhlanganisa nombiko kasonhlalakahle, izethulo zomzali, umbheki noma umnakekeli wengane, uma ekhona, kanye nanoma yiluphi olunye ulwazi olufanele.

(*c*) Uma kuzuzisa ingane, inkantolo ingaluhlehlisa udaba isikhathi esifushane ukuze ithole ubufakazi obengeziwe noma ngenhloso yokunikeza isaziso kunoma yimuphi omunye umuntu okudingeka ukuba khona kwakhe ekuqulweni kwecala.

(*d*) Uma ukuqulwa kwecala kuhlehliswa, inkantolo kufanele yenze umyalelo ofanele mayelana nokubekwa kwengane.

(5) Ngemva kokubuyekeza isinqumo sokususa ingane, inkantolo—

(*a*) ingainisekisa ukususwa kwengane futhi—

(i) ingaqinisekisa ukubekwa kwengane endaweni yokunakekelwa kwesikhashana okuphephile;

(ii) ingabeka ingane kunoma yikuphi ukunakekelwa kwesikhashana okuphephile okugunyaziwe; noma

(iii) ingenza noma yimuphi omunye umyalelo mayelana nokubekwa noma ukunakekelwa kwengane okungaba yinzuzo yengane;

(*b*) ingabeka eceleni ukususwa kwengane futhi—

(i) iyalele ukuthi ingane ibuyiselwe ekunakekelweni ngumuntu ebisuswe ekunakekelweni kwakhe; futhi

(ii) ingenza noma yimuphi omunye umyalelo inkantolo ewubona ufanelekile ongazuzisa ingane; futhi

(*c*) lapho kufanele khona, yenze noma yimiphi imiyalo eyengeziwe njengoba kuhlinzekiwe esigabeni 50 soMthetho.

(6) Inkantolo kufanele, noma ngabe ukususwa kwengane kwaqinisekiswa noma kwabekwa eceleni, inqume ukuthi umbuzo wokuthi ingane idinga ukunakekelwa nokuvikelwa udluliselwe kusonhlalakahle oqokiwe ukuze aphenye njengoba kuhlongozwe esigabeni 155(2) soMthetho.

(7) Inkantolo, ngesicelo futhi lapho kufanele, ingachibiyela noma iguqule noma yimuphi umyalelo, owenziwe ngokwalo mthetho.

Ukunwetshwa komyalelo wokunakekelwa kwakwenye indawo

17. (1) Ngokuya ngemihlinzeko yesigaba 159(2A) soMthetho, umbiko kanye nemibhalo esekelayo yokwelulwa komyalelo wokunakekelwa kwakwenye indawo kumele kuhanjiswe kumabhalane ngaphambi kokuba umyalelo uphelelwe iskhathi: Kuncike ekutheni uma umyalelo usuphelelwe yisikhathi, umbiko kanye nezincwadi ezisekelayo kumele kuhambisane nezizathu ezikhombisa isizathu esizwakalayo sokuthi kungani isicelo sokwelulwa kwesicelo singenziwanga ngesikhathi.

(2) Lapho umyalelo wokunakekelwa kwenye indawo wenziwe inkantolo ngaphandle kwenkantolo enquma ngesicelo sokwelulwa komyalelo wokunakekela ingane ekungeyona eyakho, umabhalane lapho kukhishwa khona umyalelo kufanele ngesicelo alethe ikhophi eqinisekisiwe yomyalelo wenkantolo kusonhlalakahle oqokiwe wenye inkantolo.

(3) Lapho inkantolo phambilini ithole ukuthi ingane ilahliwe noma iyintandane, angeke kudingeke ukuthi kufakwe esinye isaziso ebhodini lezaziso noma sishicilelwe kusizindalwazi somnyango wesifundazwe wezokuThuthukiswa koMphakathi noma inhlangano eqokiwe yokuvikela ingane ngaphambi kokuba kufakwe isicelo enkantolo sokwelulwa komyalelo wokukhulisa ingane ekungeyona eyakho.

ISAHLUKO 6
ISICELO SOKUTHOLA INGANE

Umyalelo wokukhulula

18. (1) Isicelo somyalelo wokukhulula kufanele senziwe efomini elihambisana kakhulu neFomu A eSithasiselweni.

(2) Umabhalane kufanele athumele ngokushesha isicelo enkantolo.

(3) Umyalelo wenkantolo okhishiwe kufanele ubhalwe eFomini D leSithasiselo.

Isaziso sokuthola ingane okuhlongozwayo

19. (1) Isaziso esazisa umuntu ngamunye odinga imvume yokutholisa ngengane kufanele sinikezwe efomini elihambisana kakhulu neFomu E lesithasiselo.

(2) Isaziso kufanele sinikezwe usherifu mathupha.

(3) Lapho umuntu ozohlinzekwa engaphandle kweRiphabhulikhi, isaziso kufanele sikhishwe njengoba kuhlinzekwe kumthetho we-12.

(4) Impendulo yesaziso kufanele ibhalwe phansi.

Imvume yokutholisa ngengane

20. (1) Imvume yokutholisa ngengane inganikezwa phambi kwesikhulu esiphethe kunoma iyiphi inkantolo naphezu kokuthi isicelo sokuthola ingane sisalinde enye inkantolo.

(2) Uma umzali, umbheki noma ingane iza enkantolo ukuze ivume isicelo sokuthola ingane esihlongozwayo, umabhalane kufanele ahlele ukuthi umzali, umbheki noma ingane ivele ngokushesha, noma ngokushesha ngangokunokwenzeka, phambi kwesikhulu esengamele.

(3) Irekhodi lezinqubo zemvume kanye nefomu lemvume kufanele lihanjiswe enkantolo ebhekene nokwamukelwa okuhlongozwayo.

(4) Isiphathimandla esiphethe kufanele—

(*a*) siqinisekise ukuthi ungubani umzali noma umbheki njengoba kunqunyiwe kumithethonqubo jikelele;

(*b*) sichaze ilungelo lomzali noma lombheki lokumelwa ngokomthetho;

(*c*) siqinisekise ukuthi umzali, umbheki kanye nengane, lapho kufanele, belulekwe ngesinqumo sokutholisa ngengane*;* futhi

(*d*) sicabangele ukuqokwa kommeli wengane.

(5) Isiphathimandla esiphethe kufanele sazise umuntu onikeze imvume—

(a) umphumela womyalelo wokuthola ingane njengoba kubekwe esigabeni 242 soMthetho;

(b) izinto ezingavunyelwe njengoba kuhlinzekwe esigabeni 249 soMthetho;

(c) ilungelo lokuhoxisa imvume, zingakapheli izinsuku ezingama-60 kuleyo mvume;

(d) izinketho zokubekwa kwezinye izindawo;

(e) Imiyalelo yokukhulula; futhi

(*f*) ilungelo lokufaka isicelo sesivumelwano sangemuva kokugcinwa kwengane yokutholwa.

(6) Isiphathimandla esiphethe kufanele sibhale isizathu sokwenqaba komzali noma umnakekeli ukuvuma isicelo sokuthola ingane okuhlongozwayo.

Ukucutshungulwa kwesicelo sokuthola ingane

21. (1) Umabhalane kufanele, ngokuyalelwa yisiphathimandla esiphethe, azise lowo mzali ozothatha ingane, umzali ongavumanga isicelo sokuthola ingane okuhlongozwayo, usonhlalakahle noma yimuphi omunye umuntu okudingeka ukuba khona kwakhe ukuze ethamele ukuqulwa kwecala: Kuncike ekutheni lapho lowo muntu exwayiswe yinkantolo, asikho esinye isaziso esiyodingeka.

(2) Inkantolo kufanele irekhode ukuqulwa kwamacala.

(3) Le mibhalo elandelayo, uma ikhona, kufanele ilethwe futhi icutshungulwe yinkantolo—

(*a*) IFomu 60 lemithethonqubo ejwayelekile;

(*b*) umazisi osemthethweni noma isitifiketi sokuzalwa sengane noma, lapho singekho, isitatimende esifungelwe ngalokho ngusonhlalakahle;

(*c*) ikhophi eqinisekisiwe kamazisi noma iphasiphothi yalowo ozoba umzali ozothatha ingane;

(*d*) ikhophi eqinisekisiwe yesitifiketi somshado salowo ozoba umzali ozothatha ingane;

(*e*) ikhophi eqinisekisiwe yomyalelo wedivosi noma isitifiketi sokushona somlingani womshado;

(f) uma ingane ilahliwe noma iyintandane, ubufakazi bokuthi isaziso sibekwe ebhodini lezaziso futhi sashicilelwa kwiwebhusayithi yomnyango wesifundazwe ofanele wentuthuko yezenhlalo noma inhlangano yokuvikela izingane eqokiwe njengoba kuhlinzekwe emithethweni ejwayelekile, noma ukuthi isikhangiso sishicilelwe ephephandabeni njengoba kuhlinzekwe emithethweni ejwayelekile;

(g) incwadi efungelwe kasonhlalakahle wokutholwa kwengane ebeka izinyathelo ezithathiwe zokuhlola umkhondo wo mzali noma umbheki;

(h) incwadi efungelwe ngumuntu, sokuthi ingane ayizange ixhumane nomzali noma nomnakekeli isikhathi okungenani izinyanga ezintathu;

(i) ikhophi eqinisekisiwe yesitifiketi sokushona somzali;

(j) umyalelo wenkantolo obeka ingane ngaphansi kokunakekelwa ngumzali othatha ingane;

(k) isitifiketi esivela kuSomqulu kaZwelonke Wababanjwe Ngamacala Okuhlukumeza Ngokocansi ngokusho kwesigaba 48 soMthetho wobulelesi (Amacala Ocansi kanye Nezindaba Ezihlobene Nawo) soMthetho wokuchibiyela, wezi-2007 (uMthetho 32 wezi-2007);

(l) ikhophi eqinisekisiwe yempendulo esemthethweni yophenyo ngokwesigaba 126(3) soMthetho ukuze kutholwe ukuthi igama lalowo mzali ozothatha ingane liyavela noma cha eNgxenyeni B kaSomqulu kaZwelonke wokuVikelwa kweZingane , futhi uma kunjalo, izizathu zokufakwa kwegama lakhe kulowo Somqulu;

(m) isivumelwano sangemuva kokuthathwa kwengane;

(n) umbiko wosonhlalakahle ogunyaziwe wokuthathwa kwengane;

(o) incwadi ebhalwe yinhloko yomnyango wesifundazwe wentuthuko yezenhlalakahle encoma ukuthathwa kwengane;

(p) noma yimiphi imibiko evela kwabanye abantu abaqeqeshwe ngokufanele;

(q) imvume yengane;

(r) imvume yomzali;

(s) imvume yomqaphi;

(t) irekhodi lemvume yokuthi kuqulwe;

(u) isitatimende esibhaliwe umzali okhulisa ingane;

(v) noma yiluphi ulwazi olutholwe ngumabhalane mayelana nesicelo somuntu osevele anike imvume yokutholwa kwengane futhi ofuna inkantolo ukuthi ingadingi imvume yomunye umuntu;

(w) impendulo ebhaliwe yomuntu ocelwe ukuthi aveze ukuthi kungani inkantolo ingachithi imvume yalowo muntu;

(x) nanoma yimiphi eminye imibhalo efanele; futhi

(y) umbiko kamabhalane nganoma yikuphi ukwehluleka ukuphendula izicelo;

(4) (*a*) Inkantolo kufanele, lapho icubungula isicelo sokwamukelwa, ibhekelele zonke izici ezifanele kanye nokutholwe ngamarekhodi mayelana nalokhu okulandelayo:

(i) ukuthi ingane ingathathwa ngokwesigaba 230(3) soMthetho;

(ii) ukuthi lowo mzali ozothatha ingane ufanelekile futhi ufanelekile yini ukuphathiswa izibopho namalungelo obuzali ngokugcwele maqondana nengane njengoba kuhlinzekwe esigabeni 231(2) *(a)* soMthetho;

(iii) ukuthi ngabe lowo mzali ozothatha ingane uzimisele futhi uyakwazi ukwenza, ukusebenzisa kanye nokugcina lezo zibopho namalungelo njengoba kuhlinzekwe esigabeni 231(2) *(b)* soMthetho;

(iv) ukuthi ngabe lowo ozoba umzali wengane ungaphezu kweminyaka eyi-18 njengoba kuhlinzekelwe esigabeni 231(2) *(c)* soMthetho;

(v) ukuthi ngabe lowo ongase abe umzali wengane wahlolwa ngokufanelekile yini usonhlalakahle wokutholisa ngezingane ukuthi uyahambisana yini nesigaba sama-231(2) *(a)* no-*(b)* soMthetho;

(vi) ukuthi ngabe inkolo namasiko kanye nezinto ezikhethwe ingane, umzali wengane kanye nalowo ongase abe umzali ozothatha ingane kucatshangelwe njengoba kuhlinzekelwe esigabeni 240(1) *(a)* soMthetho;

(vii) konke okukhethwe umzali okuzwakalayo futhi kubhaliwe kwimvume njengoba kuhlinzekwe esigabeni 240(1)*(b)* soMthetho;

(viii) isitatimende esibhaliwe umzali okhulisa ingane uma ingane ithathwa umzali okungayena okhulisa ingane, uma kufanele; futhi

(ix) ukuthi ukuthathwa komntwana okuhlongozwayo kuzoba yinzuzo enkulu yini kumntwana njengoba kushiwo esigabeni sama-240(2)*(a)*.

(*b*) Inkantolo kufanele yeneliseke futhi irekhode lokho okutholakele ukuthi imvume—

(i) yokuthola ingane seyinikeziwe njengoba kuhlinzekelwe esigabeni 233 soMthetho, nokuthi leyo mvume ayizange ihoxiswe;

(ii) ayidingeki njengoba kuhlinzekelwe esigabeni 236 soMthetho; noma

(iii) igodlwe ngokungafanele futhi ukuthathwa kwengane kuyinzuzo yengane njengoba kuhlinzekwe esigabeni 241(1)*(a)* no-*(b)* soMthetho.

(5) Umyalelo wokuthathwa kwengane kufanele wenziwe eFomini F leSithasiselo.

(6) Lapho umyalelo wokuthola ingane ungaqedi imisebenzi namalungelo obuzali, uma umyalelo wokutholwa kwengane ukhishwa egameni lomlingani womshado noma umlingani wokuphila waphakade wasekhaya womzali, umyalelo wokutholwa kwengane kufanele wenziwe kwiFomu G leSithasiselo.

(7) Inkantolo kufanele irekhode isikhathi nosuku umyalelo wokuthola ingane owenziwe ngalo.

ISAHLUKO 7
IZINDABA EZIJWAYELEKILE

Ukuqokwa komlamuli

22. (1) Uma inkantolo ithola ukuthi kungaba yinzuzo yengane eyingxenye noma ufakazi, ukuze kuqokwe umlamuli okukhulunywe ngaye esigabeni 61(2) soMthetho, inkantolo kufanele iqoke umuntu onekhono njengomxhumanisi.

(2) Naphezu kwesigatshana somthetho (1), inkantolo ngokufaka isicelo sanoma yiliphi uhlangothi noma ngokuthanda kwayo, ingaqoka umuntu onekhono njengomxhumanisi wofakazi njengoba kushiwo esigabeni 51A soMthetho weziNkantolo zeziMantshi, we-1944.

Izindleko zokuqhutshwa kwecala

23. Inkantolo, lapho ikhipha umyalelo ofanele wezindleko, kufanele ikhombise isikali, njengoba kushiwo kuSithasiselo 2 seMithetho Elawula Ukuqulwa Kwamacala eziNkantolo zeziMantshi ZaseNingizimu Afrika, lapho lezo zindleko zizokhokhiswa intela futhi zivunyelwe.

Ukwedlulisa izikhalazo

24. IMithetho Elawula Ukuqulwa Kwamacala eziNkantolo zeziMantshi ZaseNingizimu Afrika, ephathelene nezikhalazo zombango iyosebenza nezinguquko ezidingekayo.

Isihloko esifushane kanye nokuqala komthetho

25. Le Mithetho ibizwa ngokuthi Imithetho yeziNkantolo zeZingane zaseNingizimu Afrika, futhi iqala ukusebenza ngeziwu-**27 uNdasa 2026.**

ISITHASISELO

AMAFOMU

Ifomu.

A — Isaziso seSicelo (ngaphansi kwemithetho 8, 9, 10, 11 kanye no-18)

B — Umyalelo weNkantolo (ngaphansi kwemithetho 8, 9 kanye no-10)

C — Isaziso Sokuphathwa Kwamacala Ezinkantolo (ngaphansi komthetho 14)

D — Umyalelo Wokukhulula (ngaphansi komthetho 18)

E — Isaziso sokuthola ingane okuhlongozwayo (ngaphansi komthetho 19)

F — Umyalelo Wokuthola Ingane (ngaphansi komthetho 21)

G — Umyalelo Wokuthola Ingane ongaqedi imithwalo yemfanelo namalungelo obuzali (ngaphansi komthetho 21)

H — Isicelo sokunikeza ubufakazi ngendawo yokulalelwayo nokubukwayo (ngaphansi komthetho 13)

A — Isaziso seSicelo (ngaphansi kwemithetho 8, 9, 10, 11 kanye no-18)

ENKANTOLO YEZINGANE YESIFUNDA SASE ……..…….....…….....…….....

Ibanjwe ku: ……..…… Inombolo Yecala: …… lango-20 ……..……

Odabeni phakathi:

..... koMfakisicelo

kanye

..... noMmangalelwa

QAPHELA ukuthi isicelo sizofakwa eNkantolo eshiwo ngenhla ngosuku oluzonikezwa umyalelo ngale migomo elandelayo:

(1) _____
(2) _____
(3) _____

Incwadi efungelwe enamathiselwe izosetshenziswa ukusekela isicelo.

Lesi sicelo silethwe ***ngokohlangothi olulodwa*** / ngokuphuthumayo njengoba kuboniswe encwadini efungelwe enamathiselwe.

Susa okungasebenzi

IFAKWE USUKU e- ……..... ngomhlaka- …… enyangeni ka- ……. 20 ….....

.....
UMfakisicelo / UMmeli woMfakisicelo

(Ikheli lendawo)
.....……..

(Inombolo yocingo / yeselula)
……

(Ikheli le-imeyili)
……..……..

KUYA KU: **(1)** UNobhala weNkantolo echazwa ngenhla
……..

(2) .....……..
UMmangalelwa / UMmeli woMmangalelwa

(Ikheli lendawo)
……..……..……

(Inombolo yocingo / yeselula)
……

(Ikheli le-imeyili)
……..……

B — Umyalelo weNkantolo (ngaphansi kwemithetho 8, 9 kanye no-10)

ENKANTOLO YEZINGANE YESIFUNDA SASE ……..……..……

Ibanjwe ku: …… Inombolo Yecala: ……..…… langa-20 ……

Odabeni phakathi:

..... koMfakisicelo

kanye

……..……..……. noMmangalelwa

UMYALELO WENKANTOLO

Usuku: _____

Isikhulu Esiphethe: _____

Ngemva kokucubungula isicelo, inkantolo yenza le miyalelo elandelayo:

(1) _____
(2) _____
(3) _____
(4) _____
(5) _____

UMmangalelwa ucelwa ukuba anikeze izizathu encwadini efungelwe ngomhlaka noma ngaphambi kwawo …….... (usuku) lokuthi kungani lo myalo kungafanele wenziwe ube ngowokugcina.

_____
KUSAYINWE: ISIKHULU ESIPHETHE INKANTOLO YEZINGANE

ISITEMBU SOSUKU:

C — Isaziso Sokuphathwa Kwamacala Ezinkantolo (ngaphansi komthetho 14)

ENKANTOLO YEZINGANE YESIFUNDA SASE ……..…..…….....……..……..…….....

Ibanjwe ku: ……..…… Inombolo Yecala: …… lango-20 ……..……

Odabeni phakathi:

..... koMfakisicelo

kanye

……..……..……. noMmangalelwa

ISAZISO SOKULALELWA KWECALA LOKUPHATHWA KWAMACALA EZINKANTOLO NGOKOMTHETHO 14 WEMITHETHO YEZINKANTOLO ZEZINGANE

KUYA KU: (bala izinhlangothi kanye nanoma yimuphi omunye umuntu okufanele abe khona)
UMfakisicelo / UMmeli: _____
UMmangalelwa / UMmeli: _____
Abanye abantu: _____

Uyalwa ngalokhu ukuthi ube khona ekulalelweni kwecala lokuphathwa kwamacala, okuzobanjwa *mathupha / ngesixhumanisi sokulalelwayo nokubukwayo phambi kweSikhulu Esiphethe eNkantolo yeZingane e- ……..…… ngomhlaka- ……..… 20 ……., ngo …… (isikhathi) kuya ku:

Susa okungasebenzi

(1) cabanga ngolwazi bese ukhipha umyalelo inkantolo ewubona udingekile ukuze kuqhutshekwe nesicelo;

(2) nquma ukuthi obani okumele babe khona ekulalelweni kwecala;

(3) bhekana nezicelo zesikhashana kanye nemiyalelo;

(4) cabangela ukuthi kufanele yini anikeze leyo miyalelo, imiyalelo noma iziqondiso kumabhalane, usonhlalakahle, usonhlalakahle oqokiwe noma abanye abantu abafanelekile njengoba inkantolo ibona kudingeka;

(5) lapho kunesidingo, khipha isikhathi sokuthatha izinyathelo ezengeziwe ukuze kuqedwe ngokushesha;

(6) cabanga futhi unikeze isiqondiso esengeziwe maqondana—

(a) ukumelwa ngokomthetho komfakisicelo, ummangalelwa kanye nengane;

(b) ukuqokwa kommeli wesikhashana wanoma yiliphi iqembu ngokuhambisana nomhlinzeko wesigaba 33 soMthetho weziNkantolo zeziMantshi we-1944;

(c) *isidingo—

(i) sokuqokwa kukatolika;

(ii) sokuqokwa komlamuli;

(iii) sokuthi umuntu oduduzayo abe nengane ngesikhathi kuqhubeka icala;

(iv) sendawo yokuhlala efanelekile;

(v) sobufakazi obulalelwayo nobubukwayo;

(vi) sokuphenywa kanye nombiko ngosonhlalakahle, usonhlalakahle oqokiwe kanye nabanye abantu abaqeqeshwe ngokufanele;

(vii) sokulethwa kwemibiko, izincwadi ezifungelwe kanye nemibhalo esekelayo;

(viii) sokuba khona kwanoma yimuphi omunye umuntu ekulalelweni;

(ix) sokushintshana kwemibiko kanye nemibhalo;

(x) lapho kunemibiko eminingi yobungcweti, ingaqondisa umhlangano ohlanganyelwe wochwepheshe kanye nokuhlinzeka ngombiko ohlanganyelwe mayelana nezindaba ezidingekayo; futhi

(xi) sokuyalela umhlangano wangaphambi kokulalelwa kodaba, ibangele umhlangano womndeni, noma ithumele udaba enkundleni yabantu abangochwepheshe abangenayo imfundo yezomthetho njengoba kuhlinzekwe ezigabeni 69, 70 no-71 zoMthetho; noma

(xii) sokubona ukuthi kukhona yini umbuzo womthetho noma weqiniso ongaxazululwa kalula ngaphambi kokwethulwa kwanoma yibuphi ubufakazi noma ngokwehlukana kunoma iyiphi enye ingxenye; noma

(xiii) sanoma iyiphi enye ingxenye ephathelene nokuphathwa kodaba, okuwukuthi:

.....

Susa okungasebenzi

IFAKWE USUKU e- ……..... ngomhlaka- …..…… enyangeni ka- ……..……. 20 ….....

KUSAYINWE: ISIKHULU ESIPHETHE INKANTOLO YEZINGANE

ISITEMBU SOSUKU:

KUYA KU :

Umfakisicelo / UMmeli: _____

Inombolo yocingo / yeselula: _____

Ikheli le-imeyili: _____

UMmangalelwa / UMmeli: _____

Inombolo yocingo / yeselula: _____

Ikheli le-imeyili: _____

Abanye Abantu:

(1) _____

Inombolo yocingo / yeselula: _____

Ikheli le-imeyili: _____

(2) _____

Inombolo yocingo / yeselula: _____

Ikheli le-imeyili: _____

(Namathisela irisidi lokulethwa noma lokufundwa ekhophini yesaziso bese ufaka efayilini)

D — Umyalelo Wokukhulula (ngaphansi komthetho 18)

ENKANTOLO YEZINGANE YESIFUNDA SASE ……..…….....…….....…….....

Ibanjwe ku: ……..…… Inombolo Yecala: …… lango-20 ……..……

Esicelweni sohlangothi olulodwa:

…….....……soMfakisicelo

(Sokukhululwa kuka .....……. (igama) ezibophweni zobuzali kanye namalungelo engane …….....……. …….....……. ngokwesigaba 235 soMthetho weZingane, wezi-2005)

IMIYALELO ENIKIWE

Nakuba …….…….. ***uMnyango wezokuThuthukiswa koMphakathi / uMnyango wezokuThuthukiswa koMphakathi wesiFundazwe inhlangano yokuvikela izingane egunyaziwe ngokwesigaba 251 soMthetho weZingane, wezi-2005 (uMthetho 38 wezi-2005) / usonhlalakahle wokutholwa kwengane efake isicelo sokuhlinzeka ngezinsizakalo zokutholwa kwengane kusalindwe ukutholwa kwengane ….....……. .....(igama lengane)

Futhi nakuba…….....…… (igama labazali / umzali / umnakekeli / abanakekeli) omvume yabo yokutholisa ngengane / iyadingeka, bevumile ukuthi ingane itholwe, kwenziwa imiyalelo elandelayo:

(1) ……..…….....(igama le-CPO / lomunye umuntu) ugunyaziwe ukusebenzisa amalungelo nemithwalo yemfanelo yobuzali ngokwesigaba 18 soMthetho weZingane, wezi-2005 phezu …….....……. .....(igama lomntwana), kusalindwe ukutholwa kwengane eshiwoyo.

(2) .....……..…….....……. (igama lomzali / umnakekeli) ukhululiwe emalungelweni nasezibophweni zomzali, ngokwesigaba 235 soMthetho weZingane, wezi-2005.

(3) …….... (igama lomzali / umnakekeli) ***ukhululiwe / akakhululiwe emsebenzini wokondla / ukufaka isandla ekondliweni kwe …….....…… kuze kube yilapho kuphothulwa ukutholwa kwengane……..…….....……

*** *Susa okungasebenzi***

_____
KUSAYINWE: ISIKHULU ESIPHETHE INKANTOLO YEZINGANE

USUKU: _____

E — Isaziso sokuthola ingane okuhlongozwayo (ngaphansi komthetho 19)

ISAZISO SOKUTHOLA INGANE OKUHLONGOZWAYO: ISIGABA 238 SOMTHETHO WEZINGANE, UMTHETHO 38 WEZI-2005

ENKANTOLO YEZINGANE YESIFUNDA SASE ……..…….....…….....

Ibanjwe ku: ……..…… Inombolo Yecala: …….....…….……

Esicelweni sokuthola ingane esiphambi kwale Nkantolo maqondana nezingane ezilandelayo:
_____
_____

KUYA KU: _____
_____
_____
_____

Sicela uqaphele ukuthi :

(1) Ingane eshiwo ngenhla isiyatholakala ukuthi ithathwe.

(2) Isicelo sokutholwa kwengane eshiwo ngenhla sifakiwe kule nkantolo.

(3) Uyacelwa ukuthi uvume noma ubonise inhloso yakho yokugodla imvume yakho yokutholwa kwengane yakho okuhlongozwayo.

(4) Qaphela futhi ukuthi uma uyise wengane wayengashadile nonina, anganika imvume, noma abonise inhloso yakhe yokugodla imvume, noma afake isicelo ngokwesigaba 239 sokuthola ingane.

(5) Sicela wazise Isikhulu Esiphethe senkantolo engenhla ngokubhala zingakapheli izinsuku ezingama-30 ngemuva kokuthola lesi saziso uma**—**

(a) uvuma ukuthi ingane ithathwe njengeyakho; noma

(b) ubonise inhloso yakho yokugodla imvume yakho yokutholwa kwengane okuhlongozwayo; noma

(c) afake isicelo sokutholwa kwengane ngokwesigaba 239 soMthetho.

ISAZISO ESIBALULEKILE:

Uma wehluleka ukuthobela isicelo esishiwo ngenhla zingakapheli izinsuku ezingama-30 ngemuva kokunikezwa lesi saziso, uzothathwa njengovumile ukwamukelwa kwengane eshiwo ngenhla.

IFAKWE USUKU e- ……..... ngomhlaka- …...…… enyangeni ka- ……..……. 20 ….....

_____
KUSAYINWE: ISIKHULU ESIPHETHE INKANTOLO YEZINGANE

Ikheli: _____

_____

_____

Inombolo yocingo: _____

Ikheli le-imeyili: _____

F — Umyalelo Wokuthola Ingane (ngaphansi komthetho 21)

ENKANTOLO YEZINGANE YESIFUNDA SASE ……..…….....…….....…….....

Ibanjwe ku: ……..…… Inombolo Yecala: …… lango-20 ……..……

Inombolo yoMbhalisi: ……..……

ESICELWENI SOKUTHOLA INGANE:

(*Amagama Aphelele eNgane*)

……..……

(*Umazisi weNgane)*

……..……

Ngomhlaka- …… enyangeni ka- ……..……. 20 ……

Ngaphambi: ……..……...

(Isikhulu Esiphethe iNkantolo yeZingane)

KUYALWE UKUTHI :

(1) ……. (Amagama aphelele engane) ingane……., (isho ubulili) ezelwe ngosuku lwenyanga ka …… ngonyaka ……..… izokwamukelwa futhi igcinwe ngu ……..……. …… (Amagama aphelele) owazalwa ngo ……..……..…. Inombolo kaMazisi ……..……

KANYE

……..……...

……..…….....……. (Amagama aphelele) owazalwa ngo ……..……. Inombolo kamazisi ……..……..…….

(2) Ngokwemibandela yesigaba 242(2)*(a)* soMthetho 38 wezi-2005, lo myalelo wokutholwa unikeza imithwalo yemfanelo ephelele yobuzali kanye namalungelo maqondana nengane yokuthola kubazali abayitholayo.

(3) Ngokwemibandela yesigaba 242(2)*(b)* soMthetho 38 wezi-2005, lo myalelo wokuthola ingane:

******(a)* inika isibongo sabazali bengane yokutholwa, esithi ……..…….. ……..……..……..…. enganeni etholiwe; noma

******(b)* ingane kufanele igcine isibongo sayo naphezu kokuthi ukuthathwa kwayo kuvunyiwe.

(4) *Ngokwesigaba 234(4) soMthetho 38 wezi-2005, Isivumelwano Sangemva Kokutholwa siyaqinisekiswa futhi senziwe umyalelo weNkantolo.

(5) *Le mihlinzeko elandelayo iyasebenza ngokufanele:

(a) Izigaba 234(6)*(b)*(i) kanye (ii) zoMthetho 38 wezi-2005 ezibeka ukuthi lesi Sivumelwano Sangemva Kokutholwa singashintshwa noma siqedwe kuphela ngesinqumo senkantolo uma kufakwa isicelo uhlangothi lwesivumelwano noma ingane etholiwe.

(b) Imithethonqubo Ejwayelekile 103(2) yoMthetho 38 wezi-2005 ebophezela uhlangothi olusesivumelwaneni ukuthi lazise olunye uhlangothi nganoma yiluphi ushintsho lwanoma yimiphi imininingwane equkethwe kuSivumelwano Sangemva Kokutholwa eFomini 33 zingakapheli izinsuku eziyisikhombisa zalolo shintsho.

Susa okungasebenzi

_____

ISIKHULU ESENGAMELE INKANTOLO YEZINGANE _____

ESIFUNDENI SASE _____

USUKU: _____ ISIKHATHI: _____

(1) Usuku lokubhaliswa kwengane yokutholwa: .....

(2) Inombolo yerejista yengane yokutholwa: .....

(3) Ukuchitshiyelwa kukaSomqulu weZingane eziZelwe ngokwesigaba 245 soMthetho weZingane, wezi-2005 (uMthetho 38 wezi-2005), kungaqhubeka.

.....
Umgcini mibhalo yeZingane ezitholiwe

Usuku: .....

G — Umyalelo Wokuthola Ingane ongaqedi imithwalo yemfanelo namalungelo obuzali (ngaphansi komthetho 21)

ENKANTOLO YEZINGANE YESIFUNDA SASE ……..…….....…….....…….....

Ibanjwe ku: …….....……. Inombolo Yecala: …… lango-20 ……..……

Inombolo yokubhalisa: …….....……

ESICELWENI SOKUTHOLA INGANE:

(*Amagama Aphelele Engane*)

…….....……

(*Umazisi weNgane)*

…….....……

Ngomhlaka- ……..… enyangeni ka- ……..……..… 20 ……..……

Ngaphambi:

…….....……

(Isikhulu Esiphethe iNkantolo yeZingane)

KUYALWE UKUTHI :

(1) ……..…… (Amagama aphelele engane) ingane……., (chaza ubulili) ezelwe ngosuku lwenyanga ka…….....…..… ngonyaka…….itholwe futhi itholwa ngu…….....……. ……..……..…… (Amagama aphelele) owazalwa ngo ……..……. Inombolo kamazisi ……..……..…

KANYE……..……. .....……. (Amagama aphelele) owazalwa ngo ……..……. Inombolo kamazisi ……..……..……

(2) Ngokwemibandela yesigaba 242(2)*(b)* soMthetho 38 wezi-2005, lo myalelo wokuthola ingane:

******(a)* enika ingane yokutholwa isibongo sabazali abayitholayo, esithi..... ……..... enganeni etholiwe; noma

******(b)* ingane kufanele igcine isibongo sayo naphezu kokuthi ukutholwa kwayo kuvunyiwe.

(3) *Ngokwesigaba 242(1) *esifundwa kanye nesigaba* 242(2)*(e)* soMthetho 38 wezi-2005, umzali,…….…… onenombolo kamazisi ethi ……...…… ugcina imithwalo yemfanelo kanye namalungelo aphelele obuzali njengoba kuhlongozwe ezigabeni 18 no-19 zoMthetho 38 wezi-2005, naphezu kokuba enikeze imvume yokutholwa kwengane yakhe ngumfakisicelo njengoba umfakisicelo eshade naye umzali noma engumlingani ongumasihlalisane wengunaphakade walowo mzali.

(4) *Ngokwesigaba 234(4) soMthetho 38 wezi-2005, Isivumelwano Sangemva Kokutholwa siyaqinisekiswa futhi senziwe umyalelo weNkantolo.

(5) *Le mihlinzeko elandelayo iyasebenza ngokufanele:

(a) Izigaba 234(6)*(b)*(i) kanye (ii) zoMthetho 38 wezi-2005 ezibeka ukuthi lesi Sivumelwano Ngemva Kokutholwa singashintshwa noma siqedwe kuphela ngesinqumo senkantolo uma kufakwa isicelo uhlangothi lwesivumelwano noma ingane etholiwe.

(b) Imithethonqubo Ejwayelekile 103(2) yoMthetho 38 wezi-2005 ebophezela uhlangothi olusesivumelwaneni ukuthi lazise olunye uhlangothi nganoma yiluphi ushintsho lwanoma yimiphi imininingwane equkethwe kuSivumelwano Sangemva Kokutholwa eFomini 33 zingakapheli izinsuku eziyisikhombisa zalolo shintsho.

Susa okungasebenzi

_____
ISIKHULU ESENGAMELE INKANTOLO YEZINGANE _____
ESIFUNDENI SASE _____
USUKU: _____ ISIKHATHI: _____

(1) Usuku lokubhaliswa kwengane yokutholwa: .....

(2) Inombolo yerejista yengane yokutholwa: .....

(3) Ukuchitshiyelwa kukaSomqulu weZingane eziZelwe ngokwesigaba 245 soMthetho weZingane, wezi-2005 (uMthetho 38 wezi-2005), kungaqhubeka.

.....
Umgcini mibhalo yeZingane ezitholiwe

Usuku: .....

H — Isicelo sokunikeza ubufakazi ngendawo yokulalelwayo nokubukwayo (ngaphansi komthetho 13)

ENKANTOLO YEZINGANE YESIFUNDA SASE ……..…….....…….....…….....

Ibanjwe ku: ……..…… Inombolo Yecala: …… lango-20 ……..……

Odabeni phakathi:

..... koMfakisicelo

kanye

..... noMmangalelwa

QAPHELA ukuthi isicelo sizofakwa eNkantolo eshiwo ngenhla ngosuku oluzonikezwa umyalelo ngale migomo elandelayo:

(1) Umfakisicelo / ufakazi ecaleni lomfakisicelo ……..……..……..…… ……. (isho igama likafakazi) uvunyelwe ukwethula ubufakazi ngendlela yendawo / yesixhumanisi sokulalelwayo nokubukwayo ngosuku nesikhathi okufanele kuhlelwe yizinhlangothi kanye nesikhulu esiphethe ngale ndlela elandelayo:

(2) Umfakisicelo / ufakazi ecaleni lomfakisicelo ……..…….. (isho igama likafakazi) uzonikeza ubufakazi e- ……... …… (isho ikheli lendawo lapho ubufakazi buzonikezwa khona).

(3) Ummangalelwa angaba nommeli omele lapho umfakisicelo / ufakazi ecaleni lomfakisicelo ……..……..……..…… (isho igama likafakazi) enikeza ubufakazi e- …..…… ……..……..…… …… (isho ikheli lendawo lapho ubufakazi buzonikezwa khona).

(4) Ubufakazi bomfakisicelo / bofakazi buzodluliselwa ngendawo / ngesixhumanisi sokulalelwayo nokubukwayo e- …..……..……..…… ……. (isho ikheli lendawo lapho ubufakazi buzodluliselwa khona ngendawo / ngesixhumanisi sokulalelwayo nokubukwayo) noma kunoma iyiphi enye indawo njengoba inkantolo ingayala.

Incwadi efungelwe enamathiselwe izosetshenziswa ukusekela isicelo.

IFAKWE USUKU e- ……..... ngomhlaka- …..…… enyangeni ka- ……..…… 20 ….....

.....
Umfakisicelo / UMmeli woMfakisicelo
(Ikheli lendawo)

.....
(Inombolo yocingo / yeselula)

……..

(Ikheli le-imeyili)

……

KUYA KU : **(1)** UNobhala weNkantolo eshiwo ngenhla

……

(2) ……

Ummangalelwa / UMmeli woMmangalelwa

(Ikheli lendawo)

……

(Inombolo yocingo / yeselula)

……

(Ikheli le-imeyili)

……

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