

**NOTICE 88 OF 2004****DEPARTMENT OF HOUSING****RENTAL HOUSING ACT, 1999  
(ACT NO. 50 OF 1999)****AMENDMENT OF THE RENTAL HOUSING TRIBUNAL PROCEDURAL REGULATIONS, 2003**

The Member of the Executive Council responsible for housing has under section 15 (1) of the Rental Housing Act, 1999 (Act 50 of 1999) made the amendment regulations in the Schedule.

**SCHEDULE****Definitions**

1. In these Regulations, “ the Regulations” means the Rental Housing Tribunal Procedural Regulations published in the Provincial Gazette under Government Notice No. 4003 of 2 July 2001.

**GENERAL EXPLANATORY NOTE:**

[ ] Expressions in bold type in square brackets indicate omissions from existing regulations.

\_\_\_\_\_ Expressions underlined with a solid line indicate insertions in existing regulations.

**Amendment of regulation 7 of the Regulations**

2. Regulation 7 is hereby amended by the substitution for sub-regulation (m) of the following sub-regulation:

“ (m) serve a notice or subpoena –

- (i) by handing a true copy to such person personally; or**
  - (ii) by leaving a copy thereof at the place of residence or business of the said person with the person apparently in charge of the premises at the time of delivery, being a person apparently above the age of 16 years;**
- or**

- (iii) by delivering a copy thereof at the place of employment of the said person to some person apparently above the age of 16 years and apparently in authority over him or her; or
  - (iv) in the case of a corporation or company, by delivered a copy to a responsible employee thereof at its registered office or its principal of business, within the jurisdiction of the Tribunal, or where there is no such employee willing to accept service, by affixing a copy to the main door of such office or place of business; or
  - (v) where any partnership, firm or voluntary association is to be served, service must be effected in the manner referred to in paragraph (ii) at the place of business of such partnership, firm or voluntary association.]
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- (i) by handing a copy to such person personally;
  - (ii) by leaving a copy thereof at the place of residence or place of business with some person apparently not less than 16 years of age and apparently residing or employed there;
  - (iii) by delivering a copy thereof at the place of employment of the said person to some person above the age of 16 years and apparently in authority over him or her or in the absence of such person in authority, to a person apparently not less than 16 years of age and apparently in charge at his or her place of employment;
  - (iv) in the case of a body corporate or a duly authorized agent of a landlord, the latter as defined in the Act or a person who is in lawful possession of a dwelling and has the right to lease or sub-lease it by delivering a copy to a responsible employee thereof at its registered office or its principal place of business or at the place of business or at the office or business of the duly authorized agent of the landlord, or where there is no such employee to accept service, by affixing a copy to the main door of such office or place of business; or
  - (v) where any partnership, firm, voluntary association, club society or church has to be served, service shall be effected in the following manner
    - (a) in the case of a partnership, service may be effected by delivery at the office or business of such partnership or if there be none such, then service may be effected on any member of such partnership in any manner herein prescribed;
    - (b) in the case of a voluntary association, club, society or church, service may be effected by delivery at the local office or place of business of such body or if there be none such, by service on the chairperson or secretary or similar officer thereof in manner herein prescribed;
  - (vi) where the person, partnership, body corporate, voluntary association, club, society or church to be served keeps his, her or its residence or place of business or his or her place of employment closed and thus prevents the inspector from serving the notice or subpoena, it shall be sufficient service to affix a copy thereof to the outer or principal door or security gate of

- such residence, place of employment or to place such copy in the post box;
- (vii) if the person to be served has chosen a domicilium citandi at the domicilium so chosen;
- (viii) where the inspector is unable, after diligent search to find at the residence or domicilium citandi of the person to be served, either that person, or the partner, or in the case of a body corporate, a responsible employee or in the case of voluntary association, a club, society or church, the chairperson, secretary or similar officer thereof, service may be effected by affixing a copy of the notice or subpoena to the outer or principal door of such residence, local office or principal place of business or to leave a copy of the notice or subpoena at such domicilium.”.

### **Amendment of regulation 7A of the Regulations**

3. Regulation 7A is hereby amended by the addition of the following words:

“ (1) A document, other than a notice or subpoena, that is required to be served on or delivered to a person may be served or delivered in any one of the following ways:”.

### **Short Title**

4. These regulations are called the Amendment of the Rental Housing Tribunal Procedural Regulations, 2003.