

GOVERNMENT NOTICES GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT DEPARTEMENT VAN JUSTISIE EN STAATKUNDIGE ONTWIKKELING

No. 465

13 June 2014

DETERMINATION OF CONDITIONS OF AUTHORISATION IN TERMS OF SECTION 15(2A) OF THE MAGISTRATES' COURTS ACT, 1944 (ACT NO. 32 OF 1944)

I, Jeffrey Thamsanqa Radebe, Minister of Justice and Constitutional Development, under section 15(2A) of the Magistrates' Courts Act, 1944 (Act No. 32 of 1944), hereby determine the conditions of authorisation of a person in terms of section 15(2)(a) of the said Act in the Schedule.

SCHEDULE

Definition

1. In this Schedule "**the Act**" means the Magistrates' Courts Act, 1944 (Act No. 32 of 1944).

Application

2. (1) A person must apply to a public body for authorisation in terms of section 15(2)(a) of the Act —

- (a) in writing on a form that corresponds substantially with the form in the Annexure to this Schedule; and
- (b) submit the form to the public body concerned.

(2) The application referred to in paragraph (1) must be accompanied by—

- (a) a *curriculum vitae* of the applicant;
- (b) a certified copy of the identity document of the applicant;
- (c) certified copies of all educational qualifications of the applicant;
- (d) certified copies of certificates of service or, if not available, an affidavit by the applicant in respect of previous periods of employment rendered by him or her;
- (e) testimonials from previous employers of the applicant, if available;
- (f) the nature and history of any past or present business undertaking, occupation or trade of the applicant;
- (g) the names, addresses and telephone numbers of two references;
- (h) an affidavit regarding previous convictions, admissions of guilt, dismissal from employment, civil judgments, debt review and sequestrations, if any; and
- (i) a certified copy of his or her driver's licence, if the applicant has a valid driver's licence.

Disqualifications

3. No person shall be competent to be authorised by the public body concerned in terms of section 15(2)(a) of the Act if—

- (a) in the preceding 10 years he or she has been convicted of an offence of which violence (including assault, murder and others), dishonesty (including theft, corruption, fraud and others), extortion or intimidation is an element and has been sentenced to a period of imprisonment without the option of a fine;

- (b) he or she is of unsound mind and has been so declared or certified by a competent authority;
- (c) he or she is under the age of 18 years; or
- (d) he or she is an unrehabilitated insolvent.

Duties of public body

4. A public body which authorises a person in terms of section 15(2)(a) of the Act must—

- (a) ensure that the person receives training relevant to the performance of his or her duties, before authorisation is given;
- (b) ensure that the training referred to in paragraph (a) includes basic aspects relating to the procedure of service of documents, the Constitution of the Republic of South Africa, 1996, and the Criminal Procedure Act, 1977 (Act No. 51 of 1977);
- (c) issue a certificate to the person to be authorised, confirming that training was completed successfully;
- (d) keep a register of the personal particulars of every person so authorised by it, including the period for which the person is so authorised by it;
- (e) keep a register indicating—
 - (i) the particulars of every document or process of court handed to an authorised person for service,
 - (ii) whether the document or process of court referred to in subparagraph (i) has been served or not; and
 - (iii) if the document or process of court was served, the date, time and address of service; and
- (f) issue the authorised person, including a person authorised before this determination came into effect, with a certificate of appointment on which the following information must appear:
 - (i) The full name of the person;
 - (ii) his or her identity number;
 - (iii) his or her signature;
 - (iv) a photograph of him or her;
 - (v) full particulars of the public body which made the authorisation;
 - (vi) the period for which the person is authorised; and
 - (vii) the signature and official stamp of the public body or responsible person.

Duties of person authorised by public body

5. A person authorised by a public body in terms of section 15(2)(a) of the Act must at all times when exercising his or her duties in terms of the Act be in possession of the certificate of appointment referred to in paragraph 4(c), which certificate must be produced on demand.

ANNEXURE**FORM****APPLICATION FOR AUTHORISATION IN TERMS OF SECTION 15(2)(a) OF THE
MAGISTRATES' COURTS ACT, 1944 (ACT NO. 32 OF 1944)****Please note:**

1. *This form must be completed in block letters.*
2. *If there is a conflict of interest regarding any current post held by you, you may be asked to relinquish such post.*
3. *The following documents must accompany the application form:*
 - (a) *A curriculum vitae;*
 - (b) *a certified copy of your identity document;*
 - (c) *certified copies of all educational qualifications;*
 - (d) *certified copies of certificates of service or, if not available, an affidavit by you in respect of previous periods of service;*
 - (e) *testimonials from previous employers, if available;*
 - (f) *the nature and history of any past or present business undertaking, occupation or trade;*
 - (g) *the names, addresses and telephone numbers of two references;*
 - (h) *an affidavit regarding previous convictions, admissions of guilt, dismissal from employment, civil judgments, debt review and sequestrations (if any); and*
 - (i) *a certified copy of your driver's licence, if you have a valid driver's licence.*

[If the space provided is inadequate, submit information as an Annexure to this form and sign each page.]

PART A: APPLICATION [To be completed by applicant]												
Surname:												
Full names:												
ID. No./Date of birth:												/ /
Are you a South African citizen? If no, please state nationality:	Yes		No		Nationality:							
Have you been convicted of a criminal offence? Have you ever made an admission of guilt? If yes, please give details of offence and sentence:	Yes		No		Details:							
Have you ever been dismissed from employment? If yes, please give full details:	Yes		No		Details:							
Has any civil judgment been given against you? If yes, please give full details:	Yes		No		Details:							

Has any sequestration order been given against you? If yes, please give full details:	Yes	No	Details:
Residential address:			
	Code ()		
Residential telephone number:			
Cellular phone number:			
Occupation:			
Work address:			
	Code ()		
Work telephone number:			
Preferred method for correspondence:	Post	E-mail	Fax
Correspondence contact details (In terms of above preferred method):			
Postal address:			
	Code ()		
Preferred official language for correspondence:			
Do you have a valid driver's licence?	Yes	No	Code:
PART B: LANGUAGE PROFICIENCY - state 'good', 'fair' or 'poor'			
	Languages (specify)		
Speak			
Read			
Write			
PART C: QUALIFICATIONS			
Name of School/Technical College	Highest qualification obtained		Year obtained
Tertiary education (complete for each qualification you obtained after your grade 12 qualification, as well as seminars/courses attended):			
Name of institution	Name of qualification		Year obtained

Current study (institution and qualification):						
PART D: WORK EXPERIENCE AND CURRENT BUSINESS ACTIVITIES						
Employer (including current employer)	Position held	From		To		Reason for leaving (including retirement, misconduct or ill-health)
		MM	YY	MM	YY	
PART E: REFERENCES						
Name	Relationship to you		Tel. No. (office hours)			
PART F: DECLARATION						
I declare that all the information provided (including any attachments) is complete and correct to the best of my knowledge. I understand that any false information supplied could lead to my application being disqualified or to my discharge if I am appointed.						

Signed atthis.....day of20.....

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Signature of applicant

J T RADEBE, MP
MINISTER OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT