No. R. 966 **9 October 2009**

PROMOTION OF ADMINISTRATIVE JUSTICE ACT 3 OF 2000

RULES OF PROCEDURE FOR JUDICIAL REVIEW OF ADMINISTRATIVE ACTION

In accordance with section 7(3) of the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000) the Rules Board has made the rules in the schedule and the Minister and Parliament have approved them.

SCHEDULE

Preamble

Section 33(1) of the Constitution guarantees everyone the right to administrative action that is lawful, reasonable and procedurally fair. The Promotion of Administrative Justice Act, 3 of 2000 gives effect to that right and section 7 of the Act requires the Rules Board for Courts of Law to make rules of procedure for judicial review subject to the approval of the Minister and Parliament. The Rules Board has made the rules and the Minister and Parliament have approved them. These rules provide a procedure to facilitate proceedings for judicial review.

Arrangement of rules

PART A: APPLICATION OF RULES AND DEFINITIONS

1. Application of Rules

(1) These rules apply to proceedings for judicial review in the High Court, the Labour Court or the Magistrates' Courts.

(2) In an application for judicial review in a court other than one referred to in sub-rule (1), the court may adapt these rules to suit its particular requirements and procedures.

(3) If in any legal proceedings other than an application for judicial review, a party raises an issue concerning the validity of an administrative action, the court may -

(a) give directions as to the process to be followed for the determination of the validity of the administrative action taking these rules into account; or

(b) suspend the proceedings pending the outcome of the proceedings for judicial review under these rules.

(4) To the extent that these rules do not provide for any matter regulated by the rules of the court in which the proceedings are instituted, those rules apply insofar as they do not conflict with these rules, provided that-

(a) the rules relating to applications and discovery apply subject to the provisions of rules 8(2) and 12 respectively; and

(b) Rule 53 of the Uniform Rules of the High Court and Rule 7A of the Rules for the Conduct of Proceedings in the Labour Court no longer apply in proceedings for judicial review.

2. Definitions

(1) Any word or expression defined in the Act or in any rules of court that may apply to proceedings in terms of these rules bears the same meaning unless provided otherwise in sub-rule (2).

(2) In these Rules, unless the context indicates otherwise-

'Act' means the Promotion of Administrative Justice Act, 2000 (Act No 3 of 2000;

'affidavit' means a written statement contemplated in rule 10;

'day' means any day other than a Saturday, Sunday or a public holiday;

'document' includes any recorded information regardless of form or medium;

'judicial review' means judicial review of an administrative action based on a ground in section 6 of the Act for an order contemplated in section 8 of the Act;

'mediation' means a voluntary process in which a neutral third party assists litigants or prospective litigants to avoid or end litigation and resolve or find a process for resolving the litigation;

'registrar' means a registrar or clerk of court appointed in terms of any legislation governing the administration of courts;

'relevant document's means ~~a~~ EVERY document that was before or available to the administrator when the administrator took the decision sought to be reviewed. ~~directly relates to a ground of judicial review upon which a requester or applicant relies or intends to rely in proceedings for judicial review.~~

'Rules' includes the Forms.

PART B: REQUEST FOR REASONS AND DISCLOSURE

3. Request for reasons

(1) Any person whose rights are materially and adversely affected by an administrative action may request the administrator to-

(a) furnish written reasons for the action;

(b) agree to a variation of the time periods for the request for, or giving of, reasons in section 5 (1) and (2) of the Act in terms of section 9(1) of that Act.

(2) The request must be made in accordance with Form A and sent and delivered in the manner provided in the Form to the administrator within the time period referred to in section 5 (1) of the Act, or such period as may be varied in terms of section 9.

(3) The administrator must within 10 days of receipt of the request respond to it in accordance with Form B stating whether the request is acceded to or declined.

(4) If the administrator accedes to the request, the administrator must furnish the reasons within the period permitted in section 5 (2) of the Act unless that period has been varied by agreement or by a court in terms of section 9.

(5) The administrator may refuse a request for reasons if-

(a) written reasons have already been furnished to the requester;

(b) written reasons are publicly available and the requester is informed of where and how they are available;

(c) the requester is not a person whose rights are materially and adversely affected by the administrative action;

(d) it is reasonable or justifiable to depart from the requirement to give reasons in terms of section 5(4) of the Act; or

(e) on any other valid ground.

(6) An administrator who declines to furnish reasons in response to a request under this rule must give reasons for refusing to do so.

4. Request for disclosure

(1) A person intending to institute an application for judicial review under Part C may request the administrator to-

(a) furnish a list of relevant documents;

(b) agree to vary the time periods set out in section 7(1) in terms of section 9(1) of the Act;

(c) agree to mediation; or

(d) agree to an address for and manner of service or delivery for any application made in terms of these Rules.

(2) The request must be made in accordance with Form C and delivered to the administrator in the manner provided in the Form.

(3) The request may be made at any time after the administrative action was taken but no later than 30 days from the date on which reasons are furnished under section 5 of the Act or rule 3.

(4) The administrator may refuse to furnish a list of relevant documents if there are valid grounds for the refusal.

(5) The administrator must within 30 days of receipt of a request furnish the list in accordance with Form D or notify the requester of the refusal to do so together with reasons in accordance with Form E.

(6) The administrator must allow the requester to inspect the documents in Part 1 of schedule A to Form D at a place, time and manner determined by the administrator in Form D and to make copies at the

fee prescribed under the Promotion of Access to Information Act 2000 (Act No. 2 of 2000).

(7) The administrator may refuse to allow the requester to inspect and copy the documents in Part 2 of schedule A to Form D.

5. Application for variation of time

(1) If an administrator fails to respond or refuses to agree to a variation of a time period, the requester may apply to court for a variation of the time periods in sections 5(1) and (2) and 7(1) of the Act or the Rules under this Part.

(2) The application must be made on notice of motion supported by affidavit.

6. Application for reasons

(1) If an administrator fails to respond to a request for reasons or refuses to give reasons, the requester may apply to court for an order compelling the administrator to give reasons.

(2) The application for reasons must be made on notice of motion supported by affidavit.

7 Application to compel disclosure and access

(1) The requester may apply to court for an order compelling the administrator to furnish a list of relevant documents or grant access to a document on the list in Part 1 of Schedule A to Form D if the administrator-

(a) fails to respond to a request to furnish a list within the time period referred to in rule 4;

(b) refuses to furnish a list; or

(c) refuses to grant access to a document listed in Part 1 of Schedule A to Form D.

(2) Any such application must be made-

(a) on notice of motion;

(b) supported by affidavit; and

(c) within 15 days of the failure or notification of the refusal in question.

(3) A court may grant an application for furnishing a list or access to a document in Part 1 of Schedule A to Form D if it is satisfied that-

(a) the applicant has legal standing to bring an application for judicial review of the administrative action;

(b) any internal remedy contemplated in section 7(2)(a) of the Act in respect of the administrative action to be reviewed has been exhausted, or if not, that there are exceptional circumstances for an exemption from this requirement;

(c) the applicant has made a request under rule 4(1);

(d) the application is made within 15 days of the notification of refusal of a request;

(e) there are prima facie grounds for the intended review of the administrative action; and

(f) the documents are necessary for the intended review of the administrative action.

PART C: APPLICATION FOR JUDICIAL REVIEW

8. Application for judicial review

(1) A person who has not made a request or application in terms of Part B of these rules is not precluded from instituting an application for judicial review in terms of this Part.

(2) The rules concerning applications in the court in which the proceedings are instituted apply to the proceedings under this rule subject to the specific changes effected by it.

(3) An application for judicial review of an administrative action must be brought on notice of motion substantially in accordance with Form F supported by affidavit.

(4) The notice of motion must be addressed to -

(a) the registrar of the court in which proceedings are instituted;

(b) the administrator;

(c) any person against whom relief is sought; and

(d) any other person necessary or proper to join in the proceedings.

(5) The supporting affidavit must set out -

(a) the grounds of review referring in each case to the relevant provision in section 6(2) of the Act;

(b) the remedy which the applicant seeks referring in each case to the relevant provision of section 8 of the Act;

(c) whether there is any internal remedy, and if so, whether the remedy has been exhausted, and if not the exceptional circumstances justifying an exemption from this requirement;

(d) whether the application was brought within the time period stipulated in section 7 or varied in terms of section 9 of the Act; and

(e) whether the applicant acts in a representative capacity, and if so, particulars thereof.

(6) The application comprising the notice of motion, affidavits and annexures must be served upon every party referred to in sub-rule (4).

(7) The application must state-

(a) an address and method for delivery on the applicant of all documents in the proceedings provided that if the address is a physical address and the method of delivery is by hand, that address must be within 25 kilometres of the office of the registrar of the court in which the proceedings are instituted;

(b) that, if the respondent intends to oppose the application, the respondent must deliver a notice of intention to defend within 15 days of receipt of the notice of motion; and

(c) that if the respondent does not deliver such a notice, the registrar will be requested to set the matter down for hearing without further notice.

(8) The administrator responsible for the administrative action must be cited as a respondent.

(9) If the administrator is a functionary, the functionary need not be cited as a respondent if the functionary's department of state, administration or institution has been cited.

9. Opposition and reply

(1) Any person opposing the granting of an order sought in the notice of motion must-

(a) within the period stated in the application deliver a notice of an intention to oppose the application;

(b) state in that notice an address and method of delivery on the respondent of all documents in the proceedings provided that if the address is a physical address and the method of service is by hand, that address must be within 25 kilometres of the office of the registrar of the court in which the proceedings are instituted; and

(c) within 15 days of the notice of the intention to oppose, deliver an answering affidavit, if any.

(2) The applicant may deliver a replying affidavit within 10 days of delivery of the respondent's answering affidavit.

PART D: GENERAL

10. Form of affidavit

(1) For the purpose of these rules, an affidavit may be in the form of a written statement made under oath or under a declaration of truth.

(2) A declaration of truth must-

(a) take the following form:

'I have read this affidavit and declare under pain of perjury that its contents are true and correct'; and

(b) be followed by the signature of the person making the affidavit and the date and place of signature.

(3) A declaration of truth need not be attested to before a commissioner of oath in order to be admitted into evidence in proceedings for judicial review.

11. Conference

(1) A judicial officer may at any time after an application for judicial review has been instituted require the parties to attend a conference in chambers for purposes of-

(a) the limitation of issues;

(b) considering settlement or mediation;

(c) directions as to applications to strike out and other interlocutory applications;

(d) directions to expedite proceedings; or

(e) any other matter considered necessary.

(2) All agreements reached and directions given must be recorded in writing.

12. Discovery of documents during proceedings

The rules of the court in which proceedings for judicial review are instituted, relating to the discovery of documents in motion proceedings apply to applications for judicial review to the extent that those rules permit.

13. Bundle of documents

(1) Documents other than affidavits must be identified and placed in a separate bundle divided into parts with each party's documents paginated as follows:

(a) The applicant's documents will be marked A, with the pagination commencing at A1. If there is more than one applicant, the first applicant must mark his or her documents 1A and the second applicant as 2A and so on.

(b) The same applies to the documents of the respondents except that they should mark their documents as R, 1R or 2R as the case may be.

(2) Unless there is good reason for doing so, no document may be included in the application papers more than once.

(3) Documents must be referred to in affidavits and heads of argument as prescribed under sub-rule (1).

14. Power of court to give directions

Unless the Act precludes the court from doing so, the court may-

(a) give directions for the proper conduct of proceedings under these rules;

(b) shorten any period prescribed in these rules or the rules of the court in which the proceedings are instituted; and

(c) extend any period prescribed in these rules or the rules of the court in which the proceedings are instituted notwithstanding that that period may have elapsed.

15. Title and Commencement

1. These rules are called the Rules of Procedure for Judicial Review of Administrative Action.

2. These rules will come into operation on a date to be fixed by the Minister by notice in the Gazette.

FORM A
REQUEST FOR REASONS

Legal context of this form: Section 5(1) of the Promotion of Administrative Justice Act (PAJA) provides that a person who is materially and adversely affected by an administrative action is entitled to reasons. Section 5(2) of PAJA requires the person who made the decision (the administrator) to give reasons for the administrative action, if asked to do so within 90 days. These time limits may be reduced or extended by consent.

The request for reasons and variation of time limits or fees in accordance with Rule 2 which prescribes that the request must be made in accordance with this Form.
The relevant provisions of PAJA are reproduced.
What this form is about: You need to fill in this Form if you have been materially and adversely affected by an administrative action and:

- the administrator has not given reasons and you want the reasons for the administrative action;
- you need to shorten or extend the periods contained in PAJA for reasons.

You do not have to make both requests in this form.
How do you send or deliver this request? Delivery of this form shall be effected in one or more of the following ways: hand delivery, registered post, fax or electronic mail.

PART A: DETAILS OF REQUESTER

How to fill this part of the Form:

1. Provide full details.

Item 3. The requester must state the address for delivery of the reasons and state the manner in which the reasons must be delivered.

The requester may choose one of the following methods of delivery:

- registered post
- facsimile
- electronic mail.

Item 4. You must explain why you are materially and adversely affected by the administrative action. The administrator may refuse to provide you with reasons or documents if you have not been materially.

Item 5. It is important to state when and how you became aware of the administrative action and the administrator may refuse to give you reasons if you request them later than 90 days after you (or any member of the public) ought reasonably to have become aware of the action.

1. If an individual-
   - Full name .....
   - Date of birth .....
   - Identity or Passport number .....

2. If a company, closed corporation, partnership etc–
   - Name and description .....
   - Registration details, if any.....
   - Persons authorised to act on its behalf .....

3. Contact details:
   - Telephone number .....
   - Email address .....
   - Details of legal representative (if represented) .....
   - Postal address .....
   - Manner of delivery.....

4. Explain why you are materially and adversely affected by the administrative action. .....
.....

5. When and how did you become aware of the administrative action? .....

PART B: NAME AND DETAILS OF ADMINISTRATOR

How to fill this part of the Form:

1. These details are important [illegible]
2. If you do not know the name [illegible] responsible for the decision, [illegible]
   - a national department;
   - a provincial [illegible]
   - a municipality;
   - a government agency or institution [illegible]

1. Details of administrator who took the action (if known):
   - Full name .....
   - Official designation .....
   - Work address .....
   - Contact details including facsimile, telephone number and email address. .....

2. Details of department or institution responsible for the action:
   - Name of department or institution .....
   - Address .....
   - Contact details including facsimile, telephone number and email address .....
   - Head of the office .....

PART C: DETAILS OF THE ADMINISTRATIVE ACTION

How to fill this part of the Form:

Part C of the Form must be as detailed as possible. [illegible] will accordingly eliminate unnecessary delays.

1. Have you been informed of the administrative action? If "yes" provide:
   - The date of the administrative action .....
   - Any file or reference number used by the administrator .....
   - Any other details that will assist in identifying the administrative action .....
   - In terms of which law was the administrative action taken (if known)? .....

2. If you have not been informed of the administrative action, then provide:
   - A description of the administrative action .....
   - Any details that will assist in identifying the administrative action .....
   - Any file or reference number used in any documentation concerning the administrative action .....

3. Have you been provided with reasons for the administrative action referred to in this section? yes/no

PART D: REQUEST TO REDUCE OR EXTEND TIME PERIODS

How to fill in this form:

You must set out in sufficient detail the reasons for [illegible] the Act.

The administrator may grant a request for [illegible] request.

1. Do you want to extend the time period of 90 days to make a request for reasons? Yes/No

If yes, give the reasons for the extension .....

....

2. Do you want to reduce the time period of 90 days for the administrator to submit written reasons? Yes/No
If yes, give the reasons for reducing the period. ....
....

Meaning of terms: Definition of important terms from the Act

- **"administrator"** means an organ of state or any natural or juristic person taking administrative action
- **"administrative action"** means any decision taken, or any failure to take a decision, by—

(a) an organ of state, when—
(i) exercising a power in terms of the Constitution or a provincial constitution; or
(ii) exercising a public power or performing a public function in terms of any legislation; or
(b) a natural or juristic person, other than an organ of state, when exercising a public power or performing a public function in terms of an empowering provision, which adversely affects the rights of any person and which has a direct, external legal effect, but does not include—

(aa) the executive powers or functions of the National Executive, including the powers or functions referred to in sections 79(1) and (4), 84(2)(a), (b), (c), (d), (f), (g), (h), (i) and (k), 85(2)(b), (c), (d) and (e), 91(2), (3), (4) and (5), 92(3), 93, 97, 98, 99 and 100 of the Constitution;
(bb) the executive powers or functions of the Provincial Executive, including the powers or functions referred to in sections 121(1) and (2), 125(2)(d), (e) and (f), 126, 127(2), 132(2), 133(3)(b), 137, 138, 139 and 145(1) of the Constitution;
(cc) the executive powers or functions of a municipal council;
(dd) the legislative functions of Parliament, a provincial legislature or a municipal council;
(ee) the judicial functions of a judicial officer of a court referred to in section 166 of the Constitution or of a Special Tribunal established under section 2 of the Special Investigating Units and Special Tribunals Act, 1996 (Act No. 74 of 1996), and the judicial functions of a traditional leader under customary law or any other law;
(ff) a decision to institute or continue a prosecution;
(gg) a decision relating to any aspect [illegible] Service Commission [illegible];
(hh) any decision taken, or failure to take a [illegible] Access to Information Act, 2000; or
(ii) any decision taken, or failure to take a [illegible];

- **"decision"** means any decision of an [illegible] under an empowering provision, including [illegible]

(a) making, suspending, revoking or [illegible]
(b) giving, suspending, revoking or [illegible]
(c) issuing, suspending, revoking or [illegible]
(d) imposing a condition or restriction;
(e) making a declaration, demand or requirement;
(f) retaining, or refusing to deliver up, an article; or
(g) doing or refusing to do any other act or thing of an administrative nature,
and a reference to a failure to take a decision must be construed accordingly;

FORM B
RESPONSE TO REQUEST FOR REASONS

Legal context of this form: Section 6(1) of the Promotion of Administrative Justice Act [illegible] permits any person who is materially and adversely affected by an administrative action to request reasons within 90 days after the date on which that person became aware of the action or [illegible] ought reasonably to have become aware of the action. Section 5(2) of PAJA requires the administrator, [illegible] the administrator to give reasons for the administrative action within 90 days [illegible] may be reduced or extended by consent.

The request for reasons and variation of time must be done in accordance with Form A. [illegible] that the request must be made in accordance with Form A of the rules. [illegible] request in accordance with Form A, the administrator must within 10 days [illegible] whether the administrator accedes to or declines the request.

What this form is about: The administrator must fill in this Form if [illegible] in accordance with Form A.

How to send or deliver this notification: Delivery of this Form must be [illegible] at the delivery address provided for by the requester in Form A.

PART A: NAME AND DETAILS OF ADMINISTRATOR

How to fill this part of the Form:

1. The administrator must confirm, supplement or rectify the details of the administrator set out by the requester in Form A to the extent that the information in Form A is not correct.

Details of administrator responsible for the administrative action

Name: .....

Official designation: .....

Department or institution: .....

Address of the administrator or institution .....

Telephone numbers: .....

Fax number: .....

Email address: .....

PART B: RESPONSE TO REQUEST FOR REASONS

How to fill this part of the Form:

1. If the administrator accedes to the request, the administrator must:
   - Furnish reasons within the period permitted in section [illegible]
   - Where the period varied by agreement or by a court [illegible]
2. If the request is refused, the administrator must state [illegible] applicable:
   - Written reasons already furnished to requester;
   - Written reasons are publicly available and the requester [illegible] available (give details as to how and where the reasons are [illegible]
   - The requester is not a person whose rights are materially and adversely affected by the administrative action;
   - It is reasonable and justifiable to depart from the requirement to give reasons in terms of section 6(4).

of the Act

- Another valid ground (please give detail of the ground on which you rely)

Will reasons be provided? Yes/No

If no, reasons for refusal:

_____

_____

_____

_____

If the reasons are publicly available, please give details of how and where they are available:

_____

_____

_____

PART C: REQUEST TO REDUCE OR EXTEND TIME PERIODS

How to complete this part of the Form:

The administrator may grant a request for the variation of the time periods taking into account the particular facts of each request. Such request may not be unreasonably refused.

Will the request for variation of time be agreed to?: Yes/No

If no, reasons for refusal:

_____

_____

_____

_____

_____

FORM C

REQUEST FOR DISCLOSURE OF DOCUMENTS

[illegible]

PART A: DETAILS OF REQUESTER

[illegible]

1. If a natural person-
   Full name .....
   Date of birth .....
   Identity or Passport number .....

2. If a company, closed corporation, partnership etc –
   Name and description .....
   Registration details (if any) .....
   Persons authorised to act on its behalf .....

3. Are you applying in your individual capacity? Yes/no

   If yes, did the administrative action materially and adversely affect your rights?
   .....
   .....

   If yes, give details of the rights affected and how they have been materially and adversely affected.
   .....
   .....
   .....

4. Are you applying in another capacity? Yes/No
   If so, in what capacity? .....

5. Contact details:
   Telephone number and email address .....
   Details of legal representative (if represented) .....
   Postal address .....
   Manner in which the reasons should be delivered .....

6. Have reasons been furnished under section 5 of the Act or Rule 3? Yes/No
If yes, when and how were reasons furnished to you .....
.....
.....

PART B: NAME AND DETAILS OF ADMINISTRATOR

How to fill this part of the Form:
1. These details are important because they identify who must respond to your request.
2. If you do not know the name of the person responsible for the action, then it is sufficient to give the details of the body responsible for the decision. The body may be one of the following:
   - a national department,
   - a provincial department,
   - a municipality,

a government agency or institution like the CCMA, SASSA or a bargaining council.

1. Details of person administrator who took the decision (if known):
   - Full name
     .....
   - Official designation
     .....
   - Work address .....
   - Contact details including facsimile, telephone number and email address. .....
     .....
     .....
2. Details of department or institution responsible for action:
   - Name of department or institution .....
   - Address .....
   - Contact details including facsimile, telephone number and email address .....
     .....
   - Head of the office .....

PART C: DETAILS OF THE ADMINISTRATIVE ACTION

How to fill this part of the Form:
Part C of the Form must be as detailed as possible. This will assist the administrator in identifying the administrative action and will accordingly eliminate unnecessary delays.

1. Have you been informed of the administrative action? If "yes" provide the:
   - Date of the administrative action .....
   - Any file or reference number used by the administrator .....
   - Any other details that will assist in identifying the administrative action.....
   - In terms of which law was the administrative action taken (if known)? .....
     .....
2. If you have not been informed of the administrative action, then provide:
   - Description of the administrative action .....
   - Any details that will assist in identifying the administrative action .....
     .....
     .....
   - Any file or reference number used in any documentation concerning the administrative action .....

PART D: REQUEST FOR DOCUMENTS

How to fill this part of the Form:

1. The purpose of this request is to assist you in the formulation of your application for judicial review of the administrative action, and accordingly adequate use is to enhance if you are intending to institute review proceedings.
2. You must explain why you would have legal standing in a judicial review application. An individual whose rights have been materially and adversely affected by the administrative action has legal standing. A person representing those who have been adversely affected by the administrative action, or a person acting in the public interest, may have legal standing. The administrator may refuse to provide the documents if you do not have legal standing.
3. The administrator may refuse to disclose documents if you have not exhausted an internal remedy.
4. You must list the grounds on which you intend to make application for judicial review of the administrative action. The grounds in section 6 are set out at the end of this form.

1. Do you intend to institute an application for judicial review? Yes/No
2. Explain why you would have standing in a judicial review application. .....
.....
.....
3. Have you exhausted any internal remedy in respect of the administrative action to be reviewed? Yes/No

   If not, why has the internal remedy not been exhausted? .....
.....
.....
4. What are the grounds of the intended application for judicial review? .....
.....
.....
.....

PART E: REQUEST TO REDUCE OR EXTEND TIME PERIODS

How to fill in this form:
You must set out in sufficient detail the reasons by the administrator why the time periods stipulated in the rules to the Act.
The administrator may grant a requested extension of the time periods having regard to the particular facts of each request.
Note: 180 days are calendar days.

1. Do you want to extend the period of 180 days in section 7(1) to institute proceedings for judicial review? Yes/No

If Yes, set out reasons .....
.....
.....

Part F: Request to agree to an address and manner of delivery of documents in any court application made in terms of these rules

1. Do you want the administrator to agree to an address for and mode of delivery of all documents in any court application made in terms of these rules? Yes/No.

   If any party to an application for judicial review under these Rules has consented to service or delivery of documents by fax or e-mail and any dispute arises as to the proper or timeous service or delivery of any document, the onus of proof is on the delivering party.

Part G: Request for mediation	**Comments:**
Do you request the administrator to consent to mediation regarding your intended judicial review of the administrative action? Yes/No	Mediation is a process of alternative dispute resolution. You may request the administrator to consent to mediation with the help of a

[illegible]

[illegible]

GROUNDS FOR REVIEW

[illegible]

1. [illegible]
2. [illegible]
3. [illegible]
4. [illegible]
5. [illegible]
6. [illegible]
7. [illegible]
8. [illegible]
9. [illegible]
10. [illegible]

[illegible]

(1) The court or adjudicator, in proceedings [illegible] section [illegible] may grant any order that is just and equitable, including [illegible]

(a) [illegible]

(b) [illegible]

(c) [illegible]

(2) The court or adjudicator [illegible] may grant any order that is just and equitable, including [illegible]

(a) [illegible]

(b) [illegible]

(c) [illegible]

(d) [illegible]

FORM D

AFFIDAVIT - LIST OF DOCUMENTS DISCLOSED

Details of Administrator:

- Name: .....
- Official designation .....
- Department or institution .....
- Address of the administrator or institution .....
- Contact details of administrator including a telephone number, facsimile and electronic mail address .....
- Name and designation of person authorised by the administrator to depose to this affidavit .....

Details of the Requester

- Name: .....
- Address for delivery of list .....

I, ... (the person authorised by the administrator), declare:

(1) I have in my possession documents relevant to the grounds of the intended judicial review of the administrative action set out in Form C.

(2) The requester will be allowed to inspect and make copies of the documents listed in Part 1 of Schedule A.

(3) The requester may inspect and make copies (at the fees determined under the Promotion of Access to Information Act 2 of 2000) of the documents listed in Schedule A, Part 1 at the time, place and manner set out below:

.....
.....
.....
.....
.....
.....

(4) I object to produce the documents listed in Part 2 of Schedule A, for the following reasons:

.....
.....
.....
.....
.....
.....

(5) I had, but no longer have in my possession, the documents listed in Schedule B hereto. These documents were last in my possession on:
.....
.....

The documents were given to:
.....
.....
.....

(6) According to the best of my knowledge and belief, I have not now, and never had in my possession, any documents relevant to the review grounds set out in Form C other than the documents listed in Schedule A and Schedule B.

(7) I have read this affidavit and declare under pain of perjury that its contents are both true and correct. (this affidavit must be attested under oath or affirmation before a commissioner of oaths)

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

Administrator: .....

SCHEDULE A

PART 1

PART 2

SCHEDULE B

FORM E
NOTIFICATION OF REFUSAL TO DISCLOSE DOCUMENTS

Legal context of this form: The Rules that govern judicial review of administrative action allow a person intending to institute an application for judicial review to request a list of documents that that person needs in order to apply to court for the judicial review of an administrative action. The request must be made in accordance with Form C. Once the administrator receives the request in accordance with Form C, the administrator must within 15 days furnish the list of documents or notify the requester of his or her refusal to provide the list.
What this form is about: The administrator must complete this form if he or she has received a request in accordance with Form C and the administrator is refusing to provide:

- A list of documents relevant to the grounds of review of the administrative action;
- An extension of the 180 day period in section 7(1) of the Act to institute proceedings for judicial review.

How to deliver this notification: Delivery of this form must be requested in the manner and at the delivery address provided for by the requester in Form C.

PART A: NAME AND DETAILS OF ADMINISTRATOR

How to fill this part of the Form:

1. The administrator must confirm, supplement or rectify the details of the administrator set out by the requester in Form C to the extent that the information in Form C is not correct.
2. The administrator must provide the details for accepting service of documents in any court application.

1. Details of administrator responsible for the administrative action:
   - Administrator .....
   - Official designation .....
   - Department or institution .....
   - Address of the administrator or institution .....
   - Contact details of administrator including a telephone number, facsimile and electronic mail address .....
2. Details of address and method for accepting all documents in any court litigation regarding the administrative action.
   .....
   .....

PART B: REASONS FOR REFUSAL

How to fill this part of the Form:
The administrator must identify the grounds for the refusal to provide a list of documents.

_____

_____

PART C: REQUEST TO REDUCE OR EXTEND TIME PERIODS

How to fill this part of the Form:
The administrator may grant a request for the variation of the prescribed time periods, taking into account the particular facts of each request. Such request may not be unreasonably refused.

Will the request for variation of time be agreed to?: Yes/No

PART D: REQUEST FOR MEDIATION

Do you consent to mediation? Yes/No

Comment:
Mediation is a voluntary process and no party will be prejudiced for refusing to consent to mediation.

FORM F

NOTICE OF MOTION: APPLICATION FOR JUDICIAL REVIEW

IN THE .....COURT

HELD AT .....

CASE NO. _____

IN THE MATTER BETWEEN:

_____ Applicant

And

_____ Respondent

TAKE NOTICE that the applicant intends to make application to this Court for the review of the following administrative action:

.....
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.....
.....
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.....
.....

and claims an order in the following terms:

.....
.....
.....
.....
.....
.....
.....

and take notice that the accompanying affidavit(s)

of.....will be used in support thereof.

TAKE NOTICE FURTHER that the applicant has appointed the following address at which delivery of all process in these proceedings will be accepted and method of delivery for all procedures and documents in these proceedings.

.....
.....
.....
.....
.....

TAKE NOTICE FURTHER that the applicant has elected the following manner in which he or she will accept delivery of documents:

.....

TAKE NOTICE FURTHER that if you intend opposing this application, notice of intention to oppose must be given within 15 days of receipt of the notice of motion. This notice must appoint an address for and manner of delivery of all process and documents. If you provide a physical address and require that the documents be served on you by hand, the address provided must be within 25km of a Court.

TAKE NOTICE FURTHER that within 15 days after giving notice of your intention to oppose, you must deliver an answering affidavit, if any.

If no such notice of intention to oppose is given, the registrar will be requested to set the matter down for hearing on .....date at.....time.

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

.....
Applicant or his Attorney
(address)

To:

(1) The Registrar of the above Court;

(2) The Administrator;

(3) Any persons against whom relief is sought; and

(4) Any other person necessary to join in the proceedings.