

**SECONDARY LEGISLATION IN RESPECT OF THE MAINTENANCE ACT,
1998 (ACT NO. 99 OF 1998)**

**A. COMMENCEMENT OF THE MAINTENANCE ACT, 1998 (ACT NO. 99
OF 1998)**

“PROCLAMATION

By the

President of the Republic of South Africa

No. R. 116, 1999

COMMENCEMENT OF THE MAINTENANCE ACT, 1998 (ACT No. 99 OF 1998)

Under section 47 of the Maintenance Act, 1998 (Act No. 99 of 1998), I hereby fix 26 November 1999 as the date on which the said act, with the exception of section 5 and section 7(1)9d) and (2), shall come into operation.

Given under my Hand and the Seal of the Republic of South Africa at Pretoria this third day of November, One thousand Nine hundred and Ninety-nine.

T. M. MBEKI,

President

By Order of the President-in-Cabinet:

P. M. MADUNA,

Minister of t he Cabinet”

B. REGULATIONS IN TERMS OF SECTION 44 OF THE MAINTENANCE ACT, 1998 (ACT NO. 99 OF 1998) PUBLISHED IN GOVERNMENT NOTICE NO. R. 1361 OF 15 NOVEMBER 1999 (GOVERNMENT GAZETTE 20627)

REGULATIONS RELATING TO MAINTENANCE

The Minister of Justice has, under section 44 of the Maintenance Act, 1998 (Act No. 99 of 1998), made the regulations in the Schedule.

SCHEDULE

Definitions

1. In these Regulations any word or expression to which a meaning has been assigned in the Act shall bear that meaning and, unless the context otherwise indicates -
"sheriff" means a person appointed under section 2(1) of the Sheriffs Act, 1986 (Act No. 90 of 1986), and includes a person appointed under section 5 or 6 of that Act as an acting sheriff or deputy sheriff; and
"the Act" means the Maintenance Act, 1998 (Act No. 99 of 1998).

CHAPTER 1

COMPLAINTS AND INVESTIGATIONS

Complaints

- 2.(1) Any complaint that any person legally liable to maintain any other person fails to maintain the latter person, contemplated in section 6(1)(a) of the Act, shall substantially correspond with Form A of the Annexure.
- (2) A complaint for the substitution or discharge of a maintenance order, contemplated in section 6(1)(b) of the Act, shall substantially correspond with Form B of the Annexure.

Investigation by maintenance officer

3.(1) A maintenance officer may, in investigating a complaint and with due consideration to expediting the investigation of that complaint, direct the complainant and the person against whom a maintenance order may be or was made to -

- (a) appear on a specific time and date before him or her; and
- (b) produce to him or her on the date of appearance information relating to the complaint and documentary proof of the information, if applicable.

(2) (a) A direction contemplated in subregulation (1) may be given in the manner the maintenance officer deems fit.

(b) The maintenance officer shall keep record of the manner in which the direction was given.

(3) Any person who fails to comply with a direction contemplated in subregulation (1) shall be guilty of an offence and liable on conviction to imprisonment for a period not exceeding six months.

Subpoena

4.(1) A subpoena, contemplated in section 9(2)(b) of the Act -

- (a) for the person in whose favour a maintenance order is to be or was made as well as the person against whom a maintenance order may be or was made, shall substantially correspond with Part A of Form CI of the Annexure; and
- (b) for other witnesses, shall substantially correspond with Part A of Form CII of the Annexure.

(2) Part B of Form CI of the Annexure shall be completed by the opposing party.

(3) The service of a subpoena referred to in subregulation (1) shall be in accordance with the provisions of regulation 26(1).

- (4) A return of service of a subpoena referred to in -
- (a) subregulation (1)(a) shall substantially correspond with Part C of Form CI of the Annexure; and
 - (b) subregulation 1(b) shall substantially correspond with Part B of Form CII of the Annexure.
- (5) A subpoena to the person against whom a maintenance order may be or was made must be accompanied by a document in the form set out in Form G of the Annexure.

Subsistence and travelling allowances

5. Any person against whom a maintenance order may be made shall on direction of the maintenance court be entitled to the following allowances:

- (a) His or her reasonable actual expenses if he or she of necessity has to hire accommodation for the night.
- (b) Whenever the person -
 - (i) has to make use of railway transport to attend the enquiry, he or she shall be issued with a rail warrant for a return ticket for the class in which presumably he or she would ordinarily travel or such other class as a maintenance officer may deem appropriate, and the decision of the maintenance officer in this respect shall be final; or
 - (ii) makes use of railway transport without a rail warrant having been issued to him or her, an amount equal to the fare at government rate shall be paid to him or her: Provided that if a maintenance officer is satisfied that the payment of such amount would in any particular instance be unreasonable, he or she may order that an amount equal to the actual fair be paid to the person.
- (c) Whenever suitable railway transport is not available and a person against whom a

maintenance order may be made makes use of any other means of public transport to attend the enquiry, an amount equal to the fare for the forward and return journey along the shortest convenient route shall be paid to him or her: Provided that if more than one such other means of public transport is available, the fare for the least expensive thereof shall be paid.

- (d) Whenever suitable public transport is not available and a person against whom a maintenance order may be made makes use of his or her own or hired transport to attend the enquiry, an amount for the forward and return journey along the shortest convenient route shall be paid, calculated at 50c per kilometre in respect of a motor vehicle, excluding a motorcycle, and at 42c per kilometre in respect of a motorcycle or any other means of conveyance.
- (e) Whenever suitable public transport is available and a person against whom a maintenance order may be made makes use of his or her own or hired transport to attend the enquiry, the amount referred to in subparagraph (d) may be paid for a forward and return journey not exceeding 300 kilometres: Provided that if a maintenance officer is satisfied that the circumstances in a particular instance justify the use of transport other than public transport for a distance in excess of 300 kilometres, he or she may order that the amount referred to in subparagraph (d) or such lesser amount as may be deemed equitable in the circumstances be paid for such longer distance, and the decision of a maintenance officer in this respect shall be final.
- (f) If a maintenance officer is satisfied that the use of such transport is warranted, he or she may grant approval for a person against whom a maintenance order may be made to make use of air transport at government expense to attend the enquiry.

Statements by witnesses

6.(1) A statement in writing by a person, other than a person against whom a

maintenance order may be made, contemplated in section 12(1) of the Act, shall -

- (a) be signed by the person who made it; and
- (b) contain a declaration by such person to the effect that it is true to the best of his or her knowledge and belief and that he or she made the statement knowing that he or she may be guilty of an offence if he or she wilfully stated anything therein which he or she knew to be false.

(2) If the person who makes a statement in terms of subregulation (1) cannot read such statement, the statement shall -

- (a) be read to him or her by the person taking down the statement before the statement is signed by the person making the statement; and
- (b) be endorsed by the person who so read the statement to the effect that it was read.

Notification to admit statements by witnesses

7. A notification, contemplated in section 12(2)(c) of the Act, to the person against whom a maintenance order may be or was made requiring his or her consent for the admission of a statement as evidence, shall substantially correspond with Form D of the Annexure.

CHAPTER 2

MAINTENANCE AND OTHER ORDERS

Maintenance and ancillary orders

8. Any order of a court made under Chapter 4 of the Act, excluding an order contemplated in section 17 or 18 of the Act, shall substantially correspond with Form E of the Annexure.

Notices

9.(1)(a) A notice, contemplated in section 16(3)(a) of the Act, to any person who is obliged by any contract to pay money on a periodical basis to a person against whom a maintenance order has been made, shall substantially correspond with Part A of Form F of the Annexure.

(b) The service of a notice referred to in paragraph (a) shall be in accordance with the provisions of regulation 26(1) or (2), as the case may be.

(c) The return of service of a notice referred to in paragraph (a), if such notice is served in accordance with the provisions of regulation 26(1), shall substantially correspond with Part B of Form F of the Annexure.

(2)(a) A notice, contemplated in section 16(3)(b) of the Act, by a person referred to in subregulation (1) and who has been discharged from his or her contractual obligation, shall substantially correspond with Part C of Form F of the Annexure.

(b) A notice referred to in paragraph (a) shall be submitted to the maintenance officer of the court where the maintenance order was made in any manner convenient to the relevant person, subject thereto that the person who submits the notice shall keep record of the manner in which the notice was submitted.

Orders by consent

10.(1) The consent of a person against whom a maintenance order may be made, contemplated in section 17 of the Act, shall substantially correspond with Part A of Form G of the Annexure.

(2) Any order made in accordance with the consent referred to in subregulation (1) shall substantially correspond with Part B of Form G of the Annexure.

(3) The return of a maintenance officer, police officer, sheriff or maintenance investigator showing that a copy of an order by consent referred to in subregulation (2) was delivered or tendered to the person who consents to the maintenance order, shall substantially correspond with Part C of Form G of the Annexure.

Orders by default

11.(1) An order by default, contemplated in section 18(1) of the Act, shall substantially correspond with Part A of Form H of the Annexure.

(2) A notice to the person against whom an order by default, referred to in subregulation (1), was made shall substantially correspond with Part B of Form H of the Annexure.

(3) The return of a maintenance officer, police officer, sheriff or maintenance investigator showing that a copy of an order by default referred to in subregulation (1) was delivered or tendered to the person against whom the order was made, shall substantially correspond with Part C of Form H of the Annexure.

(4) (a) An application for the variation or setting aside of an order by default, contemplated in section 18(4)(b) of the Act, shall substantially correspond with Part A of Form I of the Annexure.

(b) A notice of an application for the variation or setting aside of an order by default, contemplated in section 18(4)(c) of the Act, to the person in whose favour such order was

made, shall substantially correspond with Part B of Form I of the Annexure.

(c) A person who applied for the variation or setting aside of an order by default shall submit a notice referred to in paragraph (b) to the person in whose favour the order was made in any manner convenient to him or her, subject thereto that the person who submits the notice shall keep record of the manner in which the notice was submitted.

Variation or setting aside of orders

12.(1) Upon the variation or the setting aside of an order contemplated in section 19 of the Act, the maintenance officer shall, in the manner he or she deems fit, inform -

- (a) the person required to make a payment in terms of the maintenance order;
- (b) the person in whose favour the maintenance order has been made; and
- (c) the person on whom a notice referred to in section 16(3)(a) of the Act has been served,

of the variation or the setting aside of the order by a notice which shall substantially correspond with Form J of the Annexure.

(2) The maintenance officer shall keep record of the manner in which the notice referred to in subregulation (1) was submitted.

Substitution or discharge of maintenance orders

13. On receipt of a notice of the substitution or discharge of a maintenance order, contemplated in section 22 of the Act, the registrar or the clerk of the court where the maintenance order concerned was issued, or where the sentence concerned was imposed, as the case may be, shall -

- (a) file the order with the original documents applicable to the case;
- (b) in the case of an order substituting a maintenance order, record the particulars of the new order on the order which is being substituted; and
- (c) in the case of an order discharging a maintenance order, record on the order

which is being discharged that the order has been discharged.

Transfer of maintenance orders

14.(1) The clerk of the court where a maintenance order was issued shall, when the maintenance order is to be transferred in terms of section 23(1) of the Act -

- (a) retain certified copies of all orders or judgements, including previous amended orders, and documents with regard to the record of payment which are applicable to the particular case; and
- (b) send by registered post all the original documents referred to in paragraph (a) to the clerk of the maintenance court where the person in whose favour the maintenance order was made resides.

(2) On receipt of the maintenance order referred to in subregulation (1), the clerk of the maintenance court shall register the order by numbering it with the following consecutive number for maintenance cases for the year during which it was received.

Appeals against orders

15.(1) An appeal in terms of section 25 of the Act shall be noted within 20 days of the date of the order appealed against and a cross-appeal shall be noted within seven days of the noting of the first-mentioned appeal.

(2) An appeal or cross-appeal shall be noted by delivery, within the period prescribed in subregulation (1) to the clerk of the maintenance court concerned and to the other party, of a notice stating -

- (a) whether the whole or part only of the order is appealed against and, if a part only, then what part; and
- (b) the grounds of appeal, specifying the findings of facts or rulings of law appealed against.

- (3) The officer who presided at an enquiry shall -
- (a) within 14 days of the noting of an appeal; or
 - (b) if the proceedings at the enquiry were taken down or recorded in shorthand or by mechanical means, within 14 days after a transcription of the shorthand notes or mechanical record of the proceedings has been placed before such officer by the clerk of the maintenance court concerned, transmit to the clerk of the maintenance court a statement in writing setting out -
 - (i) the facts he or she found to be proved;
 - (ii) his or her reasons for any finding of fact specified in the notice of appeal as appealed against; and
 - (iii) his or her reasons for any ruling on any question of law or for the admission or rejection of any evidence so specified as appealed against.
- (4) (a) The clerk of the maintenance court concerned shall, notwithstanding the provisions of regulation 24(3)(b), if the proceedings at an enquiry were taken down or recorded in shorthand or by mechanical means and an appeal has been noted, forthwith cause the shorthand notes or the mechanical record of the proceedings to be transcribed.
- (b) The person who noted an appeal shall bear the costs of the transcription contemplated in paragraph (a): Provided that if the maintenance officer is satisfied that such person is unable to pay the costs, the costs or part of it shall be paid by the State.
- (5) After an appeal has been noted in terms of subregulation (1) the appeal shall be prosecuted as if it were an appeal against the decision of a magistrate in a civil matter and the rules regulating the conduct of the proceedings of the several provincial and local divisions of the High Court in so far as they relate to civil appeals from the magistrates' courts shall, with the necessary changes, apply to any such appeal.

(6) The clerk of the maintenance court shall transmit the record of the proceedings at the enquiry, certified by the presiding officer as a true record of proceedings, or a transcription of any shorthand notes or mechanical record of such proceedings, certified as prescribed by regulation 24(3)(c), to the registrar of the division of the High Court concerned within seven days of the receipt by him or her of a notice that the appeal has been set down for hearing.

(7) (a) If the person in whose favour a maintenance order may be or was made notes an appeal or cross-appeal, as the case may be, and he or she cannot afford legal representation he or she shall inform the clerk of the maintenance court accordingly.

(b) The clerk of the maintenance court shall -

- (i) inform the Director of Public Prosecutions concerned immediately of the appeal or cross-appeal and that the person in whose favour the maintenance order was made cannot afford legal representation;
- (ii) on receipt of the statement of the presiding officer referred to in subregulation (3) furnish the Director of Public Prosecutions concerned with a copy of all relevant documentation; and
- (iii) within seven days of the receipt by him or her of a notice that the appeal has been set down for hearing notify the Director of Public Prosecutions concerned accordingly.

CHAPTER 3

CIVIL EXECUTION

Application for enforcement of maintenance or other orders

16. An application for -

- (a) the authorisation of the issue of a warrant of execution;
- (b) an order for the attachment of emoluments; or

(c) an order for the attachment of any debt, contemplated in section 26(2)(a) of the Act, shall substantially correspond with Form K of the Annexure.

Warrant of execution

17.(1) A warrant of execution, contemplated in section 27 of the Act, shall -

- (a) substantially correspond with Form L of the Annexure; and
- (b) be prepared in triplicate.

(2) The person in whose favour the order was made shall prepare Part A of Form L of the Annexure and thereafter lodge the said form with the clerk of the maintenance court concerned.

(3) On receipt of the warrant of execution referred to in subregulation (2) the clerk of the maintenance court shall issue the warrant of execution if he or she is satisfied that -

- (a) authorisation for the issuing of a warrant of execution was granted; and
- (b) the warrant of execution has been properly prepared,

by preparing Part B of Form L of the Annexure.

(4) The clerk of the maintenance court shall after the warrant of execution has been issued -

- (a) return the original warrant of execution and one copy thereof to the person in whose favour the order was made; and
- (b) file the second copy of the warrant of execution in the relevant file.

(5) Any change on the warrant of execution shall be initialled by the clerk of the maintenance court.

(6) The person authorised to execute a warrant of execution shall complete Part C and,

if applicable, Part D of Form L of the Annexure and return the form to the clerk of the maintenance court.

Particulars of persons authorised to execute warrant of execution

18. A maintenance investigator or maintenance officer shall submit to the person in whose favour the order was made particulars of the person authorised to execute the warrant of execution.

Application for the setting aside of a warrant of execution

19.(1) An application for the setting aside of a warrant of execution by a person against whom such warrant has been issued, contemplated in section 27(3) of the Act, shall substantially correspond with Part A of Form M of the Annexure.

(2)(a) A notice of an application for the setting aside of a warrant of execution, contemplated in section 27(6)(a) of the Act, shall substantially correspond with Part B of Form M of the Annexure.

(b) A person who applied for the setting aside of a warrant of execution shall submit the notice referred to in paragraph (a) to the person in whose favour the warrant of execution was issued in any manner convenient to him or her, subject thereto that the person who submits the notice shall keep record of the manner in which the notice was submitted.

Attachment of emoluments

20.(1) An application for the suspension, amendment or rescission of an order for the attachment of emoluments, contemplated in section 28(2)(a) of the Act, shall substantially correspond with Part A of Form N of the Annexure.

(2)(a) A notice of an application for the suspension, amendment or rescission of an order

for the attachment of emoluments, contemplated in section 28(2)(b) of the Act, shall substantially correspond with Part B of Form N of the Annexure.

(b) A person who applied for the suspension, amendment or rescission of an order for the attachment of emoluments shall submit the notice referred to in paragraph (a) to the person in whose favour the order for the attachment of emoluments was made in any manner convenient to him or her, subject thereto that the person who submits the notice shall keep record of the manner in which the notice was submitted.

(3)(a) A notice, contemplated in section 29(1) of the Act, to an employer shall substantially correspond with Part A of Form O of the Annexure.

(b) The service of a notice referred to in paragraph (a) shall be in accordance with the provisions of regulation 26(1) or (2), as the case may be.

(c) The return of service of a notice referred to in paragraph (a), if the notice is served in accordance with the provisions of regulation 26(1), shall substantially correspond with Part B of Form O of the Annexure.

(4)(a) A notice, contemplated in section 29(2) of the Act, by the employer that the person against whom the order for the attachment of emoluments was made has left his or her service, shall substantially correspond with Part C of Form O of the Annexure.

(b) The notice referred to in paragraph (a) shall be submitted to the maintenance officer of the court where the order was made in any manner convenient to him or her, subject thereto that the person who submits the notice shall keep record of the manner in which the notice was submitted.

Attachment of debts

21.(1) An application for the suspension, amendment or rescission of an order for the attachment of debts, contemplated in section 30(2) of the Act, shall substantially correspond with Part A of Form P of the Annexure.

(2)(a) A notice of an application for the suspension, amendment or rescission of an order for the attachment of debts, contemplated in section 30(2) of the Act, shall substantially correspond with Part B of Form P of the Annexure.

(b) A person who applied for the suspension, amendment or rescission of an order for the attachment of debts shall submit a notice referred to in paragraph (a) to the person in whose favour the order for the attachment of debts was made in any manner convenient to him or her, subject thereto that the person who submits the notice shall keep record of the manner in which the notice was submitted.

CHAPTER 4

OFFENCES AND ORDERS RELATING TO PROSECUTIONS

Complaints of failure to comply with orders

22. A complaint regarding a failure to make a payment in accordance with a maintenance order shall substantially correspond with Form Q of the Annexure.

Recovery of arrear maintenance

23.(1) The clerk of the court shall submit a certified copy of an order made by the court in terms of section 40 of the Act to the clerk of the civil court for registration of such order.

(2) The clerk of the civil court shall -

(a) register the order referred to in subregulation (1) by numbering it with the following consecutive case number for the year during which it is

registered; and

- (b) inform the maintenance officer of the maintenance court where the maintenance order was made and the person in whose favour the order was made of the registration and the number of the case.

(3) The provisions of the Act relating to civil execution shall, with the necessary changes, apply in respect of the execution of an order referred to in subregulation (1).

CHAPTER 5

GENERAL AND SUPPLEMENTARY PROVISIONS

Record of proceedings

- 24.(1)(a) The proceedings at an enquiry shall be recorded by keeping minutes of -
- (i) any maintenance order, including any provisional maintenance order as defined in the Reciprocal Enforcement of Maintenance Orders Act, 1963 (Act No. 80 of 1963) and the Reciprocal Enforcement of Maintenance Order (Countries in Africa) Act, 1989 (Act No. 6 of 1989), made at any enquiry, and of any refusal to make any such maintenance order;
 - (ii) any variation of a maintenance order;
 - (iii) any evidence given at the enquiry and of any objection to any evidence given or tendered at the enquiry and of any ruling by the court; and
 - (iv) the proceedings generally.
- (b) The maintenance court shall mark each document put in evidence and note such mark on the record.
- (2) The statement by an officer presiding at an enquiry referred to in regulation 15(3) shall become part of the record.

(3)(a) The proceedings at an enquiry shall be recorded by the officer presiding at the enquiry or by any person appointed or designated thereto by the court, either generally or specially for the purpose of a particular enquiry, to take down or record the proceedings in shorthand or by mechanical means.

(b) No shorthand notes or mechanical record of the proceedings shall be transcribed unless an officer designated to preside in the court concerned otherwise directs.

(c) Any shorthand notes or any transcription thereof or any mechanical record of the proceedings shall be certified as true notes of such proceedings or as a true transcription of such notes or record by the person taking down such notes or making such record or transcription, as the case may be, and any such transcription shall thereupon become part of the record of the proceedings.

(4) No person other than an officer in the Public Service, a person against whom a maintenance order has been or is to be made, a person in whose favour a maintenance order has been or is to be made, or the legal representative of any such person shall have access to any record referred to in this regulation, except with the leave of the presiding officer then holding office in the court in which the enquiry is to be or was held.

(5) The record of the proceedings at a maintenance enquiry shall be accessible on payment of the fees prescribed in Table E of Annexure 2 to the Magistrates' Courts Rules.

Photographs of persons subject to maintenance orders

25.(1) The maintenance officer shall, on receipt of photographs of a person against whom the maintenance court has made a maintenance order -

- (a) endorse on the back of each photograph the personal particulars of the person;

- (b) file one photograph in the relevant maintenance file; and
- (c) attach the other photograph to the relevant maintenance cards, if such a system is in use or appropriately deal with such other photograph in the manner he or she deems fit.

(2) The maintenance officer may make a photograph of a person against whom the maintenance court has made a maintenance order available to any person exercising or performing any power, duty or function in terms of the Act.

(3) The photographs of a person against whom the maintenance court has made a maintenance order shall become part of the maintenance record.

Service of documents

26.(1)(a) A document referred to in regulation 4(1), 9(1)(b) or 20(3)(b), together with a copy thereof, shall be delivered to a police officer, sheriff or maintenance investigator who shall, subject to the provisions of this regulation, forthwith serve it upon the person referred to in the said document by delivering a copy of the document in one of the following manners:

- (i) To the said person personally;
- (ii) at the said person's residence or place of business to a person apparently not less than 16 years of age and apparently residing or employed there: Provided that for the purpose of this paragraph, "residence" means, when a building is occupied by more than one person or family, that portion of the building occupied by the person upon whom service is to be effected;
- (iii) at the said person's place of employment to a person apparently not less than 16 years of age and apparently in authority over the said person or, in the absence of such a person in authority, to a person apparently not less than 16 years of age and apparently in charge at the said person's place of employment; and

- (iv) in the case of a juristic person, at its registered office or main place of business within the area of jurisdiction of the court concerned, to a director or a responsible employee thereof.

- (b) A police officer, sheriff or maintenance investigator shall, on request by the person on whom a document is served, exhibit to him or her the original of the document.

- (c) Where the person upon whom a document is to be or may be served keeps his or her residence or place of business closed and thereby prevents the police officer, sheriff or maintenance investigator from serving the document, it shall be sufficient to affix a copy thereof to the outer or principal door or security gate of such residence or place of business, or to place such copy in the postbox at such residence or place of business.

- (2) A notice referred to in regulation 9(1)(b) or 20(3)(b) shall be served by the maintenance officer or maintenance investigator upon the person referred to in the said notice by -
 - (a) handing a copy of the notice to the said person personally and endorsing the original notice to this effect; or
 - (b) sending the notice by facsimile to the said person, in which case proof thereof must be kept, and by sending a copy of the notice by registered post to the said person.

Short title

27. These regulations shall be called the Regulations relating to Maintenance, and shall come into operation on 26 November 1999.

ANNEXURE

FORM A

[Regulation 2(1)]

APPLICATION FOR MAINTENANCE ORDER

COMPLAINT IN TERMS OF SECTION 6(1)(a) OF THE MAINTENANCE ACT, 1998 (ACT No. 99 OF 1998)

Reference No.

[This information should, as far as possible, be given in order to investigate the complaint.]

I,
(full name)

(called "the complainant")

born on(date)/age

identity number

living at

.....

telephone number

working at

.....

telephone number

nearest police station.....

hereby *declare under oath/truly affirm as follows:

1.

(full name)

(called "the defendant")

born on(date)/age

identity number

living at

.....

telephone number

working at

.....

telephone number

nearest police station

is legally liable to maintain *me and/or the following child(ren), who is/are under my care:

..... born on.....

..... born on.....

..... born on.....

..... born on

..... born on.....

..... born on

2.* The defendant is legally liable to maintain me because.....

.....

.....

* The child(ren) mentioned is/are under my care because

.....

.....

3. The defendant has since not supported *myself/the said

child(ren) and has made *no contribution towards maintenance/the following contribution towards maintenance:

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

4. I request that the defendant be ordered to make the following contribution(s) towards maintenance:

A *weekly/monthly contribution of -

- R..... in respect of myself (complainant)
- Rin respect of (name of child)
- Rin respect of (name of child)
- Rin respect of (name of child)
- Rin respect of (name of child)
- Rin respect of (name of child)
- Rin respect of (name of child)
- Rin respect of (name of child)
- Rin respect of (name of child)
- Rin respect of (name of child)
- Rin respect of (name of child)

The first payment should be made on and after that on or before the day of each succeeding *week/month. All payments should be made to in favour of

and/or

other contributions (for example medical and dental costs, school fees, fees to tertiary institutions, schoolwear, expenses for sport and/or cultural activities, birth expenses and maintenance for child(ren) from birth):.....

.....

.....

.....

.....

.....

5. Particulars of my assets and *monthly/weekly income and expenditures (supported by documentary proof, where possible) are as follows:

Assets

Fixed property	R
Investments	R
Savings	R
Shares	R
Motor vehicles	R
Other:	R
	R
	R
	R
	R

Income

Gross salary	R	
Minus: Deductions	Tax	R
	Medical Aid	R
	Pension	R

	Other:	
		R
		R
		R
Total nett salary		R
Other income (state source of income)		R
		R
		R
		R
Total income		R

Expenditure

			Self	Child(ren)	Total
1	Lodging (bond repayment/levy /rent/ board)				
2	Food	Groceries			
		Meat			
		Bread and milk			
		Fruit and vegetables			
3	Household expenditure	Water and electricity/gas/paraffin			
		Rates and taxes			
		Maintenance (cleaning materials)			
		Laundry/Dry-cleaning			

		Baby food			
		Lunches			
		Toiletries			
		Telephone			
		Domestic worker			
		Garden services			
		Insurance (short term)			
4	Clothing	Clothes and shoes			
		School uniforms			
		Sports clothes			
5	Personal care (including hair care/cosmetics,etc.)				
6	Transport	Bus			
		Car	Instalments		
			Maintenance		
			Fuel		
			Licences		
			Insurance		
		Taxi			
		Lift club			
		Parking			
		Other			
7	Educational expenditure	School fees			
		After school care			

		Crèche/day care			
		Insurance (study policy)			
		Books			
		Stationery			
		Outings			
		Sports			
		Extramural			
		Other school expenditure			
8	Medical expenditure	Doctor/dentist/etc.			
		Medication			
		Hospital			
		Other medical expenditure			
9	Insurance	Life			
		Annuity			
		House owners/House holders			
10	Pocket money/ Allowances				
11	Holidays				
12	Maintenance, replacement and repairs of items	House			
		Household appliances			
		Kitchenware			
		Linen, towels, etc.			
		*Bicycles/bikes/scooters			
		Other items			

13	Entertainment & recreation (incl M-Net)				
14	Personal loans				
15	Security alarm system				
16	Membership fees				
17	Religious contributions/ Charities				
18	Gifts				
19	TV licence				
20	Reading material	Books			
		Newspapers			
		Periodicals			
21	Lease/Hire purchase payments	Furniture			
		Appliances			
		Other			
22	Pets	Food			
		Veterinary surgeon ("vet")			
		Licence			
23	Other (not specified above)				
	Total expenditure				

Dated at this day of

.....

Signature of Complainant

Oath/Affirmation

1. I certify that before administering the *oath/affirmation I asked the complainant the following questions and wrote down *his/her answers in *his/her presence:

(a) Do you know and understand the contents of the declaration?

Answer

(b) Do you have any objection to taking the prescribed oath?

Answer

(c) Do you consider the prescribed oath binding on your conscience?

Answer

2. I certify that the complainant acknowledged that *he/she knows and understands the contents of this declaration. The complainant uttered the following words *"I swear that the contents of this declaration are true, so help me God"/"I truly affirm that the contents of the declaration are true." The *signature/mark of the complainant was affixed to the declaration in my presence.

.....

Justice of the Peace/Commissioner of Oaths

Full name and surname.....

(block letters)

Designation (Rank) Ex Officio Republic of South Africa

Business address.....

(street address must be stated)

.....

Dated at this day of

*Delete whichever is not applicable

FORM B

[Regulation 2(2)]

**SUBSTITUTION OR DISCHARGE OF EXISTING MAINTENANCE ORDER
COMPLAINT IN TERMS OF SECTION 6(1)(b) OF THE MAINTENANCE
ACT, 1998 (ACT No. 99 OF 1998)**

Reference No.

[This information should, as far as possible, be given in order to investigate the complaint.]

I,.....,
(full name)

(called "the deponent")

born on(date)/age

identity number

living at

.....

telephone number

working at

.....

telephone number

nearest police station

hereby *declare under oath/truly affirm as follows:

1.,
(full name of person against whom maintenance order was made)

born on..... (date)/age.....

identity number.....

living at.....

.....

.....

telephone number.....

working at

.....

telephone number.....

nearest police station

was ordered by(Court)

on the day of to pay -

(a) on a *weekly/monthly basis with effect from
towards the maintenance of /the following
child(ren) the sum of -

Rin respect of the complainant

R in respect of (name of child), born on

R in respect of (name of child), born on

R in respect of (name of child), born on

R in respect of (name of child), born on

R in respect of (name of child), born on

R in respect of (name of child), born on

R in respect of (name of child), born on

R in respect of (name of child), born on

R in respect of (name of child), born on

R in respect of (name of child), born on

All payments should have been made to

in favour of

and/or

(b)

.....

.....

.....

(other contributions, for example medical and dental costs, school fees, fees to

tertiary institutions, schoolwear, expenses for sport and/or cultural activities, birth expenses and maintenance for child(ren) from birth).

A copy of the order is attached.

2. *Good cause/reason exists for the **substitution** of the said maintenance order as follows:

(a) A *weekly/monthly payment with effect from in the amount of -

R..... in respect of the complainant

Rin respect of (name of child)

Rin respect of (name of child).

The first payment must be made on..... and after that on or before the day of each succeeding *week/month. All payments must be made to..... in favour of

and/or

(b)
.....
.....
.....
.....

(other contributions, for example medical and dental costs, school fees, fees to tertiary institutions, schoolwear, expenses for sport and/or cultural activities, birth expenses and maintenance for child(ren) from birth);

OR

*good cause/ reason exists for the **discharge** of the said maintenance order.

3. The cause/reason for the *substitution/discharge of the maintenance order is -

.....

.....

.....

.....

.....

4. Particulars of my assets and *monthly/weekly income and expenditures (supported by documentary proof, where possible) are as follows:

Assets

Fixed property	R
Investments	R
Savings	R
Shares	R
Motor vehicles	R
Other:	R
	R
	R
	R
	R

Income

Gross salary		R
Minus: Deductions	Tax	R
	Medical Aid	R
	Pension	R
	Other:	R
		R
		R
		R
Total nett salary		R
Other income (state source of income)		R
		R
		R
		R
Total income		R

Expenditure

			Self	Child(ren)	Total
1	Lodging (bond repayment/levy /rent/ board)				
2	Food	Groceries			
		Meat			
		Bread and milk			
		Fruit and vegetables			

3	Household expenditure	Water and electricity/gas/paraffin					
		Rates and taxes					
		Maintenance (cleaning materials)					
		Laundry/Dry-cleaning					
		Baby food					
		Lunches					
		Toiletries					
		Telephone					
		Domestic worker					
		Garden services					
		Insurance (short term)					
4	Clothing	Clothes and shoes					
		School uniforms					
		Sports clothes					
5	Personal care (including hair care/cosmetics, etc.)						
6	Transport	Bus					
		Car	Instalments				
			Maintenance				
			Fuel				
			Licences				
			Insurance				
		Taxi					
Lift club							

		Parking			
		Other			
7	Educational expenditure	School fees			
		After school care			
		Crèche/day care			
		Insurance (study policy)			
		Books			
		Stationery			
		Outings			
		Sports			
		Extramural			
		Other school expenditure			
8	Medical expenditure	Doctor/dentist/etc.			
		Medication			
		Hospital			
		Other medical expenditure			
9	Insurance	Life			
		Annuity			
		House owners/House holders			
10	Pocket money/ Allowances				
11	Holidays				
12	Maintenance, replacement and repairs	House			
		Household appliances			

	of items	Kitchenware			
		Linen, towels, etc.			
		*Bicycles/bikes/scooters			
		Other items			
13	Entertainment & recreation (incl M-Net)				
14	Personal loans				
15	Security alarm system				
16	Membership fees				
17	Religious contributions/ Charities				
18	Gifts				
19	TV licence				
20	Reading material	Books			
		Newspapers			
		Periodicals			
21	Lease/Hire purchase payments	Furniture			
		Appliances			
		Other			
22	Pets	Food			
		Vet			
		Licence			
23	Other (not specified above)				

	Total expenditure				

Dated at this day of,

.....
Signature of Deponent

Oath/Affirmation

1. I certify that before administering the *oath/affirmation I asked the deponent the following questions and wrote down *his/her answers in *his/her presence:

(a) Do you know and understand the contents of the declaration?

Answer

(b) Do you have any objection to taking the prescribed oath?

Answer

(c) Do you consider the prescribed oath binding on your conscience?

Answer

2. I certify that the deponent acknowledged that *he/she knows and understands the contents of this declaration. The deponent uttered the following words *"I swear that the contents of this declaration are true, so help me God."/"I truly affirm that the contents of the declaration are true." The *signature/mark of the deponent was affixed to the declaration in my presence.

.....
Justice of the Peace/Commissioner of Oaths

Full name and surname.....
(block letters)

Designation (Rank) Ex Officio Republic of South Africa

Business address.....
(street address must be stated)

.....

Dated at this day of

*Delete whichever is not applicable

FORM C I
[Regulation 4(1)(a)]

**SUBPOENA IN TERMS OF SECTION 9(2) OF THE MAINTENANCE ACT,
1998 (ACT No. 99 OF 1998)**

[A document in the form set out in Form G must accompany the subpoena to the person against whom a maintenance order may be/was made.]

Reference No.

Maintenance Court (Magistrate's Court)	Court/Room No.	Date of inquiry
--	----------------	-----------------

A. Subpoena

1. To any person authorised to serve process:

You are hereby directed to -

(a) subpoena the following persons:

<p>Name of person in whose favour maintenance order is to be/was made:</p> <p>ID No./Date of birth:</p> <p>Address:</p> <p>No. of rail warrant:</p>
<p>Name of person against whom maintenance order may be/was made:</p> <p>ID No./Date of birth:</p>

Address: No. of rail warrant:

- (i) to appear in person before the above-mentioned court at 09:00 on the date stated above; and
 - (ii) to remain present until excused by the court,
- to give evidence at an enquiry, in terms of section 10 of the Maintenance Act, 1998 (Act No. 99 of 1998), instituted by the maintenance officer;
- (b) serve on each of the above-mentioned persons a copy of this subpoena and report to this Court what you have done with regard to it; and
 - (c) request the above-mentioned persons to produce the following at the enquiry:
 - (i) Part B of this Form, duly completed by.....
(the opposing party), together with supporting documentation, where possible.
 - (ii)
 - (iii)

2. To the persons who are hereby summoned:

- (a) Warnings:
 - (i) If your above-mentioned address changes before the proceedings are finalised or before you are officially advised that you are no longer required as a witness you must inform the maintenance officer of the above-mentioned court thereof.
 - (ii) If you fail to comply with the above-mentioned warning and this subpoena you may be arrested and on conviction sentenced to a fine or a term of imprisonment.
- (b) An application has been made for -

*(i) the *making of the following maintenance order/substitution of the existing maintenance order for the following order:

*(aa) A *weekly/monthly payment of -

R in respect of the complainant

R in respect of (name of child)

R in respect of (name of child)

R in respect of (name of child)

R in respect of (name of child)

R in respect of (name of child)

R in respect of (name of child)

R in respect of (name of child)

R in respect of (name of child)

R in respect of (name of child)

R in respect of (name of child);

and/or

*(bb)

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

(other contributions, for example medical and dental costs, school fees, fees to tertiary institutions, schoolwear, expenses for sport and/or cultural activities, birth expenses and maintenance for child(ren) from birth);

*(ii) the discharge of the existing maintenance order.

3. To the person against whom a maintenance order may be made/was made:

Your attention is drawn to -

- (a) section 17(1) of the Maintenance Act, 1998 (Act No. 99 of 1998), in terms of which you may consent in writing (on the attached document) to the making, in your absence, of an order against you for the payment of maintenance; and
- (b) section 18(1) of the Maintenance Act, 1998 (Act No. 99 of 1998), in terms of which an order by default may be issued against you if the maintenance court is satisfied that you have knowledge of this subpoena and still failed to appear before the maintenance court.

Dated at this day of

.....

.....
Maintenance Officer/Clerk of the Maintenance Court

B. Particulars regarding assets, income and expenditure of opposing party:

4. Particulars of my assets and *monthly/weekly income and expenditures (supported by documentary proof, where possible) are as follows:

Assets

Fixed property	R
Investments	R
Savings	R
Shares	R
Motor vehicles	R
Other:	R
	R

	R
	R
	R

Income

Gross salary		R
Minus: Deductions	Tax	R
	Medical Aid	R
	Pension	R
	Other:	R
		R
		R
		R
Total nett salary		R
Other income (state source of income)		R
		R
		R
		R
Total income		R

Expenditure

			Self	Child(ren)	Total
1	Lodging (bond repayment/levy /rent/ board)				

2	Food	Groceries				
		Meat				
		Bread and milk				
		Fruit and vegetables				
3	Household expenditure	Water and electricity/gas/paraffin				
		Rates and taxes				
		Maintenance (cleaning materials)				
		Laundry/Dry-cleaning				
		Baby food				
		Lunches				
		Toiletries				
		Telephone				
		Domestic worker				
		Garden services				
		Insurance (short term)				
4	Clothing	Clothes and shoes				
		School uniforms				
		Sports clothes				
5	Personal care (including hair care/cosmetics, etc.)					
6	Transport	Bus				
		Car	Instalments			
			Maintenance			

		Fuel			
		Licences			
		Insurance			
		Taxi			
		Lift club			
		Parking			
		Other			
7	Educational expenditure	School fees			
		After school care			
		Crèche/day care			
		Insurance (study policy)			
		Books			
		Stationery			
		Outings			
		Sports			
		Extramural			
		Other school expenditure			
8	Medical expenditure	Doctor/dentist/etc.			
		Medication			
		Hospital			
		Other medical expenditure			
9	Insurance	Life			
		Annuity			
		House owners/House holders			

10	Pocket money/ Allowances				
11	Holidays				
12	Maintenance, replacement and repairs of items	House			
		Household appliances			
		Kitchenware			
		Linen, towels, etc.			
		*Bicycles/bikes/scooters			
		Other items			
13	Entertainment & recreation (incl M-Net)				
14	Personal loans				
15	Security alarm system				
16	Membership fees				
17	Religious contributions/ Charities				
18	Gifts				
19	TV licence				
20	Reading material	Books			
		Newspapers			
		Periodicals			
21	Lease/Hire purchase payments	Furniture			
		Appliances			
		Other			
22	Pets	Food			

		Vet			
		Licence			
23	Other (not specified above)				
	Total expenditure				

C. Return of service

I,, certify that I have -

*(a) delivered a copy of the subpoena to..... personally [regulation 26(1)(a)(i)];

or

*(b) offered a copy of the subpoena for delivery to personally [regulation 26(1)(a)(i)];

or

*(c) delivered a copy of the subpoena to, a person apparently not younger than the age of 16 years and apparently residing or employed at the *residence/place of employment/place of business of, since he/she could not conveniently be found [regulation 26(1)(a)(ii) or (iii)];

or

*(d) *affixed/placed a copy of the subpoena to/in the *outer/principal door/ security gate/post box of the *residence/place of employment/place of business of, since he/she prevented

the service by keeping his/her *residence/place of employment/place of business closed [regulation 26(1)(c)].

Dated at this day of
.....

.....
*Maintenance Investigator/Sheriff/Police Officer

*Delete whichever is not applicable

FORM C II
[Regulation 4(1)(b)]

**SUBPOENA IN TERMS OF SECTION 9(2) OF THE MAINTENANCE ACT,
1998 (ACT No. 99 OF 1998)**

Reference No.

Maintenance Court (Magistrate's Court)	Court/Room No.	Date of inquiry
--	----------------	-----------------

In the maintenance enquiry between -

.....
(person in whose favour maintenance order is to be/was made)

and

.....
(person against whom maintenance order may be/was made)

A. Subpoena

1. To any person authorised to serve process:

You are hereby directed to -

(a) subpoena the following person(s):

Name of witness:
ID No./Date of birth:
Address:
No. of rail warrant:
Name of witness:

<p>ID No./Date of birth:</p> <p>Address:</p> <p>No. of rail warrant:</p>
--

- (i) to appear in person before the above-mentioned court at 09:00 on the date stated above; and
- (ii) to remain present until excused by the court, to give evidence at an enquiry, in terms of section 10 of the Maintenance Act, 1998 (Act No. 99 of 1998), instituted by the maintenance officer;
- (b) serve on each of the above-mentioned person(s) a copy of this subpoena and report to this Court what you have done with regard to it; and
- (c) request the above-mentioned person(s) to produce the following at the enquiry:
 - (i)
 - (ii)
 - (iii)

<p>2. Warnings to the person(s) who is/are hereby subpoenaed as (a) witness(es):</p>
--

- (i) If your above-mentioned address changes before the proceedings are finalised or before you are officially advised that you are no longer required as a witness you must inform the maintenance officer of the above-mentioned court thereof.
- (ii) If you fail to comply with the above-mentioned warning and this subpoena you may be arrested and on conviction sentenced to a fine or a term of

imprisonment.

Dated at this.....day of

.....
Maintenance Officer/Clerk of the Maintenance Court
.

B. Return of service

I,, certify that I have -

*(a) delivered a copy of the subpoena to..... personally
[regulation 26(1)(a)(i)];

or

*(b) offered a copy of the subpoena for delivery to
personally [regulation 26(1)(a)(i)];

or

*(c) delivered a copy of the subpoena to, a person
apparently not younger than the age of 16 years and apparently residing or
employed at the *residence/place of employment/place of business of
....., since he/she could not conveniently be found
[regulation 26(1)(a)(ii) or (iii)];

or

*(d) *affixed/placed a copy of the subpoena to/in the *outer/principal door/
security gate/post box of the *residence/place of employment/place of
business of, since he/she prevented the
service by keeping his/her *residence/place of employment/place of
business closed [regulation 26(1)(c)].

Dated at this day of

.....
*Maintenance Investigator/Sheriff/Police Officer

*Delete whichever is not applicable

FORM D
[Regulation 7]

NOTIFICATION TO ADMIT STATEMENTS BY WITNESSES
NOTICE IN TERMS OF SECTION 12(2)(c) OF THE MAINTENANCE ACT,
1998 (ACT No. 99 OF 1998)

[This notice shall be served on the person concerned at least 14 days before the hearing of the enquiry.]

Reference No.

In the maintenance enquiry between -

.....
(person who applies for maintenance order)

and

.....
(person against whom maintenance order may be made)

to be held on at with regard
to the payment of maintenance in respect of

.....

To:
(person against whom maintenance order may be made)

of
..... (address)

1. You are hereby notified that it is intended to submit the attached statement(s) made by -

.....
.....,

and the attached document(s), referred to in the statement(s), as evidence in the above-mentioned enquiry.

2. The information contained in the(se) document(s) shall be regarded as evidence as if the person(s) who made the(se) statement(s) has(have) given oral evidence, unless you object thereto to the maintenance officer of the above-mentioned court at least seven days before the commencement of the enquiry.

Dated at this day of

.....
Maintenance Officer/Clerk of
the Maintenance Court

FORM E

[Regulation 8]

**MAINTENANCE ORDER IN TERMS OF SECTION 16 OF THE
MAINTENANCE ACT, 1998 (ACT No. 99 OF 1998)**

Reference No.

[Form G must be used in the event of an order by consent and Form H must be used in the event of an order by default.]

In the maintenance matter between:

.....
(person who applies for maintenance order)

and

.....
(person against whom order is made)

1. In terms of the provisions of section 16(1)(a) and/or (b) of the Maintenance Act, 1998 (Act No. 99 of 1998), it is ordered that -

.....
(full name of person against whom order is made)

identity number

living at

.....

and working

at.....

.....

.

*(a) shall pay on a *weekly/monthly basis with effect from.....
towards the maintenance of *the complainant and/or the following
child(ren) the sum of -

R in respect of the complainant

R in respect of (name of child)
 R..... in respect of (name of child),

the first payment is to be made on and after
 that on/or before the day of each succeeding *week/month to

 in favour of

and/or

*(b)

(other contributions, for example medical and dental costs, school fees, fees to tertiary institutions, schoolwear, expenses for sport and/or cultural activities, birth expenses and maintenance for child(ren) from birth).

*2. It is further ordered that the maintenance order, dated.....
 made by the,
 is hereby substituted by the above-mentioned maintenance order.

*3. In terms of the provisions of section 16(2) of the Maintenance Act, 1998 (Act No. 99 of 1998), it is ordered that -

.....
(person(s) who is/are obliged by any contract to pay money on a periodical basis to person against whom
maintenance order was made)

of

..... (address(es))

make on behalf of the person against whom the order in paragraph (1) above was
made the following payments:

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

Dated at this day of

.....

Magistrate

*Delete whichever is not applicable

FORM F
[Regulation 9]

**NOTICE TO MAKE MAINTENANCE PAYMENTS ON BEHALF OF PERSON
AGAINST WHOM MAINTENANCE ORDER WAS MADE**

**NOTICES IN TERMS OF SECTION 16(3) OF THE MAINTENANCE ACT, 1998
(ACT No. 99 OF 1998)**

Reference No.

In the maintenance matter between:

.....
(person in whose favour maintenance order was made)

and

.....
(person against whom maintenance order was made)

A. Notification in terms of section 16(3)(a)

[This notice shall be served on the undermentioned person(s) within seven days after the day on which the order was made.]

To:
(person(s) who is/are obliged by any contract to pay money
on a periodical basis to above-mentioned person
against whom maintenance order was made)

of
..... (address(es))

1. You are hereby informed of the attached order of court in terms of which you are directed to make the payments as specified. Please note that these payments must be given priority over any other order of court requiring payments to be made from any other moneys due to the person against whom the maintenance order was made.

2. If you are discharged from your contractual obligation you shall within seven days after the day on which you are so discharged give notice thereof on Part C of this form to the maintenance officer of the court where the attached maintenance order was made. This notice may be submitted to the maintenance officer in any manner convenient to you, but you must keep record of the manner in which the notice was submitted.

3. Warning:

If you, without good reason, refuse or fail to -

- (a) make any payment in accordance with the attached order; or
- (b) furnish the maintenance officer with the notice provided for in Part C of this form,

you shall be guilty of an offence and may be sentenced to a fine or to imprisonment for a period not exceeding six months.

Dated at this day of

.....
Maintenance Officer / Clerk
of the Maintenance Court

B. Return of service

I,, certify that I have -

- *(a) delivered a copy of the notice to personally
[regulation 26(1)(a)(i)];

or

*(b) offered a copy of the notice for delivery to personally [regulation 26(1)(a)(i)];

or

*(c) delivered a copy of the notice to, a person apparently not younger than the age of 16 years and apparently residing or employed at the *residence/place of employment/place of business of, since he/she could not conveniently be found [regulation 26(1)(a)(ii) or (iii)];

or

*(d) *affixed/placed a copy of the notice to/in the *outer/principal door/security gate/post box of the *residence/place of employment/place of business of, since he/she prevented the service by keeping his/her *residence/place of employment/place of business closed [regulation 26(1)(c)];

or

*(e) delivered a copy of the notice to a *director/responsible employee of at the latter's *registered office/main place of business [regulation 26(1)(a)(iv)].

Dated at this day of,

.....
*Maintenance Investigator/Sheriff/Police Officer

C. Notification in terms of section 16(3)(b)

To: The Maintenance Officer/Clerk of the Maintenance Court of the Magistrate's Office,

1. I,, certify that I have been discharged with effect from(date) from my contractual obligation to pay money on a periodical basis to, the person against whom the above-mentioned order was made, for the following reasons:

.....
.....

2. The following information at my disposal may be relevant for purposes of making a new order against another person who may be obliged by any contract to pay money on a periodical basis to the person against whom the above-mentioned order was made:

.....
.....

Dated at this day of

.....
Signature of person who makes
maintenance payments on behalf of
person against whom maintenance order was made

*Delete whichever is not applicable

FORM G
[Regulation 10]

**CONSENT AND MAINTENANCE ORDER IN TERMS OF SECTION 17 READ
WITH SECTION 16 OF THE MAINTENANCE ACT, 1998 (ACT No. 99 OF
1998)**

Reference No.

In the maintenance matter between:

.....
(person who applies for maintenance order)

and

.....
(person against whom order may be made)

A. Written consent in terms of section 17(1)

I,,
(full name of person against whom order may be/was made)

identity number

living at.....

.....

working at

..... ,

consent to the following:

That a maintenance order be issued against me -

*(a) to pay on a *weekly/monthly basis with effect from

towards the maintenance of *the complainant and/or the following children

the sum of -

R in respect of the complainant

R in respect of (name of child)

R in respect of (name of child)

R in respect of (name of child)

R in respect of (name of child)

R in respect of (name of child)

R in respect of (name of child)

R in respect of (name of child)

R in respect of (name of child)

R in respect of (name of child),

that the first payment be made on and after that on or before
the day of each succeeding *week/month to

.....
in favour of

and/or

*(b) to *make the following contribution/*pay.....

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

Dated at this day of

.....
Signature of person against whom
order may be/was made

B. Maintenance order in terms of section 17(1)

1. A maintenance order in accordance with the above-mentioned written consent by the person against whom an order may be made/was made is hereby made an order of court.

*2. The maintenance order dated, made by the, is hereby substituted.

*3. In terms of the provisions of section 16(2) of the Maintenance Act, 1998 (Act No. 99 of 1998), it is ordered that -

.....
(person(s) who is/are obliged by any contract to pay money on a periodical basis to person against whom maintenance order was made)

of
.....(address(es))

make on behalf of the person against whom the order in part A above was made the following payments:

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

Dated at this day of

.....

Magistrate

C. Return in terms of section 17(2)

I,, hereby certify that I have tendered/delivered a copy of this order to at
..... (place) at.....a.m./p.m. on this day of , and informed him/her of the nature and urgency thereof.

Dated at this day of

.....
*Maintenance Officer/Maintenance Investigator/Sheriff/Police Officer

*Delete whichever is not applicable

FORM H
[Regulation 11]

ORDER BY DEFAULT AND NOTICE IN TERMS OF SECTION 18 READ WITH SECTION 16 OF THE MAINTENANCE ACT, 1998 (ACT No. 99 OF 1998)

Reference No.

In the maintenance matter between:

.....
(person who applies for maintenance order)

and

.....
(person against whom order is made)

A. Order by default

1. In terms of the provisions of section 18 read with section 16 of the Maintenance Act, 1998 (Act No. 99 of 1998), it is ordered that -

.....
(full name of person against whom order is made)

identity number

living at.....

.....

and working at

.....,

*(a) shall pay on a *weekly/monthly basis with effect from
towards the maintenance of *the complainant and/or the following
child(ren) the sum of -

Rin respect of the complainant

R in respect of (name of child)

R..... in respect of (name of child)

R in respect of (name of child)

R in respect of (name of child)

R..... in respect of (name of child),

the first payment is to be made on and after

that on or before the day of each succeeding *week/month to

.....

in favour of;

and/or

*(b)
.....
.....
.....
.....

(other contribution)

*2. It is further ordered that the maintenance order, datedmade by the is hereby substituted by the above-mentioned maintenance order.

*3. In terms of the provisions of section 16(2) of the Maintenance Act, 1998 (Act No. 99 of 1998), it is ordered that -

.....
(person(s) who is/are obliged by any contract to pay money on a periodical basis to person against whom maintenance order was made)

of

..... (address(es))

make on behalf of the person against whom the order in part A above was made the following payments:

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

Dated at this day of

.....
Magistrate

*Delete whichever is not applicable

B. Notification of order by default to the person against whom the above-mentioned order was made.

1. You are hereby informed of the above-mentioned order by default made against you in terms of which you are directed to make payments as specified in the order.

2. Should you wish to apply for the variation or setting aside of the attached order your application must be made to the maintenance officer of the court who issued the order within 20 days after receipt of this notice.

3. Please take note that you must also give notice of your application to the person in whose favour the order was made and the notice is to be served at least 14 days before the day the application is to be heard.

4. Your application (see paragraph 2) and the notice (see paragraph 3) must be on the prescribed form available at any magistrate's office.

Dated at this day of

.....
Maintenance Officer/Clerk
of the Maintenance Court

C. Return in terms of section 18(3)

I,, hereby certify that I have tendered/delivered a copy of the order to at
.....(place) at.....a.m./p.m.
on this day of, and informed him/her of the nature and urgency thereof.

Dated at this day of

.....
*Maintenance Officer/Maintenance
Investigator/Sheriff/Police Officer

*Delete whichever is not applicable

FORM I
[Regulation 11(4)]

**APPLICATION FOR VARIATION/ SETTING ASIDE OF AN ORDER BY
DEFAULT IN TERMS OF SECTION 18(4) OF THE MAINTENANCE ACT,
1998 (ACT No. 99 OF 1998)**

Reference No.

In the maintenance matter between:

.....
(person in whose favour maintenance order was made)

and

.....
(person against whom maintenance order was made)

A. Application in terms of section 18(4)(a)

To the Maintenance Officer of the Maintenance Court,

1. I, ,
(full name of person against whom maintenance order was made)
identity number
hereby apply that the maintenance order issued against me on the day of
..... by the Maintenance Court,, in
terms of the Maintenance Act, 1998 (Act No. 99 of 1998), be *set aside/varied as
follows:
.....
.....

2. In support of my application I hereby -

(a) *declare under oath/truly affirm that the following reasons exist for the
*variation/setting aside of the order:

.....

.....; and

(b) attach affidavits by the following persons:

.....
.....

Dated at this day of

.....
Signature of Deponent

Oath/Affirmation

1. I certify that before administering the *oath/affirmation I asked the deponent the following questions and wrote down *his/her answers in *his/her presence:

(a) Do you know and understand the contents of the declaration?

Answer

(b) Do you have any objection to taking the prescribed oath?

Answer

(c) Do you consider the prescribed oath binding on your conscience?

Answer

2. I certify that the deponent acknowledged that *he/she knows and understands the contents of this declaration. The deponent uttered the following words *"I swear that the contents of this declaration are true, so help me God."/"I truly affirm that the contents of the declaration are true." The *signature/mark of the deponent was affixed to the declaration in my presence.

.....
Justice of the Peace/Commissioner of Oaths

Full name and surname.....
(block letters)

Designation (Rank) Ex Officio Republic of South Africa

Business address.....
(street address must be stated)

Dated at this day of

B. Notification in terms of section 18(4)(c)

[Submit this notice, at least 14 days before your application is heard, to the person in whose favour the order by default was made in any manner convenient to you but keep record of the manner in which the notice was submitted.]

To:
(person in whose favour maintenance order was made)

1. Take note that the above-mentioned application will be heard on the day of at (time) at the Maintenance Court,
2. Attached hereto, if applicable, are copies of affidavits in support of the application.

Dated at this day of

.....
Signature of person against whom
maintenance order was made

*Delete whichever is not applicable

FORM J
[Regulation 12]

NOTICE IN TERMS OF SECTION 19 OF THE MAINTENANCE ACT, 1998
(ACT No. 99 OF 1998)

Reference No.

In the maintenance matter between:

.....
(person in whose favour maintenance order was made)

and

.....
(person against whom maintenance order was made)

To:

.....
(person in whose favour maintenance order was made)

.....
(person against whom maintenance order was made)

*.....
(person on whom notice referred to in section 16(3)(a)
has been served)

*1. Take note that the order issued under section 16(1)(a)(i) or 16(1)(b)(i) on
....., at the Maintenance Court,
was varied -

* (a) by the designation of
as from (date) as the person, officer,
organisation, institution, or account to whom, to which or into which
payment in terms of this order is to be made; or

* (b) by determining that payment in terms of this order will be made in the
following manner:
as from (date)

*2. Take note that the order issued under section 16(2) on,
at the Maintenance Court,, was set aside with

effect from

Dated at this day of

.....
Maintenance Officer

* Delete whichever is not applicable

FORM K
[Regulation 16]

**APPLICATION FOR ENFORCEMENT OF MAINTENANCE OR OTHER
ORDER IN TERMS OF SECTION 26 OF THE MAINTENANCE ACT, 1998
(ACT No. 99 OF 1998)**

Reference No.

In the maintenance matter between:

.....
(person in whose favour maintenance order was made)

and

.....
(person against whom maintenance order was made)

To the Maintenance Officer of the Maintenance Court,

1. I,,
(full name of person in whose favour order was made)

identity number

hereby apply -

- * (a) for authorisation to issue a warrant of execution; or
- * (b) for an order for the attachment of emoluments; or
- * (c) for an order for the attachment of a debt.

2. The following information is important for purposes of my application:

.....

.....

(Submit information relating to property and/or debts
of the person against whom the order was made
or his or her employer and income)

3. The whereabouts of the person against whom the order was made are as follows:

.....

.....

4. In support of my application I hereby *declare under oath/truly affirm that -
- (a) on (date) the attached order in terms of the Maintenance Act, 1998, was made by the above-mentioned maintenance court;
 - (b) the attached order has remained unsatisfied; and
 - (c) the amount of R..... is still outstanding. The amount has been calculated as follows:

.....

Dated at this day of

.....
 Signature of Deponent

Oath/Affirmation

1. I certify that before administering the *oath/affirmation I asked the deponent the following questions and wrote down *his/her answers in *his/her presence:

- (a) Do you know and understand the contents of the declaration?
 Answer
- (b) Do you have any objection to taking the prescribed oath?
 Answer
- (c) Do you consider the prescribed oath binding on your conscience?
 Answer

2. I certify that the deponent acknowledged that *he/she knows and understands the contents of this declaration. The deponent uttered the following words *"I swear that the

contents of this declaration are true, so help me God."/"/"I truly affirm that the contents of the declaration are true." The *signature/mark of the deponent was affixed to the declaration in my presence.

.....
Justice of the Peace/Commissioner of Oaths

Full name and surname.....
(block letters)

Designation (Rank) Ex Officio Republic of South Africa

Business address.....
(street address must be stated)

.....
Dated at this day of

*Delete whichever is not applicable

FORM L
[Regulation 17]

WARRANT OF EXECUTION AGAINST PROPERTY IN TERMS OF SECTION 27 OF THE MAINTENANCE ACT, 1998 (ACT No. 99 OF 1998)

[Part A must be completed by the person in whose favour the order was made.

Part B must be completed by the clerk of the maintenance court.

Parts C and D must be completed by the person authorised to execute this warrant.]

Reference No.....

In the maintenance matter between:

.....
(person in whose favour order was made, hereinafter referred to as the "execution creditor")

and

.....
(person against whom order was made, hereinafter referred to as the "execution debtor")

A. To the Clerk of the Maintenance Court,

- 1. Amounts to be levied:
 - (a) Outstanding amount of order R.....
 - (b) Interest on amount in (a) R.....
 - Total due R.....

2. Address of the execution debtor:

Dated at this day of

.....
Signature of person in whose favour order was made

B. To the person authorised to execute this warrant:

1. The above-mentioned maintenance court authorised on the day of in favour of the execution creditor, the issuing of a warrant of execution in terms of section 27 of the Maintenance Act, 1998 (Act No. 99 of 1998), against the *movable/immovable property of the execution debtor for the above-mentioned amounts, amounting in all to the sum of R..... .

2. You are therefore authorised and required to raise on the property of the execution debtor the sum of R....., together with your costs of this execution, and pay to the said execution creditor the sum of R..... and report to this Court what you have done by virtue hereof.

Dated at this day of

Date stamp of issuing office

.....
Clerk of the Maintenance Court

Note to person authorised to execute this warrant:

1. If the execution debtor pays the above-mentioned amount and the costs of this execution within half an hour of your entry he or she will not be required to pay any further costs of execution. The amount of any payment made by the execution debtor and the date thereof shall forthwith be endorsed on the original and copy hereof, which endorsement shall be signed by the person authorised to execute this warrant and countersigned by the execution debtor or his or her representative.

2. This execution may be paid out of sale, subject to the payment of the execution costs, which may be required to be taxed.

3. The only immovable property upon which this warrant may be executed is -

.....
.....

(set out its situation and nature sufficiently to enable it to be identified)

4. Any alterations made herein shall be initialled by the clerk of the maintenance court before the warrant is issued or reissued by him or her.

3. Return of service

I,, certify that I have -

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

D. Endorsement

The execution debtor paid the amount of R within half an hour of my entry.

.....
Signature of Sheriff/
Maintenance Investigator

.....
Signature of Execution Debtor/
Representative

FORM M
[Regulation 19]

**APPLICATION FOR SETTING ASIDE OF A WARRANT OF EXECUTION IN
TERMS OF SECTION 27(3) OF THE MAINTENANCE ACT, 1998 (ACT No. 99 OF
1998)**

Reference No.

In the maintenance matter between:

.....
(person in whose favour warrant of execution was issued)

and

.....
(person against whom warrant of execution was issued)

A. Application in terms of section 27(3)

To the Maintenance Officer of the Maintenance Court,

1. I,,
(full name of person against whom warrant of execution was issued)
identity number
hereby apply that the warrant of execution issued on the day of
..... by the clerk of the above-mentioned maintenance court, be set aside.

2. In support of my application I hereby -

(a) *declare under oath/truly affirm that the following reasons exist for the
setting aside of the warrant of execution:

.....
.....; and

(b) attach affidavits by the following persons:

.....
.....

Dated at this day of

.....
Signature of Deponent

Oath/Affirmation

1. I certify that before administering the *oath/affirmation I asked the deponent the following questions and wrote down *his/her answers in *his/her presence:

(a) Do you know and understand the contents of the declaration?

Answer

(b) Do you have any objection to taking the prescribed oath?

Answer

(c) Do you consider the prescribed oath binding on your conscience?

Answer

2. I certify that the deponent acknowledged that *he/she knows and understands the contents of this declaration. The deponent uttered the following words *"I swear that the contents of this declaration are true, so help me God."/"I truly affirm that the contents of the declaration are true. "The *signature/mark of the deponent was affixed to the declaration in my presence.

.....

Justice of the Peace/Commissioner of Oaths

Full name and surname.....
(block letters)

Designation (Rank) Ex Officio Republic of South Africa

Business address.....
(street address must be stated)

.....

Dated at this day of

B. Notification in terms of section 27(6)(a)

[Submit this notice, at least 14 days before your application is heard, to the person in whose favour the warrant of execution was issued in any manner convenient to you but keep record of the manner in which the notice was submitted.]

To:
(person in whose favour warrant of execution was issued)

1. Take note that the above-mentioned application will be heard on the day of at (time) at the Maintenance Court,
2. Attached hereto, if applicable, are copies of affidavits in support of the application.

Dated at this day of

.....
Signature of person against whom
warrant of execution was issued

*Delete whichever is not applicable

FORM N
[Regulation 20]

**APPLICATION FOR SUSPENSION, AMENDMENT OR RESCISSION OF AN
ORDER FOR THE ATTACHMENT OF EMOLUMENTS IN TERMS OF
SECTION 28(2) OF THE MAINTENANCE ACT, 1998 (ACT No. 99 OF 1998)**

Reference No.

In the maintenance matter between:

.....
(person in whose favour order for attachment of emoluments was made)

and

.....
(person against whom order for attachment of emoluments was made)

A. Application in terms of section 28(2)(a)

To the Maintenance Officer of the Maintenance Court,

1. I, ,
(full name of person who applies for suspension, amendment or rescission of order)

identity number

hereby apply that the order for the attachment of emoluments made on the.....

day of by the above-mentioned maintenance court, be

*suspended/rescinded/amended as follows:

.....
.....

2. In support of my application I hereby -

(a) *declare under oath/truly affirm that the following reasons exist for the
*suspension/rescission/amendment of the order:

.....
.....; and

(b) attach affidavits by the following persons:

.....

.....

Dated at this day of

.....

Signature of Deponent

Oath/Affirmation

1. I certify that before administering the *oath/affirmation I asked the deponent the following questions and wrote down *his/her answers in *his/her presence:

(a) Do you know and understand the contents of the declaration?

Answer

(b) Do you have any objection to taking the prescribed oath?

Answer

(c) Do you consider the prescribed oath binding on your conscience?

Answer

2. I certify that the deponent acknowledged that *he/she knows and understands the contents of this declaration. The deponent uttered the following words *"I swear that the contents of this declaration are true, so help me God."/"I truly affirm that the contents of the declaration are true." The *signature/mark of the deponent was affixed to the declaration in my presence.

.....

Justice of the Peace/Commissioner of Oaths

Full name and surname.....

(block letters)

Designation (Rank) Ex Officio Republic of South Africa

Business address.....

(street address must be stated)

.....

Dated at this day of

B. Notification in terms of setion 28(2)(b)

[Submit this notice, at least 14 days before your application is heard, to the person in whose favour the order for attachment of emoluments was made in any manner convenient to you but keep record of the manner in which the notice was submitted.]

To:
(person in whose favour order for attachment of emoluments was made)

1. Take note that the above-mentioned application will be heard on the day of at (time) at the Maintenance Court,

2. Attached hereto, if applicable, are copies of affidavits in support of the application.

Dated at this day of

.....
Signature of person against whom order for attachment of emoluments was made

*Delete whichever is not applicable

FORM O
[Regulation 20]

**NOTICES TO AND BY EMPLOYER IN TERMS OF SECTION 29 OF THE
MAINTENANCE ACT, 1998 (ACT No. 99 OF 1998)**

Reference No.

In the maintenance matter between:

.....
(person in whose favour order for attachment of emoluments was made)

and

.....
(person against whom order for attachment of emoluments was made)

A. Notification in terms of section 29(1)

[This notice shall be served on the person concerned within seven days on which the order was made.]

To:
(the employer of the person against whom order
for the attachment of emoluments was made)

of

..... (address)

1. You are hereby informed of the attached order of court in terms of which you are directed to make the payments as specified. Please note that these payments must be given priority over any other order of court requiring payments to be made from the emoluments due to the person against whom the maintenance order was made.

2. If the person against whom the order for attachment of emoluments was made leaves your service, you shall within seven days after the day on which he or she left your service, give notice thereof on Part C of this form to the maintenance officer of the court where the attached order was made. This notice may be submitted to the maintenance officer in any manner convenient to you, but you must keep record of the manner in which the notice was submitted.

3. Warning:

If you -

- (a) fail to make the payments specified in the attached order you may be held liable for the payment; and
- (b) without good reason cause, refuse or fail to -
 - (i) make the payments specified in the attached order; or
 - (ii) furnish the maintenance officer with the notice provided for in Part C of this form,

you shall be guilty of an offence and may be sentenced to a fine or to imprisonment for a period not exceeding six months.

Dated at this day of

.....

Signature of the Maintenance Officer/
Clerk of the Maintenance Court

B. Return of service

I,, certify that I have -

- *(a) delivered a copy of the notice to personally
[regulation 26(1)(a)(i)];

or

*(b) offered a copy of the notice for delivery to personally [regulation 26(1)(a)(i)];

or

*(c) delivered a copy of the notice to, a person apparently not younger than the age of 16 years and apparently residing or employed at the *residence/place of employment/place of business of, since he/she could not conveniently be found [regulation 26(1)(a)(ii) or (iii)];

or

*(d) *affixed/placed a copy of the notice to/in the *outer/principal door/security gate/post box of the *residence/place of employment/place of business of, since he/she prevented the service by keeping his/her *residence/place of employment/place of business closed [regulation 26(1)(c)];

or

*(e) delivered a copy of the notice to....., a *director/responsible employee of at the latter's *registered office/main place of business [regulation 26(1)(a)(iv)].

Dated at this day of

.....
*Maintenance Investigator/Sheriff/Police Officer

C: Notification in terms of section 29(2)

To: The Maintenance Officer/Clerk of the Maintenance Court of the Magistrate's Office,

1. I,, hereby give

notice that, who was in my employment, left
my service on (date).

Dated at this day of

.....

Signature

*Delete whichever is not applicable

FORM P
[Regulation 21]

**APPLICATION FOR SUSPENSION, AMENDMENT OR RESCISSION OF AN
ORDER FOR THE ATTACHMENT OF DEBTS IN TERMS OF SECTION 30(2)
OF THE MAINTENANCE ACT, 1998 (ACT No. 99 OF 1998)**

Reference No.

In the maintenance matter between:

.....
(person in whose favour order for attachment of debts was made)

and

.....
(person against whom order for attachment of debts was made)

A. Application in terms of section 30(2)

To the Maintenance Officer of the Maintenance Court,

1. I, ,
(full name of person who applies for suspension, amendment or rescission of order)

identity number

hereby apply that the order for the attachment of debts made on the day of

..... by the above-mentioned maintenance court, be

*suspended/rescinded/amended as follows:

.....
.....

2. In support of my application I hereby -

(a) *declare under oath/truly affirm that the following reasons exist for the *suspension/rescission/amendment of the order:

.....
.....; and

(b) attach affidavits by the following persons:

.....
.....

Dated at this day of

.....

Signature of Deponent

Oath/Affirmation

1. I certify that before administering the *oath/affirmation I asked the deponent the following questions and wrote down *his/her answers in *his/her presence:

(a) Do you know and understand the contents of the declaration?

Answer

(b) Do you have any objection to taking the prescribed oath?

Answer

(c) Do you consider the prescribed oath binding on your conscience?

Answer

2. I certify that the deponent acknowledged that *he/she knows and understands the contents of this declaration. The deponent uttered the following words *"I swear that the contents of this declaration are true, so help me God."/"I truly affirm that the contents of the declaration are true." The *signature/mark of the deponent was affixed to the declaration in my presence.

.....

Justice of the Peace/Commissioner of Oaths

Full name and surname.....
(block letters)

Designation (Rank) Ex Officio Republic of South Africa

Business address.....
(street address must be stated)

.....

Dated at this day of

B. Notification in terms of section 30(2)(b)

[Submit this notice, at least 14 days before your application is heard, to the person in whose favour the order for attachment of debts was made in any manner convenient to you but keep record of the manner in which the notice was submitted.]

To:
(person in whose favour order for attachment of debts was made)

1. Take note that the above-mentioned application will be heard on the day of at (time) at the Maintenance Court,

2. Attached hereto, if applicable, are copies of affidavits in support of the application.

Dated at this day of

.....
Signature of person against whom order
for attachment of debts was made

*Delete whichever is not applicable

FORM Q
[Regulation 22]

**COMPLAINT OF FAILURE TO COMPLY WITH A MAINTENANCE ORDER
FOR PURPOSES OF SECTION 31(1) OF THE MAINTENANCE ACT, 1998
(ACT No. 99 OF 1998)**

Reference No.

I,
(full name)

(called "the complainant")

born on(date)/age.....

identity number.....

living at

.....

telephone number

working at

.....

telephone number

nearest police station

hereby *declare under oath/truly affirm as follows:

1. ,
(full name)

(called "the defendant")

born on(date)/age

identity number

living at

.....

telephone number

working at

.....

telephone number

nearest police station

was ordered by the(Court)

on to pay the total amount of R per

*week/month being R current maintenance for *me and/or the

child(ren) and/or an outstanding amount of R towards

.....

.....

.....

2. The first payment should have been made on and after that on

or before the day of each succeeding *week/month. All payments

should have been made to *the clerk of the court,,

myself in person/the following bank account.....

.....

3. The defendant is in arrears with *his/her maintenance payments to the following

extent:.....

.....

4. A certified copy of the existing maintenance order is *attached/is on file at the

Maintenance Court,

.....

Signature of Deponent

Oath/Affirmation

1. I certify that before administering the *oath/affirmation I asked the deponent the following questions and wrote down *his/her answers in *his/her presence:

(a) Do you know and understand the contents of the declaration?

Answer

(b) Do you have any objection to taking the prescribed oath?

Answer

(c) Do you consider the prescribed oath binding on your conscience?

Answer

2. I certify that the deponent acknowledged that *he/she knows and understands the contents of this declaration. The deponent uttered the following words *"I swear that the contents of this declaration are true, so help me God."/"I truly affirm that the contents of the declaration are true." The *signature/mark of the deponent was affixed to the declaration in my presence.

.....
Justice of the Peace/Commissioner of Oaths

Full name and surname.....

(block letters)

Designation (Rank) Ex Officio Republic of South Africa

Business address.....
(street address must be stated)

.....
Dated at this day of

*Delete whichever is not applicable