

LRA Form 7.18A
Section 143 read with section
51(8)
Labour Relations Act,
1995

APPLICATION TO CERTIFY STATUTORY COUNCIL AWARD AND WRIT OF EXECUTION



READ THIS FIRST



WHAT IS THE PURPOSE OF THIS FORM?

This form requests the General Secretary of the Statutory Council for the Printing, Newspaper and Packaging Industries to certify that an award made in an arbitration conducted under the auspices of a Statutory Council is a genuine award.

If the party against whom an award was made does not comply with an award that has been certified, the award may be enforced in the same manner as a Labour Court order.

This is done by:

Part 1

- obtaining a copy of the arbitration award;
- obtaining proof of service of the award on the other party from the SCPNPI office;
- attaching a copy of the arbitration award and proof of service to this form;
- completing Part 1 of this form by the applicant or, by a duly authorised representative;
- making an oath before a Commissioner of Oaths;

Part 2

- a duly authorised representative of the Statutory Council completing Part 2 of this form;

Part 3

- submitting the form to the General Secretary of the SCPNPI for certification;

Part 4

- obtaining a writ of execution from the Registrar of the Labour Court in the case of an award ordering the payment of money; or
- in the case of any other award, initiating contempt of court proceedings in the Labour Court.

..... STATUTORY COUNCIL

..... CASE NUMBER

in the matter between:

..... REFERRING PARTY.

and

..... OTHER PARTY

PART 1: APPLICATION IN TERMS OF SECTION 143 OF THE LRA 66/195

I, the undersigned:

.....
(full name(s) and surname)

do hereby make oath and say:

1. I am/represent the referring
party / other party (delete whichever is not applicable) in the matter referred to above

(referred to in this document as 'the applicant').

2. On (date)
Arbitrator

made an arbitration award (referred to in this document as 'the award') in favour to the
applicant. A copy of the award is attached to this form.

3. The award was served on the party against whom the award was made (referred to in
this document as 'the respondent') on
(date)

Proof of service is contained in the Statutory Council records and a copy of the proof
of service is attached to this form.

SCPNPI Ref. Number:

Please turn over →

WHO FILLS IN PART 1 OF THIS FORM?

A party applying to have an arbitration award certified must complete Part 1. They must state whether they are the referring party or the other party in the matter. If the party is a legal person, such as a trade union, employer's organisation or company, a duly authorised representative must complete the form.

THE FOLLOWING DOCUMENTS MUST BE ATTACHED TO THIS FORM

- A copy of the arbitrator's award.
- Proof that the award was served on the other party.

4. To date the respondent has not complied with the award.
5. Application is hereby made for the award to be certified by the General Secretary in terms of section 143(3) of the Act.

I HEREBY CERTIFY that the deponent has acknowledged that he/she knows and understands the contents of this affidavit, which was signed and sworn to before me at
 on (date), the regulations contained in Government Notices R1258 and R1648 having been complied with.

.....
DEPONENT

.....
COMMISSIONER OF OATHS

Please turn over →

THE STATUS OF A CERTIFIED AWARD

In terms of sections 143(1) and (3) of the LRA, an arbitration award that has been certified by the General Secretary may be enforced in the same manner as a Labour Court order. Section 51(8) provides that section 143 applies to arbitrations conducted by the Statutory Council unless a collective agreement concluded by the council provides otherwise. In terms of section 163, a Labour Court order may be executed in the same manner as a High Court order.

A certified award may be enforced against a party that does not comply with the award by:

- In the case of an award ordering the payment of money, execution against the property of that party by the Sheriff of the Court;
- In the case of any other award, contempt of court proceedings in the Labour Court.

A party who wishes to have the Sheriff execute against the respondents' property must complete the writ of execution in Part 4 of this form and have it authorised by the Registrar of the Labour Court.

DELEGATION OF POWER TO CERTIFY AWARDS

An official who, in terms of section 118(6) has been delegated the power to certify awards, must attach a copy of that delegation.

CHECK !

Have you attached a copy of the arbitrator's award and proof that the award was served on the other party?

**PART 2:
AFFIDAVIT BY REPRESENTATIVE OF THE STATUTORY COUNCIL**

I, the undersigned

.....

do hereby make oath and say:

1. I am theof the
..... Statutory Council;
2. The arbitration referred to above was conducted under the auspices of this statutory council.
3. A copy of the award was served on the respondent on
(date)

Proof of service is attached to this form.

4. The Statutory Council has not concluded a collective agreement excluding the application of section 143 of the Labour Relations Act.

I HEREBY CERTIFY that the deponent has acknowledged that he/she knows and understands the contents of this affidavit, which was signed and sworn to before me at on (date), the regulations contained in Government Notices R1258 and R1648 having been complied with.

.....
DEPONENT

.....
COMMISSIONER OF OATHS

**PART 3:
CERTIFICATE IN TERMS OF SECTION 143(3) OF THE LRA 66/1995**

In terms of section 143(3) of the Labour Relations Act 1995, I hereby Certify that the award is a final and binding arbitration award by an arbitrator conducting an arbitration under the auspices of a statutory council as contemplated by section 143(1) read with section 51(8).

.....
GENERAL SECRETARY - SCPNPI

.....
DATE (DD/MM/YYYY)

Please turn over →

WHAT IS THE PURPOSE OF THIS FORM?

This part of the form requests the Registrar of the Labour Court to issue a writ of execution against the Respondent's property. Once the Registrar has issued this form, it must be delivered to the Sheriff of the Court in the district in which the respondent is situated.

WHO FILLS IN THIS FORM?

A party seeking to attach the property of the respondent must complete Part 3 if the General Secretary of the SCPNPI has certified an award in terms of Section 143 of the LRA.

If the party is a legal person, such as a trade union, employer's organisation or a company, a duly authorised representative must complete the form.

WHERE MUST THIS FORM BE TAKEN?

The registrar of Labour Court must issue this form.

(See overleaf for details)

**PART 4:
WRIT OF EXECUTION**

To the Sheriff / or his Deputy:

for the district of

You are hereby directed to:

(a) attach and take into possession the movable goods of

.....

the above-mentioned respondent of

.....

(address)

and

(b) to realize by public auction of those goods:

(i) the sum of awarded to the applicant in the above matter

in terms of an arbitration award ('the award') dated

and certified by General Secretary of the SCPNPI on (date)

(ii) interest on the amount specified in paragraph (i) at the rate of

percent annually calculated in accordance with section 143(2) of the Labour

Relations Act from the date of the award;

(iii) the sum of for the taxed costs awarded to the

applicant in terms of the award;

(iv) all costs incurred in executing this warrant;

(c) to pay to the applicant or the applicant's attorney the amounts due to the applicant;

(d) to return this writ to the applicant or the applicant's attorney together with a return of

service stating what you have done in execution of this writ.

DATED at this

day of 20

.....
REGISTRAR OF THE LABOUR COURT

APPLICANT :

ADDRESS:

CONTACT DETAILS:

Please turn over →

LABOUR COURTS CONTACT DETAILS

GAUTENG

86 Juta Street
Arbour Square
Braamfontein 2001

PRIVATE BAG X 52
BRAAMFONTEIN; 2017

Tel: 011 403 4893
Fax: 011 403 9327

WESTERN CAPE

Twinell House (1st Floor)
113 Loop Street Vlaeberg
Cape Town

P O BOX 15502
VLAEBERG; 8018

Tel: 021 424 9035 / 7
Fax: 021 424 9059

KWA ZULU NATAL

ICL House (4th Floor)
480 Smith Street
Durban
4000

PRIVATE BAG X 54370
DURBAN; 4000

Tel: 031 301 0111 / 04
Fax: 031 301 0145

PORT ELIZABETH

Auto & General Towers
190 Govan Mbeki Avenue
Port Elizabeth
4000

PRIVATE BAG X 6004
PORT ELIZABETH; 4000

Tel: 041 586 4923 / 4 / 1
Fax: 041 585 9860