

LABOUR RELATIONS ACT
66 OF 1995 AS AMENDED

Section 191(2)

READ THIS FIRST

**TO WHICH BARGAINING
COUNCIL SHOULD THIS
FORM BE REFERRED?**

The Bargaining Council for the
Furniture Manufacturing
Industry of the Western Cape.

**WHAT IS THE PURPOSE
OF THIS FORM?**

This form is to oppose the
request to the above Council to
permit the late filing of a
Conarb dispute referral in
terms of Section 191 of the
Labour Relations Act.

**WHO FILLS IN THIS
FORM?**

The employer or his
representative.

**WHERE DOES THIS FORM
GO?**

This form must be delivered to
the above Council soonest but
at latest within 14 calendar
days of receipt of the
Condonation Application from
the Applicant.

INSTRUCTIONS

- Complete and sign this form.
- Serve a copy of this form on the Applicant and obtain proof of service.
- The forms served on the Applicant along with proof of service will hereinafter be referred to as your 'Condonation Reply Application'
- Serve a copy of your Condonation Reply Application on the above Council.

IN THE MATTER BETWEEN

..... (Applicant)

AND

..... (Respondent)

**RESPONDENT NOTICE OF OPPOSITION TO APPLICATION
FOR CONDONATION AND OPPOSING AFFIDAVIT**

Kindly take notice that:

- 1) The above Respondent opposes the condonation application of the Applicant party.
- 2) That an affidavit of Mr. / Mrs. / Ms.
will be used in support of this opposing application.
- 3) A copy of this application for condonation was served on the above Applicant by means of:

(Tick the appropriate box)

Registered post

By hand

By fax or telefax

on the (date)

Signed on (day) (month) 200.....

APPLICANT SIGNATURE

The Respondent will accept all notices and service of all documents in this matter at the following address.



In the case of a firm registered with the Registrar of Companies the Respondent should provide his registered address and related details in terms of the relevant Companies or Close Corporations Act.

The Respondent/s should complete these fields if a legal practitioner or other represents them.



The Respondent should complete this section by copying the Applicant's contact details off the Applicant's Condonation Application unless the Respondent has factual knowledge of change of contact details of the Applicant.



TO:

DETAILS OF THE RESPONDENT

Name:

.....

Postal Address:

.....

Tel: Fax:

Cell: E-mail:

AND

DETAILS OF THE REPRESENTATIVE OF THE RESPONDENT

Name:

.....

Postal Address:

.....

Tel: Fax:

Cell: E-mail:

AND

DETAILS OF THE APPLICANT

Name:

.....

Postal Address:

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Tel: Fax:

Cell: E-mail:

AND

The Bargaining Council for the Furniture Manufacturing Industry of the Western Cape

Furniture Industry House, 19 Kent Street, Salt River, 7925

P.O. Box 1123, Woodstock, 7915

Tel: (021) 448-4436, Fax: (021) 447-0376, E-mail: fbwc@netactive.co.za

IN THE MATTER BETWEEN

..... (Applicant)

AND

..... (Respondent)

RESPONDENT REPLYING AFFIDAVIT: CONDONATION

I the undersigned (name of Deponent)

do hereby declare under oath as follows:

I am the Respondent in this matter in that I was/am

That the degree of lateness is

That the reason/s for lateness is/are:

WHAT IS AN AFFIDAVIT?

An affidavit is a sworn statement put under oath by a commissioner of oaths. The SAPS will be the appropriate organization to administer the oath.

WHO WILL CONSIDER THE CONTENT OF THIS AFFIDAVIT

The Applicant party in this matter will read this statement and may reply to it. This affidavit will also serve as the Respondent's founding affidavit in this application to the Bargaining Council for the Furniture Manufacturing Industry of the Western Cape.

WHAT IS MEANT BY THE DEGREE OF LATENESS?

If the application is only a few days late, that fact should weigh in favour of granting condonation. →

WHAT IS MEANT BY THE REASON/S FOR LATENESS?

This is a very important part of this application in which the Respondent has the opportunity to put the Applicant's version in context and / or discredit the Applicant's version. The Respondent should focus on sequence of events from the expiry date of the 30-days until the date of the Condonation Application. (One may attach more pages if there is too little space on this form) →

The reasonableness of the explanation could weigh against the Applicant if the explanation is improbable.

WHAT IS MEANT BY THE DEGREE OF FAULT?

This space serves to explain to what extent the Applicant could have prevented the dispute referral being filed late.

If the reason for the late referral was due to a circumstance beyond the Applicant's control, that factor should weigh in favour of granting condonation. →

The actions or omissions by an authorized representative of the Applicant are for the purpose of this application considered to have been the actions of the Applicant himself or herself.

WHAT IS MEANT BY PREJUDICE TO OTHER PARTIES TO THE DISPUTE?

Holistically this part of the form provides for opportunity to pose facts and argument/s around public interest in this matter. →

This means that the Respondent may explain to what extent the matter could adversely effect or not effect

- the Respondent party and/or
- any other party directly or indirectly effected by this dispute
- (excluding the Applicant party)

should the Council permit the late filing of this dispute.

WHAT IS MEANT BY PROSPECTS OF SUCCESS?

This space serves for the Respondent to explain how strong they believe this case to be based on the merits / substance of the matter without going into detail by motivating their answer through listing defined reasons. →

That the degree of fault is

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That the prejudice to other parties would be

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That the prospects of success seem to be

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WHEN CAN THE RESPONDENT EXPECT A REPLY?

The Applicant may within 7 calendar days of receipt of this document submit written presentation in answer to this Condonation Reply Application. The answer must be served on the Respondent and the above mentioned Bargaining Council.

WHAT IF THE APPLICANT FAILS TO SUBMIT A REPLY?

It could negatively impact on the Applicant's argument for the Condonation Application. The Council will then consider the Condonation Application in the absence of the Applicant's reply to this Condonation Reply Application.

WHAT IF THE APPLICANT SUBMITS A REPLY?

The above mentioned Bargaining Council will then consider the applications and related presentations possibly along with argument and make a ruling. The ruling will be final and binding.

WHEREFORE I / we request that the condonation of this application for late referral of this dispute is declined.

Signed on (day) (month) 200

.....
DEPONENT
(Signature of Deponent and/or Applicant)

Signed and sworn to before me at (place)
on this day of 200....., the

Deponent having acknowledged that he / she knows and understands the contents of this affidavit, has no objection to taking the prescribed oath and considers the prescribed oath to be binding on his / her conscience.

.....
COMMISSIONER OF OATHS

NAME:

ADDRESS:

DESIGNATION: