

APPLICATION TO CERTIFY BARGAINING
COUNCIL AWARD AND WRIT OF
EXECUTION



READ THIS FIRST



WHAT IS THE PURPOSE OF
THIS FORM?

This form requests the Director of the CCMA to certify that an award made in an arbitration conducted under the auspices of a bargaining 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 CCMA 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 bargaining council completing part 2 of this form ;

Part 3

- submitting the form to the Director of the CCMA 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.

RESTAURANT, CATERING & ALLIED TRADES BARGAINING COUNCIL

_____ - CASE NUMBER

In the matter between:

_____ - REFERRING PARTY

and

_____ - OTHER PARTY

PART 1: APPLICATION IN TERMS OF SECTION 143 OF THE LRA 66/1995

I, the undersigned:

(name)

do hereby make an oath and state that:

1. I am **the applicant** in the matter referred to above (referred to in this document as 'the applicant').
2. On (date) _____
Commissioner: _____
made an arbitration award (referred to in this document as 'the award') in favour of 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 bargaining council records and a copy of the proof of service is attached to this form.
4. To date the respondent has not complied with the award.
5. Application is hereby made for the award to be certified by the Director in terms of **Section 143(3)** of the Act.

DEPONENT/APPLICANT SIGNATURE

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.

TO BE COMPLETED BY COMMISSIONER OF OATHS

I HEREBY CERTIFY that the deponent has acknowledged that he/she knows and understands the contents of this affidavit and that it is binding on his/her conscience.

Thus sworn to and signed before me on this the _____ day of _____ in terms of the regulations contained in Government Notices R1258 and R1648.

COMMISSIONER OF OATHS

Full Names: _____

Capacity: _____

Address: _____

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 Director may be enforced in the same manner as a Labour Court order. Section 51(8) provides that section 143 applies to arbitrations conducted by bargaining councils 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 BARGAINING COUNCIL**

I, the undersigned

Mologadi Magdaline Poee

do hereby make oath and say:

1. I am the **General Secretary** of the **Bargaining Council for the Restaurant, Catering and Allied Trades**.
 2. The arbitration referred to above was conducted under the auspices of this bargaining council.
 3. A copy of the award was served on the respondent on _____ (date)
- Proof of service is attached to this form.
4. The bargaining council has not concluded a collective agreement excluding the application of **Section 143 of the Labour Relations Act**.

DEPONENT

I HEREBY CERTIFY that the deponent has acknowledged that she knows and understands the contents of this affidavit and that it is binding on her conscience.

Thus sworn to and signed before me on this the _____ day of _____ in terms of the regulations contained in Government Notices R1258 and R1648.

COMMISSIONER OF OATHS

Full Names: _____

Capacity: _____

Address: _____

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 bargaining council as contemplated by section 143(1) read with section 51(8).

DIRECTOR - CCMA

DATE

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 Director of the CCMA 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 the 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 Director of the CCMA 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: _____

**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 4249035/7
Fax: 021 4249059

KWA ZULU NATAL

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

PRIVATE BAG X 54370 DURBAN 4000

Tel: 031 3010111/04
Fax: 031 3010145

PORT ELIZABETH

Auto & General Towers
190 Govan Mbeki Avenue
Port Elizabeth
4000

PRIVATE BAG X 6004 P ELIZABETH 4000

Tel: 041 5864923 / 4/1
Fax: 041 5859860