

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

APPLICATION TO CERTIFY BARGAINING COUNCIL AWARD

READ THIS FIRST



WHAT IS THE PURPOSE OF THIS FORM?

This form requests the Director or delegated commissioner of the CCMA to certify that an award issued under the auspices of a Bargaining Council is an award issued by a Bargaining Council Arbitrator.

If the party against whom an award was made does not comply with an award that has been certified, the award may be enforced.

Part 1

- obtaining a copy of the arbitration award;
- obtaining proof of service of the award on the other party from the Council 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 authorized representative;
- making an oath before a Commissioner of Oaths ;
- submitting the form to the General Secretary of the Bargaining Council for the certification by the Director of the CCMA.

Part 2

- a duly authorized representative of the bargaining council completing part 2 of this form ;

Part 3

- submitting the form to the Director of the CCMA for certification;

CASE NUMBER:

In the matter between:

.....Referring Party

And

.....Other Party

PART 1: APPLICATION IN TERMS OF SECTION 143 OF THE ACT

I, the undersigned:

.....

(name)

do hereby make oath and say:

1. I am/representthe referring/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 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 on (referred to in this document as the other party) 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.

CASE 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. The applicant must state whether it is the referring party or the other party in the matter. If the party is a legal person, trade union, employers' organisation or company the form must be completed by a duly authorised representative.

Deponent refers to the applicant
The completed affidavit should be signed by the applicant only in the presence of the Commissioner Of Oaths.

A commissioner of Oaths must complete this section in the presence of the Deponent.

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 other party/ 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

I HEREBY CERTIFY that the deponent has acknowledged that he 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.

.....

COMMISSIONER OF OATHS



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 other party property, must deliver the original of this document and the certified award to the Deputy Sheriff in the Magisterial District where the other party resides.

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

.....

do hereby make oath and say:

1. I am the of theBargaining Council.
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 other party 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, which was signed and sworn to before me at.....

on (date)....., the regulations contained in Government Notices R1258 and R1648 having been complied with.

.....

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

.....

DIRECTOR - CCMA

.....

DATE

