

APPLICATION TO CERTIFY ELRC AWARD AND WRIT OF EXECUTION



READ THIS FIRST



WHAT IS THE PURPOSE OF THIS FORM?

This form requests the General Secretary of the ELRC to certify that an award made by a ELRC Panellist 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 ELRC 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

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

Part 3

- 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.

IN THE ELRC

CASE NO:

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 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) Panellist 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 ELRC files and a copy of the poof of service is attached to this form.



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

THE FOLLOWING DOCUMENTS MUST BE ATTACHED TO THIS FORM

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

3. To date the respondent has not complied with the award.

4. 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 acknowledge that he/she knows and understands the contents of the 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



**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

**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 ELRC may be enforced in the same manner as a Labour Court order. 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 have a writ of execution in Part 3 of the form authorised by the Registrar of the Labour Court.

CHECK

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

PART 2

CERTIFICATE IN TERMS OF SECTION 143(3) OF LRA 66/1995

In terms of Section 143(3) of the Labour Relations Act, 1995, I hereby certify that the above arbitration award is a final and binding award by a Panellist as contemplated by Section 143(1).

.....
GENERAL SECRETARY – ELRC

.....
DATE



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 respondents' 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 ELRC 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.

PART 3
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 ofawarded to the applicant in the above matter in terms of an arbitration award ('the award') dated..... and certified by the General Secretary of the ELRC 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 offor 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

.....
REGISTRAR OF THE LABOUR COURT

APPLICANT:

ADDRESS:
.....

CONTACT DETAILS: