
GOVERNMENT NOTICE
GOEWERMENTSKENNISGEWING

OFFICE OF THE PUBLIC SERVICE COMMISSION
KANTOOR VAN DIE STAATSDIENSKOMMISSIE

No. R. 373

28 March 2002

**RULES FOR THE SUMMONSING OF WITNESSES IN CONNECTION WITH
INQUIRIES OF THE PUBLIC SERVICE COMMISSION**

It is hereby notified for general information that the Public Service Commission, under section 11 of the Public Service Commission Act, 1997 (Act No. 46 of 1997), has made the rules set out in the Schedule hereto.

**DIRECTOR-GENERAL: OFFICE OF
THE PUBLIC SERVICE COMMISSION**

SCHEDULE

**RULES FOR THE SUMMONSING OF WITNESSES IN CONNECTION WITH
INQUIRIES OF THE PUBLIC SERVICE COMMISSION**

Definitions

1. In these rules, except where otherwise indicated by the context—
- “**designated official**” means an official of the Office designated under rule 4(1) to serve summonses of the Commission;
- “**summons**” means a summons which the Commission is competent to issue under subsection (2) of section 10 of the Act with a view to compelling a person—
- (a) who may be able to give information of material importance concerning the

subject of an enquiry conducted by the Commission under that section, to be in attendance at that enquiry in order to disclose that information to, and be questioned about it by, the Commission; or

- (b) who has in his or her possession or custody or under his or her control any book, document or object which may have a bearing on the subject of such an inquiry, to be in attendance at that inquiry and there to produce such book, document or object to the Commission and, if considered necessary, to be questioned by the Commission about it;

“**the Act**” means the Public Service Commission Act, 1997 (Act No. 46 of 1997);

“**the Commission**” means the Public Service Commission established by section 196(1) of the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996); and

“**the Office**” means the Office of the Public Service Commission specified in Column 1 of Schedule 1 to the Public Service Act, 1994 (promulgated by Proclamation No. 103 of 1994).

Form and contents of summons

2. (1) Every summons must substantially be in the form set out in the Annexure to these rules.
- (2) A summons will have been properly issued under section 10(2) of the Act if signed by the Chairperson of the Commission or its designee, and duly completed so as to—
- (a) clearly state the subject of the Commission’s inquiry in connection with which the summons is issued;
- (b) state the following in full:
- (i) the first name/names and surname of the person on whom the summons is to be served (hereafter called the prospective witness); and
- (ii) the residential address or work or business address of the prospective witness;
- (c) specify the day on which and time and place at which the prospective witness is required to appear before the Commission in obedience to the summons;

- (d) clearly indicate whether the prospective witness' appearance before the Commission is required for the purpose of—
 - (i) giving oral evidence and being questioned about matters relevant to that inquiry; or
 - (ii) producing any particular book, document or object in the possession or custody or under the control of the prospective witness,
and must, in the case of subparagraph (ii), clearly and sufficiently specify and identify the particular book, document or object to be produced; and
 - (e) indicate the place where and date on which the summons was signed by the Chairperson of the Commission or its designee in terms of section 10(3)(b) of the Act.
- (3) Every summons must be issued in duplicate.

Commission's summons has force throughout Republic

3. A summons properly issued by the Commission under section 10(2) of the Act, will have force and be enforceable throughout the Republic.

Summons to be served by designated official of the Office

4. (1) A summons must be served, in the manner provided for in rule 5, by an official of the Office designated in writing for that purpose by the Chairperson of the Commission.
- (2) The Commission's Chairperson or any official of the Office acting under the authority of that Chairperson, must issue to each official designated under subrule (1), a certificate signed by the Chairperson or the official of the Office so acting, in which is stated that the person on whose name the certificate has been issued, is authorised to serve any summons of the Commission, and the certificate so issued, is sufficient proof that the person on whose name it has been issued, is so authorised.

Manner in which summons to be served

5. (1) Subject to subrule (2), the designated official must serve the duplicate original of

the summons—

- (a) on the prospective witness personally; or
 - (b) at the prospective witness' residence or physical place of work or business, by handing over the summons, at that residence or work or business place, to some person who apparently is not younger than 16 years of age and who apparently is resident or employed thereat (as the case may be).
- (2) If the prospective witness keeps his or her residence, or, where applicable, his or her place of business, closed so as to prevent the service of the summons, the designated official may affix the duplicate original of the summons to the outer or principal door of that residence or place, which then will constitute sufficient service. However, this mode of service may be used only if the designated official has made at least three unsuccessful attempts, at reasonable times, to serve the summons in the manner provided for in subrule (1).
- (3) Whenever a person on whom a summons is served in terms of subrule (1)(a) or (b), requires proof of the designated official's authority to serve the summons, the designated official must display the certificate of authorisation issued to him or her under rule 4(2).
- (4) After having served the summons, the designated official must make a return of service by endorsing under his or her name and signature, on the original of the summons in the portion specifically designed therefor, the following, namely—
 - (a)
 - (i) the first name/names and surname of the person on whom the summons was served, and, if that person is not the prospective witness, the age or apparent age of that person; or
 - (ii) where the summons was served in terms of subrule (2), particulars as to the specific manner in which the summons was so served in the particular case; and
 - (b) the date and time when and place where the summons was served.
- (5) The original of the summons must be returned to the Chairperson of the Commission or the Commission's designee for filing and safekeeping in the Commission's records.

ANNEXURE

PUBLIC SERVICE COMMISSION

SUMMONS

IN TERMS OF SECTION 10(2) OF THE PUBLIC SERVICE COMMISSION ACT, 1997 (ACT NO. 46 OF 1997), TO APPEAR AS WITNESS AT THE INQUIRY OF THE PUBLIC SERVICE COMMISSION

INTO
(State subject of Public Service Commission's inquiry)

YOU
 (Full first name/names and surname of witness)

OF

 (Residential address or work or business address of witness)

are hereby directed to appear before the Public Service Commission ("the Commission") personally at (venue) on the day of 20.. at (time) for the purpose of:

- giving oral evidence before the Commission with regard to relevant matters concerning the Commission's abovementioned inquiry and being questioned about any such matters;

AND/OR

- producing the following book(s), document(s) and/or object(s)

LIST OF BOOKS, DOCUMENTS AND/OR OBJECTS TO BE PRODUCED	
Item No	Description

(delete whichever is not applicable)

Given under my hand at on this day of, 20...

***CHAIRPERSON: PUBLIC SERVICE COMMISSION / DESIGNEE OF PUBLIC SERVICE COMMISSION**

NOTE:

In terms of subsection (4) of section 10 of the Public Service Commission Act, 1997, a person will commit an offence (punishable by a fine or a term of imprisonment of up to one year) if, among other things, and after having been duly summonsed under that section to attend a particular inquiry of the Commission, he or she, in disobedience of the summons and without sufficient reason—

- fails to appear before the Commission on the day and at the time and place specified for that inquiry in the summons; or
- fails to remain in attendance at that inquiry until excused by the Commission; or
- fails to produce to the Commission any specified book, document or object which he or she is required by the summons so to produce.

*Delete whichever is not applicable.

RETURN OF SERVICE BY DESIGNATED OFFICIAL WHERE SUMMONS SERVED IN TERMS OF RULE 5(1) OF THE RULES FOR THE SUMMONSING OF WITNESSES IN CONNECTION WITH INQUIRIES OF THE PUBLIC SERVICE COMMISSION

I,, the undersigned, hereby certify that I have duly served the duplicate original of this summons on the following person, viz
 * who is the person named in the summons.
 * who is not the person named in the summons, and whose age or apparent age is years.

I further certify that the summons was served on (date) at (time), at the following venue:

Signed: (designated official)
 Date:
 Tel No:
 Fax No:

I,, the undersigned, do hereby declare that I have received the duplicate original of this summons at(time) on this day of 20.. .

.....
 Signature

RETURN OF SERVICE BY DESIGNATED OFFICIAL WHERE SUMMONS SERVED IN TERMS OF RULE 5(2) OF THE RULES FOR THE SUMMONSING OF WITNESSES IN CONNECTION WITH INQUIRIES OF THE PUBLIC SERVICE COMMISSION

I,, the undersigned, hereby certify that I have served the duplicate original of this summons in terms of rule 5(2) of the Rules for the Summonsing of Witnesses in Connection with Inquiries of the Public Service Commission, by taking the following steps:

I further certify that this mode of service was resorted to only after having made three unsuccessful attempts, at reasonable times, viz on (date(s)), at (times), respectively, to serve this summons in the ordinary manner in terms of rule 5(1) of those Rules.

Signed: (designated official)
 Date:
 Tel No:
 Fax No:

* Delete whichever is not applicable.