



REPUBLIC OF SOUTH AFRICA

(CAS 301/02/2024 | CAS 216/03/2024 | CAS 328/03/2024) J62

FORM 3
[Regulation 4]

INTERIM PROTECTION ORDER**SECTION 3(2) OF THE PROTECTION FROM HARASSMENT ACT, 2011 (ACT NO. 17 OF 2011)**

(*Delete whichever is not applicable)

Take note: In terms of section 10(4) of the Protection from Harassment Act, 2011, the physical, home and work address of the complainant or related person must be omitted from the protection order (including any reference to such an address in documents annexed to the interim protection order), unless the nature of the terms of the order necessitates the inclusion of the address.

THE MAGISTRATE'S COURT FOR THE DISTRICT OF CAPE TOWN, SUBDISTRICT STRAND	
HELD AT STRAND - C COURT - ROOM 10	APPLICATION NO. H 161 / 2024
In the matter between:	
Helena I. Burger	(Complainant)
AND	
Mauritz Rossouw	(Respondent)

1. PARTICULARS OF RESPONDENT

Name and surname: Mauritz Rossouw

Address:

Contact number (telephone number/cellular phone number/facsimile number/e-mail address (whichever is available)):

2. PARTICULARS OF APPLICATION

The complainant applied for a protection order against the respondent in terms of the Protection from Harassment Act, 2011 (Act No. 17 of 2011). This court, after considering the application, issued an interim protection order against the respondent.

3. PARTICULARS OF INTERIM PROTECTION ORDER

In terms of the interim protection order:

3.1 The respondent is prohibited by this court from —

(a) engaging in or attempting to engage in harassment of —

* (i) the complainant; and/or

* (ii) the following related person/s:

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-
-
-

* (b) enlisting the help of another person to engage in harassment of the complainant and/or abo-
related person/s; and/or

* (c) committing any of the following act/s:

- (i) NOT TO USE FOUL, INSULTING OR ABUSIVE LANGUAGE ON COMPLAINANT OR FAMILY MEMBERS IN ANY MANNER WHATSOEVER.
- (ii) NOT TO PHYSICALLY ASSAULT COMPLAINANT, FAMILY MEMBERS IN ANY MANNER WHATSOEVER
- (iii) NOT TO COMMIT ANY ACT OF HARASSMENT ITO ACT 17 of 2011

*3.2 The court imposes the following additional conditions that are necessary to protect and to provide for the safety and well-being of the complainant or related person/s:

- (a)
- (b)
- (c)

*3.3 The court orders:

* (a)	That a member of the South African Police Service is to seize the following weapon(s):
* (b)	That a member of the South African Police Service is to accompany the complainant or related person to the following residence:..... to supervise the collection of the complainant's or related person's personal property set out in paragraph 8 of the application for a protection order, and such member is authorised to take all reasonable steps to effect the collection of the said property.

4. The respondent is called upon to show cause on 7/5/2024 - STRAND (the return date) at 08:30 AM (time) at the abovementioned court, why the court should not issue a final protection order.

5. The return date specified in paragraph 4, above, may be anticipated by the respondent on not less than 24 hours' notice to the applicant and the court.

6. If the respondent does not appear on the return date and if the court is satisfied that —

(a) proper service has been effected on the respondent; and

(b) the application contains *prima facie* evidence that the respondent has engaged or is engaging in harassment,

the court must issue a final protection order.

7. A copy of the application of the complainant and the record of any evidence noted during proceedings are attached for the information of the respondent.

8. In terms of section 16 of the Act the court may make an order as to costs against a party if it is satisfied that the party in question has acted frivolously, vexatiously or unreasonably.

9. In terms of sections 3(3) and 15(a) of the Protection from Harassment Act, 2011, CHRISTIE V.D.MERWE (name and surname), who is a *clerk of court/*sheriff/*peace officer is hereby directed to serve the interim protection order, a copy of the application for a protection order and the record of evidence noted on the respondent in accordance with regulation 28 of the Protection from Harassment Regulations, 2013.

MAGISTRATE

DATE

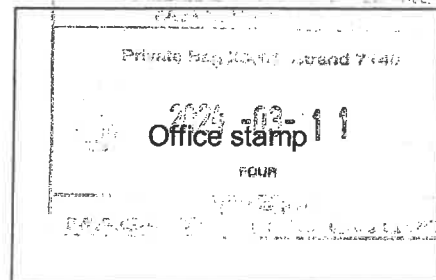
"harassment" means directly or indirectly engaging in conduct that the respondent knows or ought to know-

(a) causes harm or inspires the reasonable belief that harm may be caused to the complainant or a related person by unreasonably-

(i) following, watching, pursuing or accosting of the complainant or a related person, or loitering outside of or near the building or place where the complainant or a related person resides, works, carries on business, studies or happens to be;

(ii) engaging in verbal, electronic or any other communication aimed at the complainant or a related person, by any means, whether or not conversation ensues; or sending, delivering or causing the delivery of letters, telegrams, packages, facsimiles, electronic mail or other objects to the complainant or a related person or leaving them where they will be found by, given to, or brought to the attention of, the complainant or a related person; or

(b) amounts to sexual harassment of the complainant or a related person;



TAKE NOTE:

(a) A warrant of arrest has been authorised for the arrest of the respondent, the execution of which is suspended subject to the respondent's compliance with any specified prohibition, condition, obligation or order contained in this protection order.

(b) A respondent who contravenes any specified prohibition, condition, obligation or order contained in the protection order is in terms of section 18(1)(a) of the Protection from Harassment Act, 2011, guilty of an offence and liable on conviction to a fine or imprisonment for a period not exceeding five years.