



- To submit a complaint, appeal or contact the Legal Department, send an email to

tribunaladmin@portsregulator.org

- For more information, visit our website www.portsregulator.org

Information published on PRSA website

- Current Tribunal Matters
- Concluded Tribunal Matters
- Tribunal News
- Complaint Form
- Appeal Form
- Tribunal Manual
- Tribunal Comments and Enquiries



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TRIBUNAL MANAGEMENT

www.portsregulator.org

Who We Are:

The Ports Regulator of South Africa ("The Regulator") is an independent economic regulatory body established in terms of the National Ports Act, No.12 of 2005 ("The Act"). It is mandated to regulate the National Ports Authority ("NPA").

The Ports Regulator's Mandate

To manage the functioning of the Tribunal office, adjudicate complaints and appeals in terms of section 30(2)(a) of the Act and its 2009 National Ports Act Directives, as issued in terms of Section 30(3) of the Act.

Who may bring a complaint?

Any port user or licensed operator aggrieved by any action or omission committed by the NPA.

How?

Complete the complaint form (available on our website) and provide supporting documents thereof. The complainant may choose to lodge a complaint as an anonymous individual/juristic person and their identity will be treated as confidential.

Duration of a complaint process

A complainant must lodge a complaint within 3 months of the incident. The Regulator shall acknowledge receipt of the complaint within 15 days upon receipt. The Regulator shall within 21 determine the validity of the complaint and inform the complainant reasons for the decision.

The complaint may be investigated within 15 days of receipt. The copy of the complaint will be shared with the NPA to provide an answer within 15 days. The complainant may respond to the NPA's answer within the period not less than 15 days.

A notice of hearing will be published on a news paper by the Regulator. The Regulator shall make a decision to uphold or dismiss the complaint in terms of section 54 of the Act.

Complaint Process

1. Complete a Complaint Form
2. Attach proof of payment to the complaint form and submit to the Regulator.

3. The Regulator shall acknowledge receipt and determine the validity and merits of the complaint.
4. Investigation of complaint.
5. The Regulator to furnish NPA with a copy of the complaint for their Answering Affidavit.
6. Complainant to file a Replying Affidavit.
7. Discovery process.
8. Mediation process (if necessary).
9. Pre- Hearing (if necessary).
10. Hearing
11. Written Record of Decision by the Tribunal.

How much is the Complaint Fee?

The regulated fee of R2000 is to be paid unless waived when indigence is pleaded.

Who may lodge an Appeal?

Any port user or licensed operator aggrieved by the NPA's written or unwritten decision which affects his or her rights and requires the decision to be changed or set aside.

How?

Lodge a Notice of Intention to Appeal (available on our website) with the Regulator within 15 days after receiving the written decision by the NPA.

Duration of an Appeal process

After lodging the Notice of Intention to Appeal, the Appellant must file an affidavit setting out the grounds of appeal within 30 days. The NPA may submit and Answering Affidavit to the Regulator within 30 days. The Regulator shall notify parties of the date, time and place of the hearing in terms of section 49 of the Act.

Appeal Process

1. Notice of Intention to Appeal
2. Attach proof of payment to the appeals form and submit to the Regulator.
3. Complete an Appeal Form together with Affidavit setting out grounds of appeal and a copy of the decision.

4. Appellant to serve and file comprehensive affidavit with supporting documents.
5. NPA to serve and file an Answering Affidavit.
6. Appellant to serve and file a Replying Affidavit
7. Discovery process.
8. Pre-hearing (If necessary).
9. Hearing.
10. Written Record of Decision by the Tribunal.

How much is the Appeal Fee?

The regulated fee of R3000 is to be paid unless waived when indigence is pleaded.

Record of Decision

The Chairperson of the hearing panel shall prepare a written report within 30 days of the hearing date and submit it to the Regulator.

Dissatisfied with the Complaint or Appeal Record of Decision?

The complainant or Appellant dissatisfied with the decision of the Regulator/Tribunal may apply for the review of such decision to the High Court of South Africa with jurisdiction within 180 days.

Interim Relief

A complainant may lodge an urgent application in terms of section 53 of the Act. There is no regulated process on how to handle an interim relief application. The Hearing Panel is to consider the request and comments then uses prudent discretion to waive any time periods and procedures set out in the Directives and deal with the complaint as speedily as it deems appropriate.

Condonation

A written application for condonation may be submitted in terms of section 54(1)(b) of the Act. The Regulator may, if good cause is shown, condone the late performance of an act in respect of which the directives.