



PARLIAMENT
OF THE REPUBLIC OF SOUTH AFRICA

LEGAL SERVICES

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LEGAL OPINION

TO: Honourable Adv. SP Holomisa and
Honourable Mr BA Mnguni
Co-Chairpersons: Constitutional Review Committee

CC: Secretary to Parliament

DATE: 4 August 2011

SUBJECT: Annual Submission to the Joint Constitutional Review
Committee
Submission 1: Mr SC Mbambo

LEGAL ADVISER: Ms SS Isaac

REFERENCE: 128/11



MEMORANDUM

To: Honourable Adv. SP Holomisa and
Honourable Mr BA Mnguni
Co-Chairpersons: Constitutional Review Committee

Copy: Secretary to Parliament

From: Legal Services Office

Date: 4 August 2011

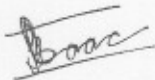
Subject: Annual Submission to the Constitutional Review Committee
Submission 1: Mr SC Mbambo

1. Our office was requested by the co-chairpersons of the Joint Constitutional Review Committee to advise on the submission received from Mr Siphon Collen Mbambo.
2. Mr Mbambo (the submitter) alleges that on 27 August 2010 he purchased a vehicle from a Mr Narismulu (the seller). In terms of their agreement the seller would provide the submitter with the car logbook a week after he purchased the car. The seller failed to do this.
3. The submitter reported the matter to the police but did not receive any assistance.
4. The submitter alleges the following: He was on one occasion stopped by police officials. These officers demanded that he pay them an amount of R 1000 so not to be arrested for driving without a valid car licence. He paid them an amount of R 150 as this was all that he could afford. The Metro Police then confiscated the submitter's car licence and told him that he will get it back after he paid them an amount of R500. He states that the police are stealing from people and that this needs to stop.
5. The submitter states that he is unable to identify the officers who he alleges confiscated his licence. Currently he does not have a car licence and requests assistance to obtain one.
6. The submission contains no request for the Committee to amend the Constitution. The submission deals with a civil dispute. Current law provides sufficient mechanisms by which the submitter may obtain the relief he is seeking.

7. We advise that the submitter needs to seek the assistance of an attorney regarding the alleged breach of the contract by the seller. If he is unable to afford legal services it is suggested that he approach Legal Aid South Africa or one of the University Campus Law Clinics.
8. The incidents of alleged corruption by police officers must be reported to the South African Police Services and the Independent Complaints Directorate (ICD).

Conclusion

9. The submitter does not request a review of any section of the Constitution. We recommend that the Committee address a letter to the submitter advising him that it is unable to assist him and suggest he seeks the alternative remedies suggested above.



Ms SS Isaac
Parliamentary Legal Adviser

Committee Section
P.O.Box 15
Cape Town
8000
w/s 3/09
Plein Street
F: 0214032808
F: 0866975384

Monoti 2
P.O. Box 15059
Cape Town
8000
Cape Town

I am greeting you. I am asking for help.

I bought a Jetta Fox from Shandran Narismulu. They are located at 50 Pine Street, Clairwood, Durban, 4001. It was on the 27th August 2010. His ID number is 7512285193089. He didn't give me a logbook. In terms of our agreement he had said I would get it after a week, but I never did. I have been to the police but got no help. I was stopped by cops on Easter Sunday while driving that particular car. They noticed that the car's licence had not been renewed and I pleaded for leniency. They demanded R1000 so they would not arrest me. I said that I didn't have that kind of money; that I only had R150. They took it. The Metro Police confiscated my licence. They said I would get it after paying them R500. Now if I look for them, I can't identify them. If the police are now robbing us, who is going to assist us? As of now I don't have a licence. Please help me.

ID Number 7512285193089

From: Sipho Collen Mbambo

From: boya

To: 00866975384

03/05/2011 11:10

#147 P.001

COMMITTEE SECTION
PO BOX 15 CAPE TOWN
8000. W/S 3/09
PLEIN STREET
FAX 0214032808
FAX 0866975384

~~PHONE NO 2~~
~~XXXXXXXXXX~~
~~XXXXXXXXXXXX~~
~~XXXXXXXXXX~~
CELL ~~XXXXXXXXXX~~

SANIBONA. NGIYABINGELELA. BENGICELA. USIZO. LAPHANGATHE. NGA
IMOTO. I FOX JETTA. KU SHANDRAN. NARISMULU. BATHOLARALA
KRI 50 PINE ROAD CLAIRWOOD. DURBAN 40001 USUKU
27/08/-0 ID YAKHE ~~XXXXXXXXXX~~ AKANGINIKANGA.
I LOG BOOK ISIVUMELWANE. SETHU. WAYETHU. NGEMUYAKWE
SANTONGIZOYI. THOLAKODWA. ANGI PHINDANGA. NGAYI THOLA.
SENGIBUYA. EMAPHOYISENI. KODWA. ANGISIZAKALI. KADENGI.
BAGWE. NGAMAPHOYISA. NGESONELA. MA ISTA NGHAMBWA
NGAYOLEMOTO. ANGI MISA. ARONA. IMOTO AYITHULILE. NGA
ZIKHALELA. BANGIFUNA. ULWANITAZERANDI. NGAZIKALELA
BATHIKUZEBENGANGI. SOPHI. MANGIKHORHE. NGATHI
IMALI ENGINAYO. URISO BALUTHATHA. ABAKWAMASPALA
BANGITHATHELA. ILA SENSİYAMI. BATHI; SEBAMBI SOKUMA
SENGITHOLE. URSOORANDI BAYONGINIRA. UMANGI
BAIBHERA. ANGI BABANI. KANTOUSIZO. SYOLUTHOLAPHI
UMASESIBANJWA. AMAPHOYISA. INKUNZI. KLIMANSE
ANGINAYO ILASEE. YORU SHAYEAA. NGISIZENI. KAKHULU
ID NO ~~XXXXXXXXXX~~ / ~~XXXXXXXXXX~~

OBHALILE
SIPHO. COLLEN MBAMBO

SMBAMBO

From: boya

To: 00866975384

03/05/2011 11:11

#147 P.002



DEPARTMENT: JUSTICE AND CONSTITUTIONAL DEVELOPMENT
REPUBLIC OF SOUTH AFRICA
Tel (032) 5511201 Fax (032) 5521656

11/04/11

LETTER OF DEMAND

PLAINTIFF

MR. SIFHO COLLEN MBOOMB
40 KWA MULO SAITHI MUKHONTO
DORINSKOP
KWA BUKHRO
UNSD.
CELL NO 076

DEFENDANT

MR. CHANDRON NARISUMMILY
50 PINE ROAD
CLARENDON
DURBANS
4000

BY REGISTER POST OR HAND

WRITTEN DEMAND IN TERMS SECTION 29[1] OF SMALL CLAIMS
ACT, 1984 [ACT 61 OF 1984]

Take note that undersigned hereby claims payment of the amount of R 12000.00 being
in respect of

REFUND OF MONIES PAID TOWARDS THE PURCHASE OF
A MOTOR VEHICLE WHICH YOU HAD DELIVERED
TO ME BUT FOR WHICH YOU HAVE FAILED TO
PROVIDE AND PROVIDE THE WITH A LOG
BOOK WHICH YOU IT WAS AGREED.

Further take note that unless said amount is to the your undersigned within 14 days
from receipt hereof, action will be instituted against you in the small claim court [if
necessary part of the claim will be abandoned in terms of section 18 of 1984 and
claim for the amount of R7000.00 will be instituted.

YOURS FAITHFUL



DEPARTMENT: JUSTICE AND CONSTITUTIONAL DEVELOPMENT
REPUBLIC OF SOUTH AFRICA
Tel (032) 5511201 Fax (032) 5521656

LETTER OF DEMAND

PLAINTIFF <u>SIDAO Colleen Mbaniso</u> <u>40 KWA MITO SAICHAMKHANYA</u> <u>DORINGKOP</u> <u>KWA DUKHIZU</u>	DEFENDANT <u>CHANDRAIN</u> <u>NARISMULLI</u> <u>50 PINE ROAD</u> <u>CLAIRWOOD</u> <u>DURBAN</u> <u>40001</u>
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BY REGISTER POST OR HAND

WRITTEN DEMAND IN TERMS SECTION 29[1] OF SMALL CLAIMS ACT,1984[ACT 61 OF 1984]

Take note that undersigned hereby claims payment of the amount of R 14,000.00 being in respect of Refund of monies paid towards the purchase of a motor vehicle which you have delivered to me but for which you have failed to provide and provide a log book

Further take note that unless said amount is to the your undersigned within 14 days from receipt hereof, action will be instituted against you in the small claim court [if necessary part of the claim will be abandoned in terms of section 18 of 1984 and claim for the amount of R7000.00 will be instituted.

Stanger
YOURS FAITHFULLY
Stanger

STOCK NUMBER: _____

AGREEMENT OF SALE

DATE: 27/08/10

THIS IS TO CONFIRM THAT MBAMBO SIDHO COLLEN
HAS PURCHASED 1 X FOX (JETTA 1) FROM
CHANDRAN NARAYANAN
ID NO: _____

FOR THE AMOUNT OF: R 14 500 -00
REG NO: _____
ENGINE NO: H
CHASSIS NO: _____

VEHICLE SOLD AS IS.

[Signature]
.....

[Signature]
.....

SELLER

BUYER

* N.B - LOG BOOK FOR ABOVE VEHICLE
will be issued on/by 13/09/2010. (MONDAY)



SPEAKER'S OFFICE
14 CHIEF ALBERT LUTHULI STREET
P.O. BOX 72 KWADUKUZA 4450
TEL: (032) 437 5022
FAX: (032) 437 5098
e-mail- magumede@kwadukuza.gov.za

To Whom It May Concern

Our Ref: Cllr WM Luthuli

Your Ref:

Date : 21/2/11

Dear Sir/Madam

PROOF OF RESIDENCE

I, **WILHEMINA MAY LUTHULI**, Speaker and Ward 11 Councillor, KwaDukuza Municipality hereby certify **THAT:**

Mbamba Sipho Colleen ID NO. ~~XXXXXXXXXX~~
Resides at: Doomphop Sakhambanyo Ales Ward 3

I trust that the information given to this office is true and correct and expect the applicant to be assisted accordingly.

Yours faithfully

CLLR (VELI) **W.M LUTHULI**
SPEAKER AND WARD 11 COUNCILLOR
KWA-DUKUZA MUNICIPALITY
083 5494 698

SPEAKER'S OFFICE
14 CHIEF ALBERT LUTHULI STREET
P.O. BOX 72, KWADUKUZA, 4450
TEL: 032 437 5022/5050
FAX: 032 437 5098
E-mail: magumede@kwadukuza.gov.za

EVERYBODY IS SOMEBODY