



KNOW THE LAW

The superior newsletter from Clientèle Legal

Problems with the builder? Call your lawyer.



Andrew Zungu – Actual client



“I had a dispute with a building contractor. They were trying to bully me to get more money out of me and I said: ‘No, no, no! I am calling my lawyer,” says Mr Andrew Zungu. “That’s when I called my lawyer at Clientèle Legal.”

Chris Geldenhuys from Clientèle Legal said that when Mr Zungu called us, he was struggling to get his roof fixed at the initial price agreed upon. “The building contractor suddenly wanted an additional amount of R21,000 which was never agreed upon. We advised Mr Zungu that he had the right to demand that the builder sticks to their original quote. The builders tried to argue that the price of timber had gone up. Legally, this amounts to a Pacta Servanda, or, in layman’s terms, a breach of contract. The original agreement, oral or written was still binding. We stepped in. Within a few weeks Mr Zungu’s roof was fixed – at no additional cost.”

Mr Zungu says it was a relief that the ugly business was behind him. “I am very impressed with the service from Clientèle Legal. They were tough, professional and very quick. If I didn’t have Clientèle Legal on my side, I would have had to pay that extra money and probably still not have a roof. I can recommend Clientèle Legal to everyone. Thank you, Clientèle Legal.”

LAWYER’S TIP

“Where possible, get your lawyer to draw up a proper contract when dealing with builders and other service providers. You have legal rights in terms of contractual disputes. Call your lawyer at Clientèle Legal.”



Chris Geldenhuys – Clientèle Legal

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UNLAWFUL ARREST



1

When is an arrest lawful?

- When there is a warrant of arrest;
- When a police officer witnesses a person committing a crime;
- Where there is probable cause to believe that a person was involved in a crime.



2

What are your rights if you have been arrested?

You have the right to:

- Be informed of the charges you have been arrested for;
- Remain silent and to be informed of that right and the consequences of not remaining silent;
- Be brought before the court as soon as reasonably possible, but not later than 48 hours after arrest.



3

What can you do if you have been unlawfully arrested?

- Call your lawyer at Clientèle Legal. He/she will guide you through the process so as to cause minimal harm to yourself;
- You can ask for delictual damages such as: loss of income during the period of detention or for injury to your reputation and good name;
- If you are detained and you believe the arrest was unlawful, an application can be brought before the court for your release. That is also where your lawyer comes in.



THE LIGHTER SIDE

STRANGE LAWS AROUND THE WORLD

Until 2004, it was against the law in China to stop for pedestrians. Seriously, motorists got fined for this grievous offence. After 2004, a law was passed forcing motorists to regard pedestrians as humans. Even then, it took long for motorists to understand this change – and implement it.



IN THE NEWS

EVICTED!

Being election year, evictions, land grabs and EWC (Expropriation Without Compensation) are big buzzwords, but it is not a 'free for all' situation. Our constitution protects private property rights on the one side and our laws rule that evictions are only legal if a judge grants a court order for the eviction. These orders might be granted against tenants who default on payments, are a nuisance to neighbours, cause damage to property or has a fixed lease which has come to an end, for instance.

Evictions are considered illegal if you are residing lawfully on the property, there is no valid court order allowing the eviction or if a sheriff is not present during the enforcement of the eviction. It can also be challenged if the landlord threatens you, changes locks or cuts off services without a court order.

However, in 2017, the Constitutional Court delivered a ground-breaking judgment which stipulates that judges may not grant eviction orders if it will leave people homeless. A previous ruling by the Constitutional Court in 2011 found that municipalities are responsible for providing temporary alternative accommodation – even when a property is privately owned. For landlords, this means that they would not be personally responsible for housing when there is a legal eviction. For the newly homeless, it means you might be at the mercy of your municipality, as clear norms and standards for alternative temporary accommodation have not yet been clearly established by law or in practice and factors such as the rights of the elderly, children, the disabled and households headed by women are also taken into consideration.

Politics aside, in South Africa, evictions are



granted – for the benefit of both parties – only if the judge rules it 'just and equitable' to grant the eviction order.

(Source: <https://mg.co.za/article/2017-06-12-landlords-have-to-pay-for-housing-for-evicted-people-and-other-myths>)

CASE STUDY: DISTRICT SIX

In November 2018, the Western Cape High Court ordered Minister of Rural Development and Land Reform to start working immediately on a restitution plan for people evicted from District Six during Apartheid.

<https://www.news24.com/SouthAfrica/News/district-six-land-claims-victory-it-is-about-my-healing-20181126>



Professional Legal Services for your small or medium sized business.



WE OFFER:



Business legal advice



Legal representation



Drafting and reviewing of commercial contracts



Assistance with debt recovery



Labour advice and representation



Cover to initiate or defend a legal action

Actual Clients



Armstrong Ngcobo

Mzansi Auto Glass



Peter Vee

Vee Station



Karabo Nyedimane

3 Way Marketing

“ One of the biggest challenges as a small business is when a big client does not want to pay. Clientèle Legal made sure I was paid. ”

“ Clientèle Legal offer a broad spectrum of services at a fraction of the cost I would pay a normal lawyer. ”

“ Clientèle Legal is a trusted brand. The package is tailor-made for our business and the price is right. ”

sms NSBC to 47517 (standard rates apply) We'll call you back!



Clientèle
LEGAL BUSINESS PLAN

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