

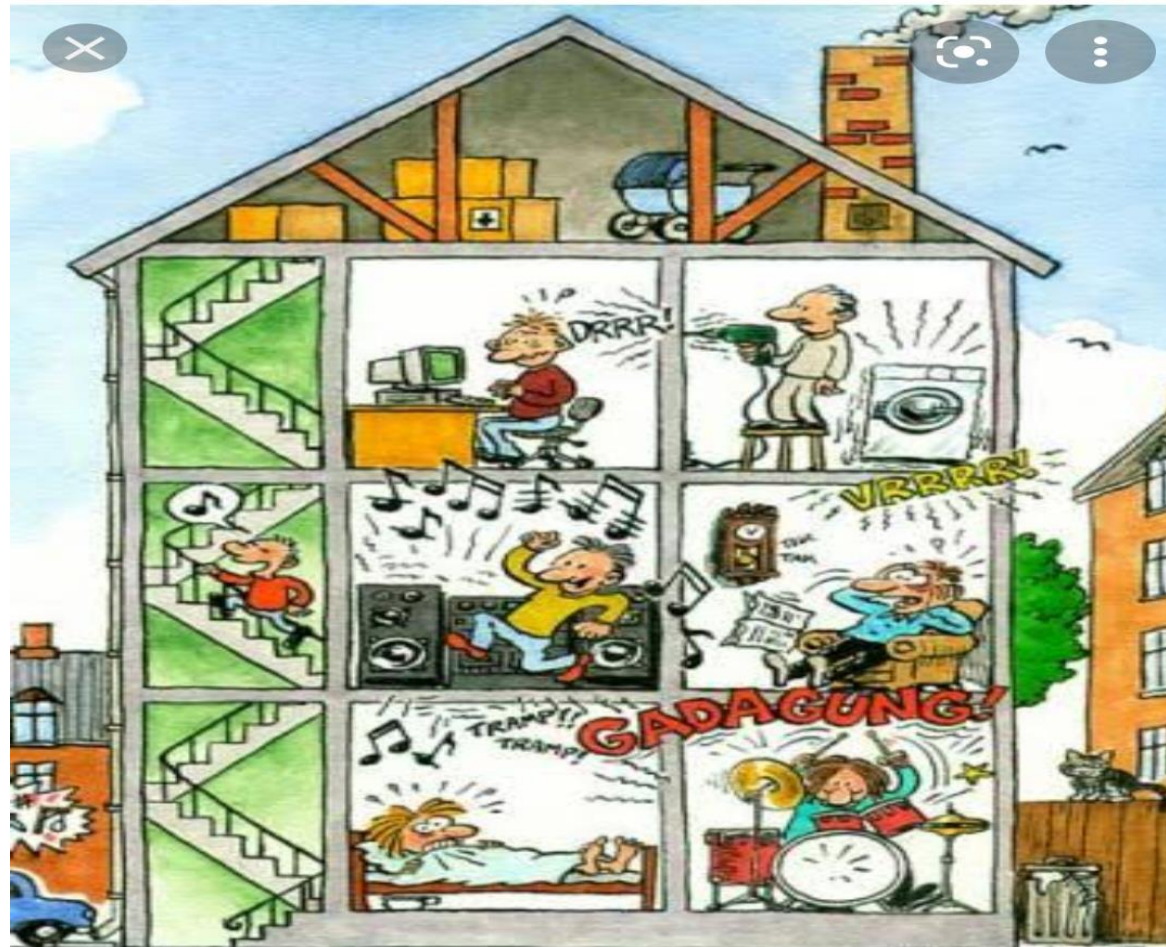
DISPUTE RESOLUTION



CSOS DISPUTE RESOLUTION



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PRACTICE DIRECTIVE: INTRODUCTION

- CSOS evolving - PD consolidated – focus on what is new and reiterate important issues
- Extensive commentary received from stakeholders
- Many sessions in conjunction with legal representatives
- Settled by Senior Counsel
- Came into effect on 18 July 2025
- DR as from page 158 onwards
- Not legislative amendment but consolidate PD - existing process
- Internal guide as well as direction for external stakeholders – aligned with SOP's



PRACTICE DIRECTIVE: ASSESSMENT

- SharePoint migrating to CSOS Connect
- Total submission not to exceed 10 typed pages excl annexures
- POPIA prescripts followed its personal information – redact
- CMO determine validity and jurisdiction / *locus standi*
- Condonation no longer *ex parte* application, now in line with *audi alterem partem* rule – suspensive provision



PRACTICE DIRECTIVE: ASSESMENT..

- Exchange statutory notices
- CMO now empowered to assist with settlement agreement, post issuance of notices
- S42 rejection of applications
 - MA – no resolution authorizing
 - CO – no director's resolution
 - Neither owner nor occupier – no material interest



PRACTICE DIRECTIVE: ASSESMENT..

- No legal *nexus* (two schemes adjacent to each other)
 - Applicant representation by another person (where permitted)
 - Part of / closely related court proceedings
-
- Note spam/ junk mail – onus on party to ensure receipt of CSOS Correspondence



PRACTICE DIRECTIVE: CONCILIATION

- Role of Conciliator
- Facilitate discussion in order to reach amicable agreement – win/win
- No decision making powers – CNR
- Recordings – QA – WOP – not to be used in further proceedings
- 24 hours to sign – failing which, referral to adjudication
- All conciliations virtual - Conciliator discretion to allow face-to-face / hybrid upon receipt of motivation – nearest regional or satellite office



PRACTICE DIRECTIVE: ADJUDICATION

- Role of Adjudicator – independent and impartial - akin to judge
- Determination of order - dealt with on paper (document-based) or at discretion of adjudicator face-to-face / hybrid
- PD deals in more detail with instances where non-attendance of one or both parties is applicable
- Section 51 dealt with in more detail – may investigate in need – arrear levy accumulation as at date of determination vs date of application



PRACTICE DIRECTIVE: ADJUDICATION - URGENT

Relief in terms of Section 39(7)(b) – Chief Ombud proposed:

- An order on an urgent basis:
 - Termination of essential services or denial of access to the scheme
 - Health hazard
 - Dissatisfaction with EMA's performance
 - Undesirable rules – to consider amendment of obvious error
- Cost Order – if found not to be urgent



PRACTICE DIRECTIVE: APPEAL PROCESS

- S57 governs the appeal process to be followed in the High Court, on a question of law
- Functus Officio
- CSOS cannot self-review its orders, nor explain or interpret
- Can only be overturned by court of law
- Minor corrections only iro accidental grammatical error or omission/s, not affecting outcome of order eg typo's



Thank you

