**The answering affidavit:**

1. The purpose of an answering affidavit is to dispute that which is alleged by the Applicant in their founding affidavit. You can consult the “How to Approach the Court” tab on the Student Court website to further determine when such a document is appropriate.
2. It entails a summation of your arguments, divided into factual arguments and legal arguments. The former relates to the actual events and actions that lead to the dispute before the court. The second relates to how the law should apply to these facts once the court has ascertained them.
3. It is crucial that each paragraph contains a separate averment, or statement, so that the document is easy to follow by both the judges and your opponent.
4. What follows below is a template one can use when drafting this document.
5. Even if this document is physically drafted by a legal representative, it is important that it contain the Respondent’s actual intentions and be submitted in the Respondent’s name, because an affidavit serves as a means of ascertaining their understanding of the case at hand, not their representative’s. Because this document serves as evidence before the Court, it is of utmost importance that is be as truthful and thorough as possible.
6. The respondents must first file their Notice of Intention to Oppose.
7. Within ten Court days of receiving the applicant’s Notice of Motion and Founding Affidavit respondents must file their Answering Affidavits.
8. In the event that there is more than one respondent, the respondents may elect to file an Answering Affidavit jointly, or alternatively, file a Confirmatory Affidavit that supports the Answering Affidavit of another respondent.

**IN THE STUDENT COURT OF STELLENBOSCH UNIVERSITY**

**REPUBLIC OF SOUTH AFRICA**

In the matter:

**[NAME(S) OF THE APPLICANT(S)]** First Applicant

**[NAME(S) OF THE APPLICANT(S)]** Second Applicant

And

**[NAME(S) OF THE RESPONDENT(S)]** First Respondent

**[NAME(S) OF THE RESPONDENT(S)]** Second Respondent

**ANSWERING AFFIDAVIT**

I, the undersigned,

**[RESPONDENT’S FULL NAME]**

do hereby make oath and state that:

**INTRODUCTION**

1. In your introduction, it is advisable to broadly state what relief you ask of the court and what arguments you will rely on to justify said relief. It also serves to establish the identity of the parties, hence the suggested statements below.
2. I am currently a registered student at Stellenbosch University with student number [student number].
3. I am litigating in [my capacity as a member of a student body (specify) or my personal capacity].

**FACTUAL BACKGROUND**

1. Separate your dispute into the factual and legal dispute. A factual dispute consists of a disagreement relating to *what* happened, while a legal dispute entails a disagreement relating to how the law should be applied to the facts at hand.
2. Be sure to state which facts alleged in the Applicant’s Founding affidavit are true and which facts are disputed. This makes it easier for the Court to know where the disagreement actually lies.
3. Use a new heading for each legal dispute. For example, you may dispute jurisdiction (whether or not the court has the authority to hear the case), *locus standi* (whether the party has the right and competence to approach the court), application of the facts to the law, etc.
4. Include reference to documentary evidence and a concise statement of the respondent’s legal argument.

**I HEREBY OATH** that I have read and understood the contents of this affidavit, that every averment made is within my personal knowledge unless where expressly indicated otherwise, and that it is submitted in good faith.

**DATED AT STELLENBOSCH ON THIS [DAY] DAY OF [MONTH] 2024.**

[RESPONDENT]