LIMPOPO PROVINCE
LIMPOPO PROVINSIE
XIFUNDZANKULU XA LIMPOPO
PROFENSE YA LIMPOPO
VUNDU LA LIMPOPO
IPHROVINSI YELIMPOPO

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GENERAL NOTICE

NOTICE 481 OF 2007

LIMPOPO PROVINCIAL ADMINISTRATION

DEPARTMENT OF ECONOMIC DEVELOPMENT, ENVIRONMENT AND TOURISM

LIMPOPO BUSINESS REGISTRATION REGULATIONS, 2007

In terms of section 15 of the Limpopo Business Registration Act, 2003 (Act No.5 of 2003) the Limpopo Business Registration Regulations, 2007 are hereby advertised for comments.

Any person or organization wishing to comment on these regulations may do so in writing, before the 09 November 2007. Comments must be forwarded to:

The Head
Department of Economic Development,
Environment and Tourism
Private Bag X9484
POLOKWANE
0700

FOR ATTENTION: Mr Simon Mbedzi Tel: (015) 291 2747/ 082 377 3760

Mbedziks@ledet.gov.za

DEPARTMENT OF ECONOMIC DEVELOPMENT, ENVIRONMENT AND TOURISM

LIMPOPO BUSINESS REGISTRATION REGULATIONS, 2007 LIMPOPO BUSINESS REGISTRATION ACT, 2003 (ACT NO. 5 OF 2003)

The Member of Executive Council responsible for business registration has under section 15(1) and (2) of the Limpopo Business Registration Act, 2003 (Act No. 5 of 2003), made the Regulations in the Schedule.

SCHEDULE

1. Definitions

In these regulations, any expression or word to which a meaning has been assigned in terms of section 1 of the Limpopo Business Registration Act, 2003 (Act No. 5 of 2003) retains that meaning and in addition, unless the context otherwise indicates—

"appellant" means a person who appeals against the decision of the Business Registration Centre in terms of Section 11 of the Act;

"inspector" means an inspector of Businesses appointed in terms of Regulation 4;

"notice of appeal" means the notice referred to in regulation 14;

"Schedule" means a schedule to these Regulations; and

"the Act" means the Limpopo Business Registration Act, 2003 (Act No. 5 of 2003);

2. Composition of Business Registration Centre

- (1) Each Business Registration Centre consists of -
 - (a) a Chairperson;

- (b) a Deputy-chairperson;
- (c) two members; and
- (d) a departmental representative
- (2) A member of the Business Registration Centre must have qualifications and experience in law, business management or entrepreneurship.
- (3) A member of the Business Registration Centre shall hold office for a period not exceeding three years and may be removed from office by the MEC on the ground of misconduct, incapacity, incompetence or any valid reason.

3. Remuneration of member of Business Registration Centre

If a member is not in the full time service of the State, he or she shall be entitled to such remuneration, including remuneration for transport and subsistence expenses, incurred by him or her in the carrying out of his or her functions in terms of the regulations as the MEC may determine.

4. Appointment of inspectors

- (1) The manager of the Business Registration Centre shall in consultation with the Business Regulator appoint any suitable persons as inspectors.
- (2) An inspector shall be furnished with a certificate by the Business Regulator stating
 - the appointment of such inspector of the Business
 Registration Centre concerned; and
 - (b) his or her the area of jurisdiction

5. Powers and functions of inspectors

An inspector has powers as provided for in section 9 of the Act

6. Application for registration of business

- (1) A person who makes an application in terms of section 10 of the Act must submit the application in the original Form contained in Schedule 1 and information requested in the Form must be completed and submitted.
- (2) A Business Registration Centre may reject any application which does not comply with Sub regulation (1).

7. Certificate of Registration

- (1) A certificate of registration issued in terms of section 10(2) of the Act, must be in the format as contained in Schedule 2 (Form 1).
- (2) The Registration certificate will serve as proof of valid business registration with the Business Registration Centre.
- (3) The Business Registration Centre may on application and against payment of a prescribed fee issue a duplicate registration certificate in the format as contained in Schedule 2 (Form 2).
- (4) An application for a duplicate registration certificate referred to in subregulation (1) must—
 - (a) be in writing, indicating the following:
 - (i) the name of Business and the applicant, and
 - (ii) reasons requesting the issuing of a duplicate registration certificate.
 - (b) be accompanied by proof of payment of a fee set out in Schedule 3 (Form 1).
- (5) An application for the extension of a registration certificate in terms of section 10 (6) of the Act which has not been renewed shall be made in the format as contained in Schedule 2(Form 3).

8. Payment of fees

- (1) Fees contemplated in Section 10 (4) (c) of the Act shall be as set out in Schedule 3 (Form 1) and may be amended by the MEC from time to time by notice in the Government Gazette.
- (2) A receipt of payment of any fees or moneys paid must be in the format as contained in Schedule 3 (Form 2).
- (3) Proof of payment must be attached to the relevant Form.
- (4) All fees and moneys payable in terms of the Act and these Regulations must be paid to the Business Registration Centre before any application may be processed.

9. Keeping of Register

- (1) The register to be kept and maintained in terms of section 5(e) of the Act will take the format as contained in Schedule 4 to these Regulations.
- (2) The Business Registration Centre must keep the register up to date and shall from time to time make necessary alterations to reflect the current status of the registered businesses.
- (3) The details of the entry must be furnished by the business to the Business Registration Centre on a return in the original Form as contained in Schedule 4.
- (4) Every registered business which changes its name, address or any information required in the Form contained in Schedule 4 must notify the Business Registration Centre in writing within 21 days after such change took effect.
- (5) In the case where the business ceases to operate for whatever reason the owner must notify the Business Registration Centre in writing within 21 days after the business ceased to operate.

- (6) A Business Registration Centre may verify any or all of the information submitted by an applicant.
- (7) A person who submits incorrect information as required in the Form contained in Schedule 4 is guilty of an offence and liable on conviction to a fine or imprisonment not exceeding six months or to both such fine and imprisonment.

10. Certificate of appointment

- (1) A certificate of appointment of inspectors in terms of section 8(1) of the Act will take the format as contained in Schedule 5.
- (2) The certificate of appointment will be valid for a period not exceeding five years from the date of issue.
- (3) The Business Regulator may withdraw a certificate of appointment on any valid reason.

11. Removal and impoundment of any goods, receptacle, vehicle or movable structure

- (1) An inspector may, on reasonable suspicion that any goods, receptacle, vehicle or movable structure which he or she finds at a business premises is being used or intended to be used or has been used in or in connection with the carrying on of business which is restricted or prohibited in terms of the law and in his or her opinion, constitutes an infringement of the law, remove or impound such goods, receptacle, vehicle or movable structure.
- (2) The inspector must enter the particulars of any such goods, receptacle, vehicle or movable structure which have been removed or

impounded in the register in the form contained in Schedule 6 to be kept by the Business Registration Centre.

- (3) The register must at all reasonable times be kept open for inspection by any member of the public upon payment of a prescribed fee contained in Schedule 3 (form 1).
- (4) The expenses incurred in connection with the removal, impoundment and disposal shall be borne by the person from whom such items were removed or impounded.
- (5) The Business Regulator may dispose of the goods referred to in Regulation 11 (1)
- (6) The person in whose possession the goods referred to in Regulation 11 (1) were found may make representations before the goods are disposed of by the Business Regulator.

12. Notice to appear in court

- (1) A written notice to appear in court referred to in section 9(2) of the Act shall be issued in duplicate and in the format as contained in Schedule 7.
- (2) The copy of the written notice to appear shall be forwarded to the clerk of the court which has jurisdiction.

13. Admission of guilt fine

- (1) An admission of guilt fine in terms of section 9(2) of the Act shall be as set out in Schedule 3 (Form 1).
- (2) The written notice to appear in court referred to in Regulation 12 may stipulate that the admission of guilt fine shall be paid on or before a date stipulated on the notice to clerk of the court having jurisdiction.

(3) A person who wishes to pay an admission of guilt fine shall surrender the written notice to the clerk of the court at the time of payment of the fine.

14. Notice of appeal

- (1) The appellant must deliver to the Limpopo Directorate of Business Registration a notice of appeal in the original Form contained in Schedule 8.
- (2) The notice of appeal must be accompanied by a fee set out in Schedule 3 (form 1).
- (3) The Limpopo Directorate of Business Registration must after receipt of notice of appeal –
 - (a) note the appeal in the register designed for that purpose;
 - (b) deliver a copy thereof to the Business Registration Centre concerned;
 - (c) inquire into such appeal and may request further or additional information, indicating the nature of the information required, as it may regard as necessary or desirable from any person, including the appellant;
 - (d) determine the date on which the appeal will be heard, such date to be not later than 30 days after the appeal has been lodged;
 - (e) in writing notify the appellant and the Business Registration Centre of the date referred to in Subregulation (3)(d) and invite both parties to be present at the hearing, if necessary, to submit oral or written arguments to the Limpopo Directorate of Business Registration should they wish to do so.
- (2) The appeal is regarded as lodged on the date that the Limpopo Directorate of Business Registration receives the notice of appeal.

- (3) A notice not containing the particulars referred to in Subregulation (1) or not accompanied by the fee referred to in Subregulation (2) shall be invalid.
- (4) The decision of the Limpopo Directorate of Business Registration shall be communicated in writing to the appellant within 21 days after finalisation of the appeal.

15. Delivery and Service of notices

- (1) All documents and notices must be delivered and served by the Business Regulator or a person duly authorised by the Business Regulator as follows:
 - (a) by personal delivery of a copy of the notice or document to the person;
 - (b) by delivery of the a copy of the notice at the place of residence of the person to be served or with a person in charge or who appears to be in charge of the premises at the time of delivery and who seems to be older than 16 years of age;
 - (c) by delivery of a copy of the notice at the place of employment of the person to be served to a person in authority or who appears to be in authority over the said person and seems to be older than 16 years of age;
 - (d) by delivery of a copy thereof at the address the person to be served has chosen;
 - (e) in the case of a company or close corporation by delivery of a copy to a person who is in charge or who appears to be in charge of the business at its registered office or its principal place of business or, if none of the employees are willing to accept service, by affixing a copy to the main door of such office or place of business;

- (f) by delivery of a copy thereof to an agent who is duly authorised in writing to accept service on behalf of the person to be served;
- (g) where a partnership, firm or voluntary association is to be served-
 - (i) by leaving a copy thereof at the place of business of the partnership, firm or voluntary association with a person who is or who appears to be in charge of the premises at the time of delivery and who seems to be older than 16 years of age; or
 - (ii) if such partnership, firm or voluntary association has no place of business at the time of service, by effecting service on a partner, the proprietor, the chairperson, the secretary of the committee or the managing body of the association, as the case may be.
- (h) where the person to be served is a minor or a person without legal capacity, the notice must be served on that person's guardian, tutor, curator or caregiver.
- (2) The person who is being served with the notice must acknowledge receipt by signing for such document which will serve as a return of service.

16. Offences and Penalties

Any person who -

- (a) falsely holds himself or herself out to be an inspector;
- (b) refuses or fails to comply with any lawful demand by an inspector;
- (c) refuses or fails without just cause to answer any question which an inspector has put to him or her in the exercise of his or her powers;
- (d) makes a statement to an inspector which is false or misleading,knowing it to be false or misleading;
- (e) hinders or obstructs an inspector in the exercise, carrying out or performing of his or her powers, or functions; or
- (f) contravenes any of the provisions of the Act or Regulations;

shall be guilty of an offence and upon conviction liable to a fine or to imprisonment for a period not exceeding six months.

17. Short title

These Regulations are called the Limpopo Business Registration Regulations, 2007 and come into effect on the date the Act becomes operational.

Application for registration of business

N.B. Please write clearly in BLOCK letters
A. GENERAL INFORMATION ON BUSINESS
Name of business
Registration number Date of incorporation
Tax number Type of business
Number of members or shareholders Number of employees
Main object of business
Business Code:
Business (physical) address
Postal address
Telephone () Fax ()
E-mail address
Date of end of financial year Name and address of Accounting
Officer
B. PERSONAL INFORMATION OF APPLICANT
Name of applicant:
I.D. No Sex Male Female
Position
Physical address
Postal address

) _____ Cell _

Fax (

Tel () _____

Comments / Reasons for disap	proval / conditions	imposed
Approved/Not approved	Date	Official Stamp
Processed by:		_ Date:
Payment received: R	Date:	Receipt No.
Attachments:		
For Office use:		
gnature of applicant		Date
		
nd attach certified copy of Perm	it to conduct busines	s in RSA
re you a South African Citizen?		If No, specify

Printing specifications – To be obtained from the Business Registration Centre

Form 1

Certificate of Registration

LIMPOPO BUSINESS REGISTRATION CENTRE

Certificate of Registration of Business (Issued in terms of Section 10 of the Limpopo Business Registration Act, 2003 (Act No. 5 of 2003)

This is to certify that		
(Name of business)		
with the main object of		
has been duly registered in terms of s	section 10 of the Limpopo	Business Registration
Act, 2003 (Act No. 5 of 2003) with		Business
	(Name of Centre)	
Registration Centre		
Certificate No		
Expiry date		
Business Registration Centre	Date	

Form 2

Duplicate Certificate of Registration

LIMPOPO BUSINESS REGISTRATION CENTRE

Duplicate Certificate of Registration of Business (Issued in terms of Section 10 of the Limpopo Business

Registration Act, 2003 (Act No. 5 of 2003))

This is to certify that	
(Name of business)	
with the main object of	
	of section 10 of the Limpopo Business Registration 3) with
Business	
	(Name of Centre)
Registration Centre	
Certificate No	_
Expiry date	_
Business Registration Centre	Date

F	_	,	m	2

Extension of Certificate of Registration

LIMPOPO BUSINESS REGISTRATION CENTRE

Extension of Certificate of Registration of Business

(Issued in terms of Section 10 of the Limpopo Business

Registration Act, 2003 (Act No. 5 of 2003))

This is to certify that

Certificate			N	0							for
			(Names of t	pusiness)							
has been	extended	for a	period	of	_ days	from	the	date	of	its	expiry
	200	to		200	D						
Date of ex	tension										
Expiry dat	е										
					_	-					
Business B	Registration	Centre		Date							

Schedule 3

Form 1

Fees to be paid in terms of the Act and Regulations

CODE	TYPE OF BUSINESS	APPLICATION FEE	REGISTRATION FEE	ANNUAL RENEWAL FEE
111	Growing of crops, market gardening and horticulture	R100 - 00	R200 - 00	R240 - 00
112	Farming of animals	R100 - 00	R200 - 00	R240 - 00
251	Stone quarrying, clay and sand-pits	R100 - 00	R200 – 00	R240 - 00
3	Manufacturing	R100 - 00	R300 - 00	R360 - 00
412	Manufacturer and distribution of gas	R100 - 00	R200 - 00	R240 - 00
50	Construction	R100 - 00	R300 - 00	R360 - 00
61	Wholesale: sells to public : sells to retailers : sells to both public and retailers	R100 - 00	R500 - 00 R500 - 00 R500 - 00	R600 – 00 R600 – 00 R600 – 00
621	General trade (General Dealer)	R100 – 00	R200 – 00	R240 - 00
622	Retail trade in food, beverages and tobacco in specialized stores	R100 – 00	R200 – 00	R240 - 00
623	Other retail trade in new goods in specialized stores	R100 – 00	R200 – 00	R240 - 00
624	Retail trade in second- hand goods in stores	R100 – 00	R200 – 00	R240 - 00
625	Retail trade not in stores	R100 – 00	R100 - 00	R120 – 00
626	Repair of personal and household goods	R100 – 00	R200 - 00	R240 - 00
631	Sale of motor vehicles	R100 - 00	R500 - 00	R600 - 00
632	Maintenance and repair of motor vehicles	R100 – 00	R200 – 00	R240 - 00
633	Sale of motor vehicle parts and accessories	R100 – 00	R200 – 00	R240 - 00
634	Sale, maintenance and repair of motor cycles and related parts and accessories	R100 – 00	R200 – 00	R240 - 00
635	Retail sale of automotive fuel	R100 – 00	R400 – 00	R480 – 00
641	Hotels accommodation camping sites and other provision of	R100 – 00	R400 – 00 R100 – 00	R480 - 00 R120 - 00
	short-stay accommodation		R300 - 00	R360 - 00

932	Votorinory Activities	R100 – 00	R200 – 00	R240 - 00
932	Veterinary Activities	K100 - 00	K200 – 00	R240 - 00
933	Social Work Activities	R100 - 00	R200 - 00	R240 - 00
940	Sewage and Refuse Disposal, Sanitation & Similar activities	R100 – 00	R200 - 00	R240 - 00
951	Activities of Business, Employers and Professional Organizations	R100 – 00	R200 - 00	R240 - 00
96	Recreational, Cultural & Sporting Activities	R100 – 00	R200 - 00	R240 - 00
961	Motion Picture, Radio, Television and other Entertainment Activities	R100 – 00	R400 - 00	R480 - 00
962	News Agency Activities	R100 – 00	R200 - 00	R240 - 00
963	Library, Archives, Museums and other cultural activities	R100 - 00 R100 - 00	R150 – 00	R180 - 00
9901	Washing and Dry-cleaning of textiles and fur products	R100 – 00	R150 – 00	R180 -00
9902	Hair-Dressing and other Beauty Treatment	R100 – 00	R200 – 00	R240 - 00
9903	Funeral and related activities	R100 – 00	R400 - 00	R480 00
02	Exterritorial organizations	R100 - 00	R200 - 00	R240 - 00

Other fees

001	Inspection fee for document/s	R100 – 00
002	Admission of Guilt Fine	R1000 - 00
003	Extension of certificate of registration	R100 – 00
004	Application fee for notice to appeal	R100 - 00
005	Application fee for duplicate	R100 - 00
006	Revenue raised in connection with impoundment of good	To be determined by the Business Regulator
007	Revenue raised in connection with impoundment of goods expenses	To be determined by the Business Regulator

Form 2 Receipt of payment

Name and Contact details of Business Registration Centre

Receipt No	o	 		Date			
Amount	received	 	in	respect	of	payment	for
— Received							from
Received		 					by
							

Printing specifications – To be obtained from the Business Registration Centre

Register of businesses

N.B. Please write clearly in BLOCK letters
Full remintered names of applicants
Full registered names of applicant:
Gender: M F Age: Qualifications:
No. of employee:
Type of ownership (CC/ Company/ Partnership/ Sole proprietor)
Date of incorporation: No
Date of end financial year: Name and Address of
Accounting officer
Tax No
Trading as :
Main object of business
Code
Premises leased/ rented / owned owner:
No. of branches orr outlets within Limpopo Areas
Business (physical) address
Business postal address
Telephone () Fax ()
E-mail address
Names of manager(s) 1
2

Printing specifications – To be obtained from the Business Registration Centre

C	_	LI	_		1		F	-
-		п	_	12		"	_	•

Certificate of appointment as Business Inspector

LIMPOPO BUSINESS REGISTRATION CENTRE

Certificate of Appointment as Inspector

(Issued in terms of Section 8(1) of Limpopo Business Registration

Act, 2003 (Act No. 5 of 2003))

This is to certify the	at			
(Names and Surname)				
(Identity number)				
has been duly appoi	inted as Ins	spector in terms of sect	ion 8 of the Limpo	opo Business
Registration Act, 200	3 (Act No.	5 of 2003) in respect of	f	
		Business Registratio	on Centre	
	(Name of Centr	re)		
	for the are	ea of jurisdiction of		_
Effective date:				
Business Registration	n Centre	——————————————————————————————————————	Business	Regulator

Register for removed or impounded goods, receptacle, vehicle or movable structure

N.B. Please write clearly in BLOCK letters							
Name			of				
business							
Main	object	of	business				
Business	(1)	ohysical)	address				
		Postal	address				
Description of ite	ems removed or imp	ounded:	·				
2.							
3.							
4.							
5.							

	. 1409	PRO	OVINCIAL G	AZETTE EX	TRAORI	DINARY, 26	ОСТОВ	ER 200	7	
	Re	gistration	Centre	where	the	items	are	to	be	kept
Date of removal or impoundment						Name	c	of	Ins	pector
Inspector Date								Tele	phone	No.
						_ Date o	f remov	val or	impour	ndment
	Insi	pector			-	Date				
		p 0 0 to 1				Date				
Printing specifications – To be obtained from the Business Registration Centre	Pri	nting speci	ifications –	To be obta	ined fr	om the Bu	siness i	Regist	ration C	entre

Written notice to appear in court

Written notice to appear in court (issued in terms s9 (2) of the Limpopo Business Registration Act, 2003)

Section A				
Section A		Name	es	
Surname				
Identity No		Sex	Male Female Age	e yrs
Address				
Tel./Cell No				
Section B				
Name		of		business
Address				
Tel.		Regis	stration	No.
	You are hereby called upo	on in terms of S9(2)	of the Limpopo Busin	ess Registration
	Act, 2003 (Act No. 5 of 200			
	below at 09h00 and to	, ,,		
Section C	contravening -			

Charge 1:							
Charge 2:							
Charge 3:							
,	or such other	charge(s) as	the Prosec	utor may brit	ng in agains	t you on th	e ground:
	that upon or						
	about the		day of			20	, a
	You						
Section D	Date and plac	e where vou	are personal	ly to appear is	n court		
	Date of trial		Month		, oour		
	Date of thai	Day	INIONIN	Year			,
	Place						
	Court						
Section E	Date and plac	e where admi	ssion of gui	It fine may be	paid to avoid	d appearance	ce in cour
Admission of	guilt fine of	Charge 1	R		Day	Month	Year
				may be pai	d on or		
		Charge 2	R	before			
		Charge 3	R				

at any Busir	ness Registratior	Centre for the	District of		
Section F					
	accused		original hereof was toda		the abovementione
	Name	and	Surname	of	Inspecto
	Signature				_ Date

Notice of	f Appea	1					
Name				of			Business
Certificate	e No. (if	any)		_			
Name							of
Appellant							
Postal							address
Tel (Fax ()_			
Name 	and 	area	of	the	Business	Registration	Centre:
Date on v			s comm	unicate	d to appellan	t	(Please
Grounds	of Appe	eal					
My groun	ds of ap	peal are ir	relation	to-			
(a)							as set
out in ann	exure h	ereto marl	ked "A"				
(b)							as set
out in ann	exure h	ereto marl	ked "B"				
Decision	sough	t from the	he Lim	popo 1	Directorate (of Business Re	gistration:

Signature of Appellant		Date
FOR OFFICE USE ONLY		
Date received	•	
omments		
ecision:		
leasons	for	decisio
RUSINESS DEGIII ATOD	_	DATE

ANNEXURE "A"			
	 	<u> </u>	
	 · · ·		
	 _		

ANNEXURE "B"			
		_	
			
			
	_		
	_		
	_		