



THE PROVINCE OF MPUMALANGA
DIE PROVINSIE MPUMALANGA

Provincial Gazette Provinsiale Koerant

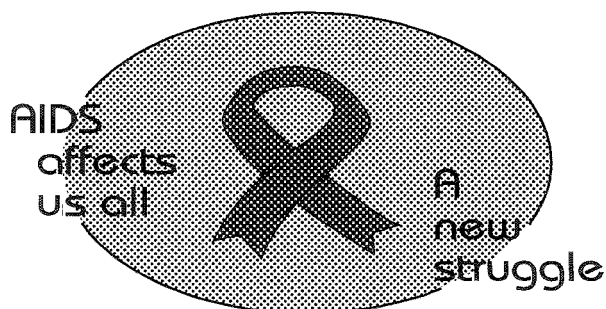
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23 February 2024
23 Februarie 2024

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Closing times for **ORDINARY WEEKLY** 2024 MPUMALANGA PROVINCIAL GAZETTE

*The closing time is **15:00** sharp on the following days:*

- **28 December 2023**, Thursday for the issue of Friday **05 January 2024**
- **05 January**, Friday for the issue of Friday **12 January 2024**
- **12 January**, Friday for the issue of Friday **19 January 2024**
- **19 January**, Friday for the issue of Friday **26 January 2024**
- **26 January**, Friday for the issue of Friday **02 February 2024**
- **02 February**, Friday for the issue of Friday **09 February 2024**
- **09 February**, Friday for the issue of Friday **16 February 2024**
- **16 February**, Friday for the issue of Friday **23 February 2024**
- **23 February**, Friday for the issue of Friday **01 March 2024**
- **01 March**, Friday for the issue of Friday **08 March 2024**
- **08 March**, Friday for the issue of Friday **15 March 2024**
- **14 March**, Thursday for the issue of Friday **22 March 2024**
- **22 March**, Friday for the issue of Friday **29 March 2024**
- **27 March**, Wednesday for the issue of Friday **05 April 2024**
- **05 April**, Friday for the issue of Friday **12 April 2024**
- **12 April**, Friday for the issue of Friday **19 April 2024**
- **19 April**, Friday for the issue of Friday **26 April 2024**
- **25 April**, Thursday for the issue of Friday **03 May 2024**
- **03 May**, Friday for the issue of Friday **10 May 2024**
- **10 May**, Friday for the issue of Friday **17 May 2024**
- **17 May**, Friday for the issue of Friday **24 May 2024**
- **24 May**, Friday for the issue of Friday **31 May 2024**
- **31 May**, Friday for the issue of Friday **07 June 2024**
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- **05 July**, Friday for the issue of Friday **12 July 2024**
- **12 July**, Friday for the issue of Friday **19 July 2024**
- **19 July**, Friday for the issue of Friday **26 July 2024**
- **26 July**, Friday for the issue of Friday **02 August 2024**
- **02 August**, Friday for the issue of Friday **09 August 2024**
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- **06 December**, Friday for the issue of Friday **13 December 2024**
- **12 December**, Thursday for the issue of Friday **20 December 2024**
- **18 December**, Wednesday for the issue of Friday **27 December 2024**

GENERAL NOTICES • ALGEMENE KENNISGEWINGS**GENERAL NOTICE 479 OF 2024****NOTICE IN TERMS OF SECTION 66 AND CHAPTER 6 OF THE CHIEF ALBERT LUTHULI SPATIAL PLANNING AND LAND USE MANAGEMENT BY-LAW, 2016, READ WITH THE PROVISIONS OF THE SPATIAL PLANNING AND LAND USE MANAGEMENT ACT, ACT 16 OF 2013**

Application for "Rezoning" on Portion 5 of the farm Op Goeden Hoop 205, Registration Division I.S., Province of Mpumalanga. Notice is hereby given to all whom is concern in terms of Section 66 and Chapter 6 of the Chief Albert Luthuli Spatial Planning and Land Use Management By-Law, 2016, read with the Provisions of the Spatial Planning and Land Use Management Act, Act 16 of 2013 I, **Johan Hamman Pr. Pln. (A/525/1987) of the firm Urban Dynamics Mpumalanga**, intend applying to Chief Albert Luthuli Municipality for the rezoning of the abovementioned property from "**Agriculture**" to "**Mining**". Plans and/or particulars of this application may be inspected during normal office hours at the offices of the Chief Albert Luthuli Council, on 28 Kerk Street, Carolina, contact person: Bianca Van Niekerk, e-mail: Bianca@albertluthuli.gov.za. Any person or persons having any objection against the approval of this application must lodge such written objections, together with a proper motivation, in a format as contemplated in Sections 103 and 104 of the Chief Albert Luthuli Spatial Planning and Land Use Management By-Law, 2016, with the Municipal Manager, P.O. Box 24, Carolina, 1185 and the undersigned, from 23 February 2024 to 25 March 2024.

Address of the Applicant: 26 Amaryllis Street, Middelburg, Po Box: 11677, Aerorand, 1050. phone: 0828003121. email: johan@urbanmbg.co.za Reference: R23371

31-1

ISAZISO NGOKWESIGABA 66 KANYE NESAPHLUKO SESI-6 SOMTHETHO KAMASIPALA WE CHIEF ALBERT LUTHULI SPATIAL PLANNING AND LAND USE MANAGEMENT BY-LAW, 2016, OFUNDWA KANYE NEZINHLANGANO ZOMTHETHO SPATIAL PLANNING AND LAND USE MANAGEMENT ACT, ACT 16 OF 2013.

Ukufaka Isicelo se "Rezoning" ku- Portion 5 of the farm Op Goeden Hoop 205, Registration Division I.S., Isifundazwe saseMpumalanga. Ngakho-ke isaziso siyakhishwa kubo bonke abathintekayo ngokweSigaba 66 kanye neSahluko 6 soMthetho kaMasipala we- Chief Albert Luthuli Spatial Planning and Land Use Management By-Law, 2016, ufundwe neziNhlizweko zoMthetho Spatial Planning and Land Use Management Act, Act 16 of 2013. Mina, u- Johan Hamman Pr. Pln. (A/525/1987), wenkampani i- Urban Dynamics Mpumalanga., uhlose ukufaka isicelo kuMasipala i-Chief Albert Luthuli ukuze: ukuklanywa kabusha kwendawo eshiwo ngenhla isuka "kwezoLimo" iye "kwezezimayini". Izinhlelo kanye/noma imininingwane yalesi sicelo ingahlolwa ngezikhathi zomsebenzi ezijwayelekile emahhovisi oMkhandlu Omkhulu Albert Luthuli, ku-28 Kerk Street, Carolina, umuntu okuxhunyanwa naye: Bianca Van Niekerk, i-imeyili: Bianca@albertluthuli.gov.za . Noma yimuphi umuntu noma abantu abanezikhalo mayelana nokuvunywa kwalesi sicelo kumele bafake lezo zikhalazo ezibhalwe phansi, kanye nezizathu ezifanele, ngendlela ehlongozwe eSigabeni 103 futhi 104 soMthetho kaMasipala Chief Albert Luthuli Spatial Planning and Land Use Management By-Law, 2016 neMenenja Kamasipala, PO Box 24, Carolina, 1185 kanye nalabo abasayine ngezansi, kusukela mhla ziyi-23 February 2024 kuya 25 March 2024

Ikheli lomfakisicelo: 26 Amaryllis Street, Middelburg, Po Box: 11677, Aerorand, 1050. ucingo: 0828003121. email: johan@urbanmbg.co.za Reference: R23371

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GENERAL NOTICE 480 OF 2024**LEKWA LOCAL MUNICIPALITY****NOTICE OF REMOVAL OF RESTRICTIVE / OBSELET TITLE DEED CONDITIONS****ERF 2809 STANDERTON EXTENSION 4 TOWNSHIP**

Notice is hereby given in terms of Section 67 (1) of the Spatial Planning and Land Use Management By-Law: Lekwa Local Municipality, 2016 that the under mentioned application has been received and is open for inspection at the Lekwa Local Municipality, Planning and Development Department, Corner Hlongwane and Palmer Streets, Sakhile Township. Motivated objections, if any, against the application, must be lodged in writing to reach the below address not later than 30 days after publication of this notice.

ERF 2809 STANDERTON EXTENSION 4 TOWNSHIP (20 KIEPERSEL CRESENT)

Applicant: Langeveldt & Nel Attorneys

Nature of application: An application was received for the following:

The Removal of Restrictive Title Deed Conditions for transfer purposes in terms of Section 67(1) of the Spatial Planning and Land Use Management By-Law: Lekwa Local Municipality 2016, Conditions C(a), C(b), C(c), C(d), C(e), and C(f) in Deed of Transfer T39005/2004, pertaining to Erf 2809 Standerton Extension 4 Township.

LEKWA LOCAL MUNICIPALITY**ISAZISO SOKUSUSWA KWEZIMO ZE-RESTRICTIVE / OBSELE TITLE DEED****ERF 2809 STANDERTON EXTENSION 4 TOWNSHIP**

Isaziso sinikezwa ngalokhu ngokweSigaba 67 (1) soMthethosivivinywa Wokuhlelwa Kwendawo Nokuphathwa Kokusetshenziswa Komhlaba: UMasipala weNdawo yaseLekwa, 2016 ukuthi isicelo esishiwo ngaphansi sitholakele futhi sivulelwe ukuhlolwa kuMasipala weNdawo yaseLekwa, eMnyangweni wezokuHlela nokuThuthukiswa, eKhoneni Hlongwane nasePalmer Streets, eSakhile Township. Ukuphikisa okugququzelekile, uma kukhona, ngokumelene nesicelo, kufanele kufakwe ngokubhaliwe ukuze kufinyelelwe ekhelini elingezansi kungakapheli izinsuku ezingama-30 ngemuva kokushicilelwa kwalesi saziso.

ERF 2809 STANDERTON EXTENSION 4 TOWNSHIP (20 KIEPERSEL CRESENT)

Umfakisicelo: Langeveldt & Nel Attorneys

Uhlobo lwesicelo: Kwamukelwe isicelo salokhu okulandelayo:

Ukususwa Kwemibandela Ye-Restrictive Title Deed ngezinhloso zokudlulisa ngokweSigaba 67(1) se-Spatial Planning and Land Use Management By-Law: Lekwa Local Municipality 2016, Conditions C(a), C(b), C(c), C(d), C(e), kanye ne-C(f) ku-Deed of Transfer T154827/2003, ephathelene ne- Erf 2809 Standerton Extension 4 Township

PROCLAMATIONS • PROKLAMASIES**PROCLAMATION NOTICE 238 OF 2024****EMALAHLENI LOCAL MUNICIPALITY**
NOTICE OF APPROVAL OF EMALAHLENI AMENDMENT SCHEME 2572

The Local Municipality of Emalahleni hereby declares in terms of the provisions of Section 66 (5) of the Emalahleni Spatial Planning and Land Use Management By-Law, 2016, that it has approved an amendment scheme, being an amendment of the Emalahleni Land Use Scheme, 2020, by the rezoning of Erf 57, Del Judor from "Residential 1" to "Residential 4".

Map 3 and the scheme clauses of the amendment scheme are filed with the Municipal Manager, Emalahleni Local Municipality and are open for inspection at all reasonable times. This amendment is known as Emalahleni Amendment Scheme 2572 and shall come into operation on date of publication of this notice.

HS MAYISELA
MUNICIPAL MANAGER

Civic Centre, Mandela Street, P.O. Box 3 eMalahleni, 1035

Publication date: Provincial Gazette of Mpumalanga: 23 February 2023

PROCLAMATION NOTICE 239 OF 2024**EMALAHLENI LOCAL MUNICIPALITY: NOTICE OF REMOVAL OF RESTRICTIVE TITLE DEED**
CONDITIONS - ERF 2973, WITBANK EXTENSION 16

The Local Municipality of Emalahleni declares hereby in terms of the provisions of Section 67(1) of the Emalahleni Spatial Planning and Land Use Management By-Law, 2016, read with the provisions of the Spatial Planning and Land Use Management Act, that it has approved an application for the removal of restrictive title conditions C (a) and (b) in Title Deed T6689/98 pertaining to Erf 2973, Witbank Extension 16 under resolution SLDO.094/21 dated 5 October 2021.

HS MAYISELA
MUNICIPAL MANAGER

Civic Centre, Mandela Street P.O. Box 3, eMalahleni, 1035

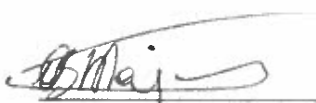
Publication date: Provincial Gazette of Mpumalanga: 23 February 2024

PROVINCIAL NOTICES • PROVINSIALE KENNISGEWINGS

PROVINCIAL NOTICE 412 OF 2024

Regulations for the Election of School Governing Bodies of Public Schools in the Mpumalanga Province.

I, Bonakele Amos Majuba, Member of the Executive Council for Education in the Mpumalanga Province, acting in terms of section 28 of the South African Schools Act, 1996 (Act No 84 of 1996) hereby publish in the schedule hereto Regulations for the Election of School Governing Bodies of Public Schools in the Mpumalanga Province.



Mr Bonakele Amos Majuba, MPL

MEC: EDUCATION

SCHEDULE

To provide for a uniform system for the organization and elections of school governing bodies; to amend and repeal certain regulations relating to schools and to provide for matters connected therewith.

1. DEFINITIONS

"CNS system" means the candidate nominations system, a secure electronic system, to be used for the electronic submission of the information and documents contemplated in the guideline;

"days" means calendar days including Saturdays, Sundays and public holidays;

"district electoral officer" means a senior district official at a district office responsible to oversee and manage the election process in the district;

“e-election” means a school governing body election in which electronic means are used in one or more stages;

“e-voting” means an e-election that involves the use of electronic means in the casting of the vote;

“e-voting station” means the voting station for an e-election established at a place as determined by the School Electoral Officer;

“e-voting system” the hardware, software and processes which use electronic means to make a choice between options in an election;

“educator” means any person, excluding a person who is appointed to exclusively perform extra-curricular duties, who teaches, educates or trains other persons or who provides professional educational services, including professional therapy and education psychological services, at a public school;

“electronic ballot box” means the electronic means by which the votes are stored pending being counted;

“HOD” means the Head of the Education Department in the province;

“member” means a member of the governing body;

“non-educator member” of staff means a person appointed according to the Public Service Act or the South African Schools Act who is not an educator at a school;

“Member of the Executive Council” (MEC) means the political head who is responsible for education in the province;

“parent” means –

- i. the biological or adoptive parent or legal guardian of a learner;
- ii. the person legally entitled to custody of a learner; or
- iii. the person who undertakes to fulfil the obligations of a person referred to in paragraphs (a) and (b) towards the learner's education at school;

"principal" means an educator appointed or acting in a post established as the head of a school;

"provincial elections co-ordinator" means a senior provincial official at a provincial office responsible to oversee and manage the election process in the province;

"public school" may be —

- i. an ordinary public school; or
- ii. a public school for learners with special education needs; or
- iii. a public school that provides education with a specialised focus on talent, including sport, performing arts or creative arts.

"remote e-voting" means e-voting where the casting of the vote is done by a device not controlled by an election official;

RCL means a representative council of learners established in terms of section 11 of the Act;

"school" means an ordinary public school or a public school for learners with special education needs which enrolls learners in one or more grades from grade R to grade 12;

"primary school" means a public school that offers grade R – 7 or learning within that range;

"secondary school" means a public school providing education from the eighth to the twelfth grade;

"combined school" means a public school providing education in grades falling in the foundation, intermediate and senior phases of curriculum;

"school electoral officer" means the Principal. In exceptional cases the District Director may appoint an education official who is trained in order to manage the election process of the school.

"SASAMS" means the South African Schools Administration and Management System, which must be used by schools to upload and update their learner information including details of parents linked to each learner;

"the Act" means the South African Schools Act, 1996 (Act 84 of 1996), as amended.

2. APPLICATION

These regulations shall apply to all public schools in the Mpumalanga Province and shall come into operation upon publication in the Provincial Gazette.

3. SIZE OF THE SCHOOL GOVERNING BODIES

The number of parent, educator, non-educator member of staff and learner members of a governing body shall vary according to the type and grading of the school.

4. COMPOSITION OF GOVERNING BODIES OF ORDINARY PUBLIC SCHOOLS

4.1 A governing body of an ordinary public school shall consist of:

- (a) Elected members
- (b) The principal by virtue of his or her official capacity; and
- (c) Co-opted members.

4.2 Elected members of the governing body shall comprise a member or members of each of the following categories:

- (a) parents of the learners admitted to the school;
- (b) educators employed at the school;
- (c) non-educator members of staff employed at the school;
and
- (d) learners in the eighth grade or higher at the school
drawn from the RCL or nominated by the RCL if applicable.

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5. COMPOSITION OF GOVERNING BODIES OF PUBLIC SCHOOLS FOR LEARNERS WITH SPECIAL EDUCATION NEEDS

5.1 The governing body of a public school for learners with special education needs should be composed as follows:

- a) Parents of learners enrolled at the school, if reasonably practicable;
- b) Educators at the school;
- c) Members of staff at the school who are not educators;
- d) Learners in Grade 8 or higher, if reasonably practicable;
- e) Representatives of sponsoring bodies, if applicable;

-
- f) Representatives of organisations of parents of learners with special education needs, if applicable;
 - g) Representatives of organisations of disabled persons, if applicable;
 - h) People with disabilities, if applicable;
 - i) Experts in relevant fields of special needs education; and
 - j) The Principal by virtue of his or her official capacity.
- 5.2 The chairperson of the school governing body in the case of a public school for learners with special education needs can be any member of the governing body elected from the persons referred to in sub regulation (5.1) (a), (e), (f), (g), (h), and (i).
- 5.3 The number of parent, educator, non-educator member of staff and learner members of a governing body must, depending on the type and grading of the school concerned, comply with schedule A of these regulations.
- 5.4 Parents must elect the members referred to in sub regulation (5.1) (a) in accordance with paragraph 21.4.
- 5.5 Educators employed at the school concerned must elect the members referred to in sub regulation (5.1) (b) in accordance with paragraph 24.
- 5.6 Non-educator Members at the school must elect the members referred to in sub regulation (5.1) (c) in accordance with paragraph 25.
- 5.7 The Representative Council of Learners must elect the members referred to in sub regulation (5.1) (d) in accordance with paragraph 26.
- 5.8 Members of categories referred to in sub regulation (5.1) (e), (f), (g) and (h) must be elected or appointed as determined by the Member of the Executive Council.

- 5.9 The person referred to in sub regulation (5.1) (i) shall be appointed in terms of section 23 of SASA.

6. CRITERIA FOR REPRESENTATION IN PUBLIC SCHOOLS

- 6.1 Criteria for the achievement of the highest practicable level of representativity of members of the governing body as prescribed in Section 28 (e) of the Act. Representativity shall refer to the following aspects:
- (a) Race;
 - (b) Gender; and
 - (c) Disability;
- 6.2 In the case of by-election and co-option, parents aged 35 and below shall be taken into account if reasonably practicable, excluding the co-option of experts.
- 6.3 The School Governing Body shall discuss as part of its meetings and with parents the aspect of representativity in preparing for the tri annual School Governing Body Elections and by elections.
- 6.4 Nominations shall reflect the aspect of representativity where practical or possible.
- 6.5 Prior to the election of office-bearers, the principal shall inform the members of the governing body of their responsibilities.

7. PROFILE OF A GOVERNING BODY

- (a) The particulars of each member of a SGB must be recorded in SGB Data Form and be captured in the SASAMS
- (b) The same SGB data must be updated after by-election occurred or during the annual election of office bearers.

8. CO-OPTED MEMBERS

- 8.1 A school governing body may at any time during its term of office co-opt two types of co-opted members namely, those with voting rights and those without voting rights to serve on the school governing body in the discharging of its functions.
- 8.2 Co-option should be done in accordance with subsection 23(8) of SASA which determines as follows: Subject to regulation (10) co-opted members do not have voting rights on the governing body.
- 8.3 A school governing body of a public school which provides education to learners with special needs, shall, where practicably possible, co-opt a person or persons with expertise in the field of the relevant education needs of such learners as provided in terms of regulations 5.
- 8.4 A school governing body of a public school situated on private property may co-opt the owner of the property occupied by the school or the nominated representative of such owner.
- 8.5 If a governing body of a public school acts under sub-regulation (4), and there is more than one owner of the property on which the school is situated, such owners shall nominate one of their member, or a representative to represent them on the school governing body.

9. TERM OF OFFICE OF MEMBERS AND OFFICE-BEARERS OF GOVERNING BODIES.

- 9.1 The term of office of a member of a school governing ~~body school~~ other than a learner shall be three years calculated from the date of elections.
- 9.2 The term of office of a learner member shall be one year.
- 9.3 A member or office-bearers of a school governing body may be re-elected or co-opted, as the case may be after the expiry of his or her term of office.
- 9.4 The term of office of an office bearer of School Governing Body may not exceed one year.

10. ELIGIBILITY

- 10.1 A person shall be ineligible to be a member of a governing body if he or she;
- (a) Is mentally ill and has been declared so by a competent court;
 - (b) Is an un-rehabilitated insolvent;
 - (c) Has been convicted of an offence and sentenced to imprisonment in a court of law in South Africa or in a foreign country, without the option of a fine for a period exceeding six months.
 - (d) Has been declared to be unsuitable to work with children as stipulated in terms of the Children's Act, 2005 (Act 38 of 2005); or is listed in the register of people unsuitable to work with children in terms of the Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007; or
 - (e) Does not fall within one of the categories of members who make up a governing body;
 - (f) No longer falls within the category of members that he or she represented at the time of his /her election.
 - (g) Has had his/her membership terminated by the Head of Education in terms of SASA
- 10.2 If a person elected as a member of a governing body ceases to fall within the category for which they were nominated and elected, he or she shall cease to be a member of the governing body.
- 10.3 A parent who is employed at a school may not be elected as a parent member of a governing body at the school.
- 10.4 A principal of a school may not be elected as an educator member of a governing body at the school.
- 10.5 No learner may be elected to a governing body of an ordinary public school unless he or she is admitted to eighth grade or higher and he or she is an elected member of the representative council of learners at the school concerned.

-
- 10.6 In the case of learners with special education needs learners in the eighth grade or higher may be elected, only if it is reasonably practicable.
- 10.7 A parent shall be entitled to vote only for a parent member of the governing body and shall have one vote in respect of each parent candidate.
- 10.8 An educator employed at a public school shall be entitled to vote only for educator members and shall have only one vote in respect of each educator candidate.
- 10.9 A non-educator member of staff shall be entitled to vote only for non-educator members and shall have one vote in respect of each non-educator candidate.
- 10.10 Every member of the representative council of learners shall be entitled to vote only for a learner member, and shall have only one vote in respect of each learner candidate.
- 10.11 It is the responsibility of the person who alleges to have complied with the definition of a parent to inform the principal on the change of personal details.
- 10.12 The Provincial Election Coordinator, District Electoral Officer and School Electoral officer may not be nominated, elected or co-opted as members of any governing body of any school in the province.

11. ELECTORAL CODE OF CONDUCT

- 11.1 No registered candidate shall-
- (a) Use language or act in a way that may provoke;
 - (b) Interrupt/use or cause violence during an election; or
 - (c) Intimidate candidates, or voters;
 - (d) Discriminate on the grounds of race, ethnicity, sex, gender, class or religion in connection with an election;

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- (e) Abuse a position of power, privilege or influence, including parental, or employment authority to influence the conduct or outcome of an election.

11.2 Undue influence

- (a) Subject to these regulations, no person may prevent anyone from exercising a right conferred by these regulations.
- (b) No person, knowing that another person is not entitled to be registered as a parent/guardian, shall-
 - (i) persuade that the other person is entitled to be registered as a parent/guardian; or
 - (ii) represent to anyone else that the other person is entitled to be registered as a parent/guardian;

11.3 No person, knowing that another person is entitled to vote, shall-

- (a) Assist, compel or persuade the other person to vote; or
- (b) Represent to anyone that the other person is entitled to vote.

12. PROVINCIAL ELECTION COORDINATOR

12.1 The Head of Education shall appoint an official of the department as the Provincial Election Coordinator in writing.

12.2 The duties of the Provincial Electoral Coordinator are amongst others to:

- (a) ensure that Provincial Regulations are promulgated in order to conduct the SGB elections;
- (b) ensure that there is adequate advocacy concerning the election date;
- (c) ensure compliance with provincial procedures with regard to elections;
- (d) coordinate the resources to conduct efficient and fair governing body elections;
- (e) ensure that the school electoral officers have the templates and all documents required for the election process;

- (f) monitor and evaluate the election process in the province; and
- (g) consolidate a provincial database of governing body members after the elections.
- (h) Adjudicate on all appeals resulting from the nomination and election process;
- (i) Investigate and address any matter brought under his/her attention by a member of the public which are not in line with these regulations.

13. ELECTORAL OFFICERS

There shall be two (2) Electoral Officers namely; the District and School Electoral Officer

13.1 District Electoral Officer

The District Director must appoint a District Electoral Officer in writing.

13.2 The Duties of the District Electoral Officer

The duties of a District Electoral Officer shall be amongst others, to:

- (a) Coordinate the election processes in the district;
- (b) Advise the district on the proposed strategy and implementation of the election in the district and ensure that the process is conducted as per the Provincial Regulations.
- (c) Compile a management plan to implement the Provincial Regulations.
- (d) Ensure that each school has an Electoral Officer in line with provincial regulations, and that the School Election Teams are established;
- (e) Ensure that all election officials working at school level are adequately trained and are aware of their roles and responsibilities;
- (f) Ensure that all Electoral Officers receive the provincial election Regulation/Notice and other documents in good time;
- (g) Ensure that the election advocacy is conducted as planned;
- (h) Ensure that the entire election process is monitored;
- (i) Ensure that the names and contact details of the persons elected to governing bodies (*refer to Template 1: Notification of all Members*

Elected to the Governing Body) are submitted within a week of the elections taking place;

- (j) Ensure that they receive the Data Form:(*refer to Template 2 Governing Body Data Form*) from the School Principal and submit it to the district within 14 days of the meeting at which the office bearers are elected;
- (k) Within 14 days, resolve disputes related to the decision which could not be resolved at school level.
- (l) Develop a database of newly elected governing bodies and submit it to the Provincial Election Coordinator; and
- (m) Within 14 days, compile a written district report on elections and submit it to the Provincial Coordinator (as per the management plan)

13.3 Composition of the District Electoral Team:

The District Electoral Team shall comprise of officials from the following:

- (a) Teacher Development and Governance;
- (b) Labour Relations;
- (c) Circuit Coordination;
- (d) Curriculum Management;
- (e) Inclusive Education and Curriculum Enrichment; (f) Communications.
- (g) Transformation

13.4 The District Election Team Shall:

- (a) Assist the district electoral officer with all election duties;
- (b) Be responsible for an advocacy strategy to ensure that SGB elections are well advertised amongst all stakeholders in the district.

14. SCHOOL ELECTORAL OFFICER

The District Director or the delegated official must appoint a School Electoral Officer who is a principal of another school in writing. The appointed principal must not delegate this responsibility to the Deputy Principal except under unavoidable situations with the approval of the District Director.

14.1 Duties of a School Electoral Officer

The duties of a School Electoral Officer shall amongst others be to:

- (a) Prepare a notice giving details of the date, time and venue of the nomination and election mode;
- (b) Ensure that there is a suitable venue for the nomination/election mode;
- (c) Ensure that the School Election Team knows the electoral process to be followed and complies with relevant legislation;
- (d) Intervene in and resolve any disputes on the day of nomination/ election; and
- (e) Submit election results to the district office within 5 days after the election have been concluded

14.2 Code of Conduct Electoral Officers (District and School)

An Electoral Officer, shall: -

- (a) act honestly and with dignity;
- (b) act in an unbiased way;
- (c) be familiar with the election process and applicable legislation;
- (d) carry out the election in terms of the provincial prescripts;
- (e) co-operate with school managers and line management;
- (f) manage the voting process in a fair and just manner;
- (g) deal with difficulties that may arise with courteousness;
- (h) be polite and diligent; and
- (i) not exceed his or her mandate.

15. COMPOSITION OF THE SCHOOL ELECTION TEAM

The school election team shall consist of:

- The deputy principal of the school or a person delegated by the principal;
- The admin clerk to assist with administrative duties including the compiling of the voters roll;
- A number of educators determined by the principal and all the members of the team identified shall be appointed in writing for this assignment

The duties of the school election team shall be to:

- Assist the principal and school electoral officer with all their duties;

- Be responsible for an advocacy strategy to ensure that SGB elections are well advertised amongst all stakeholders;
- Assist with the attendance register and minutes of the nomination and election meeting.

16. THE MONITORING OF ELECTIONS

The Provincial Election Coordinator/District Electoral Officer shall appoint any number of persons to monitor all the SGB elections. Such persons shall:

- a) Have access to any proceeding relevant to the elections as far as reasonably possible;
- b) Not interfere with any processes relating to the elections;
- c) Monitor the election processes in the district, compile a written report of his/her observations and submit it to the provincial electoral officer/district electoral officer within seven (7) days of the conclusion of the elections.

17. THE VOTERS ROLL

17.1 A voter's roll for each of the categories must be made available containing the names of all eligible parents, educators, members of staff and the learners;

- (a) the voters' roll for parents must be based on the school learners' admission register. Eligible voters are those persons appearing in the admission register as parents or who can show proof that they are parents as defined in the Act. Only two parents per learner are eligible to vote;
- (b) the voters' roll must close 7 days before the election day to ensure that the electoral officer can focus on the nomination and voting processes and quality assure the voters' roll;
- (c) the voters' roll for educators must consist of all educators employed at the school;
- (d) the voters' roll for non-educator members must consist of all other members of staff employed at the school;

(e) the voters' roll for learners must consist of all members of the Representative Council of Learners (RCL) at the school.

17.2 The school electoral officer must, at least 14 days prior to the date of the election for parent members, inform the parents of the voters' roll in accordance with publication method adopted by the school.

17.3 All nominations, seconders and nominees must be people who are listed on the voters' roll for their respective constituency of representation on the SGB.

18. FRANCHISE

- (a) Every parent of a learner officially enrolled at a school is entitled to vote for parent members of the governing body and has one vote in respect of each nominee with a maximum number of votes equal to the number of parent members to be elected.
- (b) Every educator, employed at a school including the principal, is entitled to vote for educator members and has one vote in respect of each nominee with a maximum number of votes equal to the number of educator members to be elected.
- (c) Every member of an RCL is entitled to vote for learner members and has one vote in respect of each nominee with a maximum number of votes equal to the number of learner members to be elected.
- (d) Every non-educator member is entitled to vote for a non-educator member and has one vote.

If the school has only one non-educator, that member is automatically elected.

- (e) Proxy votes are not allowed.

19. QUORUM

19.1 A quorum of 15 % of the total number of parents on the voters' roll are required for the nomination and election meeting to proceed.

19.2 If the quorum is not met at the first election meeting the election must be rescheduled not less than 7 or more than 14 days in which event the procedure in regulation 21 shall be repeated.

19.3 Candidates nominated prior to the rescheduling of the nomination and election meeting will remain nominated for election at the rescheduled meeting but further nomination may still be lodged and accepted.

19.4 Notice of the second election meeting should clearly state that no quorum is required for that meeting.

20. NOMINATION AND ELECTIONS

20.1 The following election modes are available election modes are:

- a) Nomination and Election modes;
- b) Full Day Elections mode; and
- c) e-Elections mode.

20.2 Schools must indicate to the HOD or his or her delegate the mode of election they will undertake, not less than 30 days prior to the date of election referred to in regulation 20.1

20.3 The HOD must respond within 14 days of receiving the notification.

20.4 When considering the notification, the HOD will, among others consider that:

- (a) the mode of the election will promote the best interests of the school community and the school and will allow for maximum participation of voters in the voting process;
- (b) the mode of election will not discriminate unfairly against any potential voter or group of voters;
- (c) sufficient provision is made for the nomination process; and (d) sufficient resources are available for the preferred mode.

20.5 The principal must communicate the mode of election to the School Electoral Officer to prepare and sign notices to parents accordingly.

20.6 The school electoral officer must inform the district electoral officer of the mode of the election and submit a management plan 14 days prior to the elections.

20.7 The management plan referred to in (regulation (21.1) must at least contain:

- (a) The proposed date for the mode of the election;

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- (b) The time for the start of the election, times when voting station open and close;
 - (c) The time that the votes will be counted and results announced;
 - (d) The schedule for the school elections team members to monitor the voting stations to ensure that there are enough officials available for the process to continue.

21. NOMINATION AND ELECTION MEETING

21. 1 Dates, Times and Place of the Nomination and Election of Parent Members

- (a) The school electoral officer must prepare notices in the prescribed form, which indicate the date, time (including duration) and place of the nomination and election. The nomination and election of members must be in line with the mode of election that the school will undertake.
- (b) For this mode of elections, the nomination and election are two sessions conducted at one meeting.
- (c) When the nomination session ends the election session starts immediately.
- (d) The school electoral officer must ensure that the notices regarding the nominations and elections are distributed and displayed in prominent places at the school and in the community at least 14 days prior to the date of the nominations and elections and hand the notice prior thereto to the principal.
- (e) The principal must:
 - I. Inform parents in accordance with subparagraph 10;
 - II. Hand a copy of the notice to every learner of the school concerned, with the oral instruction to hand it to his or her parents, at least 14 days prior to the date of the nomination and election for parent members; or
 - III. Use any other method that works for the school community, as long as it does not in any way disadvantage any member of the school community; and

- IV. Post nominee profiles in a convenient place for parents to be able to view them at least **3 school days** before the Election Day.

21.2 Nomination Meeting for Parent Members

The School Electoral Officer must ensure that:

- (a) the required quorum of 15% is met before nominations start;
- (b) the starting and closing time for nominations is indicated at the beginning of the meeting;
- (c) nominations that were sent to school are announced ahead of opening for new nominations;
- (d) having a proposer and a seconder for each nominee; and
- (e) ensuring that the nominee, proposer and seconder appear on the voters roll.

21.3 Nomination Procedures for Parent Members

The Electoral Officer must:

- a) Confirm that the 15% quorum of parents eligible to vote has been achieved before the start of the nomination meeting;
- b) Closing the nomination meeting and schedule it to a period not less than 14 days should the quorum not be formed. Noting that a quorum will not be required for the second meeting;
- c) Explain the nomination procedure if the quorum of 15% is achieved;
- d) Inform the meeting about nominations received in advance;
- e) Set time for the nomination process;
- f) Make nomination forms available to parents to complete and assist those who require assistance to nominate candidates;
- g) Ensure that each form is correctly completed with the signature of the Nominee, Proposer and Secunder;
- h) Verify that the nominee, the Proposer and the Secunder are all eligible parents in the school;
- i) Disqualify nominations forms which do not meet the stipulated requirements;
- j) Prevent the nomination of candidates through the raising of hands; and

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- k) Close the nomination meeting when the allocated time has elapsed.

21.4 Elections for Parents Members

- (a) If the total number of valid nominations is equal to the required number of parent members after the elapse of the nomination time, those nominated are declared to be duly elected, and the School Electoral Officer must sign a declaration indicating that members were not elected by secret ballot, and that he or she has provided enough time for more nominations.
- (b) If the number of nominated candidates is more than the required number of expected parent members, the Electoral Officer must prepare ballot papers containing the names of all nominated candidates in alphabetical order (Ballot Paper for Parent Members). These ballot papers must have the school stamp on them, or some other distinguishing feature which prevents the ballot papers from being tampered with.
- (c) Nominated candidates must be allocated numbers corresponding to the number next to their names on the ballot paper.
- (d) The Electoral Officer must allow nominated parents to introduce themselves where each parent needs to provide the following information:
- I. full names;
 - II. the names and grades of children in the school;
 - III. occupation, skills and experience that may benefit the SGB; and IV. the parent's vision for the school.
- (e) The Electoral Officer must indicate the number of parents to be voted for as predetermined according to the size of the school, while ballot papers are being prepared.
- (f) Each parent, verified on the voters' roll must receive a ballot paper to mark in **secret** a maximum number of parents as indicated in regulation 10.
- (g) The marked ballot paper must be folded and placed in a ballot box or any closed container provided for this purpose.
- (h) A person who cannot read nor write or a person who is not able to vote because of any physical challenge may, at his or her own request, be assisted by the School Electoral Officer with a witness identified by the voter.

21.5 Counting of Votes

- (a) The School Electoral Officer must open the ballot papers in the presence of monitors, observers and candidates who wish to be present.
- (b) The School Electoral Officer must reject a ballot paper:
 - I. which is without the school stamp or distinguishing feature as indicated in regulation 21.4 (b);
 - II. with more vote crosses than the number of members to be elected; or
 - III. which is marked in such a way that it is not clear as to which nominee or nominees a cross has been allocated.
- (c) A ballot paper with fewer crosses or marking than the expected number of parents to be voted for is valid.
- (d) After the rejection of any spoilt ballot papers, the School Electoral Officer must:
 - i. count the votes in the presence of monitors, observers and nominees who wish to be present;
 - ii. announce to the monitors the name of each nominee and the number of votes cast for each;
 - iii. complete the counted ballot papers form in order of the most votes to the least votes; and
 - iv. declare who has been elected in terms of the expected number of positions in the SGB. The parents with the most votes are listed first and parents with least votes listed last.
- (e) Where the number of votes recorded for two or more nominees is equal and affects the outcome of the poll, the School Electoral Officer must draw lots to determine the elected parent member. This must be done openly in the presence of the identified observers as indicated in 21.5(a) above.

22. FULL DAY ELECTION

This mode is a manual full day election in which voters physically come to the venue to cast their votes at any time within the allocated hours of the day without any meeting held. The counting of votes may proceed only if the number of votes cast by the close of the polls indicates that a 15% quorum of voters has been reached.

22.1 Nomination for Full Day Election

- (a) The school electoral officer must prepare notices in the prescribed form, which indicates the date, time (including duration) and place of the nomination and election 14 days before the Election Day.
- (b) Nomination takes place prior to the Election Day which is not more than 7 days and not less than 3 days prior to the elections.
- (c) Nomination forms are made available to parents to complete, indicating the name and signature of the Proposer and Secondar, with the nominee signing to indicate acceptance of the nomination.
- (d) The Nominee, Proposer and Secondar must all appear on the voters roll.
- (e) The Nominee must provide the following information to accompany the nomination form for distribution to parents before the Election Day:
 - i. a recent passport size photo;
 - ii. full names;
 - iii. name(s) and grade(s) of child(ren) in the school;
 - iv. occupation, skills and experience that would benefit the school; and
 - v. the nominee's vision for the school.
- (f) The profiles of all nominated candidates must be distributed to all parents 3 days before the Election Day.

22.2 Voting During the Full Day

The following takes place on the day of the elections:

- (a) Verification of eligible voters on the voters' roll;

- (b) Handing out of stamped ballot papers containing the names of all nominated candidates in alphabetical order;
- (c) The marking of the ballot paper by the parents secretly according to the expected number of parents to be elected or less;
- (d) Placing of the folded ballot paper in a sealed ballot box or container provided for this purpose.

22.3 Counting During the Full Day Election

- (a) Counting is as during the normal election mode (see 21.5).
- (b) Counting can only commence after it has been confirmed that the 15% quorum of votes have been cast.
- (c) If the 15 % quorum is not met, the election must be rescheduled to not less than 7 or more than 14 days from the date of the failed election.

23. E-ELECTIONS

e-Elections is a mode of elections conducted electronically through virtual platforms. This mode of election can only be selected by schools which have the capacity to deliver such elections virtually due to available resources and having the majority of the parent having access to the required technology and data to participate in the election.

23.1 The Role of the School in Selecting e-Elections

In selecting this mode of elections, the school must:

- (a) apply to the Head of Department or delegated official for approval to use this chosen mode of elections;
- (b) inform parents about the platform that the school will use for the elections;
- (c) provide guidance to the parents on how to use the election APP; and
- (d) provide an IT specialist for technical support before and during the election.
- (e) Appoint a suitable service provider in accordance to the set prescripts of the Department

23.2 Technical requirements for the e-voting system

- (a) The Service Provider must provide a Cloud Based System.
- (b) The Service Provider should provide a fully managed and maintained system including regular scheduled backups and relevant updates.
- (c) The system should run on various platforms (e.g. Microsoft, Oracle etc.).
- (d) The solution should be user friendly and be able to run on devices such as Laptops, Tablets, Smart Phones and have Browser compatibility.
- (e) The programme must be accredited.
- (f) The information collected during elections may not be used in any form or for any purpose other than the purpose stipulated in the agreement.
- (g) If the service provider wishes to use such information in any other form or for any other purpose, including, but not limited to, workshops, media releases and the like, it he/she must submit a written motivation for approval for the use of such to the provincial department.
- (h) The system must be able to generate reports and include the following functions:
 - i. Import voters roll from a spreadsheet format (List, No, Names/s, ID No, etc);
 - ii. Post pictures of candidates (user choice to toggle for on/off of function);
 - iii. Allow for a number of votes per voter if there are multiple candidates;
 - iv. Provide real time results for quorum purposes;
 - v. Provide admin panel for Electoral Officer to monitor proceedings;
 - vi. Authentic parents on the voters' roll;
 - vii. Set election start and end time;
 - viii. Incorporate a User Log;
 - ix. Provide the ability to cross-check and verify the correct operation of the e-voting and the accuracy of the result, to detect voter fraud, multiple votes by the same voter and to prove that all counted votes are authentic and that all votes have been counted;
 - x. Provide an Audit Trail.

23.3 Nomination for e-Elections

- (a) The school Electoral Officer must prepare notices in the prescribed form, which indicates the date, time (including duration) of the nomination and election 14 days before the Election Day.
- (b) Nomination is similar to the nomination procedures followed in Full Day Elections see regulation 22.1 except that the whole process from sending out notices, information and the submission of nomination form is done electronically.
- (c) The completed nomination forms must be lodged with the School Electoral Officer not more than seven days and not less than 3 days prior to the commencement of the elections.
- (d) The school should be in a position to assist parents to upload documents when required to do so.

23.4 Voting During e-Elections

- (a) Parents will receive log on details with a unique one-time pin to join the e-elections.
- (b) The system must be able to verify the credentials of the parents as they log on through the provided pin based on the voters' roll to accept them into the elections.
- (c) The Electoral Officer will explain the election process to the parents who have logged on.
- (d) An online ballot paper will be made available to parents to cast their vote for the required number of parents to be voted for.
- (e) Parents can log off after casting their vote.

23.5 Counting e-Elections Votes

- (a) The system should be able to calculate and provide results as soon as the election time has elapsed.
- (b) The Electoral Officer must use all the available checks and balances to verify the authenticity of the results and sign them off.

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- (c) In case of a tie that affects the outcome of the results, the Electoral Officer should draw lots as a deadlock breaking mechanism as in all other election modes.

24. NOMINATION AND ELECTION OF EDUCATOR MEMBERS

- (a) The School Electoral Officer will decide on a date, time and place for the nomination and election for educator members. This process must be held at least 24 hours before the election of the parent member component.
- (b) The Principal must give the School Electoral Officer a list of all educators at the school. This will serve as the voters' roll.
- (c) The School Electoral Officer must ensure that each educator at the school receives a copy of the notice of the Nomination/Election (Notice of Nomination/Election for Educator Members of Staff) at least 14 days before the date of the election.
- (d) An educator can only be nominated and seconded by another educator employed at the school.
- (e) The completed nomination forms must be lodged with the School Electoral Officer not more than seven days and not less than 24 hours prior to the commencement of the nomination and elections.
- (f) Each nomination form will have to be properly completed and handed in to the School Electoral Officer within the time that the Electoral Officer allows for this purpose.
- (g) If the total number of valid nominations is equal to the required number of educator members, those nominated are declared to be duly elected, and the School Electoral Officer must sign a declaration indicating that members were not elected by secret ballot, and that he or she allowed sufficient opportunity for further nominations.
- (h) The School Electoral Officer and the Principal must use all reasonable means to ensure that the nomination process is successful at the first attempt.
- (i) If the nominations are more than the required number of educators, elections are conducted by secret Ballot Paper for Educator Members

using the same procedure as described for the parent members' elections.

25. NOMINATION AND ELECTION MEETING OF A NON-EDUCATOR MEMBER

(The procedure for the election of the non-educator member (who is not an educator) to the governing body is as follows:

- (a) The procedure as set out for the nomination and election of the educator component applies, with the necessary changes, to this category of the governing body;
- (b) In cases where there is no non-educator at the school, the position will be left unfilled;
- (c) Food handlers receiving stipends from the SGB fall within this category;
- (d) Where there is one non-educator, that person is regarded as duly elected to the governing body;
- (e) In cases where there are two or more non-educators at a school, a democratic election must be held to determine who should be elected to the governing body (refer to Template 5: Notice of Nomination Meeting for a Member of Staff); and
- (f) The Electoral Officer may, with the approval of the non-educators, draw lots as an alternative method to elect a non-educator if there are two non-educators on the school's staff establishment.

26. NOMINATION AND ELECTION OF LEARNER MEMBERS

- (a) The Representative Council of Learners shall elect from its ranks learners who shall be members of the governing body.
- (b) The procedure for the nomination and election of learner members shall be as prescribed for educator members.

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- (c) The number of learners elected to the governing body should be in line with the formula for the calculation of members of the governing body as per category as indicated in schedule A.
 - (d) The learners must be made aware of section 32 of the Act, which outlines the status of minors on the governing body.

27. ORDER OF ELECTIONS

The election of the parent component of the governing body shall be held after the nominations and elections of the educator, non-educator and learner members of the governing body.

28. DECISION OF THE SCHOOL ELECTORAL OFFICER

- 28.1 The School Electoral officer shall preside and take decisions in all matters related to the nomination and election of nominees in terms of all the categories.
- 28.2 All disputes should be reported to the School Electoral Officer during the process of the elections.
- 28.3 The School Electoral Officer shall resolve all disputes in order to declare elections undisputed. His or her decision during the election will be final.
- 28.4 If the School Electoral Officer is unable to resolve the dispute, the election should be completed and the dispute can then be referred to the District Electoral officer within seven (7) days after the Election Day. The District Electoral officer shall inform the complainant in writing of his/her decision and the reasons for such within fourteen (14) days of receipt of the complaint.
- 28.5 In the event that knowledge of any alleged irregularity only became available after completion of the election process, a dispute can be referred to the District Electoral officer.
- 28.6 An appeal can be lodged with the MEC within seven (7) days, should the complainant not be satisfied with the decision taken by the District Electoral officer.
- 28.7 The MEC must inform the complainant in writing of his or her decision and the reasons thereof within thirty (30) days of receipt of the appeal.

29. ELECTION AND TERM OF OFFICE-BEARERS

- 29.1 The principal shall convene the first meeting of the governing body within fourteen (14) days after he or she has been notified in writing of the names and addresses of all the members of the governing body.
- 29.2 Prior to the election of office-bearers, the principal shall orientate the members of the governing body indicating their responsibilities and the need to ensure that office-bearers are as representative of gender and racial diversity of the school as possible.
- 29.3 At the first meeting of the governing body such body must, from amongst its members, elect office-bearers, who must include at least a chairperson, a treasurer and a secretary. The Principal shall preside at the election of the Chair of the School Governing Body who shall then officially preside over the meeting.
- 29.4 The office bearers, with the exception of the learner component, shall remain in office for one year from the date of their election.
- 29.5 An office bearer of a governing body may be re-elected or co-opted after the expiry of his or her term of office.
- 29.6 If for any reason the office of an office-bearer becomes vacant, the governing body shall, at the first meeting after that vacancy has occurred, elect one of its members to fill that vacancy for the unexpired period of office of his or her predecessor.
- 29.7 The principal shall, after a meeting at which any office-bearer has been elected notify the Head of Education forthwith in writing of the date of the meeting and of the name, address and office of the person elected.

30. BY-ELECTIONS DUE TO VACANCIES IN THE GOVERNING BODY

- 30.1 The chairperson of the governing body, in consultation with the principal, must inform the District Director of any vacancies and arrangements for a by-election.
- 30.2 An electoral officer should be a principal of a neighbouring school.
- 30.3 A by-election must be held as and when there is a vacancy in the governing body. A vacancy shall occur in a governing body if a member:
- (a) resigns;
 - (b) dies;
 - (c) becomes disqualified as indicated in regulation 10;
 - (d) absents himself or herself from three or more consecutive meetings of the governing body without a formal apology;
 - (e) is removed from office in accordance with provisions contained in a code of conduct noted in section 18A of the Act; or
 - (f) no longer falls within the category of members which he or she represented at the time of the election.
- 30.4 Whenever a vacancy occurs as envisaged in sub paragraph 30.3, a by-election must be held within 90 days of the occurrence of such vacancy.
- 30.5 A by-election must be held in accordance with regulation 20 to 30, depending on the category of the membership.
- 30.6 A member elected in accordance with this paragraph remains in office for the unexpired term of office of his or her predecessor, provided that he/she is still eligible.
- 30.7 If for any reason the position of an office-bearer becomes vacant, the governing body shall, at the first meeting after that vacancy has occurred, elect one of its members to fill that vacancy for the remaining period of office of his or her predecessor.
- 30.8 The principal shall, after a meeting at which any office-bearer has been elected, notify the Head of Department forthwith in writing of the date of
- 30.9 the meeting, name, address and position of the person elected.

31. HAND OVER

- 31.1 The Principal, as a member of the outgoing and the newly elected governing body, must manage the handing-over process by:
- (a) Officially handing over all governing body files to the newly elected governing body;
 - (b) Conducting an induction session for the newly elected members; and
 - (c) Answering any questions that the newly elected governing body may have.
- 31.2 A list indicating the minimum documents that need to be handed over to the incoming governing body is included
(Template 10: Handover guide).

Procedure after Election of Governing body

- (a) Place all documents, including ballot papers, used at such election in envelopes and seal the envelopes;
- (b) Keep those envelopes in safe custody for a period of at least three months from the date of the election of the governing body concerned;
- (c) Notify each elected member in writing of his or her being elected.
- (d) Notify the Principal of the school in writing of the names and addresses of the persons elected as members and inform the Principal that he or she must notify the parents of the election results within 14 days of the meeting;
- (e) Ensure that the District Director is informed in writing of the names and addresses of the persons elected as governing members (refer to Template 1: Notification of all Members Elected to the governing body) and

(f) Submit an undisputed election declaration where this was the case, or a declaration detailing any disputes (refer to Template 9: Election Declaration Form)

1. (19.2) The principal must ensure that the data form (Template 2: Governing Body Data Form) is completed by every member of the newly elected governing body. This form must be submitted to the district office within 14 days after notification of the results of the election.
2. (19.3) The Principal is required to inform the provincial Department of Education of any changes in membership of the governing body within 14 days of those changes being affected to ensure that the database is up to date.

32. CONSTITUTION OF SCHOOL GOVERNING BODY

- 32.1 The governing body must submit a copy of its constitution to the Head of Education within 90 days of its election.
- 32.2 The Constitution of School Governing Body (SGB) of a public school shall reflect the following:
 - a) The vision and mission statement of the school
 - b) Duties of office bearers
 - c) Establishment of committees with clear functions
 - d) Meeting procedures and frequency
 - e) Procedure to manage amendments to the constitution.

33. FUNCTION OF THE NEW GOVERNING BODY

The newly elected School Governing Body will assume its responsibilities when the governing body elections are declared free and fair.

We also refer to the recent announcement by the Minister of the School Governing Body elections date for 2024, Notice No.1914, published on 13 July 2023, in Government Gazette No.48952, wherein the position was set out very clearly.

34. FREEDOM OF ASSOCIATION

The governing body may join voluntary association representing governing bodies of public school.

35. REMOVAL OR SUSPENSION OF GOVERNING BODY MEMBERS FROM OFFICE

A member of the school governing body of a public school may be removed from office in terms of section 18A and 25 of the Act.

36. WITHDRAWAL OF THE FUNCTIONS

The of Department may, on reasonable grounds, withdraw the functions of a governing body, in terms of section 22 of the Act.

37. REVIEW OF REGULATIONS

These regulations may be reviewed at any given time.

38. REPEAL OF REGULATIONS

The Governing Body Regulations for Public Schools contained in Notice No. 2398 of 2014, and published in the Extraordinary Provincial Gazette of 12 December 2014, are hereby repealed.

39. SHORT TITLE

These Regulations shall be known as Regulations for the Constitution and Election of Governing Bodies in Public School in Mpumalanga, and shall come into effect on publication in the Provincial Gazette.

Schedule A**COMPOSITION OF SCHOOL GOVERNING BODY OF ORDINARY PUBLIC SCHOOLS
BY TYPE AND LEARNER ENROLMENT**

- 1) The numbers of a school governing body of a school are set out for each category of membership in table below
- 2) The number of members in a category will vary according to the type of school and learner enrolment set out in columns 1 and 2.
- 3) In a school which does not have member of staff, the number of parents set out in column 4 shall be reduced by one and the total number of members set out in column 8 shall be reduced by one.

TYPE OF SCHOOL	NUMBER OF LEARNERS ENROLLED AT SCHOOL	PRINCIPAL	NUMBER OF EDUCATOR MEMBERS	NUMBER OF PARENT MEMBERS	NUMBER OF NON EDUCATOR MEMBERS	NUMBER OF LEARNER MEMBERS	TOTAL NUMBER OF MEMBERS
Primary School	1 to 159	1	1	4	1	0	7
Primary School	160 to 700	1	2	5	1	0	9
Primary School	701 and more	1	3	6	1	0	11
Secondary School	1 to 649	1	2	7	1	2	13
Secondary School	650 and more	1	3	9	1	3	17
Combined School	1 to 499	1	2	7	1	2	13
Combined School	500 and more	1	3	9	1	3	17

**COMPOSITION OF SCHOOL GOVERNING BODY OF ORDINARY PUBLIC SCHOOLS
BY TYPE AND LEARNER ENROLMENT**

TYPE OF SCHOOL	NUMBER OF LEARNERS ENROLLED AT SCHOOL	PRINCIPAL	NUMBER OF EDUCATOR MEMBERS	NUMBER OF PARENT MEMBERS	NUMBER OF NON EDUCATOR MEMBERS	NUMBER OF LEARNER MEMBERS	ELECTED MEMBERS	TOTAL NUMBER OF MEMBERS
Primary School	1 to 149	1	2	5	1	0	9	PLUS MEMBERS APPOINTED PER APPLICABLE CATEGORY
Primary School	150 and more	1	3	6	1	0	11	
Secondary School	1 to 149	1	2	6	1	1	11	
Secondary School	150 and more	1	3	8	1	2	15	
Combined School	1 to 149	1	2	7	1	2	13	
Combined School	150 and more	1	3	8	1	2	14	

PROVINCIAL NOTICE 413 OF 2024

**STEVE TSHWETE AMENDMENT SCHEME 132, ANNEXURE A110
NOTICE OF APPLICATION FOR THE AMENDMENT OF THE STEVE TSHWETE LAND USE SCHEME, 2019,
IN TERMS OF SECTIONS 62(1) AND 94(1)(A) OF THE STEVE TSHWETE SPATIAL PLANNING AND LAND
USE MANAGEMENT BYLAW, 2016.**

I, Jaco Peter le Roux (Pr Pln 1467/2011), of Afriplan CC (1994/029217/23) being the authorized agent of the owner of the **Remaining Extent of Erf 393 and Erf 394, Middelburg** hereby give notice in terms of Section 94(1)(a) of the Steve Tshwete Spatial Planning and Land Use Management Bylaw, 2016, that I have applied to the Steve Tshwete Local Municipality for the amendment of the Steve Tshwete Land Use Scheme, 2019, for the rezoning of the properties situated at 59A and 61 Walter Sisulu Street, from **“Residential Zone 1”** to **“Residential Zone 3”** as per Annexure A110.

Full particulars and plans may be inspected during normal office hours at the office of the Municipal Manager, Steve Tshwete Local Municipality, Cnr. Walter Sisulu and Wanderers Avenue, Middelburg, 1050, Tel: 013 249 7000, for a period of 30 days from **23 February 2024** (last day for comments being 25 March 2024). Any person who cannot write may during office hours attend the Office of the Municipal Manager, where an official will assist that person to lodge comment.

Any objection/s or comments including the grounds for such objection/s or comments with full contact details, shall be made in writing to the Municipal Manager, PO Box 14, Middelburg 1050 within 30 days from **23 February 2024**.

Details of agent: Afriplan CC, 14 John Magagula Street, Middelburg 1050. Tel: 013 282 8035. E-mail: jaco@afriplan.com/vicky@afriplan.com

23-1

PROVINSIALE KENNISGEWING 413 VAN 2024

**STEVE TSHWETE WYSIGINGSKEMA 132, BYLAAG A110
KENNISGEWING VAN DIE AANSOEK OM DIE WYSIGING VAN DIE STEVE TSHWETE
GRONDGEBRUIKSKEMA, 2019, INGEVOLGE ARTIKELS 62(1) EN 94(1)(A) VAN DIE STEVE TSHWETE
RUIMTELIKE BEPLANNING EN GRONDGEBRUIKSBESTUURSVERORDENING, 2016**

Ek, Jaco Peter le Roux (Pr Pln 1467/2011), van Afriplan BK (1994/029217/23) synde die gemagtigde agent van die eienaar van die **Resterende Gedeelte van Erf 393 and Erf 394, Middelburg** gee hiermee ingevolge Artikel 94(1)(a)) van die Steve Tshwete Ruimtelike Beplanning en Grondgebruiksbestuursverordening, 2016, kennis dat ons by Steve Tshwete Plaaslike Munisipaliteit aansoek gedoen het vir die wysiging van die Steve Tshwete Grondgebruikskema, 2019, deur die hersonering van die eiendomme, geleë te Walter Sisulustraart 59A en 61 vanaf **“Residensieel Sone 1”** na **“Residensieel Sone 3”** soos vervat in Bylaag A110 .

Besonderhede van die aansoek lê ter insae gedurende gewone kantoorure by die kantoor van die Munisipale Bestuurder, Steve Tshwete Plaaslike Munisipaliteit, Munisipale gebou, Wandererslaan, Middelburg, 1050, vir 'n tydperk van 30 dae vanaf **23 Februarie 2024** (laaste datum vir kommentare 25 Maart 2024). Enige persoon wat nie kan skryf nie sal tydens kantoor-ure deur 'n amptenaar by die Kantoor van die Munisipale Bestuurder bygestaan word om kommentaar in te dien.

Besware of verhoë ten opsigte van die aansoek moet binne 'n tydperk van 30 dae vanaf **23 Februarie 2024**, skriftelik by of tot die Munisipale Bestuurder by bovermelde adres of by Posbus 14, Middelburg, 1050, ingedien of gerig word.

Besonderhede van die agent: Afriplan CC, John Magagulastraat 14, Middelburg 1050. Tel: 013 282 8035. E-pos: jaco@afriplan.com/vicky@afriplan.com

23-1

PROVINCIAL NOTICE 414 OF 2024

**STEVE TSHWETE AMENDMENT SCHEME 133, ANNEXURE A111
NOTICE OF APPLICATION FOR THE AMENDMENT OF THE STEVE TSHWETE LAND USE SCHEME, 2019,
IN TERMS OF SECTIONS 62(1) AND 94(1)(A) OF THE STEVE TSHWETE SPATIAL PLANNING AND LAND
USE MANAGEMENT BYLAW, 2016.**

I, Jaco Peter le Roux (Pr Pln 1467/2011), of Afriplan CC (1994/029217/23) being the authorized agent of the owner of the **Remaining Extent of Erf 853, Middelburg** hereby give notice in terms of Section 94(1)(a) of the Steve Tshwete Spatial Planning and Land Use Management Bylaw, 2016, that I have applied to the Steve Tshwete Local Municipality for the amendment of the Steve Tshwete Land Use Scheme, 2019, for the rezoning of the property situated at 4 Samora Machel Street, from **“Residential Zone 1”** to **“Special Zone”** for a fire-arm/ammunition dealer and associated training facility.

Full particulars and plans may be inspected during normal office hours at the office of the Municipal Manager, Steve Tshwete Local Municipality, Cnr. Walter Sisulu and Wanderers Avenue, Middelburg, 1050, Tel: 013 249 7000, for a period of 30 days from **23 February 2024** (last day for comments being 25 March 2024). Any person who cannot write may during office hours attend the Office of the Municipal Manager, where an official will assist that person to lodge comment. Any objection/s or comments including the grounds for such objection/s or comments with full contact details, shall be made in writing to the Municipal Manager, PO Box 14, Middelburg 1050 within 30 days from 23 February 2024.

Details of agent: Afriplan CC, 14 John Magagula Street, Middelburg 1050. Tel: 013 282 8035. E-mail: jaco@afriplan.com/vicky@afriplan.com

23-1

PROVINSIALE KENNISGEWING 414 VAN 2024

**STEVE TSHWETE WYSIGINGSKEMA 133, BYLAAG A111
KENNISGEWING VAN DIE AANSOEK OM DIE WYSIGING VAN DIE STEVE TSHWETE
GRONDGEBRUIKSKEMA, 2019, INGEVOLGE ARTIKELS 62(1) EN 94(1)(A) VAN DIE STEVE TSHWETE
RUIMTELIKE BEPLANNING EN GRONDGEBRUIKSBESTUURSVERORDENING, 2016**

Ek, Jaco Peter le Roux (Pr Pln 1467/2011), van Afriplan BK (1994/029217/23) synde die gemagtigde agent van die eienaar van die **Resterende Gedeelte van Erf 853, Middelburg** gee hiermee ingevolge Artikel 94(1)(a) van die Steve Tshwete Ruimtelike Beplanning en Grondgebruiksbestuursverordening, 2016, kennis dat ons by Steve Tshwete Plaaslike Munisipaliteit aansoek gedoen het vir die wysiging van die Steve Tshwete Grondgebruikskema, 2019, deur die hersonering van die eiendom, geleë te Samora Machelstraat 4 vanaf **“Residensieel Sone 1”** na **“Spesiale Zone”** vir ‘n vuurwapen-/ammunisiehandelaar en verwante opleidingsfasiliteit.

Besonderhede van die aansoek lê ter insae gedurende gewone kantoorure by die kantoor van die Munisipale Bestuurder, Steve Tshwete Plaaslike Munisipaliteit, Munisipale gebou, Wandererslaan, Middelburg, 1050, vir ‘n tydperk van 30 dae vanaf **23 Februarie 2024** (laaste datum vir kommentare 25 Maart 2024). Enige persoon wat nie kan skryf nie sal tydens kantoor-ure deur ‘n amptenaar by die Kantoor van die Munisipale Bestuurder bygestaan word om kommentaar in te dien. Besware of verhoë ten opsigte van die aansoek moet binne ‘n tydperk van 30 dae vanaf **23 Februarie 2024**, skriftelik by of tot die Munisipale Bestuurder by bovermelde adres of by Posbus 14, Middelburg, 1050, ingedien of gerig word.

Besonderhede van die agent: Afriplan CC, John Magagulastraat 14, Middelburg 1050. Tel: 013 282 8035. E-pos: jaco@afriplan.com/vicky@afriplan.com

23-1

PROVINCIAL NOTICE 415 OF 2024

**STEVE TSHWETE AMENDMENT SCHEME 131, ANNEXURE A109
NOTICE OF APPLICATION FOR THE AMENDMENT OF THE STEVE TSHWETE LAND USE SCHEME, 2019,
IN TERMS OF SECTIONS 62(1) AND 94(1)(A) OF THE STEVE TSHWETE SPATIAL PLANNING AND LAND
USE MANAGEMENT BYLAW, 2016.**

I, David Gerhardus Malherbe (Pr Pln 3216/2022), of Afriplan CC (1994/029217/23) being the authorized agent of the owner of the **Remaining Extent of Portion 40 (Portion of Portion 17) of the farm Rietvallei 78-JS** hereby give notice in terms of Section 94(1)(a) of the Steve Tshwete Spatial Planning and Land Use Management Bylaw, 2016, that I have applied to the Steve Tshwete Local Municipality for the amendment of the Steve Tshwete Land Use Scheme, 2019, for the rezoning of the property situated across the entrance of Kranspoort, approximately 5km east of Loskop and 36km North of Middelburg from **“Agricultural Zone”** to **“Resort Zone (Holiday and recreation)”**.

Full particulars and plans may be inspected during normal office hours at the office of the Municipal Manager, Steve Tshwete Local Municipality, Cnr. Walter Sisulu and Wanderers Avenue, Middelburg, 1050, Tel: 013 249 7000, for a period of 30 days from **23 February 2024** (last day for comments being 25 March 2024). Any person who cannot write may during office hours attend the Office of the Municipal Manager, where an official will assist that person to lodge comment.

Any objection/s or comments including the grounds for such objection/s or comments with full contact details, shall be made in writing to the Municipal Manager, PO Box 14, Middelburg 1050 within 30 days from **23 February 2024**.

*Details of agent: Afriplan CC, 14 John Magagula Street, Middelburg 1050. Tel: 013 282 8035
E-mail: jaco@afriplan.com/vicky@afriplan.com*

23-1

PROVINSIALE KENNISGEWING 415 VAN 2024

**STEVE TSHWETE WYSIGINGSKEMA 131, BYLAAG A109
KENNISGEWING VAN DIE AANSOEK OM DIE WYSIGING VAN DIE STEVE TSHWETE
GRONDGEBRUIKSKEMA, 2019, INGEVOLGE ARTIKELS 62(1) EN 94(1)(A) VAN DIE STEVE TSHWETE
RUIMTELIKE BEPLANNING EN GRONDGEBRUIKSBESTUURSVERORDENING, 2016**

Ek, David Gerhardus Malherbe (Pr Pln 3216/2022), of Afriplan CC (1994/029217/23) synde die gemagtigde agent van die eienaar van die **Resterende gedeelte van Gedeelte 40 (‘n Gedeelte van Gedeelte 17) van die plaas Rietvallei 78-JS** gee hiermee ingevolge Artikel 94(1)(a)) van die Steve Tshwete Ruimtelike Beplanning en Grondgebruiksbestuursverordening, 2016, kennis dat ons by Steve Tshwete Plaaslike Munisipaliteit aansoek gedoen het vir die wysiging van die Steve Tshwete Grondgebruikskema, 2019, deur die hersonering van die eiendom geleë oorkant Kranspoort ongeveer 5km oos van Loskop en 36km noord van Middelburg van **“Landbou Sone”** en **“Oord Sone (vakansie en ontspanning)”**.

Besonderhede van die aansoek lê ter insae gedurende gewone kantoorure by die kantoor van die Munisipale Bestuurder, Steve Tshwete Plaaslike Munisipaliteit, Munisipale gebou, Wandererslaan, Middelburg, 1050, vir ‘n tydperk van 30 dae vanaf **23 Februarie 2024** (laaste datum vir kommentare 25 Maart 2024). Enige persoon wat nie kan skryf nie sal tydens kantoor-ure deur ‘n amptenaar by die Kantoor van die Munisipale Bestuurder bygestaan word om kommentaar in te dien.

Besware of vertoë ten opsigte van die aansoek moet binne ‘n tydperk van 30 dae vanaf **23 Februarie 2024**, skriftelik by of tot die Munisipale Bestuurder by bovermelde adres of by Posbus 14, Middelburg, 1050, ingedien of gerig word.

Besonderhede van die agent: Afriplan CC, John Magagulastraat 14, Middelburg 1050. Tel: 013 282 8035 Faks: 013 243 1706. E-pos: jaco@afriplan.com/vicky@afriplan.com

23-1

PROVINCIAL NOTICE 416 OF 2024**NOTICE****MPUMALANGA GAMING ACT, 1995 (ACT 5 OF 1995) AS AMENDED
APPLICATION FOR TRANSFER OF SITE OPERATOR LICENCE**

Notice is hereby given that ZN kampu Trading (Pty) Ltd Registration number 2014/216887/07 trading as Thabethe Tavern intend on submitting an application for the transfer of site operator licence (from Zacharia Njinju Kampu trading as Thabethe Tavern) to the Mpumalanga Economic Regulator on 1 March 2024. The business premises (site) is located at Stand 225, Kamhlushwa, Nkomazi Municipality, Ehlanzeni District. The owners/managers are: Zacharia Njinju Kampu. No changes to the licence conditions are proposed in this application. The application will be open for public inspection at the office of the Mpumalanga Economic Regulator at First Avenue, White River, South Africa 1240, from 1 March 2024. Attention is directed to the provisions of Section 26 of the Mpumalanga Gambling Act, 1995 (Act No. 5 of 1995) as amended, which makes provision for the lodging of written objections in respect of the applications. Such objection should be lodged with the Chief Executive Officer, Mpumalanga Economic Regulator, First Avenue, Private Bag X9908, White River, South Africa, 1240, ceo@mer.org.za within 30 days from 1 March 2024.

LOCAL AUTHORITY NOTICES • PLAASLIKE OWERHEIDS KENNISGEWINGS**LOCAL AUTHORITY NOTICE 386 OF 2024****CITY OF MBOMBELA LOCAL MUNICIPALITY
SUSPENSION / REMOVAL OF A RESTRICTIVE TITLE CONDITION**

It is hereby notified in terms of Section 59(1) of the City of Mbombela Spatial Planning and Land Use Management By-law, 2019 that Conditions B(I)(f), B(II)(a), B(II)(c), B(II)(c)(i) and B(II)(c)(ii), B(II)(d), B(II)(d)(i), B(II)(d)(ii) and B(III)(a) of the former Portion 1 of Erf 609, Nelspruit Extension 2, E(f), F(a), F(c), F(c)(i), F(c)(ii), F(d), F(d)(1), F(d)(2) and G(a) of the former Remainder of Erf 1503, Nelspruit Extension 2, in respect of the newly consolidated property formed in the Deed of Transfer T9721/2023, is herewith suspended / cancelled / to be removed.

WJ KHUMALO
MUNICIPAL MANAGER
City of Mbombela
P O Box 45
NELSPRUIT
1200

LOCAL AUTHORITY NOTICE 387 OF 2024**THE MEMBERS OF THE MUNICIPAL PLANNING TRIBUNAL APPEAL COMMITTEE**

Notice is hereby given in terms of Section 132(2) (5&6) of the By-law Spatial Planning and Land Use Management Act of Emakhazeni Local Municipality, Dr JS Moroka Local Municipality, Thembisile Hani Local Municipality and Victor Khanye Local Municipality declare that the Nkangala District Appeal Tribunal hereby commences its operation

Section 133(g) of the Emakhazeni Local Municipality, Dr JS Moroka Local Municipality, Thembisile Hani Local Municipality and Victor Khanye Local Municipality By-law 2015 requires the municipality to publish the names of the Nkangala District appeal tribunal and their terms of office in the provincial gazette, the following officials will serve on the Nkangala District Appeal Tribunal for a **term of five years**;

1. Ms. M.M. Skosana (**Registrar of the Appeal Authority**)
2. Ms N. Maphanga (**Chief Presiding Officer**)
3. Mr J.P. Mangani
4. Mr L.T. Mohlabine
5. Mr. V.M. Mahlangu
6. Ms. T. Mazwi

LOCAL AUTHORITY NOTICE 388 OF 2024**NKANGALA MUNICIPAL PLANNING TRIBUNAL MEMBERS**

Notice is hereby given in terms of Section 37(4) of the Spatial Planning and Land Use Management Act, 2013 (Act 1 of 2013) that the Nkangala District Municipal Planning Tribunal hereby appoint new external members and amend municipal officials according to the filling up of positions. In terms of Regulations (3) (1) (j) the following persons will serve on the Nkangala District Municipal Planning Tribunal.

Nkangala District Municipality

1. Mr Vusumuzi Kubheka (Chairperson Municipal Planning Tribunal)
2. Mr Alvin Bvuma
3. Ms Fortress Shabangu
4. Ms Kgaogelo Radebe
5. Mr Sanele Nkosi
6. Ms Nompumelelo Simelani
7. Ms Maria Matladi
8. Ms Youcolite Magagula (DMPT Secretary)
9. Mr Amos Twala

Thembisile Hani Local Municipality

1. Ms Matodzi Alberts
2. Mr Karabo Mamabolo

Emakhazeni Local Municipality

1. Ms Nozipho Ntshangase

Dr JS Moroka Local Municipality

1. Mr Mohlapi Thuso (Deputy Chairperson of the Municipal Planning Tribunal)
2. Mr Vincent Aphane

Victor Khanye Local Municipality

1. Mr Jeffery Kgare

NB: This Notice shall only be applicable to internal members as mentioned above whilst the Notice No. 3269 published on the 11th June 2021 remains applicable for the External Members of the Tribunal.

LOCAL AUTHORITY NOTICE 389 OF 2024**LIQUOR BY-LAW**

In accordance with the powers bestowed upon the Municipal Council of the Emalahleni Local Municipality in terms of section 11(3) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), read together with section 156 of the Constitution of the Republic of South Africa, Act 106 of 1996 and sections 35(2) and 46 of the Mpumalanga Liquor Licencing Act No. 5 of 2006, the Municipal Council of the Emalahleni Local Municipality hereby adopts the Liquor By-law of the Emalahleni Local Municipality in terms of resolution number A.157/22-23 dated 30 November 2023, to take effect upon publication in the Provincial Gazette.

BE IT ENACTED by the Council of the Emalahleni Local Municipality, as follows:

To provide for the control of undertakings selling liquor to the public within the Emalahleni Local Municipality in order to ensure a safe and healthy environment.

Preamble

WHEREAS a Municipality has the executive authority, in terms of section 156(1)(a) read with Part B of Schedule 5 of the Constitution of the Republic of South Africa, 1996, to control undertakings that sell liquor to the public;

WHEREAS a Municipality may, in terms of section 156(2) of the Constitution, make and administer by-laws for the effective administration of the matters which it has the right to administer;

WHEREAS a Municipality may, in terms of section 11(3)(m) read with sections 12 and 13 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000), pass by-laws;

WHEREAS it is the intention of the Municipality to set trading days and hours subject to certain conditions for all licensed premises, business or outlets situated within the Emalahleni Local Municipality that sell liquor to the public, in terms of section 35(2)(b) and section 46 of the Mpumalanga Liquor Licencing Act, 2006 (Act 5 of 2006);

This By-law must be read together with the Emalahleni Land Use Scheme, By-law relating to Street Trading and The Nkgangala District Municipality's Public Health By-law.

NOW THEREFORE, BE IT ENACTED as follows:

1. Definitions

(1) In this By-law, unless the context indicates otherwise;

“the Act” Means the Mpumalanga Liquor Licencing Act, 2006 (Act 5 of 2006);

“Agricultural areas” means an area predominately zoned for agriculture or any other equivalent zoning, with the purpose to promote and protect agricultural activity on a farm, where limited provision is made for non-agricultural uses;

“Authority” means the Mpumalanga Liquor Authority established by Section 4 of the Act;

“Business areas” means an area predominantly zoned for Business 1, 2 and 3 in terms of the Land Use Scheme, with the purpose of promoting economic activity in a business district and development corridor, and includes a wide range of land uses such as business, residential and community uses;

“Building” means any construction or structure which, when completed, will be covered with a durable and water proof roof;

“Firearm” means a firearm as defined in the Firearms Control Act, 2000 (Act 60 of 2000), as amended from time to time;

“Industrial area” means an area predominately zoned industrial or general industry or any other equivalent zoning, with a purpose to accommodate all forms of industry including manufacturing and related processing, but excludes noxious or hazardous trade risk activities;

“Land Use Scheme” means the Emalahleni Local Municipality Land Use Scheme, 2020, amended from time to time;

“Licensee” means any person who is licensed to sell liquor in terms of the Act and includes any licensed premises, business, outlet or land use activity from which liquor is sold;

“Liquor” means –

- (a) Any liquor product as defined in section 1 of the Liquor Products Act, 1989 (No 60 of 1989);
- (b) Any beer or traditional African beer; or
- (c) Any other substance or drink declared to be liquor in terms of section 42(2)(a)(i) of the National Liquor Act, 2003 (Act 59 of 2003);

“Municipality” means the Emalahleni Local Municipality and its legal successors, and when referred to as –

- (d) a legal entity, means Emalahleni Local Municipality as described in section 2 of the Local Government: Municipal Systems Act, (Act No. 32 of 2000); and
- (e) a geographic area, means the municipal area of the Emalahleni Local Municipality as determined from time to time in terms of the Local Government : Municipal Demarcation Act, 1998 (Act No 27 of 1998);

“Micro-manufacturer” – means a person licenced as such in terms of the Act to manufacture liquor at or below the prescribed threshold volume as determined by the Minister responsible for liquor affairs in terms of the National Liquor Act, 2003 (Act 59 of 2003);

“Official” means any person authorized by the Municipality to perform the function of an officer under this By-law and includes any member of the South African Police Services and any person appointed in terms of the Act;

“Person” means a natural person or a juristic person which may include –

- (a) a licensee or any person in charge or managing the licensed premises for the purposes of the sale of liquor;

- (b) any body of persons corporate or unincorporated,
- (c) any company incorporated or registered as such under any law or any village management board, or like authority;

“Place of amusement” means land used or a building designed or used for the sale of alcohol and/or food for consumption on the premises and may include live entertainment or entertainment generated by way of mechanical, electronic or electrical contrivances, instruments, apparatus or devices which are designed or used for the purpose of the playing of any game or for the purpose of recreation or amusement. A place of amusement includes a beer hall, public hall, theatre, cinema, drive-inn movie, music-hall, concert hall, billiard saloon, sports stadium, skating ring, dance hall, night club and an amusement park or any other recreational purpose with or without a view to profit. A Place of amusement does not include adult entertainment;

“Place of refreshment” means land and buildings used for the preparation, sale and consumption of refreshments on the property such as a restaurant, café, coffee shop, tea room, tea garden, sports bar, ladies bar, cocktail bar, pub, and may include take-aways and a maximum of two table games, two dartboards, two electronic games, television screens and soft background music for the customers but excludes a place of amusement.

“Premises” includes any place, land, building or conveyance or any part thereof which is registered or which is seeking to be registered to trade in liquor;

“Residential area” means an area predominantly zoned Residential 1, 2 or 3 or any other equivalent zoning, with the purpose of accommodating predominantly single-families which include controlled opportunities for home employment, additional dwellings and low intensity mixed use development;

“Sell” includes exchange or keep, offer, display, deliver, supply, give, provide or dispose of for sale, or authorise, direct or allow a sale, and **“sale”** and **“seller”** have corresponding meanings;

“Tavern” means a place whose main business is the supply of liquor food and various forms of entertainment;

“Tariffs” is an amount annually determined by the Municipality in terms of Section 75A of the Municipal Systems Act, Act 32 of 2000;

“Trading days” means the days on which liquor may be sold during trading hours as envisaged in the licence issued by the Authority;

“Trading hours” means the hours during which liquor may be sold during trading days as envisaged in the licence issued by the Authority;

“Undertaking” means a business involved with the sale of liquor to the public;

“Zoned” means zoned and zoning as the case may be in terms of the applicable zoning scheme;

2. Purpose of this By-law

The Municipality aims to regulate: -

- (a) the procedure for the Application for comments from the Municipality;
- (b) the hours and days during which liquor may be sold; and
- (c) any matters related thereto.

3. Application for comments from the Municipality

- (1) An application for comments from the Municipality in terms of section 35(2)(b) of the Act shall be in the prescribed form as envisaged in Annexure 3 to the Regulations of the Act accompanied by the form set out in Schedule 2 of this By-law and the following supporting documents:-
 - (a) Proof of payment of the prescribed application fee as determined from time to time by the Municipality;
 - (b) a plan indicating the locality of the application premises indicating educational institutions and/or places of worship situated within a radius of 500 metres from the application premises. The 500 meter radius must be measured from the centre of the main patron entrance door of the application premises;
 - (c) comments on the application from the principal and the governing body of any educational institution, and the leadership of any place of worship, situated within a radius of 500 metres from the application premises. The educational institution and/or place of worship shall be deemed to be within the 500 meter radius if any part of the property on which the educational institution and or place of worship is situated falls within the 500 meter radius as measured in (b);
 - (d) Notification to neighbouring properties to the application premises of the intended application in the prescribed form set out in schedule 3 of this By-law;
 - (e) proof of ownership of, or right of access to, the property on which the liquor will be sold;
 - (f) confirmation of Land Use Rights or Zoning certificates;
 - (g) copy of approved building plans;
 - (h) proof, not older than 3 months, demonstrating that the municipal account of the application premises are up to date;
 - (i) proof of fire extinguisher and other fire safety equipment which shall be at the application premises;

- (j) proof of all delineated parking bays at the application premises. Where the application premises is within a residential area with limited parking, written agreements and/or arrangements with the Municipality and the neighbouring properties ought to be obtained.
 - (k) proof of assessment of the application by the Environmental and Health Section of the Municipality;
 - (l) any other factor(s) which the Municipality may deem to be relevant in the circumstances.
- (2) Comments may, in terms of Section 35 of the Act, contain terms and conditions as deemed necessary by the Municipality.
 - (3) Licences shall be valid for a period of one year, or any longer period determined by the Authority, and shall be renewed annually, where appropriate. Any complaints received from the public in respect of any licensed premises shall be taken into consideration in respect of any application for the renewal of a licence.
 - (4) All comments, terms and conditions provided by the Municipality in support of an application shall only be valid for the period the licence is granted, and be subject thereto that any renewal application must be resubmitted for comments to the Municipality prior to the renewal application being submitted to the Authority.

4. Trading days and hours

- (1) A licensee may sell liquor in accordance with the days and hours as set out in the licence issued by the Authority.
- (2) The recommendations of the Municipality in respect of the trading days and hours are set out in Schedule 1 to this By-law which shall be considered by the Authority as envisaged in Section 46 of the Act.

5. Display of signage and other obligations of the licensee

- (1) The licensee or person in charge must ensure that the following are prominently displayed at the premises, to the satisfaction of the Municipality:
 - (a) the licence issued by the Authority in accordance with the Act;
 - (b) the hours of trade of the business, at the outside of the business on the front door or window of the premises in characters not less than five centimetres in height; and
 - (c) contact details of the nearest emergency and police services.
- (2) Any advertisements or other signage must be erected in accordance with the Municipality's advertising By-law.

6. Safety and Security

- (1) Licensees must ensure that the licensed premises meets and complies with all environmental, planning, safety laws and that the conditions imposed by the Municipality are adhered to.
- (2) The licensee, or person in charge, must ensure that reasonable and adequate safety and security measures are in place for the protection of the public and patrons of the premises by ensuring that, amongst others but not limited to: –
 - (a) the storage of goods and equipment and the condition of the premises and any structure thereon does not cause a danger to the safety of patrons inside the premises;
 - (b) no weapons of any kind are brought onto the licensed premises, unless carried for official purposes;
 - (c) the premises adheres to the requirements of the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977), and any other permission granted or By-law promulgated by the Municipality as well as the Land Use Scheme; and
 - (d) there is adequate lighting on the outside of the premises where the public, patrons and staff access and exit the licensed premises.

7. On-site liquor consumption premises must be weapon free

Right of admission to an on-site liquor consumption premises is reserved. All licensees are required to take reasonable and necessary steps to ensure that no firearms, weapons or dangerous objects are permitted inside an on-site liquor consumption premises.

8. Nuisance

- (1) Any person selling liquor to the public must take all reasonable steps to ensure that noise from the liquor premises remains within the walls of such liquor premises at all times.
- (2) Any person selling liquor to the public must take reasonable steps to ensure that the residents of the surrounding community and residential areas are not unreasonably affected and inconvenienced by the noise or other nuisances emanating from the premises.
- (3) The licensee remains liable and responsible for all land pollution and littering within the liquor premises. The liquor premises must be kept clean at all times.
- (4) There shall be no loitering or littering by patrons inside or outside the liquor premises and all sales and consumption of liquor shall be confined to the liquor premises.

- (5) Any complaints regarding the conduct or operations of a licensee must be submitted to the Municipality and the Authority.
- (6) The Municipality shall be entitled to issue nuisance notices against the licensed premises where nuisance complaints are received from the public. Should a licensee be issued with more than two notices, the Municipality may take action against the licensee including, but not limited to, revoking the licensee's liquor licence.

9. Provision of free drinking water

Free drinking water, which includes tap water, must be made easily to the patrons available at on-site liquor consumption outlets.

10. Provision of ablution facilities for patrons

All on-site liquor consumption outlets must provide ablution facilities for each gender and cater for people with disabilities at no additional cost to the patrons.

11. Cleanliness and Waste Disposal

- (1) Any person selling liquor to the public must ensure that the liquor premises are maintained to a reasonably hygienic standard.
- (2) Any person selling liquor to the public must ensure that the liquor premises are kept free of pollution and that all waste is properly disposed of.

12. Enforcement

The Municipality may take whatever steps it deems appropriate to ensure compliance with the provisions of this By-law, as long as the said means are compliant with other applicable laws.

13. Offences and Penalties

- (1) Any person who contravenes or fails to comply with any –
 - (a) provision of this By-law;
 - (b) condition or instruction served in connection with this By-law; or
 - (c) written notice from an authorised official,

is guilty of an offence and is liable to a fine not exceeding the amount R3 000.00 or in default of payment to any fine imposed, imprisonment for a period not exceeding two years, or to both such fine and such imprisonment.

- (2) The contravention of this By-law may result in the Municipality revoking or canceling the consented land use rights of the licensed property granted in terms of the Land Use Scheme. In such circumstances, the Municipality shall notify the Authority of such change in the land use rights and the impact thereon on the licence.

- (3) Any licensee who contravenes any provision of the Act may have its licence cancelled or suspended by the Authority.
- (4) Any person who commits a continuing offence shall be guilty of an offence for each day during which that person fails to comply with this By-law.
- (5) A court convicting a person of an offence under this By-law may impose alternative sentencing in place of a fine or imprisonment.

14. Repeal

Any By-law relating to Liquor adopted by the Municipality prior to the adoption of this By-law is hereby repealed on the promulgation of this By-Law.

15. Short title and commencement

This By-law shall be called the Emalahleni Local Municipality Liquor By-law, and shall come into operation on the date of publication thereof in the Provincial Gazette.

SCHEDULE 1**RECOMMENDATIONS OF THE MUNICIPALITY IN RESPECT OF
TRADING DAYS AND MAXIMUM PERMITTED TRADING HOURS
OF LICENCES**

TYPE	DAYS	HOURS
1. Manufacturers:		
All Manufacturers	7 days a week	06:00 – 00:00
2. Distribution:		
Distribution	Mondays– Saturdays	06:00 – 18:00
	Sundays including Public Holidays	09:00 – 17:00
3. Off Consumption licences:		
Off-Consumption licences	Mondays - Saturdays	09:00 – 20:00
	Sundays and Public Holidays	09:00 – 17:00
4. On Consumption (Business and Industrial areas):		
Other on-consumption licences	Mondays – Sundays	10:00 – 00:00
Places of Amusement Tasting	Mondays – Sundays and Public holidays	10:00 – 18:00
5. On Consumption (those in residential areas):		
Other on-consumption licences	Mondays – Saturdays	10:00 – 20:00
	Sundays	10:00 – 20:00
Places of Refreshment	Mondays – Saturdays	10:00 – 20:00
	Sundays	10:00 – 20:00
Accommodation Establishments	Mondays – Sundays	10:00 – 00:00
6. Special Events:		
Business and Industrial areas	On the day of the event	10:00 – 00:00
Residential areas	On the day of the event	10:00 – 20:00

SCHEDULE 2

APPLICATION FOR COMMENTS IN RESPECT OF AN APPLICATION FOR A LIQUOR LICENCE AS ENVISAGED IN SECTION 35(2)(b) OF THE MPUMALANGA LIQUOR LICENCING ACT, 2006

I, _____ (Full Name) having identity number _____ hereby request on behalf of _____ (Name of Applicant) having registration/identity number _____ for comments from the Municipality in respect of the Application for a liquor licence which shall be submitted to the Mpumalanga Liquor Authority ("the Authority").

I enclose herewith the following documents which shall be submitted to the Authority in support of the Application for a liquor licence:

1. Proof of payment of the prescribed application fee: ☐
2. A plan demonstrating the locality of the application premises and indicating any educational institutions and/or places of worship within 500m of the application premises: ☐
3. Comments of any principal and governing body of an educational institution and/or the leadership of a place of worship within a 500m radius of the application premises: ☐
4. Proof of ownership of the application premises on which liquor will be sold: ☐
5. Proof of delineated parking bays at the application premises: ☐
6. Confirmation of land use rights, zoning certificates and/or a copy of approved building plans: ☐
7. A copy of a recent electricity and water statement: ☐
8. Proof of fire safety equipment and other safety and security measure at application premises: ☐
9. Proof of assessment by the environmental department of the Municipality: ☐
10. Signed notices to affected neighbouring properties to the application premises: ☐
11. Any other document relevant to the application: _____

Declaration:

I hereby declare that I:-

- a. Am duly authorised to submit this request;
- b. Am not a minor;
- c. Am not an unrehabilitated insolvent;
- d. Have not been declared to be of unsound mind by an order of court;
- e. Have not been convicted of an offence which would be inconsistent with the objects of and purposes of this By-law or the Mpumalanga Liquor Licensing Act, 2006.

Signed at _____ on this the _____ day of _____ 20__

Signature

Official Use Only:

The Municipality has considered this request and the supporting documents submitted and, on this the _____ day of _____ 20__, has resolved to: -

- Support the application for a liquor licence: ☐
- Reject the request and application: ☐
- The Municipality submits the following comments/conditions in respect of the proposed Application:

Municipality Stamp

SCHEDULE 3**NOTICE TO NEIGHBOURING PROPERTIES OF THE INTENDED APPLICATION
FOR A LIQUOR LICENCE**

Kindly take note that _____ (*Full Name of Applicant*) intends applying to the Municipality and the Mpumalanga Liquor Authority for a _____ licence (*set out type of liquor licence*) for the premises situated at _____ (*full address of application premises*).

You are hereby being notified of this intention to apply for a liquor licence as your property is a neighbouring property of the application premises.

Should the application be supported by the Municipality and approved by the Mpumalanga Liquor Authority, the licence shall authorise _____ (*Full Name of Applicant*) to operate during the following trading hours _____ and trading days _____.

Should you wish to oppose this application or submit any comments in respect of the intended application, your objections and/or comments may be delivered to the Municipality and/or the Mpumalanga Liquor Authority.

Confirmation of receipt of Notice:

This notice has been received by _____ (*full name of recipient*) situated at _____

on this the ____ day of _____ 20__.

Signature

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