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GOVERNMENT NOTICES GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF AGRICULTURE DEPARTEMENT VAN LANDBOU

No. R. 318

20 April 2007

VETERINARY AND PARA-VETERINARY PROFESSIONS ACT, 1982 (ACT NO. 19 OF 1982)

REGULATIONS RELATING TO THE REGISTRATION OF VETERINARY FACILITIES

The Minister of Agriculture and Land Affairs, has after consideration and approval of a relevant recommendation by the South African Veterinary Council, made the following regulations under section 43 of the Veterinary and Para-Veterinary Professions Act, 1982 (Act No.19 of 1982) set out in the Schedule:

SCHEDULE

1. In this Schedule "the Regulations" means the regulations published by Government Notice No. R.2085 of 1 October 1982, as amended by the regulations published by Government Notices Nos. R.1994 of 11 September 1987 (as corrected by Government Notice No. R.2199 of 2 October 1987), R.397 of 4 March 1988, R.1067 of 17 May 1991, R.11 of 3 January 1992, R.976 of 27 March 1992, R.1477 of 23 September 1994, R.47 of 20 January 1995, R.701 of 12 May 1995, R.1401 of 15 September 1995, R.561 of 1 April 1996, R.256 of 14 February 1997, R.257 of 14 February 1997, R.96 of 16 January 1998, R.501 of 1 April 1998, R.751 of 5 June 1998, R.374 of 26 March 1999, R.422 of 1 April 1999, R.618 of 23 June 2000, R.734 of 17 August 2001, R.324 of 22 March 2002, R.1571 of 20 December 2002, R.562 of 2 May 2003, R.275 of 5 March 2004, R.568 of 7 May 2004 and R.679 of 4 June 2004.

1. Definitions

Unless the context otherwise indicates, words and phrases in these regulations, shall have the meaning assigned thereto in the Act, and

"Act" means the Veterinary and Para-Veterinary Professions Act, 1982 (Act No. 19 of 1982);

"veterinary facility" means a facility at or from which a person practises a veterinary profession and includes a consulting room, clinic, animal hospital and any other place at or from which a veterinary profession is practised"

2. Registration of Veterinary Facilities

- 2.1 All veterinary facilities shall be registered with the council and comply with the applicable minimum standards for veterinary facilities.
- 2.2 An applicant that applies for the registration of a veterinary facility shall make an application for registration on a form that is obtainable from the registrar for this purpose certifying that the veterinary facility complies with the applicable minimum standards.

No. R. 319

20 April 2007

VETERINARY AND PARA-VETERINARY PROFESSIONS ACT, 1982
(ACT No. 19 OF 1982)

REGULATIONS RELATING TO VETERINARY AND
PARA-VETERINARY PROFESSIONS: AMENDMENT

The Minister of Agriculture has under section 43 of the Veterinary and Para-Veterinary Professions Act, 1982 (Act No. 19 of 1982), made the regulations in the Schedule.

SCHEDULE

Definition

1. In this Schedule "the Regulations" means the regulations published by Government Notice No. R.2085 of 1 October 1982, as amended by the regulations published by Government Notices Nos. R.1994 of 11 September 1987 (as corrected by Government Notice No. R.2199 of 2 October 1987), R.397 of 4 March 1988, R.1067 of 17 May 1991, R.11 of 3 January 1992, R.976 of 27 March 1992, R.1477 of 23 September 1994, R.47 of 20 January 1995, R.701 of 12 May 1995, R.1401 of 15 September 1995, R.561 of 1 April 1996, R.256 of 14 February 1997, R.257 of 14 February 1997, R.96 of 16 January 1998, R.501 of 1 April 1998, R.751 of 5 June 1998, R.374 of 26 March 1999, R.422 of 1 April 1999, R.618 of 23 June 2000, R.734 of 17 August 2001, R.324 of 22 March 2002, R.1571 of 20 December 2002, R.562 of 2 May 2003, R.275 of 5 March 2004, R.568 of 7 May 2004 and R.679 of 4 June 2004.

Amendment of Table 8 of the Regulations

2. Table 8 of the Regulations is hereby amended by the insertion of the following entry.

No. R. 319

20 April 2007

**WET OP VETERINÊRE EN PARA-VETERINÊRE BEROEPE,
1982 (WET No. 19 VAN 1982)**

**REGULASIES BETREFFENDE VETERINÊRE EN
PARA-VETERINÊRE BEROEPE: WYSIGING**

Die Minister van Landbou het kragtens artikel 43 van die Wet op Veterinêre en Para-Veterinêre Beroepe, 1982 (Wet No. 19 van 1982) die regulasies in die Bylae uitgevaardig

BYLAE

Woordomskrywing

1. In hierdie bylae beteken "die Regulasies" die regulasies gepubliseer by Goewermentskennisgewing No. R2085 van 1 Oktober 1982, soos gewysig deur die regulasies gepubliseer by Goewermentskennisgewing Nos. R.1994 van 11 September 1987 (soos verbeter by Goewermentskennisgewing No. R.2199 van 2 Oktober 1987), R.397 van 4 Maart 1988, R.1067 van 17 Mei 1991, R.11 van 3 Januarie 1992, R.976 van 27 Maart 1992, R.1477 van 23 September 1994, R.47 van 20 Januarie 1995, R.701 van 12 Mei 1995, R.1401 van 15 September 1995, R.561 van 1 April 1996, R.256 van 14 Februarie 1997, R.257 van 14 Februarie 1997, R.96 van 16 Januarie 1998, R.501 van 1 April 1998, R.751 van 5 Junie 1998, R.374 van 26 Maart 1999, R.422 van 1 April 1999, R.618 van 23 Junie 2000, R.734 van 17 Augustus 2001, R.324 van 22 Maart 2002, R.1571 van 20 Desember 2002, R.562 van 2 Mei 2003, R.275 van 5 Maart 2004, R.568 van 7 Mei 2004 en R.679 van 4 Junie 2004.

Wysiging van Tabel 8 van die Regulasies

2. Tabel 8 van die Regulasies word hierby gewysig deur die volgende inskrywing in te voeg.

TABLE 8 / TABEL 8

Subject course/ Vakkeuse	Minimum academic year/Minimum Akademiese Jaar	Contents and instruction/Inhoud en Instruksie
Tuberculosis and Brucellosis eradication schemes	12 Days	A course recognized and approved by the Department of Agriculture, comprising of the TB and Brucellosis tests, TB and Brucellosis eradication and schemes; with special reference to the Animal Diseases Act and the regulations must be successfully completed.
Tuberkulose en Brucellose uitroeingskema	12 Dae	'n Kursus wat deur die Nasionale Departement van Landbou erken en goedgekeur is en bestaan uit die Tuberkulose en Brullose toeste, Tuberkulose en Brullose uitroeingskema, administrasie, met spesifiek verwysing van die Wet en Regulasies moet suksesvol voltooi word.

No. R. 322

20 April 2007

VETERINARY AND PARA-VETERINARY PROFESSIONS
ACT, 1982 (ACT NO. 19 OF 1982)

REGULATIONS RELATING TO VETERINARY AND
PARA-VETERINARY PROFESSIONS: AMENDMENT

The Minister of Agriculture has acting under Section 43 of the Veterinary and Para-Veterinary Profession Act, 1982 (Act No. 19 of 1982), made the Regulations in the Schedule.

SCHEDULE

Definition

1. In this Schedule "the Regulations" means the regulations published by Government Notice No. R.2085 of 1 October 1982, as amended by the regulations published by Government Notices Nos. R.1994 of 11 September 1987 (as corrected by Government Notice No. R.2199 of 2 October 1987), R.397 of 4 March 1988, R.1067 of 17 May 1991, R.11 of 3 January 1992, R.976 of 27 March 1992, R.1477 of 23 September 1994, R.47 of 20 January 1995, R.701 of 12 May 1995, R.1401 of 15 September 1995, R.561 of 1 April 1996, R.256 of 14 February 1997, R.257 of 14 February 1997, R.96 of 16 January 1998, R.501 of 1 April 1998, R.751 of 5 June 1998, R.374 of 26 March 1999, R.422 of 1 April 1999, R.618 of 23 June 2000, R.734 of 17 August 2001, R.324 of 22 March 2002, R.562 of 2 May 2003, R.275 of 5 March 2004 (as amended by Government Notice No. R.568 of 7 May 2004), R.343 of 15 April 2005 and R.249 of 24 March 2006.

Substitution of Table 1 of the Regulations

2. The following Table is hereby substituted for Table 1 of the Regulations.

TABLE 1
FEES PAYABLE

PURPOSE	AMOUNT
1. Registration of – a student [R.22]	*R 69.00
2. Registration of a person – (a) to practice a veterinary profession (b) to practice a veterinary specialist profession (c) to practice a para-veterinary profession [R.23]	*R 1 200.00 for the first registration and R* 3 600.00 for a registration of a person whose registration was previously terminated *R 1495.00 for the first registration and R* 3 600.00 for a person whose registration was previously terminated. *R 600.00 for the first registration and R* 1 798.00 for the registration of a person whose registration was previously terminated.

3. Maintenance of registration of – a student [R.24.1]	*R 31.00
4. Maintenance of registration of- (a) a person practising a veterinary profession (b) a person practising a para-veterinary profession [R.24.2]	*R 1 103.00 *R 438.00
5. Alteration of- (a) registration of a person practising a veterinary profession (b) speciality of a veterinary specialist (c) registration of a person practising a para-veterinary profession [R.25]	*R 1 103.00 *R 1 103.00 *R 438.00
6. Entry of- particulars of a degree, diploma or certificate in a register [R.26]	*R 102.00
7. 7.1 Examination determined by the Council for registration purposes as a Veterinarian- (a) Examination application fee (b) Examination determined by the Council for registration purposes 7.2 Examination determined by the Council for registration purposes as a Para Veterinarian- (a) Examination application fee (b) Examination determined by the Council for registration purposes [Section 20 (5) (c)]	*R 168.00 *R 5 552.00 *R 168.00 *R 3 192.00

* VAT included

No. R. 322

20 April 2007

WET OP VETERINÊRE EN PARA-VETERINÊRE BEROEPE,
1982 (WET NO. 19 VAN 1982)

REGULASIES BETREFFENDE VETERINÊRE EN
PARA-VETERINÊRE BEROEPE: WYSIGING

Die Minister van Landbou het kragtens artikel 43 van die Wet op Veterinêre en Para-Veterinêre beroepe, 1982 (Wet No. 19 van 1982), die Regulasies in die Bylae uitgevaardig.

BYLAE

Woordomskrywing

- In hierdie bylae beteken "die Regulasies" die regulasies gepubliseer by Goewermentskennisgewing No. R.2085 van 1 Oktober 1982, soos gewysig deur die regulasies gepubliseer by Goewermentskennisgewing Nos. R.1994 van 11 September 1987 (soos verbeter by Goewermentskennisgewing No. R.2199 van 2 Oktober 1987), R.397 van 4 Maart 1988, R.1067 van 17 Mei 1991, R.11 van 3 Januarie 1992, R.976 van 27 Maart 1992, R.1477 van 23 September 1994, R.47 van 20 Januarie 1995, R.701 van 12 Mei 1995, R.1401 van 15 September 1995, R.561 van 1 April 1996, R.256 van Februarie 1997, R.257 van 14 Februarie 1997, R.96 van 16 Januarie 1998, R.501 van April 1998, R.751 van 5 Junie 1998, R.374 van 26 Maart 1999, R.422 van 1 April 1999, R.618 van 23 Junie 2000, R.734 van 17 Augustus 2001, R.324 van 22 Maart 2002, R.562 van 2 Mei 2003, R. 275 van 5 Maart 2004 (soos gewysig by Goewermentskennisgewing No. R 568 van 7 May 2004), R. 343 van 25 April 2005 en R. 249 van Maart 2006.

Vervanging van Table 1 van die Regulasies

- Tabel 1 van die Regulasies word hierby deur die volgende Tabel vervang:

TABEL 1
GELDE BETAALBAAR

DOEL	BEDRAG
1. Registrasie van— 'n student [R.22]	*R 69.00
2. Registrasie van 'n persoon om — (a) 'n veterinêre beroep te beoefen (b) 'n veterinêre spesialis beroep te beoefen (c) 'n para-veterinêre beroep te beoefen [R.23]	*R 1200.00 vir die eerste registrasie en *R 3 600.00 vir die registrasie van iemand wie se registrasie voorheen beëindig is. *R 1495.00 vir die eerste registrasie en *R 3 600.00 vir die registrasie van iemand wie se registrasie voorheen beëindig is. *R 600.00 vir die eerste registrasie en *R 1 798 .00 vir die registrasie van iemand wie se registrasie voorheen beëindig is.

3. Instandhouding van registrasie van – 'n student [R.24.1]	*R 31.00
4. instandhouding van registrasie van- (a) iemand wat 'n veteriniêre beroep beoefen (b) iemand wat 'n para-veteriniêre beroep beoefen [R.24.2]	*R 1 103.00 *R 438.00
5. Verandering van registrasie van- (a) iemand wat 'n veteriniêre beroep beoefen (b) spesialiteit van 'n veteriniêre spesialis beoefen (c) iemand wat 'n para-veteriniêre beroep beoefen [R.25]	*R 1 103.00 *R 1 103.00 *R 438.00
6. Inskrywing van- besonderhede van 'n graad, diploma of sertifikaat in 'n register [R.26]	*R 102.00
7. 7.1 Inskrywing vir 'n Eksamen deur die Raad bepaal vir registrasiedoeleindes van 'n veearts (a) Aansoekfooi (b) Eksamenfooi 7.2 Inskrywing vir 'n Eksamen deur die Raad bepaal vir registrasiedoeleindes van 'n para-veterinere professie (a) Aansoekfooi (b) Eksamenfooi [R.20 (5) (c)]	*R 168.00 *R 5 552.00 *R 168.00 *R 3 192.00

*BTW ingesluit

No. R. 325

20 April 2007

**MARKETING OF AGRICULTURAL PRODUCTS ACT, 1996
(ACT No. 47 OF 1996) AS AMENDED**

**ESTABLISHMENT OF STATUTORY MEASURE: REGISTRATION OF
PROCESSORS, PRODUCERS AND PERSONS DEALING IN LUCERNE SEED
AND LUCERNE HAY**

I, Lulama Xingwana, Minister of Agriculture, acting in terms of sections 13 and 19 of the Marketing of Agricultural Products Act, 1996 (Act No. 47 of 1996), as amended, hereby establish the statutory measure set out in the Schedule.

L XINGWANA

Minister of Agriculture

SCHEDULE

Definitions

1. In this Schedule any word or expression to which a meaning has been assigned in the Act shall have that meaning, and unless the context otherwise indicates -

“deal” means the buying and selling of lucerne seed or lucerne hay, whether for the account of the person thus dealing therein, or for the account of somebody else;

“lucerne” means lucerne seed or lucerne hay;

“lucerne hay” means hay produced from lucerne;

“lucerne hay dealer” means a person dealing in the course of business with lucerne hay;

“lucerne processor” means a person that processes lucerne hay;

“lucerne producer” means a person who produces lucerne seed, lucerne hay or both;

“lucerne seed” means any locally produced and imported lucerne seed;

“lucerne seed dealer” means a person dealing in the course of business with lucerne seed;

“process” means any process or action whereby value is added to lucerne hay, whether such lucerne hay remains in its original form or not, and “processes” has a similar meaning; and

“the Act” means the Marketing of Agricultural Products Act, 1996 (Act No. 47 of 1996) as amended.

Purpose and aim of statutory measure and the relation thereof to the objectives of the Act

2. The purpose and aims of this statutory measure is to compel the parties set out herein to register with the National Lucerne Organisation. This is necessary to ensure that continuous, timeous and accurate information relating to lucerne seed and lucerne hay is available to all role players. Market information is deemed essential for all role layers in order for them to make informed decisions.

The establishment of the measure should assist in promoting the efficiency of the marketing of lucerne seed and lucerne hay. The viability of the lucerne industry would thus be enhanced.

The measure is not detrimental to any of the objectives of the Act, and in particular will not be detrimental to the number of employment opportunities or fair labour practice in the lucerne industry.

The measure will be administered by the National Lucerne Organisation, who will act in terms of the mandate and on behalf of the lucerne industry.

Products to which statutory measure applies

3. This statutory measure shall apply to lucerne seed and lucerne hay.

Area in which measure shall apply

4. This measure shall apply in the geographical area of the Republic of South Africa.

Registration of lucerne seed and lucerne hay dealers, processors and producers

5.(1) Any lucerne seed or lucerne hay dealer, lucerne hay processor or lucerne producer shall register with the National Lucerne Organisation.

(2) Registration shall be done immediately upon receipt of a registration form obtainable free of charge for this purpose from the National Lucerne Organisation, and must -

(a) be submitted, when forwarded by post, to -

The Manager
National Lucerne Organisation
P.O. Box 185
OUDTSHOORN
6620

(b) when delivered by hand, be delivered to -

The Manager
National Lucerne Organisation
152 St John Street
OUDTSHOORN
6625

(c) when sent by telefax, be addressed to -

044 - 2792838

Commencement and period of validity

6. This statutory measure shall come into operation the date of publication hereof and shall lapse on 30 April 2010.

No. R. 325

20 April 2007

**WET OP DIE BEMARKING VAN LANDBOUPRODUKTE, 1996
(WET No. 47 van 1996) SOOS GEWYSIG**

**INSTELLING VAN STATUTÊRE MAATREËL: REGISTRASIE VAN
VERWERKERS, PRODUSENTE EN PERSONE WAT IN LUSERNSAAD EN
LUSERNHOOI HANDEL DRYF**

Ek, Lulama Xingwana, Minister van Landbou, handelende kragtens artikels 13 en 19 van die Wet op die Bemarking van Landbouprodukte, 1996 (Wet No. 47 van 1996) soos gewysig, stel hiermee die statutêre maatreël in die Bylae uiteengesit, in.

L XINGWANA

Minister van Landbou

BYLAE

Woordomskrywing

1. In hierdie Bylae het enige woord of uitdrukking waaraan 'n betekenis in die Wet geheg is, daardie betekenis en, tensy uit die samehang anders blyk, beteken –

“handel dryf” koop en verkoop van lusernsaad of lusernhooi, vir die rekening van die persoon wat daarmee handel dryf of namens iemand anders daarmee handel;

“lusern” beteken lusernsaad of lusernhooi;

“lusernhooi” die hooi van lusern geproduseer;

“lusernhooi handelaar” die persoon wat met lusernhooi handel dryf;

“lusern verwerker” die persoon wat lusernhooi verwerk;

“lusern produsent” 'n persoon wie lusernsaad en/of lusernhooi produseer ;

“lusernsaad” die plaaslik geproduseerde en ingevoerde lusernsaad;

“lusernsaad handelaar” die persoon wat met lusernsaad handel dryf;

“verwerk” beteken enige proses of aksie waar waardetoevoeging by lusernhooi plaasvind, ongeag of sodanige lusernhooi in sy oorspronklike vorm bly of nie en “verwerking” het hier dieselfde betekenis; en

“die Wet” die Wet op Bemaking van Landbouprodukte, 1996 (Wet No.47 van 1996) soos gewysig.

Doel en oogmerke van statutêre maatreël en die verband daarvan met die oogmerke van die wet.

2. Die doel en oogmerke van hierdie statutêre maatreël is om die volgende partye te verplig om by die Nasionale Lusern Organisasie te registreer. Registrasie is nodig om te verseker dat deurlopende, tydige en akkurate inligting aangaande lusernsaad en lusernhooi vir alle rolspelers beskikbaar gestel word. Markinligting word noodsaaklik geag vir alle rolspelers ten einde hulle in staat te stel om ingeligte besluite te kan neem.

Die instelling van hierdie statutêre maatreël sal help om die doeltreffendheid van die bemarking van lusernsaad en lusernhooi te bevorder. Die lewensvatbaarheid van die lusernbedryf word sodoende bevorder.

Die maatreël sal nie nadelig wees vir enige van die doelwitte van die Wet, en in die besonder sal nie nadelig wees vir die aantal werkgeleenthede of billike arbeidspraktyk in die lusernbedryf nie.

Hierdie statutêre maatreël sal geadministreer word deur die Nasionale Lusern Organisasie, wat sal handel in terme van sy mandaat en namens die lusern bedryf.

Produkte waarop statutêre maatreël van toepassing is

3. Hierdie maatreël is op lusernsaad en lusernhooi van toepassing.

Gebied waarin statutêre maatreël van toepassing is

4. Hierdie statutêre maatreël is in die geografiese gebied van die Republiek van Suid-Afrika van toepassing.

Registrasie van lusernsaad en lusernhooi handelaars, verwerkers en produsente

5.(1) Enige lusernsaad of lusernhooi handelaar, lusernhooi verwerker en lusern produsent moet as sulks registreer by die Nasionale Lusern Organisasie.

(2) Registrasie sal onmiddelik na ontvangs van 'n registrasievorm, gratis verkrygbaar vir die doel by die Nasionale Lusern Organisasie, gedoen word, en sal ingedien word –

(a) Indien per pos versend, na -

Die Bestuurder
Nasionale Lusern Organisasie
Posbus 185
OUDTSHOORN
6620

(b) indien afgelewer per hand, by -

Die Bestuurder
Nasionale Lusern Organisasie
St John Straat 152
OUDTSHOORN
6625

(c) Indien per faks, na -

044 - 2792838

Inwerkingtreding en tydperk van geldigheid

6. Hierdie statutêre maatreël tree in werking op die datum van publikasie hiervan en verval op 30 April 2010.

No. R. 326

20 April 2007

**MARKETING OF AGRICULTURAL PRODUCTS ACT, 1996
(ACT No. 47 OF 1996) AS AMENDED**

**ESTABLISHMENT OF A STATUTORY MEASURE: RECORDS AND RETURNS
BY PROCESSORS AND PERSONS DEALING IN LUCERNE SEED AND
LUCERNE HAY**

I, Lulama Xingwana, Minister of Agriculture, acting under sections 13 and 18 of the Marketing of Agricultural Products Act, 1996 (Act No. 47 of 1996) as amended, hereby establish the statutory measure set out in the Schedule.

L XINGWANA
Minister of Agriculture

SCHEDULE

Definitions

1. In this Schedule any word or expression to which a meaning has been assigned in the Act shall have that meaning, and unless the context otherwise indicates -

“deal” means the buying and selling of lucerne seed or lucerne hay, whether for the account of the person thus dealing therein, or for the account of somebody else;

“lucerne” means lucerne seed or lucerne hay;

“lucerne hay” means hay produced from lucerne;

“lucerne hay dealer” means a person dealing in the course of business with lucerne hay;

“lucerne processor” means a person that processes lucerne hay;

“lucerne seed” means any locally produced and imported lucerne seed;

“lucerne seed dealer” means a person dealing in the course of business with lucerne seed;

“private and public cultivars” means cultivars of lucerne seed in which the plant variety rights vests privately or may be used by the public;

“process” means any process or action whereby value is added to lucerne hay, whether such lucerne hay remains in its original form or not, and “processes” has a similar meaning; and

“the Act” means the Marketing of Agricultural Products Act, 1996 (Act No. 47 of 1996), as amended.

Purpose and aim of statutory measure and the relation thereof to the objectives of the Act

2. The purpose and aims of this statutory measure is to compel the parties set out herein to render records and returns to the National Lucerne Organisation. This is necessary to ensure that continuous, timeous and accurate information relating to lucerne hay and lucerne seed is available to all role players. Market information is deemed essential for all role players in order for them to make informed decisions. By prescribing the keeping of records with the rendering of returns on an individual basis, market information for the whole of the industry can be processed and disseminated.

The establishment of the measure should assist in promoting the efficiency of the marketing of lucerne hay and seed. The viability of the lucerne industry would thus be enhanced.

The measure is not detrimental to any of the objectives of the Act, and in particular will not be detrimental to the number of employment opportunities or fair labour practice in the lucerne industry.

Any information obtained through this mechanism will be dealt with in a confidential manner and no sensitive or potentially sensitive client-specific information will be made available to any party without the prior approval of the party whose rights are affected.

The measure will be administered by the National Lucerne Organisation, a section 21 company incorporated in terms of the companies Act of South Africa, who will act in terms of the mandate and on behalf of the lucerne industry.

Products to which statutory measure applies

3. This statutory measure shall apply to lucerne seed and lucerne hay.

Area in which measure shall apply

4. This measure shall apply in the geographical area of the Republic of South Africa.

Records to be kept and returns to be rendered

- 5.(1) All lucerne seed dealers, lucerne hay dealers and lucerne hay processors shall keep the following records and render returns on a monthly basis to the National Lucerne Organisation relating to -

(a) Lucerne seed:

Lucerne seed received locally, imported, exported, sold and balance on hand at end of month, rendered separately per category for private and public cultivars, per kg.

(b) Lucerne hay:

Lucerne hay received locally, imported, exported, sold and balance on hand at end of month, rendered separately per category and class, per ton.

(c) Processors:

Lucerne hay received and processed and balance of lucerne hay at end of month, rendered separately per category and class, per ton.

- (2) The records referred to in subsection (1) shall -

- (a) be recorded on a computer or with ink in a book;
- (b) be kept at the registered premises of the person required to keep it for a period of at least three years.

- (3) The returns referred to in subsection (1) shall be rendered on a form obtainable free of charge for this purpose from the National Lucerne Organisation within 15 days after the end of each calendar month and shall

- (a) be submitted, when forwarded by post, to -

The Manager
National Lucerne Organisation
P.O. Box 185
OUDTSHOORN
6620

- (b) when delivered by hand, be delivered to -

The Manager
National Lucerne Organisation
152 St John Street
OUDTSHOORN
6625

- (c) when sent by telefax, be addressed to -

044 - 2792838

Commencement and period of validity

6. This statutory measure shall come into operation on the date of publication hereof and shall lapse on 30 April 2010.

No. R. 326

-20 April 2007

**WET OP DIE BEMARKING VAN LANDBOUPRODUKTE, 1996
(WET No. 47 VAN 1996) SOOS GEWYSIG**

**INSTELLING VAN STATUTÊRE MAATREËL: AANTEKENINGE EN OPGAWES
DEUR VERWERKERS EN PERSONE WAT MET LUSERNSAAD EN
LUSERNHOOI HANDEL DRYF**

Ek, Lulama Xingwana, Minister van Landbou, handelende kragtens artikel 13 en 18 van die Wet op die Bemarking van Landbouprodukte, 1996 (Wet No. 47 van 1996) soos gewysig, stel hiermee die statutêre maatreël in die Bylae uiteengesit, in.

L XINGWANA

Minister van Landbou

BYLAE

Woordomskrywing

1. In hierdie Bylae het enige woord of uitdrukking waaraan 'n betekenis in die Wet geheg is, daardie betekenis en, tensy uit die samehang anders blyk, beteken –

“handel dryf” koop en verkoop van lusernsaad of lusernhooi, vir die rekening van die persoon wat daarmee handel dryf of namens iemand anders daarmee handel;

“lusern” beteken lusernsaad of lusernhooi;

“lusernhooi” die hooi van lusern geproduseer;

“lusernhooi handelaar” die persoon wat met lusernhooi handel dryf;

“lusern verwerker” die persoon wat lusernhooi verwerk;

“lusernsaad” die plaaslik geproduseerde en ingevoerde lusernsaad;

“lusernsaad handelaar” die persoon wat met lusernsaad handel dryf;

“privaat en publieke variëteite” beteken lusernsaad variëteite waaraan planttelersregte toegeken is of as publieke variëteit verhandel mag word;

“verwerk” beteken enige proses of aksie waar waardetoevoeging by lusernhooi plaasvind, ongeag of sodanige lusernhooi in sy oorspronklike vorm bly of nie en “verwerking” het hier dieselfde betekenis; en

“die Wet” die Wet op Bemarking van Landbouprodukte, 1996 (Wet No.47 van 1996) soos gewysig.

Doel en doelwitte van statutêre maatreël en die verband daarvan met die oogmerke van die wet.

2. Die doel en oogmerke van die statutêre maatreël is om die partye soos hierin uiteengesit te verplig om aantekeninge en opgawes aan die Nasionale Lusern Organisasie te verstrek. Dit word noodsaaklik geag te einde te verseker dat deurlopende, tydige en akkurate markinligting beskikbaar gestel word aan alle rolspelers, ten einde hulle in staat te stel om ingeligte besluite te kan neem. Deur die verpligte verskaffing van maandelikse opgawes op 'n individuele basis, kan markinligting vir die hele land verwerk en in die markplek versprei word.

Die instelling van hierdie statutêre maatreël sal help om die doeltreffendheid van die bemaking van lusernsaad en lusernhooi te bevorder. Die lewensvatbaarheid van die lusernbedryf in die breë bevorder.

Die maatreël sal nie nadelig wees vir enige doelwitte van die Wet, en in die besonder sal nie nadelig wees vir die aantal werkgeleenthede of billike arbeidspraktyk in die lusernbedryf nie.

Enige inligting verkry deur middel van hierdie maatreël sal op 'n konfidensiële manier hanteer word en geen sensitiewe of potensieel sensitiewe kliënt-spesifieke inligting sal beskikbaar gestel word aan enige ander party, sonder die vooraf goedkeuring deur die persoon wie se regte aangetas kan word.

Hierdie statutêre maatreël sal geadministreer word deur die Nasionale Lusern Organisasie, wat sal handel in terme van sy mandaat en namens die lusern bedryf.

Produkte waarop statutêre maatreël van toepassing is

3. Hierdie maatreël is op lusernsaad en lusernhooi van toepassing.

Gebied waarin statutêre maatreël van toepassing is

4. Hierdie statutêre maatreël is in die geografiese gebied van die Republiek van Suid-Afrika van toepassing.

Aantekeninge wat gehou moet word en opgawes wat verstrek moet word

5.(1) Alle lusernsaad handelaars, lusernhooi handelaars en lusernhooi verwerkers moet aantekeninge hou en opgawes verstrek op 'n maandelikse basis aan die Nasionale Lusern Organisasie in verband met –

(a) **Lusernsaad:**

Lusernsaad plaaslik ontvang, ingevoer, uitgevoer, verkoop en voorraad aan die einde van 'n maand, afsonderlik per kategorie vir privaat en publieke variëteite, per kg.

(b) **Lusernhooi:**

Lusernhooi plaaslik ontvang, ingevoer, uitgevoer, verkoop en balans aan die einde van elke maand afsonderlik per kategorie en klas, per ton.

(c) **Verwerkers:**

Lusernhooi ontvang en verwerk en die balans lusernhooi teen die einde van elke maand afsonderlik per kategorie en klas, per ton.

(2) **Die opgawes in subklousule (1) sal -**

(a) Aangeteken word op 'n rekenaar of met ink in 'n boek

(b) Aangehou word in die registreerde kantore van die persoon wie dit moet hou vir ten minste drie jaar.

Die opgawes genoem in subklousule (1) sal ingedien word op 'n vorm wat gratis verkry kan word vir die doel by die Nasionale Lusern Organisasie, binne 15 dae na die einde van elke kalendermaand en sal ingedien word –

(a) Indien per pos versend, na –

Die Bestuurder
Nasionale Lusern Organisasie
Posbus 185
OUDTSHOORN
6620

(b) indien afgelewer per hand, by -

Die Bestuurder
Nasionale Lusern Organisasie
St John Straat 152
OUDTSHOORN
6625

(c) Indien per faks, na -

044 - 2792838

Inwerkingtreding en tydperk van geldigheid

6. Hierdie statutêre maatreël tree in werking op die datum van publikasie hiervan en verval op 30 April 2010.

**DEPARTMENT OF HEALTH
DEPARTEMENT VAN GESONDHEID**

No. R. 323

20 April 2007

**FOODSTUFFS, COSMETICS AND DISINFECTANTS ACT, 1972 (ACT NO. 54
OF 1972)**

**REGULATIONS RELATING TO THE USE OF SWEETENERS IN
FOODSTUFFS: DRAFT AMENDMENT**

The Minister of Health intends, in terms of section 15 (1) of the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972) to make the regulations in the Schedule.

Interested persons are invited to submit any substantiated comments or representations on the proposed draft amendments to the regulations, to the Director-General of Health, Private Bag X828, Pretoria, 0001 (for the attention of the Director: Food Control), within three months of the date of publication of this notice.

SCHEDULE

Definitions

1. In these regulations, "**the Regulations**" means the regulations published under Government Notice No. R. 3128 of 20 December 1991, as amended by Government Notice No. R. 662 of 28 February 1992, Government Notice No. R. 2064 of 2 December 1994, Government Notice No. R. 1568 of 28 November 1997 and Government Notice No. R. 248 of 24 March 2005.

Amendment of regulation 6 of the Regulations

2. Regulation 6 of the Regulations is hereby amended by the addition of the following subregulation:

(10) Where a foodstuff contains the sugar isomaltulose the word "isomaltulose" shall be displayed in the list of ingredients and shall immediately be followed by the words "source of glucose and fructose" in parenthesis.

Amendment of the Annexure to the Regulations

2. The annexure of the Regulations is hereby amended by the insertion of the following sweetener under the item "Sugars" in the correct alphabetical position:

"Isomaltulose"


J. T. RADEBE

ACTING MINISTER OF HEALTH

No. R. 327

20 April 2007

HEALTH PROFESSIONS ACT, 1974 (ACT NO. 56 OF 1974)**REGULATIONS RELATING TO QUALIFICATIONS FOR REGISTRATION OF
LABORATORY ASSISTANTS**

The Minister of Health has, in terms of section 24, read with section 61(1)(k), of the Health Professions Act, 1974 (Act No. 56 of 1974), and on the recommendation of the Health Professions Council of South Africa, made the regulations in the Schedule.

SCHEDULE**Definitions**

1. In these regulations, any word or expression to which a meaning has been assigned in the Act shall bear such meaning and, unless the context otherwise indicates –

“board” means the Professional Board for Medical Technology established in terms of section 15(1) of the Act;

“examination” means an examination conducted by an institution approved by the board or examiners appointed by the board;

“laboratory assistant” means a person registered as such in terms of section 17 of the Act; and

'the Act' means the Health Professions Act, 1974 (Act No. 56 of 1974).

Qualifications for registration

2. (1) The qualifications required for registration as a laboratory assistant under the Act shall be as follows:

Examining authority and qualification

Abbreviation for registration

**Society for Medical Laboratory
Technologists of South Africa – Certificate
in Laboratory Assistance**

Cert in Lab Assistance SMLTSA

- (2) In the case of an application for registration that is based on previous experience, length of laboratory service and the recognition of prior learning gained prior to the date of publication of these regulations, an applicant shall furnish the board with authoritative information on the experience gained and a certificate of service by the person under whose supervision the experience was gained and, if the standard of such qualification is considered satisfactory by the board, such qualification may be recognized by the board.
- (3) If the applicant's qualification referred to in subregulation (2) is recognized, such applicant shall undergo an examination in laboratory assistance conducted by the board in terms of section 15B(1)(b) of the Act and, if the applicant passes such examinations, the registrar may then register him or her as a laboratory assistant.


MINISTER J.T. RADEBE, MP
Acting Minister of Health

No. R. 327

20 April 2007

WET OP GESONDHEIDSBEROEPE, 1974 (WET NO. 56 VAN 1974)**REGULASIES BETREFFENDE KWALIFIKASIES VIR REGISTRASIE VAN
LABORATORIUMASSISTENTE**

Die Minister van Gesondheid het ingevolge artikel 24, gelees met artikel 61(1)(k), van die Wet op Gesondheidsberoepe, 1974 (Wet No. 56 van 1974), en in oorleg met die Raad vir Gesondheidsberoepe van Suid-Afrika, die regulasies in die Bylae uitgevaardig.

BYLAE**Woordomskrywing**

1. In hierdie Regulasies het 'n woord of uitdrukking waaraan daar in die Wet 'n betekenis geheg is, daardie betekenis en, tensy dit uit die samehang anders blyk, beteken –

“die Wet” die Wet op Gesondheidsberoepe, 1974 (Wet No. 56 van 1974);

“eksamen” 'n eksamen afgeneem deur 'n inrigting wat deur die raad goedgekeur is of eksaminatore wat deur die raad aangestel is;

“laboratoriumassistent” 'n persoon wat as sodanig geregistreer is ingevolge artikel 17 van die Wet; en

“raad” die Beroepsraad vir Mediese Tegnologie ingestel kragtens artikel 15(1) van die Wet.

Kwalifikasies vir registrasie

- 2 (1) Die kwalifikasies wat vir registrasie as 'n laboratoriumassistent ingevolge die Wet vereis word, is soos volg:

**Eksamineringsoowerheid en kwalifikasie
vir registrasie**

Afkorting vir registrasie

**Genootskap vir Mediese
Laboratoriumtegnoloë van
Suid-Afrika – Sertifikaat in
Laboratoriumassistentenskap**

Sert in Lab Assistentenskap GMLTSA

- (2) In die geval van 'n aansoek vir registrasie wat berus op vorige ondervinding, duur van laboratoriumdiens en die erkenning van vroeëre leer wat voor die datum van publikasie van hierdie regulasies opgedoen is, moet 'n aansoeker die raad voorsien van gesaghebbende inligting oor die ondervinding wat opgedoen is en 'n dienssertifikaat deur die persoon onder wie se toesig die ondervinding opgedoen is en, indien die standaard van sodanige kwalifikasie as bevredigend beskou word deur die raad, kan sodanige kwalifikasie deur die raad erken word.
- (3) Indien die aansoeker se kwalifikasie in subregulasie (2) bedoel erken word, moet sodanige aansoeker 'n eksamen in laboratoriumassistentenskap aflê wat deur die raad afgeneem word ingevolge artikel 15B(1)(b) van die Wet en, indien die aansoeker sodanige eksamen slaag, kan die registrateur hom of haar dan as 'n laboratoriumassistent registreer.



MINISTER J.T. RADEBE, MP

Waarnemende Minister van Gesondheid

No. R. 328

20 April 2007

FOODSTUFFS, COSMETICS AND DISINFECTANTS ACT, 1972
(ACT NO. 54 OF 1972)

REGULATIONS RELATING TO THE POWERS AND DUTIES OF INSPECTORS AND ANALYSTS
CONDUCTING INSPECTIONS AND ANALYSES ON FOODSTUFFS AND AT FOOD PREMISES

The Minister of Health has, in terms of section 15(1) of the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972), made the regulations in the Schedule.

SCHEDULE

Definitions

1. In these regulations any word or expression to which a meaning has been assigned in the Act, shall bear such meaning and, unless the context otherwise indicates-

“food premises” means premises used for or in connection with the handling of food;

“handle” includes manufacture, process, produce, pack, prepare, keep, offer, store, transport or display for sale or for serving, and **“handling”** has a corresponding meaning;

“person in charge”, with regard to any foodstuff or food premises contemplated in these regulations, means a natural person who is the owner of or a natural person who is responsible for the foodstuff or food premises; or the agent in the case of an imported foodstuff;

“sample” means a portion consisting of one or more units depending on the situation in question, of a foodstuff, divided or undivided as described by these regulations, of a larger quantity of a foodstuff, drawn by an inspector in terms of the provisions of these regulations and to be sent to a laboratory for testing or analysis;

“sampling” means the procedure followed to draw and constitute a sample, as described in regulation 2(2) and (3); and

"the Act" means the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972) and regulations published under it.

Inspection powers

2. (1) An inspector may, with regard to a food premises in respect of which any provision of the Act is applicable, and with due regard to section 11 thereof -

- (a) demand that the person in charge or apparently in charge of such food premises, submit to him or her any book, document or thing that must be kept or displayed in terms of the Act or that relates to any matter provided for by the Act and that is or was in the possession or in the custody or under the control of such person, or that is on or in such food premises;
- (b) make an extract from or a copy of a book or document referred to in paragraph (a);
- (c) question the person referred to in paragraph (a) with regard to any matter provided for in the Act and obtain information regarding any activity or process or entry in a book or document referred to in paragraph (a);
- (d) for the purpose of preventing a food borne disease, demand any information from a person referred to in paragraph (a) or from any other person who has at any time been on or in such food premises;
- (e) examine any foodstuff that is found in or on such food premises, and any appliance, product, material, object or substance that is so found and that is or is suspected to be used, or destined or intended for use, for, in or in connection with the handling of any food or any other operation or activity in connection with any foodstuff, and open any package or container of such foodstuff, product, material, object or substance.
- (f) take so much of the foodstuff contemplated in paragraph (e), in whatever kind of package or container it may be, as he or she may reasonably require as a sample for the purpose of testing or analysing it-
 - (i) by offering payment to the person in charge, if the inspector is taking a sample to verify compliance to any of the requirements set in terms of the Act; or

- (ii) without payment, if the inspector has reason to suspect that such foodstuff is unsound or unwholesome or unfit for human consumption.

(2) The inspector shall follow the following procedure when he or she is taking a sample in terms of these regulations with due regard to the powers conferred on inspectors under section 11(1) of the Act:

- (a) The inspector shall take a sample in the presence of -
 - (i) the person in charge; or
 - (ii) any other adult person who is employed in those premises, as a witness if the person in charge is not present.
- (b) The inspector shall, as soon as practicable after the sample has been obtained in terms of paragraph (a)(ii), notify the person in charge, in writing, of the sampling and of the purpose thereof.
- (c) The inspector shall ascertain from the person referred to in paragraph (a) in writing and in a format provided in **Annexure A**, whether a part of such sample for examination or analysis is required and if so, the inspector shall -
 - (i) divide the sample in such a manner as its nature permits, into three separate parts which shall be as identical as possible. (One of the portions shall be handed to such person, one sent to an analyst for analysis or examination and one carefully kept by the inspector until the case has been finalised);
 - (ii) if the contents of one package are not sufficient for analysis or examination if divided as aforesaid, obtain additional packages of the property of the same person similarly labelled and purporting to contain a similar article, and shall mix the contents of two or more such packages then and there and divide the mixture and deal with it as provided; and
 - (iii) pack, seal and label with a special label in a format provided in **Annexure B**, each of the three parts of a sample referred to in subparagraph (i) to indicate its nature, origin and identify it with-
 - (aa) an identification number;

- (bb) concise details regarding the contents;
 - (cc) the nature of the examination or analysis required;
 - (dd) the date on which the sample was taken; and
 - (ee) his or her name and work address.
-
- (d) If the offer to divide the sample is not accepted, the undivided sample shall be packed, sealed, labelled with a special label to indicate its origin, nature and to identify it as indicated in paragraph (c) (iii) and sent to an analyst for analysis or examination.
 - (e) In the case of a perishable foodstuff, or a foodstuff in a sealed package, or where the opening of such package would hamper analysis or examination, or where no person referred to in paragraph (c) is present, a similar procedure to that described in paragraph (d) shall be followed.
 - (f) The original label of the package, if any, or a copy thereof shall accompany the sample sent to the analyst.
 - (g) In the case of milk or cream sampled for chemical or compositional analysis, the preservative tricresol, may be added. If a person referred to in paragraph (c) is present, the preservative shall be added to the sample in his presence and he shall be informed of the nature of the preservative.
 - (h) The sample may be delivered to the analyst by any convenient means provided the inspector's seal remains intact.
 - (i) Samples for bacteriological analysis shall be taken with sterilized equipment and transferred to sterile sample containers taking precautions to prevent the contamination of the samples. The sample container shall be stoppered and, within 15 minutes of the sample being taken, shall be surrounded by crushed ice or other suitable refrigerant which comes into contact with the container and is capable of reducing the temperature of the sample to 7°C and maintaining it at that temperature or below, but not frozen, until delivered to an analyst.

(3) In addition to the procedure described in subregulation (2), when sampling of milk and milk products is carried out, the contents of the International Standard: *ISO 707:1997: Milk and Milk Products – Guidance on Sampling*, shall, where applicable, be taken into consideration.

Detention of foods

3. (1) An inspector may, pending the examination or analysis of a sample, by written order, in a format provided in **Annexure C**, signed by him or her, detain the whole lot or consignment of food in whatever kind of package or container it may be, on or in the premises concerned from which that sample was taken.

(2) The inspector may lock up, seal, mark, fasten or otherwise secure such detained food in or upon such premises or any other premises.

(3) An order referred to in subregulation (1)-

(a) shall be served on the person referred to in regulation 2(1)(a);

(b) is binding for the period stated in the order, which shall not exceed a period of 30 days;

(c) may be withdrawn during that period; or

(d) may be extended to a maximum period of 30 days if the initial period was less than 30 days.

(4) No person may, without the written permission of the inspector remove any food detained in terms of subregulation (1) from the place where it is being detained, or deal with it in any other manner.

Seizure of foodstuffs

4. (1) An inspector may-

(a) if, after an examination of any food contemplated in regulation 2(1)(e) , he or she is satisfied that such food is unsound, or unwholesome or contaminated; or

- (b) where it appears from the testing or analysis of a sample referred to in regulation 2(1)(f), that the sample or any part of it is unsound, unwholesome or contaminated,

by written order in a format provided in **Annexure D**, signed by him or her, seize the food concerned, or the lot or consignment of food from which the sample was taken if he or she is satisfied that the food in that lot or consignment is in the same condition or possesses the same properties as the sample.

(2) An order referred to in subregulation (1) -

- (a) shall be served on the person in charge or witness referred to in regulation 2(1) (a);
- (b) is binding from the time of such service until the food that has been seized -
 - (i) has been used for purposes other than human consumption;
 - (ii) has been destroyed; or
 - (iii) has, in terms of subregulation (6), been released for human consumption;
- (c) may at any time be withdrawn by the inspector who issued such order; and
- (d) shall clearly set out the provisions of this regulation.

(3) Wherever food has been seized under subregulation (1), the person in charge may choose at his or her expense and with the permission of an inspector, to have such food treated, disposed of or used for purposes other than human consumption or destroyed in a manner approved by the inspector.

(4) A choice referred to in subregulation (3) shall be made known in writing to the inspector within 24 hours after seizure.

(5) If the person in charge of food which has been seized by an inspector in terms of subregulation (1)-

- (a) refuses or fails to exercise a choice referred to in subregulation (3) within 24 hours after such seizure; or
- (b) exercises such choice but thereafter refuses or fails to act in accordance with that choice within a further period of 24 hours,

the inspector may, at any time thereafter, and for the account and risk of such person in charge, destroy such food or cause such food to be destroyed or otherwise disposed of.

(6) An inspector may release for human consumption food which, after treatment referred to in subregulation (3), is in his or her opinion fit for human consumption, by withdrawing or amending the order pertaining to such food that was issued in terms of subregulation (1).

(7) Subject to the provisions of this regulation, no person may, without the written authority and direction of an inspector, remove any food seized in terms of subregulation (1) from the premises referred to in that subregulation, or sell such food, or deal with it in any other manner.

(8) An inspector who grants a written authority referred to in subregulation (7) may, in such authority, impose any condition regarding the transportation and further storage of the food concerned.

(9) An inspector acting in terms of this regulation shall, at the request of the person in charge affected by such action, issue to such person a written certificate, in a format provided in **Annexure E** under his or her signature and designation stating the kind and quantity of food removed for safe disposal and the reason for removing it.

Rectification of certain conditions

5. If an inspector is of the opinion that in relation to food premises or foodstuffs contemplated in the Act, activities or conditions exist which are dangerous or harmful or likely to be dangerous or harmful to health or which are likely to favour the spread or impede the prevention of a food borne disease, he or she shall issue a written order, in a format provided in **Annexure F**, signed by him or her and addressed to the person in charge of such premises, in which he or she instructs that -

- (a) any activity or condition stated in the order must be rectified immediately or within a specified period determined by the inspector; or

- (b) if such an activity or condition is due to failure to comply with the requirements of the Act, such person in charge must comply with the requirements of the Act.

Inspection report

6. An inspector shall, within 14 days after completing an inspection or an investigation of food premises, compile an inspection report, in a format provided in **Annexure G**, and hand or send by registered post a copy thereof to the person in charge of the premises concerned.

Duties of Analysts

7. (1) An analyst referred to in section 12 (2) of the Act shall complete a certificate in a format provided in **Annexure H** of these regulations.

(2) In the case of milk or cream, besides any other aspects which have to be investigated, it shall be determined and reported whether a preservative is present and, if so, whether it is a preservative prescribed by regulation for that purpose.

(3) In the case of a sample of a foodstuff which is not perishable and which is found on analysis or examination to be adulterated or falsely described or otherwise not to comply with the requirements of the Act, and which was not divided by the inspector, the unused portion, if any, of the sample shall be closed, sealed and carefully retained by the analyst until after the conclusion of any prosecution in connection therewith.

Withdrawal

8. The regulations published under Government Notice No. R. 2162 of 16 November 1973, made in terms of the Foodstuffs, Cosmetics and Disinfectants Act 1972 (Act No. 54 of 1972), and Notice No. R. 1128 of 24 May 1991, made in terms of the Health Act, 1977 (Act No. 63 of 1977), with the exclusion of regulations 2. (1)(a)-(d); 5; and 6, are hereby withdrawn.



MINISTER J.T. RADEBE
ACTING MINISTER OF HEALTH

Annexure A**FOODSTUFFS, COSMETICS AND DISINFECTANTS ACT, 1972 (ACT NO. 54 OF 1972):****REGULATIONS RELATING TO THE POWERS AND DUTIES OF INSPECTORS
AND ANALYSTS CONDUCTING INSPECTIONS AND ANALYSES ON
FOODSTUFFS AND AT FOOD PREMISES, R. OF2007****OFFER FOR DIVISION OF A SAMPLE TAKEN FOR EXAMINATION OR
ANALYSIS REFERRED TO IN REGULATION 2(2)(c)**

Sample of Inspector's Serial No.

Nature of examination Health Authority:.....

Name and work address of Inspector

Name and address of person from whom sample was obtained referred to in regulation 2(2)(a)
.....
.....

Whether divided or not?

Signature: Name of Inspector:
(Inspector taking sample) (Block letters)

Date:

Remarks:
.....
.....**STATEMENT BY INSPECTOR**

I intend to submit this(these) foodstuff(s) for analysis and/or examination under the abovementioned regulations.

I now offer to divide the same into three parts to be now separated, each part to be labelled, one of them to be tendered to you. Do you wish me to do so?

Place:
INSPECTOR

I certify that

has offered to divide the above-mentioned sample into three approximately equal parts and that:

(i) one part has been tendered to me and was accepted; (ii) I did not accept the offer of division of the sample.

(delete (i) or (ii)).

.....
SIGNATURE OF SELLER OR SUPPLIER.....
DATE

Annexure B**FOODSTUFFS, COSMETICS AND DISINFECTANTS ACT, 1972 (ACT NO. 54 OF 1972):****REGULATIONS RELATING TO THE POWERS AND DUTIES OF INSPECTORS
AND ANALYSTS CONDUCTING INSPECTIONS AND ANALYSES
ON FOODSTUFFS AND AT FOOD PREMISES, R. OF2007****LABEL OF A SAMPLE TAKEN FOR ANALYSIS OR EXAMINATION
REFERRED TO IN REGULATION 2(2)(c)(iii)**Sample of Inspector's Identification No.

Name and address of Inspector

Nature of examination

Date taken20.... Time

Quantity taken:

Name and address of person in charge from whom sample was obtained:

.....

.....

Whether offer of division was accepted:

.....

Dispatched to analyst (date):

.....

Person in charge's statement or remarks (if any):

.....

Witnesses:

.....

Annexure C

(Health authority's letterhead and contact details)

.....

FOODSTUFFS, COSMETICS AND DISINFECTANTS ACT, 1972 (ACT NO. 54 OF 1972):**REGULATIONS RELATING TO THE POWERS AND DUTIES OF INSPECTORS
AND ANALYSTS CONDUCTING INSPECTIONS AND ANALYSES
ON FOODSTUFFS AND AT FOOD PREMISES, R. OF2007
ORDER FOR THE DETENTION OF FOODSTUFFS IN TERMS OF REGULATION 3(1)**

In terms of the abovementioned regulations the following foodstuffs are hereby detained at
address:.....

..... from to pending the examination
or analysis of a sample:

Quantity	Article of food	Description	Reason for detention	Mark
.....				
.....				
.....				

.....
SIGNATURE: INSPECTOR

.....
DATE:

(Health authority's letterhead and contact details)

**REGULATIONS RELATING TO THE POWERS AND DUTIES OF INSPECTORS
AND ANALYSTS CONDUCTING INSPECTIONS AND ANALYSES
ON FOODSTUFFS AND AT FOOD PREMISES, R. OF2007**

In terms of the abovementioned regulations the following foodstuffs are deemed to be unfit for human consumption as verified by an inspection and/or examination or analysis thereof for the following

reason(s):.....
and is hereby
 seized at the following address:.....

Quantity	Article of food	Description	Reason forseizure	Mark

DATE:

Annexure E

(Health authority's letterhead and contact details)

.....

FOODSTUFFS, COSMETICS AND DISINFECTANTS ACT, 1972(ACT NO. 54 OF 1972):

**REGULATIONS RELATING TO THE POWERS AND DUTIES OF INSPECTORS
AND ANALYSTS CONDUCTING INSPECTIONS AND ANALYSES
ON FOODSTUFFS AND AT FOOD PREMISES, R. OF2007**

**CERTIFICATE FOR REMOVAL AND SAFE DISPOSAL OF SEIZED FOODSTUFFS AT REQUEST
OF THE PERSON IN CHARGE REFERRED TO IN REGULATION 4(9)**

Name and address of person in charge.....

Date:.....

This is to certify that the under mentioned foodstuffs has/have been removed and will be destroyed
for the following reason(s):.....

.....

Quantity	Article of food	Description	Reason for detention	Mark
----------	-----------------	-------------	----------------------	------

.....

.....

.....

.....

.....

Signature: Inspector

**PERMISSION FOR THE REMOVAL AND SAFE DISPOSAL OF
ABOVEMENTIONED FOODSTUFFS**

I, the undersigned, hereby surrender the abovementioned foodstuff(s) to the Inspector and agree to
its removal and safe disposal.

Signature: Owner/Agent:

Date:

Annexure F

(Health authority's letterhead and contact details)

.....

FOODSTUFFS, COSMETICS AND DISINFECTANTS ACT, 1972 (ACT NO. 54 OF 1972):**REGULATIONS RELATING TO THE POWERS AND DUTIES OF INSPECTORS
AND ANALYSTS CONDUCTING INSPECTIONS AND ANALYSES
ON FOODSTUFFS AND AT FOOD PREMISES, R. OF2007****ORDER FOR AN INSTRUCTION ISSUED IN TERMS OF REGULATION 5**

ADDRESS OF PREMISES:.....

.....

PERSON IN CHARGE:.....

POSTAL ADDRESS:

NAME OF INSPECTOR:

DATE OF INSPECTION:.....

It is hereby instructed that the following condition(s) existing on the above-mentioned food premises be rectified immediately, or by the following date:.....

(1).....

(2).....

(3).....

(4).....

(5).....

.....
SIGNATURE OF INSPECTOR

.....
DATE

Annexure G

(Health authority's letterhead and contact details)

.....

FOODSTUFFS, COSMETICS AND DISINFECTANTS ACT, 1972(ACT NO. 54 OF 1972):

**REGULATIONS RELATING TO THE POWERS AND DUTIES OF INSPECTORS
AND ANALYSTS CONDUCTING INSPECTIONS AND ANALYSES
ON FOODSTUFFS AND AT FOOD PREMISES, R. OF2007**

INSPECTION REPORT REFERRED TO IN REGULATION 6

ADRESS OF PREMISES:.....

.....

PERSON IN CHARGE:.....

POSTAL ADDRESS:

NAME OF INSPECTOR:

DATE OF INSPECTION:.....

INSPECTION REPORT:

.....

(1).....

.....

(2).....

.....

(3).....

.....

(4).....

.....

(5).....

.....
SIGNATURE OF INSPECTOR

.....
DATE

Annexure H

(Laboratory's letterhead and contact details)

FOODSTUFFS, COSMETICS AND DISINFECTANTS ACT, 1972(ACT NO 54 OF 1972):**REGULATIONS RELATING TO THE POWERS AND DUTIES OF INSPECTORS
AND ANALYSTS CONDUCTING INSPECTIONS AND ANALYSES
ON FOODSTUFFS AND AT FOOD PREMISES, R. OF2007****CERTIFICATE REFFERED TO IN REGULATION 7(1)**

Inspector's Identification No of sample Laboratory No. of sample

CERTIFICATE OF ANALYSTTo
.....
.....
.....

I,, an analyst authorized under section 12(1) of the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act 54 of 1972), certify that on the Day of 20..... I received from of a sample stated by him to be of that the sample was contained in an intact package bearing the inspector's identification number and with the inspector's seal impressed ⁽¹⁾ which seal was intact, and with the label or copy of the label attached here to ⁽²⁾; and that I have analysed the said sample and declare that the results of my analysis are as follows:

I am of opinion that the sample

Place:..... (Signed):.....

Date:..... 20 Analyst:.....

1) If seal is numbered, insert number, if not, describe seal.

2) This refers to the label under which the article was sold. Strike out these words if no label (original or copy) is attached.

No. R. 328

20 April 2007

**WET OP VOEDINGSMIDDELS, SKOONHEIDSMIDDELS EN ONTSMETTINGSMIDDELS, 1972
(WET NO 54 VAN 1972)**

**REGULASIES BETREFFENDE DIE BEVOEGDHEDE EN PLIGTE VAN INSPEKTEURS
EN ONTLEDERS WAT INSPEKSIES UITVOER EN ONTLEDINGS DOEN VAN
VOEDINGSMIDDELS EN BY VOEDSELPERSELE**

Die Minister van Gesondheid het kragtens artikel 15(1) van die Wet op Voedingsmiddels, Skoonheidsmiddels en Ontsmettingsmiddels, 1972 (Wet No. 54 van 1972), die regulasies in die Bylae uitgevaardig.

BYLAE

Woordomskrywing

1. In hierdie regulasies het 'n woord of uitdrukking waaraan 'n betekenis in die Wet geheg is, daardie betekenis en, tensy uit die samehang anders blyk, beteken -

"die Wet" die Wet op Voedingsmiddels, Skoonheidsmiddels en Ontsmettingsmiddels 1972 (Wet No. 54 van 1972) en regulasies daarkragtens uitgevaardig;

"hanteer" vervaardig, verwerk, produseer, verpak, voorberei, aanhou, aanbied, berg, vervoer of uitstal vir verkoop of vir bediening, en het "hantering" 'n ooreenstemmende betekenis;

"monster" 'n deel bestaande uit een of meer eenhede na gelang van die betrokke situasie, van 'n voedingsmiddel, verdeel of onverdeel soos voorgeskryf by hierdie regulasies, van 'n groter hoeveelheid van 'n voedingsmiddel, geneem deur 'n inspekteur ingevolge die bepalings van hierdie regulasies en wat na 'n laboratorium gestuur moet word vir toetsing of ontleding;

"monsterneming" die prosedure gevolg om 'n monster te neem en saam te stel, soos beskryf in regulasie 2(2) en (3);

“persoon in beheer”, met betrekking tot 'n voedingsmiddel of voedselperseel in hierdie regulasies beoog, 'n natuurlike persoon wat die eienaar is van; of natuurlike persoon wat vir die voedingsmiddel of die voedingsperseel verantwoordelik is; of die agent in die geval van 'n ingevoerde voedingsmiddel; en

“voedselperseel” 'n perseel gebruik vir of in verband met die hantering van voedsel.

Inspeksiebevoegdhede

2. (1) 'n Inspekteur kan, met betrekking tot 'n voedselperseel ten opsigte waarvan 'n bepaling van die Wet van toepassing is, en met behoorlike inagneming van artikel 11 daarvan -

- (a) eis dat die persoon in beheer of skynbaar in beheer is van sodanige voedselperseel aan hom of haar moet voorlê 'n boek, dokument of enigiets wat ingevolge die Wet gehou en vertoon moet word of wat verband hou met enige aangeleentheid in die Wet bepaal en wat in besit of in bewaring of onder die beheer van sodanige persoon is of was, of wat op of in sodanige voedselperseel is;
- (b) 'n uittreksel of afskrif maak van 'n boek of dokument bedoel in paragraaf (a);
- (c) die persoon in paragraaf (a) bedoel ondervra met betrekking tot enige aangeleentheid waarvoor in die Wet voorsiening gemaak is en inligting verkry betreffende enige bedrywigheid of proses of inskrywing in 'n boek of dokument in paragraaf (a) bedoel;
- (d) met die doel om 'n siekte wat deur voedsel oorgedra word te voorkom, inligting eis van 'n persoon bedoel in paragraaf (a) of van enige ander persoon wat te eniger tyd op of in sodanige voedselperseel was;
- (e) enige voedingsmiddel ondersoek wat in of op sodanige voedselperseel gevind word, en enige toestel, produk, materiaal, voorwerp of stof wat aldus gevind word en wat wel of vermoedelik gebruik word, of bestem of bedoel is vir gebruik, vir, by of in verband met die hantering van voedsel of enige ander werkzaamheid of bedrywigheid in verband met 'n voedingsmiddel, en 'n pakket of houer van sodanige voedingsmiddel, produk, materiaal, voorwerp of stof, oopmaak.

- (f) soveel neem van die voedingsmiddel beoog in paragraaf (e), in watter soort verpakking of houer dit ook al is, of wat hy of sy redelikerwys nodig het vir 'n monster vir die doel van toetsing en ontleding daarvan -
- (i) deur betaling aan te bied aan die persoon in beheer, indien die inspekteur 'n monster neem om voldoening aan enige van die vereistes gestel ingevolge die Wet, te bevestig ; of
- (ii) sonder betaling indien die inspekteur rede het om te vermoed dat sodanige voedingsmiddel bederf of ongesond of ongeskik vir menslike gebruik is.
- (2) Die inspekteur moet die volgende prosedure volg wanneer hy of sy 'n monster neem ingevolge hierdie regulasies met inagneming van die bevoegdhede aan inspekteurs verleen ingevolge artikel 11(1) van die Wet:
- (a) Die inspekteur moet 'n monster neem in die teenwoordigheid van -
- (i) die persoon in beheer; of
- (ii) enige ander volwasse persoon wat op daardie perseel in diens is, as getuie indien die persoon in beheer nie teenwoordig is nie.
- (b) Die inspekteur moet, so gou doenlik nadat die monster verkry is ingevolge paragraaf (a)(ii), die persoon in beheer skriftelik verwittig van die monsterneming en die doel daarvan.
- (c) Die inspekteur moet van die persoon bedoel in paragraaf (a) skriftelik en in 'n formaat voorgeskryf in **Aanhangsel A** bevestiging kry of 'n deel van sodanige monster wat vir ondersoek of ontleding geneem is, verlang word en indien wel, moet die inspekteur -
- (i) die monster op sodanige wyse as wat die aard daarvan toelaat, in drie afsonderlike dele verdeel wat so identies moontlik is (Een van die dele moet aan sodanige persoon oorhandig word, een moet na 'n ontleder gestuur word vir ontleding of ondersoek en een moet sorgvuldig deur die inspekteur bewaar word totdat die saak gefinaliseer is);
- (ii) indien die inhoud van een verpakking nie genoeg vir ontleding of ondersoek is wanneer dit soos vermeld verdeel is nie, moet verdere verpakings, wat die eiendom van dieselfde persoon is, wat eenders geëtiketteer is en voorgee om 'n soortgelyke artikel te bevat, verkry

word en die inhoud van twee of meer sodanige verpakings daar en dan meng en die mengsel verdeel en daarmee handel soos voorgeskryf; en

- (iii) elkeen van die drie dele van 'n monster in subparagraaf (i) bedoel verpak, verseël en etiketteer met 'n spesiale etiket, in 'n formaat voorgeskryf in **Aanhangsel B**, wat die aard en oorsprong daarvan aandui en waaraan dit geïdentifiseer kan word met -

- (aa) 'n identifikasienommer;
- (bb) volledige besonderhede betreffende die inhoud;
- (cc) die aard van die ondersoek of ontleding vereis;
- (dd) die datum waarop die monster geneem is; en
- (ee) sy of haar naam en werkadres.

- (d) Indien die aanbod om die monster te verdeel nie aanvaar word nie, moet die onverdeelde monster verpak, verseël en geëtiketteer word en voorsien word van 'n spesiale etiket wat die oorsprong en aard aandui en waaraan dit geïdentifiseer kan word soos in paragraaf (c) aangedui, en na 'n ontleder gestuur word vir ontleding en ondersoek.
- (e) In die geval van 'n bederfbare voedingsmiddel, of 'n voedingsmiddel in 'n verseëlde verpakking, of waar die ontleding of ondersoek belemmer sal word deur die oopmaak van sodanige verpakking, of waar niemand bedoel in paragraaf (c) teenwoordig is nie, moet 'n prosedure soos beskryf in paragraaf (d) gevolg word.
- (f) Die monster wat na die ontleder gestuur word, moet vergesel wees van die verpakking se oorspronklike etiket, as daar is, of 'n afskrif daarvan.
- (g) In die geval waar daar van melk of room monsters geneem word vir chemiese ontleding of die ontleding van die samestelling daarvan, kan die preserveermiddel trikresol bygevoeg word. Indien die persoon in paragraaf (c) bedoel teenwoordig is, moet die preserveermiddel in sy of haar teenwoordigheid bygevoeg word en moet hy of sy ingelig word oor die aard van die preserveermiddel.

- (h) Die monster kan by die ontleder afgelewer word op enige gerieflike wyse, mits die seël van die inspekteur ongeskonde bly.
- (i) Monsters vir bakteriologiese ontleding moet met gesteriliseerde toerusting geneem word en na steriele monsterhouers oorgeplaas word. Voorsorgmaatreëls moet getref word om die besmetting van die monsters te voorkom. Die monsterhouer moet toegeprop word en binne 15 minute na die neem van die monster, omring word met gebreekte ys of met 'n ander geskikte verkoelmiddel wat in kontak met die houer kom en in staat is om die temperatuur van die monster tot 7°C te laat daal en dit by daardie temperatuur of laer te hou, maar nie bevrore nie, totdat dit by 'n ontleder afgelewer is.

(3) Benewens die prosedure beskryf in subregulasie (2), wanneer die monsterneming van melk en melkprodukte uitgevoer word, moet die inhoud van die Internasionale Standaard: *ISO 707:1997: Milk and Milk Products – Guidance on Sampling*, waar van toepassing, in aanmerking geneem word.

Inbewaringhouding van voedingsmiddels

3. (1) 'n Inspekteur kan, hangende die ondersoek of ontleding van 'n monster, deur skriftelike bevel, in 'n formaat voorgeskryf in **Aanhangsel C**, onderteken deur hom of haar, die hele hoeveelheid of besending voedingsmiddels in watter soort verpakking of houer dit mag wees, op of in die betrokke perseel waarvan die monster geneem is, in bewaring hou.

(2) Die inspekteur kan sodanige inbewaringgehoue voedingsmiddel in of op sodanige perseel of enige ander perseel toesluit, verseël, merk, vasmaak of andersins beveilig.

(3) 'n Bevel bedoel in subregulasie (1) -

- (a) moet beteken word aan die persoon bedoel in regulasie 2(1)(a);
- (b) is bindend vir die tydperk genoem in die bevel, wat hoogstens 'n tydperk van 30 dae mag wees;
- (c) kan gedurende daardie tydperk ingetrek word; of
- (d) kan verleng word tot 'n maksimumtydperk van 30 dae indien die aanvanklike tydperk minder as 30 dae was.

(4) Niemand mag, sonder die skriftelike toestemming van die inspekteur enige voedingsmiddel wat ingevolge subregulasie (1) in bewaring gehou is, verwyder van die plek waar dit in bewaring gehou word, of op enige ander wys daarmee handel nie.

Inbeslagneming van voedingsmiddels

4. (1) 'n Inspekteur kan -

- (a) indien hy of sy, na ondersoek van voedingsmiddel in regulasie 2(1)(e) beoog, daarvan oortuig is dat sodanige voedingsmiddel bederf, ongesond of besmet is; of
- (b) waar dit blyk uit die toetsing of ontleding van 'n monster of deel daarvan in regulasie 2(1)(f) bedoel dat die monster of deel daarvan bederf, ongesond of besmet is,

deur skriftelike bevel in die formaat voorgeskryf in **Aanhangsel D**, deur hom of haar onderteken, die betrokke voedingsmiddel, of die hoeveelheid of besending voedingsmiddels waarvan die monster geneem is, in beslag neem indien hy of sy daarvan oortuig is dat die voedingsmiddels in daardie hoeveelheid of besending in dieselfde toestand is of oor dieselfde eienskappe beskik as die monster.

(2) 'n Bevel in subregulasie (1) bedoel -

- (a) moet beteken word aan die persoon in beheer of getuie bedoel in regulasie 2(1) (a);
- (b) is bindend vanaf die tyd van sodanige diens totdat die voedingsmiddel wat in beslag geneem is -
 - (i) gebruik is vir ander doeleindes as menslike gebruik;
 - (ii) vernietig is; of
 - (iii) ingevolge subregulasies (6) vrygestel is vir menslike gebruik;
- (c) kan te eniger tyd ingetrek word deur die inspekteur wat sodanige bevel uitgereik het; en
- (d) moet die bepalinge van hierdie regulasie duidelik uiteensit.

(3) Wanneer 'n voedingsmiddel ingevolge subregulasie (1) in beslag geneem is, kan die persoon in beheer op sy of haar koste en met die toestemming van 'n inspekteur kies om sodanige voedingsmiddel te laat behandel, wegdoen; of vir ander doeleindes as vir menslike gebruik te laat gebruik, of te laat vernietig soos goedgekeur deur die inspekteur.

(4) 'n Keuse bedoel in subregulasie (3) moet binne 24 uur na beslagneming skriftelik aan die inspekteur bekendgemaak word.

(5) Indien die persoon in beheer van 'n voedingsmiddel wat ingevolge subregulasie (1) deur 'n inspekteur in beslag geneem is -

- (a) weier of in gebreke bly om binne 24 uur na sodanige beslaglegging 'n keuse uit te oefen soos bedoel in subregulasie (3); of
- (b) sodanige keuse uitoefen maar daarna weier of in gebreke bly om ooreenkomstig sodanige keuse binne 'n verdere tydperk van 24 uur op te tree,

kan die inspekteur enige tyd daarna, en vir die rekening en op die risiko van sodanige persoon in beheer, sodanige voedingsmiddel vernietig of sodanige voedingsmiddel laat vernietig of andersins wegdoen.

(6) 'n Inspekteur kan 'n voedingsmiddel vrystel vir menslike gebruik wat, na behandeling bedoel in subregulasie(3), na sy of haar mening geskik is vir menslike gebruik, deur intrekking of wysiging van die bevel wat betreffende sodanige voedingsmiddel ingevolge subregulasie (1) uitgereik is.

(7) Behoudens die bepalings van hierdie regulasie mag niemand sonder die skriftelike magtiging of opdrag van 'n inspekteur, 'n voedingsmiddel wat ingevolge subregulasie (1) in beslag geneem is, verwyder van die perseel in daardie subregulasie bedoel nie, of sodanige voedingsmiddel verkoop, of op enige ander wyse daarmee handel nie.

(8) 'n Inspekteur wat 'n skriftelike magtiging bedoel in subregulasie (7) verleen, kan in sodanige magtiging enige voorwaarde stel betreffende die vervoer en verdere berging van die betrokke voedingsmiddel.

(9) 'n Inspekteur wat ingevolge hierdie regulasie optree, moet op versoek van die persoon in beheer wat deur sodanige optrede geraak word, aan sodanige persoon 'n skriftelike sertifikaat uitreik, in 'n formaat soos voorgeskryf in **Aanhangsel E**, onder sy handtekening en ampstitel, waarin die soort en hoeveelheid voedingsmiddels verwyder vir veilige wegdoening en die rede vir die verwydering daarvan gemeld word.

Regstelling van sekere toestande

5. Indien 'n inspekteur van mening is dat betreffende 'n voedselperseel of voedingsmiddels beoog in die Wet, bedrywigheide of toestande bestaan wat gevaarlik of nadelig of waarskynlik gevaarlik of nadelig is vir gesondheid of wat waarskynlik die verspreiding of voorkoming strem van 'n siekte wat deur voedsel gedra word, moet hy of sy 'n skriftelike bevel uitreik, in 'n formaat voorgeskryf in **Aanhangsel F**, onderteken deur hom of haar en gerig aan die persoon in bevel van sodanige perseel, waarin hy of sy opdrag gee dat -

- (a) 'n bedrywigheid of toestand gemeld in die bevel onmiddellik reggestel moet word of binne 'n gespesifiseerde tydperk bepaal deur die inspekteur; of
- (b) indien sodanige bedrywigheid of toestand te wyte is aan versuim om aan die vereistes van die Wet te voldoen, sodanige persoon in beheer aan die vereistes van die Wet moet voldoen.

Inspeksieverslag

6. 'n Inspekteur moet, binne 14 dae na voltooiing van 'n inspeksie of 'n deursoeking van 'n voedselperseel, 'n inspeksieverslag opstel, in 'n formaat voorgeskryf in **Aanhangsel G**, en aan die persoon in beheer van die betrokke perseel 'n afskrif daarvan oorhandig of per geregistreerde pos stuur.

Pligte van Ontleders

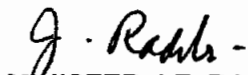
7. (1) 'n Ontleder bedoel in artikel 12(2) van die Wet moet 'n sertifikaat invul wat in die formaat is soos in **Aanhangsel H** van hierdie regulasies voorgeskryf.

(2) In die geval van melk of room moet daar, benewens enige ander aspek wat nagegaan moet word, bepaal en gerapporteer word of 'n preserveermiddel aanwesig is en, indien wel, of dit 'n preserveermiddel is wat by regulasie vir daardie doel voorgeskryf is.

(3) In die geval van 'n monster vir 'n voedingsmiddel wat nie bederfbaar is nie en by ontleding of ondersoek bevind is vervals te wees, of vals beskryf is of wat andersins nie aan die vereistes van die Wet voldoen nie, en wat nie deur die inspekteur verdeel is nie, moet die ongebruikte deel, as daar is, van die monster toegemaak, verseël en sorgvuldig bewaar word deur die ontleder tot na die afsluiting van 'n vervolging in verband daarmee.

Intrekking

8. Die regulasies afgekondig by Goewermentskennisgewing No. R. 2162 van 16 November 1973, uitgevaardig kragtens die Wet op Voedingsmiddels, Skoonheidsmiddels en Ontsmettingsmiddels, 1972 (Wet No. 54 van 1972), en by Goewermentskennisgewing No. R. 1128 van 24 Mei 1991, uitgevaardig kragtens die Wet op Gesondheid, 1977 (Wet No. 63 van 1977), met uitsondering van regulasies 2(1)(a)-(d); 5; en 6, word hierby ingetrek.



MINISTER J.T. RADEBE
WAARMEMENDE MINISTER VAN GESONDHEID

Aanhangsel A

WET OP VOEDINGSMIDDELS, SKOONHEIDSMIDDELS EN ONTSMETTINGSMIDDELS, 1972 (WET NO. 54 VAN 1972):

REGULASIES BETREFFENDE DIE BEVOEGDHEDE EN PLIGTE VAN INSPEKTEURS EN ONTLEDERS WAT INSPEKSIES EN ONTLEDINGS DOEN VAN VOEDINGSMIDDELS EN BY VOEDSELPERSELE, R.VAN2007

AANBOD VIR VERDELING VAN 'N MONSTER GENEEM VIR ONDERSOEK OF ONTLEDING BEDOEL IN REGULASIE 2(2)(c)

Monster vanIdentifikasienommer

Aard van ondersoek Gesondheidsowerheid:.....

Naam en werkadres van Inspekteur

Naam en adres van persoon van wie 'n monster verkry is soos bedoel in regulasie 2(2)(a)

Hetsy verdeel of nie?

Handtekening: Naam van Inspekteur:
(Inspekteur wat monster neem) (Blokletters)

Datum:

Opmerkings:

VERKLARING DEUR INSPEKTEUR

Ek is voornemens om hierdie voedingsmiddel(s) in te dien vir ontleding en/of ondersoek ingevolge bogenoemde regulasies.

Ek bied nou aan om genoemde voedingsmiddel(s) te verdeel in drie dele en hulle te skei, om elke deel te etiketteer, te verseël en u een van hulle aan te bied. Wil u hê dat ek dit doen?

Plek:
INSPEKTEUR

Ek sertifiseer dat
aangebied het om bogenoemde monster in drie ongeveer gelyke dele te verdeel en dat:

(i) een deel my aangebied is en ek dit aanvaar het; (ii) ek nie die aanbod van verdeling van die monster aanvaar het nie.

(skrap (i) of (ii)).

HANDTEKENING VAN VERKOPER OF VERSKAFFER

DATUM

Aanhangsel B

WET OP VOEDINGSMIDDELS, SKOONHEIDSMIDDELS EN ONTSMETTINGSMIDDELS, 1972 (WET
NO. 54 VAN 1972):

REGULASIES BETREFFENDE DIE BEVOEGDHEDE EN PLIGTE VAN INSPEKTEURS EN
ONTLEDERS WAT INSPEKSIES EN ONTLEDINGS DOEN VAN VOEDINGSMIDDELS EN BY
VOEDSELPERSELE, R. VAN2007

ETIKET VIR 'N MONSTER GENEEM VIR ONDERSOEK OF ONTLEDING BEDOEL IN
REGULASIE 2(2)(c)(iii)

Monster van Inspekteur se
Identifikasienommer

Naam en adres van Inspekteur:

.....

Aard van ondersoek:

Datum geneem:20.... Tyd

Hoeveelheid geneem:

Naam en adres van persoon in beheer van wie die monster verkry is:

.....

.....

Is die aanbod van verdeling aanvaar?

.....

Versend na ontleder(datum):

.....

Persoon in beheer se verklaring of opmerkings (as daar is):

.....

Getuies:

.....

Aanhangsel C

(Gesondheidsowerheid se briefhoof en kontakbesonderhede)

.....

WET OP VOEDINGSMIDDELS, SKOONHEIDSMIDDELS EN ONTSMETTINGSMIDDELS, 1972 (WET NO. 54 VAN 1972):

REGULASIES BETREFFENDE DIE BEVOEGDHEDE EN PLIGTE VAN INSPEKTEURS EN ONTLEDERS WAT INSPEKSIES EN ONTLEDINGS DOEN VAN VOEDINGSMIDDELS EN BY VOEDSELPERSELE, R. VAN2007

BEVEL VIR DIE INBEWARINGNEMING VAN VOEDINGSMIDDELS INGEVOLGE REGULASIE 3(1)

Ingevolge bogenoemde regulasies word die volgende voedingsmiddels hierby in bewaring geneem by adres:.....

..... vanaf tot hangende die ondersoek of ontleding van 'n monster:

Hoeveelheid	Voedingsmiddel	Beskrywing	Rede vir inbewaringneming	Merk
.....				
.....				
.....				

.....
HANDTEKENING: INSPEKTEUR

.....
DATUM:

Aanhangsel D

(Gesondheidsowerheid se briefhoof en kontakbesondherhede)

.....

WET OP VOEDINGSMIDDELS; SKOONHEIDSMIDDELS EN ONTSMETTINGSMIDDELS, 1972 (WET NO. 54 VAN 1972):

REGULASIES BETREFFENDE DIE BEVOEGDHEDE EN PLIGTE VAN INSPEKTEURS EN ONTLEDERS WAT INSPEKSIES EN ONTLEDINGS DOEN VAN VOEDINGSMIDDELS EN BY VOEDSELPERSELE, R. VAN2007

BEVEL VIR DIE INBESLAGNEMING VAN VOEDINGSMIDDELS INGEVOLGE REGULASIE 4(1)(b)

Ingevolge bogenoemde regulasies word die volgende voedingsmiddels geag ongeskik te wees vir menslike gebruik soos geverifieer deur 'n inspeksie en/of ondersoek of ontleding daarvan om die volgende

rede(s):.....

.....en word hierby in beslag geneem by die volgende adres:.....

.....

Hoeveelheid Voedingsmiddel Beskrywing Rede vir inbeslagneming Merk

.....

.....

.....

.....

.....

.....
HANDTEKENING: INSPEKTEUR

.....
DATUM:

Aanhangsel E

(Gesondheidsowerheid se briefhoof en kontakbesonderhede)

WET OP VOEDINGSMIDDELS, SKOONHEIDSMIDDELS EN ONTSMETTINGSMIDDELS, 1972 (WET NO. 54 VAN 1972):**REGULASIES BETREFFENDE DIE BEVOEGDHEDE EN PLIGTE VAN INSPEKTEURS EN ONTLEDERS WAT INSPEKSIES EN ONTLEDINGS DOEN VAN VOEDINGSMIDDELS EN BY VOEDSELPERSELE, R. VAN2007****SERTIFIKAAT VIR VERWYDERING EN VEILIGE WEGDOENING VAN INBESLAGGENEEMDE VOEDINGSMIDDELS OP VERSOEK VAN DIE PERSOON IN BEHEER BEDOEL IN REGULASIE 4(9)**

Naam en adres van persoon in beheer.....

Datum:.....

Hierby word gesertifiseer dat ondergenoemde voedingsmiddels verwyder en vernietig moet om die volgende rede(s):.....

Hoeveelheid	Voedingsmiddel	Beskrywing	Rede vir verwydering	Merk
.....				
.....				
.....				
.....				

Handtekening: Inspekteur

TOESTEMMING VIR DIE VERWYDERING EN VEILIGE WEGDOENING VAN BOGENOEEMDE VOEDINGSMIDDELS

Ek, die ondergetekende, oorhandig hierby bogenoemde voedingsmiddel(s) aan die Inspekteur en gee goedkeuring vir die verwydering en veilige wedoening daarvan.

Handtekening: Eienaar/Agent:

Datum:

Aanhangsel F

(Gesondheidsowerheid se briefhoof en kontakbesonderhede)

**WET OP VOEDINGSMIDDELS, SKOONHEIDSMIDDELS EN ONTSMETTINGSMIDDELS, 1972 (WET
NO. 54 VAN 1972):**

**REGULASIES BETREFFENDE DIE BEVOEGDHEDE EN PLIGTE VAN INSPEKTEURS EN
ONTLEDERS WAT INSPEKSIES EN ONTLEDINGS DOEN VAN VOEDINGSMIDDELS EN BY
VOEDSELPERSELE, R. VAN2007**

BEVEL VIR 'N OPDRAG UITGEREIK INGEVOLGE REGULASIE 5

ADRES VAN PERSEEL:

.....

PERSOON IN BEHEER:

POSADRES:

NAAM VAN INSPEKTEUR:

DATUM VAN INSPEKSIE:

Hierby word opdrag gegee dat die volgende toestand(e) wat op bogenoemde voedselperseel heers,
onmiddellik reggestel word, of teen die volgende datum:

.....

(1).....

.....

(2).....

.....

(3).....

.....

(4).....

.....

(5).....

.....
HANDTEKENING VAN INSPEKTEUR

.....
DATUM

Aanhangsel G

(Gesondheidsowerheid se briefhoof en kontakbesonderhede)

WET OP VOEDINGSMIDDELS, SKOONHEIDSMIDDELS EN ONTSMETTINGSMIDDELS, 1972 (WET NO. 54 VAN 1972):**REGULASIES BETREFFENDE DIE BEVOEGDHEDE EN PLIGTE VAN INSPEKTEURS EN ONTLEDERS WAT INSPEKSIES EN ONTLEDINGS DOEN VAN VOEDINGSMIDDELS EN BY VOEDSELPERSELE, R. VAN2007****INSPEKSIEVERSLAG BEDOEL IN REGULASIE 6**

ADRES VAN PERSEEL:.....

.....

PERSOON IN BEHEER:.....

POSADRES:

NAAM VAN INSPEKTEUR:

DATUM VAN INSPEKSIE:.....

INSPEKSIEVERSLAG:

.....

(1).....

.....

(2).....

.....

(3).....

.....

(4).....

.....

(5).....

.....
HANDTEKENING VAN INSPEKTEUR.....
DATUM

Aanhangsel H

(Laboratorium se briefhoof en kontakbesonderhede)

WET OP VOEDINGSMIDDELS, SKOONHEIDSMIDDELS EN ONTSMETTINGSMIDDELS, 1972 (WET NO. 54 VAN 1972):**REGULASIES BETREFFENDE DIE BEVOEGDHEDE EN PLIGTE VAN INSPEKTEURS EN ONTLEDERS WAT INSPEKSIES EN ONTLEDINGS DOEN VAN VOEDINGSMIDDELS EN BY VOEDSELPERSELE, R. VAN2007****SERTIFIKAAT 7(1)**

Inspekteur se Identifikasienommer van monster Laboratoriumnummer van monster.....

SERTIFIKAAT VAN ONTLEDER

Aan

.....

.....

.....

Ek,, 'n ontleder gemagtig kragtens artikel 12(1) van die Wet op Voedingsmiddels, Skoonheidsmiddels en Ontsmettingsmiddels, 1972 (Wet 54 van 1972), sertifiseer dat op die Dag van 20..... ek van van 'n monster ontvang het wat volgens hom/haar van is. Die monster was in 'n houer waarvan die verpakking ongeskonde was en die inspekteur se identifikasienommer op gehad het en of met die inspekteur se merkverseël⁽¹⁾ is, welke seël ongeskonde was, en met die etiket of afskrif van die etiket daaraan vasgeheg ⁽²⁾; en dat ek genoemde monster ontleed het en verklaar dat die resultate van my ontleding soos volg is:

.....

Ek is van mening dat die monster

.....

Plek:..... (Onderteken):.....

Datum:..... 20 Ontleder:.....

1) Indien die seël genommer is, voeg die nommer in, indien nie, beskryf die seël.

2) Dit verwys na die etiket waaronder die artikel verkoop is. Skrap hierdie woorde indien geen etiket (oorspronklike of afskrif) aangeheg is nie.

**DEPARTMENT OF LABOUR
DEPARTEMENT VAN ARBEID****No. R. 320****20 April 2007****LABOUR RELATIONS ACT, 1995****BARGAINING COUNCIL FOR THE TEAROOM, RESTAURANT AND
CATERING TRADE, PRETORIA
RENEWAL OF PERIOD OF OPERATION OF MAIN COLLECTIVE
AGREEMENT**

I, THEMBINKOSI MKALIPI, Senior Executive Manager: Labour Relations duly authorised thereto by the Minister of Labour, hereby, in terms of section 32(6)(a)(ii) of the Labour Relations Act, 1995, declare the provisions of Government Notices Nos. R. 244 of 16 March 2001, R. 1105 of 9 November 2001, R.1048 of 25 July 2003 and R.813 of 12 August 2005, to be effective from 1 March 2007 and for the period ending 30 June 2007.

**T MKALIPI
SENIOR EXECUTIVE MANAGER: LABOUR RELATIONS**

No. R. 320**20 April 2007****WET OP ARBEIDSVERHOUDINGE, 1995****BEDINGINGSRAAD VIR DIE TEEKAMER, RESTAURANT EN
VERVERSINGSBEDRYF, PRETORIA:
HERNUWING VAN TYDPERK VAN HOOF KOLLEKTIEWE OOREENKOMS**

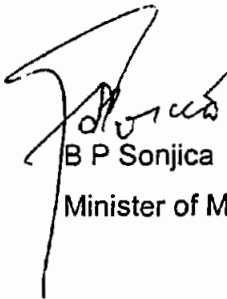
Ek, THEMBINKOSI MKALIPI, Senior Uitvoerende Bestuurder: Arbeidsverhoudinge, behoorlik daartoe gemagtig deur die Minister van Arbeid, verklaar hierby, kragtens artikel 32(6)(a)(ii) van die Wet op Arbeidsverhoudinge, 1995, dat die bepalings van Goewermentskennisgewings Nos. R. 244 van 16 Maart 2001, R. 1105 van 9 November 2001, R.1048 van 25 Julie 2003 en R.813 van 12 Augustus 2005, van krag is vanaf 1 Maart 2007 en vir die tydperk wat op 30 Junie 2007 eindig.

**T MKALIPI
SENIOR UITVOERENDE BESTUURDER: ARBEIDSVERHOUDINGE**

**DEPARTMENT OF MINERALS AND ENERGY
DEPARTEMENT VAN MINERALE EN ENERGIE**

No. R. 321**20 April 2007****GAS ACT, 2001****PIPED GAS REGULATIONS**

I, Buyelwa Patience Sonjica, Minister of Minerals and Energy hereby, under section 34(1), read with sections 1, 4(g), 21(1)(b), (d), (i), (h), (2)(a), 28(2), 32(2) and 34(2) of the Gas Act, 2001 (Act No. 48 of 2001) make the regulations in the Schedule.



B P Sonjica

Minister of Minerals and Energy

SCHEDULE

ARRANGEMENT OF REGULATIONS

1. Definitions
2. Criteria for distribution
3. Eligible customers
4. Price regulation principles and procedures
5. Information regarding historically disadvantaged South Africans
6. Third party access to transmission pipelines
7. Third party access to storage facilities
8. Review of licence conditions
9. Registration information
10. Expropriations procedures
11. Rehabilitation of land
12. Fair administrative action
13. Determination of gas specifications
14. Mediation
15. Arbitration
16. Costs of mediation and arbitration
17. Rendering of information

Definitions

1. In these Regulations any word or expression to which a meaning has been assigned in the Act shall have the meaning so assigned and unless the context indicates otherwise –

"administrative action" means administrative action as defined in the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000);

"backhauling" means the delivery of gas in a direction opposite to the aggregate physical flow of gas in the pipeline, typically delivery is upstream from the point of receipt;

"consumer" means a person who uses gas except for those who purchase gas from a reticulator;

"Gas Regulator" means the National Energy Regulator established by section 3 of the National Energy Regulator Act;

"linepacking" means increasing the quantities of gas in the pipeline for purpose of storage or as a buffer for continuous supply by increasing the pressure;

"liquefaction plant" means a plant for liquefaction activities and includes any equipment incidental thereto;

"National Energy Regulator Act" means the National Energy Regulator Act, 2004 (Act No. 40 of 2004);

"Promotion of Access to Information Act" means the Promotion of Access to Information Act, 2000 (Act No.3 of 2000);

"re-gasification plant" means a plant for re-gasification activities and includes any equipment incidental thereto;

"related undertakings" means any undertaking in which a licensee owns a controlling shareholding, interest or similar right in subsidiaries, parent companies or joint-venture partnerships;

"subsidiary" means a subsidiary as contemplated in the Companies Act, 1973 (Act No. 61 of 1973);

"the Act" means the Gas Act, 2001 (Act No. 48 of 2001);

"the agreement" means the agreement defined in section 36 (1) of the Act.

Criteria for distribution

2. (1) The Gas Regulator must take the following criteria into account when determining the operating pressures that define the boundary between transmission and distribution pipelines:

- (a) More than five customer off-takes per kilometre may be considered as distribution; and
- (b) more than five branch pipelines per kilometre may be considered as distribution.

(2) Notwithstanding subregulation (1), branch pipelines connected to a transmission pipeline whose sole purpose is to serve eligible customers must be classified as transmission pipelines.

Eligible customers

3. (1) A customer who meets the qualifying threshold or requirements set out in subregulation (2) or (3) may qualify as an eligible customer.

(2) The qualifying thresholds for a customer who is located within a licensed distribution area are as follows:

- (a) For the first 5 years after the first delivery of gas sold and delivered on a commercial scale and on a continuous basis to the distribution licensee: 400 000 Giga Joules per annum;
- (b) for the next 5 years: 100 000 Giga Joules per annum; and
- (c) thereafter: 40 000 Giga Joules per annum.

(3) Customers who were receiving gas under a valid contract of supply in an area prior to-

- (a) the issue of a distribution license issued by the Gas Regulator; or
- (b) the issue of a reticulation permit or equivalent permit by the local authority,

may be eligible customers for as long as that contract remains valid.

(4) A vertically integrated gas company active in transmission and distribution may only supply from its transmission to an eligible customer in other distribution areas licensed to another entity if a third party would have mandatory access to the transmission pipeline for quantities of gas equivalent to the threshold of that eligible customer.

Price regulation principles and procedures

4. (1) While the agreement is in force, pricing matters that are not specifically provided for in the agreement are governed in accordance with this regulation.

(2) Gas traders whose maximum gas prices are calculated by Market Value Pricing in terms of the agreement must inform their customers of the elements used to calculate their maximum gas price and of-

- (a) the alternative fuel available;
- (b) the operating costs for the alternative fuel and for gas; and

- (c) the Net Present Value for operating cost of the alternative fuel and the operating cost of gas.
- (3) The Gas Regulator must, when approving the maximum prices in accordance with section 21(1)(p) of the Act-
- (a) be objective i.e. based on a systematic methodology applicable on a consistent and comparable basis;
 - (b) be fair;
 - (c) be non-discriminatory;
 - (d) be transparent;
 - (e) be predictable; and
 - (f) include efficiency incentives.
- (4) Maximum prices referred to in subregulation (3) must enable the licensee to -
- (a) recover all efficient and prudently incurred investment and operational costs; and
 - (b) make a profit commensurate with its risk.
- (5) The Gas Regulator must approve maximum prices for gas for each distribution area or group of distribution areas as indicated in Annexure A for the following classes of customers:
- (a) Residential; and
 - (b) commercial and industrial.
- (6) When gas is sold, the accompanying sales invoice must itemise the constituent elements of the total price reflected on the invoice, including at least the cost of gas, any transport tariffs and any other charges.
- (7) Licensees must provide the Gas Regulator with sufficient information as required by the Gas Regulator for it to determine maximum prices.
- (8) Licensees may be required to file contracts signed with customers with the Gas Regulator.

- (9) The Gas Regulator may not make public the contents of contracts referred to in subregulation (8) if such information is protected in terms of the Promotion of Access to Information Act.
- (10) The Gas Regulator must, as far as possible, promote fair pricing through price transparency rather than direct intervention in order to enable consumers to make informed market decisions.
- (11) In order to promote price transparency and the prevention of discrimination-
- (a) trading licensees must provide the Gas Regulator within three months of the end of each calendar year, the annual volume and average price for that year for each of its customers consuming less than 10 million gigaJoules per annum;
 - (b) the Gas Regulator must publish aggregated results for categories of customers defined in subregulation (5) on a provincial basis;
 - (c) the Gas Regulator may not release information pertaining to individual customers if such information is protected in terms of the Promotion of Access to Information Act; and
 - (d) there must be at least three customers in a given category for a price to be published.
- (12) The invoices issued by licensees to customers and consumers must indicate-
- (a) the acquisition or production cost of the gas; and
 - (b) details of all tariff charges applied, including metering and other charges.
- (13) When the ownership of gas changes, the price of gas in the new owner's hands refers to the price of gas from the seller plus any tariffs charged by that seller.

Information regarding historically disadvantaged South Africans

5. (1) Information regarding historically disadvantaged South Africans provided by a licensee must include-

- (a) the number of shareholders from historically disadvantaged background and their respective shareholding in the licensee;
 - (b) the number and positions of historically disadvantaged South Africans who are members of the Board of Directors of the licensee;
 - (c) the number of historically disadvantaged South Africans who hold senior management positions in the licensee;
 - (d) the quantity and percentage of subcontracted work to companies with more than 50% ownership by historically disadvantaged South Africans;
 - (e) proof of compliance with the Employment Equity Act, 1998 (Act No. 55 of 1998); and
 - (f) plans for and actions taken to develop historical disadvantaged South Africans in the gas sector through training, procurement and enterprise development.
- (2) The Gas Regulator must utilise the information acquired in terms of subregulation (1) in such a manner so as to facilitate the addressing of historical inequalities and to broaden the country's economic base and accelerate growth, job creation and poverty alleviation.
- (3) The information acquired may be used to create a scoring schedule mechanism to promote historically disadvantaged South Africans.
- (4) The scoring mechanism contemplated in subregulation (3) must include-
- (a) the core activities of the piped gas industry;
 - (b) historically disadvantaged South Africans such as shareholders, directors, management and subcontractors;
 - (c) target indicators;
 - (d) weighting factors;
 - (e) achievements; and
 - (f) bonus provision for exceeding targets.

Third party access to transmission pipelines

6. (1) Third party access to transmission lines that are not specifically provided for in the agreement are governed by this regulation.

(2) The allocation mechanism to be used in order to ensure third party access to uncommitted capacity in transmission pipelines must comply with the following principles:

- (a) Use-it-or-lose-it taking into account diurnal and seasonal load profiles;
- (b) non-discrimination;
- (c) defined time periods; and
- (d) technical feasibility.

(3) Where two or more applications for access to uncommitted capacity of transmission pipelines are received by the transmission pipeline licensee on the same date, priority must be allocated according to the most attractive application to the transmission pipeline licensee, taking into account such identifiable elements such as the proposed volumes, revenue generated and length of contract.

(4) The Gas Regulator may upon receipt of a complaint, from a third party regarding a refusal for third party access to a transmission line, determine uncommitted capacity in the transmission pipeline and determine an allocation mechanism that is consistent with subregulation (2).

(5) A transmission licensee must not discriminate between customers or classes of customers, particularly with regard to the granting of more favourable conditions to its related undertakings than to other customers or classes of customers.

(6) A transmission licensee may not discriminate in respect of-

- (a) the manner, content and timing of the provision of any information that pertains to third party access to customers or prospective customers;
- (b) the manner and timing of processing of applications and granting of capacity;
- (c) the terms and conditions of any grant of capacity and any other service to be provided to any customer or prospective customer;

- (d) tariff methods and prices, including but not limited to the offering and granting of any discount and the imposing of any surcharge;
- (e) nominations and balancing of gas entering and exiting the system; and
- (f) scheduling of maintenance activities.

(7) A transmission licensee interconnected to other systems must provide sufficient information to any other transmission licensee, storage licensee, distribution licensee or reticulator to ensure that the transport of gas may take place in a manner compatible with the secure and efficient operation of the interconnected system.

(8) All parties in third party access negotiations and transactions must avoid any abuse of a dominant position and negotiations for access to the system must be in good faith.

(9) A transmission licensee must preserve the confidentiality of commercially sensitive information obtained in the course of carrying out its business and may not provide commercially sensitive information to a related undertaking.

(10) The Gas Regulator may, at the request of one or more parties negotiate for third party access to gas transmission pipelines and after consultation with the parties concerned, fix a term within which the negotiations must be completed.

(11) A transmission licensee must lodge with the Gas Regulator its guidelines for the use of the transmission system within the first year following implementation of these regulations.

(12) The information contained in the guidelines referred to in subregulation (11) must be publicly available and be sufficient to enable potential customers to understand the procedure for obtaining access to a transmission pipeline, as well as to enter and conclude negotiations with the transmission licensee.

(13) The guidelines contemplated in subregulation (11) must include-

- (a) a detailed description of the gas transmission system indicating all inlet and outlet points;
- (b) all ownership boundaries;

- (c) method by which the tariffs are calculated;
 - (d) method by which a customer may request a tariff;
 - (e) contractual terms and conditions regarding use and payment;
 - (f) technical requirements for access to the network; and
 - (g) the process to request access.
- (14) The Gas Regulator must, when determining the uncommitted capacity for transmission pipelines, consider the following elements:
- (a) contractual commitments of the transmission licensee;
 - (b) variations in pipeline capacity from one segment to another;
 - (c) potential to increase pipeline capacity by additional compression, linepacking, backhauling, parallel lines, peak storage facilities;
 - (d) temperature and pressure differences;
 - (e) load profile and swing requirements;
 - (f) gas specifications; and
 - (g) whether or not capacity allocations are being used to limit access to the transmission facilities.

Third party access to storage facilities

7. (1) The allocation mechanism to ensure third party access to uncommitted capacity in storage facilities must comply with the following principles:

- (a) Use-it-or-lose-it taking into account diurnal and seasonal load profiles;
- (b) non-discrimination;
- (c) defined time periods; and
- (d) technical feasibility.

(2) Where two or more applications for mandatory third party access are received by a storage licensee on the same date, the storage licensee must select the most attractive application, taking into account objective elements such as the proposed volumes, revenue generated and length of contract.

- (3) The Gas Regulator may upon receipt of a complaint, from a third party regarding a refusal for third party access to a storage facility, determine uncommitted capacity in the transmission pipeline and determine an allocation mechanism that is consistent with subregulation (1).
- (4) A storage facility licensee interconnected to other systems must provide sufficient information to any other transmission licensee, storage licensee, distribution licensee or reticulator to ensure that the storage of gas may take place in a manner compatible with the secure and efficient operation of the interconnected system.
- (5) A storage facility licensee must preserve the confidentiality of commercially sensitive information obtained in the course of carrying out its business and may not provide commercially sensitive information to a related undertaking.
- (6) A storage facility licensee may not discriminate between customers or classes of customers, particularly with regard to the granting of more favourable conditions to its related undertakings than to other customers or classes of customers.
- (7) A storage facility licensee may not discriminate in respect of -
- (a) the manner, content and timing of the provision of any information to customers or prospective customers as required by the Act;
 - (b) the manner and timing of processing of applications and granting of capacity;
 - (c) the terms and conditions of any grant of capacity and any other service to be provided to any customer or prospective customer;
 - (d) tariff methods and prices, including but not limited to the offering and granting of any discount and the imposing of any surcharge;
 - (e) nominations and balancing of gas entering and exiting the storage facility; and
 - (f) scheduling of maintenance activities.
- (8) All parties in third party access negotiations and transactions must avoid any abuse of a dominant position and negotiations for access to the system must be in good faith.

- (9) The Gas Regulator may, at the request of one or more parties to negotiations for third party access to storage facilities and after consultation with the parties concerned, fix a term within which the negotiations must be completed.
- (10) A storage facility licensee must lodge with the Gas Regulator its guidelines for the use of the system within the first year following implementation of these regulations.
- (11) The information contained in the guidelines referred to in subregulation (10) must be publicly available and must be sufficient to enable potential customers to understand the procedure for obtaining access and to enter and conclude negotiations.
- (12) The guidelines contemplated in subregulation (10) must include -
- (a) a detailed description of the gas storage system indicating all inlet points and outlet points.
 - (b) method by which the tariffs are calculated;
 - (c) method by which a customer may request a tariff;
 - (d) contractual terms and conditions regarding use and payment;
 - (e) technical requirements for access to the storage facility and network; and
 - (f) the process to request access.
- (13) The Energy Regulator must, when determining the uncommitted capacity for storage facilities, consider the following elements:
- (a) Contractual commitments;
 - (b) type of storage facility;
 - (c) cushion gas requirements;
 - (d) load profile and swing requirements;
 - (e) particular range of specifications of gas; and
 - (f) whether or not capacity allocations are not being used to limit access to the storage facilities.
- (14) Storage owned and operated by a reticulator solely for reticulation purposes is exempted from these mandatory third party access regulations.

(15) Storage that forms part of the process of and is within the premises of a liquefaction or regasification plant is exempted from these mandatory third party access regulations.

Review of license conditions

8. (1) Any person aggrieved by a condition imposed by the Gas Regulator in terms of section 21(1) of the Act may apply to the Gas Regulator in writing to have the condition reviewed.

(2) The application referred to in subregulation (1) must contain the following information:

- (a) The name of the licensee to which this objection is applicable;
- (b) the licence number to which objection is being made;
- (c) the name and surname of the person, company or organisation that is objecting to the licence condition;
- (d) the name and surname of the objector or the objector's contact person
- (e) the telephone and fax numbers of the objector or the objector's contact person;
- (f) the postal address of the objector or the objector's contact person;
- (g) the licence condition to which objection is being made;
- (h) the details of the objection;
- (i) the reasons for the objection and provide the necessary supporting documentation; and
- (j) an indication of whether or not the objector requests an opportunity to orally present the objection to the Gas Regulator.

Registration information

9. (1) A person contemplated in section 28 (1) of the Act must provide the following information to the Gas Regulator:

- (a) The actual and planned production quantities and specification details of gas including gas intended for own use;
 - (b) the sources, specifications and quantity of imported gas; and
 - (c) the gas reserves data measured in trillions of cubic feet.
- (2) The information referred to in subregulation (1) must be supplied within three months of the end of each calendar year.
- (3) Notwithstanding subsection (2), if during a calendar year there is any substantial change to the information provided under subregulation (1), the person concerned must notify the Gas Regulator in writing thereof.

Expropriation procedures

10. (1) A licensee contemplated in section 32 (1) of the Act may request the Gas Regulator, in writing, to expropriate land, or any right in, over or in respect of land on his or her behalf.
- (2) A request contemplated in subregulation (1) must contain the following information:
- (a) The nature of the request;
 - (b) the reason for the request;
 - (c) evidence of attempts to acquire the land or right in, over or in respect of such land by agreement with the owner;
 - (d) reasons why those attempts to reach agreement with the owner did not succeed;
 - (e) reasons why such land is reasonably required by the licensee;
 - (f) reasons why the acquisition of the land is in the public interest and will enhance the Republic's gas infrastructure;
 - (g) a plan of the project contemplated; and
 - (h) specification of the proposed land required.

(3) The Gas Regulator must, before considering an expropriation, satisfy itself that a voluntary agreement cannot be reached between the applicant and the owner of the land or right in question.

(4) The Gas Regulator must, in the absence of a voluntary agreement-

- (a) hold a hearing to which are invited:
 - (i) the applicant;
 - (ii) the owner and, if the land is leased, the leasee of the land; and
 - (iii) other affected persons whom must be invited by means of a notice contemplated in paragraph (b);
- (b) publish a notice setting out the date, time and venue of the hearing at least two weeks in advance in a newspaper circulated in the area in which the expropriation is sought inviting affected persons; and
- (c) be satisfied that the land or right is reasonably required by the licensee.

(5) The Gas Regulator must, in making a determination for the purpose of subregulation (4)(c), consider-

- (a) whether the planned facilities will enhance the Republic's gas infrastructure;
- (b) the nature of the proposed servitude or amendment to a servitude, including the nature and function of the gas infrastructure relating to the proposed servitude or amendment to a servitude;
- (c) whether or not any existing gas infrastructure can be used to give effect to the proposed servitude;
- (d) the probable duration of the proposed servitude;
- (e) the extent of the deprivation of use of the land likely to be suffered as a result of the proposed servitude or amendment to a servitude;
- (f) the nature and extent of the actual inconvenience or loss likely to be suffered as a result of the exercise of the rights under the proposed servitude or amendment to a servitude;
- (g) the extent to which the land can reasonably be rehabilitated on termination of the proposed servitude;
- (h) any advantage that the landowner or other person with a compensational interest in the land subject to the servitude is likely to derive as a result of the proposed servitude or amendment to a servitude; and

- (i) the public interest served by the gas infrastructure relating to the proposed servitude or amendment to a servitude.
- (6) An expropriation award made by the Gas Regulator must be accompanied by a recommendation as to compensation.
- (7) The Gas Regulator must, in making a recommendation on compensation, consider-
 - (a) the nature of the proposed servitude or amendment, including the nature and function of the gas infrastructure relating to the proposed servitude or amendment;
 - (b) whether any existing gas infrastructure will be used to give effect to the proposed servitude;
 - (c) the probable duration of the proposed servitude;
 - (d) the extent of the deprivation of use of the land likely to be suffered as a result of the proposed servitude or amendment;
 - (e) the rental value of the land affected by the proposed servitude or amendment;
 - (f) the nature and extent of the actual inconvenience or loss likely to be suffered as a result of the exercise of the rights under the proposed servitude or amendment;
 - (g) the extent to which the land can reasonably be rehabilitated on termination of the proposed servitude;
 - (h) any advantage that the landowner or other person with a compensational interest in the land subject to the servitude is likely to derive as a result of the proposed servitude or amendment; and
 - (i) the public interest served by the gas infrastructure relating to the proposed servitude or amendment.
- (8) The Gas Regulator must make a decision on an expropriation application and the conditions thereof within 30 days of the completion of the hearing contemplated in subregulation 4(a).
- (9) If a party concerned does not accept the Gas Regulator's recommendation regarding compensation, that party may approach a court to determine the amount and the time and manner of payment of compensation.

(10) The acquisition, amendment or cancellation of a servitude by virtue of an order of the Gas Regulator takes effect when the order is noted in terms of the legislation applicable to the registration of title deeds.

(11) An owner of land or any right in, over or in respect of land subject to a servitude granted by the Gas Regulator may apply to the Gas Regulator for the cancellation of that servitude-

- (a) if the relevant licence associated with the servitude is terminated;
- (b) if the rights and obligations in respect of the servitude have not been exercised on the land subject to the servitude for a continuous period of three years; or
- (c) for any other lawful reason.

(12) The Gas Regulator may recover all or part of the costs that it incurs in holding a hearing contemplated in subregulation 4(a) from the applicant.

Rehabilitation of land

11.(1) A licensee must, not later than six months prior to termination, relinquishment or abandonment of licensed activity, submit to the Gas Regulator a plan for approval for the closure, removal and disposal, as the case may be, of all installations relating to the licensed activity.

(2) The plan contemplated in subregulation (1) must include information regarding-

- (a) alternatives investigated for further use and alternative disposal of the installations;
- (b) decommissioning activities;
- (c) site clean up, removal and disposal of dangerous material and chemicals; and
- (d) an environmental impact assessment of the termination and abandonment of the activity concerned.

(3) The Gas Regulator may approve the plan contemplated in subregulation (1) subject to any condition or amendment determined by the Gas Regulator.

(4) From time to time, licence conditions may incorporate, by referral any current legislation on the rehabilitation of land used in connection with the transmission, storage, distribution, liquefaction or re-gasification of gas or the trading therein, and may include the provision of environmental performance bonds for rehabilitation purposes and the composition and amount of such guarantees.

(5) The financial provision contemplated in subregulation (4) may include-

- (a) an insurance policy;
- (b) a bank guarantee;
- (c) a trust fund; or
- (d) other financial arrangement acceptable to the Gas Regulator.

(6) The Gas Regulator may require confirmation in writing from a licensee that it is in compliance with the requirements of the National Environmental Management Act, 1998 (Act No 107 of 1998).

(7) The Gas Regulator may not consent to the termination of the financial security arrangement contemplated in subregulations (4) and (5) before it is in receipt of a certificate from an independent consultant competent to conduct environmental impact assessments in accordance with the provisions of the National Environmental Management Act, 1998 (Act No. 107 of 1998), stating that the site has been rehabilitated.

Fair administrative action

12.(1) The Gas Regulator must, in the case where its administrative action may materially and adversely affect the rights or legitimate expectations of any person, call for written representations to adduce the relevant facts.

(2) The Gas Regulator must, for purpose of subregulation (1), give-

- (a) at least two week's notice of the deadline for written representations;
 - (b) a clear statement of the intended administrative action; and
 - (c) a reasonable opportunity for persons who may be affected by the proposed administrative action to make representations.
- (3) The call for written representations must be given on the Gas Regulator's web site and on a public notice board at the Gas Regulator's offices.
- (4) When considered appropriate by the Gas Regulator, notices of the call for written representations may be communicated by the Gas Regulator directly to the persons concerned.
- (5) Licencees must provide the Gas Regulator with a list of all their potential customers or customers and persons likely to be materially and adversely affected together with their addresses and contact details within a time specified by the Gas Regulator if directed to do so in writing by the Gas Regulator.
- (6) The Promotion of Administrative Justice Act shall be applicable to all administration action undertaken by the Gas Regulator.

Determination of gas specifications

13.(1) The Gas Regulator may set a range of gas specifications, including maximum concentrations of gases that may be harmful, for each licensed activity where gas is comingled or is planned to be comingled from two or more separately owned sources.

- (2) The determination of gas specifications must be governed by-
 - (a) the chemical composition of the gas involved;
 - (b) the calorific values;
 - (c) the combustion properties including the wobble index;
 - (d) the pressure and temperature of the gas at point of entry to shared systems; and
 - (e) the relevant additional components that may be determined by the Gas Regulator.

(3) The Gas Regulator may determine the technical and commercial feasibility of the miscibility of gases and the maximum quantities from individual sources to promote the interconnection and interoperability of systems.

(4) Where it is not technically feasible or economically viable to make gases from different systems compatible, those gases must be conveyed in separate pipeline systems and stored in separate storage facilities.

Mediation

14.(1) A request to the Gas Regulator to act as mediator must be made in writing and must set out the nature of the dispute between the parties.

- (2) A person appointed in terms of section 30(2)(a) of the Act must-
- (a) be a person suitable person with no conflict of interest in the matter; and
 - (b) be so appointed within ten working days of receipt of the application for mediation.
- (3) At the commencement of mediation, the appointed mediator must -
- (a) inform the parties that he or she does not have any conflict of interest;
 - (b) inform the parties about the procedure and manner in which the mediation will be conducted;
 - (c) inform the parties how the fees contemplated in regulation 16 must be paid and to whom payments should be made; and
 - (d) secure agreement from the parties to the dispute with regard to paragraphs (a) to (c) before proceeding with the mediation.

Arbitration

15.(1) A request to the Gas Regulator to act as arbitrator must be made in writing and must set out the nature of the dispute between the parties.

- (2) A person appointed in terms of section 30(2)(a) of the Act must-
- (a) be a suitable person with no conflict of interest in the matter; and
 - (b) be so appointed within ten working days of receipt of the application for arbitration.
- (3) At the commencement of arbitration, the appointed arbitrator must-
- (a) inform the parties that he or she does not have any conflict of interest;
 - (b) inform the parties about the procedure and manner in which the arbitration will be conducted;
 - (c) inform the parties how the fees contemplated in regulation 16 must be paid and to whom payments should be made;
 - (d) inform the parties that any award made will be final and binding; and
 - (e) secure agreement from the parties to the dispute with regard to paragraphs (a) to (d) before proceeding with the arbitration.
- (4) The claimant party initiating a dispute must submit to the arbitrator and to the respondent party against whom the claim is being made a written statement containing the following information:
- (a) the name and address of the person who will represent the claimant at the proceedings;
 - (b) a detailed description of the dispute; and
 - (c) the relief or remedy sought and the amount claimed, if applicable.
- (5) The respondent shall, after receipt of the statement referred to in subregulation (4), submit a written statement of defence to the arbitrator and the claimant by a date determined by the arbitrator.
- (6) During arbitration proceedings, any party may amend or supplement its claim, counterclaim or defence, unless the arbitrator considers it inappropriate to allow such

amendment or supplement, because of the party's delay in making it, if it would be prejudicial to the other parties, or because of any other circumstances.

(7) A party may not amend or supplement a claim or counterclaim if the amendment or supplement would fall outside the scope of the agreement to arbitrate.

(8) Any party to an arbitration may be represented in an arbitration.

(9) The names, addresses and telephone numbers of representatives shall be communicated in writing to the other parties and to the arbitrator.

(10) The parties or their representatives may communicate in writing directly with the arbitrator: Provided that copies of such documents are provided to all the other parties to the dispute.

(11) The arbitrator must conduct the arbitration in a manner ensuring that the parties are treated with equality and that each party has the right to be heard and is given a fair opportunity to present its case.

(12) Documents or information supplied to the arbitrator by one party shall at the same time be supplied by that party to the other party or parties.

(13) Each party shall have the burden of proving the facts relied on to support its claim or defence.

(14) At any time during the proceedings, the arbitrator may order parties to produce documents, exhibits or other evidence that it deems necessary or appropriate.

(15) The arbitrator may appoint one or more independent experts to report to it, in writing, on specific issues designated by the arbitrator and communicated to the parties.

(16) The parties shall provide an expert with any relevant information or produce for inspection any relevant documents or goods that such expert may require.

- (17) Any dispute between a party and the expert as to the relevance of the requested information or goods shall be referred to the arbitrator for decision.
- (18) Upon receipt of an expert's report, the arbitrator shall send a copy of the report to all parties to the dispute and shall give the parties to the dispute an opportunity to express, in writing, their opinion on the report.
- (19) A party may examine any document on which the expert has relied in such a report.
- (20) At the request of a party, the arbitrator shall give the parties an opportunity to question the expert at a hearing and to present expert witnesses to testify on the points at issue during arbitration proceedings.
- (21) Awards by an arbitrator shall be made in writing and shall be final and binding on the parties and the parties must carry out any such award without delay.
- (22) The arbitrator must state the reasons for the award.
- (23) An award may be made public only with the consent of the parties to the dispute or as required by law.
- (24) In addition to making a final award, the arbitrator may make interim, interlocutory, or partial orders and awards.
- (25) The arbitrator must, upon request of the parties, terminate the arbitration if the parties settle the dispute before an award is made.
- (26) If in the opinion of the arbitrator, the continuation of the proceedings becomes unnecessary or impossible for any reason, the arbitrator must inform the parties of its intention to terminate the proceedings and must thereafter issue an order terminating the arbitration.
- (27) Confidential information disclosed during the proceedings by the parties or by witnesses shall not be divulged by the arbitrator.

(28) The arbitrator shall keep confidential all matters relating to the arbitration or the award, unless otherwise agreed by the parties or required by applicable law.

(29) The arbitrator shall not be liable for any act or omission in connection with any arbitration conducted under these regulations, except for the consequences of conscious and deliberate wrongdoing.

Costs of mediation and arbitration

16.(1) The Gas Regulator may charge fees for mediation and arbitration services.

(2) The fees referred to in subregulation (1) must be-

- (a) sufficient to recover all or part of the costs incurred by the Gas Regulator including, if applicable, the costs of a person referred to in section 30(2)(a) of the Act; and
- (b) paid by one or more of the parties to the dispute as is determined by the mediator or arbitrator concerned taking into account the circumstances of the dispute.

(3) The fees contemplated in this regulation must be paid within thirty calendar days of receipt of an invoice unless the Gas Regulator determines otherwise.

Rendering of information

17. (1) A licensee must submit to the Gas Regulator the following information, in addition to any other information required:

- (a) Detailed audited annual accounts consisting of a balance sheet, income statement and cash flow statement for each licensed gas facility and activity;

- (b) an updated plan of the distribution network and details of availability for public inspection; and
 - (c) the annual volume, average charges and name and address for each of its customers consuming less than 10 million gigaJoules per annum for the applicable financial year of the licensee.
- (2) The charge data supplied by a trading licensee must-
 - (a) be limited to piped gas;
 - (b) reflect actual prices and tariffs and any other charges paid by the end-consumer excluding taxes;
 - (c) include meter rental, standing charge and the initial installation charge to the customer, where applicable;
 - (d) be on a calendar monthly basis; and
 - (e) be reported in Rands per gigaJoule.
- (3) Information provided in terms of this regulation must be submitted annually to the Gas Regulator within three months of the licensee's financial year end, except in the case of information provided in terms of subregulation (1)(a) that must be submitted annually within six months of the licensee's financial year end.

ANNEXURE A

Definition of the classes of customers as classified by their annual gas consumption in GigaJoules.

CLASS	ANNUAL GAS CONSUMPTION		
Class 1	Less than 400 GJ pa		
Class 2	401 GJ pa	to	4000 GJ pa
Class 3	4001 GJ pa	to	40 000 GJ pa
Class 4	40 001 GJ pa	to	400 000 GJ pa
Class 5	400 001 GJ pa	to	4 000 000 GJ pa
Class 6	> 4 000 000 GJ pa		

UMNYANGO WEZOKUMBIWA PHANSI NAMANDLA**No. R. 321****20 April 2007****UMTHETHO WEGESI, 2001****IMITHETHONQUBO YEGESI ESEMAPAYIPINI**

Mina, Buyelwa Patience Sonjica, uNgqongqoshe Wezokumbiwa Phansi Namandla, lapha, ngaphansi kwesigaba 34(1), esifundwa kanye nesigaba 1, 4(g), 21(1)(b), (d), (f), (h), (2)(a), 28(2), 32(2) nese 34(2) soMthetho Wegesi, 2001 (UMthetho No. 48 ka 2001) ngenza imithethonqubo oHlelweni.



B.P. Sonjica

uNgqongqoshe Wezokumbiwa Phansi Namandla

UHLELO

UKUHLELWA KWEMITHETHONQUBO

1. Izincazelo
2. Inqubo elandelwayo ekusatshalalisweni
3. Amakhasimende asemthethweni
4. Imigomo yokubekwa kwenani lokubiza kanye nezinqubo
5. Imininingwane ephathelene nabahlali baseNingizimu Afrika ababencishwe amathuba ngaphambilini.
6. Ukuvunyelwa kwabangaphandle ukufinyelela emapayipini okuthutha.igesi
7. Ukuvunyelwa kwabangaphandle ukungena lapho kugcinwa khona igesi
8. Ukubukezwa kwemibandela yencwadi yegunya
9. Imininingwane yokubhalisa
10. Inqubo yokudluliselwa komhlaba ukuba usetshenziswe ngumphakathi
11. Ukubuyiselwa esimweni komhlaba
12. Isicelo esamukelekile sokuba kuguqulwe kancane imibandela
13. Ukunqunywa kwezilinganiso zegesi
14. Ukuxazulula
15. Ukuthathwa kwesinqumo
16. Amanani okubiza omsebenzi wokuxazulula nowokuthatha isinqumo
17. Ukunikezwa Kwemininingwane

Izincazelo

1. Kule mithethonqubo noma iliphi igama noma umusho onikezwe incazelo kulo mthetho uyosho leyo ncazelo enikeziwe ngaphandle uma ingqikithi isho okunye-

“isicelo sokuba kuguqulwe kancane imibandela” kusho isicelo sokuba kuguqulwe kancane imibandela njengoba kuchaziwe eMthethweni Wokugqugquzelwa Kobulungiswa Ekuphatheni, 2000 (UMthetho No. 3 ka-2000);

“ukudonselamuva” kusho ukuthuthwa kwegesi iyiswe emkhondweni ophambanayo nenhlanganisela ephilele yegesi ehamba epayipini, ngokuvamile ukuthutheka kwayo kuyaphambana kusukela ngesikhathi sokufika kwayo;

“umthengi” kusho umuntu osebenzisa igesi ngaphandle kwalabo abathenga igesi kwirethikhyuleytha.

“uMlawuli Wegesi” kusho uMlawuli Wamandla Kuzwelonke owasungulwa yisigaba 3 soMthetho KaZwelonke Wokulawulwa Kwamandla;

“ukugcwalisa ipayipi” kusho ukwandisa ubungako begesi ngokobuningi epayipini ngokwandisa isisindo sokucindezeleka ukuze igcineke noma njengesivimbi saleyo eqhubekayo nokungena;

“isizinda sokuguqula igesi ibe ngamanzi” kusho isizinda lapho kwenziwela khona imisebenzi yokuguqula igesi ibe ngamanzi kanti futhi kubandakanya namanye amathuluzi asetshenziswayo ekwenzeni lokho;

“uMthetho Kazwelonke Wokulawulwa Kwamandla” kusho uMthetho Kazwelonke Wokulawulwa Kwamandla, 2004 (UMthetho No. 40 ka-2004);

“uMthetho Wokugqugquzelwa Kokuba Kufinyeleleke Emininingwaneni” kusho UMthetho Wokugqugquzelwa Kokuba kufinyeleleke Emininingwaneni, 2000 (UMthetho No. 3 ka-2000);

“isizinda sokubuyisela kwigesi” kusho isizinda lapho kwenziwa khona imisebenzi yokubuyisela kwigesi kanti futhi kubandakanya namathuluzi asetshenziswayo ekwenzeni lokho;

“imisebenzi ehambisana naleyo” kusho noma imuphi umsebenzi lowo muntu onegunya anezabelo kuwo, inzalo noma ilungelo elithi alifane, ezinkampanini ezingaphansi kwezinye, izinkampani eziphethe ezinye noma ezinkampanini ezihlangene;

“inkampani engaphansi kwenye” kusho inkampani njengoba kushiwo eMthethweni Wezinkampani (UMthetho No. 61 ka-1973);

“uMthetho” kusho uMthetho Wegesi, 2001 (UMthetho No.48 ka-2001);

“isivumelwano” kusho isivumelwano njengoba kuchaziwe esigabeni 36 (1) soMthetho.

Inqubo elandelwayo ekusatshalalisweni

2. (1) uMlawuli Wegesi kumele alandele le nqubo uma enquma izisindo ezizosetshenziswa nezicacisa umngcele phakathi kwamapayipi okuthutha nawokusabalalisa:

- (a) Ukususwa kwegesi ngamakhasimende angaphezu kwamahlanu ikhilomitha ngalinye kungathathwa njengokusatshalaliswa; futhi
- (b) amapayipi anamagatsha angaphezu kwamahlanu ikhilomitha ngalinye angathathwa njengokusatshalaliswa.

(2) Phezu kwesigatshanyana (1) somthethonqubo, amapayipi anamagatsha axhunywe epayipini lokuthutha nonhloso yawo ingukusiza amakhasimende asemthethweni kumele afakwe ngaphansi kwamapayipi okuthutha.

Amakhasimende asemthethweni

3. (1) I khasimende elihlangabezanayo nesilinganiso noma nezidingo ezifanele ezibekiwe esigatshaneni (2) noma (3) somthethonqubo lingakulungela ukuba yikhasimende elisemthethweni.

(2) Izilinganiso ezilungile ekhasimendeni eliseduzane nendawo enegunya lokusatshalaliselwa zimi kanjena:

(a) Ngasekuqaleni kweminyaka emi-5 emva kokulethelwa kwalowo onegunya lokusabalalisa igesi edayiswe futhi yathuthwa ngokwesilinganiso sokudayisa isikhathi esiqhubekayo: AmaGiga Jowli ayizi-400 000 ngonyaka.

(b) Eminyakeni emihlanu elandelayo: AmaGiga Jowli ayizi-100 000 ngonyaka; kanti

(c) Emva kwalokho: AmaGiga Jowli ayizi-40 000 ngonyaka.

(3) Amakhasimende ayethola igesi ngokwesikhathi esithize okuvunyelwene ngaso sokuthunyelelwa yona endaweni ngaphambi-

(a) kokutholakala kwencwadi yegunya lokusabalalisa ekhishwa nguMlawuli Wegesi; noma

(b) kokutholakala kwemvume yokusebenzisa irethikhyuleytha noma imvume elingana naleyo kwiziphathimandla zendawo,

bangaba ngamakhasimende asemthethweni kuze kuphele leso sikhathi okuvunmyelwene ngaso.

(4) Inkampani yegesi ehlangene ngokuphelele esebenza ngokuthutha futhi isabalalise ingahambisa igesi kuphela isusa epayipini lokuthutha iyisa ekhasimendeni

elisemthethweni kwezinye izindawo okusatshalaliselwa kuzo ezinegunya ezilithole kwezinye izinkampani uma leyo nkampani izokwazi ukufinyelela njengoba kufanele epayipini lokuthutha igesi obungako bayo buzohambisana nesilinganiso segesi salelo khasimende elisemthethweni.

Imigomo yokubekwa kwenani lokubiza nezinqubo

4. (1) Ngenkathi isivumelwano siqhubeka, izindaba zamanani okubiza angahlinzekelwe esivumelwaneni alawulwa ngokuhambisana nalo mthethonqubo.

(2) Abahwebi begesi abanquma amanani abo okubiza okugcina ngokweNani Lentengo Edayisa Ngayo Igesi ngokwesivumelwano kumele bazise amakhasimende abo mayelana nabakusebenzisayo ekunqumeni kwabo amanani okubiza aphezulu okugcina egesi kanye-

(a) nangamafutha atholakalayo angasetshenziswa esikhundleni sayo.

(b) amanani entengo asetshenziswayo kulawo mafutha angasetshenziswa esikhundleni segesi kanye nawegesi; kanye

(c) neNtengo Yenzuzo Eseleyo yamanani entengo okusebenza kwamafutha angasetshenziswa esikhundleni segesi kanye namanani entengo okusebenza kwegesi.

(3) uMlawuli Wegesi kumele, ngenkathi egunyaza amanani okubiza aphezulu okugcina ngokulandela isigaba 21(1)(p) soMthetho-

(a) abheke macala onke, okusho ukuthi kumele enze ngendlela ehlelekile ezosebenziseka njalo ngokungaguquki nangendlela efanayo;

(b) abe nobulungiswa;

(c) angacwasi;

(d) aveze obala yonke imininingwane;

(e) enze okulindelekile okungathusi; futhi

(f) afake imihlomulo yokusebenza ngempumelelo.

(4) Amanani okubiza aphezulu okugcina okukhulunywe ngawo esigatshanyaneni (3) somthethonqubo kumele avumele ukuba lowo onegunya akwazi-

(a) ukuthola wonke amanani angenile ngokwemali eyayibekiwe ngokwekhono nangokuhlakanipha kanye namanani angene ngokwemisebenzi.

(b) ukwenza inzalo ehambisana nobungozi bayo.

(5) UMlawuli Wegesi kumele agunyaze amanani okubiza aphezulu okugcina egesi endaweni esatshalaliselwa kuyo ngayinye noma eqoqweni lezindawo okusatshalaliselwa kuzo njengoba kuveziwe eSithasiselweni A kulezi zigaba ezilandelayo zamakhasimende:

(a) Ezindaweni zokuhlala; kanye

(b) nasezindaweni zohwebo nezimboni

(6) Uma igesi idayiswa, iphepha elifakazela ukudayiswa kwayo kumele liveze uhlu lwezinto ezidala isamba esivela ekugcineni kwephepha lelo, kubalwa kuzo okungenani nenani lokubiza legesi, amanani okuthuthwa kwayo nananoma yimaphi amanye amanani.

(7) Abanegunya kumele banikeze uMlawuli Wegesi imininingwane ayidingayo ukuze akwazi ukunquma amanani okubiza aphezulu okugcina.

(8) Abanegunya kungadingeka ukuba bagcine izivumelwano ezisayinwe ngamakhasimende kuMlawuli Wegesi.

(9) UMlawuli Wegesi angenze kwaziwe okuqokethwe yisivumelwano okukhulunywa ngaso esigatshanyaneni (8) somthethonqubo uma leyo mininingwane ivikelekile ngokoMthetho Wokugququzelwa Kokuba Kufinyeleleke Emininingwaneni.

(10) UMlawuli Wegesi kumele, ngazo zonke izindlela, agququzele ukubeka amanani okubiza akahle ngokuwaveza kunokubonisana ngaleso sikhathi kuphela ngamanani khona abathengi bezothatha izinqumo zokuthenga abaziyo ngazo.

(11) Ukuze kugqugquzeleke ukuhlala obala kwenani lokubiza futhi kuvinjelwe ukucwasa-

- (a) abanegunya lokuhweba kumele banikeze uMlawuli Wegesi zingakapheli izinyanga ezintathu zonyaka owodwa wekhalenda, umthamo wonyaka kanye nesilinganiso esiphelele senani lokubiza elivamile salowo nyaka kwekhasimende ngalinye emakhasimendeni abo athenga ngaphansi kwamaGiga Jowli ayizigidi eziyi-10 ngonyaka;
- (b) uMlawuli Wegesi kumele ashicilele imiphumela ehlangene yezigaba zamakhasimende achazwe esigatshanyaneni (5) somthethonqubo ngokwezifundazwe;
- (c) uMlawuli Wegesi angeyikhiphe imininingwane eqondene namakhasimende azithengela ngabanye uma leyo mininingwane ivikelekile ngokoMthetho Wokugqugquzelwa Kokuba Kufinyeleleke Emininingwaneni; futhi
- (d) kumele kube khona okungenani amakhasimende amathathu esigabeni esithize ukuze kushicilelwe isamba sokubiza.

(12) Amaphepha afakazela ukuthengiswa akhishwa yilabo abanegunya kumakhasimende nabathengi kumele aveze-

- (a) amanani okubiza kokutholakala noma kokukhiqizwa kwegesi; kanye
- (b) nemininingwane yawo wonke amanani okubiza abalwayo, kubalwa kuwo nokulinganisa kanye namanye amanani.

(13) Uma ubunini begesi bushintsha, inani lokubiza kwegesi kumnini wayo omusha lidlulela enanini lokubiza legesi elisuka kumdayisi kanye nananoma imaphi amanye amanani abizwa yilowo mdayisi.

Imininingwane ephathelene nabahlali baseNingizimu Afrika ababencishwe amathuba ngaphambilini.

5. (1) Imininingwane ephathelene nabahlali baseNingizimu Afrika ababencishwe amathuba ngaphambilini ehlinzekwa yilowo onegunya kumele ifake kuyo-

- (a) isibalo sabanezabelo ababencishwe amathuba ngaphambilini kanye nalezo zabelo zabo kulowo onegunya;
- (b) isibalo kanye nezikhundla zabahlali baseNingizimu Afrika ababencishwe amathuba ngaphambilini abangamalungu eBhodi Yabaqondisi yalowo onegunya;
- (c) isibalo sabahlali baseNingizimu Afrika ababencishwe amathuba ngaphambilini abasezikhundleni eziphezulu zokuphatha kulowo onegunya;
- (d) inani ngokobuningi kanye namaphesenti omsebenzi onikezelwe kwizinkontilaki zezinkampani obunini bazo obungama-50% bungobabahlali baseNingizimu Afrika ababencishwe amathuba ngaphambilini;
- (e) ubufakazi bokulandela uMthetho Wokuqasha Ngokulingana, 1998 (UMthetho No. 55 ka-1998); kanye
- (f) nezinhlalo kanye nezinyathelo ezithathiwe ukuthuthukisa abahlali baseNingizimu Afrika ababencishwe amathuba ngaphambilini kwimisebenzi yegesi ngokusungula uqeqesho, ukutholakala kwenzuzo kanye nemisebenzi yamakhono.

(2) Umlawuli Wegesi kumele asebenzise ulwazi olutholakala ngokwesigatshanyana (1) somthethonqubo ngale ndlela yokuthi kwenzeke kube lula ukubhekana nokungalingani okwakukhona kuqala kanye nokwandisa ezomnotho zelizwe nokwandisa izinga lokukhula, ukwakheka kwemisebenzi kanye nokunciphisa izinga lobuphofu.

(3) Ulwazi olutholakalayo lungasetshenziswa ukwakha uhlelo lokuqopha okutholiweyo ukusiza abahlali baseNingizimu Afrika ababencishwe amathuba ngaphambilini.

(4) Uhlelo lokuqopha okutholiweyo okukhulunywe ngalo esigatshanyaneni (3) somthethonqubo kumele lubandakanye-

- (a) imisebenzi enqala yemboni yegesi esemapayipini;
- (b) abahlali baseNingizimu Afrika ababencishwe amathuba ngaphambilini njengabanezabelo, abaqondisi, abaphathi kanye nabanikezela ngezinkontilaki;
- (c) okukhombisa okuhloswe ukufezwa ;
- (d) okubandakanya izisindo;
- (e) okufeziwe, kanye
- (f) nemiklomelo engaphezulu ngenxa yokudlulela ngaphezulu kulokho obekuhloswe ukufezwa.

Ukuvunyelwa kwabangaphandle ukusebenzisa amapayipi okuthutha

6. (1) Ukuvunyelwa kwabangaphandle ukusebenzisa amapayipi okuthutha akuhlinzekeliwe kona ngokwako esivumelwaneni kodwa kulawulwa yilo mthethonqubo.

(2) Uhlelo lokucaza oluzosetshenziswa ukuze kuqinisekiseke ukuthi abangaphandle bayakwazi ukusebenzisa amapayipi okuthutha ngokohlelo lokuxhumanisa ngokwezilinganiso ezithile kumele luhambisane nale migomo elandelayo:

- (a) isebenzise-noma-ikulahlakele kubhekwa nemilando yezamba zosuku noma zesikhathi esithize sonyaka;
- (b) ukungacwasi;
- (c) izikhathi ezinqunyiwe; kanye
- (d) nokwenzeka komsebenzi.

(3) Uma onegunya lamapayiphi okuthutha igesi athola izicelo ezimbili noma ezingaphezulu zokukwazi ukusebenzisa amapayipi okuthutha ngokohlelo lokuxhumanisa ngokwezilinganiso ezithize ngosuku olulodwa, kumele kunikezwe ithuba lowo osicelo sakhe siheha kakhulu kulowo onegunya, kubhekwa lezo zinto ezinqala njengemithamo ehlongozwayo, inzuzo etholakalayo kanye nobude besivumelwano ngokwesikhathi.

(4) Umlawuli Wegesi angathi uma ethola isikhalazo kumuntu wangaphandle mayelana nokunqatshelwa ukusebenzisa amapayipi okuthutha, anqume ukukwazi ukusebenzisa amapayipi okuthutha ngokohlelo lokuxhumanisa ngokwezilinganiso ezithize futhi anqume indlela yokwabela ehambisanayo nesigatshanyana (2) somthethonqubo.

(5) Lowo onegunya lokuthutha igesi akumele acwase amakhasimende noma izigaba zamakhasimende, ikakhulukazi mayelana nokuwanikeza impatho engcono emisebenzini yawo kunamanye amakhasimende noma ezinye izigaba zamakhasimende.

(6) Lowo onegunya lokuthutha igesi angecwase maqondana-

- (a) nendlela, okuqokethwe noma isikhathi okufika ngaso lokho okuhlinzekwa yimininingwane eqondene nokufinyelela kovala ngaphandle kumakhasimende noma kulabo abangase babe ngamakhasimende;
- (b) indlela noma isikhathi sokuhlungwa kwezicelo nokunikezwa kwamandla;
- (c) imigomo nemibandela yanoma ikuphi ukunikezwa amandla nananoma yimuphi omunye umsebenzi okufanele uhlinzekwe noma iliphi ikhasimende noma loyo ongase abe yikhasimende;
- (d) izindlela zokunquma amanani kanye namanani okubiza, abandakanya kodwa angenamkhawulo ekunikeleni noma ekunikezeni noma iluphi uhlobo lwesaphulelo noma ukufakwa kwanoma iliphi elinye inani lokubiza elidalekayo;
- (e) ukuphakanyiswa noma ukubhalansiswa kwegesi engenayo noma ephumayo emshinini; kanye
- (f) nokuhlelela ngokwesikhathi imisebenzi yokugcina izinto zisesimweni

(7) Lowo onegunya lokuthutha igesi exhumene neminye imishini kumele anikeze imininingwane eyanele kunanoma imuphi omunye onegunya lokuthutha, igunya lokugcina, igunya lokusabalalisa noma irekhyuleytha ukuqinisekisa ukuthi ukuthuthwa kwegesi kwenzeka ngendlela ehambisanayo nokusetshenziswa ngendlela evikelekile neyimpumelelo yohlelo lwemishini exhumene.

(8) Bonke abasohlelweni lokuxoxisana nabangaphandle ngokukwazi ukufinyelela kwegesi nangokuthengiselana kumele bakugweme ukusebenzisa ngokungekho emthethweni isikhundla esiphezulu kanti zonke izingxoxo zokukwazi ukufinyelela kwegesi kumele zibe ngezinokuthembeka.

(9) Lowo onegunya lokuthutha igesi kumele agcine ngokuyimfihlo imininingwane ebucayi emayelana nokudayiselana etholakale ngenkathi kuqhutshwa leli bhizinisi kanti futhi angehlinzeke ngemininingwane ebucayi emayelana nokudayiselana kwimisebenzi ehambisanayo naleyo.

(10) Umlawuli Wegesi, ngesicelo soyedwa noma ngaphezulu, angacelela abangaphandle ukuba bakwazi ukusebenzisa amapayipi okuthutha bese kuthi ngemva kokubonisana nalabo abathintekayo, abeke isikhathi esithize okufanele kube izingxoxo seziphothuliwe ngaso.

(11) Lowo onegunya lokuthutha igesi kumele abeke imihlahlandlela yokusetshenziswa kwemishini yokuthutha onyakeni wokuqala ngemva kokuqala ukusebenza kwale mithethonqubo.

(12) Imininingwane equkethwe kwimihlahlandlela okukhulunywa ngayo kwisigatshanyana (11) somthethonqubo kumele itholakale futhi yanele ukuze labo abangase babe ngamakhasimende baqonde inqubo yokuthola imvume yokusebenzisa ipayipi lokuthutha, kanye nokukwazi ukungena ezingxoxweni nokuziphetha nalowo onegunya lokuthutha.

(13) Imihlahlandlela okukhulunywa ngayo esigatshanyaneni (11) somthethonqubo kumele ifake lokhu okulandelayo:

(a) incazelo eneminingwane ephelele ngomshini wokuthuthwa kwegesi ekhombisa zonke izindawo lapho kuphuma nalapho kungena khona igesi;

(b) yonke imingcele yobunini;

(c) indlela okubalwa ngayo amanani okubiza;

- (d) indlela ikhasimende elingacela ngayo inani lokubiza;
- (e) imigomo nemibandela yesikhathi okuvunyelwene ngaso maqondana nokusetshenziswa kwayo kanye nokukhokha;
- (f) okudingekayo mayelana nokuxhumana ukuze kukwazeke ukufinyelela emishinini exhumene; kanye
- (g) nendlela elandelwayo ekufakeni isicelo sokukwazi ukufinyelela emapayipini

(14) UMlawuli Wegesi kumele, uma enquma indlela yokusebenzisa amapayipi engenasibophezelo, abheke lezi zinto ezilandelayo:

- (a) ukuzinikela kwesikhathi esithize esibekiwe okuvunyelwene ngaso kwaloyo onencwadi yegunya lokuthutha;
- (b) ukwahluka emandleni amapayipi okuthwala kusukela engxenyeni ethize kuya kwethize;
- (c) ithuba elikhona lokwandisa amandla amapayipi okuthwala ngokucindezela igesi, ukugcwalisa ipayipi, ukudonselamuva, imidwa emibili ehambisanayo, kanye nezindawo zokugcina igesi ngesikhathi lapho umsebenzi umningi kakhulu;
- (d) umehluko emazingeni okushisa nawesisindo sokucindezeleka
- (e) imininingwane yomlando wemithwalo yamapayipi kanye nezidingo zokuhamba kwegesi
- (f) izilinganiso zegesi; kanye
- (g) nokuthi izabelo zamandla ziyasetshenziswa yini ukunciphisa amathuba okufinyelela emapayipini okuthutha.

Ukuvunyelwa kwabangaphandle ukufinyelela lapho kugcinwa khona igesi.

7. (1) Uhlelo lokwabela lokuqinisekisa ukukwazi kwabangaphandle ukusebenzisa indawo yokugcina igesi ngokohlelo lokuxhumanisa ngokwezilinganiso ezithize kumele lulandele imigomo elandelayo:

- (a) isebenzise-noma-ikulahlakele kubhekwa nemilando yezamba zosuku noma zesikhathi esithize sonyaka;
- (b) ukungacwasi;
- (c) izikhathi ezinqunyiwe; kanye
- (d) nokwenzeka komsebenzi.

(2) Lapho kunezicelo ezimbili noma ngaphezulu zabangaphandle ezigunyazekile ezingena ngosuku olulodwa kulowo onegunya lalapho kugcinwa khona igesi kumele akhethe leso esiheha kakhulu, kubhekwa lezo zinto ezinqala njengemithamo ehlongozwayo, inzuzo etholakalayo kanye nobude besivumelwano ngokwesikhathi.

(3) Umlawuli Wegesi, uuma ethola isikhalazo esiphuma kowangaphandle mayelana nokunqatshelwa kwakhe ukusebenzisa indawo yokugcina igesi, anganquma uhlelo lokuxhumanisa ngokwezilinganiso ezithize emapayipini okuthutha futhi anqume uhlelo lokwabela olungagudluki kwisigatshanyana (1) somthethonqubo.

(4) Lowo onegunya lokugcina igesi exhunywe kweminye imishini kumele anikeze imininingwane ephelele kunoma yimuphi umuntu onegunya lokuthutha, onegunya lokugcina, onegunya lokusabalalisa noma irethikhyuleytha ukuqinisekisa ukuthi ukugcinwa kwegesi kungenzeka ngendlela ehambisana nokusetshenziswa ngendlela ephephile futhi enempumelelo yohlelo lwemishini exhumene.

(5) Lowo onegunya lokugcina igesi kumele agcine ngokuyimfihlo imininingwane ebucayi emayelana nokudayiselana etholakale ngenkathi kuqhutshwa leli bhizinisi kanti futhi angehlinzeke ngemininingwanee ebucayi emayelana nokudayiselana kwimisebenzi ehambisanayo naleyo.

(6) Lowo onegunya lokugcina igesi akumele acwase amakhasimende noma izigaba zamakhasimende, ikakhulukazi mayelana nokuwanikeza impatho engcono emisebenzini yawo kunamanye amakhasimende noma ezinye izigaba zamakhasimende.

- (7) Lowo onegunya lokugcina igesi akumele acwase maqondana -
- (a) nendlela, okuqukethwe noma isikhathi okufika ngaso lokho okuhlinzekwa yimininingwane kumakhasimende noma kulabo abangase babe ngamakhasimende njengoba kusho uMthetho;
 - (b) indlela noma isikhathi sokuhlungwa kwezicelo nokunikezwa kwamandla;
 - (c) imigomo nemibandela yanoma ikuphi ukunikezwa amandla nananoma yimuphi omunye umsebenzi okufanele uhlinzekwe noma iliphi ikhasimende noma loyo ongase abe yikhasimende;
 - (d) izindlela zokunquma amanani kanye namanani okubiza, abandakanya kodwa angenamkhawulo ekunikeleni noma ekunikezeni noma iluphi uhlobo lwesaphulelo noma ukufakwa kwanoma iliphi elinye inani lokubiza elidalekayo;
 - (e) ukuphakanyiswa noma ukubhalansiswa kwegesi engenayo noma ephumayo lapho igcinwa khona; kanye
 - (f) nokuhlelela ngokwesikhathi imisebenzi yokugcina izinto zisesimweni
- (8) Bonke abangaphandle abasezinhlelweni zokuxoxisana nangokuthengiselana kumele bakugweme ukusebenzisa ngokungekho emthethweni isikhundla esiphezulu kanti zonke izingxoxo zokukwazi ukufinyelela emishinini kumele zibe ngezinokuthembeka.
- (9) UMlawuli Wegesi, ngesicelo soyedwa noma ngaphezulu, angacelela abangaphandle ukuba bakwazi ukusebenzisa indawo yokugcina igesi kuthi ngemva kokubonisana nalabo abathintekayo, abeke isikhathi esithize okufanele kube izingxoxo seziphothuliwe ngaso.
- (10) Lowo onegunya lokugcina igesi kumele kanye noMlawuli Wegesi abeke imihlahlandlela yokusetshenziswa kwemishini onyakeni wokuqala ngemva kokuqala ukusebenza kwale mithethonqubo.
- (11) Imininingwane equkethwe kwimihlahlandlela okukhulunywa ngayo kwisigatshanyana (10) somthethonqubo kumele itholakale futhi yanele ukuze labo

abangase babe ngamakhasimende baqonde inqubo yokuthola imvume yokusebenzisa indawo yokugcina igesi, kanye nokukwazi ukungena ezingxoxweni nokuziphothula.

(12) Imihlahlandlela okukhulunywa ngayo esigatshanyaneni (10) somthethonqubo kumele ifake lokhu:

- (a) incazelo eneminingwane ephelele ngomshini wokugcinwa kwegesi ekhombisa zonke izindawo lapho kuphuma nalapho kungena khona igesi;
- (b) indlela okubalwa ngayo amanani okubiza;
- (c) indlela ikhasimende elingacela ngayo inani lokubiza;
- (d) imigomo nemibandela yesikhathi okuvunyelwene ngaso maqondana nokusetshenziswa kwayo kanye nokukhokha;
- (e) okudingekayo mayelana nokuxhumana ukuze kukwazeke ukufinyelela lapho kugcinwa khona igesi kanye nasemishinini exhumene; kanye
- (f) nenqubo elandelwayo ekufakeni isicelo sokukwazi ukuyisebenzisa.

(13) Umlawuli Wamandla kumele uma enquma uhlelo lokuxhumanisa ngokwezilinganiso ezithile ezindaweni okugcinwa kuzo igesi, abheke lokhu okulandelayo:

- (a) isikhathi esithize esibekiwe okuvunyelwene ngaso;
- (b) uhlobo lokokugcina igesi;
- (c) izidingongqangi zegesi (esezikhwameni);
- (d) iminingwane yomlando wemithwalo yamapayipi kanye nezidingo zokuhamba kwegesi;
- (e) uhlobo oluthize lwezilinganiso zegesi; kanye
- (f) nokuthi izabelo zamandla ziyasetshenziswa yini ukunciphisa amathuba okufinyelela lapho kugcinwa khona igesi.

(14) Indawo yokugcina igesi engeyerethikhyuleytha nelawulwa yiyona kuphela ngenjongo yokurethikhyuleytha iyakhululwa yona kule mithethonqubo okufanele ilandelwe yokufinyelela kwabangaphandle kuyo.

(15) Indawo yokugcina igesi eyingxenywe yenqubo futhi engaphakathi kwesizinda sokuguqula igesi ibe ngamanzi nesokubuyisela egesini iyakhululwa yona kule mithethonqubo okufanele ilandelwe yokufinyelela kwabangaphandle kuyo.

Ukubukezwa kwemibandela yencwadi yegunya

8. (1) Noma imuphi umuntu onesikhalo ngenxa yesimo esidalwe nguMlawuli Wegesi ngokwesigaba 21(1) soMthetho angafaka isicelo sokuba isimo sibukezwe kuMlawuli Wegesi ngokubhala incwadi.

(2) Isicelo okukhulunywe ngaso esigatshyaneni (1) somthethonqubo kufanele sibe neminininingwane elandelayo:

- (a) Igama lalowo onegunya okuphikiswana naye;
- (b) inombolo yencwadi yegunya ephikiswayo;
- (c) igama nesibongo somuntu, inkampani noma inhlango efa isiphikiso esimweni sencwadi yegunya;
- (d) igama nesibongo salowo ophikisayo noma lowo okungaxhunywana naye mayelana nalowo ofaka isiphikiso;
- (e) inombolo yocingo kanye neyefeksi yalowo ophikisayo noma yalowo okungaxhunywana naye mayelana nalowo ofaka isiphikiso;
- (f) ikheli lokuposa lalowo ofaka isiphikiso noma lalowo okungaxhunywana naye mayelana nalowo ofaka isiphikiso;
- (g) isimo sencwadi yegunya osiphikiso siqondene nayo;
- (h) iminininingwane yesiphikiso
- (i) izizathu zesiphikiso futhi sihlizwe imiqulu efanele esekelayo; kanye
- (j) nokushoyo ukuba lowo ofake isicelo sokuphikisa uyalidinga yini ithuba lokuzibekela ngomlomo wakhe isiphikiso kuMlawuli Wegesi.

Imininingwane yokubhalisa

9. (1) Umuntu okukhulunywe ngaye esigabeni 28 (1) soMthetho kumele ahlinzeke imininingwane elandelayo kuMlawuli Wegesi:

- (a) Imininingwane yezamba nezilinganiso zemikhiqizo yegesi ekhiqiziwe kanye nehlelwe ukukhiqizwa kubalwa kuyo naleyo abantu abayisebenzisela bona ngokwabo;
- (b) imongo, izilinganiso kanye nezamba zegesi ethunyelwa ngaphakathi ngokohwebo; kanye
- (c) nemininingwane yegesi elondoloziwe ebalwa ngamatriliyoni amafithi aphindaphindeke kathathu.

(2) Imininingwane ekukhulunywa ngayo esigatshanyaneni (1) somthethonqubo kumele inikezwe ezinyangeni ezintathu ezingasekupheleni kwawo wonke unyaka .wekhalenda.

(3) Phezu kwesigatshanyana (2) somthethonqubo, uma phakathi nonyaka kuba khona ushintsho olubonakalayo emininingwaneni ehlinzekwe ngaphansi kwesigatshanyana (1) somthethonqubo, umuntu oqondene nalokho kumele azise uMlawuli Wegesi ngokubhala incwadi.

Inqubo yokudluliselwa komhlaba ukuba usetshenziswe ngumphakathi

10. (1) Lowo onegunya okukhulunywa ngaye esigabeni 32(1) soMthetho angacela uMlawuli Wegesi, ngokubhala incwadi, ukuba amduliselele umhlaba, noma ilungelo kuwona, ngawo noma maqondana nomhlaba.

(2) Isicelo okukhulunywa ngaso esigatshanyaneni (1) somthethonqubo kumele sibe nemininingwane elandelayo:

- (a) Isimo sesicelo;
- (b) izizathu sesicelo;
- (c) ubufakazi bemizamo yokuthola umhlaba noma ilungelo kuwona, ngawo noma maqondana nalowo mhlaba ngokuvumelana nomniniwo;
- (d) izizathu zokuthi kungani imizamo yokufinyelela esivumelwaneni nomniniwo ingazange iphumelele;
- (e) izizathu zokuthi kungani lowo mhlaba udingwa yilowo onencwadi yegunya;
- (f) izizathu zokuthi kungani ukutholakala komhlaba kuzosiza umphakathi futhi kuthuthukise ingqalasizinda yegesi yeRiphabhlikhi;
- (g) uhlaka lwesu lokuqhutshwa komsebenzi okukhulunywe ngawo; kanye
- (h) nesilinganiso somhlaba ohlongoziwe esidingekayo.

(3) Umlawuli Wegesi kumele, ngaphambi kokuba acubungule ukudluliselwa komhlaba, azigculise ngokuthi isivumelwano ngokuzikhethela ngeke kufikwe kusona phakathi komfakisicelo nomnini womhlaba okukhulunywa ngawo noma ilungelo kuwona.

(4) Umlawuli Wegesi kumele, uma kungekho sivumelwano ngokuzikhethela-

(a) abize umhlangano okuyomenywa kuwo laba abalandelayo:

- (i) umfakisicelo
- (ii) umnini kanye nalowo othelela umhlaba uma umhlaba uthelelwa; kanye
- (iii) nabanye abathintekayo okumele bamenywe ngesaziso okukhulunywe ngaso esigabeni (b);

(b) ashicilele isaziso esimema abantu abathintekayo ephephandabeni elifundwa kuleyo ndawo enendawo ehlongozwa ukuba idluliselwe emphakathini, esiveza usuku, isikhathi kanye nendawo yalowo mhlango okungenani kusasele amasonto amabili; futhi

(c) agculiseke ukuthi umhlaba udingwa ngokunesidingo yilowo onegunya.

(5) Umlawuli Wegesi kumele, ekunqumeni ngokwesigatshanyana (4)(c) somthethonqubo abheke-

- (a) ukuthi izindawo ezihleliwe zizoyithukisa yini ingqalasizinda yegesi yeRiphabhlikhi;
 - (b) isimo segunya elihlongoziwe lokusebenzisa umhlaba womuntu ngesivumelwano noma isichibiyelo kulelo gunya., kubalwa kuso nesimo kanye nomsebenzi wengqalasizinda yegesi eqondena nalelo gunya noma isichibiyelo egunyeni lelo;
 - (c) ukuthi ingqalasizinda yegesi ekhona ingasetshenziswa noma ingesetshenziswe yini ekwenzeni ukuba igunya elihlongoziwe lokusebenzisa umhlaba womuntu ngesivumelwano lisebenze kahle;
 - (d) ubungako besikhathi obufanele begunya elihlongoziwe lokusebenzisa umhlaba womuntu ngesivumelwano;
 - (e) izinga lokuvinjelwa ukusebenzisa umhlaba okungadaleka ngenxa yegunya elihlongoziwe lokusebenzisa umhlaba womuntu ngesivumelwano noma isichibiyelo egunyeni lelo;
 - (f) isimo nezinga lokudidiseka noma ukulahlekelwa okungadaleka ngenxa yokusetshenziswa kwamalungelo angaphansi kwegunya elihlongoziwe lokusebenzisa umhlaba womuntu ngesivumelwano noma isichibiyelo egunyeni lelo;
 - (g) izinga umhlaba ongabuyiseleka ngalo esimweni ekuchithweni kwegunya elihlongoziwe lokusebenzisa umhlaba womuntu ngesivumelwano;
 - (h) noma iliphi ithuba elihle, umninimhlaba noma omunye umuntu onentshisekelo ehambisana nembuyiselo kulowo mhlaba ogunya elihlongoziwe lokusebenzisa umhlaba womuntu ngesivumelwano liqondiswe kuwo, angalithola ngenxa yegunya elihlongoziwe noma isichibiyelo; kanye
 - (i) nokusizakala komphakathi osebenzisa ingqalasizinda yegesi eqondene negunya elihlongoziwe lokusebenzisa umhlaba womuntu noma isichibiyelo egunyeni lelo.
- (6) Ukudluliselwa komhlaba okuvunyelwe nguMlawuli Wegesi kumele kuphelezwe yisincomo sokuthola isinxephezelo.
- (7) UMlawuli Wegesi kumele, ekwenzeni kwakhe isincomo ekutholakaleni kwesinxephezelo, abheke-

- (a) isimo segunya elihlongoziwe lokusebenzisa umhlaba womuntu ngesivumelwano noma isichibiyelo egunyeni lelo, kubalwa kuso nesimo kanye nomsebenzi wengqalasizinda yegesi eqondene negunya lelo noma isichibiyelo;
- (b) ukuthi ingqalasizinda yegesi ekhona ingasetshenziswa yini ukwenza ukuba igunya elihlongoziwe lokusebenzisa umhlaba womuntu ngesivumelwano lisebenze kahle;
- (c) ubungako besikhathi obufanele begunya elihlongoziwe lokusebenzisa umhlaba womuntu ngesivumelwano;
- (d) izinga lokuvinjelwa ukusebenzisa umhlaba okungadaleka ngenxa yegunya elihlongoziwe lokusebenzisa umhlaba womuntu ngesivumelwano noma isichibiyelo egunyeni lelo;
- (e) intengo yokuthelelwa komhlaba othintekayo egunyeni elihlongoziwe lokusebenzisa umhlaba womuntu ngesivumelwano noma isichibiyelo;
- (f) isimo nezinga lokudidiseka noma ukulahlekelwa okungadaleka ngenxa yokusetshenziswa kwamalungelo angaphansi kwegunya elihlongoziwe lokusebenzisa umhlaba womuntu ngesivumelwanonoma isichibiyelo;
- (g) izinga umhlaba ongabuyiseleka ngalo esimweni ekuchithweni kwegunya elihlongoziwe lokusebenzisa umhlaba womuntu ngesivumelwano;
- (h) noma iliphi ithuba elihle umnininhlaba noma omunye umuntu onentshisekelo ehambisana nembuyiselo kulowo mhlaba wegunya elihlongoziwe lokusebenzisa umhlaba womuntu ngesivumelwano, angalithola ngenxa yegunya elihlongoziwe noma isichibiyelo; kanye
- (i) nokuzosizakala komphakathi osebenzisa ingqalasizinda yegesi eqondene negunya elihlongoziwe lokusebenzisa umhlaba womuntu ngesivumelwano noma isichibiyelo.

(8) Umlawuli Wegesi kumele athathe isinqumo esicelweni sokudluliselwa komhlaba kanye nemibandela kulokho esinsukwini ezingama-30 emva kokuphethwa komhlangano okukhulunywe ngawo esigatshanyaneni 4(a) somthethonqubo.

(9) Uma noma ubani othintekayo engasivumi isincomo soMlawuli Wegesi maqondana nesinxephezelo, lowo muntu angacela inkantolo ukuba inqume isamba nesikhathi kanye nendlela yokukhokhwa kwesinxephezelo.

(10) Ukutholakala, ukuchitshiyelwa noma ukwesulwa kwegunya elihlongoziwe lokusebenzisa umhlaba womuntu ngesivumelwano ngenxa yomyalelo woMlawuli Wegesi kuqala ukusebenza uma umyalelo usubhaleke phansi ngokwemigomo yomthetho osebenzayo ekubhalisweni kwamatayitela.

(11) Umnini womhlaba noma onelungelo kuwona noma maqondana nomhlaba oqondene negunya elihlongoziwe lokusebenzisa umhlaba womuntu ngesivumelwano elinikezwe nguMlawuli Wegesi angafaka isicelo kuMlawuli Wegesi ukuba kwesulwe lelo gunya elihlongoziwe lokusebenzisa umhlaba womuntu ngesivumelwano-

(a) uma incwadi yegunya ehlangene nalelo gunya elihlongoziwe lokusebenzisa umhlaba womuntu ngesivumelwano ichithiwe.

(b) uma amalungelo nokuyizibopho maqondana negunya elihlongoziwe lokusebenzisa umhlaba womuntu ngesivumelwano kungazange kuze kusetshenziswe kulowo mhlaba oqondene negunya lelo kuze kuphele iminyaka emithathu elandelanayo; noma

(c) ngenxa yanoma isiphi esinye isizathu esisemthethweni.

(12) UMlawuli Wegesi angacela ukubuyiselwa ngumfakisicelo zonke izindleko noma ingxenye yazo ezidaleke ngenxa ngokubamba umhlangano okukhulunywe ngawo esigatshanyaneni (4)(a) somthethonqubo.

Ukubuyiselwa esimweni komhlaba

11.(1) Lowo onegunya kumele, zingakapheli izinyanga eziyisithupha ngaphambi kokuma, ukuyekelwa noma ukudelwa kwalowo msebenzi ogunyaziwe, ahambise kuMlawuli Wegesi uhlelo lokuvunyelwa kokuvalwa, ukususwa nokulahlwa, loko nje okuyiko, kwakho konke okuxhunyiwe okuqondene nalowo msebenzi ogunyaziwe.

(2) Uhlelo okukhulunywe ngalo isigatshanyaneni (1) somthethonqubo kumele lube neminingwane maqondana-

- (a) nezinye izinhlelo ezicutshunguliwe okungaqhutshekwa zisetshenziswe kanye nezinye izinhlelo zokulahlwa kwalokho okuxhunyiwe;
- (b) izinhlelo yokumisa imisebenzi
- (c) ukuhlanzwa kwendawo, ukususwa nokulahlwa kwezinto eziyingozi kanye namakhemikhali; kanye
- (d) nokuhlaziywa kokungenzeka esimweni sendawo ngokumiswa noma ukuyekwa komsebenzi lowo.

(3) UMlawuli Wegesi anganikeza imvume yohlelo okukhulunywe ngalo esigatshanyaneni (1) somthethonqubo maqondana nanoma isiphi isimo noma isichibiyelo esinqunywe nguMlawuli Wegesi.

(4) Ngezikhathi ezithize, imibandela yencwadi yegunya ingafaka kuyo, ngokubheka kunoma imuphi umthetho osebenzayo njengamanje ekubuyiselweni esimweni komhlaba osetshenziswa maqondana nokuthuthwa, ukugcinwa, ukusatshalaliswa, ukuguqulwa kwegesi ibe ngamanzi noma ekubuyiselweni kwayo ibe yigesi noma ukuhwebelana, futhi ingabandakanya nokuhlinzekwa ngezibophezelo zezimali zokubuyiseleka esimweni kwendawo nokuhlangana kahle kwayo kanye nezamba zalezo ziqiniseko zezimali.

(5) Okumayelana nezimali okukhulunywe ngakho esigatshanyaneni (4) somthethonqubo kungabandakanya-

- (a) umshwalense

(b) isiqiniseko sebhange

(c) isikhwama sabengameli; noma

(d) noma uluphi olunye uhlelo lwezezimali oluvumelekile kuMlawuli Wegesi

(6) UMlawuli Wegesi angacela isiqiniseko esibhalwe phansi kulowo onegunya ukuthi kuyahambisana nezidingo zoMthetho Kazwelonke Wokuphathwa Kwesimo Sendawo, 1998 (Umthetho No. 107 ka-1998).

(7) uMlawuli Wegesi anganqaba ukuba kumiswe uhlelo lokuqinisekisa okuphathelene nezimali okukhulunywe ngakho ezigatshaneni (4) nesesini-(5) somthethonqubo ngaphambi kokuthola isitifiketi esivela kokubuzwa kuye onekhono ozokwenza uhlaziyo lokungenzeka esimweni sendawo ngokulandela okushiwo nguMthetho KaZwelonke Wokuphathwa Kwesimo Sendawo, 1998 (UMthetho No. 107 ka-1998), esisho ukuthi indawo seyibuyiselwe esimweni.

Isicelo sokuba kuguqulwe kancane imibandela

12. (1) UMlawuli Wegesi kumele, uma kwenzeka ukuthi ukucela kwakhe ukuba kuguqulwe kancane imibandela kukhinyabeza kakhulu nakabi amalungelo noma obekulindelekile okusemthethweni kwanoma umuphi umuntu, acele ukuba kulethwe amaphuzu abhaliwe ukuze kutholakale incazelo yokuhambisana naleso sicelo sokuguqulwa kancane kwemibandela.

(2) UMlawuli Wegesi kumele, ngokwesigatshanyana (1) somthethonqubo, anikeze-

(a) isaziso samasonto amabili okungenani ngaphambi kosuku lokuvalwa kwethuba lokulethwa kwamaphuzu abhaliwe;

(b) okubeka ngokusobala imininigwane yaleso sicelo sokuguqulwa kancane kwemibandela okuzokwenziwa;

- (c) ithuba elanele labantu abangathintwa wuguquko lolo oluhlongozwayo lokuba nabo balethe amaphuzu abo.
- (3) Ukucelwa kokulethwa kwalawo maphuzu abhaliwe kumele kuvele kwiwebsite kanye nasoqwembeni lwezaziso zomphakathi emahhovisi oMlawuli Wegesi.
- (4) Uma uMlawuli Wegesi ebona kulungile, izaziso zokulethwa kwamaphuzu abhaliwe zinganikezwa nguMlawuli Wegesi ngqo kulabo abathintekayo.
- (5) Labo abanegunya kumele banikeze uMlawuli Wegesi uhlu lwalabo abangase babe ngamakhasimende abo kanye nalabo okungenzeka bakhinyabezeke kakhulu nakabi kanye namakheli abo neminingwane yabo yokuxhumana esikhathini esithize esibekwe nguMlawuli Wegesi uma becelwe nguMlawuli Wegesi ukuba benze njalo ngokubhala incwadi.
- (6) Ukugququzelwa koMthetho Wobulungiswa Ekuphatheni kumele usebenze kulo lonke uguqukwana kwimibandela olwenziwa nguMlawuli Wegesi.

Ukunqunywa kwezilinganiso zegesi

13. (1) UMlawuli Wegesi angabeka uhlu lwezilinganiso zegesi, ezibandakanya izilinganiso eziphezulu zokugcina zokushuba kwamagesi angaba yingozi, lomsebenzi ngamunye ogunyaziwe lapho igesi ixutshwe noma ihlelelwe ukuba ixutshwe emongweni emibili noma engaphezulu engeyabanini abahlukene.
- (2) Ukunqunywa kwezilinganiso zegesi kumele kunganyelwe-
- (a) ikhemikhali yegesi ekhona lapho
 - (b) isilinganiso sobongako bokushisa
 - (c) okuphathelene nokushiswa okubandakanya uphawu olutshengisa izinga lokushisa

(d) isisindo sokucindezeleka noma izinga lokushisa kwegesi ngenkathi ingena emishinini esetshenziswa ngokwabelana, kanye

(e) nokunye okuhambisana nalokhu okunganqunywa nguMlawuli Wegesi.

(3) UMlawuli Wegesi anganquma ukuthi ukuhlanganiseka kwamagesi kwenzeka kahle yini ngokwemishini nangokohwebo kanye namanani aphezulu okugcina ezamba zemithombo ngaminye ukuthuthukisa ukuxhumaxhumana nokusebenziseka kwemishini.

(4) Lapho kungenzeki kahle khona ukuhlanganiseka kwamagesi ngemishini ehlukeni ehambisanayo ngokwemishini nangokohwebo, lawo magesi kumele ayiswe emapayipini ahlukene futhi agcinwe ezindaweni ezihlukene.

Ukuxazulula

14. (1) Isicelo sokuba uMlawuli Wegesi abe ngumxazululi kumele sifakwe ngokubhala incwadi futhi kumele siveze isimo sokungaboni ngaso linye kwalabo abathintekayo.

(2) Umuntu oqokwe ngokwesigaba 30(2)(a) soMthetho kumele-

(a) abe ngumuntu ofanele ongenalutho olunokwenza nale ndaba ; futhi

(b) aqokelwe lokho esikhathini esingangezinsuku eziyishumi zokusebenza emva kokuthola isicelo sokuxazulula.

(3) Ekuqaleni kokuxazulula, umxazululi oqokiwe kumele –

(a) azise abathintekayo ukuthi akanalutho olunokwenza nalolu daba;

(b) azise abathintekayo ngenqubo kanye nendlela okuzophathwa ngayo lokhu kuxazulula;

(c) azise abathintekayo ukuthi izimali ezikhokhwayo okukhulunywe ngazo esimisweni 16 zikhokhwa kanjani nokuthi zikhokhwa kubani; futhi

- (d) aqinisekise isivumelwano sokungaboni ngaso linye kwalabo abathintekayo maqondana nesigaba (a) nesigaba (c) ngaphambi kokuqhubeka nokuxazulula.

Ukuthathwa kwesinqumo

15. (1) Isicelo sokuba uMlawuli Wegesi abe ngumthathisinqumo kumele sifakwe ngokubhala incwadi futhi siveze isimo sokungaboni ngaso linye kwalabo abathintekayo

- (2) Umuntu oqokwe ngokwesigaba 30(2)(a) soMthetho kumele-
- (a) abe ngumuntu ofanele ongenalutho olunokwenza nale ndaba; futhi
 - (b) aqokelwe lokho esikhathini esingangezinsuku eziyishumi zokusebenza emva kokuthola isicelo sokuba kuthathwe isinqumo.
- (3) Ekuqaleni kokuthathwa kwesinqumo, umthathisinqumo oqokiwe kumele –
- (a) azise abathintekayo ukuthi akanalutho olunokwenza nalolu daba;
 - (b) azise abathintekayo ngenqubo kanye nendlela okuzophathwa ngayo lokhu kuthathwa kwesinqumo;
 - (c) azise abathintekayo ukuthi izimali ezikhokhwayo okukhulunywe ngazo esimisweni 16 zikhokhwa kanjani nokuthi zikhokhwa kubani;
 - (d) azise abathintekayo ukuthi isinqumo esithathwayo ngeke sijike futhi siyabophezela; futhi
 - (e) aqinisekise isivumelwano sokungaboni ngaso linye kulabo bantu maqondana nesigaba (a) nesigaba (d) ngaphambi kokuqhubeka nomsebenzi wokuthathwa kwesinqumo.
- (4) Lowo omangalayo okunguyena osusa umsindo kumele ahambise kumthathisinqumo nakulowo okumele aphenule okunguyena omangalelwayo isitatimende esibhaliwe esineminingwane elandelayo:
- (a) igama nekheli lalowo ozomela ummangali ekuqhubekeni kwezingxoxo;

(b) incazelo ephelele yokungaboni ngaso linye; kanye

(c) isikhululo noma isixazululo esidingekayo kanye nemali okumele ikhokhwe, uma ikhona.

(5) Lowo okumele aphenhule kuyofanele emva kokuthola isitatimende okukhulunywa ngaso esigatshanyaneni (4) somthethonqubo, alethe isitatimende esibhaliwe sokuzivikela kumthathisinqumo nakummangali lungakadluli usuku olunqunywe ngumthath isinqumo.

(6) Ngesikhathi sokuqhubeka kwezingxoxo zokuthathwa kwesinqumo, noma imuphi kwabathintekayo angachibiyela noma angeze kulokho obekushiwo, okuqophisana nobekushiwo noma okokuzivikela, ngaphandle uma umthathisinqumo ekubona kungalungile ukuvumela lokho kuchibiyela noma ukwengeza, ngenxa yokuphuza kwalowo othintekayo ukwenza lokho, uma kuzokhinyabeza abanye abathintekayo, noma ngenxa yanoma iziphi ezinye izimo.

(7) Noma ubani othintekayo angechibiyele noma engeze kobekushiwo noma okuqophisana nobekushiwo uma ukuchibiyela noma ukwengeza kuzowela ngaphandle kwezinga elibekiwe lesivumelwano sokuthathwa kwesinqumo.

(8) Noma ubani othintekayo ekuthathweni kwesinqumo angamelwa ekuthathweni kwesinqumo.

(9) Amagama, amakheli kanye nezinombolo zezingcingo zalabo abamele abathintekayo kumele kuyiswe ngokubhalwa phansi kwabanye abathintekayo nakumthathisinqumo.

(10) Labo abathintekayo kanye nalabo ababamele kumele baxhumane ngqo nomthathisinqumo ngokubhala incwadi: Inqobo nje uma amakhophi aleyo mibhalo enikezwa nabanye abathintekayo kule ngxabano.

- (11) Umthathisinqumo kumele aqhube ingxoxo yokuthathwa kwesinqumo ngendlela eqinisekisa ukuthi bonke abathintekayo baphatheka ngokulingana nokuthi othintekayo ngamunye unelungelo lokulalelwa futhi unikezwa ithuba elilingene lokushoi olwakhe udaba.
- (12) Imibhalo noma imininingwane enikezwe umthathisinqumo ngoyedwa othintekayo kumele ngesikhathi esifanayo ihlinzekwe yilowo muntu nakwabanye abathintekayo.
- (13) Othintekayo ngamunye uzoba nomthwalo wokunikeza wonke amaqiniso akhona ukusekela akumangalelayo noma aziphendulela ngako.
- (14) Nganoma isiphi isikhathi ngenkathi kuqhubeka izingxoxo, umthathisinqumo angacela ukuba abathintekayo bakhiphe imibhalo, imibukiso noma ubufakazi abubona bunesidingo noma buhambisana nokuqhubekayo.
- (15) Umthathisinqumo angaqoka oyedwa noma ababili bochwepheshe abazimele ukuba balethe imibiko kuyena ngokubhala phansi, mayelana namaphuzu athize ahlelwe ngumthathisinqumo bese umbiko udluliselwa kwabathintekayo.
- (16) Labo abathintekayo kumele bahlinzeke uchwepheshe nganoma yimiphi imininingwane noma balethe noma imiphi imibhalo noma impahla ehambisana nodaba engadingwa yilowo chwepheshe ukuba ihlolwe.
- (17) Noma ikuphi ukungaboni ngaso linye phakathi kothintekayo nochwepheshe maqondana nemininingwane noma impahla eceliwe kumele kuqondiswe kumthathisinqumo ukuze athathe isinqumo ngako.
- (18) Ekutholeni umbiko kuchwepheshe, umthathisinqumo kumele athumele ikhophi yombiko kubo bonke abathintekayo kulokho futhi anikeze abathintekayo ithuba lokubeka umbono wabo mayelana nombiko ngokubhala incwadi.

- (19) Lowo othintekayo angahlola noma imuphi umbhalo uchwepheshe ancikise kuwo umbiko wakhe.
- (20) Ekuceleni kothintekayo, umthathisinqumo anganikeza abathintekayo ithuba lokufaka uchwepheshe imibuzo emhlanganweni nokuletha ofakazi abangochwepheshe ukuba bathule ubufakazi emaphuzwini adingidwayo ngesikhathi sokuqhubeka kwezingxoxo.
- (21) Izinqumo zomthathisinqumo ziyokwenziwa ngokubhala phansi futhi ngeke ziphikiswe kanti futhi ziyoba ngezibophezelayo kwabathintekayo, kanti futhi abathintekayo kuyomele balandele leso sinqumo ngaphandle kokuchitha isikhathi.
- (22) Umthathisinqumo kumele abeke izizathu zokuthatha leso sinqumo.
- (23) Isinqumo singaziswa umphakathi kuphela uma abathintekayo ekungabonini ngaso linye bekuvumela lokho noma uma kuphoqa umthetho.
- (24) Phezu kokuthathwa kwesinqumo sokugcina, umthathisinqumo angenza imiyalelo noma izinqumo zesikhashana noma ezingaphelisiwe nya!
- (25) Umthathisinqumo kumele, uma kucela abathintekayo, amise ukuqhubeka kwezingxoxo zokuthathwa kwesinqumo uma abathintekayo bexazulula ingxabano yabo ngaphambi kokuthathwa kwesinqumo.
- (26) Uma ngokubona komthathisinqumo, ukuqhubeka kwezingxoxo kungasenasidingo noma kungasenzeki ngenxa yanoma isiphi isizathu, umthathisinqumo kumele azise abathintekayo ngokucabanga kwakhe ukumisa izingxoxo bese emva kwalokho ekhipha umyalelo wokuqeda izingxoxo zokuthathwa kwesinqumo.
- (27) Imininingwane eyimfihlo ekhishwa ngabathintekayo noma ngofakazi ngesikhathi sokuqhubeka kwezingxoxo ngeke aziveze umthathisinqumo.

(28) Umthathisinqumo uyogcina izindaba eziqondene nezingxoxo zokuthathwa kwesinqumo noma isinqumo kuyimfihlo, ngaphandle uma kuvumelene abathintekayo noma kuphoqa umthetho.

(29) Umthathisinqumo akayukubekwa cala ngenxa yesenzo noma ukushiya okuthize maqondana nengxoxo yokuthathwa kwesinqumo eqhutshwe ngaphansi kwale mithethonqubo ngaphandle uma kungenxa yokungenzi kwakhe ngendlela azi noma ngamabomu.

Amanani okubiza omsebenzi wokuxazulula nawokuthathwa kwesinqumo

16. (1) UMlawuli Wegesi angakhokhisa imali ngemisebenzi yokuxazulula neyokuthatha izinqumo.

(2) Imali ekhokhwayo okukhulunywa ngayo esigatshanyaneni (1) somthethonqubo kumele-

(a) ibe ngeyanele ukubonelela zonke noma ingxenye yezindleko ezidalwe nguMlawuli Wegesi okubalwa kuzo, uma zikhona, izindleko zomuntu okukhulunywe ngaye esigabeni 30(2)(a) soMthetho; futhi

(b) ikhokhwe ngoyedwa noma abangaphezulu kulabo abathintekayo engxabanweni njengokunquma komxhumanisi noma umthathisinqumo oqondene nalokho ebheka izimo zokungaboni ngaso linye.

(3) Izimali ezikhokhwayo okukhulunywe ngazo kulesi sigaba kumele zikhokhwe zingakapheli izinsuku zekhalenda ezingamashumi amathathu emva kokufika kwephepha elifakazela ukuqhutshwa kwemisebenzi ngaphandle uma uMlawuli Wegesi enquma okunye.

Ukunikezwa Kwemininingwane

17. (1) Lowo ogunyaziwe kumele ahambise kuMlawuli Wegesi imininingwane elandelayo, ngaphezu kweminye imininingwane edingekayo:

- (a) Amabhuku ezimali anemininingwane ephелеle yonyaka ehlaziyiwe ngabahlaziyi bezezimali aqukethe ikhasi lemininingwane eliveza amanani abhalansisiwe, isitatimende semali engenile, isitatimende semali esebenzile kwendawo nomsebenzi ngamunye wegese okugunyaziwe;
- (b) uhlelo olunemininingwane yangaleso sikhathi lwezindawo lapho isatshalaliswa khona kanye nemininingwane yokutholakala kwethuba lokuhlolwa ngumphakathi
- (c) Umthamo wonyaka, amanani ajwayelekile okubiza kanye negama nekheli lekhasimende lakhe ngalinye elithenga amagigaJowli angaphansi kwayizigidi eziyi-10 kulowo nyaka wezimali walowo onegunya.

(2) Imininingwane yokubiza enikezwa yilowo onegunya ohwebayo kumele -

- (a) ibe ngeyegesi esemapayipini kuphela;
- (b) iveze amanani okubiza okuyiwona kanye nanoma yiziphi izimali ezikhokhwe ngumthengi ingabalwa intela;
- (c) ifake nenkokhelo yamamitha, imali yendawo kanye nemali yoxhunyelwa okokuqala kwekhasimenda, lapho kufanele khona;
- (d) incike enyangeni ngayinye yekhalenda; futhi
- (e) ibikwe ngokwamarandi igigaJowli ngalinye

(3) Imininingwane ehlinzekwe ngokwalesi sigaba kumele ihanjiswe kuMlawuli Wegesi njalo ngonyaka esikhathini esingangezinyanga ezintathu ezingasekupheleni konyaka wezimali walowo onegunya, ngaphandle kwesimo lapho imininingwane inikezwa ngokwesigatshanyana (1)(a) somthethonqubo yona okufanele ihanjiswe njalo ngonyaka esikhathini esingangezinyanga eziyisithupha ezingasekupheleni konyaka wezimali walowo onegunya.

ISITHASISELO A

Ukuchazwa kwezigaba zamakhasimende ngokuhlukaniswa ngokwendlela athenga ngayo igesi ngamaGigaJowli.

ISIGABA	IGESI ETHENGWAYO NGONYAKA		
Isigaba 1	Ngaphansi kwama-400GJ ngonyaka		
Isigaba 2	401 GJ ngonyaka	kuya ku	4000 GJ ngonyaka
Isigaba 3	4001 GJ ngonyaka	kuya ku	40 000 GJ ngonyaka
Isigaba 4	40 001 GJ ngonyaka	kuya ku	400 000 GJ ngonyaka
Isigaba 5	400 001 GJ ngonyaka	kuya ku	4 000 000 GJ ngonyaka
Isigaba 6	> 4 0000 0000 GJ ngonyaka		