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REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID AFRIKA

Regulation Gazette

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Contents

<i>No.</i>	<i>Gazette No.</i>	<i>Page No.</i>
GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS		
Co-operative Governance and Traditional Affairs, Department of / Samewerkende Regering en Tradisionele Sake, Departement van		
R. 2351	Traditional and Khoisan Leadership Act (3/2019): Regulations in terms of Section 21 (2) (a) and (b) of the Act: Constitution and Reconstitution of Traditional Councils	47199 13
Employment and Labour, Department of / Indiensneming en Arbeid, Departement van		
R. 2352	Labour Relations Act, 1995: Notice of Intention to Cancel the Registration of an Employers' Organisation.....	47199 60
Forestry, Fisheries and the Environment, Department of / Bosbou, Visserye en die Omgewingsake, Departement van		
R. 2353	National Environmental Management: Air Quality Act (39/2004): Consultation on Proposed Regulations for Implementing and Enforcing Priority Area Air Quality Management Plans	47199 61
South African Revenue Service / Suid-Afrikaanse Inkomstediens		
R. 2354	Customs and Excise Act, 1964: Amendment of Schedule No. 1 Part 1 (No. 1/1/1688)	47199 67
R. 2354	Doeane- en Aksynswet, 1964: Wysiging van Bylae No. 1 Deel 1 (No. 1/1/1688)	47199 69
R. 2355	Customs and Excise Act, 1964: Amendment of Schedule No. 1 Part 2A (No. 1/2A/162)	47199 71
R. 2355	Doeane- en Aksynswet, 1964: Wysiging van Bylae No. 1 Deel 2A (No. 1/2A/162).....	47199 72
R. 2356	Customs and Excise Act, 1964: Amendment of Schedule No. 1 Part 7A (No. 1/7A/3)	47199 73
R. 2356	Doeane- en Aksynswet, 1964: Wysiging van Bylae No. 1 Deel 7A (No. 1/7A/3)	47199 74
R. 2357	Customs and Excise Act, 1964: Amendment of Schedule No. 6 Part 1A (No. 6/1A/11).....	47199 75
R. 2357	Doeane- en Aksynswet, 1964: Wysiging van Bylae No. 6 Deel 1A (No. 6/1A/11)	47199 76

PROCLAMATIONS • PROKLAMASIES

Justice and Constitutional Development, Department of / Justisie en Staatskundige Ontwikkeling, Departement van		
R. 83	Special Investigating Units and Special Tribunals Act (74/1996): Referral of Matters to Existing Special Investigating Unit and Special Tribunal	47199 77
R. 83	Wet op Spesiale Ondersoekeenheid en Spesiale Tribunale (74/1996): Verwysing van Aangeleenthede na bestaande Spesiale ondersoekeenheid.....	47199 80
R. 84	Special Investigating Units and Special Tribunals Act (74/1996): Referral of Matters to Existing Special Investigating Unit: University of Fort Hare.....	47199 83
R. 84	Wet op Spesiale Ondersoekeenheid en Spesiale Tribunale (74/1996): Verwysing van Aangeleenthede na Bestaande Spesiale Ondersoekeenheid: Universiteit van Fort Hare.....	47199 87



government
printing

Department:
Government Printing Works
REPUBLIC OF SOUTH AFRICA

HIGH ALERT: SCAM WARNING!!!

TO ALL SUPPLIERS AND SERVICE PROVIDERS OF THE GOVERNMENT PRINTING WORKS

It has come to the attention of the *GOVERNMENT PRINTING WORKS* that there are certain unscrupulous companies and individuals who are defrauding unsuspecting businesses disguised as representatives of the *Government Printing Works (GPW)*.

The scam involves the fraudsters using the letterhead of *GPW* to send out fake tender bids to companies and requests to supply equipment and goods.

Although the contact person's name on the letter may be of an existing official, the contact details on the letter are not the same as the *Government Printing Works*. When searching on the Internet for the address of the company that has sent the fake tender document, the address does not exist.

The banking details are in a private name and not company name. Government will never ask you to deposit any funds for any business transaction. *GPW* has alerted the relevant law enforcement authorities to investigate this scam to protect legitimate businesses as well as the name of the organisation.

Example of e-mails these fraudsters are using:

PROCUREMENT@GPW-GOV.ORG

Should you suspect that you are a victim of a scam, you must urgently contact the police and inform the *GPW*.

GPW has an official email with the domain as [@gpw.gov.za](mailto:GPW@gpw.gov.za)

Government e-mails DO NOT have org in their e-mail addresses. All of these fraudsters also use the same or very similar telephone numbers. Although such number with an area code 012 looks like a landline, it is not fixed to any property.

GPW will never send you an e-mail asking you to supply equipment and goods without a purchase/order number. *GPW* does not procure goods for another level of Government. The organisation will not be liable for actions that result in companies or individuals being resultant victims of such a scam.

Government Printing Works gives businesses the opportunity to supply goods and services through RFQ / Tendering process. In order to be eligible to bid to provide goods and services, suppliers must be registered on the National Treasury's Central Supplier Database (CSD). To be registered, they must meet all current legislative requirements (e.g. have a valid tax clearance certificate and be in good standing with the South African Revenue Services - SARS).

The tender process is managed through the Supply Chain Management (SCM) system of the department. SCM is highly regulated to minimise the risk of fraud, and to meet objectives which include value for money, open and effective competition, equitability, accountability, fair dealing, transparency and an ethical approach. Relevant legislation, regulations, policies, guidelines and instructions can be found on the tender's website.

Fake Tenders

National Treasury's CSD has launched the Government Order Scam campaign to combat fraudulent requests for quotes (RFQs). Such fraudulent requests have resulted in innocent companies losing money. We work hard at preventing and fighting fraud, but criminal activity is always a risk.

How tender scams work

There are many types of tender scams. Here are some of the more frequent scenarios:

Fraudsters use what appears to be government department stationery with fictitious logos and contact details to send a fake RFQ to a company to invite it to urgently supply goods. Shortly after the company has submitted its quote, it receives notification that it has won the tender. The company delivers the goods to someone who poses as an official or at a fake site. The Department has no idea of this transaction made in its name. The company is then never paid and suffers a loss.

OR

Fraudsters use what appears to be government department stationery with fictitious logos and contact details to send a fake RFQ to Company A to invite it to urgently supply goods. Typically, the tender specification is so unique that only Company B (a fictitious company created by the fraudster) can supply the goods in question.

Shortly after Company A has submitted its quote it receives notification that it has won the tender. Company A orders the goods and pays a deposit to the fictitious Company B. Once Company B receives the money, it disappears. Company A's money is stolen in the process.

Protect yourself from being scammed

- If you are registered on the supplier databases and you receive a request to tender or quote that seems to be from a government department, contact the department to confirm that the request is legitimate. Do not use the contact details on the tender document as these might be fraudulent.
- Compare tender details with those that appear in the Tender Bulletin, available online at www.gpwonline.co.za
- Make sure you familiarise yourself with how government procures goods and services. Visit the tender website for more information on how to tender.
- If you are uncomfortable about the request received, consider visiting the government department and/or the place of delivery and/or the service provider from whom you will be sourcing the goods.
- In the unlikely event that you are asked for a deposit to make a bid, contact the SCM unit of the department in question to ask whether this is in fact correct.

Any incidents of corruption, fraud, theft and misuse of government property in the *Government Printing Works* can be reported to:

Supply Chain Management: Ms. Anna Marie Du Toit, Tel. (012) 748 6292.
Email: Annamarie.DuToit@gpw.gov.za

Marketing and Stakeholder Relations: Ms Bonakele Mbhele, at Tel. (012) 748 6193.
Email: Bonakele.Mbhele@gpw.gov.za

Security Services: Mr Daniel Legoabe, at tel. (012) 748 6176.
Email: Daniel.Legoabe@gpw.gov.za

Closing times for **ORDINARY WEEKLY** **REGULATION GAZETTE** **2022**

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

- **31 December 2021**, Friday for the issue of Friday **07 January 2022**
- **07 January**, Friday for the issue of Friday **14 January 2022**
- **14 January**, Friday for the issue of Friday **21 January 2022**
- **21 January**, Friday for the issue of Friday **28 January 2022**
- **28 January**, Friday for the issue of Friday **04 February 2022**
- **04 February**, Friday for the issue of Friday **11 February 2022**
- **11 February**, Friday for the issue of Friday **18 February 2022**
- **18 February**, Friday for the issue of Friday **25 February 2022**
- **25 February**, Friday for the issue of Friday **04 March 2022**
- **04 March**, Friday for the issue of Friday **11 March 2022**
- **11 March**, Friday for the issue of Friday **18 March 2022**
- **17 March**, Thursday for the issue of Friday **25 March 2022**
- **25 March**, Friday for the issue of Friday **01 April 2022**
- **01 April**, Friday for the issue of Friday **08 April 2022**
- **07 April**, Thursday for the issue of Thursday **14 April 2022**
- **13 April**, Wednesday for the issue of Friday **22 April 2022**
- **21 April**, Thursday for the issue of Friday **29 April 2022**
- **28 April**, Thursday for the issue of Friday **06 May 2022**
- **06 May**, Friday for the issue of Friday **13 May 2022**
- **13 May**, Friday for the issue of Friday **20 May 2022**
- **20 May**, Friday for the issue of Friday **27 May 2022**
- **27 May**, Friday for the issue of Friday **03 June 2022**
- **03 June**, Friday for the issue of Friday **10 June 2022**
- **09 June**, Thursday for the issue of Friday **17 June 2022**
- **17 June**, Friday for the issue of Friday **24 June 2022**
- **24 June**, Friday for the issue of Friday **01 July 2022**
- **01 July**, Friday for the issue of Friday **08 July 2022**
- **08 July**, Friday for the issue of Friday **15 July 2022**
- **15 July**, Friday for the issue of Friday **22 July 2022**
- **22 July**, Friday for the issue of Friday **29 July 2022**
- **29 July**, Friday for the issue of Friday **05 August 2022**
- **04 August**, Thursday for the issue of Friday **12 August 2022**
- **12 August**, Friday for the issue of Friday **19 August 2022**
- **19 August**, Friday for the issue of Friday **26 August 2022**
- **26 August**, Friday for the issue of Friday **02 September 2022**
- **02 September**, Friday for the issue of Friday **09 September 2022**
- **09 September**, Friday for the issue of Friday **16 September 2022**
- **16 September**, Friday for the issue of Friday **23 September 2022**
- **23 September**, Friday for the issue of Friday **30 September 2022**
- **30 September**, Friday for the issue of Friday **07 October 2022**
- **07 October**, Friday for the issue of Friday **14 October 2022**
- **14 October**, Friday for the issue of Friday **21 October 2022**
- **21 October**, Friday for the issue of Friday **28 October 2022**
- **28 October**, Friday for the issue of Friday **04 November 2022**
- **04 November**, Friday for the issue of Friday **11 November 2022**
- **11 November**, Friday for the issue of Friday **18 November 2022**
- **18 November**, Friday for the issue of Friday **25 November 2022**
- **25 November**, Friday for the issue of Friday **02 December 2022**
- **02 December**, Friday for the issue of Friday **09 December 2022**
- **08 December**, Thursday for the issue of Thursday **15 December 2022**
- **15 December**, Thursday for the issue of Friday **23 December 2022**
- **22 December**, Thursday for the issue of Friday **30 December 2022**

LIST OF TARIFF RATES FOR PUBLICATION OF NOTICES

COMMENCEMENT: 1 APRIL 2018

NATIONAL AND PROVINCIAL

Notice sizes for National, Provincial & Tender gazettes 1/4, 2/4, 3/4, 4/4 per page. Notices submitted will be charged at R1008.80 per full page, pro-rated based on the above categories.

Pricing for National, Provincial - Variable Priced Notices		
Notice Type	Page Space	New Price (R)
Ordinary National, Provincial	1/4 - Quarter Page	252.20
Ordinary National, Provincial	2/4 - Half Page	504.40
Ordinary National, Provincial	3/4 - Three Quarter Page	756.60
Ordinary National, Provincial	4/4 - Full Page	1008.80

EXTRA-ORDINARY

All Extra-ordinary National and Provincial gazette notices are non-standard notices and attract a variable price based on the number of pages submitted.

The pricing structure for National and Provincial notices which are submitted as **Extra ordinary submissions** will be charged at **R3026.32** per page.

GOVERNMENT PRINTING WORKS - BUSINESS RULES

The **Government Printing Works (GPW)** has established rules for submitting notices in line with its electronic notice processing system, which requires the use of electronic *Adobe Forms*. Please ensure that you adhere to these guidelines when completing and submitting your notice submission.

CLOSING TIMES FOR ACCEPTANCE OF NOTICES

1. The *Government Gazette* and *Government Tender Bulletin* are weekly publications that are published on Fridays and the closing time for the acceptance of notices is strictly applied according to the scheduled time for each gazette.
2. Please refer to the Submission Notice Deadline schedule in the table below. This schedule is also published online on the Government Printing works website www.gpwonline.co.za

All re-submissions will be subject to the standard cut-off times.

All notices received after the closing time will be rejected.

Government Gazette Type	Publication Frequency	Publication Date	Submission Deadline	Cancellations Deadline
National Gazette	Weekly	Friday	Friday 15h00 for next Friday	Tuesday, 15h00 - 3 working days prior to publication
Regulation Gazette	Weekly	Friday	Friday 15h00 for next Friday	Tuesday, 15h00 - 3 working days prior to publication
Petrol Price Gazette	Monthly	Tuesday before 1st Wednesday of the month	One day before publication	1 working day prior to publication
Road Carrier Permits	Weekly	Friday	Thursday 15h00 for next Friday	3 working days prior to publication
Unclaimed Monies (Justice, Labour or Lawyers)	January / September 2 per year	Last Friday	One week before publication	3 working days prior to publication
Parliament (Acts, White Paper, Green Paper)	As required	Any day of the week	None	3 working days prior to publication
Manuals	Bi- Monthly	2nd and last Thursday of the month	One week before publication	3 working days prior to publication
State of Budget (National Treasury)	Monthly	30th or last Friday of the month	One week before publication	3 working days prior to publication
<i>Extraordinary Gazettes</i>	As required	Any day of the week	<i>Before 10h00 on publication date</i>	<i>Before 10h00 on publication date</i>
Legal Gazettes A, B and C	Weekly	Friday	One week before publication	Tuesday, 15h00 - 3 working days prior to publication
Tender Bulletin	Weekly	Friday	Friday 15h00 for next Friday	Tuesday, 15h00 - 3 working days prior to publication
Gauteng	Weekly	Wednesday	Two weeks before publication	3 days after submission deadline
Eastern Cape	Weekly	Monday	One week before publication	3 working days prior to publication
Northern Cape	Weekly	Monday	One week before publication	3 working days prior to publication
North West	Weekly	Tuesday	One week before publication	3 working days prior to publication
KwaZulu-Natal	Weekly	Thursday	One week before publication	3 working days prior to publication
Limpopo	Weekly	Friday	One week before publication	3 working days prior to publication
Mpumalanga	Weekly	Friday	One week before publication	3 working days prior to publication

GOVERNMENT PRINTING WORKS - BUSINESS RULES

Government Gazette Type	Publication Frequency	Publication Date	Submission Deadline	Cancellations Deadline
Gauteng Liquor License Gazette	Monthly	Wednesday before the First Friday of the month	Two weeks before publication	3 working days after submission deadline
Northern Cape Liquor License Gazette	Monthly	First Friday of the month	Two weeks before publication	3 working days after submission deadline
National Liquor License Gazette	Monthly	First Friday of the month	Two weeks before publication	3 working days after submission deadline
Mpumalanga Liquor License Gazette	Bi-Monthly	Second & Fourth Friday	One week before publication	3 working days prior to publication

EXTRAORDINARY GAZETTES

3. *Extraordinary Gazettes* can have only one publication date. If multiple publications of an *Extraordinary Gazette* are required, a separate Z95/Z95Prov *Adobe* Forms for each publication date must be submitted.

NOTICE SUBMISSION PROCESS

4. Download the latest *Adobe* form, for the relevant notice to be placed, from the **Government Printing Works** website www.gpwonline.co.za.
5. The *Adobe* form needs to be completed electronically using *Adobe Acrobat / Acrobat Reader*. Only electronically completed *Adobe* forms will be accepted. No printed, handwritten and/or scanned *Adobe* forms will be accepted.
6. The completed electronic *Adobe* form has to be submitted via email to submit.egazette@gpw.gov.za. The form needs to be submitted in its original electronic *Adobe* format to enable the system to extract the completed information from the form for placement in the publication.
7. Every notice submitted **must** be accompanied by an official **GPW** quotation. This must be obtained from the *eGazette* Contact Centre.
8. Each notice submission should be sent as a single email. The email **must** contain **all documentation relating to a particular notice submission**.
 - 8.1. Each of the following documents must be attached to the email as a separate attachment:
 - 8.1.1. An electronically completed *Adobe* form, specific to the type of notice that is to be placed.
 - 8.1.1.1. For *National Government Gazette* or *Provincial Gazette* notices, the notices must be accompanied by an electronic Z95 or Z95Prov *Adobe* form
 - 8.1.1.2. The notice content (body copy) **MUST** be a separate attachment.
 - 8.1.2. A copy of the official **Government Printing Works** quotation you received for your notice. (*Please see Quotation section below for further details*)
 - 8.1.3. A valid and legible Proof of Payment / Purchase Order: **Government Printing Works** account customer must include a copy of their Purchase Order. **Non-Government Printing Works** account customer needs to submit the proof of payment for the notice
 - 8.1.4. Where separate notice content is applicable (Z95, Z95 Prov and TForm 3, it should **also** be attached as a separate attachment. (*Please see the Copy Section below, for the specifications*).
 - 8.1.5. Any additional notice information if applicable.

GOVERNMENT PRINTING WORKS - BUSINESS RULES

9. The electronic *Adobe* form will be taken as the primary source for the notice information to be published. Instructions that are on the email body or covering letter that contradicts the notice form content will not be considered. The information submitted on the electronic *Adobe* form will be published as-is.
10. To avoid duplicated publication of the same notice and double billing, Please submit your notice **ONLY ONCE**.
11. Notices brought to **GPW** by "walk-in" customers on electronic media can only be submitted in *Adobe* electronic form format. All "walk-in" customers with notices that are not on electronic *Adobe* forms will be routed to the Contact Centre where they will be assisted to complete the forms in the required format.
12. Should a customer submit a bulk submission of hard copy notices delivered by a messenger on behalf of any organisation e.g. newspaper publisher, the messenger will be referred back to the sender as the submission does not adhere to the submission rules.

QUOTATIONS

13. Quotations are valid until the next tariff change.
 - 13.1. **Take note:** **GPW's** annual tariff increase takes place on **1 April** therefore any quotations issued, accepted and submitted for publication up to **31 March** will keep the old tariff. For notices to be published from 1 April, a quotation must be obtained from **GPW** with the new tariffs. Where a tariff increase is implemented during the year, **GPW** endeavours to provide customers with 30 days' notice of such changes.
14. Each quotation has a unique number.
15. Form Content notices must be emailed to the *eGazette* Contact Centre for a quotation.
 - 15.1. The *Adobe* form supplied is uploaded by the Contact Centre Agent and the system automatically calculates the cost of your notice based on the layout/format of the content supplied.
 - 15.2. It is critical that these *Adobe* Forms are completed correctly and adhere to the guidelines as stipulated by **GPW**.
16. **APPLICABLE ONLY TO GPW ACCOUNT HOLDERS:**
 - 16.1. **GPW** Account Customers must provide a valid **GPW** account number to obtain a quotation.
 - 16.2. Accounts for **GPW** account customers **must** be active with sufficient credit to transact with **GPW** to submit notices.
 - 16.2.1. If you are unsure about or need to resolve the status of your account, please contact the **GPW** Finance Department prior to submitting your notices. (If the account status is not resolved prior to submission of your notice, the notice will be failed during the process).
17. **APPLICABLE ONLY TO CASH CUSTOMERS:**
 - 17.1. Cash customers doing **bulk payments** must use a **single email address** in order to use the **same proof of payment** for submitting multiple notices.
18. The responsibility lies with you, the customer, to ensure that the payment made for your notice(s) to be published is sufficient to cover the cost of the notice(s).
19. Each quotation will be associated with one proof of payment / purchase order / cash receipt.
 - 19.1. This means that **the quotation number can only be used once to make a payment.**

GOVERNMENT PRINTING WORKS - BUSINESS RULES**COPY (SEPARATE NOTICE CONTENT DOCUMENT)**

20. Where the copy is part of a separate attachment document for Z95, Z95Prov and TForm03
- 20.1. Copy of notices must be supplied in a separate document and may not constitute part of any covering letter, purchase order, proof of payment or other attached documents.
- The content document should contain only one notice. (You may include the different translations of the same notice in the same document).
- 20.2. The notice should be set on an A4 page, with margins and fonts set as follows:
- Page size = A4 Portrait with page margins: Top = 40mm, LH/RH = 16mm, Bottom = 40mm;
Use font size: Arial or Helvetica 10pt with 11pt line spacing;
- Page size = A4 Landscape with page margins: Top = 16mm, LH/RH = 40mm, Bottom = 16mm;
Use font size: Arial or Helvetica 10pt with 11pt line spacing;

CANCELLATIONS

21. Cancellation of notice submissions are accepted by **GPW** according to the deadlines stated in the table above in point 2. Non-compliance to these deadlines will result in your request being failed. Please pay special attention to the different deadlines for each gazette. Please note that any notices cancelled after the cancellation deadline will be published and charged at full cost.
22. Requests for cancellation must be sent by the original sender of the notice and must be accompanied by the relevant notice reference number (N-) in the email body.

AMENDMENTS TO NOTICES

23. With effect from 01 October 2015, **GPW** will not longer accept amendments to notices. The cancellation process will need to be followed according to the deadline and a new notice submitted thereafter for the next available publication date.

REJECTIONS

24. All notices not meeting the submission rules will be rejected to the customer to be corrected and resubmitted. Assistance will be available through the Contact Centre should help be required when completing the forms. (012-748 6200 or email info.egazette@gpw.gov.za). Reasons for rejections include the following:
- 24.1. Incorrectly completed forms and notices submitted in the wrong format, will be rejected.
- 24.2. Any notice submissions not on the correct *Adobe* electronic form, will be rejected.
- 24.3. Any notice submissions not accompanied by the proof of payment / purchase order will be rejected and the notice will not be processed.
- 24.4. Any submissions or re-submissions that miss the submission cut-off times will be rejected to the customer. The Notice needs to be re-submitted with a new publication date.

GOVERNMENT PRINTING WORKS - BUSINESS RULES**APPROVAL OF NOTICES**

25. Any notices other than legal notices are subject to the approval of the Government Printer, who may refuse acceptance or further publication of any notice.
26. No amendments will be accepted in respect to separate notice content that was sent with a Z95 or Z95Prov notice submissions. The copy of notice in layout format (previously known as proof-out) is only provided where requested, for Advertiser to see the notice in final Gazette layout. Should they find that the information submitted was incorrect, they should request for a notice cancellation and resubmit the corrected notice, subject to standard submission deadlines. The cancellation is also subject to the stages in the publishing process, i.e. If cancellation is received when production (printing process) has commenced, then the notice cannot be cancelled.

GOVERNMENT PRINTER INDEMNIFIED AGAINST LIABILITY

27. The Government Printer will assume no liability in respect of—
 - 27.1. any delay in the publication of a notice or publication of such notice on any date other than that stipulated by the advertiser;
 - 27.2. erroneous classification of a notice, or the placement of such notice in any section or under any heading other than the section or heading stipulated by the advertiser;
 - 27.3. any editing, revision, omission, typographical errors or errors resulting from faint or indistinct copy.

LIABILITY OF ADVERTISER

28. Advertisers will be held liable for any compensation and costs arising from any action which may be instituted against the Government Printer in consequence of the publication of any notice.

CUSTOMER INQUIRIES

Many of our customers request immediate feedback/confirmation of notice placement in the gazette from our Contact Centre once they have submitted their notice – While **GPW** deems it one of their highest priorities and responsibilities to provide customers with this requested feedback and the best service at all times, we are only able to do so once we have started processing your notice submission.

GPW has a 2-working day turnaround time for processing notices received according to the business rules and deadline submissions.

Please keep this in mind when making inquiries about your notice submission at the Contact Centre.

29. Requests for information, quotations and inquiries must be sent to the Contact Centre **ONLY**.
30. Requests for Quotations (RFQs) should be received by the Contact Centre at least **2 working days** before the submission deadline for that specific publication.

GOVERNMENT PRINTING WORKS - BUSINESS RULES

PAYMENT OF COST

31. The Request for Quotation for placement of the notice should be sent to the Gazette Contact Centre as indicated above, prior to submission of notice for advertising.
32. Payment should then be made, or Purchase Order prepared based on the received quotation, prior to the submission of the notice for advertising as these documents i.e. proof of payment or Purchase order will be required as part of the notice submission, as indicated earlier.
33. Every proof of payment must have a valid **GPW** quotation number as a reference on the proof of payment document.
34. Where there is any doubt about the cost of publication of a notice, and in the case of copy, an enquiry, accompanied by the relevant copy, should be addressed to the Gazette Contact Centre, **Government Printing Works**, Private Bag X85, Pretoria, 0001 email: info.egazette@gpw.gov.za before publication.
35. Overpayment resulting from miscalculation on the part of the advertiser of the cost of publication of a notice will not be refunded, unless the advertiser furnishes adequate reasons why such miscalculation occurred. In the event of underpayments, the difference will be recovered from the advertiser, and future notice(s) will not be published until such time as the full cost of such publication has been duly paid in cash or electronic funds transfer into the **Government Printing Works** banking account.
36. In the event of a notice being cancelled, a refund will be made only if no cost regarding the placing of the notice has been incurred by the **Government Printing Works**.
37. The **Government Printing Works** reserves the right to levy an additional charge in cases where notices, the cost of which has been calculated in accordance with the List of Fixed Tariff Rates, are subsequently found to be excessively lengthy or to contain overmuch or complicated tabulation.

PROOF OF PUBLICATION

38. Copies of any of the *Government Gazette* or *Provincial Gazette* can be downloaded from the **Government Printing Works** website www.gpwnonline.co.za free of charge, should a proof of publication be required.
39. Printed copies may be ordered from the Publications department at the ruling price. The **Government Printing Works** will assume no liability for any failure to post or for any delay in despatching of such *Government Gazette(s)*

GOVERNMENT PRINTING WORKS CONTACT INFORMATION

Physical Address:

Government Printing Works
149 Bosman Street
Pretoria

Postal Address:

Private Bag X85
Pretoria
0001

GPW Banking Details:

Bank: ABSA Bosman Street
Account No.: 405 7114 016
Branch Code: 632-005

For Gazette and Notice submissions: Gazette Submissions:

For queries and quotations, contact: Gazette Contact Centre:

E-mail: submit.egazette@gpw.gov.za

E-mail: info.egazette@gpw.gov.za

Tel: 012-748 6200

Contact person for subscribers: Mrs M. Toka:

E-mail: subscriptions@gpw.gov.za

Tel: 012-748-6066 / 6060 / 6058

Fax: 012-323-9574

GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF CO-OPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS**NO. R. 2351****5 August 2022****REGULATIONS IN TERMS OF SECTION 21(2)(a) and (b) OF THE TRADITIONAL AND KHOISAN LEADERSHIP ACT, 2019 (ACT NO. 3 OF 2019): CONSTITUTION AND RECONSTITUTION OF TRADITIONAL COUNCILS**

By virtue of the powers vested in me in terms section 21(2) of the Traditional and Khoisan Leadership Act, 2019 (Act No.3 of 2019), I Kaobitsa Bushy Maape, in my capacity as Premier, hereby publish the Regulations in the Schedule hereto for public comments.

Written comments must be submitted within twenty (20) days from the date of publication for the attention of:

Mr Simon Ruthoane

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Hon. K. B. Maape (MPL)
Premier: North West Province

CERTIFIED: 028 FEBRUARY 022

Principal State Law Advisor

CHAPTER 1

DEFINITIONS, INTERPRETATION AND SCOPE OF APPLICATION

Definitions

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

“Act” means the Traditional and Khoi-San Leadership Act, 2019 (Act No. 3 of 2019);

“assigned official” means a government official assigned in terms of regulation 8 to these regulations, to assist a traditional community during the traditional council elections;

“by-election” means an election of a member to fill a vacancy in the traditional council contemplated in regulation 33 of these regulations;

“candidate” means a person who has been nominated in terms of regulation 12 of these regulations;

“day” for the purposes of these regulations, means a working day, excluding weekends and public holidays, to the exception of the days allowed in the election timetable;

“Department” means the provincial department responsible for traditional affairs;

“district” means the area of jurisdiction of a district municipality;

“election” means an election of a member of a traditional council contemplated in regulation 9 of these regulations;

“election timetable” means the election timetable as published by the Premier in terms of regulation 9(3) of these regulations;

“Independent Appeals Tribunal” means the Appeals Tribunal appointed in terms of regulation 7 of these regulations;

“Electoral Act” means the Electoral Act, 1998 (Act No. 73 of 1998);

CERTIFIED: 028 FEBRUARY 022

Principal State Law Advisor

“Houses” mean the Local Houses and the Provincial House of Traditional Leaders;

“Independent Electoral Agency” means the IEA appointed in terms of regulation 6 to these regulations to conduct traditional council elections;

“MEC” means the Member of the Executive Council responsible for Department of Cooperative Governance, Human Settlements and Traditional Affairs in the North West Province;

“nomination” means a nomination contemplated in regulation 12 of these regulations;

“observer” means a person accredited to observe an election in terms of regulation 34 of these regulations;

“officer” means –

- (a) an officer appointed in terms of regulation 14 of these regulations;
- (b) a presiding officer;
- (c) a deputy presiding officer;
- (d) a voting officer;
- (e) a ballot counting officer;
- (f) an officer of the Department.

“permanent resident” means a person who resides permanently in an area which forms part of a traditional community;

“presiding officer” means the person presiding at an election and appointed in terms of regulation 14(4) of these regulations;

“Province” means the North West Province;

“resident” means a person who is ordinarily resident in an area which forms part of a traditional community;

“traditional community meeting” means a consultative meeting as referred to in regulations 12(3), 33 and 34(1) which enjoin the traditional leader to convene a

CERTIFIED: 028 FEBRUARY 022

Principal State Law Advisor

community meeting to announce the names of selected members and where the IEA declares the commencement of the nominations period; and for the purpose of announcing final results.

"traditional council" means a traditional council established in terms of section 16 of the Act;

"traditional ward" means a village, administrative area, moraka, isigodi, motse, location or farm;

"voter" means a person who is eligible to vote in the traditional council elections in terms of these regulations;

"voter's roll" means those segments of the voters roll to be used in an election in terms of these regulations and certified by the MEC in terms of regulation 16(4) of these regulations;

"voting district" for purposes of these regulations means an area comprising of one or part of *traditional ward* or a combination of two or more *traditional wards* for which a voter's roll is compiled in terms of regulation 16 of these regulations; and

"voting station" means a voting station within a voting district for voting purposes established in terms of regulation 13 of these regulations.

Interpretation

2. A person interpreting or applying these regulations must –

- (a) do so in a manner that gives effect to the constitutional declarations, guarantees and responsibilities contained in the Constitution;
- (b) take into account the Traditional and Khoi-San Leadership Act, 2019 (Act No.3 of 2019), and
- (c) take into account the traditions and customs applicable to the traditional community provided they do not contradict the legislative framework and the Constitution.

CERTIFIED: 028 FEBRUARY 022

Principal State Law Advisor

Scope of, application and interpretation of regulations

3. These regulations apply to the selection of the 60% of the members of the traditional councils in terms of section 16(2)(c)(i) and the election of the 40% of members of traditional councils in terms of Section 16(2)(c)(ii) of the Traditional Khoi-San Leadership Act.

CHAPTER 2 SELECTIONS AND ELECTIONS

Selection of members of traditional councils

4.(1) At least 45 days prior to the expiry of the term of office of a traditional council the selection of members of the traditional council must be finalised.

(2) The finalisation of the selection process contemplated in sub-regulation (1) must be reflected in the election timetable for it sets in motion a period of 21 days within which an election of the 40% membership must be held as stated in Section 16(2)(d) of the Act.

(3) The selection process must be conducted in the following manner –

- (a) the traditional leader must, within the period stated in the election timetable, request the royal family to designate a consultative forum of not more than five members of the royal family who must convene on a proposed date and venue to assist the traditional leader with the selection process;
- (b) the forum meeting contemplated in paragraph (a) must be hosted and chaired by the traditional leader who must keep a record of such meeting;
- (c) the selection of members is subject to concurrence of the consultative forum;
- (d) in case of no concurrence on the list of selected members, the traditional leader must submit the list of nominated candidates to the Premier who, after consulting with the traditional leader and the forum, must select the required number of members to fill the 60% quota of the traditional council;
- (e) the names of selected candidates must be submitted to the Department for vetting and verification of compliance with the qualification criteria in terms of section 16(14);
- (f) the list of names of the selected candidates must be published in the *Gazette* within 14 days from the date of the royal family forum meeting where the list of names was produced;

CERTIFIED: 028 FEBRUARY 022

Principal State Law Advisor

(g) within 14 days from the date of the traditional council elections, a consolidated list of names of selected and elected members must be submitted to the Premier.

Election of 40% quota of members of traditional council

5. Each traditional community within the Province must conduct elections on the 40% quota of the members of the traditional council through a formal process as provided for in these regulations.

Appointment of the Independent Electoral Agency

6.(1) Before the determination of the elections and the declaration of the date or dates of elections, the Department must appoint an Independent Electoral Agency through the official tender process to conduct the elections, including the nominations of candidates for the election, the announcement of the election results and the finalisation of any disputes that may have arisen during the elections.

(2) In appointing an Independent Electoral Agency, the Department must consider the following –

- (a) the experience and familiarity of the agency with the electoral processes;
- (b) the capacity of the agency to carry out its obligations;
- (c) the familiarity of the agency with traditional communities and leadership;
- (d) the familiarity of the agency with customary and traditional norms; and
- (e) any other consideration that the Department may consider necessary in compiling the tender documentation.

Establishment of the Independent Appeals Tribunal

7.(1) The Premier must immediately after the proclamation of the election date, establish an Independent Appeals Tribunal consisting of not less than three people and not more than five people.

(2) The members of the Tribunal must be fit and proper persons and must possess at least one or more of the following basic skills and competencies –

- (a) knowledge of legal procedures;
- (b) knowledge of election processes;
- (c) knowledge of traditional leadership issues;

CERTIFIED: 028 FEBRUARY 022

Principal State Law Advisor

- (d) knowledge of dispute resolution procedures; or
 - (e) any other competency as may be identified by the Premier.
- (3) The Premier must appoint one of the members of the Tribunal as the chairperson of the Tribunal.
- (4) The Tribunal must adopt rules of procedure for the conduct of its business.
- (5) The Tribunal will have jurisdiction over all electoral matters and infringements of the Code referred to it and may take any decision and may impose any reasonable sanction having due regard to any applicable law and prescripts.
- (6) The Tribunal may at its discretion after having had regard to the nature and magnitude of the transgression or complaint refer the matter to other competent agencies.
- (7) Any complaint must be lodged in writing in a form substantially similar to Appendix 5.
- (8) The Tribunal must convene within two days of the complaint being lodged or the contravention being committed.
- (9) The term of office of the Tribunal must end after the announcement of the results or such other time as may be recommended for the proper finalisation of its responsibilities.
- (10) The powers of the Tribunal are as contemplated in Annexure D to these regulations.

General management of elections

- 8.(1) The Department must oversee and monitor the electoral process as well as the performance of the IEA and any incidental matters.
- (2) The elections must be managed by the IEA in order to ensure free and fair elections as contemplated in these regulations and any contract entered between the Department and the IEA.
- (3) The Department must provide funding for the elections in accordance with the budget submitted by the IEA and approved by the Department in terms of the tender processes.
- (4) The Department must make available staff to assist the IEA in managing the elections.

CERTIFIED: 028 FEBRUARY 022

Principal State Law Advisor

Proclamation of, and preparation for elections

9.(1) The Premier must, after consultation with the MEC, proclaim the date or dates for the elections of traditional councils.

(2) The proclaimed date or dates of the elections must be published in the provincial gazette at least one month before the actual election date or dates, allowing for the following processes to take place –

- (a) proper communication processes with traditional communities;
- (b) nominations, election and the announcement of results to happen within at least three months after publication of election timetable;
- (c) submission of names of members of the newly elected members to the Premier or the MEC, as the case may be, at least two weeks before the gazette containing the names of the newly elected members of the traditional council is issued; and
- (d) the gazetting of names referred to in paragraph (c) must be done at least 14 days after the results have been declared;

(3) After the proclamation of the election date, the election timetable must immediately be compiled by the IEA in consultation with the MEC and must be published in the provincial gazette.

(4) The election timetable may be amended by the IEA in consultation with the MEC if it considers it necessary for a free and fair election, and it must be published in the provincial gazette.

(5) The elections in general or for a particular traditional community may only be postponed before the proclaimed date of the election if the IEA, in consultation with the Head of the Department or the official assigned or designated by him or her is of the opinion that proceeding with the elections may grossly prejudice the administration of justice, order, peace and security, subject to approval by the Premier.

Qualification to vote

10. A person who wishes to participate in the elections of any traditional council must –

- (a) be a citizen of the Republic of South Africa;
- (b) be a resident of the traditional community concerned;

CERTIFIED: 028 FEBRUARY 022

Principal State Law Advisor

- (c) be in possession of a valid identity document;
- (d) be eighteen years of age or older; and
- (e) be registered on the traditional community's voter's roll.

Qualification for nomination

11. A person who wishes to stand for and accept nomination as a candidate in the traditional council election of any traditional community must –

- (a) be a citizen of the Republic of South Africa;
- (b) be a permanent resident within the traditional community concerned;
- (c) be eighteen years of age and above;
- (d) be in possession of an identity document;
- (e) be registered on the voters' roll of the community concerned;
- (f) not have been previously convicted and sentenced to an effective period of imprisonment of twelve months or more without the option of a fine for an offence relating to dishonesty, incitement or any other offence involving violence and public disorder;
- (g) not be a serving office bearer of a political party or a political movement;
- (h) not be a member of any municipal council, provincial or national parliament or an employee of any Government Department; and
- (i) not have been nominated by the senior traditional leader as part of the 60% selected members for the traditional council.

CHAPTER 3 PROCESSES AND PROCEDURES OF ELECTIONS

Nomination procedures for the 40% quota members of the Traditional Council

12.(1) A senior traditional leader must convene a meeting of a traditional community where the senior traditional leader will announce the list of names of the selected members of the traditional council and the IEA will announce the number of council positions as per ministerial formula to be contested in the election and declare the commencement of the nominations period and explain the nomination procedures;

(2) Each nominated candidate must acknowledge and confirm acceptance of the nomination by completing the relevant form of acceptance of nomination using the form in Appendix 1, which must contain –

CERTIFIED: 028 FEBRUARY 022

Principal State Law Advisor

- (a) the signature or mark of the nominee;
- (b) the signature of the IEA officer;
- (c) signatures of the two persons seconding the nomination;
- (d) the name/s and surname of the candidate as they appear on the identity document;
- (e) the identity number of the candidate;
- (f) any other name or non-offensive nickname by which the nominee is known in the community;
- (g) the physical address of the candidate including traditional ward or village;
- (h) the date of the nomination;
- (i) confirmation or declaration of acceptance of the Code of Conduct, nomination to stand as a candidate and that the nominee understands that the nomination is valid only for that specific round of elections and not any other subsequent or previous election or by-election; and
- (j) contact details of the nominee.

(3) The IEA must record the proceedings of the traditional community meeting and compile the preliminary list of candidates for the traditional council upon closure of the nominations period.

(4) The IEA shall publish the preliminary list of candidates for the community to scrutinise and shall hand over the said lists to the Department to verify compliance of the nominated candidates with the eligibility criteria set out in Regulation 11 above.

(5) During the public scrutiny period the IEA must receive objections, if any, for processing and determination, and prepare reports on the compliance of each nominated candidates, and allow for the period of appeals, if any, to the Independent Appeals Tribunal to run its course before producing the final list of candidates.

(6) Decisions of the IEA on objections and on lack of compliance with the eligibility criteria, and of the Independent Appeals Tribunal must be communicated to the affected individuals.

CERTIFIED: 028 FEBRUARY 022

Principal State Law Advisor

(7) Upon closure of the nominations period the IEA shall publish the final list of candidates to contest the traditional council elections.

(8) The period of the nominations process including the fulfilment of its procedures must be provided in the Proclamation of the date of the elections and shall be reflected in the Elections Timetable.

(9) The Premier must have the Elections Timetable setting out the time periods allocated for the electoral procedures as indicated in Annexure 1 to these regulations, published in the Provincial Gazette.

(10) Any candidate nomination submission may be disqualified on the following grounds –

- (a) Failure to submit a fully completed and compliant nomination form;
- (b) Failure to submit the nomination form on time stipulated in the Election Timetable;
- (c) Failure of the nominee to meet the qualification criteria stated in Regulation 11 above;
- (d) Confirmation of an objection lodged against a nominated candidate; or
- (e) General non-compliance with nomination procedures.

Objections to nominations

13.(1) Any person may object to the nomination of any candidate on the following grounds –

- (a) the candidate is not qualified to stand for the elections;
- (b) the nominated candidate did not formally accept the nomination as prescribed in these regulations; and
- (c) The candidate did not sign or undertake to be bound by the Code of Conduct.

(2) The objection must be lodged with the IEA within the period stipulated in the Election Timetable in a form as appears in Appendix 4 and promptly served on the candidate.

CERTIFIED: 028 FEBRUARY 022

Principal State Law Advisor

(3) Depending on the determination of the IEA, the objector or the candidate may lodge an appeal with the Independent Appeals Tribunal against the decision of the IEA within the time period prescribed in the Election Timetable whereupon the Independent Appeals Tribunal shall inform the appellant, the candidate where applicable, and the IEA of its decision.

Candidate Certificates

14.(1) Soon after publishing the final list of nominated candidates, the IEA must convene a workshop for the candidates in order to –

- (a) accredit and issue candidates with certificates of candidature;
- (b) brief them about the Code of Conduct;
- (c) agree on the sequential list of candidates on the ballot paper;
- (d) agree on the design of the ballot paper;
- (e) accredit the candidate agents; and
- (f) declare the campaigning period open.

Delimitation of voting districts

15.(1) With the technical assistance of the IEA and administrative guidance from traditional councils, the Department may delimit traditional council areas into voting districts within and/or across village boundaries relying, inter alia, on the traditional council maps and Independent Electoral Commission delimitation data to determine the number of voting stations per traditional community.

(2) The boundaries of each village must be determined in accordance with the provisions of Section 61 of the Electoral Act, 1998 (Act 73 of 1998).

(3) The Department must establish one or more voting stations, and mobile voting stations where required, or only mobile voting stations, in each village in which the election will be held.

(4) Delimitation must: –

- (a) sub-divide the jurisdictional area of the traditional council into villages;

CERTIFIED: 028 FEBRUARY 022

Principal State Law Advisor

- (b) define a traditional ward to be a village; and
- (c) where the size of the village so requires, establish more than one voting station using sub-regulations (1) and (2) above.

(5) A voting station must be established within traveling distance of the residents of a traditional ward, failing which the IEA must determine the need to establish additional voting or mobile stations.

(6) By not later than the relevant date stated in the election timetable, the IEA must give notice that copies of a list containing the address of each voting station inside the traditional council will be available for public inspection.

(7) Each voting station must generally comply with the provisions of section 64 of the Electoral Act and regulations made in terms of that Act.

Appointment of election staff

16.(1) Each voting station shall be managed by efficient and competent election staff members appointed by the IEA from within the traditional community where the elections will take place.

(2) In appointing the election staff members, the IEA must exercise fairness, equity and equality and avoid practices that may be viewed as bias, nepotism or favouritism.

(3) To qualify for appointment as an election staff member each person must prove that:

—

- (a) She/he is not an agent for any candidate who has been nominated to contest the elections;
- (b) She/he is not a candidate in the election;
- (c) She/he does not hold political office in any political party;
- (d) She/he is not a member of any legislature; and
- (e) She/he meets the academic and other criteria set by the IEA.

CERTIFIED: 028 FEBRUARY 022

Principal State Law Advisor

- (4) Each voting station must be staffed by the following officials –
- (a) the presiding officer;
 - (b) the deputy presiding officer;
 - (c) not less than three other staff members including voting and counting officers.
 - (d) Voting and counting officers are responsible for all activities within each voting station including but not limited to: –
 - (i) verification of the registration status of each voter;
 - (ii) stamping and issuing of ballot papers;
 - (iii) marking of voters' left thumb nail with indelible ink;
 - (iv) assisting voters who need assistance;
 - (v) ensuring that cast ballots are deposited into the ballot box by voters;
 - (vi) ensuring that full ballot boxes are sealed and stored in a secure place in the voting station;
 - (vii) reconciling voting materials supplied to each voting station; and
 - (viii) counting of ballots papers.
- (5) The presiding officer must –
- (a) manage, co-ordinate and supervise the voting proceedings at the voting station;
 - (b) take reasonable steps to ensure the orderly conduct of voting proceedings at the voting station;
 - (c) may order a security member to assist in ensuring orderly conduct;
 - (d) may exclude persons for valid reasons from the area within the boundary of the voting station; and
 - (e) make all determinations, recommendations and decisions regarding disputes and any other matters relating to the voting proceedings within the voting station including the decision whether a dispute should be

CERTIFIED: 028 FEBRUARY 022

Principal State Law Advisor

referred to the Independent Appeals Tribunal appointed in terms of these regulations.

(6) Election staff members must subscribe to the Code of Conduct as set out in Annexure B to these regulations.

(7) The IEA may at any time terminate the appointment of any election staff member that contravenes the Code of Conduct as set out in Annexure B to these regulations, provided that such termination is in line with applicable labour legislation.

(8) The IEA is responsible for the training of election staff members deployed at each voting station and must equip them with the voting materials set out in Annexure C to these regulations.

(9) Election staff members will be appointed by and be responsible to the IEA which will make contractual arrangements with the election staff members, and no liability arising out of this contractual arrangement shall accrue against the Department.

Election materials

17. The IEA must ensure the availability of sufficient voting materials as set out in Annexure C to these regulations, including equipment deemed necessary for the successful conduct of the elections.

Voter registration and compilation of voters' roll

18.(1) The IEA must compile the voters' roll for each village within the traditional council where elections are to be conducted: provided that the Department ensures that the affected communities are sufficiently informed of what is required of them and of the date and venues of voter registration.

(2) Any South African citizen of 18 years or above who resides within the village of a traditional council where elections are to be held is qualified to register upon presenting a valid South African identity document including a temporary identity document issued by the Department of Home Affairs.

CERTIFIED: 028 FEBRUARY 022

Principal State Law Advisor

(3) In compiling the Voter's Roll, the IEA must consider the provisions of Chapter 2 of the Electoral Act.

(4) The Voter's Roll must be certified by the MEC on the date contemplated in the Election Timetable.

CHAPTER 4 VOTING, VOTING PROCEDURE AND MANAGEMENT OF RESULTS

Part I: Voting

Hours of voting

19. The voting hours on election day must be from 07h00 to 19h00 unless the Premier determines otherwise by notice in the Provincial Gazette.

Outer boundaries of voting stations

20.(1) On voting day, after consultation with the traditional leader, candidate agents and members of security services, if available, the presiding officer must determine the outer boundaries of the venue of the voting station before voting commences.

(2) The presiding officer must demarcate the outer boundary of the voting station by marking the outer boundary using visible signs, markers or demarcation tape along the boundary line to ensure that the outer boundary is visible to anyone at the voting station.

Mobile voting stations and special votes

21.(1) To ensure free and fair elections the IEA may decide to use mobile voting stations in addition to or instead of a fixed voting station and must give proper public notice of all intended routes, estimated stopping times and venues of the mobile voting stations.

(2) The IEA must ensure that information on the institution of the mobile voting station is widely publicised within the affected communities.

(3) The same procedures outlined in regulations 20 and 21 of these regulations must be followed when a mobile voting station is used.

CERTIFIED: 028 FEBRUARY 022

Principal State Law Advisor

Special votes

22.(1) A voter who is unable to cast his or her vote on a voting day at a voting station due to physical infirmity or disability must apply to be afforded the opportunity to cast a special vote at a place where he or she resides.

(2) The application for a special vote must be done by no later than the date stated in the election timetable, in a prescribed written application form provided by the IEA.

Initial voting process

23.(1) Immediately before opening a voting station for voting, the presiding officer must show all accredited observers and candidates present that each ballot box to be used at that voting station is empty.

(2) If all persons present are satisfied that a ballot box is empty, the presiding officer must seal that box by means of a seal designed and supplied to the presiding officer for that purpose by closing all openings of the ballot box except the slot to allow the completed ballot papers to be deposited.

(3) The presiding officer must confirm the availability of all required materials, namely ballot papers, ballot stamp, indelible ink, segment of the Voter's Roll, voting pen and the voter verification device, and all the required forms, seals, stationery and staff.

Voting procedures

24.(1) A voter may vote only once for each position that is being contested in an election only at the voting station in the village and voting district in which that voter is registered to vote.

(2) A voter may vote at a voting station on production of that voter's identity document to the presiding officer or a voting officer at the voting station and if that voter's name is on the certified segment of the voters' roll for the village and voting district for which that voting station is established.

(3) When a voter produces an identity document to a presiding officer or voting officer, that officer must examine the identity document and determine whether –

(a) the voter is the person described in that identity document;

CERTIFIED: 028 FEBRUARY 022

Principal State Law Advisor

- (b) the voter's name appears on the certified segment of the Voters' Roll for the village concerned; and
 - (c) the voter has not already voted in the election.
- (4) If the presiding officer or voting officer is satisfied that the voter has satisfied the requirements of sub-regulation (2) above, such officer must –
- (a) record that the voter is regarded as having voted at that voting station;
 - (b) mark the hand of the voter as described in regulation 24;
 - (c) stamp the back of the ballot paper with the official stamp for the election;
- and
- (d) hand the ballot paper to the voter.
- (5) Once the voter has received a ballot paper marked in terms of sub-regulation above, the voter must: –
- (a) be ushered into an empty voting compartment;
 - (b) mark the ballot paper in secrecy in a way that clearly indicates the candidate/s the voter is voting for;
 - (c) fold the ballot paper to conceal the voter's choice;
 - (d) place the ballot paper in the ballot box; and
 - (e) leave the voting station without delay.

Assistance to voters

25.(1) A presiding officer or a voting officer, may allow a voter to be assisted to vote, but only if –

- (a) the voter requires assistance due to physical disability;
- (b) the voter has requested to be assisted by a specific person; and
- (c) the presiding officer is satisfied that the person rendering such assistance is –

CERTIFIED: 028 FEBRUARY 022

Principal State Law Advisor

- (i) at least 18 years old; and
- (ii) is not an observer, an agent or a candidate.

(2) The presiding officer or a voting officer, at the request of a voter who is unable to read, must assist that voter to cast a vote and provide such assistance in the presence of –

- (a) an accredited observer, if available; and
- (b) another voting officer.

(3) In applying these regulations, the secrecy of the ballot must always be observed.

Issuing of new ballot papers

26.(1) If a voter accidentally marks a ballot paper in a way that does not indicate for whom the voter wishes to vote and the ballot paper has not yet been placed in the ballot box, the voter may return that ballot paper to the presiding officer or a voting officer.

(2) Upon receiving the ballot paper from a voter, the presiding officer or voting officer must mark "cancelled" on the back of the ballot paper and file it separately and thereafter hand the voter a new ballot paper.

Marking of hand of voter

27.(1) The hand of a voter must be marked by drawing a short line on the voter's left thumb nail with visible indelible ink.

(2) If the voter does not have a left thumb or thumb nail or if it is impractical due to injury, disease or any other cause to mark, then any one of the left-hand or right-hand fingers and nails must be so marked.

(3) If for any of the reasons referred to in sub-regulation (2), no finger and nail of a voter can be marked, the presiding officer must keep a record of that voter's name, address, identity number and the reasons why the voter's hand could not be marked.

Closing of balloting

28.(1) At exactly 19h00 the hour of closing the voting proceedings, the presiding officer shall announce the closure of the voting station: provided that the voters that are on the queue shall be allowed to vote.

CERTIFIED: 028 FEBRUARY 022

Principal State Law Advisor

(2) When all voters have cast their ballot, the presiding officer must ensure that it is only accredited persons that are allowed to remain in the voting station while closing procedures and preparations for counting are underway.

*Part II:
Voting Closure and Counting Procedures*

Sealing of ballot boxes

29.(1) The presiding officer, in the presence of any observers and candidates present, must as soon as a ballot box is full, seal the ballot box by closing the opening of the ballot box with a seal and after the last vote has been cast, similarly seal the last ballot box and any unused ballot boxes.

(2) A sealed ballot box must remain sealed inside the voting station until opened for the counting of votes.

Completing of ballot paper statement

30. As soon as practicable after a voting station has been closed for voting, the presiding officer, in the presence of any observers and candidates present, must –

(a) complete a ballot paper statement on a form similar to Appendix 2 reflecting the number of: –

- (i) ballot boxes entrusted to that presiding officer;
- (ii) used ballot boxes;
- (iii) unused ballot boxes;
- (iv) ballot papers entrusted to that presiding officer;
- (v) issued ballot papers;
- (vi) unissued ballot papers;
- (vii) cancelled ballot papers; and
- (viii) spoilt ballot papers.

(b) seal each unused ballot box entrusted to that presiding officer;

Seal in separate containers: —

- (i) the certified segment of the voters' roll;
- (ii) the unused ballot papers entrusted to that presiding officer;
- (iii) the cancelled ballot papers; and

CERTIFIED: 028 FEBRUARY 022

Principal State Law Advisor

(iv) the written record of any objections concerning voting.

Counting procedures of ballot papers cast

31.(1) The counting officer must ensure that the procedures provided for in these regulations are complied with and vote counting commence as soon as practicable after the voting station is closed for voting and continue uninterrupted until such counting is completed.

(2) The presiding officer may act as the ballot counting officer, and before counting commences, the ballot counting officer must examine whether the seals are intact on the sealed items.

(3) After examining the seals, the counting officer must open all the sealed ballot boxes and containers and must deal with any irregularities and discrepancies found, and if any of the voting material appears to have been unlawfully tampered with or is missing, the counting officer must call in the assistance of a member of the security forces to investigate the matter and to assist in the search for any missing voting material.

(4) If no irregularities are found, the ballot counting officer must open all the used sealed ballot boxes and proceed as follows –

- (a) the counting officer must reject a ballot paper that indicates –
 - (i) the identity of the voter;
 - (ii) votes cast for more than the permitted number of vacancies;
 - (iii) no mark or that the ballot paper is marked in such a way that it is not reasonably possible to determine the voter's choice;
- (b) the official stamp is not appearing on the back of the ballot paper; or
- (c) that it is not an official ballot paper.

(5) The counting officer must –

- (a) mark "rejected" on the back of each rejected ballot paper; and
- (b) file the rejected ballot papers separately.

(6) The agent may object to any irregularity in the sorting of the ballot papers in terms of sub-regulation (4).

CERTIFIED: 028 FEBRUARY 022

Principal State Law Advisor

(7) The objection contemplated in sub-regulation (6) must be made to the counting officer in the prescribed manner at any stage before the counting officer has completed the results form.

(8) An agent may object to an alleged inaccuracy in the counting of the votes or the determination of a result.

(9) The ballot counting officer must decide the objection in the prescribed manner and whether to order a recount.

(10) The counting officer must notify the objector and any other parties involved in the objection, of the decision made in terms of sub-regulation (9).

(11) If the counting officer orders a recount, the counting officer must determine afresh the result.

(12) An appeal against the decision of the counting officer may be noted with the Independent Appeals Tribunal in the prescribed manner and time.

(13) The counting officer must keep a written record in the prescribed manner of each objection in terms of sub-regulation (7) and each decision in terms of sub-regulation (9).

*Part III:
Management of Results*

Issuing of preliminary results

32.(1) The ballot counting officer must determine the result of the count of all the ballot papers cast in that voting station and record the result by completing a result form substantially similar to Appendix 3, reflecting the result of the count in respect of the election conducted at the voting station.

(2) The counting officer must announce the provisional result of that voting station concerned after completion of the result form.

(3) Once the counting officer has complied with sub-regulation (1), the counting officer must seal all the voting material, including the used and unused ballot papers, together

CERTIFIED: 028 FEBRUARY 022

Principal State Law Advisor

with the result form, in separate containers and deliver such containers to the Results Transmission Centre at the designated sub-district.

(4) Once the results of each voting station in each Results Transmission Centre have been obtained, the Results Transmission Centre will forward all its results to the District Results Centre which will tally the results for each traditional council within its jurisdiction and transmit such results to the Provincial Results Centre to enable the IEA to declare the provisional results and to announce final results at a traditional community meeting called by the senior traditional leader for that purpose.

(5) The traditional community meeting contemplated in sub-regulation (4) must be held within seven days after the IEA has declared the provisional results.

Election ties

33.(1) After the counting of all votes and before the announcement of results at a traditional community meeting, election ties shall be resolved by conducting a draw using identical envelopes with the names of the candidates who are involved in the tie placed therein.

(2) The draw of an envelope must be presided over by the senior traditional leader and conducted by the IEA which at its discretion shall select anyone present to pick an envelope.

(3) A candidate whose name is picked first must be declared elected.

(4) Where the required minimum of one third of women representatives has not been reached, the female candidate should be declared elected in order to satisfy the provisions of gender representatives outlined in the Act provided that where only women candidates are involved in a tie the draw must still be conducted.

(5) The results of the draw shall form part of the results announced at a traditional community meeting convened for that purpose.

Election disputes

34.(1) Where any interested party, including an observer or candidate wishes to lodge a complaint regarding the procedures or processes of the election or the results of the

CERTIFIED: 028 FEBRUARY 022

Principal State Law Advisor

elections he or she must do so by lodging such complaint in writing with the presiding officer at the voting station.

(2) The presiding officer must seek to resolve the dispute through mediation or negotiation failing which the presiding officer must take a decision.

(3) The presiding officer must record the objection and his or her decision and inform the objector and any other party involved or affected verbally of the decision taken.

(4) Where the objector is still not satisfied with the decision of the presiding officer the objector may lodge an appeal within 24 hours with the Independent Appeals Tribunal as established in terms of regulation 7 of these regulations.

CHAPTER 5
GENERAL PROVISIONS
Part I: Filling of Vacancies

By-elections

35.(1) Whenever a vacancy arises in any traditional council in terms of the Act, and subject to sub-regulations (2) and (3) under this regulation, the vacancy occurring in the traditional council must be filled by the candidate who got the next highest number of votes in the election contemplated in these regulations.

(2) A candidate who did not receive any votes in the election contemplated in these regulations may not become a member of the Traditional Council in terms of sub-regulation (1) above and is regarded as being disqualified.

(3) In the event that a female member of the Traditional Council caused the vacancy to arise, the next available female candidate on the remaining list of candidates who received the highest number of votes in the election contemplated in these regulations must fill the vacancy.

(4) Where the next candidate who obtained the highest number of votes in the election contemplated in these regulations is for whatever reason not available to fill the vacancy, the next person with the highest number of votes will become a member of the Traditional Council.

CERTIFIED: 028 FEBRUARY 022

Principal State Law Advisor

(5) The name of the person who becomes a member of the Traditional Council in terms of this regulation must be published in the Provincial Gazette.

(6) Where a tie exists among the candidates on the list, such a tie must be resolved in terms of regulation 33 to these regulations.

(7) Where no person is available to take up the membership of a Traditional Council in terms of this regulation, then a new election must be conducted in terms of these regulations.

(8) In the event that a new election must be conducted, the Premier must proclaim the date for the by-election in a provincial gazette and allow for the required number of days to give effect to the election timetable.

(9) Once the date of the election has been proclaimed in terms of sub-regulation 32.8, the date must also be published in a newspaper circulating in the area where the by-election is held.

(10) The voter's roll to be used for the by-election is the voter's roll as it exists on the date that the Premier proclaims the date of the by-election but only those segments of the voter's roll for those Traditional Council affected by the vacancy.

(11) The councilor elected at the by-elections must be elected for the remainder of the term of office of the existing Traditional Council.

Election observers and candidate agents

36.(1) Any person or organisation that wishes to observe the traditional council elections must make an application to the assigned official, in respect of an election conducted in a community meeting, or to the IEA, in respect of an election conducted by the IEA, for accreditation as a candidate agent or an observer to observe an election as contemplated in these regulations, by completing a form substantially similar to Appendix 5.

(2) Every accredited candidate agent and observer is bound by the Code of Conduct for accredited Observers as set out in Annexure E.

CERTIFIED: 028 FEBRUARY 022

Principal State Law Advisor

*Part III:
Prohibited Conduct*

Code of Conduct

37. Every candidate participating in the election is bound by and must comply with these regulations, the Act as well as the Code of Conduct provided for in Annexure D to these regulations.

Unacceptable conduct

38.(1) No person may conduct himself or herself in a manner that may –

- (a) unduly influence a person to vote or not to vote;
- (b) compel or unlawfully persuade a person to vote or not to vote for a particular candidate;
- (c) interfere with the independence of the IEA;
- (d) unlawfully prevent voters from access to voting stations;
- (e) make intentional false statements or publish false information which may disrupt or prevent an election taking place;
- (f) unlawfully create hostility or fear in order to influence the conduct or outcome of an election;
- (g) unlawfully remove, destroy or damage any election material;
- (h) unlawfully print, transport or remove ballot papers or manufacture any election material;
- (i) unlawfully remove or damage any billboard or placard;
- (j) unlawfully carry or display any dangerous weapon within the boundaries of the voting station;
- (k) within the boundaries of the voting station engage in any political activity other than casting a vote.

CERTIFIED: 028 FEBRUARY 022

Principal State Law Advisor

(2) Any person who contravenes or fails to comply with the provision of these regulation is guilty of a misconduct and on conviction liable to an appropriate sanction determined by a competent Tribunal.

Election campaigns

39. Election campaigns must be conducted in compliance with the provisions of Annexure D to these regulations.

Declaration of secrecy

40. The declaration of secrecy must be signed before appointment as an officer, using the form in Appendix 6.

Short-Title

41. These Regulations are called the Regulations for the Constitution and Reconstitution of Traditional Councils in the North West Province. 2022

CERTIFIED: 028 FEBRUARY 022

Principal State Law Advisor

ANNEXURE A

**NUMBER OF MEMBERS OF TRADITIONAL COUNCILS AS PER THE MINISTERIAL
FORMULA IN LINE WITH SECTION 16(2)(a) OF THE TRADITIONAL AND KHOI-SAN
LEADERSHIP ACT, 2019**

Senior traditional leader	h: Selected headmen /headwomen	c: Selected community members	Number of Women Selected	e: Elected Members of a traditional council (40% component)	Number of Women Elected	Total number of Traditional Council Members
1	4	1	1	4	1	10
1	6	2	3	6	2	15
1	9	2	4	8	3	20
1	11	3	5	10	3	25
1	14	3	6	12	4	30
1	16	4	7	14	5	35

NB. The determination of the numbers of a Traditional Council is based on the Minister's formula for determination of the number of members of a traditional council published in the government gazette no. 45859 on 04 February 2022.

The table above is a breakdown of the composition of the traditional councils as per the Ministerial Formula.

CERTIFIED: 028 FEBRUARY 022

Principal State Law Advisor

ANNEXURE B**CODE OF CONDUCT FOR APPOINTED OFFICERS
(REGULATION 14)**

All appointed officers must:

1. Come to work on time and knock off after counting is completed;
2. Abide by the instructions given by the Presiding Officer
3. Carry out all your assigned duties competently and efficiently;
4. Be and act impartial and do not favour or side with any candidate;
5. Serve voters with respect, dignity and courtesy;
6. Be accurate and thorough in their work;
7. Keep their work above question;
8. Preserve the secrecy of the vote;
9. Treat their colleagues, observers and security personnel with respect
10. Dress respectfully and be presentable;
11. Conduct themselves in a professional manner;
12. Make sure that the voting station is presentable and tidy;
13. Always act in accordance with the law; and
14. Approach the presiding officer or the deputy for clarity on issues where and when necessary.

During the Election Day, a voting officer is not allowed to:

1. Canvass or campaign for any candidate;
2. Use equipment or assets of a candidate;
3. Behave negligently;
4. Behave fraudulently;
5. Wear clothing with any candidate names, signs or logos;
6. Abuse equipment for personal interests during the hours of voting and counting;
7. Use drugs and alcohol-related substances; and
8. Disclose any information regarding how a voter voted.

CERTIFIED: 028 FEBRUARY 022

Principal State Law Advisor

ANNEXURE C
VOTING MATERIALS

The following minimum voting material is needed in each voting station: -

- i. ballot papers;
- ii. ballot boxes;
- iii. voting compartments;
- iv. the certified segment of the voters' roll for the voting district;
- v. indelible ink;
- vi. seals;
- vii. official stamp;
- viii. all prescribed forms;
- ix. pencils and pens;
- x. rulers;
- xi. boundary tape;
- xii. banners;
- xiii. industrial tape;
- xiv. envelopes;
- xv. paper clips;
- xvi. stickers and name tags;
- xvii. puncher.

CERTIFIED: 028 FEBRUARY 022

Principal State Law Advisor

ANNEXURE D

ELECTORAL CODE OF CONDUCT FOR CANDIDATES PARTICIPATING IN TRADITIONAL COUNCIL ELECTIONS

Part 1 Prohibited conduct

Undue influence

(1) No person may -

- (a) compel or unlawfully persuade any person -
 - (i) to register or not to register as a voter;
 - (ii) to vote or not to vote;
 - (iii) to vote or not to vote for any nominated candidate; or
 - (iv) to support or not to support any nominated candidate;
- (b) interfere with the independence or impartiality of the Independent Electoral Agency, any member, employee or officer of the Independent Electoral Agency;
- (c) prejudice any person because of any past, present or anticipated performance of a function in terms of these regulations;
- (d) advantage, or promise to advantage, a person in exchange for that person not performing a function in terms of these regulations;
- (e) prevent any of the following persons from gaining reasonable access to voters, whether in a public or private place:
 - (i) any representative of a candidate or a candidate;
 - (ii) any candidate in an election;
 - (iii) any member, employee or officer of the Independent Electoral Agency;
 - (iv) any person appointed by an accredited observer; or
 - (v) any person accredited to provide voter education;

(2) Subject to these regulations, no person may prevent anyone from exercising a right conferred by these regulations.

CERTIFIED: 028 FEBRUARY 022

Principal State Law Advisor

(3) No person, knowing that another person is not entitled to be registered as a voter, may

-

- (a) persuade that other person that that other person is entitled to be registered as a voter; or
- (b) represent to anyone else that that other person is entitled to be registered as a voter.

(4) No person, knowing that another person is not entitled to vote, may: -

- (a) assist, compel or persuade that other person to vote; or
- (b) represent to anyone else that that other person is entitled to vote.

Impersonation

No person -

- (a) may apply to be registered as a voter in the name of any other person, whether living, dead or fictitious;
- (b) may apply for a ballot paper at a voting station in the name of another person, whether living, dead or fictitious;
- (c) who is not entitled to vote in an election or at a voting station, may vote in that election or at that voting station;
- (d) may cast more votes than that person is entitled to; or
- (e) may impersonate -
 - (i) a representative of a candidate or candidates;
 - (ii) a candidate in an election;
 - (iii) a member, employee or officer of the Independent Electoral Agency;
 - (iv) a person appointed by an accredited observer; or
 - (v) a person accredited to provide voter education.

Intentional false statements

(1) No person, when required in terms of these regulations to make a statement, may make the statement –

- (a) knowing that it is false; or
- (b) without believing on reasonable grounds that the statement is true.

CERTIFIED: 028 FEBRUARY 022

Principal State Law Advisor

(2) No person may publish any false information with the intention of –

- (a) disrupting or preventing an election;
- (b) creating hostility or fear in order to influence the conduct or outcome of an election; or
- (c) influencing the conduct or outcome of an election.

Infringement of secrecy

(1) No person may interfere with a voter's right to secrecy while casting a vote.

(2) Except as permitted in terms of these regulations, no person may –

- (a) disclose any information about voting or the counting of votes; or
- (b) open any ballot box or container sealed in terms of these regulations or break its seal.

Prohibitions concerning voting and election materials

(1) Except as permitted in terms of these regulations, no person may–

- (a) print, manufacture or supply any voting or election material;
- (b) remove or conceal any voting or election material;
- (c) damage or destroy any voting or election material; or
- (d) use the voters' roll or any voting or election material for a purpose other than an election purpose.

(2) The IEA may authorise –

- (a) the printing, manufacture or supply of any voting or election material;
- (b) the use of the voters' roll or any voting or election material for a purpose other than an election purpose; and
- (c) the removal or destruction of any voting or election material.

CERTIFIED: 028 FEBRUARY 022

Principal State Law Advisor

Prohibitions Concerning Placards and Billboards during Election

From the date on which an election is called to the date the result of the election is determined and declared in terms of regulation 4, no person may deface or unlawfully remove any billboard, placard or poster published by a candidate.

Obstruction of or Non-Compliance With, Directions of Independent Electoral Agency and Assigned Officials

(1) No person may refuse or fail to give effect to a lawful direction, instruction or order of the Independent Electoral Agency, or a member, employee or officer of the Independent Electoral Agency.

(2) A person may not obstruct or hinder the Independent Electoral Agency, or a person mentioned in sub-regulation (1), or a person appointed by an accredited observer, in the exercise of their powers or the performance of their duties.

Contravention of the Code

No candidate bound by the Code may contravene or fail to comply with provisions of this Code.

CERTIFIED: 028 FEBRUARY 022

Principal State Law Advisor

Part 2

Enforcement

Institution of and intervention in civil proceedings by the Independent Electoral Agency

(1) Subject to these regulations and any other law, the MEC either personally or through the Independent Electoral Agency may institute civil proceedings before a court to enforce a provision or provisions of these regulations or the Code of conduct.

(2) The Premier either personally or through the Independent Electoral Agency may intervene in any civil proceedings if the Premier or Independent Electoral Agency has a legal interest in the outcome of those proceedings.

Jurisdiction and powers of the Independent Appeals Tribunal

(1) The Independent Appeals Tribunal has jurisdiction in respect of all electoral disputes and complaints about infringements of the Code of conduct.

(2) If the Independent Appeals Tribunal finds that a person has contravened a provision of Part 1 of this Chapter it may in the interest of a free and fair election impose any appropriate penalty or sanction on that person, including –

- (a) a formal warning;
- (b) a fine not exceeding R10 000;
- (c) an order prohibiting that person from –
 - (i) using any public media;
 - (ii) holding any public meeting, demonstration, march or other event;
 - (iii) entering any voting district for the purpose of canvassing voters or for any other election purpose;
 - (iv) erecting or publishing billboards, placards or posters at or in any place;
 - (v) publishing or distributing any campaign literature;
 - (vi) electoral advertising; or

CERTIFIED: 028 FEBRUARY 022

Principal State Law Advisor

- (d) an order imposing limits on the right of that person or to perform any of the activities mentioned in paragraph (d);
- (e) an order excluding that person or any agents of that person from entering a voting station;
- (f) an order reducing the number of votes cast in favour of that person;
- (g) an order disqualifying the candidature of that person; or

(3) Any penalty or sanction provided for in this section will be in addition to any penalty provided for in Part 3 of this Chapter.

(4) Any penalty paid in terms of this regulation is payable to the magistrate's court in whose area of jurisdiction the matter arose.

Part 3

Additional powers and duties of the Independent Electoral Agency

Electoral Code of Conduct and other Codes

- (1) The Electoral Code of Conduct must be subscribed to-
 - (a) by every registered candidate before that candidate is allowed to contest an election; and
 - (b) by every candidate before that candidate may be placed on a list of candidates.
- (2) In order to promote free, fair and orderly elections, the Independent Electoral Agency may compile and issue any other Code.
- (3) The Independent Electoral Agency may change or replace a Code issued in terms of subsection (2).
- (4) A Code issued in terms of subsection (2), or a change to or replacement of such a Code, must be published in the Provincial Gazette.

CERTIFIED: 028 FEBRUARY 022

Principal State Law Advisor

ANNEXURE E
CODE OF CONDUCT FOR ACCREDITED OBSERVERS

1. Every accredited observer and person appointed by the observer must—
 - 1.1 Observe the election impartially and independently of any candidate contesting the election.
 - 1.2 Remain non-partisan and neutral.
 - 1.3 Be competent and professional in observing the election.
 - 1.4 Provide the Independent Electoral Agency with a comprehensive review of the elections taking into account all relevant circumstances including: -
 - (a) the degree of impartiality shown by the Independent Electoral Agency;
 - (b) the degree of freedom of candidates to organise, move, assemble and express their views publicly;
 - (c) the opportunity for candidates to have their agents observe all aspects of the electoral process;
 - (d) the fairness of access for candidates to national media and other resources of the state;
 - (e) the proper conduct of polling and counting of votes; and
 - (f) any other issue that concerns the essential freedom and fairness of the election.
 - 1.5 Comply with all instructions given and every obligation imposed by—
 - (a) the Independent Electoral Agency;
 - (b) any electoral officer; or
 - (c) any employee or officer of the Independent Electoral Agency; or
 - (d) a member of the security services acting on the instructions of an officer.

CERTIFIED: 028 FEBRUARY 022

Principal State Law Advisor

2. The accredited observer and any person appointed by that observer should—
- 2.1 Avoid doing anything that would indicate or be seen as indicating partisan support for a candidate.
 - 2.2 Act in a strictly neutral and unbiased manner.
 - 2.3 Disclose to the Independent Electoral Agency any relationship that could lead to conflict of interest regarding the performance of their duties as observers or with the process of observation or assessment of the election.
 - 2.4 Not accept any gifts or favour from a candidate, organisation or person involved in the election process.
 - 2.5 Not participate in any function or activity that could lead to a perception of sympathy for a particular candidate.
 - 2.6 Not express a view or opinion on any matter, which is the subject of electoral campaigning.
 - 2.7 Not influence or attempt to influence the choice of a voter regarding any candidate in an election.
 - 2.8 Not wear, carry, or display any political party's symbols or colours.

CERTIFIED: 028 FEBRUARY 022

Principal State Law Advisor

APPENDIX 1

INDEPENDENT ELECTORAL AGENCY

NOMINATION OF CANDIDATES FOR TRADITIONAL COUNCIL ELECTIONS

Election date:

Traditional Community:

Traditional ward:

I, _____ (Identity number)

being ordinarily resident in the abovementioned Traditional Community and traditional ward and being registered as a voter on that Traditional Community's segment of the voters' roll, hereby nominate _____ (Identity number) _____ to contest the election in the abovementioned Traditional Community as a candidate.

Attached is—

- (a) the prescribed acceptance of nomination signed by the candidate;
- (b) a certified copy of the page of the candidate's identification document on which the candidate's photo, name and identity number appear; and

Signature:

Place:

Date:

Contact details of—

(a)

Nominator

(b)

Candidate

ACCEPTANCE OF NOMINATION BY A CANDIDATE FOR TRADITIONAL COUNCIL ELECTIONS

CERTIFIED: 028 FEBRUARY 022

Principal State Law Advisor

I, _____ (Identity number: _____)

hereby accept my nomination as a candidate in the abovementioned
election by

(Note: Insert name of nominating individual)

Place:

Date:

Signature of candidate:

CERTIFIED: 028 FEBRUARY 022

Principal State Law Advisor

APPENDIX 2**INDEPENDENT ELECTORAL AGENCY****PRESIDING OFFICER'S BALLOT PAPER STATEMENT IN THE TRADITIONAL COUNCIL ELECTION**

Election date:

Traditional Community:

Voting District:

Traditional ward:

Voting Station:

PART 1: BALLOT BOXES

Total number of ballot boxes received	
Number of ballot boxes used	
Number of unused ballot boxes	
Used plus unused must equal total received	

PART 2: BALLOT PAPERS

(a) Total No. of ballot papers received	
(b) Total No. of ballot papers issued	
(c) Total No. of ballot papers unissued	
(d) Total (b) + (c)	
(e) Total No. of ballot papers cancelled	
(f) Total of ballot papers in the used boxes	
(g) Total (e) + (f)	

NOTE:

The figures at column (d) should be the same as that in column (a).

The figures at column (g) should be the same as that at column (b).

Signature of Presiding Officer

Date

CERTIFIED: 028 FEBRUARY 022

Principal State Law Advisor

APPENDIX 3

INDEPENDENT ELECTORAL AGENCY

RESULTS FORM TO BE COMPLETED BY COUNTING OFFICER IN RESPECT OF VOTES CAST FOR CANDIDATES IN THE TRADITIONAL COUNCIL ELECTIONS

Election date:

Traditional Community:

District Management Area [If applicable]:

Voting District:

RESULTS OF COUNT

CANDIDATE NAME	NUMBER OF VOTES	SIGNATURE OF CANDIDATE /AGENTS/ OBSERVER
Signature of Counting Officer:	Name of Counting Officer:	Identity number:
Date:	Telephone contact number:	After Hours contact number:

CERTIFIED: 028 FEBRUARY 022

Principal State Law Advisor

APPENDIX 4**INDEPENDENT ELECTORAL AGENCY****OBJECTION CONCERNING VOTING IN THE TRADITIONAL COUNCIL ELECTIONS****Election date:****Traditional Community:****Voting District:****Traditional ward:****Objector***Identity number:***Full Names***Agent/Candidate/
(Where applicable)**Voter:***I object to:**☐

A voter being allowed to vote

☐

A voter being allowed to vote at this station

☐

A voter (or myself) being refused a ballot paper

☐

The conduct of an officer, an agent or other person at this voting station

Reasons for objection (giving full particulars of voter, officer, agent or other person involved)*Signature of Objector**Date***Presiding Officer's decision**

CERTIFIED: 028 FEBRUARY 022

Principal State Law Advisor

Signature of Objector

Date

APPENDIX 5

INDEPENDENT ELECTORAL AGENCY

APPLICATION FOR ACCREDITATION AS OBSERVER IN TRADITIONAL COUNCIL ELECTIONS

Application in respect of all the Traditional Council elections to take place on

_____ (Date of election)

1.1 Name of Applicant:

1.2 Address of Registered Office of Applicant

1.3 Telephone Number:

1.4 Facsimile Number (if any):

1.5 E-mail Address (if any):

1.6 Registration Number of Applicant (if applicable):

1.7 Date of Founding:

1.8 Number of persons that will be appointed as observers:

1.9 Person in charge of coordinating the applicant's observers:

1.10 Mark or Symbol of applicant:

1.11 Particulars of persons appointed by applicant:				
Name	Capacity	Identity/Passport Number	Nationality	Date of arrival in and departure from South Africa (if applicable)

CERTIFIED: 028 FEBRUARY 022

Principal State Law Advisor

NB. If the space is insufficient, foolscap paper on which the necessary columns have been drawn, may be used.

Supporting Documents:

The application must be accompanied by the following:

- (a) Copy of deed of foundation or constitution of the applicant.
- (b) A statement of the reasons why the applicant is suitable for accreditation to observe the election process.
- (c) An affirmation that the applicant commits itself to co-operate with the Commission in relation to the training, conduct and deployment of persons.

We hereby apply for accreditation as observer and certify that the particulars furnished in this form and the supporting documents are true and correct and certify that all persons appointed by us will subscribe to the Code of Conduct for Observers.

Signature of duly authorized person on behalf of Date
applicant

CERTIFIED: 028 FEBRUARY 022

Principal State Law Advisor

Name

Capacity:

CERTIFIED: 028 FEBRUARY 022

Principal State Law Advisor

APPENDIX 6**INDEPENDENT ELECTORAL AGENCY****DECLARATION OF SECRECY IN THE TRADITIONAL COUNCIL ELECTIONS****Election date:**

I,

(full names) about to be appointed as
an officer in the capacity of

1. acknowledge that I will be involved in the business of the Independent Electoral Agency
2. acknowledge that in my position as local electoral staff member, information and documentation regarding the business of the Electoral Commission will be disclosed to me;
3. agree and confirm that I will treat all such information and documentation in the strictest confidence and that I will protect it and not disclose it to any person, unless authorised to do so;
4. confirm that I will be bound by this Declaration of Secrecy notwithstanding the termination of my appointment.

Signature:

Date

WITNESSESS:

DEPARTMENT OF EMPLOYMENT AND LABOUR

NO. R. 2352

5 August 2022

LABOUR RELATIONS ACT, 1995

NOTICE OF INTENTION TO CANCEL THE REGISTRATION OF AN EMPLOYERS' ORGANISATION

I, Lehlohonolo Molefe, Registrar of Labour Relations, hereby, in terms of section 106(2B) give notice of my intention to cancel the registration of **BEECA Cleaning Association (LR 2/6/3/948)** for the following reasons:

- The organisation ceased to function in terms of its constitution, and
- The organisation failed to comply with the provisions of Sections 98, 99 and 100 of the Act.

The employers' organisation and all interested parties are hereby invited to make written representations as to why the registration should not be cancelled. **Only representations pertaining to this Notice and the following case number: 104 of 2022 will be considered.**

Objections must be lodged to me, c/o the Department of Employment and Labour, Laboria House, 215 Francis Baard Street, PRETORIA. [Postal address: Private Bag X117, PRETORIA, 0001 – E-mail: registrar.labourrelations@labour.gov.za, within 60 days of the date of this notice.



REGISTRAR OF LABOUR RELATIONS

DEPARTMENT OF FORESTRY, FISHERIES AND THE ENVIRONMENT**NO. R. 2353****5 August 2022****NATIONAL ENVIRONMENTAL MANAGEMENT: AIR QUALITY ACT, 2004
(ACT NO. 39 OF 2004)****CONSULTATION ON PROPOSED REGULATIONS FOR IMPLEMENTING AND ENFORCING
PRIORITY AREA AIR QUALITY MANAGEMENT PLANS**

I, Barbara Dallas Creecy, Minister of Forestry, Fisheries and the Environment, hereby, under section 20, read with sections 56 and 57 of the National Environmental Management: Air Quality Act, 2004 (Act No. 39 of 2004), consult on the proposed Regulations for implementing and enforcing priority area air quality management plans, as set out in the Schedule hereto.

Despite concerted attempts to implement various emission control measures and tools in the areas declared as priority areas, including specific air quality management interventions, to bring these areas into compliance with the National Ambient Air Quality Standards, emissions of certain pollutants continue to result in persistent non-compliance with these standards.

These Regulations set out the requirements necessary for implementing and enforcing any existing and future approved priority area Air Quality Management Plans, including funding arrangements, measures to facilitate compliance with such plans, penalties for any contravention of or any failure to comply with such plans and regular review of such plans. The Regulations will provide for mandatory implementation of interventions; provide mechanisms for government to monitor and evaluate the effectiveness of the plans; as well as activate enforcement measures where non-compliance is identified. They apply to all key stakeholders identified to be significant contributors to poor air quality in the respective air quality management plans, including listed activities; controlled emitters; mining operations and government stakeholders.

These Regulations do not introduce new emission control tools or mandates, but rather coordinate the implementation of already regulated tools and functions. The anticipated outcome of the Regulations is improved implementation of, and compliance with, Priority Area Air Quality Management Plans, resulting in ambient air that complies with National Ambient Air Quality Standards with the concomitant reduction in negative public health impacts. The main beneficiaries of the effective implementation of the Regulations are the communities within the priority areas who will benefit from reduced medical costs and a reduced burden of upper respiratory disease, especially vulnerable groups such as the aged, children, and people with underlying health issues.

The Department of Forestry, Fisheries and the Environment does not anticipate a significant risk of undesirable cost increases due to the introduction of the Regulations. Social groups have committed their support to the establishment of the Regulations to enforce implementation of Priority Area Air Quality Management Plans.

Members of the public are invited to submit to the Minister, within 30 days from the date of the publication of this notice ***in the newspaper, or a Notice in the Gazette, whichever date is the last date***, written inputs or comments on the draft Regulations to the following addresses:

By post to: The Director-General: Department of Forestry, Fisheries and the Environment
Attention: Mr Olebogeng Matshediso
Private Bag X447
PRETORIA
0001

By hand at: 473 Steve Biko Road, Environment House, Arcadia, 0083

By email: OMatshediso@dfre.gov.za

Any enquiries in connection with the notice can be directed to Mr Victor Loate at Tel: 012 399 8507 / Cell: 066 081 6205, or by email: VLoate@dfre.gov.za.

Representations or comments received after the closing date may be disregarded.



BARBARA DALLAS CREECY
MINISTER OF FORESTRY, FISHERIES AND THE ENVIRONMENT

SCHEDULE

TABLE OF CONTENTS

1. Definitions
2. Purpose
3. Application
4. Emission reduction and management plan
5. Funding and resources for the implementation of a priority air quality management plan
6. Reporting requirements
7. Review and monitoring of a priority air quality management plan
8. Offences
9. Penalties
10. Transitional provisions
11. General requirements
12. Repeal of regulations
13. Short title and commencement

1. Definitions

In these Regulations any word or expression to which a meaning has been assigned in the Act, will have the meaning so assigned, and unless the context otherwise indicates—

“emission reduction and management plan” means the emission reduction and management plan contemplated in regulation 4 of these Regulations, to be prepared and submitted by the identified stakeholders that aims to minimise, prevent and manage emissions;

“identified stakeholders” means the stakeholders that have been identified in the air quality management plan to have a role in the implementation thereof and includes the stakeholders identified in terms of regulation 3(1) of these Regulations;

“National Air Quality Officer” means an officer so designated in terms of section 14(1) or (2) or (3) of the Act;

“person” includes a juristic person;

“the Act” means the National Environmental Management: Air Quality Act, 2004 (Act No. 39 of 2004);

“these Regulations” means the Regulations for implementing and enforcing priority area air quality management plans, 2022.

2. Purpose

- (1) The purpose of these Regulations is to prescribe the requirements for implementing and enforcing existing and future approved priority area air quality management plans referred to in section 19(1)(a) and 19(5) of the Act.

3. Application

- (1) These Regulations apply to stakeholders identified in a priority area air quality management plan referred to in section 19(1)(a) and 19(5) of the Act, including:
 - (a) Any person conducting a listed activity;
 - (b) Any person operating a controlled emitter;
 - (c) Any holder of a right related to a prospecting operation, exploration operation, mining operation, and production operation as defined in section 1 of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002);
 - (d) Every national department, provincial department, and organ of state responsible for preparing an environmental management plan in terms of Chapter 3 of the National Environmental Management Act, 1998 (Act No. 107 of 1998); and
 - (e) National, provincial and local spheres of government within the boundaries of the priority area.

4. Emission reduction and management plan

- (1) The identified stakeholders listed under regulation 3(1)(a) to (c) of these Regulations must, within the timeframes specified in the priority area air quality management plan, submit the emission reduction interventions and management plans to the relevant licensing authority or air quality officer for approval.
- (2) The identified stakeholders listed under regulation 3(1)(d) and (e) of these Regulations must, within the timeframes specified in the priority area air quality management plan, submit emission reduction interventions and management plans for the activities which they are responsible for, to the National Air Quality Officer for noting by the Minister.
- (3) The licensing authority must incorporate emission reduction interventions and management plans into the atmospheric emission licence in line with section 46(1) of the Act.
- (4) The identified stakeholders listed under regulation 3(1) of these Regulations must implement the approved reduction interventions and management plans submitted in terms of sub-regulation 4(1) and (2) within the timeframes specified in the priority area air quality management plan.

5. Funding and resources for the implementation of a priority area air quality management plan

- (1) The identified stakeholders must to the extent possible provide adequate financial support funding and necessary resources for the implementation of the priority area air quality management plan

6. Reporting requirements

- (1) The identified stakeholders must by 31 March of every calendar year submit progress reports to the National Air Quality Officer on the implementation of emission reduction interventions and management plans for the preceding calendar year.
- (2) Where 31 March falls on a Saturday, Sunday or public holiday, that period must be extended to the end of the following day which is not a Saturday, Sunday or public holiday.

- (3) The National Air Quality Officer must consolidate the stakeholders annual progress reports for inclusion thereof in the reporting on the implementation of the air quality management plans in terms of section 17 of the Act.
- (4) Reporting on emissions by holders of atmospheric emission licences in priority areas must be done in line with the atmospheric emission licenses and regulations published in terms of section 12 of the Act.
- (5) The reports contemplated in sub-regulation 6(1) must be submitted in a format specified by the National Air Quality Officer.

7. Review and monitoring of a priority area air quality management plan

- (1) The priority area air quality management plans must be reviewed every five years or as deemed necessary by the Minister.
- (2) The identified stakeholders must review their emission reduction interventions and management plans in line with the review of the priority area air quality management plan and submit the revised plan to the relevant licensing authority or air quality officer for the approval thereof, within the timeframes specified in the priority area air quality management plan.

8. Offences

- (1) A person identified as a stakeholder under regulation 3(1)(a), (b) and (c) of these Regulations, commits an offence if that person—
 - (a) provides incorrect or misleading information in the emission reduction and management plans submitted in terms of these Regulations;
 - (b) fails to timeously submit or implement emission reduction interventions and management plans within the specified timeframes in terms of regulation 4 of these Regulations;
 - (c) fails to submit the annual progress report to the National Air Quality Officer for approval within the timeframes stipulated in terms of regulation 6 of these Regulations; or
 - (d) fails to comply with regulation 7 of these Regulations.

9. Penalties

- (1) A person found guilty of an offence in terms of regulation 8 of these Regulations is liable in the case of a first conviction to a fine not exceeding five (5) million Rands or to imprisonment for a period not exceeding five (5) years, and in the case of a second or subsequent conviction, to a fine not exceeding ten (10) million Rands or imprisonment for a period not exceeding ten (10) years, or to both a fine and such imprisonment.

10. Transitional provisions

- (1) Stakeholders identified in existing priority area air quality management plans, who have not yet developed and submitted their emission reduction and management plans, must do so in line with regulation 4 of these Regulations, within six (6) months of the coming into operation of these Regulations.

11. General requirements

- (1) The control of dust in priority areas must be managed in line with the Regulations published in terms of section 32 of the Act.

12. Repeal of regulations

- (1) The Vaal Triangle Priority Area AQMP Implementation Regulations, 2009 published under Notice No. R. 614 in *Government Gazette* No. 32254 of 29 May 2009 are hereby repealed.

13. Short title and commencement

- (1) These Regulations are the Regulations for implementing and enforcing Priority Area Air Quality Management Plans, 2022, and come into operation on the date of publication in the *Government Gazette*.


SOUTH AFRICAN REVENUE SERVICE

NO. R. 2354

5 August 2022

CUSTOMS AND EXCISE ACT, 1964.
AMENDMENT OF SCHEDULE NO. 1 (NO. 1/1/1688)

In terms of section 48 of the Customs and Excise Act, 1964, Part 1 of Schedule No. 1 to the said Act is hereby amended, with effect from 1 October 2022, to the extent set out in the Schedule hereto.


ENOCH GODONGWANA
 MINISTER OF FINANCE

SCHEDULE

By amending the title and the insertion of the following Additional Note after Additional Note 1 in Chapter 19 of Section IV to Part 1 of Schedule No. 1:

ADDITIONAL NOTES:

2. For the purposes of tariff subheading 1901.90.13, "preparations for making alcoholic beverages" means preparations put up for retail sale as beer powder or ginger beer powder, which, when mixed with water and left to ferment will produce an alcoholic beverage with an alcoholic strength by volume exceeding 0,5 per cent vol.

By the insertion of the title Additional Note and new Additional Note in Chapter 21 of Section IV to Part 1 of Schedule No. 1 with the following:

ADDITIONAL NOTE:

1. For the purposes of tariff subheading 2106.90.13, "preparations for making alcoholic beverages" means preparations put up for retail sale as beer or ginger beer powder, which, when mixed with water and left to ferment will produce an alcoholic beverage with an alcoholic strength by volume exceeding 0,5 per cent vol.

By the insertion of the following:

Heading / Subheading	CD	Article Description	Statistical Unit	Rate of Duty				
				General	EU / UK	EFTA	SADC	MERCOSUR
1901.90.13	1	-- Preparations for making alcoholic beverages (excluding those of subheading 1901.90.20) as defined in Additional Note 2 to Chapter 19	kg	20%	20%	20%	free	20%
2106.90.13	3	-- Preparations for making alcoholic beverages as defined in Additional Note 1 to Chapter 21	kg	20%	free	free	free	20%
								16%

By the substitution of the following:

Heading / Subheading	CD	Article Description	Statistical Unit	Rate of Duty					
				General	EU / UK	EFTA	SADC	MERCOSUR	AfCFTA
1901.90.15	8	-- Other preparations for making beverages (excluding those of tariff subheading 1901.90.20)	kg	20 %	20 %	20 %	free	20 %	20 %

SUID-AFRIKAANSE INKOMSTEDIENS

NO. R. 2354

5 Augustus 2022

DOEANE- EN AKSYNSWET, 1964.
WYSIGING VAN BYLAE NO. 1 (NO. 1/1/1688)

Kragtens artikel 48 van die Doeane- en Aksynswet, 1964, word Deel 1 van Bylae No. 1 by bogenoemde Wet hiermee gewysig, met ingang vanaf 1 Oktober 2022, in die mate in die Bylae hierby aangetoon.

ENOCH GONDONGWANA
MINISTER VAN FINANSIES

BYLAE

Deur die wysiging van die titel en die invoeging van die volgende Addisionele Opmerking 1 in Hoofstuk 19 van Afdeling IV by Deel 1 van Bylae No. 1:

ADDISIONELE OPMERKINGS:

- Vir die doeleindes van tariff subpos 1901.90.13, "voorbereidings vir die maak van alkoholiese drank" beteken voorbereidings vir kleinhandelverkoop as bierpoeler of gemmerbierpoeler, wat, wanneer dit met water gemeng word en gefermenteer word, 'n alkoholiese drank met 'n alkoholiese sterkte sal produseer met volume van meer as 0,5 persent vol.

Deur die invoeging van die titel Addisionele Opmerking en nuwe Addisionele Opmerking in Hoofstuk 21 van Afdeling IV by Deel 1 van Bylae No. 1 van die volgende:

ADDISIONELE OPMERKING:

- Vir die doeleindes van tariff subpos 2106.90.13, "voorbereidings vir die maak van alkoholiese drank" beteken voorbereidings vir kleinhandelverkoop as bier- of gemmerbierpoeler, wat, wanneer dit met water gemeng word en gefermenteer word, 'n alkoholiese drank met 'n alkoholiese sterkte sal produseer met volume van meer as 0,5 persent vol.

Deur die invoeging van die volgende:

Pos / Subpos	TS	Artikel Beskrywing	Statistiese Eenheid	Skaal van Reg					
				Algemeen	EU / VK	EFTA	SAOG	MERCOSUR	AKVHG
1901.90.13	1	-- Voorbereidings vir die maak van alkoholiese drank (uitgesonderd dié van subpos 1901.90.20) soos omskryf in Addisionele Opmerking 2 by Hoofstuk 19	kg	20%	20%	20%	vry	20%	20%
2106.90.13	3	-- Voorbereidings vir die maak van alkoholiese drank soos omskryf in Addisionele Opmerking 1 by Hoofstuk 21	kg	20%	vry	vry	vry	20%	16%

Deur die vervanging van die volgende:

Pos / Subpos	TS	Artikel Beskrywing	Statistiese Eenheid	Skaal van Reg					
				Algemeen	EU / VK	EFTA	SAOG	MERCOSUR	ARKVHG
1901.90.15	8	- - Ander, bereidinge vir die vervaardiging van drankke (uitgesonderd dié van tariefsubpos 1901.9020)	kg	20%	20%	20%	vry	20%	20%

SOUTH AFRICAN REVENUE SERVICE

NO. R. 2355

5 August 2022

CUSTOMS AND EXCISE ACT, 1964.
AMENDMENT OF SCHEDULE NO. 1 (NO. 1/2A/162)

In terms of section 48 of the Customs and Excise Act, 1964, Part 2A of Schedule No. 1 to the said Act is hereby amended, with effect from 1 October 2022, to the extent set out in the Schedule hereto.



ENOCH GODONGWANA
MINISTER OF FINANCE

SCHEDULE

By the insertion of the following:

Tariff Item	Tariff Subheading	Article Description	Rate of Excise Duty
104.01.05	1901.90.13	Preparations for making alcoholic beverages (excluding those of subheading 1901.90.20) as defined in Additional Note 2 to Chapter 19	34,7c/kg
104.05	21.06	Food preparations not elsewhere specified or included:	
104.05.10	2106.90.13	Preparations for making alcoholic beverages as defined in Additional Note 1 to Chapter 21	34,7c/kg

SUID-AFRIKAANSE INKOMSTEDIENS

NO. R. 2355

5 Augustus 2022

DOEANE- EN AKSYNSWET, 1964.
WYSIGING VAN BYLAE NO. 1 (NO. 1/2A/162)

Kragtens artikel 48 van die Doeane- en Aksynswet, 1964, word Deel 2A van Bylae No. 1 by bogenoemde Wet hiermee gewysig, met ingang vanaf 1 Oktober 2022, in die mate in die Bylae hierby aangetoon.



ENOCH GODONGWANA
MINISTER VAN FINANSIES

BYLAE

Deur die invoeging van die volgende:

Tariefitem	Tariefsubpos	Artikel Beskrywing	Skaal van Aksynsreg
104.01.05	1901.90.13	Bereidinge vir die vervaardiging van alkoholiese drankke (uitgesonderd dié van tariefsubpos 1901.90.20) soos omskryf in Addisionele Opmerking 2 by Hoofstuk 19	34,7c/kg
104.05	21.06	Voedselbereidinge nie elders vermeld of ingesluit nie:	
104.05.10	2106.90.13	Bereidinge vir die vervaardiging van alkoholiese drankke soos omskryf in Addisionele Opmerking 1 by Hoofstuk 21	34,7c/kg

SOUTH AFRICAN REVENUE SERVICE

NO. R. 2356

5 August 2022

**CUSTOMS AND EXCISE ACT, 1964.
AMENDMENT OF SCHEDULE NO. 1 (NO. 1/7A/3)**

In terms of section 48 of the Customs and Excise Act, 1964, Part 7A of Schedule No. 1 to the said Act is hereby amended, with effect from 1 October 2022, to the extent set out in the Schedule hereto.



ENOCH GODONGWANA
MINISTER OF FINANCE

SCHEDULE

By the substitution of the following:

Health Promotion Levy Item	Tariff Subheading	Article Description	Rate of Health Promotion Levy
191.02.05	1901.90.15	Other, preparations for making beverages (excluding those of tariff subheading 1901.90.20)	2.21 c/gram of the sugar content that exceeds 4g/100ml

SUID-AFRIKAANSE INKOMSTEDIENS

NO. R. 2356

5 Augustus 2022

DOEANE- EN AKSYNSWET, 1964.
WYSIGING VAN BYLAE NO. 1 (NO. 1/7A/3)

Kragtens artikel 48 van die Doeane- en Aksynswet, 1964, word Deel 7A van Bylae No. 1 by bogenoemde Wet hiemees gewysig, met ingang vanaf 1 Oktober 2022, in die mate in die Bylae hierby aangetoon.



ENOCH GODONGWANA
MINISTER VAN FINANSIES

BYLAE

Deur die vervanging van die volgende:

Gesondheids- bevorderings- heffing	Tariefsubpos	Artikelbeskrywing	Skaal van gesondheids- bevorderings- heffing
1901.02.05	1901.90.15	Ander, bereidinge vir die vervaardiging van drankke (uitgesonderd dié van tariefpos 1901.90.20)	2,210 gram van die suiker inhoud wat 4g/100ml oorskry

SOUTH AFRICAN REVENUE SERVICE

NO. R. 2357

5 August 2022

**CUSTOMS AND EXCISE ACT, 1964.
AMENDMENT OF SCHEDULE NO. 6 (NO. 6/1A/11)**

In terms of section 75 of the Customs and Excise Act, 1964, Part 1A of Schedule No. 6 to the said Act is hereby amended, with effect from 1 October 2022, to the extent set out in the Schedule hereto.



**ENOCH GODONGWANA
MINISTER OF FINANCE**

SCHEDULE

By the insertion of the following:

Rebate Item	Tariff Item	Rebate Code	CD	Description	Extent of Rebate	Extent of Refund
618.04	104.01.05	01.01	76	Preparations for making alcoholic beverages (excluding those of subheading 19.01.90.20), as defined in Additional Note 2 to Chapter 19 for use in the manufacture of other fermented beverages of item 104.17.90 in Section A of Part 2 in Schedule No. 1	Full duty	
618.05	104.05.10	01.01	76	Preparations for making alcoholic beverages as defined in Additional Note 1 of Chapter 21, for use in the manufacture of other fermented beverages of item 104.17.90 in Section A of Part 2 of Schedule No. 1	Full duty	

SUID-AFRIKAANSE INKOMSTEDIENS

NO. R. 2357

5 Augustus 2022

DOEANE- EN AKSYNSWET, 1964.
WYSIGING VAN BYLAE NO. 6 (NO. 6/1A/11)

Kragtens artikel 75 van die Doeane- en Aksynswet, 1964, word Deel 1A van Bylae No. 6 by bogenoemde Wet hiermee gewysig, met ingang vanaf 1 Oktober 2022, in die mate in die Bylae hierby aangetoon.



ENOCH GODONGWANA
MINISTER VAN FINANSIES

BYLAE

Deur die invoeging van die volgende:

Kortingitem	Tariefitem	Kortingkode	TS	Beskrywing	Mate van Korting	Mate van Terugbetaling
618.04	104.01.05	01.01	76	Bereiding vir die vervaardiging van alkoholiese drank (uitgesonderd dié van tariefsubpos 1901.90.20) soos omskryf in Addisionele Opmerking 2 by Hoofstuk 19 vir gebruik by die vervaardiging van ander geëgte drank van item 104.17.90 in Afdeling A van Deel 2 van Bylae No. 1 gespesifiseer	Volle reg	
618.05	104.05.10	01.01	76	Bereiding vir die vervaardiging van alkoholiese drank soos omskryf in Addisionele Opmerking 1 by Hoofstuk 21, vir gebruik by die vervaardiging van ander geëgte drank van item 104.17.90 in Afdeling A van Deel 2 van Bylae No. 1 gespesifiseer	Volle reg	

PROCLAMATIONS • PROKLAMASIES

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT**NO. R. 83****5 August 2022**

by the
PRESIDENT of the REPUBLIC of SOUTH AFRICA

SPECIAL INVESTIGATING UNITS AND SPECIAL TRIBUNALS ACT, 1996 (ACT NO. 74 OF 1996): REFERRAL OF MATTERS TO EXISTING SPECIAL INVESTIGATING UNIT AND SPECIAL TRIBUNAL

WHEREAS allegations as contemplated in section 2(2) of the Special Investigating Units and Special Tribunals Act, 1996 (Act No. 74 of 1996) (hereinafter referred to as the "Act"), have been made in respect of the affairs of the Department of Public Works and Infrastructure (hereinafter referred to as "the Department");

AND WHEREAS the Department may have suffered losses that may be recovered;

AND WHEREAS I deem it necessary that the said allegations should be investigated and civil proceedings emanating from such investigation should be adjudicated upon;

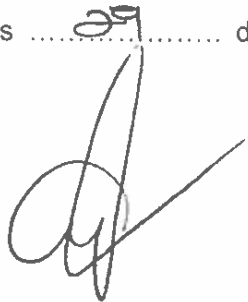
NOW, THEREFORE, I hereby, under section 2(1) of the Act, refer the matters mentioned in the Schedule, in respect of the Department, for investigation to the Special Investigating Unit established by Proclamation No. R. 118 of 31 July 2001 and determine that, for the purposes of the investigation of the matters, the terms of reference of the Special Investigating Unit are to investigate as contemplated in the Act, any alleged—

- (a) serious maladministration in connection with the affairs of the Department;
- (b) improper or unlawful conduct by employees of the Department;
- (c) unlawful appropriation or expenditure of public money;
- (d) unlawful, irregular or unapproved acquisitive act, transaction, measure or practice having a bearing upon State property;

- (e) intentional or negligent loss of public money or damage to public property;
- (f) offence referred to in Parts 1 to 4, or section 17, 20 or 21 (in so far as it relates to the aforementioned offences) of Chapter 2 of the Prevention and Combating of Corrupt Activities Act, 2004 (Act No. 12 of 2004), and which offences were committed in connection with the affairs of the Department; or
- (g) unlawful or improper conduct by any person, which has caused or may cause serious harm to the interests of the public or any category thereof,

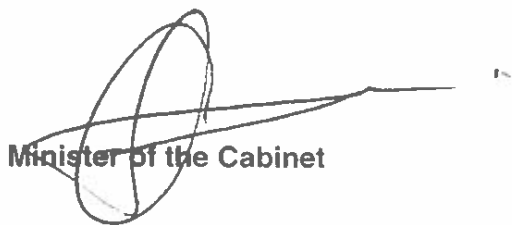
which took place between 22 May 2009 and the date of publication of this Proclamation or which took place prior to 22 May 2009 or after the date of publication of this Proclamation, but is relevant to, connected with, incidental or ancillary to the matters mentioned in the Schedule or involve the same persons, entities or contracts investigated under authority of this Proclamation, and to exercise or perform all the functions and powers assigned to or conferred upon the said Special Investigating Unit by the Act, including the recovery of any losses suffered by the Department or the State, in relation to the said matters in the Schedule.

Given under my Hand and the Seal of the Republic of South Africa at Johannesburg this 29 day of June Two thousand and twenty two.



President

By Order of the President-in-Cabinet:



Minister of the Cabinet

SCHEDULE

1. The procurement of goods, works and services by or on behalf of the Department in a manner that was -
 - (a) not fair, competitive, transparent, equitable or cost-effective;
 - (b) contrary to applicable –
 - (i) legislation;
 - (ii) manuals, guidelines, practice notes or instructions issued by the National Treasury; or
 - (iii) manuals, policies, procedures, prescripts, instructions or practices of or applicable to the Department,and any related unauthorised, irregular or fruitless and wasteful expenditure, incurred by the Department in relation to the following projects:
 - (aa) Official Accommodation (WCS 046547);
 - (bb) Residential Accommodation (WCS 046548);
 - (cc) Residences of Sessional Officials Refurbishment (WCS —45661);
 - (dd) Marks Building External Renovations (WCS 050720); and
 - (ee) 90 Plein Street, Cape Town, 6th Floor, total refurbishments.
2. Any non-performance, poor performance, defective performance or late performance by contractors, suppliers or service providers of goods, works or services delivered, performed or rendered in respect of the projects listed above and any losses or damages suffered by the Department or the State as a result thereof.
3. Any irregular, improper or unlawful conduct by-
 - (a) employees or officials of the Department; or
 - (b) any other person or entity,in relation to the allegations set out in paragraph 1 of this Schedule.

JUSTISIE EN STAATKUNDIGE ONTWIKKELING, DEPARTEMENT VAN**NO. R. 83****5 Augustus 2022**

**van die
PRESIDENT van die REPUBLIEK van SUID-AFRIKA**

**WET OP SPESIALE ONDERSOEKEENHEDE EN SPESIALE TRIBUNALE, 1996
(WET NO. 74 VAN 1996): VERWYSING VAN AANGELEENTHEDE NA
BESTAANDE SPESIALE ONDERSOEKEENHEID**

AANGESIEN bewerings soos beoog in artikel 2(2) van die Wet op Spesiale Ondersoekeenhede en Spesiale Tribunale, 1996 (Wet No. 74 van 1996) (hierna na verwys as "die Wet"), gemaak is in verband met die aangeleenthede van die Departement van Openbare Werke en Infrastruktuur (hierna na verwys as "die Departement");

EN AANGESIEN die Staat of die Departement verliese gely het wat verhaal kan word;

EN AANGESIEN ek dit nodig ag dat gemelde bewerings ondersoek en siviele geskille voortspruitend uit sodanige ondersoek bereg moet word;

DERHALWE verwys ek hierby, kragtens artikel 2(1) van die Wet, die aangeleenthede in die Bylae vermeld ten opsigte van die Departement, vir ondersoek na die Spesiale Ondersoekeenheid ingestel by Proklamasie No. R. 118 van 31 Julie 2001 en bepaal dat, vir die doeleindes van die ondersoek van die aangeleenthede, die opdrag van die Spesiale Ondersoekeenheid is om soos beoog in gemelde Wet, ondersoek te doen na enige beweerde—

- (a) ernstige wanadministrasie in verband met die aangeleenthede van die Departement;
- (b) onbehoorlike of onregmatige optrede deur beamptes of werknemers van die

Departement;

- (c) onregmatige bewilliging of besteding van publieke geld of eiendom;
- (d) onwettige, onreëlmatige of nie-goedgekeurde verkrygende handeling, transaksie, maatreël of praktyk wat op Staatseiendom betrekking het;
- (e) opsetlike of nalatige verlies van publieke geld of skade aan publieke eiendom;
- (f) misdryf bedoel in Dele 1 tot 4, of artikel 17, 20 of 21 (vir sover dit op voornoemde misdrywe betrekking het) van Hoofstuk 2 van die Wet op die Voorkoming en Bestryding van Korrupte Bedrywighede, 2004 (Wet No. 12 van 2004), en welke misdrywe gepleeg is in verband met die sake van die Departement; of
- (g) onwettige of onbehoorlike optrede deur enige persoon wat ernstige benadeling vir die belange van die publiek of enige kategorie daarvan veroorsaak het of kan veroorsaak,

wat plaasgevind het tussen 22 Mei 2009 en die datum van publikasie van hierdie Proklamasie of wat plaasgevind het voor 22 Mei 2009 of na die datum van publikasie van hierdie Proklamasie, wat relevant is tot, verband hou met, insidenteel of bykomstig is tot, die aangeleenthede vermeld in die Bylae of wat dieselfde persone, entiteite of kontrakte betrek wat ondersoek word kragtens die volmag verleen deur hierdie Proklamasie, en om al die werksaamhede en bevoegdhede wat deur die Wet aan die gemelde Spesiale Ondersoekeenheid toegewys of opgedra is, uit te oefen of te verrig in verband met die genoemde aangeleenthede in die Bylae, insluitend die verhaal van enige verliese wat deur die Staat of die Departement gely is.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Johannesburg
op hede die 29 dag van Junie Twee
duisend-en-twee-en-twintig.

President

Op las van die President-in-Kabinet:

Minister van die Kabinet

BYLAE

1. Die verkryging van goedere, werke en dienste deur of namens die Departement op 'n wyse wat –
 - (a) nie regverdig, mededingend, deursigtig, billik of koste-effektief was nie; of
 - (b) strydig was met toepaslike —
 - (i) wetgewing;
 - (ii) handleidings, riglyne, praktyknotas, omsendskrywes of instruksies wat deur die Nasionale Tesourie uitgevaardig is; of
 - (iii) handleidings, beleid, prosedures, voorskrifte, instruksies of praktyke van, of wat op die Departement van toepassing is,en enige verbandhoudende ongemagtigde, onreëlmatige of vrugtelose en verspilde uitgawes wat deur die Departement aangegaan is in verband met die volgende projekte:
 - (aa) Amptelike Akkommodasie (WCS 046547);
 - (bb) Residensiële Akkommodasie (WCS 046548);
 - (cc) Wonings van Sessionele Beamptes Opknapping (WCS 45661);
 - (dd) Marks Gebou Eksterne Opknappings (WCS 050720); en
 - (ee) Plein Straat 90, Kaapstad, 6^{de} Vloer, algehele opknappings.
2. Enige wan-prestasie, swak prestasie, foutiewe prestasie of laat prestasie deur kontrakteurs, verskaffers of diensverskaffers van goedere, werke of dienste gelewer, verrig of verskaf ten opsigte van die projekte hierbo gelys en enige verliese of skade deur die Departement of die Staat gely as gevolg daarvan.
3. Enige onreëlmatige, onbehoorlike of onwettige optrede deur—
 - (a) beamptes of werknemers van die Departement; of
 - (b) enige ander persoon of entiteit,ten opsigte van die bewerings uiteengesit in paragraaf 1 van hierdie Bylae.

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

NO. R. 84

5 August 2022



by the
PRESIDENT of the REPUBLIC of SOUTH AFRICA

**SPECIAL INVESTIGATING UNITS AND SPECIAL TRIBUNALS ACT, 1996:
REFERRAL OF MATTERS TO EXISTING SPECIAL INVESTIGATING UNIT:
UNIVERSITY OF FORT HARE**

WHEREAS allegations as contemplated in section 2(2) of the Special Investigating Units and Special Tribunals Act, 1996 (Act No. 74 of 1996) (hereinafter referred to as "the Act"), have been made in respect of the affairs of the University of Fort Hare, situated in the Eastern Cape Province (hereinafter referred to as "the University");

AND WHEREAS the University or the State may have suffered losses that may be recovered;

AND WHEREAS I deem it necessary that the said allegations should be investigated and civil proceedings emanating from such investigation should be adjudicated upon;

NOW, THEREFORE, I hereby, under section 2(1) of the Act, refer the matters mentioned in the Schedule, in respect of the University, for investigation to the Special Investigating Unit established by Proclamation No. R. 118 of 31 July 2001 and determine that, for the purposes of the investigation of the matters, the terms of reference of the Special Investigating Unit are to investigate as contemplated in the Act, any alleged—

- (a) serious maladministration in connection with the affairs of the University;
- (b) improper or unlawful conduct by officials or employees of the University;

- (c) unlawful appropriation or expenditure of public money or property;
- (d) unlawful, irregular or unapproved acquisitive act, transaction, measure or practice having a bearing upon State property;
- (e) intentional or negligent loss of public money or damage to public property;
- (f) offence referred to in Parts 1 to 4, or section 17, 20 or 21 (in so far as it relates to the aforementioned offences) of Chapter 2 of the Prevention and Combating of Corrupt Activities Act, 2004 (Act No. 12 of 2004), and which offences were committed in connection with the affairs of the University; or
- (g) unlawful or improper conduct by any person, which has caused or may cause serious harm to the interests of the public or any category thereof,

which took place between 1 November 2012 and the date of publication of this Proclamation or which took place prior to 1 November 2012 or after the date of publication of this Proclamation, but is relevant to, connected with, incidental or ancillary to the matters mentioned in the Schedule or involve the same persons, entities or contracts investigated under authority of this Proclamation, and to exercise or perform all the functions and powers assigned to or conferred upon the said Special Investigating Unit by the Act, including the recovery of any losses suffered by the University or the State, in relation to the said matters in the Schedule.

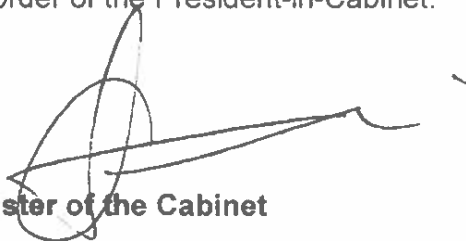
Given under my Hand and the Seal of the Republic of South Africa at Johannesburg this 29 day of June Two thousand and twenty two.

President



By Order of the President-in-Cabinet:

Minister of the Cabinet



SCHEDULE

1. The procurement of, or contracting for goods, works or services by, or on behalf of, the University and payments made in respect thereof in a manner that was—

- (a) not fair, competitive, transparent, equitable or cost-effective; or
- (b) contrary to applicable—
 - (i) legislation;
 - (ii) manuals, guidelines, practice notes, circulars or instructions issued by the National Treasury; or
 - (iii) manuals, policies, procedures, prescripts, instructions or practices of, or applicable to the University,

and any related unauthorised, irregular or fruitless and wasteful expenditure incurred by the University in relation to—

- (aa) the appointment of a service provider for cleaning and gardening services during the period 1 November 2012 to 31 July 2019;
- (bb) the leasing of student accommodation since 1 July 2013;
- (cc) the appointment of a service provider for the maintenance and repair of air conditioning systems in terms of bid reference UHF-SCM04/2018; and
- (dd) the collusion between officials of the University and suppliers or service providers in which such officials held direct or indirect interests.

2. Maladministration in the affairs of the University's Faculty of Public Administration in relation to the—

- (a) awarding of honours degrees;
- (b) management of funds; and
- (c) sourcing of public servants for study into various Faculty programmes by an individual for personal gain.

3. Any unlawful or improper conduct by—

- (a) officials or employees of the University;
- (b) suppliers or service providers of the University; or
- (c) any other person or entity,

in relation to the allegations set out in paragraphs 1 and 2 of this Schedule.

JUSTISIE EN STAATKUNDIGE ONTWIKKELING, DEPARTEMENT VAN

NO. R. 84

5 Augustus 2022



van die
PRESIDENT van die REPUBLIEK van SUID AFRIKA

**WET OP SPESIALE ONDERSOEKEENHEDE EN SPESIALE TRIBUNALE, 1996:
VERWYSING VAN AANGELEENTHEDE NA BESTAANDE SPESIALE
ONDERSOEKEENHEID: UNIVERSITEIT VAN FORT HARE**

AANGESIEN bewerings soos beoog in artikel 2(2) van die Wet op Spesiale Ondersoekeenhede en Spesiale Tribunale, 1996 (Wet No. 74 van 1996) (hierna na verwys as "die Wet"), gemaak is in verband met die aangeleenthede van die Universiteit van Fort Hare, geleë in die Oos-Kaap Provinsie (hierna na verwys as "die Universiteit");

EN AANGESIEN die Universiteit of die Staat verliese gely het wat verhaal kan word;

EN AANGESIEN ek dit nodig ag dat gemelde bewerings ondersoek en siviele geskille voortspruitend uit sodanige ondersoek bereg moet word;

DERHALWE verwys ek hierby, kragtens artikel 2(1) van die Wet, die aangeleenthede in die Bylae vermeld ten opsigte van die Universiteit, vir ondersoek na die Spesiale Ondersoekeenheid ingestel by Proklamasie No. R. 118 van 31 Julie 2001 en bepaal dat, vir die doeleindes van die ondersoek van die aangeleenthede, die opdrag van die Spesiale Ondersoekeenheid is om soos beoog in gemelde Wet, ondersoek te doen na enige beweerde—

- (a) ernstige wanadministrasie in verband met die aangeleenthede van die Universiteit;
- (b) onbehoorlike of onregmatige optrede deur beamptes of werknemers van die

Universiteit;

- (c) onregmatige bewilliging of besteding van publieke geld of eiendom;
- (d) onwettige, onreëlmatige of nie-goedgekeurde verkrygende handeling, transaksie, maatreël of praktyk wat op Staatseiendom betrekking het;
- (e) opsetlike of nalatige verlies van publieke geld of skade aan publieke eiendom;
- (f) misdryf bedoel in Dele 1 tot 4, of artikel 17, 20 of 21 (vir sover dit op voornoemde misdrywe betrekking het) van Hoofstuk 2 van die Wet op die Voorkoming en Bestryding van Korrupte Bedrywighede, 2004 (Wet No. 12 van 2004), en welke misdrywe gepleeg is in verband met die sake van die Universiteit; of
- (g) onwettige of onbehoorlike optrede deur enige persoon wat ernstige benadeling vir die belange van die publiek of enige kategorie daarvan veroorsaak het of kan veroorsaak,

wat plaasgevind het tussen 1 November 2012 en die datum van publikasie van hierdie Proklamasie of wat plaasgevind het voor 1 November 2012 of na die datum van publikasie van hierdie Proklamasie, wat relevant is tot, verband hou met, insidenteel of bykomstig is tot, die aangeleenthede vermeld in die Bylae of wat dieselfde persone, entiteite of kontrakte betrek wat ondersoek word kragtens die volmag verleen deur hierdie Proklamasie, en om al die werksaamhede en bevoegdhede wat deur die Wet aan die gemelde Spesiale Ondersoekeenheid toegewys of opgedra is, uit te oefen of te verrig in verband met die genoemde aangeleenthede in die Bylae, insluitend die verhaal van enige verliese wat deur die Universiteit of die Staat gely is.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Johannesburg op hede die 29 dag van Junie Twee duisend-en-twee-en-twintig.

President



Op las van die President-in-Kabinet

Minister van die Kabinet



BYLAE

1. Die aanskaffing van, of kontraktering vir goedere, werke of dienste deur of namens die Universiteit en betalings ten opsigte daarvan gemaak op 'n wyse wat—

- (a) nie regverdig, mededingend, deursigtig, billik of koste-effektief was nie; of
- (b) strydig was met toepaslike—

- (i) wetgewing;
- (ii) handleidings, riglyne, praktyknotas, omsendskrywes of instruksies wat deur die Nasionale Tesourie uitgevaardig is; of
- (iii) handleidings, beleid, prosedures, voorskrifte, instruksies of praktyke van, of wat op die Universiteit van toepassing is,

en enige verwante ongemagtigde, onreëlmatige of vrugtelose en verkwiste uitgawes wat aangegaan is deur die Universiteit, met betrekking tot—

- (aa) die aanstelling van 'n diensverskaffer vir skoonmaak- en tuindienste gedurende die periode 1 November 2012 tot 31 Julie 2019;
- (bb) die huur van studentehuisvesting sedert 1 Julie 2013;
- (cc) die aanstelling van 'n diensverskaffer vir die instandhouding en herstel van lugversorgingstelsels ingevolge die bodverwysing UHF-SCM04/2018; en
- (dd) die samespanning tussen amptenare van die Universiteit en verskaffers of diensverskaffers waarin sodanige amptenare direkte of indirekte belange gehad het.

2. Wanadministrasie in die sake van die Universiteit se Fakulteit Openbare Administrasie met betrekking tot die—

- (a) toekenning van honneursgrade;
- (b) bestuur van fondse; en
- (c) werwing van staatsamptenare vir studie aan verskillende Fakulteitsprogramme deur 'n individu vir eie gewin.

3. Enige onwettige of onbehoorlike gedrag deur—

- (a) beamptes of werknemers van die Universiteit;
- (b) verskaffers of diensverskaffers van die Universiteit; of
- (c) enige ander person of entiteit,

met betrekking tot die bewerings uiteengesit in paragrawe 1 en 2 van hierdie Bylae.

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