



# Government Gazette Staatskoerant

REPUBLIC OF SOUTH AFRICA  
REPUBLIEK VAN SUID AFRIKA

*Regulation Gazette*

**No. 11502**

*Regulasiekoerant*

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**AIDS HELPLINE: 0800-0123-22 Prevention is the cure**

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**No FUTURE QUERIES WILL BE HANDLED IN CONNECTION WITH THE ABOVE.**

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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](mailto: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](http://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](mailto:Annamarie.DuToit@gpw.gov.za)

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

Security Services: Mr Daniel Legoabe, at tel. (012) 748 6176.  
Email: [Daniel.Legoabe@gpw.gov.za](mailto: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](http://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 <b>after</b> 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 <b>after</b> submission deadline
Northern Cape Liquor License Gazette	Monthly	First Friday of the month	Two weeks before publication	3 working days <b>after</b> submission deadline
National Liquor License Gazette	Monthly	First Friday of the month	Two weeks before publication	3 working days <b>after</b> 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](http://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](mailto: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](mailto: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](mailto: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](http://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](mailto:submit.egazette@gpw.gov.za)

**E-mail:** [info.egazette@gpw.gov.za](mailto:info.egazette@gpw.gov.za)

**Tel:** 012-748 6200

**Contact person for subscribers:** Mrs M. Toka:

**E-mail:** [subscriptions@gpw.gov.za](mailto:subscriptions@gpw.gov.za)

**Tel:** 012-748-6066 / 6060 / 6058

**Fax:** 012-323-9574



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**GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS**

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**DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT**

NO. R. 2652

21 October 2022

**MARKETING OF AGRICULTURAL PRODUCTS ACT, 1996  
(ACT NO. 47 OF 1996)****ESTABLISHMENT OF STATUTORY MEASURE: RECORDS AND RETURNS BY  
ABATTOIRS AND OTHER ROLE-PLAYERS IN THE RED MEAT INDUSTRY**

I, Angela Thoko Didiza, Minister of Agriculture, Land Reform and Rural Development, acting under sections 10, 13, 14 and 18 of the Marketing of Agricultural Products Act, 1996 (Act No. 47 of 1996), as amended, hereby establish the statutory measure set out in the attached Schedule.

  
**ANGELA THOKO DIDIZA****MINISTER OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT**

## SCHEDULE

### 1. Definitions

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

**“designated animals”** for purposes of this notice, means cattle, sheep and goats;

**“levy notice”** means any notice whereby a levy is imposed on designated animals and red meat, in terms of the Act;

**“Levy Administrator”** means the juristic person entrusted with the implementation, administration and enforcement of the statutory measure established in this notice;

**“processing”** in relation to red meat, means altering the meat, other than cutting portioning, dicing and mincing such meat, to enhance the meat, and **“process”** and **“processes”** shall have a corresponding meaning;

**“red meat”** means any carcass or any part of a slaughtered and skinned designated animal, fresh or frozen which has not undergone any processing other than deboning, portioning, dicing, mincing, cooling or freezing;

**“handled”** in relation to red meat, means deboning, portioning, dicing, mincing, cooling or freezing; and

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

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

The purpose and aim of this statutory measure is to compel the parties set out herein to render records and returns to the Levy Administrator. This is necessary to ensure that continuous, timeous and accurate information relating to the designated animals slaughtered, is available to all role-players. Market information is deemed essential for all role-players in order for them to make informed decisions. By prescribing the keeping of records with the rendering of

returns on a individual basis, market information for the whole of the industry can be processed and published.

The establishment of this statutory measure should assist in promoting the efficiency of the marketing of red meat. The viability and efficiency of the red meat industry should thus be enhanced.

This statutory measure is not detrimental to any of the objectives of the Act, and in particular will not be detrimental to the number of employment opportunities or to fair labour practices in the red meat industry.

Any information obtained through this mechanism will be dealt with in a confidential manner and sensitive or potentially sensitive client-specific information shall be dealt with in accordance with section 23 (2) of the Act.

This statutory measure will be administered by the Levy Administrator, who will act in terms of the mandate and on behalf of the red meat industry through its representative structure, namely the Red Meat, and Livestock Primary Cluster.

### **3. Products to which this statutory measure applies**

This statutory measure shall apply to all -

- (a) designated animals slaughtered by abattoirs;
- (b) red meat from designated animals handled within the boundaries of the Republic of South Africa; and
- (b) designated animals exported live from the Republic of South Africa.

### **4. Area in which the measure shall apply**

This measure shall apply within the geographical boundaries of the Republic of South Africa.

### **5. Records to be kept, returns to be rendered and the enforcement thereof**

Any person referred to in sections 5(1) and 5(2) of the levy notice, shall keep such record and render the returns as may be required by the Levy Administrator for the designated animals and red meat as contemplated in section 3 -

5.1 The records referred to in this notice shall –

- a) be recorded on a computer or by way of a computer programme;
- and

- b) be kept at the registered premises of the person required to keep such records for a period of at least three years.

5.2 The returns referred to in sub-clause (1) shall be rendered on a form or computer programme obtainable free of charge for this purpose from the levy administrator, and shall –

- a) be submitted, when forwarded by email, to the levy administrator; or
- b) be submitted by way of a computer programme.

5.3 The implementation, administration and enforcement of the statutory measure established in these Regulations are entrusted to the levy administrator in terms of section 14 of the Act.

5.4 All returns referred to must be submitted within 14 days after the end of the calendar month in which the transaction took place.

## **6. Commencement and period of validity**

This statutory measure shall come into operation on 5 November 2022 and will lapse after an extension period of two years. The lapsing of the statutory measure shall not

- (a) Affect the previous operation of the statutory measure so lapsed or anything duly done or suffered under the statutory measure so lapsed; or
- (b) Affect any right, privilege, obligation or liability acquired, accrued or incurred under the statutory measure so lapsed; or
- (c) Affect any penalty, forfeiture or punishment incurred in respect of any offence committed against the statutory measure so lapsed; or
- (d) Affect any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, forfeiture or punishment as acquired, accrued or incurred in terms of the statutory measure so lapsed.

And any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed, as if the statutory measure had not lapsed.

## DEPARTEMENT VAN LANDBOU, GRONDHERVORMING EN LANDELIKE ONTWIKKELING

NO. R. 2652

21 Oktober 2022

## WET OP DIE BEMARKING VAN LANDBOUPRODUKTE, 1996

(WET Nr. 47 VAN 1996)

**DAARSTELLING VAN STATUTÊRE MAATREËL: OPGAWES EN  
VERSLAGGEWING DEUR ABATTOIRS EN ANDER ROLSPELERS IN DIE  
ROOIVLEISBEDRYF**

Ek, Angela Thoko Didiza, Minister van Landbou, Grondhervorming en Landelike Ontwikkeling, handelende kragtens artikels 10, 13, 14 en 18 van die Wet op die Bemarking van Landbouprodukte, 1996 (Wet Nr. 47 van 1996), soos gewysig, stel hiermee die statutêre maatreël in soos in die Bylaag hierby aangeheg, uiteengesit is.

  
ANGELA THOKO DIDIZAMINISTER VAN LANDBOU, GRONDHERVORMING EN LANDELIKE  
ONTWIKKELING

## BYLAAG

**1. Woordomskrywing**

In hierdie Bylaag het enige woord of uitdrukking waaraan 'n betekenis volgens die Wet toegeken is, daardie betekenis tensy die konteks anders bepaal, en beteken –

**“aangewese dier”** vir die doel van hierdie kennisgewing verwys na beeste, skape en bokke;

**“die Wet”** verwys na die Wet op die Bemaking van Landbouprodukte, 1996 (Wet nr. 47 van 1996) soos gewysig;

**“hanteer”** in verband met rooivleis beteken die verandering van sulke vleis deur dit te ontbeen, versnipper, verdeel, maal, verkoel of bevries;

**“Heffingsadministrateur”** verwys na die regspersoon wat toevertrou is met die implementering, administrasie en toepassing van die statutêre maatreël gevestig in hierdie kennisgewing;

**“heffingskennisgewing”** verwys na enige kennisgewing waarvolgens 'n heffing op 'n aangewese dier en rooivleis in terme van die Wet ingestel word;

**“prosessering”** in verband met rooivleis beteken die verandering van sulke vleis andersins as sny, verdeel, versnipper en maal om die vleis te verbeter, en “prosesseer” en “prosesse” het 'n dienooreenkomstige betekenis; en

**“rooivleis”** beteken enige karkas of enige gedeelte van 'n geslagte en afgeslagde aangewese dier, vars of bevrore, wat nie prosessering andersins as ontbening, versnippering, verdeling, maal, verkoeling of bevriesing ondergaan het nie.

**2. Doel en oogmerk van die statutêre maatreël en die verwantskap met die doelwitte van die Wet**

Die doel en oogmerke van hierdie statutêre maatreël is om die partye hierin uiteengesit te noop om opgawes en verslae by die Heffingsadministrateur in te handig. Dit is om te verseker dat aaneenlopende, tydige en akkurate inligting rakende geslagte aangewese diere en rooivleis, aan alle rolspelers beskikbaar is. Markinligting is noodsaaklik vir alle rolspelers om ingeligte keuses te kan uitoefen. Deur voor te skryf om opgawes by te hou deur die Inhandiging van verslae op 'n individuele basis beteken markinligting kan verwerk en vir die bedryf gepubliseer word.

Die daarstelling van hierdie statutêre maatreël moet help om die effektiwiteit van die rooivleisbemarking te bevorder. Die lewensvatbaarheid en doeltreffendheid van die rooivleisbedryf behoort dus bevorder te word.

Hierdie statutêre maatreël is nie nadelig vir enige van die doelwitte van die Wet nie en sal, in besonder, nie nadelig vir die aantal werksgeleenthede of op regverdige arbeidspraktyk in die rooivleisbedryf wees nie.

Enige inligting wat deur middel van hierdie meganisme bekom word, sal op 'n vertroulike basis hanteer word en sensitiewe of potensieel sensitiewe, kliënt spesifieke inligting sal kragtens artikel 23(2) van die Wet hanteer word.

Die statutêre maatreël sal deur die Heffingsadministrateur volgens die mandaat en namens die rooivleisbedryf deur middel van die verteenwoordigende liggaam, die Rooivleis, en Lewendehawe Primêre kluster geadministreer word.

**3. Produkte waarop die statutêre maatreël van toepassing is**

Hierdie statutêre maatreël sal van toepassing wees op alle -

- (a) aangewese diere wat geslag is by 'n abattoir;
- (b) rooivleis wat binne die grense van die Republiek van Suid-Afrika hanteer word; en
- (c) aangewese diere wat uitgevoer word van die Republiek van Suid-Afrika.

**4. Gebied waarin die statutêre maatreël van toepassing is**

Hierdie statutêre maatreël sal binne die geografiese grense van die Republiek van Suid-Afrika van toepassing wees.

**5. Opgawes wat gehou en verslae wat ingehandig moet word en die toepassing daarvan**

Enige persoon waarna in artikels 5(1) en 5(2) verwys word, sal sodanige opgawes byhou en verslae inhandig soos deur die Heffingsadministrateur vereis mag word vir aangewese diere en rooivleis.

**5.1 Die opgawes waarna in hierdie kennisgewing verwys word sal -**

- (a) op rekord geplaas word deur middel van 'n rekenaar of deur middel van 'n rekenaar program; en



(b) vir 'n tydperk van ten minste drie jaar gehou word op die geregistreerde perseel van die persoon wat die opgawes moet indien.

5.2 Die verslae waarna in artikel 5 verwys word sal ingehandig word op 'n vorm, of deur middel van 'n rekenaar program gratis verkrygbaar van die Heffingsadministrateur, en moet -

(a) per epos gestuur word aan die Heffingsadministrateur; of

(b) deur middel van die rekenaar program gestuur word aan die Heffingsadministrateur.

5.3 Die implementering, administrasie en toepassing van die statutêre maatreël gevestig in hierdie kennisgewing is toevertrou aan die Heffingsadministrateur, 'n nie-winsgewende maatskappy soos uiteengesit in die Wet op Maatskappye, 2008 (Wet Nr. 71 van 2008).

5.4 Die opgawes waarna in artikels 5 verwys word moet ingehandig word binne 14 dae na die einde van die kalendermaand waarin die transaksie plaasgevind het.

## **6. Aanvang en geldigheids tydperk**

Hierdie statutêre maatreël sal op 5 November 2022 in werking tree en sal na 'n verlengingsperiode van twee jaar verval. Die verval van die statutêre maatreël sal nie -

(a) Invloed hê op die vorige werking van die statutêre maatreël of op iets behoorlik gedoen of gely onder die statutêre maatreël nie; of

(b) Enige reg, voorreg, verpligting of aanspreeklikheid hê, verkry, toeval of aangaan onder die statutêre maatreël soos verval nie; of

(c) Enige boete, verbeurdverklaring of straf hê aangegaan ten opsigte van 'n misdryf gepleeg onder die statutêre maatreël soos verval nie; of

(d) Enige ondersoek, regsgeding of regsmiddel ten opsigte van enige sodanige reg, voorreg, verpligting, aanspreeklikheid, verbeuring of straf hê, verkry, toeval of aangaan in terme van die statutêre maatreël soos verval, en so 'n ondersoek, regsgeding of middel mag ingestel, voortgesit of afgedwing word, en so 'n boete, verbeurdverklaring of straf kan opgelê kan word, asof die statutêre maatreël nie verval het nie.



## DEPARTMENT OF EMPLOYMENT AND LABOUR

NO. R. 2653

21 October 2022

## LABOUR RELATIONS ACT, 1995

## REGISTRATION OF A TRADE UNION

I, **LEHLOHONOLE MOLEFE**, the Registrar of Labour Relations, hereby notify, in terms of section 109(2) of the Labour Relations Act, 1995, that **National Enterprises Workers Union Ya Afrika (NEWUYA) (LR 2/6/2/3338)** has been registered as a trade union with effect from 10 October 2022



THE REGISTRAR OF LABOUR RELATIONS

DATE: 10 October 2022

## DEPARTMENT OF EMPLOYMENT AND LABOUR


NO. R. 2654

21 October 2022

## LABOUR RELATIONS ACT, 1995 (ACT NO. 66 OF 1995)

## ESSENTIAL SERVICE COMMITTEE REGULATIONS

I, THEMBELANI WALTERMADE NXESI, Minister of Employment and Labour, hereby under section 70F(1) of the Labour Relations Act, 1995 (Act No. 66 of 1995) and after consulting the Essential Service Committee, made the regulations in the Schedule.

  
\_\_\_\_\_  
MR TW NXESI, MP  
MINISTER OF EMPLOYMENT AND LABOUR  
DATE: 19/09/2022

**LABOUR RELATIONS ACT 1995 (ACT NO. 66 OF 1995)**  
**ESSENTIAL SERVICE COMMITTEE REGULATIONS**

The Minister of Labour has under section 70F(1) of the Labour Relations Act, 1995 (Act No. 66 of 1995), and after consulting the Essential Service Committee, made the Regulations in the schedule.

**SCHEDULE**

**PART A – ESSENTIAL SERVICE INVESTIGATION**

**1. Request for investigation**

A Bargaining Council or any interested party may in writing request the Committee to investigate whether the whole or part of any service should be designated as an essential service. Such a request must state a *prima facie* case to undertake an investigation.

**2. Representations to Committee**

- (1) If the Committee has given notice of an investigation in terms of section 71 (1) of the Act as to whether the whole or part of any service should be designated as an essential service, any interested party may submit written representations to the Committee within the time periods specified in the notice.
- (2) An interested party submitting written representations in terms of sub-regulation (1) must -
  - (a) state the nature of its interest in the investigation;

- (b) indicate whether or not they require an opportunity to make oral representations to the Committee, as contemplated by section 71(2)(b) of the Act;
  - (c) specify the factual evidence which forms the basis of its representations to the Committee;
  - (d) identify any expert witness it intends to call and provide an affidavit containing a summary of that witness' evidence;
  - (e) provide a statement of the legal issues that arise from the material facts, containing sufficient particularity to enable other interested parties to reply;
  - (f) list any documents it intends to rely upon as part of its representations and attach a copy of those documents; and
  - (g) specify a physical, postal and electronic address at which it will receive notices and other documents.
- (3) The Committee may request interested parties to file additional written representations on issues specified by the Committee, within a period specified in the request.
- (4) The Committee may direct parties to –
- (a) serve their representations in terms of sub-regulation (1), and any additional representations in terms of sub-regulation (3), on other interested parties;
  - (b) file with the Committee proof that they have served such representations, at an address specified by such a party in terms of sub-regulation 2(g).

### 3. Notice of hearing

- (1) The Committee must notify all interested parties in terms of section 71(5) of the Act of the place and time at which the Committee will hold a hearing, unless no interested party has requested an opportunity to make oral representations.
- (2) Together with the notification in terms of sub-regulation (1), the Committee must at least 21 days before a hearing, publish in the same notice the place and time of the hearing. This must be published:
  - (a) in the government gazette; and/or
  - (b) the committee may, (if it so finds necessary) publish in any other format including but not limited to the national or local newspaper, social media, etc. depending on the investigation conducted
- (3) The Committee shall conduct the hearing of oral representations in a matter that it considers appropriate in order to determine the dispute fairly and quickly, and may hear oral arguments and or evidence in support of the application.

### 4. Pre-hearing conference

- (1) The chairperson, or in his absence the deputy chairperson person may —
  - (a) prior to holding a hearing, request all or some of the interested parties who have requested an opportunity to make oral representations to attend a pre-hearing conference; and
  - (b) at any stage, direct that a pre-hearing conference held in terms of paragraph (a) be chaired by the chairperson, the deputy chairperson or a senior commissioner



- (2) The purpose of a pre-hearing conference is to attempt to reach consensus between the parties on:
- (a) identifying facts that are common cause between some or all of the interested parties;
  - (b) identifying facts that are in dispute between some or all of the interested parties;
  - (c) identifying issues on which oral representations may be made;
  - (d) the preparation of documents for submission to the Committee and exchange of documents among interested parties;
  - (e) the necessity for on-the-spot inspections; and
  - (f) dealing with any other matter which may facilitate or expedite the conduct of the hearing.
- (3) The interested parties attending the pre-hearing conference must prepare and sign a minute of the pre-hearing conference, provided that where the conference has been convened in terms of Regulation 4(1)(b), the person mentioned in regulation 4(1)(b) may prepare a pre-hearing minute for signature by the parties.

#### **5. Persons appointed to assist Committee conduct Investigation**

- (1) A person appointed to assist the Committee in terms of section 70B(3) of the Act may be –
- (a) a senior commissioner,
  - (b) any other commissioner, with appropriate expertise (as appointed by the Chairperson or Deputy Chairperson)
  - (c) any other person, who the Committee considers to have appropriate expertise as appointed by the Chairperson or Deputy Chairperson)

- (2) The Committee must specify in writing the matters that a person who has been appointed in terms of this regulation, is expected to do and report on to the Committee.
- (3) The Committee may request a person appointed in terms of this regulation to include in their report a recommendation as to whether –
  - (a) the whole or part of a service should be designated as an essential service;
  - (b) the Committee should issue an order in terms of section 72(1)(a) of the Act directing one or more registered trade unions and employers' organisations or employers to negotiate a minimum services agreement in respect of the whole or part of a service that has been designated as an essential service.
- (4) The Committee may call any person who has prepared a report in terms of this regulation to give evidence to the Committee.

#### **6. Inspection and copying of representations**

- (1) An interested party may inspect written representations made in terms of section 71(2) at the Commission's head office.
- (2) The prescribed fee for obtaining a copy of, or extract from, a written representation is R2.50 per page or such other amount as may be determined by the Committee from time to time.

#### **7. Hearing of evidence**

- (1) An interested party may make oral representation to the Committee –

- (a) if it has filed written representations in compliance with regulation 2; or
- (b) if it has not filed written representations in compliance with regulation 2, the interested party shows good cause for its failure to do so.

(2) The Committee:

- (a) must administer an oath or accept an affirmation from any witness in accordance with section 142 (1)(e) of the Act; where evidence is to be led;
- (b) may address questions to any witness; and
- (c) may permit any other interested party to cross-examine a witness on any relevant issue in respect of which there is a dispute of fact.

**8. Variation or cancellation of the whole or part of a designation of an essential service**

Parts A and C of these regulations apply, with the changes required by the context, to any request for, or investigation into, the variation or cancellation of the designation of the whole or part of a service as an essential service in terms of section 71(9) and section 75 (8) of the Act.

**PART B: DISPUTES AND REFERRALS**

**9. Disputes about whether a service is an essential service**

- (1) Any party who alleges that a dispute as contemplated by section 73(1)(a) or (b) of the Act exists may refer the dispute by submitting Form "LR 4.2" (or a form as prescribed by the Committee) together with an affidavit or



submissions setting out the evidence and legal submissions on which it relies.

- (2) If the applicant in a dispute relating to section 73 of the Act alleges that the referral must be heard as soon as possible, the applicant must state in its submissions the grounds of urgency in sufficient detail for the Committee to make a determination on the issue of urgency.
- (3) The Committee may require the parties to submit any further information relevant to the dispute or application in writing within such a period as the Committee may determine, including argument on any legal issue raised by the dispute.
- (4) The Committee may request the parties to the dispute to attend a pre-hearing conference in order to expedite the hearing of the matter. In the case of an urgent matter, the Committee may give any directive regarding a pre-hearing conference, including a directive that a pre-hearing conference not be held due to the urgency of the matter.
- (5) If the Committee decides that a matter is urgent, the Committee may make an interim order in respect of the dispute or application pending a final determination
- (6) The Committee, when determining the matter is urgent, may give its decision to the parties as soon as is practically possible; however, full reasons for the decision may be given at a later stage.

#### **10. Determination of minimum services**

- (1) Any party who alleges that a dispute about minimum services as contemplated by section 73(1)(c) or (d) exists may refer the dispute by submitting Form LRA Form 4.8A (or a form as prescribed by the Committee) setting out the factual background

- (2) Regulations 9 (2) to (6) apply to any dispute referred in terms of this sub-regulation (1).
- (3) The Committee may determine the minimum services that are required to be maintained in an essential service, irrespective of whether any party has referred a dispute to it in terms of section 73(1)(d) of the Act.

#### **11. Ratification of collective agreement providing for maintenance of minimum services**

- (1) A request by parties to a collective agreement to have the agreement ratified in terms of section 72(3) of the Act must be made by attaching the collective agreement to Form LR 4.8.
- (2) The Committee may require the parties to submit further written representations in regard to any matter relevant to the request for ratification.
- (3) The Committee may require the parties to appear before it in order to deal with any matter relevant to the request.
- (4) As soon as is reasonably practical after receiving the request, the Committee must either ratify or refuse to ratify the relevant provisions of the collective agreement and notify the parties of its decision in writing.
- (5) The Committee must, within 21 days of a request by any party to a collective agreement, provide brief reasons for its refusal to ratify the provisions of the collective agreement in terms of this regulation and may provide assistance to the parties.

#### **12. Application for maintenance service determination**

- (1) An application in terms of section 75(2) of the Act must be made on Form LR 4.3 (or a form as prescribed by the Committee) setting out the factual background upon which it relies.

- (2) The provisions of regulation 9(2) to (6) apply, with the changes required by the context, to any referral in terms of this regulation.

**13. Conduct of hearings in terms of section 73 or 75 of the Act**

- (1) As soon as reasonably practical after receiving the referral application in terms of section 73 or 75 of the Act respectively, the Committee must notify the parties in writing of the place and time of the hearing. The place and time of the hearing must be determined with due regard to urgency.
- (2) The Committee may decide that the dispute or application is capable of determination on the written representations and that it will hear oral evidence.
- (3) If the Committee decides that the matter is capable of determination on the written submissions before it, the Committee may hear argument from the parties and then make its determination.
- (4) If the Committee decides that it requires oral evidence, it must identify the issues on which it wishes to hear evidence and notify the parties of its decision in this regard at least seven days before the hearing.
- (5) Despite the provisions of sub-regulation (3), the Committee may during a hearing, direct that oral evidence be heard in which case the provision of sub-regulation (4) will apply.
- (6) The provisions of regulation 7 apply if oral evidence is heard.
- (7) If the Committee decides that a matter is urgent, the Committee may make an interim order in respect of the dispute or application pending a final determination.
- (8) The Committee, when determining the matter is urgent, may give its decision to the parties as soon as is practically possible; however, full reasons for the decision may be given at a later stage.

**PART C: GENERAL PROVISIONS****14. Appointment of panels**

- (1) The chairperson, or in his absence the deputy chairperson, has the power to appoint a senior commissioner to preside at a panel hearing in terms of section 70C(2) of the Act.
- (2) An invitation to the employer and trade union parties participating in a hearing to nominate an assessor in terms of either section 70C(4)(b) or 5(b) of the Act, must be made in writing to –
  - (a) the employer and trade union parties participating in the hearing; and
  - (b) in the case of an investigation in terms of section 70(1) of the Act, the employer and trade union parties that have made written representations in terms of section 71(2) of the Act and requested an opportunity to make oral representations

**15. Condonation**

The Committee may, at the request of any party to any proceedings before the Committee and on good cause shown, condone any non-compliance with the provisions of these regulations, subject to such conditions as the Committee may in the circumstances consider appropriate.

**16. Service and filing of documents**

- (1) Any party filing a notice, representation or other document with the Committee in terms of the Act or the regulations must file the original and three copies with the head office of the Commission, as specified from time to time in the Rules of the Commission.



- (2) If a matter is being dealt with by a panel of five members, the Committee may require interested parties to file five copies of all notices, representations or documents.
- (3) The provisions of Part One of the Rules of the Commission, read with the changes required by the context, apply to the service and filing of any notice, representation or other document in respect of proceedings before the Commission.

#### **17. Powers of Committee**

- (1) The Committee may exercise any of the powers of a Commissioner in terms of section 142(1) to (7) of the Act, read with the changes required by the context.
- (2) Contempt of the Committee is regulated by sections 142(8) to (12) of the Act, read with the changes required by the context.
- (3) No proceedings of the Committee shall be invalid by reason of the fact that any member was not present during the whole or part of any proceedings.

#### **18. Recordings of Committee's proceedings**

The provisions of Rule 36 of the Rules of the Commission, read with the changes required by the context, apply to the recording of the proceedings of the Committee.

#### **19. A How to join or substitute parties to proceedings**

- (1) The ESC Panel or a Panel Chairperson may join any number of persons as parties in proceedings if their right to relief depends on substantially the same question of law or fact.

- (2) A Panel Chairperson may make an order joining any person as a party in the proceedings if the party to be joined has a substantial interest in the subject matter of the proceedings.
- (3) A Panel Chairperson may make an order-
  - (a) of its own accord;
  - (b) on application by a party; or
  - (c) if a person entitled to join the proceedings applies at any time during the proceedings to intervene as a party.
- (4) When making an order in terms of subrule (2), a Panel Chairperson may-
  - (a) give appropriate directions as to the further procedure in the proceedings.
- (5) If in any proceedings it becomes necessary to substitute a person for an existing party, any party to the proceedings may apply to the Committee for an order substituting that party for an existing party, and a Panel Chairperson may make such order or give appropriate directions as to the further procedure in the proceedings.
- (6) An application to join any person as a party to proceedings or to be substituted for an existing party must be accompanied by copies of all documents previously delivered, unless the person concerned or that person's representative is already in possession of the documents.
- (7) Subject to any order made in terms of subrules (4) and (6), a joinder or substitution in terms of this rule does not affect any steps already taken in the proceedings.

## **20. How to correct the citation of a party**

If a party to any proceedings has been incorrectly or defectively cited, the Panel hearing the matter may, on application and on notice to the parties concerned, correct the error or defect.

## **22. When the ESC may consolidate disputes**

The ESC or a Panel Chairperson, on its own accord or on application, may consolidate more than one dispute so that the disputes may be dealt with in the same proceedings.

The Committee or Panel Chairperson may order consolidation of separate disputes where:

- (a) The relief sought in each of the separate disputes to be consolidated, depends on the determination of similar or substantially the same questions of law and/ fact;
- (b) there will be no substantial prejudice on the party or parties sought to be joined through a consolidation order;
- (c) the Committee has jurisdiction on all the disputes sought to be consolidated.

## **23. Disclosure of documents**

- (1) Either party may request a Panel Chairperson to make an order as to the disclosure of relevant documents.
- (2) The parties may agree on the disclosure of documents.

## **24. How to postpone ESC proceedings**

- (1) A hearing may be postponed:
  - (a) By agreement of the parties
  - (b) By application and on notice to the other parties
- (2) The Committee must postpone the hearing without the parties appearing if:
  - (a) All the parties to the dispute agree in writing to the postponement; and
  - (b) The written agreement for the postponement is received by the Committee more than seven (7) days prior to the scheduled date of the hearing.
- (3) If the conditions of subrule (2) are not met, any party may apply to postpone the hearing by delivering an application to the other parties to the dispute and filing a copy with the Committee before the scheduled date of the arbitration.
- (4) After considering the written application, the Committee may-



- (a) without convening a hearing, postpone the matter; or
- (b) convene a hearing to determine whether to postpone the matter.

(5) Shorter postponement timelines may be considered by the Committee for Section 73 cases.

## **25. How to seek condonation for documents delivered late**

- (6) This rule applies to any non-compliance of the timelines prescribed in these Regulations
- (7) A party must apply for condonation, to the Committee
- (8) An application for condonation must set out the grounds for seeking condonation and must include details of the following:
  - (a) the degree of lateness;
  - (b) the reasons for the lateness;
  - (c) the party's the nature of its interest in a Section 71 investigation or prospects of succeeding in the matter and obtaining the relief sought against the other party;
  - (d) any prejudice to the other party; and any other relevant factors.
- (9) The Committee may assist a referring party to comply with this rule.

## **26. Definitions**

In these regulations, any word defined in the Act has that meaning, unless the context indicates otherwise, and -

"Act" means the Labour Relations Act, 1995 (Act No. 66 of 1995) and any reference to a form refers to the relevant form published in the Labour Relations Regulations, 2014;

"Committee" means the Essential Services Committee established in terms of section 70 of the Act and, in these regulations, any reference to:

- (a) the chairperson or deputy chairperson is a reference to the chairperson or deputy chairperson of the Committee;



- (b) the Committee includes a panel appointed in terms of section 70C, in respect of a matter assigned to such a panel.
- (c) "Commission" means the Commission for Conciliation, Mediation and Arbitration established in terms of section 112 of the Act;
- (d) "Rules of the Commission" means the Rules for Conduct of Proceedings before the Commission, in force at any time;
- (e) "Senior Commissioner" means a senior commissioner contemplated by section 70C(3) of the Act.

## **27. Short title and commencement**

These regulations shall be known as the Essential Service Committee Regulations.





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