



# Government Gazette Staatskoerant

REPUBLIC OF SOUTH AFRICA  
REPUBLIEK VAN SUID AFRIKA

*Regulation Gazette*

**No. 11529**

*Regulasiekoerant*

Vol. 691

6

January  
Januarie

2023

No. 47823



N.B. The Government Printing Works will not be held responsible for the quality of "Hard Copies" or "Electronic Files" submitted for publication purposes

ISSN 1682-5845



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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.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** **2023**

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

- **22 December 2022**, Thursday for the issue of Friday **30 December 2022**
- **29 December 2022**, Thursday for the issue of Friday **06 January 2023**
- **06 January 2023**, Friday for the issue of Friday **13 January 2023**
- **13 January 2023**, Friday for the issue of Friday **20 January 2023**
- **20 January 2023**, Friday for the issue of Friday **27 January 2023**
- **27 January 2023**, Friday for the issue of Friday **03 February 2023**
- **03 February 2023**, Friday for the issue of Friday **10 February 2023**
- **10 February 2023**, Friday for the issue of Friday **17 February 2023**
- **17 February 2023**, Friday for the issue of Friday **24 February 2023**
- **24 February 2023**, Friday for the issue of Friday **03 March 2023**
- **03 March 2023**, Friday for the issue of Friday **10 March 2023**
- **10 March 2023**, Friday for the issue of Friday **17 March 2023**
- **16 March 2023**, Thursday for the issue of Friday **24 March 2023**
- **24 March 2023**, Friday for the issue of Friday **31 March 2023**
- **30 March 2023**, Thursday for the issue of Thursday **06 April 2023**
- **05 April 2023**, Wednesday for the issue of Friday **14 April 2023**
- **14 April 2023**, Friday for the issue of Friday **21 April 2023**
- **20 April 2023**, Thursday for the issue of Friday **28 April 2023**
- **26 April 2023**, Wednesday for the issue of Friday **05 May 2023**
- **05 May 2023**, Friday for the issue of Friday **12 May 2023**
- **12 May 2023**, Friday for the issue of Friday **19 May 2023**
- **19 May 2023**, Friday for the issue of Friday **26 May 2023**
- **26 May 2023**, Friday for the issue of Friday **02 June 2023**
- **02 June 2023**, Friday for the issue of Friday **09 June 2023**
- **08 June 2023**, Thursday for the issue of Thursday **15 June 2023**
- **15 June 2023**, Thursday for the issue of Friday **23 June 2023**
- **23 June 2023**, Friday for the issue of Friday **30 June 2023**
- **30 June 2023**, Friday for the issue of Friday **07 July 2023**
- **07 July 2023**, Friday for the issue of Friday **14 July 2023**
- **14 July 2023**, Friday for the issue of Friday **21 July 2023**
- **21 July 2023**, Friday for the issue of Friday **28 July 2023**
- **28 July 2023**, Friday for the issue of Friday **04 August 2023**
- **03 August 2023**, Thursday for the issue of Friday **11 August 2023**
- **11 August 2023**, Friday for the issue of Friday **18 August 2023**
- **18 August 2023**, Friday for the issue of Friday **25 August 2023**
- **25 August 2023**, Friday for the issue of Friday **01 September 2023**
- **01 September 2023**, Friday for the issue of Friday **08 September 2023**
- **08 September 2023**, Friday for the issue of Friday **15 September 2023**
- **15 September 2023**, Friday for the issue of Friday **22 September 2023**
- **21 September 2023**, Thursday for the issue of Friday **29 September 2023**
- **29 September 2023**, Friday for the issue of Friday **06 October 2023**
- **06 October 2023**, Friday for the issue of Friday **13 October 2023**
- **13 October 2023**, Friday for the issue of Friday **20 October 2023**
- **20 October 2023**, Friday for the issue of Friday **27 October 2023**
- **27 October 2023**, Friday for the issue of Friday **03 November 2023**
- **03 November 2023**, Friday for the issue of Friday **10 November 2023**
- **10 November 2023**, Friday for the issue of Friday **17 November 2023**
- **17 November 2023**, Friday for the issue of Friday **24 November 2023**
- **24 November 2023**, Friday for the issue of Friday **01 December 2023**
- **01 December 2023**, Friday for the issue of Friday **08 December 2023**
- **08 December 2023**, Friday for the issue of Friday **15 December 2023**
- **15 December 2023**, Friday for the issue of Friday **22 December 2023**
- **20 December 2023**, Wednesday for the issue of Friday **29 December 2023**

## 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.gpwonline.co.za](http://www.gpwonline.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 COMMUNICATIONS AND DIGITAL TECHNOLOGIES****NO. R. 2921****6 January 2023****FILMS AND PUBLICATIONS ACT, 1996 (ACT NO. 65 OF 1996), AS AMENDED****FILMS AND PUBLICATIONS AMENDMENT TARIFF'S REGULATIONS, 2022**

I, Ms Khumbudzo Phophi Silence Ntsavheni, the Minister of Communications and Digital Technologies hereby, under section 31(1)(a) of the Films and Publications Act, 1996 (Act No. 65 of 1996), as amended, after consultation with the Minister of Finance, Council, Enforcement Committee and the Appeals Tribunal, whichever is applicable, hereby amend the Films and Publications Tariff's Regulations published under a notice under GG No. 43872 of 6 November 2020, by amendment of all Schedules, through the Amended Films and Publications Tariff's Regulations, 2022 going herewith.

The Regulations concerned will come into operation on publication in the Government Gazette.

**MS K. P. S. NTSAVHENI, MP****MINISTER OF COMMUNICATIONS AND DIGITAL TECHNOLOGIES**

Date:

## SCHEDULE 1

## 1. Physical Content and Distributor Size

## 1.1. Physical Content Tariffs

Tariff Number	Serial No.	Services	Tariffs		
			Small client	Medium client	Large client
	<b>1</b>	<b>REGISTRATION</b>			
001	1.1	Distributor or exhibitor of films or interactive computer games: <b>Online</b> registration	R1,432.19	R1,432.19	R1,432.19
002	1.1.1	Distributor or exhibitor of films or interactive computer games: <b>Manual</b> registration	R1,916.23	R1,916.23	R1,916.23
003	1.2	Internet Service Provider	R716.10	R716.10	R716.10
004	1.3	Annual Renewal or distribution certificate: <b>Online</b>	R97.28	R194.55	R291.83
005	1.3.1	Annual Renewal or distribution certificate: <b>Manual</b>	R127.75	R255.50	R383.25
006	1.4	Issue of new certificate on change of details	R153.53	R305.89	R459.43
	<b>2</b>	<b>CLASSIFICATION</b>			
	<b>2.1</b>	<b>Publication submitted in terms of section 16(4) of the Films and Publications Act, 1996 (Act No. 65 of 1996), as amended</b>			
007	2.1.1	Periodical (annual fee)	R9,625.69	R19,251.39	R28,877.08
008	2.1.2	Single issue	R1,085.28	R2,169.38	R3,254.66
	<b>2.2</b>	<b>FILMS</b>			
	<b>2.2.1</b>	<b>Public Entertainment Release Format</b>			
009	2.2.1.1	New release of original English-language film	R2,006.48	R4,011.78	R6,018.26
010	2.2.1.2	New release of original non-English language film (Subtitled) – 50% of the original language	R1,003.24	R2,005.30	R3,008.54
011	2.2.1.3	New release of an adult movie (First 3 hours)	R2,006.48	R4,011.78	R6,018.26
012	2.2.1.4	New release of an adult movie (3 to 4 hours)	R2,603.03	R5,204.88	R7,807.91
013	2.2.1.5	New release of an adult movie (4 to 6 hours)	R3,199.58	R6,397.99	R9,597.56

014	2.2.1.6	Trailer of a film (fee rate per minute)	R19.92	R39.85	R59.77
015	2.2.1.7	Re-release of original English language film – 50% of the applicable tariffs	R1,003.24	R2,005.30	R3,008.54
016	2.2.1.8	Re-release of original non-English language film (Subtitled) – 50% of the applicable tariffs	R1,003.24	R2,005.30	R3,008.54
	<b>2.2.2</b>	<b>Home Entertainment Release Format</b>			
017	2.2.2.1	New release of original English-language film (First 1 hours)	R901.27	R1,704.23	R2,556.90
018	2.2.2.2	New release of original English-language film (2 to 3 hours)	R1,351.32	R2,556.90	R3,835.36
019	2.2.2.3	New release of original English-language film (3 to 5 hours)	R1,802.55	R3,409.58	R5,114.92
020	2.2.2.4	New release of original non-English language film (Subtitled)	R1,341.95	R2,682.72	R4,024.67
021	2.2.2.5	New release of original non-English language film (Not Subtitled)	R1,341.95	R2,682.72	R4,024.67
022	2.2.2.6	New release of an adult movie (First 3 hours)	R2,006.48	R4,011.78	R6,018.26
023	2.2.2.7	New release of an adult movie (3 to 4 hours)	R2,603.03	R5,204.88	R7,807.91
024	2.2.2.8	New release of an adult movie (4 to 6 hours)	R3,199.58	R6,397.99	R9,597.56
025	2.2.2.9	Re-release of original English-language film	R451.22	R901.27	R1,352.50
026	2.2.2.10	Re-release of original non-English language film (Not-subtitled)	R671.56	R1,341.95	R2,013.51
027	2.2.2.11	Re-release of original non-English language film (Subtitled)	R2,236.19	R4,471.21	R6,707.40
	<b>2.2.3</b>	<b>Serials in any language or format</b>			
028	2.2.3.1	Foreign Productions (First 3 hours)	R2,006.48	R4,011.78	R6,018.26
029	2.2.3.2	Foreign Productions (Per hour thereafter)	R357.46	R714.92	R1,072.39
030	2.2.3.4	South African Productions (First 5 hours)	R2,006.48	R4,011.78	R6,018.26
031	2.2.3.5	South African Productions (Per hour thereafter)	R357.46	R714.92	R1,072.39
	<b>2.2.4</b>	<b>Films produced in Africa</b>			
032	2.2.4.1	Public Entertainment Release Format	R535.61	R1,070.04	R1,605.65
033	2.2.4.2	Home Entertainment Release Format	R486.38	R972.77	R1,459.15
	<b>2.3</b>	<b>GAMES</b>			

034	2.3.1	New release in original format	R1,637.29	R3,274.59	R4,911.88
035	2.3.2	New release in different format	R1,637.29	R3,274.59	R4,911.88
036	2.3.3	Re-release in original format	R818.06	R1,636.12	R2,454.18
037	2.3.4	Re-release in different format	R818.06	R1,636.12	R2,454.18
038	2.3.5	Re-classification of games distributed with magazine	R819.23	R1,638.47	R2,457.70
039	2.3.6	Classification of posters of films and posters of games	R26.96	R53.91	R80.87
	<b>2.4</b>	<b>EXEMPTIONS</b>			
040	2.4.1	Exemption of Films for Film Festival	R1,337.26	R2,673.35	R4,010.61
041	2.4.2	Exemption of a film in home-entertainment format	R644.60	R1,289.21	R1,933.81
042	2.4.3	Exemption of a film in home-entertainment format (additional disc/ content)	R162.91	R325.82	R488.73
043	2.4.4	Exemption of an Interactive computer game	R802.82	R1,604.48	R2,407.30
044	2.4.5	Copy of a certificate of registration, classification or exemption or decision	R321.49	R321.49	R321.49
045	2.4.6	List of all titles classified by the Board (per year)	R1,337.26	R2,673.35	R4,010.61
	<b>3</b>	<b>APPLICATION FOR AN ACCREDITATION OF A FOREIGN OR INTERNATIONAL CLASSIFICATION SYSTEM</b>			
046	3.1	Application Fee	R1,500.00	R1,500.00	R1,500.00
	<b>4</b>	<b>COMPLAINT LODGED BEFORE THE ENFORCEMENT COMMITTEE</b>			
047	4.1	Copy of finding by Enforcement Committee	R48.05	R96.10	R144.16
	<b>5</b>	<b>APPEAL TO THE APPEAL TRIBUNAL</b>			
048	5.1	Appeal of a trailer of a film	R4,011.78	R8,023.56	R12,035.34
049	5.2	Appeal of a film	R4,011.78	R8,023.56	R12,035.34
050	5.3	Appeal of a game	R3,274.59	R6,549.17	R9,823.76
051	5.4	Appeal of a periodical publication	R19,251.39	R38,502.77	R57,754.16
052	5.5	Appeal of a single issue publication	R2,169.38	R4,338.77	R6,508.15
053	5.6	Appeal of an adult film	R6,397.99	R12,794.80	R19,192.78



054	5.7	Appeal of finding by the Enforcement Committee	5% of the finding issued by the Enforcement Committee	3% of the finding issued by the Enforcement Committee	2% of the finding issued by the Enforcement Committee
055	5.8	Copy of finding of Appeal Tribunal	R48.05	R96.10	R144.16
	<b>6</b>	<b>EXPEDITED CLASSIFICATION</b>			
056	6.1	Charged at an additional 25% of the applicable classification fee			

## 1.2. Split of revenue by client size

Distributor size	Number of titles submitted previous year	Proportion of relevant fee income
Small	Less than 5 (five) titles	20%
Medium	5 (five) to 99 (ninety-nine) titles	50%
Large	100 (hundred) + titles	30%

**SCHEDULE 2****2. Online Distribution**

## 2.1. Online Distributor Annual License Fees for Commercial Online Distributors who elect to Self-classify Films, Serials and Games and/or to Apply for the Accreditation of an International or Foreign Classification System

Number of Titles	Films		Serials	Games
	Full length	Short form (not exceeding 15 minutes)		
50 to 499 titles	R303.91 per title	R50, 00 per title	R1,215.65 per season	R372.44 per title
500 to 999 titles	R243.13 per title	R40, 00 per title	R972.52 per season	R297.95 per title
1 000 + titles	R194.51 per title	R32, 00 per title	R778.01 per season	R238.37 per title

The fees above are applied in a stepped fashion (i.e. If a distributor offers more than 1,000 titles, the "50 to 499 titles" fee is applied for the first 499 titles, the "500 to 999 titles" fee is applied for the next 500 titles, and the "1 000 + titles" fee is applied for the remaining titles).

The above online distributor annual license fees are capped at R2,000,000.00 subject to the annual increase prescribed in Schedule 3 (4).

**Alternatively,**

The Annual Licence Fee payable by the Commercial Online Distributor in accordance with these Regulations are to be calculated using the formula set out herein, read with the applicable percentages.

Pa = Payable Annual Licence Fee

T = Turnover due to licenced activities

Pp = Applicable percentage

$$Pa = Pp \times (T)$$

Percentage	
0 to 499 titles on the platform	1.5%
500 to 999 titles on the platform	2%
1000 + titles on the platform	2.5%

### SCHEDULE 3

#### PAYMENTS IN RESPECT OF ANNUAL LICENCE FEES

##### 3. Format for submission of Financial Statement for the Purposes of the Annual Licence Fees Calculation

Commercial Online Distributor		
Company Name		
Financial Year End		
Financial Year		
Auditing Firm / Partner		
Accounting Officer	Name:	Signature:
Company Chief Financial Officer / Accounting Officer	Name:	Signature:

As per Annual Financial Statement	
Total Revenue Generated (R '000)	
Total Non-licenced Revenue (R '000)	
Total Licenced Revenue (R'000)	

Revenue from Licenced Services		
	R '000	
1. Film – Full length feature	RXX	
2. Film – Short form feature	RXX	
3. Serial	RXX	
4. Game	RXX	
<b>Total Revenue from Licenced Services</b>		RXX

I, \_\_\_\_\_, in my capacity as \_\_\_\_\_ hereby verify that the information provided is true and correct and have been reviewed by an Auditor / Accounting Officer.

Signature \_\_\_\_\_ Designation \_\_\_\_\_ Date: \_\_\_\_\_

##### 4. Submission of Financial Statements

4.1. All licence holders must:

4.1.1. Submit audited Annual Financial Statements within six (6) months of their financial year end; or

4.1.2. Submit financial statements signed and sworn to by the accounting officer of the licensee where the licensee is not legally obliged to provide audited financial statements.

##### 5. Payment of the Annual Licence Fee

- 5.1. Unless expressly authorized by the Council of the Film and Publication Board, all payments in respect of licence fees are due annually.
- 5.2. Annual Payments
- 5.2.1. Are due annually based on the licensee's financial year;
- 5.2.2. Are due and payable within six (6) months from the end of the licensee's financial year;
- 5.2.3. May only be paid by way of an electronic transfer or via a direct deposit into the bank account of the FPB; and
- 5.2.4. Must be based on the:
- (a) Audited annual Financial Statements of the licensee; or
  - (b) Financial Statements signed and sworn to by the account officer of the licensee where the licensee is not legally obliged to provide audited financial statements;
  - (c) Are to be adjusted immediately on receipt of the applicable annual financial statement of the licensee which must be submitted within six (6) months from the financial year end;
- 5.2.5. Must be submitted as in Schedule 3 (3) of the Regulations and must be submitted as an annexure to the Annual Financial Statement and be subject to audit; and
- 5.2.6. Which are estimates must be submitted as in Schedule 3 (3) of the Regulations, these must be used for the purposes of comparison to the final submission of the annual payments.

#### SCHEDULE 4

#### 6. Interest on Overdue Accounts

If any distributor fails to pay any sum (including, without limitation, any sum payable pursuant to any applicable tariff fee listed in section 1 and 2) on its due date for payment under this Regulation the distributor shall pay interest on such sum from the due date up to the date of actual payment (as well after as before judgment) at the rate at which *mora* interest is charged determined by the Minister of Justice and Correctional Services from time to time, and which currently stands at 7% per annum.

#### 7. Consumer Price Index Increase

The above tariffs are subject to an annual Consumer Price Index (CPI) increase plus 1% effective from 1 April of every year duly published in the Government Gazette. The CPI indicates the annual headline consumer inflation rate published from time to time by Statistics South Africa (STATSSA) and broadly accepted as an economic inflation indicator. For the purposes of the Tariffs, the CPI will be calculated as the average CPI rates provided by STATSSA for the months 1 April from the preceding year to 31 March of the following year will constitute the CPI figure to be taken into account for any CPI-linked increments that must be implemented from 1 April of the applicable year.

## DEPARTMENT OF COMMUNICATIONS AND DIGITAL TECHNOLOGIES

NO. R. 2922

6 January 2023

FILMS AND PUBLICATIONS ACT, 1996 (ACT NO. 65 OF 1996), AS  
AMENDED

## ENFORCEMENT COMMITTEE RULES, 2022

The Council of the Film and Publication Board, after consultation with the Enforcement Committee, made the rules in the Schedule.

## SCHEDULE 1

## PART 1

1. **Definitions.** – In this Schedule of these Rules, any word or expression to which a meaning has been assigned by the Act, shall have the meaning so assigned and, unless the context otherwise indicates:

“**Act**” means the Films and Publications Act, 1996 (Act No. 65 of 1996), as amended from time to time;

“**answer**” means a document as described in regulation 15 of Schedule 1 and filed by a respondent;

“**Appeal Tribunal**”, depending on the context, means either:

- (i) the body established by section 3 of the Act;
- (ii) a panel of the Appeal Tribunal convened in terms of section 20 (1) of the Act; or
- (iii) the registrar of the Appeal Tribunal;

“**applicant**” means the FPB;

“**certified copy**” means a copy of a document certified by a Commissioner of Oaths;

**“chairperson”** means the officer of the Enforcement Committee appointed in terms of section 6A (1) of the Act;

**“day”** means any number of days prescribed in these Rules and shall be reckoned exclusively of the first and inclusively of the last day unless the last day falls on a Saturday, Sunday or official South African Public Holiday, in which case the last day shall be the next succeeding business day;

**“deliver”** depending on the context, means to serve, or to file, a document;

**“Enforcement Committee”**, depending on the context, means either –

- (a) the body established by section 3 of the Act;
- (b) a panel of the enforcement committee convened in terms of section 6B (1) of the Act; or
- (c) the registrar of the Enforcement Committee;

**“Enforcement Registrar”** means the officer of the Enforcement Committee appointed by the FPB, in consultation with the chairperson, in terms of rule 4 of Schedule 1 and includes any acting or assistant registrar;

**“file”**, when used as a verb, means to deposit with the registrar;

**“FPB”** means the Film and Publication Board, a body established by section 3 of the Act;

**“Government Gazette”** means the Government Gazette of the Republic of South Africa or the relevant Provincial Gazette, according to whether the administration of the law concerned or, as the case may be, the law conferring the power to make or issue such a proclamation, regulation, notice or other document, vests in, or in a functionary of, the national government or a provincial government;

**“member”** means a person appointed to the Enforcement Committee;

**“notice”** means an initiating document as described in rule 9 of Schedule 1;

**“public holiday”** means a public holiday referred to in section 1 of the Public Holidays Act, 1994 (Act 36 of 1994);

**“reply”** means a document as described in rule 16 of Schedule 1 and filed by a respondent;

**“respondent”** means a distributor, exhibitor or any such person to whom the Act applies;

**“rules”** includes any footnote to a rule, and any table included within or referred to in a rule; and

**“serve”** means to deliver a document to a person other than the registrar.

## **PART 2**

### **ENFORCEMENT COMMITTEE OFFICE FUNCTIONS**

**2. Functions, office hours and address of Enforcement Committee.** – (1) The Enforcement Committee is legislatively empowered to —

- (a) investigate all cases referred to it by the FPB for adjudication in respect of noncompliance with any provision of the Act by a distributor, exhibitor or any other person to whom the Act applies, except persons to whom sections 24A, 24B, 24C and 27A (2),(3) and (4) of the Act apply;
- (b) adjudicate all cases and make appropriate findings, after the FPB and the respondent have been heard or granted a reasonable opportunity to be heard;

- (c) hear evidence under oath or affirmation or evidence by affidavit and come to a finding when it is convinced on a consideration of all the facts before it that such a finding is fair, reasonable and justified;
  - (d) where appropriate –
    - (i) impose a fine;
    - (ii) as prescribed, suspend a registration certificate; or
    - (iii) through the Board, refer a matter to the National Director of Public Prosecutions for prosecution and, in such a case, the Enforcement Committee shall not make a finding; and
  - (e) where a fine is not paid, at the instance of the chief executive officer, apply to a court for the enforcement of such a fine as a civil debt to the FPB.
- (2) The offices of the Enforcement Committee are seated at the Head Office of the FPB and are open to the public every Monday to Friday, excluding public holidays, from 09h00 to 16h00.
- (3) Despite sub-rule 2 (2) of Schedule 1 in exceptional circumstances the Enforcement Committee may accept documents for filing on any day and at any time.
- (4) Subject to rule 5 and 6 of Schedule 1, any communication to the Enforcement Committee, or to a member of the staff of the FPB assigned to assist the Enforcement Committee, may be –
- (a) Delivered by hand at –

**The Film and Publication Board  
Eco Glade 2  
420 Witch Hazel Street  
Eco Park  
Centurion  
0169**

- (b) Addressed by post to –

**The Film and Publication Board  
Private Bag X31  
Highveld Park  
0169**

- (c) Communicated by telephone on **+27 012 003 1400**;

- (d) Transmitted by Fax on **+27 012 661 0074**; or

- (e) Transmitted by electronic mail to **enforcementregistrar@fpb.org.za**.

- (5) The address for the filing or service of documents at or on the Enforcement Committee (referred to in these Rules as “the Enforcement Committee address for service”) is at the physical address referred to in sub-rule 2 (4)(a) of Schedule 1 or such other address as may be notified on the FPB website from time to time.

- 3. Condonation of time limits.** – (1) On good cause shown, the chairperson may condone late performance of an act in respect of which these Rules and prescribe a time limit, other than a time limit that is binding on the Enforcement Committee itself.



- (2) The chairperson may have regard to the following –
- (a) The nature and extent of the delay;
  - (b) The reason for the failure to act or make a submission timeously;
  - (c) The nature and extent of any prejudice in not granting condonation; and
  - (d) Whether it would be in the public interest that the appeal be allowed.
- 4. Enforcement Registrar.** – (1) The FPB, in consultation with the chairperson, must appoint a suitably qualified person in terms of section 11 of the Act to act as registrar, with the authority to carry out the functions of that office in terms of these Rules.
- (2) The registrar shall act in accordance with the instructions of the chairperson and is, in particular, to be responsible for –
- (a) the establishment and maintenance of a register in which all pleadings and supporting documents and all orders and decisions of the Enforcement Committee are to be registered;
  - (b) the acceptance, transmission, service and custody of documents in accordance with these Rules; and
  - (c) certifying that any order, direction or decision is an order, direction or decision of the Enforcement Committee or the chairperson, as the case may be.

## DELIVERY OF DOCUMENTS

- 5. Delivery of Documents.** – (1) A notice or document may be delivered in any manner set out herein in the table below.

<b>Method of Delivery</b>	<b>Date and Time of Deemed delivery</b>
By sending the notice or a copy of the document by electronic mail, if the person has an address for receiving electronic mail; or	On the date and at the time recorded by the computer used by the sender, unless there is conclusive evidence that it was delivered on a different date or at a different time.
By sending the notice or a copy of the document by registered post to the person's last-known address; or	On the 7 <sup>th</sup> day following the day on which the notice or document was posted as recorded by a post office, unless there is conclusive evidence that it was delivered on a different day.
If the person is a participant in any proceedings of the Enforcement Committee, and is represented by a representative, by delivering the notice, or handing a copy of the document to that representative; or	On the date and at the time recorded on a receipt for the delivery.
By any other means authorised by the Enforcement Committee.	In accordance with the order of the Enforcement Committee.

- (2) Subject to sub-rule 5 (4) of Schedule 1, a document delivered by a method listed in the second column of the Table referred to in sub-rule 5 (1) of Schedule 1 will be deemed to have been delivered to the intended recipient on the date and at the time shown opposite that method, in the second column of that table.
- (3) If, in a particular matter, it proves impossible to deliver a document in any manner provided for in these Rules, the person concerned may apply to the Enforcement Committee for an order of substituted service.
- (4) Subject to sub-rule 5 (2) of Schedule 1, if the date and time for the delivery of a document referred to in the table is outside of the office hours of the

Enforcement Committee as set out in sub-rule 2 (1) of Schedule 1, that document will be deemed to have been delivered on the next day.

- (5) A document that is transmitted by electronic mail must accompany a cover message, in either case setting out –

- (a) The name, address, and telephone number of the sender;
- (b) The name of the person to whom it is addressed, and the name of that person's representative, if it is being sent to the representative of a person;
- (c) The date and time of the transmission;
- (d) The total number of pages sent, including the cover page; and
- (e) The name and telephone number of the person to contact if the transmission appears to be incomplete or otherwise unsuccessful.

**6. Filing documents.** – (1) The Enforcement Committee must assign distinctive case numbers to each case lodged.

- (2) The Enforcement Committee must ensure that every document subsequently filed in respect of the same proceedings is marked with the same case number.
- (3) The Enforcement Committee may refuse to accept a document subsequently filed in respect of the same proceedings that is not properly marked with the assigned case number.
- (4) Any document to be filed in terms of the Act or these Rules must contain the following information –

- (a) legal name;
- (b) address for service;
- (c) telephone number;
- (d) if available, email address; and
- (e) if the person is not an individual, the name of the individual authorised to deal with the Enforcement Committee on behalf of the person filing the document.

7. **Fees.** – (1) There shall be no prescribed fee for filing an initiating document.

8. **Access to information.** – (1) Any person, aligned to the applicable provisions of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000) and upon payment of the prescribed fee, may inspect or copy any Enforcement Committee record –

- (a) if it is not restricted information; or
- (b) if it is restricted information, to the extent permitted, and subject to any conditions imposed, by –
  - (i) this rule; or
  - (ii) an order of the Enforcement Committee.

### PART 3

#### ENFORCEMENT COMMITTEE PROCEDURES

**9. Initiating proceedings.** – (1) A case to the Enforcement Committee shall be made by filing a notice within 30 (thirty) days of the date upon which the respondent was notified of its non-compliance with any provision of the Act.

(2) The Enforcement Committee may not extend the time limit provided under sub-rule 9 (1) of Schedule 1 unless it is satisfied that the circumstances are exceptional.

(3) The notice shall state –

- (a) the name and address of the applicant;
- (b) the name and address of the applicant's legal representative, if any;
- (c) an address for service;
- (d) the name and address of the respondent to the proceedings; and
- (e) shall be signed and dated by the applicant, or on its behalf by its duly authorised officer or legal representative.

(2) The notice shall contain –

- (a) a statement as to whether the case is in respect of the decision by the applicant relating to non-compliance with the applicable provisions of the Act;
- (b) a concise statement of the relevant facts, identifying, where applicable, any relevant findings in the decision referred to in sub-rule 9 (2)(a);
- (c) a summary of the non-compliance with the applicable provisions of the Act, identifying in particular –

- (i) under which statutory provisions the case is brought;
  - (ii) to what extent the applicant contends that the Respondent has been non-compliant with any provisions of the Act;
  - (d) a succinct presentation of the arguments supporting each of the grounds of non-compliance;
  - (e) a concise statement of any contentions of law which are relied on;
  - (f) the relief sought by the applicant, including (where applicable) –
    - (i) an estimate of the amount claimed, supported by an explanation of how that amount has been calculated;
    - (ii) details of any other claim for a sum of money;
    - (iii) a statement that the claimant is making a claim for an injunction; and
    - (iv) such other matters as may be specified by practice direction;
  - (g) a schedule listing all the documents annexed to the notice; and
  - (h) a statement identifying the evidence (whether witness statements or other documents annexed to the notice) the substance of which, so far as the applicant is aware.
- (3) There shall be annexed to the notice –
- (a) a copy of the notice of contravention by the applicant; and

- (c) as far as practicable, a copy of every document (or part of a document) on which the applicant relies, including the written statements of all witnesses of fact and expert witnesses, if any.
  - (4) Unless the Enforcement Committee otherwise directs, the signed original of the notice shall be accompanied by four copies of the notice and its annexes certified by the applicant or its legal representative as conforming to the original.
  - (5) Upon receipt of a notice contemplated in sub-rule 9 (1) of schedule 1 or a complaint, the Enforcement Committee may publish a notice in a manner it deems fit requesting members of the public to make written inputs and availability in terms of rule 32 of Schedule 1.
- 10. Defective notices.** – (1) If the Enforcement Committee considers that a notice does not comply with rule 9 of Schedule 1, or is materially incomplete, or is unduly prolix or lacking in clarity, the Enforcement Committee may give such directions as may be necessary to ensure that those defects are remedied.
- (2) The Enforcement Committee may, if satisfied that the efficient conduct of the proceedings so requires, instruct the registrar to defer service of the notice on the respondent until after the directions referred to in sub-rule 10 (1) of Schedule 1 have been complied with.
- 11. Power to strike out.** – (1) The Enforcement Committee may, after giving the parties an opportunity to be heard, strike out a case in whole or in part at any stage in the proceedings if –
- (a) it considers that the Enforcement Committee has no jurisdiction to hear or determine the case;
  - (i) it considers that the notice, or part of it, discloses no valid ground;
    - or

- (ii) the applicant fails to comply with any rule, practice direction issued under sub-rule 28 of Schedule 1, or order or direction of the Enforcement Committee.

- (2) When the Enforcement Committee strikes out a case it may make any consequential order it considers appropriate.

**12. Amendments to notice.** – (1) The applicant may amend the notice only with the permission of the Enforcement Committee.

- (2) Where the Enforcement Committee grants permission under sub-rule 12 (1) of Schedule 1 it may do so on such terms as it thinks fit, and may give any further or consequential directions it considers necessary.

- (3) In deciding whether to grant permission under sub-regulation 12 (1) of Schedule 1, the Enforcement Committee shall take into account all the circumstances including whether the proposed amendment –

- (a) involves a substantial change or addition to the applicant's case;
- (b) is based on matters of law or fact which have come to light since the case was made; or
- (c) for any other reason could not practicably have been included in the notice.

**13. Withdrawal.** – (1) The applicant may withdraw its case only with the permission of the Enforcement Committee, or if no Enforcement Committee has been constituted, the chairperson.



- (2) Where permission is granted under sub-rule 13 (1) of Schedule 1, the Enforcement Committee or the chairperson (collectively referred to as the “grantor”), as the case may be, may –
- (a) do so on such terms as the grantor thinks fit;
  - (b) instruct the registrar to publish a notice of the withdrawal on the FPB website, which shall appear on the FPB website for at least 5 (five) days, or in such other manner as the grantor may direct; and
  - (c) publish any decision which the grantor would have made had the case not been withdrawn.
- (3) Where a case is withdrawn –
- (a) any interim order of the Enforcement Committee, other than an order made in respect of costs, immediately ceases to have effect; and
  - (b) no fresh case may be brought by the applicant in relation to the decision which was the subject of the case without the permission of the Enforcement Committee.

## **RESPONSE TO ENFORCEMENT COMMITTEE PROCEEDINGS**

**14. Acknowledgment and notification.** – (1) On receiving a notice the registrar shall –

- (a) send an acknowledgement of its receipt to the applicant;
- (b) subject to sub-rule 10 (2) and rule 11 of Schedule 1, send a copy of the notice to the respondent; and

- (c) Publish the details of the notice on the website of the FPB to inform members of the public of the details of the notice.

**15. Answer.** – (1) The respondent shall file an answer in the form required by this regulation within 21 (twenty-one) days, or such further time as the Enforcement Committee may allow, of the date on which the respondent received a copy of the notice in accordance with sub-rule 14 (1)(a) of Schedule 1.

(2) The answer shall state –

- (a) the name and address of the respondent;
- (b) the name and address of the respondent's legal representative, if any;
- (c) an address for service and shall be signed and dated by the respondent, or on its behalf by its duly authorised officer or legal representative.

(3) The answer shall contain –

- (a) a succinct presentation of the arguments of fact and law upon which the respondent will rely;
- (b) details of any objection to the admission of evidence put forward by the applicant;
- (c) the relief sought by the respondent and any directions sought under sub-rule 28 of Schedule 1;
- (d) a schedule listing all the documents annexed to the answer; and
- (e) a statement identifying the evidence (whether witness statements or other documents annexed to the answer) the substance of which, so far

as the respondent is aware, was not referred to in the disputed decision or disclosed to the applicant before that decision was made.

- (4) The contents of the answer shall be verified by a statement of truth signed and dated by the respondent or on its behalf by its duly authorised officer or legal representative.
- (5) As far as practicable, there shall be annexed to the answer a copy of every document (or part of a document) upon which the respondent relies including the written statements of all witnesses of fact and expert witnesses, if any, but excluding any document (or part of a document) annexed to the notice.
- (6) The signed original of the answer shall be accompanied by 4 (four) copies of the answer and its annexes certified by the respondent or its duly authorised officer or legal representative as conforming to the original.
- (7) The respondent shall serve a copy of the answer and any accompanying documents on each other party at the same time as it files the answer.

**16. Reply to answer.** – (1) Within 15 (fifteen) days of receipt of the copy of the answer, the applicant may file a reply to the answer.

- (2) The contents of the reply shall be verified by a statement of truth signed and dated by the applicant or on its behalf by its duly authorised officer or legal representative.
- (3) If the applicant files a reply to the answer, it shall send a copy of the reply and any accompanying documents to each other party at the same time as it files the reply.

**17. Further pleadings.** – (1) No further pleadings may be filed without the permission of the Enforcement Committee.

**ADDITIONAL PARTIES AND ADDITIONAL CASES**

**18. Additional parties.** – (1) The Enforcement Committee may grant permission to remove, add or substitute a party in the proceedings.

(2) An application for permission under this regulation shall be served on the parties to the proceedings and may be made by –

(a) an existing party; or

(b) a person who wishes to become a party.

(3) The Enforcement Committee may order any person to cease to be a party if it is not desirable for that person to be a party to the proceedings.

(4) The Enforcement Committee may order a person to be added as a new party if –

(a) it is desirable to add or substitute the new party so that the Enforcement Committee can resolve the matters in dispute in the proceedings; or

(b) there is an issue involving the new party and an existing party that is connected to the matters in dispute in the proceedings, and it is desirable to add the new party so as to resolve that issue.

(5) The Enforcement Committee may order a new party to be substituted for an existing one if –

(a) the existing party's interest or liability has passed to the new party; and

(b) it is desirable to substitute the new party so that the Enforcement Committee can resolve the matters in dispute in the proceedings.

- (6) The Enforcement Committee may add or substitute a party only if the addition or substitution is necessary.
- (7) The addition or substitution of a new party, as the case may be, is necessary for the purpose of sub-regulation 18 (6) of Schedule 1 only if the Enforcement Committee is satisfied that –
  - (a) the new party is to be substituted for a party who was named in the notice form by mistake;
  - (b) the notice cannot properly be carried on by or against the original party unless the new party is added or substituted as applicant or respondent; or
  - (c) the original party's interest or liability has passed to the new party.

**19. Additional cases.** – (1) In this regulation and rule 20 an “additional case” means –

- (a) a case by a respondent against any person (whether or not already a party) for contribution or indemnity or some other remedy; or
  - (b) where an additional case has been made against a person who is not already a party, any case made by that person against any other person (whether or not already a party).
- (2) An additional case is to be treated as if it were a case for the purpose of these Rules.
- (3) A respondent may make an additional case –
- (a) without the Enforcement Committee's permission, if it files that case with its answer; or

- (b) at any other time, with the permission of the Enforcement Committee.
- (4) A respondent who has filed an acknowledgment of service or an answer, may make an additional case for a contribution or indemnity against an existing party to the proceedings:
  - (a) without the Enforcement Committee's permission, if it files that claim with its answer, or, if the additional case is a claim against a party added to the case later, within 21 (twenty-one) days after that party files its answer; or
  - (b) at any other time, with the permission of the Enforcement Committee.

**20. Powers on receipt of an additional case.** – (1) The Enforcement Committee may

–

- (a) permit an additional case to be made;
  - (b) dismiss an additional case; and
  - (c) require an additional case to be dealt with separately from the case by the applicant against the respondent.
- (2) The matters to which the Enforcement Committee may have regard in deciding whether to exercise any of its powers under sub-rule 20 (1) of Schedule 1 include –
- (a) the connection between the additional case and the case made by the applicant against the respondent;
  - (b) whether the additional case is seeking substantially the same remedy which some other party is claiming from it; and

- (c) whether the additional applicant wants the Enforcement Committee to decide any question connected with the subject matter of the proceedings –
  - (i) not only between existing parties but also between existing parties and a person not already a party; or
  - (ii) against an existing party not only in a capacity in which it is already a party but also in some further capacity.
- (3) Where the Enforcement Committee exercises any of its powers under sub-rule 20 (1) of Schedule 1, it may make further orders or give further directions as it thinks appropriate.

#### SUMMARY DISPOSAL

- 21. Default judgment.** – (1) The Enforcement Committee may, of its own initiative or on the application of a party, give default judgment without a hearing of the case where –
- (a) the respondent has not filed an acknowledgment of service; or
  - (b) the respondent has not filed a defence to the claim or any part of the claim.
- (2) A default judgment may not be given if the respondent has made an application –
- (a) disputing the Enforcement Committee's jurisdiction;
  - (b) to have the case struck out under sub-rule 11 of Schedule 1; or

- (c) for summary judgment under sub-rule 22 of Schedule 1, and that application has not been disposed of.
- (3) Where the notice has been served on the respondent in accordance with the directions of the registrar, the applicant may not obtain default judgment unless the applicant has complied with any directions concerning proof of service.
- (4) A default judgment given under this regulation shall be –
  - (a) such judgment as it appears to the Enforcement Committee that the applicant is entitled to on the notice;
  - (b) for an amount to be decided by the Enforcement Committee as to the fine, costs and interest or for such other relief to be decided by the Enforcement Committee in accordance with any directions it may give for the determination of those matters.
- (5) A default judgment may be given against one of two or more respondents and the applicant may proceed against the other respondents.
- (6) The Enforcement Committee may only give a default judgment against one of two or more respondents in accordance with sub-rule 21 (5) of Schedule 1 if it is satisfied that the case against that respondent can be dealt with separately from the case against the other respondents.
- (7) The Enforcement Committee shall set aside a default judgment if the judgment was wrongly entered because any of the conditions set out in sub-rule 21 (1) of Schedule 1 were not satisfied.
- (8) In any other case, the Enforcement Committee may set aside or vary a default judgment (and attach any conditions it may think fit) if –



- (a) the respondent has a real prospect of defending the case; or
- (b) it appears to the Enforcement Committee that there is some other good reason why –
  - (i) the judgment should be set aside or varied; or
  - (ii) the respondent should be allowed to defend the case;
- (9) In considering whether to set aside or vary a default judgment under sub-rule 21 (8)(b) of Schedule 1, the matters to which the Enforcement Committee shall have regard include whether the person seeking to set aside the judgment made an application to do so promptly.
- (10) Where –
  - (a) the applicant claimed a remedy in addition to a fine;
  - (b) the applicant has abandoned its claim for that remedy in order to apply for default judgment; and
  - (c) the default judgment is set aside;

the abandoned claim is restored when the default judgment is set aside.

**22. Summary judgment.** – (1) The Enforcement Committee may of its own initiative or on the application of a party, after giving the parties an opportunity to be heard, give summary judgment against an applicant or respondent on the whole of a case or on a particular issue if –

- (a) it considers that –

- (i) the applicant has no real prospect of succeeding on the claim or issue; or
  - (ii) the respondent has no real prospect of successfully defending the case or issue; and
- (b) there is no other compelling reason why the case or issue should be disposed of at a substantive hearing.
- (2) The Enforcement Committee may give any directions it considers appropriate for dealing with an application under this rule.
- (3) Upon giving summary judgment, the Enforcement Committee may make any consequential order it considers appropriate.

#### OFFERS TO SETTLE

**23. Settlement offers.** – (1) For the purposes of this rule and rules 24 and 25 of Schedule 1 –

- (a) A settlement offer means an offer to settle which is made in accordance with this rule; and
- (b) “relevant period” means –
  - (i) in the case of an offer made not less than 21 (twenty-one) days before the main substantive hearing of the claim, the period specified under sub-regulation 23 (3)(c) of Schedule 1 or such longer period as the parties agree; or
  - (ii) in any other case, the period up to the end of the main substantive hearing of the claim.

- (2) A settlement offer may be made at any time, including before the commencement of proceedings.
- (3) A settlement offer shall –
- (a) be in writing;
  - (b) state on its face that it is intended to be a settlement offer under these Rules;
  - (c) except where the settlement offer is made less than 21 (twenty-one) days before the start of the substantive hearing of the claim, specify a period of not less than 21 (twenty-one) days within which the respondent will be liable for the applicant's costs in accordance with regulation 26 of Schedule 1 if the offer is accepted;
  - (d) state whether it relates to the whole of the case, to part of it or to an issue that arises in it and, if so, to which part or issue;
  - (e) state whether it takes into account any counterclaim; and
  - (f) where it is made by some, but not all, of a number of respondents, state whether or not it is made in satisfaction of the case against all respondents.
- (4) A settlement offer which offers to pay or offers to accept a sum of money is to be treated as inclusive of all interest until –
- (a) the date on which the period specified under sub-rule 23 (3)(c) of Schedule 1 expires; or
  - (b) where sub-rule 23 (3)(c) of Schedule 1 does not apply, a date 21 (twenty-one) days after the date the settlement offer was made.

- (5) A respondent's offer that includes an offer to pay all or part of the sum at a date later than 14 (fourteen) days following the date of acceptance is not to be treated as a settlement offer unless the applicant accepts the offer.
- (6) A settlement offer is accepted by serving written notice of acceptance on the offeror.
- (7) A settlement offer may –
  - (a) be accepted any time before the substantive hearing of the case, unless it has already been withdrawn;
  - (b) only be accepted after the substantive hearing of the case has started with the permission of the Enforcement Committee.
- (8) The fact that a settlement offer has been made shall not be communicated to the members of the Enforcement Committee deciding the case until all questions of liability and the amount of money to be awarded have been agreed between the parties or determined by the Enforcement Committee.
- (9) Sub-rule 23 (8) of Schedule 1 does not apply where –
  - (a) the offeror and offeree agree in writing to that effect; or
  - (b) although the case has not been decided –
    - (i) any part of, or issue in, the case has been decided; and
    - (ii) the settlement offer relates only to parts or issues that have been decided.

- (10) In a case to which sub-rule 23 (9)(b)(i) of Schedule 1 applies, the members of the Enforcement Committee deciding the case may be told whether or not there are settlement offers other than those referred to in sub-rule 23 (9)(b) of Schedule 1, but must not be told the terms of any such other offers unless the offeror and offeree agree in writing to that effect.
- (11) Where the applicant wishes to accept a settlement offer made by one or more, but not all, of a number of respondents –
- (a) if the applicant alleges that the respondents are jointly and severally liable and the settlement offer states that it is in satisfaction of the claim against all respondents, the applicant may accept the settlement offer and the Enforcement Committee shall then direct that the case against the respondents who did not make the settlement offer be discontinued;
  - (b) if the applicant alleges that the respondents are jointly and severally liable and the settlement offer states that it is in satisfaction of the case against those respondents making it, the applicant may –
    - (i) serve notice on the respondents making the settlement offer agreeing not to continue its case against them in return for payment of the sum offered; and
    - (ii) continue with the case against the other respondents;
  - (c) if the applicant alleges that the respondents are severally but not jointly liable, the applicant may –
    - (i) accept the settlement offer; and
    - (ii) continue with its cases against the other respondents;

(d) if the respondents are sued only jointly or in the alternative, the applicant may accept the settlement offer if –

- (i) the applicant discontinues the case against those respondents who have not made the settlement offer; and
- (ii) those respondents give written consent to the acceptance of the settlement offer.

(12) Service of a notice under sub-rule 23 (11)(b)(i) of Schedule 1 is to be treated as acceptance of the settlement offer for the purposes of rule 25 to 27 of Schedule 1 and references in those rules to notice of acceptance are to be construed as including a reference to notice under sub-rule 23 (11)(b)(i).

(13) A settlement offer is to be treated as “without prejudice except as to costs”.

(14) This regulation does not preclude a party from making an offer to settle at any time or by any other means but, if not made in accordance with this rule, it shall not have the consequences specified in rule 26 and 27 of Schedule 1.

**24. Clarification of a settlement offer.** – (1) The offeree may, within 7 (seven) days of a settlement offer being made, request the offeror to clarify the offer.

(2) If the offeror does not give the clarification requested under sub-rule 24 (1) of Schedule 1 within 7 (seven) days of receiving the request, the offeree may, unless the substantive hearing of the claim has started, apply for an order that the offeror do so.

(3) If the Enforcement Committee makes an order under sub-regulation 24 (2) of Schedule 1, it shall specify the date when the settlement offer is to be treated as having been made.

- 25. Withdrawing or changing a settlement offer.** – (1) A settlement offer may only be withdrawn, or its terms changed, if the offeree has not previously served notice of acceptance.
- (2) The offeror withdraws the offer or changes its terms by serving written notice of the withdrawal or change of terms on the offeree.
- (3) Subject to sub-rule 25 (1) of Schedule 1, after the expiry of the relevant period –
- (a) the offeror may withdraw the settlement offer or change its terms without the permission of the Enforcement Committee; or
  - (b) the settlement offer may be automatically withdrawn in accordance with its terms.
- (4) Where the offeror changes the terms of a settlement offer to make it more advantageous to the offeree, such improved offer is to be treated, not as the withdrawal of the original settlement offer, but as the making of a new settlement offer on improved terms.
- (5) Subject to sub-rules 25 (1) and 25 (6) of Schedule 1, if the offeror serves notice, before the expiry of the relevant period, of withdrawal of the settlement offer or change of its terms to be less advantageous to the offeree, that notice has effect on the expiry of the relevant period.
- (6) If the offeree serves notice of acceptance of the original settlement offer before expiry of the relevant period but after the offeror has served a notice of withdrawal of that offer or change of its terms to be less advantageous to the offeree, that acceptance has effect unless the Enforcement Committee gives permission for the original settlement offer to be withdrawn or its terms changed.

(7) The offeror shall apply for such permission:

- (a) within 7 (seven) days of the offeree's notice of acceptance; or
- (b) if earlier, before the first day of the substantive hearing.

(8) On an application under sub-rule 25 (7) of Schedule 1, the Enforcement Committee may give permission for the original settlement offer to be withdrawn or its terms changed if satisfied that there has been a change of circumstances since the making of the original settlement offer and that it is in the interests of justice to give permission.

**26. Costs consequences of acceptance of a settlement offer.** – (1) Subject to sub-rules 26 (4) and 26 (5) of Schedule 1, where a settlement offer is accepted within the relevant period, the claimant is entitled to the relevant costs of the proceedings up to the date on which notice of acceptance of the settlement offer was served on the offeror.

(2) Subject to sub-rules 26 (4) of Schedule 1, where a settlement offer is accepted after the expiry of the relevant period, unless the parties have agreed the liability for costs or the Enforcement Committee otherwise directs –

- (a) the applicant is entitled to the relevant costs of the proceedings up to the date on which the relevant period expired; and
- (b) the offeree is liable for the offeror's relevant costs for the period from the date of expiry of the relevant period to the date on which notice of acceptance was served on the offeror.

(3) The relevant costs for the purposes of sub-rules 26 (1) and 26 (2) of Schedule 1 are the costs related to the proceedings against the respondents making or accepting the settlement offer, except where sub-rule 23 (11)(a) of Schedule 1 applies when they are the costs of the proceedings against all respondents.



(4) Where –

- (a) a settlement offer made less than 21 (twenty-one) days before the start of the substantive hearing of the claim is accepted; or
- (b) subject to sub-rule 26 (5) of Schedule 1, a settlement offer which does not relate to the whole of the claim is accepted at any time, the Enforcement Committee shall make an order as to costs unless the parties have agreed the liability for costs.

(5) Where –

- (a) a respondent's settlement offer relates to part only of the case; and
- (b) at the time of serving notice of acceptance within the relevant period the applicant abandons the balance of the claim, the claimant is only entitled to the costs of such part of the claim unless the Enforcement Committee otherwise directs.

**27. Costs consequences following judgment.** – (1) This regulation applies where a settlement offer is not accepted and upon judgment being handed down –

- (a) an applicant fails to obtain a judgment more advantageous than a respondent's settlement offer; or
- (b) judgment against the respondent is at least as advantageous to the applicant as the proposals contained in an applicant's settlement offer.

- (2) Where sub-rule 27 (1) of Schedule 1 applies, the Enforcement Committee shall, unless it considers it unjust to do so, order that any respondent who made the settlement offer, either alone or jointly with any other respondent, is entitled to –

- (a) costs from the date on which the relevant period expired; and
  - (b) interest on those costs.
- (3) Where sub-rule 27 (1)(b) of Schedule 1 applies, the Enforcement Committee shall, unless it considers it unjust to do so, order that the applicant is entitled to –
- (a) interest on the whole or part of any sum of money (excluding interest) awarded, at a rate not exceeding 10% (ten percent) above base rate for some or all of the period starting with the date on which the relevant period expired;
  - (b) costs on the indemnity basis from the date on which the relevant period expired; and
  - (c) interest on those costs at a rate not exceeding 10% (ten percent) above base rate.
- (4) In considering whether it would be unjust to make the orders referred to in sub-rules 27 (1) and 27 (2) of Schedule 2, the Enforcement Committee shall take into account all the circumstances of the case including –
- (a) the terms of any settlement offer;
  - (b) the stage in the proceedings when any settlement offer was made, including in particular how long before the substantive hearing of the claim started the offer was made;
  - (i) the information available to the parties to the settlement offer at the time when the settlement offer was made;

- (ii) the conduct of the parties to the settlement offer with regard to the giving or refusal to give information for the purposes of enabling the settlement offer to be made or evaluated; and
  - (iii) whether the offer was a genuine attempt to settle the proceedings.
- (5) Sub-rules 27 (2) and 27 (3) of Schedule 1 do not apply to a settlement offer –
  - (a) which has been withdrawn;
  - (b) which has been changed so that its terms are less advantageous to the offeree, where the offeree has beaten the less advantageous offer; or
  - (c) made less than 21 (twenty-one) days before the substantive hearing of the claim, unless the Enforcement Committee has abridged the relevant period.

## CASE MANAGEMENT

**28. Directions.** – (1) The Enforcement Committee may at any time, on the request of a party or of its own initiative, at a case management conference, pre-hearing conference or otherwise, give such directions as are provided for in sub-rule 28 (2) of Schedule 1 or such other directions as it thinks fit to secure that the proceedings are dealt with justly and at proportionate cost.

- (2) The Enforcement Committee may give directions –
  - (a) as to the manner in which the proceedings are to be conducted, including any time limits to be observed in the conduct of the oral hearing;
  - (b) that the parties file a reply, rejoinder or other additional pleadings or particulars;

- (c) for the preparation and exchange of skeleton arguments;
- (d) requiring persons to attend and give evidence or to produce documents;
- (e) requiring clarification of any matter in dispute or additional information in relation to any such matter;
- (f) as to the evidence which may be required or admitted in proceedings before the Enforcement Committee and the extent to which it must be oral or written;
- (g) as to the submission in advance of a hearing of any witness statements or expert reports;
- (h) as to the examination or cross-examination of witnesses;
- (i) for the filing of a list of issues;
- (j) for the production of bundles for any hearing;
- (k) for the creation of a confidentiality ring;
- (l) as to the fixing of time limits with respect to any aspect of the proceedings;
- (m) as to the abridgement or extension of any time limits, whether or not expired;
- (n) that the whole or part of any proceedings or judgment be stayed either generally or until a specified date or event;

- (o) to enable a disputed decision to be referred back in whole or in part to the person by whom it was taken;
  - (p) for the disclosure and the production by a party or third party of documents or classes of documents;
  - (q) for the appointment and instruction of experts, whether by the Enforcement Committee or by the parties and as to the manner in which expert evidence is to be given;
  - (r) for the costs management of proceedings, including for the provision of such schedules of incurred and estimated costs as the Enforcement Committee thinks fit;
  - (s) for the award of costs or expenses, including any allowances payable to persons in connection with their attendance before the Enforcement Committee;
  - (u) for the hearing of any issues as preliminary issues prior to the main substantive hearing; and
  - (v) for hearing a person who is not a party where, in any proceedings, it is proposed to make an order or give a direction in relation to that person.
- (3) The Enforcement Committee may also, of its own initiative –
- (a) put questions to the parties;
  - (b) invite the parties to make written or oral submissions on certain aspects of the proceedings;
  - (c) ask the parties or third parties for information or particulars;

- i. ask for documents relating to the case to be produced; and
- ii. summon the parties' representatives or the parties in person to meetings.

(4) A request by a party for directions shall –

- (a) be made in writing as soon as practicable;
- (b) be supported by reasons and indicate whether it is agreed or contested by the other parties;
- (c) be served on any other party who might be affected by such directions; and
- (d) be determined by the Enforcement Committee taking into account the observations of the parties.

**29. Case management and pre-hearing conferences.** – (1) Where it appears to the Enforcement Committee that any proceedings would be facilitated by holding a case management conference or pre-hearing conference the Enforcement Committee may, on the request of a party or of its own initiative, give directions for such conferences to be held.

(2) Unless the Enforcement Committee otherwise directs, a case management conference is to be held as soon as practicable after the filing of a case, whether or not the time for service of the answer has expired.

(3) The purpose of a case management conference or pre-hearing conference is –

- (a) to ensure the efficient conduct of the proceedings;

- (b) to determine the points on which the parties must present further argument or which call for further evidence to be produced;
  - (c) to set a timetable up to an oral hearing in the proceedings, and, if appropriate, fix a date for that hearing;
  - (d) to clarify the forms of order sought by the parties, their arguments of fact and law and the points at issue between them;
  - (e) to hear and determine any submissions in relation to the admission of evidence;
  - (f) to determine any issues relating to confidentiality;
  - (g) to ensure that all agreements that can be reached between the parties about the matters in issue and the conduct of the proceedings are made and recorded; and
  - (h) to facilitate the settlement of the proceedings.
- (4) The Enforcement Committee may authorise a member to carry out on its behalf a case management conference, pre-hearing conference or any other preparatory measure relating to the organisation or disposal of the proceedings.

**30. Evidence.** – (1) The Enforcement Committee may give directions as to –

- (a) the provision by the parties of statements of agreed matters;
- (b) the issues on which it requires evidence, and the admission or exclusion from the proceedings of particular evidence;
- (c) the nature of the evidence which it requires to decide those issues;

- (d) whether the parties are permitted to provide expert evidence;
  - (e) any limit on the number of witnesses whose evidence a party may put forward, whether in relation to a particular issue or generally; and
  - (f) the way in which evidence is to be placed before the Enforcement Committee.
- (2) In deciding whether to admit or exclude evidence, the Enforcement Committee shall have regard to whether it would be just and proportionate to admit or exclude the evidence, including by reference to the following factors –
- (a) whether or not the substance of the evidence was available to the respondent before the disputed decision was taken;
  - (b) where the substance of the evidence was not available to the respondent before the disputed decision was taken, the reason why the party seeking to adduce the evidence had not made it available to the respondent at that time;
  - (c) the prejudice that may be suffered by one or more parties if the evidence is admitted or excluded; and
  - (d) whether the evidence is necessary for the Enforcement Committee to determine the case.
- (3) Unless the Enforcement Committee otherwise directs, no witness of fact or expert witness may be heard unless the relevant witness statement or expert report has been submitted in advance of the hearing and in accordance with any directions of the Enforcement Committee.



- (4) The Enforcement Committee may require any witness to give evidence on oath or affirmation or if in writing by way of affidavit.
- (5) The Enforcement Committee may allow a witness to give evidence through a video link or by other means.
- (6) The Enforcement Committee may dispense with the need to call a witness to give oral evidence if a witness statement or expert report has been submitted in respect of that witness.
- (7) The Enforcement Committee may limit cross-examination of witnesses to any extent or in any manner it considers appropriate.

## INTERIM ORDERS AND MEASURES

**31. Power to make interim orders and to take interim measures.** – (1) The Enforcement Committee may make an order on an interim basis –

- (a) suspending in whole or part the effect of any decision which is the subject matter of proceedings before it; and
  - (b) granting any remedy which the Enforcement Committee would have the power to grant in its final decision.
- (2) Without prejudice to the generality of sub-rule 31 (1) of Schedule 1, if the Enforcement Committee considers that it is necessary as a matter of urgency for the purpose of –
- (a) preventing significant damage to a particular person or category of person; or
  - (b) protecting the public interest, the Enforcement Committee may give such directions as it considers appropriate for that purpose.

- (3) The Enforcement Committee shall exercise its power under this rule taking into account all the relevant circumstances, including –
- (a) the urgency of the matter;
  - (b) the effect on the party making the request if the relief sought is not granted;
  - (c) the effect on competition if the relief is granted; and
  - (d) the existence and adequacy of any offer of an undertaking as to damages.
- (4) Any order or direction under this regulation is subject to the Enforcement Committee's further order, direction or final decision.
- (5) A party shall apply for an order or a direction under sub-rule 31 (1) or 31 (2) of Schedule 1 by filing a request for interim relief in the form required by sub-rule 31 (6) of Schedule 1.
- (6) The request for interim relief shall state –
- (a) the subject matter of the proceedings;
  - (b) in the case of a request for a direction under sub-rule 31 (2) of Schedule 1, the circumstances giving rise to the urgency;
  - (c) the factual and legal grounds establishing a *prima facie* case for the granting of interim relief by the Enforcement Committee; and
  - (d) the relief sought.

- (7) The request for interim relief shall be verified by a statement of truth, signed and dated by the applicant or on its behalf by its duly authorised officer or legal representative.
- (8) On receiving a request for interim relief the registrar shall send a copy to all the other parties to the proceedings and shall inform them of the date by which they may submit written or oral observations to the Enforcement Committee.
- (9) Subject to sub-rule 31 (10) of Schedule 1, an order or direction for interim relief may be made against a person who is not a party to the proceedings, provided that no such order may be made unless that person has been given an opportunity to be heard.
- (10) If the urgency of the case so requires, the Enforcement Committee may grant the request for interim relief before the observations of the other parties have been submitted or the person referred to in sub-regulation 31 (9) of Schedule 1 has been heard.

#### PART 4

#### THE HEARING

- 32. Hearing to be in public.** – (1) Every hearing is to be in public except that a hearing or part of a hearing may be in private if the Enforcement Committee is satisfied that it will be considering information which is, in the opinion of the Enforcement Committee, which may not be disclosed to the public.
- (2) Where a hearing, or part of it, is to be held in private, the Enforcement Committee may determine who is entitled to attend the hearing or part of it.
- 33. Quorum.** – (1) A quorum for proceedings of the Enforcement Committee shall be the Chairperson plus 2 (two) members.

- (2) If, after the commencement of proceedings, any member is unable to continue, the Chairperson may appoint either of the remaining 2 (two) members for the rest of the proceedings.
- (3) Where at proceedings of the Enforcement Committee votes are equal, the Chairperson shall have a deciding vote.

## CONFIDENTIALITY

**34. Requests for confidential treatment.** – (1) A request for the confidential treatment of any document or part of a document provided in the course of proceedings before the Enforcement Committee shall –

- (a) be made in writing indicating the relevant words, figures or passages for which confidentiality is claimed; and
  - (b) be supported in each case by specific reasons, and, if so directed by the registrar, the person making the request shall supply a non-confidential version of the relevant document.
- (2) In the event of a dispute as to whether confidential treatment should be accorded, the Enforcement Committee shall decide the matter after hearing the parties.
- (3) The Enforcement Committee may direct that documents, or parts of a document, containing confidential information are disclosed within a confidentiality ring.

**35. Subsequent use of documents provided in proceedings.** – (1) Subject to sub-rules 35 (2) to 35 (4) of Schedule 1, a party to whom a document has been provided in the course of proceedings –

- (a) by the Enforcement Committee; or

- (b) by another party;

shall be restricted from further use of that document or disclosing the information contained in the document or part of a document

- (2) Except where a document or a part of a document has been provided within a confidentiality ring, the restriction in sub-rule 35 (1) of Schedule 1 does not apply to a document if –
  - (a) subject to sub-regulation 35 (5) of Schedule 1, the document has been read to or by the Enforcement Committee, or referred to, at a hearing which has been held in public;
  - (b) the Enforcement Committee gives permission; or
  - (c) the party who produced or disclosed the document and the person to whom the document belongs agree.
- (3) Where a document or part of a document has been provided within a confidentiality ring, the restriction in sub-rule 35 (1) of Schedule 1 applies unless the Enforcement Committee gives permission for further use of that document or the information contained in the document or part of a document.
- (4) The restriction in sub-rule 35 (1) of Schedule 1 does not prevent the applicant, which is the maker of a disputed decision that is remitted to it by the Enforcement Committee, from using such documents for the purposes of determining the remitted issue.
- (5) The Enforcement Committee may, either of its own initiative or on the application of a party under sub-rule 35 (6) of Schedule 1, make an order restricting or prohibiting the use of any document provided in the course of proceedings, even where the document has been read to or by the

Enforcement Committee, or referred to, at a hearing which has been held in public.

- (6) An application for such an order may be made –
- (a) by a party;
  - (b) by any person to whom the document belongs; or
  - (c) by any person who claims that the document contains confidential information relating to them.

#### **DECISION OF THE ENFORCEMENT COMMITTEE**

**36. Delivery of the decision.** – (1) The decision of the Enforcement Committee shall be delivered –

- (a) by handing down the decision in public on a date fixed for that purpose;
  - (b) by publishing the decision on the FPB's website; or
  - (c) in such other manner as may be specified by practice direction.
- (2) The registrar shall send a copy of the document recording the decision to each party and shall enter it on the register.
- (3) The decision of the Enforcement Committee is to be treated as having been notified on the date on which a copy of the document recording it is sent to the parties under sub-rule 36 (2) of Schedule 1.
- (4) The decision of the Enforcement Committee be published in such manner as the chairperson considers appropriate.

- 37. Costs.** – (1) For the purposes of these Rules “costs” means costs and expenses recoverable, as appropriate, and include payments in respect of the representation of a party to proceedings, where the representation by a legal representative was provided free of charge.
- (2) The Enforcement Committee may at its discretion, subject to rules 26 and 27 of Schedule 1, at any stage of the proceedings make any order it thinks fit in relation to the payment of costs in respect of the whole or part of the proceedings.
- (3) In making an order under sub-rule 37 (2) of Schedule 1 and determining the amount of costs, the Enforcement Committee may take account of –
- (a) the conduct of all parties in relation to the proceedings;
  - (b) any schedule of incurred or estimated costs filed by the parties;
  - (c) whether a party has succeeded on part of its case, even if that party has not been wholly successful;
  - (d) any admissible offer to settle made by a party which is drawn to the Enforcement Committee’s attention, and which is not a settlement offer to which costs consequences under sub-rule 26 and 27 of Schedule 1 apply;
  - (e) whether costs were proportionately and reasonably incurred; and
  - (f) whether costs are proportionate and reasonable in amount.
- (4) The Enforcement Committee may assess the sum to be paid under any order under sub-rule 37 (2) of Schedule 1 or may direct that it be assessed by the chairperson or the registrar.

- (5) The power to award costs under sub-rules 37 (1) to 37 (4) of Schedule 1 includes the power to direct any party to pay to the Enforcement Committee such sum as may be appropriate in reimbursement of any costs incurred by the Enforcement Committee in connection with the instruction of experts on the Enforcement Committee's behalf; and any sum due as a result of such a direction may be recovered by the Enforcement Committee as a civil debt due to the Enforcement Committee.
- 38. Interest.** – (1) If it imposes, confirms or varies any fine, the Enforcement Committee may, in addition, order that interest is to be payable on the amount of any such fine from such date, not being a date earlier than the date of the notice of appeal to the Appeal Tribunal, and at such rate, as the Enforcement Committee considers appropriate.
- (2) Interest ordered to be paid under sub-regulation 38.1 of Schedule 1 is to form part of the fine and be recoverable as a civil debt in addition to the amount recoverable.
- 39. Consent orders.** – (1) If all the parties agree the terms of an order, the Enforcement Committee may, if it thinks fit, make the order, in which case it shall be identified as having been made by consent.
- 40. Quarterly report by the Enforcement Committee.** – (1) Within 30 (thirty) days after the end of each quarterly period of each financial period, the Enforcement Committee shall prepare and submit or cause to be prepared and submitted to the Council of the FPB a report on the matters presented before it for the applicable preceding quarter and the status of same.

## PART 5

### SHORT TITLE AND COMMENCEMENT

- 41. Short title.** – (1) These Rules are called the Enforcement Committee Rules, 2022.



- 42. Commencement.** – (1) These Rules shall take effect within 30 (thirty) days of publication in the Government Gazette.

DRAFT

## SOUTH AFRICAN REVENUE SERVICE

NO. R. 2923

6 January 2023

**CUSTOMS AND EXCISE ACT, 1964,  
AMENDMENT OF SCHEDULE NO. 5 (NO. 5/4/121)**

In terms of section 75 of the Customs and Excise Act, 1964, Part 4 of Schedule No. 5 to the said Act is hereby amended to the extent set out in the Schedule hereto.



**ENOCH GODONGWANA  
MINISTER OF FINANCE**

**SCHEDULE**

By the deletion of the following:

Refund Item	Tariff Heading	Code	CD	Description	Extent of Refund
540.01	195.10	01.05	57	Petrol for use by the State President	8,9c/li
540.01	195.10	02.05	51	Distillate fuels for use by the State President	6,7c/li
540.01	195.20	01.05	53	Biodiesel for use by the State President	6,7c/li

## SUID-AFRIKAANSE INKOMSTEDIENS

NO. R. 2923

6 Januarie 2023

DOEANE- EN AKSYNSWET, 1964.  
WYSIGING VAN BYLAE NO. 5 (NO. 5/4/121)

Kragtens artikel 75 van die Doeane- en Aksynswet, 1964, word Deel 4 van Bylae No. 5 by bogenoemde Wet hiermee gewysig in die mate in die Bylae hierby aangetoon.

ENOCH GODONGWANA  
MINISTER VAN FINANSIES

## BYLAE

Deur die skraping van die volgende:

Teruggawe Item	Tariefpos	Kode	TS	Beskrywing	Mate van Terugbetaling
540.01	195.10	01.05	57	Petrol vir gebruik deur die Staatspresident	8,9c/li
540.01	195.10	02.05	51	Distillaatbrandstowwe vir gebruik deur die Staatspresident	6,7c/li
540.01	195.20	01.05	53	Bio-diesel vir gebruik deur die Staatspresident	6,7c/li

## SOUTH AFRICAN REVENUE SERVICE

NO. R. 2924

6 January 2023

**CUSTOMS AND EXCISE ACT, 1964.**  
**AMENDMENT OF SCHEDULE NO. 4 (NO. 4/384)**

In terms of section 75 of the Customs and Excise Act, 1964, Schedule No. 4 to the said Act is hereby amended to the extent set out in the Schedule hereto.



**ENOCH GODONGWANA**  
**MINISTER OF FINANCE**

**SCHEDULE**

By the substitution of the following Note(s) in Schedule No. 4:

<b>REBATES OF CUSTOMS DUTIES, EXCISE DUTIES, FUEL LEVY, ROAD ACCIDENT FUND LEVY, ENVIRONMENTAL LEVY AND HEALTH PROMOTION LEVY</b>
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By the deletion of the following:

Rebate Item	Tariff Heading	Rebate Code	CD	Description	Extent of Rebate
460.18	9001.10	01.06	65	Optical fibres, not individually sheathed, for use in the manufacture of optical fibre cables, classifiable in tariff subheading 8544.70, in such quantities, at such times and subject to such conditions as the International Trade Administration Commission may allow by specific permit, provided the products are not available in the SACU market	Full duty

By the insertion of the following:

Rebate Item	Tariff Heading	Rebate Code	CD	Description	Extent of Rebate
460.18	9001.10.1	01.08	82	Optical fibres, not individually sheathed, for use in the manufacture of optical fibre cables, classifiable in tariff subheading 8544.70, in such quantities, at such times and subject to such conditions as the International Trade Administration Commission may allow by specific permit, provided the products are not available in the SACU market	Full duty

## SUID-AFRIKAANSE INKOMSTEDIENS

NO. R. 2924

6 Januarie 2023

DOEANE- EN AKSYNSWET, 1964.  
WYSIGING VAN BYLAE NO. 4 (NO. 4/384)

Kragtens artikel 75 van die Doeane- en Aksynswet, 1964, word Bylae No. 4 by bogenoemde Wet hiermee gewysig in die mate in die Bylae hierby aangeleen.

ENOCH GODONGWANA  
MINISTER VAN FINANSIES

## BYLAE

Deur die vervanging van die volgende Nota(s) in Bylae No. 4:

## KORTINGS VAN AKSYNSREG, BRANDSTOFHEFFING, PADONGELUKFONDSHEFFING, OMGEWINGSHEFFING EN GESONDHEIDSBEVORDERINGSHEFFING

Deur die skraping van die volgende:

Kortingitem	Tariefpos	Kortingkode	TS	Beskrywing	Mate van Korting
460.18	9001.10	01.06	65	Optiese vesel, nie individueel omhul nie, indeelbaar in tariefsubpos 9001.10, vir gebruik by die vervaardiging van optiese veselkabels indeelbaar in tariefsubpos 8544.70, in dié hoeveelheid en op dié tyd en onderneem aan sodanige voorwaardes wat die Internasionale Handelsadministrasiekommissee by bepaalde permit mag toelaat, met dien verstande dat die produkte nie in die SADU mark beskikbaar is nie	Volle reg

Deur die invoeging van die volgende:

Kortingitem	Tariefpos	Kortingkode	TS	Beskrywing	Mate van Korting
460.18	9001.10.1	01.08	82	Optiese vesel, nie individueel omhul nie, vir gebruik by die vervaardiging van optiese veselkabels indeelbaar in tariefsubpos 8544.70, in dié hoeveelheid en op dié tyd en onderneem aan sodanige voorwaardes wat die Internasionale Handelsadministrasiekommissee by bepaalde permit mag toelaat, met dien verstande dat die produkte nie in die SADU mark beskikbaar is nie	Volle reg

## SOUTH AFRICAN REVENUE SERVICE

NO. R. 2925

6 January 2023

**CUSTOMS AND EXCISE ACT, 1964.**  
**AMENDMENT OF SCHEDULE NO. 1 (NO. 1/1/1894)**

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 to the extent set out in the Schedule hereto.



**ENOCH GODONGWANA**  
**MINISTER OF FINANCE**

**SCHEDULE**

By the deletion of the following:

Heading / Subheading	CD	Article Description	Statistical Unit	Rate of Duty				
				General	EU / UK	EFTA	SADC	MERCOSUR
3004.20.90	4	Other	kg	free	free	free	free	free
7413.00.30	0	Cables, cordage and rope; electric wire or cable	kg	5%	free	free	free	5%
8544.60.10	5	Paper insulated	kg	15%	free	free	free	15%
8544.60.20	2	Plastic insulated	kg	15%	free	free	free	15%
8544.60.30	4	Rubber insulated	kg	15%	free	free	free	15%

By the insertion of the following:

Heading / Subheading	CD	Article Description	Statistical Unit	Rate of Duty				
				General	EU / UK	EFTA	SADC	MERCOSUR
7413.00.3	-	<b>Cables, cordage and rope; electric wire or cable:</b>						
7413.00.31	9	Cables, with a tensile strength not exceeding 340 MPa	kg	5%	free	free	free	5%
7413.00.33	5	Cables, with a tensile strength of 340 MPa or more	kg	5%	free	free	free	5%
7413.00.39	4	Other	kg	5%	free	free	free	5%
7614.90.05	8	With an aluminium core	kg	10%	free	free	free	10%
7614.90.10	4	With a core of composite material	kg	10%	free	free	free	10%
7614.90.90	2	Other	kg	10%	free	free	free	10%
<b>8544.49.2</b>	---	<b>Plastic insulated:</b>						
8544.49.21	9	For a voltage exceeding 80 V but not exceeding 300 V	kg	15%	free	free	free	15%
8544.49.23	5	For a voltage exceeding 300 V but not exceeding 500 V	kg	15%	free	free	free	15%

By the insertion of the following:

Heading/ Subheading	CD	Article Description	Statistical Unit	Rate of Duty					
				General	EU / UK	EFTA	SADC	MERCOSUR	AfCFTA
8544.49.29	4	For a voltage exceeding 500V	kg	15%	free	free	free	15%	12%
<b>8544.49.3</b>		<b>Rubber insulated:</b>							
8544.49.31	6	For a voltage exceeding 80 V but not exceeding 750 V	kg	15%	free	free	free	15%	12%
8544.49.39	1	For a voltage exceeding 750V	kg	15%	free	free	free	15%	12%
<b>8544.60.1</b>		<b>Paper insulated:</b>							
8544.60.11	3	For a voltage exceeding 1 kV but not exceeding 33 kV	kg	15%	free	free	free	15%	12%
8544.60.13	4	For a voltage exceeding 33 kV but not exceeding 132 kV	kg	15%	free	free	free	15%	12%
8544.60.19	9	For a voltage exceeding 132 kV	kg	15%	free	free	free	15%	12%
<b>8544.60.2</b>		<b>Plastic insulated:</b>							
8544.60.21	0	For a voltage not exceeding 1.5 kV DC	kg	15%	free	free	free	15%	12%
8544.60.22	9	Other, for a voltage exceeding 1 kV but not exceeding 3.3 kV	kg	15%	free	free	free	15%	12%
8544.60.23	7	For a voltage exceeding 3.3 kV but not exceeding 33 kV	kg	15%	free	free	free	15%	12%
8544.60.24	5	For a voltage exceeding 33 kV but not exceeding 132 kV	kg	15%	free	free	free	15%	15%
8544.60.25	3	For a voltage exceeding 132 kV but not exceeding 275 kV	kg	15%	free	free	free	15%	12%
8544.60.29	6	For a voltage exceeding 275 kV	kg	15%	free	free	free	15%	12%
<b>8544.60.3</b>		<b>Rubber insulated:</b>							
8544.60.31	8	For a voltage not exceeding 1.5 kV DC	kg	15%	free	free	free	15%	12%
8544.60.32	6	For a voltage exceeding 1 kV but not exceeding 1,1 kV	kg	15%	free	free	free	15%	12%
8544.60.33	4	Other, for a voltage exceeding 1,1 kV but not exceeding 3.3 kV	kg	15%	free	free	free	15%	12%
8544.60.34	2	For a voltage exceeding 3.3 kV but not exceeding 33 kV	kg	15%	free	free	free	15%	12%
8544.60.35	0	For a voltage exceeding 33 kV but not exceeding 132 kV	kg	15%	free	free	free	15%	12%
8544.60.37	7	For a voltage exceeding 132 kV but not exceeding 275 kV	kg	15%	free	free	free	15%	12%
8544.60.39	3	For a voltage exceeding 275 kV	kg	15%	free	free	free	15%	12%
8716.90.30	6	Other, of wheelbarrows	kg	15%	free	free	free	15%	15%
<b>9001.10.1</b>		<b>Optical fibre:</b>							
9001.10.11	8	Of glass	kg	15%	free	free	free	15%	12%
9001.10.15	0	Of plastic	kg	15%	free	free	free	15%	12%
9001.10.19	3	Other	kg	15%	free	free	free	15%	12%
<b>9001.10.2</b>		<b>Optical fibre bundles:</b>							
9001.10.21	5	Of glass	kg	15%	free	free	free	15%	12%

By the insertion of the following:

Heading / Subheading	CD	Article Description	Statistical Unit	Rate of Duty				
				General	EU / UK	EFTA	SADC	MERCOSUR
9001.10.25	8	---	kg	15%	free	free	free	15%
9001.10.29	0	---	kg	15%	free	free	free	15%
<b>9001.10.3</b>		<b>Optical fibre cables:</b>						
9001.10.31	2	---	kg	15%	free	free	free	15%
9001.10.35	5	---	kg	15%	free	free	free	15%
9001.10.39	8	---	kg	15%	free	free	free	15%

By the substitution of the following:

Heading / Subheading	CD	Article Description	Statistical Unit	Rate of Duty				
				General	EU / UK	EFTA	SADC	MERCOSUR
7005.29.55	8	---	m <sup>2</sup>	10%	free	free	free	10%
7005.29.65	7	---	m <sup>2</sup>	10%	free	free	free	10%
7005.29.85	1	---	m <sup>2</sup>	10%	free	free	free	10%
<b>7614.90</b>		<b>Other:</b>						
<b>8512.20</b>		<b>Other lighting or visual signalling equipment:</b>						
<b>9001.10</b>		<b>Optical fibres, optical fibre bundles and cables:</b>						



## SUID-AFRIKAANSE INKOMSTEDIENS

NO. R. 2925

6 Januarie 2023

DOEANE- EN AKSYNSWET, 1964.  
WYSIGING VAN BYLAE NO. 1 (NO. 1/1/1894)

Kragtens artikel 48 van die Doeane- en Aksynswet, 1964, word Deel 1 van Bylae No. 1 by bogenoemde Wet hiemee gewysig in die mate in die Bylae hierby aangeleen.

ENOCH GODONGWANA  
MINISTER VAN FINANSIES

## BYLAE

Deur die skrapping van die volgende:

Pos / Subpos	TS	Artikel Beskrywing	Statistiese Eenheid	Skaal van Reg				
				Algemeen	EU / VK	EFTA	SAOG	MERCOSUR
3004.20.90	4	---	kg	vry	vry	vry	vry	vry
7413.00.30	0	-	kg	5%	vry	vry	vry	5%
8544.60.10	5	-	kg	15%	vry	vry	vry	15%
8544.60.20	2	-	kg	15%	vry	vry	vry	15%
8544.60.30	4	-	kg	15%	vry	vry	vry	15%

Deur die invoeging van die volgende:

Pos / Subpos	TS	Artikel Beskrywing	Statistiese Eenheid	Skaal van Reg				
				Algemeen	EU / VK	EFTA	SAOG	MERCOSUR
7413.00.3	-	Kabels, touwerk en tou; elektriese draad of kabel:						
7413.00.31	9	-	kg	5%	vry	vry	vry	5%
7413.00.33	5	-	kg	5%	vry	vry	vry	5%
7413.00.39	4	-	kg	5%	vry	vry	vry	5%
7614.90.05	8	-	kg	10%	vry	vry	vry	10%
7614.90.10	4	-	kg	10%	vry	vry	vry	10%
7614.90.90	2	-	kg	10%	vry	vry	vry	10%
8544.49.2	---	Plastiek geïsoleerd:						
8544.49.21	9	---	kg	15%	vry	vry	vry	15%
8544.49.23	5	---	kg	15%	vry	vry	vry	15%

Deur die invoeging van die volgende:

Pos / Subpos	TS	Artikel Beskrywing	Statistiese Eenheid	Skaal van Reg					
				Algemeen	EU / VK	EFTA	SAOG	MERCOSUR	ArKvHG
8544.49.29	4	Vir 'n spanning van meer as 500 V	kg	15%	vry	vry	vry	15%	12%
<b>8544.49.3</b>		<b>Rubber geïsoleerd:</b>							
8544.49.31	6	Vir 'n spanning van meer as 80 V maar hoogstens 750 V	kg	15%	vry	vry	vry	15%	12%
8544.49.39	1	Vir 'n spanning van meer as 750 V	kg	15%	vry	vry	vry	15%	12%
<b>8544.60.1</b>		<b>Papier geïsoleerd:</b>							
8544.60.11	3	Vir 'n spanning van meer as 1 kV maar hoogstens 33 kV	kg	15%	vry	vry	vry	15%	12%
8544.60.13	4	Vir 'n spanning van meer as 33 kV maar hoogstens 132 kV	kg	15%	vry	vry	vry	15%	12%
8544.60.19	9	Vir 'n spanning van meer as 132 kV	kg	15%	vry	vry	vry	15%	12%
<b>8544.60.2</b>		<b>Plastiek geïsoleerd:</b>							
8544.60.21	0	Vir 'n spanning van hoogstens 1.5 kV GS	kg	15%	vry	vry	vry	15%	12%
8544.60.22	9	Ander, vir 'n spanning van meer as 1 kV maar hoogstens 3,3 kV	kg	15%	vry	vry	vry	15%	12%
8544.60.23	7	Vir 'n spanning van meer as 3,3 kV maar hoogstens 33 kV	kg	15%	vry	vry	vry	15%	12%
8544.60.24	5	Vir 'n spanning van meer as 33 kV maar hoogstens 132 kV	kg	15%	vry	vry	vry	15%	15%
8544.60.25	3	Vir 'n spanning van meer as 132 kV maar hoogstens 275 kV	kg	15%	vry	vry	vry	15%	12%
8544.60.29	6	Vir 'n spanning van meer as 275 kV	kg	15%	vry	vry	vry	15%	12%
<b>8544.60.3</b>		<b>Rubber geïsoleerd:</b>							
8544.60.31	8	Vir 'n spanning van hoogstens 1.5 kV GS	kg	15%	vry	vry	vry	15%	12%
8544.60.32	6	Vir 'n spanning van meer as 1 kV maar hoogstens 1,1 kV	kg	15%	vry	vry	vry	15%	12%
8544.60.33	4	Ander, vir 'n spanning van meer as 1,1 kV maar hoogstens 3,3 kV	kg	15%	vry	vry	vry	15%	12%
8544.60.34	2	Vir 'n spanning van meer as 3,3 kV maar hoogstens 33 kV	kg	15%	vry	vry	vry	15%	12%
8544.60.35	0	Vir 'n spanning van meer as 33 kV maar hoogstens 132 kV	kg	15%	vry	vry	vry	15%	12%
8544.60.37	7	Vir 'n spanning van meer as 132 kV maar hoogstens 275 kV	kg	15%	vry	vry	vry	15%	12%
8544.60.39	3	Vir 'n spanning van meer as 275 kV	kg	15%	vry	vry	vry	15%	12%
8716.90.30	6	Ander, van kruwaens	kg	15%	vry	vry	vry	15%	15%
<b>9001.10.1</b>		<b>Optiese vesels:</b>							
9001.10.11	8	Van glas	kg	15%	vry	vry	vry	15%	12%
9001.10.15	0	Van plastiek	kg	15%	vry	vry	vry	15%	12%
9001.10.19	3	Ander	kg	15%	vry	vry	vry	15%	12%
<b>9001.10.2</b>		<b>Optiese vesel bondels:</b>							
9001.10.21	5	Van glas	kg	15%	vry	vry	vry	15%	12%

Deur die invoeging van die volgende:

Pos / Subpos	TS	Artikel Beskrywing	Statistiese Eenheid	Skaal van Reg					
				Algemeen	EU / VK	EFTA	SAOG	MERCOSUR	ARKVHG
9001.10.25	8	---	Van plastiek	15%	vry	vry	vry	15%	12%
9001.10.29	0	---	Ander	15%	vry	vry	vry	15%	12%
<b>9001.10.3</b>		<b>--</b>	<b>Optiese vesel kables:</b>						
9001.10.31	2	---	Wat nie metaal bevat nie	15%	vry	vry	vry	15%	12%
9001.10.35	5	---	Wat 'n metaal omhulsel bevat	15%	vry	vry	vry	15%	12%
9001.10.39	8	---	Ander	15%	vry	vry	vry	15%	12%

Deur die vervanging van die volgende:

Pos / Subpos	TS	Artikel Beskrywing	Statistiese Eenheid	Skaal van Reg					
				Algemeen	EU / VK	EFTA	SAOG	MERCOSUR	ARKVHG
7005.29.55	8	---	Met 'n dikte van meer as 8 mm maar hoogstens 10 mm (uitgesonderd son glas en optiese glas)	10%	vry	vry	vry	10%	8%
7005.29.65	7	---	Met 'n dikte van meer as 10 mm maar hoogstens 12 mm (uitgesonderd son glas en optiese glas)	10%	vry	vry	vry	10%	8%
7005.29.85	1	---	Met 'n dikte van meer as 12 mm (uitgesonderd son glas en optiese glas)	10%	vry	vry	vry	10%	8%
<b>7614.90</b>		<b>-</b>	<b>Ander:</b>						
<b>8512.20</b>		<b>-</b>	<b>Ander verligtings- of visuele seintoerusting:</b>						
<b>9001.10</b>		<b>-</b>	<b>Optiese vesels, optiese veselbondels en kables:</b>						

**DEPARTMENT OF TRANSPORT****NO. R. 2926****6 January 2022**

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**SOUTH AFRICAN MARITIME SAFETY AUTHORITY**  
**SOUTH AFRICAN MARITIME SAFETY AUTHORITY ACT, 1998**  
**(ACT No. 5 OF 1998)**

**DETERMINATION OF CHARGES**

The South African Maritime Safety Authority has, under section 44 of the South African Maritime Safety Authority Act, 1998 (Act No. 5 of 1998) and under section 2 of South African Maritime Safety Authority Levies Act, 1998 (Act No. 6 of 1998), revoked the determinations published by General Notice No. 244 in Government Gazette No. 44304 of 19 March 2021 and has, under those sections, made the determinations in the accompanying Schedule, with effect in each case from date of publication of this Notice in the Government Gazette.

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## PART 1

### DEFINITIONS, ADMINISTRATIVE AND NORMATIVE MATTERS

#### 1. Definitions

In this Determination, any word or expression given a meaning in the Act has the given meaning and, unless the context indicates otherwise and—

**"BCH Code certificate"** means a Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk as defined in regulation 1(1) of the Marine Pollution (BCH Code) Regulations, 1998;

**"cargo ship safety construction certificate", "cargo ship safety equipment certificate" and "cargo ship safety radio certificate"** have the same meanings as in section 2(1) of the Merchant Shipping Act, 1951;

**"certificate of fitness"** has the same meaning as in regulation 2(1) of the Merchant Shipping (National Small Vessel Safety) Regulations, 2007, as amended;

**"charge"** means a charge imposed by this Determination;

**"chemical tanker"** has the same meaning as in regulation 1(1) of Annex I to MARPOL;

**"Chief Executive Officer"** means the Chief Executive Officer appointed under section 22 (1) or (5) of the Act;

**"continuous synopsis record"** means a continuous synopsis record within the meaning of the Merchant Shipping (Continuous Synopsis Record) Regulations, 2004;

**"document of compliance"** in ways of ISM has the same meaning as in regulation 3(1) of the Merchant Shipping (Safety Management) Regulations, 2003;

**"document of compliance"** for the carriage of dangerous goods in ways of IMDG has the same meaning as in regulation 4(1) of the Merchant Shipping (Dangerous Goods) Regulations, 1997;

**"exemption certificate"** has the same meaning as in section 2(1) of the Merchant Shipping Act, 1951;



**“foreign ship”** means a ship that is not registered in terms of the Ship Registration Act, No. 58 of 1998 or not licenced in terms of the Merchant Shipping (licensing of vessels) Regulations, 2002

**“garbage”** means all kind of victual, domestic and operational waste excluding fresh fish and parts thereof, generated during the normal operation of the ship and liable to be disposed of continuously or periodically except those substances which are defined or listed in other Annexes to the present MARPOL Convention;

**“harmful substance”** has the same meaning as in section (1)(1) of the Merchant Shipping (Civil Liability Convention) Act, 2013 (Act 25 of 2013);

**“IBC Code certificate”** means an International Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk as defined in regulation 1(1) of the Merchant Shipping/Marine Pollution (IBC Code) Regulations, 1998;

**“IGC Code certificate”** means an International Certificate of Fitness for the Carriage of Liquefied Gases in Bulk as defined in regulation 1(1) of the Merchant Shipping (IGC Code) Regulations, 1998;

**“INLS certificate”** means an International Pollution Prevention Certificate for the Carriage of Noxious Liquid Substances in Bulk issued in conformity with Annex II to MARPOL;

**“interim ISSC”** has the same meaning as in regulation 3(1) of the Merchant Shipping (Maritime Security) Regulations, 2004;

**“international charge”** means a charge applicable to ships that carry international certificates, as required by the SOLAS Convention;

**“IOPP certificate”** means an International Oil Pollution Prevention Certificate issued in conformity with Annex I to MARPOL;

**“ISPP certificate”** means an International Sewage Pollution Prevention Certificate issued in conformity with Annex IV to MARPOL;

**“IAPP certificate”** means an International Air Pollution Prevention Certificate issued in conformity with Annex VI to MARPOL;

**“ISSC”** means an International Ship Security Certificate within the meaning of the Merchant Shipping (Maritime Security) Regulations, 2004;

**“ISSC verification”** means determining whether a ship is ISSC verified in terms of regulation 79(1) of the Merchant Shipping (Maritime Security) Regulations, 2004;

**"length"** means—

- (a) in the case of a registered ship, the length shown in the certificate of registry;
- (b) in the case of a ship that is licensed under section 68 of the Merchant Shipping Act, 1951, the length shown in the licence; and
- (c) in the case of a ship that is neither registered nor licensed, the horizontal distance measured between perpendiculars erected at the extreme ends of the outside of the hull;

**"local charge"** is a charge applicable to vessels required to carry a South African local safety certificate, license, or certificate of fitness;

**"load line certificate"** and **"load line exemption certificate"** have the same meanings as in section 2(1) of the Merchant Shipping Act, 1951;

**"local general safety certificate"** has the same meaning as in section 2(1) of the Merchant Shipping Act, 1951;

**"local safety certificate"** and **"local safety exemption certificate"** have the same meanings as in section 2(1) of the Merchant Shipping Act, 1951;

**"MARPOL"** means the International Convention for the Prevention of Pollution from Ships;

**"master"** means, in relation to a ship, any person (other than a pilot) having charge or command of such a ship

**"Merchant Shipping Act, 1951"** means the Merchant Shipping Act, 1951 (Act No. 57 of 1951);

**"oil tanker"** has the same meaning as in regulation 1(4) of Annex I to MARPOL;

**"owner"**, in relation to a ship, means the person to whom the ship or a share in the ship belongs;

**"officer"**, means a member of the staff of the Authority as in section 1 of the Act;

**"passenger ship"** has the same meaning as in section 2(1) of the Merchant Shipping Act, 1951;

**"passenger ship safety certificate"** has the same meaning as in section 2(1) of the Merchant Shipping Act, 1951;

**"person"** has the same meaning as defined in section 5(4) of the Act;

**"pilot"** means a person, not belonging to a ship, who safely navigates vessels into or out of harbours, sounds, straits, bays, rivers, or lakes;

**"pollution safety certificate"** means a certificate referred to in section 24 of the Marine Pollution (Control and Civil Liability) Act, 1981 (Act No. 6 of 1981);

**"port"** has the same meaning as in section 2(1) of the Merchant Shipping Act, 1951;

**"principal officer"** has the same meaning as in section 2(1) of the Merchant Shipping Act, 1951;

**"register"** means the South African Ships Register established by section 33 of the Ship Registration Act, 1998 (Act No. 58 of 1998); and "registered" has a corresponding meaning;

**"safety certificate"** means a passenger ship safety certificate, a cargo ship safety equipment certificate, a safety exemption certificate, a local general safety certificate, a local safety exemption certificate or a certificate of fitness;

**"safety management certificate"** has the same meaning as in regulation 3(1) of the Merchant Shipping (Safety Management) Regulations, 2003;

**"service"** means any service or facility provided by the Authority, and includes any inspection or survey and the issue of any certificate or other document;

**"ship security plan"** has the same meaning as in regulation 3(1) of the Merchant Shipping (Maritime Security) Regulations, 2004;

**"South African ship"** means a ship that is registered or licenced in South Africa in terms of the Ship Registration Act, No. 58 of 1998 and the Merchant Shipping (licensing of vessels) Regulations, 2002.

**"SOLAS Convention"** means the International Convention for the Safety of Life at Sea;

**"small vessel"** has the same meaning as in section 2(1) of the Merchant Shipping Act, 1951;

**"the Act"** means the South African Maritime Safety Authority Act, 1998 (Act No. 5 of 1998);

**"ton"**, in relation to a ship, means its gross tonnage as calculated in accordance with the tonnage measurement rules contained in Annex I of the International Convention on Tonnage Measurement of Ships, 1969;

**"tonnage certificate"** means a certificate referred to in Regulation 11 of the Tonnage Regulations, 1986; and

In this Determination the expression, in relation to a service, of **"a charge in rand per hour"** is taken to include an officer's time spent travelling for the purpose of providing the service.

## **2. Application**

- (1) This Determination applies to the specified services, wherever provided.
- (2) This Determination does not apply to the National Sea Rescue Institute.

## **3. By whom charges payable**

Except where otherwise expressly provided, charges are payable by the person requesting the service, whether or not for another.

## **4. When charges payable**

- (1) Charges are payable either before or after provision of the relative service, as the Chief Executive Officer may determine: Provided the Chief Executive Officer or designated representative or the Principal Officer in the case of a port office, may direct that the issue of any certificate or other document be refused unless the relative charge has been paid or satisfactory arrangements for the payment thereof have been made.
- (2) Notice of cancellation of any prearranged service, or of any change thereto, must be given not later than 48 hours before the date or time appointed for the service in question, failing which the full charge for that service is payable.
- (3) The following provisions have effect in relation to Part 4 [Certification of seafarers]:
  - (a) If, through circumstances beyond his or her control, a candidate is unable to sit or complete an examination for which a charge has been paid, the candidate is entitled to the refund of the charge and an administration fee of 30% will be charged on such refund.

- (b) If a candidate has already paid the charge for an examination for a certificate of competency or an endorsement thereto and elects not to complete the rest of the examination, the candidate is entitled to the refund of the examination charge and an administration fee of 30% will be charged on such refund.
  - (c) Subject to paragraph (b), a candidate who is found not yet competent in any part of an examination is not entitled to the refund of any relative charge.
  - (d) Where an examiner assesses a candidate to have insufficient sea service to attempt an examination for which a charge has been paid, the candidate is entitled to the refund of half the charge.
  - (e) An applicant for dispensation is not entitled to the refund of any relative charge if the application is unsuccessful.
  - (f) A candidate who submits false or misleading documentation in an application for certification or examination is not entitled to the refund of any relative charge.
- (4) (a) Any charge paid in advance to the Authority is taken to be forfeited to the Authority if, without fault of the Authority, the relative service is not completed within the period expiring six months after the date of payment.
- (b) In the case referred to in paragraph (a), continuation of the service is subject to the further payment of the full charge.
- (5) (a) Where the Authority delivers a service where no direct charge is available, the Chief Executive Officer, or a person appointed by the Chief Executive Officer, may determine the charge as they deem fit.
- (b) The information relating to the charge in paragraph (a) shall be distributed to the Authority's clients and stakeholders using a Marine Notice, and thereafter published in a Government Gazette.
- (6) (a) Every charge, except where specified, covers one visit to the ship, facility, or institution.
- (b) Where additional visits are required, an hourly rate of R 1 186 shall be charged.

## **5. Application of international and local charges**

- (1) The difference in charges for local and international are primarily determined by the safety certificate required to be carried by that ship.

- (2) The international charges are to be applied in all cases where the same service is required for both local and international ships.
- (3) For tonnage and pre-registration surveys, the international charges are to be determined in the following manner:
- (a) The vessel's intended use, following vessels excluded:
    - (i) Fishing vessels;
    - (ii) Sports and recreation vessels <100GT;
    - (iii) Government vessels; and
    - (iv) Vessels intended for operations within SA's inland waters only; and
  - (b) Vessels being built in the Republic pay local fees until issued with an international safety certificate.
- (4) (a) All vessels that require a service outside the Republic pay international charges, even though the vessels carry a local safety certificate.
- (b) Where a specific international charge is not predetermined, the charge shall be equal to the local charge plus 40% of the same charge.
- (5) (a) A international ship which requires to be issued with a local certificate shall be charged an international fee.
- (b) The fee in paragraph (a) shall be determined to be equal to the local charge plus 40% of the same charge.
- (6) An international charge, equal to 40% of the local charge, is applicable for all services rendered to an international ship, at the request of another administration, if no international charge has been predetermined.

## **6. To whom charges payable**

- (1) All charges are payable to the Authority, except where permitted by subregulation (2) below, who must issue to the payer a receipt for the amount paid stating the reason for payment.
- (2) Where the Authority delegates its function or duties in terms of section 5(3)(c) of the Act to a person, the charges shall be paid to the person concerned in line with procedures and fee recovery structures contained within the Authority's policies.

## **7. Value added tax**

Charges do not include value added tax.

## 8. Certificates and other documents

- (1) Except where otherwise expressly provided, these charges cover the issue, alteration or endorsement of any relative certificate or other document.
- (2) A charge of R 1 186 is payable for the issue of a Safe Manning Document under regulation 121 (2) of Merchant Shipping (Training, Certification and Safe Manning) Regulations, 2021, as amended.
- (3) A charge of R 2 372 is payable for the issue of a Safe Manning Document under regulation 121 (3) of Merchant Shipping (Training, Certification and Safe Manning) Regulations, 2021, as amended.
- (4) Where a Safe Manning Document must be issued in line with regulation 97(3) and 97(4) of the Merchant Shipping (Training, Certification and Safe Manning) Regulations, 2021 as amended, a charge of R 1 186 per hour shall be charged, with a minimum fee of R5 930 payable for issue.
- (5) Except where otherwise expressly provided, a charge of R 2 372 is payable for the issue of any of the following certificates on the strength of a survey report or calculation provided by a person other than an officer:
  - (a) Safety certificate; IGC Code certificate; IBC Code certificate; BCH Code certificate; Safety Management Certificate or Document of Compliance in ways of ISM;
  - (b) Document of Compliance in ways of IMDG; load line certificate; load line exemption certificate; IOPP certificate; IAPP certificate, INLS certificate; tonnage certificate; pollution safety certificate; or any other statutory or non-statutory certificate.
- (6) For vessels contemplated under the Merchant Shipping (National Small Vessel Safety) Regulations, 2007 that are surveyed outside of the Republic by a third party; a fee of R 1 186 is payable.
- (7) Except where otherwise expressly provided, a charge R 593 is payable for the replacement of or for a copy of any other statutory certificate or any other document.
- (8) Where an exemption certificate is issued based on the survey conducted by a Recognised Organisation, a fee equal to 25% of the charge is applicable.
- (9) A charge under the Part 4 of this Determination includes the issue of a Certificate of Competency, Proficiency, or Equivalent Competency where a candidate has been successfully assessed.

- (10) A charge of R 1 186 per hour or part thereof is payable for the amendment of any certificate issued under the Merchant Shipping (Carriage of Cargoes) Regulations, 2004.

## PART 2

### SHIP REGISTRATION, LICENSING, AND TONNAGE MEASUREMENT

#### 9. Ship registration

- (1) A charge of R1 186 is payable for the following services:
- (a) Issuing a carving and marking note which covers one visit to the ship;
  - (b) Inspection of a carving and marking note which covers one visit to the ship; and
  - (c) Renewing a ship's registration.
- (2) The charges in the table below are applicable for the purposes of Initial Registration as well as the following conditions:
- (a) registering a ship anew upon change of ownership;
  - (b) registering a ship anew upon sale under a certificate of sale;
  - (c) registering a ship anew because of alterations to the ship; and
  - (d) registering a ship on bareboat charter:

Item	Tonnage of a Ship	Local Charge	International Charge
(1)	<25 GT and <24m Pleasure Vessels	R 2 523	R 3 538
(2)	≥25GT and ≥24m pleasure vessels but <200 GT	R 4 748	R 6 649
(3)	≥200 GT but <1000 GT	R 9 500	R 13 291
(4)	≥1000 GT	R 9 500 plus R 955 for every 500GT or part thereof over 1000 GT, subject to a maximum of R 31 654	R 13 291 plus R 1 326 for every 500GT or part thereof over 1000 GT, subject to a maximum of R 33 550

- (3) A fee of R 1 520 is payable for the issue or endorsement of any Registration Certificate including:
- (a) granting a new registration certificate where the original has been mislaid, lost, or destroyed;
  - (b) registering alterations to a ship in the register;



- (c) registering the transfer or transmission of ownership of a ship or of a share in a ship;
- (d) registering a mortgage instrument;
- (e) registering the transfer of a mortgage;
- (f) registering the transmission of an interest in a mortgage;
- (g) registering the discharge of mortgage;
- (h) changing a ship's home port; and
- (i) issuing a deletion certificate.

(4) The following charges are applicable for the survey of a ship to determine its suitability to be registered in the Republic, including verifying the ship's particulars:

Item	Tonnage of a Ship	Charge	
		Local Charge	International Charge
(1)	<25 GT and <24m Pleasure Vessels	R 2 358	R 3 301
(2)	≥25GT and ≥24m pleasure vessels but <200 GT	R 4 693	R 6 576
(3)	≥200 GT but <1000 GT	R 7 044	R 9 864
(4)	≥1000 GT	R 9 500 plus R 955 for every 500GT or part thereof over 1000 GT, subject to a maximum of R 30 293	R 113 291 plus R 1 326 for every 500GT or part thereof over 1000 GT, subject to a maximum of R 33 549

- (5) The following charges are payable for the relevant service:
- (a) granting a temporary pass in the place of a registration certificate—R 1 520;
  - (b) issuing a Continuous Synopsis Record, or any amendment or revision of the record, for a ship – R 1 186;
  - (c) Transcript of Registration at time of registration— R 1 186; and
  - (d) Transcript of Register subsequent to registration— R 1 186.

## 10. Ship licensing

(1) The following charges are payable for the issue or renewal of a licence in terms of sections 68 and 69, respectively, of the Merchant Shipping Act, 1951:

Item	Tonnage of Ship	Charge	
		Issue	Renewal
(1)	Rowing boats	R 340	R 34

(2)	Mechanically propelled ships and sailing ships < 6 metres in length	R 530	R 53
(3)	Ships ≥ 6 but < 9 metres in length	R 829	R 83
(4)	Ships ≥ 9 metres in length but < 25 tons (or ≤14m LOA)	R 1 673	R 167
(5)	≥ 25 but < 500 tons	R 2 359	R 578
(6)	≥ 500 tons	R 3 532	R 578

### 11. Tonnage measurement (Tonnage Computation)

(1) Subject to subregulation (2), the following charges are payable for the measurement of a ship in terms of the Tonnage Regulations, 1986:

Item	Registered length of ship	Local Charge	International Charge
(1)	< 24metres	R 6 984	R 9 774
(2)	≥ 24 but < 36 metres	R 14 081	R 19 708
(3)	≥ 36 but < 55 metres	R 18 529	R 25 948
(4)	≥ 55 but < 68 metres	R 37 068	R 51 907
(5)	≥ 68 metres	R 46 433	R 65 010

(2) Where an officer finds it necessary to visit a ship because the ship's plans are inadequate, an additional charge of R 1 186 per hour or part thereof, and travel and subsistence expenses, are payable.

(3) A charge of R 1 186 per hour is payable for providing a tonnage computation.

## PART 3

### SHIP SAFETY AND SECURITY, AND POLLUTION PREVENTION

#### Division 1— Ship safety services

### 12. Survey of passenger ship for safety Certificate

(1) Subject to subregulations (2) and (3), the following charges are payable for the survey of a passenger ship for a passenger ship safety certificate, with or without an exemption certificate, or a local general safety certificate, with or without a local safety exemption certificate and the charges in the table below cover:

- (a) issue of a Certificate, or Exemption Certificate; and  
 (b) one visit to the ship to survey all parts of the ship.

Item	Vessel Size	Charge	
		Local charge	International charge
(1)	<25 tons	R 2 359	R 3 301
(2)	≥25 but <100 tons	R 7 044	R 9 864
(3)	≥100 but <500 tons	R 16 438	R 23 020
(4)	≥500 tons	R 16 438 plus R378 for every 100GT or part thereof, over 500 GT	R 23 020 plus R519 for every 100GT or part thereof, over 500 GT

(2) Subregulation (1) does not apply to ships under construction or undergoing rebuilding or refurbishment where visits to such a ship are to be charged as per Determination 20 except where the ship is ready for final survey and certification, whereupon the charges in subregulation (1) become applicable.

(3) If visits in addition to those referred to in subregulation (1) are required to complete the survey, an additional charge of R 1 186 per hour, and travel and subsistence expenses, are payable for each such visit.

### 13. Survey of ship for cargo ship safety construction certificate

(1) Subject to subregulation (2), the following charges are payable for the survey of a ship for a cargo ship safety construction certificate, with or without an exemption certificate:

Tonnage of the ship	Charge	
	Initial/renewal survey	Intermediate or annual survey
≥ 500 tons	R 63 757 plus R 2 387 per 100 GT or part thereof over 500GT	R 47 308 plus R 2 287 per 100 GT or part thereof over 500 GT

(2) In the table above –

- (a) The charges in the initial survey column covers the necessary visits to the ship to complete the survey; limited to 10 working days, any further visits to the ship for completing the survey are charged at R 1 186 per hour and include-
- (i) The survey of all parts of the ship, including the hull, superstructures, propeller, rudder, machinery, and other hull fittings that form part of the hull;

- (ii) The issue of a Certificate or exemption certificate as applicable;
- (b) The charges in intermediate or annual survey column include-
- (i) one visit to the ship; and
  - (ii) the survey of all parts of the ship, including the hull, superstructures, propeller, rudder, machinery, and other hull fittings that form part of the hull.
- (3) If visits in addition to those referred to in subregulation (2)(b) are required to complete the survey, an additional charge of R 1 186 per hour, and travel and subsistence expenses, are payable for each such visit.

#### 14. Survey of ship for cargo ship safety equipment certificate

- (1) Subject to subregulation (2), the following charges are payable for the survey of a ship for a cargo ship safety equipment certificate, with or without an exemption certificate and the charges in the table below cover:
- (a) Two visits to the ship, any additional visits will be charged at R 1 186 per hour;
  - (b) The survey of all parts of the ship, except those covered in other charges;
  - (c) The issue of a Certificate or exemption certificate as applicable; and
  - (d) The charges exclude approval of documents directly related to the survey or certificate.

Item	Vessel Size	Charge	
		Initial or Renewal Survey	Intermediate or annual survey
(1)	≥ 500 but < 1 600 tons	R 32 365	R 22 655
(2)	≥ 1 600 but < 3 000 tons	R 38 977	R 25 668
(3)	≥ 3 000 but < 10 000 tons	R 45 352	R 26 077
(4)	≥ 10 000 but < 20 000 tons	R 51 824	R 36 272
(5)	≥ 20 000 but < 50 000 tons	R 58 361	R 40 848
(6)	≥ 50 000 tons	R 67 653	R 47 562

- (2) Subregulation (1) does not apply to ships under construction or undergoing rebuilding or refurbishment and where more than one visit is required, additional charges shall be charged against the ship as follows:
- (a) A ship under construction shall be charged under [Determination 26]; and
  - (b) Ships undergoing refurbishment shall be charged at an hourly rate of R 1 186.

### 15. Survey of ship (other than passenger ship) for local general safety certificate or certificate of fitness

(1) Subject to subregulations (2), (3), (4), and (5), the following charges are payable for the survey of a ship, other than a passenger ship, for a local general safety certificate, with or without a local safety exemption certificate, or a certificate of fitness:

Item	Description of ship	Charge
(1)	Rowing boats	R 340
(2)	Mechanically propelled ships and sailing ships < 6 metres in length	R 530
(3)	Ships $\geq 6$ but < 9 metres in length	R 829
(4)	Ships $\geq 9$ metres in length but < 25 tons (or $\leq 14$ m LOA)	R 1 673
(5)	Ships $\geq 25$ (or $> 14$ m LOA) but < 100 tons	R 3 514
(6)	Ships $\geq 100$ but < 500 tons	R 5 793
(7)	Ships $\geq 500$ but < 1 600 tons	R 9 319
(8)	Ships $\geq 1 600$ but < 3 000 tons	R 13 911
(9)	Ships $\geq 3 000$ tons	R 18 590

(2) Charges in the tables forming part of subregulation (1) covers one visit to the ship where following special circumstances are applicable:

- (a) For item (1) – (4) in the tables, the survey covers all parts of the ship including the hull inspection and inspection of radio installations except for Category A and seagoing passenger vessels.
- (b) The survey excludes the hull [Determination 20], where the survey thereof requires the ship to be dry-docked, slipped, or lifted by a synchro-lift or crane, the ship's radio installations [Determination 19], nor the scrutiny of plans or stability books [Determination 27].
- (c) Groups of boats appearing on a single certificate will be charged at R 1 186 per hour or part thereof.

(3) If additional visits are required to those in subregulation (2) above, an additional charge of R 1 186 per hour or part thereof is applicable.

- (4) (a) Where surveys are conducted by appointed local small vessel surveyors other than officers, an administration fee of R 136 is payable by the surveyor to SAMSA with each return of the documentation.
- (b) This fee includes the issuing of a local general safety certificate, certificate of fitness or a hull certificate and is not an additional charge to those contemplated in subregulation (1) above.

- (c) The charges in subregulation (1) may not be amended by the surveyors who must issue a receipt as envisaged by [Determination 6].
- (d) The R 136 due to SAMSA is borne by the surveyor concerned and payable at the responsible SAMSA office.

(5) Where a service is provided in calculating and issue of a SAMSA buoyancy certificate or related document a fee of R 1 186 per hour or part thereof is payable.

#### 16. Survey of ship for IGC and IBC certificate

(1) The following charges are payable for the survey of the Ship for IGC Code and IBC Code certificates:

Item	Description	Charge	
		Initial or Renewal	Intermediate, annual or additional survey
(1)	Survey of ship for an IGC Code Certificate	R 45 400	R 31 776
(2)	Survey of ship for an IBC Code Certificate	R 32 420	R 22 699

#### 17. ISM Code certificates

(1) The following charges are payable for the specified verification audits for the specified ISM Code certificates:

Item	Description	Charge	
		Initial or Renewal verification	Annual or additional verification
(1)	Document of compliance	R 51 829	R 36 285
(2)	Safety management certificate	R 23 159	R 22 698

- (2) (a) The charges in subregulation (1) cover one visit to the ship or the office.
- (b) If additional visits are required to complete the verification, an additional charge of R 1 186 per hour or part thereof.

**18. Survey of a ship for load line certificate**

(1) Subject to subregulations (2) and (3), the following charges are payable for the survey of a ship for a load line certificate or a load line exemption certificate, and for the calculation of assignment of a load line:

Item	Description of ship	Local Charge		International Charge	
		Initial or renewal survey	Intermediate, partial, annual survey or annual exemptions	Initial or partial or annual survey	Intermediate, partial, annual survey or annual exemptions
(1)	< 100 tons	R 3 714	R 2 602	R 5 221	R 3 647
(2)	≥ 100 but < 500 tons	R 11 110	R 7 774	R 15 552	R 10 660
(3)	≥ 500 but < 1 600 tons	R 18 420	R 12 884	R 25 785	R 18 031
(4)	≥ 1 600 but < 10 000 tons	R 27 776	R 19 441	R 38 886	R 27 224
(5)	≥ 10 000 tons	R 35 270	R 24 691	R 49 380	R 34 565

- (2) The charges in initial or renewal survey column includes the following:
- (a) Calculation and assignment of load line;
  - (b) Issue of Certificate or Exemption Certificate as applicable; and
  - (c) The same charges are applicable where provisional calculations and assignment is provided.
- (3) The charges in the intermediate, partial, or annual survey column include the following services:
- (a) A single service for an intermediate, partial, or annual survey; and
  - (b) These charges are applicable for re-assignment and re-calculation of load lines after the initial load lines are assigned
- (4) (a) The charges in this regulation cover one visit to the ship.
- (b) If additional visits are required to complete the survey or calculation, an additional charge of R 1 186 per hour or part thereof.

**19. Inspection of radio installations**

(1) The following charges are payable for the inspection of the radio installations on a ship and these charges cover:

- (a) One visit to the ship.  
 (b) If additional visits are required to complete the inspection, an additional charge of R 1 186 per hour or part thereof.

Item	Description of Ship	Charge
GMDSS ships		
(1)	≥25 tons <300GT	R 6 880
(2)	≥300 tons, includes issuing of the relevant Safety Radio Certificate, or Safety Radio Exemption	R 9 621
Non – GMDSS ships		
(3)	Ships < 25 GT – All Seagoing Passenger Ships (excluding Cat R and E-restricted)	R 573
(4)	Ships < 25 GT – Category A	R 816
(5)	Ships ≥ 25 but < 100 tons	R 798
(6)	Ships ≥ 100 but < 300 tons	R 1 150
(7)	Ships ≥ 300 but < 1 600 tons	R 3 403
(8)	≥ 1 600 tons	R 6 935

- (2) A charge of R 1 186 is payable for the issue of a total radio installation exemption certificate.

## 20. Hull surveys

- (1) The following charges are payable for the survey of the hull of a ship and the charge in the table below covers:

- (a) Two visits to the ship; and  
 (b) If additional visits are required to complete the survey, an additional charge of R 1 186 per hour or part thereof is applicable:

Item	Vessel Size	Charge (1 year)	Charge (2 years)
(1)	< 9 metres	R 530	R 1 059
(2)	≥ 9 metres but < 25 tons (or <14m LOA)	R 1 247	R 2 492
(3)	≥ 25 (or ≥14m LOA) but < 100 tons (or <24m LOA)	R 2 359	R 4 717
(4)	≥ 100 but < 500 tons	R 3 495	R 6 989
(5)	≥ 500 but < 5 000 tons	R 6 971	R 13 941



Item	Vessel Size	Charge (1 year)	Charge (2 years)
(6)	≥ 5 000 but < 10 000 tons	R 9 688	R 19 374
(7)	≥ 10 000 but < 20 000 tons	R 13 905	R 27 808
(8)	≥ 20 000 but < 50 000 tons	R 23 156	R 46 317
(9)	≥ 50 000 tons	R 27 766	R 55 530

(2) Where an extension to a dry-docking certificate is required, a partial survey must be carried out as per [Determination 48] and the certificate amended accordingly.

### **21. Approval of equipment required under legislation administered by the Authority**

(1) A charge of R 1 186 per hour or part thereof, provided that a minimum fee of R 2 372 is payable for any work carried out in relation to the approval of any safety appliance and includes the issue of any relative report or certificate.

### **22. Approval of service providers required under legislation administered by the Authority**

(1) A charge of R 1 186 per hour or part thereof, provided that a minimum fee of R 2 372, is payable for any services provided in relation to the approval of any service station, premises and includes the issue of any relative report or certificate.

### **23. Dangerous goods**

(1) The following charges are payable for issuing and renewal of the IMDG Document of Compliance for the Carriage of Dangerous Goods the specified verification audits for the specified IMDG Code certificates:

Item	Description	Charge	
		Initial	Renewal
(1)	Document of compliance	R 51 829	R 42 941

(2) A charge of R 1 186 per hour or part thereof, is payable for services and inspections provided in terms of the Merchant Shipping (Dangerous Goods) Regulations, 1997, subject to a minimum charge of R 2 372.

(3) The following charges are payable for inspecting the condition and internal cargo stowage of a dangerous goods container in terms of the Merchant Shipping (Dangerous Goods) Regulations, 1997 prior to loading onboard a ship:

(a) A charge of R 1 186 per hour or part thereof is payable, subject to a minimum charge of R 2 372.

(b) In addition to subregulation (3)(a), a charge of R 287 per container is payable.

(3) A charge of R 1 186 per hour or part thereof, provided that a minimum fee of R 2 372 is payable for the issuing of any exemption provided under regulation (3) of the Merchant Shipping (Dangerous Goods) Regulations, 1997.

#### **24. Grain cargoes**

(1) Subject to a charge of R 1 186 per hour or part thereof for a South African ship, and a charge of R 1 661 per hour or part thereof for a foreign ship, is payable for grain cargo services in terms of the Merchant Shipping (Carriage of Cargoes) Regulations, 2004, subject to a minimum charge of R 2 372.

#### **25. Timber deck cargoes**

(1) Subject to a charge of R 1 186 per hour or part thereof for a South African ship, and a charge of R 1 661 per hour or part thereof for a foreign ship, is payable for the inspection of stowage plans, fittings, and stowage and securing arrangements for timber deck cargoes, subject to a minimum charge of R 2 372.

#### **26. New Building and refit**

(1) (a) Services to ships undergoing construction, alteration, or rebuilding shall be charged at an hourly rate of R 1 186 for services directly relating to the work.

(b) Services to the ships referred to in paragraph (a) relating to the issue of certificates where service is listed elsewhere in these charges shall be charged according to those charges.

(2) Charges in subregulation (1) above may include approval of plans and documents listed elsewhere in these charges.

(3) There shall be no charge for hull survey or blueing of shafts which are inspected during new build process.

(4) On completion of new build, separate charges for surveys requiring certificates other than the Hull Certificate and Cargo Ship Safety Construction Certificate, will be applicable.

(5) Attendance to ships undergoing practical sea trials shall be charged at an hourly rate of R 1 186 or part thereof, subject to a minimum charge of R 2 372.

## 27. Approval of plans and stability books

(1) A charge of R 1 186 per hour or part thereof is payable for the scrutiny and approval of plans for any new construction, alteration, rebuilding, registration, or refurbishment of a ship and subject to this subregulation, the following charges are payable for the inspection and approval of a ship's stability book or stability statement where the charges cover the following:

- (a) The initial submission of stability books and plans and perusal; and
- (b) The service includes two visits to the ship:

Item	Tonnage of ship	Local Charge		International Charge	
		Passenger Ships	Other Ships	Passenger Ships	Other ships
(1)	< 25 tons (or <14m LOA)	R 1 186	R 1 186	R 1 654	R 1 156
(2)	≥25 tons (or ≥14m LOA) but < 100 tons (or <24m LOA)	R 4 668	R 3 364	R 6 534	R 4 571
(3)	≥100 but < 500 tons	R 5 865	R 4 103	R 8 217	R 5 755
(4)	≥ 500 but < 1 600 tons	R 6 984	R 4 887	R 9 774	R 6 844
(5)	≥1 600 but < 10 000 tons	R 11 650	R 8 156	R 16 306	R 11 415
(6)	≥ 10 000 tons	R 48 603	R 33 999	R 68 053	R 47 642

(2) If additional ship visits, re-submissions and inspections are required to complete the approval due to any act or omission of the owner, an additional charge of R 1 186 per hour or part thereof plus subsistence and travel is payable for each re-submission or inspection.

(3) A charge of R 1 186 per hour, or part thereof is payable for the witnessing and verification of an inclining experiment, including a report if necessary.

### Division 1A - Ship security services

#### 28. Ship security plans

A charge of R 1 186 per hour, subject to a minimum charge of R 2 372, is payable for the approval of a ship security plan, or any variation or revision of the plan, for a ship.

#### 29. International Ship Security Certificates

(1) A charge of R 1 186 per hour is payable or part thereof, subject to a minimum charge of R 2 359 and a maximum charge of R 9 469, for the ISSC verification of a ship and includes the issue of an Initial ISSC certificate, the intermediate verification or Renewal of the ISSC certificate.

(2) A charge of R 2 249 is payable for the issue of an interim ISSC for a ship.

#### 30. Approved ISSC equivalentents

A charge of R 1 186 per hour or part thereof is payable for the approval of an ISSC equivalent under regulation 85 (3) of the Merchant Shipping (Maritime Security) Regulations, 2004.

### Division 2— Pollution prevention services

#### 31. Survey of ship for IOPP certificate

(1) The following charges are payable for the survey of a ship for an IOPP certificate:

Item	Size of Ship	Initial or Renewal Survey	Annual/Intermediate Survey
Oil Tanker			
(1)	< 4 000 DW	R 13 905	R 1 186 per hour
(2)	≥ 4 000 DW	R 18 517	R 1 186 per hour
Any ship other than an Oil Tanker			
(3)	≥ 400 tons but < 1 000 tons	R 2 359	R 1 186
(4)	≥ 1 000 tons but < 3 000 tons	R 5 755	R 1 763

Item	Size of Ship	Initial or Renewal Survey	Annual/Intermediate Survey
(5)	≥ 3 000 tons	R 6 393	R 2 849

(2) Approval of Shipboard Oil Pollution Emergency Plan (SOPEP) or similar a charge of R 1 186 per hour or part thereof.

### 32. Survey of ship for INLS certificate

(1) The following charges are payable for the survey of a ship for an INLS certificate:

	Size of Ship	Initial or Renewal Survey	Annual Survey	Intermediate Survey
(1)	chemical tanker (all ship-types)	R 23 159	R 9 092	R 11 571
(2)	oil tanker capable of carrying specified NLS in bulk in designated cargo tanks, per tank	R 2 358	R 2 358	R 2 358

### 33. Survey of ship for ISPP certificate

(1) The following charges are payable for the survey of a ship for an ISPP certificate:

Item	Size of Ship	Initial or Renewal Survey	Annual/Intermediate Survey
Oil Tanker			
(1)	< 4 000 DW	R 13 905	R 1 186 per hour
(2)	≥ 4 000 DW	R 18 517	R 1 186 per hour
Any ship other than an Oil Tanker			
(3)	<400 tons but >15 persons	R 2 359	R 1 186
(4)	≥ 400 tons but < 1 000 tons	R 3 467	R 1 463
(5)	≥ 1 000 tons but < 3 000 tons	R 5 755	R 1 763
(6)	≥ 3 000 tons	R 6 392	R 2 849

**34. Survey of ship for IAPP Certificate**

(1) The following charges are payable for the survey of a ship for an IAPP certificate:

Item	Size of Ship	Initial or Renewal Survey	Annual/Intermediate Survey
Oil Tanker			
(1)	< 4 000 DW	R 13 905	R 1 186 per hour
(2)	≥ 4 000 DW	R 18 157	R 1 186 per hour
Any ship other than an Oil Tanker			
(3)	≥ 400 tons but < 1 000 tons	R 3 467	R 1 463
(4)	≥ 1 000 tons but < 3 000 tons	R 5 755	R 1 763
(5)	≥ 3 000 tons	R 6 393	R 2 849

(2) Approval of Ship Energy Efficiency Management Plan (SEEMP) or similar a charge of R 1 186 per hour or part thereof.

**35. Survey of ship for BCH Code certificate**

(1) The following charges are payable for the survey of a ship for a BCH Code certificate:

- (a) Initial or renewal survey – R 23 159
- (b) Intermediate, annual or additional survey – R 1 186 per hour.

**36. Survey of offshore installation for pollution safety certificate**

(1) A charge of R 1 186 per hour or part thereof, subject to a minimum charge of R 6 996, is payable for any work relating to the initial issue of a pollution safety certificate for an offshore installation.

(2) A charge of R 1 186 per hour or part thereof is payable for any subsequent audit, inspection, survey, or other work undertaken relating to the offshore installation.

(3) Transportation to offshore facilities relating to the initial issue of the safety pollution certificate as well as any subsequent audits must be arranged and paid for by the owners or operators.

**37. Approval of a Ballast Water Management Plan**

A charge of R 1 186 per hour or part thereof is payable for the approval of a ballast water management plan, or any variation or revision of the plan, for a ship.

**38. Survey of ship for the issue of a Ballast Water Management certificate**

The following charges are payable for the survey of a ship for a BWM certificate:

Item	Size of Ship	Initial or Renewal Survey	Annual, intermediate or additional survey
(a)	≥ 400 tons but < 1 000 tons	R 2 358	R 1 186
(b)	≥ 1 000 tons but < 3 000 tons	R 6 393	R 1 763
(c)	≥ 3 000 tons	R 7 864	R 2 851

**39. Survey of a ship for Polar Code Certificates**

The following charges are payable for the survey of a ship for a Polar Code certificate:

- (a) Initial or renewal survey – R 23 159
- (b) Intermediate, annual or additional survey – R 12 941.

**40. CLC insurance certificates**

A charge of R 11 602 is payable for the issue of a certificate of insurance or other financial security referred to in section 14 of the Marine Pollution (Control and Civil Liability) Act, 1981 (Act No. 6 of 1981).

**41. Inspection of ships, equipment and documents under MARPOL**

(1) Where an officer conducts an inspection to determine whether certain equipment or documents comply with the applicable requirements of MARPOL, a charge of R 1 186 per hour or part thereof.

(2) Where a certificate of inspection is issued, an additional charge of R 1 186 is payable.

(3) A charge of R 1 186 per hour or part thereof is payable for the approval of any item of equipment required by MARPOL on the strength of an approval issued by another competent Authority.

(4) A charge of R1 186 per hour or part thereof, subject to a minimum of R 9 488, is payable for the approval of any ship as a port reception facility in terms of Regulation 12 of Marine Pollution (Prevention of Pollution from Ships) Act 2 of 1986.

(5) A charge of R 1 186 per hour or part thereof, subject to a minimum amount of R 2 372, is payable when reviewing all documents and procedures for approval to land garbage within port limits or beyond port limits, outside a harbour, to another ship for disposal ashore compliance with the applicable requirements of MARPOL.

#### **42. Inspection of cargo spaces under Annex II to MARPOL**

(1) Where an officer conducts an inspection of cargo spaces to determine whether the provisions of Annex II to MARPOL have been complied with, a charge of R 1 186 per cargo space inspected is payable.

(2) Where a certificate of inspection is issued, an additional charge of R 682 is payable.

#### **43. Provisional assessment of noxious liquid substances**

A charge of R 11 602 is payable for each noxious liquid substance provisionally assessed in terms of regulation 3(4) of Annex II to MARPOL.

#### **44. Transshipment of oil and other harmful substances**

(1) A charge of R 1 186 per hour or part thereof, subject to a minimum of R 23 720, is payable for considering an application and documents for the service under regulation 21 of the Marine Pollution (Prevention and Combating of Pollution of the Sea by Oil) Regulations, 1984 for a once off transshipment of oil request and includes cargo and bunkers outside of an approved transfer area.

(2) An initial charge of R 1 186 per hour or part thereof, is payable by the receiving ship for the evaluation, reviewing of documentation and approval for a request to receive bunkers within an approved transfer area, outside a port.

(3) An initial charge of R 1 186 per hour or part thereof, is payable by subregulation 4 pre-approved oil tanker to conduct oil transshipment for the purposes of replenishing its cargo.

(4) The following charges are payable for the approval and assessment of a ship to engage in regular ship to ship transfer operations in an approved transfer area:



Item	Vessel Size	Initial Approval	Annual Inspection	Renewal (5 years)
(1)	Tanker (South African ship)	R 160 000	R 1 186 per hour or part thereof	R 96 000
(2)	Tanker (Foreign ship)	R 256 000	R 1 661 per hour or part thereof	R 153 600

(5) The following charges are payable for the approval and assessment of a service provider engage in long-term ship to ship operations in an approved transfer area, outside a port:

Item	Vessel Size	Initial Approval	Renewal (5 years)
(1)	Ship to Ship service provider	R 350 000	R 210 000

(6) A charge of R 1 186 per hour or part thereof, subject to a minimum of R 2 372, is payable for a transshipment of a harmful substance, other than oil for considering an application and documents for the service under section 21 of Marine Pollution (Control and Civil Liability) Act 1981 (Act 6 of 1981).

(7) A charge of R 1 186 per hour or part thereof, and travel and subsistence expenses, are payable for attendance by a representing officer referred to in regulation 17 of the Marine Pollution (Prevention and Combating of Pollution of the Sea by Oil) Regulations, 1984.

#### **45. Permission for immobilisation, lay-up, stopping or anchoring within territorial waters or internal waters outside any harbour or fishing harbour**

(1) An initial charge of R 6 698, thereafter a charge of R 1 186 per hour or part thereof, are payable for the evaluation and approval of a request to immobilise, lay-up, stop or anchor within territorial waters or internal waters other than a vessel that is in imminent danger, seeking shelter from severe weather conditions or anchoring within the port limits of a commercial port for the purpose of entering that port to conduct commercial activities.

(2) Subject to subregulation (1), a charge of R 1 186 per day or part thereof is payable for vessels remaining immobilised, laid-up or at anchor for more than 7 days.

(3) In addition, Levies are payable as per the Determination of levies regulations, as amended.

### Division 3 — Maritime Labour Services

#### 46. Inspection of a ship for Maritime Labour Certificate

(1) Subject to subregulation (2), the following charges are payable for the survey of a ship for a Maritime Labour Certificate and the charges in the table below cover:

- (a) two visits to the ship;
- (b) the inspection of all relevant parts of the ship;
- (c) The review of the documentation and procedures submitted by the owner, Declaration of Maritime Labour Compliance Part II; and
- (d) the issue of the Maritime Labour Certificate:

Item	Tonnage of the Ship	Local Charge		International Charge	
		Initial or renewal inspection	Intermediate or Additional Inspection	Initial or renewal inspection	Intermediate or Additional inspection
(1)	< 500 GT	R 5 647	R 3 963	R 7 913	R 5 534
(2)	≥ 500 GT but <1600 GT	R 6 770	R 4 572	R 9 493	R 6 637
(3)	≥ 1600 GT but < 3 000 GT	R 7 786	R 5 452	R 10 915	R 7 640
(4)	≥ 3000 GT but <10000 GT	R 8 958	R 6 272	R 11 900	R 8 776
(5)	≥ 10000 GT but <20000 GT	R 10 757	R 7 530	R 15 059	R 10 533
(6)	≥ 20000 GT	R 12 908	R 8 521	R 16 289	R 10 922

(2) If visits or further documentary reviews in addition to those referred to in subregulation (1) are required to complete the inspection, an additional charge of R 1 186 per hour or part thereof, and travel and subsistence expenses are payable for each such visit.

(3) A charge of R 2 249 is payable for the review of the application and documentation for the issue of a declaration of Maritime Labour Compliance-Part 1 certificate.

**47. Accreditation of seafarer recruitment and placement services**

- (1) A charge of R 1 186 per hour or part thereof, subject to a minimum charge of R 7 116, is payable for the services of accrediting a seafarer recruitment and placement service.
- (2) A charge of R 1 186 per hour or part thereof, subject to a minimum charge of R 3 558, is payable for the services of reaccrediting a seafarer recruitment and placement service.
- (3)
  - (a) The charges in subregulation (1) cover one visit to the premises.
  - (b) If additional visits are required to complete the verification, an additional charge of R 1 186 per hour or part thereof, and travel and subsistence expenses, are payable for each such visit.

**Division 4 – Miscellaneous****48. Partial and Towage surveys**

- (1) A charge of R 1 186 per hour or part thereof is payable for any partial survey or survey for the issue of an optional alternative certificate, not otherwise provided for in this Determination.
- (2) Where a ship is surveyed for the purposes of the alteration of any statutory or non-statutory certificate, a charge of R 1 186 per hour or part thereof is payable.
- (3) For small vessels <9m, services for partial surveys or inspections, the relevant charge relating to the service is payable.
- (4) A charge of R1 186 per hour, subject to a minimum of R 4 744, for the approval of any towage from a port.

**49. Detained ships**

- (1) Subject to item (b), the following charges are payable for a ship that is detained. The charge covers the following;
  - (a) Two visits to the ship, one visit being at the time of detaining the vessel and the second for release inspection;
  - (b) If additional visits are required before release, such visits shall be charged at hourly rate of R 1 186 or part thereof, subject to a minimum of R 7 116.

Item	Tonnage of ship	Charge	
		Local charge	International charge
(1)	< 25 tons (or <14m LOA	R 5 854	R 8 193
(2)	≥25 (or≥14m LOA) but < 500tons	R 10 964	R 15 357
(3)	≥ 500 but < 750 tons	R 18 230	R 25 522
(4)	≥ 750 but < 1 000 tons	R 43 765	R 61 265
(5)	≥ 1 000 but < 3 000 tons	R 86 495	R 121 096
(6)	≥ 3 000 tons but <10 000 tons	R 131 268	R 183 776
(7)	≥ 10 000 tons but <20 000 tons	R 262 536	R 367 552
(8)	≥ 20 000 tons	R 367 552	R 735 104

(3) Charges referred to in subregulation (1) are not applicable where the ship is detained for the purposes of an investigation into a casualty.

#### **50. Verified Gross Mass Certification and Accreditation**

(1) A charge of R 1 186 per hour or part thereof, subject to a minimum of R3 558, is payable for the application for authorisation of a weighing facility to conduct Gross Mass Verification of a container carrying cargo by SOLAS Method 1.

(2) A charge of R 1 186 per hour or part thereof is payable, subject to a minimum of R 2 372, for the application for authorisation to conduct Gross Mass Verification of a container carrying cargo by SOLAS Method 2 and the issuing a Certificate of Authorisation or a Certificate of Recognition as a Packing Facility in terms of the Merchant Shipping (Carriage of Cargoes) Regulations, 2004.

(3) A charge of R 1 186 per hour or part thereof is payable, subject to a minimum of R3 558 is payable for application for the accreditation as a SAMSA Accredited Verified Gross Mass Entity. The charge excludes travel, accommodation, and subsistence allowance.

**PART 4****EXAMINATION & CERTIFICATION****51. Fishers and marine motormen**

(1) The following charges are payable for examination and revalidation for the specified certificates of competency based on the Merchant Shipping (Training, Certification and Manning) Regulations, 2021, as amended:

Item	Certificate	Charge	
		Examination	Revalidation
(1)	Officers in charge of a navigational watch on fishing vessels (<24 m) limited waters	R 1 849	R 840
(2)	Officers in charge of a navigational watch on fishing vessels (≥24 m) limited waters	R 1 995	R 840
(3)	Officers in charge of a navigational watch on fishing vessels (<24 m) unlimited waters	R 2 095	R 840
(4)	Officers in charge of a navigational watch on fishing vessels (≥24 m) unlimited waters – Fishing ≥24m	R 2 195	R 840
(5)	Skipper Fishing (<24m limited waters)	R 2 432	R 840
(6)	Skipper Fishing (<24m unlimited waters)	R 2 578	R 840
(7)	Skipper Fishing (≥24m limited waters)	R 2 997	R 840
(8)	Skipper Fishing (≥24m unlimited waters)	R 3 149	R 840

(2) The following charges are payable for examination and revalidation for the specified certificates of competency based on the Merchant Shipping (Training, Certification and Manning) Regulations, 2021, as amended:

Item	Certificate	Charge	
		Examination	Revalidation
(1)	Marine Motorman Grade 2	R 1 849	R 840
(2)	Marine Motorman Grade 1	R 2 141	R 840
(3)	Marine Motorman Higher Grade	R 2 712	R 840

(3) The following charges are payable for examination and revalidation for the specified certificates of competency based on the Merchant Shipping (Training, Certification and Manning) Regulations, 2021, as amended:

Item	Certificate	Charge	
		Examination	Revalidation
(1)	Second Engineer (<2 000 kW Fishing)	R 2 390	R 840
(2)	Second Engineer (Fishing)	R 2 490	R 840
(3)	Chief Engineer (<2 000 Kw Fishing)	R 2 578	R 840
(4)	Chief Engineer (Fishing)	R 3 149	R 840

(4) The charges in the revalidation columns of subregulations (1) and (3) are applicable in the following instances:

- (a) Where a candidate is applying for a lost, stolen or damaged certificate;
- (b) Where a candidate is exchanging the certificate that existed prior the Merchant Shipping (Training, Certification and Manning) Regulations, 2021, came into force, for a certificate under the same Regulations.

(5) A charge of R 378 is payable where an examiner is requested to assess a candidate's sea service or eligibility to attempt an examination for a certificate of competency referred to in subregulations (1) or (2).

(6) A candidate who is found competent in an examination is entitled to be issued with an interim certificate immediately after the examination whilst waiting for a certificate to be issued by the Registrar of Seafarers.

## 52. Engineer officers

(1) The following charges are payable for examination and revalidations for the specified certificates of competency:

Item	Certificate	Charge	
		Examination	Revalidation
(1)	Officer in Charge of an Engineering Watch (Port Operations)	R 2 262	R 1 441
(2)	Officer in Charge of an Engineering Watch (<750 kW)	R 2 712	R 1 441
(3)	Chief Engineer (<750kW Port Operations)	R 2 730	R 1 441
(4)	Chief Engineer (<750 kW)	R 2 806	R 1 441
(5)	Chief Engineer (< 1 500 kW Port Operations)	R2 876	R 1 441

Item	Certificate	Charge	
		Examination	Revalidation
(6)	Chief Engineer Officer (Port Operations)	R 2 976	R 1 441
(7)	Officer in Charge of an Engineering Watch	R 3 149	R 1 441
(8)	Electronic Technical Officer	R 3 325	R 1 441
(9)	Second Engineer (<3 000 kW)	R 3 325	R 1 441
(10)	Second Engineer	R 3 732	R 1 441
(11)	Chief Engineer (<3 000 kW)	R 3 799	R 1 441
(12)	Chief Engineer	R 4 194	R 1 441
(13)	Chief Engineer – Special Grade	R 9 080	R 1 441

(2) The charges in the revalidation columns of subregulation (1) are applicable in the following instances:

- (a) Where a candidate is applying for a lost, stolen or damaged certificate;
- (b) Where a candidate is exchanging the certificate that existed prior the Merchant Shipping (Training, Certification and Manning) Regulations, 2021, as amended, came into force, for a certificate under the same Regulations

(3) (a) A charge in the examination column is applicable in the case where a candidate is being examined under the Merchant Shipping (Training, Certification and Manning) Regulations, 2021, as amended.

- (b) Candidates being examined under the Regulations that existed immediately prior the Merchant Shipping (Training, Certification and Manning) Regulations, 2021, as amended, shall be charged using relevant equivalencies in those regulations.

(4) A charge in the examination column is also applicable in the case where a candidate is being examined to be endorsed with a steam endorsement.

(5) A charge of R 530 is payable where an examiner is requested to assess a candidate's sea service or eligibility to attempt an examination for a certificate of competency referred to in subregulations (1) or (3).

(6) A candidate who is found competent in an examination is entitled to be issued with an interim certificate immediately after the examination whilst waiting for a certificate to be issued by the Registrar of Seafarers.

**53. Deck officers**

(1) The following charges are payable for examination and revalidations for the specified certificates of competency:

Item	Certificate	Charge	
		Examination	Revalidation
(1)	Skipper (<200 GT Port Operations)	R 2 262	R 1 441
(2)	Master (<200 GT Near-coastal)	R 2 262	R 1 441
(3)	Master (<200 GT)	N/A	R 1 441
(4)	Officer in charge of a navigational watch (<500 GT Near Coastal)	R 2 712	R 1 441
(5)	Mate (<500 GT)	N/A	R 1 441
(6)	Master (<1 600 GT Port Operations)	R 2 712	R 1 441
(7)	Master (Port Operations)	R 2 876	R 1 441
(8)	Master (<500 GT Near Coastal)	R 2 876	R 1 441
(9)	Master (<500 GT)	N/A	R 1 441
(10)	Officer in Charge of a Navigational Watch	R 3 149	R 1 441
(11)	Chief Mate (<3 000 GT)	R 3 446	R 1 441
(12)	Master (< 3000 GT)	R 3 732	R 1 441
(13)	Chief Mate	R 3 909	R 1 441
(14)	Master	R 4 194	R 1 441
(15)	Master (Special Grade).	R 9 079	R 1 441

(2) The charges in the revalidation columns of subregulation (1) are applicable in the following instances:

- (a) Where a candidate is applying for a lost, stolen or damaged certificate;
- (b) Where a candidate is exchanging the certificate that existed prior the Merchant Shipping (Training, Certification and Manning) Regulations, 2021, as amended, came into force, for a certificate under the same Regulations.

- (3) (a) A charge in the examination column is applicable in the case where a candidate is being examined under the Merchant Shipping (Training, Certification and Manning) Regulations, 2021, as amended.
- (b) Candidates being examined under the Regulations that existed immediately prior the Merchant Shipping (Training, Certification and Manning) Regulations, 2021 shall be charged using relevant equivalencies in those regulations.



(4) A charge in the examination column is also applicable in the case where a candidate is being examined to remove any tonnage or operational limitations.

(5) A charge of R 530 is payable where an examiner is requested to assess a candidate's sea service or eligibility to attempt an examination for a certificate of competency referred to in subregulations (1) or (2).

(6) A candidate who is found competent in an examination is entitled to be issued with an interim certificate immediately after the examination whilst waiting for a certificate to be issued by the Registrar of Seafarers.

#### 54. Radio operators

(1) The following charges are payable for examination and revalidations for the specified certificates of competency:

Item	Certificate	Charges	
		First Issue	Revalidation
(1)	Short Range Certificate	R 840	R 840
(2)	Long Range Certificate	R 840	R 840
(3)	GMDSS General Operator's Certificate	R 1 278	R 840
(4)	GMDSS 1st Class Radio Electronic Certificate	R 1 278	R 840
(5)	GMDSS 2nd Class Radio Electronic Certificate	R 1 278	R 840

(2) The charges in the revalidation columns are applicable in the following instances:

- (a) Where a candidate is applying for a lost, stolen or damaged certificate;
- (b) Where a candidate is exchanging the certificate that existed prior the Merchant Shipping (Training, Certification and Manning) Regulations, 2021, as amended came into force, for a certificate under the same Regulations

(3) A candidate who is found competent in an examination or application is successful is entitled to be issued with an interim certificate immediately after the examination whilst waiting for a certificate to be issued by the Registrar of Seafarers.

**55. Small vessels skippers**

(1) The following charges are applicable for examinations under the Merchant Shipping (National Small Vessel Safety) Regulations, 2007 and the charges in the case where a single examination is conducted, include any applicable endorsement:

Item	SAMSA Skipper Examination	Charge	
		<9m	≥9m
(1)	Theory examinations	R 299	R 682
(2)	Oral examinations	R 299	R 530
(3)	Practical examinations	R 299	R 530

(2) A charge of R 798 is payable above the fees prescribed in subregulation (1) above for the issuing of certificate.

(3) Where an appointed examiner conducts the examination, other than those employed by the Authority, a fee of R 798 is payable to the Authority for issuance of a certificate.

(4) A charge of R 530 is applicable for issuing of an endorsement to a small vessel certificate where there is no examination required.

(5) A charge of R 530 is payable for issuing of an endorsement where the candidate must be examined in any part of the syllabus to achieve the endorsement.

(6) A charge of R 530 is payable for the re-issue of a certificate of competence reflecting the additional endorsements.

(7) A candidate whose application is successful is entitled to be issued with an interim certificate immediately after the examination whilst waiting for a certificate to be issued by the Registrar of Seafarers.

**56. Rating certificates and certificates of Proficiency**

(1) The following charges are payable for the application, issue and revalidation of Ratings Certificates and Certificates of Proficiency as defined in the Merchant Shipping (Training, Certification and Manning) Regulations, 2021:

Item	Certificate	Charges
(1)	Ordinary Seafarer, Able Seafarer, Ship's Cook, Electro-technical rating and General purpose rating (port operations) any certificate of Proficiency e.g. requiring the issue of a new booklet	R 798
(2)	Endorsement or leaflet to Certificates in items (1), and those in Determinations 52, 53 and 54 regardless of the amount of Certificate of Proficiencies in a single application.	R 530

- (2) The charges in subregulation (1) are applicable in the following instances:
- (a) For revalidation of certificate;
  - (b) Where a candidate is applying for a lost, stolen or damaged certificate; and
  - (c) Where a candidate is exchanging the certificate that existed prior the Merchant Shipping (Training, Certification and Manning) Regulations, 2021, as amended, came into force, for a certificate under the same Regulations.

- (3) A candidate whose application is successful is entitled to be issued with an interim certificate immediately after the examination whilst waiting for a certificate to be issued by the Registrar of Seafarers.

## 57. Licenses for compass adjusters

- (1) The following charges are payable for the examination and licensing of compass adjusters:

Item	Certificate	Type of Examination	Charges
(1)	Compass Adjuster (Restricted)	Full examination	R 3 514
		Partial examination	R 2 432
(2)	Compass Adjuster (Unrestricted)	Full examination	R 3 951
		Partial examination	R 2 651

- (2) The charges in subregulation (1) are applicable in the following instances:
- (a) Where a candidate is applying for a lost, stolen or damaged certificate; and
  - (b) Where a candidate is exchanging the certificate that existed prior the Merchant Shipping (Training, Certification and Manning) Regulations, 2021, as amended, came into force, for a certificate under the same Regulations

- (3) A candidate whose application is successful is entitled to be issued with an interim certificate immediately after the examination whilst waiting for a certificate to be issued by the Registrar of Seafarers.

**58. Accreditation of Training Institutions and moderation of examination papers and scripts.**

(1) A charge of R 1 186 per hour or part thereof is payable for services relating to the accreditation and re-accreditation of a training institution or the approval of any training programme, provided that a minimum of R 4 741 is payable, and the charge covers an accreditation of a single facility: provided, where an accreditation and re-accreditation covers multiple facilities, the charges must be applied as follows:

- (a) The primary venue shall be charged as prescribed above; and
- (b) Each secondary or temporary venue shall be liable to R 1 186 per hour or part thereof provided that a minimum fee of R 2 372 is payable.

(2) A charge of R 1 186 is payable for the moderation of any examination paper; the fee includes the following:

- (a) The moderation of the examination paper prior to it being written by candidates and associated corrective actions;
- (b) The moderation of examinations scripts relating to that examination paper and approval of associated marks allocated to students; and
- (c) The Authority does not charge the moderation fees according to the number of students writing that paper.

(3) A charge of R 1 186 per hour or part thereof is payable for the setting of an examination paper.

(4) Amendments to an accreditation is charge at an hourly rate of R 1 186 per hour or part thereof.

**59. Approvals under Section 83 and Section 85 of the Merchant Shipping Act, 1951 (Act No. 57 of 1951)**

(1) The following charges are payable for an employment of a seafarer holding a foreign certificate of competency under section 83 of the Merchant Shipping Act, 1951 read with the relevant Regulations of the Merchant Shipping (Training, Certification and Manning) Regulations, 2021, as amended:

- (a) Where there is a need for the Authority to authorise a foreign seafarer to work on a South African ship without being issued an endorsement, a charge of R 3 708 shall be paid per month or part thereof: Provided, a minimum charge of R 11 110 is payable.
- (b) A charge of R 6 783 is payable where the application is for an endorsement of foreign certificate of competency under the Regulations and this charge covers:
  - (i) the relevant assessment that may be required under the Regulations; and

- (ii) issue of Certificate of Equivalent Competency and the Authority to Operate Radio Apparatus (Deck Officers only).

(2) A charge of R 3 532 per month, or part thereof calculated with reference to the desired duration of the permission, is payable for permission under section 85 of the Merchant Shipping Act, 1951.

#### **60. Colour and form vision tests**

A charge of R 487 is payable for colour and form vision tests.

#### **61. Approval of Medical Practitioners**

(1) A charge of R 1 186 per hour or part thereof, for the approval of Medical Practitioners (occupational & optometry) to conduct medical or eyesight examination of seafarers, as set out in the Merchant Shipping (Training, Certification and Manning) Regulations, 2021, provided that a fee of R 3 558 is applicable for the first three hours and the charge includes:

- (a) Assessing documents and inspection of facilities for approval;
- (b) Issuing a Certificate of Approval; and
- (c) Issuing one Medical Certificate book.

(2) Where multiple medical practitioners share the facilities and applies for simultaneous approval, the lead Medical Practitioner must be charged as per subregulation (1) above, all additional practitioners are to be charged an hourly rate of R 1 186.

(3) Where a medical practitioner has multiple venues, a charge of R 1 186 per hour or part thereof is payable for each secondary or temporary venue.

### **PART 5**

#### **MISCELLANEOUS**

#### **62. Inspection of crew accommodation**

(1) A charge of R 1 186 per hour, or part thereof is payable for the inspection of compartments in accordance with the Crew Accommodation Regulations, 1961, and Work in Fishing Convention, 2007 scheduled to the Merchant Shipping Act, 1951, as amended.

(2) A charge of R 1 186 per hour, or part thereof is payable by the owner of the ship concerned for any inspection of crew accommodation that is conducted as a result of a reasonable complaint about such accommodation.

### **63. Discharge of Seafarer**

(1) Where a Seafarer is discharged in terms of section 113(1) or (4) of the Merchant Shipping Act, 1951, at an office of the Authority, a charge of R498 is payable by the master or owner of the ship concerned.

(2) Where a Seafarer is discharged in terms of section 113(1) or (4) of the Merchant Shipping Act, 1951, on board a ship at a port in the Republic, a charge of R 499 plus R 1 186 per hour or part thereof is payable by the master or owner of the ship concerned.

### **64. Extra and special attendance**

(1) Subject to subregulation (2), the Authority's normal business hours are from 08:00 to 16:00 daily, excluding Saturdays, Sundays, and public holidays and the Authority will from time to time determine and publish details of the times and places at which officers will be available to conduct surveys of bottom accessible small vessels.

(2) If attendance by an officer is required at another time or place, the charge for the service plus an additional charge of R 1 186 per hour or part thereof, and travel and subsistence expenses, are payable.

(3) Where, in relation to any other matter, attendance by an officer is required outside the Authority's normal business hours, the charge for the service plus—

- (a) for a charge expressed wholly or partly as an hourly rate, an additional charge of R 1 186 per hour, or part thereof for a South African ship and a charge R 1 661 per hour or part thereof for a foreign ship; and
- (b) for any other charge, an additional charge of R 2 359 per hour or part thereof.

### **65. Services at sea or outside Republic**

(1) Where attendance by an officer is required at sea or outside the Republic, the charge for the service plus an additional charge of R 1 186 per hour or part thereof are payable for a South African ship and a charge R 1 661 per hour or part thereof for a foreign ship, excluding travel and subsistence expenses as per [Determination 67].

(2) If attendance includes a Saturday, Sunday or public holiday, the hourly rate for those days is R 2 359 per hour.

(3) These charges are applicable for the Authority's normal working hours, to a maximum of 8 hours.

#### **66. Consultancy and other services**

(1) (a) A charge of R 1 186 per hour or part thereof is payable for consultancy or other unspecified services for a South African ship and a charge R 1 661 per hour or part thereof is payable for consultancy or other unspecified services onboard a foreign ship.

(b) A consultancy or unspecified service is any service for which this determination does not otherwise provide a charge and includes the compilation of any repair list for the purpose of assisting compliance with applicable statutory requirements.

(2) Unless a ship is detained under regulation 49, where a port state control officer is requested to inspect a ship to close out any port state control deficiency, a charge of R 1 661 per hour or part thereof is payable, subject to a minimum charge of R 6 644.

(3) Where an officer is requested to provide a written interpretation of any statutory requirement, a charge of R 1 186 per hour or part thereof is payable.

#### **67. Travel and subsistence**

(1) All travel and subsistence expenses for an officer are to be calculated in accordance with the applicable tariffs determined from time to time by the Chief Executive Officer.

(2) Where a kilometre rate is charged to a client the rate shall be R 12 per km.

(3) Travel and subsistence charges are to be applied using the Authority's Policies.

#### **68. Miscellaneous charges**

(1) The following charges are payable for—

Item	Description	Charge
(a)	Photocopies of any documents	
	(i) Black & White copies (per page)	R 6
	(ii) Colour copies (per page)	R 9
(b)	any code of safe working practice as published by SAMSA	R 86
(c)	Official logbook	R 506

(d)	Radio logbook	R 506
(e)	Seafarer's record book	R 798
(f)	Training record books	R 798
(g)	Certificates of Fitness books (20 page)	R 342
(h)	Medical certificate books (50 page)	R 476
(i)	SAMSA Interim Certificates of Competence books	R 530

(2) Where a service other than the standard use of registered mail is required, an additional fee will be charged as follows:

- (a) Domestic – R 220; and
- (b) Foreign – R 706.

(3) Access to information in accordance with the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000), the prescribed fee of R 60 is payable with every application and where the release of documents has been approved, the prescribed fee of R 6 per page for black & white and R 9 for colour prints will be levied.

#### **69. Refusal of services**

(1) An officer may discontinue or refuse to conduct any survey or inspection if he or she is satisfied on reasonable grounds that the ship, premises, or thing to be surveyed or inspected has not been properly prepared for that purpose.

(2) Where an officer discontinues or refuses to conduct a service pursuant to subregulation (1), a charge of R 1 186 per hour, or part thereof and travel and subsistence expenses, are payable at the discretion of the Chief Executive Officer or the designated representative of the Chief Executive Officer, or the Principal Officer in the case of a port.

#### **70. Overdue charges**

Interest at the applicable prime bank overdraft rate charged by the Authority's banker, plus one per cent, compounded monthly, is payable on the outstanding balance of any charge after the due date.

#### **71. Variation and waiver of charges**

The Principal Officer or a person appointed by the Chief Executive Officer, may in special cases reduce or waive any charge on such conditions, if any, as the Principal Officer or person appointed by the Chief Executive Officer thinks fit.









Printed by and obtainable from the Government Printer, Bosman Street, Private Bag X85, Pretoria, 0001  
Contact Centre Tel: 012-748 6200. eMail: [info.egazette@gpw.gov.za](mailto:info.egazette@gpw.gov.za)  
Publications: Tel: (012) 748 6053, 748 6061, 748 6065