Government Gazette
Staatskoerant

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID AFRIKA

Regulation Gazette *No. 11574* *Regulasiekoerant*

Vol. 694 21 April April 2023 No. 48445

PART 1 OF 4

ISSN 1682-5845

9 771682 584003 48445

Contents

Correction Notice, Gazette No. 48445, 21-4-2023, Notice No. 3317 hereby replaces Gazette No. 48428, 14-4-2023, Notice No. R. 3287, as the document was placed without a signature

government printing
Department:
Government Printing Works
REPUBLIC OF SOUTH AFRICA

HIGH ALERT: SCAM WARNING!!!

TO ALL SUPPLIERS AND SERVICE PROVIDERS OF THE GOVERNMENT PRINTING WORKS

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

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

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

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

Example of e-mails these fraudsters are using:

PROCUREMENT@GPW-GOV.ORG

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

GPW has an official email with the domain as **@gpw.gov.za**

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

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

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

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

Fake Tenders

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

How tender scams work

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

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

OR

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

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

Protect yourself from being scammed

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

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

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

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

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

Closing times for **ORDINARY WEEKLY** *REGULATION GAZETTE* 2023

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

- **29 December,** Thursday for the issue of Friday **06 January 2023**
- **06 January,** Friday for the issue of Friday **13 January 2023**
- **13 January,** Friday for the issue of Friday **20 January 2023**
- **20 January,** Friday for the issue of Friday **27 January 2023**
- **27 January,** Friday for the issue of Friday **03 February 2023**
- **03 February,** Friday for the issue of Friday **10 February 2023**
- **10 February,** Friday for the issue of Friday **17 February 2023**
- **17 February,** Friday for the issue of Friday **24 February 2023**
- **24 February,** Friday for the issue of Friday **03 March 2023**
- **03 March,** Friday for the issue of Friday **10 March 2023**
- **10 March,** Friday for the issue of Friday **17 March 2023**
- **16 March,** Thursday for the issue of Friday **24 March 2023**
- **24 March,** Friday for the issue of Friday **31 March 2023**
- **30 March,** Thursday for the issue of Thursday **06 April 2023**
- **05 April,** Wednesday for the issue of Friday **14 April 2023**
- **14 April,** Friday for the issue of Friday **21 April 2023**
- **20 April,** Thursday for the issue of Friday **28 April 2023**
- **26 April,** Wednesday for the issue of Friday **05 May 2023**
- **05 May,** Friday for the issue of Friday **12 May 2023**
- **12 May,** Friday for the issue of Friday **19 May 2023**
- **19 May,** Friday for the issue of Friday **26 May 2023**
- **26 May,** Friday for the issue of Friday **02 June 2023**
- **02 June,** Friday for the issue of Friday **09 June 2023**
- **08 June,** Thursday for the issue of Thursday **15 June 2023**
- **15 June,** Thursday for the issue of Friday **23 June 2023**
- **23 June,** Friday for the issue of Friday **30 June 2023**
- **30 June,** Friday for the issue of Friday **07 July 2023**
- **07 July,** Friday for the issue of Friday **14 July 2023**
- **14 July,** Friday for the issue of Friday **21 July 2023**
- **21 July,** Friday for the issue of Friday **28 July 2023**
- **28 July,** Friday for the issue of Friday **04 August 2023**
- **03 August,** Thursday for the issue of Friday **11 August 2023**
- **11 August,** Friday for the issue of Friday **18 August 2023**
- **18 August,** Friday for the issue of Friday **25 August 2023**
- **25 August,** Friday for the issue of Friday **01 September 2023**
- **01 September,** Friday for the issue of Friday **08 September 2023**
- **08 September,** Friday for the issue of Friday **15 September 2023**
- **15 September,** Friday for the issue of Friday **22 September 2023**
- **21 September,** Thursday for the issue of Friday **29 September 2023**
- **29 September,** Friday for the issue of Friday **06 October 2023**
- **06 October,** Friday for the issue of Friday **13 October 2023**
- **13 October,** Friday for the issue of Friday **20 October 2023**
- **20 October,** Friday for the issue of Friday **27 October 2023**
- **27 October,** Friday for the issue of Friday **03 November 2023**
- **03 November,** Friday for the issue of Friday **10 November 2023**
- **10 November,** Friday for the issue of Friday **17 November 2023**
- **17 November,** Friday for the issue of Friday **24 November 2023**
- **24 November,** Friday for the issue of Friday **01 December 2023**
- **01 December,** Friday for the issue of Friday **08 December 2023**
- **08 December,** Friday for the issue of Friday **15 December 2023**
- **15 December,** Friday for the issue of Friday **22 December 2023**
- **20 December,** 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 R**3026.32** per page.

GOVERNMENT PRINTING WORKS - BUSINESS RULES

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

Closing Times for Acceptance of Notices

1. The *Government Gazette* and *Government Tender Bulletin* are weekly publications that are published on Fridays and the closing time for the acceptance of notices is strictly applied according to the scheduled time for each gazette.

2. Please refer to the Submission Notice Deadline schedule in the table below. This schedule is also published online on the Government Printing works website www.gpwonline.co.za

   All re-submissions will be subject to the standard cut-off times.
   All notices received after the closing time will be rejected.

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

GOVERNMENT PRINTING WORKS - BUSINESS RULES

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

EXTRAORDINARY GAZETTES

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

NOTICE SUBMISSION PROCESS

4. Download the latest *Adobe* form, for the relevant notice to be placed, from the **Government Printing Works** website www.gpwonline.co.za.

5. The *Adobe* form needs to be completed electronically using *Adobe Acrobat* / *Acrobat Reader*. Only electronically completed *Adobe* forms will be accepted. No printed, handwritten and/or scanned *Adobe* forms will be accepted.

6. The completed electronic *Adobe* form has to be submitted via email to submit.egazette@gpw.gov.za. The form needs to be submitted in its original electronic *Adobe* format to enable the system to extract the completed information from the form for placement in the publication.

7. Every notice submitted **must** be accompanied by an official **GPW** quotation. This must be obtained from the *eGazette* Contact Centre.

8. Each notice submission should be sent as a single email. The email **must** contain **all documentation relating to a particular notice submission**.

   8.1. Each of the following documents must be attached to the email as a separate attachment:

      8.1.1. An electronically completed *Adobe* form, specific to the type of notice that is to be placed.

         8.1.1.1. For National *Government Gazette* or *Provincial Gazette* notices, the notices must be accompanied by an electronic Z95 or Z95Prov *Adobe* form

         8.1.1.2. The notice content (body copy) **MUST** be a separate attachment.

      8.1.2. A copy of the official **Government Printing Works** quotation you received for your notice. *(Please see Quotation section below for further details)*

      8.1.3. A valid and legible Proof of Payment / Purchase Order: **Government Printing Works** account customer must include a copy of their Purchase Order**. Non-Government Printing Works** account customer needs to submit the proof of payment for the notice

      8.1.4. Where separate notice content is applicable (Z95, Z95 Prov and TForm 3, it should **also** be attached as a separate attachment. *(Please see the Copy Section below, for the specifications)*.

      8.1.5. Any additional notice information if applicable.

GOVERNMENT PRINTING WORKS - BUSINESS RULES

9. The electronic *Adobe* form will be taken as the primary source for the notice information to be published. Instructions that are on the email body or covering letter that contradicts the notice form content will not be considered. The information submitted on the electronic *Adobe* form will be published as-is.

10. To avoid duplicated publication of the same notice and double billing, Please submit your notice **ONLY ONCE.**

11. Notices brought to **GPW** by "walk-in" customers on electronic media can only be submitted in *Adobe* electronic form format. All "walk-in" customers with notices that are not on electronic *Adobe* forms will be routed to the Contact Centre where they will be assisted to complete the forms in the required format.

12. Should a customer submit a bulk submission of hard copy notices delivered by a messenger on behalf of any organisation e.g. newspaper publisher, the messenger will be referred back to the sender as the submission does not adhere to the submission rules.

QUOTATIONS

13. Quotations are valid until the next tariff change.

    13.1. ***Take note:*** **GPW**'s annual tariff increase takes place on ***1 April*** therefore any quotations issued, accepted and submitted for publication up to ***31 March*** will keep the old tariff. For notices to be published from 1 April, a quotation must be obtained from **GPW** with the new tariffs. Where a tariff increase is implemented during the year, **GPW** endeavours to provide customers with 30 days' notice of such changes.

14. Each quotation has a unique number.

15. Form Content notices must be emailed to the *eGazette* Contact Centre for a quotation.

    15.1. The *Adobe* form supplied is uploaded by the Contact Centre Agent and the system automatically calculates the cost of your notice based on the layout/format of the content supplied.

    15.2. It is critical that these *Adobe* Forms are completed correctly and adhere to the guidelines as stipulated by **GPW**.

16. **APPLICABLE ONLY TO GPW ACCOUNT HOLDERS**:

    16.1. **GPW** Account Customers must provide a valid **GPW** account number to obtain a quotation.

    16.2. Accounts for **GPW** account customers **must** be active with sufficient credit to transact with **GPW** to submit notices.

        16.2.1. If you are unsure about or need to resolve the status of your account, please contact the **GPW** Finance Department prior to submitting your notices. (If the account status is not resolved prior to submission of your notice, the notice will be failed during the process).

17. **APPLICABLE ONLY TO CASH CUSTOMERS:**

    17.1. Cash customers doing **bulk payments** must use a **single email address** in order to use the **same proof of payment** for submitting multiple notices.

18. The responsibility lies with you, the customer, to ensure that the payment made for your notice(s) to be published is sufficient to cover the cost of the notice(s).

19. Each quotation will be associated with one proof of payment / purchase order / cash receipt.

    19.1. This means that **the quotation number can only be used once to make a payment.**

GOVERNMENT PRINTING WORKS - BUSINESS RULES

COPY (SEPARATE NOTICE CONTENT DOCUMENT)

20. Where the copy is part of a separate attachment document for Z95, Z95Prov and TForm03

20.1. Copy of notices must be supplied in a separate document and may not constitute part of any covering letter, purchase order, proof of payment or other attached documents.

The content document should contain only one notice. (You may include the different translations of the same notice in the same document).

20.2. The notice should be set on an A4 page, with margins and fonts set as follows:

Page size = A4 Portrait with page margins: Top = 40mm, LH/RH = 16mm, Bottom = 40mm; Use font size: Arial or Helvetica 10pt with 11pt line spacing;

Page size = A4 Landscape with page margins: Top = 16mm, LH/RH = 40mm, Bottom = 16mm; Use font size: Arial or Helvetica 10pt with 11pt line spacing;

CANCELLATIONS

21. Cancellation of notice submissions are accepted by **GPW** according to the deadlines stated in the table above in point 2. Non-compliance to these deadlines will result in your request being failed. Please pay special attention to the different deadlines for each gazette. Please note that any notices cancelled after the cancellation deadline will be published and charged at full cost.

22. Requests for cancellation must be sent by the original sender of the notice and must accompanied by the relevant notice reference number (N-) in the email body.

AMENDMENTS TO NOTICES

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

REJECTIONS

24. All notices not meeting the submission rules will be rejected to the customer to be corrected and resubmitted. Assistance will be available through the Contact Centre should help be required when completing the forms. (012-748 6200 or email info.egazette@gpw.gov.za). Reasons for rejections include the following:

24.1. Incorrectly completed forms and notices submitted in the wrong format, will be rejected.

24.2. Any notice submissions not on the correct *Adobe* electronic form, will be rejected.

24.3. Any notice submissions not accompanied by the proof of payment / purchase order will be rejected and the notice will not be processed.

24.4. Any submissions or re-submissions that miss the submission cut-off times will be rejected to the customer. The Notice needs to be re-submitted with a new publication date.

GOVERNMENT PRINTING WORKS - BUSINESS RULES

Approval of notices

25. Any notices other than legal notices are subject to the approval of the Government Printer, who may refuse acceptance or further publication of any notice.

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

Government Printer Indemnified Against Liability

27. The Government Printer will assume no liability in respect of—

27.1. any delay in the publication of a notice or publication of such notice on any date other than that stipulated by the advertiser;

27.2. erroneous classification of a notice, or the placement of such notice in any section or under any heading other than the section or heading stipulated by the advertiser;

27.3. any editing, revision, omission, typographical errors or errors resulting from faint or indistinct copy.

Liability of advertiser

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

Customer inquiries

Many of our customers request immediate feedback/confirmation of notice placement in the gazette from our Contact Centre once they have submitted their notice – While **GPW** deems it one of their highest priorities and responsibilities to provide customers with this requested feedback and the best service at all times, we are only able to do so once we have started processing your notice submission.
GPW has a 2-working day turnaround time for processing notices received according to the business rules and deadline submissions.
Please keep this in mind when making inquiries about your notice submission at the Contact Centre.

29. Requests for information, quotations and inquiries must be sent to the Contact Centre ONLY.

30. Requests for Quotations (RFQs) should be received by the Contact Centre at least **2 working days** before the submission deadline for that specific publication.

GOVERNMENT PRINTING WORKS - BUSINESS RULES

Payment of cost

31. The Request for Quotation for placement of the notice should be sent to the Gazette Contact Centre as indicated above, prior to submission of notice for advertising.

32. Payment should then be made, or Purchase Order prepared based on the received quotation, prior to the submission of the notice for advertising as these documents i.e. proof of payment or Purchase order will be required as part of the notice submission, as indicated earlier.

33. Every proof of payment must have a valid **GPW** quotation number as a reference on the proof of payment document.

34. Where there is any doubt about the cost of publication of a notice, and in the case of copy, an enquiry, accompanied by the relevant copy, should be addressed to the Gazette Contact Centre, **Government Printing Works**, Private Bag X85, Pretoria, 0001 email: info.egazette@gpw.gov.za before publication.

35. Overpayment resulting from miscalculation on the part of the advertiser of the cost of publication of a notice will not be refunded, unless the advertiser furnishes adequate reasons why such miscalculation occurred. In the event of underpayments, the difference will be recovered from the advertiser, and future notice(s) will not be published until such time as the full cost of such publication has been duly paid in cash or electronic funds transfer into the **Government Printing Works** banking account.

36. In the event of a notice being cancelled, a refund will be made only if no cost regarding the placing of the notice has been incurred by the **Government Printing Works**.

37. The **Government Printing Works** reserves the right to levy an additional charge in cases where notices, the cost of which has been calculated in accordance with the List of Fixed Tariff Rates, are subsequently found to be excessively lengthy or to contain overmuch or complicated tabulation.

Proof of publication

38. Copies of any of the *Government Gazette* or *Provincial Gazette* can be downloaded from the **Government Printing Works** website www.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:	**Postal Address:**	**GPW Banking Details:**
Government Printing Works	Private Bag X85	**Bank:** ABSA Bosman Street
149 Bosman Street	Pretoria	**Account No.:** 405 7114 016
Pretoria	0001	**Branch Code:** 632-005

For Gazette and Notice submissions: Gazette Submissions:	**E-mail:** submit.egazette@gpw.gov.za
For queries and quotations, contact: Gazette Contact Centre:	**E-mail:** info.egazette@gpw.gov.za
	Tel: 012-748 6200
Contact person for subscribers: Mrs M. Toka:	**E-mail:** subscriptions@gpw.gov.za
	Tel: 012-748-6066 / 6060 / 6058
	Fax: 012-323-9574

DEPARTMENT OF EMPLOYMENT AND LABOUR

NO. R. 3317 **21 April 2023**

LABOUR RELATIONS ACT, 1995 REGULATIONS

REGULATIONS

The Minister of Employment and Labour has, under section 208 of the Labour Relations Act, 1995 (Act No. 66 of 1995) and after consultation with NEDLAC, made the regulations in the Schedule.

SCHEDULE

Definition

1. In these regulations "the Regulations" means the Regulations published under Government Notice No. R. 1016 of 19 December 2014.

Amendments of Regulations

2. The Regulations are hereby amended by replacing CCMA referral forms attached hereunder.

   Section 208 of the Labour Relations Act empowers the Minister to make regulations regulating any matter that may or must be prescribed.

   The following amended LRA Forms are hereby introduced and published."

LRA Form 3.12
Section 38(3)
Labour Relations Act, 1995

REFERRING PUBLIC SERVICE JURISDICTIONAL DISPUTES FOR CONCILIATION

CCMA

Read This First

WHAT IS THE PURPOSE OF THIS FORM?

If there is a dispute between two or more bargaining councils in the public service, including the PSCBC, the dispute must be referred to the CCMA in terms of Section 38 of the Labour Relations Act, 1995.

WHERE DOES THIS FORM GO?

To the CCMA National Office:
28 Harrison Street
Johannesburg
Private Bag X94
Marshalltown,
2107

Tel: (011) 377 6650/01/00
E-Mail: ho@ccma.org.za

OTHER PARTIES

If more than one party is referring the dispute or if the dispute is referred against more than one party, write down the additional names and particulars on a separate piece of paper and attach details to this form.

1. PARTY REFERRING THE DISPUTE

Name: .....

.....

Postal Address:.....

.....

.....

Tel:..... Fax:.....

Cell Number: ..... E-Mail: .....

Contact Person: .....

Registration Number: .....

2. DETAILS OF OTHER PARTY

Name: .....

.....

Postal Address:.....

.....

.....

Tel:..... Fax:.....

Contact Person: .....

Cell Number: ..... E-Mail: .....

Registration Number:.....

Case Number.....

Please turn over →

OTHER INSTRUCTIONS

A copy of this form must be served on the other party.

Proof that a copy of this form has been served on the other party must be supplied by attaching any of the following:

- A copy of a registered slip from the Post Office; or
- A copy of a signed receipt if hand delivered; or
- A signed statement confirming service by the person delivering the form; or
- A copy of a fax confirmation slip; or
- A copy of an e-mail confirmation slip or sent e-mail; or
- Any other satisfactory proof of service.

The CCMA may be requested to assist with service.

CHECK!

Have you sent a copy of this completed form to the other party?

Have you included proof that you have sent a copy to the other party with this form?

3. NATURE OF THE DISPUTE

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

4. POPIA CONFIRMATION

By signing this document, I/we hereby grant my voluntary consent that my/our personal information may be processed, collected, used and disclosed in compliance with the Protection of Personal Information Act, 4 of 2013. I/we furthermore agree that my/our personal information may be used for the lawful and reasonable purposes in as far as the CCMA (responsible party) must use my/our information in the performance of its public legal duty. I/we understand that my/our personal information may be disclosed to a third party in as far as the CCMA must fulfil its public legal duty. I/we furthermore understand that there are instances in terms of abovementioned Act where my express consent is not necessary to permit the processing of personal information, which may be related to litigation or when the information is publicly available.

5. CONFIRMATION OF ABOVE DETAILS

Form submitted by:

.....

(please print name)

Signature: .....

Position: .....

Date:.....

Place:.....

LRA Form 3.13
Section 38(4)
Labour Relations Act, 1995

REFERRING PUBLIC SERVICE JURISDICTIONAL DISPUTES FOR ARBITRATION

CCMA

Read This First

WHAT IS THE PURPOSE OF THIS FORM?

If there is a dispute between two or more bargaining councils in the public service, including the PSCBC and the dispute has been referred for conciliation and is unresolved, any party may request the CCMA to arbitrate the dispute in terms of section 38(4) of the Labour Relations Act, 1995.

WHO FILLS IN THIS FORM?

Any party to the dispute.

WHERE DOES THIS FORM GO?

To the CCMA National Office:
28 Harrison Street
Johannesburg
Private Bag X94
Marshalltown 2107

Tel: (011) 377 6650/01/00
E-Mail: ho@ccma.org.za

OTHER PARTIES

If more than one party is referring the dispute or if the dispute is referred against more than one party, write down the additional names and particulars on a separate piece of paper and attach details to this form.

1. PARTY REFERRING THE DISPUTE

Name: .....

.....

Postal Address: .....

.....

.....

Tel:..... Fax:.....

Cell:.....E-Mail:.....

Contact Person: .....

Registration Number: .....

2. DETAILS OF THE OTHER PARTY

Name: .....

.....

Postal Address: .....

.....

.....

Tel:..... Fax:.....

Cell:.....E-Mail:.....

Contact Person: .....

Registration Number: .....

Case Number.....

Please turn over →

OTHER INSTRUCTIONS

A copy of this form must be served on the other party.

Proof that a copy of this form has been served on the other party must be supplied by attaching any of the following:

- A copy of a registered slip from the Post Office; or
- A copy of a signed receipt if hand delivered; or
- A signed statement confirming service by the person delivering the form; or
- A copy of a fax confirmation slip; or
- A copy of an e-mail confirmation slip or sent e-mail; or
- Any other satisfactory proof of service.

A copy of the certificate of outcome of the conciliation must be attached.

The CCMA may be requested to assist with service.

CHECK!

Have you sent a copy of this completed form to the other party?

Have you included proof that you have sent a copy to the other party with this form?

3. NATURE OF THE DISPUTE

.....

.....

.....

.....

.....

.....

.....

.....

4. POPIA CONFIRMATION

By signing this document, I/we hereby grant my voluntary consent that my/our personal information may be processed, collected, used and disclosed in compliance with the Protection of Personal Information Act, 4 of 2013. I/we furthermore agree that my/our personal information may be used for the lawful and reasonable purposes in as far as the CCMA (responsible party) must use my/our information in the performance of its public legal duty. I/we understand that my/our personal information may be disclosed to a third party in as far as the CCMA must fulfil its public legal duty. I/we furthermore understand that there are instances in terms of abovementioned Act where my express consent is not necessary to permit the processing of personal information, which may be related to litigation or when the information is publicly available.

5. CONFIRMATION OF ABOVE DETAILS

Form submitted by:

.....

(please print name)

Signature: .....

Position: .....

Date:.....

Place:.....

LRA Form 3.23
Section 62(1)
Labour Relations Act, 1995

APPLICATION ABOUT DEMARCATION DISPUTE

CCMA

Read This First

WHAT IS THE PURPOSE OF THIS FORM?

This form is an application by a party to the CCMA to determine a demarcation dispute.

The demarcation dispute could be-

a) whether any employees or employers work in a sector or area;

b) whether any provision in an arbitration award, collective agreement or sectoral determination is or was binding on any employee, employer or class of employees or employers.

WHO FILLS IN THIS FORM?

- Any registered trade union,
- Employee,
- Employer,
- Registered employers' organisation, or
- Council.

OTHER PARTIES

If more than one party is referring the dispute or if the dispute is referred against more than one party, write down the additional names and particulars on a separate piece of paper and attach details to this form.

1. APPLICANT DETAILS

Name: .....

.....

Postal Address:

.....

.....

.....

.....

Tel:..... Fax:.....

Cell:.....E-Mail:.....

Contact Person: .....

2. DETAILS OF OTHER PARTY(IES)

.....

.....

Postal Address:

.....

.....

.....

.....

Tel:..... Fax:.....

Cell:.....E-Mail:.....

Contact Person: .....

Case Number.....

Please turn over →

NOTE!

This matter will not be set down for conciliation, but for in limine proceeding. Where possible in limine issues will be dealt with. **There is no need to bring witnesses to the in limine proceedings.**

OTHER INSTRUCTIONS

A copy of this form must be served on the other party.

Proof that a copy of this form has been served on the other party must be supplied by attaching any of the following:

- A copy of a registered slip from the Post Office; or
- A copy of a signed receipt if hand delivered; or
- A signed statement confirming service by the person delivering the form; or
- A copy of a fax confirmation slip; or
- A copy of an e-mail confirmation slip or sent e-mail; or
- Any other satisfactory proof of service.

The CCMA may be requested to assist with service.

Attach copies of relevant collective agreements and registration certificates of bargaining councils, if applicable.

WHERE DOES THIS FORM GO?

The Regional Office of the CCMA.

3. DETAILS OF SECTOR, INDUSTRY AND AREA INVOLVED IN THIS DEMARCATION APPLICATION

.....

.....

.....

.....

4. WHAT IS THE PRIMARY NATURE OF THE BUSINESS

.....

.....

.....

.....

5. UNDER WHAT BARGAINING COUNCIL DOES THE BUSINESS FALL, IF ANY

.....

.....

6. DESCRIPTION OF ISSUE(S) IN DISPUTE

.....

.....

.....

.....

.....

.....

Case Number .....

Please turn over →

CHECK!

Have you sent a copy of this completed form to the other party?

Have you included proof that you have sent a copy to the other party with this form?

7. DEMARCATION SOUGHT

.....

.....

.....

.....

8. MOTIVATION FOR DETERMINATION SOUGHT

.....

.....

.....

.....

9. POPIA CONFIRMATION

By signing this document, I/we hereby grant my voluntary consent that my/our personal information may be processed, collected, used and disclosed in compliance with the Protection of Personal Information Act, 4 of 2013. I/we furthermore agree that my/our personal information may be used for the lawful and reasonable purposes in as far as the CCMA (responsible party) must use my/our information in the performance of its public legal duty. I/we understand that my/our personal information may be disclosed to a third party in as far as the CCMA must fulfil its public legal duty. I/we furthermore understand that there are instances in terms of abovementioned Act where my express consent is not necessary to permit the processing of personal information, which may be related to litigation or when the information is publicly available.

10. CONFIRMATION OF ABOVE DETAILS

Form submitted by:

.....

(please print name)

Signature:.....

Position: .....

Date: .....

Place: .....

LRA Form 4.1
Section 69(6B)
Labour Relations Act, 1995

REQUEST TO ESTABLISH PICKETING RULES

CCMA

Read This First

WHAT IS THE PURPOSE OF THIS FORM?

This form is a request by a party to the CCMA to establish picketing rules during a strike or lockout.

WHO FILLS IN THIS FORM?

A registered trade union

WHERE DOES THIS FORM GO?

The Regional Office of the CCMA.

OTHER PARTIES

If more than one party is referring the dispute or if the dispute is referred against more than one party, write down the additional names and particulars on a separate piece of paper and attach details to this form.

1. PARTY MAKING REQUEST

Name: .....

.....

Postal Address:.....

.....

Tel:..... Fax:.....

Cell:.....E-Mail:.....

Contact Person: .....

2. OTHER PARTY'S DETAILS, INCLUDING AFFECTED THIRD PARTIES

Name: .....

.....

Postal Address: .....

.....

Tel:..... Fax:.....

Cell:.....E-Mail:.....

Contact Person: .....

3. DETAILS OF REQUEST

.....

.....

.....

.....

.....

.....

Case Number.....

Please turn over

OTHER INSTRUCTIONS

A copy of this form must be served on the other party.

Proof that a copy of this form has been served on the other party must be supplied by attaching any of the following:

- A copy of a registered slip from the Post Office; or
- A copy of a signed receipt if hand delivered; or
- A signed statement confirming service by the person delivering the form; or
- A copy of a fax confirmation slip; or
- A copy of an e-mail confirmation slip or sent e-mail; or
- Any other satisfactory proof of service.

The CCMA may be requested to assist with service.

4. ARE YOU REQUESTING THE CCMA TO DEAL WITH THIS MATTER URGENTLY?

Yes ☐ **No** ☐

If so, provide reasons

.....

.....

.....

5. PROVIDE DETAILS OF THE DISPUTE

.....

.....

.....

.....

6. PROVIDE ANY PROPOSALS FOR SETTLEMENT OF THE DISPUTE

.....

.....

.....

.....

7. POPIA CONFIRMATION

By signing this document, I/we hereby grant my voluntary consent that my/our personal information may be processed, collected, used and disclosed in compliance with the Protection of Personal Information Act, 4 of 2013. I/we furthermore agree that my/our personal information may be used for the lawful and reasonable purposes in as far as the CCMA (responsible party) must use my/our information in the performance of its public legal duty. I/we understand that my/our personal information may be disclosed to a third party in as far as the CCMA must fulfil its public legal duty. I/we furthermore understand that there are instances in terms of abovementioned Act where my express consent is not necessary to permit the processing of personal information, which may be related to litigation or when the information is publicly available.

8. CONFIRMATION OF ABOVE DETAILS:

Form submitted by:

.....

(please print name)

Signature:.....

Position:.....

Date:.....

Place:.....

LRA Form 4.2
Section 73(1)
Labour Relations Act, 1995

REFERRING DISPUTES FOR DETERMINATION AS AN ESSENTIAL SERVICE

CCMA

Read This First

WHAT IS THE PURPOSE OF THIS FORM?

This form is a referral to the Essential Services Committee for a determination that a service is an essential service or that a person works in an essential service.

An essential service means a service, which, if interrupted, would endanger the life or health of people.

WHO FILLS IN THIS FORM?

Any party to the dispute.

OTHER PARTIES

If more than one party is referring the dispute or if the dispute is referred against more than one party, write down the additional names and particulars on a separate page and attach to this form.

1. APPLICANT DETAILS

Name: .....

Postal Address: .....

.....

.....

.....

Tel:..... Fax:.....

Cell:.....E-Mail: .....

Contact Person: .....

2. DETAILS OF THE OTHER PARTY (including trade unions organising in the sector or workplace and/or parties that may have an interest in the matter)

Name:

Postal Address: .....

.....

.....

.....

Tel:..... Fax:.....

Cell:..... E-Mail: .....

Contact Person: .....

3. DESCRIPTION OF ISSUE(S) IN DISPUTE

.....

.....

.....

.....

.....

.....

.....

.....

Case Number.....

Please turn over _____

WHERE DOES THIS FORM GO?

Essential Services Committee
c/o CCMA
28 Harrison Street
Johannesburg, 2001
Private Bag X94
Marshalltown, 2107

Tel: (011) 377-6645/6953/6996
E-Mail: esc@CCMA.org.za

OTHER INSTRUCTIONS

A motivation for the determination sought must be attached to this form. This may include the reasons why the service is or is not essential, or whether any person does or does not work in an essential service.

A copy of this form must be served on the other party.

Proof that a copy of this form has been served on the other party must be supplied by attaching any of the following:

- A copy of a registered slip from the Post Office; or
- A copy of a signed receipt if hand delivered; or
- A signed statement confirming service by the person delivering the form; or
- A copy of a fax confirmation slip; or
- A copy of an e-mail confirmation slip or sent e-mail; or
- Any other satisfactory proof of service

The ESC may be requested to assist with service.

4. DETERMINATION SOUGHT

.....

.....

.....

.....

.....

.....

.....

.....

.....

5. POPIA CONFIRMATION

By signing this document, I/we hereby grant my voluntary consent that my/our personal information may be processed, collected, used and disclosed in compliance with the Protection of Personal Information Act, 4 of 2013. I/we furthermore agree that my/our personal information may be used for the lawful and reasonable purposes in as far as the ESC (responsible party) must use my/our information in the performance of its public legal duty. I/we understand that my/our personal information may be disclosed to a third party in as far as the ESC must fulfil its public legal duty. I/we furthermore understand that there are instances in terms of abovementioned Act where my express consent is not necessary to permit the processing of personal information, which may be related to litigation or when the information is publicly available.

6. CONFIRMATION OF ABOVE DETAILS:

Form submitted by:

.....

(please print name)

Signature: .....

Position: .....

Date: .....

Place: .....

LRA Form 4.2A
Section 72(8)
Labour Relations Act, 1995

REFERRING A DISPUTE ARISING FROM NEGOTIATIONS CONCERNING MINIMUM SERVICE AGREEMENT FOR DETERMINATION

CCMA

Read This First

WHAT IS THE PURPOSE OF THIS FORM?

This form is a referral to the Essential Services Committee for a determination of a dispute arising from negotiations of minimum service agreement.

WHO FILLS IN THIS FORM?

Any party to the dispute.

OTHER PARTIES

If more than one party is referring the dispute or if the dispute is referred against more than one party, write down the additional names and particulars on a separate page and attach to this form.

1. APPLICANT DETAILS

Name: .....

Postal Address: .....

.....

.....

Tel:..... Fax:.....

Cell: ..... E-Mail: .....

Contact Person: .....

2. DETAILS OF THE OTHER PARTY (including trade unions organising in the sector or workplace and/or parties that may have an interest in the matter)

Name: .....

Postal Address: .....

.....

.....

Tel:..... Fax:.....

Cell: ..... E-Mail: .....

Contact Person: .....

3. DESCRIPTION OF ISSUE(S) IN DISPUTE

.....

.....

.....

.....

.....

.....

.....

Case Number.....

Please turn over →

WHERE DOES THIS FORM GO?

Essential Services Committee
c/o CCMA
28 Harrison Street
Johannesburg, 2001
Private Bag X94
Marshalltown, 2107

Tel: (011) 377-6645/6953/6996
E-Mail: esc@ccma.org.za

OTHER INSTRUCTIONS

A copy of this form must be served on the other party.

Proof that a copy of this form has been served on the other party must be supplied by attaching any of the following:

- A copy of a registered slip from the Post Office; or
- A copy of a signed receipt if hand delivered; or
- A signed statement confirming service by the person delivering the form; or
- A copy of a fax confirmation slip; or
- A copy of an e-mail confirmation slip or sent e-mail ; or
- Any other satisfactory proof of service

4. DETERMINATION SOUGHT

.....

.....

.....

.....

.....

.....

5. POPIA CONFIRMATION

By signing this document, I/we hereby grant my voluntary consent that my/our personal information may be processed, collected, used and disclosed in compliance with the Protection of Personal Information Act, 4 of 2013. I/we furthermore agree that my/our personal information may be used for the lawful and reasonable purposes in as far as the ESC (responsible party) must use my/our information in the performance of its public legal duty. I/we understand that my/our personal information may be disclosed to a third party in as far as the ESC must fulfil its public legal duty. I/we furthermore understand that there are instances in terms of abovementioned Act where my express consent is not necessary to permit the processing of personal information, which may be related to litigation or when the information is publicly available.

6. CONFIRMATION OF ABOVE DETAILS:

Form submitted by:

.....
(please print name)

Signature: .....

Position: .....

Date:.....

Place: .....

LRA Form 4.3
Section 75(2)
Labour Relations Act, 1995

EMPLOYER APPLIES FOR MAINTENANCE SERVICE DETERMINATION

CCMA

Read This First

WHAT IS THE PURPOSE OF THIS FORM?

This form is an application, by an employer, to the Essential Services Committee for a determination that the whole, or part of the employer's business, is a maintenance service.

A service is a maintenance service if the interruption of that service has the effect of material or physical destruction to any working area, factory or machinery.

WHO FILLS IN THIS FORM?

An employer.

WHERE DOES THIS FORM GO?

Essential Services Committee
c/o CCMA
28 Harrison Street
Johannesburg, 2001
Private Bag X94
Marshalltown, 2107

Tel: (011) 377-6645/6953/6996
E-Mail: esc@CCMA.org.za

OTHER PARTIES

If more than one party is referring the dispute or if the dispute is referred against more than one party, write down the additional names and particulars on a separate page and attach to this form.

1. EMPLOYER DETAILS

Name: .....

Postal Address:.....

.....

.....

Tel:..... Fax:.....

Cell:..... E-Mail: .....

Contact Person: .....

2. OTHER PARTY DETAILS (including trade unions organising in the sector or workplace)

Name: .....

Postal Address:.....

.....

.....

.....

Tel:.....Fax:.....

Cell:..... E-Mail: .....

Contact Person: .....

3. DESCRIPTION OF MAINTENANCE SERVICES

.....

.....

.....

.....

.....

.....

.....

Case Number.....

Please turn over →

OTHER INSTRUCTIONS

- Any other interested parties may, within 21 days of receipt of this application, send a response to the Essential Services Committee. A copy of this form must be served on the other party. Proof that a copy of this form has been served on the other party must be supplied by attaching any of the following:
- A copy of a registered slip from the Post Office; or
- A copy of a signed receipt if hand delivered; or
- A signed statement confirming service by the person delivering the form; or
- A copy of a fax confirmation slip; or
- A copy of an e-mail confirmation slip or sent e-mail; or
- Any other satisfactory proof of service.

The ESC may be requested to assist with service.

CHECK!

Have you sent a copy of this completed form to the other party? Have you included proof that you have sent a copy to the other party with this form?

4. DETERMINATION SOUGHT

.....

.....

.....

.....

5. MOTIVATION FOR DETERMINATION SOUGHT (Use additional paper if necessary)

.....

.....

.....

.....

.....

6. NUMBER OF EMPLOYEES -

engaged in the maintenance service .....

not engaged in the maintenance service .....

7. POPIA CONFIRMATION

By signing this document, I/we hereby grant my voluntary consent that my/our personal information may be processed, collected, used and disclosed in compliance with the Protection of Personal Information Act, 4 of 2013. I/we furthermore agree that my/our personal information may be used for the lawful and reasonable purposes in as far as the ESC (responsible party) must use my/our information in the performance of its public legal duty. I/we understand that my/our personal information may be disclosed to a third party in as far as the ESC must fulfil its public legal duty. I/we furthermore understand that there are instances in terms of abovementioned Act where my express consent is not necessary to permit the processing of personal information, which may be related to litigation or when the information is publicly available.

8. CONFIRMATION OF ABOVE DETAILS:

Form submitted by:

.....

(please print name)

Signature:.....

Position: .....

Date: .....

Place: .....

LRA Form 4.6
Labour Relations Act, 1995

SUBPOENA BY ESSENTIAL SERVICE COMMITTEE

CCMA

The following MUST be attached to a request for a subpoena:

(a) motivation for the application

and

(b) proof that witness fees, travelling costs and subsistence expenses have been paid.

(Name of Subpoenaed Person)

NOTE!

This Form together with the motivation and proof of payment of the witness fees, travelling costs and subsistence expenses must be submitted to the ESC at least fourteen (14) days prior to the date of the hearing.

WHERE MUST THE FORM GO?

Essential Services Committee
c/o CCMA
28 Harrison Street
Johannesburg, 2001
Private Bag X94
Marshalltown, 2107

Tel: (011) 377-6645/6953/6996
E-mail: esc@ccma.org.za

SUBPOENA IN TERMS OF THE ESSENTIAL SERVICES COMMITTEE REGULATIONS

To:

.....
(Name of Subpoenaed Person)

.....
(Organisation of Subpoenaed Person)

.....
(Address of Subpoenaed Person)

A Panel has been appointed to resolve a dispute in terms of the Labour Relations Act 66 of 1995.

ESC Case number: .....

The matter between –

.....
(Names of Parties)

.....
(Issue of Disputes)

You are required in terms of the Regulations to appear before the Panel at

.....
(Address where hearing is being held)

on ..... at .....
(Date of Hearing) **(Time of Hearing)**

You are subpoenaed-

☐ for questioning

☐ to produce any book, document, visual footage or object

☐ to give expert evidence in terms of Section 142(1)(c)

(Tick appropriate block)

Case Number .....

Please turn over →

Compliance with the Protection of Personal Information Act 4 of 2013 (POPIA) The personal information that is recorded in this Subpoena may only be utilised for purposes set out in the Labour Relations Act and Regulations issued by the Essential Services Committee. (Address of Subpoenaed Person) (Names of Parties) (Issue of Dispute)	You must bring and produce the books, documents, visual footages or objects listed below: ..... **(List books, documents and objects)** ☐ The party requesting the subpoena has been directed to furnish you with the first day witness fees together with the reasonable travelling costs and subsistence expenses to attend the hearing. .... **(Signed by ESC Chairperson/Deputy Chairperson)** **(Date and CCMA Stamp)** .... **(Print name)** **(Place)**

LRA Form 4.7
Section 70B(2)
Labour Relations Act, 1995

BARGAINING COUNCIL REQUEST FOR ESSENTIAL SERVICE INVESTIGATION

CCMA

READ THIS FIRST

WHAT IS THE PURPOSE OF THIS FORM?

This form is a request by a bargaining council to the Essential Services Committee to conduct an investigation as to whether the whole or part of any service is an essential service.

An essential service means a service, which, if interrupted, would endanger the life or health of people.

WHO FILLS IN THIS FORM?

The General Secretary of the Bargaining Council.

WHERE DOES THIS FORM GO?

Essential Services Committee:
c/o CCMA
28 Harrison Street
Johannesburg 2001
Private Bag X94
Marshalltown, 2107
Tel:(011)377 6645/6953/6996
E-mail: esc@CCMA.org.za

OTHER INSTRUCTIONS

A copy of the current certificate of accreditation must be attached to this form.

CHECK!

Have you attached your current certificate of accreditation?

1. BARGAINING COUNCIL'S DETAILS

Name.....

.....

Postal Address .....

.....

.....

.....

Tel:..... Fax: .....

Cell: ..... E-Mail: .....

Contact Person .....

Registration Number: .....

2. DETAILS OF SERVICE TO BE INVESTIGATED (Use additional paper if necessary)

.....

.....

.....

If an investigation is required only for part(s) of the service, state which part(s)

.....

.....

.....

3. DOES THE SERVICE FALL WITHIN THE JURISDICTION OF THE COUNCIL? GIVE DETAILS (Use additional paper if necessary)

.....

.....

.....

.....

Case Number.....

Please turn over →

4. POPIA CONFIRMATION

By signing this document, I/we hereby grant my voluntary consent that my/our personal information may be processed, collected, used and disclosed in compliance with the Protection of Personal Information Act, 4 of 2013. I/we furthermore agree that my/our personal information may be used for the lawful and reasonable purposes in as far as the ESC (responsible party) must use my/our information in the performance of its public legal duty. I/we understand that my/our personal information may be disclosed to a third party in as far as the ESC must fulfil its public legal duty. I/we furthermore understand that there are instances in terms of abovementioned Act where my express consent is not necessary to permit the processing of personal information, which may be related to litigation or when the information is publicly available.

5. CONFIRMATION OF ABOVE DETAILS

Form submitted by:

.....
(please print name)

Signature: .....

Position: .....

Date:.....

Place:.....

LRA Form 4.7A
Section 70B(1)(d) and 71
Labour Relations Act, 1995

INTERESTED PARTY'S REQUEST FOR ESSENTIAL SERVICES INVESTIGATION

(including a Sec71(9) variation)

CCMA

Read This First

WHAT IS THE PURPOSE OF THIS FORM?

This form is a request by an interested party to the Essential Services Committee to conduct an investigation as to whether a whole or part of any service is an essential service.

An essential service means a service, which, if interrupted, would endanger the life or health of people.

WHO FILLS IN THIS FORM?

Any interested party.

OTHER PARTIES

If more than one party is referring the dispute or if the dispute is referred against more than one party, write down the additional names and particulars on a separate page and attach to this form.

1. APPLICANT DETAILS

Name: .....

Postal Address: .....

.....

Tel:..... Fax:.....

Cell:.....E-Mail: .....

Contact Person: .....

2. DETAILS OF THE OTHER PARTY (including trade unions organising in the sector or workplace and/or parties that may have an interest in the matter)

Name: .....

Postal Address: .....

.....

Tel:..... Fax:.....

Cell:.....E-Mail: .....

Contact Person: .....

3. DETAILS OF THE SERVICE/S TO BE INVESTIGATED (indicate the nature of the service; the effects of the interruption to the service and how the interruption endangers life, health and / or personal safety of the whole or part of the population) [use additional paper if necessary]

.....

.....

.....

.....

.....

.....

.....

.....

Case Number.....

Please turn over →

WHERE DOES THIS FORM GO?

Essential Services Committee
c/o CCMA
28 Harrison Street
Johannesburg, 2001
Private Bag X94
Marshalltown, 2107

Tel: (011) 377-6645/6953/6996
E-mail: esc@CCMA.org.za

OTHER INSTRUCTIONS

In completing this form a party must give due consideration to the ESC regulations.
A motivation for the determination sought must be attached to this form. This may include the reasons why the service is or is not essential, or whether any person does or does not work in an essential service.

A copy of this form must be served on the other party.

Proof that a copy of this form has been served on the other party must be supplied by attaching any of the following:

- A copy of a registered slip from the Post Office; or
- A copy of a signed receipt if hand delivered; or
- A signed statement confirming service by the person delivering the form; or
- A copy of a fax confirmation slip; or
- A copy of an e-mail confirmation slip or sent e-mail; or
- Any other satisfactory proof of service

.....

.....

.....

.....

4. DETERMINATION SOUGHT

.....

.....

.....

.....

.....

5. POPIA CONFIRMATION

By signing this document, I/we hereby grant my voluntary consent that my/our personal information may be processed, collected, used and disclosed in compliance with the Protection of Personal Information Act, 4 of 2013. I/we furthermore agree that my/our personal information may be used for the lawful and reasonable purposes in as far as the ESC (responsible party) must use my/our information in the performance of its public legal duty. I/we understand that my/our personal information may be disclosed to a third party in as far as the ESC must fulfil its public legal duty. I/we furthermore understand that there are instances in terms of abovementioned Act where my express consent is not necessary to permit the processing of personal information, which may be related to litigation or when the information is publicly available.

6. CONFIRMATION OF ABOVE DETAILS:

Form submitted by:

.....
(please print name)

Signature: .....

Position: .....

Date: .....

Place: .....

LRA form 4.8
Section 72
Labour Relations Act, 1995

REQUEST FOR RATIFICATION OF A MINIMUM SERVICE AGREEMENT

CCMA

READ THIS FIRST

WHAT IS THE PURPOSE OF THIS FORM?

This form is a request to the Essential Services Committee to ratify any collective agreement that provides for the maintenance of minimum services in a service designated as an essential service.

WHO FILLS IN THIS FORM?

Representatives of the parties to the collective agreement.

WHERE DOES THIS FORM GO?

Essential Services Committee

28 Harrison Street
Johannesburg
2001

Private Bag X94
Marshalltown, 2107

Tel: 011 377 6645/6953/6996
E-mail: esc@CCMA.org.za

OTHER INSTRUCTIONS

A copy of the minimum service agreement must accompany this form.

1. DETAILS OF THE PARTIES TO THE AGREEMENT
(Use additional paper if necessary)

EMPLOYER PARTIES

Name:.....

Postal Address:.....

.....

Tel:..... Fax: .....

Cell: ..... E-Mail: .....

Contact Person:.....

TRADE UNION PARTIES

Name:.....

Postal Address:.....

.....

Tel:..... Fax: .....

Cell: ..... E-Mail: .....

Contact Person:.....

Registration Number(s):.....

Case Number.....

Please turn over →

CHECK

Have you attached a copy of the agreement?

2. IS THIS REQUEST URGENT?

Yes ☐ **No** ☐

If yes, explain why it is urgent.....

.....

.....

.....

3. POPIA CONFIRMATION

By signing this document, I/we hereby grant my voluntary consent that my/our personal information may be processed, collected, used and disclosed in compliance with the Protection of Personal Information Act, 4 of 2013. I/we furthermore agree that my/our personal information may be used for the lawful and reasonable purposes in as far as the ESC (responsible party) must use my/our information in the performance of its public legal duty. I/we understand that my/our personal information may be disclosed to a third party in as far as the ESC must fulfil its public legal duty. I/we furthermore understand that there are instances in terms of abovementioned Act where my express consent is not necessary to permit the processing of personal information, which may be related to litigation or when the information is publicly available.

4. SIGNATORIES
(Use additional paper if necessary)

Employer Parties

Name.....
Signature:.....
Position:.....
Date:.....
Tel:.....
Fax:.....
E-Mail .....

Trade Union Party

Name.....
Signature:.....
Position:.....
Date:.....
Tel:.....
Fax:.....
E-Mail .....

Trade Union Party

Name.....
Signature:.....
Position:.....
Date:.....
Tel:.....
Fax:.....
E-Mail .....

LRA Form 4.8A
Section 73(1)
Labour Relations Act, 1995

REFERRING DISPUTES FOR CONCLUSION OF A COLLECTIVE AGREEMENT PROVIDING FOR A MINIMUM SERVICE AGREEMENT

CCMA

Read This First

WHAT IS THE PURPOSE OF THIS FORM?

This form is a referral to the Essential Services Committee for a determination on whether a collective agreement should be concluded that provides for maintenance of minimum services in essential services and the terms of such agreements.

WHO FILLS IN THIS FORM?

Any party to the dispute.

OTHER PARTIES

If more than one party is referring the dispute or if the dispute is referred against more than one party, write down the additional names and particulars on a separate page and attach to this form.

1. APPLICANT DETAILS

Name: .....

Postal Address: .....

.....

Tel: ..... Fax: .....

Cell: ..... E-Mail: .....

Contact Person: .....

2. DETAILS OF THE OTHER PARTY (including trade unions organising in the sector or workplace and/or parties that may have an interest in the matter)

Name: .....

Postal Address: .....

.....

Tel: ..... Fax: .....

Cell: ..... E-Mail: .....

Contact Person: .....

3. DESCRIPTION OF ISSUE(S) IN DISPUTE

.....

.....

.....

.....

.....

.....

.....

Case Number.....

Please turn over →

WHERE DOES THIS FORM GO?

Essential Services Committee
c/o CCMA
28 Harrison Street
Johannesburg, 2001
Private Bag X94
Marshalltown, 2107

Tel: (011) 377-6645/6953/6996
E-mail: esc@CCMA.org.za

OTHER INSTRUCTIONS

A motivation for the determination sought must be attached to this form. This includes the reasons why a collective agreement should be concluded.

A copy of this form must be served on the other party.

Proof that a copy of this form has been served on the other party must be supplied by attaching any of the following:

- A copy of a registered slip from the Post Office; or
- A copy of a signed receipt if hand delivered; or
- A signed statement confirming service by the person delivering the form; or
- A copy of a fax confirmation slip; or
- A copy of an e-mail confirmation slip or sent e-mail; or
- Any other satisfactory proof of service

The ESC may be requested to assist with service.

4. DETERMINATION SOUGHT

.....

.....

.....

.....

.....

5. TERMS OF PROPOSED AGREEMENT

.....

.....

.....

.....

6. POPIA CONFIRMATION

By signing this document, I/we hereby grant my voluntary consent that my/our personal information may be processed, collected, used and disclosed in compliance with the Protection of Personal Information Act, 4 of 2013. I/we furthermore agree that my/our personal information may be used for the lawful and reasonable purposes in as far as the ESC (responsible party) must use my/our information in the performance of its public legal duty. I/we understand that my/our personal information may be disclosed to a third party in as far as the ESC must fulfil its public legal duty. I/we furthermore understand that there are instances in terms of abovementioned Act where my express consent is not necessary to permit the processing of personal information, which may be related to litigation or when the information is publicly available.

7. CONFIRMATION OF ABOVE DETAILS:

Form submitted by:

.....
(please print name)

Signature: .....

Position: .....

Date:.....

Place: .....

LRA form 4.8B
Section 72(2)
Labour Relations Act, 1995

REQUEST FOR THE DETERMINATION OF MINIMUM NUMBERS TO BE MAINTAINED DURING STRIKE ACTION

CCMA

READ THIS FIRST

WHAT IS THE PURPOSE OF THIS FORM?

This form is a request to the Essential Services Committee (ESC) to determine minimum numbers to be maintained during strike action.

WHO FILLS IN THIS FORM?

Representatives of the parties.

WHERE DOES THIS FORM GO?

Essential Services Committee

28 Harrison Street
Johannesburg
2001
Private Bag X94
Marshalltown, 2107

Tel: 011 377 6645/6953/6996

E-mail: esc@CCMA.org.za

OTHER INSTRUCTIONS

A copy of this referral form must be served on the other party/parties and proof of such service must be attached to the form when submitting it to the ESC.

1. DETAILS OF THE REFERRING PARTY / PARTIES

(Use additional paper if necessary)

First Party

Name:.....

Postal Address:.....

.....

Tel:..... Fax: .....

Cell: ..... E-Mail: .....

Contact Person:.....

Second Party

Name:.....

Postal Address:.....

.....

Tel:..... Fax: .....

Cell: ..... E-Mail: .....

Contact Person:.....

2. DETAILS OF THE OTHER PARTY / PARTIES

First Party

Name .....

Postal Address .....

.....

Tel:.....Fax: .....

Cell: ..... E-Mail: .....

Contact Person .....

Registration Number(s):.....

Case Number..... Please turn over →

PLEASE NOTE:

In terms of section 69(6C) no picket in support of a protected strike or in opposition to a lock-out may take place unless picketing rules are agreed to in a collective agreement binding on the trade union, or in an agreement facilitated by the conciliating commissioner, or if picketing rules have been determined by the conciliating commissioner.

Second Party

Name .....

Postal Address .....

.....

Tel:..... Fax: .....

Cell: ..... E-Mail: .....

Contact Person .....

Registration Number(s):.....

3. IS THIS REQUEST URGENT?

Yes ☐ **No** ☐

If yes, explain why it is urgent.....

.....

.....

.....

4. BRIEFLY SET OUT THE PROCESS THAT WAS FOLLOWED PRIOR TO REFERRING THIS MATTER TO THE ESSENTIAL SERVICES COMMITTEE

.....

.....

.....

5. POPIA CONFIRMATION

By signing this document, I/we hereby grant my voluntary consent that my/our personal information may be processed, collected, used and disclosed in compliance with the Protection of Personal Information Act, 4 of 2013. I/we furthermore agree that my/our personal information may be used for the lawful and reasonable purposes in as far as the ESC (responsible party) must use my/our information in the performance of its public legal duty. I/we understand that my/our personal information may be disclosed to a third party in as far as the ESC must fulfil its public legal duty. I/we furthermore understand that there are instances in terms of abovementioned Act where my express consent is not necessary to permit the processing of personal information, which may be related to litigation or when the information is publicly available.

6. SIGNATORIES

(Use additional paper if necessary)

Employer Parties	**Trade Union Party**
Name.....	Name.....
Signature:.....	Signature:.....
Position:.....	Position:.....
Date:.....	Date:.....
Tel:.....	Tel:.....
Fax:.....	Fax:.....
E-Mail:.....	E-Mail .....

LRA form 4.8C
Section 72(4)
Labour Relations Act, 1995

APPLICATION TO VARY OR REVOKE A MINIMUM SERVICE DETERMINATION

CCMA

READ THIS FIRST

WHAT IS THE PURPOSE OF THIS FORM?

This form is a request to the Essential Services Committee (ESC) to vary or revoke a minimum service determination.

WHO FILLS IN THIS FORM?

Representatives of the parties.

WHERE DOES THIS FORM GO?

Essential Services Committee

28 Harrison Street
Johannesburg
2001

Private Bag X94
Marshalltown, 2107

Tel: 011 377 6645/6953/6996
E-Mail: esc@CCMA.org.za

OTHER INSTRUCTIONS

A copy of this referral form must be served on the other party/parties and proof of such service must be attached to the form when submitting it to the ESC.

1. DETAILS OF THE REFERRING PARTY / PARTIES

(Use additional paper if necessary)

First Party

Name:.....

Postal Address:.....

.....

Tel:..... Fax: .....

Cell: ..... E-Mail: .....

Contact Person:.....

Second Party

Name:.....

Postal Address:.....

.....

Tel:..... Fax: .....

Cell: ..... E-Mail: .....

Contact Person:.....

2. DETAILS OF THE OTHER PARTY / PARTIES

First Party

Name .....

Postal Address .....

.....

Tel:..... Fax: .....

Cell: ..... E-Mail: .....

Contact Person .....

Registration Number(s):.....

Case Number .....

Please turn over →

Second Party

Name .....

Postal Address .....

.....

Tel:..... Fax: .....

Cell: ..... E-Mail: .....

Contact Person .....

Registration Number(s):.....

3. IS THIS REQUEST URGENT?

Yes ☐ **No** ☐

If yes, explain why it is urgent.....

.....

.....

.....

4. BRIEFLY SET OUT THE REASON FOR THE REQUEST TO VARY OR REVOKE A MINIMUM SERVICE DETERMINATION

An example of a reason may be a change to a referring party's organogram

.....

.....

.....

.....

.....

.....

5. BRIEFLY STATE THE DESIRED OUTCOME FROM THIS APPLICATION

.....

.....

.....

.....

Case Number .....

Please turn over ⟶

6. POPIA CONFIRMATION

By signing this document, I/we hereby grant my voluntary consent that my/our personal information may be processed, collected, used and disclosed in compliance with the Protection of Personal Information Act, 4 of 2013. I/we furthermore agree that my/our personal information may be used for the lawful and reasonable purposes in as far as the ESC (responsible party) must use my/our information in the performance of its public legal duty. I/we understand that my/our personal information may be disclosed to a third party in as far as the ESC must fulfil its public legal duty. I/we furthermore understand that there are instances in terms of abovementioned Act where my express consent is not necessary to permit the processing of personal information, which may be related to litigation or when the information is publicly available.

7. SIGNATORIES (Use additional paper if necessary)

Referring Party (1)	**Referring Party (2) *where applicable***
Name.....	Name.....
Signature:.....	Signature:.....
Position:.....	Position:.....
Date:.....	Date:.....
Tel:.....	Tel:.....
Fax:.....	Fax:.....
E-Mail	E-Mail .....

LRA Form 5.1
Section 80(2)
Labour Relations Act, 1995

REPRESENTATIVE TRADE UNION APPLIES TO ESTABLISH A WORKPLACE FORUM

CCMA

Read This First

WHAT IS THE PURPOSE OF THIS FORM?

This form is an application by one or more representative trade unions for the establishment of a workplace forum.

A workplace forum may be established in any workplace with more than 100 employees. This number excludes senior managerial employees.

An application may only be made if there is no existing workplace forum established in terms of the Act.

WHO FILLS IN THIS FORM?

A representative trade union.

OTHER PARTIES

If more than one party is referring the dispute or if the dispute is referred against more than one party, write down the additional names and particulars on a separate page and attach to this form.

WHERE DOES THIS FORM GO?

The Regional Office of the CCMA.

1. TRADE UNION DETAILS

Name:.....

.....

Postal Address: .....

.....

.....

Tel: ..... Fax:.....

Cell:.....E-Mail:.....

Contact Person (Trade Union): .....

Contact Person (Representative at Workplace):.....

Cell Number: .....E-Mail:.....

Registration Number: .....

2. EMPLOYER DETAILS

Name: .....

.....

Postal Address: .....

.....

.....

Tel: ..... Fax:.....

Cell:.....E-Mail:.....

Contact Person: .....

Case Number.....

Please turn over →

OTHER INSTRUCTIONS

A copy of this form must be served on the other party.

Proof that a copy of this form has been served on the other party must be supplied by attaching any of the following:

- A copy of a registered slip from the Post Office; or
- A copy of a signed receipt if hand delivered; or
- A signed statement confirming service by the person delivering the form; or
- A copy of a fax confirmation slip; or
- A copy of an e-mail confirmation slip or sent e-mail; or
- Any other satisfactory proof of service.

The CCMA may be requested to assist with service.

CHECK!

Have you sent a copy of this completed form to the other party?
Have you included proof of service?
Have you attached any extra information?

3. WORKPLACE DETAILS

a. Description and address:

.....

.....

.....

.....

.....

b. Number of employees (excluding senior managerial employees) at the workplace:

.....

c. Number of members of applicant trade unions at the workplace:.....

d. Number of members of applicant trade union at the workplace:.....

e. Describe the nature of the work or activities conducted in the workplace:.....

.....

f. Is there an existing workplace forum in the workplace, if so please provide details of this workplace forum?.....

4. SECTOR

Indicate the sector or service in which the dispute arose.

❒	Retail	❒	Safety/Security (Private)
❒	Mining	❒	Domestic
❒	Building & Construction	❒	Food & Beverage
❒	Business/Professional Services	❒	Transport (Private)
❒	Agriculture/Farming		
❒	Other		

Date:.....Place.....

Case Number.....

Please turn over ⟶

CHECK!

Have you sent a copy of this completed form to the other party?

Have you included proof (that you have sent a copy to the other party with this form?

5. POPIA CONFIRMATION

By signing this document, I/we hereby grant my voluntary consent that my/our personal information may be processed, collected, used and disclosed in compliance with the Protection of Personal Information Act, 4 of 2013. I/we furthermore agree that my/our personal information may be used for the lawful and reasonable purposes in as far as the CCMA (responsible party) must use my/our information in the performance of its public legal duty. I/we understand that my/our personal information may be disclosed to a third party in as far as the CCMA must fulfil its public legal duty. I/we furthermore understand that there are instances in terms of abovementioned Act where my express consent is not necessary to permit the processing of personal information, which may be related to litigation or when the information is publicly available.

6. CONFIRMATION OF ABOVE DETAILS

Form submitted by:

.....

(please print name)

Signature: .....

Position: .....

Date:.....

Place:..... .....

LRA Form 5.2
Section 81(1)
Labour Relations Act, 1995

REPRESENTATIVE TRADE UNION APPLIES TO ESTABLISH A TRADE UNION BASED WORKPLACE FORUM

CCMA

Read This First

WHAT IS THE PURPOSE OF THIS FORM?

This form is an application by one or more trade unions, which are recognised by an employer for the purposes of collective bargaining to represent all employees (except senior managerial employees), for the establishment of a workplace forum. An application may only be made if there is no existing forum established in terms of the Act.

WHO FILLS IN THIS FORM?

A representative trade union.

OTHER PARTIES

If more than one party is referring the dispute or if the dispute is referred against more than one party, write down the additional names and particulars on a separate page and attach to this form.

WHERE DOES THIS FORM GO?

The Regional Office of the CCMA.

1. TRADE UNION DETAILS

Name:.....

.....

Postal Address:

.....

.....

.....

Tel: .....Fax:.....

Cell:.....E-Mail:.....

Contact Person (Trade Union):.....

Contact Person (Representative at Workplace): .....

Cell:.....E-Mail:.....

Registration Number:.....

2. EMPLOYER DETAILS

Name:.....

.....

Postal Address:

.....

.....

.....

Tel: ..... Fax:.....

Cell:.....E-Mail:.....

Contact Person:.....

Case Number.....

Please turn over →

OTHER INSTRUCTIONS

The union must attach a certified copy of the collective agreement, which shows recognition.

A copy of this form must be served on the other party.

Proof that a copy of this form has been served on the other party must be supplied by attaching any of the following:

- A copy of a registered slip from the Post Office; or
- A copy of a signed receipt if hand delivered; or
- A signed statement confirming service by the person delivering the form; or
- A copy of a fax confirmation slip, or
- A copy of an e-mail confirmation slip or sent e-mail; or
- Any other satisfactory proof of service.

The CCMA may be requested to assist with service.

CHECK!

Have you sent a copy of this completed form to the other party?
Have you included proof of service?
Have you attached a certified copy of the collective agreement that shows that the trade union/s is recognised?

3. WORKPLACE DETAILS

a. Description and Address:

.....

.....

.....

.....

b. Number of employees (excluding senior managerial employees) at the workplace: .....

c. Number of members of applicant trade unions at the workplace:.....

.....

d. Number of members of applicant union's at the workplace: .....

.....

e. Describe the nature of the work or activities conducted in the workplace:.....

.....

.....

.....

f. Is there an existing workplace forum in the workplace?.....

.....

.....

.....

4. SECTOR

Indicate the sector or service in which the dispute arose.

❒ Retail
❒ Mining
❒ Building & Construction
❒ Business/Professional Services
❒ Agriculture/Farming
❒ Other .....
❒ Safety/Security (Private)
❒ Domestic
❒ Food & Beverage
❒ Transport (Private)

CHECK!

Have you sent a copy of this completed form to the other party?

Have you included proof (that you have sent a copy to the other party with this form?

5. POPIA CONFIRMATION

By signing this document, I/we hereby grant my voluntary consent that my/our personal information may be processed, collected, used and disclosed in compliance with the Protection of Personal Information Act, 4 of 2013. I/we furthermore agree that my/our personal information may be used for the lawful and reasonable purposes in as far as the CCMA (responsible party) must use my/our information in the performance of its public legal duty. I/we understand that my/our personal information may be disclosed to a third party in as far as the CCMA must fulfil its public legal duty. I/we furthermore understand that there are instances in terms of abovementioned Act where my express consent is not necessary to permit the processing of personal information, which may be related to litigation or when the information is publicly available.

6. CONFIRMATION OF ABOVE DETAILS

Form submitted by:

.....

(please print name)

Signature: .....

Position: .....

Date:.....

Place:.....

LRA Form 7.1
Section 127(1)
Labour Relations Act, 1995

COUNCIL APPLIES FOR ACCREDITATION/RENEWAL OF ACCREDITATION

CCMA

Read This First

WHAT IS THE PURPOSE OF THIS FORM?

This form is an application by a Council to the Governing Body of the CCMA for accreditation to perform various dispute resolution functions.

WHO FILLS IN THIS FORM?

The General Secretary of the Council.

WHERE DOES THIS FORM GO?

Governing Body
c/o Councils and Agencies Department
28 Harrison Street
Johannesburg, 2001
Private Bag X94
Marshalltown, 2107
Tel: (011) 377-6650
E-mail:
Accreditationapplications@CCMA.org.za

1. COUNCIL DETAILS

Name of Council: .....

.....

Physical Address: .....

.....

.....

Tel:.....Fax:.....

Cell::.....E-Mail: .....

Contact Person: .....

Registration Number of Council: .....

2. ACCREDITATION IS SOUGHT FOR THE FOLLOWING DISPUTE RESOLUTION FUNCTIONS

Conciliation ☐

Arbitration ☐

Inquiry by arbitrator(188A) ☐

3. DETAILS OF ACCREDITED AGENCY APPOINTED BY COUNCIL (if any)

Name of Accredited Agency: .....

Physical Address: .....

.....

Tel:.....Fax: .....

Cell::.....E-Mail: .....

Contact Person: .....

Case Number.....

Please turn over ⟶

OTHER INSTRUCTIONS

A copy of the certificate of registration, a motivation for accreditation and the Council's code of conduct must be attached to this form.

CHECK!

Have you attached to this form:

- a copy of the Council's certificate of registration
- a copy of the Council's main collective agreement
- a copy or copies of the collective agreement(s) dealing with council administration, expenses and dispute resolution processes.
- details of the parties to the Council
- a motivation for accreditation
- a copy of the Constitution of Council
- the Council's Code of Conduct
- a copy of the list of Council's panellists

The scope of the appointment including categories of dispute:

.....

.....

.....

.....

The council may appoint another accredited agency in terms of section 51(6) of the LRA to perform some of its function. If this council wants to appoint another accredited agency its details must be included. The scope of the appointment in terms of area, type of function and categories of dispute must also be included.

4. THERE ARE 7 ACCREDITATION CRITERIA TO BE MET.

4.1 The extent to which the services provided by the applicant will meet the commission's standards.

4.2 The ability of the applicant to conduct its activities effectively.

4.3 The independence of the persons appointed by the applicant to perform the functions.

4.4 Details regarding the competence of the persons appointed by the applicant to perform the functions.

4.5 Details regarding the applicant's code of conduct to govern the persons appointed to perform the functions.

4.6 Details regarding the disciplinary procedures used by the applicant to ensure subscription and adherence to the code of conduct.

4.7 Proof that the applicant promotes a service that is broadly representative of South African society.

5. PARTIES TO THE COUNCIL

A list of the employers, employer organisations, registered trade unions or trade union federations that are parties to the Council must be attached to this form.

Case Number..... Please turn over ⟶

CHECK!

Have you sent a copy of this completed form to the other party?

Have you included proof (that you have sent a copy to the other party with this form?

6. MOTIVATION

(a) Prepare a motivation for the Governing Body of the CCMA, which deals with the issues raised in section 127(4) of the LRA with reference to the 7 accreditation criteria.

(b) Provide information on –

- information relating to the conciliators and arbitrators (furnish the names of the individuals the applicant proposes using as dispute resolvers, along with particulars of each individual's qualifications, training and experience; supply details, if applicable, of the steps the applicant is taking to promote a service comprising practitioners broadly representative of South African society);

- training (supply details of initial and ongoing training, or training opportunities, available to conciliators and arbitrator); and

- those sections of Part C of Chapter 7 of the LRA which the applicant believes should not be made applicable to it - see section 127(6). Please motivate.

7. POPIA CONFIRMATION

By signing this document, I/we hereby grant my voluntary consent that my/our personal information may be processed, collected, used and disclosed in compliance with the Protection of Personal Information Act, 4 of 2013. I/we furthermore agree that my/our personal information may be used for the lawful and reasonable purposes in as far as the CCMA (responsible party) must use my/our information in the performance of its public legal duty. I/we understand that my/our personal information may be disclosed to a third party in as far as the CCMA must fulfil its public legal duty. I/we furthermore understand that there are instances in terms of abovementioned Act where my express consent is not necessary to permit the processing of personal information, which may be related to litigation or when the information is publicly available.

8. CONFIRMATION OF ABOVE DETAILS

Form submitted by:

.....
(please print name)

Signature: .....

Position: .....

Date:.....

Place:.....

LRA Form 7.2
Section 127(1)
Labour Relations Act, 1995

PRIVATE AGENCY APPLIES FOR ACCREDITATION/RENEWAL OF ACCREDITATION

CCMA

Read This First

The Governing Body of the CCMA is responsible for the accreditation of dispute resolution institutions and for quality assurance in the performance by these institutions of their dispute resolution functions. This application for accreditation will accordingly be considered by the Governing Body.

Whilst the Labour Relations Act 66 of 1995 details the manner in which bargaining councils and statutory councils may be established and registered, there exist no similar establishment or registration provisions concerning private agencies in the Act.

The Governing Body accordingly requires as much information as is relevant and necessary to support an application for accreditation of a private agency.

WHERE DOES THIS FORM GO?

Governing Body
c/o Councils and Agencies Department
28 Harrison Street
Johannesburg, 2001
Private Bag X94
Marshalltown, 2107
Tel: (011) 377-6650
E-Mail:
Accreditationapplications@CCMA.org.za

1. NAME OF PRIVATE AGENCY

Name:

.....

.....

Physical Address:

.....

.....

.....

Tel: ..... Fax:.....

Cell: ..... E-Mail:.....

Date of Establishment: .....

Contact Person: .....

2. ACCREDIATION IS SOUGHT FOR THE FOLLOWING DISPUTE

.....

RESOLUTION FUNCTIONS:

Conciliations ☐ Arbitrations ☐ Inquiry ito section 188A ☐

3. THERE ARE 7 ACCREDITATION CRITERIA TO BE MET:

3.1 the extent to which the services provided by the applicant will meet the commission's standards;

3.2 the ability of the applicant to conduct its activities effectively;

3.3 the independence of the persons appointed by the applicant to perform the functions;

3.4 details regarding the competence of the persons appointed by the applicant to perform the functions;

3.5 details regarding the applicant's code of conduct to govern the persons appointed to perform the functions;

Case Number :.....

Please turn over →

3.6 details regarding the disciplinary procedures used by the applicant to ensure subscription and adherence to the code of conduct; and

3.7 proof that the applicant promotes a service that is broadly representative of South African society.

4. MOTIVATION

(a) Prepare a motivation for the Governing Body of the CCMA, which deals with the issues raised in section 127(4) of the LRA with reference to the 7 accreditation criteria.

(b) Provide information on the following:

- the conciliators and arbitrators (furnish the names of the individuals the applicant proposes using as dispute resolvers, along with particulars of each individual's qualifications, training and experience; supply details, if applicable, of the steps the applicant is taking to promote a service comprising practitioners broadly representative of South African society);
- training (supply details of initial and ongoing training, or training opportunities, available to conciliators and arbitrator); and
- those sections of Part C of Chapter 7 of the Act which the applicant believes should not be made applicable to it - see section 127(6). Please motivate.

Case Number :.....	**Please turn over** ⟶

5. POPIA CONFIRMATION

By signing this document, I/we hereby grant my voluntary consent that my/our personal information may be processed, collected, used and disclosed in compliance with the Protection of Personal Information Act, 4 of 2013. I/we furthermore agree that my/our personal information may be used for the lawful and reasonable purposes in as far as the CCMA (responsible party) must use my/our information in the performance of its public legal duty. I/we understand that my/our personal information may be disclosed to a third party in as far as the CCMA must fulfil its public legal duty. I/we furthermore understand that there are instances in terms of abovementioned Act where my express consent is not necessary to permit the processing of personal information, which may be related to litigation or when the information is publicly available.

6. CONFIRMATION OF ABOVE DETAILS

Form submitted by:

.....
(please print name)

Signature: .....

Position: .....

Date:.....

Place:.....

LRA Form 7.5
Section 129(1)
Labour Relations Act, 1995

COUNCIL/PRIVATE AGENCIES APPLIES TO AMEND ACCREDITATION

CCMA

Read This First

WHAT IS THE PURPOSE OF THIS FORM?

This form is an application by an accredited council/agency to the Governing Body of the CCMA to amend its accreditation. For example, the amendment can relate to nature of services, scope of work or area.

WHO FILLS IN THIS FORM?

An accredited council/agency.

WHERE DOES THIS FORM GO?

Governing Body
c/o CCMA
28 Harrison Street
Johannesburg, 2001
Private Bag X94
Marshalltown, 2107
Tel: (011) 377-6650/01/00

E-Mail:
Accreditationapplications@CCMA.org.za

OTHER INSTRUCTIONS

A copy of the applicant's current certificate of accreditation must be attached to this form.

CHECK!

Have you attached your current certificate of accreditation?

1. NAME OF COUNCIL/PRIVATE AGENCY

Name: .....

Physical Address: .....

Tel: .....Fax: .....

Cell: .....E-Mail: .....

Contact Person: .....

Registration Number: .....

2. ACCREDITATION AMENDMENTS SOUGHT

The applicant wants to amend its current accreditation in the following way:

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

Case Number:.....

Please turn over ⟶

3. MOTIVATION:

Please supply information on changes to dispute resolution functions and areas of operation (refer to Section 127(4) of the LRA):

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

4. POPIA CONFIRMATION

By signing this document, I/we hereby grant my voluntary consent that my/our personal information may be processed, collected, used and disclosed in compliance with the Protection of Personal Information Act, 4 of 2013. I/we furthermore agree that my/our personal information may be used for the lawful and reasonable purposes in as far as the CCMA (responsible party) must use my/our information in the performance of its public legal duty. I/we understand that my/our personal information may be disclosed to a third party in as far as the CCMA must fulfil its public legal duty. I/we furthermore understand that there are instances in terms of abovementioned Act where my express consent is not necessary to permit the processing of personal information, which may be related to litigation or when the information is publicly available.

5. CONFIRMATION OF ABOVE DETAILS:

Form submitted by:

.....

(please print name)

Signature: .....

Position: .....

Date: .....

Place.....

LRA Form 7.8
Section 132(1)
Labour Relations Act, 1995

ACCREDITED COUNCIL APPLIES FOR SUBSIDY/RENEWAL OF SUBSIDY

CCMA

Read This First

WHAT IS THE PURPOSE OF THIS FORM?

This form is an application by a Council to the Governing Body of the CCMA for a subsidy to perform dispute resolution functions and train people to perform these functions.

WHO FILLS IN THIS FORM?

An accredited Council applying for subsidy.

WHERE DOES THIS FORM GO?

Governing Body
c/o Councils and Agencies Department
28 Harrison Street
Johannesburg, 2001
Private Bag X94
Marshalltown, 2107
Tel: (011) 377-6650

E-mail:
Bargainingcouncilsubsidies@CCMA.org.za

OTHER INSTRUCTIONS

The Council must send:

The form and the current certificate of accreditation (if applicable) as well as any additional information, which the Council wants to bring to the attention of the Governing Body.

CHECK!

Have you attached your current certificate of accreditation?
Have you attached your motivation (See Section 132(3) of the LRA)?

1. ACCREDITED COUNCIL DETAILS

Name : .....

.....

Postal Address: .....

.....

Tel:..... Fax:.....

Contact Person: .....

Registration Number: .....

2. DISPUTE RESOLUTION FUNCTIONS FOR WHICH COUNCIL IS ACCREDITED FOR

Is the Council already accredited to perform particular dispute resolution functions?

- ❑ **Yes**
- ❑ **No**

If yes, attach the certificate of accreditation.

Are any dispute resolution functions of the Council performed by an accredited agency?

- ❑ **Yes**
- ❑ **No**

If yes, name the agency and describe those dispute resolution functions.

.....

.....

.....

.....

.....

Case Number .....

Please turn over ⟶

3. THE EXTENT TO WHICH THE SERVICES PROVIDED BY THE APPLICANT WILL MEET THE COMMISSION'S STANDARDS

The Governing Body may grant a subsidy to the applicant after considering the application, any further information provided by the applicant and-

(a) the need for the performance by the applicant of the functions for which it is accredited;

(b) the extent to which the public uses the applicant to perform the functions for which it is accredited;

(c) the cost to users for the performance by the applicant of the functions for which it is accredited;

(d) the reasons for seeking the subsidy;

(e) the amount requested; and

(f) the applicant's ability to manage its financial affairs in accordance with established accounting practice, principles and procedures.

4. DISPUTE RESOLUTION CASE LOAD

Estimate case load?.....

What period does the estimate cover? .....

(Note: the period should end with the close of the CCMA's financial year, i.e. 31 March*)*

5. ESTIMATED COST PER CASE

Please indicate daily fee payable to panellists R.....

6. BUDGET SUMMARY FOR THE PERIOD

(Elaborate on these estimates in a supporting annexure)

6.1 <u>Anticipated Expenses/Direct Costs:</u>

Panellists costs ☐ Travelling costs ☐

Case Number . . . . . Please turn over →

CHECK!

Have you sent a copy of this completed form to the other party?

Have you included proof (that you have sent a copy to the other party with this form?

6.2 Anticipated Income:

The Council's dispute resolution work will be financed as follows:

(In Rands and as a percentage of the total dispute resolution budget.

Supply further details if appropriate).

	In Rands (Per month)
Levies on Employers	
Levies on Employees	
Commission Subsidy	
TOTAL	

7. MOTIVATION

(a) The need for your services;

(b) The reasons for seeking the subsidy;

(c) The amount requested;

(d) Capacity to deal with finances responsibly.

8. POPIA CONFIRMATION

By signing this document, I/we hereby grant my voluntary consent that my/our personal information may be processed, collected, used and disclosed in compliance with the Protection of Personal Information Act, 4 of 2013. I/we furthermore agree that my/our personal information may be used for the lawful and reasonable purposes in as far as the CCMA (responsible party) must use my/our information in the performance of its public legal duty. I/we understand that my/our personal information may be disclosed to a third party in as far as the CCMA must fulfil its public legal duty. I/we furthermore understand that there are instances in terms of abovementioned Act where my express consent is not necessary to permit the processing of personal information, which may be related to litigation or when the information is publicly available.

9. CONFIRMATION OF ABOVE DETAILS

Form submitted by:

.....

(please print name)

Signature: .....

Position: .....

Date:.....

Place:.....

LRA FORM 7.11

Labour Relations Act, 1995
Sections 9, 16, 21, 22, 24, 26, 45, 61, 63, 64, 72, 74, 86, 89, 94, 134, 191(1), 198 and 198A-C
Employment Equity Act, 1998
Sections 10
Basic Conditions of Employment Act, 1997
Sections 41, 69(5), 73A,80, 84
Skills Development Act, 1998
Section 19
National Minimum Wage Act, 2018
Section 4(8)
Mine Health and Safety Act, 1996
Section 40

REFERRING A DISPUTE TO THE CCMA FOR CONCILIATION (INCLUDING CON-ARB)

CCMA

READ THIS FIRST

WHAT IS THE PURPOSE OF THIS FORM?

This form enables a person or organisation to refer a dispute to the CCMA for conciliation and con-arb.

WHO FILLS IN THIS FORM?

Employer, employee, trade union or employers' organisation.

Use may also be made of the CCMA's online e-referral portal #CCMAConnect or https://cmsonline.ccma.org.za

OTHER PARTIES

If there is more than one employee to the dispute and the referring party is not a trade union, then each employee must supply his/her personal details and signature on a separate page, which must be attached to this form.

WHERE DOES THIS FORM GO?

The Regional Office of the CCMA in the region where the dispute arose.

OTHER INSTITUTIONS

Please note that if you are covered by a bargaining council, a statutory council or an accredited agency you have to refer the dispute to the relevant council or agency.

You may also need to deal with the dispute in terms of a private procedure if one applies.

If in doubt contact the CCMA for assistance.

WHAT WILL HAPPEN WHEN THIS FORM IS SUBMITTED?

When you refer the dispute to the CCMA, it will attempt to resolve the dispute within 30 days.

1. DETAILS OF PARTY REFERRING DISPUTE

☐ An employee ☐ A trade union

☐ An employer ☐ An employers' organisation

☐ Department of Employment and Labour

(a) Name of the party if the referring party is an employee

Name:.....

Surname:.....

Length of Service:..... ID Number:.....

Salary Gross:..... Salary Net:.....

Gender (M/F):.....Age:..... Nationality.....

Postal Address:.....

.....Code:.....

Tel:.....Cell:.....

Fax:..... ..... E-Mail: .....

Alternative contact details of the employee (representative / relative or friend):

Name:.....

Surname:.....

Length of Service:..... ID Number:.....

Salary Gross:..... Salary Net:.....

Gender (M/F):.....Age:..... Nationality.....

Postal Address:.....

.....Code:.....

Tel:.....Cell:.....

Fax:..... ..... E-Mail: .....

CCMA Case Number..... Please turn over →

A copy of this form must be served on the other party.

Proof that a copy of this form has been served on the other party must be supplied by attaching any of the following:

- A copy of a registered slip from the Post Office; or
- A copy of a signed receipt if hand delivered; or
- A signed statement confirming service by the person delivering the form; or
- A copy of a fax or e-mail confirmation slip; or
- Any other satisfactory proof of service.

Attach supporting documents

The CCMA may be requested to assist with service.

UNFAIR LABOUR PRACTICE

If the dispute(s) concerns an unfair labour practice the dispute must be referred (i.e. received by the CCMA) within 90 days of the act or omission which gave rise to the unfair labour practice. If more than 90 days has lapsed you are required to apply for condonation.

NATIONAL MINIMUM WAGE DISPUTES

Disputes emanating from the NMWA and referred either in terms of S4(8) of the NMWA or S73A of the BCEA may be referred by any person who works for another and who receives or is entitled to receive any payment for that work.

MUTUAL INTEREST DISPUTES

- Attach the collective agreement on picketing or
- If no collective agreement on picketing complete Annexure A to this form
- If referring a request for establishment of picketing rules, complete Annexure A to this form.
- If referring a dispute relating to breach or interpretation of picketing rules attach a copy of the picketing rules

DISPUTES RELATING TO COMPLIANCE ORDERS

If referring a dispute relating to a compliance order, the order must be attached to this form. If the dispute is referred after the date on which compliance was due you are required to apply for condonation.

(b) Name of the referring party if the referring party is an employer, Department of Employment and Labour, employer's organisation or trade union, or if the employer's organisation or the trade union is assisting a member to the dispute

Name:.....

Surname:.....

Length of Service:..... ID Number:.....

Salary Gross:..... Salary Net:.....

Gender (M/F):.....Age:..... Nationality.....

Postal Address:.....

.....Code:.....

Tel:..... Cell:.....

Fax:..... ..... E-Mail: .....

Contact Person:.....

2. DETAILS OF THE OTHER PARTY (PARTY WITH WHOM YOU ARE IN DISPUTE)

The other party is:

☐ An employer ☐ An employee ☐ An employer's organisation ☐ A trade union ☐ Department of Employment and Labour

☐ Other, Specify.....

(E.g. Temporary Employment Service, owner of the premises or person who controls access to the premises where employees work if it's an organisational rights dispute etc.)

Full Name(s):.....

(If company or close corporation, the name of the company or close corporation)

Postal Address:.....

.....Code:.....

Physical Address:.....

.....Code:.....

Tel:.....Cell:.....

Fax:.....E-Mail:.....

Company or close corporation registration number: .....

Number of employees employed by the employer: .....

CCMA Case Number.....

Please turn over ⟶

This section must be completed!

(If referring a dispute relating to amounts owing in terms of section 73A of the BCEA please provide details relating thereto)

If necessary, write the details on a separate page and attach to this form.

If it is an unfair labour practice, state whether it relates to probation.

3. NATURE OF THE DISPUTE

What is the dispute about (tick only one box)?

- ❒ Dismissal
- ❒ Severance Pay
- ❒ Unfair Labour Practice
- ❒ Freedom of Association
- ❒ Unfair Discrimination – S10 EEA
  - ❒ Interpretation / Application of Collective Agreement
  - ❒ Disputes relating to breach of collective agreement, picketing agreement or picketing rules - S69(8)
- ❒ Mutual Interest
- ❒ Organisation Rights
- ❒ Disclosure of Information
- ❒ S80 BCEA
- ❒ S19 SDA
- ❒ S198 LRA
  - ❒ S84 BCEA
- ❒ Breach of picketing rules
- ❒ Unilateral Changes to Terms and Conditions of Employment – S64 LRA
- ❒ Refusal to Bargain
- ❒ Interpretation and application of sections 198A-C of the LRA referred in terms of S198D
  - ❒ S198A LRA (Temporary Employment)
  - ❒ S198B (Fixed Term Contract)
  - ❒ S198C (Part-time Employment)
- ❒ S198A(4) LRA (Dismissal)
- ❒ Unilateral Changes to Terms and Conditions of Employment S4(8) NMWA
- ❒ S73A of the BCEA (Claims for monies owing in terms of the NMWA)
- ❒ S73A of the BCEA (Other claims for failure to pay amounts owing)
- ❒ S69(5) BCEA (Dispute relating to Compliance orders)
- ❒ Other .....

If it is an unfair dismissal dispute, tick the relevant box

- ❒ Misconduct
- ❒ Unknown Reasons
- ❒ Poor Work Performance
- ❒ Operational Requirements (Retrenchments)
  - ❒ Where I was the only employee dismissed
  - ❒ Where the employer employs less than ten (10) employees
- ❒ Incapacity
- ❒ Constructive Dismissal
- ❒ Dismissal relating to Probation

Other .....

4. SUMMARISE THE FACTS OF THE DISPUTE (Use additional paper if necessary)

.....

.....

.....

.....

.....

.....

CCMA Case Number.....

Please turn over →

This section must be completed!

If necessary, write the details on a separate page and attach to this form.

5. DATE AND PLACE WHERE DISPUTE AROSE:

The dispute arose on:.....
(give the date, day, month and year)

The dispute arose where:.....
(give the city/town in which the dispute arose)

6. DATE OF DISMISSAL (if applicable):.....

7. FAIRNESS/UNFAIRNESS OF DISMISSAL (if applicable)

(a) Procedural Issues

Was the dismissal procedurally unfair? Yes ☐ No ☐
If yes, why?

.....

.....

(b) Substantive Issues

Was the reason for the dismissal unfair? Yes ☐ No ☐
If yes, why

.....

.....

8. RESULT REQUIRED

.....

9. SECTOR

Indicate the sector or service in which the dispute arose.

- ❒ Retail
- ❒ Mining
- ❒ Building & Construction
- ❒ Business/Professional Services
- ❒ Agriculture/Farming
- ❒ Other .....
- ❒ Safety/Security (Private)
- ❒ Domestic
- ❒ Food & Beverage
- ❒ Transport (Private)

CCMA Case Number.....

Please turn over →

Parties may, at their own cost, bring interpreters for languages other than the official South African languages. Please indicate this under 'other'.

Section 10 of the Employment Equity Act requires the referring party to satisfy the Commission that he/she has attempted to resolve the dispute internally before referring it to the CCMA.

Resolving a dispute internally may include engagements with management, filing a grievance and/or following any other process as set out in the company policy.

Failure to make reasonable attempts to resolve the dispute will mean the referral is pre-mature and therefore, the CCMA may not have jurisdiction / or power to determine the dispute.

10. INTERPRETER SERVICES

Is an interpreter required? **Yes / No**

☐ Afrikaans	☐ IsiNdebele	☐ IsiZulu
☐ IsiXhosa	☐ Sepedi	☐ SeSotho
☐ Setswana	☐ IsiSwati	☐ Xitsonga
☐ Sign Language	☐ Tshivenda	

☐ Other .....

11. DISCRIMINATION MATTER

If it is a discrimination dispute, have you attempted to resolve the dispute?

Yes		No	

If yes specify steps taken to resolve the dispute and if no, provide reasons for not attempting to resolve the dispute internally:

.....

.....

.....

.....

(If written confirmation is available, please attach)

12. POPIA CONFIRMATION

By signing this document, I/we hereby grant my voluntary consent that my/our personal information may be processed, collected, used and disclosed in compliance with the Protection of Personal Information Act, 4 of 2013. I/we furthermore agree that my/our personal information may be used for the lawful and reasonable purposes in as far as the CCMA (responsible party) must use my/our information in the performance of its public legal duty. I/we understand that my/our personal information may be disclosed to a third party in as far as the CCMA must fulfil its public legal duty. I/we furthermore understand that there are instances in terms of abovementioned Act where my express consent is not necessary to permit the processing of personal information, which may be related to litigation or when the information is publicly available

13. CONFIRMATION OF ABOVE DETAILS

Form submitted by:

.....

(please print name)

Signature: .....

Position: .....

Date: .....

Place.....

136(1)(a)

CERTIFICATE OF OUTCOME OF DISPUTE REFERRED TO CONCILIATION

CASE NUMBER:.....

I certify that the dispute between:

....

and

....

(referring party) (other party/parties)

Referred to conciliation on:

.....

(give date)

Concerning:

.....

.....

☐ Was resolved on the .....(give date) ☐ Remains unresolved as at .....(give date)

Both parties in attendance? Yes ☐ No ☐

Condonation:	Granted	Not applicable

If this dispute remains unresolved, the following steps may be taken	**Refer to Arbitration**	**Refer to interest / Advisory Arbitration**	**Strike/ Lockout**	**Refer to Labour Court**

CCMA

.....

Name of Commissioner

.....

Signature of Commissioner

.....

Place

.....

Date

CERTIFICATE OF OUTCOME OF ESSENTIAL SERVICES DISPUTE REFERRED TO CONCILIATION

CASE NUMBER:.....

I certify that the dispute between:

....

and

....

(referring party) (other party/parties)

Referred to conciliation on:

.....

(give date)

Concerning:

Matters of Mutual Interest

☐ Was resolved on the ..... (give date) ☐ Remains unresolved as at ..... (give date)

If this dispute remains unresolved, the Commissioner must tick the applicable box. Parties have:

Minimum Service Agreement (MSA)	Minimum Services Determination (MSD)	NO MSA/MSD

If parties have an MSA or MSD	**Only the parties in the MSA/MSD may strike**	**Interest Arbitration (if majority ballots in favour)**
If parties have no MSA or MSD	**Interest Arbitration**	

CCMA

.....
Name of Commissioner

.....
Signature of Commissioner

.....
Place

.....
Date

Labour Relations Act, 1995
Sections 16, 21, 22, 24, 45, 61, 74, 86, 94, 133, 141, 191, 198, 198A-C
Employment Equity Act, 1998
Sections 10
Basic Conditions of Employment Act, 1997
Sections 41 and 80
Skills Development Act, 1998
Section 19
Mine, Health and Safety Act, 1996
Section 40(4)

REQUEST FOR ARBITRATION

(Demarcation disputes (Section 62) must be processed on LRA Form 3.23)

CCMA

Read This First

WHAT IS THE PURPOSE OF THIS FORM?

If conciliation fails, a party may request that the CCMA resolve the dispute by arbitration.

WHO FILLS IN THIS FORM?

The party requesting the arbitration.

WHERE DOES THIS FORM GO?

To the same office which conducted the conciliation, unless directed otherwise.

If an accredited council or agency is to arbitrate the dispute, the request for arbitration must be sent to their offices.

Use may also be made of the CCMA's online referral portal #CCMAConnect to refer a matter for arbitration.

If in doubt, contact the CCMA for help.

1. DETAILS OF PARTY REQUESTING ARBITRATION

Name : .....

.....

Postal Address:.....

.....Code:.....

Tel:..... Fax:.....

Cell:.....E-Mail:.....

Contact Person: .....

2. DISPUTE DETAILS

The case between:

.....(referring party)

and

.....(other party)

was referred for conciliation, but remains unresolved.

The certificate of non-resolution is attached / 30 days have expired since referral (delete whichever is not applicable).

The issues in dispute are .....

.....

.....

.....

.....

(Give a brief description. The commissioner may require a more detailed statement of case later.)

CCMA Case Number.....

Please turn over →

OTHER INSTRUCTIONS

A copy of this form must be served on the other party.

Proof that a copy of this form has been served on the other party must be supplied by attaching any of the following:

- A copy of a registered slip from the Post Office; or
- A copy of a signed receipt if hand delivered; or
- A signed statement confirming service by the person delivering the form;
- A copy of a fax confirmation slip; or
- A copy of an e-mail confirmation slip or sent e-mail; or
- Any other satisfactory proof of service.

The CCMA may be requested to assist with service.

CHECK!

Have you sent a copy of this completed form to the other party?

Have you included proof that you have sent a copy to the other party with this form?

Have you attached the certificate confirming that the dispute was unresolved through conciliation?

3. DETAILS OF OTHER PARTY

Name : .....

Designation:.....

Postal Address: .....

.....Code:.....

Physical Address:.....

.....Code:.....

Tel:..... Fax:.....

Cell:.....E-Mail:.....

4. OUTCOME REQUIRED:

.....

.....

.....

5. POPIA CONFIRMATION

By signing this document, I/we hereby grant my voluntary consent that my/our personal information may be processed, collected, used and disclosed in compliance with the Protection of Personal Information Act, 4 of 2013. I/we furthermore agree that my/our personal information may be used for the lawful and reasonable purposes in as far as the CCMA (responsible party) must use my/our information in the performance of its public legal duty. I/we understand that my/our personal information may be disclosed to a third party in as far as the CCMA must fulfil its public legal duty. I/we furthermore understand that there are instances in terms of abovementioned Act where my express consent is not necessary to permit the processing of personal information, which may be related to litigation or when the information is publicly available.

CONFIRMATION OF ABOVE DETAILS:

Form submitted by:

.....

(please print name)

Signature: .....

Position: .....

Date: .....

Place.....

This form must be signed by the requesting party or a person who may be entitled to represent the party in arbitration proceedings. If a person other than the referring party or a representative who may be entitled to represent the referring party signs this form, the referring party may be called upon to ratify his or her intention to refer the matter to arbitration.

LRA Form 7.14
Section 136(3)
Labour Relations Act, 1995

NOTICE OF OBJECTION TO ARBITRATION BY SAME COMMISSIONER

CCMA

Read This First

WHAT IS THE PURPOSE OF THIS FORM?
This form notifies the CCMA that a party objects to an arbitrator who is the same commissioner who conducted the conciliation process.

WHO FILLS IN THIS FORM?
Objecting party.

WHERE DOES THIS FORM GO?

The Regional Office of the CCMA.

OTHER INSTRUCTIONS
A copy of this form must be served on the other party

Proof that a copy of this form has been served on the other party must be supplied by attaching any of the following:

- A copy of a registered slip from the Post Office; or
- A copy of a signed receipt if hand delivered; or
- A signed statement confirming service by the person delivering the form;
- A copy of a fax confirmation slip; or
- A copy of an e-mail confirmation slip or sent e-mail; or
- Any other satisfactory proof of service.

The CCMA may be requested to assist with service.

This form must be submitted to the CCMA within 7 days after the date of issue of the certificate.

1. PARTY DETAILS

Name: .....

Postal Address: .....

.....Code:.....

Tel: .... Fax:.....

Cell: ....E-Mail: .....

Contact Person: .....

2. DETAILS OF THE OTHER PARTY

Name: .....

Postal Address: .....

.....Code:.....

Tel: .... Fax:.....

Cell: ....E-Mail: .....

Contact Person: .....

3. OBJECTION DETAILS

I/we .....
(please print name)

object to the arbitration being conducted by Commissioner who conciliated the dispute

.....
(please print name)

Case Number.....

Please turn over ⟶

4. POPIA CONFIRMATION

By signing this document, I/we hereby grant my voluntary consent that my/our personal information may be processed, collected, used and disclosed in compliance with the Protection of Personal Information Act, 4 of 2013. I/we furthermore agree that my/our personal information may be used for the lawful and reasonable purposes in as far as the CCMA (responsible party) must use my/our information in the performance of its public legal duty. I/we understand that my/our personal information may be disclosed to a third party in as far as the CCMA must fulfil its public legal duty. I/we furthermore understand that there are instances in terms of abovementioned Act where my express consent is not necessary to permit the processing of personal information, which may be related to litigation or when the information is publicly available.

5. CONFIRMATION OF ABOVE DETAILS:

Form submitted by:

.....
(please print name)

Signature: .....

Position: .....

Date: .....

Place.....

LRA Form 7.15
Section 137(1)
Labour Relations Act, 1995

APPLICATION TO APPOINT SENIOR COMMISSIONER TO ARBITRATE

CCMA

Read This First

WHAT IS THE PURPOSE OF THIS FORM?

This form is an application by a party to the commissioner in charge of the Regional Office of the CCMA to appoint a Senior Commissioner to arbitrate.

WHO FILLS IN THIS FORM?

A party to the dispute.

WHERE DOES THIS FORM GO?

The Commissioner in charge of the Regional Office of the CCMA.

OTHER INSTRUCTIONS

Two documents must be attached to this form:

(a) An application addressing the factors contained in section 137(3) of the Labour Relations Act,1995.

(b) Proof that a copy of this form has been served on the other party by attaching any of the following:

- A copy of a registered slip from the Post Office; or
- A copy of a signed receipt if hand delivered; or
- A signed statement confirming service by the person delivering the form; or
- A copy of a fax confirmation slip; or
- A copy of an e-mail confirmation slip or sent e-mail; or
- Any other satisfactory proof of service.

The CCMA may be requested to assist with service.

CHECK!

Have you sent a copy of this completed form to the other party?

Have you included proof that you have sent a copy to the other party with this form?

Have you attached your application (see section 137(1)-(3) of the Labour Relations Act 1995?

1. APPLICATION

I/we apply to the CCMA to appoint a Senior Commissioner to arbitrate the dispute.

2. MOTIVATION

Prepare a motivation which deals with the issues raised in section 137 of the Act, which include –

- the complexity of the dispute;
- whether there are conflicting arbitration awards that are relevant to the dispute;
- the public interest; and
- the nature of the question of law raised by the dispute.

3. CONFIRMATION OF ABOVE DETAILS:

Form submitted by:

.....

(please print name)

Signature: .....

Position: .....

Date: .....

Place.....

Case Number.....

LRA Form 7.16
Rule 37 of the CCMA Rules
Section 142(1)(a), (b) and (c)
Labour Relations Act, 1995

SUBPOENA

CCMA

The following **MUST** be attached to a request for a subpoena:

(a) motivation for the application

and

(b) proof that witness fees, travelling costs and subsistence expenses have been paid in accordance with tariff of allowance published by notice in the Government Gazette

NOTE!

This Form together with the motivation and proof of payment of the witness fees, travelling costs and subsistence expenses must be submitted to the CCMA at least fourteen (14) days prior to the date of the arbitration hearing.

Compliance with the Protection of Personal Information Act 4 of 2013 (POPIA).

The personal information that is recorded in this Subpoena may only be utilised for purposes set out in section 142(1) (a), (b) and (c) of the Labour Relations Act and CCMA Rule 37.

To:

.....
(Name of Subpoenaed Person)

.....
(Organisation of Subpoenaed Person)

.....
(Address of Subpoenaed Person)

A Commissioner has been appointed to resolve a dispute in terms of the Labour Relations Act 66 of 1995.

Commissioner .....has been appointed.
(Name of Commissioner)

The matter between – CCMA Case Number: .....

.....
(Names of Parties)

.....
(Issue of Disputes)

You are required in terms of the Section 142 of the Labour Relations Act 66 of 1995 to appear before the Commissioner at

.....
(Address where hearing is being held)

on ..... at .....
(Date of Hearing) **(Time of Hearing)**

You are subpoenaed-

☐ for questioning

☐ to produce any book, document, visual footage or object

☐ to give expert evidence in terms of Section 142(1)(c)

(Tick appropriate block)

Case Number .....

Please turn over ⟶

You must bring and produce the books, documents, visual footages or objects listed below:

.....

(List books, documents and objects)

☐ The party requesting the subpoena has been directed to furnish you with the first day witness fees together with the reasonable travelling costs and subsistence expenses to attend the hearing.

....

(Signed by PSC/RSC/Delegated Commissioner) **(Date and CCMA Stamp)**

....

(Print name) **(Place)**

LRA Form 7.18
Section 143
Labour Relations Act, 1995

APPLICATION TO CERTIFY CCMA AWARD

CCMA

READ THIS FIRST

WHAT IS THE PURPOSE OF THIS FORM?

This form requests the Director or delegated commissioner of the CCMA to certify that an award is an award issued by a CCMA Commissioner.

If the party against whom an award was made does not comply with an award that has been certified, the award may be enforced. This is done by-

- obtaining a copy of the arbitration award;
- obtaining proof of service of the award on the other party from the CCMA office;
- attaching a copy of the arbitration award and proof of service to this form;
- the applicant(s) or a duly authorised representative completing part 1 of this form;
- If there is more than one referring party, please provide the names of the other employees in Annexure A;
- making an oath before a Commissioner of Oaths; and
- submitting the form to the Regional Office of the CCMA for certification by the Director or delegated commissioner of the CCMA.

WHO FILLS IN PART 1 OF THIS FORM?

A party applying to have an arbitration award certified must complete Part 1. The applicant must state whether it is the referring party or the other party in the matter. If the applicant is a legal person, trade union, employer's organisation or company, the form must be completed by a duly authorised representative.

IN THE CCMA FOR THE REGION OF:.....

In the matter between:

..... REFERRING PARTY

and

.....OTHER PARTY

PART 1: APPLICATION IN TERMS OF SECTION 143 OF THE ACT

I, the undersigned:

.....

(name)

do hereby make oath and say:

1. I am/represent .....the referring / other party (delete whichever is not applicable) in the matter referred to above (referred to in this document as 'the applicant').

2. On (date) .....

   Commissioner .....

   made an arbitration award (referred to in this document as 'the award') in favour of the applicant. A copy of the award is attached to this form.

3. The award was served on the party against whom the award was made (referred to in this document as 'the other party') on (date).....
   A copy of the proof of service is attached to this form.

Case Number.....

Please turn over..... →

4. If this application for certification applies to more than one employee covered by the award, the details of each employee and the amounts that are due in terms of the award, must be included in the table provided in Annexure A

5. To date the other party has not complied with the award.

6. Application is hereby made for the Award to be certified by the Director in terms of section 143(3) of the Act.

7. POPIA CONSENT

By signing this document and its Annexure, I/we hereby grant my voluntary consent that my/our personal information may be processed, collected, used and disclosed in compliance with the Protection of Personal Information Act, 4 of 2013. I/we furthermore agree that my/our personal information may be used for the lawful and reasonable purposes in as far as the CCMA (responsible party) must use my/our information in the performance of its public legal duty. I/we understand that my/our personal information may be disclosed to a third party in as far as the CCMA must fulfil its public legal duty. I/we furthermore understand that there are instances in terms of abovementioned Act where my express consent is not necessary to permit the processing of personal information, which may be related to litigation or when the information is publicly available.

.....

DEPONENT

"Deponent" refers to the applicant. The completed affidavit should only be signed by the applicant in the presence of the Commissioner of Oaths.

A Commissioner of Oaths must complete this section in the presence of the Deponent.

THE FOLLOWING DOCUMENTS MUST BE ATTACHED TO THIS FORM

- A copy of the Commissioner's award.
- Proof that the award was served on the other party.
- Proof that this referral form was served on the other party.

I HEREBY CERTIFY that the deponent has acknowledge that he/she knows and understands the contents of the affidavit which was signed and sworn to before me at.....

on (date) .....,

the regulations contained in Government Notices R1258 and R1648 having been complied with.

.....

COMMISSIONER OF OATHS

Please turn over..... →

THE STATUS OF A CERTIFIED AWARD

In terms of sections 143(1) and (3) of the Act, an arbitration award that has been certified by the Director, or delegated Commissioner, may be enforced.

A certified award may be enforced against a party that does not comply with the award by -

- in the case of an award ordering the payment of money, execution against the property of that party by the Sheriff of the Court;
- in the case of any other award, contempt of court proceedings in the Labour Court.

A party who wishes to have the Sheriff execute against the other party's property, must deliver this document and the certified award to the Deputy Sheriff in the Magisterial District where the other party resides.

CHECK!

Have you attached a copy of the arbitration award and proof that the award was served on the other party?

PART 2

CERTIFICATE IN TERMS OF SECTION 143(3) OF THE ACT

In terms of Section 143(3) of the Labour Relations Act, 1995, I hereby certify that the above arbitration award is a final and binding award issued by a Commissioner as contemplated in Section 143(1).

....

DIRECTOR – CCMA/ DELEGATED COMMISSIONER **DATE**

ANNEXURE A

To be completed in the event that this application for certification applies to more than one employee covered by the award. The names that are provided in this table must correspond with the names of the employees as provided in the attached arbitration award.

Case Number:.....

Name and surname	ID number	Contact number	Amount awarded

LRA Form 7.18A

Section 143 read with Section 51(8)

Labour Relations Act, 1995

APPLICATION TO CERTIFY BARGAINING COUNCIL AWARD

CCMA

READ THIS FIRST

WHAT IS THE PURPOSE OF THIS FORM?

This form requests the Director or delegated Commissioner of the CCMA to certify that an award issued under the auspices of a Bargaining Council is an award issued by a Bargaining Council Arbitrator.

If the party against whom an award was made does not comply with an award that has been certified, the award may be enforced. This is done by -

- obtaining a copy of the arbitration award;
- obtaining proof of service of the award on the other party from the relevant Bargaining Council;
- attaching a copy of the arbitration award and proof of service to this form;
- the applicant(s) or a duly authorised representative completing part 1 of this form;
- making an oath before a Commissioner of Oaths;
- submitting the form to the General Secretary of the relevant Bargaining Council for certification by the Director of the CCMA.
- If there is more than one referring party, please provide the names of the other employees in Annexure A.

WHO FILLS IN PART 1 OF THIS FORM?

A party applying to have an arbitration award certified must complete Part 1. The applicant must state whether it is the referring party or the other party in the matter. If the party is a legal person, trade union, employer's organisation or company, the form must be completed by a duly authorised representative.

IN THE BARGAINING COUNCIL OF:.....

In the matter between:

..... REFERRING PARTY

and

.....OTHER PARTY

PART 1: APPLICATION IN TERMS OF SECTION 143 OF THE ACT

I, the undersigned:

.....

(name)

do hereby make oath and say:

1. I am/represent .....the referring / other party (delete whichever is not applicable) in the matter referred to above (referred to in this document as 'the applicant').

2. On (date) .....
   Arbitrator .....
   made an arbitration award (referred to in this document as 'the award') in favour of the applicant. A copy of the award is attached to this form.

3. The award was served on the party against whom the award was made (referred to in this document as 'the other party') on (date).....

A copy of the proof of service is attached to this form.

Case Number.....

Please turn over..... →

4. To date the other party has not complied with the award.

3. If this application for certification applies to more than one employee covered by the award, the details of each employee and the amounts that are due in terms of the award, must be included in the table provided in Annexure A

5. Application is hereby made for the Award to be certified by the Director or a delegated commissioner in terms of section 143(3) of the Act.

6. Compliance with the Protection of Personal Information Act 4 of 2013

By signing this document, I/we hereby grant my voluntary consent that my/our personal information may be processed, collected, used and disclosed in compliance with the Protection of Personal Information Act, 4 of 2013. I/we furthermore agree that my/our personal information may be used for the lawful and reasonable purposes in as far as the CCMA (responsible party) must use my/our information in the performance of its public legal duty. I/we understand that my/our personal information may be disclosed to a third party in as far as the CCMA must fulfil its public legal duty. I/we furthermore understand that there are instances in terms of abovementioned Act where my express consent is not necessary to permit the processing of personal information, which may be related to litigation or when the information is publicly available

.....

DEPONENT

"Deponent" refers to the applicant. The completed affidavit should only be signed by the applicant in the presence of the Commissioner of Oaths.

A Commissioner of Oaths must complete this section in the presence of the Deponent.

I HEREBY CERTIFY that the deponent has acknowledge that he/she knows and understands the contents of the affidavit which was signed and sworn to before me at.....

on (date) .....,

the regulations contained in Government Notices R1258 and R1648 having been complied with.

THE FOLLOWING DOCUMENTS MUST BE ATTACHED TO THIS FORM

- A copy of the Commissioner's award.
- Proof that the award was served on the other party.
- Proof that this referral form was served on the other party.

.....

COMMISSIONER OF OATHS

Please turn over..... ⟶

THE STATUS OF A CERTIFIED AWARD

In terms of sections 143(1) and (3) of the Act, an arbitration award that has been certified by the Director or delegated Commissioner may be enforced. Section 51(8) provides that section 143 applies to arbitrations conducted by bargaining councils unless a collective agreement concluded by the council provides otherwise.

A certified award may be enforced against a party that does not comply with the award by-

- In the case of an award ordering the payment of money, execution against the property of that party by the Sheriff of the Court;
- In the case of any other award, contempt of court proceedings in the Labour Court.

A party who wishes to have the Sheriff execute against the other party's property, must deliver this document and the certified award to the Deputy Sheriff in the Magisterial District where the other party resides.

CHECK!

Have you attached a copy of the arbitration award and proof that the award was served on the other party?

PART 2

AFFIDAVIT BY REPRESENTATIVE OF BARGAINING COUNCIL

I, the undersigned

.....

do hereby make oath and say:

1. I am the ..... of the ..... Bargaining Council.
2. The arbitration referred to above was conducted under the auspices of this Bargaining Council.
3. A copy of the award was served on the other party on .....
(date)
Proof of service is attached to this form.
4. The Bargaining Council has not concluded a collective agreement excluding the application of section 143 of the Labour Relations Act.

.....

DEPONENT

I HEREBY CERTIFY that the deponent has acknowledged that he/she knows and understands the contents of this affidavit, which was signed and sworn to before me at.....

on (date)....., the regulations contained in Government Notices R1258 and R1648 having been complied with.

.....

COMMISSIONER OF OATHS

PART 3

CERTIFICATE IN TERMS OF SECTION 143 (3) OF THE ACT

In terms of Section 143(3) of the Labour Relations Act, 1995, I hereby certify that the above arbitration award is a final and binding award issued by an Arbitrator conducting an arbitration under the auspices of a bargaining council as contemplated in section 143(1) read with section 51(8).

....

DIRECTOR – CCMA / DELEGATED COMMISSIONER **DATE**

ANNEXURE A

To be completed in the event that this application for certification applies to more than one employee covered by the award. The names that are provided in this table must correspond with the names of the employees as provided in the attached arbitration award.

Case Number:.....

Name and surname	ID number	Contact number	Amount awarded

LRA Form 7.19
Section 188A
Labour Relations Act, 1995

REQUEST FOR INQUIRY BY ARBITRATOR

CCMA

Read This First

WHO FILLS IN THIS FORM?

An employer requesting an inquiry. In terms of section 188A(11), an employee who alleges that the holding of a disciplinary inquiry by an employer contravenes the Protected Disclosures Act 26 of 2000.

WHERE DOES THIS FORM GO?

To the Regional Office of the CCMA.

1. DETAILS OF PARTY REQUESTING AN INQUIRY

Name:.....

(If company or close corporation, the name of the company or close corporation)

Surname (if applicable):.....

Postal Address:.....

.....Code:.....

Physical Address:..... .....

..... Code:.....

Tel:.....Cell:.....

Fax:.....E-Mail:.....

Company or close corporation registration number:.....

If a Temporary Employment Service (TES) is involved, the name of the TES:

.....

Postal Address:.....

.....Code:.....

Physical Address:..... .....

..... Code:.....

Tel:.....Cell:.....

Fax:.....E-Mail:.....

Number of employees employed by the employer:.....

2. EMPLOYEE DETAILS

Name:.....

Surname:.....

Length of Service:..... ID Number:.....

Salary Gross:..... Salary Net:.....

Gender (M/F):.....Age:..... Nationality.....

Postal Address:.....

.....Code:.....

Tel:.....Cell:.....

Fax:..... E-Mail: .....

Case Number.....

Please turn over →

CONSENT

An inquiry by arbitrator that is requested by the employer may only be conducted with the consent of the employee, or in accordance with a collective agreement, or where an employee, earning more than the threshold, has consented to the holding of the inquiry in a contract of employment.

FEES PAYABLE

Proof of payment of the prescribed fee must accompany this form.

Payment may only be made by:

- Direct electronic payment into the CCMA's bank account.

  Please contact the CCMA Regional Office for details.

3. ALLEGATIONS ABOUT CONDUCT OR CAPACITY

Attach a copy of the allegations (charges) against the employee to this form.

4. CONFIRMATION AND CONSENT TO INQUIRY

I .....
(Name of Employee)

confirm that I have been advised of the allegations against me; and

(a) I consent to the process; or

(b) am bound by a collective agreement providing for the inquiry. A copy of the collective agreement is attached; or

(c) I earn more than the threshold and have consented to the process in my contract of employment. A copy of the contract of employment is attached hereto.

.....
EMPLOYEE SIGNATURE

5. PAYMENT OF FEES:

Proof of payment of the prescribed fee is attached.

6. PLACE OF HEARING

Please select where you would prefer the inquiry to take place:

a. CCMA Office

b. Employer Premises

c. Digital video conferencing platforms

If you select employer premises, please provide physical address of employer's premises.

.....

.....

.....

Case Number.....

Please turn over ⟶

OTHER INSTRUCTIONS

A copy of this form has been served on the other party.

Proof that a copy of this form has been served on the other party must be supplied by attaching any of the following:

- A copy of a registered slip from the Post Office; or
- A copy of a signed receipt if hand delivered; or
- A signed statement confirming service by the person delivering the form; or
- A copy of a fax confirmation slip; or
- A copy of an e-mail confirmation slip or sent e-mail; or
- Any other satisfactory proof of service.

The CCMA may be requested to assist with service.

7. INTERPRETER SERVICES

Is an interpreter required at the inquiry? **Yes / No**

If yes, please indicate for what language:

☐ Afrikaans	☐ IsiNdebele	☐ IsiZulu
☐ IsiXhosa	☐ Sepedi	☐ SeSotho
☐ Setswana	☐ IsiSiswati	☐ Xitsonga
☐ Sign Language	☐ Tshivenda	☐ Other .....

8. COMPLIANCE WITH POPIA

By signing this document, I/we hereby grant my voluntary consent that my/our personal information may be processed, collected, used and disclosed in compliance with the Protection of Personal Information Act, 4 of 2013. I/we furthermore agree that my/our personal information may be used for the lawful and reasonable purposes in as far as the CCMA (responsible party) must use my/our information in the performance of its public legal duty. I/we understand that my/our personal information may be disclosed to a third party in as far as the CCMA must fulfil its public legal duty. I/we furthermore understand that there are instances in terms of abovementioned Act where my express consent is not necessary to permit the processing of personal information, which may be related to litigation or when the information is publicly available.

9. CONFIRMATION OF ABOVE DETAILS:

Form submitted by:

.....

(please print name)

Signature:.....

Position: .....

Date: .....

Place: .....

LRA Form 7.20
Section 189A
Labour Relations Act, 1995

REQUEST FOR SECTION 189A OPERATIONAL REQUIREMENTS FACILITATION

CCMA

READ THIS FIRST

WHAT IS THE PURPOSE OF THIS FORM?

This form enables a party to initiate a section 189A facilitation process.

WHO FILLS IN THIS FORM?

- An employer who employs more than 50 employees and is contemplating dismissing one or more employees for reasons based on the employer's operational requirements; or
- Consulting parties representing the majority of employees whom the employer contemplates dismissing.

OTHER PARTIES

If more than one party is referring the dispute and / or the dispute is referred against more than one party, please add the details of the second party in the space provided. For additional parties, please write down the additional names and particulars on a separate piece of paper and attach details to this form.

WHERE DOES THIS FORM GO?

The Regional Office of the CCMA in the region where the dismissals for operational requirements is contemplated. If the contemplated dismissals are in two or more regions, the form must be sent to the CCMA Head Office.

1. DETAILS OF PARTY REQUESTING FACILITATION

FIRST PARTY

Employer ☐ Party representing majority of employees ☐

Name: .....

Postal Address:.....

..... Postal Code: .....

Tel:.....Cell:.....

Fax:..... E-Mail: .....

Contact Person: .....

SECOND PARTY (where applicable)

Employer ☐ Party representing majority of employees ☐

Name: .....

Postal Address:.....

..... Postal Code: .....

Tel:.....Cell:.....

Fax:..... E-Mail: .....

Contact Person: .....

2. DETAILS OF THE OTHER PARTY

FIRST PARTY

Name: .....

Postal Address:.....

..... Postal Code: .....

Tel:.....Cell:.....

Fax:..... E-Mail: .....

Contact Person: .....

SECOND PARTY (where applicable)

Name: .....

Postal Address:.....

..... Postal Code: .....

Tel:.....Cell:.....

Fax:..... E-Mail: .....

Contact Person: .....

HOW MANY EMPLOYEES DOES THE EMPLOYER EMPLOY?.....

Case Number | Please turn over

WHAT WILL HAPPEN WHEN THIS FORM IS SUBMITTED?

When you request facilitation the CCMA will appoint a facilitator to assist the parties engaged in consultation process.

OTHER INSTRUCTIONS

A copy of this form must be served on the other party or parties.

Proof that a copy of this form has been served on the other party or parties must be supplied by attaching and of the following:

- A copy of a registered slip from the Post Office; or
- A copy of a signed receipt if hand delivered; or
- A signed statement confirming service by the person delivering the form; or
- A copy of a fax confirmation slip; or
- A copy of an e-mail confirmation slip or sent e-mail; or
- Any other satisfactory proof of service.

The CCMA may be requested to assist with service.

CHECK!

Have you attached proof that this form has been served on the other party?

3. **DETAILS OF FURTHER PARTIES** (Please provide the names of any further parties, e.g. where more than two unions are involved, and attach details.)

.....

.....

4. **HOW MANY EMPLOYEES ARE LIKELY TO BE RETRENCHED?**

.....

5. **HOW MANY EMPLOYEES ARE AFFECTED?** (Total employees who need to be consulted?).....

6. **RETRENCHMENTS ARE CONTEMPLATED IN THE FOLLOWING REGIONS OR WORKPLACE LOCATIONS:** (Please indicate expected numbers.)

.....

.....

7. **HOW MANY EMPLOYEES HAS THE EMPLOYER DISMISSED FOR OPERATIONAL REQUIREMENTS IN THE PAST 12 MONTHS AND IN WHICH REGIONS OR WORKPLACE LOCATIONS?** (Please indicate numbers)

.....

.....

.....

8. **ATTACH THE SECTION 189(3) NOTICE ISSUED BY THE EMPLOYER TO THIS FORM.** (The matter cannot be processed without a complete s189(3) notice.)

9. **HAS THE EMPLOYER REQUESTED FACILITATION IN ITS S189(3) NOTICE?**

YES ☐

IF NO, (consent by parties should accompany this application)

10. **WHAT ARE THE REASONS FOR THE CONTEMPLATED DISMISSALS FOR OPERATIONAL REQUIREMENTS?**

.....

.....

.....

.....

.....

Case Number.....

Please turn over ⟶

11. WHAT ALTERNATIVES TO RETRENCHMENT HAVE BEEN CONSIDERED?

.....

.....

12. SECTOR

Indicate the sector or service in which the dispute arose.

- ❒ Retail
- ❒ Mining
- ❒ Building & Construction
- ❒ Business/Professional Services
- ❒ Agriculture/Farming
- ❒ Other.....
- ❒ Safety/Security (Private)
- ❒ Domestic
- ❒ Food & Beverage
- ❒ Transport (Private)

Parties may, at their own cost, bring interpreters for languages other than the official South African languages. Please indicate this under 'other'

13. INTERPRETER SERVICES

Is an interpreter required? **Yes / No**

- ☐ Afrikaans
- ☐ IsiNdebele
- ☐ IsiZulu
- ☐ IsiXhosa
- ☐ Sepedi
- ☐ SeSotho
- ☐ Setswana
- ☐ IsiSiswati
- ☐ Xitsonga
- ☐ Sign Language
- ☐ Tshivenda
- ☐ Other .....

Special features might be the urgency of the matter, the large number of people involved, important legal or labour issues etc. Reasons why advisory arbitration award is requested, may also be include.

14. SPECIAL FEATURES / ADDITIONAL INFORMATION

Briefly outline any special features / additional information the CCMA needs to note:

.....

.....

15.PLACE OF FACILITATION

Please select where you would prefer the facilitation to take place:

a. CCMA Office

b. Employer Premises

c. External Premises

d. A digital video conferencing platform

If you select employer or external premises, please provide physical address of employer's or external premises.

.....

.....

.....

Case Number.....

Please turn over ⟶

CHECK!

Have you sent a copy of this completed form to the other party?

Have you included proof (that you have sent a copy to the other party with this form?

16. POPIA CONFIRMATION

By signing this document, I/we hereby grant my voluntary consent that my/our personal information may be processed, collected, used and disclosed in compliance with the Protection of Personal Information Act, 4 of 2013. I/we furthermore agree that my/our personal information may be used for the lawful and reasonable purposes in as far as the CCMA (responsible party) must use my/our information in the performance of its public legal duty. I/we understand that my/our personal information may be disclosed to a third party in as far as the CCMA must fulfil its public legal duty. I/we furthermore understand that there are instances in terms of abovementioned Act where my express consent is not necessary to permit the processing of personal information, which may be related to litigation or when the information is publicly available.

17. CONFIRMATION OF ABOVE DETAILS

Form submitted by:

.....
(please print name)

Signature: .....

Position: .....

Date:.....

Place:.....

LRA Form 7.21
Section 200A(3) Labour Relations Act, 1995

REQUEST FOR ADVISORY AWARD ON WHETHER A PERSON IS AN EMPLOYEE

CCMA

READ THIS FIRST

WHAT IS THE PURPOSE OF THIS FORM?

This form is a request to the CCMA to issue an advisory award determining whether a person is an employee.

If there is more than one employee to the dispute and the referring party is not a trade union, then each employee must supply his/her personal details and signature on a separate page, which must be attached to this form.

WHO FILLS IN THIS FORM?

The parties to any working arrangement may request an advisory award provided the affected person/s earn equal to or less than the threshold.

WHERE DOES THIS FORM GO?

The Regional Office of the CCMA.

WHAT WILL HAPPEN WHEN THIS FORM IS SUBMITTED?

The CCMA will appoint a commissioner to hear the matter and issue an advisory award.

1. DETAILS OF PARTY REQUESTING THE ADVISORY AWARD

As the referring party, are you:

☐ An employee ☐ A trade union

☐ An employer ☐ An employer's organisation

(a) Name of the party if the requesting party is an employee

Name:.....

Surname: (if applicable).....

ID Number:.....

Postal Address:.....

.....Postal Code:.....

Tel:.....Cell:.....

Fax:..... E-Mail: .....

Contact Person:.....

(b) Name of the party if the requesting party is an employer, employer's organisation or trade union, or if the employer's organisation or trade union is assisting a member to the dispute

Name:.....

Surname: (if applicable).....

Postal Address:.....

.....Postal Code:.....

Tel:.....Cell:.....

Fax:.....E-Mail:

.....

Contact Person:.....

Case Number.....

Please turn over →

2. DETAILS OF THE OTHER PARTY

The other party is:

☐ An employee ☐ A trade union

☐ An employer ☐ An employer's organisation

Name:.....

Surname (if applicable):.....

Postal Address:.....

.....Postal Code:.....

Tel:.....Cell:.....

Fax:.....E-Mail: .....

Contact Person:.....

3. PRESUMPTION AS TO WHO IS AN EMPLOYEE

Please tick whichever block applies to the working arrangement of the person/s in respect of whom the advisory award is sought.

☐ The manner in which the person works is subject to the control or direction of another person.

☐ The person's hours of work are subject to the control or direction of another person.

☐ The person forms part of the organization for whom the work is performed.

☐ The person has worked for that other person for at least 40 hours per month over the last three months.

☐ The person is economically dependent on the other person for whom he or she works or renders services.

☐ The person is provided with tools of trade or work equipment by the other person.

☐ The person only works for or renders services to one person.

☐ None of the above apply.

4. EARNINGS

The person or persons included in the working arrangement earn:

1. .....per annum
2. .....per annum

(If space is not sufficient, include additional information on a separate page and attach to this form).

Case Number..... Please turn over ⟶

Parties may, at their own cost, bring interpreters for languages other than the official South African languages. Please indicate this under 'other'

Special features might be the urgency of the matter, the large number of people involved, important legal or labour issues etc. Reasons why advisory arbitration award is requested, may also be include.

OTHER INSTRUCTIONS

A copy of this form must have been served on the other party.

Proof that a copy of this form has been served on the other party must be supplied by attaching any of the following:

- A copy of a registered slip from the Post Office; or
- A copy of a signed receipt if hand delivered; or
- A signed statement confirming service by the person delivering the form; or
- A copy of a fax confirmation slip; or
- A copy of an e-mail confirmation slip or sent e-mail; or
- Any other satisfactory proof of service.

The CCMA may be requested to assist with service.

5. SECTOR

❒ Retail	❒ Safety/Security (Private)
❒ Mining	❒ Domestic
❒ Building & Construction	❒ Food & Beverage
❒ Business/Professional Services	❒ Transport (Private)
❒ Agriculture/Farming	
❒ Other.....	

6. INTERPRETER SERVICES

Is an interpreter required? **Yes / No**

☐ Afrikaans	☐ IsiNdebele	☐ IsiZulu
☐ IsiXhosa	☐ Sepedi	☐ SeSotho
☐ Setswana	☐ IsiSiswati	☐ Xitsonga
☐ Sign Language	☐ Tshivenda	☐ Other .....

7. SPECIAL FEATURES / ADDITIONAL INFORMATION

Briefly outline any special features / additional information the CCMA needs to note:

.....

.....

.....

CHECK!	
Have you sent a copy of this completed form to the other party? Have you included proof (that you have sent a copy to the other party with this form?	**8. POPIA CONFIRMATION** By signing this document, I/we hereby grant my voluntary consent that my/our personal information may be processed, collected, used and disclosed in compliance with the Protection of Personal Information Act, 4 of 2013. I/we furthermore agree that my/our personal information may be used for the lawful and reasonable purposes in as far as the CCMA (responsible party) must use my/our information in the performance of its public legal duty. I/we understand that my/our personal information may be disclosed to a third party in as far as the CCMA must fulfil its public legal duty. I/we furthermore understand that there are instances in terms of abovementioned Act where my express consent is not necessary to permit the processing of personal information, which may be related to litigation or when the information is publicly available. **9. CONFIRMATION OF ABOVE DETAILS** Form submitted by: ..... (please print name) Signature: ..... Position: ..... Date:..... Place:.....

LRA Form 7.22
Labour Relations Act, 1995, 150C advisory arbitration award

Attachment to section 150C advisory arbitration award

ACCEPTANCE / REJECTION OF ADVISORY ARBITRATION AWARD, REQUEST FOR EXTENSION OR FOR THE PANEL TO RECONVENE

CCMA

Read This First

WHAT IS THE PURPOSE OF THIS FORM?

This form is used to communicate either party's acceptance or rejection of the advisory arbitration award; to request extension of the period within which the acceptance or rejection of the award should be communicated to the CCMA and/or to request the advisory arbitration panel to reconvene for a certain purpose.

IMPORTANT INFORMATION

Parties must indicate their acceptance or rejection of the advisory arbitration award within seven (7) days from the date on which the award is issued.

If a party fails to indicate acceptance or rejection of the award within the seven (7) day period, that party will be deemed to have accepted the award.

Any extension of the seven (7) day period must be filed before the period within which the award should be accepted or rejected expires.

This form must be served on the other party and proof of service attached to this form.

CCMA CASE NUMBER: .....

1. DETAILS OF THE PARTIES

a) Name

.....

[This is the party accepting, rejecting, requesting the panel or reconvene or requesting an extension]

b) Name/representative of the other party.....

.....

2. DETAILS OF THE ADVISORY AWARD:

a) Date of Advisory Award: .....

b) Chairperson of the panel: .....

3. PART A – ACCEPTANCE / REJECTION OF AWARD

Advisory arbitration award accepted ☐
Advisory arbitration award rejected ☐

In the event of a rejection of the award, please complete the below:

a) Is the award rejected in whole or in part? If in part, which part of the award is rejected?

.....

.....

.....

.....

b) What steps were taken to consult with members in terms of section 150D and what was the outcome?

.....

.....

.....

.....

Case Number .....

Please turn over →

4. PART B: REQUEST FOR THE ARBITRATION PANEL TO RECONVENE

It is requested that the advisory arbitration reconvene for the purpose of–

a) Explaining the award ☐

b) Mediating based on the award ☐

c) Variation of the award ☐

If variation of the award is sought:

Does the advisory award contain an obvious error for omission which may be common cause between the parties? ☐ Yes ☐ No

If yes, please identify these obvious errors or omissions.

.....

.....

.....

.....

If no, please indicate the nature of variations sought:

.....

.....

.....

.....

5. PART C: REQUEST FOR EXTENSION OF 7 DAY PERIOD

If the commissioner is requested to extent the period within which the parties are required to either accept or reject the award:

Do both parties agree to the extension? ☐ Yes ☐ No

Are there reasonable prospects of acceptance of the award? ☐ Yes ☐ No

Reasons for the extension:

.....

.....

.....

.....

Number of days for which the extension should be provided:.....

....

Signature **Date**

....

Signature **Date**

NOTE: Both parties or their representatives to sign the form where the request for extension or for the panel to reconvene is by mutual agreement between the parties.

LRA Form 7.23

Labour Relations Act, 1995

S 135 (2A)

APPLICATION FOR EXTENSION OF THE CONCILIATION PERIOD

CCMA

Read This First

WHAT IS THE PURPOSE OF THIS FORM?

This form is intended to request extension of the 30-day conciliation period.

WHO MAY APPLY FOR EXTENSION:

The Commissioner or any of the parties to the dispute may request the Director to extend the conciliation period where it is believed that there are prospects of reaching a settlement.

FURTHER INFORMATION

This Application must be served on all relevant parties.

No objection to the application will be considered. The extension is considered on the basis of the information provided by the applicant.

Supporting documents may be attached to this form.

The application may only be made where the parties can't agree to an extension and the refusal to agree is considered unreasonable.

The Extension sought shall not exceed 5 days.

The Extension cannot be granted where the employer party is the state.

All the information required in this form must be completed.

Case Number: .....

Employee Party: .....

Employer Party: .....

Nature of Dispute: .....

Date of Referral .....

Date of Conciliation: .....

Number of days extension required: .....

Has the other party refused to extend the conciliation period: ☐Yes ☐ No

If no, give reasons why the refusal is considered unreasonable.

.....

.....

.....

Are there prospects of reaching a settlement if the conciliation is extended:

☐Yes ☐ No

If yes, provide reasons,

.....

.....

.....

.....

Provide any *other submissions that may be relevant to the request for extension.*

.....

.....

.....

Applicant: .....

Signature of requesting party: .....

Date of Request.....

Case Number .....

Please turn over →

PART B: DIRECTOR'S DECISION

☐ Application granted

Number of days for which the conciliation is extended .....

Reasons and/ or Conditions attached to the extension: .....

.....

.....

.....

.....

.....

☐ Application rejected

Reasons for rejections: .....

.....

.....

.....

.....

.....

.....
DIRECTOR

.....
DATE

DEPARTMENT OF EMPLOYMENT AND LABOUR

NO. R. 3318 **21 April 2023**

RULES FOR THE CONDUCT OF PROCEEDINGS BEFORE THE COMMISSION FOR CONCILIATION, MEDIATION AND ARBITRATION

The Governing Body of the Commission for Conciliation, Mediation and Arbitration hereby publish the Rules in terms of section 115(2A) of the Labour Relations Act, 1995 (Act No. 66 of 1995), as amended, effective from the 24 of April 2023.

Act

As published under GNR1448 in GG 25515 dated 10 October 2003
as amended by

Notice	Government Gazette	Date
R1512	25607	17 October 2003
R1748	25797	05 December 2003
R1793	25826	12 December 2003
R530	26279	30 April 2004
R531	26279	30 April 2004
R532	26279	30 April 2004
R380	27490	22 April 2005
R 97	29587	09 February 2007
R1176	31564	07 November 2008
R705	34577	02 September 2011
R494	35435	12 June 2012
R776	42092	7 December 2018
R194	43092	21 February 2020

COMMISSION FOR CONCILIATION, MEDIATION AND ARBITRATION

The Governing Body of the Commission for Conciliation, Mediation and Arbitration hereby, in terms of Section 115 (2A) of the Labour Relations Act 66 of 1995, publishes the Rules as amended.

TABLE OF CONTENTS

PART ONE
SERVING AND FILING DOCUMENTS

1 How to contact the Commission

The addresses, telephone numbers and e-mail addresses of the offices of the Commission are listed in Schedule One to these Rules.

1A Compliance with legislation regarding personal information

When a party serves or files documents on the Commission or on the other party in terms of these Rules, or processes documents that contain personal information with the other party, such party must:

a) be responsible for complying with their respective obligations under applicable Data Protection Legislation, including, but not limited to the Protection of Personal Information Act 4 of 2013 (POPIA), when processing personal information;

b) take appropriate technical and organisational measures and implement security safeguards to prevent the unauthorised or unlawful processing of personal information and/ data of the other party or of another data subject;

c) process the other party's personal information and/or data only in accordance with that party's instructions (having regard to the Data Protection Legislation), or as required by law; and not disclose the other party's personal information and/or data except in accordance with that party's instructions or as required by law.

2 When are the offices of the Commission open

(1) The offices of the Commission will be open every day from Monday to Friday, excluding public holidays, between the hours of 08h30 and 16h30, or as determined by the Commission.

(2) Documents may be filed with the Commission during the hours referred to in sub-rule (1).

(3) Notwithstanding sub-rule (2), documents may be e-mailed or referred using the official Commission electronic referral online portals at any time and on any day of the week to the Commission.

3 How to calculate time periods in these Rules

(1) For the purpose of calculating any period of time in terms of these Rules -

(a) day means a calendar day; and

(b) the first day is excluded and the last day is included, subject to sub-rule (2).

(2) The last day of any period must be excluded if it falls on a Saturday, Sunday or public holiday and will be the first working day following the Sunday or public holiday.

(3) Sub-rule 2 will apply, unless clearly indicated otherwise in terms of these Rules or applicable legislation.

4 Who must sign documents

(1) A document that a party must sign in terms of the Act or these Rules may be signed by the party or by a person entitled in terms of the Act or these Rules to represent that party in the proceedings.

(1A) Where a document has not been signed or was signed by a person who is not entitled to represent that party in terms of the Act or these Rules, the intention of that party to submit that document may be confirmed by the subsequent appearance of the party at the convened proceedings before the commissioner or by any other method of confirmation that may be placed on record at the Commission.

(2) If proceedings are jointly instituted or opposed by more than one employee, documents may be signed by an employee who is mandated by the other employees to sign documents. A list in writing of the employees who have mandated the employee to sign on their behalf, must be attached to the referral document.

(3) For purposes of these Rules, a signature includes an electronic signature inclusive of an electronic referral made through the Commission's electronic referral online portals as included in Schedule One.

5 How to serve documents on other parties

(1) Unless otherwise provided for in these Rules, a party must serve a document on the other parties -

(a) by handing a copy of the document to -

(i) the person concerned;

(ii) a representative authorised in writing to accept service on behalf of the person;

(iii) a person who appears to be at least 16 years old and apparently in charge of the person's place of residence, business or place of employment premises at the time; or

(iv) a person identified in sub-rule (2);

(b) by leaving a copy of the document at -

(i) an address chosen by the person to receive service; or

(ii) any premises in accordance with sub-rule (3);

(c) by e-mailing, faxing or telexing a copy of the document to the person's e-mail, fax or telex number respectively, or an e-mail address, fax or telefax number chosen by that person to receive service;

(d) by sending a copy of the document by registered post or telegram to the last known address of the party or an address chosen by the party to receive service.

(2) A document may also be served -

(a) on a company or other body corporate by handing a copy of the document to a responsible employee of the company or body at its registered office, its principal place of business within the Republic or its main place of business within the magisterial district in which the dispute first arose;

(b) on an employer by handing a copy of the document to a responsible employee of the employer at the workplace where the employees involved in the dispute ordinarily works or worked;

(c) on a trade union or employers' organisation by handing a copy of the document to a responsible employee or official at the main office of the union or employers' organisation or its office in the magisterial district in which the dispute arose;

(d) on a partnership, firm or association by handing a copy of the document to a responsible employee or official at the place of business of the partnership, firm or association or, if it has no place of business, by serving a copy of the document on a partner, the owner of the firm or the chairperson or secretary of the managing or other controlling body of the association, as the case may be;

(e) on a municipality, by serving a copy of the document on the municipal manager or any person acting on behalf of that person;

(f) on a statutory body, by handing a copy to the secretary or similar officer or member of the board or committee of that body, or any person acting on behalf of that body; or

(g) on the State or a province, a state department or a provincial department, a minister, premier or a member of the executive committee of a province by handing a copy to a responsible employee at the head office of the party or to a responsible employee at any office of the State Attorney.

(3) If no person identified in sub-rule (2) is willing to accept service, service may be effected by affixing a copy of the document to -

(a) the main door of the premises concerned; or

(b) if this is not accessible, a post-box or other place to which the public has access.

(4) The Commission or a commissioner may direct or accept service in a manner other than prescribed in these Rules.

5A Notice of proceedings before the Commission

The Commission may provide notice of a conciliation or arbitration hearing or any other proceedings before it, by means of any of the methods prescribed in Rule 5 or by means of short message service.

6 How to prove that a document was served in terms of the Rules

(1) A party must prove to the Commission or a commissioner that a document was served in terms of these Rules, by providing the Commission or a commissioner -

(a) with a copy of proof that the document has been mailed by registered post to the other party;

(b) with a copy of the telegram or telex transmitting the document to the other party;

(c) with a copy of the telefax transmission report indicating the successful transmission to the other party of the whole document;

(d) if a document was served by hand -

(i) with a copy of a receipt signed by, or on behalf of, the other party clearly indicating the name and designation of the recipient and the place, time and date of service; or

(ii) with a statement confirming service signed by the person who delivered a copy of the document to the other party or left it at any premises; and

(e) if a document was served by e-mail, with a copy of the sent e-mail indicating the successful dispatch to the other party of the e-mail and any attachments concerned.

(2) If proof of service in accordance with sub-rule (1) is provided, it is presumed, until the contrary is proved, that the party on whom it was served has knowledge of the contents of the document. The relevant provisions of the Electronic Communications and Transactions Act 25 of 2002 are applicable in respect of any issue concerning service by e-mail or the service of a notice of proceedings by short message service as permitted by Rule 5A.

(3) The Commission may accept proof of service in a manner other than prescribed in this Rule, as sufficient.

7 How to file documents with the Commission

(1) A party must file documents with the Commission -

(a) by hand delivery of the document to the regional office of the Commission or the office of the Department of Employment and Labour at the addresses listed in Schedule One;

(b) by sending a copy of the document by registered post to the regional office of the Commission at the address listed in Schedule One; or

(c) by e-mailing the document to a Commission regional office at only an e-mail address listed in Schedule One. Documents filed by means of e-mail must be transmitted in MS Word or PDF format.

(2) A document is filed with the Commission when -

(a) the document is handed to the regional office of the Commission or an office of the Department of Employment and Labour listed in Schedule One;

(b) a document sent by registered post is received, or presumed to be received as provided for in Rule 8, by an office of the Commission listed in Schedule One;

(c) the e-mail is received in the regional office, as provided for in the Electronic Communications and Transactions Act 25 of 2002; or

(d) the online referral or condonation application is received through the Commission's electronic referral online portals as listed in Schedule One.

(3) A party must only file the original of a document, if requested to do so by the Commission or a commissioner. A party must comply with a request to file an original document within seven (7) days of the request.

8 Presumption when service is done by registered post

Any document or notice sent by registered post by a party or the Commission is presumed, until the contrary is proved, to have been received by the person to whom it was sent seven (7) days after it was posted.

9 How to seek condonation for referral documents and applications delivered late

(1) This Rule applies to any referral document or application delivered outside of the applicable time period prescribed in the Act, applicable employment law or these Rules.

(2) A party must apply for condonation in terms of Rule 31.

(2A) Condonation may also be applied for using the official Commission electronic referral online portals as included in Schedule One.

(3) An application for condonation must set out the grounds for seeking condonation and must include details of the following:

(a) the degree of lateness;

(b) the reasons for the lateness;

(c) the referring party's prospects of succeeding with the referral and obtaining the relief sought against the other party;

(d) any prejudice to the other party; and

(e) any other relevant factors.

(4) The Commission may assist a referring party to comply with this Rule.

PART TWO
CONCILIATION OF DISPUTES

10 How to refer a dispute to the Commission for conciliation

(1) A party must refer a dispute to the Commission for conciliation by delivering a completed prescribed LRA Form 7.11, which may include the Commission electronic referral electronic online portals.

(2) When referring a dispute by means other than the official Commission electronic referral online portals as set out in Schedule One, the referring party -

(a) must attach to the referral document, written proof, in accordance with Rule 6, that the referral document was served on the other parties to the dispute.

(b) must attach to the referral document, an application for condonation if the referral is referred after the relevant time limit has expired.

(3) Despite Rule 10(2)(b) where a referral has been referred out of time and if condonation has not been attached to the referral, the Commission will decide whether the condonation will be determined at a hearing or by written submissions received from the parties.

11 When must the Commission notify parties of a conciliation or facilitation

(1) The Commission must notify the parties in writing of a conciliation hearing at least –

(a) seven (7) days prior to the scheduled date in matters relating to section 64, section 65(2)(a) or section 189A(8) of the Act;

(b) fourteen (14) days prior to the scheduled date, in the case of any other matter.

(2) Despite sub-rule 1, the Commission may give the parties a shorter period of notice, if the parties have agreed or reasonable circumstances require a shorter period.

(3) An additional seven (7) days must be provided, if a notice of conciliation in terms of this Rule is sent by registered mail only.

12 Commission or a commissioner may attempt to resolve dispute before conciliation

The Commission or a commissioner may contact the parties by telephone or other means, prior to the commencement of the conciliation, in order to attempt to resolve the dispute.

13 What happens if a party fails to attend at conciliation

(1) If a party fails to attend or to be represented as contemplated in Rule 25(1)(a), the commissioner may -

(a) continue with the proceedings;

(b) adjourn the conciliation to a later date within the 30-day period; or

(c) conclude the proceedings by issuing a certificate that the dispute remains unresolved;

(1A) In the event that a dispute relates to section 64 of the Act, picketing rules must be established before a certificate of non-resolution is issued, unless a party provides a signed picketing rules agreement as required by section 69(6A) of the Act.

(2) In exercising a discretion in terms of sub-rule (1), a commissioner should take into account, amongst other things -

(a) whether the party has previously failed to attend a conciliation in respect of that dispute;

(b) any reason given for that party's failure to attend;

(c) whether conciliation can take place effectively in the absence of one or more of the parties;

(d) the likely prejudice to the other party of the commissioner's ruling; and

(e) any other relevant factors.

14 How to determine whether a commissioner may conciliate a dispute

If it appears during conciliation proceedings that a jurisdictional issue has not been determined, the commissioner must require the referring party to prove that the Commission has the jurisdiction to conciliate the dispute through conciliation.

14A Extension of conciliation period in terms of section 135(2A) of the Act

(1) The conciliating commissioner or a party to a conciliation process may request an extension of the conciliation period referred to in section 135.

(2) The request must be made on the prescribed form and before the expiry of the conciliation period as determined in terms of section 135.

(3) The Director must within 2 (two) days of receipt of the request -

(a) consider whether:

(i) an extension is necessary to ensure a meaningful conciliation process;

(ii) the refusal to agree to the extension is unreasonable; and

(iii) whether there are reasonable prospects of reaching agreement.

(b) The Commission must advise the parties on whether the extension is granted and where the extension is granted, the period of such extension.

(4) The Director may not extend the conciliation period if the State is the employer party.

15 Issuing of a certificate in terms of section 135(5) of the Act

A certificate issued in terms of section 135(5) of the Act that the dispute has or has not been resolved, must identify the nature of the dispute and the parties as described in the referral document or as identified by the commissioner during the conciliation proceedings.

16 Conciliation proceedings may not be disclosed

(1) Conciliation proceedings are private and confidential and are conducted on a without prejudice basis. No person may refer to anything said at conciliation proceedings during

any subsequent proceedings, unless the parties agree in writing or as ordered otherwise by a court of law.

(2) No person, including a commissioner, may be called as a witness during any subsequent proceedings in the Commission or in any court to give evidence about what transpired during conciliation unless as ordered by a court of law or a commissioner conducting an arbitration.

PART THREE
CON-ARB IN TERMS OF SECTION 191(5A)

17 Conduct of con-arb in terms of section 191(5A) of the Act

(1) The Commission must notify the parties in writing of a con-arb hearing at least fourteen (14) days prior to the scheduled date, unless the parties agree to a shorter period or reasonable circumstances require a shorter period. If a notification is sent by registered mail an additional seven (7) days must be allowed.

(2) A party that intends to object to a dispute being dealt with in terms of section 191(5A), must deliver a written notice to the Commission and the other party, at least seven (7) days prior to the scheduled date in terms of sub-rule (1).

(3) Sub-rule (2) does not apply to:

(a) a dispute relating to the dismissal of an employee for any reason related to probation or an unfair labour practice relating to probation;

(b) a dispute relating to a compliance order referred in terms of section 69(5) of the BCEA; or

(c) claims for failure to pay any amount owing referred in terms of section 73A of the BCEA

(4) If a party fails to appear or to be represented at a hearing scheduled in terms of sub-rule (1):

(a) The commissioner must conduct the conciliation on the date specified in the notification issued in terms of sub-rule (1), irrespective of whether a party has lodged a notice of objection in terms of sub-rule (2).

(b) Where the provisions of sub-rule 3 are applicable or no notice of objection has been lodged in terms of sub-rule (2), the commissioner must commence with the arbitration immediately after certifying that the dispute remains unresolved.

(c) Notwithstanding sub-rule 4(b), the commissioner having commenced the arbitration, retains a discretion, as contemplate in section 138(5) of the Act, to adjourn the proceedings to a later date.

(5) The provisions of these Rules that are applicable to conciliation and arbitration respectively, including Rules on representation, apply with the changes required by the context to the conciliation and arbitration parts of con-arb proceedings respectively.

(6) If the arbitration does not proceed or is not concluded on the date specified in terms of the notice in sub-rule (1), the Commission must schedule the matter for arbitration either in the presence of the parties or by notifying the parties in terms of Rule 21.

PART FOUR
ARBITRATIONS

18 How to refer a request for arbitration to the Commission

(1) A party may request the Commission to arbitrate a dispute by delivering a duly completed LRA form 7.13, which may include using the official Commission electronic referral online portals.

(2) When referring a request by means other than the official Commission electronic referral online portals as set out in Schedule One, the requesting party must:

(a) attach to the request, written proof, in accordance with Rule 6, that the request was served on the other parties to the dispute;

(b) is required to attach to the request, an application for condonation if the request for condonation is referred after the relevant time limit has expired.

(3) Despite Rule 18(2)(b) where a request has been referred out of time and if condonation has not been attached to the request, the Commission will decide whether the condonation will be determined at a hearing or by written submissions received from the parties.

(4) This Rule does not apply to con-arb proceedings held in terms of section 191(5A) read together with Rule 17.

19 When must the parties file statements

(1) The Commission or a commissioner may direct -

(a) the requesting party in an arbitration to deliver a statement of case; and

(b) the other parties to deliver an answering statement or affidavit.

(2) A statement in terms of sub-rule (1) must -

(a) set out the material facts upon which the party relies and the legal issues that arise from the material facts; and

(b) be delivered within the time-period specified by the Commission or commissioner.

(3) The commissioner has a discretion to continue with the matter despite non-compliance with a directive of the Commission or commissioner in terms of sub-rule (1). However, any non-compliance may be taken into account when considering costs at the conclusion of the arbitration hearing.

20 When the parties must hold a pre-arbitration conference

(1) The parties to an arbitration must hold a pre-arbitration conference dealing with the matters referred to in sub-rule (3), if:

(a) both parties are represented by a trade union, employers' organisation, legal practitioner and/or candidate attorney.

(b) both parties agree to hold a pre-arbitration conference; or

(c) directed to do so by the Provincial or Regional Senior Commissioner or the Senior Commissioner in charge of a region or the presiding commissioner.

(2) A pre-arbitration conference convened in terms of sub-rule (1)(a) and (b) must be convened at least fourteen (14) days prior to the date of the scheduled arbitration.

(3) In a pre-arbitration conference, the parties must attempt to reach consensus on the following -

(a) any means by which the dispute may be settled;

(b) facts that are agreed between the parties;

(c) facts that are in dispute;

(d) the issues that the Commission is required to decide;

(e) the precise relief claimed and if compensation is claimed, the amount of the compensation and how it is calculated;

(f) the sharing and exchange of relevant documents, and the preparation of a bundle of documents in chronological order with each page numbered;

(g) the manner in which documentary evidence is to be dealt with, including any agreement on the status of documents and whether documents, or parts of documents, will serve as evidence of what they appear to be;

(h) whether evidence on affidavit will be admitted with or without the right of any party to cross-examine the person who made the affidavit;

(i) which party must begin;

(j) the necessity for any on-the-spot inspection;

(k) securing the presence at the Commission of any witness;

(l) the resolution of any preliminary points that are intended to be taken;

(m) the exchange of witness statements;

(n) expert evidence;

(o) any other means by which the proceedings may be shortened;

(p) an estimate of the time required for the hearing;

(q) the right of representation; and

(r) whether an interpreter is required and, if so, for how long and for which languages.

(4) Unless a dispute is settled, the parties must draw up and sign a minute setting out the facts on which the parties agree or disagree.

(5) A minute in terms of sub-rule (4) may also deal with any other matter listed in sub-rule (3).

(6) The referring party must ensure that a copy of the pre-arbitration conference minute is delivered to the appointed commissioner seven (7) days prior to the date scheduled for the arbitration.

(7) The commissioner may, after receiving a pre-arbitration minute -

(a) direct the parties to hold a further pre-arbitration conference; and / or

(b) issue any other directive to the parties concerning the conduct of the arbitration, including rescheduling the matter for hearing on another date.

(8) The commissioner has a discretion to continue with the matter despite non-compliance with the directive in terms of sub-rule (1), or the provisions of sub-rule (4), (5) and/or (6). However, any non-compliance may be taken into account when considering costs at the conclusion of the arbitration hearing.

21 When must the Commission notify parties of an arbitration

The Commission must notify the parties in writing of an arbitration hearing at least twenty-one (21) days prior to the scheduled date, unless the parties agree to a shorter period or reasonable circumstances require a shorter period. If a notification is sent by registered mail only, an additional seven (7) days must be allowed.

22 How to determine whether a commissioner may arbitrate a dispute

If during the arbitration proceedings it appears that a jurisdictional issue has not been determined, the commissioner must require the referring party to prove that the Commission has jurisdiction to arbitrate the dispute.

23 How to postpone an arbitration

(1) Subject to sub-rules (2) – (6), an arbitration may be postponed -

(a) if the Commission is satisfied that there is written confirmation to postpone by both parties; or

(b) by application to the Commission and on notice to the other parties in terms of sub-rule (3).

(2) The Commission may postpone an arbitration without the parties appearing if:

(a) all the parties to the dispute confirm in writing that they agree to the postponement; and

(b) the written confirmation for the postponement is received by the Commission at least seven (7) days prior to the scheduled date of the arbitration.

(3) If the conditions of sub-rule (2) are not met, any party may apply in terms of Rule 31 to postpone an arbitration by delivering an application to the other parties to the dispute and filing a copy with the Commission before the scheduled date of the arbitration.

(4) After considering the written application or confirmation, the Commission may -

(a) without convening a hearing, determine whether or not to postpone the matter; or

(b) convene a hearing to determine whether to postpone the matter; or

(c) determine the application in any manner the Commission deems fit.

(5) There is no right to postponement and arbitration will proceed as scheduled unless the Commission or commissioner notifies the parties that the matter has been postponed.

PART FIVE
RULES THAT APPLY TO CONCILIATIONS, ARBITRATIONS, CON-ARBS AND OTHER PROCESSES

24 Where a hearing will take place

(1) A dispute must be heard in the region in which the cause of action arose or where the employer's principal place of business is located; unless a Senior Commissioner in the head office of the Commission directs otherwise.

(2) The Commission or commissioner within a region determines the venue for the hearing; which venue may include an online hearing held via a digital platform.

25 Representation before the Commission

(1) (a) In conciliation proceedings a party to the dispute may appear in person or be represented only by -

(i) if the party is an employer, a director or employee of that party and, in addition, if it is a close corporation, a member or employee of that close corporation;

(ii) any member of that party's registered trade union or registered employers' organisation or an office bearer or official as defined in the Act or an office bearer or official as defined in the Act of a registered federation of trade unions or registered federation of employers' organisations;

(iii) if the party is a registered trade union, any member of that trade union or any office bearer or official as defined in the Act and authorised to represent that party or an office bearer or official as defined in the Act of a registered federation of trade unions and authorised to represent that party; or

(iv) if the party is a registered employers' organisation, any director or employee of an employer that is a member of that employers' organisation or an official or office bearer as defined in the Act and authourised to represent that party or an office bearer or official as defined in the Act of a registered federation of employers' organisations and authorised to represent that party.

(v) if a party is the Department of Employment and Labour, any employee or official of the Department of Employment and Labour.

(b) Subject to sub-rule 1(c), in any arbitration proceedings a party to the dispute may appear in person or be represented only by -

(i) a legal practitioner;

(ii) a candidate attorney; or

(iii) an individual entitled to represent the party at conciliation proceedings in terms of sub-rule (1)(a).

(c) If the dispute being arbitrated is referred in terms of section 69(5), 73 or 73A of the BCEA or is about the fairness of a dismissal and a party has alleged that the reason for the dismissal relates to the employee's conduct or capacity, a party is not entitled to be represented by a legal practitioner or a candidate attorney in the proceedings unless:

(i) the commissioner and all the other parties consent;

(ii) the commissioner concludes that it is unreasonable to expect a party to deal with the dispute without legal representation, after considering -

(a) the nature of the questions of law raised by the dispute;

(b) the complexity of the dispute;

(c) the public interest; and

(d) the comparative ability of the opposing parties or their representatives to deal with the dispute.

(d) In any facilitation of large scale retrenchments as contemplated in section 189A(3) of the Act, a party may appear in person or be represented by:

(i) a director or employee of the party, and, if a close corporation, a member or employee of that close corporation;

(ii) any member, office-bearer or official of that party's registered trade union; or

(iii) any member, office-bearer or official of that party's registered union or registered employers' organisation.

(e) No representation by a legal practitioner or candidate attorney shall be allowed in facilitations of large scale retrenchments as contemplated in section 189A(3) of the Act.

(f) No person representing a party in proceedings before the Commission in a capacity contemplated in sub-rule (1)(a) or (b), other than a legal practitioner or candidate attorney contemplated in sub-rule (1)(b)(i) and (ii), may charge a fee or receive a financial benefit in consideration for agreeing to represent that party.

(2) If the party to the dispute objects to the representation of another party to the dispute or the commissioner suspects that the representative of a party does not qualify in terms of this Rule, the commissioner must determine the issue.

(3) The commissioner may call upon the representative to establish why the representative should be permitted to appear in terms of this Rule.

(4) A representative must tender any documents requested by the commissioner for the purposes of sub-rule (3), including constitutions, payslips, contracts of employment, documents and forms or recognition agreements and proof of membership of a trade union or employers' organisation.

(5) Despite the provisions of sub-rule (1), a commissioner may exclude any person who is representing a party in any proceedings on the basis that they are a member of the same employers' organisation as an employer party, or a member of an employers' organisation that is a party to proceedings, if the commissioner, after enquiring into the matter and considering relevant representations, believes that -

(a) the representative joined the employers' organisation for the purpose of representing parties in the Commission; or

(b) the representative's participation in the dispute resolution process –

(i) would be contrary to the purpose of the Rule which is to promote inexpensive and expeditious dispute resolution in a manner that is equitable to all parties;

(ii) is not in keeping with the objectives of the Labour Relations Act 66 of 1995; or

(iii) may have the consequence of unfairly disadvantaging another party to the dispute.

(6) Despite the provisions of this Rule, but subject to the provisions of sub-rule (1)(f), the commissioner may, on application brought in accordance with Rule 31, allow a person not contemplated by sub-rule (1) to represent a party at arbitration proceedings before the Commission, after considering -

(a) whether it is unreasonable to expect the applicant party to deal with the dispute without representation, after considering the factors set out in sub-rule 1(c)(ii)(a) to (d);

(b) the reason why a person contemplated in Rule 25 cannot represent the applicant party, which includes affordability, if applicable;

(c) the ability of the proposed representative to meaningfully represent the applicant;

(d) whether the proposed representative is subject to the oversight and discipline of a professional or statutory body;

(e) whether the proposed representative will contribute to the fairness of the proceedings and the expeditious resolution of the dispute;

(f) prejudice to the other party; and

(g) any other relevant factors.

26 How to join or substitute parties to proceedings

(1) The Commission or a commissioner may, at any stage prior to the conclusion of an arbitration or hearing, make an order joining any number of persons as parties in the proceedings if:

(a) the right of the referring party to relief depends on substantially the same question of law or fact, which, if a dispute were to be referred separately against the person sought to be joined, it would arise in a separate claim; or

(b) the party to be joined has a substantial interest in the subject matter of the proceedings; or

(c) the party to be joined may be prejudicially affected by the outcome of the proceedings.

(2) A Commission or a commissioner may make an order in terms of sub-rule (1) -

(a) on own accord;

(b) on application by a party; or

(c) if a person entitled to join the proceedings applies at any time during the proceedings to intervene as a party.

(3) An application in terms of this Rule must be made in terms of Rule 31.

(4) When making an order in terms of sub-rule (1), a commissioner may -

(a) give appropriate directions as to the further procedure in the proceedings; and

(b) make an order of costs in accordance with these Rules.

(5) If in any proceedings it becomes necessary to substitute a person for an existing party, any party to the proceedings may apply to the Commission for an order substituting that party for an existing party, and a commissioner may make such order or give appropriate directions as to the further procedure in the proceedings.

(6) An application to join any person as a party to proceedings or to be substituted for an existing party must be accompanied by copies of all documents previously delivered, including the referral form, unless the person concerned or that person's representative

is already in possession of the documents. The application may be made at any stage prior to the conclusion of an arbitration hearing.

(7) Subject to any order made in terms of sub-rules (4) and (5), a joinder or substitution in terms of this Rule does not affect any steps already taken in the proceedings.

27 How to correct the citation of a party

If a party to any proceedings has been incorrectly or defectively cited, the Commission or commissioner may on its own accord, by consent of the parties or on application and on notice to the parties concerned, correct the error or defect.

28 When the Commission may consolidate disputes

(1) The Commission or a commissioner may, of its own accord, by consent of the parties or on application, and on notice to the parties concerned, consolidate more than one dispute so that the disputes may be dealt with in the same proceedings.

(2) The Commission or a commissioner may order consolidation of separate disputes of right, where-

(a) the relief sought in each of the separate disputes to be consolidated, depends on the determination of similar or substantially the same questions of law and fact;

(b) there will be no substantial prejudice on the party or parties sought to be joined through a consolidation order;

(c) the balance of convenience favour such consolidation; and

(d) the Commission has jurisdiction in all disputes sought to be consolidated.

29 Disclosure of documents or material related to the dispute

(1) At any time after the certificate of outcome is issued or the expiry of the 30-day conciliation period, but not less than fourteen (14) days prior to the hearing date, either party may, on application, request the other party to disclose any documents or material relevant to the dispute.

(2) Subject to Rule 31(5)(a) and (b), the party to whom the application is made must respond to the application within five (5) days from the date on which the application was received. The party initiating the application may deliver a replying written statement or affidavit within three (3) days from the day on which any answering written statement or affidavit was served on it.

(3) A commissioner may either before or during the proceedings at the commissioner's own accord, or on application, make an order as to the disclosure of relevant documents or material relevant to the dispute.

(4) Notwithstanding the above, the parties may agree on the disclosure of documents or materials relevant to the dispute.

(5) This Rule is to be distinguished from disclosure of information disputes in terms of section 16 of the Act.

30 What happens if a party fails to attend arbitration proceedings before the Commission

(1) If a party to the dispute fails to attend or be represented at any arbitration proceedings before the Commission, and that party-

(a) was the referring party, the commissioner appointed to arbitrate, must attempt to establish the reason for non-attendance. If there appears to be a good reason for the absence, the commissioner must direct that the matter be rescheduled for arbitration; or

(b) if the absence is, on the face of it, willful or unexplained, or the commissioner does not accept the explanation, the commissioner may remove the matter from the roll;

(c) had not referred the matter to the Commission, the commissioner may -

(i) continue with the proceedings in the absence of that party; or

(ii) adjourn the proceedings to a later date.

(2) A commissioner must be satisfied that the party had been properly notified of the date, time and venue of the proceedings, before making any decision in terms of sub-rule (1).

PART SIX
APPLICATIONS

31 How to bring an application

(1) This Rule applies to any application, including but not limited to –

(a) condonation, joinder, substitution, variation, rescission, postponement and disclosure of documents;

(b) application in a jurisdictional dispute; and

(c) other preliminary or interlocutory application.

(2) Subject to Rule 32, an application must be brought at least fourteen (14) days prior to the date of the hearing on notice to all persons who have an interest in the application.

(3) The party bringing the application must sign the notice of application in accordance with Rule 4 and must state -

(a) the title of the matter;

(b) the case number assigned to the matter by the Commission, if available;

(c) the relief sought;

(d) the address at which the party delivering the document will accept delivery of all documents in the proceedings;

(e) that any party that intends to oppose the matter must deliver a notice of opposition and answering written statement or affidavit within five (5) days after the application has been delivered to it;

(f) that the application may be heard in the absence of a party that does not comply with subparagraph (e); and

(g) that a schedule is included listing the documents that are material and relevant to the application.

(4) The application must be supported by a written statement or affidavit. The written statement or affidavit must clearly and concisely set out -

(a) the names, description and addresses of the parties;

(b) a statement of the material facts, in chronological order, on which the application is based, in sufficient detail to enable any person opposing the application to reply to the facts;

(c) a statement of legal issues that arises from the material facts, in sufficient detail to enable any party to reply to the document;

(d) if the application is filed outside the relevant time period, grounds for condonation in accordance with Rule 9; and

(e) if the application is brought urgently, the circumstances why the matter is urgent and the reasons why it cannot be dealt with in accordance with the time frames prescribed in these Rules.

(5) (a) Any party opposing the application may deliver a notice of opposition and an answering written statement or affidavit within five (5) days from the day on which the application was served on that party.

(b) A notice of opposition and an answering written statement or affidavit must contain, with the changes required by the context, the information required by sub-rules (3) and (4) respectively.

(6) (a) The party initiating the proceedings may deliver a replying written statement or affidavit within three (3) days from the day on which any notice of opposition and answering written statement or affidavit are served on it.

(b) The replying written statement or affidavit must address only issues raised in the answering written statement or affidavit and may not introduce new issues of fact or law.

(7) In an urgent application, the Commission or a commissioner-

(a) may dispense with the requirements of this Rule; and

(b) may only grant an order against a party that has had reasonable notice of the application.

(8) Applications may be set down for a hearing or determined on the papers.

(9) Where the application is set down for a hearing, the Commission must allocate a date for the hearing once a replying written statement or affidavit is delivered, or once the time limit for delivering a replying written statement or affidavit has lapsed, whichever occurs first. The Commission must notify the parties of the date, time and place of the hearing of the application.

(10) Despite this Rule, the Commission or a commissioner may determine an application in any manner it deems fit, provided that the Commission or the commissioner informs the parties of how the process will be conducted and gives the parties an opportunity to be heard.

31A How to apply for urgent picketing rules or the determination of disputes relating thereto

(1) This Rule applies to:

(a) applications for picketing rules in terms of section 69(6B) of the Act;

(b) disputes relating to the application or interpretation of a picketing agreement or picketing rules determined by the commissioner; and

(c) disputes relating to an issue concerning picketing contemplated by section 69(8) of the Act.

(2) An application must be brought in a prescribed form with supporting documentation.

(3) The application must be served on all relevant parties.

(4) Unless the parties agree otherwise, the Commission must set down the application within 2 (two) days of receipt of the application.

31B How to apply for the enforcement of written undertakings and/or compliance orders

(1) This Rule applies to any -

(a) application for an undertaking to be made an arbitration award in terms of section 68(3) of the BCEA; and

(b) application for a compliance order to be made an arbitration award in terms of section 73(1) of the BCEA.

(2) An application must be brought in a prescribed form, to which the following documents must be attached:

(a) a copy of the undertaking or compliance order;

(b) in the case of a compliance order, proof that the compliance order was served on the employer in accordance with the BCEA;

(c) any documents related to the securing an undertaking or issuing of a Compliance order, including, a complaint or grievance, an inspection report or other notes made during an inspection and any relevant records of the employer;

(d) an Inspector Confirmatory affidavit, if the inspector is not the one signing the prescribed form;

(e) supporting witness or third partyaffidavits, where applicable;

(f) any other relevant documents.

(3) The application must be signed and commissioned by the referring party and served on all persons who have an interest in the matter, including the employer and the employee.

(4) An employer may, subject to the provisions of the BCEA, object to a written undertaking or compliance order being made an arbitration award by serving and filing an affidavit setting out its objections in accordance with the provisions of this Rule.

(5) An objection affidavit in terms of sub-rule 4 must be delivered, supported by relevant documents, to the Department of Employment and Labour and any affected employee(s) and filed with the Commission within five (5) days from the date on which the application was served on the employer.

(6) The party initiating the proceedings may deliver a reply within three (3) days from the day on which any objection is served on it.

(7) The reply must address only issues raised in the objection affidavit contemplated in sub-rule 4 and may not introduce new issues of fact or law.

(8) The Commission must, once a reply is delivered or the time limit for delivering a reply has lapsed, whichever occurs first, appoint a commissioner to determine the application by considering the documents filed in terms of this Rule.

(9) Despite sub-rule 7, the commissioner may, if appropriate, request allocation of a hearing date, in which event the Commission must notify the parties of the date, time and place of the hearing of the application.

(10) The application may be heard on a motion roll.

31C Request to have a matter re-enrolled

(1) A decision to remove the matter from the roll must be sent to the parties within fourteen (14) days of the date of the hearing.

(2) If the referring party who was absent from the arbitration hearing wishes to have the matter re-enrolled that party must submit the Request for Re-enrolment to the Commission within fourteen (14) days of the referring party becoming aware that the matter was removed from the roll. The Request for Re-enrolment form must be served on the other party. Upon receipt of the Request for Re-Enrolment, the other party has seven (7) days from date of receipt to file opposing papers.

(3) The commissioner considering the Request for Re-enrolment may decide whether the matter should be re-enrolled, based on the submissions received from the parties.

(4) The commissioner considering the request must issue a decision within fourteen (14) days from receipt of the answer from the other party or upon expiry of the seven (7) days and the Commission must inform the parties of the decision.

(5) If a situation for which these Rules do not provide arises in proceedings or contemplated proceedings, the commissioner or the Commission may adopt any procedure that commissioner or Commission deems appropriate in the circumstances.

32 How to apply to vary or rescind arbitration awards or rulings

(1) An application for the variation or rescission of an arbitration award or ruling must be made within fourteen (14) days of the date on which the applicant became aware of the arbitration award or ruling.

(2) This Rule does not apply to a decision taken by the Commission or commissioner to remove a matter from the case roll in terms of Rule 30.

33 How to apply to refer a dismissal dispute to the Labour Court

(1) An application in terms of section 191(6) of the Act to refer a matter to the Labour Court, must be delivered -

(a) within ninety (90) days of a certificate that the dispute has not been resolved being issued; or

(b) by a party that has not requested arbitration, within fourteen (14) days of the referral for arbitration being filed.

(2) Despite sub-rule (1), a party that requests arbitration may not thereafter make an application in terms of section 191(6) of the Act.

(3) The application must state the grounds on which a party relies in requesting that the dispute be referred to the Labour Court.

(4) If any party to the dispute objects to the matter being referred to the Labour Court, that party must state the grounds for the objection within seven (7) days of receipt of the application.

(5) The Commission must notify the parties of its decision in terms of section 191(8) of the Act within fourteen (14) days of receiving the objection.

(6) In the event that the request has been granted, the party who applied for the referral by the Director must refer the matter to the Labour Court in line with Rule 11 of the Rules for the Conduct of Proceedings in the Labour Court.

PART SEVEN
Section 188A inquiry

34 How to request an inquiry in terms of section 188A

(1) An employer requesting the Commission to conduct an inquiry, must do so by delivering a completed LRA Form 7.19 to the Commission.

(2) The employee must sign the LRA Form 7.19 unless the employee has agreed in terms of section 188A(4)(b of the Act) to the inquiry in a contract of employment or the inquiry is held in accordance with a collective agreement, in which case a copy of the contract or the collective agreement must be attached to the Form.

(3) When filing the LRA Form 7.19, the employer must pay the prescribed fee to the Commission. Payment of the fee may only be made by electronic transfer into the bank account of the Commission.

(4) Within seven (7) days of receiving a request in terms of sub-rule (1) and payment of the prescribed fee, the Commission must notify the parties to the inquiry of when and where the inquiry will be held.

(5) Unless the parties agree otherwise, the Commission must give the parties at least seven (7) days notice of the commencement of the Inquiry.

(6) The Commission is only required to refund a fee paid in terms of sub-rule (3), if the Commission is notified of the resolution of the matter prior to issuing a notice in terms of sub-rule (4).

(7) Only an employee whose earnings exceed the amount determined by the Minister in terms of section 6(3) of the BCEA may consent to an inquiry in a contract of employment.

(8) An employee who, in terms of section 188A(11) of the Act, requests that an inquiry be conducted into allegations by the employer, into the conduct or capacity of that employee, must do so by delivering a completed LRA Form 7.19 to the Commission.

(9) Where an employee, in terms of sub-rule 8, has requested an Inquiry by Arbitrator, the employer must pay the prescribed fee to the Commission as set out in sub-rule 3.

PART EIGHT
GENERAL

35 Condonation for failure to comply with the Rules and form

(1) Subject to sub-rule (3), the Commission or a commissioner may condone any failure to comply with any provision of these Rules, on good cause shown.

(2) In exercising its powers and performing its functions the Commission may act in such a manner as it deems expedient in the circumstances in order to achieve the objects of the Act. In doing so it shall have regard to substance rather than form, save where the Act provides otherwise.

(3) The provisions of this Rule do not apply to Rule 25.

36 Recordings of Commission proceedings

(1) The Commission must keep a record of -

(a) all processes except conciliations, unless otherwise stated in these Rules;

(b) any arbitration award or ruling made by a commissioner.

(2) The record must be kept by means of a digital recording and, if practically possible, also by legible notes.

(3) A party may request a copy of the record or a portion of a record kept in terms of sub-rule (2), on payment of the costs where applicable.

37 How to have a subpoena issued and served to secure the presence of a person

(1) Any party who requires the Commission or a commissioner to subpoena a person in terms of section 142(1) of the Act, must file a completed LRA Form 7.16 together with a written motivation setting out why the evidence of the person to be subpoenaed is necessary. A request for a subpoena does not apply to documents and material relevant to the dispute. Requests for documents and material must be made in terms of Rule 29.

(1A) The Commission or commissioner, in determining the request for subpoena, may require that -

(i) the party who requests the subpoena provide additional information within three (3) days of receipt of this request and in a manner as set out in the request; and

(ii) that the other party provides a written response to the request for subpoena within five (5) days of receipt of this request, or provides such a response in a manner as set out in the request.

(2) A party requesting the Commission to waive the requirement for the party to pay witness fees in terms of section 142(7) (c) of the Act must set out the reasons for the request in writing at the time of requesting the Commission to issue a subpoena in respect of that witness. The Commission's decision must be made in writing and delivered when issuing the subpoena.

(3) An application in terms of sub-rule (1) must be filed with the Commission at least fourteen (14) days prior to the arbitration hearing, or as directed by the commissioner hearing the arbitration.

(4) The Commission or commissioner may refuse to issue a subpoena if-

(a) the party does not establish why the evidence of the person is necessary;

(b) the party subpoenaed does not have seven (7) days in which to comply with the subpoena;

(c) not satisfied that the party requesting the subpoena has paid the prescribed witness fees, reasonable travel costs and/or subsistence expenses of the person subpoenaed.

(5) A subpoena must be served by the person who has requested the issuing of the subpoena or by the Sheriff, at least seven (7) days prior to the scheduled date of the arbitration by;

(a) delivering a copy of it to the person subpoenaed personally;

(b) sending a copy of it by registered post to the subpoenaed person's –

(i) residential address;

(ii) place of business or employment; or

(iii) post office box or private bag number;

(c) leaving a copy of it at the subpoenaed person's place of residence or place of business or employment with a person who apparently is at least sixteen (16) years of age and is residing or employed there or by e-mailing a copy of it to the e-mail address of the person subpoenaed.

(6) Service of a subpoena must be accompanied by proof of payment of the prescribed witness fees for one day in accordance with the tariff of allowances published by notice in the Government Gazette in terms of section 142(7) of the Act and the witnesses' reasonable travel costs and subsistence expenses.

Sub-rules (4)(c) and (6) do not apply if the Commission, in terms of section 142(7)(c) of the Act, has waived the requirement to pay witness fees.

37A Expert witnesses

A party intending to call an expert witness shall give seven (7) days, prior to the hearing, notice thereof to the Commission and the other party to the dispute together with a summary of the proposed evidence of such witness, any document on which the witness will rely during evidence and the basis on which the witness is regarded to be an expert to enable the other party to consider the summary and obviate the need for any postponement.

38 Payment of witness fees

(1) A witness subpoenaed in any proceedings in the Commission must be paid a witness fee in accordance with the tariff of allowances published by notice in the *Government Gazette* in terms of section 142(7) of the Act.

(2) The witness fee must be paid by -

(a) the party who requested the Commission to issue the subpoena; or

(b) the Commission, if the issuing of the subpoena was not requested by a party or if the Commission waives the requirement to pay witness fees in terms of section 142(7)(c).

(3) Despite sub-rule (1), the commissioner may, in appropriate circumstances, order that a witness receives no fee or reasonable travel costs and subsistence expenses or only part of such fees or expenses.

39 Order of costs in an arbitration

(1) In any arbitration proceedings, the commissioner may make an order for the payment of costs according to the requirements of law and fairness and when doing so should have regard to -

(a) the measure of success that the parties achieved;

(b) considerations of fairness that weigh in favour of or against granting a cost order;

(c) any with prejudice offers that were made with a view to settling the dispute;

(d) whether a party or the person who represented that party in the arbitration proceedings acted in a frivolous and vexatious manner –

(i) by proceeding with or defending the dispute in the arbitration proceedings, or

(ii) in its conduct during the arbitration proceedings;

(e) the effect that a cost order may have on a continued employment relationship;

(f) any agreement concluded between the parties to the arbitration concerning the basis on which costs should be awarded;

(g) the importance of the issues raised during the arbitration to the parties as well as to the labour community at large;

(h) any other relevant factor.

(2) A commissioner may make an award of costs in favour of a party who appears or is represented in arbitration by a person contemplated in Rule 25(1)(a) in respect of reasonable disbursements actually incurred in the conduct of its case in the arbitration. A commissioner who makes an award in terms of this provision must specify clearly the items and amounts in respect of which costs are ordered.

(3) A commissioner may make an award of costs in respect of the legal fees of a party that is represented in an arbitration by a legal practitioner or candidate attorney, only if the other parties to the arbitration were represented by a legal practitioner or candidate attorney.

(4) An award for costs in terms of sub-rule (3) must be in the amount of –

(a) in respect of the first day of an arbitration (including any arbitration concluded in a single hearing) – R 7 000-00 (VAT inclusive);

(b) in respect of each additional day of an arbitration – R 4 700-00 (VAT inclusive).

(5) An award for costs in respect of a candidate attorney must be 50 percent of the amount set out in sub-rule (4).

40 Certification and enforcement of arbitration awards

(1) An application to have an arbitration award certified must be made on -

(a) LRA Form 7.18 in respect of an award by a commissioner;

(b) LRA Form 7.18A in respect of an award in arbitration conducted under the auspices of a bargaining council.

(2) Any arbitration award that has been certified in terms of section 143 of the Act that -

(a) orders the payment of an amount of money may be enforced by execution against the property of the employer party by the Sheriff of the court in the Magisterial district where the employer party resides, or conducts business;

(b) orders the performance of an act other than the payment of money may be enforced by way of contempt proceedings instituted in the Labour Court.

(3) For the purposes of sub-rule (2), an arbitration award includes an award of costs in terms of section 138(10) of the Act, a taxed bill of costs in respect of an award of costs and an arbitration fee charged in terms of section 140(2) of the Act.

(4) The amount of money that may be enforced through execution by the Sheriff in terms of this Rule includes–

(a) the amount that is ordered to be paid in terms of the award;

(b) any interest on that amount calculated in terms of section 143(2) of the Act;

(c) the Sheriff's costs permitted in terms of the Magistrate's Court Tariff for Sheriffs.

(5) In the event that the Commission financially assisted the party in whose favour the award was granted in the enforcement or execution thereof, the Commission may, if the costs of the execution were not realized therein, collect such costs, with interest, directly from the defaulting party.

40A Payment of an arbitration fee ordered in terms of section 140 of the Act

(1) Where the commissioner, having found that the dismissal was procedurally unfair, orders payment of an Arbitration fee in terms of section 140(2) of the Act:

(a) The arbitration fee shall be the fee set out in the Commission's Tariff of Fees, as gazetted annually.

(b) The employer must pay the prescribed fee to the Commission within 14 (fourteen) days of receipt of the award ordering payment of such a fee with the related invoice.

(c) Payment of the fee may only be made by electronic transfer into the bank account of the Commission.

41 What words mean in these Rules

(1) Any expression in these Rules that is defined in the Labour Relations Act, 1995 (Act 66 of 1995) and other employment law, has the same meaning as in that Act and -

(2) **'Act'** means the Labour Relations Act, 1995 (Act 66 of 1995), and includes any regulation made in terms of that Act;

(3) **'Association'** means any unincorporated body of persons;

(4) **'BCEA'** means Basic Conditions of Employment Act (Act 75 of 1997)'

(5) **'Commission'** means the Commission for Conciliation, Mediation and Arbitration established by section 112 of the Act.

(6) **'Commissioner'** means a commissioner appointed in terms of section 117 of the Act;

(7) **'Con-arb'** means proceedings held in terms of section 191(5A) of the Act;

(8) **'Data subject'** in terms of the application of the Protection of Personal Information Act, 4 of 2013 (POPIA), means a person to whom personal information relates.

(9) **'Deliver'** means serve on other parties and file with the Commission;

(10) **'Director'** means the Director of the Commission appointed in terms of section 118 of the Act, and includes any person delegated by the Director to perform any of the functions of the Director;

(11) **'Employment Law'** for the purposes of these Rules, includes the Labour Relations Act, 66 of 1995, and any other Act of which the administration has been assigned to the Minister of Employment and Labour and any of the following Acts:

a. The Basic Conditions of Employment Act (Act 75 of 1997)

b. The Employment Equity Act, (Act 55 of 1998)

c. The Mine Health and Safety Act, (Act 29 of 1996)

d. The National Minimum Wage Act, (Act 9 of 2018)
e. The Skills Development Act, (Act 97 of 1998)

(12) **'File'** means the delivery of a document with the Commission in terms of Rule 7;

(13) **'Labour Court'** means the Labour Court established by section 151 of the Act and includes any judge of the Labour Court;

(14) **'Party'** means any party to proceedings before the Commission;

(15) **'Personal information'** [in terms of the application of POPIA] means "information relating to an identifiable, living natural person or juristic person as far as applicable, an identifiable, existing juristic person including, but not limited to -.

a) information relating to the race, gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language and birth of the person;

b) information relating to the education or the medical, financial, criminal or employment history of the person;

c) any identification number, symbol, e-mail address, physical address, telephone number, location information, online identifier or other particular assignment to the person;

d) the biometric information of the person;

e) the personal opinions, views or preferences of the person;

f) correspondence send by that person that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence;

g) the views or opinions of another individual about the person; and

h) the name of the person if it appears with other personal information relating to the person or if the disclosure of the name itself would reveal information about the person."

CONTINUES ON PAGE 130 OF BOOK 2

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
Publications: Tel: (012) 748 6053, 748 6061, 748 6065

Government Gazette
Staatskoerant

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID AFRIKA

Regulation Gazette *No. 11574* *Regulasiekoerant*

Vol. 694 21 April April 2023 No. 48445

PART 2 OF 4

ISSN 1682-5845

9 771682 584003 48445

(16) **'Processing'** [in terms of the application of POPIA] means any operation or activity or any set of operations, whether or not by automatic means, concerning personal information, including – (a) the collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use; (b) dissemination by means of transmission, distribution or making available in any other form; or (c) merging, linking, as well as restriction, degradation, erasure or destruction of information."

(17) **'Provincial Senior Commissioner'** means the Senior Commissioner appointed in terms of section 117 of the Act to manage the operations of a province;

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

(19) **'Regional Senior Commissioner'** means the Senior Commissioner appointed in terms of section 117 of the Act to manage a region within a province.

(20) **'Rules'** means these Rules and includes any footnote to a Rule;

(21) **'Senior Commissioner'** means a Senior Commissioner appointed in terms of section 117 of the Act and includes any person delegated by the Senior Commissioner to perform any of the functions of the Senior Commissioner;

(22) **'Serve'** means to deliver a document in accordance with Rule 5 and 'service' has a corresponding meaning.

SCHEDULE ONE

ADDRESSES OF THE COMMISSION

The addresses of the Commission are as follows:

Head Office – Johannesburg (Not to be used for referrals, service or filing) 28 Harrison Street Johannesburg, 2001 Private Bag X94, Marshalltown, 2107 Tel: (011) 377 6650/01/00 **Gauteng – Johannesburg** CCMA House, 127 Fox Street (Cnr. Eloff), Johannesburg, 2001 Private Bag X96, Marshalltown, 2107 Tel: (011) 220 5000 E-mail: johannesburg@ccma.org.za **Gauteng – Ekurhuleni** CCMA Place, Cnr. Woburn & Rothsay Streets, Benoni, 1501 Private Bag X23, Benoni, 1500 Tel: (011) 845 9000 E-mail: Ekurhuleni@CCMA.org.za **Gauteng – Tshwane** 1st Floor CCMA Towers, 345 Pretorius Street, (Corner of Pretorius and Walter Sisulu	**Free State – Bloemfontein** CCMA House, Cnr. Elizabeth & West Burger Streets, Bloemfontein, 9301 Private Bag X20705, Bloemfontein,9300 Tel: (051) 411 1700 E-mail: blm@ccma.org.za **Free State – Welkom** 27 Mooi Street, Welkom, 9459 Private Bag X10213, Welkom, 9460 Tel: (057) 910 8300 E-mail: blm@ccma.org.za **KwaZulu-Natal – Durban** 1st & 3rd Floors, Aquasky Building, 275 Anton Lembede Street, Durban, 4001 Private Bag X54363, Durban, 4000 Tel: (031) 362 2300 E-mail: kzn@ccma.org.za **KwaZulu-Natal – Newcastle** Rams TV Centre, 71 Scott Street, Newcastle, 2940 Private Bag X6622, Newcastle, 2940 Tel: (034) 328 2400	**Limpopo – Polokwane** CCMA House, 104 Hans van Rensburg Street, Polokwane, 0699 Private Bag X9512, Polokwane, 0700 Tel: (015) 287 7400 E-mail: ptb@ccma.org.za **Mpumalanga – Mbombela** 25 Samora Machel, 7th Floor Sanlam Centre Building, Mbombela Tel: (013) 752 7500 E-mail: nlp@ccma.org.za **Mpumalanga – Emalahleni** CCMA House, 69 Kruger Street, Makhanda, 1035 Private Bag X7290, Makhanda, 1035 Tel: (013) 655 2600/1/2 E-mail: wtb@ccma.org.za **Northern Cape – Kimberley** CCMA House, 5-13 Compound Street, Kimberley, 8301 Private Bag X6100, Kimberley, 8300 Tel: (053) 836 7300 E-mail: kmb@ccma.org.za

Street, (opposite the State Theatre),
Pretoria, 0002

Private Bag X176,
Pretoria,
0001
Tel: (012) 317 7800
E-mail:pta@ccma.org.za

Gauteng – Vaal

Cnr. Kruger Avenue & Edward Street, Vereeniging,
1939

Private Bag X010,
Vereeniging,
1930
Tel: (016) 440 2700
E-mail: vaal@ccma.org.za

Eastern Cape – East London

31 Church Street, East London,
5201

Private Bag X9068, East London,
5200 Tel: (043) 711 5400
E-mail: el@ccma.org.za

Eastern Cape – Gqeberha

97 Govan Mbeki Avenue,
Gqeberha,
6001

Private Bag X22500,
Gqeberha,
6000
Tel: (041) 509 1000
E-mail: pe@ccma.org.za

E-mail: kzn@ccma.org.za

KwaZulu-Natal – Pietermaritzburg

CCMA House,
169 Peter Kerchoff Street,
Pietermaritzburg,
3201

P.O. Box 72,
Pietermaritzburg,
3200
Tel: (033) 328 5000
E-mail: kzn@ccma.org.za

KwaZulu-Natal – Port Shepstone

10 McArthur Street,
Port Shepstone,
4240

Private Bag X849,
Port Shepstone,
4240
Tel: (039) 688 3700/02
E-mail: kzn@ccma.org.za

KwaZulu-Natal – Richards Bay

2nd Floor ABSA Building,
Lakeview Terrace,
7 Trinidad Parking Area,
Richards Bay,
3901

Private Bag X1026,
Richards Bay,
3900
Tel: (035) 799 3300
E-mail: kzn@ccma.org.za

North West – Klerksdorp

CCMA House,
47 Siddle Street,
Klerksdorp,
2570

Private Bag X5004,
Klerksdorp,
2571
Tel: (018) 487 4600
E-mail: kdp@ccma.org.za

North West – Rustenburg

1st Floor CCMA House,
43-45 Boom Street,
Rustenburg, 0299

Private Bag X82104,
Rustenburg,
0300
Tel: (014) 591 6400
E-mail: kdp@ccma.org.za

North West – Vryburg

5 Molopo Street
Vryburg, 8600

Tel: (053) 927 0089
E-mail: kdp@ccma.org.za

Western Cape – Cape Town

CCMA House,
78 Darling Street,
Cape Town,
8001

Private Bag X9167,
Cape Town,
8000
Tel: (021) 469 0111
E-mail: ctn@ccma.org.za

Western Cape – George

2 Cathedral Square,
62 Cathedral Street,
George,

		6529 Private Bag X6650, George, 6530 Tel: (044) 805 7700/01 E-mail: ctn@ccma.org.za

COMMISSION ONLINE E-REFERRAL PLATFORMS

(1) #CCMAConnect

(2) https://cmsonline.ccma.org.za

ADDRESSES OF THE DEPARTMENT OF EMPLOYMENT AND LABOUR'S LABOUR CENTRES

EASTERN CAPE **Aliwal North** 80 Somerset Street, Aliwal North, 9750 Tel: (051) 633 2633 **Butterworth** Corner Merriman and Umtata Streets, Bungalow Mall, Butterworth, Tel: (047) 491 0656/0490 **Cradock** 73 Frere Street, Cradock, 5880 Tel: (048) 881 3010 **East London** Corner Hill and Oxford Streets, East London, 5201 Tel: (043) 702 7500 **Fort Beaufort** 529 Old Kwateba Building, Alice Road,	**Randburg** Corner Oak & Hill Street, Hillview Centre, Ground Floor, Randburg Tel: (011) 781 8144 **Randfontein** Fountain Plaza, 2 Main Reef Road, Randfontein Tel: (011) 693 3618/9/3650/3731/2/3 **Roodepoort** 125 Main Reef Road, Technikon, Roodepoort Tel: (011) 766 2000 **Sandton** 9th Street, 424 Marlboro, Sandton Tel: (011) 444 7631 **Soshanguve**	**Eestehoek** 89 Embhuleni Hospital Road, Mkwanazi Complex, Elukwatini Tel: (017) 883 2414 **Ermelo** Merino Trust Building, Corner De Jager and Joubert Streets, Ermelo Tel: (017) 819 7632/3010 **KwaMhlanga** Building No 6, Government Building, KwaMhlanga Tel: (013) 947 3173/2484/3378 **Malelane** Malelane Labour Centre, 1st Floor ABSA Building, 19 Lorenco Road, Malelane Tel: (013) 790 1528/1682/1359 **Mashishing (Lydenburg)** 51 De Klerk Street, Lydenburg

Fort Beaufort
Tel: (046) 645 4686

Gqeberha

1162134 Govan Mbeki Avenue,
Gqeberha
Tel: (041) 506 5000/0

Graaff-Reinet

Launder Building,
63 Church Street,
Graaff-Reinet, 6280
Tel: (049) 892 2142

King Williams Town

34 Arthur Street,
King Williams Town, 5601
Tel: (043) 643 4756/7

Lusikisiki

Corner Stanford and Jakaranda Streets,
Lusikisiki
Tel: (039) 253 1996/7

Maclear

133 Van Riebeeck Street,
Maclear,
5480
Tel: (045) 932 1424/6

Makhanda (Grahamstown)

20 High Street,
Makhanda,
6140
Tel: (046) 622 2104

Mdantsane

1 Mazaule, NU 1, Mfaxa Street,
Mdantsane
Tel: (043) 761 3151

2322 Block F, Neat & Fast Building,
Soshanguve
Tel: (012) 730 0500

Soweto

2 Khumalo Road,
A Centre, Orlando West,
Soweto
Tel: (011) 983 8700

Springs

Expo Building,
2nd Floor Corner 7th Street and Park Avenue,
Springs,
1559
Tel: (011) 365 3700/03

Temba

Shop no 4 Jubilee Mall,
Corner Harry Gwala & Jubilee Road,
Temba
Tel: (012) 727 1364/1367/1369 /1429/1435/1436/1437

Vanderbijlpark

Nashua Centre,
64 Eric Louw Street,
Vanderbijlpark
Tel: (016) 981 0280

Vereeniging

14 Andasta Building,
22 Merriman Avenue,
Vereeniging Tel: (016) 430 0000

KWAZULU-NATAL

Dundee

6 Victoria Street, Dundee
Tel: (034) 212 3147/8

Tel: (013) 235 2368/9

Mbombela

29 Brown Street, Alroe Park,
Mbombela
Tel: (013) 753 2844/5/6 or (013) 755 2640

Middelburg

Emily Hobhouse Building,
175 Cowen Ntuli Street,
Middelburg
Tel: (013) 283 3600

Piet Retief

Balalas Building,
42 Kotze Street,
Piet Retief
Tel: (017) 826 1883/4

Sabie

Old Spar Centre, 10th Avenue,
Sabie
Tel: (013) 764 2105/6

Secunda

4 Waterson Street, Sunset Park, Secunda
Tel: (017) 631 2585/2652

Standerton

Caroto Building,
14 Vry Street,
Standerton
Tel: (017) 712 1351/4809

NORTH WEST

Brits

Reinaldo Building,
Corner McClean and Korporasie Streets,
Brits
Tel: (012) 252 3068

Mount Ayliff

26 Bridge Street,
Mount Ayliff,
4735
Tel: (039) 254 0282/89/91

Mthatha

Standard Bank Building,
106 Chatam Street,
Umtata,
5990
Tel: (047) 501 5620/17

Queenstown

10 Robinson Road,
Queenstown,
5320
Tel: (045) 807 5400

Kariega

15A Chase Street, Kariega,
6230
Tel: (041) 992 4627

FREE STATE

Bethlehem

37 Louw Street,
Bethlehem
Tel: (058) 303 5293

Bloemfontein

Corner Maitland & West Burger Streets,
Bloemfontein
Tel: (051) 411 6400

Botshabelo

158 Canon Building,
Botshabelo,
9781
Tel: (051) 534 3789

Durban

Government Buildings,
Masonic Grove,
Durban
Tel: (031) 336 1500

Estcourt

75 Phillip Street,
Estcourt
Tel: (036) 342 9361/9369

Kokstad

Corner Parker and Hope Street,
Kokstad
Tel: (039) 727 140/5643/4931/5361

Ladysmith

35 Keate Street, Ladysmith
Tel: (036) 638 1900/1/2/3

Newcastle

29 Scott Street, Newcastle
Tel: (034) 312 6038/3334

Pietermaritzburg

370 Langalibalele Street,
Pietermaritzburg
Tel: (033) 341 5300

Pinetown

49 Kings Road,
Pinetown,
3610
Tel: (031) 701 7740

Port Shepstone

17 Bisset Street,
Port Shepstone
Tel: (039) 682 2406/7

Christiana

Suidwes Building,
3 Pretorius Street,
Christiana
Tel: (053) 441 2120

Klerksdorp

Corner Voortrekker and Anderson Streets,
Klerksdorp
Tel: (018) 464 8700

Lichtenburg

45 Church Street,
Lichtenburg,
2748
Tel: (018) 632 4323

Mafikeng

25 Lex Court Building, Tillard Street,
Mafikeng
Tel: (018) 381 1010/11

Mogwase

Block K, Ground Floor
Mogwase Shopping Complex,
Mogwase
Tel: (014) 555 5693

Potchefstroom

Old Volkskas Building,
90 Church Street,
Potchefstroom
Tel: (018) 297 5100

Rustenburg

1st Floor,
Shoprite Checkers Building,
Church Street,
Rustenburg
Tel: (014) 592 8214

Ficksburg

Quart House A and B,
28 Voortrekker Street,
Ficksburg
Tel: (051) 933 2299

Harrismith

43 Stuart Street, Harrismith
Tel: (058) 623 2977

Kroonstad

Corner 2 Buitekant and Station Streets,
Kroonstad
Tel: (056) 215 1812

Petrusburg

34 Ossewa Street, Petrusburg
Tel: (053) 574 0932

Phuthaditjhaba

Corner Lieta and Moropotsane Streets,
Phuthaditjhaba
Tel: (058) 713 0373

Sasolburg

No 1, Die Akker Building,
Fichardt Street,
Sasolburg
Tel: (016) 970 3200

Welkom

Raymond House,
53 Mooi Street,
Welkom
Tel: (057) 391 0200

Zastron

24A Gustavus Street,
Zastron
Tel: (051) 673 1471

Prospecton

1 Prospecton Place,
Prospecton
Tel: (031) 913 9700

Richards Bay

11 Lira Rink Road, Richards Bay
Tel: (035) 780 870

Richmond

60 Shepstone Street,
Richmond
Tel: (033) 212 2768

Stanger

12 Cato Street, Stanger
Tel: (032) 551 4291/7300

Ulundi

Unit A, Wombe Street,
Block 2C,
Ulundi
Tel: (035) 879 8800/02/42

Verulam

13 Wick Street,
Verulam
Tel: (032) 541 5600/03

Vryheid

99 Landrose Street,
Vryheid
Tel: (034) 980 8992/8820

LIMPOPO

Giyani

Government Building, Giyani Main Road,
Giyani
Tel: (015) 812 9041

Taung

Stand 232,
Behind Taung Station Post Office,
Taung Station
Tel: (053) 994 1679

Vryburg

27 Nelson Street,
Vryburg,
8600
Tel: (053) 927 5221

NORTHERN CAPE

Calvinia

Department of Employment and Labour,
21 Dorp Street,
Calvinia
Tel: (027) 341 1280

De Aar

New Lisbon Building,
23 Main Street, Corner Main and Voortrekker Streets,
De Aar
Tel: (053) 631 0455

Kimberley

Laboria House,
Corner Pniel & Compound Streets, Kimberley,
8300
Tel: (053) 838 1500

Kuruman

Magistrate Complex,
818 Seweding Road, Kuruman
Tel: (053) 712 3870

Postmasburg

Laboria House,
46 Main Street, Postmasburg
Tel: (053) 313 0641

GAUTENG

Alberton

Mercedes Place,
89 Voortrekker Road,
Alberton,
1450
Tel: (011) 861 6130/31

Atteridgeville

Corner WF Nkomo Street and Kalafong Road, Pretoria West,
Pretoria
Tel: (012) 373 4434/5/8

Benoni

10 Woburn Avenue, Woburn Heights,
Benoni
Tel: (011) 747 9600/06

Boksburg

Lakeside Building,
Corner Market and Bank Street,
Boksburg,
1459
Tel: (011) 898 3340/2/9

Brakpan

Old Post Office Building,
Corner Voortrekker and High Streets,
Brakpan
Tel: (011) 744 9000

Bronkhorstspruit

40 Botha Street,
Bronkhorstspruit
Tel: (013) 932 0197/8

Carletonville

Corner Osmium and Amethyst Streets,
Carletonville
Tel: (018) 788 3281

Groblersdal

1 Second Avenue, Groblersdal
Tel: (013) 262 3150/2983

Jan Furse

116 Lefa Building, Schoonoord Road
Jan Furse
Tel: (013) 265 7210/7125

Lebowakgomo

Magistrate's Complex,
Lebowakgomo
Tel: (015) 633 9360

Lephalale

Nicolet Building,
4 Muller Street,
Lephalale
Tel: (014) 763 2162

Makhado

Ground Floor,
Progress Paleis,
102 Krogh Street,
Makhado
Tel: (015) 516 0207/1025

Modimolle

84 Limpopo Street, Modimolle
Tel: (014) 717 1046/8

Mokopane

52 Rabe Street,
Mokopane
Tel: (015) 491 5973

Phalaborwa

21 Potgieter Avenue,
Phalaborwa
Tel: (015) 781 5114

Polokwane

99A Landdros Maries Street,

Springbok

126B Overberg Avenue,
Springbok
Tel: (027) 718 1058/9

Upington

Old Post Office Building,
Schroder Street, Upington
Tel: (054) 331 1098

WESTERN CAPE

Beaufort West

4 Voortrekker Street,
Beaufort West
Tel: (023) 414 3427

Bellville

1st Floor,
20 Charl Malan Street, Bellville
Tel: (021) 941 7000

Cape Town

Thomas Boydell Building,
22 Parade Street,
Cape Town
Tel: (021) 468 5500/02/04

George

Labour Centre,
35 Albert Street,
George
Tel: (044) 801 1200

Knysna

Old Van Halderens Building,
Clyde Street, Knysna
Tel: (044) 302 6800

Mitchell's Plain

Old Post Office Building,
5th Ave Polka Square,
Town Centre,
Mitchell's Plain
Tel: (021) 391 0591

Garankuwa

Setlalentoa Street, Zone 5,
Garankuwa
Tel: (012) 700 0290/ 0255

Germiston

Volkskas Building, 141 Victoria Street, Germiston
Tel: (011) 345 6300/2

Johannesburg

145 Commissioner Street,
(Corner Small Street),
Nedbank Mall Building,
Johannesburg, 2000
Tel: (011) 223 1000/01

Kempton Park

Trust Bank Building,
Ground Floor,
Corner Voortrekker and Wolff Streets,
Kempton Park
Tel: (011) 975 9301/7

Krugersdorp

Foley Street,
6 Factoria, Luipaardsvlei
Tel: (011) 955 4420/3

Mamelodi

Mini Munitoria Building,
17281 Makhubela Street,
Mamelodi West
Tel: (012) 812 9502

Nigel

Corner 4th Avenue and
Hendrik Verwoerd Street,
SARS building,
Nigel
Tel: (011) 814 7095/7

Pretoria

239 Concillium Building,
Polokwane
Tel: (015) 299 5000/5010

Seshego

4004 G Nelson Mandela Drive,
Seshego
Tel: (015) 223 7020/7220

Thohoyandou

Investec Building,
Mphephu Street,
Thohoyandou
Tel: (015) 960 1300/16

Tzaneen

Boulevard Building,
73 Agatha Street,
Tzaneen
Tel: (015) 306 2600

MPUMALANGA

Barberton

Shop No 11, Eurika Centre,
Nourse Street,
Barberton
Tel: (013) 712 3066/3353

Bethal

9 Vuyisile Mini Street,
Bethal
Tel: (017) 647 2383/5212

Carolina

Chief Albert Luthuli
Municipality Premises,
Corner Voortrekker & Fersveldt Streets,
Carolina
Tel: (017) 843 1077/2111

eMalahleni (Witbank)

36 Mandela Avenue,
Corner Escombe & Nelson Mandela Streets,
eMalahleni

Mossel Bay

Shoprite Building,
Corner Marsh and Church Streets, Mossel Bay
Tel: (044) 691 1140/1

Oudtshoorn

13 Regent Street,
Oudtshoorn
Tel: (044) 203 6100/279 2386

Paarl

68 Breda Street, Paarl
Tel: (021) 872 2020/74

Somerset West

Standard Bank Building, 1st Floor,
117 Main Road, Somerset West
Tel: (021) 852 6535

Vredenburg

85 Main Road,
Vergelegenpark, Vredenburg
Tel: (022) 713 1952

Worcester

90A Durban Street,
Worcester
Tel: (023) 346 5200

Corner Nana Sita and Thabo Sehume Streets, Pretoria Tel: (012) 309 5000	Tel: (013) 653 3800/656 1422-28	

DEPARTMENT OF FORESTRY, FISHERIES AND THE ENVIRONMENT

NO. R. 3319 **21 April 2023**

NATIONAL ENVIRONMENTAL MANAGEMENT ACT: AIR QUALITY ACT, 2004 (ACT NO. 39 OF 2004)

PROPOSED AMENDMENTS TO THE NOTICE DECLARING TEMPORARY ASPHALT PLANTS AS CONTROLLED EMITTERS AND ESTABLISHING THEIR EMISSION STANDARDS, AS PUBLISHED IN GOVERNMENT NOTICE NO. 201 IN *GOVERNMENT GAZETTE* NO. 37461 OF 28 MARCH 2014

I, Barbara Dallas Creecy, Minister of Forestry, Fisheries and the Environment, hereby under section 23 read with sections 24, 56 and 57 of the National Environmental Management: Air Quality Act, 2004 (Act No. 39 of 2004), give notice of my intention to amend the Notice declaring temporary asphalt plants as controlled emitters, as published in Government Notice No. 201 in *Government Gazette* No. 37461 of 28 March 2014, as set out in the schedule to this notice.

The public is invited to submit written comments about the proposed amendments within 30 days from the date of the publication of this Notice in the *Government Gazette*, or in the newspaper, whichever date is the later, to the following addresses:

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

By hand at: 473 Steve Biko Road, Environment House (Ground floor), Arcadia, Pretoria

By email: MNkoko@dffe.gov.za

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

Comments received after the closing date may not be considered.

BARBARA DALLAS CREECY
MINISTER OF FORESTRY, FISHERIES AND THE ENVIRONMENT

SCHEDULE

Definitions

1. In this Schedule, unless the context indicates otherwise, "**the Notice**" means the notice declaring temporary asphalt plants as controlled emitters that result in atmospheric emissions, which through ambient concentrations, bioaccumulation, deposition or in any other way, present a threat to health or the environment, as published in Government Notice No. 201 in *Government Gazette* No. 37461 of 28 March 2014.

Amendment of Part 1 of the Notice

2. Part 1 of the Notice is hereby amended by—

(a) the insertion before the definition of "asphalt plant" of the following definition:

" **'air quality officer'** means an air quality officer as defined in section 1 of the Act;";

(b) the substitution of the definition for "existing asphalt plant" for the following definition:

" **'existing temporary asphalt plant'** means any temporary asphalt plant that was built before the coming into effect of this Notice;";

(c) the substitution of the definition for "new asphalt plant" for the following definition:

" **'new temporary asphalt plant'** means any temporary asphalt plant that was built after the coming into effect of this Notice;";

(d) the substitution of the definition for 'operator or owner' for the following definition:

" **'operator'** means a person that owns, manages, or controls a temporary asphalt plant;";

(e) the substitution of the definition for "temporary asphalt plant" for the following definition:

" **'temporary asphalt plant'** means an asphalt plant that is operational for a period not exceeding 24 months and is used for the purpose of supplying asphalt for paving roads or any other purpose;"; and

(f) the insertion after the definition of "temporary asphalt plant" of the following definitions:

" **'the Act'** means the National Environmental Management: Air Quality Act, 2004 (Act No. 39 of 2004); and

'the National Atmospheric Emission Reporting Regulations, 2015' means the National Atmospheric Emission Reporting Regulations, published in Government Notice No. 283 in *Government Gazette* No. 38633 of 2 April 2015."

Amendment of paragraph 2 of the Notice

3. Paragraph 2 of the Notice is hereby amended by the substitution of paragraph 2 for the following paragraph:

"**2.** *(a)* An air quality officer is responsible for co-ordinating and implementing matters pertaining to this Notice.

(b) Where a road or roads paving will fall within the boundaries of more than one District, a provincial air quality officer is responsible for co-ordinating and implementing matters pertaining to this Notice.

(c) Where a road or roads paving will fall within the boundaries of more than one Province, a national air quality officer is responsible for co-ordinating and implementing matters pertaining to this Notice.".

Insertion of paragraph 10A in the Notice

4. The Notice is hereby amended by the insertion after paragraph 10 of the following paragraph:

"Reporting under the National Atmospheric Emission Inventory System

10A. An operator of a temporary asphalt plant must comply with all the requirements stipulated in the National Atmospheric Emission Reporting Regulations, 2015."

DEPARTMENT OF HEALTH

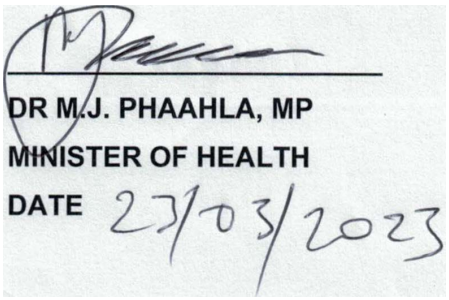
NO. R. 3320 **21 April 2023**

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

REGULATIONS RELATING TO THE LABELLING AND ADVERTISING OF FOODSTUFFS

The Minister of Health has, under section 15 (1) of the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No.54 of 1972), published for public comment the regulations set out in the Schedule hereto.

Interested persons are invited to submit any substantiated comments or representations on the proposed regulations, to the Director - General of Health, Private Bag X828, Pretoria, 0001 (for the attention of the Director: Food Control), by email to **foodcontrol@health.gov.za** within three months of the date of publication of this Notice.



SCHEDULE

TABLE OF CONTENTS

24	**Bulk stock**
25	**Small packages**
26	**Storage instructions**
27	**Foodstuffs vending machines**
28	**Pictorial representation**
29	**Labelling of pre-packed food additives**
30	**General labelling requirements regarding food additives**
31	**Flavourings**
32	**Tartrazine**
33	**Preservatives**
34	**Antioxidants as additives**
35	**Artificial sweeteners (food additives)**
36	**Modified starches, Processing aids and carry-over of additives**
37	**Allergens**
38	**Uncommon allergens**
39	**Allergen cross contamination**
40	**Allergen-related claims regarding gluten-free and naturally gluten-free foodstuff**
41	**Allergen-related claims regarding hypoallergenic, non-allergenic or allergen-free foodstuff**
42	**Misleading descriptions**
43	**Irradiation**
44	**Statements related to frozen foodstuffs**
45	**Vegetarian claims**
46 **Table 1:**	**Nutritional information facts** **Foodstuffs that are exempted from the mandatory requirement to bear nutritional information/facts**

	unless a claim with a nutrition or health message is made
47	**Additional requirements relating to nutritional information table**
PART III: GENERAL INFORMATION ON FRONT OF PACKAGE LABELS, HEALTH AND NUTRITIONAL CLAIMS	
48	**General information and conditions**
49	**Enrichment of foodstuffs**
50	**Nutrient Profiling Model for South Africa for the purpose of screening foodstuffs for their eligibility to make any claim with a nutrition or health message**
51	**Profiling Model for Foodstuffs for South Africa for the purpose of FOPL logos on labels of foodstuffs that may not be marketed or advertised to children**
52	**Marketing restrictions for foodstuffs that may not be advertised to children**
53	**Use of the South African Foodstuffs Based Dietary Guidelines**
54	**Claims on packaged water**
55	**Foodstuffs containing added purified, crystalline fructose ($C_6H_{12}O_6$), or added non-nutritive sweeteners**
56	**Fake foodstuffs**
57	**Cosmetic claims**
58	**Claims represented through pictures**
PART IV: NUTRITION CLAIMS	
59	**Energy, nutrient, and other content-related claims**
60	**Dietary fibre content claims**
61	**Protein content claims**
62	**Fatty acid content claims**

6

78	Short title
Annexure number	**Title of Annexure**
Annexure 1	**Categories of food additives that may be identified by their principal functional category name in a list of ingredients**
Annexure 2 **Table 11:** **Table 12:**	**Prescribed mandatory nutritional information/facts declaration format and conversion factors** **Estimated glycaemic carbohydrate content of various polyols** **Factors for converting total nitrogen to protein**
Annexure 3	**Nutrient Reference Values (NRVs) for the purpose of foodstuffs labelling and list of energy conversion factors**
Annexure 4	**Evaluation of protein quality for the purpose of when a protein claim is made**
Annexure 5	**Letter sizes: definition of x-height**
Annexure 6	**Major dietary carbohydrates**
Annexure 7	**Culinary Herbs and Spices for ordinary use in food preparations**
Annexure 8	**South African Nutrient Profiling Model: Screening criteria for health and nutrition claims**
Annexure 9	**Illustrative list of foods that need only a "date of manufacture" or a "date of packaging", as appropriate**
Annexure 10	**Front of Pack Nutrition Labelling (FOPL) logos**

Definitions

1. In these regulations, any expression to which a meaning has been assigned in the Act bears such meaning unless the context indicates otherwise—

"address" means a physical address and includes the street or road number and name, the name of the town, village or suburb and, in the case of a farm, the name or number of the farm and of the magisterial district in which it is situated, and, in the case of imported foodstuffs, the name and address as provided for in the Codex Alimentarius Commission's document entitled: General Standard for the Labelling of Pre-packaged Foodstuffs, CODEX STAN 1-1985;

"additive" means a substance not normally consumed as a food by itself and not normally used as a typical ingredient of the food, whether or not it has nutritive value, but which is intentionally added, for a technological (including organoleptic) purpose, to food in its manufacture, processing, preparation, treatment, packing, packaging, transport or storage, which addition causes, or may be reasonably expected to cause, (directly or indirectly) that the additive or its byproducts becomes a component of such foods, but does not include contaminants, or substances added to food for maintaining or improving nutritional qualities, sodium chloride or procession aids;

"Agricultural Product Standards Act" means the Agricultural Product Standards Act, 1990 (Act No. 119 of 1990);

"allergen" in relation to food means a substance that causes an allergic or other adverse immune response;

"**allergen cross-contamination**" means the presence of one or more common allergen within a foodstuff, though not intentionally added to the foodstuff, as a result of the cultivation, production, manufacturing, processing, preparation, treatment, packing,

packaging, transport, or storage of such foodstuff or as a result of environmental contamination;

“allergen control programme (“ACP”)” means a programme for the identification and management of ingredients which are allergens or contain allergens and for the prevention of allergen cross-contamination at every stage of the manufacturing process, from harvesting through to packaging and retailing;

"Annexure" means an annexure to these regulations;

“artificial sweetener” for the purpose of these regulations means food additives that impart a sweet taste to a food, including artificial, non-nutritive intense sweeteners; steviol glycosides; and providing lower energy sweeteners such as polyols, but excluding mono- and disaccharides from any food ingredient;

“batch” means a group or set of identifiable products obtained from a given process under practically identical circumstances and produced in a given place within a defined production period as defined by the food business operator;

“beer” means a product of alcoholic fermentation of wort prepared from starch and sugar containing raw materials with or without the addition of potable water, flavoured with hops or hop products, produced in such a manner that at least 35 per cent of the fermentable extract of the wort is derived from malted barley or malted wheat;

“Best Quality Before Date” means the date which signifies the end of the period, under any stated storage conditions, during which the unopened product will remain fully marketable and will retain any specific qualities for which implied or express claims have been made. However, beyond the date the food may still be acceptable for consumption and “Best Before Date” has the same meaning;

"bran" in relation to wholegrains means the fraction generally described as bran in intact (unmilled) grains which includes the pericarp-seed coat (mainly insoluble fibre (NSP)) and the aleurone layer which consists of cells containing protein, fats, micronutrients, and some fibre;

"brine" means a solution of sodium chloride in water where the strength of the solution may vary depending on its use in the end product;

"bulk stock" means—

(a) a container that is used to display several individual units suitable for sale by itself at retail or wholesale; or

(b) multiple individual units, which are pre-packed or wrapped for the purpose of bulk sales of foodstuffs at wholesale; or

(c) foodstuffs, ingredients, or additives which are imported, without labels, or sold in large quantities to other foodstuff manufacturers or catering establishments;

"carbohydrate" for the purpose of nutritional information labelling means-

(a) where no claim with a health or nutrition message is made, carbohydrate calculated by difference, using the formula: carbohydrate = 100 g - [moisture (g) + protein (g) + fat (g) + oligosachharides (mg), + dietary fibre (g), + alcohol (g), + ash (g), + non-glycemic polyols (g) specified in point 3 of Annexure 2]; or

(b) where a claim related to any component of carbohydrates according to the classification in Annexure 6 is made, the sum of all the analytical values of all the following glycaemic carbohydrates: sugars, glycaemic polyols specified in point 2 of Annexure 2, oligosaccharides, isomaltulose and starch;

"catering establishment" means an establishment, including a vehicle or a fixed or mobile stand where, in the course of business, ready-to-consume foodstuffs are prepared for direct sale to the consumer for consumption;

"cereal" means a product derived from the grain or edible seed of any cultivated grasses of the family *Poaceae*, which may be used as a foodstuff, such as, but not limited to wheat, rice, oats, barley, rye, maize, millet;

"children" for the purpose of foods that may not be marketed or advertised to children and the Front-of-pack-labelling logos, are all children 18 years and under;

"chilled" means stored at an appropriate temperature ranging from 0°C to 7°C for a specific product type, but specifically means a maximum core temperature of 4°C for raw unpreserved fish, molluscs, crustaceans, edible offal, poultry meat and milk, and for any other perishable foodstuffs that must be kept chilled to prevent spoilage, a maximum temperature of 7°C, and **"refrigerated"** has the same meaning;

"chocolate confectionery" means any foodstuff that is meant to be consumed as a sweet snack and which contains chocolate only as described in the Codex Alimentarius or chocolate plus other ingredients;

"claim" in relation to a foodstuff, means any written, pictorial, visual, descriptive, or verbal statement, communication, representation, or reference brought to the attention of the public in any manner including a tradename or brand name and referring to the characteristics of a product, in particular to its nature, identity, nutritional properties, composition, quality, durability, origin or method of manufacture, production, or storage;

"Codex" means the latest adopted version of the relevant text of the Codex Alimentarius Commission of the Joint Food and Agricultural Organisation (FAO) / World Health Organisation (WHO) Foodstuffs Standards Programme;

"cold extraction" means, with regard to edible vegetable fat and oil manufacturing, oil obtained by mechanical procedures or cold pressed,

"colourant" means any substance described as such in Regulations Relating to Colourants, R.1008 of 21 June 1996 under the Act;

"common allergen" means egg, cow's milk, crustaceans, molluscs, fish, peanuts, soybeans, tree nuts and any significant cereals as well as ingredients derived from these foodstuffs, and which have retained their allergenicity in the final end product and includes sulphites;

"comparative claim" means a claim that compares certain nutrient levels or energy values of two or more similar foodstuffs;

"complementary medicine" has the meaning assigned to it in regulation 1 of the General Regulations published in Government Notice R510 of 10 April 2003 and made in terms of the Medicines and Related Substances Amendment Act, 1965 (Act No. 14 of 2016);

"Compulsory Specifications Act" means the National Regulator for Compulsory Specifications Act, 2008 (Act No.5 of 2008);

"container" means any packaging of foodstuffs for sale at retail level or for catering purposes for delivery as a single item or for free sample hand-out purposes, which either completely or partially enclose the foodstuffs, and includes wrappers or shrink-wrap for individual and multiple-unit-packs;

"dairy product" means a primary dairy product, a composite dairy product or a modified dairy product as defined in the Regulations on Dairy Products and Imitation Dairy Products; R. 1510 of 22 November 2019 made under the Agricultural Product Standards Act;

"date of manufacture" means the date on which the foodstuff becomes the end product as described and is not an indication of either the quality or the safety of the product;

"date of packaging" means the date on which the food is placed in the immediate container in which it will be ultimately sold and is not an indication of either the quality or the safety of the product;

"dehulled or dehusked" means cleaned grains from which the inedible parts have been removed;

"dietary fibre" means edible intrinsic non-starch plant cell wall polysaccharides with ten or more monomeric units from fruits, vegetables, and wholegrains, which are not hydrolysed by the endogenous enzymes in the small intestine of humans and belong to the following categories:

(a) Edible carbohydrate polymers naturally occurring in foodstuffs as consumed;

(b) edible carbohydrate polymers, which have been obtained from foodstuffs raw material by physical, enzymatic, or chemical means and which have been shown to be beneficial to health by generally accepted scientific evidence provided to competent authorities; or

(c) benefits to health as NSP from fruits, vegetables, and wholegrains;

"endorse" means to indicate approval of a particular foodstuff with the permission of an endorsing body through the endorsing body's specific logo, picture, or text;

"end product" means a final product that will undergo no further processing or transformation by any food business operator before being sold;

"energy intake" means the ingestion, orally or otherwise (such as enteral) of energy-providing substances or ingredients;

"enrichment" means the voluntary addition by a manufacturer, of one or more nutrients to a processed or manufactured foodstuff that passes the Nutrient Profiling Model, with the sole purpose of adding nutritional value to the foodstuff but does not mean fortification;

"fake food" means a foodstuff or beverage which consist mainly of a mixture of food additives not ordinarily consumed on its own in the same form as the ingoing additive in the formulation/recipe, and/or ingredients such as water and/or salt and/or the flavouring or extract of a real ingredient but not the ingredient itself, and contains no or no significant amount of energy, protein, carbohydrates, or fat;

"flavouring" means a compound additive which enhances the flavour of foodstuff, and which is not normally consumed as a foodstuff by itself, which is added intentionally to a foodstuff for organoleptic purposes, but excludes substances that have an exclusively sweet, sour, or salty taste;

"flavour enhancer" means an additive with the exclusive technological function of enhancing, intensifying, or supplementing the existing taste or odour of a foodstuff;

"flour confectionery" means any cooked foodstuff ready for consumption without further preparation (other than reheating) and intended to be consumed within 24 hours of manufacture, having as its characteristic ingredients ground cereal and sweeteners or other ingredients, but excludes dry biscuits;

"food business operator" means a foodstuff manufacturer, seller, or importer;

fortification" means the addition of one or more micronutrients by means of a prescribed fortification mix to a foodstuff vehicle whether or not it is normally contained in a foodstuff vehicle for the purpose of preventing or correcting a demonstrated deficiency of one or more nutrients in the general population or specific population group of South Africa as contained in the Regulations Relating to the Fortification of Certain Foodstuffs, R504 of 7 April 2003;

"front-of-pack" means that principal display panel on the packaging of a foodstuff that bears the brand name or trade name and product name or product descriptor in greatest

prominence that enables the consumer to immediately identify a product in terms of its character or nature;

"Front-of-Pack-Labelling (FOPL)" means the labelling system outlined in regulation 51 and Annexure 10 and comprises a system of logos presented on the principle display panel on the packaging of a foodstuff and beverages (in the principal field of vision and an underpinning profiling model relating to nutrients of concern for NCDs; and present simple, often graphic information on the nutrient content of nutritional quality of products, to complement the more detailed nutrient declarations usually provided on the back of food packages;

"frozen" means stored at any appropriate temperature equal to or colder than 0°C which will maintain and preserve the inherent quality of a specific product in a hard, frozen state and includes frozen foodstuffs for which special temperature requirements are provided for in the relevant regulations made under the Agricultural Product Standards Act, the Compulsory Specifications Act and any other Regulations promulgated under the Act;

"**fruit drink**" means a fruit drink as defined in the Regulations for Fruit Juices, R. 286 of 7 November 1980 and subsequent amendments and revisions under the Agricultural Product Standards Act;

"fruit juice" means fruit juice as defined in the Regulations for Fruit Juices, R. 286 of 7 November 1980 and subsequent amendments and revisions under the Agricultural Product Standards Act;

"fruit nectar" means fruit nectar as defined in the Regulations for Fruit Juices, R. 286 of 7 November 1980 and subsequent amendments and revisions under the Agricultural Product Standards Act;

"gluten" means the main protein that occurs naturally in significant cereals such as wheat, rye, oats, barley, triticale and spelt relevant to the medical conditions, namely coeliac disease, and dermatitis herpetiformis;

"GI" means the Glycaemic Index which is a measure of the blood glucose responses of glycaemic carbohydrates in a given foodstuff as determined according to the latest edition of ISO 26642 standard;

"GL" means Glycaemic Load which is a numerical expression of how much impact a specific carbohydrate foodstuff serving will have in affecting blood glucose levels and which is calculated according to the formula:

$$GL = \frac{\text{Carbohydrate content (in grams) per serving x GI;}}{100}$$

"Good Manufacturing Practice" means a combination of manufacturing, quality control and hygiene procedures aimed at ensuring that foodstuffs are consistently manufactured to their specifications;

"guideline" means guidance documents which are intended to provide detailed information, clarity, and examples to enhance the interpretation of these Regulations as published on the website of the Department of Health;

"grain" for the purpose of these Regulations specifically in relation to wholegrains, means any species belonging to the following genus/species:

(a) Wheat (genus *Triticum)*, including varieties such as kamut (khorasan wheat) and spelt;
(b) rye (*Secale cereal);*
(c) barley (*Hordeum sativum or Hordeum vulgare);*
(d) sorghum (*Sorghum vulgare);*
(e) oats (*Avenasativa* or any other species belonging to the genus *Avena)*;

(f) crossbred hybrids of wheat, rye or barley (e.g., triticale, which is a cross between wheat and rye);
(g) millet (*Pennisetum American);*
(h) maize (*Zea mays);*
(i) the amaranth *species* *Amaranthus caudatus*, *Amaranthus cruentus*, and *Amaranthus hypochondriacus*;
(j) buckwheat (*Fagopyrum esculentum);*
(k) quinoa (*Chenopodium quinoa);*
(l) wild rice (*Oryza sativa* or any other species belonging to the genus Zizania).

"health claim" means an effect on the human body, including an effect on one or more of the following:
(a) A biochemical process or outcome;
(b) a physiological process or outcome;
(c) a functional process or outcome;
(d) growth and development;
(e) mental performance;
(f) a disease, disorder or condition; and
(g) oral hygiene;

"honey" has the meaning assigned to it in the Regulations Relating to the Grading, Packing, and Marking of Honey and Mixtures of Bee Products intended for Sale in the Republic of South Africa and subsequent amendments and revisions under the Agricultural Product Standards Act;

"ingredient" for the purpose of the list of ingredients on the label of compound foodstuffs, means any substance, including any foodstuffs additive, which is used in the manufacture or preparation of foodstuffs, and which is present in or on the final end product, although possibly in a modified form but excludes processing aids;

"ingredient content claim" means a claim that describes the level of the following ingredients in the end product: added sugar, added salt, antioxidant, prebiotic, polyol, reconstituted wholegrain/(name of specific wholegrain) and partially wholegrain/(name of specific wholegrain);

"irradiation" means deliberate exposure to ionising radiation;

"label" means any permanent tag, brand, mark, sticker, pictorial, graphic or other descriptive matter, which is written, printed, stencilled, marked, embossed, impressed upon, or permanently attached to a container of a foodstuff, and includes labelling for the purpose of promoting its sale or disposal;

"Liquor Products Act" means the Liquor Products Act, 1989 (Act No. 608 of 1989) and includes the Regulations made thereunder;

"main ingredient" means the ingredient in a foodstuff which contributes the highest percentage mass in the end product, excluding water;

"main panel" means that part of the label that bears the brand name or trade name and product name or product descriptor in greatest prominence that enables the consumer to immediately identify a product in terms of its character or nature;

"Meat Safety Act" means the Meat Safety Act, 2000 (Act No. 40 of 2000);

"milk" means cow's milk unless otherwise specifically indicated;

"modified starch" means an edible starch that no longer possesses the functional characteristics of the native starch from which it is derived due to any physical, enzymatic, chemical, or other processes that has been used to modify its properties;

"monounsaturated fatty acid" means a hydrocarbon chain that contains one *cis* double bond and a carboxyl group at the terminal end;

"name" means a word or words giving a true description of the nature of the foodstuff product concerned;

"non-nutritive sweetener" has the meaning assigned to it in the Regulations Relating to the Use of Sweeteners in Foods, R.733 of 10 September 2012 and subsequent amendments and revisions, as published under the Act;

"nutrient" means any natural or synthetic substance normally consumed as a constituent of foodstuffs, which provides energy, and which is needed for growth, development and maintenance of life and physiological health, or of which a deficit may cause characteristic biochemical or physiological changes to occur;

"nutrient content claim" means a claim that describes the present level of energy, certain micro and macro nutrients, or carotenoids contained in an end product foodstuff;

"Nutrient Profiling Model for Health and Nutrition Claims" in relation to South Africa means a validated electronic tool based on a set of scientific criteria to categorise foodstuffs according to their total nutritional composition for the purpose of screening foodstuffs to determine their eligibility to make any claim or endorsement with a health or nutrition message;

"nutrition claim" means any representation that refers to energy or a specific nutrient or foodstuff constituent content of a particular foodstuff such as a nutrient content claim, a comparative claim and ingredient-content claim, but excludes−

(a) the mention of substances within the list of ingredients; and

(b) the mention of substances in the nutritional information table;

"partially wholegrain" means the addition of a specified percentage of intact wholegrains to an end product;

"polyol" has the meaning assigned to it in the Regulations Relating to the Use of Sweeteners, R.733 of 10 September 2012 and subsequent amendments and revisions as published under the Act;

"polyunsaturated fatty acid" means a hydrocarbon chain with cis-cis methylene interrupted double bonds and a carboxyl group at the terminal end;

"portion or single portion/serving" in relation to a foodstuff, means the mass, volume, or number, as the case may be, of a foodstuff which is appropriate for a single portion/serving which is typically recommended by health professionals for maintenance or achievement of a healthy weight and good health;

"poultry" means any poultry meat in the Regulations Regarding Control over the Sale of Poultry Meat published in Government Notice R. 946 of 27 March 1992 and subsequent amendments and revisions, made under the Agricultural Product Standards Act;

"prebiotics" mean edible carbohydrates, of which the degree of polymerization varies between two to sixty-four monomeric units, which resist hydrolysis by mammalian enzymes that allow specific changes, both in the composition or activity in the indigenous human gastrointestinal microflora, which confer benefits upon host well-being and health, demonstrated by generally accepted scientific evidence to competent authorities;

"pre-packaged" means the packaging of a foodstuff in packaging material ready for sale to the consumer or to a catering establishment, but does not include—

(a) individually wrapped one-bite sweets or chocolate confectionery, sugars or savoury accompaniments to a meal which is not enclosed in any further packaging material and is not intended for sale as an individual unit; and

(b) the outer containers of bulk stock;

"preservative" means an additive that prolongs the shelf life of a foodstuff;

"processed" means a foodstuff that has been subjected to any process which alters its original state, but excludes –

(a) harvesting;
(b) slaughtering;
(c) cleaning;
(d) decapitating;
(e) defeathering;
(f) dehairing;
(g) eviscerating;
(h) portioning;
(i) sectioning;
(j) deboning;
(k) washing;
(l) chilling;
(m) removal of fish scales,
(n) removal of blemishes and foliage of fruit and vegetables;
(o) removal of inedible skins and seeds of fruits and vegetables;
(p) removal of the skins of animals; or
(q) the mixing, compounding, or blending of two or more single ingredient agricultural ingredients that have not been processed;

"processed meat" means products containing meat that are published as Regulations on Processed meat, R.1283 of 4 October 2019 and subsequent amendments and revisions under the Agricultural Product Standards Act;

“protein” means—

(a) organic compounds consisting of amino acids, arranged in a linear chain and joined together by peptide bonds between the carboxyl and amino groups of adjacent amino acid residues;

(b) any of a group of complex organic macromolecules that contain carbon, hydrogen, oxygen, nitrogen, and usually sulphur and are composed of one or more chains of amino acids, measured as the sum of individual amino acid residues (the molecular weight of each amino acid less the molecular weight of water) plus free amino acids and of which the nitrogen must be multiplied with the appropriate factor as listed in Annexure 2;

"raw-processed meat" means raw meat products from all species of meat animals and birds intended for human consumption, cured or uncured, pre-packaged or un-prepacked, that may have undergone freezing or partial heat treatment, and where any added ingredients or additives and added water, including a formulated solution, are retained in or on the product as sold, but excludes products covered by the latest version of the Regulations on Processed meat, R.1283 of 4 October 2019 under the Agricultural Product Standards Act;

“ready-to-eat foodstuffs” means any solid or liquid foodstuff prepared into a form in which it is normally consumed without further processing except, in some cases, heating;

“recombined wholegrain flour meal” means the recombination of the starchy endosperm, germ and bran constituents of milled intact dehulled or dehusked wholegrains after separation of these constituents through milling, to relative proportions of starchy endosperm, germ and bran found in the intact grain and include the recombination of wholegrain with milled fractions of intact wholegrain; with losses of maximum 10% bran, and maximum 50% germ and generally changes to the GI value, when compared to the intact wholegrain;

“retail” means the direct sale of foodstuffs to the consumer;

“saturated fatty acid” means a hydrocarbon chain with no double bonds and a carboxyl group at the terminal end;

“scale label or sticker” means a self-adhesive label applied to the packaging of foodstuffs bearing a brief description sufficient to identify the foodstuffs’ mass or quantity contained and any other required information under applicable regulations;

"significant cereal" means any one of the following cereals:

(a) Wheat, meaning any species belonging to the genus *Triticum*, including varieties such as kamut (khorasan wheat) and spelt;
(b) rye, meaning any species belonging to the genus *Secale*;
(c) barley, meaning any species belonging to the genus *Hordeum;*
(d) oats; or
(e) crossbred hybrids of wheat, rye or barley (e.g., triticale, which is a cross between wheat and rye);

“single ingredient agricultural commodities” mean—

(a) single type fresh fruit or vegetables;
(b) single type frozen fruit or vegetables without any added additive or ingredient;
(c) single type dehydrated vegetables without any added additive or ingredient;
(d) single ingredient dried fruit without any added additive or ingredient;
(e) single type fresh fruit or vegetable juice without any additive;
(f) whole eggs;
(g) raw, fresh, or frozen unprocessed fish and marine products;
(h) unprocessed meat of birds and animals referred to in Schedule 1 of the Meat Safety Act;
(i) black and green tea, honeybush tea and rooibos tea;
(j) vinegar;
(k) 100% pure honey;
(l) single ingredient wholegrain cereal kernels;

(m) rice, provided the specific cultivar is indicated;
(n) single ingredient raw oil seeds;
(o) raw soya beans;
(p) raw groundnuts without any added ingredient or additive;
(q) single ingredient dry legumes;
(r) fresh, pasteurised, or UHT milk, fresh, pasteurised, UHT or canned dairy cream and unsalted butter;
(s) unsweetened canned condensed milk;
(t) raw, fresh tree nuts without any added additive or ingredient;
(u) fresh or dried coconut flesh;
(v) single ingredient vegetable oil such as 100% sunflower oil; or
(w) sucrose to which no additives or nutrients are added;

"small producer" means a business defined as either a Qualifying Small Enterprise or Exempt Micro Enterprise in the BEE revised Codes of Good Practice;

"starch" means edible starch, an ingredient as listed in the classification of carbohydrates in Annexure 6 and excludes modified starches;

"street vendor" means a person who offers goods or services for sale to the public without having a permanently built structure but with a temporary static structure or mobile stall or with their goods laid out on the sidewalk;

"sugars" means all edible mono- and disaccharides;

"supersize portion/serving size" means a single portion/serving size which is not more than the portion/serving sizes typically recommended by health professionals for maintenance or achievement of a healthy weight and good health and which would not encourage consumers to consume "supersize" servings which might result in an undesirable increase of their total energy intake that could contribute to unhealthy weight gain;

"**syrup**" means a solution of one or more sugars in water where the strength of the solution may vary depending on its use in the end product;

"the Act" means the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No.54 of 1972);

"total carbohydrates" means the sum of all the carbohydrates indicated in the WHO classification of carbohydrates as indicated in Annexure 6;

"total fat" means—

(a) in the case where a claim with a health or nutrition message is made and the foodstuff has to be chemically analysed, the sum of all the individual fatty acids expressed as triacylglycerol (triglyceride) equivalents [including *cis* and *trans*-forms of monounsaturated and polyunsaturated fatty acids as well as conjugated linoleic acid (CLA)] (AOAC 996.06 or equivalent method); or

(b) in the case where no claim with a health or nutrition message is made and the nutrient values for single ingredient foods are used from food composition tables for direct labelling or for recipe calculations, the value that includes all the individual fatty acids and the non-fatty acid components such as glycerol, phospholipids, sterols, and fat-soluble vitamins. (This definition applies where total fat is reported as 'total lipids' in food composition tables and the nutrient values for single ingredient foods are used from the food composition table in the South African Food Data System (SAFOODS) or suitable international food composition tables for direct labelling or for recipe calculations);

"total sugars" means the sum of all intrinsic and added mono- and disaccharides from all sources in a food, defined as "all monosaccharides and disaccharides other than polyols;

25

"traceable/traceability" means the ability to follow the movement of a foodstuff through specific stages of production, processing, and distribution;

"*Trans* fat" means **"industrially produced *trans-fatty* acids"** but excludes "**natural trans-fatty acids"** as defined in the Regulations Relating to *Trans*-fat in Certain Foodstuffs and Related Matters, R127 of 17 February 2011 and subsequent amendments and revision under the Act;

"tree nuts" means almonds (Prunus dulcis, syn. Prunus amygdalus Batsch, *Amygdalus communis L*., Amygdalus dulcis Mill), brazil nuts (*Bertholletia excelsa*), cashew nuts (*Anacardium occidentale*), hazelnuts (*Corylus avellana*), macadamia nuts (*Macadamia ternifolia*), pecan nuts (*Carya illinoiesis [Wangenh] K. Koch*), pistachio nuts (*Pistachia vera*) and walnuts (*Juglans regia*);

"typical values" means the average of real, typical, representative, composite nutritional or microbiological values of foodstuffs sampled and analysed according to the relevant criteria and methods stipulated in these Regulations or Codex, and which has the required accreditation by the SANAS or other recognised international accreditation authorities which are part of the ILAC arrangement;

"vegetarian" means a diet which—

(a) consists of ingredients of multi-cellular plant, fungal, algal, and bacterial origin;

(b) may include honey, dairy foodstuffs produced without any slaughter by-products, or unfertilised eggs obtained from live animals; and

(c) excludes all animal flesh and products obtained from the slaughter of an animal, such as gelatine, animal fats, caviar, and roe;

"Use by" date means the date which signifies the end of the period under any stated storage conditions, after which the product should not be sold or consumed due to safety and quality reasons and "expiration date" has the same meaning;

“un-prepacked” means a foodstuff that is exhibited for sale without being pre-packaged in a container with a label, excluding a scale label;

“unprocessed meat” means uncooked, uncured meat which has not been processed or heat-treated and which does not fall under the categories “processed meat” or “raw-processed meat”;

“vegetable juice” means the product obtained from the edible part of sound, ripe vegetables which may either be fresh or preserved, and which has the characteristic colour, flavour and aroma of the juice originating from the specific vegetable it has been obtained from;

“weight loss” means an intentional imbalance between energy intake or uptake and energy expenditure accounting for a reduction in total body weight by a loss of total body fat or abdominal fat and a subsequent increase in lean tissue;

"wholegrain" means clean dehulled or dehusked intact grains which may have been subjected to minimal food processing techniques such as cutting, coarse milling (crushed, cracked), rolling (flakes) or kibbling, after which the constituents – endosperm, germ and bran – are present in such proportions that represent the typical ratio of those fractions occurring in the intact wholegrain, and which has the same nutritional value as the intact wholegrain;

"wholegrain flour/meal" means flour obtained by the milling of dehulled or dehusked intact wholegrains which, after milling, still contains all the components namely endosperm, bran, germ, all the macronutrients, micronutrients, and trace elements of the original intact whole kernel in its original form, usually having a short shelf life in itself and which, as a result of milling and grinding processes, results in a product which has a finer particle; and

“wholesale” means the sale of goods, usually in larger quantities, for the purpose of resale to consumers.

27

PART I:

GENERAL PROVISIONS

General

2. (1) A person may not manufacture, import, sell, donate, or offer for sale any pre-packaged foodstuff, unless the foodstuff container, or the bulk stock from which it is sold or taken, is labelled in accordance with these Regulations.

(2) A person contemplated in subregulation (1) must provide accurate information regarding the characteristics, origin, composition, quality, nutritive value, nature or other properties of a foodstuff and the time and place of its manufacture to the consumer.

(3) (a) A food business operator under whose name or business name a foodstuff is marketed is responsible for the information required by these Regulations

(b) A person may not promote or advertise a foodstuff in a manner which is in conflict with these Regulations.

(c) A person may not label a foodstuff for sale in a manner which contradicts any regulations made under the Act relating to infants, young children, or children.

(4) Subject to regulation 74(3), the particulars required in terms of these Regulations regarding a foodstuff that is not labelled but displayed for sale, must be made available upon request at the premises where the foodstuff is offered for sale.

(5) For the purpose of traceability and subsequent labelling, a food business operator must keep a record, in the form of a supplier ingredient information file, of every ingredient, additive or substance used in the manufacturing of a foodstuff ready

for sale, irrespective of whether the foodstuff is intended for direct sale or for further processing or manufacturing.

(6) A food business operator must keep the supplier ingredient information files, contemplated in subregulation (5), while an ingredient, additive or substance is in use and for a period of at least 12 months after the use thereof has ceased.

(7) A food business operator is guilty of an offence if he or she, upon request by an inspector or employee of the Department, fails to produce, within two working days, any relevant documentation related to the labelling or advertising of a foodstuff.

(8) Unless these Regulations specifically provide otherwise, a label, promotion or advertisement of a foodstuff may not refer to the Act, regulations made under the Act, the Department of Health, national, provincial, or local government, or any official of the said department or government.

(9) Notwithstanding regulation 9, any endorsement of a foodstuff is considered the voluntary decision of a food business operator and is not a mandatory requirement in terms of these Regulations.

(10) A person may not—

(a) include a sample of complementary medicine in a foodstuff or its container;

(b) show a pictorial representation of a complementary medicine on the label, container or in an advertisement;

(c) make a claim on the label of the foodstuff that may relate to the health or therapeutic effect of a complementary medicine;

(d) include as an ingredient in a foodstuff a complementary medicine which is sold independently, and use the brand name of the complementary medicine to indicate its presence in the list of ingredients or anywhere else on the label;

(e) subject to paragraph (h), add any herbal substance to a foodstuff, which is not, according to Annexure 7, considered a culinary herb or spice ordinarily used in South Africa (Table 1); or which other herbs and spices which are not ordinarily used as culinary herbs, but which are permitted in foodstuffs (Table 2a); or which may not be used in food according to the Medicines Act (Table 2b);

(f) compare a foodstuff in any manner with a complementary medicine or *vice versa*;

(g) include a vitamin, mineral, fatty acid, amino acid, prebiotic or probiotic defined in terms of the Medicines Act, in a food at a level which is considered a complimentary medicine made in terms of the Medicines Act;

(h) make any claim with a health or nutrition message about a vitamin, mineral, fatty acid, amino acid, prebiotic or probiotic defined in terms of the Medicines Act, unless specifically permitted for by these Regulations; and

(i) include any other substance in a food which is considered a complementary medicine, or a medicine made in terms of the Medicines Act.

Presentation

3. (1) Subject to regulation 4, the information that must appear on any label must be—

(a) in English, and where label space permits, a second official language of South Africa of the manufacturers choice: Provided that the minimum letter size used for the required label information may not be reduced to accommodate various languages for local or export purposes; and

(b) indelible, clearly visible, and easily legible with a significant contrast between font colour and background colour and the legibility thereof must not be affected by pictorial or any other matter, printed or otherwise.; Provided that-

(i) colours used on labels shall not dominate/ overwhelm nor used in such a way that any information, warning statement or FOPL logos, when applicable, become poorly visible, non-legible or indistinguishable from pictorial representations and information; and

(ii) White lettering on any background colour except black shall be prohibited.

(2) The label of a pre-packaged foodstuff must be applied in such a manner that it may not be unintentionally separated from the container prior to or at point-of sale.

Letter sizes

4. In the interest of ensuring clear legibility, unless provided otherwise by the Agricultural Product Standards Act, and the Compulsory Specifications Act, and subject to these Regulations—

(a) the name of a foodstuff must appear on the main panel of the label in letters, according to Annexure 5, for which the vertical height of font size is not less than 4 mm: Provided that in the case of returnable soft drink bottles with embossed labels, the name and other information may, in addition, be on the cap in letters of a font size of which the x-height according to Annexure 5 is not less than 0.9 mm in vertical height;

(b) the information required to appear on a label excluding the name, warning, and mandatory statements where applicable in terms of these Regulations, must be in letters of a font size of which the x-height according to Annexure 5, is not less than 1.2 mm vertical height;

(c) the letter sizes prescribed in paragraphs (a) and (b) applies to packages of which the main panel exceeds 12 000 mm^2; and
in the case where the area of the main panel of the package is less than 12 000 mm^2, the minimum x-height, according to Annexure 5, of the font size of the letters must not be less than 0.9 mm in vertical height.

(d) words which qualify the name of the foodstuffs, or which are part of the description thereof or which are an essential part thereof, must, in cases where the name does not reflect a complete description of the foodstuffs in the container—

(i) be reflected in the immediate proximity to the name;

(ii) be in prominent, distinctive letters of the same font, colour and prominence; and

(iii) be letters of the same font size of which the x-height according to Annexure 5, is not less than 1.2 mm vertical height: Provided that the listing of ingredients and proportions of ingredients is in a letter type of uniform size, colour, font and prominence throughout.

Identification

5. The label of a pre-packaged foodstuff must contain—

(a) on the main panel—

(i) subject to the requirements of the Agricultural Product Standards Act, the name of the particular foodstuff. Where the name is not a true description of the foodstuff, or is not self-evident or self-explanatory, the name must be accompanied by an appropriate description: Provided that the name of a foodstuff may consist of a name or a description, or of a name and a description and where a name or names have been established for a foodstuff in a Codex Alimentarius Standard, at least one of these names must be used;

(ii) a name of the foodstuff or the description thereof shall-

(aa) be sufficiently precise to avoid misleading or confusing the consumer with regard the true nature, physical condition, type of packing medium, style, condition, content, and type of treatment it has undergone; and

(bb) contain words or phrases as are necessary to avoid misleading or confusing the consumer regarding the true nature and physical condition of the foodstuffs, including but not limited to the condition or type of treatment it has undergone such as dried, concentrated, reconstituted, or smoked;

(iii) there must appear on the label, either in conjunction with, or in close proximity to the name of the foodstuff, such additional words, or phrases as are necessary to avoid misleading or confusing the consumer in regard to the true nature and physical condition of the foodstuffs, including but not limited to the condition or type of treatment it has undergone such as dried, concentrated, reconstituted, or smoked;

(b) the name and address of the manufacturer, importer, or seller: Provided that the name and address must be accompanied by applicable wording such as "manufactured by", "imported by" or "sold by";

(c) instructions on how to use the foodstuff, where it would be difficult to make appropriate use of such foodstuff without such instructions;

(d) a list of ingredients required by regulations 11 to 23, where applicable;

(e) special storage conditions, where applicable, or where storage instructions are required to support the integrity of the date mark; and

(f) the net contents of the container in the SI-units (“Système International units”) in accordance with the requirements of the Legal Metrology Act, 2014 (Act No. 9 of 2014). Legal Metrology Act, 2014 (Act No. 9 of 2014) as applied by the National Regulator for Compulsory Specifications (NRCS).

33

Country of origin

6. (1) Unless otherwise required by the regulations published in terms of the Agricultural Product Standards Act, the Compulsory Specifications Act, and the Consumer Protection Act, 2008 (Act No.68 of 2008), the country of origin of a foodstuff must be declared on the label as follows:

(a) "Product of (name of country)" if all the main ingredients, processing, and labour, used to make the foodstuff, are from one specific country;

(b) "Produced in (name of country)", "Processed in (name of country)", "Manufactured in (name of country)", or "Made in (name of country)", when a foodstuff is processed in a second country which changes its nature;

(c) in the case of imported or locally produced single ingredient agricultural commodities in bulk, where owing to climatic, seasonal or other contingencies, the words "Product of (name of countries) separated by the expression "and" or "or" , whatever the case may be, in cases where more than one country are the source of the single ingredient agricultural commodity must be declared on the label of the final pre-packed foodstuffs: Provided that the end foodstuff remains a single ingredient agricultural commodity;

(d) the words "Packed in (name of country)" may be used in addition to the requirements of paragraphs (a), (b) or (c), if applicable.

(2) (a) The use of a national flag is only permitted to indicate the country of origin when it is accompanied by the wording contemplated in subregulation (1).

(b) In the case of where the wording" Proudly South African" is used, the South African Flag may be used; Provided the product complies with the criteria for "Products of (name of country).

Batch identification

7. A container of a foodstuff must be clearly marked with a batch code and with the manufacturing date in such a way that the specific batch is easily identifiable and traceable, unless otherwise stipulated in terms of regulations made under the Agricultural Product Standards Act and the Compulsory Specifications Act.

Date marking

8. (1) No person shall import, manufacture, sell, distribute, or donate a foodstuff without a date marking, clearly indicated on the label or container according to the requirements of Regulations 2 and 6, or in the case of foodstuffs listed in Annexure 4, at least the Date of Manufacturing or the "Date of Packaging.

(2) Date markings must be introduced by the words "Use by date <insert date>" or "Best Quality Before Date <insert date>" as applicable, or in case of where Regulation 11 applies "Date of Manufacture <insert date>" or the "Date of Packaging <insert date>".

(3) The date marking may not be removed or altered by any person.

(4) Date markings must be permanently imprinted or stamped on the label or container and no stickers shall be permitted.

(5) In cases where several items are included in an outer wrapper or sleeve, which during normal usage by the consumer will be discarded, the date shall appear on the packaging that will be retained by the consumer until consumption.

(6) If not otherwise determined in relevant Codex standard or other National legislation where applicable, and unless Regulation 11 applies, the following date marking shall apply:

(a) When a food must be consumed before a certain date to ensure its safety and

quality the “Use by date” or “Expiration date” shall be declared; or

(b) Where a “Use by date” or “Expiration date” is not required, the “Best Quality-Before Date” shall be declared.

(7) The date marking wording referred to in Regulation (2) shall be accompanied by:

(a) the date itself; or

(b) a clear indication on the label of where the date marking is indicated on the container.

(8) The date marking shall, irrespective of quality or safety, declare the manufacturing day, month, and year. Food business operators who receive bulk food product and subsequently divided it into smaller units for retail purposes and repackage it, are responsible for ensuring that the labelling information required in terms of these regulations, relating to the foodstuff, including its shelf-life, is correct.

(9) (a) The date marking must be in the order, “Day-Month-Year”: Provided that the day and year may be declared by uncoded numbers with the year to be denoted by 2 or 4 digits, and the month may be declared in letters, either written out in full or abbreviated (e.g., “Feb” or “February”) or numbers.

(b) Subject to paragraph (a), where only numbers are used to declare the date, or where the year is expressed as only two digits, the sequence of day/month/year must accompany the date by appropriate abbreviations as applicable, namely (DD/MM/YYYY) or (YYYY/MM/DD), (DD/MM/YY) or (YY/MM/DD), or (MM/YYYY) or (YYYY/MM).

(10) When the “Best Quality before Date” as required in sub-regulation 6(b) is reached, and food integrity is not compromised in any way, the foodstuff may still be sold, with the exception that:

(a) foodstuffs intended for infants, children & young children, and foodstuffs where the nutritional value has been enhanced, such that the potency of the nutrients will be compromised affecting the quality of the product, may not be sold beyond the "Best Quality before Date" and

(b) imported foodstuffs must have a minimum of 12 months before the end of a "Best Quality before Date" to ensure sufficient time for sale thereof, in line with the Code of Ethics for International Trade in Food including Concessional and Food Aid Transactions, Codex CAC/RCP 20-1979. Beyond this date, such foodstuffs may not be sold.

(11) In the case of foods listed in Annexure 9[1], a date marking as required by Regulation 6 shall not apply, but shall be labelled with a "Date of Manufacture" or a "Date of Packaging" as appropriate, in accordance with the format in Regulation 2; Provided that where-

(a) safety is not compromised, and quality does not deteriorate because the nature of the food is such that it cannot support microbial growth.

(b) the deterioration is clearly evident by physical examination at the point of purchase, such as raw fresh produce that has not been subject to processing and presented in a manner that is visible to the consumer;

(c) the key/organoleptic quality aspects of the food are not lost;

(d) the food by its nature is normally consumed within 24 hours of its manufacture, such as some bakers' or pastry-cooks' wares.

(12) Any special conditions for the storage of the food shall be declared on the label where they are required to support the integrity of the food and, where a date mark is used, the validity of the date depends thereon.

(13) Any other type of date marking such as, but not limited to, "Sell by" is

[1] This is an illustrative list

prohibited.

Prohibited statements

9. (1) The following information or declarations may not be reflected on a label or advertisement of a foodstuff:

(a) Words, pictorial representations, marks, logos, or descriptions which create an impression that such a foodstuff is supported, endorsed, complies with or has been manufactured in accordance with recommendations by—

(i) one of the following practising health professionals referred to in the Health Professions Act, 1974 (Act No.56 of 1974), the Allied Health Professions Act, 1982 (Act No.63 of 1982), the Pharmacy Act, 1974 (Act No.53 of 1974), the Nursing Act, 2005 (Act No.33 of 2005) or the Dental Technician Act, 1979 (Act No.19 of 1979), (individually or as part of any professional or consumer advisory organisation consisting of one or more of the aforementioned health practitioners) who is sponsored directly or indirectly by a food business operator;

(ii) endorsing entities (excluding religious certifying organisations, any fauna and flora related certifying and endorsing entities, or other endorsing entities certifying quality or safety aspects of foodstuffs), provided any food safety certification of a foodstuff or ingredient shall comply with all legislation legally in place at the time; and

(iii) in the case of endorsement entities related to non-communicable diseases, shall be—

(aa) fully compliant with these Regulations and other applicable Regulations promulgated under the Act;

(bb) actively involved in generic health promotion activities, which promote the reduction of risk of developing one or more particular non-communicable diseases to all consumers in South Africa (which includes foodstuffs choices, exercise, serving sizes, foodstuffs preparation methods, et cetera) or other public health

concerns, supported by evidence-based nutrition through the application of the best available systematically assembled scientific evidence in setting nutrition and public health policies and practice in terms of the reduction of risk for the development of a non-communicable disease;

(cc) independent of, free from influence by, and not related to the supplier of a foodstuff or the food business operators in relation to which an endorsement is made;

(iv) the food business operator shall have no financial interest in the endorsing entity, nor benefits financially from applying the endorsement, has not established, either by itself or with others, the endorsing body and exercises no direct or indirect control over the endorsing body;

(v) the foodstuff, which is endorsed, successfully qualifies with the screening criteria of the Nutrient Profiling Model for South Africa as outlined in Annexure 8 using the electronic calculator which is available on the website of the Department and are not required to bear any Front-of-pack-logo (FOPL); and

(vi) in the case of fruit or vegetable juices being endorsed, the fruit or vegetable juice does not contain any added sugars or free sugars, qualifies for the non-addition claim for sugars and has an intrinsic dietary fibre content per 100 ml that equals at least 20% of the dietary fibre content of 100 g of the same fresh fruit or vegetable; provided the dietary fibre is the intrinsic natural fibre from fruit or vegetable pulp/purees/pastes and not added purified non-starch polysaccharides (NSP);

(b) endorsement logos representing a particular industry, categorised according to the South African Food Based Dietary Guidelines and its accompanying Food Guide where applicable, for the promotion of the products of such an industry, unless the message in terms of the recommended number of portion/servings per day complies with the guidelines of the Food Based Dietary Guideline technical report of the Department and may include the wording of the applicable Food Based Dietary Guideline;

(c) an endorsement or testimonial of an individual in the form of a picture, written or verbal statement or in any other form, when the individual's endorsement or testimonial specifically imply any type of ingredient content claim or claims with a health or nutrition message;

(d) the words "health" or "healthy" or any other words with a similar meaning, logos, pictorials or symbols with a similar meaning implying that the foodstuff in and of itself or a component in the foodstuff has health-giving properties in any manner including the name and trade name; except in the case of the fortification logo for food vehicles as determined by regulations made under the Act and where the words are used in permitted function or disease risk claims;

(e) the words "wholesome", "nutritious", "nutraceutical" or "super-food", "smart" or intelligent" or any other words, logos, or pictorials with a similar meaning in any manner implying that the food is better or superior in any way, including the name and trade name;

(f) a claim that a foodstuff provides complete or balanced nutrition or any other words, logos, or pictorials with a similar meaning in any manner including the name and trade name; or

(g) subject to the provisions of the Medicines Act, the word "cure", "restore", "heal" or any other medicinal or therapeutic claim which through words, graphics, pictorials or other representations suggest or imply that a food or substance of a food has the ability to cure, diagnose, treat, mitigate, modify, prevent, restore or correct any disease, abnormal physical or mental state or somatic, psychic or organic function in man, including the symptoms thereof; excluding those explicitly permitted by certain health claims.

(2) A compound foodstuff, whether in solid or liquid form, which claims certain beneficial nutrients or category of nutrients and ingredients with health benefits in the brand or trade name—

(a) may, if the brand or trade name was registered before 1 May 1995, use the brand or trade name for six months after the date of promulgation of these Regulations.

(b) may not, if the brand or trade name was registered after 1 May 1995, use such brand or trade name after the promulgation of these Regulations.

(3) A compound foodstuff, whether in solid or liquid form, which contains a health claim in the brand or trade name—

(a) may, if the brand or trade name was registered before 1 May 1995, use the brand or trade name for six months after the date of promulgation of these Regulations;

(b) may not, if the brand or trade name was registered after 1 May 1995, use such brand or trade name after the promulgation of these Regulations.

(4) Unless authorised by these Regulations or provisions of the Liquor Products Act, no foodstuff shall on a label or advertisement reflect a class designation as defined in section 1 of that Act: Provided that and notwithstanding the provisions of these Regulations -

(a) alcohol free wine and de-alcoholised wine, as defined in paragraphs (b) and (c), shall be labelled mutatis mutandis according to the provisions of Part 2 of the Regulations made under the Liquor Products Act: For the purposes of these provisions:

(i) the compulsory class designation for alcohol free wine shall be "alcohol free wine": Provided that the word "wine" may be substituted by the name of the grape variety concerned if permitted under the provisions of the Wine of Origin Scheme, published by Government Notice No. R. 1434 of 29 June 1990 under the Liquor Products Act;

(ii) the compulsory class designation for de-alcoholised wine shall be "de-alcoholised wine" or "alcohol removed wine" or "non-alcoholic wine" used in direct conjunction with the expression "contains less than 0.5 % alcohol by volume" or "contains no more than 0.5 % alcohol by volume": Provided that if the phrase "de-alcoholised", "alcohol removed" or "non-alcoholic" is used on a label usually facing the consumer in a retail outlet, the expression "contains less than 0.5 % alcohol by volume" or "contains no more than 0.5 % alcohol by volume" shall also be used in direct conjunction with such

phrase: Provided further that the word "wine" may be substituted by the name of the grape variety concerned if permitted under the provisions of the Wine of Origin Scheme, published by Government Notice No. R. 1434 of 29 June 1990 under the Liquor Products Act; and

(iii) the alcohol content of alcohol-free wine and de-alcoholised wine need not be indicated: Provided the wine complies with subregulation 4(b and c) below;

(b) alcohol free wine -

(i) shall be wine as defined in section 1 of the Liquor Products Act, which has been de-alcoholised in accordance with the provisions of that act;

(ii) shall have an ethyl alcohol content of less than 0.05 per cent per volume;

(iii) may have added glycerol after dealcoholisation; and

(iv) may, after dealcoholisation, undergo processes and have substances added which are permitted for wine in the Regulations made under the Liquor Products Act.

(c) de-alcoholised wine -

(i) shall be wine as defined in section 1 of the Liquor Products Act, which has been de- alcoholised in accordance with the provisions of that Act;

(ii) shall have an ethyl alcohol content of less than or equal to 0.5 per cent per volume;

(iii) may have added glycerol after dealcoholisation; and

(iv) may, after dealcoholisation, undergo processes and have substances added which are permitted for wine in the Regulations made under the Liquor Products Act.

Negative claims

10. (1) Subject to the conditions for nutrient content claims in Table 2, and referring to Guideline 4, a claim, declaration, or implied claim may not be made on the label of a compound foodstuff that such foodstuff—

(a) alone possesses a particular characteristic, property, or substance when in fact similar foodstuffs in the same class or category also possess the same characteristic, property or substance, unless—

(i) the characteristic, property or substance is often found or commonly present in the referred to class or category of foodstuff; and

(ii) the claim, declaration or implication is worded in a generic manner as follows:

"(generic or category name of foodstuff but no brand name) naturally contains (name of characteristic, property or substance");

(b) is free from a particular characteristic, property, or substance when in fact similar foodstuffs in the same class or category are also free from the same characteristic, property or substance, unless—

(i) the characteristic, property or substance is often or commonly absent or low in the referred-to class or category of foodstuff.

(ii) the claim, declaration or implication is worded in a generic manner as follows: "A naturally (name of characteristic, property or substance) free foodstuff"; or "(generic or category name of foodstuff but no brand name) is a naturally (name of characteristic, property or substance) free foodstuff" so as not to reflect negatively on other similar foodstuffs in the same class or category.

(2) Notwithstanding the provisions of sub regulation (1)—

(a) where an additive, which is permitted for a particular class or category of foodstuff in terms of specific regulations under the Act, is absent from the particular brand name of the particular class or category of foodstuff, the claim, declaration, or implication, when used, must be worded as follows: "(name of additive) free";

(b) where a claim or declaration is made about the absence of a particular additive, which is legally not permitted for a particular class or category of foodstuff under specific regulations under the Act, the claim, or declaration must be worded in a generic manner as follows: "A (name of additive) free (name of category or class of foodstuffs) as is the case with all (name of category or class of foodstuff)"; or

(c) where an additive, which is permitted for a particular class or category of foodstuff under specific regulations under the Act, by choice of the manufacturer, is not used in the foodstuff, but is naturally present in the ingredients of the foodstuff, the claim, declaration or implication, when used, must be worded as follows: "no added (name of additive)".

(3) A declaration referred to in subregulations (1) and (2) may not be made in relation to packaged water.

44

PART II:

SPECIAL PROVISIONS

Seasonal ingredients

11. Where, owing to climatic or seasonal contingencies, it is not possible to abide consistently by the list of ingredients as indicated on the label, the names of ingredients other than the main ingredient as claimed, that might not be present consistently must appear consecutively, but not necessarily in descending order of mass or volume in the list of ingredients, preceded by the expression "and/or".

Order of list of ingredients

12. Notwithstanding the regulations made under the Agricultural Product Standards Act, the ingredients of a foodstuff containing more than one ingredient, including beer, must be listed on any label in descending order of mass present in the end product under the heading “Ingredients”: Provided that in the case where an ingredient is in a concentrated form, the ingredient must be listed in the appropriate order when reconstituted, not according to the mass of the ingoing concentrate.

Variable proportions

13. Where a foodstuff consists of or contains mixed fruit, nuts, legumes or vegetables and no particular fruit, legume or nut or vegetable predominates significantly with respect to mass, those ingredients may be listed in any order of mass if-

(a) in the case of a foodstuff which consists entirely of such mixture, the heading of the list of ingredients includes or is accompanied by the words "in variable proportions" or other words indicating the nature of the order in which the ingredients are listed; and

(b) in the case of a foodstuff, which contains such mixture, that part of the list where the names of the said ingredients appear, is accompanied by the words "in variable proportions" or other words indicating the nature of the order in which those ingredients are listed.

Ingredients shown in any order

14. Culinary herbs or spices as indicated in Annexure 7 not exceeding 2% by mass, either singly or in combination, may be shown in any order at the end of the list of ingredients and may be declared as herbs, mixed herbs, spices, mixed spices or herbs and spices, whatever is appropriate.

Naming of ingredients and other related matters

15. (1) The name used for an ingredient in a foodstuff in the list of ingredients on any label must—

(a) be the name used for such ingredient when independently sold as a foodstuff;

(b) in the case of a microbiological culture, be indicated according to its purpose such as cheese culture, yoghurt culture, lactic acid producing culture, starter culture, or whatever the case may be.

(2) Subject to regulation 12, where an ingoing concentrated or dehydrated ingredient, is reconstituted or partially reconstituted, hydrated, or partially rehydrated for use in the manufacturing of a foodstuff, the ingredient must be preceded by the appropriate descriptive words such as “reconstituted (name of ingredient) concentrate” or “rehydrated dried (name of ingredient)” or whatever is applicable, in the list of ingredients.

(3) (a) Mechanically recovered meat, or any words such as mechanically separated meat, mechanically deboned meat, mechanically deboned poultry or any other similar

term which means that the last small piece of meat is separated from the carcass or bones, must always be written out in full and may not be abbreviated when listed in the list of ingredients.

(b) In the case where mechanically recovered meat, or any words such as mechanically separated meat, mechanically deboned meat, or mechanically deboned poultry pulp is obtained from the stripped, skeletal remains under high pressure the product must comply with the latest version of the Regulations on Processed meat, R.1283 of 4 October 2019 under the Agricultural Product Standards Act; and SANS 1675 (The manufacture, production, processing and treatment of canned meat products) in all respects and it must be specified in the list of ingredients whether it is low or high pressure mechanically deboned meat.

(c) An ingoing percentage of meat contemplated in paragraph (b) must be quantified as a quantitative Ingredient Declaration ("QUID") in the list of ingredients where in-going percentage is more than 25 percent, and on the main panel when the ingoing percentage is less than 25 percent, in bold upper-case letters of which the font size is at least 3 mm in height.

(d) Where the ingoing percentage of meat contemplated in paragraph (b) is less than 25 percent, the name or description of the end product may not contain the word "meat".

(4) Names such as "salt" or "sodium chloride", "vinegar" or "acetic acid", "brine", or "syrup" may be used in the list of ingredients: Provided that a manufactured syrup comprising more than one type of sugar, water and additives must be labelled as a compound ingredient in terms of these Regulations.

47

Natural colouring foods

16. Only single ingredient agricultural commodities used in a compound foodstuff, which have the natural ability to colour a food, such as but not limited to red fruit palm oil, tomato paste which has the meaning assigned to it in the Regulations Relating to the grading, Packing and marketing of canned vegetables intended for Sale in the Republic of South Africa, R 1532 of 24 October 2003 and subsequent amendments and revisions under the Agricultural Product Standards Act; tomato puree, cherry juice, blueberry or mulberry juice, may be called a natural colouring food in the list of ingredients in parenthesis after the name of the ingoing ingredient. These foodstuffs or ingredients have specific aromatic, sapid or nutritive properties with a secondary colouring effect.

Indication of the type of meat species

17. (1) Subject to regulation 13, fresh, canned, frozen, raw-processed, and processed fish, other marine food species, meat of birds and animals, pre-packed or offered for sale unpacked, must clearly indicate the commonly used or known names, either in the direct vicinity of where the product is exhibited for sale or in the list of ingredients on the label.

(2) Only meat of animals and birds, referred to in Schedule 1 of the Meat Safety Act, or fish species referred to in the latest version of SANS 1647 (Approved market names for South African fish and related seafood) and other marine food species that are intended for human consumption in South Africa, must be used in foodstuffs.

Raw-processed meat

18. (a) In the case of raw-processed meat, words such as basted, basting, self-basting, marinated or marinating, seasoned or seasoning or any other words with a similar meaning may not be used to hide the fact that additives or other ingredients such as a formulated solution of which the meaning has been assigned to it in the Regulations

Regarding Control over the Sale of Poultry Meat" No.R. 946 of 27 March 1992, as amended, and subsequent amendments and revisions under the Agricultural Product Standards Act; were added into raw meat; and

(b) an indication of the type of animal, bird, fish or other marine food species and the date of manufacturing-

(i) must appear on a notice placed closed to the bulk container from which the raw-processed meat is exhibited for sale which is easily legible to the consumer;

(ii) as well as printed on a scale label which is attached to the packaging material.

Quantitative Ingredient Declarations

19. (1) Where the labelling places a form of emphasis on the presence of one or more valuable or characterising ingredients, the percentage of these ingredients in the end product, must be declared—

(a) in accordance with Guideline 5; and

(b) in parenthesis—

(i) in close proximity to the words, illustrations or graphics emphasising a particular ingredient or;

(ii) directly after the name or descriptor of the foodstuff; or

(iii) after each emphasised ingredient listed in the list of ingredients.

(2) Notwithstanding the requirements of subregulation (1)(b), the Agricultural Product Standards Act, and subject to regulation 21(1) and (2)(c), raw-processed meat products, excluding biltong and dried sausage, must indicate the QUID for the meat and water content as percentages on the main panel, in the following manner:

(a) Meat as the total meat in the final product; and

(b) notwithstanding the requirements of SANS 458 (Tolerances permitted for the accuracy of measurements of products (including pre-packaged products) in terms of legal metrology legislation) or SANS 289 Labelling requirements for pre-

packaged products (pre-packages) and general requirements for the sale of goods subject to legal metrology control) water, which must shall include any water in glaze on the product and any water that has been added inside the products in the form of a formulated solution.

(3) The indications for QUID for the meat and water content contemplated in subregulation (2) must be in bold upper-case letters and in the following letter sizes:

(a) For package sizes 500 g or less, at least 3 mm in vertical font height;

(b) for package sizes more than 500 g, at least 5 mm in vertical font height; or

(c) for packages of 5 kg or more, at least 10 mm in font vertical height.

(4) A QUID declaration is not a mandatory requirement for canned fish and marine products, frozen fish and sea-food products, agricultural fishery products and agricultural products for which compositional standards or regulations already exist under the Compulsory Specifications Act, the Agricultural Product Standards Act, and the Liquor Products Act, except for—

(a) processed meat products as per Regulations on Processed meat of the Agricultural Product Standards Act classification;

(b) raw-processed meat products, excluding biltong and dry sausage;

(c) blended fruit juices, fruit nectars, and fruit drinks, but not blended fresh fruit juices;

(d) dairy products with added ingredients;

(e) edible ices as per the Regulations Regarding the Classification, Packing and Marketing of Edible Ices Intended for Sale in the Republic of South Africa, R 78 of 8 February 2013 and subsequent amendments and revisions under the Agricultural Product Standards Act;

(f) canned meat, fish and seafood products.

(5) Subject to regulation 2(6), in cases where the quantitative content of an emphasised ingredient varies from batch to batch, an internal specification which stipulates a minimum and maximum amount, is required as part of the product specification as per the supplier ingredient information files in Guideline 1, and in which case the percentage declared on the label must always be the lower one.

Compound ingredients

20. Subject to regulations 36(2) to 41, where an ingredient is itself the product of two or more ingredients or additives, and such a compound ingredient is used in or on a foodstuff, the names of the ingoing ingredients and additives of the compound ingredient, must be listed in parenthesis in descending order, after the name of the compound ingredient in the list of ingredients.

Added water

21. (1) Subject to regulation12 and subregulations (2) and (3), added water be declared in the list of ingredients in the appropriate order.

(2) Water that is added as an ingredient or through processing of a foodstuff, must be declared in the list of ingredients of such a foodstuff, unless—

(a) it is used in the manufacturing of the foodstuff solely for the purpose of wetting a dry additive or ingredient, excluding raw-processed meats; or

(b) it is part of brine or syrup and declared as “brine” or “syrup” in the list of ingredients, excluding raw-processed meats; and

(c) the water, which is added, does not exceed 5% of the finished product, excluding raw-processed meats.

(3) In the case of raw-processed meat, subject to subregulation (2), water added as an ingredient in a sauce or marinade on meat, need not be declared.

51

Added caffeine and alcohol-containing foodstuff

22. (1) In the case where caffeine as such is added to a solid foodstuff—

(a) the caffeine content, indicated in milligram (mg) per single portion/serving and per 100 g/ml must be indicated -“Caffeine- (amount in mg/g/ml)”—

(i) in or directly under the nutritional information table; or

(ii) adjacent to or below the warning message.

(b) the warning “Contains caffeine- Not recommended for children, pregnant or lactating women, or person sensitive to caffeine” must be declared on the label in bold font not less than 3 mm vertical font size and must be declared on the main panel in the same field of vision as the name or description in letters not less than 3 mm vertical font size according to Annexure 5.

(2) In the case where caffeine as such is added to any foodstuff (solids and beverages) the word “energy” must not be used in the name and descriptor of the foodstuff to which caffeine as such is added as an ingredient.

(3) Compound foodstuffs that contain a liquor product as one of the ingoing ingredients must declare the percentage alcohol on the main panel in bold font in letters not less than 3 mm vertical font size according to Annexure 5.

Fats and oils

23. (1) In relation to fats and oils, single or in combination, which have been used in foodstuffs, and in addition to the requirements of regulations 11 and 20—

(a) in the case of vegetable oil blends sold as an end product, the names of all the types of vegetable oils that might be present in the end product must be listed in the list of ingredients, separated by the expression "and/or";

(b) the names of ingoing fats and oils must specify from which type of “vegetable”, “animal”, “fish” or “marine” source the fat or oil originates from, in the list of

ingredients if the source of the fat or oil is not self-evident from the name of the fat or oil;

(c) in the case of vegetable fats and oils, where the oil could be derived from more than one part of the plant, e.g. palm fruit and palm kernel, the particular part of the plant from which the fat or oil is derived, must be included in the name of the fat or oil;

(d) when applicable, fats and oils must be further qualified by the term "fully hydrogenated" (all of the available carbon-carbon double bonds have been saturated by the addition of hydrogen atoms), or partially hydrogenated (not all the available carbon-carbon double bonds have been saturated by the addition of hydrogen atoms);

(e) in the case of an oil blend, margarine or fat spread, pictorial representation of any specific source of oil such as olive oil in the oil blend may not be depicted on the label unless that specific type of oil constitutes the highest percentage of the ingoing fat or oil.

(2) Oil or oil blend from plant origin may not claim "cold extraction", "cold-pressed", "mechanically pressed" or any other words with a similar meaning unless it complies with the definition of "cold extraction" in these Regulations.

Bulk stock

24. (1) Where a foodstuff is sold from a bulk stock container, such bulk stock container must be labelled in accordance with all the labelling requirements for individually pre-packaged foodstuffs, and the lettering must be of such a size and so displayed that it is easily legible at first glance without consumers having to turn the container around or upside down, unless the contents of the bulk container are individually packed and labelled in accordance with the requirements of these Regulations.

(2) In cases where a foodstuff is imported or sold in bulk other than by retail it must be accompanied by relevant trade documents reflecting all particulars required by these Regulations to appear on the label of a pre-packaged foodstuff.

(3) In cases where a foodstuff which is ordinarily sold in retail as individual units but in wholesale as multiple units per container, and label information becomes obscured and inaccessible to consumers as a result of the external packaging of the container in which it is transported and offered for sale, irrespective of whether clear shrink wrap is used or not, the following minimum labelling information must appear on the bulk or multi pack as and where it is most effective and practical for the brand owner and packaging type used:

(a) Name of the product;
(b) name and address of the manufacturer;
(c) special storage conditions;
(d) allergen information;
(e) batch code;
(f) an appropriate date marking.

(4) Bulk size cheese and deli-type processed meat loaves shall have a manufacturing date and a re-packaging date when sliced into smaller units on both the bulk size unit as well as the re-packaged units.

Small packages

25. The packaging of a pre-packaged foodstuff that has a total exterior area of 2000mm^2 or less, including single once-off use 10g or less sized packages of culinary herbs and spices, sauces, and condiments and 25g or less sized confectionary products are exempted from the requirements of labelling, except for the—

(a) declaration of the name or description;
(b) name and address of the manufacturer;
(c) manufacturing date;

(d) declaration of common allergens if applicable;

(e) declaration according to Regulation 43 if the product has undergone irradiation; and

(f) subject to Regulation 24(1) FOPL logo if applicable, unless sold from a bulk stock container.

Storage instructions

26. (1) Subject to regulations 4 and 5(e), words that indicate the appropriate storage instructions, when deemed appropriate by the manufacturer, before and after opening, must appear in bold font, upper-case letters not less than 3,0mm in vertical font height on the label.

(2) The manufacturer must determine the appropriate storage instruction relevant to the nature of the foodstuff, to ensure that safety and any specific quality attributes for which tacit or express claims have been made, are retained, and preserved.

Foodstuffs vending machines

27. (1) The front of a foodstuff vending machine or any mechanical device, whether attended to or not, by means of which foodstuffs are sold, must have a notice indicating the name of the foodstuff, except where such name appears on the label of the foodstuff in such a manner as to be easily visible and legible to a prospective purchaser from the outside of the machine.

(2) Pre-packaged foodstuffs which are required to bear a mandatory Front-of-pack label (FOPL) shall be packed in the vending machine in such a way that clearly display the foodstuff with the main panel on which the FOPL logos are clearly visible from the outside of the machine.

55

Pictorial representation

28. (1) The pictorial representation on the label or any advertisement of a pre-packaged foodstuff may not be presented in a manner that is false, misleading, deceptive or is likely to create an erroneous impression regarding the contents of the container or its character, origin, living conditions in the case of animal-derived products, its composition, quality, nutritive value, nature or other properties in any respect: Provided that a foodstuff garnish, foodstuff or ingredient not present in the container, if used in the pictorial representation, may not dominate the pictorial representation.

(2) Pre-packaged foodstuffs may not be described or presented on any label or in any labelling by words, pictorial or other devices which refer to or are suggestive, either directly or indirectly, of any other product with which such foodstuff might be confused, or in such a manner as to lead the purchaser or consumer to assume that the foodstuff is connected to such other product.

Labelling of pre-packed food additives

29. (1) The label of a pre-packed food additive or blend of food additives must comply with the latest revision of the Codex general standard for the labelling of food additives (CODEX STAN 107-1981) when sold as such.

(2) The label of pre-packaged food additives need not to be labelled with a nutritional information table.

General labelling requirements regarding food additives

30. (1) All additives which are added to a foodstuff must be indicated in the list of ingredients.

(2) (a) Additives, except those mentioned in regulations 32 to 35, which are added to, and used in a foodstuff to perform the function of one of the principal categories of additives listed in Annexure 1, may be indicated on a label by the name of the specific principal additive category, and if any additive is added to or used in a foodstuff to serve more than one such function, it must be indicated by the name of the category that represents the principal function performed in that foodstuff.

(b) In cases where it is preferable to refer to a subcategory name listed under any of the principal food additive categories, it must appear in the list of ingredients as follows:

(i) Name of principal food additive category such as emulsifier, and

(ii) in parenthesis directly behind it, the name of sub food additive category, such as clouding agent.

(3) Subject to the requirements of Regulations 32 to 35, both the E/INS number and the technological function of the additive must be indicated in the list of ingredients in either of the following formats:

(a) Technological function: common chemical name or E/INS number or

(b) Common chemical name or E/INS number of additive (technological function).

Flavourings

31. (1) Additives used solely for flavouring purposes must be labelled as “flavouring” in the list of ingredients without any further descriptors.

(2) Subject to regulation 4(c) and the relevant regulations made in terms of the Agricultural Product Standards Act, where a foodstuff contains a flavouring which represents a particular ingredient, but not the real ingredient itself, the words “flavouring” or “flavoured” must be part of the name or the descriptor of the product, to clearly indicate that a flavouring of an ingredient was used and not the real ingredient itself.

(3) Subject to regulation 19(1) and (4) and the requirements of the Agricultural Product Standards Act, in the case where a foodstuff contains a flavouring and the real ingredient itself, and both represent the same specific flavour, the foodstuff need not be labelled as a flavoured foodstuff in the name or description thereof.

(4) Subject to regulation 20, mixtures containing one or more flavourings, other ingredients such as salt, sugar, herbs, spices or other categories of food additives, intended for use in or on snack foods or in other foodstuffs, must be considered as being compound ingredients and must be labelled accordingly.

Tartrazine

32. A person may not sell a foodstuff containing the colourant Tartrazine, also known as E/INS 102 or Yellow No. 5, unless the words “Tartrazine (colourant)” or “colourant (tartrazine)” appear in the list of ingredients.

Preservatives

33. (1) The presence of a preservative must be indicated on a label according to the requirements of regulation 30(3).

(2) (a) In the case where sodium or potassium nitrites and sodium or potassium nitrates are used/added as curing agents, the curing agent, the technological function as well as the name of the additive must be indicated as follows: E.g.: “Preservative or colour retention agent: Sodium or Potassium nitrite or Sodium or Potassium Nitrate” whatever the case may be.

(b) In the case of sodium or potassium nitrite and sodium or potassium nitrate used as curing agents, the curing agent must be indicated as follows: “Curing agent(s): Sodium or Potassium nitrite or Sodium or Potassium Nitrate” whatever the case may be.

(3) When added sulphur dioxide or other sulphites are used at a level of more than 10mg per kilogram (mg/kg) foodstuff, the added sulphur dioxide or other sulphites must be declared.

(4) Subject to subregulation (3), where the added sulphur dioxide or other sulphites do not necessarily form part of the ingredients of a foodstuff, but are transferred to the foodstuff through contact with the packaging material, or where the skin of whole, unpeeled, fresh fruits and vegetables was treated with added sulphites, the presence of added sulphites, irrespective of the level, must be declared on the container, package or label or in close proximity to any bulk sale of unlabelled produce.

Antioxidants as additives

34. The presence of any antioxidant as an additive which is an additive that prolongs the shelf life of foodstuffs by protecting against rancidity, colour changes or other deterioration caused by oxidation or any abbreviation of its common chemical name, must be indicated in the list of ingredients on a label as follows: “anti-oxidant as an additive: common chemical name” or *vice versa*.

Artificial sweeteners (food additives)

35. (1) Artificial sweeteners shall be indicated by its common name in the list of ingredients, provided that the type of artificial sweetener, namely non-nutritive/intense sweetener, or steviol glycosides or polyols shall appear in brackets immediately following the name of the artificial sweetener; or the type of artificial sweetener followed by a semi-colon and the name of the artificial sweetener.

(2) A foodstuff containing polyols (sugar alcohols), singly or in combination, in excess of 50g/kg of the final product shall be labelled with the expression "excessive consumption may have a laxative effect"; provided that for sugar-free chewing gum the statement is required if the sugar alcohol content of the product exceeds 250g/kg.

(3) A foodstuff containing aspartame and aspartame-acesulfame salt must bear:

(a) the word "aspartame" or “aspartame-acesulfame salt” in the list of ingredients followed by an asterisk;

(b) an asterisk shall appear on a separate line directly below the list of ingredients followed by the words: " *Contains phenylalanine".

(4) In the case of the sweetener steviol glycosides, it shall be described as "Steviol Glycosides", or "Steviol Extract".

Modified starches, Processing aids and carry-over of additives

36. (1) Modified starches must always specify the method of modification (dextrin/maltodextrin roasted starch, acid treated starch, alkaline treated starch or enzyme treated starch).

(2) Processing aids which are a substance or material, not including apparatus or utensils, not consumed as a food ingredient by itself, intentionally used in the processing of raw materials, a foodstuff, or its ingredients to fulfil a certain technological purpose during treatment or processing and which may result in the non-intentional but unavoidable presence of residues or derivatives in the final end product, need not be declared in the list of ingredients.

(3) Subject to regulations 32 to 35—

(a) a food additive, except preservatives, carried over into a foodstuff in an amount sufficient to perform a technological function in that foodstuff as a result of the use of raw materials or other ingredients in which the food additive was used, must be indicated in the list of ingredients; and

(b) a preservative, carried over into foodstuffs at a level less than what is required to achieve a technological function, are exempted from declaration in the list of ingredients.

(4) Notwithstanding the requirements of regulations 32 to 35, any additive or carrier for an additive, which is derived from a common allergen, must indicate the presence of the common allergen as described in regulation 37.

Allergens

37. (1) Where a foodstuff or its packaging material contains any one or more common allergens, the presence thereof must be indicated—

(a) in bold font if the allergen forms part of the name of the ingredient; or

(b) (i) in bold font in parenthesis (brackets) after the name of such ingredient in the list of ingredients, regardless of whether it is self-evident from the name of the ingredient: Provided that cow's milk may be indicated as milk only, or

(ii) in close proximity to the ingredient list in a list or block with the words "Allergens: (list allergens)";

(c) in the case of significant cereals other than "gluten-free oats" as per criteria in regulation 40(2)—

(i) the word "gluten" is indicated as described in paragraphs (a) and (b); and

(ii) if the common allergen is wheat or a derivative of wheat, the word "wheat" must be indicated as described in paragraphs (a) and (b), in addition to the word "gluten"; and

(d) in the case of sulphites, the presence thereof must be indicated when in an amount equal or more than 10ppm.

(2) The following ingredients derived from common allergens are exempted from the requirement to indicate appropriate allergen labelling:

61

(a) Cereals containing gluten:
  (i) Wheat based glucose syrups including dextrose;
  (ii) wheat-based maltodextrins;
  (iii) glucose syrups based on barley;
  (iv) cereals used for making alcoholic distillates including ethyl alcohol of agricultural origin;
(b) Fish and products thereof:
  (i) Fish gelatine used as carrier for vitamin or carotenoid preparations;
  (ii) fish gelatine or Isinglass used as fining agent in beer and wine.
(c) Soybeans and products thereof:
  (i) Fully refined soybean oil and fat;
  (ii) natural mixed tocopherols (INS306), natural D-alpha tocopherol, natural D-alpha tocopherol acetate, and natural D-alpha tocopherol succinate from soybean sources;
  (iii) vegetable oils derived phytosterols and phytosterol esters from soybean sources;
  (iv) plant stanol ester produced from vegetable oil sterols from soybean sources;
(d) Milk and products thereof (including lactose):
  (i) whey used for making alcoholic distillates including ethyl alcohol of agricultural origin;
  (ii) lactitol; and
(e) Nuts used for making alcoholic distillates including ethyl alcohol of agricultural origin.

Uncommon allergens

38. (1) The presence of uncommon allergens in or on the foodstuff or its packaging material, must be disclosed by manufacturers upon request by a consumer or an inspector as defined in the Act.

(2) The presence of goat's milk in a foodstuff must be indicated in the same manner as common allergens in terms of regulation 37.

(3) Notwithstanding the provisions of subregulation (2), a foodstuff that contains goat’s milk must have the following statement in close proximity to the name of the foodstuff on the main panel: “Allergenicity: Cow’s milk allergic individuals are at high risk to react to goat’s milk.”

(4) In the case of lupin and lupin-derived ingredients sold as such or as part of a foodstuff, the following statement must appear on the label: “Allergenicity: Peanut-allergic individuals are at high risk to react to lupin present in this product.”

Allergen cross contamination

39. If there is a risk for cross contamination of a common allergen in a foodstuff processing facility—

(a) due diligence must be exercised to prevent the occurrence of such contamination and an ACP must be implemented in accordance with guideline 7; and

(b) precautionary labelling "may contain (allergen)", may only be used if the following requirements are met:

  (i) Precautionary labelling must not be utilised to circumvent the implementation of Good Manufacturing Practices and an effective ACP.

  (ii) the risk, the manner of assessing the risk, and the steps taken to avoid the risk of allergen cross-contamination, must be documented in the ACP. In addition, the product may also be labelled with "allergen control program in place", in letters in the same font size as the rest of the font size used for the list of ingredients, at the end or under the list of ingredients.

63

Allergen-related claims regarding gluten-free and naturally gluten-free foodstuff

40. (1) The claim “gluten-free” must not be permitted for a foodstuff that contains an ingredient that is or has been derived from any species of the significant cereals which contains equal to or more than 20mg/kg gluten in the end product where the level of gluten is determined by a protein-quantification method which meets the performance characteristics (as described in the Guidelines) and as recommended by Codex Standard 118-1979 (as described in Guideline 7).

(2) Foodstuffs containing pseudocereals which are non-grasses such as buckwheat, quinoa and wild rice, used in similar ways as significant cereals and not mixed with or cross- contaminated by any significant cereal, which by its nature be suitable for use as part of a gluten-free diet, may not be designated "special dietary", "special dietetic" or any other equivalent term, but may bear a statement on the label that "this product is by its nature gluten-free" or “naturally gluten free”: Provided that—

(a) it contains less than 20mg/kg gluten, where the level of gluten is determined by ~~by~~ a protein-quantification method which meets the performance characteristics (as described in the Guidelines) and as recommended by Codex Standard 118-1979; and

(b) these claims are not being permitted for any other foodstuffs.

(3) In the case of oats, the term “gluten-free oats”, may be used only if—

(a) the oats consistently show to contain less than 20mg/kg gluten, and the level of gluten is determined by a protein-quantification method which meets the performance characteristics (as described in the Guidelines) and as recommended by Codex Standard 118-1979 (described in Guideline 7); and

(b) due diligence is exercised to prevent cross-contamination with other significant cereals or gluten.

64

Allergen-related claims regarding hypoallergenic, non-allergenic or allergen-free foodstuff

41. A claim may not be made that a foodstuff—

(a) whether a single ingredient foodstuff or a compound foodstuff, is "hypoallergenic " or "non-allergenic" or similar wording, unless the foodstuff is modified by chemical or genetic means to reduce the quantity of endogenous allergens in such a way that it is not possible to detect the presence of any possible allergen with testing suitable for the specific allergen; or

(b) is free from any common or uncommon allergen or a similar claim, unless the foodstuff has been tested to confirm the absence of the allergen, using suitable testing for the specific allergen.

Misleading descriptions

42. (1) A word, statement, phrase, logo or pictorial representation which implies a message of being additive-free or veterinary medicine-free or which indicates the more humane treatment or rearing of foodstuff animals, such as, but not limited to, “grain fed”, “grass-fed”, “Karoo lamb”, “natural lamb”, “country reared”, “free range”, “pure”, will be permitted on the pre-packaged labelling and advertising of these products, provided the descriptor is linked to a specific protocol which is approved or registered with the Department of Agriculture or regulated in terms of the Agricultural Product Standards Act.

(2) (a) In the case of foodstuffs that are not regulated in terms of the Agricultural Product Standards Act, statements to the effect of being “fresh”, “natural”, “nature’s”, “pure”, “traditional”, “original”, “authentic”, “real”, “genuine”, “home-made”, “farmhouse”, “hand-made”, “selected”, “premium”, “finest”, “quality”, or “best” or words with a similar meaning are permitted: Provided the statement is compliant with the guidance criteria stipulated in Guideline 12.

(b) A statement that presents a foodstuff in a manner that is false, misleading, or deceptive or is likely to create an erroneous impression regarding the contents of the container or its character, origin, composition, quality, nutritive value, nature, or other properties in any respect that could mislead consumers, is not permitted.

(3) In the case of fish and other marine foodstuffs that are regulated in terms of the Compulsory Specifications Act, the statement “wild” is not permitted unless it is qualified as “wild caught”.

Irradiation

43. (1) The label of a foodstuff which has been treated with ionizing radiation must carry a written statement indicating the treatment in close proximity to the name of the foodstuff.

(2) The use of the international recognised foodstuffs irradiation symbol as illustrated by the Codex General Standard for the Labelling of Pre-packed Foods is optional, but when it is used, it must be on the main panel of the label.

(3) When an irradiated foodstuff is used as an ingredient in another foodstuff, it must be declared in the list of ingredients.

(4) When a single ingredient foodstuff is prepared from a raw material which has been irradiated, the label of the foodstuff must contain a statement indicating the treatment on the main panel.

Statements related to frozen foodstuffs

44. (1) Foodstuffs that were frozen and then thawed for subsequent sale—

(a) must not be labelled "fresh”; and

(b) must indicate the words "**PREVIOUSLY FROZEN**"—

(i) on the label of pre-packaged foodstuffs in bold upper-case letters not less than 3mm in vertical font height; or

(ii) on a notice placed in close vicinity of where the un-prepacked foodstuff is exhibited for sale, in clear view of, and easily legible to, the consumer.

(2) In the case of cooked or partly cooked frozen foodstuffs which have been thawed for subsequent sale, such foodstuffs must be accompanied by a notice on which the words "Previously frozen – do not refreeze", appear legibly in immediate proximity to such foodstuffs and in clear view of the customer.

(3) Foodstuffs which rely on chilling or freezing conditions for preservation, or semi- preserved foodstuffs, must bear on the main panel of the label the expression "Keep refrigerated" or "Keep frozen", as the case may be, in bold, upper-case letters not less than 3.0 mm in vertical font height.

Vegetarian claims

45. (1) A claim that a foodstuff is suitable for vegetarians must specify the type or category of vegetarian by adding one or a combination of suitable prefixes to the word "vegetarian" (such as but not limited to lacto-, ovo, honey-).

(2) In the absence of a suitable prefix, the word "vegetarian"- means that all ingredients and additives (refer to Guideline 8) used in an end product are of multi-cellular plant, fungal, algal, and bacterial origin.

67

Nutritional information/facts

46. (1) Subject to regulation 74, a table with nutritional information or facts is mandatory on all foodstuff labels—

(a) except foodstuffs which are produced for sale by a small producer or a street vendor; no claims with a health or nutrition message shall be permitted on any food produced by a small business unless a table with nutrition information or facts is displayed on the foodstuff label and the requirements of regulation 50 are met;

(b) unless otherwise indicated by these Regulations; and

(c) unless the foodstuff is listed in Table 1 below.

TABLE 1: FOODSTUFFS THAT ARE EXEMPTED FROM THE MANDATORY REQUIREMENT TO BEAR NUTRITIONAL INFORMATION/FACTS UNLESS A CLAIM WITH A NUTRITION OR HEALTH MESSAGE IS MADE

Baking powder
Beer
Bicarbonate of soda
Cream of tartar
Coffee extracts and chicory extracts, whole or milled coffee beans and whole or milled decaffeinated coffee beans
Culinary herbs and spices and herb and spice extracts
Honey
Plain vinegars
Herbal and fruit infusions, teas (black, green, rooibos and honeybush), decaffeinated tea, instant or soluble tea or tea extract, which do not contain other added ingredients or additives other than flavourings, and which do not modify the nutritional value of the tea
Spray and cook type products

(2) Bread, defined by the Regulations Relating to the Fortification of Certain Foodstuffs, R.504 of 7 April 2002 and subsequent amendments and revisions, as

published under the Act, for which no claim with a nutrition or health message is made other than the fortification logo and claim “Fortified for better health”, is exempted from chemical analysis except for total sodium which must be analysed as required by the Regulations Relating to the Reduction of Sodium in Certain Foodstuffs and Related Matters, R.214 of 20 March 2013 and subsequent amendments and revisions, published under the Act.

(3) Nutritional information and facts must be presented on a label in the order and format as stipulated in Annexure 2: Provided that—

(a) the heading is "(TYPICAL) NUTRITIONAL INFORMATION/FACTS", where the word typical is optional;

(b) there is an indication of the following information directly beneath the heading or in the heading of column 3 of the nutritional information/facts table:

(i) The mass or volume of a single portion/serving;

(ii) the number of single portion/servings per container; and

(iii) a description of a single portion/serving in household terminology or measurements;

(c) compound foodstuffs that contain a liquor product as one of the ingoing ingredients shall declare the percentage alcohol on the main panel in bold font of which the font size is at least 3 mm in font height;

(d) nutritional information and facts are expressed per single portion/serving and per 100g for solid foodstuffs or 100ml in the case of liquid foodstuffs in the (applicable) format as per Annexure 2;

(e) nutritional information and facts are always presented in the tabular format as per Annexure 2, except in cases where the size of the label is restricted by the physical size of the product and less than 900mm^2 remains after the minimum requirements in terms of these Regulations have been met, the nutritional information/facts may be indicated in a linear format according to the format described in point 1.4 of Annexure 2;

(f) the appropriate unit of measurement appears after the nutrient name or the word "energy" or in a separate column directly after the first column with the names of the nutrients and energy: Provided that—

(i) the energy content of the foodstuffs is always declared in "kilojoules" or "kJ";

(ii) the energy value is calculated using the prescribed, applicable conversion factor listed in point 2 of Annexure 2;

(iii) the unit of measurement for energy and the nutrients indicated in Annexure 2 may not be altered to another unit of measurement;

(iv) total sodium may be converted to sodium chloride and indicated as "salt" in the nutritional information/facts table in which case both the total sodium and salt must be indicated in the said table as follows: Total Sodium ….mg/ Salt …. g and;

(v) the amount of each nutrient is declared by mass;

(g) no deviation from the formats in Annexure 2 is permitted.

(4) The following information, when applicable, must be provided beneath the nutritional information/facts table as footnotes:

(a) In the case where a foodstuff is packed in a liquid medium, for the purpose of these Regulations means water, or aqueous solutions of sugar, sugars or other sweeteners, salt, brine foodstuffs, acids, vinegar, fruit and vegetable juices in canned fruits and vegetables, or alcohol beverages in the case of typical traditional South African dishes, either singly or in combination and , determined as prescribed in the methods of inspection of medium, drained weight means the net mass, in grams, of the remaining solid component after the liquid medium has been drained for canned fruit R 135 of 18 February 2005, canned vegetables R1532 of 24 October 2003, or canned pasta products R903 of 15 September 2000 or subsequent amendments and revisions under the Agricultural Product Standards Act, the nutritional information shall bear a statement where relevant, to indicate whether the nutritional information applies to the drained weight or to the net contents of the container;

(b) a statement to the effect that the nutritional information refers to the ready-to-eat end product or the product as packed/sold, whatever is appropriate, unless it is already indicated as part of the heading of column four of the nutritional information/facts table;

(c) an indication of the method of analysis used to determine dietary fibre if a claim relating to any carbohydrate is made on the label; and

(d) an indication of the methodology for the determination of the total fat value, indicated as either "Chemically analysed with (name applicable analytical method") or "Value obtained from (name source)".

(5) For the purposes of this regulation, -

(a) **"drained weight"** means the net mass of the remaining solid component after the liquid medium has been drained unless otherwise defined in regulations made for specific foodstuffs under the Agricultural Product Standards Act; and

(b) **"liquid medium"** for the purpose of these Regulations means water, or aqueous solutions of sugar, sugars or other sweeteners, salt, brine foodstuffs, acids, vinegar, fruit and vegetable juices in canned fruits and vegetables, or alcohol beverages in the case of typical traditional South African dishes, either singly or in combination.

Additional requirements relating to the nutritional information table

47. (1) When nutrient values, obtained as a result of analysis, are transferred from the laboratory analysis report to the nutritional information table for labelling purposes, rounding off must be done according to the following principles:

(a) In the case of protein, any amino acids, dietary fibre, prebiotics, vitamins, minerals, bioflavonoids, carotenoids and omega-3 fatty acids, the values shall never be rounded off to indicate a value more than the analysed value and, in the case of *trans* fat, any sugars, sodium/salt, and total fat, or any fatty acid, excluding omega-3 fatty acids, the values shall never be indicated in values less than the analysed values;

(b) in the case of micronutrients, where necessary, no more than two decimal places (0.00) may be indicated, and in the case of macronutrients no more than 1 decimal places (0.0); and

(c) where, as a result of limitations in terms of analytical methodology, it is not possible to quantify the near absence of a nutrient in the nutritional information table, the word “trace” or “< level of detection" may be used to indicate the uncertainty about a precise value.

(2) Permitted tolerances for nutrient declaration in the nutritional information table on labels must comply with the following requirements:

(a) The laboratory must set tolerance limits based on the following principles:

(i) Tolerance levels must take into consideration—

(aa) specific public health concerns;

(bb) shelf-life;

(cc) accuracy of analysis;

(dd) processing variability and inherent liability and variability of the nutrient in the product; and

(ee) whether the nutrient has been added or is naturally occurring in the product;

(ii) the values used in nutrient declaration must be weighted average values derived from data specifically obtained from analyses of products which are representative of the product being labelled;

(iii) in those cases where a product is subject to a Codex standard, requirements for tolerances for nutrient declaration established by the standard must take precedence.

(b) The laboratory must include the following information in the laboratory analysis report:

(i) Subject to paragraph (9)(b), the number of samples per product submitted for analysis: Provided that a single sample, except in the case of fake foods, shall never be acceptable as a true representation of the product’s typical nutritional information;

(ii) product name;

(iii) batch numbers;

(iv) barcodes; and

(v) date of manufacture of each sample submitted.

(c) The laboratory must determine the tolerance limits for each nutrient according to the—

(i) Codex GUIDELINES ON ESTIMATION OF UNCERTAINTY OF RESULTS, *CAC/GL 59-2006;* and

(ii) Codex GUIDELINES ON MEASUREMENT UNCERTAINTY, *CAC/GL 54-2004.*

(3) Nutrients for which a Nutrient Reference Value (NRV) value is indicated in Annexure 3, shall be expressed as a percentage of the NRV per single portion/serving, in an additional column to the right of the mandatory formats in point 1 of Annexure 2.

(4) For the purposes of verifying the validity of claims with a health or nutrition message, whatever may be applicable, against qualifying criteria in Table 2 of regulation 65, Parts A and B, “Conditions for Nutrient Content Claims”, the standard NRV of individuals of the age beginning at 37 months and older as indicated in Annexure 3 applies.

(5) (a) An indication of the mass, volume, or number, whatever is applicable, of a single portion/serving must be an appropriate serving/portion size which is consistent with single serving/portion size typically recommended by health professionals for maintenance or achievement of a healthy weight and good health.

(b) Single portion/serving size must not be manipulated—

(i) to sell supersize single portion/servings for the purpose of increasing sales, whether prepacked, non-prepacked or transparently packed as ready-to-eat foodstuffs; or

(ii) to qualify for a nutrient or health claim.

73

(c) Single portion/serving size must also be expressed in descriptive household measurements.

(6) When the recipe of a foodstuff is altered in any way in terms of changes to ingoing ingredients that may affect the nutritional properties of an end product, the nutritional information of the end product as well as the list of ingredients must be corrected without delay.

(7) A claim may not be made on the label of a foodstuff that the foodstuff has acquired nutritive value from nutrients used as additives when added for a technical function.

(8) (a) A claim may not be made—

(i) that a foodstuff has a particular value or benefit if the value or benefit is derived fully or partly from another foodstuff that is intended to be consumed with the foodstuffs in relation to which the claim is made, but is not in the container when sold;

(ii) regarding any nutrient content, energy value or health benefit of a foodstuff or ingredient or substance not included in the container; and

(iii) regarding any nutrient content, energy value or health benefit of an ingoing, unprocessed, single ingredient agricultural product if the same ingredient is being processed during the manufacturing process.

(b) Subject to paragraph (a), in the case where the product as sold requires further processing (preparation, baking or cooking) after addition of ingredients not included in the foodstuff as sold, the nutritional information and facts of the foodstuff prepared according to the manufacturer's instructions and ready to use or eat must be added in an additional column to the right of the column indicating the nutritional information per 100 ml/ 100g of prepared product in the applicable table with nutritional information.

74

(9) (a) Subject to regulation 46, where a claim with a nutrition or health message is made—

(i) the nutritional information and facts as required by these Regulations must be the real, typical values as determined through chemical analysis in accordance with the methods recommended in these Regulations, Guidelines or Codex, and where no specific methods are recommended, a method which has been accredited by SANAS, the South African National Accreditation System, a statutory body governed by the Accreditation for Conformity Assessment, Calibration and Good Laboratory Practice Act, 2006 (Act No. 19 of 2006); or ILAC, the International Laboratory Accreditation Co-operation;

(ii) the nutritional information must be the nutritional information and facts as per point 1.1 of Annexure 2 plus the appropriate nutritional information of the substance, which is the subject of the claim, as indicated in point 1.2 of Annexure 2.

(b) Sampling of the foodstuff for the purpose of nutritional analysis must be done according to the Codex GENERAL GUIDELINES ON SAMPLING, CAC/GL 50-2004 and must be—

(i) representative of the product as typically produced;

(ii) based on a laboratory analysis report;

(iii) verified at least once every three years by analysis and kept on record, unless formulation changes were made which necessitates re-analysis; and

(iv) analysed in accordance with the methods stipulated in these Regulations or where no method is stipulated, by methods approved and recommended by the Codex.

(c) The manufacturer must—

(i) compile a report on the details of how the sampling was conducted based on the Codex GENERAL GUIDELINES ON SAMPLING, CAC/GL 50-2004;

(ii) keep the analysis report referred to in subregulation (1) on record, and provide copies of the report to any food business operator upon request;

(iii) not sell the product until the laboratory analysis report and the supplier ingredient files are up to date and on record as per the requirements of regulation 2(4); and

75

(iv) when presenting the samples to a reputable laboratory for analysis, inform the laboratory that the analysis is for labelling purposes and that the laboratory report must include the information requested in subregulation (2).

(10) Subject to regulation 46, where nutritional information is provided on the label in the absence of a claim with a nutrition or health message, the following information sources may be used:

(a) Labelling in the case of single ingredient foodstuffs:

(i) Nutritional information and facts obtained from the supplier ingredient information file referred to in Guideline 1; or

(ii) chemical analysis from a reputable laboratory; or

(b) Labelling in the case of a multi-ingredient foodstuff:

(i) Analytical data obtained from the supplier ingredient information files referred to in Guideline 1;

(ii) chemical analysis by a reputable laboratory; or

(iii) recipe calculations based on information sourced from the supplier ingredient information files referred to in Guideline 1.

(c) (i) The nutrient content of a multi-ingredient foodstuff can be based on

(aa) recipe calculations using the analytical nutrient values of the individual recipe ingredients, such as the values of single ingredient agricultural; or

(bb) commodities and other recipe ingredients, such as cake flour.

(ii) The nutrient values for these single ingredient commodities and recipe ingredients must be taken from supplier ingredient information files or analytical data.

(iii) Appropriate methodology must be applied for the calculation of the nutrient content of the dish.

(iv) When the calculation is based on raw recipe ingredients, provision must be made for yield and retention factors, where applicable.

(d) In the case where the glycaemic carbohydrate value is not calculated by difference by using the following formula, the values for total sugars must be analysed or imputed from other sources:

Glycaemic/Available carbohydrate = 100 g – [moisture (g) + protein (g) + fat (g) + dietary fibre (g) + alcohol (g) + ash (g) + non-glycaemic polyols]

(11) The container or the way it is packaged must not obscure the list of ingredients or nutritional information when the consumer picks up the product from the shelf.

PART III:

GENERAL INFORMATION ON FRONT OF PACKAGE LABELS, HEALTH AND NUTRITIONAL CLAIMS

General information and conditions

48. (1) A claim with a nutrition or health message—

(a) which is not addressed in these Regulations, is not permitted on the labels or in any advertisement thereof.

(b) is permitted for a single ingredient—

(i) if that ingredient is the end product intended for sale; and

(ii) if that ingredient is not further processed in the manufacturing process when used as an ingoing ingredient of a compound foodstuff.

(2) (a) These regulations apply to the generic names, brand names or trade-mark names; generic names, brand names or trademark.

(b) The names contemplated in paragraph (a) may not be used to mislead consumers with regards to the generic or specific nutritive properties or generic or specific health-giving properties, through a play with words or parts of words which could be interpreted as or related to an energy, nutrition, non-addition of sugar or salt, ingredient content or health claim.

(c) Notwithstanding paragraph (b), generic names, brand names or trade-mark names may be used if a foodstuff is eligible, according to the Nutrient Profiling Model for nutrition and food claims, to make a claim with a health or nutrition message, complies with the relevant criteria for the said claim and does not need to bear FOPL.

(3) Where nutritional information about a particular nutrient or substance is provided in the nutritional information table, but no claim with a nutrition or health message is made outside the table on the label, such information is not regarded as a claim: Provided that—

(a) should certain information be emphasised in any manner in the nutritional information table or the list of ingredients or anywhere else on the label, such as but not limited to colour differences of the letters or numbers, different background colour than the rest of the information, differences in font types, letter sizes or in any other manner, it must be considered that a claim is made for that particular nutrient; and

(b) the substance is not a scheduled substance, regulated under the Medicines Act.

(4) Foodstuffs which are produced for sale by a small producer, or a street vendor may not make or bear any claim with a nutrition or health message.

(5) No nutritional labels, label systems, panels or simplified nutritional information are permitted on the label of a foodstuff other than, where applicable, the FOPL label required under regulation 51.

Enrichment of foodstuffs

49. Subject to regulations 50, 51, 52, 55 and 58(1) to (9), and in line with the most recent Codex Alimentarius General Principles for the Addition of Essential Nutrients to Foods CAC/GL 9-1987—

(a) nutrients may only be added to a foodstuff which—

(i) requires a list of ingredients but which is not a fake food as determined in regulation 56;

(ii) passed the Profiling Model for FOPL and is not required to bear FOPL under regulations 51 and 52;

(b) nutrients which are added to improve the nutritional properties of a foodstuff, in the case of vitamins or minerals, added for both enrichment or fortification as per the Regulations Relating to the Fortification of Foodstuffs—

(i) may not exceed 100% NRV levels per single portion/serving;

(ii) must be one of the approved compounds according to the most recent Codex document "Advisory Lists of Nutrient Compounds for Use in Foodstuffs for Special Dietary Uses intended for Infants and Young Children": Provided that the addition of fluoride and aluminium in any form is prohibited in all foodstuffs intended for any age;

(c) enrichment with any nutrient or common allergen is not permitted for raw-processed meat including raw-processed poultry;

(d) enrichment with any nutrient is not permitted for fake foods, beer, and products under the Liquor Products Act, irrespective of whether it has been dealcoholized or not; and

(e) foodstuffs required to carry a FOPL in terms of regulations 51 and 52 may not carry any claims relating to the enrichment of the foodstuff under this regulation and regulation 50.

Nutrient Profiling Model for South Africa for the purpose of screening foodstuffs for their eligibility to make any claim with a nutrition or health message

50. (1) A foodstuff offered for sale in any manner, whether pre-packed, naked, non-packed or ready-to-consume may not make a claim with an energy, nutrition or health message or use any endorsement logo in terms of regulation 9(1)(a)(iii)-

(a) if a foodstuff is required to bear a FOPL on the main panel because it exceeds the cut-offs for key nutrients or contain artificial sweeteners under the profiling model contemplated in regulations 51 and 52; and

(i) the label displays a nutritional information table under regulation 46;

(ii) the foodstuff successfully qualifies with the screening criteria of the Nutrient Profiling Model for health and nutritional claims as outlined in Annexure 8, using the electronic calculator which is available on the website of the Department of Health;

(iii) the foodstuff complies with the criteria particular to the specific claim, as addressed and permitted by these Regulations; and

(iv) the foodstuff complies with the requirements of regulation 55, where applicable.

(2) Any food that is produced by a small business may not carry a claim with an energy, nutrition, or health message unless the requirements of this regulation are complied with.

Profiling Model for Foodstuffs for South Africa for the purpose of FOPL logos on labels of foodstuffs that may not be marketed or advertised to children

51. (1) Pre-packaged foodstuffs are required to bear a mandatory Front-Of-Pack-Labelling (FOPL) if the foodstuff-

(a) contains added saturated fat, added sugar, added sodium; and

(b) which exceed the nutrient cut-off values for total sugar, total sodium or total saturated fatty acids outlined below; or

(c) subject to regulation 55(1), contain any artificial sweeteners;

Nutrient cut-off values	
Nutrient	**Value indicated in nutritional information table**
Total sugar(s) in g	Solids: ≥10.0g per 100 g
	Liquids: ≥5.0g per 100 ml
Total Saturated fatty acids in g	Solids: ≥4.0g per 100 g
	Liquids: ≥3.0g per 100 ml
Total Sodium in mg	Solids: ≥400mg per 100 g

80

	Liquids: ≥100mg per 100 ml
Artificial sweeteners	
Contain any added artificial sweetener	Bear the applicable logo warning as per Annexure 10

(d) In the case of foodstuffs that require further processing (preparation, baking, cooking, or mixing) after addition of ingredients not included in the foodstuff as sold, the values for purposes of assessing compliance with the nutrient cut-offs above is the column of the nutritional information and facts containing values of the prepared product as required in regulation 47(8)(b).

(e) For the purposes of this regulation and subject to other relevant existing legislation, a foodstuff or beverage is considered a solid or a liquid based on the ordinarily use of such foodstuff and the unit of measurement as grams or millilitres indicated on the label as per requirements specified in any other existing legislation.

(2) Any foodstuff required to bear any FOPL logo, as described in Annexure 10, must: -

(a) display such logos on the front of pack/main panel of the package;

(b) the logos shall cover 25% of the front of pack package according to the specifications outlined in Annexure 1; and

(c) the size of the front of the package for purposes of determining the size of the FOPL shall be calculated using the following formula based on the shape of the package:

Formulas for calculation of principal display panel	
Rectangle	Height x Width of largest side
Cylindrical shape	40% of height x circumference
Special Cylindrical shape	40% of Heigh x circumference OR Area of the Lid (whichever is greatest)

81

Tapered Tube	40% of the height x average of the top and bottom circumference
Other Shapes	40% of total surface

(d) To ensure the legibility of the logos and FOPL, the following ratios between the surface area of the front of the package and the minimum width of a single logo shall apply:

Front of Package Area	Minimum width of one logo
<40s.cm	15 mm
>40 s.cm and <60 s.cm	18 mm
>60 s.cm and <100 s.cm	20 mm
>100 s.cm and <200 s.cm	25 mm
>200 s.cm and <300 s.cm	30 mm
>300 s.cm	35 mm

(e) the FOPL logos on the front of the pack must:

(i) correspond to those nutrients which exceed the FOPL cut-offs;

(ii) be prominently visible to a consumer when product is displayed and may not be obscured, removed, or damaged;

(iii) placed on the front of pack/main panel of the container's label and anchored to the top right-hand corner of the label in the configurations and to the specifications outlined in Annexure 10;

(iv) together with the white background prescribed in Annexure 10, cover 25 per cent of the front of pack as calculated in terms of paragraph (d);

(v) be integrated into the packaging of the foodstuff insofar as practicable and the use of stickers must be permitted where the size of the container or existing label cannot accommodate the size of the label; and

(vi) the order of the logos shall use the exclamation mark as the first, anchoring logo and be followed by sugar, saturated fat, sodium and then where applicable, artificial sweeteners.

(3) The FOPL logos must appear on the main panel/front of pack of the label in the top right corner according to the specifications for logo design colour, dimensions, background, and other aspects related to the logo specification as per Annexure 10.

(4) Foods for Special Medical Purposes (FSMPs) and Infant formula up to the age of 6 months are exempted from bearing any FOPL logo.

(5) FOPL may not-

(a) be used to replace the mandatory (typical) nutritional information table in Annexure 2.

(b) be used for any other nutrient that improve the overall nutritional status of the foodstuff.

(c) be marketed to children.

(d) make any claim with an energy, health, or nutrition message irrespective of whether the foodstuff's nutritional profile passes the Nutrient Profiling Model referred to in regulation 50.

(e) be enriched.

(f) bear any endorsement logo related to reducing the risk of any non-communicable disease referred to in regulation 9(1)(a)(iii).

(g) shrink the label deliberately in size to diminish visibility of the FOPL and shall be subject to letter size requirements in all cases.

Marketing Restrictions for foodstuffs that may not be advertised to children

52. (1) (a) This regulation applies to any packaged food item that carries a FOPL as described in regulation 51

(b) The package or label or advertisement of foods carrying the FOPL shall not–

(i) depict or contain reference to-

(aa) any celebrities, sport stars, cartoon-type character, puppet, computer animation or similar strategy; or

(bb) a competition or a token, gift, or collectable items which appeal to children, in order to encourage the use of such unhealthy foodstuffs;

(cc) children in mixed groups with young adults older than 18;

(ii) abuse positive family values such as portraying any happy, caring family scenario, on a label or package in order to encourage the purchase for consumption;

(c) encourage or condone excess consumption or excessive portion sizes;

(d) undermine the promotion of healthy, balanced diets;

(e) encourage or promote an inactive lifestyle; encourage or promote unhealthy eating or drinking habits;

(f) omit undesirable aspects of a food's nutritional profile, contain any misleading or incorrect information about the nutritional value of the product;

(g) be represented as a substitute for meals;

(h) be misleading about the potential benefits from consumption of the unhealthy food;

(i) create a sense of urgency designed to encourage purchase or consumption;

(j) depicting in any way a brand name of a food requiring a FOPL logo, or a catering establishment that commonly sell foodstuffs requiring a FOPL logo, on footwear and other clothing items offered for sale; or

(k) depicting a brand name of a food requiring a FOPL logo, or a catering establishment that commonly sell foodstuffs requiring a FOPL logo, on any other items offered for sale or donation.

(2) (a) Any advertising depicting products carrying the FOPL must include the logos of the FOPL the product is required to carry in terms of regulations 51and 52.

(b) Notwithstanding Regulation 2(1) of these Regulations, any foodstuff offered for sale, irrespective of whether it is pre-

packaged or sold, in or on or from a catering establishment, as ready-to-eat foodstuffs-

(i) must comply with regulations 51(5(c) and 6) of said Regulations in terms of general marketing of these foods to children and advertising.

(ii) must comply with this regulation of said Regulations in terms of advertising to children.

(3) In addition, such advertisements should carry a warning in capital letters on visual or multimedia advertisements or at the end of audio advertisement.

(4) The warning contemplated in subregulation (3), must-

(a) be clearly audible in the case of an audio advertisement, and in case of visible advertisements in big, bold font, clearly and the legibility thereof shall not be affected by any other matter, printed or otherwise;

(b) be on a space specifically devoted for it which must be at least one eighth of the total size or length of the advertisement as the case maybe; and

(c) be in black on a white background, as follows: -

WARNING:

This product is high in [insert key nutrients] / contains artificial sweeteners. Excessive consumption may be detrimental to your health.

Use of South African Food Based Dietary Guidelines

53. (1) The Food Based Dietary Guidelines statements as indicated in Guideline 9, may—

(a) only be used exactly as quoted in the table in Guideline 9; and

(b) only be used when the foodstuffs passed the Nutrient Profiling screening process successfully.

85

(2) The Food Based Dietary Guidelines statements as indicated in Guideline 9 must—

(a) be relevant and appropriate for the foodstuffs group and type of product on which it is used, in accordance with the examples in Guideline 9;

(b) comply with the requirements of these Regulations in general where and when applicable; and

(c) comply specifically with regulation 55.

(3) Any foodstuff which is required in terms of regulation 51 to bear one or more FOPL logo shall not bear any Food Based Dietary Guidelines statement.

Claims on packaged water

54. An energy, nutrition, ingredient content, health claim, any other claim with a nutrition or health related message is not permitted for packaged water, except the following Food Based Dietary Guideline message for water: “Drink lots of clean safe water”.

Foodstuffs containing added purified, crystalline fructose ($C_6H_{12}O_6$), or added non-nutritive sweeteners

55. (1) Notwithstanding regulation 36, a foodstuff which contains added crystalline fructose ($C_6H_{12}O_6$) or added artificial sweeteners including tabletop artificial sweeteners, may not make any claim with an energy, nutrition or health message or carry any endorsement logo concerning health unless conclusive scientific proof can demonstrate—

(a) that according to Guideline 15, scientifically substantiated benefits to health in general, as well as a reduction of the risk of non-communicable disease, including obesity will result; and

(b) that any of these substances do not contribute to the risk of developing any non-communicable disease in the long term of 20 years or more.

(2) Any foodstuff containing added fructose must bear the following warning on the main panel of the label in bold black letters not less than 3 mm in vertical font height: "**High intakes of fructose daily may lead to metabolic complications such as high plasma cholesterol, triglycerides or LDL, insulin resistance and abdominal obesity.**"

Fake foodstuffs

56. (1) A fake foodstuff of which examples are indicated in Guideline 10 (solid or liquid) may not—

(a) make any claim with an energy, health, or nutrition message;

(b) be enriched; or

(c) bear any endorsement logo referred to in regulation 9(1)(a)(iii).

(2) Fake foods which contains artificial sweeteners may bear a FOPL logo(s) in terms of advertising and must not be advertised or marketed to children according to Regulation 51 and 52.

Cosmetic claims

57. A claim related to the use of the word beauty in any context related to physical beauty or any other cosmetic effect, in terms of any foodstuff, ingoing ingredient or substance must, unless specifically addressed by these regulations, is considered an illegal health claim.

Claims represented through pictures

58. Claims in relation to an energy, nutrition, ingredient content or health message may not be made through pictures, logos, or any other visual, non-textual marketing to promote the sale of a foodstuff to children, young children and infants if the—

(a) foodstuff may not be commercially marketed to children;

(b) picture, logo, or any other visual, non-textual marketing implies an unauthorised claim according to these regulations; and

(c) picture, logo, or any other visual, non-textual marketing is misleading.

PART IV:

NUTRITION CLAIMS

Energy, nutrient, and other content-related claims

59. (1) Subject to regulation 48(1), any claim with a nutrition or health message, is applicable for the end product as intended for sale.

(2) Any claim that describes the level of a nutrient contained in the foodstuff or the energy provided by the foodstuff must comply with the applicable conditions in these regulations.

(3) When a nutrient content or energy claim that is listed in Table 2 is made, the conditions specified in Table 2 for that claim apply.

(4) A nutrient content or energy claim may not be worded in any other way than the stipulated wording as specified in column 2 of Table 2, Parts A and B.

(5) A person may not use words such as “good source” or “enriched” or “enriched with (name of nutrient)” or any similar wording in relation to energy or the nutrients mentioned in Table 2 of regulation 65 as a substitute for the prescribed wording options for claims in column 2 of Table 2, Part B.

(6) A person may not use words such as “X% fat free” (or any other nutrient or energy referred to in Part A of Table 2) free as a substitute for the prescribed wording options in Table 2, Part A.

(7) (a) In the case where a mineral (such as iron oxide) is added to a foodstuff, the name of the compound from which the elemental mineral was derived must be listed in the list of ingredients.

(b) The name of the elemental mineral (such as iron) only must be mentioned in the appropriate table with nutritional information.

(8) (a) Vitamins and minerals which are present, either naturally or added, in amounts of less than 5% of the NRV for individuals from 37 months and older as referred to in Annexure 3 per single portion or serving, must not be declared in the nutritional information or facts table, except in the case of food vehicles and packaged water: Provided that where vitamins or minerals are present in amounts between 5% and 15% of the NRVs, they may be listed in the nutritional information table but no claim for any of them is permitted.

(b) Where vitamins or minerals are present in significant amounts of 15% or higher per serving, the Table below can be consulted to determine—

(i) whether the said vitamins or minerals may be listed in the nutritional information or facts table;

(ii) whether claims are allowed; and

(iii) what the prescribed wording for claims would be.

NRV for vitamins and minerals	**May a claim be made?**	**May it be listed in the nutritional information table?**
0 - <5%	No	No
5% - <15%	No	Yes, voluntary
15% - < 30%	Yes – “source of” or “contains” or “with added”	Yes, mandatory
30% or more	Yes – “high in”	Yes, mandatory

89

NRV for vitamins and minerals	May a claim be made?	May it be listed in the nutritional information table?
60% or more	Yes – "very high in" or "excellent source"	Yes, mandatory

(9) Where two or more conditions for a nutrient content claim are required in Table 2, (Parts A and B), the foodstuffs must meet all the conditions in order to qualify for the claim.

Dietary fibre content claims

60. (1) Subject to applicable conditions in Table 1—

(a) the analytical values for dietary fibre content must be indicated in the table with nutritional information as required per Annexure 2 and the method of analysis used to measure the dietary fibre content must be indicated beneath the nutritional information or facts table as a footnote, or in parenthesis after the word dietary fibre in the aforementioned table: Provided that—

(i) the method of analysis used to measure dietary fibre corresponds with the applicable criteria in Table 2, Part B;

(ii) where the analytical method also measures non-carbohydrate components such as lignin which is naturally associated with the polysaccharides in plant cell walls or where lignin and other associated non-carbohydrate components were extracted and reintroduced into the foodstuffs at any stage, these non-carbohydrate components must be considered part of dietary fibre; and

(iii) any Maillard reaction products must, if present, be quantified and subtracted from the total to obtain the correct value for dietary fibre.

(b) and subject to regulation 59(9), any suitable method as indicated in the Guideline 2 to measure dietary fibre, may be used; and

(c) synthetic edible carbohydrate polymers or purified non-starch polysaccharides such as powdered cellulose (INS 460ii) and cellulose gum (INS 466) require pre-market approval, if used to make a content claim.

(2) A dossier must be prepared and submitted to the Directorate: Food Control that demonstrates whether INS 460ii and INS 466 have the same health benefits as non-starch polysaccharides from fruits, vegetables, and wholegrains, using Guideline 15 "Guidance document for preparing a submission of food health claims" and submitting it to the Directorate: Food Control, Department of Health.

Protein content claims

61. A claim may not be made on the label of a foodstuff regarding the protein content of that foodstuff, unless the following requirements are complied with:

(a) the conditions, as applicable, specified in Table 2, Part B must be met; and

(b) the foodstuff must provide protein quality of which the analysed amino acids of the foodstuffs, must contain at least 100% of each of the amino acids as per the reference amino acids pattern listed in Annexure 4.

Fatty acid content claims

62. In addition to the conditions of Table 2, Parts A and B, where a nutrient content claim is made regarding the amount of total fat or the amount or type of any fatty acid or cholesterol, excluding omega-3 fatty acids, the real analytical values of all the following fatty acid components and cholesterol must be indicated in the table with nutritional information, immediately after the declaration of total fat:

Total Fat … g

of which saturated fatty acids … g

of which *trans* fat as defined in the latest version of Regulations Relating to *Trans*-fat, R127 of 17 February 2011 .. .g

monounsaturated fatty acids …g

91

polyunsaturated fatty acids	…g
Cholesterol	…mg

Omega-3 fatty acid content claims

63. For claims, particularly on omega-3 fatty acids, all the omega-3 fatty acids must be specified, and the real analytical values of all the following fatty acid components must be indicated in the table with nutritional information, immediately after the declaration of fat:

Total Fat	…g
of which saturated fatty acids	...g
monounsaturated fatty acids	…g
polyunsaturated fatty acids	…g
of which omega-3 fatty acids	…mg
of which ALA	…mg
EPA	…mg
DHA	…mg
DPA	…mg

Content claim for antioxidant as nutrient

64. (1) Subject to the requirements of these regulations, no content claim for an antioxidant as nutrient, especially vitamins A, C or E, riboflavin, copper, selenium, zinc, polyphenols in olive oil, beta carotene, lycopene, lutein, or zeaxanthin, may be made.

(2) A generic claim or generic reference on a label or in advertising about the presence of an “antioxidant” in a foodstuff may not be made unless the antioxidant as a nutrient is identified by the specific name of the anti-oxidant as nutrients in subregulation (1), followed by the word “antioxidant” (e.g. “Vitamin C (Antioxidant)”): Provided that the minimum amount of the particular antioxidant present in a single portion or serving is not

less than 30% of the NRV for the particular antioxidant, and in the case of the carotenoids: beta-carotene, lycopene, lutein and zeaxanthin, for which an NRV does not yet exist, the value consistent with “high in” in Table 2, must be considered the minimum amount per single portion or serving.

(3) Reference to the ORAC score may not be made about an “antioxidant” naturally present in or added to a foodstuff.

(4) For the purposes of this regulation: -

(a) “ORAC” means Oxygen Radical Absorption Capacity assay which measures the degree of inhibition of peroxy-radical-induced oxidation by the compounds of interest in a chemical milieu and measures the value as Trolox equivalents and includes both inhibition time and the extent of inhibition of oxidation; and

(b) “antioxidant as nutrient” for the purpose of nutrient content claims, means vitamins A, C or E, riboflavin, copper, selenium, zinc, polyphenols in olive oil, beta carotene, lycopene, lutein, or zeaxanthin;

Ingredient content claims

65. (1) The claims in subregulations (2) to (7) are considered nutrient content claims and are subject to the same conditions that are applicable to nutrient claims unless otherwise indicated.

(2) Claims that meat is trim, lean, extra lean, or similar claims: In the case of minced meat, processed meat and fresh, raw-processed meat and poultry cuts the percentage fat must be indicated on the scale label or following the product name:

Lean, trim or trimmed of fat or any similar wording	$\geq$ 5 to $\leq$ 10% of fat as analysed
Extra lean, extra trim or any similar wording	$\leq$ 5% of fat as analysed

93

(3) (a) When a polyol is used as a sweetener in a foodstuff—

(i) the relevant nutritional information must be indicated in the space provided for it in the nutritional information or facts table as per point 1.2 of Annexure 2; and

(ii) if the foodstuff qualifies for a claim "sugar-free", the statement "Not an energy-free foodstuff" must appear directly beneath the claim.

(b) A foodstuff containing polyols in excess of 50g/kg of the end product must be labelled with the expression "excessive consumption may have a laxative effect": Provided that for sugar-free chewing gum the statement is required if the polyol content of the product exceeds 250g/kg.

(4) (a) An ingredient content claim which refers to "wholegrains" in any manner is permitted if—

(i) in the case where recombined or wholegrain flour or meal is used in a foodstuff, the claim "wholegrain" must be preceded by word "recombined", and in the case of wholegrain flour or meal followed by the word "flour" or "meal";

(ii) the percentage QUID as well as the GI category for wholegrain, recombined wholegrain flour/meal, partially wholegrain or partially wholegrain foodstuff, whatever the case may be, must be indicated as part of the content claim as follows:

"A (QUID) % wholegrain [name of grain] or partially wholegrain [name of grain] or recombined wholegrain (name of the grain) flour or meal foodstuff: Provided that a logo for the wholegrain concept may only be used if not less than 97% of the product consists of wholegrains.

(b) A logo depicting the wholegrain concept is permitted if the end product contains at least 75% whole grains.

(5) Claims that a foodstuff contains prebiotics: In order to make a content claim about any prebiotic—

(a) the foodstuff must have at least 2g pure prebiotic per single portion or serving (solids and liquids);

(b) the prebiotic must be one or more or a combination of the following prebiotics:

(i) trans-galacto-oligosaccharide;

(ii) inulin;

(iii) oligofructose;

(iv) fructo-oligosaccharides (FOS); or

(v) galacto-oligosaccharides (GOS);

(c) the type of prebiotic and the source thereof in brackets must be declared in the list of ingredients and the amount thereof must be declared in the nutritional information/facts table in the designated place according to point 1.2 of Annexure 2; and

(d) where the criteria mentioned in regulation 63 for a content claim for prebiotics are complied with, the following generic health claim may be used on the label: "Prebiotics beneficially affects the intestinal flora by selectively stimulating the growth of the good or beneficial gut flora or micro-organisms or positively affects intestinal health."

(6) Non-addition claims related to foodstuffs means any claim where mono-and disaccharide-containing ingredient or sodium chloride or any sodium salt has not been added to a foodstuff, either directly or indirectly where the ingredient is one whose presence or addition is permitted in the foodstuffs and which consumers would normally expect to find in the foodstuff—

(a) Claims regarding the non-addition of any mono- and disaccharides to a foodstuff such as no sugar", "no sugar added", "no added sugar" or "no free sugar" or other words with a similar meaning, may not be made for end product foodstuff unless—

(i) the end product is a single ingredient agricultural product of which intrinsic sugars are naturally occurring, are always accompanied by other nutrients and therefore form an inherent part of the foodstuff;

(ii) the end product is a fresh, single fruit juice or a single, fresh vegetable juice as defined by these or relevant regulations under the Agricultural Product Standards Act;

(iii) the end product is not a fruit or vegetable juice or concentrate thereof, which is blended with another fruit juice or concentrate thereof in order to comply with a certain sweetness (brix) requirement provided for in the relevant regulations under the Agricultural Product Standards Act;

(iv) the foodstuff contains no compound ingredients of which any sugar is an ingoing ingredient or intrinsic sugar (such as but not limited to jams, jellies, sweet confectionary and chocolate, sweetened fruit pieces);

(v) no sugars or source thereof have been added to the foodstuff, irrespective of the technological purpose thereof, (such as but not limited to sucrose, glucose, fructose, lactose, honey, molasses, corn and other syrups, malt, isomaltulose, whey powder, milk solids) and irrespective of whether the added sugar or source is an intrinsic or an added sugar); or

(vi) the sugar content of the foodstuff itself has not been increased above the amount contributed by the ingredients, by some other means such as the use of enzymes to hydrolyse starches to release sugars.

(b) Claims regarding the non-addition of sodium salts to a foodstuff, including “no added salt”, may be made if—

(i) the foodstuff contains no added sodium salts;

(ii) the foodstuff contains no ingredients that contain added sodium salts;

(iii) the foodstuff contains no ingredients that contain sodium salts that are used to substitute for added salt.

(7) Nutrient or ingredient content claims may only be used for ready-to-eat foodstuffs.

(8) For the purposed of this regulation,

(a) **“added or free sugar”** means any food containing monosaccharides and disaccharides, added to foods and beverages during processing and production; and

(b) **"Intrinsic sugar"** means sugars which form an inherent part of certain unprocessed single ingredient agricultural foodstuffs which are naturally occurring and are always accompanied by other nutrients.

(9) In addition to the requirements of regulation 59 the following conditions for content claims are applicable:

TABLE 2: PART A - CONDITIONS FOR CONTENT CLAIMS

NUTRIENT AND ENERGY ***Part A***	**CLAIM**	**CONDITIONS** ***NOT MORE THAN***
I	2	3
Energy	Low	170kJ per 100g (solids*)80kJ per 100ml (liquids*)
	Virtually free or free from	8 kJ per 100ml (liquids*)
Fat	Low	3 g per 100g (solids*) 1.5g per 100 ml (liquids*)
	Virtually free or free from	0.5g per 100g/ml
Saturated fatty acids for the purpose of nutritional information table and front-of-pack labeling means— (a) when a claim with a health or nutrition message is made, the sum of the weight of individual saturated fatty acids obtained through chemical analysis (AOAC 996.06 or equivalent method); or (b) when no claim with a health or nutrition message is	Low	1,5g per 100g (solids*) 0,75g per 100ml (liquids*) and for both solids and liquids, not more than 10% of energy
	Virtually free or free from	0,1g per 100g (solids*) 0,1g per 100ml (liquids*)

97

NUTRIENT AND ENERGY *Part A*	CLAIM	CONDITIONS *NOT MORE THAN*
I	2	3
made, the sum of the weight of individual saturated fatty acids. (This definition refers to 'total saturated fatty acids' as reported in food composition tables and is applicable where the nutrient values for single ingredient foods are used from the food composition table in the South African Food Data System (SAFOODS) or suitable international food composition tables) for direct labelling or for recipe calculations);		
Cholesterol	Low	20mg per 100g (solids*) 10mg per 100ml (liquids*)
	Virtually free or free from	5mg per 100g (solids*) 5mg per 100ml (liquids*) and for both claims, low and free of, less than: 1.5g saturated fat and trans-fat combined per 100g (solids) or 0,75g saturated fat per 100 ml (liquids) and 10% ** of energy from saturated fat

98

NUTRIENT AND ENERGY *Part A*	CLAIM	CONDITIONS *NOT MORE THAN*
I	2	3
Sugars (any mono – and disaccharides)	Virtually free or free from This claim shall only be permitted when total sugar content of end product is ≤ 0,5 g per 100 g/ml	0,5g per 100g/ml*
Sodium	Low	120mg Na per 100g* (equals 300mg NaCl)
	Very low	40mg Na per 100g* (equals 100mg NaCl)
	Virtually free or free from	5mg Na per 100g* (equals 13mg NaCl)

TABLE 2: PART B - CONDITIONS FOR CONTENT CLAIMS

NUTRIENT *Part B*	CLAIM	CONDITIONS *NOT LESS THAN**
I	2	3
Energy: claim only permitted for energy obtained from a carbohydrate, or fat or protein source and excludes any central nervous system stimulation effect obtained from caffeine or other stimulants	"Source of"	80kJ per 100ml
	"High in"	950kJ per 100g or 250kJ per 100ml
1. Dietary Fibre as measured by the latest update of the Englyst	"Source of" or "contains" or "with added"	2.4 g per 100g (solids)

NUTRIENT ***Part B***	**CLAIM**	**CONDITIONS** ***NOT LESS THAN****
I	2	3
method as stipulated in the table in Guideline 1)	"High in"	4.8 g per 100g (solids)
	"Very high in" or "excellent source"	9.6 g per 100 g (solids)
2. Dietary Fibre as measured by the latest update of the specific general AOAC method used which are listed in the table in Guideline 1)	"Source of" or "contains" or "with added"	3 g per 100g (solids)
	"High in"	g per 100g (solids)
	"Very high in" or "excellent source"	12 g per 100g (solids)
Protein	"Source of" or "contains" or "with added"	10g per 100g (solids*) 5g per 100ml (liquids*)
	"High in"	10g per 100g (solids*) 5g per 100ml (liquids*) and for both solids and liquids,5g per 418kJ
Polyunsaturated fatty acids for the purpose of nutritional information table and front-of-pack-labeling means— (PUFA's)	"Source of" or "contains" or "with added"	≥ 45% ***PUFA's and Polyunsaturated fatty acids provide more than 20 % of energy of the end product 0g *Trans* fatty acids
(a) when a claim with a health or nutrition message is made, the sum of the weight of only the *cis* form of individual polyunsaturated fatty acids obtained through chemical analysis (AOAC 996.06 or equivalent method); or	"High in"	≥ 60% ***PUFA's and Polyunsaturated fatty acids provides more than 20 % of energy of the end product 0.g *Trans* fatty acids

100

NUTRIENT *Part B*	CLAIM	CONDITIONS *NOT LESS THAN**
I	2	3
(b) when no claim with a health or nutrition message is made, the sum of the weight of individual polyunsaturated fatty acids. (This definition refers to 'total polyunsaturated fatty acids' as reported in food composition tables and is applicable where the nutrient values for single ingredient foods are used from the food composition table in the South African Food Data System (SAFOODS) or suitable international food composition tables) for direct labelling or for recipe calculations. In some food composition tables, the value may include the *cis* as well as the *trans* form of polyunsaturated fatty acids;		
Monounsaturated fatty acids (MUFA's) for the purpose of nutritional information table means— (a) when a claim with a health or nutrition message is made, the sum of the weight of only the *cis* form of individual	"Source of" or "contains" or "with added"	≥45% *** MUFA's and Monounsaturated fatty acids provide more than 20 % of energy of the end product 0.g *Trans* fatty acids
	"High in"	≥60%*** MUFA's and

101

NUTRIENT ***Part B***	**CLAIM**	**CONDITIONS** ***NOT LESS THAN****
I	2	3
monounsaturated fatty acids obtained through chemical analysis (AOAC 996.06 or equivalent method); or (b) when no claim with a health or nutrition message is made, the sum of the weight of individual monounsaturated fatty acids. (This definition refers to 'total monounsaturated fatty acids' as reported in food composition tables and is applicable where the nutrient values for single ingredient foods are used from the food composition table in the South African Food Data System (SAFOODS) (or suitable international food composition tables) for direct labelling or for recipe calculations. In some food composition tables, the value may include the cis as well as the *trans* form of monounsaturated fatty acids);		Monounsaturated fatty acids provide more than 20 % of energy of the end product 0.g *Trans* fatty acids
Omega-3 “omega-3 fatty acids” means one or more of the following:	“Source of” or “contains” or “with added”	0.3g (300 mg) alpha-linolenic acid per 100g and per 418 kJ, or 40mg of the

NUTRIENT ***Part B***	**CLAIM**	**CONDITIONS** ***NOT LESS THAN****
I	2	3
(a) Alpha-linolenic acid (ALA); (b) omega-3 derivative docosahexaenoic acid (DHA 22: 6□3); (c) omega-3 derivative eicosapentaenoic acid (EPA 20:5□3); and (d) omega-3 derivative ocosapentaenoic acid (DPA □3, 22:5□3) fatty acids		sum of Eicosapentanoic acid (EPA) and Docosahexaenoic acid (DHA) per 100g and per 418 kJ
	"High in"	0,6g (600 mg) alpha-linolenic acid per 100g and per 100kJ, or 80mg of the sum of Eicosapentanoic acid (EPA) and Docosahexaenoic acid (DHA) per 100g and per 100kJ
	"Very high in" or "excellent source"	1,2g (1200 mg) alpha-linolenic acid per 100g and per 100kJ, or 160mg of the sum of Eicosapentanoic acid (EPA) and Docosahexaenoic acid (DHA) per 100g and per 100kJ
Vitamins and minerals, excluding Sodium	"Source of" or "contains" or "with added"	15% of NRV** per serving
	"High in"	30% of NRV** per serving
	"Very high in" or "excellent source"	60% of NRV** per serving
Carotenoids:		

103

NUTRIENT *Part B*	CLAIM	CONDITIONS *NOT LESS THAN**
I	2	3
Beta-carotene	"Source of" or "contains" or "with added"	0.5 mg per 100g
	"High in"	2 mg per 100g
Lycopene	"Source of" or "contains" or "with added"	0.5 mg per 100g
	"High in"	2 mg per 100g
Lutein	"Source of" or "contains" or "with added"	0.5mg per 100g
	"High in"	2 mg per 100g
Zeaxanthin	"Source of" or "contains" or "with added"	0.1mgper 100g
	"High in"	0.5mgper 100g

* refers to end product

** NRV's for individuals from the beginning of 37 months and older

*** of total energy from fat

TABLE 2: PART C - CONDITIONS FOR CONTENT CLAIMS

COMPONENT *Part C*	CLAIM	CONDITIONS *NOT MORE THAN*
Alcohol	Non-alcoholic or de-alcholised*	0.5 % by volume*
	Virtually free or free from	0.05 % by volume*

Caffeine	Free from or in the case of pure coffee	3 mg per kg

* Subject to regulation 9(4) dealcoholized beer and liquor products including wine as defined under the Liquor Products Act, where the alcohol has been removed from.

Comparative claims

66. (1) A claim which compares the fat, saturated fat, cholesterol, total sugar, total sodium or salt content, or energy value of two or more similar foodstuffs manufactured by the same company by using one of the following words or a similar word "reduced", "less than", "fewer", "light", "lite", is permitted if—

(a) the foodstuffs being compared are different versions of the same or similar foodstuffs which should be described in such a manner that they can be readily identified by consumers;

(b) the foodstuffs being compared are clearly labelled as follows:

(i) A statement is given of the amount of difference in the energy value or relevant nutrient or alcohol, expressed as a percentage; and

(ii) the identity of the foodstuffs to which the foodstuff is being compared, appears in close proximity to the comparative claim;

(c) the comparison is based on a relative difference of—

(i) at least 25% in the macronutrient, including sodium or salt content;

(ii) a minimum absolute difference of not less than 15% of the NRV for micronutrients in the absence of a NRV value a minimum absolute difference of not less than an equivalent value to the figure defined as "low" for energy in Table 2;

(d) the comparison is based on an equivalent mass, volume or single portion/serving (refer to Guideline 11 for examples of how the percentage of difference can be calculated);

(e) the foodstuff is labelled with the mandatory minimum nutritional information declaration referred to in point 1 of Annexure 2, as well as nutritional information

relevant to the comparative claim in terms of the specific nutrient or energy content of both foodstuffs;

(f) the following information is stated in the claim:

(i) the specific nutrient mentioned in subregulation (1) or energy, whichever relates to the comparison;

(ii) a full description of the two foodstuffs that are being compared; and

(iii) the exact amounts of each of the two foodstuffs that are being compared.

(2) A comparative claim such as “more than”, “increased” or that directly or indirectly compares the micronutrient content of a foodstuff with that of another foodstuff is prohibited for physiologically beneficial nutrients such as vitamins, minerals, bioflavonoids, carotenoids, or other beneficial foodstuffs constituents, except for the cases mentioned in subregulation (6) unless—

(a) the comparison is based on an absolute difference of at least an equivalent to the figure defined as “high in” in Table 2; and

(b) is labelled similarly to the principles in subregulation (1).

(3) A comparative claim is not allowed for foodstuffs for which compositional standards exist under the Agricultural Product Standards Act and the Compulsory Specifications Act unless specific provision is made in these standards to accommodate comparative claims.

(4) Foodstuffs for which a class or category name exists under the Agricultural Product Standards Act, and the Compulsory Specifications Act, in which words that could indicate a comparative or nutrient content claim, and which are listed in Guideline 12 may not be regarded as a comparative or a nutrient content claim.

(5) Notwithstanding the requirements of subregulation (1)(c), a foodstuff that is required by the Regulations Relating to the Reduction of Sodium in Certain Foodstuff, published under the Act, to reduce the sodium content of certain foodstuffs according to the targets specific to the specific target dates may use the following

statement, if compliant with the aforementioned Regulations' targets and dates of implementation: "Reduced Sodium or salt according to national goals in the public's interest to lower blood pressure".

(6) Subject to the Regulations Relating to the Labelling of Foodstuffs Obtained through certain techniques of genetic modification (Government Notice No. R. 25 of 16 January 2004), made under the Act and regulation 59(8)(b) and notwithstanding the requirements of subregulation (1)(c), in the case of single ingredient agricultural food crops or produce, where improved nutritional quantity that was obtained through intervention in agricultural practice, excluding the addition of nutrients through enrichment or fortification as defined, the percentage increase of the particular nutrient in the nutritionally single ingredient agricultural food crop or produce, compared to the conventional crop or produce, must be clearly indicated on the label in a mandatory statement that must accompany the comparative claim to the effect that "The (percentage) higher level of (name of specific nutrient)" is the result of (statement explaining the source of the higher nutrient content).

Glycaemic Index (GI) Category and Glycaemic Load (GL) nutritional information claims

67. (1) The GI category nutritional information claim must, if or when used, be indicated as either category "Low", "Intermediate" or "High", whatever is applicable, as determined in accordance with the international standard method for GI testing, ISO 26642 and must not include any method whereby a GI value is calculated to determine its category.

(2) The declaration of the GI category is valid only when the results of two independent laboratories correspond in likewise manner.

(3) The GI category and GL nutritional information claim-

(a) is only applicable for a foodstuff with—

(i) a glycaemic carbohydrate content of 40% or more of the total energy value of the foodstuff;

(ii) a fat content less than or equal to 30% of the total energy value of the foodstuff; and

(iii) a total protein content less than or equal to 42% of the total energy value of the foodstuff;

(b) is not valid for foodstuffs containing less than 10g glycaemic carbohydrates per single portion or serving.

(4) A GI category nutritional information claim must not be indicated by a specific numerical value but must, if used, be indicated, or ranked as low, intermediate, or high GI on the last line of the table with nutritional information: Provided the GI category corresponds with the conditions described in Table 3 below:

TABLE 3: CONDITIONS FOR GI CATEGORY

GI CATEGORY	**CONDITION** **(Values indicated to indicate GI categories; not for labelling purposes)**
Low GI	GI Value: 0 to 55
Intermediate GI	GI value: 56 to 69
High GI	GI value: ≥70

(5) The GI, if or when used, must always be indicated together with the GL and never shall either be indicated in isolation.

(6) The GL is calculated according to the formula as defined in regulation (1).

(7) (a) The GL information must be expressed per single portion or serving, in numerical form, directly underneath the GI category on the bottom 2 lines of the nutritional information or facts table in Annexure 2; and

(b) the following statement must appear below the Nutritional Information table, boxed and in bold font:

108

The GI and GL values are applicable only to the product concerned. The GI and/or GL may change depending on what accompanies the product in the meal or snack that it forms part of.

(8) Subject to subregulation (7), when the formulation of a foodstuff carrying a GI category is changed, the reformulated foodstuff shall be retested to ensure that the category displayed on the label is correct.

***PART V*:**

HEALTH CLAIMS

Function claims

68. (1) For the purposes of this regulation a function claim describes the physiological role and function of a nutrient or substance in growth, development and normal physiological functioning of the body and may be made for the nutrients or components listed in Table 4 below, by using the approved, appropriate wording in column 2 of Table 4: Provided that—

(a) no deviation from the approved wording listed in column 2 of Table 4 for a claim is permitted; and

(b) where applicable, not all the claims listed per nutrient or substance need necessarily be used at all times, but additional information that needs to appear on a label where specifically indicated for a specific claim, must appear with the claim in the same place on the label.

(2) A function claim is not permitted—

(a) for vitamins and minerals for which a NRV value is not provided in Annexure 3;

(b) for any other substance not listed in Part B of Table 2, unless specifically provided for in Table 4.

109

(3) In both cases of subregulation (2)(a) and (b), the foodstuffs must contain, per single portion or serving—

(i) at least 30% of the NRV as indicated in Annexure 3; or

(ii) in the case of carotenoids, at least the amount specified in column 3 of Part B of Table 2; or

(iii) the amount indicated in column 3 of Table 4, whatever the case may be.

110

TABLE 4: APPROVED FUNCTION CLAIMS

NUTRIENT OR SUBSTANCE FOR WHICH A FUNCTION CLAIM IS MADE	SELECT ONE OR MORE OPTION OF THE PERMITTED WORDING FOR A FUNCTION CLAIM	ADDITIONAL CONDITIONS OR RESTRICTIONS OR ADDITIONAL STATEMENTS OR WARNINGS TO APPEAR ON THE LABEL AND IN COMMERCIAL MARKETING
1	2	3
Beta-carotene	• Beta-carotene can be converted to Vitamin A in the body. • Beta-carotene functions as a tissue antioxidant and so keeps cells healthy.	
Betaine monohydrate (carboxymethyl-trimethylazanium hydroxide)	Betaine contributes to normal homocysteine metabolism	The claim maybe used only for foodstuffs which contains at least 500 mg of betaine per single portion/serving. In order to bear the claim, information shall be given to the consumer- 1. that the beneficial effect is obtained with a daily intake of 1.5g of betaine; 2. that the daily intake in excess of 4g may significantly increase blood cholesterol levels; and

111

NUTRIENT OR SUBSTANCE FOR WHICH A FUNCTION CLAIM IS MADE	SELECT ONE OR MORE OPTION OF THE PERMITTED WORDING FOR A FUNCTION CLAIM	ADDITIONAL CONDITIONS OR RESTRICTIONS OR ADDITIONAL STATEMENTS OR WARNINGS TO APPEAR ON THE LABEL AND IN COMMERCIAL MARKETING
1	2	3
		3. name additionally at least three of the following foodstuffs that naturally contains betaine: shellfish, spinach, wheat germ and bran, sugar beets.
Biotin	• Biotin is necessary to normal fat metabolism and energy production / helps the body with the transformation of fats and carbohydrates into energy / contributes to normal energy-yielding metabolism / Involved in fatty acid formation, energy transformation from fats, carbohydrates & proteins / contributes to normal macronutrient metabolism • Biotin contributes to healthy normal growth, development, and body maintenance.	

NUTRIENT OR SUBSTANCE FOR WHICH A FUNCTION CLAIM IS MADE	SELECT ONE OR MORE OPTION OF THE PERMITTED WORDING FOR A FUNCTION CLAIM	ADDITIONAL CONDITIONS OR RESTRICTIONS OR ADDITIONAL STATEMENTS OR WARNINGS TO APPEAR ON THE LABEL AND IN COMMERCIAL MARKETING
1	2	3
	• Biotin contributes to normal functioning of the nervous system • Biotin contributes to normal psychological function • Biotin contributes to the maintenance of normal hair • Biotin contributes to the maintenance of normal mucous membranes • Biotin contributes to the maintenance of normal skin • Biotin aids in utilisation of other B-complex vitamins.	
Boron	Boron is a factor in the maintenance of good health	
Calcium	• Calcium is necessary to maintain healthy bones and teeth • Calcium is necessary for normal nerve and muscle function / is	

113

NUTRIENT OR SUBSTANCE FOR WHICH A FUNCTION CLAIM IS MADE	SELECT ONE OR MORE OPTION OF THE PERMITTED WORDING FOR A FUNCTION CLAIM	ADDITIONAL CONDITIONS OR RESTRICTIONS OR ADDITIONAL STATEMENTS OR WARNINGS TO APPEAR ON THE LABEL AND IN COMMERCIAL MARKETING
1	2	3
	needed for muscular growth and contraction and prevents muscle cramps. • Calcium is necessary for normal blood coagulation (clotting) / is essential in blood clotting • Calcium contributes to normal energy-yielding metabolism • Calcium contributes to normal neurotransmission • Calcium contributes to normal function of digestive enzymes • Calcium has a role in the process of cell division and specialisation • Calcium is important for healthy regular heartbeat	
Choline	• Choline contributes to normal homocysteine metabolism • Choline contributes to normal lipid metabolism	The claim may only be used for foodstuffs which contains at least 83mg of choline per

CONTINUES ON PAGE 258 OF BOOK 3

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
Publications: Tel: (012) 748 6053, 748 6061, 748 6065

Government Gazette
Staatskoerant

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID AFRIKA

Regulation Gazette *No. 11574* *Regulasiekoerant*

Vol. 694 21 April / April 2023 No. 48445

PART 3 OF 4

ISSN 1682-5845

9 771682 584003 48445

114

NUTRIENT OR SUBSTANCE FOR WHICH A FUNCTION CLAIM IS MADE	SELECT ONE OR MORE OPTION OF THE PERMITTED WORDING FOR A FUNCTION CLAIM	ADDITIONAL CONDITIONS OR RESTRICTIONS OR ADDITIONAL STATEMENTS OR WARNINGS TO APPEAR ON THE LABEL AND IN COMMERCIAL MARKETING
1	2	3
	• Choline contributes to the maintenance of normal liver function • Choline is needed for proper transmission of nerve impulses from brain through central nervous system. • Choline aids in hormone production. • Choline aids in fat and cholesterol metabolism. • Choline is needed for brain function and memory.	single portion/serving of foodstuffs
Chromium	• Chromium contributes to normal macronutrient metabolism • Chromium contributes to the maintenance of normal blood glucose levels • Helps the body to metabolize carbohydrates, and fats	

115

NUTRIENT OR SUBSTANCE FOR WHICH A FUNCTION CLAIM IS MADE	SELECT ONE OR MORE OPTION OF THE PERMITTED WORDING FOR A FUNCTION CLAIM	ADDITIONAL CONDITIONS OR RESTRICTIONS OR ADDITIONAL STATEMENTS OR WARNINGS TO APPEAR ON THE LABEL AND IN COMMERCIAL MARKETING
1	2	3
Co-enzyme Q10	• Co-enzyme Q10 aids in the production of ATP, an immediate source of cellular energy. • Co-enzyme Q10 plays a role in maintaining a healthy heart	Only Co-enzyme Q10 naturally present in the foodstuffs
Copper	• Copper contributes to normal iron transport and metabolism / contributes to normal iron transport in the body / aids in formation of haemoglobin and red blood cells • Copper contributes to cell protection from free radical damage / contributes to the protection of cells from oxidative stress • Copper is necessary for normal energy production or contributes to normal energy- yielding metabolism	

116

NUTRIENT OR SUBSTANCE FOR WHICH A FUNCTION CLAIM IS MADE	SELECT ONE OR MORE OPTION OF THE PERMITTED WORDING FOR A FUNCTION CLAIM	ADDITIONAL CONDITIONS OR RESTRICTIONS OR ADDITIONAL STATEMENTS OR WARNINGS TO APPEAR ON THE LABEL AND IN COMMERCIAL MARKETING
1	2	3
	• Copper is necessary for normal neurological function / contributes to normal functioning of the nervous system / is needed for healthy nerves and joints • Copper is necessary for normal skin and hair colouration / contributes to normal hair and skin pigmentation/colouring • Copper contributes to maintenance of normal connective tissues / works in balance with zinc and vitamin C to form elastin for a healthy skin / contributes to normal connective tissue structure • Copper contributes to the normal function of the immune system • Copper aids in formation of bone	

117

NUTRIENT OR SUBSTANCE FOR WHICH A FUNCTION CLAIM IS MADE	SELECT ONE OR MORE OPTION OF THE PERMITTED WORDING FOR A FUNCTION CLAIM	ADDITIONAL CONDITIONS OR RESTRICTIONS OR ADDITIONAL STATEMENTS OR WARNINGS TO APPEAR ON THE LABEL AND IN COMMERCIAL MARKETING
1	2	3
	• Copper is involved in taste sensitivity	
Dietary fibre that has effects on glucose and lipid absorption	Soluble dietary fibre plays a role in glucose absorption and maintaining a healthy blood cholesterol level.	
Dietary fibre that has more pronounced effects on bowel habits	Insoluble dietary fibre plays a role in keeping the gut healthy / contributes to regular laxation	
Fatty acids:		
Alpha-linolenic acid (ALA)	ALA contributes to the maintenance of normal cholesterol levels	The claim may be used only for a foodstuff which contains at least 300mg alpha-linolenic acid per 100g and per 418 kJ simultaneously. Information shall be given to consumers that the beneficial effect is obtained with a daily intake of 2 g ALA

NUTRIENT OR SUBSTANCE FOR WHICH A FUNCTION CLAIM IS MADE	SELECT ONE OR MORE OPTION OF THE PERMITTED WORDING FOR A FUNCTION CLAIM	ADDITIONAL CONDITIONS OR RESTRICTIONS OR ADDITIONAL STATEMENTS OR WARNINGS TO APPEAR ON THE LABEL AND IN COMMERCIAL MARKETING
1	2	3
Linoleic acid (LA)	Linoleic acid contributes to the maintenance of normal blood cholesterol levels	The claim may be used only for a foodstuff which provides at least 1.5g of linoleic acid (LA) per 100g and per 418kJ simultaneously. Information shall be given to consumers that the beneficial effect is obtained with a daily intake of 10g LA
Unsaturated or polyunsaturated fatty acids	Replacing saturated fats with unsaturated fats in the diet contributes to the maintenance of normal blood cholesterol levels. Both Monounsaturated fatty acids (MUFAs) and Polyunsaturated fatty acids (PUFAs) are unsaturated fatty acids	Foodstuffs shall be high in MUFAs or high in PUFAs, whatever is appropriate according to the criteria listed in Part B of Table 2
Oleic acid	Replacing saturated fats with unsaturated fats in the diet contributes to the maintenance of normal blood cholesterol levels.	• At least 70% of the fatty acids present in the product must be derived from unsaturated fat; and

NUTRIENT OR SUBSTANCE FOR WHICH A FUNCTION CLAIM IS MADE	SELECT ONE OR MORE OPTION OF THE PERMITTED WORDING FOR A FUNCTION CLAIM	ADDITIONAL CONDITIONS OR RESTRICTIONS OR ADDITIONAL STATEMENTS OR WARNINGS TO APPEAR ON THE LABEL AND IN COMMERCIAL MARKETING
1	2	3
	Oleic acid is an unsaturated fatty acid	• Unsaturated fat provides more than 20% of energy of the product.
Foodstuffs with a low content of saturated fatty acids	Reducing consumption of saturated fat contributes to the maintenance of normal cholesterol levels	The claim may only be used for a foodstuff low in saturated fat according to the criteria listed in Part A of Table 2
Folate (but not folic acid)	• Folate contributes to maternal tissue growth during pregnancy • Folate contributes to normal amino acid synthesis • Folate contributes to/is necessary for normal blood formation • Folate contributes to normal homocysteine metabolism • Folate contributes to normal psychological function • Folate contributes to the normal function of the immune system	

NUTRIENT OR SUBSTANCE FOR WHICH A FUNCTION CLAIM IS MADE	SELECT ONE OR MORE OPTION OF THE PERMITTED WORDING FOR A FUNCTION CLAIM	ADDITIONAL CONDITIONS OR RESTRICTIONS OR ADDITIONAL STATEMENTS OR WARNINGS TO APPEAR ON THE LABEL AND IN COMMERCIAL MARKETING
1	2	3
	• Folate contributes to the reduction of tiredness and fatigue • Folate has a role in the process of cell division / Necessary for normal cell division • Helps to form body proteins, genetic material, and red blood cells. • Folate is essential for the normal development of the unborn baby. • Needed for energy production; involved in protein metabolism.	
Iodine	• Iodine is necessary for normal production of thyroid hormones / Iodine is needed for a healthy thyroid gland • Iodine is necessary for normal neurological development	

121

NUTRIENT OR SUBSTANCE FOR WHICH A FUNCTION CLAIM IS MADE	SELECT ONE OR MORE OPTION OF THE PERMITTED WORDING FOR A FUNCTION CLAIM	ADDITIONAL CONDITIONS OR RESTRICTIONS OR ADDITIONAL STATEMENTS OR WARNINGS TO APPEAR ON THE LABEL AND IN COMMERCIAL MARKETING
1	2	3
	• Iodine is necessary for normal energy metabolism • Iodine contributes to normal growth and development in children • Iodine contributes to normal cognitive function • Iodine contributes to normal energy-yielding metabolism • Iodine contributes to normal functioning of the nervous system • Iodine contributes to the maintenance of normal skin • Iodine contributes to the normal production of thyroid hormones and normal thyroid function • Prevents goitre which, untreated, will lead to mental retardation	

122

NUTRIENT OR SUBSTANCE FOR WHICH A FUNCTION CLAIM IS MADE	SELECT ONE OR MORE OPTION OF THE PERMITTED WORDING FOR A FUNCTION CLAIM	ADDITIONAL CONDITIONS OR RESTRICTIONS OR ADDITIONAL STATEMENTS OR WARNINGS TO APPEAR ON THE LABEL AND IN COMMERCIAL MARKETING
1	2	3
Iron	• Iron is necessary for normal oxygen transport • Iron contributes to normal energy production / energy-yielding metabolism • Iron is necessary for normal immune system function • Iron contributes to normal blood formation / contributes to normal formation of red blood cells and haemoglobin / helps maintain healthy red blood cells, which play a role in oxygen transportation • Iron is necessary for normal neurological development in the foetus • Iron contributes to normal cognitive function • Iron contributes to normal oxygen transport in the body	

123

NUTRIENT OR SUBSTANCE FOR WHICH A FUNCTION CLAIM IS MADE	SELECT ONE OR MORE OPTION OF THE PERMITTED WORDING FOR A FUNCTION CLAIM	ADDITIONAL CONDITIONS OR RESTRICTIONS OR ADDITIONAL STATEMENTS OR WARNINGS TO APPEAR ON THE LABEL AND IN COMMERCIAL MARKETING
1	2	3
	• Iron contributes to the reduction of tiredness and fatigue	
Lactulose	Lactulose contributes to an acceleration of intestinal transit / Lactulose is a laxative indicated in the case of chronic constipation	The claim may be used only for foodstuffs which contains 10g of lactulose in a single portion/serving. In order to bear the claim, information shall be given to consumers that the beneficial effect is obtained with a single portion/serving of 10g lactulose per day.
Lycopene	Lycopene is a carotenoid which acts as a tissue antioxidant and so keeps cells healthy	
Lutein	Lutein is a carotenoid, which acts as a tissue antioxidant, specifically important for eye health.	
Magnesium	• Magnesium contributes to normal energy metabolism / energy-yielding metabolism	

124

NUTRIENT OR SUBSTANCE FOR WHICH A FUNCTION CLAIM IS MADE	SELECT ONE OR MORE OPTION OF THE PERMITTED WORDING FOR A FUNCTION CLAIM	ADDITIONAL CONDITIONS OR RESTRICTIONS OR ADDITIONAL STATEMENTS OR WARNINGS TO APPEAR ON THE LABEL AND IN COMMERCIAL MARKETING
1	2	3
	• Magnesium is necessary for normal nerve and muscle function / functioning of the nervous and muscle systems / Helps maintain a healthy muscle and nervous system / Plays a role in transmission of nerve and muscle impulses, therefore preventing irritability nervousness • Magnesium is necessary for normal electrolyte balance • Magnesium contributes to a reduction of tiredness and fatigue • Magnesium contributes to electrolyte balance / aids in maintaining proper pH balance • Magnesium contributes to normal protein synthesis	

125

NUTRIENT OR SUBSTANCE FOR WHICH A FUNCTION CLAIM IS MADE	SELECT ONE OR MORE OPTION OF THE PERMITTED WORDING FOR A FUNCTION CLAIM	ADDITIONAL CONDITIONS OR RESTRICTIONS OR ADDITIONAL STATEMENTS OR WARNINGS TO APPEAR ON THE LABEL AND IN COMMERCIAL MARKETING
1	2	3
	• Magnesium contributes to normal psychological function • Magnesium contributes to the maintenance of normal teeth • Magnesium contributes to the maintenance of normal bones / is necessary for teeth and bone structure / assists in calcium and potassium uptake and plays role in formation of bone • Magnesium has a role in the process of cell division • Magnesium helps to utilise carbohydrates, proteins, fats & minerals; aids as vital catalyst in enzyme activity, especially those enzymes involved in energy production	
Manganese	• Manganese is necessary for normal bone formation, the formation of cartilage and	

126

NUTRIENT OR SUBSTANCE FOR WHICH A FUNCTION CLAIM IS MADE	SELECT ONE OR MORE OPTION OF THE PERMITTED WORDING FOR A FUNCTION CLAIM	ADDITIONAL CONDITIONS OR RESTRICTIONS OR ADDITIONAL STATEMENTS OR WARNINGS TO APPEAR ON THE LABEL AND IN COMMERCIAL MARKETING
1	2	3
	lubrication of joints / contributes to the maintenance of bone health • Manganese contributes to cell protection from free radical damage / contributes to the protection of cells from oxidative stress • Manganese contributes to normal energy-yielding metabolism / is needed for protein and fat metabolism and used for energy production/energy metabolism • Manganese contributes to the normal formation of connective tissue	
Molybdenum	• Molybdenum contributes to normal sulphur amino acid metabolism • Molybdenum promotes normal cell function	

127

NUTRIENT OR SUBSTANCE FOR WHICH A FUNCTION CLAIM IS MADE	SELECT ONE OR MORE OPTION OF THE PERMITTED WORDING FOR A FUNCTION CLAIM	ADDITIONAL CONDITIONS OR RESTRICTIONS OR ADDITIONAL STATEMENTS OR WARNINGS TO APPEAR ON THE LABEL AND IN COMMERCIAL MARKETING
1	2	3
	• Molybdenum aids in activation of certain enzymes	
Niacin	• Niacin is necessary for normal neurological function / contributes to normal functioning of the nervous system • Niacin is necessary for normal energy release from foodstuffs / contributes to normal energy-yielding metabolism • Niacin is necessary for normal structure and function of skin and mucous membranes / contributes to the maintenance of skin and mucous membranes • Niacin contributes to normal psychological function • Niacin contributes to the reduction of tiredness and fatigue	

NUTRIENT OR SUBSTANCE FOR WHICH A FUNCTION CLAIM IS MADE	SELECT ONE OR MORE OPTION OF THE PERMITTED WORDING FOR A FUNCTION CLAIM	ADDITIONAL CONDITIONS OR RESTRICTIONS OR ADDITIONAL STATEMENTS OR WARNINGS TO APPEAR ON THE LABEL AND IN COMMERCIAL MARKETING
1	2	3
Olive oil polyphenols	Olive oil polyphenols contribute to the protection of blood lipids from oxidative stress	The claim may be used only for Extra virgin or Virgin olive oil which contains at least 5mg of hydroxytyrosol and its derivatives (e.g., oleuropein complex and tyrosol) per 20g (=22ml) of olive oil. In order to bear the claim, information shall be given to the consumer that the beneficial effect is obtained with a daily intake of 20g (=22ml) of Extra virgin or Virgin olive oil
Pantothenic acid	• Necessary for normal fat metabolism • Pantothenic acid contributes to normal energy-yielding metabolism • Pantothenic acid contributes to normal synthesis and metabolism of steroid	

129

NUTRIENT OR SUBSTANCE FOR WHICH A FUNCTION CLAIM IS MADE	SELECT ONE OR MORE OPTION OF THE PERMITTED WORDING FOR A FUNCTION CLAIM	ADDITIONAL CONDITIONS OR RESTRICTIONS OR ADDITIONAL STATEMENTS OR WARNINGS TO APPEAR ON THE LABEL AND IN COMMERCIAL MARKETING
1	2	3
	hormones, vitamin D and some neurotransmitters • Pantothenic acid contributes to the reduction of tiredness and fatigue • Pantothenic acid contributes to normal mental performance	
Phosphorus	• Phosphorus is necessary for teeth and bone structure / contributes to the maintenance of normal bones • Phosphorus is necessary for normal cell membrane structure / contributes to normal function of the cell membranes • Phosphorus is necessary for normal energy metabolism / energy-yielding metabolism • Phosphorus contributes to the maintenance of normal teeth	

NUTRIENT OR SUBSTANCE FOR WHICH A FUNCTION CLAIM IS MADE	SELECT ONE OR MORE OPTION OF THE PERMITTED WORDING FOR A FUNCTION CLAIM	ADDITIONAL CONDITIONS OR RESTRICTIONS OR ADDITIONAL STATEMENTS OR WARNINGS TO APPEAR ON THE LABEL AND IN COMMERCIAL MARKETING
1	2	3
Potassium	• Potassium is necessary for normal water and electrolyte balance / works with sodium to control body's water balance • Potassium contributes to normal functioning of the nervous system / aids in transmitting electrochemical impulses. • Potassium contributes to normal muscle function / proper muscle contraction • Potassium contributes to normal blood pressure / Important for regular heart rhythm and maintenance of stable blood pressure.	The foodstuff naturally contains no less than 200mg of potassium per serving
Prebiotic	• Prebiotics such as [name of specific prebiotic] beneficially affects the intestinal flora by selectively stimulating the growth of the good/ beneficial gut flora/micro-organisms /	• The foodstuffs shall have at least 2g pure prebiotic per single portion/serving;

131

NUTRIENT OR SUBSTANCE FOR WHICH A FUNCTION CLAIM IS MADE	SELECT ONE OR MORE OPTION OF THE PERMITTED WORDING FOR A FUNCTION CLAIM	ADDITIONAL CONDITIONS OR RESTRICTIONS OR ADDITIONAL STATEMENTS OR WARNINGS TO APPEAR ON THE LABEL AND IN COMMERCIAL MARKETING
1	2	3
	positively affects intestinal health; and • An average of 6g prebiotics is needed daily for general digestive health	• The prebiotic must be one or combination of the following prebiotics: • trans-galacto-oligosaccharide; • inulin; • oligofructose; • fructo-oligosaccharides (FOS); or • galacto-oligosaccharides (GOS).
Protein	• Protein helps build and repair body tissues / is necessary for tissue building and repair • Protein contributes to the maintenance of muscle mass	No claim/reference related to body building will be permitted
Selenium	• Selenium is necessary for normal immune system function	

NUTRIENT OR SUBSTANCE FOR WHICH A FUNCTION CLAIM IS MADE	SELECT ONE OR MORE OPTION OF THE PERMITTED WORDING FOR A FUNCTION CLAIM	ADDITIONAL CONDITIONS OR RESTRICTIONS OR ADDITIONAL STATEMENTS OR WARNINGS TO APPEAR ON THE LABEL AND IN COMMERCIAL MARKETING
1	2	3
	• Selenium is necessary for the normal utilization of iodine in the production of thyroid hormones • Selenium is necessary for cell protection from some types of free radical damage / contributes to the protection of cells from oxidative stress • Selenium contributes to normal spermatogenesis • Selenium contributes to normal hair • Selenium contributes to the maintenance of normal nails • Selenium contributes to the normal function of the immune system • Selenium contributes to the normal thyroid function	
Vanadium	A factor in the maintenance of good health	

133

NUTRIENT OR SUBSTANCE FOR WHICH A FUNCTION CLAIM IS MADE	SELECT ONE OR MORE OPTION OF THE PERMITTED WORDING FOR A FUNCTION CLAIM	ADDITIONAL CONDITIONS OR RESTRICTIONS OR ADDITIONAL STATEMENTS OR WARNINGS TO APPEAR ON THE LABEL AND IN COMMERCIAL MARKETING
1	2	3
Vitamin A	• Vitamin A is necessary for normal vision / for the maintenance of good vision • Vitamin A is necessary for normal skin and mucous membrane structure and function • Vitamin A is necessary for normal cell differentiation / cell specialisation • Vitamin A contributes to normal growth • Vitamin A contributes to normal iron metabolism • Vitamin A contributes to the maintenance of normal mucous membranes • Vitamin A contributes to the maintenance of normal skin • Vitamin A contributes to the maintenance of normal vision	

134

NUTRIENT OR SUBSTANCE FOR WHICH A FUNCTION CLAIM IS MADE	SELECT ONE OR MORE OPTION OF THE PERMITTED WORDING FOR A FUNCTION CLAIM	ADDITIONAL CONDITIONS OR RESTRICTIONS OR ADDITIONAL STATEMENTS OR WARNINGS TO APPEAR ON THE LABEL AND IN COMMERCIAL MARKETING
1	2	3
	• Vitamin A contributes to the normal function of the immune system	
Vitamin B_1 (Thiamine)	• Thiamine is necessary for normal carbohydrate metabolism • Thiamine is necessary for normal neurological and cardiac function • Thiamine contributes to normal energy-yielding metabolism / helps the body change the foodstuffs you eat into energy. • Thiamine contributes to the normal functioning of the nervous system / maintains growth and healthy nerve function. • Thiamine contributes to normal psychological function	

135

NUTRIENT OR SUBSTANCE FOR WHICH A FUNCTION CLAIM IS MADE	SELECT ONE OR MORE OPTION OF THE PERMITTED WORDING FOR A FUNCTION CLAIM	ADDITIONAL CONDITIONS OR RESTRICTIONS OR ADDITIONAL STATEMENTS OR WARNINGS TO APPEAR ON THE LABEL AND IN COMMERCIAL MARKETING
1	2	3
	• Thiamine contributes to the normal function of the heart	
Vitamin B_2 (Riboflavin)	• Riboflavin contributes to normal iron transport and metabolism / contributes to the maintenance of normal red blood cells • Riboflavin Contributes to normal energy release from foodstuffs / helps the body change the foodstuffs you eat into energy. • Riboflavin contributes to normal skin and mucous membrane structure and function • Riboflavin contributes to normal functioning of the nervous system • Riboflavin contributes to the maintenance of normal mucous membranes • Riboflavin contributes to the maintenance of normal skin	

136

NUTRIENT OR SUBSTANCE FOR WHICH A FUNCTION CLAIM IS MADE	SELECT ONE OR MORE OPTION OF THE PERMITTED WORDING FOR A FUNCTION CLAIM	ADDITIONAL CONDITIONS OR RESTRICTIONS OR ADDITIONAL STATEMENTS OR WARNINGS TO APPEAR ON THE LABEL AND IN COMMERCIAL MARKETING
1	2	3
	• Riboflavin contributes to the maintenance of normal vision • Riboflavin contributes to the normal metabolism of iron • Riboflavin contributes to the protection of cells from oxidative stress • Riboflavin contributes to the reduction of tiredness and fatigue	
Vitamin B_6 (Pyridoxine)	• Vitamin B_6 is necessary for normal protein metabolism • Vitamin B_6 is necessary for normal iron transport and metabolism • Vitamin B_6 contributes to normal cysteine synthesis • Vitamin B_6 contributes to normal energy-yielding metabolism / helps the body change the foodstuffs you eat into energy.	

137

NUTRIENT OR SUBSTANCE FOR WHICH A FUNCTION CLAIM IS MADE	SELECT ONE OR MORE OPTION OF THE PERMITTED WORDING FOR A FUNCTION CLAIM	ADDITIONAL CONDITIONS OR RESTRICTIONS OR ADDITIONAL STATEMENTS OR WARNINGS TO APPEAR ON THE LABEL AND IN COMMERCIAL MARKETING
1	2	3
	• Vitamin B_6 contributes to normal functioning of the nervous system • Vitamin B_6 contributes to normal homocysteine metabolism • Vitamin B_6 contributes to normal protein and glycogen metabolism • Vitamin B_6 contributes to normal psychological function • Vitamin B_6 contributes to normal red blood cell formation • Vitamin B_6 contributes to the normal function of the immune function • Vitamin B_6 contributes to the reduction of tiredness and fatigue • Vitamin B_6 contributes to the regulation of hormonal activity	

138

NUTRIENT OR SUBSTANCE FOR WHICH A FUNCTION CLAIM IS MADE	SELECT ONE OR MORE OPTION OF THE PERMITTED WORDING FOR A FUNCTION CLAIM	ADDITIONAL CONDITIONS OR RESTRICTIONS OR ADDITIONAL STATEMENTS OR WARNINGS TO APPEAR ON THE LABEL AND IN COMMERCIAL MARKETING
1	2	3
Vitamin B_{12}	• Vitamin B_{12} is necessary for normal cell division / plays a role in the process of cell division • Vitamin B_{12} contributes to normal blood formation / contributes to normal red blood cell formation • Vitamin B_{12} contributes to normal energy-yielding metabolism • Vitamin B_{12} contributes to normal functioning of the nervous system / is necessary for normal neurological structure and function • Vitamin B_{12} contributes to normal homocysteine metabolism • Vitamin B_{12} contributes to normal psychological function	

139

NUTRIENT OR SUBSTANCE FOR WHICH A FUNCTION CLAIM IS MADE	SELECT ONE OR MORE OPTION OF THE PERMITTED WORDING FOR A FUNCTION CLAIM	ADDITIONAL CONDITIONS OR RESTRICTIONS OR ADDITIONAL STATEMENTS OR WARNINGS TO APPEAR ON THE LABEL AND IN COMMERCIAL MARKETING
1	2	3
	• Vitamin B_{12} contributes to the normal function of the immune system • Vitamin B_{12} contributes to the reduction of tiredness and fatigue	
Vitamin C (Ascorbic acid)	• Vitamin C contributes to iron absorption from foodstuffs / helps with the absorption of iron from foodstuffs / increases iron absorption / increases iron absorption • Vitamin C is necessary for normal connective tissue structure and function • Vitamin C is necessary for normal blood vessel structure and function • Vitamin C contributes to cell protection from free radical damage	

140

NUTRIENT OR SUBSTANCE FOR WHICH A FUNCTION CLAIM IS MADE	SELECT ONE OR MORE OPTION OF THE PERMITTED WORDING FOR A FUNCTION CLAIM	ADDITIONAL CONDITIONS OR RESTRICTIONS OR ADDITIONAL STATEMENTS OR WARNINGS TO APPEAR ON THE LABEL AND IN COMMERCIAL MARKETING
1	2	3
	• Vitamin C is necessary for normal neurological function • Vitamin C contributes to maintain the normal function of the immune system during and after intense physical stress • Vitamin C contributes to normal collagen formation for the normal function of blood vessels • Vitamin C contributes to normal collagen formation for the normal function of bones` • Vitamin C contributes to normal collagen formation for the normal function of cartilage • Vitamin C contributes to normal collagen formation for the normal function of gums • Vitamin C contributes to normal collagen formation for the normal function of skin	

141

NUTRIENT OR SUBSTANCE FOR WHICH A FUNCTION CLAIM IS MADE	SELECT ONE OR MORE OPTION OF THE PERMITTED WORDING FOR A FUNCTION CLAIM	ADDITIONAL CONDITIONS OR RESTRICTIONS OR ADDITIONAL STATEMENTS OR WARNINGS TO APPEAR ON THE LABEL AND IN COMMERCIAL MARKETING
1	2	3
	• Vitamin C contributes to normal collagen formation for the normal function of teeth • Vitamin C contributes to normal energy-yielding metabolism • Vitamin C contributes to normal functioning of the nervous system • Vitamin C contributes to normal psychological function • Vitamin C contributes to the normal function of the immune system • Vitamin C contributes to the protection of cells from oxidative stress • Vitamin C contributes to the reduction of tiredness and fatigue	

142

NUTRIENT OR SUBSTANCE FOR WHICH A FUNCTION CLAIM IS MADE	SELECT ONE OR MORE OPTION OF THE PERMITTED WORDING FOR A FUNCTION CLAIM	ADDITIONAL CONDITIONS OR RESTRICTIONS OR ADDITIONAL STATEMENTS OR WARNINGS TO APPEAR ON THE LABEL AND IN COMMERCIAL MARKETING
1	2	3
	• Vitamin C contributes to the regeneration of the reduced form of Vitamin E	
Vitamin D	• Vitamin D is necessary for normal absorption and utilisation of calcium and phosphorus • Vitamin D contributes to normal cell division • Vitamin D is necessary for normal bone structure • Vitamin D contributes to normal absorption/utilisation of calcium and phosphorus / helps the body utilise calcium and phosphorus, which are necessary for the normal development and maintenance of strong bones and teeth	

143

NUTRIENT OR SUBSTANCE FOR WHICH A FUNCTION CLAIM IS MADE	SELECT ONE OR MORE OPTION OF THE PERMITTED WORDING FOR A FUNCTION CLAIM	ADDITIONAL CONDITIONS OR RESTRICTIONS OR ADDITIONAL STATEMENTS OR WARNINGS TO APPEAR ON THE LABEL AND IN COMMERCIAL MARKETING
1	2	3
	• Vitamin D contributes to the maintenance of normal bones and teeth • Vitamin D contributes to normal calcium levels • Vitamin D contributes to the maintenance of normal muscle function • Vitamin D contributes to the normal function of the immune system • Vitamin D has a role in the process of cell division	
Vitamin E	• Vitamin E contributes to cell protection from free radical damage / contributes to the protection of cells from oxidative stress / functions as a tissue antioxidant thereby keeping cells healthy	

144

NUTRIENT OR SUBSTANCE FOR WHICH A FUNCTION CLAIM IS MADE	SELECT ONE OR MORE OPTION OF THE PERMITTED WORDING FOR A FUNCTION CLAIM	ADDITIONAL CONDITIONS OR RESTRICTIONS OR ADDITIONAL STATEMENTS OR WARNINGS TO APPEAR ON THE LABEL AND IN COMMERCIAL MARKETING
1	2	3
	• Vitamin E helps maintain a healthy immune system • Vitamin E protects unsaturated fatty acids and vitamin A against oxidation in the body • Vitamin E assists in cardiovascular health	
Vitamin K	• Vitamin K is necessary for normal blood coagulation (clotting) • Vitamin K contributes to normal bone structure and its maintenance	
Water	• Water contributes to the maintenance of normal regulation of the body's temperature • Water contributes to the maintenance of normal physical and cognitive functions	The claim may only be used for water as defined in the Regulations relating to all Packaged Water published under the Act

145

NUTRIENT OR SUBSTANCE FOR WHICH A FUNCTION CLAIM IS MADE	SELECT ONE OR MORE OPTION OF THE PERMITTED WORDING FOR A FUNCTION CLAIM	ADDITIONAL CONDITIONS OR RESTRICTIONS OR ADDITIONAL STATEMENTS OR WARNINGS TO APPEAR ON THE LABEL AND IN COMMERCIAL MARKETING
1	2	3
Yoghurt cultures: *Lactobacillus delbruekii subsp. bulgarius and Streptococcus thermophillus*	Yoghurt cultures, *Lactobacillus delbruekii subsp. bulgarius and Streptococcus thermophillus* improve lactose digestion in individuals who have difficulty digesting lactose (milk sugar)	• The foodstuffs must contain at least 10^8 cfu per gram • The claim is permitted for dairy yoghurt or fermented milk only
Zeaxanthin	Zeaxanthin is a carotenoid which acts as a tissue antioxidant and so keeps cells healthy	
Zinc	• Zinc is necessary for normal immune system function / contributes to the normal function of the immune system / is essential for growth and maintenance of a healthy immune system. • Necessary for normal cell division • Contributes to normal skin structure and wound healing / promotes healing of wounds	

146

NUTRIENT OR SUBSTANCE FOR WHICH A FUNCTION CLAIM IS MADE	SELECT ONE OR MORE OPTION OF THE PERMITTED WORDING FOR A FUNCTION CLAIM	ADDITIONAL CONDITIONS OR RESTRICTIONS OR ADDITIONAL STATEMENTS OR WARNINGS TO APPEAR ON THE LABEL AND IN COMMERCIAL MARKETING
1	2	3
	• Zinc contributes to normal acid-base metabolism • Zinc contributes to normal carbohydrate metabolism • Zinc contributes to normal cognitive function • Zinc contributes to normal DNA synthesis • Zinc contributes to normal fertility and reproduction • Zinc contributes to normal macronutrient metabolism • Zinc contributes to normal metabolism of fatty acids • Zinc contributes to normal metabolism of Vitamin A • Zinc contributes to normal protein synthesis • Zinc contributes to the maintenance of normal bones / is vital for bone formation	

147

NUTRIENT OR SUBSTANCE FOR WHICH A FUNCTION CLAIM IS MADE	SELECT ONE OR MORE OPTION OF THE PERMITTED WORDING FOR A FUNCTION CLAIM	ADDITIONAL CONDITIONS OR RESTRICTIONS OR ADDITIONAL STATEMENTS OR WARNINGS TO APPEAR ON THE LABEL AND IN COMMERCIAL MARKETING
1	2	3
	• Zinc contributes to the maintenance of normal hair, nails and skin • Zinc contributes to the maintenance of normal testosterone levels in the blood • Zinc contributes to the maintenance of normal vision • Zinc contributes to the protection of cells from oxidative stress • Zinc has a role in the process of cell division • Zinc is necessary for normal taste and smell • Zinc is a constituent of insulin and many vital enzymes • Sufficient intake and absorption of zinc is needed to maintain proper vitamin E levels in blood	

NUTRIENT OR SUBSTANCE FOR WHICH A FUNCTION CLAIM IS MADE	SELECT ONE OR MORE OPTION OF THE PERMITTED WORDING FOR A FUNCTION CLAIM	ADDITIONAL CONDITIONS OR RESTRICTIONS OR ADDITIONAL STATEMENTS OR WARNINGS TO APPEAR ON THE LABEL AND IN COMMERCIAL MARKETING
1	2	3
	and increases the absorption of vitamin A	

Reduction of disease risk claims

69. (1) The reduction of disease risk claims listed in Table 5, link the consumption of a foodstuff or a foodstuff constituent in the context of the total diet to the reduced risk of developing a disease or a health-related condition, is permitted for foodstuffs, provided that the conditions set out in Table 5, are met.

(2) The foodstuff must comply with the characteristics specified in column 3, and—

(a) the wording of the reduction of disease risk claim in column 4 may not be added to, omitted, reduced, or altered in a way which will result in a change of meaning or which will result in a change of emphasis; and

(b) a disease risk claim may not attribute any degree of a disease risk reduction to specific dietary guidelines.

149

TABLE 5: REDUCTION OF DISEASE RISK CLAIMS

CLAIM NO	NUTRIENT/DIET RELATED TO DISEASE RISK	FOODSTUFFS CHARACTERISTICS OR CRITERIA	PERMITTED WORDING OF CLAIM EXPLAINING THE DIETARY CONTEXT
1	2	3	4
1.	**Calcium and osteoporosis**	• At least 290mg calcium naturally present in the foodstuffs per serving • At least 30mg magnesium per 100g foodstuffs • Phosphorus content may not exceed calcium content	Regular exercise and a healthy diet high in calcium and an adequate Vitamin D status may assist to maintain good bone health and may reduce the risk of osteoporosis or osteoporotic fractures later in life
2.	**Enhanced bone mineral density**	• At least 200mg calcium naturally present in the foodstuffs per serving • At least 15mg magnesium per 100g foodstuffs • Phosphorus content may not exceed calcium content	Regular exercise and a healthy diet high in calcium, an adequate status in Vitamin D and other minerals essential for bone health, may assist to maintain and enhance bone mineral density and good bone health
3.	**Sodium and hypertension**	Foodstuffs shall be low in sodium	Diets low in sodium may reduce the risk of high blood pressure, a disease

150

CLAIM NO	NUTRIENT/DIET RELATED TO DISEASE RISK	FOODSTUFFS CHARACTERISTICS OR CRITERIA	PERMITTED WORDING OF CLAIM EXPLAINING THE DIETARY CONTEXT
1	2	3	4
			associated with heart disease, strokes and other conditions in some individuals
4.	**High intake of fruits and vegetables and a reduced risk of coronary heart disease and cancer**	• Fresh, dried, canned and frozen fruit and vegetables which contains no less than 90% fruit or vegetables by weight • Claim is not permitted on fruit juices, fruit nectars or foodstuffs with less than 90% fruit or vegetables by weight	A high intake of fruits and vegetables contribute to heart health by reducing the risk of coronary heart disease and cancer
5.	**Folic acid and neural tube defects**	The foodstuff contains no less than 40 µgfolic acid per single portion/serving	(a) Women of childbearing age should consume diets rich in foodstuffs folate (fruits, dark green leafy vegetables, legumes; and (b) consume at least 400 µg folic acid daily, through fortified grain products, fortified foodstuffs or daily nutritional supplementation, at least in the month before

151

CLAIM NO	NUTRIENT/DIET RELATED TO DISEASE RISK	FOODSTUFFS CHARACTERISTICS OR CRITERIA	PERMITTED WORDING OF CLAIM EXPLAINING THE DIETARY CONTEXT
1	2	3	4
			and three months after conception to reduce the risk of foetal neural tube birth defects
6.	**Plant sterol esters and plant stanol esters and coronary heart disease**	The foodstuff- • shall contain at least 0,8g plant sterols equivalents per portion or serving; • is low in saturated fatty acids; and • is *trans*-fat free • must bear a statement on the main panel in upper-case letters at least 3mm in vertical height to indicate that the particular foodstuff is suitable for the intended target group only	Diets low in saturated fatty acids that contain 1.5 to 3g of plant sterol esters and plant stanol esters daily, may reduce the risk of heart disease by lowering cholesterol. **This (name of product) contains only [indicate gram of plant sterol equivalents] per single portion/serving**
7.	**Beta-glucans in oat bran, wholegrain oats and wholegrain**	• The claim may only be used for the following single ingredient foodstuffs:	3g beta glucan fibre from 60g whole oats daily, or 40g oat fibre daily, as part of a diet low in saturated fat and cholesterol, may reduce the

152

CLAIM NO	NUTRIENT/DIET RELATED TO DISEASE RISK	FOODSTUFFS CHARACTERISTICS OR CRITERIA	PERMITTED WORDING OF CLAIM EXPLAINING THE DIETARY CONTEXT
1	2	3	4
	barley and blood cholesterol	oat bran, wholegrain oats, wholegrain barley • A single portion/serving of the foodstuff shall contain at least 1g beta-glucan from one or more of the following foodstuffs: oat bran, wholegrain oats and wholegrain barley, whole/grounded linseeds.	risk of coronary heart disease by reducing blood cholesterol levels. and/or Diet must contain at least 3g beta glucan per day and single portion/serving must contain at least 1g beta-glucan from one or more of the flowing foodstuffs: oat bran, wholegrain oats and wholegrain barley
8.	**Walnuts and heart disease**	30g serving of raw walnuts without any added ingredients or additives	Walnuts contribute to reducing the risk of heart disease by improving the elasticity of blood vessels In order to bear the claim, information shall be given to the consumer that the beneficial effect is obtained with a daily intake of 30g of walnuts

153

CLAIM NO	NUTRIENT/DIET RELATED TO DISEASE RISK	FOODSTUFFS CHARACTERISTICS OR CRITERIA	PERMITTED WORDING OF CLAIM EXPLAINING THE DIETARY CONTEXT
1	2	3	4
9.	**Potassium, blood pressure and stroke**	Foodstuffs that contain at least 350mg Potassium per single portion/serving and which are low in Sodium	Diets containing foodstuffs that contain at least 350mg Potassium and which are low in Sodium may reduce the risk of high blood pressure and stroke. All fruits and vegetables contain Potassium
10.	**Soy protein and heart disease**	The foodstuff: • shall contain at least 6.25g of soy protein per single portion • be low in saturated fat • be a low cholesterol food; and • shall meet the nutrient content requirement for a "low fat" food, unless it consists of or is derived from whole **soy**beans and contains no fat in addition to the fat inherently present in the whole **soy**beans	Diets low in saturated fat and cholesterol that include 25g of soy protein a day may reduce the risk of heart disease. One serving of [name of food] provides __ grams of soy protein.

CLAIM NO	NUTRIENT/DIET RELATED TO DISEASE RISK	FOODSTUFFS CHARACTERISTICS OR CRITERIA	PERMITTED WORDING OF CLAIM EXPLAINING THE DIETARY CONTEXT
1	2	3	4
		it contains or from which it is derived.	

Health claims related to the "wholegrain" concept

70. The following claims, as set out in Tables 6 to 8, relating to—

(a) "100% wholegrain";

(b) "Recombined wholegrain"; and

(c) "Partially wholegrain", are permitted:

TABLE 6: "100% WHOLEGRAIN" HEALTH CLAIM

FOODSTUFFS CHARACTERISTICS OR CRITERIA	PERMITTED WORDING OF CLAIM EXPLAINING THE DIETARY CONTEXT
The foodstuffs must— • Comply 100% in terms of the definition for "wholegrain" in these Regulations • Contains not less than 97% wholegrains and kibbling is permitted • Be naturally low in sodium • Have generally a natural Low GI value • The use of a wholegrain logo is permitted	Diets rich in wholegrain foods and other plant foods that are low in total fat, saturated fatty acids and cholesterol may reduce the risk of most chronic diseases of lifestyle such as heart disease, diabetes and certain cancers and can assist with weight management and gastrointestinal health

155

- **"kibbling" in relation to wholegrains, means the cracking or breaking of intact wholegrains into smaller particles, which are then soaked in water, moistened, steamed, and dried.**

TABLE 7: "RECOMBINED WHOLEGRAIN" HEALTH CLAIM

FOODSTUFFS CHARACTERISTICS OR CRITERIA	**PERMITTED WORDING OF CLAIM EXPLAINING THE DIETARY CONTEXT**
The foodstuffs must— • Comply 100% in terms of the definition for "wholegrain" in these Regulations • Contain at least 75 % wholegrain or recombined wholegrain flour/meal of the total flour weight. • Indicate the quantitative ingredient declaration (QUID) of the whole grainor recombined wholegrain flour/meal present as part of the name or description of the foodstuffs as well as part of the claim • Formulated to have a low GI value which shall be indicated as part of the claim. • The use of a wholegrain logo is not permitted	The foodstuffs may bear the following claim: "Made with flour that contains at least 75% recombined wholegrain flour from listed grains. Diets rich in wholegrains and other plant foods that are low in total fat, saturated fat and cholesterol may reduce the risk of most chronic diseases of lifestyle

156

TABLE 8:"PARTIALLY WHOLEGRAIN" HEALTH CLAIM

FOODSTUFFS CHARACTERISTICS OR CRITERIA	PERMITTED WORDING OF CLAIM EXPLAINING THE DIETARY CONTEXT
The foodstuffs must— • Comply 100% in terms of the definition for "wholegrain" in these Regulations • Contain at least 50% wholegrain or recombined wholegrain flour of the total flour weight and at least 25% wholegrains or oilseeds or legumes or dried fruit of the total flour weight • Indicate the QUID of the wholegrain/recombined flour plus wholegrains present as part of the name or description of the foodstuff as well as part of the claim] • Formulated to have a low GI value and be indicated as part of the claim • The use of a wholegrain logo is not permitted	Made with flour that contains at least 50% wholegrain **or recombined wholegrain flour** from listed grains and at least 25% of one or multiple wholegrains/oilseeds/legumes/dried fruit. Diets rich in wholegrains and other plant foods that are low in total fat, saturated fat and cholesterol may reduce the risk of most chronic diseases of lifestyle such as heart disease, diabetes, and certain cancers, and can assist with weight management and gastrointestinal health

Health claims for oral health

71. The following dental health claims, set out in Table 9, are permitted if the conditions in the Table are complied with:

157

TABLE 9: APPROVED HEALTH CLAIMS FOR ORAL HEALTH

SUBSTANCE	**PERMITTED WORDING FOR A CLAIM**	**ADDITIONAL CONDITIONS OR RESTRICTIONS OF USE OF THE CLAIM OR THE FOODSTUFF OR ADDITIONAL STATEMENT OR WARNING ON LABELS AND IN COMMERCIAL MARKETING**	**FOODSTUFF CATEGORY**
The polyol Xylitol	Frequent eating of foodstuffs high in sugars and starches that are retained on the teeth between meals can promote tooth decay. Xylitol used as a sweetener in (name the product) does not promote tooth decay/dental caries.	• Chewing gum sweetened with Xylitol where Xylitol is the only sweetener in the foodstuff • In order to bear the claim, the following additional information shall appear on the label: The beneficial effect is obtained with a consumption of 2-3g of chewing gum sweetened with 100% xylitol at least 3 times per day after meals	Chewing gum
Polyols	Sugar-free chewing gum contributes to the maintenance of tooth mineralisation	The claim may be used for chewing gum sweetened with polyols and which contains no added sugar or non-nutritive sweeteners. Information must be given to the consumers that	Chewing gum

SUBSTANCE	PERMITTED WORDING FOR A CLAIM	ADDITIONAL CONDITIONS OR RESTRICTIONS OF USE OF THE CLAIM OR THE FOODSTUFF OR ADDITIONAL STATEMENT OR WARNING ON LABELS AND IN COMMERCIAL MARKETING	FOODSTUFF CATEGORY
		the beneficial effect is obtained with chewing, for at least 20 minutes after eating or drinking.	
Polyols	Sugar-free chewing gum contributes to the neutralisation of plaque acids	The claim may be used for chewing gum sweetened with polyols and which contains no added sugar or non-nutritive sweeteners. Information must be given to the consumers that the beneficial effect is obtained with chewing, for at least 20 minutes after eating or drinking	Chewing gum
Polyols	Sugar-free chewing gum contributes to the reduction of oral dryness	The claim may be used for chewing gum sweetened with polyols and which contains no added sugar or non-nutritive sweeteners. Information must be given to the consumers that the beneficial effect is obtained with the use of the chewing gum whenever the mouth feels dry.	Chewing gum

159

SUBSTANCE	PERMITTED WORDING FOR A CLAIM	ADDITIONAL CONDITIONS OR RESTRICTIONS OF USE OF THE CLAIM OR THE FOODSTUFF OR ADDITIONAL STATEMENT OR WARNING ON LABELS AND IN COMMERCIAL MARKETING	FOODSTUFF CATEGORY
Sugar-free chewing gum with carbamide	Sugar-free chewing gum with carbamide neutralises plaque acids more effectively than sugar-free chewing gums without carbamide	The claim may be used for chewing gum sweetened with polyols and which contain no added sugar or non-nutritive sweeteners. In order to bear the claim, each piece chewing gum shall contain at least 20mg carbamide. Information shall be given to the consumers that the beneficial effect is obtained with chewing, for at least 20 minutes after eating or drinking	Chewing gum
Isomaltulose	Consumption of foods or drinks containing Isomaltulose instead of other sugars contributes to the maintenance of tooth mineralization.	In order to bear the claim, sugars should be replaced in foods or drinks (which reduce plaque pH below 5.7) in amounts such that consumption of such foods or drinks does not lower plaque pH below 5.7 during or up to 30 minutes after consumption.	Chewing gum

SUBSTANCE	PERMITTED WORDING FOR A CLAIM	ADDITIONAL CONDITIONS OR RESTRICTIONS OF USE OF THE CLAIM OR THE FOODSTUFF OR ADDITIONAL STATEMENT OR WARNING ON LABELS AND IN COMMERCIAL MARKETING	FOODSTUFF CATEGORY
Polydextrose	Consumption of foods or drinks containing polydextrose instead of sugar contributes to tooth mineralization.	In order to bear the claim, sugars should be replaced in foods or drinks (which reduce plaque pH below 5.7) in amounts such that consumption of such foods or drinks does not lower plaque pH below 5.7 during and up to 30 minutes after consumption.	Chewing gum

Claims for energy-restricted foodstuffs for weight reduction or slimming or weight loss

72. (1) For the purposes of this regulation, "formulated meal replacement" means a foodstuff, in powder or liquid form, specifically designed to replace one or more daily meals for the purpose of weight loss.

(2) Subject to regulation 47(5) a claim that a formulated meal replacement, is an aid to weight reduction, weight loss, diet or slimming, or words to a similar effect, may not be made unless the following requirements are complied with:

(a) The foodstuff must be labelled with the words **"ONLY EFFECTIVE AS PART OF AN ENERGY AND SERVING OR PORTION CONTROLLED PRUDENT DIET**

161

AND AN INCREASE IN MODERATE PHYSICAL ACTIVITY" in bold, upper-case letters not less than 3,0mm in font height on the main panel.

(b) The foodstuff must be an energy-restricted formulated meal replacement product.

(c) The foodstuff must comply with the minimum nutritional requirements contained in Table 10.

(d) Words, pictures, or graphics which imply that the foodstuff has weight loss properties, may result in weight loss or slimming, directly or indirectly, are not permitted, unless fully compliant with this regulation.

(e) Reference may not be made to the rate (e.g., "lose 3kg in one week") or amount (e.g., "lose 3kg") of weight loss, or any suggestion that it would be detrimental to health not to consume a certain type of foodstuff, or a claim which suggest that health could be adversely affected by not consuming the foodstuff.

(f) A claim related to weight control or weight maintenance due to a foodstuff in itself or containing a weight management substance or ingredient that is linked to, or is implicated to have an effect on reducing energy intake or on energy uptake, and increases energy expenditure, result in actions such as thermogenesis, increased satiety, appetitive suppression, absorption blocking effect, or similar actions is not permitted, unless a dossier which provides conclusive scientific substantiation, in the format according to the requirements of Guidelines 14 and 15 is submitted to the Directorate: Food Control prior to market appearance for evaluation and approval: Provided that no scheduled substance under the Medicines Act, is permitted in such foodstuff.

162

TABLE 10: FORMULATED MEAL REPLACEMENT FOR ENERGY-RESTRICTED DIETS FOR WEIGHT REDUCTION CONTROL

Nutrient substance, food or food category	**Claim**	**Conditions of use of the claim**	**Conditions, or restrictions of use of the food, or additional statement or warning on labels and advertisements**
Meal replacement for weight control	Substituting 1 (one) of the main daily meals of an energy restricted diet with a meal replacement contributes to the maintenance of weight after weight loss	In order to bear the claim, a foodstuff should comply with the following requirements: 1. **Energy content** The energy content shall not be less than 840kJ and shall not exceed 1 046kJ per meal. **2. Fat content and composition** The energy derived from fat shall not exceed 30% of total available energy content of the product. The linoleic acid (in the form of glycerides) shall not be less than 1g. 3. **Protein content and composition** Subject to the requirements of Regulation 54(11) and Annexure 5, the protein contained in the food shall provide not less than 25 % and not more than 50 % of the	In order to bear the claim, information shall be provided to the consumer on the importance of maintaining an adequate daily fluid intake and on the fact that the products are useful for the intended use only as part of an energy-restricted diet and that other foodstuffs should be a necessary part of such diet. In order to achieve the claimed effect, one main meal should be substituted with one meal replacement daily.

163

Nutrient substance, food or food category	Claim	Conditions of use of the claim	Conditions, or restrictions of use of the food, or additional statement or warning on labels and advertisements
		total energy content of the product. **4. Vitamins and minerals** The food shall provide at least 30 % of the amounts of the nutrient reference values of vitamins and minerals as per Annexure II. The amount of sodium per meal provided by the food shall be at least 172,5 mg. The amount of potassium per meal provided by the food shall be at least 500 mg.	
Meal replacement for weight control	Substituting 2 (two) of the main daily meals of an energy restricted diet with meal replacements contributes to weight loss In	1. **Energy content** The energy content shall not be less than 840 kJ and shall not exceed 1 046 KJ per meal. 2. **Fat content and composition** The energy derived from fat shall not exceed 30 % of total available energy content of the product. The linoleic acid (in	In order to bear the claim, information shall be provided to the consumer on the importance of maintaining an adequate daily fluid intake and on the fact that the products are useful for the

164

Nutrient substance, food or food category	Claim	Conditions of use of the claim	Conditions, or restrictions of use of the food, or additional statement or warning on labels and advertisements
	order to bear the claim, a food should comply with the following requirements:	the form of glycerides) shall not be less than 1 g. 3. **Protein content and composition** Subject to the requirements of Regulation 59 and Annexure 5, the protein contained in the food shall provide not less than 25% and not more than 50% of the total energy content of the product. **4. Vitamins and minerals** The food shall provide at least 30% of the amounts of the nutrient reference values of vitamins and minerals per meal as laid down Annexure II. The amount of sodium per meal provided by the food shall be at least 172,5mg. The amount of potassium per meal provided by the food shall be at least 500mg.	intended use only as part of an energy-restricted diet and that other foodstuffs should be a necessary part of such diet. In order to achieve the claimed effect, two of the main daily meals should be substituted with meal replacements daily.

165

Detoxification

73. A health claim that implies that a foodstuff is a tonic or may have detoxification or similar effects or benefits must be considered a medicinal claim and is prohibited for foodstuffs.

PART VI:

EXEMPTIONS, REPEAL, COMMENCEMENT AND SHORT TITLE

Exemptions

74. (1) The following ingredients of a foodstuff need not be named in the list of ingredients:

(a) Any substance other than water, when used as a solvent or carrier for a foodstuff additive or nutrient, and which is used in an amount that is consistent with good manufacturing practice: Provided that the solvent or the carrier is not, nor contains traces of, a common allergen specified in these Regulations.

(b) water or other volatile ingredients that evaporated during manufacture.

(2) The following foodstuffs need not be labelled with a list of ingredients:

(a) Vinegars which are derived by means of natural fermentation exclusively from a single basic product and to which no other ingredient has been added; or

(b) a foodstuff which consists of a single ingredient and of which the name clearly identifies the single ingredient.

(3) The following foodstuffs are, unless otherwise stipulated in these regulations or any regulations published under the Agricultural Product Standards Act, and the Compulsory Specifications Act, exempted from the requirements regarding

labelling, but when an energy, health, ingredient content or nutrition claim is made, the exemption falls away and these regulations apply:

(a) eggs except for the date on which the eggs were packed;

(b) fresh, unprocessed vegetables;

(c) fresh, unprocessed fruit;

(d) any drink regulated by the Liquor Products Act. If an indication of common allergens or health statements or warnings are necessary, these statements must be indicated on the label in accordance with the relevant regulations under the Act;

(f) unprocessed meat of animals and birds, referred to in Schedule 1 of the Meat Safety Act, or fish species referred to in the latest version of SANS 1647, that is intended for human consumption in South Africa and that have not been pre-packed, except for an indication of the type of animal and bird, fish, or other marine food species at the point of sale that—

(i) must appear on a notice placed in close vicinity of where the foodstuff is offered for sale; and

(ii) is easily legible and in clear view of the consumer, where such foodstuffs are exhibited for sale in bulk;

(g) unprocessed fish, marine products, meat of animals and birds referred to in Schedule 1 of the Meat Safety Act, or fish species referred to in the latest version of SANS 1647, that is intended for human consumption in South Africa and that is pre-packaged in such a way that the purchaser is able to identify the contents of the package, except for an indication of the type of animal, bird, fish or marine product, the date on which the product was packaged, the price per kilogram, as well as the price per container, printed on the scale label;

(h) any ready-to-consume foodstuffs prepared and sold on the premises of a catering establishment for consumption including wheat products, which are not pre-packed (naked bread), except for information on the list of ingredients, common allergens, and date of manufacturing printed on the scale label or kept on file and made available immediately upon request, whatever the case may be;

(i) non-prepackaged or transparently packaged servings of foodstuffs that are sold as snacks or meals on the premises of preparation, except for information on the list of ingredients, allergens, and date of manufacturing, printed on the scale label;

(j) flour confectionary intended to be consumed within 24 hours of manufacture, except for information on the list of ingredients, common allergens, and date of manufacturing, printed on the scale label;

(k) ice, except for the name and address of the manufacturer; and

(l) water sachets used during sport events.

(4) Street vendor foods are exempted from labelling requirements.

(5) For the purposes of this regulations, “naked bread” means bread, bread rolls and bread buns displayed for sale without being pre-packaged.

Repeal

75. The Labelling and advertising of foodstuffs Regulations (Government Notice No. R. 146 of 1 March 2010), Government Notice No. R1091 of 19 November 2010, Government Notice No. R45 of 19 January 2012, and Regulation 6(2) of R3128 of 20 December 1991 are hereby repealed.

Withdrawal

76. The Regulations Relating to the Labelling and Advertising of Foodstuffs, R 2986 of 31 January 2023, published in Government Notice No. 11535.

Commencement

77. (1) These regulations enter into force 24 months after the date of publication thereof.

(2) Regulation 9(2) and (3) enters into force on the date of publication of these Regulations.

(3) Regulations 49 to 73 enters into force 12 months after the date of publication of these Regulations.

(4) Regulations 8, 51 and 52 enters into force six months after the date of publication of these Regulations.

Short title

78. These Regulations are called Regulations Relating to the Labelling and Advertising of Foodstuffs, 2023.

169

ANNEXURE 1

CATEGORIES OF FOOD ADDITIVES THAT MAY BE IDENTIFIED BY THEIR PRINCIPAL FUNCTIONAL CATEGORY NAME AND WHERE APPLICABLE THE SUBCATEGORY NAME IN A LIST OF INGREDIENTS

Principal category: Acidity regulator

A food additive, which controls the acidity or alkalinity of a food.

Sub categories:

- Acid
- acidifier
- acidity regulator
- alkali
- base
- buffer
- buffering agent
- pH adjusting agent

Principal category: Anticaking agent

Reduces the tendency of particles of food to adhere to one another.

Sub categories:

- anti-stick agent
- drying agent
- dusting agent

Principal category: Antifoaming agent

A food additive, which prevents or reduces foaming.

Sub categories:

- defoaming agent

170

Principal category: Antioxidant as additive

A food additive, which prolongs the shelf-life of foods by protecting against deterioration caused by oxidation.

Sub categories:

- antibrowning agent
- antioxidant synergist

Principal category: Bleaching agent

A food additive (non-flour use) used to decolourize food. Bleaching agents do not include pigments.

Principal category: Bulking agent

A food additive, which contributes to the bulk of a food without contributing significantly to its available energy value.

Sub category:

- filler

Principal category: Carbonating agent

A food additive used to provide carbonation in a food.

Principal category: Carrier

A food additive used to dissolve, dilute, disperse or otherwise physically modify a food additive or nutrient without altering its function (and without exerting any technological effect itself) in order to facilitate its handling, application or use of the food additive or nutrient.

Sub categories:

- carrier solvent
- diluent for other food additives
- encapsulating agent
- nutrient carrier

171

Principal category: Colour/colouring/colourant (except tartrazine)

A food additive, which adds or restores colour in a food.

Sub categories:

- decorative pigment
- surface colourant

Principal category: Colour retention agent

A food additive, which stabilizes, retains or intensifies the colour of a food.

Sub categories:

- colour adjunct
- colour fixative
- colour stabilizer

Principal category: Emulsifier

A food additive, which forms or maintains a uniform emulsion of two or more phases in a food.

Sub categories:

- clouding agent
- crystallization inhibitor
- density adjustment agent (flavouring oils in beverages)
- dispersing agent
- plasticizer
- surface active agent
- suspension agent
- modified starches (Dextrin/maltodextrin roasted starch, acid treated starch, alkaline treated starch and enzyme treated starch)

Principal category: Emulsifying salt

A food additive, which, in the manufacture of processed food, rearranges proteins in order to prevent fat separation.

Sub categories:

- emulsifying salt
- melding salt

Principal category: Firming agent

A food additive, which makes or keeps tissues of fruit or vegetables firm and crisp or interacts with gelling agents to produce or strengthen a gel.

Principal category: Flavour enhancer

A food additive, which enhances the existing taste and/or odour of a food.

Sub categories:

- flavour synergist

Principal category: Flour treatment agent

A food additive, which is added to flour or dough to improve its baking quality or colour.

Sub categories:

- dough conditioner
- dough strengthening agent
- flour bleaching agent
- flour improver

Principal category: Foaming agent

A food additive, which makes it possible to form or maintain a uniform dispersion of a gaseous phase in a liquid or solid food.

Sub categories:

- aerating agent
- whipping agent

Principal category: Gelling agent

A food additive, which gives a food texture through formation of a gel.

173

Principal category: Glazing agent

A food additive, which when applied to the external surface of a food, imparts a shiny appearance or provides a protective coating.

Sub categories:

- coating agent
- film forming agent
- polishing agent
- sealing agent
- surface-finishing agent

Principal category: Humectant

A food additive, which prevents food from drying out by counteracting the effect of a dry atmosphere.

Sub categories:

- moisture/water retention agent
- wetting agent

Principal category: Packaging gas

A food additive gas, which is introduced into a container before, during or after filling with food with the intention to protect the food, for example, from oxidation or spoilage.

Principal category: Propellant

A food additive gas, which expels a food from a container.

Principal category: Raising agent

A food additive or a combination of food additives, which liberate(s) gas and thereby increase(s) the volume of a dough or batter.

Principal category: Sequestrant

A food additive, which controls the availability of a cation.

174

Principal category: Stabilizer

A food additive, which makes it possible to maintain a uniform dispersion of two or more components.

Sub categories:

- colloidal stabilizer
- emulsion stabilizer
- foam stabilizer
- stabilizer synergist
- modified starches (Dextrin/maltodextrin roasted starch, acid treated starch, alkaline treated starch and enzyme treated starch)

Principal category: Thickener

A food additive, which increases the viscosity of a food.

Sub categories:

- binder
- bodying agent
- texturizing agent
- thickener synergist
- modified starches (Dextrin/maltodextrin roasted starch, acid treated starch, alkaline treated starch and enzyme treated starch)

175

ANNEXURE 2

MANDATORY NUTRITIONAL INFORMATION DECLARATION

1. FORMAT

1. The following formats provide guidance in terms of which as well as the appropriate place where nutritional information must be presented in the Nutritional Information Table, in the case—

(a) where no claim is made (Paragraph 1.1); or

(b) where a claim is made (Paragraph 1.2).

The information in **bold** is considered the minimum mandatory nutritional information that always has to be declared in the nutritional information/facts table, irrespective of whether a claim is made or not.

In the case of nutrients that are not indicated in bold, the formats serve to indicate the appropriate places where the nutrients should be placed in the nutritional information/facts table when presented, either as information offered voluntarily by the manufacturer in addition to the minimum mandatory nutritional information, or when a claim is made about a nutrient other than the minimum mandatory nutritional information and the information becomes a mandatory requirement.

1.1 TYPICAL NUTRITIONAL INFORMATION/FACTS WHERE NO CLAIM IS MADE (AS PACKED/READY-TO-CONSUME)

The nutritional information as per the format indicated below, must appear on all foodstuff labels unless a foodstuff is explicitly exempted from nutritional information labelling in these Regulations.

The heading of the nutritional information/fact table on the label must be “(TYPICAL) NUTRITIONAL INFORMATION/FACTS” where the word “typical” is optional:

176

(TYPICAL) NUTRITIONAL INFORMATION/FACTS

Quantified single portion/serving/portion size expressed in grams or millilitres, whatever is appropriate, and a household measurement unless the single portion/serving/portion is already quantified in the fourth column of the Table below:

	Unit of measurement	Per 100 g/ml	Per single portion/serving/ Portion	NRV * per serving/portion (optional)
Energy	**kJ**			
Protein	**G**			
Total carbohydrates **of which carbohydrates#** **of which total sugars** glycaemic polyols## **Dietary fibre**	**G** **g** **g** **g** **g**			
Total fat###of which: **Saturated fatty acids###**	G g			
Total Sodium/salt	mg/g			

* Declaration of the Nutrient reference values (NRVs) column for individuals from the beginning of 37 months and older (see Annexure 3) expressed per single portion/serving/portion is optional.

#Glycaemic/Available carbohydrates calculated by difference

Indicate if specific polyol(s) that contribute to total energy value

Total fat and Saturated fatty acids obtained from Food Composition tables or calculated

Footnotes: Place the statements required by regulation 46(4) as appropriate as footnotes below the Table.

177

1.2 (TYPICAL) NUTRITIONAL INFORMATION WHERE A CLAIM IS MADE (AS PACKED/READY-TO-CONSUME)

The format below serves as indication of—

(a) the minimum mandatory nutritional information, indicated in **bold font,** which must always be indicated irrespective of whether a claim for the particular nutrient is made or not;

(b) the correct place in the nutritional information/facts table where a specific nutrient for which a particular claim is made, or which is indicated voluntarily must be placed. Not all the nutrients need necessarily be indicated but it is mandatory for the nutrient which is the subject of the claim as well as the nutrients indicated in **bold** font.

178

(TYPICAL) NUTRITIONAL INFORMATION/FACTS

Quantified single portion/serving/portion size expressed in grams or millilitres, whatever is appropriate, and a household measurement unless the single portion/serving/portion is already quantified in the fourth column of the Table below:

	Unit of measurement	Per 100 g/ml	Per single portion/ Serving	NRV * per serving (optional)
Energy	**kJ**			
Protein	**g**			
Total carbohydrates **of which carbohydrates#** **of which total sugars** glycaemic polyols## **Dietary fibre** Prebiotics	**g** **g** **g** **g** **g** mg			
Total fat### **of which:** **Saturated fatty acids###** Trans fatty acids Monounsaturated fatty acids Polyunsaturated fatty acids: of which Omega-3 fatty acids: of which DHA EPA DPA ALA	**g** **g** g g g mg mg mg mg mg			

179

	Unit of measurement	**Per 100 g/ml**	**Per single portion/ Serving**	**NRV * per serving (optional)**
Total Sodium/salt	**mg/g**			
Any other nutrient or foodstuffs component to be declared in accordance with these Regulations shall be declared: • in the order: vitamins, minerals, carotenoids and other bioactive substances, et cetera, each group in in alphabetical order. • GI • GL	Indicated in milligrams (mg), micrograms (mcg/ µg), or IU (International Unit), as appropriate according to Annexure 3	 - -	 *(GI is indicated per single portion/serving/portion only, not per 100 g)*	 - -

*Declaration of the NRVs column for individuals from the beginning of 37 months and older (see Annexure 3) expressed per single portion/serving is optional.

#Glycaemic carbohydrates chemically analysed when any carbohydrate-related claim is made

Indicate if specific polyol(s) contribute to total energy value

Total fat and saturated fatty acids values obtained from chemical analyses

Footnotes: Place the statements required by regulation 46(4) as appropriate as footnotes below the Table.

1.3 (TYPICAL) NUTRITIONAL INFORMATION/FACTS TABLE FOR FOOD VEHICLES

The format for the mandatory nutritional information/facts table that will be required in the case of food vehicles which are subjected to compulsory fortification according to the latest Regulations Relating to the Fortification of Certain Foodstuffs, is the applicable format suitable for the food vehicle as described in the aforementioned Regulations.

180

1.4 (TYPICAL) NUTRITIONAL INFORMATION/FACTS WHEN PRESENTED IN LINEAR FORMAT

When typical nutritional information is declared in linear form—

(a) energy and nutrients must be listed in the same order as per tabular formats described in points 1.1 and 1.2 above, whatever is appropriate;

(b) followed by the unit of measurement after each nutrient or energy in brackets; and

(c) separated by a semi-colon (;).

Example: Energy (kJ) (number); Protein (g) (number),.et cetera

2. ENERGY CONVERSION FACTORS

In the calculation of the energy value of a foodstuff for the purposes of the prescribed energy statement referred to in this Annexure the following conversion factors must be implemented according to the following principles:

1.1 Rounded off values must only be used in cases of mixtures of proteins, mixtures of glycaemic carbohydrates, mixtures of fats, mixtures of polyols, mixtures of dietary fibers or mixtures of prebiotics.

1.2 Where an individual isolated mono- or disaccharide sugar, isolated polyol, or isolated dietary fiber component such as NSP or resistant starch is added to a food the specific conversion faction which has not been rounded off must be used:

Examples:

1.2.1 Sucrose sold as table sugar must use the conversion factor of 16.5kJ/1g;

1.2.2 Lactose in milk, which is the sole source of sugars in milk, must use the conversion factor 16.5kJ /1g.

1.2.3 Where xylitol is the only polyol used in chewing gum, the conversion factor of 13.7kJ /1g must be used.

1.2.4 Other conversion factors

(a) Energy: 1kcal equals 4,18kJ;

(b) 1g of glycaemic carbohydrates expressed as monosaccharide equivalents—

(i) measured by direct analysis must be deemed to contribute 15.7 kJ (rounded off to 16kJ); or

181

(ii) when calculated by difference must be deemed to contribute16.7kJ (rounded off to 17kJ);

(c) 1g of glucose monohydrate must be deemed to contribute 14.1kJ (rounded off to 14kJ);

(d) 1g of glucose must be deemed to contribute 15.7kJ (rounded off to 16kJ);

(e) 1g of fructose must be deemed to contribute 15.7kJ (rounded off to 16kJ);

(f) 1g of lactose must be deemed to contribute 16.5kJ (rounded off to 16kJ);

(g) 1g of sucrose must be deemed to contribute 16.5kJ (rounded off to 16kJ);

(h) 1g of starch and glycogen must be deemed to contribute 17.5kJ;(rounded off to 17kJ);

(i) 1g sucromalt, a full-calorie, low glycaemic sweetener must be deemed to contribute 16.7kJ (rounded off to 17kJ)

(j) 1g isomaltulose, a full-calorie, low glycaemic sweetener must be deemed to contribute 16.7kJ (rounded off to 17kJ)

(k) 1g of NSP fibre shall be deemed to contribute 7.7kJ (rounded off to (8kJ);

(l) 1g of fermentable fibre must be deemed to contribute 11kJ, excluding synthetic polydextrose, fructo-oligosaccharides, inulin and maize bran;

(m) 1g of resistant starch must be deemed to contribute 11.4kJ (rounded off to 11kJ);

(n) 1g of synthetic polydextrose (5% glucose) must be deemed to contribute 6.6kJ (rounded off to 7kJ);

(o) 1g of isolated Fructo-oligosaccharides must be deemed to contribute 11.1kJ (rounded off to 11kJ);

(p) 1g of isolated inulin(pure) must be deemed to contribute 11.4kJ (rounded off to 11 kJ);

(q) 1g of non-digestible oligosaccharides in general conventional foodstuffs must be deemed to contribute 11.1kJ (rounded off to 11kJ);

(r) 1g of maize bran must be deemed to contribute 1,3kJ;

(s) 1000mg NaCl converts to 400mg Na (1000 divided by a factor of 2.5).

(t) 1g of protein must be deemed to contribute 16.8kJ (rounded off to 17kJ);

(u) 1g of alcohol (ethanol) must be deemed to contribute 29kJ;

(v) 1g of fat must be deemed to contribute 37.4kJ (rounded off to 37kJ);

(w) 1g of organic acid must be deemed to contribute 13kJ;

(x) Polyols:

(aa) 1g of glycerol must be deemed to contribute 18kJ;

(bb) 1g of polyol not specified hereunder must be deemed to contribute 10kJ;

1.3 **For the purposes of this Annexure, "NSP"** means the non-starch or non-α-glucan polysaccharides of carbohydrates namely, cellulose, hemicellulose, pectin, arabinoxylans, b-glucan, glucomannans, plant gums, mucilages, and hydrocolloids;

183

TABLE 11: ESTIMATED GLYCAEMIC CARBOHYDRATE CONTENT OF VARIOUS POLYOLS

Estimated glycaemic carbohydrate content of various polyols*			
Sugar Alcohol/Polyol	**Theoretical value (kJ)**	**Estimated glycaemic carbohydrate contribution (%)**	**Final kJ value to use in calculation of energy**
Erythritol1 g of Erythritol must be deemed to contribute 1.1 kJ (rounded off to 1 kJ)	1.1	0	1
1g of Xylitol must be deemed to contribute 13.7kJ; (rounded off to 14kJ)	13.2	50	7
1g of Mannitol must be deemed to contribute 8.1kJ (rounded off to 8 kJ)	8.1	0	8
1g of Sorbitol must be deemed to contribute 11.7 (rounded off to 12 kJ);	11.2	25	3
1g of Lactitol shall be deemed to contribute 10.7kJ (rounded off to 11kJ);	10.7	0	11
1g of Isomalt must be deemed to contribute 11.2kJ (rounded off to 11kJ)	11.2	10	1.1 rounded off to 1
1g of Maltitol must be deemed to contribute 13kJ		40	5.2 rounded off to 5
Maltitol syrup, (regular, intermediate and high maltitol syrups		50	6.5 rounded off to 7
Maltitol syrup, (high-polymer maltitol syrup		40	5.2 rounded off to 5

184

Estimated glycaemic carbohydrate content of various polyols*			
Sugar Alcohol/Polyol	**Theoretical value (kJ)**	**Estimated glycaemic carbohydrate contribution (%)**	**Final kJ value to use in calculation of energy**
1g of Polyglycitol must be deemed to contribute 13.2kJ (rounded off to 13kJ)		40	5.2 rounded off to 5

*Source: Table A.1 from ISO26642

References:

- Elia, M and Cummings, JH. 2007. FAO/WHO Scientific Update on Carbohydrates in Human Nutrition: Physiological aspects of energy metabolism and gastrointestinal effects of carbohydrates. European Journal of Clinical Nutrition, 61 (Suppl 1): S40–S74
- FAO Foodstuffs and Nutrition Paper no77: Foodstuffs Energy – methods of analysis and conversion factors
- FSANZ: FINAL ASSESSMENT REPORT APPLICATION A537 REDUCTION IN THE ENERGY FACTOR ASSIGNED TO MALTITOL: 05 October 2005

3. PROTEIN CONVERSION FACTORS

TABLE 12: FACTORS FOR CONVERTING TOTAL NITROGEN TO PROTEIN

	FACTOR
Meat, Poultry and Fish	6,25
Eggs:	6.25
*Whole	6,32
*Albumin	6,12
*Vitellin	6,38
Milk and milk products	6,40
Casein	6,37

185

	FACTOR
Human milk	5.69
Soya	6,25
Beans	
Nuts:	5,18
*Almond	5,46
*Brazil and groundnuts	5,30
*Others	5,55
Gelatine	5,30
Oil seeds	
Cereals:	5,70
*Durum wheat	
*Wheat:	5,83
**Whole	6,31
**Bran	5,80
**Embryo	5,70
**Endosperm	5,95
*Rice	5,83
*Barley, oats and rye	6,31
*Millet	6,25
*Maize	4,74
Chocolate and cocoa	4,38
Mushrooms	5,70
Yeast	6,25
Compound foodstuffs (mixed proteins)	

186

ANNEXURE 3

NRVs FOR THE PURPOSES OF THESE REGULATIONS

NUTRIENT	UNIT OF MEASUREMENT	INDIVIDUALS FROM THE BEGINNING OF 37 MONTHS AND OLDER**	
		Nutrient Reference Values Requirements (NRVs-R)	Nutrient Reference Values Non communicable Disease (NRVs-NCD)
MACRO NUTRIENTS			
Protein	g	50	-
Saturated fat	g	-	Daily intake level not to exceed is 20
MICRO NUTRIENTS			
(ELEMENTAL) VITAMINS			
Vitamin A	µg or mcg RAE or RE	800	-
Vitamin B_1 or thiamine	mg	1,2	-
Vitamin B_2 or riboflavin	mg	1,2	-
Nicotinic acid, nicotinamide or niacin[e]	mg ne	15	-
Vitamin B_6 or pyridoxine	mg	1,3	-
Folate (naturally occurring in foodstuffs)	µg or mcg DFE	400	-

187

NUTRIENT	UNIT OF MEASUREMENT	INDIVIDUALS FROM THE BEGINNING OF 37 MONTHS AND OLDER**	
		Nutrient Reference Values Requirements (NRVs-R)	Nutrient Reference Values Non communicable Disease (NRVs-NCD)
Vitamin B_{12} or cyanocobalamin	µg or mcg	2,4	-
Biotin	µg or mcg	30	-
Pantothenic acid	mg	5	-
Vitamin C or ascorbic acid	mg	100	-
Vitamin D	µg or mcg	15	-
Vitamin E	mg TE or the applicable forms of vitamin E isomers	9	-
Vitamin K (Vitamin K_1 and K_2 ,when naturally present in foodstuffs and does not included added Vitamin K_1 and $K_{2.}$)	µg/mcg	60	-
(ELEMENTAL) MINERALS			
Boron***	mg	1.5***	-
Calcium	mg	1000	-

188

NUTRIENT	UNIT OF MEASUREMENT	INDIVIDUALS FROM THE BEGINNING OF 37 MONTHS AND OLDER**	
		Nutrient Reference Values Requirements (NRVs-R)	Nutrient Reference Values Non communicable Disease (NRVs-NCD)
Chromium	µg/mcg	50	-
Copper	mg	1.5	-
Iodine	µg/mcg	150	-
Iron	mg	22	-
Magnesium	mg	310	-
Manganese	mg	3	-
Molybdenum	µg/mcg	45	-
Phosphorus	mg	550	-
Potassium	mg	-	Daily intake level to achieve is 3 500
Sodium	mg	-	Daily intake level not to exceed is 2000
Selenium	µg/mcg	60	
Vanadium****	mg	0.9****	
Zinc	mg	14	
Choline	mg	550	

- NRVs means a set of numerical values that are based on scientific data for the purposes of nutrition labelling and relevant claims for the age which begins at 37 months and older. They comprise the following two types of NRVs:
    - Nutrient Reference Values—Requirements refer to NRVs-R that are based on levels of nutrients associated with nutrient requirements; and

189

- Nutrient Reference Values—Non-communicable Diseases refer to NRVs-NCD that are based on levels of nutrients associated with the reduction in the risk of diet-related non-communicable diseases not including nutrient deficiency diseases or disorders.

- The values used in this Table are based on Recommended Dietary Allowances (RDAs) which will meet the needs of nearly all (97 to 98%) healthy individuals to prevent nutrient deficiencies. RDA values are not necessarily enough to maintain optimum nutritional status and prevent chronic disease. These values are therefore considered to be the minimum amounts necessary to achieve and maintain optimum nutritional status which will assist in the reduction of disease, specifically degenerative diseases of lifestyle.

- The NRV for Boron is 50% of the UL for the age group 1 to 3 years. No value for the age group birth to 1 year could be established due to lack of data on adverse effects for this age group.

- The NRV value for Vanadium is 50% of the UL value for males and females from 19 to 70 years old since no value could be established due to lack of data on adverse effects for the other age groups.

CONVERSION FACTORS FOR CERTAIN VITAMINS AND MINERALS

Vitamin	Conversion factors	
Vitamin A occurring naturally in food	1 mcg retinol activity equivalents (RAE) = **OR**	1 mcg retinol 12 mcg β-carotene 24 mcg other provitamin A carotenoids 2 mcg all-*trans*-β-carotene from red palm oil.

190

Vitamin	Conversion factors	
	1 mcg retinol equivalents (RE) =	1 mcg retinol 6 mcg β-carotene 12 mcg other provitamin A carotenoids
Vitamin A added to food	1 mcg retinol =	1 15 mcg retinyl acetate* 1.83 mcg retinyl palmitate*

*calculated by stoichiometry from retinol

Vitamin	Conversion factors		
Vitamin D	1 mcg cholecalciferol (Vitamin D_3) = 1 mcg Ergocalciferol (Vitamin $D)_2$ =	40 I.U. of Vitamin $D_{2 \text{ and } 3}$	
Vitamin E occurring naturally in food	1 mg α-Tocopherol Equivalents (α-TE) =	RRR-α-tocopherol (d-α-Tocopherol)	1
		β- tocopherol	2
		γ-tocopherol	10
		α-tocotrienol	3.3
		β-tocotrinol	20
Vitamin E added to food	1 mg RRR-α-tocopherol =	1.10 mg *RRR*-α-tocophery acetate**	
		1.23 mg *RRR*-α-tocopheryl succinate**	
		2.00 mg *all-rac*-α-tocopherol (di-α-tocopherol***	

**calculated by stoichiometry from RRR-α-tocopherol

***conversion factor for *all-rac*-α-tocopherol based on half of activity of RRR-α-tocopherol

191

Vitamin	Vitamin Dietary equivalents	Conversion factors
Niacin	Niacin 1mg niacin equivalents (NE) =	1mg niacin 60 mg tryptophan
Folate	1µg dietary folate equivalents (DFE) =	1µg food folate 0.6µg folic acid added to food oras supplement consumed with food 0.5µg folic acid as supplement taken on an empty stomach

192

ANNEXURE 4

EVALUATION OF PROTEIN QUALITY FOR THE PURPOSE OF WHEN A PROTEIN CLAIM IS MADE

1. Recommended reference amino acid scoring pattern* contains (per 1g protein):

Histidine	20.0	mg
Isoleucine	32.0	mg
Leucine	66.0	mg
Lysine	57.0	mg
Methionine plus cystine	27.0	mg
Phenylalanine plus tyrosine	52.0	mg
Threonine	31.0	mg
Tryptophan	8.5	mg
Valine	43.0	mg

*Recommended amino acid scoring pattern for children (6 months to 3 year): 2011 FAO Expewrt Consultation on Protein Quality Evaluation in Human Nutrition, FAO Food and Nutrition paper 92

193

2. Template

Reference amino acid pattern per 1g protein*		**Example foodstuffs** ***Source of information*****		**Amino acids expressed as % from reference amino acids**
		Analysed amino acids (g) in 100 g edible foodstuffs/…g. total protein	**Conversion to amino acids (g) in 1 gram protein in foodstuffs**	**Rounded off to 2 decimal points (0.00)**
Histidine (g)	0.020			
Isoleucine (g)	0.032			
Leucine (g)	0.066			
Lysine (g)	0.057			
Methionine plus cystine (g)	0.027			
Phenylalanine plus tyrosine (g)	0.052			
Threonine (g)	0.031			
Tryptophan (g)	0.0085			
Valine (g)	0.043			

*Recommended amino acid scoring pattern for children (6 months to 3 year): 2011 FAO Expert Consultation on Protein Quality Evaluation in Human Nutrition, FAO Food and Nutrition paper 92

** Source of information

194

3a. Example 1: Skim milk, fresh (compliant in terms of protein quality)

Reference amino acid pattern per 1g protein*		**Skim milk, fresh** **Information source: MRC Tables Code: 0072(new code 2775) ****		**Amino acids expressed as % from reference amino acids**	
		Analysed amino acids (g) in 100 g edible foodstuffs/ 3.4g**. total protein**	**Conversion to amino acids (g) in 1 gram protein in foodstuffs**	**Rounded off to 2 decimal points (0.00)**	
Histidine (g)	0.020	0.092	0.027058824	135.29	√
Isoleucine (g)	0.032	0.206	0.060588235	189.34	√
Leucine (g)	0.066	0.334	0.098235294	148.84	√
Lysine (g)	0.057	0.27	0.079411765	139.32	√
Methionine plus cystine (g)	0.027	0.118	0.034705882	128.54	√
Phenylalanine plus tyrosine (g)	0.052	0.33	0.097058824	186.65	√
Threonine (g)	0.031	0.154	0.045294118	146.11	√
Tryptophan (g)	0.0085	0.048	0.014117647	166.09	√
Valine (g)	0.043	0.228	0.067058824	155.95	√

*Recommended amino acid scoring pattern for children (6 months to 3 year): 2011 FAO Expert Consultation on Protein Quality Evaluation in Human Nutrition, FAO Food and Nutrition paper 92

**Fatty acid and amino acid composition tables – Supplement to MRC Foodstuffs Composition Tables (1991)

195

3b. Example 2: Peanut butter, smooth (non-compliant in terms of protein quality)

Reference amino acid pattern per 1g protein*		**Peanut butter, smooth** **Information source: MRC Tables Code 6509 (new code 3485)****		**Amino acids expressed as % from reference amino acids**	
		Analysed amino acids (g) in 100 g edible foodstuffs/ 24.6g**. total protein**	**Conversion to amino acids (g) in 1 gram protein in foodstuffs**	**Rounded off to 2 decimal points (0.00)**	
Histidine (g)	0.020	0.622	0.025284553	126.42	√
Isoleucine (g)	0.032	0.865	0.035162602	109.88	√
Leucine (g)	0.066	1.594	0.064796748	98.1	X
Lysine (g)	0.057	0.883	0.035894309	62.97	X
Methionine plus cystine (g)	0.027	0.302	0.012276423	45.47	X
Phenylalanine plus tyrosine (g)	0.052	1.275	0.051829268	99.67	X
Threonine (g)	0.031	0.842	0.034227642	110.41	√
Tryptophan (g)	0.0085	0.239	0.009715447	114.30	√
Valine (g)	0.043	1.031	0.041910569	97.47	X

*Recommended amino acid scoring pattern for children (6 months to 3 year): 2011 FAO Expert Consultation on Protein Quality Evaluation in Human Nutrition, FAO Food and Nutrition paper 92

**Fatty acid and amino acid composition tables – Supplement to MRC Foodstuffs Composition Tables (1991)

196

ANNEXURE 5

LETTER SIZES: DEFINITION OF x-HEIGHT

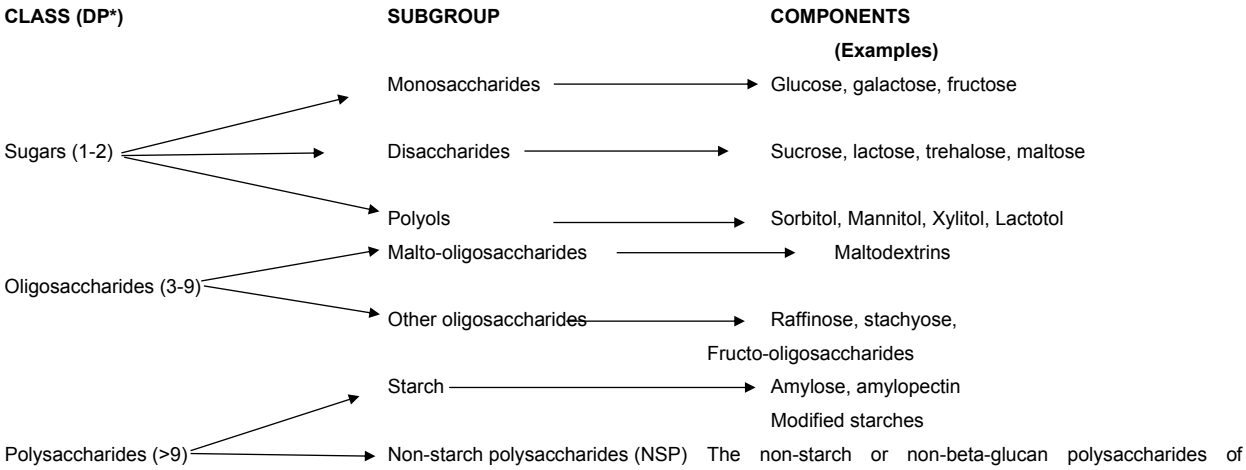
x-HEIGHT

Interpretation Key

1	Ascender line
2	Cap line
3	Mean line
4	Baseline
5	Descender line
6	**x-height**
7	**Vertical Font height/font size**

ANNEXURE 6

THE MAJOR DIETARY CARBOHYDRATES



DP* = Degree of polymerisation

References: Carbohydrates in Human Nutrition (1997): Report of a Joint FAO/WHO Expert Consultation, Rome

ANNEXURE 7

1. CULINARY HERBS AND SPICES ORDINARILY USED IN FOOD PREPARATION

HERB/SPICE	***BOTANICAL NAME***
Allspice	*Pimenta dioica* *Pimenta officinalis* (Berg)
Aniseed.	*Pimpinella anisum*
Anise star	*Illicium verum* L.
Bay leaf	*Laurus nobilis* L.
Caraway	*Carum carvi* L.
Cardamom	*Elettaria cardamomum* (Maton)
Cassia (wild cinnamon, sena leaves)	*Cinnamomum burmanii* L. *Cinnamomum cassia* L. *Cinnamomum loureirii* (Nees) *Cinnamomum zeylanicum* (Nees)
Cayenne pepper (chilli)	*Capsicum annum* L. *Capsicum baccatum* L. *Capsicum frutescens* L. and others
Celery (seed)	*Apium graveolens* L.
Chervil	*Anthriscus cerefoliom* (Hoffm.)
Chives	*Allium schoenoprasum* L.
Cinnamon	See cassia
Cloves	*Eugenia caryophyllus* *Caryophyllus aromaricus* L.
Coriander	*Coriandrum sativum* L.
Cumin	*Cuminum cyminum* L.
Dill seed	*Anethum graveolens* L.

199

HERB/SPICE	***BOTANICAL NAME***
Fennel	*Foeniculum vulgare* L.
Fenugreek (Greek hay)	*Trigonella foenum-graecum* L.
Garlic	*Allium sativum* L.
Ginger	*Zingiber officinale* L.
Horseradish	*Cochlearia armoracia* L.
Mace (seed coat)	*Myristica fragrans* (Houtt.)
Marjoram (motherwort)	*Majora hortensis*
Origanum	*Origanum vulgare* L. *Origanum* spp. *Origanum majorana* L. *Origanum nitex*
Mustard (black)	*Brassica juncea* L. *Brassica nigra* L.
Mustard (white)	*Brassica hirta*
	Sinapis alba L.
Nutmeg (limed or unlimed)	*Myristica fragrans* (Houtt.)
Onion	*Allium cepa* L.
Paprika	*Capsicum annuum* L. *Capsicum fragrans* L. *Capsicum frutescens* L.
Parsley	*Petroselinum carum* *Petroselinum crispum* (Hoffm.)

200

HERB/SPICE	***BOTANICAL NAME***
Pepper (black)	*Piper nigrum* L.
Pepper (white)	*Piper nigrum* L.
Peppermint	*Mentha piperita* L.
Poppy seed	*Papaver somniferum* L.
Rosemary	*Rosmarinus officinalis* L.
Saffron	*Crocus sativus* L.
Sage	*Salvia officinalis* L.
Savory (bean wort)	*Satureja hortensis* L. *Satureja montana* L.
Sesame	*Sesamum indicum* L.
Shallot	*Allium ascolonicom*
Spearmint (garden mint)	*Mentha spicata* L. *Mentha viridus*
Sweet basil (basil wort)	*Ocimum basilicum* L.
Tarragon	*Artemisia dracunculus* L.
Thyme	*Thymus vulgaris* L.
Turmeric (curcuma root)	*Curcuma longa* L.

201

2a. Herbs not ordinarily used as culinary herbs, but which are permitted in foodstuffs

Herbs that may be accepted as Food (example: for use as a tea) when: a) used without any medicinal indications; and b) when not presented in pharmaceutical dosage form.		
English		**Latin**
Name of the plant	**Plant part used**	**Name of the plant**
Alfalfa / Lucerne	herb	*Medicago sativa L.*
Allspice	fruits	*Pimenta dioica(L.) Merr. /Pimenta officinalisLindl.*
Almond	flowers	*Prunus dulcisvar.dulcis*
Almond	seeds	*Prunus dulcisvar.dulcis*
Anise	fruits	*Pimpinella anisum L.*
Apple	fruits	*Malus domesticaBorkh.*
Apple mint	leaves	*Mentha suaveolensEhrh.*
Apricot	fruits	*Armeniaca vulgarisLam. /Prunus armeniacaL.*
Asparagus	shoots	*Asparagus officinalisL.*
Bamboo	shoots	*Bambusa vulgarisSchrad. ex Wendl.*
Banana	fruits	*Musa × paradisiacaL.*
Barley	seeds	*Hordeum vulgareL.*
Bay	leaves	*Laurus nobilisL.*
Beetroot	bulbs	*Beta vulgarisvar.vulgaris*
Bilberry / Blueberry	fruits	*Vaccinium myrtillusL.*
Bitter Orange	flowers	*Citrus aurantiumL.*
Bitter Orange	peel	*Citrus aurantiumL.*
Bitter Orange	fruits	*Citrus aurantium L.*
Black mulberry	fruits	*Morus nigraL.*

202

Herbs that may be accepted as Food (example: for use as a tea) when: a) used without any medicinal indications; and b) when not presented in pharmaceutical dosage form.		
English		**Latin**
Name of the plant	**Plant part used**	**Name of the plant**
Black mustard	seeds	*Brassica nigra (L.) Koch*
Blackberry	fruits	*Rubus fruticosusL.*
Blackcurrant	fruits	*Ribes nigrumL.*
Blond psyllium	husks	*Plantago ovata Forssk.*
Blond psyllium	seeds	*Plantago ovata Forssk.*
Blueberry	fruits	*Vaccinium corymbosumL.*
Box thorn	fruits	*Lycium barbarum* L.
Boysenberry / Loganberry	fruits	*Rubus x loganobaccusL.H. Bailey*
Brazil pepper	fruits	*Schinus molleL.*
Buchu	leaves	*Barosma betulina (Bergius) Bartl. & Wendl. /Agathosma betulinaPillans*
Buckwheat	fruits	*Fagopyrum esculentumMoench*
Cabbage	leaves	*Brassica oleraceaL.*
Camomile	flowers1	*Matricaria recutitaL. /Matricaria chamomillaL.*
Camomile	herb2	*Matricaria recutitaL. /Matricaria chamomillaL.*
Camomile	seeds	*Matricaria recutitaL. /Matricaria chamomillaL.*
Caper	buds of the flowers	*Capparis spinosaL.*
Caraway	fruits	*Carum carviL.*
Cardamom	fruits	*Elettaria cardamomum (L.) Maton*
Cardamom	husks	*Elettaria cardamomum (L.) Maton*

203

Herbs that may be accepted as Food (example: for use as a tea) when: a) used without any medicinal indications; and b) when not presented in pharmaceutical dosage form.		
English		**Latin**
Name of the plant	**Plant part used**	**Name of the plant**
Carob	fruits	*Ceratonia siliquaL.*
Carrot	roots	*Daucus carota subsp.sativus*
Celery	leaves	*Apium graveolensL.*
Celery	seeds	*Apium graveolensL.*
Chervil	herb	*Anthriscus cerefolium* (L.) Hoffm.
Chick pea	seeds	*Cicer arietinum subsp.arietinum*
Chicory	herb	*Cichorium intybusL.*
Chicory	roots	*Cichorium intybusL.*
Chilli pepper	fruits	*Capsicum frutescensL.*
Cinnamon	bark	*Cinnamomumspec.*
Cinnamon	flowers	*Cinnamomumspec.*
Clove	buds	*Syzygium aromaticum (L.) Merr. & Perry /Eugenia caryophyllataThunb.*
Cocoa	seeds	*Theobroma cacaoL.*
Cocoa	husks	*Theobroma cacaoL.*
Coconut	seeds	*Cocos nuciferaL.*
Coffee	seeds	*Coffea arabicaL.*
Coffee	seeds	*Coffea canephoraPierre ex Froehner /Coffea robustaLinden*
Cola nut	seeds	*Cola acuminata (P. Beauv.) Schott & Endl.*
Cola nut	seeds	*Cola nitida (Vent.) Schott & Endl. /Cola veraK. Schum.*
Coriander	leaves	*Coriandrum sativumL.*

204

Herbs that may be accepted as Food (example: for use as a tea) when: a) used without any medicinal indications; and b) when not presented in pharmaceutical dosage form.		
English		**Latin**
Name of the plant	**Plant part used**	**Name of the plant**
Coriander	seeds	*Coriandrum sativumL.*
Corn	seeds	*Zea maysL.*
Cornflower	flowers	*Cyanus segetum Hill/Centaurea cyanusL.*
Cowberry	fruits	*Vaccinium vitis-idaea L.*
Crab apple	fruits	*Malus sylvestris (L.) Mill.*
Cranberry	fruits	*Vaccinium macrocarponAiton*
Creeping thyme	herb	*Thymus serpyllumL.*
Cubeb pepper	fruits	*Piper cubebaL.f.*
Cumin	fruits	*Cuminum cyminumL.*
Date	fruits	*Phoenix dactyliferaL.*
Dill	herb	*Anethum graveolensL.*
Dill	fruits	*Anethum graveolensL.*
Elder	flowers	*Sambucus nigra* L.
Elder	fruits	*Sambucus nigra* L.
Fennel	fruits	*Foeniculum vulgarevar.vulgare*
Fenugreek	seeds	*Trigonella foenum- graecumL.*
Fig	fruits	*Ficus caricaL.*
Fleawort	seeds	*Plantago afraL. /Plantago psylliumL.*
French bean	seeds	*Phaseolus vulgarisL.*
Garden nasturtium	herb	*Tropaeolum majusL.*
Garden pea	seeds	*Pisum sativumL.*
Garden rhubarb	stems	*Rheum rhabarbarumL.*
Garlic	bulbs	*Allium sativumL.*

205

Herbs that may be accepted as Food (example: for use as a tea) when: a) used without any medicinal indications; and b) when not presented in pharmaceutical dosage form.		
English		**Latin**
Name of the plant	**Plant part used**	**Name of the plant**
Ginger	roots	*Zingiber officinaleRoscoe*
Globe artichoke	flower head including receptacl e	*Cynara cardunculusL.*
Grape	leaves	*Vitis viniferaL.*
Grape	fruits	*Vitis viniferaL.*
Grapefruit	fruits	*Citrus paradisiMacfad.*
Grapefruit	peel	*Citrus paradise* Macfad.
Green cabbage / Kale	leaves	*Brassica oleraceavar.sabellicaL.*
Guava	fruits	*Psidium guajavaL.*
Hazelnut	leaves	*Corylus avellanaL.*
Hazelnut	seeds	*Corylus avellanaL.*
Hemp	seeds	*Cannabis sativa L. (except Cannabis sativa subsp. indica)*
Holy basil	herb	*Ocimum tenuiflorumL. /Ocimum sanctumL.*
Honey bush	herb	*Cyclopia genistoides (L.) Vent.*
Honey bush	herb	*Cyclopia intermediaE. Mey.*
Honey bush	herb	*Cyclopia sessilifloraEckl. & Zeyh.*
Honey bush	herb	*Cyclopia subternataVogel*
Horseradish	roots	*Armoracia rusticanaP. Gaertn., B. Mey. & Scherb.*
Jerusalem artichoke	tubers	*Helianthus tuberosusL.*
Juniper	fruits	*Juniperus communis* L.

206

Herbs that may be accepted as Food (example: for use as a tea) when: a) used without any medicinal indications; and b) when not presented in pharmaceutical dosage form.		
English		**Latin**
Name of the plant	**Plant part used**	**Name of the plant**
Kiwi	fruits	*Actinidia deliciosa (A. Chev.) C.F. Liang & A.R. Ferguson*
Lavender	flowers	*Lavandula angustifoliaMill. /Lavandula officinalisChaix.*
Leek	leaves	*Allium ampeloprasum ampeloprasumLeek Group /Allium porrumL.*
Lemon	fruits	*Citrus limon (L.) Burm.f.*
Lemon	peel	*Citrus limon (L.) Burm.f.*
Lemon balm	leaves	*Melissa officinalis* L.
Lemon balm	leaves	*Melissa officinalis* L.
Lemon thyme	herb	*Thymus × citriodorus (Pers.) Schreb.*
Lemon verbena	herb	*Aloysia citriodoraPalau/ Lippia triphylla(L´Hér.) Kuntze*
Lemongrass	herb	*Cymbopogonspec.*
Lime	fruits	*Citrus aurantiifolia (Christm. & Panz.) Swingle*
Lime	peel	*Citrus aurantiifolia (Christm. & Panz.) Swingle*
Lime / Linden	flowers	*Tilia cordataMill.*
Lime / Linden	leaves	*Tilia cordataMill.*
Lime / Linden	flowers	*Tilia platyphyllosScop.*
Lime / Linden	leaves	*Tilia platyphyllosScop.*
Linseed	seeds	*Linum usitatissimumL.*

207

Herbs that may be accepted as Food (example: for use as a tea) when: a) used without any medicinal indications; and b) when not presented in pharmaceutical dosage form.		
English		**Latin**
Name of the plant	**Plant part used**	**Name of the plant**
Lovage	herb	*Levisticum officinaleW. Koch*
Macadamia	seeds	*Macadamia ternifoliaF. Muell.*
Mandarin orange	fruits	*Citrus reticulataBlanco /Citrus deliciosaTen.*
Mandarin orange	peel	*Citrus reticulataBlanco /Citrus deliciosaTen.*
Mango	fruits	*Mangifera indicaL.*
Marigold	flowers	*Calendula officinalis* L.
Marjoram	herb	*Origanum majoranaL.*
Maté	leaves	*Ilex paraguariensis* A. St.-Hil.
Melon	fruits	*Cucumis meloL.*
Millet	seeds	*Panicum miliaceumL.*
Mint	herb	*Menthaspec.*
Morello cherry	fruits	*Cerasus vulgarisMill. /Prunus cerasusL.*
Nettle	herb	*Urtica* spec.
Nutmeg	aril	*Myristica fragrans* Houtt.
Nutmeg	seeds	*Myristica fragrans* Houtt.
Oat	seeds	*Avena sativa L.*
Oat	herb	*Avena sativa L.*
Olive	leaves	*Olea europaea L.*
Onion	bulbs	*Allium cepaL.*
Oregano	herb	*Origanum vulgareL.*
Papaya	fruits	*Carica papayaL.*
Papaya	leaves	*Carica papayaL.*

208

Herbs that may be accepted as Food (example: for use as a tea) when: a) used without any medicinal indications; and b) when not presented in pharmaceutical dosage form.		
English		**Latin**
Name of the plant	**Plant part used**	**Name of the plant**
Paprika	fruits	*Capsicum annuumL.*
Parsley	leaves	*Petroselinum crispum (Mill.) Nym.*
Parsnip	roots	*Pastinaca sativaL.*
Passion fruit	fruits	*Passiflora edulisSims*
Peach	fruits	*Persica vulgarisMill. /Prunus persicaBatsch*
Pear	fruits	*Pyrus communisL. /Pyrus domesticaMed.*
Pepper (green, black, white)	fruits	*Piper nigrumL.*
Peppermint	leaves	*Mentha × piperitaL.*
Pineapple	fruits	*Ananas comosus (L.) Merrill*
Pistachio	seeds	*Pistacia veraL.*
Plum	fruits	*Prunus domesticaL.*
Pomegranate	fruits	*Punica granatumL.*
Poppy	seeds	*Papaver somniferum subsp.somniferum*
Pumpkin	seeds	*Cucurbita pepoL.*
Quince	fruits	*Cydonia oblonga Mill.*
Radish	roots	*Raphanus sativus L.*
Raspberry	fruits	*Rubus idaeus L.*
Red currant	fruits	*Ribes rubrumL.*
Rice	seeds	*Oryza sativa L.*
Rooibos	herb	*Aspalathus linearis (Burm.f.)R. Dahlgr.*
Rose	petals	*Rosaspec.*
Rose hip	fruits	*Rosa canina L.*

209

Herbs that may be accepted as Food (example: for use as a tea) when: a) used without any medicinal indications; and b) when not presented in pharmaceutical dosage form.		
English		**Latin**
Name of the plant	**Plant part used**	**Name of the plant**
Rosemary	leaves	*Rosmarinus officinalis L.*
Saffron	stigmata and styles	*Crocus sativus L.*
Sage	leaves	*Salvia officinalis L.*
Savory	herb	*Satureja hortensis L.*
Sea buckthorn	fruits	*Hippophae rhamnoides L.*
Shiitake mushroom	fruiting body	*Lentinula edodes (Berk.) Pegler*
Silver lime	flowers	*Tilia tomentosa Moench /Tilia argentea DC.*
Silver lime	leaves	*Tilia tomentosa Moench /Tilia argentea DC.*
Sloe	fruits	*Prunus spinose L.*
Sorrel	herb	*Rumex acetosa L.*
Spearmint	leaves	*Mentha spicata L.*
Spelt	seeds	*Triticum aestivum subsp.spelta (L.) Thell.*
Spinach	leaves	*Spinacia oleraceaL.*
Sprouting broccoli	flowers and stems	*Brassica oleracea L.var.italicaPlenck*
Star anise	fruits	*Illicium verumHook.f.*
Strawberry	fruits	*Fragaria × ananassaDuchesne*
Strawberry	leaves	*Fragaria × ananassaDuchesne*
Sunflower	petals	*Helianthus annuusL.*
Sunflower	seeds	*Helianthus annuusL.*

210

Herbs that may be accepted as Food (example: for use as a tea) when: a) used without any medicinal indications; and b) when not presented in pharmaceutical dosage form.		
English		**Latin**
Name of the plant	**Plant part used**	**Name of the plant**
Sweet basil	herb	*Ocimum basilicumL.*
Sweet blackberry	leaves	*Rubus chingii var. suavissimus (S. Lee) L.T. Lu/ Rubus suavissimusS. K. Lee*
Sweet cherry	fruits	*Cerasus avium (L.) Moench/Prunus avium (L.) L.*
Sweet fennel	fruits	*Foeniculum vulgarevar.dulceb (Mill.) Battand. & Trabut*
Sweet orange	flowers	*Citrus sinensis (L.) Osbeck*
Sweet orange	fruits	*Citrus sinensis (L.) Osbeck*
Sweet orange	peel	*Citrus sinensis (L.) Osbeck*
Tamarind	fruits	*Tamarindus indicaL.*
Tarragon	leaves	*Artemisia dracunculusL.*
Tea	flowers	*Camellia sinensis (L.) Kuntze*
Tea	leaves and buds	*Camellia sinensis (L.) Kuntze*
Tea	stems	*Camellia sinensis (L.) Kuntze*
Thyme	herb	*Thymus vulgarisL.*
Turmeric	roots	*Curcuma longaL./ Curcuma domesticaValeton*
Vanilla	fruits	*Vanilla planifoliaAndr. /Vanilla fragrans (Salisb.) Ames*
Walnut	seeds	*Juglans regiaL.*
Watercress	herb	*Nasturtium officinale R. Br.*
Watermint	herb	*Mentha aquatic L.*

211

Herbs that may be accepted as Food (example: for use as a tea) when: a) used without any medicinal indications; and b) when not presented in pharmaceutical dosage form.		
English		**Latin**
Name of the plant	**Plant part used**	**Name of the plant**
Wheat	seeds	*Triticum aestivum L.*
White jasmine	flowers	*Jasminum officinale L.*
White mulberry	fruits	*Morus alba L.*
White mustard	seeds	*Sinapis alba L.*
Yellow plum	fruits	*Prunus domestica subsp. Syriaca (Borkh.) Janchen ex Mansfeld*

2(b). Herbs that are not to be used in foodstuffs

Herbs that may considered not to be ordinarily consumed as food where: a) the only reason for its consumption would be a medicinal purpose; or b) particular safety concerns are had pertaining to its consumption and requires professional oversight.		
English		**Latin**
Name of the plant	**Plant part used**	**Name of the plant**
Agrimony	herb	*Agrimonia eupatoriaL.*
Aloe vera	leaf gel	*Aloe barbadensisMill. /Aloe vera(L.) Burm.f.*
Alpine ladies mantle	herb	*Alchemilla alpinaL.*
Angelica	roots	*Angelica archangelicaL.*
Angelica	stems	*Angelica archangelicaL.*
Annato	seeds	*Bixa orellanaL.*

212

Herbs that may considered not to be ordinarily consumed as food where: a) the only reason for its consumption would be a medicinal purpose; or b) particular safety concerns are had pertaining to its consumption and requires professional oversight.		
English		**Latin**
Name of the plant	**Plant part used**	**Name of the plant**
Apricot	seeds	*Armeniaca vulgarisLam. /Prunus armeniacaL.*
Barbados cherry	fruits	*Malpighia glabraL. /Malpighia punicifoliaL.*
Bear garlic	herb	*Allium ursinum L.*
Bee balm	flowers	*Monarda didyma L.*
Bilberry / Blueberry	leaves	*Vaccinium myrtillusL.*
Birch	leaves	*Betula pendula* Roth
Bitter Gourd	fruits	*Momordica charantiaL.*
Bitter Orange	leaves	*Citrus aurantium L.*
Black locust	flowers	*Robinia pseudoacaciaL.*
Black mulberry	leaves	*Morus nigra L.*
Blackberry	leaves	*Rubus fruticosus L.*
Blackcurrant	leaves	*Ribes nigrum L.*
Blue flag	roots	*Iris versicolorL.*
Boldu	leaves	*Peumus boldusMol.*
Borage	herb	*Borago officinalisL.*
Brazil pepper	fruits	*Schinus terebinthifolius Raddi*
Buckwheat	herb	*Fagopyrum esculentum* Moench

213

Herbs that may considered not to be ordinarily consumed as food where: a) the only reason for its consumption would be a medicinal purpose; or b) particular safety concerns are had pertaining to its consumption and requires professional oversight.		
English		**Latin**
Name of the plant	**Plant part used**	**Name of the plant**
Burdock	roots	*Arctium lappaL. /Arctium majusBernh.*
Calamus	roots	*Acorus calamusL.*
Carrageen	thallus	*Chondrus crispus (L.) Stackh.*
Catmint	herb	*Nepeta cataria* L.
Celery	roots	*Apium graveolensL.*
Centaury	herb	*Centaurium erythraeaRaf.*
Chiretta	herb	*Swertia chirataBuch.- Ham. ex Wall.*
Cinchona	bark	*Cinchona pubescensVahl /Cinchona succirubraPav. ex Klotzsch*
Clary sage	flowers	*Salvia sclarea* L.
Clary sage	leaves	*Salvia sclarea* L.
Clubmoss	herb	*Lycopodium clavatumL.*
Common speedwell	herb	*Veronica officinalisL.*
Common wormwood	herb	*Artemisia absinthiumL.*
Condurango	bark	*Marsdenia cundurangoRchb.f.*

214

Herbs that may considered not to be ordinarily consumed as food where: a) the only reason for its consumption would be a medicinal purpose; or b) particular safety concerns are had pertaining to its consumption and requires professional oversight.		
English		**Latin**
Name of the plant	**Plant part used**	**Name of the plant**
Corn	stigmas and styles	*Zea maysL.*
Couch-Grass	roots	*Elymus repens (L.) Gould /Agropyron repens(L.) P. Beauv.*
Cowberry	leaves	*Vaccinium vitis-idaea* L.
Cowslip / Primrose	flowers	*Primula verisL.*
Cowslip / Primrose	roots	*Primula verisL.*
Curcuma	roots	*Curcuma xanthorrizaRoxb.*
Daisy	flowers	*Bellis perennisL.*
Damiana	leaves	*Turnera diffusaWilld. ex Schult.*
Dandelion	herb	*Taraxacumsect. Ruderalia /Taraxacum officinaleauct.*
Dandelion	roots	*Taraxacumsect. Ruderalia /Taraxacum officinaleauct.*
Dwarf elder	fruits	*Sambucus ebulusL.*
Dwarf mountain pine	shoots	*Pinus mugoTurra*
Dyer’s broom	flowers	*Genista tinctoriaL.*
Echinacea	herb	*Echinacea angustifoliaDC.*

215

Herbs that may considered not to be ordinarily consumed as food where: a) the only reason for its consumption would be a medicinal purpose; or b) particular safety concerns are had pertaining to its consumption and requires professional oversight.		
English		**Latin**
Name of the plant	**Plant part used**	**Name of the plant**
Echinacea	herb	*Echinacea pallida (Nutt.) Nutt.*
Echinacea	herb	*Echinacea purpurea (L.) Moench*
Echinacea	roots	*Echinacea angustifoliaDC.*
Echinacea	roots	*Echinacea pallida (Nutt.) Nutt.*
Echinacea	roots	*Echinacea purpurea (L.) Moench*
Elder	leaves	*Sambucus nigraL.*
Elecampane	roots	*Inula heleniumL.*
Eucalyptus	leaves	*Eucalyptus globulusLabill.*
European barberry	fruits	*Berberis vulgarisL.*
Eyebright	herb	*Euphrasia officinalisL.*
Field horsetail	herb	*Equisetum arvenseL.*
Field poppy	flowers	*Papaver rhoeasL.*
Fir	shoots	*Abies spec.*
Fragrant sumac	bark	*Rhus aromatica Aiton*
Fragrant sumac	root bark	*Rhus aromatica Aiton*
French bean	pods	*Phaseolus vulgarisL.*
Fumitory	herb	*Fumaria officinalisL.*

216

Herbs that may considered not to be ordinarily consumed as food where: a) the only reason for its consumption would be a medicinal purpose; or b) particular safety concerns are had pertaining to its consumption and requires professional oversight.		
English		**Latin**
Name of the plant	**Plant part used**	**Name of the plant**
Galangal	roots	*Alpinia galanga (L.) Willd.*
Ginkgo	leaves	*Ginkgo bilobaL.*
Ginseng	roots	*Panax ginsengC. A. Mey.*
Goat´s rue	herb	*Galega officinalisL.*
Golden root	roots	*Rhodiola roseaL.*
Golden root	herb	*Rhodiola roseaL.*
Goldenrod	herb	*Solidago virgaureaL.*
Ground ivy	leaves	*Glechoma hederaceaL.*
Guarana	seeds	*Paullinia cupanaH.B.K.*
Gymnema	leaves	*Gymnema sylvestre (Retz.)R. Br.*
Hawthorn	flowers	*Crataegusspec.*
Hawthorn	fruits	*Crataegusspec.*
Hawthorn	leaves	*Crataegusspec.*
Heartsease	herb	*Viola tricolorL.*
Hemp	leaves	*Cannabis sativa L. (except Cannabis sativa subsp. indica)*
Herb bennet	herb	*Geum urbanum L.*
Herb bennet	roots	*Geum urbanum L.*
Herb of grace / Rue	herb	*Ruta graveolens L.*

217

Herbs that may considered not to be ordinarily consumed as food where: a) the only reason for its consumption would be a medicinal purpose; or b) particular safety concerns are had pertaining to its consumption and requires professional oversight.		
English		**Latin**
Name of the plant	**Plant part used**	**Name of the plant**
Hibiscus	flowers [calyxes]	*Hibiscus sabdariffa* L.
Hibiscus	seeds	*Hibiscus sabdariffa* L.
Hollyhock	flowers	*Alcea roseaL. /Althaea rosea (L.) Cav.*
Holy thistle	herb	*Cnicus Benedictus L.*
Hop	flowers	*Humulus lupulus L.*
Horehound	herb	*Marrubium vulgare L.*
Horse-Chestnut	bark	*Aesculus hippocastanum L.*
Horse-Chestnut	flowers	*Aesculus hippocastanum L.*
Horse-Chestnut	leaves	*Aesculus hippocastanum L.*
Horse-Chestnut	seeds	*Aesculus hippocastanum L.*
Hyssop	herb	*Hyssopus officinalis L.*
Iceland moss	thallus	*Cetraria islandica (L.) Ach.*
Juniper	shoots	*Juniperus communis L.*
Juniper	wood	*Juniperus communis L.*
Knotgrass	herb	*Polygonum aviculare L.*
Ladies mantle	herb	*Alchemilla vulgaris L.*
Lapacho	bark	*Handroanthus impetiginosus (Mart. ex DC.) Mattos /Tabebuia impetiginosa (Mart. ex DC.) Standl.*

218

Herbs that may considered not to be ordinarily consumed as food where: a) the only reason for its consumption would be a medicinal purpose; or b) particular safety concerns are had pertaining to its consumption and requires professional oversight.		
English		**Latin**
Name of the plant	**Plant part used**	**Name of the plant**
Larkspur	flowers	*Consolida regalisGray /Delphinium consolidaL.*
Lemon myrtle	leaves	*Backhousia citriodora F. Muell.*
Lignum vitae	wood	*Guajacum officinale L.*
Liquorice	roots	*Glycyrrhiza glabra* L.
Lovage	fruits	*Levisticum officinale* W. Koch
Lovage	roots	*Levisticum officinale* W. Koch
Mallow	flowers	*Malva sylvestris L.*
Mallow	leaves	*Malva sylvestris L.*
Manna ash	resin	*Fraxinus ornus L.*
Marjoram	fruits	*Origanum majorana* L.
Marshmallow	leaves	*Althaea officinalisL.*
Marshmallow	roots	*Althaea officinalis L.*
Meadowsweet	flowers	*Filipendula ulmaria (L.) Maxim.*
Meadowsweet	herb	*Filipendula ulmaria (L.) Maxim.*
Mexican Valerian	roots	*Valeriana edulis subsp.procera (Kunth) F.G. Mey. /Valeriana proceraKunth*

219

Herbs that may considered not to be ordinarily consumed as food where: a) the only reason for its consumption would be a medicinal purpose; or b) particular safety concerns are had pertaining to its consumption and requires professional oversight.		
English		**Latin**
Name of the plant	**Plant part used**	**Name of the plant**
Mistletoe	herb	*Viscum albumL.*
Morello cherry	stems	*Cerasus vulgarisMill. /Prunus cerasusL.*
Mugwort	herb	*Artemisia vulgarisL.*
Mullein	flowers	*Verbascumspec.*
Mullein	leaves	*Verbascumspec.*
Nettle	roots	*Urticaspec.*
Norway spruce	leaves	*Picea abies (L.) H. Karst.*
Parsley	roots	*Petroselinum crispum (Mill.)* Nym.
Parsley	fruits	*Petroselinum crispum (Mill.)* Nym.
Passion flower	herb	*Passiflora incarnataL.*
Pennyroyal	herb	*Mentha pulegiumL.*
Peony	flowers	*Paeonia officinalisL.*
Plantain	herb	*Plantago majorL.*
Purging cassia	fruits	*Cassia fistulaL.*
Quassia	wood	*Quassia amaraL.*
Raspberry	leaves	*Rubus idaeus L.*
Red clover	herb	*Trifolium pratenseL.*
Red clover	flowers	*Trifolium pratenseL.*
Red sandalwood	wood	*Pterocarpus santalinusL.f.*

220

Herbs that may considered not to be ordinarily consumed as food where: a) the only reason for its consumption would be a medicinal purpose; or b) particular safety concerns are had pertaining to its consumption and requires professional oversight.		
English		**Latin**
Name of the plant	**Plant part used**	**Name of the plant**
Rhatany	roots	*Krameria lappacea (Dombey) Burdet & B. B. Simpson /Kameria triandraRuiz & Pav.*
Ribwort plantain	herb	*Plantago lanceolataL.*
Rock rose	herb	*Cistus incanusL. /Cistus creticusL. /Cistus villosusauct.*
Roman camomile	flowers	*Chamaemelum nobile (L.) All. /Anthemis nobilisL.*
Rowan	fruits	*Sorbus aucupariaL.*
Sacred lotus	flowers	*Nelumbo nuciferaGaertn.*
Safflower	flowers	*Carthamus tinctoriusL.*
Sarsaparilla	roots	*Smilaxspec.*
Schisandra	fruits	*Schisandra chinensis (Turcz.) Baill.*
Seneca snakeroot	roots	*Polygala senegaL.*
Shepherd's purse	herb	*Capsella bursa-pastoris (L.) Medik.*
Siberian ginseng	roots	*Eleutherococcus senticosus (Rupr. & Maxim.) Maxim. /*

221

Herbs that may considered not to be ordinarily consumed as food where: a) the only reason for its consumption would be a medicinal purpose; or b) particular safety concerns are had pertaining to its consumption and requires professional oversight.		
English		**Latin**
Name of the plant	**Plant part used**	**Name of the plant**
		Acanthopanax senticosus (Rupr. & Maxim.) Harms
Silverweed	herb	*Potentilla anserinaL.*
Soap-bark tree	bark	*Quillaja saponariaMolina*
Southernwood	herb	*Artemisia abrotanumL.*
Spirulina	algae	*Spirulina platensis (Nordst.) Geitler*
St. John´s Wort	flowers3	*Hypericum perforatumL.*
St. John´s Wort	herb3	*Hypericum perforatumL.*
Sweet cherry	stems	*Cerasus avium (L.) Moench/Prunus avium (L.) L.*
Sweet orange	leaves	*Citrus sinensis (L.) Osbeck*
Sweet violet	flowers	*Viola odorata* L.
Sweet woodruff	herb	*Galium odoratum (L.) Scop/Asperula odorataL.*
Tea tree	leaves	*Melaleuca alternifolia (Maiden & Betche) Cheel*
Toadflax	herb	*Linaria vulgarisMill.*
Tonka bean	seeds	*Dipteryx odorata (Aubl.) Willd.*
Tormentil	roots	*Potentilla erecta (L.) Raeusch.*

222

Herbs that may considered not to be ordinarily consumed as food where: a) the only reason for its consumption would be a medicinal purpose; or b) particular safety concerns are had pertaining to its consumption and requires professional oversight.		
English		**Latin**
Name of the plant	**Plant part used**	**Name of the plant**
Valerian	roots	*Valeriana officinalisL.*
Walnut	leaves	*Juglans regiaL.*
White deadnettle	flowers	*Lamium albumL.*
White deadnettle	herb	*Lamium albumL.*
White mulberry	leaves	*Morus alba L.*
Wild angelica	fruits	*Angelica sylvestrisL.*
Wild angelica	herb	*Angelica sylvestrisL.*
Wild angelica	roots	*Angelica sylvestrisL.*
Wild strawberry	fruits	*Fragaria vescaL.*
Wild strawberry	leaves	*Fragaria vescaL.*
Willow herb	herb	*Epilobium angustifoliumL. /Chamaenerium angustifolium (L.) Scop.*
Witch hazel	bark	*Hamamelis virginianaL.*
Witch hazel	leaves	*Hamamelis virginianaL.*
Wood betony	herb	*Stachys officinalis (L.) Trev./Betonica officinalisL.*
Yarrow	flowers	*Achillea millefolium L.*
Yarrow	herb	*Achillea millefolium L.*
Yellow bedstraw	herb	*Galium verumL.*
Yellow gentian	roots	*Gentiana luteaL.*
Yellow sweet clover	herb	*Melilotus officinalis (L.) Pall.*

223

Herbs that may considered not to be ordinarily consumed as food where: a) the only reason for its consumption would be a medicinal purpose; or b) particular safety concerns are had pertaining to its consumption and requires professional oversight.		
English		**Latin**
Name of the plant	**Plant part used**	**Name of the plant**
Zedoary	roots	*Curcuma zedoaria (Bergius) Rosc.*

224

ANNEXURE 8

SOUTH AFRICAN NUTRIENT PROFILING MODEL: SCREENING CRITERIA FOR THE PURPOSE OF WHETHER A FOOD IS ELIGBLE TO MAKE A HEALTH OR NUTRITION CLAIM

NUTRIENT PROFILING SCORING CRITERION

The Electronic Nutrient Profiling Calculator is available on the website of the Department of Health: www.health.gov.za

Table 1: Categories of food

	Column 1	**Column 2**
Category	**NPSC category**	**The nutrient profiling score must be less than**
1	Beverages	1
2	Any food other than those included in Category 1 or 3.	4
3	(a) cheese and processed cheese with calcium content >320 mg/100 g)*; (b) edible oil; (c) edible oil spreads; (d) margarine; and (e) butter. *All other cheeses (with calcium content ≤320 mg/100 g) are classified as a category 2 food product.	28

225

Nutrient profiling scoring method

Item 1: Steps in determining a nutrient profiling score

1.1 For a food in Category 1 in Table 1, calculate the food's –

1.1.1 baseline points in accordance with item 2 (below); then

1.1.2 fruit and vegetable points in accordance with item 4 (below) (**V points**); then

1.1.3 protein points in accordance with item 5 (below) (**P points)**; then

1.1.4 final score in accordance with item 7 (below) (**the nutrient profile score**).

Note:
Category 1 foods do not score fibre (F) points.

1.2 For a food in Category 2 in Table 1, calculate the food's –

1.2.1 baseline points in accordance with item 2 (below); then

1.2.2 fruit and vegetable points in accordance with item 4 (below) (**V points**); then

1.2.3 protein points in accordance with item 5 (below) (**P points**); then

1.2.4 fibre points in accordance with item 6 (below) (**F points**); then

1.2.5 final score in accordance with item 7 (below) (**the nutrient profile score**).

1.3 For a food in Category 3 in Table 1, calculate the food's –

1.3.1 baseline points in accordance with item 3 (below); then

1.3.2 fruit and vegetable points in accordance with item 4 (below) (**V points**); then

1.3.3 protein points in accordance with item 5 (below) (**P points**); then

1.3.4 fibre points in accordance with item 6 (below) (**F points**); then

1.3.5 final score in accordance with item 7 (below) (**the nutrient profile score**).

Item 2: Baseline points for Category 1 or 2 foods

2.1 Use the information in Table 2 and the formula in item 2.2 to work out the baseline points (up to 10 for each nutrient), for the content of each nutrient in 100 g of the food product.

Table 2: Baseline Points for Category 1 or 2 Foods

Baseline points	Average energy content (kJ) per 100 g	Average saturated fatty acids (g) per 100 g	Average total sugars (g) per 100 g	Average sodium (mg) per 100 g
0	≤335	≤1.0	≤5.0	≤90
1	>335	>1.0	>5.0	>90
2	>670	>2.0	>9.0	>180
3	>1005	>3.0	>13.5	>270
4	>1340	>4.0	>18.0	>360
5	>1675	>5.0	>22.5	>450
6	>2010	>6.0	>27.0	>540
7	>2345	>7.0	>31.0	>630
8	>2680	>8.0	>36.0	>720
9	>3015	>9.0	>40.0	>810
10	>3350	>10.0	>45.0	>900

2.2 Calculate the baseline points using the following formula –

Total baseline points = (points for average energy content) + (points for saturated fatty acids) + (points for total sugars) + (points for sodium)

227

Item 3: Baseline points for Category 3 foods

3.1 Use the information in Table 3 and the formula in item 3.2 to work out the baseline points (up to 10 for each nutrient), for the content of each nutrient in 100 g of the food product.

TABLE 3: BASELINE POINTS FOR CATEGORY 3 FOODS

Points	Average energy content (kJ) per 100 g	Average saturated fatty acids (g) per 100 g	Average total sugars (g) per 100 g	Average sodium (mg) per 100 g
0	≤ 335	≤1.0	≤ 5.0	≤ 90
1	>335	>1.0	>5.0	>90
2	>670	>2.0	>9.0	>180
3	>1005	>3.0	>13.5	>270
4	>1340	>4.0	>18.0	>360
5	>1675	>5.0	>22.5	>450
6	>2010	>6.0	>27.0	>540
7	>2345	>7.0	>31.0	>630
8	>2680	>8.0	>36.0	>720
9	>3015	>9.0	>40.0	>810
10	>3350	>10.0	>45.0	>900
11	>3685	>11.0		>990
12		>12.0		>1080
13		>13.0		>1170
14		>14.0		>1260
15		>15.0		>1350
16		>16.0		>1440
17		>17.0		>1530
18		>18		>1620

228

Points	Average energy content (kJ) per 100 g	Average saturated fatty acids (g) per 100 g	Average total sugars (g) per 100 g	Average sodium (mg) per 100 g
19		>19.0		>1710
20		>20.0		>1800
21		>21.0		>1890
22		>22.0		>1980
23		>23.0		>2070
24		>24.0		>2160

3.2 Calculate the baseline points using the following formula –

Total baseline points = (points for average energy content) + (points for saturated fatty acids) + (points for total sugars) + (points for sodium)

Item 4: Fruit and vegetable points (V points)

4.1 V points ***can*** be scored for fruits, vegetables, nuts and legumes including coconut, spices, herbs, fungi, seeds and algae (**fvnl**) including –

4.1.1 fvnl that are fresh, cooked, frozen, tinned, pickled, or preserved; and

4.1.2 fvnl that have been peeled, diced, or cut (or otherwise reduced in size), puréed or dried;

and

4.2 V points ***cannot*** be scored for –

4.2.1 a constituent, extract or isolate of a food

4.2.2 cereal and pseudo grains

Note:

An example of a constituent, extract or isolate under paragraph 4(2)(a) is peanut oil derived from peanuts or groundnuts. In this example, peanut oil would not be able to score V points. Other examples of extracts or isolates are fruit pectin, oat bran, wheat bran, de-ionised fruit juice et cetera. For the purposes of this Table, "**peanuts**"

mean the kernels of the underground fruit of the plant *Arachis hypogaea* of the species/legume family *Fabaceae* and **"groundnuts"** have a similar meaning.

4.3 Despite item 4.2, V points may be scored for –

4.3.1 fruit juice or vegetable juice as including concentrated juices and purees;

4.3.2 coconut flesh (which is to be scored as a nut), whether juiced, dried, or desiccated, but not processed coconut products such as coconut milk, coconut cream or coconut oil; and

4.3.3 the water in the centre of the coconut.

4.4 Calculate the percentage of fvnl in the food and not the form of the food determined in accordance with item 4.6 (below).

Note:
The effect of item 4.4 is to make it a requirement to determine the percentage of fvnl. For this item only, it is not necessary to consider the form of the food determined by item 4.6 (below).

4.5 Use Column 1 of Table 4 if the fruit or vegetables in the food product are all concentrated (including dried).

Note:
For example, if dried fruit and tomato paste are the components of the food product for which V points can be scored, column 1 should be used.

4.6 Use Column 2 of Table 3 if –

4.6.1 there are no concentrated (or dried) fruit or vegetables in the food product; or

4.6.2 the percentages of all concentrated ingredients are calculated based on the ingredient when reconstituted; or

4.6.3 the food product contains a mixture of *a mixture of concentrated fruit or vegetables and non-concentrated* fvnl sources (after following the formula mentioned in item 4.8; or

4.6.4 the food product is potato crisps or a similar low moisture vegetable product.

4.7 Work out the V points (to a maximum of 8) in accordance with Table 4.

TABLE 4:V POINTS

	Column 1	**Column 2**
Points	**% concentrated fruit or vegetable**	**% fvnl**
0	<25	≤40
1	≥25	>40
2	≥43	>60
5	≥67	>80
8	=100	=100

4.8 If the food product contains a mixture of concentrated fruit and vegetables and non-concentrated fvnl sources, the percentage of total fvnl must be worked out as follows

(% non-concentrated fvnl) + (2 x % concentrated fruits or vegetables) X

100

(%non-concfvnl) + (2 x % conc fruits or vegetables) + (% non fvnl ingredient)

1

JWhere –

% non-concentrated fvnl/concentrated fruit or vegetables means the percentage of fvnl in the food.

Fvnl has the meaning given by item 4.1.

4.9 For the formula in item 4.8, potato crisps and similar low moisture vegetables products are taken to be non-concentrated.

Item 5: Protein points (P points)

5.1 Use Table 5 to determine the 'P points' scored, depending on the amount of protein in the food product. A maximum of five points can be awarded.

5.2 Food products that score ≥ 13 baseline points are not permitted to score points for protein unless they score five or more points for fvnl.

TABLE 5: P POINTS

Points	Protein (g) per 100 g
0	≤1.6
1	>1.6
2	≥3.2
3	>4.8
4	>6.4
5	>8.0

Item 6: Fibre points (F points)

6.1 Use Table 6 to determine the 'F points' scored, depending on the amount of dietary fibre in the food product. A maximum of five points can be awarded.

6.2 The prescribed method of analysis to determine total dietary fibre is outlined in these Regulations.

6.3 Category 1 foods do not score F points.

232

Table 6: F POINTS

Points	Dietary fibre (g) per 100 g
0	≤0.9
1	>0.9
2	>1.9
3	>2.8
4	>3.7
5	>4.7

Item 7: Calculating the final score

Calculate the final score using the following formula –

Final score = Baseline points – (V points) – (P points)

233

ANNEXURE 9

ILLUSTRATIVE LIST OF FOODS THAT NEED ONLY A "DATE OF MANUFACTURE" OR A "DATE OF PACKAGING", AS APPROPRIATE AND FOOD SAFETY IS NOT COMPROMISED IN ANY WAY

- Acetic acid (excluding any fermented kind of vinegars);
- Any alcoholic beverage as described in the Liquor Products Act, 1989 (Act No. 60 of 1989);
- Bakers' or pastry-cooks' wares (ready-to-eat flour confectionary), given the nature of their content, are normally consumed within 48 hours of their manufacture: provided that the date of manufacture is indicated on the scale label or in the direct vicinity where the products are displayed;
- Biltong and dried sausage which have not been pre-packed;
- Chewing gum;
- Confectionery products consisting of flavoured and/or coloured sugars;
- Fresh fruits and vegetables, including tubers, which have not been peeled, cut or similarly treated;
- Honey except for the date the honey was pre-packed;
- Non-iodized food grade salt;
- Non-fortified solid sugars;
- Unprocessed, unpacked fish, unprocessed, unpacked meat and unprocessed, unpacked poultry which have not been pre-packed;
- Wines, liqueur wines, sparkling wines, aromatized wines, fruit wines and sparkling fruit wines.

234

ANNEXURE 10

FRONT OF PACK NUTRITION LABELLING (FOPL) LOGOS

1) Elements of FOPL

a) Foodstuffs which exceed the nutrient cut-off values of the NPM are required to carry a FOPL in terms of regulation 51(1) shall carry a label complying with the specifications outlined in this annexure.

b) The FOPL must be clearly visible and, insofar as possible, be integrated into the packaging. The FOPL may not be partially or completely covered by any other element. It is also possible to use indelible adhesives on the label, provided that they meet the requirements of characteristics, size, and location established in this Annexure.

c) The form of the FOPL shall appear as detailed in figure 1.1.

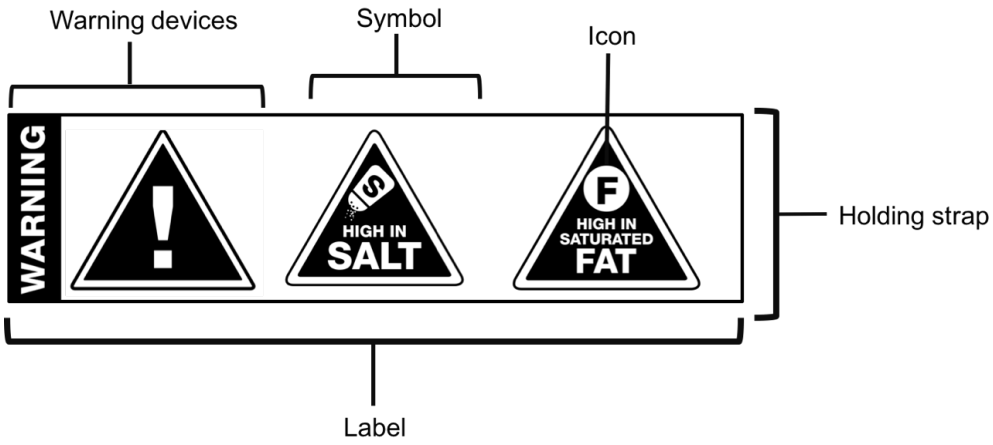


Figure 1.1

235

d) The FOPL shall consist of a black-bordered white holding strap containing black triangle symbols with white text. The word “WARNING” shall appear on the left side of the holding strap as detailed in Figure 1.2.

Figure 1.2

2) **Symbols**

a) The FOPL shall include symbols for any nutrient of concern exceeding the nutrient cut-offs specified by the NPM criteria and reflect the symbol correlating with each nutrient that is in excess, as detailed below:

i) Figure 2.1 must appear on any foodstuffs that exceed the threshold set for total sugar.

ii) Figure 2.2 must appear on any foodstuffs that exceed the threshold set for total saturated fat.

iii) Figure 2.3 must appear on any foodstuffs that exceed the threshold set for total sodium.

iv) Figure 2.4 must appear on any foodstuffs that contain artificial sweetener.

Figure 2.1

Figure 2.2

Figure 2.3

Figure 2.4

b) Each FOPL shall carry an ‘" exclamation mark triangle” as detailed in figure 2.5 which will serve as the anchor logo.

3) **Size of the Logos**

Figure 2.5

237

a) The FOPL shall be placed on the top right-hand side of the front of the package.

b) The front of the package shall be calculated utilising the formulas for calculating the principal display panel outlined in table 3.1

Table 3.1: Formulas for calculation of principal display panel	
Rectangle	Height x width of largest side
Cylindrical shape	40% of height x circumference
Special cylindrical shape	40% of height x circumference OR area of the lid (whichever is greatest)
Tapered tube	40% of the height x average of the top and bottom circumference
Other shapes	40% of total surface

c) Irrespective of the size of the package, the FOPL shall not have a height smaller than 1.5 cm.

d) The FOPL shall be placed at the top right-hand corner of the front-of-pack and shall not be obscured, distorted.

e) The FOPL shall cover no less than the prescribed percentage of the front of package as follows:
   i) An FOPL bearing one symbol with the warning triangle shall take up no less than 10% of the front of the package.
   ii) An FOPL bearing two symbols with the warning triangle shall take up no less than 15% of the front of the package.
   iii) An FOPL bearing three symbols with the warning triangle shall take up no less than 20% of the front of the package.
   iv) The FOPL bearing four symbols shall cover no less than 25% of the front of the package.

238

4) Presentation of logos

a) The exclamation triangle (figure 2.5) must appear on the left side of the holding strap. Additional logos must appear next to the exclamation triangle from left to right as detailed below. The order of additional logos is not prescribed. Figures below demonstrate the configurations for two, three and four logos.

b) Manufacturers may use an alternative configuration of the FOPL should the package not allow for the horizontal line. Manufacturers may opt for a vertical configuration on the right-hand side of the front-of-pack configured, as shown in Figure 4.1. Alternatively, a manufacturer may utilise the clustered configuration, as shown in Figure 4.1.

239

Figure 4.1

Figure 4.2

Proportions of the Logos

a) The FOPL shall follow the proportions outlined in figures 5.1 to 5.3 as detailed below.

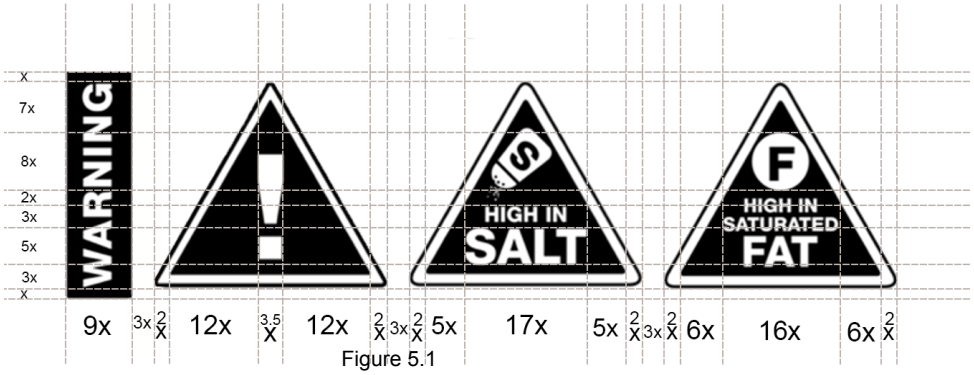


Figure 5.1

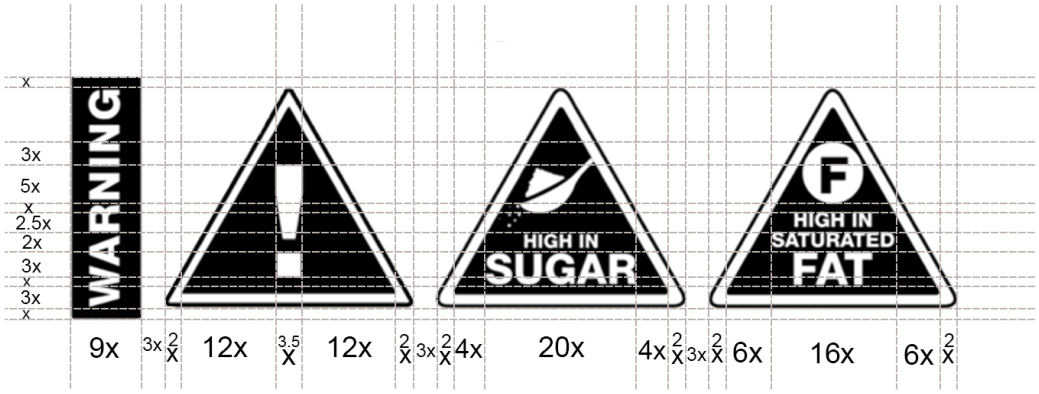


Figure 5.2

CONTINUES ON PAGE 386 OF BOOK 4

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
Publications: Tel: (012) 748 6053, 748 6061, 748 6065

Government Gazette
Staatskoerant

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID AFRIKA

Regulation Gazette *No. 11574* *Regulasiekoerant*

Vol. 694 21 April / April 2023 No. 48445

PART 4 OF 4

ISSN 1682-5845

9 771682 584003 48445

240

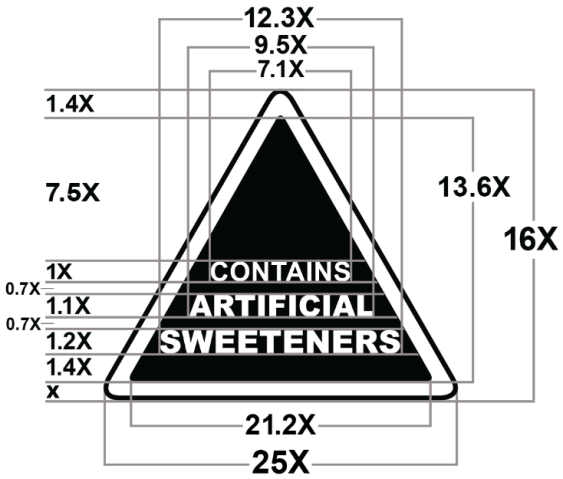


Figure 5.3

a) The alternative vertical or clustered configurations of the FOPL shall follow the proportions as outlined in Figures 5.4 and 5.5.

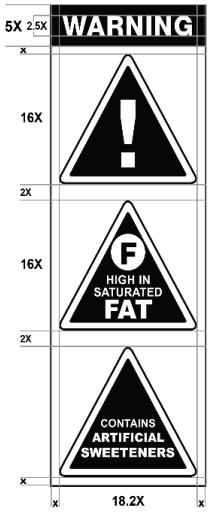


Figure 5.4

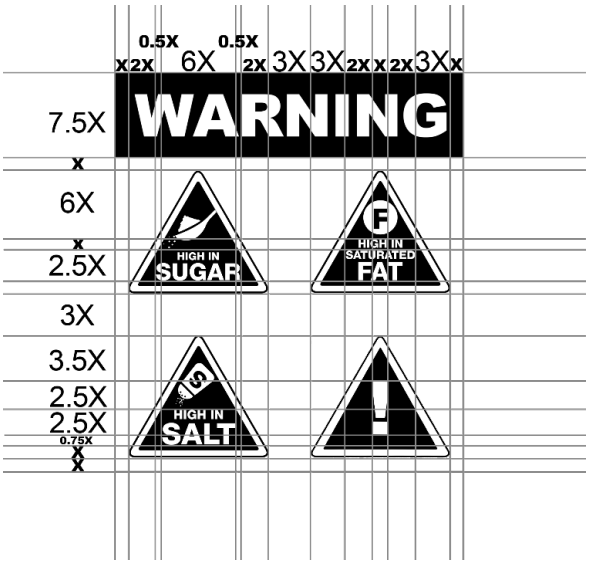


Figure 5.5

241

Colour

a) The FOPL shall consist of black warning devices and symbols on a white holding strap with white text with the following colour composition for elements indicated in black:

C	M	Y	K
0	0	0	100

Example colour:

5) Typography

a) The font used in the iconography is the "Arial Black" family, specifically its "bold" presentation. An example of typography is detailed in Figure 6.1

ABCDEFGHIJKLMNO
PQRSTUVWXYZ

Figure 6.1

242

High Quality Graphics of the Logos

Below are higher resolution versions of the symbols and devices for use in the FOPL

243

244

245

DEPARTMENT OF SOCIAL DEVELOPMENT

NO. R. 3321 **21 April 2023**

SOCIAL SERVICE PROFESSIONS ACT, 1978 (ACT NO. 110 OF 1978)

ALLOWANCES PAYABLE TO MEMBERS OF COUNCIL

I, **Lindiwe Zulu**, Minister of Social Development, has in terms of Sections 28(1)(b) of the Social Service Professions Act, 1978 (Act No. 110 of 1978), and on the recommendation of the South African Council for Social Service Professions, made the regulations set out in the Schedule hereto.

Ms L. Zulu, MP
MINISTER OF SOCIAL DEVELOPMENT
DATE:14/12/2022

SCHEDULE

Definitions

1. In these Regulations any word or expression to which a meaning has been assigned in the Act, shall have been [sic] such meaning, unless the context indicates otherwise-

'Act' means the Social Service Professions Act 110 of 1978 and includes the regulations, schedules and rules;

'chairperson' means a person appointed as a chairperson of the Professional Board or the chairperson of a committee;

'committee' means a committee established under sections 9, 10, 14C(1)*(f)*, 21(7) and 28(1)*(g*D*)*(vi) of the Act;

'meeting' means any scheduled or special meetings of the Council, a Professional Board, a Committee, a task team established through a resolution of the Council or a Professional Board, or an *ad hoc* meeting that is convened for a purpose related to the business of the Council whether virtually or physically;

'member' means a member of the Council, Professional Board or a committee;

'other business' means any activity where a member must attend to matters pertaining to the mandate of Council, a Professional Board, or a Committee, which does not include the attendance of a prescribed meeting; and

'president' means the president of the Council.

Allowances payable to members

2. (1) The Council shall pay allowances to members as provided for in subregulation (2).

(2) Members shall be paid the following allowances with the amounts as prescribed in Annexure A:

(a) An allowance as set out in Annexure A is payable to a member attending a meeting or other business irrespective of the duration of such meeting or other business;

(b) Where more than one meeting or other business is attended on the same day, the allowance will be limited to the amount payable for one meeting or other business only as contemplated in paragraph (a);

(c) A working allowance is payable to a member for the purpose of preparing for a meeting of the Council or a Professional Board to maximum of eight hours per meeting;

(d) A communication allowance is payable to a member as set out in Annexure A;

(e) An allowance for subsistence is payable to a member when a member is away from his or her place of residence for the purpose of attending a meeting or for conducting of any such other business and shall be calculated per night that the member is away from his or her place of residence;

(f) The travel costs payable to a member attending a meeting or to conduct other business include, where applicable-

(i) fee for the parking of a member's private vehicle at an airport or the taxi or shuttle fee from the member's residence to the relevant airport;

(ii) airfare for economy class;

(iii) the taxi or shuttle fee from the airport at the destination of the meeting to the place where the meeting is held and/or to the place of overnight accommodation;

(iv) hotel accommodation, meals and soft drinks, as prescribed, if a member, subject to the permission of the Registrar, arranges and pays for his or her own accommodation;

(v) motor vehicle allowance if a member uses his or her own private transport to attend a meeting or conduct business per kilometre based on the applicable Automobile Association rates: Provided that the distance shall not exceed five hundred (500) kilometres for single direction from the member's home and back;

(vi) motor vehicle allowance if a member uses his or her own private transport to attend a meeting or conduct business for a distance exceeding 500 kilometres for single direction, an amount payable shall be the lesser of the amount of an airfare (VAT excluded), if there are scheduled flights for the route; or the prescribed kilometre allowance.

(3) The provisions of subregulation 2(a) shall be applicable in the same manner, to a member who, during a meeting or other business, is obliged to travel to his or her place of residence or other place and back to the venue of that meeting or business, if the President or chairperson is convinced of the necessity of such journey.

(4) The Council shall on an annual basis determine the maximum cost or cost range for the travel, accommodation and meals for members attending a meeting or other business, arranged directly by the Registrar or designated person.

(5) Any changes to arrangements after costs have been incurred by the Council or agreed upon in terms of subregulations (2)(f) and (4) in respect of airfares, the additional cost shall be at the cost of a member, unless the motivation for such a change is at the direction of the Council, a Professional Board, a Committee, or the Registrar or in case of personal reasons that warrant such a change.

Submission and payment of claims

3. All claims for allowances or other expenditure by a member shall be submitted with the necessary proof, to the Registrar in the form determined by the Council within 14 calendar days.

Repeal

4. The regulations made under the Social Service Professions Act, 1978, published as GN R76 in *GG* 42980 of 31 January 2020 are hereby repealed.

Short title and commencement

5. These Regulations are called the Regulations regarding allowances payable to members.

ANNEXURE A

ALLOWANCES PAYABLE IN ACCORDANCE WITH REGULATION 2

S/N	ALLOWANCE	AMOUNT
(a)	Allowance for the President or a chairperson in terms of the regulation 2(2)*(a)*.	R1 184.00 per day or R 132.00 per hour
(b)	Allowance for a member in terms of the regulation 2(2)*(a)*.	R1 038.00.00 per day or R 129,50 per hour
(c)	For president and chairmen ordinary members	R 132.00 per hour per hour for the President and Chairperson R 129 50 per hour for ordinary member
(d)	Allowance for the President and chairperson in terms of regulation 2(2)*(c)*.	R 132.00 per hour
(e)	Communication allowance to the President and a chairperson of a Professional Board in terms of regulation 2(2)*(d)*.	R720.00 per month for the President and a chairperson of a Professional Board R600.00 per month for ordinary member
(f)	Subsistence allowance in terms of the regulation 2(2)*(e)*	R600.00 per night

S/N	ALLOWANCE	AMOUNT
(g)	Airfare in terms of regulation 2(2)*(j)*(ii)	The value of an economic class ticket
(h)	The motor vehicle kilometre allowance in terms of regulation 2(1)*(j)*(v) and (vi)	Automobile Association rates
(i)	Hotel accommodation in terms of regulation 2(2)*(f)*(iv)	Three-star hotel as per government rates.
(j)	Dinner allowance in terms of regulation 2(2)*(f)*(iv), if not included in hotel rate contemplated in paragraph *(j)*	Maximum of R235.00 per person per dinner
(k)	Breakfast allowance in terms of regulation 2(2)*(j)*(iv), if not included in hotel rate contemplated in paragraph *(j)*.	R170.00 per person

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
Publications: Tel: (012) 748 6053, 748 6061, 748 6065