

**REPUBLIC OF SOUTH AFRICA**  
**REPUBLIEK VAN SUID-AFRIKA**

**Vol. 557**

**Pretoria, 25 November 2011**

**No. 34767**

For purposes of reference, all Proclamations, Government Notices, General Notices and Board Notices published are included in the following table of contents which thus forms a weekly index. Let yourself be guided by the Gazette numbers in the righthand column:

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**IMPORTANT ANNOUNCEMENT****Closing times **PRIOR TO PUBLIC HOLIDAYS** for  
GOVERNMENT NOTICES, GENERAL NOTICES,  
REGULATION NOTICES AND PROCLAMATIONS****2011**

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

- ▶ **8 December**, Thursday, for the issue of Thursday **15 December 2011**
- ▶ **14 December**, Wednesday, for the issue of Friday **23 December 2011**
- ▶ **20 December**, Tuesday, for the issue of Friday **30 December 2011**
- ▶ **28 December**, Wednesday, for the issue of Friday **6 January 2012**

Late notices will be published in the subsequent issue, if under special circumstances, a late notice is accepted, a double tariff will be charged

The copy for a **SEPARATE Government Gazette** must be handed in not later than three calendar weeks before date of publication

**BELANGRIKE AANKONDIGING****Sluitingstye **VOOR VAKANSIEDAE** vir  
GOEWERMENTS-, ALGEMENE- & REGULASIE-  
KENNISGEWINGS ASOOK PROKLAMASIES****2011**

Die sluitingstyd is stiptelik **15:00** op die volgende dae:

- ▶ **8 Desember**, Donderdag, vir die uitgawe van Donderdag **15 Desember 2011**
- ▶ **14 Desember**, Woensdag, vir die uitgawe van Vrydag **23 Desember 2011**
- ▶ **20 Desember**, Dinsdag, vir die uitgawe van Vrydag **30 Desember 2011**
- ▶ **28 Desember**, Woensdag, vir die uitgawe van Vrydag **6 Januarie 2012**

Laat kennisgewings sal in die daaropvolgende uitgawe geplaas word. Indien 'n laat kennisgewing wel, onder spesiale omstandighede, aanvaar word, sal 'n dubbeltarief gehef word

Wanneer 'n **APARTE Staatskoerant** verlang word moet die kopie drie kalenderweke voor publikasie ingedien word

**PROCLAMATION***by the**President of the Republic of South Africa***No. 63, 2011****NATIONAL PROSECUTING AUTHORITY ACT, 1998****Powers, duties and functions assigned to the Special Director of Public Prosecutions**

Under section 13(1) (c) of the National Prosecuting Authority Act, 1998 (Act No. 32 of 1998), I, hereby confer, impose and assign, subject to the control of the National Director of Public Prosecutions, the following powers, duties and functions on or to **Adv Lawrence Sithembiso Mrwebi**, a Special Director of Public Prosecutions in the Office of the National Director of Public Prosecutions, appointed in terms of the said provisions:

- (a) To head the Specialised Commercial Crime Unit in the Office of the National Director and to conduct prosecutions of commercial crime cases;
- (b) To manage and direct the investigation and prosecution of serious organised and complex financial crimes;

- (c) To manage special projects and operations as per the directives of the National Director; and
- (d) Generally, to give such advice or rendering such assistance to the National Director as may be required to exercise the powers, carry out the duties and perform the functions which are conferred or imposed or assigned to the National Director by the Constitution or any other law.

Given under my Hand at ...Cape Town... on this 26<sup>th</sup> Day of ...October... 2011

A stylized, handwritten signature in black ink, likely belonging to Jacob Zuma, the President of South Africa at the time.

PRESIDENT

A handwritten signature in black ink, reading "J. Radebe".

MINISTER OF CABINET

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**GOVERNMENT NOTICES**  
**GOEWERMENTSKENNISGEWINGS**

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**DEPARTMENT OF MINERAL RESOURCES**  
**DEPARTEMENT VAN MINERALE BRONNE**

**No. 961**

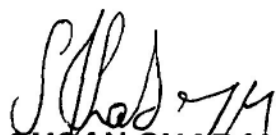
**25 November 2011**

**EC 30/5/1/3/1 MP**

**MINERAL AND PETROLEUM RESOURCES DEVELOPMENT ACT, 2002**  
**(ACT NO. 28 OF 2002)**

**EXEMPTION OF ORGANS OF STATE IN TERMS OF SECTION 106(1) OF  
THE MINERAL AND PETROLEUM RESOURCES DEVELOPMENT ACT,  
2002 (ACT 28 OF 2002), FROM CERTAIN PROVISIONS OF THE SAID ACT**

I, **SUSAN SHABANGU**, in my capacity as Minister of Mineral Resources, acting in terms of section 106(1) of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002), hereby, subject to the provisions of the Act, exempt Tsolwana Municipality from the provisions of sections 16, 20, 22 and 27 of the said Act in respect of any activity to remove any mineral within the area of jurisdiction of the said Municipality for the construction and maintenance of roads and infrastructure and for purposes incidental thereto.



**SUSAN SHABANGU**  
**MINISTER OF MINERAL RESOURCES**

No. 962

25 November 2011

EC 30/5/1/3/1 MP

**MINERAL AND PETROLEUM RESOURCES DEVELOPMENT ACT, 2002  
(ACT NO. 28 OF 2002)**

**EXEMPTION OF ORGANS OF STATE IN TERMS OF SECTION 106(1) OF THE  
MINERAL AND PETROLEUM RESOURCES DEVELOPMENT ACT, 2002 (ACT 28  
OF 2002), FROM CERTAIN PROVISIONS OF THE SAID ACT**

I, **SUSAN SHABANGU**, in my capacity as Minister of Mineral Resources, acting in terms of section 106(1) of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002), hereby, subject to the provisions of the Act, exempt Ingquza Hill Local Municipality from the provisions of sections 16, 20, 22 and 27 of the said Act in respect of any activity to remove any mineral within the area of jurisdiction of the said Ingquza Hill Local Municipality for the construction and maintenance of roads and infrastructure and for purposes incidental thereto.

  
**SUSAN SHABANGU**  
**MINISTER OF MINERAL RESOURCES**

**DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM  
DEPARTEMENT VAN LANDELIKE ONTWIKKELING EN GRONDHERVORMING**

**No. 963****25 November 2011**

**AMENDMENT OF GAZETTE NOTICE NO.644 OF 2008 IN TERMS OF RESTITUTION OF  
LAND RIGHTS ACT, (ACT NO.22 OF 1994) AS AMENDED.**

Amendment of Gazette Notice is hereby given in terms of section 11A(1) of the Restitution of Land Rights Act, Act No. 22 of 1994 as amended, that a claim for restitution of land rights has been lodged on the Remaining Extent of Portion 9 of the farm Vrederust 84 KS.

The claim was lodged by Barend Johannes Venter, ID NO: 570809 5032 002 who is the originally dispossessed on property mentioned in the table below before the 31<sup>st</sup> December 1998. The claimant is currently residing at Pretoria in Tshwane Local Municipality.

PROPERTY	CURRENT OWNER	TITLE DEED	EXTENT (HECTARE S)	BONDS AND RESTRICTIVE CONDITIONS	HOLDER
R/E of Portion 9 of the farm Vrederust 84 KS	National Government Republic of South Africa	T25501/1982	77.4259	KS,84,9 K1131/1973S K82/1985S	No details

**Take further notice** that the Office of the Regional Land Claims Commissioner of Limpopo is investigating this claim. Any party that has an interest in the above-mentioned properties is hereby invited to submit in writing within **30** days of publication of this notice, any comment, and/ or objection to this claim to the Office Regional Land Claims Commissioner at the addresses set out below under reference number **KRP 488**.

**The Office of the Regional Land Claims  
to:**

**Commissioner: Limpopo  
Private Bag X9552  
POLOKWANE  
0700**

**Submission may also be delivered**

**First Floor, 96 Kagiso House  
Corner Rissik & Schoeman Streets  
POLOKWANE  
0700**

**SINGH S  
ACTING REGIONAL LAND CLAIMS COMMISSIONER**



**DEPARTMENT OF PUBLIC ENTERPRISES  
DEPARTEMENT VAN OPENBARE ONDERNEMINGS**

No. 964

25 November 2011

**REPUBLIC OF SOUTH AFRICA**

**NATIONAL PORTS ACT NO. 12 OF 2005**

**APPLICATIONS FOR TERMINAL OPERATOR LICENCES: DETERMINATION OF A  
DATE UNDER SECTION 65 OF THE NATIONAL PORTS ACT 12 OF 2005**

Pursuant to the provisions of the National Ports Act No.12 of 2005 ("the Act"), the Transnet National Ports Authority ("the Authority") is required to invite terminal operators who operated a port terminal at the time of commencement of the Act (26 November 2006) within South African commercial ports, to apply for a terminal operator licence, to be issued in terms of section 57 read with section 65 of the Act.

I, MALUSI GIGABA ,Minister of Public Enterprises, do hereby in terms of section 65 of the Act determine that any person who managed and operated an automotive, break bulk, container, dry bulk, liquid bulk or multi-purpose cargo terminal immediately prior to 26 November 2006 and who wishes to continue to do so, must apply for a terminal operator licence in respect of that terminal within six (6) months from 1 December 2011 (the determined date) and as prescribed by the Authority in its invitation to follow this one, in terms of section 57 read with section 65 of the Act.

From the end of the six month period contemplated in this ministerial notice, no terminal operations, as defined in the Act, that were undertaken at the time of commencement of the Act (26 November 2006) may be conducted within ports without a valid terminal operator licence issued by the Authority.

Following this notice, the Authority must issue an invitation to all qualifying terminal operators to apply for a terminal operator licence to be issued in terms of section 57 read with section 65 of the Act.

**M. GIGABA MP**

**MINISTER OF PUBLIC ENTERPRISES**

## GENERAL NOTICES ALGEMENE KENNISGEWINGS

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### NOTICE 816 OF 2011

#### MEMORANDUM OF AGREEMENT

Entered into between

#### THE COMPETITION COMMISSION

(Hereinafter referred to as "the Commission") a juristic person established in terms of the provisions of section 19 of the Competition Act, 1998 (Act No. 89 of 1998), as amended, herein duly represented by Mr. Shan Ramburuth, in his capacity as the Commissioner of the Commission

And

#### THE NATIONAL GAMBLING BOARD

(Hereinafter referred to as "the Board")

a statutory body established in terms of section 2 of the National Gambling Act, 1996 (Act No 33 of 1996) and retained under section 64(1) of the National Gambling Act, 2004 (Act No.7 of 2004), herein duly represented by Ms Baby Tyawa, in her capacity as the Chief Executive Officer of the Board

(Hereinafter jointly referred to as "the Parties")

Whereas the Commission, in terms of section 21 of the Competition Act, 1998, is responsible for, *inter alia*:

- investigating and evaluating alleged contraventions of Chapter 2; ;
- granting or refusing applications for exemptions in terms of Chapter 2; and
- authorise, with or without conditions, prohibit or refer mergers of which it receives notice in terms of Chapter 3.

Whereas the Board, in terms of section 65 of the National Gambling Act, 2004 is responsible for, *inter alia*:

- monitoring and investigating, when necessary, the issuing of national licences by provincial licensing authorities for compliance with the National Gambling Act, 2004;

- monitoring socio-economic patterns of gambling activity within the Republic and in particular research and identify factors relating to, and patterns, causes and consequences of –
  - (i) the socio-economic impact of gambling; and
  - (ii) addictive or compulsive gambling;
- carrying responsibilities set out in section 33 as well as objects and functions set out in section 65.

The parties recognise the need for the Commission to conclude similar agreements with the provincial gambling boards in view of the fact that casinos, racing, gambling and wagering are matters of concurrent national and provincial legislative competence in terms of the Constitution;

Whereas the parties recognise that the Board is enjoined by section 65 (2) (e) of the National Gambling Act, 2004 to monitor market share and market conduct in the gambling industry and to refer any concerns regarding market share or possible prohibited practices to the Commission;

Whereas concurrent jurisdiction between the parties with regard to certain conduct has been established by section 3 (1A) (a) of the Competition Act, 1998;

Whereas the Competition Act in section 21(1)(h), read with sections 3(3)(b) and 82(1) and (3) of that Act, requires the parties to enter into an agreement in order to –

- identify and establish procedures for the management of areas of concurrent jurisdiction; and
- co-ordinate and harmonise the exercise of jurisdiction over competition matters within the gambling industry;

Whereas the Commission and the Board intend to establish and maintain a co-operative relationship for the provision of mutual assistance and advice in order to ensure the consistent application of the relevant legislation;

Therefore the parties agree to regulate their relationship in accordance with the terms of this Agreement as set out hereunder.

## **1. Objective and Scope**

The objective of this Agreement is to establish a formal basis for –

- 1.1. co-operation in the exercise of concurrent jurisdiction over competition matters within the gambling industry;
- 1.2. managing areas of concurrent jurisdiction;



- 1.3. promoting co-operation between the parties in general, including in respect of the setting of standards or conditions that affect competition in the gambling industry, any joint investigations, market inquiries and/or research studies that the parties may agree to undertake; and
- 1.4. providing for the exchange of information and the protection of confidential information.

## 2. Commencement and duration

This Agreement will commence on the date of signature thereof by the party last to sign it and shall endure until termination thereof in accordance with clause 7.

## 3. Approval of merger transactions

### (A) *Application for merger approval: Concurrent Jurisdiction*

- 3.1. Where a transaction appears to the Board or the Commission to require the approval of both parties, the parties may consult each other in terms of clause 3.2 below.
- 3.2. The parties may consult each other for purposes of evaluating the manner in which the transaction may be managed. In doing this, the parties must have regard to the principle that:
  - 3.2.1. the Commission is to exercise primary authority in the review of mergers within the gambling industry in order to give effect to the Competition Act; and
  - 3.2.2. the Board has primary authority to exercise powers and perform duties assigned to it in terms of the National Gambling Act, 2004 in order to give effect to its relevant legislations, including but not limited to the consideration of applications for transfers of licenses and or acquisitions of businesses of licensees.

### (B) *Application for merger approval: No concurrent jurisdiction*

- 3.3. Where an application to the Commission or the Board requires the approval of either party, but not both, the following shall apply -
  - 3.3.1 if the Board is the party whose approval is required, it may, if it is required by section 54 of the National Gambling Act, 2004 take into account considerations of competition, consult with and obtain input from the Commission so as to ensure the consistent application of competition principles to the transaction in question.
  - 3.3.2 if the Commission is the party whose approval is required, it may, if it deems it necessary to take into account regulatory aspects that affect or relate to the gambling industry regulated by the Board, consult with and obtain input from the Board so as to ensure the consistent application of regulation principles to the transaction in question.



#### 4. Investigation of complaints into prohibited practices

- 4.1. Where a complaint is lodged about a practice in respect of which the parties have concurrent jurisdiction, the following process shall be followed –
- 4.1.1. the party that receives the complaint ("the recipient regulator") shall ensure that the said complaint is made available to the other party within seven (7) days after a formal decision to investigate the complaint has been taken;
  - 4.1.2. where the recipient regulator deems it appropriate, the recipient regulator may inform the complainant(s) that the matter will be discussed jointly by the Commission and the Board in terms of this Agreement;
  - 4.1.3. the parties shall consult with each other in order to establish how the matter may be managed and/or resolved; and
  - 4.1.4. In evaluating how the complaint may be managed, the parties must have regard to the principle that –
    - 4.1.4.1. the Commission is to exercise primary authority to detect and investigate alleged prohibited practices in order to give effect to the Competition Act; and
    - 4.1.4.2. taking into account the powers and roles of the provincial gambling boards, the Board has primary authority to exercise powers and perform duties assigned to it in terms of the National Gambling Act, 2004 in order to give effect to its relevant legislations.
  - 4.1.4. In the event that the matter is dealt with by the Commission, representatives from the Board may participate in the matter through, inter alia, attending meetings when required, providing inputs during the case investigation, and making representations at the Competition Tribunal hearing if necessary;
  - 4.1.5. In the event that the matter is dealt with by the Board, representatives from the Commission may participate in the matter through, inter alia, attending meetings when required, providing inputs during the case investigation, and making representations at the Board's proceedings if necessary;
- 4.2. If the complaint relates to a matter where either the Commission or the Board has jurisdiction, but there is no concurrent jurisdiction, the following shall apply –
- 4.2.1. the recipient regulator or the complainant must lodge the complaint with the party that has jurisdiction;



- 4.2.2. if upon receiving a complaint, the party is of the view that it does not have jurisdiction over the matter; the recipient regulator shall advise the complainant(s) accordingly and recommend that the complainant(s) refer the matter to the relevant regulator;
  - 4.2.3. if the Board is the party that has jurisdiction, it may if it deems it necessary to take into account considerations of competition, consult with and obtain input from the Commission so as to ensure the consistent application of competition principles to the matter in question; and
  - 4.2.4. If the Commission is the party that has jurisdiction, it may if it deems it necessary to take into account regulatory aspects that are subject to the jurisdiction of the Board, consult with and obtain input from the Board so as to ensure the consistent application of the regulation principles to the matter in question.
- 4.3. The decision by the regulatory authority that has jurisdiction over the complaint to consult the other regulatory authority shall be discretionary and voluntary.

## **5. Exchange of Information**

- 5.1. Subject to paragraph 6 below, the parties shall endeavour to exchange information necessary to give effect to this Agreement.
- 5.2. To facilitate an appropriate and timely response, any request for information made under this Agreement shall be made in writing or electronic format covering at least the following elements:
- 5.2.1 the purpose for which the information is sought;
  - 5.2.2 details of the request comprising information on the person or entity concerned, such as a description of the facts underlying the request, specific questions to be asked and an indication of any sensitivity about the request;
  - 5.2.3 a statement on whether, to whom and for what reasons Confidential Information is likely to be passed on.
- 5.3. All requests will be considered seriously and be replied to without undue delay.
- 5.4. The party from whom information is requested will assess each request on a case-by-case basis. In deciding whether and to what extent to fulfil a request, the party may take into account whether compliance with the request would be so burdensome as to disrupt the proper performance of the party's functions.
- 5.4. Where a request for information cannot entirely be fulfilled the request will be fulfilled to the extent possible.





- 5.5. For urgent cases in which a written request is not appropriate, a request can be presented orally subject to written confirmation within 10 business days.
- 5.6. Parties must keep records of information exchanged at all times.
- 5.7. If the costs of fulfilling a request are likely to be substantial, the party from whom the information is requested may, as a condition of agreeing to provide assistance under this Agreement, require the requesting party to make a contribution to costs.

## **6. Treatment of Confidential Information**

- 6.1. Any confidential information shared pursuant to this Agreement shall be used only for lawful purposes.
- 6.2. Parties shall share confidential information subject to their statutory confidentiality requirements.
- 6.3. The party providing confidential information pursuant to this Agreement shall clearly indicate what information is confidential to the requesting party.
- 6.4. The party requesting confidential information may be required to submit a written confidentiality undertaking in respect of the confidential information provided by the other party.

## **7. Termination**

- 7.1. This Agreement may be terminated by either party on written notice of at least 2 (two) months to the other party or by written agreement between the parties.
- 7.2. On termination of the Agreement in accordance with clause 7.1, the parties must negotiate and enter into another agreement consistent with sections 3(3), 21 and 82 of the Competition Act.

## **8. Dispute Resolution**

Should any dispute or difference arise between the Parties with regard to interpretation and/or implementation of any one or more of the provisions of this Agreement, such dispute or difference must be resolved in a manner other than through judicial proceedings.

## **9. Mutual Cooperation and Good Faith**

The parties shall, in their dealings with each other, display the utmost good faith, consult and support each other from time to time with regard to any assistance or advice which they may require in connection with fulfilling any of its commitments or the objectives of this Agreement and undertake to do all such things, perform all necessary acts and procure the taking of all necessary steps that may be necessary or incidental or conducive to give effect to the intention and the terms of this Agreement.



## 10. Points of Contact and Addresses

- 10.1 To facilitate cooperation and information exchange under this Agreement, the parties hereby designate the following principal points of contact. All communications between the parties shall take place between the relevant points of contact unless agreed otherwise in a particular case. The parties will notify each other promptly of changes with regard to the principal point of contact.

### *Representatives*

- 10.2 The parties designate the following individuals who will have the authority to administer this Agreement on their behalf and who will be responsible for the communication between them:

10.2.1 for the Board: Mr Themba Marasha

Chief Compliance Officer; and

10.2.2 for the Commission: Mr Oupa Bodibe

Manager of Strategy and Stakeholder Division

### *Addresses*

- 10.3 The parties elect the following addresses as their respective address for purposes of this Agreement. Any notice, request, consent, or other communication made between the parties pursuant to this Agreement shall be in writing and shall be deemed to have been made when delivered in person to representative of the party referred to in cause 10.2, or when sent by registered post, telex, telegram or facsimile to such representative:

10.3.1 The Board:

Physical: dti Building, Meintjies Street, Sunnyside, Pretoria

Postal: Private bag X27

Hatfield

0028

Facsimile: (012) 394 3234

10.3.2 The Commission:

Physical: dti Building, Meintjies Street, Sunnyside, Pretoria

Postal: Private Bag x23



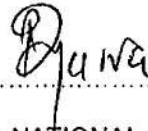
Lynwood Ridge

PRETORIA

0040

Facsimile: 0123940155

THUS SIGNED AT Pretoria ON THIS THE 13th DAY OF September 2011



for the NATIONAL GAMBLING BOARD

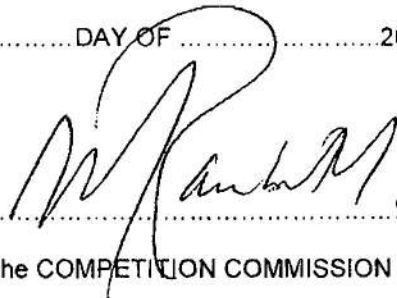
(Duly authorized hereto)

AS WITNESSES:

1. ....
2. ....

THUS SIGNED AT ..... ON THIS THE ..... DAY OF ..... 2011

In the presence of the undersigned witnesses.



for the COMPETITION COMMISSION

(Duly authorized hereto)

AS WITNESSES:

1. ....
2. ....



**11. PUBLICATION**

This Agreement shall be published in the Gazettee for public information as soon as it has been signed.

Two handwritten signatures in black ink. The signature on the left is a stylized 'Ga'. The signature on the right is a large, flowing 'R' followed by a period.

**NOTICE 817 OF 2011****NOTICE IN TERMS OF ITEM 4(C) OF PART A OF SCHEDULE 1 OF THE COMPETITION ACT 89 OF 1998 (AS AMENDED)****APPLICATION FOR AN EXEMPTION BY THE HEALTH PROFESSIONS COUNCIL OF SOUTH AFRICA IN TERMS OF PART A OF SCHEDULE 1 OF THE COMPETITION ACT****CASE NUMBER: (2008JAN3456)****REJECTION OF EXEMPTION APPLICATION**

Notice was given in the Government Gazette on 7 March 2008 (Government Notice 319 of 2008) and again on 29 May 2009 (Government Notice 596 of 2009)<sup>1</sup> that the Health Professions Council of South Africa ("the HPCSA") had, in terms of Part A of Schedule 1 of the Competition Act, 89 of 1998, as amended ("the Act"), applied to the Competition Commission ("the Commission") for an exemption from the provisions of Chapter 2 of the Act.

The application for exemption was sought in respect of the Ethical Rules of Conduct for Practitioners registered under the Health Profession Act 56 of 1974, as promulgated and published as Government Notice No. R.717 of 4 August 2006 and the amendments thereto, published as Government Notice No. R.68 of 2 February 2009 ("the Ethical Rules"). As the Ethical Rules are sanctioned by legislation, it is important to note that the Act is a law of general application which establishes the Commission to regulate competition matters in all sectors irrespective of whether the sector or industry is regulated in terms of statute or not. The Commission has jurisdiction to investigate and evaluate the competition aspects of the statutory association rules brought under cover of this exemption application.

The Ethical Rules for which an exemption was sought are as follows:

**1. Rule 3(2) – Restriction on canvassing and touting**

This rule states that a practitioner shall not canvass<sup>2</sup> or tout<sup>3</sup>, or allow canvassing or touting to be done for patients on his or her behalf.

**2. Rule 4 - Restriction on information to be printed on professional stationery by registered practitioner**

This rule restricts the type of information that a practitioner may print on letterheads, account forms and electronic stationery. This restriction does not allow the practitioners to print any other information other than what is listed in the rule<sup>4</sup>. This is mainly factual information regarding the practitioner and his/her practice.

<sup>1</sup> Supplement to the first Notice.

<sup>2</sup> Canvass - draw attention, verbally or by printed or electronic media, to one's personal qualities, superior knowledge, quality of service, professional guarantees or best practice

<sup>3</sup> Tout - conduct which draws attention, either verbally or by means of printed or electronic media, to one's offers, guarantees or material benefits

<sup>4</sup> Rule 4(1): "A practitioner shall print or have printed on letterheads, account forms and electronic stationery information pertaining only to such practitioner's – (a) name; (b) profession (c) registered category; (d) speciality or subspecialty or field of professional practice (if any); (e) registered qualifications

**3. Rule 5 – Restrictive naming of practices**

This rule prohibits the use of any trade name other than the name(s) of the registered practitioner(s) who are members or partners in a practice. The rule further restricts the use of the expressions "hospital", "clinic" or "institute" in the name of the practice.

**4. Rule 7 - Restrictive fee sharing and acceptance and payment of commission**

This rule prohibits a practitioner from accepting any commission relating to the purchase, sale or supply of any goods, substances or material used in the conduct of his or her practice or accepting any payment, benefit or material consideration intended to induce said practitioner to act, or not to act, in a particular manner. The rule also prohibits a practitioner from sharing fees with another practitioner who has not taken part in the services for which the fees are charged.

**5. Rule 8(4) - Restrictive formation of other forms of practice models:**

This rule stipulates that a practitioner shall not practice in any other form of practice which has inherent requirements or conditions that violate or potentially may violate one or more of the Ethical Rules or the annexure thereto.

**6. Rule 8A – Restrictive sharing of consulting rooms**

This rule prohibits practitioners from sharing rooms with persons or entities not registered in terms of the Health Professions Act.

**7. Rule 10 – Restrictive supersession**

This rule provides that, should a practitioner take over the care of patient, such practitioner has an obligation to inform the erstwhile practitioner, prior to proceeding with any treatment, of such take over.

**8. Rule 18 - Restrictive employment of practitioners**

This rule prohibits practitioners from being employed by employers that are not approved by the HPCSA to employ practitioners registered under the Health Professions Act.

**9. Rule 23 – Restrictive participation in the manufacture for commercial purposes of medicines and medical devices**

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or other academic qualification or honorary degrees in abbreviated form; (f) registration number; (g) address (including email address); (h) telephone and fax numbers; (i) practice or consultation hours; (j) practice code number; and (k) dispensing licence number (if any)." The provisions of sub-rule (2) are materially similar, and apply to a group of practitioners practicing as a juristic person which is exempted from registration in terms of section 54A of the Health Professions Act.



This rule states that a practitioner shall not participate in any activity that amounts to trading in medicine. A practitioner may also not advocate the use of any medication if the said practitioner derives any consideration for such medication.

**10. Rule 23A - Restrictive practice relating to shareholding in hospitals or other healthcare institutions**

This rule imposes certain requirements on practitioners who have shares in private hospitals and other healthcare institutions to which they also refer patients for admission or treatment. The rule makes the restrictions on shareholding based on certain conditions regarding the purchase of such interest, returns on investment, review systems, advertising and promotion, preferential use, and endorsement by the HPCSA.

**11. Annexure 6, Rule 3(2) - Restrictive formation of partnership and other permissible juristic person by a certain category of practitioners-**

This rule relates to the restriction on the formation of partnerships or other permissible juristic persons in terms of Rule 8(3)<sup>6</sup>, amongst practitioners offering supplementary health care services through the use of high technology equipment to primary health care practitioners.

The HPCSA's application was made in terms of Item 2, Part A of Schedule 1 of the Act, which makes provision for a professional association to apply for an exemption for the rules of the association that have the effect of substantially preventing or lessening competition. In this regard the Commission is required to assess whether the restriction in each identified rule has a substantial anti-competitive effect in contravention of the Act. The Commission may exempt the rules if, having regard to internationally applied norms, any restriction contained in those rules that has the effect of substantially preventing or lessening competition in a market is reasonably required to maintain professional standards or the ordinary function of the profession.

The Commission, in analysing the Ethical Rules, looked at the following factors: the nature of the restraint on competition contained in the rules, the effects of the rules on competition, the rationale given by the applicant for any restraint; the views of interested parties and international norms.

Notice is therefore given in terms of Item 4(c), Part A of Schedule 1 that the exemption application by the HPCSA has been rejected. Our reasons are summarised below:-

1. The Commission's analysis of the exemption application found that the applicable Ethical Rules identified did not qualify to be granted an exemption as they did not meet the following requirements of Part A of Schedule 1 of the Act:

**a) *Substantial prevention or lessening of competition***

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<sup>6</sup> Rule 8(3): A practitioner shall practice in a partnership, association or as a juristic person only within the scope of the profession in respect of which he or she is registered under the Act.

The Commission found that rules 5, 7, 8A and 10 identified in this application did not qualify for an exemption due to the fact that there was no evidence found that these rules would lead to a substantial prevention or lessening of competition. Further in relation to rules 8(4), 18, 23, 23A and 3(2) of Annexure 6 the Commission's analysis found that the broad manner in which these rules are worded did not, in and of themselves, constitute a contravention of the Act. However, the Commission found that the rules could, depending on the manner in which they are applied in the context of a given set of facts lead to anticompetitive conduct in contravention of the Act. Should the manner in which these rules are applied result in anti-competitive effects, this would be assessed and addressed on a case by case basis.

***b) Reasonably required to maintain professional standards or the ordinary function of the profession***

The Commission determined that the restrictions contained in rules 3(2) and 4 are not reasonably required in order to maintain professional standards or the ordinary functioning of the health profession. The Commission noted that although the objectives of the HPCSA's Ethical Rules are valid, the application of the rules themselves could have a negative effect on competition in the health professions. In this regard, the Commission was of the view that the purpose and objectives of the HPCSA's Ethical Rules could be achieved by means that are not overly restrictive on competition, while complying with the objectives of the applicable rules for purposes of maintaining professional standards and the ordinary functioning of the health profession. In this regard the Commission is of the view that there may be less restrictive means to achieving the HPCSA's objectives.

2. The Commission also considered international norms with regard to the identified Ethical Rules. The research generally indicated that there is a need to have less restrictive Ethical Rules in order to protect competition. Some of the research points out that there are in fact less restrictive means of achieving the HPCSA's objectives for each rule, for instance by introducing mechanisms that will curtail commercial, over-servicing and perverse incentives on the part registered practitioners and enforcing of personal liability for practitioners who may be employed by a corporate.
3. The Commission received submissions from stakeholders in the healthcare industry. The responses received were mixed with some parties objecting to the exemption application and others in support of the application. The Commission considered all the information provided in support of each position as received from the stakeholders.

Notice is hereby given in terms of Item 8, Part A of Schedule 1 of the Act, that the HPCSA, or any other person with a substantial interest affected by the abovementioned decision of the Commission, may appeal against the decision to the Competition Tribunal in the prescribed manner.

Notice is further given that the Commission will continue to engage with the HPCSA in relation to the further application of the Ethical Rules and provide guidance on compliance with the Act and other pro-competitive measures where applicable. In this regard the Commission and the HPCSA will continue to engage with each other on issues related to the application of the above Ethical Rules.

Any queries in this regard should be directed to: **Mr. Sipho Mtombeni**, Analyst, Enforcement and Exemptions Division, Private Bag X23, Lynwood Ridge, 0040; or at telephone 012 394 3190, facsimile 012 394 4190, citing case number **2008Jan3456**.

**NOTICE 818 OF 2011**  
**DEPARTMENT OF LABOUR**  
**LABOUR RELATIONS ACT, 1995**  
**CANCELLATION OF REGISTRATION OF A TRADE UNION**

I, Johannes Theodorus Crouse, Registrar of Labour Relations, hereby, in terms of section 109(2) read with section 106(2A) cancel the registration of **South African Professionals and General Workers Union (S.A.P.G.W.U.) (LR2/6/2/674)** with effect from .....16..... November 2011.....

The name of the Organisation has been removed from the register of trade unions.

**J.T. CROUSE**

**REGISTRAR OF LABOUR RELATIONS**

**NOTICE 819 OF 2011**  
**DEPARTMENT OF LABOUR**  
**LABOUR RELATIONS ACT, 1995: APPLICATION FOR VARIATION OF**  
**REGISTERED SCOPE OF A BARGAINING COUNCIL**

I, Johannes Theodorus Crouse, Registrar of Labour Relations, hereby, in terms of section 58(1) of the Labour Relations Act, 1995, give notice that an application for variation of its registered scope has been received from **Bargaining Council for the Hairdressing, Cosmetology, Beauty and Skincare**

Particulars of the application are reflected in the subjoined table.

Any person may object to the application on any or all of the following grounds:

- (a) the applicant has not complied with the provisions of section 29 of the Act;
- (b) the sector and area in respect of which the application is made is not appropriate;
- (c) the applicant is not sufficiently representative in the sector and area in respect of which application is made.

Any person who objects to the application must lodge his/her written objection with me, c/o the Department of Labour, Laboria House, 215 Schoeman Street, Pretoria (postal address: Private Bag X117, Pretoria, 0001) Fax No. (012) 309-4156, within 30 days of the date of this notice. A copy of the objection must be served on the applicant within the said period and I must be satisfied that a copy of the objection has been served on the applicant.

The applicant may respond to the objection within 14 days of the expiry of the 30-day period mentioned above and must satisfy me that a copy of the response has been served on the person who objected within the 14-day period.

**TABLE**

**Name of bargaining council:** Bargaining Council for the Hairdressing, Cosmetology, Beauty and Skincare

Address: P.O Box 26319 **ARCADIA** 0007

Tel 012- 3221692/3

Fax 012 -320 7824

Email mbathaj@absamail.co.za

**Date on which the application was lodged:**

17 June 2011

**Proposed variation of scope**

The Council applies for variation of scope to increase its registered geographical scope to include the Magisterial Districts of: Brits, Bronkhorstpruit, Cullinan and Soshanguve as well as to redefine the sector in which it operates.

**Sector and area in respect of which application is made:**

The Hairdressing, Cosmetology, Beauty and Skin Care Trade in the Magisterial Districts of Brits, Bronkhorstpruit, Cullinan, Pretoria, Soshanguve and Wonderboom.

For the purposes of above-

**‘Hairdressing Trade’** means the trade in which employers and employees are associated for the purpose of rendering salon services in any establishment where such services are normally rendered to members of the public:-

**“Salon Services”** means any one or more or a combination of the operations generally and usually performed by and known as the profession of nail technicians or beauty culturists or cosmeticians or cosmetologists or health and skin therapist or somatologist or aesthetician or hairdressers, and includes but is not limited to the following operations:



- 
- (a) the arranging, dressing, cutting, highlighting, shaving, curling, cleaning, singeing, shampooing, bleaching, colouring, tinting, straightening, styling, waving (permanent, Marcel or water) of hair, or any other treatment of the hair of the head or the face;
  - (b) manicure, pedicure, nail technology or the application of artificial nails or nail extensions, whether the substance used is acrylic, fibre glass or gel or any other substance;
  - (c) eyebrow shaping and plucking, including the application of false or artificial eyebrows and eyelashes;
  - (d) cosmetic and camouflage make-up of the face and its features, whether by permanent, semi-permanent or temporary means;
  - (e) skin care trade;
  - (f) removal of unwanted or superfluous hair from the head or face by whatever means, including waxing, using chemical depilatories, electrical or mechanical means, but excluding shaving;
  - (g) any beauty treatment;
  - (h) beauty therapy or the message or stimulative treatment or exercise of the face, scalp or neck, whether or not any apparatus, appliance, heat preparation or substance is used in any of these operations;

- (i) the performing of any operation referred to in (a) on any wig or hairpiece to be worn by any person, whether or not any apparatus, appliance, preparation or substance is used in any of these operations,

**'Skin Care Trade'** means a trade in which employers and their employees are associated for the purpose of rendering "salon services" and including but not limited to cosmetic, camouflage, spa treatment, tattooing and or painting of the face or full body features, whether by permanent or semi permanent or temporary means in any establishments where such services are normally rendered to members of the public.

**Sector and area in respect of which registration is held:**

The Hairdressing Trade in the Magisterial Districts of Pretoria and Wonderboom.

**'Hairdressing Trade'** means the trade in which employers and their employees are associated for the purpose of rendering salon services in any establishment where such services are normally rendered to members of the public;

**'Salon Services'** means any one or more of a combination of the operations generally and usually performed by and known as the profession of nail technicians, beauty culturists, cosmeticians, cosmetologists or hairdressers, and includes, but is not limited to the following operations:

- (a) The arranging, dressing, cutting, highlighting, shaving, curling, cleaning, singeing, shampooing, bleaching, dyeing, coloring, tinting, straightening, styling, waving(permanent, marcel or water) of hair, or any other treatment of the hair of the head or the face.
- (b) the performing of any manicure, pedicure or nail technology or the application of artificial nails or nail extensions, whatever the substance used, including acrylic, fiber glass or gel;
- (c) the shaping and plucking of eyebrows, including the application of false or artificial eyebrows and eyelashes;
- (d) the performing of any cosmetic and camouflage make-up of the

face and its features, whether by permanent, semi-permanent or temporary means;

- (e) the performing of any facial skin care operations;
- (f) the removing of unwanted or superfluous hair from the head and face by whatever means, including waxing, chemical depilatories, electrical or mechanical means, but excluding shaving;
- (g) the performing of any beauty treatment;
- (h) the performing of any beauty therapy or the messaging or stimulative treatment exercising of the face, scalp or neck, whether or not any apparatus, appliance, preparation or substance is used in any of these operations;
- (i) the performing of any operation referred to (a) or any wig or hairpiece to be worn by any person, whether or not any apparatus, appliance, preparation or substance is used in any of these operations'.

**Representativeness of the Council:**

Total number of employees falling within the proposed scope of the council who belong to the trade unions that are party to the Council:

**1039**

Total number of employers falling within the proposed scope of the Council and who belong to the employers' organisations that are party to the Council:

**355**

Total number of employees employed within the proposed scope of the Council by the employers that belong to the employers' organisations which are party to the Council:

**1004**

Total number of employees employed within the proposed scope of the Council:

**1528**

**J.J. CROUSE**

.....  
**REGISTRAR OF LABOUR RELATIONS**

**NOTICE 820 OF 2011****DEPARTMENT OF LABOUR****LABOUR RELATIONS ACT, 1995****CHANGE OF NAME OF AN EMPLOYERS' ORGANISATION**

I, Johannes Theodorus Crouse, Registrar of Labour Relations, hereby notify, in terms of section 109(2) of the Labour Relations Act, 1995, that the **Employers' Organisation of Mpumalanga (LR2/6/3/335)** resolved to change its name. With effect from.....16 November 2011.....the employers' organisation is registered as **Employers' Organisation of Mzansi**

**JT CROUSE**

Registrar of Labour Relations

**NOTICE 821 OF 2011**  
**DEPARTMENT OF LABOUR**  
**LABOUR RELATIONS ACT, 1995**  
**NOTICE OF INTENTION TO CANCEL THE REGISTRATION OF AN**  
**EMPLOYERS ORGANISATION**

I, Johannes Theodorus Crouse, Registrar of Labour Relations, hereby, in terms of section 106(2B) give notice of my intention to cancel the registration of **Curtain Makers and Allied Products Association (LR2/6/3/329)** for the following reasons:

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

The employers' organisation and all interested parties are hereby invited to make written representations as to why the registration should not be cancelled. **Only representations pertaining to this Notice will be considered. All correspondence should refer to case number: 2011/190**

Objections must be lodged to me, c/o the Department of Labour, Laboria House, 215 Schoeman Street, PRETORIA. [Postal address: Private Bag X117, PRETORIA, 0001 – Fax No. (012) 309 4156 / 4595], within 60 days of the date of this notice.

**JT CROUSE**  
**REGISTRAR OF LABOUR RELATIONS**

**NOTICE 822 OF 2011**  
**DEPARTMENT OF LABOUR**  
**LABOUR RELATIONS ACT, 1995**  
**NOTICE OF INTENTION TO CANCEL THE REGISTRATION OF A TRADE UNION**

I, Johannes Theodorus Crouse, Registrar of Labour Relations, hereby, in terms of section 106(2B) give notice of my intention to cancel the registration of **Commercial, Services and Allied Workers Union (LR2/6/2/1028)** for the following reasons:

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

The trade union and all interested parties are hereby invited to make written representations as to why the registration should not be cancelled. **Only representations pertaining to this Notice will be considered. All correspondence should refer to case number: 2011/233.**

Objections must be lodged to me, c/o the Department of Labour, Laboria House, 215 Schoeman Street, PRETORIA. [Postal address: Private Bag X117, PRETORIA, 0001 – Fax No. (012) 309 4156 / 4595], within 60 days of the date of this notice.

**J. T. CROUSE**

**REGISTRAR OF LABOUR RELATIONS**

**NOTICE 823 OF 2011**  
**DEPARTMENT OF LABOUR**  
**LABOUR RELATIONS ACT, 1995**  
**NOTICE OF INTENTION TO CANCEL THE REGISTRATION OF A TRADE UNION**

I, Johannes Theodorus Crouse, Registrar of Labour Relations, hereby, in terms of section 106(2B) give notice of my intention to cancel the registration of **Communication Workers Union (CWU) (LR2/6/2/553)** for the following reasons:

- The trade union failed to comply with the provision of section 98, 99 and 100 of the Act; and
- The trade union ceased to function in terms of its constitution

The trade union and all interested parties are hereby invited to make written representations as to why the registration should not be cancelled. **Only representations pertaining to this Notice will be considered. All correspondence should refer to case number: 2011/234.**

Objections must be lodged to me, c/o the Department of Labour, Laboria House, 215 Schoeman Street, PRETORIA. [Postal address: Private Bag X117, PRETORIA, 0001 – Fax No. (012) 309 4156 / 4595], within 60 days of the date of this notice.

**JT CROUSE**  
**REGISTRAR OF LABOUR RELATIONS**

**NOTICE 824 OF 2011****GENERAL NOTICE IN TERMS OF THE RESTITUTION OF LAND RIGHTS ACT, 1994  
(ACT NO.22 OF 1994)**

Notice is hereby given in terms of section 11 of the Restitution of Land Rights Act, 1994 (Act No.22 of 1994 as amended) that a claim for restitution of land rights on:

REFERENCE : 6/2/2/D/90/0/0/29  
CLAIMANT : Nkunzemnyama Makwethu (On behalf of Engquleni Community)  
PROPERTY : Kyber Farm N0.2  
DISTRICT : Stutterheim / Amathole  
MEASURING : 1759.8749 hectares  
DEED OF TRANSFER : T1396/2009  
DATE SUBMITTED : 31/12/1998  
BONDHOLDER :  
CURRENT OWNER : Department of Rural Development and Land Reform  
Has been submitted to the Regional Land Claims Commissioner and that the Commission on Restitution of Land Rights will investigate the claim in terms of the provisions of the Act in due course. Any person who has an interest in the above-mentioned land is hereby invited to submit, within sixty (60) days from the publication of this notice, any comments/information to:

The Regional Land Claims Commissioner:  
P O Box 1375  
East London  
5200

Tel No.: (043) 7006000  
Fax No.: (043) 7433687



Mr. S. Singh  
Acting Regional Land Claims Commissioner



**NOTICE 825 OF 2011****CO-OPERATIVES REMOVED FROM THE REGISTER**

**QHAKRAZA FARMER TRADING CO-OPERATIVE LTD  
ROSA COMMUNITY SERVICE CO-OPERATIVE LTD  
ORANGE GROVE FARMERS ASSOCIATION VEGETABLE PROJECT CO-OPERATIVE LTD  
THEMBALETHU WOOLGROWERS CO-OPERATIVE LTD  
BLACK-HILL SHEEP & GOAT WOOL GROWERS CO-OPERATIVE LTD  
DUMEZWENI MAIZE PRODUCTION CO-OPERATIVE LTD  
ZENZELE RECYCLING CO-OPERATIVE LTD  
HARAMBE KATLEHONG TOURISM DEVELOPMENT DYNAMICS CO-OPERATIVE LTD  
BUSY HANDS CONSTRUCTION AND HARDWARE CO-OPERATIVE LTD  
QWEQWE FARMERS ASSOCIATION CO-OPERATIVE LTD  
HLANGANANI MAZONDI G.C CO-OPERATIVE LTD  
BASADI-BAFAZI TEXTILE CO-OPERATIVE LTD  
ZAMIMPILO CO-OPERATIVE LTD  
OCTAS FARMERS TRADING CO-OPERATIVE LTD  
OKUNENCASA CATERING CO-OPERATIVE LTD  
QUBUKA WOMEN'S CO-OPERATIVE LTD  
AMAMBALU FARMERS DEVELOPMENT CO-OPERATIVE LTD**

Notice is hereby given that the name of the above mentioned co-operatives were removed from the register on 16 September 2011 in terms of Section 73(1)(c) of the Co-operatives Act, 2005.

**REGISTRAR OF CO-OPERATIVES**

**NOTICE 826 OF 2011**

**CO-OPERATIVES REMOVED FROM THE REGISTER**

**MKHIZWANA BLOCK MAKING CO-OPERATIVE LTD  
ZAM'IMPAKAMO CO-OPERATIVE LTD  
MASIZAKHE WOMEN MAKANA WARD ONE CO-OPERATIVE LTD  
LINDINGCEBO CO-OPERATIVE LTD  
BUSHBUCKRIDGE STEEL MANUFACTURING CO-OPERATIVE LTD  
ILANDA CO-OPERATIVE LTD  
INNYAMAZANE CO-OPERATIVE LTD  
SIZANANI INXUBA YETHEMBA CO-OPERATIVE LTD  
BUSISEKA CO-OPERATIVE LTD**

Notice is hereby given that the name of the above mentioned co-operatives were removed from the register 08 April 2011 in terms of Section 73(1)(c) of the Co-operatives Act, 2005.

REGISTRAR OF CO-OPERATIVES

**NOTICE 827 OF 2011****CO-OPERATIVES REMOVED FROM THE REGISTER**

**VOSLOORUS LOCAL SMALL-CARS TAXI CO-OPERATIVE LIMITED  
KHIPHIKHONO CO-OPERATIVE LIMITED  
CELUKUZANA WOMEN'S ART AND CRAFT CO-OPERATIVE LIMITED  
MPHESEBAKA CO-OPERATIVE LIMITED  
INSIKAYEZWE CO-OPERATIVE LIMITED  
ZIVUSENI BUNDU GARDEN CO-OPERATIVE LIMITED  
MASIBOMISANE SMALL IRRIGATION CO-OPERATIVE LIMITED  
PHAMBILI POULTRY PROJECT CO-OPERATIVE LIMITED  
PHUMALANGA SEWING CO-OPERATIVE LIMITED  
PHUMALANGA GARDENING & POULTRY CO-OPERATIVE LIMITED  
LOWER TYIRA FARMERS CO-OPERATIVE LIMITED**

Notice is hereby given that the name of the above mentioned co-operatives were removed from the register on 16 September 2011 in terms of Section 73(1) (c) of the Co-operatives Act, 2005.

**REGISTRAR OF CO-OPERATIVES**

**NOTICE 828 OF 2011****CO-OPERATIVES TO BE REMOVED OFF THE REGISTER****ALL SEASON MA-AFRICA CO-OPERATIVE LTD  
SIYATHUTHUKA MJILA FARMERS' CO-OPERATIVE LTD**

Notice is hereby given that the names of the abovementioned co-operatives will, after the expiration of sixty days from the date of this notice, be struck off the register in terms of the provisions of section 73(1) of the Co-operatives Act, 2005, and the co-operatives will be dissolved unless proof is furnished to the effect that the co-operatives are carrying on business or are in operation.

Any objections to this procedure, which interested persons may wish to raise, must together with the reasons therefore, be lodged with this office before the expiration of the period of sixty days.

**REGISTRAR OF CO-OPERATIVES**

Office of the Registrar of Co-operatives

Dti Campus

77 Meintjies Street

Private Bag X237

**PRETORIA**

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PRETORIA

0001

**NOTICE 829 OF 2011****GENERAL NOTICE IN TERMS OF THE RESTITUTION OF LAND RIGHTS ACT NO.22 OF 1994 AS AMENDED**

Notice is hereby given in terms of Section 11 (1) of the Restitution of Land Rights Act, No, 22 of 1994 as amended that claims for the restitution of land rights on:

**Reference No.** : KRK6/2/3/B/104/352/0/5/ (V422)

**Claimant** : Mr. Barend Van Staden on behalf Griqua, Korana and San Nations

**Property Description** : Erf 1502 situated in Frances Baard District Municipality in the Northern Cape Province.

**Extent of property** : 27, 8816 HA

**Current Title Deed** : T3958/1998

**Current Owner** : Delpoortshoop Municipality (Dikgatlong Local Municipality)

**Date Submitted** : 23 November 1998

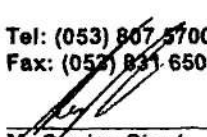
**Current Land Use** : Residential and Grazing area.

Has been submitted to the Regional Land Claims Commissioner for the Free State and Northern Cape and that the Commission on Restitution of Land Rights will further investigate the claims in terms of the provisions of the Act, as amended in due course.

Any party who has an interest in the abovementioned land claim is hereby invited to submit, within 30 days from the date of the publication of this Notice, any comments / information to :

**Regional Land Claims Commission: Northern Cape**  
**Legal Services**  
**P.O. Box 2458**  
**Kimberley**  
**8300**

**Tel: (053) 807 5700**  
**Fax: (053) 831 6501**

  
**Mr Sunjay Singh**  
**Acting Regional Land Claims Commissioner**  
**Date: 30/9/11**

**NOTICE 830 OF 2011****GENERAL NOTICE IN TERMS OF SECTION 11A (2) OF THE RESTITUTION OF LAND RIGHTS ACT, NO. 22 OF 1994 (AS AMENDED).**

**WHEREAS** a land claim was lodged by Mr. Kgotlula Jacob Foka, which claim was published in terms of Section 11(1) of the Restitution of Land Rights Act, No. 22 of 1994 (as amended), hereinafter referred to as "The Act",  
and

**WHEREAS** during the further investigation of the land claim, the Acting Regional Land Claims Commissioner, has reason to believe that the criteria set out in Section 11(1)(b) of the Act, has not been met.

**NOTICE** is hereby given in terms of Section 11A(2) of the Act that at the expiry of 21 days, the notice of claim previously published under the terms of section 11(1) of the Act in Government Gazette Notice No.1323 of 2007, contained in Government Gazette Notice 30392 of the 26<sup>th</sup> of October 2007, will be withdrawn unless cause to the contrary is shown to the satisfaction of the Acting Regional Land Claims Commissioner.

The details of the Government Gazette Notice No. 1323 of the 26<sup>th</sup> of October 2007, includes the following:


<b>Reference No:</b>	<b>N6/2/2/C/433/0/0/7</b>
<b>Claimant :</b>	<b>Former tenants of Farm Doornhoek No. 1514</b>
<b>Property Description :</b>	<b>Doornhoek No. 1514.</b>
<b>Total extent:</b>	<b>139.5227 Ha</b>
<b>Title deed Number:</b>	<b>T 7981/1994</b>
<b>Date Submitted:</b>	<b>13 February 1996</b>

The reasons why the Acting Regional Land Claims Commissioner believes that the criteria in Section 11(1) of the Act have not been met, is that:

- (a) The Farms Vlakveld No. 878 and Koekemoer's Gift, have already been de-gazetted after the claimants informed the Land Claims Commission that they did not originally claim them.
- (b) New research shows that the alleged dispossession did not occur as a result of any discriminatory law or practice, but as a result of a contractual dispute.
- (c) After considering the contents of the report, the former Regional Land Claims Commissioner for the Free State and Northern Cape, informed the claimant community in a letter dated the 13<sup>th</sup> of March 2011, that their claim was non-compliant with the Restitution Act, and afforded the claimants an opportunity to bring further information to the attention of the Commission, if they so wished.

**NOTICE** is further given that at the expiry of the aforesaid 21 day period, the Acting Regional Land Claims Commissioner shall, unless cause to the contrary has been shown to his satisfaction, withdraw the notice of claim in accordance with the provisions of section 11 A (3) of the Act.

**The Acting Regional Land Claims Commissioner  
Free State and Northern Cape**

  
**Mr. Sunjay Singh**  
**Acting Regional Land Claims Commissioner**  
**Free State and Northern Cape.**  
**Date:** 17/11/11

**NOTICE 831 OF 2011****GENERAL NOTICE IN TERMS OF THE RESTITUTION OF LAND RIGHTS ACT NO.22 OF 1994 AS AMENDED**

Notice is hereby given in terms of Section 11 (1) of the Restitution of Land Rights Act, No, 22 of 1994 as amended that claims for the restitution of land rights on:

<b>Reference No.</b>	<b>: KRK6/2/3/B/104/352/0/5 (V422)</b>
<b>Claimant</b>	<b>: Mr. Barend Van Staden on behalf of the Korana, San and Griqua Nations</b>
<b>Property Description</b>	<b>: Erf 934 situated within the town of Warrenton, Frances Baard District Municipality in the Northern Cape Province.</b>
<b>Extent of property</b>	<b>: 138.2751 Hectares</b>
<b>Current Title Deed</b>	<b>: T197/1979</b>
<b>Current Owner</b>	<b>: Magareng Local Municipality</b>
<b>Date Submitted</b>	<b>: 30 November 1998</b>
<b>Current Land Use</b>	<b>: Residential area</b>

Has been submitted to the Regional Land Claims Commissioner for the Free State and Northern Cape and that the Commission on Restitution of Land Rights will further investigate the claims in terms of the provisions of the Act, as amended in due course.

Any party who has an interest in the abovementioned land claim is hereby invited to submit, within 30 days from the date of the publication of this Notice, any comments / information to :

**The Regional Land Claims Commission  
Free State and Northern Cape  
P.O. Box 2458  
Kimberley  
8300**

**Tel: (053) 807 5700  
Fax: (053) 831 6501**

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**Mr Sunjay Singh  
Acting Regional Land Claims Commissioner**



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## BOARD NOTICES RAADSKENNISGEWINGS

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### BOARD NOTICE 182 OF 2011

### THE ENGINEERING COUNCIL OF SOUTH AFRICA

Publication in terms of section 32 (5) of the Engineering Profession Act, 46 of 2000 ("The Act") of the finding and sanction imposed by a Disciplinary Tribunal at a disciplinary hearing held in Johannesburg on the 16 August 2011, into the alleged improper conduct of a registered person.

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**Name of Person:**

**N M TLADINYANE**  
**Pr Eng**

**Registration Number:**

**930538**

**Nature of Offence:**

**Guilty** of contravention of Rules 3(1) (a) and 3(1) (c) of the Rules of Conduct for Registered Persons promulgated under Board Notice 15, of 2006 Government Gazette number 28605 of 17 March 2006

**Sanction:**

Respondent is fined R20 000 (Twenty Thousand Rand) in terms of the provisions of section 32(3) (a) (ii) of the Act.

**BOARD NOTICE 183 OF 2011****THE ENGINEERING COUNCIL OF SOUTH AFRICA**

Publication in terms of section 32 (5) of the Engineering Profession Act, 46 of 2000 ("The Act") of the finding and sanction imposed by a Disciplinary Tribunal at a disciplinary hearing held in Johannesburg on the 21 June 2011, into the alleged improper conduct of a registered person.

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**Name of Person:**

**H L MATLALA**  
**Pr Tech Eng**

**Nature of Offence:**

**Guilty** of contravention of Rules 3(1) (a), 3(1) (c), 3(2) (a), 3(5) (c), and 4(a) of the Rules of Conduct for Registered Persons promulgated under Board Notice 15, of 2006 Government Gazette number 28605 of 17 March 2006

**Registration Number:**

**200330156**

**Sanction:**

**Respondent is fined R100 000 (One Hundred Thousand Rand) in terms of the provisions of section 32(3) (a) (ii) of the Act.**

**BOARD NOTICE 184 OF 2011**  
**THE ENGINEERING COUNCIL OF SOUTH AFRICA**

Publication in terms of section 32 (5) of the Engineering Profession Act, 46 of 2000 ("The Act") of the finding and sanction imposed by a Disciplinary Tribunal at a disciplinary hearing held in Cape Town on the 08 July 2011, into the alleged improper conduct of a registered person.

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**Name of Person:**

**P W HUGO**  
**Pr Eng**

**Nature of Offence:**

**Guilty** of contravention of Rules 2(a), 2(b) and 2(f) of the Rules of Conduct for Registered Persons promulgated under Board Notice 107, of 1997 Government Gazette number 18454 of 28 November 1997

**Registration Number:**

**860421**

**Sanction:**

Respondent is fined R30 000 (Thirty Thousand Rand) in terms of the provisions of section 32(3) (a) (ii) of the Act, of which R15 000 (Fifteen Thousand Rand) is suspended for a period of two years on condition that the Respondent is not found guilty of transgression of similar Rules of Conduct committed during the period of suspension.

**BOARD NOTICE 185 OF 2011****The Allied Health Professions Council of South Africa**

61 Rose Street, Pretoria, 0084. Private Bag X4, Queenswood, 0121  
Telephone (012) 329-4001 Fax 329-2279 email: [registrar@ahpcsa.co.za](mailto:registrar@ahpcsa.co.za)  
Website: [www.ahpcsa.co.za](http://www.ahpcsa.co.za)

**16 November 2011**

**UNPROFESSIONAL CONDUCT: TELEMEDICINE**

Telemedicine is the exchange of information on health care at a distance by whatever means, whether privately or publicly, for the purpose of diagnosis and treatment of any person(s).

The Allied Health Professions Council of South Africa views participation in any telemedicine scheme to be in breach of patients rights in that patients have a right to, amongst other things, informed consent, patient confidentiality and patient/practitioner professional relationship. All practitioners are therefore required to properly and personally assess and/or consult with each patient prior to making any diagnosis and/or for the treatment of any person. A practitioner may also not express him/herself in public regarding matters of a health science nature without the permission of the relevant AHPCSA Board as this is in direct contravention of Government Notice No R1746 of August 1983.

All Allied Health Professions Council of South Africa Professional Boards [Homeopathy, Naturopathy and Phytotherapy (PBHNP), Chiropractic and Osteopathy (PBCO), Therapeutic Aromatherapy, Therapeutic Reflexology, Therapeutic Massage Therapy

(PBARM) and Acupuncture, Chinese Medicine and Unani-Tibb (PBACMU)] have therefore deemed the practice of telemedicine to be **unprofessional conduct** for practitioners in all allied health professions and participation in any telemedicine scheme by allied health practitioners, in any manner whatsoever, is prohibited.

Should the Allied Health Professions Council become aware of registered practitioners engaging in the abovementioned prohibited practice, such a practitioner shall face disciplinary action in terms of Sections 23-30 of the Allied Health Professions Act 63 of 1982 (as amended).



**DR LOUIS MULLINDER**  
**REGISTRAR: AHPCSA**

**BOARD NOTICE 186 OF 2011****The Allied Health Professions Council of South Africa**

61 Rose Street, Pretoria, 0084. Private Bag X4, Queenswood, 0121  
Telephone (012) 329-4001 Fax 329-2279 email: [registrar@ahpcsa.co.za](mailto:registrar@ahpcsa.co.za)  
Website: [www.ahpcsa.co.za](http://www.ahpcsa.co.za)


**16 November 2011**

**UNPROFESSIONAL CONDUCT: USE OF INTRAVENOUS DELIVERY SYSTEM OF INJECTIONS AND DRAWING OF VENOUS BLOOD**

Section 2(a) of the Allied Health Professions Act, Act 63 of 1982, read together with Chapter 3, Section 28 of Regulation 27, Government Notice R127, published on 12 February 2001, sets out the scopes of practice of practitioners of Homeopathy, Naturopathy and Phytotherapy.

In light of the existing scopes of practice for practitioners of Homeopathy, Naturopathy and Phytotherapy, the Professional Board for Homeopathy, Naturopathy and Phytotherapy has, after due consideration of all aspects relating to the matter, deemed the intravenous delivery system of injectables and the drawing of venous blood to be **unprofessional conduct** for Homeopaths, Naturopaths and Phytotherapists, due to the fact that such practices fall outside of the legal scopes of practice of Homeopaths, Naturopaths and Phytotherapists.


Should the AHPCSA become aware of any practitioner in the professions of Homeopathy, Naturopathy and Phytotherapy engaging in any of the abovementioned prohibited practices, such practitioner shall face disciplinary action in terms of Sections 23-30 of the Allied Health Professions Act 63 of 1982.



**DR LOUIS MULLINDER**  
**REGISTRAR: AHPCSA**

**BOARD NOTICE 187 OF 2011****CONSTRUCTION INDUSTRY DEVELOPMENT BOARD****THE CONSTRUCTION INDUSTRY DEVELOPMENT BOARD ACT,  
38 OF 2000**

The Construction Industry Development Board has in terms of Regulation 29 of the Construction Industry Development Regulations, 2004, (as amended), Regulations No 692 of 9 June 2004 (as amended) conducted hearings against the following contractors: Ngaatendwe Trading cc (CRS 132913), Mantjana Contractor (CRS 132913) and is publishing the findings and sanctions imposed by the Investigating Committee.

A handwritten signature in black ink, consisting of a large, sweeping loop followed by a vertical line and a horizontal stroke.**Peter Mongwenyana**

Acting Chief Executive Officer

**Construction Industry Development Board**



APPROVAL for Gazette notice for concluded hearings  
06 October 2011

Contractor Name and location	CRS Number	Company/Corporation Registration Number	Nature of complaint
Ngaatendwe Trading CC	163436	2006/102688/23	Ngaatendwe Trading presented to the CIDB an Electrical Contractors License that belongs to a TC Kutwana, which is not a member of Ngaatendwe Trading.
<b>Sanction imposed by CIDB Board</b>			
Effective Date: 06 October 2011			
The Board orders:			
a. that the close corporation is guilty of all the charges,			
b. that the close corporation be ordered to pay a fine in the amount of R 20,000.00, and			
c. that such fine is to be paid within 60 days of this ruling or before any further application by the close corporation could be entertained by the CIDB, whichever is earlier.			

Contractor Name and location	CRS Number	Company/Corporation Registration Number	Nature of complaint
Mantjana Contractor	132913	2001/027046/23	<p>The information with respect to its Qualified Professionals (Mr Radebe) has been misrepresented on behalf of MA Ntjana to the CIDB in an application, as the information is inaccurate and/or false.</p> <p>The information with respect to track record of MA Ntjana as mentioned below has been misrepresented on behalf of MA Ntjana to the CIDB in an application, as the information is false and/or inaccurate</p>
<b>Sanction imposed by CIDB Board</b>			
<p>Effective Date: 06 October 2011</p> <p>The Board orders:</p> <ul style="list-style-type: none"><li>a. that the close corporation is guilty of all the charges,</li><li>b. that the close corporation be ordered to pay a fine in the amount of R 60,000.00, and</li><li>c. that such fine is to be paid within 60 days of this ruling or before any further application by the close corporation could be entertained by the CIDB, whichever is earlier.</li></ul>			

Notice of publication in terms of Construction Industry Development Board Regulation 29(21) of the findings and sanctions imposed by the Investigations Committee at regulatory hearings held in Pretoria

I request approval for the above case/s to be advertised in Government Gazette:

**BOARD NOTICE 188 OF 2011**

**FINANCIAL SERVICES BOARD**


**LONG-TERM INSURANCE ACT NO. 52 OF 1998**

**SHORT-TERM INSURANCE ACT NO. 53 OF 1998**

**Internal Model Application Process: Pre-application assessment fees**

I, Dube Phineas Tshidi, Registrar of Long-term Insurance and Short-term Insurance, hereby prescribe the fees for the pre-application assessment of internal models as set out in the Schedule.

This Notice comes into operation on 25 November 2011.



DP TSHIDI,

Registrar of Long-term Insurance and Short-term Insurance

## SCHEDULE

### Pre-application assessment fees

#### 1. Definitions

In this Schedule any word or expression to which a meaning has been assigned in the Long-term Insurance Act, 1998 or the Short-term Insurance Act, 1998, respectively, has the meaning so assigned to it, unless the context otherwise indicates, and -

**“extended review”** means a more detailed review of an element of the full or partial internal model of an insurer subsequent to a standard review, if the Registrar determines that such a review is necessary taking into account, amongst others, the materiality or complexity of a risk or risks, or the potential risk from the use of an inappropriate internal model;

**“intensive review”** means an in depth and comprehensive review of an element of the full or partial internal model of an insurer subsequent to an standard review, if the Registrar determines that such a review is necessary taking into account, amongst others, the materiality or complexity of a risk or risks, or the potential risk from the use of an inappropriate internal model;

**“pre-application assessment”** means the standard, and where required, the extended or intensive review of the full or partial internal model of an insurer to determine if that insurer qualifies for submitting an application for the use of a full or partial internal model for the calculation of the solvency capital requirement; and

**“standard review”** means a review of the all the elements of the full or partial internal model of an insurer, which review constitutes a basic, typical or complex review as determined by the Registrar taking into account, amongst others, the size of the insurer, the risks and legal entities addressed by the internal model, the classes of insurance business conducted by the insurer and the type of internal model.

#### 2. Fees

2.1 The following fees are payable in respect of a pre-application assessment:

ITEM		FEE (RAND)
STANDARD REVIEW	Basic	800,000
	Typical	1,400,000
	Complex	2,600,000
EXTENDED REVIEW		Between R 400 000 and R 1 400 000
INTENSIVE REVIEW		Between R 700 000 and R 2 200 000

- 2.2 The standard review fee is payable by an insurer that participates in the pre-application assessment.
- 2.3 The extended review or intensive review fee is payable by an insurer in addition to the standard review fee and in respect of each element of the full or partial model of the insurer that is subjected to an extended review or intensive review.
- 2.4 The exact fee payable in respect of an extended review or intensive review will be determined by the Registrar taking into account the complexity of the element to be reviewed.

### **3. Payment of fees**

- 3.1 The standard review fee is payable in two equal installments. The first installment is due on 10 June or 28 October, whichever date is the first date following the date on which the Registrar notified the insurer that the undertaking qualifies to take part in the pre-application assessment. The second installment is due six months later.
- 3.2 The extended review fee or intensive review fee is payable within 60 days of the date on which the Registrar notified the insurer that such a review is necessary.
- 3.3 The fees are payable to the Financial Services Board and payment may be by means of a cheque or a money transfer (in which case proof of the transfer must be provided).
- 3.4 The Financial Services Board, a public entity listed in Schedule 3A of the Public Finance Management Act No.1 of 1999, is not liable for value added tax and is not registered as a VAT vendor under the Value-Added Tax Act No. 89 of 1991. The amounts in this schedule therefore do not include VAT.

**BOARD NOTICE 189 OF 2011****DEFINING OF PRODUCTION AREA: ELGIN (AMENDMENT)**

The Wine and Spirit Board, acting under section 6 of the Wine of Origin Scheme published by Government Notice No. R. 1434 of 29 June 1990 hereby –

amends the definition of the area known as Elgin (ward) to Elgin (district) with the same definition as set out in Government Notice No. R. 1031 of 11 May 1990.



**M H VAN DER MERWE**  
**SEKRETARIS: WINE AND SPIRIT BOARD**

**RAADSKENNISGEWING 189 VAN 2011****OMSKRYWING VAN PRODUKSIEGEBIED: ELGIN (WYSIGING)**

Die Wyn- en Spiritusraad, handelende kragtens artikel 6 van die Wyn van Oorsprong-skema gepubliseer by Goewermentskennisgewing No. R.1434 van 29 Junie 1990-

wysig hierby die omskrywing van die gebied bekend as Elgin (wyk) na Elgin (distrik) met dieselfde omskrywing soos uiteengesit in Goewermentskennisgewing No. R.1031 van 11 Mei 1990.



**M H VAN DER MERWE**  
**SEKRETARIS: WYN- EN SPIRITUSRAAD**

**BOARD NOTICE 190 OF 2011****DEFINING OF PRODUCTION AREA: OVERBERG (AMENDMENT)**

The Wine and Spirit Board, acting under section 6 of the Wine of Origin Scheme published by Government Notice No. R. 1434 of 29 June 1990 hereby –

- (a) defines the area specified in the Schedule as a production area (district) under the name Overberg; and
- (b) repeals herewith Board Notice 100 of 15 September 2006.



**M H VAN DER MERWE**  
**SECRETARY: WINE AND SPIRIT BOARD**

**SCHEDULE****DEFINING OF PRODUCTION AREA OVERBERG**

The area situated in the former Divisional Council Area of Caledon excluding the defined areas of Walker Bay and Elgin and inclusion of the land known as Remainder portion 1, Portion 6 and Portion 9 of farm 750, Worcester; Portion 17 of the farm Ratel Fontein 582, Worcester; Remainder portion and Portion 2 of the farm Achter Rooi Hoogte 581, Worcester.



**RAADSKENNISGEWING 190 VAN 2011****OMSKRYWING VAN PRODUKSIEGEBIED: OVERBERG (WYSIGING)**

Die Wyn- en Spiritusraad, handelende kragtens artikel 6 van die Wyn van Oorsprong-skema gepubliseer by Goewermentskennisgewing No. R.1434 van 29 Junie 1990-

- (a) omskryf hierby die area in die Bylae gespesifiseer as 'n produksiegebied (distrik) onder die naam Overberg; en
- (b) herroep hierby Raadskennisgewing No. 100 van 15 September 2006.



**M H VAN DER MERWE**  
**SEKRETARIS: WYN- EN SPIRITUSRAAD**

**BYLAE****OMSKRYWING VAN PRODUKSIEGEBIED OVERBERG**

Die gebied geleë in die voormalige Afdelingsraadgebied van Caledon met uitsluiting van die omskrewe gebiede Walker Bay en Elgin en insluiting van die gronde bekend as Restant gedeelte 1, Gedeelte 6 en Gedeelte 9 van plaas 750, Worcester; Gedeelte 17 van die plaas Ratel Fontein 582, Worcester; Restant gedeelte en Gedeelte 2 van die plaas Achter Rooi Hoogte 581, Worcester.