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REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID AFRIKA

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PART 1 OF 2

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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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Alle Proklamasies, Goewermentskennisgewings, Algemene Kennisgewings en Raadskennisgewings gepubliseer, word vir verwysingsdoeleindes in die volgende Inhoudopgawe ingesluit wat dus weeklikse indeks voorstel. Laat uself deur die Koerantnommers in die regterhandse kolom lei:

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IMPORTANT NOTICE:

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

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Closing times for **ORDINARY WEEKLY** **2017** **GOVERNMENT GAZETTE**

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

- **29 December**, Thursday, for the issue of Friday **06 January 2017**
- **06 January**, Friday, for the issue of Friday **13 January 2017**
- **13 January**, Friday, for the issue of Friday **20 January 2017**
- **20 January**, Friday, for the issue of Friday **27 January 2017**
- **27 January**, Friday, for the issue of Friday **03 February 2017**
- **03 February**, Friday, for the issue of Friday **10 February 2017**
- **10 February**, Friday, for the issue of Friday **17 February 2017**
- **17 February**, Friday, for the issue of Friday **24 February 2017**
- **24 February**, Friday, for the issue of Friday **03 March 2017**
- **03 March**, Friday, for the issue of Friday **10 March 2017**
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- **16 March**, Thursday, for the issue of Friday **24 March 2017**
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- **06 April**, Thursday, for the issue of Thursday **13 April 2017**
- **12 April**, Wednesday, for the issue of Friday **21 April 2017**
- **20 April**, Thursday, for the issue of Friday **28 April 2017**
- **26 April**, Wednesday, for the issue of Friday **05 May 2017**
- **05 May**, Friday, for the issue of Friday **12 May 2017**
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- **20 December**, Wednesday, for the issue of Friday **29 December 2017**

LIST OF TARIFF RATES FOR PUBLICATION OF NOTICES

COMMENCEMENT: 1 APRIL 2016

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 R1000 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	250.00
Ordinary National, Provincial	2/4 - Half Page	500.00
Ordinary National, Provincial	3/4 - Three Quarter Page	750.00
Ordinary National, Provincial	4/4 - Full Page	1000.00

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 **R3000** 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 days prior to publication
Regulation Gazette	Weekly	Friday	Friday 15h00, to be published the following Friday	Tuesday, 15h00 - 3 days prior to publication
Petrol Price Gazette	As required	First Wednesday of the month	One week before publication	3 days prior to publication
Road Carrier Permits	Weekly	Friday	Thursday 15h00, to be published the following Friday	3 days prior to publication
Unclaimed Monies (justice, labour or lawyers)	January / As required 2 per year	Any	15 January / As required	3 days prior to publication
Parliament (acts, white paper, green paper)	As required	Any		3 days prior to publication
Manuals	As required	Any	None	None
State of Budget (National Treasury)	Monthly	Any	7 days prior to publication	3 days prior to publication
Legal Gazettes A, B and C	Weekly	Friday	One week before publication	Tuesday, 15h00 - 3 days prior to publication
Tender Bulletin	Weekly	Friday	Friday 15h00 for next Friday	Tuesday, 15h00 - 3 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 days prior to publication
Northern Cape	Weekly	Monday	One week before publication	3 days prior to publication
North West	Weekly	Tuesday	One week before publication	3 days prior to publication
KwaZulu-Natal	Weekly	Thursday	One week before publication	3 days prior to publication
Limpopo	Weekly	Friday	One week before publication	3 days prior to publication
Mpumalanga	Weekly	Friday	One week before publication	3 days prior to publication
Gauteng Liquor License Gazette	Monthly	Wednesday before the First Friday of the month	Two weeks before publication	3 days after submission deadline
Northern Cape Liquor License Gazette	Monthly	First Friday of the month	Two weeks before publication	3 days after submission deadline
National Liquor License Gazette	Monthly	First Friday of the month	Two weeks before publication	3 days after submission deadline
Mpumalanga Liquor License Gazette	2 per month	Second & Fourth Friday	One week before	3 days prior to publication

GOVERNMENT PRINTING WORKS - BUSINESS RULES**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.
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.

GOVERNMENT PRINTING WORKS - BUSINESS RULES**QUOTATIONS**

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

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

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

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

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

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

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

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

CANCELLATIONS

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

AMENDMENTS TO NOTICES

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

REJECTIONS

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

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

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

GOVERNMENT PRINTER INDEMNIFIED AGAINST LIABILITY

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

LIABILITY OF ADVERTISER

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

CUSTOMER INQUIRIES

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

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

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

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

GOVERNMENT PRINTING WORKS - BUSINESS RULES

PAYMENT OF COST

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

PROOF OF PUBLICATION

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

GOVERNMENT PRINTING WORKS CONTACT INFORMATION

Physical Address:

Government Printing Works

149 Bosman Street

Pretoria

Postal Address:

Private Bag X85

Pretoria

0001

GPW Banking Details:

Bank: ABSA Bosman Street

Account No.: 405 7114 016

Branch Code: 632-005

For Gazette and Notice submissions: Gazette Submissions:

For queries and quotations, contact: Gazette Contact Centre:

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

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

Tel: 012-748 6200

Contact person for subscribers: Mrs M. Toka:

E-mail: subscriptions@gpw.gov.za

Tel: 012-748-6066 / 6060 / 6058

Fax: 012-323-9574

GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF HEALTH

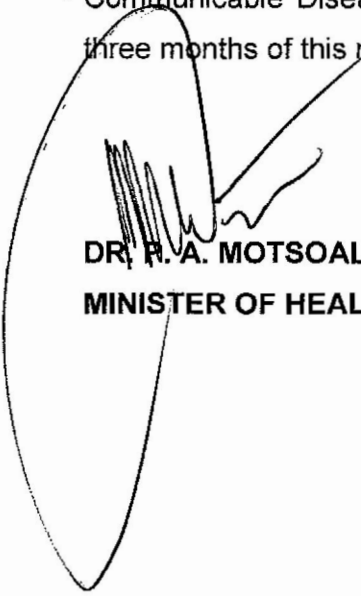
NO. 604

30 JUNE 2017

NATIONAL HEALTH ACT, 2003 (ACT NO. 61 OF 2003)**REGULATIONS RELATING TO THE SURVEILLANCE AND THE CONTROL OF
NOTIFIABLE MEDICAL CONDITIONS**

The Minister of Health intends, in terms of section 90(1) (j), (k) and (w) of the National Health Act, 2003 (Act No. 61 of 2003), to make the regulations in the Schedule.

Interested persons are invited to submit any comments on the proposed regulations, or any representations they may wish to make with regard to these regulations to the Director-General: Health, Private Bag X828, Pretoria, 0001, for the attention of the Chief Director: Communicable Disease Control, or by email to *Tsakani.Furumele@health.gov.za* within three months of this notice.



DR. R. A. MOTSOLEDI, MP
MINISTER OF HEALTH

SCHEDULE**ARRANGEMENT OF REGULATIONS**

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**IMPLEMENTATION PRINCIPLES AND RESPONSIBILITIES IN RELATION TO
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Definitions

1. In these regulations, a word or expression to which a meaning has been assigned in the Act bears the meaning so assigned, unless the context indicates otherwise–

“carrier” means a person who is confirmed to be infected with a notifiable medical condition through laboratory tests or other medical procedures, but does not show any clinical signs and symptoms of the disease at the time;

“category 1 notifiable medical condition” means a condition indicated in Annexure A, Table 1, that requires immediate reporting by the most rapid means available upon clinical or laboratory diagnosis followed by a written or electronic notification to the Department of Health within 24 hours of diagnosis by health care providers well as private and public health laboratories;

“category 2 notifiable medical condition” means a condition indicated in Annexure A, Table 2 that must be notified through a written or electronic notification to the Department of Health within seven days of clinical or laboratory diagnosis by health care providers well as private and public health laboratories;

“category 3 notifiable medical condition” means a condition indicated in Annexure A, Table 3 that must be notified through a written or electronic notification to the Department of Health within seven days of diagnosis by private and public health laboratories;

“case” means a person who is diagnosed with a notifiable medical condition either as a clinical case or a laboratory confirmed case;

“clinical case” means a patient that presents with clinical signs and symptoms of a notifiable medical condition;

“contact” means a person who has been exposed to notifiable medical condition but does not show any clinical signs and symptoms of the disease at the time;

“focal person” means a person designated in terms of regulations 4(2)(f), 5(2)(e) and 6(2)(e);

“IHR” means the World Health Organization’s International Health Regulations, 2005;

“isolation” means the separation of an ill or contaminated person or affected baggage, a container, conveyance, goods or a postal parcel from others in such a manner as to prevent the spread of infection or contamination;

“laboratory confirmed case” means a patient with a notifiable medical condition diagnosed through a Department of Health approved laboratory diagnostic method;

“Medical Scheme” means a medical scheme registered in terms of section 24 of the Medical Schemes Act, 1998 (Act No. 131 of 1998);

“national department” means the national Department of Health;

“national Health Regulations (IHR) Focal Point” means the national centre, designated by each State Party, which shall be accessible at all times for communications with World Health Organization’s (WHO) IHR Contact Points under the International Health Regulations;

“notifiable medical condition” means a medical condition, disease or infection of public health importance that is classified as notifiable in terms of regulation 12;

“outbreak” means the occurrence of more cases of a disease than that which is normally expected, within a specific place or group of people, over a given period of time;

“provincial department” means the provincial Department of Health;

“public health risk” means a likelihood of an event that may adversely affect the health of human populations, with the emphasis on one which may spread internationally or may present a serious and direct danger;

“quarantine” means the restriction of activities and/or separation from others of a suspect person who is not ill or of a suspect baggage, container, conveyance or goods in such a manner as to prevent the possible spread of infection or contamination;

“surveillance” means the systematic, ongoing collection, collation and analysis of data for public health purposes and the timely dissemination of public health information for assessment and public health response as necessary;

“the Act” means the National Health Act, 2003 (Act No. 61 of 2003); and

“WHO IHE Contact Point” means the unit within the WHO which shall be accessible at all time for communications with the National IHR Focal Point.

CHAPTER 1

IMPLEMENTATION PRINCIPLES AND RESPONSIBILITIES IN RELATION TO NOTIFIABLE MEDICAL CONDITIONS

Implementation principles

2. In implementing these Regulations, the following must be taken into account:
 - (a) the provisions of the Constitution of the Republic of South Africa, 1996;
 - (b) full respect for the dignity, confidentiality, human rights and fundamental freedoms of persons; and
 - (c) the requirement by the International Health Regulations (IHR), 2005 for countries to develop the capacity to detect, assess, notify and respond promptly and effectively to public health risks.

Responsibilities at national level

3. (1) The Minister has the overall responsibility to oversee the implementation of these Regulations.
- (2) The Director-General must-
 - (a) promote adherence to the use of standard case definitions for all notifiable medical conditions according to the World Health Organization (WHO) International Classification of Diseases as adapted by the national department;

- (b) promote adherence to the use of national department forms and tools for reporting notifiable medical conditions;
- (c) promote the adherence to the notification procedures stipulated in these Regulations;
- (d) ensure that structures, processes and systems are in place for the surveillance and control of notifiable medical conditions as stipulated in national department guidelines;
- (e) designate and ensure the functioning of the National IHR Focal Point;
- (f) notify the WHO IHR Contact Point through the National IHR focal point within 24 hours of epidemiological assessment, of all events which may constitute a public health emergency of international concern;
- (g) issue and promote adherence to national department guidelines on the surveillance and control of notifiable medical conditions.

Responsibilities at provincial level

4. (1) The Provincial Member of the Executive Council responsible for health must ensure the implementation of these Regulations within the Province.
- (2) The Head of a Provincial Department of Health must–
- (a) ensure adherence to these Regulations within his or her Province;
 - (b) ensure adherence to the use of standard case definitions for all notifiable medical conditions according to the WHO International Classification of Diseases as adapted by the national department;
 - (c) ensure adherence to the use of national department forms and tools for reporting notifiable medical conditions;
 - (d) ensure adherence to the notification procedures stipulated in these Regulations;
 - (e) ensure that structures, processes and systems are in place for the surveillance and control of notifiable medical conditions as stipulated in national department guidelines;
 - (f) designate a person responsible for coordinating the surveillance and control of notifiable medical conditions;
 - (g) ensure that national department guidelines on the surveillance and control of notifiable medical conditions are adhered to and implemented.

Responsibilities at health district level

5. (1) The district health manager must implement these Regulations within his or her district.
- (2) The district health manager must–
- (a) ensure that these Regulations are adhered to in his or her district;
 - (b) ensure adherence to the use of standard case definitions for notifiable medical conditions according to the WHO International Classification of Diseases as adapted by the national department;
 - (c) ensure adherence to the use of national department forms and tools for reporting notifiable medical conditions;
 - (d) ensure adherence to the notification procedures stipulated in these Regulations;
 - (e) designate a person responsible for coordinating the surveillance and control of notifiable medical conditions;
 - (f) ensure that national department guidelines on the surveillance and control of notifiable medical conditions are adhered to and implemented.

Responsibilities at health sub-district level

6. (1) The sub-district health manager must implement these Regulations within his or her health sub-district.
- (2) The sub-district health manager must–
- (a) ensure that these Regulations are adhered to in his or her sub-district;
 - (b) ensure adherence to the use of standard case definitions for notifiable medical conditions according to the WHO International Classification of Diseases as adapted by the national department;
 - (c) ensure adherence to the use of national department forms and tools for surveillance of notifiable medical conditions;
 - (d) ensure adherence to the notification procedures stipulated in these Regulations;
 - (e) designate a person responsible for coordinating the surveillance and control of notifiable medical conditions;
 - (f) ensure that national department guidelines on the surveillance and control of notifiable medical conditions are adhered to and implemented.

Responsibilities at health establishment level

7. (1) The health establishment manager must implement these Regulations within his or her health establishment.
- (2) The person in charge of a health establishment must–
- (a) ensure that these Regulations are adhered to in his or her health establishment;
 - (b) ensure adherence to the use of standard case definitions for notifiable medical conditions according to the WHO International Classification of Diseases as adapted by the national department;
 - (c) ensure adherence to the use of national department forms and tools for reporting notifiable medical conditions;
 - (d) ensure adherence to the notification procedures stipulated in these Regulations;
 - (e) ensure that national department guidelines on the surveillance and control of notifiable medical conditions are adhered to and implemented.

Responsibilities of health care providers

8. (1) A health care provider must–
- (a) notify the focal person at the health sub-district level of any diagnosed case of a notifiable medical condition through the use of–
 - (i) standard case definitions for notifiable medical conditions according to the WHO International Classification of Diseases as adapted by the national department;
 - (ii) (ii) national department forms and tools for reporting notifiable medical conditions;
 - (iii) notification procedures stipulated in these Regulations;
 - (b) ensure adherence to these Regulations;
 - (c) adhere to national department guidelines on the surveillance and control of notifiable medical conditions.

Responsibilities of laboratories

9. (1) The laboratory manager of a private or a public health laboratory must implement these Regulations within his or her laboratory.
- (2) The laboratory manager must–
- (a) ensure that these Regulations are adhered to in his or her laboratory;
 - (b) ensure adherence to the use of standard case definitions for notifiable medical conditions according to the WHO International Classification of Diseases as adapted by the national department;
 - (c) ensure adherence to the use of national department forms and tools for reporting notifiable medical conditions;
 - (d) ensure adherence to the notification procedures stipulated in these Regulations;
 - (e) ensure that national department guidelines on the surveillance and control of notifiable medical conditions are adhered to and implemented.

Responsibilities of pathologists and laboratory personnel

10. (1) A pathologist and laboratory personnel must–
- (a) notify the focal person at the health sub-district level of any diagnosed case of a notifiable medical condition through the use of–
 - (i) standard case definitions for notifiable medical conditions according to the WHO International Classification of Diseases as adapted by the national department;
 - (ii) (ii) national department forms and tools for reporting notifiable medical conditions;
 - (iii) notification procedures stipulated in these Regulations;
 - (b) ensure adherence to these Regulations;
 - (c) adhere to national department guidelines on the surveillance and control of notifiable medical conditions.

Responsibilities of Medical Schemes

11. A Medical Scheme must–

- (a) ensure that these Regulations are adhered to within its institution;
- (b) report any notifiable medical condition for which it has received a claim from a health care provider or laboratory personnel;
- (c) ensure adherence to the use of standard case definitions for notifiable medical conditions according to the WHO International Classification of Diseases as adapted by the national department;
- (d) ensure adherence to the use of national department forms and tools for reporting notifiable medical conditions;
- (e) ensure adherence to the notification procedures stipulated in these Regulations.

CHAPTER 2

Declaration of notifiable medical conditions

- 12. (1)** The Minister hereby declares the medical conditions listed in Annexure A, Tables 1, 2 and 3 to be notifiable medical conditions.
- (2)** The Minister, may declare, by notice in the *Government Gazette*, a medical condition not listed in Annexure A, as notifiable if in his or her opinion the medical condition–
- (a) poses a serious public health risk to a population of a particular community, municipality, district, province or the country;
 - (b) may be regarded as a public health risk or has a potential for regional or international spread; and
 - (c) may require immediate, appropriate and specific action to be taken by the national department, one or more provincial departments or one or more municipalities.
- (3)** The Minister may determine, by notice in the *Government Gazette*, that–

- (a) certain diseases or medical conditions be notifiable in certain provinces, districts or municipalities, for a period specified in the notice or until the notice is withdrawn;
- (b) certain diseases or medical conditions be notifiable by certain categories of health care providers, pathologist or laboratory personnel; and
- (c) specific diagnostic or laboratory criteria apply to specific diseases or medical conditions.

Notification and reporting process

- 13 (1) (a) A health care provider who diagnoses a patient with a notifiable medical condition listed in Annexure A, Table 1, must report the medical condition to the focal person at the health sub-district level by the most rapid means available, upon diagnosis even before the case is laboratory confirmed in order to facilitate the implementation of public health measures and response.
- (b) The report contemplated in paragraph (a) must be followed by a written or electronic notification within 24 hours of diagnosis, in order to facilitate the implementation of public health measures and response.
- (c) A health care provider who diagnoses a patient with a notifiable medical condition listed in Annexure A, Table 2, must notify the focal person at the health sub-district level of the medical condition within seven (7) days of diagnosis, through a written or electronic notification, in order to facilitate the implementation of public health measures and response.
- (2) (a) A health care provider who diagnoses or treats a patient with a notifiable medical condition listed in Annexure A, Tables 1 and 2, and the patient subsequently dies as a result of such a condition, must report the death to the focal person at the health sub-district level by the most rapid means available in order to facilitate the implementation of public health measures and response.

- (b) The report contemplated in paragraph (a) must be followed by a written or electronic notification within 24 hours of diagnosis, to facilitate the implementation of public health measures and response.
- (3) (a) A pathologist or laboratory personnel, who diagnoses a notifiable medical condition listed in Annexure A, Table 1, must, upon diagnosis, report the medical condition to the focal person at the health sub-district level by the most rapid means available in order to facilitate the implementation of public health measures and response.
- (b) The report contemplated in paragraph (a) must be followed by a written or electronic notification within 24 hours of diagnosis, to facilitate the implementation of public health measures and response.
- (c) A pathologist or laboratory personnel, who diagnoses a notifiable medical condition listed in Annexure A, Table 2, must notify the focal person at the health sub-district level of the medical condition within seven (7) days of diagnosis, through a written or electronic notification in order to facilitate the implementation of public health measures and response.
- (d) A pathologist or laboratory personnel, who diagnoses a notifiable medical condition listed in Annexure A, Table 3, must notify the focal person at the health sub-district level of the medical condition within seven (7) days of diagnosis, through a written or electronic notification, in order to facilitate the implementation of public health measures and response.
- (4) A Medical Scheme must report a notifiable medical condition listed in Annexure A, Tables 1 and 2 or 3, for which it has received a claim from a health care provider, a pathologist or a laboratory personnel, to the national department, on a monthly basis in order to facilitate the implementation of public health measures and response.
- (5) (a) A health care provider, pathologist or laboratory personnel who has knowledge of an outbreak or an unusual incidence of–

- (i) a notifiable medical condition listed in Annexure A, Tables 1, 2 and 3;
 - (ii) a medical condition deemed to be notifiable by the Minister;
or
 - (iii) any other unusual case or cluster of disease not listed in Annexure A,
- must immediately report the outbreak or unusual incidence to the focal person at the health sub-district level, in order to facilitate the implementation of public health measures and response.
- (b) The report contemplated in paragraph (a) must be followed by a written or electronic notification within 24 hours of diagnosis, in order to facilitate the implementation of public health measures and response.
- (6) (a) A health care provider, must report data elements for notifiable medical conditions listed in Annexure A, Tables 1 and 2 as detailed in Annexure B, Table 1.
- (b) A pathologist and laboratory personnel, must report data elements for notifiable medical conditions listed in Annexure A, Tables 1, 2 and 3 as detailed in Annexure B, Table 2.
- (c) A Medical Scheme must report data elements for notifiable medical conditions listed in Annexure A, Tables 1, 2 and 3 as detailed in Annexure B, Table 3.

CHAPTER 3

PREVENTION AND CONTROL OF NOTIFIABLE MEDICAL CONDITIONS

Voluntary medical examination, prophylaxis, treatment, isolation and quarantine

14. (1) The disease specific guidelines on how to diagnose, manage and prevent the spread of notifiable medical conditions issued by the national department must be followed in implementing the appropriate medical examination, prophylaxis, counseling, treatment, isolation or quarantine measures.

- (2) (a) A case or carrier of a notifiable medical condition listed in Annexure A, Tables 1, 2 and 3 or a medical condition deemed to be notifiable by the Minister, must subject himself or herself to medical examination.
 - (b) The medical examination referred to in paragraph (a) may include but is not limited to, a clinical examination followed by the taking of biological specimens necessary for laboratory confirmation.
- (3) A person who has been in contact with a case or carrier of a notifiable medical condition must also subject himself or herself to the medical examination referred to in subregulation (2) (a).
- (4) Following the medical examination, the health care provider may prescribe prophylaxis, treatment or implement isolation or quarantine procedures, if deemed necessary.
- (5) The need, nature and extent of the intervention must be assessed, based on the nature of the public health risk and the particular circumstances of the individual.
- (6) (a) The case or carrier referred to in subregulation (2)(a) must comply, to the best extent possible, with all infection control measures given, including but not limited to prophylaxis, treatment, isolation or quarantine measures.
 - (b) The case or carrier must also provide all information required to enable physical or virtual monitoring during the disease or pathogen incubation period.
- (7) The likelihood of a carrier or contact becoming a case, based on the extent and duration of exposure with a known case, must be considered in determining and implementing appropriate isolation or quarantine measures.
- (8) The carrier or contact must provide all information required to enable physical or virtual monitoring during the disease or pathogen incubation period.

Mandatory medical examination, prophylaxis, treatment, isolation and quarantine

15. (1) The required mandatory medical examination, prophylaxis, treatment, isolation or quarantine procedures must be determined on a case by case basis and tailored depending on the public health risk and individual circumstances of the person in question.
- (2) The head of a provincial department must apply to the High Court for an appropriate court order, if a person who is a clinical or laboratory confirmed case, carrier or contact of a notifiable medical condition listed in Annexure A, Tables 1, 2 and 3 or a medical condition deemed notifiable by the Minister, refuses to consent to—
- (a) a medical examination, including but not limited to the taking of any biological specimen;
 - (b) being admitted at a health establishment; or
 - (c) mandatory prophylaxis, treatment, isolation or quarantine in order to prevent transmission.
- (3) The head of a provincial department must apply to a High Court for an order to—
- (a) conduct an autopsy on a body of a patient, who has presumably died of a notifiable medical condition, in order to ascertain the exact cause of death only where this is in the interest of public health and is on special request by an interested person.
- (4) The following conditions must be fulfilled before mandatory prophylaxis, treatment, isolation or quarantine may be taken, namely:
- (a) the notifiable medical condition must pose a public health risk;
 - (b) the person must have expressly, impliedly or by conduct refused voluntary measures to protect public health; and
 - (c) the person who is a case, carrier or contact of a notifiable medical condition has been offered and encouraged to accept counseling services in order to assist them in understanding the nature of the voluntary measures, the personal health risk, the public health risk and the procedure that will be followed should they persist in refusing voluntary measures.

- (5) The head of a provincial department responsible for implementing the court order against the person who is being examined, treated, isolated or quarantined must revise the decision to apply for a court order as soon as the conditions for mandatory action are no longer present or the person consents to voluntary interventions.

Control of spread of notifiable medical conditions

16. (1) The district health manager must ensure that health care providers, the case, contact or carrier comply with the specified disease prevention, management and control measures stipulated in the national department guidelines.
- (2) Where animal and environmental control is required, the district health manager must ensure that the necessary stakeholders are informed of, and involved in, the prevention and control of such a notifiable medical condition in line with the national department guidelines and procedures.
- (3) The head of an institution including but not limited to a health establishment, training or education institution, a care or residential institution, barracks or a correctional services institution, who is aware or reasonably suspects that a person at the institution–
 - (i) is a case or carrier of a notifiable medical condition listed in Annexure A, Tables 1 and 2 or a medical condition deemed to be notifiable by the Minister; or
 - (ii) was in contact with a carrier or case of a notifiable medical condition listed in Annexure A, Tables 1 and 2 or a medical condition deemed to be notifiable by the Minister,must immediately report this to the focal person at the health sub-district, in order to facilitate the implementation of public health measures and response. This report must be done as stipulated in Annexure A, Tables 1 and 2. Data elements to be reported are listed in Annexure B, Table 1.

CHAPTER 4

GENERAL MATTERS

Representation

17. (1) A person who is a clinical or laboratory confirmed case, carrier or contact of a notifiable medical condition and who refuses–
- (a) to voluntarily consent to a medical examination by a qualified health care provider including the taking of any biological specimen;
 - (b) to be admitted at a health establishment; or
 - (c) mandatory prophylaxis, treatment, isolation or quarantine in order to prevent transmission,
- is entitled to a legal representative.
- (2) An indigent person who is a clinical or laboratory confirmed case, carrier or contact of a notifiable medical condition and who refuses–
- (a) to voluntarily consent to a medical examination by a qualified health care provider including the taking of any biological specimen;
 - (b) to be admitted at a health establishment; or
 - (c) mandatory prophylaxis, treatment, isolation or quarantine in order to prevent transmission,
- is entitled to legal aid provided by the State in respect of any proceedings instituted or conducted in terms of the Act subject to the provisions of the Legal Aid South Africa Act, 2014 (Act No. 39 of 2014).

Confidentiality

18. (1) Information concerning a case, contact or a carrier of a notifiable medical condition, including information relating to his or her health status, treatment or stay in a health establishment, is confidential.

- (2) A person may not disclose information contemplated in subregulation (1) unless–
- (a) the disclosure is for the purposes of public health surveillance, investigations and interventions; or
 - (b) a court order or any law requires that disclosure.

Protection of health records

19. The health records of a case, contact or carrier of a notifiable medical condition must be protected as provided for in section 17 (1) of the Act.

Offences and penalties

20. A person who–
- (a) fails to comply with a provision of these Regulations; or
 - (b) has a duty to notify and fails to notify a condition contemplated in Tables 1, 2 and 3 of Annexure A,
- is guilty of an offence and is on conviction liable to a term of imprisonment not exceeding 12 years or both imprisonment and such fine as determined by a court of law.

Repeal

21. The Regulations published under Government Notice No. R2438 of 30 October 1987, No. 328 of 22 February 1991, No. 716 of 22 April 1994, No. 1307 of 3 October 1997, No. R485 of 23 April 1999, are hereby repealed.

Short title

22. These Regulations are called Regulations Relating to the Surveillance and the Control of Notifiable Medical Conditions, 2017.

ANNEXURE A

Table 1: Category 1 notifiable medical conditions that require immediate reporting by the most rapid means available upon diagnosis followed by a written or electronic notification to the Department of Health within 24 hours of diagnosis by health care provider as well as private and public health laboratories

	Notifiable medical condition
1.	Acute flaccid paralysis
2.	Acute rheumatic fever
3.	Anthrax
4.	Botulism
5.	Cholera
6.	Food borne illness outbreak
7.	Malaria
8.	Measles
9.	Meningococcal disease
10.	Plague
11.	Poliomyelitis
12.	Rabies (human)
13.	Respiratory disease caused by a novel respiratory pathogen**
14.	Rift valley fever (human)
15.	Smallpox
16.	Viral haemorrhagic fever diseases*
17.	Waterborne illness outbreak
18.	Yellow fever

* Viral haemorrhagic fever diseases: Ebola or Marburg viruses, Lassa virus, Lujo virus, novel or new world arena viruses, Crimean-Congo haemorrhagic fever

**Examples of novel respiratory pathogens include novel influenza A virus, MERS coronavirus

Table 2: Category 2 notifiable medical conditions to be notified through a written or electronic notification to the Department of Health within seven (7) days of diagnosis by health care provider as well as private and public health laboratories

	Notifiable medical condition
1.	Agricultural or stock remedy poisoning
2.	Bilharzia (schistosomiasis)
3.	Brucellosis
4.	Congenital rubella syndrome
5.	Congenital syphilis
6.	Diphtheria
7.	Enteric fever (typhoid or paratyphoid fever)
8.	<i>Haemophilus influenzae</i> type B
9.	Hepatitis A
10.	Hepatitis B
11.	Hepatitis C
12.	Hepatitis E
13.	Lead poisoning
14.	Legionellosis
15.	Leprosy
16.	Maternal death (pregnancy, childbirth and puerperium)
17.	Mercury poisoning
18.	Pertussis
19.	Soil transmitted helminths
20.	Tetanus
21.	Tuberculosis: pulmonary
22.	Tuberculosis: extra-pulmonary
23.	Tuberculosis: multidrug-resistant (MDR-TB)
24.	Tuberculosis: extensively drug-resistant (XDR-TB)

Table 3: Category 3 notifiable medical conditions to be notified through a written or electronic notification to the Department of Health within seven (7) days of diagnosis by private and public health laboratories

	Notifiable medical condition	Pathogen/s to notify
1	Endemic arboviral diseases	West Nile virus, Sindbis virus, Chikungunya virus
	Healthcare-associated infections or multi drug-resistant organisms of public health importance	<ul style="list-style-type: none"> • Carbapenemase-producing Enterobacteriaceae • Vancomycin-resistant enterococci • Staphylococcus aureus: hGISA and GISA • Colistin-resistant <i>Pseudomonas aeruginosa</i> • Colistin-resistant <i>Acinetobacter baumannii</i> • <i>Clostridium difficile</i>
2	Non-endemic arboviral diseases	Dengue fever virus, other imported arboviruses of medical importance
	Non-typhoidal Salmonellosis	<i>Salmonella</i> spp. other than <i>S. Typhi</i> and <i>S. Paratyphi</i>
3	Rubella	Rubella virus
	Shiga toxin-producing <i>Escherichia coli</i>	Shiga toxin-producing <i>Escherichia coli</i>
4	Shigellosis	<i>Shigella</i> spp.

ANNEXURE B**Table 1: Data elements to be reported by health care providers for Category 1 and Category 2 notifiable medical conditions**

First names
Surname
Gender (M/F)
Pregnant (yes/no)
Citizenship
ID number
Passport number (if applicable)
Other ID number (if applicable)
Date of birth (dd/mm/yyyy)
Age
Patient HPRS-PRN
Patient File/Folder #
Hospital number (if applicable)
Ward name (if hospitalised)
Residential address
Telephone number
Name and address of employer, school or other institution where patient spends much of the day
Telephone number of employer, school or other institution where patient spends much of the day
Notifiable medical condition diagnosed
Method of diagnosis (clinical, lab, x-ray, other)
ICD10 code
Clinical symptoms
Date of onset of symptoms
Date of diagnosis
Vaccination status
Treatment given
History of possible exposure in the last 60 days (yes/no/unknown)
Specimens collected (yes or no)
Specimen type
Date of specimen collection (dd/mm/yyyy)
Specimen laboratory barcode/number
Patient vital status (alive/deceased)
Date of death (dd/mm/yyyy)
Patient admission status (inpatient/ outpatient/discharged)
Transferred to another facility (yes/no)
Name of health establishment if transferred
Places travelled to in the last 60 days (country, province, locality)
Dates travelled to and from the place of travel (dd/mm/yyyy)
Health care provider first name
Health care provider surname
Health care provider practice number
Health care provider mobile number
Health establishment name
Health establishment registration number
Sub-district
District/ Municipality
Province
Health establishment contact number
Date of notification

Additional information may be requested as and when necessary

Table 2: Data elements to be reported by private and public health laboratories for Category 1, 2 and 3 notifiable medical conditions

First names	
Surname	
Sex (M/F)	
Citizenship	
ID number	
Passport number (if applicable)	
Other ID number (if applicable)	
Date of birth (dd/mm/yyyy)	
Age	
Hospital number (if applicable)	
Ward name (if hospitalised)	
Residential address	
Telephone number	
Specimen type	
Date of specimen collection (dd/mm/yyyy)	
Date of specimen receipt into laboratory (dd/mm/yyyy)	
Laboratory test performed	
Pathogens isolated	1.
	2.
	3.
	4.
Final laboratory test result	
Date final result authorised and reported to health care provider(yyyy/mm/dd)	
Health care provider name	
Health care provider practice number	
Health care provider contact number	
Health establishment name	
Health establishment registration number	
Sub-district	
District/ Municipality	
Province	
Health establishment contact number	
Laboratory name	
Laboratory practice number	
Pathologist or laboratory personnel name	
Sub-district	
District/Municipality	
Province	
Laboratory contact number	

Additional information may be requested as and when necessary

Table 3: Data elements to be reported by medical schemes for Category 1, 2 and 3 notifiable medical conditions

First names	
Surname	
Sex (M/F)	
Citizenship	
ID number	
Passport number (if applicable)	
Other ID number (if applicable)	
Date of birth (dd/mm/yyyy)	
Age	
Hospital number (if applicable)	
Ward name (if hospitalised)	
Residential address	
Telephone number	
Method of diagnosis (clinical, lab, x-ray, etc)	
Notifiable medical condition diagnosed	
ICD10 code	
Clinical symptoms	
Date of onset	
Date of presentation to health establishment	
Treatment given	
Specimen type	
Date of specimen collection (dd/mm/yyyy)	
Date of specimen receipt into laboratory (dd/mm/yyyy)	
Laboratory test performed	
Pathogens isolated	1.
	2.
	3.
	4.
Final laboratory test result	
Date final result authorised and reported to health care provider(yyyy/mm/dd)	
Health care provider name	
Health care provider practice number	
Health care provider contact number	
Health establishment name	
Health establishment registration number	
Sub-district	
District/ Municipality	
Province	
Health establishment contact number	
Laboratory name	
Laboratory practice number	
Pathologist or laboratory personnel name	
Sub-district	
District/Municipality	
Province	
Laboratory contact number	

Additional information may be requested as and when necessary

DEPARTMENT OF LABOUR

NO. 605

30 JUNE 2017

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 **Natal General Allied Workers Union (NGAWU) (LR2/6/2/681)** for the following reasons:

- The union failed comply with the provisions of section 98, 99 and 100 of the Act,
- The 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: 2015/117.

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


REGISTRAR OF LABOUR RELATIONS

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NO. 606

30 JUNE 2017

NOTICE OF AMENDMENT IN TERMS OF SECTION 11A OF THE RESTITUTION OF LAND RIGHTS ACT, 1994 (ACT 22 OF 1994), AS AMENDED

Notice is hereby given in terms of Section 11A (4) read with section 11A (2) of the Restitution of Land Rights Act, act No 22 of 1994, as amended, that General Notice No. 28946 dated 30 June 2006 ("the original notice"), be amended by-

The amendment of the above mentioned notice is made to make corrections by deleting the properties which were wrongly published on the previous gazette i.e Letaba Estate 252 LT, Letaba drift 526 LT and portion 25 of Mohlaba's Location 567 LT which were said to be claimed by Mafutha David Khosa on behalf of (Ritavi Settlement) Risenga community and George Makhubela and Anna Ngobeni on portion 25 whereas the correct portion of the farm which they have lodged their land claims is the Remaining Extent of Mohlaba's Location 567 LT.

The amendment of the above mentioned notice is made to make corrections by deleting wrong properties as indicated above as Letaba estate 525 LT, Letaba drift 526 LT and portion 2 of Mohlaba's Location 567 LT and replace by the Remaining Extent of portion 2 of Mohlaba's Location 567 LT and by deleting the wrong portion 6 of Mohlaba's Location 567 LT and replace by the Remaining Extent of portion 6 of Mohlaba's Location 567 LT which is said to be claimed by Shikwambane community. The amendment of this notice also is corrected on page 37 to indicate that Messer Makora July Mbweni, Marhumbini Abel Baloyi, and Gradwell Gideon Mathebula have lodged their land claims on behalf of their families not for (Ritavi settlement)Risenga Community.

The current descriptions of the claimed properties are as follows:

FARM NAME	OWNER	TITLE DEED	EXTENT (HECTARES)	BONDS AND RESTRICTIVE CONDITIONS	HOLDER
Remaining extent of Portion 2 of Mohlaba Location	African Realty Trust PTY LTD	T83908/1990	14.9133		Standard Bank of South Africa


567 LT					
Remaining extent of Portion 6 of Mohlabas location 567 LT					

Any person wishing to give reasons why the notice should not be amended to incorporate other claimants in respect of the above farms is hereby invited to submit in writing, within 14 days of publication of this notice, any comments, objections or information to:

The Regional Land Claims Commissioner: Limpopo
Private Bag X9552
Polokwane
0700

OR

Submissions may also be delivered to
First Floor, 96 Kagiso House
Corner Schoeman & Rissik Street
Polkwane


HARRY MAPHUTHA
REGIONAL LAND CLAIMS COMMISSIONER
DATE: 2017/05/24

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NO. 607

30 JUNE 2017

AMMENDMENT GAZETTE NOTICE NO.144 OF 2015

NOTICE OF AMENDMENT IN TERMS OF SECTION 11 (4) OF THE RESTITUTION OF LAND RIGHTS ACT, 1994 (ACT NO. 22 OF 1994), AS AMENDED

Notice is hereby given in terms of section 11(4) of the Restitution of Land Rights Act, 1994 (Act No. 22 of 1994) as amended, that an amendment is hereby made to gazette notice No: 144 of 2015 to **include** the following 6 individual claimants that have also lodged claims for restitution of land rights on portions of land that is located within the jurisdiction of Chibase Tribal Authority and the farm Chibase 213 MT, located in the Thulamela Local Municipality, Vhembe District of the Limpopo. These land claims were lodged between 14th September 1997 and 15th May 1998:

KRP No.	NAMES	ID NUMBER
9464	Hlengani Nyanisi Mthavini	4803100369084
9250	Mzamani Risenga Sampson	4901095592080
3669	Shilenge Mduwazi Richard	64013111564081
9324	Givha Namadzavho Anna	4612210508089
9565	Xirinda Gezani Albert	5706275762083
3028	Chauke Nyanisi	2811110450085

Preliminary investigations that were done by the office of the Regional Land Claims Commissioner: Limpopo indicates that the claimants were dispossessed of land rights from areas (villages) such as Tshikambe, Ha Masikhwa, Mutshendheni, Ngudza, Tshisahulu and Mapate villages. These villages are located within the jurisdiction of Chibase Tribal Authority and the farm Chibase 213 MT

All interested parties should take note that the office of the Regional Land Claims Commissioner: Limpopo is investigating these land claims. 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 comments, objections or information under **KRP number quoted on the table outlining the claimants** as the reference number to:

The Regional Land Claims Commissioner: Limpopo
Private Bag X9552
Polokwane
0700

Submissions can also be hand delivered to:

96 Kagiso House
Corner Rissik & Schoeman Streets
Polokwane
0700


MR. L.H. MAPHUTHA
REGIONAL LAND CLAIMS COMMISSIONER
DATE: 2017/02/02

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NO. 608

30 JUNE 2017

GENERAL NOTICE IN TERMS OF THE RESTITUTION OF LAND RIGHTS ACT, 1994 (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 a claim for Restitution of Land Rights has been lodged on the farm Hendriksplaats 281 KT, Greater Tubatse Local Municipality of Sekhukhune District Limpopo.

The land claim was lodged by Riba Marwela Dina as an Individual Dispossessed Person the cutoff date of the 31st December 1998 in terms of the Restitution of Land Rights Act, 1994 (Act No. 22 Of 1994), as amended.

Riba Marwela Dina was dispossessed from the claimed property in 1977, and they are now residing at Makgemeng village. The claimed property is not restorable therefore, the claimant's direct descendants have opted for financial compensation in this matter ,in terms of the Restitution of Land Rights Act, 1994 (Act No. 22 Of 1994), as amended.

The property description is as follows:


PROPERTY	CURRENT OWNER	TITLE DEED	EXTENT (HECTARES)	MINERAL RIGHTS/SERVITUDES	HOLDER
Hendriksplaats 281 KT KRP 4439	Greater Tubatse Local Municipality	T14449/200 1	2910.4890 Ha	No details	No details

Any party that has an interest in the above- mentioned property is hereby invited to submit in writing, within **14** days of publication of this notice, any comments, objections or information under reference number **KRP 4439** to :

The Regional Land Claims
Commission: Limpopo
Private Bag X 9552
Polokwane
0700

OR

Submission may also be delivered to
First Floor, 96 Kagiso House
Corner Rissik & Schoeman Streets
Polokwane
0700


MAPHUTHA L.
REGIONAL LAND CLAIMS COMMISSIONER: LIMPOPO
DATE: 20/07/23

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NO. 609

30 JUNE 2017

GENERAL NOTICE IN TERMS OF THE RESTITUTION OF LAND RIGHTS ACT, 1994 (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 a claim for Restitution of Land Rights has been lodged on the farm Zuidbraband 862 LR in the Mogalakwena Local Municipality of Waterberg District Limpopo. The farm is a component in a consolidation done in 1999 into the farm Gillimberg 861 LR.

The land claim was lodged by the late Chief Malesela Piet Ledwaba on behalf of Nkidikitlana community on the 30th December 1998 in terms of the Restitution of Land Rights Act, 1994 (Act No. 22 Of 1994), as amended.

The community was dispossessed from the claimed property in 1938 and opted for land restoration in this matter, in terms of the Restitution of Land Rights Act, 1994 (Act No. 22 Of 1994), as amended.

The property description is as follows:

PROPERTY	CURRENT OWNER	TITLE DEED	EXTENT (HECTARES)	MINERAL RIGHTS/SERVITUDES	HOLDER
Zuidbraband 862 LR KRP 1635	Mogalakwena Local Municipality	T56579/2009	1371.8002 H	No details	No details

Any party that has an interest in the above- mentioned property is hereby invited to submit in writing, within **30** days of publication of this notice, any comments, objections or information under reference number **KRP 1635** to :

The Regional Land Claims
Commission: Limpopo
Private Bag X 9552
Polokwane
0700

OR

Submission may also be delivered to
First Floor, 96 Kagiso House
Corner Rissik & Schoeman Streets
Polokwane
0700


MAPHUTHA L.
REGIONAL LAND CLAIMS COMMISSIONER: LIMPOPO
DATE: 30/7/2013

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NO. 610

30 JUNE 2017

AMENDMENT GAZETTE NOTICE NO: 142 OF 2015

NOTICE OF AMENDMENT IN TERMS OF SECTION 11 (4) OF THE RESTITUTION OF LAND RIGHTS ACT, 1994 (ACT NO. 22 OF 1994), AS AMENDED

Notice is hereby given in terms of section 11(4) of the Restitution of Land Rights Act, 1994 (Act No. 22 of 1994) as amended, that an amendment is hereby made to gazette notice No: 142 of 2015 to include the following 8 individual claimants that have also lodged claims for restitution of land rights on portions of land that is located within the farm Mpapuli 278 MT, located in the Thulamela Local Municipality, Vhembe District of the Limpopo. These land claims were lodged between 26th April 1996 and 29th December 1998:

KRP NO	NAMES	ID NUMBER	CLAIMED PROPERTY
8076	Khosa Mamaila Rosie	6204070651080	Tshidzini
9194	Mtleni Risimati Wilson	6012035740082	Tshifudi
3774	Mathebula Modjadji Johanna	400808 0341 083	Ha-Mudzhiba
11944	Makondo Tsatsawani	320228 0203 083	Malavuwe
11744	Mabasa Nyanese	340218 0159 084	Malavuwe
3958	Miyambo Cathrinah Mphephu	590121 0519082	Tshifudi
9833	Chauke Mafemani James	4209145273085	Tshidzini
8958	Baloyi Mijaji Gladys	5603070563081	Tshikambe

Preliminary investigations that were done by the office of the Regional Land Claims Commissioner: Limpopo indicates that the claimants were dispossessed of land rights from areas (villages) such as Tshidzini, Tshifudi, Malavuwe, Tshikambe and Ha-Mudzhiba

All interested parties should take note that the office of the Regional Land Claims Commissioner: Limpopo is investigating these land claims. Any party that has an interest in the above-mentioned properties is hereby invited to submit in writing within 14 days of publication of this notice, any comments, objections or information under **KRP numbers quoted on the table outlining the claimants** as the reference number to:

The Regional Land Claims Commissioner: Limpopo
Private Bag X9552
Polokwane
0700

Submissions can also be hand delivered to:

96 Kagiso House
Corner Rissik & Schoeman Streets
Polokwane
0700



MR. L.H. MAPHUTHA
REGIONAL LAND CLAIMS COMMISSIONER
DATE: 2017/02/08

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NO. 611

30 JUNE 2017

AMENDMENT OF GAZETTE NOTICE NO 161 OF 2012

GENERAL NOTICE IN TERMS OF SECTION 11 (1) OF THE RESTITUTION OF LAND RIGHTS ACT, 1994 (ACT NO. 22 OF 1994), AS AMENDED

Notice is hereby given in terms of section 11 A (4) of the Restitution of Land Rights Act, 1994 (Act No. 22 of 1994) as amended that the amendment is hereby made to gazette No: 161 of 2012 to include the following individual claimant. The lodged claim for restitution of land rights on portions of land that is located within the farm Molenje 204 LT in the Thulamela Local Municipalities, Vhembe District of the Limpopo. These land claims were lodged before the cut of date of 31st December 1998. The claimant is outlined in the table below:

KRP NO.	NAMES	IDENTITY NUMBER	CLAIMED PROPERTY	PARENT FARM
3664	Hlungwani Njakeni Tsikani	2406060345086	Pietbooi	Molonje 204 LT

Preliminary investigations that were done by the office of the Regional Land Claims Commissioner: Limpopo indicates that the claimants were dispossessed of land rights from Pietbooi Village which is inside the farm Molenje 204 LT.

All interested parties should take note that the office of the Regional Land Claims Commissioner: Limpopo is investigating these land claims. Any party that has an interest in the above-mentioned properties is hereby invited to submit in writing within 14 days of publication of this notice, any comments, objections or information under **KRP number quoted on the table outlining the claimant** as the reference number to:

The Regional Land Claims Commissioner: Limpopo
Private Bag X9552
Polokwane
0700

Submissions can also be hand delivered to:

96 Kagiso House
Corner Rissik & Schoeman Streets
Polokwane
0700


MR. L.H. MAPHUTHA

REGIONAL LAND CLAIMS COMMISSIONER

DATE: 20/7/2018

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NO. 612

30 JUNE 2017

GENERAL NOTICE IN TERMS OF THE RESTITUTION OF LAND RIGHTS ACT, 1994 (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 a claim for Restitution of Land Rights has been lodged on the farm Highlands 60 KS and Witkoppies 89 KS in the Polokwane Local Municipality of Capricorn District Limpopo.

The land claim was lodged by the late Mr Mabone John Motimele on behalf of Lethuse community on the 04th of November 1998 in terms of the Restitution of Land Rights Act, 1994 (Act No. 22 Of 1994), as amended.

The community was dispossessed from the claimed properties from 1938 to 1983 and they opted for land restoration in this matter, in terms of the Restitution of Land Rights Act, 1994 (Act No. 22 Of 1994), as amended.

The property description is as follows:

PROPERTY	CURRENT OWNER	TITLE DEED	EXTENT (HECTARES)	ENDORSEMENTS	HOLDER
R/E of the farm Witkoppies 89 KS	National Government of RSA	T29754/1982	341.1102 HA	KS,89	-
Portion 1 of the R/E of the farm Witkoppies 89 KS	National Government of RSA	T45166/1979	31.8555 HA	KS,89 1	-
Portion 2 of the farm Witkoppies 89 KS	National Government of RSA	T3873/1981	32.5893 HA	KS, 2	-
R/E of the farm Highlands 60 KS	National Government of RSA	T21177/1983	10.8309 HA	KS,60	-
Portion 1 of the farm Highlands 60 KS	National Government of RSA	T41812/1982	263.8119 HA	KS,60,1	-
Portion 2 of the farm Highlands 60 KS	National Government of RSA	T28641/1982	180.4527 HA	KS, 60,2	-
Portion 3 of the farm Highlands	National Government of RSA	No Details	No Details	KS,60,3	

60 KS				K3719/1988RM	Fourie Magdalena Martha Susanna
				CONS- PTN,60,KS	
Portion 4 of the farm Highlands 60 KS	National Government of RSA	No Details	No Details	KS,60,4	-
				K5294/2001RM	Munro Johanna Adriana
				K5296/2001RM	Highlands Mineral Rights CC
				CONS- PTN8,60,KS	-
Portion 5 of the farm Highlands 60 KS	National Government of RSA	T11676/ 1980	85.6532 HA	KS,60,5	-
Portion 6 of the farm Highlands 60 KS	National Government of RSA	T11676/ 1980	136.1886 HA	KS,60,6	-
Portion 7 of the farm Highlands 60 KS	National Government of RSA	T55544/ 1981	171.3064 HA	KS,60,7	-
				K2696/1980RM	Botes Anna Helena Martha
				K360/1971RM	-
				K5294/2001RM	Munro Johanna Adriana
				K5296/2001RM	Highlands Mineral Rights CC
Portion 8 of the farm Highlands 60 KS	National Government of RSA	T36768/ 1982	249.7055 HA	KS,60,8	-
				K2696/1980RM	Botes Anna Helena Martha
				From- Ptn3&4,60,KS	-
Portion 9 of the farm Highlands 60 KS	National Government of RSA	T31945/ 1982	151.1514 HA	KS,60,9	-

Any party that has an interest in the above- mentioned property is hereby invited to submit in writing, within **14** days of publication of this notice, any comments, objections or information under reference number **KRP 6013** to :

The Regional Land Claims
Commission: Limpopo
Private Bag X 9552
Polokwane
0700

OR

Submission may also be delivered to
First Floor, 96 Kagiso House
Corner Rissik & Schoeman Streets
Polokwane
0700



MAPHUTHA L.

REGIONAL LAND CLAIMS COMMISSIONER: LIMPOPO

DATE: 2017/11/30

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NO. 613

30 JUNE 2017

**AMENDMENT OF GAZETTE NOTICE 86 OF 2013 AS CONTAINED IN
GOVERNMENT GAZETTE NUMBER 36123 DATED 08TH February 2013
IN RESPECT OF MOLAPO COMMUNITY LAND CLAIM**

Notice is hereby given in terms of Section 11A (4) of Restitution of Land Rights Act, 1994 (Act 22 of 1994), as amended to amend government gazette No. 86 of gazette number 36123 dated 08TH February 2013 (page 78-79).

The above mentioned gazette notice is hereby corrected in respect of the property description of the Portions of farm Kalkfontein 859 LS and farm Nooitgedacht 913 LS which are described as follows:

PROPERTY	CURRENT OWNER	TITLE DEED	EXTENT (HECTARE S)	BONDS AND RESTRICTIVE CONDITIONS	HOLDER
Remaining Extent of the farm Kalkfontein 859 LS	National Government Republic of South Africa	T23081/1937B P	6367.1186	K10108/2006S K3258/1999S VA1142/2001	No details No details National government of SA.
Portion 1 of the farm Kalkfontein 859 LS	Transnet LTD	T7959/1953	4.1270	No details	No details
Portion 3 of the farm Kalkfontein 859 LS (Remaining Extent)	Transnet LTD	T84554/1991	11.5805	No details	No details
Portion 4 of the farm Kalkfontein 859 LS (Remaining Extent)	Transnet LTD	T84554/1991	1988.0000	No details	No details
Portion 5 of the farm Kalkfontein 859 LS (Remaining Extent)	Polokwane Municipality	T28531/2007	184.9922	No details	No details
Portion 6 of the farm Kalkfontein 859 LS (Remaining Extent)	Polokwane Municipality	T71880/2006	5.3652	No details	No details
Portion 9 of the farm Kalkfontein 859 LS	Provincial Government of Northern Province	T9654/2003	36.8352	K525/2003RM	Provincial Government of Northern Province
Remaining Extent of the farm Nooitgedacht 913 LS	Government of Lebowa	T41897/1967	815.2502	K1228/2000RM	Lebowa Mineral Trust
Portion 1 of the farm Nooitgedacht 913 LS	Government of Lebowa	T13694/1967	5753.0000	Copy-issued-30/7/912	6864/912T
Portion 3 of the farm Nooitgedacht 913 LS (Remaining Extent)	Makotopong Community Authority	T31589/1978	713.6868	VA20048/2008 VA5817/1996	Makotopong community Authority T31589/1978

Portion 4 of the farm Nooitgedacht 913 LS (Remaining Extent)	Makotopong Community Authority	T31589/1978	712.6318	K2109/1990S VAA20048/200 8 VA5817/1996 VA6996/2010	Roeterbepalin g K3240/1988s Makotopong community Authority T31589/1978 Makotopong community Authority
Portion 6 of the farm Nooitgedacht 913 LS	Venter Floris Daniel	T32887/1979	1128.91061	K1829/1991 VA5865/2010	Roeterbepalin g K3285/84S
Portion 8 of the farm Nooitgedacht 913 LS	Dikgale Trust	T2792/2001	590.5401	K870/1989S VA5865/2010	Roeterbepalin g Dikgale Trust
Portion 9 of the farm Nooitgedacht 913 LS (Remaining Extent)	Government of Lebowa	T35362/1984	251.4942	K1348/2000R K4958/2012S	Lebowa Mineral Trust No details
Portion 12 of the farm Nooitgedacht 913 LS (Remaining Extent)	Government of Lebowa	T15799/1978	794.8965	K1227/2000R K1795/1991S	Lebowa Mineral Trust No details

Any party that has an interest in the above- mentioned property is hereby invited to submit in writing, within **14** days of publication of this notice, any comments, objections or information under reference number **KRP 10349,5462 & 11050** to :

**The Regional Land Claims
Commission: Limpopo
Private Bag X 9552
Polokwane
0700**

OR

**Submission may also be delivered to
First Floor, 96 Kagiso House
Corner Rissik & Schoeman Streets
Polokwane
0700**


**MAPHUTHA L.
REGIONAL LAND CLAIMS COMMISSIONER**

DATE:

20/11/23

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NO. 614

30 JUNE 2017

GENERAL NOTICE IN TERMS OF THE RESTITUTION OF LAND RIGHTS ACT, 1994 (ACT NO. 22 OF 1994) AS AMENDED

Notice is hereby given in terms of Section 11(1) of the Restitution of Land Rights Act, 1994 Act No. 22 of 1994) as amended, that a claim for restitution of land rights has been lodged by Mr Modupi Stephens Aphane on behalf of Khubela Aphane Community with respect to Remaining Extent, Portion 1 and Portion 2 of the farm Sedan 654 K.S, which are situated within the Ephraim Mogale local Municipality, Sekhukhune District of the Limpopo Province.

PROPERTY	OWNER	TITLE DEED NOTICE	EXTENT (ha)	ENDORSEMENTS	HOLDER	CLAIMANT
Remaining Extent of farm Sedan 654 K S	National Government Republic of South Africa	T53323 / 1980	1062.8256 H	None	None	Modupi Stephens Aphane
Portion 1 of the farm Sedan 654 K S	National Government Republic of South Africa	T8871/1984	531.4159 H	None	None	Modupi Stephens Aphane
Portion 2 of the farm Sedan 654 K.S	National Government Republic of South Africa	T18446/1981	560.1396	None	None	Modupi Stephens Aphane

The Commission on Restitution of Land Rights herein after the Commission received a land claim lodged by Mr Modupi Stephens Aphane on behalf of Khubela Aphane Community on the 27 December 1998. The research report with regard to this land claim is approved by the Regional Land Claims Commissioner. Any party that has an interest on the above-mentioned properties is hereby invited to submit in writing, within 14 days of publication of this notice, any comments or information or objection to the said notice under reference number KRP 5532 to:

Submission may also be delivered to:

Office of the Regional Land Claims Commissioner: Limpopo
Private Bag X 9552
Polokwane
0700

First Floor, 96 Kagisho House
Corner Rissik & Schoeman Street
Polokwane
0700

LEBJANE MAPHUTHA
REGIONAL LAND CLAIMS COMMISSIONER

DATE: 2017/06/09

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NO. 615

30 JUNE 2017

NOTICE OF AMENDMENT IN TERMS OF SECTION 11A (4) OF THE RESTITUTION OF LAND RIGHTS ACT, 1994 (ACT NO 22 OF 1994), AS AMENDED

Notice is hereby given in terms of Section 11A (4) of the Restitution of Land Rights Act, 1994 (Act 22 of 1994), as amended, that an amendment is hereby made to gazette number 26937, notice No. 2456 of 2004 to include the claimants as listed below that have also lodged claims for Restitution of land rights on portions of land that is located within the farm Tengwe's Location 255 MT, situated within the District of Vhembe, Mutale Local Municipality, Limpopo.

Note that the claimed land is a Communal area and the occupants enjoy the following rights in the land: residential, ploughing, burial, grazing and exercise ritual rights. Therefore the land under claim is not feasible to be restored to the claimants. The Commission will facilitate the process of getting alternative redress as provided by the Restitution of Land Rights Act, 1994 (Act No. 22 of 1994) as amended.

The land claim was lodged by Ms. Madingane Majaji Maria on the 28 December 1997 and Tshabalala Mphephu on the 22nd of December 1997.

The following table depicts the property claimed by the above-mentioned Claimant.

Part of Tengwe's Location 255 MT

Farm name	Portion	Current owner	Title Deed	Extent in Hectares	Bonds and Restrictive conditions	Holder
Tengwe's Location 255 MT	R/E	National Government Republic of South Africa	T148098/2000	7229.5509H	None	None

All interested parties should take note that the Office of the Regional Land Claims Commissioner: Limpopo is investigating this land claim. Any party that has an interest in the above-mentioned property is hereby invited to submit in writing, within 14 days of publication of this notice, any comment, objection or information under KRP numbers 3503 and 3504

The Regional Land Claims Commissioner: Limpopo
Commissioner: Limpopo
Private Bag X 9552
Polokwane, 0700

OR Submissions may also be delivered to:
61 Biccard Street
Polokwane
0700



MR. LEBJANE MAPHUTHA
REGIONAL LAND CLAIMS COMMISSIONER

DATE:

2017/03/22

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NO. 616

30 JUNE 2017

AMENDMENT OF NOTICE 924 OF 2014, AS CONTAINED IN THE GOVERNMENT GAZETTE NUMBER 38128 IN RESPECT OF BOKISI COMMUNITY LAND CLAIM.

Notice is hereby given in terms of section 11A(4) of the Restitution of Land Rights Act, 1994 (Act No. 22 of 1994) as amended that an error was made on the gazette notice 924 of 2014 as contained in the gazette number 38128 dated 31 October 2014. This notice serve to rectify that the farm Avondale 88 LT was gazetted as the remaining extent whereas it was supposed to be gazetted as the farm Avondale 88 LT. This property is described in detail in the table below. The farm Avondale 88 LT is situated within the Makhado Local Municipality, Vhembe District Limpopo Province.

The land claim was lodged by Mr. Magezi John Makhubele on behalf of Bokisi Community on the 05th of August 1996.

FARM NAME	PORTION(S)	OWNER	TITLE DEED	EXTENT	ENDORSEMENT/BON DS	HOLDER
AVONDALE 88 LT	FARM AVONDALE 88 LT	SOUTH AFRICAN NATIVE TRUST	T20843/1952	1624.3145 Ha	I-19431/2000CVN K238/1962RMVN	NO DETAILS

Preliminary investigations that were done by the office of the Regional Land Claims Commissioner: Limpopo indicates that the claimants were dispossessed of land rights from the farm Avondale 88LT.

All interested parties should take note that the office of the Regional Land Claims Commissioner: Limpopo is investigating these land claims. Any party that has an interest in the above-mentioned properties is hereby invited to submit in writing within **14** days of publication of this notice, any comments, objections or information under **KRP 1856** to:

The Office of the Regional Land Claims Commissioner: Limpopo OR Submissions can also be hand delivered to:
61 Biccard Street
Polokwane

Private Bag X9552
Polokwane
0700



MR. L.H. MAPHUTHA
REGIONAL LAND CLAIMS COMMISSIONER

DATE: 20/06/2017

DEPARTMENT OF TRANSPORT

NO. 617

30 JUNE 2017

THE NATIONAL RAILWAY SAFETY REGULATOR ACT, 16 OF 2002,**AS AMENDED****PUBLICATION FOR COMMENTS: DRAFT SECURITY MATTERS
REGULATIONS, 2017**

The Minister of Transport, in terms of section 50(3) (a) of the National Railway Safety Regulator Act, 2002 (Act No. 16 of 2002) as amended, hereby publishes for comments the draft Security Matters Regulations, 2017.

Interested persons are invited to submit written comments on these draft Regulations to the Acting Director-General, Department of Transport for the attention of Mr R Shivambu or Mr. S. Mokubane within 60 days after the date of publication of this notice:

The Department of Transport
Private Bag X 193
PRETORIA
0001

Email: shivambr@dot.gov.za

Tel: (012) 309 3872

Fax: (012) 309 3134

E-mail: mokubyas@dot.gov.za

Tel: (012) 309 3540

Fax: (012) 309 3134

DEPARTMENT OF TRANSPORT**NATIONAL RAILWAY SAFETY REGULATOR ACT, 2002 (ACT NO.16 OF 2002) AS
AMENDED****DRAFT SECURITY MATTERS REGULATIONS, 2017**

The Minister of Transport under section 31 (h) of the National Railway Safety Regulator Act, 2002 (Act 16 of 2002) intends to make the Regulations set out in the Schedule:

SCHEDULE**1. Definitions**

In these Regulations any word or expression to which a meaning has been assigned in the Act has the meaning so assigned unless the context indicates otherwise:

“applicant” means an Operator who applies to the Regulator for a security compliance certificate in terms of these Regulations;

“certificate” means a security compliance certificate issued in terms of these Regulations;

“Minimum Security Requirements” means the minimum security standards as prescribed by the Regulator from time to time;

“NIMS” means the National Information and Monitoring System as stipulated in section 39 of the Act;

“operator” means an operator as defined in the Act;

“Penalty Fee Regulations” means the Penalty Fee Regulations, 2011 as amended;

“Regulator” means Railway Safety Regulator as defined in the Act;

“safety permit” means safety permit as defined in the Act;

“SANS 3000-1” means South African National Standard - Railway safety management, Part 1: General

“security manager” means a person who is delegated with the responsibility to safeguard persons, infrastructure and assets within the railway operational environment.

“Security Compliance Certificate” means a certificate issued to a railway operator by the Regulator in terms of regulation 9 of these Regulations;

“Security Compliance Plan” means a plan submitted by an Operator to the Regulator in terms of regulation 6 of these Regulations;

“the Act” means the National Railway Safety Regulator Act, 2002 (Act No. 16 of 2002) as amended;

2. Purpose

The purpose of these Regulations is to prescribe the minimum security requirements that must be met by operators.

3. Application

These Regulations apply to Operators as defined in section 1 of the Act unless exempted by the Chief Executive Officer of the Regulator.

4. Security Compliance Certificate to be obtained by operators

(1) Subsequent to these Regulations taking effect—

- (a) An Operator must apply for and obtain a security compliance certificate in terms of the provisions of these Regulations.

- (b) A person may not undertake a railway operation or a component of a railway operation unless such a person has set up, and is maintaining a security compliance system which meets all the requirements set out in regulation 6 of these Regulations.
 - (c) A person may not undertake a railway operation or a component of a railway operation unless such a person is in possession of a valid security compliance certificate issued by the Regulator in respect of such operation.
- (2) Upon these Regulations entering into force, a person who is responsible for developing or managing a railway infrastructure, or managing and operating a station on a railway, shall not manage and use it or permit it to be used for the operation of trains unless—
 - (a) Such a person has implemented and is maintaining a security compliance system which meets the requirements stipulated in these Regulations.
 - (b) Such a person using or permitted to use such facility for such operation has complied with regulation 6 of these Regulations.

5. Ownership of a Certificate

- (1) A certificate is only valid for the Operator to whom it is issued and is not transferrable.
- (2) The Regulator may amend or vary any condition in a certificate in consultation with the operator.

6. Requirements for obtaining a certificate

- (1) The Regulator may only issue a certificate to an Operator if the operator's security compliance plan is in accordance with SANS 3000-1 and adequately addresses security matters in respect of but not limited to the following:
 - (a) Security rules regarding Passenger and Freight operations;
 - (b) Responding to Incidents;

- (c) Site Perimeters, Entrances and Exits;
 - (d) Informal Surveillance;
 - (e) Visibility;
 - (f) Emergency response;
 - (g) Lighting;
 - (h) Surveillance;
 - (i) Security Personnel;
 - (j) Deployed technology and other innovative means of ensuring security;
 - (k) Other preventative measures of ensuring security;
 - (l) Procedures for carrying out regular risk assessment exercise in accordance with the relevant risk management standards; and
 - (m) Procedures for ensuring that operator's staff comply with laid down security standards.
- (2) The requirements referred to in regulation 6(1) shall take the format prescribed in Annexure A.
- (3) Notwithstanding the provisions in regulation 6(2), the Regulator may in its discretion determine on a case-by-case basis, how an operator may demonstrate compliance with regulation 6.

7. Application for a certificate

- (1) An application for a certificate may be lodged manually or electronically using the NIMS or any other application process prescribed by the Regulator.
- (2) The Regulator shall publish on its website procedures for:
- (a) Submitting an application for a certificate;
 - (b) Issuing of a new certificate;
 - (c) Renewal of a certificate;
 - (d) Replacement of a stolen, lost, damaged or destroyed certificate; and

(e) Obtaining a duplicate certificate.

- (3) All applications must be submitted to the Regulator by the Operator and must be made in accordance with the published procedures.

8. Processing the application

- (1) All applications for a certificate shall be processed and finalised by the Regulator within 1 (one) calendar month of receipt of the application, provided that the Operator meets all the requirements.
- (2) Notwithstanding the provisions in regulation 8(1), in processing the application, the Regulator may—
- (a) Request additional information;
 - (b) Require the Operator to comply with any outstanding requirements imposed by these Regulations;
 - (c) Accept the information provided by the applicant; and
 - (d) Consider any objections raised by any other person or entity against the application; and
 - (e) Extend the time within which to process the application.

9. Issuing certificates

- (1) The Regulator shall issue a certificate to the Operator if the Regulator is satisfied that an applicant has complied with the requirements of the Act read together with these Regulations.
- (2) The Regulator may, in its discretion and upon request from the operator, issue duplicates of the certificate at a cost to be determined by the Regulator.

10. Renewal of certificates

- (1) A certificate shall be valid for the same period as a safety permit issued in terms of the Act.

- (2) A certificate ceases to be valid once it is suspended, withdrawn, or has expired.
- (3) An Operator may apply for the renewal of its certificate no later than 90 calendar days prior to the expiration of its existing certificate. Late applications shall be accompanied by suitable motivation indication reasons for late submissions.
- (4) An application for the renewal of a certificate contemplated in regulation 10(3) must be submitted to the Regulator in the prescribed format and in accordance with the procedure determined by the Regulator in terms of regulation 7(2).
- (5) The Regulator shall not renew a certificate unless the Regulator is satisfied that the Operator complies with regulation 6.

11. Suspension and revocation of certificates

- (1) If the Regulator considers that the Operator no longer satisfies one or more conditions upon which the certificate was issued, the Regulator may suspend or revoke the certificate.
- (2) If the Regulator suspends or revokes the certificate in terms of regulation 11(1), the Regulator shall inform the Operator of:
 - (a) The suspension and the period of such suspension;
 - (b) The revocation;
 - (c) The reason for the suspension or revocation;
 - (d) The availability of the appeal procedure; and
 - (e) Any procedure to be followed to seek reinstatement of the certificate.

12. Annual security reports

- (1) An Operator shall within three months after closure of its financial year, submit to the Regulator an annual security compliance report relating to the previous year. The report must contain the following information:

- (a) Security objectives and how these were achieved through the implementation of the operator's security compliance system;
 - (b) Detailed information on how the operator's security compliance has mitigated risks and ensured security;
 - (c) The findings of the security audits carried out in compliance with the requirements of the Act; and
 - (d) Detailed comments on any weaknesses, shortcomings or deficits impacting on the security matters.
- (2) The annual security compliance report referred to in regulation 12(1) shall form part of the permit application required to be submitted to the Regulator in terms of the Act.
- (3) The Regulator may carry out inspections of the security compliance system put in place by the operator in terms of these Regulations.

13. Appeals

- (1) An operator who is aggrieved by a decision made by the Regulator under these Regulations may appeal against that decision to the Regulator's board of directors.
- (2) The right to appeal shall be exercised in terms of the Act.

14. Penalties

An operator who contravenes these regulations will be subjected to the provisions of Penalty Fee Regulations, 2011 as amended.

15. Transitional Provisions

An operator has one year from the date of commencement of these Regulations to comply with the provisions of these Regulations.

16. Short title

These Regulations shall be called the Security Matters Regulations 2017 and are published for public comments.

DEPARTMENT OF TRANSPORT

NO. 618

30 JUNE 2017

**THE NATIONAL RAILWAY SAFETY REGULATOR ACT, 2002 (Act
No.16 OF 2002)****DRAFT REGULATIONS REGARDING INFRASTRUCTURE OR
ACTIVITY AFFECTING SAFE RAILWAY OPERATIONS, 2017**

The Minister of Transport, in terms of section 50(3)(a) of the National Railway Safety Regulator Act, 2002 (Act No. 16 of 2002), hereby publish for comments the draft Regulations regarding infrastructure or activity affecting safe railway operations made under section 31 (a),(e),(k) and (m) of the Act.

Interested persons are invited to submit comments on the said draft Regulations to the Acting Director General, Department of Transport, within 60 days from the date of publication of this notice, for the attention of:

Rhulani Shivambu

Department of Transport

Private bag X193

Pretoria

0001

Email: shivambr@dot.gov.za

Tel: (012) 309 3872

Fax: (012) 309 3130

Or

Email: mokubyas@dot.gov.za

Tel: (012) 309 3540

Fax: (012) 309 3134

DEPARTMENT OF TRANSPORT**NATIONAL RAILWAY SAFETY REGULATOR ACT, 2002 (ACT NO. 16 OF 2002) AS
AMENDED**

The Minister of Transport has, under section 31 (a),(e),(k) and (m) of the National Railway Safety Regulator Act, 2002 (Act 16 of 2002) intends to make the Regulations set out in the Schedule.

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GENERAL PROVISIONS

1. Definitions

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

“built-up area” means constructed surroundings that provide the setting for human activity, ranging from large scale civic surroundings to personal places and which may be impacted on by railway operations;

“close proximity” means a distance at which people or a built-up area can affect or be affected by the operations within the railway reserve, which includes the following:

- (a) The area from the boundary of the railway reserve to the closest boundary point of the built up area, development or proposed development,
- (b) developments that share or will share any utilities such as energy, roads, telecommunication, water or amenities with the activities within the railway reserve;

“competent (person)” means having the qualification, knowledge, skills, attitudes and capabilities required to function successfully, effectively and efficiently in a given job;

“encroachment” means unlawful occupation of land within a railway reserve, whether temporarily or permanently;

“fence” means an upright structure that serves to enclose the railway reserve and act as a barrier to prevent or control access to it as well as marking the boundary of the railway reserve made of wire, steel or other similar material;

“network operator” means the network operator as defined in the Act.

“operator” means an operator as defined in the Act.

“ railway operation” means railway operation as defined in the Act

“railway building line” means the line delimiting the areas measured from the cadastral boundary of the railway reserve within which no building or other structure, except boundary fence may be erected;

“railway reserve” means an area of the land and associated vertical clearance along a railway line between the proclaimed boundaries, on which is found railway infrastructure elements including railway running lines, service lines, yards, sidings, stations, freight terminals, depots, other related facilities and parts of station precincts;

“Regulator” means the Regulator as defined in the Act;

“restricted area” means the part of the land or area within the railway reserve demarcated by the railway building line upon which the carrying out of the activities listed in regulation 5 may affect railway safety;

“the Act” means the National Railway Safety Regulator Act, 2002 (Act No.16 of 2002) as amended;

“urban area” means a densely populated area with many human-built features characteristic of a town, city or metropolis; and

“wall” means a continuous vertical structure that encloses or divides an area of land or encloses an area or separates one area from another.

2. Purpose of the Regulations

The purpose of this Regulations is to provide for the management of railway reserves in order to ensure safe railway operations and safety and security to people, property and the environment.

3. **Scope and Application**

These Regulations apply only to operators as defined in section 1 of the Act.

4. **Identification of a railway reserve**

- (1) A railway reserve must be clearly demarcated by the network operator either through fencing, walling or any other means, depending on where it is situated.
- (2) Where the railway reserve is situated in a built up area, the network operator must erect a solid wall or tamper proof fence with a height of not less than 2.5 metres.
- (3) Where the railway reserve is situated outside the urban area, the network operator must erect a tamper resistant or tamper proof fencing with a height of not less than 2 metres.
- (4) In addition to the fencing or walling contemplated in this regulation, the network operator must erect a visible signage written in at least two official languages used by the majority of the residents in the area, warning them about the dangers of entering a railway reserve area, and the fact that unauthorised entry into the railway reserve constitutes a crime.

5. **Activities carried out within the railway reserve**

- (1) A railway reserve is a restricted area which may be accessed with an appropriate authorisation.
- (2) An operator must ensure, that the when activities which include the following, are carried out in the railway reserve, safe railway operations are not compromised:
 - (a) excavation of trenches, pits, earthworks, drilling or piling, other than for routine maintenance purposes;
 - (b) erection of temporary or fixed structures, for whatever purpose;

- (c) use of explosive material for blasting or demolition;
 - (d) removal of a feature or object that is part of railway as defined in the Act, except in the course of maintaining the railway by authorised personnel;
 - (e) construction of an underground passageway for use as a street, railway, conduit for utilities or access for people or vehicles;
 - (f) construction of an overhead structure inclusive of bridges, whether for pedestrian crossing, motor vehicles or railway;
 - (g) permanent removal, cutting of fence or wall erected for the demarcation or protection of the railway reserve; and
 - (h) any other activity that is deemed by the Regulator to pose a threat to safe railway operations and the safety of persons, property and environment.
- (3) Activities contemplated in 5(2) shall be carried out in accordance with the relevant legislative prescripts.

6. Power to impose conditions or restrictions

The Regulator may impose such conditions or restrictions as it deems appropriate on activities to be carried out within the railway reserve to ensure safe railway operations, and the safety and security of persons, property and the environment.

7. Unsafe work or activity

- (1) If a condition or activity is a threat or might be a threat to safe railway operations, the railway safety inspector may issue a directive in terms of section 36 of the Act.
- (2) Any person who contravenes or fails to comply with a directive given in terms of sub-regulation (1) is guilty of an offence in terms of section 45 of the Act, and is liable on conviction to a fine or imprisonment as contemplated in section 45(2) of the Act.

8. Minimum measures to prevent encroachment

- (1) A network operator, or a station operator, as the case may be, shall-
 - (a) ensure that the railway reserve is fenced or walled as contemplated in regulation 4;
 - (b) exercise reasonable means to prevent encroachment to the railway reserve;
 - (c) make provision for crossing facilities to enable persons to cross the railway reserve;
 - (d) erect signs along the fence or wall notifying any person who intends to enter the railway reserve without authorisation about the restricted nature of the railway reserve, as well as the fact that unauthorised entry constitutes an offence;
 - (e) where possible, deploy security personnel or electronic devices to monitor the perimeter of the railway reserve fence or wall;
 - (f) ensure that the perimeter fence or wall in built-up areas and urban areas is monitored regularly to prevent encroachment; and
 - (g) In addition to any other measures, where a railway line, motor vehicles and people or any of the two or more intersect, erect visible written regulatory and advance warning signs, warning the public, motorist or railway users about the dangers of crossing the railway line.
- (2) As soon the operator becomes aware of encroachment leading to occupation of a railway reserve by unauthorised persons, the network operator or station operator must, in addition to any other action required in terms of these Regulations or the Act, institute legal proceedings for the eviction of the encroachers in terms of section 5 of the Prevention of Illegal Eviction from and Unlawful Occupation of Land Act 19 of 1998 or any other applicable legislation.

9. Maintenance of railway reserve

- (1) The network operator or station operator, as the case may be, is responsible to maintain the railway reserve in accordance with applicable maintenance standards.

- (2) The network operator or station operator must ensure that all maintenance activities are conducted in a manner that ensures safe railway operations, and does not compromise the safety and security of persons and environment.
- (3) An operator must ensure that:
 - (a) The employees, contractors and sub-contractors use appropriate protective clothing and other relevant railway safety equipment whenever they enter or work in or around the rail reserve and that they are fit for duty;
 - (b) All work is carried out by competent personnel with experienced supervisors;
 - (c) All construction work and network maintenance, other than routine maintenance, is carried out under the guidance of a competent person and in accordance with the Occupational Health and Safety Act: Construction Regulations, 2014 and relevant environmental control legislation; and
 - (d) Vegetation is controlled to ensure clear visibility of objects within the railway reserve.
- (4) The railway reserve maintenance in or around the railway reserve shall be carried out in accordance with the requirements of the relevant railway safety standards and applicable legislation.

10. Elimination or decommissioning of activities within a railway reserve

- (1) A network or station operator must give the Regulator a written notice of its intention to cease operation of a railway line or part thereof not later than 30 days before such termination of operations.
- (2) Despite the notice to cease operations contemplated in sub-regulation (1), the network operator or station operator must continue to maintain the railway reserve in accordance with regulation 9 until the decommissioning of the railway line.

11. Provision of bridges and subways

- (1) Where a new railway line traverses a build-up area or urban area with movement of persons and vehicles across the railway line, the network operator or station operator must provide appropriate protection in accordance with applicable legislation, standards and guidelines, to mitigate the risks to persons, property and the environment.
- (2) The provisions of these Regulations apply in addition to the requirements of any environmental control or spatial planning and land use management legislation.

12. Activities in close proximity to a railway reserve

- (1) As soon as the operator becomes aware of any intended development of land in close proximity to a railway reserve, the network operator or station operator, as the case may be, must notify the Regulator about such development and indicate the risks that may be posed by such development to railway safety.
- (2) The Regulator may enter into implementation protocols in terms of section 35 of Intergovernmental Relations Framework Act, 2005 (Act No. 13 of 2005) with any municipality for the purposes of achieving the object of these Regulations.

13. Public awareness and education

- (1) The operator must-
 - (a) partner with interested and affected parties to provide education and conduct public awareness activities regarding safe railway operations, and
 - (b) create railway safety awareness in relation to railway reserves, including innovations that attract the public beyond the usual users of the railway facilities.
- (2) The operator may be required to prepare and submit a safety improvement plan targeting various aspects of safe railway operations and security affecting

railway reserves, independently or as part of the safety management system contemplated in section 28 of the Act.

- (3) The Regulator and operators or a class of operators may co-ordinate their efforts to increase public awareness and education about safe railway operations and security.

14. Reporting

- (1) In addition to any reports that an operator is required to submit in terms of the Act, the Regulator may require the operator to submit ad hoc reports on any aspect of these Regulations.
- (2) In order to ensure that such reports are standardised, the Regulator may issue guidelines on the format and content of such reports.

15. Inspections

The railway safety inspector may, at any time, in terms of section 33 of the Act, enter any property under the control of an operator and inspect any activity contemplated in these Regulations to ensure compliance with the requirements of the Act or these Regulations.

16. Exemptions

The Chief Executive Officer of the Regulator may, upon a properly motivated application by an operator and subject to such terms and conditions as he/she deems necessary, exempt such operator from any provision of these Regulations, if –

- (a) such operator is required to comply with the provisions of any other law or regulations; provided that the provisions of such other law or regulations, meet all the substantive requirements of these Regulations; or
- (b) based on a risk-based approach, the threat to safe railway operations and security or safety of persons, property and the environment is considered not

to be of such a nature as to warrant strict enforcement of compliance with any relevant requirement.

17. Offences

An operator commits an offence if it hinders or obstructs a railway safety inspector from exercising his or her powers or performing his or her duties in terms of the Act or these Regulations.

18. Penalties

An operator who contravenes any provision of these Regulations, except regulation 7(2), may be liable to pay a fine or penalty as determined by the Minister in terms of the Penalty Fees Regulations made under section 45A of the Act.

19. Appeals

(1) An operator who is aggrieved by a decision made by the Regulator under these Regulations may appeal against that decision to the Board of the Regulator.

(2) The right to appeal shall be exercised in terms of section 44 of the Act.

20. Transitional arrangement

An Operator has one year from the date of commencement of these Regulations to comply with the provisions of these Regulations.

21. Short title

These regulations shall be called Regulations regarding infrastructure or activity affecting safe railway operations, 2017.

GENERAL NOTICES • ALGEMENE KENNISGEWINGS

DEPARTMENT OF AGRICULTURE, FORESTRY AND FISHERIES**NOTICE 482 OF 2017****INVITATION TO SUBMIT WRITTEN COMMENTS ON THE PROPOSED LIST OF PARTICULAR TREES AND PARTICULAR GROUPS OF TREES "CHAMPION TREES" UNDER SECTION 12(1) (A) AND (B) OF THE NATIONAL FORESTS ACT, 1998 (ACT NO. 84 OF 1998)**

The Minister of Agriculture, Forestry and Fisheries intends to declare a list of particular trees "Champion Trees" as set out in the attached Schedule protected under Section 12 (1) (a) and (b) of the National Forests Act, 1998. The list in Schedule A is new nominations that will form part of the existing list of declared Champion Trees.

In terms of Section 13 (1) (a) of the said Act, interested and affected parties are invited to submit written comments on the proposed list within 60 days of the publication of this notice.

The Minister of Agriculture, Forestry and Fisheries also intends to delist some already declared particular trees "Champion Trees" as set out below the attached Schedule due to stated reasons.

Comments must be submitted to-

Shumani Dzivhani

Department of Agriculture, Forestry and Fisheries

Private Bag X 313,

Pretoria, 0001

Telephone number: 012 309 5765

Email: ShumaniD@daff.gov.za

SCHEDULE A

CHAMPION TREE REGISTER NUMBER	Tree Species / Tree Name	Other common names	General Description	Location
83	<i>Sequoia sempervirens</i> (Californian redwood) The Harkerville Giants	Kaliforniese rooihout (A)	Tall, scenic redwoods planted in 1925, offering a resting place along a popular cycle track.	Harkerville State Forest, Garden Route National Park, Western Cape
84	<i>Ficus elastic</i> (rubber tree) The Company's Garden Giant	Rubberboom (A)	Large tree forming a focal point to the entry to the Company's Gardens	Company's Gardens, Cape Town, Western Cape
85	<i>Ficus sur</i> (broom cluster fig) The Sabie River Giant	Besemtrosvy (A)	Very large tree along the Sabie River.	Sabie Park Nature Reserve, Limpopo
86	<i>Ficus burkeii</i> (common wild fig) The Whisper Tree	Gewone wildevy (A)	Very large tree in the grounds of a guest house,	Voëlroepersfontein Guest House, Albertinia, Western Cape

The following trees are delisted as Champion Trees for reasons stated:

1. The Sophiatown Oak, 8 Berthastreet, Sophiatown, Johannesburg, Gauteng
This tree died.
2. The Platland Baobab, Sunland Farm, Modjadjiskloof, Limpopo
This tree collapsed.
3. The Glencoe Baobab, Glencoe Farm, Hoedspruit, Limpopo.
This tree collapsed.

INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA
NOTICE 483 OF 2017



INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA

- 1 On 26 August 2016, the Independent Communications Authority of South Africa ("the Authority") published a notice of intention to conduct an inquiry into number portability for public comments in terms of section 4B (2) of the Independent Communications Authority of South Africa Act, (Act No. 13 of 2000), as amended ("the ICASA Act").
2. The objectives of the inquiry into number portability was to:
 - 2.1 determine the strength and weaknesses of the current number portability framework;
 - 2.2 determine if there are regulatory gaps arising from the market and regulatory development;
 - 2.3 determine the impact of the current number portability framework on licensees and the general public; and
 - 2.4 determine what regulatory interventions if any are necessary.

3. The deadline for the written submissions was 28 October 2016. The Authority received a total of seven (7) written submissions from Cell C (Pty) Ltd, MTN (Pty) Ltd, Neotel (Pty) Ltd, Ohren Telecoms (Pty) Ltd, Switch Telecom (Pty) Ltd, Telkom SA SOC Limited and Vodacom (Pty) Ltd. On 26 January 2017, the Authority invited the aforementioned licensees to the public hearings which were held on 16 February 2017.

The Authority, hereby publishes this notice in terms of the ICASA Act section 4C (b) to communicate its findings on the inquiry into number portability.



Mr. Rubben Mohlaloga
Acting Chairperson

DATE: 30/06/2017

Number Portability Public Inquiry Findings Report

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Executive Summary

South Africa was the first country in the African continent to launch mobile portability in 2006. This was followed by a two-stage introduction of geographic number portability completed in April 2010.

The portability process was established in 2006 in terms of the Number Portability Regulations, Government Gazette No: 28091 ("the Regulations"), which was supported by the Functional Specification, Ordering System Specification (OSS) ("the specifications") and an Inter-operator Code of Practice. The specifications were implemented by the Number Portability Company (NPC) which acts as the central clearing house for portability.

The South African market has changed in many respects since the launch of portability, and portability faces new challenges that need to be addressed. However, those challenges need not to fundamentally change the process that has a broad support in the industry, is functioning well overall and require a closer monitoring. There is a broad consensus that issues such as resolution and process updates require more support from the Authority to facilitate the implementation of technical solutions and timely response to customer complaints.

In 2016, the Authority began a review process which started with a public inquiry completed in March 2017, with a view to update the Regulations through a formal consultation process in the course of the 2017/18 financial year.

Although 2016 saw a strong increase in prepaid ports, the percentage of the mobile base porting each year since inception in the higher value post-paid segments, timer violations and a high percentage of rejected ports need to be addressed to ensure a more efficient process which customers can trust.

Geographic number portability appears more favourably against international benchmarks. However, issues around legacy systems have limited the flexibility of portability. Furthermore, a large number of licensed operators with limited resources have been negatively impacted by delays in updating routing tables.

These are the summary of the findings which are dealt with in detail in section 2 below:

- There is strong support for the current number portability process and the role of the NPC as the central database provider (CRDB). However, all stakeholders recognise that there are performance issues that need to be addressed with a better enforced process.
- Key performance indicators (KPIs) are scarce. In particular, the Authority has only access to limited information through the NPC. Considering the under-performance of mobile portability and the issues on process inefficiencies that are recognised by all stakeholders, there is a need for sufficient information to be available to the Authority and for possible dissemination of this information to all stakeholders.
- Legacy issues have hindered geographic number portability in the past. There is, however, a strong case to lift some of the area number constraints to allow for portability based on ON codes. All stakeholders also agree that the block sizes can be reduced for increased efficiency in the process. However, it may be prudent to try and preserve the number block sizes through a different pricing mechanism.
- Stakeholders generally agree that the scope of fixed portability should be extended to non-geographic numbers – this is available in the majority of countries.
- The cost per port is generally considered to be efficient. However, there may be a need to introduce a tiered structure for geographic number portability, where fees are levied per ported block rather than per individual number, resulting in an overall lower cost (than currently) to port number blocks.
- Times to port could be reduced – in particular, real-time port is becoming a standard feature for mobile portability. However, stakeholders generally agree that times to port are currently adequate and that other issues should be addressed first (notably to streamline the escalation process and to improve the

updating of routing tables). A reduction of the times to port could be a medium-term target.

- The risk of fraud or slamming has become a key concern for the industry. Some operators consider that this justifies a donor-led confirmation request. However, in line with international experience, an option to consider is adjusting the current portability process, adding an initial step whereby the CRDB sends a PIN to the customer wishing to port as an additional safety measure to ensure that the port request is not fraudulent.
- Some adjustments to the current process have been proposed by the operators, including the port lock period, the causes to reject ports, winback activities and tariff transparency methods. The current process is aligned with international standards and only minor changes and clarifications should be considered.
- Customer complaints and issue escalation procedures ought to be revisited. From the review, the Authority might be required to play a more active role as an arbitrator to ensure better coordination within the industry.
- Enforcement of existing regulations could limit the issues around routing information.
- The setting up of a technical committee with industry representatives and effective governance rules would be an important step to ensure a quicker response to change requirements. The Authority's role would be to actively coordinate the committee's work and remain the only entity that can introduce changes to the process.

- Glossary of Terms
- MNP - Mobile Number portability
- GNP - Geographic Number Portability
- OSS - Ordering System Specification
- FSS - Functional System specification
- CRDB - Central Reference Database
- NPC - Number Portability Company
- NNP - National Numbering Plan
- ACQ - All Call Query
- NNP - National Numbering Plan
- LAC - Location Area Code
- SMS – Short Message Service
- SIM – Subscriber Identity Module
- ECA - Electronic Communication Act
- ECS – Electronic Communications Service
- PSTN – Public Switched Telephone Network
- SNPAC - Swedish Number Portability Administrative Centre
- NIP - Numero Identificacion Personal
- RIO - Releve d’ Identite Operateur
- NST - Network Synchronisation Times
- IST - Interconnect Support Teams
- PST – Port Support Teams
- NRA - National Regulatory Authorities
- CVM - Centro de Visualizacion y Monitoreo
- BEREC – Body of European Regulators for Electronic Communications
- TRAI – Telecom Regulatory Authority of India
- BIPT – Belgian Institute for Postal Services and Telecommunications
- CRTC – Canadian Radio-television and Telecommunications Commission
- OTA – Office of the Telecommunications Adjudicator
- ANATEL – Agencia Nacional de Telecomunicacoes
- CONATEL- La Comision Nacional de Telecomunicaciones
- AGCOM – Autorita Per Le Garanzie Nelle Comunicazioni
- CRC – Comision de Regulacion de Comunicaciones
- SUBTEL – La Subsecretaria de Telecomunicaciones de Chile

Introduction

1.1 The portability framework

The Authority was initially required in terms of section 89 (1) (b) of the Telecommunications Act, 1996 (Act No.103 of 1996) ("Telecommunications Act") to introduce number portability by 2005. On 30 September 2005, in Government Gazette No. 28091, under the Telecommunications Act, the Authority published the Regulations and the Functional Specification for Mobile Number Portability. Pursuant to the Regulations, on 25 November 2005 in Government Gazette No. 28268, the Authority published the Draft Mobile Number Portability Ordering System Specification ('OSS') which defines key processes, including:

- Port request and activation;
- Port time change (deferred porting time up to 30 calendar days);
- Port cancellation (up to one hour before porting hour);
- Port reversal (up to two months after porting); and
- Return to block operator (including quarantine period of three months)

In 2005, the Telecommunications Act was repealed by the Electronic Communications Act, 2005 ("Act No. 36 of 2005") ("the ECA"), promulgated on 18 April 2006 in Government Gazette No. 28743. The Authority now finds its mandate in relation to Number Portability in section 68 (1) (b) of the ECA.

On 13 July 2007, in Government Gazette No. 30089 the Authority promulgated the Functional Specification for Geographic Number Portability, and finally on 23 April 2010, in Government Gazette No. 33145, the Authority published the Geographic Number Portability Ordering System Specification.

Section 68 (1) (b) of the ECA states that the Authority must make regulations prescribing measures to ensure that number portability is introduced in 2005 or soon thereafter, as far as is practicably possible, including the creation of a number portability database, and cost allocation and recovery among licensees. Section 68 (7) (c) states that these regulations must include matters relating to the allocation of responsibility between licensees for the implementation of number portability to ensure effective functionality, and the protection of customers, including disclosure of

consumer rights relating to portability and the processes and procedures to be followed for resolving subscriber complaints.

Regulation 2(5) of the Regulations states that it is the Authority's responsibility to develop, maintain and enforce the Functional Specifications for Mobile and Geographic Number Portability. In terms of clause 5(3) of the Functional Specification for Geographical Number Portability Regulations, the Authority should also collect and monitor annual porting statistics from all the operators.

The recipient-led portability process is defined in detail in the Functional Specification, and the Ordering System Specification (OSS). South Africa opted for an All Call Query system (with indirect routing for incoming international calls); this is now standard practice throughout the world.

The Central Reference Database (CRDB) is the administration database that acts as an interface between the recipient and the donor operators, providing a single database for all ported MSISDNs. The CRDB is not a routing database; each operator updates his own routing tables based on the information broadcasted by or retrieved from the CRDB.

In 2006, the NPC was formed jointly by Cell C, MTN and Vodacom. The NPC administers the CRDB linked to the operators via a network interface. With the introduction of Geographic Number Portability in 2010, Neotel and Telkom joined the NPC as shareholders. Other operators are also members of the NPC, although they are not shareholders.

1.2 Portability performance to date

In the public inquiry process, there was a strong consensus that portability is a key component of the competitive framework for South Africa. All respondents to the inquiry, however, pointed to specific weaknesses that require changes or updates to the existing framework as they negatively impact portability.

In South Africa, the publicly available information on ported numbers is limited to the total number of ports (cumulative) published on the NPC web site¹.

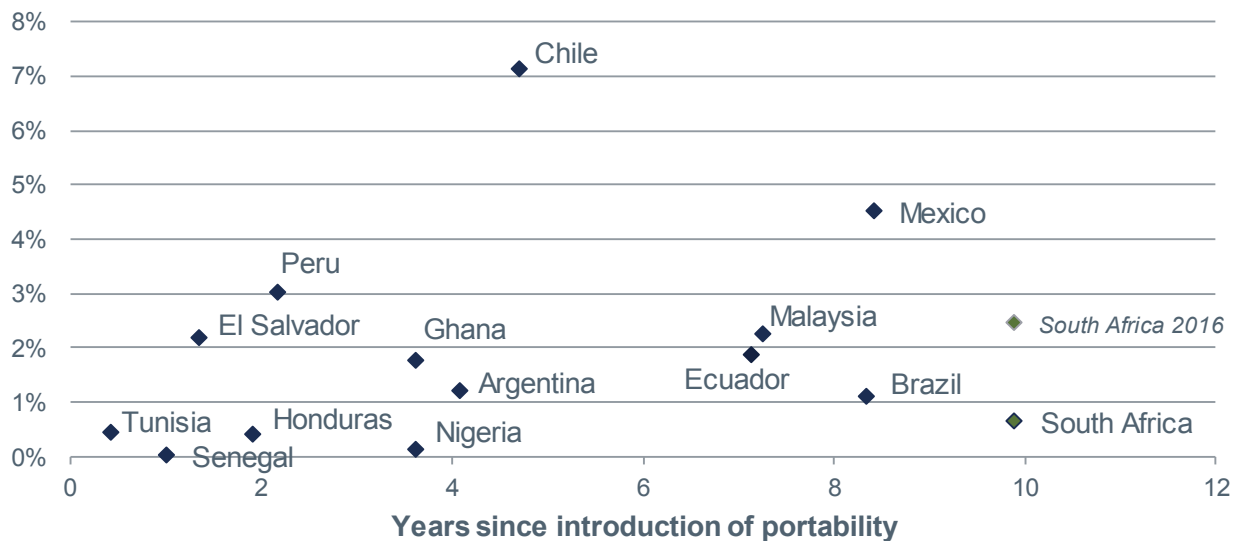
¹ <http://www.number-portability.co.za/>

For mobile number portability, Figure 0-1 shows the cumulative ports, divided by the number of years since launch, as a percentage of the mobile subscriber base. The comparison is not favourable to South Africa which lags its peers for the cumulative period 2005-2016. However, it is worth noting that 2016 shows very different results to the previous years with close to 2.5% of the mobile base being ported.

The benchmarked countries have a different market structure, in particular in relation to the relative weight of the post-paid base. Portability tends to be more attractive for post-paid users and percentages of ports are indeed higher. Although few countries report separately prepaid and post-paid ports, it is worth mentioning that the most successful country in the benchmark, Chile, shows for the full year 2016 that 15% of the post-paid base ported its numbers – this ought to be close to the churn rate of the post-paid base. In Peru, based on a more limited time series, post-paid ports account for around 10% of the base. In both countries, prepaid ports represent a smaller proportion of the prepaid subscriber base. This is in strong contrast with South Africa where prepaid ports, as a percentage of the prepaid base, are higher than post-paid ports as a percentage of the post-paid base. This suggests that there is scope for improvement in port take-up rates.

European markets typically reach higher percentages, ranging from 6% to over 12% in Italy for example. These are largely post-paid markets by now. Although detailed data is often unavailable, a rough measure of success in Europe is when post-paid ports are of a comparable magnitude to post-paid churn. This is by far not yet the case in South Africa.

Figure 0-1: Cumulative mobile ports, annualised, as percentage of the base [Source: Aetha]

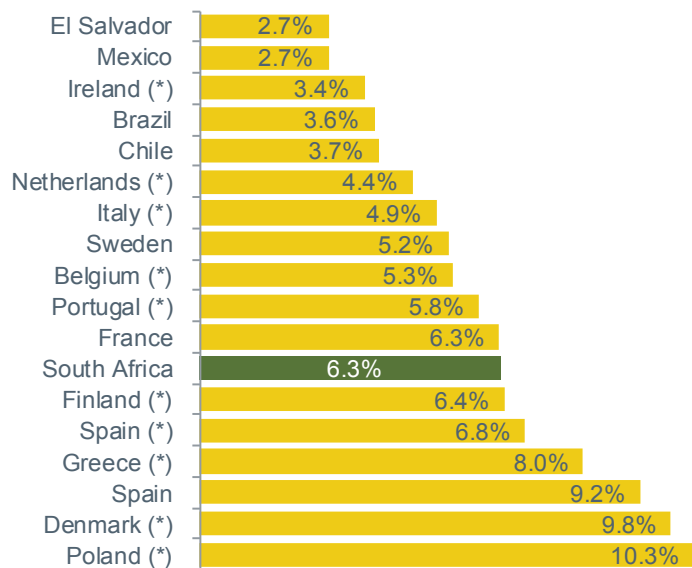


Note, the *South Africa 2016* indicator indicates mobile ports as a percentage of the mobile base for the year 2016 only. It is much higher than the overall indicator for the years 2005 to 2016.

For geographic number portability, Figure 0-2 below considers, for the last four available quarters, the geographic number ports as a percentage of the fixed subscriber base at year-end.

Figure 0-2:

Geographic number ports, last four quarters available, as percentage of the base [Source: Aetha]



(*) Latest data available for 2015²

² <https://ec.europa.eu/digital-single-market/en/news/telecommunications-data-files-digital-scoreboard-2016>

The situation is very distinct from the mobile market –South Africa performs well compared to the benchmark. This is partly due to the different mix in the fixed base which is more biased towards corporate accounts in South Africa – corporate accounts are more likely to port their number when they churn. They also often port blocks of numbers, resulting in a higher number of numbers ported simultaneously per single entity.

1.3 Overview of the portability process

After more than ten years since its launch, mobile portability has yet to realise its full potential. Although 2016 saw a strong increase in prepaid ports, the percentage of the mobile base porting each year, in particular in the higher value post-paid segment, lags comparable countries. Timer violations and a high percentage of rejected ports need to be addressed to ensure a more efficient process that customers can trust. Geographic number portability – partly reflecting a more corporate base – appears more favourably against international benchmarks. However, issues around legacy systems limit the flexibility of portability. Furthermore, a large number of licensed operators with limited resources have had a negative impact on the process which is hindered by delays in updating routing tables. The South African market has also changed in many respects since the launch of portability and portability faces new challenges that need to be addressed.

1.4 The public inquiry

On 26 August 2016, the Authority published the Notice of Intention to Conduct an Inquiry into Number Portability Regulations in Government Gazette No. 40232. The purpose of the inquiry was to determine the strengths and weaknesses of the prevailing number porting process, and to determine if there are regulatory gaps arising from the market and legislative developments. Interested parties were invited to submit written representations by 28 October 2016.

The following seven parties submitted written responses to the inquiry:

- Cell C
- MTN
- Neotel
- Ohren Telecoms
- Switch Telecom

- Telkom
- Vodacom

Public hearings were held on 16 February 2017, followed by additional interactions with participants to the hearing to clarify their comments.

2 Consultation questions

This Section presents the main issues raised during the public inquiry process.

2.1 Geographic base: ONN codes

The most common case for fixed number portability is where a customer ports his fixed number or block of fixed numbers from one service provider to a different service provider. In the normal case, the physical address of the service remains unchanged before and after the port, so the port proceeds.

The format of a fixed number in South Africa is ONN ABC XXXX, where ONN is the geographic area defined by the National Numbering Plan (NNP), ABC is a number range assigned to a service provider by the Authority and XXXX is the subscriber number. The ABC code is associated with - local exchanges which serve customers.

It is the case that some service providers, and in particular operators that use VoIP to deliver services, do not recognise the ABC boundaries. It may be that a number is ported away from Telkom to an alternative provider, the customer subsequently changes his physical location (address) and takes his number with him, then wants to port back to Telkom. In this case, there may be some technical complexity for Telkom to support the port back to its network, as the customer will now be using a number that exists outside of its local area code.

A more complex case is where the customer ports out from Telkom, then moves the ONN area. For example, if the recipient operator permits an address change from a 011 (Johannesburg) geographic area to a 012 (Pretoria) geographic area, in violation of the Regulations. Here it is more complex for the number to port back to Telkom (or onwards to another operator that maintains compliance with the NNP).

Question 1.

Currently geographic number ports are restricted to the ONN ABC level, although in practice numbers are often ported at the ONN level. Stakeholders appear to agree that geographic portability should be allowed up to the ON level, as soon as Telkom's network allows for this. Do you agree that geographic number portability should be extended to allow ports within the ON area codes?

Responses from the public inquiry: Most of the participants to the inquiry agreed that geographic number portability should be based on ONN areas rather than the local exchange areas currently used. Respondents to the inquiry complained that porting at ABC level local exchange is a barrier to effective geographic number portability and, where the physical address of the customer is unchanged, then the customer necessarily remains within the same local exchange area. Some respondents argued that clear maps for ONN areas are critical to ensure their compatibility with mobile LACs (Location Area Code used in mobile networks). However, Telkom also stated that for technical reasons, currently they are only able to port within the ONN areas. In a follow-up interview, Telkom suggested that approximately only one-third of its customers is on the IMS platform and that there are significant constraints with legacy equipment. These could last until 2021. Telkom requested that geographic number porting be restricted instead at the ON level with the caveat that Telkom is not mandated to support full ON porting until its IMS network upgrade has been completed around 2021. There are currently five ON areas in South Africa (the old Transvaal region – Gauteng, Limpopo, Mpumalanga and North-West provinces, Western and Northern Cape, KwaZulu-Natal, Eastern Cape and the Free State). Other fixed line service providers did not express the view that this would be problematic.

There is consensus that the ONN restriction on ports could be relaxed to the ON. There is a natural incentive for operators to support this as quickly as possible and that no other service providers are disadvantaged.

2.2 Non-geographic numbers

Currently 080, 086 and 087 numbers are excluded from number portability. 080 and 086 are typically used by operators of call centres. There is no current mechanism for porting 087 numbers though this is due to the fact that these numbers had little relevance³ at the time that the porting regulations were defined. Now they tend to be used extensively by smaller VoIP service providers.

Question 2.

Currently 080, 086 and 087 numbers are excluded from number portability. Do you agree that 080, 086 and 087 numbers should be subject to porting?

Responses from the public inquiry: Some Respondents to the inquiry, , argued that non-geographic numbers should be subject to number portability. Typically, these are Number Translation services where the access number is translated into a geographic number which is 'hidden' from the customer. Most respondents argued that currently Telkom has a de facto monopoly on these numbers, and the lack of non-geographic number portability reduces the incentive for customers who have both geographic and non-geographic numbers from porting as they are not able to take

³ Government Gazette Publication 22352 June 2001 defines 087 numbers are "Reserved for future growth".

these numbers to a new operator. Telkom argued that these numbers are separate from the services provided to the customer and should, therefore, not be subject to portability. It is Telkom's view that where Telkom is the owner of the 080 or 086 number that the customer is free to take services from another provider and Telkom will arrange forwarding to the new geographic numbers providing access to these services. The other respondents to the enquiry complained almost unanimously that Telkom's charges for such forwarding make this arrangement economically unfeasible. Telkom is, therefore, effectively able to prevent customers from moving to other service providers.

There is broad consensus on the inclusion of non-geographic numbers for portability and the NPC will be required to configure specification for 080, 086, 087 numbers.

2.3 Block sizes

The current regulations state that operators that have customers who have been assigned blocks of 1,000 or 10,000 contiguous numbers shall be obligated to port the entire block of numbers. The NPC does not recognise a block of numbers internally and a block port is implemented as a series of individual number ports. In part this is a justification for charging a fee per number rather than having a single charge for the block of numbers.

Currently only blocks of 1 000 and 10 000 contiguous numbers can be ported. However, unlike single numbers, a block does not have the corresponding per line revenues.

Question 3.

Do you agree that block sizes should be preserved but a different charging mechanism should be applied?

Responses from the public inquiry: Some respondents to the inquiry complained that it is uneconomical to port a block of numbers because the NPC charges a fee per number, rather than a single charge in respect of the block. The challenge for recipient operators is that unlike single numbers, a block of numbers does not have the corresponding per line revenues. It is usually the case that a customer who has been allocated a 10 000 block (for example a corporate PBX), may only have maybe 100 voice lines. This is known as a trunk group. For the recipient operator having to pay for 10 000 ports for a 100-line service, this could be prohibitive. As a result, operators encourage the customer to port only the numbers from the block that they are actually using, thus breaking the block. Furthermore, this complicates the routing for all operators if the B-Number analysis is necessarily longer. Whilst several respondents argued that block sizes should be revised to include other sizes, the minimum size of blocks is a matter of controversy and some respondents have argued that blocks should not be allowed to be broken by porting.

Smaller sizes of number blocks – as small as 10 or 20 numbers – would reduce the cost of the port. Telkom, whilst arguing that blocks should not be broken up, stated that they can support block ports as small as 20 numbers in their routing tables. This may, however, be the wrong solution to the problem; the industry would be better served if there is an incentive to preserve number blocks rather than to break them up. If a single number is ported from a 10 000 number block, then the block owner no longer has a 10 000 number block. He then has 9 x 1 000 number blocks. Other countries, such as the UK⁴, also specify block ports of 1 000 or 10 000 continuous numbers and fewer numbers than these are treated as individual ports.

An alternative option would be to introduce tiered pricing for block numbers. In this scenario, the number portability regulations continue to specify that block ports should be 1,000 or 10,000 numbers but are amended to stipulate that a single transaction charge be applied by the NPC in these cases, rather than 1 000 or 10 000 individual charges. This will incentivise the preservation of blocks of continuous numbers and not penalise operators that offer trunk group services.

Several comments from the participants to the inquiry indicate that there is some demand for implementing tiered pricing for geographic block numbers. Although blocks can be broken down to 20, according to Telkom, it is better to preserve blocks, as in the UK. Single transaction charge for number blocks will incentivise preservation of blocks of contiguous numbers. This has been implemented, notably in Sweden, and volume-dependent pricing structures are common in Europe. The current price in South Africa is competitive and this mitigates to an extent the issue.

Currently according to the ECA, the Authority is authorised to make regulations prescribing cost allocations, however, the costs per port are currently defined by the NPC and the Portability Regulations only empower the Authority to audit the costs, not to make any decisions regarding the cost. The Portability Regulations would need amendment to empower the Authority to impose a pricing structure if tiered pricing were to be introduced.

Question 4.

Do you agree that the Authority, through regulation, should impose the introduction of tiered pricing?

Responses from the public inquiry: Several comments from the participants to the inquiry indicated that there is some demand for implementing tiered pricing for geographic block numbers. The argument is that when porting geographic numbers, if the number is part of a larger block, the whole block must be ported, and the recipient operator must pay for all of the numbers in the block at the same rate as if

⁴ UK Geographic Number Portability (GNP) end to end process manual. Operational Processes. Version 17.5. 22nd Nov 2016.

he were only porting one number. This results in situations where the recipient operator has paid for 1,000 numbers to be ported, but is only generating revenue from the lines that his customer uses, which may only be a subset of 100 numbers. Some operators suggested applying tiered pricing for block of geographic numbers, with higher discounts applied to ports of larger block sizes.

Portability in Sweden has been implemented in a similar way to South Africa. A company was set up to administer portability, called the Swedish Number Portability Administrative Centre (SNPAC), with the largest Swedish operators each owning part of the company. The SNPAC sets the prices per port based on cost, similarly to the NPC. However, the SNPAC has not implemented a rebate model (as is the case with the NPC), and instead has imposed tiered pricing for contiguous blocks of numbers⁵, as illustrated below.

Table 2-3:

Cost per port in Sweden
[Source: SNPAC]

Size of number range	Price (ZAR) ⁶
1-9 numbers	12 per number
10-99 numbers	122 per block
100-999 numbers	535 per block
1000-3000 numbers	765 per block

As can be seen in the table above, these prices constitute a significant discount for large number ranges. If charged at the individual port price, the total price to port a block of 1 000 numbers would be ZAR12 000, but with the discount, it would only cost ZAR725, a fraction of the individual cost. Since the SNPAC claims to operate at cost, it seems reasonable to assume that the process of porting large blocks of numbers is less resource-intensive than porting the same number of individual non-contiguous numbers, which is why it is able to offer such a large discount.

2.4 Risks of fraud and slamming

The risk of fraud and slamming is a widespread concern. In South Africa, those risks have resulted in litigations between mobile operators and there seems to be a consensus among the mobile operators that the process can be improved. In Europe, the BEREC⁷ report emphasised that "It is important that the switching process results in a positive experience for consumers. Consumers will only benefit from competition where they have confidence in the switching process. Where this is not the case, consumers will be unwilling to engage effectively in the competitive process."⁸ In

⁵ SNPAC – Price list - <http://www.snpac.se/?q=en/content/price-list-valid-2017-01-01>

⁶ Exchange rate: SEK1 = ZAR1.52, 10 April 2017 – Source: <http://www.xe.com/>

⁷ Body of European Regulators for Electronic Communications – regulatory agency of the telecommunications market in the European Union.

⁸ http://berec.europa.eu/doc/berec/bor_10_34_rev1.pdf - page 70

practice, several regulatory authorities in Europe have modified the portability rules to address the issue.

Portability regulations in South Africa require ports to be initiated by end-users:

"A recipient operator shall not order number portability for any subscriber unless it has received a request from that subscriber and shall ensure that the recipient service provider does not order number portability for any subscriber unless it has received a request from that subscriber." (Portability Regulation, 2005, §7 (1)).

This is further specified in the Mobile OSS:

"The Recipient shall not issue a Port Request on behalf of a Subscriber unless it has received a request from the Subscriber. The Recipient must be in a position to provide proof of such Port Request. The Recipient may issue a Port Request on behalf of the Subscriber without consent being in writing, however to issue a Port Notification for a post-paid porting, the Recipient must be able to provide a written request / Power of Attorney signed by the Subscriber. No consent in writing is required to issue a Port Notification for a prepaid port." (Mobile OSS, 2005, §2.3.1)

"The Recipient will endeavour to ensure that the Subscriber requesting the port is the legitimate owner or their authorised representative. This shall be done by at least performing a CLI validation for a Prepaid Subscriber and an Account Number validation for a Post-paid Subscriber prior to issuing a porting request." (Mobile OSS, 2005, §2.3.2)

Many stakeholders indicated concerns with fraudulent port requests and slamming. An additional step to the existing process would be beneficial to confirm authorisation of the port by the subscriber. This would involve a code being sent to the subscriber at the start of the portability process which can then be used to authorise the port. It is important that the donor operator does not send this message as the portability regulations specifically prohibit the donor operator from contacting the customer during the porting process.

Question 5.

Do you agree that a message including a code for the subscriber to authorise the port with should be introduced to deal with fraudulent ports? If so, who should send this message: the recipient operator or the CRDB? Should the message be sent via SMS or an IVR system? Should the industry consider delivering the message in several languages?

Responses from the public inquiry: The results from the public inquiry suggest that the current CLI validation process for prepaid may be insufficient to guarantee that the port is effectively requested by the end-user. Some mobile operators argued that the main disadvantage to the current number portability framework is that it can

be used to facilitate fraud through unauthorised or illegal port requests and that the regulations should be updated to include an additional step in the process. The best approach to address this issue, however, remains controversial among the mobile operators. Some suggested that a double opt-in / confirmation SMS from the donor operator is put in place. The customer is entitled to make an informed choice but needs to have the relevant information available to make such a choice. Also, a message from the donor would assist in preventing fraudulent porting as the customer would be made aware that his SIM card is being ported. The notification from the donor, however, should not in any way infringe on the customer's right to port. Another respondent suggested that subscribers should be allowed to manually trigger port cancellations and reversals easily and without need to contact the call centre. Some respondents questioned whether the NPC is the best party to send the message as there may be security issues. One respondent disagreed strongly with this approach, arguing that the mobile portability is relatively untouched by fraud, and that there is a lack of empirical evidence that bank fraud is linked to an increased porting activity.

A standard procedure in many portability processes is a confirmation SMS sent by the CRDB to the end-user to start the port process. In Colombia for instance, this was introduced from the start of mobile portability in 2010. When an end-user wishes to start a port process, it requires to the recipient operator a Personal Identification number (Número de Identificación Personal, NIP). The recipient sends a request to the CRDB which sends the number by SMS to the end-user within five minutes⁹. In 2014, Mexico updated the 2007 regulations to take into account the risk of slamming and fraud. Considering that the request for a Personal Identification Number (Número de Identificación Personal, NIP) by the end user is an efficient procedure to guarantee that the port is required by an end-user, the regulatory authority IFT extended the procedure to fixed ports. The end user may request such number directly without the recipient's help. The NIP is sent by the CRDB by SMS. However, as SMS is not prevalent for fixed networks, the new rule established a requirement to set up an IVR system that calls the end user to provide the NIP at no cost¹⁰. In France, the regulatory authority ARCEP introduced in its updated mobile portability regulations in 2007 the possibility for an end-user to call the recipient operator to request a RIO (Relevé d'Identité Opérateur), comparable to the Personal Identification Number¹¹. The RIO is confirmed through an SMS. This procedure was extended to fixed portability in 2011 with a single number common to all operators. In addition, the end user is

⁹ CRC, Resolución No 2355 de 2010 "Por la cual se establecen las condiciones para la implementación y operación de la Portabilidad Numérica para telefonía móvil en Colombia", §15

¹⁰ IFT, Reglas de portabilidad numérica, Diario Oficial, 12 noviembre de 2014, §4.A

¹¹ [http://www.arcep.fr/index.php?id=8571&tx_gsactualite_pi1\[uid\]=946&tx_gsactualite_pi1\[annee\]=2007&tx_gsactualite_pi1\[theme\]=0&tx_gsactualite_pi1\[motscle\]=&tx_gsactualite_pi1\[backID\]=2122&cHash=75f27a4dcb](http://www.arcep.fr/index.php?id=8571&tx_gsactualite_pi1[uid]=946&tx_gsactualite_pi1[annee]=2007&tx_gsactualite_pi1[theme]=0&tx_gsactualite_pi1[motscle]=&tx_gsactualite_pi1[backID]=2122&cHash=75f27a4dcb)

informed throughout the process by SMS¹². Similarly, Italy had introduced a similar procedure through a CdM code (Codice di Migrazione). However, in its decision 52-09-CIR in 2009, the regulatory authority AGCOM notes that there was a risk of fraudulent generation of CdMs and introduced a secret code sent by the Donor to the end-user. This code is then given to the Recipient who checks with the Donor that the request is indeed requested by the end-user. The 'secret code' was introduced to reduce the instances of irresponsible/dishonest sales activities¹³.

The international experience suggests that an additional step to the existing process could be beneficial to portability in South Africa. Such a process involves the CRDB sending a code to the end-user at the start of the portability process without the donor sending a direct message, as was the case in 2016. In line with the portability regulation, in particular around winback, it is important that the message is not sent by the donor.

The introduction of a PIN in the portability process, however, would require amending the OSS. The detailed process would require operators – through a specific technical committee – to agree on the steps to be taken, taking into account the following:

- How the PIN can be obtained – either through the recipient operator or directly by the end-user to a defined operator-specific or generic Freephone number.
- Alternatives to SMS – in particular for geographic number portability – this may require the CRDB to implement a new IVR system.
- How the industry wants to address issues related to the language of communication with the end-user – English-only messages may be an impediment to effective portability.

The PIN-based mechanism must be implemented by the NPC. This implementation is likely to support both a SMS-based and an IVR-based mechanism (for both mobile and fixed portability). There will be changes to the CRDB to support the process for generating a PIN and being able to validate this when a port request is initiated. There will be interfaces for sending / receiving SMS, and integration to an IVR. This will require additional investments. Licensed operators will also require an update to their systems.

¹²

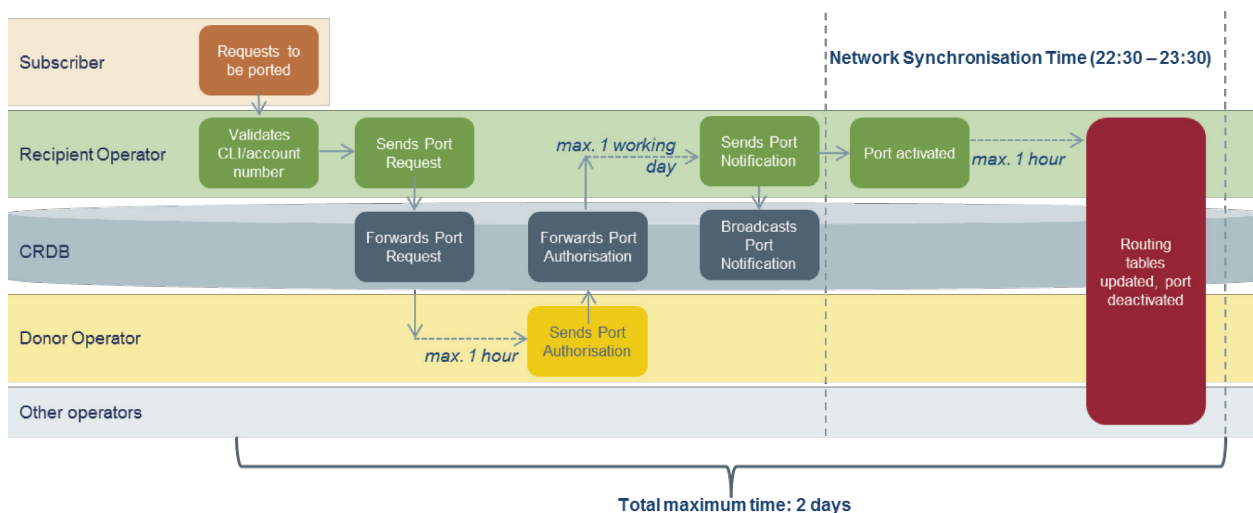
[http://www.arcep.fr/index.php?id=8571&tx_gsactualite_pi1\[uid\]=1444&tx_gsactualite_pi1\[backID\]=1&cHash=d656331c4d](http://www.arcep.fr/index.php?id=8571&tx_gsactualite_pi1[uid]=1444&tx_gsactualite_pi1[backID]=1&cHash=d656331c4d)

¹³ Delibera n. 52/09/CIR, “Integrazioni e modifiche relative alle procedure di cui alla delibera n. 274/07/CONS ai fini della implementazione del codice segreto”, <https://www.agcom.it/>

2.5 Porting times: mobile numbers

An overview of porting times is shown in Figure 2-4 below.

Figure 2-4: Mobile porting times [Source: Mobile Number Portability OSS]



The maximum amount of time between the Port Request and the port being completed is two (2) working days. For corporate ports, the only difference is that the donor operator has 16 business hours from when it receives the Port Request to confirm with the customer that the porting is authorised and send the Port Authorisation. This extends the maximum port time for corporate ports to 4 days.

The current experienced porting times of about 1 day is an internationally competitive timeframe. Although in some countries the actual porting time has been reduced to a few hours, this would mean implementing real-time CRDB updates, which could increase the risk of fraud and slamming. As long as all the service providers comply with the Porting Timers, mobile port times are adequate for the time being, although they could be reduced in the future by implementing real-time CRDB updating.

Question 6.

Do you agree that the current target of 1 working day for mobile ports is acceptable?

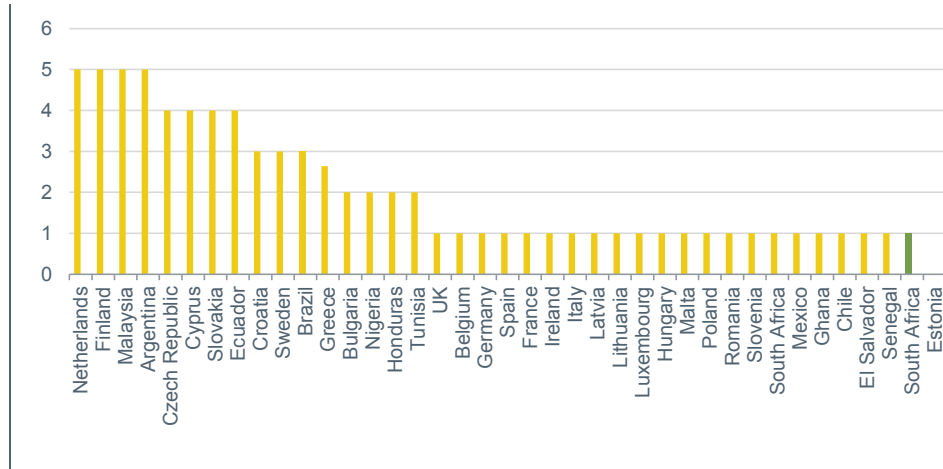
Responses from the public inquiry: In general, the consensus is that a porting time of 1 (one) day is what is experienced most of the time and that this is an acceptable target. One respondent, however, argued that the current timeframes could be reduced so that subscribers experience fewer delays and are more likely to proceed with the porting process. To this effect, it argued that weekend and corporate port times should be reduced. Another respondent observed that average porting times of five to six hours are globally competitive but expressed concerns that a reduction of this timeframe could increase the risk of fraudulent ports.

According to the information submitted during the enquiry, the timeframes currently experienced by customers porting their mobile numbers in South Africa seem reasonable.

Figure 2-5:

Mobile time to port (days) [Source: Aetha]

Note: Estonia is 0.01 of a day.



A porting time of 1 (one) day for mobile portability is the most common implemented timeframe for mobile portability across the world. There are some countries that carry out ports in less than a day. In Ireland, despite the fact that the regulations impose a maximum porting time of 1 (one) day, according to the regulators, the majority of ports are carried out within 2 (two) hours.¹⁴ In Canada, the CRTC claims that mobile portability similarly usually takes a few hours.¹⁵ In the USA, mobile portability also only takes a few hours to complete.¹⁶ In Australia, the regulations on mobile number portability state that operators must complete 90% of ports within 3 hours.¹⁷ In general, the global trend is moving towards mobile ports to be executed in real time, with Ghana being an example of an African country that has managed to implement a portability process that completes 91% of ports in 5 minutes or less.¹⁸

¹⁴CEPT/ECC Working Group Numbering & Networks - Number Portability Implementation in Europe – March 2014
<http://www.cept.org/files/5466/documents/Number%20Portability%20Implementation%20in%20Europe%20-%20based%20on%20a%20survey%20of%20CEPT%20member%20countries%20-%20March%202014.pdf>

¹⁵<http://crtc.gc.ca/eng/phone/mobile/num.htm>

¹⁶ <https://www.fcc.gov/consumers/guides/porting-keeping-your-phone-number-when-you-change-providers>

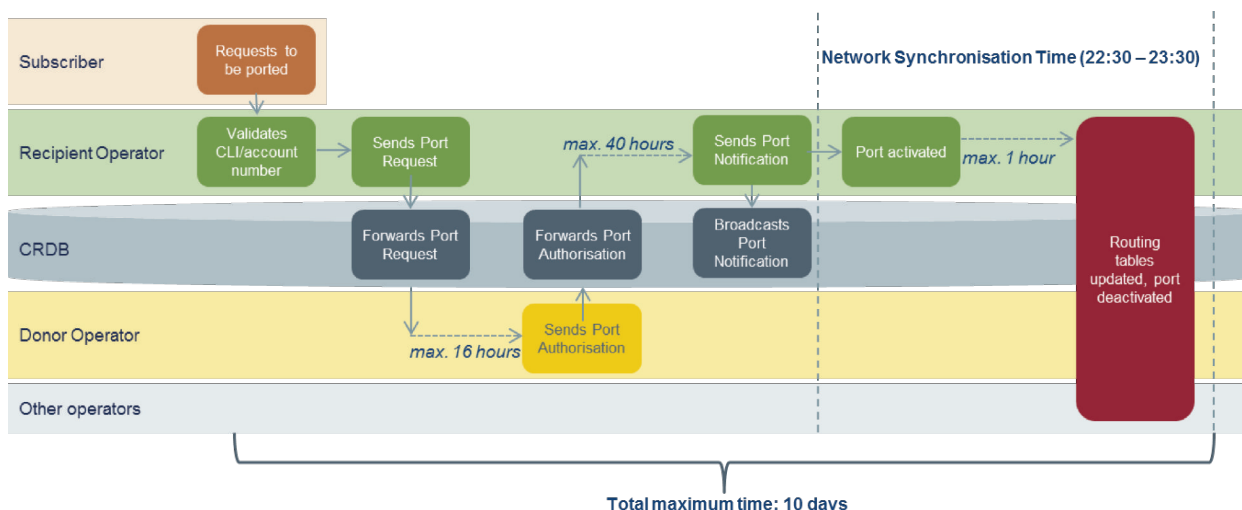
¹⁷ <http://www.acma.gov.au/Industry/Telco/Numbering/Portability/mobile-number-portability-information-for-industry>

¹⁸ <http://www.balancingact-africa.com/news/telecoms-en/31526/ghanas-mobile-number-portability-scheme-outstrips-south-africa-kenya-and-nigeria>

2.6 Porting times: geographic numbers

The Geographic Number Portability OSS also defines the Port Timers for each of the stages of the porting process, thus defining the total maximum time for Geographic Number Ports to be carried out.

Figure 2-6: Geographic porting process and times [Source: Geographic Number Portability OSS]



The current portability regulations define a maximum time of 10 working days for ports of individual numbers. This is a very long timeframe compared to international benchmarks. However, it seems that in most cases shorter times are actually experienced. There are currently many implementation issues relating to geographic number porting which are a higher priority.

If the porting times are not changed during this consultation process, they will need to be reviewed and updated in the medium term to bring them in line with international best practice.

Question 7.

Do you agree that the Authority should review mobile and geographic time to port in two years' time?

Responses from the public inquiry: During the enquiry, several participants indicated that they believe that current port times being experienced are too slow. One participant claimed that the average port time experienced by their customers is 10 days – the maximum length of time allowed by the regulations. One respondent, who has experienced long geographic number porting times, stated that the delays are often caused by the donor operator, as there seem to be no penalties for ignoring requests or failing to respond. Another respondent agreed that it often experiences long delays as volumes of GNP have increased, and argues that operators should be obliged to fully integrate with the CRDB to provide for instant computer-based approvals or rejections, instead of relying on slow manual processes. However, respondents to the inquiry noted that, despite delays in geographic number portability,

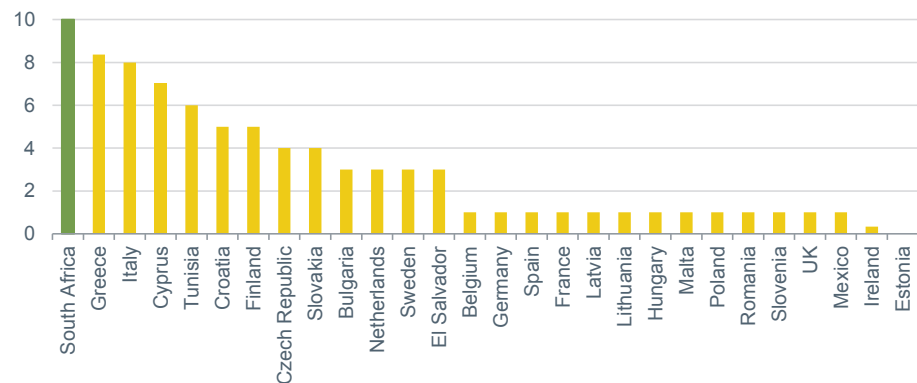
it is not currently a major issue of contention: if operators were to comply with the Porting Timers the situation would be acceptable. However, one respondent argued that the porting time should be reduced to three days.

As shown in Figure 2-7, many countries have implemented porting times as low as 1 (one) day for fixed portability.

Figure 2-7:

Fixed time to port
[Source: Aetha]

Note: Estonia is 0.01 of a day, Ireland is 0.33.



The maximum porting time of 10 days for geographic ports as defined in the current regulations is a long time, especially compared to the time to port in other countries. However, there are currently implementation issues that are specific to South Africa, a market with a large number of fixed players.

2.7 Network synchronisation times (NST)

The portability regulations in South Africa dictate when operators should synchronise changes to their networks:

"Activation and deactivation on the network and updating of routing tables shall only take place during Network Synchronisation Time (22h30 – 23h30) on all days except Public Holidays" (Mobile OSS, 2005, §2.1.3)

The Geographic OSS mentions the NST but does not specifically state at what time the NST should occur.

During NST, the recipient operator activates the ported-in subscriber on its network and updates its routing tables, and after the CRDB sends the Port Activation Broadcast Message, the donor operator deactivates the subscriber from its network and updates its routing tables. Additionally, all other operators must also update their routing tables to reflect the port.

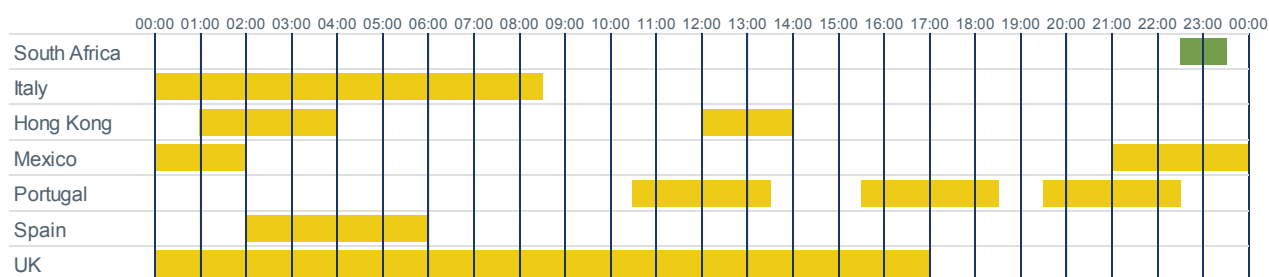
Question 8.

Do you agree that the NST should be extended? If so, how long should it last? At what time of day should the NST be implemented to best reduce both inconvenience to customers and avoid delays to the porting process?

Responses from the public inquiry: During the Authority's inquiry, some participants raised issues with the NST, pointing to the limited time in which a port may be activated as one of the main reasons that delays are experienced in the porting process. One respondent stated that the current NST time of 5pm to 6pm is not ideal as it is not during office hours which results in delays and problematic porting processes for subscribers. It argued for either extending the NST to office hour times or to scrap the NST completely to allow for port activation at all times. Another respondent agreed that ports should not be restricted to the NST, as this would reduce the porting timeframe and cause less frustration for subscribers. Several operators argued that NST should be expanded, or completely removed so that ports could be activated at any time. Others argued that the NST should be moved to a more convenient time for consumers, for example 2am to 3am, as during the NST they can at times be left without service while the routing tables are updated. In direct opposition, one participant argued that the NST should be moved to business hours, in order to reduce the delays caused by missing the NST.

There are many different international practices in terms of implementing a window during which porting and/or updating of routing tables occurs. Figure 2-8 below summarises international examples of these time windows.

Figure 2-8: Porting Windows [Source: Aetha]



It can be seen that the other countries in the benchmark all have longer porting windows than South Africa; the average of the above porting windows is seven (7) hours. In addition, some countries (Italy, Hong Kong, Mexico, Spain and the UK) have at least part of the window out of business hours, during the night and early morning. In contrast, the porting windows in Portugal fall mainly during business hours.

The international experience and comments received during the inquiry suggest that extending the NST would be beneficial to the portability process. Changing the NST would require amending the Functional Specifications and OSS for both mobile and geographic portability.

Currently, Network Synchronisation Time (NST) takes place during 22h30 – 23h30. Stakeholders and international best practice suggests that extending this would benefit the portability process.

Question 9.

2.8 Ported lock time

The portability regulations in South Africa dictate the period of time after a port during which subscribers may not port again:

"Subscribers are not allowed to port again within 2 months of a successful port, measured from the Porting Time." (Mobile OSS, 2005, §2.1.1.1)

The ported lock time is also defined in the Geographic Portability Regulations:

Name	Value	Description
Ported Lock Time	2 months	The time where subsequent port request on a number or number range will be rejected

(Geographic OSS, 2010, §7)

This means that during two months after a successful port, subscribers are not allowed to port to a new operator, or back to their original operator.

Question 10.

Do you agree that the current two-month ported lock time is satisfactory?

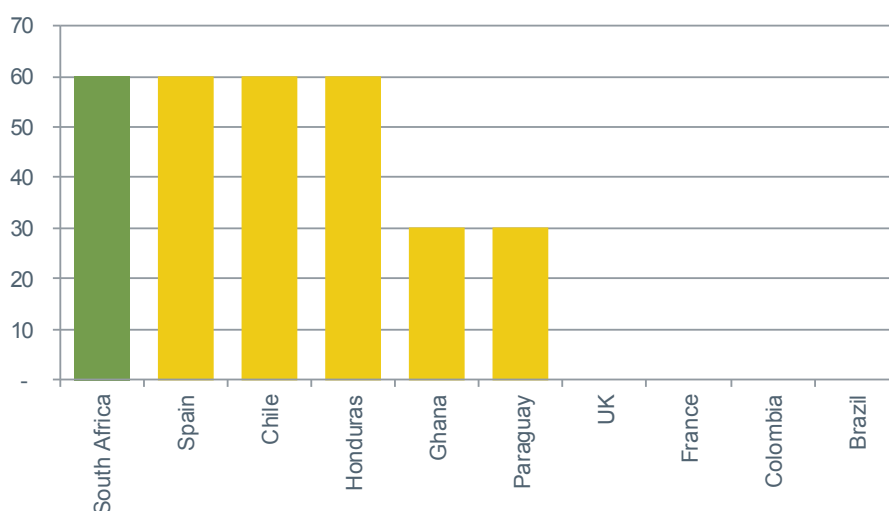
Responses from the public inquiry: During the inquiry, most of the participants indicated that this two-month period is acceptable and serves to protect operators from serial payment defaulters. Some participants thought it could be reduced, especially in cases where the consumer wants to port back to his original operator. One operator first argued that this period is too long and that customers should be allowed to port back to their original operator after a waiting period of seven days. In a subsequent interview, however, it broadly agrees with the 60-day period. Other respondents have suggested the possibility of reducing the period to a month or 45 days, but remained supportive of the current regulation.

As can be seen in Figure 2-9 below, it is common for countries to implement either a two-month, or one-month ported lock time, or to have no ported lock time. There does not seem to be an international standard.

Figure 2-9:

Ported lock times
[Source: Aetha]

Note: the UK, France, Colombia and Brazil do not practice port lock.



The current ported lock time of two months appears to be an acceptable time limit for consumers to be prevented from porting again, providing adequate protection to the operators. During the inquiry, the consensus was that the two months' limit works well.

Subscribers are unable to port their numbers for two months after a successful port. Stakeholders indicated that there is general consensus that this two-month ported lock time period is satisfactory.

2.9 Port cancellation and reversal processes

The port cancellation and the port reversal processes are defined in the OSS. The recipient and donor operators must come to an agreement for a port reversal to take place¹⁹: In particular:

"A Port Reversal can only be requested for the following reasons:

- *The port was done in error.*
- *The port was done maliciously.*
- *The port was done fraudulently.*
- *Other reasons as agreed upon between the recipient operator, donor operator, and customer"*

The current regulations in South Africa, however, are not very specific on malicious or unlawful practices. The Code of Practice does not address those issues specifically.

¹⁹ "In certain cases Ports can be reversed. These would normally be when Ports happened maliciously, unlawfully, or where the wrong MSISDNs have been ported as a result of data entry errors." (Mobile OSS, 2005, §2.1.4.1)

Question 11.

Do you agree that a cooling-off period should be implemented (after studying any potential benefits this would bring to the portability process in South Africa)?

Responses from the public inquiry: Comments from the operators indicate that, in general, this system seems to work, and operators usually agree in instances where the subscriber would like to return to his original operator. The public inquiry, however, highlighted operators' concerns – and opposite views – on the current procedure for port cancellation and reversal in case of a fraudulent port. One respondent argued that subscribers should be given the option to manually trigger port cancellations and reversals without the need to call the recipient's call centre. Another respondent, however, noted an increase in port-ins reversals which could be linked to winback practices and suggests that port reversals should be minimised. Some of the participants also suggested that the introduction of a 'cooling-off period' during which customers could quickly port back to the original operator no questions asked, if they are unhappy with the service received from the new operator.

According to the BEREC report on best practices to facilitate consumer switching, there is a wide range of different practices in Europe with regards to cooling-off periods, with different countries having implemented different processes and timescales, and some countries not having a cooling-off period at all.²⁰ The process in South Africa appears to be in line with most common standards. In Portugal, for instance, if a subscriber wishes to cancel a port which is already in process, he must contact the recipient operator. If the recipient operator has already submitted the port request to the CRDB, he can cancel the port either before or after receiving the response from the donor operator. If the recipient operator has already sent the port notification and activated the subscriber on its network, the so-called 'point of no return', the port cannot be cancelled and the subscriber must wait for the port to be completed and then initiate a whole new port back to the original operator. It should be noted that in Portugal there is no waiting period for consumers wishing to port again after a recent port.²¹

But abuses can be identified, both on the recipient side (slamming) and the donor side (winback). In countries where winback has been a significant issue, some regulatory authorities have prohibited cancellation altogether. For instance, in Italy cancellation by the end-user is no longer allowed. The regulatory authority AGCOM notes that in 2008, over 28% of port requests were cancelled. Portability regulations were later updated to prohibit port cancellation specifically as a response to winback practices. Similarly, the regulatory authority in India (TRAI) prohibited cancellations in 2012 – except for the reasons to reject stated in the MNP regulations. A 2013 ECC report on

²⁰ http://berec.europa.eu/doc/berec/bor_10_34_rev1.pdf - page 36

²¹ <https://www.anacom.pt/render.jsp?categoryId=324335>

Abuse, Delay and Compensation Mechanisms in Number portability²² notes, however, that when porting times are shorter, winback is reduced considerably. Improved times to port, and a reduction of timer violations, may address more efficiently the winback issue in South Africa than a prohibition of port cancellations. A penalty approach may also address both the donor and the recipient abuse types. In Europe, the Universal Service Directive (USD)²³ article 30 clause 4.3 stipulates that: "Member States shall ensure that appropriate sanctions on undertakings are provided for, including an obligation to compensate subscribers in case of a delay in porting or abuse of porting by them or on their behalf." This can be implemented either by law or industry standards.

Stakeholders indicated concerns around the port cancellation and port reversal processes, and some suggested that the implementation of a cooling-off period could be beneficial to the portability process.

2.10 Tariff Transparency

Users find it desirable to be able to predict the price of calls to mobile numbers and porting of mobile numbers should not undermine this capability. Mobile number portability may, however, potentially reduce tariff transparency for mobile users due to the price difference that may exist between on-net and off-net calls. In countries where such differential is high, specific measures for tariff transparency for ported numbers are generally implemented.

At the time of launch of portability, South Africa was typical of those mobile markets where operators compete with very low effective on-net tariffs. Regulation 7 (4) of the Number Portability Regulations states that:

*"To ensure adequate tariff transparency for callers, where as a result of number portability the termination rate charged for a call to a ported number is more than 10% higher than the termination rate charged by the operator allocated the number block that contains the ported number, **the terminating operator shall apply a warning** to be agreed with the Authority before connecting the call and shall not charge for the period during which the warning is applied."* (our emphasis added).

However, the obligation on the terminating operator is duplicated by a comparable obligation on the originating operator. Regulation 7 (6) of the Number Portability regulations states that:

"To ensure adequate tariff transparency for callers from networks where on-net discounts are offered the following shall apply: Where as a result of number portability an on-net discount that might be expected does not apply and the retail rate charged

²² Electronic Communications Committee (EEC) / CEPT, ECC Report 196, 17 April 2013, <http://www.erodocdb.dk/docs/doc98/official/pdf/ECCRep196.pdf>

²³ <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32009L0136>

*for a call to the ported number is more than 10% higher than the retail rate with on-net discount for a call to a ported number in the number block that contains the ported number, **the originating operator shall apply a warning** before connecting the call.” (our emphasis added).*

In practice, a warning message of three beeps has been introduced.

Question 12.

Would you agree that the rule for applying a warning message could be simplified – for instance to apply to all off-net calls to ported numbers?

Responses from the public inquiry: During the public inquiry, some respondents expressed concerns about the current solution and suggested that the current warning message when a subscriber calls a number that has been ported should be simplified. One mobile operator argued that the current solution has resulted in numerous customer complaints, as some do not understand the three beeps and others see it as an annoyance. In particular, the operator receives complaints from ported business customers who claim to be losing customers as the three beeps give the caller the impression that the number either does not exist or is engaged. Another operator first questioned the relevance of the dual obligations on both the terminating and the originating operator – this could result in six beeps rather than three. In addition, he questioned the 10% tariff difference rule and notes that, for instance, a warning message is likely to be required for calls to numbers ported from MTN to Cell C but not from Telkom Mobile to Cell C due to differences in termination rates between licensees. He argued that termination rates are not transparent to customers and there is no direct link between retail rates and termination rates. Finally, he noted that bundled products are now prevalent, making the 10% rule more difficult to apply. Other operators, however, stated that they were generally satisfied with the current system and potentially fewer beeps or beeps in quicker succession would suffice to address current issues. And one operator did not believe this is an issue and that the current system works well.

These comments raise three main questions:

- A practical question on the type of message – it should not confuse users;
- The relevance of the current method based on retail and termination tariffs; and
- A more fundamental question on the relevance of a tariff transparency message in a market where all-net tariffs are more prevalent.

Most countries have addressed the tariff transparency issue to ensure that mobile users have access to information that enables them to predict the cost of a call to another mobile number. Recital 41 of the Universal Service Directive recognises that the impact of number portability is considerably strengthened when there is transparent tariff information and states that NRAs “should, where feasible, facilitate appropriate tariff transparency as part of the implementation of number portability”.

An audible warning of an off-net call at the start of a call has been introduced in some European countries, e.g., Austria, Belgium, Croatia, Ireland, Lithuania, Slovenia and Portugal. However, the majority chose to implement a service indicating the network to which specified numbers belong (either voice-based or SMS-based)²⁴. Generally, the importance of the issue associated with tariff transparency to off-net numbers has reduced over time as operators increasingly offer all-net tariffs.

In emerging markets, a warning message has been the preferred solution, notably in major Latin American markets introducing portability in recent years. These markets are still characterised by significant differences between on-net and off-net call rates. In Ghana, however, the MNP regulation leaves to the traffic originator the option between an audible warning or the possibility for the subscriber to query via SMS or website whether a number is on the same network.

In countries imposing a warning message, methods were implemented for customers to block the message. For instance, Italy introduced a 456 code: if a mobile user dials 456 before a mobile number, he will receive information regarding portability. One operator offered a similar service that provides the same information for each call, but that can be deactivated by the user (opt-out option). Similarly, Ireland introduced an opt-in tone solution which is applicable to all off-net calls. In Austria, there is also the possibility that caller users can block this announcement via a dialling code 061 or by using special characters. In Belgium, the NRA imposed the existence of an audio beep. This beep was implemented in calls to ported-out mobile numbers. The beep has given rise to a number of problems, causing calls to be ended as the beep was not understood by the callers. It is now possible to block this function. In Portugal, two of the three mobile operators also offer the ability to deactivate the message²⁵. In summary, only some European countries have implemented a warning message – typically applicable to all off-net calls to ported numbers, leaving a possibility to deactivate the feature.

A message of three beeps was introduced at the launch of portability to warn customers when the cost of a call to a ported number is more expensive than if it were on the same network. The number portability regulations distinguish between an obligation on the terminating operator in case when the cost is higher than the termination rate and an obligation on the originating operator in case of on-net discounts. The current rule is complex and the reference to the interconnection rate may not be as relevant (or easy to measure) as in the past. This pleads for a simplified mechanism to replace the current complex 10% rule.

Question 13.

Should the warning be shortened, or replaced by a clearer shorter voice message?

²⁴ ECC Report 31, Implementation of mobile number portability in CEPT countries, Updated October 2005

²⁵ <https://www.anacom.pt/render.jsp?categoryId=124881>

Responses from the public inquiry: Some respondents to the public inquiry have questioned the three beeps, arguing that these often appear confusing to end-users. The problems raised by operators are common with the experience in other countries. Warning messages or beeps can be confusing and counter-productive.

Question 14.

Would portability benefit from a deactivation mechanism? Would you prefer a code that customers can use to receive information, or an opt-out mechanism to deactivate the message?

Responses from the public inquiry: The South African voice market has changed over the past years. Although on-net / off-net pricing differentials continue to exist, many tariffs are 'all-directions' and the warning message may no longer be a necessity. Some countries have introduced methods for customers to choose whether to receive the information (for instance a code that customers dial before a mobile number to receive information regarding portability, or an opt-out to deactivate the warning message)

2.11 Routing information and update of routing tables

The current regulations for number portability already contain most of the measures required to ensure that portability routing is reliable for ECS licence holders, whether subscribers to the NPC or not. There appears to be, however, widespread lack of compliance across the industry which leads to failures that severely disadvantage ported customers.

Question 15.

Do you agree that enforcement and proper implementation of the current regulations should suffice to address most of the issue?

Responses from the public inquiry: Several of the participants considered that there is a serious problem with the call routing for ported numbers and in particular for geographic numbers. After a customer has ported his/her number, it is often unreachable from some South African networks for an extended period of time. This serves as a disincentive to port. The problem arises when routing tables are not updated during the NST window. Many network operators, and especially the smaller network operators, are slow to update their routing tables. Therefore, calls which are placed by their customers are routed to the donor network, rather than the recipient network. The donor network, not having implemented any sort of forwarding, no longer recognises the number and the call fails. The ported customer rarely appreciates that it is the called network operator that is to blame for not updating his routing, and more often tends to blame the new service provider. A further issue arises when a new number range is issued by the Authority to a network operator and a number from that range is ported out. One respondent complained that because there

is no industry mechanism to communicate new number ranges, it is common for an operator to port-in a recently issued number but then to experience the problem when non-CRDB participants have no routing for the number because they do not know about the number and the NDA signed with the NPC prevents this information from being disclosed. The consequence of these failures is that there is a disincentive to port because of a high probability of failed calls to the ported number, and it is not easy to determine which party is at fault (and impossible for the customer of the ported number). The problem is not limited to the smaller operators; calls from any network operator could fail due to one or more of the issues described above.

There are two measures that should ensure that calls to ported numbers are routed correctly.

Firstly, block operators are required to onwards route calls to numbers that have ported out from their network, as required by regulations 5 (2) of the Number Portability Regulations which states as follows:

"A block operator shall ensure that any calls, and where practicable other communications, to ported numbers within number blocks allocated to that operator shall be routed to the network that currently serves the called number and that any value of the original CLI shall be unchanged by the re-routing process"

This means that where an operator originating a call has failed to update his routing tables within the NST window, calls being sent to the donor network will still reach the ported out customer. However, their failure to route correctly may incur additional charges, as permitted by the regulation 6(8) of the Number Portability Regulations that states that:

"An operator that is required by regulation 5 (2) or 5 (3) to incur additional costs in routing calls or other communications to ported numbers may charge the operator from which they receive the calls or other communications for those additional costs."

This clause should act as an incentive for all operators to ensure that routing is correctly aligned with the CRDB. However, if the block operator fails to route calls then this incentive no longer functions correctly.

Secondly, Telkom is required by the regulation 5 (3) of the Number Portability Regulations to offer a service to the other operators to provide them an alternative to subscribing to the NPC and the operational complexities in updating routing tables within the NST window. regulation 5 (3) of the Number Portability Regulations states that:

"Telkom shall offer to all other network operators a service whereby it will route calls directly or indirectly to ported numbers"

Whilst Telkom does offer this service, problems result because it does not always update its network in a timely manner. This has been known to cause call set-up failures where the donor operator routes calls to the recipient operator, only for

Telkom to reroute the call back to the donor network. (This is known as circular routing which is detected by switching equipment, which causes the call setup to fail).

These two measures, if properly implemented, would in themselves be sufficient to address most of the issues of failed calls to ported-out numbers.

There is a requirement on ECS licence holders that originate PSTN calls to ensure that the call is routed correctly. This means that they either must subscribe to the NPC and be capable of updating their routing tables across their entire network within the NST window ("direct routing"), or they must use the services of a third party (i.e., Telkom or the block holder) to route calls for them ("indirect routing"). Indirect routing is expected to come at a cost, typically this will be on a per-call basis, whereas direct routing has the fixed costs associated with subscribing to the NPC and the operational overhead of updating network tables by the NST deadline. The requirement on ECS licence holders is in terms of regulation 5 (1) of the Number Portability Regulations which states that:

"An operator who originates a call or other communication to a ported number or who handles a call or other communication from outside the Republic to a ported number inside the Republic shall be responsible for ensuring that the call will be routed directly or indirectly to the operator that serves the called number".

It is likely that smaller service providers would opt for the per call charges for indirect routing, provided this facility was robustly implemented, and only when their traffic volumes and operational capabilities grow sufficiently that it would make economic sense for them to subscribe to the NPC. It is due to a failure to ensure compliance with the regulations requirement regarding indirect routing that the first option is not functioning correctly.

Furthermore, the regulations are clear about the routing obligations for routing of calls to ported numbers. This applies equally to subscribers of the NPC, Telkom acting as a routing intermediary, or the block holder receiving calls to ported-out numbers. Regulation 6 (3) of the Mobile Functional Specification states that:

"When an operator who is handling a call determines that the called number is ported and determines the identity of the operator currently serving that called ported number, the operator shall add a prefix to the called number that identifies the current recipient operator."

It is worth noting further that the NPC provides porting information to international operators so that they are aware of which South African network is currently providing a service to a subscriber. This is unusual by international standards and, most probably, caused by block operators' failure to onwards route calls to ported-out numbers. As a convention, an international transit operator should not be required to know whether a number has ported; it should be sufficient to know the identity of the block operator as they have details of whether a number has ported out, and the identity of the current recipient network.

Several measures could be implemented to improve the current system:

- There has been confusion between operators about whether a number that has been ported out from a block owner, and later ported back to the block owner, constitutes a ported number. This is significant as it determines whether the B number should have a prefix applied and it has led to calls being rejected by the block operator. The portability regulation could clarify that any number that is currently serviced by its block operator is not defined as a ported number, regardless of whether it has been ported in the past.
- Since proper compliance with routing for number portability is already a requirement on service providers, a central ticketing system could be investigated in which operators report routing failures for investigation by the offending party. A trouble ticketing system would need to be implemented by the Authority or a third party on its behalf. This would provide secure access for ECS licence holders to log tickets and receive notifications that there may be a problem in their networks. This would require a design stage to design the workflow. Operators might have web access with e-mail notifications. The Authority would receive statistics reports.
- The Authority could also consider a series of penalties for ECS licence holders who persistently fail to update their routing in a timely fashion. Penalties for persistent failures to update routing were favoured by the majority of the inquiry respondents.

Stakeholders complained that routing problems frequently cause calls to ported-out numbers to fail, especially in the hours and days following the port. This is because routing tables have not been properly updated by all the operators. Sometimes the failure is temporary, caused by delays to the updating of routing, and at other times it can be a permanent failure.

The Authority may establish a system for operators to report and track routing failures for investigation by the offending party.

2.12 Reasons to Reject

A key element of the regulation in South Africa is that an outstanding amount owed to the donor is not a reason to reject a port. Regulation 4 (11) of the Mobile Functional Specification states that:

"A donor side shall not reject a request to port a mobile number under a post pay account on the grounds that the subscriber still owes money, nor may they delay the porting until the debt is collected, unless the subscriber is already subject to suspension of outgoing or incoming calls because of failure to pay a bill."

Regulation 4 (11) of the Geographic Functional Specification states that:

"The donor operator shall not reject a request to port a number or number block on the grounds that the subscriber still owes money, nor may they delay in porting until

the debt is collected, unless the subscriber is already subject to suspension of outgoing or incoming calls because of failure to pay a bill."

Although not a reason to reject, the port does not waive liabilities customers have to the donor operator. Sub-regulation 2.2.1.6 of the Ordering System Specification states that:

"A porting does not cancel an existing contract and the Subscriber may be liable for an outstanding contract amounts owed to the Donor."

Question 16.

Do you agree that outstanding payments should not be included as a reason for rejection?

Responses from the public inquiry: Two respondents have raised an issue with regulation 11 of the Functional Specification. One operator argued that "the regulation currently prohibits the donor operator from refusing a port where a consumer has money owing. However, the right of the customer to port should not supersede the donor's right to claim early termination charges or any amount due as provided for in the contract between the customer and the donor operator". Consequently, "[he] proposes that post-paid customers should only be allowed to port once they have settled all outstanding fees, including contractually agreed early termination fees". However, no further evidence was brought forward that levels of bad debt may increase significantly when numbers are ported. Similarly, another respondent proposed to repeal regulation 11 and amend accordingly regulation 9 as some customers may not be technically suspended but may be substantially in arrears or have significant ongoing contract commitments, including amortisation or financing of hardware provided.

In its effort to disseminate best practice, BEREC notes that the single biggest obstacle to switching is contractual obligations. As a result, it includes in its first best practice²⁶:

"Conditions and procedures to terminate contracts should not act as a disincentive to switching."

This is in line with the EU Universal Service Directive 2002/22/EC, amended in 2009²⁷, which, in its Article 30 addresses the issue in two key paragraphs:

"5. Member States shall ensure that contracts concluded between consumers and undertakings providing electronic communications services do not mandate an initial commitment period that exceeds 24 months. Member States shall also

²⁶ http://berec.europa.eu/doc/berec/bor_10_34_rev1.pdf

²⁷ <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32009L0136>

ensure that undertakings offer users the possibility to subscribe to a contract with a maximum duration of 12 months.”

“6. Without prejudice to any minimum contractual period, Member States shall ensure that conditions and procedures for contract termination do not act as a disincentive against changing service provider.”

Although some countries, when introducing portability, did allow contractual obligations as a reason to reject, including money owed under an existing contract, EU has moved away from it and it is now common practice to exclude this as a reason to reject.

Some stakeholders suggest that outstanding payments should be allowed as a cause for the donor operator to reject the port. However, international best practice suggests that this should not be allowed, as it would adversely affect the portability process, in particular the key mobile post-paid segment. If bad debt issues arise, the industry should address it through other means, such as a shared black list and improved collection mechanisms.

2.13 Reviewing the Portability Process

Unlike many countries that have introduced portability, South Africa has had a very stable framework, with none of the key regulations being updated over a ten-year period. There is a need for a more proactive schedule of reviews, led by the Authority.

Mobile number portability has been in place for more than ten years and geographic number portability for close to seven years. During this time, the South African market has changed considerably:

- The competitive landscape has seen the number of service providers eligible to apply for numbering resources increase from five to almost five hundred following the judgment on self-provision in the High Court in 2008.
- Infrastructure-based competition has developed whilst the incumbent operators have upgraded their own infrastructure to more modern technologies.
- The market is migrating revenue from traditional voice services to data services for which the ownership of the number is less relevant.
- The mobile voice market is progressing towards more ‘all-net’ offers and bundled services, removing one key barrier to portability.

As the market changes, portability faces different issues that were not fully anticipated in the original regulations:

- The common problem of updating routing tables has been highlighted by most respondents to the Authority’s public inquiry.

- The introduction of new services – such as banking services – is associated with potential new security issues for portability.
- Certain technical limitations – such as the definition of geographic areas – may have been lifted with the introduction of next generation networks.
- The process put in place does not properly address practical issues faced by the operators that are causing significant delays in port authorisation.

Question 17.

Should the Authority plan future reviews of portability regulations, including a first review two years after the current portability review?

Responses from the public inquiry: The consensus among the participants to the enquiry was that the performance of the current portability framework is adequate, and that although various issues need addressing, the necessary changes that are needed are incremental. There was also agreement that the NPC is performing correctly. However, operators who provided input into the current review process were generally in agreement that more frequent reviews should be conducted. There was a clear consensus that the process requires clarification and that specific issues need to be addressed quickly.

The situation in South Africa is in stark contrast to other markets. Most European markets have updated the portability regulations, partly driven by EU Directives, notably the EU Universal Service Directive 2002/22/EC, amended in 2009²⁸, or the dissemination of industry best practice by the Body of European Regulators for Electronic Communications (BEREC)²⁹. This has led to a reduction in the time to port (with a maximum of one day as set in the EU Directive) and an adjustment to reasons to reject (typically suppressing any outstanding amount owed to the donor as a valid reason to reject).

In France, for instance, geographic number portability, launched in 2003, was reviewed in 2005 with a first public consultation. This led to the creation of an inter-operator body in 2009 and an updated law published the same year. This was followed by a new consultation on the cost to port in 2011, a consultation to simplify the porting process and to reduce porting times in 2013, and a consultation to increase security of porting in 2015. Similarly, for mobile portability, the regulator initiated several review processes in 2004, 2006 (resulting in a decrease of port time), 2008 (on the

²⁸ <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32009L0136>

²⁹ http://berec.europa.eu/doc/berec/bor_10_34_rev1.pdf

issue of cost per port), 2012 (with an updated, simplified process) and 2014 (to address slamming issues).

Technical specifications can typically witness more frequent changes. In the UK, for instance, the equivalent to the OSS for non-geographic number portability published by an industry body under OTA (Office of the Telecommunications Adjudicator)³⁰ are changed periodically, with nine major changes over the last fifteen years.

The experience from Europe suggests that:

- A frequent review of the portability framework should be led by the regulator in the early years of implementation.
- Major reviews of the process typically require several years of consultation and process re-definition; however, specific changes (such as time to port, fraud issues or cost per port) can be addressed through shorter consultation processes.
- Changes should be organised through industry-led technical committees, typically monitored by the regulator.
- Flexible mechanisms to introduce changes are more effective at the operational level.

The stakeholders have welcomed the public inquiry process, however, there may be a need for a more proactive agenda set up by the Authority to monitor the evolution of portability and adjust portability processes to the evolution of the South African market. In particular, a review process of the processes governing number portability should be undertaken more frequently than once a decade – perhaps once every 2 to 3 years. The review process should be led by the Authority as the non-partisan regulatory institution in the market, in order to be seen as a neutral process and not advantaging any of the operators specifically.

2.14 Updating Portability Regulations

Currently, the process of reviewing the Functional Specifications, the OSS and the Code of Practice on a regular basis is not well defined. The current process of reviewing the number portability environment in South Africa with the aim of improving it, undertaken by the Authority is the first exercise of this nature in over ten years since the implementation of mobility number portability. There is a need for more frequent reviews due to the changing nature of technology and the market.

³⁰ <http://www.offta.org.uk/files/NGNPE2E-Ops-Process.pdf>

Question 18.

Should an "inter-operator technical committee", consisting of operator representatives, be formed to review the Functional Specification, the OSS and the Code of Practice on a regular basis? Would a tiered membership of core (active with NPC) and non-core members make it more efficient? Do you agree that this should be a consultative committee, chaired by the Authority, recommending amendments on a simple majority base?

Responses from the public inquiry: Most of the participants agreed that the Authority needs to more closely monitor data and enforce compliance with the portability rules. Several respondents highlighted the issues of timer violations and routing table updates. Some respondents highlighted the need to clarify the Inter-Operator Code of Practice³¹, notably ensuring that customers are more aware of the services they may lose when porting. There was also a general agreement that the main recourse is litigation instead of a quicker dispute resolution procedure. One respondent suggested that the lack of monitoring and enforcement is an important issue that means that consumers are not adequately protected.

However, there were various opinions as to how this could or should be undertaken. Views were divided as to whether the Authority should lead any review process or whether an inter-operator technical committee could fulfil this role more effectively. If a technical committee were to be established, it should be relatively small, in order to be functional and able to secure consensus on issues among its members. One operator argued that a technical committee of this nature would place too much power in the hands of the large operators, which may not be positive for the market as a whole and for the consumers. There was also a concern that if changes are introduced to the OSS, it may have a significant impact on the system.

Operators are already co-operating within the framework of the NPC to resolve inter-operator problems. An example of this is a resolution to classify all porting customers with hybrid mobile plans as post-paid rather than prepaid customers. This standardisation assisted in reducing the number of rejected port requests due to mismatches in classifying hybrid customers (where one operator would classify it as post-paid while the other as prepaid). This type of co-operation needs to be further encouraged under the auspices of the Authority, to efficiently resolve issues that can be addressed between the operators without the need to change any of the specifications or regulations. However, the Authority can interact more closely with the operators (members of the NPC) on an ongoing basis to be more aware of any issues that may require its attention and addressing in terms of the specifications.

³¹ "Network operators who are required to offer number portability and their service providers shall develop, maintain and enforce amongst themselves a code of practice relating to marketing and sales practices and communications with subscribers who request number portability." (Portability Regulation, 2005, §7 (9))

Based on the international experience, there may be a need to create a “technical committee”, consisting of representative of all licensees involved in the NPC, whose task would be to meet on a regular basis to address issues from the Functional Specifications, the OSS and the Code of Practice. The committee would formally review the above and provide recommendations on what changes may need to be introduced to ensure an efficient number portability environment. A formal technical committee established in the portability regulations would meet three objectives:

- To introduce new concepts – on a consultative basis – for the implementation of portability.
- To promote cooperation between stakeholders.
- To monitor compliance.

The challenge with an all-encompassing technical committee (where all members of the NPC are represented) could be that it would result in a large body that would be inefficient and unable to effectively review the various documents governing the number portability process and make recommendations. Furthermore, without some form of enforcement, active participation in such a committee by the operators could also be limited due to either resource constraints or lack of real interest, or both.

A number of countries have established technical committees at the outset of the number portability process to be involved with the design of technical specifications and operational specifications for implementing portability, as well as with subsequent selection of an entity to manage the central database. The technical committees are composed of telecommunications operators and service providers. Examples of such countries include South and Central America (e.g., Costa Rica, the Dominican Republic, Mexico), as well as Europe (e.g., the United Kingdom).

For instance, in Colombia, the regulator CRC implemented a permanent technical committee³².

- The committee is proposing solutions related to the implementation of portability and ensures better coordination between operators.
- The committee is consultative – decisions are ultimately taken by CRC
- It is chaired by the CRC.
- Each operator nominates a representative – CRC ensures that the quorum is met and takes action if representatives are not present in the meetings.
- It includes a representative of the Ministry, as well as a representative of the CRDB.

³² CRC, Portability regulations, 2010

- Decisions are taken with simple majority

In Mexico, the updated portability regulations of 2014 dedicate the entire second chapter to the role of the committee. The committee is chaired by the regulatory authority (Rule No. 7)³³. The technical committee has a technical role to improve portability specifications and advise the authority on possible changes. The committee is a consultative body which provides recommendations in matters related to portability and is open to operators and other stakeholders. Decisions require a two-third majority. The authority ultimately is responsible for approving changes to the specifications.

In more mature European markets, the regulatory authority has in some cases delegated more operational functions to the industry, for instance providing a facilitation platform such as in the Office of the Telecommunications Adjudicator in the UK. The Office of the Telecoms Adjudicator³⁴ was set up to coordinate and facilitate technical discussions between operators for local loop unbundling. This entity has been later used as the appropriate forum for matters related to portability.

Based on the international experience – and in line with the feedback from the operators, the committee would require:

- To be chaired by the Authority – this will avoid larger and better organised operators to lead changes and ensure that an independent arbitrator takes into account smaller players.
- To be a consultative body – decisions, ultimately, must be taken by the Authority in line with current regulation.
- To include a reasonable quorum – with the Authority monitoring attendance and taking actions when members do not attend meetings.
- To introduce a working majority rule – this could be a simple majority or a two-thirds majority rule.

To reflect the particular situation in South Africa, with many licensed operators but only a small percentage of them participating actively in the NPC, a solution – comparable to what has been implemented in Belgium – is to introduce a concept of core and non-core members. Core members would be participants to the NPC whilst the committee would not exclude other stakeholders. The quorum would be required only for core members. Potential penalties for non-attendance would also apply only to the core members.

³³ IFT, Reglas de portabilidad numérica, Diario Oficial, 12 noviembre de 2014

³⁴ <http://www.offta.org.uk/>

The portability regulation sets out the obligation of the industry to define Functional Specification and the Ordering System Specification (OSS). The operators have also developed a Code of Practice governing their activities within the number portability environment. Currently, the process of reviewing the Functional Specification, the OSS and the Code of Practice on a regular basis is not well defined. Many countries have opted for a regulator-led technical consultative committee supporting the regulator to address operational issues.

2.15 Enforcing portability regulations

As stated in the Portability Regulations, the Authority must enforce the Functional Specification. To date, the Authority has not enforced the rules by imposing penalties on operators that do not adhere to the Functional Specification or the OSS as there are no penalties imposed by the Number Portability Regulations.

Question 19.

Do you agree that a penalty regime should be introduced, with a clearly defined process and maximum fine amounts?

Responses from the public inquiry: During the inquiry, various participants recommended that the imposition of penalties on operators that do not follow the rules may serve to discourage infractions such as timer violations, and several operators advocated for penalties to be introduced in cases where operators have not followed the regulations. One respondent recommended that recipient operators should be penalised by paying more for ports that are proven to be fraudulent. Another operator recommended that a strict enforcement policy be followed by the Authority, first by liaising with the licensee to improve compliance and then taking enforcement action, in a transparent and equitable manner. One operator believes that a more active intervention from the Authority would suffice in most cases – for instance notifying operators would already put sufficient pressure to address issues. Telkom recommends that penalties be introduced for winback practices.

In the UK, Number Portability is imposed on service providers through General Condition 18.³⁵ The regulator, Ofcom, has powers to enforce compliance with General Conditions, and specifically has the power to impose a financial penalty on a provider that has been in breach of one or more conditions, and has not come into compliance with those conditions and/or has not remedied the consequences of that contravention within a reasonable time after being notified of the breach by Ofcom. The amount of any such financial penalty is limited to be not more than 10% of the turnover of the provider's relevant business for the relevant period. The amount must also be "appropriate" and "proportionate to the contravention".³⁶

In Italy, the portability regulations introduced inter-operator penalties with the aim to increase efficiency in the portability process and to reduce bad behaviour from operators attempting to impede ports. Donor operators that violate the maximum time to respond to messages in the portability process must pay a penalty to the recipient operator. For example, if the donor operator takes more than the stipulated maximum

³⁵ Ofcom Consolidated Version of General Conditions, §18, September 2014 - https://www.ofcom.org.uk/_data/assets/pdf_file/0021/36192/general_conditions_22sept2014.pdf

³⁶ UK Communications Act 2003, §96, <http://www.legislation.gov.uk/ukpga/2003/21/contents>

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time to respond to the initial port request, it must pay the recipient operator EUR10, plus a further EUR10 for each 24 hours of delay.³⁷ Operators must also compensate subscribers for delays, paying EUR2.5 for every day of delay caused by the operator.

In Ghana, the regulator has the power to impose fines of up to 2,000 penalty units on any operator that contravenes the portability regulations. In addition, the regulator may impose an administrative penalty of up to GHS20,000 for non-compliance with the regulations.³⁸

Currently, the Authority has the power to enforce the portability Functional Specifications, however, there is no formal mechanism for the imposition of penalties on operators that violate the rules. There is a need for a better defined process for the imposition of penalties for timer violations and delays caused to the portability process. Such a process could involve notification from the Authority, followed by a fine which is proportionate to the infraction and the size of the operator if the operator has not remedied the situation within a certain timeframe. Another option is to impose a structure of fines similar to that in Italy, where operators must automatically pay fines whenever they are in breach of the time limits in the portability regulations.

2.16 Procedures to escalate and resolve issues

The inquiry process identified a number of issues that require timely resolution.

- The procedure for handling customer complaints is set out in the Inter-Operator Code of Practice. Subscribers, however, consumers are often left with little recourse to find a solution to their problems.
- Unnecessary delays in escalating and resolving inter-operator disputes negatively impact business and consumer users – for instance the port authorisation process. The authorisation must be sent by the donor operator within a certain period of time, dictated by the regulations. In practice, timer violations are recognised by all stakeholders as an important issue. This is supported by the data provided by the NPC.

Question 20.

Do you think that consumers are adequately protected by the Number Portability regulations? If not, please elaborate and provide alternatives?

Responses from the public inquiry: Although the dispute resolution process works relatively efficiently, it often still takes a long time to resolve certain disputes between

³⁷ Agcom - Barcelona 09 - 10 June 2011 - Workshop on the Regulation of Number Portability beyond EU Borders – page 38

³⁸ Ghana Mobile Number Portability Regulations, 2011, §25 – page 11

the operators. One operator claimed that it can take up to one year to resolve cases of unauthorised port requests. During the inquiry, some respondents claimed that part of the reason many ports are rejected, and delays are caused, is due to the lack of data integrity of some of the operators. For example, sometimes the customer's name is spelt wrong or differently and this causes the port to be rejected. One operator noted that the requirements for post-paid ports are more onerous than for prepaid, e.g., MSISDN / SIM number and customer ID number (or also company registration number, in case of a company number being ported) need to match. Therefore, there is a greater chance of a mismatch of data. Another respondent suggested that a common problem arises where employees try to port their numbers when they are leaving their company and try to port the number as a personal number, but it is still registered on a corporate account. These issues result in unsatisfied customers seeing ports delayed or rejected.

One respondent suggested that a dispute resolution mechanism similar to that set out in the Interconnection Regulations and the Facilities Leasing Regulations forms part of amended Number Portability Regulations. However, these regulations pertain to complaints / disputes between operators and not to customer (or consumer) complaints. They also stipulate relatively long dispute resolution timeframes (28 days) which is too long for dispute resolutions in the consumer market.

During the inquiry, some of the participants also raised concerns about the current customer complaints procedures, indicating that in some instances, customers can find themselves stuck in between the donor and the recipient operator as it is unclear whom they should contact to resolve their issues, and can often get referred to the wrong departments. Subscribers are often left with little recourse to find a solution to their problems. It was suggested that a process for subscribers to escalate their complaints to the Authority be implemented.

One operator suggested that the Code of Practice should be integrated into portability regulation. Some stakeholders consider that the current dispute resolution procedure for interconnection could be emulated although others believe that this does not address the tighter timelines required by customers' complaints.

There is certainly a clarification process required: the Mobile and Geographic OSS should be updated by the industry, which should agree on which fields are best served to identify the subscriber who wishes to port and are sufficiently rigorous to not cause unnecessary rejections. However, the public inquiry process pointed to more fundamental weaknesses in the handling of customers' complaints and the inter-operator escalation process.

2.16.1 Customers Complaints

The procedure for handling customer complaints is set out in the Inter-Operator Code of Practice and the Authority does have a customer complaints procedure in place that includes Mobile Number Portability in its scope, whereby if a customer has complained to an operator and has not received an answer within 14 days, the customer are able

to forward the complaint to the Authority which may escalate the complaint to an Alternative Dispute Resolution Committee or the Complaints and Compliance Committee, according to the severity of the complaint.³⁹ Comparable procedures have been established elsewhere:

- In Chile, the regulator SUBTEL made a 'Portal de Reclamos' or 'Complaints Portal' available for all consumers to make complaints about the portability process via the regulator.⁴⁰ All operators must acknowledge and respond to any complaints within five days. The subscribers then have 30 days to respond if they find that the solution is inadequate, at which point the operator must justify their original response to the regulator, which can then impose the solution it sees fit.⁴¹
- In the UK, if a subscriber has complained unsuccessfully to the operator, they are enabled to take their complaint to an Alternative Dispute Resolution Scheme that will act as an independent mediator in the dispute. If this still does not result in an acceptable solution for the subscriber, they can complain directly to the regulator, Ofcom, although the regulator will not investigate individual complaints but may initiate an investigation and action if many complaints are received.
- In Brazil, if consumers complain to their operators who then do not offer an acceptable response, consumers are able to contact the regulator ANATEL who will then monitor that the operator responds within 5 days and offers an acceptable solution. ANATEL will not investigate individual complaints but may use the information provided in complaints to prevent the problem from happening again by modifying regulations.⁴²

It seems, however, that consumers and/or operators are not aware of this fact and it has not been adequately publicised. The Authority could impose a rule stating that all operators must include information about how consumers may escalate their issue to the Authority in their codes of practice for handling complaints. This could be included in the Inter-Operator Code of Practice. The scope of the complaints procedure could be expanded to include Geographic Number Portability and routing issues.

2.16.2 Inter-operator Dispute Resolution

The current regulations, Functional Specifications, the Code of Conduct, and the Ordering System Specification (OSS) speak to disputes arising between the donor and the recipient operators, and the processes to resolve such disputes. All of the

³⁹ <https://www.icasa.org.za/ConsumerProtection/ConsumerComplaintsProcedure/tabid/530/Default.aspx>

⁴⁰ <http://www.portabilidadnumerica.cl/que-es-la-portabilidad-numerica/preguntas-frecuentes/>

⁴¹ http://www.subtel.gob.cl/images/stories/interoperabilidad/reglamento_sobre_tramitacion_y_resolucion_de_reclamaciones_12d_0194.pdf

⁴² http://www.anatel.gov.br/consumidor/index.php?option=com_content&view=article&id=39&Itemid=431

respondents in the Authority inquiry have indicated that they do have a Code of Practice in place, including an escalation process, used as a basis for inter-operator dispute resolution, as well as resolution of customer complaints. Moreover, a dispute resolution process also exists with the NPC, where escalation takes place as part of a 3-step process.

In the UK, Ofcom (the market regulatory authority) has developed the Customer Codes of Practice for handling complaints and resolving disputes. Section 52 of the Communications Act 2003 places a duty on Ofcom to set general conditions to ensure that communications providers establish and maintain procedures to handle complaints and resolve disputes between them and their domestic and small business customers.⁴³ The communications providers must have and comply with procedures that conform to the Ofcom Approved Code of Practice for Complaints Handling.

In Italy, AGCOM (the market regulatory authority) issued a series of regulations to protect consumers in terms of choice of service provider, contract termination, etc., including initiatives undertaken to regulate litigation between consumers and operators, and protecting consumers by means of supervisory activities and sanctions on the service providers. These are encapsulated in:

- Regulations on resolution of disputes between users and operators; and
- Regulations concerning disciplinary procedures.

AGCOM also published Rules for Settlement of Disputes between Electronic Communications Providers in terms of access to infrastructure and interconnection, with the latest update dating to April 2015.⁴⁴

Based on the international experience, several options could be investigated to improve the inter-operator conflict resolution and the Code of Practice:

- Implement more frequent and mandatory meetings of the different operator PSTs and more frequent liaison between the PST counterparts. Meetings should take place on a monthly basis to resolve outstanding disputes and work towards preventative solutions to disputes, while ongoing liaison between PSTs should aim to resolve disputes within as short a time as possible.
- PST contact details in the CRDB need to be updated whenever changes take place and contact details must always be current. This should be a requirement and

⁴³ <https://www.ofcom.org.uk/phones-telecoms-and-internet/information-for-industry/codes-of-practice>

⁴⁴

https://www.agcom.it/documentazione/documento?p_p_auth=fLw7zRht&p_p_id=101_INSTANCE_kidx9GUnIodu&p_p_lifecycle=0&p_p_col_id=column-1&p_p_col_count=1&_101_INSTANCE_kidx9GUnIodu_struts_action=%2Fasset_publisher%2Fview_content&_101_INSTANCE_kidx9GUnIodu_assetEntryId=2550487&_101_INSTANCE_kidx9GUnIodu_type=document

enforced by the Authority. The NPC can assist by keeping and disseminating updated contact lists to all of its members.

- The Authority may wish to discuss with the operators modifying their Code of Practice to direct queries related to erroneous number routing to operator Interconnect Support Teams rather than to the Port Support Teams. Contacting the IST may result in quicker resolution of a routing error (lack of routing table update) than contacting the PST.
- The Authority may consider developing dispute resolution regulations based on the current Code of Practice, specifying an inter-operator dispute resolution process, including which cases need to be fast-tracked. The dispute resolution process existing at the NPC could be integrated into the regulations.

Question 21.

Should the customer complaints procedure be better publicised to consumers, for example in the operators' codes of practice for handling customers' complaints?

Responses from the public inquiry: Some stakeholders raised concerns about the handling of customers' complaints, claiming that sometimes customers can find themselves in between the donor and the recipient operators without knowing whom to contact or what their recourse is. The Authority does have a complaints procedure for consumers in place.

Question 22.

Should the current Code of Practice be updated or modified to improve the efficiency of dispute resolution between the operators? For instance: 1) should more frequent and mandatory meetings take place between operator PSTs to resolve issues and work towards preventative solutions to disputes? 2) Should a better system of updating valid PST contact details in the CRDB be implemented? 3) Should different teams within the operator structures be involved directly to expedite resolution of queries, e.g., the Interconnect Support Team ought to be contacted, rather than the Port Support Team in cases of number routing errors? 4) Should the Authority develop dispute resolution regulations?

Responses from the public inquiry: Operators participating in number portability have developed a Code of Practice governing resolution of inter-operator disputes related to number portability. The current regulations, Functional Specification, the Code of Conduct, and the Ordering System Specification (OSS) speak to disputes arising between the donor and the recipient operators, and the processes to resolve such

disputes. Although the dispute resolution process works relatively efficiently, it often still takes a long time to resolve certain disputes between the operators.

Question 23.

Should more frequent meetings of PSTs be implemented and attendance enforced by ICASA?

Responses from the public inquiry: One option to improve conflict resolution is to mandate more frequent inter-operator PST meetings

2.17 Portability Performance Metrics

Beyond cumulative ports, it is worth noting that the publicly available information remains scarce in South Africa. The Functional Specification, however, requires port data to be shared with the Authority on an annual basis. Regulation 5 (3) of the Functional Specification Regulations states that:

"Every mobile network operator or its nominated agent shall report to the Authority at six month intervals for the first two years of operation and thereafter annually the following statistics: (a) The number of requests received as recipient for the porting of individual numbers, with the figures shown separately for prepay and post-pay(recipient operator reports); (b)The number of requests made by the recipient side that have been rejected by the donor side for the porting of individual numbers, with the figures shown separately for prepay and post-pay (recipient operator reports, separate figures for each donor operator); (c) Reasons for the donor side to reject requests for porting (donor operator reports); (d) The number of porting where responses were not received or actions were not effected within the time limits specified in this functional specification; (e) Recipient operator reports separate figures for each donor operator; (f) The number of ported numbers that have been returned to the block operator under sub regulation 6 (5); and (9) Recipient operator reports separate figures for each block operator"

The same rule applies to geographic number portability (Geographic Number Functional Specification, 2005, s5 (3)).

In practice, the Authority only receives regular reports from the NPC directly. These allow monitoring of net ports by operator, for prepaid and post-paid, as well as some information on reasons for port rejects and timer violations. However, these do not distinguish prepaid and post-paid.

In most countries where an independent third-party is contracted to provide a central database service for portability, regulators specify the information that must be prepared and submitted to the regulatory authority on a regular basis. For instance,

the portability regulation in Brazil specifies under §41 that the CRDB must provide regular reports, including⁴⁵:

- Port requests;
- Ports completed;
- Ports rejected, by reason;
- Ports completed later than the prescribed timeline;
- Ports cancelled, by reason;
- Reports on issues, including diagnostic and action to solve them;
- Report on the update of the database;
- Reports on real-time availability of data;
- Other.

Some countries have specified the requirement for a direct link between the CRDB and the regulatory authority. In Honduras, for instance, the regulatory authority Conatel has set up a monitoring entity (Centro de Visualización y Monitoreo – CVM), with a direct link to the CRDB to monitor quality of service targets, the time to port, the solutions to issues between operators and the monitoring of faults. The CVM is operated by Conatel⁴⁶.

A survey of RFPs for CRDB in other countries⁴⁷ leads to comparable requirements. The current Technical Specification is thus reasonably complete – the issue appears to be more one of effective implementation which could include a requirement for monthly data rather than annual.

As the true source of portability data, the CRDB appears indeed to be a more appropriate source than the operators for the Authority to collect timely data it needs to monitor the progress of portability. However, currently there is no specific obligation on the NPC to provide any regular reports. This appears to be an anomaly compared to best practice elsewhere: South Africa differs from many countries by requiring operators to provide portability data rather than requiring the CRDB to provide such data directly. Requiring the CRDB to provide the required data directly in the Technical Specification could quickly resolve the implementation issue – most respondents in the public inquiry supported this view.

This would require an update of the Functional Specification in two aspects:

- A requirement for more regular reports (at least from annually to monthly); and
- A requirement to have a single source for numbers directly from the NPC.

⁴⁵ <http://www.anatel.gov.br/legislacao/resolucoes/22-2007/8-resolucao-460>

⁴⁶ Conatel, Resolución NR012/13, Reglamento portabilidad numérica para el servicio de telefonía móvil, § 19

⁴⁷ Four countries were surveyed – data is confidential

In addition, the scope of the report should be expanded from the current Functional Specification to include a diagnostic of issues and a report on how these have been addressed.

The dissemination of information to the public varies greatly from country to country. It is worth noting that regulators tend to disseminate more information during the early years of portability:

- The regulator in Mexico (Cofetel) reports ports in and ports out by operator on a monthly basis.
- The Peruvian regulator Osiptel only started in November 2016 to report ports separately for post-paid and prepaid.
- The regulator in Chile (Subtel) reports ports in and ports out by operator and by subscriber type.
- The regulator in Argentina (Enacom) reports total ports monthly, as well as detailed analysis of reasons to reject.

Although the stakeholders generally recognise that the portability process in South Africa works well, there were a few comments on performance to date, in particular compared to other countries. It is worth noting that currently only shareholders to the NPC are able to access statistics data that may not be available to other NPC members.

It may be, therefore, worthwhile to disseminate additional information to the industry to ensure quicker alignment on the reasons that are currently holding off the progress of portability, notably for mobile. This should include, on a monthly basis:

- Mobile prepaid, mobile post-paid, fixed corporate and fixed residential ports in and ports out by operator.
- Rejected ports by reason, for the same split as above.
- Number of ports back.
- Average times to port.

Regulators are typically the source of such information. The information could be presented as part of a portability page on the Authority's web site.

The Functional Specifications list a comprehensive set of porting statistics to be provided annually to the Authority by the operators. In practice, this mandate was delegated to the NPC. The NPC is generally recognised as the best source for accurate data and most respondents to the public inquiry support a single source for portability data for regulatory purposes.

Question 24.

Do you agree that the NPC is the most practical single source of data for portability?

Responses from the public inquiry: The preparation of monthly reports has been delegated by the operators to the NPC. There is not, however, a clear mandate in the regulations for the Authority to require information from the NPC. This limits the Authority's ability to monitor portability and address potential issues in its implementation.

Question 25.

Should the Functional Specifications be modified to enable the Authority to request directly to the NPC monthly port statistics and reports based on the current Specifications and adjusted to include reports on issue resolution, statistics for average time to port as well as additional detail by segment?

Responses from the public inquiry: Currently, only the cumulative numbers of ports are made public by the NPC. Other countries, in the early years of portability, have opted for additional transparency to create more awareness on portability and to provide a measure of its success.

2.18 Auditing the NPC

The creation of a CRDB is included in the ECA, Chapter 11, section 68 (1) (b). The Authority, as stated in its public notice 1781 of 2001, has the responsibility for implementing and administering the national portability database (section 2.1). However, it can delegate to a third party (section 2.2(a)).

The cost per port in South Africa differs from other markets on one important aspect. Typically, regulatory authorities have awarded a contract to a third-party which defines the cost per port charged to the recipient network. The cost being set, the CRDB takes the financial risk to recover its own costs. The situation is very different in South Africa: the NPC adjusts every year the cost per port based on the number of ports over the year, i.e., an increase in port volumes is transferred to lower prices per port. In 2016, the cost of a port was around ZAR30 against a reference price of ZAR50 due to the unusually high number of mobile ports. It should be noted, however, that there is no regulatory audit of the cost per port.

Question 26.

Do you agree that the current price levels are satisfactory and that the current pricing arrangement works well for portability?

Responses from the public inquiry: In their responses to the public inquiry, stakeholders support the current agreement and no substantial issue on the current level of cost per port was raised. However, some respondents pointed to some potentially high fixed costs for the operators, such as the monthly subscription fees to

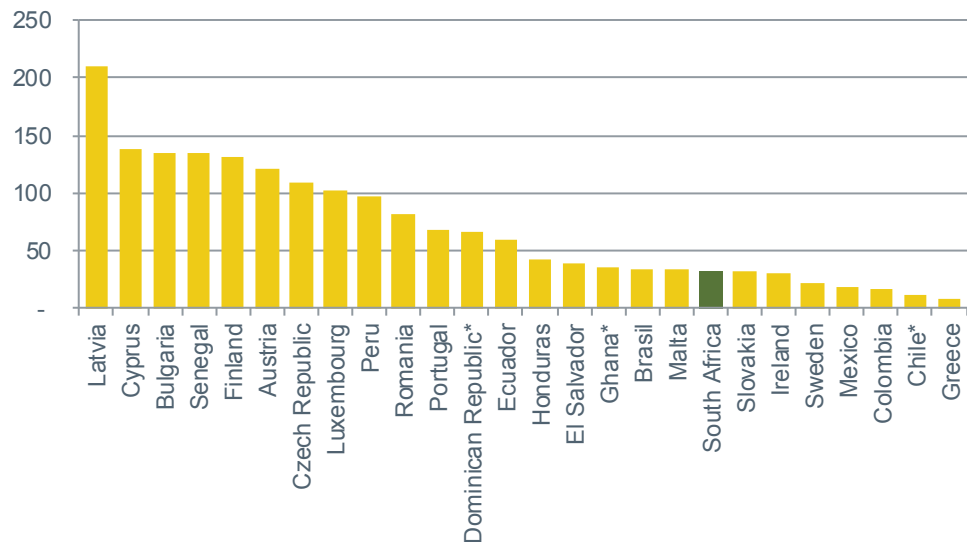
the NPC. At least one of the respondents also indicated that the variable cost to port (on an annual basis) makes budgeting difficult.

Figure 2-10 below shows that South Africa (based on an assumption of ZAR31 per port), compares well with the international benchmark.

Figure 2-10:

Mobile cost per port, ZAR⁴⁸
[Source: Aetha]

*In the Dominican Republic, Ghana and Chile, the cost per port varies according to the volume of numbers ported. The figures shown are the cost for porting one number.



Although current pricing appears to be adequate, the Authority need to clarify its ability to audit on a regular basis or on an ad hoc basis the cost-base of the NPC. This could be based on similar procedures established by the Cost of Accounts submissions used to audit Telkom's cost models. This would require a clearer empowerment for the Authority to request audited data from the NPC. A change in the Functional Specification may be sufficient.

In most countries, regulatory authorities have maintained their power to audit and, when required, apply penalties for non-compliance. A relevant case is Belgium, where the CRDB is managed by a not-for-profit organisation (ASBL) which includes some members from (but not all) licensed operators. There is a non-discrimination obligation on the ASBL towards non-members. The portability regulation requires clear cost allocation rules to ensure that costs are fairly shared among the operators. Article 5, regulation 4 of the Mobile Portability Regulations (Belgium) also states the BIPT monitors the CRDB and is empowered to impose fines if necessary. The regulatory authority (BIPT) questioned some invoices for conformity testing procedures to a small operator and launched an investigation with respect to the compliance of such

⁴⁸ Exchange rates: USD1 = ZAR13.86, EUR1 = ZAR14.67, XOF1 = ZAR0.02, 10 April 2017 - Source: <http://www.xe.com/>

invoices. In 2011, the IBPT imposed a fine on the CRDB for non-compliance with portability rules⁴⁹.

Every year, the NPC adjusts the cost per port based on the number of ports over the year, i.e., an increase in port volumes is transferred to lower prices per port, and South Africa compares well with the international benchmark in terms of the effective cost per port. In their responses to the public inquiry, stakeholders are supportive to the current arrangement with the NPC and no substantial issue on the current level of cost per port was raised.

⁴⁹ Décision du Conseil de l'IBPT du 28 juin 2011 visant à imposer une amende administrative à l'ASBL pour la portabilité des numéros en Belgique pour le non-respect des règles relatives à la répartition des coûts applicables à la banque de donnée de référence centrale [http://www.bipt.be/public/files/fr/1802/Besluit+administratieve+boete+VZW+voor+nummeroverdraagbaarheid+-+kostenverdeling+v2-FR+\(version+non+confidentielle+-+website-Ministre\).pdf](http://www.bipt.be/public/files/fr/1802/Besluit+administratieve+boete+VZW+voor+nummeroverdraagbaarheid+-+kostenverdeling+v2-FR+(version+non+confidentielle+-+website-Ministre).pdf)

INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA
NOTICE 484 OF 2017



Independent Communications Authority of South Africa
Pinmill Farm, 164 Katherine Street, Sandton
Private Bag X10002, Sandton, 2146

Ref.No: 15/3/1/1/2/1

**NOTICE OF PUBLIC HEARINGS: REGULATORY FRAMEWORK FOR
COMMUNITY BROADCASTING SERVICES**

The Independent Communications Authority of South Africa ("the Authority") hereby give notice to convene oral hearings on the Regulatory Framework for Community Broadcasting Services in accordance with Section 4B(2)(b) and 4B(6) of the Independent Communications Authority of South Africa Act No.13 of 2000, as amended.

The Authority published the Discussion Document on Regulatory Framework for Community Broadcasting Services in Government Gazette 40660, Government Notices 170 of 03 March 2017. The closing date for submissions was 10 May 2017 extended to 02 June 2017. The Authority received thirteen (13) submissions and nine (9) indicated that they are interested in making oral presentations.

The hearings will be held as follows;

Date: 19 – 20 July 2017

Venue: ICASA BLOCK C PRESENTATION ROOM

164 KATHERINE STREET

PINMILL FARM

SANDTON

Duration: One hour for each presentation with 30 minutes allocated to presentation and 30 minutes for questions.

P Mashile, K Modimoeng, MR Mohlologa, BC Mokhele, PJ Zimri (Councillors),
PK Pongwana (CEO)

SCHEDULE**Day 1: 19 July 2017**

Registrations	09h00 – 09h30
Chairperson's opening address	09h30 – 10h00
1. ACT-SA	10h00 – 11h00
2. Cape TV	11h00 – 12h00
3. Capricorn Community Concepts	12h00 – 13h00
LUNCH	13h00 – 14h00
4. Kagiso Media	14h00 – 15h00
5. NAB	15h00 -16h00
End of day1	

Day 2: 20 July 2017

Registrations	08h30 – 09h00
Chairperson's opening address	09h00 – 09h20
1. Pulpit Media Group	09h20 – 10h20
2. Sentech	10h20 – 11h20
3. South TV	11h20 – 12h20
4. WECODEC	12h20 – 13h20
LUNCH	13h20 – 14h20
End of day 2	

Presenters are requested to make available **11 copies** of the presentation to panel members.

Any enquiries in relation to this notice must be submitted in writing (e-mail) to:

Ms Mamedupe Kgatshe

Project Leader

Tel: (011) 566 3259

mkgatshe@icasa.org.za

All media enquiries should be directed to:

Mr Paseka Maleka

011 566 3455

079 509 0702

pmaleka@icasa.org.za



Rubben Mohlaloga
Acting Chairperson
Date: 20/06/2017

INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA

NOTICE 485 OF 2017

**Independent Communications Authority of South Africa**

Pinmill Farm, 164 Katherine Street, Sandton

Private Bag X10002, Sandton, 2146

NOTICE OF INTENTION TO CONDUCT AN INQUIRY IN TERMS OF SECTION 4B OF THE INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA ACT OF 2000 TO IDENTIFY PRIORITY MARKETS IN THE ELECTRONIC COMMUNICATIONS SECTOR**1. LEGAL BASIS FOR THE INQUIRY**

1.1 The Independent Communications Authority of South Africa ("the Authority") is the sector regulator for the electronic communications sector (amongst others). The Electronic Communications Act 36 of 2005 ("the ECA") provides that the Authority has certain powers to deal with competition matters in the sectors that it regulates.

1.2 In particular, section 67(4) of the ECA provides that the Authority *"must, following an inquiry, prescribe regulations defining the relevant markets and market segments and impose appropriate and sufficient pro-competitive licence conditions on licensees where there is ineffective competition, and if any licensee has significant market power in such markets or market segments. The relevant regulations must, among other things-*

- (a) *define relevant wholesale and retail markets or market segments;*
- (b) *determine whether there is effective competition in those relevant markets and market segments;*

- (c) *determine which, if any, licensees have significant market power in those markets and market segments where there is ineffective competition;*
- (d) *impose appropriate pro-competitive licence conditions on those licensees having significant market power to remedy the market failure;*
- (e) *set out a schedule in terms of which the Authority will undertake periodic review of the markets and market segments, taking into account [section 67(9)] and the determination in respect of the effectiveness of competition and application of pro-competitive measures in those markets; and*
- (f) *provide for monitoring and investigation of anti-competitive behaviour in the relevant market and market segments."*

1.3 Section 4B(1) of the Independent Communications Authority of South Africa Act 13 of 2000 ("ICASA Act") in turn provides that: "The Authority may conduct an inquiry into any matter with regard to:

- (a) *the achievement of the objects made in terms of [the ICASA Act] or the underlying statutes;*
- (b) *regulations and guidelines made in terms of [the ICASA Act] or the underlying statutes;*
- (c) *compliance by applicable persons with [the ICASA Act] and the underlying statutes;*
- (d) *compliance with the terms and conditions of any licence by the holder of such licence issued pursuant to the underlying statutes; and*
- (e) *the exercise and performance of its powers, functions and duties in terms of this Act or the underlying statutes."*

1.4 In order to exercise its powers in terms of section 67(4) of the ECA to conduct market reviews and make regulations imposing pro-competitive conditions on licensees which have significant market power in those markets or market segments where there is ineffective competition, and thus a market failure, the Authority

considers that it is appropriate to undertake a process to identify broad markets and market segments in the electronic communications sector and to assess which of those markets or market segments are susceptible to *ex ante* regulation.

- 1.5 Of those markets or market segments which are considered to be susceptible to *ex ante* regulation, the Authority will make a determination as to which of those markets or market segments are considered to be priority markets in relation to which the Authority plans to initiate market reviews in terms of section 67(4) of the ECA in due course. The identification of priority markets in this manner is envisaged in the Guideline for Conducting Market Reviews which was published by the Authority in March 2010.
- 1.6 In conducting this inquiry, the Authority is exercising its power in terms of section 4B(1)(e) of the ICASA to conduct an inquiry with regard to the exercise of its powers, functions and duties in terms of section 67(4) of the ECA. The findings made by the Authority at the conclusion of the inquiry will inform the exercise in due course of the Authority's powers in terms of section 67(4) of the ECA when the Authority conducts market reviews in relation to specific identified priority markets.

2. PURPOSE OF THE INQUIRY

- 2.1 The purpose of this inquiry is:
 - 2.1.1 to identify relevant wholesale and retail markets or market segments in the electronic communications sector that are generally prone to *ex ante* regulation; and
 - 2.1.2 to determine from these markets and market segments those that the Authority intends to prioritise for market reviews and potential regulation in terms of section 67(4) of the ECA following the conclusion of this inquiry.

- 2.2 This inquiry is not in and of itself a market review as described in section 67(4) of the ECA. It is an inquiry aimed at identifying priority markets and market segments that the Authority intends to focus on, in order to provide certainty to stakeholders in relation to the markets that the Authority intends to analyse through the market review process.
- 2.3 As discussed below, the electronic communications sector is dynamic and the markets and market segments identified in this inquiry may change by the time a market review for a particular priority market is initiated.
- 2.4 The fact that markets and market segments have been identified as priority markets does not mean that regulation of those markets through the imposition of pro-competitive conditions on relevant licensees is automatically warranted. An assessment of whether regulation is warranted will be made when the Authority conducts analysis of specific priority markets during the market review process.

3. THE INQUIRY PROCESS

- 3.1 As indicated in Section 1, the Authority is conducting this inquiry in terms of section 4B(1)(e) of the ICASA Act. The process contemplated in section 4B(2) of the ICASA Act is that the Authority will give notice of its intention to conduct an inquiry, indicating the purpose of the inquiry and inviting interested persons to submit written representations on or before the date specified in the notice, which may not be less than 45 days from the date on which the notice was published.
- 3.2 Given the purpose of the inquiry, it is necessary to conduct the inquiry in a series of phases, as detailed below. The Authority intends to consult stakeholders at various stages of the inquiry as indicated

below. At each stage of the inquiry, stakeholders will have at least 45 working days to submit their responses or comments, as the case may be. The time periods for submission of responses or comments may be extended if the Authority considers it to be necessary and appropriate to do so.

3.3 As the inquiry unfolds, the Authority may introduce additional steps where necessary to keep stakeholders apprised of the progress of the inquiry and the Authority's thinking on the matters being assessed.

3.4 The Authority may conduct public briefing sessions in relation to matters of process.

3.5 Phase 1 - Market study

3.5.1 The purpose of the Market Study is to obtain information and opinions from market participants and stakeholders. The information and opinions obtained will be taken into account in (1) the identification of broad markets and market segments in the electronic communications sector that are generally prone to *ex ante* regulation; and (2) those that the Authority may prioritise for market reviews in the future, as discussed in Section 2 above.

3.5.2 The Market Study will be undertaken through a series of questions to market participants aimed at identifying broad market markets and market segments.

3.5.3 Stakeholders are invited to submit their written responses to the questions in the Market Study within forty-five (45) working days from the date of the publication of this notice.

3.5.4 Stakeholders have ten (10) working days, from the date of the publication of this notice, to review the questions in the Market Study and to send any clarification questions on the Market Study

for the attention of the Chairperson: Priority Markets Committee at prioritymarkets2017@icasa.org.za.

- 3.5.5 The Authority will respond to all clarification questions by publishing a Briefing Note on the Authority's website (www.icasa.org.za) within fifteen (15) working days of the final date for submission of clarification questions.
- 3.5.6 Should a stakeholder be of the view that any information submitted in response to the market study is confidential, the stakeholder must request confidentiality as envisaged in section 4D of the ICASA Act with regard to such information. A confidential and non-confidential version of the response must be submitted with the request for confidentiality.
- 3.5.7 In the event that the Authority does not grant a request for confidentiality on a submission, such information may be withdrawn from submission.
- 3.5.8 Non-confidential responses will be made available on the Authority's website and in the Authority's library as contemplated in section 4B(3) of the ICASA Act.
- 3.5.9 The Authority may request one-on-one meetings in relation to information submitted by a stakeholder in response to the Market Study where necessary to clarify any information that is submitted. The Authority will inform stakeholders in advance of the information to be clarified and will give adequate notice to stakeholders of proposed meetings.

3.6 Phase 2 - Publication of Discussion Document

- 3.6.1 The Authority will publish a Discussion Document, in the *Government Gazette*, which will be informed by the information submitted by stakeholders in the context of the Market Study and

any other research or benchmarking exercises that may have been conducted.

3.6.2 The Discussion Document will be published for public comment for a period of 45 working days.

3.6.3 The Discussion Document will include, *inter alia*, a proposed list of markets that following Phase 1 are regarded as being prone to *ex ante* regulation and a list of markets that are then proposed to be identified as priority markets. The Authority will set out its rationale for the identified markets and proposed priority markets. Stakeholders will be invited to comment on the Authority's assessment of the identified markets and the proposed priority markets.

3.6.4 Stakeholders may then submit written representations on the Discussion Document and must indicate whether they require an opportunity to make oral representations at any public hearings as contemplated by section 4B(2)(b) of the ICASA Act.

3.7 Phase 3 - Public hearings

3.7.1 The Authority may hold public hearings on issues raised in the context of the inquiry if deemed necessary.

3.7.2 The Authority will, if it deems it necessary to hold public hearings, notify stakeholders of the date, time and the venue of the hearings.

3.8 Phase 4 - Publication of Findings Document

3.8.1 The Authority will publish a Findings Document in the Government Gazette within 90 days from the date of conclusion of the inquiry as prescribed in section 4C(6) of the ICASA Act. The Findings Document will list the markets that have been identified by the

Authority as being generally prone to ex ante regulation and a list of the markets that have been identified as priority markets in respect of which the Authority intends to conduct specific market reviews.

3.8.2 The Findings Document will be the final output of the inquiry.

4. TIMELINES

4.1 The Authority aims to finalise this inquiry on or before 31 March 2018.

4.2 The Authority may amend this date after notifying stakeholders.

All communications relating to this inquiry must be directed to the Chairperson: Priority Markets Committee by email at prioritymarkets2017@icasa.org.za.



Rubben Mohlaloga
Acting Chairperson
Date: 23 June 2017

ICASA Priority Market Study 2017

Questionnaire to industry participants and stakeholders

CONTACT DETAILS FOR RESPONDENT

Please complete the table below. Where there is more than one contact person please include the full details of the additional contact person/s in the format provided below.

Prefix (Mr., Mrs., MS, Prof, etc.)	
First Name	
Last Name	
Title	
Organization	
Department	
Address Line 1	
Address Line 2	
Address Line 3	
Postal Code	
City	
Telephone (Switchboard)	
Telephone (Direct line)	
Mobile	
Email	

BACKGROUND AND INSTRUCTIONS

The Independent Communications Authority of South Africa ("ICASA") is conducting a Priority Markets Study ("the Study"). The purpose of the Study is to identify markets in the electronic communications sector that the Authority should, if necessary, prioritise for regulation, subject to the Authority following the necessary steps envisaged in chapter 10 of the Electronic Communications Act no. 36 of 2005.

The purpose of this questionnaire is to obtain information and opinions from market participants and stakeholders that is considered relevant to the determination of priority markets. Respondents are invited to add valuable input into the Study by completing the relevant sections of the questionnaire that follows. Please complete the survey as accurately as possible.

- All data should be provided electronically in Microsoft Excel.
- When providing written responses, as well as supporting evidence and data, indicate clearly to which question the information pertains.

Should a respondent be of the view that information submitted is confidential, the respondent must take steps envisaged in section 4D of the ICASA Act to claim confidential treatment for such information.

Should there be any questions or further clarification required, kindly address your questions to the Chairperson: Priority Markets Committee (prioritymarkets2017@icasa.org.za).

Stakeholders must complete and submit data in terms of the questionnaire within forty-five (45) days from the date of the publication of this notice.

Thank you for taking the time to complete the questionnaire.

SECTION 1: IDENTIFICATION OF ELECTRONIC COMMUNICATIONS PRODUCT AND SERVICE MARKET SEGMENTS

The electronic communications sector comprises of a number of markets at the retail and wholesale level. As a starting point for the Study, ICASA seeks to identify the broad market segments relevant to the electronic communications sector in South Africa. These broad markets will form the basis for further questions in the subsequent sections which seek to determine which of the identified markets, if any, should be prioritised for possible *ex-ante* regulation. Priority markets identified from this Study may subsequently be investigated further as a part of a market review, which would then involve a more detailed market definition exercise for those specific markets.

The traditional approach taken in segmenting electronic communications markets, as informed by local and international precedent, forms a useful starting point in identifying products and services markets for the purposes of this Study. On this basis, Table 1 below provides possible market segmentations for consideration, distinguishing broadly between the provision of fixed and mobile products and services, and retail and wholesale levels of the market. Within each broad market segment, further possible delineations are provided. For example, "1.2 National transmission services" constitutes a broad market segment, which may be further segmented by bandwidth size and also by managed and unmanaged services. Appendix 1 provides a description of the broad markets listed in Table 1 as well as the definitions of wholesale, retail and reseller.

Question 1: Indicate clearly in the table provided, if you agree with the market segmentation identified (indicate with an X under the column "Agree") or disagree with the market identified (indicate with an X under the column "Disagree"). This includes both the broad market segmentation and the possible further segmentations provided.

Question 2: Where you disagree with the market segmentation identified, provide detailed reasons for this along with supporting evidence or data.

Question 3: Where you disagree with the market segmentation identified, indicate if the broad markets should be broader than that which is indicated, to include other markets identified or products and services that have not been listed. Motivate your response by providing reasons and any supporting evidence or data.

Question 4: Where you disagree with the market segmentation identified, indicate if the broad markets should be further segmented according to the further segmentations provided. Motivate your response by providing reasons and any supporting evidence or data.

Question 5: Indicate if there are any markets or products and services that are missing from the Table and that would be relevant to the Study. Motivate your response by explaining these suggested segments, products or services, providing reasons as to why they should be included as well as indicating where in the table they should be included.

Question 6: The geographic scope of the market segments identified in Table 1 are generally regarded as being national, except: (i) for international transmission lines which are international in scope and (ii) in instances of fixed infrastructure roll-out (for example, the roll out of metro fibre), where the geographic market is more localised and competition needs to be assessed on a more route-specific basis. Indicate if you agree with this general view. If you disagree, provide reasons and explain what, in your view, should be the relevant geographic market for each of the products and services in Table 1. Motivate your response with supporting evidence or data.

TABLE 1: MARKET SEGMENTATIONS		Agree	Disagree
1	UPSTREAM INFRASTRUCTURE		
1.1	International transmission services		
1.2	National transmission services - Differentiated by bandwidth size - Dark fibre / unmanaged / managed		
1.3	Metropolitan connectivity - Differentiated by bandwidth size - Dark fibre / unmanaged / managed		
1.4	Access services - Copper / fibre / fixed wireless - Dark fibre / unmanaged / managed		
1.5	Mobile radio access network (RAN) services - Active / passive / co-location		
2	WHOLESALE FIXED LINE SERVICES		
2.1	Wholesale local access		
2.2	Fixed call access, origination and transit - Access/ origination/ transit		
2.3	Fixed call termination		
2.4	Wholesale asymmetric broadband origination - Access line / interconnection		
2.5	Wholesale internet connectivity		
2.6	Wholesale internet access		
3	WHOLESALE MOBILE SERVICES		
3.1	Wholesale mobile network access - MVNO access (RAN only / RAN & Core) - National roaming		
3.2	Wholesale mobile network services - Voice / data / SMS - Access Point Network (machine-to-machine)		
3.3	Mobile termination - Voice call termination - SMS termination		
3.4	International roaming		
4	RETAIL FIXED LINE SERVICES		
4.1	Voice telephony via the public telephone network - Business / residential - Local & national / international / fixed to mobile		
4.2	Narrowband internet access - Business / residential		
4.3	Asymmetric broadband internet access - Business / residential - Copper / fibre / fixed wireless - Differentiation by bandwidth size		
4.4	Leased lines internet access - Copper / fibre / fixed wireless - Differentiation by bandwidth size		
4.5	Managed data network services		
4.6	Leased lines - Copper / fibre / fixed wireless - Differentiation by bandwidth size		
5	RETAIL MOBILE SERVICES		
5.1	Retail supply of mobile services - Voice / data / SMS - Business / residential / machine-to-machine - Prepaid / postpaid		

SECTION 2: PARTICIPANTS IN THE ELECTRONIC COMMUNICATIONS PRODUCT AND SERVICE MARKET SEGMENTS

The electronic communications supply chain consists of various layers, starting with the provision of basic infrastructure through to wholesale and retail services. Firms active in the electronic communications supply chain are often a purchaser of upstream electronic communications services in addition to being a supplier of downstream services themselves. Furthermore, firms may use their current position in the market to enter other segments in the same layer or move upstream or downstream. In this section, you are required to respond to questions relevant to your business operations as a purchaser, a current seller/provider or a future seller/provider of electronic communications products and services.

Business Operations

The market segments provided in Table 1 are used as a basis for the questions in this section. Based on your responses to questions in Section 1, you may have identified alternative markets. In these instances, please also answer the questions below based on the alternative list of markets that you have identified.

Question 7: Provide a description of the current activities of your business as they relate to products and services your business provides in the electronic communications sector.

Question 8: For each of the markets listed in Table 2, indicate if your business purchases or leases the products and services listed as an input into the provision of products and services by your business (indicate with an X under the column "Customer").

Question 9: For each of the markets listed in Table 2, indicate if your business operates as a seller or provider of the products and services listed (indicate with an X under the column "Seller"). This includes instances where products or services are leased.

Question 10: For each of the markets listed in Table 2, indicate if your business is likely to enter the market as a seller or provider of the products and services listed within the next five years (indicate with an X under the column "Future Seller"). This should only be indicated in instances where there are currently concrete plans to enter the market within the next five years.

TABLE 2: MARKET PARTICIPANTS		Customer	Seller	Future Seller
1	UPSTREAM INFRASTRUCTURE			
1.1	International transmission services			
1.2	National transmission services - Differentiated by bandwidth size - Dark fibre / unmanaged / managed			
1.3	Metropolitan connectivity - Differentiated by bandwidth size - Dark fibre / unmanaged / managed			
1.4	Access services - Copper / fibre / fixed wireless - Dark fibre / unmanaged / managed			
1.5	Mobile radio access network (RAN) services - Active / passive / co-location			
2	WHOLESALE FIXED LINE SERVICES			
2.1	Wholesale local access			
2.2	Fixed call access, origination and transit - Access/ origination/ transit			
2.3	Fixed call termination			
2.4	Wholesale asymmetric broadband origination - Access line / interconnection			
2.5	Wholesale internet connectivity			
2.6	Wholesale internet access			
3	WHOLESALE MOBILE SERVICES			
3.1	Wholesale mobile network access - MVNO access (RAN only / RAN & Core) - National roaming			
3.2	Wholesale mobile network services - Voice / data / SMS - Access Point Network (machine-to-machine)			
3.3	Mobile termination - Voice call termination - SMS termination			
3.4	International roaming			
4	RETAIL FIXED LINE SERVICES			
4.1	Voice telephony via the public telephone network - Business / residential - Local & national / international / fixed to mobile			
4.2	Narrowband internet access - Business / residential			
4.3	Asymmetric broadband internet access - Business / residential - Copper / fibre / fixed wireless - Differentiation by bandwidth size			
4.4	Leased lines internet access - Copper / fibre / fixed wireless - Differentiation by bandwidth size			
4.5	Managed data network services			
4.6	Leased lines - Copper / fibre / fixed wireless - Differentiation by bandwidth size			
5	RETAIL MOBILE SERVICES			
5.1	Retail supply of mobile services - Voice / data / SMS - Business / residential / machine-to-machine - Prepaid / postpaid			

Purchase of electronic communications products and services

The following questions pertain to your business operations as a Customer of electronic communications products and services. The questions should be answered separately for each broad product or service market where you have cited your business as a Customer. Indicate clearly which product or service the responses are intended to address. For each of the markets where you have cited your business as a Customer (as well as for any alternative list of market segments you have identified where you are a Customer), answer the following questions:

Question 11: Provide the specific name/s of the products and/or services purchased or leased and the name/s of the supplier/s and provider/s.

Question 12: Identify the alternative suppliers and providers for the products and/or services that are purchased or leased (in other words, who are the competitors to your current suppliers and providers?).

Question 13: Explain how the products and/or services are used as an input into the provision of products or services supplied by your own business (for example, national transmission lines acquired as an input for building the Virtual Private Network (VPN) core national network).

Question 14: Do the products and/or services constitute a minor or major input cost for your business? Motivate your response and, if available, provide any supporting evidence or data of the precise cost contribution of these products and/or services.

Question 15: Indicate if prices for the purchased products and/or services have been increasing or decreasing over the past five years, as well as the relative magnitude of the price increases or decreases. Where possible, provide the actual prices charged by the supplier for the products and/or services your business acquires or leases for the past five years (January 2012 – December 2016). Please also include any necessary explanation of what is included in the prices and how they have been compiled.

Question 16: Has there been entry into the product or service market in question over the past five years (2012 –2016)? If yes, list the entrants, their date of entry and the specific products and services they provide. Indicate whether or not the entrant has made an impact on the market, providing reasons and examples if relevant.

Question 17: To what extent is self-supply of the inputs in question a viable commercial option? In your response, explain what are the practical and commercial barriers to self-supply, and the reasons why self-supply is either possible or not. To the extent self-supply is feasible, indicate the timelines required for self-supply and the extent your business would still need to purchase inputs from third-party suppliers.

In some instances, an active wholesale market may not exist for a particular product or service because the current supplier(s) of the relevant infrastructure or product may choose to self-supply and only offer a downstream product or service. If there are instances where your business would be a potential Customer if an active wholesale market existed for certain products or services, then please answer the following questions:

Question 18: Indicate which product or service your business would acquire were they to be available at a wholesale level? Furthermore, for each product or service, indicate which firms currently have the capability to supply the product or service and the reasons why they do not provide it on a wholesale level.

Question 19: How would your business use the product or service as an input into your business and how would this affect your ability to compete in the markets in which you are active? Motivate your response by providing reasons and supporting data.

Sale of electronic communications products / services

The following questions pertain to your business operations as a Seller of electronic communications products and services. The questions should be answered separately for each broad product or service market where you have cited your business as a Seller. In all instances, the term 'provide' is intended to include all forms of sale and leasing arrangements with customers. Indicate clearly which product or service the responses are intended to address. For each of the markets where you cited your business as a Seller (as well as for any alternative list of market segments you have identified where you are a Seller), answer the following questions:

Question 20: Provide the specific names of the products and/or services provided.

Question 21: What are the target customer groups for the specific products and/or services your business provides (for example, other licensed operators, corporates, SMEs, general public)?

Question 22: For the specific products and/or services in question, provide prices charged by your business for the past five years (January 2012 – December 2016). Provide any explanations necessary to interpret the pricing data that has been provided, such as what is included in the prices and how they were derived.

Question 23: Provide the annual sales volumes and Rand value earned by your business for each of the products or services for the past five years (January 2012 to December 2016). For volumes, provide the appropriate unit of measure (for example, subscribers, lines, fibre kilometres, etc.). Provide any explanations necessary to understand what is included in the values provided.

Question 24: Where your firm owns infrastructure in order to provide the specific product or service, provide the capacity (using an appropriate measure, for example, fibre kilometres) and geographic reach of your infrastructure (for example, national or in specific cities / regions only).

Question 25: Identify the alternative suppliers and providers of the products or services in question (in other words, who are your main competitors in the market?). Where possible, indicate the strength of each competitor on the basis of their capacity and geographic reach.

Question 26: Has there been entry into the product or service market in question over the past five years (2012 – 2016)? If yes, list the entrants, their dates of entry and the specific products and services they provide, also indicating whether or not the entrant(s) have made an impact on the market and on your business. Motivate your response with reasons and examples if relevant.

Question 27: Provide an estimate of your business' market share for the past five years (2012 – 2016). Explain the basis for the market share estimation and, if available, provide any underlying data.

Question 28: To the extent that the information is available, provide market share estimates for your competitors for the past five years (2012 – 2016). Explain the basis for the estimation of the market shares and, if available, provide any underlying data.

Potential future entry

The following questions pertain to your business operations as a potential future Seller of electronic communications products and services. The questions should be answered separately for each product or service where you have cited your business as a future potential Seller. Indicate clearly which product or service the response is intended to address. For each of the markets where you cited your business as a future potential Seller (as well as for any alternative list of market segments you have identified where you are a future potential Seller), answer the following questions:

Question 29: Describe the products or services your firm intends to provide and the intended target customer groups.

Question 30: Provide reasons for future entry as well as the planned date of rollout and entry.

Question 31: Where your firm intends to roll out infrastructure in order to provide the specific product or service, provide the intended capacity (using an appropriate measure, for example, fibre kilometres) and geographic reach of that infrastructure (for example, national or in specific cities / regions only).

SECTION 3: FEATURES AND COMPETITIVE DYNAMICS IN THE ELECTRONIC COMMUNICATIONS SECTOR

This section identifies features of the market and competitive dynamics. It seeks to determine the state of competition currently, as well as how this is expected to change in the future given the dynamic nature of the electronic communications market. These factors are relevant to the identification of priority markets. This section also provides the opportunity for market participants and industry stakeholders to provide views on which markets should be considered as priority market for possible *ex-ante* regulation.

In this section, you are required to respond to questions relevant to current and future market conditions and trends.

- The relevant time horizon for the consideration of future trends and dynamics is the next five years, which extends from the present to the end of 2021.
- Provide responses for each product or service market segment as provided in Table 1 that is relevant to your business as a (current and future) provider and/or consumer of products or services. This includes instances where a market may currently not exist (for example, due to the lack of an active wholesale market), but where your business would be a potential customer if the products or services became available. Insofar as Table 1 is different to the alternative list of market segments you have identified, please also answer the questions below based on your alternative list of market segments.
- The questions should be answered separately for each product or service segment that is relevant to your business as a provider and/or customer. Indicate clearly which product or service segment the responses are intended to address.
- Interested stakeholders who are not necessarily participants in the market segment (as sellers or customers) are encouraged to respond and provide valuable input that is relevant for the Study.
- Please be as specific as possible in your responses, and motivate the responses provided. Where possible, support your responses with evidence and data.

Question 32: Would you describe the supply and provision of products or services in the market in question as competitive? Motivate your response by providing reasons and any supporting evidence or data. In your response, consider, where relevant, factors related to:

- (i) The number of suppliers in the market and entry into the market;
- (ii) Pricing levels in the market and the pricing structure;
- (iii) The quality of the product or service supplied;
- (iv) The level of innovation in terms of new or modified products and services;
- (v) The terms and conditions of the sale (this may include bundling of products or services, the structure of rental agreements, the duration of the contract, interconnection arrangements, etc.).

Question 33: For markets that you consider concentrated and/or lacking sufficient competition, identify what are the barriers to entering and competing effectively in the market for the identified product or service? In responding to this question, please consider the following possible barriers to entry and indicate the significance of any identified barrier to entry:

- (i) Structural factors including factors such as high sunk costs, economies of scale and/or scope and capacity constraints;
- (ii) Legal factors (for example, regulatory or licensing requirements);
- (iii) Factors related to the behaviour of incumbents in the market (for example, refusal to provide access to essential inputs, the use of loyalty schemes, requiring customers to purchase a range of products, etc.) and
- (iv) Other factors which in your view are likely to impede entry.

Question 34: For markets that you consider concentrated and/or lacking sufficient competition, what are the barriers to expansion (including product range, capacity and geographic reach) for new entrants and smaller firms in order to become effective competitors in the market? Such factors may include those identified in response to question 33.

Question 35: Where you have described a barrier to entry or expansion as significant, identify whether you believe regulatory action can be used to reduce the barrier to entry. Motivate your response by providing reasons and any supporting evidence or data. In responding to this question, consider the following forms of regulatory action:

- (i) Imposition of regulations by ICASA (please specify what type of regulations you consider sufficient to address the barrier);
- (ii) Investigation of dominant firm behaviour and the imposition of remedial actions by the Competition Commission (specify what behavior should be investigated and what remedies may be appropriate);
- (iii) Policy changes by the Department of Telecommunications and Postal Services (specify what policy changes would remedy the problem);
- (iv) A combination of the above.

Question 36: For markets that you consider concentrated and/or lacking sufficient competition, identify whether you believe regulatory action can be used to ensure more competitive pricing in the short term. Motivate your response by providing reasons and any supporting evidence or data. In responding to this question, consider the following forms of regulatory action:

- (i) Imposition of regulations by ICASA (please specify what type of regulations you consider sufficient to address the barrier);
- (ii) Investigation of dominant firm behaviour and the imposition of remedial actions by the Competition Commission (specify what behavior should be investigated and what remedies may be appropriate);
- (iii) Policy changes by the Department of Telecommunications and Postal Services (specify what policy changes would remedy the problem);
- (iv) A combination of the above.

Question 37: If relevant to the product or service market in question, explain whether the Telkom Settlement Agreement with the Competition Commission (including revisions in subsequent mergers) has been sufficient in addressing concerns of price discrimination and margin squeeze. Motivate your response by providing reasons and any supporting evidence or data.

Question 38: In your view, what are the main future trends and developments affecting the product or service market segment in question within the next five years (for example, this may include, the growth of over-the-top ("OTT") products and services, the increasing roll out of next generation networks ("NGN"), etc.)? Please elaborate and provide examples where possible.

Question 39: Explain how the trends and developments identified in response to Question 38 will impact on your own business over the next five years and how will your business respond to these developments. Please elaborate and provide examples, including details on own future business plans, such as rolling out new products and services.

Question 40: How are the future trends and developments identified in response to Question 38 likely to impact on the product or service market in question in the next five years? Motivate your response and provide reasons. In your response, provide details on the driver/s and nature of the change along with the likely impact on:

- (i) The scope of the relevant market, including which products or services should be included in the market as constraints on competition;
- (ii) Barriers to entry and bottlenecks in the market;
- (iii) Competitive outcomes in the market.

Having regard to the full list of markets provided in Table 1 (and your alternative version) and the factors that have been identified in this questionnaire, answer the following questions:

Question 41: What additional factors (additional to the factors and questions that have already been covered in this questionnaire) are relevant factors to consider for the prioritisation of markets for possible *ex-ante* regulation? Identify these factors and explain why, in your view, they are relevant to the identification of priority markets.

Question 42: Having regard to the factors explored in this questionnaire and any other factors that you may have identified in response to Question 41, in your view, which products and services markets, if any, should be prioritised by ICASA for possible *ex-ante* regulation. Motivate your response by providing reasons and any supporting evidence or data. Where you have identified more than one market, rank the markets you have identified and provide detailed reasons for each market separately.

APPENDIX 1

	MARKET SEGMENTATIONS	DEFINITIONS
1	UPSTREAM INFRASTRUCTURE	
1.1	International transmission services	Provides international transmission services over submarine fibre optic cables which connect South Africa to international locations and networks.
1.2	National transmission services - Differentiated by bandwidth size - Dark fibre / unmanaged / managed	National transmission services, also referred to as long-haul or backbone connectivity, enables high bandwidth connectivity over fibre between locations (i.e. major cities) within South Africa.
1.3	Metropolitan connectivity - Differentiated by bandwidth size - Dark fibre / unmanaged / managed	Metropolitan connectivity consists of metro ring services that aggregate traffic from customers within small geographic areas and transmits that traffic to and from the larger metropolitan switches/point-of-presence.
1.4	Access services - Copper / fibre / fixed wireless - Dark fibre / unmanaged / managed	Access services provide last mile connectivity between the customer premises and the nearest switches/points-of-presence of the communications provider.
1.5	Mobile radio access network (RAN) services - Active / passive / co-location	This includes passive elements (i.e. physical supporting infrastructure that does not require active co-ordination between network operators) such as sites, masts, cabinets, power and air-conditioning and active elements of the network such as antenna, radio access nodes, radio network controller elements, transmission and potentially spectrum sharing.
2	WHOLESALE FIXED LINE SERVICES	
2.1	Wholesale local access	Wholesale local access refers to the fixed connection from the local exchange to the end-user's premises.
2.2	Fixed call access, origination and transit - Access/ origination/ transit	Enables voice calls over a narrowband access line, including conveyance of signals originating from the customer's premises to the first point in the network where those signals can be accessed by another communications provider as well as transit services on the public telephone network.
2.3	Fixed call termination	Services provided by a fixed communications provider to another fixed or mobile telecommunications provider for calls which terminate on the former's network.
2.4	Wholesale asymmetric broadband origination - Access line / interconnection	Provides asymmetric broadband access, connecting the end user to the communications provider, including any backhaul required to allow interconnection.
2.5	Wholesale internet connectivity	Arrangements between internet service providers (ISPs) which allow connectivity with all other internet end-users or with the networks that these end-users use. This includes peering and transit arrangements.
2.6	Wholesale internet access	The provision of wholesale internet connectivity by first tier ISPs to resellers who have a limited network or no network at all.
3	WHOLESALE MOBILE SERVICES	
3.1	Wholesale mobile network access - MVNO access (RAN only / RAN & Core) - National roaming	Services that provide access to a mobile network operator's network by other Mobile network operators (MNOs) or virtual MNOs. Access may occur at different levels of aggregation, for instance only radio access network (RAN) access or access to both the RAN and core network elements.
3.2	Wholesale mobile network services - Voice / data / SMS - Access Point Network (machine-to-machine)	The provision of mobile services including voice, text messaging, and data on a wholesale basis to other licensed operators. This can include Access Point Network (APN) services.
3.3	Mobile termination - Voice call termination - SMS termination	Voice call termination is provided by a mobile communications provider to another fixed or mobile communications provider to connect a caller with the intended mobile call recipient on the former's network. SMS termination is provided by a mobile communications provider to another fixed or mobile communications provider for SMS's which terminate on the former's network.
3.4	International roaming	Agreements concluded with preferred foreign communications providers with respect to access and capacity services to allow the local provider of retail mobile services to provide its customers with telecommunications services abroad.

APPENDIX 1 CONTINUED

4	RETAIL FIXED LINE SERVICES	
4.1	Voice telephony via the public telephone network - Business / residential - Local & national / international / fixed to mobile	Fixed voice services that provide customers with the facility to make and receive calls at a fixed location over the public telephone network.
4.2	Narrowband internet access - Business / residential	Internet services offered over traditional analogue dial-up (Public Switched Telephone network (PSTN)) or Integrated services Digital Network (ISDN) lines, at download speeds of below 256 kbps.
4.3	Asymmetric broadband internet access - Business / residential - Copper / fibre / fixed wireless - Differentiation by bandwidth size	Broadband internet access which allows both voice and data services to be used simultaneously with a minimum capacity of greater or equal to 256 kbps at a fixed location. An asymmetric broadband service refers to a service which provides users with greater download than upload speeds.
4.4	Leased lines internet access - Copper / fibre / fixed wireless - Differentiation by bandwidth size	Broadband internet access via a dedicated leased line is mostly used by corporate customers and allows for secure and symmetric (equal download and upload speeds) internet access.
4.5	Managed data network services	Virtual private network (VPNs) services run over fixed telecommunications networks that connect different elements of an organisation. These services enable corporate customers to connect all their sites and business applications in various geographic locations to enable communication and data exchange.
4.6	Leased lines - Copper / fibre / fixed wireless - Differentiation by bandwidth size	High-quality, dedicated, point-to-point data transmission services provided between fixed locations. Leased lines are typically used by large corporates and providers of communications services.
5	RETAIL MOBILE SERVICES	
5.1	Retail supply of mobile services - Voice / data / SMS - Business / residential / machine-to-machine - Prepaid / postpaid	Retail mobile services refers to access to the mobile network as well as voice, text messaging (SMS) and data services offered to end-users

Notes: the Electronic Communications Act no. 36 of 2005 defines the terms reseller, retail and wholesale as follows:

Reseller - means a person who—

(a) acquires, through lease or other commercial arrangement, by any electronic communications network service or electronic communications service; and

(b) makes such electronic communications network service or electronic communications service available to subscribers for a fee, whether or not such electronic communications network services or electronic communications services made available by the reseller—

(i) are identical to the electronic communications network service or electronic communications service acquired;

(ii) are packaged, bundled or otherwise re-grouped to form new or varied service offerings;

(iii) are combined, linked or used in connection with electronic communications networks or electronic communications facilities owned by the reseller; or

(iv) add value to such electronic communications network services or electronic communications services, and “resale” is construed accordingly;

Retail - means the sale, lease or otherwise making available of services offered by licensees to subscribers. A subscriber means a person who lawfully accesses, uses or receives a retail service of a licensee referred to in Chapter 3 of the Electronic Communications Act no. 36 of 2005 for a fee or the retail services of a person providing a service pursuant to a licence exemption;

Wholesale - means the sale, lease or otherwise making available an electronic communications network service or an electronic communications service by an electronic communications network service licensee or an electronic communications service licensee, to another licensee or person providing a service pursuant to a licence exemption.

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT
NOTICE 486 OF 2017

PROMOTION OF ACCESS TO INFORMATION ACT, 2000

DESCRIPTION SUBMITTED IN TERMS OF SECTION 15(1)

I, Tshililo Michael Masutha, Minister of Justice and Correctional Services, hereby publish under section 15(2) of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000), the descriptions submitted to me in terms of section 15(1) of the said Act by the –

SWELLENDAM MUNICIPALITY

As set out in the Schedule



TSHILILO MICHAEL MASUTHA, MP (ADV)
MINISTER FOR JUSTICE AND CORRECTIONAL SERVICES

AUTOMATICALLY AVAILABLE RECORDS AND ACCESS TO SUCH RECORDS:
(Section 15 of the Promotion of Access to Information Act 2000 (Act No. 2 of 2000))
[Regulation 5A]

DESCRIPTION OF CATEGORY OF RECORDS AUTOMATICALLY AVAILABLE IN TERMS OF SECTION 15(1)(a) OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000	MANNER OF ACCESS TO RECORDS (e.g. website) (SECTION 15(1)(a))
FOR INSPECTION IN TERMS OF SECTION 15(1)(a)(i):	
1. <u>Business details</u> Name, locality, address, telephone numbers, contact persons, hours of business, etc. of all council offices, depots, installations, facilities and amenities.	Director: Corporate Services Swellendam Municipality PO Box 20, Swellendam 6740 info@swellenmun.co.za
2. <u>Agendas and minutes</u> Agendas and minutes of all meetings of council, its structures and formal staff meetings and those of its predecessors, excluding minutes and agendas which have been marked "confidential/in-committee".	Director: Corporate Services Swellendam Municipality PO Box 20, Swellendam 6740 info@swellenmun.co.za
3. <u>Councillors</u> (Including the executive mayor, executive deputy mayor, speaker and office bearers) Information regarding each councillor's- <ul style="list-style-type: none"> • name, address, telephone numbers • ward/proportional, political party and election details • position in council, e.g. committee membership, whether full-time or part-time • representation on outside bodies • salary, allowances, etc. • details of trips outside municipal area • declaration of interests in accordance with item 7 of the Code of Conduct • attendance registers, absence records and fines imposed 	Director: Corporate Services Swellendam Municipality PO Box 20, Swellendam 6740 info@swellenmun.co.za
4. <u>Structures</u> (Including council, executive committee, ward committees and other committees) <ul style="list-style-type: none"> • composition, names of members, office bearers, political membership • date, time and venue of meetings • functional areas 	Director: Corporate Services Swellendam Municipality PO Box 20, Swellendam 6740 info@swellenmun.co.za
5. <u>Municipal legislation, by-laws and policies</u> All documents in this regard	Director: Corporate Services Swellendam Municipality PO Box 20, Swellendam 6740 info@swellenmun.co.za WEB: www.swellenmun.co.za
6. <u>Delegations</u> Delegations to- <ul style="list-style-type: none"> • political office bearers • councilors • members of staff • structures (executive committee, committees, etc.) Authority granted to- <ul style="list-style-type: none"> • conclude contracts • sign legal documents, cheques, etc. Decisions by any political office bearer, councilor or staff member in terms of a power or duty delegated or sub-delegated.	Director: Corporate Services Swellendam Municipality PO Box 20, Swellendam 6740 info@swellenmun.co.za
7. <u>Budget</u> Budget, Service Delivery and Budget Implementation Plan (SDBIP), Annual Report and Integrated Development Plan (IDP) as approved by Council.	Director: Financial Services Swellendam Municipality PO Box 20, Swellendam 6740 info@swellenmun.co.za

	WEB: www.swellenmun.co.za
8. <u>Financial records</u> <ul style="list-style-type: none"> • annual financial statements • quarterly statements • monthly statements • arrears (excluding personal details) 	Director: Financial Services Swellendam Municipality PO Box 20, Swellendam 6740 info@swellenmun.co.za WEB: www.swellenmun.co.za
9. <u>Registers</u> Registers regarding- <ul style="list-style-type: none"> • assets (movable or immovable) • agreements • contractors, service providers • tenders awarded 	Manager: Supply Chain Management Swellendam Municipality PO Box 20, Swellendam 6740 info@swellenmun.co.za WEB: www.swellenmun.co.za
10. <u>Tariffs, fees, surcharges, etc.</u> All tariffs, fees, surcharges, etc. approved by the Council for the current or any previous financial year.	Director: Financial Services Swellendam Municipality PO Box 20, Swellendam 6740 info@swellenmun.co.za WEB: www.swellenmun.co.za
11. <u>Personal information of members of staff</u> Personal information of members of staff in terms of section 34(2)(f) of the Act relating to- <ul style="list-style-type: none"> • the fact that the individual is or was an official • title, work address, work phone number, e-mail address of an official • post level, salary scale and allowances of an official • responsibilities of position held 	Manager Human Resources Swellendam Municipality PO Box 20, Swellendam 6740 info@swellenmun.co.za
12. <u>Statistics</u> (Excluding personal details of individuals) <ul style="list-style-type: none"> • statistics kept for departmental use in the format in which it is available • statistics in the format as required by legislation 	Director: Financial Services Swellendam Municipality PO Box 20, Swellendam 6740 info@swellenmun.co.za WEB: www.swellenmun.co.za
13. <u>Personal information of personal requester</u> Personal information requested by personal requester seeking access to a records containing personal information about the requester, on positive identification.	Director: Corporate Services Swellendam Municipality PO Box 20, Swellendam 6740 info@swellenmun.co.za
14. <u>Research</u> Information regarding research by or on behalf of the municipality, on condition that such research results have been presented to Council or any of its structures and no copyright is held by persons or bodies not connected with the municipality.	Director: Corporate Services Swellendam Municipality PO Box 20, Swellendam 6740 info@swellenmun.co.za WEB: www.swellenmun.co.za
15. <u>Publications</u> All publications by and on behalf of the municipality and which had been made public or presented to Council and in which no copyright is held by persons or bodies not connected with the municipality.	Director: Corporate Services Swellendam Municipality PO Box 20, Swellendam 6740 info@swellenmun.co.za
16. <u>Housing</u> Records containing- <ul style="list-style-type: none"> • Housing waiting list (not personal information) • Houses and land available for housing 	Director Community Services Swellendam Municipality PO Box 20, Swellendam 6740 info@swellenmun.co.za
17. <u>Tenders</u> Tenders and proposal calls after public opening (excluding evaluations and recommendations to the municipal manager)	Manager Supply Chain Swellendam Municipality PO Box 20, Swellendam 6740 info@swellenmun.co.za
18. <u>Service providers</u> Details of providers of services to the municipality.	Manager: Supply Chain Management Swellendam Municipality PO Box 20, Swellendam 6740 info@swellenmun.co.za
19. <u>Planning</u> <ul style="list-style-type: none"> • zoning and structure plans 	Manager: Municipal Planning and Building Control Swellendam Municipality PO Box 20, Swellendam 6740

<ul style="list-style-type: none"> individual zoning and conditions register of approved departures and consent uses 	info@swellenmun.co.za
20. <u>Land</u> Single records only of owners of land	Manager: Municipal Planning and Building Control Swellendam Municipality PO Box 20, Swellendam 6740 info@swellenmun.co.za
21. <u>Organizational structure</u> <ul style="list-style-type: none"> organogram staff structure 	Manager: Human Resources Swellendam Municipality PO Box 20, Swellendam 6740 info@swellenmun.co.za
FOR PURCHASING IN TERMS OF SECTION 15(1)(a)(ii):	
As applicable on section 15(1)(a)(i) above	Request a copy from – The Deputy Information Officer Swellendam Municipality PO Box 20, Swellendam 6740 info@swellenmun.co.za
AVAILABLE FREE OF CHARGE IN TERMS OF SECTION 15(1)(a)(iii):	
1. <u>Business details</u> Name, locality, address, telephone numbers, contact persons, hours of business, etc. of all council offices, depots, installations, facilities and amenities.	Request a copy from – The Deputy Information Officer Swellendam Municipality PO Box 20, Swellendam 6740 info@swellenmun.co.za
2. <u>Councillors</u> (Including the executive mayor, executive deputy mayor, speaker and office bearers) Information regarding each councillor's- <ul style="list-style-type: none"> name, address, telephone numbers ward/proportional, political party and election details position in council, e.g. committee membership, whether full-time or part-time representation on outside bodies salary, allowances, etc. details of trips outside municipal area declaration of interests in accordance with item 7 of the Code of Conduct attendance registers, absence records and fines imposed	
3. <u>Structures</u> (Including council, executive committee, ward committees and other committees) <ul style="list-style-type: none"> composition, names of members office bearers, political membership date, time and venue of meetings functional areas 	

DEPARTMENT OF PUBLIC WORKS

NOTICE 487 OF 2017

SA COUNCIL FOR THE
PROPERTY VALUERS PROFESSION

77 Kariba Street, Lynnwood Glen, PRETORIA 0081 • Tel: +27 12 348 8643 • Fax: +27 12 348 7528 • PO Box 114, MENLYN 0063
info@sacpvp.co.za • www.sacpvp.co.za

INVITATION FOR NOMINATIONS TO SERVE ON THE SOUTH AFRICAN
COUNCIL FOR THE PROPERTY VALUERS PROFESSION ("SACPVP")

In terms of the Property Valuers Profession Act, 2000 (Act No. 47 of 2000) nominations are invited from the South African Council for the Property Valuers Profession (SACPVP). The term of office is four (4) years from 28 January 2018.

1. The Council shall comprise the following members:

(a) **In terms of section 3(1) (a), six (6) registered persons, excluding candidates, of whom at least three (3) must actively practise in the property valuation profession and**

- (i) who must be nominated by the voluntary associations and any registered persons; and
- (ii) who must represent the categories of registered persons contemplated in Section 19,

(b) **In terms of section 3(1) (b), two (2) professionals in the service of the State nominated by any sphere of government, of whom at least one must be nominated by the national department responsible for public works.**

(c) **In terms of section 3(1)(c), two (2) members of the public nominated through an open process of public participation.**

2. The person being nominated should have knowledge and experience in property, management, law, education and training, finance, human resources or corporate governance.

3. A nomination shall:

- (a) be in writing;
- (b) state the name of the person being nominated (hereinafter referred to as "the nominee");
- (c) state that the nomination is being made in terms of Section 3 (1) (a), (b) or (c) of the Act;
- (d) state –
 - (i) the name of the person making the nomination (hereinafter referred to as "the nominator"); and
 - (ii) the nominator's ID number, postal, business, residential and e-mail addresses, as well as his or her telephone and facsimile numbers;
- (e) be signed by the nominator;
- (f) be countersigned by the nominee to denote his or her acceptance of the nomination;
- (g) be accompanied by –
 - (i) a relevant and brief curriculum vitae of the nominee (maximum 3 pages), also stating the nominee's ID number, postal address, business, residential and e-mail addresses, as well as his or her telephone and facsimile numbers; and
 - (ii) a declaration, signed by the nominee, to the effect that he or she is not disqualified from membership in terms of Section 6(1) of the Act, as detailed hereunder.

All nominations should be submitted by hand or post within 60 days from the date of the invitation referred to in Section 4(1) of the Act. Note that no faxed or e-mailed nominations will be accepted.

Written nominations should be addressed to: Attention: Mr. Matsobane Seota

Postal: The Registrar, SA Council for the Property Valuers Profession, P.O.Box 114, Menlyn, 0063.

Physical Address: 77 Kariba Street, Lynnwood Glen, 0081. (Tel) 012 348 8643

Closing date: 01 September 2017. No late submissions will be accepted.

Section 6(1) of the Act: persons who are not RSA citizens and are not resident in the Republic, unrehabilitated insolvents, persons convicted of serious offences (excluding political offences), persons found guilty of improper conduct and persons removed from an office of trust, are not qualified to serve as a Member of the Council. A nomination form for the various categories can be downloaded from the Council's website: www.sacpvp.co.za

STATISTICS SOUTH AFRICA**NOTICE 488 OF 2017**

THE HEAD: STATISTICS SOUTH AFRICA notifies for general information that the Consumer Price Index is as follows:

Consumer Price Index, Rate (**Base Dec 2012=100**)

2017:

Rate: **May – 5,4**

DEPARTMENT OF TRADE AND INDUSTRY
NOTICE 489 OF 2017
INTERNATIONAL TRADE ADMINISTRATION COMMISSION
CUSTOMS TARIFF APPLICATIONS
LIST 06/2017

The International Trade Administration Commission (herein after referred to as ITAC or the Commission) has received the following applications concerning the Customs Tariff. Any objection to or comments on these representations should be submitted to the Chief Commissioner, ITAC, Private Bag X753, Pretoria, 0001. Attention is drawn to the fact that the rate of duty mentioned in these applications is that requested by the applicant and that the Commission may, depending on its findings, recommend a lower or higher rate of duty.

CONFIDENTIAL INFORMATION

The submission of confidential information to the Commission in connection with customs tariff applications is governed by section 3 of the Tariff Investigations Regulations, which regulations can be found on ITAC's website at <http://www.itac.org.za/documents/R.397.pdf>. These regulations require that if any information is considered to be confidential, then a non-confidential version of the information must be submitted, simultaneously with the confidential version. In submitting a non-confidential version the regulations are strictly applicable and require parties to indicate:

- ❑ *Each instance where confidential information has been omitted and the reasons for confidentiality;*
- ❑ *A summary of the confidential information which permits other interested parties a reasonable understanding of the substance of the confidential information; and*
- ❑ *In exceptional cases, where information is not susceptible to summary, reasons must be submitted to this effect.*

This rule applies to all parties and to all correspondence with and submissions to the Commission, which unless clearly indicated to be confidential, will be made available to other interested parties.

The Commission will disregard any information indicated to be confidential that is not accompanied by a proper non-confidential summary or the aforementioned reasons.

If a party considers that any document of another party, on which that party is submitting representations, does not comply with the above rules and that such deficiency affects that party's ability to make meaningful representations, the details of the deficiency and the reasons why that party's rights are so affected must be submitted to the commission in writing forthwith (and at the latest 14 days prior to the date on which that party's submission is due).

Failure to do so timeously will seriously hamper the proper administration of the investigation, and such party will not be able to subsequently claim an inability to make meaningful representations on the basis of the failure of such other party to meet the requirements.

1. REDUCTION IN THE RATE OF DUTY ON:

“ Digital Smart cards classifiable under tariff subheading 8523.52.10, from 5% *ad valorem* to free of duty, by way of creating a separate 8-digit tariff subheading as follows:

Tariff heading	Tariff subheading	Description	Unit of measurement	Rate of duty				
				General	EU	EFTA	SADC	MERCOSUR
8523		Discs, tapes, solid-state non-volatile storage devices, "smart cards" and other media for the recording of sound or of other phenomena, whether or not recorded, including matrices and masters for the production of discs (excluding products of Chapter 37)						
	8523.5	- Semiconductor media						
	8523.52	- - "Smart cards":						
	8523.52.1	- - - Digital						
	8523.52.X X	- - - - Proximity cards and tags	U	5%	Free	Free	Free	5%
	8523.52.Y Y	- - - -Other	U	Free	Free	Free	Free	Free

APPLICANT:

Gemalto Southern Africa (Pty) Limited

13 Friesland Drive

Longmeadow Business Estate

Modderfontein

1609

Enquiries: Reference No.ITAC: **01/2017**, Enquires: Pfarelo Phaswana/ Mukeliwe Manyoni, Tel: 01 2 394 3628/3676 or email: pphaswana@itac.org.za/mmmanyoni@itac.org.za.

REASONS FOR THE APPLICATION:

As a reason for the application, the applicant indicated, among others, the following:

- There are no local manufacturers of the subject products in the SACU region; and
- The current customs duty rate of 5% has an unnecessary cost raising effect on the net ex-factory selling price of the product.

PUBLICATION PERIOD:

Representation should be submitted to ITAC within **four (4)** weeks of the date of this notice.

2. AMENDMENT OF REBATE ITEM 405.04/01.00 AND 405.04/02.00

- By the deletion of “physical or mental defects” and the insertion of “disabilities”;
- By the deletion of “handicapped” and the insertion of “with disabilities”; and
- By the insertion of “or a certificate from a registered medical practitioner”.

APPLICANT:

Retina South Africa

335 Jan van Riebeeck St.

Pretoria North

0182

Enquiries: Reference no. ITAC: 05/2017, contact: Mr Njabulo Mahlalela and/or Ms Lufuno Maliaga, Tel: 012 394 3684/3835 or email: nmahlalela@itac.org.za /or lmaliaga@itac.org.za

REASONS FOR THE APPLICATION:

As a reason for the application, the applicant indicated, among others, the following:

- To update the terminology when referring to persons with disabilities;
- To be more inclusive of all forms of disability; and
- To make the use of the rebate item more accessible and user-friendly.

PUBLICATION PERIOD:

Representation should be submitted to ITAC within **four (4)** weeks of the date of this notice.

3. AMENDMENTS TO REBATE ITEM 460.17/87.00/04.02, 460.17/87.03/02.04, 630.20 AND 630.22 OF THE CUSTOMS AND EXCISE ACT TO REDUCE THE PERIOD WITHIN WHICH A VEHICLE MAY NOT BE OFFERED, ADVERTISED, LENT, HIRED, LEASED, PLEDGED, GIVEN AWAY, EXCHANGED, SOLD OR OTHERWISE DISPOSED OF

The proposed amendments to the text of the following rebate provisions are indicated in bold.

Rebate item 460.17/87.00/04.02 (b):

“Motor vehicles principally designed for the transport of physically disabled persons, including station wagons (excluding racing cars), adapted or to be adapted to be used for the transport of physically disabled persons at such times and under such conditions as the International Trade

Administration Commission after consultation with the National Council for Persons with Physical Disabilities in South Africa, may allow by specific permit.”

Provided that:

(b) if such a motor vehicle is offered, advertised, lent, hired, leased, pledged, given away, exchanged, sold or otherwise disposed of within a period of **3 years** from the date of entry under this rebate item, such foregoing acts shall render such vehicle liable to the payment of duty on a PRO RATA basis”.

Schedule 4: Rebate item 460.17/87.03/02.04 (b) and (d)

Motor cars and other motor vehicles, principally designed for the transport of persons, including station wagons (excluding racing cars), adapted or to be adapted to be driven solely by a physically disabled person at such times and under such conditions as the International Trade Administration Commission after consultation with the National Council for Persons with Physical Disabilities in South Africa, may allow by specific permit.

(b) “Such permit may not be issued within a period of **3 years** of the issue of the previous permit to such disabled person”;

(d) if such vehicle is offered, advertised, lent, hired, leased, pledged, given away, exchanged, sold or otherwise disposed of within a period of **3 years** from the date of entry in terms of this item, such foregoing acts shall render such vehicle liable to the payment of duty on a PRO RATA basis.”

Schedule 6; Rebate item 630.20 (b)

“Motor vehicles principally designed for the transport of physically disabled persons, including station wagons (excluding racing cars), adapted or to be adapted to be used for the transport of physically disabled persons at such times and under such conditions as the Commissioner, after consultation with the National Council for Persons with Physical Disabilities in South Africa, may allow by specific permit:

Provided that –

(b) if such motor vehicle is offered, advertised, lent, hired, leased, pledged, given away, exchanged, sold or otherwise disposed of within a period of **3 years** from the date of entry under this rebate item, such foregoing acts shall render such vehicle liable to the payment of duty on a pro rata basis”.

Schedule 6; Rebate item 630.22 (b) and (d)

Motor cars and other motor vehicles, principally designed for the transport of persons, including station wagons (excluding racing cars), adapted or to be adapted to be driven solely by a physically disabled person at such times and under such conditions as the Commissioner, after consultation with the National Council for Persons with Physical Disabilities in South Africa, may allow by specific permit:

Provided that:

(b) such permit may not be issued within a period of **3 years** of the issue of a previous permit to such disabled person;

(d) if such vehicle is offered, advertised, lent, hired, leased, pledged, given away, exchanged, sold or otherwise disposed of within a period of **3 years** from the date of entry under this rebate item, such foregoing acts shall render such vehicle liable to the payment of duty on a pro rata basis

APPLICANT:

National Council for Persons with Physical Disabilities in South Africa
Private Bag x 10041
Edenvale
1610

ENQUIRIES:

ITAC Ref: 20/2016, Enquires: Mr Mashudu Lukhwareni/ Mr Daniel Thwala, Tel: 012 394 3661/5162 or emails: mlukhwareni@itac.org.za/dthwala@itac.org.za.

REASONS FOR THE APPLICATION:

As a reason for the application, the applicant indicated, among others, the following:

- There are limitations to the governing legislation as persons with physical disabilities are required to keep the vehicles for the period of five years prior to buying a new vehicle. This is not aligned to the maximum **three year** warranty period, service plan and maintenance plan which most dealers offer on new vehicles.
- It becomes very expensive to maintain motor vehicles outside the maintenance plan, service plan and warranty due to increasing cost of maintenance.

PUBLICATION PERIOD:

Representation should be made within **four (4)** weeks of the date of this notice.

DEPARTMENT OF TRADE AND INDUSTRY

NOTICE 490 OF 2017

STANDARDS ACT, 2008
STANDARDS MATTERS

In terms of the Standards Act, 2008 (Act No. 8 of 2008), the Board of the South African Bureau of Standards has acted in regard to standards in the manner set out in the Schedules to this notice.

SCHEDULE 1: DRAFTS FOR COMMENT

The following draft standards are hereby issued for public comments in compliance with the norm for the development of South Africa National standard in terms of section 23(2)(a) (ii) of the Standards Act.

Draft Standard No. and Edition	Title, scope and Purpose	Closing Date
SANS 885:2017 (Ed.1)	<i>Processed meat products.</i> This standard specifies the requirements for the handling, preparation, processing, refrigeration, freezing, chilling and storage of processed meat products and includes microbiological and compositional requirements for these products. It excludes requirements for canned meats, raw boerewors, species sausages, mixed species sausages and raw processed meats, all which are governed by the relevant national legislation (see forward).	2017-07-30
SANS 1687:2017 (Ed.1)	<i>Domestic air source water heating heat pump systems.</i> Specifies the requirements for domestic air source water heating heat pump systems, for use with or incorporating storage tanks that fall within the scope of SANS 151 up to 450 L for operation of AC supplies at voltage not exceeding 250 V single phase.	2017-08-22
SANS 1756:2017 (E.d 1)	<i>Packaging, paper potato bag.</i> The standard covers paper bags that are intended for use primarily for the packaging of potatoes that are over five kilograms.	2017-08-07
SANS 60334-12:2017 (E.d 3)	<i>Rotating electrical machines Part 12: Starting performance of single-speed three-phase cage induction motors.</i> Specifies the parameters for eight designs of starting performance of single-speed three-phase 50 Hz or 60 Hz cage induction motors in accordance with IEC 60034-1 that: - have a rated voltage up to 1 000 V; - are intended for direct-on-line or star-delta starting; - are rated on the basis of duty type S1; - are constructed to any degree of protection and explosion protection.	2017-07-14
SANS 60335-2-72:2017 (E.d 4)	<i>Household and similar electrical appliances - Safety Part 2-72: Particular requirements for floor treatment machines with or without traction drive, for commercial use.</i> Specifies the safety of powered ride-on and powered walkbehind machines intended for commercial indoor or outdoor use for the following applications: sweeping, scrubbing, wet or dry pick-up, polishing, application of wax, sealing products and powder based detergents, shampooing of floors with an artificial surface.	2017-07-30
SANS 60335-2-79	<i>Household and similar electrical appliances - Safety Part 2-79: Particular requirements for high pressure cleaners and steam cleaners.</i> Deals with the safety of high-pressure cleaners without traction drive, intended for household and commercial indoor or outdoor use, having a rated pressure not less than 2,5 MPa and not exceeding 35 MPa.	2017-08-16

SCHEDULE 2: AMENDMENT OF EXISTING STANDARDS

The following draft standards are hereby issued for public comments in compliance with the norm for the development of South Africa National standard in terms of section 23(2)(a) (ii) of the Standards Act.

Draft Standard No. and Edition	Title, scope	Purpose of amendment	Closing Date

SCHEDULE 3: WITHDRAWAL OF STANDARDS

In terms of section 24(1)(C) of the Standards Act, the following standards are issued for comments with regard to the intention by the SABS to withdrawn them.

Draft Standard No. and Edition	Title	Reason for withdrawal	Closing Date
SANS 427-2: 2017	Terminology work - Vocabulary Part 2: Computer applications	The standard is obsolete with no replacement	2017-08-31

SCHEDULE 4: ESTABLISHMENT OR DISBANDMENT OF TECHNICAL COMMITTEES

In terms of section 4(2) (1) the SABS has established the following technical committees to review the draft standards for public comments:

Technical Committee No.:	Title	Scope

If your organization is interested in participating in these committees, please send an e-mail to Dsscomments@sabs.co.za for more information.

SCHEDULE 5: WITHDRAWAL OF INFORMATIVE AND NORMATIVE DOCUMENTS

In terms of section 24(5) of the Standards Act, the following documents are being considered for withdrawal.

Draft Standard No. and Edition	Title	Reason for withdrawal	Closing Date

SCHEDULE 6: ADDRESSES OF SABS OFFICES

The addresses of offices of the South African Bureau of Standards where copies of standards mentioned in this notice can be obtained, are as follows:

1. Gauteng head office, 1 Dr Lategan Road, Groenkloof, Private Bag X191, Pretoria 0001.
2. Western Cape Regional Office, SABS, Liesbeek Park Way, Rosebank, PO Box 615, Rondebosch 7701.
3. Eastern Cape Regional Office, SABS, 30 Kipling Road, cor. Diaz and Kipling Roads, Port Elizabeth, PO Box 3013, North End 6056.
4. KwaZulu-Natal Regional Office, SABS, 15 Garth Road, Waterfall Park, Durban, PO Box 30087, Mayville 4058.

DEPARTMENT OF TRADE AND INDUSTRY**NOTICE 491 OF 2017****STANDARDS ACT, 2008
STANDARDS MATTERS**

In terms of the Standards Act, 2008 (Act No. 8 of 2008), the Board of the South African Bureau of Standards has acted in regard to standards in the manner set out in the Schedules to this notice.

SCHEDULE 1: ISSUE OF NEW STANDARDS

The following standards have been issued in terms of section 24(1)(a) of the Standards Act.

Standard No. and year	Title, scope and purport
SANS 61180:2017/ IEC 61180:2016	<i>High-voltage test techniques for low-voltage equipment – Definitions, test and procedure requirements, test equipment.</i> Applicable to dielectric tests with direct voltage, dielectric tests with alternating voltage, dielectric tests with impulse voltage, test equipment used for dielectric tests on low-voltage equipment.

SCHEDULE 2: AMENDMENT OF EXISTING STANDARDS

The following standards have been amended in terms of section 24(1)(a) of the Standards Act.

Standard No. and year	Title, scope and purport
SANS 10400-G:2017/ (E.d 3.1)	<i>The application of the National Building Regulations –Part G: Excavations. Consolidated edition incorporating amendment No. 1.</i> Amended to delete the acknowledgement, to delete the note to the scope, and to delete the annex on National Building Regulations – Part G: Excavations.
SANS 60730-2-5:2017/ IEC 60730-2-5:2013 (E.d 2)	<i>Automatic electrical controls – Parts 2-5: Particular requirements for automatic electrical burner control systems.</i> Applies to automatic electrical burner control systems for the automatic control of burners for oil, gas, coal or other combustibles for household and similar use including heating, air conditioning and similar use.
SANS 54511-3:2016/ EN 14511-3:2013 (E.d 2)	<i>Air conditioners, liquid chilling packages and heat pumps with electrically driven compressors for space heating and cooling –Part 3: Test methods.</i> Specifies the test methods for the rating and performance of air conditioners, liquid chilling packages and heat pumps using either air, water or brine as heat transfer media, with electrically driven compressors when used for space heating and cooling.

SCHEDULE 3: WITHDRAWAL OF STANDARDS

In terms of section 24(1)(C) of the Standards Act, the following standards have been withdrawn.

Standard No. and year	Title

SCHEDULE 4: ESTABLISHMENT OR DISBANDMENT OF TECHNICAL COMMITTEES

In terms of section 4(2) (l) the SABS has established the following technical committees:

Technical Committee No.:	Title	Scope

If your organization is interested in participating in these committees, please send an e-mail to rose.masha@sabs.co.za for more information.

SCHEDULE 5: WITHDRAWAL OF INFORMATIVE AND NORMATIVE DOCUMENTS

In terms of section 24(5) of the Standards Act, the following documents have being considered withdrawn.

NONE

SCHEDULE 6: ADDRESSES OF SABS OFFICES

The addresses of offices of the South African Bureau of Standards where copies of standards mentioned in this notice can be obtained, are as follows:

1. Gauteng head office, 1 Dr Lategan Road, Groenkloof, Private Bag X191, Pretoria 0001.
2. Western Cape Regional Office, SABS, Liesbeek Park Way, Rosebank, PO Box 615, Rondebosch 7701.
3. Eastern Cape Regional Office, SABS, 30 Kipling Road, cor. Diaz and Kipling Roads, Port Elizabeth, PO Box 3013, North End 6056.
4. KwaZulu-Natal Regional Office, SABS, 15 Garth Road, Waterfall Park, Durban, PO Box 30087, Mayville 4058.

DEPARTMENT OF TRADE AND INDUSTRY**NOTICE 492 OF 2017****INTERNATIONAL TRADE ADMINISTRATION COMMISSION****CUSTOMS TARIFF APPLICATIONS****LIST 07/2017**

The International Trade Administration Commission (herein after referred to as ITAC or the Commission) has received the following application concerning the Customs Tariff. Any objection to or comments on this representation should be submitted to the Chief Commissioner, ITAC, Private Bag X753, Pretoria, 0001. Attention is drawn to the fact that the rate of duty mentioned in this application is that requested by the applicant and that the Commission may, depending on its findings, recommend a lower or higher rate of duty.

CONFIDENTIAL INFORMATION

The submission of confidential information to the Commission in connection with customs tariff applications is governed by section 3 of the Tariff Investigations Regulations, which regulations can be found on ITAC's website at <http://www.itac.org.za/documents/R.397.pdf>. These regulations require that if any information is considered to be confidential, then a non-confidential version of the information must be submitted, simultaneously with the confidential version. In submitting a non-confidential version the regulations are strictly applicable and require parties to indicate:

- ☐ *Each instance where confidential information has been omitted and the reasons for confidentiality;*
- ☐ *A summary of the confidential information which permits other interested parties a reasonable understanding of the substance of the confidential information; and*
- ☐ *In exceptional cases, where information is not susceptible to summary, reasons must be submitted to this effect.*

This rule applies to all parties and to all correspondence with and submissions to the Commission, which unless clearly indicated to be confidential, will be made available to other interested parties.

The Commission will disregard any information indicated to be confidential that is not accompanied by a proper non-confidential summary or the aforementioned reasons. If a party considers that any document of another party, on which that party is submitting representations, does not comply with the above rules and that such deficiency affects that party's ability to make meaningful representations, the details of the deficiency and the reasons why that party's rights are so affected must be submitted to the commission in writing forthwith (and at the latest 14 days prior to the date on which that party's submission is due).

Failure to do so timeously will seriously hamper the proper administration of the investigation, and such party will not be able to subsequently claim an inability to make meaningful representations on the basis of the failure of such other party to meet the requirements.

REVIEW OF REBATE ITEM 311.12/54.07/03.04 IN PART 1 OF SCHEDULE NO. 3, WHICH READS AS FOLLOWS:

Rebate Item	Tariff heading	Rebate Code	Description	Extent of Rebate
311.12	54.07	03.04	Woven fabrics of synthetic filament yarn, including woven fabrics obtained from materials of heading 54.04, of a mass exceeding 65 g/m ²	Full duty less the greater of 25% or 23c/m ²

(Note: The review is conducted with a view to either withdraw the rebate provision concerned or amend the extent of rebate to allow for the full rebate of the customs duty)

APPLICANT:

SOUTH AFRICAN REVENUE SERVICE (SARS)

Pretoria Head Office
299 Bronkhorst Street
Nieuw Muckleneuk
0181

For enquiries contact: Mr C Sako, Tel: (012) 394 3669, Email: csako@itac.org.za, or Ms T Morale, Tel: (012) 394 3694, Email: tmorale@itac.org.za

AN EXTRACT OF THE REASONS PROVIDED FOR THE REVIEW IS AS FOLLOWS:

“The extent of the rebate of customs duty applicable to this item in Schedule No. 3 is higher than the rate of duty applicable to the fabric classifiable under tariff heading 54.07 in Part 1 of Schedule No.1. As a general rule, rebates and refunds of customs duty in terms of any of the Schedules to the Act cannot exceed the duties payable and the anomaly created in rebate item 311.12 must, therefore, be rectified.”

Representation should be submitted to ITAC within four (4) weeks of the date of this notice.

DEPARTMENT OF TRANSPORT

NOTICE 493 OF 2017

INTERNATIONAL AIR SERVICE ACT, (ACT NO.60 OF 1993)

GRANT /AMENDMENT OF INTERNATIONAL AIR SERVICE LICENSE

Pursuant to the provisions of section 17 (12) of Act No.60 of 1993 and Regulation 15 (1) and 15 (2) of the International Air Regulations, 1994, it is hereby notified for general information that the applications, detail of which appear in the Schedules hereto, will be considered by the International Air Services Council (Council) representation in accordance with section 16(3) of the Act No. 60 of 1993 and regulation 25(1) of International Air Services Regulation, 1994, against or in favour of an application, should reach the Chairman of the International Air Services Council at Department of Transport, Private Bag X 193, Pretoria, 0001, within 28 days of the application hereof. It must be stated whether the party or parties making such representation is / are prepared to be represent or represented at the possible hearing of the application.

APPENDIX I

(A) Full name, surname and trade name of the applicant. (B) Full business or residential address of the applicant. (C) Class of licence applied for. (D) Type of International Air Service to which application pertains. (E) Category or kind of aircraft to which application pertains. (F) Airport from and the airport to which flights will be undertaken. (G) Area to be served. (H) Frequency of flight.

(A) **Cemair (Pty) Ltd, Cemair.** (B) Hangar 6, Precinct 3, Bonaero Park, OR Tambo International Airport. (C) Class I. (D) Type S1. (E) Category A1, (F) OR Tambo International Airport, Cape Town International Airport, Sir Seretse Khama Airport, Maun International Airport & Kasane International Airport. (G) Gaborone, Maun & Kasane (Botswana).

APPENDIX II

(A) Full name, surname and trade name of the applicant. (B) Full business or residential address of the applicant. (C) Class of licence applied for. (D) Type of International Air Service to which application pertains. (E) Category or kind of aircraft to which application pertains. (F) Airport from and the airport to which flights will be undertaken. (G) Area to be served. (H) Frequency of flight.

(A) **SA Airlink (Pty) Ltd; Airlink.** (B) Airlink Building, Greenstone Hill, Office Park, Modderfontein. Class II; I/N074. (D) Type N1 & N4. (E) Category A2. (F) Durban, Cape Town, OR Tambo, Kruger Mpumalanga International Airports & George Airport. (G) & (H) Adding category A1.

(A) **SA Airlink (Pty) Ltd; Airlink.** (B) Airlink Building, Greenstone Hill, Office Park, Modderfontein. Class I; I/S073. (D) Type S1. (E) Category A1. (F) OR Tambo International Airport & Kruger Mpumalanga International Airport. (G) & (H) Adding the following.

State	Destination	Frequencies
ORTIA: Botswana	Maun	Four (4) return flights per week.
KMIA: Botswana	Maun	Seven (7) return flights per week

(A) **SA Express Airways; SAX.** (B) 2nd Floor, E Block Offices, Airways Park, ! Jones Road, Kempton Park. (C) Class I; I/S001. (D) Type S1. (E) Category A1 & A2. **Changes to the Management Plan:** Mr Mark Shelley replaces Mr Inathi Ntshanga as the Acting Chief Executive Officer.

DEPARTMENT OF TRANSPORT

NOTICE 494 OF 2017

INTERNATIONAL AIR SERVICE ACT, (ACT NO.60 OF 1993)**GRANT /AMENDMENT OF INTERNATIONAL AIR SERVICE LICENSE**

Pursuant to the provisions of section 17 (12) of Act No.60 of 1993 and Regulation 15 (1) and 15 (2) of the International Air Regulations, 1994, it is hereby notified for general information that the applications, detail of which appear in the Schedules hereto, will be considered by the International Air Services Council (Council) representation in accordance with section 16(3) of the Act No. 60 of 1993 and regulation 25(1) of International Air Services Regulation, 1994, against or in favour of an application, should reach the Chairman of the International Air Services Council at Department of Transport, Private Bag X 193, Pretoria, 0001, within 28 days of the application hereof. It must be stated whether the party or parties making such representation is / are prepared to be represent or represented at the possible hearing of the application.

APPENDIX I

(A) Full name, surname and trade name of the applicant. (B) Full business or residential address of the applicant. (C) Class of licence applied for. (D) Type of International Air Service to which application pertains. (E) Category or kind of aircraft to which application pertains. (F) Airport from and the airport to which flights will be undertaken. (G) Area to be served. (H) Frequency of flight.

(A) **Cemair (Pty) Ltd, Cemair.** (B) Hangar 6, Precinct 3, Bonaero Park, OR Tambo International Airport. (C) Class I. (D) Type S1. (E) Category A1, (F) OR Tambo International Airport, Cape Town International Airport, Sir Seretse Khama Airport, Maun International Airport & Kasane International Airport. (G) Gaborone, Maun & Kasane (Botswana).

APPENDIX II

(A) Full name, surname and trade name of the applicant. (B) Full business or residential address of the applicant. (C) Class of licence applied for. (D) Type of International Air Service to which application pertains. (E) Category or kind of aircraft to which application pertains. (F) Airport from and the airport to which flights will be undertaken. (G) Area to be served. (H) Frequency of flight.

(A) **SA Airlink (Pty) Ltd; Airlink.** (B) Airlink Building, Greenstone Hill, Office Park, Modderfontein. Class II; I/N074. (D) Type N1 & N4. (E) Category A2. (F) Durban, Cape Town, OR Tambo, Kruger Mpumalanga International Airports & George Airport. (G) & (H) **Adding category A1.**

(A) **SA Airlink (Pty) Ltd; Airlink.** (B) Airlink Building, Greenstone Hill, Office Park, Modderfontein. Class I; I/S073. (D) Type S1. (E) Category A1. (F) OR Tambo International Airport & Kruger Mpumalanga International Airport. (G) & (H) **Adding the following.**

State	Destination	Frequencies
ORTIA: Botswana	Maun	Four (4) return flights per week.
KMIA: Botswana	Maun	Seven (7) return flights per week

(A) **SA Express Airways; SAX.** (B) 2nd Floor, E Block Offices, Airways Park, ! Jones Road, Kempton Park. (C) Class I; I/S001. (D) Type S1. (E) Category A1 & A2. **Changes to the Management Plan:** Mr Mark Shelley replaces Mr Inathi Ntshanga as the Acting Chief Executive Officer.

DEPARTMENT OF TRANSPORT

NOTICE 495 OF 2017

**AIR SERVICE LICENSING ACT, 1990 (ACT NO.115 OF 1990)
APPLICATION FOR THE GRANT OR AMENDMENT OF DOMESTIC AIR
SERVICE LICENCE**

Pursuant to the provisions of section 15 (1) (b) of Act No. 115 of 1990 and Regulation 8 of the Domestic Air Regulations, 1991, it is hereby notified for general information that the application detail of which appear in the appendix, will be considered by the Air Service Licensing Council. Representation in accordance with section 15 (3) of the Act No.115 of 1990 in support of, or in position, an application, should reach the Air Service Licensing Council. Private Box X 193, Pretoria, 0001, within 21 days of date of the publication thereof.

APPENDIX I

(A) Full name and trade name of the applicant. (B) Full business or residential address of the applicant. (C) Class of licence applied for. (D) Type of air service to which application applies. (E) Category of aircraft to which application applies.

(A) Dragoncam (Pty) Ltd. (B) 7 Buitensorg, Edgemoed, Cape Town, 7441. (C) Class III. (D) Type G16 (Remotely Piloted Aircraft Systems). (E) Category H1.

(A) Lekwa Consulting Engineers (Pty) Ltd; Lekwa Consulting Engineers (Pty) Ltd. (B) 118 Hennie Alberts Street, Braken Hurst, 1448. (C) Class III. (D) Type G16 (Remotely Piloted Aircraft Systems). (E) Category H1.

APPENDIX II

(A) Full Name and trade name of the applicant. (B) Full business or residential address the applicant. (C) The Class and number of license in respect of which the amendment is sought (D) Type of air service and the amendment thereto which is being applied for (E) Category of aircraft and the amendment thereto which is being applied for. (F) Amendment referred to in section 14(2) (b) to I.

(A) Changing Tides 1126 CC; Suncatchers Hot Air Balloon Safaris. (B) Portion 18, Moriah Farm, Hoedspruit. (C) Class II; N691D. (D) N1. (E) Category A4. **Changes to contact details, address and Management Plan:** Wynand Uys replaces Philip Koornhof as the Chief Executive Officer & RP: Flight Operations, Duncan Robertson replaces Conrad van Wyk as the RP: Aircraft and Maritza de Kock replaces Philip Koornhof as the Air Service Safety Officer.

(A) FC Hamman Films CC. (B) 128/2 Hilton Rd, Linbro Park, Santon. (C) Class III; G1277D. (D) Type G3, G4 & G16 (RPAS ops). (E) Category H1. **Changes to the Management Plan:** Odette van Jaarsveld replaces Paul Cumming as the Air Service Safety Officer & Quality Assurance Manager.

(A) John Bassi Helicopters CC; Bassair Aviation. (B) Hangar #B6, New Tempe Airport, Bloemfontein. (C) Class II & III; N685D & G534D. (D) Type N1, N2, G3, G10 & G15. (E) Category H2. **Changes to the Management Plan:** Mr C. S. Bukes replaces Ms L. Bennetts as the Air Service Safety Officer.

BOARD NOTICES • RAADSKENNISGEWINGS

BOARD NOTICE 119 OF 2017**FINANCIAL MARKETS ACT, 2012****PROPOSED AMENDMENTS TO THE JSE DEBT LISTINGS REQUIREMENTS
PUBLICATION FOR COMMENT**

I Dube Phineas Tshidi, Registrar of Securities Services, hereby give notice under section 71(3)(b)(ii) of the Financial Markets Act, 19 of 2012 that the proposed amendments to the JSE Debt Listings Requirements have been published on the official website of the Financial Services Board (FSB) (www.fsb.co.za) for public comment. All interested persons who have any objections to the proposed amendments are hereby called upon to lodge their objections with the Registrar of Securities Services, at the following email address: Michael.Kabai@fsb.co.za within a period of 14 days from the date of publication of this notice.

**D P TSHIDI****REGISTRAR OF SECURITIES SERVICES**

BOARD NOTICE 120 OF 2017**CALL FOR REPRESENTATIVES OF CBOs AND NGOs
TO SERVE ON THE SASSETA BOARD**

The Safety and Security Sector Education and Training Authority (SASSETA), on behalf of the Minister of Higher Education and Training, Dr BE Nzimande invites applications for suitably-qualified persons drawn from Non-Governmental Organisations (NGO) and Community-Based Organisations (CBO) within the safety and security sector; to serve on the SASSETA Board.

SASSETA is re-advertising specifically for NGOs and CBOs, following a poor response from NGOs and CBOs with the previous advert. Those organisations that have already submitted their nominations do not have to re-submit.

Nominations and acceptance of nomination forms as well as the criteria for nominations documents are available on our website www.sassetta.org.za. Correspondence will be limited to short listed candidates only.

The closing date for nominations is Monday, 10 July at 16:00.

BOARD NOTICE 121 OF 2017**DEFINING OF PRODUCTION AREA: DARLING (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 Darling; and
- (b) repeals herewith Board Notice No 11 of 4 February 2011.



OLIVIA POONAH
SECRETARY: WINE AND SPIRIT BOARD

DEFINING OF PRODUCTION AREA: DARLING

That area situated within the following boundaries:

Start at a point on the Dassenberg road (R304), east of the area Mamre, where the road intersects the Louwskloof River; thence generally north with said Louwskloof River and the Modder River to a point where last-mentioned river intersects the north-western boundary of Farm 728; thence further north with the western boundaries of said Farm 728, Groote Post 716, Smal Pad 717 and Nieuwe Plaats 567 to a point where the arterial route (R27) intersects the south-western boundary of last-mentioned farm; thence further north with said road (R27) to a point where it intersects the northern boundary of Vier Fontein 558; thence north-east with the northern boundary of said Vier Fontein 558 and the north-western boundary of Zwart Water 454 to a point where the 100 metre contour intersects last-mentioned boundary; thence further north-east with said contour to a point where it intersects the north-western boundary of Theefontein 384; thence first north-east and then south-east with the north-western and north-eastern boundaries of said Theefontein 384 and the northern boundary of Groenfontein 440 to a point where the Groen River intersects last-mentioned boundary; thence generally south with said Groen River to a point where it intersects the north-eastern boundary of Burgers Post 754; thence generally south with the eastern boundaries of said Burgers Post 754 and Dassenberg 15 to the south-eastern beacon thereof; thence first south-west and then north-west with the eastern and western boundaries of Farm 17 to a point where it joins the southern boundary of said Dassenberg 15; thence generally north with the western boundary of said Dassenberg 15 to the north-western beacon thereof; thence north-west with the south-western boundary of said Burgers Post 754 where it joins the eastern boundary of Groenekloof 971; thence first south and then west with the eastern and southern boundaries of said Groenekloof 971 to a point where last-mentioned boundary joins the Dassenberg road (R304); thence north with said Dassenberg road (R304) to a point, east of the area Mamre, where the road intersects the Louwskloof River, the beginning mentioned above.

RAADSKENNISGEWING 121 VAN 2017**OMSKRYWING VAN PRODUKSIEGEBIED: DARLING (WYSIGING)**

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

- (a) omskryf hierby die area in die Bylae gespesifiseer as 'n produksiegebied (distrik) onder die naam Darling; en
- (b) herroep hierby Raadskennisgewing No 11 van 4 Februarie 2011.



OLIVIA POONAH
SEKRETARIS: WYN- EN SPIRITUSRAAD

BYLAE**OMSKRYWING VAN PRODUKSIEGEBIED: DARLING**

Daardie gedeeltes grond geleë binne die volgende grense:

Begin by 'n punt op die Dassenberg pad (R304), oos van die gebied Mamre, waar die pad die Louwskloofrivier kruis; daarvandaan algemeen noord met genoemde Louwskloofrivier en die Modderivier tot by 'n punt waar laasgenoemde rivier die noordwestelike grens van Plaas 728 kruis; daarvandaan verder noord met die westelike grense van genoemde Plaas 728, Groote Post 716, Smal Pad 717 en Nieuwe Plaats 567 tot by 'n punt waar die hoofverkeersroete (R27) die suidwestelike grens van laasgenoemde plaas kruis; daarvandaan verder noord met genoemde pad (R27) tot by 'n punt waar dit die noordelike grens van Vier Fontein 558 kruis; daarvandaan noordoos met die noordelike grens van genoemde Vier Fontein 558 en die noordwestelike grens van Zwart Water 454 tot by 'n punt waar die 100 meter kontoer laasgenoemde grens kruis; daarvandaan verder noordoos met genoemde kontoer tot by 'n punt waar dit die noordwestelike grens van Theefontein 384 kruis; daarvandaan eers noordoos en dan suidoos met die noordwestelike en noordoostelike grense van genoemde Theefontein 384 en die noordelike grens van Groenfontein 440 tot by 'n punt waar die Groenrivier laasgenoemde grens kruis; daarvandaan algemeen suid met genoemde Groenrivier tot by 'n punt waar dit die noordoostelike grens van Burgers Post 754 kruis; daarvandaan algemeen suid met die oostelike grense van genoemde Burgers Post 754 en Dassenberg 15 tot by die suidoostelike baken daarvan; daarvandaan eers suidwes en dan noordwes met die oostelike en westelike grense van Plaas 17 tot by 'n punt waar dit aansluit by die suidelike grens van genoemde Dassenberg 15; daarvandaan algemeen noord met die westelike grens van genoemde Dassenberg 15 tot by die noordwestelike baken daarvan; daarvandaan noordwes met die suidwestelike grens van genoemde Burgers Post 754 waar dit aansluit by die oostelike grens van Groenekloof 971; daarvandaan eers suid en dan wes met die oostelike en suidelike grense van genoemde Groenekloof 971 tot by 'n punt waar laasgenoemde grens aansluit by die Dassenberg pad (R304); daarvandaan noord met genoemde Dassenberg pad (R304) tot by 'n punt oos van die gebied Mamre, waar die pad die Louwskloofrivier kruis, die beginpunt hierbo genoem.

BOARD NOTICE 122 OF 2017**DEFINING OF PRODUCTION AREA: STETTYN**

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 –

defines the area specified in the Schedule as a production area (ward) under the name Stettyn.



OLIVIA POONAH
SECRETARY: WINE AND SPIRIT BOARD

SCHEDULE**DEFINING OF PRODUCTION AREA: STETTYN**

That area situated within the following boundaries:

Start at the eastern beacon of Roodberg 537, south of trigonometrical station 10 which is situated on the Hammansberg; thence generally south with south-eastern boundaries of said Roodberg 537, Remainder of Farm 534, the eastern and southern boundaries of Farm 696 to the south-western beacon thereof; thence further south with an imaginary straight line drawn from the south-western beacon of last-mentioned Farm 696 to the southern beacon of Farm 563 Portion 2, thence generally south with the southern boundaries of Farm 582, an imaginary straight line drawn from the north-eastern beacon to the western beacon of Fismershof 652; thence generally west with the northern boundaries of Wildepaardekraal 584 and Ratel Fontein 582 to the south-eastern beacon thereof; thence north-west with the eastern boundary of Ratel Fontein 582 Portion 17, the western boundaries of Ratelfontein 582 Portions 31 and 71 to the north-western beacon of last-mentioned Ratel Fontein 582 Portion 71; thence generally north with the north-western boundaries of said Ratel Fontein 582 Portion 71, Ratel Fontein 582 Portions 72 and 9 and Jassons Kloof 578 to the north-western beacon thereof; thence further north with the south-eastern boundary of Stettins Berg 525 to the south-eastern beacon thereof; thence first north-east with the north-western boundary and then generally south the eastern boundaries of Kweek Kraal 530 and Jonkersrivier 747 to the north-western beacon thereof; thence north-east with the general northern boundary of De Hoek 534 to the northern beacon thereof; thence south-east with the north-eastern boundary of Roodberg 537 to the eastern beacon thereof, south of trigonometrical station 10 which is situated on the Hammansberg, the beginning mentioned above.

RAADSKENNISGEWING 122 VAN 2017**OMSKRYWING VAN PRODUKSIEGEBIED: STETTYN**

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

omskryf hierby die area in die Bylae gespesifiseer as 'n produksiegebied (wyk) onder die naam Stettyn.



OLIVIA POONAH
SEKRETARIS: WYN- EN SPIRITUSRAAD

BYLAE**OMSKRYWING VAN PRODUKSIEGEBIED: STETTYN**

Daardie gedeelte grond geleë binne die volgende grense:

Begin by die noordoostelike baken van Roodberg 537, suid van peilbaken 10; daarvandaan algemeen suid met die suidoostelike grens genoemde Roodberg 537; daarvandaan verder noordoos met die suidelike grense van genoemde Plaas 256, Slangrivier 253, Uitkyk 222, Plaas 220 en die waterskeiding tot by die oostelike baken van Plaas 223; daarvandaan algemeen suid met die oostelike grens van genoemde Plaas 223, die noordoostelike grense van Plase 239, 238 en die oostelike grens van Plaas 1263 tot by die suidoostelike baken van Plaas 238; daarvandaan eers suidwes en dan noordwes met die waterskeiding tot by die suidwestelike grens van Plaas 295; daarvandaan verder noordwes met 'n denkbeeldige reguitlyn tot by die suidoostelike baken van Plaas 1764; daarvandaan noordwes met die noordoostelike grens van genoemde Plaas 1764 tot by die noordwestelike baken van Plaas 295, daarvandaan algemeen noord met die plaaspad, die oostelike grens van Erf 1611 waar dit aansluit by Cummingsstraat; daarvandaan algemeen noordwes met 'n gedeelte van genoemde Cummingsstraat, die suidwestelike grens van Erf 1293, die westelike grense van Erf 5032, Erf 3856 en Erf 3895 tot by 'n punt waar laasgenoemde grens by Kerkstraat aansluit; daarvandaan suidoos met die noordoostelike grens van Roodberg 537 tot by die noordoostelike baken daarvan, suid van peilbaken 10, die beginpunt hierbo genoem.

WARNING!!!

To all suppliers and potential suppliers of goods to the Government Printing Works

The Government Printing Works would like to warn members of the public against an organised syndicate(s) scamming unsuspecting members of the public and claiming to act on behalf of the Government Printing Works.

One of the ways in which the syndicate operates is by requesting quotations for various goods and services on a quotation form with the logo of the Government Printing Works. Once the official order is placed the syndicate requesting upfront payment before delivery will take place. Once the upfront payment is done the syndicate do not deliver the goods and service provider then expect payment from Government Printing Works.

Government Printing Works condemns such illegal activities and encourages service providers to confirm the legitimacy of purchase orders with GPW SCM, prior to processing and delivery of goods.

To confirm the legitimacy of purchase orders, please contact:

Renny Chetty (012) 748-6375 (Renny.Chetty@gpw.gov.za),

Anna-Marie du Toit (012) 748-6292 (Anna-Marie.DuToit@gpw.gov.za) and

Siraj Rizvi (012) 748-6380 (Siraj.Rizvi@gpw.gov.za)

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