Government Gazette
Staatskoerant

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PART 1 OF 3

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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:

Weekly Index

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:

Weeklikse Indeks

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General Notices • Algemene Kennisgewings

Board Notices • Raadskennisgewings

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

*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**
- **10 March,** Friday, for the issue of Friday **17 March 2017**
- **16 March,** Thursday, for the issue of Friday **24 March 2017**
- **24 March,** Friday, for the issue of Friday **31 March 2017**
- **31 March,** Friday, for the issue of Friday **07 April 2017**
- **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**
- **12 May,** Friday, for the issue of Friday **19 May 2017**
- **19 May,** Friday, for the issue of Friday **26 May 2017**
- **26 May,** Friday, for the issue of Friday **02 June 2017**
- **02 June,** Friday, for the issue of Friday **09 June 2017**
- **08 June,** Thursday, for the issue of Thursday **15 June 2017**
- **15 June,** Thursday, for the issue of Friday **23 June 2017**
- **23 June,** Friday, for the issue of Friday **30 June 2017**
- **30 June,** Friday, for the issue of Friday **07 July 2017**
- **07 July,** Friday, for the issue of Friday **14 July 2017**
- **14 July,** Friday, for the issue of Friday **21 July 2017**
- **21 July,** Friday, for the issue of Friday **28 July 2017**
- **28 July,** Friday, for the issue of Friday **04 August 2017**
- **03 August,** Thursday, for the issue of Friday **11 August 2017**
- **11 August,** Friday, for the issue of Friday **18 August 2017**
- **18 August,** Friday, for the issue of Friday **25 August 2017**
- **25 August,** Friday, for the issue of Friday **01 September 2017**
- **01 September,** Friday, for the issue of Friday **08 September 2017**
- **08 September,** Friday, for the issue of Friday **15 September 2017**
- **15 September,** Friday, for the issue of Friday **22 September 2017**
- **21 September,** Thursday, for the issue of Friday **29 September 2017**
- **29 September,** Friday, for the issue of Friday **06 October 2017**
- **06 October,** Friday, for the issue of Friday **13 October 2017**
- **13 October,** Friday, for the issue of Friday **20 October 2017**
- **20 October,** Friday, for the issue of Friday **27 October 2017**
- **27 October,** Friday, for the issue of Friday **03 November 2017**
- **03 November,** Friday, for the issue of Friday **10 November 2017**
- **10 November,** Friday, for the issue of Friday **17 November 2017**
- **17 November,** Friday, for the issue of Friday **24 November 2017**
- **24 November,** Friday, for the issue of Friday **01 December 2017**
- **01 December,** Friday, for the issue of Friday **08 December 2017**
- **08 December,** Friday, for the issue of Friday **15 December 2017**
- **15 December,** Friday, for the issue of Friday **22 December 2017**
- **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 accompanied by the relevant notice reference number (N-) in the email body.

Amendments to notices

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

Rejections

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

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

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

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

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

GOVERNMENT PRINTING WORKS - BUSINESS RULES

Approval of notices

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

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

Government Printer Indemnified Against Liability

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

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

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

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

Liability of advertiser

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

Customer inquiries

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

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

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

GOVERNMENT PRINTING WORKS - BUSINESS RULES

Payment of cost

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

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

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

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

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

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

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

Proof of publication

38. Copies of any of the *Government Gazette* or *Provincial Gazette* can be downloaded from the **Government Printing Works** website www.gpwonline.co.za free of charge, should a proof of publication be required.

39. Printed copies may be ordered from the Publications department at the ruling price. The **Government Printing Works** will assume no liability for any failure to post or for any delay in despatching of such *Government Gazette*(s).

GOVERNMENT PRINTING WORKS CONTACT INFORMATION

Physical Address:	**Postal Address:**	**GPW Banking Details:**
Government Printing Works	Private Bag X85	**Bank:** ABSA Bosman Street
149 Bosman Street	Pretoria	**Account No.:** 405 7114 016
Pretoria	0001	**Branch Code:** 632-005

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

GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF AGRICULTURE, FORESTRY AND FISHERIES

NO. 854 **25 AUGUST 2017**

AGRICULTURAL PRODUCT STANDARDS ACT, 1990

(ACT No. 119 of 1990)

INVITATION OF COMMENTS: REGULATIONS RELATING TO THE GRADING, PACKING AND MARKING OF POPCORN INTENDED FOR SALE IN THE REPUBLIC OF SOUTH AFRICA

The Executive Officer: Agricultural Product Standards intends to request the Minister of Agriculture Forestry and Fisheries to develop the Regulations Relating to the Grading, Packing and Marking of Popcorn intended for sale in the Republic of South Africa in terms of section 15 of the Agricultural Product Standards Act No. 119 of 1990.

The proposed draft regulations are available for inspection at the office of the Executive Officer, Harvest House, 30 Hamilton Street, Arcadia, Pretoria; or copies can be obtained from the Executive officer: Agricultural Product Standards, Department of Agriculture, Forestry and Fisheries, Private Bag X343, Pretoria,0001, Tel. no. (012) 319-6334 or (012) 319 6291, Fax (012) 319-6265, or e-mail: MooketsiMo@daff.gov.za and available on the Department's website at http://www.daff.gov.za.

All interested parties who wish to comment or make representations regarding the proposed regulations are invited to furnish such comment or representations in writing to the Executive Officer at the above contact information within **30 days** from the date of publication of this Notice.

B.M. MAKHAFOLA

EXECUTIVE OFFICER: AGRICULTURAL PRODUCT STANDARDS

DEPARTMENT OF AGRICULTURE, FORESTRY AND FISHERIES

NO. 855 **25 AUGUST 2017**

AGRICULTURAL PRODUCT STANDARDS ACT, 1990 (ACT No. 119 OF 1990)

REGULATIONS RELATING TO THE CLASSIFICATION, PACKING AND MARKING OF VINEGAR INTENDED FOR SALE IN THE REPUBLIC OF SOUTH AFRICA: REVISION OF REGULATIONS

The Executive Officer: Agricultural Product Standards intends to request the Minister of Agriculture, Forestry and Fisheries to publish revised Regulations Relating to the Classification, Packing and Marking of Vinegar intended for Sale in the Republic of South Africa.

The proposed revised regulations are available for inspection and copies can be obtained from the website www.daff.gov.za, go to "Branches", then to "Agricultural Production, Health & Food Safety", then to "Food Safety & Quality Assurance" and then to "Draft legislation for comments", or from the Executive Officer: Agricultural Product Standards, Department of Agriculture, Forestry and Fisheries, Private Bag X343, Pretoria, 0001; Telephone (012) 319-6027; Fax (012) 319 6265; E-mail **niele@daff.gov.za**

Interested parties who wish to comment or make representations regarding the revised regulations are invited to furnish such comments or representations in writing to the Executive Officer at the above contact information, not later than **30 days** from the date of publication of this notice.

Mr. Billy M. MAKHAFOLA
Executive Officer: Agricultural Product Standards

DEPARTMENT OF BASIC EDUCATION

NO. 856 **25 AUGUST 2017**

NATIONAL EDUCATION POLICY ACT, 1996 (ACT NO. 27 OF 1996)

GRANTING OF CONCESSION TO LEARNERS FOLLOWING THE TECHNICAL PATHWAY WHO ENROLLED FOR GRADE 10 IN 2016 TO DEVIATE FROM THE CURRENT PROGRAMME REQUIREMENTS

1. I, Angelina Matsie Motshekga, Minister of Basic Education, hereby, in terms of *Section 3(4)(l)* of the *National Education Policy Act, 1996 (Act No. 27 of 1996)*, and after consultation with the Council of Education Ministers, grant Transitional Concessions to learners following a Technical pathway to deviate from the Programme Requirements as stipulated in paragraph 29A (3) and 27(2)(d)(ii), of *The National Policy pertaining to the Programme and Promotion Requirements of the National Curriculum Statement, Grades R-12*, provided they meet the following requirements:

   (a) Must have offered Technical subjects with Mathematical Literacy; or
   (b) Must have offered Technical subjects and with Mathematical Literacy without Engineering Graphics and Design (EGD); or
   (c) Must have offered Technical subjects without EGD

2. The concessions listed in paragraph 1(a), (b) and (c) are applicable to only learners who enrolled for Grade 10 in 2016, who will write the National Senior Certificate in 2018 and shall not be extended to the succeeding cohorts.

3. This is to assist learners who deviated from the Programme requirements cited in paragraph 1 above to be resulted and certificated by Umalusi.

4. The Transitional Concessions will be granted for a period not exceeding three years to assist the 2016 Grade 10 learners and those who might become pipelines in 2017 and 2018.

MRS AM MOTSHEKGA, MP
MINISTER OF BASIC EDUCATION
DATE: 25.06.2017

ECONOMIC DEVELOPMENT DEPARTMENT

NO. 857 **25 AUGUST 2017**

MEMORANDUM OF UNDERSTANDING

Entered into by and between

The Competition Commission

(hereinafter referred to as "the Commission")

A juristic person established in terms of Section 19 of the Competition Act 89 of 1998, herein represented by **Mr Tembinkosi Bonakele** in his capacity as the **Commissioner** of the Competition Commission

And

The Broad Based Black Economic Empowerment Commission

(hereinafter referred to as "the B-BBEE Commission")

A juristic person established in terms of Section 13B of the Broad Based Black Economic Empowerment Act 53 of 2003, as amended and herein represented by **Ms Zodwa Ntuli** in her capacity as the **Acting Commissioner** of the Broad Based Black Economic Empowerment Commission

(Hereinafter referred to as "the Parties")

TABLE OF CONTENT

PREAMBLE

WHEREAS -

The B-BBEE Commission was established in terms of Section 13B of the Black Economic Empowerment Act 53 of 2003 as amended by Act 46 of 2013 ("the B-BBEE Act") in order to *inter alia*, oversee; supervise and promote adherence with the BBBEE Act in the interest of the public.

WHEREAS -

The Competition Commission is established in terms of Section 19 of the Competition Act 89 of 1998 ("the Competition Act") in order to *inter alia,* investigate, control, and evaluate restrictive practices, abuse of dominant position, exemptions and mergers, and to promote the efficiency, adaptability and development of the South African economy.

WHEREAS -

The Commission, in terms of the provisions of Section 21(1)(h) read with Sections 3 (1A) (b) and 82 (1), 81(2) and 81(3) of the Competition Act, has a responsibility to negotiate agreements with any regulatory authority according to which concurrent jurisdiction is exercised over competition matters within the relevant industry or sector, and to ensure the consistent application of the principles of the Competition Act.

WHEREAS -

B-BBEE Commission, in terms of Section 13F (4) of BBBEE Act, is required to liaise with any regulatory authority on matters of common interest and may exchange or receive information from such regulatory authority pertaining to matters of common interest or to a specific complaint or investigation.

NOW THEREFORE -

The Parties now agree to conclude this Agreement as follows:

1. BASIS OF THIS AGREEMENT

1.1 This Agreement is entered into in order to establish the manner in which the Parties will interact with each other in respect of the investigation, evaluation and analysis of merger transactions and/ or complaints involving persons' subject to regulation of the B-BBEE Act.

1.2 This Agreement is entered into on the basis of mutual respect, in a spirit of goodwill and in no way affects the independence of the two regulatory bodies hereto.

2. COMPLAINTS

2.1 Where a complaint/ appeal is lodged regarding a practice in respect of which the Commission and B-BBEE Commission have concurrent jurisdiction, the following process shall be followed:

2.1.1 The regulator that receives the complaint ('the Recipient Regulator") shall ensure that the said complaint is made available to the other regulator;

2.1.2 The Recipient Regulator shall inform the complainant(s) that the matter will be discussed jointly by the Commission and the B-BBEE Commission in terms of this Agreement;

2.1.3 The Commission and the B-BBEE Commission shall consult with each other and evaluate the complaint in order to establish how the matter should be managed in terms of this Agreement;

2.1.4 When the Commission considers a transaction with implications for the B-BBEE, the Commission must consult with the B-BBEE Commission. The Commission must have regard for the B-BBEE Commission views.

2.1.5 In evaluating how the complaint may be managed, the parties must have regard to the principle that-

2.1.5.1 the Commission is to exercise primary authority to detect and investigate alleged prohibited practices to give effect to the Competition Act; and

2.1.5.2 B-BBEE Commission has primary authority to exercises powers assigned to it by the B-BBEE Act.

2.1.6 The Recipient Regulator shall advise the complainant(s) within a period of sixty (60) days or such further period as may be agreed upon between the parties of the decision of the joint discussion between the Commission and the B-BBEE Commission;

2.1.7 The Recipient Regulator shall give the complainant(s) further directions regarding the prosecution of the complaint in question;

2.1.8 In the event that the matter is dealt with by the Commission, representatives from the B-BBEE Commission may participate in the matter through inter *alia* attending meetings when required; providing inputs during the case investigation and making representations at the Competition Tribunal hearing if necessary.

2.1.9 In the event that the matter is dealt with by the B-BBEE Commission, representatives from the Commission may participate in the matter through inter alia attending meetings, providing inputs during the case investigation and making representations at the B-BBEE Commission proceedings if necessary

2.2 If it is decided in the consultation process, contemplated in 2.1.3 above, that the B-BBEE Commission will deal with the matter, the Commission may issue a notice of non-referral, in terms of Section 50(2)(b) of the Competition Act, and in instances where the Commission received the initial complaint, the complainant(s) shall not be precluded from pursuing the matter with the Competition Tribunal (established in terms of Section 26 of the Competition Act).

2.3 Nothing in the procedures, contemplated in paragraph 2, shall detract from the jurisdiction of the Commission or the jurisdiction of the B-BBEE Commission to receive and deal with complaints in terms of their enabling statutes, or preclude the public from lodging complaints with both the Commission and the B-BBEE Commission concurrently.

2.4 Where a complaint relates to a matter where either the Commission or the B-BBEE Commission has jurisdiction, but there is no concurrent jurisdiction, the following shall apply:

2.4.1 The complaint must be lodged with the regulator that has jurisdiction;

2.4.2 If upon receiving a complaint, the Regulator is of a view that it does not have jurisdiction over the matter, the Regulator with whom the complaint is lodged shall advise the complainant(s) accordingly and recommend that the complainant(s) refer the complaint to the relevant regulator;

2.4.3 If the B-BBEE Commission is the Regulator that has jurisdiction, it shall, if it is legally competent under its legislation to take into account considerations of competition, be entitled to liaise and consult with the Commission so as to ensure the consistent application of competition principles to the complaint in question;

2.4.4 The Commission shall be entitled to do likewise when it is the Regulator with jurisdiction, and be entitled to consult with the B-BBEE Commission on the regulatory aspects, subject to the B-BBEE Commission's jurisdiction, in order to obtain the B-BBEE Commission's input on regulatory issues pertaining to the complaint; and

2.4.5 The Commission and the B-BBEE Commission may, upon request from each other, participate in each other's proceedings in their advisory capacity.

2.5 In the circumstances contemplated in 2.4 above, the decision by the regulator exercising jurisdiction over the complaint to consult the other regulator shall be discretionary and voluntary, and the regulator exercising jurisdiction shall, with or without consultation, make its independent decision.

2.6 When the Commission and the B-BBEE Commission consult each other, as contemplated in 2.4.3 and 2.4.4 above, they shall do so at no cost to each other.

2.7 In either of the circumstances contemplated in 2.4.3 and 2.4.4 above, the Commission and the B-BBEE Commission shall act as expeditiously as circumstances permit and shall ensure that the parties involved receive a timely response.

3. APPROVAL OF MERGER TRANSACTIONS

(A) Application for Merger Approval: *Concurrent Jurisdiction*

3.1 Where a transaction appears to the Commission to require approval, the Commission may consult with the B-BBEE Commission in terms of clause 3.2 below.

3.2. The parties may consult each other for purposes of evaluating the manner in which the transaction may be managed. In doing this, the parties must have regard to the principle that:

3.2.1. the Commission is to exercise primary authority in the review of mergers in order to give effect to the Competition Act; and

3.2.2. the B-BBEE Commission has primary authority to exercise powers and perform duties assigned to it in terms of the B-BBEE Act, in order to give effect to its relevant legislation.

(B) Application for merger approval: No concurrent jurisdiction

3.3. Where an application to the Commission or the B-BBEE Commission requires the approval of either party, but not both, the following shall apply -

3.3.1 if the B-BBEE Commission is the party whose assessment is required, it may, when considering competition issues consult with and obtain input from the Commission so as to ensure the consistent application of competition principles to the transaction in question.

3.3.2 if the Commission is the party whose approval is required, it may, if it deems it necessary to take into account regulatory aspects that relate to broad based black economic empowerment regulated by the B-BBEE Commission, consult with and obtain input from the B-BBEE Commission so as to ensure the consistent application of the black economic empowerment principles to the transaction in question.

4. ESTABLISHMENT OF A JOINT WORKING COMMITTEE

4.1 A Joint Working Committee ("the Committee") constituted by representatives of the Commission and the B-BBEE Commission, as nominated by the respective regulators, shall be established pursuant to this Agreement and shall function on an on-going basis.

4.2 The functions of the Committee shall be:

4.2.1 To manage and facilitate co-operation and consultation between the parties regarding fulfillment of responsibilities and obligations in respect of matters dealt with by each regulator in terms of this Agreement;

4.2.2 To propose, when necessary, any amendment of or supplementation to this Agreement;

4.2.3 To promote workshops and training aimed at building capacity, advocacy information sharing and enhancing regulatory capabilities;

4.2.4 To advise management of both the Commission and the B-BBEE Commission on issues affecting competition in the B-BBEE transactions, as the case may be, and make recommendations on how to deal with same. Such advice shall be on, but not limited to the following:

4.2.4.1 Types of conduct or transactions affected by both the Competition Act and the B-BBEE Act in respect of which concurrent jurisdiction is to be exercised by the two regulators;

4.2.4.2 International approach to issues of jurisdictional overlap between a Competition Authority and a B-BBEE Commission, as the case may be;

4.2.4.3 Amendments to the relevant or applicable statutes that may be necessary from time to time; and

4.2.4.4 Any other related matter.

5. SHARING OF RESOURCES

The Commission and the B-BBEE Commission may, under certain circumstances, share each other's available resources in order to bring the provisions of this Agreement into full effect; provided such a process is reasonable, shall not compromise the respective independence of the two institutions and does not contravene any statute with which the two regulators must conform.

6. EXCHANGE OF INFORMATION

Subject to paragraph 7 below, the Commission and the B-BBEE Commission may exchange such information as may be necessary to give effect to this Agreement.

7. CONFIDENTIALITY

7.1 Any information shared by the Commission and the B-BBEE Commission pursuant to this Agreement shall be used only for lawful supervisory or statutory purposes.

7.2 Where confidential information has been submitted by the parties to a complaint to the B-BBEE Commission, the B-BBEE Commission shall obtain permission from the party which submitted such confidential information with it, prior to such confidential information being disclosed to the Commission. The Commission shall ensure that the information accordingly disclosed to it remains confidential and is not placed in the public domain through any negligent or willful conduct on its behalf.

7.3 Where information has been submitted by the parties to a complaint to the Commission, the Commission shall obtain permission from the party which submitted such confidential information to it, prior to such confidential information being disclosed to the B-BBEE Commission. The B-BBEE Commission shall ensure that the information accordingly disclosed to it remains confidential and is not placed in the public domain through any negligent or willful conduct on its behalf.

7.4 To the extent permitted by law, the Commission and the B-BBEE Commission shall hold confidential all information, including the information contemplated in 7.2 and 7.3 above, received from each other pursuant to this Agreement and shall not otherwise disclose such information than is necessary to carry out their regulatory or statutory responsibilities or otherwise in accordance with national law.

7.5 The Commission and the B-BBEE Commission shall, prior to disclosing such confidential information or a part thereof, consult each other for direction and advice on such disclosure.

7.6 The sharing of confidential information, in accordance with this Agreement, relies on the assurances given in 7.1, 7.2 and 7.3 above and shall not constitute a waiver of any legally recognizable privilege by any person other than the Parties to this Agreement.

7.7 The Commission and the B-BBEE Commission, in providing confidential written material pursuant to this Agreement, shall mark every page of the material provided with the following words: "CONFIDENTIAL – PROVIDED PURSUANT TO THE COMPETITION COMMISSION / BROAD-BASED BLACK ECONOMIC EMPOWERMENT COMMISSION AGREEMENT".

7.8 Where confidential information is made available by either the Commission or the B-BBEE Commission in contravention of this Agreement, such disclosing party shall be solely liable in law for such disclosure.

8. GENERAL PROVISIONS

8.1 The provision of, or request for, information under this Agreement may be denied:

8.1.1 Where compliance would require the Commission or the B-BBEE Commission to act in a manner that would violate the applicable law;

8.1.2 Under circumstances where there is an imminent risk to national security; or

8.1.3 Where compliance with a request or provision of information would interfere with an ongoing investigation, in circumstances where prejudice to the investigation is likely to outweigh the adverse effects of denying the information.

8.2 No provision of this Agreement shall give rise to any person, entity or government authority other than the Commission or the B-BBEE Commission,

directly or indirectly, to obtain any information or to challenge the execution of a request for information.

8.3 The two regulators shall consult each other before either of them issues a media statement concerning a transaction or complaint covered by this Agreement.

9. VARIATION OF THE AGREEMENT

Any variation of this Agreement shall have no legal effect and shall not be binding on the Parties unless reduced to writing and signed by persons authorized to act on behalf of each party.

10. COMMENCEMENT AND DURATION

This Agreement shall come into effect on the date of last the last party signing and it shall continue in force indefinitely unless terminated by either party giving the other party fourteen (14) days' written notice.

11. DOMICILIUM CITANDI ET EXECUTANDI

11.1 The Parties choose the following addresses as their respective *domicilium citandi et executandi* for purposes of this Agreement:

THE COMPETITION COMMISSION

the dti Campus, 77 Meintjies Street, Sunnyside, Pretoria

Postal: Private Bag X23 Lynwood Ridge

Pretoria 0040

Telephone Number:

Facsimile:

E-mail: mziwodumor@compcom.co.za

CONTACT PERSON: Head Stakeholder Relations

And

THE BROAD-BASED BLACK ECONOMIC EMPOWERMENT COMMISSION

420 Witch-Hazel Avenue, Eco-Glades 2, Block 2, Eco-Park; Centurion 0144

Telephone Number: 012 649 0910

E-mail: MRamare@beecommission.gov.za

CONTACT PERSON: Office of the B-BBEE Commission

11.2 The parties undertake to notify each other of any change of address within fourteen (14) days of such change.

12. PUBLICATION

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

13. GOVERNING LAW

13.1 The parties agree that this Agreement shall be governed by and construed in accordance with the laws of the Republic of South Africa and acknowledge that they are both organs of state and that the Intergovernmental Relations Framework Act, 2005 (Act 13 of 2005) is applicable to the resolution of any dispute between them.

13.2 The parties shall use reasonable efforts to resolve any dispute that may arise under this Agreement through good faith negotiations.

13.3 In the event that the parties are unable to reach a settlement, such dispute shall be referred to the Accounting Authority of the Commission and the Acting Commissioner of the B-BBEE Commission, and they shall endeavor to settle the matter of such referral.

13.4 Should such endeavor still fail to resolve the dispute, then the dispute shall be referred to the Director-General of the Department of Economic Development and the Department of Trade and Industry to attempt to settle the matter.

13.5 In the event that the dispute still remains unresolved, then the matter shall be dealt with in terms of Section 41 (3) of the Constitution read with chapter 4 of the Intergovernmental Relations Framework Act.

14. GENERAL

No party shall be entitled to cede, delegate or transfer any of its rights in terms of this Agreement to any of its authorized representatives, unless written consent has been obtained from the other party.

IN WITNESS WHEREOF the undersigned parties approve the terms and conditions of this Agreement.

For the COMPETITION COMMISSION

Signed at PRETORIA on this 25th day of July 2017 by

Mr Tembinkosi Bonakele
Commissioner
COMPETITION COMMISSION

WITNESS 1

WITNESS 2

For the BROAD-BASED BLACK ECONOMIC EMPOWERMENT COMMISSION

Signed at CENTURION on this 06 day of JUNE 2017 by

Ms Zodwa Ntuli
Acting Commissioner
B-BBEE COMMISSION

WITNESS 1

WITNESS 2

DEPARTMENT OF ECONOMIC DEVELOPMENT

NO. 858 **25 AUGUST 2017**

MEMORANDUM OF UNDERSTANDING

Entered into by and between

The South African Bureau of Standards

(Hereinafter referred to as "SABS")

A juristic person established in terms of the Standards Act 24 of 1945, continuing to exist in terms of Section 3 of the *Standards Act*, No. 8 of 2008, herein represented by Dr. Boni Mehlomakulu in her capacity as the Chief Executive Officer of the South African Bureau of Standards.

And

The Competition Commission

(Hereinafter referred to as "the Commission")

A juristic person established in terms of Section 19 of the *Competition Act*, No. 89 of 1998, as amended, herein duly represented by Mr Tembinkosi Bonakele in his capacity as the Commissioner of the Competition Commission.

(Hereinafter jointly referred to as "the Parties")

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PREAMBLE:

THE SABS - ITS OBJECTS AND FUNDAMENTAL LEVERS

The SABS was established in terms of the *Standards Act,* No. 24 of 1945 and continues to exist in terms of Section 3 of the *Standards Act*, No. 8 of 2008 ("the *Standards Act*"), as the peak national standardisation institution in South Africa, responsible for the development, maintenance and promotion of South African National Standards.

Standards are important in facilitating fair competition by providing identifiable references that are consulted widely and agreed by consensus. The protocols governing standards development processes are maintained by international organizations granted general consultative status with the United Nations Economic and Social Council. The South African obligations and interests in the international standardisation efforts are represented by the SABS, These protocols explicitly sets out obligations for managing anti-competitive practices in standardisation activities.

The SABS in line with the international protocols uses technical committees to develop and review South African National Standards and provides the governance framework for developing national standards which are voluntary by application and involves the voluntary participation of a diverse stakeholder representation.

NOW WHEREAS the participants in the Standards development process are often competing stakeholders who come together to develop standards that are relevant to their markets and may potentially exchange information that has value in predicting the future commercial behaviour of competitors, future development trends or market conditions and may include potentially exclusionary parameters in the standards, based on rationale, other than safety and performance considerations, with the potential to lead to undesirable lock-in into sub-optimal technologies and allow incumbents to create barriers to market entry.

AND WHEREAS South Africa is a signatory to the *Technical Barriers to Trade Agreement* of the World Trade Organisation.

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AND WHEREAS the purpose of standardization is, *inter alia*, to support competition for the benefit of industry, consumers and society in general.

AND WHEREAS Compliance with competition law in the standard setting process is essential to ensure that markets operate efficiently and competitively and that the standards development process remains a platform of trust for industries.

AND WHEREAS the SABS must build capacity - establish and maintain the necessary expertise at an internationally acceptable level, to monitor and manage anti-competitive practices and conduct which can be perceived as fostering anti-competitive behaviour and cause damage to the economy of South Africa, when standards are set.

THE COMMISSION - ITS OBJECTS AND FUNDAMENTAL LEVERS

The Commission is established in terms of Section 19 of the *Competition Act*, No. 89 of 1998 ("the *Competition Act*") in order to, *inter alia*, investigate, control, and evaluate restrictive practices, abuse of dominant position, exemptions and mergers, and to promote the efficiency, adaptability and the development of the South African economy.

NOW WHEREAS The Commission and the SABS acknowledge that where competitors get together, as it is the case during the standards development process, there is potential for anti-competitive conduct and that the SABS requires support and cooperation from the Commission to build capacity, establish and maintain the necessary expertise at an internationally acceptable level, to monitor and manage anti-competitive practices and conduct which can be perceived as fostering anti-competitive behavior.

AND WHEREAS The Commission and the SABS, in terms of section 41(1)(h) of the *Constitution of the Republic of South Africa*, 1996, must co-operate with one another in mutual trust and good faith by, *inter alia*, assisting and supporting one another and informing one another of and consulting one another on matters of common interest.

AND WHEREAS As an organ of state, the SABS must, in terms of section 20(3) of the *Competition Act*, assist the Commission to effectively carry out its powers and duties which powers and duties entail, *inter alia*, to investigate, control, and evaluate restrictive practices, abuse of dominant position and to promote the efficiency, adaptability and the development of the South African economy.

The parties recognize the existing potential to leverage on areas of convergence and complementary statutory mandates, underpinned by the objective to promote quality, efficiency, adaptability and the development of the South African economy.

NOW THEREFORE - the Parties agree as follows:

The Parties agree to conclude this Co-operation Agreement ("the Agreement") as follows:

1. INTERPRETATION

1.1. In the interpretation of any terminology used in this Agreement, any word or expression to which a meaning is assigned in the Standards Act and the Competition Act has the meaning assigned to it unless otherwise specified.

1.2. In this agreement unless inconsistent with the context the following expressions and words bear the meanings set out below and derivative expressions and words will have corresponding meaning:

1.2.1. "Agreement" means this Memorandum of Understanding;

1.2.2. "Commission" means the Competition Commission, a juristic entity established in terms of the Competition Act;

1.2.3. "Competition Act" means Competition Act, No 98 of 1998, as amended from time to time;

1.2.4. "The South African Bureau of Standards" means a juristic person established in terms of the Standards Act 24 of 1945, continuing to exist in terms of Section 3 of the *Standards Act*, No. 8 of 2008;

1.2.5. "SABS" means the South African Bureau of Standards;

1.2.6. "Standards Act" means the *Standards Act*, No. 8 of 2008

1.2.7. "Party" means each party to this Agreement being either of the South African Bureau of Standards or the Commission and "Parties" has a corresponding meaning;

1.2.8. "'Prohibited practice' means a practice prohibited in terms of Chapter 2 of the Competition Act; and

1.2.9. "Signature Date" means the date of signature of this Agreement by the party last signing;

1.3. The headings of the clauses in the Agreement are for purposes of convenience and reference only and shall not be used in the interpretation of, nor modify, nor amplify the terms of this Agreement or any clause hereof.

1.4. Unless the context indicates otherwise:

1.4.1. a reference to a person includes natural persons, juristic persons, partnerships and trusts;

1.4.2. a reference to the singular includes the plural and vice versa; and

1.4.3. one gender includes the other genders.

1. BASIS OF THIS AGREEMENT

1.1 This Agreement is entered into in order to establish the manner in which the Parties will interact with each other in dealing with matters of mutual interest pertaining to, the creation of awareness of competition issues when standards are set, as envisaged in Section 21(1)(b) of the *Competition Act* and building the SABS capacity to monitor and manage anti-competitive practices and conduct which can be perceived as fostering anti-competitive behavior. The agreement also establishes the manner in which the Parties will interact with each other when sharing information pertinent to carrying out their respective functions.

1.2 This Agreement is entered into on the basis of mutual respect, in the spirit of goodwill and in no way affects the independence of the Parties hereto.

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2. MUTUAL ASSISTANCE

2.1 The Parties undertake to, in the course of performing their functions and to the extent permitted by law, use reasonable efforts to provide assistance to each other.

2.2 Without derogating from the generality of clause 2.1 the Parties may, upon request from each other:

2.2.1 participate in each other's processes in an advisory capacity or obtain the other's input on an aspect within the technical competence of the other;

2.2.2 share each other's available resources in order to bring the provisions of this Agreement into full effect, provided that such a process is reasonable, shall not compromise the independence of either of the parties and does not contravene any statute with which the Parties must conform; and

2.2.3 second personnel to each other on such terms and conditions as may be agreed to by them, and in order to provide training and specific skills and knowledge transfer on matters of mutual interest. In particular, the Commission shall assist the SABS to build capacity - establish and maintain the necessary expertise at an internationally acceptable level, to monitor and manage anti-competitive practices and conduct which can be perceived as fostering anti-competitive behaviour and cause damage to the economy of South Africa, when standards are set.

2.2.4 Support each other in investigating perceived collusive behavior of stakeholders within the scope of services offered by the SABS.

2.3 When the Commission and the SABS participate in each other's processes or obtain each other's inputs as contemplated in clause 2.2.1, they shall do so at no cost to each other and they shall act as expeditiously as circumstances permit.

3. ESTABLISHMENT OF A JOINT WORKING COMMITTEE

3.1 A Joint Working Committee ("the Committee") constituted by representatives of the Commission and the SABS, as nominated by the respective Parties, shall be established pursuant to this Agreement and shall function on an on-going basis.

3.2 The functions of the Committee shall be, to:

3.2.1 facilitate and manage co-operation and consultation in respect of matters dealt with by each Party in terms of this Agreement;

3.2.2 facilitate and manage awareness and capacity building programs intended to establish and maintain the necessary expertise for the SABS to be able to monitor and manage anti-competitive practices and conduct which can be perceived as fostering anti-competitive behaviour and cause damage to the economy of South Africa, when standards are set.

3.2.3 propose, when necessary, any amendment of or supplementation to this Agreement; and

3.2.4 advise management of both the Commission and the SABS on issues affecting competition in the development of standards, as the case may be, and make recommendations on how to deal with same.

4. REQUEST FOR ASSISTANCE AND INFORMATION

4.1 Subject to clauses 2.1, 4 and 5, the Commission and the SABS may, in the manner set out below, request assistance from each other and exchange such information as may be necessary to give effect to this Agreement.

4.2 To facilitate communication and ensure continuity in the co-operation between the Parties, each Party has designated the contact person as set out in clause 6, for communications under this Agreement.

4.3 A Party requesting assistance ("the Requesting Party") shall make its request for assistance in writing by sending it to the contact person of the other Party ("the Requested Party"). The request must amongst others provide:

4.3.1 a description of both the subject matter of the request and the purpose for which the information is sought and the reasons why this information will be of assistance;

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4.3.2 the legal provisions concerning the matter that is the subject matter of the request;

4.3.3 any information in the possession of the Requesting Party that might assist the Requested Party in identifying such information; and

4.3.4 the desired period of time for the reply.

5. CONFIDENTIALITY

5.1 Any information shared by the Commission and the SABS pursuant to this Agreement shall be used only for lawful supervisory or statutory purposes.

5.2 The Parties shall share confidential information subject to their statutory confidentiality obligations as set out in the *Competition Act 1998 and Standards Act 2008* or any other applicable law.

5.3 Where confidential information was obtained from a third party by the SABS, the SABS shall obtain permission from the party which submitted such confidential information to it, prior to such confidential information being disclosed to the Commission. The Commission shall ensure that the information accordingly disclosed to it remains confidential and is not placed in the public domain through any negligent or willful conduct on its behalf.

5.4 Where information was obtained from a third party by the Commission, the Commission shall obtain permission from the party which submitted such confidential information to it, prior to such confidential information being disclosed to the SABS. The SABS shall ensure that the information accordingly disclosed to it remains confidential and is not placed in the public domain through any negligent or willful conduct on its behalf.

5.5 To the extent permitted by law, the Commission and the SABS shall hold confidential all information, including the information contemplated in clauses 5.2 to 5.4, received from each other pursuant to this Agreement and shall not otherwise disclose such information than is necessary to carry out their statutory responsibilities or otherwise in accordance with national law.

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5.6 The Commission and the SABS shall, prior to disclosing any confidential information or a part thereof amongst each other, consult each other for direction and advice on such disclosure.

5.7 The Commission and the SABS, in providing confidential written material pursuant to this Agreement, shall mark every page of the material provided with the following words: "CONFIDENTIAL – PROVIDED PURSUANT TO THE COMPETITION COMMISSION / SOUTH AFRICAN BUREAU OF STANDARDS CO-OPERATION AGREEMENT".

5.8 Where confidential information is made available by either the Commission or the SABS in contravention of this Agreement, such disclosing party shall be solely liable in law for such disclosure.

6. CONTACT PERSONS

6.1 The Parties designate the following individuals as their contact persons who will have the authority to administer this Agreement on their behalf and who will be responsible for the communication between them:

For the SABS:

Joseph Leotlela

Head: Legal Services

Contact number: (012) 428 - 6242

E-mail address: joseph.leotlela@sabs.co.za

And

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For the Commission:

Mr. Mziwodumo Rubushe

Head: Stakeholder Relations

Contact number: (012) 394 - 3194

E-mail address: MziwodumoR@compcom.co.za

6.2 Either Party may, by way of a letter to the other, replace its contact person referred to in clause 6.1 with any other person. The letter referred to above shall be deemed to have been received and the replacement shall be deemed to have been made on the fourteenth (14) calendar day of the one Party dispatching the said letter to the other, unless the contrary is established.

7. GENERAL PROVISIONS

7.1 The provision of, or request for, information under this Agreement may be denied:

7.1.1 where compliance would require the Commission or the SABS to act in a manner that would violate the applicable law;

7.1.2 under circumstances where there is an imminent risk to national security; or

7.1.3 where compliance with a request or provision of information would interfere with an ongoing investigation, in circumstances where prejudice to the investigation is likely to outweigh the adverse effects of denying the information.

7.2 The Parties shall consult each other before either of them issues a media statement concerning any matter emanating from this Agreement.

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8. VARIATION OF THE AGREEMENT

This constitutes the entire agreement between the Parties on matters covered in this Agreement. Any variation of this Agreement shall have no legal effect and shall not be binding on the Parties unless reduced to writing and signed by persons authorized to act on behalf of both Parties.

9. EFFECTIVE DATE OF THE AGREEMENT

This Agreement shall come into effect on the date on which it is last signed by the persons authorized to act on behalf of either of the Parties.

10. DURATION OF THIS AGREEMENT

10.1 This Agreement shall remain in force in perpetuity unless as may be terminated by:

10.1.1 either Party on written notice of two (2) months to the other Party;

10.1.2 way of an agreement between the Parties; or

10.1.3 operation of the law.

10.2 If any Party gives the other a notice of termination of this Agreement or the Parties agree to terminate the Agreement as contemplated in clause 10.1.1 or 10.1.2, their cooperation in terms of this Agreement will continue in respect of all requests for assistance that were made before the termination date until the requests under consideration are completed.

11. DISPUTE RESOLUTION

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

12. DOMICILIUM CITANDI ET EXECUTANDI

The Parties choose the following addresses as their respective *domicilium citandi et executandi* for purposes of this Agreement:

The Competition Commission:

DTI Building Meitjies Street Sunnyside Pretoria

Postal: Private Bag X23 Lynwood Ridge

Pretoria 0040

Contact Person: Mr Mziwodumo Rubushe, Head: Stakeholder Relations

The South African Bureau of Standards:

1 Dr Lategan Road

Groenkloof

Pretoria

Postal: Private Bag X 191

Pretoria, 0001

Contact Person: Joseph Leotlela: Head Legal Services

13. PUBLICATION

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

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13. SIGNATURE

Signed at PRETORIA on this 8th day of August 2017 by Mr. Tembinkosi Bonakele, Commissioner of the Competition Commission South Africa.

COMPETITION COMMISSION

WITNESS 1

WITNESS 2

Signed at _____ on this ____ day of _____ by Dr Bonakele Mehlomakulu in her capacity as Chief Executive Officer of the South African Bureau of Standards.

SOUTH AFRICAN BUREAU OF STANDARDS

WITNESS 1

WITNESS 2

DEPARTMENT OF HEALTH

NO. 859 **25 AUGUST 2017**

MEDICINES AND RELATED SUBSTANCES ACT, 1965

GENERAL REGULATIONS

The Minister of Health, in consultation with the Authority, has in terms of section 35 of the Medicines and Related Substances Act, 1965 (Act No. 101 of 1965), made the Regulations in the Schedule.

SCHEDULE

ARRANGEMENT OF REGULATIONS

PERMITS, LICENSING AND AUTHORISATION

MANAGEMENT OF MEDICINES

DEFINITIONS

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

"adverse drug reaction" means a noxious and unintended response to a medicine;

"adverse event" is any untoward medical occurrence that may present during treatment with a medicine but which does not necessarily have a causal relationship with this treatment;

"as determined by the Authority" means as determined by the South African Health Products Regulatory Authority (SAHPRA in guidelines as published from time to time;

"authorised prescriber" means any person authorised by the Act to prescribe any medicine;

"batch" or **"lot"** in relation to a medicine means a defined quantity of a medicine manufactured in a single manufacturing cycle and which has homogeneous properties;

"batch number" or "lot number" means a unique number or combination of numbers or ciphers allocated to a lot or a batch by the manufacturer;

"bioequivalence" means the absence of a statistically significant difference in bioavailability between two pharmaceutically equivalent products under similar conditions in an appropriately designed study;

"bonded warehouse" means a customs and excise warehouse licensed in terms of section 19 of the Customs and Excise Act, 1964 (Act No. 91 of 1964);

"Chief Executive Officer" means the Chief Executive Officer of the Authority as appointed in terms of section 3 of the Act;

"clinical trial" means an investigation in respect of a medicine for use in humans or animals that involves human participants or animals and that is intended to—

(a) discover or verify the clinical, pharmacological or pharmacodynamic effects of the medicine;
(b) identify any adverse events;
(c) study the absorption, distribution, metabolism and excretion of the medicine; or
(d) ascertain its safety or efficacy;

"complementary medicine" means any substance or mixture of substances that—

(a) originates from plants, fungi, algae, seaweeds, lichens, minerals, animals or other substance as determined by the Authority;
(b) is used or purporting to be suitable for use or manufactured or sold for use—
    (i) in maintaining, complementing or assisting the physical or mental state; or
    (ii) to diagnose, treat, mitigate, modify, alleviate or prevent disease or illness or the symptoms or signs thereof or abnormal physical or mental state of a human being or animal; and
(c) is used—
    (i) as a health supplement; or
    (ii) in accordance with those disciplines as determined by the Authority;

"compound" means to prepare, mix, combine, package and label a medicine—

(a) by a pharmacist, pharmacist intern or pharmacist's assistant practising in accordance with the Pharmacy Act for—

(i) an individual patient; or

(ii) an animal as a result of a prescription issued by a veterinarian practising in accordance with the Veterinary and Para-Veterinary Professions Act, 1982 (Act No.19 of 1982); or

(b) for dispensing as a result of a prescription for a patient by a person licensed in terms of section 22C(1)*(a)* of the Act and practising in accordance with the relevant scope of practice;

"counterfeit medicine" means a medicine in respect of which a false representation has been made about its contents, identity or source by any means including its labelling and packaging;

"dispense"—

(a) in the case of a pharmacist, means dispense as defined in the Regulations Relating to the Practice of Pharmacy made in terms of the Pharmacy Act; or

(b) in the case of a medical practitioner, dentist, practitioner, veterinarian, nurse or any authorised prescriber to dispense medicines, means—

(i) the interpretation and evaluation of a prescription;

(ii) the selection, reconstitution, dilution, labelling, recording and supply of the medicine in an appropriate container; or

(iii) the provision of information and instructions to ensure safe and effective use of a medicine by a patient;

"dosage form" means the pharmaceutical form in which the active ingredients and excipients, and physical formulation of a medicine is presented;

"expiry date" means the date up to which a medicine will retain the strength and other properties stated on the label which strength and other properties can change after the lapse of time and after which date the medicine shall not be sold to the public or used;

"health care provider" means a health care provider as defined in section 1 of the National Health Act, 2003 (Act No. 61 of 2003);

"health supplement" means any substance, extract or mixture of substances as determined by the Authority, sold in dosage forms used or purported for use in restoring, correcting or modifying any physical or mental state by—

(a) complementing health;

(b) supplementing the diet; or

(c) a nutritional effect,

and excludes injectable preparations, medicines or substances listed as Schedule 1 or higher in the Act;

"holder of a certificate of registration" means a person in whose name a registration certificate has been granted and who is responsible for all aspects of the medicine, including quality and safety and compliance with conditions of registration;

"identification number" means the number drawn from a—

(a) birth certificate, passport, valid driver's licence;

(b) South African identification document; or

(c) any other relevant document issued by the Department of Home Affairs;

"manufacture" means all operations including purchasing of material, processing, production, packaging, releasing, storage and shipment of medicines and related substances in accordance with quality assurance and related controls;

"manufacturer" means a person manufacturing a medicine and includes a manufacturing pharmacy;

"minimum legibility" means a printing in 6-point Helvetica, typeface in black ink on white cartridge paper or the equivalent thereof;

"misbranded" means labelling which is false, misleading, inaccurate or fails to provide information as required;

"parallel importation" means the importation into the Republic of a medicine protected under patent or registered in the Republic that has been put onto the market outside the Republic by or with the consent of such patent holder;

"patient information leaflet" means the information pertaining to a medicine as provided for in regulation 12, written in a manner which is easily understandable by the patient;

"person" means a natural or a juristic person;

"Pharmacy Act" means the Pharmacy Act, 1974 (Act No. 53 of 1974);

"professional information" means the information about a medicine as provided for in regulation 11;

"proprietary name", **"brand name"** or **"trade name"** means the name which is unique to a particular medicine and by which the medicine is generally identified and which in the case of a registered medicine is the name approved in terms of section 15(5) of the Act;

"responsible pharmacist" means a responsible pharmacist as defined in section 1 of the Pharmacy Act;

"Site Master File" means a document prepared by the manufacturer containing specific and factual good manufacturing practice information about the production or control of pharmaceutical manufacturing operations carried out at a named site and any closely integrated operations at adjacent and nearby buildings;

"sugar" means any of a class of natural, water-soluble crystalline carbohydrates, of relatively low molecular weight, and typically having a sweet taste depending on the polymeric composition, and includes related alcohols such as sorbitol, mannitol, and xylitol;

"sweetener" means any additive or excipientother than sugar which is used or intended to be used to impart a sweet taste to medicines;

"the Act" means the Medicines and Related Substances Act, 1965 (Act No. 101 of 1965), as amended; and

"wholesaler" including a wholesale pharmacy means a person who holds, stores, delivers or purchases medicines or Scheduled substances from a manufacturer and sells them in terms of section 22H of the Act.

REQUIREMENTS FOR THERAPEUTIC EQUIVALENCE

2. (1) A medicine is considered therapeutically equivalent to another medicine if both medicines—

(a) are—

(i) pharmaceutically equivalent, in that they contain the same amount of active substances in the same dosage form, meet the same or comparable standards and are intended to be administered by the same route; or

(ii) pharmaceutical alternatives, in that they contain the same active moiety but differ either in chemical form of that moiety or in the dosage form or strength; and

(b) after administration in the same molar dose, their effects with respect to both efficacy and safety are essentially the same.

(2) Therapeutic equivalence is determined from comparative bioavailability, pharmacodynamic, clinical or in vitro studies which meet the requirements and accepted criteria for bioequivalence as determined by the Authority.

CONDITIONS FOR COMPOUNDING MEDICINE

3. (1) A pharmacist or other person licensed in terms of section 22C(1)(*a*) of the Act to compound a medicine for sale in terms of section 14(4) of the Act, shall only compound a quantity that is intended to be used by a patient for not more than 30 consecutive days from the date of compounding: Provided that the date of compounding and the statement "Use within 30 days" are clearly indicated on the label.

(2) Any medicine compounded in terms of section 14(4) may not be advertised or displayed for sale.

(3) No medicine may be compounded by a pharmacist or other person licensed in terms of section 22C(1)(*a*) of the Act to compound a medicine for sale—

(a) to circumvent the provisions of section 14 of the Act;

(b) which has been declared undesirable in terms of section 23 of the Act;

(c) for the purpose of growth promotion or performance enhancement;

(d) for the purpose of administering to food-producing animals if—

(i) Maximum Residue Limits (MRL); and

(ii) appropriate withdrawal times,

have not been established;

(e) for use by a patient not under the professional care of an authorised prescriber or pharmacist;

(f) for purpose of export; or

(g) unless the compounding thereof is performed in accordance with good practice as determined by the Authority.

THE MANNER AND CONDITIONS FOR ALLOWING INTERNATIONAL TENDERING

4. (1) The State may tender for a medicine internationally if such a medicine—

(a) can be obtained at a lower price outside of the Republic; or

(b) is essential for national health.

(2) A medicine cannot be procured by international tender unless such medicine is registered in terms of the Act.

IMPORTATION OF MEDICINES CONTEMPLATED IN SECTION 15C

5. (1) A medicine referred to in section 15C*(b)* of the Act may be sold if—

(a) the medicine is being sold outside the Republic with the consent of the holder of the patent of such medicine;

(b) the medicine is imported from a person licensed by a regulatory authority recognised by the Authority;

(c) the person desiring to import such medicine is in possession of a permit issued by the Authority; and

(d) the medicine is registered in terms of the Act, if such a medicine is so declared.

(2) A person desiring to import a medicine referred to in subregulation (1) shall submit to the Authority—

(a) a duly completed application on a form obtainable from the Authority;

(b) a certified copy of his or her identity document or in the case of a juristic person, a certificate of registration as such or other material proof of incorporation or existence as a juristic person in the Republic;

(c) a certified copy of registration in terms of the Pharmacy Act, where applicable;

(d) a certified copy of a licence in respect of premises in terms of—

(i) section 19 of Customs and Excise Act, 1964 (Act No. 91 of 1964); and

(ii) section 22 of the Pharmacy Act;

(e) documentary proof—

(i) that the medicine is under patent in the Republic;

(ii) that the medicine is registered in its country of export by a regulatory authority recognised by the Authority;

(iii) regarding the lowest price at which the medicine is sold in the Republic;

(iv) regarding the price at which the medicine will be sold in the Republic;

(v) that he, she or it can comply with good manufacturing and distribution practices as determined by the Authority; and

(f) an undertaking that he, she or it will ensure the continued safety, efficacy and quality of the medicine.

(3) The Authority—

(a) may approve the application referred to in subregulation (2) with or without conditions;

(b) shall, if the application is approved, issue the applicant with a permit, which shall be valid for a period of two years; and

(c) may cancel the permit if the holder thereof fails to comply with the conditions of the permit or on any other good cause shown.

(4) The permit issued in terms of subregulation (3) may only be transferred with the approval of the Authority.

(5) A person issued with a permit in terms of subregulation (3) shall apply to the Authority for the registration of the medicine specified in the permit by submitting to the Chief Executive Officer—

(a) a certified copy of that permit;

(b) an application form obtainable from the Authority completed by the applicant; and

(c) the applicable application fee.

(6) The Authority—

(a) must, if satisfied that the application referred to in subregulation (5) complies with the requirements of the Act and these regulations regarding the safety, efficacy and quality of the medicine, and that its registration is in the public interest, approve the application with or without conditions; and

(b) may issue the person referred to in subregulation (5) with a certificate of registration in respect of such medicine under the name approved by the Authority.

(7) A person importing a medicine in terms of this regulation shall in writing inform—

(a) the Authority of any change of facts in relation to the application for a permit issued in terms of subregulation (3) or conditions under which such permit was issued;

(b) the Authority of any amendments to the application for the registration of medicines or the conditions for the registration of such medicine; and

(c) the holder of a certificate of registration in the Republic of the importation of the medicine in terms of this regulation.

(8) A medicine registered in terms of this regulation may only be sold to the State or a person authorised to sell medicines in terms of the Act or any other legislation.

IMPORTATION OF MEDICINES INTO REPUBLIC

6. (1) No person shall import any medicine or scheduled substance, including medicines imported in terms of section 15C of the Act, into the Republic except through one of the following ports of entry:

(a) Cape Town International Airport or harbour;

(b) Port Elizabeth International Airport or harbour;

(c) King Shaka International Airport or Durban harbour; and

(d) O.R. Tambo International Airport.

(2) A person shall only import a medicine or scheduled substance if such person—

(a) is licensed in terms of the Act to import medicines; and

(b) in the case of unregistered medicines, is authorised by the Authority to import such unregistered medicines.

(3) An application for authorisation referred to in subregulation (2)(*b*) shall contain at least the following information:

(a) Name and address (both physical and postal) of the applicant;

(b) designation of the person representing the applicant;

(c) contact details of the applicant including the—

(i) telephone number; and

(ii) facsimile number or email address;

(d) the name of the medicine being imported;

(e) the quantity of medicine being imported;

(f) the batch number of the medicine being imported; and

(g) the expiry date of the medicine.

TRANSMISSION OF MEDICINES THROUGH REPUBLIC

7. (1) Subject to the provisions of the Act, medicines and scheduled substances that are transmitted through the Republic shall—

(a) while in the Republic, be stored in a bonded warehouse which is licensed in terms of section 22C by the Authority to import or export medicines or Scheduled substances; and

(b) not be manipulated while in the bonded warehouse unless such authority has been issued by the Authority.

(2) A bonded warehouse referred to in subregulation (1) shall comply with good distribution practice and licence conditions as determined by the Authority.

PERSONAL MEDICINAL USE BY PERSONS ENTERING REPUBLIC

8. (1) Notwithstanding regulation 6, any person entering the Republic may be in possession, for personal medicinal use, of—

(a) a quantity of a Schedule 3, 4 or 5 substance, which shall not exceed the quantity required for use for a period of six months; or

(b) a quantity of a Schedule 6 substance, which shall not exceed the quantity required for use for a period of 30 days.

(2) A person referred to in subregulation (1) shall have—

(a) the original prescription for such a Scheduled substance;

(b) a certified copy of such prescription; or

(c) a certificate or letter issued by the person who prescribed or dispensed such Scheduled substance certifying that the Scheduled substance and the quantity concerned was prescribed for the person entering the Republic, and including the name, physical and email address of the person who prescribed or dispensed the prescription concerned.

CATEGORIES AND CLASSIFICATION OF MEDICINES

9. (1) Medicines shall be classified into categories as follows:

(a) Category A = Medicines which are intended for use in humans and which are, without manipulation, ready for administration, including packaged preparations where only a vehicle is added to the effective medicine;

(b) Category B = Medicines intended for use in humans and animals which cannot normally be administered without further manipulation;

(c) Category C = Medicines intended for veterinary use which are, without further manipulation, ready for administration, including packaged preparations where only a vehicle is added to the effective medicine; and

(d) Category D = Complementary medicines intended for use in humans and animals which are, without further manipulation, ready for administration, including packaged preparations where only a vehicle is added to the effective medicine.

(2) Medicines in Category D shall be classified into the following sub-categories:

(a) discipline-specific medicines with such disciplines as determined by the Authority; and

(b) health supplements.

(3) Medicines in Categories A and D (human complementary medicine) are subdivided into classes as per Annexure 1.

(4) Medicines in categories C and D (veterinary complementary medicines) are subdivided into classes as per Annexure 2.

LABELLING OF MEDICINES INTENDED FOR HUMAN USE

10. (1) Subject to subregulations (4) and (5), the immediate container of every medicine in which a medicine intended for administration to or use by humans is sold shall have a label attached to it on which the following particulars shall appear in clearly legible indelible letters in English and at least one other official language—

(a) in the case of a medicine containing any substance listed in any Schedule made in terms of the Act, the letter "S" followed by the number of the relevant Schedule, in a prominent typeface and size and surrounded by a square border, immediately preceding the proprietary name of such medicine;

(b) the proprietary name of the medicine;

(c) the—

(i) registration number of the medicine allocated in terms of section 15(5) of the Act; or

(ii) application number allocated by the Authority followed by the expression "Act 101/1965";

(d) the dosage form of the medicine;

(e) the approved name of each active ingredient of the medicine and the quantity thereof contained in a dosage unit, or per suitable mass or volume or unit, ranked according to the active ingredients with the highest schedule, in lettering which has minimum legibility: Provided that labelling of medicines in solutions for injections must identify the active ingredient in terms of the active component per unit volume of solution;

(f) the name and percentage of any bacteriostatic or bactericidal agent which has been added to the medicine as a preservative;

(g) the approved name of any anti-oxidant contained in the medicine;

(h) in the case of a medicine—

(i) for oral or parenteral administration which contains sugar, the statement: "contains sugar" and the name and quantity of the sugar must be stated or which does not contain sugar, the statement: "sugar free";

(ii) for oral or parenteral administration the quantity of ethyl alcohol contained in the medicine, expressed as a percentage of the total volume of the medicine, if such quantity exceeds two per cent by volume; and

(iii) for oral administration the name and quantity of sweetener other than sugar contained in the medicine and the statement: "contains sweetener".

(i) the content of the medicine package expressed in the appropriate unit or volume of the medicine;

(j) approved indications where practical, for use of the medicine;

(k) the recommended dosage of the medicine, where practical;

(l) where applicable, the instruction "Shake the bottle before use";

(m) in the case of a medicine intended for injection by a particular route of administration only, that route of administration by means of suitable words or abbreviations;

(n) the lot number of the medicine;

(o) the expiry date of the medicine in a font size that makes it clearly visible;

(p) a barcode suitable for the identification and tracking of medication: Provided that where such barcode appears on the outer label it may be excluded on the immediate container label;

(q) the name of the holder of certificate of registration of the said medicine;

(r) the requirements regarding the manner in which the medicine shall be stored with specific reference to the applicable storage temperature, humidity and light exposure and other precautions required for the preservation of the medicine;

(s) where applicable, the statement: "For external use only";

(t) the warning: "Keep out of reach of children";

(u) in the case of a medicine which contains aspirin or paracetamol, the warning:

"Do not use continuously for more than 10 days without consulting your doctor";

(v) in the case of a medicine for oral administration which contains fluorides, the warning: "Contains fluoride";

(w) in the case of a medicine for oral administration which contains an antihistamine, the warning:

"This medicine may lead to drowsiness and impaired concentration, which may be aggravated by simultaneous intake of alcohol or other central nervous system depressants";

(x) in the case of eye drops or artificial tear solutions in respect of which evidence concerning the self-sterilising ability of the medicine has not been approved by the Authority, the warning: "Do not use more than 30 days after opening";

(y) any specified warning to be given on the label of the medicine as a condition of registration thereof as may have been determined in terms of section 15(6) of the Act;

(z) in the case of a medicine that contains tartrazine, the warning: "Contains TARTRAZINE";

(aa) the category of medicine immediately preceding the registration or application number;

(bb) the class of the medicine in terms of Annexure 1; and

(cc) in the case of complementary medicine—

(i) the words "Complementary Medicine";

(ii) a statement identifying the discipline or the wording "Health Supplement", as the case may be;

(iii) which is not registered by the Authority, the following disclaimer:

"This unregistered medicine has not been evaluated by the SAHPRA for its quality, safety or intended use."; and

(iv) containing at least 5 percent of modified organisms the following warning "contains genetically modified organisms".

(2) In addition to the requirement of subregulation (1), the following information may be included on the label:

(a) The name and address of the manufacturer of the medicine;

(b) the date of manufacture of the medicine; or

(c) the scheduling status and registration number allocated by another national medicines regulatory authority of a country as determined by the Authority: Provided that this information is surrounded by a square border including the name of the reference country.

(3) If the medicine package bears both, an immediate container label and an outer label, the requirements of subregulation (1) shall apply to the outer label: Provided that it shall be sufficient to contain on the immediate container label—

(a) in the case of Category A medicines—

(i) intended for administration by injection and having a total volume not exceeding 5 ml, the particulars referred to in subregulation (1)(*b*),(*e*), (*m*), (*n*) and (*o*);

(ii) in the form of an ointment, cream, gel or powder having a net mass not exceeding 10 grams, the particulars referred to in subregulation (1)(*b*), (*c*), (*e*), (*f*), (*n*), (*o*), (*q*) and (*y*);

(iii) in the form of liquid, solution or suspension having a total volume of more than 1 ml, but not exceeding 15 ml, the particulars referred to in subregulation (1)(*b*), (*c*), (*d*), (*e*), (*n*), (*o*), (*q*), (x) and(*y*);

(iv) in the form of a liquid, solution or suspension having a total volume not exceeding 1 ml, the particulars referred to in subregulation (1)(*b*) and (*n*); and

(v) packed in blister or similar packaging, the particulars referred to in subregulation (1)(*b*), (*n*), (*o*), and (*q*), repeated as frequently as is practicable; and

(b) in the case of Category D medicines—

(i) intended for administration by injection and having a total volume not exceeding 5 ml, the particulars referred to in subregulation (1)(*b*), (*m*), (*n*), (*o*) and (*cc*)(i);

(ii) in the form of an ointment, cream, gel or powder having a net mass not exceeding 10 grams, the particulars referred to in subregulation (1)(*b*), (*c*), (*f*), (*n*), (*o*), (*q*), (*y*) and (*cc*)(i);

(iii) in the form of liquid, solution or suspension having a total volume of more than 1 ml, but not exceeding 15 ml, the particulars referred to in subregulation (1)(*b*), (*c*), (*d*), (*n*), (*o*), (*q*), (*x*), (*y*) and (*cc*)(i);

(iv) in the form of a liquid, solution or suspension having a total volume not exceeding 1 ml, the particulars referred to in subregulation (1)(*b*), (*n*) and (*cc*)(i); and

(v) packed in blister or similar packaging, the particulars referred to in subregulation (1)(*b*), (*n*), (*o*), (*q*) and (*cc*)(*i*), repeated as frequently as is practicable.

(4) The Authority may authorise the inclusion on the label of a medicine of any special information that is not required by this regulation to be so included.

(5) The requirements of subregulation (1) shall not apply to—

(a) any medicine sold in accordance with section 14(4) of the Act;

(b) any medicine sold by a person licensed to dispense in terms of section 22C(1)(*a*) of the Act or a pharmacist, pharmacist intern or pharmacist's assistant in the course of his or her professional activities for the treatment of a particular patient; or

(c) any medicine sold by a pharmacist, a person authorised to compound and dispense, or in a hospital pharmacy in accordance with a prescription issued by a medical practitioner or dentist for the treatment of a particular patient.

(6) For any medicine sold in terms of subregulation (5), such medicine shall be sold in a package to which is attached a label containing the following information:

(a) the proprietary name, approved name, or the name of each active ingredient of the medicine, where applicable, or constituent medicine;

(b) the name of the person for whose treatment such medicine is sold;

(c) the directions in regard to the manner in which such medicine should be used;

(d) the name and business address of the person authorised to sell such a medicine;

(e) date of dispensing;

(f) reference number; and

(g) a statement identifying the discipline of the medicine, if falling under Category D.

PROFESSIONAL INFORMATION FOR MEDICINES FOR HUMAN USE

11. (1) Subject to subregulation (4), professional information shall be made available—

(a) for each medicine—

(i) in hard copy either separately or as an integral part of the package; or

(ii) electronically: Provided that the manner in which the professional information may be accessed is stated on the patient information leaflet as contemplated in regulation 12(2)(*p*);

(b) in the English language;

(c) in type having a minimum legibility; and

(d) under the headings and shall contain the particulars specified in subregulation (2).

(2) Subject to subregulations (3) and (4), the professional information referred to in subregulation (1) shall contain the following particulars:

(a) Scheduling status of the medicine assigned by the Authority;

(b) proprietary name and dosage form;

(c) composition, including—

(i) the approved name of each active ingredient and the quantity thereof contained in a dosage unit or per suitable mass or volume or unit of the medicine;

(ii) the approved name of all excipients included in the formulation;

(iii) the approved name and quantity of any bactericidal or bacteriostatic agent included in the medicine as a preservative, expressed as a percentage;

(iv) the quantity of ethyl alcohol included in a preparation for oral or parenteral administration, if such quantity exceeds two per cent by volume;

(v) the words "contains TARTRAZINE" should the medicine contain such ingredient;

(vi) in the case of a medicine, for oral or parenteral administration, which contains sugar, the statement: "contains sugar" and the name and quantity of the sugar must be stated or which does not contain sugar, the warning: "sugar free"; and

(vii) in the case of a medicine, for oral administration, which contains sweetener, the name and quantity of sweetener and the statement: "contains sweetener";

(d) the category and class, including the number and the description as stated in regulation 9;

(e) pharmacological action and, where applicable, under a sub-heading: Pharmacokinetic properties, pharmacodynamic properties; summary of pre-clinical or clinical studies;

(f) indications;

(g) contraindications;

(h) warnings and special precautions;

(i) interactions;

(j) human reproduction;

(k) dosage and directions for use;

(l) side effects;

(m) known symptoms of over-dosage and particulars of its treatments;

(n) identification;

(o) presentation;

(p) storage instructions that are practically formulated and which indicate storage temperatures, humidity and exposure to light;

(q) registration number which corresponds to—

(i) the number allocated in terms of section 15(5) of the Act; or

(ii) in the case of a medicine the registration of which has been applied for, the reference number allocated to such application, followed by the expression "Act 101/1965";

(r) name and business address of the holder of the certificate of registration, or in case of a parallel imported medicine, the name and business address of the holder of the parallel importation permit;

(s) date of publication of the professional information which is the date of the most recent amendment to the professional information as approved by the Authority, as well as the date of registration: Provided that—

(i) if the Authority decides that there is no applicable information to be furnished under a particular heading, such heading may be omitted with the approval of the Authority;

(ii) the Authority may on application authorise the deviation from the format and content of the professional information prescribed as a condition of registration of a medicine;

(iii) the Authority may on application authorise the inclusion of any specified information not required by this regulation to be so included; and

(iv) the Authority may on application determine under a particular heading the information to be furnished in respect of an interchangeable multisource medicine; and

(t) in the case of a complementary medicine—

(i) the words "Complementary Medicine";

(ii) a statement identifying the discipline or the wording "Health Supplement", as the case may be;

(iii) which is not registered by the Authority, the following disclaimer:

"This unregistered medicine has not been evaluated by the SAHPRA for its quality, safety or intended use."; and

(iv) containing at least 5 percent of genetically modified organisms the following warning: "contains genetically modified organisms".

(3) The Authority may determine additional professional information to be provided.

(4) The requirements of subregulations (1) and (2) shall not apply to—

(a) any medicine sold in accordance with the provisions of section 14(4) of the Act;

(b) any medicine compounded or sold by a pharmacist or any other person who is licensed to compound and dispense medicines in the course of his or her professional activities for the treatment of a particular patient; and

(c) any medicine sold by a pharmacist in accordance with a prescription issued by a medical practitioner, dentist or practitioner for the treatment of a particular patient.

(5) Nothing contained in subregulations (4) shall be construed as prohibiting the inclusion of professional information with any medicine.

(6) The Authority may withdraw any indication for a medicine if it is of the opinion that the risk benefit profile for such indication is not in the public interest.

(7) In addition to the requirement of subregulation (2), the following information may be included:

(a) The name and address of the manufacturer of the medicine;

(b) the date of manufacture of the medicine; or

(c) the scheduling status and registration number allocated by another national medicines regulatory authority of a country as determined by the Authority: Provided that this information is surrounded by a square border including the name of the reference country.

PATIENT INFORMATION LEAFLET

12. (1) Each medicine shall be accompanied by a patient information leaflet—

(a) attached to the immediate container;

(b) included as part of the immediate container or outer package; or

(c) inserted into the outer package.

(2) The patient information leaflet shall contain the following information with regard to the medicine in at least English and one other official language—

(a) scheduling status;

(b) proprietary name and dosage form;

(c) the composition of the medicine in terms of information contemplated in regulation 11(2)(*c*);

(d) the approved indications and use;

(e) instructions before taking the medicine, which shall include—

(i) contra-indications;

(ii) precautions;

(iii) warnings;

(iv) interactions; and

(v) the following general statement:

"Always tell your health care provider if you are taking any other medicine. If you are pregnant or breast feeding your baby please consult your health care provider for advice before taking this medicine.";

(f) instructions on how to take the medicine, including the following statements:

"Do not share medicines prescribed for you with any other person."

"In the event of over-dosage, consult your doctor or pharmacist. If neither is available, contact the nearest hospital or poison control centre";

(g) side effects, including the following general statement:

"Not all side effects reported for this medicine are included in this leaflet. Should your general health worsen or if you experience any untoward effects while taking this medicine, please consult your health care provider for advice";

(h) storage and disposal information, including the following general statement: "store all medicines out of reach of children.";

(i) presentation, which includes the number, volume or mass per package unit and a description of the packaging material;

(j) identification and description of the medicine;

(k) the—

(i) registration number of the medicine allocated in terms of section 15(5) of the Act; or

(ii) application number allocated by the Authority followed by the expression "Act 101/1965";

(l) the name, business address and telephone number of—

(i) the holder of the certificate of registration; or

(ii) the applicant in terms of section 14(3) of the Act;

(m) date of publication of the patient information leaflet which is the date of the most recent amendment to the patient information leaflet as approved by the Authority, as well as the date of registration of the medicine;

(n) in the case of a complementary medicine—

(i) the words "Complementary Medicine";

(ii) a statement identifying the discipline or the wording "Health Supplement", as the case may be;

(iii) which is not registered by the Authority, the following disclaimer:

"This unregistered medicine has not been evaluated by the SAHPRA for its quality, safety or intended use."; and

(iv) containing at least 5 percent of genetically modified organisms, the identification of the affected ingredient(s) and the following warning "contains genetically modified organisms";

(o) in the case of a medicine—

(i) for oral or parenteral administration, which contains sugar, the statement: "contains sugar" and the name and quantity of the sugar must be stated or which does not contain sugar, the statement: "sugar free";

(ii) for oral or parenteral administration, the quantity of ethyl alcohol contained in the medicine, expressed as a percentage of the total volume of the medicine, if such quantity exceeds two per cent by volume; and

(iii) for oral administration, the name and quantity of sweetener other than sugar contained in the medicine and the statement: "contains sweetener"; and

(p) the manner in which the corresponding professional information as per regulation 11 may be obtained.

(3) Information contemplated in subregulation (2) may also be provided in electronic format accessible in any of the other official languages and in any other format to enable its accessibility for persons living with disabilities.

(4) The Authority may determine additional requirements for inclusion in any patient information leaflet.

(5) The Authority may authorise a deviation from subregulation (1).

(6) The Authority may, on application, in respect of an interchangeable multisource medicine determine additional information to be furnished under a particular heading.

(7) The requirements of subregulation (1) shall not apply to any medicine sold in accordance with section 14(4) of the Act.

(8) In addition to the requirement of sub regulation (2), the following information may be included:

(a) The name and address of the manufacturer of the medicine;

(b) the date of manufacture of the medicine; or

(c) the scheduling status and registration number allocated by another national medicines regulator of a country as determined by the Authority: Provided that this information is surrounded by a square border including the name of the reference country.

LABELLING FOR VETERINARY MEDICINES

13. (1) Subject to subregulations (2), (3) and (4), the immediate container of every package in which a veterinary medicine is sold shall have a label attached to it on which the following particulars pertaining to the contents of such package shall appear in clearly legible, indelible lettering in at least English or one official language:

(a) The words "Veterinary Medicine";

(b) in the case of a medicine containing any substance listed in any Schedule made in terms of the Act, the letter "S" followed by the number of the relevant Schedule, in a prominent typeface and size and surrounded by a square border, immediately preceding the proprietary name of such medicine;

(c) the proprietary name of such medicine;

(d) the registration number allocated to such medicine under section 15(5) of the Act or, in the case of a medicine in respect of which an application for registration has been submitted in accordance with section 14(3), the reference number allocated to such application by the Authority, followed by the words "(Act 101/1965)";

(e) the dosage form of the medicine;

(f) the approved name of each active ingredient of the medicine and the quantity thereof contained in a dosage unit or per suitable mass or volume or unit in lettering which shall not be less than—

(i) in the case of a medicine containing only one active ingredient, one half the size of the largest lettering which is used for the said proprietary name;

(ii) in the case of a medicine which contains more than one but less than six active ingredients, one-quarter the size of the largest lettering which is used for the said proprietary name; and

(iii) in the case of a medicine containing six and more active ingredients, the minimum type size permitted by this regulation: Provided that such lettering shall have a minimum legibility;

(g) the name and percentage of any bacteriostatic or bactericidal agent which has been added to the medicine as a preservative;

(h) the content of the medicine package expressed in the appropriate unit or volume of the medicine;

(i) where practicable, the indications for use of the medicine;

(j) where practicable, the recommended dosage of the medicine;

(k) where applicable, the instruction "Shake the bottle before use";

(l) in the case of a medicine intended for injection by a particular route of administration only, that route of administration by means of suitable words or abbreviations;

(m) in the case of a medicine listed in any Schedule to the Act, the letter 'S' followed by the number of the relevant Schedule, in a prominent typeface and size and

surrounded by a square border, immediately preceding the proprietary name of such medicine;

(n) the lot number of the medicine;

(o) the expiry date of the medicine;

(p) the name of the holder of certificate of registration of the said medicine;

(q) the requirements regarding the manner in which the medicine shall be stored with specific reference to the applicable storage temperature and other precautions required for the preservation of the medicine;

(r) where applicable, the statement: "For external use only";

(s) the warning: "Keep out of reach of children and uninformed persons";

(t) in the case of any medicine intended to be used in food producing animals and involving the possibility of the ingredients of such medicine or metabolites thereof being present in the eggs, milk or tissue of such animals, a warning regarding the withdrawal period of such medicine;

(u) any specified warning which has to be included on the label of a particular medicine as a condition of registration of that medicine in terms of the provisions of section 15(6) of the Act;

(v) the category of medicine;

(w) the class of the medicine in terms of Annexure 2; and

(x) in the case of a complementary medicine—

(i) a statement identifying the discipline of the medicine where relevant; and

(ii) if the medicine has not received registration with the Authority the following disclaimer: "This unregistered medicine has not been evaluated by the SAHPRA for its quality, safety or intended use."

(2) If the medicine package bears both an immediate container label and an outer label, the requirements of subregulation (1) shall apply to the outer label: Provided that it shall be sufficient to contain on the immediate container label—

(a) in the case of medicines intended for administration by injection and having a total volume not exceeding 5 ml, the particulars referred to in subregulation (1)(*a*), (*b*), (*e*), (*k*), (*l*) (*m*), (*n*) and (*w*);

(b) in the case of an ointment, cream, gel or powder having a net mass not exceeding 10 grams, the particulars referred to in subregulation (1)(*a*), (*b*), (*c*), (*e*), (*m*), (*n*), (*o*) and (*w*);

(c) in the case of a liquid, solution or suspension having a total volume more than 1 ml but not exceeding 15 ml, the particulars referred to in subregulation (1)(*a*), (*b*), (*c*), (*d*), (*e*), (*l*), (*m*), (*n*), (*o*) and (*w*);

(d) in the case of a liquid, solution or suspension having a total volume not exceeding 1 ml, the particulars referred to in subregulation (1)(*a*), (*b*), (*o*) and (*w*); and

(e) in the case of a medicine packed in blister or similar packaging, the particulars referred to in subregulation (1)(*a*), (*b*), (*m*), (*n*), (*o*) and (*w*), repeated as frequently as is practicable.

(3) The Authority may, on application to it by an applicant, authorise the inclusion on the label of a medicine of any specified information, which is not required by this regulation to be so included.

(4) The requirements of subregulation (1) shall not apply to a medicine excluded there from by the Minister in terms of section 36 of the Act or to—

(a) any medicine sold in accordance with the provisions of section 14(4) of the Act for the treatment of a specific animal;

(b) any medicine sold by a veterinarian or pharmacist in the course of his or her professional activities for the treatment of a particular animal; or

(c) any medicine sold by a pharmacist in accordance with a prescription issued by a veterinarian for treatment of a particular animal:

Provided that such medicine shall be sold in a package to which is attached a label containing the following information:

(i) The name of the medicine or the name of each active ingredient or constituent medicine;

(ii) the name of the person to whom such medicine has been sold and a description, as accurate as possible, of the animals for which the treatment is intended;

(iii) the directions for the use of such medicine;

(iv) the name and address of the veterinarian or pharmacist who has sold such medicine;

(v) the reference number allocated to the sale of the medicine as referred to in regulation 11(1)(*f*); and where applicable, the warning, referred to in subregulation (1)(*s*), regarding the withdrawal period of such medicine;

(vi) date of dispensing; and

(vii) a statement identifying the discipline of the medicine, if falling in Category D.

PROFESSIONAL INFORMATION FOR VETERINARY MEDICINES

14. (1) Subject to subregulation (2), professional information shall be made available for each veterinary medicine, in at least English or one official language and in type having a minimum legibility, under the headings and in the format specified in this regulation, and which shall contain the following particulars:

(a) The proprietary name;

(b) scheduling status;

(c) dosage form;

(d) composition, using generic or approved names;

(e) class of the medicine in terms of Annexure 2;

(f) pharmacological action;

(g) pharmacokinetic properties and pharmacodynamic properties;

(h) contra-indications;

(i) warnings or withdrawal period in the case of food producing animals;

(j) side effects and special precautions;

(k) known signs of overdose and particulars of its treatment;

(l) quantity and strength of active ingredients per dosage unit;

(m) storage instructions;

(n) registration number;

(o) name and business address of holder of certificate of registration;

(p) any other information as the Authority may from time to time determine; and

(q) in the case of a complementary medicine—

(i) a statement identifying the discipline of the medicine where relevant; and

(ii) if the medicine has not received registration with the Authority the disclaimer "This unregistered medicine has not been evaluated by the SAHPRA for its quality, safety or intended use."

(2) The Authority may, upon application, authorise a deviation from subregulation (1).

BATCH RELEASE FOR BIOLOGICAL MEDICINES

15. (1) The Authority may, with regard to the registration of biological medicines in terms of section 15(6) of the Act, require that the number of samples of every batch, together with one copy of the protocol of testing of the bulk batch and filling batch and one copy of the certificate of release issued by the competent Authority in the country in which the product was manufactured, be submitted to the Authority as a batch release condition and the holder of the certificate of registration must pay the prescribed batch release fee.

(2) The Authority may, with regard to the registration of biological medicines in terms of section 15(6) of the Act, require that at least the number of samples of every batch, together with one copy of the protocol of testing of the bulk batch and filling batch of the biological medicine manufactured in the Republic be submitted to the National Control Laboratory of the Authority as a batch release condition and the holder of the certificate of registration must pay the prescribed batch release fee.

(3) The Authority may, with regard to the sale of unregistered biological medicines as per the provisions of section 21 of the Act, request a batch release of the medicine as per the requirements of subregulation 1 and 2.

APPLICATION FOR THE REGISTRATION OF A MEDICINE

16. (1) Any person residing in the Republic may make an application for the registration of a medicine on an application form obtainable from the office of the Chief Executive Officer.

(2) The application referred to subregulation (1) must include the particulars of the person with appropriate knowledge of all aspects of the medicine who shall be responsible for communication with the Authority.

(3) The application contemplated in subregulation (1) shall be accompanied by—

(a) a screening form which is obtainable from the Chief Executive Officer which has been completed by the applicant;

(b) a proposed label for use on the medicine;

(c) where applicable, a copy of the manufacturing licence together with the current Good Manufacturing Practice certificate from the regulatory authority of the country where the medicine is manufactured;

(d) in the case of specified Schedule 5, Schedule 6, Schedule 7 and Schedule 8 substances, a certified copy of a permit to manufacture such substances;

(e) all available data on the safety, efficacy and quality of the medicine, as may be determined by the Authority;

(f) proof of the existence of a manufacturing site, which may include a Site Master File;

(g) any other information as may be required by the Authority; and

(h) the applicable application fee.

(4) The information referred to in subregulation (3) shall be submitted in English.

(5) The application Form referred to in subregulation (1) shall contain at least the following information:

(a) particulars of the applicant and the prospective holder of certificate of registration, including—

(i) name;

(ii) business address;

(iii) postal address;

(iv) telephone number;

(v) fax number, if applicable;

(vi) e-mail address, if applicable; and

(vii) contact details of the person referred to in subregulation (2) in the case of a juristic person; and

(b) particulars of a medicine, including—

(i) proposed proprietary name;

(ii) dosage form;

(iii) strength per dosage unit;

(iv) route of administration;

(v) the country where the medicine is manufactured;

(vi) registration status outside the Republic;

(vii) category, class and a statement identifying the discipline if falling under Category D;

(viii) the name of the manufacturer(s);

(ix) the name of any site where any bioequivalence data was generated; and

(x) approved name of each active pharmaceutical ingredient.

(6) A medicine, in respect of which an application for registration is made, must comply with the technical requirements as determined by the Authority.

(7) An application shall be made in respect of each individual dosage form and strength of a medicine.

(8) In the case where a medicine in respect of which an application for registration is made, is or was registered with any regulatory body outside the Republic, the following information in respect of such medicine shall accompany the application:

(a) a copy of the certificate of registration;

(b) professional information relating to the medicine;

(c) conditions of such registration; and

(d) any other information as may be required by Authority.

(9) The provisions of this regulation shall, with the necessary changes, apply to the application for the registration of veterinary medicines.

(10) An application referred to in subregulation (1) shall be accompanied by one sample of such medicine subject to the provisions of regulation 6(2).

PARTICULARS TO BE PUBLISHED IN RESPECT OF APPLICATIONS RECEIVED FOR REGISTRATION REFERRED TO IN SECTION 14(3)

17. The following particulars with regard to applications for registration referred to in section 15(10) of the Act shall be published in the *Gazette:*

(a) The proprietary name of the medicine;

(b) the approved name and quantity of each active ingredient of the medicine contained in a dosage unit or per suitable mass or volume or unit;

(c) the dosage form of the medicine;

(d) the name of the applicant who lodged the application for registration;

(e) the number allocated to it in terms of section 15 of the Act;

(f) the name and address of the manufacturer;

(g) the name of the person responsible for the final product release control; and

(h) name of the person responsible for final product release responsibility.

INFORMATION THAT MUST APPEAR IN REGISTER FOR MEDICINES

18. The medicines register shall, in respect of any registered medicine, contain the following information:

(a) The proprietary name of the medicine;

(b) the registration number allocated to the medicine;

(c) the approved name of each active ingredient of the medicine and the quantity thereof contained in a dosage unit or per suitable mass or volume or unit of the medicine;

(d) the dosage form of the medicine;

(e) the name of the holder of the certificate of registration;

(f) the name and address of the manufacturer(s) and the manufacturing facilities;

(g) the name of the final product release control;

(h) the name of the final product release responsibility;

(i) the date of registration of the medicine;

(j) the conditions of registration of the medicine, as may have been determined in terms of section 15(6) of the Act;

(k) category of the medicine;

(l) class of the medicine; and

(m) if falling under Category D a statement identifying the—

(i) sub-category of the medicine; and

(ii) the associated discipline where applicable.

TRANSFER FROM REGISTER FOR MEDICINES TO REGISTER FOR MEDICAL DEVICES OR IVDs

19. (1) The Authority may transfer information pertaining to the registration of a medicine from the register for medicines to the register for medical devices or IVDs following an application for such transfer from the holder of the certificate of registration of the medicine.

(2) An application for transfer from the register for medicines to the register for medical devices and IVDs must be—

(a) made to the Chief Executive Officer by the authorised representative;

(b) on the application Form obtainable from the office of the Chief Executive Officer; and

(c) accompanied by—

(i) the applicable certificate of registration;

(ii) the reasons for the transfer;

(iii) proposed classification of the medical device or IVD; and

(iv) the prescribed application fee.

(3) If the Authority approves the application submitted to him or her in terms of subregulation (2), the Chief Executive Officer shall make the necessary entries in the register relating to the medical device or IVD, cancel the existing certificate of registration and issue a new certificate of registration in the prescribed Form to such person.

(4) For the purposes of subregulation (2)(*a*) "authorised representative" shall be as defined in the Regulations Relating to Medical Devices and *In Vitro* Diagnostic Medical Devices (IVDs) in terms of the Act.

APPLICATION FOR AMENDMENT TO THE REGISTER FOR MEDICINES

20. (1) An application for the amendment of an entry in the register in terms of section 15A of the Act shall be accompanied by the relevant fee and must contain the following particulars—

(a) the registration number of the medicine;

(b) the name of the holder of the certificate of registration;

(c) business address of the holder of the certificate of registration;

(d) declaration by the holder of the certificate of registration that the information furnished is complete and accurate;

(e) the details of the amendment applied for; and

(f) any other information as may be required by the Authority.

(2) Where a new certificate is issued in terms of section 15A(3) of the Act—

(a) the original certificate of registration must be returned to the Authority; or

(b) if the original certificate of registration is lost, an affidavit must be submitted to the Authority confirming that the certificate of registration is lost.

CERTIFICATE OF REGISTRATION

21. A certificate of registration for medicines as contemplated in section 15(3) of the Act shall be in a form substantially similar to the form contained in Annexure 3.

LICENCE TO DISPENSE OR COMPOUND AND DISPENSE MEDICINES

22. (1) An application for a licence referred to in section 22C(1)*(a)* of the Act shall be made to the Director-General for a—

(a) licence to dispense; or

(b) licence to compound and dispense,

medicines in accordance with the relevant scope of practice of the applicant.

(2) An application referred to in subregulation (1) shall be accompanied by a prescribed application fee and contain at least the following information:

(a) The name and both residential and business addresses (both physical and postal) of the applicant;

(b) the exact location of the premises where dispensing, or compounding and dispensing will be carried out;

(c) telephone number;

(d) email address, if applicable;

(e) fax number, if applicable; and

(f) proof of registration with the relevant statutory health council.

(3) The application referred to in subregulation (1) may be submitted before a relevant supplementary course as contemplated in section 22C of the Act is completed, but may only be finally approved upon proof being furnished that such a course has been successfully completed and all other requirements have been met.

(4) A person referred to in subregulation (1) who has been issued with a licence shall—

(a) keep a prescription book or permanent record as contemplated in regulation 35(1) relating to medicines dispensed, or compounded and dispensed for a period of 5 years from the date of sale;

(b) ensure that the dispensary and any premises where medicines are kept are suitable for—

(i) dispensing; or

(ii) compounding and dispensing,

in accordance with good pharmacy practice as published in rules in terms of the Pharmacy Act;

(c) keep the medicines under the manufacturer's recommended storage conditions as specified on the medicines label and specified in the relevant professional information;

(d) not repackage medicines at the premises unless authorised to do so in terms of regulation 39;

(e) label medicines in terms of Regulation 10(6) where the reference number links to a patient record;;

(f) dispense medicines in accordance with a prescription which complies with regulation 33 and based on a diagnosis for a particular patient;

(g) not keep expired medicines on the premises other than in a demarcated area in a sealed container clearly marked: EXPIRED MEDICINES and such expired medicines must be destroyed in terms of regulation 44;

(h) secure the premises where the dispensing or compounding and dispensing is carried out whenever he or she is not physically present at those premises;

(i) in the event of a recall of a medicine, comply with the terms of the recall of the medicine;

(j) conspicuously display the licence in the premises referred to in paragraph(*b*); and

(k) comply with the conditions of the licence.

(5) A person who has been issued with a licence referred to in subregulation (1)(b) shall compound medicines—

(a) only when the sale is preceded by a proper diagnosis and in accordance with a prescription which complies with regulation 33 for a particular patient; and

(b) subject to regulation 3.

(6) For the purposes of this regulation, "dispensing" or "compounding and dispensing" does not refer to a medicine requiring preparation for a once-off administration to a patient during a consultation.

LICENCE TO MANUFACTURE, IMPORT, EXPORT, ACT AS A WHOLESALER OF OR DISTRIBUTE MEDICINES OR SCHEDULED SUBSTANCES

23. (1) An application for a licence referred to in section 22C(1)*(b)* of the Act, shall—

(a) be made on a Form obtainable from the Authority for a licence—

(i) to manufacture, import or export a medicine or Scheduled substance;

(ii) to import a medicine or Scheduled substance;

(iii) to export a medicine or Scheduled substance; or

(iv) to act as a wholesaler of or distribute a medicine or Scheduled substance;

(b) be submitted to the Chief Executive Officer;

(c) be accompanied by documentary proof of—

(i) the particulars of the owner of the business;

(ii) registration of the responsible pharmacist with the South African Pharmacy Council;

(iii) qualifications of key personnel responsible for the manufacture, storage, distribution and sale of medicines or Scheduled substances in terms of the Act;

(iv) the ability to comply with good manufacturing, wholesaling or distribution practices as determined by Authority, which must include—

(aa) a copy of a local area plan of the location of the business premises indicating all adjacent properties and the nature of the business being carried on, on such properties;

(bb) a floor plan of the building in which the business premises are situated;

(cc) a plan of the actual layout of the business premises;

(dd) an inventory of equipment to be used in conducting the business; and

(ee) a manual of procedures and practices to be implemented to ensure the safety, efficacy and quality of medicines, or Scheduled substances to be manufactured or distributed and sold;

(v) of the payment of the prescribed application fee;

(vi) any other information as may be requested by the Authority; and

(d) specify the medicines or Scheduled substance to be manufactured, imported, exported or distributed and sold.

(2) The applicant contemplated in subregulation(1) shall—

(a) appoint, and designate as such a responsible pharmacist who will control the importation, exportation, manufacturing, wholesaling, or distribution of medicines or Scheduled substances; and

(b) appoint and designate a natural person who resides in the Republic, who shall be responsible to the Authority for compliance with the Act.

(3) The Authority shall inspect the business premises specified in the application.

(4) The Authority may issue a licence contemplated in subregulation (1) once the Authority is satisfied that the requirements of the Act and this regulation have been complied with.

(5) The Chief Executive Officer shall—

(a) keep a separate register for each of the categories of licensees contemplated in section 22C(1)*(b)* of the Act; and

(b) enter the licence number, the name of the licensee and his or her physical and postal addresses, in the register contemplated in paragraph (*a*).

(6) Notwithstanding the period of validity of the licence, the licensee must pay the prescribed annual fee for continued registration.

(7) A holder of a licence in terms of subregulation (1) shall submit to the Chief Executive Officer an application, on a Form obtainable from the Authority, accompanied by the prescribed fee, in order to amend any of the following details of the licence:

(a) Name of the licence holder;

(b) responsible pharmacist;

(c) natural person in terms of subregulation (2)(*b*);

(d) site address;

(e) activities provided for by the licence; or

(f) the medicines or Scheduled substances to be manufactured, imported, exported or distributed and sold.

(8) Following an application referred to in subregulation (7) the Authority may issue a new licence: Provided that—

(a) the Authority is satisfied that the application complies with provisions of subregulation (1) or any other conditions determined by the Authority;

(b) either—

(i) the original licence is returned to the Authority; or

(ii) an affidavit is submitted to the Authority stating that the original licence has been lost, if this is the case; and

(c) the applicable licence fee is paid.

(9) An applicant shall notify the Chief Executive Officer in writing of any change to any of the particulars furnished in the application contemplated in subregulation (1) within 30 days of such change.

(10) Any entry into the register in terms of subregulation (5) which is proved to the satisfaction of the Authority to have been made in error or through misrepresentation or in circumstances not authorised by the Act, may be removed from the register.

(11) A person in respect of whose entry a removal as contemplated in subregulation (10) has been made shall be notified of such removal and any licence issued in respect of this regulation shall be deemed to be cancelled as from the date on which notice has so been given.

(12) The Director-General or Chief Executive Officer, as the case may be, may make known to the public any information that pertains to the suspension or revocation of any licence referred to in this regulation in a manner which he or she thinks fit.

PERIOD OF VALIDITY AND RENEWAL OF LICENCE ISSUED IN TERMS OF REGULATIONS 22 AND 23

24. (1) A licence issued in terms of section 22C(1)*(a)* of the Act shall, provided that the holder pays the applicable annual fee, remain valid until it is suspended or revoked by the Director-General in terms of section 22E of the Act.

(2) A licence issued in terms of section 22C(1)*(b)* of the Act and referred to in regulation 7 shall, provided that the holder pays the applicable annual fee, be valid for a period of five years from the date of issue.

(3) A licence referred to in subregulation (1) or subregulation (2) which has expired may be renewed upon application to the Authority.

(4) An application referred to in subregulation (3) shall—

(a) contain at least the information or documentation referred to in regulation 22(2) or 19(1)(*c*);

(b) be accompanied by a fee prescribed in terms of section 35(1)*(xxxii)* of the Act; and

(c) be made at least 180 days before the expiry of the existing licence.

(5) A licence referred to in subregulation (1) or subregulation (2) which has been revoked in terms of section 22E of the Act must be returned by the licensee to the Director-General or the Authority, as the case may be, without delay.

EXEMPTION IN TERMS OF SECTION 22H

25. (1) A wholesaler desiring to buy medicines from another wholesaler shall apply to the Director-General for an exemption referred to in section 22H(3) of the Act.

(2) An application referred to in subregulation (1) shall contain at least the following information:

(a) Name and address (both physical and postal) of applicant;

(b) name of the designated person;

(c) the name and quantity of the medicines, to be bought;

(d) source of supply; and

(e) the reason for sourcing the medicine from another wholesaler.

(3) The Director-General may grant an exemption referred to in subregulation (1): Provided that such exemption is limited for a specific period of time as may be determined by the Director-General and—

(a) it is intended to improve the availability of any medicine, Scheduled substance, medical device or IVD; and

(b) is in the public interest.

PERMITS AND AUTHORISATION IN TERMS OF SECTION 22A

26. (1) (a) An application for a permit contemplated in section 22A(9)*(a)*(i) of the Act by a medical practitioner for the use of a Schedule 7 or 8 substance for the treatment or prevention of a medical condition in a particular patient shall contain at least the following information:

(i) Name and address (both physical and postal) of the medical practitioner;

(ii) identification number of the medical practitioner;

(iii) registration number of the medical practitioner with statutory health council;

(iv) qualifications of the medical practitioner;

(v) contact details of the medical practitioner including the—

(aa) telephone number; and

(bb) facsimile number or email address;

(vi) purpose for which the application is made;

(vii) the name and physical address of the patient, diagnosis, dosage and period of treatment; and

(viii) the place where and the manner in which the scheduled substances shall be stored safely.

(b) The Director-General may issue a permit referred to in subregulation (1) only after consultation with the Authority.

(c) A permit referred to in subregulation (1) may not be issued if the Director-General is of the opinion that the applicant is not capable of keeping or storing the substance in a manner so as to prevent the loss or diversion thereof.

(2) (a) An application for a permit contemplated in section 22A(9)*(a)*(i) of the Act by a veterinarian for the use of a Schedule 7 or Schedule 8 substance for the treatment or prevention of a medical condition in a particular animal shall contain at least the following information:

(i) Name and address (both physical and postal) of the veterinarian;

(ii) identification number of the veterinarian;

(iii) registration number of the veterinarian with the statutory council;

(iv) qualifications of the veterinarian;

(v) contact details of the veterinarian including the—

(aa) telephone number; and

(bb) facsimile number or email address;

(vi) purpose for which the application is made;

(vii) the name and address of the owner of the animal, diagnosis, dosage and period of treatment; and

(viii) the place where and the manner in which the scheduled substances shall be stored safely.

(b) The Director-General may issue a permit referred to in paragraph (*a*) only after consultation with the Authority.

(c) A permit referred to in paragraph (*a*) may not be issued if the Director-General is of the opinion that the applicant is not capable of keeping or storing the substance in a manner so as to prevent the loss or diversion thereof.

(3) (a) An application for a permit contemplated in section 22A(9)*(a)*(i) of the Act by an analyst or researcher desiring to be provided with a Schedule 7 or Schedule 8

substance for the purposes of education, analysis or research, shall contain at least the following information:

(i) Name and address (both physical and postal) of analyst or researcher;

(ii) identification number of analyst or researcher;

(iii) name and address of employer;

(iv) qualifications of the analyst or researcher;

(v) contact details of the analyst of researcher including the:

(aa) telephone number; and

(bb) facsimile number or email address;

(vi) particulars of the intended education, analysis or research project;

(vii) address at which the education, analysis or research will be undertaken;

(viii) estimated duration of project or activity;

(ix) total quantity of scheduled substances to be kept in stock per annum;

(x) source of supply; and

(xi) the place where and the manner in which the scheduled substances shall be stored safely.

(b) The Director-General may issue a permit referred to in paragraph (*a*) only after consultation with the Authority.

(c) A permit referred to in paragraph (*a*) may not be issued if the Director-General is of the opinion that the applicant is not capable of keeping or storing the substance in a manner so as to prevent the loss or diversion thereof.

(4) An application for a permit contemplated in section 22A(9)(*a*)(i) of the Act to manufacture any specified Schedule 5 or Schedule 6 substance shall contain at least the following information:

(a) Name and address (both physical and postal) of the applicant;

(b) name and registration number of the responsible pharmacist;

(c) a certified copy of the manufacturing licence issued by the Authority in terms of section 22C(1)(*b*);

(d) contact details of the applicant including the-

(i) telephone number; and

(ii) facsimile number or email address;

(e) address at which manufacturing is to be undertaken; and

(f) estimated quantity of specified Schedule 5 or Schedule 6 substance that will be manufactured.

(5) (a) An application for a permit contemplated in section 22A(9)(*a*)(ii) of the Act to manufacture, use or supply a Schedule 5 or Schedule 6 substance for other than medicinal purposes shall contain at least the following information—

(i) name and address (both physical and postal) of applicant;

(ii) contact details of the applicant, including the:

(aa) telephone number; and

(bb) facsimile number or email address;

(iii) name and address of contact person;

(iv) identification number of contact person;

(v) qualifications of the contact person;

(vi) contact details of the contact person, including the—

(aa) telephone number; and

(bb) facsimile number or email address; and

(vii) purpose for which the application is made.

(b) The Director-General may issue a permit referred to in paragraph (*a*) only after consultation with the Authority.

(6) (a) An application for a permit contemplated in section 22A(7)*(a)* of the Act shallcontain at least the following information:

(i) Name and address (both physical and postal) of applicant;

(ii) contact details of the applicant, including the—

(aa) telephone number; and

(bb) facsimile number or email address;

(iii) name and address of contact person;

(iv) identification number of contact person;

(v) qualifications of the contact person;

(vi) contact details of the contact person, including the—

(aa) telephone number; and

(bb) facsimile number or email address;

(vii) source of supply; and

(viii) the place where and the manner in which the scheduled substances shall be stored safely.

(b) A permit referred to in paragraph (*a*) may not be issued if the Director-General is of the opinion that the applicant is not capable of keeping or storing the substance in a manner so as to prevent the loss or diversion thereof.

(7) (a) An application for a permit contemplated in section 22A(15) of the Act shall contain at least the following information:

(i) Name and address (both physical and postal) of applicant;

(ii) identification number of applicant;

(iii) name and address of employer;

(iv) qualifications of the applicant;

(v) proof of registration with the relevant statutory health council, if applicable

(vi) contact details of the applicant including the-

(aa) telephone number; and

(bb) facsimile number or email address;

(vii) source of supply; and

(viii) the place where and the manner in which the scheduled substances shall be stored safely.

(b) A permit referred to in paragraph (*a*) may not be issued if the Director-General is of the opinion that the applicant is not capable of keeping or storing the substance in a manner so as to prevent the loss or diversion thereof.

(c) A permit referred to in this subregulation may be withdrawn, revoked or suspended by the Director-General if the person issued with such a permit fails to comply with the conditions or requirements for issuing the permit.

(8) A application for an authorisation contemplated in section 22A(10) of the Act shall contain at least the following information:

(a) Name and address (both physical and postal) of medical practitioner;

(b) identification number of the medical practitioner;

(c) registration number of the medical practitioner with statutory health council;

(d) qualifications of the medical practitioner;

(e) contact details of the medical practitioner including the—

(i) telephone number; and

(ii) facsimile number or email address;

(f) purpose for which the application is made; and

(g) the place where and the manner in which the scheduled substances shall be stored safely.

(9) Any permit holder or person referred to in this regulation may be subject to regular inspections of the premises or practice in terms of section 28 of the Act.

IMPORTATION OR EXPORTATION OF SPECIFIED SCHEDULE 5, SCHEDULE 6, SCHEDULE 7 OR SCHEDULE 8 SUBSTANCES

27. (1) An application for a permit contemplated in section 22A(11) of the Act shall contain at least the following information:

(a) Name and address (both physical and postal) of the applicant;

(b) name and registration number of the responsible pharmacist;

(c) a certified copy of the licence issued by the Authority;

(d) contact details of the applicant including the—

(i) telephone number; and

(ii) facsimile number or email address;

(e) address at which such medicines will be stored;

(f) estimated quantity of specified Schedule 5, Schedule 6, Schedule 7 or Schedule 8 substance that will be imported or exported; and

(g) purpose for such importation or exportation.

(2) The applicant shall submit, with the application, a certified copy of the permit for exportation issued by the country from which the substance is to be exported.

INFORMATION TO BE FURNISHED ANNUALLY TO CHIEF EXECUTIVE OFFICER

28. (1) The holder of a permit referred to in regulation 27 shall furnish, annually, to the Chief Executive Officer, the following information:

(a) The quantity of the substance, as a raw material or as contained in a preparation, which was held in stock on 1 January of the preceding calendar year;

(b) the quantity of such substance acquired during the preceding calendar year by—

(i) importation of the substance, as a raw material or as contained in a preparation;

(ii) local production of the raw material; and

(iii) local purchasing of the raw material, in which case the name of the supplier must also be furnished;

(c) the quantity of such substance, as a raw material or as contained in a preparation, which was disposed of during the preceding year through exportation or other means;

(d) the quantity of such substance used during the preceding calendar year in the production of any other Schedule 6 or Schedule 7 substance or a specified substance referred to in section 22A(12)*(a)*(ii) and (iii) of the Act; and

(e) the quantity of such substances and preparations containing such substances remaining in stock on 31 December of the preceding year.

(2) The information referred to in subregulation (1) shall comply with the following requirements:

(a) Quantities shall be expressed in metric units or as a percentage of the relevant substance;

(b) in the case of opium and any preparations containing opium, quantities must be expressed in terms of opium containing 10 per cent of anhydrous morphine;

(c) preparations not obtained directly from opium but from a mixture of opium alkaloids must be expressed in terms of morphine;

(d) quantities of coca-leaves must be expressed in terms of coca-leaves containing 0,5 percent of cocaine; and

(e) where stocks are held or manufacture has been undertaken on behalf of another person, this fact must be indicated.

AUTHORISATION OF SALE OF AN UNREGISTERED MEDICINE FOR CERTAIN PURPOSES

29. (1) Subject to the provision of information, requirements and conditions as determined by the Authority, a person desiring to sell an unregistered medicine subject to registration in terms of section 14 of the Act, for purposes other than a clinical trial, shall apply to the Authority, on an application form obtainable from the office of the Chief Executive Officer, for authorisation in terms of section 21 of the Act to sell such a medicine.

(2) An application referred to in subregulation (1) must be accompanied by the prescribed fee and must contain at least the following information—

(a) duly completed application form;

(b) product brochure containing relevant chemical, pharmaceutical, pre-clinical pharmacological and toxicological data and where applicable, human or animal pharmacological and clinical data with the medicine concerned;

(c) witnessed informed consent document, where applicable;

(d) details of registration or pending registration of the medicine with any other regulatory authority, if available;

(e) evidence of compliance of the manufacturer of the medicine with Good Manufacturing Practice standards as determined by the Authority;

(f) reasons why a South African registered medicine cannot be used; and

(g) any other information as may be required by the Authority.

(3) The person under whose supervision the unregistered medicine or substance is prescribed shall submit to the Authority—

(a) any adverse event report;

(b) progress reports after every six months from the date following commencement of the use of the unregistered medicine; and

(c) progress report 30 days after the completion or termination of the use of the medicine.

(4) The Authority may—

(a) impose any additional conditions;

(b) request additional information;

(c) inspect the site where the unregistered medicine is manufactured, stored or administered; or

(d) withdraw the authorisation to treat the patient or animal,

if the Authority is of the opinion that the safety of any patient or animal is compromised, that the scientific reasons for administering the unregistered medicine have changed or for any other reason as determined by the Authority.

(5) A medicine referred to in subregulation (1) shall be properly labelled and the package shall sufficiently identify the information as per the provisions of regulation 12(5)(*c*).

CONDUCT OF CLINICAL TRIALS FOR HUMANS AND ANIMALS

30. (1) A person desiring to initiate or conduct a clinical trial shall apply, on an application form obtainable from the office of the Chief Executive Officer, to the Authority for authorisation to conduct such a clinical trial.

(2) An application for a clinical trial shall be accompanied by a prescribed fee and contain at least the following information:

(a) Clinical trial protocol;

(b) investigator's brochure containing relevant chemical, pharmaceutical, pre-clinical pharmacological and toxicological data and where applicable, human or animal

pharmacological and safety and efficacy clinical data about the medicine concerned;

(c) professional information pertaining to all registered medicines used in the trial or the international equivalent thereof if the medicines are not registered in South Africa;

(d) the details of the investigators who will be responsible for the sites where the trial is to be conducted and, in each case, who shall be—

(i) an appropriately qualified and competent person;

(ii) registered with the relevant statutory health council, where applicable; and

(iii) resident in the Republic;

(e) *Curriculum Vitae* of all investigators stipulated in terms of paragraph (*d*);

(f) proof of current training in Good Clinical Practice of all investigators;

(g) in the case of trials involving human participants, proof of current, relevant and appropriate—

(i) study insurance for all participants undertaken by the applicant referred to in subregulation (1); and

(ii) professional indemnity insurance for investigators;

(h) details of the site(s) where the trial is to be conducted;

(i) signed declaration by the applicant referred to in subregulation (1) and all investigators of the trial that they are familiar with and understand the protocol and will comply with Good Clinical Practice as determined by the Authority in the conduct of the trial;

(j) participant information form and informed consent documents in the case of human trials or owner consent document in the case of animal trials;

(k) approval of the clinical trial by—

(i) any health research ethics committee registered with the National Health Research Ethics Council in terms of the National Health Act, 2003 (Act No. 61 of 2003); or

(ii) in the case of research on animals, an Animal Ethics Committee, which must conform to SANS 10386:-2008; and

(l) any other information as may be required by the Authority.

(3) In the case of an application for a clinical trial in respect of a registered medicine, a registered indication or registered dosage regimen of a registered medicine or substance, subregulation (2) shall apply to the information contained in the application: Provided that it shall be sufficient to contain in the application form particulars referred to in subregulation (2) (*a*), (*c*). (*d*), (*f*), (*h*), (*i*), (*k*) and (*l*).

(4) Clinical trials shall be conducted in accordance with guidelines for good clinical practice as may be determined by the Authority from time to time.

(5) No person may conduct clinical trials referred to in subregulation (1) without the authorisation of the Authority.

(6) The person authorised by the Authority to conduct the clinical trial referred to in subregulation (1) shall submit—

(a) progress reports to the Authority every six months from the date of approval of an application and 30 days after the completion or termination of the clinical trial;

(b) a development safety update report annually and the final safety report 30 days after the completion or termination of the clinical trial; and

(c) a final study report within 180 days of the completion or termination of the clinical trial.

(7) The principal investigator shall inform the Authority of any—

(a) suspected adverse events; or

(b) safety concerns,

occurring as a result of the use of any medicine during the conduct of a clinical trial.

(8) A person desiring to amend the protocol of a clinical trial referred to in subregulation (1) shall apply to the Authority together with the prescribed fee for the evaluation and authorisation related to such amendment.

(9) Medicines referred to in subregulation (1) shall be properly labelled and the package shall sufficiently identify the—

(a) clinical trial to be carried out;

(b) medicine(s) to be used;

(c) participant number to whom the medicine is to be administered or in the case of animals the name of the person under whose supervision it is to be administered;

(d) name and address of the site where the clinical trial is conducted;

(e) the directions in regard to the manner in which such medicine should be used;

(f) date of dispensing;

(g) reference number; and

(h) any other information as may be required by the Authority.

(10) The Authority may—

(a) request additional information;

(b) inspect a clinical trial site; or

(c) withdraw the authorisation to conduct a clinical trial,

if the Authority is of the opinion that the safety of the participants of the trial may be compromised or that the scientific reasons for conducting the trial have changed or if the integrity of the data is compromised.

OBTAINING PAIN CONTROL MEDICINES BY REGISTERED MIDWIVES

31. (1) Any person registered in the category, midwife in terms of the Nursing Act, 2005 (Act No. 33 of 2005), providing intra-partum care in accordance with the relevant scope of practice who wishes to purchase, acquire or keep for administration to patients Schedule 5 or Schedule 6 medicines for intra-partum care in accordance with the latest version of the Standard Treatment Guidelines/Essential Medicines List as approved by the National Essential Medicines List Committee shall apply in writing to the Director-General for a permit.

(2) An application referred to in subregulation (1) shall contain at least the following information:

(a) The name of the applicant, together with proof of current registration with the South African Nursing Council;

(b) the physical address of the premises where in or from which the midwifery services are rendered;

(c) the nature of the midwifery services to be offered;

(d) a list of conditions, including the relevant diagnostic codes that will be managed and for which access to Schedule 5 or Schedule 6 medicines is required per diagnostic code; and

(e) the name and strength of every Schedule 5 or Schedule 6 medicine required.

(3) The Director-General may, upon receipt of such application and after making such inquiries as he or she may deem necessary, issue a permit authorising the applicant to purchase, acquire, keep or administer the requested Schedule 5 or Schedule 6 medicines.

(4) The permit shall be issued in a form as determined by the Director-General.

(5) A permit referred to in subregulation (3) shall be issued subject to the following conditions:

(a) The holder of a permit issued in terms of sub-regulation (4) shall keep a register of medicines kept in a form as determined by the Authority, in which shall be entered at least the following particulars:

(i) Schedule number;

(ii) name of medicine; and

(iii) strength;

(b) the pharmacist supplying the Schedule 5 or Schedule 6 medicines may not supply a quantity more than that required for 30 days and shall enter the following particulars in a register kept by the midwife:

(i) Date of supply;

(ii) number of permit;

(iii) quantity of medicine supplied;

(iv) name and address of pharmacy; and

(v) the pharmacist's signature;

(c) the midwife shall sign in the presence of a pharmacist for receipt of the Schedule 5 or Schedule 6 medicines; and

(d) the midwife shall enter the following particulars in the register after administration of the Schedule 5 or Schedule 6 medicines:

(i) Date and time of administration;

(ii) name and address of patient;

(iii) quantity administered;

(iv) full signature;

(v) qualifications;

(vi) reason for administration; and

(vii) the balance on hand.

(6) The holder of a permit shall be personally responsible for keeping all medicines purchased or acquired in terms of a permit in safe-keeping.

(7) The holder of a permit shall at all times, at the request of any person duly authorised by the Director-General for purposes of inspection, produce the said permit, register and quantity of Schedule 5 or Schedule 6 medicines in his or her possession.

(8) The Director-General may at any time, by notice to the applicant cancel or withdraw the permit.

(9) On receipt of notification of cancellation or withdrawal, the holder of the permit shall return the permit and the register to the Director-General together with proof that any Schedule 5 or Schedule 6 medicines still in their possession has been handed over to a pharmacist for destruction in accordance with regulation 44.

(10) The Director-General shall keep a register of all permits issued to midwives.

(11) A permit issued in terms of this regulation shall be valid for a period of two years and may be renewed.

(12) A permit shall contain at least the following information:

(a) Permit number;

(b) the name, qualifications and official designation of the authorised official who issued such a permit, in an instance where the Director-General has delegated the power to issue such a permit;

(c) the name, and address of the midwife;

(d) the conditions that may be treated; and

(e) the Schedule 5 or Schedule 6 medicines that may be purchased, and their strength, and dosage form.

ACQUISITION AND USE OF MEDICINES BY MASTERS OF SHIPS AND OFFICERS IN CHARGE OF ANY AIRCRAFT

32. A medical practitioner may, notwithstanding these Regulations, on the written request of a person in charge of, or the master of a ship or the officer in charge of an aircraft, authorise the purchase, acquisition, keeping or use of a Schedule 0, Schedule 1, Schedule 2, Schedule 3, Schedule 4, Schedule 5 or Schedule 6 substance: Provided that the quantity shall be reasonable and on condition that such medicine is intended only for emergency medicinal use on board such ship or aircraft.

PARTICULARS WHICH MUST APPEAR ON PRESCRIPTION FOR MEDICINE

33. (1) Every prescription for a medicine shall be—

(a) written in legible print;

(b) hand or typewritten; or

(c) prepared with an electronic agent as defined by and in compliance with the Electronic Communications and Transactions Act, 2002 (Act No. 25 of 2002).

(2) A prescription shall be signed—

(a) in person; or

(b) in the case of a prescription prepared in accordance with subregulation (1)(*c*), with an advanced electronic signature as per section 13 of the Electronic Communications and Transactions Act, 2002 (Act No. 25 of 2002),

by an authorised prescriber.

(3) A prescription shall at least state the following:

(a) The name, qualification, registration number with the relevant statutory health council and address of the prescriber;

(b) the name, identification number and address of—

(i) the patient;

(ii) in the case of a prescription for a neonate, the parent or guardian; or

(iii) in the case of a prescription issued by a veterinarian, the person to whom the medicine or scheduled substance will be sold;

(c) the date of issue of the prescription;

(d) the approved name or the proprietary name of the medicine;

(e) the dosage form;

(f) the strength of the dosage form and the quantity of the medicine to be supplied: Provided that—

(i) in the case of a Schedule 6 substance the quantity to be supplied shall be expressed in figures as well as in words; and

(ii) where the prescriber has failed to express the quantity in figures as well as in words, the pharmacist dispensing the medicine may, after obtaining confirmation from the prescriber, insert the words or figures that have been omitted;

(g) instructions for the administration of the dosage, frequency of administration and the withdrawal period in the case of veterinary medicines for food producing animals;

(h) the age and gender of the patient and, in the case of veterinary medicine, the animal species; and

(i) the number of times the prescription may be repeated.

(4) The pharmacist who dispenses a prescription shall verify the authenticity of all prescriptions so dispensed.

(5) In the event of a prescription transmitted electronically by means other than an electronic agent in terms of subregulation (1), by fax or communicated verbally a permanent copy of the prescription shall be made for record purposes.

(6) A verbal prescription shall be followed by the signed prescription as per subregulation (2) within 7 working days from the communication.

(7) The prescriber shall keep records of the diagnosis relevant to the prescription and where the patient consents, indicate the diagnosis or the relevant diagnostic code on the prescription.

PARTICULARS WHICH MUST APPEAR ON ORDER FOR MEDICINE OR SCHEDULED SUBSTANCE

34. (1) Every order for a medicine or scheduled substance shall be—

(a) written in legible print;

(b) hand or typewritten; or

(c) prepared with an electronic agent as defined by and in compliance with the Electronic Communications and Transactions Act, 2002 (Act No. 25 of 2002).

(2) An order for a medicine or scheduled substance shall be signed—

(a) in person; or

(b) in the case of an order prepared in accordance with subregulation (1)(*c*), with an advanced electronic signature as per the Electronic Communications and Transactions Act, (Act No. 25 of 2002),

by the pharmacist, pharmacist's assistant practising in accordance with the scope of practice prescribed in terms of the Pharmacy Act or authorised prescriber placing the order.

(3) An order for a medicine or scheduled substance shall at least state the following:

(a) The name, qualification registration number with a statutory health council and signature of an authorised person placing the order;

(b) the date of issue of the order;

(c) the approved name or the proprietary name of the medicine or scheduled substance;

(d) the dosage form;

(e) the strength of the dosage form and the quantity of the medicine to be supplied: Provided that, in the case of Schedule 6 substances,—

(i) the quantity to be supplied shall be expressed in figures, as well as in words; and

(ii) where the authorised person placing the order has failed to express the quantity in figures as well as in words, the pharmacist receiving the order, may after obtaining confirmation from the authorised person placing the order, insert the words or figures that have been omitted.

(4) In the case of all orders, the pharmacist shall verify the authenticity of the order.

(5) In the event of an order transmitted electronically by means other than an electronic agent in terms of subregulation (1), by fax or communicated verbally, a permanent copy of the order shall be made for record purposes and shall be followed by the signed order as per subregulation (2) within 7 working days from the original transmission or communication.

PRESCRIPTION BOOK OR PERMANENT RECORD

35. (1) A prescription book or other permanent record in respect of Schedules 1, 2, 3, 4, 5 and 6 substances shall be kept in hard copy or electronically on all premises where such substances or medicines are sold or dispensed.

(2) In the case of Schedule 1 medicines and substances sold by any person other than a manufacturer or wholesaler, a prescription book or other permanent record contemplated in subregulation (1) shall contain the following particulars:

(a) The name of the person to whom it was sold;

(b) the name and quantity of the substance or medicine; and

(c) the name of the pharmacist, pharmacist intern or pharmacist's assistant who sold it.

(3) In the case of Schedule 2, 3, 4 and 5 medicines and substances sold by any person other than a manufacturer or wholesaler, the prescription book or other permanent record contemplated in subregulation (1) shall contain the following particulars:

(a) The name of the medicine or scheduled substance;

(b) the date on which the prescription was dispensed;

(c) the dosage form and quantity of the medicine or scheduled substance;

(d) the name, identification number and address of—

(i) the patient;

(ii) in the case of a prescription for a neonate, the name, identification number and address a parent or guardian; or

(iii) in the case of a prescription issued by a veterinarian, the person to whom the medicine or scheduled substance was sold;

(e) where applicable, the name of the medical practitioner, dentist, veterinarian or any other authorised person who issued the prescription; and

(f) prescription reference number, which is the reference number or unique identifier assigned at the point of dispensing.

(4) The manufacturer or wholesaler shall keep an accessible permanent record of sales of Schedule 2, 3, 4, 5 and 6 medicines and substances in the form of invoices that shall reflect the—

(a) date and transaction of the sale;

(b) name of the medicine;

(c) name and address of the purchaser;

(d) quantities sold;

(e) batch number; and

(f) price at which the medicine was sold.

(5) A prescription book or other permanent record contemplated in this regulation shall be kept for a period of at least five years after the date of the last entry made therein.

REGISTER FOR SPECIFIED SCHEDULE 5 OR SCHEDULE 6 MEDICINES OR SUBSTANCES

36. (1) Any—

(a) manufacturer, importer, exporter or wholesaler licensed in terms of section 22C(1)*(b)* of the Act selling specified Schedule 5 medicines or substances or Schedule 6 medicines or scheduled substances;

(b) person selling specified Schedule 5 medicines or substances, other than a community or institutional pharmacy, or a person licensed in terms of section 22C(1)(*a*); or

(c) person selling Schedule 6 medicines or substances,

shall keep a register of such medicines or substances.

(2) The register referred to in subregulation (1) shall—

(a) indicate the quantity of every such medicine or substance remaining in stock on the last day of March, June, September and December of each year; and

(b) contain the following information:

(i) the date on which the medicine or substance was received or supplied;

(ii) the name, business address of the person from whom the medicine or substance was received or sent and in the case of imported medicine or substance, the import permit number;

(iii) the name and address of the person who purchased the medicine or substance;

(iv) the quantity, in words and figures, of such medicine or substance indicated per dosage unit, mass or volume;

(v) in the case of the supply of the medicine or substance on prescription, the name and address of the authorised prescriber unless such prescription was issued at a hospital in which case the name of the authorised prescriber must be recorded;

(vi) in the case of the manufacturer, the quantity of the medicine or substance manufactured or used during the manufacturing process; and

(vii) any other information as may be required by the Authority.

(3) The register referred to in subregulation (1) shall be kept for a period of five years after the date of the last entry made therein.

(4) In a case where the register is kept electronically, a printout shall be made monthly, dated, signed and filed.

(5) Records must be stored in an orderly manner so that they can be accessed easily.

RETURNS TO BE FURNISHED IN RESPECT OF SPECIFIED SCHEDULE 5, SCHEDULE 6, SCHEDULE 7 OR SCHEDULE 8 SUBSTANCES

37. (1) No person may import, export, sell by wholesale, produce, manufacture or use, in the manufacture of any medicine or substance, any substance referred to in section 22A(12) of the Act unless the Authority is supplied with a return on or before 28 February of each year, reflecting the following information:

(a) The quantity of such substance, as a raw material or as contained in a preparation, which was held in stock on 1 January of the preceding calendar year;

(b) the quantity of such substance acquired during the preceding calendar year by—

(i) importation, as a raw material or contained in a preparation;

(ii) production of the raw material in the Republic; and

(iii) purchasing of the raw material in the Republic and the name of the supplier must be stated;

(c) the quantity of such substance, as a raw material or as contained in a preparation, which was disposed of during the preceding calendar year through—

(i) exportation; or

(ii) destruction thereof;

(d) the quantity of such substance used during the preceding calendar year in—

(i) the production of any other Schedule 6 or Schedule 7 substance or a specified substance referred to in section 22A(12) of the Act; and

(ii) the production of any other chemical substance not included in Schedule 6 or Schedule 7 or specified in section 22A(12)(a) of the Act; and

(e) the quantity of such substance and preparations containing such substance remaining in stock on 31 December of the preceding year.

(2) Notwithstanding subregulation (1), the Authority may exempt an importer or exporter from furnishing a return, if the particular return is not necessary in determining the consumption of any of the substances included therein.

(3) The return referred to in subregulation (1) shall comply with the following requirements:

(a) All quantities shall be expressed in metric units as a percentage base of the relevant substance;

(b) in the case of opium and any preparations containing opium, quantities shall be expressed in terms of opium containing 10% of anhydrous morphine;

(c) preparations obtained not directly from opium itself but by mixing opium alkaloids shall be expressed in terms of morphine;

(d) in the case of any preparations of coca-leaves, quantities of coca-leaves shall be expressed in terms of coca-leaves containing 0,5% of cocaine; and

(e) where stocks are held or manufacture has been undertaken on behalf of another applicant, this fact shall be indicated.

CONTROL OF MEDICINES IN HOSPITALS

38. The responsible pharmacist shall supervise the safety, security, purchasing, storage, compounding and dispensing of medicines in a hospital.

REPACKAGING OF MEDICINES INTO PATIENT-READY PACKS

39. The repackaging of medicines shall—

(a) only be carried out by—

(i) a pharmacist, pharmacist intern or pharmacist's assistant under the supervision of a pharmacist; or

(ii) any other person authorised in terms section 29(4) of the Pharmacy Act;

(b) have a batch numbering system which contains all the information linking the repackaged medicine with the original packaging thereof; and

(c) be carried out in accordance with good manufacturing practice.

VIGILANCE

40. (1) A person who has applied for registration of a medicine in terms of section 15 of the Act, a holder of a certificate of registration in respect of a medicine or Scheduled substance, or a holder of a licence in terms of section 22C(1)*(b)* must inform the Authority, in the manner and within the time frame as determined by the Authority, of any—

(a) new or existing quality, safety or effectiveness concerns related to any medicine or scheduled substance, including but not limited to adverse drug reactions; and

(b) risk management activities associated with paragraph (*a*).

(2) A person who has applied for registration of a medicine in terms of section 15 of the Act, a holder of a certificate of registration in respect of a medicine or Scheduled substance, or a holder of a licence in terms of section 22C(1)(*b*) must maintain or have access to records of the reports and case reports referred to in subregulation (1) above.

(3) A health care provider, veterinarian or any other person should inform the Authority, in the manner as determined by the Authority, of any—

(a) suspected adverse drug reactions; or

(b) new or existing safety, quality or effectiveness concerns,

occurring as a result of the use of any medicine or scheduled substance.

(4) Any person referred to in subregulation (1) must—

(a) whenever requested by the Authority, conduct a concise critical analysis of the safety, quality or effectiveness of the medicine or Scheduled substance submit the results thereof to the Authority within a specified time frame;

(b) in the case where, after receipt of the results referred to in paragraph (*a*), the Authority determines that the medicine or Scheduled substance may not be safe to use, submit to the Authority, if required to do so—

(i) case reports of all adverse events or suspected or actual adverse drug reactions in respect of the medicine or Scheduled substance;

(ii) where applicable the usage figures of the medicines or Scheduled substance, as well as periodic safety update reports and performance studies; and

(iii) any other data as requested by the Authority; and

(c) keep and maintain or have access to records of the adverse event data in respect of their medicines or Scheduled substances.

(5) Subregulations (1), (2) and (3) also apply in the case of all categories of unregistered medicines sold or used which are not subject to registration or in terms of sections 14(3), 14(4), 15C, 21 and 36 of the Act.

(6) Nothing in this regulation shall be interpreted as prohibiting any person from reporting any adverse drug reaction, safety, quality or effectiveness concern related to any medicine or Scheduled substance to the Authority.

PRICING COMMITTEE

41. (1) The pricing committee contemplated in section 22G of the Act shall consist of no more than eighteen members, but shall include—

(a) one person nominated by the Minister of Finance;

(b) one person nominated by the Minister of Trade and Industry;

(c) one or more persons representing the Department of Health;

(d) at least one person with background in pharmacology;

(e) at least one person with background in the law;

(f) at least one person with background in academic medical research;

(g) at least two persons with economics background, one of whom must be a health economist; and

(h) at least one person representing independent patient or consumer groups.

(2) The Committee shall determine the procedure for the conduct of its business.

(3) The Committee may appoint, subject to the approval of the Minister, subcommittees as it may deem necessary, to investigate and report to it any matter within the purview of the Committee in terms of the Act.

(4) The Director-General may designate employees of the Department to serve as the secretariat of the Committee.

ADVERTISING OF MEDICINES

42. (1) Medicines which contain a Schedule 0 substance or a substance listed as Schedule 1 may be advertised to the public.

(2) Medicines which contain a substance listed as Schedule 2, Schedule 3, Schedule 4, Schedule 5 or Schedule 6 may be advertised—

(a) only for the information of pharmacists, medical practitioners, dentists, veterinarians, practitioners, and other authorised prescribers; or

(b) in a publication which is normally or only made available to persons referred to in paragraph (*a*).

(3) Subregulation (2) shall not be so construed as to prohibit informing the public of the prices, names, pack sizes and strengths of medicines which contain a substance appearing in Schedule 2, Schedule 3, Schedule 4, Schedule 5 or Schedule 6 provided that no reference or inference is made to the registered indication.

(4) No advertisement for a medicine may contain a statement which deviates from, is in conflict with or goes beyond the evidence submitted in the application for registration of such medicine with regard to its safety, quality or efficacy where such evidence has been accepted by the Authority in respect of such medicine and incorporated into the approved professional information of such medicine.

(5) An advertisement for a medicine shall contain—

(a) the proprietary name of such medicine;

(b) in the case of a written advertisement—

(i) the approved name and quantity of each active ingredient of such medicine in lettering having minimum legibility: Provided that, in the case of a medicine containing only one active ingredient, such lettering shall be not less than one half the size of the largest lettering used for the said proprietary name;

(ii) of a registered medicine, the registration number allocated to it in terms of section 15(5) of the Act;

(iii) of a medicine in respect of which an application for registration has been submitted in terms of section 14 of the Act, the reference number allocated to such application by the Authority, followed by the words "Act 101/1965"; and

(iv) where a name other than the proprietary name is also used, such other name shall be in lettering one half the size of the largest type size in which the proprietary name appears in such advertisement; and

(c) in the case of a—

(i) veterinary medicine, an indication that the medicine is for veterinary use; and

(ii) complementary medicine—

(aa) a statement identifying the discipline of the medicine where relevant;

(bb) an indication that the medicine must be used in accordance with the applicable complementary discipline and principles where relevant; and

(cc) if the medicine has not received registration with the Authority the following disclaimer:

"This unregistered medicine has not been evaluated by the SAHPRA for its quality, safety or intended use.";

(6) In the case of an advertisement for a medicine which contains more than one active ingredient, no specific reference shall be made to the specific properties of any individual active ingredient unless a reference of this nature has been approved by the Authority for inclusion in the professional information of such medicine.

(7) When a medicine is advertised verbally for the first time to persons contemplated to in subregulation 2(*a*), written information, which shall include at least the information referred to in regulation 11 or regulation 14, shall simultaneously be given to the person to whom the oral advertisement is directed, and when the medicine is advertised orally on subsequent occasions such information shall be available on request.

USE OF MEDICINES FOR EXHIBITION PURPOSES

43. A manufacturer, importer or wholesaler may use a medicine or scheduled substance sample for exhibition purposes or to introduce such medicine or scheduled substance to healthcare providers or the public: Provided that such samples—

(a) are only meant for such exhibition or the launch of such medicine or scheduled substance; and

(b) may not be handed out or given to any healthcare provider or member of the public.

DESTRUCTION OF MEDICINES OR SCHEDULED SUBSTANCES

44. (1) A medicine or scheduled substance shall only be destroyed by a waste treatment facility authorised to destroy medicines or pharmaceutical waste in terms of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008).

(2) No medicines or scheduled substances other than those as determined by the Authority shall be disposed of into municipal sewerage systems.

(3) The destruction or disposal of medicines or scheduled substances must be conducted in such a manner to ensure that the medicines or scheduled substances cannot be salvaged and the medicine or scheduled substance has been denatured.

(4) A Schedule 0 medicine or Schedule 1, 2, 3 or 4 substance or medicine must be destroyed at a site in terms of subregulation (1) and such destruction must be certified as determined by the Authority.

(5) A Schedule 5 or 6 substance or medicine shall be destroyed in terms of subregulation (1) in the presence of—

(a) an inspector;

(b) a pharmacist; or

(c) any other person authorised by the Chief Executive Officer.

(6) A Schedule 7 or 8 substance or medicine shall be destroyed in terms of subregulation (1) in the presence of—

(a) an inspector;

(b) two pharmacists; or

(c) any other person authorised by the Chief Executive Officer.

(7) The waste treatment facility shall issue a certificate and maintain a record of the destruction contemplated in subregulations (4), (5) and (6) which shall contain the following information:

(a) the name of the medicine or scheduled substance, if known; or the schedule of the medicine or scheduled substance concerned;

(b) the quantity destroyed;

(c) the date of destruction of the medicine or scheduled substance;

(d) the name and designation of the person in whose presence such destruction took place; and

(e) any other information as determined by the Authority.

SKILLS OF STAFF OF AUTHORITY

45. (1) For purposes of providing monitoring, evaluation, regulation, investigation, inspection, registration and control of medicines, Scheduled substances, medical devices and IVDs, the Authority shall ensure that staff are appointed with the necessary qualification, expertise in and knowledge of—

(a) clinical medicine;

(b) clinical pharmacology;

(c) pharmaceutical chemistry;

(d) toxicology and medicine or scheduled substance safety;

(e) biotechnology;

(f) pharmaceutics;

(g) adverse drug reactions and vigilance;

(h) virology and microbiology;

(i) veterinary clinical pharmacology;

(j) good manufacturing practices, clinical and laboratory practices;

(k) biomedical or clinical engineering;

(l) medical technologist;

(m) investigations on matters relating to legislation;

(n) complementary medicines; or

(o) other appropriate skills as required by the Authority from time to time.

(2) For purposes of oversight, leadership and accountability, the Authority shall ensure that staff are appointed with the necessary qualification, expertise and knowledge relating to at least—

(a) operational management;

(b) supply chain and asset management;

(c) financial management;

(d) human resource management;

(e) information and record management; and

(f) knowledge in law.

TIME FRAMES FOR CONSIDERING APPLICATIONS

46. (1) The Authority shall as soon as practically possible and in accordance with a timeframe as determined by the Authority inform any applicant of the receipt of an application for the registration of a medicine, medical device and IVD.

(2) The Authority shall as soon as practically possible and in accordance with a timeframe as determined by the Authority after receipt of the application by the Authority inform any applicant in respect of any application referred to in subregulation (1) on the acceptance of the application for evaluation.

APPEAL AGAINST DECISION OF DIRECTOR-GENERAL

47. (1) An appeal against a decision of the Director-General shall be lodged with the Minister within 30 days from the date on which the written decision appealed against was received by the person concerned, and such a person shall at the same time submit a copy of the appeal to the Director-General.

(2) The appeal contemplated in subregulation (1) shall—

(a) be lodged in writing;

(b) state the full name, address and contact number of the person lodging the appeal;

(c) state the decision appealed against;

(d) contain the reasons furnished by the Director-General for the decision, if possible;

(e) state the ground for appeal;

(f) be addressed to the Minister: National Department of Health and delivered by hand, post, faxed or electronically mail to one of the following addresses respectively:

(i) physical address of the National Department of Health;

(ii) Department of Health, Private Bag X828, Pretoria, 0001; or

(iii) email address: minister@health.gov.za; copied to DG@health.gov.za.

(3) The copy of the appeal contemplated in subregulation (1) shall be—

(a) sent by registered mail to the Director-General, Department of Health, Private Bag X828, Pretoria, 0001; or

(b) hand delivered to the Director-General at the physical address of the National Department of Health.

(4) The Director-General shall, within 30 days of receipt of the copy of the appeal, furnish the Minister with his or her reasons for the decision.

(5) The Minister shall, within 30 days of receipt of the reasons referred to in subregulation (4), confirm, set aside or vary the decision of the Director-General.

(6) The Minister shall, in writing and within 10 days of his or her decision contemplated in subregulation (5), inform the person who lodged the appeal of his or her decision and the reasons therefor.

APPEAL AGAINST DECISION OF AUTHORITY

48. (1) The appeal committee referred to in section 24A(3) of the Act, shall be appointed within 30 days of receipt of the notice referred to in the said section.

(2) The appeal committee—

(a) shall determine the procedure for its hearings;

(b) may, if it deems necessary, call for oral evidence or argument or summon any person who—

(i) in its opinion may be able to give information concerning the subject of the appeal; or

(ii) it believes has in his or her possession or under control any document which has a bearing on the subject of the appeal, to appear before it at a time and place specified in the summons, to be asked questions or to produce any such document; and

(c) shall, if it calls for oral evidence or argument,—

(i) determine the date, time and place for the appeal and shall communicate these in writing to the appellant and the Minister; and

(ii) administer an oath to or accept an affirmation from any person called as a witness at the appeal.

(3) Persons appearing before an appeal committee may be represented by a legal practitioner.

(4) The Appeal Committee may—

(a) set aside or confirm the decision of the Authority;

(b) vary the decision of the Authority;

(c) direct the Authority to reconsider any matter; or

(d) make any finding that is just and equitable in the circumstances.

INVESTIGATIONS

49. The Authority may conduct an investigation with regard to a medicine or a Scheduled substance if—

(a) such a medicine or Scheduled substance is recalled in South Africa or any other country;

(b) any adverse drug reaction is reported;

(c) the medicine or Scheduled substance is suspected or found not to comply with the requirements of the Act;

(d) there is an international alert with regard to such a medicine or Scheduled substance; or

(e) for any other reason related to the safety, quality and efficacy of medicine or a Scheduled substance, the Authority deems it fit to conduct an investigation on the medicine or Scheduled substance.

METHOD OF TAKING SAMPLES, CERTIFICATE TO BE ISSUED AND REPORTING OF ANALYSIS RESULTS

50. (1) An inspector may take a sample or any quantity of samples of a medicine or Scheduled substance for purposes of testing, examination or analysis in terms of the Act by a person designated as an analyst, pharmacologist or pathologist.

(2) The sample or samples contemplated in subregulation (1) shall—

(a) be taken in the presence of the person who is in charge of such medicine or substance, or in the absence of such person, in the presence of any witness present;

(b) be taken, transported and stored in such a manner as to ensure its integrity during the entire examination process of the sample; and

(c) be packed and sealed and suitably labelled or marked in such a manner as its nature may permit;

(d) be transmitted by any suitable means to an analyst, pharmacologist or pathologist; and

(e) be accompanied with the certificate signed by the inspector, a copy of which shall be issued to the person contemplated in paragraph (*a*) by the inspector at the earliest possible time.

(3) An analyst, pharmacologist or pathologist referred to in subregulation (1) shall, as soon as possible after receipt of the sample, test, examine or analyse the sample and report the results thereof to the Authority.

(4) An inspector referred to in subregulation (1), may take a sample during a routine inspection from a manufacturer, a wholesaler or retailer for testing, examination or analysis in terms of these regulations.

(5) Notwithstanding subregulation (1), the Authority may require any holder of a certification of registration to supply the Authority with a sample of a particular medicine or substance in order to test, examine or analyse such sample.

(6) Certificates or reports issued in terms of this regulation shall be submitted to the Chief Executive Officer within 7 days from the date of issue.

SEIZURE OF MEDICINES

51. (1) A medicine may be seized if it—

(a) is sold in contravention of the Act;

(b) is suspected of being a counterfeit;

(c) is misbranded, sub-standard or adulterated;

(d) has expired;

(e) is suspected stolen;

(f) is Scheduled and is sold—

(i) by an unauthorised person;

(ii) by an authorised person but in unauthorised quantities; or

(iii) at an unauthorised place or site;

(g) has been declared undesirable in terms of the Act;

(h) belongs to the State and is found to be possessed by an unauthorised person; or

(i) is used in an unauthorised clinical trial.

(2) An inspector seizing any item in terms of section 28(1)*(c)* of the Act shall, as soon as possible and at the scene of seizure, make a written inventory of all items seized and the inventory shall include—

(a) the date, place and time of seizure;

(b) the name and personal details of the person from whom the items were seized;

(c) the name and quantity of every item seized; and

(d) the name of the inspector conducting the seizure.

(3) An item contemplated in subregulation (2) may be used as evidence in any criminal proceedings in terms of this Act.

(4) An inspector taking any sample in terms of section 28(1)*(d)*of the Act shall make a written inventory of all samples taken which inventory shall include—

(a) the date on which, the place where and time when the sample was taken;

(b) a description of nature and size of each sample taken; and

(c) the personal details of the person in whose presence the sample was taken; and the name of the inspector taking the sample.

OFFENCES AND PENALTIES

52. Any person who fails to comply with, contravenes the provisions of or furnishes incorrect information, as the case may be, in respect of—

(a) regulation 5(1)(*c*) or (*d*) with regard to the parallel importation of medicines;

(b) regulations 6 or 7 with regard to the importation or transmission of medicines;

(c) regulation 8 with regard to the possession of specified quantities of Schedule substances for personal medicinal use by persons entering the Republic;

(d) regulation 10 with regard to the labelling of medicines for human use;

(e) regulation 11 with regard to the professional information to be provided;

(f) regulation 12 with regard to the patient information leaflet;

(g) regulation 13 with regard to the labelling of veterinary medicines;

(h) regulation 14 with regard to the professional information for veterinary medicines;

(i) regulation 22 with regard to the licence to dispense, or compound and dispense medicines;

(j) regulation 23 with regard to the licence to manufacture, import or export act as a wholesaler or distribute medicines or Scheduled substances;

(k) regulation 26 with regard to the permits or authorisation issued in terms of section 22A of the Act;

(l) regulation 27 with regard to the importation or exportation of specified Schedule 5, Schedule 6, Schedule 7 or Schedule 8 substances;

(m) regulation 28 with regard to the information to be furnished annually to the Director-General by the holder of a permit to import or export specified Schedule 5, Schedules 6, 7or 8 substances;

(n) regulation 29 with regard to authorisation of sale of unregistered medicine for certain purposes;

(o) regulation 30 with regard to the conduct of clinical trials;

(p) regulation 33 or 34 with regard to the particulars which must appear on a prescription or order for medicine;

(q) regulation 35 with regard to the prescription book or permanent record;

(r) regulation 36 with regard to the register for specified Schedule 5 and 6 medicines;

(s) regulation 37 with regard to the returns to be furnished in respect of specified Schedule 5, Schedules 6, 7 and 8 medicines and specified substances;

(t) regulation 39 with regard to the repackaging of medicines;

(u) regulation 42 with regard to the advertising of medicines or Scheduled substances;

(v) regulation 44 with regard to the destruction of medicines or Scheduled substances; or

(w) sells a medicine that has expired,

shall be guilty of an offence and upon conviction be liable to a fine or to imprisonment for a period not exceeding 10 years.

COMPLIANCE WITH REQUIREMENTS

53. (1) Every medicine must continue to comply with the standards and specifications which were furnished to the Authority and which have been accepted by the Authority with regard to such medicine.

(2) Any proposed deviation from accepted standards and specifications referred to in subregulation (1) must be submitted to the Authority for prior approval as determined by the Authority and such deviation must not be introduced before the said approval has been granted.

REPEAL

54. The Regulations published under Government Notice. No. R 510 of 10 April 2003 in *Government Gazette* No. 24727 are hereby repealed.

DR A MOTSOALEDI, MP

MINISTER OF HEALTH

DATE: 9/7/2017

SCHEDULES

Annexure 1

Classes of Medicines in categories A and D (human complementary medicine)

1. Central nervous system stimulants

1.1 Central analeptics.

1.2 Psychoanaleptics (antidepressants).

1.3 Special antidepressant combinations.

1.4 Respiratory stimulants.

1.5 Hallucinogenic medicines.

1.6 Other central nervous system stimulants.

2. Central nervous system depressants

2.1 Anaesthetics.

2.2 Sedatives, hypnotics.

2.3 Barbiturates.

2.4 Non-barbiturates.

2.5 Anticonvulsants, including anti-epileptics.

2.6 Tranquillisers.

2.6.1 Phenothiazines and their derivatives.

2.6.2 Rauwolfia: Alkaloids and combinations.

2.6.3 Diphenylmethane and its derivatives.

2.6.4 Alkyl diols and their derivatives.

2.6.5 Miscellaneous structures.

2.7 Antipyretics or antipyretic and anti-inflammatory analgesics.

2.8 Analgesic combinations.

2.9 Other analgesics.

2.10 Centrally acting muscle relaxants.

2.11 Other medicines acting on the central nervous system

2.12 Depressants.

3. Connective Tissue Medicines

3.1 Antirheumatics (anti-inflammatory agents).

3.2 Non-hormonal preparations.

3.3 Anti-gout preparations.

3.4 Combinations with corticosteroids.

3.5 Others.

4. Local anaesthetics

5. Medicines affecting autonomic function

5.1 Adrenomimetics (sympathomimetics).

5.2 Adrenolytics (sympatholytics).

5.3 Cholinomimetics (cholinergics).

5.4 Cholinolytics (anticholinergics).

5.4.1 Anti-Parkinsonism preparations.

5.4.2 General.

5.5 Ganglion blockers.

5.6 Histamine.

5.7 Antihistaminics, anti-emetics and antivertigo preparations.

5.7.1 Antihistaminics.

5.7.2 Anti-emetics and antivertigo preparations.

5.8 Preparations for the common cold including nasal decongestants.

5.9 Hydroxytryptamine (serotonin).

5.10 Serotonin antagonists.

5.11 Others.

6. Cardiac medicines

6.1 Cardiac stimulants.

6.2 Cardiac depressants.

6.3 Cardiac glycosides.

6.4 Antidysrhythmics/conduction modifying medicines.

6.5 Others.

7. Vascular medicines

7.1 Vasodilators, hypotensive, antihypertensive medicines include other antihypertensive medicines e.g. ACE-inhibitors, ARBs, RAAS, etc]

7.1.1 Rauwolfia and combinations.

7.1.2 Rauwolfia: Diuretic combinations.

7.1.3 Other hypotensives.

7.1.4 Vasodilators - coronary and other medicines used in angina pectoris.

7.1.5 Vasodilators - peripheral.

7.2 Vasoconstrictors, pressor medicines.

7.3 Migraine preparations.

7.4 Lipotropic agents.

7.5 Serum-cholesterol reducers.

7.6 Others.

8. Medicines acting on blood and haemopoietic system

8.1 Coagulants, haemostatics.

8.2 Anticoagulants.

8.3 Erythropoietics (haematinics).

8.4 Plasma expanders.

8.5 Others.

9. Medicines against alcoholism

10. Medicines acting on respiratory system

10.1 Antitussives and expectorants.

10.2 Bronchodilators.

10.2.1 Inhalants.

10.3 Others.

11. Medicines acting on gastro-intestinal tract

11.1 Digestants.

11.2 Gastro-intestinal antispasmodics and cholinolytics (anticholinergics).

11.3 Anorexigenics.

11.4 Antacids.

11.4.1 Acid neutralisers.

11.4.2 Acid neutralisers with antispasmodics.

11.4.3 Other.

11.5 Laxatives.

11.6 Lubricants and faecal softeners.

11.7 Cholagogues.

11.8 Suppositories and anal ointments.

11.9 Antidiarrhoeals.

11.9.1 Antidiarrhoeals in combination with anti-infective agents.

11.9.2 Special combinations.

11.10 Others.

12. Anthelmintics, bilharzia medicines, filaricides, etc.

13. Dermatological preparations

13.1 Antiseptics, disinfectants and cleansing agents.

13.2 Antiscabies medicines.

13.3 Surface anaesthetics.

13.4 Antipruritics.

13.4.1 Corticosteroids with or without anti-infective agents.

13.4.2 Emollients and protectives.

13.5 Rubefacients.

13.6 Counterirritants.

13.7 Keratolytics.

13.8 Special combinations.

13.8.1 Preparations for psoriasis.

13.8.2 Fungicides.

13.9 Radiation protectants.

13.10 Melanin inhibitors and stimulants.

13.11 Acne preparations.

13.12 Others.

14. Preparations for treatment of wounds

14.1 Wound disinfectants.

14.2 Wound dressings.

14.3 Others.

15. Ophthalmic preparations

15.1 Ophthalmic preparations with antibiotics and/or sulphonamides.

15.2 Ophthalmic preparations with corticosteroids.

15.3 Combination antibiotics.

15.4 Others.

16. Ear, nose and throat preparations

16.1 Nasal decongestants.

16.2 Aural preparations.

16.3 Surface anaesthetics.

16.4 Naso-pharyngeal and bucco-pharyngeal antiseptics.

16.5 Others.

17. Medicines acting on muscular system

17.1 Peripherally acting muscle relaxants.

17.2 Muscle activators.

17.3 Others.

18. Medicines acting on reno-urinary and genital system

18.1 Diuretics.

18.2 Antidiuretics.

18.3 Ion-exchange preparations.

18.4 Urolitholytics.

18.5 Urinary tract antiseptics.

18.6 Vaginal preparations.

18.7 Contraceptive preparations.

18.8 Ovulation controlling agents.

18.9 Uterine antispasmodics.

18.10 Others.

19. Oxytocics

20. Antimicrobial (chemotherapeutic) agents

20.1 Antibiotics and antibiotic combinations.

20.1.1 Broad and medium spectrum antibiotics.

20.1.2 Penicillins.

20.1.3 Penicillin-streptomycin combinations.

20.1.4 Antibiotic-sulphonamide combinations.

20.1.5 Streptomycin and combinations.

20.1.6 Topical antibiotics.

20.1.7 Antifungal antibiotics.

20.2 Other than antibiotics.

20.2.1 Sulphonamides.

20.2.2 Fungicides.

20.2.3 Tuberculostatics.

20.2.4 Leprostatics.

20.2.5 Germicides.

20.2.6 Medicines against protozoa.

20.2.7 Spirochaeticides.

20.2.8 Antiviral agents.

20.3 Others.

21. Hormones, antihormones and oral hypoglycaemics

21.1 Insulin preparations.

21.2 Oral hypoglycaemics.

21.3 Thyroid preparations.

21.4 Parathyroid preparations.

21.5 Corticosteroids.

21.5.1 Corticosteroids and analogues.

21.5.2 Analgesic combinations.

21.5.3 Anti-infective combinations.

21.6 Anabolic steroids.

21.7 Male sex hormones.

21.8 Female sex hormones.

21.8.1 Oestrogens.

21.8.2 Progesterones with or without oestrogens.

21.9 Androgen-oestrogen combinations.

21.10 Trophic hormones.

21.11 Hyperglycaemic hormones.

21.12 Hormone inhibitors.

21.13 Others.

22. Vitamins

22.1 Multivitamins and multivitamins with minerals.

22.1.1 Vitamins for paediatric use.

22.1.2 Vitamins for prenatal use.

22.1.3 Vitamins for geriatric use.

22.1.4 Vitamin B-complex with Vitamin C.

22.2 Others.

23. Amino-acids

24. Mineral substitutes, electrolytes and trace elements

25. Special foods

25.1 Infant foods and other formulae, excluding foods used solely as a substitute for human milk.

26. Cytostatic agents

27. Chelating agents (versenates) as heavy metal antidotes

28. Contrast media

29. Diagnostic agents

30. Biologicals

30.1 Antibodies.

30.2 Antigens.

30.3 Blood fractions.

30.4 Probiotics.

30.5 Others.

31. Enzymatic preparations

32. Other substances or agents

32.1 Tonics.

32.3 Slimming preparations.

32.4 Water for injection.

32.5 Artificial tear and contact lens solutions.

32.6 Preparations of boracic acid, borax and zinc, starch and boracic powder.

32.7 Topical applications of delousing agents.

32.8 Topical applications of insect repellents.

32.9 Intra-uterine devices.

32.10 Dental preparations.

32.11 Solutions for haemo- or peritoneal dialysis.

32.12 Preparations for which the expressions "medicated", "medicinal", "for medical use" or expressions with similar connotations are used.

32.13 Preparations intended to promote hair growth.

32.14 Sales packs containing two or more medicines with different indications.

32.15 Radiopharmaceuticals.

32.16 Others.

33. Complementary Medicines: Discipline-Specific Traditional Claims

33.1 Aromatherapy

33.2 Homeopathy

33.3 Phytotherapy

33.4 Traditional Chinese Medicine

33.5 Unani Medicine

33.6 Western Herbal Medicine

33.7 Combination Product

33.8 Other Herbal

34. Complementary Medicines: Health Supplements

34.1 Amino acids

34.2 Aminosaccharides

34.3 Animal Extracts, Products and Derivatives

34.4 Carotenoids

34.5 Enzymes

34.6 Fats, Oils and Fatty Acids

34.7 Minerals

34.8 Polyphenols (including Bioflavonoids)

34.9 Probiotics

34.10 Saccharides (including prebiotics)

34.11 Vitamins

34.12 Multiple substance formulation

34.13 Other

Annexure 2

Classes of Medicines in categories C and D (veterinary complementary medicines)

1. Central and Peripheral Nervous System

1.1 Central nervous system stimulants.

1.1.1 Central analeptics.

1.1.2 Respiratory Stimulants.

1.2 Anaesthetics.

1.2.1 Inhalation anaesthetics.

1.2.2 Parenteral anaesthetics.

1.2.3 Local anaesthetics.

1.3 Narcotic analgesics.

1.3.1 Opioid agonists.

1.3.2 Opioid antagonists.

1.4 Sedatives.

1.4.1 Sedative hypnotics.

1.4.2 Sedative analgesics.

1.4.3 Sedative antagonists.

1.5 Anticonvulsants including anti-epileptics.

1.6 Tranquillisers.

1.6.1 Phenothiazine derivatives.

1.6.2 Butyrophenone derivatives.

1.7 Neuroleptanalgesics.

1.8 Analgesic antipyretics.

1.9 Medicines used for euthanasia.

2. Autonomic Nervous System

2.1 Sympathomimetics.

2.2 Sympatholytics.

2.3 Cholinergics.

2.4 Antimuscarinics.

3. Musculo-Skeletal System and Joints

3.1 Anti-inflammatory.

3.1 .1 Steroidals.

3.1.2 Non-steroidal anti-inflammatory drugs (NSAIDs).

3.1.2.1 Non selective COX2 inhibitors.

3.1.2.2 Selective COX2 inhibitors.

3.1.3 Topical agents.

3.1.4 Combinations.

3.1.5 Other.

3.2 Analgesics

3.2.1 Opioids.

3.2.2 NSAIDs.

3.2.3 Topical agents.

3.2.4 Combinations.

3.3 Muscle relaxants.

3.3.1 Centrally acting.

3.3.2 Peripherally-acting.

4. Autacoids

4.1 Histamine inhibitors.

4.1.1 Antihistamines.

4.1.2 Histamine release inhibitors.

4.2 Serotonin antagonists.

4.3 Others.

5. Cardio-Vascular System

5.1 Positive inotropic agents.

5.1.1 Cardiac glycosides.

5.1.2 Methylxanthines.

5.1.3 Others.

5.2 Anti-arrhythmics.

5.3 Vasodilators.

5.3.1 Peripheral-acting vasodilators.

5.3.2 Angiotensin inhibitors.

5.3.3 Calcium channel inhibitors.

6. Blood And Haemopoeitic System

6.1 Coagulants, haemostatics.

6.2 Anticoagulants.

6.3 Haematinics.

6.4 Plasma expanders.

7. Respiratory System

7.1 Antitussives and expectorants.

7.2 Mucolytics.

7.3 Bronchodilators.

7.4 Combinations.

8. Gastro-Intestinal System

8.1 Mouth washes.

8.2 Emetics.

8.3 Anti-emetics.

8.4 Acid-reducers.

8.4.1 Antacids and combinations.

8.4.2 Histamine-2 receptor antagonists.

8.4.3 Proton pump inhibitors.

8.4.4 Cytoprotective agents.

8.5 Motility enhancers.

8.5.1 Lubricants and Faecal softeners.

8.5.2 Laxatives and Purgatives.

8.6 Antispasmotics.

8.7 Antidiarrhoeals.

8.7.1 Plain.

8.7.2 With anti-microbial agents.

8.7.3 Antimicrobial agents.

8.7.4 Biologicals.

8.8 Analgesics.

8.9 Digestants.

8.10 Preparations used in the rumen.

8.10.1 Ruminotorics.

8.10.2 Anti-bloat remedies.

8.10.3 Others.

9. Hepatic System

9.1 Cholagogues and cholerectics.

9.2 Liver protectants and lipotropics.

10. Urinary System

10.1 Diuretics.

10.2 Urolitholytics and antispasmodics.

10.3 Urinary tract antiseptics.

10.4 pH modifiers.

10.4.1 Urinary acidifiers.

10.4.2 Urinary alkalinisers.

10.5 Others.

11. Reproductive System

11.1 Intravaginal and intra-uterine preparations.

11.2 Sex hormones.

11.2.1 Testosterone.

11.2.2 Oestrogens.

11.2.3 Progesterones and Progestogens.

11.2.4 Combinations.

11.3 Prostaglandins.

11.4 Trophic hormones.

11.5 Myometrial stimulants (Ecbolics).

11.6 Myometrial relaxants (Tocolytics).

11.7 Ovulation controlling agents.

12. Endocrine System

12.1 Insulin preparations.

12.2 Thyroid preparations.

12.3 Corticosteroids.

12.4 Growth Hormone.

12.5 Anabolic steroids.

13. Dermatologicals

13.1 Disinfectants and cleaning agents.

13.2 Antiseptic and antimicrobial preparations.

13.3 Antipuritics.

13.3.1 Topical corticosteroids with or without anti-infective agents.

13.3.2 Topical antihistamines with or without anti-infective agents.

13.4 Emollients and protectives.

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13.6 Keratolytics.

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14. Ophthalmic And Aural Preparations

14.1 Anti-infectives.

14.2 Corticosteroids.

14.3 Combinations (anti-infective with corticosteroids).

14.4 Others.

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17.1.1.2 Cephalosporins.

17.1.2 Tetracyclines.

17.1.3 Aminoglycosides.

17.1.4 Macrolides and Lincosamides.

17.1.5 Amphenicol.

17.1.6 Quinolones.

17.1.7 Sulphonamides and potentiators.

17.1.8 Nitrofurans.

17.1.9 Polypeptides.

17.1.10 Other.

17.1.11 Antibacterial combinations.

17.2 Antifungals.

17.3 Antivirals.

17.4 Anti-protozoals.

17.4.1 Anticoccidials.

17.4.2 Antibabesials.

17.4.3 Spirochaeticides.

17.4.4 Others.

18. Antiparasitic Agents

18.1 Endoparasiticides.

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18.1.5 Tetrahydropyrimidines.

18.1.6 Piperazines.

18.1.7 Organophosphores.

18.1.9 Combinations.

18.2 Endectocides.

18.3 Ectoparasiticides.

18.3.1 Organochlorines.

18.3.2 Organophosphores.

18.3.3 Pyrethrin and Pyrethroids.

18.3.4 Formamidines.

18.3.5 Nitroquanidines.

18.3.6 Phenylpyrazoles.

18.3.7 Insect growth hormones.

18.3.8 Chitin inhibitors.

18.3.9 Others.

18.3.10 Combinations.

19. Vitamins, Minerals And Geriatric Preparations

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20. Cytostatic Agents

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24.2 Cats vaccines.

24.3 Poultry vaccines.

24.4 Other vaccines.

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25. Production Enhancers

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Annexure 3

Certificate of registration for medicines

MEDICINES AND RELATED SUBSTANCES ACT 1965, (ACT NO. 101 OF 1965): MEDICINE REGISTRATION CERTIFICATE

It is hereby certified that registration of the medicine described below has been approved by the Authority in terms of section 15(3)(*a*) of the Medicines and Related Substances Act, 1965 (Act No. 101 of 1965), subject to the conditions indicated.

1. Proprietary name.....
2. Registration number.....
3. Approved name of every active pharmaceutical ingredient and quantities thereof per dosage unit or per suitable mass or volume or unit of the medicine.....
4. Dosage form.....
5. Conditions under which the medicine is registered.....
6. Name of holder of certificate of registration.....
7. Name and address of the manufacturer and the manufacturing facility.....
8. Name of the final product release control.....
9. Name of the final product release responsibility.....
10. Date of registration.....
11. Category of medicine.....
12. Class of the medicine.....
13. Discipline of medicine, if falling under Category D.....

_____

Chief Executive Officer

Issued at.....on.....20

DEPARTMENT OF HEALTH

NO. 860 **25 AUGUST 2017**

FOODSTUFFS, COSMETICS AND DISINFECTANTS ACT, 1972 (ACT NO. 54 OF 1972)

REGULATIONS GOVERNING THE MAXIMUM LIMITS FOR VETERINARY MEDICINE AND STOCK REMEDY RESIDUES THAT MAY BE PRESENT IN FOODSTUFFS : AMENDMENT

The Minister has, in terms of section 15 (1) of the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act 54 of 1972), made the regulations in the Schedule.

SCHEDULE

Regulation 2 of the Regulations is hereby amended by the replacement of Regulation 2 with the following:

2. Maximum residue levels (MRLs) for the purposes of section 2 (1) *(a)* (ii) of the Act, in so far as it is applicable to foodstuffs, are applied as follows:

(a) MRL levels as indicated in the Annex applies to domestic food;

(b) A default MRL of 0.01mg/kg applies to domestic food not specifically listed in the Annex;

(c) The MRLs as listed in the latest list of the Codex Veterinary Drug Residues in Food by the Codex Alimentarius Commission (Joint Food and Agricultural Organisation Food Standards Programme) or in the *Directives of the European Community,* applies to imported food;

(d) A default MRL of 0.01 mg/kg applies to residues in imported food not specifically listed in the publications referred to in paragraph(c) or in the Annex;

(e) The default value referred to in paragraphs (b) and (d) applies to all veterinary medicine and stock remedies where there are no public health concerns associated with the consumption of the chemical at the default value. It does not, however, apply to veterinary medicine or stock remedies where public health concerns would arise from consumption.

DR. A. MOTSOALEDI, MP
MINISTER OF HEALTH
DATE: 20/7/2017

DEPARTMENT OF HEALTH

NO. 861 **25 AUGUST 2017**

HEALTH PROFESSIONS ACT, 1974

REGULATIONS RELATING TO THE CONDUCT OF INQUIRIES INTO ALLEGED UNPROFESSIONAL CONDUCT UNDER THE HEALTH PROFESSIONS ACT, 1974: AMENDMENT

The Minister of Health hereby intends, in terms of section 61(1)*(h)* and (6) of the Health Professions Act, 1974 (Act No. 56 of 1974), and after consultation with the Health Professions Council of South Africa, to make the Regulations in the Schedule.

Any person wishing to comment on or to make representation with regard to the proposed amendments to the Regulations, is hereby invited to do so within three (3) months of the date of publication of this notice to the Director-General: Health, Private Bag X828, Pretoria, 0001 (for the attention of the Director: Public Entities Governance), within three months from date of publication of this notice. Comments received after the closing date may not be considered.

DR. AARON MOTSOALEDI

MINISTER OF HEALTH

DATE: 21/7/2017

SCHEDULE

Definition

1. In this Schedule "**the Regulations**" means the Regulations relating to the Conduct of Inquiries into Alleged Unprofessional Conduct made under the Health Professions Act, 1974 (Act No. 56 of 1974), and published under Government Notice No. R. 102 6 February 2009.

Amendment of regulation 1 of the Regulations

2. Regulation 1 of the Regulations is hereby amended by the insertion, in its correct alphabetical order, of the following definition:

"'**address**' means postal address, residential address, business address, fax number or electronic mail address;"

Amendment of regulation 2 of the Regulations

3. Regulation 2 of the Regulations is hereby amended by the substitution for subregulation (3) of the following subregulation:

"(3) The registrar must—

(a) peruse and analyse all complaints received;

(b) categorise complaints according to their significance and seriousness;

(c) record each complaint against the name of the respondent concerned as it appears in the register kept in terms of section 18 of the Act;

(d) refer complaints of minor transgressions and matters not falling under thejurisdiction of the council to the ombudsman for mediation or referral to the relevant authorities, respectively; and

(e) refer a complaint of poor performance to a performance assessment committee."

Amendment of regulation 4 of the Regulations

4. Regulation 4 of the Regulations is hereby amended by the substitution in subregulation (1)(b)(iii),for item (aa) of the following item:

"(aa) on the day such notification is hand-delivered, faxed, e-mailed, or otherwise

electronically transmitted to the respondent's address as it appears in the register; or"

Amendment of regulation 6 of the Regulations

5. Regulation 6 of the Regulations is hereby amended by—

(a) the substitution for sub regulation (1) of the following sub regulation:

"(1) The registrar must appoint the members of the professional conduct committee at least seven days before the inquiry."

Substitution of regulation 10 of the Regulations

6. The following regulation is hereby substituted for regulation 10 of the regulations:

"10. Arrangement of performance assessment

"(1) On receipt of the complaint of poor performance or a directive referred to in regulation 9(23), the registrar must,within 30 days from date of receipt of the complaint of poor performance, or within30 days from date of the finding by a professional conduct committee, appoint the members of the performance assessment committee.

(2)The performance assessment committee referred to in subregulation(1) must be composed of three registered practitioners from the same discipline as the respondent.

(3) The registrar must issue a notice, which must essentially be in the form of Annexure C to these regulations, addressed to the respondent stating-

(a) the date and time when and the place where the assessment will be held; and

(b) the areas of poor performance identified by the complainant or professional conduct committee to be assessed by the performance assessment committee;

(c) the manner in which the assessment is to be conducted;

(d) the duration of the assessment; and

(e) any practice restrictions imposed by the professional conduct committee or the performance assessment committee.

(4) The notice referred to in subregulation (3) must be served on the respondent's address by hand, fax, electronic-mail, or posted to him or her at his

or her registered address by a registered post at least 21 working days prior to the date set for the performance assessment.

(5) The performance assessment committee—

(a) must determinethe manner in which the assessment of the areas of poor performance identified by the professional conduct committee or contained in the complaint, is to be conducted;

(b) must determine the duration of the assessment; and

(c) may impose practice restrictions on the respondent.

(6) At the conclusion of the assessment the performance assessment committee must make a determination on the appropriate management of the respondent's poor performance and give directives to be adhered to by the respondent to improve on his or her performance within such period as may be determined by the performance assessment committee, and require the respondent to submit such reports as may be determined by the performance assessment committee to make a final determination on the performance of the respondent.

(7) The respondent must adhere to the directives given by the performance assessment committee, failing which the performance assessment committee may direct the registrar to suspend the respondent from practising his or her profession until such time as he or she has fully complied with the directives.

(8) When the respondent has complied with the directives and the performance assessment committee has received the required reports referred to in subregulation (6), the performance assessment committee must consider the reports to ascertain if the respondent has acquired the required skills to enable him or her to perform optimally in practising his or her profession.

(9) If the performance assessment committee, on the grounds of the reports submitted, is satisfied that the respondent has acquired the required skills to practise his or her profession with reasonable skill, it may lift the practice restrictions imposed by the professional conduct committee in terms of regulation 9(23) or it may lift the practice restrictions imposed by it in terms of subregulation(5)(c), and finalise the matter.

(10) If the performance assessment committee, on the grounds of the reports submitted, is not satisfied that the respondent has acquired the required skills

to practise his or her profession, the performance assessment committee must determine the skills the respondent requires to be able to practise his or her profession with reasonable skill."

Short title

7. These regulations shall be called the Regulations relating to the Conduct of Inquiries into Alleged Unprofessional Conduct: Amendment.

ISAZISO SIKAHULUMENI

UMNYANGO WEZEMPILO

I-*HEALTH PROFESSIONS ACT,* WE-1974

IMITHETHOZIMISO EZIMAQONDANA NOKUPHATHWA KWEMIBUZO NGOKUSOLA UKUZIPHATHA OKUPHAMBENE NOKOMSEBENZI NGAPHANSI KWE-*HEALTH PROFESSIONS ACT,* WE-1974: ISICHIBIYELO

UNgqongqoshe wezeMpilo lapha uqondeukwenza iMithethozimiso kuSheduli, ngokwemigomo yesigaba sama-61(1)*(h)* kanye nesesi-(6) se-*Health Professions Act,* we-1974 (uMthetho wama-54 wezi-1974), futhi emuva kokuxoxisana noMkhandlu wabaSebenzi bezeMpilo eNingizimu Afrika.

Noma yimuphi umuntu ozobeka umbono noma amele maqondana nezichibiyelo kuMthethozimiso, lapha uyamenywa ukuthi ezinyangeni ezi-(3) kushicilelwe lesi saziso ku-*Director-General*: *Health, Private Bag X828, Pretoria,* 0001(ukunakwa uMqondisi: Amagatsha Okwenganyelwa komphakathi), ezinyangeni ezintathu kusukela osukwini okushicilelwe ngalo lesi saziso. Imibono etholakale emuva kosuku lokuvala ngeke ithathwe.

DKT. AARON MOTSOALEDI

UNGQONGQOSHE WEZEMPILO

USUKU: 21/7/2017

ISHEDULI

Incazelo

1. Kule Sheduli **"iMithethozimiso"** kusho iMithethozimiso emaqondana nokuPhathwa kweMibuzo ngokuSola Ukuziphatha Okuphambene Nokomsebenzi eyenziwe ngaphansi kwe*Health Professions Act,* we-1974 (uMthetho wama-56 we-1974), futhi ushicilelwe ngaphansi kweSaziso sikaHulumeni No. R. 102 samhla ziyi-6 kuNhlolanja wezi-2009.

Ukuchibiyelwa komthethosimiso woku-1 weMithethozimiso

2. UMthethosimiso soku-1 seMithethozimiso sichibiyelwe lapha ngokufakwa, ngokulandelana okufanele kwezinhlamvu zamagama, incazelo elandelayo:

" **'ikheli'**kusho Ikheli leposi, Ikheli lendawo yokuhlala, iposi lebhizinisi, inombolo yefeksi, noma imeyili yobuchwepheshe;"

Ukuchibiyelwa komthethosimiso wesi-2 weMithethozimiso

3. UMthethosimiso wesi-2 seMithethozimiso sichibiyelwe lapha ngokufaka endaweni yomthethosimiswana wesi-(3) umthethosimiswana olandelayo:

"(3) Umbhalisi kumele—

(a) ahlole futhi ahlaziye zonke izikhalazo ezitholakele;

(b) ahlukanise izikhalazo ngokubaluleka kanye nobunzima bazo;

(c) arekhode isikhalazo nesikhalazo ngokubhekana negama lofakelwa isikhalazo njengokuba kuvela kurejista egcinwe ngokwemigomo yesigaba se-18 soMthetho;

(d) adlulise izikhalazo zamacala amancane noma izindaba ezingekho ngaphansi kwendawo yokusebenzela yomkhandlu kuya kubaphenyi ukuxazulula noma ukudlulisela emagatsheni afanele, ngokulandelana; futhi

(e) adlulise isikhalazo sokungenzi kahle ekomidini lokuhlolwa kokusebenza."

Ukuchibiyelwa komthethosimiso wesi-4 weMithethozimiso

4. UMthethosimiso wesi-4 weMithethozimiso uchibiyelwe lapha ngokufaka endaweni yomthethosimiswana woku-(1)(b)(iii), uhlamvu (aa) lohlamvu olulandelayo:

"(aa) ngosuku lapho isaziso esinjalo senziwe ngokuhambisa mathupha, ukufeksa, ukumeyila noma olunye uhlobo lokuhambisa lobuchwepheshe ekhelini lommangalelwa njengokuba kuvela kurejista; noma"

Ukuchibiyelwa komthethosimiso wesi-6 weMithethozimiso

5. UMthethosimiso wesi-6 weMithethozimiso uchibiyelwe lapha—

(a) ngokufaka endaweni yomthethosimiswanawoku-(1) umthethosimiswana olandelayo:

"(1) Umbhalisi kumele aqoke amalunga ekomidi lokuziphatha emsebenzini okungenani ezinsukwini eziyisikhombisa ngaphambi kophenyo"

Ukufaka endaweni yomthethosimiso se-10 seMithethozimiso

6. Umthethosimiso olandelayo ufakwe endaweni yomthethosimiso we-10 wemithethozimiso:

"10. Ukuhlelwa kokuhlolwa kwezinga lokusebenza

"(1) Ekutholeni isikhalazo ngokungasebenzi ngokufanele noma umyalelo okukhulunywe ngawo kumthethosimiso wesi-9(23), ezinsukwini ezingama-30 kusukela osukwini lokuthola isikhalazo sokungasebenzi ngokufanele, noma ezinsukwini ezingama-30 kusukela ngosuku lapho ikomidi lokuziphatha ngokomsebenzi lithola ngalokho, umbhalisi kumele, aqoke amalunga ekomidi lokuhlolwa kwezinga lokusebenza.

(2) Ikomidi lokuhlolwa kwezinga lokusebenza okukhulunywe ngalo kumthethosimiswana woku-(1) kumele libe nongoti abathathu ababhalisile abenza umsebenzi ofanayo nommangalelwa.

(3) Umbhalisi kumele akhiphe isaziso, okumele sibe kwifomu lesiThasiselo C kulemithethozimiso, asiyise kummangalelwa siveza-

(a) usukukanye nesikhathi kanye nendawo kokuhlolwa; kanye

(b) nezindawo zokungasebenzi ngokufanele okushiwo ngumfaki wesikhalazo noma ikomidi lokuziphatha ngokufanele emsebenzini okuzohlolwa yikomidi lokuhlolwa kwezinga umsebenzi;

(c) indlela ukuhlolwa okuzokwenziwa ngayo;

(d) ukuthi ukuhlola kuzothatha isikhathi esingakanani; futhi

(e) nanoma ikuphi ukuvinjwelwa okubekwe yikomidi lokuziphatha ngokufanele emsebenzini noma yikomidi lokuhlolwa kwezinga umsebenzi.

(4) Isaziso okukhulunywe ngaso kumthethosimiswana wesi-(3) kumele sihanjiswe kummangalelwa ngesandla, lfeksi, imeyili noma siposelwe kuye ekhelini leposi lakhe elibhalisiwe okungenani ezinsukwini ezingama-21 ngaphambi kosuku lokuhlolwa kwezinga lokusebenza.

(5) Ikomidi lokuhlolwa kwezinga lokusebenza—

(a) kumele linqume indlela ukuhlola kwezindawo zokungasebenzi ngendlela okubonwe yikomidi lokuziphatha ngokufanele emsebenzini noma okuqukethwe esikhalazweni, okuzokwenziwa ngayo;

(b) kumele linqume ukuthi ukuhlolwa kuzothatha isikhathi esingakanani; kanye

(c) nokwethwesa ummangalelwa ukuvimba ukuthi asebenze.

(6) Ekuphethweni kokuhlolwa ikomidi lokuhlolwa kwezinga lokusebenzakumele lenze isinqumo sokuphatha okufanele kokungasebenzi ngendlela kummangalelwa futhi likhiphe imiyalelo okumele ilandelwe ngummangalelwa ukwenza ngcono izinga lakhe lokusebenza esikhathini esithile esinqunywe yikomidi lokuhlolwa kwezinga lokusebenza, futhi lithi ummangalelwa akalethe imibiko enjalo enganqunywa ikomidi lokuhlolwa kwezinga lokusebenza ukwenza isinqumo sokugcina sezinga lokusebenza komfaki kummangalelwa.

(7) Ummangalelwa kumele alandele imiyalelo ayinikwe yikomidi lokuhlolwa kwezinga lokusebenza, ukungaphumelela ukwenza njalo ikomidi lokuhlolwa kwezinga lokusebenza lingayalela umbhalisi ukuthi amise ummangalelwa emsebenzini kuze kube yisikhathi lapho elandele ngokugcwele imiyalelo.

(8) Uma ummangalelwa esehambisene nemiyalelo futhi nekomidi lokuhlolwa kwezinga lokusebenza selithole imibiko efunekayo okukhulunywe ngayo kumthethosimiso wesi-(6), ikomidi lokuhlolwa kwezinga lokusebenza kumele libheke imibiko ukuqinisekisa ukuthi ummangalalelwa usethole amakhono afunekayo amvumela ukuthi enze umsebenzi wakhe ngokufanele.

(9) Uma ikomidi lokuhlolwa kwezinga lokusebenza, ngenxa yokulethwa kwemibiko, ligculisekile ukuthi ummangalelwa usethole amakhono afunekayo ukwenza umsebenzi wakhe ngekhono elifanele, lingasusa ukuvinjelwa ukuthi asebenze ekade ethweswe khona yikomidi lokuziphatha ngokufanele emsebenzini ngokwemigomo yomthethosimiswana sesi-(5)(c), bese liluvala udaba.

(10) Uma ikomidi lokuhlolwa kwezinga lokusebenza, ngenxa yokulethwa kwemibiko, lingagculisekanga ukuthi ummangalelwa uwatholile amakhono afunekayo ukwenza umsebenzi wakhe, ikomidi lokuhlolwa kwezinga lokusebenza kumele linqume amakhono ummangalelwa awadingayo ukuze akwazi ukwenza umsebenzi wakhe ngekhono elifanele."

Isihloko esifushane

7. Le Mithethozimiso kumele ibizwe ngeMithethozimiso Emaqondana Nokuphathwa Kwemibuzo Ngokusola Ukuziphatha Okuphambene Nokomsebenzi: Isichibiyelo.

TSEBIŠO YA MMUŠO

KGORO YA MAPHELO

HEALTH PROFESSIONS ACT, 1974

MELAWANA YE MALEBANA LE TSHEPETŠO YA DINYAKIŠIŠO TŠA DIPOLELO TŠA MAITSHWARO AO E SEGO A PROFEŠENALE KA TLASE GA *HEALTH PROFESSIONS ACT, 1974*: PHETOŠO

Tona ya Maphelo o ikemišeditše, go ya ka karolo 61(1)*(h)*le (6) ya *Health Professions Act,* 1974 (Molao 56 wa 1974), mme morago ga therišano le Khansele ya Diprofešene tša Maphelo ya Afrika Borwa, go dira Melawana Dišetuleng.

Motho ofe goba ofe yo a nyakago go dira swayaswayo go goba go dira dikemelo malebana le Melawana yeo e šišintšwego, o laletšwa go dira seo mo dikgweding tše tharo (3) tša letšatšikgwedi la kgatišo ya tsebišo ye go Molaodi-Kakaretšo: Health, Private Bag X828, Pretoria, 0001 (e lebišitšwe go Molaodi: Taolo ya Dikgwebo tša Setšhaba), mo dikgweding tše tharo go tloga letšatšikgweding la kgatišo ya tsebišo. Diswayaswayo tšeo di hweditšwego ka morago ga letšatšikgwedi la mafelelo di ka se eleletšwe.

NGAKA AARON MOTSOALEDI
TONA YA MAPHELO
LETŠATŠIKGWEDI: 21/7/2017

ŠETULE

Hlalošo

1. Mo Šetule ye "**Melawana**" e ra Melawana ye malebana le Tshepetšo ya Dinyakišišo tša Dipolelo tša Maitshwaro ao e sego a Profešenale ka tlase *Health Professions Act, 1974* (Molao 56 wa 1974), mme e gatišitšwe ka tlase ga Tsebišo ya Mmušo ya 102 6 Dibokwane 2009.

Phetošo ya molawana 1 wa Melawana

2. Molawana 1 wa Melawana o a fetošwa ka go lokela, ka lenaneo leo le nepagetšego la ditlhaka, hlalošo yeo e latelago:

"'**aterese**' e ra aterese ya poso, aterese ya madulo, aterese ya kgwebo, nomoro ya fekese goba aterese ya emeile;"

Phetošo ya molawana 2 wa Melawana

3. Molawana 2 wa Melawana o a fetošwa ka go tlošwa go lokelwe go molawanatlaleletšo(3) wa molawanatlaleletšowo o latelago:

"(3) Mongwadiši o swanetše go—

(a) lebelela le go fetleka dingongorego ka moka tšeo di hweditšwego;

(b) bea dingongorego ka magoro go ya ka bohlokwa bja tšona;

(c) ngwala ngongorego ye nngwe le ye nngwe kgahlanong le leina la mofetodi yo malebana ka moo e tšwelelago retšisetareng go ya ka karolo 18 ya Molao ;

(d) iša dingongorego tša maitshwarompe ao e sego a šoro le merero yeo e sego ka tlase ga maatla a khansele go ombate bakeng sa tharollo goba go išwa bolaoding bjo malebana, ka tatellano; mme

(e) iša ngongorego ya go se dire mošomo komiting ya phetleko."

Phetošo ya molawana 4 ya Melawana

4. Molawana 4 wa Melawana o a fetošwa ka go tlošwa go lokelwe go molawanatlaleletšo(1)(b)(iii),bakeng sa ntlha (aa) ya ntle ye e latelago:

"(aa) ka letšatšikgwedi leo tsebišo e romelwago ka seatla, ka fekese, emeile, goba ka tsela ye nngwe ya elektroniki atereseng ya mofetodi ka moo go tšweletšego retšisetareng; goba"

Phetošo ya molawana 6 wa Melawana

5. Molawana 6 ya Melawana e a fetošwa ka go—

(a) Tlošwa go lokelwe molawanatlaleletšo(1) wa molawana wo o latelago:

"(1) Mongwadiši o swanetše go thwala maloko a komiti ya tša maitshwaro a profešenale mo matšatšing a šupa pele ga nyakišišo."

Nyakišišo ya molawana 10 wa Melawana

6. Molawana wo o latelago o a tlošwa go lokelwa molawana 10 wa melawana:

"10. Thulaganyo ya phetleko ya phethagatšo ya mošomo

"(1) Ge a hwetša ngongorego ya phethagatšo ya mošomo yeo e sa phethagalago goba taelo yeo e hlalošitšwego go molawana 9(23), mongwadiši o swanetše,mo matšatšing a 30 go tloga ka letšatšikgwedi la kgwetšo ya ngongorego ya phethagatšo ya mošomo woo o sa phethagalago, goba mo matšatšing a 30 go tloga ka letšatšikgwedi la khwetšo ka komiti ya tša maitshwaro a profešenale, go thwala maloko a komiti ya phetleko ya phethagatšo ya mošomo.

(2) Komiti ya phetleko ya phethagatšo ya mošomo yeo e hlalošitšwego go molawanatlaleletšo (1) e swanetše go hlangwa ke bahlankedi ba bararo bao ba ngwadišitšwego gotšwa lefelong le le swanago la boitemogelo bjalo ka la mofetodi.

(3) Mongwadiši o swanetše go nea tsebišo, yeo e swanetšego go ba go Selomaganyo C sa melawana ye, yeo e romelwago go mofetodi e hlaloša-

(a) letšatšikgwedi le nako ge, leo lefelo phetleko e tlilego go diragatšwa; le

(b) mafelo a tiragatšo yeo e sa phethagalago ao a tsopotšwego ke mongongoregi goba komiti ya tša maitshwaro a profešenale ao a tlilego go fetlekwa ke komiti ya tša maitshwaro a profešenale;

(c) mokgwa wa tiragatšo ya phetleko;

(d) nako ya phetleko; le

(e) dithibelo dife goba dife tšeo di gapeletšwago ke komiti ya tša maitshwaro a tša profešenale goba komiti ya tša maitshwaro a profešenale.

(4) Tsebišo yeo e hlalošitšwego go molawanatlaleletšo (3) e swanetše go romelwa atereseng ya mofetodi ka seatla, fekese, emeile, goba ka poso go atereseng ya gagwe yeo e ngwadišitšwego ka poso yeo e ngwadišitšwego mo matšatšing a 21 a mošomo pele ga letšatši leo le beetšwego phetleko ya phethagatšo ya mošomo.

(5) Komiti ya phetleko ya phethagatšo ya mošomo—

(a) e swanetše go laola tsela yeo phetleko ya phethagatšo ya mafelo a mošomo wo o sego wa phethagalo ao a tsopotšwego ke komiti ya tša maitshwaro a profešenale goba ao a lego ngongoregong e swanetšego o sepetšwa ka yona;

(b) e swanetše go laola nako ya phetleko; mme

(c) e ka gapeletša dithibelo go mofetodi.

(6) Mafelelong a phetleko, komiti ya phetleko ya phethagatšo ya mošomo e swanetše go laetša taelo ye e swanetšego ya tiragatšo yeo mošomo woo e sego wa phethagalo ya mofetodi mme e nee ditaelo tšeo di swanetšego go obamelwa ke mofetodi bakeng sa go kaonafatša phethagatšo ya gagwe ya mošomo mo nakong yeo e tla laelwago ke komiti ya phetleko ya mošomo go dira taelo ya mafelelo ya tiragatšo ya mošomo ya mofetodi.

(7) Mofetodi o swanetše go latela ditaelo tšeo di dirilwego ke komiti ya phetleko ya phethagatšo ya mošomo, mme ge a sa dire seo, komiti ya phetleko ya phethagatšo ya mošomo e ka laela gore mongwadiši a emiše mofetodi tiragatšong ya mošomo wa gagwe go fihlela nako yeo a obamelago ditaelo ka botlalo.

(8) Ge mofetodi a obametše ditaelo mme komiti ya phetleko ya phethagatšo ya mošomo e hweditše dipego tše di hlokegago tšeo di hlalošitšwego go molawanatlaleletšo (6), komiti ya phetleko ya phethagatšo ya mošomo e swanetše go eleletša dipego bakeng sa go netefatša gore naa mofetodi o na le bokgoni bjoo bo hlokegago bja go phethagatša mošomo wa gagwe.

(9) Ge komiti ya phetleko ya phethagatšo ya mošomo, ka mabaka a dipego tšeo di rometšwego, e kgotsofetše gore mofetodi o hweditše bokgoni bjo bo hlokegago go phethagatša mošomo wa gagwe ka bokgoni bjo bo kwagalago, e ka tloša dithibelo tšeo di gapeleditšwego ke komiti ya phetleko ya phethagatšo ya mošomogo ya ka molawana 9(23) goba e ka tloša dithibelo tša phethagatšo ya mošomo tšeo di gapeleditšwego go ya ka molawana (5)(c), mme e phethagaletše morero.

(10) Ge komiti ya phetleko ya phethagatšo ya mošomo, ka mabaka a dipego tšeo di rometšwego, e sa kgotsofale gore mofetodi o hweditše bokgoni bjo bo hlokegago bja go phethagatša mošomo wa gagwe, komiti ya phetleko ya phethagatšo ya mošomo e swanetše go laetša bokgoni bjoo bo hlokegago go mofetodi gore a kgone go phethagatša mošomo wa gagwe ka bokgoni bjo bo kwagalago."

Thaetlele ye kopana

7. Melawana ye e tla bitšwa Melawana ye malebana le Tshepetšo ya Dinyakišišo tša Dipolelo tša Maitshwaro ao e sego a Profešenale: Phetošo.

DEPARTMENT OF HOME AFFAIRS

NO. 862 **25 AUGUST 2017**

ALTERATION OF FORENAMES IN TERMS OF SECTION 24 OF THE BIRTHS AND DEATHS REGISTRATION ACT, 1992 (ACT NO. 51 OF 1992)

The Director-General has authorized the following persons to assume the forename printed in *italics*:

1. Thoolawathi Ally - 530429 0043 083 - 42-244, Bayview, CHARTSWORTH, 4092 - *Fathima*
2. Nasliva Annah Morakadi - 960425 0591 088 - 18693 Extension 19, JOUBERTON, 2574 - *Nthabeleng Annah*
3. Onkabetse Makua - 980419 5599 085 - 3577 Cnr Rubberlip & Shark Streetsand, KAALFONTEIN, 1632 - *Onkabetse Caswell*
4. Andileo Khayelihle Surprise Mthethwa - 890226 5459 080 - A A 466 Umlazi Township, Ngwenya Groove, UMLAZI, 4036 - *Andile Leo Khaya Surprise*
5. Ahmed Taahir Thetjane Kgasago - 881007 5668 081 - 175 Buchler Street, Danville, PRETORIA WEST, 0183 - *Ahmed Thetjane Moloto*
6. Gift Mpho Mchunu - 910727 5221 087 - Johannesburg, 129 Christian Dube Street, Dobsonville, SOWETO, 1863 - *Gift Cebo*
7. Tshepo Gracen - 790706 6062 083 - P O Box 3634, CAPE TOWN, 7925 - *Siddeeq*
8. Palisa Janet Khanye - 931207 0597 083 - Z D26 Sakhile Flats, STANDERTON, 2431 - *Palesa Lucy Janet*
9. Dineo Comfort Mabena - 911026 0948 086 - 68 Umbexe Street, Nkwe Estate, ROSSLYN, 0200 - *Comfort Dineo*
10. Lezahn Meagan Kafaar - 910429 0173 088 - 34 Vicky Street, WORCESTER, 6850 - *Laeeqah Ziyana*
11. Siphelele Mbashe - 890629 6289 085 - 8994 Nonkqubela Street, Lingelethu, MALMESBURY, 7300 - *Siphelele Percy*
12. Malesela Mack Seleka - 700117 5384 081 - 10018 Sekgakgapeng, MOKOPANE, 0600 - *Lesiba Michael*
13. Lesiba Saltius Tlhotse - 590710 5343 082 - No 313 Ga Pila Village, MAPELA, 0610 - *Lesiba Zebedius*
14. Malose Peter Chaoke - 860827 5970 087 - Stand 10649, Polar Park, MOKOPANE, 0600 - *Peter Malose*
15. Swartland Jinx Miners - 670401 0756 089 - 230 Vaal Block, PEARSTON, 5860 - *Cynthia*
16. Tonderai Sibambo Ncube - 871114 5711 085 - 734 Mpola Ndlovu, Milkway, DASSENHOEK, 3610 - *Sibambo*
17. Jan Maruping - 860807 5399 081 - 563 Matshan Street, JAN KEMPDORP, 8550 - *Pogisho Jan*
18. Haleni Isaiah Mkhaba - 690119 5379 089 - Stand No 686, Legogote, WHITE RIVER, 1240 - *Heleni Isaac*
19. Gelene Witbooi - 950815 0415 084 - Libanon Farm, VICTORIA WEST, 7070 - *Jenine*
20. Francicka Florence James - 961007 0165 086 - 41 Willow Way, Rosendal, EERSTERIVIER, 7100 - *Franciska Florence*
21. Sinethemba Mteteni - 921008 5991 087 - Zalu Heights, LUSIKISIKI, 4820 - *Sinethemba Doctor*
22. Ntevhedzeni Festus Murathi - 741111 0330 083 - P O Box 02, MY DARLING, 0791 - *Ntevhedzeni Eunice*
23. Myrtle Swartz - 900628 0036 086 - Plot 4 M 4, MAGOGONG, 8575 - *Myrlene*
24. Amos Mangenenduni Magagula - 590302 5668 088 - Stand No 20, Bhuga Trust, KABOKWENI, 1245 - *Amos Mangenendlini*
25. Salma Chengiah - 571119 0173 085 - Flat 3 Findon Court, 71 Umbilo Road, DURBAN, 4001 - *Elaine Esther*
26. Boniwe Gogo - 820104 0338 085 - 5658 Unit P, Fort Jackson, MDANTSANE, 5019 - *Boniwe Lathitha*
27. Nirvashne Mullar - 880627 0220 082 - 12 Berrystone Road, PHOENIX, 4068 - *Adilah*
28. Idah Mamatshona Kekana - 690724 0602 086 - Glenrich, Extension 16, SOWETO, 1818 - *Idah*

29. Mishack Tompa Matlala - 820517 5681 086 - 501 Block U, MABOPANE, 0190 - *Stephens Ramae*

30. Mosolo Walter Malobela - 830928 6297 087 - 263 Extension 11 A, MAMELODI EAST, 0122 - *Eminyana Walter*

31. Nozuko Begg - 601231 0601 082 - 8 Nathan Close, Malabar, PORT ELIZABETH, 6020 - *Nozuko Hajira*

32. Sifiso Cry Nkosi - 960319 5339 082 - Eskom 03040, Manzana Area, OSIZWENI, 2952 - *Sifiso*

33. Tokologo Maila - 981112 5602 087 - Ga Radingwana, JANE FURSE, 1085 - *Makgalaborwa Tokologo*

34. Sekate Johannes Manjiyane - 800827 5887 086 - 974 Matlwangtlwang, STEYNSRUS, 9515 - *Samkelo Johannes*

35. Shaneseka Elizabeth Maluleka - 770417 0273 080 - 574 Sedibeng Section, TEMBISA, 1632 - *Elizabeth*

36. Kerataone Phele - 880820 0804 084 - House No E06, Matloding Village, TSEOGE, 8617 - *Kerataone Reginah*

37. Livhuwani Godman Ranjapedi - 830901 5854 083 - 28 Block U U, SOSHANGUVE, 0152 - *Tebogo Goodman*

38. Angelo Petersen - 891106 5895 088 - 6 Rockies Circle, TAFELSIG, 7785 - *Amier*

39. Patience Nolwando Mbekisa - 700520 0370 080 - 13 Kent Road, MANDALAY, 7785 - *Patience*

40. Siphokazi Leticia Dabrat Gebe - 810811 0846 089 - C16 Montego Bay, 18 Sandana Road, BOUBERG, 7441 - *Siphokazi*

41. John William Solomons - 940911 5230 082 - 153 -10th Avenue, RETREAT, 7945 - *Mogamad Raees*

42. Andisile Mazamisa - 760202 6963 088 - 3577 Burlington Station, Malvern, QUEENSBURGH, 4093 - *Andisile Khayalethu*

43. Mziwoxolo Diamond - 940702 5095 082 - 1456 Nu 16, MDANTSANE, 5219 - *Mzoxolo*

44. Meagan Jacobs - 910812 0192 085 - 37 Trumpeter Street, Pelican Park, STRANDFONTEIN, 7941 - *Imaan*

45. Elisa Mphephu Mabasa - 760614 0340 081 - P O Box 182, MULENZHE, 0950 - *Elisah Mafanato*

46. Nonhlanhla Hlengwa - 880627 1365 084 - Gasa Section 437, INCHANGA, 3670 - *Nonhlanhla Bianca*

47. Petros Madela - 720522 5373 081 - Mnyathi Area, VRYHEID, 3100 - *Sabelo Petros*

48. Makganye Hlophego Phafana - 850225 1109 085 - P O Box 22190, MIDDELBURG, 1050 - *Makganye Hunadi Hazel*

49. Nidovhamini Felicia Nemathaga - 770115 0633 085 - 1390 Montana Manor, Klippan Road, MONTANA, 0182 - *Lufuno Felicia*

50. Mpuluko Vimbi - 820622 6289 085 - P O Box 921, FLAGSTAFF, 4810 - *Mpucuko*

51. Tebogo Michael Lechuti - 770625 6113 080 - 623 Leshobo Village, TAUNG, 8580 - *Tebogo Notwane*

52. Willy Seleka - 870104 5510 083 - 10018 Sekgakgapeng, MOKOPANE, 0600 - *Modikana Willy*

53. Sehlopi Matlala - 881101 6008 080 - Stand No 152, Mokgaltjane Village, MARBLE HALL, 0450 - *Desmond Morwamphela Goitsimang*

54. Ofentse Gundo Tolo - 990827 5260 086 - 60 B De Lange Street, ZEERUST, 2865 - *Ofentse*

55. Mbali Komape - 931209 0641 085 - 736 South Africa Road, Tsutsumane, ALEXANDRA, 2090 - *Mbali Kwena Lucia*

56. Mpendulo Alecshars Votyeka - 841010 6956 082 - 4968 Tshothlego Street, Ikageng, POTCHEFSTROOM, 2531 - *Karabo Electious*

57. Ntahlile Keneth Mogowane - 820222 5952 088 - 610 Century Plaza, Cnr Smith And Twist, JOHANNESBURG, 2001 - *Ntahlile Kenneth*

58. Onkarabile Mogale - 990322 0551 085 - 3679 B Maseding, MARABYANE, 0431 - *Grace Onkarabile*

59. Sevel Gorden Diphatse - 851213 5873 087 - Welgeleegen Farm, JACOBSDAL, 8710 - *Sarel Gorden*

60. Tshotleho Justice Kgoboko - 880318 6063 086 - 465 Long Road, Doorn, WELKOM, 9459 - *Lehlohonolo Justice*

61. Gouwa De Coito - 851021 0235 081 - 10 Helderberg Street, SOMERSET WEST, 7129 - *Yvette*

62. Lindiswa Gura - 950224 1086 087 - 9692 Qhaviga, Kwasa-Kwasa, HERMANUS, 7200 - *Lindiswa Linomtha*

63. Bertha Motlhamme - 960522 1180 083 - 3 Opal Street, CARLETONVILLE, 2499 - *Bertha Lerato*

64. Mavis Ngwakwane Mabokoane - 950727 0579 084 - Ga-Maroga, BURGERSFORT, 1150 - *Boithekgo Ngwakwane*

65. Ndleleni Jerry Mdaka - 771205 5268 083 - 10 Malubane Street, MKHUHLU, 1246 - *Sipho Jerry*

66. Nkosinathi Bhekuzulu Nkosikhona Garratt - 820302 5776 081 - 10 Roger Place, SCOTTBURGH, 4180 - *Lucky Nkosinathi*

67. Mavis Majola - 950618 1056 083 - 13269 Pedro Street, Wallacedene, KRAAIFONTEIN, 7570 - *Thembisa*

68. Mziwakhe Ndlovu - 950924 6283 080 - Ntembisweni Area, GREYTOWN, 3250 - *Thobani Mziwakhe*

69. Karabo Sophy Mokedi - 950301 0522 088 - 10442 Malete Section, BRACKUIL, 2554 - *Karabo Gaebee Sophy*

70. Azwihangwisi Mimi Nyamande - 911106 1196 081 - 630 Batees Road, EVATON, 1984 - *Azwihangwisi Alivina*

71. Vusi Dumakude - 910601 5276 088 - 1363 Extension 2, Thinasonke, PALMRIDGE, 1455 - *Fezile Legacy*

72. Relebohile Telile - 910324 5465 086 - A 536 A Tiger Street, Site C, KHAYELITSHA, 7784 - *Rethabile*

73. Fikasande Denge - 961229 1321 084 - Baleni Location, BIZANA, 4800 - *Asanda*

74. Valencia Ntombenhle Mkhwanazi - 930125 0401 083 - 509 Mtshali Street, TSAKANI, 1550 - *Nelisiwe Valentia*

75. Makokone Bohlokwa Jacob Masemola - 931130 5543 086 - Machollele Section, GA-MARISHANE, 1064 - *Letsatsi Bohlokwa Jacob*

76. Mashibele Lebo Ntsoane - 960509 5760 085 - 118 / 8155 Matea Street, Extension 19, Windmill Park, BOKSBURG, 1459 - *Diale Lebo*

77. Ephraim Masinge - 790905 6177 087 - 390 Block Pp 1, SOSHANGUVE, 0152 - *Yingwane Ephraim*

78. Ellen Katherine Hartzenberg Hartzenberg-Aeroe - 980507 0414 084 - 16 Sidmouth Avenue, ORANJEZICHT, 8001 - *Ellen Katherine*

79. Matome Arthur Glen Molope - 930711 5450 082 - 154 – 14th Avenue, ALEXANDRA, 2010 - *Glenn Amos*

80. Tumelo Serage - 971014 5509 084 - 592 Longtill, EERSTEGELUK, 1133 - *Xavier Tumelo*

81. Sthembile Mzila - 810218 0835 080 - Othulini A/A, MSINGA, 3010 - *Sthembile Princess*

82. Aneesa Railoun - 800723 0132 083 - 12 Graison Close, South Fork, STRAND, 7140 - *Christelle*

83. Devon Manual Maluleke - 980603 6442 086 - P O Box 1236, MALAMULELE, 0982 - *Devon Emmanuel*

84. Sindiso Marius Kamnqa - 930610 6446 083 - 47 Pretorius Road, VORNA VALLEY, 1686 - *Sindiso Nkosikhona*

85. Josana Sekgankele Mamaila - 990716 5712 081 - 10039 Gamanthanyane, GLEN COWIE, 1061 - *Josaya Sekgatikele*

86. Poloko Rosette Phokwe - 970413 0370 081 - House No 676 B, Selocha Section, MODDERKUIL, 0352 - *Tokologo Rosette*

87. Thanyani Phineas Kwinda - 400202 6245 086 - P O Box 183, MUTALE, 0956 - *Phineas Thanyani*

88. Nontsapo Mpambaniso - 560210 0624 087 - 1663 Ntantala Street, Mosiphumelele, FISHHOEK, 7975 - *Nozithekelelo*

89. Siviwe Sasa - 940601 5748 080 - 49 Palomino Street, Jagterhof, KUILSRIVER, 9580 - *Siviwe Kingston*

90. Sediopo Theophlius Mogale - 660926 5511 081 - 19 Prince Court, 11th Avenue, ALEXANDRA, 2090 - *Seeng Theophilus*

91. Venessa Goldsmith Sobuwa - 780522 0070 085 - 9 Saint Benedict Road, CROSSWOLD, 2090 - *Kanyisa Beryl*

92. Ivy Hossain - 880501 0816 084 - Disaneng Village, Thopeng Section, ZEERUST, 2800 - *Ivy Ayesha*

93. Bishop Gilboy Melane - 430424 5453 081 - 2 Toyota Street, 7 Auries, RANDFONTEIN, 1760 - *Bishop*

94. Thobile Dzanibe - 980205 5968 085 - Kak's Hill, UMZIMKULU, 3297 - *Wandile Thobile*

95. Molebogeng Mathibedi - 920212 0955 086 - 40 Jangroentjie Crescent, NINAPARK, 0182 - *Molebogeng Kebone*

96. Sibulelo Balakisi - 990116 0356 085 - 92 Nashu Street, Nu 7, Motherwell, PORT ELIZABETH, 6211 - *Sibulele*

97. Tranquility Mbezi - 990514 0161 085 - 5792 Skopas, Khutsong Location, CARLETONVILLE, 2499 - *Tranquility Boniswa*

98. S¢Boniso Gasa - 850103 6524 089 - Swayimani, WARTBURG, 3233 - *Sboniso*

99. Montyatyambo Yvonne Jobela - 891104 0988 081 - Siyanda S/Camp, BUTTERWORTH, 4960 - *Nontyatyambo Yvonne*

100. Sipho Robson Simamane - 710527 5497 089 - 9 Cyril Ramaphosa Street, JEFFREYSBAY, 6330 - *Sipho Robson Sitayela Vusumuzi*

101. Thomas Thabisang Ngingi - 550107 5482 085 - 8397 Mlangeni Street, Roseview, Duduza, NIGEL, 1496 - *Zamile*

102. Farah-Naaz Sewpershad - 871205 0200 080 - 52 San Martino, Pretorius Street, MIDRAND, 1685 - *Sarah*

103. Kanyiswa Gadu - 840529 0776 080 - Block L 7, Nofa Show Flats, LANGA, 7455 - *Kanyiswa Bridget*

104. Moqodisi Jonas Januarie - 561005 5354 089 - 72225 Kanana, SEBOKENG, 1984 - *Mxolisi Jonas*

105. Samson Ramantu Moabi - 710625 5751 081 - 55 Haardekools, Unit 38 Extension 10, Oribi Street, THERESA PARK, 0182 - *Gabriel*

106. Phindile Penny Zamasishi Madlala - 780525 0296 089 - 1507 The Towers, 2 Bamboo Lane, PINETOWN, 3610 - *Phindile Zamasishi*

107. Thinaiwi Cheryl Malaka - 810930 0654 085 - 33 Kingsley Park, Groblerspark, ROODEPOORT, 1724 - *Tshinaiwa Cheryl*

108. Christopher Dayimane - 970615 5649 083 - Upper Ngqwara Area, MQANDULI, 5080 - *Christopher Siphamandla*

109. Sandi Gungqisa - 970808 6201 083 - Nkelekethe A/A, WILLOWVALE, 5040 - *Sandi Lizalise*

110. Ntando Yondela Mdingi - 961030 5561 083 - 401 Cnr Smith & King George Street, Dolphin Square Building, JOHANNESBURG, 2000 - *Ntando Dollar Yondela*

111. Nomapha Pacians Mgoqi - 770125 0513 088 - 20260 Phase 5, Lower Cross, NYANGA, 7750 - *Nomapha Patience*

112. Jonas Sibeko - 820527 5417 084 - 10807 Extension 5, SOSHANGUVE, 0152 - *Thabo Jonas*

113. Alex Macdowell Shirindza - 780408 5890 083 - 7582 Bell Pepper Street, THE ORCHARDS, 0182 - *Nyiko*

114. Flavour Nosindiso Masuku - 830822 0365 083 - 4143 Extension 14, SOSHANGUVE, 0152 - *Flavia Nosindiso*

115. Kamogelo Mogato Mapheto - 861025 5583 088 - Stand No 20372, Mantjana, Paledi Village, MANKWENG, 0727 - *Kamogelo Elijah*

116. Dipuo Innocentia Tsotetsi - 740325 0575 080 - 1497 / 9 Victoria Street, DEBONAIR PARK, 1984 - *Tiny Innocentia*

117. Thembeka Bambiso - 810927 0979 082 - 41 Gijima Street, KNYSNA, 6500 - *Ahlumile*

118. Sonja Shreena Pietersen - 860418 0147 085 - 34 Nieuwhout Street, Rosemoore, GEORGE, 6530 - *Shereen Sonja*

119. Marie-Louise Charles - 831101 0323 080 - 475 Akasia Street, RHEENENDAL, 6576 - *Marie-Louise Nombulelo*

120. Daniel Taoli - 680503 5891 080 - 7628 K 9, Kutloaneng, ODENDAALRSRUS, 9483 - *Daniel Napo*

121. Bonani Musawenkosi Ndwalane - 841003 5699 084 - A 11 Kwadabeka, CLERMONT, 3602 - *Musawenkosi*

122. Matabole Frans Raphala - 811118 5597 082 - House No 593, Ga-Shiloane Area, BELFAST, 1100 - *Motabole Frans*

123. Bronwin Moira Adonis - 880702 0184 081 - 22 Oxford Street, Malibu Village, BLUEDOWNS, 7820 - *Basheerah*

124. Jefrey Mojalefa Khoza - 940704 6245 088 - 260 Slocha Section, MODDERKUIL, 0352 - *Jeffrey Mojalefa*

125. Fidelcastra Modise - 990326 5337 085 - 642 Leraba Street, KOFFIEFONTEIN, 9986 - *Fedilcastro*

126. Herman Erasmus - 960504 5078 083 - 110 Ganse Street, VANDERKLOOFDAM, 8770 - *Jan Hendrik Hermanus Stefanus*

127. Dereck Valentine - 570504 5145 082 - 2 Junniper Street, BONTEHEUWEL, 7764 - *Iekeraam*

128. Anelane Maleti - 931113 5777 086 - 16 Mika Street, VREDENBURG, 7380 - *Anelang Lehlohonolo*

129. Alfred Mabelane Moshidi - 621022 5588 085 - 217 Marulaneng, MOGANYAKA, 0459 - *Gidimisani Alfred*

130. Xolile Harold Ndlela - 660623 5078 084 - Mbangweni A/A, NTABANKULU, 5130 - *Xolile*

131. Mamorena Moshoeshoe - 800522 0479 084 - Bhongweni Location, KOKSTAD, 4700 - *Mamarena*

132. Jan Riaan Kritzinger - 760419 5063 088 - 23 Onze Uitzicht Seder Street, PANORAMA, 7530 - *Adriaan Jan*

133. Julia Gabaikanngwe Motlhophe - 790717 0476 088 - House No E29, Marulakop Section, Mmasebudule Village, LEHURUTSHE, 2880 - *Gabaikanngwe Julia*

134. Vhutshirulo Ronald Tshithavha - 820825 5884 083 - 125 Longmore Drive, Crystal Park, Extension 25, BENONI, 1501 - *Vhutshilo Ronald*

135. Mnyamani Hope Khoza - 851228 0488 087 - 469 Knobwood Avenue, Thatchfield, Glen The Reeds Extension 36, CENTURION, 0157 - *Nyami Hope Mnyamani*

136. Nonjabulo Happiness Mhlongo - 891002 0433 084 - Stand No 2121, KAB OKWENI, 1245 - *Nonjabulo*

137. Londiwe Nomcebo Mnculwane - 940807 0444 084 - Mabhalonini, ESTCOURT, 3310 - *Nomcebo Londiwe*

138. Calvin Mziza - 940528 5741 080 - Stand No 082, Talane, MPUDULLE, 1057 - *Calvin Katankane*

139. Samukelo Welcome Nathan Nkuna - 880102 6038 086 - House No 1600, Section B, MKHUHLU, 1246 - *Samkelo Welcome Nathan*

140. Mmathapelo Emmah Magakalla - 851106 0537 089 - 169 Mpharangope, TSHIKANOSHI, 0431 - *Kokame Mmathapelo Maria*

141. Dumisani Lesely Matsimbi - 860109 5964 083 - House No 522, Section F, GIYANI, 0826 - *Dumisani Lesley*

142. Makomela Johannes Augustine Madike - 860110 5519 083 - Premier Park, TZANEEN, 0850 - *Giovanni Johannes*

143. Thamagane Caswell Maphakane - 860805 5782 082 - P O Box 4, GA-NKOANA, 0740 - *Mantsho Caswell*

144. Snothile Mavie - 971227 0573 083 - Private Bag X1009, RICHARDS BAY, 3900 - *Snothile Azania*

145. Khonangenkosi Ndwandwe - 900313 0887 081 - P O Box 529, MKHUZE, 3965 - *Khonangenkosi Londiwe*

146. Dimpho Nchai - 990201 1461 082 - 5328 Lininengoi Street, Samora Machel, MITCHELLAS PLAIN, 7785 - *Mizan*

147. Polo Elizabeth Ramile - 960902 0407 085 - 19 Molkte Street, SENEKAL, 9600 - *Elizabeth*

148. Ngoako Albert Molemisi - 950918 5428 084 - Unit 77, Gosforth Park Estate, GERMISTON, 1401 - *Hakeem Ngoako*

149. Sonwabise Didi - 920205 5859 089 - Ngwenvana A/A, MQANDULI, 5080 - *Siyonela Sonwabise*

150. Maura Tshisano - 980409 1235 081 - 683 Marikana West, MARIKANA, 0284 - *Kamogelo Maureen*

151. Zimasa Xeliweyo - 950615 1176 085 - Mabehana A/A, MQANDULI, 5080 - *Zimasa Patience*

152. Nkhiphitheni Moshiani - 910321 6261 084 - Stand No 63, TSHIFUDI, 0979 - *Anointed*

153. Modimakasa Martha Tshehla - 911226 1272 086 - Stand No 113, Dipekapakeng, TAFELKOP, 0470 - *Sebokane Martha*

154. Phumanelakhe Shangase - 751019 5114 088 - Mpumalanga Township, Unit 6, 3700 Zibuse Road, HAMMARSDALE, 3700 - *Philani*

155. Ramatsimele Concelia Makgatho - 790109 0704 083 - Makurung, GA-MPHAHLELE, 0736 - *Katlanegiso Kopano Concelia*

156. Machoene Virginia Ndlovu - 830812 1009 087 - Stand No 8, Jan Fiskraal, PHALABORWA, 1390 - *Seemi Virginia*

157. Cupheni Mlotshwa - 940723 1053 081 - P O Box 10, NKANDLA, 3885 - *S'thembile*

158. Henry Thulo - 971110 5340 080 - 400 Eloff Street, THEUNISSEN, 9410 - *Boitumelo Henry*

159. Lizwi Bhuza - 970811 5333 089 - 16 D Block 15, Noxolo Street, SOMERSET WEST, 7130 - *Sinelizwi*

160. Nomaxesibe Qintiza - 980924 1073 084 - B 33 Never Never, PHILLIPI, 7785 - *Nomasixole*

161. Ntoniya Dlamini - 331009 0239 088 - G 699, UMLAZI, 4031 - *Antonia*

162. Elizabeth Poswa - 630814 0239 089 - 52 Vukutu Street, Southerwood, MTHATHA, 5011 - *Elizabeth Neziswa*

163. Victor Dzunisani Mkhombo - 720910 5590 087 - 4 Willowvale, 12 Adams Road, AMANZIMTOTI, 4126 - *Dzunisani*

164. Dumisani Ngceke - 930520 5863 081 - Mhlanganisweni, LIBODE, 5160 - *Bafana*

165. Mamone Phillipos Kekana - 950130 5956 086 - Moletlane, ZEBEDIELA, 0628 - *Thabo Sekhoba*

166. Zenzile Suzan Mokolobate - 710913 1014 088 - 21235 Mangaung, TURFLAAGTE, 9323 - *Goitshasiwang Suzan*

167. Catherine Thusi - 740522 0594 083 - 2616 Moka Street, Zone 1, MEADOWLANDS, 1852 - *Sbongile Catherine*

168. Tara Horn - 740527 0471 083 - 13 Romary Street, Lorraine, PORT ELIZABETH, 6070 - *Jalnora Tara*

169. Moahlodi Petrus Rapulane - 780222 6019 083 - 4 Himite Street, Elandsridge, CARLETONVILLE, 2499 - *Moatlhodi Petrus*

170. Bartman Swarts - 800905 5078 086 - 1996 Eiker Avenue, BURGERSDORP, 9744 - *Bartman Peter*

171. Chanine Sharmeine Slabbert - 810219 5960 089 - 6 Kolasia Protea Heights, BRACKENFELL, 7560 - *Jason Martin*

172. Maurice Simon Zitha - 810901 5749 089 - 190 Madikizela Street, DAVEYTON, 1520 - *Freedom*

173. Manare Olga Mabelebele - 910304 6433 085 - P O Box 69, BABIRWA, 0716 - *Manare Oscar*

174. Makwande Gcume - 990331 5598 082 - Mxhokozweni A/A, FLAGSTAFF, 4810 - *Makwande Nandos Oyama*

175. Muziwakhe Mahaye - 930905 6301 084 - P O Box 987, ULUNDI, 3838 - *Mbongeni*

176. Nobungcwalisa Mbana - 990823 0724 085 - Ntlaza A/A, LIBODE, 5160 - *Onele*

177. Lebogang Peete - 960321 0387 082 - 3537 A Zone 10, MEADOWLANDS, 1852 - *Lebogang Latoya*

178. Thaidzo Martha Phasani - 941112 0996 087 - 10394 Intambula Street, Extension 15, Nellmapius, PRETORIA, 0122 - *Tshedza Martha*

179. Lina Popi Magubusha - 910317 1234 084 - 191 Kwalithuli, MAMELODI, 0100 - *Linah Poppy*

180. Seipati Portia Maoela - 820820 0603 083 - Flat 99, Skeefblom Correctional Service, KROONSTAD, 9499 - *Adaiah*

181. Megan Marina Kloppers - 911016 0076 087 - 68 Mulberry Avenue, Allen Grove, KEMPTON PARK, 1620 - *Meghan Marina*

182. Nolizi Mcetywa - 940910 1515 082 - 34 Avenue, CLERMONT, 3610 - *Nolizwi*

183. Patrick Gcememe - 820422 5924 083 - Room 77 A, Ny 3 A, GUGULETHU, 7750 - *Shaheed Patrick*

184. Brandid Lee Austin - 940626 5109 082 - 34 Entabeni Road, PINETOWN, 3610 - *Brandin Lee*

185. Dudu Malibongwe Dumakude - 920101 1963 084 - No 2 Howard Circle, NEW HANOVER, 3230 - *Malibongwe*

186. Éire Sloane - 990407 0472 083 - 2 Hillary Street, BRACKENFELL, 7560 - *Irish Éire*

187. Nditsheni Mashamba - 860417 1149 082 - Stand No 376, Gogobole, SINTHUMULE, 0921 - *Marcia Nditsheni*

188. Marlon Ashwin Maarman - 890922 5196 082 - 77 Lavender Avenue, Lentegeur, MITCHELLS PLAIN, 7785 - *Mohammed Mansur*

189. Gershwin John Davids - 880807 5084 085 - 42 A Hallans Walk, HANOVER PARK, 7780 - *La-Eeq*

190. Folazana Evodia Ncamane - 670203 0306 083 - 11659 Ditira Street, BLOEMFONTEIN, 9323 - *Mvulazana Evodia*

191. Alpheus Lesibe Mashiane - 990227 5349 080 - House No 20047, Matobole, MAJA, 0719 - *Alpheus Lesiba*

192. Percy Makhafola - 930405 5691 080 - Vergelenge Z, JANE FURSE, 1005 - *Mohlokahlong Percy*

193. Serame Levi Mpempe - 910525 5327 080 - 15447 Obakeng Street, KIMBERLEY, 8345 - *Molefi Levi*

194. Kgomotso Joseph Radebe - 870718 5655 083 - 4 James Chapman Street, VANDERBIJLPARK, 1911 - *Mduduzi Kgomotso Joseph*

195. Diena Swartbooi - 520930 0758 085 - 424 Bonteheuwel, CARNARVON, 8925 - *Magrietha Dina*

196. Norah Mashaba - 940824 0793 089 - 2483 Extension 2, BOITEKONG, 0308 - *Lebogang*

197. Nobathembu Fristina Ndikinda - 870517 0811 083 - 30019 Sono Street, Wallacedene, KRAAIFONTEIN, 7570 - *Niyole*

198. Petrus Arnoldus Lourens Steyn - 901130 5008 086 - 31 – 5th Street, Delarey, ROODEPOORT, 1709 - *Lourens*

199. Nakedi Joseph Motlowane - 810311 5578 084 - Private Bag X9491, POLOKWANE, 0699 - *Nakedi Sipho*

200. Khululiwe Abegail Xulu - 910119 0409 083 - House No 396, Driefontein Area, TONGAAT, 4400 - *Khululiwe Bongeka*

201. Gladys Nwashihissa Mthembu - 900610 0737 087 - 11352 Warror Street, Mohlakeng, RANDFONTEIN, 1759 - *Gladys Nwashihissa Gugulethu*

202. Mokoko Lesley Choma - 920903 5160 082 - 619 Seshoka Crescent, Spruitview, GERMISTON, 1431 - *Katlego Lesley*

203. Winnie Nokuthula Masilela - 921123 0293 080 - Queens Anns Race, Hope City, MIDDELBURG, 1050 - *Nokuthula Winnie Noxolo*

204. Nompumeleloclowie Shangase - 951002 0440 086 - Nyamazane Area, MAPHUMULO, 4470 - *Nompumelelo Clowie*

205. Langalakhe Praisegod Dlodlo - 870116 5308 086 - Room 204, Worcester Court Smit Street, JOHANNESBURG, 2001 - *Mxolisi Quinton*

206. Makota George Lenkela - 811005 5585 086 - 4090 Phase 2, Khutsong, CARLETONVILLE, 2499 - *Thabang George*

207. Zukanyana James Bezu - 871231 5329 088 - 3497 Phase 2, Khutsong, CARLETONVILLE, 2499 - *James*

208. Euvodia Nthabiseng Botsime - 740618 0763 080 - 16361 Phase 2, BLOEMFONTEIN, 9323 - *Euphobia Nthabiseng Thabang*

209. Mamotlana Welheminah Masike - 800504 1044 083 - 2207 Tswana Section, Khutsong Location, CARLETONVILLE, 2499 - *Ruth*

210. Nomaphelo Silumko - 730316 0803 087 - 5148 Extension 1, PHOLA PARK, 1426 - *Nomaphelo Nolonwabo*

211. Nyondase Thivy Nwoke - 891116 0258 083 - 3220 Phase 3, Tshepisong, ROODEPOORT, 1724 - *Esther Nyondase*

212. Ntono Johannes Mahuma - 521027 5341 089 - 2628 Khutsong South, CARLETONVILLE, 2499 - *Tefo Jerry*

213. Royal Moromiwa Madlala - 770708 6045 088 - 118 Lothiah Road, DURBAN, 4051 - *Royal Moroa*

214. Rishard Thokozani Mthembu - 780705 5855 085 - C 311 Amatikwe Areae, INANDA, 4310 - *Thokozani Richard*

215. Nomonde Patience Nzimande - 800110 0958 081 - 46 Royce Street, BREYTEN, 2330 - *Nelisiwe Patience*

216. Vishani Kalian - 940512 0041 084 - 48 Flamingo Avenue, Mackenzie Park, BENONI, 1501 - *Visshanie*

217. Sthembile Cebekhulu - 890920 1771 080 - Elandskop Area, PIETERMARITZBURG, 3200 - *Sthembile Brightness*

218. Tlotliso Mamohlolo Qaba - 981204 0215 088 - 3211 Mokgakge Street, BOTHAVILLE, 9860 - *Tlotliso*

219. Mabula Gedion Lehasa - 980326 5563 088 - 1471 Ward Road, EVATON, 1980 - *Tumisang Gedion*

220. Mahlomola Francis Seloane - 790123 5740 083 - 333 Halibut Crescent, Extension 1, LAWLEY, 1830 - *Mahlomola Tseliso*

221. Josephine Morotoba - 700615 0654 085 - 47 Mokolobotlo Street, SAULVILLE, 0125 - *Josephine Khaukanani*

222. Mathulamishe Anos Makobela - 580804 5483 089 - Stand No F1804, New Eersterus, HAMMANSKRAAL, 0010 - *Mathulamishe David*

223. Busisiwe Ntisana - 941212 1129 082 - Manambeni A/A, MTHATHA, 5099 - *Busisiwe Bomkazi*

224. Lindokuhle Pono - 960105 6111 087 - 68 Van Der Stel Street, WESTONARIA, 1779 - *Lindokuhle Tyson*

225. Andisiwe Manyube - 911107 5544 086 - Ngcamngeni Location, DEBE NEK, 5671 - *Andisiwe Simon*

226. Siphamandla Hopewell Msomi - 900508 5477 081 - Inchanja Fredville Location, INCHANGA, 3670 - *Sphamandla Hopewell*

227. Christoph Stoffel Phutiyashoka Digashu - 710924 5726 080 - House No 112, Zone 2, MAHWELRENG, 0626 - *Christoph Stoffel Phuti*

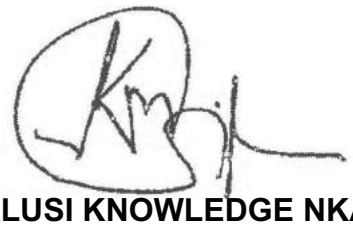
228. Calvinita Candice Moses - 890426 0171 082 - 20 Dale Street, College Hill, UITENHAGE, 6229 - *Nazli*

NATIONAL TREASURY

NO. 863 **25 AUGUST 2017**

AMENDMENTS TO THE REGULATIONS ISSUED IN TERMS OF SECTION 36 OF THE PENSION FUNDS ACT, 1956 (ACT 24 OF 1956)

I, Malusi Knowledge Nkanyezi Gigaba, Minister of Finance, under section 36 of the Pension Funds Act, 1956 (Act No. 24 of 1956), hereby amend the Regulations made under section 36 of the Pension Funds Act and published under Government Notice R.98 in *Government Gazette* 162 of 26 January 1962 (as amended from time to time) as set out in the Schedule.



MALUSI KNOWLEDGE NKANYEZI GIGABA, MP
MINISTER OF FINANCE

GOVERNMENT GAZETTE

SCHEDULE

AMENDMENTS TO THE REGULATIONS ISSUED IN TERMS OF SECTION 36 OF THE PENSION FUNDS ACT, 1956 (ACT 24 OF 1956)

Definitions

1. In these regulations "the Regulations" mean the Regulations published by Government Notice R.98 in *Government Gazette* 162 of 26 January 1962, as amended by:

Notice	Government Gazette	Date
R.2144	9437	28 September 1984
R.1790	9892	16 August 1985
R.1037	10249	28 May 1986
R.232	10601	6 February 1987
R.1452	11992	7 July 1989
R.1920	12079	1 September 1989
R.2361	13536	27 September 1991
R.201	14572	12 February 1993
R.2324	15312	10 December 1993
R.141	15453	28 January 1994
R.1838	16833	24 November 1995
R.1677	17500	18 October 1996
R.801	18978	19 June 1998
R.1020	19131	14 August 1998
R.1154	19225	11 September 1998
R.1218	19269	25 September 1998
R.1644	19596	18 December 1998
R.853	20267	9 July 1999 w.e.f 1 July 1999
R.896	21545	8 September 2000 w.e.f 1 September 2000
R.337	22210	6 April 2001
R.100	23080	1 February 2002
R.1037	23689	1 August 2002
33	24264	24 January 2003
558	24780	22 April 2003
R.1739	25776	28 November 2003
R.1355	27012	19 November 2004
R.1105	28226	14 November 2005
R.491	28884	29 May 2006
R.843	29139	18 August 2006
R.1217	29446	1 December 2006
R.73	31837	4 February 2009
BN149	33693	27 October 2010
BN 10	33954	28 January 2011
BN 26	34024	14 February 2011
BN 61	34152	25 March 2011 w.e.f. 1 April 2011
R.183	34070	4 March 2011 w.e.f. 1 July 2011

Amendment of definitions as published in GN R.98 of 1962, and amended by GN R1838 of 1995 and GNR.491 of 2006

1. The definitions in the Regulations are hereby amended--

(a) by the insertion after the definition of "accounting person" of the following definitions:

'"**annuity strategy"** means a strategy, as determined by a board, setting out the manner in which a member's retirement savings may be applied, with the member's consent, to provide an annuity or annuities by the fund or to purchase an annuity on behalf of the member from an external provider, which annuity or annuities may either be in the name of the member or in the name of the fund and which complies with the requirements of regulation 39 and any conditions that may be prescribed from time to time;

"collective investment scheme" has the meaning assigned to it in section 1 of the Collective Investment Schemes Control Act, 2002 (Act No. 45 of 2002);

"default investment portfolio"3 means an investment portfolio(s) in which the retirement funding contributions of a member must be invested unless the fund has been instructed by the member in writing to invest them in another investment portfolio provided in terms of the investment policy statement of the fund or options available to members of the fund, and which portfolio(s)—

(a) complies with the requirements set out in regulation 37;

(b) may differ in composition from member to member depending on:

(i) the age or likely date of retirement from service of each member;

(ii) the value of the retirement savings of the member in that fund,

(iii) the actual or expected retirement funding contributions of the member; or

(iv) any other factor reasonably considered by the board to be appropriate in respect of that member; and

(c) complies with any conditions that may be prescribed;';

(b) by the insertion after the definition of "insurer" of the following definitions:

' **"investment portfolio"** means an identifiable portfolio of assets whether those assets are—

(a) owned by the fund; and/or

(b) owned by an insurer which has issued to the fund a policy in terms of which policy benefits are directly or indirectly based on the returns on the investment of those assets; and/or

(c) assets held by a collective investment scheme or pooled fund of which the fund or an insurer contemplated in part *(b)* is a unit-holder,

in which the fund has invested retirement funding contributions and/or has decided to include in the range of investment options in which retirement funding contributions may be invested;

"living annuity" has the meaning assigned to it in section 1 of the Income Tax Act, 1962 (Act No 58 of 1962);

"Long-term Insurance Act" means the Long-term Insurance Act, 1998 (Act No. 52 of 1998);

"long-term insurer" means a person registered as a long-term insurer in terms of the Long-term Insurance Act;

"paid-up member" means a deferred pensioner;

"paid-up membership certificate" means a certificate issued by a fund in terms of regulation 38 in respect of a paid-up member which records, in a format which may be prescribed, at least the following:

(a) the name, address, registration number and contact details of the pension or provident fund;

(b) the name, address and contact details of the pension or provident fund administrator;

(c) the name, address, ID number, tax number, fund membership number and most recent contact details of the member in respect of whom the certificate is issued;

(d) the date at which the member in respect of whom the certificate is issued became a paid-up member, and the date on which the certificate was issued;

(e) the value of the member's individual account or member's individual reserve in respect of whom the certificate is issued, at the date on which such a member became paid-up;

(f) the investment portfolios in which such retirement savings are invested; and

(g) any other information which may be prescribed.

"pooled fund" means a collective investment undertaking, including investment compartments of a collective investment undertaking, constituted in any legal form, including in terms of a contract, by means of a trust, or in terms of statute, which–

(a) raises capital from one or more investors, to facilitate the participation or interest in, subscription, contribution or commitment to a fund or portfolio, with a view to investing it in accordance with a defined investment policy for the benefit of the investors; and

(b) does not require approval as a collective investment scheme in terms of the Collective Investment Schemes Control Act, 2002 (Act No. 45 of 2002);'; and

(c) by the insertion after the definition of "privately administered fund" of the following definitions:

'**"retirement benefits counselling"** means the disclosure and explanation, in a clear and understandable language, including risks, costs and charges, of:

(a) the available investment portfolios;

(b) the terms of the fund's annuity strategy;

(c) the terms and process by which a fund, handles preserved benefits in terms of regulation 38; and

(d) any other options made available to members;

"retirement funding contributions" in a defined contribution category of a fund, means that part of the contributions or transfer values paid to the fund by or in respect of a member, which are applied towards retirement savings in terms of the rules of the fund;

"retirement savings" in a defined contribution category of a fund, means the member's individual account;'.

Insertion of Regulations 37 to 40

2. (1) The Regulations are hereby amended, by the insertion after regulation 36, of the following regulations:

'**Default investment portfolio(s)**

37. (1) The board of a fund with a defined contribution category, to which members belong as a condition of employment, must include in its investment policy statement the provision of one or more default investment portfolios.

(2) The board must ensure, and be able to demonstrate to the Registrar on request, that—

Default investment portfolio(s) are appropriate for the members who will be automatically enrolled into them

(a) the design of the default investment portfolio, including its—

(i) objective;

(ii) underlying asset allocation;

(iii) fees and charges; and

(iv) the expected risks and returns to which it exposes members whose retirement savings in that fund are or will be invested in the default investment portfolio,

is appropriate to that category of members whose retirement funding contributions and retirement savings are or will be invested in the default investment portfolio(s);

The composition of assets and performance of the default investment portfolio are adequately communicated to members

(b) the composition of assets and performance of the default investment portfolio(s), and fund returns are communicated to members on a frequency and format which may be prescribed;

Default investment portfolios are reasonably priced and competitive

(c) the fees and charges in respect of the default investment portfolio(s) or the assets held in respect of the default investment portfolio(s) are reasonable and competitive, taking account of the size, asset allocation and other characteristics of the fund;

All fees and charges are disclosed

(d) all fees and charges, whether borne directly or indirectly by the fund, implicit or explicit, are disclosed on a regular basis to boards and the relevant information is appropriately disclosed to members, in a clear and understandable language, and in formats which may be prescribed;

Both passive and active investment must be considered as investment options

(e) it considers both passive and active investment strategies as part of the default investment portfolio;

No loyalty bonuses or other complex fee structures

(f) no fees or charges deducted from or amounts credited to members' retirement savings or retirement funding contributions or otherwise paid to members by any service provider in respect of the default investment portfolio may depend on the length of time that an individual has been a member of the fund, the number of contributions made by the member or any similar measure;

Members are not locked into the default investment portfolio

(g) where member investment choice is provided in the rules, members may, at least once every twelve (12) months, instruct the fund to transfer their retirement savings from the default investment portfolio into any other investment portfolios offered in terms of the investment policy statement, in respect of which transfer the fund may deduct reasonable administration costs; and

The default investment portfolio is reviewed

(h) it reviews the default investment portfolio(s) on a regular basis to ensure that it continues to comply with this regulation;

Exemption

(3) The Registrar may on written application by a fund or in general, exempt a fund, or categories, types or kinds of funds, from all or any of the provisions of these regulations, subject to conditions that the Registrar may impose.

Default preservation and portability

38. 1. *(a)* When members are enrolled into a pension or provident fund as a condition of employment, the rules of that fund must provide for members who leave the service of a participating employer before retirement to become paid-up members.

(b) When members leave the service of a participating employer before retirement, such members —

(i) must be made paid-up members of the fund until the fund is instructed by the member, in writing, to pay out or transfer the benefits due to the member in terms of the rules, and

(ii) must be presented with a paid-up membership certificate within two (2) calendar months of the fund becoming aware that the member has left the services of the participating employer.

(c) Investment fees and charges in respect of the portion of retirement savings that is invested in the default investment portfolio may not differ on the basis of whether members are paid-up members or are still in the service of the participating employer. The administration fees for paid-up members must be fair, reasonable and commensurate with the cost of providing the administration service to members still in the service of the participating employer.

(d) No initial once-off charge may be levied on the retirement savings of a member as a direct consequence of that member becoming a paid-up member.

(e) The rules of funds to which a member belongs as a condition of employment must make provision to accept any amount or amounts transferred, to the fund from another fund for the benefit of a member or members, provided that such transfers comprise a defined contribution benefit component, and such funds must –

(i) within four (4) months of a member joining the fund, request, in a manner which may be prescribed, a list of all paid-up membership certificates in respect of any retirement savings of that member;

(ii) request, for each paid-up membership certificate, in a manner which may be prescribed, whether members wish to allow the retirement savings held in respect of each paid-up membership certificate to be transferred into the new fund; and

(iii) if a member elects to transfer their retirement savings, arrange on behalf of that member, in respect of each paid-up membership certificate, the transfer of all such retirement savings into the fund, without levying a charge on such amounts in respect of the transfer.

(2) The fund rules must with respect to paid-up members specify that—

(a) no new contributions to the fund may be permitted in respect of this class of member;

(b) no deductions may be made from the retirement savings of paid-up members in respect of risk benefits;

(c) upon the member becoming paid-up, a defined benefit amount, must be converted to a defined contribution component and have it preserved as such;3

(d) eligibility for death benefits, retirement and early retirement for paid-up members is as per fund rules; and

(e) members are given access to retirement benefits counselling before any such withdrawal benefit as determined in the fund rules is paid to them or any transfer is made to another fund.

(3) The Registrar may on written application by a fund or in general, exempt a fund, or categories, types or kinds of funds, from all or any of the provisions of these regulations, subject to conditions that the Registrar may impose.

Annuity strategy

39. (1)*(a)*The boards of all pension, pension preservation and retirement annuity funds must establish an annuity strategy.

(b) Where the rules of a provident or provident preservation fund enable a member to elect an annuity, the board must establish an annuity strategy.

(2) Boards must ensure, and be able to demonstrate to the Registrar on request, that—

The proposed annuity or annuities as per the annuity strategy are appropriate and suitable for the specific classes of members who will be enrolled into them

(a) in determining an annuity or annuities, the board has considered, as far as it can reasonably ascertain: the level of income that will be payable to retiring members; the investment, inflation and other risks inherent in the income received by retiring members; and the level of income protection granted to beneficiaries in the event of the death of a member enrolled into the proposed annuity;

The objective, asset class composition and performance of the annuity are communicated to members

(b) with respect to a living annuity, the asset class composition of investments, their performance and changes in the incomes in respect of the annuity must be communicated to members on a regular basis, in a clear and understandable language and in a format which may be prescribed;

Annuities have reasonable and competitive fees and charges

(c) the fees and charges in respect of the annuity or the assets held in respect thereof are reasonable and competitive, considering the benefits provided to members;

All fees and charges, and their impact on members' benefits are disclosed

(d) all fees and charges, whether borne directly or indirectly by the fund, implicit or explicit, are disclosed on a regular basis to boards and the relevant information is appropriately disclosed to members, in a clear and understandable language, and in formats which may be prescribed;

Members are given access to retirement benefits counselling

(e) members are given access to retirement benefits counselling not less than three (3) months before their normal retirement age as determined in the rules of the fund and as may be prescribed; and

The annuity strategy is reviewed annually

(f) it reviews the annuity strategy at least annually to ensure that the annuity or annuities continue to comply with this regulation and are appropriate for members.

Living annuities

(3)*(a)* In addition to traditional annuities, living annuities may be paid directly from the fund or through a fund owned policy or sourced from an external provider as part of the annuity strategy; provided that in each case, the investment choice is limited to four (4) investment portfolios, which portfolios are compliant with regulation 28 and 37 and drawdown levels are compliant with a prescribed standard.

(b) Where the living annuity is paid from the fund or through a fund owned policy, funds must monitor the sustainability of income drawn by retirees in these living annuities and make such members aware if their drawdown rates are deemed not to be sustainable.

In-fund annuities other than living annuities

(4) An annuity payable by the fund in terms of the rules of the fund may be chosen as part of the annuity strategy.

Out of fund annuities, other than living annuities

(5) Annuities provided by a long-term insurer may be provided as part of the annuity strategy subject to such conditions that the Registrar may prescribe.

Exemption

(6) The Registrar may on written application by a fund or in general, exempt a fund, or categories, types or kinds of funds, from all or any of the provisions of these regulations, subject to conditions that the Registrar may impose.

Application of Regulations 37 to 39

40. *(a)* Other than where specifically indicated, regulations 37 and 38 do not apply to retirement annuity and preservation funds.

(b) Regulations 37, 38 and 39 do not apply to funds in liquidation as contemplated in section 28 of the Act.'

Commencement

3. These amendments to the Regulations come into effect on 1 September 2017. All default arrangements in place on the effective date of these amendments to the Regulations must comply with the provisions of these amendments to the Regulations within eighteen (18) months of the effective date.

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NO. 864 **25 AUGUST 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) (c) of the Restitution of Land Rights Act, 1994 as amended) that a claim has been lodged for restitution of land rights on:

REF NO.	CLAIMANT	PORTION NUMBER	CURRENT LANDOWNERS	BONDS / NO BONDS	DEED OF TRANSFER	INTERESTED PARTIES
Z0147	Mr. Jabulani David Mahlangu	Portion 2 of the farm Blesbokfontein 459 JR	Tetema Communal Property Association	None	T10213/2016	Land Claimant, the current landowner and the Thembisile Local Municipality

have been submitted to the Regional Land Claim Commission and that the Commission on Restitution of Land Rights will investigate the claim in terms of the provisions of the Act in due course. Any interested person who has an interest in the above-mentioned land claim is hereby invited to submit, within 180 (one hundred and eighty) working days from the publication any comments/information to:

Chief Directorate: Land Restitution Support Gauteng Province
Private Bag X03
ARCADIA
0007
Tel: (012) 310-6500
Fax: (012) 324-5812

MR. L.H MAPHUTHA
REGIONAL LAND CLAIMS COMMISSIONER
DATE: 24/7/2017

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NO. 865 **25 AUGUST 2017**

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

WHEREAS The Fort Brown community lodged a claim which was published in terms of Section 11 (1) of the Restitution of Land Rights Act, No. 22 of 1994 ("the Act")
And

WHEREAS during the investigation of the land claims, the office of the Regional Land Claims Commissioner: Eastern Cape Province has reason to believe that the criteria set out in Section 11(1) (b) of the Act, has not been met. Hence a notice of intention to withdraw the initial gazette's in terms of Section 11A (2) was published on the 6 June 2016 under gazette No. 40041.

NOW THEREFORE A WITHDRAWALNOTICE: is hereby given in terms of Section 11A (3) on the grounds that the interested parties failed to submit their objections within the time frame stipulated in the published withdrawal notice No.40041 dated 6 June 2016, and no cause has been shown contrary to his satisfaction as to why he cannot withdraw, the office is hereby making final withdrawal notice of claim previously published under section 11 (1) of the Act in Government Gazette Notices mentioned below will be withdrawn unless cause the contrary is shown to his satisfactory.

The details of the Government Gazette Notice No. 257 of 2013 in the Government Gazette No. 36278 of 28 March 2013 relates to the following:

REFERENCE	: 6/2/2/D/59/0/0/12
CLAIMANT	: Nkosana Khuselo
PROPERTY	: Boschkloof Farm 34, portion 6
DISTRICT	: Grahamstown
MEASURING	: 135 hectares
DEEDS OF TRANSFER	: N/A
DATE SUBMITTED	: 31 December 1998
BONDHOLDER	:
CURRENT OWNER	: JC Pieterse

The Regional Land Claims Commissioner
Department of Rural Development and Land Reform
Land Restitution Support Office: Eastern Cape
P.O. Box 1375
East London
5200

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NO. 866 **25 AUGUST 2017**

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

WHEREAS The Fort Brown community lodged a claim which was published in terms of Section 11 (1) of the Restitution of Land Rights Act, No. 22 of 1994 ("the Act")
And

WHEREAS during the investigation of the land claims, the office of the Regional Land Claims Commissioner: Eastern Cape Province has reason to believe that the criteria set out in Section 11(1) (b) of the Act, has not been met. Hence a notice of intention to withdraw the initial gazette's in terms of Section 11A (2) was published on the 6 June 2016 under gazette No. 40041.

NOW THEREFORE A WITHDRAWALNOTICE: is hereby given in terms of Section 11A (3) on the grounds that the interested parties failed to submit their objections within the time frame stipulated in the published withdrawal notice No.40041 dated 6 June 2016, and no cause has been shown contrary to his satisfaction as to why he cannot withdraw, the office is hereby making final withdrawal notice of claim previously published under section 11 (1) of the Act in Government Gazette Notices mentioned below will be withdrawn unless cause the contrary is shown to his satisfactory.

The details of the Government Gazette Notice No. 262 of 2013 in the Government Gazette No. 36278 of 28 March 2013 relates to the following:

REFERENCE	: 6/2/2/D/59/0/0/12
CLAIMANT	: Nkosana Khuselo
PROPERTY	: Fontein Kloof Farm 37, Portion 14
DISTRICT	: Grahamstown
MEASURING	: 42 hectares
DEEDS OF TRANSFER	: T82289/2004
DATE SUBMITTED	: 31 December 1998
BONDHOLDER	:
CURRENT OWNER	: JF Heinen

The Regional Land Claims Commissioner
Department of Rural Development and Land Reform
Land Restitution Support Office: Eastern Cape
P.O. Box 1375
East London
5200

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NO. 867 **25 AUGUST 2017**

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

WHEREAS The Fort Brown community lodged a claim which was published in terms of Section 11 (1) of the Restitution of Land Rights Act, No. 22 of 1994 ("the Act")
And

WHEREAS during the investigation of the land claims, the office of the Regional Land Claims Commissioner: Eastern Cape Province has reason to believe that the criteria set out in Section 11(1) (b) of the Act, has not been met. Hence a notice of intention to withdraw the initial gazette's in terms of Section 11A (2) was published on the 6 June 2016 under gazette No. 40041.

NOW THEREFORE A WITHDRAWALNOTICE: is hereby given in terms of Section 11A (3) on the grounds that the interested parties failed to submit their objections within the time frame stipulated in the published withdrawal notice No.40041 dated 6 June 2016, and no cause has been shown contrary to his satisfaction as to why he cannot withdraw, the office is hereby making final withdrawal notice of claim previously published under section 11 (1) of the Act in Government Gazette Notices mentioned below will be withdrawn unless cause the contrary is shown to his satisfactory.

The details of the Government Gazette Notice No. 270 of 2013 in the Government Gazette No. 36278 of 28 March 2013 relates to the following:

REFERENCE	: 6/2/2/D/59/0/0/12
CLAIMANT	: Nkosana Khuselo
PROPERTY	: Bucklands Farm 108, Portion Remainder
DISTRICT	: Grahamstown
MEASURING	: 1775 hectares
DEEDS OF TRANSFER	: AY01118/1865
DATE SUBMITTED	: 31 December 1998
BONDHOLDER	:
CURRENT OWNER	: Emerald Sky Trading 663

The Regional Land Claims Commissioner
Department of Rural Development and Land Reform
Land Restitution Support Office: Eastern Cape
P.O. Box 1375
East London
5200

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NO. 868 **25 AUGUST 2017**

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

WHEREAS The Fort Brown community lodged a claim which was published in terms of Section 11 (1) of the Restitution of Land Rights Act, No. 22 of 1994 ("the Act")
And

WHEREAS during the investigation of the land claims, the office of the Regional Land Claims Commissioner: Eastern Cape Province has reason to believe that the criteria set out in Section 11(1) (b) of the Act, has not been met. Hence a notice of intention to withdraw the initial gazette's in terms of Section 11A (2) was published on the 6 June 2016 under gazette No. 40041.

NOW THEREFORE A WITHDRAWALNOTICE: is hereby given in terms of Section 11A (3) on the grounds that the interested parties failed to submit their objections within the time frame stipulated in the published withdrawal notice No.40041 dated 6 June 2016, and no cause has been shown contrary to his satisfaction as to why he cannot withdraw, the office is hereby making final withdrawal notice of claim previously published under section 11 (1) of the Act in Government Gazette Notices mentioned below will be withdrawn unless cause the contrary is shown to his satisfactory.

The details of the Government Gazette Notice No. 276 of 2013 in the Government Gazette No. 36278 of 28 March 2013 relates to the following:

REFERENCE	: 6/2/2/D/59/0/0/12
CLAIMANT	: Nkosana Khuselo
PROPERTY	: Woodvale Farm 202, Portion Remainder
DISTRICT	: Grahamstown
MEASURING	: 931 hectares
DEEDS OF TRANSFER	: T1880/1899
DATE SUBMITTED	: 31 December 1998
BONDHOLDER	:
CURRENT OWNER	: Coetzee Inv.Trust

The Regional Land Claims Commissioner
Department of Rural Development and Land Reform
Land Restitution Support Office: Eastern Cape
P.O. Box 1375
East London
5200

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NO. 869 **25 AUGUST 2017**

WITHDRAWAL OF PORTIONS 11 (RE), 258 AND 271 OF THE FARM MOOIPLAATS 367 JR IN A GAZETTE NOTICE 418 OF 2015 AS CONTAINED IN GOVERNMENT GAZETTE NUMBER 38782 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(4) of the Restitution of Land Rights Act, 1994 as amended that land claim on portions 11 (RE), 258 and 271 of the farm Mooiplaats 367 JR has been withdrawn:

REF NO.	CLAIMANT	PROPERTY	DISTRICT	CURRENT LAND OWNER	BONDS / NO BONDS	DEED OF TRANSFER	INTERESTED PARTIES
P 0043	Ms Nomhlekhabo Martha Mncwanga	Portion 11 (RE) of the farm Mooiplaats 367 JR	City of Tshwane Metropolitan Municipality	Haile Zain Kai	B20874/2015	T33308/2015	Land Claimants and the current land owners
		Portion 258 of the farm Mooiplaats 367 JR	City of Tshwane Metropolitan Municipality	Jepetto Prop Pty Ltd		T16404/2004	
		Portion 271 of the farm Mooiplaats 367 JR	City of Tshwane Metropolitan Municipality	Platinum Mile Inv 544 Pty Ltd		T123589/2002	

Chief Directorate: Land Restitution Support Gauteng Province
Private Bag X03
ARCADIA
0007.
Tel: (012) 310-6500
Fax: (012) 324-5812

L H MATHUTHA
REGIONAL LAND CLAIMS COMMISSIONER
DATE: 20/7/08/10

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NO. 870 **25 AUGUST 2017**

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

Notice is hereby given in terms of Section11 (1) of Restitution of Land Rights Act, 1994 (Act 22 of 1994), as amended, that a claim for Restitution of Land Rights has been lodged on the area known as Mashashe within the farm Locatie Van Malietzie No 606 LS situated in Polokwane Municipality, Capricorn District: Limpopo.

The claims were lodged by individual claimants who claimed as the originally dispossessed and as direct descendants of the deceased originally dispossessed before the 30th December 1998

The individual's claimants who lodged are as follows:

NO	Name of claimant	Postal Address			KRP	ID Number
		P.O Box	Place	Code		
1.	Matlou W.M	P.O Box 1605	Koloti	0709	10872	3608215146082
2.	Semono M.J	P.O Box	Koloti	0709	10965	2502125130081
3.	Tsebe M.S	P.O Box	Koloti	0709	10982	2001120272089
4.	Sekhuto M.P	P.O Box 1792	Pietersburg	0700	11230	2012125288087
5.	Thamaga T.L	P.O Box 1894	Koloti	0709	10981	1802025446087
6	Matlou K.C	P.O Box 1704	Koloti	0709	10324	4804215582082
7	Morulane K.S	P.O Box 1605	Koloti	0709	10875	5209015681085
8	Matlou S.A	P.O Box 1991	Koloti	0709	10739	3204215210084
9	Rapudi M.W	P.O Box	Koloti	0709	11159	3005265132080
10	Morulane C.P	P.O Box 1605	Koloti	0709	10874	4807125621080
11	Malebana M.J	P.O Box 1931	Koloti	0709	10738	3801015929084
12	Matlou H.M	P.O Box	Koloti	0709	10737	5006015337084
13	Rapudi P.P	P.O Box	Koloti	0709	11137	6004155518083
14	Matlou S.M	P.O Box	Koloti	0709	10748	2801017482083
15	Rapudi M.F	P.O Box	Koloti	0709	11136	4401010939086

Take further notice that the Office of the Regional Land Claims Commissioner: Limpopo is processing 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 the publication of this notice, any comment, objection or information under reference number **KRP 10872, 10324, 10739, 10875, 10874, 10738, 11230, 11159, 10981, 10982, 11135, 11136, 10748 10737 and 10965**

REGIONAL LAND CLAIMS COMMISSIONER:
MR. LEBYANE MAPHUTHA
DATE: 20/7/17

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NO. 871 **25 AUGUST 2017**

NOTICE OF IN TERMS OF SECTION 11 (1) (c) 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) (c) of the Restitution of Land Rights Act, 1994 (Act No. 22 of 1994) as amended, that the following individual claimant have also lodged claim for restitution of land rights on portions of land that is located within the farm Chibase 213 MT, located in the Thulamela Local Municipality, Vhembe District of the Limpopo. This land claim was lodged on 15th May 1998:

KRP NO	NAMES	ID NUMBER	CLAIMED PROPERTY
9565	XIRINDA GEZANI ALBERT	5706275762083	NGUDZA

Preliminary investigations that were done by the office of the Regional Land Claims Commissioner: Limpopo indicates that the claimant was dispossessed of land rights from Ngudza village.

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 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: 2017/06/20

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NO. 872 **25 AUGUST 2017**

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

WHEREAS The Fort Brown community lodged a claim which was published in terms of Section 11 (1) of the Restitution of Land Rights Act, No. 22 of 1994 ("the Act")
And

WHEREAS during the investigation of the land claims, the office of the Regional Land Claims Commissioner: Eastern Cape Province has reason to believe that the criteria set out in Section 11(1) (b) of the Act, has not been met. Hence a notice of intention to withdraw the initial gazette's in terms of Section 11A (2) was published on the 6 June 2016 under gazette No. 40041.

NOW THEREFORE A WITHDRAWALNOTICE: is hereby given in terms of Section 11A (3) on the grounds that the interested parties failed to submit their objections within the time frame stipulated in the published withdrawal notice No.40041 dated 6 June 2016, and no cause has been shown contrary to his satisfaction as to why he cannot withdraw, the office is hereby making final withdrawal notice of claim previously published under section 11 (1) of the Act in Government Gazette Notices mentioned below will be withdrawn unless cause the contrary is shown to his satisfactory.

The details of the Government Gazette Notice No. 247 of 2013 in the Government Gazette No. 362798 of 28 March 2013 relates to the following:

REFERENCE	: 6/2/2/D/59/0/0/12
CLAIMANT	: Nkosana Khuselo
PROPERTY	: Remainder of Lifford Farm 31
DISTRICT	: Grahamstown
MEASURING	: 1.197 hectares
DEEDS OF TRANSFER	: AY0207/1911
DATE SUBMITTED	: 31 December 1998
BONDHOLDER	:
CURRENT OWNER	: W.A Nel

The Regional Land Claims Commissioner
Department of Rural Development and Land Reform
Land Restitution Support Office: Eastern Cape
P.O. Box 1375
East London
5200

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NO. 873 **25 AUGUST 2017**

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

WHEREAS The Fort Brown community lodged a claim which was published in terms of Section 11 (1) of the Restitution of Land Rights Act, No. 22 of 1994 ("the Act")
And

WHEREAS during the investigation of the land claims, the office of the Regional Land Claims Commissioner: Eastern Cape Province has reason to believe that the criteria set out in Section 11(1) (b) of the Act, has not been met. Hence a notice of intention to withdraw the initial gazette's in terms of Section 11A (2) was published on the 6 June 2016 under gazette No. 40041.

NOW THEREFORE A WITHDRAWALNOTICE: is hereby given in terms of Section 11A (3) on the grounds that the interested parties failed to submit their objections within the time frame stipulated in the published withdrawal notice No.40041 dated 6 June 2016, and no cause has been shown contrary to his satisfaction as to why he cannot withdraw, the office is hereby making final withdrawal notice of claim previously published under section 11 (1) of the Act in Government Gazette Notices mentioned below will be withdrawn unless cause the contrary is shown to his satisfactory.

The details of the Government Gazette Notice No. 249 of 2013 in the Government Gazette No. 36278 of 28 March 2013 relates to the following:

REFERENCE	: 6/2/2/D/59/0/0/12
CLAIMANT	: Nkosana Khuse
PROPERTY	: Lifford Farm 31, Portion 2
DISTRICT	: Grahamstown
MEASURING	: 524 hectares
DEEDS OF TRANSFER	: T1978/1911
DATE SUBMITTED	: 31 December 1998
BONDHOLDER	:
CURRENT OWNER	: M.M Potgieter

The Regional Land Claims Commissioner
Department of Rural Development and Land Reform
Land Restitution Support Office: Eastern Cape
P.O. Box 1375
East London
5200

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NO. 874 **25 AUGUST 2017**

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

WHEREAS The Fort Brown community a claim which was published in terms of Section 11 (1) of the Restitution of Land Rights Act, No. 22 of 1994 ("the Act")
And

WHEREAS during the investigation of the land claims, the office of the Regional Land Claims Commissioner: Eastern Cape Province has reason to believe that the criteria set out in Section 11(1) (b) of the Act, has not been met. Hence a notice of intention to withdraw the initial gazette's in terms of Section 11A (2) was published on the 6 June 2016 under gazette No. 40041.

NOW THEREFORE A WITHDRAWALNOTICE: is hereby given in terms of Section 11A (3) on the grounds that the interested parties failed to submit their objections within the time frame stipulated in the published withdrawal notice No.40041 dated 6 June 2016, and no cause has been shown contrary to his satisfaction as to why he cannot withdraw, the office is hereby making final withdrawal notice of claim previously published under section 11 (1) of the Act in Government Gazette Notices mentioned below will be withdrawn unless cause the contrary is shown to his satisfactory.

The details of the Government Gazette Notice No. 248 of 2013 in the Government Gazette No. 36278 of 28 March 2013 relates to the following:

REFERENCE	: 6/2/2/D/59/0/0/12
CLAIMANT	: Nkosana Khuselo
PROPERTY	: Lifford Farm 31 portion 1
DISTRICT	: Grahamstown
MEASURING	: 543 hectares
DEEDS OF TRANSFER	: T12379/1905
DATE SUBMITTED	: 31 December 1998
BONDHOLDER	:
CURRENT OWNER	: Fish River Sands Inv

The Regional Land Claims Commissioner
Department of Rural Development and Land Reform
Land Restitution Support Office: Eastern Cape
P.O. Box 1375
East London
5200

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NO. 875 **25 AUGUST 2017**

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

WHEREAS The Fort Brown community lodged a claim which was published in terms of Section 11 (1) of the Restitution of Land Rights Act, No. 22 of 1994 ("the Act")
And

WHEREAS during the investigation of the land claims, the office of the Regional Land Claims Commissioner: Eastern Cape Province has reason to believe that the criteria set out in Section 11(1) (b) of the Act, has not been met. Hence a notice of intention to withdraw the initial gazette's in terms of Section 11A (2) was published on the 6 June 2016 under gazette No. 40041.

NOW THEREFORE A WITHDRAWALNOTICE: is hereby given in terms of Section 11A (3) on the grounds that the interested parties failed to submit their objections within the time frame stipulated in the published withdrawal notice No.40041 dated 6 June 2016, and no cause has been shown contrary to his satisfaction as to why he cannot withdraw, the office is hereby making final withdrawal notice of claim previously published under section 11 (1) of the Act in Government Gazette Notices mentioned below will be withdrawn unless cause the contrary is shown to his satisfactory.

The details of the Government Gazette Notice No. 250 of 2013 in the Government Gazette No. 36278 of 28 March 2013 relates to the following:

REFERENCE	: 6/2/2/D/59/0/0/12
CLAIMANT	: Nkosana Khuselo
PROPERTY	: Lifford Farm 31, Portion 3
DISTRICT	: Grahamstown
MEASURING	: 159 hectares
DEEDS OF TRANSFER	: T2567/1912
DATE SUBMITTED	: 31 December 1998
BONDHOLDER	:
CURRENT OWNER	: Brandeston Farms

The Regional Land Claims Commissioner
Department of Rural Development and Land Reform
Land Restitution Support Office: Eastern Cape
P.O. Box 1375
East London
5200

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NO. 876 **25 AUGUST 2017**

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

WHEREAS The Fort Brown community lodged a claim which was published in terms of Section 11 (1) of the Restitution of Land Rights Act, No. 22 of 1994 ("the Act")
And

WHEREAS during the investigation of the land claims, the office of the Regional Land Claims Commissioner: Eastern Cape Province has reason to believe that the criteria set out in Section 11(1) (b) of the Act, has not been met. Hence a notice of intention to withdraw the initial gazette's in terms of Section 11A (2) was published on the 6 June 2016 under gazette No. 40041.

NOW THEREFORE A WITHDRAWALNOTICE: is hereby given in terms of Section 11A (3) on the grounds that the interested parties failed to submit their objections within the time frame stipulated in the published withdrawal notice No.40041 dated 6 June 2016, and no cause has been shown contrary to his satisfaction as to why he cannot withdraw, the office is hereby making final withdrawal notice of claim previously published under section 11 (1) of the Act in Government Gazette Notices mentioned below will be withdrawn unless cause the contrary is shown to his satisfactory.

The details of the Government Gazette Notice No. 251 of 2013 in the Government Gazette No. 36278 of 28 March 2013 relates to the following:

REFERENCE	: 6/2/2/D/59/0/0/12
CLAIMANT	: Nkosana Khuselo
PROPERTY	: Iifford Farm 31, Portion 4
DISTRICT	: Grahamstown
MEASURING	: 461 hectares
DEEDS OF TRANSFER	: T17169/1949
DATE SUBMITTED	: 31 December 1998
BONDHOLDER	:
CURRENT OWNER	: Fish River Sand Inv

The Regional Land Claims Commissioner
Department of Rural Development and Land Reform
Land Restitution Support Office: Eastern Cape
P.O. Box 1375
East London
5200

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NO. 877 **25 AUGUST 2017**

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

WHEREAS The Fort Brown community lodged a claim which was published in terms of Section 11 (1) of the Restitution of Land Rights Act, No. 22 of 1994 ("the Act")
And

WHEREAS during the investigation of the land claims, the office of the Regional Land Claims Commissioner: Eastern Cape Province has reason to believe that the criteria set out in Section 11(1) (b) of the Act, has not been met. Hence a notice of intention to withdraw the initial gazette's in terms of Section 11A (2) was published on the 6 June 2016 under gazette No. 40041.

NOW THEREFORE A WITHDRAWALNOTICE: is hereby given in terms of Section 11A (3) on the grounds that the interested parties failed to submit their objections within the time frame stipulated in the published withdrawal notice No.40041 dated 6 June 2016, and no cause has been shown contrary to his satisfaction as to why he cannot withdraw, the office is hereby making final withdrawal notice of claim previously published under section 11 (1) of the Act in Government Gazette Notices mentioned below will be withdrawn unless cause the contrary is shown to his satisfactory.

The details of the Government Gazette Notice No. 252 of 2013 in the Government Gazette No. 36278 of 28 March 2013 relates to the following:

REFERENCE	: 6/2/2/D/59/0/0/12
CLAIMANT	: Nkosana Khuse
PROPERTY	: Lifford Farm 31, Portion 5
DISTRICT	: Grahamstown
MEASURING	: 24 hectares
DEEDS OF TRANSFER	: T17170/1984
DATE SUBMITTED	: 31 December 1998
BONDHOLDER	:
CURRENT OWNER	: M.M Potgieter

The Regional Land Claims Commissioner
Department of Rural Development and Land Reform
Land Restitution Support Office: Eastern Cape
P.O. Box 1375
East London
5200

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NO. 878 **25 AUGUST 2017**

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

WHEREAS The Fort Brown community lodged a claim which was published in terms of Section 11 (1) of the Restitution of Land Rights Act, No. 22 of 1994 ("the Act")
And

WHEREAS during the investigation of the land claims, the office of the Regional Land Claims Commissioner: Eastern Cape Province has reason to believe that the criteria set out in Section 11(1) (b) of the Act, has not been met. Hence a notice of intention to withdraw the initial gazette's in terms of Section 11A (2) was published on the 6 June 2016 under gazette No. 40041.

NOW THEREFORE A WITHDRAWALNOTICE: is hereby given in terms of Section 11A (3) on the grounds that the interested parties failed to submit their objections within the time frame stipulated in the published withdrawal notice No.40041 dated 6 June 2016, and no cause has been shown contrary to his satisfaction as to why he cannot withdraw, the office is hereby making final withdrawal notice of claim previously published under section 11 (1) of the Act in Government Gazette Notices mentioned below will be withdrawn unless cause the contrary is shown to his satisfactory.

The details of the Government Gazette Notice No. 261 of 2013 in the Government Gazette No. 36278 of 28 March 2013 relates to the following:

REFERENCE	: 6/2/2/D/59/0/0/12
CLAIMANT	: Nkosana Khuselo
PROPERTY	: Fontein Kloof Farm 37, Portion 12
DISTRICT	: Grahamstown
MEASURING	: 260 hectares
DEEDS OF TRANSFER	: T82289/2004
DATE SUBMITTED	: 31 December 1998
BONDHOLDER	:
CURRENT OWNER	: JF Heinen

The Regional Land Claims Commissioner
Department of Rural Development and Land Reform
Land Restitution Support Office: Eastern Cape
P.O. Box 1375

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NO. 879 **25 AUGUST 2017**

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

WHEREAS The Fort Brown community lodged a claim which was published in terms of Section 11 (1) of the Restitution of Land Rights Act, No. 22 of 1994 ("the Act")
And

WHEREAS during the investigation of the land claims, the office of the Regional Land Claims Commissioner: Eastern Cape Province has reason to believe that the criteria set out in Section 11(1) (b) of the Act, has not been met. Hence a notice of intention to withdraw the initial gazette's in terms of Section 11A (2) was published on the 6 June 2016 under gazette No. 40041.

NOW THEREFORE A WITHDRAWALNOTICE: is hereby given in terms of Section 11A (3) on the grounds that the interested parties failed to submit their objections within the time frame stipulated in the published withdrawal notice No.40041 dated 6 June 2016, and no cause has been shown contrary to his satisfaction as to why he cannot withdraw, the office is hereby making final withdrawal notice of claim previously published under section 11 (1) of the Act in Government Gazette Notices mentioned below will be withdrawn unless cause the contrary is shown to his satisfactory.

The details of the Government Gazette Notice No. 258 of 2013 in the Government Gazette No. 36278 of 28 March 2013 relates to the following:

REFERENCE	: 6/2/2/D/59/0/0/12
CLAIMANT	: Nkosana Khuselo
PROPERTY	: Fontein Kloof Farm 37, Portion Remainder
DISTRICT	: Grahamstown
MEASURING	: 13 hectares
DEEDS OF TRANSFER	: AYQTS105/1856
DATE SUBMITTED	: 31 December 1998
BONDHOLDER	:
CURRENT OWNER	: JH Delport

The Regional Land Claims Commissioner
Department of Rural Development and Land Reform
Land Restitution Support Office: Eastern Cape
P.O. Box 1375
East London
5200

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NO. 880 **25 AUGUST 2017**

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

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The details of the Government Gazette Notice No. 271 of 2013 in the Government Gazette No. 36278 of 28 March 2013 relates to the following:

REFERENCE	: 6/2/2/D/59/0/0/12
CLAIMANT	: Nkosana Khuselo
PROPERTY	: Bucklands Farm 108, Portion 1
DISTRICT	: Grahamstown
MEASURING	: 2132 hectares
DEEDS OF TRANSFER	: T3430/1922
DATE SUBMITTED	: 31 December 1998
BONDHOLDER	:
CURRENT OWNER	: Emerald Sky Trading 663

The Regional Land Claims Commissioner
Department of Rural Development and Land Reform
Land Restitution Support Office: Eastern Cape
P.O. Box 1375
East London
5200

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NO. 881 **25 AUGUST 2017**

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

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And

WHEREAS during the investigation of the land claims, the office of the Regional Land Claims Commissioner: Eastern Cape Province has reason to believe that the criteria set out in Section 11(1) (b) of the Act, has not been met. Hence a notice of intention to withdraw the initial gazette's in terms of Section 11A (2) was published on the 6 June 2016 under gazette No. 40041.

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The details of the Government Gazette Notice No. 268 of 2013 in the Government Gazette No. 36278 of 28 March 2013 relates to the following:

REFERENCE	: 6/2/2/D/59/0/0/12
CLAIMANT	: Nkosana Khuselo
PROPERTY	: Hermanus Kraal Farm 93, Portion 5
DISTRICT	: Grahamstown
MEASURING	: 327 hectares
DEEDS OF TRANSFER	: T8523/1904
DATE SUBMITTED	: 31 December 1998
BONDHOLDER	:
CURRENT OWNER	: Resolution Farm Trust

The Regional Land Claims Commissioner
Department of Rural Development and Land Reform
Land Restitution Support Office: Eastern Cape
P.O. Box 1375
East London
5200

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NO. 882 **25 AUGUST 2017**

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

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The details of the Government Gazette Notice No. 272 of 2013 in the Government Gazette No. 36278 of 28 March 2013 relates to the following:

REFERENCE	: 6/2/2/D/59/0/0/12
CLAIMANT	: Nkosana Khuselo
PROPERTY	: Outspanning Farm 116, Portion 0
DISTRICT	: Grahamstown
MEASURING	: 656 hectares
DEEDS OF TRANSFER	: AYOTS143/1884
DATE SUBMITTED	: 31 December 1998
BONDHOLDER	:
CURRENT OWNER	: SA Goverment

The Regional Land Claims Commissioner
Department of Rural Development and Land Reform
Land Restitution Support Office: Eastern Cape
P.O. Box 1375
East London
5200

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NO. 883 **25 AUGUST 2017**

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

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And

WHEREAS during the investigation of the land claims, the office of the Regional Land Claims Commissioner: Eastern Cape Province has reason to believe that the criteria set out in Section 11(1) (b) of the Act, has not been met. Hence a notice of intention to withdraw the initial gazette's in terms of Section 11A (2) was published on the 6 June 2016 under gazette No. 40041.

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The details of the Government Gazette Notice No. 275 of 2013 in the Government Gazette No. 36278 of 28 March 2013 relates to the following:

REFERENCE	: 6/2/2/D/59/0/0/12
CLAIMANT	: Nkosana Khuselo
PROPERTY	: Rusoord Farm 198
DISTRICT	: Grahamstown
MEASURING	: 977 hectares
DEEDS OF TRANSFER	: AYQ12/1881
DATE SUBMITTED	: 31 December 1998
BONDHOLDER	:
CURRENT OWNER	: Russord Hunting Paradise

The Regional Land Claims Commissioner
Department of Rural Development and Land Reform
Land Restitution Support Office: Eastern Cape
P.O. Box 1375
East London
5200

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NO. 884 **25 AUGUST 2017**

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

WHEREAS The Fort Brown community lodged a claim which was published in terms of Section 11 (1) of the Restitution of Land Rights Act, No. 22 of 1994 ("the Act")
And

WHEREAS during the investigation of the land claims, the office of the Regional Land Claims Commissioner: Eastern Cape Province has reason to believe that the criteria set out in Section 11(1) (b) of the Act, has not been met. Hence a notice of intention to withdraw the initial gazette's in terms of Section 11A (2) was published on the 6 June 2016 under gazette No. 40041.

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The details of the Government Gazette Notice No. 269 of 2013 in the Government Gazette No. 36278 of 28 March 2013 relates to the following:

REFERENCE	: 6/2/2/D/59/0/0/12
CLAIMANT	: Nkosana Khuselo
PROPERTY	: Hermanus Kraal Annex Farm 95, Portion Remainder
DISTRICT	: Grahamstown
MEASURING	: 665 hectares
DEEDS OF TRANSFER	: AYQ415/1835
DATE SUBMITTED	: 31 December 1998
BONDHOLDER	:
CURRENT OWNER	: Resolution Farm Trust

The Regional Land Claims Commissioner
Department of Rural Development and Land Reform
Land Restitution Support Office: Eastern Cape
P.O. Box 1375
East London
5200

SOUTH AFRICAN RESERVE BANK

NO. 885 **25 AUGUST 2017**

APPOINTMENT OF AN AUTHORISED DEALER IN FOREIGN EXCHANGE WITH LIMITED AUTHORITY

The Financial Surveillance Department of the South African Reserve Bank hereby gives notice, for general information, that Terra Payment Services South Africa (RF) (Pty) Limited has been appointed as an Authorised Dealer in foreign exchange with limited authority for the purpose of the Exchange Control Regulations published in Government Notice No. R.1111 of 1 December 1961.

S E Mazibuko
Head of Department

DEPARTMENT OF TRANSPORT

NO. 886 25 AUGUST 2017

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transport
Department:
Transport
REPUBLIC OF SOUTH AFRICA

Draft Green Transport Strategy: (2017-2050)

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List of Acronyms

ACSA	Airports Company of South Africa
BRT System	Bus Rapid Transit System
CO_2	Carbon dioxide
CH_4	Methane
COP	Congress of Parties
CBG	Compressed Biogas
CNG	Compressed Natural Gas
DAFF	Department of Agriculture, Forestry and Fisheries
DBSA	Development Bank of Southern Africa
DEA	Department of Environmental Affairs
DoE	Department of Energy
DoT	Department of Transport
DPE	Department of Public Enterprise
DTI	Department of Trade and Industry
EVs	Electric Vehicles
GDP	Gross Domestic Product
GHG	Green House Gas
GTS	Green Transport Strategy
ICAO	International Civil Aviation Organisation
IDC	Industrial Development Cooperation
IMO	International Maritime Organization
ITP	Integrated Transport Plan
IPTN	Integrated Public Transport Network
IPPC	Intergovernmental Panel on Climate Change
$ktCO_2e$	kilo tonnes of Carbon Dioxide equivalent

LPG	Liquefied Petroleum Gas
MRV	Measurable Reportable Verification
NAMA	Nationally Appropriate Mitigation Actions
NATMAP	National Transport Master Plan
NCCC	National Climate Change Committee
NCCRP	White Paper on National Climate Change Response Policy
NCRS	National Credit Regulator
NDC	Nationally Determined Contributions
NDP	National Development Plan
NT	National Treasury
PRASA	Passenger Rail of South Africa
RAF	Road Accident Fund
RTIA	Road Traffic Infringement Agency
RTMC	Road Traffic Management Committee
SAA	South African Airways
SALGA	South African Local Government Association
SANRAL	South African National Road Agency
SAMSA	South African Maritime Authority
SANEDI	South African National Energy Development Institute
SANTACO	South African National Taxi Association
SUT	Sustainable Urban Transport
TSU	Technical Support Unit
UNFCCC	United Nations Framework Convention on Climate Change

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MINISTERS STATEMENT

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South Africa is committed to providing a world class transportation system that reduces both the cost of transportation, the quantity of Green House Gases (GHG) and other pollutants that are emitted by the sector.

Emission from the transport sector account for 10.8% of the country's total greenhouse gas emissions, with road transport being responsible for 91.2% of these GHG emissions (DEA, 2010). In 2010, the transport sector was responsible for 10.8 percent of energy related emissions. Should these trends continue in the absence of mitigating legislation and policies, the transport sector is projected to emit a total of 136 Gg CO_2 eq by the year 2050 (DEA/GIZ: Mitigation Report, 2007).

Our determination to improve the environment for benefits of present and future generations of humankind in accordance with our Nationally Determined Contributions, committed to by our government in Paris will be the foundation that the GTS is based on. The Department of Transport is therefore committed to making a significant impact in reducing GHG emissions and contributing to the reduction of South Africa's total GHG emissions by committing to a 5% reduction of emission in the transport sector by 2050.

These targets are very ambitious and require bold steps to be taken, as stipulated in the Department's National Climate Change Response Flagship Implementation Programme. These steps will include shifting passengers from private transport to public transport and freight transport from road to rail; switching to cleaner fuels and adopting new technologies such as alternative energy vehicles while making our cities and towns friendlier places for cyclists and pedestrians. The transformations that are required in the transport sector are challenging, but the benefits include a more efficient, less congested road network and improved air quality and public health.

Joe Maswanganyi

Minister of Transport

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EXECUTIVE SUMMARY

Transport and the need for transport has become an integral part of the daily lives of South Africans. The movement of goods and services in time and space defines and influences, and is impacted upon by economic activity. Demands for transport shape the urban landscape, and influence the spatial choices that the citizenry makes in relation to social and economic services such as place of residence, education and work. Business, in similar ways, makes locational choices based on market proximity and size, as well as considerations for ease of temporal and spatial mobility of labour, goods and services. These choices contribute to the well-being of individuals, households and businesses, or lack thereof (National Household Travel Survey, 2013:1).

Emissions from the transport sector in South Africa account for 10.8% of the country's total GHG emissions, in addition to these direct emissions arising from the combustion of fuels, indirect emissions also arise from the production, refining and transport of transport fuels process. The Department of Transport is therefore committed to making a significant impact in reducing GHG emissions and contributing to the reduction of South Africa's total GHG emissions.

To address the significant contribution of transport to national GHG emissions, the Department of Transport (DoT) has undertaken to develop a Green Transport Strategy (GTS) which aims to minimise the adverse impact of transport on the environment while addressing current and future transport demands based on sustainable development principles. The strategy will promote green mobility to ensure that the transport sector supports the achievement of green economic growth targets, and protecting the environment.

The objectives of the GTS include:

1. Enabling the transport sector to contribute its fair share to the national effort to combat climate change in a balanced fashion, taking into account the DoT and the sector's primary responsibility of promoting the development of the efficient integrated transport systems to enable socio-economic development,
2. Promoting sustainable and cleaner mobility development; and
3. Engaging the low carbon transition of the sector, to assist with the aligning and developing policies which promote energy efficient and less carbon intensive mobility.
4. Facilitate the sector's just transition to a climate resilient and low carbon economy and society.

Road transport has been identified as the primary source of transport-related CO_2 emissions in South Africa, contributing to 91.2% of total transport GHG emissions. The heavy reliance of the sector on fossil fuels contributes significantly to total GHG emissions for the country. This justifies a focus on immediate and targeted interventions around road transport to result in the utmost impacts in the reduction of emissions in the transport sector as a whole. Therefore one of the main focuses of the implementation of the GTS will be to initiate immediate interventions in this sector to directly combat the emissions from this sector (GHG Inventory, 2014).

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An analysis of the incremental costs of mitigation actions indicates that significant long term finance and investment will be required, as well as supplementary work to prepare detailed business plans for finance and investment in transport-related mitigation (INDC, 2015). It is also important to recognise that mitigation actions taken within the transport sector will have significant co-benefits, such as improved access to employment opportunities for poor communities due to an improvements in public transport and public health benefits associated with improved air quality. Similarly, improvements in transport efficiency will have positive knock-on effects for all economic sectors that make use of transport.

The challenge of developing transport policies for sustainable development is to orient the sector towards a compromise that maximises the economic and social benefits of transport and minimises associated environmental, social and economic costs (Sustainable Transport policies, 2001: 17). Many of the measures required to achieve this balance are not new, the main difficulty is effective implementation and sufficient funding. The approach to achieving sustainable development of the transport sector requires a combination of regulatory instruments (particularly for vehicle emissions), restructuring of charges and taxes on the basis of marginal costs to provide incentives to reduce external costs to optimal levels, infrastructure development, as well as education and awareness to drive behavioural change. It will require improvement of the quality of transport, especially rail services (ensuring reliability and complete logistic services) and promotion of inter-modal services to achieve an integrated transit system.

Introducing change for the transport sector will be a challenging and costly exercise, especially when it comes to innovative industries or sectors where long-term investments needs to be made such in order to move the transport sector to becoming low carbon intensive. While the government can set appropriate policies, it is ultimately up to the private sector to buy into the large-scale uptake of green transport. As such, the policy framework as set by government should be supported by various drivers, enablers and barriers as perceived by the private sector. In practice, green transport enablers, barriers and drivers are typically placed in the context of social, economic and environmental impact.

In terms of the social impact, the need to increase sustainable mobility and counter the spatial disconnect from market and jobs for less privileged groups is especially urgent. When it comes to the environment, reducing air pollution, particularly in an urban context, is a direct short-term need, in addition to combatting climate change in the long run. Lastly, and in the context of a developing economy even more importantly, the economic proposition of green sustainable transport is a central factor to make green options commercially attractive towards the future.

South Africa is also fully committed to cooperative efforts to adapt to unavoidable adverse impacts of climate change, by committing to the core principles of International Conventions, such as the UNFCCC, and other Conventions especially the Chicago Convention for Aviation, and the IMO Convention for Maritime Transport.

With further global negotiations, and entering into force of the "the Paris Agreement" the Department is committed to implementing the principles below to assist with combating the effects of global climate change:

a) "Holding the increase in the global average temperature to well below 2 °C above pre-industrial levels and to pursue efforts to limit the temperature increase to 1.5 °C above pre-industrial levels, recognizing that this would significantly reduce the risks and impacts of climate change.
b) Increasing the ability to adapt to the adverse impacts of climate change and foster climate resilience and low greenhouse gas emissions development, in a manner that does not threaten food production; and
c) Making finance flows consistent with a pathway towards low greenhouse gas emissions and climate-resilient development."

The global community has taken decisive action in addressing the effects of climate change, by aiming to reach "global peaking of greenhouse gas emissions as soon as possible". The Paris Agreement has been described as both an incentive and a driver for fossil fuel divestment.

According to South Africa's Greenhouse Gas Mitigation Potential Analysis Mitigation Report (2014), a range of potential mitigation measures have been identified for implementation within the transport sector to deliver emissions reductions and contribute towards South Africa's GHG reduction targets by 2050.

The list of mitigation opportunities were categorised as follows:

- Implementation of the "Modal shift" notion;
- Demand reduction measures *(i.e. banking carbon taxes to fund e-mobility);*
- More efficient vehicle technologies *(Involve Internet of Things);*
- More efficient operations; and
- Alternative lower-carbon fuels

The GTS subsequently seeks to address and limit the negative environmental impacts of the transport sector in South Africa, by providing a clear and distinct route of environmental policy directives and a mapping of climate change initiatives for the sector that includes joint ventures with other spheres of government and the private sector.

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1. PROBLEM STATEMENT

Decarbonizing transport is a major challenge, as it is the one of the major sectors where emissions today are well above their 1990 levels, and continue to be on steady increase with around 33% over the same period. They have started falling only recently due to high oil prices and improved vehicle efficiency. More than two thirds of transport-related greenhouse gas emissions are from road transport. Emissions from the transport sector in South Africa account for 10.8% of the country's total greenhouse gas (GHG) emissions. This places the transport sector second only to the energy sector in terms of emissions volume. These figures represent direct emissions only, principally comprised of tailpipe emissions. If indirect GHG emissions associated with the transport sector were to be included, such as GHG emissions associated with fuel refineries and electricity generation for transport, these figures would be substantially higher.

GHG emissions and Climate Change

The overwhelming consensus of scientific opinion, as reflected in the Intergovernmental Panel on the Climate Change, is that climate change in the form of global warming is real and driven by emissions of greenhouse gases caused by human activity. The single most important GHG is carbon dioxide (CO_2) and the single most problematic GHG source is CO_2 emissions which majorly emitted from the production and consumption of fossil fuels.

Mitigating the extent and managing the impact of climate change is a global priority. As a water scarce country, South Africa is particularly vulnerable to the risks of increased average temperatures, drought and rainfall variability associated with global warming. At the same time, as a developing country with a historical dependence on its extensive coal deposits for energy, South Africa faces particular challenges in reorienting to a low carbon economy.

Transport activity levels are strongly related to socio-economic drivers, in particular growth in population and GDP – effective and accessible transport is an important enabling factor for economic growth. These drivers, in turn, influence social factors such as levels of vehicle ownership and the nature and frequency of journeys made (Mitigation Report, 2014). Research shows that car ownership and the demand for transport are increasing steadily in South Africa (GIZ, 2015).

Transport is also critical factor in urban spatial planning and the historical focus on the provision and maintenance of infrastructure to support the private car has led to unsustainable and inequitable outcomes. The spatial footprint of the private car is many times greater than that of public or non-motorised transport and results in the inefficient allocation of scarce urban space. The sector has also had to confront the legacy of apartheid spatial planning which has resulted in fragmented, unequal and

inefficient transport systems that require the poor to commute long distances to reach their place of work. These travel patterns have a substantial impact on air quality and climate change. Interventions to transform the transport sector should therefore include reducing movement of goods and people; shifting to low-carbon modes of transport and improving energy and fuel efficiency.

As a result of continued growth within the sector, transport is likely to have an increasing impact on land resources, water quality, air quality and biodiversity. In urban centers transport is a major contributor to air quality issues and emissions include nitrous oxides and particulates, which contribute to the brown haze evident over many of South Africa's main cities. These pollutants have a significant impact on human health, causing increases risks of respiratory diseases, heart disease, lung cancer, and low birth weight (amongst others) – with children and the elderly particularly vulnerable – and burden the health care system with substantial medical costs.

Sustainable transportation is essentially the capacity to support the mobility needs of people, freight and information in a manner that is least damageable to the environment.

Sustainable development applied to transport systems requires the promotion of linkages between environmental protection, economic efficiency and social progress. Under the environmental dimension, the objective consists of understanding the reciprocal influences of the physical environment and the practices of the industry and .all aspects of the transport industry address those environmental issues. Under the economic dimension, the objective consists of orienting progress in the sense of economic efficiency. Transport must therefore be cost-effective and capable of adapting to changing demands. Under the social dimension, the objective consists of upgrading standards of living and quality of life.

According to UNEP (2011), Green transport is hereby defined as one that supports **environmental** sustainability through e.g. the protection of the global climate, ecosystems, public health and natural resources. It also supports the other pillars of sustainable development, namely **economic** (affordable, fair and efficient transport that supports a sustainable competitive economy as well as balanced regional development and the creation of decent jobs) and **social** (e.g. allowing the basic access and development needs of individuals, companies and society to be met safely and in a manner consistent with human and ecosystem health, and promoting poverty reduction, equality and equity within and between successive generations) .

DoT is thus coming up with a strategy/implementation plan (the Green Transport Strategy) that will ensure that the South African transport sector begins to initiate transformational changes in thinking, policy, technology and investment, through a step-by-step approach. South Africa's transport sector will incrementally move to instituting efficient fuels, vehicle emission controls, sector related technology innovation, exploration of alternative energy sources, and gradually eliminates or minimizes the use of fossil-energy over time.

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1.1 Policy and Legislative Mandate

The mandate of the Department of Transport is

- to lead the development of **integrated efficient transport** systems by creating a framework of **sustainable policies, regulations and implementable models to support government strategies for economic, social and international development.**
- **to maximize the contribution of transport to the economic and social development goals of our country by providing fully integrated transport operations and infrastructure.**

The transport sector, especially in the context of environmental sustainability, is informed by a number of national policies, strategies and legislation, as well as international agreements to which South Africa is a signatory. Of particular importance in relation to the GTS is the National Climate Change Response Policy, which mandates the DoT to lead a Transport Flagship Programme:

> *"As part of the Transport Flagship Programme, the Department of Transport will facilitate the development of an enhanced public transport programme to promote lower-carbon mobility in five metros and in ten smaller cities and create an Efficient Vehicles Programme with interventions that result in measurable improvements in the average efficiency of the South African vehicle fleet by 2020.*
>
> *Furthermore, the planned rail re-capitalisation programme is considered an important component of this Flagship Programme in so far as it will facilitate both passenger modal shifts and the shift of freight from road to rail.*
>
> *Initially led by the Department of Transport, the programme will also include a Government Vehicle Efficiency Programme that will measurably improve the efficiency of the government vehicle fleet by 2020. It will encourage new efficient-vehicle technologies, such as electric vehicles, by setting procurement objectives for acquiring such vehicles."*

1.1.1 International Agreements and Conventions

Climate change, linked with energy consumption and security of supply of fuel, is considered one of the most serious and pressing threats to sustainable development, with adverse impacts expected on human health, food security, economic activity, natural resources, physical infrastructure and the environment. The international political response to climate change began with the adoption of the United Nations Framework Convention on Climate Change (UNFCCC) in 1992. Accordingly South Africa has committed to take concrete measures to mitigate climate change, through economy-wide measures that include the transport sector.

In 2009, South Africa pledged a greenhouse gas (GHG) emissions reduction target of 34% by 2020 and 42% by 2025 below the business as usual trend. This target has been carried through in the White Paper on National Climate Change Response Policy and the National Development Plan. In line with this pledge, South Africa's Nationally Determined Contribution (NDC) commits the country to limiting its

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GHG emissions to peak at a range between 398 and 614 Mt CO2eq over the period 2025-2030. This pledge is ambitious and will require a concerted effort to achieve, and is dependent on the financial, technical and capacity support from the international community.

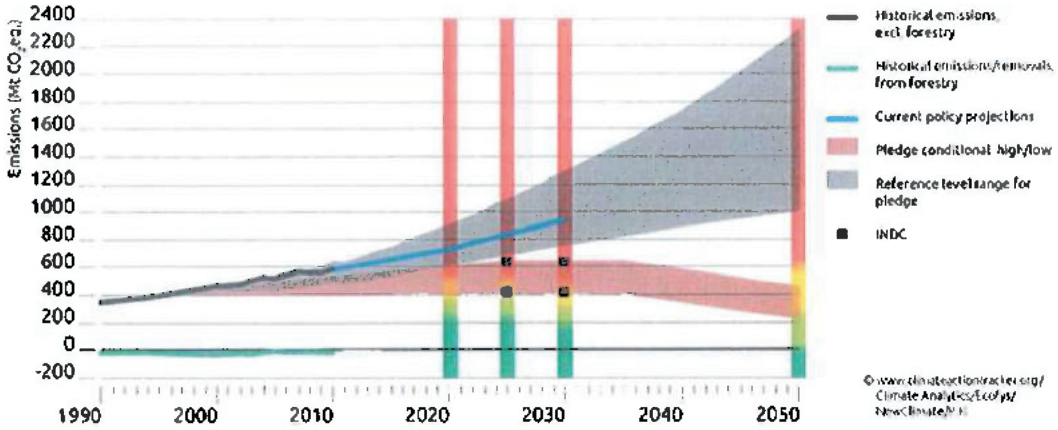

Figure 1: Analysis of South Africa's pledge to emission reduction targets based on the Department of Environmental Affairs figures for historical and projected GHG emissions

As can be seen from the above graphical representation of the Department of Environmental Affairs (DEA), the projections for GHG emissions based on existing measures, without new measures to curb GHG emissions South Africa will significantly exceed the emissions targets outlined in our NDC.

South Africa's Nationally Determined Contributions also includes the following estimates of incremental costs associated with mitigation actions in the transport sector in order to achieve the specified targets:

- Electric vehicles - US$513 billion from 2010 till 2050.
- Hybrid electric vehicles: 20% by 2030 - US$488 billion.
- Advanced bio-energy within transportation.
- Investment in public transport infrastructure

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1.1.2 Overview of National Policies

The overview of the National Policies focuses on outlining the current policy and regulatory framework in the country that forms as a legislative foundation for the development of the GTS.

CONSTITUTION OF THE REPUBLIC OF SOUTH AFRICA: (The Constitution Act 108 of 1996)

Section 24 of the Constitution of the Republic of South Africa states that:

"Everyone has the right to an environment that is not harmful to their health or well-being; and to have the environment protected for the benefit of present and future generations, through reasonable legislative and other measures that prevent pollution and ecological degradation, promote conservation, and secure ecologically sustainable development and use of natural resources, while promoting justifiable economic and social development."

THE WHITE PAPER ON NATIONAL TRANSPORT, 1996

The National Transport Policy states the vision for the South African transport sector is a system which will "Provide safe, reliable, effective, efficient, and fully integrated transport operations and infrastructure which will best meet the needs of freight and passenger customers at improving levels of service and cost in a fashion which supports government strategies for economic and social development whilst being environmentally and economically sustainable".

WHITE PAPER ON ENERGY POLICY, 1998

The White Paper on Energy Policy sets out five policy objectives: increasing access to affordable energy services; improving energy governance; stimulating economic development; managing energy-related environmental and health impacts; and securing supply through diversity.

NATIONAL ENVIRONMENTAL MANAGEMENT ACT 107 OF 1998 (NEMA)

The National Environmental Management Act (NEMA) seeks to promote the protection of the environment and its resources for the benefit of present and future generations through reasonable legislative and other measures that prevent pollution and ecological degradation, promote conservation, and secure ecologically sustainable development and use of natural resources, while promoting justifiable economic and social development as stated in Section 24 of the Constitution.

THE NATIONAL FREIGHT LOGISTICS STRATEGY, 2005

The National Freight Logistics Strategy sets the strategic framework for institutional reform and industrial structuring to ensure a more efficient freight system allowing improved system access to marginalized service providers and cargo owners, while applying downward pressure on prices and transit times.

SOUTH AFRICA'S LONG TERM MITIGATION SCENARIOS (LTMS), 2007

The Long Term Mitigation Scenarios (LTMS) process took place in South Africa between 2005 and 2008. This was a Cabinet-mandated process led by the Department of Environmental Affairs and Tourism. The LTMS arose out of the realisation that South Africa would need to contribute its fair share to mitigation.

PUBLIC TRANSPORT STRATEGY, 2007

The Public Transport Strategy has two key focus areas, namely Accelerated Modal Upgrading and Integrated Rapid Public Transport Networks. The Public Transport Strategy is a key driver of other strategies developed within the transport sector.

NATIONAL LAND TRANSPORT ACT, 2009

The National Land Transport Act prescribes that any measures relating to public transport must promote the efficient use of energy resources and limit adverse environmental impacts in relation to land transport.

WHITE PAPER ON NATIONAL CLIMATE CHANGE RESPONSE POLICY, 2011

The National Climate Change Response Policy (NCCRP) White Paper presents the South African Government's vision for an effective climate change response and the long-term, just transition to a climate-resilient and low-carbon economy and society. The NCCRP also outlines a National Climate Change Response Flagship Programme for the transport sector.

NATIONAL STRATEGY FOR SUSTAINABLE DEVELOPMENT AND ACTION PLAN (NSSD 1) 2011–2014

One of the key implementation plans towards a green economy focuses on "Sustainable transport and infrastructure". The aim of this intervention is to reduce the transport sector's carbon footprint.

THE SPATIAL PLANNING AND LAND USE MANAGEMENT ACT 16 OF 2013 (SPLUMA

SPLUMA provides a new framework to govern planning permissions and approvals. It sets parameters for new development and lawful land uses in South Africa. SPLUMA is a framework law, which means that the law stipulates processes and provides broad principles spatial planning decisions by local and provincial authorities.

NATIONAL DEVELOPMENT PLAN VISION 2030

The National Development Plan emphasizes that by 2030 investments in the transport sector will ensure that it serves as a key driver in empowering South Africa and its people by enabling and improving the access to economic opportunities, social spaces and services, by bringing geographic distances closer in an affordable, reliable and safe manner.

PETROLEUM PIPELINES ACT

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The Act aims to promote the efficient, sustainable and orderly development, operation and use of petroleum pipelines, loading and storage facilities. Also, the Act aims to facilitate investment in the petroleum pipelines industry, provide for the security of pipelines and related infrastructure as well as promote companies in the petroleum pipeline industry that are owned or controlled by historically disadvantaged South Africans (DTI, 2016).

PETROLEUM PRODUCTS AMENDMENT ACT

The objectives of the Act are to govern the production, transporting and trading in petroleum products. The government can limit the number of licenses allocated. The Act prohibits manufacturers and wholesalers from holding a retail license except for training purposes. Also, it aims to facilitate transformation of the South Africa's petroleum and liquid fuels industry, ensure system for allocation of licenses, prescribe offences and penalties, and provide for appeal and arbitration as well as annexure the liquid fuels charter (DTI, 2016).

REGULATION REGARDING PETROLEUM PRODUCTS WHOLESALE LICENCES

The regulations define "petroleum products" as being "aviation gasoline, biofuels, diesel, jet fuel, liquefied petroleum gas, paraffin and petrol" (DTI, 2016).

REGULATION ON PETROLEUM PRODUCTS SITE AND RETAIL LICENCES

The regulations define "petroleum products" as being "liquefied petroleum gas used for the propulsion of vehicles, petrol and diesel". In this regard, it is persuasive that the saving Regulations define "petrol" as being "any mixture of petrol with any other product, which can be used as fuel for the operation of a spark ignition engine" (DTI, 2016).

REGULATION REGARDING PETROLEUM PRODUCTS MANUFACTURING LICENCES

The regulations define "biofuel" as being "a biodegradable and renewable petroleum product or petroleum product component extracted from vegetable matter" and a "manufacturing facility" as being "plant or equipment that is used to manufacture petroleum products"(DTI, 2016).

REGULATION REGARDING PETROLEUM PRODUCTS SPECIFICATIONS AND STANDARDS

The aim of the regulation is to recommend the tightening of fuel specifications by further reducing the levels of Sulphur in both petrol and diesel as well as the reduction of benzene and aromatic levels in petrol to levels equivalent to Euro 5 emissions standard (DTI, 2016).

DEFINITION OF GAS FOR TRANSPORT

The aim of the Act is to promote the orderly development of the piped gas industry, establish a national regulatory framework and establish a National Gas Regulator as the custodian and enforcer of the national regulatory framework (DTI, 2016).

INJECTION OF BIOGAS (I.E. BIOMETHANE) INTO THE GAS PIPELINE NETWORK (I.E. WHEELING)

Currently, there are no examples of biogas projects that have connected to the gas grid. Although NERSA has been mandated with this task, no specific regulations have been developed yet to facilitate the opening of the few long-distance pipelines and urban fine grids in Gauteng (DTI, 2016).

FUEL ECONOMY AND CO_2-LABELLING

The government specifies mandatory labelling for new passenger cars, indicating fuel economy (l/100km) and CO_2 emissions in (g/km) of the type of vehicle per a certain predetermined format (DTI, 2016).

PROCUREMENT RULES FOR LOCAL CONTENT IN THE BUS SECTOR

Preferential Procurement Regulations prescribe a 70% and 80% locally-made content of the bus body for, respectively, city and commuter busses (DTI, 2016).

CLASSIFICATION AND REGISTRATION

The government has in place several requirements for fuel and vehicle classifications and registration (DTI, 2016).

AIR QUALITY STANDARDS

The Act aims to protect and enhance the air quality in South Africa, prevent air pollution and ecological degradation and secure ecologically sustainable development while striking a justifiable balance between economic, social and environmental development (DTI, 2016).

TRANSPORTATION OF DANGEROUS GOODS

The transport of dangerous goods is regulated by the national standard SANS, which legislates the design, construction, testing, approval and maintenance of road vehicles and portable tanks. SANS complies with the latest edition of the ADR, which is the European Agreement concerning the international carriage of dangerous goods by road. The ADR stipulates that a spark-ignition engine shall not be used for transportation of such goods (DTI, 2016).

RESALE OF ELECTRICITY FOR EV USE

The resale of electricity in the SA electricity supply industry (ESI) is a growing business. The Electricity Regulation Act, 2006 makes provision for the licensing of generation, transmission, distribution, export or import and trading activities with regard to electricity by the Energy Regulator. Electricity resale falls under trading activities, which need to be licenced (e.g. municipalities) or registered (e.g. high density

housing complexes, shopping malls or commercial property). Several requirements apply, including with regard to mark-up on cost (DTI, 2016).

BIOFUELS REGULATORY FRAMEWORK

The Biofuels Regulatory Framework provides for mandatory blending requirements for petrol and diesel of between 2-10% v/v bioethanol and 5% v/v biodiesel. The legislation has been gazetted with the operation date to be determined by the Minister. It is uncertain if the regulation will be implemented, with the result that the private sector currently is largely unwilling to invest in the production of biofuels to generate cleaner fuels (DTI, 2016).

GOVERNMENT EV PROCUREMENT POLICY

The Electric Vehicle Industry Road Map plans to introduce a policy to ensure that 5% of total annual fleet requirements by both the State and State Owned Enterprises comprise of EVs, increasing by 5% thereafter until 2020 (DTI, 2016).

NATIONAL TRANSPORT MASTER PLAN, 2016

The National Transport Master Plan (NATMAP 2050) aims to achieve an integrated, smart and efficient transport system supporting a thriving economy that promotes sustainable economic growth, supports a healthier life style, provides safe and accessible mobility options, socially includes all communities and preserves the environment. Of particular relevance and important to the Green Transport Strategy is Strategic Pillar 7 " Preservation of the environment" linked to its Chapter 9 of the NATMAP Report.

The objective of the NATMAP, of particular to environment is to protect the environment by:

- Reducing greenhouse gases and other emissions;
- Minimising transport's impact on the environment;
- Reducing traffic congestion; and
- Minimising environmental impact through promoting public passenger transport, choosing optimal transport modes, using low-carbon-emitting energy sources and renewable energy resources.

THE INDUSTRIAL POLICY ACTION PLAN/S (IPAPS)

The IPAP is informed by the vision set out for South Africa's development provided by the National Development Plan (NDP). The overriding goal of the IPAP is to prevent industrial decline and support the growth and diversification of South Africa's manufacturing sector.

1.2 Approach

The approach used to develop the Green Transport Strategy included both primary and secondary research. Primary research included gathering and collating information and input from an Expert

Reference Group and inter-governmental stakeholder workshops. Secondary research consisted of desktop research involving both national and international literature reviews has been conducted.

The overarching approach has been to identify a short term draft of GHG mitigation interventions that are most cost effective, practical, and deliver the best social and economic returns, based on a survey of international best practice and domestic research, including South Africa's Greenhouse Gas Mitigation Potential Analysis (the Mitigation Report) undertaken by the Department of Environmental Affairs. In particular, Appendix E of the Mitigation Report contains detailed estimates of the impact and costs of a range of potential mitigation measures in the transport sector.

All interventions or measures identified in the strategy have been designed to be:

- **Specific** – the scope of the proposed activities should be clear.
- **Measurable** – the benefits and outcomes of the proposed activities should be quantifiable.
- **Achievable** and **Realistic** – given the practical constraints of capacity, available technology and resources.
- **Timely** – the proposed interventions must provide measurable outcomes with a specified time frame.

The Department's approach has been informed by the need to avoid the overinvestment of resources in technologies that are likely to be redundant in a future low carbon economy and the need to plan for the potential of new technologies that may result in disruptive, transformative change.

2. TRANSPORT RELATED ENVIRONMENTAL TAXATION AND FISCAL POLICY INSTRUMENTS

Petrol, diesel and biodiesel are classified as fuel levy goods in terms of the Customs and Excise Act, No. 91 of 1964, and are therefore subject to fuel taxes and levies, but are zero rated for VAT purposes. The general fuel levy is determined by the Minister of Finance in the annual budget (Budget tax, 2006). It is used to finance general government expenditure programmes. The Road Accident Fund Levy is an earmarked tax used to compensate victims of motor vehicle accidents (NT, 2017). The Equalisation Fund Levy is an earmarked levy primarily used as a mechanism to smooth retail fuel prices in times of significant price shocks. The Customs and Excise levy is imposed as a source of funding for the member countries of the South African Customs Union (SACU).

2.1 Fuel Taxation

The current fuel tax regime in South Africa applies to petrol, diesel and biodiesel based on volume (per litre) to help achieve various policy objectives. Petrol, diesel and biodiesel are classified as fuel levy goods and zero-rated for value added tax (VAT) purposes.

The current fuel taxes imposed include the fuel levy (FL), the Road Accident Fund (RAF) levy, and the customs and excise levy (C&E) which is collected in terms of an agreement by the Southern African

Customs Union (SACU). These taxes seek to achieve both revenue raising objectives (for general government expenditures and to compensate victims of vehicle accidents) and environmental objectives by ensuring that the negative environmental externalities associated with fossil fuel use are incorporated into fuel prices (NT, 2017).

2.2 Carbon taxation

Government has proposed the carbon tax policy as a key mitigation instrument in South Africa's broader climate change policy response to internalise the negative externality costs of GHG emissions (NT, 2017). The introduction of a carbon price will change the relative prices of goods and services, making emission-intensive goods more expensive relative to those that are less emissions-intensive (Carbon tax, 2016). A carbon tax seeks to level the playing field between carbon intensive (fossil fuel based firms) and low carbon emitting sectors (renewable energy and energy efficient technologies) and provides an incentive for consumers and businesses to adjust their behaviour, resulting in a reduction of emissions. GHG emissions arising from transport fuels will be covered by the carbon tax regime and incorporated into the current fuel tax regime as an add-on.

The design of the carbon tax aims to contribute to a meaningful and permanent reduction in greenhouse emissions whilst, at the same time, to minimise any potential adverse impacts on low income households and industrial competitiveness. The provision of tax-free emissions thresholds and allowances ranging from 60 per cent to 95 per cent will result in a relatively modest carbon tax rate ranging from R6 to R48/tonCO_{2eq} during the first phase of the carbon tax up to the end of 2020 (Carbon tax, 2016). The carbon tax in the case of GHG emissions from the use of petrol and diesel will be an add-on to the current fuel tax regime. The proposed carbon tax will result in a higher effective tax on diesel than on petrol due to the higher carbon intensity of diesel fuel relative to petrol. Fuels used by the international aviation and international maritime sectors will initially be excluded from the carbon tax as these are covered by international agreements. Greenhouse Gas resulting from the use of such fuels will be priced in terms of the international agreements that are currently being developed. It is proposed that domestic aviation will be subject to the domestic carbon-related fuel taxation taking into account climate policies proposed under the ICAO.

South Africa has a number of environmentally-related taxes already in place (see Table 1). Together, these tax instruments account for approximately 2 per cent of GDP and just under 10 per cent of total tax revenue. Environmentally-related tax revenue trends are heavily influenced by the general fuel levy, which accounts for over 70 per cent of the revenue collected from this group of instruments.

Table 1: Overview of environmentally related taxes and charges in South Africa

SECTOR	LEVY (Charge)	LEVEL	APPLICATION	TAX RATE
Transport Fuels	General Fuel Levy	National	Petrol Diesel Biodiesel	167.5 cent per litre 152.5 cent per litre 72 cent per litre
	Road Accident Fund Levy	National	Petrol, Diesel, Biodiesel	72 cent per litre

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	Equalisation Fund	National	Petrol, Diesel, Biodiesel	Currently zero
	Custom and Excise Levy	National	Petrol, Diesel, Biodiesel	4 cent per litre
Vehicle Taxation	Ad Valorem Custom & Excise Duty	National	All passenger and light commercial vehicles	Graduated rate based on the vehicle price with an upper ceiling of 20 per cent
	Specify Tax on Co_2 Emissions of New Passenger Motor Vehicles	National	All new passenger Vehicles	R75 gCO_2 /km effective from 1 September 2010
	Road Licensing Fees	Provincial	All registered vehicles	Fees vary between different provinces-usually based on weight
Aviation Taxes	Aviation Fuel Levy	National	Aviation fuel sales	1.5 cent per litre on all fuel sales excluding foreign operators
	Airport Charges	National	Landing, parking and passenger service charge	Charges imposed to fund the operation of South Africa Civil Aviation Authority (SACAA
	Air Passenger departure tax	National	International travel from SA	R150 per passenger R80 per passenger BLNS Countries

Source: EFR Policy: National Treasury: 2010

Since the majority of existing environmentally-related taxes were introduced with the primary intention of raising revenue, there exists the potential to improve the environmental outcomes and behavioural incentives created by these instruments. From a fiscal point of view, the idea of using environmentally-related taxes as part of a tax shifting exercise also needs to be explored.

2.3 Vehicle taxation

Value added tax (VAT) is imposed on all motor vehicle sales and an *ad valorem* customs and excise duty, based on the price of the vehicle, is imposed on all passenger and light commercial vehicle purchases. Medium and heavy commercial vehicles are exempt from *ad valorem* customs and excise duties.

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Provinces have exclusive responsibility under the Constitution for provincial road management and traffic control. The Road Traffic Act of 1996 with its relevant regulations empower provincial

Energy costs and pricing, taxation and subsidies

The market for transport is currently distorted in several ways:

- First, the impacts of motorised transport are in most cases not accounted for in transport costs.
- Second, roads, fuels and in certain instances vehicles are subsidised in many countries.

This results in unsustainable transport patterns and is a major barrier to the introduction of green transport models. These subsidies can be substantial and their elimination may impact disproportionately on poorer households, with little access to alternate sources of energy. UNEP argues that targeted subsidies towards lower income groups may offset such impacts.

According to Hayashi and Kato (2000), **transport taxes can be applied at three different points: car purchase, car ownership, and car use (example, fuel tax, road user charge, and parking charges)**. In many European cities, taxing car use together with providing high quality public and non-motorised transport alternatives appears to be effective in limiting car use.

The re-introduction of *"Road Freight Permits"* will also be analysed within the current South African context, with permit pricing reflecting the emissions for tonne cargo of freight vehicles, as well as road-use charges to internalize the externalities of possible overloading from freight haulers

Develop systems to enhance the regulatory regime of "licensing authorities" to include a **3 yearly test** on vehicles that covers roadworthiness and **"tailpipe exhaust emissions"**. The test certificate with need to be produced every 3 years of car licensing renewal and the test scores will be used to adjudicate a price relative to safety and emissions performance.

Congestion charging is a fee charged to a motorist for entering a zone prone to heavy congestion. This may be an important part of a more comprehensive energy price rationalisation in the longer term.

The use of **vehicle fuel economy norms and standards** to **label vehicles** in terms of their fuel efficiency and emission standards will continue, and baseline studies on the **implementation of more stringent fuel economy standards** (such as Euro V) should lead to the adoption of appropriate greener standards.

In addition, changes in pricing are essential in promoting green transport. Revenues from a full cost priced transport systems can be used to invest in green transport. Especially in developing countries where coverage of all transport costs if difficult due to existing structures, one option may be to initially price the variable operational and maintenance costs. Pricing private modes of transport will also ensure a level playing field for public transport.

Source: UNEP (2011) Transport: Towards Energy and Resource Efficiency.

governments to impose certain road traffic fees. The Road Traffic Act fees are divided into the following categories: motor vehicle licenses that include all categories of vehicles; operator licenses that include learners and driver's licenses; roadworthy; and motor vehicle registration. There are different categories of motor vehicle license fees, which are based on the weight of the vehicle. Provinces have the authority to set the level of these fees and appoint registering agents to collect the fees on their behalf. Provinces

also charge fees for road traffic regulation services besides those in the Road Traffic Act (for example, vehicle registration fees upon change of ownership)

Two types of environmentally friendly alternative fuels from biomass have reached technical maturity and acceptance in international fuel markets. These are biodiesel from vegetable oils and bioethanol fuels. Currently, biodiesel can be produced more economically than bioethanol fuels, provides more energy, is a cleaner burning fuel and is compatible with existing engines and commercial fuel distribution systems. Given the potential long-term benefits of biodiesel, a favourable fuel tax treatment was announced in the 2002 budget in an attempt to reduce the cost disadvantages that biodiesel currently faces with respect to fossil fuels. The intention is to give a similar fuel tax dispensation for bioethanol in the future.

The environmental effects of existing environmentally-related taxes and charges needs to be better understood and quantified where possible. In some instances this will prove difficult since many of these instruments have been in place for some time. A study of the impact of current environmentally-related taxes may therefore depend on the development of scenarios to illustrate what the situation would have been in the absence of these taxes.

Given the likely potential to improve the environmental effectiveness of existing environmentally-related taxes and charges, such opportunities need to be identified and assessed. This important step will help to identify priority areas for future environmental fiscal reforms. In addition, potentially new environmental tax instruments need to be identified and their appropriateness evaluated.

In terms of fiscal objectives, one area that has received a great deal of attention over recent years is the idea of using the revenues from environmentally-related taxes as part of a tax shifting exercise. The idea of taxing *bads* (such as environmental pollution) and reducing taxes on *goods* (such as labour) has been termed the *double-dividend hypothesis*. This hypothesis asserts that a win-win situation could be achieved in that not only is an improvement in environmental quality secured (the first dividend), but gains in economic efficiency and employment could also be realised (the second dividend). Such a policy approach is of particular relevance to South Africa since it offers the potential to better align the achievement of environmental goals with other social and economic objectives.

Table 2 highlights the fuel taxes that are currently applied on petrol, diesel and biodiesel. Currently, diesel is taxed at a lower rate than petrol and no fuel tax differential currently exists between leaded and unleaded petrol.

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Table 2: Highlights the fuel taxes that are currently applied on petrol, diesel and biodiesel

Theme	Instrument	Incentive Mechanism	Shortcomings and key technical considerations
Transport (National Government	General Fuel levy	• Increases the price of transport fuels, thereby suppressing demand • Discourage vehicle use • Encourage the use of public transport/ vehicle sharing • Encourage the development of fuel efficient technologies; and • Could encourage the use of certain fuels over others	• Not differentiable for the time and location of infrastructure use; • Relatively far removed from the main source of environmental externality • Complementary policies required to increase its effectiveness such as information campaign • Potentially regressive
	Vehicle custom and excise duties	• Increase the price of certain vehicles (building on the idea of a luxury tax thereby suppressing demand for passenger and light commercial vehicle • Encourage the use of public transport/ vehicle sharing • Could encourage the use of selected types of vehicles/ technologies through differential taxation	• High information requirement on vehicle types and technologies • Difficult to link tax to time and frequency of infrastructure use (if desirable).
Transport (Provincial Government)	Vehicle licensing fees	• Increase vehicle ownership cost and therefore suppress vehicle demand • By altering the fee structure to include, environmental criteria, appropriate incentives could be offered to vehicle users • Could be used to increase scrapping rate of older vehicles (i.e. differentiate fees according to the age of the vehicles	• The environmental incentive is likely to be small • Must avoid over-complication of the fee structure; and • Potentially regressive

(Source: EFR Policy, National Treasury, 2010)

From an environmental perspective, there is little merit in promoting diesel use over petrol. Whilst diesel engines are more efficient and have advantages in terms of greenhouse gas emissions, petrol engines can have air quality advantages and lower particulate emissions using basic abatement technologies. Since the diesel fuel tax concession addresses concerns over diesel input costs for off-road primary users, the proposed fuel tax framework aims to better reflect the environmental costs associated with diesel in comparison to petrol. The framework could be further refined to reflect other environmental externalities and objectives. Although the general fuel levy could be reformed to better contribute to air quality objectives, the limitations of this instrument must be recognised. In particular, it

is difficult to create more targeted incentives beyond those outlined above. Supplementary reforms in vehicle taxation could be used to this end and could help to incentivise the introduction of vehicles that produce fewer emissions and with increased fuel efficiency.

At the national level, reforms to existing vehicle excise duties could play an important role. Currently, new passenger and light commercial vehicles (both domestically produced and imported) are subject to an *ad valorem* customs and excise duty based on their value. The tax structure as it stands is a *luxury tax* based on price in the sense that the more expensive the vehicle, the higher the tax burden (up to a ceiling of 20 per cent). To the extent that more expensive vehicles use better technologies to reduce emissions into the atmosphere, the current imposts are not supportive of environmental objectives.

In taking environmental considerations into account, it would be appropriate to distinguish between the environmental costs imposed by different vehicles. This could be done according to a range of different criteria including vehicle type, fuel type, and / or emissions. In doing so, care must be taken not to adversely impact on the rate of renewal of the vehicle stock or the level of tax revenue. Treasury announced reforms to the motor vehicle ad valorem excise duty in 2009 to include a carbon emissions component, based on DoE and NAAMSA vehicle carbon emission labelling, for implementation. In Budget 2010, the levy was adjusted to a flat rate tax on new passenger vehicle emissions at the rate of R75 gCO_2/km for emissions exceeding 120gCO_2/km effective from 1 September 2010. Since the external environmental costs resulting from the use of medium and heavy commercial vehicles are likely to be much higher than for passenger or light commercial vehicles, consideration could also be given to include these categories of vehicles in the excise duty net.

2.3.1 Transport (Provincial Government)

Provinces have exclusive responsibility under the Constitution for provincial road management and traffic control. The Constitution, however, provides for concurrent responsibility for public transport, road traffic regulation and vehicle licensing. Motor vehicle registration and licensing, roadworthy testing, the issuing of learner's and driver's licenses, and other traffic-related activities are covered in the Road Traffic Act (Act 93 of 1996).

Fees (and levies) collected under the National Road Traffic Act remain the largest source of provincial own revenue, contributing just over R3.4b in 2005/06. There are significant variations in levels of revenues collected between provinces. This results primarily from differences in vehicle license fee structures and the regularity of their revision, vehicle population and composition, commission structure and pay-over rates of agents.

Despite the upward trend in revenue collection over recent years, annual vehicle license fees in South Africa are very low in comparison to other countries53. There appears to be significant scope to simultaneously increase the revenues generated whilst at the same time creating better environmental incentives. Currently, vehicle licensing fees are based on tare (or net weight of the vehicle). There have

been suggestions that license fees should instead be based on gross rather than net weight to better reflect the road damage caused by heavy and medium sized commercial vehicles.

There are a number of options to include environmental criteria in the license fee structure and to complement efforts undertaken at the national level. One possibility would be to include fuel consumption criteria with the less fuel efficient vehicles being required to pay higher licensing fees. Another (possibly complementary) option could be to differentiate fees according to different technologies such that vehicles without catalytic converters are charged at a higher rate. However, given that licensing fees constitute such a small part of overall vehicle operating costs, the environmental benefits are likely to be small unless the fees are increased significantly. Moreover, because vehicle license fees are a cost of ownership and not on use, they are likely to have a limited impact on the actual use of the vehicle, and consequently its environmental impact, once a decision to purchase the vehicle has been made. Ensuring that information about license fees is linked to vehicle purchasing decisions is likely to be an important consideration for realising changes in environmental behaviour. In exploring these options, care must be taken not to over complicate administrative systems since this could have implications for cost effectiveness and the levels of revenue collected. In addition, distributional implications also need to be carefully analysed.

3. SITUATIONAL ANALYSIS

3.1 Overview of the transport sector

Transport systems form the backbone of South Africa's socio-economic activities through enabling the movement of people and products, the demand for transport is thus derived from other economic activities and is directly related to social levels of wealth within a countries population. Wealth indicates the propensity of households to acquire food, household goods, and services. Research shows that a steady increase in household incomes directly translates into increased consumption and increased demand for transport.

As people (especially in South Africa) earn more, they end up buying more cars. However, there are externalities associated with acquisition of more cars. Streets become congested, especially in the cities, and more so during peak hours. Traffic congestion restricts mobility of workers, raw materials, and finished goods (Takyi et al., 2013). Supply interruptions are costly to the economy. Overall productivity tends to be negatively affected by traffic congestions.

The developing nature of the South African economy is also reflected in the energy environment. The energy mix in South Africa is still dominated by fossil-fuels such as oil and coal, with oil being responsible

for 66% of the total energy mix. While efforts are being made to increase the share of renewable energy in the total energy mix, much of the discourse on energy in South Africa is still dominated by fossil-fuels.

The Integrated Resource Plan (IRP) (2013) provided the framework for macro-economic features impacting transport related greenhouse gas emissions. The macro-economic feature looked at in this study is the trajectory of the carbon intensity of the energy resources available in South Africa up to 2050.

The carbon intensity of the energy mix is determined by the composition of the different energy sources that together make up the total energy-mix, i.e. the fraction coal-based-, gas-based-, nuclear-, solar-, hydro-, and wind-energy. The IRP, has been used as a base case energy-mix for the fuel supply with high carbon intensity.

The IRP indicates that there is a revised economic and electricity sector outlook from what was previously expected in 2010. Based on this new outlook the demand in 2030 is now projected to be in the range of 345- 416 TWh as opposed to 454 TWh expected in the policy-adjusted IRP. As per the updated IRP this implies a reduction from 67800 MW to 61200 MW (on the upper end of the range), with the consequence that at least 6600 MW less capacity is required (in terms of reliable generating capacity) from a peak demand perspective.

The above-mentioned outlook is based on the ambitious economic growth as discussed in the NDP of 5,4% per annum until 2030. This growth path is aligned to moving away from energy intensive industries so as to attain the required economic growth rate without severely straining electricity capacity to 2030 and beyond. The IRP does however question this growth path, cautioning against oversupply of generation capacity.

In addition to apparent uncertainty around future demand, there are a number of additional variables in the energy sector that must be taken into consideration from an economy-wide perspective including:

- The potential for shale gas;
- The extent of other gas developments in the region;
- The global agenda to combat climate change and the resulting mitigation requirements pertaining to South Africa; and
- The uncertainty related to the cost of nuclear capacity and future fuel costs (specifically coal and gas), including fuel availability.

Based on the above the IRP suggests that an alternative to a fixed capacity plan would require a more adaptable approach. Such an approach should take into account the different outcomes based on changing assumptions (and scenarios) and looking at the determinants required in making key investment decisions.

The IRP considers a number of aspects related to developments in the energy sector and the change in demand. From an economy-wide perspective the suggested lowering in demand will align to the practical impact of energy and energy availability, considering such a transition will have a definite

bearing on the transportation sector. It is imperative that South Africa takes a long term view (both strategically and sustainably) about how to move goods and people within the context of a changing energy sector.

Apartheid planning and marginalization of some communities has left a legacy of transport networks that are poorly integrated, resulting in the majority of citizens living far from work, and with inadequate transport infrastructure. Many people do not have access to convenient, safe and affordable transport. Furthermore, South Africa is a developing country experiencing rapid urbanization, which is intensifying the need for access to reliable transport systems.

Similarly, rising GDP drives the demand for freight transport (heavy vehicles). The number of heavy vehicles using a road is the main cause of road deterioration (CSIR, 1994:4). In South Africa, the number of heavy vehicles increased considerably as a result of the shift of cargo from rail to road due to deregulation and the subsequent underutilisation of rail. The more the heavy vehicles on SA's roads, the greater the deterioration of the country's roads, and increased maintenance costs. The outcome is worsened if the heavy vehicles happen to be overloaded. Overloaded trucks are also associated with safety concerns, and increase in carbon dioxide emissions.

Careful long-term planning is thus required to ensure that there is sufficient infrastructure to support the efficient functioning and growth of the transport sector in the future, while minimising the externalities referred to above. Notwithstanding growing demand for transport, the sector has a critical role to play in achieving South Africa's GHG reduction targets and the DoT will need to focus all resources available to meet these ambitious targets.

The figure 2: Below illustrates GHG emissions from the transport sector between 2000 and 2050 taking into account existing and currently planned policies. On the basis of this projection, it is apparent that a radical shift within the transport sector is required.

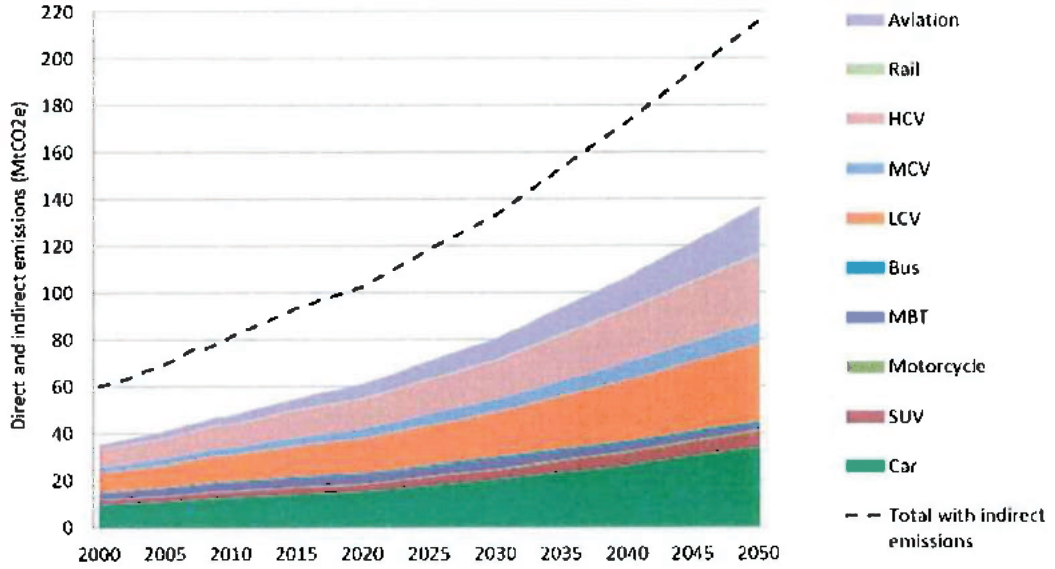

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Figure 2: GHG emissions from the transport sector with existing measures (Source: South Africa's GHG Mitigation potential Analysis, DEA)

Table 3 also represents a projection of GHG emissions taking into account existing and planned policies. It is clear from this table the expected increase in GHG emissions from 2000 to 2050 (GHG Mitigation Report, 2014).

Table 3: Projection for the transport sector: total of all GHG's with existing and planned measures

CO2 (Gg/yr) equivalents	2000	2010	2020	2030	2040	2050
Road Transport	33	44	54	71	92	116
Rail	0	0	0	1	1	1
Aviation *	2	4	5	7	8	9
Total	35	48	60	78	101	126
Indirect emissions (all modes)	25	33	42	55	71	90

** as described in Table 3 the emissions projection for the aviation sector assumes only the partial implementation of the target implied by the voluntary sectoral agreement to reduce net CO_2 emissions from the aviation sector. Source: GIZ mitigation potential analysis*

3.1.1 Road Transport

The road sub-sector in South Africa contributes 91,2% of the transport sector's total emissions. It is therefore evident that this sub-sector can offer the highest mitigation potential benefits.

Table 1 above indicates that road contributes the most significant amount to total GHG emissions from the transport sector in South Africa and the road sector will therefore be the focus of the Green Transport Strategy as this allows the greatest opportunity for reductions. The modal shifts from private car usage to public transport (particularly rail) and non-motorised transport have been identified as essential actions to reduce energy consumption and GHG emissions.

The Public Transport Strategy also plans to integrate rail, taxi and bus services in co-operation with private operators, both operationally and through ownership. Johannesburg's successes with the Bus Rapid Transport System (BRT) has led to it being adapted and implemented in other South African cities, including Cape Town, Nelson Mandela Bay, Rustenburg, Ekurhuleni, Johannesburg and Tshwane. Tshwane is the first African city to operate a fleet of clean fuel BRT buses (operating on CNG) in Africa. Approximately 67% of the South African population use mini bus taxis as their prime mode of transportation.

The South African government has introduced compulsory safety standards and a taxi recapitalisation programme which aims to replace old and unsafe taxis with newer, more efficient taxi vehicles. In addition, the government has started engaging with the taxi industry on introducing green initiatives into the minibus taxi industry by promoting the use and the uptake of cleaner fuels as a transportation fuel for the taxi industry.

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The road infrastructure in South Africa is also a cause for concern as it is generally poorly maintained with 78% of the national road network thought to be older than its original design life, while 30% of the infrastructure is rated as being in either *'poor'* or *'very poor'* condition. Of particular concern is the state of provincial gravel roads, 50% of which are rated as being *'poor'* or *'very poor'* and particular municipalities, some of which contain settlements in which virtually all roads are either in a *'poor'* or *'very poor'* condition.

The following desired outcomes have been identified to which the Green Transport Strategy will align especially with the proposed norms and standards for "Green Roads":

- A well-resourced road network that provides sustainable employment opportunities for the maintenance and expansion of paved and unpaved road infrastructure nationally.
- The minimisation of waste, water, heat and energy requirements and the sourcing of materials, resources and labour locally to reduce costs and life cycle emissions in the construction and maintenance of road infrastructure.
- The utilisation of recycled construction materials to minimise usage of virgin resources wherever possible.
- The construction of low-carbon climate resilient (LCR) road infrastructure[1], including bus lanes, railways and non-motorised transport infrastructure.
- The careful consideration of road network expansion so as to conserve and promote natural habitats, ecological corridors and water systems, and prevent erosion and flooding.
- Substantial investments in renewable, sustainable fuel and power sources for private vehicles (e.g. electricity, biogas).
- Promotion of motor vehicle manufacturing and assembly in South Africa to mitigate life cycle CO_2 emissions of imported vehicles.
- Promotion of non-motorised transport infrastructure to promote sustainable, carbon neutral modes of transport (e.g. cycling, walking).
- Legislative frameworks and smart incentives to promote uptake of sustainable transport modes and infrastructure.

[1] Low-carbon resilient infrastructure refers to infrastructure required to tackle climate change, both in terms of meeting greenhouse gas (GHG) emission targets and in terms of adapting to inevitable consequences of increasing temperatures (Global Green Growth Institute, 2015)

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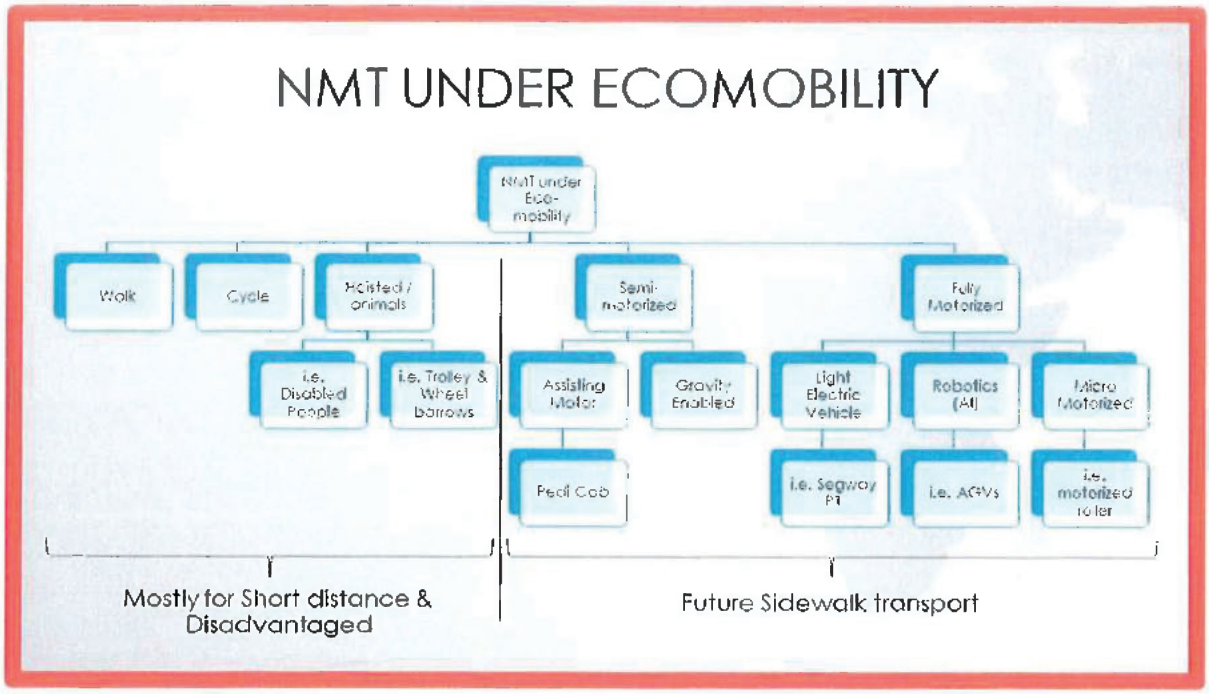

Figure 3: Showing different modes of Eco-mobility including Non-Motorised Transport

3.1.2 Rail Transport

The events that have marked South Africa's history have impacted significantly on the development of the rail sector and, together with other external factors have resulted in a railway industry that now faces several major challenges. Current challenges include the aging, deteriorating or obsolete state of much of the rail infrastructure and rolling stock, a capital investment backlog and a need for investment funds, and a preference by logistic transport service providers to transport freight by road rather than rail. There also exists the preference by long distance passengers to travel by road rather by train, poor rail security for both passenger and freight, inefficient rail operations and a shortage of technical skills and experience within the rail sector (National Rail Policy, 2015).

After many years of overloading and under-maintaining rail infrastructure, the condition of the heritage commuter rolling stock had deteriorated to crisis levels, and was unable to satisfy passenger demands. Similarly, the network infrastructure was not able to meet the demands of a rapidly changing society. To consolidate passenger rail, that is Metrorail and Shosholoza Meyl, the Passenger Rail Agency of South Africa (PRASA) was established in 2009.

Regarding freight rail, most branch line traffic was lost to predatory competition from road haulers during the 1980s. Deregulation of road freight in 1988 resulted in substantial volumes of high-value low-density freight on the core network shifting from rail to road during the 1990s. During the 2000's, continued lack of competitiveness and investment by Transnet Freight Rail (TFR) resulted in road haulers deploying side tipper interlinks to encroach on the last bastion of freight rail, long distance haulage of heavy bulk commodities such as coal, grain, and ore. Overall, railways in South Africa had deteriorated

to a stage where the need to adapt to rail's global renaissance had become patently obvious to most stakeholders (National Rail Policy, 2015). However, since 2012 TRANSNET has invested R108.6 billion in rail infrastructure and new locomotives.

By contrast, two important positive steps were the establishment of the Railway Safety Regulator by Act of Parliament in 2002, and the development of the Gautrain Rapid Rail Link as a public private partnership in terms of a concession agreement between the Gauteng Provincial Government and the Bombela Concession Company. Gautrain opened for service in May 2010, in time for the FIFA Soccer World Cup.

The South African National Infrastructure Plan, which includes both economic and social infrastructure, is coordinated by the Presidential Infrastructure Coordinating Commission (PICC). The PICC is mandated to oversee the implementation of eighteen Strategic Infrastructure Projects (SIP's) that will stimulate social and economic growth. The SIPs are aimed at addressing South Africa's infrastructure deficit to boost economic growth and create much needed jobs. These include, among others, the construction of roads, power stations, pipelines and, in the present context, rail. Six of the SIPs address rail issues such as branch lines, capacity, corridors, densification, infrastructure, investment, logistics, road-to-rail-shift, and upgrading.

Improving the country's 20 247km rail network is a top government priority, with projects aiming to address maintenance backlogs, to increase freight rail volumes, increase market share of container traffic, and to procure new fleet for both the passenger and freight sectors.

The Department of Transport is responsible for the passenger rail system which is being overhauled with a 20-year fleet renewal programme in place to procure more than 7 200 new trains. The passenger rail network is managed and implemented by the Passenger Rail Agency of South Africa (PRASA), which focuses on revitalising the local industry through the local manufacturing of components. The existing rail network for both passenger and rail is being upgraded to take advantage of the new technological features and modernizing rolling stock.

Around 2.2-million people travel by train every day in South Africa, and the Metrorail commuter services can be found in Cape Town, the Eastern Cape Province, Durban, and greater Johannesburg and Pretoria. The intention is to expand the rail services and their accessibility to the bigger emergent middle class, who are showing more aptitude and appetite to use an integrated but safe network.

Government's National Climate Change Response White Paper, 2011 identifies a modal shift from road-to-rail as a key activity under the Transport Flagship Programme for South Africa. As the owner and operator of the country's rail freight network, Transnet has undertaken to increase its rail market share to 35% by 2018/19. According to the Transnet 30-Year Long-term Planning Framework, Transnet is planning to expand and modernise infrastructure so as to encourage the switch of freight from road to rail. Transnet is modernising operations and investing in infrastructure to encourage a modal shift from road to rail in rail transportable cargo. Transnet aims to capture 80% market share of long haul (rail friendly) transportation. Transnet is in its fourth year of implementing the Market Demand Strategy (MDS). R124 billion has been invested since 2012 and the commitment is to invest R340-R380 billion in

railway, port and pipeline freight capacity in the next 10 years. This will increase rail volumes and lower carbon emissions in the transport sector.

3.1.3 Aviation Transport

Currently aviation has a small contribution to GHG emissions at only 8% of the total GHG emissions of the transport sector (GHG Mitigation Report, 2014)

South African Airlines currently sit with an aging fleet and lack funds for retrofitting their current fleet or for renewal. There is some work being done around investigating the switch to biofuels, for example, a project in Limpopo, Solaris, being done by South African Airways (SAA), American aeroplane maker, Boeing and in partnership with SkyNRG and Sunchem SA, is looking at using a high energy tobacco hybrid for biofuel production for aviation.

Recently Airports Company South Africa (ACSA) launched its first 200 square meter solar power plant at George Airport demonstrating its commitment to clean energy generation and sustainability. George airport is South Africa's first and currently the only regional airport to be powered through solar energy. ACSA is planning on introducing an energy mix into all its airports and over the next 18 months they are rolling out similar plants at all their smaller airports – Kimberley, Upington, Port Elizabeth, East London and Bloemfontein.

3.1.4 Maritime Transport

Maritime transport is a very small contributor to transport sector emissions in South Africa, being less than 1% (GHG Mitigation Analysis Report, 2014). This is due to maritime transport operating mainly beyond South African boundaries. The international nature of maritime emissions is being discussed under the relevant United Nations agency responsible for maritime safety and the prevention of pollution from shipping, the International Maritime Organization (IMO). South Africa is a signatory to a number of multilateral conventions relating to climate change for which the IMO is also responsible to implement measures to reduce emissions from maritime transportation, and must ensure that it continue and expand its engagement with these multilateral processes which are responsible for setting important norms of standards for the sector, many of which relate to the environment.

Marine Fishing may be considered under Maritime Transport but because fishing is mainly within South African waters (EEZ), the sector is not directly subject to rules and regulations of the IMO. The Department of Environmental Affairs (DEA) published an inventory of GHG emissions between 2000 and 2010 but this did not include South Africa's marine fisheries. However CO_2 emissions per landed tonnes of fish per year, inferred from a desktop exercise, was roughly estimated as 1.5 million tonnes of CO_2 per year for the entire fishing sector, in the year 2000 (DAFF, 2016). Given the estimated total emissions by the country for that year was 461 million tonnes CO_2, fisheries sector accounted for only 0.35% of CO_2 (DAFF, 2016)

Currently, this subsector offers a relatively small opportunity for significant actions of change and GHG emission reductions compared to the reductions and impacts that can be made within the road sub-sector.

It is worth noting that South Africa exports commercial fish products to remote destinations in Europe, the USA and Far East. This could add significantly to the carbon footprint of the relevant fishing sectors. Even though, as stated above, maritime contribution to GHG emissions is only 1% of the total GHG emissions of the transport sector (GHG Mitigation Report, 2014), it is still prudent that effort be applied in more accurately estimating the carbon footprint of South Africa's fish trading activities coupled with regular monitoring (DAFF, 2016).

Conclusions

The Situational Analysis demonstrates that while a strong and extensive legislative framework to guide the transport sector is in place, there has been a lack of focussed strategy and policy in relation to cleaner mobility and green transportation to guide regulation of the transport sector. For implementation numbers of measures have been outlined to be carried at provincial and local level, unfortunately there is lack of framework to guide the implementation of measures at national, provincial and local level. The GTS development provides opportunities for the DoT to develop norms and standards to ensure that there is consistency in the way climate change responses are implemented across different jurisdiction (national, provincial and local level)

Since the transport sector has been identified as one of the major contributors to total GHG emissions in South Africa, the Green Transport Strategy (GTS) needs to make a significant contribution to South Africa's governance of low carbon mobility transport choices in the future, across all modes.

4. STRATEGIC FOCUS

4.1 Purpose of the Green Transport Strategy

The GTS will be the cornerstone of policy development within the transport sector regarding the lowering of GHG emissions, the contribution of transport into the green economy, the promotion of green sustainable mobility and the uptake of cleaner and more efficient technologies.

The Green Transport Strategy (GTS) serves as a guide to the DoT to implement a "basket of measures" that will significantly:

- Reduce Green House Gas (GHG) emissions produced by the transport sector,
- Reduce the environmental and human health impacts associated with the transport sector, and result in a more resilient sector,

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- Reducing transport GHG emissions to contribute significantly to the national effort to decrease emissions as agreed to by the South African government at COP21 in Paris through the Nationally Determined Contribution (NDC).

Research undertaken by GIZ, SANEDI and a host of other research organisations on behalf of the South African government clearly indicates the following core conclusions:

- Implementing measures that will reduce the need to travel and avoid unnecessary trips through walkable communities, integrated land use planning or "transit oriented development" and improving vehicle occupancy rates.
- Given that the road transport sub-sector is responsible for 91.2% of direct emissions from transport, shifting of passengers to public transport and freight to rail is a necessity.
- Biogas and solar powered electric mobility surpasses any other cleaner fossil fuel in terms of GHG reductions.

The GTS identifies and proposes key measures to facilitate modal shift from road to freight, private to public transport, and promoting cleaner vehicle technologies. There also exists an important need to promote non-motorised transport and develop the associated infrastructure to support this.

Analysis of the mitigation potential of available fuels and technologies suggests that South Africa should be focusing on adopting biogas (biomethane) as a transport fuel and electric vehicles (e-Mobility) as a technology, this should not preclude a determined effort to reduce the carbon profile of vehicles powered by fossil fuels since they represent the vast majority of vehicles on our roads and this is very unlikely to substantially change within the next five years.

Figure 3: below graphically compares full life-cycle GHG emissions (including the extraction and production of transport fuels and energy carriers) of a wide range of transport fuels, hydrogen fuel cell and electric vehicle technologies. Emissions of electric vehicles and hydrogen fuel cell vehicles are dependent on the emissions factors of the electricity source. The European Union power mix is used as reference point in illustrating the potential for an adaptive, cleaner and efficient "Fuel Mix" for transportation systems in South Africa.

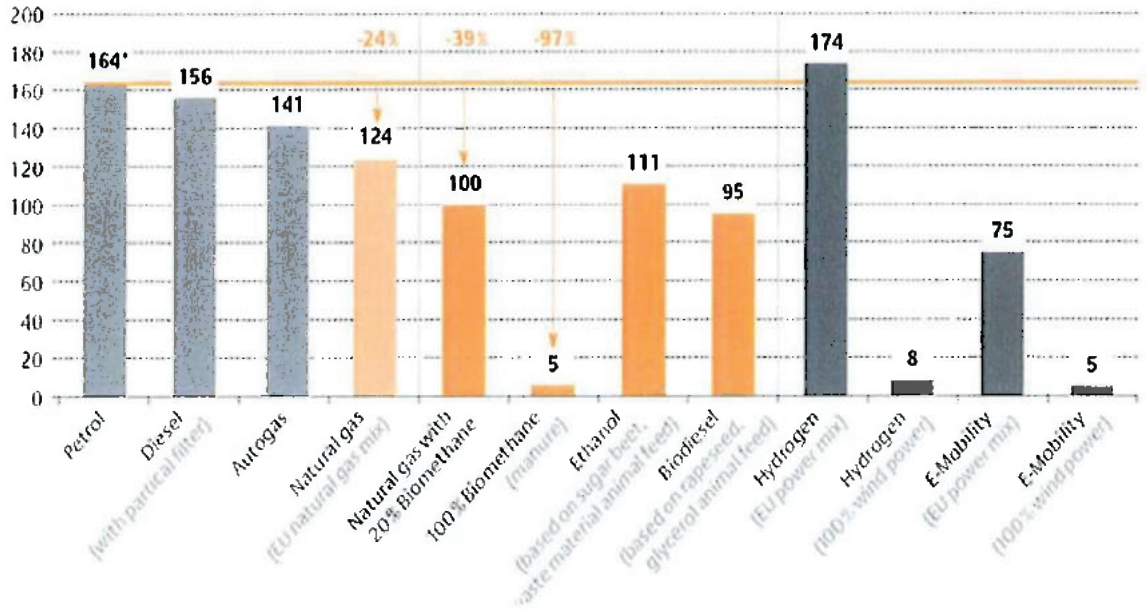

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Figure 4: Comparison of GHG emissions from different transport fuels and technologies *(Source: SANEDI, 2015)*

While vehicle efficiency and low carbon fuels have an important role to play in reducing transport emissions, building a resilient low carbon transport system requires systemic changes in order to shift from the current situation of low density human settlements in which the private car is the primary form of transport. Integrated transport planning that actively addresses the spatial planning implications of land use decisions is best achieved through cooperation between all affected departments at all spheres of government.

4.2 Guiding Principles

The GTS is informed by the fundamental and substantive principles of sustainable development articulated in the National Strategy for Sustainable Development as approved by the Cabinet in 2011 (DEA, 2011):

The substantive principles are based on the following sustainable development principles that are already enshrined in South African law and that underscore a systems approach to achieving sustainable development:

- *Natural resources must be used sustainably.*
- *Socio-economic systems are embedded in and are dependent on ecosystems.*
- *Basic human needs must be met to ensure that the resources that are necessary for long-term survival are not destroyed for short-term gain.*

The fundamental principles of Sustainable Development can also be related to the following fundamental human rights that are guaranteed in the Constitution of the Republic of South Africa:

- *Human dignity and social equity*
- *Justice and fairness*
- *Democratic governance*
- *A healthy and safe environment*

In the context of the GTS, this creates the following imperatives:

- To reduce environmentally harmful emissions from the transport sector.
- To reduce the impact of transport infrastructure on the environment.

- To ensure integrated transport systems provide equitable access to economic opportunities for all South Africans and support economic growth and development.
- To ensure that the provision of transport services and infrastructure involve use of resources sustainably.

4.3 Mission

The GTS will support the contribution of the transport sector to the social and economic development of the country while incrementally initiating innovative green alternative transformations in the sector to assist with the reduction of harmful emissions and negative environmental impacts associated with transport systems.

4.4 Vision

The vision of the GTS is to substantially reduce the GHG emissions and other environmental impacts from the transport sector by 5% by 2050.

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LONG TERM VISION: THE USE OF RESOURCES AND SUPPORTING THE ECO-SYSTEM

- Instituting "no-car zones", within most of the central business districts being closed off for car use, and emphasizing ecomobility mode of transport like walking and cycling as the preferred mode of transport, allowing significant areas of urban real estate currently used for parking to be repurposed for use in affordable inner-city housing and businesses.
- An extensive network of cycle lanes and pedestrian walkways to re-orient South Africa's towns and cities away from cars towards people. The investment in non-motorised transport infrastructure will yield a double dividend in terms of human health by both reducing harmful air pollution and promoting healthy exercise.
- Long distance freight, identified by the Freight Logistics Strategy, will be restricted to rail, with the eminent development of "Green Corridors" in the road network to promote the use of cleaner efficient technologies in our Freight industry. Together with intensified modal shifts in passenger transport this will greatly reduce road traffic and the costs of maintaining urban and national roads, allowing resources to be redirected to environmentally sensitive upgrades of rural road infrastructure.
- The replacement of fossil fuels by vehicle technologies with low or zero tailpipe emissions, such as electric and fuel cell vehicles, will be far advanced and, coupled with a significantly lower national electricity grid emissions factor due to a large scale switch to renewable energy improvements this will lead to a dramatic reduction in the carbon intensity of motorised transport.
- All waste collection vehicles and a portion of municipal buses not already replaced by electric vehicles will be retrofitted to enable propulsion with a combination of biogas and biofuels produced

4.5 Values

In order to meet the county's GHG emissions reduction targets within the relatively short time horizon, radical changes are required in the transport sector. At the same time, these changes should not undermine transport's contribution to meeting economic and social needs for connection and mobility. In particular, the GTS seeks to:

- Contribute to the prosperous functioning of a modern economy and cater for the transport needs of expanding human settlements
- Provide for a healthy environment and supportive ecosystem services while dismantling apartheid's structural disconnection of poorer people from economic opportunity.
- Reduce the cost and improve the convenience and safety of transport I.e. providing guidelines to favorable cost effective future green energy technologies

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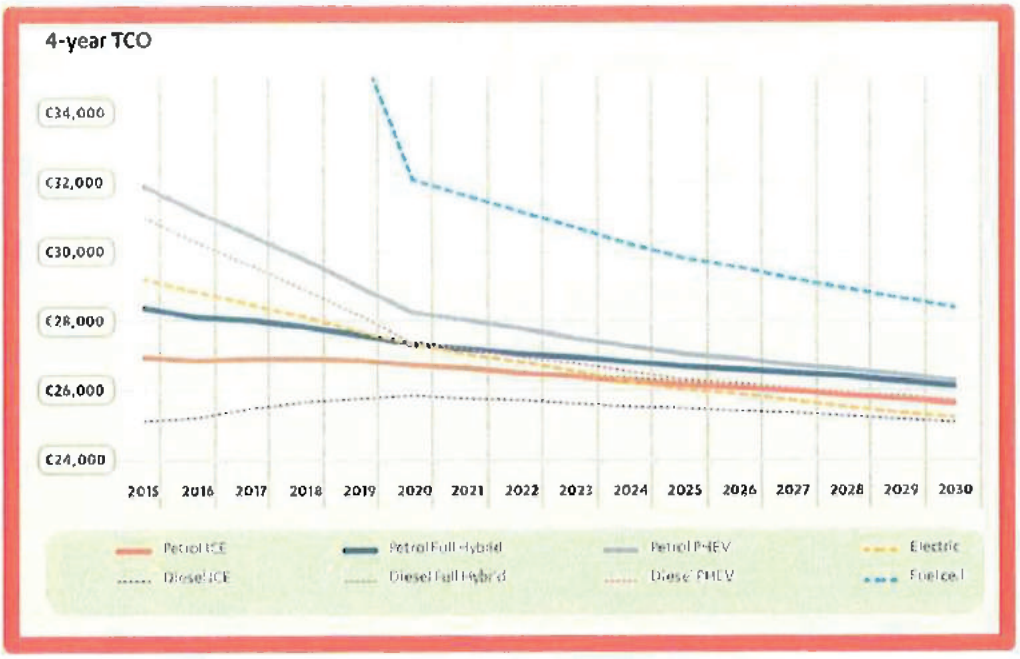

Figure 5: Showing change in cost of different fuel types (cost to improve the convenience and safety of transport)

4.6 Strategic Objectives

The Green Transport Strategy is based on the foundation of:

- Five (5) Implementation Themes and
- Nine (10) Strategic Pillars.

Table 4: Strategic pillars of the Green Transport strategy

IMPLEMENTATION THEMES	STRATEGIC PILLARS
Climate Change response norms and standards	1. Develop norms and standards for climate change response at National, Provincial and Local level to ensure that there is consistency in the way climate change responses are implemented across different jurisdiction
Green Roads	2. Shift car users from private passenger cars to public transport, including rail
	3. Shift freight transport from road to rail
	4. Provide infrastructure to promote ecomobility transport
	5. Provide transport infrastructure in a manner supportive of the eco-system, while not dearly compromising generations to come.
Green Rail	6. Extend the rail network to provide reliable, safe and affordable high-speed transport while switching to renewable energy trains
Green transport technologies	7. Reduce the carbon footprint of petroleum based fuels, by

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	decarbonizing the transport sector.
	8. Promote alternative fuels such as Compressed Natural Gas (CNG) or biogas, Liquefied Natural Gas (LNG), and liquid biofuels as transport fuels
	9. Promote electric and hybrid-electric vehicles
Green Fuel Economy Standards	10. Provide norms, standards and regulations that promote green fuel economy in vehicles and improve emission standards of fuel in South Africa

The short-term strategic targets expanded below form part of the "quick wins" for the strategy as they will essentially form part of the first phase of the Implementation Plan: (5-7 years)

1. To promote strategies and standards for **delivering transport infrastructure and integrated transit planning and systems that build climate resilience** in urban and rural communities and **minimize the environmental impact** of transport infrastructure.
2. To convert 5% of the public and national sector fleet in the first 5 years of the implementation of this strategy and an annual increase of 2% thereafter, to **cleaner alternative fuel and efficient technologies vehicles (ideally powered through renewable energy) and environmentally sustainable low carbon fuels by 2022**, including the use of CNG, biogas and biofuels and the use of renewable energy to provide electricity for transport.
3. To reduce fossil-fuel related emissions in the transport sector by promoting norms and standards for fuel economy and putting in place regulations that promote **improved efficiency in fossil-fuel powered vehicles** and **improved environmental performance of fossil fuels.**
4. To achieve **modal shifts** in the transport sector that reduce GHG emissions and other harmful emissions, reduce transport congestion and improve temporal, spatial and economic efficiency in the transport sector. In particular, achieve a 30% shift of freight transport from road to rail by 2022, and a 20% shift of passenger transport from private cars to public transport and eco-mobility transport in the same year.
5. The DoT also needs to develop best practice guidelines to ensure that integrated, climate friendly transport options are incorporated into land use and spatial planning at a national, provincial and local level.
6. Invest in sources of green energy's infrastructure, like biogas filling stations, electric car charging points, GIS integrator ICT technology platform for locating stations, regulating future pricing and providing statistics.

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5. STRATEGIC INITIATIVES

The GTS focuses on key/priority measures that will contribute most to a radical shift in South Africa's transport emissions profile. The corollary effects of full implementation will be safer, more reliable and cheaper transport options for the majority of South Africans. It is a recommendation of this strategy that, "all future investments in the transport sector should be informed by the vision, guiding principles, and strategic objectives of the GTS". Strategically involve youth in the planning and design of future models, through institutions and engagement.

5.1 Integrated Transit Systems

Fundamental to the greening of the transport sector is the seamlessly integrated functioning of the transport system. These integration policies and strategies have been defined in all transport sector planning, policy and strategy documents. Integration is the key principle on which all transport strategy rests for successful execution and functioning.

In terms of the GTS, the modal shifts to rail and away from private vehicle use are premised on integrated transit and feeder systems that make far greater use of public transport and non-motorised transport.

The interaction of transport infrastructure with the property market can lead to outcomes that are neither socially nor environmentally desirable. For instance, the provision of transport infrastructure such as railway stations or bus terminals tends to result in an increase in the market value of nearby property, which can have unintended local consequences in terms of converting residential property to commercial property and reducing the availability of land for mixed and low cost housing. The DoT needs to develop best practice guidelines to ensure that integrated, climate friendly transport options are incorporated into land use and spatial planning at a national, provincial and local levels. One option is for the Minister to prepare such guidelines in terms of the provisions of the Spatial Planning and Land-Use Management Act in order for them to inform planning decisions.

In addition, Intelligent Transport Systems have the potential to reduce GHG emissions and can be used through transport planning processes to provide advanced data & digital connectivity such as signal timing, real time traveler information, incident management, etc. Transport planning and investment decisions can improve the operational efficiency of multi-modal transportation networks and integrated transportation and land use planning to reduce travel time. The DoT in consultation with National Treasury will provide a national team of experts to consult to all spheres of government as infrastructure is expanded. The team of green transport integration experts will also consult to the Strategic Integrated Projects (SIPs) throughout their planning and execution.

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5.2 Road Transport Initiatives

The road transport sector contributes approximately 91% of total transport GHG emission (GHGI, 2015). **Therefore, the emphasis of the GTS must be on drastically reducing emissions from the road sector.**

One of the primary intervention mechanisms to achieve this, is through freight achieving modal shifts in the transport of freight from road to rail, and from private vehicle use to public transport and eco-mobility transport for passenger transport.

Modal shift, which is generally an aggregate analysis phenomenon, takes place after a choice of travel mode, at an individual-user level, is made. One of the reasons for modal shifts from road to rail is deterioration of transport assets, and thus contributing to increasing operating costs and reducing efficiency and industrial competitiveness.

There is frequent comment on the dominance of road freight transport and the need to move freight from road to rail (DOT, 2005). Road transport services for bulk and semi bulk commodities are often a more expensive second best option, which is used by industry and logistics providers as the default option in the absence of available railway services. Road transport is the primary source of transport related CO_2emissions in South Africa. Road freight transport has continued to increase with heavy goods vehicles making up 34% traffic on the N3; and HGV accidents on that route at the same level as light vehicles. There is deteriorating infrastructure in all modes and restricted capacity to fund maintenance, upgrading and modernization of the infrastructure. There is a frequently stated policy objective to transfer road freight to rail, for the purpose of reducing road freight traffic and the usage of the roads (DOT, 2005).

According to Page et al, (2001), the reasons for public transport users changing to private cars is affordability, availability and safety. Based on the 2003 national household travel survey, it is clear that, across the board, unavailability of services is the main reason for not using public transport. Therefore in order to influence mode shift from private to public transport, it is important that efforts needs to be made in expanding the public transport network, whilst making the public transport available, affordable, convenient and accessible. Modal shift from private passenger cars to public transport have the potential to significantly reduce emissions from the road sub-sector, by emphasizing the use of and expansion of BRT services thus encouraging a modal shift from private use to public transport use.

The DEA's 2014 Mitigation Report, provides estimates of the potential CO_2 emissions reductions that can be achieved through modal shifts in the transport sector (in Table 4), and the estimated costs of achieving these reductions per ton of avoided CO_2 emissions. While the initial capital costs are high, by 2050 modal shifts in passenger transport represent a saving to the economy.

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Table 5: Estimated mitigation potential and cost (which are likely to be borne by the public and private sector, as well as consumers) of modal shifts in the transport sector

	2020		2030		2050	
Modal shift	$ktCO_2$	R/tCO_2	$ktCO_2$	R/tCO_2	$ktCO_2$	R/tCO_2
Road – passengers, pvt vehicle to public transport	820	3,105	3,087	729	9,396	-1,128
Road – freight, road to rail	1,840	1,375	2,729	2,085	2,997	1,497

Source: GIZ mitigation potential analysis on behalf of DEA 2014

$ktCO_2$ - Kilotonne of Carbon dioxide	R/tCO_2- Rand per tonne of Carbon dioxide

Added tax to new fuel car buyers, use that money to contribute to the cost of buying green vehicles to bring the price down. Relax taxes associated with green vehicles to further reduce the price to below the petrol or diesel cars. Taxes to the manufactures of diesel and petrol, bring that fund across into emobility development in the country.

5.2.1 Road Passenger Transport

The GTS aims to provide the policy, regulatory norms and standards, fiscal instrument and recommendations essential to achieve a modal shift of passengers from private vehicle use to public transport, and particularly from road to rail.

In order to achieve these modal shifts significant investment needs to take place.

- **Bus rapid transit (BRT)** systems need to be significantly expanded throughout the large cities and the security, reliability and frequency of BRT systems improved.
- Infrastructure must be innovatively upgraded to allow the minibus taxi industry (or high occupancy vehicles such as carpooling initiatives) to utilize the BRT-only lanes. Cities will be engaged to allow this access.
- The **taxi industry**, a major component of the transport industry, needs to be engaged to develop their role as important **feeders to the public transport system.**
- An **intelligent transport system** must be developed where all public transport and the minibus industry can be monitored by metropolitan control centers through GPS, GIS and IoT connectivity. The intelligent transport system will provide information to the public in terms of congestion, stations available transport options and arrival/departure times throughout South Africa's large urban cities.
- A **single ticketing system** will be developed where the public can utilize a smart tag as the payment mechanism. The smart tag will be swiped on entry and exit of the public transport system. The smart tag may also be used in the minibus taxi industry. The smart tag will be loaded with funds at the same distribution points used to buy mobile air time. Innovatively through various available forms of digital technology, such as those of banks and pay point systems.

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- **Non-motorised transport infrastructure**, namely the building of cycle lanes along key transport routes and improved pavements and sidewalks must be included in the maintenance mandates of SANRAL and local government where appropriate. These facilities require urgent expansion to provide for the majority of South Africans who utilize NMT as their primary mode of transport and to capitalize on the growing public desire for non-motorised 'green' transport.
- The **planning and design of transport infrastructure expansion must consider future eco-mobility developments.**
- The government will work with the private sector to expand on the current number of electric **charging stations powered by renewable energy sources.** These stations will also be accessible to the general public.
- **Vehicle energy efficiency programme** – the government will set an example for procuring energy efficient vehicles by instituting "Procurement Guidelines" for the government vehicle fleet. DoT will engage with National Treasury and relevant national departments, as well as provincial and local government to set appropriate targets for the procurement of **alternative fuels and efficient technologies vehicles.** In addition, the government will only procure the most fuel efficient vehicle makes and models.
- A baseline analysis of the government fleet will be undertaken to use as data for the public communication of fleet emissions improvements. Data collection will continue in order to measure and enhance continuous improvement. The analysis will include the following as a minimum:
    - basic specifications – engine size, curb weight, footprint etc.,
    - utility – power, maximum speed
    - fuel consumption, CO_2 emissions
    - technology adoption – fuel type, transmission, air intake
- DoT will engage with DTI to provide manufacturing incentives to vehicle manufacturers who supply the government fleet with high energy efficient vehicles and EV's, to consider options of manufacturing these vehicles within the country.
- The Department of Agriculture, Forestry and Fisheries (DAFF) and DoT, will conjunctly develop a "rehabilitation plan" focusing on a tree planting initiative within and around major cities, with emphasis of replanting trees especially after the construction of transport infrastructure.
- DoT will develop a national green transport awareness campaign to be rolled out nationally. The awareness campaign will include behavior change initiatives such as eco-driving.
- DoT in partnership with Department of Basic Education will include in the lower education curriculum, a module, under life science subject about green transport and innovation.

5.2.2 Road Freight Transport

Road infrastructure is affected by several factors, but most importantly environmental factors, the volume of vehicles and the weight of the vehicles on the road. All roads are built with a design life and with the addition to the impact of the traffic load, the environment (heat, cold, rainfall etc.) also causes deterioration.

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Commodity Characteristics	Commodities	Annual Tons	Typical origins	Typical destinations	Modal Usage %		Primary reason for modal choice	Rail	Road
		mtpa			Rail	Road		mtpa	mtpa
Bulk - Coallink	export coal	76.3	Mines	Ports	100	0	Full rail facilities	76.3	0.0
Bulk - Orex	export iron ore	59.7	Mines	Ports	100	0	Full rail facilities	59.7	0.0
Bulk - GFB	local coal	24.6	Mines	Powerstations	85	15	Some rail facilities	21.0	3.6
	local iron ore	12.0	Mines	Foundries	100	0	Some rail facilities	12.0	0.0
	local coal	9.5	Mines	Factories/ports	74	26	Few rail facilities	7.0	2.5
	other minerals	8.5	Mines	Foundries/ports	72	28	Some rail facilities	6.1	2.4
	other minerals	8.6	Quarries	Smelters	81	19	Some rail facilities	7.0	1.6
	Clinker	5.8	Quarries	Factories	86	14	Some rail facilities	5.0	0.8
	fuel/chemicals	3.9	Plants	Ports	90	10	Some rail facilities	3.5	0.4
	Grain	10.0	Silos/ports	millers	40	60	Some rail facilities	4.0	6.0
	steel	2.1	Foundries	Ports	53	47	Some rail facilities	1.1	1.0
	timber	8.0	Forest	mills /ports	75	25	Some rail facilities	6.0	2.0
	Paper and pulp	1.5	Port/plants	ports/plants	67	33	Some rail facilities	1.0	0.5
	Other bulk	4.0	Mines/agric	Plants/ports	100	0	Some rail facilities	4.0	0.0
TOTAL BULK		234.5			91	9		213.7	20.8
Break bulk	steel	1.0	Foundries	Wholesaler	1	99	No rail facilities	0.0	1.0
	cars	1.0	Ports/Plants	Ports/ Plants	40	60	Few rail facilities	0.4	0.6
	cars	1.0	Ports/Plants	Retailers	20	80	Few rail facilities	0.2	0.8
	containers	6.0	Ports/Terminals	Plants	30	70	Few rail facilities	1.8	4.2
	containers	14.0	Ports/Terminals	Ports/terminals	36	64.3	Few rail facilities	5.0	9.0
	chemicals	20.0	Factories	Users	0	100	No rail facilities	0.0	20.0
	fuel	30.0	Plant	Retailers	0	100	No rail facilities	0.0	30.0
Mixed	agric prods	111.0	Farms,silos	Farms / Mills	5	95.5	Few rail facilities	5.0	106.0
	industrial goods	550.0	Ports/factories	User industries	0	100	No rail facilities	0.0	550.0
	FMCG	500.0	Processors	Wholesale/retail	0	100	No rail facilities	0.0	500.0
	beverages	90.0	Plants	Wholesale/retail	0	100	No rail facilities	0.0	90.0
	packaging	40.0	Plants	factories/processors	0	100	No rail facilities	0.0	40.0
Casual	Construction	40.0	Suppliers	Sites	0	100	No rail facilities	0.0	40.0
	Building	20.0	Suppliers	Sites	0	100	No rail facilities	0.0	20.0
	Retail	20.0	distribution	stores	0	100	No rail facilities	0.0	20.0
TOTAL BREAK BULK		1444			1	99.1		12	1432
TOTAL LAND FREIGHT		1679	Million tons p.a.		13	86.5		226	1452

Table 6: Indicative Total Tonnage of Rail and Road Freight in South Africa by category and current modal usage ***(NFLS: 2015)***

The growing use of the road network for freight is causing a further increase in maintenance requirements and costs for the road network, adding to congestion and the growth in emissions and particulate matter in the air. Strategic action, including possible regulatory or fiscal measures is needed to encourage freight to be transported via the rail network. The increased use of rail will ease the environmental, health and congestion burdens, and as seen in Table 6, above the need for modal shift of some commodities is a necessity to improve the efficiencies of both modes, and also manage negative externalities as much as possible.

Rail transportable freight that has been identified as per Table 7 below, should ideally not be transported via the road network. Historically, rail was the preferred method of moving freight in South Africa, but following deregulation of the transport sector, the rail market share, and consequently also investment in rail transport infrastructure, has progressively decreased. There is a modal imbalance between road and rail movements, which leads to an unsustainable use of road infrastructure (Havenga & Pienaar 2012). This has led to strain being put on the national fiscus due to increased capital and

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maintenance costs of road infrastructure, as well as strain on the private sector the cost of road transport has increased (Freight shift from road to Rail Report, DEA, 2014).

Table 7: Showing the tonnage of freight moved by train (Source: Freight Train / NP&A)

Commodities	Estimated Tons p.a.
Steel	1,000,000
Oil and Fuels	2,500,000
Domestic Coal	3,500,000
Export (Sized) Coal	1,500,000
Manganese	800,000
Grain	6,000,000
Timber	2,000,000
Pulp and Paper	500,000
Minerals	2,000,000
Total	**19,800,000**

South African roads are also placed under further pressure by increased freight and passenger transport within the SADC region. South Africa has the largest ports and provides important transit corridors to the SADC region. This is also compounded by the large movement of people coming to South Africa in search of employment and better opportunities.

Recommended road regulatory actions

DoT will prepare the following regulatory actions targeted at encouraging the modal shift from road to rail and from private vehicle use to public transport:

- In consultation with the cities (local government), DoT will develop a regulatory and policy framework for levying a **congestion charge** on vehicles that enter central business hubs. International best practice with regard to congestion zone taxing will be taken into account.
- **Congestion zone taxing** will require supporting infrastructure – park and rides, **integrated ecomobility transport facilities, bike and car share scheme development.**
- In consultation with stakeholders and the National Treasury, **review the current levels of the environmental levy on new motor vehicle CO_2 emissions** and **expand the tax to include commercial vehicles** in order to more effectively influence energy efficiency and the environmental performance of the country's vehicle fleet.
- Develop a regulatory regime in consultation with National Treasury for the **annual taxing of vehicles based on their emissions** through the annual car licensing renewal system.
- Added tax to new fuel car buyers, use that money to contribute to the cost of buying green vehicles to bring the price down. Relax taxes associated with green vehicles to further reduce the price to

below the petrol or diesel cars. Taxes to the manufactures of diesel and petrol, bring that fund across into emobility development in the country.

- Enhance the regulatory regime to include a **3 yearly test** on vehicles that covers roadworthiness and exhaust emissions. The test certificate with need to be produced every 3 years of car licensing renewal and the test scores will be used to adjudicate a price relative to safety and emissions performance.

- The use of **vehicle fuel economy norms and standards** to **label vehicles** in terms of their fuel efficiency and emission standards will continue, and baseline studies on the **implementation of more stringent fuel economy standards** (such as Euro V) should lead to the adoption of appropriate greener standards.
- Introduce a car life cycle limits on the road, i.e. a car with an engine more than 400 000km must be burned from the road.
- In consultation with cities, DoT will develop regulations to ensure that **freight** vehicles may only enter urban hubs during **off peak hours**.
- Research will be conducted into the **staggering of school and work start times** to relieve congestion in cities.
- **Road freight permits** will be re-introduced into South Africa with permit pricing reflecting the emissions for tonne cargo of freight vehicles, as well as road-use charges to internalize the externalities of possible overloading from freight haulers. Also increase taxes on road cargo to fund rail development.
- The DoT will develop Green Standards and Guidelines for road construction, maintenance and upgrades. This will include standards and guidelines on climate change resilient materials.

5.3 Rail Transport Strategic Initiatives

Rail provides the most immediate relief required to meet emission reduction targets in the limited time frame available. The GTS supports the determination of the NATMAP 2050 vision to establish targeted high speed intercity networks, heavy haul, tram rail, cable cars, double stacking and contemporary urban rail options, which could lead to the revitalizing of rail in South Africa through investment in a small high performance new network that can set extra-urban railways on a renaissance trajectory and expanding funding sources through private sector participation. Rail is far superior from a direct emission mitigation perspective than road transportation.

Direct emission from the rail sector contribute only 1% of all transport emissions (GHGI, DEA, 2015) however, this figure excludes emissions from electricity consumption. In order to achieve the successful development and integration of the rail sector in South Africa, and to support the measures proposed in the Green Transport Strategy. There are accordingly significant investment costs required to actualize the modal shift required for achieving the sectors reduction figures. These costs can be covered by extracting by the use of taxes and penalties from the emitters of GHG and reinvested these funds to modal shift initiatives.

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5.3.1 Passenger Rail Transport

The DoT, through the GTS, supports the following rail policy directives and additional proposed regulatory frameworks:

- Drawing on the lessons learned and experience of the Gautrain model, expand and upgrade rail networks into all urban areas.
- Invest in the improvement and development of PRASA (passenger rail) infrastructure and services.
- Increase frequency, digital information connectivity (IoT), reliability and safety levels for passengers.
- Restore the rural branchline network.
- Secure local and global private sector participation in high speed networks.
- Conduct research to appropriately tax the road transportation sector to reflect the maintenance cost of road.
- Develop tax incentives related to corporate and private spend on rail transportation.
- Encourage PRASA to move towards fuel-cell and solar powered locomotives in a shift to using low carbon energy sources.
  Note fuel cell future estimated cost compared to other energy technologies as researched by Pforzheim University of Applied Sciences.

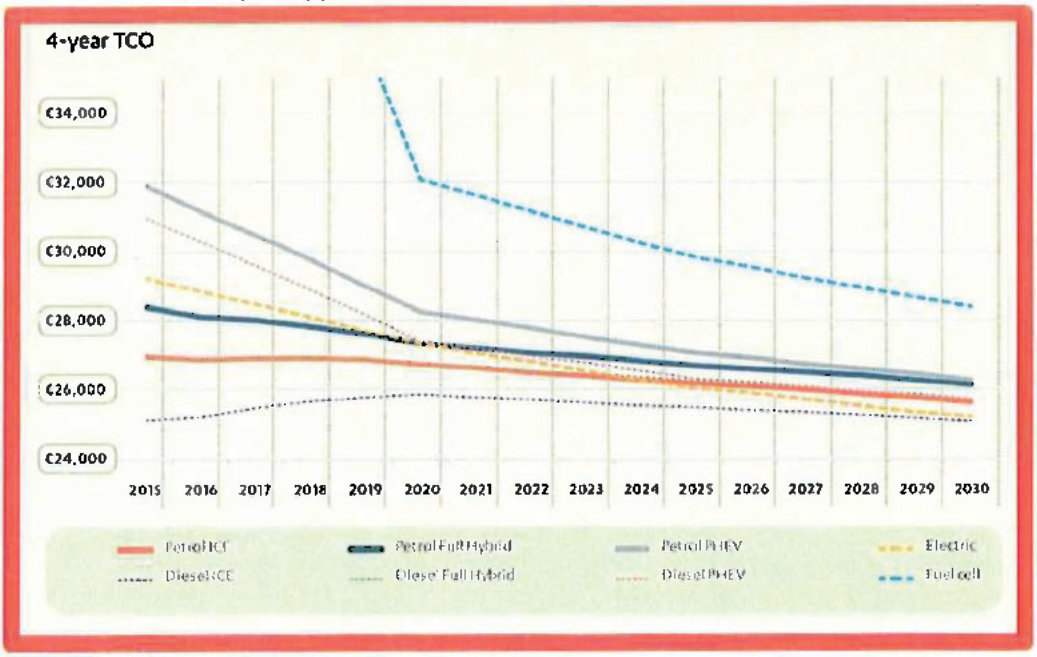

Figure 6: Showing Fuel Cell future estimated cost compared to other technologies

- The DoT together with industry will also initiate the development of Green Standards and Guidelines for rail infrastructure and construction, maintenance and upgrades. This will include standards and guidelines on climate change resilient materials.

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5.3.2 Freight Rail Transport

- Increase frequency, digital information connectivity (IoT), reliability and safety levels for freight.
- Design a pricing system that is competitive with road transportation.
- Develop tax incentives related to corporate and private spend on rail transportation.
- Encourage TRANSNET to move towards fuel-cell and solar powered locomotives in a shift to using low carbon energy sources (figure above)
- The DoT will develop Green Standards and Guidelines for rail infrastructure construction, maintenance and upgrades. This will include standards and guidelines on climate change resilient materials.

5.4 Aviation Transport Strategic Initiatives

The overall strategic approach for the RSA's climate change response is guided by the National Development Plan (NDP) (Vision 2030). The NDP proposes movement towards a low carbon economy. Different sectors of society have roles to play to fulfil Vision 2030. The DOT's objective to support the transition to a low carbon economy is to 'increase the contribution of transport to environmental protection' (State Action Plan, DOT: 2016). Historic data was obtained from ICAO, thus the methodology used for differentiating between international aviation and domestic emissions is the ICAO methodology (State of Registration).

The estimation of baseline fuel consumption and CO_2 emissions for international aviation within RSA was done with assistance from ICAO statistics. The baseline was projected from 2016 until 2050. Figure 1 shows that in the absence of any measures- 'do nothing approach'- there will be a gradual increase in the CO_2 emissions. In order to contribute towards the global ICAO goal of Carbon Neutral Growth (CNG) 2020, measures were selected by the South Africa to begin the implementation process.

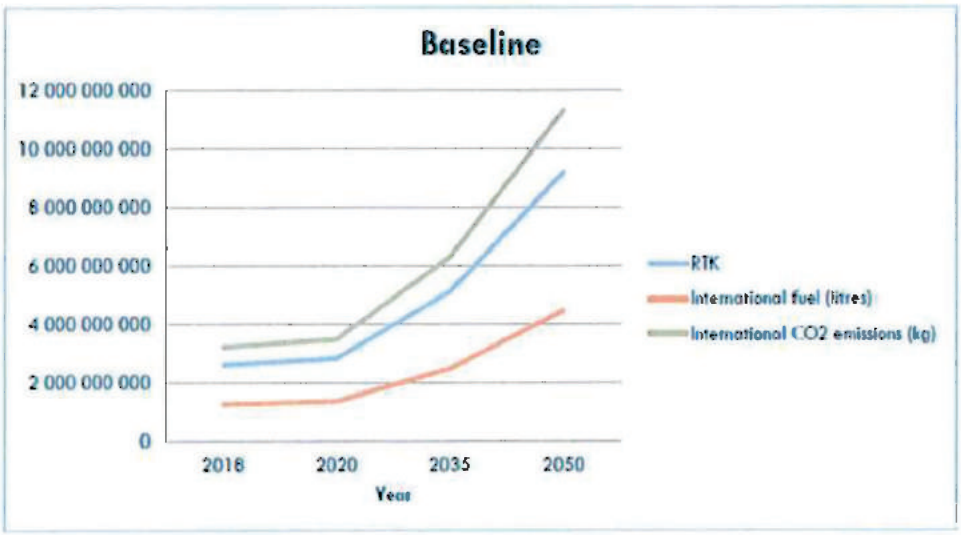

Figure 7: Absence of measure baseline in Aviation for S.A (Source: DOT State Action Plan: 2016)

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Although emissions from domestic aviation have more than doubled since 2010, (State Action Plan, DOT,2015) reflecting the large growth in passenger demand over this period, aviation still only contributed less than 8% to total transport GHG emissions, in South Africa. However, this figure is likely to grow given the growth in passenger demand for air travel (GHGI: DEA: 2014).

The International Civil Aviation Organization (ICAO) is a UN specialized agency, established by States in 1944 to manage the administration and governance of the Convention on International Civil Aviation. As a member state of ICAO, South Africa has consented to the implementation of "International Civil Aviation Standards and Recommended Practices" (SARPs) and policies in support of a safe, efficient, secure, economically sustainable and environmentally responsible civil aviation sector.

ICAO's basket of measures to reduce CO_2 emissions from international aviation include the following:

- Aircraft-related technology development;
- Aircraft based emission testing with penalties,
- Alternative fuels;
- Improved Air Traffic Management (ATM) and infrastructure use;
- Market-based measures;
- Airport improvements; and
- Regulatory measures.

As per the State Action Plan, 2016, South Africa has committed to only focus on the improved ATM measures as this is at an advanced stage of implementation due to the country's Performance-based Navigation (PBN) Implementation Plan.

The Air Traffic and Navigation Services (ATNS) Company is the home of expert Air Traffic Control and Management solutions for South Africa as well as 10% of the global airspace. South Africa has embarked on a project to align the South African fixed route structure to support PBN implementation. The project is aimed at reducing track miles for aircraft operating in the en-route environment, **which reduces fuel burn, emissions and works towards environmental sustainability.**

The important ICAO initiative of Aviation System Block Upgrades (ASBU) in facilitating a seamless global air navigation system has been collectively embraced by the RSA. In support of the ASBU initiative, RSA, through the aviation industry-sanctioned ATM roadmap (led by ATNS), rolled out several ongoing initiatives to facilitate compliance with Block 0 as detailed in the ASBU framework.

Declaration through collaborative initiatives such as the USTDA airside capacity study; facilitation of the flexible use of airspace; and air traffic flow management. A further initiative in line with the ASBU Block 0 upgrade is the implementation of PBN. Envisaged milestones in achieving the PBN initiative include revised terminal area procedures for several airports such as Lanseria, George, East London and Port Elizabeth. These revisions are aimed at enhancing the flexibility and efficiency of both departure and descent profiles for airspace users, thus addressing several PIAs, including the environmental- (greener airports) and efficiency- (flexible flights) related parameters associated with air travel.

The Airports Company of South Africa (ACSA) has and continues to invest in infrastructural and operational upgrades. In addition, George Airport is the first airport in South Africa to install extensive solar technology. ACSA also intended to participate in the Airports Council International's (ACI) Airport Carbon Accreditation program in 2016. Reduced energy demand projects include the installation of building management systems which reduce electrical demand, and the installation of cleaner alternative sources of power generation such as the installation of photovoltaic panels which generate a portion of the airports' electrical demand. Projects for the installation of photovoltaic panels have already been completed at three ACSA airports.

SAA has a progressive environmental strategy with the overall and firm objective of being recognized amongst the environmentally sustainable airlines in the world. The first African sustainable biofuel flight was done by SAA on 15 July 2016. SAA and Mango flights on Boeing 737-800s operated between Johannesburg and Cape Town, made history as the first sustainable biofuel flights to have taken place on the African continent.

RSA is currently implementing one of the seven measures highlighted by ICAO. However CO_2 emissions are slowly being reduced. Therefore, for the country to reduce more CO_2 emissions, some of the other measures listed below need to be fully implemented.

The following assistance will be needed to enable the implementation of other measures:

- **Research and innovation**

The RSA intends to implement some of the seven measures recommended by ICAO. Assistance is required in various research areas that can have a role in ensuring CNG 2020. Heavy involvement of youth in innovation is critical to designing a suitable future they will live in.

- **Education**

Training on collection, monitoring, reporting and verification of data is required, in addition spreading down to lower education.

- **Finance**

The process of taking the Alternative fuels measure from a conceptually small scale project to a large industrially viable stage will require massive scaling up to produce enough sustainable feedstock. A refinery will need to be established to process the oil that is produced. Penalties from single aircraft testing can be used. The competition commission has good models that could be adopted.

- **Technical support**

For the Alternative fuels project, knowledge of agronomical and mechanical best practices is needed to optimise the supply chain. This can be achieved through bringing in retired expert from locally as well as some through the German government SES programme - http://lang.ses-bonn.de/en/.

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The financial pressures currently experienced by the industry in South Africa make it challenging to procure new, more efficient aircraft or invest in biofuel production. Hence efforts are concentrated on retrofitting technologies and improved operational efficiencies.

In addition to these user-charges and fees, national government imposes an air passenger departure tax, which is a departure tax on The South African Civil Aviation Authority (SACAA) regulates the air transport sector in South Africa. The following charges are imposed on the aviation industry:

- Aviation fuel levy - payable by wholesale distributors on the sale of all aviation fuel that is manufactured, distributed, imported or sold in South Africa; and
- Airport charges - payable by the operators of aircraft in South Africa and consists of a landing charge, parking charge, and passenger service charge.

International air travel from South Africa, the revenues from which flow into the national revenue account. However, upon imposition of the air passenger departure tax, additional funding has been made available for tourism promotion. Recognising the higher effective burden on international flights to neighbouring countries, a reduced rate applies to departures to Botswana, Lesotho, Namibia and Swaziland.

5.5 Maritime Transport Strategic Initiatives

Government's approach to protecting the marine environment from pollution is both proactive and reactive. The proactive component is the responsibility of South African Maritime Agency (SAMSA) – preventing pollution from ships. The reactive component is the mandate of the Department of Environmental Affairs (DEA) – mitigating and combating the effects of pollution from ships once it has occurred. Ports are required to provide adequate environmental infrastructure and systems, such as reception facilities. This helps to mitigate illegal dumping of ship-sourced pollutants at sea.

The protection of the environment and ecosystems on which our livelihoods depend has emerged as one of the most pressing issues in the past few decades. Concerned with the implications of unsustainable consumption of finite natural resources, governments decided to launch, working through the United Nations system, through multilateral environmental agreements. These agreements, while intended to address different environmental problems, and of differing proportions, share one commonality, namely the protection of the environment for the benefit of present and future generations.

Multilateral environmental agreements, by their very nature, are agreed at a global level, but implementation typically takes place at a national level. South Africa (through the Department of

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Transport) is a signatory to several of these agreements, with corresponding rights and obligations. The country needs to formulate and implement policies related to its multilateral obligations regarding the protection of its marine environment, while also giving effect to national environmental legislation.

Oceans and coasts are intrinsically linked with society and provide humankind with many environmental, economic and social benefits, from regulating the weather and climate to providing oxygen, food and livelihoods to the global population. However, overexploitation of our marine environment over the years and other human activities, such as the burning of fossil fuels, have had an adverse impact on the ocean; therefore, effective strategies that will help protect the marine environment for the benefit of present and future generations need to be explored.

To date, the country's maritime transport sector programs and other interventions have been skewed in favour of industrial development, and marine environmental protection has largely been ignored. The notion of sustainable development calls for the balancing of three pillars: social, economic and environmental. Government has a duty to protect the marine environment for the benefit of present and future generations.

Although the maritime industry has always been prone to environmental issues (such as oil pollution, ballast water issues and combating aquatic invasive species) and energy inefficiencies, these issues have taken on a new urgency in view of global warming and air pollution by ships. Hence, the Department will continue to be concerned with these issues. The protection and preservation of the environment is a pressing issue for developing nations, but the maritime industry knows no boundaries. Environmental compliance issues are now paramount in the international arena, and it is in the interest of the South African maritime industry to be kept abreast of international environmental compliance issues and to prepare for them. This way, when they are eventually extended to the South African industries, they will be implemented without hindrance.

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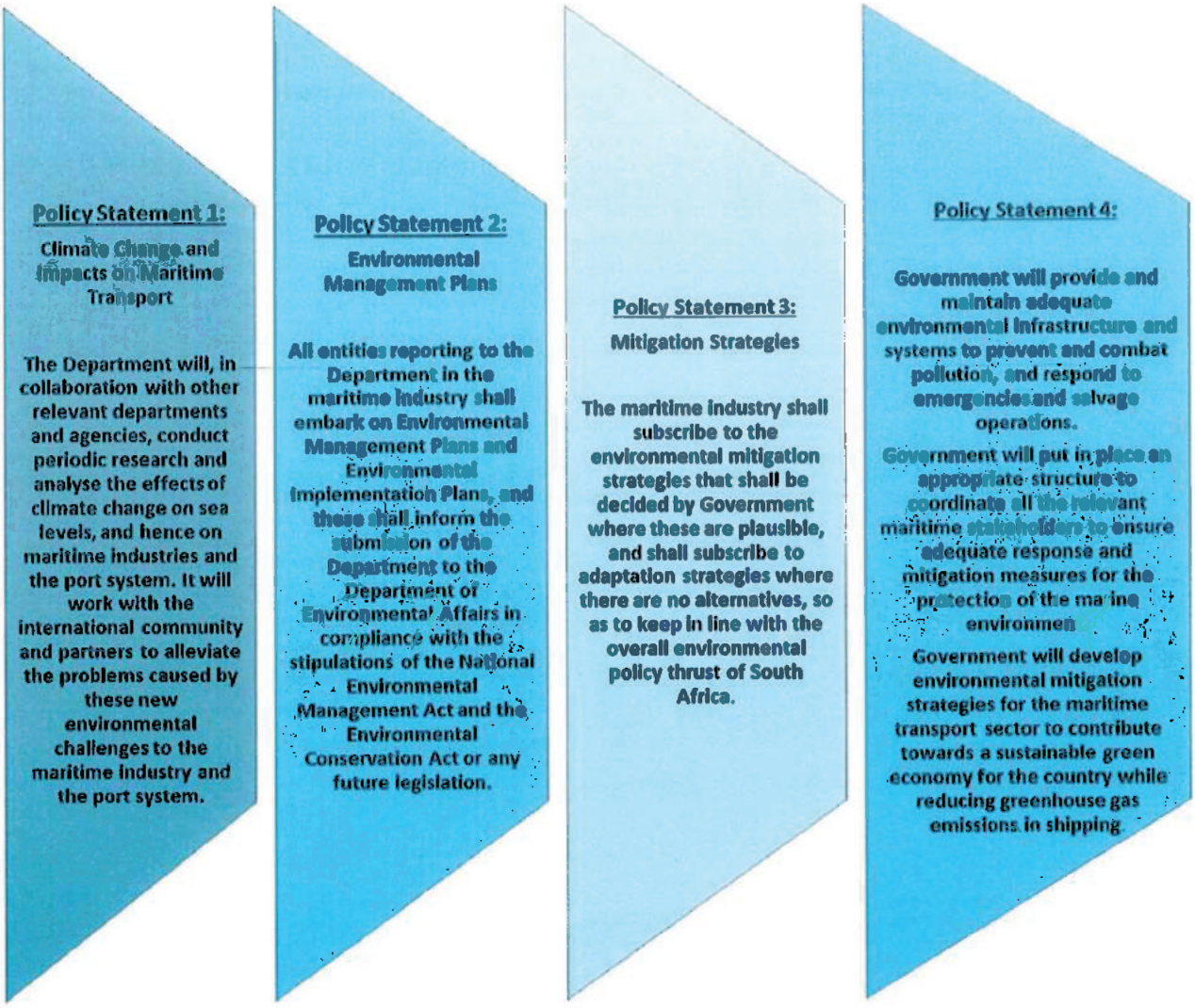

5.5.1 Statutory Context for Maritime

The mandate and obligations to develop policies and take corresponding measures for the protection of the marine environment stem from many international, continental and regional policy declarations. In addition, South Africa is party to many political declarations, including the Rio Declaration on Environment and Development and its Agenda 21, 1992, the Millennium Declaration and the Millennium Development Goals, 2000, as well as the Rio+20 Declaration. Furthermore, at national level, various pieces of environmental legislation and policies have a bearing on the maritime transport industry or policy, including the Constitution of the Republic of South Africa (Act No. 108 of 1996), the National Environmental Management Act, No. 107 of 1998, and the White Paper on National Climate Change Response, 2011.

5.5.2 Climate Change and Maritime Transport

Maritime transport is arguably the most ecological mode of transport and the most fuel-efficient way of carrying cargo. International shipping causes around 3% of the global carbon dioxide emissions from fuel combustion. The international regulatory framework under the Kyoto Protocol does not, however, cover bunker fuel emissions from international shipping.

Recent developments in global warming and climate change have sharpened the focus on the need to regulate issues such as pollution caused by the discharge of oil, liquid and other harmful substances, sewage and garbage from normal shipping operations. This includes air pollution, particularly the need to regulate and reduce greenhouse gas emissions from shipping. Nitrogen and sulphur dioxide are two of the major causes of environmental problems in the shipping industry.

The growth in international trade means that international shipping is expanding. Moreover, the globalisation of the shipping industry and economic activity promotes international shipping and consequently increases global emissions.

Other measures that have been undertaken through the IMO is the adoption of a marine sulphur cap of 0.5% S, as provided for in the MARPOL Annex VI, as from January 2020, and as South Africa is party to the IMO we will also need to abide by this regulation, and initiate the necessary plans to ensure its successful implementation.

5.6 Future modes of transport

Future modes of transport are those modes that will be developed in the future or currently under development such as walking robots like Atlas from Boston Dynamics http://www.bostondynamics.com/ and Cassie from Agility Robotics http://www.agilityrobotics.com, passenger autonomous flying cars/drones such as the ehang184 http://www.ehang.com/ehang184, and SpaceXHyperloop http://www.spacex.com/hyperloop. These kinds of modes through they will require operational regulations, they will also need to be mandated to use clean, green, and safe energy sources; especially since nuclear power seem favorable to them.

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5.6 Pipeline Transportation

In the GHGI the transport sector is defined in terms of road transport, railways, civil aviation and water borne navigation categories. However, transportation of certain products (for example primary fuels) can also be accomplished using pipelines. Within the GHGI the emissions associated with energy used in pipeline transportation and particulates released are allocated to other sectors, and are therefore not relevant to discussion in the GTS. (Source: GIZ mitigation potential analysis)

5.7 Cleaner Fuels and Technologies

Clean fuels pose an interesting dichotomy. On the one hand local air quality will improve due to the use and combustion of clean fuels. However, on the other hand, as a result of the high energy demands associated with the production of these fuels, clean fuels will significantly increase national GHG emissions.

The upgrade to a Euro V-type specification level is being pursued under the so-called 'Clean Fuel 2' banner, with earlier cleaner fuels initiatives having raised fuel specifications levels to the Euro II-type level as from 2008. Should the automotive industry drive and support initiatives pertaining to clean fuels, as mentioned above, it will have a major impact on the transport sector. This support will not only pave the way for clean fuel uptake in the transport sector but pro-actively enable a regulatory context for large-scale transport sector interventions.

In terms of reducing the use of fossil fuels, the DoT needs to actively promote investment in the production of biogas, the use of CNG, LNG, fuel cell and solar powered EVs. In addition, there is currently no policy or regulatory framework that determines the requirements, norms and standards for cleaner fossil fuels in South Africa. There is also no policy that rewards users of cleaner fuels and cleaner fossil fuels. As mentioned below, the development of these regulatory and policy frameworks is an immediate priority.

Transnet is planning for the development of LNG import facilities at the Ports of Richard's Bay, Ngqura and Saldanha. This will facilitate downstream security of future supply of natural gas for CNG demand.

The production and burning of fossil fuels is the primary cause of global warming and therefore every effort needs to be made to reduce the impact of fossil fuels.

There are two options available:

1. Reduce the use of fossil fuels.
2. Produce cleaner fossil fuels.

Strategic adding tax penalties to new fossil fuel vehicle buyers, use that money to contribute to the cost of buying green vehicles to bring the price down. Relax taxes associated with green vehicles to further

reduce the price to below the petrol or diesel cars. Taxes to the manufactures of diesel and petrol, bring that fund across into e-mobility development in the country.

The two options listed above will enable the mobilization of the sector towards moving into a low carbon intensive approach. The DoT also needs to promote the use of biofuels within South Africa as this renewable energy source presents the potential for numerous energy security and efficiency benefits to the South African economy. The biofuels industry also has the potential to contribute significantly to job creation in South Africa.

The *Biofuels Industrial Strategy of South Africa* followed by the *Position Paper in terms of the National Energy Act34 of 2008,* published by the DoE on 15th January 2014 which provides for a 2% (or 400 million liters per annum) dispersion level of biofuels into the national liquid fuels supply. The deadline for the mandatory blending of biofuels with petroleum was set for the 1st October 2015, in an attempt to foster a regulatory environment to enable the production of biofuels through the full and proper implementation of the final Biofuels Strategy. The above timeframes for the implementation of the Biofuels strategy have not yet be achieved.

5.8 Biogas and Biofuels

The production of biogas through growing biomass material can have negative effects on food production and water usage as a result of the hectares and water needed to produce the biomass. It is therefore not ideal. However, the production of biogas using existing waste material – sewerage, animal manure, landfills - directly at the site of the waste storage or production is financial feasible. As with biogas, there is concern around the production of biomass for biofuel production regarding food security, water usage, and the hectares in land required. Also could have negative impact on food prices. Biofuel need proper regulations. For the stated purposes of food security and environmental concern, the *Final Biofuels Strategy* proposes the production of specific crops for the production of bioethanol and biodiesel (Department of Energy, Draft Position Paper, 2014).

The DoT and DoE will establish a team to examine the cost and benefits of building biogas plants at large urban landfill sites and sewerage plants. This research will be extended to compiling a cost/benefit analysis of constructing smaller biogas plants at the sites of large buildings that house considerable amounts of people and therefore produce larger quantities of waste.

Biogas Regulatory actions:

The team of experts will also investigate and draft regulations that:

- Compel government vehicles that are directly related to waste and have every day access to biogas to use biogas as a fuel.
- In conjunction with National Treasury, draft tax incentives for the use of biofuels in the private sector. Private sector tax incentives will encourage private sector investment in biogas production.
- Develop a system for centralizing animal manure collections at regional biogas plants

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5.8.1 Compressed and Liquid Natural Gas (CNG/LNG):

Natural Gas has begun to take a foothold in the South Africa market in both the minibus taxi industry and in the cities' Metro bus systems. While not as GHG friendly as renewable energies or pure biogas, Natural Gas produces less emissions than fossil fuels, and serves as a potential transition fuel that could stimulate biogas production by developing a potential off take market.

Cities that have converted a portion of their Metrobus fleets to run on both Natural Gas and petrol/diesel have unfortunately found that the operators of buses are loathe to refuel using CNG. They have in fact gone as far as damaging the gas pumps at depots in order not to refuel with biogas. There is some evidence to suggest that operators are motivated to damage gas pumps because they reduce the potential to syphon traditional fuels for private sale. Slippage of diesel/petrol in Johannesburg's Metrobus fleet is approximately 12%. This compares unfavourably with slippage averaging 4% in private sector logistics companies. The solution is to accelerate the conversion of Metrobus fleets into gas-only vehicles.

The DoT will capitalizing on the private sector's initiative to grow the use of CNG in South Africa by working with the Development Bank of South Africa's (DBSA) Green Fund, Department of Trade and Industry (DTI) and the Industrial Development Corporation (IDC) to make development and project finance available at attractive rates. The private sector has concentrated on providing gas-fired boiler systems and converting minibus taxis into dual-fuel vehicles.

Key is the provision of attractive or concessionary finance rates to the private sector. The private sector should be encouraged to aggressively pursue this endeavor. Aggressive communication is required from DoT (and local and provincial entities responsible for transportation) to the minibus taxi industry to highlight the benefits and cost effectiveness of CNG relative to fossil fuels.

Security of supply of CNG is crucial. Currently South Africa has no CNG reserves available other than from Mozambique. In addition, the distribution network for gas is limited. The private sector is currently using road to transport gas the last mile from the large national and provincial pipelines. Additional domestic and regional supplies of CNG are currently being investigated, including off-shore natural gas reservoirs and "fracking".

CNG Regulatory Actions:

The following initiative form the backbone of DoT's efforts to promote the use of Natural Gas:

- In conjunction with cities, DoT will draft regulations requiring 10% of the Metrobus fleets to be converted to gas-only vehicles per year.
- DoT will lead the effort to provide available funding model options upon request for the conversion of minibus taxis to dual-fuel vehicles and retrofit filling stations.
- DoT will initiate discussions with the taxi industry to promote dual-fuel conversion
- DoT will draft regulations requiring all public and quasi-public transportation vehicles to be converted to dual-fuel vehicles within 10 years.

5.8.1.1 Cleaner fossil fuels:

Fossil fuels are the single largest contributor to GHG emissions in the transport sector. (GHGI, DEA, 2014) In order to meet the government's global commitments low carbon intensive fuel requirements will have to be imposed on the sector.

Cleaner Fossil Fuel Regulatory actions:

- As the mandated entity for drafting fuel regulations, the Department of Energy will be engaged regarding drafting regulations requiring refineries to produce fossil fuels that meet new standards and norms required with regard to emissions profiles. The methodology may be similar to the Air Quality Control Act.

5.8.1.2 Electric Vehicles (EVs)

Currently the market share of EVs in South Africa is minimal, however this number is expected to grow exponentially to make a meaningful contribution to reaching GHG reduction targets. Given the fossil fuels associated with electricity production and the pressures on South Africa's electrical power generation and distribution systems, EVs should be charged via renewable energy and in future may even assist as back-up power sources to households and grid feed through their batteries. Solar power is responsible for very low GHG emissions (primarily associated with the manufacture of photovoltaic cells).

In addition, according to research conducted by SANEDI (2014), despite the higher up front cost of an EV, the lifetime cost of the EV is below that of a conventional car as a result of the inexpensive electrical (solar) refueling. Secondly, with increased demand and production, and the advancement in battery technology, the high up-front costs are expected to decline.

Electric Vehicle Actions:

In order to radically grow the uptake of EVs in South Africa DoT, in conjunction with DTI and National Treasury, will:

- Consider removing or relaxing import duties on electric vehicles, particularly the classification of electric vehicles as luxury imports, in order to stimulate the experience and local capacity development in relation to these technologies.
- Offer producers of EV vehicle manufacturing incentives to both produce and sell affordable EVs in South Africa, for the local and export markets.
- Work with local research institutions to conduct research on EV batteries.
- Work with national, provincial and local government departments and authorities and the automobile industry to set annual targets for the uptake of electric vehicles and hybrid electric vehicles in the government vehicle fleet as well as monitoring the local content of the manufacturing of cars locally, in line with IPAP.
- Introducing the conversion of old technology vehicles, with higher emission factors to be retrofitted with EV technology.

- Consider providing Incentives related to the beneficiation of using local resources in the manufacturing of key machineries and or components (e.g. fuel cell).
- Assist in establishing and developing local EV OEMs.

6. COMMUNICATIONS STRATEGY

Behavioral Change on the part of both consumers and service providers has a critical role to play in reducing the environmental impact of transport. Communication to support the GTS need to be based on evidence about consumer decision-making in relation to modal shifts in transport, promoting the uptake of eco-mobility and NMT, and introducing efficient vehicle technologies. For instance, consumers are more likely to investigate transport options when planning key life decisions around employment, education and moving home.

A further instance in which behavior change is important to both public and public transport is in relation to driver training. Appropriate driving techniques and vehicle maintenance can result in reduced transport emissions, and these need to be communicated to both service providers and consumers – for instance, through the system of licensing public and private drivers.

At the same time, consumers need to be well informed of the importance of transport in relation to the environment and made aware of the benefits of public transport, particularly as public transport infrastructure and services are improved and expanded. This needs to come as enforced compulsory educational modules at Lower to tertiary education as a fashionable and saving way of life. Parents tend to easily change rules when they favor and are driven by their children. Tertiary leavers have a huge uptake in buying new cars, if we change the mindset before acquisitions we are more likely to win vs. owners of vehicles, which would more likely comply to penalties than willingly contribute.

Strong public relations campaigns will need to be run in order to encourage the modal shift desired especially shifting the public to public transportation. Each regulatory action will also need to be fully communicated with stakeholders in order to drive buy-in and compliance. Banks are good drivers of campaigns as people spend time at banks and have enough chance to read about messages than on highway billboards or TV/Radio/Internet. It's similar to advertising on toilet seats as people don't pass a day without going there, which then transfer the message repeatedly.

7. THE SUSTAINABLE TRANSPORT PROGRAMME

The SUT Programme will be the implementing vehicle for the GTS. The programme envisions promoting the implementation of SUT measures (Avoid – Shift –Improve) at local level that align with national goals (e.g. National Climate Change Response White). The SUT programme will bridge the gap between the policy making at the national level and the implementation at the local level.

The implementation of the GTS is intended to be in a two phase cycle.

- The first phase is to establish a national programme (imbedded within the core elements of the GTS) and

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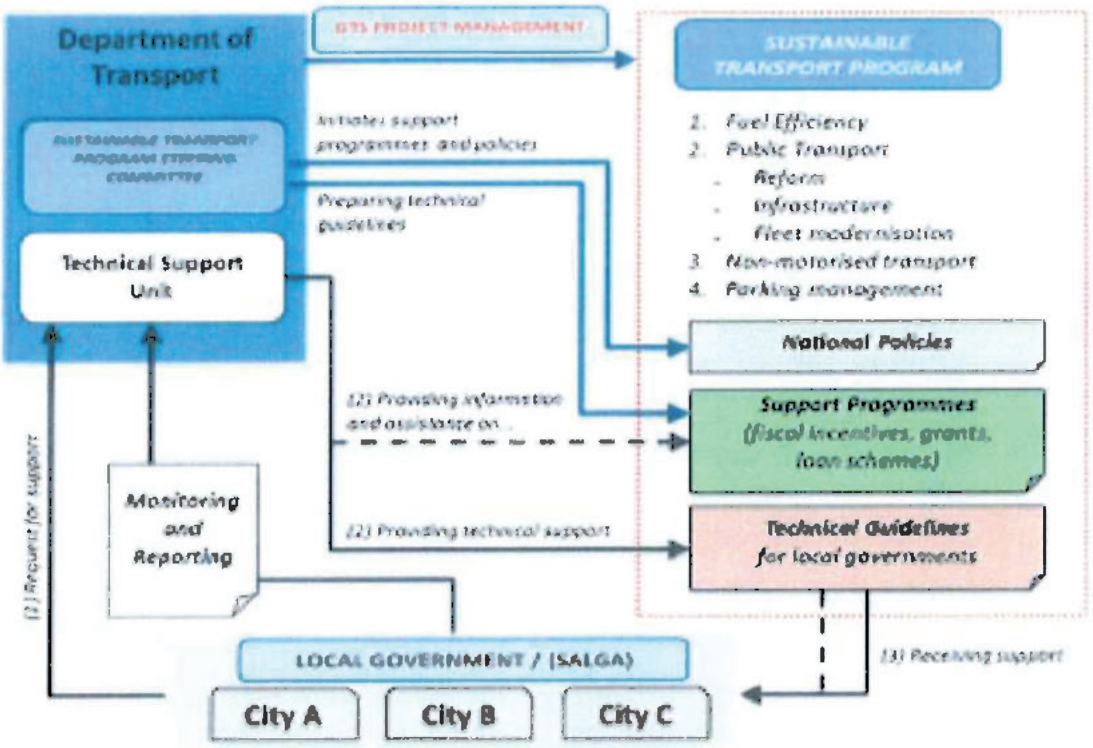
- The second phase will then focus on the implementation of direct mitigation measures on the local level.

During **Phase 1** the following outputs are foreseen. These activities can be summarised as **supportive measures** to enable the implementation of mitigation actions in urban areas in South Africa.

1. Establishment of a Technical Support Unit (TSU) for SUT Programme;
2. Organizing a knowledge-sharing platform among all spheres of the Government on SUT & public;
3. Making improvement on the MRV capacity, aiming for a national harmonized approach;
4. Supporting Metropolitan municipalities and Cities during design and implementation of SUT measures;
5. Promoting the improvement of (national) legal framework in the context of SUT; and
6. Creating and coordinating access to financial resources to support implementation of SUT measures.

The national programme will support local governments in their actions towards an environmentally-friendly transport system. Therefore a comprehensive mechanism needs to be established to ensure successful implementation of the measures and the coordination among all stakeholders. One key intervention of the Sustainable Transport Programme of the DOT will be the coordination and distribution of lessons learnt and best practices among the cities/metros involved.



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7.1 NATIONALLY APPROPRIATE MITIGATION ACTIONS (NAMA's) PROGRAMME

As part of the mitigation efforts for the reduction of emissions, the concept of Nationally Appropriate Mitigation Actions (NAMAs) was introduced under the UNFCCC and is seen as a useful instrument for mitigation action in developing countries (GIZ, 2014). NAMAs are voluntary measures that are taken by developing countries and reported by national governments to the UNFCCC.

A NAMA is defined as "any action that reduces emissions in developing countries and is prepared under the umbrella of a national governmental initiative with the aim of achieving a reduction in emissions relative to 'business as usual' emissions by 2020 (GIZ, 2014).

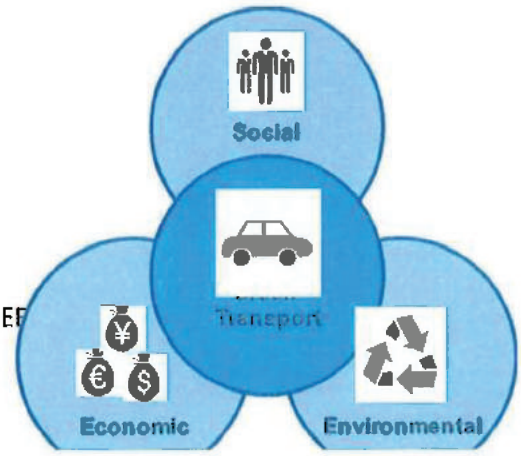
Table 8: Proposed NAMA's List for Transport (Source: DOT)

SHORT TERM NAMAS	MID TERM NAMAs	LONG TERM NAMAS
• Improved Bus Rapid Transit Systems in SA	• Fuel Economy Standards	• Integrated Urban Planning
• Gautrain Expansion	• Fuel Switch	• Integrated Public Transport Networks
• Taxi Modernisation and Conversions	• Updated Fuel Regulations	• Behavioral Change
• Uptake and Promotion of Eco Non & Motorised Transport	• Modal Shift form Road- to- Rail	• Economic Incentives

The Department of Transport has committed to a NAMA's programme. The NAMA's in the table above are a representation of the 'scope of work' that has been identified and will be further elaborated on and finalised as a result of further work done by the DoT, GIZ project, CSP 3, and stakeholder engagement.

8. ENABLERS AND BARRIERS

Introducing change is often difficult, especially when it concerns innovative sectors where longer-term investments are made. For this reason, it is important to identify the factors that play a



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central role in facilitating or triggering change and those that can hinder successful implementation. While the government can set appropriate policies, it is ultimately up to the private & public sector to guarantee the large-scale uptake of green transport, hence, it is important to identify enablers, barriers and drivers as they are perceived by the market and society. Public policy can then be designed in such a way as to remove barriers and strengthen enablers and drivers.

On a high-level, green transport enablers, barriers and drivers are often placed in the context of their social, economic and environmental impact. In terms of social impact, one needs to take note especially of the need to increase mobility and counter the spatial disconnect from market and jobs for less privileged groups created during apartheid. When it comes to the environment, reducing air pollution, especially in an urban context, is a direct short term need in addition to contributing to the fight against climate change in the longer run.

8.1 Enablers and Barriers

Within an enabling environment a set of interrelated conditions such as the appropriate funding, and enabling regulatory environment are in place, which impact positively on the capacity of development actors. On the other hand, barriers might at the same time exit that negatively impact on this capacity. They hamper the development of the sector in an unnecessary or uncalled for manner. Enablers or barriers may exist in relation to the current policy framework that is in place, as mapped above, or they may exist in their own capacity.

When looking at the current enabling environment of the South African green transport sector, only a limited number of enabling conditions can be identified. For example:

- From an economic perspective, the recent discovery of shale gas in the Karoo has improved the capacity for actors to develop mid- and down-stream CNG infrastructure in that the initial supply side risk of CNG over the long terms has been reduced;
- *From a social perspective,* a number of industry associations covering several aspects of the green transport value chain with the aim to, among other things, increase the level of organisation within the sector and subsectors. A good example of this is the establishment of the National Biogas Platform during the 2013 National Biogas Conference. There is collaboration between the public and private sectors supported by the German government, in this regard. Also, with the support of entities such as the IDC, a number of CNG re-fuelling stations have been established. Although still at a pilot stage, some of these stations are equipped with training and information centres, provide valuable information to the different private actors within the value chain and the public at large.
    - From an environmental perspective, the South African Automotive Industry in conjunction with the Department of Minerals and Energy is introducing a standardised fuel economy and CO_2

emission testing and labelling system for application to new passenger cars at dealerships. Previous experiences show that this should significantly improve the decisions people make in terms of environmental impact and consciousness. Continuous digital data collection is required.

As with the enabling environment, several barriers can be identified that have impact on the capacity of development actors. For example:

- From an economic perspective, the private sector is currently held back in its long-term investment in CNG and CBG supply infrastructure due to regulatory uncertainty surrounding the continuance of relative tax benefit of these fuels, which are VAT-ed, and conventional fuels, which are subject to fuels taxes. A similar problem can be found with regard to the Biofuels Regulatory Framework. As long as the government does not set the operation date of the legislation, producers will not invest in the necessary projects to manufacture biofuels, as they are not guaranteed of adequate returns to make a viable financial proposition. High upfront investment costs for green technologies also provide an obstacle, as private-sector finance is difficult to obtain in practice;
- From a social perspective, the limited range of current EV technologies and long charging times create "range anxiety" for many people and present a barrier for people to use electric vehicles.
- Generally, vehicle owners travel relatively long distances in South Africa. As such, stakeholder consolations indicate that the lack of public charging infrastructure presents a significant hindrance to the development of the sector. For gas-powered vehicles, a same argument applies in that too few filling stations are in operation. Also, several stakeholders have indicated that general knowledge about CNG for transport is lacking, i.e. people are not aware of the possibilities for use in transport. Many people that are aware, perceive gas as something flammable and dangerous, not suited for transportation;
- From an environmental perspective, policy documents aimed at promoting green transport stand alone, hampering the overall effort of improving environmental outcomes in terms of (urban) air quality and mitigating climate change. There is no high-level, integrated plan that aligns policies and regulations. This may hinder the development of the green transport sector. There is also very limited data gathering on the topic to conduct research and inform policy.

In summary, one can conclude that there are a number of conditions that in combination provide an enabling environment for the green transport sector. However, it is important to note that most of the enabling conditions are still under development and early stage at best. It is also interesting to see that compared to the green transport sector, the enabling environment of the traditional petrol and diesel sector is much larger and more developed. Moreover, several barriers exist as perceived by the market and society. These should be addressed in the future to facilitate the uptake of green transport technologies.

8.2 Drivers

On a higher, more abstract level, drivers relate to people, knowledge, and conditions that initiate and support activities aimed at developing green transport technologies and tend to link quite direct to economic, social and environmental considerations.

8.2.1 Economic

Both businesses and consumers (end users) are generally hesitant to pay the investment premium for a greener option while being uncertain about the technical and financial performance. If the greener option, however, is cheaper over its overall lifetime of use, this can be an important driver for uptake. The latter tends to be the case for green alternatives where a higher investment cost is more than compensated by a lower cost of use. This is the case when investing in a taxi conversion to biogas and subsequently reaping the rewards of a lower fuel price. A prerequisite is, however, that users need to be well informed about the green alternative they are unfamiliar with.

Treasury can also benefit by using biogas or electricity as transport fuels, as these are locally produced, as opposed to petrol/diesel that are imported at the marginal level (or are made from imported crude oil, which represents about 90 % of their manufactured value). In other words, this would represent a significant increase in local economic activity, with associated forex (balance of payment) savings and the generation of more local taxes. A typical car uses about 2-3 more fuel than the cost of the vehicle (DTI, 2016), and for higher mileage vehicles, such as minibus taxis, the fuel (imported) cost can be more than 10 times the vehicle cost.

Furthermore, the creation of a substantial demand through green public procurement and the decision of fleet owners to switch to green alternatives, can take away the challenge of suppliers of green fuels and vehicles to secure economy of scale to justify investment. This can break through the classic 'chicken-and-egg' deadlock whereby suppliers are reluctant to invest in for example biogas production while users are reluctant to switch their vehicles to biogas as one has doubts about fuel availability and are not willing to take a risk.

8.2.2 Social

Green transport technologies do not per se contribute to the economic and social mobility of people as conventional transport technologies can, in principle, fulfil the same purpose. Nevertheless, job creation

can be a driver for the introduction of green transport alternatives. (Green transport also involves lesser negative externalities being borne by society). Especially in respect of biofuels this is the case as it requires relatively labour intensive fuel production activities by farming energy crop and/or processing biodegradable waste and energy crop to fuel. In principle, however, all alternative green transport technologies have a job creation potential as new infrastructure has to be developed, but however on the downside there is also a potential of the green technologies leading to some job losses which in retrospect can be countered with the job creation that the industry will create.

Although on its own, environmental benefits do generally not constitute a decisive driver for businesses to act, it can if it comes together with envisaged future regulation making the continuation of conventional transport more difficult and/or costly. An example is the city of Paris which does not allow cars registered before 1 January 1997 in the city centre streets from Monday to Friday, from 8am to 8pm. Business stakeholders have indicated that from a strategic standpoint, long term protection of the 'license to operate' is a driver behind greening of transport particularly in case of urban transport and taxis. Global practice shows that only a small percentage of consumers will opt for the green choice on the merits of the contribution to improve the environment. (DTI, 2015)

9. GREEN TRANSPORT FUNDING/ FINANCING OPTIONS

9.1 Options for financing green transport and economic incentives

To support green transport, there is increased recognition of the need for reforms to current financing patterns and to consider financial options that help to bridge the financing gap between conventional and low, carbon green transport technologies. It is vitally important that transport investments are appropriately screened according to specific sustainability criteria to ensure that sufficient resources are channelled towards low carbon, green transport. This would ensure that:

- Adequate funding is made available for green transport technologies, capacity building, operations and infrastructure such that the additional costs of these investments can be recovered.
- Resources are shifted from supporting unsustainable forms of transport towards green transport, and that additional financial resources are mobilised and scaled up.
- Public funding at all levels including international, national and local funds are mobilised to support green transport. Decision making tools such as project appraisals and cost-benefit analysis should be reformed to ensure consistency with supporting green transport by efforts to monetise the non-market environmental costs and benefits of specific projects.
- Private finance is leveraged through appropriate design of markets and the creation of consistent, long term incentives to invest in green transport and the application of public-private sector models to directly invest in and operate green transport systems (such as the bus rapid transit systems).

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- Financing flows from various sources are designed to complement each other, rather than work towards different goals.

The Department of Transport in consultation with National Treasury, Department of Energy, and Department of Environmental Affairs shall consider and select the financing options that will have in increased benefits to the environment.

Table 9: An overarching policy framework to support low carbon, green transport

	Strategy response				
Policy Instrument	**Avoid**		**Shift**	**Improve**	
Planning	High density mixed land-use developments Restrictive parking standards Car-free settlements	*Planning and regulatory cross-cutting instruments through planning legislation and infrastructure provision. Development of freight hubs/ consolidation points*	Integrated public transport High density mixed spatial planning. Investment in passenger transport through land use planning. Infrastructure for NMT Road freight to rail and sea Travel planning through planning process	n/a	
Regulatory	Parking restrictions and availability Vehicle access		Traffic management measures including: parking restrictions, access restrictions on the type of vehicle that can be used Regulation of transport providers	Vehicle emission and fuel efficiency standards. Set and enforce speed limits Restrictions based upon emission e.g. low-emission zones	
	Parking restrictions can be used to avoid and shift				
Economic	Fuel taxes, vehicle taxes Road user charges, parking charges, emission trading	Subsidies alternatives modes Fuel taxes, vehicle taxes, emissions trading, congestion charging Low emission zones		Use of pricing instruments to encourage investment in more carbon efficient energy and vehicles	
	Fuel pricing discourages travel, encourages modal shift and encourages improved fuel efficiency				
Information	Promotion of alternative to travel	Travel awareness campaigns Personalised travel planning Public transport information Increase awareness of alternatives Mobility management and marketing Co-operative schemes Travel planning		Improve driver behaviour (eco-driving) Vehicle efficiency improvements Regenerative breaking biofuel Hybrid electric vehicles, plug-in hybrid electric vehicles, and	Public awareness campaigns aimed at informing consumers about vehicle efficiency
Technology	Enable virtual interactions: virtual-	Improvements in the efficiency and quality of passenger transport			

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	conferencing, remote working Travel plans introduced through planning instruments include remote working and teleconferencing		electric vehicles. Hydrogen vehicles Rail electrification	
		Traffic management is both a shift and improve policy measure		

Source: European Environment Agency (2010) *"Towards a Resource Efficient Transport System: TERMS 2009: Indicators Tracking Transport and Environment in the European Union"*, Copenhagen.

Due to the costly nature of transport investments, public private partnerships are increasingly being used in developing countries, such as for the operation of bus rapid transit systems (BRTs). One of the options for mobilising private sector funding is through for example, Build-Operate-Transfer Schemes which have been used successfully for channelling private resources into large infrastructure projects. In addition, several specific climate financing mechanisms provide additional funding for green transport such as the Global Environment Facility and the Clean Technology Fund of the Climate Investment Funds.

In summary, several financial streams could be used to support green transport comprising both existing sources and dedicated, specifically designed funds and mechanisms for green transport. These options are listed in table below:

Table 10: Environmental funding and finance for the transport sector

Funding stream	Potential market based instruments and sources of funding
Transport oriented funding streams (focusing on public sector funding)	• Fuel tax • Vehicle taxes • Parking charges • Road pricing • Public transport subsidies • Grants, loans, transfers

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"Green Funding" Streams	• Clean development mechanism • Joint implementation • International emissions trading • Global environmental facility • Multilateral / bilateral funds • Green climate fund

The use of environmental funds has grown significantly over recent years. Examples include funds that have been developed at a global level (such as the Global Environment Facility (GEF) to deal with the provision of global public goods) and at national levels to address both acute and chronic environmental issues. In assessing the role of environmental funds, the arguments are fundamentally linked to broader debates around the relative advantages and disadvantages of earmarking. In general, environmental funds can be defined as financial mechanisms or tools set up to achieve certain environmental objectives. More specifically, environmental funds can be thought of as institutions designed to channel public revenues earmarked for environmental protection purposes. Proponents of environmental funds argue that, in most cases, the funds go beyond performing the sole function of a financial mechanism and if designed properly, they can serve as important institutions in themselves, bringing together different stakeholders in society to achieve certain environmental objectives. Proponents of environmental funds argue that, in most cases, the funds go beyond performing the sole function of a financial mechanism and if designed properly, they can serve as important institutions in, bringing together different stakeholders in society to achieve certain environmental objectives.

Instrument	Description	Related Environmental Programmes
Climate Change Levy	Per unit tax on energy use. Large energy user can apply for 80% tax rebate so long as they meet negotiated energy savings targets	- Revenues recycled through a 0.3% reduction in pay-roll taxes (National Insurance Contributions-NIC) - Introduction of enhanced capital allowances to assist key industries - Funding of carbon trust to provide advice to business concerning energy efficiency
Landfill tax	Tax on waste being disposed of to landfills (tax on landfill operators)	- Revenues recycled through a 0.2% reduction in pay-roll taxes - Landfill tax credits scheme to fund waste related programmes by registered bodies (less than 6% of landfill tax revenues)
Aggregate Levy	Tax on aggregate extractions to deal with noise, visual impacts, dust and biodiversity loss	- Revenues recycled through a 0.1% reduction in pay roll taxes

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		- Some revenues are channelled into a sustainability fund, which promotes the use of alternatives to virgin aggregates and funds projects to reduce the local impacts of aggregates extraction.
Fuel excise duties and differentials	Tax on aggregates extraction to reflect the environmental benefits associated with different fuel levy	- No revenue recycling but some related incentives are provided through the annual budget to facilitate improved responses to the tax differentials
Graduated company car tax and annual road tax	Reformed to encourage the uptake of more fuel efficient vehicle Annual road tax linked to CO_2 emissions	- Emphasis on altering behaviour- no revenue recycling
Green technology challenge	Enhanced capital allowances to encourage investment in energy savings technologies and more recently in water efficiency technologies.	- Measures introduced to facilitate a response to other taxes

10. IMPLEMENTATION, MONITORING AND EVALUATION

Critical to the successful implementation of the GTS will be access to funding. This document outlines a number of regulatory action that will draw in funds. However, the quantum of funding required particularly for expansion and upgrading of public transportation and the rail network will require both international and private funding.

The DoT will facilitate the following actions:

- Engage its agencies, to conceptualize the implementation of this strategy and also align the underlying directive of this strategy within their Business Plans going forward.
- Arrange preferential funding through South Africa's development finance institutions for the local private sector to participate in:
    - The conversion of minibus taxis into dual-fuel vehicles and retrofit existing filling stations or new builds to provide CNG.
    - The building of high speed inter and intra-city rail networks.
    - The support of EV local development (OEMs, Chargers, & EV innovation), EV businesses including suppliers funding, and banks buy in on EVs by structuring vehicle finance for EVs.
- South Africa's commitment in terms of the NDC were made on the condition that South Africa receives global financial and technical support. Therefore, the DoT will compile documentation to support project specific funding requests to the Green Climate Fund, the World Bank and UNFCCC.
- DoT will develop an approach to engage other aid agencies, such as the USAID's Development Credit Agency who have committed to providing the IDC and South Africa's commercial banks with guarantee and insurance products for green projects.

10.1 Implementation Plan

The following table indicates the specific action required, details thereof, the person responsible and the timeline. *To be completed following stakeholder engagements.*

All interventions or measures need to be SMART (Specific, Measurable, Achievable, Realistic, Timely).

The timeline referred to in the Implementation Plan follows the following outline:

- Short Term: (5- 7 years)
- Medium Term: (7-10 years)
- Long Term: (10-20years)

The GTS will also go through an internal review period, every three (3) years to ensure that the strategic interventions within the strategy are being implemented judiciously.

10.2 Monitoring and Evaluation

The DoT will make use of NT's project evaluation methodology in order to prioritise projects for funding and implementation.

Each project and the data produced needs to be measured, reported and verified in order to provide critical information for the future build out and expansion of projects. There is a need for advanced ICT development and implementation to analyses historical data vs. live data to decisively envision the future. Pulling of data must not take days, it should be instant - IoT. One consolidated datacenter for all needed parameters (congestions, GIS, GPS, buy in) – CSIR can do this.

Each project will require its own measuring, reporting and verification (MRV) framework which will be developed by the person and team responsible for implementing the project. This information is critical of securing both private sector and government or donor funding. DoT will work with DEA to implement DEA's GHG MRV framework.

Output Activity	Measures	Lead Department	Supporting Departments/institution	Timeframe
Integrated Transit Systems				
Taxi industry access	Upgrade BRT infrastructure to allow taxis access to BRT-only lanes	DOT	Taxi Industry, Municipalities	(SHORT TERM)
Intelligent Transport System	Develop an intelligent transport system for central control, monitoring and information provision. ICT National transport management System (integrated Transport Information),	DoT,	DPE, Public Transport Sector, all spheres of government	(SHORT TERM)

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Output Activity	Measures	Lead Department	Supporting Departments/institution	Timeframe
Single ticketing system	Develop smart tag enabled single ticketing system for us in public transport and taxi industry	DoT,	DTI, DPE, Public Sector, Government, PRASA, Transnet, ReaVaya, Metrorail, Metros, All Taxis (mini bus and metered)	(SHORT TERM)
Revise ITP's	Revise minimum requirements in ITP's to facilitate integration between municipal transport systems, and also include sustainable transit plans for climate resilient cities	Provincial (enforcement) and Municipal (implementation)	DOT	(SHORT TERM AND LONG TERM)
National Green Transport Databank	Develop an online portal to aggregate transport data, including innovators (companies, individuals, institutions)	DOT		(SHORT TERM)
Emission standards	Develop regulatory regime with NT for annual taxing of vehicles based on their emission standards through car licensing renewal system and new car sales	DoT,	NT, DOE, Private Sector, Local Government	MEDIUM TERM)
Non-Motorised Transport Infrastructure	Develop regulations, standards and best practice guidelines Develop and expand NMT Infrastructure	DOT	LOCAL GOVERNMENT	SHORT TERM
Travel Demand Management	Develop a regulatory policy on congestion charges	Municipalities		MEDIUM TERM
Road freight permits	Re-introduce road freight permits reflecting load capacity of freight vehicles	DoT,	NT, Private Sector, SANRAL RTMC, CBRTA, RAF, RTIA, Provincial Government	(SHORT TERM)
Green Road Infrastructure Standards	Develop Green Standards and Guidelines for construction of low-carbon climate resilient road infrastructure, including bus lanes, EV Charger Points, Bio Gas/NCG/LNG stations.	DoT,	SANRAL, Provincial Government	(SHORT TERM)

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Output Activity	Measures	Lead Department	Supporting Departments/Institution	Timeframe
Rail				
Passenger Rail	Invest in improvement of PRASA services and infrastructure. Market rail to attract users. (otherwise future services like Uber will always win)	PRASA	DOT	MEDIUM TERM
Expand branch network	Restore rural branch network	Transnet, Gautrain, NT, DoT, DPE, DTI		LONG TERM
Establish Rail Economic Regulator	Rail Economic regulator will regulate rail prices (passenger and freight) and ensure competitiveness to road	DoT,		MEDIUM TERM
Fiscal incentives for rail freight	Develop tax incentives related to corporate and private spend on rail transportation	NT	DOT (SHORT TERM)	MEDIUM TERM
Cleaner Technologies	Encourage PRASA and TRANSNET to invest in the use efficient and low carbon intensive technologies such as the use of fuel-cell or solar powered locomotives, and Hyperloop	DoT, DPE	PRASA, TRANSNET	MEDIUM TERM
Rail Infrastructure Standards	Develop Green Standards and Guidelines for rail infrastructure and construction, maintenance, upgrades and materials	DoT,	PRASA, Transnet, Metrorail, Gautrain, NT, DPE,	SHORT TERM
Maritime and Aviation				
Biofuels as alternative	Expand on existing pilots for the use of biofuels in aviation. Strengthen regulatory requirements for biofuels mix for aviation fuel. Research on Renewable Energy (There is no reason why planes can't carry solar panels since they fly above clouds the most)	DoT DOE	SAA, ACSA (infrastructure)	SHORT TERM MEDIUM TERM
Operations and Procedures (Energy Efficiency)	Review and update existing procedures	DOT	ACSA, SAA SAMSA/DAFF	SHORT TERM
Infrastructure (Energy Efficiency and Renewable Energy)	Implement rooftop PV and EE retrofits of ports and airports	ACSA SAMSA/DAFF		SHORT-MEDIUM TERM

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Output Activity	Measures	Lead Department	Supporting Departments/institution	Timeframe
Carbon Offsets	Invest in the development of carbon offset programmes for transport consumers (business and private), and continuous testing of emissions per plane with limits and penalties to those planes above limited	DOE	SAMSA/DAFF	MEDIUM TERM.
Cleaner Fuels and Technology				
Biogas transport fuel regulations	Develop regulations that compel government fleet with access to biogas to use the biogas as an alternative fuel	DoT	NT, DOE, SANEDI, Provincial Government	SHORT TERM
Alternative fuels tax incentives Focus of the private sector needs to be balanced with the public sector.	Draft tax incentives for private sector use of alternative fuels, and penalties (carbon tax when buying new cars & end of life car engine limits)	NT	DoT, DOE,	SHORT TERM
Metro-bus fleets	Draft regulations requiring 10% of Metro-bus fleets converted to gas only vehicles per year.	DoT	Local Government	LONG TERM
Dual conversion	Secure attractive finance options or private sector conversion of taxis to dual vehicles to retrofitted by either EV technology or CNG technology and retrofitting of filling stations to provide "re-fuelling infrastructure" for both these technologies	DoT	IDC, DOE, DPE, DTI, Taxi Associations	LONG TERM
Dual-fuel regulations	Draft regulations requiring all public and quasi-public transportation to be converted to dual-fuel vehicles	DoT	IDC, DOE, DPE, Taxi Associations, SANEDI, CSIR	LONG TERM
CNG Supply	Engage DOE, Sasol and Mozambique government for increased supply of CNG to South Africa	DOE	DOT	MEDIUM TERM

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Output Activity	Measures	Lead Department	Supporting Departments/institution	Timeframe
Fossil fuels	Draft regulations requiring refineries to meet new standards and norms for clean fossil fuels, (penalize buyers of new fossil fuels vehicles to fund green vehicles buyers in order to reduce the cost below fossil fuels driven vehicles)	DOE	DOT	MEDIUM TERM
Fuel economy norms and standards	Develop vehicle fuel economy norms and standards used to label vehicles	DOE	DOT	SHORT TERM
Baseline analysis	Undertake baseline analysis of government fleet to determine specifications including CO_2 emissions	DOT	DOE	SHORT TERM
Vehicle Energy Efficiency Programme	Government will procure EV's in incremental steps per annum	DOT	DTI,NT	LONG TERM
Government fleet Procurement Guidelines	Develop guidelines for government procurement to only procure efficient vehicles, using clean technologies.	DoT	NT,DTI	MEDIUM TERM
Vehicle manufacturers	Provide trade incentives to manufacturers who supply reduced cost, high energy efficient vehicles and EV's, support local innovation through funding and promotion	DTI	DoT, NT, DPE	SHORT TERM
Electric Vehicle Batteries	Finalise the feasibility of a local manufacturer of EV batteries at a reduced cost.	DTI	DOT,DST	SHORT TERM
Electric charging stations	Expand electric charging stations powered by photo-voltaic panels by 10 per annum: accessible to general public	DTI	IDC	SHORT-MEDIUM TERM
Funding				
Preferential funding	Arrange preferential funding through development finance institutions or private sector participation in dual-fuel conversions, EVs and high speed rail networks	All relevant stakeholders		SHORT, MEDIUM ANI LONG TERM

SECRET

Output Activity	Measures	Lead Department	Supporting Departments/institution	Timeframe
Global funding	Compile documentation for project specific funding requests to the green climate fund, world bank, UNFCCC, and USAID's Development Credit Agency	All relevant stakeholders		SHORT MEDIUM AND LONG TERM

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DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

NOTICE 621 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 –

LIMPOPO PROVINCIAL GOVERNMENT: DEPARTMENT OF AGRICULTURE AND RURAL DEVELOPMENT

As set out in the Schedule

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

CONFIDENTIAL

LIMPOPO
PROVINCIAL GOVERNMENT
REPUBLIC OF SOUTH AFRICA

DEPARTMENT OF AGRICULTURE AND RURAL DEVELOPMENT

"FORM D
AUTOMATICALLY AVAILABLE RECORDS AND ACCESS TO SUCH RECORDS:

(Section 15 of the Promotion of Access to Information Act, 2000
(Act 2 of 2000)
(Regulations 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 (SECTION 15(1)(b)
FOR INSPECTION IN TERMS OF SECTION 15(1)(a)(i):	
Departmental Strategic Plans Departmental Annual Performance Plan Service Delivery Improvement Plan Employment Equity Reports Approved Organizational structures Departmental file plans Audited financial statements Departmental policies and procedure Manuals Citizens 's report Promotion of Access to Information Manual Service Standards Service Delivery Charter Statement of commitment Departmental Events Calendar MEC Budget Speech Departmental Circulars Public Service Forms Staff Contact details Directory Journals and magazines Tender Documents News letters Promotional materials Engineering reports Mapping of Agricultural commodity Production in Limpopo Disease control protocols Departmental tariffs schedules Production Guidelines for Selected Crops for Limpopo Province	The records may be inspected at the Department on request in writing addressed to the Deputy Information Officer, Limpopo Department of Agriculture and Rural Development Private Bag X 9487,**POLOKWANE** 0700 Tel. No (015) 294 3547 Fax No (015) 294 4504 E – Mail address: Khosamd@agric.limpopo.gov.za or visit our website www.lda.gov.za

CONFIDENTIAL

HR & Employment Equity Plans Circulars of advertised posts Public Service Application forms (Z83) Quarterly reports HRS Annual report Departmental HRM Policies and Procedure Manual Departmental tariffs schedules Batho-Pele principles	
FOR PURCHASING IN TERMS OF SECTION 15(1)(a)(ii):	
Tender Documents	Tender Documents can be purchased at the Cashier 's office First Floor Agrivillage No 1 and collected at Supply Chain Unit, Temo Towers Building 5th floor Office no 26 Department of Agriculture and Rural Development **POLOKWANE** 0700
FOR COPYING IN TERMS OF SECTION 15(1)(a)(ii):	
Departmental Strategic Plans Departmental Annual Performance Plan Service Delivery Improvement Plan Employment Equity Reports Approved Organizational structures Departmental file plans Audited financial statements Departmental policies and procedure Manuals Citizens 's report Promotion of Access to Information Manual Service Standards Service Delivery Charter Statement of commitment Departmental Events Calendar MEC Budget Speech Departmental Circulars Public Service Forms Staff Contact details Directory Journals and magazines Tender Documents News letters Promotional materials Engineering planning reports Mapping of Agricultural commodity Production in Limpopo Disease control protocols Departmental tariffs schedules Batho-Pele principles	The records may be accessed on request from the Deputy Information Officer, Limpopo Department of Agriculture Private Bag X 9487,**POLOKWANE** 0700 Tel. No (015) 294 3547 Fax No (015) 294 4504 E – Mail address: Khosamd@agric.limpopo.gov.za or visit our website www.lda.gov.za

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

NOTICE 622 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 –

LIMPOPO PROVINCIAL GOVERNMENT: DEPARTMENT OF SOCIAL DEVELOPMENT

As set out in the Schedule

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

LIMPOPO

PROVINCIAL GOVERNMENT

REPUBLIC OF SOUTH AFRICA

DEPARTMENT OF

SOCIAL DEVELOPMENT

FORM D

AUTOMATICALLY AVAILABLE RECORDS AND ACCESS TO SUCH RECORDS:
(Section 15 of the Promotion of Access to Information Act 2 of 2000)
[Regulations 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)(b)
FOR INSPECTION IN TERMS OF SECTION 15(1) (a)(i):	
➢ Budget ➢ Organizational Structure ➢ Departmental Annual Report ➢ Acts Regulations & White Paper ➢ Departmental Strategic Plans ➢ Departmental Annual Performance Plan ➢ Published Research Reports ➢ Departmental Policies and Procedure Manuals ➢ Departmental File Plans ➢ Circular of advertisement of Posts ➢ Advertisement of Tenders ➢ Citizen Reports ➢ Domain Specific Standards ➢ Service Delivery Improvement Plan ➢ Departmental Events Calendar ➢ MEC's speeches ➢ Departmental contact details	The Records may be inspected at the Department on request addressed to: The Deputy Information Officer Department of Social Development 21 Biccard Street, Olympic Towers, Polokwane, 0700 Private Bag x 9710, Polokwane, 0700 Tel: 015-230 4350 Fax: 015-291 2182/2335 & 086 536 6943 Email: Malamulep@dsd.limpopo.gov.za

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FOR PURCHASING IN TERMS OF SECTION 15(1)(a)(ii):	
➢ Tender Documents	Records can be purchased from: Supply Chain Unit Department of Social Development 21 Biccard Street, Olympic Towers, Polokwane, 0700 Tel: 015-230 4300
FOR COPYING IN TERMS OF SECTION 15(1)(a)(ii):	
➢ Organizational Structure ➢ Departmental Annual Report ➢ Acts Regulations & White Paper ➢ Departmental Strategic Plans ➢ Departmental Annual Performance Plan ➢ Published Research Reports ➢ Departmental Policies and Procedure Manuals ➢ Departmental File Plans ➢ Circular of advertisement of Posts ➢ Advertisement of Tenders ➢ Citizen Reports ➢ Domain Specific Standards ➢ Service Delivery Improvement Plan ➢ Application for Employment (Z83) ➢ Departmental Events Calendar ➢ MEC's speeches ➢ Application forms ➢ Departmental contact details	The Records may be accessed on request addressed to the office of the: The Deputy Information Officer Department of Social Development 21 Biccard Street, Olympic Towers, Polokwane, 0700 Private Bag x 9710, Polokwane, 0700 Tel: 015-230 4350 Fax: 015-291 2182/2335 & 086 536 6943 Email: Malamulep@dsd.limpopo.gov.za
FREE OF CHARGE IN TERMS OF SECTION 15(1)(a)(iii):	
➢ Promotion of Access to Information Act (PAIA) Manual ➢ News Letters ➢ Posters ➢ Promotional Materials ➢ Journal and Magazines	The Records may be accessed or requested from any public office/institution within the Department of Social Development in Limpopo Province OR From the office of the: The Deputy Information Officer Department of Social Development 21 Biccard Street, Olympic Towers, Polokwane, 0700 Office No. 033 Ground Floor Tel: 015-230 4350 Fax: 015-291 2182/2335 & 086 536 6943 Email: Malamulep@dsd.limpopo.gov.za

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DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

NOTICE 623 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 –

DEPARTMENT OF INTERNATIONAL RELATIONS AND COOPERATION

As set out in the Schedule

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

REPUBLIC OF SOUTH AFRICA
FORM D
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):	
Department of International Relations and Cooperation (DIRCO): **Home Page** • Current events/Monthly programme of events/What's new **About the Department** • Minister/Deputy Ministers/Director-General profiles and speeches • Vision, Mission, Strategic priorities and Values • Strategic plans/Annual reports/Annual Performance Plans/Budget Votes • African Renaissance and International Cooperation Fund (ARF) Strategic Plans • Technical Indicator Descriptions for the Annual Performance Plans • Technical Indicator Descriptions for the Strategic Plans • Contact information/After hours-helpline **Diplomatic Immunities & Privileges (DIAP):** o Diplomatic Accreditation and Vehicle Application forms o Customs Clearance Certificate for Duty Free Import o Diplomatic Property Audit Form o Locally Recruited Personnel Personal Details Form o Signature Audit o Policy on Management of Diplomatic Immunities Privileges o DIAP Service Delivery Charter o Temporary Residence Visa Circular Note o Diplomatic Vehicles Audit Form o Mission Contact Detail Audit **Promotion of Access to Information** • Promotion of Access to Information Act, 2000 (Act No. 2 of 2000) • Section 14: Manual on the Promotion of Access to Information Act No 2 of 2000 • Imanuali Ngokuqhutshekiselwa phambili Komthetho wokufinyelelela kolwazi Wesi-2 wonyaka we-2000 • Bukanatataiso Ya ntshetsopele Ya molao wa ho fihlella Ditsebiso No 2 wa 2000 • Section 15: Automatic available records and access to such records	**Website** **Home Page** www.dirco.gov.za **Website** **About the Department** www.dirco.gov.za
News and events • Media statements and Speeches/ Events calendar/ Parliament questions and replies	**Website** **News and events** www.dirco.gov.za
Foreign relations • Bilateral relations	**Website** **Foreign relations**

○ SA-EU strategic partnership • Multilateral relations • Diplomatic representation ○ SA representation abroad/Foreign representation in SA	www.dirco.gov.za
Websites of South African Missions	**Website** **Websites of SA Missions** www.dirco.gov.za
Consular information • What are consular services and Contact details • Travelling abroad/Deaths abroad/Arrested abroad • Consular Notarial Services (Legislation of Official (Public) documents) • End User Certificates • Service Delivery Charter • SA representation abroad/Foreign representation in SA • South African Missions: Commissioner of Oaths	**Website** **Consular information** www.dirco.gov.za
State Protocol • General Protocol information: ○ Circular Note Verbales ○ Service Delivery Charter ○ Fact sheet and advice for travelers ○ Executive Database ○ Diplomatic representation ○ Practical guide and procedures for the binding of agreements ○ Practical guide and procedures for the conclusion of agreements ○ Instructions regarding the flying of the South African flag	**Website** **State Protocol** www.dirco.gov.za
• **Office of the Chief State Law Advisor** ○ International agreements	**Website** **Foreign Relations** www.dirco.gov.za South African Treaty Section
FOR PURCHASING IN TERMS OF SECTION 15(1)(a)(ii):	
No records	
FOR COPYING IN TERMS OF SECTION 15(1)(a)(ii)	
• **Procurement** ○ National Treasury Central Supplier Database registration ○ Supplier Leaflet ○ Treasury Central Supplier Database for Government ○ Database Registration form ○ Awarded bids ○ Received bid proposals ○ Terms of Reference (advertised tenders)	**Website** **Home** www.dirco.gov.za or **Collection at** **Supply Chain Management** OR Tambo Building, 460 Soutpansberg Road, Rietondale, Pretoria, 0084
• **Office of the Chief State Law Advisor** ○ International agreements	**Website** **Foreign Relations** www.dirco.gov.za South African Treaty Section
AVAILABLE FREE OF CHARGE IN TERMS OF SECTION 15(1)(a)(iii)	
Publications • Annual reports/Strategic plans/Annual Performance Plans (APP) • African Renaissance Fund/African Renaissance Fund (ARF) Strategic plan • Ubuntu magazine • Measures and guidelines for the enhanced coordination of South Africa's International engagement • Career brochures/It's your voice – Ubuntu Diplomat/South Africa's diplomatic milestone	**Website** www.dirco.gov.za or **Collection at** **Main Library/Public Diplomacy** OR Tambo Building, 460 Soutpansberg Road, Rietondale, Pretoria, 0084

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

NOTICE 624 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 –

EASTERN CAPE PROVINCIAL TREASURY

As set out in the Schedule

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

Province of the
EASTERN CAPE
PROVINCIAL TREASURY

EATERN CAPE PROVINCIAL TREASURY

"FORM D"

AUTOMATICALLY AVAILABLE RECORDS AND ACCESS TO SUCH RECORDS:

(Section 15 of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000)

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 (SECTION 15(1)(b))
FOR INSPECTION IN TERMS OF SECTION 15(1)(a)(i)	
• Annual Performance Plans and Operational Plans • Strategic Plans and Service Delivery Improvement Plans • Annual reports and Combined Financial Statements • All legislation applicable to Provincial Treasury • Provincial Treasury Circulars • Municipal Finance Consolidated Statements • Transversal Supply Chain Management Circulars and Instruction Notes • Resolutions/Regulations • Provincial Budget Information • Approved Organogram • Policy and Procedure documents Publications • Policy and Budget speeches Tender Bulletin • Events Calendars • Promotional materials • News letters	The records may be inspected from the Provincial Treasury on request in writing addressed to: The Deputy Information Officer, Eastern Cape Provincial Treasury Private Bag X0029, Bhisho; 5605 Tel No. 040-1010 161 Fax No. 040-1010 731
FOR PURCHASING IN TERMS OF SECTION 15(1)(a)(ii)	
Tender document	Tender documents are purchased at Supply Chain Management (Internal and Transversal)

FOR COPYING IN TERMS OF SECTION 15(1)(a)(ii):	
• Annual Performance Plans and Operational Plans • Strategic Plans and Service Delivery Improvement Plans • Annual reports and Combined Financial Statements • All legislation applicable to Provincial Treasury • Provincial Treasury Circulars • Municipal Finance Consolidated Statements • Transversal Supply Chain Management Circulars and Instruction Notes • Resolutions/Regulations • Provincial Budget Information • Approved Organogram • Policy and Procedure documents Publications • Policy and Budget speeches • Promotion of Access to Information Manual • Promotional materials • News letters	The records may be inspected from the Provincial Treasury on request in writing addressed to: The Deputy Information Officer, Eastern Cape Provincial Treasury Private Bag X0029, Bhisho; 5605 Tel No. 040-1010 161 Fax No. 040-1010 731

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NOTICE 625 OF 2017

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

Notice is hereby given in terms of Section 11 (1) of the Restitution of Land Rights Act, 1994 (Act No. 22 of 1994) that a claim for the restitution of land rights on the following properties have been lodged with the Regional Land Claims Commissioner: KwaZulu-Natal and that the Commission on Restitution of Land Rights will further investigate the claim in terms of provisions of the Act in due course:

Property	:	**That portion of Durban, commonly known as 53 Ezimbuzini, Cato Manor**
Magisterial District	:	**Ethekwini**
Administrative District	:	**KwaZulu-Natal**
Claimant	:	**Busisiwe Marine Njiyela on behalf of the Njiyela Family**
Date claim lodged	:	**11 July 1996**
Reference number	:	**KRN6/2/3/E/8/817/2716/1273**

Any party/parties who have an interest in the above-mentioned properties is hereby invited to submit, within **30 days** from the date of publication of this notice, any representations and/ or information which shall assist the Commissioner in proving or disproving this claim.

Should no information and/ or representations from the affected party/ parties be forthcoming within the stipulated period, the affected party/parties shall be *ipso facto* barred from further doing so and the Commission shall continue with the subsequent processes towards completion of the investigation.

Any comments and information should be submitted to:

The Regional Land Claims Commissioner: KwaZulu-Natal
Private Bag X9120
Pietermaritzburg 3200

Tel: (033) 355 - 8400
Fax: (033) 342 - 3409

Submissions may also be delivered to Second Floor, African Life Building, 200 Church Street, Pietermaritzburg.

LEBJANE MAPHUTHA
REGIONAL LAND CLAIMS COMMISSIONER: KWAZULU NATAL
DATE:

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NOTICE 626 OF 2017

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

Notice is hereby given in terms of Section 11 (1) of the Restitution of Land Rights Act, 1994 (Act No. 22 of 1994) that a claim for the restitution of land rights on the following properties have been lodged with the Regional Land Claims Commissioner: KwaZulu-Natal and that the Commission on Restitution of Land Rights will further investigate the claim in terms of provisions of the Act in due course:

Property	:	**Subdivision 153 of Lot K of the farm Cato Manor No. 812**
Extent of property	:	**0, 1106 ha**
Magisterial District	:	**Ethekwini**
Administrative District	:	**KwaZulu-Natal**
Previous Title Deed No.	:	**T423/1964**
Claimant	:	**Farida Hassim on behalf of the descendants of Abdool**
Date claim lodged	:	**26 June 1998**
Reference number	:	**KRN6/2/3/E/8/817/2716/3166**

Any party/parties who have an interest in the above-mentioned properties is hereby invited to submit, within **30 days** from the date of publication of this notice, any representations and/ or information which shall assist the Commissioner in proving or disproving this claim.

Should no information and/ or representations from the affected party/ parties be forthcoming within the stipulated period, the affected party/parties shall be *ipso facto* barred from further doing so and the Commission shall continue with the subsequent processes towards completion of the investigation.

Any comments and information should be submitted to:

The Regional Land Claims Commissioner: KwaZulu-Natal
Private Bag X9120
Pietermaritzburg 3200

Tel: (033) 355 - 8400
Fax: (033) 342 - 3409

Submissions may also be delivered to Second Floor, African Life Building, 200 Church Street, Pietermaritzburg.

LEBJANE MAPHUTHA
REGIONAL LAND CLAIMS COMMISSIONER: KWAZULU NATAL
DATE:

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NOTICE 627 OF 2017

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

Notice is hereby given in terms of Section 11 (1) of the Restitution of Land Rights Act, 1994 (Act No. 22 of 1994) that a claim for the restitution of land rights on the following properties have been lodged with the Regional Land Claims Commissioner: KwaZulu-Natal and that the Commission on Restitution of Land Rights will further investigate the claim in terms of provisions of the Act in due course:

Property	:	**see attached schedule**
Extent of property	:	**see attached schedule**
Magisterial District	:	**Eshowe**
Administrative District	:	**KwaZulu-Natal**
Current Title Deed No.	:	**see attached schedule**
Current Owner	:	**see attached schedule**
Bonds & Restrictive Conditions (Interdicts)	:	**see attached schedule**
Claimant	:	**Beverley Gordon Hill on behalf of the Hill Family**
Date claim lodged	:	**30 July 1998**
Reference number	:	**KRN6/2/2/E/9/0/0/13**

Any party/parties who have an interest in the above-mentioned properties is hereby invited to submit, within **30 days** from the date of publication of this notice, any representations and/ or information which shall assist the Commissioner in proving or disproving this claim.

Should no information and/ or representations from the affected party/ parties be forthcoming within the stipulated period, the affected party/parties shall be *ipso facto* barred from further doing so and the Commission shall continue with the subsequent processes towards completion of the investigation.

Any comments and information should be submitted to:

The Regional Land Claims Commissioner: KwaZulu-Natal
Private Bag X9120
Pietermaritzburg 3200

Tel: (033) 355 - 8400
Fax: (033) 342 - 3409

Submissions may also be delivered to Second Floor, African Life Building, 200 Church Street, Pietermaritzburg.

LEBJANE MAPHUTHA
REGIONAL LAND CLAIMS COMMISSIONER: KWAZULU NATAL
DATE:

SCHEDULE

NO.	PROPERTY DESCRIPTION	EXTENT	CURRENT TITLE DEED NO.	CURRENT OWNER	BONDS & RESTRICTIVE CONDITIONS (INTERDICTS)
1	Portion 0 (remaining extent) of the farm Broomfield No. 11223	89, 1426 ha	T11793/1977	Minister of Public Works	VA2428/2003
2	Portion 1 (remaining extent) of the farm Broomfield No. 11223	60, 9323 ha	Not Registered		I-3593/1982LG
3	Portion 2 of the farm Lot 10 Cottonlands No. 10998	0, 8230 ha	T11793/1977	Minister of Public Works	VA2428/2003
4	Portion 3 of the farm Lot 10 Cottonlands No. 10998	4, 2499 ha	T11793/1977	Minister of Public Works	VA2428/2003

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NOTICE 628 OF 2017

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

Notice is hereby given in terms of Section 11 (1) of the Restitution of Land Rights Act, 1994 (Act No. 22 of 1994) that a claim for the restitution of land rights on the following properties have been lodged with the Regional Land Claims Commissioner: KwaZulu-Natal and that the Commission on Restitution of Land Rights will further investigate the claim in terms of provisions of the Act in due course:

Property	:	**see attached schedule**
Extent of property	:	**see attached schedule**
Magisterial District	:	**Lower Tugela**
Administrative District	:	**KwaZulu-Natal**
Current Title Deed No.	:	**see attached schedule**
Current Owner	:	**see attached schedule**
Bonds & Restrictive Conditions (Interdicts)	:	**see attached schedule**
Claimant	:	**Thandazulu Edward Mathonsi on behalf of the Mathonsi Community**
Date claim lodged	:	**19 April 1996**
Reference number	:	**KRN6/2/2/E/20/0/0/14**

Any party/parties who have an interest in the above-mentioned properties is hereby invited to submit, within **30 days** from the date of publication of this notice, any representations and/ or information which shall assist the Commissioner in proving or disproving this claim.

Should no information and/ or representations from the affected party/ parties be forthcoming within the stipulated period, the affected party/parties shall be *ipso facto* barred from further doing so and the Commission shall continue with the subsequent processes towards completion of the investigation.

Any comments and information should be submitted to:

The Regional Land Claims Commissioner: KwaZulu-Natal
Private Bag X9120
Pietermaritzburg 3200

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Submissions may also be delivered to Second Floor, African Life Building, 200 Church Street, Pietermaritzburg.

LEBJANE MAPHUTHA
REGIONAL LAND CLAIMS COMMISSIONER: KWAZULU NATAL
DATE:

SCHEDULE

NO.	PROPERTY DESCRIPTION	EXTENT	CURRENT TITLE DEED NO.	CURRENT OWNER	BONDS & RESTRICTIVE CONDITIONS (INTERDICTS)
1	Remainder of the farm Sinkwazi Park No. 16109	187, 6412 ha	T41877/2013	Thulamani Moodley	B26268/2013 B26269/2013 K3917/2013s
2	The farm Harban No. 13991	4, 3710 ha	T20910/2014	Rakesj Harbans & Renita Harbans	B18458/2014 I-1485/2014C
3	Portion 3 of the farm Lot 43 No. 2016	6, 0703 ha	T41877/2013	Thulamani M oodley	N26268/2013 B26269/2013
4	Remainder of the farm Ellendale No. 69 No. 2219	122, 7873 ha	T38572/2010	G R Farms cc	B24413/2010 K3454/2010S K569/1990RM K570/1990RM
5	Portion 1 of the farm Windsor Castle No. 2060	38, 0961 ha	T6234/2007	Sarprasel Estates cc	B7524/2007 K1393/2013S
6	The farm Greenwich No. 6969	128, 2652 ha	T17430/1995	Karin Latt	I-1986/2013LG K2746/2012S K2747/2012L K2793/2014S K310/1965S K55530/2004L
7	The farm Louisa No. 2213	123, 4292 ha	T17430/1995	Karin Latt	I-1986/2013LG K2746/2012S K2747/2012L K2793/2014S K310/1965S K55530/2004L
8	Remainder of the farm Lot 66B No. 2899	564, 0245 ha	T14931/1990	Don Miguel Trust-Trustees	K2870/2015S
9	Remainder of the farm Sunbury No. 6610	375, 8204 ha	T29633/1987	Doornkop Sugar Estate Trust-Trustees	B31957/2008 B37522/1987 B64168/2006 VA1016/1996
10	Remainder of Portion 1 of the farm Sunbury No. 6610	54, 6326 ha	T29633/1987	Doornkop Sugar Estates Trust-Trustees	B31957/2008 B37522/1987 B64168/2006 VA1016/1996
11	Remainder of the farm Lot 66 No. 6392	84, 1291 ha	T20725/2005	Beukes Plant Hire cc	K1085/2002S

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			T43767/2008	Cedric William Maurice Tilley	K2106/2009S
12	Portion 1 of the farm Lot 66 No. 6392	40, 4686 ha	T1146/2007 T33961/2011 T11249/2014 T11249/2014 T20725/2005	Sheila Sudhoo Bhoda Dalbijaising Singh Jugrani Singh Beukes Plant Hire cc	None
13	Remainder of the farm Lot 52 No. 6210	11, 8074 ha	T20402/2012	Kwa-Dukuza Municipality	K1869/2012S
14	Portion 2 of the farm Lot 52 No. 6210	12, 1406 ha	T24714/2008	Vincent Kullen & Ravie Kullen	B20365/2008 VA299/1986-2507/961T
15	Portion 4 of the farm Lot 52 No. 6210	10, 1172 ha	T4024/1991 T9728/1972	Ramduth Brothers cc	None
16	A portion of the consolidated farm Prospect Four No. 17876, known before consolidation as the Remainder of the farm Prospect One No. 17283	45, 8743 ha	T5071/2006	Tongaat-Hulett cc	None
17	Portion 1 of the farm Prospect One No. 17283	271, 5017 ha	T3713/2011	Mvel'Enhle Farming cc	B15384/2015 B2343/2011 K2718/1999S K287/2001S VA3119/2015
18	Portion 2 of the farm Prospect One No. 17283	243, 4307 ha	T28096/1999	Gavin Kenneth Jefferys	B2753/2016 K1208/1999S
19	A portion of Portion 3 of the farm Prospect One No. 17283	97, 7490 ha	T62932/2002	Infoteam Inv 115 cc	B37405/2002 K1205/1999S K4972/2006S
20	A portion of the Remainder of Portion 4 of the farm Carlton No. 6069	224, 6303 ha	T38999/2011	National Government of the Republic of South Africa	I-1983/2013LG K738/1971S VA3905/2003
21	Remainder of Portion 8 of the farm Carlton No. 6069	0, 9645 ha	T38999/2011	National Government of the Republic of South Africa	VA2316/2005 VA3906/1988
22	Portion 13 of the farm Carlton No. 6069	0, 0469 ha	T21323/1987	Republic of South Africa	None
23	Portion 1 of the farm Lot H No. 1671	22, 8135 ha	T1965/1935	Transnet Ltd	I-2346/1977LG
24	Portion 2 of the farm Lot H No. 1671	1, 5560 ha	T12136/1976	Transnet Ltd	I-2346/1977LG
25	Remainder of the farm Lot 53 No. 6211	20, 3360 ha	T17045/2014	Kwa-Dukuza Municipality	K1574/2014S VA25/1988-2873/966T
26	Portion 2 of the farm Lot 53 No. 6211	6, 4034 ha	T20402/2012	Kwa-Dukuza Municipality	I-2254/2012C K1868/2012S
27	Portion 3 of the farm Lot 53 No. 6211	20, 2343 ha	T33205/2011	Kwa-Dukuza Municipality	K3056/2011S

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28	Remainder of the farm Cramo No. 14757	20, 4292 ha	T41822/2013 T44113/1999	Go Big Investment Trust-Trustees Kogilan Reddy & Logambal Reddy	B26224/2013
29	Portion 1 of the farm Cramo No. 14757	23, 0350 ha	T20915/2014	Kiru Plaster cc	None
30	Portion 2 of the farm Cramo No. 14757	20, 4336 ha	T17202/1971 T1969/1987 T39893/2003 T23021/1989 T32815/1994 T35596/2014 T35597/2014	Thavarajen Govender, Sivalingam Pillay, Thiyagarajan & Moganam Pavalakoddy Reddy Pavalakoddy Reddy Loganayagi Reddy Ellama Reddy Munien Reddy & Paramsoondaree Reddy Paramsoondaree Reddy	None
31	Remainder of the farm Lot 66C No. 2889	315, 7880 ha	T37851/2001	Doornkop Sugar Estate Trust-Trustees	B16894/2005 B17492/2008 B22824/2001 b31957/2008 B4070/2004 K1350/1996S K244/1993S
32	Portion 2 of the farm Lot 66C No. 2889	0, 0169 ha	T48788/2008	Telkom SA Ltd	None
33	Portion 3 of the farm Lot 66C No. 2889	315, 8048 ha	T33713/1995	Michel de Rauville Childrens Trust-Trustees	K1350/1996S VA3931/2015
34	Remainder of the farm Essiena No. 2 No. 6306	169, 1713 ha	T2531/1990	Doornkop Sugar Estate Trust-Trustees	B17492/2008 B31957/2008 B7602/2000 VA1016/1996
35	Portion 1 of the farm Essiena No. 2 No. 6306	80, 9372 ha	T51636/2002	Doornkop Sugar Estate Trust-Trustees	B17492/2008 B31957/2008 B4069/2004
36	Portion 2 of the farm Essiena No. 2 No. 6306	20, 2343 ha	T2531/1990	Doornkop Sugar Estate Trust-Trustees	B17492/2008 B31957/2008 B7602/2000 VA1016/1996
37	Portion 1 of the farm Essiena No. 3638	167, 2739 ha	T61595/2003	Doornkop Sugar Estate Trust-Trustees	B17492/2008 B31957/2008 B4069/2004
38	Portion 2 of the farm Essiena No. 3638	167, 2805 ha	T31236/2002	Croyan Estates cc	B18791/2002

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39	Portion 3 of the farm Essiena No. 3638	181, 6894 ha	T44882/2007	Elbow & Essiena Pty (Ltd)	B51280/2007
40	Portion 1 of the farm Margaret No. 16988	323, 0254 ha	T14196/2008	Republic of South Africa	B17051/1998 K633/14998S K634/1998S
41	A portion of the consolidated farm FU No. 18621, known before consolidation as the Remainder of Portion 3 of the farm Margaret No. 16988	84, 3563 ha	T15834/2016	Rendezvous Farm cc	K4967/2003S K635/1998S
42	Remainder of the farm Lot 41 C No. 7587	101, 2261 ha	T5914/1962	Kismet Sugar Co Pty (Ltd)	I-1425/2014C
43	Portion 1 of the farm Lot 41 C No. 7587	20, 2343 ha	T22739/1991	Ranjanee Pillay	None
44	Portion 2 of the farm Lot 41 C No. 7587	Not registered			
45	Remainder of the farm Essiena No. 3 No. 6307	278, 9521 ha	T42500/2004	Hlomendlini Community Trust-Trustees	None
46	Portion 1 of the farm Essiena No. 3 No. 6307	100 ha	T3097/1967	Regional & Land Affairs	I-208/1980LG
47	Portion 2 of the farm Essiena No. 3 No. 6307	8, 4618 ha	T29246/1987 T7625/1997 T7626/1997	Abdool Hameed Suliman	VA2199/2004
48	Remainder of Portion 3 of the farm Essiena No. 3 No. 6307	16, 1874 ha	T4198/2015	All 4 Africa Investments cc	None
49	Portion 4 of the farm Essiena No. 3 No. 6307	49, 0945 ha	T5212/2014	Bongs Farming Construction cc	B3180/2014 VA706/2014
50	Remainder of Portion 5 of the farm Essiena No. 3 No. 6307	3, 9765 ha	T57358/2006	Mananathi's Women's Group	None
51	Portion 6 of the farm Essiena No. 3 No. 6307	13, 6537 ha	T35284/2015	G R Sugar (Pty) Ltd	None
52	Portion 7 of the farm Essiena No. 3 No. 6307	0, 0704 ha	T6003/19689	Republic of South Africa	None
53	Remainder of the farm Lot 41B No. 2629	4, 0469 ha	T5898/1964	Kripal & Sewnath Ramsaroop	I-1559/1978LG
54	Remainder of Portion 1 of the farm Lot 41B No. 2629	2, 4270 ha	T11797/2011	Riviera Park Inv cc	None
55	Remainder of Portion 2 of the farm Lot 41B No. 2629	57, 9922 ha	T22015/1981	Soobroyen	I-1425/2014C
56	Portion 3 of the farm Lot 41B No. 2629	10, 5218 ha	T10587/1963 T18336/1976 T23891/2009 T23891/2009 T2518/1992 T2518/1992 T2983/1976 T6543/1959 T741/1962	Kripal Bisnath Kripal Kamala Devi Dubru Chandra Dubru Devraj Duwarka Dawarka Pingla Devi Dawarka Kripal Jebraj Jebraj	None
57	Portion 4 of the farm Lot 41B No. 2629	6, 0007 ha	T20605/1993	Gumthee Phargoodi	None
58	Portion 5 of the farm Lot 41B No. 2629	2, 2478 ha	T9715/1956	Lokan	I-1557/1978LG
59	Portion 6 of the farm Lot 41B No. 2629	6, 0007 ha	T6714/1956	Rajcoomar	I-1557/1978LG
60	Portion 7 of the farm Lot 41B No. 2629	2, 4284 ha	T27168/1980	Bathram Jairam	I-1559/1978LG

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61	Portion 8 of the farm Lot 41B No. 2629	9, 1054 ha	T5896/1964 T41524/1999	Rayama Dhawthal	None
62	Portion 9 of the farm Lot 41B No. 2629	8, 7007 ha	T13452/1974 T15797/1966	Pulmathee Jeawon Sukdao & Thotha	I-1559/1978LG
63	Remainder of the farm Lot 51 No. 3693	3, 0764 ha	T16291/1998	Rakesh Harbans & Renita Harbans	I-2286/2014C b18457/2014 VA4063/2014
64	Portion 3 of the farm Lot 51 No. 3693	8, 1273 ha	T13324/2012 T15537/2005	Irfana Ismail Hansraj Makardood & Baanmathy Makardood	I-442/2016AT
65	Portion 4 of the farm Lot 51 No. 3693	2, 1036 ha	T17552/1976	Ramkissoon Jathan	I-3876/1977LG
66	Remainder of Portion 5 of the farm Lot 51 No. 3693	4, 8952 ha	T11739/1987 T30037/1990 T9836/1970	Manraj Ramjass Bidiawathi Bachoo Laljee	None
67	Portion 6 of the farm Lot 51 No. 3693	10, 3243 ha	T16291/1996	Parmanand Kasipershad & Chandrika Devi Kasipershad	I-3876/1977LG K2777/2016S
68	Remainder of Portion 12 of the farm Lot 51 No. 3693	5, 6239 ha	T24175/2008	Vincent Kullen & Ravie Kullen	B20365/2008
69	Portion 14 of the farm Lot 51 No. 3693	3, 7031 ha	T24174/2008	Vincent Kullen & Ravie Kullen	B20365/2008
70	Portion 15 of the farm Lot 51 No. 3693	3, 3610 ha	T11571/1983	Moonsamy Subbrayen Govender	None
71	Portion 16 of the farm Lot 51 No. 3693	3, 3202 ha	T41694/2013	Maneepersadh Phekoo & Pranitha Phekoo	None
72	Portion 17 of the farm Lot 51 No. 3693	4, 1296 ha	T10687/1982 T12574/1994 T6343/1968	Chanderkumar Goburdhan Sookoo Naraimammal Naidoo Rooplal	EX536/1985-8/44/85-1 EX536/1985-8/11/85-6
73	Portion 18 of the farm Lot 51 No. 3693	4, 1295 ha	T31738/1995 B34143/2011	Keerath Nunkumar & Helina Nunkumar Vanetha Dayal	None
74	Remainder of Portion 19 of the farm Lot 51 No. 3693	2, 0234 ha	T17161/1986	Jeewan Makardood	None
75	Remainder of the farm The Novers No. 2218	32, 2138 ha	T63017/2006	Saraswathee Tholsay	None
76	Portion 1 of the farm The Novers No. 2218	6, 2314 ha	T37212/2012	Romilla Arumugam & Logan Manickum Arumugam	None
77	Portion 2 of the farm The Novers No. 2218	8, 0937 ha	T26523/1982 T33962/2011	Sheila Sudhoo	None
78	Portion 3 of the farm The Novers No. 2218	20, 2342 ha	T26685/1995	Peter Jayaram	None
79	Portion 4 of the farm The Novers No. 2218	4, 0469 ha	T12999/2013	Sheila Sudhoo	K1154/2013S K2106/2009S
80	Portion 5 of the farm The Novers No. 2218	26, 8974 ha	T12999/2013	Sheila Sudhoo	K1154/2013S K2106/2009S

NO.	PROPERTY DESCRIPTION	EXTENT	CURRENT TITLE DEED NO.	CURRENT OWNER	BONDS & RESTRICTIVE CONDITIONS (INTERDICTS)
81	Portion 6 of the farm The Novers No. 2218	5, 1023 ha	T6355/1988 T7968/1975	Ramesar Purdilwa & Maynee Purdilwa Pramsing Brothers (Pty) Ltd	None
82	Portion 7 of the farm The Novers No. 2218	9, 2478 ha	T14858/1997 T20605/1993 T5918/1981 T5945/1981 T41556/1999t7T7 523/1957	Sewbally Lokan Gumthee Phargoodi Jabraj Nunkumar Soliah Jairam Soliah Jairam Rajcoomar	None
83	Portion 8 of the farm The Novers No. 2218	8, 6015 ha	T19936/2005 T29489/1995 T5531/1981	Rakesh Sewchand, Niresh Swechand, Reshma Sewchand & Ravisha Sewchand Sudhoo Inv cc Sukia	None
84	Portion 9 of the farm The Novers No. 2218	12, 1406 ha	T2807/1969	Jhamunpursad Davaraj	VA804/1990-2807/1969T
85	Remainder of the farm Lot 66A No. 2630	47, 4697 ha	T20725/2005	Beukes Plant Hire cc	EX7/2014 K2106/2009S
86	Remainder of Portion 1 of the farm Lot 66A No. 2630	14, 1640 ha	T17853/2013	The Go Big Investment Trust-Trustees	B26224/2013
87	Portion 2 of the farm Lot 66A No. 2630	80, 9372 ha	T755/1963 T7907/1959 T8028/1957	Basdeyi Suras Ramprith, Hiralal Duwarka, Harri, Jasoda & Thirramathee	None
88	Portion 3 of the farm Lot 66A No. 2630	92, 9892 ha	T20725/2005	Beukes Plant Hire cc	K2106/2009S
89	Remainder of Portion 4 of the farm Lot 66A No. 2630	19, 7780 ha	T29137/2008 T32431/2011	Kwa-Dukuza Municipality	K2994/2011S
90	Remainder of Portion 5 of the farm Lot 66A No. 2630	80, 9372 ha	T29633/1987	Doornkop Sugar Estate Trust-Trustees	B37522/1987 B64168/2006 VA1016/1996
91	Portion 7 of the farm Lot 66A No. 2630	79, 2226 ha	T29633/1987	Doornkop Sugar Estate Trust-Trustees	B31957/2008 B37522/1987 B64168/2006 VA1016/1996
92	Remainder of Portion 8 of the farm Lot 66A No. 2630	10, 1172 ha	T33014/2011 T38075/2016	Kwa-Dukuza Municipality	I-2522/2011C K3032/2011S
93	Portion 9 of the farm Lot 66A No. 2630	5, 7615 ha	T41822/2013	Go Big Investment Trust-Trustees, Kogilan Reddy & Logambal Reddy	B26224/2013
94	Portion 10 of the farm Lot 66A No. 2630	10, 0145 ha	T39137/2008	Kwa-Dukuza Municipality	None
95	Portion 12 of the farm Lot 66A No. 2630	0, 1373 ha	T48788/2008	Telkon S A Ltd	None
96	A portion of the consolidated farm Prospect Four No. 17876,	102, 1409 ha	T5071/2006	Tongaat-Hulett Ltd	I-12393/1998C

NO.	PROPERTY DESCRIPTION	EXTENT	CURRENT TITLE DEED NO.	CURRENT OWNER	BONDS & RESTRICTIVE CONDITIONS (INTERDICTS)
	know before consolidation as the Remainder of Portion 6 of the farm Chantilly No. 1804				K946/1992S k947/1992S K945/1992S
97	Remainder of Portion 7 of the farm Chantilly No. 1804	2, 6046 ha	T1338/1898 T52712/1999	Tongaat-Hulett Ltd	I-12393/1998C K580/1995C K943/1992S K944/1992S K945/1992S K946/1992S K947/1992S
98	Remainder of Portion 17 of the farm Chantilly No. 1804	0, 4831 ha	T1773/1897	Transnet Ltd	I-2688/1977LG
99	Portion 21 of the farm Chantilly No. 1804	1 ha	T1302/1912	Transnet Ltd	I-2688/1977LG
100	Remainder of Portion 37 of the farm Chantilly No. 1804	2, 1259 ha	Tt505/1928	Transnet Ltd	None
101	Remainder of Portion 48 of the farm Chantilly No. 1804	0, 7768 ha	T309/1933	Transnet Ltd	I-2688/1977LG
102	Portion 57 of the farm Chantilly No. 1804	0, 1730 ha	T5930/1939 T15177/1999	The Provincial Government of the Province of KwaZulu-Natal	VA1512/1993 VA4230/2013
103	Portion 58 of the farm Chantilly No. 1804	1, 1772 ha	T1938/1941	Transnet Ltd	I-2688/1977LG
104	Portion 63 of the farm Chantilly No. 1804	Not Registered			
105	Portion 64 of Portion 8 of the farm Chantilly No. 1804	0, 9337 ha	T15846/2012	C S Hentiq 1177 Proprietary Limited	B7680/2016
106	Portion 65 of Portion 7 of the farm Chantilly No. 1804	1, 1630 ha	T15846/2012	C S Hentiq 1177 Proprietary Limited	B7680/2016
107	Remainder of Portion 90 of the farm Chantilly No. 1804	0, 4143 ha	T8762/1988	Tongaat-Hulett Ltd	None
108	Remainder of Portion 92 of the farm Chantilly No. 1804	0, 0768 ha	T13582/1966	South African Post Office Ltd	None
109	Portion 94 of the farm Chantilly No. 1804	800 dum	Not Registered		I-4487/1998LG-11/3/1998
110	Portion 95 of the farm Chantilly No. 1804	0, 3823 ha	T8762/1988	Tongaat-Hulett Ltd	None
111	Portion 96 of the farm Chantilly No. 1804	0, 3765 ha	T8762/1988	Tongaat-Hulett Ltd	None
112	Remainder of Portion 97 of the farm Chantilly No. 1804	1, 1890 ha	T8762/1988	Tongaat-Hulett Ltd	None
113	Portion 98 of the farm Chantilly No. 1804	0, 0792 ha	T8762/1988	Tongaat-Hulett Ltd	None
114	Remainder of Portion 5 of the farm Lot 39 No. 1980	10, 2942 ha	T43205/2014	Kwa-Dukuza Municipality	None
115	Remainder of Portion 6 of the farm Lot 39 No. 1980	12, 9575 ha	T10954/1981 T19758/2006 T19759/2006 T20413/1996 T28645/1990	Vengdajalam Moodley Sarprasel Estates cc Sarprasel Estates cc Patchappen Vadivaloo & Magiesharie Vadivaloo Sarprasel Estates cc	B22081/1996 B4198/1998 B7524/2007 VA3110/2008 VA343/2013
116	Portion 14 of the farm Lot 39 No. 1980	8, 0937 ha	T28645/1990	Sarprasel Estates cc	B7524/2007 K1393/2013S VA3110/2008

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					VA343/2013 VA560/2007
117	Remainder of Portion 16 of the farm Lot 39 No. 1980	2, 6388 ha	T26420/1981 T13100/2008	Gyanmathi Jathan	None
118	Remainder of Portion 19 of the farm Lot 39 No. 1980	800 dum	T5101/1943	Shankerbhai Narerbhai Amin	I-2896/1977LG
119	Portion 24 of the farm Lot 39 No. 1980	3, 2375 ha	T21835/1989	Seera Naidoo & Dhewmathee Naidoo	None
120	Portion 25 of the farm Lot 39 No. 1980	2, 8328 ha	T6951/1972 T19728/2008	Amoravathee Kullen	None
121	Portion 26 of the farm Lot 39 No. 1980	2, 0234 ha	T16126/2016 T19755/1998	Krishna Suban & Desrey Rita Suban Julian Govender & Thomas Govender	K657/1998S
122	Portion 27 of the farm Lot 39 No. 1980	2, 4281 ha	T36725/2014	Kwa-Dukuza Municipality	I-2421/2014C B673/2001
123	Portion 28 of the farm Lot 39 No. 1980	1, 0995 ha	T20254/1970 T39162/2002 T20254/1970 T9445/2014	Rasdevi Ramlakhan Bisnath Rakesh Harbans & Renita Harbans	B18459/2014
124	Portion 29 of the farm Lot 39 No. 1980	2, 4281 ha	T36647/2012	Kwa-Dukuza Municipality	None
125	Portion 30 of the farm Lot 39 No. 1980	6 ha	T3223/1946	Job Mandu	I-2896/1977LG
126	Portion 31 of the farm Lot 39 No. 1980	4, 0469 ha	T14713/2014	Rabbit Pants Family Proprietary Limited	None
127	Portion 32 of the farm Lot 39 No. 1980	2, 4281 ha	T28461/2014	Kwa-Dukuza Municipality	None
128	Portion 33 of the farm Lot 39 No. 1980	3, 3439 ha	T10631/1991	Sarprasel Estates cc	B7524/2007 K1393/2013S VA342/2013
129	Portion 36 of the farm Lot 39 No. 1980	2, 5635 ha	T12557/2016	Kwa-Dukuza Municipality	None
130	Portion 37 of the farm Lot 39 No. 1980	14, 0143 ha	T13716/1982 T18912/1969	Papa Vedachellam Manilal	None
131	Portion 39 of the farm Lot 39 No. 1980	2, 0234 ha	T39519/2014	Kwa-Dukuza Municipality	None
132	Portion 42 of the farm Lot 39 No. 1980	12, 2043 ha	T12984/2013	Kwa-Dukuza Municipality	None
133	Portion 45 of the farm Lot 39 No. 1980	7, 3185 ha	T1744/1980 T58295/2008 T5970/2014	Dafnarain Jjayseelan Marimuthu Mudali Sachindra Anagram	None
134	Portion 46 of the farm Lot 39 No. 1980	17, 8278 ha	T12982/2013	Kwa-Dukuza Municipality	None
135	Portion 47 of the farm Lot 39 No. 1980	4, 6539 ha	T37738/2014	Kwa-Dukuza Municipality	I-2460/2014C
136	Remainder of Portion 1 of the farm Sans Souci No. 2990	7, 1205 ha	T6928/1958	Ramlall	None
137	Remainder of Portion 2 of the farm Sans Souci No. 2990	4, 3694 ha	T24764/2006	Rabikrishen Balwanth	None
138	Remainder of Portion 4 of the farm Sans Souci No. 2990	4, 0469 ha	T29633/1987	Doornkop Sugar Estates Trust-Trustees	B31957/2008 B37522/1987

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					B64168/2006 VA1016/1996
139	Portion 6 of the farm Sans Souci No. 2990	19, 8296 ha	T19569/1994 T42234/2008 T933/1942	Ethel Hilda Sindicich Sindicich Farming cc Norman Nelson Sindicich	B1459/1996
140	Remainder of Portion 7 of the farm Sans Souci No. 2990	8, 0937 ha	T1458/1998	Suknanun Surjoodeen & Kamalwathi Surjoodeen	None
141	Portion 8 of the farm Sans Souci No. 2990	8, 0937 ha	T29633/1987	Doornkop Sugar Estates Trust-Trustees	B31957/2008 B37522/1987 B64168/2006 VA1016/1996
142	Portion 9 of the farm Sans Souci No. 2990	18 ha	T1652/1937	Zebulon	I-3876/1977LG
143	Portion 10 of the farm Sans Souci No. 2990	3, 2327 ha	T21616/1988	Nomanxiwa Cathrine Mlangeni	None
144	Remainder of Portion 11 of the farm Sans Souci No. 2990	2, 0197 ha	T12539/1993	Bhekani Peaceful Mlangeni	None
145	Remainder of Portion 12 of the farm Sans Souci No. 2990	4, 5673 ha	T12539/1993	Bhekani Peaceful Mlangeni	None
146	Portion 13 of the farm Sans Souci No. 2990	0, 3983 ha	T13253/1971	Lalbahadur	I-3876/1977LG
147	A portion of the Remainder of Portion 14 of the farm Sans Souci No. 2990	0, 8531 ha	T44677/2002	Vijaykumaran Reddy & Viloshnee Reddy	VA698/2007
148	Portion 15 of the farm Sans Souci No. 2990	24, 2994 ha	T7850/2010	Lutchman & Bachia Rampersadh Trust-Trustees	None
149	Portion 16 of the farm Sans Souci No. 2990	5, 8679 ha	T6925/1958 T6926/1958	Ramlall	None
150	Portion 17 of the farm Sans Souci No. 2990	5, 8679 ha	T24764/2006	Rabikrishen Balwanth	None
151	Portion 18 of the farm Sans Souci No. 2990	10, 3202 ha	T6926/1958 T6928/1958	Ramlall	
152	Portion 19 of the farm Sans Souci No. 2990	10, 3203 ha	T19721/2014	Andiswamahle Multi-Purpose Co-Operative Limited	None
153	Portion 20 of the farm Sans Souci No. 2990	16, 3141 ha	T33565/2015	Sathish Mekraj & Michele Ramchunder Mekraj	K380/2009S
154	A portion of Portion 21 of the farm Sans Souci No. 2990	3, 6451 ha	T33520/1993	Alice Ramnarain	VA1633/2003
155	Portion 22 of the farm Sans Souci No. 2990	2, 4300 ha	T43118/2005	N P Family Trust-Trustees	None
156	Portion 23 of the farm Sans Souci No. 2990	4, 0506 ha	T34152/1999 T6700/1949	Hafra Inv cc Abdool Karreem	None
157	A portion of Portion 24 of the farm Sans Souci No. 2990	0, 2889 ha	T32173/1990 T49949/2006	Dindayal Singh	None
158	A portion of Portion 25 of the farm Sans Souci No. 2990	1, 6326 ha	T5060/1967	Ishwarlal Ramlakan	I-3876/1977LG
159	Portion 26 of the farm Sans Souci No. 2990	0, 9533 ha	T7598/1977	Suren Moon Lalbahadur	VA2797/2014

NO.	PROPERTY DESCRIPTION	EXTENT	CURRENT TITLE DEED NO.	CURRENT OWNER	BONDS & RESTRICTIVE CONDITIONS (INTERDICTS)
					VA3806/2006
160	Portion 27 of the farm Sans Souci No. 2990	0, 8094 ha	T12064/2011	Provincial Govenrment of Province of KwaZulu-Natal	None
161	Portion 28 of the farm Sans Souci No. 2990	0, 7705 ha	T7598/1977	Suren Moon Lalbahadur	VA2797/2014 VA3806/2006
162	Remainder of the farm Lot 41A No. 2617	31, 7018 ha	T19397/1976 T60428/2007	Narainidevi Hurpaul	None
163	Portion 1 of the farm Lot 41A No. 2617	4, 0469 ha	T20402/2012 T22531/1995 T22532/1995	Kwa-Dukuza Municipality Gayapursat Sivasunker Dwarika Maharaj & Kewlapathey Maharaj	I-2254/2012C EX22/2010 K1870/2012S
164	Portion 2 of the farm Lot 41A No. 2617	3, 2375 ha	T16448/2015	Bongumusa Ernest Bele	None
165	Portion 3 of the farm Lot 41A No. 2617	2, 4281 ha	T14441/1987 T1661/1959 T7203/2006	Kamlall Dukhi Rooplal Mynawathi Dabey	K222/1973S
166	Portion 4 of the farm Lot 41A No. 2617	2, 4281 ha	T18951/1987	Kemi Dhora	None
167	Portion 5 of the farm Lot 41A No. 2617	2, 4281 ha	T14441/1987	Kamlall Dukhi	K159/1973S K2460/2006S
168	Portion 6 of the farm Lot 41A No. 2617	4, 4515 ha	T12039/1977 T18372/1976 T57012/2008 T8033/1980	Bhim Ramsumar Rooplal Thembinkosi Joseph Gumede & Elizabeth Phumzile Gumede	None
169	Portion 7 of the farm Lot 41A No. 2617	4, 0469 ha	T7995/1981	Marimuthu Chanchiah Chetty	I-3505/1981LG
170	Portion 8 of the farm Lot 41A No. 2617	4, 0469 ha	T25820/1990 T51903/2008	Bhim Ramsumar Thembinkosi Joseph Gumede & Elizabeth Phumzile Gumede	None
171	Portion 9 of the farm Lot 41A No. 2617	4, 0469 ha	T20037/1973 T4994/1998	Moonsamy Davaraj Moothoosamy Moodley & Subbammah Moodley	None
172	Portion 10 of the farm Lot 41A No. 2617	2, 0234 ha	T2911/2006	KwaZulu-Natal Baptist Fellowship	None
173	Portion 11 of the farm Lot 41A No. 2617	7, 6762 ha	T9273/1983 T57944/2006	Nadeera Sudhoo	None
174	Portion 12 of the farm Lot 41A No. 2617	10, 1172 ha	T28402/2007 T26966/2015	Nundrani Sudhoo	None
175	Portion 13 of the farm Lot 41A No. 2617	4, 7175 ha	T40535/2012 T9765/1995	Sipho Mkhwanazi Debisaren Sing & Shamila Sing	None
176	Portion 14 of the farm Lot 41A No. 2617	2, 0234 ha	T13931/1980	Gyanmathi Jathan	None

NO.	PROPERTY DESCRIPTION	EXTENT	CURRENT TITLE DEED NO.	CURRENT OWNER	BONDS & RESTRICTIVE CONDITIONS (INTERDICTS)
			T13100/2008		
177	Portion 15 of the farm Lot 41A No. 2617	2, 0234 ha	T39606/2012	Govindasamy Parasaramen Gounden	None
178	Portion 16 of the farm Lot 41A No. 2617	4, 0469 ha	T13089/1981 T1814/1985 T18711/1985 T9237/1961	Komal Mackerdhooj Danrajee Bhagrathee Sookdew & Somaru	None
179	Portion 17 of the farm Lot 41A No. 2617	4, 0469 ha	T1027/1969 T13791/2003	Balla Ram & Ishan Ballla Ram	None
180	Portion 18 of the farm Lot 41A No. 2617	4, 0469 ha	T15236/1190 T33749/2011	Sheila Sudhoo	None
181	Portion 19 of the farm Lot 41A No. 2617	6, 0703 ha	T14364/1990 T27372/2015	Nundrani Sudhoo	None
182	Portion 20 of the farm Lot 41A No. 2617	4, 0469 ha	T44997/2009 T28493/2015	Nundrani Sudhoo	None
183	Portion 21 of the farm Lot 41A No. 2617	3, 3665 ha	T14364/1990 T27327/2015	Nundrani Sudhoo	None
184	Portion 22 of the farm Lot 41A No. 2617	5, 8217 ha	T13930/1980 T26827/1993 T9024/1993	Ramkissoon Haripersad Parasram & Chatermathee Parasram Thoolsi Janak	None
185	Portion 23 of the farm Lot 41A No. 2617	9,6545 ha	T27544/2004 T755/1963	Rathilall Ramkissoon &Reena Ramkissoon Basdeyi	None
186	Portion 24 of the farm Lot 41A No. 2617	4, 0469 ha	T13459/1976 T19931/2009	Barainidevi Hurpaul	VA1938/2009
187	Portion 25 of the farm Lot 41A No. 2617	256, 7738 ha	T28647/1990	Burpham Park Estates cc	B24362/2011 B5302/2015 K1088/2007S K1504/1974S
188	Portion 26 of the farm Lot 41A No. 2617	4, 0469 ha	T27546/2004	Rathilall Ramkissoon & Reena Ramkissoon	B23643/2004 K1190/1973S
189	Portion 27 of the farm Lot 41A No. 2617	7, 2742 ha	T27545/2004 T755/1963	Rathilall Ramkissoon &Reena Ramkissoon Basdeyi	B23634/2004
190	The farm Elbow No. 14696	181, 8625 ha	T44882/2007	Elbow & Essiena (Pty) Ltd	B51280/2007

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NOTICE 629 OF 2017

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

Notice is hereby given in terms of Section 11 (1) of the Restitution of Land Rights Act, 1994 (Act No. 22 of 1994) that a claim for the restitution of land rights on the following properties have been lodged with the Regional Land Claims Commissioner: KwaZulu-Natal and that the Commission on Restitution of Land Rights will further investigate the claim in terms of provisions of the Act in due course:

Property	:	**see attached schedule**
Extent of property	:	**see attached schedule**
Magisterial District	:	**Underberg**
Administrative District	:	**KwaZulu-Natal**
Current Title Deed No.	:	**see attached schedule**
Current Owner	:	**see attached schedule**
Bonds & Restrictive Conditions (Interdicts)	:	**see attached schedule**
Claimant	:	**Bhekisenzo Isaac Nzimande on behalf of the Nzimande Families**
Date claim lodged	:	**14 December 1998**
Reference number	:	**KRN6/2/2/E/48/0/0/9**

Any party/parties who have an interest in the above-mentioned properties is hereby invited to submit, within **30 days** from the date of publication of this notice, any representations and/ or information which shall assist the Commissioner in proving or disproving this claim.

Should no information and/ or representations from the affected party/ parties be forthcoming within the stipulated period, the affected party/parties shall be *ipso facto* barred from further doing so and the Commission shall continue with the subsequent processes towards completion of the investigation.

Any comments and information should be submitted to:

The Regional Land Claims Commissioner: KwaZulu-Natal
Private Bag X9120
Pietermaritzburg 3200

Tel: (033) 355 - 8400
Fax: (033) 342 - 3409

Submissions may also be delivered to Second Floor, African Life Building, 200 Church Street, Pietermaritzburg.

LEBJANE MAPHUTHA
REGIONAL LAND CLAIMS COMMISSIONER: KWAZULU NATAL
DATE:

SCHEDULE

NO.	PROPERTY DESCRIPTION	EXTENT	CURRENT TITLE DEED NO.	CURRENT OWNER	BONDS & RESTRICTIVE CONDITIONS (INTERDICTS)
1.	Portion 1 of the farm Upper Umkomaas Location No. 1 No. 16415	722, 0170 ha	T1689/1909	Republic of South Africa	I-3225/1992LG
2	Part of Unalianated State Land	NOT REGISTERED			

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NOTICE 630 OF 2017

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

Notice is hereby given in terms of Section 11 (1) of the Restitution of Land Rights Act, 1994 (Act No. 22 of 1994) that a claim for the restitution of land rights on the following properties have been lodged with the Regional Land Claims Commissioner: KwaZulu-Natal and that the Commission on Restitution of Land Rights will further investigate the claim in terms of provisions of the Act in due course:

Property	:	**The Remainder of Subdivision 258 of 2 of the farm Piezang River No. 805**
Extent of property	:	**7, 4567 ha**
Magisterial District	:	**Ethekwini**
Administrative District	:	**KwaZulu-Natal**
Previous Title Deed No.	:	**T17647/1987**
Claimant	:	**Ranjith Ramnarain**
Date claim lodged	:	**29 December 1998**
Reference number	:	**KRN6/2/3/E/8/817/2471/27**

Any party/parties who have an interest in the above-mentioned properties is hereby invited to submit, within **30 days** from the date of publication of this notice, any representations and/ or information which shall assist the Commissioner in proving or disproving this claim.

Should no information and/ or representations from the affected party/ parties be forthcoming within the stipulated period, the affected party/parties shall be *ipso facto* barred from further doing so and the Commission shall continue with the subsequent processes towards completion of the investigation.

Any comments and information should be submitted to:

The Regional Land Claims Commissioner: KwaZulu-Natal
Private Bag X9120
Pietermaritzburg 3200

Tel: (033) 355 - 8400
Fax: (033) 342 - 3409

Submissions may also be delivered to Second Floor, African Life Building, 200 Church Street, Pietermaritzburg.

LEBJANE MAPHUTHA
REGIONAL LAND CLAIMS COMMISSIONER: KWAZULU NATAL
DATE:

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NOTICE 631 OF 2017

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

Notice is hereby given in terms of Section 11 (1) of the Restitution of Land Rights Act, 1994 (Act No. 22 of 1994) that a claim for the restitution of land rights on the following properties have been lodged with the Regional Land Claims Commissioner: KwaZulu-Natal and that the Commission on Restitution of Land Rights will further investigate the claim in terms of provisions of the Act in due course:

Property	:	**That portion of Durban, commonly known as 58 Mgangeni, Cato Manor**
Magisterial District	:	**Ethekwini**
Administrative District	:	**KwaZulu-Natal**
Claimant	:	**Nombulelo Regina Soko on behalf of the Soko Family**
Date claim lodged	:	**31 December 1998**
Reference number	:	**KRN6/2/3/E/8/817/2716/4525**

Any party/parties who have an interest in the above-mentioned properties is hereby invited to submit, within **30 days** from the date of publication of this notice, any representations and/ or information which shall assist the Commissioner in proving or disproving this claim.

Should no information and/ or representations from the affected party/ parties be forthcoming within the stipulated period, the affected party/parties shall be *ipso facto* barred from further doing so and the Commission shall continue with the subsequent processes towards completion of the investigation.

Any comments and information should be submitted to:

The Regional Land Claims Commissioner: KwaZulu-Natal
Private Bag X9120
Pietermaritzburg 3200

Tel: (033) 355 - 8400
Fax: (033) 342 - 3409

Submissions may also be delivered to Second Floor, African Life Building, 200 Church Street, Pietermaritzburg.

LEBJANE MAPHUTHA
REGIONAL LAND CLAIMS COMMISSIONER: KWAZULU NATAL
DATE:

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NOTICE 632 OF 2017

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

Notice is hereby given in terms of Section 11 (1) of the Restitution of Land Rights Act, 1994 (Act No. 22 of 1994) that a claim for the restitution of land rights on the following properties have been lodged with the Regional Land Claims Commissioner: KwaZulu-Natal and that the Commission on Restitution of Land Rights will further investigate the claim in terms of provisions of the Act in due course:

Property	:	**see attached schedule**
Extent of property	:	**see attached schedule**
Magisterial District	:	**Eshowe**
Administrative District	:	**KwaZulu-Natal**
Current Title Deed No.	:	**see attached schedule**
Current Owner	:	**see attached schedule**
Bonds & Restrictive Conditions (Interdicts)	:	**see attached schedule**
Claimant	:	**Alice Louisa Steenberg on behalf of the Steenberg Family**
Date claim lodged	:	**24 November 1993**
Reference number	:	**KRN6/2/2/E/9/0/0/7**

Any party/parties who have an interest in the above-mentioned properties is hereby invited to submit, within **30 days** from the date of publication of this notice, any representations and/ or information which shall assist the Commissioner in proving or disproving this claim.

Should no information and/ or representations from the affected party/ parties be forthcoming within the stipulated period, the affected party/parties shall be *ipso facto* barred from further doing so and the Commission shall continue with the subsequent processes towards completion of the investigation.

Any comments and information should be submitted to:

The Regional Land Claims Commissioner: KwaZulu-Natal
Private Bag X9120
Pietermaritzburg 3200

Tel: (033) 355 - 8400
Fax: (033) 342 - 3409

Submissions may also be delivered to Second Floor, African Life Building, 200 Church Street, Pietermaritzburg.

LEBJANE MAPHUTHA
REGIONAL LAND CLAIMS COMMISSIONER: KWAZULU NATAL
DATE:

SCHEDULE

NO.	PROPERTY DESCRIPTION	EXTENT	CURRENT TITLE DEED NO.	CURRENT OWNER	BONDS & RESTRICTIVE CONDITIONS (INTERDICTS)
1	Portion 1 of the farm Lot S A R Amatikulu No. 14165	0, 2835 ha	T14020/1976	Regional & Land Affairs	None
2	Remainder of the farm Amatikulu No. 125 No. 9740	142, 7711 ha	T14020/1976	Regional & Land Affairs	I-326/2005LG
3	Remainder of the farm Ibumba No. 11922	157, 6421 ha	T14020/1976	Regional & Land Affairs	I-326/2005LG

SOUTH AFRICAN RESERVE BANK

NOTICE 633 OF 2017

BANKS ACT, 1990

DESIGNATION OF AN INSTITUTION OF WHICH THE ACTIVITIES DO NOT FALL WITHIN THE MEANING OF "THE BUSINESS OF A BANK" ("ITHALA SOC LIMITED" A WHOLLY OWNED SUBSIDIARY OF ITHALA DEVELOPMENT FINANCE CORPORATION LIMITED)

Under paragraph (cc) of the definition of "the business of a bank", in section 1(1) of the Banks Act, 1990 (Act No. 94 of 1990), I, Malusi Knowledge Nkanyezi Gigaba, Minister of Finance, hereby designate, for the period commencing 1 October 2017 and expiring on 30 September 2019, and subject to the conditions set out in paragraph 3 of the Schedule, an institution specified in paragraph 2 of the Schedule as an institution of which the activities do not fall within the meaning of "the business of a bank".

MKN GIGABA, MP
Minister of Finance

SCHEDULE

1. **Definitions**

In this Schedule, "the Banks Act" means the Banks Act, 1990 (Act No. 94 of 1990), as amended, and any word or expression to which a meaning has been assigned in the Banks Act or the Regulations relating to Banks shall bear the meaning so assigned thereto and, unless the context otherwise indicates-

"KwaZulu-Natal Ithala Development Finance Corporation Act" means the KwaZulu-Natal Ithala Development Corporation Act, 2013 (Act No. 5 of 2013);

"Ithala Development Finance Corporation Limited", formerly known as "KwaZulu-Finance and Investment Corporation Limited" means the development corporation known as Ithala Development Finance Corporation Limited, referred to in section 2 of the KwaZulu-Natal Ithala Development Finance Corporation Act;

"Ithala Corporation" means Ithala Development Finance Corporation Limited, a public company registered in terms of the Companies Act, 2008 (Act No. 71 of 2008);

"Ithala SOC Limited" means Ithala SOC Limited, a wholly-owned subsidiary of Ithala Corporation, being a state-owned company registered in terms of the Companies Act, 2008 (Act No. 71 of 2008)

"Regulations relating to Banks" means the Regulations relating to Banks published under Government Notice No. R. 1029 of 12 December 2012 as amended from time to time.

2. Institution

Ithala SOC Limited.

3. Conditions

3.1 The activities of a Ithala SOC Limited shall, in so far as they correspond to the activities contemplated in paragraphs (a), (b), (c) and (d) of the definition of "the business of a bank" in section 1(1) of the Banks Act, be performed by virtue of the powers conferred in terms of the provisions of the KwaZulu-Natal Ithala Development Finance Corporation Act: provided that Ithala SOC Limited may not, in the performance of its activities-

3.1.1 use, or refer to itself or any of its divisions by any name, description or symbol indicating, or calculated to lead persons to infer, that it or such a division is a bank registered as such under the Banks Act;

3.1.2 in respect of itself or any of its divisions or undertakings use a name or description that includes the word "bank", or any derivative thereof, or the words "building society", or any derivative thereof, unless such name or description is composed of words that include the word "bank" as part of a place-name or a personal name.

3.2 The activities of Ithala SOC Limited shall be-

3.2.1 managed in such a way that the aggregate amount of qualifying common equity tier 1 capital and reserve funds, additional tier 1 capital and reserve funds and tier 2 capital and reserve funds in the Republic does not at any time amount to less than an amount that represents 15 per cent of the sum of the amounts calculated by multiplying the average amounts of such different categories of-

(i) assets; and

(ii) other risk exposures in the conduct of Ithala SOC Limited's business, as prescribed by the Regulations relating to Banks, by risk weights expressed as percentages, as so set forth, in respect of such different categories of assets and other risk exposures;

3.2.2 performed while Ithala SOC Limited at all times holds an average daily amount of liquid assets in the Republic that shall not be less than an amount equal to 7.5 per cent of its total liabilities to the public.

3.2.3 managed in such a way that the leverage ratio, calculated as prescribed by the Regulations relating to Banks, is not less than 5 (five) per cent.

3.3 Ithala Corporation maintains, at its own cost, to the satisfaction of the Registrar of Banks, the "ring-fencing" of any deposit-taking activities within a separately capitalised and limited corporation, namely Ithala SOC Limited.

3.4 Ithala Corporation maintains a separation between the lending activities of Ithala Corporation, in particular the current loan and advances exposures, and any current and future deposit-taking activities, which deposit-taking activities will be conducted by Ithala SOC Limited.

3.5 Ithala SOC Limited shall fully comply with such prudential, reporting, and other regulatory requirements that may be imposed by the Registrar of Banks, from time to time.

3.6 Ithala SOC Limited shall be subject to supervision and enforcement by the Registrar of Banks to ensure compliance with the provisions of Financial Intelligence Centre Act 38 of 2001, as amended.

This notice substitutes Government Notice No. 236 as published in *Government Gazette* No. 40402 dated 04 November 2016.

Malusi Knowledge Nkanyezi Gigaba, MP
Minister of Finance

Signed at PRETORIA **on this the** 28TH **day of** JULY **2017**

DEPARTMENT OF TRADE AND INDUSTRY

NOTICE 634 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.

SECTION A: DRAFTS FOR COMMENTS

The following draft standards are hereby issued for public comments in compliance with the norm for the development of South Africa National standards in terms of section 23(2)(a) (ii) of the Standards Act.

Draft Standard No. and Edition	Title, scope and Purpose	Closing Date
SANS 511:2017 Ed 2	*Women's workwear*. The standard covers the material, cut, make and trim of workwear (dress type) for women.	2017-10-09
SANS 893-1:2017 Ed 2	*Legionella-Part 2: The control of Legionella in water systems*. Provides requirements for the design and management of cooling towers, evaporative condensers, hot and cold water systems, or any water system where water is used or stored and where there is a means of creating and transmitting water droplets which might be inhaled, so as to control the risk of exposure to Legionella bacteria that cause Legionnaires' disease.	2017-10-09
SANS 1035:2017 Ed.2	*Rail-bound rolling stock lifting jacks used for underground and industrial applications*. Specifies requirements for the design, construction, performance and labelling of jacks designed to raise rail-bound vehicles. Does not include devices that raise entire rail-bound vehicles.	2017-10-02
SANS 1604:2017 Ed 1	*Cleaning and degreasing compounds - Biologically-based*. Specifies the characteristics and requirements for biologically based cleaning and degreasing products.	2017-10-11
SANS 50131-6:2017 Ed 1	*Ladders - Part 6: Telescopic ladders*. Specifies the general design features, requirements and test methods and defines terms for leaning and standing telescopic ladders.	2017-10-11
SANS 50131-7:2017 Ed 1	*Ladders - Part 7: Mobile ladders with platform*. Defines terms and specifies the general design characteristics of mobile ladders with platform.	2017-10-11
SANS 51996-3:2017 Ed 1	*Eurocode 6 - Design of masonry structures - Part 3: Simplified calculation methods for unreinforced masonry structures*. Provides simplified calculation methods to facilitate the design of the unreinforced masonry walls, subject to certain conditions of application.	2017-09-12
SANS 8414-1:2017 Ed 1	*Fire performance of external cladding systems - Test method for non-loadbearing external cladding systems applied to the masonry face of a building*. Provides a test method for determining the fire performance characteristics of non-loadbearing external cladding systems, rainscreen overcladding systems and external wall insulation systems when applied to the face of a building and exposed to an external fire under controlled conditions.	2017-10-09

SANS 8414-2:2017 Ed 1	*Fire performance of external cladding systems - Test method for non-loadbearing.* Specifies test method for determining the fire performance characteristics of non-loadbearing external cladding systems external cladding systems fixed to and supported by a structural steel frame.	2017-10-09

SCHEDULE A.2: AMENDMENT OF EXISTING STANDARDS

The following draft amendments 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	Scope of amendment	Closing Date
SANS 1539:2017 Ed 5.1	*Appliances operating on liquefied petroleum gas (LPG) or natural gas (NG) - Safety aspects.*	Amended to update reference standards, to add definitions and to renumber the subclauses accordingly, to update the clause on verification, to move reference to the an association and to a national department to the foreword, to update the requirements applicable to all appliances, marking of replaceable jets, ball valves and taper-plug valves, hose assemblies, flame failure device, visibility of flame, and inlet connections, to update the additional requirements (for specific appliances and components), and to renumber the subclauses accordingly, to modify the requirements for roll-about heaters, and for stoves and ovens, to add the requirements for instantaneous water heaters, and to renumber the subclauses accordingly, to add a new subclause on storage water heaters, to modify the subclauses on commercial hotplates, salamanders, griddles and grillers, and on hotplates and hobs, and to renumber the subclauses accordingly, and to add new subclauses on the test for dezincification resistance, hydraulic test, test for resistance to fatigue (closed type water heaters), the test for resistance to hydrostatic pressure.	2017-10-09
SANS 61347-2-3:2017/ SANS IEC 61347-2:2016 Ed2.1	*Lamp control gear Part 2-3: Particular requirements for a.c. and/or d.c. supplied electronic control gear for fluorescent lamps*. Specifies particular safety requirements for electronic control gear for use on a.c. supplies at 50 Hz or 60	Amended to change the scope, general notes on test, marking, and behaviour of the control gear at the end lamp life.	2017-09-29

SCHEDULE A.3: WITHDRAWAL OF SOUTH AFRICAN NATIONAL STANDARDS

In terms of section 24(1)(C) of the Standards Act, the following published 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

SCHEDULE A.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

SECTION B: ISSUING OF SOUTH AFRICAN NATIONAL STANDARDS

SCHEDULE B.1: 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 1251:2017 Ed.3	*Engine cooling system protectors*. Covers glycol-type compounds which, when added at adequate concentrations to water in engine cooling systems, provide protection against corrosion, lower the freezing point, and raise the boiling point of the resultant coolant.
SANS 1329-4:2017 Ed 4	*Retro-reflective and fluorescent warning signs for road vehicles Part 4: Retro-reflective chevron signs and decals.* Specifies requirements for retro-reflective chevron signs that incorporate a substrate and chevron decals that are intended for use on motor vehicles that operate on public roads.
SANS 1520-2:2017/ E.d 2	*Flexible electric trailing cables for use in mines Part 2: cables with operating voltages of 3,8/6,6 kV to 19/33 Kv.* Covers the construction, materials, dimensions and electrical properties of high-voltage flexible electric trailing cables for use in mines and other applications other than mines.
SANS 5646:2017/ E.d 3	*Determination of bond strength of rib attachment (stuck-on rib inner soles).* Specifies a method for the determination of bond strength of rib attachment (stuck-on rib inner soles).
SANS 8968-1:2017/ ISO 8968-1:2016 E.d 2	*Milk - Determination of nitrogen content Part 1: Kjeldahl method.* Specifies a method for the determination of the nitrogen content and crude protein calculation of milk and milk products by the Kjeldahl principle, using traditional and block digestion methods.
SANS 50081-22:2017 Ed.1	*Safety rules for the construction and installation of lifts - Lifts for the transport of persons and goods - Part 22: Electric lifts with inclined path.* Specifies the safety rules for the construction and installation of permanently installed new electric lifts, with traction or positive drive, serving defined landings levels, having a vehicle designed to convey passengers or passengers and loads, suspended by ropes or chains and travelling in a vertical plan along guide rails that are inclined at an angle of between 15° and 75° in relation to the horizontal. In addition to the requirements of this standard, supplementary requirements should be considered in special cases (potentially explosive atmosphere, extreme climate conditions, seismic conditions, transporting dangerous goods, etc.).
SANS 61347-2-3:2017 Ed 1	*Lamp control gear Part 2-3: Particular requirements for a.c. and/or d.c. supplied electronic control gear for fluorescent lamps*. Specifies particular safety requirements for electronic control gear for use on a.c. supplies at 50 Hz or 60 Hz up to 1 000 V and/or d.c.
SANS 62264-3:2017	*Enterprise-control system integration - Part 3: Activity models of manufacturing operations management* Defines activity models of manufacturing operations management that enable enterprise system to control system integratio.
SATS 62056-6-9:2017/ IEC/TS 62056-6-9:2016	*Electricity metering data exchange - The DLMS/COSEM suite - Part 6-9: Mapping between the Common Information Model message profiles (IEC 61968-9) and DLMS/COSEM (IEC 62056) data models and protocols*. Describes how in the utility environment an ERP system or a third party system can exchange information with a metering system.
SATR 60601-4-3:2017 Ed 1	*Medical electrical equipment -Part 4-3: Guidance and interpretation - Considerations of unaddressed safety aspects in the third edition of IEC 60601-1 and proposals for new requirements.* Contains a series of recommendations developed by an expert working group of IEC subcommittee 62A in response to questions of interpretation of the third edition of IEC 60601-1 (published in South Africa as an identical adoption under the designation SANS 60601-1).

SCHEDULE B.2: AMENDMENDED 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 371:2017 E.d 1.2	*Steel mesh reinforced polyethylene (PE) pipe fittings for water supply. Consolidated edition incorporating amendment No. 2.* Amended to update the foreword, the referenced standards, and the subclause on marking.
SANS 506:2017 E,d 1.2	*Timber preservative - Alkaline-copper-quaternary type. Consolidated edition incorporating amendment No. 2.* Amended to update the requirements for packing and marking, and to remove reference to legislation in the foreword.

Standard No. and year	Title, scope and purport
SANS 871:2017 Ed 2.1	*Boron timber preservatives. Consolidated edition incorporating amendment No. 1.* Amended to add the normative references clause and renumber clauses accordingly, to update the requirements for packing and marking, and to add a note on bulk tanker delivery.
SANS 1194:2017 Ed 2.1	*Nylon tubing for air-brake applications. Consolidated edition incorporating amendment No. 1.* Amended to delete the acknowledgement, and to update referenced standards.
SANS 1339:2017 Ed 5.1	*Electric cables - Cross-linked polyethylene (XLPE) insulated cables for rated voltages 3,8/6,6 kV to 19/33 kV. Consolidated edition incorporating amendment No. 1.* Amended to modify the requirements for water blocking, and to update the annex on points to be considered by the purchaser (annex B).
SANS 1614:2017 Ed 1.1	*Vehicle support stands. Consolidated edition incorporating amendment No. 1.* Amended to change the designation from SABS to SANS, with no technical
SANS 1509:2017 Ed.2.2	*Flush valves for WC flushing cisterns. Consolidated edition incorporating amendment No. 2.* Amended to delete the note to the subclause on timing device.
SANS 1746:2017 Ed 1.2	*Timber preservative - Tributyltin naphthenate-permethrin. Consolidated edition incorporating amendment No. 2.* Amended to update the requirements for marking.
SANS 1808-2:2017 Ed. 1.5	*Water supply and distribution system components Part 2: Metallic compression type pipe couplings. Consolidated edition incorporating amendment No. 5.* Amended to update referenced standards, and the requirements for bolts and nuts.
SANS 1824:2017 Ed 1.1	*Beam trolleys (crawls). Consolidated edition incorporating amendment No. 1.* Amended to update referenced standards, and to update definitions.
SANS 1920:2017 Ed.1.2	*Mixtures of copper azole. Consolidated edition incorporating amendment No. 2.* Amended to update the requirements for marking.
SANS 10098-2:2017 Ed 2.1	*Public lighting Part 2: The lighting of certain specific areas of streets and highways. Consolidated edition incorporating amendment No. 1.* Amended to delete the year of publication of a referenced standard, and to move reference to a national authority to the foreword..
SANS 10119:2017 Ed.2.3	*Reduction of explosion hazards presented by electrical equipment - Segregation, ventilation and pressurization. Consolidated edition incorporating amendment No. 3.* Amended to update the referenced standards and definitions.

SCHEDULE B.3: WITHDRAWN STANDARDS

In terms of section 24(1)(C) of the Standards Act, the following standards have been withdrawn.

Standard No. and year	Title

SCHEDULE B.4: ESTABLISHMENT OR DISBANDMENT OF TECHNICAL COMMITTEES

In terms of section 4(2) (l) the SABS has established/disbanded the following technical committees:

Technical Committee No.:	Title	Scope
SABS/TC 1008/SC 01	Wood and associated products - Sawn timber	Standardization of sawn timber (including laminated timber) excluding timber preservation and wood adhesive
SABS/TC 1008/SC 02	Wood and associated products - Reconstituted timber	Standardization in the field of reconstituted timber excluding structural laminated timber, preservation, wood adhesives and finger jointed timber
SABS/TC 1008/SC 03	Wood and associated products - doors	Standardization of manufacturing of doors, treatmen of wood for this application and associated products necessary for a finished product.

If your organization is interested in participating in these committees, please send an e-mail to Dsscomments@sabs.co.za for more information.

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 635 OF 2017

INTERNATIONAL TRADE ADMINISTRATION COMMISSION

CUSTOMS TARIFF APPLICATIONS

LIST 09/2017

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.

CREATION OF A REBATE FACILITY FOR THE IMPORTATION OF STAINLESS STEEL FASTENERS, AS FOLLOWS:

"Screws, bolts, coach screws, screw hooks, rivets, cotters, cotter-pins, washers (including spring washers) and similar articles, of stainless steel, classifiable in tariff heading 73.18, in such quantities, at such times and subject to such conditions as the International Trade Administration Commission may allow by specific permit, provided the Commission is satisfied that the subject goods are not available in the SACU region".

APPLICANT:
Fastenright (Pty) Ltd
P.O Box 999
Eppindust
7475

Enquiries: ITAC Ref: **10/2017**, Enquires: Mr. Pfarelo Phaswana and/or Mr. Njabulo Mahlalela, Tel: 012 394 3628/3684 or email: pphaswana@itac.org.za/nmahlalela@itac.org.za

REASONS FOR THE APPLICATION:

The applicant submitted, the following reasons for the application:

- The importers of stainless steel fasteners have been negatively impacted by the duties recently imposed on steel fasteners;

- There are no local manufacturers of stainless steel fasteners in the SACU. There is, therefore, no reason for imposing customs duties on these products.

PUBLICATION PERIOD:
Written submissions should be made within **four (4) weeks** of the date of this notice.

DEPARTMENT OF TRADE AND INDUSTRY

NOTICE 636 OF 2017

INVITATION FOR THE PUBLIC TO COMMENT ON THE DRAFT INTELLECTUAL PROPERTY POLICY OF THE REPUBLIC OF SOUTH AFRICA PHASE 1 (2017)

I, Dr Rob Davies, Minister of Trade and Industry, hereby publish the Draft Intellectual Property Policy of the Republic of South Africa Phase 1 (2017), for broader public comments.

The proposed draft policy follows the Intellectual Property Consultative Framework (2016) and replaces any or all previous Draft Intellectual Property policies.

Interested persons may submit written comments on the proposed draft policy not later than sixty (60) days from the date of publication of this notice to:

email address: ippolicy2017@thedti.gov.za

or

Director-General
Department of Trade and Industry
Private Bag X84, Pretoria
0001

Or hand deliver to:

Director-General
77 Meintjies Street
Block B – 3rd floor
Sunnyside, Pretoria

For attention: Mr M Nkomo

Dr Rob Davies (MP)
Minister of Trade and Industry
7 August 2017

Draft Intellectual Property Policy of the Republic of South Africa Phase I 2017

Contents

1. List of Abbreviations

ABS	Access and Benefit Sharing
ACIP	Australia's Advisory Council on IP
AMR	Antimicrobial resistance
ARIPO	African Regional Intellectual Property Organization
AU	African Union
BRICS	Brazil, Russia, India, China, South Africa
CBD	Convention on Biological Diversity
CIDP	Committee on Development and Intellectual Property
CIPC	Companies and Intellectual Property Commission
CEDAW	Convention on the Elimination of all Forms of Discrimination against Women and Girls
CEWG	Consultative Expert Working Group on Research and Development: Financing and Coordination
CRC	Convention on the Rights of the Child
CRPD	Convention on the Rights of Persons with Disability
G20	Group of 20
GI	Geographical Indication
ICESCR	International Covenant on Economic, Social and Cultural Rights
IMCIP	Inter-Ministerial Committee on Intellectual Property
IP	Intellectual Property
IPAP	Industrial Policy Action Plan
IPR	Intellectual Property Rights
LDC	Least Developed Countries
LMMC	Like-Minded Mega-Diverse Countries
NDP	National Development Plan
NGP	New Growth Path Framework
NEDLAC	National Economic Development and Labour Council
NIPF	National Industrial Policy Framework
OAPI	Organisation Africaine de la Propriété Intellectuelle
PAIPO	Pan African Intellectual Property Organization
PCT	Patent Cooperation Treaty
R&D	Research and development
SDG	Sustainable Development Goals
SADC	Southern African Development Community
SAHPRA	South African Health Products Regulatory Agency
SMMEs	Small, medium and micro-enterprises
SSE	Substantive Search and Examination
the dti	The Department of Trade and Industry
TRIPS	The Agreement on Trade-Related Aspects of Intellectual Property Rights
UNCTAD	United Nations Conference on Trade and Development
UNDP	United Nations Development Programme
UNHLP	United Nations Secretary General's High Level Panel on Access to Medicines
UPOV	International Convention for the Protection of New Varieties of Plants
WHO	World Health Organization
WIPO	World Intellectual Property Organization
WTO	World Trade Organization

2. Introduction

The National Development Plan (NDP) of South Africa calls for a greater emphasis on innovation, improved productivity, an intensive pursuit of a knowledge economy and the better exploitation of comparative and competitive advantages. Intellectual Property (IP) is an important policy instrument in promoting innovation, technology transfer, research and development (R&D), creative expression, consumer protection, industrial development and more broadly, economic growth.

South Africa's economic development strategy aims to accelerate growth along a path that generates sustainable and decent jobs in order to reduce poverty and the extreme inequalities that characterise our society and economy. The National Industrial Policy Framework (NIPF), implemented through the Industrial Policy Action Plan (IPAP), is a central component of our economic development strategy. The NIPF and IPAP seek to encourage and upgrade value-added, labour-absorbing industrial production, and diversify the economy, by moving away from the current over-reliance on commodities and non-tradable services. Knowledge, innovation and technology are increasingly becoming the drivers of progress, growth and wealth.

Therefore, South Africa needs to transition towards a knowledge economy, and away from over-reliance on natural resources. A specific framework of conditions is necessary to enable South Africa to make this transition, and an IP Policy is one of the core elements required to achieve this objective.

Section 25 of the South African Constitution already protects certain Intellectual Property rights (IPR). In recent decades, South Africa has made significant strides in the just protection, administration, management, and deployment of IP.

Statutes relating to IP in South Africa include, but are not limited to:

- Intellectual Property Rights from Publicly Financed Research and Development Act 51 of 2008
- National Environmental Management: Biodiversity Act 10 of 2004
- Patents Act 57 of 1978
- Merchandise Marks Act 17 of 1941
- Copyright Act 98 of 1978
- Designs Act 195 of 1993
- Plant Breeders' Rights Act 15 of 1976
- Trade Marks Act 194 of 1993

Despite attention paid to IP law-making in the country, there is a need for a comprehensive IP Policy that will promote a holistic, balanced and coordinated approach to IP that is mindful of the many obligations mandated under the South African Constitution.

The goals of this comprehensive IP Policy are:

- To consider the development dynamics of South Africa and improve how IP supports small institutions and vulnerable individuals in society, including in the domain of public health
- To nurture and promote a culture of innovation, by enabling creators and inventors to reach their full potential and contribute towards improving the competitiveness of our industries
- To promote South African arts and culture
- To solidify South Africa's various international obligations, such as the Convention on Biological Diversity (CBD) and the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilisation (Nagoya Protocol on ABS), in the service of our genetic resources and traditional knowledge associated with genetic resources

The strategy employed in this comprehensive IP Policy includes:

- Advancing a balanced and coordinated approach to IP that regulates IPRs in line with the South African Constitution
- Introducing key policy reforms that account for the development dynamics of South Africa
- Promoting innovation and a knowledge economy
- Leveraging competitive and comparative advantages to advance the transformation of the South African economy

The overarching objective is to ensure that this comprehensive IP Policy becomes a just, balanced, and integral part of the broader development strategy for South Africa by assisting in transforming the South African economy, and thereby leveraging human resources for the broader economic benefit, increasing local manufacturing, and generating more employment.

The comprehensive IP Policy will be implemented in a phased approach. The current document constitutes the first phase in what will be a comprehensive policy to be developed and updated over the medium term. Phase I covers IP and public health, coordination in international forums, and the implementation of commitments undertaken in international agreements. Phase 1 priorities have been identified on the basis of South Africa's development objectives, supplemented by research, analysis, and experience, as well as assessments of existing capacity to implement the measures outlined herein.

The comprehensive IP Policy proposes key reforms that are aimed at advancing South Africa's socio-economic development objectives as outlined in key policy documents of the national government, such as the National Development Plan (NDP), the New Growth Path Framework (NGP), National Drug Plan, National Industrial Policy Framework (NIPF) and the various iterations of the Industrial Policy Action Plan.

The key reforms include:

- The introduction of substantive search and examination (SSE) for patents, which is a key step towards ensuring that the patent regime fulfils its purpose of stimulating genuine innovation. This will benefit patent holders by granting them rigorously assessed rights, and benefit the public at large by ensuring that market exclusivity is only granted when appropriate. Importantly, substantive search and examination will not only apply in the health sphere; it will eventually have much broader application. However, with due regard to capacity constraints and resources, the IMCIP – in consultation with diverse stakeholders – will determine the initial fields in which full substantive search and examination will occur. These fields will progressively be expanded, as the capacity of the state increases.

- The leveraging of flexibilities contained in the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) to ensure that South Africa protects IP rights while simultaneously promoting public health, local manufacture, research and development, innovation, food security, environmental considerations, transfer of technology and broad socio-economic development.

- The promotion of regional cooperation and integration on IP.

- A commitment to all relevant international obligations South Africa is party to.

- The promotion of economic empowerment through, among other means, the implementation of the "utility model" to support the registration of patents by resident small, medium and micro-enterprises (SMMEs), historically disadvantaged individuals, and companies who are operating in the informal sector. This entails enacting exclusivity similar to a patent right, granted by a state, to an inventor or the inventor's assignee, for a fixed period of time. However, the terms and conditions for granting a utility model are slightly different from those for ordinary patent, including a shorter term of protection and less stringent patentability requirements. The term "utility model" is sometimes addressed differently in other countries, with the terms "petty patents", "short-term patents" or "innovation patents".

- A coordinated approach to creating awareness about IP among South Africans, so as to protect nationally-owned IP that is related to indigenous resources, traditional innovation and traditional knowledge.

- The creation of a system for protection for traditional knowledge which will safeguard misappropriation and exploitation, as well as promote further research and development into products and services based on traditional knowledge.

- The promotion of international best-practices in IP that align with South Africa's development objectives.

The draft IP Policy is ordered as follows:

- Section 3 contains the problem statement that sets out the need for the IP policy and the key issues it will address.
- Section 4 consists of the purpose of the IP Policy within the context of South Africa's broader development objectives.
- Section 5 contains the strategy which outlines a phased-approach towards the development of a comprehensive IP Policy.
- Section 6 highlights the role of the Inter-Ministerial Committee on IP (IMCIP), whose purpose is to harness the collective resources available within government as a whole, to the benefit of the people of South Africa.
- Section 7 articulates in detail what is entailed under Phase 1 of the IP Policy.
- Section 8 summarises and outlines the "in-built" agenda, that is, IP issues which will be explored in detail and implemented in the medium term.
- Finally, Section 9 concludes by setting the IMCIP the task of implementing the IP Policy.

3. Problem Statement

Broadly, while South Africa has made significant progress in the deployment of IP within the country, and has ensured that it has a legislative framework that protects IP, the country yet lacks a comprehensive IP Policy that will promote a holistic, balanced and coordinated approach to IP. What is required is a comprehensive IP Policy that will promote and contribute to South Africa's socio-economic development betterment, by promoting local manufacture, preserving and leveraging the country's resources and heritage, encouraging innovation, and empowering domestic industries and individuals who seek to take advantage of the IP system.

Specifically, the intersection of IP and public health has long been an issue of contention within South Africa, and one without resolution to date. The earliest recognition of the problem began as early as 1997, with amendments to the Medicines Act, and the subsequent case, *PMA v the President of the Republic of South Africa*. Thus, it has been twenty years since the problem was identified. As both a constitutionally guaranteed right, as well as a key development goal, the issue of access to health care services – and the role of IP in delivering public health – has been at the forefront of human rights debates in the country.

A substantial part of the problem with optimising the role of IP in public health is that South Africa does not conduct substantive search and examination (SSE) prior to the grant of patents. Our patent laws and implementing regulations are such that the Registrar of

Patents, housed within the Companies and Intellectual Property Commission (CIPC), only conducts examination in relation to the formalities of the application. Hence, South Africa employs a so called "depository system" in terms of which the subject of a patent application is *only* examined against the substantive criteria of novelty, inventive step, and industrial applicability *if* the patent is challenged in litigation, such as in relation to infringement or revocation.

A recent comparative study conducted by scholars from Columbia and Harvard Universities reveals that South Africa grants a far higher percentage of patents from all applications filed in the country than virtually any other comparable country.[1] On average, 93% of patents applied for in South Africa were granted, as compared to 61% in the United States of America, 53% in Mexico, 51% in the European Union (51%), and only 29% in Japan. World Intellectual Property Organisation (WIPO) statistics demonstrate that within comparable developing countries, the figures from India and Brazil show even lower rates of granting: in 2015, India granted 19% of all patent applications, while Brazil granted a mere 14%.[2]

Historically, the depository system for patents was instituted in South Africa due to resource constraints. A depository system places the cost of substantive examination on parties that are directly interested in the patent, thereby allowing the State to direct scarce technical skills toward infrastructure and other key developmental areas. Despite this benefit, there are substantial drawbacks for both producers and users of IP. For producers, the lack of examination calls into question the integrity of their patents, since the grant of a patent does not guarantee that the subject of the patent meets patentability criteria in the country, or that it does not contain subject matter excluded by law. Indeed, a leading South African university recently conducted a study which found that a significant number of patents granted in South Africa would not pass muster under an examining system.

Users of IP are prejudiced on the other hand because subject matter that should be in the public domain can be unfairly monopolised by exclusive rights. Moreover, the underlying policy rationale of patents is to serve as an incentive to stimulate innovation. Granting an exclusive right in the absence of genuine innovation is anathema to the proverbial bargain that the patent holder is supposed to strike with society, namely, disclosure in return for monopoly protection, resulting in society being short-changed, and overall negative consequences for both access and innovation.

In addition, South Africa's approach to international IP cooperation is currently not optimally coordinated, whether between government departments or even, in some cases, within a single government department. It is not always clear that international positions are taken with a clear understanding of obligations in our Constitution. It is also not clear that we are currently taking full advantage of the opportunities presented by globalisation, as manifested in various international treaties, to uplift vulnerable sections of South African society, and contribute to development on the African continent.

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[1]Sampat and Shadlen, The Effects of Restrictions on Secondary Pharmaceutical Patents: Brazil and India in Comparative Perspectivehttp://economics.harvard.edu/files/economics/files/sampat-bhaven_effects_of_restrictions_on_secondary_pharma_patents_brazil_and_india_3-4-16.pdf

[2]http://www.wipo.int/ipstats/en/statistics/country_profile/

A coordinated South African approach to IP informed by South Africa's development imperatives is sorely missing, and urgently necessary. The Inter-Ministerial Committee on Intellectual Property (IMCIP), a consultative forum and drafting team aimed at achieving a holistic approach to the IP Policy formulation process, is a first step in achieving this coordination, but not an end in itself. What is required is for government officials across departments and functions to be able to take on harmonised negotiating positions at multilateral forums, in order that we may be able to take advantage of every developmental opportunity that serves to boost South African social and economic advancement.

4. Purpose

The National Development Plan (NDP) calls for greater emphasis on innovation, improved productivity, the intensive pursuit of a knowledge economy and better exploitation of comparative and competitive advantages. Though there is broad agreement that IP is an important policy instrument in promoting innovation, technology transfer, research and development (R&D), creative expression, consumer protection, industrial development and more broadly, economic growth, the precise contours of IP regulation are contested. Economic literature, for instance, reveals an inconclusive link between increased IP protection and economic development, which is why a comprehensive IP Policy that examines the issue in the context of the South African reality, and optimises its regulation is necessary. Verily, no singular approach can be deemed universally appropriate for heterogeneous territories with varying and dynamic levels of development and socio-economic circumstances. Each country must deploy its own intellectual resources to ascertain and effect the appropriate policy, and hence, the importance of this exercise.

South Africa requires a coordinated and balanced approach to IP that provides effective protection of IPR and responds to South Africa's unique innovation and development dynamics. South Africa's IP Policy must first and foremost engender the ethos of the South African Constitution. It must also reflect the country's industrial policy and broader socio-economic development objectives. Hence, the IP Policy must be informed *inter alia* by the Constitution, NDP, the National Industrial Policy Framework (NIPF) and the various iterations of the Industrial Policy Action Plan (IPAP). It should also be aligned to the country's objectives of promoting local manufacturing, competitiveness and transformation of industry in South Africa. This must be done within a broader context where the state is bound to respect and implement various international commitments; those pertaining to human rights are of fundamental importance. The policy will also strengthen South Africa's commitments to its international obligations such as the Convention on Biological Diversity (CBD) and the Nagoya Protocol on Access and Benefit Sharing (ABS) as far as IP relating to genetic resources and traditional knowledge associated with genetic resources.

Beyond compliance with international obligations, South Africa must play its part in shaping the global order at various forums where IP is discussed such as in World Intellectual Property Organization WIPO, the World Trade Organisation (WTO), the World Health Organisation (WHO), the Group of Twenty (G20), political formations such as the Brazil, Russia, India, China & South Africa form (BRICS) and in African regional organisations. This requires a coordinated South African approach to IP that is informed by South Africa's

development imperatives. International cooperation must aim to make IP a tool to achieve sustainable development within the country.

The South African Constitution provides a balanced approach to property rights in general by affording protection against arbitrary deprivation of property, while also taking into account the public interest. In this regard, public interest includes the nation's commitment to bring about reforms that promote equitable access to services and products involving IP, such as in the sphere of health.

It should be recalled that IP is an instrument of industrial policy that is tailored by state organs to accomplish development objectives. IP is typically characterized by limitation, such as regarding its duration. The characterization of IP as property should be understood within this context. As nations adjust their industrial policy, including in relation to social policy, so too do they adjust the rights and obligations of IP holders[3].In line with the South African Constitution, a balanced approach will be taken in the development of the IP Policy.

The IP Policy seeks to advance the following objectives:

- Engender the ethos of the Constitution
- Align the country's IP regime to its NDP and broad industrial policy
- Develop a co-ordinated inter-Ministerial approach to IP
- Strike a balance between the owners and users of IP
- Stimulate genuine innovation
- Facilitate the development of key industries while striking a balance with the public interest
- Foster investment and technology diffusion
- Adopt a coordinated approach to IP in sub-regional, regional and international forums
- Promote public health
- Comply with international obligations, in particular those pertaining to human rights.

5. Strategy

The IP Policy is a necessary and eagerly awaited document, in view of the important issues and interests that it will affect. There is a need to urgently address key areas, such as IP and public health, in relation to which significant analysis and consultation have been conducted. Yet, urgency cannot be a reason to sacrifice the requisite depth of analysis required to execute highly technical, important, and contentious issues.

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[3] In the United Sates (US) for instance, judicial decisions regarding the scope of IP subject matter can and do eliminate broad categories of previously patented inventions, invalidating previously granted patents., *See, e.g.*, the decision of the US Supreme Court in *Association for Molecular Pathology v. Myriad Genetics*, 133 S Ct 2107 (2013), in which the Court determined that human genes (and their DNA sequences) as found in nature are not patentable subject matter.

As a means of enabling government to pursue urgent action in some areas, conduct further in-depth study and consultation in others, and to respond to a fast-evolving discipline, formulation of the IP Policy will be conducted using a dynamic, phased approach. The issues have been categorized into immediate, medium term, and monitoring &evaluation.

The immediate issues have been analysed and tangible reforms suggested in consultation with inter-Ministerial partners and external stakeholders.

The medium-term issues form part of the in-built agenda. These are key areas that require further in-depth study. Such study will be done with due regard to international best practices from a broad range of sources including *inter alia* industrialised nations and countries with similar developmental and socio-economic considerations, as well as multilateral organizations such as but not limited to World Intellectual Property Organization (WIPO), the United Nations Conference on Trade and Development (UNCTAD), and the United Nations Development Programme (UNDP). Ultimately, however, national considerations and priorities will be paramount.

The monitoring and evaluation of existing initiatives will be undertaken with a view to alignment with the broader IP Policy, where necessary.

Based primarily on institutional capacity within government, as well as public interest considerations, two main themes are addressed substantively in the immediate term. These are the intersection between IP and public health, which covers, among others, medicines, vaccines and diagnostics, as well as South Africa's approach to international IP cooperation.

6. IMCIP

Given the cross cutting nature of IP, ensuring inter-departmental coordination is key. While **the dti** may lead on IP, only a collaborative effort can harness the collective resources available within government as a whole, to the benefit of the people of South Africa. For this reason, Cabinet approved the establishment of the Inter-Ministerial Committee on Intellectual Property (IMCIP).The Report of the United Nations Secretary General's High Level Panel on Access to Medicines (UNHLP) states that governments should strengthen national level policy and institutional coherence between trade and intellectual property, and promote the right to health and public health objectives by establishing national inter-ministerial bodies to coordinate laws, policies, and practices that may impact on health technology innovation and access"4. The establishment of the IMCIP Is therefore aligned to this recommendation.

The IMCIP is currently comprised of government officials responsible for implementing programs that either affect, or are affected, by IP. The Inter-Ministerial Committee on Intellectual Property (IMCIP) is constituted by the Ministries of Trade and Industry, Health, Economic Development, International Relations and Cooperation, Science and Technology,

[4] UNHLP at page 36.

Communications, Telecommunications and Postal Services, Higher Education and Training, Agriculture Forestry and Fisheries, Arts and Culture, Energy and Environmental Affairs.

The IMCIP serves as a consultative forum and drafting team aimed at achieving a coordinated approach to the IP Policy formulation process. This function will continue into the future, with membership being adjusted accordingly as we pursue the broader in-built agenda. In addition, the IMCIP will ensure implementation of the IP Policy in government programs.

Another key function that the Inter-Ministerial Committee on Intellectual Property (IMCIP) will serve is to ensure a consistent and coherent government approach at multilateral IP forums. Such an approach must be consistent with the principles of the IP Policy, as well as the country's broader developmental objectives and its human rights framework. To this end, the Inter-Ministerial Committee on Intellectual Property (IMCIP) will work closely with government officials representing South Africa at multilateral forums to ensure harmonised negotiating positions. This is congruent with the United Nation's (UN's) 2030 Agenda for Sustainable Development, and, in particular, Sustainable Development Goals (SDG) '17 which seeks to revitalise a global partnership for sustainable development, inter alia, by enhancing policy coherence for sustainable development.[5]

[5] United Nations General Assembly (2015) Transforming our world: The 2030 Agenda for Sustainable Development, A/70/L.1. Available at: http://www.un.org/ga/search/view_doc.asp?symbol=A/RES/70/1&Lang=E

7. Phase 1

Phase 1 will cover the following issues:

IP and public health

Sub-issues include:

- Local manufacture and export in line with industrial policy
- Patent–substantive search and examination
- Patent opposition
- Patentability criteria
- Disclosure requirements
- Parallel importation
- Exceptions
- Voluntary licensing
- Compulsory licences
- IP &competition law.

International IP cooperation

Sub-issues include:

- Multilateral arrangements
- Regional and bilateral arrangements.

7.1 IP and public health

The South African government has a long history of engaging with issues at the intersection of IP and public health. Indeed, the 1999 case, *PMA v the President of the Republic of South Africa* – when a consortium of multinational pharmaceutical companies sought to block amendments to the Medicines Act in 1997 that would expand access to medicines – was a key factor leading to global dialogue around the potentially negative impact of IPRs on public health,[6] culminating in the Doha Declaration on TRIPS and Public Health.[7]

South Africa has been a key driver of the now global recognition that the duty owed by states to safeguard public health is not inconsistent with their concomitant responsibility to honour international treaty obligations. Tellingly, paragraph 4 of the Doha Declaration on TRIPS and Public Health states as follows:

> *"We agree that the TRIPS Agreement does not and should not prevent members from taking measures to protect public health. Accordingly, while reiterating our commitment to the TRIPS Agreement, we affirm that the Agreement can and should be interpreted and implemented in a manner supportive of WTO members' right to protect public health and, in particular, to promote access to medicines for all."*

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[6]Case 4183/98.
[7] WT/MIN(01)/DEC/2, 20 November 2001.

Having said this, the South African government has to date not made full use of the flexibilities available within international trade rules through the pursuit of appropriate national policy and legislation. This is despite a constitutional imperative to increase access to medicines as a component of the state's obligation to take reasonable measures toward the realization of the right to healthcare services. Indeed, this constitutional imperative is reflected in government policies such as the National Development Plan (NDP) and the National Drug Policy for South Africa.

In addition to these domestic obligations, the state's duty to progressively realise the right to health is captured in international instruments which South Africa has ratified such as the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention on the Rights of the Child (CRC),Convention on the Elimination of all Forms of Discrimination against Women and Girls (CEDAW), the Convention on the Rights of Persons with Disability (CRPD), and regional treaties such as the African Charter on Human and Peoples' Rights.

It is therefore fitting that the IP Policy should support these domestic and international instruments pertaining to the right to health.

What follows is a discussion of key areas identified by **the dti** as domains where a more equitable balance could be struck between private and public interest. The purpose of highlighting these issues is to garner the views of governmental partners on how best to achieve an appropriate balance. The aim is to ensure that South Africa protects IPRs and at the same time achieves its objectives of promoting national development imperatives, which include, among others, boosting local manufacturing, promoting innovation and ensuring equitable access to medicines. This will require the development of an appropriate framework for granting patents. A number of interventions, as outlined below, will be explored.

7.1.1 Local manufacture and export in line with industrial policy

Increasing the local production of pharmaceuticals to meet domestic needs, as well as creating export opportunities within the continent and beyond, is an overarching goal of the IP Policy, and in line with the National Development Plan (NDP), as well as the National Industrial Policy Framework (NIPF), implemented through the Industrial Policy Action Plan (IPAP). Substantive policy recommendations that follow in this document, are, each one of them, designed to boost local production and export, though it is recommended that additional policy measures be implemented in order that domestic industry is encouraged to take full advantage of the opportunities offered in the IP Policy.

- The pharmaceutical industry is one of the priority sectors identified by Industrial Policy Action Plan (IPAP). The contribution of this industry to South Africa's GDP has declined from 1.6% to 1.1% over the past six years. Having said this, the sector provides direct employment to approximately 10,000 people, and the downstream segment provides approximately 25,000 jobs.

- The local pharmaceutical market (a two-tier pharmaceutical market, divided into the public and private market) is the largest in Sub-Saharan Africa, and worth a total

estimated R40 billion annually. In spite of this, the South African pharmaceuticals sector is still relatively small by international standards, constituting a mere 0.4% and 1% of the global market by value and volume respectively. There is tremendous potential for this sector to grow and contribute value-added jobs to the South African economy. Growth of the domestic pharmaceutical industry will contribute to the sustainability of supply and allow the country to fulfil key health objectives as outlined in the National Drug Policy, in particular, to ensure the availability and accessibility of essential drugs.

- It is estimated that 65% of the domestic demand for pharmaceuticals, by value, is met by imports, and that medical products are the fifth largest contributor to South Africa's trade deficit. While imports are an important source of medicines, increasing domestic capacity by promoting localization will ensure our security of supply, given, *inter alia*, that the country's unique disease burden necessitates drugs formulated using specific active pharmaceutical ingredients (APIs) of which global supply is limited. Moreover, a vibrant pharmaceutical production sector is important to developing and maintaining the science and technology community in South Africa, as the availability of employment opportunities is critical to whether a student or researcher channels his or her efforts toward a particular scientific area.

- The World Health Organization (WHO) recognises that formulating a national IP system that is conducive will go a long way in stimulating the local production of pharmaceuticals. (It also acknowledges that other factors play a part, such as whether local producers have the required technical know-how to manufacture a particular product without the need for technology transfer, the availability of a trained workforce, existing infrastructure, local market conditions and disease burden).Therefore, formulating an appropriate IP Policy and implementing the corresponding legal framework can contribute to significantly strengthening the local industry.

- Policy instruments outlined below will be used to promote local manufacture as a means of securing sustainability of supply and reducing the trade deficit, while not unduly restricting access to essential goods in the process.

7.1.2 Substantive Search and Examination

The examination of patent applications within the sovereign territory of South Africa is a key component of an evolved IP ecosystem. This examination, or "substantive search and examination" is of great benefit to holders and users of IP, in that it provides a robust framework for the awarding and management of IP. Capacity constraints in South Africa, however, require a phased, strategic approach in line with national developmental goals. This approach is explicitly encouraged by WIPO and other multilateral bodies engaged in regulating global IP norms.

- It is a matter of much debate that South Africa does not conduct substantive search and examination (SSE) prior to the grant of patents. Section 34 of the Patents Act 57 of 1978 (Patents Act) read together with Regulations 40 and 41 of the Patent Regulations, 1978 (Patent Regulations)have the effect that the Companies and Intellectual Property Commission (CIPC) only conducts examination in relation to the

formalities of the application. Hence, South Africa employs a so-called depository system. The major benefit of the depository system is that it places the cost of substantive examination on parties that are directly interested in the patent, usually, in the event that the grant of a patent is challenged at the level of the Commissioner of Patents. This allows the state to allocate scarce technical skills toward infrastructure development and other key developmental areas. Despite this benefit, there are major drawbacks for both the producers and users of IP resulting from the depository system which have been canvassed in numerous studies. The introduction of SSE will result in greater legal certainty for patent owners and ensure that the public interest is served by ensuring that the patent system truly promotes innovation. It is crucial to work toward the adoption of SSE. The underlying policy rationale of patents is to serve as an incentive to stimulate innovation, and SSE is a key tool to ensure this objective is met. In principle, therefore, patent applications should always be subjected to substantive examination. In practice, however, countries may not yet have the human and/or financial resources to put into place and properly implement a full system of substantive examination.

- In a 2014 *Policy Guide on Alternatives in Patent Search and Examination*,[8] World Intellectual Property Organization (WIPO) states that one of these ways to address capacity constraints is by *"limiting substantive examination to certain strategic fields of technology for the country concerned."* It continues to state that: *"Applications relating to other fields of technology may be subject to formality examination only or to outsourcing either within or outside the country."*

- Fundamentally, adopting a SSE approach which takes into consideration a nation's capacity constraints and legitimate public interest by prioritising certain sectors would not conflict with the TRIPS Agreement. Any interpretation of Article 27.1 of the TRIPS Agreement must be conducted in accordance with the Vienna Convention on the Law of the Treaties. Article 27.1 of TRIPS only refers to discrimination in respect of three hypotheses (the place of invention, the field of technology and whether products are imported or locally produced) and only in relation to the availability and 'patent rights enjoyable'. Therefore, that provision could not be the basis for a successful complaint where the examination of patents (a hypothesis not covered in Article 27.1) is deployed only in certain strategic areas, since patents in other areas would still be upheld, and the scope and content of patent rights would not be affected. Moreover, it has previously been determined in the WTO dispute settlement process that Article 27.1 of the TRIPS Agreement permits differentiation among fields of technology for legitimate reasons, which would naturally include assessing patent applications for different subject matter areas in a manner appropriate to those areas[9].

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[8] At page 8. The policy guide is available online at http://www.wipo.int/edocs/pubdocs/en/wipo_pub_guide_patentsearch.pdf

[9] *see* Canada – Patent Protection for Pharmaceutical Products, WT/DS 114/R, para. 7.94. *See* discussion of the US research exemption specifically directed to pharmaceutical patents, *infra* note 43, for example of an exemption limited to a field of technology for legitimate reasons.

- Having said this, concerns expressed by some stakeholders that patent applications in only one field of technology (namely pharmaceuticals) will be subject to full substantive examination are misplaced. The intention is to identify a range of strategic sectors for full SSE, including and beyond the health sphere, based on capacity within government, as well as development and public interest considerations. As government's capacity expands, the fields which are subjected to full substantive patent examination will be expanded concomitantly and with on-going consultation. Determination of the fields that will initially be subject to full substantive examination will be done in consultation with a broad range of stakeholders including, among others, the IMCIP, industry and civil society. The SSE Guidelines, to be developed in due course, pursuant to extensive consultations, will detail the precise modalities.

7.1.3 Patent Opposition

Patent oppositions afford an opportunity for public intervention in the patent application process, and it is recommended that participation in the process be made open in order to maximally benefit the state and South African industry and society. It is recommended that, eventually, opposition proceedings are enacted in the law both prior to and after the grant of a patent. In the interim, owing to capacity constraints, it is recommended that patent law recognises a third-party submission system or "observation" to stand in for the pre-grant opposition process and for existing provisions in administrative law to be used in lieu of post-grant oppositions.

- By their nature, opposition proceedings can achieve a range of policy aims in respect of substantive patent examinations, including:
  - Harnessing all available information and expertise relevant to the application for or grant of a patent;
  - Encouraging domestic inventors to increase technological expertise by providing an incentive to pay attention to patent applications;
  - Providing some degree of certainty regarding the validity of a patent; and
  - Limiting the need to engage in time-consuming and expensive patent revocation proceedings.

- Most importantly, such proceedings seek to ensure that only those inventions that meet domestic statutory requirements for patentability are granted patent protection. Given the purpose of such proceedings, no legitimate public purpose would be served by limiting the class of persons who may participate. Put differently, no specific standing requirements should have to be met in order to oppose the grant of a patent.

- In general, there are three types of opposition proceedings:
  - First, a process that permits third-parties to submit information that is relevant to the consideration of an application for a patent, which is sometimes referred to as a third-party observation mechanism;

- Second, a pre-grant procedure in terms of which a third-party may actively oppose the grant of a patent at some point between the submission of the application and the making of a decision on whether a patent should be granted; and
- Third, a post-grant procedure in terms of which a third-party may appeal against or review the grant of a patent, ordinarily within a specified period as determined in domestic law.

- From the perspective of the state, the choice of recognising any particular opposition proceeding has implications for human and financial resources. Thus:
  - The third-party observation mechanism is the least resource-intensive, as it does not trigger any specific procedure involving the third-party once the relevant information has been submitted.
  - Pre-grant opposition proceedings are potentially more resource-intensive as they require the state to put in place an administrative procedure that makes provision for the active participation of applicants and third-parties. That said, by harnessing available information and expertise relevant to the application for or grant of a patent, the state's resources may effectively be supplemented.
  - Post-grant opposition procedures may be even more resource-intensive, as they require the state to put a separate structure in place to consider the relevant appeal or review. That said, such proceedings could seek to make use of review mechanisms already recognised in law, even if only on an interim basis pending the development of internal capacity and expertise.

- The IP Policy aims to make provision for:
  - A third-party observation mechanism in terms of which all self-identified parties are entitled to make written submissions opposing the grant of any particular patent; and
  - A post-grant opposition mechanism that would require the development and promulgation of regulations, and makes provision – for as long as the contemplated system of post-grant opposition is not yet in force – for all such oppositions to proceed by way of administrative review in accordance with the provisions of the Promotion of Administrative Justice Act 3 of 2000 ("PAJA")10.
  - In addition, legislative provision should be made to allow for the introduction of pre-grant opposition proceedings once the Minister of Trade and Industry is satisfied that there is sufficient capacity within the substantive examination system to make appropriate use of such proceedings.

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[10] Under PAJA, a review of administrative action must ordinarily be brought within a reasonable period, and no later than 180 days after the decision in question was made (or brought to the attention of the person instituting the review).

7.1.4 Patentability Criteria

In line with emerging international best practice, patentability criteria will be developed in order to promote genuine innovation through the patent system in South Africa. Such criteria will be implemented in the process of examination of patent applications and will aim to strike the optimal level of IP protection, promote innovation, and balance the rights of IP holders and users alike. It is recommended that patentability criteria form a part of the Patents Act, as well as any subsequent regulations and guidelines for the examination of applications.

- Patent law in South Africa is based on the theory that the "limited statutory monopoly afforded to a patentee is seen as a means of encouraging inventors to put their inventions into practice, because by this means they obtain the financial rewards their inventive gifts warrant."[11] It clearly recognises that "by encouraging inventors to put their inventions to use, the benefit to the public (an essential quid pro quo of the theory) is served."[12] Central to this understanding of the purpose served by patent law is that the grant of market exclusivity, for a defined period, is required to create incentives for innovation.

- Article 27.1 of the TRIPS Agreement affords WTO members much flexibility when setting patentability criteria. While it requires that patents be granted for inventions that are new, involve an inventive step, and are capable of industrial application, it does not detail what is meant by these requirements. Instead, the footnote to the provision merely states that "the terms 'inventive step' and 'capable of industrial application' may be deemed by a Member to be synonymous with the terms 'non-obvious and 'useful' respectively."

- Article 27.1 is not to be read in isolation, but rather together with provisions such as Article 1.1, which stipulates that WTO members are free to determine the most appropriate method of implementing the TRIPS Agreement. As well as, Article 7, which amongst others, recognises that IP protection "should contribute ... to the mutual advantage of producers and users of technological knowledge and in a manner conducive to social and economic welfare"; and Article 8.1, which entitles WTO members to enact patent and other IP laws that protect public health and nutrition.

- Read together with these provisions, Article 27.1 gives a country such as South Africa the flexibility to interpret and implement the patentability requirements in a manner consistent with its constitutional obligations, developmental goals, and public policy priorities. Amongst other things, this would include the adoption of patentability criteria that address the country's public health and environmental concerns, as well

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[11] *Syntheta (Pty) Ltd (formerly Delta G Scientific (Pty) Ltd) v Janssen Pharmaceutica NV and Another* 1999 (1) SA 85 (SCA) at 88H – J

[12] Ibid

as industrial policy objectives.

- In light of the inherent flexibility afforded to World Trade Organization (WTO) members in implementing patentability criteria, differing approaches can be discerned. Various countries have and continue to periodically review and adapt the application of patentability criteria to achieve appropriate levels of patent quality and advance their policy objectives. One interesting example is Australia, which, in 2012 adopted legislation which upwardly adjusted standards for patentability. A recent report of Australia's Productivity Commission reveals that the 2012 reforms did not adequately "raise the bar" and hence the same jurisdiction is currently considering further changes to the inventiveness test in its patent law.[13]The report, read together with an earlier draft of the same publication, suggest that the changes are informed by the desire to ensure that patents are awarded to inventions that are "socially valuable" and "additional".

- While international best practices from a broad range of sources should be considered in developing appropriate legislative language for South Africa, particular attention should be paid to contexts that are relevant to this country. Put simply, international comparisons will only be helpful to the extent that they are able to assist in implementing patentability criteria in a manner consistent with the state's constitutional obligations, developmental goals, and public policy priorities.

- As identified by the World Health Organization (WHO), appropriate application of patentability criteria plays an important role in the growth of a domestic pharmaceutical industry. Without such criteria, patent law alone may not be descriptive enough to assist examiners in identifying and recognizing genuine innovation.

7.1.5 Disclosure Requirements

In order to gain a full and fair understanding of a patent application, applicants are required to adequately disclose the nature of the invention therein. In order to assist in the process of examination of such applications, in addition to the existing disclosure requirements in the Patents Act, it is recommended that applicants be asked to provide information regarding the status of similar and related applications filed in other international jurisdictions.

- In terms of Article 29(1) of TRIPS, members shall require that an applicant for a patent disclose the invention in a manner sufficiently clear and complete for the invention to be carried out by a person skilled in the art. When an invention is not effectively disclosed within the meaning of Article 29(1) of TRIPS or when the

[13] Intellectual Property Arrangements Productivity Commission Final Report April 2016 (Hereinafter, Australia-Final Report), Page 216.

application relates to unspecific or speculative embodiments of the invention, the grant of a patent may not only harm innovation and unduly affect competition, it will also constitute a violation of international law. Section 32(3)(b) of the Patents Act complies with this obligation and should be retained.

- Article 29(2) of TRIPS provides that members may require a patent applicant to provide information concerning the applicant's corresponding foreign applications and grants. South Africa's patent legislation does not oblige applicants to furnish such information. As we move toward SSE, requiring the provision of pertinent information about corresponding patent applications and grants is recommended.

7.1.6 Parallel Importation

South Africa's unique developmental needs, particularly in public health, require the exploration of every legal opportunity to support the viability and expansion of the public health system, including, in the case of patented products such as medicines, the ability to purchase said medicines from any external territory that is necessary. The implementation of parallel importation will be undertaken in a controlled manner pursuant to consultations with respective stakeholders.

- Article 6 read together with footnote 6 to the TRIPS Agreement gives members the flexibility to determine their own regimes for the exhaustion of IPRs.

- In South Africa, parallel importation of medicines is governed by the 1997 amendments to the Medicines and Related Substances Act 101 of 1965 (Medicines Act), which legislation is administered by the National Department of Health (DOH).The relevant provision applies notwithstanding any rights conferred in terms of the Patents Act. Having said this, a narrow interpretation of section 45(2) of the Patents Act in its current form could potentially give rise to challenges should parallel importation be pursued.

- There is a need to clarify that parallel importation of medicines in the manner prescribed in the Medicines Act does not constitute an infringement of the Patents Act. Beyond health, this would allow Ministries responsible for specific sectors to sanction sector-specific parallel importation in a controlled manner pursuant to consultations with their respective stakeholders: in effect, striking a balance between access, on the one hand, and the interests of nascent industries on the other.

7.1.7 Exceptions

An environment of scientific inquiry and growth can be fostered by allowing researchers in all sectors of the economy to explore and experiment with products protected by patents. With particular patented products, such as medicines, it is furthermore essential to facilitate research, development and testing of IP products in the commercial and industrial sectors prior to the expiry of the patent term, in order that said products might reach the market as soon after the expiration date of the patented period as possible, in order to provide maximum benefit to society.

The TRIPS Agreement explicitly states that the objective of promoting and enforcing IPRs is to contribute to the promotion of technological innovation and to the transfer and dissemination of technology. This is to be done to the mutual advantage of producers and users of technological knowledge alike, and in a manner conducive to social and economic welfare, thus achieving a balance of rights and obligations. As a means of striking a balance between the rights of owners and users of IPRs, Article 30 of the TRIPS Agreement allows members to provide limited exceptions to patent rights. Indeed, exceptions placed on patent rights are an important means of achieving the appropriate set of policies that best foster R&D and technology diffusion.

7.1.7.1 Bolar

- South Africa incorporated the early working/ "Bolar" exception in a2002 amendment to the Patents Act. The provision is an important tool to assist generic producers to research, create, and test a patented product before the end of term of the patent, thereby allowing the entry into the market as soon as possible once the patentee's exclusive rights lapse. Consultations with stakeholders have confirmed the importance of this measure in accelerating the entry of generic competition. This will likely be enhanced with the operationalization of the South African Health Products Regulatory Agency (SAHPRA).

7.1.7.2 Research and experimental use

- The patent system aims to promote scientific and technological progress by granting exclusive rights for genuinely new inventions. But the enforcement of these exclusive rights against researchers can sometimes interfere with further progress in the field of the invention. A WTO Panel observed that "a key public policy purpose underlying patent laws is to facilitate the dissemination and advancement of technical knowledge, and that allowing the patent owner to prevent experimental use during the term of the patent would frustrate part of the purpose of the requirement that the nature of the invention be disclosed to the public."[14]

[14] Canada – Patent Protection for Pharmaceutical Products, WT/DS 114/R, para. 7.94

- While the WHO has recommended that member states should consider, where appropriate, use of a "research exception" to address public health needs in developing countries consistent with TRIPS, the benefits of incorporating such exceptions extend beyond the public health sphere. Numerous jurisdictions have sought to preserve the scope of researchers to advance the state of knowledge through the use of exceptions for research and experimental activities.

- Emerging economies seeking to grow their technological base such as India and Brazil employ such measures. African states and regional norm-setting institutions do the same. In Switzerland, the 2008 amendments to Swiss patent law have also made provision for this.

- Provision is made in the Intellectual Property Rights from Publicly Financed Research and Development Act 51 of 2008 (IPR Act) that any recipient of public funds may use IP (fully owned or co-owned with a third party) which is the subject of a commercial transaction for research, development and educational purposes. Furthermore, the IP Policy aims to develop a broad and carefully crafted set of exceptions for research and experimental activities with broader application than IP and the associated rights when developed using public funds. This will be done in consultation with a diverse range of stakeholders.

7.1.8 Voluntary Licences

Voluntary efforts by IP-holders to create fair and beneficial licences in the country are encouraged to the fullest extent, building on South Africa's history of having taken advantage of many such national and international opportunities.

- A voluntary licence is where a patent holder offers on his or her own accord a licence to a third party to produce, market and distribute the patented product.[15] In the South African public health context, the third-party has tended to be a domestic generic producer, or the Medicines Patent Pool (MPP), which acts as a public health intermediary to ensure generic producers voluntary licences with access-friendly terms and conditions.

- Voluntary licensing has contributed to generic competition, lower prices and accessibility, particularly where antiretroviral drugs (ARVs) used in the treatment of HIV/AIDS are concerned. Industry practice on voluntary licences varies widely in geographical scope, number of licensees, freedom to manufacture active pharmaceutical ingredients (APIs), and other important terms and conditions. This is

[15] WHO (2007), '*Voluntary licensing practices in the pharmaceutical sector: An acceptable solution to improving access to affordable medicines*'? Available at: http://apps.who.int/medicinedocs/documents/s19793en/s19793en.pdf

why increased transparency with respect to the terms and conditions in voluntary licences, such as terms exemplified by MPP licences, should be encouraged, thereby enabling voluntary licences that promote access and innovation, come with effective transfer of technology, and do so in full consistency with existing TRIPS allowances.

- It is worth noting that when IP has been created using public funds, the IPR Act prescribes certain preferences for IP transactions. These preferences include non-exclusive licences, and further, that licences are granted to SMMEs and Broad Based Black Economic Empowerment (BBBEE) entities. The IP Policy aims to promote voluntary licences, on fair terms, as a means to effectively transfer technologies and promote access, especially in the area of health.

7.1.9 Compulsory Licences

South Africa's unique challenges, including especially vulnerable populations and urgent development concerns, will require the scope of compulsory licences to be strengthened and clarified in a manner that is fair and compliant in relation to both international obligations and national law. Following due process, guidelines will be introduced, including legal process for government use, and a renewed effort to facilitate the process of exporting IP goods, such as medicines, to the African continent.

- Notwithstanding the important role of voluntary licences, they have not always provided the requisite level of access in disease areas other than HIV/AIDS and, to a lesser extent, Hepatitis C (HCV). Therefore, while voluntary arrangements have been, and will continue to be, the first port of call, South Africa requires a broader set of policy options to address instances where voluntary mechanisms prove insufficient or inadequate. In order to promote the sustainability of supply, it is important to ensure that a workable compulsory licensing system is in place to achieve affordability of essential goods, and restrain anti-competitive practices, as the need arises. One such instrument recognized by international law is compulsory licensing.

- The TRIPS Agreement sets specific conditions for the use of compulsory licences. Even so, the Doha Declaration confirmed explicitly that "each Member has the right to grant compulsory licences and the freedom to determine the grounds upon which such licences are granted." Almost fifteen years later, the UNHLP reiterated the importance of compulsory licensing and the sovereign right of states to make use of it, including ensuring the expedient use of compulsory licences or government use provisions.

- Applications for compulsory licences in South Africa are subject to a judicial process before the Commissioner of Patents. The grant of a compulsory licence is therefore subject to the timeframes and expenses that apply to litigation. Furthermore, this process can be exacerbated, and access further delayed, in the event that the decision of the Commissioner to grant a licence is appealed. Compulsory licences will

therefore be granted in accordance with the TRIPS Agreement to meet the country's development objectives.

7.1.9.1 Government use

- Insofar as public non-commercial use of patented subject matter is concerned, which is sometimes referred to as "government use" (though the scope of government use may extend beyond public, non-commercial use), Article 16 the TRIPS Agreement explicitly states that such use is not subject to the requirement of prior negotiations with an IP holder. Precedent for implementation of this policy tool can be found in the US, which has seen the federal government making extensive use of the tool, particularly, but not exclusively, in the defence sector.

- In South Africa, Section 4 of the Patents Act, which entitles "a Minister of State [to] use an invention for public purposes", requires prior negotiations relating to the conditions of government use (and not the issuing or the licence per se). If agreement is not reached, an application must be made by or on behalf of such Minister, to the Commissioner of Patents, for the determination of the conditions. Not only does this impose a prior negotiation requirement (which is not required by the TRIPS Agreement), but it imposes adversarial litigation proceedings in the event a patentee does not agree to the conditions attached to the licence in question (also not required by the TRIPS agreement).Therefore, keeping in mind that TRIPS does not impose prior negotiation requirements, any proposal for government use in South Africa must also be in line with procedural fairness requirements in South African law.

- The South African government, and in particular its institutions operating in the public health space, are committed to continued and meaningful consultation with stakeholders. Having said this, the state is obliged to take reasonable legislative and other measures to progressively realize the right to have access to health care services. This includes the utilization of TRIPS flexibilities such as Article 31 (b), in full accordance with South African law.

7.1.9.2 Compulsory licences for export

- South Africa played an important role in raising the profile of the IP and public heath debate at the WTO, and was one of the WTO members that ratified the Paragraph 6 system, thereby enabling an amendment of the TRIPS Agreement to facilitate access to medicines in countries that lack pharmaceutical manufacturing capacity. The said mechanism has, however, been the subject of various criticisms. The South African government is cognizant of the stated limitations and will engage stakeholders to find ways of ensuring that implementation is as simplified as possible, and will

continue to engage constructively within the WTO structures to find ways of streamlining the Paragraph 6 mechanism.

7.1.10 IP and Competition Law

Competition law and policy have, in the recent past, been applied to cases involving IP and the public interest. Building on this recent history, a joint effort is recommended, along with the Competition Commission, to clarify the remit and scope of the intersection between competition law and IP.

- The theoretical underpinning for providing IP protection to medicines is that the development of new medicines involves high costs and risks, and as such, IP protection is considered a legal method by which innovators may recoup these investments. Without adequate IP protection, the theory posits, these investments simply would not be made. Apropos this theory, currently, a global debate is underway, most prominently at the WHO, around incentive models in the context of medicines.

- Competition policy in South Africa, as reflected in the preamble to the Competition Act 89 of 1998 (Competition Act) seeks to address, amongst other things, inadequate restraints against anticompetitive trade practices and unjust restrictions on full and free participation in the economy by all South Africans. It thus aims to open up the economy to greater ownership by a larger number of South Africans in order to attain an efficient, competitive, economic environment, one that balances the interests of workers, owners and consumers, and focuses on the development of all South Africans. This is accomplished by preventing cartels aimed at price-fixing, limiting output or otherwise restricting competition, by preventing firms from gaining market power in unjustified ways, including through anticompetitive mergers, thus raising barriers to market entry by new firms. Competition policy is also concerned with preventing firms with market power from abusing their dominant positions, including by charging excessive prices to the detriment of consumers. The role of competition authorities is therefore to ensure markets function efficiently and to the benefit of both consumers and producers.

- Competition regulation has a role in ensuring that patents are not used as platforms for illegitimately extending market power. In addressing the interface between IP and competition, the TRIPS Agreement gives members the scope to use competition policy as an instrument to facilitate access to medicines. Article 8 on its own, and in particular, read through the interpretive lens of the Doha Declaration on TRIPS and Public Health, empowers WTO members to take measures aimed at restraining anti-competitive practices.

- Both competition law and patent law together can be used to implement competition-related TRIPS flexibilities and advance consumer welfare. Chapter 2 of the Competition Act, which covers practices such as horizontal restrictions, vertical

restrictions, and abuse of dominance, and various licensing provisions in the Patents Act are pertinent in this regard.[17]

- Under provisions of the Competition Act, a party can apply for an exemption from the application of parts of the provisions of the Competition Act, subject to relevant criteria. More specifically, in limited circumstances, section 10(4) of the Competition Act exempts agreements or practices which may relate to the exercise of specific IPRs such as patents, copyright and trademarks. Examples of agreements which may fall within the scope of exemption provisions under the Competition Act include delayed entry agreements, no challenge clauses, market division and allocation, tying, rebates and discounts, exclusive licensing, refusal to licence or supply, price fixing, information sharing and standard setting.

- Competition authorities regulate market conduct and intervene in the exercise of IPRs where market distortions are created to the detriment of consumer welfare. The intervention of competition authorities is done on a case-by-case basis, informed by jurisprudence and principles developed over time, comparative analysis, and interaction with other regulators, to ensure that interventions lead to long-term competitive benefits. The application and enforcement of competition law ought to be done in a manner that fosters the protection and enforcement of competition on the merits, while recognizing IPRs and their potential to contribute to technological innovation, the knowledge economy, as well as the transfer and dissemination of technology to society which can advance social and economic welfare. Although South African jurisprudence in relation to the interplay between competition law and IPRs is still in its infancy, there is scope to develop fields of work and guiding principles.

7.2 International IP Cooperation

In the international arena, multiple overlapping opportunities will be evaluated, including updating compliance with existing signed treaties and conventions, identifying treaty opportunities to help South African society – such as small businesses with the Madrid Protocol, and visually impaired citizens with the Marrakesh Protocol – as well as protecting traditional knowledge, and fostering continental and international cooperation in IP.

Joseph Stiglitz, the Nobel Prize winner in economics, notes that "IP has become one of the major issues of our global society. Globalization is one of the most important issues of the day, and IP is one of the most important aspects of globalization, especially as the world moves toward a knowledge economy. How we regulate and manage the production of knowledge and the right of access to knowledge is at the centre of how well this new economy, the knowledge economy, works and of who benefits."[18]

[17] Sections 56-57 and 90 of the Patents Act
[18] Stiglitz (2008) at page 1695.

South Africa must necessarily play a leading role in this global discourse. In doing so, we must be guided by the objectives of the IP Policy.

7.2.1 Multilateral Arrangements

- South Africa is party to the following multilateral treaties on IP:
  - Berne Convention for the Protection of Literary and Artistic Works (Berne Convention), since October 1928;
  - Paris Convention for the Protection of Industrial Property (Paris Convention), since December 1947;
  - WIPO Convention, since March 1975;
  - TRIPS Agreement, since January 1995;
  - Budapest Treaty (Deposit of Micro-organisms), since December 1997;
  - Patent Cooperation Treaty (PCT), since March 1999.
  - Protocol Amending TRIPS, since February 2016.

- The following multilateral agreements are also pertinent:
  - International Convention for the Protection of New Varieties of Plants (UPOV Convention), since November 1977;
  - Convention on Biological Diversity (CBD), since November 1995 as well as the CBD's Cartagena Protocol on Biosafety and the Nagoya Protocol on Access and Benefit Sharing (ABS).

7.2.1.1 World Trade Organization

South Africa has been party to the WTO and therefore the TRIPS Agreement since inception. TRIPS has become a fundamental aspect of the international IP regime and South Africa has played an important role in safeguarding, clarifying and expanding the flexibilities available to members. South Africa is an active, influential participant in the TRIPS Council, where we have consistently adopted progressive positions in pursuit of the Doha development agenda. As a developing country and having adopted the 2030 Agenda for Sustainable Development, in particular, SDG17, it is incumbent on South Africa to continue playing this role.

7.2.1.2 World Intellectual Property Organization

- South Africa is a respected member of WIPO and plays an active role in the African Group along with partners in the African continent. South Africa was also one of the countries that supported and pushed for the adoption of the WIPO Development Agenda in 2007, which seeks to re-orient the thrust of WIPO's work to take into consideration the concerns and aspirations of developing countries.

- While South Africa follows all WIPO committees, it pays special attention to the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC); the Standing Committee on Copyright and Related Rights (SCCR); the Standing Committee on the Law of Patents (SCP); the

Committee on Development and Intellectual Property (CDIP); the Advisory Committee on Enforcement (ACE) and the Programme and Budget Committee (PBC).

- Several WIPO-administered treaties to which South Africa is not party to have been the subject of discussion for some years. These include:
  - Locarno Agreement Establishing an International Classification for Industrial Designs (1968);
  - Strasbourg Agreement Concerning the International Patent Classification (1971);
  - Vienna Agreement Establishing an International Classification of the Figurative Elements of Marks (1973);
  - Nice Agreement Concerning the International Classification of Goods and Services for Marks (1979);
  - Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks (1989);
  - Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled (2013).

- Through the IMCIP, South Africa will explore legal instruments and international treaties that are critical to advance the objectives of the IP Policy. This will include the Madrid Protocol, which is a system whereby business owners in any signatory country can file for a trademark in their local office, which, after consultation with WIPO, can translate into global trademark protection across all 100+ signatory countries.

- This will also include the Marrakesh Treaty which entered into force on 30 September 2016. The Treaty helps to implement the CRPD; thereby serving as an important instrument toward realizing the fundamental right of one of the most marginalized populations to access knowledge. This is crucial as realization of the said fundamental right contributes to poverty reduction and inclusive development.

- Specifically the goal of the Marrakesh Treaty is to end the 'book famine' – the fact that only about 7% of published books are made available globally in accessible formats, such as Braille, audio and large print, and DAISY digital formats. In the developing world, the figure is less than 1% and in South Africa, the figure is said to be 0.5%. Copyright law barriers are contributory factors that that the Marrakesh Treaty seeks to address. In doing so it supports implementation of the Sustainable Development Goals (SDGs) 1, 4, 8, 10, 11 and 16 which provide specific recognition for disability and promote the social, economic and political inclusion of all.

- South Africa has ratified the Convention on the Rights of Persons with Disability (CRPD) and contributed positively to the conclusion of the Marrakesh Agreement individually and within the auspices of the African Group. It is imperative that South Africa translates these international efforts to domestic action by ratifying and implementing the Marrakesh Agreement. This will make accessible formats available to South African visually impaired persons and contribute to universal adoption of a historic and laudable legal instrument.

- The aim will be to safeguard policy space and refrain from assuming obligations that would not be in the national interest. On the other hand, it must be understood that international treaties are, by their very nature, aimed at addressing important global

challenges that cannot be solved through domestic instruments alone, due to the international nature of the problem. It is therefore possible that certain treaties can assist countries in advancing their own national interests. In this regard, the Inter-Ministerial Committee on Intellectual Property (IMCIP)will analyse WIPO treaties to which South Africa is not currently party to in order to determine whether they present opportunities that could benefit the country, including as they relate to both vulnerable populations and economically productive sections of society.

7.2.1.3 Convention on Biological Diversity (CBD)

- South Africa is considered to be the third most diverse country on the planet, boasting a significant biological diversity, housing 10% of the world's plants, 7% of the world's reptiles, birds and mammals, 15% of known coastal marine species, and one entire floral kingdom within its borders. To preserve this diversity, the Department of Environmental Affairs (DEA) promulgated and administers the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004) (NEMBA or Biodiversity Act) and the Bioprospecting, Access and Benefit Sharing (BABS) Amendment Regulations of 2015.

- The objectives of the Act include, among other measures, conservation of South Africa's biodiversity within the framework of the National Environmental Management Act, 1998; the protection of species and ecosystems that warrant National protection; the sustainable use of indigenous biological resources; and the fair and equitable sharing of benefits arising from bioprospecting involving indigenous biological resources.

- The Act also seeks to give effect to the ratified international agreements relating to biodiversity which are binding on the Republic, such as the CBD and its two protocols, i.e., the Cartagena Protocol on Biosafety and the Nagoya Protocol on Access and Benefit Sharing as well as the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). The Biodiversity Act regulates bioprospecting involving indigenous biological resources and the export from the Republic of indigenous biological resources for the purpose of bioprospecting or any other kind of research. The Act also provides for a fair and equitable sharing by stakeholders in benefits arising from bioprospecting involving indigenous biological resources.

- The Nagoya Protocol on ABS provides a legal framework for the effective implementation of one of the three objectives of the CBD, namely, the fair and equitable sharing of benefits arising out of the utilization of genetic resources and traditional knowledge associated with genetic resources.[19]

- Furthermore, the Nagoya Protocol on ABS represents an important tool for greater legal certainty and transparency for both providers and users of genetic resources, and for strengthening the ability of indigenous and local communities to benefit

19 See https://www.cbd.int/abs/about/

from the use of their traditional knowledge, innovations, and practices associated with genetic resources. The Nagoya Protocol on ABS came into force on 12 October 2014 and South Africa has been a contracting party since its entry into force.

- South Africa is a respected party to the CBD and its protocols, and plays an active role in the African Group, and also in the Like-Minded Mega-Diverse Countries (LMMC). South Africa was one of the countries that supported and pushed for the adoption of the Nagoya Protocol on ABS in 2010, and consequently became one of the first 10 countries to deposit instruments of ratification as a sign of its commitment to the objectives of this protocol.

- South Africa pays special attention to the following committees under the CBD and its protocols: the Ad-hoc Working Group on Article 8(j) and related provisions;the Subsidiary Body on Scientific, Technical and Technological Advice; the Subsidiary Body on the Implementation; the Compliance Committee on the Nagoya Protocol on ABS; the Ad Hoc Technical Expert Group on Digital Sequence Information on Genetic Resources; and the discussion on the need and modalities of Global Multilateral Benefit Sharing Mechanism under the Nagoya Protocol on ABS.

- South Africa will therefore continue to implement the CBD and its protocols and will continue to engage positively in the Conference of the Parties (COP) as well as the Conference of the Parties serving as Meeting of the Parties (COP-MOP).

7.2.1.4 World Health Organization (WHO)

- Aside from the above-mentioned treaties, South Africa is party to several other international arrangements that are implicated by IP such as those at the WHO. The objective of the WHO is the attainment by all peoples of the highest possible level of health. To give effect to this mandate, WHO plays a strategic and central role in the relationship between public health, innovation, and IP.

- WHO has been engaged in efforts to address identified weaknesses in the global R&D system, which is currently reliant on market-based incentives such as patents. The current R&D regime has stimulated significant innovations and will continue to do so, but it has not been able to address issues such as lack of affordability, limited research where market returns are small or uncertain (including the 'neglected diseases' that predominantly affect the world's poorest), inefficient overlap of research efforts, and overuse of medicines such as antibiotics.20De-linkage of the market price from R&D costs, the use of open knowledge innovation, and the use of licensing conditions to favour access, are all regarded as core principles formulated by the Consultative Expert Working Group on Research and Development: Financing and Coordination (CEWG).21Antimicrobial resistance (AMR) is considered a global

[20] Moon "WHO: Past, Present and Future WHO's Role in The Global Health System: What Can Be Learned from Global R&D Debates"?Public Health. 2014 Feb; 128(2): 167-72. doi: 10.1016/j.puhe.2013.08.014. Epub 2014 Jan 3.
[21] WHO Secretariat, Progress Report on World Health Assembly resolution 66.22 (A/RDMCF/2) April 2016

public health threat. Lack of new tuberculosis (TB) medicines is also a public health imperative. A number of strategies to address AMR have recently been reported, including rapid diagnostic tests, and R&D for new antibiotics and anti-TB medicines.

- South Africa will continue to participate in R&D initiatives and multilateral IP forums in a coordinated fashion ensuring that the positions adopted are consistent. Formulating governmental positions under the auspices of the IMCIP will ensure a coordinated approach.

7.2.1.5 Political Formations such as BRICS

- Science, technology and innovation play a central role in promoting an inclusive macroeconomic environment characterized by inclusive growth and sustainability. BRICS should harness bilateral synergies to accelerate sustainable development of the five member countries.

- The central modalities of this cooperation should be sharing and exchanging information on science, technology and innovation policies and strategies; leveraging contacts and programmes aimed at enhancing collaborative innovation projects among BRICS countries; and the formulation of joint long-term problem-focused cooperation programmes. Their cooperation should be based on the principles of voluntary participation, equality, mutual benefit, reciprocity and subject to the availability of resources for collaboration by each country, keeping in mind the variable geometry of the research and development systems of the BRICS member countries.

- BRICS scientific, technological and innovative cooperation will be carried out as per the provisions of the agreed "MoU on Cooperation in Science, Technology and Innovation" and the overarching vision for implementation of this MoU by BRICS Science Technology and Innovation ministerial meetings. Similarly, the IPR Cooperation Mechanism (IPRCM) has relevance in this context.

- South Africa will aim to leverage BRICS cooperation to advance its objectives.

7.2.1.6 Regional and Bilateral Arrangements

- In terms of regional and bilateral arrangements, a distinct trend has emerged, in terms of which standards of IP protection that go beyond what is required by TRIPS are being promoted around the world. South Africa and other developing countries have worked extremely hard at the multilateral level to ensure that the flexibilities within the TRIPS Agreement were unequivocally recognized as legitimate policy tools, particularly as they pertain to public health. It is crucial that we do not erode the gains made multilaterally by assuming TRIPS "plus" IP obligations in bilateral and regional engagements.

- With specific reference to geographical indications (GIs), South Africa has concluded a bilateral GI Protocol with the EU that goes beyond wines and spirits.[22] This, however, does not change South Africa's position at the WTO in respect of the limited and non-binding nature of the establishment of an international wines and spirits GI Register for information purposes only.

- Keeping in mind South Africa's official position in international forums in relation to GIs, and subject to extensive consultation with a broad range of stakeholders, South Africa may consider a *sui generis* registration system for GIs in respect of all kinds of products. Such consideration, however, must be congruent with existing legislation.[23]

- In recent years, African Union (AU) members have become increasingly interested in IP policy.[24]Adopting a pro-development and balanced approach to IP is crucial in a region exclusively comprised of developing and least developed countries (LDCs).[25]South Africa's engagement on IP issues at various regional forums must contribute to this approach.

- Regional IP institutions exist in the form of the African Regional Intellectual Property Organization (ARIPO) and *Organisation Africaine de la Propriété Intellectuelle* (OAPI). Concurrently, the AU is working toward the establishment of a Pan African Intellectual Property Organization (PAIPO). The key challenge for the African continent as we pursue these initiatives is to improve coordination of the different initiatives to promote efficient use of resources and ensure a robust discussion of potentially divergent approaches to IP pursued by the different continental forums. ARIPO and OAPI have recognized the need to align their approaches and have begun working toward integrating their functions into the broader AU vision on IP, and it is essential that we join the dialogue with an evidence-based South African perspective.

- South Africa will work with regional partners to facilitate increased coordination to ensure that regional IP arrangements contribute to a development-focused model of regional economic integration in Africa.

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[22] Protocol 3 to the Economic Partnership Agreement (EPA) between the European Union and its Member States, of the one part, and the SADC EPA States, of the other part
[23] Trade Marks Act no. 194 of 1993; Agricultural Products Standards Act no. 119 of 1990 (APS); Liquor Products Act 60 of 1989 (LPA); and Merchandise Marks Act 17 of 1941 (MMA).
[24] 29 AU member states have either concluded or are in the process of formulating their IP policies.
[25] Of AU's 54 member states, 34 are classified as LDCs and 20 as developing countries.

8. In-Built Agenda

8.1 Medium Term

The agenda envisaged in the IP Policy consists of short term (current) and medium term (immediate future) issues. In the medium term, after a consultative process, policy will be drafted covering several remaining core concerns around IP, ranging from developmental and poverty alleviation needs within South Africa, to safeguard the country's cultural, agricultural and biological heritage aimed at among others promoting the development of green technologies.

This section raises substantive thematic areas that will be addressed in the next phase of what is a dynamic and continuous policy development exercise. It also sets out recent developments in terms of international best practice in IP policy formulation, and suggests ways in which South Africa will seek to implement these learnings.

- One of the key aspects of the WIPO Development Agenda was for WIPO to place a greater emphasis on demand-side developmental concerns of developing members in its provision of technical assistance. This is aptly captured in Recommendation 10 which mandates WIPO:

  "To assist member States to develop and improve national intellectual property institutional capacity through further development of infrastructure and other facilities with a view to making national intellectual property institutions more efficient and promote fair balance between intellectual property protection and the public interest. This technical assistance should also be extended to sub-regional and regional organizations dealing with intellectual property".

- To implement this recommendation, WIPO undertook several initiatives such as the formation of the Committee on Development and Intellectual Property (CIDP) and the establishment of a project named: "Improvement of National, Sub Regional and Regional IP Institutional and User Capacity (Development Agenda Project DA_10_05)".The project resulted in the development and publication of a comprehensive methodology toolkit for the formulation of National IP Strategies (hereinafter WIPO toolkit).26

- In developing an approach to Phase 2, South Africa will leverage the assistance of intergovernmental organizations of which the country is a member, such as WIPO, UNDP and UNCTAD, who have significant expertise on development-centred approaches to IP. South Africa will also continue to play a meaningful role in the CIDP.

[26] Available at: http://www.wipo.int/edocs/pubdocs/en/wipo_pub_958_1.pdf

- Collaboration with inter-governmental organizations and examples from other countries provide important insights. Ultimately, however, South Africa will design and continuously update its IP Policy in line with constitutional imperatives, national objectives and social concerns.

The following substantive issues constitute areas for the IMCIP to develop in collaboration with development partners. The thematic areas discussed are indicative and not exhaustive. During Phase 2, the discussion will be refined and elaborated in accordance with intra-governmental and stakeholder consultations.

- **IPRs and the informal sector**: The very nature of the informal sector raises the key question: is IP of any relevance? While innovation is not necessarily the preserve of the formal economy, the type of innovation typically seen in the informal sector may not lend itself to formal IP protection. Thus before policy on this issue can be developed, it is important to understand the "constraints to IP protection in the informal economy, including the tangible costs and benefits of intellectual property protection in particular in relation to generation of employment. Work in this regard is on-going, under the leadership of WIPO. In Phase 2, this policy will explore the best means of using the IP system to empower this sector of the economy by using intangible assets as a veritable tool for the upliftment of economically marginalized communities. Areas to be explored include among others utility models and industrial designs.

- **Branding of South African goods and services (collective marks, certification marks and GIs)**: The Trade Marks Act already makes provision for the registration of both collective and certification marks, and for the application of the provisions of the Trade Marks Act to such marks "in so far as they can be applied". In addition, the LPA provides protection for wine and spirit GIs while the MMA protects broader agricultural GIs as an interim measure pending migration of the protection to the Agricultural Products Standards Act. In Phase 2, this policy needs to consider whether the relevant legislation provides sufficient and appropriate brand protection to South African goods and services.

- **Safeguarding South African emblems and National icons**: At the international level, emblems (and other official signs and hallmarks) are protected by Article 6*ter* of the Paris Convention. In order to obtain protection, a party to the Convention must notify all other parties – via WIPO – that it desires protection in respect of identified emblems. Article 6*ter* does not require legislative action to protect a country's emblems domestically; however, legislation must be enacted to protect other countries' emblems. In Phase 2, this policy will consider whether legislation is needed to protect South African emblems within the country, and if so, the form it ought to take. Unlike emblems, national icons are not ordinarily the subject of statutory protections. That said, countries have considered whether – and if so to what extent – they should be protected. For example, Australia's Advisory Council on IP (ACIP) was requested "to examine the mechanisms available for the protection of what may be regarded as national icons." Having considered the ACIP's recommendations, the federal government decided against legislating "a specifically designed system for protecting national icons". In Phase 2, the issue will be considered, mindful of the constitutional concerns that arise.

- **Commercialization of IP**: The commercialization of IP is the process in terms of which IP-protected products or services are brought to market. Commercialization may be done by the rights holder alone, in partnership with another party, or by another party acting in terms of a licence or an assignment of rights. Innovators of varying scale have expressed frustration in their efforts to commercialize their products or services. With due regard to policy interventions such as **the dti**'s National Technology Commercialization Strategy, the Department of Science & Technology's (DST's) Innovation White Paper and the Department of Telecommunications and Postal Service's (DTPS) National Integrated Information Communication Technology (ICT) Policy White Paper, Phase 2 of this policy will explore means of enhancing the role IP can play in bringing goods and services to market.

- **Enforcement**: Here, the state's role is primarily to provide the legal and institutional framework within which rights in IPRs may be enforced. However, to the extent that South Africa is obliged by its international commitments, it may have to play a more active role in the enforcement of certain rights. In providing the requisite legal and institutional framework, the state must take reasonable measures aimed at ensuring that constitutionally protected rights are not infringed. Phase 2 will analyse the state's current execution of this mandate and propose modifications where necessary.

- **IP and localisation and beneficiation:** With the understanding that IP can be both an opportunity as well as a challenge to South African industry and society, Phase 2 of this policy will make use of existing scholarly evidence on the current production of IP within South Africa. In doing so, and within the parameters of our international obligations, the state can create a differentiated system of empowerment and beneficiation for local industry groupings and individuals who seek to take advantage of the IP system in myriad ways, thereby contributing to the empowerment of South African persons.

- **IP awareness & capacity building:** In promoting a better understanding of the IP system, it is necessary to first thoroughly study and understand both the opportunities and challenges presented by domestic and international IP policy. To this effect, empowering diverse stakeholders – from different sections of industry, health, civil society, agriculture, arts and other related areas – to gauge the system, and to offer views on ways in which they can use or remake the IP system to best provide for people in South Africa, is essential. Phase 2 of the policy will seek to scale up the work and coverage of the CIPC so that the state is better able to communicate with stakeholders, particularly the most disadvantaged about the opportunities available through the state's IP architecture to promote domestic social and economic development.

- **IPRs and the environment / climate change / green technologies:** The development, deployment and generation of green technologies are key steps in delivering the state's obligations in respect of the environment and climate change. To this effect, adopting comprehensive TRIPS flexibilities will be essential, not only towards the transfer and diffusion of new green technologies, but also to facilitate an environment within which domestic research and generation of such technologies

will be possible. Phase 2 of the policy will therefore consider whether any TRIPS flexibilities can and ought to be implemented in domestic IP law, and if so, will seek to promote the use of such flexibilities in delivering domestic green technology.

- **IP in agriculture; IP and biotechnology, genetic resources, and genomic sovereignty:** The question of how to best apply IP within areas related to agriculture is an evolving discussion that has parallels in other developing countries with comparable natural heritage, for example, in Asia and Latin America. As such, those tasked with making domestic policy on IP and agriculture will necessarily have to consider international obligations, including applicable conditions within the Paris Convention and the TRIPS Agreement. With due regard to instruments such as the DST Bio-economy Strategy, Phase 2 of the policy will consider, amongst others, the following four issues:
  - How to reconcile provisions mandated by TRIPS and the CBD, especially as it pertains to "access and benefit-sharing" clauses that seek to give control of a region's natural heritage to residents of that region;
  - Supporting efforts at developing indigenous and international biotechnology, without endangering access to agricultural products and/or limiting plant variety diversity;
  - Ensuring farmers' rights, as well as implementing constitutional obligations to protect genomic sovereignty within the state; and
  - Considering other potential protections to boost domestic agricultural production.

8.2 Monitoring & Evaluation

Monitoring and evaluation is an essential part of the IP Policy, and will commence with key existing concerns around the deployment of IP in the country, starting with the protection of traditional knowledge and copyright concerns that relate to access to knowledge.

- Several legislative initiatives have commenced or been concluded prior to the formulation of the IP Policy. Indigenous knowledge and copyright-related issues are most pertinent. It is proposed therefore that these constitute the issues that will be subject to monitoring and evaluation.

- The following themes are covered in the existing initiatives:
  - Copyright and related issues, including:
    - IP & creative industries, access to knowledge – libraries and archives/ disabled persons/ copyright exceptions and limitations/ digital technologies,
    - IPRs in the digital age; and
  - Traditional knowledge (TK)/ indigenous knowledge.

- The IP Policy aims to strengthened inter-agency cooperation through the IMCIP, monitoring and evaluation will be employed to progressively promote alignment between all the policy instruments and address any issues of concern in what is a dynamic and on-going policy development exercise.

9. Conclusion

The comprehensive IP Policy will be developed through a coordinated process through the IMCIP, informed by South Africa's development imperatives. The IMCIP will continue to be the consultative forum that will oversee the development of the IP Policy, and will promote a balanced and coordinated approach to the IP Policy formulation process. In addition, the IMCIP will determine legislative and regulatory implications with the aim of facilitating the implementation of the IP Policy. Stakeholder engagements will be enhanced to ensure that the IP Policy advances South Africa's national interests and responds to the socio-economic development dynamics of the country.

BOARD NOTICE 144 OF 2017

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PROPOSED AMENDMENTS TO THE DISCIPLINARY RULES OF THE AUDITING PROFESSION ACT, 2005 (ACT 26 OF 2005)

3.2 DISCIPLINARY RULES AMENDED ON 27 JULY 2017

Page

~~REPEAL OF~~ THE DISCIPLINARY RULES MADE UNDER THE ~~PUBLIC ACCOUNTANTS' AND AUDITORS '~~[AUDITING PROFESSION] ACT, ~~80 OF 1991~~ [26 OF 2005] AND ~~ADOPTION~~ [ADOPTED] ~~OF NEW DISCIPLINARY RULES~~ ON 7 JUNE 2007, [AS AMENDED ON 27 JULY 2017]

~~Having published its intention to do so for comment in the *Government Gazette* on 26 April 2007, the Board now resolves under section 10(1) of the Auditing Profession Act, 26 of 2005 (**the Act**) read with section 4(1)(a)(i), (ii) and (iii) of the Act to (i) the repeal of the Disciplinary Regulations referred to in section 59(8)(b) of the Act and (ii) the prescription by the Board of the following Disciplinary Rules:~~

1. DEFINITIONS

[1.1 In these Rules, unless the context indicates otherwise –]

1.1.1 **"the Act"** means the Auditing Profession Act, 26 of 2005 and any expression used in these Rules which is defined in the Act bears, unless the context indicates the contrary, the meaning assigned to it in the Act;

1.1.2 **"the Board"** means the Independent Regulatory Board for Auditors established by section 3;

1.1.3 **"the CEO"** means the person appointed by the Board as Chief Executive Officer under section 9(a) or any person acting in that capacity;

1.1.4 **"the chairperson of the Disciplinary Committee"** means the retired judge or senior advocate who is appointed by the Board as such and includes a deputy chairperson of the Disciplinary Committee acting as chairperson at a meeting of the Disciplinary Committee where the chairperson is absent or for any reason unable to perform his or her functions;[1]

1.1.5 **"the Code"** means the *Code of Professional Conduct* prescribed by the Board under section 4(1)(c); ~~and includes the *Code of Professional Conduct* referred to in section 59(8)(c), until it has been repealed by the Board;~~

[1.1.6 **"the Director: Investigations"** means the person designated as such, who is an employee of the Board, or any person acting in that capacity, or any employee of the Board, notwithstanding his or her designation, who is appointed or charged by the Board to perform the functions performed by the Director: Investigations as at the amendment of these rules;]

~~1.1.6~~[1.1.7] **"the Director: Legal"** means the person designated as such, who is an employee of the Board, or any person acting in that capacity, or any employee of the Board, notwithstanding his or her designation, who is appointed or charged by the Board to perform the functions performed by the Director: Legal as at the promulgation of these rules;

~~1.1.7~~[1.1.8] **"the Disciplinary Advisory Committee"** means a sub-committee of the Board established by the Board on 20 June 2006 under section 20(1);

~~1.1.8~~[1.1.9] **"the Disciplinary Committee"** means the committee established by the Board under section 20(2)(f);

~~1.1.9~~[1.1.10] **"firm"**, in the context of these Rules, means a partnership, company or sole proprietor referred to in section 38;[2]

~~1.1.10~~[1.1.11] **"the Investigating Committee"** means the committee established by the Board under section 20(2)(e);

[1] Section 24(2)(a) read with the resolutions by the Board on 20 June 2006
[2] Section 1 v. "firm"

~~1.1.11~~[1.1.12] **"*pro forma* complainant"** means the person appointed under section 50(2)(a) to present the charge to the Disciplinary Committee;

~~1.1.12~~[1.1.13] **"registered auditor"**, in the context of these Rules, means an individual or firm registered as an auditor with the Board or who was so registered at the time that the alleged improper conduct took place, whether that registered auditor is or was in public practice or not, and includes the duly authorised representative of the registered auditor if the registered auditor concerned is a firm;

~~1.1.13~~[1.1.14] **"the respondent"** means a registered auditor whose conduct is the subject of any proceedings (of whatsoever nature, including a complaint or a decision whether or not to refer such conduct to investigation) under these Rules as well as the legal representative of such a registered auditor, if any; and

~~1.1.14~~[1.1.15] **"these Rules"** means the *Disciplinary Rules* prescribed under section 10(1) and includes these definitions; and

1.2 any reference to any section in these Rules is a reference to the corresponding section of the Act;

1.3 these Rules shall, wherever possible, be construed in conformity with the Act; and

1.4 the headings to and any footnotes in these Rules shall be taken into account in the interpretation of these Rules.

2. COMMENCEMENT OF AN INQUIRY INTO ALLEGED IMPROPER CONDUCT

2.1 If an allegation of improper conduct against a registered auditor comes to the attention of the Director: ~~Legal~~ [Investigations] [3]or the CEO, he or she must refer it to the Investigating Committee if –

2.1.1 the allegations are in the public domain and he or she on reasonable grounds (including a report from a foreign regulator) suspects that a respondent has committed an act which may render such respondent guilty of improper conduct; or

2.1.2 the allegations are referred to him or her by the Inspection Committee established under section 20(2)(d); or

2.1.3 a court or appropriate regulator sends (or directs to be sent) a record or report under section 48(2); or

2.1.4 a member of the public lodges a complaint with him or her and he or she:

2.1.4.1 establishes that the person or firm complained about is a registered auditor;

2.1.4.2 establishes that the complaint falls within the jurisdiction of the Board; and

2.1.4.3 is of the opinion that the complaint of improper conduct appears to be justified.[4]

2.2 Members of the public who wish to lodge a complaint of improper conduct against a registered auditor shall do so on affidavit, unless the Director: ~~Legal~~ [Investigations][5] or the CEO decides otherwise. A complaint shall set out clearly and concisely the specific acts or failures to act giving rise to the complaint of improper conduct.

2.3 In order to establish whether the grounds for referral to the Investigating Committee referred to in 2.1.1 or 2.1.4 are present, the Director: ~~Legal~~ [Investigations][6] or the CEO may, in his or her discretion:

[3] See the Board's Resolution on 20 June 2006 as amended on 17 February 2016
[4] Section 48(1) and (2)
[5] See the Board's Resolution on 20 June 2006 as amended on 17 February 2016
[6] See the Board's Resolution on 20 June 2006 as amended on 17 February 2016

2.3.1 notify the respondent in writing of the nature of the complaint and call upon that respondent to furnish a written explanation in answer to the complaint within 30 days of such notice; and

2.3.2 request a complainant to provide further particulars on any aspect of the complaint [;and]

[2.3.3 correspond with any other party, in respect of the matter, he or she considers appropriate.]

3. INVESTIGATION OF A COMPLAINT OR ALLEGATIONS OF IMPROPER CONDUCT

3.1 When a complaint or allegation of improper conduct against a respondent is referred to the Investigating Committee, the Investigating Committee must investigate such complaint or allegation [7] and may:

3.1.1 take any steps which are not prohibited by law to gather information with regard to the complaint or allegation;[8]

3.1.2 request a complainant to provide further particulars on any aspect of the complaint;

~~3.1.3 request the respondent to appear before the Investigating Committee[9] in order to assist it to formulate its recommendations to the Board[10] by notice specifying the time and place of the meeting of the Investigating Committee, provided that the notice shall inform the respondent:~~

~~3.1.3.1 that the respondent has the right to be assisted or represented by another person;[11]~~

~~3.1.3.2 that any statement made by the respondent to the Investigating Committee may be used in evidence[12] and that the proceedings of the Investigating Committee will be recorded; and~~

~~3.1.3.3 that section 51(4) of the Act provides that a respondent may be ordered to pay the reasonable costs incurred by the Investigating Committee and the Disciplinary Committee in connection with an investigation and hearing, if appropriate, and that a failure to appear before the Investigating Committee may increase the costs likely to be incurred by the Investigating Committee and the Disciplinary Committee;~~

3.1.~~4~~[3] require, by notice in writing, the registered auditor to whom the complaint or allegation of improper conduct relates or any other person to produce to the Investigating Committee at a time and place stipulated in the notice any information including, but not limited to, any working papers, statements, correspondence, books or other documents, which is in the possession or under the control of that registered auditor or other person and which relates to the subject matter of the charge(s), including specifically, but without limitation, any working papers of the registered auditor;[13]

3.1.~~5~~[4] request the CEO to institute legal action[14] against any person who fails to produce to the Investigating Committee the information referred to in ~~3.1.4~~[3.1.3] at the time and place stipulated in the notice; and

3.1.~~6~~[5] inspect and, if the Investigating Committee considers it appropriate, retain any information obtained pursuant to ~~3.1.4~~[3.1.3] and ~~3.1.5~~[3.1.4] and make copies of and take extracts from such information.[15]

[7] Section 48(3)
[8] Section 48(3)(b)
~~[9] Section 48(4)~~
~~[10] Section 48(7)~~
~~[11] Section 48(4)(a)~~
~~[12] Section 48(4)(b)~~
[13] Section 48(5)(a)(i)
[14] Section 9(n) read with the Board's resolutions on 20 June 2006
[15] Section 48(5)(a)(ii) and (iii)

~~3.2 Notwithstanding the provisions in 3.1.3.1 and 3.1.3.2, the Investigating Committee and the respondent may agree to declare any appearance or part of an appearance of the respondent before the Committee to be "without prejudice". In such a case:~~

~~3.2.1 The evidence presented or the discussions at such appearance or part of the appearance will not be recorded;~~

~~3.2.2 the discussions between the Investigating Committee and the respondent will not be used in evidence against the respondent; and~~

~~3.2.3 the respondent and the Investigating Committee may agree that the respondent would not be assisted or represented by any other person.~~

3.~~3~~[2] The Investigating Committee shall not be obliged to disclose the source of a complaint.

3.~~4~~[3] If, in the course of its investigations, the respondent admits to the Investigating Committee that the respondent is guilty of improper conduct and the Investigating Committee and the respondent agree on ~~a~~[the recommended] punishment to be imposed for such improper conduct, or if it appears to the Investigating Committee [to] be appropriate, the Investigating Committee may recommend to the Board that a specific sanction is imposed on, and the payment of a specific amount in costs is required from, the respondent and that the name of, charge(s) against and finding in respect of the respondent is published by the Board or not.

[3.4 If in the course of its investigations, the Investigating Committee determines that a matter should be referred directly to a disciplinary hearing, it may make such recommendation.][16]

Recommendation to DAC

3.5 After investigating the allegations of improper conduct against the respondent, the Investigating Committee:

3.5.1 shall report and recommend to the Disciplinary Advisory Committee whether or not the respondent should be charged with improper conduct.[17] If the Investigating Committee recommends to the Disciplinary Advisory Committee that the respondent should not be charged with improper conduct, it should state its finding whether:

3.5.1.1 the respondent is not guilty of improper conduct; or

3.5.1.2 there is a reasonable explanation for the respondent's conduct; or

3.5.1.3 the conduct of which the respondent may be guilty is of negligible nature or consequence; or

3.5.1.4 there are no reasonable prospects of success to succeed with a charge of improper conduct against the respondent; or

3.5.1.5 in all the circumstances it is not appropriate to charge the respondent with improper conduct~~; and~~ [or]~~.~~

3.5.2 may make a recommendation under ~~3.4~~[3.3] to the Disciplinary Advisory Committee; [or]

[3.5.3 may make a recommendation under 3.4 to the Disciplinary Advisory Committee.]

4. DECISION WHETHER TO CHARGE A REGISTERED AUDITOR WITH IMPROPER CONDUCT

[16] Section 50
[17] Section 48(7) read with the Board's resolutions on 20 June 2006

4.1 When the Disciplinary Advisory Committee receives a recommendation under 3.5 from the Investigating Committee, it shall consider this and:

4.1.1 if the Investigating Committee recommended that the respondent should be charged, shall formally charge the respondent;[18]

4.1.2 if the Investigating Committee recommended that the respondent should not be charged, the Disciplinary Advisory Committee may:

4.1.2.1 refer the recommendation to be considered by the Board; or

4.1.2.2 decline to prefer any charge(s) against the respondent.

4.2 Should the Disciplinary Advisory Committee refer the matter to the Board, the Board may:

4.2.1 formally charge the respondent with such charge(s) as it may formulate in its discretion;[19] or

4.2.2 decline to prefer any charge(s) against the respondent.

4.3 If the Disciplinary Advisory Committee or the Board, as the case may be, decides not to charge a respondent whose conduct was the subject of an investigation with improper conduct, the Director: ~~Legal~~[Investigations][20] or the CEO must notify the respondent, and ~~may~~[must] notify the complainant, in writing of this decision.

4.4 If a respondent is formally charged with any charge(s) of improper conduct, the Disciplinary Advisory Committee shall cause a notification (if applicable) and a charge sheet to be furnished to the respondent by hand (whether by service by sheriff or on the respondent's legal representatives or otherwise) or by registered mail to the respondent's address or last known address.[21]

[5] THE CHARGE SHEET

~~4.9~~[5.1] A charge sheet may contain more than one charge of improper conduct, whether formulated cumulatively or in the alternative.

~~4.10~~[5.2] The charge sheet shall:

~~4.10.1~~[5.2.1] set out the nature of the charge(s);[22]

~~4.10.2~~[5.2.2] set out the relevant facts upon which the charge(s) are based with sufficient particularity as to allow the respondent to plead;

~~4.10.3~~[5.2.3] inform the respondent that the respondent may, in writing, admit or deny the charge(s);[23]

~~4.10.4~~[5.2.4] inform the respondent that the respondent may, together with the admission or denial referred to in ~~4.10.3~~[5.2.3], submit a written explanation regarding the charge(s);[24]

[18] Section 49(1) read with the Board's resolutions on 20 June 2006
[19] Section 49(1) read with section 19(4) and the Board's resolutions on 20 June 2006
[20] See the Board's Resolution on 20 June 2006 as amended on 17 February 2016
[21] Section 49(2)
[22] Section 49(3)(a)
[23] Section 49(3)(b)
[24] Section 49(3)(c)

~~4.10.5~~[5.2.5] inform the respondent of the date by which the respondent must admit or deny the charge(s), which date must give the respondent a reasonable time (but not exceeding 60 days) to respond;[25]

~~4.10.6~~[5.2.6] inform the respondent that:

~~4.10.6.1~~[5.2.6.1] should the respondent not admit or deny the charge(s) by the date referred to in ~~4.10.5~~[5.2.5] the respondent would be considered to have denied those charge(s) and that those charge(s) would be referred to a disciplinary hearing under Rule ~~6~~[10]; or

~~4.10.6.2~~[5.2.6.2] should the respondent deny the charge(s), but fail to submit a written explanation, together with the denial, the charge(s) would be referred to a disciplinary hearing under Rule ~~6~~[10] without such an explanation;

~~4.10.7~~[5.2.7] inform the respondent that section 51(4) of the Act provides that a respondent may be ordered to pay the reasonable costs incurred by the Investigating Committee and the Disciplinary Committee in connection with an investigation and hearing and that a failure to submit a plea under ~~4.10.3~~[5.2.3] or a written explanation under ~~4.10.4~~[5.2.4] may increase the costs likely to be incurred by the [Investigating Committee and the] Disciplinary Committee.

6. THE PLEA AND CONSEQUENCES OF AN ADMISSION OR DENIAL OF GUILT

~~5.1~~[6.1] A respondent that is formally charged must in writing plead to all of the charges before or on the date referred to in ~~4.10.5~~[5.2.5].

~~5.2~~[6.2] Should the respondent not plead to the charge(s) before or on the date referred to in ~~4.10.5~~[5.2.5], the respondent will be considered to have denied the charge(s) and such charge(s) will be referred to a hearing on the merits under Rule ~~6~~[10].

~~5.3~~[6.3] If a respondent pleads guilty to the charge (should there be only one), or all the charges (should there be more than one), contained in the charge sheet, the respondent must notify the Director: ~~Legal~~ [Investigations][26] or the CEO. In such a case, the respondent is considered to be guilty of that charge(s)[27] and:

~~5.3.1~~[6.3.1] if the ~~Investigating Committee has recommended~~ [Disciplinary Advisory Committee has determined] that a specific sanction is imposed on, the payment of a specific amount in costs is required from, and a specific arrangement regarding publication is made with respect to, a respondent, the Director: ~~Legal~~[Investigations][28] or the CEO will automatically impose that sanction on the respondent, order the respondent to pay that amount in costs and implement that arrangement with regard to publication[29];

~~5.3.2~~ ~~if the Investigating Committee did not recommend that a specific sanction is imposed on, and the payment of a specific amount in costs is required from, a respondent, the matter will be referred to the Disciplinary Committee to act under Rule 7 at the hearing determined under 4.6.~~

~~5.4~~[6.4] If a respondent pleads guilty to one or more, but not all, of the charges in the charge sheet (should there have been more), the respondent must notify the Director: ~~Legal~~ [Investigations][30] or the CEO, clearly indicating in respect of which charge(s) the respondent admits and denies guilt.

~~5.5~~[6.5] If a respondent denies guilt to one or more of the charges in a charge sheet, and the Investigating Committee has made no recommendation under ~~3.4~~[3.3], that charge(s) to which such respondent has denied guilt will be referred to the

[25] Section 49(3)(d)
[26] See the Board's Resolution on 20 June 2006 as amended on 17 February 2016
[27] Section 49(4)
[28] See the Board's Resolution on 20 June 2006 as amended on 17 February 2016
[29] See the Board's Resolutions on 20 June 2006 and the resolution of the Disciplinary Committee on 16 September 2006
[30] See the Board's Resolution on 20 June 2006 as amended on 17 February 2016

Disciplinary Committee for a hearing on the merits under Rule ~~6~~[10], unless the charge sheet is amended by the DAC under ~~4.11~~[9.1] to remove the charge(s) to which the respondent denied guilt. The respondent will be considered to be guilty of those charges to which the respondent admitted guilt, which will be referred to the Disciplinary Committee to act under Rule ~~7~~[11].

~~5.6~~[6.6] If a respondent denies guilt to one or more of the charges in a charge sheet, and the Investigating Committee has made a recommendation under ~~3.4~~[3.3]:

~~5.6.1~~[6.6.1] the Disciplinary Advisory Committee may exercise its powers under ~~4.11~~[9.1], in which case ~~4.12~~[9.2] and ~~4.13~~[9.3] will apply *mutatis mutandis*. Should there be no charges in the charge sheet, as amended, to which the respondent pleads not guilty, the charges to which the respondent pleaded guilty are referred to the CEO or the Director: ~~Legal~~[Investigations][31] to act in terms of ~~5.3.1~~[6.3.1];

~~5.6.2~~[6.6.2] if the Disciplinary Advisory Committee does not exercise its powers under ~~4.11~~[9.1], or if – despite its exercise of its powers under ~~4.11~~[9.1] there are charges in the charge sheet as amended to which the respondent pleads not guilty, ~~4.5 to 4.8~~[Rule 7 & 8] will apply *mutatis mutandis* and all charge(s) in the charge sheet will be referred to the Disciplinary Committee. That charge(s) to which the respondent denied guilt will be referred for a hearing on the merits under Rule ~~6~~[10]. The respondent will be considered to be guilty of those charges to which the respondent admitted guilt, which will be referred to the Disciplinary Committee to act under Rule ~~7~~[11].

7. THE NOTIFICATION

~~4.5~~[7.1] When a respondent is formally charged with any charge(s) of improper conduct, such respondent shall receive a notice of the time and place at which a hearing of the charges under Rule ~~6~~[10] and Rule ~~7~~[11] (if applicable) will be conducted, unless the Investigating Committee made a recommendation under ~~3.4~~[3.3].

~~4.6~~[7.2] Subject to ~~6.3.11~~[10.3.11], ~~6.3.12~~[10.3.12] and ~~6.4~~[10.4], a hearing under Rule ~~6~~[10] and / or Rule ~~7~~[11] is conducted at such time and place as is determined by the Director: Legal or the CEO.

~~4.7~~[7.3] The notice shall state:

~~4.7.1~~[7.3.1] that, at the hearing under Rule ~~6~~[10] and Rule ~~7~~[11] (if applicable), the respondent:

~~4.7.1.1~~[7.3.1.1] may be assisted or represented by another person in conducting a defence;

~~4.7.1.2~~[7.3.1.2] has the right to be heard;

~~4.7.1.3~~[7.3.1.3] may call witnesses;

~~4.7.1.4~~[7.3.1.4] may cross-examine any person called as a witness by the *pro forma* complainant;

~~4.7.1.5~~[7.3.1.5] may have access to documents produced in evidence; and

~~4.7.1.6~~[7.3.1.6] may admit at any time before the conclusion of the disciplinary hearing under Rule ~~6~~[10] that the respondent is guilty of the charge(s) referred to the Disciplinary Committee despite the fact that the respondent denied such charge(s) or failed to admit or deny such charge(s); and

~~4.7.1.7~~[7.3.1.7] will be regarded as guilty of the charge(s) to which the respondent admitted guilt under ~~4.7.1.6~~[7.3.1.6];

[31] See the Board's Resolution on 20 June 2006 as amended on 17 February 2016

~~4.7.2~~[7.4] that the respondent must inform the Director: Legal or the CEO at least one (1) month before the date for the hearing under Rule ~~6~~[10] and Rule ~~7~~[11] (if applicable) is determined under ~~4.6~~[7.2], or on good cause shown, such shorter period as the Director: Legal or CEO may determine, of the names, ~~physical addresses and postal addresses~~ [and all known contact details] of any witness(es) that the respondent wishes to give evidence at the hearing under Rule ~~6~~[10] and Rule ~~7~~[11] (if applicable).[32]

8. SUBPOENAS

~~4.8~~[8.1] The Director: Legal or the CEO must cause subpoenas in the prescribed form to be served on the witness(es), if any, nominated by the respondent and may cause such subpoenas to be served on such witness(es), if any, whom the *pro forma* complainant and the Disciplinary Committee wish to call.

9. AMENDMENT OF CHARGE SHEET PRIOR TO HEARING

~~4.11~~[9.1] The Disciplinary Advisory Committee may at any time after a charge sheet or amended charge sheet was furnished to a respondent under 4.4 and before the commencement of a hearing under Rule ~~6~~[10] further amend such charge sheet or amended charge sheet.[33] Amendments may include, but are not limited to, the addition or deletion of charges.

~~4.12~~[9.2] The amendment shall be effected by furnishing an amended charge sheet which meets the requirements set out in ~~4.10~~[5.2] to the respondent under 4.4.

~~4.13~~[9.3] The provisions of Rule ~~5~~[6] apply *mutatis mutandis* to a respondent after receipt of an amended charge sheet even if the respondent has pleaded to the original charge sheet.

[10.] **THE HEARING ON THE MERITS**

~~6.1~~[10.1] General matters

~~6.1.1~~[10.1.1] The Disciplinary Committee may upon good cause shown and in the interests of justice sanction or condone any departure from these Rules or from the strict rules of evidence which is not prohibited by the Act. Unless any departure from these Rules or from the strict rules of evidence is raised at a hearing, it shall not be necessary for the Disciplinary Committee formally to sanction or condone such departure and such departure shall not in and of itself invalidate any action or decision taken, or purportedly taken, under these Rules.

~~6.1.2~~[10.1.2] If a respondent who is formally charged with any charge(s) of improper conduct under 4.1.1 or 4.2.1, does not in writing admit or deny the charge(s) before or on the date referred to in ~~4.10.5~~[5.2.5] or should that respondent deny the charge (if there is only one or) or one or more of the charges (if there are more than one), the ~~Director: Legal or the CEO~~[Disciplinary Advisory Committee] shall refer the charge(s) which were denied or to which the respondent did not plead, together with the plea and written explanation (if any) to the Disciplinary Committee for a hearing under this Rule, subject to ~~5.5~~[6.5] and ~~5.6~~[6.6].

~~6.1.3~~[10.1.3] Pursuant to a referral under ~~6.1.2~~[10.1.2], the Director: Legal or the CEO shall appoint any person ("the *pro forma* complainant"), in his or her discretion, to present the charge(s) to the Disciplinary Committee at the hearing under this Rule and under Rule ~~7~~[11] (if any). The *pro forma* complainant may be assisted by one or more persons with legal or auditing experience.

~~6.2~~[10.2] Documents to be adduced in evidence

[32] The IRBA will issue the subpoenas but cannot guarantee service of the subpoena or the attendance of the witness. All costs incurred in relation to the subpoena and the witness are for the account of the respondent.
[33] ~~The powers of the Disciplinary Committee to amend a charge sheet is dealt with in 6.3.8~~

~~6.2.1~~[10.2.1] The Director: Legal or the CEO shall cause bundles of documents to be adduced in evidence in the hearing under this Rule and under Rule ~~7~~[11] (if any) to be distributed to such members of the Disciplinary Committee who indicated that they would attend the hearing under this Rule, to the respondent and to the *pro forma complainant*.

~~6.2.2~~[10.2.2] The bundles shall comprise:

~~6.2.2.1~~[10.2.2.1] the notice and charge sheet(s) sent to the respondent under 4.4;

~~6.2.2.2~~[10.2.2.2] any plea(s) and written explanation(s) furnished by the respondent;

~~6.2.2.3~~[10.2.2.3] any documents which the *pro forma* complainant and the respondent may agree are admissible in evidence;

~~6.2.2.4~~[10.2.2.4] at the discretion of the *pro forma* complainant, a certified copy of the record of the trial and conviction of the respondent if the respondent is charged with improper conduct which amounts to the offence of which the respondent was convicted, unless the conviction has been set aside by a superior court.

~~6.2.3~~[10.2.3] Nothing in ~~6.2~~[10.2] shall prevent any evidence not included in any bundle referred to in those sub-rules from being adduced at the hearing under this Rule or Rule ~~7~~[11].

~~6.3~~[10.3] The conduct of the hearing

~~6.3.1~~[10.3.1] Should the respondent not be present at the place and time for the hearing determined under ~~4.6~~[7.2] and still not be present within thirty (30) minutes from the time set for the start of the hearing, the hearing under this Rule and Rule ~~7~~[11] (if any) may proceed in the respondent's absence if the Disciplinary Committee is satisfied that the notice under ~~4.4~~[7.1] was served on the respondent by hand (whether by service by sheriff or otherwise) or by registered mail.

~~6.3.2~~[10.3.2] This Rule shall apply *mutatis mutandis* to the situation where a hearing proceeds in a respondent's absence.

~~6.3.3~~[10.3.3.] If a registered auditor is not present at a hearing, a registered auditor may only be represented by another person at the hearing if the registered auditor has authorised such person in writing to do so.

~~6.3.4~~[10.3.4] Any application for the hearing under this Rule, or any part of the hearing, to be held *in camera* shall be brought at the outset of the hearing unless the chairperson of the Disciplinary Committee determines otherwise.[34]

~~6.3.5~~[10.3.5] Any witness at a hearing shall give evidence after the chairperson of the Disciplinary Committee or a person designated by him or her administered an oath or affirmation to such witness.

~~6.3.6~~[10.3.6] The order of procedure at a hearing under this Rule shall be as follows:

~~6.3.6.1~~[10.3.6.1] The chairperson of the Disciplinary Committee shall read the notice and charge sheet referred to in 4.4 to the respondent, unless the respondent agrees to dispense with the reading of such notice and charge sheet.

~~6.3.6.2~~[10.3.6.2] The chairperson of the Disciplinary Committee shall ask the respondent to confirm which of the charges set out in the charge sheet (or in the charge sheet as amended) the respondent admits or denies, provided that the Disciplinary Committee shall not ask such confirmation with respect to any charge(s) that the respondent may have admitted under ~~5.3~~[6.6.2].

[34] Section 50(4) provides that a hearing before the Disciplinary Committee is open to the public except where, in the opinion of the chairperson of the Disciplinary Committee, any part of the hearing should be held *in camera*.

~~6.3.6.2~~[10.3.6.3] The respondent will be considered to be guilty as charged to any charge(s) to which such respondent admits guilt under ~~6.3.6.2~~[10.3.6.2] and such charge(s) will be heard by the Disciplinary Committee under Rule ~~7~~[11].

~~6.3.6.3~~[10.3.6.4] Should the respondent not admit or deny the charge(s) when asked to do under ~~6.3.6.2~~[10.3.6.2] or should it appear to the Chairperson that the respondent may admit the facts but may not admit the charge(s) or should the respondent not be present at the hearing under this Rule, the respondent will be considered to have denied the charge(s).

~~6.3.6.5~~[10.3.6.5] The *pro forma* complainant shall state his or her case with regard to the charge(s) denied under ~~6.3.6.2~~[10.3.6.2] and ~~6.3.6.4~~[10.3.6.4] and produce evidence in support of it.

~~6.3.6.6~~[10.3.6.6] The respondent may cross-examine any witnesses produced by the *pro forma* complainant and may have access to any documents adduced in evidence by the *pro forma* complainant.

~~6.3.6.7~~[10.3.6.7] The *pro forma* complainant may re-examine any witnesses cross-examined by the respondent.

~~6.3.6.8~~[10.3.6.8] At the conclusion of the case presented by the *pro forma* complainant, the respondent shall state the case with regard to the charge(s) denied under ~~6.3.6.2~~[10.3.6.2] and ~~6.3.6.4~~[10.3.6.4] and produce evidence in support of it.

~~6.3.6.9~~[10.3.6.9] The *pro forma* complainant may cross-examine any witnesses produced on behalf of the respondent (including the respondent registered auditor if that registered auditor has elected to give evidence) and may have access to any documents adduced in evidence by the respondent.

~~6.3.6.10~~[10.3.6.10] The respondent may re-examine any witnesses cross-examined by the *pro forma* complainant.

~~6.3.6.11~~[10.3.6.11] At the conclusion of the case presented by the respondent,

(i) the *pro forma* complainant may address the Disciplinary Committee on the case generally;

(ii) the respondent may reply to the *pro forma* complainant; and

(iii) the *pro forma* complainant may reply to any new matter raised by the respondent.

~~6.3.7~~[10.3.7] The Disciplinary Committee shall not hear any further evidence from the *pro forma* complainant or from the respondent after the conclusion of their case unless the interests of justice so dictates, in which case ~~6.3.6.5~~[10.3.6.5] to ~~6.3.6.11~~[10.3.6.11] shall apply *mutatis mutandis*.

~~6.3.8~~[10.3.8] The Disciplinary Committee may at any time after the *pro forma* complainant started to state his or her case and prior to the conclusion of the hearing under this Rule amend the charge sheet in accordance with section 50(3) after which it may regulate its proceedings as it deems fit in the interests of justice.[35]

~~6.3.9~~[10.3.9] The respondent may at any time after the *pro forma* complainant started to state his or her case and prior to the conclusion of the hearing under this Rule admit guilt to any charge(s) which has not previously been admitted, upon which such respondent will be considered to be guilty of such charge(s). Such charge(s) will be heard by the Disciplinary Committee under Rule ~~7~~[11]. The Disciplinary Committee may regulate its proceedings with respect to any remaining charge(s) to which guilt has not been admitted as it deems fit in the interests of justice.

[35] See also 4.11

~~6.3.10~~[10.3.10]The *pro forma* complainant may, with the leave of the Disciplinary Committee, at any time after he or she started to state his or her case and prior to the conclusion of the hearing withdraw any charge(s) against the respondent. The Disciplinary Committee may regulate its proceedings with respect to any remaining charge(s) as it deems fit in the interests of justice.

~~6.3.11~~[10.3.11]If the Disciplinary Committee is not seized of any further charge(s) as a result of an admission under ~~6.3.9~~[10.3.9] or a withdrawal under ~~6.3.10~~[10.3.10], and if the respondent is guilty of any charge(s) under section 49(4)[36] or section 50(8)(b)(ii)[37], the Disciplinary Committee shall proceed to hear such charge(s) of which the respondent is guilty under Rule ~~7~~[11], or, in exceptional circumstances, shall determine anew a place and time (not more than 30 days from the date of the announcement) at which the Disciplinary committee will hear such charge(s) under Rule ~~7~~[11].

~~6.3.12~~[10.3.12]The Disciplinary Committee may at any time after the commencement and before the conclusion of the hearing order the postponement of the remainder of the hearing under this Rule to a time and place determined or to be determined in its discretion, provided that only members present at the commencement of the hearing under this Rule may take part in the remainder of the hearing under this Rule.

~~6.3.13~~[10.3.13]The Disciplinary Committee may at any time after the commencement and before the conclusion of the hearing under this Rule call as a witness any person the evidence of whom it considers material and who has not been called by the *pro forma* complainant or the respondent. The Disciplinary Committee may regulate its proceedings with respect to the cross-examination of such witness and the right to address the Disciplinary Committee on the evidence given by such witness as it deems fit in the interests of justice.

~~6.3.14~~[10.3.14]Any member of the Disciplinary Committee taking part in the hearing under this Rule may, with the permission of the chairperson of the Disciplinary Committee, put a question to any witness, to the respondent registered auditor (if such registered auditor elected to give evidence), to the *pro forma* complainant and to the legal representative of the respondent registered auditor (if any).

~~6.3.15~~[10.3.15]The Disciplinary Committee may make any decision with regard to any matter arising in connection with, or in the course of a hearing under this Rule, *in camera*.

~~6.4~~[10.4] Conclusion of hearing under this Rule

[10.4.1] At the conclusion of a hearing under this Rule, the chairperson of the Disciplinary Committee shall announce when and in which manner the Disciplinary Committee will inform the respondent of its finding as to the guilt or innocence of the respondent on the charge(s) with which the Disciplinary Committee is still seized at the conclusion of the hearing under this Rule. The Disciplinary Committee may inform the respondent of its finding on the day of the hearing under this Rule or, in exceptional circumstances, later, but in any event not more than 30 days[38] after the conclusion of the hearing under this Rule.

11. HEARING ON SENTENCING[39]

~~7.1~~[11.1] Application of this rule

[36] This is the case when a registered auditor admitted guilt to one or more charges in a reply to the charge sheet before a hearing.
[37] This is the case when a registered auditor admitted guilt to one or more charges at a hearing on the merits of the matter.
[38] See section 51(1)
[39] It is envisaged that a hearing on the merits and on sentencing would normally take place at the same time. In exceptional circumstances, however, the Disciplinary Committee may determine otherwise: see ~~6.3.11~~[10.3.11], ~~6.3.12~~[10.3.12] and ~~6.4~~[10.4]

~~7.1.1~~[11.1.1] This rule does not apply when a respondent admitted guilt to the charge (should there be only one), or all the charges (should there be more than one), contained in the charge sheet, and the Director: ~~Legal~~[Investigations][40] or the CEO automatically imposed a sanction on the respondent under ~~5.3.1~~[6.3.1][41].

~~7.1.2~~[11.1.2] Subject to ~~7.1.1~~[11.1.1], this rule applies when a respondent is found guilty of any charge(s) under section 49(4)[42], 50(8)(b)(ii)[43] or 51(1)(a)[44] regardless of whether a hearing under Rule ~~6~~[10] took place.

~~7.2~~**[11.2] Hearing under this Rule when a hearing under Rule 6[10] took place**

[11.2.1] If a respondent is found guilty of a charge(s) under section 49(4)[45], 50(8)(b)(ii)[46] or 51(1)(a)[47] and a hearing under Rule ~~6~~[10] took place, the Disciplinary Committee will hold a hearing under this Rule:

~~7.2.1~~[11.2.1.1] at the time and place appointed by the chairperson of the Disciplinary Committee under ~~6.3.11~~[10.3.11] or ~~6.4~~[10.4];

~~7.2.2~~[11.2.1.2] as a continuation of the hearing under Rule ~~6~~[10]; and

~~7.2.3~~[11.2.1.3] with only such members of the Disciplinary Committee as took part in the hearing under Rule ~~6~~[10] taking part in the hearing under this Rule.

~~7.3~~**[11.3] Hearing under this Rule when a hearing under Rule 6[10] did not take place**[48]

[11.3.1] The provisions of this sub-Rule ~~7.3~~[11.3] apply only if a respondent is guilty of a charge(s) and a hearing under Rule ~~6~~[10] did not take place. In such a case;

~~7.3.1~~[11.3.1.1] the Director: Legal or the CEO may appoint a *pro forma* complainant, in his or her discretion, to present any aggravating or mitigating circumstances to the Disciplinary Committee at the hearing under this Rule. The *pro forma* complainant may be assisted by one or more persons with legal or auditing experience;

~~7.3.2~~[11.3.1.2] the Disciplinary Committee conducts the hearing under this Rule at such time and place as is determined by the Director: Legal or the CEO under ~~4.6~~[7.2].

~~7.4~~[11.4] **General power relating to hearing under Rule ~~7~~[11]**

[11.4.1] The Disciplinary Committee may upon good cause shown and in the interests of justice sanction or condone any departure from these Rules or from the strict rules of evidence which is not prohibited by the Act. Unless any departure from these Rules or from the strict rules of evidence is raised at a hearing, it shall not be necessary for the Disciplinary Committee formally to sanction or condone such departure and such departure shall not in and of itself invalidate any action or decision taken, or purportedly taken, under these Rules.

~~7.5~~**[11.5] The conduct of the hearing**

~~7.5.1~~[11.5.1] Should the respondent not be present at the place and time for the hearing determined under ~~6.3.11~~[10.3.11], ~~6.4~~[10.4] or ~~7.3.2~~[11.3.1.2] and still not be present within thirty (30) minutes from the time set for the start of the

[40] See the Board's Resolution on 20 June 2006 as amended on 17 February 2016
[41] See the Board's Resolutions on 20 June 2006 and the resolution of the Disciplinary Committee on 16 September 2006
[42] This is the case when a registered auditor admitted guilt to one or more charges in a reply to the charge sheet before a hearing.
[43] This is the case when a registered auditor admitted guilt to one or more charges at a hearing on the merits of the matter.
[44] This is the case when the Disciplinary Committee finds a registered auditor guilty after a hearing on the merits of the matter.
[45] See fn 42above.
[46] See fn 43 above.
[47] See fn 44 above.
[48] This is the case when a registered auditor admits guilt to the charge (should there be only one), or all the charges (should there be more than one), contained in the charge sheet and the Investigating Committee did not recommend that a specific sanction is imposed.

hearing, the hearing under this Rule may proceed in the respondent's absence, provided that if the place and time for the hearing was determined under ~~7.3.2~~[11.3.1.2], the hearing under this Rule may only proceed in the respondent's absence if the Disciplinary Committee is satisfied that the notice under ~~4.4~~[7.1] was served on the respondent by hand (whether by service by sheriff or otherwise) or by registered mail.

~~7.5.2~~[11.5.2] This Rule shall apply *mutatis mutandis* to the situation where a hearing proceeds in a respondent's absence.

~~7.5.3~~[11.5.3] If a registered auditor is not present at a hearing, a registered auditor may only be represented by another person at the hearing, if the registered auditor has authorised such person in writing to do so.

~~7.5.4~~[11.5.4] Any application for the hearing under this Rule, or any part of the hearing, to be held *in camera* shall be brought at the outset of the hearing unless good cause, in the opinion of the chairperson of the Disciplinary Committee, is shown.[49]

~~7.5.5~~[11.5.5] Any witness at a hearing shall give evidence after the chairperson of the Disciplinary Committee or a person designated by him or her administered an oath or affirmation to such witness.

~~7.5.6~~[11.5.6] The order of procedure at a hearing under this Rule shall be as follows:

~~7.5.6.1~~[11.5.6.1] The chairperson of the Disciplinary Committee shall read the charge(s) of which the respondent are guilty, unless the respondent agrees to dispense with the reading of the charge(s).

~~7.5.6.2~~[11.5.6.2] The *pro forma* complainant shall state his or her case with regard to mitigating or aggravating circumstances in respect of the charge(s) of which the respondent are guilty and produce evidence in support of it (if any).

~~7.5.6.3~~[11.5.6.3] The respondent may cross-examine any witnesses produced by the *pro forma* complainant and may have access to any documents adduced in evidence by the *pro forma* complainant.

~~7.5.6.4~~[11.5.6.4] The *pro forma* complainant may re-examine any witnesses cross-examined by the respondent.

~~7.5.6.5~~[11.5.6.5] At the conclusion of the case presented by the *pro forma* complainant, the respondent shall state the case with regard to mitigating or aggravating circumstances in respect of the charge(s) of which the respondent are guilty and produce evidence in support of it (if any).

~~7.5.6.6~~[11.5.6.6] The *pro forma* complainant may cross-examine any witnesses produced on behalf of the respondent (including the respondent registered auditor if that registered auditor has elected to give evidence) and may have access to any documents adduced in evidence by the respondent.

~~7.5.6.7~~[11.5.6.7] The respondent may re-examine any witnesses cross-examined by the *pro forma* complainant.

~~7.5.6.8~~[11.5.6.8] At the conclusion of the case presented by the respondent,

(i) the *pro forma* complainant may address the Disciplinary Committee with respect to mitigating or aggravating circumstances;

(ii) the respondent may reply to the *pro forma* complainant; and

(iii) the *pro forma* complainant may reply to any new matter raised by the respondent.

[49] Section 50(4) provides that a hearing before the Disciplinary Committee is open to the public except where, in the opinion of the chairperson of the Disciplinary Committee, any part of the hearing should be held *in camera*.

~~7.5.7~~[11.5.7] The Disciplinary Committee shall not hear any further evidence from the *pro forma* complainant or from the respondent after the conclusion of their case on mitigating or aggravating circumstances unless the interests of justice so dictate, in which case ~~7.5.6.2~~[11.5.6.2] to ~~7.5.6.8~~[11.5.6.8] shall apply *mutatis mutandis*.

~~7.5.8~~[11.5.8] The Disciplinary Committee may at any time after the commencement and before the conclusion of the hearing under this Rule order the postponement of the remainder of the hearing under this Rule to a time and place determined or to be determined in its discretion, provided that only members present at the commencement of the hearing under this Rule may take part in the remainder of the hearing under this Rule.

~~7.5.9~~[11.5.9] The Disciplinary Committee may at any time after the commencement and before the conclusion of the hearing under this Rule call as a witness any person the evidence of whom it considers material and who has not been called by the *pro forma* complainant or the respondent. The Disciplinary Committee may regulate its proceedings with respect to the cross-examination of such witness and the right to address the Disciplinary Committee on the evidence given by such witness as it deems fit in the interests of justice.

~~7.5.10~~[11.5.10]Any member of the Disciplinary Committee taking part in the hearing under this Rule may, with the permission of the chairperson of the Disciplinary Committee, put a question to any witness, to the respondent registered auditor (if such registered auditor elected to give evidence), to the *pro forma* complainant and to the representative of the respondent registered auditor (if any).

~~7.5.11~~[11.5.11]The Disciplinary Committee may make any decision with regard to any matter arising in connection with, or in the course of a hearing under this Rule, *in camera*.

~~7.6~~[11.6] Conclusion of hearing under this Rule

[11.6.1] At the conclusion of a hearing under this Rule, the chairperson of the Disciplinary Committee shall announce when and in which manner the Disciplinary Committee will inform the respondent of its finding as to the sentence of the respondent. The Disciplinary Committee may inform the respondent of its finding on the day of the hearing under this Rule or, in exceptional circumstances, later, but in any event not more than 30 days after the conclusion of the hearing under Rule ~~6~~[10] (if any) or more than 30 days after the conclusion of the hearing under this Rule, whichever is the earlier.[50]

~~10.~~ 12 COMPETENT SENTENCES, PUBLICATION, COSTS AND NOTICE TO THE BOARD

~~8.1~~[12.1] If a respondent is found guilty of a charge of improper conduct, one or more of the following sentences may be imposed under ~~5.3.1~~[6.3.1] or ~~7.6~~[11.6] with respect to each charge of which the respondent is found guilty[51]:

~~8.1.1~~[12.1.1] a caution or reprimand; and

~~8.1.2~~[12.1.2] a fine which shall not exceed either ~~R100 000~~[R200 000][52] or such higher amount as may be applicable from time to time under section 51(3)(a)(ii); and

~~8.1.3~~[12.1.3] a suspension of the right to practice as a registered auditor for a specific period; and

~~8.1.4~~[12.1.4] the cancellation of the registration of the respondent with the Board and the removal of the name of the respondent from the register referred to in section 6.

[50] See section 51(1)
[51] See section 51(3)(a)
[52] As per the notice published in the Government Gazette on 30 January 2013. Applying the ratio works out to be R40 000 per one year of imprisonment. The five year period as indicated in section 51(3)(ii) of the APA would be R200 000.

~~8.2~~[12.2] A sentence under ~~8.1~~[12.1] may be suspended for a specific period and / or made subject to any lawful conditions set in the sentence.

~~8.3~~[12.3] If a respondent is found guilty of a charge of improper conduct, an order made under ~~5.3.1~~[6.3.1] or ~~7.6~~[11.6] may include:

~~8.3.1~~[12.3.1] that the name of the respondent; and / or

~~8.3.2~~[12.3.2] the name of the respondent's firm (if applicable); and / or

~~8.3.3~~[12.3.3] the charge against and finding in respect of the respondent; and / or

~~8.3.4~~[12.3.4] any other information that is considered appropriate is published by the Board or not, as the case may be.[53]

~~8.4~~[12.4] A respondent:

~~8.4.1~~[12.4.1] upon whom a sanction was imposed under ~~5.3.1~~[6.3.1]; or;

~~8.4.2~~[12.4.2] whose conduct was the subject of a hearing under Rule ~~6~~[10], may be ordered to pay such reasonable costs as have been incurred by the Investigating Committee and the Disciplinary Committee in connection with the investigation and hearing in question, or such part thereof as may be considered just.

[53] Section 51(5)

BOARD NOTICE 145 OF 2017

CALL FOR NOMINATION OF PERSONS TO SERVE ON THE INDEPENDENT REGULATORY BOARD FOR AUDITORS (IRBA)

The objective of the IRBA is to endeavour to protect the financial interests of the South African public and international investors in South Africa through the effective and appropriate regulation of audits conducted by registered auditors, in accordance with internationally recognised standards and processes.

In terms of section 11 of the Auditing Profession Act, Act 26 of 2005, the Minister of Finance must appoint not more than ten non-executive members to the Board of the IRBA. The current Board (appointed by the Minister in May 2017) consists of nine members and the Board has requested the Minister to appoint a tenth member so as to ensure that the Board is more effective in serving the IRBA.

The general functions of the IRBA are to:

- Take steps to promote the integrity of the auditing profession, including:
    - Investigating alleged improper conduct;
    - Conducting disciplinary hearings;
    - Imposing sanctions for improper conduct; and
    - Conducting inspections.
- Take steps it considers necessary to protect the public in their dealings with registered auditors.
- Prescribe the standards of professional competence, ethics and conduct of registered auditors.
- Encourage education in connection with, and research into, any other matter affecting the auditing profession.
- Prescribe auditing and ethics standards.

The Minister of Finance must appoint competent persons, including registered auditors, to effectively guide the activities of the IRBA, based on their knowledge and experience.

A member of the IRBA appointed in terms of section 11 of the Act will hold office for a period not exceeding two years, and may be reappointed, but may not serve more than two consecutive terms of office.

Eligible persons who wish to be considered for appointment are invited to submit applications to:

The Chairman: Nominations Committee
Independent Regulatory Board for Auditors
c/o The Board Secretary
PO Box 8237
Greenstone 1616
Docex 008, Edenvale
or by e-mail to board@irba.co.za

Applications must include a curriculum vitae detailing the applicant's knowledge, experience and suitability as a Board member, together with copies of the applicant's qualifications. A standard application form, as well as further information regarding the Board, is available on the IRBA website, www.irba.co.za/what is the IRBA/Board Members.

The application form must be completed by all applicants.

The closing date is 25 September 2017.

Enquiries should be directed to the Board Secretary, Jill Levendal, at 087 940 8800 or via e-mail to board@irba.co.za.

BOARD NOTICE 146 OF 2017

AUDITING PROFESSION ACT, 2005 (ACT NO 26 OF 2005), AS AMENDED – REGISTRATION OF REGISTERED AUDITORS AND REGISTERED CANDIDATE AUDITORS

The Independent Regulatory Board for Auditors publishes the following information relating to the registration of Registered Auditors and Registered Candidate Auditors.

For further information enquiries should be directed to:

By post or hand:

Ms CM Garbutt
Manager: Registrations
IRBA
Building 2 Greenstone Hill Office Park
Emerald Boulevard
Modderfontein
1609

By email: cgarbutt@irba.co.za

Bernard Peter Agulhas
Chief Executive Officer

PROCESSES AND DOCUMENTS TO BE PRESCRIBED IN TERMS OF THE AUDITING PROFESSION ACT, 26 OF 2005, AS AMENDED BY THE AUDITING PROFESSION AMENDMENT ACT, 2 OF 2015

A SUMMARY OF THE RELEVANT SECTIONS OF THE ACT

Section 6(1)(a), (c), (g)

6(1) The Regulatory Board must, subject to this Act

(a) ***prescribe*** minimum qualifications, competency standards and requirements for registration of auditors and candidate auditors in addition to those provided for in this Act;

(c) ***prescribe*** the period of validity of the registration of a registered auditor and a candidate auditor;

(g) ***prescribe*** minimum requirements for the renewal of registration and re-registration of registered auditors and registered candidate auditors.

Section 37(1), (2)(b)

37(1) An individual must apply on the ***prescribed*** application form to the Regulatory Board for registration as an auditor or registered candidate auditor.

37(2) If, after considering an application, the Regulatory Board is satisfied that the applicant

(b) has complied with the ***prescribed*** education, training and competency requirements for a registered auditor or registered candidate auditor;

Section 38(2), (3)

38(2) On application by a firm which is a partnership fulfilling the conditions in subsection 1(a) or a sole proprietor, on the ***prescribed*** application form, the Regulatory Board must register the firm as a registered auditor on payment of the prescribed fee.

38(3) The Regulatory Board must register a company as a registered auditor on payment of the ***prescribed*** fee if...

Section 40(1), (2)

40(1) A registered auditor or registered candidate auditor must apply in the ***prescribed*** manner to the Regulatory Board for the renewal of his or her registration.

40(2) A registered auditor or registered candidate auditor whose registration was terminated in terms of section 39 or cancelled in terms of section 51(3)(a)(iv) may apply for re-registration in the ***prescribed*** manner to the Regulatory Board.

DETAIL OF DOCUMENTS AND PROCESSES TO BE PRESCRIBED IN TERMS OF THE AUDITING PROFESSION ACT, 26 OF 2005

SECTION 6:

6(1)	The Regulatory Board must, subject to this Act
(a)	***prescribe*** minimum qualifications, competency standards and requirements for registration of auditors and candidate auditors in addition to those provided for in this Act;

Registration as a Registered Auditor

It is prescribed that the minimum qualifications, competency standards and requirements for registration of auditors in addition to those provided for in this Act are:

For candidates who wrote the Public Practice Examination (PPE):

1. The applicant must have successfully completed the PPE; and
2. The applicant must have successfully completed a recognised training contract in public practice.

For candidates who wrote the Assessment of Professional Competence (APC):

1. The applicant must have successfully completed the APC;
2. The applicant must have successfully completed a recognised training contract; and
3. The applicant must have successfully completed the Independent Regulatory Board for Auditors (IRBA's) Audit Development Programme (ADP).

If it has been more than three years since the applicant was last registered with the IRBA, successfully completed the PPE, successfully completed their training contract (in the case of applicants who wrote the PPE), or successfully completed the ADP, whichever is the later date, the applicant is required to submit with their application their CV, evidence of CPD undertaken for the past three years, and a short explanation of why registration is required. If the applicant is joining a firm already registered with the IRBA, the applicant must also provide a letter signed by the Senior Partner or equivalent of the firm confirming their position within the firm and their audit proficiency. The applicant may be required to undergo a proficiency assessment.

Registration as a Registered Candidate Auditor

It is prescribed that the minimum qualifications, competency standards and requirements for registration of Registered Candidate Auditors in addition to those provided for in this Act are:

1. The applicant must have successfully completed a recognised academic programme at an accredited university; and
2. The applicant must have successfully completed a recognised core assessment programme; and
3. The applicant must have completed a recognised professional development and assessment programme.

It is prescribed that this means that the applicant must have qualified as a professional accountant with a professional body recognised by the IRBA.

(c)	***prescribe*** the period of validity of the registration of a registered auditor and a registered candidate auditor;

Period of validity of the registration of a Registered Auditor

It is prescribed that the period of validity of the registration of a Registered Auditor, being both defined on a continuous registration basis and on an annual basis, is:

1. From the date of first registration until termination for whatever reason;

2. On an annual basis, from 1 April to 31 March of each year, provided the Registered Auditor pays the required annual fees and submits the required annual documents.

Period of validity of the registration of a Registered Candidate Auditor

It is prescribed that the period of validity of the registration of a Registered Candidate Auditor is:

The candidate shall be registered as a Registered Candidate Auditor until:

- the candidate has satisfied all the Audit Development Programme (ADP) requirements;
- the candidate has submitted a portfolio of evidence; and
- the IRBA has evaluated the portfolio of evidence and has reached a decision that the candidate has successfully completed the ADP

It is prescribed that the candidate will then be eligible to apply for registration as a Registered Auditor.

(g)	***prescribe*** minimum requirements for the renewal of registration and re-registration of registered auditors and registered candidate auditors.

Requirements for renewal of registration and re-registration for Registered Auditors

1. **It is prescribed that the minimum requirements for the renewal of registration are:**

   1.1 Payment of an annual fee by a specified date, which fee is prescribed by the IRBA from time to time;

   1.2 Completion and submission by a specified date of an individual Annual Return.

2. **It is prescribed that the minimum requirements for re-registration are:**

   2.1 Payment of a registration fee, which fee is prescribed by the IRBA from time to time;

   2.2 Completion and submission of Form 1 (Application by an Individual for Admission to the Register of Auditors) **[see ANNEXURE A];**

   2.3 A determination by the IRBA of whether the applicant is a fit and proper person to practise the profession;

   2.4 Compliance with all the requirements that would apply if the applicant were applying for registration for the first time as specified in section 37 of Act 26 of 2005;

   2.5 If it has been more than three years since the applicant was last registered with the IRBA, successfully completed the PPE, successfully completed their training contract (in the case of applicants who wrote the PPE), or successfully completed the ADP, whichever is the later date, the applicant is required to submit with their application their CV, evidence of CPD undertaken for the past three years, and a short explanation of why registration is required. If the applicant is joining a firm already registered with the IRBA, the applicant must also provide a letter signed by the Senior Partner or equivalent of the firm confirming their position within the firm and their audit proficiency. The applicant may be required to undergo a proficiency assessment.

Requirements for renewal of registration and re-registration for Registered Candidate Auditors

There are no specific requirements for the renewal of registration or re-registration of Registered Candidate Auditors.

SECTION 37:

37(1)	An individual must apply on the ***prescribed*** application form to the Regulatory Board for registration as an auditor or candidate auditor.

The prescribed application form for registration as a Registered Auditor is attached as **ANNEXURE A.**

The prescribed application form for registration as a Registered Candidate Auditor is attached as **ANNEXURE B.**

37(2)	If, after considering an application, the Regulatory Board is satisfied that the applicant
(b)	has complied with the ***prescribed*** education, training and competency requirements for a registered auditor or registered candidate auditor.

The prescribed education, training and competency requirements are detailed in this document under **section 6(1).**

SECTION 38

38(2)	On application by a firm which is a partnership fulfilling the conditions in subsection 1(a) or a sole proprietor, on the ***prescribed*** application form, the Regulatory Board must register the firm as a registered auditor on payment of the prescribed fee.

The prescribed application form is attached as **ANNEXURE C.**

38(3)	The Regulatory Board must register a company as a registered auditor on payment of the ***prescribed*** fee if...

The fee is determined and prescribed by the IRBA from time to time.

SECTION 40

40(1)	A registered auditor or registered candidate auditor must apply in the ***prescribed*** manner to the Regulatory Board for the renewal of his or her registration.

Renewal of registration for Registered Auditors

In order to renew his or her registration with the IRBA on an annual basis it is prescribed that a Registered Auditor must:

1. Pay an annual fee by a specified date, which fee is prescribed by the IRBA from time to time; and
2. complete and submit an individual Annual Return by a specified date.

It is further prescribed that if the Registered Auditor fails to pay his annual fees by the specified date, the Registered Auditor's registration automatically lapses in terms of section 39(5).

It is further prescribed that if the Registered Auditor fails to submit his complete Annual Return by the specified date, the Registered Auditor's registration may be cancelled in terms of section 40(2) read with 39(3) for failing to meet the annual renewal requirements.

Renewal of registration for registered candidate auditors

There are no specific requirements for the renewal of registration of Registered Candidate Auditors.

40(2)	A registered auditor or registered candidate auditor whose registration was terminated in terms of section 39 or cancelled in terms of section 51(3)(a)(iv) may apply for re-registration in the ***prescribed*** manner to the Regulatory Board.

Re-registration for Registered Auditors

The prescribed manner of re-registration for Registered Auditors is as follows:

1. Payment of a registration fee, which fee is prescribed by the IRBA from time to time;

2. Completion and submission of Form 1 (Application by an Individual for Admission to the Register of Auditors) **[see ANNEXURE A]**

3. A determination by the IRBA of whether the applicant is a fit and proper person to practise the profession;

4. Compliance with all the requirements that would apply if the applicant were applying for registration for the first time as specified in section 37 of Act 26 of 2005

5. If it has been more than three years since the applicant was last registered with the IRBA, successfully completed the PPE, successfully completed their training contract (in the case of applicants who wrote the PPE), or successfully completed the ADP, whichever is the later date, the applicant is required to submit with their application their CV, evidence of CPD undertaken for the past three years, and a short explanation of why registration is required. If the applicant is joining a firm already registered with the IRBA, the applicant must also provide a letter signed by the Senior Partner or equivalent of the firm confirming their position within the firm and their audit proficiency. The applicant may be required to undergo a proficiency assessment.

Re-registration for Registered Candidate Auditors

The prescribed manner of re-registration of Registered Candidate Auditors is as follows:

1. Payment of a registration fee, which fee is prescribed by the IRBA from time to time;

2. Completion and submission of Form 5 (Application by an Individual for Admission to the Register of Registered Candidate Auditors) **[see ANNEXURE B]**

3. A determination by the IRBA of whether the applicant is a fit and proper person enter the Audit Development Programme (ADP);

4. Compliance with all the requirements that would apply if the applicant were applying for registration for the first time as specified in section 37 of Act 26 of 2005.

ANNEXURE A

FORM 1

INDEPENDENT REGULATORY BOARD FOR AUDITORS
(Established under Section 3 of Act 26 of 2005)

APPLICATION BY AN INDIVIDUAL TO THE REGISTER OF REGISTERED AUDITORS
(For application in terms of Section 37(1) and Section 40(2)

I hereby apply to be registered as an auditor and I submit the following information in support of my application:

1. Name in full: (please use block letters)
   (a) Title: _____
   (b) Surname (and Maiden name if applicable): _____
   (c) Forename(s) as per ID: _____
   (d) Nickname: _____
2. Addresses: **(Please circle the → next to the address where you would like to receive your individual correspondence. Please complete all the address details.)**

→ (a) Your physical address: _____
_____

→ (b) Your postal address: _____
_____

→ (c) Your firm's postal address: _____
_____

→ (d) Your firm's docex address (if applicable): _____

3. Telephone number: (_____) _____ Fax number: (_____) _____
   Cell number: (_____) _____ E-mail address: _____

4. Identity number: _____ Ethnic group * _____
   (Please attach a copy of the front page of your Identity Document)

5. I was registered as a trainee accountant with the Board from _____ to _____ per registration number _____.
   (Please attach a copy of SAICA's confirmation of discharge of training contract letter)

6. I passed the Public Practice Examination in (month) _____ (year) _____
   If you have been granted exemption through an accredited professional body, please contact Registry for further assistance.

   OR

   I successfully completed the IRBA's Audit Development Programme in (month) _____ (year)_____

7. If it has been more than three years since you passed the Public Practice Examination (date of writing), or successfully completed the Audit Development Programme, or completed your training contract in public practice, or since you were last registered with the IRBA, whichever is the later date, then your application, for purposes of section 37(2)(d), must be accompanied by:
   7.1 an up to date CV detailing your professional history;
   7.2 evidence of CPD undertaken for the past three years;
   7.3 a short explanation of why registration is required.

   If you are joining an existing firm or the Auditor-General, please also submit a letter from the Senior Partner or equivalent of the firm confirming your position and your audit proficiency.

   Your application will be assessed to determine whether a proficiency assessment is required.

   If you are requested to attend an interview, an additional fee of _____ in respect of the year ending 31 March ____ is applicable.

ANSWER "YES" OR "NO" TO QUESTIONS 8 TO 14 INCLUSIVE

8. Are you resident in the Republic of South Africa? _____
9. Have you at any time been removed from an office of trust because of misconduct related to a discharge of that office? If yes, please provide details on a separate page. _____
10. Have you at any time been convicted, whether in the Republic or elsewhere, of theft, fraud, forgery, uttering a forged document, perjury, an offence under the Prevention and Combating of Corrupt Activities Act, 2004, or any other offence involving dishonesty? If yes, please provide details on a separate page. _____
11. Are you for the time being declared by a competent court to be of unsound mind or unable to manage your own affairs? If yes, please provide details on a separate page. _____
12. Are you an unrehabilitated insolvent, have you entered into a compromise with your creditors, or have you been provisionally sequestrated? If yes, please provide details on a separate page. _____
13. Are you a member of a professional body? _____

    13.1 If you answered yes to question 13, please state the name of body and your membership number: _____

    _____

    13.2 If you answered no to question 13, have you made arrangements for your continued professional development? If so, please provide details on a separate page. _____
14. Have you previously been registered as an auditor with the IRBA or its predecessor body? _____

    If yes, what was the reason for the termination of your registration? _____

    _____

    (If termination was as a result of disciplinary action by the IRBA's Disciplinary Committee, please provide on a separate page cogent and comprehensive reasons as to why you should be re-registered, with specific reference to any changes in circumstance since date of termination.)

PUBLIC PRACTICE INFORMATION

15. Are you in public practice or do you intend to be in public practice within the next 12 months? _____
16. Do you intend performing assurance work? _____

Please note the following with regard to public practice:

- To assist you in answering the above questions, a document titled "Definitions of public practice, professional services and assurance" can be found in the Registry section of the IRBA website at www.irba.co.za.
- If you are an employee who earns a salary, you are not in public practice.
- **All assurance work must be performed through a firm, even if you intend practising as a sole proprietor.**
- **If you are registering as an employee of an existing firm and you intend performing assurance work, please provide a letter from the firm confirming that they are aware you are registering as an assurance Registered Auditor.**

TAX PRACTITIONER INFORMATION

17. Are you registered with SARS as a tax practitioner? _____
18. If you answered yes to question 18, please provide the following information:

    Tax practitioner number: _____ Personal income tax reference number: _____
19. If you answered yes to question 18, do you wish to be recognised as a tax practitioner with the IRBA as your Recognised Controlling Body in terms of Section 240A of the Tax Administration Act, 2011? _____
20. If you answered no to question 20, please provide the name of your Recognised Controlling Body? _____

I certify that the above information is true and correct in every detail, and I undertake to comply with the Code of Professional Conduct, as published from time to time, by the IRBA, as well as the CPD policy of the IRBA as published, with amendments, if any.**

I attach proof of payment in the amount of **R** _____ in respect of the year ending **31 March** _____

The IRBA's banking details are:

Bank:	Standard Bank
Branch:	Eastgate
Branch Code:	018505
Account Number:	221290532

Please note we cannot start processing your application without confirmation of payment.

Date _____ Signature of applicant _____

* This information is requested in order to gauge the profession's success in becoming more representative of the people in South Africa.
** The IRBA's Code of Professional Conduct and CPD policy are available on our website at www.irba.co.za.

You may email us your application form and supporting documentation to registry@irba.co.za, but please also post the original documents to P O Box 8237, Greenstone, 1616.

FOR IRBA USE ONLY		
	Date	Signature
Registrations Manager approval and letter signed		

ANNEXURE B

FORM 5

INDEPENDENT REGULATORY BOARD FOR AUDITORS
(Established under Section 3 of Act 26 of 2005)

APPLICATION BY AN INDIVIDUAL TO THE REGISTER OF REGISTERED CANDIDATE AUDITORS
(For application in terms of Section 37(1))

I hereby apply to be registered as a Registered Candidate Auditor (RCA) and I submit the following information in support of my application:

1. Is this your first application to be registered as an RCA? _____

2. If the answer to question 1 is no, please provide your previous registration number. _____

3. Name in full: (please use block letters)
   (a) Title: _____
   (b) Surname (and Maiden name if applicable): _____
   (c) Forename(s) as per ID: _____
   (d) Preferred name: _____

4. Addresses: **(Please circle the → next to the address where you would like to receive any individual correspondence that is not sent by email. Please complete all the address details.)**

→ (a) Your physical address: _____

_____

→ (b) Your postal address: _____

_____

→ (c) Your firm's postal address: _____

_____

→ (d) Your firm's docex address (if applicable): _____

5. Telephone number: (_____) _____ Fax number: (_____) _____
   Cell number: (_____) _____ Email address: _____

6. Identity number: _____ Ethnic group * _____
   (Please attach a copy of your Identity Document)

7. If you do not have a South African Identity Document, please provide the following details:
   Passport number: _____ Country of issue: _____
   Date of issue: _____ Date of expiry: _____

8. I was registered as a trainee accountant from _____ to _____ and my registration number was _____.

9. I passed the Assessment of Professional Competence (APC) on _____ (date)

ANSWER "YES" OR "NO" TO QUESTIONS 8 TO 14 INCLUSIVE

10. Have you at any time been removed from an office of trust because of misconduct related to a discharge of that office? If yes, please provide details on a separate page. _____

11. Have you at any time been convicted, whether in the Republic or elsewhere, of theft, fraud, forgery, uttering a forged document, perjury, an offence under the Prevention and Combating of Corrupt Activities Act, 2004, or any other offence involving dishonesty? If yes, please provide details on a separate page. _____

12. Are you for the time being declared by a competent court to be of unsound mind or unable to manage your own affairs? If yes, please provide details on a separate page. _____

13. Are you an unrehabilitated insolvent, have you entered into a compromise with your creditors, or have you been provisionally sequestrated? If yes, please provide details on a separate page. _____

14. Are you a member of a professional body? _____

    14.1 If you answered yes to question 14, please state the name of body and your membership number: _____

_____

FIRM INFORMATION

15. Name of registered audit firm that will offer the Audit Development Programme (ADP) _____

_____

16. Has the above-named firm been subject to and undergone an IRBA firm inspection in the past three years? _____

17. Full name and surname of Oversight Registered Auditor (ORA) _____

_____

18. ORA's IRBA registration number _____

19. ORA's Identity Number _____

20. ORA's email address _____

FIRM'S JOB PLANNING TOOL

21. Firm's Job Planning
    (Please attach a copy of your firms' job planning documentation or use the provided template. The job planning template should indicate the clients that you have been allocated for either a six-month or twelve-month period – refer to the ADP Booklet for more details in this regard)

I certify that the above information is true and correct in every detail, and I undertake to comply with the Code of Professional Conduct, as published from time to time, by the IRBA.**

I enclose a cheque, or proof of payment, in the amount of **R**_____ in respect of the application fee.

The IRBA's banking details are:

Bank:	Standard Bank
Branch:	Eastgate
Branch Code:	018505
Account Number:	221290532

Please note we cannot start processing your application without confirmation of payment.

Please sign:

_____ _____

Date Signature of applicant

_____ _____

Date Signature of ORA

* This information is requested in order to gauge the profession's success in becoming more representative of the people in South Africa.

** The IRBA's Code of Professional Conduct is available on our website at www.irba.co.za.

You may e-mail us your application form and supporting documentation to , but please also post the original documents to P O Box 8237, Greenstone, 1616.

ANNEXURE C

FORM 2

INDEPENDENT REGULATORY BOARD FOR AUDITORS
(Established under Section 3 of Act 26 of 2005)

APPLICATION BY A FIRM FOR ADMISSION TO THE REGISTER OF AUDITORS
(For application in terms of Section 38(2)) and Section 40 (2)

The Independent Regulatory Board for Auditors
P O Box 8237
GREENSTONE
1616

This firm hereby applies to be registered as an auditor and submits the following information in support of its application:

Full name of firm (head office): _____

_____

Any acronym or abbreviation by which the firm is also known: _____

Type of firm (either a sole proprietorship, partnership or incorporated company): _____

Company registration number (if applicable): _____

Postal address of firm (including province): _____

_____

_____

Street address of firm (including province and postal code if you receive postal delivery to this address): _____

_____

_____

Docex address (if applicable): _____

Telephone number: (_____)_____ Fax number: (_____)_____

Firm's e-mail address: _____

Firm's website address (if applicable): _____

Registered Auditors in the firm

Full names of RAs in firm	IRBA registration no	Status in firm (ie. partner / director / managing partner / managing director / sole practitioner / employee / consultant	Is this RA assurance or non-assurance?	Is this RA attached to the head office or a branch? If branch, please indicate which branch.

Accounts contact person

Name: _____

E-mail address: _____

Direct telephone number: _____

Direct fax number: _____

Branches:

For each branch, please provide the following information. If your firm has more than one branch, please photocopy this page or use a separate sheet.

Name by which branch is known: _____

Telephone number of branch: _____

Fax number of branch: _____

E-mail address of branch: _____

Postal address of branch (including province): _____

_____

_____

Physical address of branch (including province and postal code if you receive postal delivery to this address):

_____

_____

Broad Based Black Economic Empowerment status of firm

Please select one of the following to indicate the category of your firm's B-BBEE status. Is your firm:

1.	A Start Up Enterprise (a recently formed or incorporated Entity that has been in operation for less than 1 year	Yes	No
2.	An Exempted Micro Enterprise	Yes	No
3.	A Qualifying Small Enterprise to which the QSE scorecard applies	Yes	No
4.	An Enterprise to which the Generic Scorecard applies	Yes	No
5.	An Enterprise to which a Sector Code Scorecard applies	Yes	No

If you selected 3, 4 or 5 above, have you obtained a Rating of your B-BBEE status from an accredited Verification Agency or approved RA or a member of an Approved Professional Institute? _____Yes / No_____

If yes, please attach a copy of your Verification Certificate and Scorecard.

Please indicate the level of your B-BBEE status as reflected on your Verification Certificate by selecting the equivalent level:

B-BEE status	Please select
Level 1	
Level 2	
Level 3	
Level 4	
Level 5	
Level 6	
Level 7	
Level 8	
Non compliant	

The following documents must be attached to this application:

- Business plan;
- Quality (ISQC) Manual of the practice you intend to start;
- Name and RA number of RA identified as the practice's Quality Reviewer; and
- Copies of agreements entered into with the Quality Reviewer

Date

Signature

Capacity

FOR IRBA USE ONLY		
	Date	Signature
Registrations Manager approval and letter signed		

BOARD NOTICE 147 OF 2017

SOUTH AFRICAN COUNCIL FOR THE ARCHITECTURAL PROFESSION

Publication in terms of section 32(5) of the South African Council for the Architectural Profession Act No 44 of 2000 ("The Act") of the finding and sanction imposed by the Council in accordance with the settlement agreement signed on 01 July 2017, into alleged improper conduct of the registered person.

Name of Person: Caroline Stephany Bothma

Registration Number: T1433

Nature of the offence

Guilty of contravention of Rule 1.1.2 and 4.1 of the Code of Professional Conduct for registered persons promulgated under Board Notice 154 of 2009 Government Gazette No 32731 of 27 November 2009.

Sanction:

- Ms Caroline Stephany Bothma is fined R8 000.00 (Eight thousand rand) in terms of section 32 (3) (a) (ii) of the Act and R1 700.00 (One thousand seven hundred rand) of this amount is suspended for a period of 1 (one) year on condition that Ms Caroline Stephany Bothma is not found guilty of the same or similar offences within this period.

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