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

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

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

GOVERNMENT PRINTING WORKS CONTACT INFORMATION

Physical Address:

Government Printing Works

149 Bosman Street

Pretoria

Postal Address:

Private Bag X85

Pretoria

0001

GPW Banking Details:

Bank: ABSA Bosman Street

Account No.: 405 7114 016

Branch Code: 632-005

For Gazette and Notice submissions: Gazette Submissions:

For queries and quotations, contact: Gazette Contact Centre:

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

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

Tel: 012-748 6200

Contact person for subscribers: Mrs M. Toka:

E-mail: subscriptions@gpw.gov.za

Tel: 012-748-6066 / 6060 / 6058

Fax: 012-323-9574

GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF AGRICULTURE, FORESTRY AND FISHERIES**NO. 1095****13 OCTOBER 2017****EXCLUSION OF PROPERTIES FROM THE PROVISIONS OF THE SUBDIVISION OF AGRICULTURAL LAND ACT, ACT 70 OF 1970
IN THE VICTOR KHANYE LOCAL MUNICIPALITY, MPUMALANGA PROVINCE.****NOTICE FOR PUBLIC**

I, Senzeni Zokwana, Minister of Agriculture, Forestry and Fisheries hereby give notice to all interested institutions, organizations and individuals on the exclusion of certain properties from the provisions of the Subdivision of Agricultural Land Act, Act no 70 of 1970 in the Victor Khanye Local Municipality, Mpumalanga Province.

The properties to be included in the town planning scheme are:

The farm Bultfontein 201-IR

Remainder, Portions 1, 14, 17, 95 and 96, all of the farm Leeuwpoot 205-IR

Remaining Extent of portions 2, 6, 12 and 13, all of the farm Leeuwpoot 205-IR
Hekpoort 207-IR

Portion 5 of the farm Zonderfont 226-IR

Portions 5 and 6 of the farm Middlebult 231-IR

Remaining Extent of the farm Middleburg 231-IR

Portion 14 of the farm Middleburg 231-IR

Remaining Extent of Portions 2, 5, 6, 7, 9, 12, 13, 22 and 39, all of the farm Witklip 229-IR

Portions 2 and 3 of the farm Witklip 229-IR

Portion 7 of the farm Katboschfontein 22-IR

Enquiries: MashuduMa@daff.gov.za, (012) 319 7619 or alternatively Private Bag X120, PRETORIA, 0001

DEPARTMENT OF AGRICULTURE, FORESTRY AND FISHERIES**NO. 1096****13 OCTOBER 2017****EXCLUSION OF CERTAIN PROPERTIES FROM THE PROVISIONS OF THE SUBDIVISION OF AGRICULTURAL LAND ACT, ACT 70 OF 1970 IN THE RUSTENBURG LOCAL MUNICIPALITY, NORTH WEST PROVINCE.****NOTICE FOR PUBLIC**

I, Senzeni Zokwana, Minister of Agriculture, Forestry and Fisheries hereby give notice to all interested institutions, organizations and individuals on the exclusion of certain properties from the provisions of the Subdivision of Agricultural Land Act, Act no 70 of 1970 in the Rustenburg Local Municipality, North West Province.

The properties to be included in the town planning scheme are:

Remainder of portion 1, Portions 2, 3, and 4, all of the farm Beerfontein 263 JQ
Remainder, Remainders of Portions 1 and 9, Portions 4, 8, 11, 12 and 15, all of the farm Beestkraal 290 JQ
Remainder, Portions 2, 3 and 4, all of the Berseba 397 JQ
Portions 67, 69 and 75, all of the farm Boekenhoutfontein 260 JQ
Remainder, Portions 1, 2 and 4, all of the Boschfontein 268 JQ
Remainder, Portions 1 and 7, all of the farm Boschkoppies 104 JQ,
Buffelsfontein 344 JQ
Portions 53, 95 and 96, all of the farm Buffelspoort 343 JQ
Remainder, Remainder of Portion 2, Portions 3, 6 to 12, all of the farm Bultfontein 120 JQ
Portion 44 of the farm Commissiesdriest 327 JQ
Remainder of Portion 1 of the farm Diepkuil 116 JQ
Remainders of portions 2, 12, 17 to 20, 22, 31, 32 and 33, Portions 25, 26, 44, 45, 49 to 60, 62, 68 and 69, all of the farm Donkerhoek 312 JQ
Remainder, Portions 1 and 3, all of the farm Doornspruit 84 JQ
Remainder, Portions 2 and 8 to 12, all of the farm Doornspruit 106 JQ
Remainders of Portions 1 and 29, all of the farm Elandsfontein 21 IQ
Remainder, Remainders of Portions 1 and 5, Portions 3, 4, 6 and 7, all of the farm Elandsheuvel 282 JQ
Remainders of Portions 1 and 2, Portions 5 and 6, all of the farm Goedgezicht 267 JQ
Remainder of the farm Hartebeesfontein 228 JQ
Remainders of Portions 2 and 3, Portions 7 and 8, all of the farm Klipfontein 300 JQ
Farm Klipgat 281 JQ
Remainders of Portions 1, 3, 7 and 8, Portions 2, 4, 5, 6, 9 to 30, all of the farm Kookfontein 265 JQ
Remainders of Portions 21, 53, 76, 122, 164, 158 and 185, Portions 53, 85, 99, 129, 132, 142, 145, 157, 158, 184, 220, 225, 250 and 272, all of the farm Kroondal 304 JQ
Remainder of the farm Leeuwkop 402 JQ
Remainders of Portions 1 and 2, Portions 3, 5 to 10 and 12, all of the farm Losperfontein 405 JQ,
Remainder and Portion 1, all of the farm Mimosa 81 JQ
Remainder of Portion 176, Portions 28, 31, 151, 156, 160, 176 and 271, all of the farm Modderfontein 332 JQ
Remainder of the farm Morgenzon 287 JQ
Remainders of Portions 2, 7, 8, 9, 11 and 289, Portions 26 to 29, 31, 34 and 36 to 39, all of the farm Nooitgedacht 287 JQ,

Remainder, Portions 1 and 2, all of the farm Nooitgedacht 289 JQ

Remainder of Portion 71 of the farm Paardekraal 279 JQ

Remainder, Remainder of Portion 3, Portions 1, 2 and 4 to 12, all of the farm Reinkoyalskraal 278 JQ

Remainder and Portion 1, all of the farm Renan 353 JQ

Remainder and Portion 4, all of the farm Rietspruit 594 JQ

Remainders of Portions 1, 18, 20, 22, 25, 26, 27, 65, 81, 87, 109, 110, 114, 115, 121, 124, 125, 138, 139, 147, 167, 174, 175, 176, 181, 182, 198, 199 and 200, Portions 4, 7, 15, 19, 21, 23, 28 to 30, 35, 36, 40 to 48, 61, 62, 64, 66 to 72, 75, 78, 79, 80, 82, 83, 86, 88, 102, 104 to 108, 116, 117, 130, 131, 134 to 137, 148, 160, 161, 166, 172, to 174, 177, 184, 185, 190 to 193, 195 to 197, 203 to 210, 212 to 216, 218, 219, , 238, all of the farm Rietvly 271 JQ

Remainders of Portions 6 and 9, Portions 10, 15, 16 and 17, all of the farm Roodekraalspruit 113 JQ

Remainders of Portions 33, 49, 50, 52, 55, 88, 184, 229, 317, 322, 354, 400 and 415, Portions 7 to 11, 20, 26, 28, 29, 45, 46, 53, 55, 61, 66, 67, 69 to 73, 80, 106, 111, 113, 144, 173, 176, 184, 190, 209, 230 to 232, 234, 236 to 239, 253, 260, 261, 269, 273 to 275, 281 to 283, 323 326, 328, 329, 345, 350, 351, 356, 385, 389, 394, 419, , all of the farm Rooikoppies 297 JQ

Remainder of Portion 1, Portions 14 to 17, all of the farm Rooiwal 285 JQ

Remainders of Portions 1, 2 and 3, Portions 6, 8 to 10, all of the farm Sandbult 119 JQ

Portion 6 of the farm Schaapkraal 292 JQ

Remainder, Portions 5 and 6, all of the farm Strydrift 90 JQ

Remainder of Portion 239, Portions 135 to 138 and 141, all of the farm Town & Townlands 272 JQ

Remainder, Portions 1 and 3, all of the farm Turffontein 262 JQ

Remainder, Portions 2 and 3, all of the farm Turffontein 302 JQ

Remainder of Portion 5, Portions 6, 8, 9 and 10, all of the farm Tweedepoort 283 JQ

Farm Vaalkop 275 JQ

Remainder, Portions 1, 2 and 3, all of the farm Vlakfontein 276 JQ

Remainder of Portion 6, Portions 3, 12, 13 and 14, all of the farm Waaikraal 276 JQ

Remainders of Portions 2, 4, 16, 21, 50, 52, 55, 60, 91, 92, 97, 107, 109, 112, 142, 145, 146, 149, 164, 166, 168, 183, 191, 195, 231, 232, 234, 248, 250, 254, 257, 263, 285, 296, 331, 336, 338, 341, 345, 347, 365, 367, 377, 390, 393, 394, 398, 399, 408, 474, 496, and 529, Portions 5, 8, 9, 11, 12, 15, 18 to 20, 22, 24, 25, 27 to 30, 34, 37 to 40, 44, 47, 48, 51, 53, 54, 60, 69, 71 to 73, 75 to 78, 80 to 83, 85 to 88, 93, 94, 98, 99, 113, 114, 126, 134 to 138, 144, 155, 156, 162, 173, 174, 176 to 179, 183, 184, 186, 187, 188, 195, 199, 200, 203, 206 to 209, 212 to 219, 226, 227, 228, 230, 233, 235, 236, 53, 255, 257, 260, 262, 264, 265, 268, 269, 270, 277, 278, 279, 281, 282, 284, 285, 288, 289, 290, 294, 295, 298, 300, 317, 319, 331, 337, 345, 350, 355, 356, 357, 360, 361, 362, 363, 364, 368, 371, 378, 379, 384, 388, 389, 391, 394, 395, 396, 397, 400, 401, 402, 409 to 414, 418, 419, 421, 426 to 430, 433, 442, 443, 446, 447, 449 to 453, 459, 462, 463, 472, 473, 475 to 477, 495, 497, 498, 511 to 514, 515, 517, 524, 525, 529, 531 to 533, 538, 539, 541, 555, 556, 570, 577, 581, 585, 586, 590, 591, 592, 596, 599, 600, 607, all of the farm Waterkloof 305 JQ

Remainder of Portion 5, Portions 18, 50 and 61, all of the farm Waterval 303 JQ

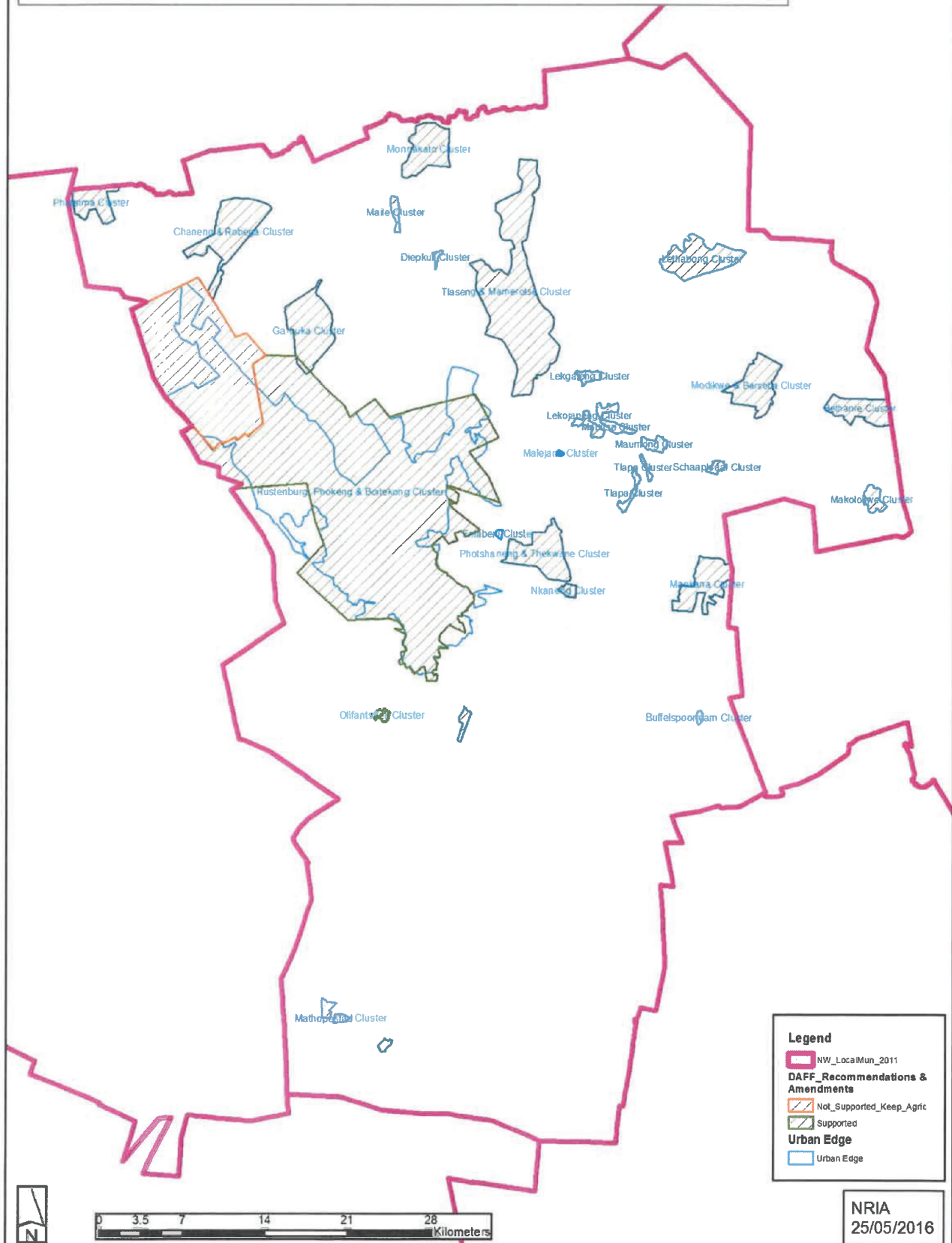
Remainders of Portions 32, 81, 82 and 116, Portions 2, 24, 30 to 41, 53, 57, 75, 76, 81, 116, 307, 311 to 315 and 321, all of the farm Watervaal 306 JQ

Remainders of Portions 1 and 10, Portions 7, 8 11 and 12, all of the farm Watervaal 307 JQ

Remainder of Portion 9, Portions 3 to 10 and 21, all of the farm Wildebeestfontein 274 JQ

Enquiries: MashuduMa@daff.gov.za, (012) 319 7619 or alternatively Private Bag X120, PRETORIA, 0001

RUSTENBURG LOCAL MUNICIPALITY DEMARCATION REVIEW 2016 **AMENDED URBAN EDGE DEMARCATION** **DAFF RECOMMENDATIONS & DEMARCATION AMENDMENTS**



DEPARTMENT OF AGRICULTURE, FORESTRY AND FISHERIES**NO. 1097****13 OCTOBER 2017****EXCLUSION OF CERTAIN PROPERTIES FROM THE PROVISIONS OF THE SUBDIVISION OF AGRICULTURAL LAND ACT, ACT 70 OF 1970.****NOTICE FOR PUBLIC**

I, Senzeni Zokwana, Minister of Agriculture, Forestry and Fisheries hereby give notice to all interested institutions, organizations and individuals on the exclusion of certain properties from the provisions of the Subdivision of Agricultural Land Act, Act no 70 of 1970 in the following Municipalities.

Naledi Local Municipality, North West Province:

Remainder, Remainder of Portion 8 and Portion 3, all of the farm Rosendal 673-IN
Remainders of Portion 5 of the farm Rosendal 1043-IN

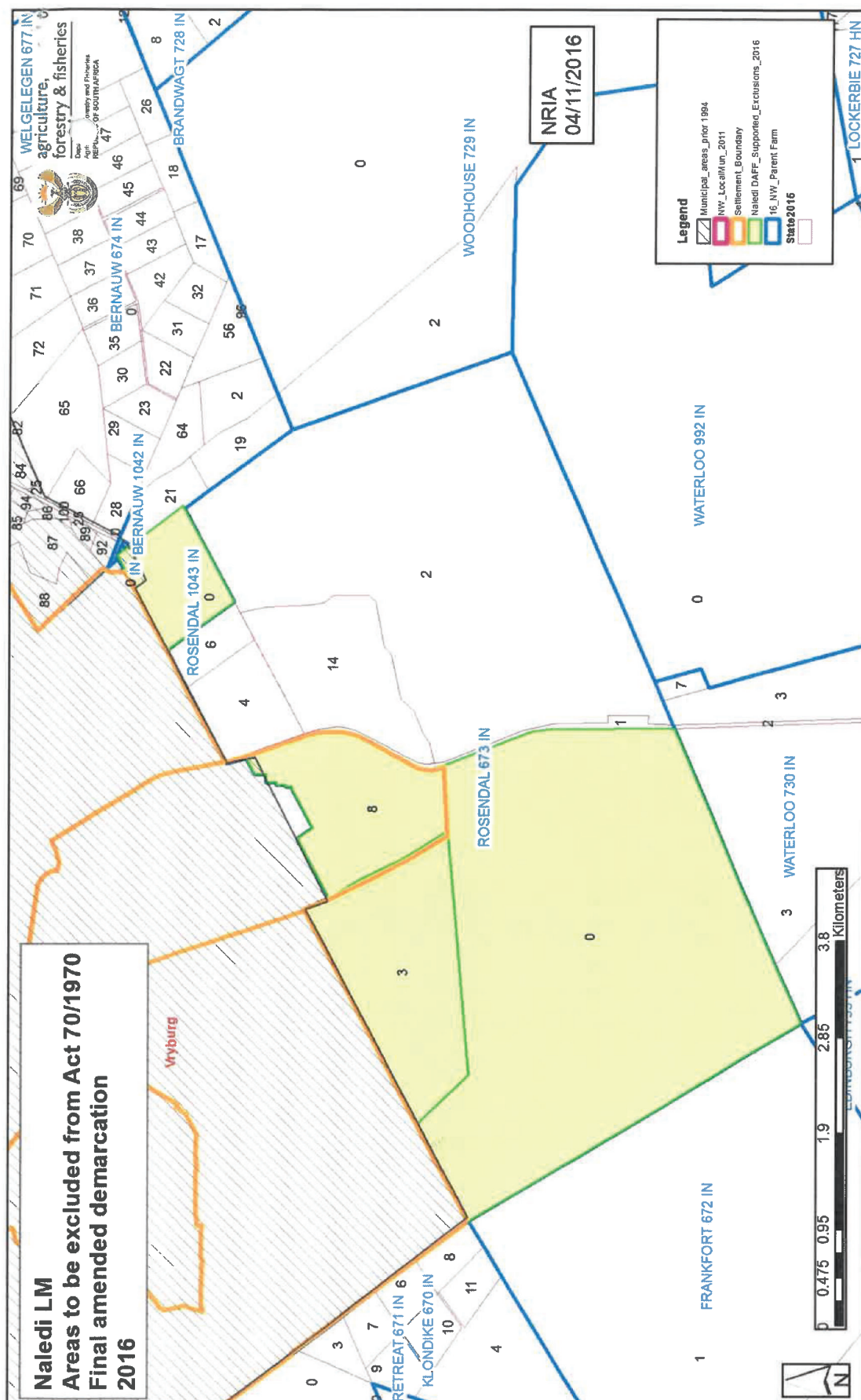
Musina Local Municipality, Limpopo Province:

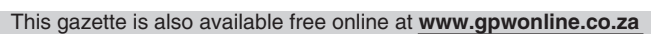
Remainder, Portions 1 – 41, 128 and 129; all of the farm Uitenpas 2-MT;
Remainder, Portions 1 – 5, 7, 9 – 13, 15 – 28, 30 – 38, 41 and 42; all of the farm Tempelhof 150-MS;
Remainder, Portions 1 - 13, 15 and 16; all of the farm Tovey 154-MS;
Portions 2, 4 and 6 - 11; all of the farm Hughes 151-MS;
Remainder and Portion 1; both of the farm Papenbril 205-MS
Remainder and Portion 1 of the farm Maryland 1-MT
Remainder of the farm Messina Airfield 179-MS
Remainder of the farm Dovedale 156-MS
Remainder and Portion 1 of the farm Antonvilla 7-MT
Remainder of the farm T'velde 157-MS
Portion 3, 8-14, 16-20, 21-39, 42, of the farm Cassel 206-MS
Remainder and Portion 1 of the farm Antonvilla 7-MT

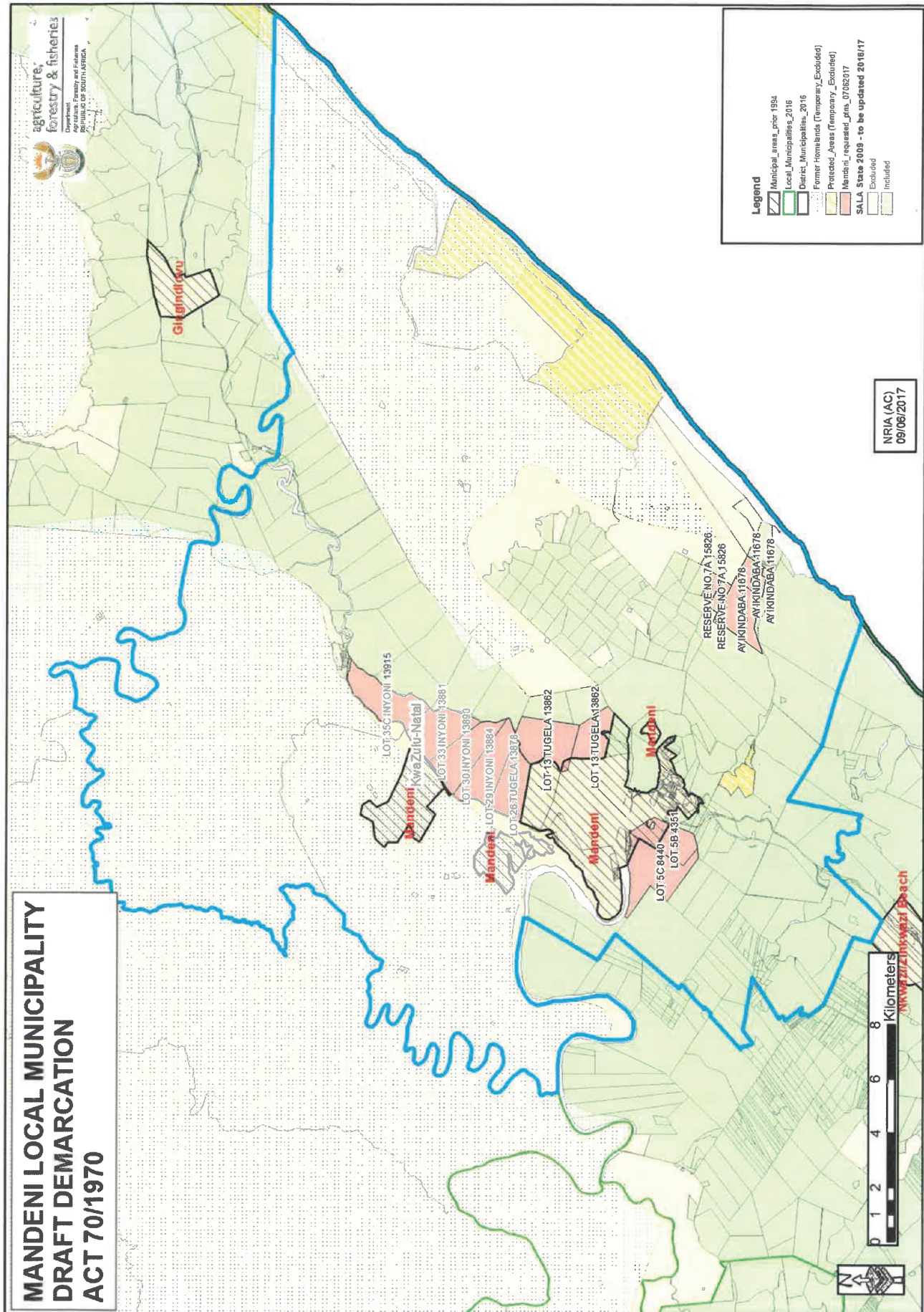
Mandeni Local Municipality, KwaZulu Natal Province:

Lot 35C Inyoni 13915
Lot 33 Inyoni 13881
Lot 30 Inyoni 13890
Lot 29 Inyoni 13884
Lot 26 Tugela 13878
Lot 13 Tugela 13862
Lot 5C 8440
Lot 5B 4351
Reserve No 7A 15826
Ayikindaba 11678

Enquiries: MashuduMa@daff.gov.za, (012) 319 7619 or alternatively Private Bag X120, PRETORIA, 0001







DEPARTMENT OF AGRICULTURE, FORESTRY AND FISHERIES

NO. 1098

13 OCTOBER 2017

ANIMAL IMPROVEMENT ACT, 1998**(ACT No. 62 OF 1998)****REGISTRATION OF REGISTERING AUTHORITY**

In terms of section 8(7)(c) of the Animal Improvement Act, 1998 (Act No. 62 of 1998) notice is hereby given of the registration of The Kennel Union of Southern Africa Society as a Registering Authority as from 13 June 2016.



J. MAMABOLO,

Registrar of Animal Improvement

DEPARTMENT OF ARTS AND CULTURE

NO. 1099

13 OCTOBER 2017

BUREAU OF HERALDRY

REGISTRATION OF HERALDIC REPRESENTATIONS

The Bureau of Heraldry hereby gives notice in terms of section 10 of the Heraldry Act, 1962 (Act No. 18 of 1962), that the following have been registered:

(H4/3/1/4145) The ARMS of KZA Music Services, as published under Government Notice No. 565 of 15 June 2017.

(H4/3/1/4147) The EMBLEM of the Dutch Reformed Church in South Africa, as published under Government Notice No. 565 of 15 June 2017.

(H4/3/4/870) The STANDARD of Giacomo Cerasomma, as published under Government Notice No. 565 of 15 June 2017.

(H4/3/4/914) The ARMS of Mark Paul Lindley-Highfield of Ballumbie Castle, as published under Government Notice No. 565 of 15 June 2017 in which the words "of Ballumbie Castle" was omitted in error from his name.

(H4/3/4/1006) The ARMS of Gianluigi Gaetani dell'Aquila d'Aragona, as published under Government Notice No. 565 of 15 June 2017.

(H4/3/4/1028) The ARMS of Paul James Armstrong, as published under Government Notice No. 565 of 15 June 2017.

(H4/3/4/1030) The ARMS of Patrick Michael Dipper, as published under Government Notice No. 565 of 15 June 2017.

(H4/3/4/1032) The ARMS of Maurizio Cosentino, as published under Government Notice No. 565 of 15 June 2017.

(H4/3/4/1033) The ARMS of Kenneth James Jones, as published under Government Notice No. 565 of 15 June 2017.

(H4/3/4/1035) The ARMS, BANNER, STANDARD AND BADGE of Stephen Douglas Brock, as published under Government Notice No. 565 of 15 June 2017.

(H4/3/4/1036) The ARMS of Fernando Manuel Maran Bie, as published under Government Notice No. 565 of 15 June 2017.

(H4/3/4/1037) The ARMS of Brady Thomas McNulty, as published under Government Notice No. 565 of 15 June 2017 with the motto amended to FIDELITAS ET FEROCITAS.

(H4/3/4/1038) The ARMS of Selina Kerensky, as published under Government Notice No. 565 of 15 June 2017.

(H4/3/4/1039) The ARMS of Johannes Hendrik Botha, as published under Government Notice No. 565 of 15 June 2017.

(H4/3/4/1040) The ARMS of John Paul Gallant, as published under Government Notice No. 565 of 15 June 2017.

DEPARTEMENT VAN KUNS EN KULTUUR

NO. 1099

13 OKTOBER 2017

BURO VIR HERALDIEK

REGISTRASIE VAN HERALDIESE VOORSTELLINGS

Die Buro vir Heraldiek gee hierby ingevolge artikel 10 van die Heraldiekwet, 1962 (Wet No. 18 van 1962), kennis dat die volgende geregistreer is:

(H4/3/1/4145) Die WAPEN van KZA Music Services, soos by Goewermentskennisgewing No. 565 van 15 Junie 2017 gepubliseer.

(H4/3/1/4147) Die EMBLEEM van die Nederduitse Gereformeerde Kerk in Suid-Afrika, soos by Goewermentskennisgewing No. 565 van 15 Junie 2017 gepubliseer.

(H4/3/4/870) Die STANDAARD van Giacomo Cerasomma, soos by Goewermentskennisgewing No. 565 van 15 Junie 2017 gepubliseer.

(H4/3/4/914) Die WAPEN van Mark Paul Lindley-Highfield van Ballumbie Kasteel, soos by Goewermentskennisgewing No. 565 van 15 Junie 2017 gepubliseer waarin die woorde “van Ballumbie Kasteel” verkeerdelik in sy naam uitgelaat is.

(H4/3/4/1006) Die WAPEN van Gianluigi Gaetani dell'Aquila d'Aragona, soos by Goewermentskennisgewing No. 565 van 15 Junie 2017 gepubliseer.

(H4/3/4/1028) Die WAPEN van Paul James Armstrong, soos by Goewermentskennisgewing No. 565 van 15 Junie 2017 gepubliseer.

(H4/3/4/1030) Die WAPEN van Patrick Michael Dipper, soos by Goewermentskennisgewing No. 565 van 15 Junie 2017 gepubliseer.

(H4/3/4/1032) Die WAPEN van Maurizio Cosentino, soos by Goewermentskennisgewing No. 565 van 15 Junie 2017 gepubliseer.

(H4/3/4/1033) Die WAPEN van Kenneth James Jones, soos by Goewermentskennisgewing No. 565 van 15 Junie 2017 gepubliseer.

(H4/3/4/1035) Die WAPEN, BANNIER, STANDAARD EN KENTEKEN van Stephen Douglas Brock, soos by Goewermentskennisgewing No. 565 van 15 Junie 2017 gepubliseer.

(H4/3/4/1036) Die WAPEN van Fernando Manuel Maran Bie, soos by Goewermentskennisgewing No. 565 van 15 Junie 2017 gepubliseer.

(H4/3/4/1037) Die WAPEN van Brady Thomas McNulty, soos by Goewermentskennisgewing No. 565 van 15 Junie 2017 gepubliseer met die wapenspreuk verander na FIDELITAS ET FEROCITAS.

(H4/3/4/1038) Die WAPEN van Selina Kerensky, soos by Goewermentskennisgewing No. 565 van 15 Junie 2017 gepubliseer.

(H4/3/4/1039) Die WAPEN van Johannes Hendrik Botha, soos by Goewermentskennisgewing No. 565 van 15 Junie 2017 gepubliseer.

(H4/3/4/1040) Die WAPEN van John Paul Gallant, soos by Goewermentskennisgewing No. 565 van 15 Junie 2017 gepubliseer.

DEPARTMENT OF ARTS AND CULTURE

NO. 1100

13 OCTOBER 2017

BUREAU OF HERALDRY

NOTICE OF AMENDMENT UNDER THE HERALDRY ACT (ACT 18 OF 1962)

The Bureau of Heraldry hereby gives notice of the amendment of the flowing person's heraldic representation who has applied under the Heraldry Act (Act 18 of 1962) for the registration of his heraldic representation:

APPLICANT: James Costa Theo (H4/3/4/905)

The arms of James Costa Theo as published under Government Notice No. 629 of 23 July 2010 and registered under Government Notice No. 850 of 1 October 2010, is hereby amended and registered as follows:

ARMS: Per chevron Azure and Argent, in base an escallop proper; a chief nowy of an arched portal flanked on either side of a similar smaller arched portal Argent. CREST: Seated upon a mount Vert, a martlet, the whole within an open olive branch wreath proper. WREATH AND MANTLING: Azure and Argent. MOTTO: εις ανήρ ουδείς ανήρ (Greek Lettering)

DEPARTEMENT VAN KUNS EN KULTUUR**NO. 1100****13 OKTOBER 2017****BURO VIR HERALDIEK****KENNISGEWING VAN WYSIGING KRAGTENS DIE HERALDIEKWET (WET 18 VAN 1962)**

Die Buro vir Heraldiek gee hierby kennis van die wysiging van die volgende persoon se heraldiese voorstelling, wat kragtens die Heraldiekwet (wet 18 van 1962) aansoek gedoen het om die registrasie van sy heraldiese voorstelling:

AANSOEKER: James Costa Theo (H4/3/4/905)

Die wapen van James Costa Theo soos gepubliseer onder Goewermentskennisgewing No. 629 van 23 Julie 2010 en geregistreer onder Goewermentskennisgewing No. 850 van 1 Oktober 2010 is hiermee soos volg gewysig en geregistreer:

WAPEN: Kepersgwys verdeel van blou en silwer, in die skildvoet 'n skulp van natuurlike kleur; 'n silwer skildhoof geknobbeld van 'n gewelfde portaal, aan beide kante vergesel van 'n eenderse kleiner gewelfde portaal. **HELMTEKEN:** Sittend op 'n groen grond 'n swaweltjie, die geheel binne-in 'n oop olyftakkrans van natuurlike kleur. **WRONG EN DEKKLEDE:** Blou en silwer. **WAPENSPREUK:** εἰς ἀνὴρ οὐδεὶς ἀνὴρ (Griekse Letters)

DEPARTMENT OF BASIC EDUCATION

NO. 1101

13 OCTOBER 2017

Invitation to comment on the draft Basic Education Laws Amendment Bill

The Department of Basic Education invites all interested parties to submit written comments on the draft Basic Education Laws Amendment Bill (the draft Bill) published in the Schedule hereto.

Comments should be directed to –

The Director-General, Private Bag X895, Pretoria, 0001, for attention: Adv. TD Rudman, tel. 012 357 3856, email rudman.d@dbe.gov.za, fax 012 323 9430.

Kindly provide the name, address, telephone number, fax number and email address of the person or organisation submitting the comments.

The comments must reach the Department by 10 November 2017.


Background notes

- (a) The draft Bill has been approved by Cabinet for publication thereof in the *Government Gazette* for public comment.
- (b) The draft Bill proposes to amend the South African Schools Act, 1996 (Act No. 84 of 1996), and the Employment of Educators Act, 1998 (Act No. 76 of 1998) (the SASA and the EEA, respectively), so as to align them with developments in the education landscape and to ensure that systems of learning and excellence in education are put in place in a manner which respects, protects, promotes and fulfils the right to basic education enshrined in section 29(1) of the Constitution of the Republic of South Africa, 1996.

Certain technical and substantive adjustments are also made to the SASA and the EEA to clarify certain existing provisions and to insert certain provisions to cover matters which are not provided for in the existing legislation.

- (c) All the provincial education departments were consulted on the draft Bill, which was also presented to the Heads of Education Departments Committee and the Council of Education Ministers. All of these approved the draft Bill for publication in the *Government Gazette* for public comment. The Department also briefed numerous organisations, such as school governing body associations and unions involved in the education sector, on the content of the draft Bill. Some of the organisations and provincial education departments provided the Department with written comments. As indicated above, Cabinet has granted approval for the draft Bill to be published for public comment. It was decided that all the comments received thus far would be considered together with the comments that the Department expects to receive after the publication of the draft Bill for public comment. However, any person who, or organisation that, has already submitted comments is at liberty to submit further comments.
- (d) The draft Bill and the Memorandum on the Objects of the Bill, which provides the motivation for the various amendments contained in the draft Bill, appear in the Schedule.

For any further enquiries, please feel free to contact Adv. TD Rudman at tel. 012 357 3856 or rudman.d@dbe.gov.za.


ANGELINA MATSIE MOTSHEKGA, MP
MINISTER OF BASIC EDUCATION
DATE: 02. 10. 2017

MEMORANDUM ON THE OBJECTS OF THE BASIC EDUCATION LAWS AMENDMENT BILL, 2015

1. BACKGROUND

- 1.1 The Minister of Basic Education has identified the review of all basic education legislation as a strategic priority for the Department of Basic Education.
- 1.2 The Draft Basic Education Laws Amendment Bill, 2014 (the Draft Amendment Bill), proposes to amend the South African Schools Act, 1996 (Act No. 84 of 1996), and the Employment of Educators Act, 1998 (Act No. 76 of 1998) (the SASA and the EEA, respectively), so as to align them with developments in the education landscape and to ensure that systems of learning and excellence in education are put in place in a manner which respects, protects, promotes and fulfils the right to basic education enshrined in section 29(1) of the Constitution of the Republic of South Africa, 1996. The Draft Amendment Bill seeks to amend the SASA and the EEA so as to make certain technical and substantive adjustments, to clarify certain existing provisions and to insert certain provisions to cover matters which are not provided for in the existing legislation.

2. CLAUSE-BY-CLAUSE ANALYSIS

South African Schools Act (paragraphs 2.1 to 2.28 – clauses 1 to 28)

- 2.1 **Clause 1** provides for the insertion of a number of definitions and seeks to amend certain other definitions.
- 2.1.1 Definitions of “benefit in kind” (clause 1(a)) and “other financial benefit” (clause 1(h)) are included in the Bill in order to create clarity regarding the provisions of section 38A of the SASA. Section 38A of the SASA prohibits the payment of unauthorised remuneration and the giving of financial benefit or benefit in kind to certain employees.
- 2.1.2 It proposes the inclusion of definitions of “competent assessor” (clause 1(b)) and “home education” (clause 1(e)) in order to provide more certainty in the home education environment. (See clause 25.)
- 2.1.3 The definition of “Constitution” is amended (clause 1(c)) to bring it in line with the provisions of the Citation of Constitutional Laws Act, 2005 (Act No. 5 of 2005).
- 2.1.4 A definition of “Department of Basic Education” is included (clause 1(d)) in order to reflect the new education dispensation.
- 2.1.5 Definitions of “liquor” (clause 1(f)) and “prohibited substance” (clause 1(i)) are included in support of the proposed amendment to section 8A of the SASA. (See clause 7.)

2.1.6 Clause 1 also proposes the insertion of an amended definition of “loan” (clause 1(g)) to allow public schools to deal with the day-to-day business of the school without obtaining the written approval of the Member of the Executive Council. See also clause 19 of the Bill.

2.2 **Clause 2** of the Bill seeks to amend section 3(6) of the SASA to increase the penalty provision from six months to six years in the case where the parent of a learner, or any other person, prevents a learner who is subject to compulsory school attendance from attending school. The clause also makes it an offence for any person to wilfully interrupt or disrupt any school activity or to wilfully hinder or obstruct any school in the performance of the school's activities, and a penalty clause is provided for.

This is necessitated by recent incidents, in several provinces, in which communities, or portions of communities, prevented learners from attending school in an attempt at making a political or other point.

2.3 **Clause 3** of the Bill seeks to amend section 5 of the SASA. It provides that the Head of Department has the final authority to admit a learner to a public school. It provides that the governing body of a public school must submit the admission policy of the school, and any amendment thereof, to the Head of Department for approval. The Head of Department must take into account certain prescribed factors when considering the policy or any amendment thereof. In the event that the Head of Department does not approve the policy, or any amendment thereof, he or she must return it to the governing body with such recommendations as may be deemed necessary. The policy needs to be reviewed every three years or whenever the prescribed factors have changed, when circumstances so require, or at the request of the Head of Department. Furthermore, it provides for time periods within which a learner, or the parent of a learner, who has been refused admission to a public school may appeal against the decision to the Member of the Executive Council and within which the Member of the Executive Council must respond.

These amendments have become necessary as a result of the confusion that arose as to where the locus of authority lies in respect of admissions to public schools. In terms of section 5(5) of the SASA, the admission policy of a public school is determined by the governing body of such a school. Section 5(7) of the SASA states that an application for admission of a learner to a public school must be made to the education department in the manner determined by the Head of Department. These two provisions create confusion as to who has the final say on admissions. This issue was the subject of litigation in the case of *MEC For Education Gauteng Province and Another v Governing Body of Rivonia Primary School and Others* 2013(6) SA 582(CC). The finding of the Court was that the Department maintains ultimate control over the implementation of the admissions decision (paragraph 52 of the judgment). The Head of Department is not rigidly bound by a school's admission policy when

exercising the authority to admit learners. The policy serves as a guide that cannot bind the Head of Department inflexibly (see paragraph 54). The general position is that admission policies must be applied in a flexible manner (see paragraph 56). This amendment, therefore, confirms the decision of the Court.

Furthermore, the admission policy of the Department of Basic Education provides that the admission policy of a school must be consistent with the former, and therefore, the Head of Department should have an opportunity to study the admission policy of a school to ensure that it is in fact consistent with the national policy.

- 2.4 Clause 4** of the Bill seeks to amend section 6 of the SASA to provide for the governing body to submit the language policy of a public school, and any amendment thereof, to the Head of Department for approval. The Head of Department may approve the policy, or any amendment thereof, or he or she may return it to the governing body with recommendations. The Head of Department must take into account certain prescribed factors when considering the policy or any amendment thereof. The governing body must review the language policy every three years, or whenever the prescribed factors have changed, when circumstances so require, or at the request of the Head of Department. The clause also seeks to empower the Head of Department to direct a public school to adopt more than one language of instruction, after taking certain prescribed factors into account, and after the prescribed procedures have been followed. The Head of Department must inform the governing body of the public school of his or her intention so to act and his or her reasons therefor, grant the governing body a reasonable opportunity to make representations, conduct a public hearing to enable the community to make representations, and give due consideration to the representations received. In deciding the matter, the Head of Department must take into account, inter alia, the best interests of the child, with emphasis on equality, as provided for in section 9 of the Constitution, and equity; the dwindling number of learners who speak the language of learning and teaching at the public school; the need for effective utilisation of resources; and the language needs, in general, of the broader community in which the public school is located. The Head of Department must inform the governing body of his or her decision and must make his or her decision known to the community in a suitable manner.

This amendment is necessitated by, amongst others, the need for fair and equitable administrative processes as provided for in the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000), and the need for effective utilisation of classroom space and resources. In the case of *Head of Department, Mpumalanga Department of Education v Hoërskool Ermelo and Another* 2010(2) SA 415(CC) (the Ermelo judgment), paragraph 57 provided guidance in regard to the approval of a school's language policy.

Determining a school's language policy is a devolved function (or responsibility), in terms of section 6(2) of the SASA. However, even though it is a devolved function, it is not the exclusive preserve of the school governing body – paragraph 58 of the Ermelo judgment makes this clear. The devolution of power does not mean that the school governing body's right to decide the language policy is absolute. This power is subject to the Constitution, the SASA and any applicable provincial law. As stated in paragraph 81 of the judgment, the governing body's extensive powers and duties do not mean that the Head of Department is precluded from intervening, on reasonable grounds, to ensure that the admission and language policy of a school pays adequate heed to section 29(2) of the Constitution.

Moreover, paragraph 77 of the Ermelo judgment, and the judgments in the Harmony and Welkom matters*, made it necessary to build into the draft Bill checks and balances above and beyond those that are currently in the Act. (**Head of Department, Department of Education, Free State Province v Welkom High School and Another*; *Head of Department, Department of Education, Free State Province v Harmony High School and Another* (CCT 103/12) [2013] ZACC 25; 2013 (9) BCLR 989 (CC); 2014 (2) SA 228 (CC) (10 July 2013))

As stated in paragraph 80 of the Ermelo judgment, cognisance has to be taken of the interest of the broader community in which the school is located. It is not only the interests of the learners and governing body at the school in question that have to be taken into account, but also the interests of the broader community.

- 2.5 Clause 5** seeks to amend section 6A of the SASA to empower the Minister to appoint outside agencies or persons to advise the Minister on matters relating to a national curriculum statement and a national process and procedures for the assessment of learner achievement. This allows the Minister to obtain inputs from a broader spectrum of people.
- 2.6 Clause 6** seeks to amend section 8 of the SASA by providing that the code of conduct of a public school must take into account the diverse cultural beliefs and religious observances of the learners at the school and makes provision for an exemption clause, making it possible to exempt learners, upon application, from complying with the code of conduct or certain provisions thereof, on just cause shown. If an application for exemption is refused, the learner or the parent of the learner may appeal to the Head of Department against the decision of the governing body. The clause also provides for an informal process when dealing with disciplinary matters, and stipulates that the proceedings should adhere to the principles of justice, fairness and reasonableness prescribed by the Constitution.

This amendment is informed by the Convention on the Rights of the Child and the judgment in the Pillay case*. The need for this amendment has arisen as a result of the latest jurisprudence on this issue, as expressed in the Pillay case and other cases. The amendment seeks to bring the SASA in line with such jurisprudence. (**MEC for Education: Kwazulu-Natal and Others v Pillay (CCT 51/06) [2007] ZACC 21; 2008 (1) SA 474 (CC); 2008 (2) BCLR 99 (CC) (5 October 2007) [100%] (From South Africa: Constitutional Court; 5 October 2007; 328 KB)*)

- 2.7 Clause 7** seeks to extend the provisions of section 8A of the SASA by providing for the prohibition of liquor and prohibited substances (see paragraph 2.1.5 above) on school premises, and to make consequential amendments to the section. It also makes it clear that a school has the right to search, not only a group of learners, but also an individual learner; and consequential amendments in this regard are made to the section. This amendment is necessitated by the fact that learners have increasingly been found in possession of, or abusing, liquor and performance-enhancing substances, and there are many cases of learners being expelled because of such abuses.
- 2.8 Clause 8** seeks to amend section 12A of the SASA to provide that, in instances where two or more schools are merged, a new public school shall be established. The date of the establishment, the name and the physical location and official address of the new school are to be determined by the Member of the Executive Council after consultation with the governing bodies concerned. The interim governing body must elect office bearers; decide on contractual obligations and the utilisation and disposal of movable assets; and make recommendations to the Head of Department on personnel matters. The clause furthermore seeks to provide for transitional arrangements in regard to the liability of any person to be disciplined or prosecuted for any misconduct, crime or offence, the rationalisation of the workforce of the new public school, the academic programmes, and governance arrangements. This amendment is proposed for the sake of clarity and uniformity in the way in which this matter is dealt with.
- 2.9 Clause 9** seeks to amend section 17 of the SASA to empower the Member of the Executive Council who is responsible for education in that province to reverse or suspend a decision regarding a determination that the governance of two or more public schools must vest in a single governing body. This is a technical amendment, which merely gives the Member of the Executive Council the option to reverse his or her decision, should circumstances so require.
- 2.10 Clause 10** seeks to amend section 20 of the SASA by limiting the powers of a governing body in regard to recommending candidates for appointment. If the amendment is accepted, a governing body will be

able to recommend to the Head of Department the appointment of post level 1 educators only, which will have the effect that the selection and appointment of educators on post levels 2 to 4 will be the sole responsibility of the Head of Department. The clause also allows the reasonable use, under fair conditions determined by the Head of Department, of facilities of a public school for education-related activities, without the charging of a fee or tariff.

This proposed amendment is necessitated by the requirements of transformation and by the realisation of how important the leadership and management team is for turning a school around and making it successful. The National Development Plan also played a role in the decision to propose the amendment. At page 309, it emphasises the importance of attracting competent persons to become school principals.

The current system of appointment of educators, as set out in section 6 of the EEA, relies to a large extent on the existence of a functional governing body at a public school, with governing body members who have the necessary skills or who have access to persons with the necessary skills that can conduct the interviewing process.

There are more than 24 000 public schools in the country. There could, therefore, theoretically be the same number of interview committees. Many public schools, especially in deep rural areas, do not have functional governing bodies and persons with the necessary skills to conduct interview processes. The interview process requires persons with knowledge of curriculum statements and management processes, and content knowledge of subjects. In many instances, the interview committees do not have the necessary knowledge to know what is required of a principal, a deputy principal or a head of department.

Another weakness in the current system of appointment of educators on post levels 2 to 4 is that the Head of Department is restricted in terms of whom he or she may appoint. Although section 6 of the EEA grants the Head of Department a discretion in regard to whom to appoint, such appointment can be challenged by governing bodies, especially if the Head of Department does not appoint the preferred candidate of the governing body. The Head of Department will have to justify his or her decision to deviate from the recommendation of the governing body and will have to provide very good reasons that could stand up to legal scrutiny in the courts.

The reason for this is that the appointment process is seen as an administrative action in terms of the Promotion of Administrative Justice Act, 2000. In terms of that Act, the person exercising the discretion or taking the administrative action would have to do so in terms of the

principles as set out in that Act. Administrative action can be taken on review if it is viewed as unjust or unreasonable.

Cases where the decision of the Head of Department to appoint a candidate that was not the governing body's preferred candidate was challenged include *Head of the Western Cape Education Department and others v Governing Body of the Point High School and Others 2008 (5) SA 18 (SCA)* (Point High School case) and *Jan Kriel School v Minister of Education Western Cape 21132/2008 (unreported judgment)* (Jan Kriel case). In the Point High School case, the Head of Department appointed the second candidate on the governing body's preferred list of candidates on the basis that the appointment of this candidate would advance employment equity. This candidate was a white male, who happened to be the Deputy Principal of Point High School. This candidate had received a lower score than the first candidate and was not the governing body's preferred candidate. The Head of Department's rationale for appointing this person was that, if he were promoted to the principal's post, it would open up other posts lower in the ranking order that could be filled by historically disadvantaged individuals. The court found the Head of Department's reasoning to be irrational and set aside his decision to appoint the second candidate. In the Jan Kriel case, the Head of Department also appointed the second candidate (a brown male) on the governing body's list and justified the decision on the basis of employment equity. This candidate had received a lower score than the first candidate. The decision of the Head of Department was set aside as irrational.

Another weakness in the current system is that educators, as members of the governing body (see chapter B paragraph 3.3 of the Personnel Administrative Measures), form part of the interview committee of a governing body. It is therefore conceivable that an educator would be in a position to recommend the appointment of his or her supervisor.

Furthermore, the Head of Department, as the employer of educators, does not have a say in the shortlisting of his or her employees.

- 2.11 Clause 11** seeks to amend section 21 of the SASA to empower the Head of Department to centrally procure identified learning support material for public schools, after consultation with the governing body and on the basis of efficient, effective and economic utilisation of public funds or uniform norms and standards.

This amendment is proposed in order to bring about economies of scale.

- 2.12 Clause 12** amends section 22 of the SASA to empower the Head of Department to withdraw "one or more functions" of a governing body and not only "a function", as the section currently reads.

This is a technical amendment.

- 2.13 Clause 13** seeks to amend section 25 of the SASA to empower the Head of Department to dissolve a governing body that has ceased to perform functions allocated to it in terms of the Act, if the Head of Department has reasonable grounds to do so. It also provides that persons must be appointed to perform the functions of the governing body, with exclusive voting rights and decision-making powers on any function that they have been appointed to perform. The Bill contains similar provisions where a governing body has failed to perform one or more of its functions. This amendment is proposed in order to create legal certainty.
- 2.14 Clause 14** expands on the provisions of section 26 of the SASA to provide for the declaration of a direct or indirect personal interest that a governing body member or any of his or her family members has and, under such circumstances, the recusal of governing body members in the procurement of goods and services on behalf of the public school. It provides that a governing body may not take a decision on a matter if it has knowledge that a member who is present has a personal interest in that matter, until that member has withdrawn. It also provides for the imposition of a sanction, after due process, where a governing body member contravenes the provisions of the section. The amendment also applies to a committee of a governing body and to committee members. A definition of "family member" has also been inserted into the clause. This amendment is proposed in order to prevent corruption and promote good governance.
- 2.15 Clause 15** seeks to clarify section 27 of the SASA, which provides that governing body members are not entitled to be remunerated for the performance of their duties by adding the words "or attendance of meetings and any school activity". This amendment is proposed merely to clarify the matter of remuneration (vs reimbursement for legitimate expenses).
- 2.16 Clause 16** amends section 29 of the SASA to provide that only a parent member of a governing body who is not employed at the school may serve as the chairperson of the finance committee of that public school. This amendment seeks to promote good governance.
- 2.17 Clause 17** amends section 32 of the SASA to provide for technical amendments that are required as a result of the provisions of the Children's Act, 2005 (Act No. 38 of 2005), that amended the age of majority from 21 to 18 years. This will ensure that learners 18 years and older are not a party to litigation by virtue of their membership of the governing body. This is merely a technical amendment.
- 2.18 Clause 18** seeks to amend section 33 of the SASA, which deals with the closure of public schools, to provide that a governing body and a community must receive feedback on the outcome of their

representations when a public school is to be closed. The amendment also empowers the Member of the Executive Council to close a public school in his or her sole discretion if there are no learners registered at that public school, and to close a public school if there are 135 or fewer than 135 learners registered at that school. In the latter case, he or she may do so only after written notice has been given to the school and the parents, after a notice of his or her intention to close the school has been published in a local newspaper (or notice of the intended closure has been communicated to the affected community by any other acceptable means), after he or she has consulted with the parents of the learners of the school and afforded them an opportunity to make representations, after he or she has considered such representations and, where applicable, made arrangements for the learners to attend another school, and after he or she has made arrangements for the transport of the learners to that school, where appropriate. This clause also brings about technical amendments.

The purpose of this amendment is to simplify the procedure and to make the process of dealing with the closure of a small school less onerous.

- 2.19 Clause 19** seeks to amend section 36 of the SASA to provide that the governing body must also seek the approval of the Member of the Executive Council to enter into lease agreements, for any purpose, including loans and overdrafts which are already provided for in the said section.

In regard to lease agreements, the amendment seeks to ensure good governance, economies of scale, wise spending of money, and a reduction in the risk that the State will be held responsible for acts or omissions on the part of schools.

See also paragraph 2.1.6 above.

- 2.20 Clause 20** contains a correction to section 37 of the SASA. This is a technical amendment.

- 2.21 Clause 21** seeks to amend section 38 of the SASA to provide for the presentation of any significant or substantial deviation to the initial approved budget to a general meeting of parents for consideration. The changed budget must be made available for inspection and approved by a quorum of 15% of the parents. The proposed new section provides that, if a quorum cannot be achieved at the first meeting, a second meeting must be arranged, at which no quorum would be required. A copy of the notice of the second meeting must be distributed to every learner at the school with an instruction to hand the notice to the parents. This amendment relates to governance issues and fairness.

- 2.22 Clause 22** seeks to amend section 41 of the SASA to clarify what documentation the governing body may or should consider when deciding on an application by the parent of a learner for exemption from the payment of school fees. It also provides for the submission of

additional documentary evidence in the form of an affidavit by a parent in instances where information cannot be obtained from the other parent of the learner.

This amendment also deals with governance issues, and seeks to create clarity in regard to the documentation that has to accompany an application for school-fee exemption. It aims to relieve the administrative burden that some schools have been placing on parents by setting application conditions that are too stringent and demanding unnecessary documentation (such as bank statements, or title deeds of homes) in support of the application.

2.23 Clause 23 seeks to amend section 43 of the SASA to empower the Head of Department to –

(a) authorise officers (as defined in the SASA) to conduct an investigation into the financial affairs of a public school and, where necessary, to access documents relevant to the investigation, after consultation with the governing body;

(b) request the Auditor-General to undertake an audit of the records and financial statements of a public school; or

(c) appoint forensic auditors or forensic investigators to conduct a forensic investigation into the financial affairs of a public school.

It also places a responsibility on the governing body to provide the Head of Department with quarterly reports on all income and expenditure in accordance with directives issued by the Head of Department. The provision that the governing body must submit a copy of the annual financial statements within six months after the end of each financial year to the Head of Department remains unchanged.

This amendment expands on the existing provision by creating more options for the Head of Department if he or she needs to have the financial matters of a school investigated after, for example, receiving allegations of corruption, fraud and the like.

The new section 43(5) seeks to create certainty in regard to reporting and to promote open and transparent accounting and financial accountability, bearing in mind that public funds and parents' money are at stake.

2.24 Clause 24 seeks to amend section 48 of the SASA to provide that the subsidy granted to an independent school can be made subject to conditions determined by the Member of the Executive Council. The amendment also provides that an independent school must submit quarterly reports to the Head of Department on all income and expenditure relating to the subsidy, and a copy of the audited financial statements relating to the subsidy, within six months after the end of each financial year.

- This amendment seeks to create certainty in regard to reporting and to promote open and transparent accounting for the sake of financial accountability when dealing with public funds.

2.25 Clause 25 seeks to substitute section 51 of the SASA to provide for the application and process for registration of learners for home education. Home education is a relatively new form of education in South Africa and does have a number of benefits for learners —

- (a) with specific learning difficulties, physical or mental;
- (b) whose parents, through their work, have to travel extensively;
- (c) who are professional athletes;
- (d) far away from suitable schools; or
- (e) whose parents believe in the philosophy of home schooling, to name but a few.

The amendments create clarity in regard to the powers and responsibilities of the Head of Department as well as the responsibilities of the parents of the learner. Currently, the legislation is silent on what is required of parents where they wish to home school learners in Grades 10 to 12. The amendment makes provision for the parent of a learner who wishes to continue with home education after completing Grade 9 by making use of the services of a private or independent service provider to register for the National Senior Certificate with an independent or private assessment body.

The private or independent accredited service provider will ensure that the study material used for education at home will be of the required standard and at the correct level. It is the intention of this amendment to guide and assist parents and learners to prepare for the National Senior Certificate – a process that begins at the start of Grade 10.

The effect of the amendment is that such private or independent accredited service providers will be required to provide written proof that the qualification for which the learner will register is registered with the National Qualifications Framework. The private or independent accredited service provider will be registered with the provincial education department to offer specific national qualifications and will have approval or accreditation from Umalusi to offer the qualification. The examination that the learner will write through these providers at the end of Grade 12 will be set by the Department of Basic Education or the Independent Examination Board, and will be certified by Umalusi.

These steps will protect parents who want to educate their children at home in the Further Education and Training Phase (Grade 10 to 12), will ensure that the final qualification obtained is registered, and will allow the learner opportunities of further study at institutions of higher education locally or in other countries, as the case may be. The steps will also protect learners.

Furthermore, the Head of Department is authorised to cancel the learner's registration for home education under certain circumstances and after due process has been followed. A learner or the parent of a learner may appeal to the Member of the Executive Council against the decision of the Head of Department. The Minister is also empowered to make regulations relating to the registration and administration of home education.

- 2.26 Clause 26** seeks to amend section 59 of the SASA to create an offence where the parent of a learner submits false or misleading information, or submits a forged document or one which purports to be a true copy of the original but is not, in the application for admission to a public school or for exemption from the payment of school fees.
This amendment seeks to eliminate the risks associated with the provision of false information.

- 2.27 Clause 27** inserts a new provision in the SASA to provide for dispute resolution mechanisms in the event of any dispute between the Head of Department and a governing body. It provides that the parties must meaningfully engage each other to resolve the dispute. If the dispute cannot be resolved through the initial engagement, each party must nominate a representative who must meet with a view to resolving the dispute. If the parties cannot reach agreement, the dispute may be referred for mediation to a person agreed upon by the parties.
It is hoped that this amendment will save costs for all concerned and will enable the parties involved to resolve disputes amicably.

- 2.28 Clause 28** seeks to amend section 60 of the SASA. This section deals with the liability of the State for any delictual or contractual damages caused as a result of any school activity conducted by a public school for which the public school would have been liable. The proposed amendment to section 60 excludes the liability of the State if the provisions of section 36(2) of the SASA have not been complied with. (See paragraph 2.19 above.)
This amendment seeks to protect the interests of the State in the case where a school does not comply with the provisions of the Act.

- 2.29 Clause 29** seeks to amend section 61 of the SASA to extend the powers of the Minister to make regulations on the management of learner pregnancy, on the admission of learners to public schools, on the prohibition of the payment of unauthorised remuneration or the giving of financial benefit or payment in kind to employees, on minimum norms and standards for provincial teacher development institutes and district teacher development centres, on the organisation, roles and responsibilities of education districts, and on a national education information system. The clause also provides for the possibility of creating offences in the regulations made by Minister.

Although there are a variety of policies that deal with education-related matters, policies do not have any legal force and effect. This amendment will empower the Minister to make regulations that will be enforceable in a court of law.

Employment of Educators Act (paragraphs 2.29 to 2.39 – clauses 29 to 39)

- 2.30 Clause 30** amends section 1 of the EEA to delete obsolete provisions in order to align the Act with the new education dispensation. The clause deletes the reference to “adult basic education centre” and “further education and training Institution”.
- 2.31 Clause 31** seeks to amend section 5 of the EEA to delete obsolete provisions in order to align the Act with the new education dispensation. The clause deletes the reference to “further education and training institution”, “adult basic education centre”, “institution” and “centre”.
- 2.32 Clause 32** seeks to amend section 6 of the EEA to provide for a limitation on the post levels for which the governing body may recommend candidates to the Head of Department. Any appointment, promotion or transfer to any promotional post on post levels 2 to 4 on the educator establishment of a public school is to be made from amongst candidates identified by the Head of Department, and educators on these post levels will be appointed directly by the Head of Department. (See paragraph 2.10 above.) However, this will be done in the manner prescribed by regulation by the Minister.
- 2.33 Clause 33** contains consequential amendments to section 6A of the EEA. (See paragraphs 2.10 and 2.32 above.)
- 2.34 Clause 34** seeks to amend section 7 of the EEA to extend the application thereof to promotions on any educator establishment and to bring it in line with the provisions of the Citation of Constitutional Laws Act, 2005 (Act No. 5 of 2005). The clause further provides for the possibility of the appointment to a promotional post to be made on probation.
- 2.35 Clause 35** seeks to amend section 8 of the EEA to support the amendments proposed to section 20 of the SASA (clause 10) and section 6 of the EEA (clause 32). (See paragraphs 2.10 and 2.32 above.) The clause also deletes the obsolete references to “council” and “adult education and training centre”.
- 2.36 Clause 36** seeks to amend section 9 of the EEA to provide for the secondment of educators to another department.
- 2.37 Clause 37** seeks to delete obsolete references to “institutions” and “centres” in section 11 of the EEA.

- 2.38 Clause 38** seeks to extend the provisions of section 14 of the EEA, which deals with circumstances under which an educator is deemed to be discharged, to include all educators employed in terms of the EEA – that is, those appointed in a permanent capacity as well as temporary and substitute educators.
- 2.39 Clause 39** seeks to delete the obsolete references to “adult learning centre” in section 18 (dealing with issues of misconduct) of the EEA and includes a provincial department of education within the ambit of the section.
- 2.40 Clause 40** inserts a new provision in the EEA, prohibiting educators from conducting business with the State or from being a director of a public or private company conducting business with the State, and creates an offence should the educator contravene the above-mentioned provision. Such contravention will also constitute serious misconduct, which may result in the termination of the educator's employment by the employer. This amendment aims to promote good governance, to protect the financial interests of the State, and to prevent corruption.
- 2.41 Clause 41** inserts a new provision in the EEA, requiring educators to disclose to the Head of Department their financial interests as well as the financial interests of their spouses or of persons living with such educators as if they were married to each other. Failure by an educator to do so constitutes misconduct. This amendment aims to promote good governance and to prevent corruption.
- 2.42 Clause 42** seeks to amend section 35 of the EEA to extend the powers of the Minister to make regulations on norms and standards for district staffing, which will have the force of law.
- 2.43 Clause 43** repeals section 38 of the EEA, which has become obsolete.
- 2.44 Clause 44** seeks to delete the obsolete references to “public further education and training institution or public adult learning centre” in Schedule 1 of the EEA.
- 2.45 Clause 45** seeks to delete the obsolete references to “public further education and training institution or public adult learning centre” in Schedule 2 of the EEA.
- 2.46 Clause 46** contains the short title and provides that the Act comes into operation on a date fixed by the President by proclamation in the *Government Gazette*.

REPUBLIC OF SOUTH AFRICA

BASIC EDUCATION LAWS AMENDMENT BILL

(.....)

(MINISTER OF BASIC EDUCATION)

[B — 2015]

GENERAL EXPLANATORY NOTE:

Words in bold type in square brackets indicate omissions from existing enactments.
Words underlined with a solid line indicate insertions in existing enactments.

BILL

To amend—

- the South African Schools Act, 1996 (Act No. 84 of 1996), so as to amend certain definitions and insert new definitions; to increase the penalty in the case where the parent of a learner, or any other person, prevents a learner who is subject to compulsory school attendance from attending school, and to create an offence in respect of the interruption or disruption of school activities; to enhance the authority of the Head of Department in relation to the admission of a learner to a public school; to provide that the governing body of a public school must submit the admission policy and the language policy of the public school to the Head of Department for approval and that, in considering the policies, the Head of Department must be satisfied that the policies take into account, inter alia, the needs, in general, of the broader community in which the public school is located, and that the policies must be reviewed at certain

intervals, and that the Head of Department may, under certain circumstances, direct a public school to adopt more than one language of instruction; to provide the Minister with the authority to appoint a person or organisation to advise on curriculum- and assessment-related matters; to provide for the inclusion of an exemption clause in the code of conduct of a public school adopted by the governing body and for disciplinary proceedings to be dealt with in an informal manner; to provide for the prohibition of liquor and prohibited substances on school premises; to further regulate the merger of public schools; to limit the post levels in regard to which the governing body may make recommendations for appointment to the Head of Department; to provide for the use of the facilities of schools for education-related activities without the charging of a fee or tariff; to provide for centralised procurement, under certain circumstances, of learning support material; to further provide for action to be taken in the event that a governing body ceases or fails to perform its functions and to grant additional powers to persons appointed by the Head of Department where the governing body has failed to perform its functions; to provide that a member of the governing body must declare personal interests in the procurement of goods and services for public schools, or interests that his or her family members may have, and that a member of the governing body must recuse himself or herself in such a case; to prohibit the remuneration of members of the governing body for the performance of their functions as governing body members in relation to any school activity; to provide for a parent member to serve as chairperson of the finance committee; to provide for additional procedures in relation to the closure of public schools, to allow the Member of the Executive Council to close a public school if there are no learners registered at that school and to allow the Member of the Executive Council to close a public school, after complying with certain requirements, if there are 135 or fewer than 135 learners registered at that school; to provide that lease agreements have to be submitted to the Member of the Executive Council for approval; to further regulate the approval and adoption of the annual budget of a public school and amendments thereto; to provide for the consideration of specified documents by the governing body in an application for school fee exemption and the submission of additional documentary evidence by a parent in relation to the other parent; to extend the powers of the Head of Department to conduct an investigation into the financial affairs of a public school and to provide that a governing body must submit quarterly reports on all income and expenditure to the Head of Department; to provide for financial reporting by subsidised independent schools; to further provide for the registration of learners for home education; to create an offence where a parent supplies a public school with false or misleading information or forged documents; to provide for a dispute resolution mechanism in the event of a dispute between the Head of Department and a governing body; to further regulate the liability of the State for contractual damages; to extend the powers of the Minister to make regulations; to provide for offences to be created in regulations made by the Minister; and to provide for matters incidental thereto; and

- the Employment of Educators Act, 1998 (Act No. 76 of 1998), so as to amend certain definitions; to provide for the exclusion of adult basic education and further education and training centres and institutions from the ambit of the Act; to limit the post levels in regard to which the governing body may make recommendations for appointment to the Head of Department and to extend the powers of the Head of Department in relation to the appointment, promotion or transfer of certain post levels; to extend the provisions in regard to educators deemed to be discharged to include temporary and substitute educators; to prohibit an educator from conducting business with the State and to create an offence in relation thereto; to provide for the disclosure of financial interest of educators; to extend the powers of the Minister to make regulations; and to provide for matters incidental thereto.

BE IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

Amendment of section 1 of Act 84 of 1996, as amended by sections 1 of Act 100 of 1997, Act 48 of 1999, Act 53 of 2000, Act 57 of 2001, Act 50 of 2002, Act 1 of 2004, Act 24 of 2005, Act 31 of 2007 and Act 15 of 2011

1. Section 1 of the South African Schools Act, 1996, is hereby amended—
 - (a) by the insertion before the definition of “**Constitution**” of the following definition:

“**‘benefit in kind’** means any benefit offered or afforded to the employee which is not a monetary benefit, including, but not limited to—

 - (a) exclusive private usage or ownership of a vehicle;
 - (b) free accommodation;
 - (c) free phone, including cellphone;
 - (d) free holiday;
 - (e) groceries to the benefit of the employee; or
 - (f) garden services;”;
 - (b) by the insertion after the definition of “**benefit in kind**” of the following definition:

“**‘competent assessor’** means a qualified *educator* registered with the South African Council for Educators as defined in the South African Council for Educators Act, 2000 (Act No. 31 of 2000), or a person or body registered with the South African Qualifications Authority as contemplated in the South African Qualifications Authority Act, 1995 (Act No. 58 of 1995);”;
 - (c) by the deletion in the definition of “**Constitution**” of the expression “(Act No. 108 of 1996);”;
 - (d) by the insertion after the definition of “**dangerous object**” of the following definition:

“**‘Department of Basic Education’** means the department established in terms of section 7(2), read with Schedule 1, of the Public Service Act, 1994 (Proclamation No. 103 of 1994), responsible for basic education;”;
 - (e) by the insertion after the definition of “**Head of Department**” of the following definition:

“**‘home education’** means a purposeful programme of education for a *learner*, alternative to school attendance, which—

 - (a) is provided under the direction of the learner’s *parent* primarily in the environment of the *learner*’s home;
 - (b) may include tutorial or other educational support services secured by the *parent*; and
 - (c) meets the requirements for registration of a *learner* for home education contemplated in section 51(2);”;
 - (f) by the insertion after the definition of “**learner**” of the following definition:

“**‘liquor’** means liquor as defined in section 1 of the Liquor Act, 2003 (Act No. 59 of 2003);”;
 - (g) by the substitution for the definition of “**loan**” of the following definition:

“**‘loan’** means any financial obligation based on agreement, which obligation renders a *public school* liable for making payment, in one or more instalments, in favour of any person, but does not include the payment of staff appointed by the *governing body* in terms of section 20(4) or (5) and the day-to-day operational costs of a *public school* which include, but are not limited to, the purchasing of stationery, and the payment of telephone accounts, internet accounts and municipal services;”;
 - (h) by the insertion after the definition of “**officer**” of the following definition:

“**‘other financial benefit’** means any benefit of a monetary nature, including, but not limited to—

 - (a) exemption from the payment of school fees to the school in respect of the child of an employee, but excluding exemption in terms of the provisions of sections 39 to 41 of the Act;
 - (b) a credit card linked to an employee for his or her personal use;

- (c) a petrol card linked to an employee for his or her personal use not related to any school activity; and
- (i) by the insertion after the definition of “**principal**” of the following definition:
“‘prohibited substance’ means any substance contemplated in the South African Institute for Drug-Free Sport Act, 1997 (Act No. 14 of 1997).”

Amendment of section 3 of Act 84 of 1996, as amended by Act 100 of 1997

2. Section 3 of the South African Schools Act, 1996, is hereby amended—
- (a) by the substitution for subsection (6) of the following subsection:
 “(6) Subject to *this Act* and any other applicable law—
- (a) any *parent* who, without just cause and after a written notice from the *Head of Department*, fails to comply with subsection (1), is guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding six **[months]** years, or to both such fine and such imprisonment; or
- (b) any other person who, without just cause, prevents a *learner* who is subject to compulsory attendance from attending a *school*, is guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding six **[months]** years, or to both such fine and such imprisonment.”; and
- (b) by the insertion after subsection (6) of the following subsection:
 “(7) Any person who wilfully interrupts or disrupts any school activity or who wilfully hinders or obstructs any school in the performance of the school’s activities shall be guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding six years or to both such fine and such imprisonment.”.

Amendment of section 5 of Act 84 of 1996, as amended by section 2 of Act 50 of 2002

3. Section 5 of the South African Schools Act, 1996, is hereby amended—
- (a) by the substitution for subsection (5) of the following subsection:
 “(5) Subject to *this Act* and any applicable provincial law, the admission policy of a *public school* is determined by the *governing body* of such school: Provided that—
- (a) the *Head of Department* has the final authority, subject to subsection (9), to admit a learner to a *public school*;
- (b) the *governing body* must submit the admission policy of a *public school* and any amendment thereof to the *Head of Department* for approval;
- (c) the *Head of Department* may approve the admission policy of a *public school* or any amendment thereof or he or she may return it to the *governing body* with such recommendations as may be necessary in the circumstances;
- (d) the *Head of Department*, when considering the admission policy or any amendment thereof for approval, must be satisfied that the policy or the amendment thereof takes into account the needs, in general, of the broader community in which the public school is located, and must take into account the following factors, but not limited to:
- (i) The best interests of the child, with emphasis on equality, as provided for in section 9 of the Constitution, and equity;
- (ii) accessibility to a school within the community by learners;
- (iii) the available resources of the school; and
- (iv) the space available at the school for learners; and
- (e) the *governing body* must review the admission policy determined in terms of this section every three years or whenever the factors referred to in paragraph (d) have changed, when circumstances so require, or at the request of the *Head of Department*.”.
- (b) by the substitution for subsection (9) of the following subsection:

“(9) Any learner or parent of a learner who has been refused admission to a public school may appeal against the decision to the Member of the Executive Council within 14 days of receiving the notification of the refusal of admission to a public school.”; and

(c) by the insertion after subsection (9) of the following subsection:

“(10) If an appeal contemplated in subsection (9) has been received, the Member of the Executive Council must respond within 21 days of receiving such an appeal.”.

Amendment of section 6 of Act 84 of 1996

4. Section 6 of the South African Schools Act, 1996, is hereby amended—

(a) by the substitution for subsection (2) of the following subsection:

“(2) The governing body of a public school may, subject to subsection (5), determine the language policy of the school subject to the Constitution, this Act and any applicable provincial law.”; and

(b) by the insertion after subsection (4) of the following subsections:

“(5) The governing body must submit the language policy of a public school and any amendment thereof to the Head of Department for approval.

(6) The Head of Department may approve the language policy of a public school or any amendment thereof or he or she may return it to the governing body with such recommendations as may be necessary in the circumstances.

(7) The Head of Department, when considering the language policy or any amendment thereof for approval, must be satisfied that the policy or the amendment thereof takes into account the language needs, in general, of the broader community in which the public school is located, and must take into account the following factors, but not limited to:

(a) The best interests of the child, with emphasis on equality, as provided for in section 9 of the Constitution, and equity;

(b) the dwindling number of learners who speak the language of learning and teaching at the public school; and

(c) the need for effective use of classroom space and resources of the public school.

(8) The governing body must review the language policy determined in terms of this section every three years or whenever the factors referred to in subsection (7) have changed, when circumstances so require, or at the request of the Head of Department.

(9) Notwithstanding the provisions of subsection (2), the Head of Department may direct a public school to adopt more than one language of instruction, where it is practicable to do so.

(10) The Head of Department, in determining whether it is practicable for a public school to have more than one language of instruction, must take into account the following factors, but not limited to—

(a) the best interests of the child, with emphasis on equality, as provided for in section 9 of the Constitution, and equity;

(b) the dwindling number of learners who speak the language of learning and teaching at the public school;

(c) the need for effective use of classroom space and resources of the public school; and

(d) the language needs, in general, of the broader community in which the public school is located.

(11) The Head of Department may not act in terms of subsection (9) unless he or she has—

(a) informed the governing body of the public school of his or her intention so to act and his or her reasons therefor;

- (b) granted the governing body of the public school a reasonable opportunity to make representations to him or her in relation to such action;
- (c) conducted a public hearing on reasonable notice, to enable the community to make representations to him or her in relation to such action; and
- (d) given due consideration to any such representations received.”.

(12) The Head of Department must inform the governing body of his or her decision and must make his or her decision known to the community in a suitable manner.

Amendment of section 6A of Act 84 of 1996, as inserted by section 3 of Act 50 of 2002

5. Section 6A of the South African Schools Act, 1996, is hereby amended by the insertion after subsection (2) of the following subsection:

“(3) The Minister may, either generally or in a specific case, appoint in writing, a person, an organisation or group of persons to advise him or her in regard to the determination contemplated in subsection (1).”.

Amendment of section 8 of Act 84 of 1996, as amended by section 4 of Act 50 of 2002 and section 6 of Act 31 of 2007

6. Section 8 of the South African Schools Act, 1996, is hereby amended—
(a) by the substitution for subsection (2) of the following subsection:

“(2) A code of conduct referred to in subsection (1) must be aimed at establishing a disciplined and purposeful school environment, dedicated to the improvement and maintenance of the quality of the learning process, taking into account the diverse cultural beliefs and religious observances of the learners at the school.”;

(b) by the substitution for subsection (4) of the following subsection:

“(4) (a) The code of conduct must contain an exemption provision, in order for learners or the parent of a learner to make application to the governing body requesting an exemption of that learner from complying with the code of conduct or certain provisions thereof, on just cause shown.

(b) A learner or the parent of a learner who has been refused exemption as contemplated in paragraph (a) may appeal against the decision of the governing body to the Head of Department within 14 days of receiving the notice of the decision.”; and

(c) by the insertion in subsection (5) after paragraph (b) of the following paragraph:

“(c) The disciplinary proceedings referred to in this subsection must not be rigid and should adhere to the principles of justice, fairness and reasonableness prescribed by the Constitution.”.

Amendment of section 8A of Act 84 of 1996, as inserted by section 7 of Act 31 of 2007

7. Section 8A of the South African Schools Act, 1996, is hereby amended—
(a) by the substitution for subsection (1) of the following subsection:

“(1) Unless authorised by the principal for legitimate educational purposes, no person may bring liquor, a dangerous object [or], an illegal drug or a prohibited substance onto school premises or have such liquor, dangerous object [or], illegal drug or prohibited substance in his or her possession on school premises or during any school activity.”;

(b) by the substitution for subsection (2) of the following subsection:

“(2) Subject to subsection (3), the principal or his or her delegate may, at random, search a learner or any group of learners, or the property of a learner or group of learners, for any liquor, dangerous object [or], illegal drug or prohibited substance, if a fair and reasonable suspicion has been established—

- (a) that liquor, a dangerous object [or], an illegal drug or a prohibited substance may be found on school premises or during a school activity; or
- (b) that one or more learners on school premises or [during] at a school activity are in possession of liquor, dangerous objects [or], illegal drugs or prohibited substances.”;
- (c) by the substitution in subsection (5) for the words preceding paragraph (a) of the following words:

“(5) Any liquor, dangerous object [or], illegal drug or prohibited substance that has been seized must be—”;
- (d) by the substitution for subsection (6) of the following subsection:

“(6) If the police cannot collect the liquor, dangerous object [or], illegal drug or prohibited substance from the school immediately, the principal or his or her delegate must—

 - (a) take the liquor, dangerous object [or], illegal drug or prohibited substance to the nearest police station; and
 - (b) hand the liquor, dangerous object [or], illegal drug or prohibited substance over to the police to dispose of it in terms of section 31 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977).”;
- (e) by the substitution for subsection (7) of the following subsection:

“(7) The police officer who receives the liquor, dangerous object [or], illegal drug or prohibited substance must issue an official receipt for it to the principal or to his or her delegate.”;
- (f) by the substitution for subsection (8) of the following subsection:

“(8) The principal or his or her delegate may at random administer a urine or other non-invasive test to any learner or group of learners that is on fair and reasonable grounds suspected of using liquor, illegal drugs or prohibited substances, after taking into account all relevant factors contemplated in subsection (3).”;
- (g) by the substitution in subsection (9) for the words preceding paragraph (a) of the following words:

“(9) A learner contemplated in subsection (8) may be subjected to a urine or other non-invasive test for liquor, illegal drugs or prohibited substances only if—”;
- (h) by the substitution for subsection (12) of the following subsection:

“(12) A learner may be subjected to disciplinary proceedings if—

 - (a) liquor, a dangerous object [or], an illegal drug or a prohibited substance is found in his or her possession; or
 - (b) his or her sample tested positive for liquor, an illegal drug or a prohibited substance.”; and
- (i) by the substitution in subsection (14) for paragraph (a) of the following paragraph:

“(a) a search contemplated in subsection (2) was conducted and liquor, a dangerous object [or], an illegal drug or a prohibited substance was found; or”.

Amendment of section 12A of Act 84 of 1996, as amended by section 8 of Act 48 of 1999

- 8.** Section 12A of the South African Schools Act, 1996, is hereby amended—
- (a) by the substitution for subsection (4) of the following subsection:

“(4) (a) The Member of the Executive Council must, after consultation with the governing bodies of the public schools that are to be merged, determine by notice contemplated in subsection (1)—

 - (i) the date of establishment of the public school;
 - (ii) the name of the public school; and
 - (iii) the physical location and official address of the public school.

- (b) by the substitution for subsection (6) of the following subsection:
- “(6) (a) The governing bodies of the schools that are merged must have a meeting before the merger to constitute a single interim *governing body* comprising of all the members of the governing bodies concerned for a period not exceeding three months.
 (b) The interim *governing body* must elect office bearers, decide on the budget [and], differences in codes of conduct [and], school fees, and, if applicable, contractual obligations, utilisation and disposal of movable assets and recommend to the Head of Department on personnel matters, as well as any issue that is relevant to the merger or which is prescribed, until a new *governing body* is constituted in terms of sections 23 and 28.
 (c) The Member of the Executive Council may extend the period referred to in paragraph (a) once for a further period not exceeding three months.”;
- (c) by the insertion after subsection (7) of the following subsections:
- “(8) A merger contemplated in subsection (1) does not affect the liability of any person to be disciplined or prosecuted for any misconduct, crime or offence.
 (9) A learner is subject to the code of conduct applicable to the new single public school as from the date of the merger contemplated in subsection (1), but if any proceedings in respect of a charge of misconduct had been instituted or commenced before the date of the merger, such proceedings must continue in terms of the code of conduct relevant to the public school immediately before the merger.
 (10) The new single public school or the Head of Department, as the case may be, undertake rationalisation of its workforce according to operational requirements in accordance with sections 189 and 189A of the Labour Relations Act, 1995 (Act No. 66 of 1995), and the Employment of Educators Act, 1998 (Act No. 76 of 1998).
 (11) If two or more public schools are merged into a single public school in terms of subsection (1), the new single public school continues with all academic programmes offered by the former public schools under the programmes applicable to the respective public schools immediately before the date of the merger, until such programmes are amended or restructured by the governing body or education department, where applicable.”.

Amendment of section 17 of Act 84 of 1996

9. Section 17 of the South African Schools Act, 1996, is hereby amended by the insertion after subsection (2) of the following subsection:

“(3) The Member of the Executive Council may for sufficient reasons reverse or suspend his or her determination in terms of subsection (1).”.

Amendment of section 20 of Act 84 of 1996, as amended by section 6 of Act 100 of 1997, section 4 of Act 53 of 2000, section 3 of Act 57 of 2001 and section 9 of Act 30 of 2007

10. Section 20 of the South African Schools Act, 1996, is hereby amended—
- (a) by the substitution in subsection (1) for paragraph (i) of the following paragraph:
- “(i) recommend to the Head of Department the appointment of post level 1 educators at the school, subject to the Employment of Educators Act, 1998 (Act No. 76 of 1998), and the Labour Relations Act, 1995 (Act No. 66 of 1995);”;
- (b) by the substitution in subsection (1) for paragraph (k) of the following paragraph:

- “(k) at the request of the *Head of Department*, allow the reasonable use under fair conditions determined by the *Head of Department* of the facilities of the school for **[educational programmes]** education-related activities **[not conducted by the school]**, without the charging of a fee or tariff.”

Amendment of section 21 of Act 84 of 1996, as amended by section 10 of Act 48 of 1999

11. Section 21 of the South African Schools Act, 1996, is hereby amended by the insertion after subsection (3) of the following subsection:

“(3A) Notwithstanding the provisions of subsections (1)(c) and (3) and section 22, the *Head of Department* may, after consultation with the governing body, centrally procure identified learning support material for public schools on the basis of efficient, effective and economic utilisation of public funds or uniform norms and standards.”

Amendment of section 22 of Act 84 of 1996

12. Section 22 of the South African Schools Act, 1996, is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) The *Head of Department* may, on reasonable grounds, withdraw **[a] one or more [function] functions** of a governing body.”

Amendment of section 25 of Act 84 of 1996, as amended by section 4 of Act 57 of 2001

13. Section 25 of the South African Schools Act, 1996, is hereby amended—

- (a) by the substitution for the heading of the following heading:

“**Cessation or failure by governing body to perform functions**”;
- (b) by the substitution for subsection (1) of the following subsection:

“(1) (a) If the *Head of Department* determines on reasonable grounds **[that] to dissolve a governing body that has ceased to perform functions [allocated to it] as prescribed in terms of this Act, [or has failed to perform one or more of such functions,]** he or she must appoint sufficient persons to perform all such functions **[or one or more of such functions, as the case may be,]** for a period not exceeding three months.

(b) If the *Head of Department* determines on reasonable grounds that a governing body has failed to perform one or more of such functions, as prescribed in terms of this Act, he or she must appoint sufficient persons to perform one or more of such functions, as the case may be, for a period not exceeding three months.”;
- (c) by the substitution for subsection (2) of the following subsection:

“(2) The *Head of Department* may extend the period referred to in subsection (1)(a) and (b), by further periods not exceeding three months each, but the total period may not exceed one year.”;
- (d) by the substitution for subsection (4) of the following subsection:

“(4) If a governing body fails to perform any of its functions, the persons contemplated in subsection (1)(b) must build the necessary capacity within the period of their appointment to ensure that the governing body performs its functions in terms of the Act that it failed to perform.”; and
- (e) by the addition after subsection (4) of the following subsection:

“(5) The persons contemplated in subsection (1) shall have exclusive voting rights and decision making powers on any function that they have been appointed to perform.”

Substitution of section 26 of Act 84 of 1996

14. The following section is hereby substituted for section 26 of the South African Schools Act, 1996:

“Recusal by members of governing body

26. (1) A governing body member must declare a direct or indirect personal interest that the member or any of his or her family members has in the procurement of goods and services for the public school, including—

(a) a personal interest of the governing body member or any of his or her family members—

(i) in an entity conducting business with the school; or

(ii) in a business or a commercial or financial activity undertaken by the governing body or the school;

(b) a financial or other obligation of the governing body member to an entity conducting business with the school; and

(c) a gift, hospitality, sponsorship or other benefit received by the governing body member from an entity conducting business with the school.

(2) Any person may in writing inform the chairperson of a governing body or the principal of a school of a possible conflict of interest concerning a governing body member.

(3) A governing body member must withdraw and recuse himself or herself from a meeting of the governing body for the duration of the discussion and decision-making on an issue in which the member has a personal interest.

(4) A governing body may not take a decision on a matter if it has knowledge that a governing body member who is present has a personal interest in that matter, until the member has withdrawn as contemplated in subsection (3).

(5) A governing body member who contravenes the provisions of this section, and after due process, as contemplated in the code of conduct for the members of the governing body, may —

(a) be suspended; or

(b) have his or her membership of a governing body terminated.

(6) This section applies, with the necessary changes, to committees of a governing body and committee members.

(7) For the purposes of this section, “family member” means a parent, a sister, a brother, a child or a spouse of a member of the governing body, and includes—

(a) a person living with that member as if they were married to each other, namely a life partner;

(b) a relative who resides permanently with that member; and

(c) any other relative who is dependent on such member.”.

Amendment of section 27 of Act 84 of 1996

15. Section 27 of the South African Schools Act, 1996, is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) No member of a governing body may be remunerated in any way for the performance of his or her duties or attendance of meetings and any school activity.”.

Amendment of section 29 of Act 84 of 1996, as amended by section 12 of Act 48 of 1999

16. Section 29 of the South African Schools Act, 1996, is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) Only a parent member of a governing body who is not employed at the public school may serve as the chairperson of the governing body or as the chairperson of the finance committee of that public school.”.

Amendment of section 32 of Act 84 of 1996

17. Section 32 of the South African Schools Act, 1996, is hereby amended by the substitution in the heading of the section for the word “minors” of the word “learners” and in subsections (1), (2) and (3) for the word “minor” of the word “learner”, wherever it appears.

Amendment of section 33 of Act 84 of 1996

18. Section 33 of the South African Schools Act, 1996 is hereby amended—
- (a) by the deletion in subsection (2) of the word “and” at the end of paragraph (c);
 - (b) by the insertion in subsection (2) of the word “and” at the end of paragraph (d);
 - (c) by the insertion in subsection (2) after paragraph (d) of the following paragraph:

“(e) informed the governing body of the school and the community of the outcome of the considerations of their representations.”;
 - (d) by the insertion of the following subsections after subsection (2):

“(2A) Notwithstanding the provisions of subsection (2) the Member of the Executive Council may, by notice in the Provincial Gazette, in his or her sole discretion, close a public school if there are no learners registered at that school.

(2B) Notwithstanding the provisions of subsection (2) and subject to the provisions of subsection (2C), the Member of the Executive Council may, by notice in the Provincial Gazette, close a public school if there are 135 or fewer than 135 learners registered at that school.

(2C) The Member of the Executive Council may not act under subsection (2B) unless he or she has—

 - (a) given written notice to the school and the parents of the learners of that school;
 - (b) published a notice in one or more newspapers circulating in the area where the school is situated or by means of any other acceptable form of communication, giving notice of his or her intention to close the school;
 - (c) consulted with the parents of the learners of the school and affording them an opportunity to make representations within a period of not less than 30 days from the date of the notice or communication referred to in paragraph (b);
 - (d) considered such representations; and
 - (e) where applicable, made alternative arrangements for the learners of the school to attend another school that is able to accommodate those learners and, where appropriate, made arrangements for the transport of the learners to that school.”; and
 - (e) by the substitution for subsection (3) of the following subsection:

“(3) If a public school is closed in terms of subsection (1), (2A) or (2B) all assets and liabilities of such school must, subject to the conditions of any donation, bequest or trust contemplated in section 37(4), devolve on the State unless otherwise agreed between the Member of the Executive Council and the governing body of the school.”.

Amendment of section 36 of Act 84 of 1996, as amended by section 5 of Act 57 of 2001 and section 12 of Act 15 of 2011

19. Section 36 of the South African Schools Act, 1996, is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) Despite subsection (1), a governing body may not enter into any loan, lease or overdraft agreement [so as to supplement the school fund] for any purpose, without the written approval of the Member of the Executive Council.”.

Amendment of section 37 of Act 84 of 1996, as amended by section 6 of Act 57 of 2001

20. Section 37 of the South African Schools Act, 1996, is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) The *governing body* of a *public school* must establish a *school fund* and administer it in accordance with **[directions]** directives issued by the *Head of Department*.”.

Amendment of section 38 of Act 84 of 1996, as amended by section 7 of Act 57 of 2001 and section 7 of Act 50 of 2002

21. Section 38 of the South African Schools Act, 1996, is hereby amended by the insertion after subsection (3) of the following subsections:

“(4) Any significant or substantial deviation from the initial approved budget must be presented to a general meeting of *parents* convened specifically for that purpose, on at least 30 days’ notice, for consideration and approval by a majority of *parents* present and voting.

(5) The notice contemplated in subsection (4) must also inform the *parents* that the change to the initial approved budget will be available for inspection at the school at least 14 days prior to the meeting.

(6) A quorum of 15% of *parents* is required for the general meetings of *parents* contemplated in subsections (2) and (4).

(7) If the quorum contemplated in subsection (6) is not reached at the general meeting of *parents*—

(a) the chairperson shall determine the date, time and place for the second meeting of the general meeting and notify *parents* 14 days prior to such meeting ;

(b) the principal shall at least seven days prior to the date of the second general meeting distribute the copy of the notice to every learner at the *school* with an instruction to hand the notice to the *parents*; and

(c) there shall be no quorum required at the second general meeting.”.

Amendment of section 41 of Act 84 of 1996, as amended by section 5 of Act 24 of 2005

22. Section 41 of the South African Schools Act, 1996, is hereby amended—
(a) by the substitution for subsection (2) of the following subsection:

“(2) The exemption from payment of *school fees* must be calculated according to the regulations contemplated in section 39(4) and the *governing body* may consider only the following documentation when deciding on the application:

(a) A salary advice of both *parents*, where applicable;

(b) statements of profits received from investments or other forms of business;

(c) a divorce agreement or court order, where applicable;

(d) an affidavit where the *parent* is unemployed; and

(e) proof of all children registered at a *public school*.”; and

(b) by the insertion after subsection (2) of the following subsection:

“(2A) Notwithstanding subsection (2), a parent may submit to the governing body documentary evidence in the form of an affidavit supported by a confirmatory affidavit from a social worker or another competent authority, or a court order, which constitutes sufficient proof that the other parent of the learner—

(a) is untraceable;

(b) is unwilling to provide the first-mentioned parent with particulars of his or her total annual gross income;

(c) has failed to provide the first-mentioned parent with particulars of his or her total annual gross income despite the lapse of a reasonable time after a request by or on behalf of the first-mentioned parent that he or she do so; or

(d) has provided the first-mentioned parent with incomplete or inaccurate particulars about his or her total annual gross income and has refused to

rectify the deficiency or has failed to do so despite the lapse of a reasonable time after a request by or on behalf of the first-mentioned parent that he or she do so.”.

Amendment of section 43 of Act 84 of 1996

23. Section 43 of the South African Schools Act, 1996, is hereby amended by the substitution for subsections (4) and (5) of the following subsections:

- “(4) If the Head of Department deems it necessary, he or she may—
- (a) authorise officers to conduct an investigation into the financial affairs of a public school, and, where necessary, after consultation with the governing body, access documents relevant for the purposes of the investigation;
 - (b) request the Auditor-General to undertake an audit of the records and financial statements of a public school; or
 - (c) appoint forensic auditors or forensic investigators to conduct a forensic investigation into the financial affairs of a public school.
- (5) A governing body must submit to the Head of Department —
- (a) within 30 days after the end of each quarter, a copy of the quarterly report on all income and expenditure in accordance with directives issued by the Head of Department; and
 - (b) within six months after the end of each financial year, a copy of the annual financial statements, audited or examined in terms of this section.”.

Amendment of section 48 of Act 84 of 1996

24. Section 48 of the South African Schools Act, 1996, is hereby amended—

(a) by the substitution for subsection (2) of the following subsection:

“(2) The Member of the Executive Council may, out of funds appropriated by the provincial legislature for that purpose, grant a subsidy to an independent school, subject to conditions determined by the Member of the Executive Council.”; and

(b) by the insertion after subsection (5) of the following subsection:

“(6) An independent school must submit to the Head of Department—

- (a) within 30 days after the end of each quarter, a copy of the quarterly report on all income and expenditure relating to the subsidy contemplated in subsection (2), in accordance with directives issued by the Head of Department; and
- (b) within six months after the end of each financial year, a copy of the audited or examined annual financial statements relating to the subsidy contemplated in subsection (2).”.

Substitution of section 51 of Act 84 of 1996

25. The following section is hereby substituted for section 51 of the South African Schools Act, 1996:

“Registration of learners for home education

51. (1) A parent of a learner who is of compulsory school going age may apply to the Head of Department for the registration of the learner to receive home education.

(2) The Head of Department must approve the application and register the learner as contemplated in subsection (1) if he or she is satisfied that—

- (a) education at home and registration as such is in the interests of the learner;
- (b) the parent understands, accepts and is equipped to fulfil the responsibility of home education for the learner;

- (c) the proposed home education programme is suitable for the learner's age, grade level, ability and covers the acquisition of content and skills at least comparable to the relevant national curriculum determined by the Minister; and
- (d) the parent undertakes to—
- (i) make suitable educational resources available to support the learner's learning;
 - (ii) monitor the learner's learning;
 - (iii) arrange for the learner's educational attainment to be assessed annually by a competent assessor, approved by the Head of Department, at the parent's own expense who will apply a standard that is not inferior to the standard expected in a public school according to the learner's age, grade level and ability; and
 - (iv) provide the Head of Department with the learner's assessment report signed by the competent assessor.

(3) The Head of Department may attach any reasonable conditions to a learner's registration for home education consistent with subsection (2) that takes into account—

- (a) the circumstances of the learner or parent;
- (b) the character of home education as an alternative to compulsory school attendance; and
- (c) the capacity of the education department to support and monitor the home education of a learner.

(4) A learner who is registered for home education is exempted from school attendance in terms of the Act.

(5) A parent may, after a learner has completed grade 9, enrol the learner at a public school or independent school for the completion of grades 10 to 12.

(6) A parent of a learner who wishes to continue with home education after the learner has completed grade 9, must make use of the services of a private or independent service provider, accredited by Umalusi, established in terms of section 4 of the General and Further Education and Training Quality Assurance Act, 2001 (Act No. 58 of 2001), to register for the Senior Certificate Examination through an independent or private assessment body.

(7) The Head of Department must cancel a learner's registration for home education if, after enquiry, the Head of Department is satisfied that home education is no longer in the educational interest of the learner.

(8) The Head of Department may not cancel the registration of a learner for home education before—

- (a) informing the parent of his or her intention so to act and the reasons therefor;
- (b) granting the parent a reasonable opportunity to make representations to him or her relating to such intention; and
- (c) giving due consideration to any such representations received.

(9) A learner or the parent of a learner may appeal to the Member of the Executive Council, within 14 days of receiving notice, if a Head of Department—

- (a) declines the application to register for home education; or
- (b) cancels a learner's registration for home education.

(10) The Minister may make regulations relating to the registration and administration of home education.”.

Amendment of section 59 of Act 84 of 1996, as amended by section 10 of Act 100 of 1997

26. Section 59 of the South African Schools Act, 1996, is hereby amended—

- (a) by the substitution for the heading of the following heading:

“Duty [of schools] to provide information”;

- (b) by the substitution for subsection (2) of the following subsection:

“(2) Every school must provide such information about the school as is reasonably required by the Head of Department or the Director General of the

[national] Department of Basic Education in consultation with the Head of Department.”; and

(c) by the insertion after subsection (2) of the following subsection:

“(3) A parent of a learner or any person who, in an application for admission to a public school or for the exemption of the payment of school fees, submits or provides information which he or she knows to be false or misleading, or submits a forged document or one which purports to be but is not a true copy of the original is guilty of an offence and upon conviction liable to a fine or to imprisonment for a period of six months.”.

Insertion of section 59A of Act 84 of 1996

27. The following section is hereby inserted in the South African Schools Act, 1996, after section 59:

“Dispute Resolution

59A. (1) In the event of any dispute between the Head of Department and a governing body, the parties must meaningfully engage each other to resolve the dispute.

(2) In attempting to resolve a dispute, the following steps must be taken:

(a) The aggrieved party must give the other party written notice of the dispute; and

(b) such notice must include a description of the issues involved in the dispute and a proposed resolution thereof.

(3) If the dispute has not been resolved within 14 days after the issuing of the written notice contemplated in subsection (2), each party must nominate a representative, and those representatives must meet within 14 days after their nomination in order to resolve the dispute.

(4) If the parties cannot reach agreement, the dispute may be referred for mediation to a person agreed upon by the parties.”.

Amendment of section 60 of Act 84 of 1996, as amended by section 14 of Act 48 of 1999, section 12 of Act 31 of 2007 and section 14 of Act 15 of 2011

28. Section 60 of the South African Schools Act, 1996, is hereby amended by the substitution for subsection (4) of the following subsection:

“(4) Despite the provisions of subsection (1), the State is not liable for any damage or loss caused as a result of any act or omission in connection with any enterprise or business operated under the authority of a public school for purposes of supplementing the resources of the school as contemplated in section 36, including the offering of practical educational activities relating to that enterprise or business or if the provisions of section 36(2) have not been complied with.”.

Amendment of section 61 of Act 84 of 1996, as substituted by section 5 of Act 53 of 2000 and section 9 of Act 50 of 2002

29. Section 61 of the South African Schools Act, 1996, is hereby amended—

(a) by the insertion before the words “The Minister may make regulations” of the expression “(1)”;

(b) by the insertion in subsection (1) of the following paragraphs:

“(aA) on the management of learner pregnancy;

(aB) on the admission of learners to public schools;

(aC) on the prohibition of the payment of unauthorised remuneration or the giving of financial benefit or payment in kind to certain employees;

(aD) on the minimum norms and standards for provincial educator development institutes and district educator development centres;

- (aE) on the organisation, roles and responsibilities of education districts; and
 (aF) on a national education information system;”; and
 (c) by the insertion after subsection (1) of the following subsection:
 “(2) The regulations contemplated in subsection (1) may provide that any person who contravenes a provision thereof or fails to comply therewith is guilty of an offence and on conviction is liable to a fine or to imprisonment for a period not exceeding 6 months.”.

Amendment of section 1 of Act 76 of 1998, as amended by section 6 of Act 53 of 2000, section 58 of Act 16 of 2006 and section 15 of Act 15 of 2011

30. Section 1 of the Employment of Educators Act, 1998, is hereby amended—
 (a) by the deletion of the definition of “**adult basic education centre**”;
 (b) by the substitution for the definition of “**educator**” of the following definition:
 “**‘educator’** means any person who teaches, educates or trains other persons or who provides professional educational services, including professional therapy and education psychological services, at any public school[, or departmental office [**or adult basic education centre**] and who is appointed in a post on any educator establishment under this Act;”;
 (c) by the deletion of the definition of “**further education and training institution**”; and
 (d) by the substitution for the definition of “**provincial department of education**” of the following definition:
 “**‘provincial department of education’** means a department responsible for education in a province and includes all public schools[, **further education and training institutions,**] and departmental offices [**and basic adult education centres**] in such province;”.

Amendment of section 5 of Act 76 of 1998

31. Section 5 of the Employment of Educators Act, 1998, is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) The educator establishment of any public school[, **further education and training institution,**] or departmental office [**or adult basic education centre**] under the control of a provincial department of education shall, subject to the norms prescribed for the provisioning of posts, consist of the posts allocated to the said school[, **institution,**] or office [**or centre**] by the Head of Department from the educator establishment of that department.”.

Amendment of section 6 of Act 76 of 1998, as amended by section 58 of Act 16 of 2006

32. Section 6 of the Employment of Educators Act, 1998, is hereby amended—
 (a) by the substitution in subsection (3) for paragraph (a) of the following paragraph:
 “(a) (i) Subject to paragraph (m), any appointment[, **promotion**] or transfer to any post level 1 post on the *educator* establishment of a public school may only be made on the recommendation of the governing body of the public school and, if there are post level 1 educators in the *provincial department of education* concerned who are in excess of the educator establishment of a public school due to operational requirements, that recommendation may only be made from candidates identified by the Head of Department, who are in excess and suitable for the post concerned.”;
 (b) by the insertion in subsection (3) after paragraph (a)(i) of the following subparagraph:
 “(ii) Subject to paragraph (m), any appointment, promotion or transfer to any promotional posts on post levels 2 to 4 on the *educator* establishment of a public school shall be determined from candidates identified by the Head of Department, in the manner prescribed by regulation by the Minister.”;

(c) by the substitution in subsection (3) for the words in paragraph (b) preceding subparagraph (i) of the following words:

“(b) In considering the applications, the governing body or [the council] the Head of Department, as the case may be, must ensure that the principles of equity, redress and representivity are complied with and the governing body or [council] the Head of Department, as the case may be, must adhere to—”;

(d) by the substitution in subsection (3) for paragraph (f) of the following paragraph:

“(f) Despite the order of preference in paragraph (c) and subject to paragraph (d), the Head of Department may appoint any suitable post level 1 candidate on the list.”;

(e) by the substitution in subsection (3) for paragraph (m) of the following paragraph:

“(m) Until the relevant governing body is established, the appointment, promotion or transfer in a temporary capacity to any post on the *educator* establishment, must be made by the Head of Department where a new public school is established in terms of the South African Schools Act, 1996, and any applicable provincial law.”;

(f) by the insertion after subsection (3) of the following subsection:

“(4) Notwithstanding the provisions of subsection (3), educators on post levels 2 to 4, will be appointed directly by the Head of Department.”.

Amendment of section 6A of Act 76 of 1998, as inserted by section 10 of Act 50 of 2002

33. Section 6A of the Employment of Educators Act, 1998, is hereby amended by the substitution in subsection (2) for paragraphs (a) and (b) of the following paragraphs:

“(a) consulted the relevant governing body on the specific post level 1 post and the requirements thereof;

(b) ensured that the applicant to be appointed matches the requirements of the post level 1 post; and”.

Amendment of section 7 of Act 76 of 1998

34. Section 7 of the Employment of Educators Act, 1998, is hereby amended—

(a) by the substitution in subsection (1) for the words preceding paragraph (a) of the following words:

“(1) In the making of any appointment, promotion or the filling of any post on any educator establishment under this Act due regard shall be had to equality, equity and the other democratic values and principles which are contemplated in section 195 (1) of the Constitution of the Republic of South Africa, 1996 [(Act No. 108 of 1996)], and which include the following factors, namely—”;

and

(b) by the substitution in subsection (2) for paragraph (a) of the following paragraph:

“(a) in a permanent capacity or in a promotional post, whether on probation or not.”.

Amendment of section 8 of Act 76 of 1998, as amended by section 16 of Act 48 of 1999, section 11 of Act 50 of 2002 and section 58 of Act 16 of 2006

35. Section 8 of the Employment of Educators Act, 1998, is hereby amended—

(a) by the substitution for subsection (2) of the following subsection:

“(2) Subject to subsections (4) and (5), no transfer to any post level 1 post on the *educator* establishment of a public school shall be made unless the recommendation of the governing body of the public school has been obtained.”;

(b) by the substitution for subsection (4) of the following subsection:

“(4) A recommendation contemplated in subsection (2) shall be made within two months from the date on which a governing body **[or council]** was requested to make a recommendation, failing which the Head of Department may make a transfer without such recommendation.”; and

(c) by the substitution for subsection (7) of the following subsection:

“(7) Despite section 6(3)(a) and subsection (2), in the case of an educator who has been awarded a bursary by the employer to follow a course approved by the employer, the employer may transfer such an *educator*, with his or her consent, to any suitable post on the educator establishment of a public school **[or an adult education and training centre]**.”.

Amendment of section 9 of Act 76 of 1998

36. Section 9 of the Employment of Educators Act, 1998, is hereby amended by the substitution in subsection (1) for paragraph (a) of the following paragraph:

“(a) another department of education or another department.”.

Amendment of section 11 of Act 76 of 1998

37. Section 11 of the Employment of Educators Act, 1998, is hereby amended by the substitution in subsection (1) for paragraphs (b) and (c) of the following paragraphs:

“(b) on account of the abolition of the educator’s post or any reduction in, or reorganisation or re-adjustment of the post establishments of, departments, schools[, **institutions,**] or offices **[or centres]**;

(c) if, for reasons other than the educator’s own unfitness or incapacity, the educator’s discharge will promote efficiency or economy in the department, school[, **institution,**] or office **[or centre]** in which the educator is employed, or will otherwise be in the interest of the State;”.

Amendment of section 14 of Act 76 of 1998

38. Section 14 of the Employment of Educators Act, 1998, is hereby amended by the substitution in subsection (1) for the words preceding paragraph (a) of the following words:

“(1) An educator **[appointed in a permanent capacity]** who — ”.

Amendment of section 18 of Act 76 of 1998

39. Section 18 of the Employment of Educators Act, 1998, is hereby amended—

(a) by the substitution in subsection (1) for paragraph (b) of the following paragraph:

“(b) wilfully or negligently mismanages the finances of the State[, or a school **[or an adult learning centre]**];”;

(b) by the substitution in subsection (1) for paragraph (c) of the following paragraph:

“(c) without permission possesses or wrongfully uses the property of the State, a school, **[an adult learning centre,**] another employee or a visitor;”;

(c) by the substitution in subsection (1) for paragraph (d) of the following paragraph:

“(d) wilfully, intentionally or negligently damages or causes loss to the property of the State[, or a school **[or an adult learning centre]**];”;

(d) by the substitution in subsection (1) for paragraph (f) of the following paragraph:

“(f) unjustifiably prejudices the administration, discipline or efficiency of the *Department of Basic Education, a provincial department of education,* an office of the State or a school **[or adult learning centre]**;”;

(e) by the substitution in subsection (1) for paragraph (g) of the following paragraph:

“(g) misuses his or her position in the *Department of Basic Education, a provincial department of education* or a school **[or adult learning centre]** to promote or to prejudice the interests of any person;”.

The insertion of section 19 in Act 76 of 1998

40. The Employment of Educators Act, 1998, is hereby amended by the insertion after section 18 of the following section:

“Conducting business with State

- 19. (1) An educator may not—**
 (a) conduct business with the State; or
 (b) be a director of a public or private company conducting business with the State.
(2) A contravention of subsection (1)—
 (a) is an offence, and any person found guilty of the offence is liable to a fine or to imprisonment for a period not exceeding 5 years or both such fine and imprisonment; and
 (b) constitutes serious misconduct which may result in the termination of employment by the employer.”.

The insertion of section 20 in Act 76 of 1998

41. The Employment of Educators Act, 1998, is hereby amended by the insertion after section 19 of the following section:

“Disclosure of financial interest

- 20. (1) An educator must, in the prescribed manner, disclose to the relevant Head of Department all his or her financial interests and the financial interests of his or her spouse and a person living with that person as if they were married to each other, including all—**
 (a) shares and other financial interests in an entity;
 (b) sponsorships;
 (c) gifts above the prescribed value, other than gifts received from a family member;
 (d) benefits; and
 (e) immovable property.
(2) Failure by an educator to comply with the obligation referred to in subsection (1) constitutes misconduct.”.

Amendment of section 35 of Act 76 of 1998

42. Section 35 of the Employment of Educators Act, 1998, is hereby amended by the insertion after paragraph (c) of the following paragraph:

- “(cA) norms and standards for district staffing;”.**

Repeal of section 38 of Act 76 of 1998

43. Section 38 of the Employment of Educators Act, 1998, is hereby repealed.

Amendment of Schedule 2 of Act 76 of 1998

44. Schedule 1 of the Employment of Educators Act, 1998, is hereby amended by the substitution for paragraph (a) of subitem 1(2) of the following paragraph:

- “(a) the extent to which the incapacity impacts on the work of the Department of Basic Education, the [or] provincial department of education, or the public school[, public further education and training institution or public adult learning centre];”.**

Amendment of Schedule 1 of Act 76 of 1998

45. Schedule 2 of the Employment of Educators Act, 1998, is hereby amended by the substitution for paragraph (a) of subitem 3(3) of the following paragraph:

“(a) the extent to which the misconduct impacts on the work of the Department of Basic Education, the [or] provincial department of education, or the public school[, **public further education and training institution or public adult learning centre**]”.

Short title

46. This Act is called the Basic Education Laws Amendment Act, 2015, and comes into operation on a date fixed by the President by proclamation in the *Government Gazette*.

DEPARTMENT OF ECONOMIC DEVELOPMENT

NO. 1102

13 OCTOBER 2017

**NOTICE IN TERMS OF SECTION 10(6) OF THE COMPETITION ACT NO. 89 OF
1998 (AS AMENDED)****THE COMPETITION COMMISSION OF SOUTH AFRICA****NOTICE OF APPLICATION FOR AN EXEMPTION**

1. Notice is hereby given in terms of section 10(6)(a) of the Competition Act, No 89 of 1998, as amended (the “**Act**”) that the National Hospital Network (“**NHN**”) has applied to the Competition Commission (“**Commission**”), in terms of section 10(1) of the Act, for the extension of its current exemption from certain provisions of Chapter 2 of the Act. In addition to the extension of its current exemption, the NHN seeks a further exemption from the Act.¹
2. NHN is a non-profit company duly registered under the Companies Act, 2008, incorporated as a co-operative venture and controlled by its members, a group of independent private hospitals.²
3. The application for the exemption is in respect of a collective bargaining arrangement between the shareholders of NHN and individual medical schemes and administrations, as well as agreements that result from the collective bargaining.
4. NHN has requested from the Commission, that its current exemption from section 4(1)(b)(i) of the Act be extended and that it be permitted to continue to engage in the following activities on behalf of its members with medical aid schemes and/or medical scheme administrators: -
 - a. NHN’s members shall agree collectively to implement the prices negotiated and entered into on their behalf by NHN with medical schemes and/or medical scheme administrators; and

¹ Competition Commission case number 2017AUG0020.

² Independent in the context of this exemption application means, hospitals not owned or controlled by one of the three large hospital groups, that is Netcare Holdings, Life Health Group and Medi-Clinic.

- b. Promote the interests of its members and to market their services and also to provide a base for benchmarking which would help NHN members to increase efficiencies.
5. In addition to the above exemption, the NHN seeks a further exemption to engage on behalf of its members in global fee negotiations with medical schemes, administrators, the state and healthcare providers (professional associations) and to undertake collective or centralised procurement.
6. NHN's members are competitors or potential competitors in the market for the provision of hospital services. Accordingly, the above conduct may constitute a prohibited practice in contravention of section 4(1)(b)(i) which is a *per se* contravention of the Act and therefore incapable of being defended on efficiency, technological or pro-competitive grounds.
7. NHN submits that the above conduct is necessary to attain the objective stipulated under section 10(3)(ii) of the Act, in that it contributes to the objective of promoting the ability of small business and also firms owned or controlled by historically disadvantaged persons to become competitive.
8. It is noted that NHN has been operating under exemptions granted by the Commission in terms of section 10(3)(b)(ii) of the Act on three (3) occasions³. The last of these exemptions lapses on 31 December 2017. The Commission found that the agreements negotiated and entered into by NHN constitute a contravention of section 4(1)(b)(i) of the Act. However, the Commission exempted the conduct as it was found to be necessary to attain the objective stipulated under section 10 (3)(ii) of the Act.
9. NHN is requesting the Commission to further exempt the aforementioned collective conduct of its members for another 5 (five) years, ending 31 December 2022. In addition to the extension of its current exemption, the NHN

³ Case no: 2003Nov717, Notice 775 published in Gazette 28924 of 15 June 2006; 2008Oct4076, Notice 417 published in Gazette 33192 of 21 May 2010, and 2014Oct####, Notice No. 38059 of 31 January 2014.

seeks a further exemption from the Act in relation to the conduct set out in paragraph 5 above, for a period of 5 (five) years ending 31 December 2022.

10. Notice is hereby given in terms of section 10(6)(b) of the Act to allow interested parties twenty (20) business days from the date of the publication of this notice to make written representations to the Commission as to why the exemption should, or not, be granted.

11. Such representations must be directed to:

Derrick Bowles

Competition Commission

Enforcements and Exemptions Division

Tel: 012 762 6917

Email: DerrickB2@compcom.co.za.

12. Kindly make use of the following case number when sending correspondences in relation to this notice: Case No: **2017AUG0020**.

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NO. 1103

13 OCTOBER 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 as amended) that a claim for restitution of land rights on:

REFERENCE : 6/2/2/D/90/0/0/5

CLAIMANT : Lulama Cordelia Mangcu (On behalf of Mangcu Family Claim)

PROPERTY DESCRIPTION	EXTENT OF LAND	TITLE DEED
Lot 39/6 (Currently Registered as Portion 39 of Farm no. 523)	12.4437 Hectares	T1801/2007
Portion 69 (Remainder Portion of Portion 39 of Farm 523)	97 m ²	T332/1976

DISTRICT : Stutterheim / Amathole

DATE SUBMITTED : 02 November 1995

CURRENT OWNER : Xosa Ngqondi

Has been submitted to the Regional Land Claims Commissioner and that the Commission on Restitution of Land Rights will investigate the claim in terms of the provisions of the Act in due course. Any person who has an interest in the above-mentioned land is hereby invited to submit, within sixty (60) days from the publication of this notice, any comments/information to

Office of the Regional Land Claims Commissioner : Eastern Cape
Department of Rural Development and Land Reform
PO Box 1375
East London
5200
Tel : 043 700 6000
Fax : 043 743 3687



Mr. L.H. Maphutha
Regional Land Claims Commissioner

SOUTH AFRICAN REVENUE SERVICE

NO. 1104

13 OCTOBER 2017

**PUBLICATION OF EXPLANATORY SUMMARY OF THE TAX ADMINISTRATION
LAWS AMENDMENT BILL, 2017**

Notice is hereby given in terms of Rule 276(1)(b) of the Rules of the National Assembly that the Minister of Finance intends to introduce the Tax Administration Laws Amendment Bill, 2017, in the National Assembly shortly. The explanatory summary of the Bill is hereby published in accordance with Rule 276(1)(c) of the Rules of the National Assembly.

The Bill provides for the amendment of the—

- Estate Duty Act, 1955, so as to effect technical corrections;
- Income Tax Act, 1962, so as to make provision for exemption from a penalty; to make provision for exemption from an obligation to submit a return in certain cases; to effect certain technical corrections; to amend the Fourth Schedule to that Act to amend a definition; to correct a numbering error; to make provision for the calculation of an allowance; to effect a consequential amendment; to provide for the smoothing over time of a deduction; to make provision for an inclusion in employees' tax; to amend the Sixth Schedule to that Act to amend a definition; to limit the application of a provision in the Seventh Schedule to that Act;
- Customs and Excise Act, 1964, so as to extend a provision related to information sharing; to clarify a provision related to imported fuel levy goods; to delete a provision that will no longer be implemented; to amend a provision related to customs controlled areas; to clarify a provision related to environmental levy goods; to amend a provision to delete references to the Value-Added Tax Act;
- Value-Added Tax Act, 1991, so as to amend a provision related to customs duties;
- Skills Development Levies Act, 1999, so as to clarify the wording of a provision;
- Diamond Export Levy (Administration) Act, 2007, so as to effect technical corrections in certain provisions;
- Tax Administration Act, 2011, so as to amend a provision dealing with decisions; to effect technical corrections; to amend a provision dealing with the constitution of the tax board; to delete an unnecessary provision; to amend a provision dealing with refunds; to amend a provision to provide that interest provisions may come into effect on different dates in respect of different tax types;

- Customs Duty Act, 2014, so as to clarify who may claim refunds and drawbacks and to whom refunds and drawbacks will be paid; to amend a provision to broaden the scope for clearance declarations and amended clearance declarations to be regarded as applications for purposes of the Act;
- Customs Control Act, 2014, so as to make certain technical corrections; to delete certain unnecessary provisions; to clarify certain provisions, to amend a provision by qualifying when a permission to depart must be submitted in relation to foreign-going vessels; to make changes to provisions relating to the submission of vessel and aircraft departure and arrival reports; to substitute a provision relating to customs permission for the transfer of ownership of goods under customs procedures so as to provide flexibility to exclude certain procedures where permission is not required and to more fully provide for different scenarios that may arise when goods are transferred; to effect changes to a section to broaden the notion of an amended clearance declaration; to amend sections to provide for and clarify various scenarios that may arise when transshipment operations take place at two different seaports; to make certain adjustments to provisions for purposes of systems facilitation; to provide more clarity in respect of reusable transport equipment entering and leaving the Republic and to create flexibility to provide for certain divergent issues concerning the different types of reusable transport equipment by rule; to simplify the removal of stores from a foreign-going vessel, aircraft or cross-border train; to provide for exclusions and exemptions; to limit the requirement of registration as electronic user to the person actually accessing the SARS electronic system; and generally to make adjustments for the smoother implementation of that Act;
- Customs and Excise Amendment Act, 2014, to delete a paragraph;
- Tax Administration Laws Amendment Act, 2014, to delete a paragraph; and to provide for matters connected therewith.

DEPARTMENT OF WATER AND SANITATION

NO. 1105

13 OCTOBER 2017

WATER RESEARCH LEVY 2017/18 – RATES AND CHARGES: INCREASE OF 6.79%

By virtue of the powers vested in me in terms of Section 11 of the Water Research Act, 1971 (Act No. 34 of 1971), I, Mrs N P MOKONYANE, in my capacity as the Minister of Water and Sanitation, hereby give notice of the increase in the Water Research Levy by 6.79% for the period 01 July 2017 to 30 June 2018.

- (1) The following rates and charges will be applicable as from 01 July 2017 to 30 June 2018:
- (a) Zero point zero six three (0.063) cents increase per hectare of irrigation land of which the water use is permissible during 01 July 2017 to 30 June 2018 in terms of Section 22(1)(a)(ii) of the National Water Act, 1998 (Act No. 36 of 1998), or in respect of which an allocation has been made under Chapter 4 of the National Water Act for the irrigation thereof at any given time during the said period, with water supplied or made available from any government water work. These rates and charges shall be recovered by or on the instructions of the Director-General: Water and Sanitation, simultaneously with any other charge which I may make in respect of the land concerned during the said period in terms of Section 57 of the National Water Act or, if no such charge is made, the charge shall be payable upon demand to the Director-General: Water and Sanitation.
 - (b) The amount mentioned in (1)(a) above shall apply in respect of each hectare of land permitted under the control of an irrigation board or other water management institution established in terms of the National Water Act for the irrigation of land at any time during the said period of such board or institution with water supplied or made available from a government water work or a water work belonging to such board or institution. This charge shall be recovered by the irrigation board or statutory body.
 - (c) With effect from 01 July 2017, zero point zero six one (0.061) cents increase per cubic meter in respect of metered water supplied or made available from a government water work for purposes other than the irrigation of land: Provided that if a free allocation had been made to a specific consumer from a government water work, the said charge shall not apply to that allocation as it shall be deemed to be water supplied from his/her own sources by the consumer concerned. These charges shall be recovered by the Director-General: Water and Sanitation, simultaneously with any charge which I may make in terms of Section 57 of the National Water Act in respect of the supply of water as from the said period or shall be payable to him/her upon demand.
 - (d) With effect from 01 July 2017, zero point zero six one (0.061) cents increase per cubic meter in respect of the quantity of water supplied or made available for use for urban, industrial or domestic purposes by a statutory body or water management institution established in terms of the National Water Act or by any other water services institution as defined in terms of the Water Services Act, 1997 (Act No. 108 of 1997): Provided that there shall be deduction from the total quantity of water supplied or made available after 01 July 2017 by any one of the above-mentioned suppliers the quantity of water supplied or made available from a government water work as contemplated in paragraph (1)(c) or (d) has already been paid. The total amount payable in terms of this paragraph in respect of water supplied or made available shall be remitted by the supplier concerned, so as to

- reach the Director-General: Water and Sanitation, Private Bag X313, Pretoria, 0001.
- (e) The audited statements prescribed in terms of Section 11(3)(b) of the Water Research Act shall be submitted as soon as possible after the payments mentioned in paragraph (1)(d) have been made.
- (2) If such rates and charges remain wholly or partly unpaid after the due date, interest shall be charged in terms of Section 80(1)(a) of the Public Finance Management Act, 1999 (Act No. 1 of 1999) as amended, on the outstanding amount at a rate determined from time by the Minister of Finance, on loans granted out of a Revenue Fund.
- (3) For the purpose of this notice, one cubic meter shall be equal to one kilolitre.
- (4) The effect date of this Notice is 01 July 2017.



MRS N P MOKONYANE
MINISTER OF WATER AND SANITATION

GENERAL NOTICES • ALGEMENE KENNISGEWINGS

ECONOMIC DEVELOPMENT DEPARTMENT

NOTICE 812 OF 2017

COMPETITION TRIBUNAL

NOTIFICATION OF DECISION TO APPROVE MERGER

The Competition Tribunal gives notice in terms of rules 34(b)(ii) and 35(5)(b)(ii) of the “Rules for the conduct of proceedings in the Competition Tribunal” as published in Government Gazette No. 22025 of 01 February 2001 that it approved the following mergers:

Case No.	Acquiring Firm	Target Firm	Date of Order	Decision
LM054May17	Main Street 1494 (Pty) Ltd	Mass Chrome Company (Pty) Ltd	13/09/2017	Approved
LM116Jul17	K2012150042 (South Africa) (Pty) Ltd	Win Twice (Pty) Ltd and Bedford Square Properties (Pty) Ltd	13/09/2017	Approved
LM143Aug17	ERPE BIDCO Limited	Betafence Holdings NV	20/09/2017	Approved
LM137Aug17	K2017136283 (South Africa) (Pty) Ltd	Crabtree Electrical Accessories SA	20/09/2017	Approved
LM140Aug17	Gemgrow Properties Ltd	ERF 266 In Respect of Multiple Property Letting Enterprises	20/09/2017	Approved
LM129Aug17	The Spar Group Limited	Fifth Season Investments 126 (Pty) Ltd	20/09/2017	Approved
LM139Aug17	Izimbiwa Associated Companies (Pty) Ltd	Moxitorque Investments (Pty) Ltd	20/09/2017	Approved
LM018Apr17	Steinhoff Doors	Building Materials (Pty) Ltd	27/09/2017	Approved Subject to Conditions
LM021Apr17	The Coca-Cola Company	Coca-Cola Beverages Africa (Pty) Ltd	27/09/2017	Approved Subject to Conditions
LM126Aug17	Indluplace Properties Limited	Malewell Investments (Pty) Ltd	27/09/2017	Approved

**The Chairperson
Competition Tribunal**

ECONOMIC DEVELOPMENT DEPARTMENT**NOTICE 813 OF 2017****COMPETITION TRIBUNAL****NOTIFICATION OF COMPLAINT REFERRAL**

The Competition Tribunal gives notice in terms of Section 51(3) & (4) of the Competition Act 89 of 1998 as amended, that it received the complaint referrals listed below. The complaint(s) alleges that the respondent(s) engaged in a prohibited practice in contravention of the Competition Act 89 of 1998.

Case No.	Complainant	Respondent	Date received	Sections of the Act
CR164Sep17	Competition Commission	Stuttaford Van Lines Gauteng Hub (Pty) Ltd	12/09/2017	4(1)(b)(i)
CR165Sep17	Competition Commission	Hoegh Autoliners Holdings AS (Nissan)	12/09/2017	4(1)(b)(ii),4(1)(b)(i)
CR166Sep17	Competition Commission	Hoegh Autoliners Holdings AS (Suzuki)	12/09/2017	4(1)(b)(i),4(1)(b)(ii)
CR167Sep17	Competition Commission	Hoegh Autoliners Holdings AS (Daimler)	12/09/2017	4(1)(b)(i),4(1)(b)(ii)
CR168Sep17	Competition Commission	Hoegh Autoliners Holdings AS (Ford)	12/09/2017	4(1)(b)(i),4(1)(b)(ii)
CR169Sep17	Competition Commission	Hoegh Autoliners Holdings AS (Toyota SA)	12/09/2017	4(1)(b)(i),4(1)(b)(iii)
CR170Sep17	Competition Commission	Hoegh Autoliners Holdings AS (Japanese OEM)	12/09/2017	4(1)(b)(i),4(1)(b)(ii)
CR171Sep17	Competition Commission	Hoegh Autoliners Holdings AS (Auto Aalliance Thailand)	12/09/2017	4(1)(b)(i),4(1)(b)(ii)
CR172Sep17	Competition Commission	BEEFCOR (Pty) Ltd	13/09/2017	4(1)(b)(ii)

**The Chairperson
Competition Tribunal**

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT
NOTICE 814 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 –

**KWAZULU-NATAL PROVINCIAL GOVERNMENT: DEPARTMENT OF
TRANSPORT**



As set out in the Schedule



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



REPUBLIC OF SOUTH AFRICA

OFFICE OF THE PREMIER, KWAZULU-NATAL

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))
CATEGORIES	MANNER OF ACCESS TO RECORD
1. FOR INSPECTION IN TERMS OF SECTION 15(1)(a)(i)	
1.1 Budget Speech; 1.2 Departmental Strategic Plan; 1.3 Provincial Growth and Development Strategy; 1.4 Annual Performance Plan 1.5 Annual Strategic Plan; 1.6 Service Delivery Improvement Plan; 1.7 Employment Equity Report; 1.8 Approved Organisational Structure; 1.9 Circulars of advertised posts; and 1.10 Magazines, newspapers and newsletters. 1.11 Magazines, newspapers and newsletters.	The records may be inspected at the Resource Centre as follows – KZN Department of Transport 172 Burger Street PIETERMARITZBURG 3201 Telephone: +27 33 355 8694 Fax: +27 33 355 8632 Email: Michelle.Dally@kzntransport.gov.za

<p>1.12 Tender-Bids</p> <p>1.12.1 List of Bidders 1.12.2 Publication Awards 1.12.3 Available Tenders 1.12.4 Closed Tenders</p>	<p>The records maybe inspected at the Department of Transport 172 Burger Street PIETERMARITZBURG 3201 At the Supply Chain Management Directorate- B-Block Acquisition Section Telephone: +27 33 355 8891 Fax: +27 33 355 8091 Email: Anusha.chetty@kzntransport.gov.za</p>
<p>2. FOR PURCHASING IN TERMS OF SECTION 15(a)(ii)</p>	
<p>2.1 Bid Documents</p>	<p>Bid documents may be purchased at the Department of Transport 172 Burger Street PIETERMARITZBURG 3201 At the Supply Chain Management Directorate- B-Block Acquisition Section Telephone: +27 33 355 8891 Fax: +27 33 355 8091 Email: Anusha.chetty@kzntransport.gov.za</p>
<p>3. FOR COPYING IN TERMS OF SECTION 15(a)(ii)</p>	
<p>3.1 Budget Speech; 3.2 Departmental Strategic Plan; 3.3 Provincial Growth and Development Strategy; 3.4 Annual Performance Plan; 3.5 Service Delivery Improvement Plan; 3.6 Employment Equity Report; 3.9 Approved Organisational Structure; 3.13 Circulars of advertised posts; and 3.14 Magazines, newspapers and newsletters.</p>	<p>The records may be inspected at the Resource Centre as follows –</p> <p>KZN Department of Transport 172 Burger Street PIETERMARITZBURG 3201 Telephone: +27 33 355 8694 Fax: +27 33 355 8632 Email: Michelle.Dally@kzntransport.gov.za</p>

4. FOR COPYING IN TERMS OF SECTION 15(a)(ii)	
4.1 Speeches by MEC and HOD 4.2 Circulars of advertised posts; and 4.3 Magazines, newspapers and newsletters. 4.4 Choice Numbers 4.5 Drivers Licence 4.6 In-service Training 4.7 Learners Licences 4.8 Motor Vehicle Licensing 4.9 Vacancies 4.10 Vukuzakhe programme 4.11 Zibambele Programme 4.12 Research reports	The records may be inspected at the Resource Centre as follows – KZN Department of Transport 172 Burger Street PIETERMARITZBURG 3201 Telephone: +27 33 355 8694 Fax: +27 33 355 8632 Email: Michelle.Dally@kzntransport.gov.za

**DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT
NOTICE 815 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 TRANSPORT

As set out in the Schedule



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

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)}
[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)(B)}
FOR INSPECTION IN TERMS OF SECTION 15(1)(a)(i)	
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FOR PURCHASING IN TERMS OF SECTION 15(1)(A)(ii):	
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FOR COPYING IN TERMS OF SECTION 15(1)(a)(ii)	
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AVAILABLE FREE OF CHARGE IN TERMS OF SECTION 15(1)(a)(iii)	
<p><u>Public Transport</u></p> <ul style="list-style-type: none"> Monthly, Quarterly and Annual Programme Evaluation reports 	<p>TO BE COLLECTED AT DEPARTMENT OF TRANSPORT (CORNER STRUBEN & BOSMAN STREET)</p> <p>.....</p> <p>.....</p> <p>.....</p>

- Public Transport Network Grant (PTNG) Framework and Allocations
- General Division of Revenue Act (DoRA) compliance reports

Maritime:

- Establishment of a Maritime freight Logistics data base: (tender was advertised in 2012)
- Diplomatic Conference in October 2012

Rail

- Railway Safety Regulator Permit Fees annually gazette for comments
- Draft Railway Safety Regulations gazetted for public comments
- Annual Report, Strategic Plans, Annual Performance Plans available from rail entities reporting to the Department

Civil Aviation

- Airport Slot Coordination Regulation, 2012, issued under the Civil Aviation Act, 2009 (Act No 13 of 2009)
- The White Paper on National Transport Policy 1996
- The White Paper on National Transport Policy on Airports and Airspace Management, 1998
- Published Annual Reports of the Regulating Committee, Air Services Licencing Council, International Air Services Council and South African Search and Rescue
- Published Annual Reports of the Airport Company South Africa SOC Limited, Air Traffic Navigation Services SOC Ltd and South African Civil Aviation Authority
- Approved Strategic plans and Annual Performance plans of the Branch Civil Aviation
- Approved Strategic plan and Corporate plans and Annual Performance Plans of the Airports Company South Africa SOC

Limited, Air Traffic Navigation Services
SOC Ltd and South African Aviation
Authority

- Released Aviation Accident and Incident Reports
- Application forms and requirements for both Foreign Operators Permits and Air Services Licenses
- Lists of both Air Services Licenses and Foreign Operators Permit Holders (names only)
- Permission to levy airport charges
- Permission to levy air traffic services charges
- Ratified aviation related Conventions and Protocols

Integrated Transport Planning

Macro Sector Planning

- Position paper – Proposal for the Multi-Modal Transport Planning and Co-ordination Act.

Regional Integration

- Study on the Status of Regional Transport Infrastructure in South Africa (Tender No.: Dot/40/2012/ITP)
- Study on the Harmonization of Road Transport Standards in the SADC Region. (Tender N.: DOT/41/2012/ITP)
- Maseru Decongestion Strategy (Tender No.:35/2012/ITP)
- Development of Regional Corridor Development Strategy (Tender No.: DOT/30/2013/ITP)

Freight Logistics

- Provincial freight logistics databanks 2007
- King Sabata Dalindyebo Municipality's Integrated Rural Transport Plan 2013
- National Freight Lht Logistics Strategy 2005

DoT Information Center

The DoT Information Center is situated at entrance of Forum Building and has the following documents freely available:

Information Centre / Library

- Dot Annual Reports
- Dot Strategic Plan
- Dot White Paper
- Acts
- Moving South Africa
- Rural Development Strategy
- Public Transport Strategy
- Road Infrastructure framework Strategy
- National Travel Survey
- Organogram me/ Structure
- Dot Careers Booklet
- Registration of Dangerous Good
- National Freight Logistic Strategy
- Revised regional indicative Strategy Development Plan 2012/2020 SADC authority
- South African Development Community (SADC)
- South African Customs Union (SACU)
- SACU – MOU (Memorandum of Understanding)
- RT57 Procurement of Government and Subsidized Vehicles
- RT46 Administration of Fuel, Maintenance, and Accident repairs transit solution

Aviation

- Draft White Paper on National Civil Aviation Policy
- Draft National Airports Development Plan

Maritime

- Draft Maritime Multilateral Strategy Document
- White Paper on Ports

- Draft Maritime Policy
- Multilateral Strategy Document SA Maritime

Rail

- Green Paper on National Rail Policy

Supply Chain Management

- Dot Advertised Tenders
- Dot Database Forms
- DOT/RTMC Driver's license
- Conversion of Drivers from foreign to South African
- International Drivers Permit for South African Driver's License
- Confirmation Letter of South African Driver's License Abroad

GOVERNMENT GAZETTE NUMBER 28446
DATED 7 APRIL 2006

HR Documents

- Z83 forms
- Circular

Dipalangwang tsa Bohle

- Dipehelo tsa Kgwedi le Kgwedi, tsa Kotara le Kotara le Tekolo ya Lenaneo ya Selemo le Selemo
- Sebopeho tse tsejwang ka Public Transport Network Grant (PTNG) le Dikabo
- Dipehelo tsa ho tsamasanang le Molao wa Karolo ya Kuno ka Kakaretso e leng General Division on Revenue Act (DoRA)

Mawatle:

- Ho thehwa ha databaseise ya Ditlhophisso tsa Tsamaiso ya Merwalo Mawatle (thendara e ile ya bapatswa ka 2012)
- Seboka sa Baromuwa ka Mphalane 2012

Ralewe

- Ditefello tsa Phemiti ya Bolaodi ba Polokeho ya Ralewe tse kengwang selemo le selemo koranteng ya mmuso hore ho hlahiswe maikutlo
- Moralo wa Melawana ya Polokeho ya Ralewe o kengwang koranteng ya mmuso ho fumana maikutlo a setjhaba
- Dipehelo tsa Selemo le Selemo, Merero e yang ka Mawa, Merero ya Tshebetso ya Selemo le Selemo di a fumaneha ditheong tsa ralewe tse ikarabelang ho Lefapha

Bofofane ba Setjhaba

- Molawana a Airpot Slot Coordination Regulation, 2012, o ntshitsweng tlasa Molao wa Bofofane ba Setjhaba, 2009 (Molao wa Nomoro ya 13 wa 2009)
- Tokomane ya Mmuso e fanang ka lesedi le mabapi le Leano la Naha la Dipalangwang 1996
- Tokomane ya Mmuso e fanang ka lesedi le mabapi le Leano la Naha la Dipalangwang ka Botsamaisi ba Boemafofane le Sebaka sa Moyeng, 1998
- Dipehelo tse Phatlaladitsweng tsa Selemo le Selemo tsa Komiti ya Taolo, Khansele ya Ho Fana ka Dilaesense tsa Ditshebeletso tsa Moyeng, Khansele ya Matjhabeng ya Ditshebeletso tsa Moyeng le South African Search and Rescue
- Dipehelo tse Phatlaladitsweng tsa Selemo le Selemo tsa Air Traffic Navigation Services SOC Limited, Air Traffic Navigation Services SOC Ltd le South African Civil Aviation Authority.
- Merero e Ananetsweng e yang ka Mawa le merero ya Tshebetso ya Selemo le Selemo ya Branch Civil Aviation
- Merero o Ananetsweng o yang ka Mawa le merero ya Mokga mmoho le Merero ya Tshebetso ya Selemo le Selemo ya Airports Company South Africa SOC

Limited, Air Traffic Navigation Services
SOC Ltd le South African Aviation
Authority

- Dipehelo tse Lokollotsweng tsa Dikotsi le
Diketsahalo tsa Bofofane
- Diforomo tsa kopo le ditlhoko tsa
Diphehemi tsa Tshebetso tsa Ka Ntle le
Dilaesense tsa Ditshebeletso tsa Moyeng
ka bobedi
- Manane a Bao ba Tshwereng Dilaesense
tsa Ditsebeletso tsa Moyeng le
Dioporeitara tsa Ka Ntle ka bobedi
(mabitso feela)
- Tumello ya ho lefisa ditefiso tsa
boemafofane
- Tumello ya ho lefisa ditefiso tsa
ditshebeletso tsa sephethephethe sa
moyeng
- Dilekane le Diprothokholo tse
lokisitsweng tsa bofofane

Thero e nang le Nyalano ya Dipalangwang

Thero ya Mokga o Moholo

- Tokomane ya ho nka boemo –
Tshisinyo bakeng sa Molao wa Thero
ya Mekgwa e Mengata ya
Dipalangwang mmoho le
Dikgokahano.

Nyalano ya Mabatowa

- Diphuputso tse mabapi le Boemo ba
Meralo ya Motheo ya Lebatowa ya
Dipalangwang mona Afrika Borwa
(Thendara ya Nomoro.:
DOT/40/2012/ITP)
- Diphuputso tsa ho KOpanya Maemo
a Amohelehileng a Dipalangwang tsa
Mebila Lebatoweng la SADC.
(Thendara ya Nomoro:
DOT/41/2012/ITP)
- Maseru Decongestion Strategy
(Thendara ya Nomoro:35/2012/ITP)
- Ntshetsopele ya Mawa a
Ntshetsopele ya Khorido ya Lebatowa
(Thendara ya Nomoro:
DOT/30/2013/ITP)

Ditlhophiso tse sebetsehang tsa Merwalo

- Provincial freight logistics databanks 2007
- King Sabata Dalindyebo Municipality's Integrated Rural Transport Plan 2013
- National Freight Lht Logistics Strategy 2005

Setsi sa Tlhahisoleseding sa Lefapha la Dipalangwang

Setsi sa Tlhahisoleseding sa Lefapha la Dipalangwang se mane makenong a Forum Building mme sona se na le ditokomane tse latelang tse fumanehang mahala:

Setsi sa Tlhahisoleseding / Laeborari

- Dipehelo tsa Selema le Selema tsa Lefapha la Dipalangwang
- Morero o yang ka Mawa wa Lefapha la Dipalangwang
- Tokomane ya Mmuso e fanang ka lesedi ka Lefapha la Dipalangwang
- Melao
- Ho lebisa Afrika Borwa pele
- Mawa a Ntshetsopele ya Dibaka tsa Mahaeng
- Mawa a Dipalangwang tsa Bohle
- Mawa a Sebopeho sa Meralo ya Motheo ya Mebila
- Tekolo ya Maeto ya Naha
- Organogram me/ Sebopeho
- Bukana ya Mesebetsi eo o lthutelang yona ya Lefapha la Dipalangwang
- Ngodiso ya Mawa a Dangerous Goods National Freight Logistic Strategy
- Morero o Lekotsweeng botjha wa taolo ya SADC ya Morero wa Ntshetsopele ya Mawa a lebatowa.
- Southern African Development Community (SADC)
- Southern African Customs Union (SACU)
- SACU – MOU (Memorandum wa Kutlwisiso)

- RT57 Ho Rekwa ha Makoloi a Thuswang ka Ditjhelete a Mmuso
- RT46 – Tsamaiso ya Mafura, Tlhokomelo, le Tharollo ya Tsamaiso ditokiso tsa Dikotsi.

Ho fofa

- Moralo wa Tokomane ya Mmuso e fanang ka lesedi mabapi le Leano la Bofofane ba Setjhaba ba Naha
- Moralo wa Morero wa Naha wa Ntshetsopele ya Boemafofane

Mawatle

- Moralo wa Tokomane ya Mawa a Mangata a Mawatle
- Tokomane ya Mmuso e fanang a lesedi le mabapi le Dikou
- Moralo wa Leano la Mawatle
- Tokomane ya Mawa a Mangata a Mawatle a Afrika Borwa

Ralewe

- Tokomane ya dipuisano e mabapi le Leano la Naha la Ralewe

Botsamaisi ba Phepelo ya Thepa kapa Ditshebeletso

- Dithendara tse bapaditsweng ke Lefapha la Dipalangwang
- Diforomo tsa databeise ya Lefapha la Dipalangwang
- Laesense ya ho kganna ya Lefapha la Dipalangwang/RTMC
- Ho Fetolwa ha Bakganni ho tloha ho ba dinaheng tsa ka ntle ho ba ba Afrika Borwa
- Phemiti ya ho Kganna ya Matjhabeng bakeng sa Laesense ya ho Kganna ya Afrika Borwa
- Lengolo la tiisetso la Laesense ya ho Kganna ya Afrika Borwa Dinaheng tsa ka Ntle

KORANTA YA MMUSO YA NOMORO YA
28446 E KENTSWENG MOHLA WA LA 7
MMESA 2006

Ditokomane tsa HR

- Diforomo tsa Z83
- Sekhula

Ezokuthutha Umphakathi

- Imibiko Yokuhlola Uhlelo Ngenyanga, Ngekwata nangoNyaka
- Uhlaka kanye Nezabelo ze-Public Transport Network Grant (PTNG).
- Imibiko yokuthobela yomthetho wokuhlukaniswa okwejwayelekile kwemali i-General Division of Revenue Act (DoRA)

Ezasolwandle

- Ukwenziwa kwedathabheyisi yamalojistikhi emithwalo yasoLwandle: (ithenda yakhangiswa ngonyaka ka-2012)
- Ingqungquthela Yobunxusa ngo-Okthoba ka-2012

Izitimela

- Izimali Zemvume Yomlawuli Wezokuphepha Emzileni Wesitimela zigazethela ukuthi kuphawulwe njalo ngonyaka
- Uhlaka Lwezimiso Zomthetho Wokuphepha Emzileni Wesitimela lugazethelwe ukuthi umphakathi uphawule
- Umbiko Wonyaka, Izinhlelo Ezingamasu, Izinhlelo Zokusebenza Ngonyaka kutholakala ezinhlanganweni zezezitimela ezibika kuMnyango

Izindiza Zabantu

- Isimiso Somthetho Wokuxhumanisa Isikhala Esikhumulweni Sezindiza (Airport

Slot Coordination Regulation), 2012,
sakhishwa ngaphansi koMthetho
Wezindiza Zabantu (Civil Aviation Act),
2009 (Umthetho Nombolo 13 ka-2009)

- Umthetho Osewumbiko
Osacutshungulwa (White Paper)
ngeNqubomgomo Yezokuthutha
Kazwelonke 1996
- Umthetho Osewumbiko
Osacutshungulwa ngeNqubomgomo
Yezokuthutha Kazwelonke
Ngokuphathwa Kwezikhumulo Zezindiza
kanye Nezindawo Emoyeni (White Paper
on National Transport Policy on Airports
and Airspace Management), 1998
- Imibiko Yonyaka Eshicilelwe Yekomiti
Elilawulayo, Umkhandlu Wokunikeza
Amalayisensi Emisebenzi Yasemoyeni,
Umkhandlu Wemisebenzi Yasemoyeni
Yamazwe Omhlaba kanye Nokusesha
Nokuhlenga KwaseNingizimu Afrika
- Imibiko Yonyaka eshicilelwe ye-Airport
Company South Africa SOC Limited, Air
Traffic Navigation Services SOC Ltd ne-
South African Civil Aviation Authority
- Izinhlelo Eziyisuzo ezivunyiwe kanye
nezinhlelo Zokwenziwa komsebenzi
Zonyaka zeGatsha Le-Civil Aviation
- Uhlelo Oluyisuzo oluvunyiwe kanye
nezinhlelo Zenhlangotho kanye neZinhlelo
Zokwenziwa komsebenzi ze-Airport
Company South Africa SOC Limited, Air
Traffic Navigation Services SOC Ltd ne-
South African Civil Aviation Authority
- Imibiko Ekhishiwe Yezingosi Nezehlakalo
Zezindiza
- Amafomu okufaka izicelo kanye
nezidingo zakho kokubili Amaphometha
Abasebenzi Basemazweni Angaphandle
kanye namaLayisensi Emisebenzi
Yasemoyeni
- Izinhlu zabo bobabili Abanikazi
Bamaphometha Amalaysense
Emisebenzi Yasemoyeni kanye
naBemisebenzi Yamazwe Angaphandle
(amagama kuphela)

- Imvume yokukhokhisa imali izinhlawulo zasesikhumulweni sezindiza
- Imvume yokukhokhisa imali ngezinhlawulo zemisebenzi yezithuthi zasemoyeni
- Izivumelwano kanye namaPhrothokholi aphaThelene nezindiza ezigunyaziwe

Ukuhlelwa Kwezokuthutha Okuhlanganisiwe

Ukuhlela Imboni Enkulu

- Umbiko Wesimo Sendlela Yokucabanga– Isiphakamiso Somthetho Wokuhlela Nokuxhuma Izithuthi Ezinhlobonngi (Multi-Modal Transport Planning and Co-ordination Act).

Ukuhlanganiswa Kwesifunda

- Ucwaningo Lwesimo Sengqalasizinda Yesifunda Yezokuthutha eNingizimu Afrika (Inombolo yeThenda: DOT/40/2012/ITP)
- Ucwaningo ngokuHlanganiswa Kwamazinga Ezithuthi Zasemgwaqeni eSifundeni i-SADC. (Inombolo yeThenda: DOT/41/2012/ITP)
- Isu Lokuqeda Ukucinana LaseMaseru (Inombolo yeThenda: 35/2012/ITP)
- Ukwenziwa kweSu Lokuthuthukisa Umgudu Wesifunda (Inombolo yeThenda: DOT/30/2013/ITP)

Amalojistikhi Emithwalo

- Izindawo zokugcina idatha yamalojistikhi emithwalo esifundazweni 2007
- Uhlelo Oluhlanganisiwe Lwezokuthutha Lwezindawo Ezisemakhaya 2013 kuMasipala i-King Sabata Dalindyebo
- Isu Likazwelonke Lama-Lht lojistikhi eMithwalo 2005

Isikhungo Sezokwazisa SoMnyango Wezokuthutha (DoT)

Isikhungo Sezokwazisa sase-DoT silapho okungenwa khona ku-Forum Building futhi sinemibhalo elandelayo etholakala mahhala:

Isikhungo Sezokwazisa/Umtapo Wezincwadi

- Imibiko Yonyaka ye-DoT
- Uhlelo Oluyisu Lwe-DoT
- Umthetho Osewumbiko Osacutshungulwa we-DoT
- Imithetho
- Ukuthutha iNingizimu Afrika
- Isu Lokuthuthukisa Izindawo Zasemakhaya
- Isu Lezithuthi Zomphakathi
- Isu Lohlaka Lwengqalasizinda Yasemgwaqeni
- Inhlolovo Yokuhamba Kazwelonke
- Idayagramu Ekhombisa Isakhiwo Senhlangano
- Incwajana Yemisebenzi yase-DoT
- Ukubhaliswa Kwesu Lelojistikhi Yemithwalo Kazwelonke Lezimpahla Eziyingozi
- Uhlelo Olubukeziwe Lokwenziwa Kwesu Eliyinkomba Yesifunda 2012/2020 Igunya le-SADC
- Umphakathi Wokuthuthukisa iNingizimu Afrika (South African Development Community (SADC))
- I-South African Customs Union (SACU)
- SACU – MOU (iMemorandamu Yokusebenzisana)
- RT57 Ukuthenga Izimoto Zikahulumeni Nezixhasiwe
- RT46 Ukuphathwa kwamaFutha Kawoyela, Ukunakekelwa, kanye nesixazululo sokuhambisa kuyolungisa ukulimala okubangwe yiNgozi

Izindiza

- Uhlaka loMthetho Osewumbiko Osacutshungulwa ngeNqubomgomo Yezindiza Zabantu Kazwelonke
- Uhlaka loHlelo Lokuthuthukisa Izikhumulo Zezindiza Lukazwelonke

Ezasolwandle

- Umbhalo Owuhlaka Wesu Lwamazwe Amaningi Ezasolwandle
- Umthetho Osewumbiko Osacutshungulwa ngaMachweba
- Uhlaka LweNqubomgomo Yezasolwandle
- Umbhalo Wesu Lwamazwe Amaningi Ezasolwandle zase-SA

Izitimela

- Umbhalo Owuhlaka Lokuqala ngeNqubomgomo Yezitimela Kazwelonke

Ukuphathwa Kochungechunge Lokunikezela Ngempahla

- Amathenda e-DoT Akhangisiwe
- Amfomu eDathabheyisi yase-DoT
- Ilayisensi Yomshayeli ye-DoT/RTMC
- Ukuguqulwa kwaBashayeli ekuyekeni ukuba ngabamazwe angaphandle babe ngabaseNingizimu Afrika
- Iphomethe Yabashayeli Bamazwe Omhlaba yeLayisensi Yabashayeli baseNingizimu Afrika
- Incwadi Yokuqinisekisa Ilayisensi Yomshayeli waseNingizimu Afrika Emazweni Aphesheya

IGAZETHI KAHULUMENI NOMBOLO
28446 YOMHLA KA-7 EPHRELI 2006

Imibhalo ye-HR

- Amafomu i-Z83
- Isekhula

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT
NOTICE 816 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 OFFICE OF THE PREMIER

As set out in the Schedule



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



LIMPOPO

PROVINCIAL GOVERNMENT
REPUBLIC OF SOUTH AFRICA

ACCESS TO RECORDS HELD BY OFFICE OF THE PREMIER SECTION 15 (1) (a)

Automatic Disclosures SCHEDULE

DESCRIPTION OF CATEGORIES OF RECORDS AUTOMATICALLY AVAILABLE IN TERMS OF SECTION 15(1) (a) OF THE PROMOTION OF ACCESS TO INFORMATION ACT 2 2000	MANNER OF ACCESS TO RECORDS
1. FOR INSPECTION IN TERMS OF SECTION 15(1)(a) (i)	
1.1. Departmental Strategic, Annual Performance & Operational Plans 1.2. Departmental HRM, ICT, Financial, Records, Telecommunication, Risk Management Policies 1.3. Service Delivery Improvement Plans 1.4. Quarterly reports 1.5. Annual Reports 1.6. HR & Employment Equity Plans 1.7. Departmental File Plans 1.8. Citizens' Reports 1.9. Promotion of Access to Information Pamphlets & Brochures 1.10. Premier's Budget Speeches 1.11. Service Delivery Standards 1.12. Circulars of advertised posts 1.13. Public Service Application Forms (Z83 1.14. Library material (Legal & Communication Services) 1.15. State of the Province Address 1.16. Labour Relations Agreements 1.17. Supplier Registration Form 1.18. Limpopo Development Plans	The records may be inspected at the Office of the Deputy Information Officer as follows: Office of the Premier 40 Hans Van Rensburg Street (Mowaneng Building) Office No. 22 POLOKWANE, 0699 Tel. No. 015 287 6312 Fax. No. 015 291 4046 Email address: paia@premier.limpopo.gov.za
2. FOR PURCHASING IN TERMS OF SECTION 15(a) (ii)	
2.1. Bid Documents	The Bid Documents can be purchased at Office of the Premier: 40 Hans van Rensburg Street) Revenue & Budget Sub-Division, Office No. 10 - Ground

Floor (Bodenstein Building)	
3. FOR COPYING IN TERMS OF SECTION 15(a) (ii)	
3.1. Departmental Strategic, Annual Performance & Operational Plans 3.2. Departmental HRM, ICT, Financial, Records, Telecommunication, Risk Management Policies 3.3. Service Delivery Improvement Plans 3.4. Quarterly reports 3.5. Annual Reports 3.6. HR & Employment Equity Plans 3.7. Departmental File Plans 3.8. Citizens' Reports 3.9. Promotion of Access to Information Pamphlets 3.10. Premier's Budget Speeches 3.11. Service Delivery Standards 3.12. Circulars of advertised posts 3.13. Public Service Application Forms (Z83) 3.14. Library material (Legal & Communication Services) 3.15. State of the Province Address 3.16. Labour Relations Agreements 3.17. Supplier Registration Form 3.18. Limpopo Development Plans	The records may be accessed for copying at the Office of the Deputy Information Officer as follows: Office of the Premier 40 Hans Van Rensburg Street (Mowaneng Building) Office No. 22 (Ground Floor) POLOKWANE, 0699 Tel. No. 015 287 6312 Fax. No. 015 291 4046 Email address: paia@premier.limpopo.gov.za
4. FREE OF CHARGE IN TERMS OF SECTION 15(a)(iii)	
4.1. State of the Province Address 4.2. Public Service Application for Employment Forms (Z83) 4.3. Promotion of Access to Information Pamphlets & Brochures 4.4. Knowledge Management Brochures	The records may be accessed free of charge at the Office of the Deputy Information Officer as follows: Office of the Premier 40 Hans Van Rensburg Street (Mowaneng Building) Office No. 22 (Ground Floor) POLOKWANE, 0699 Tel. No. 015 287 6312 Fax. No. 015 291 4046 Email address: paia@premier.limpopo.gov.za

DEPARTMENT OF LABOUR
NOTICE 817 OF 2017

LABOUR RELATIONS ACT, 1995

REGISTRATION OF A TRADE UNION

I, Johannes Theodorus Crouse, Registrar of Labour Relations, hereby notify, in terms of section 109(2) of the Labour Relations Act, 1995, that the **Young Nurses Indaba Trade Union (YNITU) (LR 2/6/2/2635)** has been registered as a trade union with effect from *26 September 2017*

The name of the union is entered into the register of trade unions.



REGISTRAR OF LABOUR RELATIONS

BOARD NOTICES • RAADSKENNISGEWINGS

BOARD NOTICE 169 OF 2017**FINANCIAL MARKETS ACT, 2012****APPROVED AMENDMENTS TO THE A2X LISTINGS REQUIREMENTS**

I Dube Phineas Tshidi, Registrar of Securities Services, hereby give notice under section 11(6)(d) of the Financial Markets Act, 2012 (Act No. 19 of 2012) that the amendments to the listings requirements have been approved. Please be advised that the approved amendments are available on the official website of the Financial Services Board (FSB) (www.fsb.co.za) and the website of the market infrastructure (www.a2x.co.za).

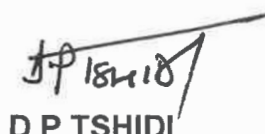
The amendments come into operation on **Friday, 13 October 2017**.


D P TSHIDI**REGISTRAR OF SECURITIES SERVICES**

BOARD NOTICE 170 OF 2017**FINANCIAL SERVICES BOARD****FINANCIAL MARKETS ACT, 2012****APPROVED AMENDMENTS TO THE A2X TRADING RULES**

I Dube Phineas Tshidi, Registrar of Securities Services, hereby give notice under section 71(3)(c) of the Financial Markets Act, 2012 (Act No. 19 of 2012) that the amendments to the trading rules have been approved. Please be advised that the approved amendments are available on the official website of the Financial Services Board (FSB) (www.fsb.co.za) and the website of the market infrastructure (www.a2x.co.za).

The amendments come into operation on **Friday, 13 October 2017**.



D P TSHIDI

REGISTRAR OF SECURITIES SERVICES

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