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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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LIST OF TARIFF RATES FOR PUBLICATION OF NOTICES

COMMENCEMENT: 1 APRIL 2016

NATIONAL AND PROVINCIAL

Notice sizes for National, Provincial & Tender gazettes 1/4, 2/4, 3/4, 4/4 per page. Notices submitted will be charged at R1000 per full page, pro-rated based on the above categories.

Pricing for National, Provincial - Variable Priced Notices		
Notice Type	Page Space	New Price (R)
Ordinary National, Provincial	1/4 - Quarter Page	250.00
Ordinary National, Provincial	2/4 - Half Page	500.00
Ordinary National, Provincial	3/4 - Three Quarter Page	750.00
Ordinary National, Provincial	4/4 - Full Page	1000.00

EXTRA-ORDINARY

All Extra-ordinary National and Provincial gazette notices are non-standard notices and attract a variable price based on the number of pages submitted.

The pricing structure for National and Provincial notices which are submitted as **Extra ordinary submissions** will be charged at **R3000** per page.

GOVERNMENT PRINTING WORKS - BUSINESS RULES

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

CLOSING TIMES FOR ACCEPTANCE OF NOTICES

1. The *Government Gazette* and *Government Tender Bulletin* are weekly publications that are published on Fridays and the closing time for the acceptance of notices is strictly applied according to the scheduled time for each gazette.
2. Please refer to the Submission Notice Deadline schedule in the table below. This schedule is also published online on the Government Printing works website www.gpwonline.co.za

All re-submissions will be subject to the standard cut-off times.

All notices received after the closing time will be rejected.

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

GOVERNMENT PRINTING WORKS - BUSINESS RULES**EXTRAORDINARY GAZETTES**

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

NOTICE SUBMISSION PROCESS

4. Download the latest *Adobe* form, for the relevant notice to be placed, from the **Government Printing Works** website www.gpwonline.co.za.
5. The *Adobe* form needs to be completed electronically using *Adobe Acrobat / Acrobat Reader*. Only electronically completed *Adobe* forms will be accepted. No printed, handwritten and/or scanned *Adobe* forms will be accepted.
6. The completed electronic *Adobe* form has to be submitted via email to submit.egazette@gpw.gov.za. The form needs to be submitted in its original electronic *Adobe* format to enable the system to extract the completed information from the form for placement in the publication.
7. Every notice submitted **must** be accompanied by an official **GPW** quotation. This must be obtained from the *eGazette* Contact Centre.
8. Each notice submission should be sent as a single email. The email **must** contain **all documentation relating to a particular notice submission**.
 - 8.1. Each of the following documents must be attached to the email as a separate attachment:
 - 8.1.1. An electronically completed *Adobe* form, specific to the type of notice that is to be placed.
 - 8.1.1.1. For *National Government Gazette* or *Provincial Gazette* notices, the notices must be accompanied by an electronic Z95 or Z95Prov *Adobe* form
 - 8.1.1.2. The notice content (body copy) **MUST** be a separate attachment.
 - 8.1.2. A copy of the official **Government Printing Works** quotation you received for your notice .
(Please see *Quotation* section below for further details)
 - 8.1.3. A valid and legible Proof of Payment / Purchase Order: **Government Printing Works** account customer must include a copy of their Purchase Order. **Non-Government Printing Works** account customer needs to submit the proof of payment for the notice
 - 8.1.4. Where separate notice content is applicable (Z95, Z95 Prov and TForm 3, it should **also** be attached as a separate attachment. (Please see the *Copy Section* below, for the specifications).
 - 8.1.5. Any additional notice information if applicable.
9. The electronic *Adobe* form will be taken as the primary source for the notice information to be published. Instructions that are on the email body or covering letter that contradicts the notice form content will not be considered. The information submitted on the electronic *Adobe* form will be published as-is.
10. To avoid duplicated publication of the same notice and double billing, Please submit your notice **ONLY ONCE**.
11. Notices brought to **GPW** by "walk-in" customers on electronic media can only be submitted in *Adobe* electronic form format. All "walk-in" customers with notices that are not on electronic *Adobe* forms will be routed to the Contact Centre where they will be assisted to complete the forms in the required format.
12. Should a customer submit a bulk submission of hard copy notices delivered by a messenger on behalf of any organisation e.g. newspaper publisher, the messenger will be referred back to the sender as the submission does not adhere to the submission rules.

GOVERNMENT PRINTING WORKS - BUSINESS RULES**QUOTATIONS**

13. Quotations are valid until the next tariff change.

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

14. Each quotation has a unique number.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CANCELLATIONS

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

AMENDMENTS TO NOTICES

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

REJECTIONS

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

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

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

GOVERNMENT PRINTER INDEMNIFIED AGAINST LIABILITY

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

LIABILITY OF ADVERTISER

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

CUSTOMER INQUIRIES

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

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

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

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

GOVERNMENT PRINTING WORKS - BUSINESS RULES

PAYMENT OF COST

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

PROOF OF PUBLICATION

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

GOVERNMENT PRINTING WORKS CONTACT INFORMATION

Physical Address:
Government Printing Works

149 Bosman Street

Pretoria

Postal Address:

Private Bag X85

Pretoria

0001

GPW Banking Details:
Bank: ABSA Bosman Street

Account No.: 405 7114 016

Branch Code: 632-005

For Gazette and Notice submissions: Gazette Submissions:

For queries and quotations, contact: Gazette Contact Centre:

E-mail: submit.egazette@gpw.gov.za
E-mail: info.egazette@gpw.gov.za
Tel: 012-748 6200

Contact person for subscribers: Mrs M. Toka:

E-mail: subscriptions@gpw.gov.za
Tel: 012-748-6066 / 6060 / 6058

Fax: 012-323-9574

PROCLAMATIONS • PROKLAMASIES

PROCLAMATION NO. 40 OF 2017

**by the
PRESIDENT of the REPUBLIC of SOUTH AFRICA**

**COMMENCEMENT OF SECTIONS 2, 3 AND 6 OF THE JUDICIAL MATTERS
AMENDMENT ACT, 2014 (ACT NO. 14 OF 2014)**

Under section 7(2) of the Judicial Matters Amendment Act, 2014 (Act No. 14 of 2014), I hereby fix 1 December 2017 as the date on which sections 2, 3 and 6 of said the Act shall come into operation.

Given under my Hand and the Seal of the Republic of South Africa at Pretoria this twenty second day of November Two thousand and seventeen.

**J G Zuma
President**

By Order of the President-in-Cabinet:

**T M Masutha
Minister of the Cabinet**

PROKLAMASIE NO. 40 VAN 2017

***van die
President van die Republiek van Suid-Afrika***

**INWERKINGTREDING VAN ARTIKELS 2, 3 EN 6 VAN DIE WYSIGINGSWET OP
GEREGTELIKE AANGELEENTHEDE, 2014 (WET NO. 14 VAN 2014)**

Kragtens artikel 7(2) van die Wysigingswet op Geregte like Aangeleenthede, 2014 (Wet No. 14 van 2014), bepaal ek hierby 1 Desember 2017 as die datum waarop artikels 2, 3 en 6 van die genoemde Wet in werking tree.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Pretoria op hede die twee-en-twintigste dag van November Tweeduisend-en-sewentien.

**J G Zuma
President**

Op las van die President-in-Kabinet:

**T M Masutha
Minister van die Kabinet**

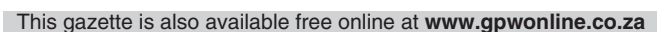
GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS**DEPARTMENT OF AGRICULTURE, FORESTRY AND FISHERIES****NO. 1313****01 DECEMBER 2017****EXCLUSION OF PROPERTIES FROM THE PROVISIONS OF THE SUBDIVISION OF AGRICULTURAL LAND ACT, ACT 70 OF 1970
IN THE KWADUKUZA MUNICIPALITY, KWAZULU-NATAL PROVINCE.****NOTICE 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 Kwadukuza Municipality, KwaZulu-Natal Province.

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

Remainder of Portion 70 and Portion 140, both of Lot 56 No. 931-FU
Remainder of Farm No. 18349-FU
Remainder of the Farm No. 18348-FU
Remainder of the Farm Newlands 16511-FU
Portion 31 and 34, both of the Farm Umhlaliwagen Drift No. 1559-FU
Remainder and Portion 1, both of Farm No. 18435-FU
Remainder, Portion 3, 59, 92, 96, 110, 115, 116, 174, 131, 126, 127, 129 and 183, all of the Farm Compensation No. 868-FU
Remainder and Portion 5, both of Farm 18077-FU
Portion 2 of the Farm Zimbali West No. 17744-FU
Portion 7 of Farm 17952-FU
Farm Blythdale No. 17461-FU
Remainder and Portion 4, 5, 8, 9, 13, 14, 16 to 21, 24 to 31 and 33 to 39, all of the Farm Addington 1385-FU
Portion 16, 18, 24, 27, 28, 40, 41, 46, 55, 59, 60, 66, 67 and 77 to 80, all of the Farm Chantilly No. 1804
Remainder of the Farm Forest Park No. 17950-FU
Remainder of the Farm Garland No. 17192-FU
Remainder of the Farm Hyde Park No. 1023-FU
Remainder, Portion 3 to 7, 9, 14, 16 and 17, all of Lot 1-FU
Portion 144 and 228, both of Lot 2 No. 1673-FU
Portion 1 and 6 to 12, all of Lot 55 No. 1569-FU
Portion 5, 12, 15, 19, 20, 32, 365, 467, 557, 558, 570, 571, 583, 606, 629, 627, 635, 631, 655, 656, 630, 659, 722 to 724, all of Lot 56 No. 931-FU
Portion 2, 4, 8, 10, 38, 69, 80, 100, 177, 290, 304, 314, 453, 456, 572, 576, 577, 580, 581, 585, 589, 590, 596, 597, 598, 599, 617, 631, 633, 639 to 657, 660 to 670, 682 and 690, all of Lot 61 No. 1521-FU
Remainder, Portion 10, 13, 15, 18, 19, 20, 24, 26, 28, 31, 33, 37, 39, 42, 43, 44, 53, 83, 85, 102, 139, 140, 150, 151, 177, 208, 210, 212, 214, 215 and 237, all of Lot 69 No. 917-FU
Portion 4 and 9 to 13, all of Lot 52 No. 1566-FU
Remainder and Portion 1, both of the Farm Mathonsi No. 16515-FU
Remainder and portion 3 to 5, all of the Farm Pencarrow No. 17860-FU
Remainder and Portion 4, both of the Farm Royal Palm No. 17904-FU
Portion 9 to 12 and 21 to 23, all of the Farm Sans Souci No. 2990-FU
Portion 2, 3, 7, 10, 11, 12, 25, 26, 30, 34, 38 to 42 and 60, all of the Farm Umhlaliwagen Drift No. 1559-FU

COMMENTS OR OBJECTION MUST BE SENT WITHIN 30 DAYS FROM THE DATE OF THIS NOTICE TO:
LydiaB@daff.gov.za or MashuduMa@daff.gov.za (012) 319 7686/7619 or alternatively Private Bag X120,
PRETORIA, 0001



DEPARTMENT OF AGRICULTURE, FORESTRY AND FISHERIES**NO. 1314****01 DECEMBER 2017****EXCLUSION OF CERTAIN PROPERTIES FROM THE PROVISIONS OF THE SUBDIVISION OF AGRICULTURAL LAND ACT, ACT 70 OF 1970 IN THE CITY OF MATLOSANA LOCAL MUNICIPALITY, NORTH WEST PROVINCE AND MAKHADO LOCAL MUNICIPALITY, LIMPOPO 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 City of Matlosana Local Municipality, North West Province and Makhado Local Municipality, Limpopo Province.

The properties to be included in the town planning scheme are:**City of Matlosana Local Municipality, North West Province**

Remainder, Portion 297 and 306, all of the farm 297-IP

Portion 5, Portion 176, 206 and Remainder of portion 8, all of the farm Kafferskraal 400-IP

Portion 20 and 21, all of the farm Nooitgedacht 429-IP

Portion 15, 48, 49, 128 and 149, all of the farm Stilfontein 408-IP

Potion 392 of Townlands of Klerksdorp 424-IP

Remainder of the farm Uraan 295-IP

Remainder, remainder of portion 295, Portions 12, 13, 15, and 35, all of the farm Wildebeestpan 442-IP

Makhado Local Municipality, Limpopo Province

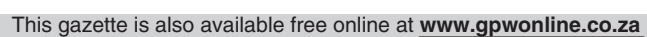
Portion 5 and 6, 21 to 24, 27 , 28 and 30 of the Farm Cloudend 279-LS

Remainder of portion 4, 7 to 20, 26, 25, 29 and 31 of the Farm Cloudend 279-LS

Portion 32 to 70 of the Farm Cloudend 279-LS

Remainder of the Farm Cloudend 279-LS

COMMENTS OR OBJECTIONS MUST BE SENT WITHIN 30 DAYS FROM THE DATE OF THIS NOTICE TO:
LydiaB@daff.gov.za or MashuduMa@daff.gov.za (012) 319 7686/7619 or alternatively Private Bag X120,
PRETORIA, 0001





DEPARTMENT OF AGRICULTURE, FORESTRY AND FISHERIES**NO. 1315****01 DECEMBER 2017****EXCLUSION OF CERTAIN PROPERTIES FROM THE PROVISIONS OF THE SUBDIVISION OF AGRICULTURAL LAND ACT, ACT 70 OF 1970 IN THE TLOKWE 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 Tlokwe Local Municipality, North West Province.

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

Portions 6 to 26, 79 to 83, 100, 101, 106, 107 and 110, all of the farm Harpington 461-IQ

Portions 19 to 26 and 29 to 95, all of the farm Haaskraal 460-IQ

Farm Oudrif 587-IQ

Portions 248 to 268, 270 to 275, 277, 280 to 305, 308 to 326, 329, 402 and 472, all of the farm Town and Townlands of Potchefstroom 435-IQ

Portions 4, 18 to 21, 24 to 29, 31, 32, 35 to 53, 56 to 100, 105, 107 to 134, 143, 145, 148, 149, 152, 153, 154, 160 to 178, 180 to 184, 186, 187, 189, 190, 192 to 195, 197, 199 to 202, 219, 221, 234, 244, 249 to 251 and Remainder, all of the farm Welgeboom 458-IQ

Portions 6, 18, 19, 20, 23, 25 to 30, 32, 35, 37, 38, 39, 40, 41, 43, 46, 47, 48, 58 and 59, all of the farm Elandsheuvel 436-IQ

Farm Vyfhoek 418-IQ

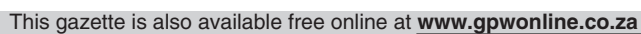
Farm Vyfhoek 421-IQ

Farm Vyfhoek 423-IQ

Portions 4, 5, 7, 8, 9, 11, 12, 13, 16, 17, 19, 21, 22, 23, 24, 34, 36, 38 and 46, all of the farm Vyfhoek 424-IQ

Portions 1, 3, 8, 9, 13, 14, 15, 18, 19, 20, 35, 46 to 51, 64, 67, 70 to 82, 83, 87 to 90, 96 to 99, 103 to 108, 110, 111, 112, 115, 116, 117, 119, 120, 122, 124, 130, 131, 133 to 140, 144 to 147, 150, 151, 154, 188, 191, 362, 369, 371, 379, 398, 394, 416 to 418, 420, 421, 431, 436, 441, 462, 483, 507, 549, 598 to 600, 602, 607, 612, 630, 631, 654, 666, 685, 686, 692 to 695 to 698, 701, 702, 727, 730, 741, 743, 745 to 748, 752, 759, 761, 763, 765 to 768, 806 to 809, 812, 814, 815, 831, 837, 849, 864, 883, 886, 887, 888, 894, 895, 897, 903, 911, 912, 908, 909, 918, 921, 924, 925, 927, 940, 946 to 948, 976, 978, 980, 988, 990, 996, 1036, 1041, 1046, 1047, 1053, 1054, 1059, 1074 to 1077, 1079, 1083, 1084, 1091, 1094, 1100, 1102, 1104, 1105, 1108, 1109, 1121 to 1123, 1129, 1130, 1131, 1145, 1153, 1159, 1167, 1173, 1177, 1396 to 1398, 1418, 1441-1445, 1456 1478 all of the farm Vyfhoek 428-IQ

COMMENTS OR OBJECTION MUST BE SENT WITHIN 30 DAYS FROM THE DATE OF THIS NOTICE TO: LydiaB@daff.gov.za or MashuduMa@daff.gov.za (012) 319 7686/7619 or alternatively Private Bag X120, PRETORIA, 0001



DEPARTMENT OF AGRICULTURE, FORESTRY AND FISHERIES**NO. 1316****01 DECEMBER 2017****EXCLUSION OF CERTAIN PROPERTIES FROM THE PROVISIONS OF THE SUBDIVISION OF AGRICULTURAL LAND ACT, ACT 70 OF 1970 IN THE POLOKWANE LOCAL MUNICIPALITY, LIMPOPO PROVINCE**

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 Polokwane Local Municipality, Limpopo Province.

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

Remainder, Portions 2, 5 to 26, 28 to 47, 51, 53, 55 to 76 and 81 to 89 of BASKOPPIE 997-LS, all of the farm BASKOPPIE 997-LS;

Portions 18 to 20, 22 to 37, 39, 42 to 91, 96, 101, 134 to 137, 159, 160, 162 to 165, 167, 168, 180 and 191 to 194, all of the farm DOORNBULT 624-LS

Portions 7, 9 to 11, 12 to 18, 20 and 21, all of the farm DUVENAGESKRAAL 689-LS

Remainder, Portions 1, 2 and 6, all of the farm ENKELBOSCH 683-LS

Remainder and Portions 2, both of the farm GELUK 996-LS

Remainder, Portions 2, 5 to 20, 22, 25, 26, 34 to 40 and 41 to 45, all of the farm GELUK 998-LS

Remainder and Portions 1 to 30, all of the farm JANSENPARK 1136-LS

Remainder, Portions 1-2, 4 to 16, 18 to 24, 25 to 183, 185 to 215 and 219 to 224, all of the farm LEEUWKUIL 691-LS

Portions 2, 3, 6 to 10, 12, 13, 16 to 58, 60 to 63, 66 and 68, all of the farm MYNGENOEEN 1000-LS

Remainder, Portions 1 to 32, 34 to 81, 83 to 86, 93 to 95 and 111 to 113, all of the farm MYNGENOEEN 1048-LS

Remainder, Portions 1, 4 to 8, 10 to 24, 26 to 29, 32, 33, 35 to 39, 42 to 50, 54 and 55, all of the farm PALM 681-LS

Remainder of Palmiet 910-LS

Portions 12 to 17, 32, 33, 65, 66, 68, 76, 77, 79, 87 and 88, all of the farm PALMIETFONTEIN 24-LS

Portions 18 to 25, 34 to 46, 48, 50, 69 to 74, 78, 80 to 82, 84 and 86, all of the farm PALMIETFONTEIN 24-KS

Portions 6 to 74, 76, 78, 82, all of the farm PALMIETFONTEIN 1049-LS

Remainder, Portions 3 to 12, 14 to 36, 40 to 56, 62 to 64, 66 to 69, all of the farm PALMIETFONTEIN 684-LS

Portions 8-63, all of the farm ROODEPOORT 744-LS

Portions 1, 6, 8, 11, 13 to 17, 21 to 43, 45 to 65, 68, 69, 72 to 134, 137 to 142 144 to 156, 159 to 166, 168, 170 to-173, 175 to 196, 198, 199, 201, 206 to 213, 221 to 349, 351 to 358, 364, 365, 367 to 369, 374 to 377, 381, 383, 389, 393, 395 to 398, 401, 404, 406, 411 to 419, 424, 427 to 429, 433, 435, 442 to 446, 450 to 454, 456 to 458, 460 to 463, 466 to 469, 474 to 481, 485, 487 to 491, 493 to 505, 508 and 519, all of the farm TWEEFONTEIN 915-LS

Enquiries: LydiaB@daff.gov.za or MashuduMa@daff.gov.za or (012) 319 7686/7619 or PRIVATE BAG X120, PRETORIA, 0001

DEPARTMENT OF AGRICULTURE, FORESTRY AND FISHERIES**NO. 1317****01 DECEMBER 2017****EXCLUSION OF PROPERTIES FROM THE PROVISIONS OF THE SUBDIVISION OF AGRICULTURAL LAND ACT, ACT 70 OF 1970
IN THE RICHMOND AND IMPENDLE MUNICIPALITY, KWAZULU-NATAL 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 Richmond and Impendle Municipality, KwaZulu-Natal Province.

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

Richmond Municipality

Portion 2, 7, 8, 10, 15 to 42, 46 to 60, 62 and 83, all of the Farm Hopewell No. 881-FT

Remainder of the Farm Vinks Rivier No. 1057-FT

Remainder of the Farm Inkoman 2 No. 10104-ET

Remainder of the Farm Vumakwenza No. 17746-ET

Impendle Municipality

Remainder and Portion 1 to 26 of Farm No. 16535-FS

Remainder and Portion 10 of Farm No. 14851-FS

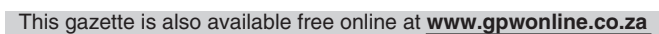
Portion 3 and 17 to 19 of Farm 16615-FS

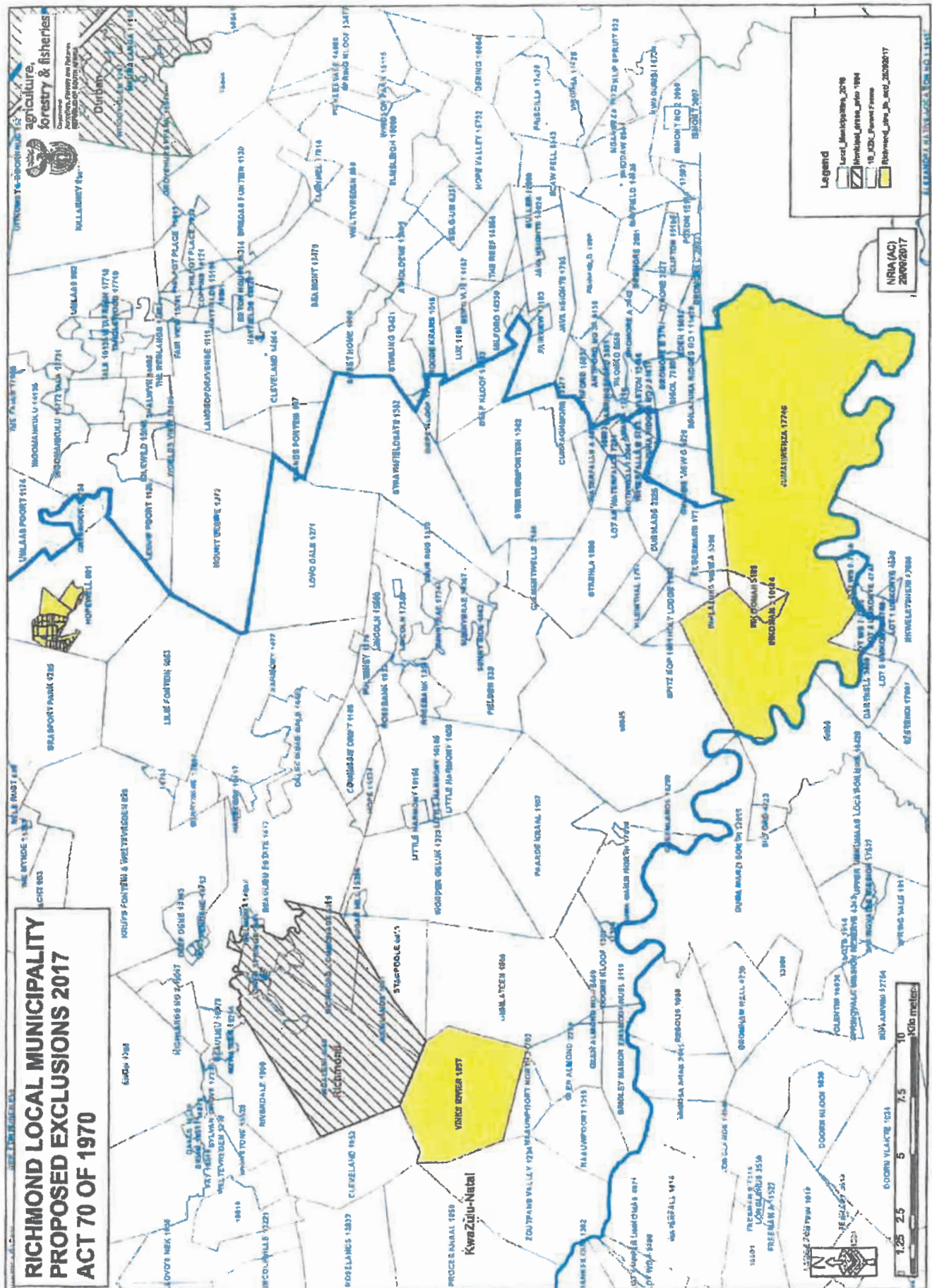
Remainder of the Farm Brentwood No. 15508-FS

Remainder and Portion 2, 4, 5, 7, 8, 11, 10, 12, 13, 14, 63, 67,68, 69, 99, 101,110, 111, 116, 117, 120,127 and 128, all of the Farm Elands Rivier Drift No. 4770-FT

Remainder of the Farm Essex No. 6007-FS

COMMENTS OR OBJECTION MUST BE SENT WITHIN 30 DAYS FROM THE DATE OF THIS NOTICE TO:
LydiaB@daff.gov.za or MashuduMa@daff.gov.za (012) 319 7686/7619 or alternatively Private Bag X120,
PRETORIA, 0001





DEPARTMENT OF AGRICULTURE, FORESTRY AND FISHERIES

NO. 1318

01 DECEMBER 2017

**EXCLUSION OF PROPERTIES FROM THE PROVISIONS OF THE SUBDIVISION OF AGRICULTURAL LAND ACT, ACT 70 OF 1970
IN THE UMSWATHI MUNICIPALITY, KWAZULU-NATAL 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 Umswathi Municipality, KwaZulu-Natal Province.

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

Remainder, Portion 2 and 3, all of the Farm Grootshoek No. 920-FT

Portion 2, 3, 13, 18, 20 and 21, all of the Farm Appelsbosch No. 1293-FT

Portion 10, 11, 12 and 20, all of the Farm Welte Vreden No. 1344-FT

Remainder and Portion 1 to 4, all of the Farm Frenchay West 2235-FT

Portion 1, 3 and 4, all of the Farm Umvoti Slopes No. 2239-FT

Remainder and Portion 1, both of the Farm Frenchay East No. 2241-FT

Remainder of the Farm Glen Roy No. 3166-FT

Portion 18 to 20, 31 and 36, all of the Farm Umvoti Location No. 4667-FT

Portion 6 of the Farm 4675-FT

Remainder and Portion 1 to 4 of, all the Farm Berlin No. 6353-FT

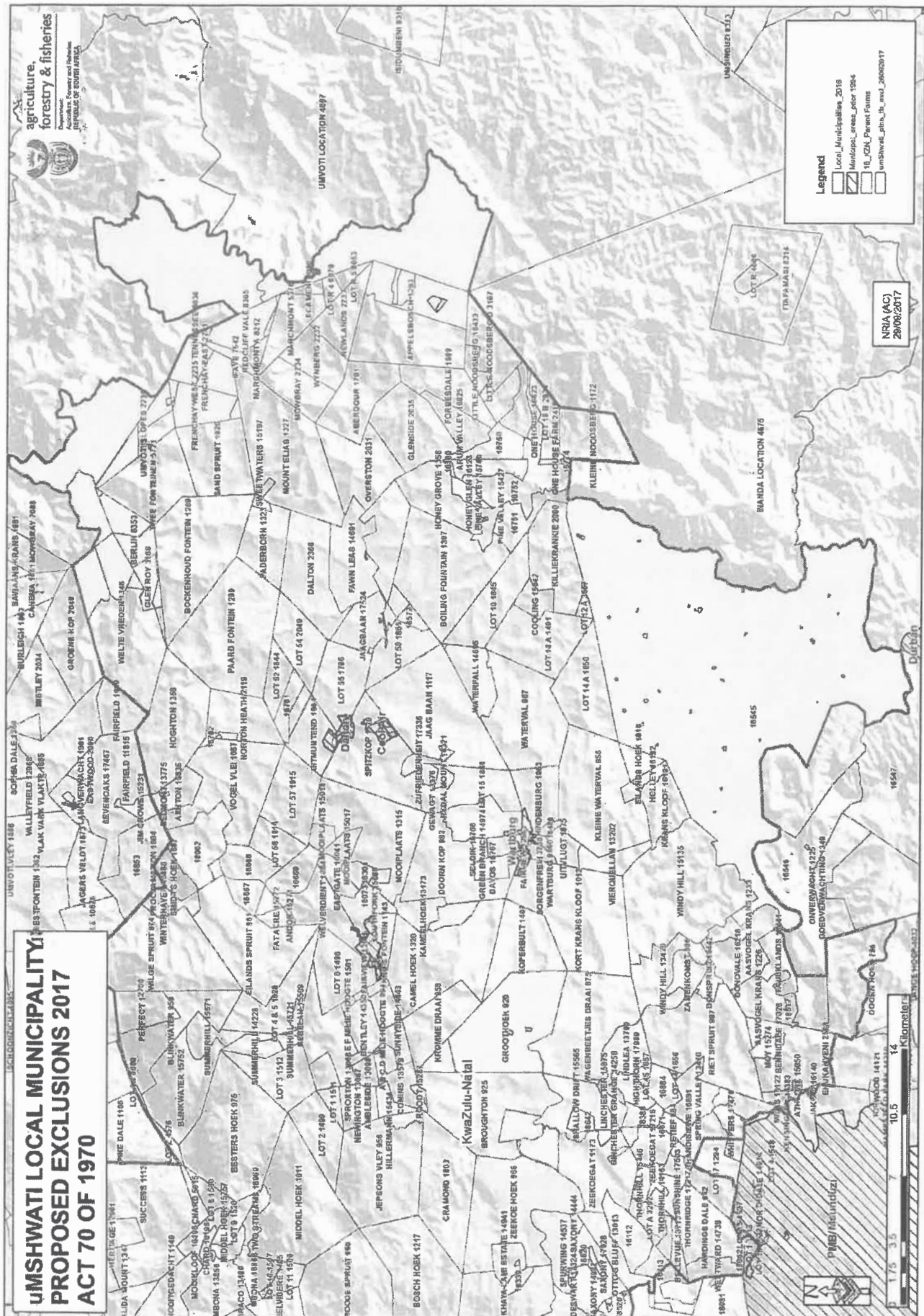
Remainder of the Farm Ifaye No. 7542-FT

Portion 2 and 4, both of the Farm Redcliff Vale No. 8365-FT

Remainder of the Farm Tennessee No. 8036-FT

Remainder and Portion 1, 2, 4 to 10 to 14, 16 to 18, 20 to 33, all of the Farm Gcumisa No. 16545-FT

COMMENTS OR OBJECTION MUST BE SENT WITHIN 30 DAYS FROM THE DATE OF THIS NOTICE TO:
LydiaB@daff.gov.za or MashuduMa@daff.gov.za (012) 319 7686/7619 or alternatively Private Bag X120,
PRETORIA, 0001



DEPARTMENT OF AGRICULTURE, FORESTRY AND FISHERIES

NO. 1319

01 DECEMBER 2017

**NATIONAL AGRICULTURAL MARKETING COUNCIL
MARKETING OF AGRICULTURAL PRODUCTS ACT, 1996, AS AMENDED
(ACT No. 47 OF 1996)**

**REQUEST FOR THE ESTABLISHMENT OF STATUTORY MEASURES RELATING TO
LEVIES, REGISTRATION AND RECORDS & RETURNS ON TABLE EGGS IN TERMS
OF THE MARKETING OF AGRICULTURAL PRODUCTS ACT**

It is hereby made known that, in terms of section 10 of the Marketing of Agricultural Products Act, 1996 (Act No.47 of 1996) (MAP Act), that the Minister of Agriculture, Forestry and Fisheries has received a request from the South African Poultry Association (SAPA) for the establishment of statutory measures relating to levies, registrations, the keeping of records and rendering of returns. The applicant for the proposed statutory measures is SAPA, a voluntary organisation established by poultry producers in 1904 to act as mouthpiece and representative organisation for poultry producers in South Africa.

SAPA, proposed a levy of **1.5 cents** (excluding VAT) per dozen of eggs to be applied to table eggs sold to the trade. The proposed levy will escalate by 6% per annum. The estimated income from the proposed statutory levies is between R7.3 million (for 2018/19) and R8.7 million per annum (for 2021/22). The proposed statutory levies will finance the following functions, namely-

- Empowerment and development of black emerging poultry producers;
- Consumer education;
- Consumer assurance;
- Research and development;
- Production development;
- Industry information, liaison and training; and
- Administration.

The MAP Act stipulates that a statutory levy may not exceed 5% of the price realised for a specific agricultural product at the first point of sale. The maximum of 5% must be based on a guideline price calculated as the average price at the first point of sale over a period not exceeding three years. In terms of this application, the levy will apply on a dozen of table eggs sold to the trade (VAT excluded) from 1 April 2018 for a period of four years. The average net prices of a dozen of table eggs for the past three years were as follows:

Table eggs sold to the trade	Price/dozen
2015	R12.07
2016	R12.84
2017	R13.77
Average	R12.89

The proposed statutory levies will only be 0.12% of the calculated guideline price of a dozen of table eggs (an average over three years) at first point of sale.

The purpose of the statutory measure relating to registrations is to compel sellers of table eggs to the trade, to register with the administrator of the statutory measures (SAPA). The purpose of the statutory measure relating to records & returns is to compel the sellers of table eggs to the trade to render records and returns to the administrator of the statutory measures. These statutory measures are necessary to ensure that continuous, timeous and accurate market information relating to eggs sold to the trade is available to all role-players. Market information is deemed essential for all role-players in order for them to make informed decisions.

The National Agricultural Marketing Council (NAMC) took cognisance that the proposed statutory measures relating to levies, registrations, the keeping of records and rendering of returns as requested by SAPA, is consistent with the objectives of the MAP Act. The request is currently being investigated by the NAMC and recommendations in this regard will be made to the Minister in the near future.

Directly affected groups in the poultry industry are kindly requested to submit any comments, regarding the proposed statutory measures to the NAMC on or before 15 December 2017, to enable the Council to finalise its recommendation to the Minister in this regard.

Submissions should be in writing and be addressed to:

National Agricultural Marketing Council

Private Bag X 935

PRETORIA

0001

Enquiries : Mr Ndumiso Mazibuko

E-mail : ndumiso@namc.co.za

Tel No. : (012) 341 1115

: 073 551 8388

Fax No. : (012) 341 1911

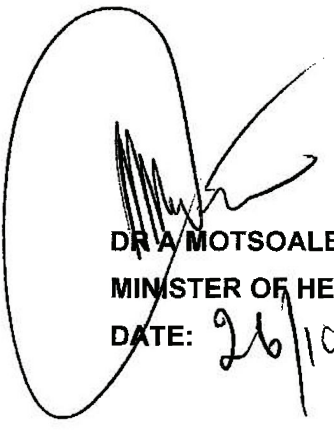
DEPARTMENT OF HEALTH

NO. 1320

01 DECEMBER 2017

NATIONAL HEALTH ACT, 2003 (ACT NO. 61 OF 2003)**EMERGENCY MEDICAL SERVICES REGULATIONS**

I, Dr Aaron Motsoaledi, the Minister of Health has, in terms of section 90(1)(m) read with section 43(1) of the National Health Act, 2003 (Act No. 61 of 2003), made the Regulations in the Schedule.



DR A MOTSOALEDI, MP
MINISTER OF HEALTH
DATE: 26/10/2017

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SCHEDULE

PART 1 - REGULATORY FRAMEWORK

DEFINITIONS

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

"Advanced Life Support (ALS)" means a level of care provided within the Paramedic, Emergency Care Technician or Emergency Care Practitioner scope of practice, as determined by the Health Professions Council of South Africa in terms of the Health Professions Act;

"adverse patient incident" means an event or circumstance that leads to unintended harm, injury, suffering or illness of a patient;

"air ambulance" means an airborne vehicle-

- (a) appropriately equipped, designed or adapted solely for the purpose of providing emergency care and conveyance of patients;
- (b) which is licensed to an Emergency Medical Service;
- (c) registered as an air ambulance in terms of the Civil Aviation Act, 2009 (Act No. 13 of 2009); and
- (d) staffed and equipped as per "Annexures A and B;

"ambulance" means a motor vehicle-

- (a) appropriately equipped, designed or adapted solely for the purpose of providing emergency care and conveyance of patients;
- (b) owned by an Emergency Medical Service;
- (c) registered as an ambulance in terms of the National Road Traffic Act; and
- (d) staffed and equipped as per "Annexures A and B;

"Ambulance Emergency Assistant" means a person registered as such with the Health Professions Council of South Africa in terms of the Health Professions Act;

"Basic Ambulance Assistant" means a person registered as such with the Health Professions Council of South Africa in terms of the Health Professions Act;

"Basic Life Support (BLS)" means a level of emergency care provided primarily by emergency care providers that practise within the Basic Ambulance Assistant scope of practice as determined by the Health Professions Council of South Africa in terms of the Health Professions Act;

"Committee" means the Emergency Medical Services Advisory Committee appointed in terms of regulation 3;

"dirty utility facility" means a facility that is dedicated to the laundering of dirty linen, cleaning of soiled equipment and sluice requirements;

"Education Institution Emergency Medical Service" means an organisation or body that is dedicated, staffed and equipped to operate as an ambulance or medical response vehicle in order to offer emergency care for the purpose of educating and training emergency care students who are registered with the Health Professions Council of South Africa in terms of the Health Professions Act;

"emergency care" means the evaluation, treatment and care of an ill or injured person in a situation in which such emergency evaluation, treatment and care is required, and the continuation of treatment and care during the transportation of such person to or between health establishments;

"Emergency Care Assistant" means a person registered as such with the Health Professions Council of South Africa in terms of the Health Professions Act;

"emergency care personnel" means personnel who are registered with the Health Professions Council of South Africa under the auspices of the Professional Board for Emergency Care;

"Emergency Care Practitioner" means a person registered as such with the Health Professions Council of South Africa in terms of the Health Professions Act;

"Emergency Care Technician" means a person registered as such with the Health Professions Council of South Africa in terms of the Health Professions Act;

"Emergency Medical Service" means an organisation or body that is dedicated, staffed and equipped to operate an ambulance, medical rescue vehicle or medical response vehicle in order to offer emergency care;

"Event Medical Service" means an organisation or body that is dedicated, equipped and staffed by persons registered with the Health Professions Council of South Africa in terms of the Health Professions Act to operate an ambulance or medical response vehicle in order to offer emergency care at mass gatherings or high risk events;

"Emergency Medical Service Manager" means a person who is duly appointed as the responsible manager for the Emergency Medical Service and who is registered with the Health Professions Council of South Africa in terms of the Health Professions Act;

"Head of Department" means the accounting officer for a provincial health department;

"Health Professions Act" means the Health Professions Act, 1974 (Act No.56 of 1974);

"Health Professions Council of South Africa" means the body established in terms of section 2 of the Health Professions Act;

"inspecting officer" means a person employed or appointed by the Provincial Health Licensing and Inspectorate Authority;

"Intermediate Life Support (ILS)" means a level of emergency care provided within the Ambulance Emergency Assistant and Emergency Care Assistant scope of practice as determined by the Health Professions Council of South Africa in terms of the Health Professions Act;

"licence" means a licence issued in terms of these Regulations, which authorises the provision of an emergency medical service;

"Licensing and Inspectorate Authority" means the provincial health component appointed by the Head of Department for the licensing and inspection of Emergency Medical Services;

"MEC" means the Member of the Executive Council responsible for Health;

"Medical Practitioner" means a person registered as such in terms of the Health Professions Act;

"medical rescue" means practices involving the location, access, extrication and emergency care of a person.

"medical rescue vehicle" means a vehicle-

- (a) appropriately equipped designed or adapted solely for the purpose of providing medical rescue;
- (b) owned by an Emergency Medical Service;
- (c) registered as a medical rescue vehicle in terms of the National Road Traffic Act; and
- (d) staffed and equipped as per "Annexures A and B;

"medical response vehicle" means a vehicle-

- (a) appropriately equipped designed or adapted solely for the purpose of providing medical response;
- (b) owned by an Emergency Medical Service;
- (c) registered as a medical response vehicle in terms of the National Road Traffic Act; and
- (d) staffed and equipped as per "Annexures A and B;

"member" means a person appointed in terms of regulation 3 to serve on the Committee;

"National Road Traffic Act" means the National Road Traffic Act, 1996 (Act No.93 of 1996);

"Paramedic" means a person registered as such with the Health Professions Council of South Africa in terms of the Health Professions Act;

"response time" means the time measured from when an Emergency Medical Service receives an emergency call to the time the first emergency care personnel or medical practitioner arrives at the scene;

"responsible person" means a person, a nominee, in the case of a company or an association of persons (whether corporate or not) or an organ of state, registered with the Health Professions Council of South Africa, who establishes, extends, conducts, maintains or renders an emergency medical service;

"Register of Emergency Medical Services" means the register referred to in regulation 9(15);

"station" means a dedicated self-contained facility for the housing of emergency vehicles, personnel and associated emergency equipment;

"temporary licence" means a valid licence issued in terms of these Regulations which authorises the temporary provision of an emergency medical service; and

"Volunteer Emergency Medical Service" means an organisation or body-

- (a) licensed to provide such volunteer emergency medical services as formally approved by the relevant Provincial Department of Health;
- (b) registered in accordance with the National Road Traffic Act; and
- (c) registered as a Non-Profit Organisation, as well as a Public Benefit Organisation as provided for in the Non-Profit Organisation Act, 1997 (Act No. 71 of 1997) and the Income Tax Act, 1962 (Act No. 58 of 1962), respectively;

"Volunteer Emergency Medical Service personnel" means personnel who-

- (a) are registered practitioners with the Health Professions Council of South Africa in terms of the Health Professions Act;
- (b) are members of a licensed Volunteer Emergency Medical Service; and
- (c) do not receive any remuneration for the provision of emergency medical services, but may receive reasonable reimbursement for expenses incurred.

SCOPE OF APPLICATION

2. These Regulations apply to public and private Emergency Medical Services operating in the Republic of South Africa, excluding the South African National Defence Force.

PART 2 – EMS ADVISORY COMMITTEE

EMERGENCY MEDICAL SERVICES ADVISORY COMMITTEE

3. (1) The Head of Department must appoint members of the Committee.
- (2) The Committee must-
 - (a) advise and make recommendations on licence applications referred to in regulation 8; and
 - (b) advise the Head of Department on matters concerning licensing.
- (3) The Head of Department must determine the terms of reference of the Committee.
- (4)
 - (a) The Committee must be comprised of at least five (5) members.
 - (b) Members referred to in sub-regulation (5)(a), (c) and (d) must have a minimum of 10 years' experience in emergency medical services.
- (5) The Committee must consist of at least-
 - (a) one member who is a specialist in emergency medicine or an equivalent field;
 - (b) one member, nominated by an organisation recognised in terms of the Organised Local Government Act, 1997 (Act No. 52 of 1997), to represent local government in the Province;
 - (c) one member with extensive technical expertise of public emergency medical services nominated by the National Department of Health;
 - (d) one member with extensive technical expertise from private emergency medical services; and
 - (e) one member representing health care users in the Province.

-
- (6) The Head of Department must appoint a member recommended by the Committee, as the Chairperson of the Committee.
- (7) At the first meeting of the Committee-
- (a) the Chairperson must determine the procedure to be followed at the meetings of the Committee;
 - (b) the Committee must appoint a Deputy Chairperson; and
 - (c) the Committee must establish a code of conduct for members.
- (8) The Chairperson may, at any stage in the consideration of an application in terms of regulation 8, co-opt any person to participate in the proceedings of the Committee, provided that the Chairperson is satisfied that such person will be able to assist the Committee in making a recommendation.
- (9) The Chairperson must ensure that a full record of the overall proceedings is kept, together with a record of attendance and of any resolutions taken at a meeting of the Committee.
- (10) The Committee must be convened as frequently as may be necessary, to deal with applications in terms of regulation 8.
- (11) A quorum for a meeting is 50%+1 of the members of the Committee, but either the Chairperson or Deputy Chairperson must always be present.
- (12) Voting-
- (a) a decision of the majority of members present at a meeting of the Committee is considered to be a decision of the Committee;
 - (b) in the event of the number of votes leading to a tie, the Chairperson or Deputy Chairperson presiding at the meeting, has a casting vote; and
 - (c) a person co-opted in terms of sub-regulation (8), does not have voting power when participating in proceedings of the Committee.

(13) The Chairperson of the Committee must submit an annual report on the activities and expenditure of the Committee, to the Head of Department, within 40 working days of the end of the financial year.

(14) The Head of Department must pay members who are not employed by the State-

- (a) reasonable remuneration; and
- (b) reasonable allowances for actual subsistence and travelling expenses necessitated by the attendance of a meeting of the Committee,

as determined by the MEC, with the concurrence of the MEC responsible for finance.

EXCLUSION OF MEMBERS OF COMMITTEE

4. (1) A member of the Committee may not be present during, or participate in-

- (a) a discussion;
- (b) the taking of a decision; or
- (c) the making of recommendations,

in respect of an application serving before the Committee in which that member, his or her spouse, an immediate family member, a business partner, associate or employer (other than the State) has any financial or material interest, or where that member, his or her spouse, an immediate family member, a business partner, associate or employer (other than the State) has had any such interest during the 12 months preceding the application in question.

(2) For the purpose of sub-regulation (1), the term-

- (a) "spouse" includes a person with whom the member lives as if they were married or with whom the member habitually cohabits; and
- (b) "immediate family member" means, whether by blood or in law, a grandparent, parent, child or sibling, irrespective of whether such a relationship results from birth, marriage or adoption.

- (3) A person may not, whilst serving on the Committee, accept any form of employment, remuneration, gratuity or reward, from—
 - (a) a person having an interest in an Emergency Medical Service; or
 - (b) a person who has applied for a licence in terms of regulation 8.
- (4) Where a member of the Committee has a current or potential conflict of interest, that member must—
 - (a) declare such a conflict of interest to the Chairperson of the Committee timeously; and
 - (b) recuse himself or herself from any proceedings where such a conflict of interest may arise.

DECLARATION BY COMMITTEE MEMBERS

- 5. (1) A person who is appointed to the Committee in terms of regulation 3(1) must, upon receiving notice of his or her appointment, and prior to commencement of duties as a member, submit a written declaration to the Head of Department, detailing—
 - (a) any financial or other interest that he or she may have, which may be in competition or in conflict with such an appointment; and
 - (b) any relevant information about a conviction for an offence listed in Schedule 1 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977).
- (2) Failure to submit the declaration referred to in sub-regulation (1)(a) will result in the appointment being suspended for a period not exceeding forty (40) working days until the declaration is received.
- (3) If a member of the Committee—
 - (a) experiences a change in circumstances pertaining to financial or other interests that may affect his or her ability to consider any matter impartially,

- such a member must, within ten (10) working days from the date of the change in circumstances and within a reasonable period prior to consideration of an affected matter, submit a written notice to the Head of Department outlining the relevant change in circumstances;
- (b) fails to comply with sub-regulation (3)(a), his or her appointment as a member may be revoked;
 - (c) has their appointment revoked, as contemplated in sub-regulation (3)(b), the member may lodge an appeal to the MEC within twenty (20) working days of being notified, which appeal must-
 - (i) be in writing;
 - (ii) set out the reasons for the appeal being made; and
 - (iii) stipulate reasons as to why the membership of the person concerned should not be revoked.
- (4) A declaration submitted in terms of sub-regulation (1) must be for the sole purpose of determining whether any possible conflict of interest precludes the appointment, or the continued membership, of a person as a member of the Committee.
- (5) The Head of Department must ensure that a declaration submitted is confidential and is not publicly disclosed.
- (6) A member of the Committee may not use his or her appointment to the Committee as a means of promoting the financial or other interests of another person in relation to emergency medical services.
- (7) A member of the Committee who knowingly and willingly-
- (a) fails to give truthful answers, or provide a full declaration of financial, or a possible conflict of, interest;
 - (b) uses his or her appointment to promote the financial or other interest of any person; or
 - (c) fails to recuse himself or herself as contemplated in regulation 4(4)(b),
- commits an offence and is, upon conviction, liable to a fine not exceeding R25 000.00 and ceases to be a member of the Committee.

TERMINATION OF MEMBERSHIP

6. (1) A member of the Committee may, at any time, resign as a member of the Committee by giving not less than twenty (20) working days written notice to the Head of Department.
- (2) The Head of Department may terminate the appointment of a member of the Committee with immediate effect if the member-
- (a) is or becomes an un-rehabilitated insolvent;
 - (b) fails to-
 - (i) declare his or her financial interest or other conflict of interest; or
 - (ii) recuse himself or herself where he or she or an immediate family member has an interest in the outcome of a decision to be made or made by the Committee;
 - (c) is suffering from an infirmity of mind or body which prevents him or her from properly discharging his or her duties as a member of the Committee;
 - (d) has engaged in conduct, which brings or which could bring the Committee into disrepute or threatens the integrity of the Committee;
 - (e) fails to attend two consecutive meetings of the Committee without having been granted leave of absence by the Chairperson;
 - (f) fails to carry out the duties and functions of the Committee to the best of his or her ability; or
 - (g) is convicted of an offence referred to in regulation 5(7).

PART 3 – LICENSING OF EMERGENCY MEDICAL SERVICES**LICENSING**

7. (1) A person, organisation or organ of state may not, without the requisite

licence, establish, control, change ownership, rename, temporarily or permanently relocate, or alter the services of-

- (a) an Emergency Medical Service;
- (b) an Aeromedical Service;
- (c) an Event Medical Service;
- (d) a Volunteer Emergency Medical Service; or
- (e) an Education Institution Emergency Medical Service.

- (2) The minimum licensing category must be Intermediate Life Support.
- (3) An Emergency Medical Service that is licensed at either Intermediate Life Support level or Advanced Life Support level, must be allowed to operate up to, but not exceeding, 50% of the ambulances operated by the Emergency Medical Service at Basic Life Support level and the remaining 50% of the ambulances being operated by the Emergency Medical Service must be operated at either Intermediate Life Support level, or Advanced Life Support level, or a combination thereof.
- (4) The Head of Department may only issue a licence if the service has been inspected by an inspecting officer and is found to be in compliance with the requirements outlined in Annexures A and B, and is considered suitable and adequate for the purpose of providing a service in respect of the licence application.
- (5) A Volunteer Emergency Medical Service must comply with the requirements for the licensing of an Emergency Medical Service with the exclusion of sections 2(b), 5(c) and 5(d) in Annexure A.
- (6) A private Emergency Medical Service (excluding Event Medical Services) may only provide emergency medical services within the demarcated boundary within a health district as specified in its application for a licence and in which its station is located, unless it is transporting patients between health establishments or it is requested by the Head of Department.

APPLICATION FOR LICENCE

8. (1) An application for the licensing of an Emergency Medical Service must be-
- (a) submitted on the prescribed form (Annexure C) to the Head of Department for the Province where the service will operate;
 - (b) accompanied by the required supporting documents; and
 - (c) accompanied by the prescribed application fee as per Annexure D.
- 2) A Volunteer Emergency Medical Service must only pay annual licensing fees per ambulance or response vehicle, as stipulated in Annexure D.
- (3) An application submitted in terms of sub-regulation (1)(a) must be an original application delivered by hand, by registered mail or by electronic mail, to the Head of Department.
- (4) An applicant may withdraw the application at any time before it has been evaluated by the Committee, in which case the application fee will be refunded to the applicant.
- (5) If an applicant withdraws the application after the Committee has considered it, the application fee will be forfeited.
- (6) The Head of Department may, on the receipt of an application relating to the relocation of a licensed vehicle from one Province to another, issue a temporary licence valid for a period of six (6) months, except-
- (a) where the relocation occurs in the course of an inter-provincial patient transfer;
 - (b) in the case of the replacement of an existing licensed vehicle; or
 - (c) when additional vehicles are procured.
- (7) A temporary licence-
- (a) must be issued within 10 working days of receipt of an application;
 - (b) may not be renewed; and

- (c) must be considered to have expired in the event that an application for a licence is refused or if an application for a licence is withdrawn.
- (8) The prescribed annual licensing fee is payable in respect of a temporary licence issued in the event of a licensed vehicle moving from one Province to another.
- (9) An application received without proof of payment of the application fee may not be processed until the application fee is paid, but the Head of Department may then pend the application for a period not exceeding 60 working days, after which period, if the application fee has still not been paid, the application may be considered to have been withdrawn.
- (10) An applicant submitting an application for the licensing of an Emergency Medical Service must have a station located within the health district in which the applicant intends to operate so as to optimise service delivery and the station must adhere to the minimum norms and standards provided for in Annexure A.

PROCESSING OF APPLICATION

- 9. (1) On receipt of the application, the Head of Department must, within five (5) working days and by way of registered mail or electronic mail, issue the applicant with an acknowledgement of receipt, indicating there upon the date on which the application was received.
- (2) The Head of Department must, within ten (10) working days of receipt of an application, review the application to determine whether it has been properly completed or whether additional information is required.
- (3) If the Head of Department is of the opinion that the application form has not been properly completed or that additional information is required, the Head of Department must inform the applicant, in writing, of the incompleteness of the application and request the applicant to properly complete the application form or supply the additional information required within twenty (20) working days.

- (4) If an applicant fails to properly complete an application form or to supply the additional information within the period specified in sub-regulation (3), the applicant must be regarded as having withdrawn the application.
- (5) If the Head of Department is of the opinion that the application form has been properly completed, he or she must-
 - (a) refer the application to the Committee to advise and make recommendations on the application; and
 - (b) concurrently place a notice in a local newspaper and in the *Gazette* to inform the public of the application and invite public comment on the application, providing a period of fifteen (15) working days for such public comment.
- (6) The Committee must consider the application and public comments received (if any) within twenty (20) working days and make a recommendation to the Head of Department.
- (7) The Head of Department must, within fifteen (15) working days of receipt of recommendations from the Committee, consider the recommendations and make a decision.
- (8) The Head of Department may, prior to taking a decision in terms of sub-regulation (7), refer an application back to the Committee for reconsideration of its recommendations, stating in writing, the reasons for referring the application back to the Committee.
- (9) If the Head of Department refers the application back for reconsideration, the Committee must make its final recommendation on such an application within twenty (20) working days of the application being referred back to it.
- (10) The Head of Department must, within ten (10) working days of receipt of a final recommendation in terms of sub-regulation (9), consider the recommendation.
- (11) The Head of Department must, within ten (10) working days of deciding on an application as contemplated by sub-regulation (7) or (10), inform the applicant in writing of the decision and, if the application is refused, give written reasons for the

refusal and also inform the applicant of his or her right to appeal in terms of regulation 21.

- (12) If the Head of Department has confirmed the Committee's recommendations that an application be approved, the Head of Department must, within ten (10) working days, instruct an inspecting officer, in writing, to inspect the Emergency Medical Service concerned.
- (13) The inspecting officer must carry out an inspection of the Emergency Medical Service and submit a written report, on the findings relating to the inspection, to the Committee within twenty five (25) working days of the instruction by the Head of Department.
- (14) (a) An applicant must provide a date for inspection to the Licensing and Inspectorate Authority within one hundred and twenty (120) working days of the date specified by the Head of Department.
(b) If an applicant fails to provide a date for inspection as provided for in paragraph (a), the applicant must be regarded as having withdrawn the application.
- (15) If the Head of Department has confirmed the Committee's recommendations that a licence be approved, subject to the Emergency Medical Service being inspected by a duly authorised inspecting officer and the Emergency Medical Service is found to be compliant in terms of these Regulations, the Head of Department must issue a licence for the Emergency Medical Service to be registered in the Register of Emergency Medical Services.

CONSIDERATION OF APPLICATION FOR LICENCE

- 10. When considering an application for a licence, the Committee must consider the comments and responses received in respect of the application in order to determine whether there is a justifiable need for the proposed Emergency Medical Service and may take into account the following:

- (a) The need to ensure consistency of health service planning and development at national, provincial and local levels and the need to promote equitable distribution and rationalisation of health services with a view to correcting inequities based on racial, gender, economic and geographical factors and taking into account-
 - (i) the demographic and epidemiological characteristics of the population to be served;
 - (ii) the total and target population in the area;
 - (iii) the age and gender composition of the population; and
 - (iv) the morbidity and mortality profiles of the population;
- (b) the availability of existing emergency medical services;
- (c) the need to promote quality services which are accessible, affordable, cost-effective and safe;
- (d) the potential advantages and disadvantages of the application for any affected communities;
- (e) the need to advance persons or categories of persons designated in terms of the Employment Equity Act, 1998 (Act No. 55 of 1998), the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003), the Co-operatives Act, 2005 (Act No. 14 of 2005) and the small, medium and micro-enterprise sector, including cooperatives;
- (f) the potential benefits of training and research and development with a view to the improvement of health service delivery;
- (g) the need to ensure that ownership of Emergency Medical Services does not create perverse incentives for service providers to over service patients or refer them inappropriately;
- (h) where applicable, the quality of health services rendered by the applicant in the past; and
- (i) where applicable, compliance with reporting requirements as set out in these Regulations in the past.

RECOMMENDATIONS OF COMMITTEE

11. Following an analysis of the application, the Committee may make the following recommendations to the Head of Department:

- (a) That the application be approved;
- (b) that the application be approved subject to conditions which the Committee considers appropriate, including but not limited to, the nature or extent of services to be provided by the Emergency Medical Service; or
- (c) that the application be refused.

DECISION OF HEAD OF DEPARTMENT

12. The Head of Department may make the following decisions:

- (a) Confirm the recommendation of the Committee;
- (b) confirm the recommendation to approve the application subject to the conditions recommended by the Committee; or
- (c) reject the recommendation of the Committee.

ISSUING OF LICENCE AND LICENCE TOKENS

13. (1) When an application for an Emergency Medical Service has been approved, or conditionally approved, subject to the Emergency Medical Service being inspected by a duly authorised inspecting officer and found to be compliant in terms of these Regulations, the Head of Department must—

- (a) issue a licence to operate the service concerned; and
- (b) issue a licence token for each vehicle to be used by that Emergency Medical Service as an ambulance, medical rescue vehicle or medical response vehicle.

(2) A licence contemplated in sub-regulation (1)(a) must contain the following:

- (a) The name of the owner of the Emergency Medical Service;
- (b) the name of the Emergency Medical Service;

- (c) the geographical location of the station of the Emergency Medical Service within the health district;
 - (d) the type of service to be rendered by the Emergency Medical Service;
 - (e) the type and number of vehicles the Emergency Medical Service will operate; and
 - (f) any other information which the Head of Department may consider necessary.
- (3) A licence token contemplated in sub-regulation (1)(b) must contain the following:
- (a) The name of the Emergency Medical Service;
 - (b) the registration number of the vehicle;
 - (c) the date on which the licence token was issued;
 - (d) the date on which the licence token expires; and
 - (e) the type of vehicle.

ANNUAL RENEWAL OF LICENCE AND LICENCE TOKEN

14. (1) The licence and licence tokens of a licensed Emergency Medical Service are valid for a period of twelve (12) months from the date of issue and must be renewed annually, subject to the Emergency Medical Service being inspected by a duly authorised inspecting officer and found to be compliant with these Regulations.
- (2) A licensed Emergency Medical Service must timeously apply for the renewal of its licence and related tokens, within twenty (20) working days prior to the expiry of such licence and licence tokens.
- (3) The renewal of a licence and related tokens is subject to re-inspection by a duly authorised inspecting officer.

SUSPENSION OR CANCELLATION OF LICENCE

15. (1) If an Emergency Medical Service contravenes or does not comply with these Regulations, the Head of Department must give written notice of the non-compliance to the licence holder.

- (2) The notice must state-
- (a) the nature and extent of the non-compliance which must be rectified;
 - (b) that failure to rectify the non-compliance within a period specified in the notice may lead to the cancellation or suspension of the licence; and
 - (c) that the licence holder is entitled to make written representations to the Head of Department, within a period specified in the notice, regarding the proposed cancellation or suspension of the licence.
- (3) If, at the expiry of the period specified in terms of sub-regulation (2)(b), the non-compliance has not been rectified to the satisfaction of the Head of Department, the Head of Department may, having regard to all the relevant facts, including the report of the inspecting officer and any representation by the licence holder, cancel or suspend the licence of the Emergency Medical Service.
- (4) If the licence is cancelled or suspended, the Head of Department must, within ten (10) working days, inform the licence holder in writing of-
- (a) the decision;
 - (b) the reasons for the decision; and
 - (c) the right of appeal.

REINSTATEMENT OF LICENCE AND LIFTING OF SUSPENSION

- 16.** (1) An Emergency Medical Service whose licence has been cancelled or suspended may, at any time, apply for the reinstatement of the licence or the lifting of its suspension.
- (2) The provisions of regulation 8 apply, with the changes required by the context, in respect of the application for the reinstatement of a licence.
- (3) Before the Head of Department reinstates a licence or lifts its suspension, an inspecting officer must inspect the Emergency Medical Service concerned in order to determine whether the Emergency Medical Service-

- (a) complies with Annexures A and B; and
 - (b) is suitable and adequate for the purpose of providing the service for which it is licensed and make a recommendation to the Head of Department.
- (4) The Head of Department may submit the representation for the reinstatement of the licence or the lifting of the suspension to the Committee for further consideration and recommendation.

AMENDMENT OF LICENCE

17. (1) In order to change the level of service provision for which a licence has been issued, a licence holder must apply to the Head of Department to amend the licence accordingly.
- (2) The provisions of regulations 8 and 9 apply, with the changes required by the context, in respect of the application for the amendment of a licence.

CHANGE OF OWNERSHIP

18. (1) A licence for an Emergency Medical Service may not be transferred.
- (2) If an Emergency Medical Service is sold to a new owner-
- (a) the new owner must submit an application in terms of regulation 8;
 - (b) the new owner may operate on the existing licence for a maximum period of six (6) months or on a new licence or temporary licence if one has been issued in the name of the new owner; and
 - (c) the Head of Department must effect an inspection within the six (6) months period referred to in paragraph (b).

FEES

19. (1) The fees for an application for a licence, renewal of a licence and inspection in respect of an application for, or renewal of, a licence are as set out in Annexure D.

- (2) An applicant may make representations to the respective MEC for a waiver of the applicable fees.
- (3) The fee for the renewal of a licence is payable each year on completion of the annual inspection contemplated in regulation 14.
- (4) The renewal licence and licence tokens must not be issued until proof of payment of the relevant fee is submitted.

EXEMPTIONS

20. (1) The Head of Department may, at any time and on such conditions and for such period as he or she may determine, but not longer than three months, in writing, grant an organisation or body an exemption from any requirements of these Regulations, provided the exemption would not adversely impact on patient care.
- (2) An exemption granted in terms of these Regulations and reasons for granting the exemption must be reflected in the Register of Emergency Medical Services.

APPEAL

21. (1) A person who-
- (a) has applied for a licence for an Emergency Medical Service or for the renewal of such licence, and whose application has been refused; or
 - (b) whose licence has been suspended or cancelled,
- may lodge an appeal, in writing, to the MEC within ten (10) working days of being notified of the refusal, suspension or cancellation, and give reasons for the appeal.
- (2) The MEC must, within five (5) working days of receipt of an appeal, submit a copy of the appeal to the Head of Department.
- (3) The Head of Department must, within ten (10) working days of receipt of a copy of an appeal, submit a response to the appeal to the MEC.

- (4) The MEC may appoint up to three (3) independent and suitable persons, who are not employees of the Department or members of the Committee, to advise the MEC on the appeal.
- (5) The MEC may uphold or refuse an appeal and may, in the event that the appeal is upheld, replace the decision of the Head of Department and grant the application.
- (6) An appeal must be finalised within twenty (20) working days of the date on which the Head of Department submits a response to the MEC in terms of sub-regulation (3).
- (5) The MEC must communicate the decision on the appeal to the appellant in writing and, if the appeal is refused, give the reasons for the refusal of the appeal.
- (8)
 - (a) If the MEC upholds an appeal, the decision, together with the reasons for the decision, must be communicated to the Head of Department in writing.
 - (b) On receipt of the decision, the Head of Department must make the necessary entry in the Register of Emergency Medical Services.

PART 4 – INSPECTION OF EMERGENCY MEDICAL SERVICES

INSPECTION FOR NEW APPLICATIONS

- 22. (1) Upon approval of an application by the Head of Department, the applicant must pay an inspection fee as per Annexure D and provide proof of payment of the inspection fee.
- (2) If an applicant fails to provide proof of payment to the Licensing and Inspectorate Authority, the inspection will not be undertaken until the inspection fee is paid.
- (3) An inspection in terms of these Regulations is carried out in order to determine whether the Emergency Medical Service–

- (a) complies with the minimum criteria for accreditation set out in Annexures A and B; and
 - (b) is suitable and adequate for the purpose of providing the service for which it is applying or has applied, to be licensed.
- (4) Subject to a patient's right to privacy and confidentiality, the owner of an Emergency Medical Service or any other person responsible for the management or control of an Emergency Medical Service or who is in charge of the service, must provide, to an inspecting officer acting in terms of these Regulations-
 - (a) the information that the inspecting officer may require with regard to the organisation and management of that Emergency Medical Service, including the accommodation, care and treatment of the patients;
 - (b) registers, clinical records and any other records of patients, staff and vehicles; and
 - (c) any other information necessary to assess compliance with these Regulations, including compliance with the requirements listed in Annexures A and B.
- (5) The inspecting officer may request the submission of any other information related to the application, including but not limited to service performance data.
- (6) In the case of an Emergency Medical Service operating multiple stations, the inspecting officer must take into consideration that items such as the registers and clinical registers, including electronic records and registers, may be held at another station or office which may be the primary station or head office of the Emergency Medical Service.
- (7) Subject to a patient's right to privacy and confidentiality, and provided that the inspection process does not adversely affect service delivery, a person may not-
 - (a) in any way, obstruct an inspecting officer from carrying out her or his inspection;
 - (b) refuse to furnish, to the best of her or his knowledge, information requested by the inspecting officer;

- (c) refuse when requested by the inspecting officer, to show any vehicle, apparatus or place; or
- (d) refuse, when requested by the inspecting officer, to unlock a cupboard or storage compartment or area.

INSPECTION OF REGISTERED EMERGENCY MEDICAL SERVICES

- 23.** (1) The Head of Department must, at least once in every calendar year in addition to an inspection in terms of regulation 22, inspect or cause to be inspected, by a duly authorised inspecting officer, every Emergency Medical Service registered in terms of these Regulations in order to determine whether the Emergency Medical Service–
- (a) complies with Annexures A and B; and
 - (b) is suitable and adequate for the purpose of providing the service for which it is licensed.
- (2) The Head of Department may, whenever it is considered necessary, in writing instruct the Licensing and Inspection Authority to carry out additional inspections in order to determine whether the Emergency Medical Service–
- (a) complies with Annexures A and B; and
 - (b) is suitable and adequate for the purpose of providing the service for which it is licensed.

PART 5 – EMS OPERATIONAL AFFAIRS

DISPLAY OF LICENCE AND LICENCE TOKEN

- 24.** The Emergency Medical Service Manager must ensure that–
- (1) the licence referred to in regulation 13(1)(a) is displayed in a conspicuous position at the primary station or head office of the Emergency Medical Service;

- (2) the licence token referred to in regulation 13(1)(b) is displayed in a conspicuous position on every vehicle that is licensed.

NAME OF EMERGENCY MEDICAL SERVICE

- 25.** (1) The name of the Emergency Medical Service must—
- (a) be approved by the Head of Department;
 - (b) contain the words Emergency Medical Service as the final three words;
 - (c) be unique and not be the same or similar to another accredited Emergency Medical Service provider; and
 - (d) be displayed on all vehicles.

MANAGEMENT OF EMERGENCY MEDICAL SERVICE

- 26.** (1) An Emergency Medical Service must appoint, in a full time capacity, an Emergency Medical Services Manager who is qualified and registered with the Health Professions Council of South Africa, as, at least, an Ambulance Emergency Assistant, to manage the Emergency Medical Service.
- (2) A Volunteer Emergency Medical Service must appoint an Emergency Medical Services Manager who is qualified and registered with the Health Professions Council of South Africa, as, at least, an Ambulance Emergency Assistant, to manage the service.
- (3) The Emergency Medical Service Manager must—
- (a) ensure that the number of patients conveyed in an ambulance does not exceed the maximum number permitted in terms of its design and safety constraint provisions;
 - (b) ensure that the Emergency Medical Service is operated in a way that provides quality care and does not compromise the safety of the public, patient or personnel;

- (c) keep patient records confidential, as required by law and the ethical rules of the Health Professions Council of South Africa;
- (d) inform the Head of Department within twenty (20) working days, of any change in the particulars furnished by or on behalf of the licence holder in terms of these Regulations;
- (e) ensure that a patient is not refused emergency medical treatment by the Emergency Medical Service because of the patient's inability to pay, or on any other grounds;
- (f) ensure that protocols exist for immediate intervention in the event of the exposure of personnel to situations that are hazardous biologically, chemically, psychologically or physically;
- (g) maintain a formal set of standard operating procedures that staff members must adhere to;
- (h) promote safe driving techniques, as well as awareness of defensive driving techniques;
- (i) ensure that every vehicle operated by the Emergency Medical Service is fitted with a satellite tracking device that is capable of live satellite tracking, including current location, speed and route travelled and that is capable of generating historic reports;
- (j) ensure that the Emergency Medical Service maintains valid calibration certificates for the relevant equipment in use by the Emergency Medical Service as prescribed in Annexure B;
- (k) ensure that every ambulance manufactured on, or after, the implementation date of these Regulations complies with the South African National Standards (SANS) Regulations applicable to a registered vehicle manufacturer;
- (l) ensure that every operational and licensed vehicle is in a road worthy condition as per the relevant Road Traffic legislation;
- (m) ensure that the Emergency Medical Service maintains copies of each of the following documents for every ambulance manufactured on, or after, the implementation date of these Regulations:
 - (i) A Manufacturer / Importer / Builder (MIB) Certificate of the manufacturer, importer or builder of the ambulance;
 - (ii) a Builder's Certificate for each ambulance; and
 - (iii) an eNaTIS Certificate for each ambulance as issued by the manufacturer of the ambulance;

- (n) ensure that scheduled medication is stored and recorded as per the Medicines and Related Substance Act, 1965 (Act No. 101 of 1965) and the Pharmacy Act, 1974, (Act No. 53 of 1974);
- (o) ensure that all Emergency Care Personnel are registered with the Health Professions Council of South Africa and practise within the Health Professions Council of South Africa's scope of practice and that patients are not over-served for financial gain;
- (p) ensure and maintain good conduct and high levels of professionalism;
- (q) ensure compliance with the provisions relating to emergency driving in the National Road Traffic Act;
- (r) ensure that in multiple patient situations, patients are treated and transported according to the triage priority and that there is compliance with the carrying capacity of the ambulance;
- (s) retain ultimate responsibility for ensuring ethical behaviour of Emergency Care Personnel;
- (t) ensure that there are mechanisms in place for the management of complaints, consultation, clinical governance and quality assurance;
- (u) ensure compliance with norms and standards determined by the Office of Health Standards Compliance;
- (v) ensure that all indicators for Emergency Medical Services as per the National Indicator Data Set are submitted as stipulated by the Auditor General of South Africa; and
- (w) ensure compliance with the Basic Conditions of Employment Act, 1997 (Act No. 75 of 1997) and the applicable provisions of the Public Service Regulations, 2001, as amended.

INFORMATION CONCERNING EMERGENCY MEDICAL SERVICE

- 27.** (1) The Emergency Medical Service Manager must ensure that an individual patient care record is kept for every patient treated or conveyed by the service.
- (2) The Emergency Medical Service Manager must ensure that the following information is captured on a monthly basis, is properly secured and is readily

available to inspect at the request of an inspecting officer or the Head of Department:

- (a) Response time performance appropriately categorised into the response categories for urban and rural areas;
- (b) the names, qualifications, relevant Health Professions Council of South Africa registration details and number of hours worked per month of employees, contractors and volunteers;
- (c) a file for each staff member employed by the Emergency Medical Service with the following, as a minimum:
 - (i) Copy of the identity document;
 - (ii) copy of Driver's Licence and Professional Driver's Permit;
 - (iii) copy of employment contract; and
 - (iv) company's payroll;
- (d) proof of registration of every staff member-
 - (i) with the Compensation for Occupational Injuries and Diseases Fund;
 - (ii) for Pay As You Earn;
 - (iii) for the Skills Development Levy; and
 - (iv) with the Unemployment Insurance Fund;
- (e) proof of the number of ambulances and response vehicles in the service;
- (f) a record of the number and nature of adverse patient incidents;
- (g) the monthly staff shift rosters; and
- (h) a record of complaints received and the resolutions thereof.

POWERS OF EMERGENCY CARE PERSONNEL

28. Emergency Care Personnel may, whenever they regard it necessary or expedient in order to perform their functions of saving life or preventing bodily harm, perform any act reasonably necessary, in order to enable them to perform their functions, and may also, subject to the applicable law-

- (a) close any road or street;
- (b) enter or break into any premises;
- (c) damage or destroy any property;

- (d) cause to be removed from the scene any person who is dangerous, or is in danger, or who obstructs the Emergency Care Personnel in the performance of their duties; and
- (e) cause to be removed from the scene any Emergency Care Personnel that refuses appropriate levels of care to a patient that requires higher qualification intervention.

PART 6 – MISCELLANEOUS PROVISIONS

DELEGATIONS

29. The Head of Department may delegate a power or function conferred or imposed upon her or him in terms of these Regulations to an official, except-
- (a) the power to decide on an application in terms of these Regulations;
 - (b) the power to cancel or suspend a licence in terms of regulation 15(3); and
 - (c) the duty to submit a response to the appeal to the MEC in terms of regulation 21(3).

OFFENCES AND PENALTIES

30. A person who-
- a) establishes, operates, extends, manages, controls an Emergency Medical Service, or who changes the ownership of, renames, temporarily or permanently relocates the resources, or alters the services of, an Emergency Medical Service without a licence or without complying with these Regulations;
 - b) is the responsible person for, or is employed by an Emergency Medical Service and who-
 - (i) obstructs or refuses to allow an inspection officer or a person acting on the officer's behalf, access to such Emergency Medical Service for the purpose of an inspection in terms of these Regulations;
 - (ii) fails to comply with these Regulations;
 - (iii) obstructs or prevents access of Emergency Care Personnel to a patient in a situation requiring emergency care;

- (iv) behaves, or allows staff members to behave (in the case of a responsible person), in a manner that may reasonably be considered to be bringing the industry into disrepute;
 - (v) conducts clinical procedures that are not within the scope of practice of the relevant Emergency Care Personnel as defined by the Health Professions Council of South Africa;
 - (vi) has knowledge of a situation requiring emergency care and wilfully or negligently withholds relevant information from an Emergency Medical Service;
- (d) abuses or summons a service while he or she knows that there is no reason to do so;
- (e) displays on, or fits a vehicle not licensed in terms of these Regulations with-
 - (i) a siren;
 - (ii) red flashing lights;
 - (iii) the "star of life" symbol or other symbols, emblems, logos, heraldic devices, marks, words or phrases in a way associated with Emergency Medical Services; or
 - (iv) the phrases, "Paramedic", "Emergency Medical Services", "Emergency Care Practitioner", "ECP", "Advanced Life Support", "ALS", "Intermediate Life Support", "ILS", "Emergency Care Technician", "ECT", "Emergency Care Assistant", "ECA", "ambulance", "Emergency Medical Response", "Basic Ambulance Assistant", "BAA", "Basic Life Support", "BLS", medic or a derivative thereof;
- (f) displays the word "Paramedic", "Intensive Care Unit", "ICU", or the phrase "Advanced Life Support", "ALS" or "Emergency Care Practitioner", "ECP", medic on a vehicle where such vehicle is not-
 - (i) staffed by at least one person registered as a medical practitioner, emergency care practitioner or paramedic registered with the Health Professions Council of South Africa;
 - (ii) equipped to provide an advanced life support service;
 - (iii) licensed in terms of these Regulations as an ambulance, medical response vehicle or medical rescue vehicle;
- (g) impersonates Emergency Care Personnel; or

- (h) obstructs Emergency Care Personnel in the performance of their functions in terms of regulation 28.

is guilty of an offence and liable, on conviction to a fine not exceeding R500 000.00 or imprisonment for a period not exceeding five (5) years or both, such fine and imprisonment for a period not exceeding five (5) years.

TRANSITIONAL PROVISIONS

- 31.** (1) An Emergency Medical Service which is operational before the commencement of these Regulations must be allowed to continue to provide services for a maximum period of one (1) year after the commencement of these Regulations.
- (2) The Emergency Medical Service referred to in sub-regulation (1) must be licensed in terms of these Regulations before it may continue to operate after the period of one (1) year following the commencement of these Regulations.
- (3) Failure to licence an Emergency Medical Service referred to in sub-regulation (1) constitutes an offence as provided for in regulation 30(a).

REPEAL

- 32.** The Emergency Medical Services Regulations, 2015, published in Government Notice No. R413, Government Gazette No. 38775 dated 8 May 2015 are hereby repealed.

SHORT TITLE

- 33.** These Regulations are called the Emergency Medical Services Regulations, 2017.

Annexure A**REQUIREMENTS FOR EMERGENCY MEDICAL SERVICES****1) SERVICE LEVELS**

- a) An Emergency Medical Service will operate in accordance with its licence, and the infrastructure shall be capable of supporting it over the period of its intended operation.
- b) Emergency Medical Services must be registered to provide services within the following categories:
 - i) Intermediate life support;
 - ii) advanced life support;
 - iii) aeromedical service;
 - iv) event medical service; or
 - v) education institution Emergency Medical Service
- c) Where such service requires in addition to provide medical rescue services, it shall ensure that it has personnel trained in accordance with courses approved by the Health Professions Council of South Africa, be in possession of the appropriate specialised rescue equipment and vehicles registered as Medical Rescue Vehicles in accordance with the National Road Traffic Act.
- d) Event Medical Services and education institution Emergency Medical Services must adhere to the minimum requirements for either Intermediate Life Support or Advanced Life Support or Aeromedical Service and classified as such.

2) GENERAL REQUIREMENTS

- a) The service must be supervised by an Emergency Medical Service Manager who is qualified in at least Ambulance Emergency Assistant and registered with the Health Professions Council of South Africa.
- b) The service must have a base or station that-
 - i) has rest facilities; and
 - ii) has permanent, plumbed, clean and hygienic ablution facilities.
- c) There must be available, including a service level agreement with appropriate providers for such facilities-
 - i) dirty utility facilities with which to clean contaminated equipment and linen; and
 - ii) vehicle washing facilities which have the appropriate medical waste traps built in that comply with Local Municipal By-laws.
- d) There must be an adequate medical waste management system and the Emergency Medical Service must have documentary proof available of a current agreement with a

registered waste management disposal company or health establishment for the disposal of such medical waste.

- e) Medical store room that complies with the requirements for the safe storage of medicines and pressurised vessels as per the relevant legislation.
- f) The Emergency Medical Service must be registered in accordance with the appropriate legislation:
 - i) In the case of private sector services, the applicant must be registered as a company in terms of the Companies Act, 2008 (Act No. 71 of 2008); and with the Board of Healthcare Funders subsequent to being licensed and prior to commencement of practice;
 - ii) In the case of a Volunteer Emergency Medical Service the applicant must be registered as an entity incorporated not-for-profit, as well as a Public Benefit Organisation as per Non-Profit Organisation Act, 1997 and Income Tax Act, 1962 respectively.
- g) Proof of liability insurance must be available for the said Emergency Medical Service, the amount of which must be determined by the type and size of service provision.
- h) An Emergency Medical Service must operate according to the Ethical and Professional Rules of the Health Professions Council of South Africa and the Ethical Guidelines for good practice in the health care professions. The Responsible Person, Supervising Medical Practitioner and Emergency Service Manager must at all times be in good standing with the Health Professions Council of South Africa.

3) PERSONNEL

- a) A minimum of two persons must staff an ambulance or medical rescue vehicle, and a minimum of one person must staff a medical response vehicle.
- b) Personnel must be registered with the Health Professions Council of South Africa as determined by the level of service offered and must be as follows:
 - i) Basic Life Support**
 - (1) Personnel must be registered as a Basic Ambulance Assistant.
 - ii) Intermediate Life Support**
 - (1) The patient attendant must hold a minimum registration as an Ambulance Emergency Assistant or Emergency Care Assistant, whilst the second crew must hold a minimum registration of Basic Ambulance Assistant.
 - iii) Advanced Life Support - Ambulance**
 - (1) The patient attendant must hold a registration of Paramedic or Emergency Care Technician or Emergency Care Practitioner whilst the second crew must hold a minimum registration of Basic Ambulance Assistant, though it should preferably be a person holding a minimum registration of Ambulance Emergency Assistant or Emergency Care Assistant.
- c) The crew of an ambulance, medical response unit or medical rescue unit must hold an appropriate valid driver's licence and, in the case of a patient carrying vehicle both the

second crew as well as the patient attendant must also be in possession of a valid professional driving permit which must be in the category "Passengers".

- d) All personnel must be dressed in appropriate uniform protective clothing, with their first name or initial, surname and registration category clearly depicted on the said clothing.
- e) Emergency Care Personnel must at all times, remain in the company of the patient while he or she is in the care of the Emergency Medical Service or until hand over at a health establishment.
- f) Emergency Care Personnel must not exceed the maximum working hours as per the regime of shift workers as guided by the Basic Conditions of Employment Act, 1997 and the applicable Public Service Regulations, 2001, as amended.

4) MINIMUM STAFF REQUIREMENTS

- a) An Emergency Medical Service must employ the following, minimum number of operational staff members:

i) Advanced Life Support

- (1) In a health district where the total population is more than 150 000 persons as described by Statistics South Africa in the most recently published "Census" report, an Emergency Medical Service licensed at Advanced Life Support level shall ensure that a Paramedic or Emergency Care Technician or Emergency Care Practitioner registered with the Health Professions Council of South Africa, is staffing at least one vehicle per operational shift at all times.
- (2) In a health district where the total population is less than or equal to 150 000 persons as described by Statistics South Africa in the most recently published "Census" report, an Advanced Life Support service should employ at least one registered Paramedic or Emergency Care Technician or Emergency Care Practitioner.

ii) Intermediate Life Support

- (1) An Emergency Medical Service should employ a minimum of one Ambulance Emergency Assistant or Emergency Care Assistant per ambulance licensed to the respective Emergency Medical Service at all times for all ambulances that are intended to be operated at intermediate life support level.
- (2) This must be in addition to the Emergency Medical Service Manager.

iii) Medical Response Vehicle

While it is preferred that this vehicle is staffed by two members, it must be staffed with at least one staff member, who must hold a minimum registration of Ambulance Emergency Assistant with the Health Professions Council of South Africa.

iv) Medical Rescue

- (1) Both personnel must be registered with the Health Professions Council of South Africa and at least one of the personnel must hold a minimum registration of Ambulance Emergency Assistant.
- (2) In addition to this both personnel must hold a minimum qualification of Basic Medical Rescue or equivalent.

v) Aeromedical Service

The senior medical staff member on the air ambulance must be registered in the category of a Paramedicor Emergency Care Technician or Emergency Care Practitioner with the Health Professions Council of South Africa, who must hold valid CAT 138, Aviation Health Care Provider, Advanced Cardiac Life Support, Intermediate Trauma Life Support or Advanced Trauma Life Support and Paediatric Advanced Life Supporter equivalent certificates.

vi) Second Staff Member on an Ambulance

- (1) The minimum staffing requirement for the second staff member on an ambulance must be a person registered in at least the category of Basic Ambulance Assistant with the Health Professions Council of South Africa.

vii) Nurses

- (1) A nurse may assist a fully staffed ambulance with a minimum of two ambulance crew members that are registered at a minimum level of Basic Ambulance Assistant.
- (2) The nurse must not be considered to be one of the two staff members required to staff the ambulance, unless the nurse in question holds dual registration with both the Health Professions Council of South Africa as well as South African Nursing Council (SANC).

viii) Supervising Medical Practitioner

- (1) One supervising Medical Practitioner with suitable emergency medical qualifications and experience must be appointed to or contracted by the service in a supervisory clinical capacity for each health district in which it operates.
- (2) The supervising Medical Practitioner must be registered with the Health Professions Council of South Africa in terms of the Health Professions Act
- (3) The supervising Medical Practitioner must not be contracted to more than three Emergency Medical Services simultaneously.
- (4) The supervising Medical Practitioner is regularly consulted by Emergency Care Personnel as and when required.
- (5) The Emergency Medical Service must hold a current, written, service level agreement with the supervising medical practitioner that confirms that the supervising medical practitioner is available to assist with clinical governance, medical advice as well as supervision and training, where necessary.

5) VEHICLES

- a) All Emergency Medical Service vehicles utilised must comply with the National Road Traffic Act or the relevant vehicle registration and safety legislation, as applicable.
- b) Ambulances must–
 - i) be configured in such a way that the medical personnel have complete access to a patient in order to begin and maintain life support;
 - ii) be fitted with a two way radio or cellular communication system or a combination thereof which allows for communication at all times with the dispatch centre;
 - iii) be fitted with red warning lights that must be visible from the front, rear and both sides of the vehicle at all times, and siren in accordance with the relevant vehicle registration and safety legislation;

- iv) display the word "Ambulance" on the front and rear of all ambulances and must adhere to the following minimum dimensions: 600mm X 150mm; or large as possible proportionate to make of the vehicle.
- v) be configured in such a way that the interior of the patient compartment, excluding the driver's cab section, must be a minimum of-
 - (1) height 1222mm;
 - (2) width 1333mm;
 - (3) length 1900mm;
- vi) be configured in such a way that adequate, permanently installed lighting is provided in the patient compartment;
- vii) have installed within the ambulance a minimum of a 2 000 watt electrical inverter, capable of providing a 220 volt power supply to the patient treatment compartment of the vehicle;
- viii) have an adequate entry that allows for the loading and off-loading of the patient without compromising the condition of the patient;
- ix) be configured in such a way that a patient can be carried in the supine position with specialised medical equipment fitted;
- x) have an approved restraining device fitted for all patients and emergency care personnel;
- xi) have a stretcher restrained with a restraining device, approved by the manufacturer of the stretcher, which shall be permanently fitted to the vehicle and shall restrain both the front and rear of the stretcher;
- xii) have a stretcher that is secured in such a way that it allows medical personnel clear view of, and access to, the patient and specialised medical equipment;
- xiii) have a stretcher that is fitted in such a way that it does not block the entry or emergency exits of the vehicle;
- xiv) have a stretcher that is fitted in such a way that it does not block access to the airway of the patient and in such a way that the performance of advanced airway techniques will not be hindered;
- xv) be configured in such a way that medical equipment and medical gas cylinders are secured in brackets that are attached to the body of the vehicle and do not allow any vertical or horizontal movement of the medical equipment or medical gas cylinders within the compartment of the ambulance;
- xvi) be configured in such a way that medical equipment and medical gas cylinders are fitted in such a way that they do not obstruct the entry or emergency exits of the vehicle or pose a potential threat to personnel or patients;

- xvii) have medical gas cylinders and outlets marked in accordance with SANS Codes of Practice and that have been subjected to visual and hydrostatic inspection by a Department of Labour approved testing facility;
 - xviii) have an adequate supply of convenient hanging devices that are fitted for intravenous therapy - such must be fitted in such a way as not to inflict injury to patients or medical personnel;
 - xix) have a patient compartment that is lined with a non-porous material to avoid blood and other body fluids from contaminating the area, and allows for the cleaning of the compartment;
 - xx) have surfaces and equipment within the ambulance free from the visible appearance of any and all contaminants including but not limited to: dust, dirt, blood, faeces, urine, vomit, human tissue or any other bodily fluid;
 - xxi) have a patient compartment separated from the driver compartment in such a way that the patient, treatment of the patient, and actions of the patient must in no way interfere with the driving of the vehicle;
 - xxii) in the case of a vehicle with a gross vehicle mass which exceeds 3 500kg, be fitted with retro-reflective red and retro-reflective yellow chevron strips on the rear of the vehicle, as required by the National Road Traffic Act;
 - xxiii) in the case of a vehicle with a gross vehicle mass which exceeds 3 500kg, be fitted with yellow, retro-reflective strips to both the sides of the vehicle as well as the rear of the vehicle, in addition to the chevron, which must be fitted no more than 600mm from the lower part of the body of such vehicle, as required by the National Road Traffic Act;
- c) The number of emergency medical response vehicles registered to an Emergency Medical Service may not exceed the number of ambulances registered to that Emergency Medical Services unless there is a service level agreement with an accredited Emergency Medical Service. The accreditation requirements of the contracted party will also be reviewed to ensure compliance with these Regulations.
 - d) The vehicles included on the licence for the Emergency Medical Service must be listed as being owned by the applicant of an Emergency Medical Service and registered in the category "Owner" on the "Certificate of Registration" as per the National Road Traffic Act or other relevant vehicle registration and safety legislation.
 - e) Volunteer Emergency Medical Service registered as an entity incorporated not-for-profit, as well as a Public Benefit Organisation as per the Non-Profit Organisation Act, 1997 and the Income Tax Act, 1962 respectively, are permitted to register a maximum of three (3) medical response vehicles.
 - f) Each vehicle operated as an ambulance, medical response vehicle or medical rescue vehicle must be clearly marked, licensed, registered as per the National Road Traffic Act or relevant vehicle registration and safety legislation and in accordance with nationally approved livery.
 - g) Livery that is not reflective of the functions of an emergency medical service will not be approved.

6) EMERGENCY TELEPHONE NUMBER

- a) Every emergency vehicle operated by the emergency medical service must display the emergency telephone number of the respective ambulance service on the rear and both sides of the respective emergency vehicle.

7) LICENCE TOKEN

- a) All ambulances, medical response vehicles and medical rescue vehicles operated by the Emergency Medical Services must display a valid licence token in a prominent position on the windscreen of the ambulance where it is easy to view in terms of the National Road Traffic Act.

8) AEROMEDICAL SERVICE

- a) In the case of an aero-medical service, the aircraft operator must hold the appropriate G7 licence and CATS/Part 138 accreditation as specified by the Civil Aviation Authority of South Africa.

9) COMMUNICATION SYSTEM

- a) All Emergency Medical Services must have an appropriate communication system that allows for easy communication between the station and vehicles.

10) COMPLAINTS MECHANISM

- a) All Emergency Medical Services must have an appropriate complaints mechanism that aligns with the National Complaints Management Protocol for the Public Health Sector of South Africa, 2014 the details of which must be made available to Emergency Medical Service users, including by the clearly visible posting of such details in each vehicle and at each Emergency Medical Service station.

11) EQUIPMENT

- a) All ambulances, medical response vehicles and medical rescue vehicles must have, as a minimum, the equipment as listed in Annexure B.

Annexure B


health

 Department:
Health
REPUBLIC OF SOUTH AFRICA

Airway Equipment	ILS Ambulance	ALS Ambulance	ILS Response Vehicle	Medical Rescue Vehicle	ALS Response Vehicle	ALS Air Ambulance
Oropharyngeal Airway Nos. 00,0,1,2,3,4	2 each	2 each	2 each	2 each	2 each	2 each
Hard Suction Catheter (Paediatric)	2	2	2	2	2	2
Neonatal Suction Catheters Size No. 5 FG	2	2	2	2	2	2
Neonatal Suction Catheters Size No. 6 FG	2	2	2	2	2	2
Neonatal Suction Catheters Size No 8 FG	2	2	2	2	2	2
Paediatric Suction Catheter Size No. 10 FG	1	1	1	1	1	1
Adult Suction Catheter Size No. 12 FG h	1	1	1	1	1	1
Adult Suction Catheter Size No. 14 FG	1	1	1	1	1	1
Neonatal Suction Catheters Size No. 5 FG	1	1	1	1	1	1
Neonatal Suction Catheters Size No. 6 FG	1	1	1	1	1	1
Neonatal Suction Catheters Size No 8 FG	1	1	1	1	1	1
Paediatric Suction Catheter Size No. 10 FG	1	OPTIONAL	1	1	OPTIONAL	OPTIONAL
Adult Suction Catheter Size No. 12 FG	0	1	0	0	1	1
Adult Suction Catheter Size No. 14 FG	2	2	2	2	2	2
Portable Suction Apparatus (Combination of Battery and Electrically Operated)	2	2	2	2	2	2
Manual Hand Operated Portable Suction Apparatus (As a backup device)	2	2	2	2	2	2
Stethoscope (Combination of diaphragm and bell type head)	1	1	1	1	1	1

Endotracheal Intubation Equipment	ILS Ambulance	ALS Ambulance	ILS Response Vehicle	Medical Rescue Vehicle	ALS Response Vehicle	ALS Air Ambulance
Laryngoscope set for adult and paediatric including the following:						
Handle with batteries in full working condition	0	1	0	0	1	1
Batteries - spare for laryngoscope	0	2	0	0	2	2
Size 0 blade	0	1	0	0	1	1
Size 1 blade	0	1	0	0	1	1
Size 2 blade	0	1	0	0	1	1
Size 3 blade	0	1	0	0	1	1
Size 4 blade	0	1	0	0	1	1
Size 5 blade	0	OPTIONAL	0	0	OPTIONAL	OPTIONAL
Disposable, sterile ET tubes including the following:						
Size 2.5 mm ID ET tube	0	2	0	0	2	2
Size 3 mm ID ET tube	0	2	0	0	2	2
Size 3.5 mm ID ET tube	0	2	0	0	2	2
Size 4 mm ID ET tube	0	2	0	0	2	2
Size 4.5 mm ID ET tube	0	2	0	0	2	2
Size 5 mm ID ET tube	0	2	0	0	2	2
Size 5 mm ID ET tube (cuffed, high volume, low pressure)	0	2	0	0	2	2
Size 5.5 mm ID ET tube (cuffed, high volume, low pressure)	0	2	0	0	2	2
Size 6 mm ID ET tube (cuffed, high volume, low pressure)	0	2	0	0	2	2
Size 6.5 mm ID ET tube (cuffed, high volume, low pressure)	0	2	0	0	2	2
Size 7 mm ID ET tube (cuffed, high volume, low pressure)	0	2	0	0	2	2
Size 7.5 mm ID ET tube (cuffed, high volume, low pressure)	0	2	0	0	2	2
Size 8 mm ID ET tube (cuffed, high volume, low pressure)	0	2	0	0	2	2
Size 8.5 mm ID ET tube (cuffed, high volume, low pressure)	0	2	0	0	2	2
Sub-glottic Laryngeal Mask (LMA), size 1	0	2	0	0	2	2
Sub-glottic Laryngeal Mask (LMA), size 1.5	0	2	0	0	2	2
Sub-glottic Laryngeal Mask (LMA), size 2	0	2	0	0	2	2
Sub-glottic Laryngeal Mask (LMA), size 2.5	0	2	0	0	2	2
Sub-glottic Laryngeal Mask (LMA), size 3	0	2	0	0	2	2
Sub-glottic Laryngeal Mask (LMA), size 3.5	0	2	0	0	2	2
Sub-glottic Laryngeal Mask (LMA), size 4	0	2	0	0	2	2
Sub-glottic Laryngeal Mask (LMA), size 4.5	0	2	0	0	2	2
Sub-glottic Laryngeal Mask (LMA), size 5	0	2	0	0	2	2

Endotracheal Intubation Equipment Continued	ILS Ambulance	ALS Ambulance	ILS Response Vehicle	Medical Rescue Vehicle	ALS Response Vehicle	ALS Air Ambulance
Small ET tube introducer	0	1	0	0	1	1
Large ET tube introducer	0	1	0	0	1	1
Gum Elastic Bougie	0	1	0	0	1	1
Magill forceps - Adult	1	1	1	1	1	1
Magill forceps - Paediatric	1	1	1	1	1	1
10ml syringes	0	1	0	0	1	1
20ml syringes	0	2	0	0	2	2
Pair sharp, clean scissors	0	1	0	0	1	1
1m Tape / ET tube securing device	0	2	0	0	2	2
Water soluble lubricant gel	0	2	0	0	2	2
Heimlich type Flutter valves	0	2	0	0	2	2
Heat moisture exchanger valve for ventilated patients	0	1	0	0	1	1

Breathing / Ventilation Equipment	ILS Ambulance	ALS Ambulance	ILS Response Vehicle	Medical Rescue Vehicle	ALS Response Vehicle	ALS Air Ambulance
Adult oxygen masks providing 40% inhaled oxygen with tubing	4	4	4	4	4	4
Adult non-rebreather masks providing 100% inhaled oxygen with tubing	2	2	2	2	2	2
Adult oxygen nebuliser masks including tubing and fluid reservoir	2	2	2	2	2	2
Nasal cannula with tubing	2	2	2	2	2	2
Paediatric oxygen masks providing 40% inhaled oxygen with tubing	2	2	2	2	2	2
Paediatric non-rebreather masks providing 100% inhaled oxygen with tubing	2	2	2	2	2	2
Paediatric oxygen nebuliser masks including tubing and a fluid reservoir	2	2	2	2	2	2
Oxygen T-Piece with tubing	2	2	2	2	2	2
Adult Bag-Valve-Mask with Reservoir and adult mask (size 4)	1	1	1	1	1	1
Paediatric Bag-Valve-Mask with Reservoir and paediatric mask (size 1)	1	1	1	1	1	1
Neonatal Bag-Valve-Mask with Reservoir and neonatal mask (size 0)	1	1	1	1	1	1
Oxygen Humidification Device	1	1	0	0	1	1

Oxygen Supply	ILS Ambulance	ALS Ambulance	ILS Response Vehicle	Medical Rescue Vehicle	ALS Response Vehicle	ALS Air Ambulance
Minimum of a portable oxygen cylinder. Size "D"	2	2	2	2	2	2
Portable oxygen cylinder gauge with flow meter	1	1	1	1	1	1
Fitted oxygen cylinder/s, size "F" capable of supplying a minimum of 30 minutes of oxygen at a flow rate of at least 15 litres per minute.	2	2	0	0	0	2
Fitted oxygen cylinder gauge with flow meter	1	1	0	0	0	1

Ventilator	ILS Ambulance	ALS Ambulance	ILS Response Vehicle	Medical Rescue Vehicle	ALS Response Vehicle	ALS Air Ambulance
Mechanical volume cycled ventilator with PEEP valve & pressure relief valve, with appropriate fitting allowing connection to fitted oxygen supply within the ambulance, including the following features (requires annual calibration certification):	0	1	0	0	1	1
• Volume and pressure control:						
• Volume						
• Inspiratory Pressure						
• PEEP						
• FiO2						
• Rate						
• Alarms (Peak Inspiratory Pressure, Low Pressure)						
Heat moisture exchanger valve for both manual as well as mechanical ventilation methods.	2	2	2	2	2	2

Diagnostic /Therapeutic Equipment	ILS Ambulance	ALS Ambulance	ILS Response Vehicle	Medical Rescue Vehicle	ALS Response Vehicle	ALS Air Ambulance
Sphygmomanometer including adult, paediatric and neonatal cuffs	1	1	1	1	1	1
Pupil torch	1	1	1	1	1	1
Glucometer and blood glucose monitoring strips	1	1	1	1	1	1
Pulse Oximeter (if not included as a feature of an ECG monitor or electronic patient monitor)	1	1	1	1	1	1
Automated External Defibrillator (AED) (annual calibration not required due to self-testing and self-calibration of the unit)	0	0	0	0	0	0
Automated External Defibrillator (AED) that is approved by the manufacturer for use in a moving vehicle, To be used in combination with a Vital Signs Monitor that includes visual 3 lead ECG Monitoring and a ECG rhythm printer/recorder feature (Vital Signs Monitor requires annual calibration certification)	1	0	1	1	0	0
OR						
ECG monitor and defibrillator featuring 3 lead ECG monitoring capability, 3 lead cable, AED capability, AED pads, manual defibrillation, recorder / printer with paper and hard defibrillation paddles (requires annual calibration certification)	1	0	1	1	0	0
ECG monitor and defibrillator featuring 3 lead ECG monitoring capability, external cardiac pacing, cardioversion, pacing/AED pads, manual defibrillation, recorder / printer with paper and hard defibrillation paddles (requires annual calibration certification)	0	1	0	0	1	1
Defibrillation gel	1	1	1	1	1	1
End Tidal CO2 Monitor – Capnograph (if not included as a feature of an ECG monitor or electronic patient monitor)	0	1	0	0	1	1

Miscellaneous Disposable Equipment	ILS Ambulance	ALS Ambulance	ILS Response Vehicle	Medical Rescue Vehicle	ALS Response Vehicle	ALS Air Ambulance
Boxes of disposable examination gloves (S,M,L)	1 each	1 each	1 each	1 Each	1 Each	1 each
Wound dressings 100mm x 100mm	5	5	5	5	5	5
Wound dressings 100mm x 200mm	4	4	4	4	4	4
Hydrogel Burn Dressing 100mm x 100mm	2	2	2	2	2	2
Hydrogel Burn Dressing 200mm x 200mm	1	1	1	1	1	1
Hydrogel Burn Dressing 200mm x 450mm	2	2	2	2	2	2
Gauze swabs (100mm x 100mm)	20	20	20	20	20	20
Roll of 25 mm adhesive tape (zinc oxide)	1	1	1	1	1	1
Roll of 10 mm adhesive tape (hypo-allergenic)	1	1	1	1	1	1
75mm elasticised bandages	4	4	4	4	4	4
100mm elasticised bandages	4	4	4	4	4	4
Sealed maternity pack (including 2 x sealed & sterile surgical blades, 4 x sealed sanitary pads, 2 x sealed space blankets, 4 x sealed & sterile umbilical cord clamps, 1 x sealed & sterile mucous extractor)	1	1	1	1	1	1
Regurgitation bags	4	4	0	0	0	4
Or Large kidney bowl / receiver (may not be a bedpan)	1	1	0	0	0	4
Sealed space blanket	4	4	4	4	4	4
Clear safety goggles	2	2	2	2	2	2
Range of nasogastric tubes, including:	0	1	0	0	1	1
Size 5 French	0	1	0	0	1	1
Size 8 French	0	1	0	0	1	1
Size 10 French	0	1	0	0	1	1
Size 12 French	0	1	0	0	1	1
Size 14 French	0	1	0	0	1	1
Size 18 French	0	1	0	0	1	1
Urine drainage bag	0	2	0	0	2	2
Foleys catheters FG5, 8, 10, 12, 14, 16, 18	0	1	0	0	1	1

Intravenous Therapy Equipment	ILS Ambulance	ALS Ambulance	ILS Response Vehicle	Medical Rescue Vehicle	ALS Response Vehicle	ALS Air Ambulance
Alcohol Swab (30mm x 30mm)	30	30	30	30	30	30
14 gauge intra-venous catheters	2	2	2	2	2	2
16 gauge intra-venous catheters	2	2	2	2	2	2
18 gauge intra-venous catheters	2	2	2	2	2	2
20 gauge intra-venous catheters	2	2	2	2	2	2
22 gauge intra-venous catheters	2	2	2	2	2	2
24 gauge intra-venous catheters	2	2	2	2	2	2
60 micro drops / ml – Administration Sets	2	2	2	2	2	2
Intraosseous needle or device with needle	0	1	0	0	1	1
15 drops / ml or 20 drops / ml- Administration Sets	2	2	2	2	2	2
10 drops / ml – Blood Administration Set	2	2	2	2	2	2
High Capacity 10 drops / ml Administration Set	0	1	0	0	1	1
Volume Control Administration Set (e.g. Buretrol, DosiFix)	0	1	0	0	1	1
200ml Normal Saline – IV Fluid	2	2	2	2	2	2
1000ml Ringers Lactate – IV Fluid Or 1000ml Bactrol – IV Fluid	2	2	2	2	2	2
500ml Synthetic Colloid e.g. Haemacell / Haes-sterile	1	1	1	1	1	1
Transparent, waterproof, IV securing dressing (e.g. Tegaderm or similar) minimum of 10cm x 12cm dimensions	8	8	8	8	8	8
Infusion flow regulators (e.g. Dial-a-Flow, Dosi Flow)	2	2	2	2	2	2
3 Way Stopcock	1	2	1	1	2	2
Spencer Wells Artery Forceps	2	2	2	2	2	2
Pressure Infusion Bags	0	2	0	0	2	2

Medicines Therapy Sundries	ILS Ambulance	ALS Ambulance	ILS Response Vehicle	Medical Rescue Vehicle	ALS Response Vehicle	ALS Air Ambulance
50 ml syringes	0	1	0	0	1	1
20 ml syringes	2	2	2	2	2	2
10 ml syringes	2	2	2	2	2	2
5 ml syringes	2	2	2	2	2	2
2 ml syringes	2	2	2	2	2	2
1 ml syringes	0	2	0	0	2	2
16 gauge needles	4	4	4	4	4	4
20 gauge needles	4	4	4	4	4	4
Medicines	ILS			ALS		
	Medicines to be carried by the on-duty registered practitioner as per HPCSA approved scope of practice for a registered Ambulance Emergency Assistant or a registered Emergency Care Assistant.			Medicines to be carried by the on-duty registered practitioner as per HPCSA approved scope of practice for a registered Paramedic or a registered Emergency Care Technician or registered Emergency Care Practitioner.		

Transport and Immobilization Equipment	ILS Ambulance	ALS Ambulance	ILS Response Vehicle	Medical Rescue Vehicle	ALS Response Vehicle	ALS Air Ambulance
Hard/Stiff Neck Cervical Collars – Small	2	2	2	2	2	2
Hard/Stiff Neck Cervical Collars – Medium	2	2	2	2	2	2
Hard/Stiff Neck Cervical Collars – Large	2	2	2	2	2	2
Full set of Soft Cervical Collars (Small, Medium, Large)	OPTIONAL	OPTIONAL	OPTIONAL	OPTIONAL	OPTIONAL	OPTIONAL
Patient Extrication Device – Adult (e.g. KED)	1	1	OPTIONAL	OPTIONAL	OPTIONAL	OPTIONAL
Patient Extrication Device – Paediatric (e.g. KED)	1	1	OPTIONAL	OPTIONAL	OPTIONAL	OPTIONAL
Long spine board	1	1	0	0	0	OPTIONAL
Scoop stretcher	1	1	0	1	0	1
Vacuum Mattress	OPTIONAL	OPTIONAL	0	0	0	1
Set Head Blocks	2	2	OPTIONAL	OPTIONAL	OPTIONAL	2
Spider harness	2	2	OPTIONAL	OPTIONAL	OPTIONAL	2
Lower extremity traction splint – Adult	1	1	OPTIONAL	OPTIONAL	OPTIONAL	OPTIONAL
Lower extremity traction splint – Paediatric	1	1	OPTIONAL	OPTIONAL	OPTIONAL	OPTIONAL
Long splints – Leg	6	6	6	6	6	6
Short splints – Arm	4	4	4	4	4	4

Other	ILS Ambulance	ALS Ambulance	ILS Response Vehicle	Medical Rescue Vehicle	ALS Response Vehicle	ALS Air Ambulance
Pillow	2	2	0	0	0	2
Sheet	6	6	1	0	1	1
Blanket	2	2	0	0	0	1
Bedpan/urinal	1	1	0	0	0	OPTIONAL
Waste disposal facility (enclosed container)	1	1	0	0	0	1
Red, medical waste disposal plastic bags	6	6	6	6	6	2
Enclosed, commercially manufactured, disposable sharps container	1	1	1	1	1	1
Suitably manufactured Jump Bag for safe, clean and secure storage and transportation of medical equipment	1	1	1	1	1	1
Suitably manufactured Drug Pouch for safe, clean and secure storage and transportation of medication and administration accessories	0	1	0	0	1	1
Pair rescue scissors	1	1	1	1	1	1
High visibility, reflective vest and / or jacket	2	2	1	2	1	OPTIONAL
Safety helmet	2	2	1	2	1	OPTIONAL
Fire Extinguisher (minimum of 2KG dry powder)	1	1	1	1	1	OPTIONAL
Thermometer (standard)	1	1	1	1	1	1
Casebook or patient record sheet	1	1	1	1	1	1
Map book or fitted GPS device	1	1	1	1	1	1

Requirements for MICU transfers - the following requirements are per station, and not per vehicle (mandatory)	ILS Ambulance	ALS Ambulance	ILS Response Vehicle	Medical Rescue Vehicle	ALS Response Vehicle	ALS Air Ambulance
Vital signs monitor (requires annual calibration certification) - or separate automated NIBP, SpO2, electronic capnograph	0	1	0	0	1	1
Infusion pump including appropriate administration sets (requires annual calibration certification)	0	1	0	0	1	1
Syringe driver including approved syringes (requires annual calibration certification)	0	1	0	0	1	1

Requirements for MICU neonatal transfers – the following requirements are per station, and not per vehicle (optional):	ILS Ambulance	ALS Ambulance	ILS Response Vehicle	Medical Rescue Vehicle	ALS Response Vehicle	ALS Air Ambulance
Automated neonatal ventilator (requires annual calibration certification) - or mechanical ventilator featuring neonatal, paediatric and adult ventilation modes	0	access	0	0	access	1
Transport incubator with backup power and on board alarms (requires annual confirmation of servicing)	0	access	0	0	access	1
Vital signs monitor with neonatal probes (requires annual calibration certification)	0	access	0	0	access	1
Oxygen inspired analyser	0	access	0	0	access	1
Incubator head box	0	access	0	0	access	1
Neonatal SPO2 probe and monitor (if not included as a feature of the vital signs monitor)	0	access	0	0	access	1

RESCUE EQUIPMENT REQUIREMENTS			
EQUIPMENT	QUANTITY	EQUIPMENT	QUANTITY
Hydraulic Pump	1	Jumper cables	1 set
Hydraulic Spreader	1	10-litre compressed-air cylinder	1
Hydraulic Cutter	1	Pneumatic airbags	1
Hydraulic Hand Pump	1	Pneumatic Hoses	1
Hydraulic Hose	3	Pneumatic Controls and Air Cylinder	1
Hydraulic Rams (Short, Medium, Long)	3	Pneumatic Chisel Set	1
Reciprocating saw	1	Torch	1
Generator, minimum 3,5 kW	1	Pedal cutter	1
Lighting system	1	Tool sheet (Staging)	1
Petrol angle grinder	1	Dry powder portable fire extinguisher	1 X 2.5kg
Step Chocks	2	Abseil Harness with 1 ascender device	2
Wedges	4	Helmets	2
Chocks	4	Rescue gloves	2 pairs
Road cones	20	Ropes 50 meters Main line	2
Multi-purpose tool e.g. Haligan Tool	1	Ropes 50 meters Safety line	2
Hacksaw	1	Edge roller	1
Axe	1	Ascenders	1
Rubber hammer	1	Prussik Loops	4
Hammer	1	Light-use Ascenders	2
Bolt cutter	1	Descenders	1 set
Toolbox	1	Figure 8 descenders	2
Rescue Tool Storage bag	1	Brake Bar Racks	1
Chain Saw	1	Self Braking Descender e.g. Petzl ID	2
Bow Saw	1	Carabiners	14
Crow Bar	1	Anchor plate	2
Ratchet straps	2	Slings (S,M,L)	2 each
Glass cutter	1	Rope grabs	2
Spade	1	Cow Tail	6
Broom	1	Directional pulley	4
Duct tape	2	Haul hoist	1
Trolley jack	1	Breathing apparatus and cylinders	2
Bottle jack	1	Bunker kit	1
High Lifting Jack	1	Helmets with visor	1
Jimmy jack	1	Utility rope	1
Soft protection	1	Tarpaulin	1
Hard Protection	1	Torpedo Buoys	2
Seatbelt cutter	1	Personal Flotation Devices	2

Centre punch	1	Trauma board	1
Large pliers	1	Scoop stretcher	1
Barrier tape	2	Roll-able Toughened Plastic Rescue Stretcher e.g. SKED stretcher	1
Jerry can with appropriate fuel	1 x 10 Litre	Step Ladder	1
Basket stretcher with straps e.g. Stokes	1	Head blocks	1
Scoop stretcher	1	Spider harness	1
Webbing	1	Short Spinal Board e.g. Kendrick Extrication Device	1
Oxygen cylinder and gauge	1	Suction unit	1
Bag-Valve-Masks (Adult, Child, Neonate)	1 each	Jump bag	1
Face Mask N95 rating	1 box	Sharps Container	1
Red Plastic Bags	5		

1	Name of person	
----------	----------------	--

2	Identification/ passport number	
----------	------------------------------------	--

3	Country of origin (if foreign national)	
----------	--	--

4	Contact details
----------	-----------------

Telephone number during
day

--	--	--	--	--	--

code

--	--	--	--	--	--	--	--	--	--

number

Telephone number during
night

--	--	--	--	--	--

code

--	--	--	--	--	--	--	--	--	--

number

Facsimile number

--	--	--	--	--	--

code

--	--	--	--	--	--	--	--	--	--

number

Mobile (cellular) phone
number

--	--	--	--	--	--

code

--	--	--	--	--	--	--	--	--	--

number

Email address

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

Physical address

Suburb

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

City/Town

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

Province

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

Postal code

--	--	--	--	--

STATION DETAILS (details of base of operation – to be completed for each base for which application is made)

[illegible]

2 Location

[illegible]

3	GIS Coordinates	S							E						
---	-----------------	---	--	--	--	--	--	--	---	--	--	--	--	--	--

4 Contact details

Telephone number during day		-	
	<div>□ □ □ □ code</div>		<div>□ □ □ □ □ □ □ □ number</div>
Telephone number during night		-	
	<div>□ □ □ □ code</div>		<div>□ □ □ □ □ □ □ □ number</div>
Facsimile number		-	
	<div>□ □ □ □ code</div>		<div>□ □ □ □ □ □ □ □ number</div>
Mobile (cellular) phone number		-	
	<div>□ □ □ □ code</div>		<div>□ □ □ □ □ □ □ □ number</div>

D TYPE OF SERVICE (mark with a X)

1	ILS		ALS	
	EDUCATIONAL		AEROMEDICAL	
	VOLUNTEER		EVENT	

1 Land

Type

	Class			Number		
Rescue						
Vehicle						
Ambulance						

	Class			Number		
Response						
Vehicle						

2 Air

Aircraft

	Tail			Number		
Ambulance						

3 Total number of emergency vehicles

--	--	--	--	--

F EMERGENCY CARE PERSONNEL (number and qualification of emergency vehicles personnel)

1

BAA			AEA			CCA			NDIP			ECA		
ECT			ECP			Manager			Doctor					
Other			Specify											

2 Total number of emergency care personnel

--	--	--	--	--

G DECLARATION

I, _____, the company's manager/proxy do hereby

- a) declare that all the particulars furnished by me in this form are true and correct; and
- b) realise that a false declaration is punishable with a fine or one year imprisonment or both.

Signature										
Place										
Date						-			-	
Year					Month			Day		

THE FOLLOWING APPENDICES MUST BE ANNEXED TO THE APPLICATION

1. Copy of the service plan for the geographic area(s) specified in the application
2. Details reasons why the application should be approved with reference to Regulation 3
3. Tax clearance certificate
4. Further information in support of the application

Annexure D



health


 Department:
Health
REPUBLIC OF SOUTH AFRICA

EMERGENCY MEDICAL SERVICES FEES

ITEM AS PER REGULATION AND STANDARDS (AS APPLICABLE)	SERVICE	FEE
a) Application fees in respect of a new Emergency Medical Service	Application fee per service	R8 000.00
b) Inspection fees in respect of a new Emergency Medical Service	Per station	R2 000.00
	Per ambulance	R 300.00
	Per response vehicle	R 300.00
	Per rescue vehicle	R 500.00
c) Annual licensing fees in respect of renewal of an existing Emergency Medical Service	Per Emergency Medical Service	R2 000.00
d) Annual licensing fees in respect of renewal of existing Emergency Medical Service vehicles or for additional vehicles	Per ambulance	R 300.00
	Per response vehicle	R 300.00
	Per rescue vehicle	R 500.00
e) Inspection fees in respect of annual renewal of existing Emergency Medical Service	Inspection fee per station	R1 000.00

UMNYANGO WEZEMPILO**UMTHETHO WEZEMPILO KUZWELONKE, KA-2003 (UMTHETHO WAMA-61 KA-2003)****IMITHETHOZIMISO YEZIKHUNGO ZEZIMO EZIPHUTHUMAYO**

Mina, Dkt Aaron Motsoaledi, uNgqongqoshe wezeMpilo, ngenze iMithethozimiso kuSheduli, ngokwemigomo yesigaba sama-90(1)(m) esifundwa nesigaba sama-43(1) soMthetho wezeMpilo kuZwelonke, ka-2003 (uMthetho wama-61 ka-2003).



DKT A MOTSOLEDI, MP
UNGQONGQOSHE WEZEMPILO
USUKU: 26/10/2017

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ISHEDULI**INGXENYE YOKUQALA –UHLELO LOKULAWULA****IZINCAZELO**

1. Kule Mithethozimiso, igama noma inkulumo incazelo yakho efakwe eMthethweni, kuthatha incazelo leyo futhi, ngaphandle uma isimo siveza ngokunye-

“Usizo Oluphezulu Lokuphefumula (ALS)” kusho izinga lokunakekela oluhlinzekwa Umsebenzi Wezimo Eziphuthumayo, uChwepheshe Wezokunakekela Eziphuthumayo noma ububanzi bomsebenzi boMsebenzi Wezokunakekela Eziphuthumayo, njengokuba kunqume uMkhandlu Wobuchwepheshe bezeMpilo eNingizimu Afrika ngokwemigomo yoMthetho Wobuchwepheshe bezeMpilo;

“izigameko esingasihle sesiguli” kusho isehlakalo noma isimo esiholela ekulimaleni, ekukhubazeni, ekuzweni ubuhlungi noma ekuguleni kwesiguli;

“i-ambulense yomoya” kusho indiza-

- (a) ehlonyiswe ngokufanele, yahlolwa noma yalungiswa ngenhloso yokuhlinzeka ukunakekela okuphuthumayo kanye nokuthwala iziguli;
- (b) enemvume yeZokwelapha Eziphuthumayo;
- (c) ebhaliswe njenge-ambulense yomoya ngokwemigomo ye-*Civil Aviation Act*, ka-2009 (uMthetho we-13 ka-2009); kanye
- (d) enabasebenzi futhi yahlonyiswa “ngokweSinenezelo A kanye no B;

“i-ambulense” kusho imoto-

- (a) ehlonyiswe ngokufanele, yahlolwa noma yalungiswa ngenhloso yokuhlinzeka ukunakekela okuphuthumayo kanye nokuthwala iziguli;
- (b) abanikazi bayo abeZokwelapha Eziphuthumayo;
- (c) ebhaliswe njenge-ambulense ngokwemigomo ye-*National Road Traffic Act*; kanye
- (d) enabasebenzi futhi yahlonyiswa “ngokweSinenezelo A kanye no B;

“Umsizi we-Ambulense Wezimo Eziphuthumayo” kusho umuntu obhalisile kanjalo noMkhandlu Wobuchwepheshe bezeMpilo eNingizimu Afrika ngokwemigomo yoMthetho Wobuchwepheshe bezeMpilo;

“Umsizi Oyisisekelo we-Ambulense Wezimo Eziphuthumayo” kusho umuntu obhalisile kanjalo noMkhandlu Wobuchwepheshe bezeMpilo eNingizimu Afrika ngokwemigomo yoMthetho Wobuchwepheshe bezeMpilo;

“Usizo Oluyisisekelo Lokuphefumula (BLS)” kusho izinga lokunakekelwa okuphuthumayo oluhlinzekwa ngabahlinzeki bokunakelela okuphuthumayo okwenziwa kuphela nguMsizi Wesisekelo we-Ambulense njengokuba kunqunywe nguMkhandlu Wobuchwepheshe bezeMpilo eNingizimu Afrika ngokwemigomo yoMthetho Wobuchwepheshe bezeMpilo;

“iKomidi” kusho Ikomidi Lezincomo Lezokwelapha Eziphuthumayo eliqokwe ngokwemigomo yomthethosimiso wesi-3;

“indawo yezinto ezincolile” kusho indawo ebhekene nokuwasha ilineni encolile, ukugeza imishini eyonakele kanye ngezidingo zokugeza;

“Isikhungo Sokufunda Ngezezimo Eziohuthumayo” kusho inhlangothi noma igatsha okuzinikele, kwaba nabasebenzi futhi kwahloma ukusebenza njenge-ambulense noma imoto yokwelapha ukuze kunikezele ngokunakekela okuphuthumayo ngenhloso yokufundisa kanye nokuqeqesha abafundi bezokunakekela oluphuthumayo ababhalise noMkhandlu Wobuchwepheshe bezeMpilo eNingizimu Afrika ngokwemigomo yoMthetho Wobuchwepheshe bezeMpilo;

“ukunakekela okuphuthumayo” kusho ukuhlola, ukwelapha kanye nokunakekela komuntu okulayo noma olimele esimweni lapho ukuhlola, ukwelapha kanye nokunakelela okuphuthumayo kudingeka, kanye ngokuqhubeka nokwelapha kanye nokunakekela ngesikhathi sokuhanjiswa komuntu onjalo eyiswa endaweni yezeMpilo noma esuswa kuyo;

“Umsizi Wezokunakekela Okuphuthumayo” kusho umuntu obhalisile kanjalo noMkhandlu Wobuchwepheshe bezeMpilo eNingizimu Afrika ngokwemigomo yoMthetho Wobuchwepheshe bezeMpilo;

“izisebenzi zokunakekela okuphuthumayo” kusho izisebenzi ezibhalisile kanjalo noMkhandlu Wobuchwepheshe bezeMpilo eNingizimu Afrika ngokwemigomo yoMthetho Wobuchwepheshe bezeMpilo;

“Uchwepheshe Wezokunakekela Okuphuthumayo” kusho umuntu noMkhandlu Wobuchwepheshe bezeMpilo eNingizimu Afrika ngokwemigomo yoMthetho Wobuchwepheshe bezeMpilo;

“Ungcweti Wezokunakekela Okuphuthumayo” kusho umuntu obhalise kanjalo noMkhandlu Wobuchwepheshe bezeMpilo eNingizimu Afrika ngokwemigomo yoMthetho Wobuchwepheshe bezeMpilo;

“Ezosizo Oluphuthumayo” kusho inhlango noma igatsha okuzinikele, kwaba nabasebenzi futhi kwahloma ukusebenza njenge-ambulense, imoto yokuhlenga ngokwelapha noma imoto ephendula ngokwelapha ukuze kunikezele ngokunakekela okuphuthumayo;

“Ezokwelapha Emicimbini” kusho inhlango noma igatsha okuzinikele, kwahloma futhi kwaba nabasebenzi ngomuntu obhalise noMkhandlu Wobuchwepheshe bezeMpilo waseNingizimu Afrika ngokwemigomo yoMthetho Wobuchwepheshe bezeMpilo ukusebenzisa i-ambulense noma imoto ephendula ngokwelapha ukunikezala ngokunakekela okuphuthumayo emihlanganweni yeningi noma emicimbini enobungozi obuphezulu;

“Imenenja Yesikhungo Sezimo Eziphuthumayo” kusho umuntu oqokwe ngokufanele njengomphathi Wezosizo Oluphuthumayo futhi obhalisile noMkhandlu Wobuchwepheshe bezeMpilo eNingizimu Afrika ngokwemigomo yoMthetho Wobuchwepheshe bezeMpilo;

“iNhloko yoMnyango” kusho izikhulu somnyango wezempilo esifundazweni;

“uMthetho Wobuchwepheshe bezeMpilo” kusho uMthetho Wobuchwepheshe bezeMpilo, ka-1974 (uMthetho wama-56 ka-1974);

“uMkhandlu Wobuchwepheshe bezeMpilo eNingizimu Afrika” kusho igatsha elasungulwa ngokwemibandlela yesigaba sesi-2 soMthetho Wobuchwepheshe bezeMpilo;

“isikhulu esihlodayo” kusho umuntu eqashwe noma oqokwe IgatshaLezimvume kanye Nezokuhlola kwezeMpilo Esifundazweni;

“Usizo Oluphakathi Lokuphefumula (ILS)” kusho izinga lokunakekela okuphuthumayo okuhlinzekwa ububanzi bomsebenzi woMsizi Wezimo Eziphuthumayo ku-Ambulense kanye noMsizi Wokunakekela Okuphuthumayo njengokuba kunqunywe uMkhandlu Wobuchwepheshe bezeMpilo eNingizimu Afrika ngokwemigomo yoMthetho Wobuchwepheshe bezeMpilo;

“imvume” kusho imvume ekhishwe ngokwemigomo yaleMithethozimiso, evumela ukuhlinzeka ngosizo oluphuthumayo;

“Igatsha Lezimvume kanye Nezokuhlola” kusho ingxenye yezeMpilo esifundazweni eqokwe iNhloko yoMnyango ukuthi inikeze izimvume kanye nokuhlola ezosizo oluphuthumayo;

“MEC” kusho Ilunga Eliphezulu loMkhandlu elibhekene ngezempilo;

“Ungcweti Wezokwelapha” kusho umuntu obhalise kanjalo ngokwemigomo yoMthetho Wobuchwepheshe bezeMpilo;

“ukuhlenga kokwelapha” kusho izenzo ezibandakanya indawo, ukukwazi ukungena, ukukhipha kanye nokunakekela okuphuthu,ayo komuntu.

“imoto yokuhlenga” kusho imoto-

- (a) ehlonyswe nokufanele noma eyenziwe ngenhloso yokuhlinzeka ukuhlenga kuphela;
- (b) abanikazi bayo AbezosizoOluphuthumayo

- (c) ibhalisile njengemoto yokuhlenga ngokwemigomo ye-National Road Traffic Act; futhi
- (d) inabasebenzi futhi yahlonyiswa “ngokweSinenezelo A kanye no B;

“imoto ephendula ngokwelapha” kusho imoto-

- (a) ehlonyiswe nokufanele noma eyenziwe ngenhloso yokuhlinzeka ukuphendula ngokwelapha kuphela;
- (b) abanikazi bayo Abezosizo Oluphuthumayo
- (c) ibhalisile njengemoto yokuhlenga ngokwemigomo ye-National Road Traffic Act; futhi
- (d) inabasebenzi futhi yahlonyiswa “ngokweSinenezelo A kanye no B;

“ilunga” kusho umuntu oqokwe ngokwemigomo yomthethosimiso wesi-3 ukuthi asebenze eKomidini;

“National Road Traffic Act” kusho i-National Road Traffic Act, ka-1996 (uMthetho wama-93 ka-1996);

“i-paramedikhi” kusho umuntu obhalise kanjalo noMkhandlu Wobuchwepheshe bezeMpilo waseNingizimu Afrika ngokwemigomo yoMthetho Wobuchwepheshe bezeMpilo;

“isikhathi sokuphendula” kusho isikhathi esikaliwe kusukela lapho Abezimo Zokwelapha Eziphuthumayo bethola ucingo kuya esikhathini lapho izisebenzi zokunakekela okuphuthumayo noma ungcweti wezokwelapha efika endaweni yesehlakalo;

“umuntu oqondene” kusho umuntu, umuntu oqokiwe, odabeni lwenkampani noma inhlangano yabantu (noma ngabe yinkampani noma kungeyona) noma igatsha lombuso, elibhaliswe noMkhandlu Wobuchwepheshe bezeMpilo eNingizimu Afrika, osungula, oqhuba, owenza, ogcina noma ohlinzeka ngezosizo oluphuthumayo;

“iRejistaYesikhungo Sezimo Oluphuthumayo” kusho irejista okukhulunywe ngayo kumthethosimiso wesi-9(15);

“isiteshi” kusho isikhungo esiziqukethe esizinikele ukugcina izimoto zeximo eziphuthumayo;

“imvume yesikhashana” kusho imvume efanele ekhishwe ngokwemigomo yaleMithethizimiso evumela umhlinzeko wesikhasha wezimo eziphuthumayo; kanye

“Isikhungo Sezimo Eziphuthumayo Esivolontiyayo” kusho inhlango noma igatsha-

- (a) okunemvume yokuhlinzeka ngokuvolontiya okunjalo kwezimo eziphuthumayo njengokuba kuvunyelwe uMnyango wezeMpilo Esifundazweni ofanele;
- (b) okubhalisile maqondana ne-*National Road Traffic Act*; kanye
- (c) okubhalise njenge Nhlango Engenzi Nzuzo, kanye neNhlango Esiza Umphakathi njengokuba kunzekelwe eMthethweni weziNhlango Ezingenzi Nzuzo, ka-1997 (uMthetho wama-71 ka-1997) kanye ne-*Income Tax Act*, ka-1962 (uMthetho wama-58 ka-1962), ngokulandelayo;

Izisebenzi Ezingamavolontiya Esikhungweni Sezimo Eziphuthumayo” kusho abasebenzi-

- (a) ababhalile njengongcweti noMkhandlu Wobuchwepheshe bezeMpilo waseNingizimu Afrika ngokwemigomo yoMthetho Wobuchwepheshe bezeMpilo;
- (b) abangamalunga esikhungo Sokuvolontiya Sezimo Eziphuthumayo; futhi
- (c) abatholi ukukhokhelwa ngemihlinzeko yesikhungo sezimo eziphuthumayo, kodwa bengabuyiselwa imali efanele yezindleko ezenzakalile.

ISIKOPHU SOKUSEBENZA

2. Le Mithethozimiso isebenza Ezikhungweni Zezimo Eziphuthumayo zomphakathi kanye nezangasese ezisebenza kuRiphabhulikhi yaseNingizimu Afrika, ngaphandle koMbutho Wezokuvikela WaseNingizimu Afrika.

INGXENYE YESI-2 – IKOMIDI LOKWELULEKA LE-EMS

IKOMIDI LOKWELULEKA LESIKHUNGO SEZIMO EZIPHUTHUMAYO

3. (1) Inhloko yoMnyango kumele iqoke amalunga eKomidi.
- (2) IKomidi kumele-
- (a) leluleke futhi lenze izincomo ngezicelo zezimvume okukhulunywe ngazo kumthethosimiso sesi-8; futhi
 - (b) leluleke iNkhloko yoMnyango ngezindaba zezimvume.
- (3) UNkhloko yoMnyango kumele inqume imihlahlandlela yeKomidi.
- (4) (a) IKomidi kumele lakhiwe okungenani amalunga ayisihlanu (5).
- (b) Amalunga okukhulunywe ngawo kumthethosimiswana wesi-(5)(a), (c) kanye no (d) kumele abe nesipiliyoni seminyaka eyi-10 kwezezimo eziphuthumayo.
- (5) IKomidi okungenani kumele libe-
- (a) onelunga elilodwa abangongcweti bezokulapha okuphuthumayo noma umkhakha ofanayo;
 - (b) nelunga elilodwa, eliqokwe inhlango evumelekile ngokwemigomo ye-*Organised Local Government Act*, ka-1997 (uMthetho wama-52 ka-1997), ukuthi limele uhulumeni esiFundazweni;
 - (c) ilunga elilodwa elinobuchwepheshe obubanzi ngezimo eziphuthumayo eliqokwe uMnyango wezeMpilo kuZwelonke;
 - (d) ilunga elilodwa elinobuchwepheshe obubanzi elisuka kwezezimo eziphuthumayo zangasese; kanye
 - (e) nelunga elilodwa elimele abasebenzisi bezokunakekelwa zempilo esiFundazweni.
- (6) Inhloko yoMnyango kumele iqoke ilunga eliphakanyiswe yiKomidi, ngengoSihlalo weKomidi.

- (7) Emhlanganweni wokuqala weKomidi-
- (a) uSihlalo kumele anqume inqubo ezolandelwa emhlanganweni yeKomidi;
 - (b) iKomidi kumele liqoke uSekela Sihlalo; futhi
 - (c) iKomidi kumele lisungule indlela yokuziphathwa yamalunga.
- (8) USihlalo, engasebenzisana nanoma yimuphi umuntu ukuthi abambe iqhaza ezinhlelweni zeKomidi, kunoma isiphi isigaba sokubhekwa kwesicelo ngokwemigomo yomthethosimiso sesi-8, uma uSihlalo anelisekile ukuthi umuntu onjalo uzokwazi ukusiza iKomidi ekwenzeni izincomo.
- (9) USihlalo kumele aqinisekise ukuthi irekhodi eligcwele lwezinhlelo zizonke ligciniwe, kanye nerekhodi labantu ababa khona kanye nezinqumo ezithathiwe eKomidini.
- (10) IKomidi kumele lihlanganiswe ngokujwayela uma kudingeka, ukubhekana nezicelo ngokwemigomo yomthethosimiso sesi-8.
- (11) Ikhoramamu yomhlanganoingamalunga angamaphesenti angama-50+1 amalunga eKomidi, kodwa phakathi kukaSihlalo noma uSekela Sihlalo kumele abe khona njalo.
- (12) Ukuvota
- (a) isinqumo seningi lamalunga akhona emhlanganweni weKomidi sithathwe njengesinqumo seKomidi;
 - (b) odabeni lwenani lwamavoti aholela ekulinganeni, uSihlalo noma uSekela Sihlalo owengamele emhlanganweni, unevoti elithatha isinqumo; futhi
 - (c) umuntu okusebenzisanwa naye ngokwemigomo yomthethosimiswana sesi-(8), akanawo amandla okuvota ngesikhathi ebambe iqhaza esinhlelweni zeKomidi.
- (13) USihlalo weKomidi kumele ahambise umbiko wonyaka ngemisebenzi kanye nezindleko zeKomidi, eNhlokweni yoMnyango, ezinsukwini ezingama-40 zokusebenza zokuphela konyaka wezimali.

(14) INhloko yoMnyango kumele ikhokhele amalunga angawona amalunga oMbuso-

- (a) umholo ofanele; kanye
- (b) nezibonelelo ezifanele zokudla kanye nezimali zokuvakasha ukuya emhlanganweni weKomidi, njengokuba kunqume u-MEC, ngokuvuma kuka-MEC obhekene nezezimali.

UKUNGABANDAKANYWA KWAMALUNGA EKOMIDI

4. (1) Ilunga leKomidi ligangaba khona emhlanganweni, noma libe yingxenye-

- (a) yokudingida;
- (b) yokuthatha isinqumo; noma
- (c) yokwenziwa kwezincomo

maqondana nesicelo esilethwe ngaphambi kweKomidilapho ilunga, umlingani walo, ilunga lomndeni eliseduze, umlingani walo webhizinisi, umuntu osebenza nalo noma umqashi (ngaphandle koMbuso) enanoma yiziphi izinjongo ezinjalo ngesikhathi sezinyanga eziyi-12 ezandulela isicelo okukhulunywa ngaso.

(2) Ngezinhloso zomthethosimiswana woku-(1), igama-

- (a) "umlingani" libandakanya umuntu ilunga elihlala naye njengomuntu ashade naye noma ilunga elihlala naye isikhathi esiningi; kanye
- (b) "nelunga lomndeni eliseduze" kusho, noma ngabe ngokwegazi noma ngokomthetho, ugogo noma umkhulu, umzali, ingane noma udadewabo noma umfowabo, noma ngabe lobo budlelwane bokuzalwa, umshado noma ukutholwa.

(3) Umuntu akavumelekile, ukuthi esasebenzela iKomidi, avume noma yiluphi uhlobo lokuqashwa, ukukhokhelwa, isipho noma umklomelo, okusuka-

- (a) kumuntu onezinjongo Zezimo Eziphuthumayo; noma

- (b) kumuntu ofake isicelo semvume ngokwemigomo yomthethosimiso wesi-8.
- (4) Lapho ilunga leKomidi linokushayisana ngokwenjongo, lelo lungu kumele-
 - (a) lidalule lokho kushayisana ngokwenjongo kuSihlalo weKomidi ngesikhathi esifanele; futhi
 - (b) azikhiphe ezingxoxweni lapho ukushayisana ngokwenjongo okunjalo kuvela.

UKUDALULWA NGAMALUNGA EKOMIDI

5. (1) Umuntu oqokiwe eKomidini ngokwemigomo yomthethosimiso sesi-3(1), ekutholeni isaziso sokuqokwa kwakhe, kanye nangaphambi kokuqala imisebenzi yakhe njenge lungu, kumele ahambise ukudalula okubhaliwe eNhlokweni yoMnyango, okuchaza-
- (a) noma iyiphi injongo yezimali noma enye angaba nayo, okungaqhudelana noma kushayisane nokuqokwa okunjalo; kanye
 - (b) nanoma yiluphi ulwazi mayelana nokujeziselwa icala elibalwe kuSheduli yoku-1 ye- *Criminal Procedure Act*, ka-1977 (uMthetho wama-51 ka-1977).
- (2) Ukungaphumeleli ukuhambisa ukudalula okukhulunywe ngakho kumthethosimiswana soku-(1)(a) kuzoholela ekutheni ukuqokwa kumiswe isikhathi esingadluli izinsuku ezingamashumi amane (40) zokusebenza kuze kube ukudalula kuyatholwa.
- (3) uma ilunga leKomidi-
- (a) lithola ukushintsha okumaqondana nezimali noma esinye izinjongo okungaba nomthelela ekukwazini kwakhe ukuthi athathe udaba ngokungachemi, ilunga elinjalo kumele, ezinsukwini eziyishumi (10) zokusebenza kusukela ngosuku lokushintsha kwezimo kanye nasesikhathini esifanele ngaphambi kokubhekwa kodaba oluthintekayo, lihambise isaziso esibhaliwe eNhlokweni yoMnyango esichaza ukufaneleka kokushintsha kwezimo;

- (b) lingaphumeleli ukulandela umthethosimiswana wesi-(3)(a), kuqokwa kwalo njenge lungu kungachithwa;
 - (c) uma ubulunga balo buchithiwe, njengokuba kushiwo kumthethosimiswana wesi-(3)(b), ilunga lingafaka isikhalazo ku-MEC ezinsukwini ezingamashumi amabili (20) zokusebenza zokwaziswa, isikhalazo kumele-
 - (i) sibhalwe;
 - (ii) siveze izizathu zesikhalazo esenziwe; kanye
 - (iii) sicacise izizathu zokuthi kungani ubulunga balowo muntu kumele bungachithwa.
- (4) Isimemezelo esihanjiswe ngokwemigomo yomthethosimiswana woku-(1) kumele kube esenhloso yokunquma ukuba khona kokushayisana kwezinjongookuvimbela ukuqokwa, noma ukuqhubeka kobulunga, komuntu njenge lungu leKomidi.
- (5) INhloko yoMnyango kumele iqinisekise ukuthi isimemezelo sihanjiswe ngobumfihlo futhi asidalulwanga esidlangalaleni.
- (6) Ilunga leKomidi akumele lisebenzise ukuqokwa kwalo eKomidini ngezindlela zokugqugquzela izinjongo zakhe zezimali noma ezinye izinjongo zomunye umuntumaqondana nezimo eziphuthumayo.
- (7) Ilunga leKomidi elenza ngamabomu futhi ngokwazi ukuthi-
- (a) lingaphumeleli ukunika izimpenduli eziyiqiniso, noma ukuhlinzeka ukudalula okugcwele kwezimali, noma ukushayisana kwenjongo okungaba khona;
 - (b) lisebenzisa ukuqokwa kwalo ukugqugquzela ezezimali noma izinjongo zanoma yimuphi umuntu; noma
 - (c) lingaphumeleli ukwehla esikhundleni njengoba kushiwo kumthethosimiswana wesi-(4)(4)(b), lenza icala futhi, uma ligwetshwa, lizohlawuliswa imali engadluli u-R25 000.00 futhi liyayeka ukuba yilunga leKomidi.

UKUNQAMULA UBULUNGA

6. (1) Ilunga leKomidi, nganoma yisiphi isikhathi, lingasula ukuba yilunga leKomidi ngokwenza isaziso esibhaliwe ngaphansi kwezinsuku ezingamashumi amabili (20) zokusebenza eNhlokweni yoMnyango
- (2) INhloko yoMnyango ingamisa ukuqokwa kwelunga leKomidi ngokushesha uma ilunga-
- (a) lisezikweletini noma liba sezikweletini elingakwazi ukuzikhokhela;
 - (b) lingaphumeleli-
 - (i) ukudalula izinjongo zalo zezimali noma okunye ukushayisana kwezinjongo; noma
 - (ii) lehle esikhundleni lapho ilunga lomndeni eliseduze linenjongo emphumeleni wesinqumo ezizokwenziwa noma esenziwe yiKomidi;
 - (c) linokukhubazeka komqondo noma umzimba okungalivimbela ukule lenze umsebenzi walo njengelunga leKomidi;
 - (d) libandakanyeka ekuziphatheni, okufaka iKomidi ehlazweni noma okwenza ukwethembeka kweKomidi kube sengozini;
 - (e) lingaphumeleli ukwethamela Imihlangano emibili elandelanayo yeKomidi ngaphandle kokunikwa imvume uSihlalo yokuthi lingaba bikho;
 - (f) lingaphumeleli ukuthi lenze imisebenzi yeKomidi ngokusemandleni alo wonke;
 - (g) lithweswe icala okukhulunywe ngalo kumthethosimiso wesi-5(7).

INGXENYE YESI-3 – UKUNIKA IMVUME IZIMO EZIPHUTHUMAYO**UKUNIKEZA IZIMVUME**

7. (1) Umuntu, inhlangothano noma igatsha lombuso akumele, ngaphandle kwemvume edingekayo, kusungulwe, kulawule, kushintshe ubuningi, kunike elinye igama, kushintshe indawo okwesikhashana noma unomphela, noma kushintshe imisebenzi-

- (a) Yezimo Eziphuthumayo
- (b) Yezimo Eziphuthumayo Zomoya
- (c) Zokwelapha Zemicimbi
- (d) Yokuvolontiya Kwezimo Eziphuthumayo; noma
- (e) . Isikhungo Sokufunda Sezimo Eziphuthumayo.

- (2) Uhlobo lobuncane bokunika imvume kumele kube Usizo Oluphakathi Lokuphefumula.
- (3) Ezosizo Oluphuthumayo olunemvume ezingeni Losizo Oluphakathi Lokuphefumula noma ezingeni Losizo Oluphezulu Lokuphefumula, kumele zivunyelwe ukuthi zisebenze kuya, kodwa kungedluli, amaphesenti angama-50 wama-ambulense asetshenziswa Ezosizo Oluphuthumayo ezingeni Losizo Oluyisisekelo Lokuphefumula futhi amaphesenti angama-50 asalayo ama-ambulense asetshenziswa Abosizo Oluphuthumayo kumele asetshenziswe izinga Losizo Oluphakathi Lokuphefumula, noma izinga Losizo Oluphezulu Lokuphefumula, noma ngokuhlanganyela.
- (4) INhloko yoMnyango ingakhipha izimvume kuphela uma umsebenzi usuhloliwe yisikhulu esihlolayo futhi watholakala ukuthi uyahambisana nezimfuneko ezichazwe kuSinenezelo A kanye no B, futhi uthathwa njengofanelekile futhi ngokwanele ngenhloso yokuhlinzeka umsebenzi omaqondana ngesicelo semvume.
- (5) Ukuvolontiya Kwezimo Eziphuthumayo kumele kuhambisane nezimfuneko zokunikela ngezimvume Zezimo Eziphuthumayo ngokungafaki izigaba sesi-(2)(b), 5(c) kanye nesesi-5(d) eSinenezelweni A.
- (6) Izimo Eziphuthumayo zangasese (okungafaki Izimo Eziphuthumayo Zemicimbi) zingahlinzeka usizo lokwelapha oluphuthumayo emngceleni ohlukanisiwe esifundeni sezempilo njengokuba kucacisiwe Esicelweni semvume futhi lapho isiteshi sazo sikhona, ngaphandle uma zihambisa iziguli phakathi kwezikhungo zezeMpilo noma zicelwe iNhloko yoMnyango.

UKUFAKA ISICELO SEMVUME**8. (1) Isicelo semvume yeZimo Eziphuthumayo kumele-**

- (a) sihanjiswe neFomu elinqunyiwe (Isinenezelo C) eNhlokwei yoMnyango wesifundazwe lapho zizobe zisebenza khona;
- (b) sihanjiswe nemiqulu efunekayo eyesekayo; futhi
- (c) sihambisane nemali yesicelo enqunyiwe njengokuba kusho Isinenezelo D.

2) Ukuvolontiya Kwezimo Eziphuthuayo kumele bekhokhe kuphela izimali zonyaka nge-ambulense ne-ambulense noma imoto yesimo eziphuthumayo, njengoba kushiwo eSinenezelweni D.

(3) Isicelo esihanjiswe ngokwemigomo yomthethosimiso woku-(1)(a) kumele kube yisicelo esihanjiswe ngesandla, ngemeyili ebhalisiwe noma emayili yobuchwepheshe, eNhlokweni yoMnyango.

(4) Isicelo sokuhoxisa isicelo nganoma yisiphi isikhathi ngaphambi kokuthi sibhekwe yiKomidi, lapho imali yesicelo izobuyiswa Esiselweni.

(5) Uma isicelo sihoxisa isicelo emuva kokuthi iKomidi selisibhekile, imali yesicelo izobanjwa.

(6) INhloko yoMnyango, ekutholeni isicelo ezimaqondana nokushintsha indawo kwemoto enemvume ukuya kwezinye isifundazwe, ingakhipha imvume yesikhashana esebenza izinyanga ezisithupha (6), ngaphandle-

- (a) lapho ukushintsha kwendawo kwenzeka ngodaba lokushintsha iziguli siyiswe kwesinye isifundazwe;
- (b) odabeni lapho kwenziwa imvume entsha phezu kwenye ekhona; noma
- (c) lapho izimoto ezengezayo zithengiwe.

(7) Imvume yesikhashana-

- (a) kumele ikhishwe ezinsukwini eziyi-10 zokusebenza amva kokuthola isicelo;
 - (b) ingangavuselelwa; futhi
 - (c) kumele ithathwe ngokuthi iphalelwe yisikhathi odabeni lapho imvume inqatshelwe noma isicelo semvume sihoxisiwe.
- (8) Imali enqunyiwe yonyaka iyakhokwa maqondana nemvume yesikhashana odabeni lapho imoto enemvume isuka esifundazweni iya kwesinye.
- (9) Isicelo esitholiwe esingenaso isiqiniseko sokukhokhelwa ngeke sibhekwe kuze kube imali ikhokhiwe, kodwa iNhloko yoMnyango ingalindisa isicelo isikhathi esingadluli izinsuku ezingama-60 zokusebenza, emva kwalesi sikhathi, uma imali yesicelo ingakakhokhwa, isicelo singathathwa njengesihoxisiwe.
- (10) Isicelo sokuhambisa isicelo semvume yeZimo Eziphuthumayo kumele sibe nesiteshi esibekwe phakathi esifundeni sezempilo lapho umfaki wesicelo ehlose ukusebenzaukwandisa Ukuhanjiswa kwezinsiza futhi isiteshi kumele silandela imthetho kanye namazinga ahlinzekwe iSinenezelo A.

UKUBHEKA ISICELO

9. (1) Ekutholeni isicelo, iNhloko yoMnyango, ezinsukwini eziyisihlanu (5) zokusebenza futhi ngendlela yeposi elibhalisile noma imeyili yobuchwepheshe, kumele yazise umfaki wesicelo ukuthi isicelo sakhe sitholakele, ngokuveza usuku isicelo esitholakale kalo.
- (2) INhloko yoMnyango, ezinsukwini eziyishumi (10) zokusebenza zokuthola isicelo, kumele sibuyekeze isicelo ukunquma ukuthi ngabe sigcwaliswe ngokufanele noma kunemininingwane edingekayo.
- (3) Uma iNhloko yoMnyango inombono wokuthi ifomu lesicelo aligcwaliswanga ngokufanele noma ukuthi kunemininingwane edingekayo, iNhloko yoMnyango kumele yazise umfaki wesicelo, ngokubhala, ngokungagcwaliswa ngokufanele kwesicelo bese ecela ukuthi umfaki wesicelo agcwalise ngokufanele ifomu lesicelo

- noma anikezele ngemininingwane edingekayo ezinsukwini esingamashumi amabili (20) zokusebenza.
- (4) Uma umfaki wesicelo engaphumeleli ukugcwalisa ifomu lesicelo noma ukunikezela ngemininingwane edingekayo ngesikhathi ezishiwo kumthethosimiswana wesi-(3), umfaki wesicelo kumele athathwe ngokuthi usihoxisile isicelo.
- (5) Uma iNhloko yoMnyango inombono wokuthi ifomu lesicelo ligcwaliswe ngokufanele, kumele-
- (a) idlulisele isicelo eKomidini ukuthi leluleke futhi lenze izincomo esicelweni; futhi
 - (b) ifake isaziso kanyekanye ephephandabeni lendawo kanye *nakusoMqulu* ukwazisa umphakathi ngesicelo kanye nokuthi imeme umphakathi ukuthi ufake umbono esicelweni, ihlinzeke isikhathi esingangezinsuku eziyishumi nanhlanu (15) zokusebenza zalowo mbono womphakathi.
- (6) IKomidi kumele lithathe isicelo kanye nemibono etholiwe (uma ikhona) ezinsukwini ezingamashumi amabili (20) zokusebenza bese lenza izincomo eNhlokweni yoMnyango.
- (7) INhloko yoMnyango, ezinsukwini ezishumi nanhlanu (15) zokusebenza zokuthola izincomo esisuka eKomidini, kumele ithathe izincomo bese yenza isinqumo.
- (8) INhloko yoMnyango, ngaphambi kokuthatha isinqumo ngokwemigomo yesigatshana sesi-(7), ingadlulisela isicelo eKomidini futhi ukuthi liphinde libheke izincomo zalo, isho ngokubhala, izizathu zokubuyisela isicelo eKomidini.
- (9) Uma iNhloko yoMnyango ibuyisela isicelo emuva ukuthi sibhekwe futhi, iKomidi kumele lenze izincomo sokugcina Esicelweni esinjalo ezinsukwini ezingamashumi amabili (20) zokusebenza ezinsukwini isicelo ezibuyiselwe kulo ngazo.
- (10) INhloko yoMnyango, ezinsukwini eziyishumi (10) zokusebenza zokuthola izincomo sokugcina ngokomthethosimiswana wesi-(9), kumele uthathe leso sincomo.

- (11) INhloko yoMnyango, ezinsukwini eziyishumi (10) zokusebenza zokuthatha isinqumo ngesicelo njengokuba kushiwo kumthethosimiswana wesi-(7) noma we-(10), kumele yazise umfaki wesicelo ngokubhala ngesinqumo futhi, uma isicelo singaphumelelanga, unikeze izizathu zokungaphumeleli kwwaso futhi yazise umfaki wesicelo ngamalungelo akhe okufaka isikhalazo ngokomthethosimiso wama-21.
- (12) Uma iNhloko yoMnyango isiqinisekile izincomo zeKomidi ukuthi isicelo sivunyelwe, iNhloko yoMnyango kumele, ezinsukwini eziyishumi (10) zokusebenza, iyalele umhloli, ngokubhala, ukuthi ahlole Izimo Eziphuthumayo okukhulunywe ngazo.
- (13) Umhloli kumele ahlole Izimo Eziphuthumayo bese ehambisa umbiko obhaliwe, ngemiphumela yokuhlola kwakhe, eKomidini ezinsukwini ezingamashumi amabili nanhlanu (25) zokusebenza ngokuyalelwa iNhloko yoMnyango.
- (14) (a) Isicelo kumele sihlizwe usuku sokuhlolwa Igatsha Lezimvume kanye Nezokuhlolwa kwezeMpilo Esifundazweni ezinsukwini eziyikhulu namashumi amabili (120) zokusebenza zosuku oluqokwe iNhloko yoMnyango.
- (b) Uma isicelo singaphumeleli osukwini lokuhlolwa njengokuba kuhlinzekiwe endimeni (a), umfaki wesicelo kumele athathwe njengosihoxisile isicelo sakhe.
- (15) Uma iNhloko yoMnyango isiqinisekise izincomo zeKomidi ukuthi imvume ivunyelwe, ngombandela wokuthi Ezezimo Eziphuthumayo zihlolwe uMhloli ofanele futhi Ezezimo Eziphuthumayo zitholakale zihambisana nale Mithethozimiso, iNhloko yoMnyango kumele ikhiphe imvume ukuthi Izimo Eziphuthumayo zibhalise kurejista yeZimo Eziphuthumayo.

UKUBHEKWA KWESICELO ZEMVUME

10. Uma kubhekwa isicelo semvume, iKomidi kumele libheke imibono kanye nezimpendulo ezitholakele maqondana ngesicelo ukuze kunqunywe ukuthi ingabe kunesidingo seZimo Eziphuthumayo esihlongozwayo futhi lingabheka lokhu okulandelayo:

- (a) Isidingo sokuqinisekisa ukuhambisana kwezokuhlela ezempilo kanye nokuthuthukisa emazingeni kazwelonke, esifundazweni kanye nasekhaya kanye nesidingo sokugqugquzela ukwabiwa okulinganayo kanye nokulinganisa ezempilo ngokulungisa ukungalingani okungenxa yobuhlanga, ubulili, umnotho kanye nendawo kanye nokubheka-
- (i) izimo zenani labantu kanye nesifunda komphakathi osetshenzwayo;
 - (ii) inani selilonke kanye nenani eliphokophele endaweni;
 - (iii) unyaka kanye nobulili obakha umphakathi; kanye
 - (iv) ukuchazwa kwenani lezifo kanye nokufa komphakathi;
- (b) ukutholakala kwezimo eziphuthumayo ezikhona;
- (c) isidingo sokugqugquzela kokusebenza okusezingeni eliphezulu okutholakalayo, okukhokhelekayo, okubiza kahle futhi okuphephile;
- (d) okungaba ubuhle kanye nobubi kwesicelo emiphakathini ethintekile;
- (e) isidingo sokukhuphula abantu noma izinhlobo zabantu abaqokiwe ngokwemigomo yoMthetho Yokulingana eMsebenzini, ka-1998) uMthetho wama-55 ka-1998), i*Broad-Based Black Economic Empowerment Act*, ka-2003 (uMthetho wama-53 ka-2003), i*Co-operatives Act*, ka-2005 (uMthetho we-14 ka-2005) kanye nomkhakha wamabhizinisi amancane, aphakathi namakhulu, okufaka phakathi amabhizinisi aphethwe ngokuhlanganyela;
- (f) okungazuzwa ngokuqeqesha kanye ngokucwaninga kanye nokuthuthukisa ngenhloso yokuthuthukisa Ukuhanjiswa kwezempilo;
- (g) isidingo sokuqinisekisa ukuthi ukuphathwa kwezimo Eziphuthumayo akwakhi imiphumela emibi kubahlinzeki bezinsiza ukusiza ngokweqile iziguli noma bezidlulise ngokungafanele;
- (h) lapho kunesidingo, uhlobo lwezinsiza zempilo olukezwa umfaki wesicelo ngaphambilini; kanye
- (i) lapho kunesidingo, ukuhambisana nezimfuneko zokubika njengokuba kubekiwe kuleMithethozimiso ngaphambilini.

IZINCOMO ZEKOMIDI

11. Ukuhlaziya okulandelayokwesicelo, iKomidi lingenza izincomo ezilandelayo eNhokweni yoMnyango:

- (a) Ukuthi isicelo sivunyelwe
- (b) Ukuthi isicelo sivunyelwe kodwa ngaphansi kwemibandela lapho iKomidi libona kulungile, okufaka, kodwa okungenamkhawulo, endleleni yezinsiza ezizohlinzekwa Izimo Eziphuthumayo; noma
- (c) isicelo singavunyelwa.

ISINQUMO SENHLOKO YOMNYAKO

12. INhloko yoMnyango ingathatha lezi zinqumo ezilandelayo:

- (a) Iqinisekise izincomo seKomidi;
- (b) iqinisekise izincomo ukuvumela isicelo ngaphansi kwemibandela yezincomo ezenziwe yiKomidi; noma
- (c) ingavumelani nezincomo ezenziwe yiKomidi.

UKUKHISHWA KWEMVUME KANYE NEZIMALI ZEMVUME

13. (1) Uma isicelo Sezimo Eziphuthumayo sivunyelwe, noma sivunyelwe ngaphansi kwemibandela, yokuthi Ezezimo Eziphuthumayo zihlolwe umhloli ofanele futhi zatholakala zilungile ngokwale Mithethozimiso, iNhloko yoMnyango kumele-

- (a) ikhiphe imvume ukuthi zenze umsebenzi okukhulunywa ngawo; futhi
- (b) ikhiphe uphawu lwemvume yemoto ngayinye ezosetshenziswa Izimo Eziphuthumayo njenge-ambulense, imoto yokusindisa ngokwelapha noma imoto ephendula ngokwelapha.

- (2) Imvume okukhulunywe ngayo esigatshaneni soku-(1)(a) kumele iqukathe lokhu okulandelayo:
- (a) Igama lomnikazi weZezimo Eziphuthumayo;
 - (b) Igama leZimo Eziphuthumayo;
 - (c) indawo isiteshi seZimo Eziphuthumayo esifundeni sezempilo;
 - (d) uhlobo lomsebenzi olunikezwa Izimo Eziphuthumayo;
 - (e) uhlobo kanye nenani lezimoto Izimo Eziphuthumayo elizozisebenzisa; kanye
 - (f) nanoma iluphi ulwazi iNhloko yoMnyango eluthatha ngokuthi lubalulekile.
- (3) Uphawu lwemvume okukhulunywe ngalo kumthethosimiswana woku-(1)(b) kumele luqukathe lokhu okulandelayo:
- (a) Igama Lezimo Eziphuthumayo;
 - (b) inombolo yokubhalisa yemoto;
 - (c) usuku iphawu lwemvume olukhishwe ngalo;
 - (d) usuku uphawu lwemvume oluphelelwa yisikhathi ngalo; kanye
 - (e) nohlobo lwemoto.

UKUVUSELELWA KWAMINYAKA YONKE KWEZIMVUME KANYE NOPHAWU LWEMVUME

- 14.** (1) Imvume kanye nophawu lwemvume Kwezimo Eziphuthumayo ezinemvume kusebenza isikhathi esingangezinyanga eziyishumi nambili (12) kusukela osukwini lokukhishwa futhi kumele kuvuselelwe njalo ngonyaka, uma Izimo Eziphuthumayo ezihlolwa Umhloli ofanele futhi zatholwa zihambisana nale Mithethozimiso.
- (2) Izimo Eziphuthumayo ezinemvume kumele zifake izicelo zokuvuselelwa kwezimvume kanye nezimpawu zazo ngokulandelana, ezinsukwini ezingamashumi amabili (20) zokusebenza ngaphambi kokuphelelwa yisikhathi kwemvume kanye nezimpawu ezinjalo.
- (3) Ukuvuselelwa kwezimvume kanye nezimpawu kwenzeka emuva kokuhlolwa futhi kwazo ngumhloli ofanele.

UKUMISWA NOMA UKUCHITHWA KWEMVUME

15. (1) Uma Izimo Eziphuthumayo zephula noma zingahambisani nale Mithethozimiso, iNhloko yoMnyango kumele ikhiphe isaziso sokungahambisani kumnikazi wemvume.

(2) Isaziso kumele sisho-

- (a) indlela kanye nezinga lokungahambisani okumele kulungiswe;
- (b) ukungaphumeleli ukulungisa ukungahambisani esikhathini ezishiwo esazisweni kungaholela ekumisweni noma ekuchithweni kwemvume; futhi
- (c) umnikazi wemvume unelungelo ukuzimela ngokubhalela iNhloko yoMnyango, esikhathini sesaziso, mayelana nokumiswa noma ukuchithwa kwemvume okuhlongoziwe.

(3) Uma, ekuphileni kwesikhathi ezishiwo ngokomthethosimiswana wesi-(2)(b), ukungahambisani kungakalungiswa ngokugculisa iNhloko yoMnyango, iNhloko yoMnyango, emva kokubheka wonke amaqiniso, okufaka phakathi umbiko womhloli kanye nakho konke okulethwe ngumnikazi wemvume, ingamisa noma ichithe imvume yeZimo Eziphuthumayo.

(4) Uma imvume imisiwe noma ichithiwe, iNhloko yoMnyango, ezinsukwini eziyishumi (10) zokusebenza, kumele yazise umnikazi wemvume ngokubhala maqondana-

- (a) nesinqumo;
- (b) nesizathu sezinqumo; kanye
- (c) nelungelo lokufaka isikhalazo.

UKUBUYISWA KWEMVUME KANYE NOKUSUSA UKUMISWA KWAYO

16. (1) Abezimo Eziphuthumayo abanemvume echithiwe noma emisiwe, nganoma yisiphi isikhathi, bengafaka isicelo sokuthi kubuyiselwe imvume noma kususwe ukumiswa kwayo.

- (2) Imihlinzeko yomthethosimiso wesi-8 iyasebenza, ngokwenza ushintsho ukuze uhambisane nesimo, maqondana nokufaka isicelo sokubuyiselwa kwemvume.
- (3) Ngaphambi kokuthi iNhloko yoMnyango ibuyisele imvume noma isuse ukumiswa kwayo, umhloli kumele ahlole izimo Eziphuthumayo okukhulunywe ngazo ukuze kunqunywe ukuthi Ezosizo Oluphuthumayo-
 - (a) ziyahambisana nesiNenenzelo A kanye no B; futhi
 - (b) zifanele futhi zanele ngezinhloso zokuhlinzeka usizo olunemzume futhi enze izincomo eNhlokweni yoMnyango.
- (4) INhloko yoMnyango ingahambisa ukumela ukuze kubuyiselwe imvume noma kususwe ukumiswa eKomidini ukuze kubhekwe futhi kwenziwe izincomo.

UKUCHIBIYELWA KWEMVUME

- 17. (1) Ukuze kushintshe izinga lokusebenza imvume ekhishelwe lona, umnikazi wemvume kumele afake isicelo eNhlokweni yoMnyango ukuchibiyela imvume ngokufanele.
- (2) Imihlinzeko yemithethozimiso wesi-8 kanye nowesi-9 iyona esebenzayo, noshintsho oludingekayo ngenxa yesimo, maqondana nesicelo sokuchibiyelwa kwemvume.

UKUSHINTSHA KOBUNINI

- 18. (1) Imvume Yezimo Eziphuthumayo ayikwazi ukudluliswa.
- (2) Uma izimo Eziphuthumayo zithengiselwe umnikazi omusha-
 - (a) umnikazi omusha kumele ahambise isicelo ngokomthethosimiso wesi-8;
 - (b) umnikazi omusha engasebenza emvumeni ekhona isikhathi esingangezinyanga eziyisithupha (6) noma ngemvume entsha noma imvume yesikhashana uma ikhona esikhishiwe egameni lomnikazi omusha; futhi

- (c) iNhloko yoMnyango kumele ithi umhloli akahlole ezinyangeni eziyisithupha (6) okukhulunywe ngazo endimeni (b).

IZIMALI

19. (1) Izimali zesicelo semvume, sokuvuselelwa kwemvume kanye nokuhlolwa maqondana nesicelo, noma ukuvuselelwa, kwemvume njengokuba kushiwo esiNenezelweni D.
- (2) Umfaki wesicelo engazimela ku-MEC ofanele ngokuyekiswa ukukhokha izimali ezifanele.
- (3) Imali yokuvuselela imvume ikhokhwe njalo ngonyaka ekuphele ukuhlolwa kwaminyaka yonke okushiwo kumthethosimiso wesi-14.
- (4) Ukuvuselelwa kwemvume kanye nophawu lwemvume akumele kukhishwe ngaphambi kokuthi kulethwe ubufakazi bokukhokha imali efanele.

UKUXOLELWA

20. (1) INhloko yoMnyango, nganoma isiphi kanye nasezimeni ezinjalo kanye nangesikhathi esinjalo njengoba inganquma, kodwa ngaphansi kwezinyanga ezintathu, ngokubhala, ingavumela inhlangu noma igatsha ukuthi kuxolelwe kunoma yiziphi izimfuneko kule Mithethozimiso, uma lokho kuxolelwa kungeke kube nomthelela ongemuhle ekunakekelweni kweziguli.
- (2) Ukuxolelwa kuvunyelwa ngokwemigomo yaleMithethozimiso kanye nezizathu zokuvumela ukuxolelwa kumele kuvele kurejista Yezimo Eziphuthumayo.

ISIKHALAZO

21. (1) Umuntu-

- (a) ofake isicelo semvume Yezimo Eziphuthumayo noma ukuvuselelwa kwemvume enjalo, kanye nomntu isicelo sakhe esingavunyelwanga; noma

- (b) imvume yakhe emisiwe noma echithiwe, engafaka isikhalazo, ngokubhala, ku-MEC ezinsukwini eziyishumi (10) zokusebenza emva kokwaziswa ngokungavunyelwa, ukumiswa noma ukuchithwa, bese enika izizathu zesikhalazo.
- (2) U-MEC, ezinsukwini ezinhlanu (5) zokusebenza zokuthola isikhalazo, kumele ahambise ikhophi yesikhalazo eNhlokweni yoMnyango.
- (3) INhloko yoMnyango, ezinsukwini eziyishumi (10) zokusebenza zokuthola ikhophi yesikhalazo, kumele ihambise impendulo yesikhalazo ku-MEC.
- (4) U-MEC engaqoka abantu abaya kwabathathu (3) abazimele kanye nabantu abafanele, abangezona izisebenzi zoMnyango noma amalunga eKomidi, ukuthi bayale u-MEC ngesikhalazo.
- (5) U-MEC engavumela noma engavumeli isikhalazo futhi, odabeni lapho isikhalazo sivunyelwe, engashintshwa isinqumo seNhloko yoMnyango bese evumela isicelo.
- (6) Isikhalazo kumele sigoqwe ezinsukwini ezingamashumi amabili (20) zokusebenza zosuku lapho iNhloko yoMnyango ihambise impendulo ku-MEC ngokomthethosimiswana wesi-(3).
- (5) U-MEC kumele akhulume ngesinqumo sesikhalazo kumfaki wesikhalazo ngokubhala, uma isikhalazo singatshiwe, anikezele ngezizathu zokwenqatshelwa kwesikhalazo.
- (8) (a) Uma u-MEC evumela isikhalazo, isinqumo, kanye nezizathu zesinqumo, kumele kutshelwe iNhloko yoMnyango ngokubhala.
- (b) Ekutholeni isinqumo, iNhloko yoMnyango kumele ufake kurejista Yezimo Eziphuthumayo.

INGXENYE YESI-4 – UKUHLOLWA KWEZOKWELAPHA EZIPHUTHUMAYO

UKUHLOLWA KWEZICELO EZINTSHA

22. (1) Ekuvumeleni isicelo yiNhloko yoMnyango, umfaki wesicelo kumele akhokhe imali yokuhlola njengokuba kushiwo esiNenezelweni D futhi ahlinzeke ngesiqiniseko sokukhokha imali yokuhlola.
- (2) Uma umfaki wesicelo ehlinzeka ngesiqiniseko sokukhokhela Igatsha Lezimvume kanye Nezokuhlola, ukuhlola ngeke kwenzeke kwenzeke kuze kube imali yokuhlola ikhokhiwe.
- (3) Ukuhlola kwaleMithethozimiso kwenziwela ukunquma ukuthi ngabe Izimo Eziphuthumayo-
- (a) zihambisana nenqubo yokugunyazwa okushiwo esiNenezelweni A kanye no B, kanye
- (b) nokuthi zifanele futhi zanele ngezinhloso zokuhlinzeka izinsiza ezifakela zona isicelo, ukunikwa imvume.
- (4) ngaphansi kwemibandela yobumfihlo besiguli, umnikazi Wezimo Eziphuthumayo noma yinoma yimuphi umuntu ophethe noma olawula Isikhungo Sezimo Eziphuthumayo noma ophethe umsebenzi, kumele ahlinzeke, kumhloli osebenza ngokwaleMithethozimiso-
- (a) ulwazi Umhloli angaludinga maqondana nenhlangano kanye nokuphathwa kwalesi Sikhungo Sezimo Eziphuthumayo, okufaka phakathi indawo yokuhlala, ukunakekelwa kanye nokwelashwa kweziguli;
- (b) amarejista, amarekhodi okwelashwa kanye namanye amarekhodi eziguli, ezisebenzi kanye nezimoto;

- (c) noma yiluphi olunye ulwazi oludingekayo ukuhlola ukulandelwa kwaleMithethozimiso, okufaka phakathi ukuhambisana nezimfuneko ezibaliwe esiNenezelweni A kanye no B.
- (5) Umhloli engacela ukuthi ukuhanjiswa kolunye ulwazi maqondana nesicelo, okuhlanganisa kodwa okungakhawuliwe imniningwane yokwenza umsebenzi.
- (6) Odabeni lwesikhungo Sezimo Eziphuthumayo esisebenza eziteshini eziningi, umhloli kumele abheke ukuthi izinto ezinjengamarejista kanye namarejista okwelapha, okuhlanganisa namarekhodi obuchwepheshe kanye namarejista, kungaba kwesinye isiteshi noma ihhovisi okungaba yisiteshi esiyisisekelo noma inhloko yehhovisi lweZimo Eziphuthumayo.
- (7) ngaphansi kwemibandela yelungelo lesiguli lobumfihlo, futhi nokuthi ukuhlola akunawo umthelela ongemuhle ekuhambiseni izinsiza, umuntu akumele-
- (a) nganoma iyiphi indlela, avimbele umhloli ukuthi ahlole;
 - (b) enqabe ukunikezela, ngolwazi lwakhe olugcwele, ulwazi olucelwe umhloli;
 - (c) enqabe uma ecelwa ngumhloli, ukuveza imoto, into yokwenza noma indawo; noma
 - (d) enqabe, uma ecelwa ngumhloli, ukuthi avule ikhabethe noma indawo yokubeka izinto.

UKUHLOLWA KWESIKHUNGO SEZIMO EZIPHUTHUMAYO EZIBHALISILE

23. (1) INhloko yoMnyango kumele, okungenani kanye ngonyaka ukwengeza ekuhlolweni ngokwemthethosimiso wama-22, ahlole noma enze ukuthi kuhlolwe, ngumhloli ofanele, zonke izikhungo Zezimo Eziphuthumayo ezibhaliswe ngokweMithethozimiso ukuze kunqunywe ukuthi ingabe Isikhungo Sezimo Eziphuthumayo-
- (a) siyahambisana nesiNenezelo A kanye no B; futhi

- (b) ngabe sifanele futhi sanele ngezinhloso zokuhlinzeka izinsiza esinemvume yazo.
- (2) INhloko yoMnyango, noma yinini lapho kuthathwa ngokuthi kunesidingo, ngokubhala ingayalela - Igatsha Lezimvume kanye Nezokuhlolwa ukuthi lenze okunye ukuhlola ukuze linqume ukuthi ngabe Isikhungo Sezimo Eziphuthumayo-
 - (a) siyahambisana nesiNenezelo A kanye no B; futhi
 - (b) ngabe sifanele futhi sanele ngezinhloso zokuhlinzeka izinsiza esinemvume yazo.

INGXENYE YESI-5 - EZOKUSEBENZA KWE-EMS

UKUBEKWA KWEMVUME KANYE NOPHAWU LWEMVUME

24. Imenenja yeSikhungo Sezimo Eziphuthumayo kumele iqinisekise ukuthi-

- (1) imvume okukhulunywe ngayo kumthethosimiso we-13(1)(a) ibekwe endaweni ebonakalayo esiteshini esiyisisekelo noma enhlokweni yehhovisi kwesikhungo seZimo Eziphuthumayo;
- (2) uphawu lwemvume okukhulunywe ngalo kumthethosimiso we-13(1)(b) lubekwe endaweni ebonakalayo kuzo zonke izimoto ezinezimvume.

IGAMA LESIKHUNGO SEZIMO EZIPHUTHUMAYO

25. (1) – Igama lesikhungo Sezimo Eziphuthumayo kumele-

- (a) livunyelwe iNhloko yoMnyango;
- (b) libe nezimo Eziphuthumayo njengamagama amathathu okugcina;

- (c) lehluke futhi lingafani nelesinye Isikhungo Sezimo Eziphuthumayo abagunyaziwe; futhi
- (d) libhalwe kuzo zonke izimoto.

UKUPHATHWA KWESIKHUNGO SEZIMO EZIPHUTHUMAYO

26. (1) Isikhungo Sezimo Eziphuthumayo kumele siqoke, ngokwamandla aso onke, iMenenja Yesikhungo Sezimo Eziphuthumayo efanele futhi ebhalise noMkhandlu Wobuchwepheshe bezeMpilo eNingizimu Afrika, okungenani, njengoMsizi wezama-Ambulense.
- (2) Isikhungo Sezimo Eziphuthumayo esiVolontiyayo kumele siqoke iMenenja yesiKhungo seZimo Eziphuthumayo efanele futhi ebhalise noMkhandlu Wobuchwepheshe bezeMpilo eNingizimu Afrika, okungenani, njengoMsizi wezama-Ambulense.
- (3) iMenenja yesiKhungo seZimo Eziphuthumayo kumele-
- (a) iqinisekise ukuthi inani leziguli alithwelwe yi-ambulense alidluli inani lenombolo evunyelwe ngokwemihlinzeko yokwakhiwa kwayo kanye nokuphepha kwayo;
 - (b) iqinisekise ukuthi Isikhungo Sezimo Eziphuthumayo Sisebenza ngendlela ehlinzeka ukunakekela okusezingeni eliphezulu futhi okungabeki engcupheni ukuphepha komphakathi, kwesiguli noma izisebenzi;
 - (c) igcine amarekhodi eziguli eyimfihlo, njengokuba kusho umthetho kanye nemithetho yokuziphatha yoMkhandlu Wobuchwepheshe bezeMpilo eNingizimu Afrika;
 - (d) yazise iNhloko yoMnyango ezinsukwini ezingamashumi amabili (20) zokusebenza, nganoma yiluphi ushintsho olwenziwe ngumnikazi wemvume noma ommele ngokwaleMithethozimiso;
 - (e) iqinisekise ukuthi iziguli zingavinjelwa ukuthi zithole ukwelashwa okuphuthumayo Yizimo Eziphuthumayo ngenxa yokungakwazi ukukhokha kweziguli, noma nanoma yiziphi izizathu;

- (f) iqinisekise ukuthi inqubo yokungenelela ngokushesha lapho izisebenzi zizithola zisengozini ngokwemvelo, ngokwamakhemikhali, ngokwengqondo noma ngokomzimba;
- (g) igcine imigomo ehlelekile yokusebenza yenqubo abasebenzi okumele bayilandele;
- (h) igquguquzele amasu okushayela okuphephile, kanye nokuqwashisa kwamasu okushayela kokuzivikela;
- (i) iqinisekise ukuthi zonke izimoto ezisetshenziswa Yisikhungo seZimo Eziphuthumayo zinedivayisi ekwazi ukubona ukuthi imoto ikuphi ngesethelayithi ekwazi ukuveza umkhondo ngaleso sikhathi, okuhlanganisa indawo, ijubane kanye nendlela imoto ehambe ngayo futhi ekwazi ukuveza imibiko yomlando;
- (j) iqinisekise ukuthi Isikhungo Sezimo Eziphuthumayo sigcina izitifiketi ezifanele zempahla esetshenziswa Yisikhungo Sezimo Eziphuthumayo njengokuba kunqume isiNenezelo B;
- (k) iqinisekise ukuthi onke ama-ambulense akhiqizwe, noma ngemuva, kokuqaliswa kwaleMithethozimiso ahambisana Namazinga Emithethozimiso kaZwelonke (SANS) afanele kumkhiqizi wezimoto obhalisile;
- (l) iqinisekise ukuthi zonke izimoto ezisebenzayo futhi ezinezimvume zisesimeni esifanele sokuba semgwaqeni njengokomthetho Womgwaqo ofanele;
- (m) iqinisekise ukuthi Isikhungo Sezimo Eziphuthumayo sigcine amakhophi emiqulu elandelayo sawo wonke ama-ambulense akhiqizwe, noma ngemuva, kosuku lokuqaliswa kwale Mithethozimiso:
 - (i) Umkhiqizi / umngenisi wempahla ezweni / Isitifiketi Sokwakha (MIB) somkhiqizi, somfaki wempahla ezweni kanye nomakhi we-ambulense;
 - (ii) Isitifiketi Sokwakha somakhi we-ambulense ngayinye; kanye
 - (iii) neSitifiketi se-eNaTIS se-ambulense ngayinye njengokuba sikhishwe umkhiqizo we-ambulense;
- (n) iqinisekise ukuthi imithi ibekwe futhi yarekhodwa ngokwe-*Medicines and Related Substance Act*, ka-1965 (uMthetho we-101 ka-1965) kanye ne-*Pharmacy Act*, ka-1974, (uMthetho wama-53 ka-1974);
- (o) iqinisekise ukuthi Izisebenzi Zesikhungo Sezimo Eziphuthumayo zibhalisile noMkhandlu Wobuchwepheshe bezeMpilo eNingizimu Afrika futhi zisebenza ngaphansi kwesikophu soMkhandlu Wobuchwepheshe bezeMpilo eNingizimu

Afrika sokusebenza futhi nokuthi iziguli azisizwa ngokweqile ukuze kuzuzwe imali kuzo;

- (p) iqinisekise futhi igcine ukuziphatha ngendlela kanye nezinga eliphezulu lobuchwepheshe;
- (q) iqinisekise ukuhambisana nemihlinzeko emaqondana nokushayela ezimweni eziphuthumayo ku-*National Road Traffic Act*;
- (r) iqinisekise ukuthi ezimweni lapho kuneziguli eziningi, iziguli zelashwa futhi zithwalwa ngokuqala ngokufanele kuqalwe ngazo ngenxa yesimo sazo futhi nokuthi kulandelwe amandla e-ambulense okuthwala;
- (s) igcine umthwalo wokuqinisekisa ukuziphatha okufanele kwabasebenzi Besikhungo Sezimo Eziphuthumayo;
- (t) iqinisekise ukuthi zikhona izindlela zokuphathwa kwesikhalazo, ukuxoxisana, ukwenganyelwa kokwelapha kanye nokuqinisekisa izinga eliphezulu;
- (u) iqinisekise ukuhambisana nemikhuba kanye nemibandela enqunywe yiHhovisi lezeMpilo Lokulandelwa Kwemibandela;
- (v) iqinisekise ukuthi izilinganiso Zesikhungo Sezimo Eziphuthumayo ngokwe-*Indicator Data Set* zihanjisiwe njengokuba kusho Umcwaningi-Jikelele eNingizimu Afrika; futhi
- (w) iqinisekise ukuhambisana ne-*Basic Conditions of Employment Act*, ka-1997 (uMthetho wama-75 ka-1997) kanye nemihlinzeko efanele ye-*Public Service Regulations*, ka-2001, njengokuba ichitshiyelwe.

ULWAZI OLUMAQONDANA NESIKHUNGO SEZIMO EZIPHUTHUMAYO

27. (1) Imenenja Yesikhungo Sezimo Eziphuthumayo kumele iqinisekise ukuthi amarekhodi okunakekelwa kwesiguli ngasinye esilashiwe noma esithuthiwe agciniwe.
- (2) Imenenja Yesikhungo Sezimo Eziphuthumayo kumele iqinisekise ukuthi ulwazi olulandelayo luyathathwa njalo ngenyanga, lugcinwe ngokufanele futhi litholakala kalula ukuthi luhlolwe uma licelwa ngumhloli noma iNhloko yoMnyango:
- (a) Isikhathi sokuphendula sihlukaniswe kahle esezindawo ezisedolobheni kanye nezisemakhaya;

- (b) amagama, iziqu, imininingwane yokubhalisa noMkhandlu Wobuchwepheshe bezeMpilo waseNingizimu Afrika kanye nemahora asetshenziwe ngenyanga kwezisebenzi, osonkontileka kanye namavolontiya;
- (c) ifayela lesisebenzi ngasinye esiqashwe Yisikhungo Sezimo Eziphuthumayo, okungenani elinalokhu okulandelayo
 - (i) ikhophi kamazisi;
 - (ii) ikhophi yeMvume Yokushayela kanye nePhemithi Yokushayela Ngobuchwepheshe;
 - (iii) ikhophi yenkontileka yokuqoshwa; kanye
 - (iv) nohlu lwabasebenzi abaholelwayo;
- (d) ubufakazi bokubhalisa kwazo zonke izisebenzi-
 - (i) Besikhwama Sesinxephezelo Sokulimala kanye Nesezifo Sasemsebenzini;
 - (ii) Bokukhokha Njengoba Uhola;
 - (iii) Bemali Yokuthuthukiswa Kwamakhono; kanye
 - (iv) nobeSikhwama Somushwayilense Wokungasebenzi;
- (e) ubufakazi benimbolo yama-ambulense kanye nezimoto eziphendulayo ezisebenzayo;
- (f) irekhodi lenombolo kanye nohlobo lwezigameko ezingabanga zinhle ezigulini;
- (g) uhlu lwesikhathi zezisebenzi zanyanga zonke; kanye
- (h) irekhodi lezikhalazo ezitholakele kanye nezisombululo zazo.

AMANDLA EZISEBENZI ZOKUNAKEKELA OKUPHUTHUMAYO

28. Izisebenzi Zokunakekela Okuphuthumayo, noma yinini lapho bebona kunesidingo noma kukuhle ukuze benze imisebenzi yabo yokusindisa impilo noma ukuvimbela ukulimala komzimba, bengenza noma yini enesidingo, ukuze bezokwazi ukwenza imisebenzi yabo, futhi ngaphansi kwemibandela yemithetho efanele-

- (a) bengavala noma yimuphi umgwaqo noma isitaladi;
- (b) bengangena noma bengagqekeza noma yisiphi izakhiwo;

- (c) bengalimaza noma yisiphi izakhiwo;
- (d) endaweni yokwenzeka kwesigameko bengasusa noma yimuphi umuntu oyingozi, noma osebungozini, noma ophazamisa Isisebenzi Zokunakekela Okuphuthumayo ekutheni zenze umsebenzi wazo; futhi
- (e) bengenza ukuthi kususwe endaweni yokwenzeka kwesigameko noma yisiphi Isisebenzi Sokunakekela Okuphuthumayo esingafuni ukunikeza iziguli ukunakekela okusezingeni elifanele elidinga ukungenelela okuphezulu.

INGXENYE YESI-6 – IMIHLINZEKO EYAHLUKENE

UKUTHUMA

29. INhloko yoMnyango inganika amandla noma umsebenzi enikezwe noma ethweswe wona aleMithethozimiso kusiPhathimandla, ngaphandle-

- (a) amandla okwenza isinqumo ngesicelo ngokwaleMithethozimiso;
- (b) amandla okumisa noma ukuchithwa imvume ngokoMthethosimiso se-15(3); kanye
- (c) umsebenzi wokuhambisa impendulo yesikhalazo ku-MEC ngokoMthethosimiso sama-21(3).

AMACALA KANYE NEZIJEZISO

30. Umuntu

- (a) osungula, osebenzisa, oqhuba, ophatha, olawula Isikhungo Sezimo Eziphuthumayo, noma oshintsha ubuningi, onika igama elisha, oshintsha indawo yezinsiza okwesikhashana noma unomphela, noma oshintsha imisebenzi, Yesikhungo Sezimo Eziphuthumayo ngaphandle kwemvume noma ngaphandle kokulandela leMithethozimiso;
- (b) umuntu obheke, noma oqashwe Yisikhungo Sezimo Eziphuthumayo futhi-

CONTINUES ON PAGE 130 - PART 2



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- (i) ovimbela noma owengqabela ukuthi Umhloli noma umuntu omeleyena, ukuthi akwazi ukungena kuleso Sikhungo Sezimo Eziphuthumayo ngenhloso yokuhlola ngokwaleMithethozimiso;
 - (ii) ongaphumeleli ukulandela leMithethozimiso;
 - (iii) ovimbela ukungena kwesiguli esidingo ukunakekelwa okuphuthumayo Esikhungweni Sezimo Eziphuthumayo;
 - (iv) oziphatha, noma ovumela izisebenzi ukuthi ziziphathe (odabeni lomuntu oziphethe kahle), ngendlela engathathwa ngokuthi icekela phansi igama lenkampani;
 - (v) owelapha ngendlela engekho kuskophu sokusebenza okufanele seZisebenzi Zokunakekela Okuphuthumayo njengokuba kuchaze uMkhandlu Wobuchwepheshe bezeMpilo eNingizimu Afrika;
 - (vi) onolwazi lwesimo sidinga ukunakekela okuphuthumayo bese egodla ngamabomu ulwazi ulufanele Esikhungweni Sezimo Eziphuthumayo;
- (d) ohlukumeza noma obiza usizo kodwa ebe azi ukuthi asikho isizathu sokwenza lokho;
- (e) oveza, noma ofaka imoto engenayo imvume ngokwaleMithethozimiso-
- (i) ngenhlabamkhosi;
 - (ii) amalambu akhanyayo abovu;
 - (iii) uphawu “*star for life*” noma ezinye izimpawu, ama-emblemu, amalogo, amadivaysi akhethiwe, ukumakwa, amagama ngandlela thile okuhlobene Nesikhungo Sezimo Eziphuthumayo; noma
 - (iv) amagama “iParamedikhi”, “Izimo Eziphuthumayo”, “Uchwepheshe Wezokunakekela Okuphuthumayo”, “Usizo Oluphezulu Lokuphefumula”, “ALS”, “Usizo Oluphakathi Lokuphefumula”, “ILS”, “Ungcweti Wezokunakekela Okuphuthumayo”, “ECT”, “Umsizi Wokunakekela Okuphuthumayo”, “Umsizi Wezokunakekela Okuphuthumayo”, “ECA”, “i-ambulense”, “Ezokuphendula Ngokwelapha Okuphuthumayo”, “Umsizi Wesisekelo we-ambulense” “BBA”, “Ezosizo Oluyisisekelo Lokuphefumula”, “BLS”, udokotela noma omele yena;
- (f) oveza igama “*Paramedic*”, “*Intensive Care Unit*”, “ICU”, noma amagama “*Advanced Life Support*”, “ALS” noma “*Emergency Care Practitioner*” “ECP”, udokotela emotweni lapho imoto enjalo-

- (i) kungekho okungenani noyedwa umsebenzi obhalise njengochwepheshe wokwelapha, uchwepheshe wokunakekela okuphuthumayo noma ipharamedikhi ebhalisile noMkhandlu Wobuchwepheshe bezeMpilo eNingizimu Afrika;
 - (ii) engahlonyiswanga ukuthi kuhlinzeke ngezinsiza zesizo oluphezulu lokuphefumula;
 - (iii) engenayo imvume ngokwaleMithethozimiso njenge-ambulense, imoto ephendula eziphuthumayo noma imoto esiza ngokwelapha;
- (g) ozenza Isisebenzi Sezokunakekela Okuphuthumayo;
- (h) ovimbela Izisebenzi Zezokunakekela Okuphuthumayo ekwenzeni imisebenzi yazo ngokomthethosimiso sama-28.

unecala futhi uzobekwa icala, engagwetshwa ngokukhokha imali engedluli u-R500 000.00 noma ukuboshwa isikhathi esingedluli iminyaka eyisihlanu (5) noma kokubili, izigwebo esinjalo kanye nokuboshwa isikhathi esingedluli iminyaka emihlanu (5).

IMIHLINZEKO YOSHINTSHO

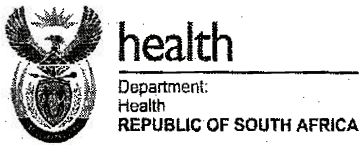
31. (1) Isikhungo Sezimo Eziphuthumayo esisebenza ngaphambi kokuqaliswa kwaleMithethozimiso kumelesivunyelwe ukuthi siqhubeka nokuhlinzeka ngezinsiza isikhathi isingangonyaka owodwa (1) emuva kokuqaliswa le Mithethozimiso.
- (2) Isikhungo Sezimo Eziphuthumayo okukhulunywe ngaso kumthethosimiswana woku- (1) kumele sibe nemvume ngokwaleMithethozimiso ngaphambi kokuthi siqhubeka nokusebenza emuva kwesikhathi esiwunoyaka owodwa (1) kulandela ukuqaliswa kwale Mithethozimiso.
- (3) Ukungaphumeleli ukuba nemvume Kwesikhungo Sezimo Eziphuthumayo okukhulunywe ngayo kumthethosimiswana woku-(1) kuqukethe icala njengokuba kuhlinzekelwe umthethosimiso sama-30(a).

UKUCHITHWA

- 32.** Imithethozimiso Wezikhungo Zezimo Eziphuthumayo, ka-2015, oshicilelwe Esazisweni sikaHulumeni No.R413, uSomqulu kaHulumeni No. 38775 wangosuku mhla ziye-8 kuNhlaba 2015.

ISIHLOKO ESIFUSHANE

- 33.** Le Mithethozimiso ibizwa ngeMithethozimiso Yezikhungo Sezimo Eziphuthumayo, ka-2017.

Isinenezelo A**IZIMFUNeko ZEZIKHUNGO ZEZIMO EZIPHUTHUMAYO****1) AMAZINGA OKUSEBENZA**

- a) Isikhungo Sezimo Eziphuthumayo sizosebenza ngokuhambisana nemvume yaso, futhi nesakhiwo kumele zikwazi ukuseseka esikhathini saso sokusebenza esihlosiwe.
- b) Isikhu Sezimo Eziphuthumayo kumele sibhalise ukuhlinzeka izinsiza ezintweni ezilandelayo:
 - i) Usizo Oluphakathi Lokuphefumula
 - ii) Usizo Oluphezulu Lokuphefumula
 - iii) usizo lokwelapha lomoya;
 - iv) noma usizo oluphuthumayo emicimbini
 - v) isikhungo semfundo Semfundo Sezimo Eziphuthumayo
- c) Lapho umsebenzi onjalo udinga isengezo ukuhlinzeka ngezinsiza zokuphephisa ngokwelapha, kumele aqinisekise ukuthi umsebenzi uqeqeshiwe ngezifundo ezivunyelwe uMkhandlu Wobuchwepheshe bezeMpilo eNingizimu Afrika, ahlome ngemishini yokuhlenga efanele kanye nezimoto ezibhalise Njengezimoto Zokuhlenga Ngokwelapha ngokuhambisana ne-National Road Traffic Act.
- d) Ezokulapha Emicimbini kanye nesikhungo sezemfundo Sezimo Eziphuthumayo kumele kulandele phakathi izimfuneko Zosizo Oluphakathi Lokuphefumula noma Zosizo Oluphezuli Lokuphefumula noma Ezosizo Lokwelapha Lomoya futhi ngokwehlukanyiswa kwakho.

2) IZIMFUNeko EZEJWAYELEKILE

- a) Umsebenzi kumele ubhekwe yiMenenja Yesikhungo Sezimo Eziphuthumayo okungenani oneziqu zokuba Umsizi We-ambulense futhi obhalisile noMkhandlu Wobuchwepheshe bezeMpilo eNingizimu Afrika.
- b) Umsebenzi kumele ube nesisekelo kanye nesiteshi-
 - i) okunazo zonke izakhiwo; kanye
 - ii) okunezakhiwo zikanomphela, amapayipi amanzi kanye nogesi okufakiwe kahle kanye nezakhiwo ezihlanzekile.
- c) Kumele kube khona, okuhlanganisa isivumelwano nabahlinzeki abafanele bezakhiwo ezinjenge-
 - i) sakhiwo sezinto ezingcolile lapho okuhlanzwa khona imishini engcolile kanye nelineni; kanye

- ii) indawo yokugeza izimoto enezithiyo ezakhiwe ukulandela Ngokwemithetho Kamasipala Wendawo.
- d) Kumele kube nohlelo olufanele lokuphathwa kwemithi eyimfucuzwa futhi Isikhungo Sezimo Eziphuthumayo kumele sibe nomqulu wobufakazi obukhona besivumelwano sangaleso sikhathi nenkampani yokulahlwa kwemfucuzwa noma isakhiwo sezempilo sokulahlwa kwemithi eyimfucuzwa.
- e) Igumbi lokugcina imithi elihambisana nezimfuneko zegumbi eliphephile lokugcinwa kwemithi kanye namathangi omoya onamandla ngokomthetho ofanele.
- f) Isikhungo Sezimo Eziphuthumayo kumele sibhaliswe ngokuhambisana nomthetho ofanele:
 - i) Odabeni lwemisebenzi yomkhakha wangasese, umfaki wesicelo kumele kube ngonenkampani ebhalisile ngokwemigomo yoMthetho Wezinkampani, ka-2008 (uMthetho wama-71 wezi-2008); kanye neBhodi Labaxhasi Bezempilo okulandela ukuba nemvume futhi ngaphambi kokuqalisa ukusebenza;
 - ii) Odabeni lwesikhungo lwesikhungo Esivolontiyayo Sezimo Eziphuthumayo umfaki wesicelo kumele kube ngobhalisile njengegatsha elifakwe ngaphansi kwelingenzi nzuzo, kanye nangaphansi kweNhlangothi Esiza Umphakathi njengokuba kushiwo eMthethweni Wenhlangothi Engenzi Nzuzo, ka-1997 kanye noMthetho Wentela Yeholo, ka-1997 ngokulandelana.
- g) Ubufakazi bomshuwalense wokukhokha izikweletu Wesikhungo Sezimo Eziphuthumayo okukhulunywe ngaso, inani okumele linqunywe uhlobo kanye ngobukhulu bomsebenzi ohlinzekwayo.
- h) Isikhungo Sezimo Eziphuthumayo kumele sisebenze ngokuhambisana Nokuziphatha kanye Nemithetho Yobuchwepheshe yoMkhandlu Wobuchwepheshe bezeMpilo eNingizimu Afrika kanye Nemihlahlandlela Yokuziphatha yokusebenza kahle ebuchwephesheni bezempilo. Umuntu Ophethe, Ungcweti Ophethe Kwezokwelapha kanye Nemenenja Yesikhungo Sezimo Eziphuthumayo kumele ngaso sonke isikhathi bebe esimweni esihle noMkhandlu Wobuchwepheshe bezeMpilo eNingizimu Afrika.

3) IZISEBENZI

- a) Okungenani izisebenzi eziMbili kumele zisebenze ku-ambulense noma imoto esindisa ngokulapha, kanye nesisebenzi okungenani esisodwa kumele sisebenze emotweni ephendulayo yokwelapha.
- b) : Izisebenzi kumele zibhalise noMkhandlu Wobuchwepheshe bezeMpilo eNingizimu Afrika njengokuba kunqunywe yizinga loMsebenzi owenziwayo futhi kumele kube kanje:
 - i) **Ezosizo Oluyisisekelo Lokuphefumula**
 - (1) Izisebenzi kumele zibe ezibhalisile Njengabasizi Besisekelo Be-ambulense.

ii) Usizo Oluphakathi Lokuphefumula

- (1) Umsizi weziguli kumele okungenani abe Ngumsizi We-ambulance noma Umsizi Wezokunakekela Eziphuthumayo obhalisile, ithimba kumele libe Abasizi Abayisisekelo Be-ambulance ababhalisile.

iii) Usizo Oluphezulu Lokuphefumula – I-ambulance

- (1) Umsizi wesiguli kumele abhalise njenge-Paramedikhi noma Ungcweti Wezokunakekela Kwezempilo noma Uchwepheshe Wezokunakekela Kwezempilo, ithimba lesibili kumele okungenani libhalise njengaBasizi Abayisisekelo Be-ambulance noma Abasizi Bezokunakekela Okuphuthumayo.
- c) Ithimba le-ambulance, igatsha eliphendula ngokwelapha noma igatsha elisindisa ngokwelapha kumele libe nemvume yokushayela efanele futhi, odabeni lwemoto ethwala iziguli kokubili nethimba lesibili kanye nomsizi weziguli kumele babe nephemithi yobuchwepheshe yokushayela okumele ibe sohlobeni "Lwabagibeli".
- d) Zonke izisebenzi kumele zigqoke umfaniswano ofanele wezimpahla zokuzivikela, onamagama abo okuqala, izibongo kanye nohlobo lokubhaliswa okuvezwe ngokugqama empahleni eshiwo.
- e) Izisebenzi Zokunakekela Okuphuthumayo ngazo zonke izikhathi, kumele zihlale nesiguli ngesikhathi sinakekelwa Yisikhungo Sezimo Eziphuthumayo noma kuze kube sihanjiswa esikhungweni sezempilo.
- f) Izisebenzi Zokunakekela Okuphuthumayo akumele zisebenze kudlule amahora okumele zisebenze ngawo ngokwezikhathi zabasebenzi njengokuba kuqondise i-*Basic Conditions of Employment Act*, ka-1997 kanye ngokweMithethozimiso Zokusebenzela uMphakathi, ka-2001, njengokuba kuchibiyelwa.

4) IZIMFUNeko ZEZISEBENZI

- a) Isikhungo Sezimo Eziphuthumayo kumele siqashe leli nani elilandelayo lamalunga ezisebenzi;

i) Usizo Oluphezulu Lokuphefumula

- (1) Esifundeni lapho inani labantu sebebonke lingaphezu kwabantu abayi-150 000 njengokuba kuchazwe Yizibalo zaseNingizimu Afrika embikweni "Wokubalwa Kwabantu" okuqeda kushicilelwe, Isikhungo Sezimo Eziphuthumayo esinemvume yezinga Losizo Oluphezulu Lokuphefumula kumele siqiniseke ukuthi i-Paramedikhi noma Ungcweti Wokunakekela Okuphuthumayo noma Uchwepheshe Wokunakekela Okuphuthumayo obhalise noMkhandlu Wobuchwepheshe bezeMpilo eNingizimu Afrika, okungenani sinemoto eyodwa ngesikhathi sokusebenza ngazo zonke izikhathi.
- (2) Esifundeni lapho inani labantu sebebonke bangaphansi noma balingana ne-150 000 njengokuba kuchazwe Yizibalo zaseNingizimu Afrika embikweni "Wokubalwa Kwabantu" okuqeda kushicilelwe, Usizo Oluphezulu Lokuphefumula kumele okungenani luqashe i-Paramedikhi noma noma Ungcweti Wokunakekela Okuphuthumayo noma Uchwepheshe Wokunakekela Okuphuthumayo okubhalisile.

ii) Usizo Oluphakathi Lokuphefumula

- (1) Isikhungo SEZIMO Eziphuthumayo kumele siqashe okungenani Umsizi We-ambulense oyedwa noma Umsizi Wezokunakekela Okuphuthumayo oyedwa ngokwe-ambulense enemvume Esikhungweni Sezimo Eziphuthumayo ngaso sonke isikhathi kuma-ambulense okuhloswe ukuthi asetshenziswe ezingeni losizo oluphakathi lokuphefumula.
- (2) Lokhu kumele kwengeze kuMenenja Wesikhungo Sezimo Eziphuthumayo.

iii) Imoto ephendulayo yokwelapha

.Noma kufanele ukuthi imoto ibe namalunga ezisebenzi amabili, kumele ibe nelunga elilodwa labasebenzi, ababhalise noMkhandlu Wobuchwepheshe bezeMpilo eNingizimu Afrika njengeBasizi Be-ambulense.

iv) Ukusindisa Ngokwelapha

- (1) Izisebenzi zombili kumele zibhalise noMkhandlu Wobuchwepheshe bezeMpilo eNingizimu Afrika futhi okungenani ebhalise njengoMsizi We-ambulense.
- (2) Ukwengeza kulokho izisebenzi zombili kumele zibe neziqo zokuba Eziyisisekelo Zabasindisi Bokwelapha.

v) Ezosizo Ngokomoya

Ilunga lezisebenzi eliphezulu le-ambulense yomoya kumele libhalise ohlobeni Longcweti Bezimo Eziphuthumayo noma uChwepheshe Wekunakekela Okuphuthumayo noMkhandlu Wobuchwepheshe bezeMpilo waseNingizimu Afrika, one-CAT 138 esebenzayo, isitifiketi sokuba uMhlinzeki Wezempilo Wendiza, sokuba owoSizo Oluphezulu Lokunakekelwa Kwenhliziyo, sokuba owoSizo Oluphakathi Lokusiza Ngokuphefumula noma sokuba owoSizo Oluphezulu Lokusiza Ngokuphefumula kanye nesokuba Owezosizo Oluphezulu Lokusiza Izingane Ngokuphefumula.

vi) Isisebenzi Sesibili ku-Ambulense

- (1) Izimfuneko zokuba yisisebenzi sesibili ku-ambulense ukuthi ube ngumuntu okungenani obhalisile ukuthi abe Umsizi We-ambulense eMkhandlini Wobuchwepheshe bezeMpilo eNingizimu Afrika.

vii) Abahlengikazi

- (1) Umhlengikazi bengasiza i-ambulense egcwele izisebenzi okungenani amalunga amabili ethimba abhalisile ezingeni Eliyisekelo lokuba Umsizi We-ambulense.
- (2) Umhlengikazi akumele ukuthi athathwe njengomunye wabasebenzi abadingekayo ku-ambulense, ngaphandle uma loyo mhlengikazi ebhalise noMkhandlu Wobuchwepheshe bezeMpilo eNingizimu Afrika kanye noMkhandlu Wabahlengikazi eNingizimu Afrika.

viii) UMphathi Wobuchwepheshe Bezokwelapha

- (1) Umphathi Wobuchwepheshe Bozokwelapha oyedwa oneziqo ezifanele kanye nesipiliyoni kumele aqokwe noma aqashwe ngokwenkontileka ukuthi asebenze njengomphathi wendawo yokwelapha yesifunda sezempilo ngasinye.
- (2) Umphathi Wobuchwepheshe Bezempilo kumele abhalise noMkhandlu Wobuchwepheshe bezeMpilo eNingizimu Afrika ngokwemigomo yoMthetho Wobuchwepheshe bezeMpilo.

- (3) Umphathi Wobuchwepheshe bezeMpilo kumele enganikwa inkontileka Yezikhungo Zezimo Eziphuthumayo ezingaphezu kwezintathu kanyekanye.
- (4) Umphathi Wobuchwepheshe bezeMpilo kumele Izisebenzi Zezimo Eziphuthumayo zixoxisane naye ngokujwayela uma kudingeka.
- (5) Isikhungo Sezimo Eziphuthumayo kumele sigcine isivumelwano sezinga lokusebenza sangaleso sikhathi, nomphathi wobuchwepheshe bezempilo siqinisekisa ukuthi umphathi wobuchwepheshe bezempilo uyatholakala ukuthi asUsayizi ngokwenganyelwa kokwelapha, imibono yokwelapha kanye nokuphatha kanye nokuqeqesha, uma kudingeka.

5) IZIMOTO

- a) Zonke izimoto Zezikhungo Sezimo Eziphuthumayo ezisetshenziswayo kumele zihambisane ne-*National Road Traffic Act* noma ukubhaliswa kwemoto efanele noma umthetho wokuphepha, njengokuba kufanele.
- b) Ama-ambulense kumele-
 - i) akhiwe ngendlela yokuthi izisebenzi ezilaphayo zikwazi ukusiza iziguli ukuze ziqale futhi zikwazi ukugcina usizo lokuphefumula;
 - ii) afakwe uhlelo lomsakazo ondlela zimbili noma uhlelo lokuxhumana lukamakhalekhukhwini noma inhlenganisela yalokhu evumela ukuxhumana ngazo zonke izikhathi nesikhungo esithumelayo;
 - iii) afakwe amalambu abomvu okumele abonakale ngaphambili, ngemuva kanye nasemaceleni omabili emoto ngazo zonke izikhathi, kanye nenhlabamkhosi ngokuhambisana nokubhaliswa kwemoto okufanele kanye nomthetho wokuphepha;
 - iv) Abhalwe igama "Ambulense" ngaphambili kanye nangemuva futhi kumele alandele ubukhulu obulandelayo: 600mm X 150mm; noma ubukhulu bawo kube ubukhulu obufanele ukwenza imoto.
 - v) akhiwe ngendlela yokuthi ingaphakathi legumbi lesiguli; kungafakwa ingxenye yomshayeli, kumele okungenani libe-
 - (1) ukuphakama 1222mm;
 - (2) ububanzi 1333mm;
 - (3) ubude 1900mm;
 - vi) akhiwe ngendlela yokuthi kuhlinzekiwe ngokukhanya okufanele, okufakwe egumbini lesiguli;
 - vii) kumele kufakwe ku-ambulense okungenani ama-watt ayi-2 000 e-invetha kagesi, ekwazi ukuhlinzeka ngamandla angama-220 volthi egumbini lesiguli emotweni;
 - viii) kumele kube nendawo yokungena efanele evumela ukuthathwa kanye nokwehliswa kwesiguli ngaphandle kokuthikameza isimo sesiguli;
 - ix) akhiwe ngendlela yokuthi iziguli singathwalwa silele sibheke phezulu futhi anemishini efanele ukwenza lokho;

- x) anedivaysi efakiwe yokulawula efakelwe zonke iziguli kanye nezisebenzi zezokunakekela okuphuthumayo;
- xi) abe nohlaka olufakwe idivayisi yokulawula, elivunyelwe umkumkhiqizohlaka, okumele lufakwe emotweni futhi kumele ilawule ingaphambili kanye nengemuva lohlaka;
- xii) abe nohlaka olunamathele ngendlela yokuthi livumele izisebenzi ezelaphayo ukuthi zikwazi ukubona kahle, zikwazi ukusiza isiguli kanye nemishini efanele yokwelapha;
- xiii) abe nohlaka olufakwe ngendlela yokuthi aluvali indlela yokungena noma yokuphuma yemoto;
- xiv) abe nohlaka olufakwe ngendlela yokuthi aluvali indlela yokuhamba komoya esigulini futhi ngendlela yokuthi ukwenziwa amasu okusiza ngomoya ngeke evimbeleke;
- xv) akhiwe ngendlela yokuthi imishini yokwelapha kanye namasilinda omoya okwelapha avikelekile kubakaki abahlaniswe nomzimba wemoto futhi abangavumeli noma yikuphi ukunyakaza kwemishini yokwelapha noma amasilinda omoya okwelapha phakathi egumbini le-ambulense
- xvi) akhiwe ngendlela yokuthi imishini yokwelapha kanye namasilinda omoya okwelapha afakwe ngendlela yokuthi akuvumbeli ukungena noma ukuphuma kwemoto noma kubeke engozini izisebenzi noma iziguli;
- xvii) abe namasilinda omoya okwelapha kanye nendawo yokuphuma emakwe ngokwendlela yokusebenza kwe-SANS futhi ahlolwe yigatsha lokuhlola elivunyelwe loMnyango wabaSebenzi
- xviii) abe nemishini efanele efakwe ngaphakathi ukwelapha ingaphakathi – imishini enjalo kumele ifakwe ngendlela yokuthi ayilimazi iziguli noma izisebenzi;
- xix) abe negumbi lesiguli kumele lendlalwe ngento engavuzi ukuze igazi noma olunye uketshezi lomzimba kungangcolisi indawo, futhi ekwaziyo ukuthi kuhlanzwe igumbi;
- xx) abe nezindawo kanye nemishini phakathi ku-ambulense engavezi konke ukungcola okubandakanya: uthuli, ukungcola, igazi, indle, umchamo, isicubu zenyama zomuntu noma olunye uketshezi lomzimba;
- xxi) abe negumbi lesiguli elehlukanisiwe negumbi lomshayela ngendlela yokuthi iziguli, ukwelashwa kwesiguli, kanye nezenzo zesiguli akumele kube nomthelela nokushayelwa kwemoto;
- xxii) odabeni lwemoto enesisindo semoto yonke siyi-3 500kg, ifakwe izinkomba zemoto ebumnyameni ezibovu kanye nonxantathu ophuzi ngaphambili emotweni, njengokuba kufunwa yi-*National Road Traffic Act*;
- xxiii) odabeni lapho imoto inesisindo esedlule u-3 500kg, kumele ifakwe izinkomba zemoto ebumnyameni emacaleni omabili emoto kanye nangemuva layo, ukwengeza

kunxantathu, okumele afakwe ngaphansi kuka-600mm kusukela ngezansi emzimbeni waleyo moto, njengokuba kufunwa yi-*National Road Traffic Act*;

- c) . Inani lezimoto zokwelapha eziphuthumayo ngosizo lokwelapha ezibhaliswe Esikhungweni Sezimo Eziphuthumayo akumele zedlule inani lama-ambulense abhalise kuleso Sikhungo Sezimo Eziphuthumayo ngaphandle uma kunesivumelwano sezinga lokusebenza Nesikhungo Sezimo Eziphuthumayo esivunyelwe. Izimfuneko zokuvunyelwa kwengxenywe enikwe inkontileka izobuyekwezwa ukuqinisekisa ukulandela leMithethozimiso.
- d) Izimoto ezibandakanyiwe emvumeni Yesikhungo Sezimo Eziphuthumayo kumele zifakwe ohlwini lokuba ezomfaki wesicelo Sesikhungo Sezimo Eziphuthumayo futhi sibhaliswe ohlwini "Umnini" "Kusitifiketi Sokubhalisa" njengokuba kusho i-*National Road Traffic Act* efanele yokubhaliswa kwemoto okufanele kanye nemithetho yokuphepha.
- e) Isikhungo Esivolontiyayo Sezimo Eziphuthumayo esibhalise njengegatsha elifakwe ngaphansi kwelengenzi nzuzo, futhi njengeNhlango Yenzuzo Yomphakathi njengokusho koMthetho Wezinhlango Ezingenzi Nzuzo, ka-1997 kanye noMthetho Wentela, ka-1962 ngokulandelana, sivunyelwe ukubhalisa ubuningi bezimoto zokwelapha ezi-(3).
- f) Imoto ngayinye esebenza njenge-ambulense, imoto yokwelapha noma imoto yokulondolozwa kwezokwelapha kumele imakwe ngokugqamile, inemvume, ibhalisiwe njengokuba isho i-*National Road Traffic Act* efanele yokubhaliswa kwemoto kanye nomthetho wokuphepha futhi ngokuhambisana nomfaniswano ovunyelwe kazwelonke.
- g) Umfaniswano ongamele imisebenzi yesikhungo sezimo eziphuthumayi ngeke uvunyelwe.

6) INOMBOLO YOCINGO YEZIMO EZIPHUTHUMAYO

- a) Imoto ngayinye esetshenziswa yisikhungo sezimo eziphuthumayo kumele ibhale inombolo yocingo yesimo eziphuthumayo ye-ambulense ngemuva kanye nakumacala omabili aleyo moto yesimo eziphuthumayo.

7) UPHAWU LWEMVUME

- a) Onke ama-ambulense, izimoto zokwelapha kanye nezimoto zokulondoloza ngokwelapha kumele ziveze uphawu lwemvume olusebenzayo endaweni egqamilewindini lomoya le-ambulense lapho kulula ukubona imigomo ye-*National Road Traffic Act*.

8) IZINSIZA ZOKWELAPHA ZOMOYA

- a) Odabeni lwezinsiza zokwelapha zomoya, umshayeli wendiza kumele abe nemvume efanele u-G7 kanye nemvume i-CATS/PART 138njengokuba kucacisiwe yi-*Civil Aviation Authority of South Africa*.

9) UHLELO LOKUXHUMANA

- a) Zonke izikhungo Zezimo Eziphuthumayo kumele zibe nohlelo olufanele lokuxhumana oluvumele ukuthi kube nokuxhumana okulula phakathi kwesiteshi kanye nezimoto.

10) IZINDLELA ZOKUKHALAZA

- a) Zonke izikhungo Zezimo Eziphuthumayo kumele zibe nezindlela zokukhalaza ezihambisana Nenqubo Kazwelonke Yokuphathwa Kwezikhalazo koMkhakha Wezempilo Yomphakathi eNingizimu Afrika, ka-2014 imininingwane kumele itholakale kubasebenzisi Besikhungo Sezimo Eziphuthumayo, okubandakanya ukubeka obala imininingwane enjalo emotweni ngayinye kanye Nasesikhungweni Sezimo Eziphuthumayo ngasinye.

11) IMISHINI

- a) Onke ama-ambulense, izimoto zokwelapha eziphuthumayo kanye nezimoto zokulondolozwa kwezokwelapha kumele zibe nemishini ebalwe kuSinenezelo B.

Isinenezelo B



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Imishini Yomgudu Womoya	I- ambulense ye-ILS	I- ambulense ye-ALS	Imoto Yokwelaph a ye-ILS	Imoto Yokwelaph a Ephuthuma yo	Imoto Yokulondol oza kwezokwel apha	I- ambulense Yomoya Ye-ALS
Umgudu Womoya we- <i>Oropharyngeal</i> Nos. 00,0,1,2,3,4	Ibe 2 ngayinye	Ibe 2 ngayinye	Ibe 2 ngayinye	Ibe 2 ngayinye	Ibe 2 ngayinye	Ibe 2 ngayinye
Ishubhu Lokumunca/Ukufaka Uketshezi Emzimbeni Eliqinile (Okwabantwana)	2	2	2	2	2	2
Ubukhulu Ishubhu Lokumunca/Ukufaka Uketshezi Emzimbeni No. 5 FG	2	2	2	2	2	2
Ubukhulu Beshubhu Lokumunca/Ukufaka Uketshezi Emzimbeni No. 6 FG	2	2	2	2	2	2
Ubukhulu Beshubhu Lokumunca/Ukufaka Uketshezi Emzimbeni No. 8 FG	2	2	2	2	2	2
Ubukhulu Beshubhu Lezingane Lokumunca/Ukufaka Uketshezi Emzimbeni No. 10 FG	1	1	1	1	1	1
Ubukhulu Beshubhu Labadala Lokumunca/Ukufaka Uketshezi Emzimbeni No. 12 FG h	1	1	1	1	1	1
Ubukhulu Beshubhu Labadala Lokumunca/Ukufaka Uketshezi Emzimbeni No. No. 14 FG	1	1	1	1	1	1
Ubukhulu Beshubhu Lokumunca/Ukufaka Uketshezi Emzimbeni No. 5 FG	1	1	1	1	1	1
Ubukhulu Ishubhu Lokumunca/Ukufaka Uketshezi Emzimbeni No. 6 FG	1	1	1	1	1	1
Ubukhulu Beshubhu Lokumunca/Ukufaka Uketshezi Emzimbeni No. 8 FG	1	1	1	1	1	1
Ubukhulu Beshubhu Lezingane Lokumunca/Ukufaka Uketshezi Emzimbeni No. 10 FG	1	AKUSIYO IMPOQO	1	1	AKUSIYO IMPOQO	AKUSIYO IMPOQO
Ubukhulu Beshubhu Labadala Lokumunca/Ukufaka Uketshezi Emzimbeni No. 12 FG	0	1	0	0	1	1
Ubukhulu Beshubhu Labadala Lokumunca/Ukufaka Uketshezi Emzimbeni No. 14 FG	2	2	2	2	2	2
Umshini Ophathekayo Wokumunca Uketshezi noma Umoya emzimbeni (Inhlanguanisela yosebenzisa amalahlle kanye nogesi)	2	2	2	2	2	2
Umshini Wesandla Wokumunca Uketshezi noma Umoya Emzimbeni (Njengomshini wesibili)	2	2	2	2	2	2
Into yokuxilonga iziguli	1	1	1	1	1	1

Imishini Yokufaka Ithumbu Emhumeni Osuka Emlonyeni Uya Emaphashini	I- ambulense ye-ILS	I- ambulense ye-ALS	Imoto Yokwelaph a ye-ILS	imoto yokulondol ozwa kwezokwel apha	Imoto Yokwelaph a ye-ALS	I- ambulense Yomoya Ye-ALS
Isethi ye-Laryngoscope yabantu abadala kanye nabadala ihlanganisa lokhu okulandelayo:						
Isibambo esimalahle esisesimweni esisebenzayo	0	1	0	0	1	1
Amalahle – ongeziwe e- Laryngoscope	0	2	0	0	2	2
Usayizi 0 wommese	0	1	0	0	1	1
Usayizi 1 wommese	0	1	0	0	1	1
Usayizi 2 wommese	0	1	0	0	1	1
Usayizi 3 wommese	0	1	0	0	1	1
Usayizi 4 wommese	0	1	0	0	1	1
Usayizi 5 wommese	0	AKUSIYO IMPOQO	0	0	AKUSIYO IMPOQO	AKUSIYO IMPOQO
Amashubhu e-ET alahlekayo, angenamgciwane ahlanganisa lokhu okulandelayo:						
Usayizi 2.5 mm ID weshubhu le-ET	0	2	0	0	2	2
Usayizi 3 mm weshubhu le-ET	0	2	0	0	2	2
Usayizi 3.5 mm ID Weshubhu le-ET	0	2	0	0	2	2
Usayizi 4 mm ID Weshubhu le-ET	0	2	0	0	2	2
Usayizi 4.5 mm ID Weshubhu le-ET	0	2	0	0	2	2
Usayizi 5 mm ID Weshubhu le-ET	0	2	0	0	2	2
Usayizi 5 mm ID Weshubhu le-ET (eliphethiwe, elinevolumu ephezulu, elinengcindezi ephansi)	0	2	0	0	2	2
Usayizi 5.5 mm ID Weshubhu le-ET (eliphethiwe, elinevolumu ephezulu, elinengcindezi ephansi)	0	2	0	0	2	2
Usayizi 6 mm ID Weshubhu le-ET (eliphethiwe, elinevolumu ephezulu, elinengcindezi ephansi)	0	2	0	0	2	2
Usayizi 6.5 mm ID Weshubhu le-ET (eliphethiwe, elinevolumu ephezulu, elinengcindezi ephansi)	0	2	0	0	2	2
Usayizi 7 mm ID Weshubhu le-ET (eliphethiwe, elinevolumu ephezulu, elinengcindezi ephansi)	0	2	0	0	2	2
Usayizi 7.5 mm ID Weshubhu le-ET (eliphethiwe, elinevolumu ephezulu, elinengcindezi ephansi)	0	2	0	0	2	2
Usayizi 8 mm ID Weshubhu le-ET (eliphethiwe, elinevolumu ephezulu, elinengcindezi ephansi)	0	2	0	0	2	2
Usayizi 8.5 mm ID Weshubhu le-ET (eliphethiwe, elinevolumu ephezulu, elinengcindezi ephansi)	0	2	0	0	2	2
Imaski yeSub-glottic Laryngeal(LMA), Usayizi 1	0	2	0	0	2	2
Imaski yeSub-glottic Laryngeal(LMA), Usayizi 1.5	0	2	0	0	2	2
Imaski yeSub-glottic Laryngeal(LMA), Usayizi 2	0	2	0	0	2	2
Imaski yeSub-glottic Laryngeal(LMA), Usayizi 2.5	0	2	0	0	2	2
Imaski yeSub-glottic Laryngeal(LMA), Usayizi 3	0	2	0	0	2	2
Imaski yeSub-glottic Laryngeal(LMA),	0	2	0	0	2	2

Usayizi 3.5						
Imaski yeSub-glottic Laryngeal(LMA), Usayizi 4	0	2	0	0	2	2
Imaski yeSub-glottic Laryngeal(LMA), Usayizi 4.5	0	2	0	0	2	2
Imaski yeSub-glottic Laryngeal (LMA), Usayizi 5	0	2	0	0	2	2

Ukuqhutshekwa Kwemishini Yokufaka Ithumbu Emhumeni Osuka Emlonyeni Uya Emaphashini	I-ambulense ye-ILS	I-ambulense ye-ALS	Imoto Yokwelapha ye-ILS	imoto yokulondol ozwa kwezokwela	Imoto Yokwelapha ye-ALS	I-ambulense Yomoya Ye-ALS
Isethuli Seshubhu Elincane le-ET	0	1	0	0	1	1
Isethuli Seshubhu Elikhulu le-ET	0	1	0	0	1	1
i-Gum Elastic Bougie	0	1	0	0	1	1
Izindlawana – Zabadala	1	1	1	1	1	1
Izindlawana - Zabantwana	1	1	1	1	1	1
10ml amasirinji	0	1	0	0	1	1
20ml amasirinji	0	2	0	0	2	2
Isikelo esibukhali, esihlanzekile	0	1	0	0	1	1
Itheyphu ewu-1m / yeshubhu le-ETlomshini wokugcinwa	0	2	0	0	2	2
Ijeli yokuthambisa ekwazi ukuncibilika emanzini	0	2	0	0	2	2
iHeimlich type Flutter valves	0	2	0	0	2	2
Ivalve yesishintshi somswakama yeziguli ezishayiswa ngomoya	0	1	0	0	1	1

Imishini Yokuphefumula/Yokufaka Umoya	I-ambulense ye-ILS	I-ambulense ye-ALS	Imoto Yokwelapha ye-ILS	imoto yokulondol ozwa kwezokwela apha	Imoto Yokwelapha ye-ALS	I-ambulense Yomoya Ye-ALS
Imask ye-oksijini ehlinzeka ama-40% e-oksijini neshubhu	4	4	4	4	4	4
Imaski yabadala engaphefumulelwa ehlinzeka i-100% ye-oksijini neshubhu	2	2	2	2	2	2
Imask yabadala yenebhulaza ye-oksijini ehlanganisa ukushubha kanye ne-Reservoir wuketshezi	2	2	2	2	2	2
i-Nasal cannula kanye neshubhu	2	2	2	2	2	2
Imask yabantwana ye-oksijini ehlinzeka ama-40% e-oksijini neshubhu	2	2	2	2	2	2
Imaski yabantwana engaphefumulelwa ehlinzeka i-100% ye-oksijini neshubhu	2	2	2	2	2	2
Imask yabantwana yenebhulaza ye-oksijini ehlanganisa ukushubha kanye ne-Reservoir owuketshezi	2	2	2	2	2	2
I-oksijini T-Piece neshubhu	2	2	2	2	2	2
i-Bag-Valve-Mask yabadala ene-Reservoir kanye nemaski yabadala (Usayizi 4)	1	1	1	1	1	1
Bag-Valve-Mask yabantwana neReservoir kanye nemaski yabantwana (Usayizi 1)	1	1	1	1	1	1
Bag-Valve-Mask yabantwana abasanda kuzalwa neReservoir kanye nemaski yabantwana abasanda kuzalwa (Usayizi 0)	1	1	1	1	1	1
Umshini Oswakamisa Nge-oksijini	1	1	0	0	1	1

Ukulinzekwa Kwe-Oksijini	I- ambulance ye-ILS	Imoto Yokwelaph a ye-ILS	Imoto Yokwelaph a ye-ILS	imoto yokulondol ozwa kwezokwel apha	Imoto Yokwelaph a ye-ALS	I- ambulance Yomoya Ye-ALS
Okungenani isilinda ephathekayo ye-oksijini. Usayizi "D"	2	2	2	2	2	2
Isilinganiso sesilinda ye-oksijini esiphathekayo ne-flow meter	1	1	1	1	1	1
Amasilinda e-oksijini alinganisiwe, usayizi "F" okwazi ukuhlinzeka okungenani isikhathi yamaminithi angama-30 ka-oksijini ohamba okungenani amalitha ayi-15 ngeminithi.	2	2	0	0	0	2
Isilinganiso sesilinda ye-oksijini esifakiwe ne-flow meter	1	1	0	0	0	1

Isishayisamoya	I- ambulance ye-ILS	Imoto Yokwelaph a ye-ILS	Imoto Yokwelaph a ye-ILS	imoto yokulondol ozwa kwezokwel apha	Imoto Yokwelaph a ye-ALS	I- ambulance Yomoya Ye-ALS
Isishayisamoya esinevolumu ejikajikayo esine PEEP valve & ne-valve eyehlisa incindezi, esifakwe kahle ukuvumela ukuxhumana nesihlinzeki se-oksijini ku-ambulance, okuhlenganisa tokhu okulandelayo (kudinga ukuthi kuqhathaniswe njalo ngonyaka ukuze kuqinisekisiwe)	0	1	0	0	1	1
• Ukulawulwa kwevolume kanye nencindezi:						
• Ivolume						
• Incindezi Yokuphefumula						
• I-PEEP						
• FiO2						
• Isikhathi						
• Ukusabisa (Incindezi enkulu yokuphefumula, incindezi ephansi)						
Ivalve yesishintshi somswakama ezishayiswa ngomoya kwemanuwali kanye nomshini	2	2	2	2	2	2

Imishini Yokuxilonga/Yokulapha	I- ambulance ye-ILS	Imoto Yokwelaph a ye-ALS	Imoto Yokwelaph a ye-ILS	imoto yokulondol ozwa kwezokwel apha	Imoto Yokwelaph a ye-ALS	I- ambulance Yomoya Ye-ALS
I-Sphygmomanometerehlanganisa ama-cuffsabadala, abantwana kanye nabantwana abasanda kuzalwa	1	1	1	1	1	1
Ithoshi lehlo	1	1	1	1	1	1
I-Glucometer kanye ne-strip esibheka iglukhosi yegaziand	1	1	1	1	1	1
I-Pulse Oximeter (Uma ingafakwanga njengengxenywe ye- ECG monitor noma i-monitor yesiguli kagesi)	1	1	1	1	1	1
I-Automated External Defibrillator (AED) (ukuqhathaniswa kwaminyaka yonke ayingeki ngenxa kokuzihlola nokuziqhathanisa kwegatsha)	0	0	0	0	0	0
I-Automated External Defibrillator (AED) evunyelwe ngumkhiqizi ukuthi isetshenziswe emotweni ehambayo, Ukuthi isetshenziswe ngokuhlanganisa nesiqaphi sezimpawu ezibalulekile esihlanganisa i-visual 3 lead ECG Monitoring kanye ne-ECG rhythm printer/recorder (i-Visual Signs Monitor idinga ukuqhathaniswa ukuze iqinisekiswa)	1	0	1	1	0	0
NOMA						
I-ECG monitor kanye ne-defibrillator ene-3 lead ECG monitoring capability, i-3 lead cable, i-AED capability, i-AED pads, i-defibrillation yemanuwali, isiqophi / iprinta enephepha kanye nezigwedlo ze- defibrillationeziqinile(idinga ukuqhathaniswa njalo ngonyaka ukuze kuginisekiswa)	1	0	1	1	0	0
I-ECG monitor kanye ne-defibrillator ene-3 lead ECG monitoring capability, i-external cardiac pacing, i- cardioversion, i-pacing/AED pads, i- defibrillation yemanuwali, isiqophi / iprinta enephepha kanye nezigwedlo ze-defibrillation eziqinile (idinga ukuqhathaniswa njalo ngonyaka ukuze kuginisekiswa)	0	1	0	0	1	1
Ijel yedefibrillation	1	1	1	1	1	1
I-End Tidal CO2 Monitor – i- Capnograph (uma ingafakwanga njengengxenywe ye- ECG monitor noma i-monitor yesiguli kagesi)	0	1	0	0	1	1

Imishini Eyahlukene Esetshenziswa Kanye Ilahliwe	I-ambulense ye-ILS	Imoto Yokwelaph a ye-ALS	Imoto Yokwelaph a ye-ILS	imoto yokulondol ozwa kwezokwel apha	Imoto Yokwelaph a ye-ALS	I-ambulense Yomoya Ye-ALS
Amabhokisi asetshenziswa kanye alahliwe amaglavu okuxilonga (S,M,L)	1 ngalinye	1 ngalinye	1 ngalinye	1 ngalinye	1 ngalinye	1 ngalinye
Okokuvala isilonda 100mm x 100mm	5	5	5	5	5	5
Okokuvala isilonda 100mm x 200mm	4	4	4	4	4	4
Ijeli yamanzi yokuvala isilonda sokusha 100mm x 100mm	2	2	2	2	2	2
Ijeli yamanzi yokuvala isilonda 200mm x 200mm	1	1	1	1	1	1
Ijeli yamanzi yokuvala isilonda 200mm x 450mm	2	2	2	2	2	2
Indwangu yokusula(100mm x 100mm)	20	20	20	20	20	20
Iroli yama-25 mm yebhandishi enamathelayo (zinc oxide)	1	1	1	1	1	1
Iroli ye-10 mm yebhandishi enamathelayo (hypo-allergenic)	1	1	1	1	1	1
Ama-75mm ebhandishi enwebekayo	4	4	4	4	4	4
I-100mm ebhandishi enwebekayo	4	4	4	4	4	4
Ipaka elivaliwe lezinto zokubelethisa (okuhlanganisa u-2 x ommese bokuhlinza abavaliwe futhi abangenamagciwane, 4 x ama-pads avaliliwe, 2 x wezingubo zokufala ezivaliwe, 4 x amakilempu enkaba avaliliwe, 1 x isimunco samafinyila esivaliwe futhi esingenamagciwane	1	1	1	1	1	1
Izikhwama ezejwalekile	4	4	0	0	0	4
Noma Isitsha esikhulu sezinsu / Isemukeli (kungangaba yiyo i-bedpan)	1	1	0	0	0	4
Ingubo evaliliwe	4	4	4	4	4	4
Izibuko ezibonisayo zokuphepha	2	2	2	2	2	2
Amashubhu ahlukene angena esiswini, okuhlanganisa:	0	1	0	0	1	1
Usayizi 5 Ngokwesifrentshi	0	1	0	0	1	1
Usayizi 8 Ngokwesifrentshi	0	1	0	0	1	1
Usayizi 10 Ngokwesifrentshi	0	1	0	0	1	1
Usayizi 12 Ngokwesifrentshi	0	1	0	0	1	1
Usayizi 14 Ngokwesifrentshi	0	1	0	0	1	1
Usayizi 18 Ngokwesifrentshi	0	1	0	0	1	1
Isikhwama somudonsa umchamo	0	2	0	0	2	2
i-Foleys catheters FG5, 8, 10, 12, 14, 16, 18	0	1	0	0	1	1

Imishini Yokulapha Ngaphakathi Emithanjani	I- ambulance ye-ILS	Imoto Yokwelaph a ye-ALS	Imoto Yokwelaph a ye-ILS	Imoto yokulondol ozwa kwezokwel apha	Imoto Yokwelaph a ye-ALS	I- ambulance Yomoya Ye-ALS
Okokusula Utshwala(30mm x 30mm)	30	30	30	30	30	30
14 gauge intra-venous catheters	2	2	2	2	2	2
16 gauge intra-venous catheters	2	2	2	2	2	2
18 gauge intra-venous catheters	2	2	2	2	2	2
20 gauge intra-venous catheters	2	2	2	2	2	2
22 gauge intra-venous catheters	2	2	2	2	2	2
24 gauge intra-venous catheters	2	2	2	2	2	2
60 amaconsi amancane / ml – Amasethi Okuphatha	2	2	2	2	2	2
Inalithi yokujova ngaphakathi emnkantsheninoma umshini onenalithi	0	1	0	0	1	1
Amaconsi ayi-15 / ml nomaamaconsi angama-20 / ml- Amasethi Okuphatha	2	2	2	2	2	2
Amaconsi ayi-10/ ml –Isethi Yokuphathwa Kwegazi	2	2	2	2	2	2
Amaconsi Anamandla Kakhulu ayi-10 / ml Isethi Yokuphatha	0	1	0	0	1	1
Set Ukuphathwa Kwesethi Yokulawula Ivolumu (Isb. <i>Buretrol</i> , <i>Dosifix</i>)	0	1	0	0	1	1
Ama-200ml e-Saline Eyejwayelekile – Uketshezi lwe-IV	2	2	2	2	2	2
I-1000ml ye- <i>Ringers Lactate</i> – uketshezi lwe-IV	2	2	2	2	2	2
Noma I-1000ml ye- <i>Ba/sol</i> – uketshezi lwe-IV	2	2	2	2	2	2
Ama-500ml e- <i>Synthetic Colloid</i> Isb. <i>Haemacell</i> / <i>Haes-sterile</i>	1	1	1	1	1	1
I- IV <i>securing dressing</i> ekhanyayo, engangeni amanzi, dressing (Isb. <i>Tegaderm</i> noma okufanayo) okungenani-10cm x 12cm ubukhulu	8	8	8	8	8	8
I- <i>Infusion flow regulators</i> (Isb. <i>Dial-a- Flow</i> , <i>Dosi Flow</i>)	2	2	2	2	2	2
i-3 Way <i>Stopcock</i>	1	2	1	1	2	2
Izindlawu ze- <i>Spencer Wells Artery</i>	2	2	2	2	2	2
Izikhwama ezifakwe i- <i>pressure</i>	0	2	0	0	2	2

Imithi Yokwelapha.	I- ambulense ye-ILS	Imoto Yokwelaph a ye-ALS	Imoto Yokwelaph a ye-ILS	imoto yokulondol ozwa kwezokwel apha	Imoto Yokwelaph a ye-ALS	I- ambulense Yomoya Ye-ALS
50 ml amasirinji	0	1	0	0	1	1
20 ml amasirinji	2	2	2	2	2	2
10 ml amasirinji	2	2	2	2	2	2
5 ml amasirinji	2	2	2	2	2	2
2 ml amasirinji	2	2	2	2	2	2
1 ml amasirinji	0	2	0	0	2	2
Izikali zezinalithi eziyi-16	4	4	4	4	4	4
Izikali zezinalithi ezingama-20	4	4	4	4	4	4
Imithi	i-ILS			i-ALS		
	Imithi kumele iphathwe ungcweti osebenzayo obhalisile ngokwendlela yokusebenza evunyelwe yi-HPCSA yoMsizi we-Ambulense obhalisile noma Umsizi Wezokunakekela Okuphuthumayo obhalisile.			Imithi kumele iphathwe ungcweti osebenzayo ngokwendlela yokusebenza evunyelwe yi-HPCSA yeParamedikhi ebhalisile noma Ungcweti Wezokunakekela Okuphuthumayo obhalisile noma Uchwepheshe Wezokunakekela Okuphuthumayo obhalisile.		

Imishini Yokuthutha kanye Nokulalisa isiguli	I- ambulense ye-ILS	Imoto Yokwelaph a ye-ALS	Imoto Yokwelaph a ye-ILS	imoto yokulondol ozwa kwezokwel apha	Imoto Yokwelaph a ye-ALS	I- ambulense Yomoya Ye-ALS
Okhololo bentamo eqinile/elukhuni – Abancane	2	2	2	2	2	2
Okhololo bentamo eqinile/elukhuni – Abaphakathi	2	2	2	2	2	2
Ukhololo wentamo eqinile/elukhuni – Abakhulu	2	2	2	2	2	2
Isethi egcwele Yokhololo Bentamo Abathambile (Abancane, Abaphakathi, Abakhulu)	AKUSIYO IMPOQO	AKUSIYO IMPOQO	AKUSIYO IMPOQO	AKUSIYO IMPOQO	AKUSIYO IMPOQO	AKUSIYO IMPOQO
Umshini Wokukhipha Isiguli – Wabadala (isb.KED)	1	1	AKUSIYO IMPOQO	AKUSIYO IMPOQO	AKUSIYO IMPOQO	AKUSIYO IMPOQO
Umshini Wokukhipha Isiguli – Wabantwana (isb. KED)	1	1	AKUSIYO IMPOQO	AKUSIYO IMPOQO	AKUSIYO IMPOQO	AKUSIYO IMPOQO
Ibhodi elide lomgogodla	1	1	0	0	0	AKUSIYO IMPOQO
Umshini wokuqukula abalimele emgogodleni	1	1	0	1	0	1
Umatrasi Ovakhumwayo	AKUSIYO IMPOQO	AKUSIYO IMPOQO	0	0	0	1
Yamabhuloksi Ekhandla	2	2	AKUSIYO IMPOQO	AKUSIYO IMPOQO	AKUSIYO IMPOQO	2
Ihhanisi Lesicabucabu	2	2	AKUSIYO IMPOQO	AKUSIYO IMPOQO	AKUSIYO IMPOQO	2
i-Lower extremty traction splint – Yabadala	1	1	AKUSIYO IMPOQO	AKUSIYO IMPOQO	AKUSIYO IMPOQO	AKUSIYO IMPOQO
i-Lower extremty traction splint – Yezingane	1	1	AKUSIYO IMPOQO	AKUSIYO IMPOQO	AKUSIYO IMPOQO	AKUSIYO IMPOQO
Ibhande Elide – Lomlenze	6	6	6	6	6	6

Ibhande Elifushane – Lengalo	4	4	4	4	4	4
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Okunye	I- ambulense ye-ILS	Imoto Yokwelaph a ye-ALS	Imoto Yokwelaph a ye-ILS	Imoto yokulondol ozwa kwezokwel anha	Imoto Yokwelaph a ye-ALS	I- ambulense Yomoya Ye-ALS
Umcamelolo	2	2	0	0	0	2
Ishidi	6	6	1	0	1	1
Ingubo	2	2	0	0	0	1
Isitsha somchamo	1	1	0	0	0	AKUSIYO IMPOQO
Indawo Yokuchitha Udoti (Isitsha esivalekayo)	1	1	0	0	0	1
Izikhwama ezibomvu zokufaka udoti wemithi	6	6	6	6	6	2
Isitsha sodoti esivalekayo, esikhiqizwe ngokwebhizinisi, esilahlwayo.	1	1	1	1	1	1
Isikhwama Sezinto Zokwelapha esikhiqizwe ngokufanele ukuze imithi yokwelapha izophepha, ihlanzeke futhi ibekeke kahle futhi ihanjiswe kahle.	1	1	1	1	1	1
Isikhwama Semithi esikhiqizwe ngokufanele ukuze imithi kanye nezinto zokusebenza kuzophepha, kuhlanzeke futhi kubekwe kahle futhi kuhanjiswe kahle.	0	1	0	0	1	1
Isikelo sokwelapha	1	1	1	1	1	1
Isikibha esigqamile, esikhanyayo kanye / noma ijakhethi	2	2	1	2	1	AKUSIYO IMPOQO
Umakalabha wokuphepha	2	2	1	2	1	AKUSIYO IMPOQO
Isicishamlilo (okungenani kube nempuphu ewu-2kg)	1	1	1	1	1	AKUSIYO IMPOQO
i-Thermometer (ejwayelekile)	1	1	1	1	1	1
Ibhuku lemininingwane noma ishadi lamarekhodi eziguli	1	1	1	1	1	1
Ibhuku lebalazwe noma umshini we-GPS	1	1	1	1	1	1

Izimfuneko zokudluliselwa ku-MICU – izimfuneko ezilandelayo ezesiteshi ngasinye, hhayi ngemoto yinye (kuyimpogo)	I-ambulense ye-ILS	Imoto Yokwelapha ye-ALS	Imoto Yokwelapha ye-ILS	imoto yokulondolozwa kwezokwelapha	Imoto Yokwelapha ye-ALS	I-ambulense Yomoya Ye-ALS
Okokuqapha izimpawu ezibalulekile (kudinga isitifiketi sokuqinisekiswa ngonyaka) - noma umshini ecaleni wokuhlola ushukela (NIBP), SpO2, i-electronic capnograph	0	1	0	0	1	1
Isifutho sokufaka uketshezi emzimbeni kanye namasethi afanele okusebenza (kudinga isitifiketi sokuqinisekiswa ngonyaka)	0	1	0	0	1	1
Umshayeli wesirinji okuhlanganisa namasirinji avunyelwe (kudinga isitifiketi sokuqinisekiswa ngonyaka)	0	1	0	0	1	1

Izimfuneko zokuhanjiswa kwezinswana e-MICU – izimfuneko ezilandelayo ezesiteshi ngasinye, hhayi ngemoto yinye (AKUSIYO IMPOQO):	I-ambulense ye-ILS	Imoto Yokwelapha ye-ALS	Imoto Yokwelapha ye-ILS	imoto yokulondolozwa kwezokwelapha	Imoto Yokwelapha ye-ALS	I-ambulense Yomoya Ye-ALS
Iventiletha yezinswana(kudinga isitifiketi sokuqinisekiswa ngonyaka) - noma iveniletha yezinswana, izingane kanye nabadala	0	kutholakale	0	0	kutholakale	1
Okokuthwala amabhodlela axhunywe emandleni kagesi kanye nama-alamu(kudinga ukuqinisekiswa ukuthi kuyaseviswa njalo ngonyaka)	0	kutholakale	0	0	kutholakale	1
Isiqaphi sezimpawu ezibalulekile nokuhlola izinswana (kudinga isitifiketi sokuqinisekiswa ngonyaka)	0	kutholakale	0	0	kutholakale	1
I-oksijini eyenziwe ngesihlaziyi	0	kutholakale	0	0	kutholakale	1
Ikhanda lebhodlela	0	kutholakale	0	0	kutholakale	1
Neonatal SPO2 probe and monitor I-NPO2 yezinswana kanye nesiqaphi (if not included as a feature of the vital signs monitor uma ingafakwanga njengento yesiqaphi sezimpawu ezibalulekile)	0	kutholakale	0	0	kutholakale	1

IZIMFUNENKO ZEMISHINI YOKUSINDISA

IMISHINI	UBUNINGI	IMISHINI	UBUNINGI
I-Hydraulic Pump	1	Izintambo zokugxuma	1 set
I-Hydraulic Spreader	1	u-10 wesilinda engcwaliswe umoya	1
Hydraulic Cutter	1	Izikhwama zomoya zenyumona	1
Hydraulic Hand Pump	1	Amapayipi enyumona	1
Hydraulic Hose	3	Izilawuli zenyumona kanye nesilinda yomoya	1
I-Hydraulic Rams (Emfushane, Ephakathi, Ende)	3	Pneumatic Chisel Set	1
I-Reciprocating saw	1	Ithoshi	1
I-Generator, okungenani u-3,5 kW	1	I-Pedal cutter	1
Uhlelo lokukhanyisa	1	Ishadi lamathuluzi	1
I-Petrol angle grinder	1	Isicishamilo esinempuphu eyomile	1 X 2.5kg
Amashoka ezitebhisi	2	I-Abseil Harnessenomshini owodwa we-ascender	2
Ama-Wedges	4	Omakalabha	2
Amashoka	4	Amagilavu okuphephisa	2 pairs
Amakhoni omgwaqo	20	Izintambo ezingamamithaangama-50 olayini omqoka	2
Ithuluzi elenza izinto eziningi Isb. Haligan Tool	1	Izintambo ezingamamitha angama-50 olayini wokuphepha	2
Isaha	1	I-Edge roller	1
Imbazo	1	Ama-Ascenders	1
Isando serabha	1	Ama-Prussik Loops	4
Isando	1	Ama-Light-use Ascenders	2
Udlawu	1	Ama-Descenders	1 set
Ibhokisi lamathuluzi	1	Ama-Figure 8 descenders	2
Isikhwama samathuluzi okusindisa	1	Ama-Brake Bar Racks	1
Isaha lensimbi	1	Ama-Self Braking Descender Isb. Petzl ID	2
Isaha lesandla	1	Ama-Carabiners	14
Umgxala wokuqaca	1	Ama-Anchor plate	2
Ama-Ratchet straps	2	Ama-Slings (S,M,L)	2 each
Umshini wokusika igilasi	1	Amabamba zintambo	2
Isipetu	1	Umsila wenkomo	6
Umshayelo	1	I-Directional pulley	4
Ibhande lokunamathela	2	I-Haul hoist	1
Ujeke wenqola	1	I-apharathasi yokuphefumula kanye namasilinda	2
Ujeke webhodlela	1	I-Bunker kit	1
Ujeke wokuphakamisela phezulu	1	Omakalabha abanamakepisi	1
I-Jimmy jack	1	Intambo esebenzayo	1

Isivikeli esithambile	1	I-Tarpaulin	1
Isivikeli esiqinile	1	Ama-Torpedo Buoys	2
Okokusika ibhande lemoto	1	Ama-Personal Flotation Devices	2
Iphantshi yamaphakathi nendawo	1	Ibhodi lokulimala	1
Izindlawu ezinkulu	1	I-Scoop stretcher	1
Ithaphu yokwehlukanisa	2	Itresha sepulastiki esiqinile esigoqekayo sokusindisa Isb. SKED stretcher	1
Ijerry can enophethiloli	1 x 10 Litre	Iladi elinezitebhisi	1
Okokunweba amabhakede enezithiyo Isb. Ama-Stokes	1	Ama-Head blocks	1
I-Scoop stretcher	1	I-Spider harness	1
I-Webbing	1	Ibhodi lomgogodla elifushane Isb. Kendrich Extrication Device	1
Isilinda ye-oksijini kanye nesikalo	1	I-Suction unit	1
I-Bag-Valve-Masks (Yabadala, Yezingane, Yezinswana)	1each	Isikhwama aokugxuma	1
Imaski yobuso-N95 rating	1 box	Isitsha sama-Sharp	1
Izikhwama ezingoplastiki ezibomvu	5		

Department:
Health
REPUBLIC OF SOUTH AFRICA

ISIFUNDAZWE

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Ikhodi yeposi

[illegible]

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6	Ikheli imeyili okumele ithunyelwe kulo	Leposi	Lendawo	Le-imeyli
B	IMENENJA/IN MINING WANE MQOKA (imini lingwar yomuritu ophethe inkampani)			

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4 Iminingwane
yokuxhumana

Inombolo yocingo emini ikhodi - inombolo

Inombolo yocingo ebusuku

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ikhodi inombolo

Facsimile number

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Ikhodi **inombolo**

Mobile (cellular) phone number

Ikhodi - inombolo

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C**IMININGWANE YESITESHI (imininingwane yesisekelo sokusebenza – kumele isicelo esenziwe sesisekelo ngasinye sigwaliswe)****1** Igama lomsebenzi

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2 Indawo

Ikheli lendawo

Iphethelo ledolobha

Idolobha

Isifundazwe

Ikhodi yeposi

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3 Ukuxhumana kwe-GIS

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4 Imininingwane yokuxhumana

Inombolo yocingo emini

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ikhodi

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inombolo

Inombolo yocingo ebusuku

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ikhodi

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inombolo

Inombolo yefasimeyli

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ikhodi

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inombolo

Inombolo kamakhalekhukhwini

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inombolo

D TYPE OF SERVICE (mark with a X) UHLOBO LOMSEBENZI (**1**

I-HLS

I-ALS

EZOKUFUNDA

EZOKUNDIZA

UKUVOLONTIYA

IMICIMBI

E**1 Umhlaba****Uhlobo**

	Ikilasi	Inombolo												
Ukuphephisa	<table border="1"><tr><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td></tr></table>							<table border="1"><tr><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td></tr></table>						
Imoto	<table border="1"><tr><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td></tr></table>							<table border="1"><tr><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td></tr></table>						
I-ambulense	<table border="1"><tr><td></td><td></td><td></td></tr></table>				<table border="1"><tr><td></td><td></td><td></td></tr></table>									

	Ikilasi	Inombolo												
Ukuphendula	<table border="1"><tr><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td></tr></table>							<table border="1"><tr><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td></tr></table>						
Imoto	<table border="1"><tr><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td></tr></table>							<table border="1"><tr><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td></tr></table>						

2 Umoya**Ibhanoyi**

	Umsila	Inombolo												
I-ambulense	<table border="1"><tr><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td></tr></table>							<table border="1"><tr><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td></tr></table>						

3 Inani selilonke lezimoto zezimo eziphuthumayo

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F**IZISEBENZI ZEZIMO EZIPHUTHUMAYO (inani kanye neziqu zezimsebenzi zezimoto zezimo eziphuthumayo)****1**

I-BAA	<table border="1"><tr><td></td><td></td></tr></table>			I-AEA	<table border="1"><tr><td></td><td></td></tr></table>			I-CCA	<table border="1"><tr><td></td><td></td></tr></table>			I-NDIP	<table border="1"><tr><td></td><td></td></tr></table>			I-ECA	<table border="1"><tr><td></td><td></td></tr></table>		
I-ECT	<table border="1"><tr><td></td><td></td></tr></table>			I-ECP	<table border="1"><tr><td></td><td></td></tr></table>			Imenenja	<table border="1"><tr><td></td><td></td></tr></table>			Udokotela	<table border="1"><tr><td></td><td></td></tr></table>						
Okunye	<table border="1"><tr><td></td><td></td></tr></table>			Cacisa															

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Inani selilonke lezisebenzi zezokunakekela okuphuthumayo

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G UKUDALULA

Mina, _____, mphathi wenkampani lapha

- a) ngithi yonke imininingwane ehlinzekwe kuleli fomu iyiqiniso futhi ilungile; futhi
- b) ngiyazi ukuthi ukusho into engeyilo iqiniso kuyajeziswa ngenhlawulo noma ukuboshwa Unyaka owodwa noma kokubili.

Ukusayina										
Indawo										
Usuku					-			-		
	Unyaka			Inyaka			Usuku			

APPLICATIONIZITHASISELO EZILANDELAYO KUMELE ZINENEZELWE ESICELWENI

1. Ikhophi yohlelo lomsebenzi ngokwendawo (izindawo) ezicacisiwe esicelweni
2. Iminingwane yezinhloso zokuthi kungani isicelo kumele sivunyelwe ngokubheka uMthethosimiso wesi-3
3. Isitifiketi sentela
4. Eminye imininingwane ukweseka isicelo

Isinenezelo D



health

Department:
Health
REPUBLIC OF SOUTH AFRICA

IZIMALI ZESIKHUNGO SEZIMO EZIPHUTHUMAYO

INTO NGOKOMTHETHOSIMISO NGAMUNYE KANYE NAMAZINGA (NJENGOKUBA USEBENZA)	UMSEBENZI	IMALI
a) Imali yokufaka isicelo Sesikhungo Sezimo Eziphuthumayo esisha	Imali yokufaka isicelo	R8 000.00
b) Izimali zokuhlola maqonda Nesikhungo Sezimo Eziphuthumayo esisha	Ngokwesiteshi ngasinye	R2 000.00
	Ngokwe-ambulense ngayinye	R 300.00
	Ngokwemoto ephendulayo ngayinye	R 300.00
	Ngokwemoto yokusindisa ngayinye	R 500.00
c) Izimali zemvume yonyaka ngonyaka maqondana nokuvuselelwa Kwesikhungo Sezimo Eziphuthumayo esikhona	Ngokwesikhungo Sezimo Eziphuthumayo ngasinye	R2 000.00
d) Izimali zemvume yonyaka maqondana nokuvuselelwa kwezimoto Zesikhungo Sezimo Eziphuthumayo noma kwezimoto ezengeziwe	Ngokwe-ambulense ngayinye	R 300.00
	Ngokwemoto ephendulayo ngayinye	R 300.00
	Ngokwemoto yokusindisa ngayinye	R 500.00
e) Izimali zokuhlola maqondana nokuvuselelwa kwanjalo ngonyaka Kwesikhungo Sezimo Eziphuthumayo esikhona	Imali yokuhlola ngokwesiteshi ngasinye	R1 000.00

DEPARTMENT OF HEALTH

NO. 1321

01 DECEMBER 2017

MEDICINES AND RELATED SUBSTANCES ACT, 1965 (ACT NO. 101 OF 1965)
REQUEST FOR COMMENT ON THE GENERAL REGULATIONS RELATING TO
BONUSING

The Minister of Health, in terms of Section 35(1) of the Medicines and Related Substances Act, 1965 (Act No. 101 of 1965) intends to make regulations set out in this Schedule.

Interested persons are invited to submit, within three months of publication of this notice, comments on the proposed regulations to the Director-General of the Department of Health, for the attention of the Director: Pharmaceutical Economic Evaluations Directorate, Corner Thabo Sehume and Struben Street, Pretoria, 0001.

SCHEDULE**PREAMBLE**

These regulations are intended to support the attainment of affordable medicines, medical devices and in vitro [diagnostic medical device] diagnostic (IVD)'s and to give effect to the prohibition of activities which have the effect of undermining the transparent pricing system of medicines, medical devices and IVDs and more specifically the activities as envisaged in regulation 18A(1), namely the supply of medicine, medical devices and IVDs according to a **bonus system, rebate system** or any other **incentive scheme**.

1. DEFINITIONS

In these regulations, any word or expression defined in the Act and not defined below bears the same meaning as in the Act, unless the context otherwise indicates -

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

"customer" means any person to whom a medicine, medical device or IVD is supplied or who purchases, prescribes, orders, reimburses or pays (directly or indirectly) for a medicine, medical device or IVD and includes:

- i. Health care providers, a health establishment, a hospital and a health worker (as defined in the National Health Act) and any health care provider representative association, independent practitioner association, health care provider network and a veterinarian as defined in the Veterinary and Para-Veterinary Professions Act, 1982 (Act No. 19 of 1982);
- ii. Health care funders which include medical schemes, managed health care organisations and administrators of medical schemes as defined or contemplated in the Medical Schemes Act 1998 (Act No 131 of 1998), including the regulations thereto and Health Insurance Products as governed by the Long Term Insurance and Short Term Insurance Acts of 1998.;
- iii. Health information and data collection companies, data switching entities, practice management companies, including healthcare software support and maintenance companies and health care provider claims administrators;
- iv. Medical advisors, medical, pharmaceutical or related advisory committees, patient information service entities or any other related entities; and
- v. Consumers, patient advocacy groups and patient representative groups.

"discounts" include, but are not limited to -

- i. volume or 'bulk purchase' discounts and other trade discounts, including discounts given to customers off the supplier's published selling price at the date of sale;
- ii. bonus deals in terms of which additional units of the same, related or unrelated medicines, medical devices or IVDs are supplied to customers below the published price or free of charge;
- iii. settlement discounts and rebates, including payments made to customers after the date of sale for timeous payment of accounts or cash payment for achieving sales targets, or for any other reason;

"formulary" means a list of selected medicines, therapeutic classes, medical devices or IVDs.

"Health Care Provider" means any healthcare professional registered under the Allied Health Professions Act, 1982 (Act No. 63 of 1982), the Health Professions Act, 1974 (Act No. 56 of 1974), the Nursing Act, 2005 (Act No. 33 of 2005), the Pharmacy Act, 1974 (Act No. 53 of 1974) and the Veterinary and Para-Veterinary Professions Act, 1982 (Act No. 19 of 1982).

"inducement" means any act, including but not limited to, the payment in cash, cash equivalent, reduction, rebate, offer, service, subsidy, contribution or gift made or offered with the purpose of influencing a customer by a supplier;

"protocol" means a set of guidelines in relation to the optimal sequence of diagnostic testing and treatments for specific conditions and includes, but is not limited to, clinical practice guidelines, standard treatment guidelines, disease management guidelines, treatment algorithms and clinical pathways;

"purchase" act of acquiring a medicine, medical device or IVD by paying for it and a person who so acquires a medicine, medical device or IVD is a purchaser;

"supplier" means a manufacturer, wholesaler, distributor or agent of medicines, medical devices or IVDs;

"supply" to make available, sell, lease, loan, or donate whether for gain or not for gain a medicine, medical device or IVD;

2. PROHIBITED ACTIVITY

2.1 This Regulation clarifies the operation of section 18A of the Act which prohibits the supply of any medicine, medical device or IVD that is subject to a, bonus system, rebate system or any other incentive scheme.

2.2 This prohibition applies to any prohibited activity between a supplier/s and any

customer/s

2.3 These Regulations apply to all prohibited activities whether achieved through direct or indirect means.

3. **BONUS SYSTEM**

Any practice which gives a customer a fee or a benefit over and above what is due and which has the effect of inducing the purchase, prescription or use of a particular medicine, medical device or IVD or the supply of a medicine, medical device or IVD.

4. **REBATE SYSTEM**

A practice which facilitates a payment to a customer in relation to the purchase of a medicine, medical device or IVD, usually after the sale has occurred, either directly to the customer or to a related entity, which has the effect of reducing the cost of the medicine, medical device or IVD.

5. **INCENTIVE SCHEME**

Means any practice which encourages or rewards a customer for the use, prescription, purchase, order or reimbursement of a medicine, medical device or IVD which may include but is not limited to:

- a) a discount;
- b) payment for marketing, promotion, and advertising;
- c) fees for shelf space;
- d) data fees and registry fees but excludes the purchase of health informatics supplied by an independent entity, which entity has no association with a customer and where such data is unrelated to the supply of a medicine, medical device or IVD; and also excludes fees payable for registered clinical trials;
- e) loyalty fees or similar fees;
- f) directors' fees or shareholder fees, honoraria and similar compensation paid to a customer, excluding a fee, honorarium or compensation which is for a legitimate educational activity and at fair value;
- g) entertainment costs, meals and disbursements including congress and

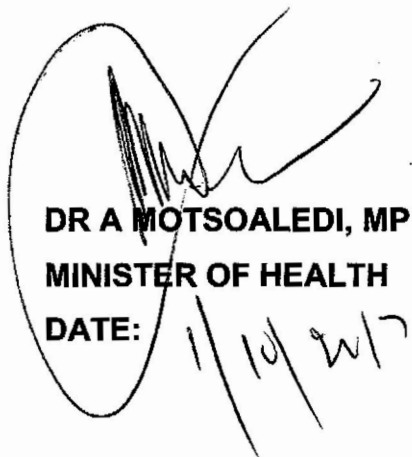
- conference attendance in excess of acceptable practices of any marketing code approved and or endorsed by the regulator;
- h) payment or contribution by a supplier towards any recurring expenditure of a customer which includes salaries or any subsidy of staff costs of personnel or contractors of a customer;
 - i) free services rendered by suppliers or their agents to customers which has the effect of (h) above;
 - j) the placement or the provision of any equipment, medicine, medical device or IVDs by suppliers or their agents at a reduced cost, nominal cost or for free to customers whether directly or indirectly, related to or unrelated, to the supply of a medicine, medical device or IVD and includes consignment stock and loan sets;
 - k) unjustified credit payments which have the effect of an inducement;
 - l) formulary and protocol listing payments to any customer or any person who is able to influence such a listing

6. PENALTIES

- 6.1 Contraventions of these shall give rise to an offence and a penalty as contemplated in section 35(7) and/or section 30 of the Act, namely that the transgressor/s, if found guilty, may be fined or imprisoned for a period not exceeding 10 years.
- 6.2 When an offence has been committed, the fine or imprisonment applies to all parties that are involved in such an activity.
- 6.3 The amount of the fine will be determined having regard to the nature, duration and extent of the contravention.
- 6.4 A maximum penalty of 10% of the supplier's turnover in its most recent financial year may be imposed.

7. COMMENCEMENT

These Regulations are called Regulations relating to bonusing made in terms of the Medicines and Related Substances Act, 1965 (Act No. 101 of 1965) and will commence upon the date signed by the minister.



DR A MOTSOALEDI, MP
MINISTER OF HEALTH
DATE: 1/10/2017

DEPARTMENT OF HEALTH

NO. 1322

01 DECEMBER 2017

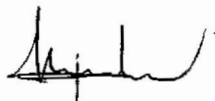
MEDICINES AND RELATED SUBSTANCES ACT (101 OF 1965) AS AMENDED**REGULATIONS RELATING TO A TRANSPARENT PRICING SYSTEM FOR MEDICINES
AND SCHEDULED SUBSTANCES: (CALL FOR COMMENT ON THE REVIEW OF
GUIDELINES FOR PHARMACOECONOMIC SUBMISSIONS)**

I, Ms MP MATSOSO, Director-General for Health, on recommendation of the Pricing Committee and in accordance with Regulation 14 (5) of the Regulations Relating to a Transparent Pricing System for Medicines and Scheduled Substances published in Government Gazette number 28214 of 11 November 2005, intends to review the appended Guidelines for Pharmacoeconomic Submissions, as published in Government Notice number 36118 of 01 February 2013.

The review will consider the content and use of the guidelines. Interested persons are requested to submit comments in writing on the proposed guidelines review within 3 months of publication of this notice to the following address:

The Director-General: National Department of Health

**Attention to the Director: Pharmaceutical Economic Evaluations Directorate Room 419,
South Tower Civitas Building, Corner: Thabo Sehume & Bloed Streets Pretoria 0001**



MS MP MATSOSO

DIRECTOR-GENERAL: HEALTH

DATE: 04/11/2017

DEPARTMENT OF SOCIAL DEVELOPMENT

NO. 1323

01 DECEMBER 2017

CHILD JUSTICE ACT 75, 2008

ACCREDITED DIVERSION SERVICE PROVIDERS AND DIVERSION PROGRAMMES

The Minister of Social Development in terms of Section 56 (3) (a) of the Child Justice Act, 2008 (Act No. 75 of 2008) publishes particulars of each accredited diversion service provider and diversion programme in the schedule.

This notice covers diversion programmes and diversion service providers that are granted an accredited status.

Diversion programmes and diversion service providers that have been granted candidacy status, have received certificates and are allowed to operate, based on condition(s) set by the accrediting committee. The Policy Framework on Accreditation of Diversion Services in South Africa defines candidacy status as a 'pre-accreditation status, awarded to an organisation pursuing accreditation... Candidacy indicates that an organisation or programme has achieved recognition and is progressing towards receiving full accreditation, and has the potential to achieve compliance with standards within two years'.

GAUTENG PROVINCE
SECTION 56(3) (a) of the Child Justice Act 75/2008
ACCREDITED DIVERSION SERVICE PROVIDERS:

NAME OF ENTITY	REG. NUMBER	PHYSICAL ADDRESS	CONTACT DETAILS	CONTACT PERSON	STATUS AWARDED
Gauteng Department of Social Development	Not applicable	Phumzile Primary School 485 Phiri Location Phiri, 1868	Ms. Daphne Naidoo	(Tel): 011 355 9271 (Cell): 082 469 0414	Accreditation status granted in line with Section 56 (2) (f) of the Child Justice Act, 2008 (Act No. 75 of 2008), for four years.
Khulisa Social Solutions - Carletonville	057-405	Carletonville Youth Centre, 9 Calcite Crescent, Carletonville, 2499	Tel: 011 788 8231 Cell: 082 825 6617	Ms. Ulrika Beukman (Quality Assurance Manager)	Accreditation status granted in line with Section 56 (2) (f) of the Child Justice Act, 2008 (Act No. 75 of 2008), for four years.
Khulisa Social Solutions - Ekangala	057-405	Zwane Complex, 666 Section D, Ekangala, 1021	Tel: 011 788 8231 Cell: 082 825 6617	Ms. Ulrika Beukman (Quality Assurance Manager)	Accreditation status granted in line with Section 56 (2) (f) of the Child Justice Act, 2008 (Act No. 75 of 2008), for four years.
Khulisa Social Solutions – Alexandra	057-405	223-2nd Street, Alexandra Magistrate Court, Office F20, Wynberg, 2090	Cell: 082 825 6617 Tel: 011 664 6247	Mrs Ulricka Beukman (Quality Assurance manager) Ms Mabana Moyo (Social worker)	Accreditation status granted in line with Section 56 (2) (f) of the Child Justice Act, 2008 (Act No. 75 of 2008), for four years.
Mogale Youth Development Centre (Bosasa)	2003/002608/07	Mogale Business Park 1 Windsor Road	Tel: 011 662 6889 Cell: 082 714 3962	Ms. Yvonne Spandiel	Accreditation status granted in line with Section 56 (2) (f) of the Child Justice Act, 2008 (Act No. 75 of 2008), for four years.

		Mogale City, 1740	Programme Manager	Act, 2008 (Act No. 75 of 2008), for four years.
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**GAUTENG PROVINCE
SECTION 56(3) (a) of the Child Justice Act 75/2008
ACCREDITED DIVERSION PROGRAMMES:**

NAME OF ENTITY	REG. NUMBER	OPERATIONAL SITE	PROGRAMME	STATUS AWARDED
Gauteng Department of Social Development	Not applicable	Father Smangaliso Mkhathshwa Child and Youth Care Centre 318 Soutpan Road Soshanguve, 0164	<ul style="list-style-type: none"> Rhythm of Life 	Accreditation status granted in line with Section 56 (2) (f) of the Child Justice Act, 2008 (Act No. 75 of 2008), for four years.
Gauteng Department of Social Development	Not applicable	Phumzile Primary School 485 Phiri Location Phiri, 1868	<ul style="list-style-type: none"> Wakeup Call 	Accreditation status granted in line with Section 56 (2) (f) of the Child Justice Act, 2008 (Act No. 75 of 2008), for four years.
Khulisa Social Solutions - Carletonville	057-405	Carletonville Youth Centre, 9 Calcite Crescent, Carletonville, 2499	<ul style="list-style-type: none"> Positively cool 	Accreditation status granted in line with Section 56 (2) (f) of the Child Justice Act, 2008 (Act No. 75 of 2008), for four years.
Khulisa Social Solutions - Ekangala	057-405	Zwane Complex, 666 Section D, Ekangala, 1021	<ul style="list-style-type: none"> Positively cool 	Accreditation status granted in line with Section 56 (2) (f) of the Child Justice Act, 2008 (Act No. 75 of 2008), for four years.
Khulisa Social Solutions - Krugersdorp	057-405	Office No 205-207, ABSA Building, Corner Human & Kruger Streets, Krugersdorp, 1739	<ul style="list-style-type: none"> Positively cool 	Accreditation status granted in line with Section 56 (2) (f) of the Child Justice Act, 2008 (Act No. 75 of 2008), for four years.
Khulisa Social Solutions - Roodepoort	057-405	5 Hodgson Street, Roodepoort, 1724	<ul style="list-style-type: none"> Positively cool 	Accreditation status granted in line with Section 56 (2) (f) of the

Khulisa Social Solutions – Alexandra	057-405	223-2nd Street, Alexandra Magistrate Court, Office F20, Wynberg, 2090	<ul style="list-style-type: none"> Positively cool 	Child Justice Act, 2008 (Act No. 75 of 2008), for four years.
Mogale Youth Development Centre (Bosasa)	2003/002608/07	Mogale Business Park 1 Windsor Road Mogale City, 1740	<ul style="list-style-type: none"> Whitney's kiss The Matrix Zest for life Bright Star Aggressive Replacement Therapy 	Accreditation status granted in line with Section 56 (2) (f) of the Child Justice Act, 2008 (Act No. 75 of 2008), for four years.

FREE STATE PROVINCE

SECTION 56(3) (a) of the Child Justice Act 75/2008

ACCREDITED DIVERSION PROGRAMMES:

NAME OF ENTITY	REG. NUMBER	OPERATIONAL SITE	PROGRAMME	STATUS AWARDED
Free State Department of Social Development	Not applicable	Bethlehem Service Office John Blignaut Street, Senderhof Building Bethlehem, 9700	<ul style="list-style-type: none"> In the mirror 	Accreditation status granted in line with Section 56 (2) (f) of the Child Justice Act, 2008 (Act No. 75 of 2008), for four years.
Free State Department of Social Development	Not applicable	Tswelopele Public Library 20 Cross Street Kroonstad, 9500	<ul style="list-style-type: none"> In the mirror 	Accreditation status granted in line with Section 56 (2) (f) of the Child Justice Act, 2008 (Act No. 75 of 2008), for four years.
Free State Department of Social Development	Not applicable	Kroonstad Service Office 20 Cross Street Kroonstad, 9500	<ul style="list-style-type: none"> Rhythm of Life 	Accreditation status granted in line with Section 56 (2) (f) of the Child Justice Act, 2008 (Act No. 75 of 2008), for four years.

Free State Department of Social Development	Not applicable	Lady Brand Service Office Beeton Street, Old Hospital Lady Brand, 9745	<ul style="list-style-type: none"> • In the mirror • Rhythm of Life 	Accreditation status granted in line with Section 56 (2) (f) of the Child Justice Act, 2008 (Act No. 75 of 2008), for four years.
Free State Department of Social Development	Not applicable	Tumahole Police Station 3791 Vuka Section Parys, 9585	<ul style="list-style-type: none"> • In the mirror • Rhythm of Life 	Accreditation status granted in line with Section 56 (2) (f) of the Child Justice Act, 2008 (Act No. 75 of 2008), for four years.
Free State Department of Social Development	Not applicable	Smithfield Service Office 50 Voortrekker Street Smithfield, 9966	<ul style="list-style-type: none"> • In the mirror • Rhythm of Life 	Accreditation status granted in line with Section 56 (2) (f) of the Child Justice Act, 2008 (Act No. 75 of 2008), for four years.
Free State Department of Social Development	Not applicable	Rammulutsi Public Library 935 Ramanamane Street Viljoenskroon, 9520	<ul style="list-style-type: none"> • In the mirror • Rhythm of Life 	Accreditation status granted in line with Section 56 (2) (f) of the Child Justice Act, 2008 (Act No. 75 of 2008), for four years.
Free State Department of Social Development	Not applicable	Vredehoop Public Library 12 Oranje Street Vredefort, 9595	<ul style="list-style-type: none"> • In the mirror • Rhythm of Life 	Accreditation status granted in line with Section 56 (2) (f) of the Child Justice Act, 2008 (Act No. 75 of 2008), for four years.

**KWA-ZULU NATAL PROVINCE
SECTION 56(3) (a) of the Child Justice Act 75/2008
ACCREDITED DIVERSION SERVICE PROVIDERS:**

NAME OF ENTITY	REG. NUMBER	PHYSICAL ADDRESS	CONTACT DETAILS	CONTACT PERSON	STATUS AWARDED
Amajuba District Office	Not applicable	Kwa-Zulu Natal Department of Social Development	083 602 7719 034 317 2529	Mr DBB Msimango	Accreditation status granted in line with Section 56 (2) (f) of the Child Justice Act, 2008 (Act No. 75 of 2008), for four years.

EThekweni South District Office	Not applicable	133 Panaroma Drive Newcastle, 2940	084 515 9281 031 336 8770	Mrs Y Raman	Accreditation status granted in line with Section 56 (2) (f) of the Child Justice Act, 2008 (Act No. 75 of 2008), for four years.
Harry Gwala District Office	Not applicable	Kwa-Zulu Natal Department of Social Development 6 Bhakcivedanth Swami Circle Chatsworth, 4030	082 804 8686 039 834 1176 071 353 5184 039 834 1176	Ms NJ Mzizi Ms NGE Nkosi	Accreditation status granted in line with Section 56 (2) (f) of the Child Justice Act, 2008 (Act No. 75 of 2008), for four years.
UThukela District Office	Not applicable	Kwa-Zulu Natal Department of Social Development 108 Rolihlahla Street Pieters, 3370	082 610 8013 036 634 6614 082 652 0475 036 634 6614	Mrs N Murugan Mrs GW Thomas	Accreditation status granted in line with Section 56 (2) (f) of the Child Justice Act, 2008 (Act No. 75 of 2008), for four years.
Zululand District Office	Not applicable	Kwa-Zulu Natal Department of Social Development	082 323 4372 035 874 8506 076 812 8306 035 874 8630/8530	Mr BM Gumede Mrs SH Mfeka	Accreditation status granted in line with Section 56 (2) (f) of the Child Justice Act, 2008 (Act No. 75 of 2008), for four years.

		2nd floor Administrative Building King Dinizulu Highway Ulundi, 3838			
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KWA-ZULU NATAL PROVINCE
SECTION 56(3) (a) of the Child Justice Act 75/2008
ACCREDITED DIVERSION PROGRAMMES:

NAME OF ENTITY	REG. NUMBER	OPERATIONAL SITE	PROGRAMME	STATUS AWARDED
Amajuba District Office	Not applicable	Department of Social Development 133 Panaroma Drive Newcastle, 2940	<ul style="list-style-type: none"> • In the mirror • Rhythm of Life • Reverse your thinking • Mind the gap • Wakeup call 	Accreditation status granted in line with Section 56 (2) (f) of the Child Justice Act, 2008 (Act No. 75 of 2008), for four years.
EThekweni South District Office	Not applicable	Kwa-Zulu Natal Department of Social Development 6 Bhakcivedanth Swami Circle, Chatsworth, 4030	<ul style="list-style-type: none"> • In the mirror • Rhythm of Life • Reverse your thinking • Mind the gap • Wakeup call 	Accreditation status granted in line with Section 56 (2) (f) of the Child Justice Act, 2008 (Act No. 75 of 2008), for four years.
Harry Gwala District Office	Not applicable	Kwa-Zulu Natal Department of Social Development Plot 11/12, Shop U7 Ixopo, 3276	<ul style="list-style-type: none"> • Rhythm of Life • Wakeup call 	Accreditation status granted in line with Section 56 (2) (f) of the Child Justice Act, 2008 (Act No. 75 of 2008), for four years.

UThukela District Office	Not applicable	Kwa-Zulu Natal Department of Social Development 108 Rolinlahla Street Pieters, 3370	<ul style="list-style-type: none"> • In the mirror • Rhythm of Life • Reverse your thinking • Mind the gap • Wakeup call 	Accreditation status granted in line with Section 56 (2) (f) of the Child Justice Act, 2008 (Act No. 75 of 2008), for four years.
Zululand District Office	Not applicable	Kwa-Zulu Natal Department of Social Development 2nd floor Administrative Building, King Dinizulu Highway Ulundi, 3838	<ul style="list-style-type: none"> • In the mirror • Rhythm of Life • Wakeup call 	Accreditation status granted in line with Section 56 (2) (f) of the Child Justice Act, 2008 (Act No. 75 of 2008), for four years.

NORTHWEST PROVINCE
SECTION 56(3) (a) of the Child Justice Act 75/2008
ACCREDITED DIVERSION SERVICE PROVIDERS:

NAME OF ENTITY	REG. NUMBER	PHYSICAL ADDRESS	CONTACT DETAILS	CONTACT PERSON	STATUS AWARDED
Ramotshere Moliwa Service Office	Not applicable	Northwest Department of Social Development 60 Queen Street Zeerust, 2865	082 324 3202 018 363 4493 E-mail: GMphuma@nwpg.gov.za	Mr. Godfrey Mphuma	Accreditation status granted in line with Section 56 (2) (f) of the Child Justice Act, 2008 (Act No. 75 of 2008), for four years.
Tlokwe Service Office	Not applicable	Northwest Department of Social Development	082 324 2530 018 297 0133 E-mail: MPanyane@nwpg.gov.za	Ms. Matshepo Panyane	Accreditation status granted in line with Section 56 (2) (f) of the Child Justice Act, 2008 (Act No. 75 of 2008), for four years.

		Corner Gerrit Maritz & Albert Luthuli, Bassie Rand Potchefstroom, 2520			
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**NORTHWEST PROVINCE
SECTION 56(3) (a) of the Child Justice Act 75/2008
ACCREDITED DIVERSION PROGRAMMES:**

NAME OF ENTITY	REG. NUMBER	OPERATIONAL SITE	PROGRAMME	STATUS AWARDED
Northwest Department of Social Development - Maquassi Service Office	Not applicable	75 Kruger Street, Jan Kemp building Wolmaransstad, 2630	<ul style="list-style-type: none"> Mind the gap Rhythm of life 	Accreditation status granted in line with Section 56 (2) (f) of the Child Justice Act, 2008 (Act No. 75 of 2008), for four years.
Northwest Department of Social Development – Mahikeng Service Office	Not applicable	Manhattan Building, Cul 19, Unit 2 Mahikeng, 2745	<ul style="list-style-type: none"> Reverse your thinking Rhythm of life 	Accreditation status granted in line with Section 56 (2) (f) of the Child Justice Act, 2008 (Act No. 75 of 2008), for four years.
Northwest Department of Social Development – Tlokwe Service Point	Not applicable	Corner Gerrit Maritz & Albert Luthuli Streets, Bassie Rand, Potchefstroom, 2520	<ul style="list-style-type: none"> Rhythm of life 	Accreditation status granted in line with Section 56 (2) (f) of the Child Justice Act, 2008 (Act No. 75 of 2008), for four years.
Khulisa Social Solutions – Ngaka Modiri Molema District	057-405	Mahikeng Service Point 2461 Unit 5, University Drive, Mmabatho, 2735	<ul style="list-style-type: none"> Silence the violence Positively cool 	Accreditation status granted in line with Section 56 (2) (f) of the Child Justice Act, 2008 (Act No. 75 of 2008), for four years.
Khulisa Social Solutions – Dr KK District	057-405	Tlokwe Service Point	<ul style="list-style-type: none"> Silence the violence 	Accreditation status granted in line with Section 56 (2) (f) of the

		132 Peter Mokaba Street, Potchefstroom, 2570	<ul style="list-style-type: none"> Positively cool 	Child Justice Act, 2008 (Act No. 75 of 2008), for four years.
Khulisa Social Solutions – Dr KK District	057-405	Maquassi Hills Service Point Department of Social Development Building, 1 st Floor, Kruger Street, Wolmaransstad, 2630	<ul style="list-style-type: none"> Silence the violence Positively cool 	Accreditation status granted in line with Section 56 (2) (f) of the Child Justice Act, 2008 (Act No. 75 of 2008), for four years.
Khulisa Social Solutions – Dr KK District	057-405	Matlosana Service Point 2570 Suite 311, 3 rd Floor, Dangor Medical Centre, C/O OR Tambo & Margaretha Prinsloo Streets, Klerksdorp, 2570	<ul style="list-style-type: none"> Silence the violence Positively cool 	Accreditation status granted in line with Section 56 (2) (f) of the Child Justice Act, 2008 (Act No. 75 of 2008), for four years.
Khulisa Social Solutions – Ngaka Modiri Molema District	057-405	Ramotshere Mollwa Service Point Public Works Building, Unit 2, Monameri Street, Lehurutshe, 2880	<ul style="list-style-type: none"> Positively cool 	Accreditation status granted in line with Section 56 (2) (f) of the Child Justice Act, 2008 (Act No. 75 of 2008), for four years.
Khulisa Social Solutions – Ngaka Modiri Molema District	057-405	Ditsobotla Service Point Wandrag Building, Sannieshof Road, Lichtenburg, 2740	<ul style="list-style-type: none"> Positively cool 	Accreditation status granted in line with Section 56 (2) (f) of the Child Justice Act, 2008 (Act No. 75 of 2008), for four years.
Khulisa Social Solutions – Bojanala District	057-405	Rustenburg Service Point 122 Beyers Naude Street, Rustenburg, 0299	<ul style="list-style-type: none"> Positively cool 	Accreditation status granted in line with Section 56 (2) (f) of the Child Justice Act, 2008 (Act No. 75 of 2008), for four years.
Khulisa Social Solutions – Bojanala District	057-405	Moses Kotane Service Point	<ul style="list-style-type: none"> Positively cool 	Accreditation status granted in line with Section 56 (2) (f) of the

Khulisa Social Solutions - Dr Ruth Segomotsi Mompoti District	057-405	938 Lesego Medical Centre, Unit 3, Mogwase, 0314 Naledi Service Point 7 Du Plessis Centre, De Kock Street, Vryburg, 8601 Lekwa Teemane Service Point 28 Church Street, Bloemhof, 2660	<ul style="list-style-type: none"> Positively cool 	Child Justice Act, 2008 (Act No. 75 of 2008), for four years.
Khulisa Social Solutions - Dr Ruth Segomotsi Mompoti District	057-405		<ul style="list-style-type: none"> Positively cool 	Accreditation status granted in line with Section 56 (2) (f) of the Child Justice Act, 2008 (Act No. 75 of 2008), for four years.
Khulisa Social Solutions - Dr Ruth Segomotsi Mompoti District	057-405		<ul style="list-style-type: none"> Positively cool 	Accreditation status granted in line with Section 56 (2) (f) of the Child Justice Act, 2008 (Act No. 75 of 2008), for four years.

DEPARTMENT OF TRADE AND INDUSTRY

NO. 1324

01 DECEMBER 2017

1. I, Dr Rob Davies, Minister of Trade and Industry, by virtue of the powers vested in me in terms of the Special Economic Zones Act No. 16 of 2014 (Gazette No. 39667 of 9 February 2016, Proclamation No. R. 6 of 2016) promulgate the following notice.

2. **Designation of the Musina – Makhado Special Economic Zone (South African Energy and Metallurgical Zone)**

A total land area of 7262 ha is hereby designated as the South African Energy and Metallurgical Zone of the Musina - Makhado Special Economic Zone. The SEZ consists of site 1, which is located 40km south of Musina and 50 km north of Makhado.

The SEZ land area is bound by the main northern export railway line to the west, by the farms Jan van Rensburg 525 MS, Emery 522 MS and Maseri Pan 520 MS to the north, by the N1 to the east and by the D1021 road to the south.

Van der Bijl 528 MS is bound by the main northern export railway line to the west, Dreyer 526 MS to the north, Steenbok 565 MS to the east and Grootpraat 564 MS to the south.

Dreyer 526 MS is bound by farms Jan van Rensburg 525 MS to the north, Steenbok 565 MS to the south, the N1 to the east and the main northern export railway line to the west.

Antrobus 566 MS is bound by Dreyer 526 MS to the north, Steenbok 565 MS to the west, Somme 611 MS to the south and the N1 to the east.

Steenbok 565 MS is bound by Van der Bijl 528 MS and Grootpraat 564 MS to the west, Dreyer 526 MS to the north, Antrobus 566 MS to the east and Somme 611 MS to the south.

Somme 611 MS is bound by the N1 to the east, Battle 585 MS and Grootpraat 564 MS to the west, Joffre 584 MS and Lekkerlag 580 MS to the south and Steenbok 565 MS and Antrobus 566 MS to the north.

Battle 586 MS is bound by Steenbok 566 MS and Somme 611 MS to the north, Grootpraat 564 MS and Command 588 MS to the west, Joffre 584 MS to the south and R/E of Lekkerlag 580 MS to the east.

R/E of Lekkerlag 580 MS is bound by the N1 to the east, Somme 611 MS to the north, Battle 585 MS and Joffre 584 MS to the east, and the D1021 road to the south.

Joffre 584 MS is bound by Somme 611 MS to the north, R/E of Lekkerlag 580 MS to the east, D 1021 road to the south and Battle 585 MS to the west.

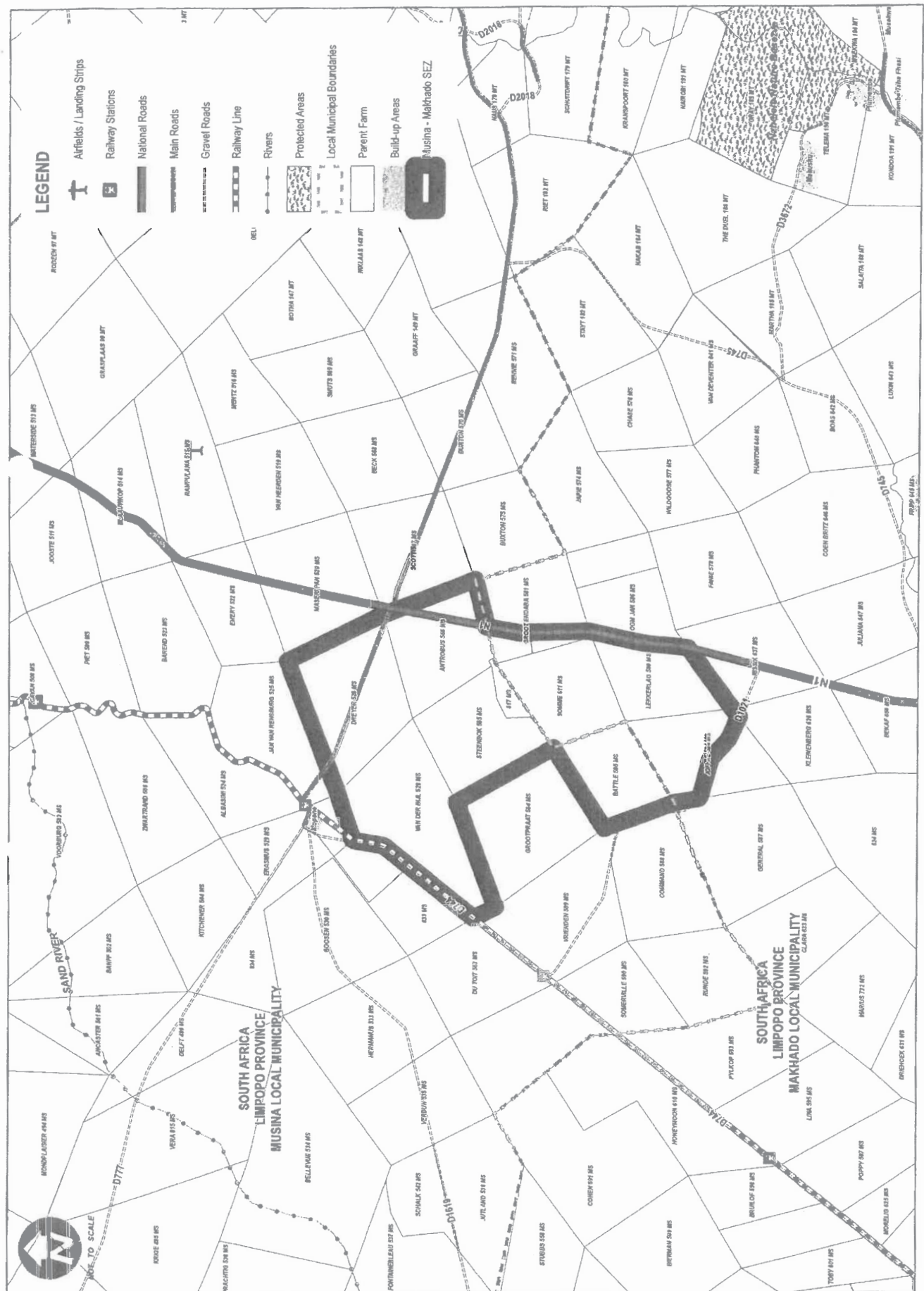
A table listing the erf numbers is attached hereto as Annexure A and a map showing the boundaries of the Special Economic Zone is attached hereto as Annexure B.



Dr Rob Davies, MP
Minister of Trade and Industry
2 November 2017

Annexure A: Table with Erf numbers

DESCRIPTION	ERF NO.	EXTENT
Van der Bijl	528 MS	1508.711
Dreyer	526 MS	1310.078
Antrobus Portion 2	566 MS	962.224
Steenbok	565 MS	988.855
Somme	611 MS	992.450
Battle	586 MS	751.240
R/E of Lekkerlag	580 MS	868.453
Joffree	585 MS	631.92
TOTAL		7262.691



DEPARTMENT OF TRADE AND INDUSTRY

NO. 1325

01 DECEMBER 2017

**CODES OF GOOD PRACTICE ON BROAD BASED BLACK ECONOMIC
EMPOWERMENT**

I, Dr Rob Davies, Minister of Trade and Industry, hereby issue the Amended Financial Services Sector Code in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act, (Act No. 53 of 2003) as amended by the B-BBEE Act 46 of 2013; and determine that these Codes come into effect on the date of this publication.



Dr Rob Davies, MP
Minister of Trade and Industry

24 November 2017

**Broad-Based Black Economic Empowerment Act 53 of
2003 as amended by Act 46 of 2013**

**AMENDED FINANCIAL SECTOR CODE
2017**

**Revised in terms of Code 000, Statement 003
of the Amended Codes of Good Practice**

Acronyms

ABSIP	Association of Black Securities and Investment Professionals
ASISA	Association for Savings and Investment South Africa
BASA	Banking Association of South Africa
B-BBEE	Broad-Based Black Economic Empowerment
CE	Consumer Education
CoGP	Codes of Good Practice
DBSA	Development Bank of Southern Africa
DTI	Department of Trade and Industry
EAP	Economically Active Population
EME	Exempted Micro Enterprise
ESOP	Employee Share Ownership Programme
FIA	Financial Intermediaries Association
FSC	Financial Sector Code
IBA	International Bankers' Associations
INCA	Infrastructure Investment Corporation
NPAT	Net Profit After Tax
NPBT	Net Profit Before Tax
PEF	Private Equity Fund
PBO	Public Benefit Organisation
PFMA	Public Financial Management Act 1 of 1999
QSFI	Qualifying Small Financial Institution
SAIA	South African Insurance Association
SAVCA	South African Venture Capital Association
SDA	Skills Development Act of 1998
SDLA	Skills Development Levies Act of 1999
SED	Socio-Economic Development
SETA	Sector Education and Training Authority
SME	Small and Medium Enterprises
SMME	Small, Medium and Micro Enterprises
TCTA	Trans Caledon Tunnel Authority
UJV	Unincorporated Joint Venture
WSP	Workplace Skills Plan

AMENDED FSC FOR BLACK ECONOMIC EMPOWERMENT

Preamble

This Amended Financial Sector Code (FSC) has been prepared in terms of Broad-Based Black Economic Empowerment Act of 2003 as amended by Act 46 of 2013. It is based on a harmonisation of the Department of Trade and Industry Amended Codes of Good Practice (CoGP) and the Financial Sector Code published in the Government Gazette in terms of Section 9 (1) of the Act on 26 November 2012.

The Financial Sector Charter (the Charter) came into effect in January 2004 as a result of a voluntary offer to develop an industry transformation Charter by the financial sector at the National Economic Development and Labour Council (Nedlac) Financial Sector Summit. Nedlac is the multilateral social dialogue forum which brings together the government, business, labour and community constituencies to approve social, economic and labour market policy.

Following the Summit, the Charter was drafted by the financial sector trade associations¹ and the Association of Black Securities and Investment Professionals (ABSIP²), with government³ acting as observers. Although the labour⁴ and community⁵ constituencies were not included in the drafting of the Charter, they agreed to participate in its governing structure, the Financial Sector Charter Council (the Council), alongside government, business and ABSIP to finalise outstanding elements of the Charter and to participate in overseeing the implementation of the Charter and in the process of aligning the Charter with the CoGP.

In the alignment process to produce this revised Code, all the Council participants committed to developing a sector transformation code aligned to the CoGP, noting that:

- Notwithstanding significant progress since the establishment of a democratic government in 1994, South African society remains characterised by racially income and social services inequalities. This is not only unjust, but inhibits the country's ability to achieve its full economic potential. Broad-Based Black Economic Empowerment (B-BBEE) is a mechanism aimed at addressing inequalities and mobilising the energy of all South Africans to contribute to sustained economic growth, development and social transformation in South Africa.
- Inequalities also manifest themselves in the country's financial sector. A positive and proactive response from the sector through the implementation of B-BBEE will further unlock the sector's potential, promote its global competitiveness and enhance its world class status.
- Equally, the financial stability and soundness of the financial sector and its capacity to facilitate domestic and international commerce is central to the successful implementation of B-BBEE.

¹ The Association for Savings and Investment South Africa (ASISA); South African Insurance Association (SAIA); International Banking Association (IBA); Banking Association of South Africa (BASA), JSE Limited

² ABSIP representing Black professional organisations

³ The Presidency, National Treasury and Department of Trade and Industry

⁴ Congress of South African Trade Unions (Cosatu); National Council of Trade Unions (Nactu); Federation of Unions of South Africa (Fedusa)

⁵ Financial Sector Campaign Coalition; Disabled People South Africa; National Co-operatives Association; The Women's National Coalition; SA Youth Council; SA Civics Organisation.

The Financial Sector Code (FSC) commits all participants to actively promoting a transformed, vibrant and globally competitive financial sector that reflects the demographics of South Africa, which contributes to the establishment of an equitable society by providing accessible financial services to black people and by directing investment into targeted sectors of the economy.

The FSC is the product of the interaction between the financial sector trade associations, ABSIP, labour, community and government. The FSC reflects the accord reached by all of the stakeholders regarding their joint commitment to fostering B-BBEE in the financial sector and in the South African economy.

Key aspects of the Financial Sector Code

Recognising the unique position that financial institutions hold in the development of South Africa, two unique elements exist in the FSC scorecard over and above the five elements in the CoGP. These are Empowerment Financing and Access to Financial Services. These elements are intended to broaden and hasten the transformation process as they focus on making financial services accessible to the previously unbanked and under-served. They empower the previously disenfranchised through the provision of affordable housing, financing of black Small, Medium and Micro Enterprises (SMMEs) and agricultural activities, and investing in various types of transformational infrastructure that help to create the necessary platform to grow the economy on an equitable basis.

The unique elements of the Code are derived from similar initiatives which were at the core of the original Charter. It is recognised that the sector can better play a role in the creation of sustainable wealth across a broad base through leveraging its unique position in the allocation of resources from savers to borrowers in the economy. In addition to achieving equity ownership targets by means of sales of shares, as contemplated in Code FS100, Statement 100 and Sales of Assets as contemplated in Code FS100, Statement 102, measured entities are also entitled to achieve equity ownership points through equity equivalent programmes as contemplated in Code FS100, Statement 103.

These equity equivalent contributions represent the commitment of further resources to key developmental and national focus areas including, but not limited to, National Development Plan (NDP) aligned initiatives, growth of black business, enterprise development, empowerment financing and access to financial services.

Scope of Application

This Amended FSC applies to any natural or juristic person conducting a business, trade or profession in the South African financial sector including, but not limited to, the following:

1. Banking;
2. Long-term insurance;
3. Short-term insurance;
4. Re-insurance;
5. Retirement fund administration;
6. The management of collective investment scheme assets;
7. Financial services intermediation and brokerage;
8. Public entities involved in the financial sector e.g. DBSA, Land Bank;
9. Asset management, consulting and administration;

10. Private equity, venture capitalist and impact investors;
11. Management of investments on behalf of the public, including, but not limited to, private equity, members of any exchange licensed to trade equities or financial instruments in South Africa and entities listed as part of the financial index of a licensed exchange;
12. Underwriting management agents; and
13. Industry Trade Associations operating in the sector.

This Amended FSC does not apply to:

1. Natural or juristic persons who do not have trading operations in the Republic of South Africa;
2. The trading operations of natural or juristic persons outside the Republic of South Africa; and
3. Managers of investments on behalf of the public who are not subject to regulation by the Financial Services Board, such as lawyers who hold money in intermediate trusts.

Status of this Code

It is recorded that the Minister of Trade and Industry has previously gazetted the Financial Sector Code as a Sector Code in terms of Section 9 (1) of the Broad-Based Black Economic Empowerment Act (the Act).

The Financial Sector Charter Council (the Council) is of the opinion that this Amended Financial Sector Code (Amended FSC) meets all of the requirements of paragraph 3 of Code 000, Statement 003 of the amended CoGP. The Council has applied to the Minister of Trade and Industry to publish the Amended FSC in terms of Section 9(5) of the Act for public comment and to publish the Amended FSC in terms of Section 9(1) of the Act in the Government Gazette.

In conceptualising, implementing and measuring any B-BBEE initiatives, financial institutions and other interested parties must apply this Amended FSC, read together with the CoGP gazetted on 11 October 2013 in Section 9(1) of the Act. The gazetting of this Code in Section 9(1) of the Act means that it is binding and takes precedence over any other Code, including the CoGP. The CoGP is applicable only to the extent that this Amended FSC is silent on a particular aspect of B-BBEE that is covered in the CoGP.

Once published as a Sector Code in the Government Gazette in terms of Section 9(1) of the Act, the Code will remain in effect until amended, substituted or repealed. The Amended FSC will come into effect from the date of gazetting (implementation date) and will be applicable for all measurements after the date of implementation. There will be no transitional period for the implementation of the FSC.

The Council shall periodically review and amend the gazetted FSC. The first review shall commence 12 months from the date of gazette.

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FS200	Measurement of the Management Control Element of Broad-Based Black Economic Empowerment	47
FS300	Measurement of the Skills Development Element of Broad-Based Black Economic Empowerment	52
FS400	Measurement of the Procurement, Enterprise and Supplier Development Element of Broad-Based Black Economic Empowerment	61
FS500	Measurement of the Socio-Economic Development and Consumer Education Element of Broad-Based Black Economic Empowerment	76
FS600	Measurement of the Empowerment Financing, Enterprise and Supplier Development Element of Broad-Based Black Economic Empowerment	82
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200	Code Series FS200	The general principles for measuring Management Control	47
300	Code Series FS300	The general principles for measuring Skills Development	52
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**AMENDED FSC SERIES FS000: FRAMEWORK FOR MEASURING BROAD-BASED BLACK ECONOMIC EMPOWERMENT
STATEMENT 000: GENERAL PRINCIPLES AND THE SCORECARD**

**Issued under section 9 (1) of the Broad-Based Black Economic Empowerment Act of
2003 as amended by Act 46 of 2013**

Arrangement of Statement 000

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1 OBJECTIVES OF STATEMENT 000

The objectives of this Statement are to:

- 1.1 Specify the interpretative principals of B-BBEE as they relate to the financial sector;
- 1.2 Specify the application of the Amended FSC and the basis for measurement in terms of the Amended FSC;
- 1.3 Indicate the qualifying threshold for measured entities to qualify as Exempted Micro Enterprises (EMEs) or Qualifying Small Financial Institutions (QSFI);
- 1.4 Specify the method of measuring Start-up Enterprises;
- 1.5 Specify the elements of B-BBEE measurable in the Generic Scorecard and QSFI Scorecard;
- 1.6 Specify the Generic Scorecard and QSFI Scorecard;
- 1.7 Specify the basis for determining compliance by measured entities with the Amended FSC; and
- 1.8 Give the Financial Sector Charter Council the power to provide interpretive guidance and practice directives as well as standard documents with regard to the application or intention of the Amended FSC in consultation with **the DTI**.

2 KEY PRINCIPLES

- 2.1 The fundamental principle for measuring B-BBEE compliance is that substance takes precedence over legal form.
- 2.2 In interpreting the provisions of the CoGP and this Amended FSC, any reasonable interpretation consistent with the objectives of the Act and the B-BBEE Strategy in Section 11 of the Act must take precedence.
- 2.3 This formula for measuring B-BBEE initiatives in the Amended FSC is:
 - 2.3.1 for the ownership and management control elements, the B-BBEE compliance of the measured entity at the measurement date; and
 - 2.3.2 for the skills development, enterprise and supplier development, access, empowerment financing and socio-economic development elements, the B-BBEE compliance of the measured entity over the measurement period.
- 2.4 Any misrepresentation or attempt to misrepresent an entity's true B-BBEE status will be dealt with in accordance with the provisions set out in the Act, and may lead to the disqualification of the entire scorecard of the entity concerned.
- 2.5 Initiatives which separate or divide enterprises solely as a means of ensuring eligibility as an EME, a QSFI or a start-up enterprise may constitute an offence and will be dealt with in accordance with the provisions as set out in the B-BBEE Act as amended.
- 2.6 When determining eligibility as an EME, a QSFI or a Large (Generic) Enterprise, which is defined as an entity with an annual turnover of R50 million or more, only the South African revenue will be considered, unless the entity is seeking a consolidated verification inclusive of its subsidiaries. The aggregate revenue of related enterprises will only be considered in terms of paragraphs 17.15 and 17.16 of Appendix 2 of the Verification Manual gazetted on 18 July 2008 (as amended) where:
 - 2.6.1 the intent to defraud described in 2.5 above is present; or
 - 2.6.2 a holding entity that does not house the operations of the group is measured separately.
- 2.7 Any representation made by an entity about its B-BBEE compliance must be supported by suitable evidence or documentation. An entity that does not provide suitable evidence or documentation must not receive any recognition

for that initiative. This requirement does not apply to divisions or subsidiaries that submit reports in terms of paragraph 8.3 of Code series FS000. For these entities, B-BBEE compliance must be supported by appropriate evidence or documentation.

- 2.8 Wherever a standard valuation method applies to measuring an indicator, the same standard should apply, as far as reasonably possible, consistently in all other applicable calculations in this Amended FSC.
- 2.9 The measurement of Unincorporated Joint Ventures will be done as follows:
- 2.9.1 Unincorporated Joint Ventures (UJVs) are required to compile a consolidated verification certificate. This certificate consolidates the verified compliance data of the joint venture partners in accordance with paragraph 2.9.2 below as if those measured entities were a single entity.
- 2.9.2 The consolidation of compliance data shall be based on a weighting in accordance with the relevant joint venture agreement. Therefore, if two companies enter into a UJV, their respective scores in terms of the Amended FSC will be weighted according to their proportionate share in the joint venture and added together for a combined score out of 100.
- 2.9.3 Where all the partners in the joint venture are defined as empowering suppliers, the UJV will also qualify as an empowering supplier. If they are not, the compliance of the UJV with the empowering supplier requirements must be measured as though it is a single measured entity. Each partner will contribute to the categories of measurement for empowering supplier status, in proportion to its share in the joint venture.
- 2.10 Where the Amended FSC is silent, the provisions of the generic codes apply.
- 2.11 In general, a financial institution that is a local subsidiary of a multinational or external company (as defined in Section 1 of the Companies Act), or a branch of a multinational or external company that is precluded in terms of a global policy from accommodating domestic ownership participation, will be exempt from the ownership provisions of Code FS100. The exemption from ownership by the multinational and the compliance thereof with Equity Equivalent Investment Programme (EEIP) in lieu of ownership shall be granted by the Minister of Trade and Industry. The requirement for exemption from Ownership to be granted by the Minister of Trade and Industry will not apply to companies measured against the Specialist Entity Scorecard, that are not required to be measured for Ownership.
- 2.12 The B-BBEE compliance level of an institution which has been exempted from compliance with any element or sub-element must be determined by adding the points it earned for each of the remaining scorecard elements. The B-BBEE compliance level shall be the sum of the points earned, divided by the total points available.
- 2.13 All scores achieved by financial institutions according to the scorecards in paragraph 8.1 of Code FS000, Code FS800 and Code FS900, must be used to determine the compliance level in line with paragraph 8.3 of Code FS000.
- 2.14 The verification of B-BBEE compliance of financial institutions will be undertaken by B-BBEE verification professionals as determined by the Act. All verification agencies verifying a financial institution must submit the financial institution's B-BBEE certificate and the full verification report to the Financial Sector Charter Council within 30 days of the certificate issue.

3 APPLICATION OF THE AMENDED FSC

- 3.1 This Amended FSC is applicable to all entities as defined in the paragraph titled, "Scope of Application in the

Preamble section of this document.

3.2 The basis for measuring the B-BBEE compliance of an entity in terms of paragraph 3.1 is as follows:

3.2.1 Paragraph 4, in the case of an EME.

3.2.2 The generic scorecard and QSFI scorecard in paragraph 8 in the case of other entities.

3.2.3 A measured entity in a sector in respect of which a sector code has been issued under Section 9 of the Act, may only be measured for compliance in accordance with that sector code.

3.3 Priority Elements, Subminimum and Discounting Principal:

3.3.1 The Priority Elements are as follows:

- a. Ownership: The sub-minimum requirement for ownership is 40% of net value (40% of the six points) based on the time-based graduation factor in Annexe 100 (c).
- b. Skills Development: The sub-minimum requirement for skills development is 40% of the total weighting points (40% of the 15 points), excluding bonus points, for skills development.
- c. Enterprise and Supplier Development: The sub-minimum for Enterprise and Supplier Development is 40% of the total weighting points (excluding bonus points) of each of the three broad categories, within the Enterprise and Supplier Development element, namely Preferential Procurement, Supplier Development and Enterprise Development. Supplier and Enterprise Development are not applicable in this element for companies doing Empowerment Financing. Where an entity is exempted from Empowerment Financing, the priority status does not apply to Empowerment Financing. This means that the measured entity must achieve at least:

For companies exempt from Empowerment Financing:

- 8 points in the Preferential Procurement category;
 - 4 points in the Supplier Development category; and
 - 2 points in the Enterprise Development category.
- d. Empowerment Financing and Enterprise and Supplier Development: The sub-minimum for Empowerment Financing and Enterprise and Supplier Development is 40% of the total weighting points (excluding bonus points) of each of the three broad categories, within the element, namely Empowerment Financing; Supplier Development and Enterprise Development.

3.3.2 Compliance with Priority Elements:

- a. A large enterprise is required to comply with all of the priority elements except in cases where they have been exempted from that element.
- b. A QSFI is required to comply with ownership as a priority element, and either skills development or enterprise and supplier development.

3.3.3 Discounting Principle Effect

3.3.3.1 Non-compliance with the 40% sub-minimum requirements of any of the priority elements, as per paragraph 3.3.2 above, will result in the following outcomes for both large enterprises and QSFIs:

- a. The points scored by the measured entity and the consequent level that the measured entity would have achieved if it had complied with the 40% sub-minimum requirements, will be recognised by the verification agent but will not be reflected on the BEE Certificate. Only the discounted level will appear on the BEE Certificate.

- b. Notwithstanding the recognition in paragraph 3.3.3.1.a above, the measured entity's B-BBEE status level and corresponding B-BBEE recognition level will be discounted by one level until the next applicable verification period in which the measured entity can demonstrate compliance with the 40% sub-minimum requirements. At this point, the discounted recorded level on the BEE Certificate will become the applicable ratings level for that measured entity in that verification period.
- 3.3.3.2 If the measured entity fails to achieve the sub-minimum requirements in one or more of the priority elements, a maximum discount of one level will be applied.
- 3.3.4 Compliance with the Employment Equity Act
- 3.3.4.1 Generic and QSFI's that are not classified as designated employers in the Employment Equity Amendment Act (Act 47 of 2013) are not required to submit reports to the Department of Labour. However, for the purpose of measurement they are required to submit sufficient evidence for verification purposes.
- 3.3.4.2 Compliance with the reporting requirements of the Employment Equity Amendment Act is not a pre-requisite for claiming points in the management control element as long as the measured entity is able to submit sufficient evidence for verification purposes to support its claim in that element.

4 ELIGIBILITY AS AN EXEMPTED MICRO-ENTERPRISE

- 4.1 Any enterprise with total annual revenue of up to R10 million, qualifies as an Exempted Micro-Enterprise (EME).
- 4.2 An EME is deemed to have a B-BBEE status of a level four contributor, with a B-BBEE recognition level of 100% in terms of paragraph 8.2.1 below.
- 4.3 Enhanced B-BBEE recognition level for an EME:
- 4.3.1 Notwithstanding paragraph 4.2, an EME which is 100% black-owned qualifies for elevation to level one contributor with a B-BBEE recognition level of 135%.
- 4.3.2 Notwithstanding paragraphs 4.2 and 4.3.1 an EME which is more than 50% black owned (where there is an existing equity deal in place) or at least 51% Black Owned (for all deals concluded after the commencement date of this Amended FSC), but less than 100% black-owned, qualifies for elevation to level two contributor with a B-BBEE recognition level of 125%.
- 4.4 Notwithstanding paragraphs 4.2 and 4.3, though not compulsory, an EME may elect to be measured in terms of the QSFI scorecard if it wishes to maximise its points and move to a higher B-BBEE recognition level
- 4.5 An EME is required to obtain a sworn affidavit or a Companies and Intellectual Property Commission (CIPC) issued certificate on an annual basis, confirming:
 - 4.5.1 Total annual revenue of R10 million or less; and
 - 4.5.2 Level of black ownership.
- 4.6 Any misrepresentation in terms of paragraph 4.5 above constitutes a criminal offence as set out in the Act.
- 4.7 Notwithstanding paragraph 4.5, an EME may elect to obtain a verification certificate from an accounting officer or verification professional approved in terms the Act.

5 ELIGIBILITY AS A QUALIFYING SMALL FINANCIAL INSTITUTION (QSFI)

- 5.1 A measured entity with total annual revenue of more than R10 million but less than R50 million qualifies as a Qualifying Small Financial Institution (QSFI).
- 5.2 A QSFI must comply with all of the elements of B-BBEE for the purposes of measurement, unless exempted from compliance with any element or sub-element.
- 5.3 Enhanced B-BBEE recognition level for QSFIs:
- 5.3.1 A QSFI which is 100% black owned qualifies for level one B-BBEE recognition.
- 5.3.2 A QSFI which is more than 50% black owned (where there is an existing equity deal in place) or at least 51% Black Owned (for all deals concluded after the commencement date of this Amended FSC), but less than 100% black owned, qualifies for B-BBEE recognition at Level 2.
- 5.4 A QSFI that is more than 50% black owned (where there is an existing equity deal in place) or at least 51% Black Owned (for all deals concluded after the commencement date of this Amended FSC), or 100% black owned, is only required to obtain a sworn affidavit on an annual basis, confirming the following:
- 5.4.1 Total annual revenue of R50 million or less;
- 5.4.2 Level of black ownership; and
- 5.4.3 Empowering supplier status.
- 5.5 Any misrepresentation in terms of paragraph 5.3 above constitutes a criminal offence as set out in the Act.
- 5.6 Notwithstanding paragraph 5.3, a QSFI that is at least 51% black owned or 100% black owned, may elect to obtain a verification certificate from a verification professional.
- 5.7 All QSFIs other than those referred to in paragraph 5.4 and which elect to be measured, will be required to obtain a verification certificate to substantiate their B-BBEE status.

6 START-UP ENTERPRISES

- 6.1 A start-up enterprise must be measured as an EME in this statement for the first year following the commencement of its operations. This provision applies regardless of the expected total revenue of the start-up enterprise.
- 6.2 A start-up enterprise is deemed to have the qualifying B-BBEE status in accordance with the principles of paragraph 4 of this statement.
- 6.3 In order to qualify as a start-up enterprise, the enterprise must provide confirmation of its status in accordance with paragraph 4.5.
- 6.4 Notwithstanding paragraphs 6.1 and 6.2, a start-up enterprise must submit a QSFI scorecard when tendering for any contract, or seeking any other economic activity covered by Section 10 of the Act, with a value higher than R10 million but less than R50 million. For contracts of R50 million or more, the enterprise must submit the generic scorecard. The preparation of such scorecards must use annualised data.

7 THE ELEMENTS OF B-BBEE IN TERMS OF THE SCORECARD

- 7.1 The Ownership element, as set out in Code series FS100, measures effective ownership of entities by black people.

- 7.2 The Management Control element, as set out in Code series F200, measures the effective control of entities by black people.
- 7.3 The Skills Development element, as set out in Code series FS300, measures the extent to which employers carry out initiatives designed to develop the competencies of black employees and black people internally and externally.
- 7.4 The Enterprise and Supplier Development element, as set out in Code series FS400, measures the extent to which entities buy goods and services from Empowering Suppliers with various B-BBEE recognition levels. This element also measures the extent to which enterprises carry out supplier development and enterprise development initiatives intended to assist and accelerate the growth and sustainability of black enterprises.
- 7.5 The Socio-Economic Development and Sector Specific Contributions elements, as set out in Code series FS500, FS600 and FS700, measure the extent to which entities carry out initiatives that contribute towards socio-economic development or sector specific initiatives that promote access to the economy for black people.

8 THE AMENDED FSC SCORECARD

8.1 Generic Scorecard

The following table represents the B-BBEE Generic Scorecard to be used for Large Entities.

ELEMENT	WEIGHTING				
	Banks and Life offices scorecard	Short Term Insurers scorecard	Stock Exchanges and Stock Exchange Members	Other Institutions scorecard	Code Series Reference
OWNERSHIP	23	23	23	25	FS100
MANAGEMENT CONTROL	20	20	20	20	FS200
SKILLS DEVELOPMENT	20	20	20	20	FS300
PROCUREMENT and ESD	15	35	35	35	FS400
SOCIO ECONOMIC DEVELOPMENT and CONSUMER EDUCATION	5	5	5	5	FS500
EMPOWERMENT FINANCING and ESD	25	0	0	0	FS600
ACCESS TO FINANCIAL SERVICES	12	12	0	0	FS700
TOTAL	120	115	103	105	

8.2 Qualifying Small Financial Institution Scorecard

The following table represents the B-BBEE scorecard to be used for Qualifying Small Financial Institutions (QSFI).

ELEMENT	WEIGHTING	CODE SERIES FS800
OWNERSHIP	25 POINTS	FS801
MANAGEMENT CONTROL	15 POINTS	FS802
SKILLS DEVELOPMENT	25 POINTS	FS803
ENTERPRISE AND SUPPLIER DEVELOPMENT	30 POINTS	FS804
SOCIO-ECONOMIC DEVELOPMENT	5 POINTS	FS806
TOTAL	100 POINTS	

8.2.1 B-BBEE Recognition Levels

Based on the overall performance of a measured entity using the generic scorecard and QSFI scorecard, the entity will receive one of the following B-BBEE status qualifications with the corresponding B-BBEE recognition level:

B-BBEE Status	% Qualification	B-BBEE Recognition Level
Level One Contributor	$\geq 100/109$	135%
Level Two Contributor	$\geq 95/109$ but $< 100/109$	125%
Level Three Contributor	$\geq 90/109$ but $< 95/109$	110%
Level Four Contributor	$\geq 80/109$ but $< 90/109$	100%
Level Five Contributor	$\geq 75/109$ but $< 80/109$	80%
Level Six Contributor	$\geq 70/109$ but $< 75/109$	60%
Level Seven Contributor	$\geq 55/109$ but $< 70/109$	50%
Level Eight Contributor	$\geq 40/109$ but $< 55/109$	10%
Non-Compliant Contributor	$< 40/109$	0%

The formula used to calculate the number of points required for each level of recognition is:

Number of points in the CoGP scorecard / Total number of DTI points x Total number of available industry points as set out in 8.1 and 8.2 above.

Example:

Level 6 would be:

Large Enterprises (generic scorecard)

Banks = $70/109 \times 120$

Short-term Insurers = $70/109 \times 115$

Stock Exchanges = $70/109 \times 103$

Others = $70/109 \times 105$

- 8.3 Each financial institution, irrespective of the fact that it is a member of a group, must be measured and reported on its own.
- 8.4 A financial institution that is a member of a group may be measured and reported on as part of the South African group provided that such group reporting is approved in advance by the Financial Sector Charter Council.
- 8.5 Each financial institution must report annually to the Council on its progress implementing the provisions of this Amended FSC. The Charter Council reserves the right to name institutions that do not submit reports. In addition, all aforementioned affected entities not submitting the most recently required report to the Council, will automatically be discounted by one level down in the next rating that follows the non-submission.

9 ENHANCED RECOGNITION FOR CERTAIN CATEGORIES OF BLACK PEOPLE

- 9.1 Throughout the Amended FSC, various criteria appear which advance the interests of certain categories of black people. These include:
- 9.1.1 Black women, who should make up between 40% and 50% of the beneficiaries of the relevant elements of the scorecard;
- 9.1.2 Black people with disabilities, black youth, black people living in rural areas and black unemployed people, who should make up part of the beneficiaries of the relevant elements of the scorecard.

10 TRANSITIONAL ARRANGEMENTS

Entities that are measurable in terms of the Amended FSC may accept valid verification certificates and compliance reports for contributors to their scorecard. Valid certificates or reports are those where verifications were conducted in terms of the previous or old sector codes, for as long as they are valid as determined by the DTI. For this purpose, the following terms in the old codes will contribute to measurement in terms of this Amended FSC as though they equated to the corresponding FSC terms below:

Amended Codes term	Equivalent Old Codes term
EME	EME
QSE	QSE
51% Black Owned	More than 50% black owned
51% Black Women Owned	More than 50% black women owned
30% Black Women Owned	30% black women owned
Empowering Supplier	<i>All valid B-BBEE certificates issued under the old Codes of Good Practice or old relevant Sector Codes</i>
Enterprise & Supplier Development Beneficiaries	Category A Enterprise Development Beneficiaries

11 ADJUSTMENT OF THRESHOLDS

The Minister may, by notice in the Government Gazette, adjust the thresholds in paragraphs 4 to 6. Any such changes apply to compliance reports of measured entities prepared for measurement periods that commence after the gazetting of the adjustment.

12 DURATION OF THIS AMENDED FSC

This Amended FSC shall be effective from the date of gazette and will remain in effect until expressly amended, substituted or repealed in terms of in Section 9 of the Act.

The Minister may review the Codes at any stage and any amendments to the CoGP may result in a review of the Amended FSC for purposes of alignment. The process for the amendment of this Amended FSC will follow the process set out in the CoGP for the development of sector codes. Regular reviews by the FSC Council will take place to monitor the implementation of B-BBEE throughout the economy.

The Financial Sector Charter Council will also monitor the overall B-BBEE ownership levels of the sector as reported by measured entities by performing an interim ownership review after the code has been effective for 5 years. If the review shows that the B-BBEE ownership mechanisms now contained in Code FS100, with specific reference to paragraph 3.9.1 and 3.9.2 of Code FS100, have not been complied with in aggregate by the sector, then the dispensation will be re-considered in view of the overall transformation objectives of the ownership element.

13 INTERPRETIVE GUIDES, GUIDANCE NOTES, PRACTICE DIRECTIVES AND STANDARDS DOCUMENTS

The Council shall, from time to time, issue interpretive guides, guidance notes, practice directives and standards documents in consultation with the **DTI**. Interpretive guides, guidance notes, practice directives and standards documents not approved by the **DTI** will remain invalid.

These documents shall be mainly, but not solely, for the purpose of addressing any ambiguities that may exist with regard to the interpretation and application of key measurement principles and/or qualifying criteria contained in any Code Series or Code Statement in this Amended FSC. In issuing such documents, the Financial Sector Charter Council shall be obliged to provide interpretations that are consistent with the substance of these codes. Such documents shall not supersede the Amended FSC, Amended CoGP, B-BBEE Regulations or the B-BBEE Act as amended.

**AMENDED FSC SERIES FS100: MEASUREMENT OF THE OWNERSHIP ELEMENT OF BROAD-BASED BLACK
ECONOMIC EMPOWERMENT
STATEMENT FS100: THE GENERAL PRINCIPLES FOR MEASURING OWNERSHIP**

Issued in terms of Section 9 (1) of the Broad-Based Black Economic Empowerment Amendment Act 46 of 2013

Arrangement of Statement 100

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1 OBJECTIVES OF STATEMENT FS100

The objectives of this statement are to:

- 1.1 Specify the scorecard for measuring the Ownership element of B-BBEE for Banks, Long-term Insurers, Short-term Insurers and the Stock Exchanges and their members;
- 1.2 Specify the scorecard for measuring the Ownership element of B-BBEE for all other financial institutions;
- 1.3 Define the key measurement principles associated with the Ownership element of B-BBEE;
- 1.4 Specify the specific measurement principles applicable to various types of enterprises;
- 1.5 Specify the specific measurement principles applicable to various types of equity instruments; and
- 1.6 Specify the formula for measuring voting rights, economic interest, net value points, realisation points and bonus points.

2 THE OWNERSHIP SCORECARD

Table 2a represents the indicators and method for calculating a score for Ownership for local measured entities that are Banks, Long-term Insurers, Short-term Insurers, Stock Exchanges and members of Stock Exchanges:

		Description	Points	Target
2.1	2.1.1	Exercisable voting rights in the measured entity in the hands of black people	4	25%+ 1 Vote
	2.1.2	Exercisable voting rights in the measured entity in the hands of black women	2	10%
2.2	2.2.1	Economic interest rights in the measured entity to which black people are entitled	3	25%
	2.2.2	Economic interest rights in the measured entity to which black women are entitled	2	10%
	2.2.3	Economic interest in the hands black designated groups; black participants in Employee Share Ownership Programmes; black people in Broad-based Ownership Schemes and black participants in co-operatives	3	3%
	2.2.4	New entrants	3	2%
2.3		Net value	6	Formula Annexe 100(C)
		Total before bonus	23	
2.4		Bonus: Direct/Indirect ownership in excess of 15%	3	10%
2.5		Bonus: Economic interest and voting rights above 32.5%	2	1 point @ 32.5% and 1 point @ 40%

Table 2a

If a measured entity wishes to claim ownership credits for indirect ownership it must provide a competent person's report that has estimated the value of B-BBEE ownership held through indirect ownership.

Table 2b represents the indicators and method for calculating a score for ownership for measured entities that are exempted from ownership in terms of FS000, Statement 000 paragraph 2.11:

	Ownership	Weighting	Targets	Notes
2.1	Additional Black Business Growth Funding or other qualifying equity equivalent contributions	20	25%	Target is equal to 25% of the value of the measured entity as at 31/12/2010
	Bonus Points			
2.2	Black Business Growth Funding or other qualifying equity equivalent contributions in the financial sector	5	25%	

Table 2b

3 KEY MEASUREMENT PRINCIPLES

3.1 General principles

- 3.1.1 An enterprise receives points for participation by black people in its rights of ownership, using the ownership scorecard in paragraph 2a or 2b of this Amended FSC statement. Black people may hold their rights of ownership in a measured entity as direct participants or as participants through a form of business such as:
- A Company as defined in the Companies Act of 2008 (as amended);
 - A close corporation;
 - A co-operative;
 - Any form of juristic person recognised in South African law;
 - A partnership or other association of natural persons;
 - A Broad-Based Ownership Scheme;
 - An Employee Ownership Programme; and
 - A Trust.
- 3.1.2 Any domestic or foreign measured entity may also receive points on the ownership scorecard in paragraphs 2a (domestic entities and other multinationals) or 2b (only qualifying multinationals), via equity equivalent contributions. These are dealt with in detail in Code FS100, Statement 103.
- 3.1.3 Measured entities may also receive points on the ownership scorecard in paragraphs 2a or 2b through the sales of assets. These are dealt with in detail in Code FS100, Statement 102.
- 3.1.4 For local branches of foreign banks who commenced operation after 01/01/2011, the target in Table 2b is based on the value of the business as at the date at the end of the first financial year end.
- 3.1.5 Measured entities that are not Banks, Long-term Insurers, Short-term Insurers, Stock Exchanges or members of Stock Exchanges will be measured for Ownership as per the DTI Generic Scorecard and requirements as per the B-BBEE Codes of Good Practice, gazetted on the 11th October 2013, gazette no. 36928.

3.2 Sub-minimum Requirements:

- 3.2.1 A measured entity is required to achieve a minimum of 40% of the net value points (i.e. 40% x 6 points = 2,4 points) based on Annexe 100 (C), paragraph 4 of this statement.
- 3.2.2 Non-compliance with this sub-minimum target, as detailed in paragraph 3.2.1, will result in the achieved B-BBEE status level being discounted in accordance with paragraph 3.7 in statement FS000 of the CoGP.

3.3 The Flow-through Principle:

- 3.3.1 As a general principle, when measuring the rights of ownership of any category of black people in a measured entity, only rights held by natural persons are relevant. If the rights of ownership of black people pass through a juristic person, then the rights of ownership of black people in that juristic person are measurable. This principle applies across every tier of ownership in a multi-tiered chain of ownership until that chain ends with a black person holding rights of ownership.
- 3.3.2 An exception to this general principle exists with regard to recognition in the ownership scorecard for domestic measured entities via equity equivalents. This exception to the general principle is dealt with in further detail in Code FS100, Statement 103.
- 3.3.3 The method of applying the flow-through principle across one or more intervening juristic persons is as follows:
- Multiply the percentage of the participants' rights of ownership in the juristic persons through which those rights pass by the percentage of rights of ownership of each of those juristic persons successively to the measured entity; and
 - The result of this calculation represents the percentage of rights of ownership held by the participant.

3.4 The Modified Flow-through Principle:

- 3.4.1 A Measured Entity applying this Modified Flow-Through Principle cannot benefit from the Exclusion Principle.
- 3.4.2 The modified flow-through principle applies to any B-BBEE owned or controlled company owned by the measured entity.
- 3.4.3 In calculating exercisable voting rights in paragraph 2.1.1 and economic interest in paragraph 2.2.1, the following applies:
- 3.4.3.1 For existing BEE deals, where in the chain of ownership, black people have a flow-through level of participation in excess of 50%, then only once in that chain may such black participation be treated as if it were 100% black.
- 3.4.3.2 For BEE deals concluded after the date of gazetting of this amended Code, where in the chain of Ownership, Black people have a flow-through level of participation of at least 51%, and then only once in the entire ownership structure of the Measured Entity, such Black participation may be treated as if it were 100% Black.
- 3.4.4 The modified flow-through principle may only be applied in the calculation of the indicators in paragraphs 2.1.1, which sets out the voting rights of black people, and 2.2.1, which describes the economic interest of black people, in table 2a. In all other instances, the flow-through principle applies.

3.5 The Exclusion of specified entities when determining ownership:

- 3.5.1 When determining ownership in a measured entity, ownership held directly by organs of state or public entities in the Republic of South Africa must be excluded.
- 3.5.2 Exclusion of ownership held by the organs of state or public entities is to be effected before any other ownership discounting methods are applied.

3.6 B-BBEE Facilitator Status:

3.6.1 Notwithstanding paragraphs 3.5.1 and 3.5.2, the Minister of Trade and Industry may, by notice in the Government Gazette, designate certain organs of state or public entities as B-BBEE facilitators. In calculating their ownership score, measured Entities must treat B-BBEE facilitators as having rights of ownership held:

- a. 100% by black people;
- b. 40% by black women;
- c. 20% by black designated groups;
- d. Without any acquisition debts; and
- e. Without any third-party rights.

3.7 Mandated Investments:

3.7.1 When determining ownership in a measured entity, rights of ownership of Mandated Investments may be excluded.

3.7.2 The maximum percentage of the ownership of any measured entity that may be so excluded is 40%.

3.7.3 Mandated Investments are those investments as defined in Schedule 1 of the CoGP published in Government Gazette No. 36928, with examples of mandated investments in Annexe 100 (A).

3.7.4 Entities that elect not to exclude mandated investments when entitled to do so may either treat all of that ownership as non-black or obtain a competent person's report estimating the extent of black rights of ownership measurable in the measured entity and originating from that mandated investment.

3.7.5 A measured entity cannot selectively include or exclude mandated investments and an election to exclude one mandated investment is an election to exclude all mandated investments and vice versa.

3.8 Dilution due to regulatory requirements:

3.8.1 Any dilution in the percentage of black ownership in a measured entity that occurs due to the entity having to increase its capital base as a direct result of new or existing regulatory requirements, will for the purposes of this Amended FSC not result in a dilution of the percentage black ownership claimed on the scorecard in paragraph 2, Table 2a.

3.8.2 A measured entity may exclude ownership arising in future as a direct result of any new regulatory requirements to increase the capital base of the measured entity.

3.8.3 This principle will not apply if the institution is required to raise additional capital due to it having written "bad business".

3.9 The recognition of ownership after the sale or loss of shares by black participants:

3.9.1 A measured entity is allowed to recognise a portion of black ownership after a black participant has exited through the sale or loss of shares. The details of the requirements will be set out in Guidance Note. The portion recognisable where such sale or loss occurs is as follows:

3.9.1.1 In the event of a dilution in the percentage of black ownership in a measured entity, as a result of black participants electing to sell their shares and realise the net value attributable to those shares when they have become eligible for sale or transfer, the net value percentage created for black participants at the date of exit can be carried forward in terms of paragraph 2, Table 2a above, subject to the following conditions:

- a. The black participant has held those shares for a minimum period of three (3) years;
- b. The net value must have been created for the benefit of black people; and

- c. Transformation has taken place within the measured enterprise using the comparable B-BBEE recognition level from the period of entry of black participants to their exit.
- 3.9.1.2 A measured entity subject to code FS600 (banks and life offices) can top up the shortfall in its ownership points through the provision of Black Business Growth Funding, as an equity equivalent that becomes available on exit of empowerment partners. Such financing can be provided at an individual company level or as a collaborative effort with other industry players. Equity Equivalence per statement FS103 may be applied over and above the mechanisms applied in this paragraph 3.9.1.2. Where a measured entity elects this top-up through the Black Business Growth Fund, the 5% maximum Equity Equivalent contribution stated in paragraph 2.6 of FS103 will not apply, i.e. a measured entity may do an equity equivalent over the 5% limit.
- 3.9.1.3 The extent of the equity equivalent will be determined using the following criteria:
- a. Target net value created for black people by the measured entity as at the date of exit, less actual net value created for black people by the entity at the date of exit. The difference between these two figures can form the basis for the measured entity's contribution to the equity equivalent.
- 3.9.2 Further to the above, the measured entities not subject to code FS600 i.e. entities other than banks and life offices, can top up the shortfall in its ownership points after a black participant has exited through the sale of shares through enterprise development contributions over and above the targets contained in code FS400, or by way of an equivalent value to support black students studying at post-school education and training institutions in South Africa. Where a measured entity elects this top-up equity equivalent contribution, the 5% maximum Equity Equivalent contribution stated in paragraph 2.6 of FS103 will not apply, i.e. a measured entity may do an equity equivalent over the 5% limit. The extent of the equity equivalent will be determined using criteria contemplated under 3.9.1.3 a.
- 3.9.3 In the event of a dilution in the percentage of black ownership in a measured entity as a result of all other sales of shares except the sale of shares described in paragraphs 3.8 or 3.9.1 or 3.9.2 above, a portion of the percentage may be recognisable subject to the following criteria:
- a. The black participant has held those shares for a minimum period of three years;
- b. Net value based on the time-based graduation factor in Annexe 100 (C) must have been created for black people, i.e. a portion of the debt acquired to purchase the equity must have been repaid, or the selling price of the shares must be higher than the purchase price; and
- c. Transformation has taken place within the entity using the comparable B-BBEE recognition level from the period of entry of black participants to their exit.
- 3.9.4 The formula for calculating continued recognition for sales of shares in circumstances as contemplated in paragraph 3.9.3 is contained in paragraph 5 of Annexe 100 (C) of this Code Statement. Black participation arising from continued recognition of black ownership cannot contribute more than 40% of the score on the ownership scorecard.
- 3.9.5 In the case of a loss of shares by a black investor, the following additional rules apply:
- 3.9.5.1 A written tripartite agreement between the measured entity, the black participant and a lender must record the loan or security arrangement, unless the measured entity is the lender; and

- 3.9.5.2 The period during which the continued recognition points are allocated or recognisable will not exceed the period over which the shares were held.
- 3.9.6 The ownership points in paragraph 3.9.5 (which deals with the loss of shares, unless that loss of shares is outside the control of the measured entity) that are attributable to the entity, will be calculated by multiplying the following elements:
- 3.9.6.1 The value created for black participants as a percentage of the value of the measured entity at the date of the loss of shares as a percentage of the entity's value; and
- 3.9.6.2 The ownership points attributable to the measured entity on the date of sale or loss.
- 3.9.7 The formula for measuring the percentage of continued recognition is as follows:

$$A = B \times C \times D$$

Where

A is the continued recognition after the loss of shares

B is the percentage ownership for each of the indicators in the ownership scorecard held immediately prior to the loss

C is the net value as per formula "Loss 1" below

D is most recent B-BBEE recognition level of the measured entity (not more than one year old and based on all elements excluding ownership).

Formula: Loss 1:

$$A = (B - C) / D$$

Where

A is the deemed net value

B is the value of the lost shares as at the date of loss

C is the carrying value of any debt in relation to the lost shares as at the date of loss

D is value of the measured entity as at the date of loss

4 BROAD-BASED OWNERSHIP AND EMPLOYEE OWNERSHIP SCHEMES

- 4.1 Black participants in Broad-Based Ownership Schemes and Employee Share Ownership Programmes (ESOPs) Programmes holding rights of ownership in a measured entity may contribute:
- 4.2 A maximum of 40% of the total points on the Ownership scorecard of the measured entity if they meet the qualification criteria set out in Annexe 100(B).
- 4.3 100% of the total points on the Ownership scorecard of the measured entity if they meet the additional qualification criteria set out in Annexe 100(B).

5 PRIVATE EQUITY FUNDS

- 5.1 A measured entity may treat any of its ownership arising from a private equity fund as if that ownership were held by black people, where the private equity fund meets the following criteria:

- 5.1.1 At least 51% of any of the private equity managers' exercisable voting rights associated with the equity instruments through which the private equity fund holds rights of ownership, must be held by black people;
- 5.1.2 At least 51% of the private equity fund's executive management and senior management must be black people; and
- 5.1.3 At least 51% of the profits made by the private equity fund manager after realising any investment made by it, must by written agreement, accrue to black people;
- 5.2 The term 'profit' in this instance is deemed to be profit from the operations of the private equity fund manager and the carried interest that the private equity fund manager (and/or its associated entities, provided that at least 51% of the profits of the associated entities accrue to the private equity fund manager) receives after realising any investment made by it;
- 5.3 The private equity fund manager must be a black owned company as defined;
- 5.4 The private equity fund manager must invest at least 51% of the value of *the South African funds* in management in companies that have at least a 25% direct black shareholding, post investment of the investment by the private equity fund, using the modified flow-through principle;
- 5.5 The private equity fund manager can facilitate direct black shareholding at the time of entering into the transaction if the target company does not meet the requirement of at least 25% black shareholding at the time that the transaction is concluded;
- 5.6 This determination will be made at each measurement date and the status given to the private equity fund manager will be applicable for a period of 12 months;
- 5.7 In recognition of the fact that it is currently a challenge for private equity fund managers to find companies to invest in, that already have a significant black shareholding, they are allowed to achieve the 51% target over a period of time based on the formulation detailed below. It must be noted that this formulation is in line with that of the net value calculation above. This rule will apply to all investments made after 11 October 2014. The commencement date is the later of 11 October 2014 and the date of establishment of a new fund:
 - 5.7.1 Within one year from the commencement date, more than 5% of the value of funds invested by the private equity fund must at all times be invested in enterprises that have at least 25% direct black shareholding;
 - 5.7.2 Within two years from the commencement date, more than 10% of the value of funds invested by the private equity fund must at all times be invested in enterprises that have at least 25% direct black shareholding;
 - 5.7.3 From the first day of the third year and the last day of the fourth year from the commencement date, more than 20% of the value of funds invested by the private equity fund must at all times be invested in enterprises that have at least 25% direct black shareholding;
 - 5.7.4 From the first day of the fifth year and the last day of the sixth year from the commencement date, more than 30% of the value of the funds invested by the private equity fund must at all times be invested in enterprises that have at least 25% direct black shareholding;
 - 5.7.5 From the first of the seventh year and the last day of the eighth year from the commencement date, more than 40% of the value of the funds invested by the private equity fund must at all times be invested in the enterprises that have at least 25% direct black shareholding;

- 5.7.6 From the first day of the ninth year and beyond from the commencement date, at least 51% of the value of the funds invested by the private equity fund must at all times be invested in enterprises that have at least 25% direct black shareholding;
- 5.8 The measurement of at least 51% of the value of funds invested by any private equity fund that must be invested in enterprises with at least 25% direct black shareholding is to be measured with reference to the cost of the investment made by the private equity fund;
- 5.9 In the case of private equity funds that were fully invested prior to 11 October 2014, investments by the fund managers will be considered as being made by black people if the private equity fund management entities meet the following criteria:
- 5.9.1 At least 51% of any of the private equity fund manager's exercisable voting rights associated with the equity instruments through which the private equity fund holds rights of ownership in a measured entity, must be held by black people;
- 5.9.2 At least 51% of the profits accruing to the private equity fund manager after realising any investment made by it, must by written agreement, accrue to black people; and
- 5.10 The private equity fund manager must be a B-BBEE owned company.

6 NON-PROFIT COMPANIES AND COMPANIES LIMITED BY GUARANTEE

- 6.1 A measured entity may elect to include or exclude these companies for the purposes of measuring ownership in terms of this statement.
- 6.2 A non-profit company or company limited by guarantee that houses a Broad-Based Ownership Scheme or an ESOP is subject to the provisions governing those types of schemes and not to this paragraph.
- 6.3 When a measured entity elects to exclude such companies, it can do so by excluding up to 40% of the level of their ownership completely from the determination of its compliance with the ownership target.
- 6.4 A measured entity electing not to exclude these non-profit companies when it is entitled to do so may either treat all of that ownership as non-black or obtain a competent person's report estimating the extent of black rights of ownership measurable in the measured entity and originating from those companies.
- 6.5 Black participants in such companies holding rights of ownership in a measured entity may contribute:
- 6.5.1 A maximum of 40% of the total points on the ownership scorecard of the measured entity if they meet the qualification criteria for Broad-Based Ownership Schemes set out in Annexe 100(B) and ESOP set out in Annexe 100(B).
- 6.5.2 100% of the total points on the ownership scorecard of the measured entity if they meet the additional qualification criteria set out for Broad-Based Ownership Schemes in Annexe 100(B) and ESOP set out in Annexe 100(B).

7 TRUSTS

- 7.1 Black participants in a trust holding rights of ownership in a measured entity may contribute:
- 7.2 A maximum of 40% of the total points on the ownership scorecard of the measured entity if the trust meets the qualification criteria for trusts set out in Annexe 100(B).
- 7.3 100% of the total points on the ownership scorecard of the measured entity if they meet the additional qualification criteria set out for trusts in Annexe 100(B).

8 OPTIONS AND SHARE WARRANTS

- 8.1 Exercisable voting rights and economic interest will be recognised where a participant holds an instrument granting the holder the right to acquire an equity instrument or part thereof at a future date, if the following requirements are met:
- 8.2 The exercisable voting rights attached to that instrument are irrevocably transferred to the holder for the option period and are exercisable by the holder before acquiring the equity instrument.
- 8.3 The value of any economic interest is irrevocably transferred for the option period and paid to the holder of that instrument before the exercise of that right.
- 8.4 The value of an instrument must be determined by using a standard valuation method for calculating the net value.

9 EQUITY INSTRUMENTS CARRYING PREFERENTIAL RIGHTS

- 9.1 An equity instrument carrying preferential rights is measurable in the same manner as an ordinary equity instrument.
- 9.2 An equity instrument carrying preferential rights that has the characteristics of a debt, regardless of whether the debt is that of an enterprise or of a participant, is an ordinary loan. If the debt is that of a black participant, it may be subject to measurement in current equity interest.
- 9.3 In evaluating an instrument that has a hybrid nature including the characteristics of a debt, only that portion that represents a debt, will be measured in current equity interest. The remainder is measurable as an ordinary equity instrument.

10 NET VALUE

- 10.1 Net value reflects the economic value of ownership rights after taking into account the carrying value of any acquisition debt.
- 10.2 Points are awarded in accordance with the formula in Annexe 100(C). The formula reflects that all acquisition debt should be extinguished within nine years of the acquisition of equity interests by participants in order to score full points.

11 THE BONUS POINTS IN TABLE 2A

- 11.1 A measured entity with 15% direct black economic interest, can receive a maximum of 3 points for an additional 10% economic interest held by black participants held either as direct or indirect ownership, measured in increments of 0.75 points for every 2.5% additional economic interest.
- 11.2 All contributions that are considered as ownership (including sales of assets, sales of shares, equity equivalents and indirect ownership) count in paragraphs 2.4 of Table 2a.

12 THE BONUS POINTS IN TABLE 2B

- 12.1 The bonus points relating to paragraph 2.2 of Table 2b are available only to local branches of foreign entities. Measured entities that qualify as local branches of foreign entities may meet their entire ownership targets through Code FS100, Statement 103.
- 12.1.1 A foreign branch may receive a maximum of five bonus points if it satisfies its equity equivalent contribution requirements (as per Code FS100, Statement 103) by contributing the total required amount for Black Business Growth Funding or other qualifying equity equivalents in the financial sector. If a foreign branch funds transactions to the value of 12, 5% in the financial sector, it may receive 2, 5 bonus points – $[(12.5\% / 25\%) \times 5]$.

ANNEXE FS100 (A)

Examples of Mandated Investments

Description of Investment	Portion Subject to Exclusion Principle
Investments made by or for a South African collective investment scheme as defined in the Collective Investments Control Act of 2002	Full Value
Investments made by or for a South African pension fund as defined in the Pension Fund Act of 1956	Full Value
Investments made by or for a South African medical scheme as defined in the Medical Schemes Act of 1998, out of members' funds	Portion recorded as made out of members' funds
Investments made by or for South African long-term insurers as defined in the Long-term Insurance Act of 1998, out of policy holders' funds	Portion recorded as made out of policy holders' funds
Investments made by or for friendly societies as defined in the Friendly Societies Act of 1956	Full Value
Investments made by or for a South African bank as defined in the Banks Act of 1990, out of depositors' funds as opposed to own reserves	Depositor portion determined by apportioning investment in the ratio that the depositor funds to own reserves
Investments made by or for a South African mutual bank as defined in the Mutual Banks Act of 1993, out of depositors' funds as opposed to own reserves	Depositor portion determined by apportioning investment in the ratio that the depositor funds to own reserves

ANNEXE FS100 (B)**RULES ON CERTAIN TYPES OF ENTERPRISES****1. RULES FOR BROAD-BASED OWNERSHIP SCHEMES**

The following rules apply to Broad-Based Ownership Schemes:

- 1.1 the management fees of the scheme must not exceed 15%;
- 1.2 the constitution of the scheme must record the rules governing any portion of Economic Interest received and reserved for future distribution or application;
- 1.3 the constitution of the scheme must define the Participants and the proportion of their claim to receive distributions;
- 1.4 a written record of the name of the Participants or the use of a defined class of natural person satisfies the requirement for identification;
- 1.5 a written record of fixed percentages of claim or the use of a formula for calculating claims satisfies the need for defining proportion of benefit;
- 1.6 the fiduciaries of the scheme must have no discretion on the above-mentioned terms;
- 1.7 at least 85% of the value of benefits allocated by the scheme must accrue to Black people;
- 1.8 at least 50% of the fiduciaries of the scheme must be independent persons having no employment with or direct or indirect beneficial interest in the scheme;
- 1.9 at least 50% of the fiduciaries of the scheme must be Black people and at least 25% must be Black women;
- 1.10 the chairperson of the scheme must be independent;
- 1.11 the constitution, or other relevant statutory documents, of the scheme must be available, on request, to any Participant in an official language in which that person is familiar;
- 1.12 the scheme fiduciaries must present the financial reports of the scheme to Participants yearly at an annual general meeting of the scheme; and
- 1.13 on winding-up or termination of the scheme, all accumulated Economic Interest must be transferred to the beneficiaries or an entity with similar objectives.

2 RULES FOR EMPLOYEE SHARE OWNERSHIP SCHEMES

The following rules apply to Employee Share Ownership Schemes (ESOP):

- 2.1.1 The scheme constitution must define the participants and the proportion of their claim to receive distributions;
- 2.1.2 A written record of the name of the participants or the use of a defined class of natural person satisfies the requirement for identification;
- 2.1.3 A written record of fixed percentages of claim or the use of a formula for calculating claims satisfies the need for defining proportion of benefit; and
- 2.1.4 The fiduciaries of the scheme must have no discretion on the above-mentioned terms. The participants must take part in:
 - 2.1.4.1 Appointing at least 50% of the fiduciaries of the scheme; and
 - 2.1.4.2 Managing the scheme at a level similar to the management role of shareholders in a company having shareholding;
- 2.1.5 The constitution, or other relevant statutory documents of the scheme must be available, on request, to any participant in an official language in which that person is familiar;
- 2.1.6 All accumulated economic interest of the scheme is payable to the participants at the earlier of a date or event specified in the scheme constitution or on the termination or winding-up of the scheme; and
- 2.1.7 The scheme fiduciaries must present the financial reports of the scheme to participants yearly at an annual general meeting of the scheme.

3 RULES FOR TRUSTS

- 3.1 The qualification criteria for the recognition of trusts are as follows:
 - 3.1.1 The trust deed must define the beneficiaries and the proportion of their entitlement to receive distributions;
 - 3.1.2 A written record of the names of the beneficiaries or the use of a defined class of natural person satisfies the requirement for identification;
 - 3.1.3 A written record of fixed percentages of entitlement or the use of a formula for calculating entitlement satisfies the need for defining proportion of benefit;
 - 3.1.4 The trustees must have no discretion on the above-mentioned terms; and
 - 3.1.5 On winding-up or termination of the trust, all accumulated Economic Interest must be transferred to the beneficiaries or to an entity representing the interest of the participants or class of beneficiaries.

4 RULES FOR FAMILY TRUSTS

- 4.1 The qualification criteria for the recognition of Family Trusts are as follows:
 - 4.1.1 The trust deed must define the beneficiaries and the proportion of their entitlement to receive distributions;
 - 4.1.2 A written record of the names of the beneficiaries or the use of a defined class of natural persons satisfies the requirement of defining beneficiaries;
 - 4.1.3 A use of a formula for calculating entitlement satisfies the need for defining proportion of benefit;
 - 4.1.4 Only the trustees must have discretion on the above-mentioned terms; and
 - 4.1.5 On winding-up or termination of the trust, all accumulated Economic Interest must be transferred to the beneficiaries or to an entity representing the interest of the participants or class of beneficiaries.

5 ADDITIONAL CRITERIA APPLICABLE TO TRUSTS

- 5.1 For a measured entity to obtain the maximum points on its ownership scorecard from shareholding by a trust, the measured entity must be in possession of a certificate issued by a competent person to the effect;
- 5.2 That the trust was created for a legitimate commercial reason, which must be fully disclosed; and
- 5.3 That the terms of the trust do not directly or indirectly seek to circumvent the provisions of the Amended FSC and the Act.

6 ADDITIONAL CRITERIA APPLICABLE TO BROAD-BASED OWNERSHIP SCHEMES AND EMPLOYEE OWNERSHIP SCHEMES:

- 6.1 For a measured entity to obtain the maximum points on its ownership scorecard, the following additional requirements must be met by a Broad-Based Scheme or Employee Share Ownership Scheme:
 - 6.1.1 A track-record of operating as a Broad-Based Ownership Scheme or ESOP, or in the absence of such a track-record demonstrable evidence of full operational capacity to operate as a Broad-Based Ownership Scheme or ESOP; and
 - 6.1.2 Operational capacity must be evidenced by suitably qualified and experienced staff in sufficient number, experienced professional advisors, operating premises and all other necessary requirements for operating a business.

ANNEXE F S 100 (C)**1 MEASUREMENT OF VOTING RIGHTS**

The calculation of the ownership indicators provided for in paragraphs 2.1 and 2.2 is as follows:

$$A = B/C \times D$$

Where

A is the score achieved for the measured entity for the measured ownership indicator

B is the percentage of exercisable voting rights held by black participants in a measured entity as a percentage of all voting rights of that entity

Where equity equivalents are utilised, the equity equivalents shall be deemed to hold voting rights that rank *equally* with ordinary shareholder voting rights and 50% of the deemed voting rights shall be deemed to be in favour of black women.

C is the percentage compliance target for exercisable voting rights for the applicable measured ownership indicator in paragraphs 2.1.1 and 2.1.2

D is the weighting points allocated to the applicable measured ownership indicator in paragraphs 2.1.1 and 2.1.2

If an enterprise gains a score in the formula above that is more than the weighting points in paragraphs 2.1.1 and 2.1.2, that enterprise will only receive the weighting points.

2 MEASUREMENT OF ECONOMIC INTEREST

The calculation of the ownership indicators provided for in paragraphs 2.2.1, 2.2.2 and 2.2.3 is as follows:

$$A = B/C \times D$$

Where

A is the recognisable percentage of a black participant's claim to economic interest in the measured entity.

B is the percentage of economic interest, which participants who fall within the category of black people in that measured entity hold to all economic interest which all participants of that measured entity hold

Where equity equivalents are utilised the equity equivalents shall be deemed to hold economic interest that rank equally with ordinary shareholder economic interest and 50% of the deemed economic interest shall be deemed to be in favour of black women and 50% shall be deemed to be in favour of designated groups.

C is the percentage compliance target for economic interest for the applicable measured ownership indicator in paragraphs 2.2.1, 2.2.2 and 2.2.3.

D is the weighting points allocated to the applicable measured ownership indicator in paragraphs 2.2.1, 2.2.2 and 2.2.3.

If an enterprise gains a score in the formula above that is more than the weighting points in paragraphs 2.2.1, 2.2.2 and 2.2.3, that enterprise will only receive the weighting points.

3 CALCULATION OF DEEMED NET VALUE

In calculating the 'Deemed Net Value' referred to in paragraph 4 below, the following formula applies:

$$A = (B - C)/D$$

Where

A is the Deemed Net Value

B for the purposes of paragraph 4 below is the value of the Equity Instruments relevant to the calculation, determined on the measurement date

C for the purposes of paragraph 4 below is the carrying value of any acquisition debts of the relevant Black participants on the measurement date

D for the purposes of paragraph 4 below is the value of the measurable Portion (Value of South African Operations) of the measured entity on the measurement date

4 NET VALUE

The "Net Value" points in paragraph 2.3 are the lower result of Formula A and Formula B as follows:

Formula A

$$A = B \times (1 / (25\% \times C)) \times 3$$

Where

A is the score in paragraph 2.3

B is the Deemed Net Value for all black participants in the measured entity determined using Formula 3 above

C is the time-based graduation factor of the economic Interest compliance target outlined below:

- a. 10% for the first year after the current equity interest date.
- b. 20% for the second year after the current equity interest date.
- c. 40% from the first day of the third year after the current equity interest date to the last day of the fourth year after the current equity interest date.
- d. 60% from the first day of the fifth year after the current equity interest date to the last day of the sixth year after the current equity interest date.
- e. 80% from the first day of the seventh year after the current equity interest date to the last day of the eighth year after the current equity interest date.
- f. 100% from the first day of the ninth year after the current equity interest date to the last day of the tenth year after the current equity interest date.

Formula B

$$A = B/C \times 3$$

Where

A is the score in paragraph 2.3

B is the percentage economic Interest in the measured entity of black participants

C is the target for the ownership indicator in paragraph 2.3

If a measured entity gains a score in paragraph 4.1 that is more than the weighting points in paragraph 2.3, that entity will only receive the weighting points.

5 **CALCULATION OF THE RECOGNITION OF OWNERSHIP AFTER THE SALE OF SHARES BY BLACK PARTICIPANTS:**

The calculations referred to in paragraphs 3.9.3 of Code 100, Statement 100, use the following formula:

For paragraphs 2.1.1 and 2.2.1 of the ownership scorecard

$$A=B \times C \times D$$

Where

A is the percentage of rights of ownership that survive the sale of an Equity Instrument by a black participant in paragraphs 3.9.3

B is the percentage of rights of ownership for each of the indicators in the ownership scorecard that were attributable to the black participant immediately before his/her sale.

C The net value realised or created for black participants after the liquidation of debt as a % of the value of the sale of shares of each of the indicators immediately prior to exit.

The net value created for black participants is equal to the current value of the shares less any own contribution made by the black participants at the inception date of the transaction.

D is the most recently determined B-BBEE recognition level of the measured entity (which must be less than one year old) based on its Generic Scorecard result for all elements other than ownership determined using statement 000.

For paragraphs 2.1.2, 2.2.2 and 2.2.3, A is equal to the percentage held by black women or designated groups immediately before their sale of shares, multiplied by the result the calculation done in terms of paragraph 5 of Annexe 100(C) for par 2.1.1 and 2.2.1 of the ownership scorecard.

For paragraph 2.3 of the ownership scorecard, calculating the net value that survives after the sale of shares the following calculation shall apply:

$$A = B \times C \times D$$

Where

A is the percentage of rights of ownership that survive the sale of an equity instrument by a black participant in paragraphs 3.9.3

B is the percentage of the equity instruments diluted, determined on the date of measurement immediately before his/her sale

C is the value of the equity interests sold (less) the value of any own contribution made at the inception date of the deal in relation to the shares sold (less) the carrying value of any acquisition debts of the relevant black participants on the date of sale or loss divided by the value of the measured entity at the date of sale or loss

D is the recognition level of the measured entity excluding ownership immediately prior to the loss or sale.

Illustrative example

Assume that a B-BBEE consortium holds 10% of a measured entity at 01/01/2009, the commencement date; 50% of this holding is attributable to black women and 50% is attributable to black designated groups.

At the commencement date, the value of this holding is R150 (enterprise value R1 500) and the value of the associated debt is R100.

The B-BBEE Consortium provided R10 own cash contribution and R90 was debt funded in lieu of the purchase price of R100 for 10%. Through corporate action this holding is diluted fully at 31/12/2012.

At this date, the value of the holding has grown to R180 and the debt is R80. The value of the business is therefore R1 800.

The measured entity is a level 3 contributor excluding ownership as at 31/12/2012.

Calculation for paragraphs 2.1.1 and 2.1.3 of the ownership scorecard:

$$A = B \times C \times D$$

$$B = 10\%$$

$$C = ((180 - 80 - 10) / 180) = 50\%$$

R180 is the value of the shares sold, R80 is the debt outstanding and R10 is the value of the consortium's own contribution at the inception of the transaction.

$$D = 110\%$$

The continued recognition in paragraphs 2.1.1 and 2.1.3 of the scorecard will be:

$$10\% \times 50\% \times 110\% = 5.5\%$$

The continued recognition in paragraphs 2.1.2, 2.2.2 and 2.2.3 of the scorecard will be:

$$50\% \times 5.5\% = 2.75\%$$

Calculation for paragraph 2.3 of the ownership scorecard:

$$A = B \times C \times D$$

$$B = 10\%$$

$$C = (180 - 80 - 10) / 1800 = 5\%$$

$$D = 110\%$$

The continued recognition in paragraph 2.3 is therefore $10\% \times 5\% \times 110\% = 0.55\%$.

**AMENDED CODE SERIES FS100: MEASUREMENT OF THE OWNERSHIP ELEMENT OF BROAD-BASED BLACK
ECONOMIC EMPOWERMENT**

STATEMENT 102: RECOGNITION OF THE SALE OF ASSETS, EQUITY INSTRUMENTS AND BUSINESS

Issued under section 9 (1) of the Broad-Based Black Economic Empowerment Act of
2003 as amended by Act 46 of 2013

Arrangement of Statement FS102

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1. OBJECTIVES OF STATEMENT 102

The objectives of this statement are to:

- 1.1 Set out the conditions where the sale of assets, equity instruments and other businesses will be recognised.
- 1.2 Set out how the ownership points will be determined.

2. APPLICATION

- 2.1 A transaction in terms of this statement may involve the sale of:
 - 2.1.1 An asset;
 - 2.1.2 A business; or
 - 2.1.3 Equity instruments in an enterprise.

3. KEY MEASUREMENT PRINCIPLES

- 3.1 General principles:
 - 3.1.1 A seller that has concluded a transaction involving a sale of assets, equity instrument or business with an associated enterprise may claim the benefits provided for in this statement in its own ownership scorecard.
 - 3.1.2 Where a seller has claimed benefit in terms of the ownership scorecard for the sale of asset, equity instrument or business it may not claim benefits, *for the same transaction*, in the enterprise and supplier development element.
- 3.2 Qualification Criteria:
 - 3.2.1 For ownership points to be recognised the transaction:
 - a. Must result in the creation of sustainable businesses or business opportunities for black people; and
 - b. Result in the transfer of specialised skills or productive capacity to black people.
 - 3.2.2 A sale of asset, equity Instrument and business must involve a separate associated enterprise, which has:
 - a. No unreasonable limitations (generally accepted arm's length limitations may be imposed and may include but not be limited to limitations such as normal arm's length restraints of trade limitations) as to its clients or customers;
 - b. Clients, customers or suppliers other than the seller; and
 - c. B-BBEE shareholders or their successors if the BEE shareholding is the same or has improved the holding asset for a minimum of three years.
 - 3.2.3 Any operational outsourcing arrangements between the seller and the associated enterprise must be negotiated at arms-length on a fair and reasonable basis.
 - 3.2.4 The transaction should be subject to an independent valuation by an independent expert.
 - 3.2.5 The following transactions do not constitute qualifying transactions:
 - a. Transfers of business rights by way of license, lease or other similar legal arrangements not conferring unrestricted ownership; and
 - b. Sales of franchises by franchisors to franchisees, but includes sales of franchises from franchisees to other or new franchisees.

- 3.2.6 No Qualifying transaction may be claimed as BEE ownership if a repurchase transaction is entered into within a three year period after the transaction implementation, even if the transaction implementation is deferred post the three years.
- 3.2.7 Ownership points are subject to existing contracts between the parties remaining in effect on market related terms, subject to market norm service levels.

4. MEASUREMENT PRINCIPLES

- 4.1 The calculation of the ownership points in terms of paragraph 2 of the ownership scorecard must be based on:
- 4.1.1 The value of the transaction;
- 4.1.2 The value of equity Instruments held by black participants in the associated enterprise; and
- 4.1.3 The carrying value of the acquisition debt of black participants in the associated enterprise.
- 4.2 All calculations in paragraphs 4.1.1 to 4.1.3 must use a standard valuation method.
- 4.3 Equivalency percentages in this statement apply to all paragraphs of the ownership scorecard.
- 4.4 The seller must include the equivalency percentages in its own ownership scorecard as if those percentages arose from black ownership of equity Instruments in the seller. The equivalency percentages for the indicators in paragraphs 2.1 and 2.2 of the ownership scorecard can be calculated in terms of Annexe 102(A).

5. RECOGNITION OF SALE OF ASSET, EQUITY INSTRUMENTS AND BUSINESSES

- 5.1 A seller seeking recognition of a transaction in its ownership scorecard must determine that recognition in paragraph 4 in compliance with paragraph 2.3 of statement 000:
- 5.1.1 For the first three years after the transaction, based on data current on the measurement date;
- 5.1.2 For each year thereafter, based on:
- The Indicator percentages at the measurement date; and
 - The values of the qualifying transaction and benefit to the seller at the measurement date in the third year after the transaction.

ANNEXE 102(A)

This formula determines the equivalency percentages in paragraphs 2.1 to 2.2 of Table 2a of the ownership scorecard.

$$A = B/C \times D$$

Where

A is the Equivalency percentage

B is the value of the qualifying transaction to the associated enterprise determined using a standard valuation method

C is the value of the seller determined using a standard valuation method

D is the indicator percentages of the associated enterprise

**AMENDED CODE SERIES FS100: THE MEASUREMENT OF THE OWNERSHIP ELEMENT OF BROAD-BASED BLACK
ECONOMIC EMPOWERMENT
STATEMENT FS103: THE RECOGNITION OF EQUITY EQUIVALENTS**

Issued under section 9 (1) of the Broad-Based Black Economic Empowerment Act of
2003 as amended by Act 46 of 2013

Arrangement of Statement FS103

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1. OBJECTIVES OF STATEMENT FS103

The objectives of this statement are to:

- 1.1 Define the means by which measured entities may recognise equity equivalent programmes; and
- 1.2 Specify how contributing towards the ownership element of B-BBEE by entities applying equity equivalents is measurable.

2. KEY MEASUREMENT PRINCIPLES

- 2.1. Any equity equivalent contributions towards the ownership element of B-BBEE made by an entity recognising equity equivalents are measurable against the value of their operations in the Republic of South Africa.
- 2.2. Equity equivalent contributions may take the form of, but are not limited to, additional Black Business Growth Funding, access to financial services, targeted investments, enterprise development, and other elements. These additional contributions may only be counted in either equity equivalents or the respective element, not in both.
- 2.3. Where an equity equivalent contribution may qualify in, for example, the empowerment financing element, it must only be included in either empowerment financing or ownership.
- 2.4. Further, any equity equivalent contribution may only be counted as an equity equivalent contribution in its entirety in either ownership or the elements scorecard. Measured entities may not split a contribution and attribute part of that contribution to ownership and part of the contribution to a specific element.
- 2.5. The target for equity equivalents shall be the Rand value of 5% for local entities or 25% for foreign branches of the entity measured using a standard valuation as at 31 December 2010.
- 2.6. Local measured entities seeking to utilise equity equivalent contributions may only utilise these contributions for a maximum of 5% of the measured entity (calculated as a percentage of South African operations of that entity at 31 December 2010) with respect to its ownership target of 15% direct ownership.
- 2.7. Lending types of equity equivalent contributions will be recognised as follows:
 - 2.7.1 The origination amounts shall be recognised in paragraphs 2.1 to 2.2 of the ownership scorecard:
 - a. For the purpose of paragraph 2.1.1 of the ownership scorecard equity equivalent contributions shall be deemed to hold voting rights;
 - b. For the purpose of paragraph 2.1.2 of the ownership scorecard 50% of the voting rights recognised in paragraph 2.1.1 shall be deemed to be held by black women;
 - c. For the purpose of paragraph 2.2.1 of the ownership scorecard equity equivalent contributions shall be deemed to hold economic Interest;
 - d. For the purpose of paragraph 2.2.2 of the ownership scorecard, 50% of the economic interest recognised in paragraph 2.2.1 shall be deemed to be held by black women; and
 - e. For the purpose of paragraph 2.2.3 of the ownership scorecard, 50% of the economic interest recognised in paragraph 2.2.1 shall be deemed to be held by black designated groups.
- 2.7.2 Only the balance sheet exposure as at measurement date shall be recognised in paragraph 2.3 of the ownership scorecard.

3. RECOGNITION OF EQUITY EQUIVALENT PROGRAMMES

- 3.1 The Minister of Trade and Industry may approve certain equity equivalent programmes after the entity applying for recognition of equity equivalents has consulted with the Minister of Finance about its equity equivalent proposal and the Minister of Finance has forwarded a recommendation to the Minister of Trade & Industry.
- 3.2 Notwithstanding 3.1, any equity equivalent programme forming part of this Amended FSC constitutes an approved programme. Specifically, the equity equivalent programmes described in paragraph 8 constitute approved programmes and no further approvals are necessary.
- 3.3 Equity equivalent programmes are preferably sector specific, but the Minister of Finance may consider requests for approval of programmes that are not sector specific.
- 3.4 Equity equivalent programmes
- 3.4.1 Equity equivalent programmes may involve:
- 3.4.1.1 Programmes that support:
- The National Development Plan;
 - The National Skills Development Strategy III;
 - The National Treasury policy priorities referred to in the document "A Safer Financial Sector to Serve South Africa better";
 - The New Growth Path; and
 - The Jobs Fund.
- 3.4.1.2 Enterprise creation in co-operatives that are:
- At least 51% owned by black people; or
 - More than 30% owned by black women; or
 - At least 51% owned by members of black designated groups.
- 3.4.1.3 Any other programmes that promote socio-economic advancement or contribute to the overall social development of the Republic of South Africa.
- 3.4.2 Equity equivalent programmes must include:
- 3.4.2.1 A full description of programme objectives and projected outcomes;
- 3.4.2.2 Qualification criteria for participation in the programme;
- 3.4.2.3 Timelines for implementation and delivery with milestones against which progress is measurable; and
- 3.4.2.4 Details about the sponsors of the programme.
- 3.5 Equity equivalent programmes are not limited to multinational corporations that are subject to a global policy or local branches of foreign banks, but are available to all measured entities in the sector, subject to the limitation on local entities in paragraph 2.3 above.
- 3.6 Equity equivalent programmes may have any of the following as their beneficiaries:
- 3.6.1 Enterprises in which:
- Black people hold at least 51% of the exercisable voting rights and at least 51% of the economic interest;
 - Black women hold more than 30% of the exercisable voting rights and more than 30% of the economic interest;
- and

- c. Black designated groups hold at least 51% of the exercisable voting rights and at least 51% of the economic interest.

4. MEASUREMENT OF EQUITY EQUIVALENT CONTRIBUTIONS ON THE OWNERSHIP SCORECARD

- 4.1 The ownership score of a measured entity participating in an equity equivalent programme is calculated in terms of paragraph 4.3. A foreign multinational corporation (including foreign branches of international banks) participating in an equity equivalent programme cannot receive any points for ownership in any statement in Code Series 100 other than this statement. Local banks or domestic multinationals may only utilise equity equivalents to a maximum of 5% of their measurable portion and may therefore receive points for ownership in any statement in Code series 100.
- 4.2 Contributions to equity equivalent programmes are measured at Rand value of contributions made using the general principles set out in paragraph 8 of this Statement 103 and code series FS500, FS600 and FS700. Certain general principles defined in paragraph 8 may be the same as certain general principles in code series FS500, FS600 and FS700 against the following target:
 - 4.2.1 25 % of the value of the South African operations of the foreign multinational subject to a global policy or branch of a foreign bank qualifying for the recognition of equity equivalents. The 25% value is determined by using a standard valuation and calculated at 31 December 2010; or
 - 4.2.2 A maximum of 5% of the Rand value of the South African operations for local measured entities calculated at 31 December 2010.
- 4.3 The ownership score in an equity equivalent programme using the target in paragraph 4.2 must be calculated in terms of Annexe 103(A) using the principles defined in paragraphs 2.1 to 2.7 of this Statement 103.

5. EXAMPLES OF EQUITY EQUIVALENT PROGRAMMES

- 5.1 Enterprise creation:
 - 5.1.1 If the equity equivalent contribution of the entity involves the creation of a new enterprise:
 - a. The creation of the new enterprise must comply with the requirements for a qualifying transaction as defined in Statement 102 of the CoGP; and
 - b. The creation of the new enterprise cannot contribute to the entity's score in code series FS600.
- 5.2 Investment in social advancement:
 - 5.2.1 An equity equivalent contribution of the entity applying for recognition of equity equivalents that involves enhanced socio-economic development.
 - a. Must comply fully with code series FS500; and
 - b. Cannot form part of the score of the entity applying for recognition of equity equivalents in code series FS500.
- 5.3 Empowerment Financing:
 - 5.3.1 An equity equivalent contribution of the entity applying for recognition of equity equivalents that involves enhanced empowerment financing.
 - a. Must comply fully with code series FS600; and

- b. Cannot form part of the score of the entity applying for recognition of equity equivalents in code series FS600.
- 5.4 Investment in Access to Financial Services:
 - 5.4.1 An equity equivalent contribution of the entity applying for recognition of equity equivalents that involves enhanced Access to Financial Services:
 - a. Must comply fully with code series FS700; and
 - b. Cannot form part of the score of the entity applying for recognition of equity equivalents in code series FS700.

6. SPECIFIC RULES ON ENTITIES APPLYING FOR RECOGNITION OF EQUITY EQUIVALENTS

- 6.1 Any contributions towards the ownership element of B-BBEE made by entities applying for recognition of equity equivalents are measurable against the value of their operations in the Republic of South Africa.
- 6.2 In calculating their ownership score, entities applying for recognition of equity equivalents must apply the exclusion principle to any portion of the business value of their South African operations gained from non-South African sources. A standard valuation method must be used to determine the value of the South African operations.
- 6.3 In calculating their ownership score, entities applying for recognition of equity equivalents may recognise sales of equity Instruments in non-South African enterprises to black people, on the following basis:
 - 6.3.1 The non-South African enterprise must form part of the chain of ownership between the entities applying for recognition of equity equivalents and its eventual holding company;
 - 6.3.2 The transaction must comply with South African exchange control requirements;
 - 6.3.3 The percentage of the value of the equity Instruments sold to the value of the business of the entity applying for recognition of equity equivalents represents the recognisable lack claim to economic Interest;
 - 6.3.4 The percentage of exercisable voting rights ceded to the buyers of the equity Instruments in the business of the entity applying for recognition of equity equivalents represents the recognisable black right to exercisable voting rights; and
 - 6.3.5 The rights of ownership in the equity Instruments are comparable to rights that would have accrued had the equity Instrument been in the business of the entity applying for recognition of equity equivalents.

7. SPECIFIC RULES ON MULTINATIONALS

- 7.1 Bonus points for multinationals:
 - 7.1.1 Multinationals are not restricted to equity equivalent programmes in the financial sector. However, in order to qualify for the bonus point in paragraph 2.2 of Table 2b of the ownership scorecard, the 25% direct ownership target must be achieved via equity equivalent programmes within the financial sector.

8. EMPOWERMENT FINANCING AND ACCESS TO FINANCIAL SERVICES EQUITY EQUIVALENT PROGRAMMES

- 8.1 Measured entities must register every programme, other than paragraph 8 programmes, that constitutes a part of empowerment financing and access to financial services equity equivalent programmes with the Council at the commencement of the programme:

- 8.1.1. The registration will include details of the B-BBEE status of the recipient where relevant, a description of the transaction in the context of code series FS400, FS500 and/or FS600 and the Rand value of the equity equivalent and term over which it is claimed.
- 8.1.2 The transaction cannot form part of the score of the entity in terms of code series FS400, FS500 and/or FS600 and/or FS700.
- 8.1.3 Contributions to equity equivalent programmes that are the same in nature to contributions contemplated in code series FS400, FS500 and/or FS600 and/or FS700 and have already been claimed in code series FS400, FS500, FS600 and/or FS700 may not be claimed in paragraph 2 of code FS100, Statement 100. No double counting of the same contribution will be allowed in ownership and any other element.
- 8.2 Measurement principles:
- 8.2.1 Equity Equivalent Contributions will be recognised as follows:
- a. The target for equity equivalents shall be the Rand value of 5% or 25% of the value of the South African operations of the entity measured using a standard valuation as at 31 December 2010.
 - b. The origination amounts shall be recognised in paragraphs 2.1.1 to 2.2.3 of the ownership scorecard:
 - i. For the purpose of paragraph 2.1.1 of the ownership scorecard, equity equivalent contributions shall be deemed to hold voting rights.
 - ii. For the purpose of paragraph 2.1.2 of the ownership scorecard, 50% of the voting rights recognised in paragraph 2.1.1 shall be deemed to be held by black women.
 - iii. For the purpose of paragraph 2.2.1 of the ownership scorecard, equity equivalent contributions shall be deemed to hold economic interest.
 - iv. For the purpose of paragraph 2.2.2 of the ownership scorecard, 50% of the economic Interest recognised in paragraph 2.2.1 shall be deemed to be held by black women.
 - v. For the purpose of paragraph 2.2.3 of the ownership scorecard, 50% of the economic Interest recognised in paragraph 2.2.1 shall be deemed to be held by black designated groups.
 - c. Only the balance sheet exposure as at measurement date shall be recognised in paragraph 2.3 of the ownership scorecard.

ANNEXE 103(A)

This formula is for determining the ownership score in an equity equivalent programme using either of the targets in paragraphs 4.2.1 or 4.2.2.

For foreign branches:

$$A = B/C \times 14$$

Where

A is ownership points of the entity in any year arising from its equity equivalent contribution

B is the balance sheet value of contributions made as at measurement date

C is the target of 25% of the standard value of its South African operations as at 31 December 2010

For local measured entities:

$$A = (B/C \times 2) + [(B \times 50\%) / D \times 0.67] + [(B \times 50\%) / E \times 0.33] + (F/G \times 1.33)$$

Where

A is ownership points of the measured entity in any year arising from its equity equivalent contribution

B is the origination value of contributions made

C is the target of 5% (15%/3) of the standard value of its South African operations as at 31 December 2008 – relating to Paragraphs 2.1.1 and 2.2.1 of the ownership scorecard

D is the target of 2% (6%/3) of the standard value of its South African operations as at 31 December 2008 relating to paragraphs 2.1.2 and 2.2.2 of the ownership scorecard

E is the target of 3.33% (10%/3) of the standard value of its South African operations as at 31 December 2008 - relating to paragraph 2.2.3 of the ownership scorecard

F is the balance sheet value of contributions made as at measurement date

G is the target as per Formula A and Formula B

This formula for determining the ownership score in an equity equivalent programme, using either of the targets in paragraphs 4.2.1 and 4.2.2, where the contribution is made on an annual basis towards a 10 year target is as follows:

$$A = B/C \times (1 / (5\% \text{ or } 25\% \times D)) \times 13 \text{ or } 4.33$$

Where

A is ownership points of the measured entity in any year arising from its equity equivalent contribution

B is the value of total contributions made prior to the measurement date

C is the financial value of the target in paragraph 4.2.1 or 4.2.2 or the ten year value of contributions to be made over the life of this statement

D is the time-based graduation factor detailed below:

10%	for the first year after the commencement of Statement 000.
20%	for the second year after the commencement of Statement 000.
40%	from the first day of the third year after the commencement date of Statement 000 to the last day at the end of the fourth year after the commencement date of Statement 000.
60%	from the first day of the fifth year after the commencement date of Statement 000 to the last day at the end of the sixth year after the commencement date of Statement 000.
80%	from the first day of the seventh year after the commencement date of Statement 000 to the last day at the end of the eighth year after the commencement date of Statement 000.
100%	from the first day of the ninth year after the commencement date of Statement 000 to the last day at the end of the tenth year after the commencement date of Statement 000.

**AMENDED FSC SERIES FS200: MEASUREMENT OF THE MANAGEMENT CONTROL ELEMENT OF BROAD-BASED
BLACK ECONOMIC EMPOWERMENT**

STATEMENT FS200: THE GENERAL PRINCIPLES FOR MEASURING MANAGEMENT CONTROL

Issued under section 9 (1) of the Broad-Based Black Economic Empowerment Act of
2003 as amended by Act 46 of 2013

Arrangement of Statement FS200

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1 OBJECTIVES OF STATEMENT FS200

The objectives of this statement are to:

- 1.1 Specify the scorecard for measuring management control contributions to B-BBEE;
- 1.2 Define the key measurement principles for measuring the management control contributions to B-BBEE; and
- 1.3 Define the formula for calculating the score for management control.

2 MANAGEMENT CONTROL SCORECARD

The following table represents the criteria used for deriving a score for management control in terms of Statement FS200:

Management Control Scorecard			
	Description	Points	Target
2.1	Board Participation	5	
2.1.1	Exercisable voting rights of black board members as a percentage of all board members	1	50%
2.1.2	Exercisable voting rights of black female board members as a percentage of all board members	1	25%
2.1.3	Black executive directors as a percentage of all executive directors	2	50%
2.1.4	Black female executive directors as a percentage of all executive directors	1	25%
2.2	Other Executive Management	3	
2.2.1	Black executive management as a percentage of all executive management	2	60%
2.2.2	Black female executive management as a percentage of all executive management	1	30%
2.3	Senior Management	4	
2.3.1	Black employees in senior management as a percentage of all such employees	2	60%
2.3.2	Black female employees in senior management as a percentage of all senior managers	1	30%
2.3.3	African senior managers as a percentage of all senior managers	1	EAP %
2.4	Middle Management	4	
2.4.1	Black employees in middle management as a percentage of all middle management	2	75%
2.4.2	Black female employees in middle management as a percentage of all middle management	1	38%
2.4.3	African middle managers as a percentage of all middle managers	1	EAP %
2.5	Junior Management	4	
2.5.1	Black employees in junior management as a percentage of all junior management	1	88%
2.5.2	Black female employees in junior management as a percentage of all junior management	1	44%
2.5.3	African junior managers as a percentage of all junior managers	1	EAP %
2.6	Black employees with disabilities as a percentage of all employees	1	2%
	Total	20	

3 KEY MEASUREMENT PRINCIPLES

- 3.1 A measured entity receives points for its achievement towards the targets for participation of black people, black women and African people at board, executive management, senior middle and junior management, and of black employees with disabilities.
- 3.2 A measured entity must use the current payroll data as at the measurement date in calculating its score in the management control scorecard.
- 3.3 If a measured entity does not distinguish between other executive management and senior management, then other executive management is measurable as a single indicator with a weighting of 7, split as follows:
- 3.3.1 Black executive management - 3;
- 3.3.2 Black female executives - 2; and
- 3.3.3 African executive managers - 2.
- 3.4 Where a measured entity does not have any employees in middle or junior management, then the weightings of the indicator which has no employees must be distributed among the remaining categories of senior, middle or junior management.

For example, where there is no middle management the points must be distributed between senior and junior management.

Senior Management	6	Target
Black employees in senior management	2	75%
Black female employees in senior management	2	38%
African senior managers	2	EAP%
Junior Management	5	
Black employees in junior management	2	88%
Black female employees in junior management	2	44%
African junior managers	1	EAP%

- 3.4.1 Where there is no senior, middle or junior management, the aggregate weightings of these three categories will be allocated to the category 'Other Executive Management'.

Other Executive Management	14	Target
Black executive management	10	75%
Black female executive management	4	38%

- 3.5 When combining categories of Management, the higher target will apply to the combined category.

- 3.6 If a financial institution is a 100% owned local subsidiary of a multinational or external company (as defined in Section 1 of the Companies Act) or is a branch of a multinational or external company, and is subject to a global policy:
- 3.6.1 Any board members, executive or senior managers who are not South African citizens and who are imposed on the local operation will not be taken into account for the purposes of calculating ratios in terms of this paragraph. This will apply to both the headcount and voting of those personnel.
- 3.6.2 Notwithstanding the provisions of paragraph 3.6.1 above, any such exclusion of "imposed" personnel shall be limited to a maximum of 20% of the total number of individuals within the specified category of management. There shall be a sub-minimum of one person who may be excluded.
- 3.7 Notwithstanding paragraph 3.6.2 above, if an institution subject to global policy sends black South African employees, who are the intended beneficiaries of this Amended FSC, on secondment or rotation to branches abroad, it may exclude one additional foreign imposed staff for every one intended beneficiary sent abroad. This is in addition to the 20% cap.
- 3.8 Board Participation
- 3.8.1 Board means the governing body consisting of independent, non-executive and executive directors of the enterprise. Their main functions are to govern the enterprise as defined in the King Report; formulate and implement policy; undertake strategic planning; and plan, direct and co-ordinate the activities of the enterprise.
- 3.8.2 Board participation refers to the level of control exercised by a person over the decisions of the board.
- 3.8.3 Measured entities that do not have a board of directors may apply to the Council for dispensation to deem their executive committee to be a board. This executive committee will be as per the Measured Entities current structure.
- 3.8.4 Notwithstanding the provision in paragraph 3.8.3, the *onus* shall be on the measured entity applying for this dispensation to provide sufficient evidence to the Council to show that the executive committee does in fact hold responsibility that justifies the application.
- 3.8.5 Notwithstanding the provision in paragraphs 3.8.3 and 3.8.4, a financial institution that is a branch of a multinational or external company that does not have a local board of directors, will be exempt from the management control provisions for board representation, but may elect to deem its executive committee as the board of directors. A measured entity must elect to deem its executive committee as a board of directors or elect to be excluded from the provisions for board representation. Once that election has been made, it must be maintained.
- 3.8.6 Measured entities electing to be excluded from the provisions for board representation will still be measured for the category 'Other Executive Management' as per paragraph 2.2.
- 3.8.7 Notwithstanding the provisions of paragraph 3.8.5, any person including non-South African citizens serving on the board or other executive management of a financial institution, and not excluded from measurement in that paragraph, shall be subject to the definition of a black person as stipulated in the Act.
- 3.9 Defining Other Executive Management
- 3.9.1 Executive management positions include the executive directors of the measured entity.
- 3.9.2 Executive management positions also include executive managers who do not serve on the board. Examples include: Chief Executive Officer, Chief Operating Officer, Chief Financial Officer, Human Resource Executive, Transformation Executive and other people holding executive management positions.

- 3.10 The demographic representation of black people as defined in the Regulations of the Employment Equity Act and Commission on Employment Equity report are not applicable to the Management Control Scorecard

4. MEASUREMENT OF THE MANAGEMENT CONTROL CRITERIA

The criteria in the management control scorecard are measured in terms of the formula set out in Annexe 200(A).

ANNEXE FS200 (A)

MEASUREMENT OF MANAGEMENT CONTROL INDICATORS

The Management Control criteria provided for in paragraphs 2.1, 2.2, 2.3, 2.4, 2.5 and 2.6 is calculated as follows:

$A = \frac{B}{C} \times D$	
Where	
A	is the score achieved by a measured entity in respect of the measurement of the criteria specified in paragraph 2.1, 2.2, 2.3, 2.4, 2.5 and 2.6 of the management control scorecard
B	in the case of paragraph 2.1, is the voting rights of black directors as a percentage of voting rights of all directors in the measured entity; or
B	in the case of paragraph 2.2, is the percentage of black employees in the Other executive management category of the measured entity; or
B	in the case of paragraph 2.3, 2.4 and 2.5, is the percentage of black employees for each of the indicators in those paragraphs; or
B	in the case of paragraph 2.6, is the percentage of black employees with a disability as a percentage of all employees
C	is the percentage compliance target in respect of the applicable criteria being measured as specified in paragraph 2.1, 2.2, 2.3, 2.4, 2.5 and 2.6 of the management control scorecard
D	means the weighting points allocated to the applicable criteria being measured as specified in paragraph 2.1, 2.2, 2.3, 2.4, 2.5 and 2.6 of the management control scorecard.

AMENDED FSC SERIES FS300: MEASUREMENT OF THE SKILLS DEVELOPMENT ELEMENT OF BROAD-BASED BLACK ECONOMIC EMPOWERMENT

**STATEMENT FS300: THE GENERAL PRINCIPLES FOR MEASURING
SKILLS DEVELOPMENT**

**Issued under section 9 (1) of the Broad-Based Black Economic Empowerment Act of
2003 as amended by Act 46 of 2013**

Arrangement of statement FS300

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1 OBJECTIVES OF STATEMENT FS300

The objectives of this statement are to:

- 1.1 Specify the scorecard for measuring the skills development element of B-BBEE;
- 1.2 Define the key measurement principles associated with the skills development element; and
- 1.3 Indicate the formula for measuring the skills development element.

2 THE SKILLS DEVELOPMENT ELEMENT SCORECARD

This table represents the criteria used for scoring skills development in terms of this statement:

Description		Points	Target
2.1	Senior Management	2	
	2.1.1 Skills development expenditure on learning programmes specified in the learning programme matrix for black senior and executive managers as a percentage of the leviabale amount applicable to this level	1	2.00%
	2.1.2 Skills development expenditure on learning programmes specified in the learning programme matrix for black women senior and executive managers as a percentage of the leviabale amount applicable to this level	0.5	1.00%
	2.1.3 Skills development expenditure on learning programmes specified in the learning programme matrix for African senior and executive managers as a percentage of the leviabale amount applicable to this level	0.5	EAP%
2.2	Middle Management	2	
	2.2.1 Skills development expenditure on learning programmes specified in the learning programme matrix for black middle managers as a percentage of the leviabale amount applicable to this level	1	3.00%
	2.2.2 Skills development expenditure on learning programmes specified in the learning programme matrix for black women middle managers as a percentage of the leviabale amount applicable to this level	0.5	1.50%
	2.2.3 Skills development expenditure on learning programmes specified in the learning programme matrix for African middle managers as a percentage of the leviabale amount applicable to this level	0.5	EAP%
2.3	Junior Management	3	
	2.3.1 Skills development expenditure on learning programmes specified in the learning programme matrix for black junior managers as a percentage of leviabale amount applicable to this level	1	5.00%
	2.3.2 Skills development expenditure on learning programmes specified in the learning programme matrix for black women junior managers as a percentage of the leviabale amount applicable to this level	1	2.50%

	2.3.3	Skills development expenditure on learning programmes specified in the learning programme matrix for African junior managers as a percentage of the leviabale amount applicable to this level	1	EAP%
	Non-management staff		4	
	2.4.1	Skills development expenditure on learning programmes specified in the learning programme matrix for black non-management staff as a percentage of the leviabale amount applicable to this level	2	8.00%
2.4	2.4.2	Skills development expenditure on learning programmes specified in the learning programme matrix for black women non-management staff as a percentage of the leviabale amount applicable to this level	1	4.00%
	2.4.3	Skills development expenditure on learning programmes specified in the learning programme matrix for African non-management staff as a percentage of the leviabale amount applicable to this level	1	EAP%
2.5		Skills development expenditure on learning programmes specified in the learning programme matrix for black unemployed people as a percentage of the leviabale amount	4	1.5%
2.6		Skills development expenditure on learning programmes specified in the learning programme matrix for black people with disabilities as a percentage of the leviabale amount	1	0.30%
2.7		Number of black people, (employed or unemployed) participating in learnerships, apprenticeships, internships or Category B, C or D programmes as a percentage of total employees	4	5.00%
	Total		20	
2.8		Bonus Points: Number of previously unemployed black people Absorbed by the measured entity/industry at the end of the learnerships, apprenticeships, internships, or Category B, C or D programmes.	3	100%

3 KEY MEASUREMENT PRINCIPLES

- 3.1 The following criteria must be fulfilled in order for the measured entity to receive points on the skills development scorecard:
 - 3.1.1 A Workplace Skills Plan, an Annual Training Report and a Pivotal Report which are SETA approved; and
 - 3.1.2 Implementation of a priority skills programme in general, and for black people in particular.
- 3.2 The compliance targets in paragraphs 2.4.1 and 2.4.2 includes external training expenditure for black people that are not employed by the measured entity.
- 3.3 A trainee tracking tool has to be developed in order for the measured entity to score in terms of paragraph 2.7.
- 3.4 If less than 100% of the trainees are absorbed in terms of paragraph 2.7, the percentage absorbed will be recognised.

- 3.5 Skills development expenditure on black people who are counted on the skills development scorecard may not be counted again in any other B-BBEE element of the QSFI or generic scorecard.
- 3.6 Where a measured entity does not have any employees in a particular management category, then the weightings of the indicator which has no employees must be distributed among the remaining categories of senior, middle or junior management.
- 3.7 When combining categories of Management, the higher target will apply to the combined category.

3.7.1 Combining senior and middle management

Senior Management	4	
Skills development expenditure on black senior and executive managers	2	3.00%
Skills development expenditure on black women senior and executive managers	1	1.50%
Skills development expenditure on African senior and executive managers	1	EAP%

3.7.2 Combining middle and junior management

Junior Management	5	
Skills development expenditure on black junior managers	2	5.00%
Skills development expenditure on black women junior managers	1.5	2.50%
Skills development expenditure on African junior managers	1.5	EAP%

3.7.3 Combining all management

Management	7	
Skills development expenditure on black managers	3	5.00%
Skills development expenditure on black women managers	2	2.50%
Skills development expenditure on African managers	2	EAP%

3.7.4 Combining all categories 2.1, 2.2, 2.3, 2.4, 2.5 and 2.6

Black People	16	
Skills development expenditure on black people	8	6.00%
Skills development expenditure on black women	4	3.00%
Skills development expenditure on Africans	4	EAP%

4 SUB-MINIMUM AND DISCOUNTING PRINCIPLE

- 4.1 A measured entity must achieve a minimum of 40% of the total weighting points (excluding bonus points) set out in the skills development element.
- 4.2 Non-compliance with the threshold targets will result in the overall achieved B-BBEE recognition level being discounted in accordance with paragraph 3.3.3 of Statement 000.

5 GENERAL PRINCIPLES

- 5.1 Skills development must:
 - 5.1.1 contribute to the achievement of the country's economic growth and social development goals that will enrich the creation of decent work and sustainable livelihoods;
 - 5.1.2 support 'Professional, Vocational, Technical and Academic Learning (Pivotal)' programmes, achieved by means of professional placements, work-integrated learning, apprenticeships, learnerships and internships, that meet the critical needs for economic growth and development; and
 - 5.1.3 strengthen the skills and human resource base by encouraging the support of skills development initiatives with an emphasis on skills development and career pathing for all working people in order to support employment creation.
- 5.2 Recognisable skills development expenditure includes any legitimate training expenses (see paragraph 6 for examples), incurred for any learning programme offered by a measured entity to its black employees and black people, evidenced by an invoice or appropriate internal accounting record.
- 5.3 Skills development expenditure arising from category G learning programmes in the learning programmes matrix cannot in aggregate represent more than 15% of the Measured Entities actual total value of skills development expenditure.
- 5.4 The following legitimate training expenses incurred by the measured entity cannot in aggregate represent more than 15% of the Measured Entities actual total value of skills development expenditure:
 - 5.4.1 accommodation of learners;
 - 5.4.2 catering for learners at learning site; and
 - 5.4.3 traveling of learners to and from the learning site.
- 5.5 Salaries or wages paid to an employee of the measured entity participating as a learner in any learning programme constitute skills development expenditure only if the learning programme is a learnership, internship or apprenticeship (category B, C and D of the learning programme matrix). Salaries or wages paid to the employee may be claimed only for the period during which that employee was participating in the learnership, internship or apprenticeship.
- 5.6 Expenses on scholarships and bursaries for employees do not constitute skills development expenditure if the measured entity can recover any portion of those expenses from the employee or if the grant of the scholarship or bursary is conditional. Notwithstanding the foregoing, if the right of recovery or the condition involves either of the following obligations of the employee, the expenses are recognisable:
 - 5.6.1 the obligation of successful completion in the studies within the time period allocated; or
 - 5.6.2 the obligation of continued employment by the measured entity for a period following successful completion of the studies, that is not more than the period of the studies.

6 LEGITIMATE TRAINING EXPENSES

- 6.1 Legitimate training expenses include, but are not necessarily limited to:
- 6.1.1 costs of training materials;
 - 6.1.2 costs of trainers;
 - 6.1.3 costs of training facilities, including costs of catering;
 - 6.1.4 scholarships and bursaries;
 - 6.1.5 course fees;
 - 6.1.6 accommodation and travel; and
 - 6.1.7 administration costs such as the organisation of training including, where appropriate, the measured entity's costs of employing a skills development facilitator, a training manager or other training staff.

7 MEASUREMENT OF SKILLS DEVELOPMENT INDICATORS

- 7.1 The formulae and example that explains the method of measurement of the criteria in the skills development scorecard is set out in Annexe 300 (B).

ANNEXE FS300 (A)

Cat	Programme Example	Narrative Description	Delivery Mode	Learning Site	Learning Achievement
A	Bursaries	Institution-based theoretical instruction alone – formally assessed by the institution	Institutional instruction	Institutions such as universities and colleges, schools, ABET providers	Recognised theoretical knowledge resulting in the achievement of a degree, diploma or certificate issued by an accredited formal institution of learning
B	Internships	Institution-based theoretical instruction as well as some practical learning with an employer or in a simulated work environment – formally assessed through the institution	Mixed mode delivery with institutional instruction as well as supervised learning in an appropriate workplace or simulated work environment	Institutions such as universities and colleges, schools, ABET providers and workplace	Theoretical knowledge and workplace experience with set requirements resulting in the achievement of a degree, diploma or certificate issued by an accredited or registered formal institution of learning
C	Internships / Articles	Recognised or registered structured experiential learning in the workplace that is required after the achievement of a qualification – formally assessed by a statutory occupational or professional body	Structured learning in the workplace with mentoring or coaching	Workplace	Occupational or professional knowledge and experience formally recognised through registration or licensing
D	Learnerships or Apprenticeships	Occupationally- directed instructional and work-based learning programme that requires a formal contract – formally assessed by an accredited body	Institutional instruction together with structured, supervised experiential learning in the workplace	Institution and workplace	Theoretical knowledge and workplace learning, resulting in the achievement of a South African Qualifications Authority registered qualification, a certificate or other similar

					occupational or professional qualification issued by an accredited or registered formal institution of learning
E	Work – integrated learning	Occupationally- directed instructional and work-based learning programme that does not require a formal contract – formally assessed by an accredited body	Structured, supervised experiential learning in the workplace which may include some institutional instruction	Workplace, institutional as well as ABET providers	Credits awarded for registered unit standards, continued professional development, improved performance or skills (e.g. evidence of outputs based on Performance Development Programme)
F	Workplace training	Occupationally- directed informal instructional programmes	Structured, information sharing or direct instruction involving workshops, seminars and conferences and short courses	Institutions, conferences and meetings	Continuing professional development, attendance certificates and credits against registered unit standard (in some instances)
G	Informal training	Work-based informal programmes	Informal training	Workplace	Increased understanding of job or work context or improved performance of skills

ANNEXE FS300 (B)

MEASUREMENT OF SKILLS DEVELOPMENT INDICATORS

The Skills Development criteria provided for in paragraph 2 of the scorecard are calculated as follows:

$$A = \frac{B}{C} \times D$$

Where

A is the score achieved by a measured entity in respect of the measurement of the skills development criteria specified in paragraph 2

B in the case of paragraphs 2.1, 2.2, 2.3, 2.4 and 2.5, is the amount of skills development expenditure expressed as a percentage of the relevant leviable amount of the occupational level or the measured entity; **or**

B in the case of paragraph 2.6, is the number of black people who are doing learnerships, apprenticeships and internships, expressed as a percentage of the total number of employees of the measured entity; **or**

B in the case of paragraph 2.7, is the number of previously unemployed black people who completed a learnership programme during the measurement period and who have been subsequently absorbed by the measured entity or the industry, expressed as a percentage of the total number of learnership programmes that black people were enrolled for and that ended during the measurement period.

C is the percentage compliance target in respect of the applicable criteria being measured as specified in the skills development scorecard

D is the weighting for the applicable criteria being measured as specified in the skills development scorecard

**AMENDED FSC SERIES FS400: MEASUREMENT OF THE PROCUREMENT ENTERPRISE AND SUPPLIER
DEVELOPMENT ELEMENT OF BROAD-BASED BLACK ECONOMIC EMPOWERMENT**

**STATEMENT FS400: THE GENERAL PRINCIPLES FOR MEASURING PROCUREMENT ENTERPRISE AND SUPPLIER
DEVELOPMENT**

Issued under section 9 (1) of the Broad-Based Black Economic Empowerment Act of
2003 as amended by Act 46 of 2013

Arrangement of Statement FS400

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1 OBJECTIVES OF STATEMENT FS400

The objectives of this statement are to:

- 1.1 Specify the scorecard for measuring qualifying enterprise and supplier development contributions;
- 1.2 Specify the key measurement principles applicable to calculating preferential procurement contributions; qualifying enterprise development and supplier development contributions;
- 1.3 Define the principles applicable when calculating B-BBEE procurement spend and enterprise development and supplier development spend; and
- 1.4 Indicate the formula for calculating the individual criteria specified in the enterprise and supplier development scorecard.

2 PROCUREMENT ENTERPRISE AND SUPPLIER DEVELOPMENT SCORECARD

The following table represents the criteria for deriving a score for Procurement Enterprise and Supplier Development in this statement

	Description	Others	Banks and Life officers	Targets year 1-3	Targets year 3+
		Weightings		Targets	
2.1	Procurement	20	15		
2.1.1	B-BBEE Procurement Spend from all Empowering Suppliers based on the B-BBEE procurement recognition levels as a percentage of total measured procurement spend	5	4	75%	80%
2.1.2	B-BBEE procurement spend from empowering suppliers who are QSEs based on the applicable B-BBEE procurement recognition levels as a percentage of total measured procurement spend	3	2	14%	18%
2.1.3	B-BBEE procurement spend from empowering suppliers who are EMEs based on the applicable B-BBEE procurement recognition levels as a percentage of total measured procurement spend	2	2	8%	12%
2.1.4	B-BBEE procurement spend from empowering suppliers that are at least 51% black owned based on the applicable B-BBEE procurement recognition levels as a percentage of total measured procurement spend	7	5	20%	30%
2.1.5	B-BBEE procurement spend from empowering suppliers that are at least 30% black women owned based on the applicable B-BBEE procurement recognition levels as a percentage of total measured procurement spend	3	2	9%	10%
2.2	Supplier Development	10	0		

2.2.1	Annual value of all supplier development contributions made by the measured entity	10	0	2% of NPAT
2.3	Enterprise and Supplier Development	5	0	
2.3.1	Annual value of enterprise development contributions and sector specific programmes made by the measured entity	5	0	1% of NPAT
	Total	35	15	
2.4	Bonus Points			
2.4.1	Graduation of one or more enterprise development beneficiaries to graduate to the supplier development level.	1	0	1
2.4.2	For creating one or more jobs directly as a result of supplier development and enterprise development initiatives by the measured entity.	1	0	1
2.4.3 (a)	B-BBEE procurement spend from intermediated black professional service providers who are empowering suppliers based on the B-BBEE procurement recognition levels as a percentage of intermediated spend	2	2	5%
<i>Or</i>				
2.4.3 (b)	B-BBEE procurement spend from black stockbrokers or black fund managers who are empowering suppliers based on the B-BBEE procurement recognition levels as a percentage of total value of all trade allocated	2	2	5%
2.4.4	B-BBEE procurement spend from designated group suppliers that are at least 51% black owned as a percentage of the total measured spend	2	2	2%
2.4.5	Enterprise development support of black stockbrokers, black fund managers or intermediaries	2	0	0.5% of NPAT (recoverable or non-recoverable)
	Total bonus points	8	4	

3 KEY MEASUREMENT PRINCIPLES

3.1 The Enterprise and Supplier Development scorecard consists of:

3.1.1 Preferential Procurement; and

3.1.2 Enterprise Development and Supplier Development.

3.2 Qualifying Enterprise Development and Supplier Development Contributions will be recognised as a percentage of the previous year's annual Net Profit after Tax (NPAT) of the measured entity.

Only in the event that the Measured Entity does not make a profit, then Qualifying Enterprise Development and Supplier Development Contributions of an average of the last 3 years contributions will earn the measured entity the full points in Paragraphs 2.2 and 2.3 respectively.

3.3 Sub-minimum and Discounting Principle:

3.3.1 A measured entity, excluding banks and life offices, must achieve a minimum of 40% of each of the total weighting points (excluding bonus points) of each of the three categories, within the enterprise and Supplier Development element, namely Preferential Procurement; Supplier Development and enterprise Development. This means that the measured entities must achieve at least:

- a. 8 points in the Preferential Procurement category;
- b. 4 points in the Supplier Development category; and
- c. 2 points in the Enterprise Development category.

3.3.2 For companies other than banks and life offices, non-compliance with the threshold targets will result in the overall achieved B-BBEE status level being discounted in accordance with Paragraph 3.3.3 of statement 000.

3.4 An Empowering Supplier within the context of the Amended FSC is:

3.4.1 A measured entity that is B-BBEE Compliant (has at least a Level 8 BEE certificate); and

3.4.2 Must be compliant with three of the five requirements listed below:

- a. At least 25% of procurement spend must be from local suppliers.
- b. 50% of new jobs created during the measurement period must be for black people and the total proportion of black people since the last measurement period cannot have dropped.
- c. At least 25% of SED contributions must be directed at education activities or at least 25% of ED contributions must be directed at black women owned businesses.
- d. At least 85% of Leviable Amount should be paid to South African employees by service industry entities.
- e. Skills transfer - Organisations need to spend a minimum number of days as indicated in the table below, in assisting enterprise or supplier development beneficiaries to increase their operational and/or financial capacity. This process can be outsourced.

Number of employees in the organisation	Number of days spent doing skills transfer with beneficiaries
0 – 20	1
21 – 150	3
151 – 500	6
> 500	12

3.5 Exempted Micro Enterprises and Start-ups are automatically recognised as empowering suppliers.

3.6 The weighting points in the enterprise and supplier development scorecard represent the maximum number of points possible for each of the criteria.

3.7 Enhanced Procurement Recognition

If a measured entity procures goods and services from a supplier that is:

- 3.7.1 a recipient of qualifying Supplier Development Contributions from a measured entity in code series FS400 that has a minimum three (3) year contract with the measured entity, the recognisable B-BBEE procurement spend that can be attributed to that supplier is multiplied by a factor of 1.2;
- 3.7.2 at least 51% black owned QSE or QSFI or EME which is not a supplier development beneficiary but that has a minimum three (3) year contract with the measured entity, the recognisable B-BBEE procurement spend that can be attributed to that supplier is multiplied by a factor of 1.2; and
- 3.7.3 a beneficiary of the Measured Entity's Enterprise Development Programme supplying the Measured Entity for the first time, the B-BBEE procurement spend that can be attributed to that supplier is multiplied by a factor of 1.2.
- 3.8 Procurement of goods and services and any other activities that fall in paragraph 2.1 will not qualify for scoring in paragraphs 2.2 and 2.3 and *vice versa*.
- 3.9 Beneficiaries of qualifying supplier development and enterprise development contributions are EMEs, QSFIs or QSEs which are at least 51% black owned or are at least 51% black woman owned.
- 3.10 Where a QSE or EME supplier's turnover in the current measurement period exceeds the QSE or EME turnover threshold the measured entity may continue to count the preferential procurement spend in either paragraph 2.1.2 or 2.1.3 for a period of three (3) years post the supplier exceeding the turnover threshold, provided that:
 - 3.10.1 The measured entity procured from the supplier prior to the supplier exceeding the specified turnover threshold; and
 - 3.10.2 The measured entity having made an enterprise or supplier development contribution prior to the supplier exceeding the turnover threshold.
- 3.11 Enterprise and supplier development contributions being counted towards scoring points under Paragraphs 2.2 and 2.3 respectively cannot be double counted for the scoring of bonus points.
- 3.12 A new job as specified in paragraph 2.4.2 can be counted when there is a new position created by the Enterprise or Supplier Development Beneficiary to employ an additional person in the beneficiary to perform specified work over a specified period of time (or into perpetuity). The new job must be an additional position created within the beneficiary entity.

4 GENERAL PRINCIPLES

- 4.1 To strengthen local procurement in order to help build South Africa's industrial base in critical sectors of production and value adding manufacturing, which are largely labour-intensive industries.
- 4.2 To increase local procurement through capacity building achieved by incentivising appropriate local supplier development programmes by businesses supplying imported goods and services.
- 4.3 The import provisions do not apply to the designated sectors and products for local production, as and when published.
- 4.4 To actively support procurement from at least 51% black owned QSFIs and EMEs by identifying opportunities to increase procurement from local suppliers in order to support employment creation.
- 4.5 To support procurement from at least 51% black owned and 30% black woman owned businesses in order to increase the participation of these businesses in the mainstream economy.

- 4.6 To promote the use of the at least 51% black owned professional service providers and entrepreneurs as suppliers.
- 4.7 Measured entities receive recognition for any qualifying enterprise and supplier development contributions that are quantifiable as a monetary value using a standard valuation method.
- 4.8 Measured entities are encouraged to align their enterprise and supplier development initiatives with the designated sectors of government's localisation and value adding programmes, where this is possible in the financial services sector.
- 4.9 Measured entities are encouraged to align their enterprise and supplier development initiatives with their supply chain requirements thereby linking enterprise and supplier development with preferential procurement.
- 4.10 Qualifying enterprise and supplier development contributions of any measured entity are recognisable on an annual basis.
- 4.11 Where grant contributions, programmes and/or initiatives span over multiple years, the total contribution amount must be divided by the number of years, and the average per year is then to be utilised for the annual contribution, where such contributions can be annualised. This excludes all non-grant based funding.
- 4.12 Measured entities are encouraged to develop and implement an enterprise development plan and supplier development plan for a beneficiary of their contributions. The plan should include:
- 4.12.1 Clear Objectives;
- 4.12.2 Priority interventions;
- 4.12.3 Key performance indicators; and
- 4.12.4 A concise implementation plan with clearly articulated milestones.
- 4.13 Measured entities will not get recognition for the same activities undertaken in paragraphs 2.2 and 2.3; they will only get recognition for one of the two i.e. 2.2 or 2.3. Both Enterprise & Supplier Development Contributions can be spent with the same Supplier Development Beneficiary and there is no need to break down what activities are specifically Enterprise or Supplier Development however, the same contribution cannot be double counted for both the Enterprise and Supplier Development requirements
- 4.14 No portion of the value of any contribution that is payable to the beneficiary or on behalf of the beneficiary after the last day of the measurement period can form part of any calculation in this statement. This restriction will not apply where the contributions are made to an industry enterprise and supplier development programme and paid to the relevant trade association or trade association lead initiative within the measurement period. The trade association or trade association lead initiative must allocate the funds to beneficiaries within 12 months.
- 4.15 Supplier development beneficiaries are enterprise development beneficiaries from which the measured entity procures goods or services.
- 4.16 Measured entities will not get bonus points in both 2.4.3(a) and 2.4.3(b); they will only get recognition for one of the two.
- 4.17 For Measured Entities to score the bonus points in 2.4.3(a) and 2.4.3(b) the procurement spend does not have to reflect in the financials of the Measured Entity, the procurement could be third-party procurement.

5. TOTAL MEASURED PROCUREMENT SPEND

The following procurement is measurable within total measured procurement spend:

- 5.1 Cost of sales: all goods and services procured that comprise the cost of the sales of the measured entity;
- 5.2 Operational expenditure: all goods and services procured that comprise the operational expenditure of the measured entity;
- 5.3 Capital expenditure: all capital expenditure incurred by the measured entity;
- 5.4 Discretionary stock-brokering spend: discretionary stock-brokering spend procured by Investment managers on behalf of clients, regardless of whether this spend is recorded in the financial statements of the investment manager;
- 5.5 Public sector procurement:
 - 5.5.1 all goods and services procured from organs of state and public entities listed in schedules 2 and 3 of the Public Finance Management Act, (Act 1 of 1999). Notwithstanding this, procurement by a measured entity from a local government authority, which is a reseller of that service, is measurable at the B-BBEE recognition level of the primary supplier of the service; and
 - 5.5.2 in any event, any procurement of any goods or services from any organ of state or public entity that enjoys a statutory or regulated monopoly in the supply of such goods or services, is excluded;
- 5.6 Monopolistic procurement: all goods and services procured from suppliers that enjoy a monopolistic position;
- 5.7 Third-party procurement: all procurement for a third-party or a client, where the cost of that procurement is an expense recorded in the measured entity's annual financial statements;
- 5.8 Labour brokers and independent contractors: any procurement of the measured entity that is outsourced labour expenditure;
- 5.9 Pension and medical aid contributions and administration payments: payments made to any post retirement funding scheme or to a medical aid scheme or similar medical insurer by a measured entity for its employees, excluding any portions of such payments, which are a contribution to a capital investment of the employee;
- 5.10 Trade commissions: any commission or similar payments payable by a measured entity to any other person pursuant to the business or trade of the measured entity;
- 5.11 Empowerment related expenditure: all goods and services procured in carrying out B-BBEE. The total measured procurement spend does not include the contribution portion recognised in section 2.2 and 2.3 of this statement and code series 500, but does include any expenditure incurred in facilitating those contributions;
- 5.12 Imports: all goods and services that are imported or procured from a non-South African source;
- 5.13 Intra-group procurement: all goods and services procured from subsidiaries or holding companies of the measured entity. This is not applicable where the subsidiaries or holding companies form part of the entities consolidated B-BBEE certificate; and
- 5.14 **Insurance broker and insurance intermediary commissions:** this inclusion will only apply **after** the first three (3) years following the implementation date of the Amended FSC.

6 EXCLUSIONS FROM TOTAL MEASURED PROCUREMENT SPEND

The following list provides permissible exclusions from total measured procurement spend recognisable in terms of Paragraph 5:

- 6.1 Taxation: any amount payable to any person which represents a lawful tax or levy imposed by an organ of state authorised to impose such tax or levy, including rates imposed by a municipality or other local government;
- 6.2 Salaries, wages, remunerations, and emoluments: any amount payable to an employee as an element of their salary or wages and any emolument or similar payment paid to a director of a measured entity;
- 6.3 Pass-through third-party procurement: all procurement for a third-party or a client that is recorded as an expense in the third-party or client's annual financial statements but is not recorded as such in the measured entity's annual financial statements;
- 6.4 Empowerment related procurement:
 - 6.4.1 Investments in or loans to an associated enterprise;
 - 6.4.2 Investments, loans or donations qualifying for recognition in any statement in code series FS400 or FS500;
- 6.5 Imports: the following imported goods and services:
 - 6.5.1 Imported capital goods or components for value-added production in South Africa provided that:
 - a. there is not sufficient existing local production of such capital goods or components; and
 - b. importing those capital goods or components promotes further value-added production within South Africa;
 - 6.5.2 Imported goods and services other than those listed in Paragraph 6.5.1 if there is not sufficient local production of those goods or services including, but not limited to, imported goods or services that
 - a. carry a brand different to the locally produced goods or services; or
 - b. have different technical specifications to the locally produced goods or services.
 - 6.5.3 The exclusion of imports listed in 6.5.2 is subject to the measured entity or the industry in which that entity operates having developed and implemented an enterprise development or supplier development plan for supporting qualifying empowering suppliers that manufacture goods and services locally that are otherwise normally imported. The plan does not need to relate to the specific goods or services that the measured entity imports. This plan should include:
 - a. Clear objectives;
 - b. Priority interventions;
 - c. Key performance indicators; and
 - d. A concise implementation plan with clearly articulated milestones.
 - 6.5.4 The Department of Trade and Industry will from time to time consult with the industry and issue practice notes with regard to the provisions on import exclusions.
- 6.6 Intra-group procurement: where the measured entity is conducting a consolidated verification of itself together with its affiliates and subsidiaries, then all intra-group procurement of goods and services amongst the group entities forming part of the consolidated verification are excluded.
- 6.7 Property expenditure: Any amounts payable in consideration for property acquisitions or rentals where the financial institutions hold such property interests as an investment, on behalf of a third party, rather than for operational purposes;
- 6.8 Reinsurance premiums;
- 6.9 Global suppliers: Any items of procurement where the supplier is imposed in terms of a global policy for technical

(but specifically not commercial) reasons;

- 6.10 Broker and insurance intermediary commissions: **this exclusion will only apply for the first three (3) years following the implementation date of the Amended FSC.** This allows these entities sufficient time to implement their B-BBEE initiatives. After three years, broker commissions and commissions paid to insurance intermediaries will be an included procurement spend.

7 MEASUREMENT OF B-BBEE PROCUREMENT SPEND

- 7.1 B-BBEE procurement spend is the value of the procurement falling within paragraph 5 and not excluded by paragraph 6. If a supplier falls within a category of supplier listed in paragraph 3.7, the value of procurement from that supplier is multiplied by the applicable factor listed in that paragraph.
- 7.2 B-BBEE procurement spend must be measured using formula A in Annex FS400 (A).
- 7.3 The B-BBEE procurement spend for a measured entity in respect of a supplier is calculated by multiplying the spend contemplated by paragraph 5 (and not excluded in paragraph 6) in respect of that supplier by the supplier's B-BBEE recognition level.
- 7.4 A measured entity's total procurement spend is the total of all amounts calculated in terms of paragraph 7.3.

8. THE CALCULATION OF PREFERENTIAL PROCUREMENT CONTRIBUTIONS TO B-BBEE

- 8.1 A measured entity receives a score for procurement in proportion to the extent that it meets the compliance target.
- 8.2 The measured entity's score for preferential procurement contributions to B-BBEE in the preferential procurement scorecard must be calculated in terms of formula "B" in Annex FS400(A).

9. ENTERPRISE DEVELOPMENT AND SUPPLIER DEVELOPMENT CONTRIBUTIONS

The following is a non-exhaustive list of qualifying enterprise Development and Supplier Development Contributions include, but are not limited to, the following:

- 9.1 investments in qualifying beneficiary entities;
- 9.2 loans made to qualifying beneficiary entities;
- 9.3 guarantees given or security provided on behalf of qualifying beneficiary entities;
- 9.4 credit facilities made available to qualifying beneficiary entities;
- 9.5 grant contributions to qualifying beneficiary entities;
- 9.6 direct costs incurred by a measured entity in assisting and hastening development of qualifying beneficiary entities;
- 9.7 overhead costs of the measured entity directly attributable to qualifying enterprise Development and Supplier Development Contributions;
- 9.8 preferential credit terms granted by a measured entity to qualifying beneficiary entities;
- 9.9 preferential terms granted by a measured entity in respect of its supply of goods and services to qualifying beneficiary entities;
- 9.10 contributions made towards the settlement of the cost of services relating to the operational or financial capacity and/or efficiency levels of a qualifying beneficiary entity including, without limitation:

- a. professional and consulting services;
 - b. licensing and/or registration fees;
 - c. industry specific levies and/or other such fees; and
 - d. IT services;
- 9.11 discounts given to qualifying beneficiary entities in relation to the acquisition and maintenance costs associated with the grant to those qualifying beneficiary entities of franchise, licence, agency, distribution or other similar business rights;
- 9.12 the creation or development of capacity and expertise for qualifying beneficiary entities needed to manufacture or produce goods or service previously not manufactured, produced or provided in the Republic of South Africa as provided for in Government's economic growth and local supplier development policies and initiatives;
- 9.13 the creation or development of new projects promoting beneficiation by the measured entity for the benefit of qualifying beneficiary entities;
- 9.14 facilitating access to credit for qualifying beneficiary entities without access to traditional credit facilities owing to a lack of credit history, high-risk or lack of collateral on the part of the qualifying beneficiary entity;
- 9.15 provision by the measured entity, of preferential credit facilities to a qualifying beneficiary entity;
- 9.16 the provision of seed or development capital to qualifying beneficiary entities;
- 9.17 provision of training or mentoring by suitably qualified entities or individuals to qualifying beneficiary entities which will assist such entities to increase their operational or financial capacity; and
- 9.18 provision of training or mentoring to qualifying beneficiary entities by the measured entity itself;
- 9.19 such contributions are measurable by quantifying the cost of time (excluding travel or commuting time) spent by staff or management of the measured entity in carrying out such initiatives;
- 9.20 a clear justification, commensurate with the seniority and expertise of the trainer or mentor, must support any claim for time costs occurred;
- 9.21 Common forms of such contribution include, without limitation:
 - a. Professional and consulting services;
 - b. IT services; and
 - c. any other services which help to increase the entity's financial and/or operational capacity and which have not also been accounted for in code FS300 Skills Development.
- 9.22 Training or mentoring provided as per paragraphs 9.17 and 9.18 above may not be double counted in the skills development scorecard once claimed as qualifying enterprise and supplier development contribution and vice versa.
- 9.23 the maintenance by the measured entity of an enterprise development and supplier development unit which focuses exclusively on support of qualifying beneficiary entities or candidate beneficiary entities.
- 9.23.1 only that portion of salaries and wages attributable to time spent by the staff in, and the other expenses that relates to, promoting or implementing qualifying enterprise and supplier development contributions, qualify for recognition.
- 9.24 payments made by the measured entity to suitably qualified and experienced third parties to perform enterprise development and supplier development on the measured entity's behalf.

9.24.1 such contributions are regarded as having been initiated and implemented once they become payable to the third party.

10. MEASUREMENT OF ENTERPRISE DEVELOPMENT AND SUPPLIER DEVELOPMENT CONTRIBUTIONS

10.1 A measured entity other than Banks and Life Officers, receives a score for enterprise development and supplier development in proportion to the extent that it meets the compliance target.

10.2 Qualifying contributions are measurable using the formula "A" in Annexe FS400 (B)

ANNEXE FS400 (A)**A: B-BBEE PROCUREMENT SPEND:**

$A = \text{the sum of } (B \times C)$
<p>Where</p> <p>A is the calculated total B-BBEE Procurement Spend for the measured entity. It is equal to the sum of the result of the product of B and C for each Supplier of the measured entity not excluded in the exclusion from Total Measured Procurement Spend;</p> <p>B is the value of procurement falling within Total Measured Procurement Spend and not excluded in the exclusion from Total measured Procurement Spend from each Supplier of the measured entity for the measurement period</p> <p>C is the latest B-BBEE procurement Recognition Level of each Supplier of the measured entity that can be supported by a B-BBEE verification certificate (or sworn affidavit in the case of 51% or 100% black owned EME's and QSFI's), that was valid at any time from the commencement of the measurement period up to the issuing of the measured entities B-BBEE verification certificate.</p>

B: THE CALCULATION OF PREFERENTIAL PROCUREMENT CONTRIBUTIONS TO B-BBEE:

$A = \frac{B}{C} \times D$
<p>Where</p> <p>A is the calculated preferential procurement score for paragraphs 2.1.1, 2.1.2, 2.1.3, 2.1.4, 2.1.5 and 2.1.6 respectively in the preferential procurement scorecard in statement 400 for the measured entity;</p> <p>B is the total B-BBEE Procurement Spend of the measured entity calculated for each of the indicators of the Preferential Procurement scorecard (paragraphs 2.1.1, 2.1.2, 2.1.3, 2.1.4, 2.1.5 and 2.1.6) respectively, expressed as a percentage of the Total Measured Procurement Spend of that measured entity;</p> <p>C is the compliance Target for each of the indicators of the Preferential Procurement scorecard (paragraphs 2.1.1, 2.1.2, 2.1.3, 2.1.4, 2.1.5 and 2.1.6) respectively;</p> <p>D is the weighting points allocated to each of the indicators of the Preferential Procurement scorecard (paragraphs 2.1.1, 2.1.2, 2.1.3, 2.1.4, 2.1.5 and 2.1.6) respectively.</p>

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ANNEXE FS400 (B)

Annexe 400B – Enterprise Development and Supplier Development Benefit Factor Matrix

Qualifying Contribution type	Contribution Amount	Benefit Factor
Grant and Related Contributions		
Grant Contribution	Full Grant Amount	100%
Bad Debt write-offs incurred from the financing of Enterprise and Supplier Development Beneficiaries	100% subject to a maximum of 50% of the non-recoverable target for Banks and Life Officers in enterprise development	100%
Direct Cost incurred in supporting Enterprise Development and Supplier Development	Verifiable Cost (including both monetary and non-monetary)	100%
Discounts in addition to normal business practices supporting Enterprise Development and Supplier Development	Discount Amount (in addition to normal business discount)	100%
Overhead Costs incurred in supporting Enterprise Development and Supplier Development (including people appointed in Enterprise Development and Supplier Development)	Verifiable Cost (including both monetary and non-monetary)	70%

Loan and Related Contribution		
Interest-Free Loan with no security requirements supporting Enterprise Development and Supplier Development	Outstanding Loan Amount	70%
Prime Loan to Enterprise Development and Supplier Development Beneficiaries	Outstanding Loan Amount	50%
Guarantees provided on behalf of a beneficiary entity	Guarantee Amount	3%
Lower Interest Rate	Outstanding loan amount	Prime Rate – Actual Rate
Equity Investments and Related Contributions		
Minority Investment in Enterprise Development and Supplier Development Beneficiaries	Investment Amount	70%
Enterprise Development and Supplier Development Investment with lower dividend to financier	Investment Amount	Dividend Rate of Ordinary Shareholders – Actual Dividend Rate of Contributor
Contributions made in the form of human resource capacity		
Professional services rendered at no cost and supporting Enterprise Development and Supplier Development	Commercial hourly rate of professional	60%
Professional services rendered at discount and supporting Enterprise Development and Supplier Development	Value of discount based on commercial hourly rate of professional	60%
Time of employees of Measured Entity productively deployed in assisting beneficiaries	Monthly salary divided by 160	60%
Other Contributions		
Shorter payment periods for paragraph 2.2 of this statement (Supplier Development)	Percentage of invoiced amount multiplied by 15% (being an approximation of the cost of short term funding)	Percentage being 15 days less the number of days from invoice to payment.
		The maximum points that can be scored is 15% of total supplier development points excluding bonus points

ANNEXE FS400 (C)

A: Qualifying Enterprise and Supplier Development Contributions are measurable on the following basis:

$$A = \frac{B}{C} \times D$$

Where

A is the score achieved for the Enterprise and Supplier Development indicators (paragraphs 2.2 and 2.3) in respect of qualifying Enterprise or Supplier Development Contributions made by the measured entity

B is the annual value of all qualifying Enterprise or Supplier Development Contributions, whichever the case may be, that have become payable by the measured entity during the measurement period

C is the compliance Targets for the Enterprise and Supplier Development indicators (paragraphs 2.2 and 2.3) respectively

D is the Weighting points allocated to the Enterprise and Supplier Development indicators (paragraphs 2.2 and 2.3) respectively

**AMENDED CODE SERIES FS 500: MEASUREMENT OF THE SOCIO-ECONOMIC DEVELOPMENT AND CONSUMER
EDUCATION ELEMENTS OF BROAD-BASED BLACK ECONOMIC EMPOWERMENT**

**STATEMENT FS500: THE GENERAL PRINCIPLES FOR MEASURING THE SOCIO-
ECONOMIC DEVELOPMENT AND CONSUMER EDUCATION ELEMENT**

Issued under section 9 (1) of the Broad-Based Black Economic Empowerment Act of
2003 as amended by Act 46 of 2013

Arrangement of statement FS500

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1 OBJECTIVES OF THIS STATEMENT

The objectives of this statement are to specify:

- 1.1 the Socio-Economic Development (SED) and Consumer Education (CE) contributions scorecard;
- 1.2 the key measurement principles applicable when calculating qualifying SED and CE contributions; and
- 1.3 the formula for calculating the individual criteria specified in the SED and CE scorecard.

2 THE SOCIO-ECONOMIC DEVELOPMENT AND CONSUMER EDUCATION SCORECARD

The following table represents the criteria and method used for deriving a score for SED and CE in this statement:

	Element	Target for Foreign branches of International Banks, SAVCA members and Reinsurers	Target for other Institutions	Points
2.1	Annual value of all Qualifying Socio-Economic Development contributions by the measured entity as a percentage of NPAT	0.7%	0.60%	3
2.2	Annual value of all Qualifying Consumer Education contributions by the measured entity as a percentage of NPAT	0	0.40%	2
	Total	0.7%	1.00%	5
2.3	Bonus Points			
2.3.1	Additional CE contributions made by the measured Entity as a percentage of NPAT	0.10%	0.10%	1
2.3.2	Grant contribution to Fundisa Retail Fund and other similar initiatives	0.20%	0.2%	2

The weighting points in the SED and CE scorecard represent the maximum number of points possible for each of the criteria.

3 KEY MEASUREMENT PRINCIPLE

- 3.1 Qualifying socio-economic development and consumer education contributions will be recognised as a percentage of the previous year's Net Profit after Tax (NPAT) of the measured entity. If the measured entity does not make a profit in a particular year, then qualifying contributions of an average of the last 3 years will earn the measured entity the full points in paragraphs 2.1 and 2.2 respectively.
- 3.2 For Banks, the Net Profit after Tax to be used for Consumer Education, is the Net Profit after Tax generated by retail operations.

- 3.3 Socio-economic Development Programmes conceptualised and measured in this Amended FS Code may include, but will not be limited to, one of the following forms:
- 3.3.1 Education: support for community education facilities, programmes at, early childhood development, primary, secondary and tertiary education levels, bursaries and scholarships;
- 3.3.2 Training: community training, skills development for the unemployed, adult basic education and training in communities, financial literacy programmes in communities;
- 3.3.3 Development programmes for youth and other target groups;
- 3.3.4 Environment: support of conservation projects, community clean-up projects, food garden initiatives;
- 3.3.5 Job Creation: job creation projects external to the workplace or any commitments contained in empowerment financing;
- 3.3.6 Arts and culture: support of development programmes, development of new talent;
- 3.3.7 Health: support of community clinics, health programmes in the community; and
- 3.3.8 Sport: support of developmental programmes.
- 3.4 Socio-economic Development Programmes in South Africa can be funded directly from the philanthropic arms of international institutions situated outside of South Africa (provided that such benefits do not accrue to other jurisdictions).
- 3.5 International Banks and Reinsurers are exempt from Consumer Education contributions.

4 GENERAL PRINCIPLES

- 4.1 Measured entities receive recognition for any Socio-Economic Development and Consumer Education contributions that are quantifiable as a monetary value using a Standard Valuation method.
- 4.2 Qualifying contributions of the measured entity are recognisable annually.
- 4.2.1 Where qualifying contributions and/or initiatives span over multiple years, the total contribution amount must be divided by the number of years, and the average per year is then to be utilised for the annual contribution.
- 4.2.2 No portion of the value of any **Socio-Economic Development** Qualifying contributions that is payable to the beneficiary after the last day of the measurement period can form part of any calculation in this statement.

5 SOCIO-ECONOMIC DEVELOPMENT CONTRIBUTIONS

- 5.1 Socio-Economic Development contributions consist of monetary or non-monetary contributions actually initiated and implemented in favour of beneficiaries by a measured entity with the specific objective of facilitating income generating activities for targeted beneficiaries or are in terms of paragraph 3.3.
- 5.2 The full value of Socio-Economic Development contribution made to beneficiaries is recognisable if at least 75% of the value directly benefits black people.
- 5.2.1 If less than 75% of the full value of Socio-Economic Development contributions directly benefits black people, the value of the contribution made multiplied by the percentage that benefits black people, is recognisable.
- 5.3 The following is a non-exhaustive list of Socio-Economic Development contributions:
- 5.3.1 grant contributions;
- 5.3.2 guarantees given or security provided for beneficiaries;
- 5.3.3 direct costs incurred by a measured entity in assisting beneficiaries;

- 5.3.4 overhead costs of a measured entity directly attributable to Socio-Economic Development contributions;
- 5.3.5 developmental capital advanced to beneficiary communities;
- 5.3.6 preferential terms grants by a measured entity for its supply of goods or services to beneficiary communities;
- 5.3.7 contributions made by the measured entity to third parties to perform socio-economic development on the measured entity's behalf;
- 5.3.7.1 for the avoidance of doubt such contributions are regarded as having been initiated and implemented once they are paid to the third party;
- 5.3.8 provision of training or mentoring to beneficiary communities which will assist them to increase their financial capacity;
- 5.3.8.1 such contributions are measurable by quantifying the cost of time (excluding travel or commuting time) spent by staff or management of the measured entity in carrying out such initiatives;
- 5.3.8.2 a clear justification must support any claim for time costs incurred, commensurate with the seniority and expertise of the trainer or mentor);
- 5.3.9 the maintenance by the measured entity of a socio-economic development unit which focuses only on support of beneficiaries and beneficiary communities;
- 5.4 only that portion of salaries and wages attributable to time spent by the staff in, and the other expenses related to, promoting and implementing Socio-Economic Development, constitute contributions.

6. CONSUMER EDUCATION CONTRIBUTIONS

- 6.1 Definition: Consumer Education is a financial education process which is defined in a guidance note issued by the Council from time to time.
- 6.2 Target market: The target market for Consumer Education is defined in the above guidance note.
- 6.3 Standards
 - 6.3.1 Consumer Education standards are as published in the relevant Guidance Note issued by the Council.
 - 6.3.2 Consumer Education contributions consist of monetary or non-monetary contributions actually initiated in favour of beneficiaries by a measured entity with the specific objective meeting the definition of Consumer Education.
 - 6.3.3 Consumer Education contributions are only recognisable if they comply with the Consumer Education Standards or are approved Consumer Education programmes.
- 6.4 The full value of Consumer Education contributions is recognisable if at least 75% of the value directly benefits black people.

7 MEASUREMENT OF SOCIO-ECONOMIC DEVELOPMENT AND CONSUMER EDUCATION CONTRIBUTIONS

Qualifying Socio-Economic Development and Consumer Education contributions are measurable using the formula in Annexe 500 (B).

8 THE BENEFIT FACTOR MATRIX APPLICABLE TO SOCIO-ECONOMIC DEVELOPMENT CONTRIBUTIONS

The Minister may from time to time, by notice in the gazette, revise or substitute the Benefit Factor Matrix. Any changes will only be applicable to compliance reports prepared for measured entities for measurement periods that commences after the gazetting of the adjustment.

Annexe 500 (A) – Benefit Factor Matrix

Qualifying Contribution Type	Contribution Amount	Benefit Factor
Grant and Related Contributions		
Grant Contribution	Full Grant Amount	100%
Direct cost incurred in supporting Socio-Economic Development, sector specific initiatives or Qualifying Socio-Economic Development contributions	Verifiable Cost (including both monetary and non-monetary)	100%
Discounts in addition to normal business practices supporting socio-economic development, sector specific initiatives or Qualifying Socio-Economic Development contributions	Discount Amount (in addition to normal business discount)	100%
Overhead Costs incurred in supporting Socio-Economic Development, sector specific initiatives or qualifying Socio-Economic Development contributions	Verifiable Cost (including both monetary and non-monetary)	80%
Contributions made in the form of human resource capacity		
Professional services rendered at no cost supporting Socio-Economic Development, sector specific initiatives or qualifying Socio-Economic Development contributions	Commercial hourly rate of professional	80%
Professional services rendered at a discount supporting socio-economic development, sector specific initiatives or qualifying Socio-Economic Development contributions	Value of discount based on commercial hourly rate professional	80%
Time of employees of measured entity productively deployed in assisting beneficiaries and supporting socio-economic development, sector specific initiatives or qualifying Socio-Economic Development contributions	Monthly salary divided by 160	80%

ANNEXE 500 (B)

A: Qualifying contributions are measurable on the following basis:

$$A = \frac{B}{C} \times D$$

Where

A is the score achieved in respect of the Socio-Economic Development scorecard

B is the value of all qualifying Socio-Economic Development or Consumer Education contributions of the measured entity that have become payable during the measurement period

C is the compliance target in respect of the qualifying Socio-Economic Development or Consumer Education contributions as specified in the scorecard for statement 500 (see paragraph 2.1 to 2.3)

D is the weighting points allocated to the indicator in the Socio -Economic Development and Consumer Education scorecard in statement 500

**AMENDED FSC SERIES FS600: MEASUREMENT OF THE EMPOWERMENT FINANCING AND
ENTERPRISE AND SUPPLIER DEVELOPMENT ELEMENT**

**STATEMENT FS600: THE GENERAL PRINCIPLES FOR MEASURING THE EMPOWERMENT FINANCING
AND ENTERPRISE AND SUPPLIER DEVELOPMENT ELEMENT**

Issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act 46 of 2013

Arrangement of Statement FS600

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6	MEASUREMENT OF ENTERPRISE DEVELOPMENT AND SUPPLIER DEVELOPMENT CONTRIBUTIONS	95

1 OBJECTIVES OF THIS STATEMENT

The objectives of this statement are to specify:

- 1.1 Empowerment Financing Scorecards
- 1.2 Enterprise Development (ED) and Supplier Development (SD) scorecard;
- 1.3 Key measurement principles for calculating qualifying Empowerment Financing and for calculating qualifying Enterprise and Supplier Development contributions; and
- 1.4 Formulae for calculating the individual criteria specified in the scorecards.

2 EMPOWERMENT FINANCING SCORECARD

	Measurement Criteria	Weighting Points	Banks Target	Weighting Points	Long-term Assurers Target
2.1	Targeted Investments Transformational Infrastructure Black Agricultural Financing Affordable Housing Black Business Growth and SME Funding	12	R48bn	12	R27bn
2.2	B-BBEE transaction financing and Black Business Growth / SME Funding	3	R32bn	3	15bn
	Empowerment Financing Total	15		15	
2.3	Annual value of all Supplier Development contributions made by the measured entity	7	1.8% of NPAT	7	1.8% of NPAT
2.4	Annual value of all Enterprise Development contributions made by the measured entity	3	0.2% of NPAT (non-recoverable)	3	0.2% of NPAT (non-recoverable)
	Total	25		25	
2.5	Bonus Points				
2.5.1	Graduation of one or more Enterprise Development beneficiaries to graduate to the Supplier Development level.	1		1	
2.5.2	For creating one or more jobs directly as a result of Supplier Development and Enterprise Development initiatives by the measured entity.	1		1	
2.5.3	Development of black stockbrokers, black fund managers and intermediaries	2	TBD	2	0.5% NPAT
	Total Bonus Points	4		4	

3 KEY MEASUREMENT PRINCIPLES

3.1 The Empowerment Financing target for local banks will be measured as total balance sheet exposure for new loans written from 1 January 2012 to 31 December 2017 and is in addition to the amounts held on their balance sheet as at 31 December 2011. For scoring purposes, it shall be deemed that local banks held R0 as at 1 January 2012. New targets will be set from 01st January 2018.

3.1.2 The target for the banking sector is based on an increment of R80bn additional Empowerment Financing between 1 January 2012 and 31 December 2017. Local banks will be responsible for R78.4bn of the increment and the International Bankers' Association (IBA) members will be responsible for R1.6bn of the increment.

3.2 Illustrative Example for local banks

Bank A has achieved R30bn of balance sheet exposure for Targeted Investments as at 31 December 2011. Bank A's portion of the new target is R40bn additional Targeted Investments exposure from 1 January 2012 to 31 December 2017. Therefore, its reporting target shall be R70bn in total.

From 1 January 2012 to December 2013 it has written new qualifying loans to the value of R5bn and the balance sheet exposure relating to this R5bn as at 31 December 2013 is R3bn.

With respect to calculating its score as at 31 December 2013, Bank A shall take R33bn, being its R30bn historic performance plus its R3bn current performance divided by its target of R70bn. The quotient multiplied by the total points available shall be the points that Bank A may claim as at 31 December 2013.

The formula is as follows:

$$A = (B/C) \times D$$

Where:

A is the points recognised

B is the sum of the historic performance and the current performance

C is the target and

D is the total points available

$$A = [(R30bn + R3bn) / R70bn] \times 12$$

$$A = 5.66 \text{ points}$$

3.3 Illustrative Example for IBA members

Bank A has achieved R50m of balance sheet exposure for Targeted Investments as at 31 December 2011. Bank A's portion of the new target is R10m additional Targeted Investments exposure from 1 January 2012 till 31 December 2017. Therefore, its target shall be R60bn actual balance sheet exposure as at 31 December 2017.

As at 31 December 2013 Bank A has a total of R52m qualifying exposure on its balance sheet.

With respect to calculating its score as at 31 December 2013, Bank A shall take its actual R52m qualifying exposure divided by its target of R60m. The quotient multiplied by the total points available shall be the points that Bank A may claim as at 31 December 2013.

The formula is as follows:

$$A = (B/C) \times D$$

Where:

A is the points recognised

B is the actual balance sheet exposure at measurement date

C is the target and

D is the total points available

$$A = R52m/R60bn \times 12$$

$$A = 10.4 \text{ points}$$

3.4 With respect to the long-term insurer's sector, the Empowerment Financing target shall be measured as total balance sheet exposure at the measurement date and includes all current balances held.

3.4.1 To avoid any doubt, the target for long term insurers is based on an increment of R17bn additional Empowerment Financing between 1 January 2012 and 31 December 2017. New targets will be set from 01st January 2018.

3.5 Illustrative Example for Long-Term Insurers:

Insurer A has achieved R1bn of balance sheet exposure for Targeted Investments as at 31 December 2011. Insurer A's portion of the R27 billion target is R3 billion.

As at 31 December 2013, Insurer A has a total of R1.2 billion qualifying exposure on its balance sheet, comprised of its R1 billion prior balance and R0.2 billion new loans. With respect to calculating its score as at 31 December 2013, A will take its actual R1.2 billion qualifying exposure divided by its target of R3 billion. The quotient multiplied by the total points available shall be the points that A may claim as at 31 December 2013.

The formula is as follows:

$$A = (B/C) \times D$$

Where:

A is the points recognised

B is the actual balance sheet exposure at measurement date

C is the target and

D is the total points available

$$A = R1.2bn/R3bn \times 12$$

$$A = 4.8 \text{ points}$$

3.6 Unless specified otherwise, the measurement principles in Paragraph 3 and 4 of FS 400 apply to Enterprise and Supplier Development Contributions made by Banks and Life Officers and measured under FS 600.

3.6.1 Supplier development for Life Officers and Banks can be extended beyond the traditional definition of Supplier Development as follows:

- a. The Measured Entity must spend at least 60% of the Supplier Development contributions on their own Supplier Development beneficiaries (Tier 1 suppliers).
- b. Supplier Development beneficiaries can be extended to include Supplier Development beneficiaries of the Measured Entities suppliers or Tier 2 suppliers who may qualify to become Supplier Development beneficiaries.. Only the value of contribution by the financial institutions is recognizable.
- c. With reference to Tier 2 supplier development contributions they must include an appropriate agreement between the Measured Entity, the Measured Entities supplier and the Supplier Development Beneficiary.

3.6.2 Supplier Development Targets: The targets for Supplier Development will be phased in over 3 years as follows (where the year is determined by anniversary of the gazetting of the FSC):

Year	Supplier Development Target
1	0.90%
2	1.35%
3	1.80%

3.7 Sub-minimum and Discounting Principle:

3.7.1 A measured entity, must achieve a minimum of 40% of each of the total weighting points (excluding bonus points) of each of the three categories, within the Empowerment Financing element, namely Targeted Investments and BEE transaction financing, Enterprise Development, and Supplier Development. This means that the measured entities must achieve at least:

- a. 6 points in the Targeted Investments & BEE transaction financing category;
- b. 2.8 points in the Supplier Development category;
- c. 1.2 point in the Enterprise Development category;

3.7.2 Non-compliance with the threshold targets will result in the overall achieved B-BBEE status level being discounted in accordance with Paragraph 3.3.3 of statement 000.

4 EMPOWERMENT FINANCING DEFINITIONS, STANDARDS AND TARGET

Empowerment Financing comprises Targeted Investments and Black Business Growth Funding

4.1 Targeted Investments (TI)

4.1.1 Definition: Targeted Investments means:

4.1.1.1 Debt financing of, or other forms of credit extension to, or equity investments in, South African projects in areas where gaps or backlogs in economic development and job creation have not been adequately addressed by financial institutions;

4.1.2 More specifically, targeted investments mean the financing of, or investment in:

4.1.2.1 Transformational Infrastructure projects that support economic development in undeveloped areas and contribute to equitable access to economic resources. Such infrastructure projects could be in the following sectors:

- a. Transport;
 - b. Telecommunications;
 - c. Water, waste water and solid waste;
 - d. Energy;
 - e. Social infrastructure such as health, education and correctional services facilities; and
 - f. Municipal infrastructure and services.
- 4.1.2.2 Agricultural Development involving integrated support for black farmers through enabling access to, and sustainable use of, resources;
- 4.1.2.3 Affordable Housing for households with a stable income, the amount of which will be determined annually by the Council; and
- 4.1.2.4 Black Business Growth Funding.
- 4.1.3 Delivery will be measured against a combined target with fungibility between the various sub-components, determined by the business model of the measured entity.
- 4.1.4 Targets: The target for Banks in targeted investments will be R48 billion in new balances and for Long-Term Assurers, the target will be R27 billion.
- 4.1.5 Black Business Growth Funding in Targeted Investments can only be done if the measured entity has achieved the full three points for the stand alone B-BBEE transaction / Black Business Growth Funding element of Empowerment Financing.
- 4.1.6 Where a measured entity has scored Black Business Growth Funding in Ownership as part of an Equity Equivalent programme, the same financing cannot be counted in Empowerment Financing. No double counting will be allowed.

4.2 Transformational Infrastructure (TI)

4.2.1 Definition

Transformational Infrastructure means:

Debt financing of or other forms of credit extension to or equity investments in South African projects in areas where gaps or backlogs in economic development; and job creation have not been adequately addressed by financial institutions. It specifically means financing of, or investment in:

Transformational Infrastructure ("TI") projects that support economic development in underdeveloped areas, and contribute towards equitable access to economic resources. Such infrastructure projects could be, but are not limited to, the following sectors:

- a. Transport;
- b. Telecommunications;
- c. Water, waste water and solid waste;
- d. Energy;
- e. Social infrastructure such as health, education and correctional services facilities; and
- f. Municipal infrastructure and services.

4.2.2 Measurement principles

TI projects will be measured based on the municipal index or as per the specific project rating allocated, based on the target market.

4.2.3 Target market and projects

Transformational Infrastructure is any infrastructure that promotes the social and equitable economic development of a specific place, community, region or district. This includes, but is not limited to, the following:

- a. Education which includes schools, learning centres, universities, colleges etc.
- b. Road and rail infrastructure which includes new access roads, upgrading of existing roads, etc.
- c. Community infrastructure such as water, electricity, sewerage, drainage, purification and treatment, amongst others. Infrastructure specific to affordable housing projects are excluded because they are included in that sub-element.
- d. Safety and security, which includes police stations, prisons, etc.
- e. Telecommunications infrastructure, including land, cellular and data
- f. Health, which includes hospitals and clinics etc.
- g. Municipal infrastructure and services including government buildings.
- h. Industrial Development Zone-type infrastructure including logistics hubs.

4.2.4 Categories of TI funding recipients and participants in TI implementation:

- a. Municipalities and government departments.
- b. Parastatals and public entities.
- c. Financial intermediaries such as INCA, DBSA, TCTA, and the African Infrastructure Investment Fund.
- d. Private companies and participants in Public Private Partnerships (PPP).

4.2.5 Products

All forms of financing and investment. Instruments used to finance TI vary in nature and term throughout the project cycle, but will, *inter alia*, include:

- a. Construction period loans.
- b. Senior or subordinated medium- and long-term loans or bonds.
- c. Asset leases.
- d. Guarantees of the above and other instruments.
- e. Working capital such as general banking facilities or revolving credit facilities.
- f. Performance guarantees or bonds.
- g. Mezzanine finance, which may include participating instruments such as participating debentures, convertible loans, etc.
- h. Equity finance, which may take the form of ordinary shares and shareholder loans.

4.2.6 Measurement

4.2.6.1 The basis of measuring the qualifying funding to TI will be the stock measure. This is effectively a measure of the amount (or 'stock') of financing shown on the balance sheet of a measured entity at the measurement date. A

weighted average of the monthly balances over the 12 months prior to the measurement date is to be used to smooth out seasonal and other distortions.

- 4.2.6.2 Measurement and calculation of TI projects will be through the use of a municipal index. Projects funded but not measured using the municipal index will be considered to be “ring-fenced” projects and require the provision of detailed information on transformation impact, focusing on economic beneficiaries in order to justify how the scoring will be done if higher than the general municipal index method.

For clarity, “ring-fenced” means a funding method which provides for a rating of up to 100% where a municipality raises funds exclusively for transformational infrastructure in an underdeveloped area of the municipality as defined by the Council. Such funding may be raised by way of an earmarked bond or facility, or by way of ring fenced project financing.

- a. The current matrix will be reviewed and adjusted accordingly. This will include some blanket project multipliers involved in some of the critical infrastructural developments such as access roads, railway upgrades and low-cost telecommunications. These are Telkom, electricity generation and supply, water supply pipelines, reservoirs and dams, and others.
- b. An adjudication committee consisting of experts will be established to adjudicate marginal projects or new types of project financing.
- c. If funding is syndicated, each member will score according to their individual contribution, subject to any multiplier applicable to the project as a whole.

- 4.2.7 Targets: Due to the fungibility of delivery over the sub-categories by the measured entity, targets will be set for Targeted Investments (TI) only and not for the sub-categories. Therefore, transformational infrastructure as a sub-category of TI will not have a specific target.

4.3 Affordable housing

- 4.3.1 Home lending standards for qualifying loans are defined as set out below and seek to define a voluntary:

- a. Affordable housing target market;
- b. Product definition guidelines.

- 4.3.2 Types of Lending: Affordable housing constitutes both mortgage and non-mortgage backed lending for housing purposes and includes the following product categories, which may expand in the future:

- a. Mortgages;
- b. Unsecured personal loans;
- c. Personal loans secured by a pension or provident fund;
- d. Residential development loans; and
- e. Wholesale loans.

- 4.3.3 Qualifying Loans and Investment Standards

Loans qualifying for inclusion must conform to the following standards: The purpose of the loan should be for housing as set out in Product Category Definitions;

- 4.3.3.1 Loans should conform to the requirements of the National Credit Act;

- 4.3.3.2 Loans should be priced in line with regulated interest rate and fee limits specific to the various loan types; and
- 4.3.3.3 Loans are deemed to have been written by a financial institution when a mortgage bond has been registered or in the case of non-mortgage loans when these loans are disbursed.
- 4.3.4 Target Market
 - 4.3.4.1 The target market is defined to be the approximate cost of bonded entry housing in South Africa adjusted annually by the midpoint of the Consumer Price Index (CPI) and the Building Cost Index (BCI). The average annual CPI figure is obtained from published reports from SA Statistics and that of the BCI figure from the Bureau for Economic Research (Stellenbosch University).
 - 4.3.4.2 For 2015, the Affordable Housing market as calculated by the Banking Association comprises households earning up to R20,000 per month. (See Note 4 under Affordable Housing for further details).
- 4.3.5 Household income
 - 4.3.5.1 Monthly household income is the primary criteria used to determine whether the lending activity may count towards the affordable housing targets.
 - 4.3.5.2 Income is as defined in terms of the National Credit Act, 34 of 2005 - "Household income means the combined gross income of the Applicant/s, which may include the income of any major person who shares their financial means/obligations with the Applicant/s.
 - 4.3.5.3 Gross income includes income or any right to receive income, but excludes monies received that the person receives, has a right to receive or holds in trust for another person."
 - 4.3.5.4 The gross monthly applicant/s income is determined when the loan is approved. For target market upper income qualification purposes, the date of approval of loans, both mortgages and non-mortgages, is based on the quantum of the applicant/s income as at time of approval of a loan.

4.3.6 Business written within the target market

The following table contains the various target markets.

	Mortgage loans	Non-mortgage loans	Residential development loan finance	Wholesale loan finance/equity
Product description	Residential property loans to end-users collateralised by registering a mortgage/ indemnity bond over the property.	Personal loans equal to or greater than R1 000 with a term of more than 12 months.	Short or long-term finance to developers for the creation of housing stock.	Short- or long-term finance to corporates or intermediaries who on-lend to individuals or other entities for housing purposes. An equity stake by a financial institution in a legal entity, limited to the extent that the legal entity lends to the target market as per the respective product definitions.
Includes	First and further mortgage/ indemnity bonds. Client driven switches. Further loans without registration.	Fully or partially secured by pension/ provident fund. Unsecured loans used for housing purposes. Further advances.	Housing stock for any form of tenure e.g. ownership, instalment sale, rental. New developments, conversions or upgrading of existing stock.	All loans as per mortgage loans, non-mortgage loans and residential development loan finance.

4.3.7 Product category definitions

	Mortgage loans	Non-mortgage loans	Residential development loan finance	Wholesale loan finance/equity finance
Product description	Residential property loans to end users collateralised by registering a mortgage/ indemnity bond over the property.	Personal loans equal to or greater than R1 000 with a term of more than 12 months.	Short- or long- term finance to developers for the creation of housing stock.	Short or long-term finance to corporates or intermediaries who on-lend to individuals or other entities for housing purposes. An equity stake by a financial institution in a legal entity, limited to the extent that the legal entity lends to the target market as per the respective product definitions.
Includes	First and further mortgage/ indemnity bonds. Client driven switches. Further loans without registration.	Fully or partially secured by pension/ provident fund. Unsecured loans used for housing purposes. Further advances.	Housing stock for any form of tenure e.g. ownership, instalment sale, rental. New developments, conversions or upgrading of existing stock.	All loans as per mortgage loans, non-mortgage loans and residential development loan finance.

4.3.8 Household Income:

Household income is not a term used by banks as it is the applicant's income that determines affordability and the legal relationship between bank and client. None of the banks record household income on their application forms or systems. There is also a strong view that self-declared household income is not reliable and would be an impractical and costly exercise to validate. In an analysis undertaken by the banks in 2004, it was found that there is a strong correlation between applicant income (comprising both individual and joint applications) and household income. It was therefore felt that applicant income, whether single or joint, is a strong proxy for household income and a reliable and transparent measure.

4.3.9 Personal loans:

For unsecured and guaranteed personal loans, the borrower's income and not the joint income will be used for qualification purposes as these loans are granted to individuals based only on their own income and affordability, not joint income. Joint income, on the other hand, is generally recognised for mortgage loan lending purposes.

4.3.10 Residential Development:

Residential Development plays the role of an 'enabler' as it increases the supply of housing stock. Lender funding is of a short-term nature.

4.3.11 Upper income limit:

The average cost of a primary market bonded entry home was deemed to be approximately R 250,000 based on member market experience, coupled with research undertaken by the Banking Association with both developers and an external research company, FinMark Trust. In addition, this upper income definition is aligned to that of the draft "Inclusionary Housing" draft policy document produced by the Department of Human Settlements. An upper income limit of R15, 142 was therefore deemed to be appropriate by the Banking Association in 2009.

Affordable housing target market definition:

For 2015, the upper income limit was calculated as follows:

CPI: average CPI for 2014, 6.1%

BCI: average BCI for 2014, 8.5% the midpoint for CPI and BCI for 2014 was 7.3%

The upper income limit for 2015 was R19,978 rounded off to R20,000

Gap housing target market definition:

For 2015 the upper income limit for gap housing is R15,000.

Non-mortgage loan target market definition:

For 2015, the minimum loan size for non-mortgage loans is R1,129 rounded off to R1,200.

4.3.12 Proposed Working Committee on Gap Market strategy

There is general acknowledgement that there is a lack of stock of housing units available to finance for the gap market segment of the target market, due to a multitude of challenges in our country. The gap market segment is defined as applicants with R10 000 or less monthly income.

Following the gazetting of the Amended FSC, the trade associations together with government, community and labour representatives, will establish a working committee to develop a coherent strategy to address this problem. Solutions may involve Public Private Partnerships between financiers, developers, government and community-based organisations and could include co-operative housing schemes, development rebates, and other initiatives.

4.4 Black SME Financing – Incorporated into B-BBEE Business Growth Funding

4.5 B-BBEE agriculture financing

4.5.1 Definition

4.5.1.1 *B-BBEE agriculture financing is the financing of agricultural development involving integrated support, through enabling access to and sustainable use of resources for any agricultural enterprise which is black owned and agricultural enterprise which is more than 25% Black owned or at least a Level 4 B-BBEE contributor, which derives the majority of its turnover from:*

- a) The primary production of agricultural products;
- b) The provision of inputs and services to Enterprises engaged in the production of agricultural products;
- c) The beneficiation of agricultural products whether of a primary or semi-beneficiated form; and,

d) The storage, distribution and/or trading and allied activities related to non-beneficiated agricultural products.

4.5.2 Measurement principles

4.5.2.1 Preamble: The aim is to encourage financial institutions to design and distribute products for existing and new entrants into the agricultural sector.

4.5.2.2 Target market: Any enterprise that comprises:

- a. Black farmers, including black owned agricultural entities, that are EMEs and QSEs with 25% or more of black ownership. The definition includes large entities i.e. entities with > R50m turnover, if they are black owned or have at least 25% black ownership.
- b. The level 4 B-BBEE contribution can be retained; but this will be in addition to the 25% black ownership, and which derives the majority of its turnover from:
 - i. Primary agricultural production
 - ii. Provision of inputs and services to agricultural production enterprises
 - iii. Storage, distribution and / or trading and allied activities related to non-beneficiated agricultural products.

4.5.3 Products include, but are not limited to:

- a. Overdraft facilities;
- b. Agriculture Production Loans;
- c. Term loans;
- d. Asset finance;
- e. Lease agreements;
- f. Commodity finance;
- g. Silo certificate finance; and
- h. Insurance products and services.

4.5.4 Measurement

4.5.4.1 If 25% black owned or more, claim 100% funding.

4.5.4.2 This will be as per the Amended FSC, and includes the farmer and one up level of activity e.g. a dairy farmer with a cold storage facility that is made available to other farmers.

4.5.4.3 The principle of "see through" financing/credit to be upheld.

4.6 B-BBEE Transaction Financing and B-BBEE Business Growth Funding

4.6.1 B-BBEE Transaction Financing

Definition: B-BBEE Transaction Financing means the provision of finance for, or investments in, B-BBEE transactions being:

- a. All transactions for the acquisition, by black people, of direct ownership in an existing or new entity (other than an SMME) in the financial or any other sector of the economy, and
- b. Debt financing or any other form of financing, including the formation of joint ventures, in order to provide funding for equity investments in B-BBEE companies (other than SMME's) which are at least 25% black owned.

4.6.1.1 Measurement principles:

Target market

As defined above.

Products

All forms of financing and / or investment.

Measurement

If 25% black owned or more, but less than 50% black owned, claim weighted funding

If 50% black owned or more, claim 125% weighted funding.

4.6.2 Only B-BBEE financing provided in the rules above before the effective date of this code, and still in place at the date of measurement, will contribute to the targets in 2.2 of this statement.

4.6.3 In order to achieve or maintain full compliance in 2.2 of the statement, measured entities will be required to provide financing to support black business growth.

4.6.4 The rules which will govern the provision of the financing in 4.6.3 above will be prescribed in guidance notes that will be issued by the Council following the publication of the Amended FSC in the Government Gazette.

5 ENTERPRISE AND SUPPLIER DEVELOPMENT CONTRIBUTIONS

5.1 Qualifying Supplier Development contributions are specified in Paragraph 9 of FS400. Only the non-recoverable examples cited in Paragraph 9 of FS400 qualify as Enterprise Development contributions for Banks and Life Officers.

6 MEASUREMENT OF ENTERPRISE DEVELOPMENT AND SUPPLIER DEVELOPMENT CONTRIBUTIONS

6.1 Banks and Life Officers receive a score for Enterprise Development and Supplier Development in proportion to the extent that they meet the compliance targets as specified in Paragraphs 2 and 3 of FS600.

6.2 Qualifying contributions are measurable using the formula "A" in Annexe FS400 (B) and the Benefit Factor Matrix in Annexe FS400 (B).

**AMENDED FSC SERIES FS700: THE MEASUREMENT OF THE ACCESS TO FINANCIAL SERVICES ELEMENT OF
BROAD-BASED BLACK ECONOMIC EMPOWERMENT**

STATEMENT FS700

**THE GENERAL PRINCIPLES OF THE ACCESS TO FINANCIAL SERVICES ELEMENT OF BROAD-BASED BLACK
ECONOMIC EMPOWERMENT**

**Issued under section 9 (1) of the Broad-Based Black Economic Empowerment Act of
2003 as amended by Act 46 of 2013**

1. The criteria relating to exemption from the Access Provisions:

- 1.1 If the financial institution is a wholesaler, in the sense that it is not a provider of first order financial products and services, it will be exempt from the provisions of Code FS700 unless it opts to be so bound.
- 1.2 If the financial institution is a retailer of first-order financial products and services but, on grounds presented to and accepted by the FSC Council, it would be inconsistent with its business model for it to extend those products or services to low-income communities, it will be exempt from the provisions of Code FS700 unless it opts to be so bound.

**AMENDED FSC SERIES FS700: THE MEASUREMENT OF THE ACCESS TO FINANCIAL SERVICES ELEMENT OF
BROAD-BASED BLACK ECONOMIC EMPOWERMENT**

STATEMENT FS701

**GENERAL PRINCIPLES FOR THE MEASUREMENT OF THE ACCESS TO FINANCIAL SERVICES ELEMENT OF BROAD-
BASED BLACK ECONOMIC EMPOWERMENT AS IT RELATES TO BANKS**

**Issued under section 9 (1) of the Broad-Based Black Economic Empowerment Act of
2003 as amended by Act 46 of 2013**

Introduction

The South African members of the Banking Industry submit and indicate their willingness to abide by the standards, definitions, and key measurements principles as set out in this document as commitment to the delivery on inclusive targets (where specified), to enhance, improve, and grow financial access to that portion of the South African economically active population who were previously excluded for whatever reason.

The targets contained in this document are not aimed to divide the target market but rather to expand the reach of financial services by all participants in the industry, to that portion of the population not actively serviced by current banking services, based on an economically viable model for all participating organisations.

Arrangement of this statement FS701

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1 OBJECTIVES

The objectives of this statement are to specify:

- 1.1 The Access scorecard as it relates to members of the Banking Association of South Africa.
- 1.2 The definitions, standards, target markets and key measurement principles of the sub- categories of the Access element.

2 THE SCORECARD

Access to Financial Services						
	Access Method	Qualifying Market / Area	Qualifying Criteria	Range	Target	Available points
2.1	Geographic Access (Reach)		One or more of:			6
2.1.1	Transaction point	50% or more of house-holds fall within LSM 1-5	draw cash, or	5 km	85%	1
			purchase from their accounts			
2.1.2	Service point		reset a PIN	10 km	70%	1
			money transfers,			
			get a statement, or			
			Initiate account queries	15 km	60%	2
2.1.3	Sales point		replace a card,			
			deposit cash into their accounts, or			
			acquire:			
			a transaction account, a funeral policy,			
			a savings account, or			
			a loan.			
2.1.4	Electronic Access	Individuals earning less than R5,000 per month increasing by CPIX p.a.	The use of telephones, mobile phones, internet banking or any other new technology for: money transfers, account to account transfers, prepaid purchases, balance enquiries (list not exhaustive).	National	19% of account holders within the target market	2

2.2	Banking Densification	Individuals in the LSM 1-5 group nationally	Access to cash withdrawal facility per measuring unit	National	1, 500 adults per point of presence	3
2.3	Product related access	Individuals in the LSM 1-5 group nationally	Number of active accounts for qualifying products per institution	National	12 370 082 active accounts in 2017 (SASSA accounts not included)	3
Total						12

3 THE DEFINITIONS, STANDARDS, TARGET MARKETS AND KEY MEASUREMENT PRINCIPLES OF ACCESS

3.1 Geographic Access

3.1.1 Preamble: Financial inclusion will be accomplished through utilising a combination of bank-managed, third party, and client-owned resources. Only the category of bank-managed resources (sales people, ATMs, automatic note acceptors, points of sale devices, retail agencies, etc.) can be geographically identified and tracked. The latter category of client-owned infrastructure (mobile phones and personal computers etc.) although providing the most cost effective and convenient access, cannot be easily identified within a specific geographic position.

3.1.2 Due to the above, access via these two categories of resources will be measured through different methodologies:

3.1.3 Geographic Banking Access

3.1.4 Definition: Points of representation:

- Transaction Points are points at which customers can take cash or make a purchase from their accounts. (The target is 85%);
- Service Points are points where a customer can reset a PIN, do money transfers, get a statement, or initiate account queries. (The target is 70%); and
- Sales Points are points at which customers can replace a card, deposit cash into their accounts, or acquire a transaction account, a funeral policy, a savings account or a loan. (The target is 60%).

3.1.5 Target market: qualifying areas are municipal suburbs or sub-areas in which more than 50% of households fall within LSM 1 to 5.

3.1.6 Measurement principles:

- The sector will be measured as a collective and not on an individual institution basis. Notwithstanding this, each institution will be measured independently for compliance against its own targets, the criteria of which will be determined and agreed by an industry working committee.
- Therefore, there must be at least one sales point within 15 km of the identified areas, at least one service point within 10 km of the identified areas and one transaction point within 5km of the identified areas, regardless of which institution's infrastructure is present.

3.1.7 Measurement

- Convenient Access is the presence of:

- i. A Sales point within a 15km radius of a qualifying area;
 - ii. A Service point within a 10km radius of a qualifying area; and
 - iii. A Transaction point within a 5km radius of a qualifying area;
 - b. Any access point that meets all three criteria above may be counted in all three line items of the geographic access scorecard. Therefore, if a sales point is within a 5 km radius of the qualifying area it will count in all three geographic access line items, since it has all the features of all three points of presence.
- 3.1.8 Geographic access will be evaluated in three steps:
- a. Identify qualifying areas;
 - b. Identify sales service and transaction points within the qualifying areas; and
 - c. Allocate points on the basis that at least 80% of people in a qualifying area have convenient access to a sales point (within a 15 km radius), service point (within a 10 km radius) or transaction point (within a 5 km radius).
- 3.1.9 Geographical access is specifically about proximity to transaction, service and sales points and does not imply product holding, which is covered separately in the Product Access section below.

3.2 **Electronic customer infrastructure access: Population Penetration**

- 3.2.1 Preamble: Since access via a customer's own or third-party infrastructure cannot easily be pinpointed by specific geographic area, the penetration of certain transaction types to an identified client base, on identified channels will be used as a measure of access for mobile (cell phone) banking, telephone banking, internet banking, and others.
- 3.2.2 Definition: Access via any client-owned or third-party infrastructure; which will include but not be limited to, internet banking, cell-phone banking, telephone banking, or any new electronic product and / or technology.
- 3.2.3 Target market: Target customers are individual customers who earn less than the tax threshold of R73 650.00 p.a. as at 01/03/2016 and adjusted by SARS from time to time. Customer income should be derived from the customer's account behaviour using an agreed formula, still to be determined by an industry working committee.
- 3.2.4 Products: qualifying transactions on products include but are not limited to, money transfers, account-to-account transfers, prepaid purchases and balance enquiries done using the customer's mobile phone, telephone, internet banking or any other new technology.
- 3.2.5 Measurement: Electronic access will be measured at industry level but with agreed targets per individual organisation. Each organisation will be measured on their own performance against their agreed target.
- 3.2.6 An industry working committee will evaluate criteria and measurement. This is a necessity since the qualifying areas (previously national 15 km and 10 km), and qualifying points of representation (previously branch and ATM, now all inclusive) have been changed. This will necessarily result in new baseline numbers and newly identified industry gaps. These gaps will be addressed by the industry via all the impacted institutions. Individual institution targets will be formulated and agreed, taking into consideration impact on capital expenditure as well as economic viability.
- 3.2.7 The targets will be reviewed and new targets set from 2018 for subsequent years.

3.3 **Banking Access via Densification**

- 3.3.1 Preamble: Traditionally, physical access to banking products was only measured by means of the number of certain points of access per geographic area. Banking access via the densification principle aims to measure the availability of cash-withdrawal facilities per the number of qualifying customers based on the population density in the agreed measurement area.
- 3.3.2 Definition:
- 3.3.2.1 Banking access through densification refers to the principle of measurement of the number of access points per number of the target group of clients with the sole aim of easing access to the facility of obtaining cash from their qualifying accounts within easy reach of their home base (measurement unit / area).
- 3.3.2.2 Whereas geographical access refers to the number of people in LSM 1-5 within a specified radius of a point of representation, which is the point from which the radius is measured, densification refers to the number of points within the boundaries of a suburb / measuring unit where at least 50% of the population is classified as being in LSM 1-5 (the reference point is the suburb rather than the point of presence).
- 3.3.3 Target market: The target market will be the LSM 1-5 group of the population of no less than 1,500 LSM 1-5 individuals within agreed suburbs / measurement units.
- 3.3.4 Targets: At least one 'point of presence' per 1,500 people in the LSM 1-5 category within a suburb / measuring unit, where 'point of presence' refers to any point of presence within a suburb where a target market beneficiary is able to draw cash. Points of presence measurements exclude the SA Post Office.
- 3.3.5 Measurement: The sector will be measured as a whole and not on an individual institution basis based on the agreed principle one point of representation with cash withdrawal facility within the boundaries of the suburb / measurement area per 1, 500 individuals in the LSM 1-5 group, where the representation of the latter exceeds 50% or more of the population within the suburb / measurement area. Suburbs that have a population of less than 1,500 people in LSM 1-5 will be excluded from the calculations.

3.4 **Product access**

- 3.4.1 Preamble: Notwithstanding the perception of the success of the Mzansi account, banks found that the product is not as successful in penetrating the target market as was originally hoped for. This is mainly due to the stigma of it being perceived as a "poor person's" banking product. The Mzansi product is limited in what it offers and is therefore quickly outgrown by its user. This necessitated the various participating institutions to expand their own offerings, which are far more successful at achieving financial inclusion, yet these products are not recognised as part of the opening-up of the target market.

- 3.4.2 Target market: The target market will be people in the LSM 1-5 group of the economically active population.
- 3.4.3 Products: Any product will qualify as an Access Product if it conforms to the minimum Access Standard which will be negotiated as part of the Sector Code process, in accordance with applicable law.
- 3.4.3.1 The Council will engage with the relevant stakeholders to ensure that approvals are in place where necessary.
- 3.4.4 Participation: Any bank may apply to the Council to have any number of products approved as access qualifying products for the purposes of meeting their access targets. The Council shall approve such products if the product meets the minimum access standards. Each bank is then free to brand their qualifying product as they deem appropriate and sell it into the market in the most appropriate way that is aligned to its own strategy and in a manner that promotes financial inclusion.
- 3.4.4.1 To achieve the above, the current Saswitch /PASA agreements may need to be restructured and renegotiated. Much simpler agreements that promote the correct behaviour are envisaged.
- 3.4.4.2 The Council notes that the Reserve Bank is facilitating and overseeing a revision of interchange rates for all payment streams in South Africa, including interchange in the card environment. The Terms of Reference for the project are supported by the National Treasury and the Competition Commission, and has been endorsed by the Bank's Governors' Executive Committee. According to the Terms of Reference, the objective of this project is for the Reserve Bank to "facilitate a fair and transparent process whereby interchange rates for each of the payment streams, officially recognised and registered with the Payments Association of South Africa (PASA), are reviewed in terms of:
- i. Whether they are feasible and/or justifiable in that stream; and*
 - ii. Are realistic and appropriate for that payment stream based on acceptable parameters."*
- Furthermore, the Terms of Reference state: *"It will be a specific requirement in this project that stakeholders will not be permitted to gather together to discuss interchange or specific aspects relating to the determination of the actual interchange rate".*
- 3.4.5 Measurement: Each institution will be measured according to the number of accounts with activity within the last 180 days, based on the level of conformity allocated by the Council.

**AMENDED FSC SERIES FS700: THE MEASUREMENT OF THE ACCESS TO FINANCIAL SERVICES ELEMENT OF
BROAD-BASED BLACK ECONOMIC EMPOWERMENT**

STATEMENT FS702

**THE MEASUREMENT OF THE ACCESS TO FINANCIAL SERVICES ELEMENT OF BROAD-BASED BLACK ECONOMIC
EMPOWERMENT AS IT RELATES TO
LONG-TERM ASSURERS**

**Issued under section 9 (1) of the Broad-Based Black Economic Empowerment Act of
2003 as amended by Act 46 of 2013**

Introduction

The financial sector acknowledges that access to first-order retail financial services is fundamental to transformation and to the development of the economy as a whole.

The Long-term Insurance industry undertakes to make available appropriate first-order retail financial services, affordably priced and through appropriate and accessible physical and electronic infrastructure to the Financial Sector Code target market.

Arrangement of this statement FS702

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3	PRODUCTS AND PRODUCT STANDARDS	104

1 OBJECTIVES OF THIS STATEMENT

The objectives of this statement are to specify:

- 1.1 The Access Scorecard as it relates to companies operating within the Long-term Insurance industry.
- 1.2 The definitions, standards, target markets and key measurement principles of the sub-categories of the Access element

2 THE SCORECARD FOR ACCESS TO FINANCIAL SERVICES as it relates to companies operating within the Long-term Insurance Industry.

	Description	Weighting	Target
2.1	Appropriate Products	3	6
2.2	Market Penetration	7	5,7390,23
2.2.1	Target: 2014		4,878,170
2.2.2	Target: 2015		5,165,121
2.2.3	Target: 2016		5,452,072
2.2.4	Target: 2017		5,739,023
2.3	Transactional Access	2	As per Guidance Note
	Total	12	

3 PRODUCTS AND PRODUCT STANDARDS

- 3.1 When interpreting the terms of the Amended FSC for Life Officers and collective investment schemes, "Access" encompasses the following concepts:
- 3.2 Appropriate Products: Life products appropriate for identified needs - The life products considered are those that address the identified priorities of death and serious illness. In the access market these risks are often insured through funeral schemes and credit life cover. However, other forms of product are possible.
A set of minimum standards for Life products is retained, akin to the UK CAT standard approach, (CAT= fair Charges, easy Access, decent Terms). This will ensure that appropriate products are available to those requiring risk mitigation tools to address identified priorities. These standards will be determined following the gazetting of this Code and will be published as a Guidance Note.
A process will be put in place to enable the update of these standards from time to time and allow for the creation of new standards.
- 3.3 Transactional access is the opportunity to purchase the product, pay the premiums due, make amendments to the policy, and to lodge a claim and receive payment of the claim.

- 3.4 Integrated products
- 3.4.1 New standards are created for retirement GAP market products.
- 3.4.2 An integrated consumer focused approach that requires collaboration between banking, short term insurance, long term insurance and CIS will be investigated, based on consumer needs.
- 3.5 Target market: The target market for Life products will be based on income and pegged at the tax threshold for individuals and double the tax threshold for families. The target market definition is to be adjusted annually, based on changes to tax threshold. The tax threshold currently stands at R73 000 per annum.
- 3.5.1 Measurement: The key measurement of success for the provision of “effective access” is the penetration level (usage) of appropriate products within the above target market. Targets for transactional access and penetration will be measured by in-force / on books business at measurement date.
- 3.5.2 Appropriate Products – Each product that meets the required standards will be FSC compliant.
- 3.5.3 Transactional Access – Measured entities will score points for the proportion of the standard map (covering the adult population based on the recent banking densification study) in which they are able to demonstrate transactional access.
- 3.6 Scoring: Points are scored by measured entities as follows:
- 3.6.1. Three (3) points will be allocated to Appropriate Products. Each compliant product made available by a company will score $1/N \times 3$ points, where N is the total number of products for which standards have been developed. Companies will also have to demonstrate that each qualifying product represents at least 5% of new business access volumes, or 1000 policies, whichever is the lower.
- 3.6.2 Seven (7) points will be allocated to Market Penetration. The targets will be phased in over the period 2011 – 2017. The target will be based on an appropriate market share measure as a proportion of the overall industry target below.
- 3.6.3 Two (2) points will be allocated to transactional access.
- 3.7 Key Dependencies
- 3.7.1 Harmonisation of Access product definitions to FAIS regulatory exam requirements - it is critical that Amended FSC definitions for access products are aligned to the various regulatory exam exemptions that may be made available by the Financial Services Board to intermediaries distributing access products.
- 3.7.2 Clarity of government’s intentions to provide savings alternatives at national level to this market.
- 3.7.3 Product and measurement standards including maximum cover limits etc., require updating in the form of guidance notes. This will occur after gazetting.
- 3.7.4 Target Life Products: The target penetration will be 5,739,023 policies issued to the target market based on a formula to be contained in a guidance note issued by the Council following the gazetting of the Amended FSC.
- 3.8 The targets will be reviewed and new targets set from 2018 for subsequent years.

AMENDED FSC SERIES FS700: MEASUREMENT OF THE ACCESS TO FINANCIAL SERVICES ELEMENT OF BROAD-BASED BLACK ECONOMIC EMPOWERMENT

STATEMENT FS703: GENERAL PRINCIPLES FOR THE MEASUREMENT OF THE ACCESS TO FINANCIAL SERVICES ELEMENT OF BROAD-BASED BLACK ECONOMIC EMPOWERMENT AS IT RELATES TO SHORT-TERM INSURERS

Issued under section 9 (1) of the Broad-Based Black Economic Empowerment Act of 2003 as amended by Act 46 of 2013

Introduction

The financial sector acknowledges that access to first-order retail financial services is fundamental to transformation and to the development of the economy as a whole.

The Short-term Insurance industry undertakes to make available appropriate first-order retail financial services, affordably priced and through appropriate and accessible physical and electronic infrastructure to the Amended FSC target market.

Arrangement of Statement FS703

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4	SCORING	108
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1 OBJECTIVES

The objectives of this statement are to specify:

- 1.1 The Access Scorecard as it relates to companies operating within the Short-term Insurance industry;
- 1.2 The definitions, standards, target markets and key measurement principles of the sub-categories of the Access element.

2 THE SCORECARD FOR ACCESS TO FINANCIAL SERVICES

	Element	Weighting	Industry Targets
2.1	Appropriate Products	2	
2.1.1	Personal Lines	1	
2.1.2	Commercial Lines	1	
2.2	Insurance Policies	10	
2.2.1	Personal Lines	8	868 072
2.2.2	Commercial Lines	2	284 884
	Total	12	

3 PRODUCT RELATED ACCESS – PRODUCTS, TARGET MARKETS AND KEY MEASUREMENT PRINCIPLES OF ACCESS

- 3.1 A maximum sum insured metric has been established as a basis of target measurement and performance across a broad range of short-term insurance products (but excluding cell phone insurance and consumer credit insurance that has been adequately covered elsewhere in the market).
 - 3.1.1 The maximum sum insured metric has been structured to target those areas of the population that have been previously uninsured. The metric has been broadly based on products aimed at individuals earning below the tax threshold, households with an income below double the tax threshold and small businesses and small farmers. As such, all active qualifying policies sold can be claimed for scoring purposes, regardless of who the premium payer is.
 - 3.1.2 The Council will review the maximum sum insured each year and they will be in-line with CPI increases and / or market research
- 3.2 Target Market: The maximum sum insured metric has been used as a proxy for the target market. All products that meet the Access Standards or have been deemed to be appropriate products will be counted, regardless of the person to whom the policy has been issued.
 - 3.2.1 The Target Market for commercial products will be EMEs as defined in the FSC.
 - 3.2.2 The target market for agriculture and livestock will be as defined in this FSC for Agricultural Financing.

- 3.3 The choice of products has been selected to meet the broader FSC objectives. Qualifying short-term insurance access products are those designed to support the following areas and that meet the relevant standard. Products will be for the following categories:
- 3.3.1 Low-income Housing
 - 3.3.2 Exempted Micro Enterprises
 - 3.3.3 Agriculture
 - 3.3.4 Low-income individuals
- 3.4 Liability insurance has been identified as a need for small businesses therefore this product has been included in the list of products qualifying for Amended FSC recognition.
- 3.5 Standards: Standards for qualifying products will be determined following the gazetting of this Code and will be published as a Guidance Note.
- 3.6 Key measurement principles
- 3.6.1 Measurement will be based on the number of active qualifying policies that meet the relevant standards or have been deemed appropriate by the Council.
 - 3.6.2 The key measurement of success is the product penetration (take-up) and will be measured on the number of policies sold and active as at the date of measurement. The current target is determined, based on the size of the market during 2011 and published by the Council.
 - 3.6.3 The target is an industry target and not an individual company target. Companies will be allocated a personal lines target and/ or a commercial lines target. Companies that operate solely in the personal lines or commercial Lines space will be allocated a single target.
 - 3.6.4 Companies will be measured against the personal lines and / or commercial lines target. Companies are free to choose any combination of products within the personal and / or commercial lines areas.
- 3.7 The 30/06/2018 targets will be reviewed and new targets set from 01/07/2018 for subsequent years.

4 SCORING

- 4.1 Companies that currently offer both Personal and Commercial Lines products will be allocated a target for both Personal and Commercial lines and be measured against each target. The weighting will be 8 points for Personal and 2 points for Commercial Lines. Companies that currently only offer one of the product lines, will only be allocated a target against that product line, based on their overall market share, and that will have a weighting of 10 points.
- 4.2 Companies can score points in the following areas:
- 4.2.1 Up to 2 points for the development of products that meet the Amended FSC Access standards, or as otherwise approved as appropriate products by the Council. This has been included as a measurement as these are green field's products for the industry and this is done in order to encourage development of these products. This will be reviewed annually to assess the on-going suitability of this target and measurement.
 - 4.2.2 Up to 10 points for the number of active qualifying policies that meet the relevant product standards, as at the date of measurement.

- 4.2.3 Products have to meet all the standards to be classified as an Access Product. If a company deems a product appropriate for this market, but it does not meet all of the standards, the company can apply to the Council for the product to be approved as an Appropriate Qualifying Product (AQP) to be included for scoring purposes. The Council will assess the product on its appropriateness for the target market, the intention of the access provisions and how closely the product conforms to the standards. The Council will then determine the rating to be applied to each AQP. Companies need apply only once per product. If the company revises the product to fully comply with the Access Standards, this needs to be communicated to the Financial Sector Charter Council. If a product has been approved and subsequently the Access Standards change, existing business under that product will continue to be counted for scoring purposes.
- 4.2.4 Where companies sell composite policies, each risk covered in the policy will be counted as a separate policy for scoring purposes. This is necessary in order to prevent the sale of separate products to the same client, thereby adding to the cost of the insurance cover. Each risk covered must comply with the associated access standards.
- 4.2.5 Appropriate Products: Companies will score points for each product that meets the relevant product standards approved by the Council.

5 TARGETS

- 5.1 As agreed by the Council, targets will be phased in over a number of years. The targets are as follows:

Date	Percentage		Target number of policies	
	Personal	Commercial	Personal	Commercial
30/6/2014	30%	50%	260 422	139 668
30/6/2015	45%	60%	390 632	170 930
30/6/2016	60%	70%	520 843	199 419
30/6/2017	75%	80%	651 054	227 907
30/6/2018	100%	100%	868 072	284 884

AMENDED FSC SERIES FS800
CODE SERIES FS800: CODES OF GOOD PRACTICE FOR
QUALIFYING SMALL FINANCIAL INSTITUTIONS (QSFI)

Issued under section 9 (1) of the Broad-Based Black Economic Empowerment Act of
 2003 as amended by Act 46 of 2013

Arrangement of Statement FS800

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AMENDED FSC SERIES FS800
STATEMENT FS800: THE FRAMEWORK FOR THE QSFI SCORECARD

Issued under section 9 (1) of the Broad-Based Black Economic Empowerment Act of
 2003 as amended by Act 46 of 2013

1. OBJECTIVES OF STATEMENT FS800

- 1.1 The objectives of this statement are to:
- 1.1.1 specify the elements of B-BBEE measurable in the QSFI scorecard;
- 1.1.2 specify the principles in the Financial Sector Code (FS100 – FS700) applicable to QSFI's;
- 1.1.3 specify the scorecard for measuring the QSFI contributions to B-BBEE.

2 KEY MEASUREMENT PRINCIPLES

- 2.1 The key measurement principles for measuring QSFI contribution to B-BBEE are specified in Statement FS000: General Principles and the Generic Scorecard.

3 THE QSFI SCORECARD

- 3.1 The following table represents the QSFI scorecard and contains the elements of the scorecard and their weightings for each element:

The weighting points in respect of any element in the scorecard represent the maximum number of points possible for each of the criteria.

Element	Weighting	Code Series FS800
Ownership	25 points	FS801
Management control	15 points	FS802
Skills Development	25 points	FS803
Enterprise and Supplier Development	30 points	FS804
Socio-Economic Development	5 points	FS805

- 3.2 The B-BBEE compliance of a QSFI must be determined in accordance with Code FS000. Any matter concerning the application of the QSFI scorecard that is not dealt with explicitly in this scorecard must be dealt with in terms of Codes FS000-FS700.

STATEMENT FS801: OWNERSHIP FOR QSFI's**1. THE QSFI OWNERSHIP SCORECARD**

The following table represents the indicators and method for calculating a score for ownership in this statement:

Category and Ownership Indicator	Weighting points	Compliance target
1.1 Voting rights:		
1.1.1 Exercisable voting rights in the enterprise by black people	5	25%+1 vote
1.1.2 Exercisable voting rights in the enterprise by black women	2	10%
1.2 Economic Interest:		
1.2.1 Economic interest of black people in the enterprise	5	25%
1.2.2 Economic interest of black women in the enterprise	2	10%
1.2.3 Economic interest of new entrants or black designated groups	3	2%
1.3. Net value:	8	Refer to Annexe FS100 (C)
Total	25	
1.4 Bonus Points		
1.4.1 Bonus: Direct / Indirect ownership in excess of 15%	2	10%
1.4.2 Bonus: Economic interest and voting rights above 25%	2	1 @ 32.5% and 1 @ 40%

2. KEY MEASUREMENT PRINCIPLES AND SUB-MINIMUM REQUIREMENTS

- 2.1 Key measurement principles and sub-minimum requirements in statement FS100 are applicable to this statement.
- 2.2 Any interpretation or calculations of a QSFI score for ownership must be made in accordance with statement FS 100.

STATEMENT FS802: MANAGEMENT CONTROL FOR QSFI**1 THE QSFI MANAGEMENT CONTROL SCORECARD**

The following table represents the indicators and method for calculating a score for management control in this statement:

Criteria	Weighting Points	Compliance Target
1.1 Executive Management		
1.1.1 Black representation in executive management	5	50%
1.1.2 Black female representation in executive management	2	25%
1.2 Senior, Middle and Junior management		
1.2.1 Black representation in Senior, Middle and Junior management	6	60%
1.2.2 Black female representation in Senior, Middle and Junior Management	2	30%
Total	15	

2 KEY MEASUREMENT PRINCIPLES

- 2.1 For the purpose of the QSFI scorecard, executive management include other executive management as described in the general principles of statement FS200.
- 2.2 For the purpose of the QSFI Scorecard, Senior, Middle and Junior management refers to those positions as categorised for Employment Equity purposes.
- 2.3 A measured entity must use the current payroll data in calculating its score under the management control scorecard.
- 2.4 Key measurement principles in statement FS200 are applicable to this statement.
- 2.5 Any interpretation or calculation of a QSFI score for management control must be made in accordance with statement FS 200.
- 2.6 The demographic representation of black people as defined in the Regulations of the Employment Equity Act and the Commission on Employment Equity report are not applicable to the QSFI Scorecard.

STATEMENT FS803: SKILLS DEVELOPMENT FOR QSFIS**1 THE QSFI SKILLS DEVELOPMENT SCORECARD**

1.1 The following table represents the indicators and methods for calculating a score in this statement:

Skills Development Element	Weighting points	Compliance target
1.1 Skills development expenditure on learning programmes specified in the learning programme matrix for black people as a percentage of the leviable amount.	20	3%
1.2 Skills development expenditure on learning programmes specified in the learning programme matrix for black females as a percentage of leviable amount.	5	1%
Total	25	

2 KEY MEASUREMENT PRINCIPLES AND SUB-MINIMUM REQUIREMENTS

- 2.1. The sub-minimum requirements and discounting principle in Statement FS300 are applicable to this statement.
- 2.2. The demographic representation of black people as defined in the Regulations of the Employment Equity Act and the Commission on Employment Equity report are not applicable to the QSFI Scorecard.
- 2.3. Where applicable, the following criteria must be fulfilled in order for the measured entity to receive points on the Skills Development element scorecard (where applicable):
 - 2.3.1 workplace Skills Plan, an Annual Training Report and Pivotal report which are SETA approved; and
 - 2.3.2 implementation of a priority skills programme in general, and for black people in particular.
- 2.4. Key measurement principles in statement FS300 are applicable to this statement.
- 2.5. Any interpretation or calculation of a QSFI score for skills development must be made in accordance with statement FS300.
- 2.6. The learning programme matrix under code series FS300 is applicable to this statement.

STATEMENT FS804: ENTERPRISE AND SUPPLIER DEVELOPMENT FOR QSFI's**1. THE QSFI ENTERPRISE AND SUPPLIER DEVELOPMENT SCORECARD**

The following table represents the criteria for deriving a score for Enterprise and Supplier Development in this statement.

Criteria		Weighting points	Compliance targets
1.1 PREFERENTIAL PROCUREMENT			
1.1.1	B-BBEE procurement spend from all empowering suppliers based on the B-BBEE procurement recognition levels as a percentage of total measured procurement spend	15	60%
1.1.2	B-BBEE procurement spend from empowering suppliers that are at least 51% black owned, based on the applicable B-BBEE procurement recognition levels as a percentage of total measured procurement spend	5	15%
1.2 SUPPLIER DEVELOPMENT			
1.2.1	Annual value of all supplier development contributions made by the measured entity as a percentage of NPAT.	5	1%
1.3 ENTERPRISE DEVELOPMENT			
1.3.1	Annual value of enterprise development contributions and sector specific programmes made by the measured entity as a percentage of NPAT.	5	1%
Total		30	

2. KEY MEASUREMENT PRINCIPLES AND SUB-MINIMUM REQUIREMENTS

- 2.1 Key Measurement Principles and sub-minimum requirements in Statement FS400 are applicable to this statement.
- 2.2 Qualifying Enterprise Development and Supplier Development Contributions will be recognised as a percentage of the previous year's annual Net Profit after Tax (NPAT) of the measured entity. If the entity does not make a profit, then Qualifying Enterprise Development and Supplier Development Contributions of an average of the previous 3 years contributions will earn the measured entity the full points in paragraphs 1.2 and 1.3 respectively.
- 2.3 Any interpretation or calculation of a QSFI's score for Enterprise and Supplier Development must be made in accordance with statement FS400.

STATEMENT FS805: SOCIO-ECONOMIC DEVELOPMENT AND CONSUMER EDUCATION CONTRIBUTIONS FOR QSFI**1 THE QSFI SOCIO-ECONOMIC DEVELOPMENT AND CONSUMER EDUCATION SCORECARD**

1.1 Qualifying socio-economic development (SED) and consumer education (CE) contributions will be recognised as a percentage of the previous year's annual Net Profit after Tax (NPAT) of the measured entity. If the measured entity does not make a profit, then qualifying SED and CE contributions of an average of the last 3 years contributions will earn the full points in paragraphs 1.3.1 and 1.3.2 respectively.

1.2 For banks, the NPAT is the NPAT generated by retail operations.

1.3 The following table represents the criteria and method used for deriving a score for SED in this statement:

1.3.1	Criteria	Weighting Points	Compliance Target
1.3.1.1	Annual value of all SED by the measured entity as a percentage of NPAT	3	0.60%
1.3.1.2	Annual value of all qualifying CE contributions made by the measured entity as a percentage of NPAT	2	0.40%
	Total	5	
1.3.2	Bonus Points		
1.3.2.1	Additional SED contributions made by the measured entity as a percentage of NPAT	1	0.20%
1.3.2.2	Additional CE contributions made by the measured entity as a percentage of NPAT	1	0.10%
1.3.2.3	Contributions to the Fundisa Retail Fund or to other similar initiatives made by the measured entity as a percentage of NPAT	2	0.20%

2 KEY MEASUREMENT PRINCIPLES

Key measurement principles in statement FS500 are applicable to this statement. Any interpretation or calculation of a QSFI score for Socio-economic Development and Consumer Education must be made in accordance with statement FS500.

**AMENDED FSC SERIES FS900: FRAMEWORK FOR MEASURING BROAD-BASED BLACK ECONOMIC EMPOWERMENT
FOR SPECIALISED ENTERPRISES**

STATEMENT 900: GENERAL PRINCIPLES AND THE SCORECARD

Issued under section 9 (1) of the Broad-Based Black Economic Empowerment Act of
2003 as amended by Act 46 of 2013

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1. OBJECTIVES OF STATEMENT FS900

- 1.1 The objectives of this statement are to:
 - 1.1.1 provide guidance about the treatment of Ownership for Specialised Enterprises for Broad Based Black Economic Empowerment (B-BBEE) purposes, of:
 - 1.1.1.1 Companies limited by guarantee;
 - 1.1.1.2 Non-Profit Companies;
 - 1.1.1.3 Public entities and other Enterprises exclusively owned by organs of State;
 - 1.1.1.4 Public Benefit Schemes or Public Benefit Organisations;
 - 1.1.1.5 Mutual insurers;
 - 1.1.1.6 Trade Associations; and
 - 1.1.1.7 Reinsurance companies that are precluded in terms of a global policy from accommodating domestic ownership participation;
 - 1.1.2 specify the principles in the Financial Sector Code (FS100 – FS700) applicable to Specialised Enterprises;
 - 1.1.3 specify the scorecard for measuring the Specialised Enterprises contributions to B-BBEE.

2 GENERAL PRINCIPLES

- 2.1 Public entities and other enterprises exclusively owned by organs of State are not capable of being evaluated for black ownership under Code series FS100.
- 2.2 Companies limited by guarantee and Non-Profit Companies have no shareholding. They are not capable of being evaluated for black ownership under Code series FS100. This does not imply that companies limited by guarantee and Non-Profit Companies sharing in the ownership of other enterprises cannot contribute towards black ownership to such enterprises as provided for in Statement FS100.
- 2.3 Non-Profit Companies and Public Benefit Organisations generally do not have any beneficial ownership and are incapable of being evaluated for black ownership under Code series FS100. This does not imply that Non-Profit Companies and Public Benefit Organisations sharing in the ownership of other enterprises as broad-based ownership schemes cannot contribute towards black ownership to such enterprises as provided for in Statement FS100.
- 2.4 Mutual Insurance Companies are owned by their policyholders and are incapable of being evaluated for of black ownership under Code series FS100. This does not imply that Mutual Insurance Companies sharing in the ownership of other enterprises as broad-based ownership schemes cannot contribute towards black ownership to such enterprises as provided for in Statement FS100.
- 2.5 Trade Associations are Non-Profit Companies and do not have any beneficial ownership and are incapable of being evaluated for black ownership under Code series FS100.
- 2.6 Wherever any of the entities listed in paragraph 1.1.1 require evidence of their own B-BBEE compliance, they will use the either the Specialised Enterprises Generic Scorecard or the QSFI Specialised Enterprises Scorecard or the Trade Associations Specialised Enterprises Scorecard.

- 2.7 Entities that are Exempted Micro Enterprises (EME) under this statement are deemed to have a B-BBEE status of "Level Four", having a B-BBEE recognition level of 100%.
- 2.8 Enhanced B-BBEE recognition level for an EME:
- 2.8.1 Despite paragraph 2.7 an EME that has at least 75% black beneficiaries qualifies for elevation to "Level One", having a B-BBEE recognition level of 135%; and
- 2.8.2 Despite paragraph 2.7 and 2.8.1, an EME that has at least 51% black beneficiaries qualifies for elevation to "Level Two", having a B-BBEE recognition level of 125%.
- 2.9 An EME is only required to obtain a sworn affidavit annually confirming the following:
- 2.9.1 Annual Total Revenue/Allocated Budget/Gross Receipts of R10 million or less; and
- 2.9.2 Level of percentage of black beneficiaries.
- 2.10 Entities that are Qualifying Small Financial Institutions (QSFI) will use the Specialised Qualifying Small Financial Institution Scorecard.
- 2.11 Despite paragraph 2.10, a QSFI that has at least 75% black beneficiaries qualifies for elevation to "Level One", having a B-BBEE recognition level of 135%.
- 2.11.1 Despite paragraphs 2.10 and 2.11, a QSFI that has at least 51% black beneficiaries qualifies for elevation to "Level Two", having a B-BBEE recognition level of 125%.
- 2.12 A QSFI that has at least 51% black beneficiaries is only required to obtain a sworn affidavit annually confirming the following:
- 2.12.1 Annual Total Revenue/Allocated Budget/Gross Receipts of R50 million or less; and
- 2.12.2 Level of percentage of black beneficiaries.

2.13 Priority Elements and Subminimum as it relates to Specialised Enterprises is:

2.13.1 The Priority Elements are as follows:

- a. Skills Development: The sub-minimum requirement for Skills Development is 40% of the total weighting points (40% of the 25 points), excluding bonus points, for skills development.
- b. Enterprise and Supplier Development: The sub-minimum for Enterprise and Supplier Development is 40% of the total weighting points (excluding bonus points) of each of the three broad categories, within the Enterprise and Supplier Development element, namely Preferential Procurement; Supplier Development and Enterprise Development. This means that the measured entity must achieve at least:

For Generic companies:

- 12 points in the Preferential Procurement category;
- 5.2 points in the Supplier Development category;
- 2.8 points in the Enterprise Development category;

For QSFI and Trade Association companies:

- 12 points in the Preferential Procurement category;
- 4 points in the Supplier Development category;
- 4 points in the Enterprise Development category;

2.13.2 Compliance with Priority Elements: All enterprises are required to comply with the priority elements as stipulated in 2.13.1

3. KEY MEASUREMENT PRINCIPLES

3.1 The key measurement principles for measuring a Specialised Enterprise's contribution to B-BBEE are specified in Statement FS000: General Principles and the Generic Scorecard.

4. THE SPECIALISED ENTERPRISE SCORECARD

4.1 The following table represents the Specialised Enterprises scorecard for QSFIs and Trade Associations and contains the elements of the scorecard and their weightings for each element: The weighting points in respect of any element in the scorecard represent the maximum number of points possible for each of the criteria.

Element	Weighting	Code Series FS900
Management control	20 points	FS901
Skills Development	25 points	FS902
Enterprise and Supplier Development	50 points	FS903
Socio-Economic Development	5 points	FS904
Total	100 points	

4.2 The B-BBEE compliance of a Specialised Enterprise must be determined in accordance with Code FS000. Any matter concerning the application of the Specialised Enterprise scorecard that is not dealt with explicitly in this scorecard must be dealt with in terms of Codes FS000 - FS700.

5. THE SPECIALISED ENTERPRISE QSFI AND TRADE ASSOCIATIONS SCORECARD

5.1 The following table represents the Specialised Enterprises scorecard and contains the elements of the scorecard and their weightings for each element: The weighting points in respect of any element in the scorecard represent the maximum number of points possible for each of the criteria.

Element	Weighting	Code Series FS900
Management control	20 points	FS905 / FS909
Skills Development	25 points	FS906 / FS910
Enterprise and Supplier Development	50 points	FS907 / FS911
Socio-Economic Development	5 points	FS908 / FS912
Total	100 points	

5.2 The B-BBEE compliance of a Specialised Enterprise must be determined in accordance with Code FS000. Any matter concerning the application of the Specialised Enterprise scorecard that is not dealt with explicitly in this scorecard must be dealt with in terms of Codes FS000-FS700.

STATEMENT FS901: MANAGEMENT CONTROL FOR SPECIALISED ENTERPRISES**1. THE SPECIALISED ENTERPRISES MANAGEMENT CONTROL SCORECARD**

The following table represents the indicators and method for calculating a score for management control in this statement:

Management Control Scorecard			
	Description	Points	Target
1.1	Board Participation	5	
1.1.1	Exercisable voting rights of black board members as a percentage of all board members	1	50%
1.1.2	Exercisable voting rights of black female board members as a percentage of all board members	1	25%
1.1.3	Black executive directors as a percentage of all executive directors	2	50%
1.1.4	Black female executive directors as a percentage of all executive directors	1	25%
1.2	Other Executive Management	3	
1.2.1	Black executive management as a percentage of all executive management	2	60%
1.2.2	Black female executive management as a percentage of all executive management	1	30%
1.3	Senior management	4	
1.3.1	Black employees in senior management as a percentage of all such employees	2	60%
1.3.2	Black female employees in senior management as a percentage of all senior managers	1	30%
1.3.3	African senior managers as a percentage of all senior managers	1	EAP %
1.4	Middle management	4	
1.4.1	Black employees in middle management as a percentage of all middle management	2	75%
1.4.2	Black female employees in middle management as a percentage of all middle management	1	38%
1.4.3	African middle managers as a percentage of all middle managers	1	EAP %
1.5	Junior management	4	
1.5.1	Black employees in junior management as a percentage of all junior management	1	88%
1.5.2	Black female employees in junior management as a percentage of all junior management	1	44%
1.5.3	African junior managers as a percentage of all junior managers	1	EAP %
1.6	Black employees with disabilities as a percentage of all employees	1	2%
	Total	20	

2. KEY MEASUREMENT PRINCIPLES

- 2.1 For the purpose of the Specialised Enterprise Scorecard, Senior, Middle and Junior management refers to those positions as categorised for Employment Equity purposes.
- 2.2 A measured entity must use the current payroll data in calculating its score under the management control scorecard.
- 2.3 Key measurement principles in statement FS200 are applicable to this statement.
- 2.4 Any interpretation or calculation of a Specialised Enterprise score for management control must be made in accordance with statement FS200.
- 2.5 The demographic representation of black people as defined in the Regulations of the Employment Equity Act and the Commission on Employment Equity report are not applicable to the Specialised Enterprise Scorecard.

STATEMENT FS902: SKILLS DEVELOPMENT FOR SPECIALISED ENTERPRISES**1 THE SPECIALISED ENTERPRISE SKILLS DEVELOPMENT SCORECARD**

The following table represents the indicators and methods for calculating a score in this statement:

	Description	Points	Target
1.1	Senior Management	3	
	1.1.1 Skills development expenditure on learning programmes specified in the learning programme matrix for black senior and executive managers as a percentage of the leviable amount applicable to this level	2	2.00%
	1.1.2 Skills development expenditure on learning programmes specified in the learning programme matrix for black women senior and executive managers as a percentage of the leviable amount applicable to this level	1	1.00%
1.2	Middle management	3	
	1.2.1 Skills development expenditure on learning programmes specified in the learning programme matrix for black middle managers as a percentage of the leviable amount applicable to this level	2	3.00%
	1.2.2 Skills development expenditure on learning programmes specified in the learning programme matrix for black women middle managers as a percentage of the leviable amount applicable to this level	1	1.50%
1.3	Junior management	5	
	1.3.1 Skills development expenditure on learning programmes specified in the learning programme matrix for black junior managers as a percentage of leviable amount applicable to this level	3	5.00%
	1.3.2 Skills development expenditure on learning programmes specified in the learning programme matrix for black women junior managers as a percentage of the leviable amount applicable to this level	2	2.50%
1.4	Black people and non-management staff	4	
	1.4.1 Skills development expenditure on learning programmes specified in the learning programme matrix for black people and non-management staff as a percentage of the leviable amount applicable to this level	3	8.00%
	1.4.2 Skills development expenditure on learning programmes specified in the learning programme matrix for black women and non-management staff as a percentage of the leviable amount applicable to this level	1	4.00%
1.5	Skills development expenditure on learning programmes specified in the learning programme matrix for black people with disabilities as a percentage of the leviable amount	2	0.30%
1.6	Number of black people, (employed or unemployed) participating in learnerships, apprenticeships, internships or Category B, C or D programmes as a percentage of total employees	8	5.00%
	Total	25	
1.7	Bonus Points: Number of previously unemployed black people Absorbed by the measured entity/industry at the end of the learnerships, apprenticeships, internships or Category B, C or D programmes.	3	100%

2 KEY MEASUREMENT PRINCIPLES AND SUB-MINIMUM REQUIREMENTS

- 2.1. The Key Measurement Principles and discounting principle in Statement FS300 and sub-minimum requirements in Statement FS900 are applicable to this statement.
- 2.2. The demographic representation of black people as defined in the Regulations of the Employment Equity Act and the Commission on Employment Equity report are not applicable to the Specialised Enterprise Scorecard.
- 2.3. Where applicable, the following criteria must be fulfilled in order for the measured entity to receive points on the Skills Development element scorecard (where applicable):
 - 2.3.1 workplace Skills Plan, an Annual Training Report and PIVOTAL report which are SETA approved; and
 - 2.3.2 implementation of a priority skills programme in general, and for black people in particular.
- 2.4. Key measurement principles in statement FS300 are applicable to this statement.
- 2.5. Any interpretation or calculation of a Specialised Enterprise score for skills development must be made in accordance with statement FS300.
- 2.6. The learning programme matrix under code series FS300 is applicable to this statement.

STATEMENT FS903: ENTERPRISE AND SUPPLIER DEVELOPMENT FOR SPECIALISED ENTERPRISES

1. THE SPECIALISED ENTERPRISE: - ENTERPRISE AND SUPPLIER DEVELOPMENT SCORECARD

The following table represents the criteria for deriving a score for Enterprise and Supplier Development in this statement.

	Description	Others	Targets year 1-3	Targets year 3+
		Weightings	Targets	
1.1	Procurement	30		
1.1.1	B-BBEE Procurement Spend from all Empowering Suppliers based on the B-BBEE procurement recognition levels as a percentage of total measured procurement spend	7	75%	80%
1.1.2	B-BBEE procurement spend from empowering suppliers who are QSEs based on the applicable B-BBEE procurement recognition levels as a percentage of total measured procurement spend	5	14%	18%
1.1.3	B-BBEE procurement spend from empowering suppliers who are EMEs based on the applicable B-BBEE procurement recognition levels as a percentage of total measured procurement spend	4	8%	12%
1.1.4	B-BBEE procurement spend from empowering suppliers that are at least 51% black owned based on the applicable B-BBEE procurement recognition levels as a percentage of total measured procurement spend	9	20%	30%
1.1.5	B-BBEE procurement spend from empowering suppliers that are at least 30% black women owned based on the applicable B-BBEE procurement recognition levels as a percentage of total measured procurement spend	5	9%	10%
1.2	Supplier Development	13		
1.2.1	Annual value of all supplier development contributions made by the measured entity	13	2% of NPAT	
1.3	Enterprise and Supplier Development	7		
1.3.1	Annual value of enterprise development contributions and sector specific programmes made by the measured entity	7	1% of NPAT	
	Total	50		

1.4	Bonus Points		
1.4.1	Graduation of one or more enterprise development beneficiaries to graduate to the supplier development level.	1	1
1.4.2	For creating one or more jobs directly as a result of supplier development and enterprise development initiatives by the measured entity.	1	1
1.4.3 (a)	B-BBEE procurement spend from intermediated black professional service providers who are empowering suppliers based on the B-BBEE procurement recognition levels as a percentage of intermediated spend	2	TBD
or			
1.4.3 (b)	B-BBEE procurement spend from black stockbrokers or black fund managers who are empowering suppliers based on the B-BBEE procurement recognition levels as a percentage of total value of all trade allocated	2	5%
1.4.4	B-BBEE procurement spend from designated group suppliers that are at least 51% black owned as a percentage of the total measured spend	2	2%
1.4.5	Enterprise development support of black stockbrokers, black fund managers or intermediaries	2	0.5% of NPAT (recoverable or non-recoverable)
	Total bonus points	8	

2. KEY MEASUREMENT PRINCIPLES AND SUB-MINIMUM REQUIREMENTS

- 2.1 The Key Measurement Principles and discounting principle in Statement FS300 and sub-minimum requirements in Statement FS900 are applicable to this statement.
- 2.2 Qualifying Enterprise Development and Supplier Development Contributions will be recognised as a percentage of the previous year's annual Net Profit After Tax (NPAT) of the measured entity. If the entity does not make a profit, then Qualifying Enterprise Development and Supplier Development Contributions of an average of the previous 3 years contributions will earn the measured entity the full points in paragraphs 1.2 and 1.3 respectively.
- 2.3 Any interpretation or calculation of a Specialised Enterprise's score for Enterprise and Supplier Development must be made in accordance with statement FS400.

**STATEMENT FS904: SOCIO-ECONOMIC DEVELOPMENT AND CONSUMER EDUCATION CONTRIBUTIONS FOR
SPECIALISED ENTERPRISES**

1 THE SPECIALISED ENTERPRISE SOCIO-ECONOMIC DEVELOPMENT AND CONSUMER EDUCATION SCORECARD

1.1 Qualifying socio-economic development (SED) and consumer education (CE) contributions will be recognised as a percentage of the previous year's annual Net Profit After Tax (NPAT) of the measured entity. If the measured entity does not make a profit, then qualifying SED and CE contributions of an average of the last 3 years contributions will earn the full points in paragraphs 1.3.1 and 1.3.2 respectively.

1.2 For banks, the NPAT is the NPAT generated by retail operations.

1.3 The following table represents the criteria and method used for deriving a score for SED in this statement:

	Criteria	Weighting Points	Compliance Target
1.3.1	Annual value of all SED contributions by the measured entity as a percentage of NPAT	3	0.60%
1.3.2	Annual value of all qualifying CE contributions made by the measured entity as a percentage of NPAT	2	0.40%
	Total	5	
1.4	Bonus Points		
1.4.1	Additional SED contributions made by the measured entity as a percentage of NPAT	1	0.20%
1.4.2	Additional CE contributions made by the measured entity as a percentage of NPAT	1	0.10%
1.4.3	Contributions to the Fundisa Retail Fund made by the measured entity as a percentage of NPAT	2	0.20%

2 KEY MEASUREMENT PRINCIPLES

Key measurement principles in statement FS500 are applicable to this statement. Any interpretation or calculation of a Specialised Enterprise score for Socio-economic Development and Consumer Education must be made in accordance with statement FS500.

STATEMENT FS905: MANAGEMENT CONTROL FOR QSFI SPECIALISED ENTERPRISES**1 THE QSFI SPECIALISED ENTERPRISES MANAGEMENT CONTROL SCORECARD**

The following table represents the indicators and method for calculating a score for management control in this statement:

Criteria	Weighting Points	Compliance Target
1.1 Executive Management		
1.1.1 Black representation in executive management	7	50%
1.1.2 Black female representation in executive management	3	25%
1.2 Senior, Middle and Junior Management		
1.2.1 Black representation in Senior, Middle and Junior management	7	60%
1.2.2 Black female representation in Senior, Middle and Junior management	3	30%
Total	20	

2. KEY MEASUREMENT PRINCIPLES

- 2.1 For the purpose of the Specialised Enterprise scorecard, executive management includes other executive management as described in the general principles of statement FS200.
- 2.2 For the purpose of the Specialised Enterprise Scorecard, Senior, Middle and Junior management refers to those positions as categorised for Employment Equity purposes.
- 2.3 A measured entity must use the current payroll data in calculating its score under the management control scorecard.
- 2.4 Key measurement principles in statement FS200 are applicable to this statement.
- 2.5 Any interpretation or calculation of a Specialised Enterprise score for management control must be made in accordance with statement FS200.
- 2.6 The demographic representation of black people as defined in the Regulations of the Employment Equity Act and the Commission on Employment Equity report are not applicable to the Specialised Enterprise Scorecard.

STATEMENT FS906: SKILLS DEVELOPMENT FOR QSFI SPECIALISED ENTERPRISES**1 THE QSFI SPECIALISED ENTERPRISE SKILLS DEVELOPMENT SCORECARD**

The following table represents the indicators and methods for calculating a score in this statement:

Skills Development Element	Weighting points	Compliance target
1.1 Skills development expenditure on learning programmes specified in the learning programme matrix for black people as a percentage of the leviable amount.	20	3%
1.2 Skills development expenditure on learning programmes specified in the learning programme matrix for black females as a percentage of leviable amount.	5	1%
Total	25	

2 KEY MEASUREMENT PRINCIPLES AND SUB-MINIMUM REQUIREMENTS

- 2.1. The Key Measurement Principles and discounting principle in Statement FS300 and sub-minimum requirements in Statement FS900 are applicable to this statement.
- 2.2. The demographic representation of black people as defined in the Regulations of the Employment Equity Act and the Commission on Employment Equity report are not applicable to the Specialised Enterprise Scorecard.
- 2.3. Where applicable, the following criteria must be fulfilled in order for the measured entity to receive points on the Skills Development element scorecard (where applicable):
 - 2.3.1 workplace Skills Plan, an Annual Training Report and PIVOTAL report which are SETA approved; and
 - 2.3.2 implementation of a priority skills programme in general, and for black people in particular.
- 2.4. Key measurement principles in statement FS300 are applicable to this statement.
- 2.5. Any interpretation or calculation of a Specialised Enterprise score for skills development must be made in accordance with statement FS300.
- 2.6. The learning programme matrix under code series FS300 is applicable to this statement.

STATEMENT FS907: ENTERPRISE AND SUPPLIER DEVELOPMENT FOR QSFI SPECIALISED ENTERPRISES**1. THE QSFI SPECIALISED ENTERPRISE:- ENTERPRISE AND SUPPLIER DEVELOPMENT SCORECARD**

The following table represents the criteria for deriving a score for Enterprise and Supplier Development in this statement.

Criteria	Weighting points	Compliance targets
1.1 PREFERENTIAL PROCUREMENT		
1.1.1 B-BBEE procurement spend from all empowering suppliers based on the B-BBEE procurement recognition levels as a percentage of total measured procurement spend	20	60%
1.1.2 B-BBEE procurement spend from empowering suppliers that are at least 51% black owned, based on the applicable B-BBEE procurement recognition levels as a percentage of total measured procurement spend	10	15%
1.2 SUPPLIER DEVELOPMENT		
1.2.1 Annual value of all supplier development contributions made by the measured entity as a percentage of NPAT.	10	1%
1.3 ENTERPRISE DEVELOPMENT		
1.3.1 Annual value of enterprise development contributions and sector specific programmes made by the measured entity as a percentage of NPAT.	10	1%
Total	50	

2. KEY MEASUREMENT PRINCIPLES AND SUB-MINIMUM REQUIREMENTS

- 2.1 The Key Measurement Principles and discounting principle in Statement FS300 and sub-minimum requirements in Statement FS900 are applicable to this statement.
- 2.2 Qualifying Enterprise Development and Supplier Development Contributions will be recognised as a percentage of the previous year's annual Net Profit After Tax (NPAT) of the measured entity. If the entity does not make a profit, then Qualifying Enterprise Development and Supplier Development Contributions of an average of the previous 3 years contributions will earn the measured entity the full points in paragraphs 1.2 and 1.3 respectively.
- 2.3 Any interpretation or calculation of a Specialised Enterprise's score for Enterprise and Supplier Development must be made in accordance with Statement FS400.

**STATEMENT FS908: SOCIO-ECONOMIC DEVELOPMENT AND CONSUMER EDUCATION CONTRIBUTIONS FOR QSFI
SPECIALISED ENTERPRISES**

1 THE QSFI SPECIALISED ENTERPRISE SOCIO-ECONOMIC DEVELOPMENT AND CONSUMER EDUCATION SCORECARD

1.1 Qualifying socio-economic development (SED) and consumer education (CE) contributions will be recognised as a percentage of the previous year's annual Net Profit After Tax (NPAT) of the measured entity. If the measured entity does not make a profit, then qualifying SED and CE contributions of an average of the last 3 years contributions will earn the full points in paragraphs 1.3.1 and 1.3.2 respectively.

1.2 For banks, the NPAT is the NPAT generated by retail operations.

1.3 The following table represents the criteria and method used for deriving a score for SED in this statement:

	Criteria	Weighting Points	Compliance Target
1.3.1	Annual value of all SED by the measured entity as a percentage of NPAT	3	0.60%
1.3.2	Annual value of all qualifying CE contributions made by the measured entity as a percentage of NPAT	2	0.40%
	Total	5	
1.4	Bonus Points		
1.4.1	Additional SED contributions made by the measured entity as a percentage of NPAT	1	0.20%
1.4.2	Additional CE contributions made by the measured entity as a percentage of NPAT	1	0.10%
1.4.3	Contributions to the Fundisa Retail Fund made by the measured entity as a percentage of NPAT	2	0.20%

2 KEY MEASUREMENT PRINCIPLES

Key measurement principles in statement FS500 are applicable to this statement. Any interpretation or calculation of a Specialised Enterprise score for socio-economic development and consumer education must be made in accordance with statement FS500.

STATEMENT FS909: MANAGEMENT CONTROL FOR TRADE ASSOCIATION SPECIALISED ENTERPRISES**1 THE TRADE ASSOCIATION SPECIALISED ENTERPRISES MANAGEMENT CONTROL SCORECARD**

The following table represents the indicators and method for calculating a score for management control in this statement:

Criteria	Weighting Points	Compliance Target
1.1 Board and Executive Management	13	
1.1.1 Exercisable voting rights of black board members as a percentage of all board members	5	50%
1.1.2 Exercisable voting rights of black female board members as a percentage of all board members	3	25%
1.1.3 Black representation in executive management	3	50%
1.1.4 Black female representation in executive management	2	25%
1.2 Senior, Middle and Junior Management	7	
1.2.1 Black representation in Senior, Middle and Junior management	5	60%
1.2.2 Black female representation in Senior, Middle and Junior management	2	30%
Total	20	

2. KEY MEASUREMENT PRINCIPLES

- 2.1 For the purpose of the Specialised Enterprise scorecard, executive management includes other executive management as described in the general principles of statement FS200.
- 2.2 For the purpose of the Specialised Enterprise Scorecard, Senior, Middle and Junior management refers to those positions as categorised for Employment Equity purposes.
- 2.3 A measured entity must use the current payroll data in calculating its score under the management control scorecard.
- 2.4 Key measurement principles in statement FS200 are applicable to this statement.
- 2.5 Any interpretation or calculation of a Specialised Enterprise score for management control must be made in accordance with statement FS200.
- 2.6 The demographic representation of black people as defined in the Regulations of the Employment Equity Act and the Commission on Employment Equity report are not applicable to the Specialised Enterprise Scorecard.

STATEMENT FS910: SKILLS DEVELOPMENT FOR TRADE ASSOCIATION SPECIALISED ENTERPRISES**1 THE TRADE ASSOCIATION SPECIALISED ENTERPRISE SKILLS DEVELOPMENT SCORECARD**

The following table represents the indicators and methods for calculating a score in this statement:

Skills Development Element	Weighting points	Compliance target
1.1 Skills development expenditure on learning programmes specified in the learning programme matrix for black people as a percentage of the leviable amount.	20	3%
1.2 Skills development expenditure on learning programmes specified in the learning programme matrix for black females as a percentage of leviable amount.	5	1%
Total	25	

2 KEY MEASUREMENT PRINCIPLES AND SUB-MINIMUM REQUIREMENTS

- 2.1. The Key Measurement Principles and discounting principle in Statement FS300 and sub-minimum requirements in Statement FS900 are applicable to this statement.
- 2.2. The demographic representation of black people as defined in the Regulations of the Employment Equity Act and the Commission on Employment Equity report are not applicable to the Specialised Enterprise Scorecard.
- 2.3. Where applicable, the following criteria must be fulfilled in order for the measured entity to receive points on the Skills Development element scorecard (where applicable):
 - 2.3.1 workplace Skills Plan, an Annual Training Report and PIVOTAL report which are SETA approved; and
 - 2.3.2 implementation of a priority skills programme in general, and for black people in particular.
- 2.4. Key measurement principles in statement FS300 are applicable to this statement.
- 2.5. Any interpretation or calculation of a Specialised Enterprise score for skills development must be made in accordance with statement FS300.
- 2.6. The learning programme matrix under code series FS300 is applicable to this statement.

STATEMENT FS911: ENTERPRISE AND SUPPLIER DEVELOPMENT FOR TRADE ASSOCIATION SPECIALISED ENTERPRISES

1. THE TRADE ASSOCIATION SPECIALISED ENTERPRISE: - ENTERPRISE AND SUPPLIER DEVELOPMENT SCORECARD

The following table represents the criteria for deriving a score for Enterprise and Supplier Development in this statement.

Criteria	Weighting points	Compliance targets
1.1 PREFERENTIAL PROCUREMENT		
1.1.1 B-BBEE procurement spend from all empowering suppliers based on the B-BBEE procurement recognition levels as a percentage of total measured procurement spend	20	60%
1.1.2 B-BBEE procurement spend from empowering suppliers that are at least 51% black owned, based on the applicable B-BBEE procurement recognition levels as a percentage of total measured procurement spend	10	15%
1.2 SUPPLIER DEVELOPMENT		
1.2.1 Annual value of all supplier development contributions made by the measured entity as a percentage of NPAT.	10	1%
1.3 ENTERPRISE DEVELOPMENT		
1.3.1 Annual value of enterprise development contributions and sector specific programmes made by the measured entity as a percentage of NPAT.	10	1%
Total	50	

2. KEY MEASUREMENT PRINCIPLES AND SUB-MINIMUM REQUIREMENTS

- 2.1 The Key Measurement Principles and discounting principle in Statement FS300 and sub-minimum requirements in Statement FS900 are applicable to this statement.
- 2.2 Qualifying Enterprise Development and Supplier Development Contributions will be recognised as a percentage of the previous year's annual Net Profit After Tax (NPAT) of the measured entity. If the entity does not make a profit, then Qualifying Enterprise Development and Supplier Development Contributions of an average of the previous 3 years contributions will earn the measured entity the full points in paragraphs 1.2 and 1.3 respectively.
- 2.3 Any interpretation or calculation of a Specialised Enterprise's score for Enterprise and Supplier Development must be made in accordance with statement FS400.

STATEMENT FS912: SOCIO-ECONOMIC DEVELOPMENT AND CONSUMER EDUCATION CONTRIBUTIONS FOR TRADE ASSOCIATION SPECIALISED ENTERPRISES

1 THE TRADE ASSOCIATION SPECIALISED ENTERPRISE SOCIO-ECONOMIC DEVELOPMENT AND CONSUMER EDUCATION SCORECARD

1.1 Qualifying socio-economic development (SED) and consumer education (CE) contributions will be recognised as a percentage of the previous year's annual Net Profit After Tax (NPAT) of the measured entity. If the measured entity does not make a profit, then qualifying SED and CE contributions of an average of the last 3 years contributions will earn the full points in paragraphs 1.3.1 and 1.3.2 respectively.

1.2 For banks, the NPAT is the NPAT generated by retail operations.

1.3 The following table represents the criteria and method used for deriving a score for SED in this statement:

	Criteria	Weighting Points	Compliance Target
1.3.1	Annual value of all SED by the measured entity as a percentage of NPAT	3	0.60%
1.3.2	Annual value of all qualifying CE contributions made by the measured entity as a percentage of NPAT	2	0.40%
	Total	5	
1.4	Bonus Points		
1.4.1	Additional SED contributions made by the measured entity as a percentage of NPAT	1	0.20%
1.4.2	Additional CE contributions made by the measured entity as a percentage of NPAT	1	0.10%
1.4.3	Contributions to the Fundisa Retail Fund made by the measured entity as a percentage of NPAT	2	0.20%

2 KEY MEASUREMENT PRINCIPLES

Key measurement principles in statement FS500 are applicable to this statement. Any interpretation or calculation of a Specialised Enterprise score for Socio-economic Development and Consumer Education must be made in accordance with statement FS500.

BROAD-BASED BLACK ECONOMIC EMPOWERMENT ACT**SECTION 9 (1) CODES OF GOOD PRACTICE AS AMENDED****SCHEDULE 1****VOLUNTARY DISPENSATION FOR TOP 100 RETIREMENT FUNDS INCLUDING UMBRELLA FUNDS****1. Introduction**

Many aspects of South Africa's B-BBEE dispensation are not relevant to retirement funds.

However, funds play a critical role in the South African economy by virtue of the amount of members' savings, which exceeds R4 trillion.

Retirement funds also have a critical role to play in the transformation of the financial sector itself, largely by virtue of the appointment of private sector service providers. Funds are also currently required by Regulation 28 of the Pension Funds Act to consider environmental, social and governance (ESG) criteria and B-BBEE as part of their supplier selection processes.

2. Suggested Scorecards

In order to accommodate the transformation and empowerment imperatives outlined above, it is suggested that retirement funds measure themselves annually against certain aspects of the broad-based empowerment scorecard contained in the Amended FSC

In essence, it is proposed that large retirement funds compile and publish annual scorecards for the preferential procurement and management control elements of the Amended FSC, using the measurement metrics contained in the Code adapted specifically as illustrated below.

3. Other proposed annual disclosures

Retirement funds are classified as mandated investors in B-BBEE legislation. Trustees however have little or no influence on membership demographics. For this reason, it is suggested that large funds should not be scored on the ownership aspect of B-BBEE, but should report annually on the proportion of fund liabilities attributable to black male members and black female members, based on the principals enshrined in FS Code 100.

Retirement funds traditionally do not employ large numbers of employees. However, given the critical role that trustees, office bearers and principal officers play in the economy, it is suggested that funds annually disclose details related to accredited SAQA approved training spent on trustees and executive managers such as principal officers and other staff. This should include the quantum, average spend per staff member, number of staff members trained, together with some examples of key training interventions.

Member education initiatives, where applicable, should also be disclosed both in terms of number of members trained and amount spent relative to size of membership.

The B-BBEE annual reporting by retirement funds should include a narrative on the B-BBEE score achieved and future plans for improving the score. The Council will measure transformation on an annual basis; this may include relying on

surveys that are available in the public domain. If sufficient disclosure by pension funds does not materialise, then consideration will be given to revising this dispensation.

4. Retirement Fund B-BBEE Scorecard

ELEMENT	SCORECARD	PUBLIC DISCLOSURE	CODE SERIES REFERENCE
Ownership	N/A	Recommended	FS100
Management Control	20	Recommended	FS200
Skills Development/ Trustee Education	N/A	Recommended	FS300/500
Preferential Procurement	80	Recommended	FS400
Empowerment Financing, Enterprise and Supplier Development	N/A		
Access to Financial Services			
Socio-Economic Development			
TOTAL	100		

5. Retirement Fund Detailed Scorecards

Management Control Scorecard			
Description	Points		Target
Board and executive management participation	20		
Exercisable voting rights of black board members as a percentage of all board members	8	50%	
Exercisable voting rights of black female board members as a percentage of all board members	4	25%	
Principal Officer, executive and senior management if applicable	8	50%	
PREFERENTIAL PROCUREMENT SCORECARD	Points	Target y1-3	Target y 3+
B-BBEE procurement spend from all empowering suppliers based on the B-BBEE procurement recognition levels as a percentage of total measured procurement spend	35	75%	80%
B-BBEE procurement spend from empowering suppliers who are QSEs or EMEs based on the applicable B-BBEE procurement recognition levels as a percentage of total measured procurement spend	10	15%	25%
B-BBEE procurement spend from empowering suppliers that are at least 51% black owned based on the applicable B-BBEE procurement recognition levels as a percentage of total measured procurement spend	25	15%	25%
B-BBEE procurement spend from empowering suppliers that are at least 30% black women owned based on the applicable B-BBEE procurement recognition levels as a percentage of total measured procurement spend	10	7.5%	12.5%

BROAD BASED BLACK ECONOMIC EMPOWERMENT ACT SECTION 9 (1) CODES OF GOOD PRACTICE AS AMENDED**SCHEDULE 2****INTERPRETATION AND DEFINITIONS****Part 1: Interpretation**

The FSC must be interpreted according to the following provisions unless the context requires a different meaning:

1. In interpreting the provisions of the FSC any reasonable interpretation consistent with the objectives of the Act and the B-BBEE Strategy in Section 11 of the Act must take precedence.
2. Words importing persons shall where the context so requires or admits, include individuals, firms, partnerships, trusts, corporations, governmental bodies, authorities, agencies, unincorporated bodies of persons or associations and any organisation having legal capacity.
3. The schedules and annexes to the FSC are an integral part of the FSC and a reference to the FSC includes a reference to the schedules.

Part 2: Definitions

In this FSC unless the context otherwise requires:

Absorbed / Absorption	Absorbed / Absorption means: <ol style="list-style-type: none"> a. a measure of the measured entity's ability to have successfully secured formal permanent or long-term contract employment for the learner or to assist the learners to proceed with post-school education and training. b. where the learner was already employed by the measured entity when s/he commenced the learnership and merely continues with his/her existing Employment after the learnership, it will not qualify as Absorption. However, if the learner is moved into another position and their previous employment is thereby rendered vacant to be occupied by someone, then this can be counted as absorption.
Acquisition debt	Acquisition debt means the debts of: <ol style="list-style-type: none"> b. black participants incurred in financing their purchase of their equity instruments in the measured entity; and c. juristic persons or trusts found in the chain of ownership between the eventual black participants and the measured entity for the same purpose as those in (a). c. debt that substitutes or replaces the debt in (a) and (b) above is still acquisition debt notwithstanding the fact that it may be owed to a different financier.
Act	Broad-Based Black Economic Empowerment Act 53 of 2003 or the Skills Development Levies Act of 1999 (whichever is applicable)
B-BBEE strategy	B-BBEE strategy as contemplated in section 11 of the Act.
B-BBEE verification professional	a body appointed by the Minister for the accreditation of rating agencies or the authorisation of B-BBEE verification professionals.
Benefit factor	means a factor specified in the benefit factor matrix applicable to fixing the monetary value of enterprise development and supplier development and socio-economic development contributions claimable in Statement 400 and 500.

Benefit Factor Matrix	means the benefit factor matrix for enterprise development and supplier development and socio-economic development contributions claimable in Statement 400 and 500
Black designated groups	unemployed black people not attending and not required by law to attend an educational institution and not awaiting admission to an educational institution; black people who are youth as defined in the National Youth Commission Act of 1996; black people who are persons with disabilities as defined in the Code of Good Practice on employment of people with disabilities in the Employment Equity Act; black people living in rural and underdeveloped areas; black military veterans as defined in the Military Veterans Act 18 of 2011;
Black new entrants	means black participants who hold rights of ownership in a measured entity and who, before holding equity instruments in the measured entity, did not hold equity in other entities which have a total value of more than R50 million measured using a standard valuation method.
Black people	means African, Coloured, and Indian people who: a. are citizens of the Republic of South Africa by birth or decent; or b. became citizens of the Republic of South Africa by naturalisation- (i) Before 27 April 1994; or (ii) On or after 27 April 1994 and who would have been entitled to acquire citizenship by naturalisation prior to the date.
Black stockbrokers and black fund managers	means a juristic person (including a trust), having shareholding or similar members interest, in which black participants enjoy a right to exercisable voting rights that is at least 51% of the total such rights measured using the flow-through principle and has a turnover below R100 million.
Broad-Based Ownership Scheme	an ownership scheme that complies with the rules set out in Annexe 100B, such a scheme will be counted as direct ownership
Codes	Codes of Good Practice including all statements as issued in section 9 of the Act.
Direct Ownership	Direct ownership refers to all forms of BEE ownership other than through mandated investment
Employment Equity Act	Employment Equity Act No. 55 of 1998.
Employment Equity Act Regulations	regulations in the Employment Equity Act.
Elements	measurable quantitative or qualitative elements of B-BBEE compliance in the generic scorecard and the Codes of Good Practice.
Employed learner	a learner who was employed by the employer who is party to the learnership agreement concerned when the agreement was concluded, in terms of section 18(1) of the Skills Development Act. The learner's contract of employment is therefore not affected by the agreement.
Employee with a disability	As defined in the Code of Good Practice on Key Aspects of Disability in the Workplace issued in section 54 of the Employment Equity Act; aligned with the Employment Equity Act.
Employee	as defined in the Employment Equity Act.
Employee Share Ownership Programme	a worker or employee scheme as per Annexe100(C).
Enterprise Development contributions	monetary or non-monetary contributions as per Statement 400, read together with Annexe 400(B), carried out for the benefit of any entity, with the objective of contributing to the development, sustainability and financial and operational independence of that entity.
Entity	a legal entity or a natural or a juristic person conducting a business, trade or profession in the Republic of South Africa.

Entrepreneur	a person who starts and/or operates a business which includes identifying opportunities in the market, taking risks with a view to being rewarded with profits.
Equity Equivalent contribution	Equity equivalent means contributions permissible under Code Series FS100 and FS103.
Equity Equivalent investment	a public programme or scheme of any programme national, provincial or local government department in the Republic of South Africa, or any other programme approved by the Minister as an equity equivalent investment programme. Equity equivalents are also programmes as defined in Codes FS100 and FS103.
Equity instrument	the instrument by which a participant holds rights of ownership in an entity.
Equivalency percentage	a percentage ownership performance for all the indicators in the associated Enterprise's ownership scorecard arising from a qualifying transaction included in the ownership scorecard of the beneficiary entity.
Exclusion principle	a measurement principle used to calculate points for the various indicators of the ownership scorecard. It allows for the exclusion of a number of rights of ownership, namely voting rights and economic interest, from the total of such rights issued by the measured entity, before determining the rights of ownership held by black participants, as a percentage of all ownership rights. Code 100 and its statements allow for the exclusion of four categories of rights of ownership: <ul style="list-style-type: none"> a. those held by organs of state and public entities; b. those held as mandated investments; c. those held by non-profit companies or public benefit organisations; d. those that equate to the value of the foreign operations of a multinational business operating in South Africa or a South African multinational business (see paragraphs 6.1 and 6.2, Statement 103) The exclusions of ownership held through the entities in (a) to (c) above is to be effected before any exclusion in terms of (d) is to be applied.
Executive directors	member of a board who is an executive director as defined in the King III Report
Exempted micro enterprise	an entity with a total annual revenue of up to R10 million.
Exercisable voting rights	a voting right of a participant that is not subject to any limit.
Generic scorecard	the balanced B-BBEE scorecard as contained in Statement 000.
Global policy	a globally and uniformly applied restriction, regulation or directive, whether technical or commercial, imposed on a foreign-owned financial institution by the parent company or on any financial institution by a regulator
Grant contribution	the monetary value of qualifying contributions made by the measured entity to a beneficiary in the form of grants, donations, discounts and other similar quantifiable benefits which are not recoverable by the measured entity.
Group structure	an ownership arrangement whereby one or more measured entities that are juristic persons are subsidiaries or affiliates of another measured entity that would qualify as a holding company or an affiliate.
Higher education institution	a higher education institution as defined in the Higher Education Act of 1997.
Indicator percentage	the percentage compliance of the associated entity for all the indicators of the associated enterprises ownership Scorecard. The calculation of indicator percentages follows the rules in Statement 100 using the percentage compliance for each indicator and not the resulting scores.
Industry specific initiatives	the qualifying contributions that are unique to the industry in which the enterprises operate. For the purposes of the Amended FSC an industry may be grouped in major divisions in

	accordance with the standard industrial classification coding system used by Statistics South Africa.
Internship	an opportunity to integrate career related experience into an undergraduate education by participating in planned, supervised work.
Intermediated black professional service provider	<p>Intermediated black professional service providers are companies that are:</p> <ol style="list-style-type: none"> at least 51% Black Owned offers intermediary and / or professional services to companies that operate in the financial sector <p>Examples are:</p> <ol style="list-style-type: none"> Placement agents - an intermediary who supports in the fundraising process for investment funds / fund managers/ private equity funds Legal firms Value-add consultants - an intermediary that provides non-financial support for the growth of the investment fund's portfolio companies Corporate financiers Chartered Accountants Financial intermediary
Junior management	an employee of the measured entity who is a member of the occupational category of junior management as determined using the Employment Equity Act Regulations.
Learnership	a work-based route to a qualification. It is a workplace education and training programme comprising both structured practical workplace (on-the-job) experience and structured theoretical training.
Learning programme	any learning programme set out in the learning programme matrix.
Learning programme	means the learning programme matrix in Annexe 300A in Statement 300.
Leviable amount	mean as defined in the Skills Development Levies Act as determined using the Fourth Schedule to the Income Tax Act.
Management fees	means the total economic interest received by a Broad-Based Ownership Scheme or black participants in any year, less the amounts distributed or applied to beneficiaries and the amounts reserved for the future distribution or application.
Mandated investment	means any investments made by or through any third party regulated by South African legislation on behalf of the owner of the funds, pursuant to a mandate given by the owner to a third party, which mandate is governed by that legislation. Some examples of domestic mandated investments, and the portions of those investments subject to the exclusion principle, are contained in Annexe 100A attached to Statement 100.
Measured entity	means an entity as well as an organ of state or public entity subject to measurement in the Amended FSC.
Measurement period	<p>means the financial period of the measured entity, subject to the following:</p> <ol style="list-style-type: none"> The financial period of a measured entity is a period of 12 consecutive calendar months; Where the measured entity amends its financial reporting period, the financial period may, for the year in question, be more or less than 12 consecutive months. In such exceptional cases the measured entity may at its discretion elect to be measured for the amended financial period or the 12 months ending on the last day of the amended financial period. For purposes of determining its classification as an EME, QSFI or generic enterprise, the measured entity must, do so with reference to the 12 months ending on the last day of the amended financial period; Measured entities for which verification is required may not be measured for a measurement period that has ended more than 12 months prior to the commencement of the verification thereof;

	<p>d. For EMEs and QSFI's that are allowed to submit only an affidavit, the measurement period must be the 12 consecutive calendar months that immediately precede the last day of the most recently completed financial period.</p> <p>The measurement period is the period during which the 'Skills Development', 'Enterprise and Supplier Development' and 'Socio economic Development' elements must be measured.</p>
Measurement date	<p>the last day of the measurement period or such later date agreed upon with the measured entity that is as close as practically possible to the commencement of the verification or to the date of the affidavit, whichever the case may be.</p> <p>The term 'date of measurement' has a corresponding meaning.</p> <p>The ownership and management control elements must be measured on the measurement date. These two elements may not be measured on different dates.</p>
51% black owned	<p>an entity in which:</p> <ol style="list-style-type: none"> black people hold at least 51% of the exercisable voting rights as determined in Code series 100; Black people hold at least 51% of the economic Interest as determined in Code series 100; and (c) Has earned all the points for net value in statement 100.
100% black owned	<p>an entity in which:</p> <ol style="list-style-type: none"> black people hold 100% of the exercisable Voting Rights as determined in indicator 2.1.1 of Code series 100; black people hold at least 100% of the economic interest as determined in indicator 2.2.1 of Code series 100; and has earned all the points for net value in statement 100.
51% black women owned	<p>means an entity in which:</p> <ol style="list-style-type: none"> black women hold at least 51% of the exercisable voting rights as determined in Code series 100; black women hold at least 51% of the economic interest as determined in Code series 100; and has earned all the points for net value in Statement 100.
30% black women owned	<p>an entity in which:</p> <ol style="list-style-type: none"> black women hold more than 30%, but less than 51%, of the exercisable voting rights determined in Code series 100; black women hold more than 30%, but less than 51% of the economic interest as determined in Code series 100; and has earned all the points for net value in Statement 100.
Middle management	<p>an employee of the measured entity who is a member of the occupational category of middle management as determined using the Employment Equity Regulations.</p>
Multinational business	<p>a measured entity with a business in the Republic of South African and elsewhere which maintains its international headquarters outside the Republic. The term 'South African multinational' has a similar meaning except that it has its international headquarters inside the Republic.</p>
National Skills Development Strategy	<p>the National Skills Development Strategy referred to in section 5(1) (a) (ii) of the Skills Development Act.</p>
Net Profit after Tax	<p>the operating profit of a measured entity after tax. It incorporates both the equity/loss figures and abnormal items, but excluded extra ordinary items as determined by the International Financial Reporting Standard (<i>IFRS</i>) as amended from time to time. For calculation purposes in this Code, it refers to the previous year's NPAT.</p>

Net Profit before Tax	the operating profit of a measured entity before tax. It incorporated both the equity/loss figures and abnormal items, but excluded extra ordinary items as determined the International Financial Reporting Standard (IFRS) as amended from time to time.
Net value	the points resulting from the application of paragraph 4 of Annexe 100 (E) of statement 100.
New enterprise	an early stage business which is similar to a start-up. However, an early stage business is typically three years old or less.
New job	A new job is a new position created by the Enterprise or Supplier Development Beneficiary to employ an additional person in the beneficiary to perform specified work over a specified period of time (or into perpetuity). The new job must be an additional position created within the beneficiary entity.
Non-profit company	a non-profit company as defined by the Companies Act. The term also includes Section 21 companies and companies limited by guarantee as described in the previous Companies Act.
Non-profit organisation	a non-profit organisation registered in the Non-Profit Organisation Act of 1997.
Organ of state	as defined in the Preferential Procurement Policy Framework Act 5 of 2000.
Outsourced labour expenditure	means any expenditure incurred in: a. procuring the services of or from a labour broker; and b. procuring the services of any person who received any remuneration or to whom any remuneration accrues because of services rendered by such person to or on behalf of a labour broker.
Participant	a natural person holding rights of ownership in a measure entity.
Pivotal report	a report on 'Professional, Vocational, Technical and Academic Learning' programmes that meet the critical needs for economic growth and social development, generally combining course work at universities, universities of technology and colleges with structured learning at work.
Priority skills	a. core, critical and scarce skills as well as any skills specifically identified in: b. a Sector Skills Plan issued by the Department of Higher Education and Training of the Republic of South Africa; c. the National Skills Development Strategy III; d. the New Growth Path; and e. the National Development Plan.
Private equity fund	a third-party fund through which investments are made on behalf of the actual owner of the funds pursuant to a mandate given by that person to the private equity fund.
Public benefit organisation	an entity as defined in section 30 of the Income Tax Act of 1962.
Public entity	has the meaning assigned to it in the Public Finance Management Act (Act 1 of 1999).
Public Finance Management Act	the Public Financial Management Act (PFMA) (Act 1 of 1999).
Qualifying Enterprise and Supplier Development Contributions	a collective term describing enterprise development and supplier development contributions targeting EMEs, QSEs and QSFI which are at least 51% black owned or at least 51% black women owned.
Qualifying Small Financial Institution	an entity that qualifies for measurement in the Qualifying Small Financial Institution (QSFI) scorecard with total annual revenue of more than R10m but less than R50m.
QSFI Scorecard	means the QSFI scorecard referred to in statement 000.
Qualifying Socio-Economic contributions	a collective term for Socio-Economic Project Contributions and Socio-Economic Development contributions.
Qualifying transaction	a sale of business, valuable business assets or shares that results in the creation of specialised skills or productive capacity to black people.
Related enterprise	an entity controlled by a measured entity whether directly or indirect control over that measured entity or the immediate family of those natural persons

Reporting	has the meaning ascribed to it in the International Financial Reporting Standard (<i>IFRIS, International Accounting Standard 18</i>) as amended from time to time.
Rights	a collective term for the right of economic interest and the right to exercisable voting rights.
Scarce skills	those skills identified as being scarce by any SETA.
Sector specific	a code in series which is applicable to a particular sector.
Seller	the entity or the person concluding a qualifying transaction with the associated enterprise.
Senior management	an employee of the measured entity who is a member of the occupational category of senior management as determined using the Employment Equity Regulations.
Skills Development Act	the Skills Development Act of 1998.
Skills Development Levies Act	the Skills Development Levies Act of 1999.
Skills development	comprises the legitimate training expenses that a measured entity incurs on skills development. It excludes the skills development levy payable by the measured entity in the Skills Development Levies Act.
Socio-Economic Development	monetary or non-monetary contributions <ul style="list-style-type: none"> a. implemented for communities, natural persons or groups of natural persons, where at least 75% of the beneficiaries are black people. b. The specific objective of SED is the facilitating of income generating activities for targeted beneficiaries or are in terms of paragraph 3.3. of Code 500. c. Socio-economic development contributions commonly take the following forms: <ul style="list-style-type: none"> i. Development programmes for women, youth, people with disabilities, people living in rural areas; ii. Support of healthcare and HIV/AIDS programmes; iii. Support for education programmes, resources and materials at early childhood development, primary, secondary and tertiary education level, as well as bursaries and scholarships; iv. Community training skills development for unemployed people and adult basic education and training; or v. Support of arts, cultural or sporting development programmes.
Socio-economic project	monetary or non-monetary contributions carried out for the benefit of any projects approved for this purpose by any organ of state or sectors including without limitation: <ul style="list-style-type: none"> a. Projects focusing on environmental conservation, awareness, education and waste management; b. Projects targeting infrastructural development or reconstruction in underdeveloped areas; rural communities or geographical areas identified in the government's integrated sustainable rural development or urban renewal programmes; and c. New projects promoting beneficiation.
Standard valuation method	a standard valuation method for an asset, an economic interest, or any other instrument or right relevant to measurement in Code 100, using normal valuation methods that represent standard market practice.
Start-up enterprise	a recently formed or incorporated entity that has been in operation for less than one year. An entity that was formed and incorporated some time ago but which has not been operating, will qualify as a Start-up Enterprise for the first year after it re-commences operations. A start-up enterprise does not include any newly constituted enterprise which is merely a continuation of a pre-existing enterprise.

Strategy	the document titled South Africa's Economic Transformation – A Strategy for Broad-Based Black Economic Empowerment published by the Department of Trade and Industry in March 2003 as amended or substituted in section 11 of the Act.
Subsidiary	has a meaning defined in section 1(3) of the Companies Act.
Suitable evidence or documentation	<p>means, notwithstanding any provisions to the contrary in the Verification Manual (Government Gazette 31255, dated 18 July 2008) as amended from time to time, evidence or documentation that includes, without limiting the generality of the term:</p> <ol style="list-style-type: none"> a. representations by the measured entity regarding its B-BBEE status that can be substantiated in various ways. These include by audited or reviewed financial statements; an independent competent person's report; other third-party confirmation; or where appropriate, having regard to available evidence and in the absence of third party confirmation, a representation by management of the measured entity attesting to the facts. <ol style="list-style-type: none"> i. a verification professional considering the aforementioned evidence or documentation in support of any representation, must apply professional judgement in evaluating the appropriateness thereof; and ii. cannot absolve itself of the responsibility to conduct a thorough verification by relying only on this type of evidence or documentation if evidence required by the Verification Manual, is readily available. iii. In evaluating the appropriateness of evidence, it must be able to justify and substantiate to the Council any conclusion it reaches. b. In the case of a 51% or 100% black owned EME and a 51% or 100% black owned QSFI, an affidavit attesting to its B-BBEE status. This is the minimum level of evidence required for these entities. c. In the case of Broad-Based Ownership Schemes, ESOPs and trusts, verification professionals may rely on interviews with fiduciaries, preferably independent fiduciaries, of the schemes, instead of individual participants in these schemes, to achieve a reasonable level of comfort with regard to the rights of ownership that flow through them.
Supplier	any supplier or service provider to a measured entity if any portion of the supply or service provision falls within the definition of total measured procurement spend.
Supplier development contributions	monetary or non-monetary contributions as per Statement 400 read together with Annexe 400(B) carried out for the benefit of Empowering Suppliers who are suppliers of the Measured entity, with the objective of contributing to the development, sustainability and financial and operational independence of those Empowering Suppliers.
Target	the targets for the various elements in the Generic and QSFI scorecard.
Third party rights	<p>third party legal or commercial rights that restrict withhold or defer any benefit associated with ownership of any equity instrument. Third party rights include only those rights:</p> <ol style="list-style-type: none"> a. Created against a black participant to secure, for a lender, repayment of a loan advanced to that participant for financing their purchase of their equity instrument in the measured entity; b. Held against a juristic person or trust that is in the chain of ownership between the measured entity and that the eventual black participant serving the same purpose mentioned in (a) above.
Total labour cost	the total amount of remuneration paid by an entity to its employees determined using section 3(4) of the Skills Development Levies Act and the Forth Scheduled of the Income Tax Act of 1962.
Transformation charters	the sectoral transformation charters referred to in section 12 of the Act.

Unemployed learner	a learner who was not in the employment of the employer party to the learnership, apprenticeship or internship concerned when the learnership, apprenticeship or internship commenced. The employer and learner must therefore enter into a contract of employment. The employer is not necessarily the measured entity (refer to the Skills Development Act).
Unincorporated joint venture	a joint venture between two or more measured entities effected by agreement without incorporation.
Voting right	a voting right attaching to an equity instrument owned by or held for a participant measured using the flow-through principle or the control principle.
Weighting	the weightings applied to various elements in the generic scorecard and QSFI scorecard.

DEPARTMENT OF TRADE AND INDUSTRY

NO. 1326

01 DECEMBER 2017

CO-OPERATIVES TO BE STRUCK FROM THE REGISTER

1. HLANZEKILE CO-OP LTD
2. NEW GENERATION PRODUCTION CO-OP LTD
3. NEW KHULANI CO-OP LTD
4. BONELOKUHLE CO-OP LTD
5. UBUNYANO CO-OP LTD
6. INKANYISO CO-OP LTD
7. ORATILE CO-OP LTD
8. PHILISANI NUTRITIONAL SERVICES CO-OP LTD
9. SHAREWELL CO-OP LTD
10. MMETLA-SHAPO LA TLALA CO-OP LTD
11. LAVEL'ILANGA CO-OP LTD
12. LETSEMA COMMUNITY CO-OP LTD
13. SOMKHELE CO-OP LTD
14. SIYAMA CO-OP LTD
15. HLELINGOMUSA MANUFACTURERS CO-OP LTD
16. STHEMBAPHA CO-OP LTD
17. SIPH'UTHO CO-OP LTD
18. SIFUNDILE CONSTRUCTION CO-OP LTD
19. UBUCIKO CERAMICS PROJECT CO-OP LTD
20. ISIXAXA SETHU CO-OP LTD
21. NEW IMAGE NUTRITIONAL SERVICES CO-OP LTD
22. NTSHANGASE ENTERPRISE CO-OP LTD
23. PRESTIGE ENTERPRISE CO-OP LTD
24. MAHUZU FARMING,ART AND CRAFT TRADING CO-OP LTD
25. EYOMAMA CO-OP LTD
26. MEVANE PIGGERY AND POULTRY CO-OP LTD
27. BUHLEBEMPILO DEVELOPMENT CO-OP LTD
28. SIYANCENGA CLOTHING CO-OP LTD
29. OLD AGE POULTRY CO-OP LTD
30. IMPALA INQUBEKO TRADING CO-OP LTD
31. CHIBINI CO-OP LTD
32. SIYAQOBA ORGANIC AGRICULTURAL CO-OP LTD
33. SITSHO SONKE CO-OP LTD
34. PHUTHANANG DIKGOMO CO-OP LTD
35. THE ROBIN WORKERS' CO-OP LTD
36. SIYAHLUMA BUSINESS DEVELOPMENT CO-OP LTD
37. MADIBA POULTRY CO-OP LTD

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

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

REGISTRAR OF CO-OPERATIVES

Office of the Registrar of Co-operatives
Dti Campus
77 Meintjies Street
Pretoria
0002
Private Bag X237
Pretoria
0001

DEPARTMENT OF TRADE AND INDUSTRY

NO. 1327

01 DECEMBER 2017

CO-OPERATIVES TO BE STRUCK FROM THE REGISTER

1. GQWABANE CO-OP LTD
2. SINGADLALA AMADODA CO-OP LTD
3. SIBAYA CLOTHING CO-OP LTD
4. REABETSOE CO-OP LTD
5. SIYAKHUULAR CO-OP LTD
6. ZAMANAWA CO-OP LTD
7. INGEDE CO-OP LTD
8. MIGCOBO CO-OP LTD
9. IGEJA MULTI-FARMING CO-OP LTD
10. SIYASUKUMA CO-OP LTD
11. SIYAPHAMBILI AGRICULTURAL CO-OP LTD
12. MONGWE CATERING AND PROJECTS CO-OP LTD
13. MATHONGWANE POULTRY CO-OP LTD
14. NAGLEDAM BROAD BASED CO-OP LTD
15. SENZAKAHLE ART AND CRAFT CO-OP LTD
16. AMANDLETHU POULTRY CO-OP LTD
17. THUTHUKANI EZINKETHENI GARDEN CO-OP LTD
18. MZAMO CO-OP LTD
19. SIZAKAHLE CO-OP LTD
20. SIVUKILE FARMING CO-OP LTD
21. SISINDENDLALANI FARMER TRADING CO-OP LTD
22. UNITED YOUTH FOR REVOLUTION CONSTRUCTION SERVICES CO-OP LTD
23. INKASA CO-OP LTD
24. AFRICAN RONDAVEL CO-OP LTD
25. MPHATLALATSANE COOKING OIL CO-OP LTD
26. IPHAPHAMANI MAZULU CO-OP LTD
27. SENZOKWETHU -YEBO CO-OP LTD
28. TSHEDIMISO GOAT CO-OP LTD
29. NHLALENHLE CO-OP LTD
30. MPILONHLE CO-OP LTD
31. KUSILE WOMEN'S CO OP LTD
32. IMVUSO CO-OP LTD
33. NGANGINGEDWA CO-OP LTD
34. SIBONISANA SONKE CO-OP LTD
35. HOT BAKERY CO-OP LTD
36. THUBELIHLE CO-OP LTD
37. KWAMUHLE'S CURTAIN INTERIOR CO-OP LTD
38. VEZULWAZI MISCELLANEOUS CO-OP LTD

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

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0002
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Pretoria
0001

DEPARTMENT OF TRADE AND INDUSTRY

NO. 1328

01 DECEMBER 2017

CO-OPERATIVES TO BE STRUCK FROM THE REGISTER

1. REATLEHILE CO-OP LTD
2. MAROBELE FARMERS CO-OP LTD
3. EZINCWELENI CO-OP LTD
4. GABA NGOLWAZI CO-OP LTD
5. DNC BAKERY CO-OP LTD
6. ALICEDALE SMALL BLACK FARMERS CO-OP LTD
7. KHANYA CONSTRUCTION CO-OP LTD
8. IPOPENG SEWING TRADING CO-OP LTD
9. ULUSIZO TRANSPORT AND MAINTENANCE CO-OP LTD
10. PHEMBISIZWE FARMING CO-OP LTD
11. AKWANDE CO-OP LTD
12. RELEMOGILE CO-OP LTD
13. ALBANY SEWING CO-OP LTD
14. IKAGENG MALOKELA COMMUNITY VEGETABLE GARDEN CO-OP LTD
15. NONKQUBELA WOMEN CO-OP LTD
16. IBEKEZELA CO-OP LTD
17. VUKANI SAKHE CO-OP LTD
18. TOGETHERNESS CATERING AND DÉCOR CO-OP LTD
19. DLULUNGENE CO-OP LTD
20. NCUMISA CO-OP LTD
21. MOONLIGHT WOMEN CO-OP LTD
22. AYAKHULA-CAMAMGU CO-OP LTD
23. IZOKUSETHA CO-OP LTD
24. HLANGANISANI BAFAZI WOMEN'S CO-OP LTD
25. NGQUNGQULU CO-OP LTD
26. AMANDLA NDAWONYE CO-OP LTD
27. MASILAKHE CO-OP LTD
28. OKUHLE KUZOVELA CO-OP LTD
29. SAKHALETHU FINANCIAL SERVICES CO-OP LTD
30. NDONGA NCEDOLWETHU AGRICULTURAL AND FARMING CO-OP LTD
31. MASETHO CO-OP LTD
32. WYE - SUB 5 CO-OP LTD
33. BAMBANANI ENVIRONMETAL CO-OP LTD
34. VUMANI CO-OP LTD
35. INHLANGANISELA NKOMBA CO-OP LTD
36. SIYAJIKA FURNITURES CO-OP LTD
37. PMD FOOD SERVICES AND CATERING CO-OP LTD
38. IMVELISO POULTRY TRADING CO-OP LTD
39. SITJHETJHILE POULTRY CO-OP LTD
40. NHLANGANO YOUTH CO-OP LTD

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

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

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DEPARTMENT OF TRADE AND INDUSTRY

NO. 1329

01 DECEMBER 2017

**NATIONAL REGULATOR FOR COMPULSORY SPECIFICATIONS ACT
(Act No. 5 of 2008), AS AMENDED THROUGH LEGAL METROLOGY ACT
(Act No. 9 of 2014)**

**AMENDMENT OF THE COMPULSORY SPECIFICATION FOR CANNED FISH,
CANNED MARINE MOLLUSCS AND CANNED CRUSTACEANS AND PRODUCTS
DERIVED THEREFROM
(VC 8014).**

It is hereby made known under section 13(4) of the National Regulator for Compulsory Specifications Act, (Act 5 of 2008) as amended, that I, Dr Rob Davies, Minister of Trade and Industry, on the recommendation of the NRCS, intends to declare the Compulsory Specification for canned fish, canned marine molluscs and canned crustaceans and products derived therefrom as set out in the attached Schedule.

Any person, who wishes to comment on the intention to introduce the new Compulsory Specification concerned, may submit their comments, in writing, to the Chief Executive Officer, National Regulator for Compulsory Specifications, Private Bag X 25, Brooklyn, 0075, on or before the date two (2) months after the publication of this notice.



**Dr Rob Davies, MP
Minister of Trade and Industry**

SCHEDULE

VC 8014

AMENDMENT OF THE COMPULSORY SPECIFICATION FOR CANNED FISH, CANNED MARINE MOLLUSCS AND CANNED CRUSTACEANS AND PRODUCTS DERIVED THEREFROM

1. SCOPE

- 1.1. This Compulsory Specification applies to the manufacture, production, processing and treatment of canned fish, canned fish products, canned marine molluscs, canned marine molluscs products, canned crustaceans and canned crustaceans products.

2. DEFINITIONS

- 2.1 For the purposes of this Compulsory Specification, the definitions in the latest edition of *SANS (South African National Standard) 587: 'canned fish, canned marine molluscs and canned crustaceans and products derived therefrom'*, shall apply.
- 2.2 Any word or expression mentioned in this Compulsory Specification to which a meaning has been assigned in the National Regulator for Compulsory Specifications Act (Act No. 5 of 2008), as amended through Legal Metrology Act (Act No. 9 of 2014), shall have that meaning, unless the context otherwise indicates. In addition, the following definitions shall apply:
- 2.2.1 **applicant:** a handler, processor, packer, transporter, importer or exporter applying for approval of the product and/or factory or processing facility. The handler, processor, packer, transporter, importer or exporter shall be established within the Republic of South Africa.
- 2.2.2 **approval:** confirmation by the NRCS that the product and/or factory satisfies the requirements of this Compulsory Specification.
- 2.2.3 **Compulsory Specification:** Compulsory Specification is a technical regulation document published in terms of Section 13(1) (a), (b) or(c) of the NRCS Act of 2008, (Act No.5 of 2008) as amended. A compulsory Specification lays down product characteristics and/or their related processes and production methods,

including the applicable administrative provisions, with which compliance is mandatory.

- 2.2.4 conformity of production:** satisfactory evidence that the handling, preparation, processing, packing, transportation, storage and quality of canned fish, canned marine molluscs and canned crustaceans and products derived therefrom, produced for sale, continues to conform to the requirements of this Compulsory Specification.
- 2.2.5 DAFF:** the Department of Agriculture, Forestry and Fisheries.
- 2.2.6 factory/processing facilities:** premises preparing, handling, treating, processing, producing or packaging canned fish, canned marine molluscs and canned crustaceans and products derived therefrom, covered by this Compulsory Specification.
- 2.2.7 HACCP (Hazard Analysis and Critical Control Point):** a system which identifies, evaluates, and controls hazards that are significant to food safety.
- 2.2.8 NRCS:** the National Regulator for Compulsory Specifications, as established by the National Regulator for Compulsory Specifications Act, 2008 (Act No. 5 of 2008) as amended through the Legal Metrology Act (Act No. 9 of 2014).
- 2.2.9 official facility number/code:** a unique identification number or code allocated to a facility, factory or establishment by the NRCS, to establishments in the Republic of South Africa.
- 2.2.10 product safety management system:** a food safety management system implemented by a factory based on the principles of HACCP as recommended by the Codex Alimentarius Commission.
- 2.2.11 relevant national legislation:** means the following Acts; Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No 54 of 1972); NRCS Act 2008 (Act No.5 of 2008); Legal Metrology Act 2014 (Act No. 9 of 2014); Marine Living Resources Act 1998 (Act No 18 of 1998) and applicable regulations.

3. GENERAL ADMINISTRATIVE REQUIREMENTS

- 3.1** All canned fish, canned marine molluscs and canned crustaceans and products derived therefrom to be offered for sale, shall comply with the requirements of this Compulsory Specification.
- 3.2** The factory/processing facility for the production for canned fish, canned marine molluscs and canned crustaceans and products derived therefrom, shall be pre-approved by the NRCS for conformity of production requirements as prescribed in Annex A - A.1. A certificate of approval for the facility shall be issued by the NRCS. Such approval shall be reviewed annually, or more frequently as may be determined by the NRCS. For any other new products that were not part of the initial annual approval of the facility, the facility shall apply immediately to add new product/product ranges to the overall approved list.
- 3.3** The factory/processing facility may not dispatch canned fish, canned marine molluscs and canned crustaceans and products derived therefrom, without a valid NRCS approval certificate of compliance per each production batch for products produced in the Republic of South Africa.
- 3.4** Application for official inspection and approval of the product(s) shall be made to the NRCS for every consignment of canned fish, canned marine molluscs and canned crustaceans and products derived therefrom which are **imported** into South Africa, in accordance with the requirements of Annex A - A.2.
- 3.5** Application for approval required for **export** or any other purposes as required by the applicant, shall be made in accordance with the requirements of Annex A - A.3.
- 3.6** The factory/processing facility shall provide the NRCS with satisfactory evidence of conformity of production upon request.
- 3.7** The factory/processing facility shall inform the NRCS in writing of any change in process of production affecting any mandatory requirement of this Compulsory Specification. In the event of such change/s the NRCS may, at its discretion, demand the submission of fresh evidence of conformity, or a new application for approval.
- 3.8** The factory/processing facility shall immediately report to the NRCS in writing any failure, of whatever nature, to conform to the requirements of this Compulsory Specification.

- 3.9** Approval granted by the NRCS to a factory/processing facilities in accordance with 3.2 of this Compulsory Specification, may be suspended and/or ultimately withdrawn upon detection of non-compliance to the provisions of this Compulsory Specification or if the applicant fails to re-apply as required. Reasons of such suspension or withdrawal will be provided to the applicant in writing and the facility shall not sell the identified products. No new batch (es)/production(s) shall be produced after the suspension of the facility, until new approval is granted by the NRCS or corrective actions are concluded.
- 3.10** A factory/processing facility whose approval has been suspended, must re-apply to the NRCS in writing within three (3) months of the date of suspension for a reassessment, otherwise approval for the establishment to operate in terms of this Compulsory Specification will be withdrawn.
- 3.11** A factory/processing facility shall notify the NRCS in writing when its operation is closing down, three (3) months before the effective date.
- 3.12** The testing of canned fish, canned marine molluscs and canned crustaceans and products derived therefrom against the requirements of this Compulsory Specification shall be done by microbiological and chemical test facilities that are accredited to use the referenced test methods or any other accredited method validated against the reference method, and giving results that are better, or at least equal, to the accuracy of the reference method. In the case where there are no test facilities available in the Republic of South Africa that are in compliance with the foregoing, the NRCS shall determine which facilities may be used in terms of its Conformity Assessment Policy.
- 3.13** The NRCS shall issue health guarantees for export purposes, where required, in accordance with the requirements of the country of destination as prescribed in Annex B. The NRCS may for the purposes of inspection and verification of products, sample products according to the regulatory risk based sampling plans.
- 3.14** There will be fees applicable as prescribed in the regulation R924 of 15 October 2010, published under the NRCS Act.

4. SPECIFIC REQUIREMENTS

- 4.1** The manufacture, production, processing and treatment of canned fish, canned marine molluscs, canned crustaceans and products derived therefrom shall comply with the requirements of the latest edition of SANS 587.
- 4.2** Manufacturers shall implement and maintain an acceptable Food Safety & Quality Management system such as the HACCP System as recommended by the Codex Alimentarius Commission.
- 4.3** In the event of an amendment or revision of the SANS 587 standard, the factory / processing facility shall be in compliance with the amended or revised requirements within six (6) months of publication of the amended or revised standard, unless otherwise declared by a special notice by the Minister. If evidence of compliance to such amendments or revisions cannot be provided, the approval of the factory / processing facility may be withdrawn.

Note: The required World Trade Organization (WTO) transparency provision will also be considered in this period.

5. MARKINGS

Canned fish, canned marine molluscs and canned crustaceans and products derived therefrom shall be marked in accordance with the requirements of the latest edition of SANS 587 and shall include the official factory / processing facility number issued by the NRCS in accordance with section A 1.5 of this Compulsory Specification. In the case of imported products, a factory/processing number/ code applicable in the country of origin shall be made available to the NRCS.

ANNEX A

(Normative)

A.1 APPLICATION FOR APPROVAL OF A FACILITY AND PRODUCT IN THE REPUBLIC OF SOUTH AFRICA

The applicant shall apply to the NRCS for approval of the factory / processing facility. Approval of a factory / processing facility shall be valid for a maximum period of one (1) year. The applicant shall reapply for approval annually.

The application shall be accompanied by the following:

- A.1.1** Details of the factory / processing facility for which approval is sought;
- A.1.2** Documentation and records in support of an effective product safety management system, as required by clause 4.1 of this Compulsory Specification and SANS 587. For new factory / processing facilities, provisional approval may be given for a period of three months, in order to generate the required documentation and records;
- A.1.3** Information required by the NRCS for the measures taken by the applicant to ensure ongoing conformity with the requirements of this Compulsory Specification;
- A.1.4** Any reasonable additional information to clarify the application as requested by the NRCS; and
- A.1.5** The NRCS shall issue an official factory / processing facility number on approval of the factory / processing facility.

A.2 APPLICATION FOR APPROVAL OF IMPORTED PRODUCTS

The applicant shall apply to the nearest NRCS regional office as soon as the consignment is available for sampling and inspection and subsequent approval of the (imported) product (s). The applicant shall notify the NRCS within thirty (30) calendar days after the arrival of the consignment.

- A.2.1** Applicants shall supply details of the products per consignment for which inspection and approval is sought, by providing the following:
 - a)** The applicable permits as required by DAFF;
 - b)** A health guarantee certificate (Annex C) containing evidence that imported products originate from a facility approved for export in the country of origin

per consignment, for which approval is sought. The NRCS may also request that specific testing be performed;

- c) Details of the imported product, bill of entry number (SARS release), quantity, batch codes and number of product per batch code(s), code list and bill of lading;
- d) The date and place where it will be available for inspection;
- e) Name and contact details of a contact person;
- f) The number(s) of the bill(s) of entry and the date authorized by Customs Officials; and
- g) The voyage number of the cargo carrier (vessel, aircraft) or registration number of vehicle.

A.2.2 Any reasonable additional information to clarify the application as requested by the NRCS.

A.2.3 The NRCS may for the purposes of inspection and verification of products, sample such products according to the regulatory risk based sampling plans.

A.3 APPLICATION FOR APPROVAL OF EXPORT OF PRODUCTS

The applicant shall apply to the nearest NRCS regional office for approval of the product(s). The application shall be submitted at least 1 working day prior to the date on which it is needed, for products approved within the last 6 months by the NRCS and at least 10 working days for products approved in excess of 6 months. The application shall be accompanied by the following:

A.3.1 Where applicants require official approval for export or any other purposes, applicants shall supply details of products per consignment for which approval is sought, by providing information with regards to the type of approval required (e.g. certificate of compliance, health guarantee to a particular country or other specific certification for official purposes).

A.3.2 The applicable permits as may be required by DAFF;

A.3.3 Details of the markings used on the packed product(s), as required by clause 5 of this Compulsory Specification;

A.3.4 Where required by the NRCS, guarantees that the product(s) complies with the prescribed testing requirements outlined in the Compulsory Specifications and

referenced standards. The NRCS may also request that specific testing required by the importing country be performed;

A.3.5 Any reasonable additional information to clarify the application, as requested by the NRCS; and

A.3.6 The NRCS may, for the purposes of inspection and verification of products, sample products according to the regulatory risk based sampling plans.

A.4 GRANTING OF APPROVAL

A.4.1 The NRCS shall issue an approval certificate, to the applicant when all the requirements of this Compulsory Specification have been met.

A.4.2 The NRCS shall assign a unique number to each approval certificate.

A.4.3 An approvals certificate shall be the sole proof of approval by the NRCS.

A.5 WITHDRAWAL OF APPROVAL

A.5.1 Any approval granted in respect of canned fish, canned marine molluscs and canned crustaceans and products derived therefrom to the factory / processing facility pursuant to this Compulsory Specification may be withdrawn at any time without prior notice, if compliance with the requirements of this Compulsory Specification have not been maintained. Re-applications will be treated as new applications.

ANNEX B

(Normative)

B.1 HEALTH GUARANTEES FOR EXPORT

B.1.1 The NRCS may provide health guarantees to Authorities in countries to which products are exported at the request of exporters, if products have been handled, prepared, processed, packed, transported, refrigerated, stored, and quality are in accordance with the requirements of this Compulsory Specification and/or the requirements of the country of destination. In terms of requirements, all sections of the handling and processing chain are to be in compliance and, where appropriate, random samples may be taken for inspection and verification purposes.

B.1.2 Health guarantees shall only be issued for product from approved factories / establishments requiring such guarantees. The application shall be submitted at least 1 working day prior to the date on which it is needed, for products approved within the last 6 months by the NRCS and at least 10 working days for products approved in excess of 6 months.

B.1.3 As required, finally prepared product/s shall be monitored on the basis of random testing and surveillance programmes.

B.1.4 For the issuing of health guarantees, it is required that for every consignment:

- a) The product originates from factories / establishments approved by the NRCS in terms of the requirements of this Compulsory Specification;
- b) All products, product codes and volumes per product code are reflected in the request for export; and
- c) The product covered by such a guarantee is fully traceable to its origin including the requirements as per movement document issued by DAFF where applicable.

B.1.5 No health guarantees will be issued for foreign product where the anatomical wholeness has not been changed in South Africa.

ANNEX C**C.1 HEALTH GUARANTEES FOR IMPORTED FISH AND FISHERY PRODUCTS REGULATED UNDER THE NRCS****(ON AUTHORITY'S OFFICIAL LETTERHEAD)****Reference no.****Country of dispatch:****Competent Authority:****Inspection Authority:****I. Identification of products****True description of product:****-Scientific name:.....****-Presentation of product and type of treatment:.....****Batch Identification Marks /Code/s****Type and Manner of Packaging:**

.....

Number of Packages/Units**Net weight****Gross****weight****Temperature: ChilledFrozenAmbient**

.....

II. Origin of Products**Name and address of approved factories/establishments/facilities**

.....

Approval number:.....**Place****of****loading/****dispatch:.....**

III. Destination of products:**Country of destination:**.....**Port of entry****Transport details:**.....**Sea Freight / Air freight /Other****Container number / Flight details :****Seal number/ air waybill number :**.....**Consignor name and****address:**.....**Consignee name and address:****IV. Health attestation****The official inspector hereby certifies that:**

1. The fish and fishery products specified above, have been farmed (where applicable), processed, packed and stored in a facility/ies approved by the Competent Authority.
2. The fish and fishery products comply/ies with the particular CODEX Standard for the specific product/s or where there is no such Standard, with the Compulsory Specifications/Technical Regulations legislated by the Republic of South Africa in terms of the National Regulator for Compulsory Specifications Act, 2008 (Act No.5 of 2008) as amended through the Legal Metrology Act, 2014 (Act No. 9 of 2014). and contained and referenced in the Compulsory Specification.
3. The processing plant and where applicable, aquaculture farms specified above, is/are subject to regular inspection/audit by the Competent Authority in that country to ensure that production, processing practices and food safety systems are in compliance with requirements of the most updated versions of the general CODEX Principles for Food Hygiene and HACCP (CAC/RCP- 1969) as well as with the CODEX Code of Practice for Fishery Products (CAC/RCP 52-2003) and any animal health requirements to be controlled in terms of OIE Directives.
- 4 All products imported into the Republic of South Africa in terms of this Compulsory Specification shall comply with marking requirements as prescribed by the relevant National Legislations.

5 The products above:

- 5.1 are free from microorganisms or substances originating from microorganisms in amounts as prescribed by relevant national legislation;
- 5.2 shall not contain any other substances in amounts that may present a hazard to human health in accordance with relevant National Legislation.

Signed at

Name and qualifications of official Inspector

.....

Signature of official Inspector

.....

Official Stamp with date

DEPARTMENT OF TRADE AND INDUSTRY

NO. 1330

01 DECEMBER 2017

**NATIONAL REGULATOR FOR COMPULSORY SPECIFICATIONS ACT
(Act No. 5 of 2008), AS AMENDED THROUGH THE LEGAL METROLOGY ACT (Act
No. 9 of 2014)**

**AMENDMENT TO THE COMPULSORY SPECIFICATION FOR CIRCUIT-BREAKERS
(VC 8036)**

It is hereby made known under section 13(4) of the National Regulator for Compulsory Specifications Act, (Act 5 of 2008) as amended, that I, Dr Rob Davies, Minister of Trade and Industry, on the recommendation of the NRCS, intends to declare the amendment to the compulsory specification for circuit-breakers as set out in the attached schedule.

Any person, who wishes to comment on the intention to thus declare the amendment to the Compulsory Specification concerned, may submit their comments in writing, to the Chief Executive Officer, National Regulator for Compulsory Specifications, Private Bag X 25, Brooklyn, 0075, on or before the date, two (2) months after publication of this notice.

A handwritten signature in black ink, appearing to read 'Rob Davies', with a large, stylized initial 'R'.

**Dr Rob Davies, MP
Minister of Trade and Industry**

SCHEDULE

**Amendment to the
COMPULSORY SPECIFICATION FOR CIRCUIT-BREAKERS (VC 8036)
published by Government Notice
1023 (Government Gazette No. 39324) of
23 October 2015**

Replace 2.2.2 with the following:

2.2.2 proof of approval: a Letter of Authority (LoA) issued by the NRCS, which confirms that a particular circuit-breaker(s) satisfies the requirements of this compulsory specification.

Replace 2.2.3 with the following:

2.2.3 conformity of production: proof that circuit-breaker(s) offered for sale have been manufactured to the approved design and continue to comply with the requirements of this compulsory specification. The proof shall consist of a third party certified manufacturers' quality management system certificate and latest audit report.

Delete 2.2.6

Delete 2.2.8

Delete 2.2.10

Replace 2.2.7 with the following:

2.2.6 product certification: a document (a certificate or a permit or a license) issued by a body operating a product certification system described in 7.1.2 of this compulsory specification and accredited to SANS/ISO/IEC 17065 standard.

Change 2.2.9 to 2.2.7

Replace 7 with the following:

7. EVIDENCE OF CONFORMITY

- 7.1 The following evidence shall be submitted to the NRCS as proof of conformity with the requirements of this compulsory specification:

- 7.1.1 A product certificate and a valid test report issued by an appropriately accredited and internationally recognized body being a member of an IAF/ILAC/IECEE mutual recognition scheme in accordance with the NRCS's conformity assessment policy.
- 7.1.2 The certification system administered by the product certification body in 7.1.1 shall include testing of the products and assessment of the quality system of the manufacturer. Surveillance of the quality system shall be conducted and representative samples of circuit-breakers of each type or representative of the family of circuit-breakers or of generically the same design in respect of components wiring methods, intended to comply with the requirements of this compulsory specification, shall be taken from the point of production and shall be assessed through inspection and/or testing for on-going conformity.
- 7.2 The certification system shall include the following:
 - 7.2.1 samples from the point of production requested by the certification body;
 - 7.2.2 determination of the characteristics of the samples by testing;
 - 7.2.3 initial assessment of the production process and quality system;
 - 7.2.4 evaluation of the test reports;
 - 7.2.5 decision on certification of the manufacturer;
 - 7.2.6 granting certification to the manufacturer;
 - 7.2.7 surveillance of the production process and quality system, and
 - 7.2.8 surveillance by testing of samples from the factory and the market.
- 7.3 A system 5 certification contemplated in ISO/IEC 17067 standard (conformity assessment-fundamentals of product certification) which covers the requirements of this clause shall be deemed to comply with these requirements.

DEPARTMENT OF TRADE AND INDUSTRY

NO. 1331

01 DECEMBER 2017

CO-OPERATIVES THAT HAVE BEEN REMOVED FROM THE REGISTER

1. ISIPHOKUHLE CO-OP LTD
2. UMZINGIS'AKANASHWA CO-OP LTD
3. OR TAMBO DISTRICT CO-OP LTD
4. RICHMOND CANE GROWERS CO-OP LTD
5. JEMNEK POULTRY CO-OP LTD
6. IMIBINO YETHU MULTI-PURPOSE AND TRADING CO-OP LTD
7. ABENGUNI CO-OP LTD
8. UMSEBENZI CLEANING CO-OP LTD
9. MTHAMTHENGAYO CO-OP LTD
10. QINISELA AGRICULTURAL CO-OP LTD
11. MAKWANDE MULTI-PURPOSE CO-OP LTD
12. SIYAPHAMBILI WOODWORKERS TRADING CO-OP LTD
13. VUK'UPHILE CO-OP LTD
14. SIKHOTHAMELENI CO-OP LTD
15. INTATHAKUSO CO-OP LTD
16. MALANDELA CO-OP LTD
17. OTHINI CO-OP LTD
18. MATHANTOTO CO-OP LTD
19. QUALITY PANEL AND MECHANICAL CO-OP LTD
20. KOZEKUZE NYONGWANA GARDENING CO-OP LTD
21. SINELISA -UZULU CO-OP LTD
22. KHULANI NGONYAMA POULTRY CO-OP LTD
23. BEKEZELANI AGRICULTURAL CO-OP LTD
24. VELANI CO-OP LTD
25. BAYANDA CO-OP LTD
26. ASIKHULE NAMAMEMELA CO-OP LTD
27. VULANDE CO-OP LTD
28. NKOSIYEZWA CO-OP LTD
29. SISONKE-MZANSI CO-OP LTD
30. HOLA 999 CO-OP LTD
31. LERETLHABETSE CLEANING CO-OP LTD
32. EZAMANDULO CO-OP LTD
33. ITHUBALETHU-EMBO CO-OP LTD
34. ZAVUKA CO-OP LTD
35. TSHWARAGANANG CLEANING CO-OP LTD
36. FANANG DIATLA HOUSING CO-OP LTD
37. KWADUKUZA POULTRY PRODUCE CO-OP LTD
38. LUVATSI PRIMARY AGRICULTURAL CO-OP LTD
39. GRAAFF-REINET EMERGING WOOL GROWERS CO-OP LTD

Notice is hereby given that the names of the abovementioned co-operatives have been removed from the register in terms of the provisions of section 73(1) of the Co-operatives Act, 2005.

REGISTRAR OF CO-OPERATIVES

Office of the Registrar of Co-operatives
Dti Campus
77 Meintjies Street
Pretoria
0002

Private Bag X237
Pretoria
0001

DEPARTMENT OF TRADE AND INDUSTRY

NO. 1332

01 DECEMBER 2017

CO-OPERATIVES TO BE STRUCK FROM THE REGISTER

1. TOKOLOGO TOURISM CO-OP LTD
2. SOUTH AFRICAN YOUTH AGRI-BUSINESS CO-OP LTD
3. SEKUPHILENI GARDEN CO-OP LTD
4. COGIC SOUTH AFRICA CO-OP LTD
5. UMNOTHO CO-OP LTD
6. SISONKE CATERING AND NUTRITIONAL CO-OP LTD
7. MOMBENI DEVELOPMENT CO-OP LTD
8. SIYAKHULA CATERING AND NUTRITION CO-OP LTD
9. SITHEMBILE CO-OP LTD
10. BAMBANANI BLOCK MAKING CO-OP LTD
11. D/ABILITY BUSINESS DEVELOPMENT CO-OP LTD
12. ZAKHELENI SOCIETY FOR DISABLED CO-OP LTD
13. MALULEKA CO-OP LTD
14. MZABALAZO ADULT CO-OP LTD
15. SAMPOKWE CO-OP LTD
16. MASIHLANGANE POULTRY FARMING CO-OP LTD
17. QHUBEKA AGRICULTURAL CO-OP LTD
18. SISHOSENZE INQANAWA TRADING CO-OP LTD
19. TIRISANOMMOGO SMALL FARMERS CO-OP LTD
20. DURBAN AND DISTRICT ZENZELE CO-OP LTD
21. ZINIKELE CLOTHING CO-OP LTD
22. SINQOBANGOLWAZI CO-OP LTD
23. SUKUMANHLONGA FARMING CO-OP LTD
24. NTINGA NTAKA NDINI CLEANSING CO-OP LTD
25. UMKHONTO OBUKHALI CO-OP LTD
26. SIYANQOBA EDUCATORS CO-OP LTD
27. NKULULEKO FOUNDATION CO-OP LTD
28. VUKUZONDLE CO-OP LTD
29. MASIMBONGE CO-OP LTD
30. INTHUTHANE CO-OP LTD
31. ENDLOVINI GARDEN CO-OP LTD
32. BOLOTWA MASAKHE CO-OP LTD
33. MASIDONSEKANYEKANYE CO-OP LTD

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

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

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DEPARTMENT OF TRADE AND INDUSTRY

NO. 1333

01 DECEMBER 2017

CO-OPERATIVES THAT HAVE BEEN REMOVED FROM THE REGISTER

1. SIPHEMBOKUHLE CO-OP LTD
2. DREAM OF BAKERY AND MULTI SERVICES CO-OP LTD
3. KHANYAYO CO-OP LTD
4. IMIZAMO RED MEAT FARMERS TRADING CO-OP LTD
5. SIZANENTO BAKERY CO-OP LTD
6. STUTUMANE CO-OP LTD
7. NYAKAZANI CO-OP LTD
6. KATRIVA CO-OP LTD
7. MASONGANE CO-OP LTD
8. SIBHEKISE AGRICULTURAL AND FARMING CO-OP LTD
9. WONKUMNTU BEE-KEEPING CO-OP LTD
10. STEVAS SLATE 'N TILE CO-OP LTD
11. NALEDI WARD TWENTY TWO CO-OP LTD
12. SPHENATHI NKOSI FARMERS ASSOCIATION CO-OP LTD
13. KOPANO-CAROZA CO-OP LTD
14. HUNDRED FOLDS CO-OP LTD
15. SIZAMAKAHLE CO-OP LTD
16. THANDULWAZI CO-OP LTD
17. ISENZWESIHLE CO-OP LTD
18. IZETHENJWA CO-OP LTD
19. ITHUBELIHLE CO-OP LTD
20. NOMPUMELELO EMALAHLENI MULTI-PURPOSE CO-OP LTD
21. ISIBANISEMPILO CO-OP LTD
22. MASIBUMBANE CO-OP LTD
23. MAKUKHANYE POULTRY YOUTH CO-OP LTD
24. NTANDOYESIZWE CO-OP LTD
25. INGOMUSO CO-OP LTD
26. SINEMPILO CO-OP LTD
27. MVOTELWA CO-OP LTD
28. MASHASHANE FINANCIAL SERVICES CO-OP LTD
29. IZIQHAMO EZIHLE CATERING CO-OP LTD
30. P.J YOUTH CO-OP LTD
31. VEZUTHANDO CO-OP LTD
32. UNYEZI GWADANA CO-OP LTD
33. BUHLE CO-OP LTD
34. ITHUTENG COMMUNITY PROJECT CO-OP LTD
35. BOFANG MATHEKA AGRICULTURAL CO-OP LTD
36. UKUSUTHA KWESIZWE AGRICULTURAL CO-OP LTD
37. ZICABANGELE CO-OP LTD
38. JIKELEZA RECYCLING CO-OP LTD
39. RAKGONYANE PHELA KE PHELE AGRICULTURAL CO-OP LTD
40. SINENJABULO CO-OP LTD

Notice is hereby given that the names of the abovementioned co-operatives have been removed from the register in terms of the provisions of section 73(1) of the Co-operatives Act, 2005.

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Pretoria

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DEPARTMENT OF TRADE AND INDUSTRY

NO. 1334

01 DECEMBER 2017

CO-OPERATIVES THAT HAVE BEEN REMOVED FROM THE REGISTER

1. IZONA AGRICULTURAL CO-OP LTD
2. WILSON CLEANING CO-OP LTD
3. LUNGISISIPHO CO-OP LTD
4. ZIPHILELE TRADING CO-OP LTD
5. LERATO POULTRY CO-OP LTD
6. MAQHINGA CO-OP LTD
7. MASIKHULE NDLUKULU FARMERS CO-OP LTD
8. INQABAKAZULU WOMENS CO-OP LTD
9. TINHLAHLU CO-OP LTD
10. SIYAFUNA POULTRY CO-OP LTD
11. UBUNYE BUILDING AND MAINTENANCE SERVICES CO-OP LTD
12. MASIPHAKAME NOLUTHANDO NTABODULI CO-OP LTD
13. S'KHULILE CO-OP LTD
14. KHARIEP NAFU AGRICULTURAL CO-OP LTD
15. MYEZANE MULTI-PURPOSE CO-OP LTD
16. KWALUNGA FARMER TRADING CO-OP LTD
17. SISHI TRADING ENTERPRISE CO-OP LTD

Notice is hereby given that the names of the abovementioned co-operatives have been removed from the register in terms of the provisions of section 73(1) of the Co-operatives Act, 2005.

REGISTRAR OF CO-OPERATIVES

Office of the Registrar of Co-operatives
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DEPARTMENT OF WATER AND SANITATION

NO. 1335

01 DECEMBER 2017

BREDE-GOURITZ CATCHMENT MANAGEMENT AGENCY

PROPOSED CATCHMENT MANAGEMENT STRATEGY

The Breede-Gouritz Catchment Management Agency was established in 2014 (Government Notice 412, 23 May 2014) by extending the boundary and area of operation of the then Breede-Overberg Catchment Management Agency in terms of the National Water Act, 1998 (Act No 36 of 1998) (NWA). Section 80 of the NWA stipulates that one of the functions of a Catchment Management Agency is to develop a Catchment Management Strategy.

After a comprehensive stakeholder participation process, a Catchment Management Strategy was drafted for the Breede-Gouritz Catchment Management Agency (BGCMA). In terms of section 8(5) of the NWA, Breede-Gouritz Catchment Management Strategy must make the Catchment Management Strategy available for public comment.

The Catchment Management Strategy is available on the BGCMA website, www.bgcma.co.za, at the offices of the BGCMA at 51 Baring Street, Worcester and 101 York Street, George.

The BGCMA will also ensure that copies of the Catchment Management Strategy are available at accessible locations throughout the Breede-Gouritz catchment management area. These locations will be advertised in the regional and local newspapers of the Western Cape.

In accordance with section 8(5)(a) of the NWA, the Breede-Gouritz Catchment Management Agency hereby invites comments to be submitted on the proposed Catchment Management Strategy.

Written comments must be submitted to the BGCMA by 2 March 2018 to the following address:

The Breede-Gouritz Catchment Management Agency
Attention: Mr Jan van Staden
Private Bag X3055
Worcester
6849

Email Address: info@bgcma.co.za

MR B MNISI
CHAIRPERSON: GOVERNING BOARD BREDE-GOURITZ
CATCHMENT MANAGEMENT AGENCY

DATE:

Breede-Gouritz Catchment Management Agency Catchment Management Strategy

Executive Summary

Introduction

This Catchment Management Strategy (CMS) has been developed taking into consideration the previous draft CMS for the then Breede-Overberg Catchment Management Agency (BOCMA), the Breede-Gouritz Catchment Management Agency (BGCMA) Annual Performance Plan and all other relevant studies that were used to inform the situation assessment and sub-strategies relating to reconciliation, water resource protection, water use regulation, monitoring and information management, financial aspects and importantly stakeholder engagement.

The Breede-Gouritz Water Management Area (BGWMA) falls into the category of being water stressed. The need for a Catchment Management Strategy to guide the management of water resources in the WMA is therefore critical. The WMA is predominantly a rural region with social, economic and environmental systems that are dependent on the water resources.

The BGWMA is extremely large and diverse. The area of the Gouritz catchment is characterised by the flat open plains of the Great and Klein (Little) Karoo, interrupted by steep mountain ranges orientated in an east-west direction which gives it three distinct zones of the semi-arid Great Karoo, the Olifants River and the Coastal Belt. The sub-catchments of the Breede WMA are characterised by the rolling hills of the Overberg, the Hex River Mountains to the north, the Langeberg Mountains in the east and the Franschhoek and Du Toit's Mountains in the west which flank the wide Breede River valley.

Almost twenty years since the promulgation of the NWA (Act 36 of 1998), which was put in place to provide for fundamental reform of the law relating to water resources; with sustainability and equity as central guiding principles in the protection, use, development, conservation, management and control of water resources, challenges with its implementation still exist. It is therefore important that the aspect of inequity is addressed as part of this CMS when considering allocation and re-allocation.

The current water requirements in the BGWMA are stressed and the water balances show that there are greater requirements than the available water in the Gouritz sub-catchments. The Breede sub-catchments show a marginal volume that is available for further development. Measures are proposed that will allocate available or 'new' water according to a strict priority list, where allocation to emerging black farmers takes precedence.

The Global Water Partnership (GWP) defines integrated Water Resources Management (IWRM) as a process which promotes the coordinated development and management of water, land and related resources in order to maximise economic and social welfare in an equitable manner without compromising the sustainability of vital ecosystems. As the water resource cannot be considered separately from the people who use it, a transparent and a participative approach to water resource management is extremely important.

Challenges and Opportunities

In the BGWMA it is recognised that population growth is likely to continue in the major centres and less so in the smaller rural areas. This will generate a growing demand for water services, both natural and built. However, economic growth is likely to be highly constrained in the short term, with little new investment in infrastructure, public or private. With a growing demand and little growth in the economy, government budgets will be constrained. The implication of this for water is that there is a strong alignment between water supply areas and water demand, which reflects the past history of a farming economy where settlement occurred in farming areas with abundant water. However, as the urban population grows, particularly in the Garden Route and the Overberg region, demand is starting to exceed supply and water shortages are becoming increasingly common, with Hermanus and Knysna being cases in point. Similarly, Cape Town's demand exceeds local geographical supply, and inter-catchment transfers are necessary from the Breede catchment to meet this demand.

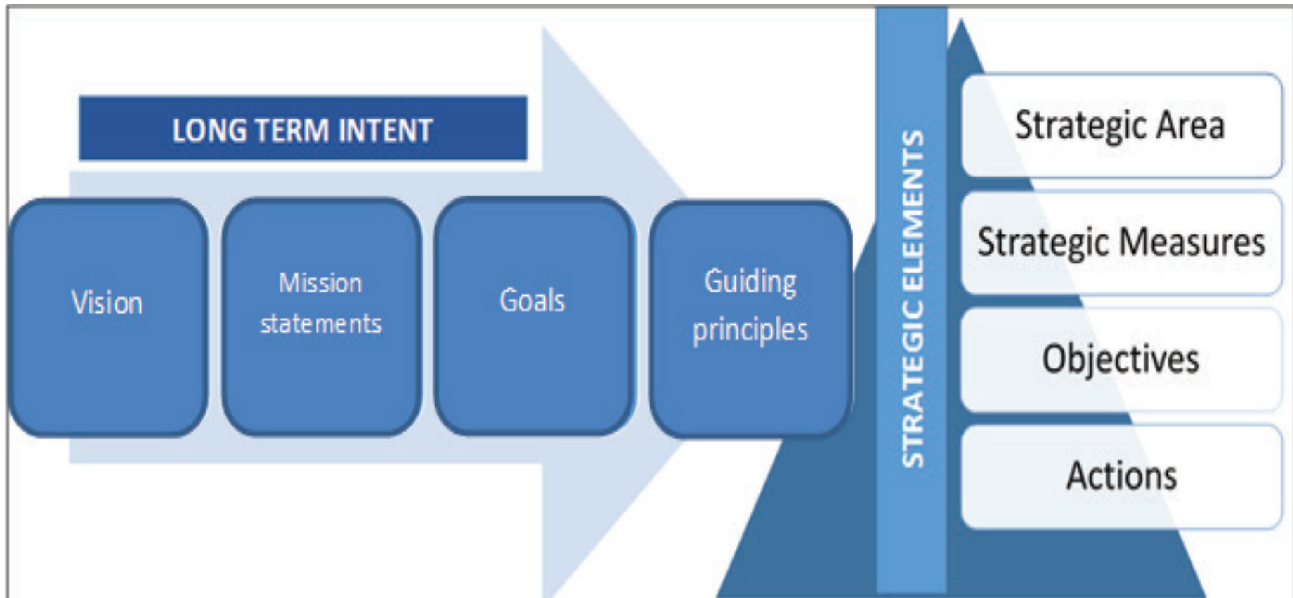
The development of a CMS is therefore an essential element in trying to put into place strategies that will assist in meeting the challenge of safeguarding the water resources in the BGWMA while allowing for growth. The strategy sets out some actions that can be taken in the short term, while further studies will need to be undertaken for other aspects.

Role of the Catchment Management Agency

BGCMA was established in 2014 (Government Notice 412, 23 May 2014) by extending the boundary and area of operation of the then BOCMA in terms of Section 80 of the National Water Act, 1998 (Act No 36 of 1998) (NWA). The functions of CMAs as described in the NWA are to investigate and advise interested persons on the protection, use, development, conservation, management and control of the water resources in its water management area; to develop a catchment management strategy; co-ordinate the related activities of water users and of the water management institutions within its water management area; and to promote the co-ordination of its implementation

with the implementation of any applicable development plan established in terms of the Water Services Act, 1997 (Act no. 108 of 1997); and promote community participation in the protection, use, development, conservation, management and control of the water resources in its water management area.

Structure of the Catchment Management Strategy



Vision

The vision for the WMA was formulated as a broader developmental vision reflecting the principles of NWRS2 as well as the other local planning imperatives for provincial and local government and ensuring the links between the various sub-strategies. The vision of the BGWMA is captured by:

Healthy water resources, for all, forever

Mission statements

The vision can be reflected by the following mission statements:

- Healthy water resources: Ensure sustainability of our rivers, groundwater, wetlands and estuaries to maintain functional catchments and clean and healthy water for the environment, people and the economy, through effective policy and regulation,

Which requires us to

- For all, forever: Allocate and use our water resources equitably, efficiently and responsibly to maintain existing desired activities, support new development, ensure social justice and reduce inefficient activities, adaptive to changing climate and development pressures,

Which obliges us to

- Collectively take responsibility to nurture and steward our catchments using the principles of ubuntu, through knowledge sharing, cooperation and implementation of innovative ideas within all communities, and by building strong flexible institutions supported by engaged stakeholders.

Strategic Areas

The mission statements are supported by the following three strategic focus areas to which strategic measures and actions have been linked.

- **Strategic Area 1: Protecting for People and Nature:** focussing primarily on management of streamflow, water quality, habitat and riparian zones related to riverine, wetland, estuarine and groundwater resources, to maintain important ecosystem goods and services and biodiversity.

Strategic Measure	Action
1.1	1.1.1 Conduct Water Resources Classification for the Water Management Area (WMA)
	1.1.2 Determine Resource Quality Objectives for the WMA
1.2	1.2.1 Assess gaps and undertake comprehensive Reserve determination studies for the WMA
	1.2.2 Implement water quality, quantity and ecosystems monitoring
1.3	1.3.1 Develop an Integrated Water Quality Management Plan
	1.4.1 Establish a groundwater unit with adequate experience and skills
1.4	1.4.2 Implementing monitoring programmes and networks
	1.4.3 Investigate and implement solutions to Iron Reducing Bacteria (IRB)
	1.4.4 Understanding potential impacts from unconventional gas production (UCG)
	1.5.1 Co-operate in Integrated Water Resource Management (IWRM) with other role-players
	1.5.2 Develop and implement Estuary Management Plans
	1.5.3 Develop and implement plans for priority wetlands
1.5	1.5.4 Develop and implement plans for riparian habitat protection for priority rivers
	1.5.5 Develop and implement plans for alien vegetation clearing
	1.5.6 Prioritise and maintain endemic fish refuges
	1.5.7 Develop and implement plans for instream habitats conservation
	1.5.8 Develop a conservation strategy for groundwater protection
1.6	Develop and implement a system to consider impacts from existing and future land-use activities on water resources that will inform water use authorisations

- **Strategic Area 2: Sharing for Equity and Development:** focussing primarily on management of water use from surface and groundwater resources through the operation of infrastructure, in order to provide water for productive and social purposes within and outside of the WMA.

Strategic Measure	Action
2.1	2.1.1 Undertake validation and verification of water use
	2.1.2 Prioritise surface and groundwater areas for additional water availability studies and where compulsory licensing may be required
	2.1.3 Update water availability studies
2.2	2.2.1 Manage / operate selected schemes for reduced assurance of supply
	2.2.2 Investigate augmentation options
	2.3.1 Include Water Conservation/Water Demand Management (WC/WD/MD) conditions for all Water Use Licences
	2.3.2 Implement measures for scheme/ system operation
2.3	2.3.3 Implement and support priority alien vegetation clearing projects and river maintenance plans
	2.3.4 Implement stringent WC/ WDM plans for urban areas (using Water Services Development Plans/ Integrated Development Plans)
	2.3.5 Implement stringent WC/ WDM plans for the agricultural sector
2.4	2.4.1 Reserve 15% of Mean Annual Run-off (MAR) for potential emerging farmers in the Breede catchments and consider a feasible % MAR and groundwater allocation to be set aside for the Gouritz catchments

		2.4.2	Identify, develop and support Historically Disadvantaged Individuals (HDI) opportunities
2.5	Water Use Allocation	2.4.3	Authorise and approve water use applications made for Historically Disadvantaged Individuals projects
		2.5.1	Revise the allocations once Validation & Verification study is complete
2.6	Water Use Authorisation	2.6.1	Assess and register water use applications
		2.6.2	Process water use licence applications
		2.6.3	Propose General Authorisations for particular uses and catchments
		2.7.1	Build institutional capacity around climate change
2.7	Climate change resilience	2.7.2	Adapt strategies to reflect climate change aspects as new data is received
		2.7.3	Create awareness amongst communities around climate change
		2.8.1	Build institutional capacity around how and when to act during drought events
		2.8.2	Create awareness amongst communities around drought resilience
2.8	Drought Resilience	2.8.3	Develop strategies for implementation during drought events

- **Strategic Area 3: Co-operating for Compliance and Resilience:** focussing primarily on co-operation and management of institutional aspects to enable and facilitate the protection and sharing of water, including the more co-operative stakeholders, partnerships, information sharing, disaster risk and adaptation elements of the strategy.

Strategic Measure	Action
3.1	3.1.1 Develop strategic partnerships with other relevant institutions and government departments
	3.1.2 Foster co-operation with other relevant institutions and government departments, specifically in supporting emerging and resource poor farmers
	3.1.3 Establish, or extend existing, local water management institutions to operate at a restricted localised level to ensure wall to wall coverage of the WMA
	3.1.4 Collaborate with private sector
	3.1.5 Develop and maintain networks with other Catchment Management Agencies (CMAs) in South Africa, basin institutions and globally
3.2	3.2.1 Develop decentralised platforms for on-going engagement
	3.2.2 Develop a communication method that is regular, open and accessible that will allow for meaningful, functional participation that will include Resource Poor Farmers and Water Management Institutions
	3.2.3 Monitor and report on communication
3.3	3.3.1 Undertake compliance monitoring of all water use and dam safety authorisations
	3.3.2 Compile and enforce directives
	3.3.3 Maintain a database of registered water users
3.4	3.3.4 Implement a system to track water use authorisations (information management system)
	3.4.1 Effective revenue generation
	3.4.2 Promote effective expenditure
	3.4.3 Effective leveraging of external resources for holistic catchment management
3.5	3.5.1 Implement a programme to monitor Resource Quality Objectives (RQO)
	3.5.2 Implement a programme to monitor against the Ecological Water Requirements (Reserve)
	3.5.3 Use all data collected to inform and update the Reconciliation Strategy
	3.5.4 Implement a programme to receive monitoring data from other projects such as the River Health Programmes and Estuary Management Programmes
3.6	3.6.1 Implement a schedule to manage the issuing and expiry of water use authorisations
	3.6.2 Implement a programme to assess compliance against water use authorisations
	3.6.3 Investigate the development of a central hub where the BGCMA can receive data captured by other water users, stakeholders can voice their concerns and have links to other relevant water resource related sites
3.7	3.7.1 Monitor trends in WCJ/WDM in local municipalities
	3.7.2 Monitor implementation of BMP for WCJ/WDM in the agricultural sector

		3.7.3	Develop and Implement a system to receive WC/ WDM data captured by other water users
		3.7.4	Monitor Alien invasive vegetation projects
		3.7.5	Monitor river rehabilitation projects
3.8	Effective management of information	3.8.1	Identify and develop information management needs
		3.8.2	Ensure communication of information to and from stakeholders
3.9	Adaptation and Disaster Management	3.9.1	Identify and develop information management trends
		3.9.2	Co-operate with other provincial and local disaster management institutions
		3.9.3	Assess water disaster risk and develop a WMA flood and drought strategy in collaboration with other relevant departments

GENERAL NOTICES • ALGEMENE KENNISGEWINGS

DEPARTMENT OF AGRICULTURE, FORESTRY AND FISHERIES
NOTICE 927 OF 2017

A

AGRICULTURAL PRODUCT STANDARDS

The South African Meat Industry Company (SAMIC) being appointed as assignee, in terms of section 2(3) of the Agricultural Product Standards Act, 1990 (Act No. 119 of 1990), by Government Notice No. 121 of 1998 for the classification and marking of meat, hereby impose the following service fee as approved by the members of the Red Meat Industry Forum at the AGM of SAMIC, in respect of abattoirs that participate in the classification and marking of meat (No. R. 55 of 30 January 2015). These service fees will be valid from 1 January 2018.

Abattoir Grade	Service fee / Month (VAT excluded)
High Throughput	R 4,507.00
Low Throughput	R 2,868.00

Regarding the Audits of Quality Indication Marks for the owners thereof, the following increases will be valid from 1 January 2018 as approved by the members of the Red Meat Industry Forum during the AGM of SAMIC.

Type of Quality Indication Audit	Service fee per Audit (VAT excluded)
Farm Audits - Woolworths	R3,622.00
Farm Audits -- All other QI Marks	R1,102.00
Feedlot Audits	R2,702.00
Abattoir Audits	R2,140.00
Deboning Plant Audits	R2, 140.00
Trade Outlet Audits	R 524.00
Official Kilometers Drive for Audits	R 5.14/km

**DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT
NOTICE 928 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 SMALL BUSINESS DEVELOPMENT

As set out in the Schedule



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



small business
development

Department:
Small Business Development
REPUBLIC OF SOUTH AFRICA

**SECTION 15 REPORT: VOLUNTARY DISCLOSURE AND
AUTOMATIC AVAILABILITY OF RECORDS**

PROMOTION OF ACCESS TO INFORMATION ACT (NO 2 OF 2000)

June 2017

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):	
Cooperatives Act (No. 14 of 2005) Cooperatives Amendment Act (No. 06 of 2013)	Obtained from Department of Small Business Development Tel: 0861 843 384

FOR PURCHASING IN TERMS OF SECTION 15(1)(a)(ii):	
Publications and Information is available on the DSBD website or by request free of charge.	

FOR COPYING IN TERMS OF SECTION 15(1)(a)(ii):	
Records available for inspection in terms of Section 15(1)(a)(i), as specified above, is available according to the criteria specified	

AVAILABLE FREE OF CHARGE IN TERMS OF SECTION 15(1)(a)(iii):	
<p><u>Information available by request or some information can be obtained from the DSBD website</u></p> <p>Information relating to the following:</p> <ul style="list-style-type: none"> • Overview of DSBD • SMME development • Events • Contact Details • DSBD Values 	<p>The Information specified is available on the DSBD website: www.dsbd.gov.za or by request.</p>

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))
<ul style="list-style-type: none"> • About DSBD • Service Offered by DSBD • Media Releases • Speeches • Operating Hours • Co-operatives • Administration • Acts and Regulations • Mandate, Vision and Mission • DSBD Programmes • Leadership • Downloads • Publications • Careers • Strategic Objectives <p><u>List of publication available</u></p> <ul style="list-style-type: none"> • Service delivery improvement plan 2015 to 2018 • Annual report 2015/16 vote 31 DSBD • Local Economic Development Forums • Draft Regulations Cooperatives 2015 • Integrated strategy on the development and promotion of cooperatives • Co-operatives catalogue • Red tape reduction booklet shared 	<p>Soft and hard copies of Publications can be obtained from Marketing unit.</p> <p>Postal Address Private Bag X84 Pretoria 0001</p> <p>Street Address 77 Meintjies Street Sunnyside Pretoria 0002</p>

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))
<p>economic infrastructure facility guidelines</p> <ul style="list-style-type: none"> • Youth enterprise development strategy • Youth support programme • Co-operative Incentive Scheme (CIS) • Co-operatives Act 2006 • Co-operatives Amendment Act, 2013 (Act No. 06 of 2013) • Co-operatives handbook • Guidelines to Co-Ops Act • Co-operatives information leaflet • Guide to the Co-Operatives Act 2005 • CIS Guidelines • CIS Application Form • CIS Checklist • The National Informal Business Upliftment Strategy (NIBUS) 	

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT
NOTICE 929 OF 2017

PROMOTION OF ACCESS TO INFORMATION ACT, 2000

DESCRIPTION SUBMITTED IN TERMS OF SECTION 15(1)

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

**LIMPOPO PROVINCIAL GOVERNMENT: DEPARTMENT OF PUBLIC
WORKS, ROADS AND INFRASTRUCTURE**

As set out in the Schedule



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



LIMPOPO

PROVINCIAL GOVERNMENT
REPUBLIC OF SOUTH AFRICA

DEPARTMENT OF PUBLIC WORKS, ROADS AND INFRASTRUCTURE

AUTOMATIC DISCLOSURE: (Section 15 of the Promotion of Access to Information Act, 2000, (Act 2 of 2000))

[Regulations 5A]

DESCRIPTION OF CATEGORY OF RECORDS AUTOMATICALLY AVAILABLE IN TERMS OF SECTION 15(1)(a) OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000	MANNER OF ACCESS TO RECORDS (SECTION 15(1)(b))
FOR INSPECTION IN TERMS OF SECTION 15(1)(a)(i):	
<ul style="list-style-type: none"> • Annual Reports • Approved organizational structure • Budgets • Circulars of advertised posts and services • Citizens' reports • Copies of speeches by the MEC • Departmental acts, regulations, policies and procedure manuals • Departmental Annual Performance Plan • Departmental File Plans • Departmental forms • Departmental Strategic Plans • Employment Equity reports • Journals and magazines • News Letters • Promotion of Access to Information Manual • Promotional material • Service Delivery Charter • Service Delivery Improvement Plan • Service Standards • Staff contact details (directory) • Statement of commitment 	<p>The records may be inspected at the Department on request, addressed to the Office of the Deputy Information Officer, Department of Public Works, Roads and Infrastructure Private Bag x9490, Polokwane 0700</p> <p>Tel. No. 015 284 7000</p> <p>Fax: No. 015 284 7030</p> <p>e-mail address: Makhafolat@dpw.limpopo.gov.za</p> <p>or visit our website www.dpw.limpopo.gov.za</p>
FOR PURCHASING IN TERMS OF SECTION 15(1)(a)(ii):	
Tender Documents	<p>Records can be purchased at the Supply Chain Unit, Works Towers Building, First floor Department of Public Works, Roads and Infrastructure 43 Church Street, Polokwane 0700</p>

FOR COPYING IN TERMS OF SECTION 15(1)(a)(ii):

- Annual Reports
- Approved organizational structures
- Budgets
- Circulars of advertised posts and services
- Citizens' reports
- Copies of speeches by the MEC
- Departmental acts, regulations, policies and procedure manuals
- Departmental Annual Performance Plan
- Departmental File Plans
- Departmental forms
- Departmental Strategic Plans
- Employment Equity reports
- Journals and magazines
- News Letters
- Promotion of Access to Information Manual
- Promotional material
- Service Delivery Charter
- Service Delivery Improvement Plan
- Service Standards
- Staff contact details (directory)
- Statement of commitment

The records may be accessed at the Department on request, addressed to the Office of the Deputy Information Officer, Department of Public Works Roads and Infrastructure Private Bag x9490, Polokwane 0700
 Tel. No. 015 284 7000
 Fax: No. 015 284 7030
 e-mail address: Makhafolal@dpw.limpopo.gov.za
 or visit our website www.dpw.limpopo.gov.za

FREE OF CHARGE IN TERMS OF SECTION 15(1)(a)(iii):

- Circulars for advertised posts
- News Letters
- PAIA Manuals
- Pamphlets
- Promotional material

The records may be accessed on request, addressed to the Deputy Information Officer, Department of Public Works Roads and Infrastructure Private Bag x9490, Polokwane 0700
 Tel. No. 015 284 7000
 Fax: No. 015 284 7030
 e-mail address: Makhafolal@dpw.limpopo.gov.za
 or visit our website www.dpw.limpopo.gov.za

NATIONAL TREASURY**NOTICE 930 OF 2017**

PUBLIC FINANCE MANAGEMENT ACT, 1999
REGULATIONS PRESCRIBING STANDARDS OF GENERALLY RECOGNISED
ACCOUNTING PRACTICE

The Minister of Finance has, in terms of section 91 of the Public Finance Management Act, 1999 (Act No. 1 of 1999 – “the Act”), made regulations-

- (a) prescribing the following Standards as set by the Accounting Standards Board in terms of section 89 of the Act and set out below:

Reference	Topic
GRAP 18	Segment Reporting
GRAP 20	Related Parties
GRAP 32	Service Concession Arrangements: Grantor
GRAP 105	Transfers of Functions Between Entities Under Common Control
GRAP 106	Transfers of Functions Between Entities Not Under Common Control
GRAP 107	Mergers
GRAP 108	Statutory Receivables
GRAP 109	Accounting by Principals and Agents
GRAP 110	Living and Non-living Resources

applicable in respect of –

- (i) GRAP 18, to municipalities and boards, commissions, companies, corporations, funds or entities under the ownership control of a municipality with effect from financial years beginning on or after 1 April 2020;
- (ii) GRAP 18, 105, 106 and 107, to trading entities, Parliament and the provincial legislatures with effect from financial years beginning on or after 1 April 2019;
- (iii) GRAP 20, 32, 108 and 109 to public entities, constitutional institutions, municipalities and boards, commissions, companies, corporations, funds or entities under the ownership control of a municipality, Parliament and the provincial legislatures with effect from financial years beginning on or after 1 April 2019;
- (iv) GRAP 110 to public entities, constitutional institutions, municipalities and boards, commissions, companies, corporations, funds or entities under the ownership control of a municipality, Parliament and the provincial legislatures with effect from financial years beginning on or after 1 April 2020;

The Modified Cash Standard set by the National Treasury remains applicable in respect of national and provincial departments in the absence of any implementation dates for the Standards as set by the Accounting Standards Board.

PUBLIC FINANCE MANAGEMENT ACT, 1999
PUBLICATION OF DRAFT REGULATIONS ON PRESCRIBING THE STANDARDS OF
GENERALLY RECOGNISED ACCOUNTING PRACTICE FOR PUBLIC COMMENT

In terms of section 91(4) of the Public Finance Management Act, 1999 (Act No. 1 of 1999), the draft regulations, as set out in the Annexure, is hereby published for public comment.

Any comment received within 21 days after the publication of this notice in the Gazette will be considered. Comments may be submitted by-

- (a) Email: oagqueries@treasury.gov.za
- (b) Fax: 012 315 5568
- (c) Post: The Director-General
National Treasury
Private Bag x115
Pretoria, 0001
- (d) Hand: Room 1835
240 Madiba Street
Pretoria

NON-GOVERNMENTAL ORGANIZATION**NOTICE 931 OF 2017****DEPARTMENT OF TRADE AND INDUSTRY****CODES OF GOOD PRACTICE ON BROAD BASED BLACK ECONOMIC
EMPOWERMENT**

I, Dr Rob Davies, Minister of Trade and Industry, hereby issue the Amended Construction Sector Code in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act, (Act No. 53 of 2003) as amended by the B-BBEE Act 46 of 2013; and determine that these Codes will come into effect on the date of this publication.



Dr Rob Davies, MP
Minister of Trade and Industry

21 November 2017

**AMENDED CODE SERIES CSC000: FRAMEWORK FOR MEASURING BROAD-BASED
BLACK ECONOMIC EMPOWERMENT IN THE CONSTRUCTION SECTOR**

STATEMENT CSC000: GENERAL PRINCIPLES AND THE LARGE ENTERPRISE SCORECARD

Issued under section 9(1) of the Broad-Based Black Economic Empowerment Act, of
2013 as amended

Arrangement of this statement:

Para	Subject	Page
1.	Pre-Amble.....	(3)
2.	Key Measurement Principles.....	(5)
3.	Scope Of Application of the Construction Sector Code.....	(7)
4.	Eligibility as an Exempted Micro Enterprise (EME)	(9)
5.	Eligibility as a Qualifying Small Enterprise (QSE).....	(10)
6.	Start up Enterprises.....	(11)
7.	The Elements of B-BBEE in terms of Large Enterprise Scorecard.....	(11)
8.	Large Enterprise Scorecard.....	(12)
9.	Enhanced recognition for certain categories of Black People.....	(12)
10.	Effective Date and Transitional Arrangements	(13)
11.	Verification of Construction Enterprises.....	(13)
12.	Adjustment of Threshold.....	(13)
13.	Duration of the Construction Sector Code.....	(14)

1. **PREAMBLE**

1.1 **The Legacy**

1.1.1 Despite significant progress since the establishment of a democratic government in 1994, South African society is characterised by racially based income and social service inequalities. Consequently, the vast majority of South Africans remain excluded from ownership, control and management of productive assets and from access to training in strategic critical skills.

1.1.2 This is not only unjust but inhibits South Africa's ability to achieve its full economic potential.

1.2 **Industry Commitment**

1.2.1 Noting that:

1.2.1.1 The Broad-Based Black Economic Empowerment Act (No. 53 of 2003) as amended by B-BBEE Act 46 of 2013 (The Act), establishes a legislative framework for the promotion of B-BBEE, provides for the gazetting of transformation charters and empowers the Minister of Trade and Industry to issue codes of good practice;

1.2.1.2 The **National Development Plan** aims to eliminate poverty and reduce inequality by 2030. According to the plan, South Africa can realise these goals by drawing on the energies of all its people, growing an inclusive economy, building capabilities, enhancing the capacity of the state, and promoting leadership and partnerships throughout society;

This Amended Construction Sector Code seeks to support the objectives of the Act as amended from time to time and the objectives of the National Development Plan.

1.2.2 The Construction Sector believes that positive and proactive response through the implementation of the Amended Construction Sector Code will address inequalities in the Construction Sector, unlock the sector's potential and enhance its growth. As such this Sector Code supports:

1.2.2.1 The introduction of **Economically Active Population (EAP)** targets which aims to address the unequal representation of race sub-groups participating in the industry;

1.2.2.2 The continued research by the Construction Sector Charter Council on how to create a Construction Sector that benefits the economy at large through supporting and building capacity in small enterprises including black professional service providers;

1.2.2.3 The setting aside of minimum levels of procurement spend from Suppliers that are at least **51% Black Owned or at least 35% Black Women Owned**;

1.2.2.4 Sustainable empowerment initiatives that leave a legacy for the future of the industry;

1.2.2.5 The enhancement of the health and safety of its workforce and as such, enhance the commitment to promoting better health and safety standards in the industry through Skills Development.

1.3 **Point of Departure**

1.3.1 The Construction Sector Transformation Charter published in Government Gazette no. 29616 provides the basis for the development of the this Construction Sector Code as it reflects the commitment of the parties thereto to actively promote a vibrant, transformed and competitive Construction Sector that provides adequate services to the domestic economy, reflects the South African nation as a whole, and contributes to the establishment of an equitable society.

- 1.3.2 Notwithstanding 1.3.1 above, the development of the Amended Construction Sector Codes is based on the definitions, principles and methodologies of transformation as outlined in the B-BBEE Amendment Act No. 46 of 2013 and the Amended Codes of Good Practice for B-BBEE gazetted on 11 October 2013 under Gazette nr. 36928 and Phase II Codes of Good Practice gazetted on 6 May 2015, Gazette nr. 38766.

1.4 Strategic Objectives of the Amended Construction Sector Code

- 1.4.1 The Amended Construction Sector Code provides a framework for the Construction Sector to address B-BBEE, enhance the capacity of black contractors, black professionals, industry workers and the community and to increase the productivity of the sector to meet world best practice.
- 1.4.2 The Amended Construction Sector Code in general supports all the objectives of the Construction Sector Transformation Charter and in particular aims to:
- 1.4.2.1. Achieve a substantial, meaningful and accelerated change in the racial and gender composition of ownership, control and management in the sector;
 - 1.4.2.2. Promote the effective advancement of employment equity in the sector and adherence to principles of non-racialism and non-sexism and also addresses the underrepresentation of certain race groups relative to the Economically Active Population targets with specific focus on all levels of management;
 - 1.4.2.3. Address Skills Development in a manner that accelerates the advancement of Black People, black women and Designated Groups with particular emphasis on Learnerships, technical and management training;
 - 1.4.2.4. Increase the procurement of goods and services by the private sector and public sector from entities that are at least 51% Black Owned, 35% Black Women Owned or at least 51% Black Designated Group owned and standardize industry-wide preferential procurement methodologies;
 - 1.4.2.5. Enhance Supplier and Contractor Development in the core value chain of the construction industry that leads to sustainable empowerment for Qualifying Supplier Development Beneficiaries;
 - 1.4.2.6. Enhancing transformation by ensuring that the Construction Sector creates productive assets in the hands (actual control and ownership) of Black People;
 - 1.4.2.7. Contribute to the creation of substantial black owned entities and black industrialists in the Construction Sector through industry wide Supplier and Contractor Development initiatives;
 - 1.4.2.8. Increasing Preferential Procurement spend on local companies thereby increasing local job creation as aligned to the objectives of the National Development Plan;
 - 1.4.2.9. Provide the Construction Sector on-going qualitative and quantitative methods for monitoring and evaluating the progress of enterprises toward B-BBEE; and thereby contribute to ending the malpractice of fronting; and
 - 1.4.2.10. Introduce compulsory reporting and engagement with the BEE Commissioner to monitor progress of enterprises toward B-BBEE.

1.5 Monitoring & Compliance

- 1.5.1 The Construction Sector Charter Council was established consequent to the Construction Sector Code. To this end, the Council was mandated to align the Amended Construction Sector Codes to the Amended Generic Codes of Good Practice

- 1.5.2 The Construction Sector Charter Council will oversee and monitor the implementation of the Construction Sector Code. It will act with executive authority and provide the necessary links to relevant government institutions at the reporting and compliance levels.
- 1.5.3 The Construction Sector Charter Council will also perform and release annual reporting as a way to review quantitative and qualitative progress towards transformation in the Construction Sector;
- 1.5.4 It will be compulsory for all Measured Entities who are measured through the Verification Agencies to ensure that BBBEE certificates issued in terms of the Construction Sector Code to annually provide the independently verified scorecard and associated details of the Measured Entity in a prescribed format to the Construction Sector Charter Council in line with Section 10 (4) of the B-BBEE Amendment Act. The Construction Sector Charter Council will use this information to assess the performance of the sector and to provide accurate and reliable state of the industry reports to the line Minister and the DT. Verification agencies must ensure that the confidentiality obligations with their clients do not prohibit them from providing such information.
- 1.5.5 The Construction Sector Charter Council will, in accordance with the BBBEE regulations and established working protocols, report all suspected incidents of fronting and fraudulent scorecards credentials to the office of the B-BBEE Commissioner to investigate and prosecute any confirmed fronting and circumvention activities.
- 1.5.6 The Construction Sector Charter Council shall, within 12 months of gazette issue practice notes approved by the Minister of Trade and Industry on the measurement of localization and local content, equity equivalents and other measurement related matters.

1.6 OBJECTIVES OF THIS AMENDED STATEMENT CSC000

- 1.6.1 Specify the measurement principles and industry specific principles of Broad-Based Black Economic Empowerment (B- BBEE) within the Construction Sector;
- 1.6.2 Specify the application of the Amended Construction Sector Code and the basis for measurement under such Sector Code;
- 1.6.3 Indicate the qualifying threshold for a Measured Entity to qualify as an Exempted Micro-Enterprises (EME) or Qualifying Small Enterprises (QSE) within the Construction Sector;
- 1.6.4 Specify the method used for the measurement of Start-Up Enterprises in the Sector;
- 1.6.5 Specify the elements of B-BBEE measurable under the Large Enterprise Scorecard and Qualifying Small Enterprises Scorecard of the Amended Construction Sector Code;
- 1.6.6 Specify the basis for determining compliance by Entities with the Construction Sector Code.

2. KEY MEASUREMENT PRINCIPLES

- 2.1 The fundamental principle for measuring B-BBEE compliance is that substance takes precedence over legal form.
- 2.2 In interpreting the provisions of the Sector Codes, any reasonable interpretation consistent with the objectives of the B-BBEE Act as amended and the B-BBEE Strategy must take precedence.
- 2.3 The basis for measuring B-BBEE initiatives under the Sector Codes:
 - 2.3.1 For the **'Ownership' and 'Management Control'** elements it is the B-BBEE compliance of the Measured Entity at the Date of Measurement; and
 - 2.3.2 For the **'Skills Development', 'Enterprise and Supplier Development' and 'Socio-Economic Development'** elements, it is the B-BBEE compliance of the Measured Entity over the Measurement Period.

- 2.4 Any misrepresentation or attempt to misrepresent a Measured Entity's true B-BBEE Status is a criminal offence and will be dealt with in accordance with the provisions as set out in the B-BBEE Act as amended, and may lead to the disqualification of the entire scorecard of the entities concerned.
- 2.5 Initiatives which split, separate or divide a Measured Entity with the intent of ensuring eligibility as an Exempted Micro-Enterprise, a Qualifying Small Enterprise or a Start-Up Enterprise will constitute an offence and will be dealt with in accordance with the provisions as set out in the B-BBEE Act as amended.
- 2.6 Any representation made by an Entity about its B-BBEE compliance must be supported by Suitable Evidence or Documentation. A Measured Entity that does not provide Suitable Evidence or Documentation supporting any initiative will not receive any recognition for that initiative.
- 2.7 Wherever a Standard Valuation Method applies to measuring an indicator, the same standard should apply, as far as reasonably possible, consistently in all other applicable calculations in this statement.
- 2.8 The measurement of Joint Ventures will be done as follows:
- 2.8.1 Unincorporated Joint Ventures are required to compile a consolidated verification certificate. A consolidated verification certificate will consolidate the scorecard points scored by each of the joint venture partners in accordance with paragraph 2.8.2 below as if those Measured Entities were a single Measured Entity.
- 2.8.2 The consolidation of scorecard points shall be based on a weighting in accordance with the joint venture agreement relevant to the specific joint venture. Therefore, should two companies enter into an Unincorporated Joint Venture their respective scores will be weighted according to their proportionate Economic Interest rights in the joint venture and added together for a combined score.
- 2.8.3 QSE's that are less than **51% Black Owned** must be measured in terms of the QSE Scorecard. Such an Entity must use its score in terms of the QSE Scorecard to calculate the consolidated score.
- 2.8.4 QSE's that are **at least 51% Black Owned or 100% Black Owned** and all EME's are awarded automatic B-BBEE Status Levels without having achieved a specific score. Therefore in order to appropriately weight such an entity's contribution to the B-BBEE Status of a JV the following scores are imputed to them based on their respective automatic B-BBEE Status level as enhanced or discounted:
- 2.8.4.1 a Level 1 Contributor qualify for a score of 105 points;
- 2.8.4.2 a Level 2 Contributor qualify for a score of 97.5 points;
- 2.8.4.3 a Level 3 Contributor qualify for a score of 92.5 points;
- 2.8.4.4 a Level 4 Contributor qualify for a score of 85 points;
- 2.8.4.5 a Level 5 Contributor qualify for a score of 77.5 points;
- 2.8.4.6 a Level 6 Contributor qualify for a score of 72.5 points.
- 2.8.5 Where all the partners in the joint venture are Empowering Suppliers the Unincorporated Joint Venture will also qualify as an Empowering Supplier. If not, the compliance of the Unincorporated Joint Venture with the Empowering Supplier requirements must be measured as though it is a single Measured Entity with each partner contributing, to the categories of measurement for Empowering Supplier status, in proportion to its share in the joint venture.
- 2.8.6 If an incorporated joint venture is required to be formed after the commencement of a contract, the unincorporated joint venture scorecard will be applicable for the first year of the contract whereafter a scorecard will be required for the incorporated entity.
- 2.8.7 In respect of public sector procurement an entity may not sub-contract more than 25% of the value of a contract to another entity that does not have an equal or better B-BBEE

status level than the entity awarded the contract unless the work is sub-contracted to an EME that has the capability to execute the work and the work is below the EME threshold. In such cases in respect of public sector procurement where more than 25% of the project costs flow to the other entity that does not have an equal or better B-BBEE status level, joint ventures or consortia should be formed with a combined scorecard for all entities in the joint venture or consortium, in line with applicable regulations.

- 2.9 Where a matter is not expressly dealt with in terms of this Amended Construction Sector Code, then the Generic Codes of Good Practice as amended will take precedence. Otherwise in all other matters this Construction Sector Code will take precedence.
- 2.10 To the extent that the following statements contained in the Original Codes of Good Practice Gazette No. 29617, as amended from time to time such as by Government Gazette No. 38766 of 6 May 2015, do not contradict a provision of this Construction Sector Code, they are expressly incorporated into the Amended Construction Sector Code as per the table below:

	Statement	Description
2.10.1	004	Scorecards for SPECIALISED Enterprises
2.10.2	005	BROAD-BASED BLACK ECONOMIC EMPOWERMENT VERIFICATION
2.10.3	102	RECOGNITION IN THE SALE OF ASSETS

- 2.10.4 Although Equity Equivalent Programmes (EEPs) are recognised in line with the provisions of statement 103 of the Generic CoGP, the CSCC will, together with the DTI, in consultation with the relevant forums representing multi-national enterprises, investigate the acceptability and effectiveness of these in the construction sector. Read with the provisions of clause 1.5.6, the CSCC and the DTI will, within 12 months of the Amended Construction Sector code being gazetted, issue a PRACTICE NOTE to clarify the application of the EEP.

- 2.11 Measured Entities are only measureable against their South African Operations. This applies to the measurement of all the elements and indicators of the scorecard.
- 2.12 The Amended Construction Sector Code distinguishes, in certain instances between Built Environment Professionals (BEP) and Contractors in respect of targets, weightings and methodology. A Measured Entity is either measureable against the targets and weightings of a BEP or a Contractor and cannot apply the set of targets, weightings and methodology applicable to BEP's in the case of one element and the set applicable to Contractors in the case of another element.

3. SCOPE OF APPLICATION OF THE CONSTRUCTION SECTOR CODE

- 3.1 The Amended Construction Sector Code is applicable to the B-BBEE compliance measurement of all entities that fall within the Construction Sector.
- 3.2 All Measured Entities falling within the scope of the Amended Construction Sector Code as set out in 3.1 above may only be measured for compliance in accordance with this Amended Construction Sector Code.
- 3.2.1 Where a Measured Entity operates in more than one sector or sub-sector (e.g. Contractor or BEP), whether it requires a single entity verification or a consolidated verification for it as a group; it will be required to report in terms of:
- a) The scorecard for the sector or sub-sector in which the majority of its core activities (measured in terms of Annual Revenue) are located, and,

- b) Should the majority of its core activities be in the construction field, the measured Entity may be evaluated in terms of the Amended Construction Sector scorecard should these activities conform to those described in the definitions of a Contractor or BEP in these codes.

3.2.2 Where the Measured Entity in 3.2.1 is the holding entity in a consolidated verification and any of its subsidiaries are subject to measurement in terms of a set of codes (sector or general) other than that which governs the Measured Entity, then such subsidiary will not be able to tender the consolidated verification certificate of the Measured Entity as its own, notwithstanding the fact that it formed part of the consolidated verification. The subsidiary will have to be measured in terms of the set of codes (sector or general) applicable to it based on its own core activities (measured in terms of annual Revenue).

3.3 The basis for measuring the B-BBEE compliance of an Entity in terms of paragraph 3.1 is:

3.3.1 Paragraph 4, in the case of an Exempted Micro-Enterprise or Start-up Enterprise;

3.3.2 The Large Enterprise Scorecard and QSE Scorecard, in the case of other Measured Entities.

3.4 For the avoidance of doubt, Construction Material Suppliers are measureable against the thresholds, targets, weightings and methodology applicable to Contractors as per the Construction Sector Code scorecards, except where the Measured Entity can prove compulsory legislative compliance and or licensing in another sector" change highlighted doesn't make sense

3.5 The Amended Construction Sector Code is a relevant code of good practice for purpose of all activities listed in section 10 of the B-BBEE Act as amended and is a compulsory measurement tool for the Construction Sector. This means that construction sector related measured entities do not have a choice of measurement.

3.6 PRIORITY ELEMENTS, SUBMINIMUM AND DISCOUNTING PRINCIPLES

3.6.1 The priority Elements are as follows:

3.6.1.1 **Ownership:**

3.6.1.1.1 The sub-minimum requirement for Ownership is 40% of Net Value (40% of the 6 points for Contractors i.e 2.4 points, or 40% of the 4 points for BEP's i.e. 1.6 points) based on the Time Based Graduation Factor.

3.6.1.2 **Skills Development:**

3.6.1.2.1 The sub-minimum requirements for Skills Development is 40% of the total weighting points (excluding bonus points) for Skills Development.

3.6.1.3 **Preferential Procurement and Supplier Development:**

3.6.1.3.1 The sub-minimum for Preferential Procurement and Supplier Development is 40% of the total weighting points (excluding bonus points) of each of the three broad categories, within the Preferential Procurement and Supplier Development element, namely 'Preferential Procurement', 'Supplier Development Programmes' and 'Supplier Development Contributions'. For the avoidance of doubt, this means that a Measured Entity measureable in terms of the Large Enterprise Scorecard must achieve at least:

- (i) 7.6 points for Contractors and 7.2 points for BEPs under the Preferential Procurement category;
- (ii) 2 points for Contractors and 1.6 points for BEPs under the Supplier Development Programmes category;
- (iii) 4 points for Contractors and 2 points for BEPs under the Supplier Development Contributions category;

3.6.1.4 The principles in paragraph 3.6.1 above also apply to the determination of the 40% threshold for the QSE Scorecard when determining whether a QSE or EME's (see par 3.6.2.4 below) B-BBEE Status is to be discounted or not.

3.6.2 COMPLIANCE TO PRIORITY ELEMENTS

- 3.6.2.1 A Large Enterprise is required to comply with all the Priority Elements;
- 3.6.2.2 A Qualifying Small Enterprise, that is measureable in terms of the QSE Scorecard, is required to comply with 2 Priority Elements i.e. **Ownership** as a compulsory element, and either **Skills Development** or **Preferential Procurement and Supplier Development**.
- 3.6.2.3 A Qualifying Small Enterprise, which qualifies for an automatic B-BBEE Status Level (one or two) as per paragraph 5.3 below, is required to comply with the QSE Skills Development element as a compulsory priority element to **avoid discounting**.
- 3.6.2.4 Save for the exceptions in par 3.6.2.4.1 and 3.6.2.4.2 below; an Exempted Micro Enterprise, that qualifies for an automatic B-BBEE Status Level (one, two, four or five) as per paragraph 4 below, is required to comply with at least **40% of the QSE Skills Development Expenditure Target** in paragraph 1.1 of Statement CSC603 as a compulsory priority element to **avoid discounting**.
- 3.6.2.4.1 An Exempted Micro Enterprise (EME) with a total annual revenue of less than **R1.8 million** in the case of **BEPs** and less than **R3 million** in the **case of Contractors** are :
- A) Not subject to the discounting principle and therefore do not have to comply with the QSE Skills Development element, and
 - B) Not required to have an authorised B-BBEE verification certificate, and may present an affidavit or a certificate issued by the Companies and Intellectual Property Commission (CIPC), in respect of their ownership and annual turnover.
- However, this exception falls away the moment such an EME elects to enhance its B-BBEE Status level by means of the mechanisms provided for in paragraphs 4.3.1.2 or 4.3.1.3. The exception will remain unavailable to such an EME in subsequent Measurement Periods notwithstanding its annual revenue.
- 3.6.2.4.2 A Start-Up Enterprise is not subject to the discounting principle and therefore does not have to comply with any priority element.

3.6.3 DISCOUNTING PRINCIPLE EFFECT

- 3.6.3.1 Non-compliance with the 40% sub-minimum requirements of any of the priority elements, as per paragraph 3.6.2 above, will result in the following outcomes for both Large Enterprises, Qualifying Small Enterprises and Exempted Micro Enterprises that are subject to discounting;
- 3.6.3.1.1 The actual points scored by the Measured Entity and the consequent level that the Measured Entity would have achieved were it not for non-compliance with the 40% sub-minimum requirements will be recognised by the Verification Agency ("the B-BBEE Status Level");
 - 3.6.3.1.2 Notwithstanding the recognition in 3.6.3.1.1 above, the Measured Entity's B-BBEE Status Level and corresponding B-BBEE Recognition Level will then be discounted by one level down. Only the discounted B-BBEE Status Level and corresponding discounted B-BBEE Recognition Level may appear on the face of the B-BBEE certificate.

3.7 COMPLIANCE WITH EMPLOYMENT EQUITY ACT

- 3.7.1 The requirement to submit data to the Department of Labour under the Employment Equity Act 55 of 1998 as amended is not the same for all employers.

- 3.7.2 For the avoidance of doubt, compliance with the reporting requirements of the Employment Equity Act 55 of 1998 (As amended), is not a pre-requisite for claiming points under the Management Control element as long as the Measured Entity is able to submit sufficient evidence for verification purposes to support its claim under that element.

4. ELIGIBILITY TO QUALIFY AS AN EXEMPTED MICRO ENTERPRISE (EME)

- 4.1 For the purposes of measurement in terms of the Revised Construction Sector Codes, an enterprise will qualify as an exempted Micro Enterprise (EME) under the following circumstances:

4.1.1 For Contractors - Any enterprise with a total annual revenue of **R10 million** or less

4.1.2 For BEP's - Any enterprise with a total annual revenue of **R 6 million** or less.

- 4.2 An Exempted Micro-Enterprise with the black ownership levels in 4.2.1 to 4.2.4 calculated applying the flow through principle is deemed to have the following B-BBEE Status:

4.2.1 If less than 30% Black Owned then "**Level Five Contributor**" having a B-BBEE recognition level of 80% under paragraph 8.3;

4.2.2 If at least 30% Black Owned but less than 51% Black Owned then "**Level Four Contributor**" having a B-BBEE recognition level of 100% under paragraph 8.3;

4.2.3 If at least 51% Black Owned but less than 100% Black Owned, then "**Level Two Contributor**" having a B-BBEE recognition level of 125% under paragraph 8.3;

4.2.4 If 100% Black Owned then "**Level One Contributor**" having a B-BBEE recognition level of 135% under paragraph 8.3;

- 4.3 Enhanced B-BBEE Status Level for an Exempted Micro-Enterprise:

4.3.1 Despite paragraphs 4.2, an EME that is less than 100% black owned, is allowed, should they so wish, to maximise their points and move to a higher B-BBEE recognition level through one of the following three means:

4.3.1.1 Obtain measurement in terms of the QSE Scorecard as a whole and apply the B-BBEE Status Level and B-BBEE Recognition Level so determined; or

4.3.1.2 Obtain measurement in terms of the Skills Development expenditure category in paragraph 1.1 of Statement CSC603 of the QSE Scorecard, and/or only if full points (excluding the bonus points) are achieved for this category the B-BBEE Status Level and corresponding B-BBEE Recognition Level of the EME will be enhanced by one level, or

4.3.1.3 Obtain measurement in terms of the Supplier Development Expenditure category of the QSE Scorecard (paragraph 2.1 of Statement CSC604) only, and only if full points are achieved for this category the B-BBEE Status Level and corresponding B-BBEE Recognition Level of the EME will be enhanced by one level.

4.3.2 For the avoidance of doubt, where an EME used both the mechanisms in 4.3.1.2 and 4.3.1.3 its B-BBEE Status Level will be enhanced by one or two levels in aggregate. However, an EME that chose enhancement by electing to be measured in terms of the entire QSE Scorecard cannot further enhance its B-BBEE Status thereafter by means of the mechanisms in 4.3.1.2 and 4.3.1.3.

5. ELIGIBILITY FOR MEASUREMENT AS A QUALIFYING SMALL ENTERPRISE (QSE)

- 5.1 For the purposes of measurement in terms of the Amended Construction Sector Codes, an enterprise will qualify as a QSE under the following circumstances:

5.1.1 **For Contractors** - with a total annual Revenue of more than **R10 million** but less than R 50 million per annum.

5.1.2 **For BEP's** – with a total annual revenue of more than R6 million but less than R25 million per annum.

- 5.2 A QSE must comply with all of the elements of the Construction Sector Qualifying Small Enterprise Scorecard (Code CSC 600) for the purposes of measurement.
- 5.3 Enhanced B-BBEE recognition level for QSE, the ownership calculation for enhanced BBEE recognition applying the flow through principle:
- 5.3.1 A QSE which is 100% Black Owned qualifies for Level One B-BBEE recognition.
 - 5.3.2 A QSE which is at least 51% Black Owned qualifies for a Level Two B-BBEE recognition level.
 - 5.3.3 A QSE that is at least 51% Black Owned or 100% Black Owned that does not comply with paragraph 3.6.2.3 above, will be discounted by one level from that level awarded in paragraphs 5.3.1 and 5.3.2 respectively.
 - 5.3.4 Despite paragraphs 5.2, 5.3.1 and 5.3.2, an at least 51% Black Owned QSE's B-BBEE Status Level and corresponding B-BBEE Recognition Level will be enhanced by one level if it achieves full points (excluding the bonus points) for the Skills Development element of the QSE Scorecard (paragraphs 1.1, 1.2 and 1.3 of Statement CSC603) or the Preferential Procurement and Supplier Development element of the QSE Scorecard (paragraphs 1.1, 1.2, 1.3 and 2.1 of CSC604).
 - 5.3.5 For the avoidance of doubt, a Measured Entity that is measured in terms of the full QSE scorecard is not eligible for enhancement in terms of paragraph 5.3.4 above.

6. START-UP ENTERPRISES

- 6.1 A Start-Up Enterprise must be measured as an Exempted Micro-Enterprise under this statement for the first year following the commencement of its operations. This provision applies regardless of the expected total Revenue of the Start-Up Enterprise, subject to the provisions of 6.4.
- 6.2 A Start-up Enterprise is deemed to have the qualifying B-BBEE Status in accordance with the principles of paragraph 4 of this Statement.
- 6.3 In order to qualify as a Start-up Enterprise, the enterprise must provide confirmation of its status in accordance with paragraph 11.
- 6.4 Despite paragraph 6.1 and 6.2, a Start-up Enterprise must submit a QSE scorecard when tendering for any contract, or seeking any other economic activity covered by Section 10 of the BBEE Amendment Act, with a value higher than R10 million but less than R50 million (for a Contractor) or higher than R6 million but less than R25 million (for a BEP). For contracts of R50 million or more (for Contractor) or R25 million or more (for a BEP), then the Measured Entity should submit the Large Enterprise Scorecard. The preparation of such scorecards must use annualised data.

7. THE MEASUREMENT ELEMENTS OF THE LARGE ENTERPRISE SCORECARD

- 7.1 The **Ownership Element**, as set out in Code series CSC100, measures effective ownership of entities by Black People.
- 7.2 The **Management Control element**, as set out in Code series CSC200, measures the effective control of entities by Black People.
- 7.3 The **Skills Development element**, as set out in Code series CSC300, measures the extent to which employers carry out initiatives designed to develop the competencies of Black People (Employees or non-Employees).
- 7.4 The **Preferential Procurement and Supplier Development element**, as set out in Code series CSC400, measures the extent to which entities buy goods and services from Empowering Suppliers with minimum B-BBEE recognition levels. This element also measures the extent to which enterprises carry out enterprise and supplier development initiatives intended to assist and accelerate the growth and sustainability of enterprises that are at least 51% Black Owned.
- 7.5 The **Socio-Economic Development and Sector Specific Contributions element**, as set out in Code series CSC500, measures the extent to which entities carry out initiatives that contribute

towards Socio-Economic Development or sector specific initiatives that promote access to the economy for Black People.

8. THE B-BBEE LARGE ENTERPRISE AND QSE SCORECARDS

8.1 The following table represents the Construction Sector B-BBEE **Large Enterprise Scorecard**

Element	Weighting				Code Series Reference
	Contractors		BEP's		
	points	Bonus	Points	bonus	
Ownership	27	4	27	4	CSC 100
Management Control	18	4	18	4	CSC 200
Skills Development	21	5	29	5	CSC 300
Preferential Procurement and Supplier Development	34	4	27	3	CSC 400
Socio-Economic Development	5	1	5	1	CSC 500
TOTAL	123		123		

8.2 The following table represents the Construction Sector B-BBEE **Qualifying Small Enterprise Scorecard**

Element	Weighting		Code Series Reference
	Points	bonus	
Ownership	27	3	CSC 601
Management Control	20		CSC 602
Skills Development	24	2	CSC 603
Preferential Procurement and Supplier Development	29		CSC 604
Socio-Economic Development	5		CSC 605
TOTAL	110		

8.3 B-BBEE RECOGNITION LEVELS

8.3.1 Based on the overall performance of a Measured Entity using either the Construction Sector Large Enterprise Scorecard or Construction Sector Qualifying Small Enterprise Scorecard, the Measured Entity will receive one of the following B-BBEE Statuses with the corresponding B-BBEE Recognition Level:

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B-BBEE Status	Qualification	B-BBEE Recognition Level
Level One Contributor	≥100 points on the Scorecard	135%
Level Two Contributor	≥95 but <100 points on the Scorecard	125%
Level Three Contributor	≥90 but <95 points on the Scorecard	110%
Level Four Contributor	≥80 but <90 points on the Scorecard	100%
Level Five Contributor	≥75 but <80 points on the Scorecard	80%
Level Six Contributor	≥70 but <75 points on the Scorecard	60%
Level Seven Contributor	≥55 but <70 points on the Scorecard	50%
Level Eight Contributor	≥40 but <55 points on the Scorecard	10%
Non-Compliant Contributor	<40 points on the Scorecard	0%

9. ENHANCED RECOGNITION FOR CERTAIN CATEGORIES OF BLACK PEOPLE

- 9.1 Throughout the Codes, various criteria appear which advance the interests of certain categories of Black People. These include:
- 9.2 Black women should form between 10% and 40% of the beneficiaries of the relevant Elements of the scorecard;
- 9.3 Black People with disabilities, Black youth, Black People living in rural areas and Black unemployed people form part of the beneficiaries of the relevant Elements of the Scorecard.

10. EFFECTIVE DATE AND TRANSITIONAL ARRANGEMENTS

- 10.1 The Amended Construction Sector Code will come into effect on the date of publication hereof.
- 10.2 Construction Sector Measured Entities that have valid B-BBEE certificates issued in terms of the Amended Generic Codes of Good Practice may elect to retain their measurement under the Amended Generic Codes until the current scorecard expires, whereafter the Amended Construction Sector Codes must be used, irrespective of the financial period used in the previous audit.
- 10.3 When the Amended Construction Sector Codes are published, Measured Entities may elect to re-do the audit carried out for their current valid scorecard that was done under the provisions of Amended Generic Codes of Good Practice; under the provisions and principles of the Amended Construction Sector Codes. This audit will be done for the same financial period as their current scorecard, but under the measurement principles of the Amended Construction Sector Codes.
- 10.4 The following terms in the Revised Generic Codes will contribute to measurement in terms of the Construction Sector Code as though they equated to the corresponding Construction Sector Code terms in the table below:

	Construction Sector Code term	Equivalent Original Codes term
10.4.1	EME	EME
10.4.2	QSE	QSE
10.4.3	51% Black Owned	50% black owned
10.4.4	51% Black Women Owned	50% black women owned
10.4.5	35% Black Women Owned	30% black women owned
10.4.6	Empowering Supplier	Measured Entity with a minimum Level 8 B-BBEE Status Level (<i>As published from time to time by the DTI</i>)
10.4.7	Supplier Development Beneficiaries	Category A Enterprise Development Beneficiaries

11. VERIFICATION OF CONSTRUCTION ENTERPRISES

- 11.1 The B-BBEE verification of Construction Sector enterprises shall be performed by B-BBEE verification professionals or rating agencies accredited by SANAS or when applicable a B-BBEE Verification Professional Regulator appointed by the Minister of Trade and Industry for the accreditation of verification agencies or the authorisation of B-BBEE verification professionals.
- 11.2 In view of the fact that EMEs and QSEs are expected to be verified for compliance with the 40% Skills Development element in order to maintain their levels as provided for under paragraph 3.6.3 above, small black-owned emerging entities have access to B-BBEE verification agencies that will limit their fee for this service at a nominal value. The CSCC, in consultation with and as approved by the dti will post such nominal fees on the website. Verification Agencies that are prepared to perform this service, will post their contact details on the Construction Sector Charter Council website for ease of reference. In addition, Large Construction Enterprises will be encouraged to fund this nominal fee for small businesses as part of their Supplier Development programmes. This has already been included in the Supplier Development Contribution clause 10.10.5
- 11.3 Certificates issued for Start-Up Enterprises must clearly, on the face thereof, indicate the date of issue and the enterprise's classification as a 'Start-Up Enterprise'.

12. ADJUSTMENT OF THRESHOLDS

The Minister may, in consultation with the Construction Sector Charter Council, by notice in the Gazette, adjust the thresholds in paragraphs 4 to 6. Any such changes apply to compliance reports of Measured Entities prepared for Measured Periods that commences after the gazetting of the adjustment.

13. DURATION OF THE CONSTRUCTION SECTOR CODES

- 13.1 An Amended Construction Sector Code remains in effect until expressly amended, substituted or repealed under Section 9 of the Act.
- 13.2 The Minister may review the Construction Sector Code at any stage, and regular reviews will take place to monitor the implementation of B-BBEE throughout the Construction Sector.

**AMENDED CODE SERIES CSC100: MEASUREMENT OF THE OWNERSHIP ELEMENT OF
BROAD-BASED BLACK ECONOMIC EMPOWERMENT IN THE CONSTRUCTION SECTOR**

STATEMENT CSC100: THE GENERAL PRINCIPLES FOR MEASURING OWNERSHIP

Issued under section 9(1) of the Broad-Based Black Economic Empowerment Act, 2013 as
amended

Arrangement of this statement

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1 OBJECTIVES OF THIS STATEMENT

- 1.1 Specify the scorecard for measuring the Ownership Element of Broad-Based Black Economic Empowerment (B-BBEE);
- 1.2 Define the key measurement principles;
- 1.3 Specify the specific measurement principles applicable to various types of Entities;
- 1.4 Specify the specific measurement principles applicable to various types of Equity Instruments;
- 1.5 Specify the formula for measuring Voting Rights, Economic Interest, and Realisation points.

2 THE OWNERSHIP SCORECARD

The following table represents the indicators and methods for calculating a score for Ownership under this statement: *W* = Weighting points, *T* = Target

B-BBEE Element	Indicator	Description	Contractor		BEP	
			W	T	W	T
OWNERSHIP	2.1 Voting Rights	2.1.1 Exercisable Voting Rights in the Entity in the hands of Black People	4.5	32.5% (35% year 4)	5.5	32.5% (35% year 4)
		2.1.2 Exercisable Voting Rights in the Entity in the hands of Black women.	2	10% (14% year 4)	2	10% (14% year 4)
	2.2 Economic Interest	2.2.1 Economic Interest in the Entity to which Black People are entitled.	4.5	32.5% (35% year 4)	5.5	32.5% (35% year 4)
		2.2.2 Economic Interest in the Entity to which Black women are entitled.	2	10% (14% year 4)	2	10% (14% year 4)
		2.2.3 Economic Interest of any of the following Black natural people in the Measured Entity:				
		2.2.3.1 Black Designated Groups;	3	10% (12% year 4)	3	5% (6% year 4)
		2.2.3.2 Black Participants in Employee Share Ownership Programmes;				
		2.2.3.3 Black People in Broad-Based Ownership Schemes;				
		2.2.3.4 Black Participants in Co-operatives				
	2.2.4 Black New Entrants	5	5%	5	6%	
	2.3 Realisation Points	2.3.1 Net Value	6	Refer to Annexe CSC100 (E)	4	Refer to Annexe CSC100 (E)
	2.4 Bonus Points (Modified Flow Through may <u>not</u> be applied here)	2.4.1 Exercisable Voting Rights in the Entity in the hands of Black People above 50%	1	Yes	1	Yes
		2.4.2 Exercisable Voting Rights in the Entity in the hands of Black People above 75%	2	Yes	2	Yes
		2.4.3 Exercisable Voting Rights in the Entity in the hands of Black Women above 50%	1	Yes	1	Yes
TOTAL			31		31	

- 2.4.1 The scorecards contains two sets of targets one for year 1 to 3 and the other set for year 4 and beyond:
- 2.4.1.1 **Year 1-3** Targets becomes effective on the effective date of this Amended Construction Sector Code.
- 2.4.2.2 **Year 4** and beyond Targets becomes effective on the 4th anniversary of the effective date of this Amended Construction Sector Code.
- 2.4.2 These sets of Targets will apply to Measurement Periods being measured that commenced after the effective date of such set of targets as per 2.4.1 above.

3 KEY MEASUREMENT PRINCIPLES

3.1 GENERAL PRINCIPLES:

- 3.1.1 An Entity receives points for participation by Black People in its rights of Ownership, using the Ownership scorecard in paragraph 2. Black People may hold their rights of Ownership in a Measured Entity as direct Participants or as Participants through some form of Entity such as:
- 3.1.1.1 A Company as defined in the Companies Act of 2008 (as amended);
- 3.1.1.2 A Close corporation;
- 3.1.1.3 A Co-operative;
- 3.1.1.4 A Trust
- 3.1.1.5 A Broad-Based Ownership Scheme;
- 3.1.1.6 An Employee Share Ownership Programme;
- 3.1.1.7 A partnership or other association of natural persons; and
- 3.1.1.8 Any form of juristic person recognised under South African law.
- 3.1.2 The Rights of Ownership held by black people in South African Multinationals are measureable against the value of their South African operations only. The Exclusion Principle must be applied with reference to the value of the Measured Entity's foreign operations when calculating its ownership score.
- 3.1.3 The Measurement of Ownership in BEPs;
- 3.1.3.1 More than 50% of the total ownership held in a Measured Entity as a BEP must be held by individuals who are both:
- 3.1.3.1.1 Professionally registered with any of the statutory professional councils in the BEP environment in South Africa; and at the same time,
- 3.1.3.1.2 A member of the Executive Management of the Measured Entity;
- 3.1.3.2 Therefore when measuring the black ownership of any BEP, where the measured entity does not meet the requirements of 3.1.3.1 above, only 50% of the black ownership of those owners who do not meet the requirement of 3.1.3.1 may be included in the total measurement of black ownership in the measured entity.
- 3.1.3.3 For the avoidance of doubt, Executive Management in this context is defined as "Top Management" in terms of the Employment Equity Regulations and include the 'Executive Directors' and 'Other Executive Management' of the Measured Entity.

3.1.3.4 Where the ownership of a BEP is held by a holding company, the ownership in the holding company must comply with the provisions of 3.1.3.1, for the black ownership in the measured entity to be recognised, otherwise 3.1.3.2 will apply.

3.1.3.5 In addition, where the measured entity does not meet the requirement of 3.1.3.1, the measured entity does not qualify for automatic enhancement in terms of Clauses 4.2.3, 4.2.4, and 5.3.2. nor will it qualify for bonus points in 2.4 of the ownership scorecard.

3.2 SUB-MINIMUM REQUIREMENTS

3.2.3 A Measured Entity is required to achieve a minimum of 40% on Net Value points (i.e. 6 or 4 points) based on Annexe CSC100 (E) paragraph 4 of this statement.

3.2.4 Non-compliance with this sub-minimum target, as per paragraph 3.2.1, will result in the achieved B-BBEE status level being discounted in accordance with paragraph 3.6.3 in statement CSC000.

3.3 FLOW-THROUGH PRINCIPLE

3.3.1 As a general principle, when measuring the rights of Ownership of any category of Black People in a Measured Entity, only rights held by natural persons are relevant. If the rights of Ownership of Black People pass through a juristic person, then the rights of Ownership of Black People in that juristic person are measurable. This principle applies across every tier of Ownership in a multi-tiered chain of Ownership until that chain ends with a Black person holding rights of Ownership.

3.3.2 The method of applying the Flow-Through Principle across one or more intervening juristic persons is as follows:

3.3.2.1 Multiply the percentage of the Participant's rights of Ownership in the juristic persons through which those rights pass by the percentage rights of Ownership of each of those juristic persons successively to the Measured Entity; and

3.3.2.2 The result of this calculation represents the percentage of rights of Ownership held by the Participant.

3.4 MODIFIED FLOW-THROUGH PRINCIPLE

3.4.1 A Measured Entity applying this Modified Flow-Through Principle cannot benefit from the Exclusion Principle in relation to Mandated Investments.

3.4.2 Subject to 3.4.3.2 below the Modified Flow-Through Principle applies to a B-BBEE Owned or Controlled Company in the Ownership of the Measured Entity.

3.4.3 In calculating Exercisable Voting Rights under paragraph 2.1.1, and Economic Interest under paragraph 2.2.1 of the Ownership scorecard the following applies:

3.4.3.1 Where in the chain of Ownership, Black People have a flow-through level of participation of at least 51%, and then only once in the entire Ownership structure of the Measured Entity, such Black participation may be treated as if it were 100% Black.

3.4.3.2 Notwithstanding 3.4.3.1 above the Modified Flow-Through Principle may not be applied at the level of the Measured Entity itself.

3.4.4 The Modified Flow-Through Principle may only be applied in the calculation of the indicators in paragraphs 2.1.1 and 2.2.1 of statement CSC100 and paragraphs 1.1.1 and 1.2.1 of statement CSC601 of the respective Ownership scorecards. In all other instances, the Flow-Through Principle applies.

3.5 EXCLUSION OF SPECIFIED ENTITIES WHEN DETERMINING OWNERSHIP

3.5.1 When determining Ownership in a Measured Entity, Ownership held by Organs of State or Public Entities must be excluded.

3.5.2 The exclusion of Ownership held by Organs of State or Public Entities is to be effected before any other Ownership discounting methods are to be applied.

- 3.5.3 In calculating their Ownership score, Measured Entities must apply the Exclusion Principle to any portion of their Ownership held by Organs of State or Public Entities.

3.6 B-BBEE FACILITATOR STATUS

- 3.6.1 Despite paragraphs 3.5.1 and 3.5.3 above, the Minister may by notice in the gazette, designate certain Organs of State or Public Entities as B-BBEE Facilitators. In calculating their Ownership score, Measured Entities must treat B-BBEE Facilitators as having rights of Ownership held:

- 3.6.1.1 100% by Black People;
- 3.6.1.2 40% by Black women;
- 3.6.1.3 20% by Black designated groups;
- 3.6.1.4 Without any acquisition debts; and
- 3.6.1.5 Without any third-party rights.

3.7 MANDATED INVESTMENTS

- 3.7.1 When determining Ownership in a Measured Entity, rights of Ownership of Mandated Investments may be excluded.
- 3.7.2 The maximum percentage of the Ownership of any Measured Entity that may be so excluded is 40%.
- 3.7.3 A Measured Entity electing not to exclude Mandated Investments when it is entitled to do so, may either treat all that Ownership as non-Black or obtain a competent person's report estimating the extent of Black Rights of Ownership measurable in the Measured Entity and originating from those Mandated Investments.
- 3.7.4 A Measured Entity cannot selectively include or exclude Mandated Investments and therefore an election to exclude one Mandated Investment is an election to exclude all Mandated Investments and vice versa.
- 3.7.5 A Measured Entity applying the Exclusion Principle to Mandated Investments cannot benefit from the Modified Flow-Through Principle.

3.8 RECOGNITION OF OWNERSHIP AFTER THE SALE OR LOSS OF SHARES BY BLACK PARTICIPANTS

- 3.8.1 A Measured Entity is allowed to recognise a portion of Black Ownership after a Black Participant has exited through the sale or loss of shares subject to the following criteria:
- 3.8.1.1 The Black Participant has held shares for a minimum period of 3 years;
 - 3.8.1.2 Net value based on the Time Based Graduation Factor as per annexe 100 (E) must have been created in the hands of Black People and;
 - 3.8.1.3 Transformation has taken place within the Measured Entity using the B-BBEE Recognition Level from the period of entry of black Participants to the exiting period. The minimum transformation required is a BBEE status level 6 and that the score must have improved since the last verification.
- 3.8.2 Black participation arising from continued recognition of Black Ownership cannot contribute more than 40% of the score on the Ownership scorecard.
- 3.8.3 A written agreement between the Measured Entity, the Black Participant and, where applicable, a lender must record the original terms of the ownership transaction and any related financing arrangements, where applicable
- 3.8.4 In the case of a loss of shares by the Black Participant, the following additional rules apply:
- 3.8.4.1 In the case of a listed company or a company that is wholly owned by a listed company the period over which the continued recognition points are allocated or recognised after the loss of shares will not exceed the period over which the shares were held.

3.8.4.2 In the case of a company that is not listed the period over which the continued recognition points are allocated or recognised after the loss of shares will not exceed one measurement period.

3.8.5 The Ownership points under this paragraph that are attributable to the Measured Entity will be calculated by multiplying the following elements:

3.8.5.1 The percentage of rights of Ownership for each of the indicators in the Ownership scorecard that were attributable to the Black Participants immediately before his or her sale or loss of shares;

3.8.5.2 The Deemed Value percentage provided for in paragraph 3 of Annexe CSC100(E) undertaken for the Equity Instruments sold or lost by the Black Participant on the date of the sale or loss. The value of the Entity is measurable as at the date of sale or loss of shares; and

3.8.5.3 The most recently determined B-BBEE Recognition Level of the Measured Entity (which must be less than 1-year old) based on its applicable Scorecard result for all Elements other than Ownership determined using statement 000.

3.9 BROAD-BASED OWNERSHIP SCHEMES AND EMPLOYEE SHARE OWNERSHIP PROGRAMMES (ESOPS)

3.9.1 Black Participants in Broad-Based Ownership Schemes and Employee Share Ownership Programmes holding rights of Ownership in a Measured Entity may contribute:

3.9.1.1 A maximum of 40% of the total points on the Ownership scorecard of the Measured Entity if they meet the qualification criteria set out in Annexe CSC100 (B) and Annexe CSC100 (C)

3.9.1.2 100% of the total points on the Ownership scorecard of the Measured Entity if they meet the additional qualification criteria set out in Annexe CSC100 (B) and Annexe CSC100 (C)

3.10 PRIVATE EQUITY FUNDS

3.10.1 A Measured Entity may treat any of its Ownership arising from a Private Equity Fund as if that Ownership were held by Black People, where the Private Equity Fund meets the following criteria:

3.10.1.1 At least 51% of any of the Private Equity Fund Managers' Exercisable Voting Rights associated with the Equity Instruments through which the Private Equity Fund holds rights of Ownership, must be held by Black People;

3.10.1.2 At least 51% of the Private Equity Fund's Executive Management and Senior Management must be Black People;

3.10.1.3 At least 51% of the profits made by the Private Equity Fund Manager after realising any investment made by it, must by written agreement, accrue to Black People;

3.10.2 The term profit in this instance is deemed as profit from the operations of the Private Equity Fund Manager and the carried interest that the Private Equity Fund Manager (and/or its associated entities, provided that at least 51% of the profits of the associated entities accrue to the Private Equity Fund Manager) receives after realising any investment made by it;

3.10.3 The Private Equity Fund Manager must be a B-BBEE Owned Company as defined;

3.10.4 The Private Equity Fund Manager must seek to invest at least 51% of the value of funds under management in companies that have at least a 25% direct Black shareholding using the Flow - Through Principle.

3.10.5 The Private Equity Fund Manager can facilitate direct Black shareholding at the time of entering into the transaction should the target company not meet the requirement of at least 25% Black shareholding at the time that the transaction is concluded.

- 3.10.6 This determination will be made at each measurement date and the status given to the Private Equity Fund Manager will be applicable for a period of 12 months;
- 3.10.7 In recognition of the fact that it is currently a challenge for Private Equity Fund Managers to find companies to invest in that already have a significant Black shareholding, in practice it should be allowed to achieve the 51% target over a period of time based on the formulation detailed below. (It must be noted that this formulation is in line with that of the Net Value calculation above.) This rule will apply to all investments made after the effective date of the Revised Construction sector Code. The commencement date is the later of the effective date of the Revised Construction Sector Code and the date of establishment of a new fund;
- 3.10.8 Within a year from the commencement date, more than 5% of the sale of funds invested by the Private Equity Fund must at all times be invested in enterprises that have at least 25% direct Black shareholding;
- 3.10.9 Within two years from the commencement date, more than 10% of the value of funds invested by the Private Equity Fund must at all times be invested in enterprises that have at least 25% direct Black shareholding;
- 3.10.10 From the first day of the third year and the last day of the fourth year from the commencement date, more than 20% of the value of funds invested by the Private Equity Fund must at all times be invested in enterprises that have at least 25% direct Black shareholding;
- 3.10.11 From the first day of the fifth year and the last day of the sixth year from the commencement date, more than 30% of the value of the funds invested by the Private Equity Fund must at all times be invested in enterprises that have at least 25% direct Black shareholding;
- 3.10.12 From the first day of the seventh year and the last day of the eighth year from the commencement date, more than 40% of the value of the funds invested by the Private Equity Fund must at all times be invested in the enterprises that have at least 25% direct Black shareholding;
- 3.10.13 From the first day of the ninth year and beyond from the commencement date, at least 51% of the value of the funds invested by the Private Equity Fund must at all times be invested in enterprises that have at least 25% direct Black shareholding;
- 3.10.14 It should be noted that the measurement of at least 51% of the value of funds invested by any Private Equity Fund that must be invested in enterprises with at least 25% direct Black shareholding is to be measured with reference to the cost of the investment made by the Private Equity Fund;
- 3.10.15 In the case of Private Equity Funds that were fully invested prior to the effective date of this Construction Sector Code, investments by the fund managers will be considered as being made by Black People if the Private Equity Fund Manager entities meet the following criteria:
- 3.10.15.1 At least 51% of any of the Private Equity Fund Manager's Exercisable Voting Rights associated with the Equity rights of ownership in a Measured Entity, must be held by Black People;
 - 3.10.15.2 At least 51% of the profits accruing to the Private Equity Fund Manager after realising any investment made by it, must by written agreement, accrued to Black People; and
 - 3.10.15.3 Private Equity Fund Manager must be a B-BBEE Owned Company.

3.11 NON-PROFIT COMPANIES

- 3.11.1 A Measured Entity may elect to include or exclude Non-Profit Companies for the purposes of measuring Ownership in terms of this statement;
- 3.11.2 When a Measured Entity elects to exclude such companies, the maximum percentage of the Ownership of any such Measured Entity that may be so excluded is 40%;

- 3.11.3 A Measured Entity electing not to exclude Non-Profit Companies when it is entitled to do so, may either treat all of that Ownership as non-Black or obtain a competent person's report estimating the extent of Black Rights of Ownership measurable in the Measured Entity and originating from those Non-Profit Companies;
- 3.11.4 A Non-Profit Company that houses a Broad-Based Ownership Scheme or an Employee Share Ownership Programme is subject to the provisions governing those types of schemes and not to paragraphs 3.11.1 to 3.11.3.
- 3.11.5 Black Participants in a Non-Profit Company or a company limited by guarantee that houses a Broad-Based Ownership Scheme or an Employee Share Ownership Programme holding rights of Ownership in a Measured Entity may contribute:
- 3.11.5.1 A maximum of 40% of the total points on the Ownership scorecard of the Measured Entity if they meet the qualification criteria for Broad-Based Ownership Schemes and Employee Share Ownership Programmes set out in CSC 100(B) and Annexe CSC100(C) respectively.
 - 3.11.5.2 100% of the total points on the Ownership scorecard of the Measured Entity if they meet the additional qualification criteria set out for Broad-Based Ownership Schemes and Employee Share Ownership Programmes in Annexe CSC100 (B) and Annexe CSC100 (C) respectively.

3.12 TRUSTS

- 3.12.1 Black Participants in a Trust holding rights of Ownership in a Measured Entity may contribute:
- 3.12.1.1 A maximum of 40% of the total points on the Ownership scorecard of the Measured Entity if the Trust meets the qualification criteria for Trusts set out in Annexe CSC100(D)
 - 3.12.1.2 100% of the total points on the Ownership scorecard of the Measured Entity if the Trust meets the additional qualification criteria set out for Trusts in Annexe CSC100(D)

3.13 OPTIONS AND SHARE WARRANTS

- 3.13.1 Exercisable Voting Rights and Economic Interest will be recognised where a Participant holds an instrument granting the holder the right to acquire an Equity Instrument or part thereof at a future date, if the following requirements are met:
- 3.13.1.1 The Exercisable Voting Rights attached to that instrument are irrevocably transferred to the holder for the option period and are exercisable by the holder before acquiring the Equity Instrument;
 - 3.13.1.2 The value of any Economic Interest is irrevocably transferred to the holder for the option period and paid to the holder of that instrument before the exercise of that right; and
 - 3.13.1.3 The value of the instrument must be determined by using a Standard Valuation Method for calculating the Net Value.

3.14 EQUITY INSTRUMENTS CARRYING PREFERENCE RIGHTS

- 3.14.1 An Equity Instrument carrying preferential rights is measurable in the same manner as an ordinary Equity Instrument.
- 3.14.2 An Equity Instrument carrying preferential rights that have the characteristics of a debt, regardless of whether the debt is that of an Entity or of a Participant, must be treated as an ordinary loan. If the debt is that of a Black Participant, it may be subject to measurement under Net Value.
- 3.14.3 In evaluating an instrument that has a hybrid nature including the characteristics of a debt, only that portion that represents a debt will be measured under current equity interest. The remainder is measurable as an ordinary equity instrument.

ANNEXE CSC100 (A)**EXAMPLES OF MANDATED INVESTMENTS**

Description of Investment	Portion Subject to Exclusion Principle
Investments made by or for a South African collective investment scheme as defined in the Collective Investments Scheme Control Act of 2002 of South Africa	full value
Investments made by or for a South African pension fund as defined in the Pension Fund Act of 1956 of South Africa	full value
Investments made by or for a South African medical scheme as defined in the Medical Schemes Act of 1998 of South Africa out of member's funds	portion recorded as made out of member's fund
Investments made by or for South African long-term insurers as defined in the Long-Term Insurance Act of 1998 of South Africa out of policyholder funds	portion recorded as made out of policyholder funds
Investments made by or for a friendly society as defined in the Friendly Societies Act of 1956 of South Africa	full value
Investments made by or for a South African bank as defined in the Banks Act of 1990 of South Africa out of depositors funds as opposed to own reserves	depositor portion determined by apportioning investment in the ratio that depositor funds to own reserves
Investments made by or for a South African mutual bank as defined in the Mutual Banks Act of 1993 of South Africa out of depositor funds as opposed to own reserves	depositor portion determined by apportioning investment in the ratio that depositor funds to own reserves

ANNEXE CSC100 (B)

The rules as contained in this Annexe 100 (B) will be applicable to all Broad-Based Ownership Schemes established on or after the effective date of this Construction Sector Code. All Broad-Based Ownership Schemes established before the effective date of this Construction Sector Code will have the choice to either be evaluated against the qualification criteria and additional qualification criteria that existed at that time of establishment, or against the qualification criteria and additional qualification criteria as contained herein.

1. RULES FOR BROAD-BASED OWNERSHIP SCHEMES

- 1.1 The following rules apply to Broad-Based Ownership Schemes:
- 1.1.1 The Management Fees of the scheme must not exceed 15% of the total Economic Interest received by the scheme in any year;
 - 1.1.2 The constitution of the scheme must record the rules governing any portion of Economic Interest received and reserved for future distribution or application;
 - 1.1.3 The constitution of the scheme must define the Participants and the proportion of their claim to receive distributions;
 - 1.1.3.1 A written record of the name of the Participants or the use of a defined class of natural person satisfies the requirement for identification;
 - 1.1.3.2 A written record of fixed percentages of claim or the use of a formula for calculating claims satisfies the need for defining proportion of benefit; and
 - 1.1.4 The fiduciaries of the scheme must have no discretion on the above mentioned terms of the constitution;
 - 1.1.5 At least 85% of the value of benefits allocated by the scheme must accrue to Black People;
 - 1.1.6 At least 50% of the fiduciaries of the scheme must be independent persons having no employment with or direct or indirect beneficial interest in the scheme;
 - 1.1.7 At least 50% of the fiduciaries of the scheme must be Black People and at least 25% must be Black women;
 - 1.1.8 The chairperson of the scheme must be independent;
 - 1.1.9 The constitution or other relevant statutory documents, of the scheme must be made available, on request, to any Participant in an official language in which that person is familiar;
 - 1.1.10 The scheme fiduciaries must make available the annual financial reports of the scheme to Participants upon request.
 - 1.1.11 On winding-up or termination of the scheme, all accumulated Economic Interest must be transferred to the beneficiaries or an entity with similar objectives that complies with the rules for Broad-Based Ownership Schemes.
 - 1.1.12 The fiduciaries of the scheme must complete an annual declaration that the scheme was created, managed and operated in accordance with its stated constitution and that the scheme does not seek to circumvent the intention of the the Act and the Construction Sector Codes.

2. ADDITIONAL CRITERIA APPLICABLE TO BROAD-BASED OWNERSHIP SCHEMES

- 2.1 For a Measured Entity to obtain the maximum points on its Ownership scorecard, the following additional requirements must be met by a Broad-Based Ownership Scheme:
- 2.1.1 A track-record of operating as a Broad-Based Ownership Scheme, or in the absence of such a track-record demonstrable evidence of full operational capacity to operate as a Broad-Based Ownership Scheme; and
 - 2.1.1.1 Operational capacity must be evidenced by suitably qualified and experienced staff in sufficient number, experienced professional advisors, operating premises, and all other necessary requirements for operating a business.

ANNEXE CSC100 (C)

The rules as contained in this Annexe 100 (C) will be applicable to all Employee Share Ownership Programmes established on or after the effective date of this Construction Sector Code. All Employee Share Ownership Programmes established before the effective date of this Construction Sector Code will have the choice to either be evaluated against the qualification criteria and additional qualification criteria that existed at that time of establishment, or against the qualification criteria and additional qualification criteria as contained herein.

1. RULES FOR EMPLOYEE SHARE OWNERSHIP PROGRAMMES

- 1.1 The following rules apply to Employee Share Ownership Programmes;
 - 1.1.1 The constitution of the scheme must define the Participants and the proportion of their claim to receive distributions;
 - 1.1.1.1 A WRITTEN RECORD of the **name of the Participants** or the use of a defined class of natural person satisfies the requirement for identification;
 - 1.1.1.2 A WRITTEN RECORD of **fixed percentages of claim** or the use of a formula for calculating claims satisfies the need for defining proportion of benefit; and
 - 1.1.2 The fiduciaries of the scheme must **have no discretion** on the above mentioned terms of the constitution; and
 - 1.1.3 The Participants must take part in:
 - 1.1.3.1 Appointing at least 50% of the fiduciaries of the scheme;
 - 1.1.3.2 Managing the scheme at a level similar to the management role of shareholders in a company having shareholding;
 - 1.1.4 The constitution, or other relevant statutory documents, of the scheme must be made available, on request, to any Participant in an official language in which that person is familiar;
 - 1.1.5 The scheme fiduciaries must present the financial reports of the scheme to Participants yearly at an annual general meeting of the scheme; and
 - 1.1.6 All accumulated Economic Interest of the scheme is payable to the Participants at the earlier of a date or event specified in the scheme constitution or on the termination or winding-up of the scheme.
 - 1.1.7 The fiduciaries of the scheme must complete an annual declaration that the scheme was created, managed and operated in accordance with its stated constitution and that the scheme does not seek to circumvent the intention of the the Act and the Construction Sector Codes.

2. ADDITIONAL CRITERIA APPLICABLE TO EMPLOYEE SHARE OWNERSHIP PROGRAMMES

- 2.1 For a Measured Entity to obtain the maximum points on its Ownership scorecard, the following additional requirements must be met by an Employee Share Ownership Programme:
 - 2.1.1 a track-record of operating as a Broad-Based Ownership Scheme or Employee Share Ownership Scheme, or in the absence of such a track-record demonstrable evidence of full operational capacity to operate as an Employee Share Ownership Programme;
 - 2.1.1.1 operational capacity must be evidenced by suitably qualified and experienced staff in sufficient number, experienced professional advisors, operating premises and all other necessary requirements for operating a business.

ANNEXE CSC100 (D)**1. RULES FOR TRUSTS (INCLUDING FAMILY TRUSTS)**

- 1.1 The qualification criteria for the recognition of Trusts are as follows:
 - 1.1.1 The trust deed must define the beneficiaries and the proportion of their entitlement to receive distributions;
 - 1.1.1.1 A WRITTEN RECORD of the names of the beneficiaries or the use of a defined class of natural person satisfies the requirement for identification;
 - 1.1.1.2 A WRITTEN RECORD of fixed percentages of entitlement or the use of a formula for calculating entitlement satisfies the need for defining proportion of benefit;
 - 1.1.2 The trustees must **have no discretion** on the above mentioned terms of the trust deed except where it is a family trust. In case of a family trust only the trustees may have a discretion with respect to the above mentioned terms and then only within the confines of the discretion awarded them by the trust deed; and
 - 1.1.3 On winding-up or termination of the trust, all accumulated Economic Interest must be transferred to the beneficiaries or to an entity representing the interest of the Participants or class of beneficiaries.

2. ADDITIONAL CRITERIA APPLICABLE TO TRUSTS

- 2.1 For a Measured Entity to obtain the maximum points on its Ownership scorecard from shareholding by a Trust, the Measured Entity must be in possession of a certificate issued by a competent person to the effect:
 - 2.1.1 That the Trust was created for a legitimate commercial reason which must be fully disclosed; and
 - 2.1.2 That the terms of the Trust do not directly or indirectly seek to circumvent the provisions of the Codes and the Act.

3. RULES FOR DISCRETIONARY JURISTIC PERSONS

- 3.1 The terms of a constitution, memorandum of incorporation (MOI) or the trust deed of a juristic person, whichever the case may be, may notwithstanding the Rules for Broad-Based Ownership Schemes, Employee Share Ownership Programmes and the Rules for Trusts (Annexe CSC100 B; C & D), provide for a discretion to the fiduciaries to distribute, in their sole and unfettered discretion, such portions of the juristic person's income and capital as they deem fit from time to time to such beneficiaries or members of a defined class of beneficiaries as they may decide in their sole and unfettered discretion from time to time;
- 3.2 The discretion to the fiduciaries referred to in 3.1 above must be exercised in accordance with the terms of the constitution, MOI or trust deed. Subject to compliance with the remainder of the rules and additional rules as embodied in Annexe CSC100 B, C and D, such discretion will not disqualify the juristic person from qualifying for recognition under the Ownership Scorecard;
- 3.3. Where such a discretion or a partial discretion exists, the race and gender composition of rights of ownership that flow through the juristic person must be determined with reference to the wording of the constitution, MOI or trust deed having regard to the race and gender of Participants thereof and their proportion of entitlement to income or that of certain classes of Participants (where applicable);
 - 3.3.1 Where the wording of the constitution, MOI or trust deed is clear on the racial or gender composition of Participants - the constitution, MOI or trust deed, which ever the case may be, will serve as sufficient evidence to those facts it is clear on;
 - 3.3.2 Where the determination of race and gender of Participants are not practically determinable from a pure reading of the trust deed, reliance may be placed on a competent person's report estimating the rights of ownership that flows through the juristic person. Such report may have regard to various factors which could include where appropriate:
 - 3.3.2.1 *Ad hoc* distributions to Participants of income and capital during the Measurement Period;

3.3.2.2 Official estimating records such as publicly available municipal records, university or school enrolment records and the South African census reports;

3.3.3 Where the determination of race and gender of Participants are indeterminable notwithstanding the mechanisms provided for in paragraphs 3.3.1 and 3.3.2 the Participants must be regarded as non-black.

3.4 Participants in juristic person's with these discretionary terms seldom have the right to vote at general meetings of the juristic person. Their rights are represented by the fiduciaries who make decisions on their behalf. For this reason the Economic Interest of such Participants as determined in paragraph 3.3 above will serve as a proxy for their Voting Rights.

ANNEXE CSC100 (E)

1. MEASUREMENT OF VOTING RIGHTS

1.1 The calculation of the Ownership indicators provided for in paragraphs 2.1.1 and 2.1.2 of the Ownership scorecard is as follows:

$$A = \frac{B}{C} \times D$$

Where

A is the score achieved for the Entity for the measured Ownership indicator

B is the percentage that Exercisable Voting Rights in the hands of the category of Participants who are Black People in that Entity holds to all Voting Rights held by all Participants of that Entity

C is the percentage compliance Target for Exercisable Voting Rights for the applicable measured Ownership indicator in paragraph 2.1 of the Ownership scorecard.

D is the Weighting points allocated to the applicable measured Ownership indicator in paragraph 2.1 of the Ownership scorecard.

1.2 If an Entity gains a score in the Formula above that is more than the Weighting points in paragraph 2.1, that Entity will only receive the Weighting points.

2. MEASUREMENT OF ECONOMIC INTEREST

2.1 The calculation of the Ownership indicators provided for in paragraphs 2.2.1, 2.2.2, 2.2.3 and 2.2.4 of the Ownership scorecard is as follows:

$$A = \frac{B}{C} \times D$$

Where

A is the score achieved for the Entity for the measured Ownership indicator

B is the percentage that Economic Interest to which Participants who fall within the category of Black People in that Entity holds to all Economic Interest held by all Participants of that Entity

C is the percentage compliance Target for Economic Interest for the applicable measured Ownership indicator in paragraph 2.2 of the Ownership scorecard.

D is the Weighting points allocated to the applicable measured Ownership indicator in paragraph 2.2 of the Ownership scorecard.

2.2 If an Entity gains a score in the Formula above that is more than the Weighting points in paragraph 2.2, that Entity will only receive the Weighting points.

3. CALCULATION OF DEEMED VALUE

3.1 In calculating the "Deemed Value" referred to in Formula 4 below, the following formula applies:

$$A = \frac{B - C}{D}$$

Where

A is the Deemed Value

B for the purposes of Formula 4 below is the value of the Equity Instruments relevant to the calculation, determined on the Date of Measurement

B for the purpose of Formula 5 below is the value of the Equity Instruments relevant to the calculation, determined on the date of sale or loss

C for the purposes of Formula 4 below is the carrying value of any Acquisition Debts of the relevant Black Participants on the Date of Measurement

C for the purpose of Formula 5 is the carrying value of any Acquisition Debts of the relevant Black Participants on the date of sale or loss

D for the purpose of Formula 4 below is the value of the Measured Entity on the Date of Measurement

D for the purpose of Formula 5 below the value of the Measured Entity (inclusive of the black Equity Instruments sold or lost) on the date of sale or loss

D for the purpose of the Exclusion Principle is the value of the measurable portion of the Measured Entity on the Date of Measurement

4. NET VALUE

4.1 The "Net Value" points in paragraph 2.3.1 are the lower result of Formula A and Formula B below:

Formula A

$$A = B \times \left(\frac{1}{C \times D} \right) \times E$$

Where

A is the score under paragraph 2.3.1 of the Ownership scorecard

B is the Deemed Value for all Black Participants in the Measured Entity determined using Formula 3 above

C is the Time-Based Graduation Factor of the Economic Interest compliance target outlined below:

- **10%** for the first year after the Current Equity Interest Date.
- **20%** for the second year after the Current Equity Interest Date.
- **40%** from the first day of the third year after the Current Equity Interest Date to the last day of the fourth year after the Current Equity Interest Date.
- **60%** from the first day of the fifth year after the Current Equity Interest Date to the last day of the sixth year after the Current Equity Interest Date.
- **80%** from the first day of the seventh year after the Current Equity Interest Date to the last day of the eighth year after the Current Equity Interest Date.
- **100%** from the first day of the ninth year after the Current Equity Interest Date to the last day of the tenth year after the Current Equity Interest Date.

D is the Target for Economic Interest of Black People (25%) as per the Amended Codes (Gazette 36928, 11 October 2013).

E is the Weighting points allocated to the applicable measured Ownership indicator in paragraph 2.3.1 of the Ownership scorecard.

Formula B

$$A = \frac{B}{C} \times D$$

Where

A is the score under paragraph 2.3.1 of the Ownership scorecard.

B is the percentage Economic Interest in the Measured Entity of Black Participants measured using the Flow Through Principle.

C is the Target for Economic Interest of Black People (25%) as per the Amended Codes (Gazette 36928, 11 October 2013).

D is the Weighting points allocated to the applicable measured Ownership indicator in paragraph 2.3.1 of the Ownership scorecard.

- 4.2 If an Entity gains a score in the Formula above that is more than the Weighting points in paragraph 2.3.1, that Entity will only receive the Weighting points.

5. CALCULATION OF THE RECOGNITION OF OWNERSHIP AFTER THE SALE OR LOSS OF SHARES BY BLACK PARTICIPANTS:

The calculations in paragraphs 3.8.1 and 3.8.4 use the following formula:

$$A = B \times C \times D$$

Where

A is the percentage of rights of Ownership that survive the sale or loss of an Equity Instrument by a Black Participant in paragraph 3.8 of the statement

B is the percentage of rights of Ownership for each of indicators in the Ownership scorecard that were attributable to the Black Participants immediately before his or her sale or loss of shares

C is the Deemed Value percentage provided for in paragraph 3 above undertaken for the Equity Instruments sold or lost by the Black Participant on the date of the sale or loss. The value of the Entity is measurable as at the date of sale or loss of shares

D is the most recently determined B-BBEE Recognition Level of the Measured Entity (which must be less than 1-year old) based on its applicable Scorecard result for all Elements other than Ownership determined using statement 000

6. CALCULATION OF THE BONUS POINTS

The bonus points in paragraph 2.4 is calculated merely by determining whether the answer to the question of whether or not the particular threshold for Voting Rights have been exceeded is answered in the affirmative (i.e. "Yes") or not. The full bonus point for each sub-category is either earned or not. For the avoidance of doubt - no partial recognition of the bonus points per category is possible.

**AMENDED CODE SERIES CSC200: MEASUREMENT OF THE MANAGEMENT CONTROL
ELEMENT OF BROAD-BASED BLACK ECONOMIC EMPOWERMENT IN THE CONSTRUCTION
SECTOR**

**STATEMENT CSC200: THE GENERAL PRINCIPLES FOR MEASURING MANAGEMENT
CONTROL**

Issued under the section 9(1) of the Broad-Based Black Economic Empowerment Act, 2013 as
amended

Arrangement of this statement

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1 OBJECTIVES OF THIS STATEMENT

- 1.1 Specify the scorecard for measuring Management Control contributions to B-BBEE;
- 1.2 Define the key measurement principles for measuring the Management Control contributions to B-BBEE; and
- 1.3 Define the formula for calculating the score for Management Control.

2 MANAGEMENT CONTROL SCORECARD

The following tables represents the criteria used for deriving a score for Management Control under this statement. *W* = Weighting points, *T* = target

Measurement Category & Criteria	Contractors		BEPs	
	W	T	W	T
2.1 Board Participation:				
2.1.1 Exercisable Voting Rights of black board members as a percentage of all board members	3	50%	2.5	50%
2.1.2 Exercisable Voting Rights of black female board members as a percentage of all board members	1	20%	1	20%
2.1.3 Black Executive Directors as a percentage of all Executive Directors	2	50%	2.5	50%
2.1.4 Black female Executive Directors as a percentage of all Executive Directors	1	20%	1	20%
Bonus Points				
2.1.5 Exceeding the Target for Black Executive Directors in 2.1.3 above	1	>50%	1	>50%
2.1.6 Exceeding the Target for Black female Executive Directors in 2.1.4 above	1	>20%	1	>20%
2.2 Other Executive Management:				
2.2.1 Black Other Executive Management as a percentage of all Other Executive Management	2	60%	2	60%
2.2.2 Black female other Executive Management as a percentage of all Other Executive Management	1	30%	1	30%
2.3 Senior Management				
2.3.1 Black Employees in Senior Management as a percentage of all Senior Management	2	60%	2	60%
2.3.2 Black female Employees in Senior Management as a percentage of all Senior Management	0.5	30%	1	30%
2.4 Middle Management				
2.4.1 Black Employees in Middle Management as a percentage at all Middle Management	1	75%	1.5	75%
2.4.2 Black female Employees in Middle Management as a percentage of all Middle Management	0.5	30%	1	30%
2.5 Junior Management				
2.5.1 Black Employees in Junior Management as a percentage of all Junior Management	1	88%		
2.5.2 Black female Employees in Junior Management as a percentage of all Junior Management	0.5	35%		
2.6 Employees with disabilities				
2.6.1 Black Employees with Disabilities as a percentage of all office based Employees	0.5	2%	0.5	2%
2.7 Black Professionals				
2.7.1 Black professionally registered Employees as a percentage of all professionally registered Employees	2	50%	2	50%

2.8 Bonus Points				
2.8.1 Black Employees that are “youth” as defined by the National Youth Commission Act of 1996, as a percentage of all Employees using the Adjusted Recognition for Gender.	2	30%	2	30%
TOTAL	22		22	

3 KEY MEASUREMENT PRINCIPLES

- 3.1 A Measured Entity receives points for its achievement towards the Targets for participation of Black People and black women at Board, Executive Management, Senior Management, Middle Management, Junior Management Level, and black Employees with Disabilities.
- 3.2 A Measured Entity must use the current payroll data as at Measurement Date in calculating its score under the Management Control scorecard.
- 3.3 If a Measured Entity does not distinguish between Other Executive Management and Senior Management, then Other Executive Management is measurable as two indicators (one for black people - par. 2.2.1 and one for black females - par. 2.2.2). The respective weightings of these two indicators will be split as 4 and 1.5 points respectively for Contractors. For BEPs the split will be 4 and 2 respectively.
- 3.4 Where a Contractor does not have any Employees in any of the measured categories: Middle- and/or Junior Management, then the weightings of the indicator which has no Employees must be evenly distributed among the remaining categories of Senior, Middle or Junior Management. The category “Middle Management” in the BEP scorecard measures only Middle Management employees.. Junior management is excluded from measurement in the BEP Management Control scorecard.
- 3.5 Where there is no Senior, Middle or Junior Management, the average of the percentage targets and weightings of these 3 categories, and the sum of the weightings will be allocated to ‘Other Executive Management’. ‘Black Employee’ weighting points to ‘black Employee’ and ‘black female Employees’ weighting points to ‘black female Employees’.

3.6 DEFINING OTHER EXECUTIVE MANAGEMENT

- 3.6.1 Executive Management positions are defined as “Top Management” in terms of the Employment Equity Regulations and include the ‘Executive Directors’ and ‘Other Executive Management’ of the Measured Entity.
- 3.6.2 ‘Other Executive Management’ positions therefore refers to executive management (i.e. Top Management) that do not serve on the board. They are measurable under 2.2.1 and 2.2.2 of the Management Control Scorecard. It may for example be that a Chief Executive Officer, Chief Financial Officer, Human Resource Manager or Marketing Manager do not serve on the board. In such cases they will only be measureable under the “Other Executive Management” category of the scorecard and not also under the “Executive Director” category. If however they do serve on the board they are only measureable under the “Executive Director” category and not the “Other Executive Management” category.
- 3.6.3 Executive Directors are only measureable under 2.1 of the Management Control scorecard and not 2.2.
- 3.6.4 Where a Measured Entity does not have any employees on the “Other Executive Management” level then the weighting points for the “Other Executive Management” indicators will be allocated to paragraphs 2.1.3 and 2.1.4 respectively.

3.7 REMUNERATION PARITY

- 3.7.1 The Measured Entity must strive for parity in remuneration between race groups and gender at all management levels. To this end the Measured Entity must provide full payroll access

together with a copy of the Payment Parity report EEA4 to the Verification Agency during the verification. In the absence of such, the staff management levels will be declined by the verification Agency.

- 3.7.2 In cases where Measured Entities are exempt from submitting the Department of Labour Employment Equity reports, then a Remuneration Parity Statement, similar in form to the EEA4 report, must be signed by the authorised signatory of the Measured Entity as part of the verification process. This is to ensure that a person's responsibility and remuneration are in line with their job grade.

4 MEASUREMENT OF THE MANAGEMENT CONTROL CRITERIA

The criteria in the Management Control scorecard is measured in terms of the formula set out in Annexe CSC200 (A), (B) and (C).

ANNEXE CSC200 (A)

MEASUREMENT OF MANAGEMENT CONTROL INDICATORS

The Management Control criteria provided for in paragraphs 2.1, 2.2, 2.3, 2.4, 2.5, 2.6, 2.7 and 2.8 is calculated as follows:

$A = \frac{B}{C} \times D$	
Where	<p>A is the score achieved by a Measured Entity in respect of the measurement of the criteria specified in paragraph 2.1 (excluding par 2.1.5 and 2.1.6), 2.2, 2.3, 2.4, 2.5, 2.6, 2.7 and 2.8 of the Management Control scorecard</p> <p>B in the case of paragraph 2.1 (excluding par 2.1.5 and 2.1.6), is the Voting Rights in the hands of black members of the Board as a percentage of Voting Rights of all members of the Board in the Measured Entity; or</p> <p>B in the case of paragraph 2.2, is the percentage of Black Employees in the Other Executive Management category of the Measured Entity; or</p> <p>B in the case of paragraph 2.3, 2.4 and 2.5, is the percentage of Black Employees for each of the indicators in those paragraphs as calculated in Annexe CSC200 (B); or</p> <p>B in the case of paragraph 2.6, is the percentage of Black Employees with a Disability as a percentage of all office based Employees</p> <p>B in the case of paragraph 2.7, is the percentage of all Black professionally registered Employees expressed as a percentage of all professionally registered Employees.</p> <p>B in the case of paragraph 2.8, is the percentage of Black Employees that are "youth" as defined by the National Youth Commission Act of 1996 using the Adjusted Recognition for Gender formula (see below).</p> <p>C is the percentage compliance Target in respect of the applicable criteria being measured as specified in paragraph 2.1(excluding par 2.1.5 and 2.1.6), 2.2, 2.3, 2.4, 2.5, 2.6, 2.7 and 2.8 of the Management Control scorecard</p> <p>D means the Weighting points allocated to the applicable criteria being measured as specified in paragraph 2.1 (excluding par 2.1.5 and 2.1.6), 2.2, 2.3, 2.4, 2.5, 2.6, 2.7 and 2.8 of the Management Control scorecard</p>

CALCULATION OF THE ADJUSTED RECOGNITION FOR GENDER

The calculation of the Adjusted Recognition for Gender in paragraph 2.8 is as follows:

--

$$A = \frac{B}{1.3} + C$$

C is limited to a maximum of 50% of the target

Where

A is the Adjusted Recognition for Gender

B is the percentage of people in the measurement category that are black people

C is the percentage of people in the measurement category that are black women, which is limited to 50%

MEASUREMENT OF BONUS POINT INDICATORS IN PARAGRAPHS 2.1.5 & 2.1.6

These bonus points are earned if the Target is met. No partial earning of these bonus points are possible. Once participation of Black Executive Directors therefore exceeds 50% of all directors the bonus point for paragraph 2.1.5 is earned. Likewise, once participation of Black Female Executive Directors' exceed 20% of all directors, the bonus point in paragraph 2.1.6 is earned.

ANNEXE CSC200 (B)

1. MEASUREMENT OF THE 'BLACK PEOPLE' INDICATORS OF SENIOR MANAGEMENT, MIDDLE MANAGEMENT, AND JUNIOR MANAGEMENT.

Subject to the limitations in clause 3 Annexe CSC200 (B) below, the calculation of the Management Control indicators provided for in paragraphs 2.3.1, 2.4.1, and 2.5.1 of the Management Control scorecard are as follows:

$$A = AM + CM + IM + AF + CF + IF$$

Where:

A is the percentage of Black Employees that is "**B**" in the formula in Annexe CSC200 (A) for each of the indicators in paragraphs 2.3.1, 2.4.1 and 2.5.1.

AM is the percentage of Employees in the measurement category that are African Males.

CM is the percentage of Employees in the measurement category that are Coloured Males.

IM is the percentage of Employees in the measurement category that are Indian Males.

AF is the percentage of Employees in the measurement category that are African Females.

CF is the percentage of Employees in the measurement category that are Coloured Females.

IF is the percentage of Employees in the measurement category that are Indian Females.

2. MEASUREMENT OF THE 'BLACK FEMALE' INDICATORS OF SENIOR MANAGEMENT, MIDDLE MANAGEMENT, AND JUNIOR MANAGEMENT.

Subject to the limitations in clause 3 Annexe CSC200 (B) below, the calculation of the Management Control indicators provided for in paragraphs 2.3.2, 2.4.2, and 2.5.2 of the Management Control scorecard are as follows:

$$A = AF + CF + IF$$

Where:

A is the percentage of Black female Employees that is "**B**" in the formula in Annexe CSC200 (A) for each of the indicators in paragraphs 2.3.2, 2.4.2 and 2.5.2.

AF is the percentage of Employees in the measurement category that are African Females.

CF is the percentage of Employees in the measurement category that are Coloured Females.

IF is the percentage of Employees in the measurement category that are Indian Females.

3. LIMITATION OF **AM**, **CM**, **IM**, **AF**, **CF** and **IF**

- 3.1 **AM**, **CM**, **IM**, **AF**, **CF** and **IF** wherever they occur in the formulae above, are always limited to a proportion of the respective Target in paragraphs 2.3.1, 2.3.2, 2.4.1, 2.4.2, 2.5.1. and 2.5.2. The proportion to be applied to such Target to determine the limitation on each of **AM**, **CM**, **IM**, **AF**, **CF** and **IF** are the respective proportion which each of them contribute to the Black People component (or where applicable Black female component) of the overall EAP as published in the Commission for Employment Equity Report, and as amended from time to time in terms of the Employment Equity Regulations (see Annexe CSC200(C) for an example).
- 3.2 Measured Entities will not all have a national footprint and may, for example, conduct the majority of their business operations within a province where the racial and gender composition of the EAP are significantly different to that of the overall national EAP. To make provision for these provincial distortions from the overall national EAP, Measured Entities will have an election to make use of either the overall national or overall provincial EAP statistics of a particular province when they calculate the proportion that each race and gender sub-groups in the formulas contribute to the Black People and Black female component respectively of the EAP as per 3.1 above.
- 3.3 A Measured Entity electing to use the overall provincial EAP of a particular province must use the overall provincial EAP of the province the majority of its Employees are from.
- 3.4 The word 'overall' as used above in relation to 'national' or 'provincial' EAP statistics refers to the EAP of the labour force as a whole, whether nationally or for a particular province, whichever the case may be. Therefore, even though the Commissioner for Employment Equity Report also reports on the EAP breakdown nationally and provincially per Senior, Middle and Junior management the term 'overall' is used to indicate that this further breakdown per employment category, should not be used.

ANNEXE CSC200 (C)

EXAMPLE FOR DETERMINING LIMITATION OF **AM**, **CM**, **IM**, **AF**, **CF** and **IF**

The example below illustrates how the limitation of the Target for each of the race sub-categories is determined with respect to the 'Black People' indicator of Senior Management (par. 2.3.1):

Step 1: Determine the profile of the overall national EAP distribution* per race and gender as per the CEE Report

	African Male	Coloured Male	Indian Male	White Male	African Female	Coloured Female	Indian Female	White Female	Total
National EAP distribution by race and gender as per CEE Report	40.70 %	5.80%	1.90%	6.40%	34.20%	5.00%	1.10%	4.90%	100%

* In this example the overall national EAP statistics are used. It could just as well have been the overall provincial EAP statistics if the Measured entity selected so in terms of paragraph 3.2 of Annexe CSC200 (B).

Step 2: Calculate the total Black People* component of the EAP as per the CEE Report in step 1

	African Male	Coloured Male	Indian Male	African Female	Coloured Female	Indian Female	Black People Component
Black People component of national EAP	40.70%	5.80%	1.90%	34.20%	5.00%	1.10%	88.70%

*If one were calculating the limitation applicable to the female sub-race groups if one were measuring the 'Black Female' indicator of Senior Management, then Step 2 would reference the Black female sub-race groups only.

Step 3: Calculate the proportion each Black race and gender sub-group constitutes of the total Black People component determined as per Step 2

	African Male	Coloured Male	Indian Male	African Female	Coloured Female	Indian Female	Total
Proportion of each race and gender sub-group of Black People component of EAP	45.89%	6.54%	2.14%	38.56%	5.64%	1.24%	100%

Step 4: Apply the proportion calculated in step 3 to the Target for Senior Managers (par. 2.3.1) i.e. 60%

	African Male	Coloured Male	Indian Male	African Female	Coloured Female	Indian Female	Senior Management Target
Limit each race and gender sub-group of Black People may contribute to Senior Management's Target	27.53%	3.92%	1.29%	23.13%	3.38%	0.74%	60%

For calculating the score for par. 2.3.1 of the Management Control Scorecard **AM, CM, IM, AF, CF** and **IF** are therefore limited to the percentages as calculated per Step 4 above.

**AMENDED CODE SERIES CSC300: MEASUREMENT OF THE SKILLS DEVELOPMENT
ELEMENT OF BROAD-BASED BLACK ECONOMIC EMPOWERMENT IN THE CONSTRUCTION
SECTOR**

**STATEMENT CSC300: THE GENERAL PRINCIPLES FOR MEASURING SKILLS
DEVELOPMENT**

Issued under section 9(1) of the Broad-Based Black Economic Empowerment Act, 2013 as
amended

Arrangement of this statement

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1 OBJECTIVES OF THIS STATEMENT

- 1.1 Specify the scorecard for measuring the Skills Development Element of B-BBEE in the Construction Sector;
- 1.2 Define the key measurement principles associated with the Skills Development Element; and
- 1.3 Indicate the formula for measuring the Skills Development Element.

2 THE SKILLS DEVELOPMENT ELEMENT SCORECARD

- 2.1 The following table represents the criteria used for deriving a score for Skills Development under this statement: *W = Weighting points, T = target*

2.2

Category	Skills Development Element	Contractors		BEPs	
		W	T	W	T
2.1.1	Skills Development Expenditure on any programme specified in the Learning Programme Matrix for Black People as a percentage of the Leviable Amount				
2.1.1.1	Skills Development Expenditure on Black People as a percentage of the Leviable Amount.	4	2% 2.5% (year 3) 3% (year 5)	7	2% 2.5% (year 3) 3% (year 5)
2.1.2	The proportion of Skills Development Expenditure on Black People by the Measured Entity using the Adjusted Recognition for Gender expended on the following categories of Black People:				
2.1.2.1	African People (as defined in the Stats SA EAP)	2	%Contribution of African People to EAP	2	%Contribution of African People to EAP
2.1.2.2	Black Management (Executive, Senior and Middle management categories)	2	15%	3	15%
2.1.2.3	Black Management (Junior management category)	1	10%	1	10%
2.1.2.4	Bursaries or Scholarships for Black People.	2	15%	4	15%
2.1.3	Learnerships, Apprenticeships, Internships and Professional Registration				
2.1.3.1	Number of Black People participating in Category A, B, C or D learning programmes as per the Learning Programme Matrix, as a percentage of the total number of Employees.	3	2.5%	4	2.5%
2.1.3.2	Number of Black Employees registered as candidates with industry professional registration bodies as a % of the total number of such registered Employees.	3	60%	4	60%
2.1.3.3	Number of Black People with Disabilities on Category A, B, C, or D learning programmes as per the Learning Programme Matrix, as a percentage of black office based learners on those learning programmes.	1	5%	1	5%
2.1.4	Mentorship				
2.1.4.1	Implementation of an Approved and Verified Mentorship Programme (<i>as per Annexe CSC300 C</i>).	3	Yes	3	Yes
2.1.5	Bonus points				
2.1.5.1	Percentage of Black People Absorbed by the Measured Entity at the end of a Category A, B, C or D learning programme.	1	100%	1	100%
2.1.5.2	The number of black employees that completed a Mentorship Programme during the last 3 years (<i>including the measurement period</i>) that were promoted during the Measurement Period expressed as a percentage of all such employees during those 3 years.	2	15%		
2.1.5.3	The number of Black Employees who registered as a Professional with industry Professional Bodies as a percentage of all Employees who registered as such in the Measurement Period	2	60%	4	60%
TOTAL		26		34	

3. KEY MEASUREMENT PRINCIPLES

- 3.1. The following criteria must be fulfilled in order for the Measured Entity to receive points on the Skills Development scorecard:
 - 3.1.1 Workplace Skills Plan, an Annual Training Report and Pivotal Report which have been submitted to the SETA; and
 - 3.1.2 Implementation of Priority Skills programme generally, and more specifically for Black People; and
- 3.2. The compliance target under paragraph 2.1.1, 2.1.2, 2.1.3, 2.1.4 and 2.1.5 includes external training expenditure for Black People that are not employed by the Measured Entity.
- 3.3. A trainee tracking tool has to be developed in order for the Measured Entity to score under paragraph 2.1.5.1.
- 3.4. If less than 100% of the trainees are absorbed under paragraph 2.1.5.1, the percentage achieved or Absorbed will be recognised.
- 3.5. The Construction Sector Charter Council may approve certain specific industry initiatives for recognition for Absorption points in terms of paragraph 2.1.5.1. When doing so the Construction Sector Charter Council will publish the mechanism and calculation methodology for recognition attached to that initiative.
- 3.6. Skills Development Expenditure on Black People that are counted under the Skills Development scorecard may not be counted again under any other B-BBEE element of the QSE or Large Enterprise Scorecard.
- 3.7. Where a Measured Entity does not have employees at Junior Management level or where it does not distinguish between Junior Management and Middle and/or Senior Management, the Junior Management Category's weighting point (paragraph 2.1.2.3) must be allocated to the Black Management indicator (paragraph 2.1.2.2).
- 3.8. Year 4 and beyond Targets becomes effective on the 4th anniversary of the effective date of this Construction Sector Code. These sets of Targets will apply to Measurement Periods being measured that commenced after the effective date of such set of targets.
- 3.9. In 2.1.2.4 not more than 50% of the bursary target spend will be recognised for learners attending grades 10 – 12 or the equivalent at trade schools.

4. SUBMINIMUM AND DISCOUNTING PRINCIPLE

- 4.1. A Measured Entity must achieve a minimum of 40% of the total Weighting points (excluding bonus points) set out in the Skills Development Element
- 4.2. Non-compliance to the threshold targets will result in the overall achieved B-BBEE status level being discounted in accordance with paragraph 3.6.3 of statement CSC000.

5. GENERAL PRINCIPLES

- 5.1. Skills Development must:
 - 5.1.1 Contribute to the achievement of the country's economic growth and social development goals that will enrich the creation of decent work and sustainable livelihoods.
 - 5.1.2 Promote the development of an industrial skills base in critical sectors of production and value-added manufacturing, which are largely labour-intensive industries.
 - 5.1.3 Support Professional, Vocational, Technical and Academic Learning programmes, achieved by means of professional placements, work-integrated learning, Apprenticeships,

Learnerships and Internships, that meet the criteria needs for economic growth and development.

- 5.1.4 Strengthen the skills and human resource base by encouraging the support of skills development initiatives with an emphasis on skills development and career pathing for all working people in order to support employment creation.
- 5.2. Recognisable Skills Development Expenditure includes any Legitimate Training Expenses incurred for any Learning Programme offered by a Measured Entity to Black People.
- 5.3. Skills Development Expenditure arising from Informal training or Category F and G Learning Programmes under the Learning Programmes Matrix cannot in aggregate represent more than 35% of the total value of Skills Development Expenditure.
- 5.4 Salaries or wages paid to an Employee of the Measured Entity participating as a learner in any Learning Programme only constitute Skills Development Expenditure if the Learning Programme is a Category B, C or D learning programme as per the Learning Programme Matrix. Salaries or wages so paid to the Employee are only claimable for the period over which that Employee was participating in the particular learning programme, during the measurement period. The maximum period for an Employee to be eligible for a Category C programme (excluding CPD) is 5 (five) years. Salaries for these Employees are not claimable after the 5 (five) years from the date of registration on the candidate acceptance letter or certificate.
- 5.5 Expenses on scholarships and bursaries for Employees do not constitute Skills Development Expenditure if the Measured Entity can recover any portion of those expenses from the Employee or if the grant of the scholarship or bursary is conditional. Despite the afore ongoing, if the right of recovery or the condition involves either of the following obligations of the Employee, the expenses are recognisable:
 - 5.5.1 The obligation of successful completion in their studies within the time period allocated; or
 - 5.5.2 The obligation of continued employment by the Measured Entity for a period following successful completion of their studies is not more than the period of their studies.
- 5.6 Mandatory sectoral training does not qualify as Skills Development contribution. For the avoidance of doubt Mandatory sectoral training is limited to the following:
 - 5.6.1 Site , project or safety inductions;
 - 5.6.2 Toolbox talks;
 - 5.6.3 Operators re-certification.
- 5.7 Training that is provided outside the country or that are provided locally but then only by foreign service providers, that is in line with the Learning Programme Matrix under Annexure CSC300 (A) is measurable if it meets the criteria in the Learning Programme Matrix. References in the matrix to terms such as 'professional registration body', and ' accredited or registered formal institution of learning' will in only such cases include the foreign service provider whether it is actually accredited, registered or formally approved as a statutory occupational or professional body in South Africa or abroad, or not.
- 6 LEGITIMATE TRAINING EXPENSES**
- 6.1 Legitimate Training Expenses include but is not necessarily limited to:
 - 6.1.1 Costs of training materials;
 - 6.1.2 Costs of trainers;
 - 6.1.3 Costs of training facilities including costs of catering;
 - 6.1.4 Scholarships and bursaries;
 - 6.1.5 Course fees;
 - 6.1.6 Accommodation and travel; and
 - 6.1.7 Administration costs such as the organization of training including, where appropriate, the cost of the Measured Entity of employing a Skills Development facilitator or a training manager.

6.1.8 Funding and support of research at tertiary institutions aimed at improving performance of the Construction Sector.

7 MEASUREMENT OF SKILLS DEVELOPMENT INDICATORS

The formulae and example that explains the method of measurement of the criteria in the Skills Development scorecard is set out in Annexe CSC300 (B), (C) and (D).

ANNEXE CSC300 (A) – LEARNING PROGRAMME MATRIX

Cat	Programme	Narrative Description	Delivery Mode	Learning Site	Learning Achievement
A	Bursaries & Scholarships (this category includes Bursaries & Scholarships that are for school going children that do not exceed 50% of the target spend)	Institution-based theoretical instruction alone – formally assessed by the institution	Institutional instruction	Institutions such as universities and colleges, schools, AET providers	Recognised theoretical knowledge resulting in the achievement of a degree, diploma or certificate issued by an accredited or registered formal institution of learning
B	Mandatory Work-based Experience, Experiential training, In service training (P1 & P2); and/or Workplace experience modules for occupational certificate or part qualification.	Institution-based theoretical instruction as well as some practical learning with an employer or in a simulated work environment – formally assessed through the institution	Mixed mode delivery with institutional instruction as well as supervised learning in an appropriate workplace or simulated work environment or as per tertiary institution requirements	Institutions such as universities and colleges, schools, AET providers and workplace	Theoretical knowledge and workplace experience with set requirements resulting in the achievement of a degree, diploma or certificate issued by an accredited or registered formal institution of learning
C	C1: Professional Registration (e.g. candidacy, articles etc.) <i>An updated Table of valid and recognized Professional Registrations will be published on the CSCC web-site</i>	Recognised or registered structured experiential learning in the workplace that is required for professional registration – formally assessed by an industry professional registration body e.g. BEP Councils, ECSA, SACQSP, SAICA, SACPCMP etc.	Requirements as per prescribed by the industry professional registration body.	As prescribed by industry professional registration body.	Professional registration.
	C2: Continued Professional Development	Recognised learning that results in CPD points from an industry professional registration body.	Requirements as prescribed by the training body and approved by the industry professional registration body.	Learning site as prescribed by the industry professional registration body.	Continued professional development points or credits.
D	D1: Apprenticeships, Learnerships,	Occupationally-directed instructional and work-based learning	Institutional instruction together with structured, supervised	Institutions and workplace	Theoretical knowledge and workplace learning, resulting in the achievement of a South

	Occupational Certificates	programme that requires a formal contract – formally assessed by an accredited body	experiential learning in the workplace		African Qualifications Authority registered qualification, a certificate or other similar occupational or professional qualification issued by an accredited or registered formal institution of learning
	D2: Post Graduation short term (3 -12 months) Mentorship Programme	Work experience for graduates in order to make them employable	Structured workplace experience	Workplace	Employability in the case of graduates. Employability proven by CV and Mentorship Programme (Annexe CSC300(C)).
E	Occupationally directed SAQA registered unit standards, skills programmes and knowledge and practical modules for occupational certificates and part qualifications.	Occupationally-directed instructional and work-based learning programme that does not require a formal contract – formally assessed by an accredited body	Structured, supervised experiential learning in the workplace which may include some institutional instruction	Workplace, institutional as well as AET providers	Credits awarded for registered unit standards or occupational modules.
F	External informal programmes	Occupationally-directed informal instructional programmes	Structured, information sharing or direct instruction involving workshops, seminars and conferences and short courses	Institutions, conferences and meetings	Attendance register or completion certificates from training, conference or seminar organizer.
G	Internal informal programmes	Work-based informal programmes	Informal training resulting in increased understanding of job or work context or improved performance or skills	Workplace	Attendance register or log book or instruction book

ANNEXE CSC300 (B)**MEASUREMENT OF SKILLS DEVELOPMENT INDICATORS**

The Skills Development criteria provided for in paragraphs 2.1.1, 2.1.2, 2.1.3 and 2.1.5 of the scorecard are calculated as follows:

$A = \frac{B}{C} \times D$	
Where	
A	is the score achieved by a Measured Entity in respect of the measurement of the Skills Development criteria specified in paragraphs 2.1.1, 2.1.2, 2.1.3 and 2.1.5
B	in the case of paragraph 2.1.1, is the amount of Skills Development Expenditure, towards any programme specified in the Learning Programme Matrix, on Black People, expressed as a percentage of the Leviable Amount of the Measured Entity; or

- B** in the case of paragraph 2.1.2.1, is the amount of Skills Development Expenditure on African people, expressed as a percentage of the total Skills Development Expenditure on Black People by the Measured Entity using the Adjusted Recognition for Gender; **or**
- B** in the case of paragraph 2.1.2.2, is the amount of Skills Development Expenditure on Black Employees that form part of Executive, Senior and Middle Management, expressed as a percentage of the total Skills Development Expenditure on Black People by the Measured Entity using the Adjusted Recognition for Gender; **or**
- B** in the case of paragraph 2.1.2.3, is the amount of Skills Development Expenditure on Black Employees that form part of Junior Management, expressed as a percentage of the total Skills Development Expenditure on Black People by the Measured Entity using the Adjusted Recognition for Gender; **or**
- B** in the case of paragraph 2.1.2.4, is the amount spent towards Bursaries or Scholarships on Black People, expressed as a percentage of the total Skills Development Expenditure on Black People by the Measured Entity using the Adjusted Recognition for Gender; **or**
- B** in the case of paragraph 2.1.3.1, is the number of Black People that are on Category A, B, C or D learning programmes as per the Learning Programme Matrix - Annexe CSC300 (A), expressed as a percentage of the total number of Employees of the Measured Entity; **or**
- B** in the case of paragraph 2.1.3.2 is the number of Black Employees registered as candidates with industry professional registration bodies, expressed as a percentage of the total number of such registered Employees of the Measured Entity; **or**
- B** in the case of paragraph 2.1.3.3 is the number of Black Employees with Disabilities on Category A, B, C or D learning programmes as per the Learning Programme Matrix - Annexe CSC300 (A), expressed as a percentage of the total number of black office based Employees on those learning programmes; **or**
- B** in the case of paragraph 2.1.5.1 is the number of Black People that completed a Category A, B, C or D learning programme, as per the Learning Programme Matrix - Annexe CSC300 (A), during the Measurement Period and who was subsequently Absorbed by the Measured Entity, expressed as a percentage of the total number of Black People that were enrolled for Category A, B, C or D learning programmes that ended during the Measurement Period; **or**
- B** in the case of 2.1.5.2 is the number of Black Employees that completed a Mentorship Programme (*see Annexure CSC300(C)*) during the last 3 years (*including the measurement period*) that were promoted during the Measurement Period, expressed as a percentage of all such employees during those 3 years.
- B** in the case of 2.1.5.3 is the number of Black Employees who registered as professionals with industry professional bodies as a percentage of all Employees who registered with industry professional bodies during the Measurement Period.
- C** in the case of paragraphs 2.1.1, 2.1.2.2, 2.1.2.3, 2.1.2.4, 2.1.3 and 2.1.5. is the percentage compliance Target in respect of the applicable criteria being measured as specified in those indicators of the Skills Development scorecard; **or**
- C** in the case of 2.1.2.1 is the compliance Target for that indicator, which is the proportion that African people contribute to the EAP, expressed as a percentage. (*See Annexure CSC300(D) for an example on how to calculate this percentage.*)
- D** is the Weighting for the applicable criteria being measured as specified in paragraph 2.1.1, 2.1.2, 2.1.3 and 2.1.5 of the Skills Development scorecard.

CALCULATION OF THE ADJUSTED RECOGNITION FOR GENDER

The calculation of the Adjusted Recognition for Gender is as follows:

$$A = \frac{B}{1.3} + C$$

Where

A is the Adjusted Recognition for Gender

B is the percentage of people in the measurement category that are black people

C is the percentage of people in the measurement category that are black women, which is limited to 50%

ANNEXE CSC300 (C)**MEASUREMENT OF APPROVED AND VERIFIED MENTORSHIP PROGRAMMES (PARAGRAPH 2.1.4 of SKILLS DEVELOPMENT SCORECARD).****1. Steps to be followed by Verification Professional**

- 1.1 Compare the company mentor program with the list of criteria provided in paragraph 2 below. If the program substantively complies with the list of requirements below, it will qualify for recognition in the score card.
- 1.2 The verification agent will evaluate the portfolio of evidence for the protégés against the list provided.
- 1.3 The verification agent will randomly select a few protégés to interview to determine the effectiveness of the program.
- 1.4 The verification agent will then sign off that the mentor program is compliant.

2. Criteria that constitute a Mentorship Program and that must be present in the Measured Entity

- 2.1 Each Measured Entity must have one person in the business who is responsible and accountable for mentoring, called the mentor champion. In a larger business, this may be the chairman of a committee set up to manage a mentor program.
- 2.2 A Mentorship Programme must have the minimum number of mentees as per the table below:

Total number of Employees in Measured Entity	Minimum number of Black Mentees
≤ 100	1
>100 ≤ 300	3
>300 ≤ 700	7
> 700	10

- 2.3 Other criteria for the program include the following:

- 2.3.1 The objectives and desired outcomes of the program;
- 2.3.2 The structure of the program;
- 2.3.3 Methods on how the protégés and mentors will be selected and matched;
- 2.3.4 The time frames for the implementation of the program.

- 2.4. The general portfolio of evidence should support the objectives stated above and may include the following:

- 2.4.1 Regular report to mentor champion on overall program (Internal progress review);
- 2.4.2 Minutes of meetings and/or communication between protégés and their mentors including details of time, location and duration of meetings, topics discussed advice and guidance given and progress review on required development outcomes;
- 2.4.3 Any training provided to support protégé development;
- 2.4.4 Individual development plan containing development interventions;
- 2.4.5 Annual progress review on individual development plan and targets completed by a mentor or manager;
- 2.4.6 Activities undertaken by the protégé including which departments the protégé worked in, details of job assignments and details of activities undertaken.

- 2.4.7 If an Employee is undertaking a mentorship for the purposes of professional registration then such documentation will supercede the conditions stated above. There must be evidence in the candidate file that mentorship took place during the Measurement Period.

ANNEXE CSC300 (D)

1. EXAMPLE FOR DETERMINING COMPLIANCE TARGET FOR PARAGRAPH 2.1.2.1 OF THE SKILLS DEVELOPMENT SCORECARD

- 1.1 The example below illustrates how the compliance Target is determined with respect to the African people indicator of the Skills Development Scorecard (par. 2.1.2.1):

Step 1: Determine the profile of the *overall national EAP distribution per race and gender as per the CEE Report**

	African Male	Coloured Male	Indian Male	White Male	African Female	Coloured Female	Indian Female	White Female	Total
National EAP distribution by race and gender as per CEE Report	40.70%	5.80%	1.90%	6.40%	34.20%	5.00%	1.10%	4.90%	100%

* In this example the overall national EAP statistics are used. It could just as well have been the overall provincial EAP statistics if the Measured entity selected so in terms of paragraph 1.3 below.

Step 2: Calculate the total *African people* component of the EAP as per the CEE Report in step 1

	African Male	African Female	African People Component
African People component of national EAP	40.70%	34.20%	74.9%

- 1.2 Using the above EAP statistics the compliance Target for paragraph 2.1.2.1 of the Skills Development Scorecard would therefore have been 74.9%.
- 1.3 Measured Entities will not all have a national footprint and may, for example, conduct the majority of their business operations within a province where the racial and gender composition of the EAP are significantly different to that of the overall national EAP. To make provision for these provincial distortions from the overall national EAP, Measured Entities will have an election to make use of either the overall national or overall provincial EAP statistics of a particular province when they calculate the proportion that African people contribute to the EAP.
- 1.4 A Measured Entity electing to use the overall provincial EAP of a particular province must use the overall provincial EAP of the province the majority of its Employees are from.
- 1.5 The word '*overall*' as used above in relation to 'national' or 'provincial' EAP statistics refers to the EAP of the labour force as a whole, whether nationally or for a particular province, whichever the case may be. Therefore, even though the Commissioner for Employment Equity Report also reports on the EAP breakdown nationally and provincially per Senior, Middle and Junior management the term '*overall*' is used to indicate that this further breakdown per employment category, should not be used.

AMENDED CODE SERIES CSC400: MEASUREMENT OF THE PREFERENTIAL PROCUREMENT AND SUPPLIER DEVELOPMENT ELEMENT OF BROAD-BASED BLACK ECONOMIC EMPOWERMENT IN THE CONSTRUCTION SECTOR

STATEMENT CSC400: THE GENERAL PRINCIPLES FOR MEASURING PREFERENTIAL PROCUREMENT AND SUPPLIER DEVELOPMENT

Issued under section 9(1) of the Broad-Based Black Economic Empowerment Act, 2013 as amended

Arrangement of this statement

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1 OBJECTIVES OF THIS STATEMENT.

- 1.1 Specify the scorecard for measuring Preferential Procurement, Supplier Development Programmes and Qualifying Supplier Development Contributions for the Construction Sector;
- 1.2 Specify the key measurement principles applicable to calculating Preferential Procurement, Supplier Development Programmes and Supplier Development Contributions;
- 1.3 Define the principles applicable when calculating B-BBEE Procurement Spend and Supplier Development Spend; and
- 1.4 Indicate the formulae for calculating the individual criteria specified in the Preferential Procurement and Supplier Development scorecard.

2 PREFERENTIAL PROCUREMENT AND SUPPLIER DEVELOPMENT SCORECARD

The following table represents the criteria for deriving a score for Preferential Procurement, Supplier Development Programmes and Supplier Development Contributions categories under this statement:
W = weighting points, T = target

Category	Contractors		BEPs	
	W	T	W	T
2.1 PREFERENTIAL PROCUREMENT				
2.1.1 B-BBEE Procurement Spend from all Empowering Suppliers based on the B-BBEE Procurement Recognition Levels as a percentage of Total Measured Procurement Spend	6	80%	6	80%
2.1.2 B-BBEE Procurement Spend from all Empowering Suppliers that are Exempted Micro-Enterprises based on the applicable B-BBEE Procurement Recognition Levels as a percentage of Total Measured Procurement Spend	3	15%	3	20%
2.1.3 B-BBEE Procurement Spend from all Empowering Suppliers that are Qualifying Small Enterprises based on the applicable B-BBEE Procurement Recognition Levels as a percentage of Total Measured Procurement Spend	3	15%	2	10%
2.1.4 B-BBEE Procurement Spend from Empowering Suppliers that are at least 51% Black Owned based on the applicable B-BBEE Procurement Recognition Levels as a percentage of Total Measured Procurement Spend	4	20%	4	20%
2.1.5 B-BBEE Procurement Spend from Empowering Suppliers that are at least 35% Black Women Owned based on the applicable B-BBEE Procurement Recognition Levels as a percentage of Total Measured Procurement Spend	3	12%	3	12%
Bonus Points				
2.1.6 B-BBEE Procurement Spend from Empowering Suppliers that are at least 51% owned by Black Designated Groups based on the applicable B-BBEE Procurement Recognition Levels as a percentage of Total Measured Procurement Spend.	3	20%	2	20%
2.1.7 B-BBEE Procurement Spend from Empowering Suppliers that are at least 51% Black Women Owned based on the applicable B-BBEE Procurement Recognition Levels as a percentage of Total Measured Procurement Spend	1	8%	1	8%

2.2 SUPPLIER DEVELOPMENT PROGRAMMES				
2.2.1 Compliant Supplier and Contractor Development Programmes	5	Ann. CSC 400 (C)	4	Ann. CSC 400 (C)
2.3 SUPPLIER DEVELOPMENT CONTRIBUTIONS				
2.3.1 Annual value of all Qualifying Supplier Development Contributions made by the Measured Entity as a percentage of the Target.	8	3% NPAT	4	3% of NPAT
2.3.2 Annual value of all Qualifying Supplier Development Contributions towards 51% Black Women Owned entities made by the Measured Entity as a percentage of the Target.	2	20% of value in 2.3.1	1	20% of value in 2.3.1
TOTAL	38		30	

3 KEY MEASUREMENT PRINCIPLES.

3.1 The Preferential Procurement and Supplier Development scorecard consists of:

- 3.1.1 Preferential Procurement; and
- 3.1.2 Supplier Development Programmes; and
- 3.1.3 Supplier Development Contributions.

3.2 Qualifying Supplier Development Contributions will be recognised as a percentage of the annual Net Profit After Tax (NPAT) of the Measured Entity as determined in accordance with paragraph 11.

3.3 Sub-Minimum and Discounting Principle:

3.3.1 The sub-minimum for Preferential Procurement and Supplier Development is 40% of the total weighting points (excluding bonus points) of each of the three broad categories, within the Preferential Procurement and Supplier Development element, namely 'Preferential Procurement', 'Supplier Development Programmes' and 'Supplier Development Contributions'. For the avoidance of doubt this means that a Measured Entity measureable in terms of the Large Enterprise Scorecard must achieve at least:

- (i) 7.6 points for Contractors and 7.2 points for BEPs under the Preferential Procurement category;
- (ii) 2 points for Contractors and 1.6 points for BEPs under the Supplier Development Programmes category;
- (iii) 4 points for Contractors and 2 points for BEPs under the Supplier Development Contributions category;

The same principles apply to the determination of the threshold points for the QSE Scorecard.

3.3.2 Non-compliance to the threshold targets will result in the overall achieved B-BBEE status level being discounted in accordance with paragraph 3.6.3 of statement CSC000.

3.4 to the extent that the definition is amended and published by the DTI, the Exempted Micro Enterprises (EMEs) and Start-ups are automatically recognised as Empowering Suppliers.

3.5 The Weighting points in the 'Supplier Development Programmes' and 'Supplier Development Contributions' categories of the scorecard represent the maximum number of points possible for each of the criteria.

3.6 If a Measured Entity procures goods and services from a Supplier that is:

3.6.1 A recipient of Qualifying Supplier Development Contributions from a Measured Entity under Code series CSC 400 that has a minimum 3 year contract with the Measured Entity, the recognisable B-BBEE Procurement Spend that can be attributed to that Supplier is multiplied by a factor of 1.2;

- 3.6.2 An at least 51% Black Owned QSE or EME which is not a supplier development beneficiary but that has a minimum 3 year contract with the Measured Entity, the recognisable B-BBEE Procurement Spend that can be attributed to that Supplier is multiplied by a factor of 1.2;
- 3.6.3 A first time Supplier to the Measured Entity, the recognisable B-BBEE Procurement Spend that can be attributed to that Supplier is multiplied by a factor of 1.2;
- 3.7 Individual beneficiaries of Qualifying Supplier Development Contributions are Entities:
 - 3.7.1 That are at least 51% Black Owned; and
 - 3.7.2 Whose total annual Revenue, for its latest completed financial period, did not exceed 30% of the Measured Entities total annual Revenue for the Measurement Period.

4. GENERAL PRINCIPLES

- 4.1 To strengthen local procurement in order to help build South Africa's industrial base in critical sectors of production and value adding manufacturing, which are largely labour-intensive industries.
- 4.2 To increase local procurement through capacity building achieved by incentivizing appropriate Supplier Development Programmes by businesses supplying imported goods and services.
- 4.3 The imports provisions do not apply to the designated sectors and products for local production, as and when published.
- 4.4 To actively support procurement from an at least 51% Black Owned QSEs and EMEs by identifying opportunities to increase procurement from local suppliers in order to support employment creation.
- 4.5 To support procurement from an at least 51% Black Owned and at least 35% Black Woman owned businesses in order to increase the participation of these businesses in the mainstream economy.
- 4.6 To promote the use of the at least 51% Black Owned professional service providers and Entrepreneurs as Suppliers.
- 4.7 Measured Entities receive recognition for any Qualifying Supplier Development Contributions that are quantifiable as a monetary value using a Standard Valuation Method.
- 4.8 Measured Entities are encouraged to align their Supplier Development initiatives with the designated sectors of government's localisation and value adding programmes.
- 4.9 Measured Entities are encouraged to align their Supplier Development initiatives with their supply chain requirements thereby linking Supplier Development with Preferential Procurement. For the avoidance of doubt such alignment is not compulsory.
- 4.10 Qualifying Supplier Development Contributions of any Measured Entity are recognisable on an annual basis, loans and related contributions, which will be measured against the full outstanding loan amount on Measurement Date as per Annexe CSC400 (B).
- 4.11 No portion of the value of any Qualifying Supplier Development Contribution that is payable to the beneficiary after the last day of the Measurement Period can form part of any calculation under this statement.

5. TOTAL MEASURED PROCUREMENT SPEND

The following procurement is measurable within Total Measured Procurement Spend:

- 5.1 **Cost of sales:** all goods and services procured that comprise the cost of the sales of the Measured Entity;
- 5.2 **Operational expenditure:** all goods and services procured that comprise the operational expenditure

of the Measured Entity;

5.3 **Capital expenditure:** all capital expenditure incurred by the Measured Entity;

5.4 **Public sector procurement:**

5.4.1 All goods and services procured from Organs of State and Public Entities. Despite this, procurement by a Measured Entity from a local government authority, which is a reseller of that service, is measurable at the B-BBEE Recognition Level of the primary Supplier of the service; and

5.4.2 In any event, any procurement of any goods or services from any Organ of State or Public Entity that enjoys a statutory or regulated monopoly in the supply of such goods or services is excluded;

5.5 **Monopolistic procurement:** all goods and services procured from Suppliers that enjoy a monopolistic position measurable at the recognition level of the supplier;

5.6 **Third-party procurement:** all procurement for a third-party, a client or Unincorporated Joint Venture, where the cost of that procurement is an expense recorded in the Measured Entity's annual financial statements measurable at the recognition level of the supplier;

5.7 **Labour brokers and independent contractors:** any procurement of the Measured Entity that is Outsourced Labour Expenditure;

5.8 **Pension and medical aid contributions:** Payments made to any post retirement funding scheme or to a medical aid or similar medical insurer by a Measured Entity for its Employees, excluding any portions of such payments which are a contribution to a capital investment of the Employee. The scheme or insurer must issue a certificate dividing payments between the capital investment portion and the balance to establish the amount that is measurable within Total Measured Procurement Spend;

5.9 **Trade commissions:** Any commission or similar payments payable by a Measured Entity to any other person pursuant to the business or trade of the Measured Entity;

5.10 **Empowerment related expenditure:** All goods and services procured in carrying out B-BBEE. The Total Measured Procurement Spend does not include the actual contribution portion recognised under section 2.3 of this statement and Code series CSC500 but does include any expenditure incurred in facilitating those contributions;

5.11 **Imports:** All goods and services that are imported or procured from a non-South African source; and

5.12 **Intra-group procurement:** All goods and services procured from subsidiaries or holding companies of the Measured Entity (BEE credentials of the entity supplying goods and/or services must be confirmed by way of a valid BEE certificate).

5.13 All salaries, wages and allowances paid to non-South African employees.

6 EXCLUSIONS FROM TOTAL MEASURED PROCUREMENT SPEND

The following list provides permissible exclusions from Total Measured Procurement Spend recognisable in terms of paragraph 5:

6.1 **Taxation:** any amount payable to any person which represents a lawful tax or levy imposed by an Organ of State authorised to impose such tax or levy, including rates imposed by a municipality or other local government,

6.2 **Salaries, wages, remunerations, and emoluments:** Any amount payable to South African Employees as an element of their salary or wage and any emolument or similar payment paid to a director of a Measured Entity. (The non-South African portion of salaries and payroll must be added to the Total measured Procurement spend, as per 5.13 above).

- 6.3 **Pass-through third-party procurement:** all procurement for a third-party or a client that is recorded as an expense in the third-party or client's annual financial statements but is not recorded as such in the Measured Entity's annual financial statements;
- 6.4 **Empowerment related procurement:**
- 6.4.1 Investments in or loans to an Associated Enterprise;
- 6.4.2 Investments, loans or donations qualifying for recognition under any statement under Code series CSC400 or CSC500;
- 6.5 **Imports: the following imported goods and services:**
- 6.5.1 Imported capital goods, components or services for value-added production in South Africa provided that:
- 6.5.1.1 There is not sufficient existing local production of such capital goods, components or services; and
- 6.5.1.2 Importing those capital goods, components or services promotes further value-added production within South Africa;
- 6.5.2 Imported goods and services other than those listed in paragraph 6.5.1 if there is not sufficient local production of those goods or services including, but not limited to, imported goods or services that ;
- 6.5.2.1 Carry a brand different to the local produced goods or services; or
- 6.5.2.2 Have different technical specifications to the locally produced goods or services.
- 6.5.3 The Department of Trade and Industry (The DTI) will, from time to time consult with the CSCC and issue PRACTICE NOTES with regard to the provisions on import exclusions.
- 6.6 **Intra-group procurement:** Where the Measured Entity is conducting a consolidated verification of itself as holding entity together with its subsidiaries, then all intra-group procurement of goods and services amongst the group entities forming part of the consolidated verification are excluded.
- 6.7 **Non-discretionary procurement:** Where the Measured Entity is forced to make use of a particular Supplier due to tender requirements or client specifications it may exclude such procurement.
- 7. MEASUREMENT OF B-BBEE PROCUREMENT SPEND**
- 7.1 B-BBEE Procurement Spend is the value of the procurement falling within paragraph 5 and not excluded by paragraph 6. If a supplier falls within a category of Supplier listed in paragraph 3.6, the value of procurement from that Supplier is multiplied by the applicable factor listed in that paragraph.
- 7.2 B-BBEE Procurement Spend can be measured in terms of formula "A" in Annexe CSC400 (A).
- 7.3 The B-BBEE Procurement Spend for a Measured Entity in respect of a Supplier is calculated by multiplying the spend contemplated by paragraph 5 (and not excluded in paragraph 6) in respect of that Supplier by the Supplier's B-BBEE Recognition Level.
- 7.4 A Measured Entity's Total Procurement Spend is the total of all amounts calculated in terms of paragraph 7.3.
- 8. THE CALCULATION OF PREFERENTIAL PROCUREMENT CONTRIBUTIONS TO B-BBEE**
- 8.1 A measured Entity receives a score for procurement in proportion to the extent that it meets the compliance Target.
- 8.2 The Measured Entity's score for Preferential Procurement contributions to B-BBEE under the preferential procurement scorecard can be calculated in terms of Formula "B" in Annex CSC400 (A).

9. SUPPLIER DEVELOPMENT PROGRAMMES

- 9.1 A Supplier Development Programme is a programme whereby the Measured Entity provides structured co-operation and assistance to Qualifying Beneficiary Entities in the form of Qualifying Supplier Development Contributions.
- 9.2 For the Supplier Development Programme to earn the Measured Entity any recognition under paragraph 2.2 of the scorecard as calculated in terms of Annexe CSC400 (C), the programme must comply with the following additional criteria:
- 9.2.1 With respect to the Qualifying Beneficiary Entity:
- 9.2.1.1 The Measured Entity may not hold more than 20%, calculated in terms of the normal flow-through principle, of the the Qualifying Beneficiary Entity's equity;
 - 9.2.1.2 The Qualifying Beneficiary Entity must employ a minimum of three permanent employees;
 - 9.2.1.3 The Qualifying Beneficiary Entity must be in possession of a valid tax clearance certificate;
 - 9.2.1.4 The Qualifying Beneficiary Entity must be in possession of a sworn affidavit (where applicable), or B-BBEE certificate that was valid at the date of entering into the agreement in 9.2.2 below :
- 9.2.2 The programme must be evidenced by the following:
- 9.2.2.1 A written agreement signed by the Measured Entity and the Qualifying Beneficiary Entity;
 - 9.2.2.2 A documented "needs analysis" of the Qualifying Beneficiary Entity signed by both the Measured Entity and the Qualifying Beneficiary Entity;
 - 9.2.2.3 A documented 'Supplier Development Plan' signed by both the Measured Entity and the Qualifying Beneficiary Entity, which must contain with reference to the Measurement Period:
 - 9.2.2.3.1 Clear objectives with respect to the development of at least three needs as identified per the "needs analysis" (see paragraph 9.2.2.2) from at least two areas that were identified for development. For avoidance of doubt, a developmental need is a specific requirement to be implemented under a development area, and this specific need requires defined objectives. The areas that may be targeted for development are not limited but could include:
 - 9.2.2.3.1.1 Management and labour skills transfer;
 - 9.2.2.3.1.2 Establishment of an administrative system;
 - 9.2.2.3.1.3 Planning, tendering and programming skills transfer;
 - 9.2.2.3.1.4 Business skills transfer with an emphasis on negotiation skills;
 - 9.2.2.3.1.5 Technical skills transfer with emphasis on innovation;
 - 9.2.2.3.1.6 Legal compliance;
 - 9.2.2.3.1.7 Procurement skills transfer;
 - 9.2.2.3.1.8 Establishment of credit rating and/or history;
 - 9.2.2.3.1.9 Establishment of financial loan capacity and/or history;
 - 9.2.2.3.1.10 Contractual knowledge transfer
 - 9.2.2.3.1.11 Marketing and branding;
 - 9.2.2.3.1.12 Access to or implementation of business systems;
 - 9.2.2.3.2 Priority interventions (activities) to address the objectives identified in 9.2.2.3.1 above.
 - 9.2.2.3.3 Qualifying Supplier Development Contributions and the value thereof allocated. If none of the allocated contributions become payable within the Measurement Period, this requirement has not

been met.

- 9.2.3 An ESD champion that will be accountable and responsible for the 'Supplier Development Programme' must be appointed at Senior Management or higher level in the Measured Entity. He/she must be suitably qualified and experienced to monitor progress and complete a portfolio of evidence for verification.

- 9.3 A Measured Entity receives a score for the 'Supplier Development Programme' as determined with reference to Annexe CSC400(C).

10 SUPPLIER DEVELOPMENT CONTRIBUTIONS

The following is a non-exhaustive list of Supplier Development Contributions:

- 10.1 Investments in Qualifying Beneficiary Entities;
- 10.2 Loans made to Qualifying Beneficiary Entities;
- 10.3 Guarantees given or security provided on behalf of Qualifying Beneficiary Entities;
- 10.4 Credit facilities made available to Qualifying Beneficiary Entities;
- 10.5 Grant contributions to Qualifying Beneficiary Entities;
- 10.6 Direct costs incurred by a Measured Entity in assisting and hastening development of Qualifying Beneficiary Entities;
- 10.7 Overhead costs of a Measured Entity directly attributable to Qualifying Supplier Development Contributions;
- 10.8 Preferential credit terms granted by a Measured Entity to Qualifying Beneficiary Entities;
- 10.9 Preferential terms granted by a Measured Entity in respect of its supply of goods and services to Qualifying Beneficiary Entities;
- 10.10 Contributions made towards the settlement of the cost of services relating to the operational or financial capacity and/or efficiency levels of a Qualifying Beneficiary Entity including, without limitation:
 - 10.10.1 Professional and consulting services;
 - 10.10.2 Statutory licensing and/or registration fees;
 - 10.10.3 Industry specific levies and/or other such fees; and
 - 10.10.4 IT services;
 - 10.10.5 Payment for BEE verification of EME companies, that is done by approved Verification Agencies
- 10.11 Discounts given to Qualifying Beneficiary Entities in relation to the acquisition and maintenance costs associated with the grant to those Qualifying Beneficiary Entities of franchise, licence, agency, distribution or other similar business rights.
- 10.12 The creation or development of capacity and expertise for Qualifying Beneficiary Entities needed to manufacture or produce goods or service previously not manufactured, produced or provided in the Republic of South Africa as provided for in Government's economic growth and local supplier development policies and initiatives.
- 10.13 The creation or development of new projects promoting beneficiation by the Measured Entity for the benefit of Qualifying Beneficiary Entities.
- 10.14 Facilitating access to credit for Qualifying Beneficiary Entities without access to traditional credit facilities owing to a lack of credit history, high-risk or lack of collateral on the part of the Qualifying Beneficiary Entity.
- 10.15 Provision by the Measured Entity, of preferential credit facilities to a Qualifying Beneficiary Entity. Examples of such contributions include without limitation:
 - 10.15.1 Provisions of finance to Qualifying Beneficiary Entities at lower than commercial rates of interest. Such contributions will be measured as the value of the differential between the actual interest rate provided to the Beneficiary Entity and the applicable rate;
 - 10.15.2 Relaxed security requirements or absence of security requirements for Qualifying Beneficiary Entities unable to provide security for loans or surety for performance bonds. Such contributions shall be measured as being 3% (three percent) of any positive differential between the initial capital value of the loan and the value of security taken;

- and
- 10.15.3 Settlement of accounts with Qualifying Beneficiary Entities over a shorter period of time in relation to the Measured Entity's normal payment period, provided the shorter period is no longer than 15 days after date of invoice. Preferential payment terms that extend beyond 15 days will not qualify as Qualifying Supplier Development Contributions;
- 10.16 The provision of seed or development capital to Qualifying Beneficiary Entities.
- 10.17 Provision of training or mentoring by suitably qualified entities or individuals to Qualifying Beneficiary Entities which will assist such Entities to increase their operational or financial capacity; and
- 10.18 Provision of training or mentoring to Qualifying Beneficiary Entities by the Measured Entity itself;
- 10.18.1 Such contributions are measurable by quantifying the cost of time (excluding travel or commuting time) spent by staff or management of the Measured Entity in carrying out such initiatives;
- 10.18.2 A clear justification, commensurate with the seniority and expertise of the trainer or mentor, must support any claim for time costs occurred;
- 10.19 Training or mentoring provided as per 10.17 and 10.18 above may not be double counted under the Skills Development scorecard once claimed as Qualifying Supplier Development Contribution and *vice versa*.
- 10.20 The maintenance by the Measured Entity of a Supplier Development unit which focuses exclusively on support of Qualifying Beneficiary Entities or candidate beneficiary entities.
- 10.20.1 Only that portion of salaries and wages attributable to time spent by the staff in, and the other expenses that relates to, promoting or implementing Qualifying Supplier Development Contributions, qualify for recognition.
- 10.21 Payments made by the Measured Entity to suitably qualified and experienced third parties to perform Supplier Development on the Measured Entity's behalf.
- 10.21.1 For the avoidance of doubt such contributions are regarded as having been initiated and implemented once they become payable to the third party;

11 MEASUREMENT OF SUPPLIER DEVELOPMENT CONTRIBUTIONS

- 11.1 A Measured Entity receives a score for the 'Supplier Development Contributions' indicator in proportion to the extent that it meets the compliance Target for indicator 2.3.1 of the Supplier Development Contributions scorecard.
- 11.2 The compliance Target of 3% of NPAT for indicator 2.3.1 of the Supplier Development Contributions scorecard is based on the average NPAT of the Measured Entity over the three financial years that precedes the Measurement Period and will be the basis for determining the Targets unless:
- 11.2.1 The Measured Entity did not make a profit on average over this three year period; or
- 11.2.2 The average net profit margin of the Measured Entity over this three year period was less than a third of the industry norm net profit margin during the same three year period.
- 11.3 Notwithstanding the fact that only contributions that became payable within the Measurement Period will be recognised for inclusion in the Measured Entity's Supplier Development claim, it is expressly stated for the avoidance of doubt, that the NPAT for the Measurement Period itself does not form part of the calculation of the Target as per 11.2 above.
- 11.4 Where, either of the factors in 11.2.1 to 11.2.2 are present then the Indicative NPAT of the Measured Entity for the three financial years that precedes the Measurement Period, will be the basis for determining the Targets.
- 11.4.1 The Indicative NPAT is the Revenue of the Measured Entity for the Measurement Period, multiplied by a third of the average industry norm net profit margin for the three financial years that precedes the Measurement Period.

- 11.4.2 The industry norm net profit margin must be determined with reference to the quarterly statistics supplied by Stats SA or such other verifiable data that might be available for the applicable Construction Sector.
- 11.5 Where in 11.4.2 the industry norm net profit margin for the three financial years that precedes the Measurement Period yields a negative result then Qualifying Supplier Development Contributions of nominal value will earn the Measured Entity the full points under paragraphs 2.3.1. Provided that the nominal value shall not be less than 50% of the previous years target. In the case of a second measurement period which yields a negative result the nominal value will be 50% of the previous years nominal value this will continue for any subsequent periods of negative results.
- 11.6 Qualifying Supplier Development Contributions are measurable using Formula "A" in Annexe CSC400 (D) read together with Annexe CSC400 (B).

ANNEXE CSC400 (A)

A: B-BBEE PROCUREMENT SPEND:

A = the sum of (B x C)

Where

A is the calculated total B-BBEE Procurement Spend for the Measured Entity. It is equal to the sum of the result of the product of B and C for each Supplier of the Measured Entity not excluded under the exclusion from Total Measured Procurement Spend;

B is the value of procurement falling within Total Measured Procurement Spend and not excluded under the exclusion from Total Measured Procurement Spend from each Supplier of the Measured Entity for the Measurement Period;

C is the latest B-BBEE Procurement Recognition Level of each Supplier of the Measured Entity that can be supported by a B-BBEE verification certificate (or sworn affidavit in the case of 51% or 100% Black Owned EME's and QSE's), that was valid at any time from the commencement of the Measurement Period up to the issuing of the Measured Entity's B-BBEE verification certificate.

B: THE CALCULATION OF PREFERENTIAL PROCUREMENT CONTRIBUTIONS TO B-BBEE:

$$A = \frac{B}{C} \times D$$

Where

A is the calculated preferential procurement score for 2.1.1, 2.1.2, 2.1.3, 2.1.4, 2.1.5, 2.1.6 and 2.1.7 respectively in the Preferential Procurement scorecard under statement CSC400 for the Measured Entity;

B is the total B-BBEE Procurement Spend of the Measured Entity calculated for each of the indicators of the Preferential Procurement scorecard (par 2.1.1, 2.1.2, 2.1.3, 2.1.4, 2.1.5, 2.1.6 and 2.1.7) respectively, expressed as a percentage of the Total Measured Procurement Spend of that Measured Entity;

C for par 2.1.1; 2.1.2; 2.1.3; 2.1.4, 2.1.5, 2.1.6 and 2.1.7 is the compliance Target for this indicator of the Preferential Procurement scorecard;

D is the Weighting points allocated to each of the indicators of the Preferential Procurement scorecard (par 2.1.1, 2.1.2, 2.1.3, 2.1.4, 2.1.5, 2.1.6 and 2.1.7) respectively.

ANNEXE CSC400 (B)

Annexe CSC400B –Supplier Development Benefit Factor Matrix

Qualifying Contribution type	Contribution Amount	Benefit Factor
Grant and Related Contributions		
Grant Contribution	Full Grant Amount	100%
Direct Cost incurred in supporting Supplier Development	Verifiable Cost (including both monetary and non-monetary)	100%
Discounts in addition to normal business practices supporting Supplier Development	Discount Amount (in addition to normal business discount)	100%
Overhead Costs incurred in supporting Supplier Development (including people appointed in Supplier Development)	Verifiable Cost (including both monetary and non-monetary)	80%
Loans and Related Contributions		
Interest-Free Loan with no security requirements supporting Supplier Development	Outstanding Loan Amount	80%
Standard Loan to Supplier Development Beneficiaries	Outstanding Loan Amount	60%
Guarantees provided on behalf of a beneficiary entity	Guarantee Amount	3%
Lower Interest Rate	Outstanding loan amount	Prime Rate – Actual Rate
Equity Investments and Related Contributions		
Minority Investment in Supplier Development Beneficiaries	Investment Amount	100%
Supplier Development Investment with lower dividend to financier	Investment Amount	Dividend Rate of Ordinary Shareholders – Actual Dividend Rate of Contributor
Contributions made in the form of human resource capacity		
Professional services rendered at no cost and supporting Supplier Development	Commercial hourly rate of professional as defined by Department of Public Works (DPW)	80%
Professional services rendered at discount and supporting Supplier Development	Value of discount based on commercial hourly rate of professional as defined by Department of Public Works (DPW)	80%
Time of employees of Measured Entity productively deployed in assisting beneficiaries	Monthly salary divided by 160	80%
Other Contributions		
Shorter payment periods for 2.3 of this statement (Supplier Development)	Percentage of invoiced amount multiplied by 15% (being an approximation of the cost of short term funding)	Percentage being 15 days less the number of days from invoice to payment. The Maximum points that can be scored is 75% of 10 points

ANNEXE CSC400 (C)

Supplier Development Programmes (paragraph 2.2) are measurable on the following basis:

Step 1: To apply the formula first position the Measured Entity on Table 1 with respect to the highest applicable Revenue category:

Table 1

CONTRACTORS			BEP's		
Total Annual Revenue of the Measured Entity for the Measurement Period	Requirements related to current Measurement Period		Total Annual Revenue of the Measured Entity for the Measurement Period	Requirements related to current Measurement Period	
	X	Y		X	Y
≥ R 1 billion	7	5%	≥ R300 million	3	5%
≥ R500million	5	5%			
≥ R300million	4	5%	≥ R100million	2	5%
≥ R35million	2	5%	< R100 million	1	5%
< R35million	1	5%			

Step 2: Apply the formula below:

Formula:

$$A = \left(\frac{B}{X} \times \frac{C}{Y} \right) \times D$$

Where

A is the score achieved for the Supplier Development Programme indicator (paragraph 2.2).

B is the number of Qualifying Beneficiary Entities that participated in Supplier Development Programmes during the Measurement Period, that were compliant with paragraph 9 of statement CSC400, divided by the appropriate target number in Column X of Table 1 above.

X is the appropriate target number in Column X of Table 1 above.

C is the aggregate of the total annual Revenues of the Qualifying Beneficiary Entities counted in **B** (*based on their latest financial periods as at Measurement Date*) divided by the total annual Revenue of the Measured Entity for the Measurement Period. The answer must then be multiplied by 100.

Y is the appropriate Revenue ratio requirement in Column Y of Table 1 above. The Construction Sector Charter Council may publish amendments to these ratios from time to time.

D is the Weighting points allocated to the Supplier Development Programmes indicator (paragraph 2.2).

ANNEXE CSC400 (D)

A: Qualifying Supplier Development Contributions (paragraph 2.3) are measurable on the following basis:

$$A = \frac{B}{C} \times D$$

Where

A is the score achieved for the Supplier Development Contributions indicators (paragraph 2.3.1 and 2.3.2) in respect of Qualifying Supplier Development Contributions made by the Measured Entity.

B in the case where the Measured Entity have scored under the '*Supplier Development Programmes*' indicator (paragraph 2.2), is the annual value of all Qualifying Supplier Development Contributions that have become payable by the Measured Entity during the Measurement Period with respect to the relevant indicator in paragraph 2.3; **or**

B in the case where the Measured Entity fails to score any points under the '*Supplier Development Programmes*' indicator (paragraph 2.2), is 50% of the annual value of all Qualifying Supplier Development Contributions that have become payable by the Measured Entity during the Measurement Period with respect to the relevant indicator in paragraph 2.3.

C is the compliance Target for the Supplier Development Contributions indicators (paragraph 2.3.1 and 2.3.2).

D is the Weighting points allocated to the Supplier Development Contributions indicators (paragraphs 2.3.1 and 2.3.2).

**CODE SERIES CSC500: MEASUREMENT OF THE SOCIO-ECONOMIC DEVELOPMENT ELEMENTS
OF BROAD-BASED BLACK ECONOMIC EMPOWERMENT**

**STATEMENT CSC500: THE GENERAL PRINCIPLES FOR MEASURING THE SOCIO- ECONOMIC
DEVELOPMENT ELEMENT**

Issued under section 9(5) of the Broad-Based Black Economic Empowerment Act, 2013 as amended

Arrangement of this statement

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1 OBJECTIVES OF THIS STATEMENT

The objectives of this statement are to specify:

- 1.1 The Socio-Economic Development (SED) element and Sector Specific Contributions scorecard for the Construction Sector;
- 1.2 The key measurement principles applicable when calculating Qualifying Socio-Economic Contributions; and
- 1.3 The formula for calculating the individual criteria specified in the SED scorecard.

2 THE SED SCORECARD

- 2.1 The Target of 1.25% of NPAT for indicator 2.4.1 and 30% thereof for 2.4.2 on the SED scorecard is based on the average NPAT of the Measured Entity over the three financial years that precedes the Measurement Period and will be the basis for determining the Targets unless:
 - 2.1.1 The Measured Entity did not make a profit on average over this three year period; or
 - 2.1.2 The average net profit margin of the Measured Entity over this three year period was less than a third of the industry norm net profit margin during the same three year period.
- 2.2 Notwithstanding the fact that only contributions that became payable within the Measurement period will be recognised for inclusion in the Measured Entity's SED claim, it is expressly stated for the avoidance of doubt, that the NPAT for the Measurement Period itself does not form part of the calculation of the Target as per 2.1 above.
- 2.3 Where either of the factors in 2.1.1 to 2.1.2 are present then the Indicative NPAT of the Measured Entity for the three financial years that precedes the Measurement Period, will be the basis for determining the Targets.
 - 2.3.1 The Indicative NPAT is the Revenue of the Measured Entity for the Measurement Period, multiplied by a third of the average industry norm net profit margin for the three financial years that precedes the Measurement Period.
 - 2.3.2 The industry norm net profit margin must be determined with reference to the quarterly statistics supplied by Stats SA or such other verifiable data that might be available for the applicable Construction Sector; or any quarterly published statistics.
 - 2.3.3 Where in 2.3.2 the industry norm net profit margin for the three financial years that precedes the Measurement Period yields a negative result then Qualifying Socio-Economic Contributions of nominal value will earn the Measured Entity the full points under paragraphs 2.4.1 and 2.4.2 respectively. Provided that the nominal value shall not be less than 50% of the previous years target. In the case of a second measurement period which yields a negative result the nominal value will be 50% of the previous years nominal value this will continue for any subsequent periods of negative results.
- 2.4 The following table represents the criteria and method used for deriving a score for Socio-Economic Development under this statement:

Socio-Economic Development		Weighting Points	Compliance Target
2.4.1	Annual value of all Qualifying Socio-Economic Contributions by the Measured Entity as a percentage of the Target	4	1.25% of NPAT
2.4.2	The portion of Qualifying Socio-Economic Contributions in 2.4.1 above spend on Communities with Limited Services.	1	30% of Target in 2.4.1
Bonus Points			
2.4.3	Annual value of contributions towards Structured SED Projects by the Measured Entity as a percentage of the Target	1	1.25% of NPAT
TOTAL		6	

- 2.5 The weighting points in the SED scorecard represent the maximum number of points possible for each of the criteria. Contributions recognised under 2.4.2 may be double counted under 2.4.1 of the SED scorecard.

3 KEY MEASUREMENT PRINCIPLES

3.1 General principles:

- 3.1.1 Measured Entities receive recognition for any Qualifying Socio-Economic Contributions that are quantifiable as a monetary value using a Standard Valuation Method.
- 3.1.2 Qualifying Socio-Economic Contributions of any Measured Entity are recognisable annually
- 3.1.3 No portion of the value of any Qualifying Socio-Economic Contribution that is payable to the beneficiary after the last day of the Measurement Period can form part of any calculation under this statement.

3.2 Socio-Economic Development Contributions:

- 3.2.1 Socio-Economic Development Contributions consist of monetary or non-monetary contributions actually initiated and implemented in favour of beneficiaries by a Measured Entity with the specific objective of facilitating sustainable access to the economy for targeted beneficiaries. Measured Entities are encouraged to prioritise communities in areas where they operate.
- 3.2.2 The full value of Socio-Economic Development Contributions made to beneficiaries is recognisable if at least 75% of the value directly benefits Black People.
- 3.2.3 If less than 75% of the full value of Socio-Economic Development Contributions directly benefits Black People, the value of the contribution made multiplied by the percentage that benefits Black People, is recognisable.
- 3.2.4 Any portion of the contribution that benefits Black People with Disabilities will be recognised at an enhanced factor of 1.25.
- 3.2.5 The following is a non-exhaustive list of Socio-Economic Development Contributions:
 - 3.2.5.1 Grant contributions to beneficiaries of Socio-Economic Development Contributions;
 - 3.2.5.2 Guarantees given or security provided for beneficiaries;
 - 3.2.5.3 Direct costs incurred by a Measured Entity in assisting beneficiaries;
 - 3.2.5.4 Overhead costs of a Measured Entity directly attributable to Socio-Economic Development Contributions;
 - 3.2.5.5 Developmental capital advanced to beneficiary communities;
 - 3.2.5.6 Preferential terms grants by a Measured Entity for its supply of goods or services to beneficiary communities;
 - 3.2.5.7 Contributions made by the Measured Entity to third parties to perform Socio-Economic Development on the Measured Entity's behalf. For the avoidance of doubt such contributions are regarded as having been initiated and implemented once they become payable to the third party;
 - 3.2.5.8 Provision of training or mentoring to beneficiary communities which will assist them to increase their financial capacity;

- 3.2.5.8.1 Such contributions are measurable by quantifying the cost of time (excluding travel or commuting time) spent by staff or management of the Measured Entity in carrying out such initiatives;
- 3.2.5.8.2 A clear justification must support any claim for time costs incurred, (commensurate with the seniority and expertise of the trainer or mentor).
- 3.2.5.9 The maintenance by the Measured Entity of a socio-economic development unit which focuses only on support of beneficiaries and beneficiary communities;
- 3.2.5.9.1 Only that portion of salaries and wages attributable to time spent by the staff in, and the other expenses related to, promoting and implementing socio-economic development, constitute contributions.

4 EVIDENCE TO SUPPORT STRUCTURED SED PROJECTS

- 4.1 The following evidence must be provided to support a claim for Structured SED Projects over and above that normally required for Qualifying Socio-Economic Contributions:
 - 4.1.1 the SED plan signed by the Measured Entity and the beneficiary or third party intermediary;
 - 4.1.2 Signed confirmation by the beneficiary, or third party through whom the contribution was made, confirming the value of the contribution that became payable during the Measurement Period;
 - 4.1.3 An annual project impact analysis against targets and milestones and whether or not they were realistic. A negative outcome of the analysis does not disqualify the recognition of the spend.

5 MEASUREMENT OF SOCIO-ECONOMIC DEVELOPMENT CONTRIBUTIONS

Qualifying Socio-Economic Contributions are measurable using the Formula in Annexe CSC500 (B) read together with Annexe CSC500 (A).

6 THE BENEFIT FACTOR MATRIX

The Minister may from time to time, by notice in the gazette, revise or substitute the Benefit Factor Matrix. Any changes will only be applicable to compliance reports prepared for Measured Entities for Measurement Periods that commences after the gazetting of the adjustment.

Annexe CSC500 (A) – Benefit Factor Matrix

Qualifying Contribution type	Contribution Amount	Benefit Factor
Grant and Related Contributions		
Grant Contribution	Full Grant Amount	100%
Direct Cost incurred in supporting socio-economic development, sector specific initiatives or Qualifying Socio-Economic Contributions	Verifiable Cost (including both monetary and non-monetary)	100%
Discounts in addition to normal business practices supporting socio-economic development, sector specific initiatives or Qualifying Socio-Economic Contributions	Discount Amount (in addition to normal business discount)	100%
Overhead Costs incurred in supporting socio-economic development, sector specific initiatives or Qualifying Socio-Economic Contributions	Verifiable Cost (including both monetary and non-monetary)	80%
Guarantees provided on behalf of a beneficiary	Guarantee Amount	3%
Contributions made in the form of human resource capacity		

Professional services rendered at no cost supporting socio-economic development, sector specific initiatives or Qualifying Socio-Economic Contributions	Commercial hourly rate of professional as per Department of Public Works	80%
Professional services rendered at a discount supporting socio-economic development, sector specific initiatives or Qualifying Socio-Economic Contributions	Value of discount based on commercial hourly rate professional as per Department of Public Works	80%
Time of employees of Measured Entity productively deployed in assisting beneficiaries and supporting socio-economic development, sector specific initiatives or Qualifying Socio-Economic Contributions	Monthly salary divided by 160	80%

ANNEXE CSC500 (B)

A: Qualifying contributions of indicators 2.4.1, 2.4.2 and 2.4.3 are measurable on the following basis:

$A = \frac{B}{C} \times D$
<p>Where</p> <p>A is the score achieved in respect of the indicator in 2.4.1, 2.4.2 and 2.4.3, whichever the case may be, of the Socio-Economic Development scorecard.</p> <p>B in the case of paragraphs 2.4.1 and 2.4.3 is the value of all Qualifying Socio-Economic Contributions of the Measured Entity relevant to that indicator, that have become payable during the Measurement Period and weighted in accordance with Annexe CSC500 (A) – Benefit Factor Matrix read together with per paragraphs 3.2.2 to 3.2.4, expressed as a percentage of the NPAT.</p> <p>B in the case of paragraph 2.4.2 is the percentage of the Measured Entity's spend in paragraph 2.4.1 that was spent towards currently disadvantaged communities.</p> <p>C is the compliance Target in respect of the Qualifying Socio-Economic Contributions as specified in the SED scorecard for indicator 2.4.1, 2.4.2 and 2.4.3 respectively</p> <p>D is the Weighting point allocated to indicator 2.4.1, 2.4.2 and 2.4.3 under the Socio-Economic Development scorecard in Statement CSC500.</p>

**CODE SERIES CSC600: THE CONSTRUCTION SECTOR QUALIFYING SMALL ENTERPRISE
SCORECARD**

**STATEMENT CSC600: THE CONSTRUCTION SECTOR QUALIFYING SMALL ENTERPRISE
SCORECARD**

Issued under section 9(1) of the Broad-Based Black Economic Empowerment Act, 2013 as amended

Arrangement of this statement

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STATEMENT CSC 601 - OWNERSHIP FOR QSE**1. THE QSE OWNERSHIP SCORECARD**

The following table represents the indicators and methods for calculating a score for Ownership under this statement for both Contractors and BEP's in the Construction Sector: *W* = weighting points, *T* = target

B-BBEE Element	Indicator	Description	W	T
OWNERSHIP	1.1 Voting Rights	1.1.1 Exercisable Voting Rights in the Entity in the hands of Black People	5.5	25% & (30% Year 4)
		1.1.2 Exercisable Voting Rights in the Entity in the hands of Black women	2	10%
	1.2 Economic Interest	1.2.1 Economic Interest in the Entity to which Black People are entitled.	5.5	25% & (30%Year 4)
		1.2.2 Economic Interest in the Entity to which Black women are entitled.	2	10%
		1.2.3 Economic Interest of Black New Entrants or Black Designated Groups	7	10% (for Contractors) 5% (for BEP's)
	1.3 Realisation Points	1.3 Net Value	5	Refer to Annexe CSC100 (E)
	1.4 Bonus Points	1.4.1 Exercisable Voting Rights and Economic Interest to which Black People are entitled	1.5	≥40%
		1.4.2 Exercisable Voting Rights and Economic Interest to which Black women are entitled	1.5	≥12.5%
TOTAL			30	

2. MEASUREMENT OF QSE OWNERSHIP ELEMENT

- 2.1 The measurement of the QSE Ownership Scorecard shall adhere to all principles, definitions, calculations and measurement methodologies contained in Statement CSC 100 for measuring of the Ownership element.
- 2.2 For the avoidance of doubt:
- 2.2.1 the Modified Flow Through Principle applies to the measurement of paragraph 1.1.1 and 1.2.1 of the QSE Ownership Scorecard.
- 2.2.2 The Year 4 Targets for paragraph 1.1.1 and 1.2.1 of the QSE scorecard will become effective in the same manner as those of the Large Enterprise Scorecard in Statement CSC 100.

STATEMENT CSC 602 - MANAGEMENT CONTROL FOR QSE**1. THE QSE MANAGEMENT CONTROL SCORECARD**

The following table represents the criteria used for deriving a score for Management Control under this statement for both Contractors and BEP's in the Construction Sector. : *W* = weighting points, *T* = target

Measurement Category & Criteria	W	T
1. Executive Management:		
1.1 Black representation at Executive Management	5	50%
1.2 Black female representation at Executive Management	2	20%
2. Senior, Middle and Junior Management:		
2.1 Black representation at Senior and Middle Management	6	20%
2.2 Black female representation at Senior and Middle Management	2	10%
2.3 Black representation at Junior Management	4	40%
2.4 Black female representation at Junior Management	1	20%
TOTAL	20	

2 KEY MEASUREMENT PRINCIPLES

- 2.1 Save as expressly provided for differently in this statement the key measurement principles and sub-minimum requirements under statement CSC 200 are applicable to this statement.
- 2.2 For the purpose of the QSE scorecard, executive management include other executive management as described under the general principles of statement CSC 200.
- 2.3 The demographic representation of Black People as defined in the Regulations of Employment Equity Act and Commission on Employment Equity report are not applicable to the calculation of scores under the QSE Scorecard and neither are the Adjusted Recognition for Gender.
- 2.4 A Measured Entity must use the recent payroll data in calculating its score under the Management Control Scorecard.

STATEMENT CSC 603 - SKILLS DEVELOPMENT FOR QSE**1. THE QSE SKILLS DEVELOPMENT SCORECARD**

The following table represents the criteria used for deriving a score for Skills Development under this statement for Contractors and BEP's in the Construction Sector. *W* = weighting points, *T* = target

Category	Skills Development Element	W	T
1.	Skills Development Expenditure on any programme specified in the Learning Programme Matrix		
1.1	Skills Development Expenditure on Learning Programmes specified in the Learning Programme Matrix for Black People as a percentage of Leivable Amount.	14	1.5%
1.2	Skills Development Expenditure on Learning Programmes specified in the Learning Programme Matrix for black management (executive, senior and middle management) as a percentage of total Skills Development Expenditure of the Measured Entity on Black People.	7	25%
1.3	Skills Development Expenditure on Learning Programmes specified in the Learning Programme Matrix for Black People with Disabilities as a percentage of total Skills Development Expenditure of the Measured Entity on Black People.	3	3% ²²² 2

Bonus points:			
2.1	Number of Black People Absorbed by the Measured Entity and industry at the end of the learning programme.	1	100%
2.2	Number of Black Employees that are registered successfully as a candidate or professional with industry professional registration bodies as a percentage of all Employees registered.	1	50%
TOTAL		26	

2. KEY MEASUREMENT PRINCIPLES

- 2.1 Save as expressly provided for differently in this statement the key measurement principles and sub-minimum requirements under statement CSC300 are applicable to this statement.
- 2.2 The demographic representation of black people as defined in the Regulations of Employment Equity Act and Commission on Employment Equity report are not applicable to the QSE Scorecard and neither are the Adjusted Recognition for Gender.
- 2.3 Where required by law, the following criteria must be fulfilled in order for the Measured Entity to receive points on the QSE Skills Development Element scorecard:
 - 2.3.1 Workplace Skills Plan, an Annual Training Report and Pivotal Report which are SETA approved; and
 - 2.3.2 Implementation of Priority Skills programme generally, and more specifically for black people.
 - 2.3.3 The learning matrix under code series CSC300 is applicable to this statement.
- 2.4 The requirements in paragraph 2.3.1 and 2.3.2 above is not applicable to businesses that are not required by law to comply therewith in terms of the Skills Development Act.

STATEMENT CSC 604 - PREFERENTIAL PROCUREMENT AND SUPPLIER DEVELOPMENT FOR QSE**1. THE QSE PREFERENTIAL PROCUREMENT AND SUPPLIER DEVELOPMENT SCORECARD**

The following table represents the criteria used for deriving a score for Preferential Procurement and Supplier Development under this statement for Contractors and BEP's in the Construction Sector.

Criteria		W	T
1 PREFERENTIAL PROCUREMENT			
1.1	B-BBEE Procurement Spend from all Empowering Suppliers based on the B-BBEE Procurement Recognition Levels as a percentage of Total Measured Procurement Spend	13	60%
1.2	B-BBEE Procurement Spend from Empowering Suppliers that are at least 51% Black Owned based on the B-BBEE Procurement Recognition Levels as a percentage of Total Measured Procurement Spend	5	17.5%
1.3	B-BBEE Procurement Spend from Empowering Suppliers that are at least 35% Black Women Owned based on the B-BBEE Procurement Recognition Levels as a percentage of Total Measured Procurement Spend	4	7.5%
2 SUPPLIER DEVELOPMENT CONTRIBUTIONS			
2.1	Annual value of all Qualifying Supplier Development Contributions made by the Measured Entity as a percentage of the Target.	7	1% of NPAT
TOTAL		29	

2 KEY MEASUREMENT PRINCIPLES

- 2.1 The key measurement principles, sub-minimum requirements and benefit factor matrix under Statement CSC400 are applicable to this statement.
- 2.2 Any interpretation or calculation of a QSE's score for 'Preferential Procurement' and 'Supplier Development Contributions' must be made in accordance with statement CSC400.

STATEMENT CSC 605 - SOCIO-ECONOMIC DEVELOPMENT FOR QSE**1. THE QSE SOCIO-ECONOMIC DEVELOPMENT SCORECARD**

The following table represents the criteria used for deriving a score for Socio-Economic Development under this statement for Contractors and BEP's in the Construction Sector.

Socio-Economic Development	Weighting Points	Compliance Target
Annual value of all Qualifying Socio-Economic Contributions by the Measured Entity as a percentage of the Target	3	1% of NPAT
Bonus Points		
The portion of Qualifying Socio-Economic Contributions above spend Communities with Limited Services.	2	50% of Target above

2 KEY MEASUREMENT PRINCIPLES

- 2.1 The key measurement principles, sub-minimum requirements and benefit factor matrix under Statement CSC500, are applicable to this statement unless otherwise expressly stated herein.
- 2.2 Any interpretation or calculation of a QSE's score for Socio-Economic Development must be made in accordance with statement CSC500.

BROAD-BASED BLACK ECONOMIC EMPOWERMENT ACT**SECTION 9(1) CONSTRUCTION SECTOR CODE OF GOOD PRACTICE AS AMENDED****SCHEDULE 1****INTERPRETATION AND DEFINITIONS****Part 1: Interpretation**

The Construction Sector Code must be interpreted according to the following provisions unless the context requires a different meaning:

1. In interpreting the provisions of the Revised Construction Sector Code any reasonable interpretation consistent with the objectives of the Act and the B-BBEE Strategy must take precedence.
2. Words importing persons shall where the context so requires or admits, include individuals, firms, partnerships, trusts, corporations, governmental bodies, authorities, agencies, unincorporated bodies of persons or associations and any organisation having legal capacity.
3. The Construction Sector Charter Council may from time to time issue best practice notes to clarify or explain some of the provisions contained in the Construction Sector Code. These practice notes may not contradict the terms it attempts to clarify. Neither may this mechanism be used to add new provisions to the existing Construction Sector Code.

Part 2: Definitions

In this Construction Sector Code unless the context otherwise requires:

Expressions, definitions and qualifications used in the Construction Sector Code have the meaning assigned to them in the Construction Sector Code gazetted under section 9(1) of the Broad-based Black Economic Empowerment Act of 2003, unless otherwise specified hereunder.

“Absorbed”	means a measure of the Measured Entity’s ability to have successfully secured formal permanent or long-term contract employment for the Learner or to assist the Learner’s proceed with further education and training. Where the Learner was already employed by the Measured Entity when he commenced the Learnership and merely continues with his/her existing employment after the Learnership, it will not qualify as Absorption.
“Acquisition Debt”	means the debts of: <ol style="list-style-type: none"> (a) Black Participants incurred in financing their purchase of their equity instruments in the Measured Entity; and (b) Juristic persons or trusts found in the chain of ownership between the eventual Black Participants and the Measured Entity for the same purpose as those in (a). (c) Debt that substitutes or replaces the debt in (a) and (b) above is still Acquisition Debt notwithstanding the fact that it may be owed to a different financier.
“Act”	means the Broad-Based Black Economic Empowerment Act 53 of 2003 as amended. The terms “B-BBEE Act” has a corresponding meaning.

“Apprenticeship”	means an agreement between an apprentice and an employer for a set period of time during which the apprentice works and receives training in the workplace
“Associated Enterprise”	means an Entity with which a Seller has concluded a Qualifying Transaction.
“B-BBEE”	means Broad-Based Black Economic Empowerment.
“B-BBEE Compliant Entity”	means a Measured Entity that has achieved at least a Level 1 to Level 8 B-BBEE Status Level as per statement CSC000;
“B-BBEE Controlled Company”	means for Entities measureable in terms of this Construction Sector Code, a juristic person (including a trust), having shareholding or similar members interest, in which black participants enjoy a right to Exercisable Voting Rights that is at least 51% of the total such rights measured using the Flow Through Principle.
“B-BBEE Owned Company”	means for Entities measureable in terms of this Construction Sector Code, a juristic person (including a trust), having shareholding or similar members interest, that is B-BBEE controlled, in which Black participants enjoy a right to Economic Interest that is at least 51% of the total such rights measured using the Flow Through Principle.
“B-BBEE Recognition Level”	means the percentage B-BBEE Recognition Levels as determined: (a) For Entities that are neither Qualifying Small Enterprises not Exempted Micro-Enterprises, using statement CSC000; (b) For Qualifying Small Enterprises, using the statement CSC000; and (c) For Exempted Micro-Enterprises, the applicable deemed B-BBEE Recognition under statement CSC000.
“B-BBEE Status”	means the B-BBEE status of a Measured Entity as determined under statement CSC000.
“B-BBEE Strategy”	means the B-BBEE Strategy as contemplated in section 11 of the B-BBEE Act 53 of 2003 as amended.
“B-BBEE Verification Professional Regulator”	means a body appointed by the Minister for the accreditation of rating agencies or the authorisation of B-BBEE verification professionals.
“Benefit Factor”	means a factor specified in the Benefit Factor Matrix applicable to fixing the monetary value of Supplier Development and Socio-Economic Development Contributions claimable under statement CSC400 and CSC500.
“Benefit Matrix Factor”	means the Benefit Factor Matrix for Supplier Development and Socio-Economic Development Contributions claimable under statement CSC400 and CSC500.
“BEP”	means Built Environment Professional. These are enterprises that conduct the following activities: Planning, design and costing of construction projects in the built environment. Also, project management and design of a construction value chain including environment, energy, industrial, property, transport and infrastructure. Enterprises typically classified as BEP's include, but are not limited to, consulting engineering practices, architects, quantity surveyors and town planners.

“Black Designated Groups”	means a person that at the date of acquiring their Rights of Ownership in the relevant entity qualified as: (a) Unemployed Black People not attending and not required by law to attend an educational institution and not awaiting admission to an educational institution; (b) Black People who are youth as defined in the National Youth Commission Act of 1996; (c) Black People who are persons with disabilities as defined in the Code of Good Practice on employment of people with disabilities issued under the Employment Equity Act; (d) Black People living in rural and under developed areas; (e) Black military veterans who qualify to be called a military veteran in terms of the Military Veterans Act 18 of 2011.
“Black New Entrants”	means Black Participants who hold rights of ownership in a Measured Entity and who, before holding Equity Instruments in other Entities which has a total value of more than R50 million measured using a Standard Valuation Method.
“Black People”	Is a generic term which means African, Coloureds and Indians (a) Who are citizens of the Republic of South Africa by birth or descend; or (b) Who became citizens of the Republic of South Africa by naturalisation- (i) Before 27 April 1994; or (ii) On or after 27 April 1994 and who would have been entitled to acquire citizenship by naturalisation prior to the date.
“Broad-Based Ownership Scheme”	means an ownership scheme which meets the rules set out in Annexe CSC100 (B).
“Certified Learning Programme”	means any Learning Programme for which the Measured Entity has: (a) Any form of independent written certification as referred to in the “Learning Achievements” column of the Learning Programme Matrix; or if it does not have such certification; (b) An enrolment certificate issued by the independent person responsible for the issue of the certification referred in statement CSC300 confirming the employee has: (i) Enrolled for, is attending and is making satisfactory progress in the Learning Programme; or (ii) Enrolled for but not attended the Learning; or Attended the Training Programme but has failed an evaluation of their learning progress.
“Charter”	means the Construction Sector Charter as gazetted under section 12 of the Act.
“Codes of Good Practice”	means the Broad-Based Black Economic Empowerment Codes of Good Practice, 11 October 2013 (Gazette nr.32698) as amended. The term ‘General Codes’ or ‘Amended Codes’ has a corresponding meaning.
“Companies Act”	means the Companies Act, No. 71 of 2008 as amended or substituted.
“Competent Person”	means a person who has acquired through training, qualification and experience the knowledge and skills necessary for undertaking any task assigned to them under the codes.
“Construction Material Suppliers”	means enterprises that conduct the following activities: manufacturing, creation or supply of building material and equipment used in construction for example cement, concrete, bricks, electrical equipment and steel. It includes enterprises that provides plant hire for construction related activities.
“Construction Related Activities”	means the activities conducted by Contractors, BEP’s and Construction Material Suppliers

“Construction Sector”	means all enterprises who derive more than 50% of their annual Revenue from Construction Related Activities. For the avoidance of doubt, being registered with any of the following bodies, does not automatically render the enterprise to be part of the Construction Sector: (i) Construction Industry Development Board (CIDB); (ii) National Home Builders Registration Council (NHBRC); (iii) Construction sector Education and Training Authority (CETA); The key consideration to determine whether a Measured Enterprise falls within the Construction Sector, notwithstanding registration with these bodies, remains whether or not the majority of its annual Revenue is derived from Construction Related Activities.
Construction Sector Charter Council (CSCC)	An executive authority established consequent to the gazette of the construction sector codes & is responsible for the monitoring & oversight in the implementation of these construction sector codes.
“Construction Sector Code”	means this Revised Construction Sector Code issued in terms of section 9(1) of the Act. The abbreviation “CSC” has a corresponding meaning.
“Contractor/s”	means enterprises that conduct construction project activities that include, civil engineering, electrical engineering, power transmission, general building and specialist construction works as per the CIDB grading tables below: CE Construction work primarily concerned with materials such as steel, concrete, earth and rock (water, sewerage, roads, railways, bridges, dams, cooling towers, grand stand. EB Electrical engineering works, all electrical work forming an integral part of building including any wiring (installations in buildings, reticulations within a plot of land (erf) or building site. EP Electrical power generation, transmission, control and distribution equipment and system (power generation, street and area lighting, substations and protection system). GB Building and ancillary works other than civil engineering works, electrical engineering works, mechanical engineering works, specialist works (air – conditioning and mechanical, Boiler installation and steam distribution, central heating). SB Asphalts or any other related business. SC Building excavations, shaft sinking and lateral earth support. SG Glazing, curtain walls and shop fronts. SH Landscaping, irrigation and horticultural works. SI Escalators, travellers and hoisting machinery. SJ Specialized foundations for buildings and structures. SL Structural steelwork and scaffolding. SN The waterproofing of basements, roofs and walls using specialist systems.
“Core Skills”	means skills that are: (a) Value-adding to the activities of the Measured Entity in line with its core business; (b) In areas the Measured Entity cannot outsource; or

	(c) Within the production/operational part of the Measured Entity's value-chain; as opposed to the supply side; services or downstream operations; without whose skills or expertise, the entity could not operate.
"Communities with Limited Services"	From the latest STATS SA census results filtered to local municipality level determine the following. (a) Do less than 65% of the households have access to piped water Or (b) Do less than 85% of the households have access to electricity (c) In addition to (a) or (b) do more than 50% of the households have an average household income in the first 5 levels (including none) of the income data table.
"Critical Skills"	means those skills identified as being critical by any SETA.
"Current Equity Interest Date"	means the later of the date of commencement of the old Construction Sector Code (Gazette 32259, 22 May 2009) and the effective date of the transaction being measured. This means that each operative transaction undertaken by the Measured Entity in order to achieve black rights of ownership is determined individually. (HOWEVER, THE REVISED VERSION OF THIS DEFINITION AND ITS IMPLICATIONS WILL BE ISSUED BY THE CSCC THROUGH A PRACTICE NOTE WITHIN 12 MONTHS OF THE GAZETTE)
"EAP"	the national or provincial, whichever the case may be, Economically Active Population as determined by Stats SA and annually published in the Commission for Employment Equity Report in terms of the employment Equity Regulations from time to time. The operative EAP for the purposes of any calculation under the Codes will be the annual EAP statistics published in the Commission for Employment Equity Report immediately preceding the Measurement Period being measured.
"Economic Interest"	means a claim against an Entity representing a return on ownership of the Entity similar in nature to a dividend right, measured using the Flow Through and, where applicable, the Modified Through Principles.
"Employment Equity Act"	means the Employment Equity Act No. 55 of 1998, as amended.
"Employment Equity Regulations"	means the regulations under the Employment Equity Act.
"Elements"	means the measurable quantitative or qualitative elements of B-BBEE compliance in the Large Enterprise Scorecard and the Codes.
"Employed Learner"	In terms of section 18(1) of the Skills Development Act it means a learner that was in the employment of the employer party to the learnership agreement concerned when the agreement was concluded. The learner's contract of employment is therefore not affected by the agreement.
"Employee with a Disability"	has the meaning defined in the Code of Good Practice on Key Aspects of Disability in the Workplace issued under section 54 of the Employment Equity Act; aligned with the Employment Equity Act
"Employee"	bears the meaning as defined in the Employment Equity Act.
"Employee Share Ownership Programme"	means a worker or employee scheme as per Annexe CSC100(C).
"Empowering Supplier"	As defined by the DTi, when applicable

“Entity”	means a legal entity or a natural or a juristic person conducting a business, trade or profession in the Republic of South Africa.
“Entrepreneur”	means a person who starts and/ or operates a business which includes identifying opportunities in the market, taking risks with a view of being rewarded with profits.
“Equity Instrument”	means the instrument by which a Participant holds rights of ownership in an Entity.
“Equivalency Percentage”	means a percentage ownership performance for all the indicators in the Associated Enterprise’s Ownership Scorecard arising from a Qualifying Transaction included in the Ownership Scorecard of the beneficiary entity.
“Exclusion Principle”	<p>is a measurement principle used when calculating the points for the various indicators of the Ownership scorecard that allows for the deduction of a number of rights of ownership (whether it be voting rights or economic interest), from the total of such rights issued by the Measured Entity, before expressing those rights of ownership held by black Participants, as a percentage of all such rights of ownership issued. Code CSC100 and its statements allows, as directed by those statements, for the exclusion of four categories of rights of ownership:</p> <ul style="list-style-type: none"> a) those held by Organs of State and Public Entities; b) those held as Mandated Investments; c) those held by Non-Profit Companies or Public Benefit Organisations; d) rights of ownership that equates to the value of the foreign operations of a Multinational Business operating in South Africa or a South African Multinational Business; <p>The exclusions of Ownership held through the entities in (a) to (c) above is to be effected before any exclusion in terms of (d) is to be applied.</p>
“Executive Directors”	means those members of the Board who are executive directors as defined in the King III Report, as amended from time to time.
“Exempted Micro Enterprise”	means an Entity with a total annual Revenue of R10 (ten) million or less if it is a Contractor or R6 (six) million or less if it is a BEP.
“Exercisable Voting Rights”	meaning a voting right of a Participant that is not subject to any limit.
“Global Practice”	means a globally and informally applied practice of a Multinational, restricting alienation of equity in or the sale of businesses in its regional operations. The practice must have existed before the promulgation of the Act.
“Grant Contribution”	means the monetary value of Qualifying Contributions made by the Measured Entity to a beneficiary in the form of grants, donations, discounts and other similar quantifiable benefits which are not recoverable by the Measured Entity.
“Group Structure”	means an ownership arrangement whereby one or more Measured Entities that are juristic persons are subsidiaries of another Measured Entity that would qualify as a holding company.
“Higher Education Institution”	means a higher education institution as defined under the higher Education Act of 1997.
“Indicator Percentage”	means the percentage compliance of the Associated Entity for all the indicators of the Associated Enterprises ownership Scorecard. The calculation of indicator Percentages follows the rules in statement CSC100 using the actual percentage compliance for each indicator and not the resulting scores.
“Industry”	Collective term for enterprises that operate within the Construction Sector as outlined in par. 3.1 and 3.2 of CSC000.
“Internship”	means an opportunity to integrate career related experience into an undergraduate education by participating in planned, supervised work.

“Junior Management”	means an employee of the Measured Entity who is a member of the occupational category of “Junior Management” as determined using the Employment Equity Regulations.
“Large Enterprise”	means a Measured Entity with a total annual Revenue equal to or more than R50 million if it is a Contractor or equal to or more than R25 million if it is a BEP.
“Learnership”	means a work-based route to a qualification. It is a workplace education and training programme comprising both structured practical workplace (on-the-job) experience and structured theoretical training.
“Learning Programmes”	means any learning programme set out in the learning Programme Matrix
“Learning Programme Matrix”	means the Learning Programme Matrix annexed as Annexe CSC300 (A) in statement CSC300.
“Leviable Amount”	bears the meaning as defined in the Skills Development Levies Act of 1999 as determined using the Fourth Schedule to the Income Tax Act.
“Management Fees”	means the total Economic Interest received by a Broad-Based Ownership Scheme or Black participants in any year less the amounts distributed or applied to beneficiaries and the amounts reserved for the future distribution or application.
“Mandated Investment”	means any investments made by or through any third party regulated by South African legislation on behalf of the actual owner of the funds, pursuant to a mandate given by the owner to a third party, which mandate is governed by that legislation. Some examples of domestic mandated investments and the portions of those investments subject to the exclusion principle are contained in Annexe CSC100A attached to statement CSC100.
“Measured Entity”	means an Entity as well as an organ of state or public entity subject to measurement under the Codes.
“Measurement Period”	<p>means, subject to the following, the financial period of the Measured Entity:</p> <ul style="list-style-type: none"> (a) The financial period of a Measured Entity is a period of 12 consecutive calendar months; (b) Where however the Measured Entity amended its financial reporting period from one year to another the financial period may, for that particular year in question, be more or less than 12 consecutive months. In such exceptional cases the Measured Entity may at its discretion elect to be measured for the amended financial period (however many months it may include) or the 12 months ending on the last day of the amended financial period. For purposes of determining its classification as an EME, QSE or Large Enterprise the Measured Entity must however, irrespective of the election it exercises above, do so with reference to the 12 months ending on the last day of the amended financial period; (c) Measured Entities for which verification is required may not be measured for a Measurement Period that has ended more than 12 months prior to the commencement of the verification thereof; (d) For EME's and QSE's that are allowed to merely make an affidavit, the Measurement Period must be the 12 consecutive calendar months that immediately precedes the last day of the most recently completed financial period; (e) The Measurement Period is the period over which the 'Skills Development', 'Preferential Procurement and Supplier Development' and 'Socio-Economic Development' elements must be measured. This statement does not detract from the requirement that for the purpose of calculating the target for Supplier Development and Socio-Economic Development regard should be had to the financial position of the Measured Entity that precedes the Measurement Period. Only contributions that become payable within the Measurement Period will however be recognised.

“Measurement Date”	means the last day of the Measurement Period or such later date agreed upon with the Measured Entity that is as close as practically possible to the commencement of the verification or to the making of the affidavit which ever the case may be. The term ‘ Date of Measurement ’ has a corresponding meaning. (The ‘Ownership’ and ‘Management Control’ elements must be measured as at the Measurement Date. For the avoidance of doubt - these two elements may not be measured on different dates.)
“51% Black Owned”	means an Entity in which: (a) Black People hold at least 51% of the exercisable voting rights as calculated under indicator 2.1.1 of Code series CSC100; (b) Black People hold at least 51% of the economic interest as calculated under indicator 2.2.1 of Code series CSC100; and (c) Has earned all the points for Net Value under statement CSC100;
“100% Black Owned”	means an Entity in which : (a) Black People hold 100% of the exercisable voting rights as calculated under indicator 2.1.1 of Code series CSC100; (b) Black People hold at least 100% of the economic interest as calculated under indicator 2.2.1 of Code series CSC100; and (c) Has earned all the points for Net Value under statement CSC100.
“51% Black Women Owned”	means, an Entity in which: (a) Black women hold at least 51% of the exercisable voting rights as determined under Code series CSC100; (b) Black women hold at least 51% of the economic interest as determined under Code series CSC100; and (c) Has earned all the points for Net Value under statement CSC100
“30% Black Owned”	means an Entity in which: (a) Black People hold at least 30% of the exercisable voting rights as calculated under indicator 2.1.1 of Code series CSC100; (b) Black People hold at least 30% of the economic interest as calculated under indicator 2.2.1 of Code series CSC100; and (c) Has earned all the points for Net Value under statement CSC100;
“30% Black Women Owned”	means an Entity in which: (a) Black women hold more than 30% of the exercisable voting rights determined under Code series CSC100 (b) Black women hold more than 30% of the economic interest as determined under Code series CSC100; and (c) Has earning all the points for Net Value under statement CSC100.
“35% Black Women Owned”	means, an Entity in which: (a) Black women hold at least 35% of the exercisable voting rights as determined under Code series CSC100; (b) Black women hold at least 35% of the economic interest as determined under Code series CSC100; and (c) Has earned all the points for Net Value under statement CSC100
“Middle Management”	means an employee of the Measured Entity who is a member of the occupational category of “Middle Management” as determined using the Employment Equity Regulations.
“Multinational Business”	means a Measured Entity with a business in the Republic of South African and elsewhere which maintains its international headquarters outside the Republic. The term ‘South African Multinational’ has a similar meaning except that it has its international headquarters inside the Republic
“National Skills Development Strategy”	means the national skills development strategy referred to in section 5(1) (a) (ii) of the Skills Development Act.
“Net Profit After Tax”	means the operating profit of a measured entity after tax. It incorporates both the equity / loss figures and abnormal items, but excludes extra ordinary items as

	determined by the International Financial Reporting Standard (IFRIS) as amended from time to time.
“Net Profit Before Tax”	means the operating profit of a measured entity before tax. It incorporates both the equity / loss figures and abnormal items, but excludes extra ordinary items as determined by the International Financial Reporting Standard (IFRIS) as amended from time to time.
“Net Value”	means the points resulting from the application of paragraph 4 of Annexe CSC100(E) of statement CSC100.
“Non-Profit Company”	means a non-profit company as defined by the Companies Act 71 of 2008. The term also includes Section 21 Companies and Companies Limited by Guarantee as per the previous Companies Act.
“Non-Profit Organisation”	means a non-profit organisation registered under the Non-Profit Organisation Act of 1997.
“Original Codes”	means the Broad-Based Black Economic Empowerment Codes of Good Practice, 9 February 2009 (Gazette no.29617).
“Old Construction Sector Code”	means the Construction Sector Code, 12 June 2009 (Gazette no. 32320). The term ‘Old CSC’ has a corresponding meaning.
“Organ of State”	has the meaning assigned to it in the Preferential Procurement Policy Framework Act 5 of 2000.
“Outsourced Labour Expenditure”	means any expenditure incurred in: (a) Procuring the services of or from a labour broker; and (b) Procuring the services of any person who received any remuneration or to whom any remuneration accrues because of any services rendered by such person to or behalf of a labour broker.
“Participant”	means a natural person holding rights of ownership in a Measured Entity.
“Pivotal Report”	means a report on ‘Professional, Vocational, Technical and Academic Learning’ programmes that meet the critical needs for economic growth and social development, generally combining course work at universities, universities of technology and colleges with structured learning at work.
“Priority Skills”	means Core, Critical and Scarce Skills as well as any skills specifically identified: (a) In a Sector Skills Plan issued by the Department of Labour of the Republic of South Africa (b) National Skills Development Strategy III (c) New Growth Path; and (d) National Development Plan
“Private Equity Fund”	means a third party fund through which investments are made on behalf of the actual owner of the funds pursuant to a mandate given by that person to the private equity fund.
“Professionally Registered Person” Or “Registered Professional”	A Professional means a suitably qualified practitioner requiring statutory registration with a recognised and authorised Council or Body in the Built Environment of South Africa; that monitors and regulates competency, codes of ethics and continuing professional development. Once registered as a Professional this person is authorised to practice in a field of expertise and is known as a “professionally registered person” or “registered professional”
“Public Entity”	has the meaning assigned to it in the Public Finance Management Act no.1 of 1999.
“Public Benefit Organisation”	means an entity as defined in section 30 of the Income Tax Act of 1962.

“Qualifying Beneficiary Entities”	means recipients of Qualifying Supplier Development Contributions.
“Qualifying Supplier Development Contributions”	means Supplier Development Contributions targeting Entities: (i) which are at least 51% Black Owned; and (ii) an EME or QSE; or (iii) in the event of a Large Enterprise Measured Entity a beneficiary entity who's total annual Revenue, for the financial period that preceded the contribution for the Measurement Period, did not exceed 30% of the Measured Entities total annual Revenue for the Measurement Period.
“Qualifying Small Enterprise”	means an Entity that qualifies for measurement under the Qualifying Small Enterprise scorecard with a total annual Revenue of more than R10 million but less than R50 million if it is a Contractor or more than R6 million but less than R25 million if it is a BEP. The abbreviation ‘QSE’ has a corresponding meaning.
“Qualifying Socio-Economic Contributions”	is a collective term for Socio-Economic Project Contributions, Socio-Economic Development Contributions and Structured SED Projects.
“Qualifying Transaction”	means a sale of business, valuable business assets or shares that results in the creation of specialised skills or productive capacity to Black People.
“Related Enterprise”	means an Entity controlled by a Measured Entity whether directly or indirectly controlled by the natural persons who have direct or indirect control over that Measured Entity or the immediate family of those natural persons.
“Revenue”	has the meaning ascribed to it in the International Financial Reporting Standard (IFRS, International Accounting Standard 18) as amended from time to time. (a) It includes Revenue derived from Joint Ventures and Consortiums the Measured Entity is part of; and (b) It excludes income derived on behalf of third parties, as is often the case within the Construction Sector. However, where the financial statements of the Measured Entity includes such third party income under the Revenue item, the onus will vest with the Measured Entity to proof that it is third party income.
“Rights of Ownership”	is a collective term for the right to Economic Interest and the right to Exercisable Voting Rights.
“Scarce Skills”	are those skills identified as being scarce by any SETA, or STATS SA
“Sector Code”	means a code in statement 003 which is applicable to a particular sector.
“Sector Specific Contributions”	Qualifying Socio-Economic Contributions and/or initiatives approved by the Construction Sector Charter Council for the sub-sector in which the Measured Entity operates. Such contributions are extraneous to the Measured Entity's regular business activities and do not form part of any legal obligation upon the enterprise.
“Seller”	means the Entity or the person concluding a Qualifying Transaction with the Associated Enterprise.
“Senior Management”	means an employee of the Measured Entity who is a member of the occupational category of “Senior Management” as determined using the Employment Equity Regulations.
“Skills Development Expenditure”	comprises the legitimate training expenses that a Measured Entity incurs on skills development. It excludes the skills development levy payable by the Measured Entity under the Skills Development Levies Act.

“Socio-Economic Development Contributions”	<p>means monetary or non-monetary contribution implemented for communities, natural persons or groups of natural persons that benefit Black People. The objective of Socio-Economic Development Contributions is the promotion of sustainable access for the beneficiaries to the economy. Socio-Economic Development Contributions commonly take the following forms:</p> <ul style="list-style-type: none"> (a) Development programmes for women, youth, people with disabilities, people living in rural areas; (b) Support of healthcare and HIV/AIDS programmes; (c) Support for education programmes, resources and materials at primary, secondary and tertiary education level, as well as bursaries and scholarships; (d) Community training skills development for unemployed people and adult basic education and training; or (e) Support of arts, cultural or sporting development programmes. (f) Coaching, mentoring and developing individuals or communities which will assist them to increase their financial capacity; (g) Provision of infrastructure facilities to communities in the areas in which the Measured Entity operates; (h) Access to Employee housing schemes for Black Employees of the Measured Entity;
“Socio-Economic Project Contributions”	<p>means monetary or non-monetary contributions carried out for the benefit of any projects approved for this purpose by any organ of state or the Construction Sector Charter Council including without limitation:</p> <ul style="list-style-type: none"> (a) Projects focusing on environmental conservation, awareness, education and waste management; (b) Projects targeting infrastructural development or reconstruction in area with limited access to services, underdeveloped areas; or geographical areas identified in the government’s integrated sustainable rural development or urban renewal programmes; and (c) New projects promoting beneficiation. (d) Sector Specific Contributions.
“South African Operations”	means operations and work executed within South Africa
“Standard Valuation Method”	means a standard valuation method for an asset, an Economic Interest, or any other instrument or right relevant to measurement under Code CSC100, undertaken using normal valuation methods that represent standard market practice.
“Start-up Enterprise”	means a recently formed or incorporated Entity that has been in operation for less than 1 year. An entity that was formed and incorporated some time ago but which has been dormant (non-operational), will qualify as a start-up enterprise for the first year after it commences operations. A start-up enterprise does not include any newly constituted enterprise which is merely a continuation of a pre-existing enterprise.
“Structured SED Projects”	<p>means Socio-Economic Development Contributions or Socio-Economic Project Contributions that are made in accordance with a structured SED plan. This plan should include:</p> <ul style="list-style-type: none"> (a) A description of the programme; (b) Clear objectives including financial targets and commitments; (c) Priority interventions; (d) A concise implementation plan with clearly articulated milestones;
“Subsidiary”	has a meaning defined in section 1(3) of the Companies Act.
Suitable Evidence or Documentation”	means, notwithstanding any provisions to the contrary in the Verification Manual (Gazetted 31255, 18 July 2008) as amended from time to time, evidence or documentation that includes without limiting the generality of the term:

	<p>(a) representations by the Measured Entity regarding its B-BBEE Status that can be substantiated out of audited or reviewed financial statements, an independent Competent Person's report, other third party confirmation or where appropriate having regard to available evidence, in the absence of third party confirmation, a representation by management of the Measured Entity attesting to the facts.</p> <p>(i) a verification professional considering aforementioned evidence or documentation in support of any representation must apply professional judgement in evaluating the appropriateness thereof;</p> <p>(ii) cannot dissolve itself of its responsibility to conduct a thorough verification by relying only on this type of evidence or documentation where in fact other evidence, as is required by the Verification Manual, is readily available; and</p> <p>(iii) In evaluating the appropriateness of evidence it must achieve a reasonable level of comfort with respect to any conclusion it reaches.</p> <p>(b) in the case of Broad-Based Ownership Schemes, Employee Share Ownership Programmes and Trusts, Verification Professionals may rely on interviews with fiduciaries (where available, independent fiduciaries) of these schemes instead of the individual Participants of these schemes to achieve a reasonable level of comfort with regard to the Rights of Ownership that flow through them.</p>
"Supplier"	means any distributor, supplier, service provider, consultant or Contractor to the broader Construction Industry (i.e not necessarily to the Measured Entity).
"Supplier Development Contributions"	means monetary or non-monetary contributions as per Statement CSC400 read together with Annexe CSC400(B) carried out for the benefit of Suppliers (as defined above), with the objective of contributing to the development, sustainability and financial and operational independence of those Suppliers
"Target"	means the targets for the various Elements in the Large Enterprise and QSE Scorecard
"the Act"	means the Broad-Based Black Economic Empowerment Act 53 of 2003 as amended.
"the Codes"	means the Codes of Good Practice including all statements as issued under section 9 of the Act.
"the Large Enterprise Scorecard"	means the balanced B-BBEE scorecard for large enterprises as contained in statement CSC000.
"the PFMA"	means the Public Finance Management Act 1 of 1999 as amended.
"the QSE Scorecard"	means the QSE scorecard referred to in statement 000.
"the Skills Development Act"	means the Skills Development Act of 1998.
"the Skills Development Levies Act"	means the Skills Development Levies Act of 1999.
"the Strategy Document"	means the document entitled "South Africa's Economic Transformation – A Strategy for Broad-Based Black Economic Empowerment" published by the Department of Trade and Industry in March 2003 as amended or substituted under section 11 of the Act.

“Third Party Rights”	means third party legal or commercial rights that restrict withhold or defer any benefit associated with ownership of any Equity Instrument. Third party rights include only those rights: (a) Created against a black participant to secure, for a lender, repayment of a loan advanced to that Participant for financing their purchase of their equity instrument in the Measured Entity; (b) Held against a juristic person or trust that is in the chain of ownership between the Measured Entity and that the eventual black participant serving the same purpose mentioned in (a) above.
“Total Labour Cost”	means the total amount of remuneration paid by an Entity to its employees determined using section 3(4) of the Skills Development Levies Act of 1999 and the Forth Scheduled of the Income Tax Act of 1962
“Transformation Charters”	means the sectoral transformation charters referred to in section 12 of the Act.
“Unemployed Learner”	means a learner that was not in the employment of the employer party to the Learnership, Apprenticeship or Internship concerned when the Learnership, Apprenticeship or Internship commenced. The employer and learner must therefore enter into a contract of employment. For the avoidance of doubt, the employer is not necessarily the Measured Entity. Refer to the Skills Development Act.
“Unincorporated Joint Venture”	Means a joint venture between two or more Measured Entities affected by agreement without incorporation of those entities into a single juristic person. It is normally, although not necessarily, formed ad-hoc for a specific project, in which two or more parties share the obligations, risks and rewards.
“Voting Right”	means a voting right attaching to an Equity Instrument owned by or held for a participant measured using the Flow through Principle or the Modified Flow Through Principle.
“Weighting”	means the weightings applied to various Elements in the Large Enterprise Scorecard and QSE Scorecard.
“Workplace Skills Plan”	means the plan of a Measured Entity approved by the relevant SETA.

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM
NOTICE 932 OF 2017

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

Notice is hereby given in terms of Section 11(1) of the Restitution of Land Rights Act, 1994 (Act No. 22 of 1994), as amended. This claim for the restitution of land rights has been submitted to the Regional Land Claims Commissioner for the Western Cape. The particulars regarding this claim are as follows:

Name of the claimant : Mr J.J. Van Dieman
Reference Numbers : KRK6/2/3/A/6/0/2250/20 (V190)
Property : Erf 107609 Retreat City of Cape Town measuring 550 sqm
Date Submitted : 31 December 1998.

The Regional Land Claims Commission will investigate this claim in terms of provisions of the Act in due course. Any party who has an interest in the above-mentioned land is hereby invited to submit, within 60 days from the publication of this notice, any comments / information to:

The Regional Land Claims Commission: Western Cape
Private Bag X9163
Cape Town
8000

Tel: (021) 409-0300
Fax: (021) 424-5146

CHECKED.....

DATE.....26/9/17

APPROVED.....

DATE.....2017/10/22

Mr. L.H Maphutha
Regional Land Claims Commissioner

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM
NOTICE 933 OF 2017

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

NOTICE IS HEREBY GIVEN IN TERMS OF SECTION 11(1) OF THE LAND RIGHTS ACT, 1994 (ACT NO. 22 OF 1994), AS AMENDED. THIS CLAIM FOR THE RESTITUTION OF LAND RIGHTS HAS BEEN SUBMITTED TO REGIONAL LAND CLAIMS COMMISSIONER FOR THE WESTERN CAPE. THE PARTICULARS REGARDING THIS CLAIM ARE AS FOLLOWS:

REFERENCE NO: KRK 6/2/3/A/22/197/0/36 (W253)

DISPOSSESSED PARTY: PAUL WILLIAMS

PROPERTY DESCRIPTION:

ERVEN 84 AND 85 RAWSONVILLE WHICH SUBSEQUENT TO THE DISPOSSESSION WERE CONSOLIDATED INTO ERF 222 WITH ERF 222 THEREAFTER SUBDIVIDED INTO THE REMAINDER OF ERF 222 AND ERVEN 535 AND 223

EXTENT: 2068 m²

CAPACITY: OWNERSHIP

CURRENT OWNER: REMAINDER ERF 222 RAWSONVILLE – JACOBUS PETRUS; REMAINDER ERF 223 RAWSONVILLE – ANNA HELENA ELIZABETH PRINS AND REMAINDER ERF 535 – TCB JORDAAN JNR. FAMILIETRUST

DATE OF LODGEMENT: 30 JANUARY 1998

THE COMMISSION ON RESTITUTION OF LAND RIGHTS WILL INVESTIGATE THIS CLAIM IN TERMS OF PROVISIONS OF THE ACT IN DUE COURSE. ANY PARTY WHO HAS AN INTEREST IN THE ABOVE-MENTIONED LAND IS HEREBY INVITED TO SUBMIT, WITHIN 60 DAYS FROM THE PUBLICATION OF THIS NOTICE, ANY COMMENTS / INFORMATION TO:

REGIONAL LAND CLAIMS COMMISSION: WESTERN CAPE
PRIVATE BAG X9163
CAPE TOWN
8000

TEL: 021-487 7400
FAX: 021 424 5146

MR. L.H. Maphutha
REGIONAL LAND CLAIMS COMMISSIONER

APPROVED:

DATE: 23/12/15

CHECKED BY:

DATE: 28/1/15

**DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM
NOTICE 934 OF 2017**

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

Notice is hereby given in terms of Section 11(1) of the Restitution of Land Rights Act, 1994 (Act No. 22 of 1994), as amended. These claims for the restitution of land rights have been submitted to the Regional Land Claims Commissioner for the Western Cape. The particulars regarding this claim are as follow:

Reference Number	: V231 (KRK6/2/3/A/6/274/0/9/)
Dispossessed Person	: Cassiem Van Harte
Property Description	: Erf 60140 Lansdowne, City of Cape Town
Extent	: 991m²
Capacity	: Owner
Date of Occupation	: From 1926 to 1970
Date Submitted	: 29-12-1998

The Regional Land Claims Commission will investigate this claim in terms of provisions of the Act in due course. Any party who has an interest in the above-mentioned land is hereby invited to submit, within 60 days from the publication of this notice, any comments / information to:

The Regional Land Claims Commission: Western Cape
Private Bag X9163
Cape Town
8000

Tel: (021) 409-0300
Fax: (021) 424-5146

APPROVED.....

MR L.H MAPHUTHA
REGIONAL LAND CLAIMS COMMISSIONER
DATE: 2017/11/15

CHECKED.....

27/10/2017

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM
NOTICE 935 OF 2017

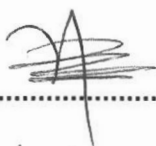
GENERAL NOTICE IN TERMS OF THE RESTITUTION OF LAND RIGHTS ACT 1994, (ACT No. 22 OF 1994) AS AMENDED.

Notice is hereby given in terms of Section 11(4) of the Restitution of Land Rights Act, 1994 (Act No.22 of 1994) as amended.

Reference Number	:	KRK6/2/3/A/1/0/331/2294 (A747)
Dispossessed person (s)	:	DR. H.M.A Arnold & Mrs. Ayesha Arnold
Claimant	:	DR. H.M.A Arnold
Property Description	:	Erf 15668 (Portion of Erf 15154) Parow, City of Cape Town
Extent	:	441m ²
Capacity	:	Ownership
Deed of Acquisition	:	T15298/1962
Deed of Dispossession	:	T8820/1984
Current Owners	:	Mr. Johannes Phillippus Paulse Mrs. Patronella Beatrice Paulse
Date Submitted	:	31 December 1998

The Regional Land Claims Commission investigated this claim in terms of provisions of the Act. Any party who has an interest in the above-mentioned land is hereby invited to submit, within 60 days from the publication of this notice, any comments / information to: The Regional Land Claims Commission: Western Cape, Private Bag X9163, Cape Town, 8000, Tel no: (021) 4090300 and Fax no: (021) 424-5146

Mr. L. H. Maphutha
Regional Land Claims Commissioner

APPROVED 

DATE 2017/11/07

CHECKED 

DATE 13/10/2017

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM
NOTICE 936 OF 2017

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

NOTICE IS HEREBY GIVEN IN TERMS OF SECTION 11(1) OF THE LAND RIGHTS ACT, 1994 (ACT NO. 22 OF 1994), AS AMENDED. THIS CLAIM FOR THE RESTITUTION OF LAND RIGHTS HAS BEEN SUBMITTED TO THE REGIONAL LAND CLAIMS COMMISSIONER FOR THE WESTERN CAPE. THE PARTICULARS REGARDING THIS CLAIM ARE AS FOLLOWS:

REFERENCE NO: KRK 6/2/3/A/16/0/1870/151 (G127)

DISPOSSESSED PARTY: JANAP HENDRICKS

PROPERTY DESCRIPTION: ERF 69805 CAPE TOWN

CAPACITY: TENANCY

CURRENT OWNER: EVANGELICAL ALLIANCE MISSION

DATE OF LODGEMENT: 29 NOVEMBER 1996

THE COMMISSION ON RESTITUTION OF LAND RIGHTS WILL INVESTIGATE THIS CLAIM IN TERMS OF PROVISIONS OF THE ACT IN DUE COURSE. ANY PARTY WHO HAS AN INTEREST IN THE ABOVE-MENTIONED LAND IS HEREBY INVITED TO SUBMIT, WITHIN 60 DAYS FROM THE PUBLICATION OF THIS NOTICE, ANY COMMENTS / INFORMATION TO:


OFFICE OF THE REGIONAL LAND CLAIMS COMMISSIONER: WESTERN CAPE
PRIVATE BAG X9163
CAPE TOWN
8000

TEL: 021- 409 0300
FAX: 021 424 5146

MR. L.H. Maphutha
REGIONAL LAND CLAIMS COMMISSIONER

APPROVED: 

DATE: 2017/10/22

CHECKED BY: 

DATE: 26/9/17

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM
NOTICE 937 OF 2017

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

NOTICE IS HEREBY GIVEN IN TERMS OF SECTION 11(1) OF THE LAND RIGHTS ACT, 1994 (ACT NO. 22 OF 1994), AS AMENDED. THIS CLAIM FOR THE RESTITUTION OF LAND RIGHTS HAS BEEN SUBMITTED TO THE REGIONAL LAND CLAIMS COMMISSIONER FOR THE WESTERN CAPE. THE PARTICULARS REGARDING THIS CLAIM ARE AS FOLLOWS:

REFERENCE NO: KRK 6/2/3/A/17/89/0/21 (D642)

DISPOSSESSED PARTY: WINSTON LAYNE

PROPERTY DESCRIPTION: ERF 328 CALEDON, THEEWATERKLOOF LOCAL MUNICIPALITY

CAPACITY: OWNERSHIP

CURRENT OWNER: ERF 328 CALEDON: NEL DANIEL STEFANUS RETIEF

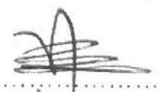
DATE OF LODGEMENT: 31 DECEMBER 1998

THE COMMISSION ON RESTITUTION OF LAND RIGHTS WILL INVESTIGATE THIS CLAIM IN TERMS OF PROVISIONS OF THE ACT IN DUE COURSE. ANY PARTY WHO HAS AN INTEREST IN THE ABOVE-MENTIONED LAND IS HEREBY INVITED TO SUBMIT, WITHIN 60 DAYS FROM THE PUBLICATION OF THIS NOTICE, ANY COMMENTS / INFORMATION TO:

OFFICE OF THE REGIONAL LAND CLAIMS COMMISSIONER: WESTERN CAPE
PRIVATE BAG X9163
CAPE TOWN
8000

TEL: 021- 409 0300
FAX: 021 424 5146

MR. L.H. Maphutha
REGIONAL LAND CLAIMS COMMISSIONER

APPROVED: 

DATE: 2017/11/07

CHECKED BY: 

DATE: 18/9/17

**DEPARTMENT OF SOCIAL DEVELOPMENT
NOTICE 938 OF 2017**



social development
Department:
Social Development
PROVINCE OF KWAZULU-NATAL

Fax : (033) 264 3093

Telephone/ Ucingo /Telefoon : (033) 264 2175

Enquiries / Imibuzo / Navrae : Ms PF Luthuli

E-mail : fezile.luthuli@kznsocdev.gov.za

174 Mayors Walk
Private Bag X 9144
Pietermaritzburg
3200

REQUEST FOR PROPOSALS

FOR SUPPLY OF GOODS AND SERVICES FOR SOCIAL RELIEF OF DISTRESS (SRD), COMMUNITY NUTRITION AND DEVELOPMENT CENTRES (CNDC) AND OTHER FOOD RELATED PROGRAMMES FOR THE DEPARTMENT OF SOCIAL DEVELOPMENT KWAZULU-NATAL FOR 36 MONTHS IN FOUR (4) CLUSTER OF DISTRICTS.

The KwaZulu-Natal Department of Social Development, is calling for interested Non-Profit Organization (NPOs) operating within the Province KwaZulu-Natal, supply of goods and services for Social Relief Of Distress (SRD), Community Nutrition and Development Centres (CNDC) and other food related programmes for the Department of Social Development KwaZulu-Natal for 36 months in four (4) cluster of districts

ELIGIBILITY CRITERIA

- The NPO must be operating in the food security, food distribution and /or related field.
- The NPO must promote equitable distribution of services, taking into account levels of malnutrition, historical imbalances, and the urban-rural divide.
- The NPO must demonstrate knowledge and capacity to procure, store and distribute required food products

- The NPO must be prepared to comply with the Radical Agrarian Socio-Economic Transformation (RASET) programme.
- The NPO must be registered in terms of the NPO Organization Act No.71 of 1997, as amended and produce the NPO registration certificate.
- The NPO must ensure sound financial management and accounting procedures, in compliance with the Public Finance Management Act1 of 1999 and its Regulations.
- All the applications form must be fully and comprehensive completed.

There will be compulsory briefing session which will be held as follows:

Date : 18 December 2017

Venue: Department of Social Development

No. 1 Homedale Place

Briardale Drive

Newlands West

Durban

Time: 11h00

Failure to attend the briefing session will result in a proposal being disqualified.

All proposals must be submitted on the tender box in the address listed below by 12 noon on the 04 January 2018.

Place	Office
Pietermaritzburg	Department of Social Development 208 Hoosen Haffeejee Pietermaritzburg 3200

Proposals received after the closing date will not be considered. A soft copy of the call for proposal, Terms of Reference and Programme documentation will be available at the briefing.

Enquires:

All enquires can be directed to **Ms Fezile Luthuli** 033-264 2175

SOUTH AFRICAN RESERVE BANK

NOTICE 939 OF 2017

**THE CO-OPERATIVES BANKS ACT NO. 40 OF 2007
REGISTRATION OF CO-OPERATIVE BANK**

I, Robert Hunter Urry, Supervisor of co-operative banks, hereby publish a notice of registration of the following co-operative bank in terms of section 8(3) of the Co-operatives Banks Act, No. 40 of 2007:

1. Ziphakamise Savings and Credit Co-operative Bank Limited.

Robert Hunter Urry
Co-operative Banks Supervisor

DEPARTMENT OF TRANSPORT**NOTICE 940 OF 2017**

**DEPARTMENT OF TRANSPORT
AIR SERVICE LICENSING ACT, 1990 (ACT NO.115 OF 1990)
APPLICATION FOR THE GRANT OR AMENDMENT OF DOMESTIC AIR
SERVICE LICENCE**

Pursuant to the provisions of section 15 (1) (b) of Act No. 115 of 1990 and Regulation 8 of the Domestic Air Regulations, 1991, it is hereby notified for general information that the application detail of which appear in the appendix, will be considered by the Air Service Licensing Council. Representation in accordance with section 15 (3) of the Act No. 115 of 1990 in support of, or in position, an application, should reach the Air Service Licensing Council. Private Box X 193, Pretoria, 0001, within 21 days of date of the publication thereof.

APPENDIX I

(A) Full name and trade name of the applicant. (B) Full business or residential address of the applicant. (C) Class of licence applied for. (D) Type of air service to which application applies. (E) Category of aircraft to which application applies.

(A) **Circle Way Training CC; Circle Way Training.** (B) 53 Victorian Heights Universe Road, Reyno Ridge, Witbank, 1034. (C) Class II. (D) Type N1 & N2. (E) Category A3 & A4.

(A) **Easy UAV (Pty) Ltd.** (B) 21 Milkwood Road, Rangeview, 1756. (C) Class III. (D) Type G3, G4 & G16 (RPAS operations). (E) Category A4, H1 & H2.

(A) **Helico (Pty) Ltd; Aviation Consulting Services.** (B) 3151 Camdeboo Crescent, Amberfield Ridge, 500 Lenchen Street, Amberfield, Centurion. (C) Class II & III. (D) Type N1, N2, G2, G3, G4, G8, G10 & G16 (Power-line, pipe-line & Telecommunication towers / RPAS ops). (E) Category A4, H1 & H2.

(A) **Leading Edge Aviation CC.** (B) Hangar A1, Nelspruit Airfield, Nelspruit, Mbombela. (C) Class III. (D) Type G3, G8 & G15. (E) Category H1 & H2.

APPENDIX II

(A) Full Name and trade name of the applicant. (B) Full business or residential address the applicant. (C) The Class and number of license in respect of which the amendment is sought (D) Type of air service and the amendment thereto which is being applied for (E) Category of aircraft and the amendment thereto which is being applied for. (F) Amendment referred to in section 14(2) (b) to I.

(A) **Fireblade Aviation (Pty) Ltd; Fireblade Aviation.** (B) Denel Precinct, Astro Park, Atlas Road, Bonacro Park. (C) Class II; N1153D. (D) Type N1 & N2. (E) Category A1, A2, A3, H1 & H2. **Changes to the Management Plan:** J. Walker replaces R. W. Rautenbach as the RP: Aircraft.

(A) **Indwe Aviation (Pty) Ltd; Indwe Aviation.** (B) George Airport, George, 6530. (C) Class II & III; N1116D & G1117D. (D) Type N1, N2, G2, G3, G10, G15 & G16 (Powerline inspection, ship to shore & offshore operations). (E) Category H1. **Changes to the Management Plan:** A. J. Steynberg replaces L. Potgieter as the RP: Flight Operations & Q. C. W. Frost replaces L. G. C. Scheepers as the Air Service Safety Officer.

(A) **Junox 300 CC; Naauwkloof Aviation.** (B) 18 Thong Place, Wapadrand, Pretoria, 0050. (C) Class II & III; N1065 & G1066D. (D) Type N1, N2, G3, G5, G8, G10 & G15. (E) Category A4 & H2. **Changes to the Management Plan:** Mr P. R. Steyn replaces Mr J. Steenkamp as the Air Service Safety Officer and adding category A3

(A) **West Dunes Aviation (Pty) Ltd; West Dunes Aviation.** (B) 378 Jill Street, Waterkloof Glen, 0180. (C) Class III; G1093D. (D) Type G2, G3, G4 & G10. (E) Category H2. Adding type G5 (Agriculture Crop Spraying & seeding), G8 (Fire spotting control & fighting) & G15 (Undersling & Winching operations).

DEPARTMENT OF TRANSPORT**NOTICE 941 OF 2017**

**DEPARTMENT OF TRANSPORT
INTERNATIONAL AIR SERVICE ACT, (ACT NO.60 OF 1993)
GRANT /AMENDMENT OF INTERNATIONAL AIR SERVICE LICENSE**

Pursuant to the provisions of section 17 (12) of Act No.60 of 1993 and Regulation 15 (1) and 15 (2) of the International Air Regulations, 1994, it is hereby notified for general information that the applications, detail of which appear in the Schedules hereto, will be considered by the International Air Services Council (Council) representation in accordance with section 16(3) of the Act No. 60 of 1993 and regulation 25(1) of International Air Services Regulation, 1994, against or in favour of an application, should reach the Chairman of the International Air Services Council at Department of Transport, Private Bag X 193, Pretoria, 0001, within 28 days of the publication hereof. It must be stated whether the party or parties making such representation is / are prepared to be represent or represented at the possible hearing of the application.

APPENDIX I

(A) Full name, surname and trade name of the applicant. (B) Full business or residential address of the applicant. (C) Class of licence applied for. (D) Type of International Air Service to which application pertains. (E) Category or kind of aircraft to which application pertains. (F) Airport from and the airport to which flights will be undertaken. (G) Area to be served. (H) Frequency of flight.

(A) Spiral Air Chartes CC; LBI Charters. (B) Hangar #5, Wonderboom Airport, Pretoria. (C) Class III. (D) Type G3, G4, G5 & G8. (E) Category A2, A3 & A4. (F) & (G) Africa.

(A) Umove Legacy (Pty) Ltd; Umove Legacy (Pty) Ltd. (B) Protea Hotel Centurion, 5th Floor Offices, Centurion, 0181. (C) Class II. (D) Type N1 & N2. (E) Category A1 & A2. (F) OR Tambo International Airport.

APPENDIX II

(A) Full name, surname and trade name of the applicant. (B) Full business or residential address of the applicant. (C) Class of licence applied for. (D) Type of International Air Service to which application pertains. (E) Category or kind of aircraft to which application pertains. (F) Airport from and the airport to which flights will be undertaken. (G) Area to be served. (H) Frequency of flight.

(A) FIREBLADE AVIATION (Pty) Ltd; Fireblade Aviation. (B) Denel Precinct, Astro Park, Atlas Road, Bonaero Park. (C) Class II; I/N274. (D) Type N1 & N4. (E) Category A1, A2, A3, H1 & H2. (F) OR Tambo International Airport. (G) Worldwide. **Changes to the Management Plan.** J Walker replaces R. W. Rautenbach as the RP: Aircraft.

WARNING!!!

To all suppliers and potential suppliers of goods to the Government Printing Works

The Government Printing Works would like to warn members of the public against an organised syndicate(s) scamming unsuspecting members of the public and claiming to act on behalf of the Government Printing Works.

One of the ways in which the syndicate operates is by requesting quotations for various goods and services on a quotation form with the logo of the Government Printing Works. Once the official order is placed the syndicate requesting upfront payment before delivery will take place. Once the upfront payment is done the syndicate do not deliver the goods and service provider then expect payment from Government Printing Works.

Government Printing Works condemns such illegal activities and encourages service providers to confirm the legitimacy of purchase orders with GPW SCM, prior to processing and delivery of goods.

To confirm the legitimacy of purchase orders, please contact:

Renny Chetty (012) 748-6375 (Renny.Chetty@gpw.gov.za),

Anna-Marie du Toit (012) 748-6292 (Anna-Marie.DuToit@gpw.gov.za) and

Siraj Rizvi (012) 748-6380 (Siraj.Rizvi@gpw.gov.za)

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