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IMPORTANT NOTICE:

THE GOVERNMENT PRINTING WORKS WILL NOT BE HELD RESPONSIBLE FOR ANY ERRORS THAT MIGHT OCCUR DUE TO THE SUBMISSION OF INCOMPLETE / INCORRECT / ILLEGIBLE COPY.

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

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Closing times for **ORDINARY WEEKLY** **2018** **GOVERNMENT GAZETTE**

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

- **28 December 2017**, Thursday for the issue of Friday **05 January 2018**
- **05 January**, Friday for the issue of Friday **12 January 2018**
- **12 January**, Friday for the issue of Friday **19 January 2018**
- **19 January**, Friday for the issue of Friday **26 January 2018**
- **26 January**, Friday for the issue of Friday **02 February 2018**
- **02 February**, Friday for the issue of Friday **09 February 2018**
- **09 February**, Friday for the issue of Friday **16 February 2018**
- **16 February**, Friday for the issue of Friday **23 February 2018**
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- **22 March**, Thursday for the issue of Thursday **29 March 2018**
- **28 March**, Wednesday for the issue of Friday **06 April 2018**
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- **13 April**, Friday for the issue of Friday **20 April 2018**
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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.gpwnonline.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).

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GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF AGRICULTURE, FORESTRY AND FISHERIES

NO. 4

05 JANUARY 2018

LIQUOR PRODUCTS ACT, 1989

(ACT No. 60 OF 1989)

**LIMITATION ON THE USE OF CERTAIN PARTICULARS IN CONNECTION WITH THE
SALE OF LIQUOR PRODUCTS: AMENDMENT**

I, Senzeni Zokwana, Minister of Agriculture, Forestry and Fisheries, acting under section 11(4) of the Liquor Products Act, 1989 (Act No. 60 of 1989), hereby amend Government Notice No. R. 1432 of 29 June 1990, as amended, to the extent set out in the Schedule.

S. ZOKWANA,

Minister of Agriculture, Forestry and Fisheries.

SCHEDULE

Definition

1. In this Schedule "the Notice" means the Schedule to Government Notice No. R. 1432 of 19 June 1990, as amended by Government Notices No's R. 1210 of 30 May 1991, R. 835 of 26 June 1998, R. 1414 of 6 November 1998, R. 815 of 11 August 2006, R. 556 of 22 May 2009, R. 527 of 13 July 2012 and R. 405 of 23 May 2014.

Insertion of clause 8 in the Notice

2. The Notice is hereby amended by the insertion of the following clause after clause 7:

"8. Reservation with regard to the use of "tequila"

No person shall in connection with the sale of a liquor product use the word "tequila" unless such use is in compliance with the official Mexican standard."

DEPARTEMENT VAN LANDBOU, BOSBOU EN VISSERYE**NO. 4****05 JANUARIE 2018**

WET OP DRANKPRODUKTE, 1989

(WET No. 60 VAN 1989)

**BEPERKING OP DIE GEBRUIK VAN SEKERE BESONDERHEDE IN VERBAND MET
DIE VERKOOP VAN DRANKPRODUKTE: WYSIGING**

Ek, Senzeni Zokwana, Minister van Landbou, Bosbou en Visserye, handelende kragtens artikel 11(4) van die Wet op Drankprodukte, 1989 (Wet No. 60 van 1989), wysig hierby Goewermentskennisgewing No. R. 1432 van 29 Junie 1990, soos gewysig, in die mate in die Bylae uiteengesit.

S. ZOKWANA,

Minister van Landbou, Bosbou en Visserye.

BYLAE

Woordomskrywing

1. In hierdie Bylae beteken "die Kennisgewing" die Bylae by Goewermentskennisgewing No. R. 1432 van 19 Junie 1990, soos gewysig by Goewermentskennisgewings No's R. 1210 van 30 Mei 1991, R. 835 van 26 Junie 1998, R. 1414 van 6 November 1998, R. 815 van 11 Augustus 2006, R. 556 van 22 Mei 2009, R. 527 van 13 Julie 2012 en R. 405 van 23 Mei 2014.

Invoeging van klousule 8 in die Kennisgewing

2. Die Kennisgewing word hierby gewysig deur die volgende klousule na klousule 7 in te voeg:

"8. Voorbehoud met betrekking tot die gebruik van "tequila"

Niemand mag in verband met die verkoop van 'n drankprodukt die woord "tequila" gebruik nie, tensy sodanige gebruik voldoen aan die amptelike Meksikaanse standaard."

DEPARTMENT OF AGRICULTURE, FORESTRY AND FISHERIES**NO. 5****05 JANUARY 2018**

LIQUOR PRODUCTS ACT, 1989

(ACT No. 60 OF 1989)

REGULATIONS: AMENDMENT

The Minister of Agriculture, Forestry and Fisheries has, under section 27 of the Liquor Products Act, 1989 (Act No. 60 of 1989), made the regulations in the Schedule.

SCHEDULEDefinition

1. In this Schedule "the Regulations" means the regulations published by Government Notice No. R. 1433 of 29 June 1990, as amended by Government Notices Nos. R. 838 of 19 April 1991, R. 2841 of 29 November 1991, R. 2079 of 24 July 1992, R. 2593 of 11 September 1992, R. 2791 of 2 October 1992, R. 3152 of 20 November 1992, R. 1376 of 30 July 1993, R. 2350 of 10 December 1993, R. 356 of 25 February 1994, R. 636 of 8 April 1994, R. 1022 of 27 May 1994, R. 2242 of 23 December 1994, R. 394 of 17 March 1995, R. 1695 of 3 November 1995, R. 1876 of 8 December 1995, R. 501 of 29 March 1996, R. 1038 of 8 August 1997, R. 1141 of 29 August 1997, R. 833 of 26 June 1998, R. 1078 of 28 August 1998, R. 24 of 8

January 1999, R. 70 of 22 January 1999, R. 672 of 28 May 1999, R. 951 of 6 August 1999, R. 21 of 12 January 2001, R. 349 of 20 April 2001, R. 678 of 27 July 2001, R. 343 of 7 March 2003, R. 77 of 3 February 2006, R. 814 of 11 August 2006, R. 846 of 14 September 2007, R. 171 of 15 February 2008, R. 555 of 22 May 2009, R. 413 of 21 May 2010, R. 525 of 13 July 2012, R. 401 of 2 May 2014 and R629 of 24 July 2015.

Amendment of regulation 1 of the Regulations

2. Regulation 1 of the Regulations is hereby amended –

(a) by the substitution for the definition of "concentrated must" of the following definition:

"concentrated must" means –

(a) the liquid uncaramelised product obtained through the partial dehydration of must, and of which the specific gravity is at least 1,24; or

(b) the solid uncaramelised product obtained by the crystallisation of liquid concentrated must without the use of solvents, and of which the specific gravity is at least 1.24 after dilution for use;"; and

(b) by the insertion after the definition of "fruit juice" of the following definition:

"main label' means the label normally facing the customer in most self-help retailers;"

Amendment of regulation 11A of the Regulations

3. Regulation 11A of the Regulations is hereby amended by the substitution for the wording preceding subparagraph (i) of paragraph (b) of subregulation (1) of the following wording:

"(b) be matured by storage for a period of at least three months in oak casks –".

Amendment of regulation 21 of the Regulations

4. Regulation 21 of the Regulations is hereby amended by the substitution for paragraph (b) or the following paragraphs:

"(b) have the distinctive taste and aroma characteristic of gin and be clearly distinguishable from other classes of spirit;

(c) have an alcohol content of at least 43 per cent."

Amendment of regulation 29 of the Regulations

5. Regulation 29 of the Regulations is hereby amended by the substitution for subregulation (3) of the following subregulation:

"(3) The sugar content, expressed as invert sugar, of a spirit-based liquor shall, in the case of liqueur, spirit cocktail and cream liqueur, be at least 75 gram per litre."

Amendment of regulation 33 of the Regulations

6. Regulation 33 of the Regulations is hereby amended by the substitution for subparagraph (i) of paragraph (a) of subregulation (2) of the following subparagraph:

"(i) is a skin macerated white, an extended barrel aged white/gris, a natural pale/non-fortified pale, a method ancestrale, an alternative red/white, a perlé wine, a sparkling wine or a sun wine; or"

Amendment of regulation 35 of the Regulations

7. Regulation 35 of the Regulations is hereby amended –

(a) by the substitution for paragraph (a) of subregulation (1) of the following paragraph:

"(a) in the case of wine of a class specified in column 1 of Table 2, be the applicable designation specified in that column: Provided that –

- (i) in the case of wine of the class methode ancestrale of which the pressure in the bottle in which it is to be sold is equal to or less than 300 kPa, the class designation "perlé wine" shall be indicated in conjunction with "methode ancestrale", wherever it appears on a label; and
 - (ii) in the case of wine of the class methode ancestrale of which the pressure in the bottle in which it is to be sold is more than 300 kPa, the class designation "sparkling wine" shall be indicated in conjunction with "methode ancestrale", wherever it appears on a label;" and
- (b) by the substitution for paragraph (a) of subregulation (2) of the following paragraph:
- "(a) The word "wine" or "wyn", that forms part of the class designation of wine of a class specified in items 1 to 7, 8, 18 and 19 of Table 2, may be omitted when the class designation concerned is indicated on a label."

Amendment of regulation 38B of the Regulations

8. Regulation 38B of the Regulations is hereby amended by the substitution for subregulation (2) of the following subregulation:

"(2) The lot identification shall consist of any indication or mark identifying the lot to which a liquor product belongs, preceded by the letter "L": Provided that the administering officer may, in the case of wine imported in labelled containers in which it is to be sold in the Republic, allow a lot identification without such preceding "L".

Amendment of regulation 39 of the Regulations

9. Regulation 39 of the Regulations is hereby amended by the substitution for the wording preceding paragraph (a) of subregulation (5) of the following wording:

"(5) If the expressions "kooperatief", "kooperatiewe", "kooperasie", "co-operative", "wynmakery", "wijnmakery", "winery", "wynkelder", "wine cellar", "maatskappy", "company", "wynboere", "wine farmers", "boere", "farmers", "landbou", "agriculture", "beperk" or "limited" form part of a name referred to in subregulation (4) that expression may be substituted by the expressions "koop", "ko-op", "coop", "wynkelder", "wine cellar", "wynmakery", "wijnmakery", "winery", "kelder", or "cellar" or other expression or expressions approved by the board, that-

Amendment of regulation 41 of the Regulations

10. Regulation 41 of the Regulations is hereby amended –

- (a) by the substitution for paragraph (a) of subregulation (3) of the following paragraph:

"(a) may only be prepackaged in a self-supporting and rigid container; or";

- (b) by the substitution for subparagraph (i) of paragraph (b) of subregulation (3) of the following subparagraph:

"(i) be prepackaged in a self-supporting, not-returnable, tamper-proof and rigid outer packaging, which completely encloses and covers up that container;"; and

- (c) by the substitution for paragraph (b) of subregulation (4) of the following paragraph:

"(b) be new and rigid plastic;".

Amendment of Table 1 of the Regulations

11. Table 1 of the Regulations is hereby amended –

- (a) by the substitution for the entry "Alvarinho (Albarino)****" of the entry "Alvarinho (Albarino)";
- (b) by the substitution for the entry "Barbarossa****" of the entry "Barbarossa";

- (c) by the substitution for the entry "Grenache (Rooi/Red Grenache)" of the entry "Grenache (Rooi/Red Grenache; Grenache noir);
- (d) by the substitution for the entry "Kristal****" of the entry "Kristal";
- (e) by the substitution for the entry "Palomino (Fransdruif; White French; Malvasia Rei)" of the entry "Palomino (Fransdruif; White French; Malvasia Rei; Listán blanc; Listón blanco);
- (f) by the substitution for the entry "Sauvignon blanc (Blanc Fumé)" of the entry "Sauvignon blanc (Blanc Fumé; Fumé blanc); and
- (g) by the insertion in the alphabetically correct place of the entry "Vermentino".

Amendment of Table 5 of the Regulations

12. Table 5 of the Regulations is hereby amended by the insertion in the numerically correct place of the following entries:

| Class | Manner of production and requirements | Alcohol content | |
|---|---|-----------------|-----------|
| | | Minimum % | Maximum % |
| 1 | 2 | 3 | |
| "5. Bitter-tasting spirit-based drink / Bitters | The product shall have a predominantly bitter taste produced by adding flavourings of plant origin or nature-identical flavourings to a spirit. | 15,0 | ** |

Substitution of Table 6 of the Regulations

13. The following Table is hereby substituted for Table 6 of the Regulations:

"TABLE 6**SUBSTANCES WHICH MAY BE ADDED TO LIQUOR PRODUCTS****[Reg. 30]**

| Name of substance | Liquor products to which substance may be added | Manner and conditions of addition |
|---------------------------|--|---|
| 1 | 2 | 3 |
| Acacia / Arabic gum | wine; alcoholic fruit beverage; grape-based liquor; spirit-based liquor. | This product may only be added after completion or termination of alcoholic fermentation. |
| Acetic acid | alcoholic fruit beverage, spirit-based liquor | |
| Agar-agar / Agar | wine; alcoholic fruit beverage; grape-based liquor; spirit-based liquor | |
| Allura red AC C.I. 16035 | unspecified alcoholic fruit beverage; grape-based liquor (excluding grape liquor); spirit-based liquor | The final product shall not contain more than 100mg/l of this substance. |
| Ammonia | Wine | |
| Ammonium bisulphite | Wine | |
| Ammonium phosphate | Wine | |
| Ammonium sulphate | wine; alcoholic fruit beverage | |
| Ammonium sulphite | Wine | |
| Anatto extract C.I. 75120 | unspecified alcoholic fruit beverage; grape-based liquor (excluding grape liquor); spirit-based liquor | The final product shall not contain more than 100mg/l of this substance. |
| Anthocyanin | unspecified alcoholic fruit beverage; grape-based liquor; spirit-based liquor | The final product shall not contain more than 300mg/l of this substance. |
| Argon | wine | |
| Ascorbic acid | wine; alcoholic fruit beverage; grape-based liquor; spirit-based liquor | The final product shall, in the case of wine and a grape-based liquor, not contain more than 150mg/l of this substance. |

| Name of substance | Liquor products to which substance may be added | Manner and conditions of addition |
|------------------------------------|--|--|
| 1 | 2 | 3 |
| Azorubine or Carmoisine C.I. 14720 | unspecified alcoholic fruit beverage; grape-based liquor (excluding grape liquor); spirit-based liquor | The final product shall not contain more than 100mg/l of this substance. |
| Beetroot red or Betanin | unspecified alcoholic fruit beverage; grape-based liquor (excluding grape liquor); spirit-based liquor | The final product shall not contain more than 30mg/l of this substance. |
| Bentonite | All types and classes | |
| Benzoic acid | alcoholic fruit beverage; grape-based liquor (excluding grape liquor); spirit-based liquor | The final product shall not contain more than 250mg/l, calculated as benzoic acid, of this substance. |
| Brilliant blue FCF C.I. 42090 | unspecified alcoholic fruit beverage; grape-based liquor (excluding grape liquor); spirit-based liquor | The final product shall not contain more than 200mg/l of this substance. |
| Caffeine | alcoholic fruit beverage; grape-based liquor (excluding grape liquor); spirit-based liquor | <p>If the final product contains more than 150mg/l of caffeine from this and other substances -</p> <p>a) the following clearly legible message must be indicated on the main label, in letters of which the smallest letter is not less than 3.0mm in height: "High caffeine content";</p> <p>b) the following legible message must be indicated on a label, not less than 1.3mm in height: "Not recommended for pregnant or lactating women or persons sensitive to caffeine"; and</p> <p>c) a declaration must be included on a label of the quantity of caffeine, per single serving size and per 100ml, expressed in milligrams or "mg", following the word "caffeine".</p> |
| Calcium alginate | sparkling wines which are bottle fermented; alcoholic fruit beverage; grape-based liquor (excluding grape liquor); spirit-based liquor | |

| Name of substance | Liquor products to which substance may be added | Manner and conditions of addition |
|---|---|--|
| 1 | 2 | 3 |
| Calcium carbonate | wine; alcoholic fruit beverage; grape-based liquor; spirit-based liquor | |
| Calcium citrate | alcoholic fruit beverage; | |
| Calcium disodium ethylene diamine tetraacetate (calcium disodium EDTA) | unspecified alcoholic fruit beverage; grape-based liquor (excluding grape liquor); spirit-based liquor | The final product shall not contain more than 25mg/l of this substance. |
| Calcium hydroxide | wine; grape-based liquor | |
| Calcium malate | alcoholic fruit beverage; grape-based liquor (excluding grape liquor); spirit-based liquor | |
| Capsanthin or capsorubine or paprika extract | unspecified alcoholic fruit beverage; grape-based liquor (excluding grape liquor); spirit-based liquor | |
| Caramel (I - plain; II - caustic sulphite process; III ammonia process; IV - ammonia sulphite process) | wine (excluding special late harvest wine and noble late harvest wine); alcoholic fruit beverage; spirits (excluding grape spirit, cane spirit, gin, vodka, unspecified spirit and mixed spirit); grape-based liquor; spirit-based liquor | <p>1. When using Caramel III and/or IV, the final product shall not contain more than:</p> <p>a) 1000mg/l in the case of alcoholic fruit beverage; and</p> <p>b) 50000mg/l in the case of grape-based liquor, spirit-based liquor and spirits.</p> <p>2. In the case of wine this substance may only be used if:</p> <p>a) it has not been manufactured by the ammonia process and</p> <p>b) it does not contain more than 200mg/kg of 4-methyl imidazole.</p> |
| Carbon dioxide | wine (excluding noble late harvest wine); alcoholic fruit beverage; grape-based liquor; spirit-based liquor; spirits | |
| Carotines (Mixed carotenes C.I. 75130 and Betacarotene C.I. 40800, including Beta-apo-8'-carotenal C.I. | unspecified alcoholic fruit beverage; grape-based liquor (excluding grape liquor); spirit-based liquor | The final product shall not contain more than 200mg/l of this substance. |

| Name of substance | Liquor products to which substance may be added | Manner and conditions of addition |
|---|---|--|
| 1 | 2 | 3 |
| 40820 and Ethyl ester of beta-apo-8'-carotenoic acid) | | |
| Carrageenan | alcoholic fruit beverage; grape-based liquor (excluding grape liquor); spirit-based liquor | |
| Casein | wine; alcoholic fruit beverage; grape-based liquor; spirit-based liquor | |
| Charcoal | wine (excluding special late harvest wine and noble late harvest wine); alcoholic fruit beverage; spirits (excluding premium husk spirit, pot still brandy and vintage brandy); grape-based liquor; spirit-based liquor | |
| Chemically modified starches (chemically and enzymatically derived) | alcoholic fruit beverage; grape-based liquor (excluding grape liquor); spirit-based liquor | |
| Chitin-glucan derived from <i>Aspergillus niger</i> | wine, alcoholic fruit beverage, grape-based liquor | In accordance with the provisions of note 1. |
| Chitosan derived from <i>Aspergillus niger</i> | wine, alcoholic fruit beverage, grape-based liquor | In accordance with the provisions of note 1. |
| Chlorophyll C.I. 75810 | grape-based liquor (excluding grape liquor); spirit-based liquor | The final product shall not contain more than 30mg/l of this substance. |
| Citrates of potassium, calcium and sodium | alcoholic fruit beverage | |
| Citric acid | wine; alcoholic fruit beverage; grape-based liquor; spirit-based liquor | |
| Cochineal, Carminic acid or Carmine C.I. 75470 | unspecified alcoholic fruit beverage; grape-based liquor (excluding grape liquor); spirit-based liquor. | The final product shall not contain more than 200mg/l of this substance. |

| Name of substance | Liquor products to which substance may be added | Manner and conditions of addition |
|-------------------|---|---|
| 1 | 2 | 3 |
| Concentrated must | wine (excluding special late harvest wine, wine from naturally dried grapes and noble late harvest wine); husk spirit; premium husk spirit; pot still brandy; brandy and vintage brandy; grape-based liquor | <p>1. In unreconstituted form, this substance may -</p> <p>a) in the case of wine of the classes specified in items 27 to 34 of Table 2, be added only as allowed in that Table;</p> <p>b) in the case of other wine, be added before or during alcoholic fermentation and on condition that -</p> <p>(i) the volume of the must to which it is added may not increase by more than 5 per cent as a result of such addition; and</p> <p>(ii) the total (actual plus potential) alcohol content of the final product may not increase by more than 2 per cent as a result of such addition;</p> <p>c) otherwise, only be added after completion or termination of alcoholic fermentation; and</p> <p>d) in the case of the spirits specified in column 2, only be added to such extent that the sugar content of the final product, calculated as reducing sugar, does not exceed 15g/l.</p> <p>2. In reconstituted form, this substance may –</p> <p>a) only be added to wine or a grape-based liquor, either before, during or after alcoholic fermentation;</p> <p>b) in the case of wine, only be added to wine not intended for</p> |

| Name of substance | Liquor products to which substance may be added | Manner and conditions of addition |
|---|--|--|
| 1 | 2 | 3 |
| | | <p>certification and on condition that -</p> <ul style="list-style-type: none"> (i) it shall not be reconstituted to below 20 degrees Balling; (ii) notice, which shall include the volume of water to be used and the degrees Balling of the concentrated must concerned, shall be given to the administering officer at least 24 hours prior to commencement of reconstitution; (iii) reconstitution shall not commence unless approved by the administering officer; (iv) any further reconstitution shall be subject to the conditions set out in subparagraphs (i), (ii) and (iii) of this paragraph; (v) after alcoholic fermentation and any sweetening of the wine concerned, the wine shall be analysed for alcohol and residual sugar content and such analyses shall be kept and maintained on record for a period of at least five years. |
| Copper sulphate | wine, alcoholic fruit beverage; grape-based liquor | |
| Curcumin C.I. 75300 | unspecified alcoholic fruit beverage; grape-based liquor (excluding grape liquor); spirit-based liquor | The final product shall not contain more than 200mg/l of this substance. |
| Dairy products and plant based dairy alternatives | spirit cooler; spirit cocktail; cream liqueur | The butterfat content of the final product shall, in the case of cream liqueur, be at least 10.0% by volume. |
| Dessert wine | husk spirit, premium husk spirit, pot still brandy, brandy, | This substance shall only be added to such extent that the total sugar |

| Name of substance | Liquor products to which substance may be added | Manner and conditions of addition |
|---|--|--|
| 1 | 2 | 3 |
| | vintage brandy, whisky, malt whisky and blended whisky | content of the final product, calculated as reducing sugar, does not exceed 15g/l. |
| Diammonium glycerol phosphate | wine | |
| Diammonium phosphate | wine; alcoholic fruit beverage. | |
| Dimethyl dicarbonate (DMDC/Velcorin) | wine; alcoholic fruit beverage; grape-based liquor; spirit-based liquor | The final product shall in the case of: a) a spirit-based liquor, not contain more than 100mg/l of this substance; b) wine, not contain more than 200mg/l of this substance; c) all other liquor products, not contain more than 250mg/l of this substance. |
| Egg albumen | wine; alcoholic fruit beverage; grape-based liquor; spirit-based liquor | |
| Egg yolk | grape-based liquor (excluding grape liquor); spirit-based liquor | |
| Emulsifying agents | grape-based liquor (excluding grape liquor); spirit-based liquor. | |
| Enzymes | wine; alcoholic fruit beverage; grape-based liquor | |
| Erythrosine BS C.I. 45430 | unspecified alcoholic fruit beverage; grape-based liquor (excluding grape liquor); spirit-based liquor | The final product shall not contain more than 30mg/l of this substance. |
| Evaporated milk | wine | |
| Filtering aids of inert material | All types and classes. | No undesired residue shall be left behind in the treated product. |
| Flavourings of plant origin or extracts thereof | husk spirit, premium husk spirit, pot still brandy, brandy, vintage brandy and gin; grape-based liquor (excluding grape liquor); spirit-based liquor, alcoholic fruit beverage | The addition of this substance to - (a) flavoured grape liquor or an alcoholic fruit beverage shall not increase the alcohol content of the product by more than 0.6 percent; and |

| Name of substance | Liquor products to which substance may be added | Manner and conditions of addition |
|--|--|--|
| 1 | 2 | 3 |
| | | (b) vermouth or cocktail shall not increase the alcohol content of the product by more than 1.2 per cent. |
| Flavourings that are nature-identical | alcoholic fruit beverage; grape-based liquor (excluding grape liquor); spirit-based liquor | The addition of this substance to - (a) flavoured grape liquor or an alcoholic fruit beverage shall not increase the alcohol content of the product by more than 0.6 percent; and (b) vermouth or cocktail shall not increase the alcohol content of the product by more than 1.2 per cent. |
| Fruit juice (fresh or concentrate) | unspecified alcoholic fruit beverage; grape-based liquor (excluding grape liquor); spirit cooler; spirit cocktail; liqueur | |
| Gelatine | All types and classes. | |
| Gellan Gum | alcoholic fruit beverage; grape-based liquor (excluding grape liquor); spirit-based liquor | |
| Glycerol / Glycerine | spirit-based liquor | |
| Gold flakes | wine; grape-based liquor; spirit-based liquor | |
| Green S, acid brilliant green BS or lissamine green C.I. 44090 | unspecified alcoholic fruit beverage; grape-based liquor (excluding grape liquor); spirit-based liquor | The final product shall not contain more than 100mg/l of this substance. |
| Guarana | alcoholic fruit beverage; grape-based liquor (excluding grape liquor); spirit-based liquor | If the final product contains more than 150mg/l of caffeine from this and other substances - a) the following clearly legible message must be indicated on the main label, in letters of which the smallest letter is not less than 3.0mm in height: "High caffeine content"; b) the following legible message must be indicated on a label, not less than 1.3mm in height: "Not |

| Name of substance | Liquor products to which substance may be added | Manner and conditions of addition |
|-------------------------------------|--|---|
| 1 | 2 | 3 |
| | | recommended for pregnant or lactating women or persons sensitive to caffeine"; and c) a declaration must be included on a label of the quantity of caffeine, per single serving size and per 100ml, expressed in milligrams or "mg", following the word "caffeine". |
| Herbs and natural extract of herbs | vermouth; spirit-based liquor; alcoholic fruit beverage, spirit cocktail | |
| Honey | husk spirit, premium husk spirit, pot still brandy, brandy and vintage brandy; grape-based liquor (excluding grape liquor); spirit-based liquor | This substance shall, in the case of the spirits specified in column 2, only be added to such extent that the total sugar content of the final product, calculated as reducing sugar, does not exceed 15g/l. |
| Hydrogen peroxide | wine | |
| Ion exchange resins | alcoholic fruit beverage; grape-based liquor | |
| Isinglass | wine; alcoholic fruit beverage; grape-based liquor | |
| Isomalt (Hydrogenated Isomaltulose) | alcoholic fruit beverage (excluding fortified apple and pear beverages); grape-based liquor (excluding grape liquor and flavoured grape liquor); spirit-based liquor | The substance shall - a) in the case of an alcoholic fruit beverage - (i) be added before alcoholic fermentation only to such an extent that not more than 20 per cent of the fermentable sugars are derived therefrom; (ii) otherwise, only be added after completion or termination of alcoholic fermentation to sweeten the final product and to a maximum of 100g/l, calculated as reducing sugar; b) in the case of a grape-based liquor or a spirit-based liquor, only be added to sweeten the final product. |

| Name of substance | Liquor products to which substance may be added | Manner and conditions of addition |
|---|---|---|
| 1 | 2 | 3 |
| Lactic acid | wine; alcoholic fruit beverage; spirit-based liquor | |
| Lecithin | alcoholic fruit beverage; grape-based liquor (excluding grape liquor); spirit-based liquor | |
| Lycopene C.I. 75125 | unspecified alcoholic fruit beverage; grape-based liquor (excluding grape liquor); spirit-based liquor | The final product shall not contain more than 200mg/l of this substance. |
| Malates of potassium, calcium and sodium | alcoholic fruit beverage | |
| Malic acid | wine; alcoholic fruit beverage; grape-based liquor, spirit based liquor | |
| Malolactic fermentation bacteria | wine | |
| Meta-tartaric acid | wine | |
| Milk | wine | |
| Mono-and diglycerides of edible fatty acids | alcoholic fruit beverage; grape-based liquor (excluding grape liquor); spirit-based liquor | |
| Must | wine (excluding special late harvest wine, noble late harvest wine and wine of the classes specified in items 27 to 34 of Table 2); husk spirit; premium husk spirit; pot still brandy; brandy and vintage brandy; grape-based liquor | The substance shall, in the case of the spirits specified in column 2, only be added to such extent that the total sugar content of the final product, calculated as reducing sugar, does not exceed 15g/l. |
| Nitrogen gas | wine; alcoholic fruit beverage; grape-based liquor | |
| Oxygen | wine; alcoholic fruit beverage; grape-based liquor | |
| Pectin | alcoholic fruit beverage; grape-based liquor; spirit-based liquor | |
| Phytates | wine | |
| Pimaricin (Natamycin) | wine; alcoholic fruit beverage; grape-based liquor; spirit-based liquor | This substance may not be added to wine intended for certification |
| Polyvinyl polypyrrolidone (PVPP) | Wine (excluding special late harvest wine and noble late harvest wine); alcoholic fruit beverage; grape-based liquor; | |

| Name of substance | Liquor products to which substance may be added | Manner and conditions of addition |
|--|---|---|
| 1 | 2 | 3 |
| | spirit-based liquor | |
| Polyvinylimidazole – polyvinylpyrrolidone copolymers (PVI/PVP) | wine | In accordance with the provisions of note 2. |
| Ponceau 4R or Cochineal red A C.I. 16255 | unspecified alcoholic fruit beverage; grape-based liquor (excluding grape liquor); spirit-based liquor | The final product shall not contain more than 200mg/l of this substance. |
| Potassium ferrocyanide | wine; alcoholic fruit beverage; grape-based liquor; spirits. | In accordance with the provisions of regulation 31 (4). |
| Potassium alginate | wine; alcoholic fruit beverages; grape-based liquor; spirit-based liquor | |
| Potassium bicarbonate | wine | |
| Potassium bitartrate | wine; alcoholic fruit beverage; grape-based liquor | |
| Potassium carbonate | wine; alcoholic fruit beverage; grape-based liquor; spirit-based liquor | |
| Potassium citrate | alcoholic fruit beverage; grape-based liquor (excluding grape liquor); spirit-based liquor | |
| Potassium hydroxide | alcoholic fruit beverage; grape-based liquor; spirit-based liquor | |
| Potassium malate | alcoholic fruit beverage; grape-based liquor (excluding grape liquor); spirit-based liquor | |
| Potassium metabisulphite | wine; alcoholic fruit beverage; grape-based liquor; spirit-based liquor | |
| Potassium phosphate | alcoholic fruit beverage; grape-based liquor (excluding flavoured grape liquor and grape liquor); spirit-based liquor | The final product shall not contain more than - a) 880mg/l of this substance, calculated as phosphorus, for Cider and Perry; and b) 440mg/l of this substance, calculated as phosphorus, for all other liquor products. |
| Potassium sorbate | wine; alcoholic fruit beverage; grape-based liquor; spirit-based liquor | The final product shall not contain more than 200mg/l, calculated as sorbic acid, of this substance. |

| Name of substance | Liquor products to which substance may be added | Manner and conditions of addition |
|--|--|---|
| 1 | 2 | 3 |
| Propylene glycol alginate or Propane-1,2-diol alginate | spirit-based liquor. | |
| Quillaia extract | rum; alcoholic fruit beverage, spirit-based liquor, grape-based liquor (excluding grape liquor) | The final product shall not contain more than 3g/l of this substance. |
| Quinoline yellow C.I. 47005 | unspecified alcoholic fruit beverage; grape-based liquor (excluding grape liquor); spirit-based liquor | The final product shall not contain more than 100mg/l of this substance. |
| Riboflavin or lactoflavin | unspecified alcoholic fruit beverage; grape-based liquor (excluding grape liquor); spirit-based liquor | The final product shall not contain more than 100mg/l of this substance. |
| Silica Sol | All types and classes. | |
| Sodium alginate | wine; alcoholic fruit beverage; grape-based liquor; spirit-based liquor | |
| Sodium benzoate | alcoholic fruit beverage; grape-based liquor (excluding grape liquor); spirit-based liquor | The final product shall not contain more than 250mg/l, calculated as benzoic acid, of this substance. |
| Sodium carbonate | wine; alcoholic fruit beverage; spirit-based liquor | |
| Sodium carboxymethyl cellulose (CMC) | wine; alcoholic fruit beverages; grape-based liquor; spirit-based liquor | Not more than 100mg/l of this substance may be added to wine. |
| Sodium chloride (common salt) | spirit-based liquor | |
| Sodium citrate | alcoholic fruit beverages; grape-based liquor (excluding grape liquor); spirit-based liquor | |
| Sodium hydroxide | wine; alcoholic fruit beverage; spirit-based liquor | |
| Sodium malate | alcoholic fruit beverage; grape-based liquor (excluding grape liquor); spirit-based liquor | |
| Sodium metabisulphite | wine; alcoholic fruit beverage; spirit-based liquor | |
| Sodium phosphate | alcoholic fruit beverage; grape-based liquor (excluding flavoured grape liquor and grape liquor); spirit-based | The final product shall not contain more than - a) 880mg/l of this substance, |

| Name of substance | Liquor products to which substance may be added | Manner and conditions of addition |
|---|--|--|
| 1 | 2 | 3 |
| | liquor | calculated as phosphorus, for Cider and Perry; and b) 440mg/l of this substance, calculated as phosphorus, for all other liquor products. |
| Soft drink as defined in the regulations published under the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act 54 of 1972) | spirit cooler | |
| Sorbic acid | wine; alcoholic fruit beverage; grape-based liquor; spirit-based liquor | The final product shall not contain more than 200mg/l, calculated as sorbic acid, of this substance. |
| Spirit derived from any harmless plant article | vermouth, cocktail with an alcohol content of 15 per cent or more | The substance concerned shall be a rectified spirit. |
| Spirit derived from apples or pears | alcoholic fruit beverage (excluding unspecified alcoholic fruit beverage) | The substance concerned shall be a rectified spirit. |
| Spirit derived from grapes | wine (excluding late harvest wine, special late harvest wine, noble late harvest wine and sweet natural wine); vermouth; cocktail with an alcohol content of 15 per cent or more | |
| Sugar of plant origin | sparkling wines which undergo a second fermentation; alcoholic fruit beverage (excluding fortified apple and pear beverages); spirits; grape-based liquor (excluding grape liquor and flavoured grape liquor); spirit-based liquor | The substance shall - a) in the case of sparkling wines, only be added for the initiation of the second alcoholic fermentation and to sweeten the final product; b) in the case of an alcoholic fruit beverage - (i) be added before alcoholic fermentation only to such an extent that not more than 20 per cent of the fermentable sugars are derived therefrom; (ii) otherwise, only be added after |

| Name of substance | Liquor products to which substance may be added | Manner and conditions of addition |
|---|--|--|
| 1 | 2 | 3 |
| | | <p>completion or termination of alcoholic fermentation to sweeten the final product and to a maximum of 100g/l, calculated as reducing sugar;</p> <p>c) in the case of husk spirit, premium husk spirit, pot still brandy, brandy and vintage brandy, only be added to such an extent that the sugar content of the final product, calculated as reducing sugar, does not exceed 15g/l;</p> <p>d) in the case of other spirits (excluding gin), only be added to such an extent that the sugar content of the final product, calculated as reducing sugar, does not exceed 1g/l; and</p> <p>e) in the case of a grape-based liquor or a spirit-based liquor, only be added to sweeten the final product.</p> |
| Sulphur dioxide gas | wine; alcoholic fruit beverage; grape-based liquor; spirit-based liquor | |
| Sunset yellow FCF or Orange yellow S C.I. 15985 | unspecified alcoholic fruit beverage; grape-based liquor (excluding grape liquor); spirit-based liquor | The final product shall not contain more than 200mg/l of this substance. |
| Sweet reserve | wine (excluding special late harvest wine, noble late harvest wine and wine of the classes specified in items 27 to 34 of Table 2); grape-based liquor | This substance shall, in the case of wines other than sparkling wines, only be added after completion or termination of alcoholic fermentation. |
| Tannin if it is not foreign to wine | All types and classes, | |
| Tartaric acid | wine; alcoholic fruit beverage; grape-based liquor; spirit-based liquor | |
| Taurine | alcoholic fruit beverage; grape-based liquor (excluding | If the final product contains more than 150mg/l of this substance - |

| Name of substance | Liquor products to which substance may be added | Manner and conditions of addition |
|--|---|--|
| 1 | 2 | 3 |
| | grape liquor); spirit-based liquor | <p>a) the following clearly legible message must be indicated on the main label, in letters of which the smallest letter is not less than 3.0mm in height: "High taurine content";</p> <p>b) the following legible message must be indicated on a label, not less than 1.3mm in height: "Not recommended for pregnant or lactating women or persons sensitive to taurine"; and</p> <p>c) a declaration must be included on a label of the quantity of taurine, per single serving size and per 100ml, expressed in milligrams or "mg", following the word "taurine".</p> |
| The final alcoholic product of the fermentation of fruit, which has been stripped of its character to the extent that the essential flavour and taste of the fermented alcoholic fruit product concerned have been lost. | spirit-based liquor | |
| Thiamine | wine | |
| Water | spirits; grape-based liquor; spirit-based liquor; alcoholic fruit beverage. | |
| Wood | wine; spirits (excluding grape spirit, cane spirit, vodka, unspecified spirit and mixed spirit); spirit-based liquor; alcoholic apple and pear beverage; grape-based liquor | |
| Xanthan gum | alcoholic fruit beverage; grape-based liquor (excluding grape liquor); spirit-based liquor | |
| Yeast and yeast | wine, alcoholic fruit beverage. | |

| Name of substance | Liquor products to which substance may be added | Manner and conditions of addition |
|--|---|-----------------------------------|
| 1 | 2 | 3 |
| nutrients if it is not foreign to wine or primarily flavour contributive | | |
| Yeast Mannoproteins | wine | |

Notes:

1. (a) This substance [chitin-glucan or chitosan] may only be used for –
 - (i) reduction in the heavy metal content, particularly iron, lead, cadmium and copper;
 - (ii) prevention of ferric casse and copper casse;
 - (iii) clarification;
 - (iv) reduction of possible contaminants, especially ochratoxin A; and
 - (v) in the case of chitosan, reduction in the populations of undesirable micro-organisms, in particular *Brettanomyces*.
 - (b) Dose levels shall be determined after a qualification test, but may not exceed -
 - (i) 100 g/hl for the applications referred to in paragraph (a)(i), (ii) and (iii) of this note;
 - (ii) 500 g/hl for the application referred to in paragraph (a)(iv) of this note; and
 - (iii) 10 g/hl for the application referred to in paragraph (a)(v) of this note.
 - (c) Sediments shall be removed using physical processes.
2. (a) This substance [polyvinylimidazole – polyvinylpyrrolidone copolymers (PVI/PVP)] may only be used for –
 - (i) the prevention of defects caused by too high metal contents; and
 - (ii) the reduction of undesirable high concentration of metals.
 - (b) The amount used shall be less than 500 mg/l.
 - (c) When musts and wine are treated, the accumulated dosage should be less than 500 mg/l.

- (d) The added copolymers must be eliminated by filtering within two days at most of their addition to the wine, taking account of the precautionary principle.
- (e) In the case of musts, the copolymers must be added no earlier than two days before filtering.
- (f) The adsorbant copolymers used must comply with the requirements of the International Oenological Codex published by the International Organisation of Vine and Wine, especially as regards the maximum monomer content."

Amendment of Table 7 of the Regulations

14. Table 7 of the Regulations is hereby amended (a) by the substitution for the entry in column 3 opposite the entry "Heavy metals" in column 1 of the following entry:

| Manner and conditions of removal |
|---|
| 3 |
| "By means of – <ul style="list-style-type: none"> (a) treatment with potassium ferro cyanide in accordance with the provisions of regulation 31(4); (b) treatment with any of the applicable substances listed in column 1 of Table 6, under the applicable manner and conditions of addition set out in column 3 of that table; or (c) in the case of an alcoholic fruit beverage or grape-based liquor, also ion exchange resins." |

General amendment of the Regulations

15. The English text of the Regulations is hereby amended by the substitution for the words "flavourant" and "flavourants", wherever they appear in the Regulations, of the words "flavouring" and "flavourings", respectively.

DEPARTMENT OF AGRICULTURE, FORESTRY AND FISHERIES**NO. 6****05 JANUARY 2018****LIQUOR PRODUCTS ACT, 1989****(ACT No. 60 OF 1989)****WINE OF ORIGIN SCHEME: AMENDMENT**

I, Senzeni Zokwana, Minister of Agriculture, Forestry and Fisheries, acting under section 14 of the Liquor Products Act, 1989 (Act No. 60 of 1989), on the recommendation of the Wine and Spirit Board referred to in section 2 of said Act, hereby amend the Wine of Origin Scheme published by Government Notice No. R. 1434 of 1990, as amended, to the extent set out in the Schedule.

S. ZOKWANA,

Minister of Agriculture, Forestry and Fisheries.

SCHEDULE

Definition

1. In this Schedule "the Scheme" means the Wine of Origin Scheme published by Government Notice No. R. 1434 of 29 June 1990, as amended by Government Notices No's R. 837 of 19 April 1991, R. 2842 of 29 November 1991, R.1054 of 10 April 1992, R. 2594 of 11 September 1992, R. 3231 of 27 November 1992, R. 546 of 2 April 1993, R. 1375 of 30 July 1993, R. 1021 of 27 May 1994, R. 2067 of 2 December 1994, R. 814 of 9 June 1995, R. 1875 of 8 December 1995, R. 1039 of 8 August 1997, R 834 of 26 June 1998, R 324 of 19 March 1999, R. 19 of 12 January 2001, R. 829 of 21 June 2002, R. 1306 of 25 October 2002 as corrected by R. 1503 of 6 December 2002, R.1819 of 19 December 2003, R. 835 of 26 August 2005, R. 813 of 11 August 2006, R. 554 of 22 May 2009, R. 526 of 13 July 2012, R. 403 of 2 May 2014 and R. 628 of 24 July 2015.

Amendment of Table 1 of the Scheme

2. Table 1 of the Scheme is hereby amended –
 - (a) by the substitution for the entry "Alvarinho (Albarino)****" of the entry "Alvarinho (Albarino)";
 - (b) by the substitution for the entry "Barbarossa****" of the entry "Barbarossa";

- (c) by the substitution for the entry "Grenache (Rooi/Red Grenache)" of the entry "Grenache (Rooi/Red Grenache; Grenache noir)";
- (d) by the substitution for the entry "Kristal***" of the entry "Kristal";
- (e) by the substitution for the entry "Palomino (Fransdruif; White French; Malvasia Rei)" of the entry "Palomino (Fransdruif; White French; Malvasia Rei; Listán blanc; Listón blanco)";
- (f) by the substitution for the entry "Sauvignon blanc (Blanc Fumé)" of the entry "Sauvignon blanc (Blanc Fumé; Fumé blanc)"; and
- (g) by the insertion in the alphabetically correct place of the entry "Vermentino".

Amendment of Table 4 of the Scheme

3. Table 4 of the Scheme is hereby amended by the substitution for every paragraph (m) in column 3, of the following paragraph:

"(m) Microbiological spoilage (such as "Brettanomyces", vinegar and mouse)".

DEPARTMENT OF EDUCATION

NO. 7

05 JANUARY 2018

**THE COUNCIL FOR GENERAL AND FURTHER EDUCATION AND
TRAINING QUALITY ASSURANCE ("UMALUSI")****GENERAL AND FURTHER EDUCATION AND TRAINING QUALITY
ASSURANCE ACT, 2001 (ACT NO. 58 OF 2001)****CALL FOR WRITTEN SUBMISSIONS FROM STAKEHOLDER BODIES AND
MEMBERS OF THE PUBLIC ON THE AMENDED POLICY FOR THE
QUALITY ASSURANCE OF PRIVATE COLLEGES FOR CONTINUING
EDUCATION AND TRAINING, OFFERING QUALIFICATIONS REGISTERED
ON THE GENERAL AND FURTHER EDUCATION AND TRAINING
QUALIFICATIONS SUB-FRAMEWORK, AND THE ACCREDITATION OF
PRIVATE ASSESSMENT BODIES**

1. I, John Volmink, Chair of the Umalusi Council hereby, in terms of *sections 17A(1) and 17A(2)(a) of the General and Further Education and Training Quality Assurance Act, 2001 (Act No. 58 of 2001)*, give my intention to amend the *Policy for Quality Assurance of Private Learning Centres, Private Further Education and Training Colleges and the Accreditation of Private Assessment Bodies*, published in *Government Gazette No. 33237 of 28 May 2010*. In view of this I invite stakeholder bodies and members of the public to comment on the amended policy as set out in the **Schedule**.

BACKGROUND

2. This policy applies to-
 - (a) private colleges registered in terms of the *Continuing Education and Training Act, 2006 (Act No. 16 of 2006)*, as amended by the *Further Education and Training Colleges Amendment Act, 2013 (Act No. 1 of 2013)*, that offer Adult Education and Training, and/or

Further Education and Training programmes leading towards the achievement of a qualification or part-qualification on the General and Further Education and Training Qualifications Sub-Framework; and

- (b) the assessment, accreditation and monitoring of assessment bodies that externally examine the qualification or part-qualifications registered on the General and Further Education and Training Qualifications Sub-Framework.

SUBMISSIONS

3. It would greatly assist Umalusi if all submissions could be prepared under the headings listed in the document, *Policy for the Quality Assurance of Private Colleges for Continuing Education and Training and the Accreditation of Private Assessment Bodies* as set out in the **Schedule**. If you do not wish to comment under a particular heading, please indicate "No comment".
4. The name, address, telephone number, e-mail address and fax number of the person or organisation responsible for submitting comments must be provided.

CLOSING DATE

5. **The closing date for the receipt of comments is set as 21 days after publication of this Notice.**

ADDRESS FOR SUBMISSIONS

6. Please send or deliver your submission to-

**The Chief Executive Officer
Umalusi**

**Attention Ms Z Modimakwane
37 General Van Ryneveld Street, Persequor Technopark,
PRETORIA**

Or

PO Box 151, Persequor Technopark, Pretoria

Or

Fax: 012 349 1511

E-mail: zodwa.modimakwane@umalusi.org.za



**PROFESSOR J VOLMINK
CHAIR OF THE UMALUSI COUNCIL
DATE: 29 NOVEMBER 2017**

**THE COUNCIL FOR GENERAL AND FURTHER EDUCATION AND
TRAINING QUALITY ASSURANCE ("UMALUSI")**

**GENERAL AND FURTHER EDUCATION AND TRAINING QUALITY
ASSURANCE ACT, 2001 (ACT NO. 58 OF 2001)**

CALL FOR WRITTEN SUBMISSIONS FROM STAKEHOLDER BODIES AND MEMBERS OF THE PUBLIC ON THE AMENDED POLICY FOR THE QUALITY ASSURANCE OF PRIVATE COLLEGES FOR CONTINUING EDUCATION AND TRAINING, OFFERING QUALIFICATIONS REGISTERED ON THE GENERAL AND FURTHER EDUCATION AND TRAINING QUALIFICATIONS SUB-FRAMEWORK, AND THE ACCREDITATION OF PRIVATE ASSESSMENT BODIES

GENERAL EXPLANATORY NOTE

[.....]Words in bold in square brackets indicate omissions from the existing regulations.

_____ Words underlined with a solid line indicate insertions into the existing regulations.

SCHEDULE

POLICY FOR THE QUALITY ASSURANCE OF PRIVATE [ADULT LEARNING CENTRES, FURTHER EDUCATION AND TRAINING COLLEGES] COLLEGES FOR CONTINUING EDUCATION AND TRAINING, OFFERING QUALIFICATIONS REGISTERED ON THE GENERAL AND FURTHER EDUCATION AND TRAINING QUALIFICATIONS SUB-FRAMEWORK, AND THE ACCREDITATION OF PRIVATE ASSESSMENT BODIES

ISBN:

Policy for the Quality Assurance of Private Adult Learning Centres, Private Further Education and Training Colleges and the Accreditation of Private Assessment Bodies, published as Government Notice No 528 in Government Gazette No. 33237 of 28 May 2010 and amended as-

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ABBREVIATIONS AND ACRONYMS

| | |
|------------|---|
| ABET | Adult Basic Education and Training |
| AET | Adult Education and Training |
| <u>CET</u> | <u>Continuing Education and Training</u> |
| DG | Director General of the Department of Higher Education and Training |
| DHET | Department of Higher Education and Training |
| GENFET | General and Further Education and Training |
| GFETQSF | General and Further Education and Training Qualifications Sub-Framework |
| NQF | National Qualifications Framework |
| QC | Quality Council |
| SAQA | South African Qualifications Authority |
| TVET | Technical Vocational Education and Training |

CHAPTER 1

DEFINITIONS, PURPOSE AND APPLICATION

1. Definitions

The purpose of these definitions is to define the terminology used in developing this policy.

In this policy-

- (a) any word or expression to which meaning has been assigned in the *National Qualifications Framework Act, 2008 (Act No. 67 of 2008)* and the *General and Further Education and Training Quality Assurance Act 2001, (Act No. 58 of 2001)*, shall have the meaning so assigned to it, unless the context otherwise indicates-
- (b) the singular shall include the plural and *vice versa*-

“acknowledgement of receipt of application for accreditation” – means Umalusi has received a completed self-evaluation report from a private college;

“accreditation” – means the outcome of a quality assurance process of evaluating-

- (a) a private assessment body to determine whether its capacity, systems, processes and products are of the appropriate quality to deliver valid, reliable, fair and credible assessments and**
- (b) a private college to determine whether it has, in accordance with the policy and criteria for quality assurance as set out in this policy, the capacity to offer a qualification or programmes leading to a qualification on the General and Further Education and Training Qualifications Sub-framework;**

“assessment” - means the process of identifying, gathering and interpreting information about a learner’s achievement in order to-

- (a) assist the learner’s development and improve the process of learning and teaching; and
- (b) evaluate and certify competence in order to ensure qualification credibility. Assessment includes national examinations and site-based assessment;

“assessment body” - means a juristic body accredited by Umalusi to quality assure internal assessment and conduct external examinations, or a department of education;

“assessed curriculum” – means the part of the intended curriculum which features in assessment or examinations;

“certification” - means the formal recognition by Umalusi of a qualification or part qualification awarded to a successful learner;

“college” – means

- (a) a public college that is established or declared in terms of the *CET Act* as-
 - (i) a technical and vocational education and training college;
 - or
 - (ii) community education and training college; or
- (b) a private college offering Adult Education and Training and/or Further Education and Training programmes leading towards the achievement of a qualification or part-qualification on the General and Further Education and Training Qualifications Sub-Framework;

“continuing education and training” – means all post-school learning and training programmes leading to qualifications or part-qualifications on the General and Further Education and Training Qualifications Sub-Framework;

“Council” – refers to Umalusi, the Quality Council for General and Further Education and Training; as contemplated in the *National Qualifications Framework Act, 2008 (Act No. 67 of 2008)*, and the *General and Further Education and Training Quality Assurance Act 2001, (Act No. 58 of 2001)*;

“curriculum” – [means the necessary underpinning framework documentation provided for a qualification or part qualification to facilitate a more general understanding of its implementation in an educational system. The curriculum for a qualification or part-qualification provides a more detailed description of what is required for the purpose of the qualification or part-qualification to be fulfilled through its enactment. Syllabi for the necessary units of learning/subjects form an integral part of the curriculum.]

“curriculum” - means a statement which encompasses three components: intended curriculum, enacted curriculum and assessed curriculum;

“Department of Education” – means the Department of Higher Education;

“Director-General” – means the Director-General of the Department;

[“enacted curriculum” – means everything taught and learned in an educational institution;]

“examination centre” – means a private college registered and managed by a private accredited or public assessment body as a venue for their candidates to write examinations;

“exit point” - means a point in General and Further Education and Training at which a learner is required to demonstrate competence with a view to obtaining a documentary proof of proficiency;

“external assessment” - means assessment conducted by a public or accredited private assessment body, the outcomes of which count towards the achievement of a qualification;

“external moderation” – means the authentication of internal and external assessment conducted by Umalusi;

“Further Education and Training” - means all learning and training programmes leading to qualifications on Levels 2, 3 and 4 of the National Qualifications Framework (NQF);

“General and Further Education and Training Qualifications Sub-Framework” - means the Sub-framework of the NQF for General and Further Education and Training that is developed and managed by Umalusi;

“General Education and Training” – means all learning and training programmes leading to a qualification on level 1 of the National Qualifications Framework;

[“intended curriculum” – means the description of the skills and content and values to be taught and learned, how these are to be enacted in practice, and how they should be assessed;]

“Internal assessment” – means any assessment, conducted by an education institution, the outcomes of which count towards the achievement of a qualification;

“learner” - means any person receiving or obliged to receive education at any education institution within the general and further education and training sectors;

“learning programme” – means a structured and purposeful set of learning experiences that leads to a qualification or part-qualification;

“Letter of intent” – means the private college or private assessment body’s indication of its intent to apply for accreditation;

“Minister” - means the Minister of Higher Education and Training;

“Moderation” – means a process which ensures that assessment of the outcomes described in the National Qualifications Framework standards or qualifications is fair, valid and reliable;

“National Qualifications Framework” (NQF) means the national qualifications framework contemplated in the *National Qualifications Framework Act, 2008*;

“private college” – means any college that provides continuing education and training on a full-time, part-time or distance basis and which is registered or provisionally registered as a private college in terms of *Chapter 6 of the Continuing Education and Training Act, 2006*;

“private education institution” as contemplated in the *General and Further Education and Training Quality Assurance Act, 2001 (Act No. 58 of 2001)*;

“programme” – means the same as curriculum in the Act and in this policy;

“provisional accreditation” - means the granting of accreditation for a limited time to a private college or private assessment body that has applied for accreditation to enable such private college or private assessment body to comply with the requirements to offer or assess respectively, a qualification or programmes leading to a qualification on

the General and Further Education and Training Qualifications Sub-framework;

“public college” – means any college that provides continuing education and training on a full-time, part-time or distance basis which is-

- (a) established or regarded as being established as a public college under section 3 of the *Continuing Education and Training Act, 2006*; or
- (b) declared as a public college under section 4 of the *Continuing Education and Training Act, 2006*;

“qualification” – as contemplated in the *National Qualifications Act, 2008 (Act No.67 of 2008)*;

“quality” – means meeting the set criteria, standards and requirements;

“quality assurance” - means the process of measuring, evaluating and reporting on quality against standards, and monitoring for ongoing improvement in the qualification, the curriculum, the assessment, the implementation and delivery of the curriculum and the capacity of the institution or assessment body to offer and/or assess the qualification;

“Quality Council (QC)” - as contemplated in the *National Qualifications Framework Act, 2008 (Act No.67 of 2008)*;

“registered qualification” – means a qualification registered on the National Qualifications Framework in terms of section 13(1)(h) of the *National Qualifications Framework Act, 2008 (Act No. 67 of 2008)*;

“Registrar” – means the Director-General of the Department of Higher Education and Training;

“**requirements**” - means requirements as established by this policy as determined by Council in respect of the quality assurance of private **[education and training centre]**, colleges for continuing education and training, **[further education and training college]** and accreditation of an assessment body;

“**Umalusi**” – means, the Quality Council for General and Further Education and Training established by the *General and Further Education and Training Quality Assurance Act, 2001 (Act No. 58 of 2001)*. In terms of the *National Qualifications Framework Act, 2008 (Act No. 67 of 2008)*, it is tasked to support the achievement of the objectives of the NQF and to develop and manage the General and Further Education and Training Qualifications Sub-Framework.

2. **[Background] Purpose**

[The *General and further Education and Training Quality Assurance Act, 2001 (No 58 of 2001)* assigns responsibility for quality assurance of general and further education and training in South Africa to Umalusi, the Quality Council (QC) for Quality Assurance in General and Further Education and Training. It was established with the purpose of maintaining norms and standards in general and further education and training and as such its mandate includes the following:

- **Developing and maintaining a sub-framework of qualifications for general and further education and training;**
- **Quality assurance of all exit point assessment of such qualifications;**
- **Certification of learner achievements;**
- **Quality promotion amongst education institutions;**
- **Quality assurance of private adult learning centres and private further education and training colleges; and**
- **Accreditation of assessment bodies other than departments of education.]**

The *National Qualifications Framework Act, 2008 (Act No. 67 of 2008)* states that the Council must, in respect of quality assurance, do the following:

- (i) develop and implement policy for quality assurance;**
- (ii) ensure the integrity and credibility of quality assurance;**
- (iii) ensure that quality assurance as is necessary for the sub-framework is undertaken.]**

(1) The *General and Further Education and Training Quality Assurance Act, 2001 (Act No. No. 58 of 2001)* (hereafter referred to as the *GENFETQA Act*), enables Umalusi to-

- (a) Develop policy and criteria for the quality assurance, accreditation and monitoring of private education institutions; including private colleges as contemplated in the *Continuing Education and Training Act, 2006 (Act No. 16 of 2006)*, hereafter referred to as the *CET Act*.
- (b) Develop policy for the accreditation of assessment bodies other than departments of education as contemplated in the *CET Act*.
- (c) Monitor private assessment bodies in accordance with a set of regulated accreditation criteria.

(2) The *National Qualifications Framework Act, 2008 (Act No. 67 of 2008)* (hereafter referred to as the *NQF Act*) provides for the establishment of Umalusi as a Quality Council that is responsible for the development and management of a Sub-framework of qualifications at Levels 1-4 of the National Qualifications Framework and the related quality assurance processes.

- (3) In accordance with sections 17A(2)(a), (b) and (c), 23(1), 23(2)(b) and (c) and 24(1)(a) of the GENFETQA Act, to be read with section 27(i)(j) of the NQF Act, the purpose of this policy is to-
- (a) **[set requirements for the]** develop policy and criteria for quality assurance of [private adult learning centres and private further education and training colleges] private colleges registered in terms of the *Continuing Education and Training Act, 2006 (Act No. 16 of 2006)*;
 - (b) develop policy for the accreditation and monitoring of assessment bodies [in respect of general and further education and training] other than the Department of Higher Education and Training and submit it to the Minister of Higher Education and Training to be regulated;
 - (c) accredit assessment bodies, subject to the outcome of the accreditation process as contemplated in *sub-paragraph (b)* above; and
 - (d) affirm or withdraw the accreditation status of the private college concerned.

[In order to certify learning achievements with confidence, private adult learning centres, private further education and training colleges and assessment bodies must be inextricably linked.]

3. Application

- (1) This policy applies to-
- (a) private colleges registered in terms of the *Continuing Education and Training Act, 2006 (Act No. 16 of 2006)*, (hereafter referred to as the *CET Act*) as amended by the *Further Education and Training Colleges Amendment Act*.

2013 (Act No. 1 of 2013), and offering qualifications which are registered on the GFETQSF;

(b) private assessment bodies that manage formal internal assessment and conduct external assessment in accordance with the regulatory framework outlined in the national policies that govern the qualifications they assess.

(2) In the event of a conflict between the NQF Act, the Higher Education Act, 1997 (Act No 101 of 1997), the Continuing Education and Training Act, 2006 (Act No. 16 of 2006) as amended by the Further Education and Training Colleges Amendment Act, 2013 (Act No. 1 of 2013), the Skills Development Act, 1998 (Act No 97 of 1998) and the GENFETQA Act, the NQF Act, must be given preference.

CHAPTER 2

LEGISLATIVE CONTEXT

4. Underpinning legislation

(1) **[This document takes as its legal framework the following]**

The policy is premised on the following acts-

- (a) *The Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996);*
- (b) *NQF Act, 2008;*
- (c) *GENFETQA Act, 2001; and*

[The Adult Basic Education and Training Act, 2000 (Act NO. 52 of 2000)]

[The Further Education and Training Colleges Act, 2006 (Act No. 16 of 2006)]

- (d) *CET Act, 2006.*

(2) Section 4 of the Constitution of the Republic of South Africa, 1996 stipulates that everyone has the right to establish and maintain, at their own expense, independent educational institutions that-

- (a) do not discriminate on the basis of race;
- (b) are registered with the state; and
- (c) maintain standards that are not inferior to standards at comparable public educational institutions.

(3) The NQF Act provides for the establishment of Umalusi as a Quality Council that is responsible for the development and management of a Sub-framework of qualifications at Levels 1-4 of the National Qualifications Framework and the related quality assurance processes.

- (a) The said Act determines that the Quality Council must, in respect of quality assurance within its Sub-framework-

- (i) develop and implement policy for quality assurance;
 - (ii) ensure the integrity and credibility of quality assurance; and
 - (iii) ensure that quality assurance as is necessary for the Sub-framework is undertaken.

- (b) In order to determine and maintain the standard of qualifications registered on the GFETQSF, Umalusi as Quality Council must ensure-
 - (i) that qualifications are registered on the GFETQSF, in terms of both the *NQF Act* and the *GENFETQA Act*;
 - (ii) that private colleges that offer provision towards the achievement of such qualifications are quality assured and accredited to offer the curriculum that supports such qualifications;
 - (iii) that assessment bodies and systems that externally examine such qualifications are accredited to do so and monitored; and
 - (iv) the conduct of national external examinations for qualifications on the GFETQSF is monitored and moderated.

- (4) The *GENFETQA Act* stipulates that the Council must in terms of sections 17A(2), 23(1) and 24 respectively, develop policy and criteria for-
 - (a) the accreditation of assessment bodies other than **departments of education**; and
 - (b) the quality assurance of private colleges offering qualifications or part qualifications on the GFETQSF.

- (5) The *CET Act* which commenced on 11 December 2006, repealed the *Further Education and Training Act, 1998 (Act No. 98 of 1998)*

and the *Adult Education and Training Act, 2000 (Act No. 52 of 2000)* to determine the following-

- (a) Institutions offering qualifications on the GFETQSF -
- (i) Technical Vocational Education and Training Colleges;
 - (ii) Community Education and Training Colleges;
 - (iii) Public and Private Community Learning Centres;
and
 - (iv) Private Colleges as defined in terms of this Policy.
- (b) In terms of the *NQF Act*, Umalusi is responsible for the following qualifications listed on the GFETQSF-
- (i) National Certificate (Vocational) NC(V), *Government Gazette, No. 28677 of 29 March 2006*;
 - (ii) Reports 190/191 PART 1: Engineering Studies (N1-3) programmes, *Report 191 Government Gazette, No. 38029 of 29 September 2014, Part 1: N1-N3, Department of Education, (2001/08)*;
 - (iii) National Senior Certificate for Adults (NASCA), *Government Gazette, No. 33805 of 26 November 2010*;
 - (iv) General Education and Training Certificate, ABET Level 4;
 - (v) General Education and Training Certificate for Adults (GETCA), *Government Gazette, No. 39218 of 18 September 2015*.; and
 - (vi) future qualifications developed to be offered at private colleges.

5. Functions assigned to Umalusi

In line with the aim of the NQF Act, namely, to develop and manage the GFETQSF, Umalusi has been mandated in accordance to sections 17A(1), (2), (3) and (6), and 23(2)(b) of the GENFETQA Act to-

- (1) develop policy and criteria for the quality assurance and accreditation of private colleges for the offering of qualifications registered on the GFETQSF with the aim of ensuring compliance with these requirements;
- (2) quality assure all exit point assessment of the qualifications contemplated in sub-paragraph (1);
- (3) perform the external moderation of assessment of all assessment bodies;
- (3) certify learner achievements;
- (4) develop policy for the accreditation of assessment bodies other than departments of education; and
- (5) accredit assessment bodies in accordance with the policy, contemplated in sub-paragraph (4).

6. Supplementary documents

This Policy must be read **[and understood]** in conjunction with the following policy documents-

- [(a) *Developing and maintaining the GENFETQA sub-framework (Umalusi Council, Dec 2008);***
- (b) Other related legislation as appropriate to the various education sectors Umalusi is mandated to work in;**
- (c) QC policies and directives on the conduct, administration and management of the assessment for the qualifications and part qualifications on the sub-framework, as well as other qualifications identified and registered by the SAQA in consultation with the QC;**

- (d) **The regulations that are developed by the Department of Higher Education and Training and gazette by the Minister on assessment policies; and**
- (e) **Any other relevant policies and directives issued by the QC.]**
- (1) General and Further Education and Training Qualifications Sub-framework, promulgated in *Government Gazette No. 36006* of 14 December 2012, as amended in *Government Gazette No. 36803* of 30 August 2013, and published on 8 September 2014;
- (2) Standard Setting and Quality Assurance of the General and Further Education and Training Qualifications Sub-framework, Umalusi, 2014;
- (3) A Policy for the Management of Qualifications on the General and Further Education and Training Qualifications Framework, a Sub-framework of the National Qualifications Framework;
- (4) *National Policy on the Conduct, Administration and Management of the Assessment of the National Certificate (Vocational)*, *Government Gazette No. 30287* of 12 September 2007;
- (5) *Internal Continuous Assessment (ICASS) Guidelines for Report 191 Programmes in TVET Colleges implementation January 2017;*
- (6) *Internal Continuous Assessment (ICASS) Guidelines for the NC(V) Qualifications in TVET Colleges implementation January 2017;* and
- (7) National Policy on the Examination of Formal Technical College Instructional Programmes.

CHAPTER 3

QUALIFICATIONS ON THE GENERAL AND FURTHER EDUCATION AND TRAINING QUALIFICATIONS SUB-FRAMEWORK

7. Qualifications on the General and Further Education and Training Qualifications Sub-framework (GFETQSF)

- (1) In terms of section 3 of the National Qualifications Framework Act, 2008 (Act No. 67 of 2008), every qualification or part-qualification, offered in the Republic by education institutions, must be registered on the NQF in accordance with the said Act.
- (2) In accordance with the aim of the NQF Act Umalusi's mandate is limited to qualifications and part qualifications which are registered on the GFETQSF at Levels 1-4 of the NQF.
- (3) The qualifications and part-qualifications are used as benchmarks of quality in the education and training system. Standards are embedded in qualifications, their related curricula/programme and assessment requirements, and in the type and extent of knowledge, skills and competence that the learner is expected to acquire as expressed in these documents.

CHAPTER 4

QUALITY ASSURANCE OF PRIVATE COLLEGES

8. Quality Assurance process

- (1) Umalusi is required to quality assure private colleges which means that such private colleges are required to participate in a process that measures against standards, the college's capacity to deliver a qualification and its supporting curriculum/programme, and the quality of the implementation of such, at the required standard.
- (2) If the private college meets the standards as contemplated in *sub-paragraph (1)*, the private college is accredited for a period of 7 (seven) years to offer the specific qualification or part qualification registered on the General and Further Education and Training Qualifications Sub-framework (GFETQSF).
- (3) Private colleges that are granted provisional accreditation are required to address areas of partial compliance within a period not exceeding two years.
- (4) However, should the private college fail to comply with the standards as contemplated in *sub-paragraph (1)*, it will not be accredited.
- (5) Continued meeting of the standards, as contemplated in *sub-paragraph (1)*, is monitored for ongoing improvement.

- (6) Quality assurance of private colleges, as contemplated in *sub-paragraph (1)*, is carried out through processes that include-
- (a) application for accreditation to offer a qualification on the GFETQSF;
 - (b) self-evaluation by the private college to enhance an internal culture of quality management and ongoing improvement;
 - (c) a desktop evaluation of the self-evaluation report;
 - (d) external validation to ensure that the private college meets the regulated criteria, national policy and regulations and to ensure a benchmarked standard of provision and college improvement.
 - (e) granting of accreditation or provisional accreditation or no accreditation by Umalusi; and
 - (f) periodic monitoring to ensure maintenance of standards and continued improvement.

9. Quality Assurance of Private Colleges

- (1) Any institution that is required to register as a private college must in terms of *section 23* of the *GENFETQA Act*, comply with the policy and criteria for quality assurance developed by Umalusi.
- (2) In terms of *section 3* of the *NQF Act*, every qualification or part-qualification, offered in South Africa by education institutions, must be registered on the NQF in accordance with the said *Act*.
- (3) In accordance with the aim of the *NQF Act* Umalusi's mandate is limited to qualifications and part qualifications which are registered on the GFETQSF at Levels 1-4 of the NQF.

- (4) Quality assurance of private colleges must in terms of section 43(2) of the CET Act be conducted by Umalusi in terms of the GENFETQA Act.
- (5) The criteria for the accreditation of private colleges, as contemplated in Chapter 6 of this policy, are intended to assess, *inter alia* the effectiveness of the implementation of the curriculum/programme of a qualification on the GFETQSF and includes its internal assessment.
- (6) Based on the outcome of the quality assurance process as contemplated in paragraph 2(1)(a) of this policy, and subject to the compliance with the criteria for accreditation contemplated in Chapter 6 of this policy, accreditation for a period of 7 (seven) years to offer a registered qualification on the GFETQSF and the related curriculum/programme may be granted to a private college by Umalusi.
- (7) Private colleges that are granted provisional accreditation are required to address areas of partial compliance within a period not exceeding two years.
- (8) The official register of accredited private colleges is available on Umalusi's website.

CHAPTER 5

THE REGISTRATION AND ACCREDITATION OF PRIVATE COLLEGES

10. Registration process

- (1) Private colleges are only able to operate legally in South Africa subject to registration by the Department of Higher Education and Training.
- (2) Private colleges obtain registration in terms of the conditions as determined by the Department of Higher Education and Training, before applying for accreditation with Umalusi.
- (3) The criteria for the registration of private colleges are stipulated in sections 28 and 29 of the CET Act-
No person other than a public college or any organ of the state may provide continuing education and training unless that person is-
 - (a) incorporated or recognised as a company in terms of the Companies Act, 2008 (Act No. 71 of 2008); and
 - (b) registered or provisionally registered as a private college in terms of the CET Act.
- (4) An application for registration as a private college must be made to the registrar, which is the Director-General for Higher Education and Training, in a manner determined by the registrar.
- (5) The registrar must register an applicant as a private college if the registrar has reason to believe that the applicant-
 - (a) is financially capable of satisfying its obligations to prospective learners; and
 - (b) with regard to all its continuing education and training qualifications or part-qualifications-

- (i) will maintain acceptable standards that are not inferior to standards at comparable public colleges;
- (ii) will comply with the requirements of Umalusi; and
- (iii) complies with any other reasonable requirement prescribed by the Minister of Higher Education and Training.

(6) In terms of the *Further Education and Training Colleges Amendment Act, 2013 (Act No. 1 of 2013)*, any college that is in existence immediately before the commencement of the *CET Act* continues to exist as a vocational and continuing education and training college and is deemed to have been established as a technical and vocational education and training college in terms of *section 3(1)(a)* of the Principal Act as amended by the *CET Act*.

(7) A private AET Centre registered in terms of *sections 26 and 27* of the *AET Act*, which registration is still valid immediately before the commencement of the *CET Act*, is deemed to be provisionally registered in terms of the principal Act as amended by the *CET Act* for the duration of the registration period set in terms of the *AET Act*.

(8) Notwithstanding the afore-mentioned *sub-paragraph (7)*, a private adult education and training centre referred to above, must within 12 months from the date of commencement of the *CET Act* or such extended period as the Minister may determine by notice in the *Government Gazette*, and apply to be registered in terms of the principal Act as amended by the *CET Act*.

11. Accreditation process

- (1) Private colleges offering a qualification on the GFETQSF that received registration, as contemplated in *paragraph 10*, must apply to Umalusi for accreditation within **one year** after registration, subject to certain requirements to be met within a

specified period, has been granted by the Department of Higher Education and Training.

- (2) Accreditation is considered within a period of **one year** after the date of receipt of the application for accreditation.
- (3) Umalusi will advise the Registrar on the outcome of the application of the private college for accreditation.
- (4) In order for a private college to conduct external assessments for a qualification on the GFETQSF, such a private college must be-
 - (a) registered by the Department of Higher Education and Training as a private college;
 - (b) accredited to offer a registered qualification; and
 - (c) registered as an examination centre with a public or an accredited private assessment body.

12. Accreditation process criteria

- (1) The quality assurance of **[private adult learning centres and private further education and training colleges]** private colleges has as its key focus the enactment of curriculum through-
 - (a) mission directed leadership and management that enables curriculum implementation;
 - (b) teaching proficiency, including appropriate pedagogy and methodology;
 - (c) quality internal assessment;
 - (d) learner learning and support; and
 - (e) quality assurance measures in support of the continuous improvement of results.
- (2) The quality assurance of a **[private adult learning centre or a private further education and training college]** private college entails the recognition of the **[private adult learning centre or**

private further education and training college] private college to offer the specific qualifications on the GFETQSF. A **[private adult learning centre or a private further education and training college] private college** must have-

- (a) a mission in line with national goals and appropriate to the sector;
- (b) sufficient resources, programmes, and services to accomplish and sustain the mission;
- (c) clearly specified educational objectives consistent with the mission;
- (d) quality assurance practices that will ensure continuous improvement in terms of the enactment of the curriculum through teaching, learning and assessment;
- (e) the capacity to use assessment results (internal and external) to diagnose and, if required, remedy teaching, learning and assessment; and
- (f) the ability to take responsibility for the standard of internal continuous assessment, as well as undertake external assessment per the directives of the QC and the relevant assessment body.

(3) If the private college meets the standards as contemplated in the afore-mentioned sub-paragraph (2), the private college is accredited to offer the specific qualification registered on the GFETQSF. However, should the private college fail to comply with the standards as contemplated in sub-paragraph (9), the institution will not be accredited.

CHAPTER 6

CRITERIA FOR THE QUALITY ASSURANCE, ACCREDITATION AND MONITORING OF [PROGRAMMES OFFERED BY A PRIVATE ADULT LEARNING CENTRE AND PRIVATE FURTHER EDUCATION AND TRAINING COLLEGE] PRIVATE COLLEGES TO OFFER A QUALIFICATION REGISTERED ON THE GFETQSF

13. Minimum standard for compliance for accreditation by private colleges

The set of criteria for the accreditation of private colleges constitutes the minimum standard that private colleges are expected to comply with. The standard is evaluated in three inter-related areas, namely-

- (1) Input criteria that focus on the standard of input factors which include management and leadership, resources and all other enablers of a conducive environment for effective teaching and learning.
- (2) Process criteria which are used to assess the effectiveness of internal quality management and standards of curriculum implementation and assessment as well as any other processes that are intended to lead to the achievement of the private college's stated goals.
- (3) Output criteria that focus on the quality of assessment outcomes or results as well as other indicators of success.

14. Criteria for Quality Assurance, Accreditation and Monitoring of [Private Learning Centres and Private Further Education and Training Colleges] Private Colleges

(1) A **[private adult learning centre and private further education and training college]** private college is accredited to offer specific qualifications or part-qualifications and their associated curricula registered on the GFETQSF.

(2) **[The criteria cover several key areas pertinent to the accreditation of learning programmes offered by a private adult learning centre or private further education and training college.]** The criteria for the accreditation of a private college to offer a qualification on the GFETQSF are-

(a) Criterion 1: Mission Directed Leadership and Management

(i) Mission directed leadership and management are concerned with-

(aa) the attainment of the vision and mission as informed by-

(aaa) its legal framework and context;

(bbb) national priorities;

(ccc) strategic leadership and effective governance structures and strategies; and

(ddd) the effectiveness with which the qualification mix and provision is selected, planned, managed, quality assured and improved;

(bb) **[Resources are appropriately allocated and used]** the appropriate allocation of

resources to ensure that the institution is viable and sustainable;

(cc) a reflection of the institutional commitment to monitor and evaluate in order to improve quality; and

(dd) the establishment of the required infrastructure and processes to ensure quality provision.

(b) Criterion 2: Teaching, Learning and Training

(i) The private college is professionally staffed to support the qualifications it offers.

(ii) Learning and assessment are at the core of the enactment of the curriculum.

(iii) The private college implements the curriculum and assessment requirements at the required standard and in accordance with the policy requirements of the qualifications registered on the GFETQSF.

(iv) The curriculum is enacted to reflect appropriate instructional approaches that support learning in respect of qualifications the institution is accredited to offer.

(v) Suitable learning programmes and materials in support of the qualifications offered are developed.

(vi) Teaching proficiency is increased through the development of appropriate pedagogy and methodology by means of staff development.

(c) Criterion 3: Assessment and Results

(i) The private college manages and conducts internal continuous assessment of an acceptable standard and provides developmental feedback to learners.

- (ii) The private college is registered as an examination centre that undertakes external assessment in compliance with the directives of the national policy that governs the qualification, policies and directives of Umalusi and the relevant assessment body.
- (iii) Quantitative and qualitative data are used to track learner achievement and improve learner success.

(d) Criterion 4: Learner Support

Learner support is evident through-

- (i) academic guidance and support; and
- (ii) career guidance and support.

CHAPTER 7

QUALITY ASSURANCE OF PRIVATE ASSESSMENT BODIES

15. Accreditation requirement

- (1) In terms of section 17A(2)(a) of the GENFETQA Act, the Council must develop policy for the accreditation of assessment bodies other than the departments of education for Ministerial approval.
- (2) Subsequent to sub-paragraph (1) above, the Minister must in terms of section 17A(2)(b) of the said Act make regulations in which the policy for accreditation is set out and in accordance with these regulations the Council must accredit a private assessment body.

16. Accreditation status

- (1) The accreditation of an assessment body entails the recognition of the private assessment body to assess the qualification or part-qualification on the GFETQSF.
- (2) Considering the afore-mentioned sub-paragraph (1), private assessment bodies are required to obtain accreditation with Umalusi to assess a qualification on the GFETQSF.
- (3) An assessment body must have-
- (a) clearly defined goals that are in line with national policies and that relate to the assessment of national qualifications;
 - (b) sufficient resources to realise their goals;
 - (c) demonstrated evidence of achieving their goals; and
 - (d) demonstrated capacity to fulfil their functions; and
 - (e) provide sufficient reason for the QC to believe that they can continue to achieve its goals.

- (4) Accreditation is granted to a private assessment body if such assessment body-
- (a) has the capacity to manage or coordinate national examinations and assessment of learner achievement in respect of qualifications it offers.
 - (b) demonstrates the capacity to conduct, administer and manage national examinations and assessments of learner achievement in respect of qualifications they offer as stipulated in the Directives of Umalusi; and
 - (c) assesses a qualification on the GFETQSF which includes all the processes involved in the setting and administration of external examinations and internal assessment for the full period of the qualification as required by the policies and regulations that govern such a qualification.
- (5) An accredited private assessment body must perform the functions with regard to external assessment as set out in section 18 of the GENFETQA Act.
- (6) Private assessment bodies will be monitored and reported on annually to ensure ongoing compliance with policies and regulations, improvement and maintenance of standards.
- (7) A private assessment body which fails to comply with the accreditation requirements set out in the afore-mentioned sub-paragraph (3) will be regarded as not accredited and may therefore not operate as an assessment body.

17. Accreditation process to be followed by the applicant

- (1) The accreditation of private assessment bodies is a process of evaluating a private assessment body to determine whether its capacity, systems, processes and products are of the appropriate

quality to deliver valid, reliable, fair and credible assessments and examinations.

(2) The assessment system is a key driver of quality in the education and training system and sets the standards for general and further education and training. As such, assessment bodies must meet the requirements of this policy through-

- (a) designing, conducting and managing internal and external assessments as prescribed in a particular curriculum;
- (b) undertaking internal moderation of assessment instruments;
- (c) ensuring external moderation of assessment instruments;
- (d) supplying the QC with marks and/or other records of assessment conducted, as specified by the QC;
- (e) taking adequate measures to ensure the security and integrity of the assessment process, including combatting irregularities;
- (f) publishing assessment results on approval by the QC;
- (g) developing a cadre of competent assessment personnel, including but not limited to examiners, moderators, markers and invigilators;
- (h) undertaking development and research that will enhance the achievement of educational outcomes; and
- (i) fulfilling any other functions as stipulated in the *GENFETQA Act* and any relevant policies and directives issued by Umalusi.

(3) The accreditation process comprises the following procedures to be followed by private assessment bodies-

- (a) submitting an application for accreditation to assess a qualification listed on the GFETQSF which will only be processed if the applicant-
 - (i) complies with the following-

- (aa) is a juristic person independent of any provision of education and training and is registered as a company in terms of the Companies Act 2008 (Act No 71 of 2008);
 - (bb) is able to provide proof that its income is sufficient to sustain its assessment regime as based on criteria determined by Umalusi;
 - (cc) has a stable financial position that will enable it to maintain operational continuity;
 - (dd) can provide proof that it has established financial surety or guarantee to ensure that it is able to meet its obligations to the learners registered for its examinations and assessment services; and
 - (ee) has sufficient professional expertise in education and assessment in order to provide assessment services for the qualification it is seeking to offer; and
- (ii) adheres to the following requirements-
 - (aa) lodges an expression of intent to seek accreditation to assess a qualification registered on the GFETQSF at least 18 months before the pilot examination is envisaged;
 - (bb) establishes the need for an assessment body to assess such qualification and motivating the need through a feasibility study;
- (b) submitting a self-evaluation report and supporting evidence to Umalusi;
- (c) undertaking a site verification conducted by Umalusi;
- (d) conducting an exit examination pilot study;

- (e) receiving provisional or no accreditation;
- (f) applying for accreditation;
- (g) conducting a full exit examination; and
- (h) receiving accreditation or no accreditation.

18. Umalusi's role in the accreditation process

- (1) Umalusi must evaluate the applicant's capacity to conduct, administer and manage examinations. This will include a policy framework, assessment systems and standards, through a desktop evaluation of the self-evaluation report, state of readiness evaluation and verification of site visits.
- (2) Umalusi must determine the competence of the applicant in the development of assessment products and administration of an examination at the required standard, demonstrated through a pilot study.
- (3) Based on the outcome of Umalusi's evaluation as contemplated in *sub-paragraphs (1) and (2)*, Umalusi may award either provisional accreditation or no accreditation.
- (4) After provisional accreditation has been granted by Umalusi, the applicant must commence with immediate planning for a lead time of 12 months before the first formal examination is conducted.
- (5) Umalusi must conduct monitoring to ensure credible, fair and valid internal and external assessment of learner achievement at exit points.

19. Provisional accreditation

- (1) Private assessment bodies that have successfully completed their pilot may be granted provisional accreditation for a period of three years during which time the assessment body must meet all the requirements of accreditation.
- (2) Provisional accreditation of an assessment body may be extended by Umalusi on reasonable grounds.
- (3) If the assessment body fails to meet all the requirements of accreditation as contemplated in the afore-mentioned *sub-paragraph (1)*, it will be awarded a status of “no accreditation” and it may not continue to offer national examinations for qualifications registered on the GFETQSF.

20. Accreditation of Private Assessment Bodies

- (1) Accreditation is granted to a private assessment body to assess a qualification on the GFETQSF which includes all the processes involved in the setting and administration of external examinations and quality assuring internal assessment for the full period of the qualification as required by the policies that govern the qualification.
- (2) Private assessment bodies will be monitored and reported on annually to ensure ongoing compliance with policies and regulations, improvement and maintenance of standards.
- (3) To ensure consistency in the national assessment system, Umalusi sets common criteria for the state and private assessment bodies.

- (4) An accredited private assessment body must perform the functions with regard to external assessment as set out in *section 18* of the *GENFETQA Act*.

21. Functions of Private Assessment Bodies

- (1) An assessment body conducts formal, externally quality assured assessment for qualifications on the GFETQSF and quality assures any internal continuous assessment relevant to the qualification.
- (2) The assessment system may have different forms of delivery and conception in respect of the development of assessment instruments and assessment items, quality assurance measures and approaches.

22. Registration of examination centres

Public or accredited private assessment bodies may register examination centres on condition that they-

- (1) comply with the registration requirements as determined by the relevant education department and accreditation by Umalusi;
- (2) assess a qualification on the General and Further Education and Training sub-framework of qualifications;
- (3) have met all the requirements of regulations pertaining to the conduct, administration and management of the qualification to be assessed.

CHAPTER 8

CRITERIA FOR THE ACCREDITATION AND MONITORING OF PRIVATE ASSESSMENT BODIES

23. Standard of compliance

- (1) The quality of national external examinations is critical in determining standards in public and private education and training. The quality assurance and monitoring of assessment systems of such examinations are central to upholding the standards embodied in national qualifications. These roles are undertaken by both the state and private assessment bodies.
- (2) Accreditation is granted to private assessment bodies where such organisations satisfy the requirements for accreditation as indicated in this Policy and such supporting policies and directives as established by Umalusi.
- (3) Should a private assessment body that has obtained accreditation in terms of the requirements set out in *paragraph 17(3)*, fails to adhere to, or disregard them, accreditation will be withdrawn, as contemplated in *paragraph 24(3)*.

24. Criteria for the Accreditation and Monitoring of Private Assessment Bodies to assess a qualification on the GFETQSF

- (1) The quality assurance and monitoring of assessment structures are central to the quality assurance of national external examinations which form the basis for the determination of standards in public and private general and further education and training.

(2) **[Several broad criteria pertinent to the accreditation, quality assurance and monitoring of assessment bodies have been developed. The criteria are grouped into three focus areas.]**

The criteria for the accreditation of private assessment bodies to offer a qualification on the GFETQSF are grouped into the following three focus areas-

- (a) strategic leadership and management;
- (b) assessment standards; and
- (c) administration of assessment.

(3) The set of criteria for the accreditation and monitoring of private assessment bodies is outlined as follows-

(a) Criterion 1: Leadership, Planning and Management

- (i) The assessment body's leadership is instructive and provides strategic direction and governance oversight based on acceptable practices.
- (ii) The strategic initiatives, interventions, policies and procedures of the assessment body promote fair, valid and reliable assessments.
- (iii) The assessment body is sustainable and financially viable.
- (iv) The assessment body demonstrates commitment to quality improvement in providing feedback annually to the institutions that are its examination centres.
- (v) The assessment body is sufficiently and professionally staffed.
- (vi) The leadership and management identify and manage the organisational risks effectively.

(b) Criterion 2: Assessment Standards

- (i) The assessment body's assessment approach and systems are credible in that assessments are administered against the policy requirements and

standards of qualifications registered on the General and Further Education and Training Qualifications Framework and their intended curricula.

(ii) The assessment body produces assessment products of an acceptable standard and oversees the quality of internal and external assessment of all its registered examination centres.

(iii) Assessment standards and practices are benchmarked and quality assured.

(iv) Standards of assessment are maintained and improved through appropriate and effective monitoring and moderating mechanisms.

(c) Criterion 3: Research and Development

(i) The work of the assessment body is informed by appropriate research and assessment approaches are innovative, benchmarked and fit for purpose.

(ii) Research findings are used to improve assessment products, systems and approaches as well as to provide meaningful feedback and guidance to education institutions in order to drive the improvement of teaching, learning and internal assessment.

(iii) The capacity of professional and administrative staff employed in the assessment process is developed.

(d) Criterion 4: The Conduct and Administration of Examinations and/or Assessment

[That includes all the administrative and logistical processes associated with the conduct of examinations and/or assessments, such as the setting, translation, editing, printing and moderation of assessment materials; the registration of candidates and examination centres; the establishment of marking centres; data capturing of learner records and security systems; and security, is efficient and reliable with a low tolerance of irregularities and ensures a credible internal assessment/examinations.]

- (i) The private assessment body conducts credible external examinations in that it is effective and efficient in the management of all administrative and logistical processes associated with the conduct of examinations.
- (ii) Learners are registered for the examination at the commencement of the qualification.
- (iii) Security systems with a low tolerance for irregularities are implemented and irregularities are reported and dealt with as required in Umalusi policy.
- (iv) The assessment body meets all Umalusi's requirements in respect of the registration, resulting and certification system and is able to submit learner datasets that meet Umalusi specifications.
- (v) The assessment body has efficient and reliable systems for the capture, storage and management of learner achievement data, and is ethical in reporting and safeguarding the accuracy and security of learner results.

- (vi) The assessment body ensures that it has full ownership of its data from inception.
- (vii) All the requirements of regulations pertaining to the conduct, administration and management of an examination in respect of a qualification are applied and are met.
- (viii) Delivery of the examination is monitored and evaluated with the purpose of supporting continuous improvement.

(e) Criterion 5: Resulting Systems and Processes

The assessment body-

- (i) encapsulates the reliable and accurate processing and issuing of results; and
- (ii) complies with policy to maintain the integrity of the system.

CHAPTER 9

WITHDRAWAL OF ACCREDITATION

25. Rationale

- (1) Private assessment bodies accredited in terms of the policy developed by Umalusi and approved by the Minister of Higher Education and Training in terms of section 17A2(a) of the GENFETQA Act, must be monitored by Umalusi in terms of section 25(1) of the said Act, to ensure continued compliance with the policy set out in this policy.
- (2) Where a private assessment body is found to be non-compliant, Umalusi reserves the right in terms of section 25(2) of the GENFETQA Act to place the assessment body under close monitoring.
- (3) Umalusi may withdraw accreditation if the assessment body is found to be non-compliant with the requirements of this policy.

26. Procedures to be followed in the event of non-compliance by Private Assessment Bodies

- (1) In the event of non-compliance with this policy as contemplated in paragraph 24(2), Umalusi will-
 - (a) determine a reasonable period within which the private assessment body must comply with this policy;
 - (b) evaluate at the expiry of the period the remedial steps taken by the private assessment body;
 - (c) based on the decision taken in terms of *sub-paragraph (1)(a)*, Umalusi may affirm or withdraw accreditation of the private assessment body; and

- (d) in withdrawing accreditation, serve notice of administrative action to withdraw the accreditation of the private assessment body concerned at an appropriate time so as to minimise implications for learners;
- (2) Once a decision to withdraw accreditation has been made and communicated, the private assessment body will not be permitted to register learners for the next examination cycle.
- (3) The private assessment body must notify its clients of the decision with immediate effect and ensure that all past and present learner data and records are secured and transferred to Umalusi in the manner prescribed by Umalusi.

27. Procedures to be followed in the event of non-compliance by private colleges

- (1) In terms of section 16(5) of the GENFETQA Act, the Council must perform any function consistent with the said Act that the Minister may determine, and must therefore in the case of non-compliance with the policy set out in this policy by a private college -
 - (a) notify the private college in writing and set out the nature and extent of the failure; and
 - (b) determine a reasonable period within which the private college must comply with the policy set out in this policy.
- (2) At the expiry period contemplated in sub-paragraph (1)(b), the Council must-
 - (a) evaluate the steps taken by the private college; and
 - (b) affirm or withdraw accreditation of the private college.
- (3) Accreditation may be withdrawn if the private college is found to be non-compliant with the requirements as stipulated in this policy.

- (4) Before Umalusi withdraws an accreditation, it must notify the Director-General of Higher Education and Training, who is the Registrar, in terms of *section 24(1)* of the *GENFETQA Act* of its intention to withdraw the accreditation and the date of the intended withdrawal.

28. Appeals procedure

The withdrawal of accreditation status may be appealed through a formal appeals process established by Umalusi.

CHAPTER 10**FUNDING****29. Provision for funding by the Council**

Section 13(1)(c) of the GENFETQA Act, makes provision for funds received by the Council in respect of fees charged for services. Accordingly, Umalusi determines annual quality assurance fees for all its services including accreditation and related processes.

CHAPTER 11**TRANSITIONAL ARRANGEMENTS AND SHORT TITLE****30. Transitional arrangements**

- (1) The *Policy for the Quality Assurance of Private Colleges for Continuing Education and Training, offering qualifications registered on the General and Further Education and Training Qualifications Sub-framework, and the Accreditation of Private Assessment Bodies* developed in accordance with sections 17(2)(a) and 23 of the GENFETQA Act, replaces the *Policy for the Quality Assurance of Private Adult Learning Centres, Private Further Education and Training Colleges and the Accreditation of Private Assessment Bodies*, Government Gazette No. 33237 of 28 May 2010, and will after promulgation in the *Government Gazette*, be implemented with immediate effect.
- (2) Until such time the Minister has promulgated the *Policy for the Quality Assurance of Private Colleges for Continuing Education and Training, offering qualifications registered on the General and Further Education and Training Qualifications Sub-framework, and the Accreditation of Private Assessment Bodies*, Umalusi's current *Policy for the Quality Assurance of Private Adult Learning Centres, Private Further Education and Training Colleges and the Accreditation of Private Assessment Bodies*, Government Gazette No. 33237 of 28 May 2010 will apply to all Private Colleges offering qualifications registered on the GEFETQSF.

31. Short Title

This policy may be cited as the *Policy for the Quality Assurance of Private Colleges for Continuing Education and Training, offering qualifications registered on the General and Further Education and Training Qualifications Sub-framework, and the Accreditation of Private*

Assessment Bodies, and will commence on the day of its promulgation in the *Government Gazette*.

DEPARTMENT OF EDUCATION

NO. 8

05 JANUARY 2018

**THE COUNCIL FOR GENERAL AND FURTHER EDUCATION AND
TRAINING QUALITY ASSURANCE ("UMALUSI")****GENERAL AND FURTHER EDUCATION AND TRAINING QUALITY
ASSURANCE ACT, 2001 (ACT NO. 58 OF 2001)****CALL FOR WRITTEN SUBMISSIONS FROM STAKEHOLDER BODIES AND
MEMBERS OF THE PUBLIC ON THE AMENDED POLICY FOR THE
QUALITY ASSURANCE OF PRIVATE COLLEGES FOR CONTINUING
EDUCATION AND TRAINING, OFFERING QUALIFICATIONS REGISTERED
ON THE GENERAL AND FURTHER EDUCATION AND TRAINING
QUALIFICATIONS SUB-FRAMEWORK, AND THE ACCREDITATION OF
PRIVATE ASSESSMENT BODIES**

1. I, John Volmink, Chair of the Umalusi Council hereby, in terms of sections 17A(1) and 17A(2)(a) of the *General and Further Education and Training Quality Assurance Act, 2001 (Act No. 58 of 2001)*, give my intention to amend the *Policy for Quality Assurance of Private Learning Centres, Private Further Education and Training Colleges and the Accreditation of Private Assessment Bodies*, published in *Government Gazette No. 33237 of 28 May 2010*. In view of this I invite stakeholder bodies and members of the public to comment on the amended policy as set out in the **Schedule**.

BACKGROUND

2. This policy applies to-
 - (a) private colleges registered in terms of the *Continuing Education and Training Act, 2006 (Act No. 16 of 2006)*, as amended by the *Further Education and Training Colleges Amendment Act, 2013 (Act No. 1 of 2013)*, that offer Adult Education and Training, and/or

Further Education and Training programmes leading towards the achievement of a qualification or part-qualification on the General and Further Education and Training Qualifications Sub-Framework; and

- (b) the assessment, accreditation and monitoring of assessment bodies that externally examine the qualification or part-qualifications registered on the General and Further Education and Training Qualifications Sub-Framework.

SUBMISSIONS

3. It would greatly assist Umalusi if all submissions could be prepared under the headings listed in the document, *Policy for the Quality Assurance of Private Colleges for Continuing Education and Training and the Accreditation of Private Assessment Bodies* as set out in the **Schedule**. If you do not wish to comment under a particular heading, please indicate "No comment".
4. The name, address, telephone number, e-mail address and fax number of the person or organisation responsible for submitting comments must be provided.

CLOSING DATE

5. **The closing date for the receipt of comments is set as 21 days after publication of this Notice.**

ADDRESS FOR SUBMISSIONS

6. Please send or deliver your submission to-

**The Chief Executive Officer
Umalusi**

**Attention Ms Z Modimakwane
37 General Van Ryneveld Street, Persekor Technopark,
PRETORIA**

Or

PO Box 151, Persekor Technopark, Pretoria

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**PROFESSOR J VOLMINK
CHAIR OF THE UMALUSI COUNCIL
DATE: 29 NOVEMBER 2017**

**THE COUNCIL FOR GENERAL AND FURTHER EDUCATION AND
TRAINING QUALITY ASSURANCE ("UMALUSI")**

**GENERAL AND FURTHER EDUCATION AND TRAINING QUALITY
ASSURANCE ACT, 2001 (ACT NO. 58 OF 2001)**

**CALL FOR WRITTEN SUBMISSIONS FROM STAKEHOLDER BODIES AND
MEMBERS OF THE PUBLIC ON THE AMENDED POLICY FOR THE
QUALITY ASSURANCE OF PRIVATE COLLEGES FOR CONTINUING
EDUCATION AND TRAINING, OFFERING QUALIFICATIONS REGISTERED
ON THE GENERAL AND FURTHER EDUCATION AND TRAINING
QUALIFICATIONS SUB-FRAMEWORK, AND THE ACCREDITATION OF
PRIVATE ASSESSMENT BODIES**

GENERAL EXPLANATORY NOTE

[.....]Words in bold in square brackets indicate omissions from the existing regulations.

_____ Words underlined with a solid line indicate insertions into the existing regulations.

SCHEDULE

POLICY FOR THE QUALITY ASSURANCE OF PRIVATE [ADULT LEARNING CENTRES, FURTHER EDUCATION AND TRAINING COLLEGES] COLLEGES FOR CONTINUING EDUCATION AND TRAINING, OFFERING QUALIFICATIONS REGISTERED ON THE GENERAL AND FURTHER EDUCATION AND TRAINING QUALIFICATIONS SUB-FRAMEWORK, AND THE ACCREDITATION OF PRIVATE ASSESSMENT BODIES

ISBN:

Policy for the Quality Assurance of Private Adult Learning Centres, Private Further Education and Training Colleges and the Accreditation of Private Assessment Bodies, published as Government Notice No 528 in Government Gazette No. 33237 of 28 May 2010 and amended as-

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ABBREVIATIONS AND ACRONYMS

| | |
|------------|---|
| ABET | Adult Basic Education and Training |
| AET | Adult Education and Training |
| <u>CET</u> | <u>Continuing Education and Training</u> |
| DG | Director General of the Department of Higher Education and Training |
| DHET | Department of Higher Education and Training |
| GENFET | General and Further Education and Training |
| GFETQSF | General and Further Education and Training Qualifications Sub-Framework |
| NQF | National Qualifications Framework |
| QC | Quality Council |
| SAQA | South African Qualifications Authority |
| TVET | Technical Vocational Education and Training |

CHAPTER 1

DEFINITIONS, PURPOSE AND APPLICATION

1. Definitions

The purpose of these definitions is to define the terminology used in developing this policy.

In this policy-

- (a) any word or expression to which meaning has been assigned in the *National Qualifications Framework Act, 2008 (Act No. 67 of 2008)* and the *General and Further Education and Training Quality Assurance Act 2001, (Act No. 58 of 2001)*, shall have the meaning so assigned to it, unless the context otherwise indicates-
- (b) the singular shall include the plural and *vice versa*-

“acknowledgement of receipt of application for accreditation” – means Umalusi has received a completed self-evaluation report from a private college;

“accreditation” – means the outcome of a quality assurance process of evaluating-

- (a) a private assessment body to determine whether its capacity, systems, processes and products are of the appropriate quality to deliver valid, reliable, fair and credible assessments and**
- (b) a private college to determine whether it has, in accordance with the policy and criteria for quality assurance as set out in this policy, the capacity to offer a qualification or programmes leading to a qualification on the General and Further Education and Training Qualifications Sub-framework;**

“assessment” - means the process of identifying, gathering and interpreting information about a learner’s achievement in order to-

- (a) assist the learner’s development and improve the process of learning and teaching; and
- (b) evaluate and certify competence in order to ensure qualification credibility. Assessment includes national examinations and site-based assessment;

“assessment body” - means a juristic body accredited by Umalusi to quality assure internal assessment and conduct external examinations, or a department of education;

“assessed curriculum” – means the part of the intended curriculum which features in assessment or examinations;

“certification” - means the formal recognition by Umalusi of a qualification or part qualification awarded to a successful learner;

“college” – means

- (a) a public college that is established or declared in terms of the *CET Act* as-
 - (i) a technical and vocational education and training college;
 - or
 - (ii) community education and training college; or
- (b) a private college offering Adult Education and Training and/or Further Education and Training programmes leading towards the achievement of a qualification or part-qualification on the General and Further Education and Training Qualifications Sub-Framework;

“continuing education and training” – means all post-school learning and training programmes leading to qualifications or part-qualifications on the General and Further Education and Training Qualifications Sub-Framework;

“Council” – refers to Umalusi, the Quality Council for General and Further Education and Training; as contemplated in the *National Qualifications Framework Act, 2008 (Act No. 67 of 2008)*, and the *General and Further Education and Training Quality Assurance Act 2001, (Act No. 58 of 2001)*;

“curriculum” – [means the necessary underpinning framework documentation provided for a qualification or part qualification to facilitate a more general understanding of its implementation in an educational system. The curriculum for a qualification or part-qualification provides a more detailed description of what is required for the purpose of the qualification or part-qualification to be fulfilled through its enactment. Syllabi for the necessary units of learning/subjects form an integral part of the curriculum.]

“curriculum” - means a statement which encompasses three components: intended curriculum, enacted curriculum and assessed curriculum;

“Department of Education” – means the Department of Higher Education;

“Director-General” – means the Director-General of the Department;

[“enacted curriculum” – means everything taught and learned in an educational institution;]

“examination centre” – means a private college registered and managed by a private accredited or public assessment body as a venue for their candidates to write examinations;

“exit point” - means a point in General and Further Education and Training at which a learner is required to demonstrate competence with a view to obtaining a documentary proof of proficiency;

“external assessment” - means assessment conducted by a public or accredited private assessment body, the outcomes of which count towards the achievement of a qualification;

“external moderation” – means the authentication of internal and external assessment conducted by Umalusi;

“Further Education and Training” - means all learning and training programmes leading to qualifications on Levels 2, 3 and 4 of the National Qualifications Framework (NQF);

“General and Further Education and Training Qualifications Sub-Framework” - means the Sub-framework of the NQF for General and Further Education and Training that is developed and managed by Umalusi;

“General Education and Training” – means all learning and training programmes leading to a qualification on level 1 of the National Qualifications Framework;

[“intended curriculum” – means the description of the skills and content and values to be taught and learned, how these are to be enacted in practice, and how they should be assessed;]

“Internal assessment” – means any assessment, conducted by an education institution, the outcomes of which count towards the achievement of a qualification;

“learner” - means any person receiving or obliged to receive education at any education institution within the general and further education and training sectors;

“learning programme” – means a structured and purposeful set of learning experiences that leads to a qualification or part-qualification;

“Letter of intent” – means the private college or private assessment body’s indication of its intent to apply for accreditation;

“Minister” - means the Minister of Higher Education and Training;

“Moderation” – means a process which ensures that assessment of the outcomes described in the National Qualifications Framework standards or qualifications is fair, valid and reliable;

“National Qualifications Framework” (NQF) means the national qualifications framework contemplated in the *National Qualifications Framework Act, 2008*;

“private college” – means any college that provides continuing education and training on a full-time, part-time or distance basis and which is registered or provisionally registered as a private college in terms of *Chapter 6 of the Continuing Education and Training Act, 2006*;

“private education institution” as contemplated in the *General and Further Education and Training Quality Assurance Act, 2001 (Act No. 58 of 2001)*;

“programme” – means the same as curriculum in the Act and in this policy;

“provisional accreditation” - means the granting of accreditation for a limited time to a private college or private assessment body that has applied for accreditation to enable such private college or private assessment body to comply with the requirements to offer or assess respectively, a qualification or programmes leading to a qualification on

the General and Further Education and Training Qualifications Sub-framework;

“public college” – means any college that provides continuing education and training on a full-time, part-time or distance basis which is-

(a) established or regarded as being established as a public college under section 3 of the *Continuing Education and Training Act, 2006*; or

(b) declared as a public college under section 4 of the *Continuing Education and Training Act, 2006*;

“qualification” – as contemplated in the *National Qualifications Act, 2008 (Act No.67 of 2008)*;

“quality” – means meeting the set criteria, standards and requirements;

“quality assurance” - means the process of measuring, evaluating and reporting on quality against standards, and monitoring for ongoing improvement in the qualification, the curriculum, the assessment, the implementation and delivery of the curriculum and the capacity of the institution or assessment body to offer and/or assess the qualification;

“Quality Council (QC)” - as contemplated in the *National Qualifications Framework Act, 2008 (Act No.67 of 2008)*;

“registered qualification” – means a qualification registered on the National Qualifications Framework in terms of *section 13(1)(h)* of the *National Qualifications Framework Act, 2008 (Act No. 67 of 2008)*;

“Registrar” – means the Director-General of the Department of Higher Education and Training;

“requirements” - means requirements as established by this policy as determined by Council in respect of the quality assurance of private **[education and training centre]**, colleges for continuing education and training, **[further education and training college]** and accreditation of an assessment body;

“Umalusi” – means, the Quality Council for General and Further Education and Training established by the *General and Further Education and Training Quality Assurance Act, 2001 (Act No. 58 of 2001)*. In terms of the *National Qualifications Framework Act, 2008 (Act No. 67 of 2008)*, it is tasked to support the achievement of the objectives of the NQF and to develop and manage the General and Further Education and Training Qualifications Sub-Framework.

2. **[Background] Purpose**

[The *General and further Education and Training Quality Assurance Act, 2001 (No 58 of 2001)* assigns responsibility for quality assurance of general and further education and training in South Africa to Umalusi, the Quality Council (QC) for Quality Assurance in General and Further Education and Training. It was established with the purpose of maintaining norms and standards in general and further education and training and as such its mandate includes the following:

- **Developing and maintaining a sub-framework of qualifications for general and further education and training;**
- **Quality assurance of all exit point assessment of such qualifications;**
- **Certification of learner achievements;**
- **Quality promotion amongst education institutions;**
- **Quality assurance of private adult learning centres and private further education and training colleges; and**
- **Accreditation of assessment bodies other than departments of education.]**

The *National Qualifications Framework Act, 2008 (Act No. 67 of 2008)* states that the Council must, in respect of quality assurance, do the following:

- (i) **develop and implement policy for quality assurance;**
- (ii) **ensure the integrity and credibility of quality assurance;**
- (iii) **ensure that quality assurance as is necessary for the sub-framework is undertaken.]**

(1) The *General and Further Education and Training Quality Assurance Act, 2001 (Act No. No. 58 of 2001)* (hereafter referred to as the *GENFETQA Act*), enables Umalusi to-

- (a) Develop policy and criteria for the quality assurance, accreditation and monitoring of private education institutions; including private colleges as contemplated in the *Continuing Education and Training Act, 2006 (Act No. 16 of 2006)*, hereafter referred to as the *CET Act*.
- (b) Develop policy for the accreditation of assessment bodies other than departments of education as contemplated in the *CET Act*.
- (c) Monitor private assessment bodies in accordance with a set of regulated accreditation criteria.

(2) The *National Qualifications Framework Act, 2008 (Act No. 67 of 2008)* (hereafter referred to as the *NQF Act*) provides for the establishment of Umalusi as a Quality Council that is responsible for the development and management of a Sub-framework of qualifications at Levels 1-4 of the National Qualifications Framework and the related quality assurance processes.

- (3) In accordance with sections 17A(2)(a), (b) and (c), 23(1), 23(2)(b) and (c) and 24(1)(a) of the GENFETQA Act, to be read with section 27(i)(i) of the NQF Act, the purpose of this policy is to-
- (a) **[set requirements for the]** develop policy and criteria for quality assurance of [private adult learning centres and private further education and training colleges] private colleges registered in terms of the *Continuing Education and Training Act, 2006 (Act No. 16 of 2006)*;
 - (b) develop policy for the accreditation and monitoring of assessment bodies [in respect of general and further education and training] other than the Department of Higher Education and Training and submit it to the Minister of Higher Education and Training to be regulated;
 - (c) accredit assessment bodies, subject to the outcome of the accreditation process as contemplated in sub-paragraph (b) above; and
 - (d) affirm or withdraw the accreditation status of the private college concerned.

[In order to certify learning achievements with confidence, private adult learning centres, private further education and training colleges and assessment bodies must be inextricably linked.]

3. Application

- (1) This policy applies to-
- (a) private colleges registered in terms of the *Continuing Education and Training Act, 2006 (Act No. 16 of 2006)*, (hereafter referred to as the *CET Act*) as amended by the *Further Education and Training Colleges Amendment Act*,

2013 (Act No. 1 of 2013), and offering qualifications which are registered on the GFETQSF:

(b) private assessment bodies that manage formal internal assessment and conduct external assessment in accordance with the regulatory framework outlined in the national policies that govern the qualifications they assess.

(2) In the event of a conflict between the NQF Act, the Higher Education Act, 1997 (Act No 101 of 1997), the Continuing Education and Training Act, 2006 (Act No. 16 of 2006) as amended by the Further Education and Training Colleges Amendment Act, 2013 (Act No. 1 of 2013), the Skills Development Act, 1998 (Act No 97 of 1998) and the GENFETQA Act, the NQF Act, must be given preference.

CHAPTER 2

LEGISLATIVE CONTEXT

4. Underpinning legislation

(1) **[This document takes as its legal framework the following]**

The policy is premised on the following acts-

- (a) *The Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996);*
- (b) *NQF Act, 2008;*
- (c) *GENFETQA Act, 2001; and*

[The Adult Basic Education and Training Act, 2000 (Act NO. 52 of 2000)]

[The Further Education and Training Colleges Act, 2006 (Act No. 16 of 2006)]

(d) *CET Act, 2006.*

(2) Section 4 of the Constitution of the Republic of South Africa, 1996 stipulates that everyone has the right to establish and maintain, at their own expense, independent educational institutions that-

- (a) do not discriminate on the basis of race;
- (b) are registered with the state; and
- (c) maintain standards that are not inferior to standards at comparable public educational institutions.

(3) The NQF Act provides for the establishment of Umalusi as a Quality Council that is responsible for the development and management of a Sub-framework of qualifications at Levels 1-4 of the National Qualifications Framework and the related quality assurance processes.

- (a) The said Act determines that the Quality Council must, in respect of quality assurance within its Sub-framework-

- (i) develop and implement policy for quality assurance;
 - (ii) ensure the integrity and credibility of quality assurance; and
 - (iii) ensure that quality assurance as is necessary for the Sub-framework is undertaken.

- (b) In order to determine and maintain the standard of qualifications registered on the GFETQSF, Umalusi as Quality Council must ensure-
 - (i) that qualifications are registered on the GFETQSF, in terms of both the *NQF Act* and the *GENFETQA Act*;
 - (ii) that private colleges that offer provision towards the achievement of such qualifications are quality assured and accredited to offer the curriculum that supports such qualifications;
 - (iii) that assessment bodies and systems that externally examine such qualifications are accredited to do so and monitored; and
 - (iv) the conduct of national external examinations for qualifications on the GFETQSF is monitored and moderated.

- (4) The *GENFETQA Act* stipulates that the Council must in terms of sections 17A(2), 23(1) and 24 respectively, develop policy and criteria for-
 - (a) the accreditation of assessment bodies other than **departments of education**; and
 - (b) the quality assurance of private colleges offering qualifications or part qualifications on the GFETQSF.

- (5) The *CET Act* which commenced on 11 December 2006, repealed the *Further Education and Training Act, 1998 (Act No. 98 of 1998)*

and the *Adult Education and Training Act, 2000 (Act No. 52 of 2000)* to determine the following-

- (a) Institutions offering qualifications on the GFETQSF -
- (i) Technical Vocational Education and Training Colleges;
 - (ii) Community Education and Training Colleges;
 - (iii) Public and Private Community Learning Centres;
and
 - (iv) Private Colleges as defined in terms of this Policy.
- (b) In terms of the *NQF Act*, Umalusi is responsible for the following qualifications listed on the GFETQSF-
- (i) National Certificate (Vocational) NC(V), *Government Gazette, No. 28677 of 29 March 2006*;
 - (ii) Reports 190/191 PART 1: Engineering Studies (N1-3) programmes, *Report 191 Government Gazette, No. 38029 of 29 September 2014, Part 1: N1-N3, Department of Education, (2001/08)*;
 - (iii) National Senior Certificate for Adults (NASCA), *Government Gazette, No. 33805 of 26 November 2010*;
 - (iv) General Education and Training Certificate, ABET Level 4;
 - (v) General Education and Training Certificate for Adults (GETCA), *Government Gazette, No. 39218 of 18 September 2015*;; and
 - (vi) future qualifications developed to be offered at private colleges.

5. Functions assigned to Umalusi

In line with the aim of the NQF Act, namely, to develop and manage the GFETQSF, Umalusi has been mandated in accordance to sections 17A(1), (2), (3) and (6), and 23(2)(b) of the GENFETQA Act to-

- (1) develop policy and criteria for the quality assurance and accreditation of private colleges for the offering of qualifications registered on the GFETQSF with the aim of ensuring compliance with these requirements;
- (2) quality assure all exit point assessment of the qualifications contemplated in sub-paragraph (1);
- (3) perform the external moderation of assessment of all assessment bodies;
- (3) certify learner achievements;
- (4) develop policy for the accreditation of assessment bodies other than departments of education; and
- (5) accredit assessment bodies in accordance with the policy, contemplated in sub-paragraph (4).

6. Supplementary documents

This Policy must be read **[and understood]** in conjunction with the following policy documents-

- [(a) *Developing and maintaining the GENFETQA sub-framework (Umalusi Council, Dec 2008);***
- (b) Other related legislation as appropriate to the various education sectors Umalusi is mandated to work in;**
- (c) QC policies and directives on the conduct, administration and management of the assessment for the qualifications and part qualifications on the sub-framework, as well as other qualifications identified and registered by the SAQA in consultation with the QC;**

- (d) **The regulations that are developed by the Department of Higher Education and Training and gazette by the Minister on assessment policies; and**
- (e) **Any other relevant policies and directives issued by the QC.]**
- (1) General and Further Education and Training Qualifications Sub-framework, promulgated in *Government Gazette No. 36006* of 14 December 2012, as amended in *Government Gazette No. 36803* of 30 August 2013, and published on 8 September 2014;
- (2) Standard Setting and Quality Assurance of the General and Further Education and Training Qualifications Sub-framework, Umalusi, 2014;
- (3) A Policy for the Management of Qualifications on the General and Further Education and Training Qualifications Framework, a Sub-framework of the National Qualifications Framework;
- (4) *National Policy on the Conduct, Administration and Management of the Assessment of the National Certificate (Vocational)*, *Government Gazette No. 30287* of 12 September 2007;
- (5) *Internal Continuous Assessment (ICASS) Guidelines for Report 191 Programmes in TVET Colleges implementation January 2017*;
- (6) *Internal Continuous Assessment (ICASS) Guidelines for the NC(V) Qualifications in TVET Colleges implementation January 2017*; and
- (7) National Policy on the Examination of Formal Technical College Instructional Programmes.

CHAPTER 3**QUALIFICATIONS ON THE GENERAL AND FURTHER EDUCATION AND TRAINING QUALIFICATIONS SUB-FRAMEWORK****7. Qualifications on the General and Further Education and Training Qualifications Sub-framework (GFETQSF)**

- (1) In terms of section 3 of the National Qualifications Framework Act, 2008 (Act No. 67 of 2008), every qualification or part-qualification, offered in the Republic by education institutions, must be registered on the NQF in accordance with the said Act.
- (2) In accordance with the aim of the NQF Act Umalusi's mandate is limited to qualifications and part qualifications which are registered on the GFETQSF at Levels 1-4 of the NQF.
- (3) The qualifications and part-qualifications are used as benchmarks of quality in the education and training system. Standards are embedded in qualifications, their related curricula/programme and assessment requirements, and in the type and extent of knowledge, skills and competence that the learner is expected to acquire as expressed in these documents.

CHAPTER 4

QUALITY ASSURANCE OF PRIVATE COLLEGES

8. Quality Assurance process

- (1) Umalusi is required to quality assure private colleges which means that such private colleges are required to participate in a process that measures against standards, the college's capacity to deliver a qualification and its supporting curriculum/programme, and the quality of the implementation of such, at the required standard.
- (2) If the private college meets the standards as contemplated in *sub-paragraph (1)*, the private college is accredited for a period of 7 (seven) years to offer the specific qualification or part qualification registered on the General and Further Education and Training Qualifications Sub-framework (GFETQSF).
- (3) Private colleges that are granted provisional accreditation are required to address areas of partial compliance within a period not exceeding two years.
- (4) However, should the private college fail to comply with the standards as contemplated in *sub-paragraph (1)*, it will not be accredited.
- (5) Continued meeting of the standards, as contemplated in *sub-paragraph (1)*, is monitored for ongoing improvement.

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- (6) Quality assurance of private colleges, as contemplated in *sub-paragraph (1)*, is carried out through processes that include-
- (a) application for accreditation to offer a qualification on the GFETQSF;
 - (b) self-evaluation by the private college to enhance an internal culture of quality management and ongoing improvement;
 - (c) a desktop evaluation of the self-evaluation report;
 - (d) external validation to ensure that the private college meets the regulated criteria, national policy and regulations and to ensure a benchmarked standard of provision and college improvement.
 - (e) granting of accreditation or provisional accreditation or no accreditation by Umalusi; and
 - (f) periodic monitoring to ensure maintenance of standards and continued improvement.

9. Quality Assurance of Private Colleges

- (1) Any institution that is required to register as a private college must in terms of *section 23* of the *GENFETQA Act*, comply with the policy and criteria for quality assurance developed by Umalusi.
- (2) In terms of *section 3* of the *NQF Act*, every qualification or part-qualification, offered in South Africa by education institutions, must be registered on the NQF in accordance with the said *Act*.
- (3) In accordance with the aim of the *NQF Act* Umalusi's mandate is limited to qualifications and part qualifications which are registered on the GFETQSF at Levels 1-4 of the NQF.

-
- (4) Quality assurance of private colleges must in terms of section 43(2) of the CET Act be conducted by Umalusi in terms of the GENFETQA Act.
- (5) The criteria for the accreditation of private colleges, as contemplated in Chapter 6 of this policy, are intended to assess, *inter alia* the effectiveness of the implementation of the curriculum/programme of a qualification on the GFETQSF and includes its internal assessment.
- (6) Based on the outcome of the quality assurance process as contemplated in paragraph 2(1)(a) of this policy, and subject to the compliance with the criteria for accreditation contemplated in Chapter 6 of this policy, accreditation for a period of 7 (seven) years to offer a registered qualification on the GFETQSF and the related curriculum/programme may be granted to a private college by Umalusi.
- (7) Private colleges that are granted provisional accreditation are required to address areas of partial compliance within a period not exceeding two years.
- (8) The official register of accredited private colleges is available on Umalusi's website.

CHAPTER 5

THE REGISTRATION AND ACCREDITATION OF PRIVATE COLLEGES

10. Registration process

- (1) Private colleges are only able to operate legally in South Africa subject to registration by the Department of Higher Education and Training.
- (2) Private colleges obtain registration in terms of the conditions as determined by the Department of Higher Education and Training, before applying for accreditation with Umalusi.
- (3) The criteria for the registration of private colleges are stipulated in sections 28 and 29 of the CET Act-
No person other than a public college or any organ of the state may provide continuing education and training unless that person is-
 - (a) incorporated or recognised as a company in terms of the Companies Act, 2008 (Act No. 71 of 2008); and
 - (b) registered or provisionally registered as a private college in terms of the CET Act.
- (4) An application for registration as a private college must be made to the registrar, which is the Director-General for Higher Education and Training, in a manner determined by the registrar.
- (5) The registrar must register an applicant as a private college if the registrar has reason to believe that the applicant-
 - (a) is financially capable of satisfying its obligations to prospective learners; and
 - (b) with regard to all its continuing education and training qualifications or part-qualifications-

- (i) will maintain acceptable standards that are not inferior to standards at comparable public colleges;
 - (ii) will comply with the requirements of Umalusi; and
 - (iii) complies with any other reasonable requirement prescribed by the Minister of Higher Education and Training.
- (6) In terms of the *Further Education and Training Colleges Amendment Act, 2013 (Act No. 1 of 2013)*, any college that is in existence immediately before the commencement of the *CET Act* continues to exist as a vocational and continuing education and training college and is deemed to have been established as a technical and vocational education and training college in terms of *section 3(1)(a)* of the Principal Act as amended by the *CET Act*.
- (7) A private AET Centre registered in terms of *sections 26 and 27* of the *AET Act*, which registration is still valid immediately before the commencement of the *CET Act*, is deemed to be provisionally registered in terms of the principal Act as amended by the *CET Act* for the duration of the registration period set in terms of the *AET Act*.
- (8) Notwithstanding the afore-mentioned *sub-paragraph (7)*, a private adult education and training centre referred to above, must within 12 months from the date of commencement of the *CET Act* or such extended period as the Minister may determine by notice in the *Government Gazette*, and apply to be registered in terms of the principal Act as amended by the *CET Act*.

11. Accreditation process

- (1) Private colleges offering a qualification on the GFETQSF that received registration, as contemplated in *paragraph 10*, must apply to Umalusi for accreditation within **one year** after registration, subject to certain requirements to be met within a

specified period, has been granted by the Department of Higher Education and Training.

- (2) Accreditation is considered within a period of **one year** after the date of receipt of the application for accreditation.
- (3) Umalusi will advise the Registrar on the outcome of the application of the private college for accreditation.
- (4) In order for a private college to conduct external assessments for a qualification on the GFETQSF, such a private college must be-
 - (a) registered by the Department of Higher Education and Training as a private college;
 - (b) accredited to offer a registered qualification; and
 - (c) registered as an examination centre with a public or an accredited private assessment body.

12. Accreditation process criteria

- (1) The quality assurance of **[private adult learning centres and private further education and training colleges]** private colleges has as its key focus the enactment of curriculum through-
 - (a) mission directed leadership and management that enables curriculum implementation;
 - (b) teaching proficiency, including appropriate pedagogy and methodology;
 - (c) quality internal assessment;
 - (d) learner learning and support; and
 - (e) quality assurance measures in support of the continuous improvement of results.
- (2) The quality assurance of a **[private adult learning centre or a private further education and training college]** private college entails the recognition of the **[private adult learning centre or**

private further education and training college] private college to offer the specific qualifications on the GFETQSF. A **[private adult learning centre or a private further education and training college] private college** must have-

- (a) a mission in line with national goals and appropriate to the sector;
- (b) sufficient resources, programmes, and services to accomplish and sustain the mission;
- (c) clearly specified educational objectives consistent with the mission;
- (d) quality assurance practices that will ensure continuous improvement in terms of the enactment of the curriculum through teaching, learning and assessment;
- (e) the capacity to use assessment results (internal and external) to diagnose and, if required, remedy teaching, learning and assessment; and
- (f) the ability to take responsibility for the standard of internal continuous assessment, as well as undertake external assessment per the directives of the QC and the relevant assessment body.

(3) If the private college meets the standards as contemplated in the afore-mentioned sub-paragraph (2), the private college is accredited to offer the specific qualification registered on the GFETQSF. However, should the private college fail to comply with the standards as contemplated in sub-paragraph (9), the institution will not be accredited.

CHAPTER 6**CRITERIA FOR THE QUALITY ASSURANCE, ACCREDITATION AND MONITORING OF [PROGRAMMES OFFERED BY A PRIVATE ADULT LEARNING CENTRE AND PRIVATE FURTHER EDUCATION AND TRAINING COLLEGE] PRIVATE COLLEGES TO OFFER A QUALIFICATION REGISTERED ON THE GFETQSF****13. Minimum standard for compliance for accreditation by private colleges**

The set of criteria for the accreditation of private colleges constitutes the minimum standard that private colleges are expected to comply with. The standard is evaluated in three inter-related areas, namely-

- (1) Input criteria that focus on the standard of input factors which include management and leadership, resources and all other enablers of a conducive environment for effective teaching and learning.
- (2) Process criteria which are used to assess the effectiveness of internal quality management and standards of curriculum implementation and assessment as well as any other processes that are intended to lead to the achievement of the private college's stated goals.
- (3) Output criteria that focus on the quality of assessment outcomes or results as well as other indicators of success.

14. Criteria for Quality Assurance, Accreditation and Monitoring of [Private Learning Centres and Private Further Education and Training Colleges] Private Colleges

(1) A **[private adult learning centre and private further education and training college] private college** is accredited to offer specific qualifications or part-qualifications and their associated curricula registered on the GFETQSF.

(2) **[The criteria cover several key areas pertinent to the accreditation of learning programmes offered by a private adult learning centre or private further education and training college.]** The criteria for the accreditation of a private college to offer a qualification on the GFETQSF are-

(a) Criterion 1: Mission Directed Leadership and Management

(i) Mission directed leadership and management are concerned with-

(aa) the attainment of the vision and mission as informed by-

(aaa) its legal framework and context;

(bbb) national priorities;

(ccc) strategic leadership and effective governance structures and strategies; and

(ddd) the effectiveness with which the qualification mix and provision is selected, planned, managed, quality assured and improved;

(bb) **[Resources are appropriately allocated and used]** the appropriate allocation of

resources to ensure that the institution is viable and sustainable;

(cc) a reflection of the institutional commitment to monitor and evaluate in order to improve quality; and

(dd) the establishment of the required infrastructure and processes to ensure quality provision.

(b) Criterion 2: Teaching, Learning and Training

(i) The private college is professionally staffed to support the qualifications it offers.

(ii) Learning and assessment are at the core of the enactment of the curriculum.

(iii) The private college implements the curriculum and assessment requirements at the required standard and in accordance with the policy requirements of the qualifications registered on the GFETQSF.

(iv) The curriculum is enacted to reflect appropriate instructional approaches that support learning in respect of qualifications the institution is accredited to offer.

(v) Suitable learning programmes and materials in support of the qualifications offered are developed.

(vi) Teaching proficiency is increased through the development of appropriate pedagogy and methodology by means of staff development.

(c) Criterion 3: Assessment and Results

(i) The private college manages and conducts internal continuous assessment of an acceptable standard and provides developmental feedback to learners.

- (ii) The private college is registered as an examination centre that undertakes external assessment in compliance with the directives of the national policy that governs the qualification, policies and directives of Umalusi and the relevant assessment body.
- (iii) Quantitative and qualitative data are used to track learner achievement and improve learner success.

(d) Criterion 4: Learner Support

Learner support is evident through-

- (i) academic guidance and support; and
- (ii) career guidance and support.

CHAPTER 7

QUALITY ASSURANCE OF PRIVATE ASSESSMENT BODIES

15. Accreditation requirement

- (1) In terms of section 17A(2)(a) of the GENFETQA Act, the Council must develop policy for the accreditation of assessment bodies other than the departments of education for Ministerial approval.
- (2) Subsequent to sub-paragraph (1) above, the Minister must in terms of section 17A(2)(b) of the said Act make regulations in which the policy for accreditation is set out and in accordance with these regulations the Council must accredit a private assessment body.

16. Accreditation status

- (1) The accreditation of an assessment body entails the recognition of the private assessment body to assess the qualification or part-qualification on the GFETQSF.
- (2) Considering the afore-mentioned sub-paragraph (1), private assessment bodies are required to obtain accreditation with Umalusi to assess a qualification on the GFETQSF.
- (3) An assessment body must have-
 - (a) clearly defined goals that are in line with national policies and that relate to the assessment of national qualifications;
 - (b) sufficient resources to realise their goals;
 - (c) demonstrated evidence of achieving their goals; and
 - (d) demonstrated capacity to fulfil their functions; and
 - (e) provide sufficient reason for the QC to believe that they can continue to achieve its goals.

- (4) Accreditation is granted to a private assessment body if such assessment body-
- (a) has the capacity to manage or coordinate national examinations and assessment of learner achievement in respect of qualifications it offers.
 - (b) demonstrates the capacity to conduct, administer and manage national examinations and assessments of learner achievement in respect of qualifications they offer as stipulated in the Directives of Umalusi; and
 - (c) assesses a qualification on the GFETQSF which includes all the processes involved in the setting and administration of external examinations and internal assessment for the full period of the qualification as required by the policies and regulations that govern such a qualification.
- (5) An accredited private assessment body must perform the functions with regard to external assessment as set out in *section 18* of the *GENFETQA Act*.
- (6) Private assessment bodies will be monitored and reported on annually to ensure ongoing compliance with policies and regulations, improvement and maintenance of standards.
- (7) A private assessment body which fails to comply with the accreditation requirements set out in the afore-mentioned *sub-paragraph (3)* will be regarded as not accredited and may therefore not operate as an assessment body.

17. Accreditation process to be followed by the applicant

- (1) The accreditation of private assessment bodies is a process of evaluating a private assessment body to determine whether its capacity, systems, processes and products are of the appropriate

quality to deliver valid, reliable, fair and credible assessments and examinations.

(2) The assessment system is a key driver of quality in the education and training system and sets the standards for general and further education and training. As such, assessment bodies must meet the requirements of this policy through-

- (a) designing, conducting and managing internal and external assessments as prescribed in a particular curriculum;
- (b) undertaking internal moderation of assessment instruments;
- (c) ensuring external moderation of assessment instruments;
- (d) supplying the QC with marks and/or other records of assessment conducted, as specified by the QC;
- (e) taking adequate measures to ensure the security and integrity of the assessment process, including combatting irregularities;
- (f) publishing assessment results on approval by the QC;
- (g) developing a cadre of competent assessment personnel, including but not limited to examiners, moderators, markers and invigilators;
- (h) undertaking development and research that will enhance the achievement of educational outcomes; and
- (i) fulfilling any other functions as stipulated in the GENFETQA Act and any relevant policies and directives issued by Umalusi.

(3) The accreditation process comprises the following procedures to be followed by private assessment bodies-

- (a) submitting an application for accreditation to assess a qualification listed on the GFETQSF which will only be processed if the applicant-
 - (i) complies with the following-

- (e) receiving provisional or no accreditation;
- (f) applying for accreditation;
- (g) conducting a full exit examination; and
- (h) receiving accreditation or no accreditation.

18. Umalusi's role in the accreditation process

- (1) Umalusi must evaluate the applicant's capacity to conduct, administer and manage examinations. This will include a policy framework, assessment systems and standards, through a desktop evaluation of the self-evaluation report, state of readiness evaluation and verification of site visits.
- (2) Umalusi must determine the competence of the applicant in the development of assessment products and administration of an examination at the required standard, demonstrated through a pilot study.
- (3) Based on the outcome of Umalusi's evaluation as contemplated in sub-paragraphs (1) and (2), Umalusi may award either provisional accreditation or no accreditation.
- (4) After provisional accreditation has been granted by Umalusi, the applicant must commence with immediate planning for a lead time of 12 months before the first formal examination is conducted.
- (5) Umalusi must conduct monitoring to ensure credible, fair and valid internal and external assessment of learner achievement at exit points.

19. Provisional accreditation

- (1) Private assessment bodies that have successfully completed their pilot may be granted provisional accreditation for a period of three years during which time the assessment body must meet all the requirements of accreditation.
- (2) Provisional accreditation of an assessment body may be extended by Umalusi on reasonable grounds.
- (3) If the assessment body fails to meet all the requirements of accreditation as contemplated in the afore-mentioned *sub-paragraph (1)*, it will be awarded a status of “no accreditation” and it may not continue to offer national examinations for qualifications registered on the GFETQSF.

20. Accreditation of Private Assessment Bodies

- (1) Accreditation is granted to a private assessment body to assess a qualification on the GFETQSF which includes all the processes involved in the setting and administration of external examinations and quality assuring internal assessment for the full period of the qualification as required by the policies that govern the qualification.
- (2) Private assessment bodies will be monitored and reported on annually to ensure ongoing compliance with policies and regulations, improvement and maintenance of standards.
- (3) To ensure consistency in the national assessment system, Umalusi sets common criteria for the state and private assessment bodies.

- (4) An accredited private assessment body must perform the functions with regard to external assessment as set out in *section 18* of the *GENFETQA Act*.

21. Functions of Private Assessment Bodies

- (1) An assessment body conducts formal, externally quality assured assessment for qualifications on the GFETQSF and quality assures any internal continuous assessment relevant to the qualification.
- (2) The assessment system may have different forms of delivery and conception in respect of the development of assessment instruments and assessment items, quality assurance measures and approaches.

22. Registration of examination centres

Public or accredited private assessment bodies may register examination centres on condition that they-

- (1) comply with the registration requirements as determined by the relevant education department and accreditation by Umalusi;
- (2) assess a qualification on the General and Further Education and Training sub-framework of qualifications;
- (3) have met all the requirements of regulations pertaining to the conduct, administration and management of the qualification to be assessed.

CHAPTER 8**CRITERIA FOR THE ACCREDITATION AND MONITORING OF PRIVATE
ASSESSMENT BODIES****23. Standard of compliance**

- (1) The quality of national external examinations is critical in determining standards in public and private education and training. The quality assurance and monitoring of assessment systems of such examinations are central to upholding the standards embodied in national qualifications. These roles are undertaken by both the state and private assessment bodies.
- (2) Accreditation is granted to private assessment bodies where such organisations satisfy the requirements for accreditation as indicated in this Policy and such supporting policies and directives as established by Umalusi.
- (3) Should a private assessment body that has obtained accreditation in terms of the requirements set out in *paragraph 17(3)*, fails to adhere to, or disregard them, accreditation will be withdrawn, as contemplated in *paragraph 24(3)*.

24. Criteria for the Accreditation and Monitoring of Private Assessment Bodies to assess a qualification on the GFETQSF

- (1) The quality assurance and monitoring of assessment structures are central to the quality assurance of national external examinations which form the basis for the determination of standards in public and private general and further education and training.

(2) **[Several broad criteria pertinent to the accreditation, quality assurance and monitoring of assessment bodies have been developed. The criteria are grouped into three focus areas.]**
The criteria for the accreditation of private assessment bodies to offer a qualification on the GFETQSF are grouped into the following three focus areas-

- (a) strategic leadership and management;
- (b) assessment standards; and
- (c) administration of assessment.

(3) The set of criteria for the accreditation and monitoring of private assessment bodies is outlined as follows-

(a) Criterion 1: Leadership, Planning and Management

- (i) The assessment body's leadership is instructive and provides strategic direction and governance oversight based on acceptable practices.
- (ii) The strategic initiatives, interventions, policies and procedures of the assessment body promote fair, valid and reliable assessments.
- (iii) The assessment body is sustainable and financially viable.
- (iv) The assessment body demonstrates commitment to quality improvement in providing feedback annually to the institutions that are its examination centres.
- (v) The assessment body is sufficiently and professionally staffed.
- (vi) The leadership and management identify and manage the organisational risks effectively.

(b) Criterion 2: Assessment Standards

- (i) The assessment body's assessment approach and systems are credible in that assessments are administered against the policy requirements and

standards of qualifications registered on the General and Further Education and Training Qualifications Framework and their intended curricula.

(ii) The assessment body produces assessment products of an acceptable standard and oversees the quality of internal and external assessment of all its registered examination centres.

(iii) Assessment standards and practices are benchmarked and quality assured.

(iv) Standards of assessment are maintained and improved through appropriate and effective monitoring and moderating mechanisms.

(c) Criterion 3: Research and Development

(i) The work of the assessment body is informed by appropriate research and assessment approaches are innovative, benchmarked and fit for purpose.

(ii) Research findings are used to improve assessment products, systems and approaches as well as to provide meaningful feedback and guidance to education institutions in order to drive the improvement of teaching, learning and internal assessment.

(iii) The capacity of professional and administrative staff employed in the assessment process is developed.

(d) Criterion 4: The Conduct and Administration of Examinations and/or Assessment

[That includes all the administrative and logistical processes associated with the conduct of examinations and/or assessments, such as the setting, translation, editing, printing and moderation of assessment materials; the registration of candidates and examination centres; the establishment of marking centres; data capturing of learner records and security systems; and security, is efficient and reliable with a low tolerance of irregularities and ensures a credible internal assessment/examinations.]

- (i) The private assessment body conducts credible external examinations in that it is effective and efficient in the management of all administrative and logistical processes associated with the conduct of examinations.
- (ii) Learners are registered for the examination at the commencement of the qualification.
- (iii) Security systems with a low tolerance for irregularities are implemented and irregularities are reported and dealt with as required in Umalusi policy.
- (iv) The assessment body meets all Umalusi's requirements in respect of the registration, resulting and certification system and is able to submit learner datasets that meet Umalusi specifications.
- (v) The assessment body has efficient and reliable systems for the capture, storage and management of learner achievement data, and is ethical in reporting and safeguarding the accuracy and security of learner results.

- (vi) The assessment body ensures that it has full ownership of its data from inception.
- (vii) All the requirements of regulations pertaining to the conduct, administration and management of an examination in respect of a qualification are applied and are met.
- (viii) Delivery of the examination is monitored and evaluated with the purpose of supporting continuous improvement.

(e) Criterion 5: Resulting Systems and Processes

The assessment body-

- (i) encapsulates the reliable and accurate processing and issuing of results; and
- (ii) complies with policy to maintain the integrity of the system.

CHAPTER 9

WITHDRAWAL OF ACCREDITATION

25. Rationale

- (1) Private assessment bodies accredited in terms of the policy developed by Umalusi and approved by the Minister of Higher Education and Training in terms of section 17A2(a) of the GENFETQA Act, must be monitored by Umalusi in terms of section 25(1) of the said Act, to ensure continued compliance with the policy set out in this policy.
- (2) Where a private assessment body is found to be non-compliant, Umalusi reserves the right in terms of section 25(2) of the GENFETQA Act to place the assessment body under close monitoring.
- (3) Umalusi may withdraw accreditation if the assessment body is found to be non-compliant with the requirements of this policy.

26. Procedures to be followed in the event of non-compliance by Private Assessment Bodies

- (1) In the event of non-compliance with this policy as contemplated in paragraph 24(2), Umalusi will-
 - (a) determine a reasonable period within which the private assessment body must comply with this policy;
 - (b) evaluate at the expiry of the period the remedial steps taken by the private assessment body;
 - (c) based on the decision taken in terms of *sub-paragraph (1)(a)*, Umalusi may affirm or withdraw accreditation of the private assessment body; and

- (d) in withdrawing accreditation, serve notice of administrative action to withdraw the accreditation of the private assessment body concerned at an appropriate time so as to minimise implications for learners;
- (2) Once a decision to withdraw accreditation has been made and communicated, the private assessment body will not be permitted to register learners for the next examination cycle.
- (3) The private assessment body must notify its clients of the decision with immediate effect and ensure that all past and present learner data and records are secured and transferred to Umalusi in the manner prescribed by Umalusi.

27. Procedures to be followed in the event of non-compliance by private colleges

- (1) In terms of section 16(5) of the GENFETQA Act, the Council must perform any function consistent with the said Act that the Minister may determine, and must therefore in the case of non-compliance with the policy set out in this policy by a private college -
 - (a) notify the private college in writing and set out the nature and extent of the failure; and
 - (b) determine a reasonable period within which the private college must comply with the policy set out in this policy.
- (2) At the expiry period contemplated in sub-paragraph (1)(b), the Council must-
 - (a) evaluate the steps taken by the private college; and
 - (b) affirm or withdraw accreditation of the private college.
- (3) Accreditation may be withdrawn if the private college is found to be non-compliant with the requirements as stipulated in this policy.

- (4) Before Umalusi withdraws an accreditation, it must notify the Director-General of Higher Education and Training, who is the Registrar, in terms of *section 24(1)* of the *GENFETQA Act* of its intention to withdraw the accreditation and the date of the intended withdrawal.

28. Appeals procedure

The withdrawal of accreditation status may be appealed through a formal appeals process established by Umalusi.

CHAPTER 10**FUNDING****29. Provision for funding by the Council**

Section 13(1)(c) of the GENFETQA Act, makes provision for funds received by the Council in respect of fees charged for services. Accordingly, Umalusi determines annual quality assurance fees for all its services including accreditation and related processes.

CHAPTER 11**TRANSITIONAL ARRANGEMENTS AND SHORT TITLE****30. Transitional arrangements**

- (1) The *Policy for the Quality Assurance of Private Colleges for Continuing Education and Training, offering qualifications registered on the General and Further Education and Training Qualifications Sub-framework, and the Accreditation of Private Assessment Bodies* developed in accordance with sections 17(2)(a) and 23 of the GENFETQA Act, replaces the *Policy for the Quality Assurance of Private Adult Learning Centres, Private Further Education and Training Colleges and the Accreditation of Private Assessment Bodies, Government Gazette No. 33237 of 28 May 2010*, and will after promulgation in the *Government Gazette*, be implemented with immediate effect.
- (2) Until such time the Minister has promulgated the *Policy for the Quality Assurance of Private Colleges for Continuing Education and Training, offering qualifications registered on the General and Further Education and Training Qualifications Sub-framework, and the Accreditation of Private Assessment Bodies*, Umalusi's current *Policy for the Quality Assurance of Private Adult Learning Centres, Private Further Education and Training Colleges and the Accreditation of Private Assessment Bodies, Government Gazette No. 33237 of 28 May 2010* will apply to all Private Colleges offering qualifications registered on the GEFETQSF.

31. Short Title

This policy may be cited as the *Policy for the Quality Assurance of Private Colleges for Continuing Education and Training, offering qualifications registered on the General and Further Education and Training Qualifications Sub-framework, and the Accreditation of Private*

Assessment Bodies, and will commence on the day of its promulgation in the *Government Gazette*.

GENERAL NOTICES • ALGEMENE KENNISGEWINGS

DEPARTMENT OF TRADE AND INDUSTRY**NOTICE 3 OF 2018****INTERNATIONAL TRADE ADMINISTRATION COMMISSION OF
SOUTH AFRICA**

Rebate item 460.11/00.00/01.00: Used overcoats, car-coats, raincoats, anoraks, ski-jackets, duffle coats, mantles, three-quarter coats, greatcoats, hooded caps, trench coats, gabardines, padded waistcoats and parkas (but no other clothing articles) classifiable under tariff headings 61.01, 61.02, 62.01, 62.02 and 6309.00.13 in such quantities, at such times and subject to such conditions as the International Trade Administration Commission may allow by specific permit

ITAC hereby invites new importers to submit permit applications in terms of the abovementioned rebate provision, for 2018, within three (3) weeks from the date of this publication.

It is imperative that new importers acquaint themselves and comply with the interim guidelines, rules and conditions pertaining to the rebate provision concerned, which are attached hereto together with the relevant Application form, which are also available on ITAC's website at www.itac.org.za, before applying for a rebate permit. These interim guidelines, rules and conditions pertaining to the rebate provision concerned are also applicable to existing importers.

Hard copies of the original duly completed applications for rebate permits must either be:

Posted/couriered to:

The International Trade Administration Commission of South Africa (ITAC), Private Bag X 753, Pretoria, 0001; or

Hand delivered or couriered to:

The DTI Campus, (Block E, 1st Floor), 77 Meintjies Street, Sunnyside, Pretoria.

Note: Permits in relation to rebate provisions which are subject to a permit being issued by ITAC must be applied for and received before the goods concerned are shipped.

For enquires contact: Mr Christopher Sako, email: csako@itac.org.za, Tel: (012) 394 3669, Mrs Edith Ayanda Gandhi, email: endou@itac.org.za, Tel: (012) 394 3672 or Ms Kokami Legodi email: klegodi@itac.org.za, Tel: (012) 394 3812.

INTERIM GUIDELINES, RULES AND CONDITIONS

GUIDELINES, RULES AND CONDITIONS PERTAINING TO PERMITS ISSUED UNDER REBATE ITEM 460.11/00.00/01.00 FOR USED OVERCOATS, CAR-COATS, RAINCOATS, ANORAKS, SKI-JACKETS, DUFFLE COATS, MANTLES, THREE-QUARTER COATS, GREATCOATS, HOODED CAPS, TRENCH COATS, GABARDINES, PADDED WAISTCOATS AND PARKAS (BUT NO OTHER CLOTHING ARTICLES) CLASSIFIABLE UNDER TARIFF HEADINGS 61.01, 61.02, 62.01, 62.02 AND 6309.00.13 IN SUCH QUANTITIES, AT SUCH TIMES AND SUBJECT TO SUCH CONDITIONS AS THE INTERNATIONAL TRADE ADMINISTRATION COMMISSION MAY ALLOW BY SPECIFIC PERMIT.

1. Applicants must register with the South African Revenue Service (SARS) as an importer before applying for a rebate permit under rebate item 460.11/00.00/01.00.
2. Applications for rebate permits must be addressed to the International Trade Administration Commission of South Africa (ITAC), Private Bag X 753, Pretoria or delivered by hand to the DTI Campus, (Block E), 77 C/o Meintjies street and Robert Sobukwe Street, Sunnyside, Pretoria, 0002.
3. Applications for permits must be submitted according to the requirements laid down in the application form. If the space provided in the application form is insufficient, please use the format of the application form to submit the requested information.
4. If all the information requested in the application form is not submitted, the application will be deemed as deficient and the application will not be considered, and it will be returned to the applicant.
5. At least fourteen (14) working days should be allowed for the processing of applications and the issuing of permits.
6. Used overcoats are subject to Import Control conditions and an import permit will only be issued in instances where a rebate permit has already been obtained.
7. Each rebate permit issued defines the period during which the goods concerned can be cleared under rebate. The period shall be from the date when the permit is issued in the prevailing year until 31 December of the same year. This period shall apply to both new and existing importers and shall be for a shorter period if so requested by the applicant or so decided by ITAC. Permits for the next period may be issued with effect from 01 January every year until 31 December, unless otherwise determined by ITAC. Where applications are not received in time for issuing from 01 January to 31 December, permits will be issued for the remainder of the year until 31 December.

8. Rebate and Import Control permits may not be transferred in any manner by the holder thereof to any other person or entity, or be used to the benefit of any person or entity not named in the permits.
9. Permit holders are not allowed to import used overcoats and then sell the imported coats directly to a person or entity which is owned by or who is owned by any related party, person or entity set out in Section 2 of the Companies Act.
10. Applications submitted in terms of this rebate provision will be subject to the following requirements:
 - 10.1 The applicant must provide a formal letter on business letterhead confirming that the applicant complies with labour laws, regulations and agreements gazetted by the Minister of Labour.
 - 10.2 The applicant must provide, in each permit application, the number of jobs it expects to create annually as a result of the rebate. The applicant must submit to ITAC an annual report on its job creation performance.
 - 10.3 Proof of UIF registration must be provided by submitting a certified copy of UIF registration. Furthermore, proof need to be provided that all the permanent workers employed as registered for UIF and that the UIF payments are made to SARS.
 - 10.4 Proof must be provided that salaries are being paid (permanent as well as temporary workers) as well as certified copies of ID documents must be submitted. In this regard certified copies of salary slips need to be provided as well as certified proof of payment of these salaries.
 - 10.5 Certified copies of bank statements need to be provided as proof of payment of UIF and salaries. Bank accounts must be in the name of the applicant.
 - 10.6 Certified copies of employment contracts need to be provided as proof of employment of permanent employees.
 - 10.7 The applicant must provide their CIPC registration document as proof of registration.
 - 10.8 The applicant must submit a valid Tax Clearance and VAT Certificate (NB: VAT certificate only applicable based on annual turnover). In line with the VAT Act, applicants must be registered for VAT if the income earned in any consecutive twelve month period exceeded or is likely to exceed R1 million. In addition, an enterprise which has not made R50 000 in taxable supplies must register for VAT, if there is a reasonable expectation to exceed R50 000 in taxable supplies within the 12 month period from date of registration.

- 10.9 Certified invoices as proof of sales must be provided.
- 10.10 New importer's business premises will be visited by inspectors of the Inspectorate: Import and Export Control prior to the consideration of the application. Existing importer's business premises will be visited should it be deemed necessary.
- 10.11 Applicants must provide municipal proof of its registered address as listed in the business CIPC documents.
- 10.12 Applicants must provide proof of country of import and proof that they have secured supply from abroad;
- 10.13 Where an entity is owned or partly owned by a person or persons who are non-citizens or non-residents of RSA, or these persons own any shareholding in such entity, applications should be accompanied by certified copies of the following documentation:
- 10.13.1 South African Identity issued document and passport;
 - 10.13.2 Valid Business Visa and a letter of recommendation from the Department of Trade and Industry (thedti);
 - 10.13.3 Proof of extension of permanent residence, and
 - 10.13.4 Any other information as ITAC may require.

11. Applicants shall not be related to any existing importers or current permit holders in any way. Note that the definition of related parties in terms of Section 2 of the Companies Act 70 of 2008 and Section 66 (2) of the Customs and Excise Act 91 of 1964 (as amended) apply to these applications and ITAC reserves the right to request whatever appropriate and relevant information it deems necessary to properly evaluate each of the applications submitted. Also for Tax purposes, the Customs and Excise Act, Section 66 (2) (i) –(viii)'s objective is to ensure that no two people use the Act to derive the same benefit on a multiple scale.

- 11.1 Please note that in terms of Section 66 (2)(a) of the Customs and Excise Act, two persons shall be deemed to be related, inter alia, when:

- (i) they are officers or directors of one another's businesses;
- (ii) they are legally recognized partners in business;
- (iii) the one is employed by the other;
- (iv) any person directly or indirectly owns, controls or holds five per cent or more of the equity share capital of both of them;
- (v) one of them directly or indirectly controls the other;
- (vi) both of them are directly or indirectly controlled by a third person;
- (vii) together they directly or indirectly control a third person; or
- (viii) they are members of the same family.

12. The take-over or sale of a business as a going concern, which deals, in among others, with worn overcoats subject to such rebate permit; shall warrant the permit holder first to notify ITAC of such sale as rebate permits or the allocated quota issued under such permit are not transferrable without the prior approval of ITAC on application made in terms of Section 26 showing demonstrable good cause why such permit should be transferred or re-allocated to the new entity or its management.
13. Permit holders shall not operate or conduct business from or store their goods cleared in terms of the permit on the same premises. All importers that are companies or closed corporations must submit their company or close corporation registration documents, and ITAC reserves the right to verify the shareholding or membership of the companies or close corporations with the Companies and Intellectual Property Commission (CIPC).
- 13.1 "Premises" include a warehouse, office, establishment, store, shop, quarters and dwelling".
14. An entity will be deemed a new importer where:
- 14.1 That entity applies for a permit with ITAC for the first time under this rebate item and is not linked in any way to an existing participant under this rebate **(In respect to this category importers will be limited to 5)** ; or
- 14.2 An entity that has previously utilised a permit under this rebate provision but has not applied for another permit under this rebate provision for a period of one year following the issue of the aforementioned permit. **(In respect of this category importers will be limited to 5).**
15. The quantity of overcoats to be imported by each importer will be limited and the criteria that will be used for the allocation of the quantity of overcoats that each importer may import under this rebate item will be as follows:

Existing Importers

- The quantity imported during the validity of the rebate permit period will be used as the basis for allocation of quota for the current application.
- Importers will only be allowed the same quantities as the quantity allocated in the previous rebate permit, with no quota increase.

New Importers

- The quota for new importers will be limited to a maximum of 20 000kg. In terms of this category the number of importers will be limited to 5.
- The 20 000 kg quota for new users of this rebate item will be allocated on a first come first serve basis and ITAC reserves the right to reject the applications in cases where the quota for the year approved by the Commission for use by new importers under this rebate item is fully issued to applicants.

16. All applicants for rebate permits under this rebate item must also apply for an import permit, for the same period, to import the used or second hand overcoats and no rebate permits will be released without the import permit. The rebate permit issued will also be subject to the conditions contained in the import permit issued.
17. It is a condition of permits issued in terms of the rebate provision that the holder of this permit must notify the Manager of the Directorate Import and Export Control Mr D Daniels; e-mail: ddaniels@itac.org.za, Tel: (012): 394 3606 and fax: (012) 394 4606 in writing of the date of shipment, the place of arrival and the expected date of arrival of all consignments at least 7 days.
18. All users of rebate permits under this rebate item must inform ITAC without delay if any consignment imported by the permit holder under this rebate item contains clothing items not defined in this rebate item. These clothing items must be kept separate from the rest of the clothing items imported under this rebate item or any other clothing items in possession of the permit holder and may not be removed until officials of ITAC had an opportunity to inspect these items. ITAC in consultation with the importer and SARS will decide how to dispose of the clothing items incorrectly imported under this rebate item.
19. If there is reasonable suspicion that any condition of this permit has not been complied with, the consignment in terms of which the rebate permit was issued may be seized by ITAC. If it is established that there was non-compliance, appropriate steps will be taken. These steps will be taken in terms of the International Trade Administration Act

and the Customs and Excise Act, and can include criminal charges, withdrawal of the permit or permits concerned and/or the rejection of future applications for permits.

INTERNATIONAL TRADE ADMINISTRATION COMMISSION OF SOUTH AFRICA

APPLICATION FOR A PERMIT IN TERMS OF REBATE ITEM 460.11/00.00/01.00 FOR REBATE OF DUTY ON USED OVERCOATS

APPLICATION FORM

BEFORE COMPLETING THIS FORM, PLEASE ACQUAINT YOURSELF WITH THE
GUIDELINES AND CONDITIONS PERTAINING TO REBATE ITEM 460.11/00.00/01.00

NB: ALL INFORMATION REQUESTED SHOULD BE FURNISHED

| | |
|--|---|
| <p>1 (a). Applicant's name (Company):</p> <p>Contact Person:.....</p> <p>Position:.....</p> <p>Postal Address:.....</p> <p>Tel No.:.....</p> <p>Fax No.:.....</p> <p>Date completed:.....</p> <p>Email add:.....</p> <p>VAT Registration No:.....</p> <p>SARS Importer Registration No:.....</p> <p>(No application for this rebate provision will be considered for applicants utilising the "unallocated importers reference number i.e. 70707070)</p> | <p>1(b). Physical address where used overcoats bales will be stored and sold: This address must be the address that ITAC will verify in case where verification visit may be conducted.</p> |
|--|---|

2. Details of product in respect of which a rebate permit is required with regards to categories: Men's, Ladies, Boy's or girls'

| Overcoats | Duty payable | Quota applied for | Estimated customs FOB value | Country of origin |
|------------|--------------|-------------------|-----------------------------|-------------------|
| 1. Men's | | | | |
| 2. Ladies' | | | | |
| 3. Boy's | | | | |
| 4. Girls' | | | | |

3. Furnish the following information in respect of the value of total sales in the Southern African Customs Union (SACU) for the past three years in respect of the overcoats imported under this rebate provision.

| Year | Overcoats: Men's, Ladies', Boys and Girls' | Total quantity | Total Sales (in SACU) |
|--------|--|----------------|--------------------------|
| Year 1 | | | |
| Year 2 | | | |
| Year 3 | | | |

4. Copies of the relevant DA500 (for previous permit) and import permit in terms of the International Trade Administration Act of 2002 should be submitted as per schedule below.

SCHEDULE 1

| Bill of Entry (DA 500) No | Date of Entry | Quantity: Number of Items | FOB Value |
|------------------------------|------------------|------------------------------|-----------|
| 1. | | | |

5. Provide information pertaining to the number of jobs the firm will create annually as a result of this rebate. *(Submit with the application a letter signed by the Chief Executive Officer providing a report on job creation performance)*
6. Name of Chief Executive Officer:.....
Tel No:.....Fax No:.....

DECLARATION IN RESPECT OF AN APPLICATION FOR A PERMIT IN TERMS OF REBATE PROVISION 460.11/00.00/01.00 OF SCHEDULE 4 TO THE CUSTOMS AND EXCISE ACT, 1964

NB: The obligation to complete and submit this declaration cannot be transferred to an external authorized representative, auditor or any other third party acting on behalf of the claimant

I, (full names) with identity number
....., in my capacity as – managing director/chief executive (in respect of a company) or senior member/ person with management responsibility (close corporation, partnership or individual)
(Delete whichever is not applicable)

of (hereinafter referred to as

the applicant) hereby declare that –

- a) the applicant complies with prescribed requirements in order to qualify for rebate in terms of the above-mentioned rebate provision;
- b) I have satisfied myself that the preparation of the application has been done in conformity with the guidelines and requirements in respect of the above-mentioned rebate provision, with which I have fully acquainted myself and to which I unconditionally agree;
- c) I accept that the decision by the Chief Commissioner: International Trade Administration Commission will be final and conclusive and that the said Chief Commissioner may at any time conduct or order that an investigation to verify information furnished in the application form, be conducted;
- d) The information furnished in this application is true and correct.
- e) The applicant is not related to any other rebate and import permit holder(s) in terms of the above-mentioned rebate provision, as set out in the guidelines pertaining to the rebate provision.
- f) The applicant or any one of its associates, or related party is not the subject of an investigation by either the South African Police, the Office for Serious Economic Offences, International Trade Administration, or the Commissioner for South African Revenue Services (SARS) into previous claims or other related matters.
- g) I confirm that the applicant complies/ does not comply with the relevant labour laws and agreement gazetted by the Minister of Labour.

NAME: **DESIGNATION:**

SIGNATURE: **DATE:**.....

I CERTIFY THAT THE DEPONENT HAS ACKNOWLEDGED THAT HE/SHE KNOWS AND UNDERSTANDS THE CONTENTS OF THIS AFFIDAVIT, AND THAT HE/SHE HAS NO OBJECTION TO TAKING THE PRESCRIBED OATH, AND THAT HE/SHE CONSIDERS THIS OATH TO BE BINDING ON HIS/HER CONSCIENCE.

SIGNED and SWORN before me at on this Day of Year.

COMMISSIONER OF OATHS.....FULL NAMES.....

CAPACITY:

BUSINESS ADDRESS:

.....
.....

.....**AREA**.....

DEPARTMENT OF TRADE AND INDUSTRY
NOTICE 4 OF 2018



International Trade Administration Commission of South Africa

INTERNATIONAL TRADE ADMINISTRATION COMMISSION OF
SOUTH AFRICA

**GUIDELINES, RULES AND CONDITIONS PERTAINING TO PERMITS
ISSUED UNDER REBATE ITEM 460.15/9406.90.10/01.08 FOR
GREENHOUSES OF IRON OR NON-ALLOY STEEL, CLASSIFIABLE
IN TARIFF SUBHEADING 9406.90.10**

1. PURPOSE

- 1.1 This document serves to provide reference and procedural guidelines, for the application of permits in terms of rebate provision of **460.15/9406.90.10/01.08**. This document therefore, addresses the guidelines, rules and conditions to the aforementioned rebate item and the permit application process to be followed by the applicants.

2. REBATE PROVISION

- 2.1 Rebate item **460.15/9406.90.10/01.08** of Schedule No. 4, Part 2 of the Customs and Excise Act No. 91 of 1964 (Customs and Excise Act) makes provision for rebate of the full duty on the :

“Importation of greenhouses of iron or non-alloy steel, classifiable in tariff subheading 9406.90.10, in such quantities, at such times and subject to such conditions as the International Trade Administration Commission may allow by specific permit, provided the steel and other materials are not available in the SACU market”

3. APPLICATION PROCEDURE

- 3.1 Applicants must register with the South African Revenue Service (SARS) as users of the rebate provision, and they must acquaint themselves with the provisions of the Customs and Excise Act, the International Trade Administration Act No 71 of 2002 (ITA Act) and other legislation relating to the importation of goods into the Republic of South Africa.
- 3.2 The applicant shall provide ITAC with the required information as per the relevant application form (**Annexure A**). Should the space provided in the application form not be sufficient, applicants should use the format of the application form as a guide of the format in which the required information should be submitted.
- 3.3 These Guidelines must be read and understood before completing the application form. Completed original applications for permits may be forwarded to:

The Senior Manager: Tariff Investigations II
International Trade Administration Commission of South Africa
Private Bag X 753
Pretoria
0001

Or hand delivered to:

Block E, 1st Floor
DTI Campus
77 Meintjies Street
Sunnyside
Pretoria
0002

3.4 Should an application be found to be deficient, it will not be processed further and the applicant will be informed accordingly. An application will be regarded as deficient if the following is found:

- I. The application is not submitted in the correct format;
- II. The application does not comply with the guidelines, rules and conditions as set out in this document;
- III. The requested information is not submitted; and
- IV. The application contains conflicting information or incorrect information.

Applicants who submit deficient applications must re-submit duly completed application forms to replace the deficient application forms, should they wish to proceed.

3.5 Applications must be made well in advance of the shipment of the goods, as rebate permits will not be issued retrospectively. Applicants should allow an issuance period of approximately fourteen (14) days from date ITAC received a properly documented and duly complete application.

3.6 Permits for the rebate item 460.15/9406.90.10/01.08 are valid for the period stipulated on the permit and no extensions will be granted.

3.7 The permits are issued at the discretion of the ITAC. Should the application be rejected; the applicant will be informed in writing of the decision and the reasons thereof to enable them to seek appropriate recourse.

4. APPLICABLE CONDITIONS

4.1 Applicants must comply with the provisions of the Customs and Excise Act, the ITA Act and all other South African legislation relating to the importation of goods into the Republic of South Africa, relevant to the transaction.

4.2 Any request for an amendment of the rebate permit will only be considered when an error was made by ITAC upon the issuance of a permit.

Note: No amendments will be effected in instances where the applicant was responsible for submitting of incorrect information. In such instances a new application will be required.

- 4.3 Should the concerned party misplace a rebate permit, the applicant will be required to submit an application for a re-issue in the form of an affidavit. This must clearly set out the circumstances giving rise to the loss of the original permit and show good cause or reasons why a substitute permit must be issued. ITAC may consider issuing a replacement of the lost original permit provided the above is duly submitted.
- 4.4 ITAC may satisfy itself as to the accuracy of the information supplied to it by the applicant by conducting verifications at such time and place as it deems necessary, including verification visit(s) at the premises of the applicant that provided the information.
- 4.5 ITAC may inform the applicant concerned of the dates of the intended visit, and where such information is provided, the verification will be conducted on those dates.
- 4.6 Following a verification visit, ITAC shall compile a verification report indicating what information was verified and may make same available to the applicant.

5. NON-COMPLIANCE

- 5.1 Where non-compliance is detected, appropriate action will be taken against the relevant party in terms of the ITA Act and/ or the Customs and Excise Act. This action may include (but is not limited to) criminal charges; withdrawal of the permit/s concerned and it may affect future application for permits.
- 5.2 Should it be found that the goods imported in terms of the rebate permit are used for any other purpose than that described in the rebate provision and in the permit; the applicable customs duty and penalties will be imposed by SARS.



International Trade Administration Commission of South Africa

Annexure A

APPLICATION FORM FOR REBATE ITEM 460.15/9406.90.10/01.08 FOR GREENHOUSES OF IRON OR NON-ALLOY STEEL, CLASSIFIABLE IN TARIFF SUBHEADING 9406.90.10

PLEASE NOTE:

It is imperative to understand the content of the document titled “GUIDELINES, RULES AND CONDITIONS PERTAINING TO PERMITS ISSUED UNDER REBATE ITEM 460.15/9406.90.10/01.08 FOR GREENHOUSES OF IRON OR NON-ALLOY STEEL, CLASSIFIABLE IN TARIFF SUBHEADING 9406.90.10”, before completing this application form.

If the space provided for on the application form is insufficient, please use the lay-out of this application form as a guideline of the form in which the requested information should be submitted.

1. Details of Applicant:

1.1 Name of Applicant:

.....

1.2 VAT Registration No.:

.....

1.3 Importer’s code:

.....

1.4 Physical Address:

.....

.....

.....

1.5 Contact Details:

1.5.1 Contact Person:

.....

1.5.2 Contact Number:

.....

1.5.3 Email Address:

.....

1.5.4 Facsimile Number:

.....

2. Details of Manufacturer (if different from site 1):

2.1 Company name:

.....

2.2 VAT Registration No.:

2.3 Importer's code:

.....

2.3 Physical Address:

.....

.....

3. Furnish the following information in respect of each of the greenhouse of iron or non-alloy steel to be imported.

| | |
|-------------------------------------|--|
| Product Description | |
| Tariff Subheading | |
| Customs Value (FOB) in Rands | |
| Quantity (i.e kg/units) | |
| Country Importing from | |

- 4. Please provide details of the nature of business of the applicant, in consideration of the goods for importation:**

.....
.....
.....

- 5. Kindly indicate the employment figures in relation to the end product to be manufactured (if applicable):**

| | |
|----------------------------------|--|
| Factory Workers | |
| Total Number of employees | |

SWORN AFFIDAVIT

Submit the following declaration by the CEO or duly authorized representative of the company:

I, _____ (full names) with Identity Number

_____, in my capacity as _____

of _____ (hereinafter referred to as the applicant)

hereby declare under oath that the information furnished in this permit application for rebate item **460.15/9406.90.10/01.08** for greenhouses of iron or non-alloy steel, classifiable in tariff subheading 9406.90.10, is to the best of my knowledge true and correct.

NAME: _____ **DESIGNATION:** _____

SIGNATURE: _____ **DATE:** _____

I CERTIFY THAT THE DEPONENT HAS ACKNOWLEDGED THAT HE/SHE KNOWS AND UNDERSTANDS THE CONTENTS OF THIS STATEMENT, AND THAT HE/SHE HAS NO OBJECTION TO TAKING THE PRESCRIBED OATH, AND THAT HE/SHE CONSIDERS THIS OATH TO BE BINDING ON HIS/HER CONSCIENCE. THE STATEMENT WAS SWORN TO/ AFFIRMED BEFORE ME AND THAT THE DEPONENTS SIGNATURE WAS PLACED THEREON BEFORE ME.

SIGNED and SWORN to before me at _____ this ____ Day of _____ Year _____.

COMMISSIONER OF OATH

FULL NAMES: _____

DESIGNATION: _____

ADDRESS: _____

Check List

Please note: Before the 460.15/9406.90.10/01.08 application form is submitted to ITAC, the applicant is required to complete the check list which is shown in table 1 below:

Table 1: Check List

| Documents and information to be submitted | Mark with an X |
|---|-----------------------|
| Importers Code | |
| ITAC Import permit | |
| VAT registration no. | |
| Copy of previous permit (if applicable) | |
| Proof of registration with SARS under rebate item 460 (if applicable) | |
| Signed sworn affidavit | |

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