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IMPORTANT NOTICE OF OFFICE RELOCATION**government
printing**Department:
Government Printing Works
REPUBLIC OF SOUTH AFRICAPrivate Bag X85, PRETORIA, 0001 149 Bosman Street, PRETORIA
Tel: 012 748 6197, Website: www.gpwonline.co.za**URGENT NOTICE TO OUR VALUED CUSTOMERS: PUBLICATIONS
OFFICE'S RELOCATION HAS BEEN TEMPORARILY SUSPENDED.**

Please be advised that the GPW Publications office will no longer move to 88 Visagie Street as indicated in the previous notices.

The move has been suspended due to the fact that the new building in 88 Visagie Street is not ready for occupation yet.

We will later on issue another notice informing you of the new date of relocation.

We are doing everything possible to ensure that our service to you is not disrupted.

As things stand, we will continue providing you with our normal service from the current location at 196 Paul Kruger Street, Masada building.

Customers who seek further information and or have any questions or concerns are free to contact us through telephone 012 748 6066 or email Ms Maureen Toka at Maureen.Toka@gpw.gov.za or cell phone at 082 859 4910.

Please note that you will still be able to download gazettes free of charge from our website www.gpwonline.co.za.

We apologise for any inconvenience this might have caused.

Issued by GPW Communications

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

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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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government
printing

Department:
Government Printing Works
REPUBLIC OF SOUTH AFRICA

HIGH ALERT: SCAM WARNING!!!

TO ALL SUPPLIERS AND SERVICE PROVIDERS OF THE GOVERNMENT PRINTING WORKS

It has come to the attention of the *GOVERNMENT PRINTING WORKS* that there are certain unscrupulous companies and individuals who are defrauding unsuspecting businesses disguised as representatives of the *Government Printing Works (GPW)*.

The scam involves the fraudsters using the letterhead of *GPW* to send out fake tender bids to companies and requests to supply equipment and goods.

Although the contact person's name on the letter may be of an existing official, the contact details on the letter are not the same as the *Government Printing Works*. When searching on the Internet for the address of the company that has sent the fake tender document, the address does not exist.

The banking details are in a private name and not company name. Government will never ask you to deposit any funds for any business transaction. *GPW* has alerted the relevant law enforcement authorities to investigate this scam to protect legitimate businesses as well as the name of the organisation.

Example of e-mails these fraudsters are using:

PROCUREMENT@GPW-GOV.ORG

Should you suspect that you are a victim of a scam, you must urgently contact the police and inform the *GPW*.

GPW has an official email with the domain as @gpw.gov.za

Government e-mails DO NOT have org in their e-mail addresses. All of these fraudsters also use the same or very similar telephone numbers. Although such number with an area code 012 looks like a landline, it is not fixed to any property.

GPW will never send you an e-mail asking you to supply equipment and goods without a purchase/order number. *GPW* does not procure goods for another level of Government. The organisation will not be liable for actions that result in companies or individuals being resultant victims of such a scam.

Government Printing Works gives businesses the opportunity to supply goods and services through RFQ / Tendering process. In order to be eligible to bid to provide goods and services, suppliers must be registered on the National Treasury's Central Supplier Database (CSD). To be registered, they must meet all current legislative requirements (e.g. have a valid tax clearance certificate and be in good standing with the South African Revenue Services - SARS).

The tender process is managed through the Supply Chain Management (SCM) system of the department. SCM is highly regulated to minimise the risk of fraud, and to meet objectives which include value for money, open and effective competition, equitability, accountability, fair dealing, transparency and an ethical approach. Relevant legislation, regulations, policies, guidelines and instructions can be found on the tender's website.

Fake Tenders

National Treasury's CSD has launched the Government Order Scam campaign to combat fraudulent requests for quotes (RFQs). Such fraudulent requests have resulted in innocent companies losing money. We work hard at preventing and fighting fraud, but criminal activity is always a risk.

How tender scams work

There are many types of tender scams. Here are some of the more frequent scenarios:

Fraudsters use what appears to be government department stationery with fictitious logos and contact details to send a fake RFQ to a company to invite it to urgently supply goods. Shortly after the company has submitted its quote, it receives notification that it has won the tender. The company delivers the goods to someone who poses as an official or at a fake site. The Department has no idea of this transaction made in its name. The company is then never paid and suffers a loss.

OR

Fraudsters use what appears to be government department stationery with fictitious logos and contact details to send a fake RFQ to Company A to invite it to urgently supply goods. Typically, the tender specification is so unique that only Company B (a fictitious company created by the fraudster) can supply the goods in question.

Shortly after Company A has submitted its quote it receives notification that it has won the tender. Company A orders the goods and pays a deposit to the fictitious Company B. Once Company B receives the money, it disappears. Company A's money is stolen in the process.

Protect yourself from being scammed

- If you are registered on the supplier databases and you receive a request to tender or quote that seems to be from a government department, contact the department to confirm that the request is legitimate. Do not use the contact details on the tender document as these might be fraudulent.
- Compare tender details with those that appear in the Tender Bulletin, available online at www.gpwonline.co.za
- Make sure you familiarise yourself with how government procures goods and services. Visit the tender website for more information on how to tender.
- If you are uncomfortable about the request received, consider visiting the government department and/or the place of delivery and/or the service provider from whom you will be sourcing the goods.
- In the unlikely event that you are asked for a deposit to make a bid, contact the SCM unit of the department in question to ask whether this is in fact correct.

Any incidents of corruption, fraud, theft and misuse of government property in the *Government Printing Works* can be reported to:

Supply Chain Management: Ms. Anna Marie Du Toit, Tel. (012) 748 6292.
Email: Annamarie.DuToit@gpw.gov.za

Marketing and Stakeholder Relations: Ms Bonakele Mbhele, at Tel. (012) 748 6193.
Email: Bonakele.Mbhele@gpw.gov.za

Security Services: Mr Daniel Legoabe, at tel. (012) 748 6176.
Email: Daniel.Legoabe@gpw.gov.za

Closing times for **ORDINARY WEEKLY** **GOVERNMENT GAZETTE** **2020**

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

- **24 December 2019**, Tuesday for the issue of Friday **03 January 2020**
- **03 January**, Friday for the issue of Friday **10 January 2020**
- **10 January**, Friday for the issue of Friday **17 January 2020**
- **17 January**, Friday for the issue of Friday **24 January 2020**
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- **10 December**, Thursday for the issue of Friday **18 December 2020**
- **17 December**, Thursday for the issue of Friday **24 December 2020**
- **23 December**, Wednesday for the issue of Friday **31 December 2020**

LIST OF TARIFF RATES FOR PUBLICATION OF NOTICES

COMMENCEMENT: 1 APRIL 2018

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 R1008.80 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	252.20
Ordinary National, Provincial	2/4 - Half Page	504.40
Ordinary National, Provincial	3/4 - Three Quarter Page	756.60
Ordinary National, Provincial	4/4 - Full Page	1008.80

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 **R3026.32** per page.

GOVERNMENT PRINTING WORKS - BUSINESS RULES

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

CLOSING TIMES FOR ACCEPTANCE OF NOTICES

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

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

All notices received after the closing time will be rejected.

Government Gazette Type	Publication Frequency	Publication Date	Submission Deadline	Cancellations Deadline
National Gazette	Weekly	Friday	Friday 15h00 for next Friday	Tuesday, 15h00 - 3 working days prior to publication
Regulation Gazette	Weekly	Friday	Friday 15h00 for next Friday	Tuesday, 15h00 - 3 working days prior to publication
Petrol Price Gazette	Monthly	Tuesday before 1st Wednesday of the month	One day before publication	1 working day prior to publication
Road Carrier Permits	Weekly	Friday	Thursday 15h00 for next Friday	3 working days prior to publication
Unclaimed Monies (Justice, Labour or Lawyers)	January / September 2 per year	Last Friday	One week before publication	3 working days prior to publication
Parliament (Acts, White Paper, Green Paper)	As required	Any day of the week	None	3 working days prior to publication
Manuals	Bi- Monthly	2nd and last Thursday of the month	One week before publication	3 working days prior to publication
State of Budget (National Treasury)	Monthly	30th or last Friday of the month	One week before publication	3 working days prior to publication
<i>Extraordinary Gazettes</i>	As required	Any day of the week	<i>Before 10h00 on publication date</i>	<i>Before 10h00 on publication date</i>
Legal Gazettes A, B and C	Weekly	Friday	One week before publication	Tuesday, 15h00 - 3 working days prior to publication
Tender Bulletin	Weekly	Friday	Friday 15h00 for next Friday	Tuesday, 15h00 - 3 working 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 working days prior to publication
Northern Cape	Weekly	Monday	One week before publication	3 working days prior to publication
North West	Weekly	Tuesday	One week before publication	3 working days prior to publication
KwaZulu-Natal	Weekly	Thursday	One week before publication	3 working days prior to publication
Limpopo	Weekly	Friday	One week before publication	3 working days prior to publication
Mpumalanga	Weekly	Friday	One week before publication	3 working days prior to publication

GOVERNMENT PRINTING WORKS - BUSINESS RULES

Government Gazette Type	Publication Frequency	Publication Date	Submission Deadline	Cancellations Deadline
Gauteng Liquor License Gazette	Monthly	Wednesday before the First Friday of the month	Two weeks before publication	3 working days after submission deadline
Northern Cape Liquor License Gazette	Monthly	First Friday of the month	Two weeks before publication	3 working days after submission deadline
National Liquor License Gazette	Monthly	First Friday of the month	Two weeks before publication	3 working days after submission deadline
Mpumalanga Liquor License Gazette	Bi-Monthly	Second & Fourth Friday	One week before publication	3 working days prior to publication

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.

GOVERNMENT PRINTING WORKS - BUSINESS RULES

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.

QUOTATIONS

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

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

20. Where the copy is part of a separate attachment document for Z95, Z95Prov and TForm03
- 20.1. Copy of notices must be supplied in a separate document and may not constitute part of any covering letter, purchase order, proof of payment or other attached documents.
- The content document should contain only one notice. (You may include the different translations of the same notice in the same document).
- 20.2. The notice should be set on an A4 page, with margins and fonts set as follows:
- Page size = A4 Portrait with page margins: Top = 40mm, LH/RH = 16mm, Bottom = 40mm;
Use font size: Arial or Helvetica 10pt with 11pt line spacing;
- Page size = A4 Landscape with page margins: Top = 16mm, LH/RH = 40mm, Bottom = 16mm;
Use font size: Arial or Helvetica 10pt with 11pt line spacing;

CANCELLATIONS

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

AMENDMENTS TO NOTICES

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

REJECTIONS

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

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

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

GOVERNMENT PRINTER INDEMNIFIED AGAINST LIABILITY

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

LIABILITY OF ADVERTISER

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

CUSTOMER INQUIRIES

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

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

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

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

GOVERNMENT PRINTING WORKS - BUSINESS RULES

PAYMENT OF COST

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

PROOF OF PUBLICATION

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

GOVERNMENT PRINTING WORKS CONTACT INFORMATION

Physical Address:
Government Printing Works

149 Bosman Street

Pretoria

Postal Address:

Private Bag X85

Pretoria

0001

GPW Banking Details:
Bank: ABSA Bosman Street

Account No.: 405 7114 016

Branch Code: 632-005

For Gazette and Notice submissions: Gazette Submissions:

For queries and quotations, contact: Gazette Contact Centre:

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

Contact person for subscribers: Mrs M. Toka:

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

Fax: 012-323-9574

PROCLAMATIONS • PROKLAMASIES

PROCLAMATION NO. 26 OF 2020

**BY THE
PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA**

NATIONAL PROSECUTING AUTHORITY ACT, 1998**DETERMINATION OF POWERS, DUTIES AND FUNCTIONS OF A SPECIAL DIRECTOR OF
PUBLIC PROSECUTIONS**

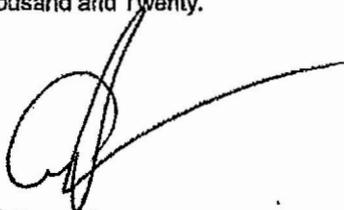
Under section 13(1)(c) of the National Prosecuting Authority Act, 1998 (Act No. 32 of 1998), I, hereby confer, impose and assign the following powers, duties and functions on or to **ADV. MTHUNZI C MHAGA**, a Special Director of Public Prosecutions in the Office of the National Director of Public Prosecutions, appointed in terms of the said provisions, to—

- (a) provide legal advice to the National Director regarding specific legal and administrative issues;
- (b) manage special national projects and operations as per the directives of the National Director;
- (c) provide strategic inputs in matters brought before the National Director.
- (d) To compile business intelligence reports to assist the National Director to make strategic decisions;
- (e) manage the relationship between the Office of the National Director, government departments, Parliament and external agencies;
- (f) prepare such briefs, presentations, speeches and documents as required by the National Director; and

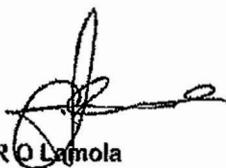
- (g) generally, to give such advice or rendering such assistance to the National Director as may be required to exercise the powers, carry out the duties and perform the functions which are conferred or imposed on or assigned to the National Director by the Constitution or any other law.

Given under my Hand and the Seal of the Republic of South Africa at

HYDE PARK on this 31 day of MAY Two
Thousand and Twenty.



M C Ramaphosa
President



R O Lomola
Minister of the Cabinet

GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF ENVIRONMENT, FORESTRY AND FISHERIES

NO. 854

07 AUGUST 2020

ANTARCTIC TREATIES ACT, 1996

(ACT NO. 60 OF 1996)

DRAFT ANTARCTIC TREATIES REGULATIONS

I, Barbara Dallas Creecy, the Minister of Forestry, Fisheries and the Environment, hereby publish for public comment, the draft Antarctic Treaties Regulations in terms of sections 6(1)(b) and (c) of the Antarctic Treaties Act, 1996 (Act No. 60 of 1996), as set out in the Schedule hereto.

Any person who wishes to submit representations or comments in connection with the draft amendments is invited to do so within 30 calendar days of the publication of this notice. The overall purpose of the regulations is to regulate activities within the Antarctic Treaty area in Antarctica in order to prevent and mitigate significant harm to that pristine environment so that the overall objectives of the Antarctic Treaty and its Protocol on Environmental Protection are adhered to. The regulations prioritise scientific research and conservation of Antarctica as the area to conduct such research. Comments received after this time may not be considered. All representations and comments must be submitted in writing to the Deputy Director-General of the national Department of Environment, Forestry and Fisheries, Branch: Oceans and Coasts:

By hand: The Deputy Director-General
Attention: Mr Mbulelo Dopolu
Department of Environment, Forestry and Fisheries
Branch: Oceans & Coasts
2 East Pier Building, East Pier Road
Victoria & Alfred Waterfront, Cape Town
By e-mail: mdopolo@environment.gov.za

By post to: The Deputy Director-General
Attention: Mr Mbulelo Dopolu
Department of Environment, Forestry and Fisheries
Branch: Oceans & Coasts
P.O. Box / Private Bag X4390
Cape Town, 8002



BARBARA DALLAS CREECY
MINISTER OF FORESTRY, FISHERIES AND THE ENVIRONMENT

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CHAPTER 1 DEFINITIONS AND OBJECTS

1. Definitions

In these regulations, unless the context indicates otherwise, a word or expression that is defined in the Act has the same meaning in these regulations, and in addition—

“**Act**” means the Antarctic Treaties Act, 1996 (Act No. 60 of 1996);

“**alien**” has the meaning assigned to it in section 1 of the National Environmental management: Biodiversity Act, 2004 (Act No. 10 of 2004);

“**Antarctic seal**” means the Southern Elephant seal (*Mirounga leonina*), Leopard seal (*Hydrurga leptonyx*), Weddell seal (*Leptonychotes weddelli*), Crabeater seal (*Lobodon carcinophagus*), Ross seal (*Ommatophaca rossi*) and the Southern fur seal (*Arctocephalus* sp.);

“**Antarctic Treaty**” means the Antarctic Treaty, signed in Washington DC, United States of America on 1 December 1959;

“**Antarctic Treaty area**” means the area south of 60 degrees South Latitude, including all ice shelves;

“**authorised operator**” means an operator who organises activities in the Republic to be carried out in the Antarctic Treaty area, and requires authorisation in terms of the Act, these regulations or any other law for the Antarctic Treaty area;

“**environmental emergency**” means any incident that has occurred, that results in, or imminently threatens to result in, any significant and harmful impact in the Antarctic Treaty area;

“**environmental management inspector**” has the meaning assigned to it in the National Environmental Management Act;

“**indigenous**” has the meaning assigned to it in section 1 of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004);

“**Management Plan**” means a plan to manage the activities within and protect a specially protected area as contemplated in Articles 5 and 6 of Annex 5 to the Protocol;

“**MARPOL 73/78**” means the International Convention for the Prevention of Pollution from Ships 1973/1978;

“**National Environmental Management Act**” means the National Environmental Management Act, 1998 (Act No. 107 of 1998);

“**operator**” means any person, governmental and non-governmental, which organises activities to be carried out in the Antarctic Treaty area, but does not include—

- (a) a natural person who is an employee, contractor, subcontractor, agent, or who is in the service of such person; and
- (b) a juristic person which is a contractor or subcontractor acting on behalf of any State, including the Republic;

“**reasonable**” as applied to preventative measures and response action, means measures or actions which are appropriate, practicable, proportionate and is based on the availability of objective criteria and information, including—

- (a) risks to the Antarctic environment, and the rate of its natural recovery;
- (b) risks to human life and safety; and
- (c) technological and economic feasibility;

“**response action**” means reasonable measures taken after an environmental emergency has occurred including to avoid, minimise or contain the impact of that

environmental emergency, which may include clean-up processes, and determining the extent of that emergency and its impact;

“Rotary Biological Contacter process” is a biological treatment process used in the treatment of wastewater after primary treatment, and is a type of secondary biological treatment, that allows wastewater to come in contact with a biological medium in order to remove pollutants in the wastewater before discharge of the treated wastewater into a body of water such as the sea;

“Seals Convention” means the Convention for the Conservation of Antarctic Seals London, 1972;

“specially protected area” means an Antarctic specially protected area designated in terms of Annex 5 to the Protocol;

“specific environmental management Act” has the meaning assigned to it in section 1 of the National Environmental Management Act; and

“the Protocol” means the Protocol on Environmental Protection to the Antarctic Treaty, Madrid, 1991.

(2) Unless the context indicates otherwise the words and phrases defined in Article 1 of Annex 2 and Annex 4 to the Protocol shall have the same meaning in these regulations.

2. **Objects**

The objects of these regulations are—

- (a) To protect the Antarctic environment, its dependent and associated ecosystems and the intrinsic value of Antarctica, including its wilderness and aesthetic values;
- (b) to prevent, minimise and contain the impact of environmental emergencies on the Antarctic environment and dependent and associated ecosystems;

- (c) to prioritise scientific research and to preserve the value of Antarctica as the area to conduct such research;
- (d) to regulate and manage activities that take place within the Antarctic Treaty area;
- (e) to provide for protection of certain areas and species within the Antarctic Treaty area; and
- (f) to prevent, minimise and mitigate pollution within the Antarctic Treaty area.

CHAPTER 2

ENVIRONMENTAL PROTECTION

3. Prohibition on mining

No person may conduct any prospecting, mining, exploration, production or related activities in the Antarctic Treaty area.

4. Prohibition on nuclear testing and waste disposal

No person may undertake any nuclear testing, explosions, or dispose of any radioactive material or waste within the Antarctic Treaty area.

5. Environmental Impact Assessment

- (1) Any activity undertaken in the Antarctic Treaty area relating to scientific research, tourism and any other activity for which advanced notice is required in terms of Article 7(5) of the Antarctic Treaty, must follow the prior assessment process set out in Annex 1 to the Protocol to assess the impacts of these activities on the Antarctic environment or any dependent or associated ecosystems, prior to the commencement of such activity.
- (2) The assessment procedure in sub-regulation (1) must also be applied to any change in any activity, whether such change arises from an increase or decrease in the intensity of an existing activity, from the addition of an activity, the decommissioning of a facility or otherwise.

- (3) Unless an activity contemplated in sub-regulation (1) is required to be subjected to a Comprehensive Environmental Evaluation as provided for in Annex 1 to the Protocol, all such activities must at least undergo an Initial Environmental Evaluation as provided for in Article 2 of Annex I to the Protocol to determine if such activity has a less than minor or transitory impact.
- (4) If an Initial Environmental Evaluation as contemplated in sub-regulation (3) determines that a proposed activity is likely to have no more than a minor or transitory impact, the Minister may issue authorise that activity to proceed with a permit which may be issued subject to any conditions which the Minister may deem appropriate.
- (5) No person may undertake any activity contemplated in sub-regulation (4) except on the authority of a permit issued by the Minister.
- (6) If an Initial Environmental Evaluation indicates or it is otherwise determined that a proposed activity is likely to have a more than minor or transitory impact, a Comprehensive Environmental Evaluation must be prepared and processed in terms of Article 3 of Annex 1 to the Protocol.
- (7) If after the completion of a Comprehensive Environmental Evaluation, an activity is authorised to proceed in terms of the processes set out in Article 3 of Annex 1 to the Protocol, the Minister must issue a permit before the activity can commence.
- (8) The Minister may in respect of any permit issued in terms of this regulation, impose any conditions deemed necessary including-
 - (a) measures to monitor environmental indicators;
 - (b) measures to verify and assess the impact of the activity; and
 - (c) the provision of any other information necessary to report on or continuously assess the impact of the activity.

6. Conservation of Antarctic flora and fauna

- (1) No person shall take, destroy or engage in harmful interference in relation to any indigenous flora and fauna in the Antarctic Treaty area, except on the authority of a permit issued by the Minister.
- (2) The Minister may issue a permit contemplated in sub-regulation (1) in the following circumstances:
 - (a) to provide specimens for scientific research;
 - (b) to provide specimens for museums, herbaria, zoological and botanical gardens or other educational or cultural institutions or uses; or
 - (c) to provide for unavoidable consequences of scientific activities not authorised in paragraphs (a) or (b), or of the construction and operation of scientific support facilities.
- (3) When considering a permit application in terms of sub-regulation (2), the Minister must have regard to the criteria and factors detailed in Article 3(3) of Annex 2 to the Protocol and the provisions of the National Environmental Management Act and any specific environmental management Act as it may relate to Antarctic flora and fauna.
- (4) All the species listed in Appendix A of Annex 2 to the Protocol are hereby designated as Specially Protected Species.
- (5) The Minister may not issue a permit relating to a Specially Protected Species except if such activity—
 - (a) is for a compelling scientific purpose;
 - (b) will not jeopardise the survival or recovery of that species or local population of that species; and
 - (c) makes use of non-lethal techniques.

- (6) Subject to sub-regulations (7) and (8), no person may introduce any alien plant or animal onto land, any ice shelf or the water within the Antarctic Treaty area except on the authority of a permit issued by the Minister.
- (7) Any dog, whether on land or on any ice shelf, is prohibited within the Antarctic Treaty area.
- (8) A permit contemplated in sub-regulation (6) may only be issued for those species listed in Appendix B of Annex 2 to the Protocol.
- (9) Sub-regulation (6) does not apply to the introduction of food into the Antarctic Treaty area, provided no live animals are introduced for the purposes of food. All plants and animal parts and products must be kept under controlled conditions and may only be disposed of in accordance with Annex 3 to the Protocol and Appendix C to Annex 2.
- (10) No person may fly or land a helicopter or any other aircraft, use a vessel, vehicle, firearm or explosive in a manner that disturbs any concentration of indigenous birds or marine mammals including seals.
- (11) The Minister may direct a person that has introduced any plant or animal without a permit in terms of these regulations, to remove or destroy these species, including any trace of them, unless removing or destroying such species will cause more damage to the environment than allowing them to remain.
- (12) If the directive in sub-regulation (11) is not complied with, the Minister may take measures to remove the plant or animal and claim the costs of such removal including rehabilitation, from the responsible person.

7. Protection of Antarctic seals

- (1) Subject to sub-regulation (2), no person may within the Antarctic Treaty area, kill, capture or cause any harm to an Antarctic seal except on the authority of a permit issued by the Minister.
- (2) No person may kill, capture or cause harm to any Ross seal (*Ommatophaca rossi*), Southern elephant seal (*Mirounga leonina*) or fur seal (*Arctocephalus* sp.).
- (3) A permit contemplated in sub-regulation (1), may only be issued for a Crabeater seal (*Lobodon carcinophagus*), Leopard seal (*Hydrurga leptonyx*) or Weddell seal (*Leptonychotes weddelli*) and only for the following purposes:
 - (a) To provide food for any person or animal where no other reasonable alternative is available; or
 - (b) for scientific research.
- (4) When considering an application for a permit contemplated in sub-regulation (3) and when imposing conditions on such permit, the Minister must have regard to the provisions of Annex 1 to the Seals Convention.

8. Antarctic specially protected areas and sites

- (1) No person may enter an Antarctic specially protected area except on the authority of a permit issued by the Minister.
- (2) The Minister may only issue a permit contemplated in sub-regulation (1) in accordance with the requirements of the Management Plan for that specially protected area.
- (3) Where a specially protected area does not have a Management Plan, the Minister may only issue a permit to enter such area, for a compelling scientific purpose, which cannot be served elsewhere and which will not jeopardise the natural ecological system in the specially protected area.

- (4) A permit contemplated in sub-regulation (1) must at last contain the following details:
- (a) The extent and location of the specially protected area;
 - (b) the specific activities that are authorised, the time period, location and by whom such activities may be undertaken;
 - (c) relevant conditions within the Management Plan; and
 - (d) any other conditions which the Minister may deem necessary.
- (5) A permit holder must at all times carry a certified copy of a permit while in a specially protected area.
- (6) No person may damage, remove or destroy any listed Historic sites and Monuments designated in terms of Annex 5 to the Protocol.

CHAPTER 3

LIABILITY ARISING FROM ENVIRONMENTAL EMERGENCIES

9. Preventative Measures

- (1) Any authorised operator operating in or located within the Antarctic Treaty area must implement the following preventative measures:
- (a) Specialised structures or equipment incorporated into the design and construction of facilities or means of transportation;
 - (b) specialised procedures incorporated into the operation or maintenance of facilities or means of transportation; and
 - (c) specialised training of personnel; and
 - (d) any other measures,
- provided for by the Minister in any norms and standards, guideline or policy.

10. Contingency Plans

- (1) Any authorised operator operating in or located within the Antarctic Treaty area, shall compile a contingency plan for responding to any incident which has or may have an adverse effect on the Antarctic Treaty area or dependent and associated ecosystems, which plan must be approved by the Minister and must include the following:
 - (a) procedures for conducting an assessment of the nature of the incident;
 - (b) notification protocols;
 - (c) identification and mobilisation of resources;
 - (d) response plans;
 - (e) training;
 - (f) record keeping;
 - (g) demobilization; and
 - (h) any other information required.
- (2) If an environmental emergency occurs, the master of a vessel and an authorised operator shall immediately notify the Department's Director of Marine Pollution of the incident.
- (3) If a contingency plan requires the support of other operators, research programmes or other Parties to the Antarctic Treaty, the signed agreements relating to such support must be submitted to the Minister 60 calendar days before the activity starts.

11. Response Action

- (1) Any authorised operator, operating in or located within the Antarctic Treaty area who causes or is responsible for an environmental emergency shall take immediate steps as contemplated in section 30 of the National Environmental Management Act. For the purposes of these regulations the term 'relevant authority' in section 30 shall mean the Minister.

- (2) Any other State that wishes to take response action to an environmental emergency must notify the authorised operator and the secretariat of the Antarctic Treaty prior to taking any such response action, except where a threat of significant and harmful impact to the Antarctic environment is imminent and it would be reasonable in all the circumstances to take immediate response action, in which case the relevant State shall notify the authorised operator and the secretariat of the Antarctic Treaty as soon as possible.
- (3) Such other State contemplated in sub-regulation (2), shall not take response action to an environmental emergency unless:
 - (a) A threat of significant and harmful impact to the Antarctic environment is imminent and it would be reasonable in all the circumstances to take immediate response action; or
 - (b) the authorised operator has failed within a reasonable time to notify the secretariat of the Antarctic Treaty that it will take the response action itself; or
 - (c) where that response action has not been taken within a reasonable time after such notification.
- (4) Where an authorised operator takes response action itself, but is willing to be assisted by another State, the authorised operator shall coordinate the response action as directed by the Minister in terms of sub-regulation (1).
- (5) If any authorised operator takes any response action in respect of any other State's operator or other person, which has caused or was responsible for an environmental emergency, it shall notify the Minister, who shall notify the other State and the secretariat of the Antarctic Treaty of the intention to assist or take action beforehand, except where a threat of significant and harmful impact to the Antarctic Treaty area is imminent and it would be reasonable in all the circumstances to take immediate response action, in which case such authorised operator shall notify the Minister as soon as possible.
- (6) An authorised operator shall not take response action to an environmental emergency contemplated in sub-regulation (5) unless:

- (a) A threat of significant and harmful impact to the Antarctic environment is imminent and it would be reasonable in all the circumstances to take immediate response action; or
 - (b) the responsible person or State has failed within a reasonable time to notify the secretariat of the Antarctic Treaty that it will take the response action itself; or
 - (c) where that response action has not been taken within a reasonable time after such notification.
- (7) Where it is unclear which person or State is the responsible person for the environmental emergency, or it appears that there may be more than one person or State responsible, if the authorised operator takes response action, it shall notify the Minister who must consult and notify the secretariat of the Antarctic Treaty of the circumstances.
- (8) If any authorised operator takes response action it shall consult and coordinate their action as directed by the Minister and shall, where practicable, take into account all relevant expert guidance which has been provided to the Antarctic Treaty Consultative Meeting.

12. Liability

- (1) Any authorised operator operating in or located within the Antarctic Treaty area that fails to take prompt and reasonable response action to environmental emergencies arising from its activities, shall be liable to pay the costs of response action taken by the Republic and any other person or State who took the required response action.
- (2) When a South African government operator should have taken response action but failed to do so, and no response action was taken by any other country, the government operator shall be liable to pay the costs of the response action which should have been undertaken. Such money shall be paid directly into the Fund as detailed in Article 12 of Annex 6 to the Protocol.

- (3) When a non-governmental authorised operator should have taken response action but failed to do so, and no response action was taken by any other person, the non-governmental authorised operator shall be liable to pay an amount of money that reflects the costs of the response action that should have been taken. Such money is to be paid directly to the Fund as detailed in Article 12 of Annex 6 to the Protocol.
- (4) Liability for any environmental emergency in the Antarctic Treaty area shall be strict liability.
- (5) When an environmental emergency arises from the activities of two or more operators, they shall be jointly and severally liable, except that an operator which establishes that only part of the environmental emergency resulted from its activities, shall be liable in respect of that part only.

13. Exemptions from Liability

- (1) An operator shall not be liable in terms of regulation 12, if it proves that the environmental emergency was caused by:
 - (a) An act or omission which was reasonable in the circumstances, to protect human life or safety;
 - (b) an event constituting a natural disaster of an exceptional character, which could not have been reasonably foreseen, either generally or in the particular case, provided all reasonable preventative measures have been taken that are designed to reduce the risk of environmental emergencies and their potential adverse impact;
 - (c) an act of terrorism; or
 - (d) an act of belligerency against the activities of the operator.
- (2) An operator, or its agents, contractors or operators specifically authorised by it to take such action on its behalf, shall not be liable for an environmental emergency resulting from response action taken by it to the extent that such response action was reasonable in the circumstances.

14. Limits of Liability

- (1) The maximum amount, for which each operator may be liable, in respect of each environmental emergency, shall be determined as provided for in Article 9 of Annex 6 to the Protocol, as amended by any Resolution, Decision, Measure or other means.
- (2) Liability shall not be limited if it is proved that the environmental emergency resulted from an act or omission of the operator, committed with the intent to cause such emergency, or recklessly and with knowledge that such emergency would probably result.

15. Insurance and other financial security

- (1) Any authorised operator other than a government operator, operating in or located within the Antarctic Treaty area shall maintain adequate insurance or other financial security, such as the guarantee of a bank or similar financial institution, to cover liability under these regulations up to the applicable limits contemplated in regulation 14.
- (2) An authorised operator other than a government operator, must also have sufficient insurance or provide an equivalent guarantee for costs of any kind incurred by an organ of state or other person in connection with any searches, rescue operations or medical transport that have to be carried out in relation to the activity in the Antarctic Treaty area. The insurance or guarantee must cover such expenses irrespective of any negligence by the authorised operator or any other person in the expedition or involved in the activity.
- (3) The Minister must determine whether the insurance or guarantee provided in terms of sub-regulation (2) is sufficient.

CHAPTER 4

WASTE DISPOSAL AND MANAGEMENT

16. Waste removal and incineration

- (1) The wastes listed in Article 2 of Annex 3 to the Protocol shall be removed from the Antarctic Treaty area by the generator of such waste in the manner and in accordance with the conditions provided for in such Article.
- (2) No person shall incinerate any waste or any other material within the Antarctic Treaty area.

17. Disposal of waste on land

- (1) Waste not disposed of in terms of regulation 16, shall not be disposed of into ice-free areas or any freshwater system.
- (2) Sewage, domestic liquid wastes and other liquid wastes not removed from the Antarctic Treaty area, shall not be disposed of onto sea ice, ice shelves or the grounded ice-sheet.
- (3) Waste generated by a station located inland on ice shelves or on the grounded ice-sheet may be disposed of in deep ice pits where such disposal is the only practicable option; and such pits shall not be located on known ice-flow lines, which terminate at ice-free areas or in areas of high ablation.
- (4) Wastes generated at field camps shall be removed by the generator of such wastes to the supporting station or ship for disposal.

18. Disposal of waste at sea

- (1) Sewage and domestic liquid waste may be directly discharged into the sea, provided that such discharge—
 - (a) occurs where conditions exist for initial dilution and rapid dispersal; and

- (b) of large quantities of such wastes shall be treated by at least maceration, and large quantities include waste generated at a station where the average weekly occupancy over the austral summer between 15 October and 15 March, is 30 individuals or more.
- (2) The bi-product of the treatment of sewage by the Rotary Biological Contacter process or similar process may be disposed of into the sea, provided that such disposal does not have an adverse effect on the local environment and complies with Annex 4 to the Protocol.

19. Prohibited substances

No person shall introduce onto land, any ice shelf or into the water within the Antarctic Treaty area, the substances listed in Article 7 of Annex 3, except for scientific, medical or hygiene purposes.

20. Waste management plans

- (1) The Minister shall, in accordance with Article 8 of Annex 3 to the Protocol—
- (a) develop a waste classification system;
 - (b) prepare and annually review a waste management plan; and
 - (c) prepare an inventory of past activities,
- in respect of any station, camp or ship owned or operated by the State.
- (2) The possession, use or disposal of poly-vinyl chlorides are prohibited within the Antarctic Treaty area.

CHAPTER 5

MARINE POLLUTION FROM SHIPS

This chapter applies to all South African flagged vessels and to all authorised operators within the Antarctic Treaty area.

21. Discharge of oil

Any discharge of oil or oily mixtures shall comply with the provisions of Article 3 of Annex 4 to the Protocol.

22. Discharge of noxious liquid substances

The discharge of any noxious liquid substance or any chemicals is prohibited within the Antarctic Treaty area.

23. Disposal of garbage

- (1) The disposal of all garbage into the sea is prohibited including the following:
 - (a) all plastics including synthetic ropes, fishing nets and bags; and
 - (b) paper products, rags, glass, metal, bottles, crockery, incineration ash, dunnage, lining and packing material.
- (2) Food waste may only be disposed of into the sea if it has been passed through a comminuter or grinder and is capable of passing through a screen with openings of a maximum of 25 millimetres. Such disposal into the sea may only occur at least 12 nautical miles from land or any ice shelf, unless authorised under Annex 5 of MARPOL 73/78.
- (3) If any substance or material covered by this regulation is mixed with any other substance or material for discharge or disposal, the more stringent or restrictive disposal or discharge requirements must apply.

- (4) The provisions of sub-regulation (1) do not apply to—
- (a) The escape of garbage as a result of damage to a vessel or its equipment, provided all reasonable measures were taken before and after such damage to prevent or minimise such escape; or
 - (b) the accidental loss of synthetic fishing nets, provided all reasonable measures were taken to prevent such loss.
- (5) All vessels shall keep a garbage record book which contains the following information:
- (a) Type of substance being disposed of;
 - (b) date of disposal;
 - (c) amount or volume being disposed of; and
 - (d) GPS location of disposal.

24. Discharge of sewage

- (1) The discharge of untreated sewage into the sea within 12 nautical miles from land or any ice shelf, within the Antarctic Treaty area is prohibited.
- (2) Beyond 12 nautical miles from land or any ice shelf within the Antarctic Treaty area, sewage may only be discharged into the sea at the rate specified in Annexure 1 to these regulations, and while a vessel is travelling at a speed of not less than 4 knots.
- (3) Sub-regulation (1) and (2) does not apply to any vessel certified to carry not more than 10 persons.
- (4) All vessels and land based stations shall keep a sewage record book which contains the following information:
- (a) Type of substance being disposed of;

- (b) date of discharge;
- (c) amount or volume being discharged;
- (d) GPS location of discharge; and

25. Ship capacity and reception facilities

- (1) Every vessel entering the Antarctic Treaty area shall be fitted with sufficient capacity to—
 - (a) Retain all sludge, dirty ballast, tank washing water and other oily residues and mixtures;
 - (b) retain garbage; and
 - (c) retain noxious liquid substances.
- (2) All vessels must discharge the substances in sub-regulation (1)(a) and (b) at a reception facility after leaving the Antarctic Treaty area.

26. Entry to Antarctica

- (1) No person may enter or remain in the Antarctica Treaty area, except on the authority of a permit issued by the Minister.
- (2) Sub-regulation (1) does not apply to—
 - (a) a member of an expedition organised by the Department; or
 - (b) a person referred to in section 5 of the Act.
- (3) No South African vessel or aircraft may enter the Antarctic Treaty area, except on the authority of a permit issued by the Minister.
- (4) Sub-regulation (3) does not apply to—
 - (a) a vessel or aircraft travelling to an immediate destination outside Antarctica; or

- (b) a vessel or aircraft belonging to the Republic; or
- (c) a vessel or aircraft duly chartered by the Republic.

CHAPTER 6

PERMITS

27. Application for a permit

- (1) An application for a permit or renewal of a permit, in terms of these regulations must—
 - (a) be made to the Minister on the application form obtained from the Department;
 - (b) be accompanied by proof of payment of the application fee if prescribed;
 - (c) be accompanied by all supporting documents required to assess the application including those required by the application form and these regulations;
 - (d) be submitted—
 - (i) electronically, or by hand as required; and
 - (ii) with the original, or certified copies of the documentation in support of the application, as required; and
 - (e) be completed in full and signed by the relevant person or persons as indicated in the application form.
- (2) An application for a permit must be submitted at least 180 calendar days prior to the date of departure to the Antarctic Treaty area.
- (3) If an applicant fails to fully complete all required parts of, or provide all information required by, the application form or these regulations; the application will be rendered incomplete and will not be considered.

- (4) The Department must, within 10 working days after receipt of an application for or renewal of a permit, acknowledge receipt of the application in writing.

28. Assessment of applications

- (1) The Minister may, after receiving an application submitted in terms of these regulations—
- (a) request the applicant to provide specific information by a specified date;
 - (b) request the applicant to carry out further investigations and to provide that information within a specified time; or
 - (c) request the applicant to consult with specific organisations, authorities, persons or interested parties and submit the reports of the required consultations within a specified time.
- (2) In assessing an application for a permit or renewal of a permit the Minister may, in addition to those factors detailed in these regulations, also have regard to the following—
- (a) whether or not the applicant has been convicted of contravening the Act, the National Environmental Management Act or any other specific environmental management Act; or
 - (b) whether the applicant has contravened conditions of prior or existing permits or authorisations granted to the applicant in terms of the Act, the National Environmental Management Act or any other specific environmental management Act, including these regulations.
- (3) A failure to comply with any request made in terms of sub-regulation (1) renders the application incomplete and it will not be considered.

29. Decision on applications

- (1) The Minister may, in relation to an application for a permit or renewal of a permit in terms of these regulations—
 - (a) issue a permit subject to conditions; or
 - (b) refuse the application.
- (2) A permit must be issued in writing and must include the following details:
 - (a) The identity and contact details of the permit-holder;
 - (b) the geographic location of the infrastructure or activity to be undertaken;
 - (c) the validity period of the permit; and
 - (d) the conditions included in the permit.
- (3) A decision to refuse a permit must include—
 - (a) the reasons for the decision; and
 - (b) the date of the decision.
- (4) The Minister's decision on an application for a permit or renewal of a permit must be made within 60 calendar days from the date that all documentation and information required by, or requested in terms of, these regulations was received by the Minister.
- (5) A permit may be issued for a maximum period of up to 36 months.

- (6) A permit may be issued subject to conditions.
- (7) Any permit issued in terms of these regulations is not transferable.

30. Permit renewal

- (1) A permit-holder may apply to the Minister for a renewal of any permit issued in terms of these regulations, for a maximum period of 12 months, whereafter a new application for a permit must be made.
- (2) In an application for a renewal of a permit, the Minister may consider—
 - (a) whether the activity has varied significantly, in relation to the parameters set in the original permit's conditions; and
 - (b) any other relevant consideration.

31. Suspension, amendment and cancellation of permits

- (1) Subject to sub-regulations (2) and (3), a permit issued under these regulations may at any time be suspended, cancelled or amended.
- (2) A permit may be suspended, cancelled or amended by the Minister, if—
 - (a) the Minister is satisfied on the basis of information that was not considered when the permit was issued, that it is necessary or desirable to suspend, cancel or amend the permit to prevent deterioration or further deterioration of the environment within the Antarctic Treaty area;
 - (b) other similar permits held by other persons have also been reviewed and the suspension, cancellation or amendment does not unfairly discriminate against the holder in relation to other holders of similar permits;

-
- (c) the permit holder is in breach of a condition contained in the permit;
 - (d) the permit holder provided incorrect or false information in the application for the permit;
 - (e) the holder of a permit has been convicted of an offence in terms of the Act, the National Environmental Management Act or a specific environmental management act or any regulations issued thereunder;
 - (f) the reason for the issuing of the permit no longer exists; or
 - (e) it is necessary to meet the Republic's international obligations.
- (3) A permit may be amended by the Minister—
- (a) if an error needs to be corrected or rectified;
 - (b) at the request of the applicant;
 - (c) for the proper management and implementation of these Regulations; or
 - (d) where the conditions or circumstances have changed since the original permit was issued.

CHAPTER 7 GENERAL PROVISIONS

32. Emergencies

The provisions of regulations 5, 6, 7, 8 and Chapters 4 and 5, shall not apply to activities undertaken in instances of emergency relating to the safety of human life, ships, aircraft or equipment and facilities of high value or the protection of the environment.

33. Observers and inspections

All areas within the Antarctic Treaty area, including all stations, installations and equipment within those areas, and all vessels and aircraft at points of discharging or embarking cargo or personnel, shall be open at all times to inspection by any Departmental official, any person designated in terms of section 5(1) of the Act, or observers designated in accordance with Article 7 of the Antarctic Treaty.

34. Powers of inspectors

- (1) The Minister may designate an environmental management inspector, as an inspector in terms of section 5(1)(a) or (c) of the Act, and such inspector shall have the powers and functions as detailed and determined for environmental management inspectors in the National Environmental Management Act.

- (2) An identity card issued in terms of section 5(2) of the Act, must include the following information:
 - (a) The name of the designated person;
 - (b) type of designation;
 - (c) rank, post or position, where relevant;
 - (d) unique identity card number;
 - (e) date of issue;

- (f) details of issuing authority; and
- (g) any other information required.

35. Notification

- (1) Any person, South African flagged vessel or authorised operator, must 180 calendar days prior to departure, notify the Minister, of:
 - (a) All expeditions to the Antarctic Treaty area;
 - (b) the activity to be undertaken in the Antarctic Treaty area;
 - (c) all stations in Antarctica occupied or intended to be occupied by South African citizens; and
 - (d) any military personnel or equipment intended to be introduced.

- (2) The Minister may condone a shorter notification period in appropriate circumstances including—
 - (a) emergencies where the notification period in sub-regulation (1) was not able to be complied with; or
 - (b) any other circumstance deemed appropriate by the Minister.

- (3) The notification contemplated in sub-regulation (1), must include—
 - (a) the name of the responsible person or operator;
 - (b) the scope of the activity, including an initial environmental evaluation, contemplated in regulation 5;
 - (c) the technology and measures that will be used to limit any harmful effects;
 - (d) information on how the requirement of insurance or an equivalent guarantee contemplated in regulation 15 is to be met before the activity starts;
 - (e) contingency plans contemplated in regulation 10; and
 - (f) any other information requested by the Minister.

36. Postponing, amending or prohibiting an activity

- (1) The Minister may amend, postpone or completely prohibit an activity contemplated in regulation 33, if its implementation may result in adverse effects on the Antarctic environment or dependent and associated ecosystems or the safeguarding of life and health which are contrary to -
 - (a) the objects of these Regulations;
 - (b) the provisions of these Regulations; or
 - (c) international resolutions, advice or recommendations adopted by the Republic.
- (2) The Minister may postpone or amend an activity to ensure that an environmental evaluation is carried out in accordance with regulation 5.
- (3) If an activity which has commenced leads to unforeseen adverse effects on the Antarctic environment or dependent and associated ecosystems, the Minister may make amendments to the activity, postpone the activity, or completely prohibit the activity if this is necessary to prevent, mitigate or contain the unforeseen adverse effects.

37. Reporting

- (1) An authorised operator must prepare and submit a report to the Minister every six months relating to the activity and the use of any permit issued in terms of these Regulations, including a final report within 30 calendar days of the conclusion of the activity.
- (2) The report shall be in the form and contain the information obtainable from the Department.

38. Offences and Penalties

In addition to any offence contained in section 9 of the Act, any person who contravenes or fails to comply with regulations 3, 4, 5(1) to (3), 5(5) to 5(7), 6(1), 6(6), 6(7), 6(9), 6(10), 7(1), 7(2), 8(1), 8(5), 8(6), 10(1), 10(2), 11(1), 11(4), 11(6),

11(8), 15, 16, 17, 18, 19, 21, 22, 23(1) to (3), 23(5), 24(1), 24(2), 24(4), 25, 26(1), 26(3), 35(1) and 37(1) in these regulations is guilty of an offence and liable on conviction to—

- (a) imprisonment for a period not exceeding five years; or
- (b) a fine.

39. Short title and commencement

These regulations are called the Antarctic Treaties Regulations, 2020, and commences on the date of publication in the *Gazette*.

ANNEXURE 1

The permissible rate of discharge for untreated sewage as prescribed in Resolution MEPC.157(55)

DISCHARGE RATE (m³/h)					
Speed (knots)	4	6	8	10	12
Draft (m)					
5	4.63	6.95.	9.26	11.58	13.89
6	5.56	8.33	11.11	13.89	16.67
7	6.48	9.72	12.96	16.21	19.45
8	7.41	11.11	14.82	18.52	22.22
9	8.33	12.50	16.67	20.48	25.00

DEPARTMENT OF ENVIRONMENT, FORESTRY AND FISHERIES

NO. 855

07 AUGUST 2020

**NATIONAL ENVIRONMENTAL MANAGEMENT: AIR QUALITY ACT, 2004
(ACT NO. 39 OF 2004)****DECLARATION OF CERTAIN PRINTING INDUSTRY ACTIVITIES AS CONTROLLED EMITTERS
AND ESTABLISHMENT OF EMISSION STANDARDS**

I, Barbara Dallas Greecy, Minister of Forestry, Fisheries and the Environment, hereby in terms of section 23(2), read with section 57, of the National Environmental Management: Air Quality Act, 2004 (Act No. 39 of 2004), consult on my intention to declare printing activities as controlled emitters in terms of section 23(1) of the Act. The proposed controlled emitters and their associated emission standards are set out in the Schedule hereto.

Members of the public are invited to submit to the Minister, within 30 (thirty) days from the date of the publication of the notice in the *Gazette*, written comments or inputs to the following addresses:

By post: The Director-General: Department of Forestry, Fisheries and the Environment
Private Bag X447
Pretoria
0001

By hand: Environment House, 473 Steve Biko Road, Pretoria, 0002

By e-mail: OMatshediso@environment.gov.za

Any inquiries in connection with the notice can be directed to Dr Vincent Gololo at 012 399 9203 or Mr Olebogeng Matshediso at 012 399 9215.

Comments received after the closing date may not be considered



**BARBARA DALLAS CREECY
MINISTER OF FORESTRY, FISHERIES AND THE ENVIRONMENT**

SCHEDULE

Part 1: Definitions and Application

1. Definitions

A word or expression defined in the National Environmental Management: Air Quality Act, 2004 (Act No. 39 of 2004) has the same meaning in this Notice, and—

“air quality officer” means an officer appointed in terms of section 14 of the Act as an air quality officer;

“an existing printing industry activity” means an activity using an appliance that was installed before the date on which this Notice commences;

“a new printing industry activity” means an activity using an appliance that is installed after the date on which this Notice commences;

“a printing industry activity” means an activity using an appliance as described in paragraph 9;

“National Atmospheric Emission Reporting Regulations, 2015” means the regulations published under Government Notice No. R. 283 in Government Gazette No. 38633 of 2 April 2015, as amended from time to time; and

“normal operating conditions” means any condition that constitutes operation as designed. This excludes start-ups and shut downs conditions.

2. Application

This Notice shall apply to a printing industry activity that operates in the Republic of South Africa.

3. Implementation

An air quality officer shall be responsible for coordinating matters pertaining to this Notice.

4. Compliance timeframes

(1) A new printing industry activity must comply with the emission standards for a new printing industry activity contained in Part 3 of this Notice from 01 April 2021.

(2) An existing printing industry activity must comply with the emission standards for an existing printing industry activity contained in Part 3 of this Notice within five years from 01 April 2026.

*Part 2: Emission Measurement and Reporting***5. Emission measurement**

- (1) Emission measurements shall be carried out on a vent connected to the printing industry activity.
- (2) The concentration of the pollutant for which emissions standards have been set in this Notice shall be reported as the average of at least three measurements, measured over a minimum sampling period of sixty minutes under normal operating conditions. The minimum sampling period does not apply to batch processes. Batch processes may require sampling during an entire cycle or taking sufficient samples to characterise the gas stream.
- (3) Measurements must be carried out in accordance with standard sampling and analysis methods listed in Annexure A of this Notice.
- (4) Methods, other than those contained in Annexure A, may be used with the written consent of the national air quality officer.
- (5) In seeking written consent referred in paragraph 5(4), an applicant must provide the national air quality officer with any information that supports the equivalence of the method applied for.
- (6) Emission measurements required under paragraph 5(2) may be supplemented by means of mass balance or any other acceptable surrogate parameters for months between reporting periods as approved by the national air quality officer.

6. Reporting requirements

- (1) A person conducting a printing industry activity must—
 - (a) submit at least one emissions report per annum to the relevant air quality officer in the format set out in Annexure B of this Notice;
 - (b) submit the first emissions report to the relevant air quality officer within twelve months from the commencement date of this Notice;
 - (c) provide any additional emissions reports as requested by the relevant air quality officer for the implementation of this Notice; and
 - (d) produce the record of the measurement results for inspection if requested to do so by the relevant air quality officer.
- (2) The report mentioned under paragraph 6(1) must be accompanied by information on how measurements were carried out, equipment used, calibration certificates and any other information that may be required for validation of the emission results.
- (3) A person conducting a printing industry activity must—
 - (a) prepare a solvent consumption plan to accurately record total solvent consumption on an annual basis, in a format set out in Annexure C of this Notice;

- (b) produce the record of the solvent consumption plan(s) for inspection if requested to do so by the relevant air quality officer; and
- (c) retain the records of the annual solvent consumption plans for a period of five years.

7. Registration as a data provider under the National Atmospheric Emission Inventory System

- (1) A person conducting an existing printing industry activity must—
 - (a) within 60 days of the promulgation of this Notice, register as a data provider in the National Atmospheric Emission Inventory System; and
 - (b) comply with all the requirements stipulated under the National Atmospheric Emission Reporting Regulations, 2015.
- (2) A person conducting a new printing industry activity must—
 - (a) register on the National Atmospheric Emission Inventory System within 30 days after commencing with such an activity; and
 - (b) comply with all the requirements stipulated under the National Atmospheric Emission Reporting Regulations, 2015.

Part 3: Emission Standards

9. Emission standards

- (1) A printing industry activity must comply with the emission limits and requirements set out in the table below. All limit values are expressed on daily averages, at specified reference conditions.

Description:	Printing, coating and lamination processes using gravure, flexography, rotary screen printing, heat set lithography, varnishing and printing systems that incorporate elements of these technologies.		
Application:	Installations with organic solvent consumption threshold equal to or more than 25 tonnes per year.		
Substance or mixture of substances		Plant status	mgC/Nm³ under normal conditions of 273 Kelvin and 101.3 kPa.
Common name	Chemical symbol		
Total Volatile Organic Compounds	N/A	New	100
		Existing	150
Thermal Oxidation			
Oxides of Nitrogen from thermal treatment units		mg/Nm³ under normal conditions of 273 Kelvin and 101.3 kPa.	
Oxides of nitrogen	NO _x expressed as NO ₂	New	100
		Existing	400

- (2) The following special arrangements shall apply—
- (a) **Replacement of printing appliance(s) by an existing printing activity:** An existing printing activity that replace any of its printing appliances that results in less than 20% of its production capacity must comply with emission standards for existing printing industry.
 - (b) **Expansion to existing printing activity:** An existing printing activity that expands its production capacity by more than 20% through the installation of additional printing appliances must comply with emission standards for new printing industry activity.
 - (c) Facilities with VOC abatement must achieve a 90% availability of the abatement equipment during printing operations.

ANNEXURE A: MEASUREMENT METHODS

1. International Organization for Standardization

- (a) ISO 10396: Stationary source emissions – Sampling for the automated determination of gas emissions concentrations for permanently-installed monitoring systems.
- (b) ISO 10780: Stationary source emissions – Measurement of velocity volume flow rate of gas steams in ducts.
- (c) ISO 14164: Stationary source emissions – Determination of the volume flow-rate of gas streams in ducts - Automated method.
- (d) ISO 11338-1: Stationary source emissions – Determination of gas and particle-phase polycyclic aromatic hydrocarbons Part 1: Sampling.
- (e) ISO 11338-2: Stationary source emissions – Determination of gas and particle-phase polycyclic aromatic hydrocarbons Part 2: Sample preparation, clean-up and determination.
- (f) ISO 13199: Stationary source emissions – Determination of total volatile organic compounds (TVOCs) in waste gases from non-combustion processes – Non-dispersive infrared analyser equipped with catalytic converter.
- (g) ISO 10849 Stationary source emissions - Determination of the mass concentration of nitrogen oxides. Performance characteristics of automated measuring systems.
- (h) ISO 11564: Stationary source emissions – Determination of the mass concentration of nitrogen oxides – Naphthylenediamine photometric method.

2. United States Environmental Protection Agency

- (a) USEPA Method 1 – Traverse Points.
- (b) USEPA Method 1A – Small Ducts.
- (c) US EPA Method 2--Determination of stack gas velocity and volumetric flow rate.
- (d) US EPA Method 2A--Direct measurement of gas volume through pipes and small ducts.
- (e) US EPA Method 2B--Determination of exhaust gas volume flow rate from gasoline vapour incinerators.
- (f) US EPA Method 2C--Determination of stack gas velocity and volumetric flow rate in small stacks or ducts.
- (g) US EPA Method 2D--Measurement of gas volumetric flow rates in small pipes and ducts.
- (h) USEPA Method 3 – Molecular Weight.
- (i) USEPA Method 3A – CO₂, O₂ by instrumental methods.

- (j) USEPA Method 3B – CO₂, O₂ by Orsat apparatus.
- (k) USEPA Method 3C – CO₂, CH₄, N₂, O₂ by determined by thermal conductivity.
- (l) USEPA Method 4 – Moisture Content.
- (m) US EPA Method 7--Determination of nitrogen oxide emissions from stationary sources.
- (n) US EPA Method 7A--Determination of nitrogen oxide emissions from stationary sources--Ion chromatographic method.
- (o) US EPA Method 7B--Determination of nitrogen oxide emissions from stationary sources (Ultraviolet spectrophotometry).
- (p) US EPA Method 7C--Determination of nitrogen oxide emissions from stationary sources--Alkalinepermanganate/colorimetric method.
- (q) US EPA Method 7D--Determination of nitrogen oxide emissions from stationary sources--Alkaline-permanganate/ion chromatographic method.
- (r) US EPA Method 7E--Determination of Nitrogen Oxides Emissions from Stationary Sources (Instrumental Analyzer Procedure).
- (s) USEPA Method 18 – VOC by Gas Chromatography (GC).
- (t) USEPA Method 21 – VOC Leaks.
- (u) USEPA Method 25D – Volatile Organic Concentration.

3. British Standards Institution

- (a) BS EN 15259: Air quality. Measurement of stationary source emissions. Measurement strategy, measurement planning, reporting and design of measurement sites.
- (b) BS EN 14181:2004 Stationary source emissions. Quality assurance of automated measuring systems.
- (c) BS EN 15267-1: Air quality. Certification of automated measuring systems. General principles.
- (d) BS EN 15267-2: Air quality. Certification of automated measuring systems. Initial assessment of the AMS manufacturer's quality management system and post certification surveillance for the manufacturing process.
- (e) BS EN 15267-3: Air quality. Certification of automated measuring systems. Performance criteria and test procedures for automated measuring systems for monitoring emissions from stationary sources.
- (f) BS EN 14792 Stationary source emissions - Determination of mass concentration of nitrogen oxides (NO_x). Reference Method: Chemiluminescence.
- (g) BS EN 12619 Stationary source emissions - Determination of the mass concentration of total gaseous organic carbon. Continuous Flame Ionisation Detector Method.

- (h) BS EN 13526 Stationary source emissions - Determination of the mass concentration of total gaseous organic carbon in flue gases from solvent using processes. Continuous Flame Ionisation Detector Method.
- (i) BS EN 13649 Stationary source emissions - Determination of the mass concentration of individual gaseous organic compounds. Activated Carbon and Solvent Desorption Method.

ANNEXURE B: TEMPLATE FOR REPORTING EMISSIONS**Emission Measurements Report for Printing Industry Activity****Name of Enterprise:** _____

Declaration of accuracy of information provided:

I, _____, declare that the information provided in this report is in all respects factually true and correct.

Signed at _____ on this _____ day of _____

SIGNATURE_____
CAPACITY OF SIGNATORY

1. Enterprise Details

Enterprise Name	
Trading as	
Postal Address	
Telephone Number (General):	
Fax Number (General)	
Industry Type /Nature of Trade	
Land Use Zoning as per Town Planning Scheme	
Land Use Rights if outside Town Planning Scheme	

2. Contact details

Responsible Person Name	
Telephone Number	
Cell Phone Number	
Fax Number	
E-mail address	

3. Serial number, product name and model of the appliances

Serial Number	Product Name	Product Model	Capacity

4. Point source parameters

Unique stack ID	Point source name	Height of release above ground [m]	Height above nearby building [m]	Diameter at stack tip / vent exit [m]	Actual gas exit temperature [°C]	Actual gas volumetric flow (m ³ /h)	Actual gas exit velocity [m/s]

5. Point source emissions

Unique stack ID	Pollutant name	Daily Average Values*		Emission hours [e.g. 07H00 – 17H00]	Type of emission [continuous/intermittent]

*mgC/Nm³ for TVOC; mg/Nm³ for NO_x

ANNEXURE C: SAMPLE SOLVENT CONSUMPTION RECORD

1. COMPANY CONTACT DETAILS					
1.1 Enterprise Name					
1.2 Physical Address					
1.3 Phone					
1.4 Email					
1.5 Responsible Person					
2. OPERATIONAL DETAILS					
2.1 Main Printing Processes Used:					
2.2 Number of Employees:	1-50		51-100		101+
2.3 Raw Material Containing Organic Solvent:	Volume per year: (tons)		MSDS Attached		
2.3.1			Yes	No	
2.3.2			Yes	No	
2.3.3			Yes	No	
2.3.4			Yes	No	
2.3.5			Yes	No	
3. Organic Solvent Waste					
3.1 Estimate of Organic Solvents Disposed (tons/annum):					
4. Vents					
4.1 How many vents does your facility have that could contain organic solvents?					
4. Recycling					
What quality of solvent, if any, is recycled (tonnes per annum)?					

DEPARTMENT OF SOCIAL DEVELOPMENT

NO. 856

07 AUGUST 2020

VICTIM SUPPORT SERVICES BILL, 2020
INVITATION TO COMMENT ON THE VICTIM SUPPORT SERVICES BILL, 2020

The Department of Social Development hereby invites any interested person or body to provide written comments on Victim Support Services Bill, 2020 as contained in the Schedule hereto. The Memorandum on the objects of the Bill and the Bill may be accessed on the Departmental website: www.dsd.gov.za or from **Government Notice No. 43528 Government Gazette, 17 JULY 2020.**

The closing date for comments is 60 calendar days from the date of publication of this notice in the Gazette. All comments must be submitted in the format indicated below:

NAME AND CONTACT DETAILS:

[Please provide the name of the person or body who submits the comment and contact details, preferably email address]

CLAUSE COMMENTED ON [Please indicate which particular clause of the Bill the comments relate to]	PROPOSAL [Please provide a clear proposal on how the particular clause should be amended]	MOTIVATION [Please provide detailed motivation for the proposed amendment]

Comments must be submitted to:

by Post:

The Director-General: Department of Social Development
 Private Bag X901
 Pretoria
 0001;

by Hand:

The Director-General: Department of Social Development
 Human Sciences Research Council Building
 134 Pretorius Street
 Pretoria;

by Email:

Ms Siza Magangoe or Luyanda Mtshotshisa or Ms Anna Sithole @ SizaM@dsd.gov.za or LuyandaMt@dsd.gov.za or AnnaS@dsd.gov.za

Ms Lindiwe Zulu (Member of Parliament)
Minister of Social Development

DEPARTMENT OF TRADE, INDUSTRY AND COMPETITION

NO. 857

07 AUGUST 2020



NOTICE IN TERMS OF REGULATION 3 (7) OF THE REGULATIONS ON COLLECTING SOCIETIES, JUNE 2006 (COPYRIGHT ACT, 1978 AND PERFORMERS PROTECTION ACT, 1967)

1. Notice is hereby given of the non-renewal of Independent Music Performance Rights Association (IMPRA)'s accreditation to act as a representative Collecting Society by Companies and Intellectual Property Commission (CIPC).
2. The Regulations on Collecting Societies in the Music Industry came into effect on 01 June 2006 with CIPC as Accrediting Authority and Supervisor.
3. The effective date of this notice will be the date of publication in the Government Gazette.

ADV RORY VOLLER

COMMISSIONER: COMPANIES AND INTELLECTUAL PROPERTY COMMISSION
(CIPC)

...22.../...07.../ 2020

ISO 9001: 2008 Certified
The dti Campus (Block F - Entfufukweni), 77 Meintjies Street, Sunnyside, Pretoria | P O Box 429, Pretoria, 0001
Call Centre: 086 100 2472
Email: kpetje@cipc.co.za. Website: www.cipc.co.za



GENERAL NOTICES • ALGEMENE KENNISGEWINGS

DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT**NOTICE 419 OF 2020****AGRICULTURAL PRODUCT STANDARDS ACT, 1990 (ACT No. 119 OF 1990)****NOTICE: REPLACING OF DESIGNATED ASSIGNEE'S NAME**

The name "Agency for Food Safety (Pty) Ltd" referred to in Notice No. 7 of 2017, published in Government Gazette No. 40545 of 13 January 2017, is hereby replaced by the registered company name, namely "Food Safety Agency (Pty) Ltd".

BILLY MALOSE MAKHAFOLA**Executive Officer: Agricultural Product Standards**

**DEPARTMENT OF HUMAN SETTLEMENTS
NOTICE 420 OF 2020**

**NORTH WEST PROVINCIAL
DEPARTMENT OF HUMAN SETTLEMENTS(FEBRUARY 2020)**

**ALLOCATION, OTHER THAN AN ALLOCATION NOT INCLUDED IN ANY
SCHEDULE OF THE DIVISION OF REVENUE ACT, 2018 (DORA). ACT NO.1 OF
2018**

Notice is hereby given in the Provincial Gazette that the Accounting Officer of the Department of Human Settlements intends to make allocations as per attached Schedule, in terms of Section (12) and (30) of the DoRA Act, 2018, Act No 1 of 2018; to Matlosana local Municipality. In terms of the Act any transfer to municipalities must be published in the Provincial gazette. The allocation referred to herein is a conditional grant to provide financial assistance to the existing N12 National Catalytic Human Settlements Project, and the expenditure therefore must be within this project and as may be determined from time to time by the Provincial transferring Department and the receiving Municipality.

The Department shall therefore give such technical and other general assistance as it may be able to provide in order to facilitate the effective implementation of the project within a stipulated period.

SOUTH AFRICAN RESERVE BANK**NOTICE 421 OF 2020****THE BANKS ACT, 1990 (ACT NO. 94 OF 1990 – THE BANKS ACT)****WITHDRAWAL OF AUTHORISATION GRANTED IN TERMS OF SECTION 18A OF THE BANKS ACT TO
CONDUCT THE BUSINESS OF A BANK BY MEANS OF A BRANCH IN THE REPUBLIC OF SOUTH
AFRICA – CANARA BANK**

Notice is hereby given, for general information, in accordance with the provisions of section 30(1)(b)(ii) of the Banks Act that the authorisation granted to Canara Bank, by the erstwhile Registrar of Banks, to conduct the business of a bank by means of a branch in the Republic of South Africa was withdrawn with effect from 9 June 2020.

SOUTH AFRICAN RESERVE BANK**NOTICE 422 OF 2020****THE BANKS ACT, 1990 (ACT NO. 94 OF 1990 – THE BANKS ACT)****WITHDRAWAL OF AUTHORISATION GRANTED IN TERMS OF SECTION 18A OF THE BANKS ACT TO
CONDUCT THE BUSINESS OF A BANK BY MEANS OF A BRANCH IN THE REPUBLIC OF SOUTH
AFRICA – BANK OF BARODA**

Notice is hereby given, for general information, in accordance with the provisions of section 30(1)(b)(ii) of the Banks Act that the authorisation granted to Bank of Baroda, by the erstwhile Registrar of Banks, to conduct the business of a bank by means of a branch in the Republic of South Africa was withdrawn with effect from 30 June 2020.

SOUTH AFRICAN RESERVE BANK**NOTICE 423 OF 2020****THE BANKS ACT, 1990 (ACT NO. 94 OF 1990 – THE BANKS ACT)****WITHDRAWAL OF AUTHORISATION GRANTED IN TERMS OF SECTION 18A OF THE BANKS ACT TO
CONDUCT THE BUSINESS OF A BANK BY MEANS OF A BRANCH IN THE REPUBLIC OF SOUTH
AFRICA – BANK OF INDIA**

Notice is hereby given, for general information, in accordance with the provisions of section 30(1)(b)(ii) of the Banks Act that the authorisation granted to Bank of India, by the erstwhile Registrar of Banks, to conduct the business of a bank by means of a branch in the Republic of South Africa was withdrawn with effect from 30 June 2020.

SOUTH AFRICAN RESERVE BANK
NOTICE 424 OF 2020
Notice and Order of Forfeiture

Notice of Forfeiture to the State of money in terms of the provisions of Exchange Control Regulation 22B made under Section 9 of the Currency and Exchanges Act, 1933 (Act No. 9 of 1933), as amended, as promulgated by Government Notice No. R.1111 of 1961-12-01 in respect of the money of:

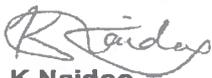
Phoenix WTE (Pty) Limited
(Registration number 2014/114985/07)

of:

29 Crescent Drive Melrose Arch
Melrose North
Johannesburg
Gauteng
2076

Be pleased to take notice that:

1. The Minister of Finance has, by virtue of the provisions of Exchange Control Regulation 22E delegated all the functions and/or powers conferred upon the Treasury by the provisions of the Exchange Control Regulations [with the exception of the functions and/or powers conferred upon the Treasury by Exchange Control Regulations 3(5) and (8), 20 and 22, but which exception does not include the functions and/or powers under Exchange Control Regulations 22A, 22B, 22C and 22D], and assigned the duties imposed thereunder on the Treasury, to, *inter alia*, the Governor or the Deputy Governor of the South African Reserve Bank.
2. By virtue of the functions, powers and/or duties vested in me, in my capacity as the Deputy Governor of the South African Reserve Bank, in terms of the delegation and assignment of the functions, powers and/or duties referred to in 1 above, I hereby give notice of a decision to forfeit to the State the following money and I hereby declare and order forfeit to the State the following money, namely:
 - 2.1 the amount of R313 254.06, in account number 4086263549 held with ABSA Bank Limited standing to the credit of Phoenix WTE (Pty) Limited with company registration number 2014/114985/07, together with any interest thereon and/or other accrual thereto.
3. The date upon which the money specified in 2 above is hereby forfeited to the State is the date upon which this Notice of Forfeiture is published in this Gazette.
4. The money specified in 2 above shall be disposed of by deposit thereof to the National Revenue Fund.
5. This Notice also constitutes a written order, as contemplated in Exchange Control Regulation 22B, in terms of which the money specified in 2 above is hereby forfeited to the State.
6. Signed at Pretoria on this 27th day of July 2020.



K Naidoo
Deputy Governor
South African Reserve Bank

SOUTH AFRICAN RESERVE BANK
NOTICE 425 OF 2020
Notice and Order of Forfeiture

Notice of Forfeiture to the State of money in terms of the provisions of Exchange Control Regulation 22B made under Section 9 of the Currency and Exchanges Act, 1933 (Act No. 9 of 1933), as amended, as promulgated by Government Notice No. R.1111 of 1961-12-01 in respect of the money of:

KPE SA (Pty) Limited
(Registration number 2015/132081/07)

of:

29 Crescent Drive Melrose Arch
Melrose North
Johannesburg
Gauteng
2076

Be pleased to take notice that:

1. The Minister of Finance has, by virtue of the provisions of Exchange Control Regulation 22E delegated all the functions and/or powers conferred upon the Treasury by the provisions of the Exchange Control Regulations [with the exception of the functions and/or powers conferred upon the Treasury by Exchange Control Regulations 3(5) and (8), 20 and 22, but which exception does not include the functions and/or powers under Exchange Control Regulations 22A, 22B, 22C and 22D], and assigned the duties imposed thereunder on the Treasury, to, *inter alia*, the Governor or the Deputy Governor of the South African Reserve Bank.
2. By virtue of the functions, powers and/or duties vested in me, in my capacity as the Deputy Governor of the South African Reserve Bank, in terms of the delegation and assignment of the functions, powers and/or duties referred to in 1 above, I hereby give notice of a decision to forfeit to the State the following money and I hereby declare and order forfeit to the State the following money, namely:
 - 2.1 the amount of R202 191.79, in account number 4086524662 held with ABSA Bank Limited standing to the credit of KPE SA (Pty) Limited with company registration number 2015/132081/07, together with any interest thereon and/or other accrual thereto.
3. The date upon which the money specified in 2 above is hereby forfeited to the State is the date upon which this Notice of Forfeiture is published in this Gazette.
4. The money specified in 2 above shall be disposed of by deposit thereof to the National Revenue Fund.
5. This Notice also constitutes a written order, as contemplated in Exchange Control Regulation 22B, in terms of which the money specified in 2 above is hereby forfeited to the State.
6. Signed at Pretoria on this 27th day of July 2020.



K Naidoo

Deputy Governor
South African Reserve Bank

SOUTH AFRICAN RESERVE BANK
NOTICE 426 OF 2020
Notice and Order of Forfeiture

Notice of Forfeiture to the State of money in terms of the provisions of Exchange Control Regulation 22B made under Section 9 of the Currency and Exchanges Act, 1933 (Act No. 9 of 1933), as amended, as promulgated by Government Notice No. R.1111 of 1961-12-01 in respect of the money of:

Phoenix WTE (Pty) Limited
(Registration number 2014/114985/07)

of:

29 Crescent Drive Melrose Arch
Melrose North
Johannesburg
Gauteng
2076

Be pleased to take notice that:

1. The Minister of Finance has, by virtue of the provisions of Exchange Control Regulation 22E delegated all the functions and/or powers conferred upon the Treasury by the provisions of the Exchange Control Regulations [with the exception of the functions and/or powers conferred upon the Treasury by Exchange Control Regulations 3(5) and (8), 20 and 22, but which exception does not include the functions and/or powers under Exchange Control Regulations 22A, 22B, 22C and 22D], and assigned the duties imposed thereunder on the Treasury, to, *inter alia*, the Governor or the Deputy Governor of the South African Reserve Bank.
2. By virtue of the functions, powers and/or duties vested in me, in my capacity as the Deputy Governor of the South African Reserve Bank, in terms of the delegation and assignment of the functions, powers and/or duties referred to in 1 above, I hereby give notice of a decision to forfeit to the State the following money and I hereby declare and order forfeit to the State the following money, namely:
 - 2.1 the amount of R313 254.06, in account number 4086263549 held with ABSA Bank Limited standing to the credit of Phoenix WTE (Pty) Limited with company registration number 2014/114985/07, together with any interest thereon and/or other accrual thereto.
3. The date upon which the money specified in 2 above is hereby forfeited to the State is the date upon which this Notice of Forfeiture is published in this Gazette.
4. The money specified in 2 above shall be disposed of by deposit thereof to the National Revenue Fund.
5. This Notice also constitutes a written order, as contemplated in Exchange Control Regulation 22B, in terms of which the money specified in 2 above is hereby forfeited to the State.
6. Signed at Pretoria on this 27th day of July 2020.



K Naidoo
Deputy Governor
South African Reserve Bank

DEPARTMENT OF TRADE, INDUSTRY AND COMPETITION
NOTICE 427 OF 2020

INTERNATIONAL TRADE ADMINISTRATION COMMISSION

**NOTICE OF INITIATION OF A SUNSET REVIEW OF THE ANTI-DUMPING DUTIES ON
WHEELBARROWS ORIGINATING IN OR IMPORTED FROM THE PEOPLE'S
REPUBLIC OF CHINA (PRC)**

In accordance with the provisions in section 53.1 of the Anti-Dumping Regulations (ADR), any definitive anti-dumping duty shall be terminated on a date not later than five years from its imposition, unless the authorities determine, in a review initiated before that date on their own initiative or upon a duly substantiated request made by or on behalf of the domestic industry within a reasonable period of time prior to that date, that the expiry of the duty would be likely to lead to continuation or recurrence of dumping and material injury.

On 24 May 2019, the International Trade Administration Commission of South Africa (the Commission) notified the interested parties through Notice No. 284 of 2019 in Government Gazette No. 42474, that unless a substantiated request is made by the Southern African Customs Union (SACU) industry indicating that the expiry of the anti-dumping duties against imports of wheelbarrows originating in or imported from the People's Republic of China (PRC) would likely lead to the continuation or recurrence of dumping and material injury, the anti-dumping duties on wheelbarrows originating in or imported from the PRC will expire on 03 September 2020.

A detailed response to the Commission's sunset review questionnaire was received from Ussher Inventions (Pty) Ltd (t/a Lasher Tools) on 04 March 2020.

THE APPLICANT

The application was lodged by Lasher Tools supported by Pabar(Pty) Ltd. Lasher Tools represents a major percentage of the SACU production volume of the subject product.

THE PRODUCT

The product allegedly being dumped is wheelbarrows classifiable under tariff subheading 8716.80.10 originating in or imported from the PRC.

THE ALLEGATION OF THE CONTINUATION AND/OR RECURRENCE OF DUMPING

The allegation of the continuation of dumping is based on the comparison between the normal value and the export price in the PRC.

Normal value

The applicant determined the normal value based on the domestic price in the People's Republic of China. The applicant provided a purchase order sourced from a manufacturer of the subject product to substantiate the domestic price in the PRC.

Export price

The applicant used the import statistics obtained from the South African Revenue Services (SARS) to determine the export price for the PRC.

On this basis, the Commission found that there was *prima facie* proof indicating that the expiry of the anti-dumping duties would likely lead to the continuation and/or recurrence of dumping of the subject product originating in or imported from the PRC.

THE ALLEGATION OF CONTINUATION AND/OR RECURRENCE OF MATERIAL INJURY

The applicant alleged and submitted *prima facie* evidence to indicate that the expiry of the anti-dumping duties would likely lead to continuation and/or recurrence of material injury in the form of price undercutting and price suppression. The applicant information further indicated that it would experience a decline in sales volume and value, output, productivity, market share, profits, net cashflow, growth, return on investment and capacity utilisation.

On this basis, the Commission found that there was *prima facie* proof indicating that the expiry of the anti-dumping duties would likely lead to the continuation and/or recurrence of material injury.

PERIOD OF INVESTIGATION

The period of investigation for dumping is from 01 July 2018 to 30 June 2019. The period of investigation for injury is from 01 July 2016 to 30 June 2019 and estimates should the anti-dumping duties be removed.

PROCEDURAL FRAMEWORK

Having decided that there is sufficient evidence and a *prima facie* case to justify the initiation of a sunset review investigation, the Commission has begun an investigation in terms of section 16 of the International Trade Administration Act, 2002 (the ITA Act). The Commission will conduct its investigation in accordance with the relevant sections of the ITA Act, and the Anti-Dumping Regulations of the International Trade Administration Commission of South Africa (ADR) giving due regard to the World Trade Organisation Agreement on Implementation of Article VI of the GATT 1994 (the Anti-Dumping Agreement). Both the ITA Act and the ADR are available on the Commission's website (www.itac.org.za) or from the Trade Remedies section, on request.

In order to obtain the information it deems necessary for its investigation, the Commission will send non-confidential versions of the application and questionnaires to all known importers and exporters, and known representative associations. The trade representative of the exporting country has also been notified. Importers and other interested parties are invited to contact the Commission as soon as possible in order to determine whether they have been listed and were furnished with the relevant documentation. If not, they should immediately ensure that they are sent the necessary documents. The questionnaire has to be completed and any other representations must be made within the time limit set out below.

CONFIDENTIAL INFORMATION

Please note that if any information is considered to be confidential then a non-confidential version of the information must be submitted for the public file, simultaneously with the confidential version. In submitting a non-confidential version the following rules are strictly applicable and parties must indicate:

- where confidential information has been omitted and the nature of such information;
- reasons for such confidentiality;
- a summary of the confidential information which permits a reasonable understanding of the substance of the confidential information; and
- in exceptional cases, where information is not susceptible to summary, reasons must be submitted to this effect.

This rule applies to all parties and to all correspondence with and submissions to the Commission, which unless indicated to be confidential and filed together with a non-confidential version, will be placed on the public file and be made available to other interested parties.

If a party considers that any document of another party, on which that party is submitting representations, does not comply with the above rules and that such deficiency affects that party's ability to make meaningful representations, the details of the deficiency and the reasons why that party's rights are so affected must be submitted to the Commission in writing forthwith (and at the latest 14 days prior to the date on which that party's submission is due). Failure to do so timeously will seriously hamper the proper administration of the investigation, and such party will not be able to subsequently claim an inability to make meaningful representations on the basis of the failure of such other party to meet the requirements.

Subsection 33(1) of the ITA Act provides that any person claiming confidentiality of information should identify whether such information is *confidential by nature* or is *otherwise confidential* and, any such claims must be supported by a written statement, in

each case, setting out how the information satisfies the requirements of the claim to confidentiality. In the alternative, a sworn statement should be made setting out reasons why it is impossible to comply with these requirements.

Section 2.3 of the ADR provides as follows:

“The following list indicates “information that is by nature confidential” as per section 33(1)(a) of the Main Act, read with section 36 of the Promotion of Access to Information Act (Act 2 of 2000):

- (a) management accounts;*
- (b) financial accounts of a private company;*
- (c) actual and individual sales prices;*
- (d) actual costs, including cost of production and importation cost;*
- (e) actual sales volumes;*
- (f) individual sales prices;*
- (g) information, the release of which could have serious consequences for the person that provided such information; and*
- (h) information that would be of significant competitive advantage to a competitor; Provided that a party submitting such information indicates it to be confidential.”*

PROCEDURES AND TIME LIMITS

The Senior Manager: Trade Remedies II, should receive all responses, including non-confidential responses, not later than 30 days from the date hereof, or from the date on which the letter accompanying the abovementioned questionnaire was received. The said letter shall be deemed to have been received seven days after the day of its dispatch.

Late submissions will not be accepted except with the prior written consent of the Commission. The Commission will give due consideration to written requests for an extension of not more than 14 days on good cause shown (properly motivated and substantiated), if received prior to the expiry of the original 30 day period. Merely citing insufficient time is not an acceptable reason for extension. Please note that the Commission will not consider requests for extension by the Embassy on behalf of exporters.

The information submitted by any party may need to be verified by the Investigating Officers in order for the Commission to take such information into consideration.

The Commission may verify the information at the premises of the party submitting the information, within a short period after the submission of the information to the Commission. Parties should therefore ensure that the information submitted would subsequently be available for verification. It is planned to do the verification of the information submitted by the exporters within three to five weeks subsequent to submission of the information. It should be noted that unavailability of, or inconvenience to consultants will not be considered to be good cause.

Parties should also ensure when they engage consultants that they will be available at the requisite times, to ensure compliance with the above time frames. Parties should also ensure that all the information requested in the applicable questionnaire is provided in the specified detail and format. The questionnaires are designed to ensure that the Commission is provided with all the information required to make a determination in accordance with the rules of Anti-Dumping Agreement. The Commission may therefore refuse to verify information that is incomplete or does not comply with the format in the questionnaire, unless the Commission has agreed in writing to a deviation from the required format. Failure to submit an adequate non-confidential version of the response that complies with the rules set out above under the heading *Confidential Information* will be regarded as an incomplete submission.

Parties, who experience difficulty in furnishing the information required, or submitting in the format required, are therefore urged to make written applications to the Commission at an early stage for permission to deviate from the questionnaire or provide the information in an alternative format that can satisfy the Commission's requirements. The Commission will give due consideration to such a request on good cause shown.

Any interested party may request an oral hearing at any stage of the investigation in

accordance with Section 5 of the ADR, provided that the party indicates reasons for not relying on written submission only. The Commission may refuse an oral hearing if granting such hearing will unduly delay the finalisation of a determination.

Parties requesting an oral hearing shall provide the Commission with a detailed agenda for, and a detailed version, including a non-confidential version, of the information to be discussed at the oral hearing at the time of the request.

If the required information and arguments are not received in a satisfactory form within the time limit specified above, or if verification of the information cannot take place, the Commission may disregard the information submitted and make a finding on the basis of the facts available to it.

ADDRESS

The response to the questionnaire and any information regarding this matter and any arguments concerning the allegation of dumping and the resulting threat of material injury must be submitted in writing to the following address:

Physical address

The Senior Manager: Trade Remedies II
International Trade Administration Commission
Block E – The DTI Campus
77 Meintjies Street
SUNNYSIDE
PRETORIA
SOUTH AFRICA

Postal address

The Senior Manager
Trade Remedies II
Private Bag X753
PRETORIA
0001
SOUTH AFRICA

Enquiries may be directed to the investigating officers, Ms. Thuli Nkomo: tnkomo@itac.org.za or Ms. Portia Chuma: pchuma@itac.org.za.

DEPARTMENT OF TRADE, INDUSTRY AND COMPETITION
NOTICE 428 OF 2020

BROAD-BASED BLACK ECONOMIC EMPOWERMENT ACT, 53 OF 2003, AS AMENDED

**DETERMINATION OF THE ADDRESS OF THE BROAD-BASED BLACK ECONOMIC
EMPOWERMENT COMMISSION ("B-BBEE COMMISSION")**

I, Ms Zodwa Ntuli, Commissioner, duly authorised to act for the B-BBEE Commission, hereby determine the address of the B-BBEE Commission in terms of regulation 3 (3) of the B-BBEE Regulations issued pursuant to section 14 of the Broad-Based Black Economic Empowerment Act (Act 53 of 2003), as amended, for wider public information.

Any communication to the B-BBEE Commission, or to any member of the staff, may be delivered to the following address effective from **17 August 2020**:

Physical Address:

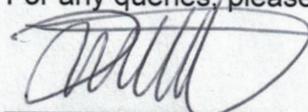
the dtic Campus
Block E, 2nd Floor
77 Meintjies Street
Sunnyside
Pretoria
0002

Postal Address:

Private Bag X31
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0001

E-mail Address: mramare@beecommission.gov.za

For any queries, please contact the B-BBEE Commission at **+27 82 903 6398**.



MS. ZODWA NTULI
COMMISSIONER

15 July 2020

BOARD NOTICES • RAADSKENNISGEWINGS

BOARD NOTICE 91 OF 2020**Final Guideline Professional Fees issued in terms of Section 34 (2) of the Architectural Profession Act, 2000 Act 44 of 2000**

The guideline professional fees indicated in table 1, 2, 3 and 4 below must be read in the context of the Framework Guideline Professional Fees. The guidelines professionals' fees repeal Board Notice 121 & 122 of 2015. Guidelines professional fees describe the two methods of fee calculation: project cost based and time based. Both methods use the definitions of complexity of the project type derived from the SACAP Identification of Work (IDOW) as set out below:

- 1) **“Low complexity projects”** means simple buildings or groups of buildings in an uncomplicated grouping with low impact on the environment:

These are structures with low performance requirements. Structures of simple utilitarian character, design and detail. The structures are constructed utilizing standard low technology building methods. They require a minimum of mechanical and electrical services or equipment, and basic civil works infrastructure;

- 2) **“Medium complexity projects”** means buildings or groups of buildings in a relatively uncomplicated grouping with a medium impact on its environs:

These are structures with medium performance requirements. The structures are of average character and design or detail. The structures require non-complex structural and civil works and an average level of mechanical or electrical equipment as could normally be handled by design- supply specialist contractors;

- 3) **“High complexity projects”** means a building or buildings in a large or complicated grouping with a significant impact on its environs:

These are structures with high performance requirements and demanding a sophisticated level of design and detail content to respond to specialized requirements. Complex buildings will usually incorporate comparatively large or specialised mechanical, electrical and other specialist installations, or be of complex structural or civil design;

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METHOD 1: Project Cost Based Fee

The project cost-based fee in Tables 1-3 is based on the full scope of standard services provided.

Table 1: Low Complexity

LOW COMPLEXITY					
Cost Bracket	Value of works		Primary Fee	Plus, secondary fee	
	From	To		Add %	On balance over
	A	B	C	D	E
1.	1,00	200 000,00	14 400,00	11,20%	1,00
2.	200 001,00	650 000,00	36 799,89	10,80%	200 001,00
3.	650 001,00	2 000 000,00	85 399,78	9,60%	650 001,00
4.	2 000 001,00	4 000 000,00	214 999,68	8,40%	2 000 001,00
5.	4 000 001,00	6 500 000,00	382 999,60	8,00%	4 000 001,00
6.	6 500 001,00	13 000 000,00	582 999,52	7,60%	6 500 001,00
7.	13 000 001,00	40 000 000,00	1 076 999,44	7,20%	13 000 001,00
8.	40 000 001,00	130 000 000,00	3 020 999,37	6,80%	40 000 001,00
9.	130 000 001,00	260 000 000,00	9 140 999,30	6,60%	130 000 001,00
10.	260 000 001,00	520 000 000,00	17 720 999,24	6,40%	260 000 001,00
11.	520 000 001,00	1 040 000 000,00	34 360 999,17	6,20%	520 000 001,00
12.	1 040 000 001,00		66 600 999,11	6,00%	1 040 000 001,00

Table 2: Medium Complexity

MEDIUM COMPLEXITY					
Cost Bracket	Value of works		Primary Fee	Plus, secondary fee	
	From	To		Add %	On balance over
	A	B	C	D	E
1.	1,00	200 000,00	18 173,66	14,14%	1,00
2.	200 001,00	650 000,00	46 443,65	13,63%	200 001,00
3.	650 001,00	2 000 000,00	107 779,60	12,12%	650 001,00
4.	2 000 001,00	4 000 000,00	271 342,39	10,60%	2 000 001,00
5.	4 000 001,00	6 500 000,00	483 368,27	10,10%	4 000 001,00
6.	6 500 001,00	13 000 000,00	735 780,06	9,59%	6 500 001,00
7.	13 000 001,00	40 000 000,00	1 359 237,34	9,09%	13 000 001,00
8.	40 000 001,00	130 000 000,00	3 812 680,86	8,58%	40 000 001,00
9.	130 000 001,00	260 000 000,00	11 536 484,71	8,33%	130 000 001,00
10.	260 000 001,00	520 000 000,00	22 364 954,85	8,08%	260 000 001,00
11.	520 000 001,00	1 040 000 000,00	43 365 624,30	7,82%	520 000 001,00
12.	1 040 000 001,00		84 054 421,44	7,57%	1 040 000 001,00

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Table 3: High Complexity

HIGH COMPLEXITY					
Cost Bracket	Value of works		Primary Fee	Plus, secondary fee	
	From	To		Add %	On balance over
	A	B	C	D	E
1.	1,00	200 000,00	21 600,00	16,80%	1,00
2.	200 001,00	650 000,00	55 199,83	16,20%	200 001,00
3.	650 001,00	2 000 000,00	128 099,67	14,40%	650 001,00
4.	2 000 001,00	4 000 000,00	322 499,53	12,60%	2 000 001,00
5.	4 000 001,00	6 500 000,00	574 499,40	12,00%	4 000 001,00
6.	6 500 001,00	13 000 000,00	874 499,28	11,40%	6 500 001,00
7.	13 000 001,00	40 000 000,00	1 615 499,17	10,80%	13 000 001,00
8.	40 000 001,00	130 000 000,00	4 531 499,06	10,20%	40 000 001,00
9.	130 000 001,00	260 000 000,00	13 711 498,96	9,90%	130 000 001,00
10.	260 000 001,00	520 000 000,00	26 581 498,86	9,60%	260 000 001,00
11.	520 000 001,00	1 040 000 000,00	51 541 498,76	9,30%	520 000 001,00
12.	1 040 000 001,00		99 901 498,67	9,00%	1 040 000 001,00

Method of Fee Calculation

- Primary Fee (C) for applicable Cost Bracket of Value of Works.
- Secondary Fee (D) for applicable Cost Bracket of Value of Works.
- Calculated as (Applicable Value of Works minus Column E) x % in terms of Column D.

Example: Fee Calculations – From tables above.

Complexity	Low Complexity	Medium Complexity	High Complexity
Value of Works	R 3 000 000	R 3 000 000	R 3 000 000
Primary Fee	R214 999,68	R271 342,39	R 322 499,53
Secondary Fee	(R 3 000 000 - R 2 000 001) x 8.40% R 999 999 x 8.40% R 83 999,92	(R 3 000 000 - R 2 000 001) x 10.60% R 999 999 x 10.60% R 105 999,89	(R 3 000 000 - R 2 000 001) x 12.60% R 999 999 x 12.60% R 125 999,89
Professional Fee	Primary Fee + Secondary Fee R214 999.68+ R83 999.92 R 298 999.60	Primary Fee + Secondary Fee R 271342.39+ R 105999.89 R 377 642.28	Primary Fee + Secondary Fee R 322 499.53 + R 125 999,87 R 448 499,40

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METHOD 2: Time Based Fee

Description – Estimate the number of hours needed to carry out the agreed scope of work using the table below and the preferred method.

Table 4: Hourly Rates Table

Principal / Staff Category	Experience/ Work Context	Rate Per Hour (excluding VAT)	Rate Per Hour (excluding VAT)	Rate Per Hour (excluding VAT)
		Method 1 - Gross Annual Remuneration	Method 2 - Guideline Rate Calculated by SACAP	Method 3 - DPSA Hourly Fee Rates for Consultants
1. Principal; Partners & Equity Holders	Specialist	22.5% per R100.00 or part thereof of total annual cost of employment	R2520	Commensurate with Level 14, 15 and 16 salary bands
	>10 years' experience	20% per R 100.00 or part thereof of total annual cost of employment	R2025	Commensurate with Level 14 and 15 salary bands
	<10 years' experience	18.5% per R100.00 or part thereof of total annual cost of employment	R 1515	Commensurate with Level 12, 13, 14 salary bands.
2a. Salaried Staff	Associates and managers	17.5% per R100.00 or part thereof of total annual cost of employment	R 1080	Commensurate with Level 11, 12, 13 salary bands
2b. Salaried Staff	Registered architectural professionals performing work of an architectural nature and carrying direct responsibilities for activities related to a project	16.5% per R100.00 or part thereof of total annual cost of employment	R 730	Commensurate with Level 9, 10, 11, 12 salary bands
2c. Salaried Staff	Registered architectural professionals performing work of an architectural nature under direction and control.	15% per R 100.00 or part thereof of total annual cost of employment	R 435	Commensurate with Level 7, 8, 9, 10 salary bands
2d. Salaried Staff	Staff performing work under direction and control to support architectural work outputs	12.5% per R100.00 or part thereof of total annual cost of employment	R 310	Commensurate with Level 6, 7, 8 salary bands

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Guidelines of reimbursement of expenses

Disbursement Expense Item	Guiding Principle for disbursements expenses
Specialised Professional and other services	
Payments made on behalf of client for fees and other charges for specialized professional and other services.	At cost plus, a minimum of 10% for attendance where a project cost-based fee applies and/or where there is no time-based reimbursement for attendance.
Travel	
Travel time	For a time-based fee, rates issued by the Department of Public Works, or similar.
	For a project cost-based fee, 100% of hourly rate for travel greater than 30 minutes and 50km per trip (being 1 hours and 100km per return trip) or as negotiated between the client and the architectural professional.
Travel mileage	Rates for reimbursable expenses issued by the National Department of Public Works and Infrastructure, or the disbursement tariffs issued by the National Department of Transport, or employee guidelines issued by the South African Revenue Services, or the vehicle rates calculator of the Automobile Association (AA), or similar.
Parking	At cost
Toll fees	
Car hire	
Airfare	
Train	
Bus	
Taxi	
Substance	
Accommodation	At cost, as per the standard prescribed by the client, at least a 3 stars hotel/lodge
Subsistence allowance	Rates for Reimbursable Expenses' issued by the National Department of Public Works and Infrastructure, or the disbursement tariffs issued by the
Special daily allowance	

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	National Department of Transport, or employee guidelines issued by the South African Revenue Services, or similar.
Postage	
Postage	At cost
Special postage	At cost plus a minimum of 10% attendance where project cost- based fee applies and/or where there is no time-based reimbursement for attendance.
Courier	
Documentation	
Typing of original/master per A4	Rates for Reimbursable Expenses' issued by the National Department of Public Works and Infrastructure, or the disbursement tariffs issued by the National Department of Transport, or similar.
Duplicating on white paper (A3 & A4 sizes)	
Duplicating on colored paper (A3 & A4 sizes)	
Duplicating in colour (A3 & A4 sizes)	
Document binding	
Duplicating of drawings (A3 to A0 sizes)	
Plotting on 80g plain paper (A3 to A0 sizes)	
Plotting on 80g plain paper in colour (A3 to A0 sizes)	
Plotting on quality paper (A3 to A0)	
Plotting on quality paper in colour (A3 to A0)	
Purchase of document required for the project	
Removal, portable data storage medium with project-related information	
Special Quotes	
Maps	At cost, plus a minimum of 10% for attendance where a project cost base fee applies and/or where there is no time-based reimbursement for attendance.
Models	
Presentation materials	
Photography	
Artwork	
Other	
Any other disbursement requested by and/or agreed to by the client.	At cost, plus a minimum of 10% for attendance where a project cost base fee applies and/or where there is no time-based reimbursement for attendance.

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Project complexity

“**Project complexity**” is as defined below and is to be read in conjunction with **Schedule 1: Complexity Ratings of Building Types**:

- 4) “**low complexity projects**” means simple buildings or groups of buildings in an uncomplicated grouping with low impact on its environment:

These are structures with low performance requirements, of simple utilitarian character, design and detail, and constructed utilizing standard low technology building methods. They require a minimum of mechanical and electrical services or equipment, and basic civil works infrastructure;

- 5) “**medium complexity projects**” means buildings or groups of buildings in a relatively uncomplicated grouping with a medium impact on its environs:

These are structures with medium performance requirements, of average character and design or detail, which require non-complex structural and civil works and an average level of mechanical or electrical equipment as could normally be handled by design- supply specialist contractors;

- 6) “**high complexity projects**” means a building or buildings in a large or complicated grouping with a significant impact on its environs:

These are structures with high performance requirements and demanding a sophisticated level of design and detail content to respond to specialized requirements. Complex buildings will usually incorporate comparatively large or specialised mechanical, electrical and other specialist installations, or be of complex structural or civil design;

These project **complexity factors** are applied to various categories of buildings, building types and the relevant National Building Regulation A20 ¹class of occupancy of buildings, as per **Schedule 1** below.

It is important to note that the occupancy/building classification according to National Building Regulations A20 are co-related to building types for ease of reference only, and it is the project **complexity factors** which determine the **complexity rating** of the relevant building types.

¹ The determination of a building type and its Occupancy/building classification for a professional’s project will be determined in conjunction between the local authority, the professional and the client.

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Schedule 1: Complexity Ratings of Building Types

Category	Building types:	Occupancy classification	High complexity ²	Medium complexity ³	Low complexity ⁴
			A	B	C
Agriculture	Barns and sheds	D3, J3			
	Stables	D3, J3			
	Animal Breeding units	D2			
Commercial	Speculative shops	B1, B2			
	Surface car parks	B3			
	Multi-storey/underground car parks	J4			
	Supermarkets	B1, B2, F1			
	Banks	G1			
	Purpose-built shops	B1, B2, F1, F2			
	Office developments	G1			
	Retail warehouses	F3, J1, J2			
	Garages/showrooms	B1, B2, F3			
	Department stores	B2			
	Shopping centres	B1, B2			
	Food processing units	D1, D2			
	Breweries	D1			
	Telecommunications/computer buildings	D4, G1			
	Restaurants	B1, B2, F1, F2			

² As defined under “high complexity projects”

³ As defined under “medium complexity projects”

⁴ As defined under “low complexity projects”

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Category	Building types:	Occupancy classification	High complexity ²	Medium complexity ³	Low complexity ⁴
			A	B	C
	High-risk research/product ion	B1, D1			
	Research/development labs	B1, D1			
	Radio/TV/recording studios	B1			
Community	Community halls	A1			
	Community centres	A1			
	Branch libraries	C2			
	Fire stations/Ambulance	A1			
	Bus stations	A1			
	Railway stations	A1			
	Airports	A1			
	Police stations	A1			
	Prisons	E1			
	Postal buildings	A1			
	Broadcasting	A1			
	Civic centres	A1			
	Religious and crematoria	A4			
	Specialist libraries	C2			
	Museums and art galleries	C2			
	Sheriff courts	A1			
	Courts of session	A1			
	Theatres	A2			
	Opera houses	A2			
	Concert halls	A2			

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Category	Building types:	Occupancy classification	High complexity ²	Medium complexity ³	Low complexity ⁴
			A	B	C
	High courts	A1			
Educational	Nursery/first schools	A3			
	Primary school	A3			
	Secondary school	A3			
	University complexes	A3			
	University laboratories	A3			
Industrial	Speculative factories and warehouses	D1, D2			
	Assembly/machine workshops	D1, D2			
	Transport garages	J1, J2, J4			
	Purpose-built factories	D1, D2			
Medical Social Services	Clinics	E2			
	Health centres	E2			
	General hospitals	E2			
	Nursing homes	E4			
	Surgeries (Doctors consulting rooms)	E2, G1			
	Teaching hospitals	E2			
	Hospitals	E2			
	Laboratories	E2			
	Dental surgeries (Dentists consulting rooms)	E2, G1			

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Category	Building types:	Occupancy classification	High complexity ²	Medium complexity ³	Low complexity ⁴
			A	B	C
Recreational	Sports halls	A2			
	Squash courts	A2			
	Swimming pools	A2, A5			
	Leisure complexes	A1, A2, A5			
	Specialised complexes	A1, A2, B1, C1, C2, D1, H1			
Residential	Dormitory/hostels	H2			
	State-Aided Housing	H2, H3, H4			
	Barracks	H2, H3, H4			
	Student housing	H2, H3, H4			
	Private Apartment blocks	H3			
	Hotels	H1			
	Hospitality, B+B, guesthouses and self-catering units	H5			
	Special Needs Housing	E3, E4, H2, H3, H4			
	Housing for the frail and elderly	E3, E4			
	Single Dwelling Unit	H4			

South African Council for the Architectural Profession**BOARD NOTICE****Final Framework for guidelines professional fees in respect of architectural services rendered by the registered architectural professionals.****1. Introduction**

- a) In terms of section 34 (2) of the Architectural Profession Act 44 of 2000 the South African Council for the Architectural Profession, hereafter referred to as SACAP, must annually, after consultation with the Voluntary Associations, determine guideline professional fees and publish those fees in the *Gazette*.
- b) The Guideline professional fees shall be in line with the principles referred to in section 4(k)(v) of the Council for the Built Environment Act 43 of 2000 which stipulate that “the principles upon which Council must base guideline professional fees should be in accordance with any legislation relating to the promotion of competition”.
- c) The guideline professional fees as published annually by SACAP in the Government Gazette is a guideline only and does not amount to direct or indirect price fixing. The guideline professional fee is deemed to provide a fair and reasonable remuneration to the architectural professional in order to provide an appropriate level and quality of service in terms of the Standard of Service.

2. Purpose

- a) The Council of the Built Environment (CBE) **Policy Framework on determination and review of guideline professional fees for built environment professions** stipulates that the guideline professional fees are determined and published as a guide only and not as prescribed fees which registered professionals are entitled to charge.
- b) Guideline professional fees are, for the purpose of guidance required to promote market efficiency and redress consumers and the public information deficit, relative to the professional’s knowledge and expertise. The guideline

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professional fees are not prescribed or set as maximum or minimum mandatory fees to be charged for professional services rendered, but serve as guideline.

3. Principles

- a) The guideline professional fees are based on cost of works as per fee survey undertaken by the profession in 2018/19. As per the **CBE Policy Framework on determination and review of guideline professional fees for built environment professions**, the guideline professional fees take into consideration reasonable rate of return on investment, intellectual capital, effort and, most importantly, risk.
- b) The guideline professional fees tables have been split into 3 complexities to align with the Identification of Work.
- c) The guideline professionals fee tables represent the fees for a full service by a hypothetical average sized architectural practice, practising in a responsible and sustainable manner. This means that the tables are not meant to fit any one specific project perfectly and, in almost all cases, should be adjusted up or down in relation to specific project conditions.
- d) Unless otherwise agreed, in writing, by the architectural professional, the information produced in relation to a single project is authorised for use only on that project and may not be used for another project, in whole or in part.
- e) The guideline professional fees are expressly not suitable for use in a basket of professional fees calculation, where all professional fees are reduced to fit a required overall fee basket. Reduction of fees in this manner, without due regard to a concurrent agreed reduction of service, is strongly discouraged because the quality of service will be impacted negatively to the detriment of a client.

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4. General provisions

The guideline professional fees published under Gazette No. 38863, 12 June 2015 under board notice 121 & 122 are hereby repealed. The provisions of previous board notice shall only apply in respect of existing projects. The new board notice shall apply to all new projects.

5. Definitions and interpretations

In this document, unless the context otherwise indicates, an expression or word hereunder shall mean:

SACAP means the South African Council for the Architectural Profession;

Act means the Architectural Profession Act, 2000 (Act No. 44 of 2000);

Agreement means a written agreement between a client and the registered professional;

Alteration in terms of Clause 23 means a change in a building or facility that affects or could affect the usability of a building or facility or portion thereof;

Addition in terms of Clause 24 means projects that increase, expand, or extend a facility's gross floor area or height of a facility are considered additions.

Registered Person means a person registered in one of the categories of professionals and candidates referred to in section 18 of the Act;

Architectural professional means a person registered in one of the categories of professionals referred to in section 19(2)(a) and (b);

Architectural Practice means a juristic person appointed to provide the architectural service for the project;

Board notice means the notice containing the guidelines professional fees which, in terms of section 34(2) of the act, is published annually by SACAP in the Government Gazette;

Budget means the anticipated cost of the project and/or works, provided that estimates on which the budget is based shall be deemed to be valid for a period not exceeding 3 months;

Building contract means the Joint Building Contracts Committee (JBCC) Principal Building Agreement or any other building contract entered into between the client and the contractor;

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Client means the party appointing the architectural professional or practice to perform the services or any part thereof referred to in this document

Consultant means a professional person/s or entity/entities appointed by the client to provide services in respect to the project;

Construction documentation means graphic representations, plans, sections, elevations, site plans, specifications, construction details, service co-ordination information, schedules and such other details and descriptions as are within the reasonable competence of an architectural professional which are sufficient to indicate the scope of the works;

Contract means an agreement entered into by the client with a contractor for the execution of the works or part thereof; it may also be referred to as the building contract;

Contractor means the entity or entities contracting with the client for the execution of the works or part thereof;

Inspection means such periodic visits to, or in connection with the works, by the architectural professional as are necessary to establish conformity of the work to the contract documentation and quality in terms of the acceptable industry standards, and to provide on-site clarification and further information during the progress of the work. **Inspect** shall carry the same meaning;

Practical completion means the stage of completion where the works or a section thereof are certified by the principal agent as substantially complete, free of patent defects other than minor defects and can effectively be used for the purpose intended;

Principal Agent means the person appointed and authorised to fulfil the obligations of the principal agent in the agreed form of construction contract;

Principal consultant means the person appointed and authorised by the client to lead the consultants in all matters including design and technical co-ordination;

Project means the development for which the architectural professional and consultants are appointed and may not be limited to the works;

Specialist means an architectural professional highly skilled in a specific and restricted field;

Principal means the proprietor, partner, director or member who bears the risks of practice and takes full responsibility for the potential liabilities of practice;

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Works means all work executed or intended to be executed according to the building contract.

6. Interpretation

The hourly rates shall be deemed to include establishment charges and charges for time expended by clerical staff;

The words "advise", "appoint", "approve", "authorise", "certify", "consent", "decide", "delegate", "designate", "instruct", "issue", "notify", "object", "reply", "request", and "specify" shall indicate an act required to be carried out in writing;

All monetary amounts exclude VAT which shall be added to any amounts which become due and payable, provided the service provider is registered for VAT.

Notice in terms of service agreements shall be deemed to have been duly received when delivered by hand on the day of the delivery; sent by registered post 7 (seven) days after posting; and sent by e-mail on delivery/read receipt confirmation or 3 (three) days after transmission.

7. The Architectural professional service

7.1 A **client** appoints an **architectural professional** to provide a service for a project as contemplated by the Architectural Profession Act, the National Building Regulations and Building Standards Act 103 of 1977 as amended and South African National Standards SANS 10 400 and other applicable statutory legislation.

7.2 The architectural professional accepts the appointment to exercise reasonable professional skill, care and diligence in the performance of obligations, for a fee as defined in a written agreement.

7.3 Registered persons may be appointed for a standard service as **architectural professionals, principal consultants and principal agents**. Furthermore, services additional to the standard service may be included, and these non-exhaustive additional services may be included as the parties may deem appropriate.

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8. Fees description

The calculation of fees based on a percentage of project cost is the standard basis for determining professional fees and represents the accepted basis by the Built Environment Professions for remuneration of professional services. Such fees are referred to as project cost-based fees. An alternative to project cost-based fee can be negotiated; for example, time-based fees or cost per building area fees.

9. Project cost-based fee

9.1 A project cost-based fee is appropriate when there is a well-defined scope of service for the architectural professional. Such fee is based on a budget for the works for fee calculation purposes, and shall be adjusted on the final cost of the works.

9.2 The project cost-based fee results in a sliding scale, which arises from the series of percentages related to the value of the works and its complexity – low, medium or high – as defined in guideline profession fees board notice. The primary fee is stated as an appropriate value to smooth the sliding scale.

9.3 The adjustment provided for in the guidelines professional fee is based on the reduced aggregate of the value of the works and/or project from which the budget for the works for fee purposes is derived. This arises from the provision that fees for architectural services are calculated on the total value of the works and represent an average over all elements of the works and/or project.

9.4 Where a fee is calculated as a project cost-based fee, the fee consists of a primary fee (Column C) plus a secondary fee. The secondary fee is calculated as a percentage (Column D) of the value of the works per cost bracket indicated in Column E. *Refer to guideline professional fees Board Notice.*

9.5 The formula and examples thereof are in the guidelines professional fee.

9.6 Where an architectural professional has undertaken work, to change the agreed design and the fee is not covered by an increase in fees relative to the construction cost, a time-based fee may be agreed for this change.

South African Council for the Architectural Profession**10. Time-based fee**

10.1 Where the scope of service is not clearly defined, or the service relates to small scale projects, or the service is of an unusual or specialised nature, a time-based fee is recommended to be used as the basis of remuneration. Where fees for architectural professional services are time based, such fees may be based on an hourly rate as set out in the guidelines professional fee board notice.

10.2 Where an architectural professional has undertaken work to change the agreed design and the fee is not covered by the agreed time-based fee, additional fees may be agreed upon.

10.3 Where the Architectural Professional is required to redo or alter work already completed in order to give effect to a cost saving, there shall be an additional fee for this work calculated on a time charge basis. This additional fee shall be agreed prior to the carrying out of the work.

11. The Standard Service is generally divided into 6 work stages.

The essential functions of each work stage relevant to the service are identified hereafter as follows:

Stage 1: Inception

- a) Receive, appraise and report on the client's requirements with regard to the client's brief;
- b) Determine the site and rights and constraints;
- c) Determine budgetary constraints;
- d) Determine the need for consultants;
- e) Determine indicative project timelines;
- f) Determine methods of contracting; and
- g) whether other statutory authority applications are required or desirable.

Stage 2: Concept and viability (concept design)

- a) Prepare an initial design concept and advise on:
 - i the intended space provisions and planning relationships;
 - ii proposed materials and intended building services; and
 - iii the technical and functional characteristics of the design.
- b) Check for conformity of the concept with the rights to the use of the land.
- c) Consult with local and statutory authorities.

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- d) Review the anticipated costs of the project.
- e) Review the project programme.

Stage 3: Design Development

- a) Develop **all** aspects of the design from concept to full development including, but not limited to, construction systems, materials, fittings, and finishes selections;
- b) Review the programme and budget with the client, principal consultant or other consultants;
- c) Coordinate other consultants designs into building design;
- d) Prepare design development drawings including drafting technical details and material specifications;
- e) Discuss and agree on the building plan application and approval requirements with the local authority;

Stage 4: Documentation and procurement**Stage 4.1**

- a) Prepare documentation required for local authority building plan application submission;
- b) Co-ordinate technical documentation with the consultants and complete primary co-ordination sufficient to support building plan submission;
- c) Review the costing and programme with the consultants;
- d) Obtain the client's authority, and submit documents for approval at the local authority.

Stage 4.2

- a) Prepare specifications for the works;
- b) Complete technical documentation sufficient for tender;
- c) Obtain offers for the execution of the works;
- d) Evaluate offers, and recommend a successful tenderer for appointment;
- e) Prepare the contract documentation and arrange the signing of the building contract by the client and the successful tenderer;
- f) Complete all remaining technical and construction documentation and coordinate same with the consultants;

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Stage 5: Construction

- a) Administer the building contract;
- b) Give possession of the site to the contractor;
- c) Issue construction documentation;
- d) Review sub-contractor designs, shop drawings and documentation for conformity of design intent;
- e) Inspect the works for conformity with the contract documentation and acceptable quality in terms of industry standards;
- f) Administer and perform the duties and obligations assigned to the principal agent in the building contract;
- g) Manage the completion process of the project;
- h) Assist the client to obtain the required documentation necessary for the client to obtain the occupation certificate.

Stage 6: Close-out

- a) Facilitate the project close-out including the collation of the necessary documentation to effect completion, handover and operational manual of the project.
- b) When the contractor's obligations with respect to the building contract have been fulfilled, the architectural professional shall issue the certificates related to the contract completion.
- c) Provide the client with construction record documentation and the relevant technical and contractual undertakings by the contractor and sub-contractors.

12. Partial services and additional services

- a) The Architectural Profession Act provides for the appointment of various architectural professionals for fulfilling each or any stage of a standard service or parts thereof.
- b) Partial and additional services may be agreed on, and the options most regularly utilised are the following:
 - i. Appointment as architectural professional and principal consultant (not as principal agent);
 - ii. Appointment as a design architectural professional (design only);

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- iii. Appointment as architectural professional of record (design by others, can be principal agent);
- iv. Appointment as principal agent only; and
- v. Appointment to perform additional services.
- vi. Any combination of the above appointment may also be agreed

13. Additional services

The following non exhaustive services are additional to the standard service and qualify for additional fees and these services may be added individually or in varying combinations, and shall be provided by prior agreement between the client and the architectural professional:

13.1 Special design services

The preparation of special designs within, or in relation to, the facilities which are contemplated in a standard service, may include the following:

- i. Rational design and Green Star design; participation in the preparation of rational designs and green star design and document format conversion of other consultants' designs;
- ii. Town-planning and/or urban design including participation in the application for the establishment and/or amendment of regional and local town-planning and urban design schemes and the amendment of title conditions, negotiations with interest groups and authorities;
- iii. Sectional titles plans, submissions, alteration and registration;
- iv. Master planning – defining and planning the layout of future development of buildings and/or services on the same site;
- v. Landscape design – participation in landscape planning and construction;
- vi. Interior design – the design of interiors and the selection of furnishings, fixtures and special finishes;
- vii. Specialized equipment lay-out and consequential coordination requirements;
- viii. Liaison with special designers and specialist consultants;
- ix. Purpose-made items: the design and documentation of purpose made items;
- x. Promotional material, art work and immersive digital experiences, participation in the preparation of promotional material;

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- xi. Plant operation and production layouts, participation in the definition of plant operation layouts;
- xii. Building Information Modelling (BIM) services beyond design and construction documentation. This includes BIM services intended for asset maintenance and/or facilities management.

13.2 Special management services

- a) Elaboration of architectural professionals' services including inter alia:
 - i. the preparation of broad project parameters;
 - ii. project scope statements;
 - iii. project milestones;
 - iv. budget and cash-flow forecasts;
 - v. tender enquiry documentation;
 - vi. contractor and supplier selection;
 - vii. adjudication and tender awards;
 - viii. progress status monitoring;
 - ix. variations management;
 - x. quality management over and above the industry norms;
 - xi. communication management;
 - xii. payment processing and
 - xiii. final account close-outs.
- b) *Cost and valuation services*: participation in the administration of costs and payments where a quantity surveyor has not been appointed.
- c) *Special inspections*: more intensive inspections and assessment of the works than the norm for assessing compliance with specifications and design intent.
- d) *Special Project Management Functions*: more extensive project management of the works than the norm for complex projects, including the preparation of the BIM protocol document and the management thereof.

South African Council for the Architectural Profession**13.3 Special studies**

- a) *Preparation of the client's brief* – assist the client in the preparation of his requirements with regard to the purpose, scope, use and operation of the project;
- b) *Site selection* –research the suitability and location of a site for a proposed project;
- c) *Feasibility studies* – participation in technical and/or economic feasibility studies;
- d) *Environmental studies* –participation in environmental studies;
- e) *Energy analysis, studies and planning* – Green Star Ratings;
- f) *Market surveys* – participation in market surveys;
- g) *Traffic studies* – participation in traffic-flow studies.
- h) *Drone studies*; specialised photography for technical application and marketing material.
- i) *Specialist survey*- Point Cloud and Liddar Survey
- j) *As built measured survey*- required for verification of portions of construction undertaken during the works

13.4 Special Submissions to Statutory Authorities

- a) Land Use;
- b) Environment;
- c) Heritage;
- d) Trading Licences/Liquor Licences etc.

13.5 Work on existing premises

- a) *Surveys and inspections* – inspect, survey, measure and prepare documentation of existing premises, with other consultants as needed;
- b) *Restorations and renovations* – services in connection with work on existing buildings;
- c) *Heritage sites* – services in connection with work on heritage buildings, structures and sites;

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- d) Services in connection with demolition permits of existing buildings and structures.

13.6 Other services

- a) Participation in litigation and dispute resolution (where a concurrent service is provided);
- b) Additional services as may be mutually agreed on.

14. Basis of fees agreement

- a) The client agrees to pay the architectural professional the fees for the services as recorded in the formal agreement entered into by the parties;
- b) Where a project cost-based fee is applied, the final fee is calculated on the final cost of the works. The initial fee is based on a budget for the works for fee calculation purposes, and shall be adjusted on the final cost of the works.
- c) Where a project time-based fee is applied, the fee is based on estimate of the skills, hours, and resources necessary to complete the works. Accurate costing to be kept and reported on.

15. Project cost-based fees for standard and partial services

- a) The architectural professional shall refer to the annexure on the guidelines professional fees to determine whether a project is of low, medium or high complexity. Different fee scales apply to different complexities of a project.
- b) These are derived from bracketed project values, and are determined annually by SACAP and published in the Government Gazette.
- c) For a partial service, assuming the fee is a project cost-based fee, the percentage of the fee for each complete work stage to be performed is as set out under clause 21. Where the work stage is only partially completed, the percentage of the fee shall be agreed between the parties.
- d) The budget for fee purposes excludes VAT, contingencies, fees for other consultants and specialist as well as the provision for escalation.

16. Project cost-based fees for a reduced service

- a) Where the architectural professional is not the principal agent, a reduction of the fee for the work not exceeding 10% of the fee for stages 5 and 6 may be considered.

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- b) Where the architectural professional is not the principal consultant, a reduction of the fee for the work not exceeding 10% of the fee for stages 1 to 4 may be considered.

17. Apportionment of fees between work stages and interim payments.

- a) The fee applicable to each work stage is apportioned according to the table below, and may be adjusted by agreement.
- b) The architectural professional is entitled to render interim fee accounts during stages as agreed between the parties.
- c) The fees payable for stage 5 are related to the duration of the contract period and not performance of the contractor. Interim claims during this stage will be contract time lapsed and not progress made by the contractor.

Work stages 1 to 6	Proportion of fee	Cumulative total
1	2%	2%
2	15%	17%
3	20%	37%
4.1	10%	47%
4.2	20%	67%
5	30%	97%
6	3%	100%

18. Guideline fees for additional services;

Unless otherwise agreed, the fee for additional services is time based, and it is based on hourly rates as in the current guideline professional fees.

19. Time-based fees

Where fees for the architectural professional services are time-based fees, the hourly rates as set out in the guideline professional fees may apply. Whenever these rates are revised the new rates may apply to work performed after the effective date of such revision.

South African Council for the Architectural Profession**20. Guideline professional fees for alterations**

The fee for work that includes alterations is based on the total project cost and increased for that portion of the work comprising or affected by alterations by 30% (130% of the fee).

21. Guideline professional fees for additions

The fee for work associated with an addition to an existing building may not attract additional fees, except for that portion of work associated with the parts of the addition interfacing with the existing building. The fee for this latter work is increased by 30% (130% of the fee). Should it be necessary that the architectural professional survey, assess and/or prepare documentation for the existing building, the cost of this shall be charged on a time basis.

22. Guideline professional fees for services provided with respect to the restoration of buildings subject to heritage legislation

The fee for work that includes restoration of buildings subject to heritage legislation is based on the total project cost and increased for that portion of the work comprising or affected by heritage considerations by 40% (140% of the fee).

23. Guideline professional fees for a project that includes repeated buildings

For a project consisting of a number of repeated buildings erected under a single building contract for a single client, the fee may be adjusted by agreement, subject to the architectural professional being retained for a full service and the repeated buildings being built on one site or a series of adjoining or closely related sites;

- a) either entirely apart from each other or linked with screen walls, common walls or other similar means; and repetitions of one or more prototype designs for units, blocks or elements and built from the repeated use of one or more sets of drawings and related documents with nominal or no modification for each re-use. This does not apply to similar floors or divisions in a multi storey building;
- b) The guideline professional fee for repeated buildings provides for a full fee applicable to the origination of the first building/s, referred hereafter as prototypes. Thereafter the fee adjustment is applied to each of the repeated prototypes.

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- c) The adjusted fee applies to work stages 1 to 4 inclusive. The adjusted fee apportionment is 35% of the guideline professional fee for stages 1 to 4 inclusive;
- d) The adjusted fee does not apply to work stages 5 and 6. The full guideline professional fee for these stages shall apply.

24.Guideline professional fees for buildings repeated under separate building contracts.

An architectural professional is entitled to be paid full fees on the original building designs. Unless otherwise agreed, where repeated buildings are erected under separate building contracts and the drawings and related documents for a project are re-used for subsequent projects with nominal or no modification, the fee may be adjusted.

25.Guideline professional fees for an appointment where the architectural professional takes over work of another professional

The stage of completion shall be agreed upon, and an appropriate budget for the works agreed upon, and the fee for the work stages or the stage in which the service is commencing may be subject to an increase of 25%.

26.Guideline professional fees for deployment of employees

Where an employee of the architectural professional is deployed on site for extended inspection or other agreed purposes, the amount of the reimbursement shall be the total cost of employment plus 30%.

27.Extended initial contractual contract period

- a) In the event that the initial contract period is exceeded by more than 10% through no fault of the architectural professional, the architectural professional shall be remunerated for all additional work resulting from the extension of time at the hourly rates according to the effective professional guidelines fees together with related reimbursable expenses. The architectural professional

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shall inform the client in writing that the allocated period for providing professional services has been exceeded by 10% and therefore the services shall be charged at the hourly rates according to the current and effective professional guidelines fees together with related reimbursable expenses.

- b) The fee for the services of the architectural professional during the contract period shall not be linked to a contractor performance or progress. The fees shall be assessed entirely independently.

28. Adjustment of guideline professional fees and disbursements

- a) The guideline professional fees and disbursements are based on the following parameters:
- i. Scope of services;
 - ii. Scope of the project/works;
 - iii. Project programme;
 - iv. Cost of the works;
 - v. Cost of the project;
 - vi. Appointment of other consultants;
 - vii. Appointment of contractors.
- b) Should any material variation to the parameters as stated occur, the guideline professional fees and disbursements shall be adjusted.

29. Fast Tracking

- a) Adjustment to the project programme, commonly known as 'fast tracking', that requires the application of additional resources by the architectural professional, may attract an additional fee. The architectural professional shall motivate to the client the additional resource needed to complete the project within the allocated time and shall be at the total cost of additional resources plus 30%.

30. Travelling time

- a) Where the fee is a project cost-based fee, time charges shall apply at 100% of hourly rate for travel greater than 1 hour and 50 km per trip (being 2 hours and 100 km per return trip) or as negotiated between the client and the architectural professional.

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- b) Where the fee is on a time basis, time charges shall apply to the full round trip regardless of distance.

31. Guideline professional fees on termination by the client

- a) Where the agreement between the client and the architectural professional is terminated, the client shall pay for that portion of the service that has been executed by the architectural professional.
- b) Termination of the project shall attract an additional fee equal to 20% of the remaining fee that would have been payable had the project not been terminated.

32. Guideline professional fees for dispute resolution services

- a) For acting as expert witness, adjudicator, mediator or arbitrator, the fee shall be in line with specialists' fees charged at the hourly rates published in the guideline professional fees.
- b) Where a project is referred to dispute resolution, architectural professionals retained on that project are to be reimbursed for the additional service required in relation to the dispute resolution processes according to the hourly rates published in the board notice as necessary.

33. Payment of professional accounts

- a) The architectural professional's accounts are due and payable on presentation. The architectural professional shall be entitled to render interim accounts. Fee and reimbursement invoices may be invoiced separately.

34. Reimbursement of expenses

- a) In addition to the fees set out in this schedule, the client shall reimburse the architectural professional for all reasonable disbursements properly incurred and accounted for.
- b) The expenses contemplated may include the following:
 - i Specialised professional and other services;
 - ii Payments made on behalf of client for fees, submission fees for local authority and other statutory approvals as well as other charges for specialised professional and other services.

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- Travel mileage;
- Parking;
- Toll fees;
- Car hire;
- Airfare;
- Train;
- Bus;
- Taxi;
- Uber/Bolt or the likes

iv **Subsistence**

- Accommodation;
- Subsistence allowance;
- Special daily allowance;

v **Postage**

- Special postage;
- Postage
- Courier;

vi **Documentation**

- Typing of original/master per A4;
- Duplication in white paper (A3 & A4 sizes);
- Duplicating in coloured paper (A3 & A4 sizes);
- Duplication in colour (A3 & A4 sizes);
- Document binding;
- Scanning of drawings and documents;
- Duplicating of drawings (A3 to A4);
- Plotting on 80g plain paper (A3 to A0);
- Plotting on 80g plain paper in colour (A3 to A0);
- Plotting on quality paper (A3 to A0);
- Plotting on quality paper in colour (A3 to A0);
- Purchase of documents and research material required for project;

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- CD with project-related information;
- vii **Special quotes**
- Maps;
 - Models;
 - Presentation;
 - Photography;
 - Artwork
- viii **Specialised computer software**
- ix **Time limited software subscriptions incurred specifically for the project**
- x **Other**
- Any other disbursement requested by and/or agreed to by the client.
- c) A relevant guideline rate may be applied. Refer to Guideline professional fees.
- d) A minimum of 10% of the cost of the disbursement may also be claimed for attendance where a project cost-based fee applies and/or where there is no time-based reimbursement for attendance

35. Claims to be separate and not set-off

- c) Should a client allege a claim against the architectural professional, a contractor or any other party involved in the project, such claim shall be dealt with on its own merits.
- d) A client is not entitled to withhold payment of fees or disbursements or part thereof due to the architectural professional, based on the alleged claim, the client shall make payment without any set-off and waives all rights to any such set-off.
- e) Should a professional error, omission and/or negligence be implied, dispute resolution or litigation shall be used to claim from the architectural professional.
- f) No penalties shall be applied on professional service agreement contracts.

36. Regular invoicing

Invoicing in line with the completed work stages as required by the Value-Added Tax Act, 1991 (Act No. 89 of 1991) is accepted as good practice and is deemed to be

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the basis of the agreement between the client and architectural professional. Additionally, regular invoicing as agreed with the client may be considered.

37. Engagement of architectural professionals

- a) A professional service is deemed to be subject to an appropriate formal written agreement in which the rights and obligations of the parties and the terms and conditions of service are clearly recorded.
- b) The specific service is agreed on, and the basis for the calculation of professional fees is recorded.
- c) The parties shall also agree on the following:
 - the agreed service to be provided;
 - authority of the architectural professional;
 - the architectural professional's ownership of the intellectual property or copyright;
 - limits to responsibility;
 - limit to professional liability to a term of five (5) years;
 - payment of invoices;
 - interest on overdue invoices;
 - disputed invoices;
 - suspension or deferment;
 - termination of engagement;
 - damage to; or destruction of the works and
 - dispute resolution provisions.
- d) The expectation is that the agreed fees are based on a budget for the works to ensure that the fees are calculated on the anticipated final project cost. A realistic value of the work has to be done to determine fees.
- e) Where a Professional Architect registered with SACAP is employed in a standard service, such Professional Architect shall be appointed to fulfil architectural services, principal consultant and principal agent services. The

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services shall be described as a 'full service', partial and/or additional services as may be agreed.

- f) Where an architectural professional other than a Professional Architect is employed in a project. The services and functions to be provided should be in line with the Identification of Work. Such an appointment may be for a standard service. Partial and/or additional services may be agreed.

BOARD NOTICE 92 OF 2020**CALL FOR NOMINATIONS OF PERSONS TO SERVE ON THE COUNCIL
OF THE SOCIAL HOUSING REGULATORY AUTHORITY**

In terms of section 9(2)(a) of the Social Housing Act, 2008 (No. 16 of 2008), the Minister of Human Settlements, Water and Sanitation, Honorable Lindiwe N Sisulu, hereby invites interested parties to nominate persons to be considered for appointment to serve as non-executive members on the Council of the Social Housing Regulatory Authority (SHRA).

The Social Housing Regulatory Authority is a public entity established in terms of the Social Housing Act, 2008 (Act No.16 of 2008). The mandate of the SHRA is to regulate the social housing industry and to provide support to the social housing institutions.

The Council consist of at least Seven (7) but not more than twelve (12) members. Each member of the Council is appointed for a period determined by the Minister, but not exceeding three (3) years at a time.

The Council members of the SHRA must be a fit and proper persons with knowledge, experience or qualifications in the field of social and rental housing or other applicable competencies for the proper governance of the Regulatory Authority. The skills in the following areas will have an added advantage in the attempt to strengthen the Council:

Financial Management; Infrastructural Development; Investment Management; Risk Management; Governance Compliance; Legal; Policy Development; Information Technology Systems; and knowledge of the South African policies; legislation and regulatory environment related to housing and human settlements.

In addition, the Department encourages the nomination of persons with disability in this regard.

No person shall be appointed as a member of the Council if he/she-

- a) Is an unrehabilitated insolvent;
- b) Has failed or is unable to comply in full with a judgment or order, including an order of costs, given against him or her by a court of law in civil proceedings;
- c) Has been convicted of an offence involving an element of dishonesty;
- d) Is not permanently a resident of the Republic of South Africa;
- e) Has been, or is, removed from an office of trust on account of misconduct in respect of fraud or the misappropriation of money;
- f) Is otherwise disqualified from serving as a member of a Board in terms of the Companies Act, 2008 (Act No. 71 of 2008); or
- g) Has or acquires an interest in a business or enterprise, which may conflict or interfere with the proper performance of the duties of a member of the Council.

Nominations must be submitted in writing and with the following details:

1. Full names and address of the persons or organisation nominating the candidate;
2. A curriculum vitae of the candidate which must include:
 - candidate's full names, identity number, gender and race;
 - contact address, telephone, fax and email address;
 - certified copies of all qualifications;
 - designation, responsibilities and areas of expertise;
 - previous and current board experience;
 - at least two names and contact details of references; and
3. A signed Acceptance of Nomination Letter from a candidate.

Strict compliance with the nomination requirements is essential. All correspondence will be limited to short-listed candidates only.

Nominations must be posted to Ms Sindisiwe Ngxongo, Chief Operations Officer, Department of Human Settlements, Water and Sanitation, Private Bag X644, Pretoria, 0001 or hand delivered to Govan Mbeki House, 240 Justice Mahomed Street, Sunnyside, Pretoria. Enquiries may be directed to Mr Jan Maritz at (012) 421 1717. **Closing date: 04 September 2020.**

NB: People living with disability, women and youth are encouraged to apply. Communication will be restricted to short-listed candidates only.

BOARD NOTICE 93 OF 2020**CALL FOR NOMINATIONS OF PERSONS TO SERVE ON THE BOARD OF
THE HOUSING DEVELOPMENT AGENCY**

Notice is hereby given by the Honourable Minister for Human Settlements, Water and Sanitation, Lindiwe N Sisulu, Member of Parliament, to invite nominations of members to serve on the Board of the Housing Development Agency (HDA).

The Housing Development Agency is a public entity established in terms of the Housing Development Agency Act, 2008 (Act No. 23 of 2008), “the Act”. It is an entity classified under Schedule 3 of the Public Finance Management Act, 1999 (Act No. 1 of 1999). The HDA is mandated to do the following:

- (a) Identify, acquire, hold, develop and release state, communal and privately owned land for residential and community purposes and for the creation of sustainable human settlements;
- (b) Project manage housing development services for the purpose of the creation of sustainable human settlements;
- (c) Monitor that there is centrally coordinated planning and budgeting of all infrastructure required for housing development; and monitor the provision of all infrastructure required for housing development.

The Board is the accounting authority of the Agency and is responsible to-

- (a) Give effect to the mandate contemplated in Section 8 of the Act and to the strategy of the Agency in order to achieve the objectives of the Agency;
- (b) Take decisions on behalf of the Agency and give effect to those decisions;
- (c) Provide guidance to the Chief Executive Officer concerning the exercise of the functions of the Agency;

- (d) Notify the Minister immediately of any matter that may prevent or materially affect the achievement of the objects or financial targets of the Agency; and
- (e) Refer to the Minister any matter concerning the adverse functioning of the Agency.

In terms of section 12(4) of the Act, the candidates must have proven skills, knowledge and experience in areas of risk management, financial management, township planning, project management, governance compliance, transformation and diversity equity, land development, management, necessary for the efficient and effective performance of the Board's functions and the need for representation of historically disadvantaged persons.

The following attributes, when viewed collectively, will serve as an advantage for the nominated candidates:

- Commitment to development and the principles of good corporate governance;
- Visionaries, who are able to formulate and implement strategy, define policies and priorities consistent with the housing delivery responsibility of the government; and
- Theoretical and/or practical knowledge in housing policy development.

DISQUALIFICATION

A person may not be appointed as or remain a member of the Board if that person-

- a) Is an unrehabilitated insolvent or becomes insolvent and the insolvency results in the sequestration of that person's estate;
- b) Has been declared by a court of law to be mentally unfit;
- c) Has been convicted, in the Republic or elsewhere, of theft, fraud, forgery, perjury or any other offence involving honesty;
- d) Has been convicted of any other offence, whether in the Republic or elsewhere, committed after the Constitution of the Republic of South Africa, 1993 (Act No.

- 200 of 1993), took effect, and sentenced to imprisonment without the option of a fine;
- e) Has been, or is, removed from an office of trust on account of misconduct in respect of fraud or the misappropriation of money;
 - f) Is otherwise disqualified from serving as a member of a Board in terms of the Companies Act, 2008 (Act No. 71 of 2008); or
 - g) Has or acquires an interest in a business or enterprise, which may conflict or interfere with the proper performance of the duties of a member of the Board.

NOMINATION PARTICULARS

Nominations should be submitted in writing and must have the following details:

1. Full name and address of the persons or organisation nominating the candidate;
2. A curriculum vitae of the candidate which must include:-
 - Candidate's full names, ID number and gender;
 - Contact address, telephone, fax and email address;
 - Certified copies of all qualifications; and
 - At least two names and contact details of references.
3. A signed letter of acceptance of the nomination from the candidate;

Strict compliance with the nomination requirements is essential.

Nominations must be posted to Ms Sindisiwe Ngxongo, Chief Operations Officer, Department of Human Settlements, Water and Sanitation, Private Bag X644, Pretoria, 0001 or hand delivered to Govan Mbeki House, 240 Justice Mahomed Street, Sunnyside, Pretoria. Enquiries may be directed to Mr Jan Maritz at (012) 421 1717. **Closing date: 04 September 2020.**

N.B Women, youth and persons living with disability, are encouraged to apply. Correspondence will be limited to the successful nominees.

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