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REPUBLIC OF SOUTH AFRICA
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PART 1 OF 2

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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** **2023**

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

- **08 December**, Thursday for the issue of Thursday **15 December 2022**
- **15 December**, Thursday for the issue of Friday **23 December 2022**
- **22 December**, Thursday for the issue of Friday **30 December 2022**
- **29 December**, Thursday for the issue of Friday **06 January 2023**
- **06 January**, Friday for the issue of Friday **13 January 2023**
- **13 January**, Friday for the issue of Friday **20 January 2023**
- **20 January**, Friday for the issue of Friday **27 January 2023**
- **27 January**, Friday for the issue of Friday **03 February 2023**
- **03 February**, Friday for the issue of Friday **10 February 2023**
- **10 February**, Friday for the issue of Friday **17 February 2023**
- **17 February**, Friday for the issue of Friday **24 February 2023**
- **24 February**, Friday for the issue of Friday **03 March 2023**
- **03 March**, Friday for the issue of Friday **10 March 2023**
- **10 March**, Friday for the issue of Friday **17 March 2023**
- **16 March**, Thursday for the issue of Friday **24 March 2023**
- **24 March**, Friday for the issue of Friday **31 March 2023**
- **30 March**, Thursday for the issue of Thursday **06 April 2023**
- **05 April**, Wednesday for the issue of Friday **14 April 2023**
- **14 April**, Friday for the issue of Friday **21 April 2023**
- **20 April**, Thursday for the issue of Friday **28 April 2023**
- **26 April**, Wednesday for the issue of Friday **05 May 2023**
- **05 May**, Friday for the issue of Friday **12 May 2023**
- **12 May**, Friday for the issue of Friday **19 May 2023**
- **19 May**, Friday for the issue of Friday **26 May 2023**
- **26 May**, Friday for the issue of Friday **02 June 2023**
- **02 June**, Friday for the issue of Friday **09 June 2023**
- **08 June**, Thursday for the issue of Thursday **15 June 2023**
- **15 June**, Thursday for the issue of Friday **23 June 2023**
- **23 June**, Friday for the issue of Friday **30 June 2023**
- **30 June**, Friday for the issue of Friday **07 July 2023**
- **07 July**, Friday for the issue of Friday **14 July 2023**
- **14 July**, Friday for the issue of Friday **21 July 2023**
- **21 July**, Friday for the issue of Friday **28 July 2023**
- **28 July**, Friday for the issue of Friday **04 August 2023**
- **03 August**, Thursday for the issue of Friday **11 August 2023**
- **11 August**, Friday for the issue of Friday **18 August 2023**
- **18 August**, Friday for the issue of Friday **25 August 2023**
- **25 August**, Friday for the issue of Friday **01 September 2023**
- **01 September**, Friday for the issue of Friday **08 September 2023**
- **08 September**, Friday for the issue of Friday **15 September 2023**
- **15 September**, Friday for the issue of Friday **22 September 2023**
- **21 September**, Thursday for the issue of Friday **29 September 2023**
- **29 September**, Friday for the issue of Friday **06 October 2023**
- **06 October**, Friday for the issue of Friday **13 October 2023**
- **13 October**, Friday for the issue of Friday **20 October 2023**
- **20 October**, Friday for the issue of Friday **27 October 2023**
- **27 October**, Friday for the issue of Friday **03 November 2023**
- **03 November**, Friday for the issue of Friday **10 November 2023**
- **10 November**, Friday for the issue of Friday **17 November 2023**
- **17 November**, Friday for the issue of Friday **24 November 2023**
- **24 November**, Friday for the issue of Friday **01 December 2023**
- **01 December**, Friday for the issue of Friday **08 December 2023**
- **08 December**, Friday for the issue of Friday **15 December 2023**
- **15 December**, Friday for the issue of Friday **22 December 2023**
- **20 December**, Wednesday for the issue of Friday **29 December 2023**

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.

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GOVERNMENT PRINTING WORKS - BUSINESS RULES

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

CLOSING TIMES FOR ACCEPTANCE OF NOTICES

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

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

All notices received after the closing time will be rejected.

Government Gazette Type	Publication Frequency	Publication Date	Submission Deadline	Cancellations Deadline
National Gazette	Weekly	Friday	Friday 15h00 for next Friday	Tuesday, 15h00 - 3 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.
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GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

NO. 3195

24 March 2023

GENERAL NOTICE IN TERMS OF THE RESTITUTION OF LAND RIGHTS ACT, 1994 (ACT NO. 22 OF 1994), AS AMENDED

Notice is hereby given in terms of Section 11(1) of the Restitution of Land Rights Act, 1994 (Act No. 22 of 1994), as amended, that a land claim for Restitution of Land Rights has been lodged on the properties in the Thaba Chueu Local Municipality of Mpumalanga Province.

Mr. Abram Moribishane Makunyane, lodged a restitution land claim on behalf of Bakone Ba Mashishing Community. The land claim is in respect of portions 0 (Remaining Extent), 1 and 2 of the farm Bosoord 74 JT, portion 0 (Remaining Extent) of the farm Bosoordvlei 75 JT, portions 9, 14, 16 of the farm Rietfontein 90 JT, portions 4, 8, 12 (Remaining Extent), 13, 14, 16, 22, 25, and 35 (Remaining Extent) of the farm Zwagershoek 82 JT, portions 2 and 5 (Remaining Extent) of the farm Witkip 83 JT and portion 2 (Remaining Extent) of the farm Spitzkop 65 JT.

Property Description	Current Owner	Title Deed No	Extent	Endorsements	Holder
BOSOORD 74 JT					
0 (Remaining Extent)	Coromandel Farmers Trust	T147179/2022	602.5497ha	B2540/2021 B2850/2013 B9279/2011 B9280/2011	-TWK AGRI PTY LTD -LAND BANK -LAND BANK -LAND BANK
Portion 1	Coromandel Farmers Trust	T147179/2022	106.00800ha	B2540/2021 B2850/2013 B9279/2011 B9280/2011	-TWK AGRI PTY LTD -LAND BANK -LAND BANK -LAND BANK
Portion 2	Coromandel Farmers Trust	T147179/2022	589.1244ha	B2540/2021 B2850/2013 B9279/2011 B9280/2011	-TWK AGRI PTY LTD -LAND BANK -LAND BANK -LAND BANK
BOSOORDVLEI 75 JT					
0 (Remaining Extent)	Coromandel Farmers Trust	T147179/2022	481.9541ha	B2540/2021 B2850/2013 B9279/2011 B9280/2011	-TWK AGRI PTY LTD -LAND BANK -LAND BANK -LAND BANK
RIETFONTein 90 JT					
Portion 9	Sager INV PTY LTD	T14000/2018	297.1210ha	K1051/1962S	-
Portion 14	Wilsonia Trust	T124464/1999	274.6370ha	-	-
Portion 16	Sager INV PTY LTD	T2446/2015	288.0632ha	K674/1982s K916/1962s	-
ZWAGERSHOEK 82 JT					
Portion 4	Transnet LTD	T7962/1914	3.3804ha	-	-
Portion 8	Coromandel Farmers Trust	T147179/2022	192.7197ha	B2540/2021 B2850/2013 B9279/2011 B9280/2011	-TWK AGRI PTY LTD -LAND BANK -LAND BANK -LAND BANK
Portion 12 (Remaining Extent)	Swazi Trout Farms CC	T53478/1997	61.1450ha	-	-
Portion 13	Coromandel Farmers	T147179/2022	141.5648ha	B2540/2021	-TWK AGRI PTY LTD

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Portion 14	Trust				B2850/2013 B9279/2013 B9280/2011	-LAND BANK -LAND BANK -LAND BANK -TWK AGRI PTY LTD -LAND BANK -LAND BANK -LAND BANK -TWK AGRI PTY LTD -LAND BANK -LAND BANK -LAND BANK
Portion 16	Coromandel Farmers Trust	T147179/2022	29.9129ha		B2540/2021 B2850/2013 B9279/2011 B9280/2011	-TWK AGRI PTY LTD -LAND BANK -LAND BANK -LAND BANK -TWK AGRI PTY LTD -LAND BANK -LAND BANK -LAND BANK
Portion 22	Transnet LTD	T6679/1930	9425.000SQM		-	-
Portion 25	Coromandel Farmers Trust	T147179/2022	34.5461ha		B2540/2021 B2850/2013 B9279/2011 B9280/2011	-TWK AGRI PTY LTD -LAND BANK -LAND BANK -LAND BANK
Portion 35 (Remaining Extent)	Markram Thomas	T52522/1991	105.1454SQM		-	-
WITKLIP 83 JT						
Portion 2	Merve Lucas Johannes Van Der	T15078/2016	488.8728ha		B869/2022 K1734/1985s K4334/1987RM VA327/2005 VA1556/2019	-FIRSTSTRAND BANK LTD -SCHURINK ANNETTE ELEONORE -SATCHWELL BERENDINA MATHILDE -SCHURINK ANNETTE ELEONORE -RENSBURG HENDRIK JANSE VAN
Portion 5 (Remaining Extent)	Rensburg Hendrik Janse Van	T94964/2005	257.4878ha			
SPITZKOP 65 JT						
Portion 2 (Remaining Extent)	Coromandel Farmers Trust Casule Prop INV Holding CO PTY LTD	T147179/2022	599.5724ha		B2540/2021 B2850/2013 B9279/2011 B9280/2011	-TWK AGRI PTY LTD -LAND BANK -LAND BANK -LAND BANK

Take **Further Notice** that the Office of the Regional Land Claims Commissioner: Limpopo, of the Department of Agriculture, Land Reform and Rural Development has investigated the land claim. Any party that has an interest in the above-mentioned properties is hereby invited to submit in writing within **30 Days** of the publication of this notice, any comments or detailed objections on this Land Claim to the Regional Land Claims Commissioner: Limpopo, using the under-mentioned contact details and under reference number: **KRP No. 1918**.

Submission may also be delivered at:

Koos Smit Building
61 Biccard Streets
POLOKWANE, 0700

Office of the Regional Land Claims Commissioner: Limpopo or

Private Bag X9552
POLOKWANE
0700

HARRY MAPHUTHA
REGIONAL LAND CLAIMS COMMISSIONER

DATE: 2023/03/07

DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT**NO. 3196****24 March 2023****VETERINARY AND PARA-VETERINARY PROFESSIONS ACT,
ACT No. 19 OF 1982, AS AMENDED****DRAFT RULES RELATING TO THE DISCIPLINARY PROCESSES AGAINST THE VETERINARY AND PARA-
VETERINARY PROFESSIONS- COMMENTS INVITED**

The South African Veterinary Council, with the approval of the Minister of Agriculture, Land Reform & Rural Development, intends to promulgate the rules for the disciplinary process against the veterinary and the para-veterinary professions, as per the Schedule to this Notice. All interested parties who have any comments to the proposed amendments are called upon to submit such comments to the SAVC: Legal Affairs within thirty (30) days from the date of publication of this Notice to: Mrs D Stoltz at e-mail address director.legalaffairs@savc.org.za (Telephone number [012] 345-6360/083-632-3904), with a copy to legalsecretary@savc.org.za.

Schedule**Definitions**

“Act” means the Veterinary and Para-Veterinary Professions Act, 1982 (Act No.19 of 1982);

“Council” means the council established by section 2 of the Act;

“Inquiry Body” means an ad hoc committee of the Council acting under powers delegated to it by the Council in terms of section 12 of the Act to preside at inquiries;

“Investigation Committee” means a committee appointed by Council in terms of section 12 of the Act to evaluate and screen complaints against professionals.

PROCEDURE AT INQUIRIES INTO PROFESSIONAL CONDUCT**1. Lodging of complaints**

- (1) A complaint must be in writing in the form of a sworn affidavit, signed in the presence of a commissioner of oaths or police officer and be addressed to the Registrar, unless the allegations are in the public domain or are referred to Council by a court, or another tribunal/forum or the complaint is initiated by Council.
- (2) No complaint which is submitted more than twelve (12) months after the date on which the complaint arose, will be considered.
- (3) A person who submits a complaint more than twelve (12) months after the date on which the complaint arose may apply for condonation of the late submission of the complaint to the Investigation Committee.
- (4) The application for condonation must be substantiated.

- (5) The decision of the Investigation Committee regarding the condonation application is final.
- (6) No complaint will be considered, unless the account of the regissee against whom the complaint is filed, is fully paid by the complainant.
- (7) The Registrar may, in his/her discretion, request that the complaint be mediated, if both parties to the complaint agree to such mediation.
- (8) If the mediation is successful, the complaint file will be closed.
- (9) If the mediation is not successful, the complaint must be investigated and considered by the Investigation Committee.
- (10) Information provided by the respondent during a mediation, must be kept confidential.

2. Preliminary investigation

- (1) If the registrar deems it necessary for the achievement of the objects of this Act and/or to establish more facts, he or she may institute or cause to be instituted an investigation –
 - (a) into any alleged contravention of, or failure to comply with, any provision of the Act;
 - (b) in order to determine if any provision of the Act applies to or has been contravened by any registered person; and
 - (c) into any charge, complaint, or allegation of unprofessional conduct by any registered person.
- (2) Depending on the alleged misconduct and or circumstances around the allegation, the registrar for preliminary investigation, can advise either of the two methodologies outlined in Investigative Methodology A referred to in Rule 3 or Investigative Methodology B referred to in Rule 4.

3. Investigative Methodology A

- (1) On receipt of a complaint, the Registrar must advise the respondent of the complaint and forward a copy thereof to the respondent.
- (2) The Registrar must inform the respondent that he/she may furnish copies of the relevant clinical records within 72 hours;
- (3) Further that a typewritten explanation, in the form of a sworn and signed affidavit must be filed, before a date, not later than thirty (30) days from the date of the request, or as otherwise agreed on request of the respondent upon substantiation, to the Council.
- (4) The respondent must be warned that such an explanation may be used in evidence against him/her.
- (5) The respondent must be informed of his/her right to refuse to answer any allegations, in which case the complaint will be evaluated on the complainant's version only.
- (6) The respondent must be informed that he/she is entitled to seek legal representation prior to filing such an affidavit.
- (7) On receipt by the Registrar of an answering affidavit, it must be submitted to the complainant, who has the right to file a replying affidavit within ten (10) working days of receipt of the answering affidavit.
- (8) A copy of the replying affidavit must be submitted to the respondent.
- (9) On receipt by the Registrar of a replying affidavit, a bundle of all the documentation submitted must be collated for consideration by the Investigation Committee.
- (10) If no answering affidavit is received, the Registrar must report this to the Investigation Committee, who may then consider the complaint on the evidence available to it.

4. **Investigative Methodology B**

- (1) The registrar or the investigating committee may at any stage, *mero-motu* or as a result of a complaint lodged, appoint an investigating officer in terms of section 31A (2) (a) or (b) of the Act, to conduct an investigation if he/she deems it necessary for purposes of establishing more facts.
- (2) The investigation officer appointed in terms of section 31A (2), shall when exercising such power or performing any function in terms of this Act, do so under authority of a certificate of appointment issued in terms of section 31A (4) of the Act and shall produce that certificate to any person who is affected by his or her action.
- (3) Such Investigating officer shall exercise all such powers and functions as are conferred in terms of section 31A and 31B of the Act, including:
 - (a) to enter upon and search any premises or veterinary facility where clinical veterinary services are rendered;
 - (b) request any person who has or is suspected on reasonable grounds of having in his or her possession or custody or under his or her control any records or electronic data or both relating to the matter which is being investigated to produce such records;
 - (c) take possession of, examine, and make extracts from and copies of such records and/or electronic data relating to, or which he or she on reasonable grounds believes to relate to, the matter under investigation;
 - (d) Interview and obtain statements and/or explanation from any person who he on reasonable grounds suspects of having knowledge of or any information that is material to the investigations.
- (4) The Investigating officer shall upon conclusion of the investigation, compile and submit an
- (5) investigation report to the registrar.
- (6) If such report -
 - (a) reveals *prima facie* evidence of unprofessional conduct as contemplated in the Act and no complaint or charge has been lodged or laid or no allegation regarding the conduct in question has been made for the purpose of an inquiry in terms of section 31, such report shall be deemed to be a complaint made for that purpose, and the registrar shall serve a copy thereof on the registered person concerned.
 - (b) reveals *prima facie* evidence which makes it desirable that an inquiry in terms of section 31 be instituted, the registrar shall forward a copy thereof to a committee established in terms of section 12(1) of the Act to further investigate and deal with the matter in terms of the Act.
 - (c) If such report does not reveal any *prima facie* evidence of unprofessional conduct contemplated in the Act, the registrar shall serve a copy thereof on the registered person concerned in the prescribed manner.

5. **Powers and Functions of the Investigation Committee**

- (1) The Investigating Committee is a committee of Council and exercises its' powers and functions in terms of rule 40 of the Rules relating to the practicing of veterinary professions.
- (2) The Committee is responsible for the evaluation of the evidentiary material and/or report(s) and is empowered to take the following decision(s):
 - (a) refer matters back to the Administration to obtain further information;
 - (b) dismiss the matters as there are no grounds to pursue the matter and/or there is insufficient evidence on which to base a decision;

- (c) there is no basis for the complaint and where the Committee deems it fit to caution the respondent in terms of rule 40 (9);
 - (d) refer the complaint for mediation; and/or
 - (e) refer matters to Disciplinary Hearings.
- (3) If the complainant is not satisfied with the outcome of the Investigation Committee's finding, the evidence at hand must be referred to the Council for a decision whether or not an inquiry into professional conduct should be held. The Council's decision is final. The respondent must be notified of the referral to Council and be allowed to make any submissions they may wish to make, for council's consideration.
 - (4) Excluding criminal acts and gross misconduct, investigations should center around the main complaint.
 - (5) If the main complaint is not substantiated, but a possible incidental/peripheral unprofessional conduct arises out of the main complaint, such possible incidental/peripheral unprofessional conduct must be referred to the respondent for him/her to provide an answer.
 - (6) If it appears to the Investigation Committee that an inquiry should be held into the conduct of a respondent, it must direct the Registrar to arrange for the holding of an inquiry into professional conduct.
 - (7) If it appears to the Investigation Committee that a complaint can be mediated, it may request the Registrar to arrange for a mediation.
 - (8) Should the mediation be unsuccessful, the matter must be referred to the Investigation Committee for its further consideration.
 - (9) Information provided by the respondent during a mediation, must be kept confidential.

6. Inquiry into professional conduct

- (1) On receipt of a directive to hold an inquiry, the Registrar must summons the respondent by means of a notice addressed to the respondent stating where and when the inquiry into the professional conduct will be held and enclosing a charge as approved by the Investigation Committee.
- (2) The notice must be served on the respondent or mailed to him/her at his/her registered address by prepaid registered post, delivery by the sheriff of the Court or if agreed in writing, served by e-mail. Provided that receipt of the summons is telephonically confirmed.
- (3) The administration must prepare a bundle of documents and a list of witnesses to be called at the inquiry which must be submitted to the respondent or his/her legal representative ten (10) working days prior to the date of the inquiry.
- (4) The bundle of documents will be submitted to the Inquiry Body at least three (3) working days prior to the date of the inquiry to facilitate the process at the inquiry.
- (5) The respondent and/or his/her legal representative must submit any additional documents to be utilised at the inquiry and a list of witnesses to be called to the administration within three (3) working days of receipt of the bundle of documents, failing which no further documentation may be admitted into evidence or further witnesses called, unless approved on application by the Inquiry Body. Adequate reasons for failing to submit the documents in the discovery process or advising of the witness to be called must be provided to the Inquiry Body.
- (6) Should a respondent object to the submission of the bundle of documents to the Inquiry Body, the respondent must object in writing and must give reasons for the objection.

- (7) Should the Registrar deem it necessary due to the complexity of a complaint, a pre-inquiry meeting must be held between the pro forma complainant and the legal representative of the respondent or the respondent in person to agree on common cause facts and facts in contention, as well as which points *in limine* are to be argued.
- (8) The respondent is responsible for securing the presence of his/her own witnesses at his/her own cost at the inquiry. The option of electronic attendance of a witness is available at no cost to the respondent.

7. Procedure at Inquiry into professional conduct

- (1) In an inquiry into professional conduct held in terms of Section 31 of the Act, the procedure is as follows:
 - (a) The respondent or, if he/she is not present, his/her legal representative must be asked by the chairperson of the inquiry body to plead guilty or not guilty to the charge and that plea must be so recorded;
 - (b) If the respondent, or his/her legal representative, refuses or fails to plead directly to the charge, this must be recorded and a plea of not guilty must be entered, and a plea so entered must have the same result as if it had in fact been so pleaded;
 - (c) The pro forma complainant must be given the opportunity of stating his/her case and of leading evidence in support thereof;
 - (d) The respondent must thereafter be given the opportunity of stating his/her case and of leading evidence in support thereof;
 - (e) After the evidence of a witness has been given, the opposing party is entitled to cross-examine the witness, whereafter the chairperson of the inquiry body may put questions to the witness and allow other members of the inquiry body to put questions to the witness;
 - (f) Before re-examination, further cross-examination must be allowed arising from questions put by the chairperson and other members;
 - (g) The person who led the evidence must thereafter be entitled to re-examine the witness, but must confine his/her re-examination to matters on which the witness was cross examined or on which the chairperson or other members put questions to the witness;
 - (h) The inquiry body may, in its discretion, allow further evidence to be led or a witness to be recalled by either the pro forma complainant or the respondent or by both after their cases have been closed;
 - (i) After the parties have closed their cases, the inquiry body may in its discretion call further witnesses or recall a witness to be questioned by the members of the inquiry body and thereafter by the pro forma complainant and then by the respondent or his/her legal representative;
 - (j) After all evidence is presented, the pro forma complainant must be allowed to address the inquiry body on the evidence and the legal position;
 - (k) Thereafter the respondent must likewise be allowed to address the inquiry body, whereafter the pro forma complainant must be allowed to address the inquiry body in reply;
 - (l) If the respondent and his/her legal representative are not present at the inquiry into professional conduct, the enquiry must proceed in the respondents' absence and a plea of not guilty must be entered, unless the respondent has in writing pleaded guilty to the charge against him/her, in which event it must be entered as his/her plea;

- (m) All oral evidence must be taken on oath or affirmation by the chairperson of the inquiry body;
 - (n) The witnesses concerned may be questioned by the respondent and members of the inquiry body. The members of the enquiry body are not restricted to questions for purposes of clarification only.
 - (o) Evidence on affidavit may be admissible: Provided that the opposing party may object to such evidence if he/she is not given the opportunity of cross-examining the witness.
- (2) Upon the conclusion of a case the inquiry body must deliberate thereon in camera.
 - (3) If the respondent is found not guilty of the charge against him/her, he/she must be advised accordingly.
 - (4) The inquiry body may make a finding of not guilty even if the respondent has pleaded guilty.
 - (5) If the inquiry body has, regarding any charge, determined that sufficient facts have been proved to its satisfaction to support the charge, it must decide whether the charge so supported constitutes unprofessional, improper, or disgraceful conduct and it must announce its finding.
 - (6) If the respondent is found guilty the pro forma complainant must furnish details to the inquiry body of previous convictions of the respondent under the Act, if any and may address the inquiry body and lead evidence regarding a suitable penalty to be imposed.
 - (7) The respondent may thereafter address the inquiry body and adduce evidence in mitigation of the penalty to be imposed and the witnesses concerned may be questioned by the pro forma complainant and members of the inquiry body.
 - (8) Thereupon the inquiry body must deliberate in camera upon the penalty to be imposed, and the chairperson must then inform the respondent of the inquiry body's decision regarding the penalty.

8. Accessibility to Inquiry into professional conduct

- (1) The proceedings at an inquiry into professional conduct is open to the public: Provided that-
 - (a) any decision of the inquiry body in respect of any point arising in connection with or in the course of an inquiry must be arrived at *in camera*;
 - (b) any evidence adduced during an inquiry into professional conduct may, on good cause shown, in the discretion of the inquiry body, be heard in camera;
 - (c) The individual seeking public access to the inquiry attends the meeting physically or in person, as no public access will be allowed on virtual platforms;
 - (d) the inquiry body may, on good cause shown, in its discretion, order that no person may at any time in any way publish any information, which would probably reveal the identity of any particular person other than the respondent, and
 - (e) the inquiry body may order any person who creates a disturbance or obstructs the process at the inquiry, to leave the inquiry immediately.
 - (f) No recording devices and/or cell phones are allowed in the room the inquiry is held, except for the official recording made by Council.
 - (g) If a journalist wishes to attend an inquiry, that journalist must, at least five working days prior to the inquiry, formally apply to the inquiry body, to attend the inquiry. Such application must include a valid reason for attending the inquiry, which will be considered by the inquiry body

9. Short title

These Rules shall be called the Rules relating to the disciplinary processes against the veterinary and para-veterinary professions

DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

NO. 3197

24 March 2023

GENERAL NOTICE IN TERMS OF THE RESTITUTION OF LAND RIGHTS ACT, 1994 (ACT NO. 22 OF 1994), AS AMENDED

Notice is hereby given in terms of section 11(1) of the Restitution of Land Rights Act, 1994 (Act No. 22 of 1994) as amended, that a claim for restitution of land rights has been lodged on the following property: Erf 164 ,81 Market Street between Market and Joubert street and Erf 253 90 Kerk and General Joubert Street which falls within the Polokwane Municipality, Capricorn District, and Limpopo.

These properties are described in detail in the table below:

FARM NAME	OWNER	TITTLE DEED	EXTENT	ENDORSEMENT/ BONDS	HOLDER
Erf 164 ,81 Market Street between Market and Joubert street	Hashim Cassim Moti Trust	T52840/20 09PTA	18270000SQM	B45467/2009PTA	FIRSTRAND BANK LTD
Remaining Extent of Erf 253, 90 Kerk and General Joubert Street	Lizinex PTY LTD	T110159/2 015PTA	7140000SQM	B61915/2015PTA	STANDARD BANK OF SOUTH AFRICA LTD
Portion of Erf 253, 90 Kerk and General Joubert Street	Lizinex PTY LTD	T296/1896 PTA	14280000SQM	B161915/2015PT A	STANDARD BANK OF SOUTH AFRICA LTD

The land claim was lodged by Haroun Hajee Hassim on behalf of Hassim Moti Pty Ltd on the 22nd of December 1998.

The properties now are owned private by Hashim Cassim Moti Trust and Lizinex PTY LTD.

Take further notice that the Regional Land Claims Commissioner of Limpopo has approved research report on this land claim. Any party that has an interest in the above-mentioned property is hereby invited to submit in writing within 30 days of publication of this notice, any comments, objection or information under reference number **KRP7842 & 7042**.

Submission may be delivered to:

The Regional Land Claims Commissioner: Limpopo OR
61 Biccard Street
Private Bag X9552
POLOKWANE
0700

13-15 Floor Thabakgolo Nedbank Building

Landros Mare Street
Polokwane
0700


LEBJANE MAPHUTHA
REGIONAL LAND CLAIMS COMMISSIONER

DATE: 2023/03/07

DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

NO. 3198

24 March 2023

**MARKETING OF AGRICULTURAL PRODUCTS ACT, 1996
(ACT No. 47 of 1996)**

**ESTABLISHMENT OF STATUTORY MEASURE: REGISTRATION BY IMPORTERS OF
MEAT, POULTRY AND MECHANICALLY DEBONED MEAT**

I, Angela Thokozile Didiza, Minister of Agriculture, Land Reform and Rural Development acting under sections 10, 13, 14 and 19 of the Marketing of Agricultural Products Act, 1996 (Act No. 47 of 1996), hereby establish the statutory measure set out in the Schedule hereto.


MRS AT DIDIZA, MLP

MINISTER OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

SCHEDULE

1. DEFINITIONS

In this Schedule any word or expression to which a meaning has been assigned in the Act shall have that meaning and, unless the context indicates otherwise –

“Levy Administrator” means the Association of Meat Importers and Exporters, the juristic person entrusted with the implementation, administration and enforcement of the statutory measure established under this regulation;

“Mechanically Deboned Meat (MDM)” means a paste-like meat product produced by forcing pureed or ground beef, pork, mutton, turkey or chicken, under high pressure through a sieve or similar device to separate the bone from the edible meat tissue; and

“the Act” means the Marketing of Agricultural Products Act, 1996 (Act No. 47 of 1996), as amended.

2. PURPOSE AND AIM OF THIS STATUTORY MEASURE AND THE RELATION THEREOF TO THE OBJECTIVES OF THE ACT

The purpose and aims of this statutory measure are to compel importers of red meat and poultry meat to register with the levy administrator. This is necessary to ensure that continuous, timeous and accurate market information relating to imported meat is available to all role players. Market information is deemed essential for all role players in order for them to make informed decisions.

The establishment of the statutory measure should assist in promoting the efficiency of the marketing of imported meat. The viability of the imported meat industry should thus be enhanced.

The measure is not detrimental to any of the objectives of the Act and, in particular, shall not be detrimental to the number of employment opportunities or fair labour practice in the imported meat industry.

Confidential information of any person subject to this statutory measure obtained by the Levy Administrator through the implementation, administration and enforcement of this statutory measure shall be dealt with in accordance with section 23(2) of the Act.

The measure shall be administered by the Association of Meat Importers and Exporters who may appoint another service provider if and when necessary to assist them with the administration of the statutory measure. The latter shall act in terms of the mandate and on behalf of the Association of Meat Importers and Exporters.

3. PRODUCT TO WHICH THE STATUTORY MEASURE SHALL APPLY

This statutory measure shall apply to importers of beef, pork, lamb, poultry meat and MDM into South Africa.

4. AREA IN WHICH STATUTORY MEASURE SHALL APPLY

This statutory measure shall apply within the geographical area of the Republic of South Africa.

5. REGISTRATION AND ENFORCEMENT

- (1) Any importer of meat, poultry meat and MDM for commercial use, shall on an annual basis register and re-register with the Levy Administrator.
- (2) Registration shall be done immediately upon receipt of a registration form obtainable free of charge for this purpose from the Levy Administrator, and shall –

- a) be submitted, when forwarded by mail, to the Levy Administrator; and
- b) when sent by email to the Levy Administrator.

(3) The implementation, administration and enforcement of the statutory measure established in terms of this Regulation are entrusted to the Levy Administrator in terms of sections 14 & 19 of the Act.

6. COMMENCEMENT AND PERIOD OF VALIDITY

This statutory measure shall come into effect on the date of publication and will lapse four years later.

DEPARTMENT OF COMMUNICATIONS AND DIGITAL TECHNOLOGIES

NO. 3199

24 March 2023

FILMS AND PUBLICATIONS ACT, 1996 (ACT NO. 65 OF 1996), AS AMENDED**NOTICE OF THE PUBLICATION OF THE ENFORCEMENT COMMITTEE RULES
AND COMPLAINTS HANDLING PROCEDURES OF THE FILM AND
PUBLICATION BOARD**

I, Ms Zamantungwa Mkosi, the Chairperson of Council at the Film and Publication Board, after consultation with Council and Enforcement Committee, whichever is applicable, made the following instruments, namely:

1. The Enforcement Committee Rules; and
2. The Complaints Handling Procedures.

The instruments concerned will come into operation on publication in the Government Gazette.

MS ZAMATUNGWA MKOSI
CHAIRPERSON
FILM AND PUBLICATION BOARD

Date:

**FILMS AND PUBLICATIONS ACT, 1996 (ACT NO. 65 OF 1996), AS
AMENDED**

ENFORCEMENT COMMITTEE RULES, 2023

**The Council of the Film and Publication Board, after consultation with
the Enforcement Committee, made the rules in the Schedule.**

SCHEDULE 1

PART 1

- 1. Definitions.** – In this Schedule of these Rules, any word or expression to which a meaning has been assigned by the Act, shall have the meaning so assigned and, unless the context otherwise indicates:

“**Act**” means the Films and Publications Act, 1996 (Act No. 65 of 1996), as amended from time to time;

“**answer**” means a document as described in rule 15 of Schedule 1 and filed by a respondent;

“**Appeal Tribunal**” means the Appeal Tribunal established by section 3 of the Act;

“**certified copy**” means a copy of a document certified by a Commissioner of Oaths;

“**chairperson**” means the officer of the Enforcement Committee appointed in terms of section 6A (1) of the Act;

“**day**” means any calendar day excluding Saturdays, Sundays and public holidays;

“**deliver**” depending on the context, means to serve, or to file, a document;

“Enforcement Committee” means the body established by section 3 of the Act;

“Enforcement Registrar” means the officer of the Enforcement Committee appointed by the FPB, in consultation with the chairperson, in terms of rule 4 of Schedule 1 and includes any acting or assistant registrar;

“file”, when used as a verb, means to deposit with the Enforcement Registrar;

“FPB” means the Film and Publication Board, a body established by section 3 of the Act;

“Government Gazette” means the Government Gazette of the Republic of South Africa or the relevant Provincial Gazette, according to whether the administration of the law concerned or, as the case may be, the law conferring the power to make or issue such a proclamation, regulation, notice or other document, vests in, or in a functionary of, the national government or a provincial government;

“member” means a person appointed by the Council of the FPB to the Enforcement Committee in terms of section 4A (1)(h) of the Act;

“notice” means an initiating document as described in rule 9 of Schedule 1;

“public holiday” means a public holiday referred to in section 1 of the Public Holidays Act, 1994 (Act 36 of 1994);

“reply” means a document as described in rule 16 of Schedule 1 and filed by a respondent;

“respondent” means a distributor, exhibitor or any such person to whom the Act applies;

“rules” includes any footnote to a rule, and any table included within or referred to in a rule; and

“**serve**” means to deliver a document to a person other than the Enforcement Registrar.

PART 2

ENFORCEMENT COMMITTEE OFFICE FUNCTIONS

2. Functions, office hours and address of Enforcement Committee. – (1) The Enforcement Committee is legislatively empowered to —

- (a) investigate all cases referred to it by the FPB for adjudication in respect of noncompliance with any provision of the Act by a distributor, exhibitor or any other person to whom the Act applies, except persons to whom sections 24A, 24B, 24C and 27A (2),(3) and (4) of the Act apply;
- (b) adjudicate all cases and make appropriate findings, after the FPB and the respondent have been heard or granted a reasonable opportunity to be heard;
- (c) hear evidence under oath or affirmation or evidence by affidavit and come to a finding when it is convinced on a consideration of all the facts before it that such a finding is fair, reasonable and justified;
- (d) where appropriate —
 - (i) impose a fine;
 - (ii) as prescribed, suspend a registration certificate; or
 - (iii) through the Board, refer a matter to the National Director of Public Prosecutions for prosecution and, in such a case, the Enforcement Committee shall not make a finding; and

- (e) where a fine is not paid, at the instance of the chief executive officer, apply to a court for the enforcement of such a fine as a civil debt to the FPB.
- (2) The offices of the Enforcement Committee are seated at the Head Office of the FPB and are open to the public every Monday to Friday, excluding public holidays, from 09h00 to 16h00.
- (3) Despite sub-rule 2 (2) of Schedule 1 in exceptional circumstances the Enforcement Committee may accept documents for filing on any day and at any time.
- (4) Subject to rule 5 and 6 of Schedule 1, any communication to the Enforcement Committee, or to a member of the staff of the FPB assigned to assist the Enforcement Committee, may be –
 - (a) Delivered by hand at –

**The Film and Publication Board
Eco Glade 2
420 Witch Hazel Street
Eco Park
Centurion
0169**

- (a) Addressed by post to –

**The Film and Publication Board
Private Bag X31
Highveld Park
0169**
- (c) Communicated by telephone on **+27 012 003 1400**; or
- (e) Transmitted by electronic mail to **enforcementregistrar@fpb.org.za**.

- (5) The address for the filing or service of documents at or on the Enforcement Committee (referred to in these Rules as “the Enforcement Committee address for service”) is at the physical address referred to in sub-rule 2 (4)(a) of Schedule 1 or such other address as may be notified on the FPB website from time to time.

3. Condonation of time limits. – (1) On good cause shown, the chairperson of the Enforcement Committee may condone late performance of an act in respect of these Rules and prescribe a time limit, other than a time limit that is binding on the Enforcement Committee itself.

- (2) The chairperson of the Enforcement Committee may have regard to the following –

- (a) The nature and extent of the delay;
- (b) The reason for the failure to act or make a submission timeously;
- (c) The nature and extent of any prejudice in not granting condonation;
- (d) Whether it would be in the public interest that the appeal be allowed; and
- (e) Any other element which the Enforcement Committee may deem relevant.

4. Enforcement Registrar. – (1) The FPB, in consultation with the chairperson, must appoint a suitably qualified person in terms of section 11 of the Act to act as Enforcement Registrar, with the authority to carry out the functions of that office in terms of these Rules.

- (2) The Enforcement Registrar shall act in accordance with the instructions of the chairperson and is, in particular, to be responsible for –

- (a) the establishment and maintenance of a register in which all pleadings and supporting documents and all findings and decisions of the Enforcement Committee are to be registered;
- (b) the acceptance, transmission, service and custody of documents in accordance with these Rules; and
- (c) certifying that any order, direction or decision is an order, direction or decision of the Enforcement Committee or the chairperson, as the case may be.

DELIVERY OF DOCUMENTS

- 5. Delivery of Documents.** – (1) A notice or document referred to in this rule may be delivered in any manner set out herein in the table below.

Method of Delivery	Date and Time of Deemed delivery
By sending the notice or a copy of the document by electronic mail, if the person has an address for receiving electronic mail; or	On the date and at the time recorded by the computer used by the sender, unless there is conclusive evidence that it was delivered on a different date or at a different time.
By sending the notice or a copy of the document by registered post to the person's last-known address; or	On the 7 th day following the day on which the notice or document was posted as recorded by a post office, unless there is conclusive evidence that it was delivered on a different day.
If the person is a participant in any proceedings of the Enforcement Committee, and is represented by a representative, by delivering the notice,	On the date and at the time recorded on a receipt for the delivery.

or handing a copy of the document to that representative; or	
By any other means authorised by the Enforcement Committee.	In accordance with the order of the Enforcement Committee.

- (2) Subject to sub-rule 5 (4) of Schedule 1, a document delivered by a method listed in the second column of the Table referred to in sub-rule 5 (1) of Schedule 1 will be deemed to have been delivered to the intended recipient on the date and at the time shown opposite that method, in the second column of that table.
- (3) If, in a particular matter, it proves impossible to deliver a notice or document in any manner provided for in these Rules, the person concerned may apply to the Enforcement Committee for an order of substituted service.
- (4) Subject to sub-rule 5 (2) of Schedule 1, if the date and time for the delivery of a notice or document referred to in the table is outside of the office hours of the Enforcement Committee as set out in sub-rule 2 (1) of Schedule 1, that notice or document will be deemed to have been delivered on the next day.
- (5) A notice or document that is transmitted by electronic mail must accompany a cover message, in either case setting out –
- (a) The name, address, and telephone number of the sender;
 - (b) The name of the person to whom it is addressed, and the name of that person's representative, if it is being sent to the representative of a person; and
 - (c) The total number of pages sent, including the cover page.

- 6. Filing documents.** – (1) The Enforcement Committee must assign distinctive case numbers to each case lodged.
- (2) The Enforcement Committee must ensure that every document subsequently filed in respect of the same proceedings is marked with the same case number.
- (3) The Enforcement Committee may refuse to accept a document subsequently filed in respect of the same proceedings that is not properly marked with the assigned case number.
- (4) Any document to be filed in terms of the Act or these Rules must contain the following information –
- (a) legal name;
 - (b) address for service;
 - (c) telephone number;
 - (d) if available, email address; and
 - (e) if the person is not an individual, the name of the individual authorised to deal with the Enforcement Committee on behalf of the person filing the document.
- 7. Fees.** – (1) There shall be no prescribed fee for filing an initiating document.
- 8. Access to information.** – (1) Any person, upon payment of the prescribed fee, may inspect or copy any Enforcement Committee record –
- (a) if it is not restricted information; or

- (b) if it is restricted information, to the extent permitted, and subject to any conditions imposed, by –
 - (i) this rule; or
 - (ii) an order of the Enforcement Committee

PART 3

ENFORCEMENT COMMITTEE PROCEDURES

- 9. Initiating proceedings.** – (1) The FPB shall refer all cases of non-compliance contemplated in terms of section 6B (1) of the Act to the Enforcement Committee by filing a notice within 60 (sixty) days after the date upon which the respondent was notified of its non-compliance with any provision of the Act and afforded a period of at least 30 (days) to rectify such non-compliance.
- (2) The notice shall state –
- (a) the name and address of the FPB;
 - (b) the name and address of the FPB's legal representative, if any;
 - (c) an address for service;
 - (d) the name and address of the respondent to the proceedings; and
 - (e) shall be signed and dated by the FPB, or on its behalf by its duly authorised officer or legal representative.
- (3) The notice shall contain –
- (a) a statement that the case is in respect of a decision made by the FPB relating to non-compliance with the Act;

- (b) a concise statement of the relevant facts;
 - (c) a summary of the non-compliance with the applicable provisions of the Act, identifying in particular –
 - (i) under which statutory provisions the case is brought;
 - (ii) to what extent the FPB contends that the respondent has been non-compliant with any provisions of the Act;
 - (d) a detailed statement of the relevant facts, identifying, where applicable, any relevant findings made by the FPB in making the decision to refer the case to the Enforcement Committee;
 - (e) a succinct presentation of the arguments supporting each of the grounds of non-compliance;
 - (f) a concise statement of any contentions of law which are relied on;
 - (g) the relief sought by the FPB, including (where applicable) –
 - (i) a statement that the FPB is making a claim for an interdict; and
 - (ii) such other matters as may be specified by practice direction;
 - (h) a schedule listing all the documents annexed to the notice; and
 - (i) a statement identifying the evidence (whether witness statements or other documents annexed to the notice) the substance of which, so far as the FPB is aware.
- (4) There shall be annexed to the notice –

- (a) a copy of the notice of contravention by the FPB; and
 - (b) as far as practicable, a copy of every document (or part of a document) on which the FPB relies, including the written statements of all witnesses of fact and expert witnesses, if any.
- (5) Unless the Enforcement Committee otherwise directs, the signed original of the notice shall be accompanied by four copies of the notice and its annexures signed by the FPB or its legal representative as conforming to the original.
- 10. Defective notices.** – (1) If the Enforcement Committee considers that a notice does not comply with rule 9 of Schedule 1, or is materially incomplete, or is unduly prolix or lacking in clarity, the Enforcement Committee may give such directions as may be necessary to ensure that those defects are remedied.
- (2) The Enforcement Committee may, if satisfied that the efficient conduct of the proceedings so requires, instruct the Enforcement Registrar to defer service of the notice on the respondent until after the directions referred to in sub-rule 10 (1) of Schedule 1 have been complied with.
- 11. Power to dismiss.** – (1) The Enforcement Committee may, after giving the parties an opportunity to be heard, dismiss the case in whole or in part if –
- (a) it considers that the Enforcement Committee has no jurisdiction to hear or determine the case;
 - (i) it considers that the notice, or part of it, discloses no valid ground; or
 - (ii) the FPB fails to comply with any rule, practice direction issued under sub-rule 22 of Schedule 1, or order or direction of the Enforcement Committee.

- (2) When the Enforcement Committee dismisses a case it may make any consequential order it considers appropriate.

12. Amendments to notice. – (1) The FPB may amend the notice only with the permission of the Enforcement Committee.

- (2) Where the Enforcement Committee grants permission under sub-rule 12 (1) of Schedule 1 it may do so on such terms as it thinks fit, and may give any further or consequential directions it considers necessary.
- (3) In deciding whether to grant permission under sub-rule 12 (1) of Schedule 1, the Enforcement Committee shall take into account all the circumstances including whether the proposed amendment –
 - (a) involves a substantial change or addition to the FPB's case;
 - (b) is based on matters of law or fact which have come to light since the case was made; or
 - (c) for any other reason could not practicably have been included in the notice.

13. Withdrawal. – (1) The FPB may withdraw its case only with the permission of the Enforcement Committee, or if no Enforcement Committee has been constituted, the chairperson, which permission shall not be unreasonably withheld.

- (2) Where permission is granted under sub-rule 13 (1) of Schedule 1, the Enforcement Committee, as the case may be, may –
 - (a) do so on such terms as the Enforcement Committee thinks fit; and
 - (b) instruct the Enforcement Registrar to publish a notice of the withdrawal on the FPB website, which shall appear on the FPB website for at least 5 (five)

days, or in such other manner as the Enforcement Committee may direct;
and

- (3) Where a case is withdrawn no fresh case may be brought by the FPB in relation to the decision which was the subject of the case without the permission of the Enforcement Committee.

RESPONSE TO ENFORCEMENT COMMITTEE PROCEEDINGS

- 14. Acknowledgment and notification.** – (1) On receiving a notice the Enforcement Registrar shall –

- (a) send an acknowledgement of its receipt to the FPB within 2 (two) days of receipt of the notification;
- (b) subject to sub-rule 10 (2) and rule 11 of Schedule 1, send a copy of the notice to the respondent; and
- (c) Publish the details of the notice on the website of the FPB to inform members of the public of the details of the notice.

- 15. Answer.** – (1) The respondent shall file an answer in the form required by this rule within 30 (thirty) days, or such further time as the Enforcement Committee may allow, of the date on which the respondent received a copy of the notice in accordance with sub-rule 14 (1)(a) of Schedule 1.

- (2) The answer shall state –

- (a) the name and address of the respondent;
- (b) the name and address of the respondent's legal representative, if any;

- (c) an address for service and shall be signed and dated by the respondent, or on its behalf by its duly authorised officer or legal representative.
- (3) The answer shall contain –
 - (a) a succinct presentation of the arguments of fact and law upon which the respondent will rely;
 - (b) details of any objection to the admission of evidence put forward by the FPB;
 - (c) the relief sought by the respondent and any directions sought under sub-rule 28 of Schedule 1;
 - (d) a schedule listing all the documents annexed to the answer; and
 - (e) a statement identifying the evidence (whether witness statements or other documents annexed to the answer) the substance of which, so far as the respondent is aware, was not referred to in the disputed decision or disclosed to the FPB before that decision was made.
- (4) The contents of the answer shall be verified by evidence under oath or affirmation or evidence by affidavit by the respondent.
- (5) As far as practicable, there shall be annexed to the answer a copy of every document (or part of a document) upon which the respondent relies including the written statements of all witnesses of fact and expert witnesses, if any, but excluding any document (or part of a document) annexed to the notice.
- (6) The signed original of the answer shall be accompanied by 4 (four) copies of the answer and its annexes certified by the respondent or its duly authorised officer or legal representative as conforming to the original.

- (7) The respondent shall serve a copy of the answer and any accompanying documents on each other party at the same time as it files the answer.

16. Reply to answer. – (1) Within 15 (fifteen) days of receipt of the copy of the answer, the FPB may file a reply to the answer.

- (2) The contents of the reply shall be verified by evidence under oath or affirmation or evidence by affidavit by the FPB.

- (3) If the FPB files a reply to the answer, it shall send a copy of the reply and any accompanying documents to each party at the same time as it files the reply.

17. Further pleadings. – (1) No further pleadings may be filed without the permission of the Enforcement Committee.

ADDITIONAL PARTIES AND ADDITIONAL CASES

18. Additional parties. – (1) The Enforcement Committee may grant permission to remove, add or substitute a party in the proceedings.

- (2) An application for permission under this rule shall be served on the parties to the proceedings and may be made by –

- (a) an existing party; or

- (b) a person who wishes to become a party.

- (3) The Enforcement Committee may order any person to cease to be a party if a legitimate basis has been established for that person not to be a party to the proceedings.

- (4) The Enforcement Committee may order a person to be added as a new party if –
 - (a) a legitimate basis has been established for that new party to be added or substituted so that the Enforcement Committee can resolve the matters in dispute in the proceedings; or
 - (b) there is an issue involving the new party and an existing party that is connected to the matters in dispute in the proceedings, and a legitimate basis has been established to add the new party so as to resolve that issue.
- (5) The Enforcement Committee may order a new party to be substituted for an existing one if –
 - (a) the existing party's interest or liability has passed to the new party; and
 - (b) a legitimate basis has been established to substitute the new party so that the Enforcement Committee can resolve the matters in dispute in the proceedings.
- (6) The Enforcement Committee may add or substitute a party only if the addition or substitution is necessary.
- (7) The addition or substitution of a new party, as the case may be, is necessary for the purpose of sub-rule 18 (6) of Schedule 1 only if the Enforcement Committee is satisfied that –
 - (a) the new party is to be substituted for a party who was named in the notice form by mistake;

- (b) the notice cannot properly be carried on by or against the original party unless the new party is added or substituted as FPB or respondent; or
- (c) the original party's interest or liability has passed to the new party.

19. Additional cases. – (1) In this rule and rule 20 an “additional case” means –

- (a) a case by a respondent against any person (whether or not already a party) for contribution or indemnity or some other remedy; or
 - (b) where an additional case has been made against a person who is not already a party, any case made by that person against any other person (whether or not already a party).
- (2) An additional case is to be treated as if it were a case for the purpose of these Rules.
- (3) A respondent may make an additional case –
- (a) without the Enforcement Committee's permission, if it files that case with its answer; or
 - (b) at any other time, with the permission of the Enforcement Committee.
- (4) A respondent who has filed an acknowledgment of service or an answer, may make an additional case for a contribution or indemnity against an existing party to the proceedings:
- (a) without the Enforcement Committee's permission, if it files that claim with its answer, or, if the additional case is a claim against a party added to the case later, within 21 (twenty-one) days after that party files its answer; or

- (b) at any other time, with the permission of the Enforcement Committee.

20. Powers on receipt of an additional case. – (1) The Enforcement Committee may –

- (a) permit an additional case to be made;
 - (b) dismiss an additional case; and
 - (c) require an additional case to be dealt with separately from the case by the FPB against the respondent.
- (2) The matters to which the Enforcement Committee may have regard in deciding whether to exercise any of its powers under sub-rule 20 (1) of Schedule 1 include –
- (a) the connection between the additional case and the case made by the FPB against the respondent;
 - (b) whether the additional case is seeking substantially the same remedy which some other party is claiming from it; and
 - (c) whether the additional applicant wants the Enforcement Committee to decide any question connected with the subject matter of the proceedings –
 - (i) not only between existing parties but also between existing parties and a person not already a party; or
 - (ii) against an existing party not only in a capacity in which it is already a party but also in some further capacity.

- (3) Where the Enforcement Committee exercises any of its powers under sub-rule 20 (1) of Schedule 1, it may make further findings or give further directions as it thinks appropriate.

SUMMARY DISPOSAL

21. Default finding. – (1) The Enforcement Committee may, of its own initiative or on the application of the FPB, give default finding without a hearing of the case where –

- (a) the respondent has not filed an acknowledgment of service; or
 - (b) the respondent has not filed a defence to the claim or any part of the claim.
- (2) A default finding may not be given if the respondent has made an application –
- (a) disputing the Enforcement Committee's jurisdiction; or
 - (b) to have the case struck out under sub-rule 11 of Schedule 1.
- (3) Where the notice has been served on the respondent in accordance with the directions of the Enforcement Registrar, the FPB may not obtain default finding unless the FPB has complied with any directions concerning proof of service.
- (4) A default finding given under this rule shall be –
- (a) such finding as it appears to the Enforcement Committee that the FPB is entitled to on the notice; and

- (b) for an amount to be decided by the Enforcement Committee as to the fine to be decided by the Enforcement Committee in accordance with the Act.
- (5) A default finding may be given against one of two or more respondents and the FPB may proceed against the other respondents.
- (6) The Enforcement Committee may only give a default finding against one of two or more respondents in accordance with sub-rule 21 (5) of Schedule 1 if it is satisfied that the case against that respondent can be dealt with separately from the case against the other respondents.
- (7) The Enforcement Committee shall set aside a default finding if the finding was wrongly entered because any of the conditions set out in sub-rule 21 (1) of Schedule 1 were not satisfied.
- (8) In any other case, the Enforcement Committee may set aside or vary a default finding (and attach any conditions it may think fit) if –
 - (a) the respondent has a real prospect of defending the case; or
 - (b) it appears to the Enforcement Committee that there is some other good reason why –
 - (i) the finding should be set aside or varied; or
 - (ii) the respondent should be allowed to defend the case;
- (9) In considering whether to set aside or vary a default finding under sub-rule 21 (8)(b) of Schedule 1, the matters to which the Enforcement Committee shall have regard include whether the person seeking to set aside the finding made an application to do so promptly.
- (10) Where –

- (a) the FPB claimed a remedy in addition to a fine;
- (b) the FPB has abandoned its claim for that remedy in order to apply for default finding; and
- (c) the default finding is set aside;

the abandoned claim is restored when the default finding is set aside.

CASE MANAGEMENT

22. Directions. – (1) The Enforcement Committee may at any time, on the request of a party or of its own initiative, at a case management conference, pre-hearing conference or otherwise, give such directions as are provided for in sub-rule 22 (2) of Schedule 1 or such other directions as it thinks fit to secure that the proceedings are dealt with justly and at proportionate cost.

(2) The Enforcement Committee may give directions –

- (a) as to the manner in which the proceedings are to be conducted, including any time limits to be observed in the conduct of the oral hearing;
- (b) that the parties file a reply, rejoinder or other additional pleadings or particulars;
- (c) for the preparation and exchange of skeleton arguments;
- (d) requiring persons to attend and give evidence or to produce documents;
- (e) requiring clarification of any matter in dispute or additional information in relation to any such matter;

- (f) as to the evidence which may be required or admitted in proceedings before the Enforcement Committee and the extent to which it must be oral or written;
- (g) as to the submission in advance of a hearing of any witness statements or expert reports;
- (h) as to the examination or cross-examination of witnesses;
- (i) for the filing of a list of issues;
- (j) for the production of bundles for any hearing;
- (k) for the creation of a confidentiality ring;
- (l) as to the fixing of time limits with respect to any aspect of the proceedings;
- (m) as to the abridgement or extension of any time limits, whether or not expired;
- (n) that the whole or part of any proceedings or findings be stayed either generally or until a specified date or event;
- (o) to enable a disputed decision to be referred back in whole or in part to the person by whom it was taken;
- (p) for the appointment and instruction of experts, whether by the Enforcement Committee or by the parties and as to the manner in which expert evidence is to be given;

- (q) for the costs management of proceedings, including for the provision of such schedules of incurred and estimated costs as the Enforcement Committee thinks fit;
 - (r) for the award of costs or expenses, including any allowances payable to persons in connection with their attendance before the Enforcement Committee;
 - (s) for the hearing of any issues as preliminary issues prior to the main substantive hearing; and
 - (t) for hearing a person who is not a party where, in any proceedings, it is proposed to make an order or give a direction in relation to that person.
- (3) The Enforcement Committee may also, of its own initiative –
- (a) put questions to the parties;
 - (b) invite the parties to make written or oral submissions on certain aspects of the proceedings;
 - (c) ask the parties or third parties for information or particulars;
 - (i) ask for documents relating to the case to be produced; and
 - (ii) summon the parties' representatives or the parties in person to meetings.
- (4) A request by a party for directions shall –
- (a) be made in writing as soon as practicable;

- (b) be supported by reasons and indicate whether it is agreed or contested by the other parties;
- (c) be served on any other party who might be affected by such directions; and
- (d) be determined by the Enforcement Committee taking into account the observations of the parties.

23. Case management and pre-hearing conferences. – (1) Where it appears to the Enforcement Committee that any proceedings would be facilitated by holding a case management conference or pre-hearing conference the Enforcement Committee may, on the request of a party or of its own initiative, give directions for such conferences to be held.

- (2) Unless the Enforcement Committee otherwise directs, a case management conference is to be held as soon as practicable after the filing of a case.
- (3) The purpose of a case management conference or pre-hearing conference is –
 - (a) to ensure the efficient conduct of the proceedings;
 - (b) to determine the points on which the parties must present further argument or which call for further evidence to be produced;
 - (c) to set a timetable up to an oral hearing in the proceedings, and, if appropriate, fix a date for that hearing;
 - (d) to clarify the forms of order sought by the parties, their arguments of fact and law and the points at issue between them;
 - (e) to hear and determine any submissions in relation to the admission of evidence;

- (f) to determine any issues relating to confidentiality;
 - (g) to ensure that all agreements that can be reached between the parties about the matters in issue and the conduct of the proceedings are made and recorded; and
 - (h) to facilitate the settlement of the proceedings.
- (4) The Enforcement Committee may authorise a member to carry out on its behalf a case management conference, pre-hearing conference or any other preparatory measure relating to the organisation or disposal of the proceedings.

24. Evidence. – (1) The Enforcement Committee may give directions as to –

- (a) the provision by the parties of statements of agreed matters;
 - (b) the issues on which it requires evidence, and the admission or exclusion from the proceedings of particular evidence;
 - (c) the nature of the evidence which it requires to decide those issues;
 - (d) whether the parties are permitted to provide expert evidence;
 - (e) any limit on the number of witnesses whose evidence a party may put forward, whether in relation to a particular issue or generally; and
 - (f) the way in which evidence is to be placed before the Enforcement Committee.
- (2) In deciding whether to admit or exclude evidence, the Enforcement Committee shall have regard to whether it would be just and proportionate

to admit or exclude the evidence, including by reference to the following factors –

- (a) whether or not the substance of the evidence was available to the respondent before the disputed decision was taken;
 - (b) where the substance of the evidence was not available to the respondent before the disputed decision was taken, the reason why the party seeking to adduce the evidence had not made it available to the respondent at that time;
 - (c) the prejudice that may be suffered by one or more parties if the evidence is admitted or excluded; and
 - (d) whether the evidence is necessary for the Enforcement Committee to determine the case.
- (3) Unless the Enforcement Committee otherwise directs, no witness of fact or expert witness may be heard unless the relevant witness statement or expert report has been submitted in advance of the hearing and in accordance with any directions of the Enforcement Committee.
- (4) The Enforcement Committee may require any witness to give evidence on oath or affirmation or if in writing by way of affidavit.
- (5) The Enforcement Committee may allow a witness to give evidence through a video link or by other means.
- (6) The Enforcement Committee may dispense with the need to call a witness to give oral evidence if a witness statement or expert report has been submitted in respect of that witness.
- (7) The Enforcement Committee may limit cross-examination of witnesses to any extent or in any manner it considers appropriate.

PART 4

THE HEARING

25. Hearing to be in public. – (1) Every hearing is to be in public except that a hearing or part of a hearing may be in private if the Enforcement Committee is satisfied that it will be considering information which is, in the opinion of the Enforcement Committee, not be disclosed to the public.

(2) Where a hearing, or part of it, is to be held in private, the Enforcement Committee may determine who is entitled to attend the hearing or part of it.

26. Quorum. – (1) A quorum for proceedings of the Enforcement Committee shall be the Chairperson plus 2 (two) members.

(2) If, after the commencement of proceedings, any member is unable to continue, the Chairperson may appoint either of the remaining 2 (two) members for the rest of the proceedings.

(3) Where at proceedings of the Enforcement Committee votes are equal, the Chairperson shall have a deciding vote.

CONFIDENTIALITY

27. Requests for confidential treatment. – (1) A request for the confidential treatment of any document or part of a document provided in the course of proceedings before the Enforcement Committee shall –

(a) be made in writing indicating the relevant words, figures or passages for which confidentiality is claimed; and

- (b) be supported in each case by specific reasons, and, if so directed by the registrar, the person making the request shall supply a non-confidential version of the relevant document.
- (2) In the event of a dispute as to whether confidential treatment should be accorded, the Enforcement Committee shall decide the matter after hearing the parties.
- (3) The Enforcement Committee may direct that documents, or parts of a document, containing confidential information are disclosed within a confidentiality ring.

DECISION OF THE ENFORCEMENT COMMITTEE

28. Delivery of the decision. – (1) The decision and reasons for the decision of the Enforcement Committee shall be delivered –

- (a) by handing down the decision and reasons for the decision in public on a date fixed for that purpose;
 - (b) by publishing the decision and reasons for the decision on the FPB's website; or
 - (c) in such other manner as may be specified by practice direction.
- (2) The Enforcement Registrar shall send a copy of the document recording the decision and reasons for the decision to each party and shall enter it on the register.
- (3) The decision and reasons for the decision of the Enforcement Committee is to be treated as having been notified on the date on which a copy of the document recording it is sent to the parties under sub-rule 28 (2) of Schedule 1.

- (4) The decision and reasons for the decision of the Enforcement Committee be published in such manner as the chairperson considers appropriate.
- (5) The parties to proceedings have the right to request reasons for the decision should the decision of the Enforcement Committee not provide any in compliance with section 3 (2)(b)(v) of the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000).

29. Costs. – (1) For the purposes of these Rules “costs” means costs and expenses recoverable, as appropriate, and include payments in respect of the representation of a party to proceedings, where the representation by a legal representative was provided free of charge.

- (2) The Enforcement Committee may at its discretion at any stage of the proceedings make any order it thinks fit in relation to the payment of costs in respect of the whole or part of the proceedings.
- (3) In making an order under sub-rule 29 (2) of Schedule 1 and determining the amount of costs, the Enforcement Committee may take account of –
 - (a) the conduct of all parties in relation to the proceedings;
 - (b) any schedule of incurred or estimated costs filed by the parties;
 - (c) whether a party has succeeded on part of its case, even if that party has not been wholly successful;
 - (d) whether costs were proportionately and reasonably incurred; and
 - (e) whether costs are proportionate and reasonable in amount.
- (4) The Enforcement Committee may assess the sum to be paid under any order under sub-rule 29 (2) of Schedule 1 or may direct that it be assessed by the chairperson or the Enforcement Registrar.

- (5) The power to award costs under sub-rules 29 (1) to 29 (4) of Schedule 1 includes the power to direct any party to pay to the Enforcement Committee such sum as may be appropriate in reimbursement of any costs incurred by the Enforcement Committee in connection with the instruction of experts on the Enforcement Committee's behalf; and any sum due as a result of such a direction may be recovered by the Enforcement Committee as a civil debt due to the Enforcement Committee.
- 30. Interest.** – (1) If it imposes, confirms or varies any fine, the Enforcement Committee may, in addition, order that interest is to be payable on the amount of any such fine from such date at such rate as the Enforcement Committee considers appropriate.
- (2) Interest ordered to be paid under sub-rule 30 (1) of Schedule 1 is to form part of the fine and be recoverable as a civil debt in addition to the amount recoverable.
- 31. Quarterly report by the Enforcement Committee.** – (1) Within 30 (thirty) days after the end of each quarterly period of each financial period, the Enforcement Committee shall prepare and submit or cause to be prepared and submitted to the Council of the FPB a report on the matters presented before it for the applicable preceding quarter and the status of same.

PART 5

SHORT TITLE AND COMMENCEMENT

- 32. Short title.** – (1) These Rules are called the Enforcement Committee Rules, 2023.
- 33. Commencement.** – (1) These Rules shall take effect on the date of publication in the Government Gazette.

FILMS AND PUBLICATIONS ACT, 1996 (ACT NO. 65 OF 1996), AS AMENDED**FILM AND PUBLICATION BOARD
COMPLAINTS HANDLING PROCEDURES**

The Council of the Film and Publication Board has determined the procedure to be followed in conducting an investigation regarding the alleged offence as contained in the Films and Publications Act, 1996 (Act No. 65 of 1996), as amended.

CHAPTER 1**PURPOSE OF PROCEDURES**

- 1. Purpose.** – (1) The purpose of these Procedures is to determine –
- (a) the procedure to be followed for lodging complaints with the FPB;
 - (b) the procedure to be followed for processing and screening complaints;
 - (c) the procedure to be followed regarding conclusion of complaints; and
 - (d) the procedure to be followed regarding the institution of proceedings before the Enforcement Committee.

CHAPTER 2**DEFINITIONS**

- 2. Definitions.** – In these Procedures, any word or expression to which a meaning has been assigned in the Act, bears the meaning so assigned and, unless the context otherwise indicates –

“Act” means the Films and Publications Act, 1996 (Act No. 65 of 1996), as amended;

“assessment” means the process of screening a complaint by the FPB to confirm that the FPB has the requisite jurisdiction to receive and investigate the complaint in terms of sections 4, 18E(1) read in conjunction with sections 18F, 18G and 18H of the Act and make an initial finding;

“association” means a group of persons organised for a joint purpose;

“child” means any person under the age of 18 years;

“complainant” means any person, group or class of persons, association, organisation or organ of state as contemplated in clause 6 of these Procedures;

“complaint” means a written communication (including a written electronic communication) alleging the distribution of unclassified content, prohibited content or potentially prohibited content in relation to services offered online by any person, including commercial online distributors and non-commercial distributors, in the case of an oral complaint permitted in terms of sub-clause 9 (1) of these Procedures, a complaint which has been reduced to writing in accordance with sub-clause 9 (2) of these Procedures;

“Constitution” means the Constitution of the Republic of South Africa, 1996;

“day” means any calendar day excluding Saturdays, Sundays and public holidays;

“Enforcement Committee” means the Enforcement Committee established by section 3 of the Act;

“FPB” means the Film and Publication Board, a body established by section 3 of the Act;

“finding” means a conclusion reached after an assessment or investigation of a complaint regarding an alleged contravention of the Act;

“judicial review” means the review of an administrative action by a court or tribunal as contemplated in section 6 of the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000)

“organisation” means an organised body, including a business, political party, trade union and charity;

“organ of state” bears the meaning assigned to it in section 239 of the Constitution;

“person with a mental disability” means a person aged 18 or over who suffers from a syndrome characterised by clinically significant disturbance in his or her cognition, emotional regulation or behaviour that reflects a dysfunction in his or her psychological, biological, or development processes underlying his or her mental functioning;

“report” means a written account given or opinion formally expressed after an investigation, consideration or finding; and

“respondent” means any person, group or class of persons, association, organisation or organ of state who is allegedly in contravention of the Act.

CHAPTER 3

LODGING COMPLAINTS

- 3. Complaints which may be investigated by the FPB.** – (1) The FPB has the jurisdiction to conduct or cause to be conducted any investigation on receipt of a complaint by any person alleging the distribution of unclassified content, prohibited content or potentially prohibited content in relation to services offered online by any person, including commercial online distributors and non-commercial distributors.

(2) The FPB has the jurisdiction to conduct or cause to be conducted any investigation referred to in clause 3 (1) above –

(a) on receipt of a complaint; and

(b) on its own accord.

4. Complaints not dealt with by the FPB. – (1) The FPB has no jurisdiction to deal with complaints regarding any contravention of the Act prior to 1 March 2022.

(2) The FPB may reject any complaint, which –

(a) is based on hearsay or rumour, or reports disseminated through the media, provided that the FPB may, if the complaint is reduced in writing and submitted to the FPB, conduct an enquiry to verify any allegation of the distribution of unclassified content, prohibited content or potentially prohibited content in relation to services offered online by any person, including commercial online distributors and non-commercial distributors, that is reported in the media or obtained from any written source and upon verification, such alleged violation must be dealt with in terms of the Act and these Procedures;

(b) is couched in language that is abusive, insulting, rude or disparaging, provided that the FPB may consider a complaint if such language is removed;

(c) is the subject of a dispute before a court of law, tribunal, any statutory body, any entity with internal dispute resolution mechanisms, or settled between the parties, or in which there is a judgment on the issues in the complaint or finding of such court of law, tribunal, statutory body or other body. Provided that no complaint in respect of content distributed by member of the Press Council of South Africa, advertisements produced by a member of the Advertising Regulatory

Board or content broadcast by a broadcaster regulated by the Independent Communications Authority of South Africa, may be entertained by the FPB;

- (d) is an anonymous complaint;
- (e) is viewed to be frivolous, misconceived, unwarranted, incomprehensible or does not comply with the provisions of the Act and these Procedures;
- (f) is lodged after the expiry of a period of 90 (ninety) days from the date upon which an alleged distribution of unclassified content, prohibited content or potentially prohibited content in relation to services offered online by any person, including commercial online distributors and non-commercial distributors, occurred; or
- (g) is an oral complaint and which cannot be reduced to writing.

5. Place of lodging a complaint. – (1) A complaint must be lodged at the Head Office of the FPB and may be –

- (a) Delivered by hand at –

The Film and Publication Board
Eco Glade 2
420 Witch Hazel Street
Eco Park
Centurion
0169

- (b) Addressed by post to –

The Film and Publication Board
Private Bag X31

Highveld Park

0169

(c) Transmitted by electronic mail to clientsupport@fpb.org.za.

6. Who can lodge a complaint. – (1) Complaints in terms of these Procedures may be lodged by –

- (a) any person acting in their own interest;
- (b) any person acting on behalf of another person who cannot act in their own name;
- (c) any person acting as a member of or in the interests of a group or class of persons;
- (d) any person acting in the public interest; or
- (e) any association or organisation acting in the interest of its members:

(2) If a child or a person with a mental disability wishes to lodge a complaint, they must be assisted by a parent, an appropriate adult or a guardian who is not the cause of the alleged contraventions of the Act.

7. Information required when lodging a complaint. – (1) In lodging a complaint, the complainant must –

- (a) indicate whether the complaint is lodged personally or on behalf of another person, group or class of persons, association, organisation or organ of state and, if so, provide particulars;
- (b) provide the following personal information –
 - (i) full names of the complainant;

- (ii) the physical and postal address of the complainant; and
 - (iii) the telephone number of the complainant and their e-mail address, if available.
- (c) provide the following information regarding the alleged distribution of unclassified content, prohibited content or potentially prohibited content in relation to services offered online by any person, including commercial online distributors and non-commercial distributors –
- (i) the date and place of occurrence of the alleged distribution of unclassified content, prohibited content or potentially prohibited content;
 - (ii) the nature of the distribution of unclassified content, prohibited content or potentially prohibited content, alleged;
 - (iii) particulars of any person, group or class of persons, association, organisation or organ of state who or which is allegedly in contravention, if known;
 - (iv) the names and addresses of any person who may provide information relevant to the complaint;
 - (v) information regarding other mechanisms which the complainant has employed in an attempt to resolve the complaint, if any;
 - (vi) particulars of any person who has been involved in an attempt to resolve the complaint, if any; and
 - (vii) any other relevant information or supporting documents that can be used during the investigation.

- 8. Confidentiality.** – (1) A complainant may, when lodging a complaint, or at any stage thereafter, request that their personal particulars be kept confidential and not be disclosed to any person outside the FPB's offices if such complaint relates to –
- (a) the distribution of private sexual photographs and films, as per section 18F of the Act;
 - (b) the filming and distribution of films and photographs depicting sexual violence and violence against children, as per section 18G of the Act; and
 - (c) propaganda for war; incitement of imminent violence and advocacy of hatred that is based on identifiable group characteristics, and that constitutes incitement to cause harm, as per section 18H of the Act.
- (2) If the complainant is a child or a person with a mental disability, the personal information of the complainant must be kept confidential and not be disclosed to any person outside the FPB's office.
- (3) Any other confidentiality request, other than a request contemplated in clauses 8 (1) and 8 (2) of these Procedures, must be supported by a written statement explaining why the information is confidential.
- (4) If a complainant has requested that their particulars be kept confidential and the FPB is of the view that these particulars are necessary in order to resolve the complaint, the FPB must, in writing –
- (a) inform the complainant within 7 (seven) days of receipt of such request of the particulars, which in the FPB's view, must be disclosed;
 - (b) explain to the complainant the reasons therefor; and
 - (c) request the complainant's written consent to disclose such particulars.

- (5) The FPB may, if disclosure of the complainant's particulars is in its view necessary to resolve the complaint, decline to investigate the complaint if the complainant refuses the request as contemplated in clause 8 (4)(c) of these Procedures.
- (6) The FPB must, within 7 (seven) days of its decision inform the complainant, in writing, of its decision, giving full reasons and advising the complainant of their right of judicial review.

9. Format of lodging a complaint. – (1) A complaint to the FPB should be in writing and where –

- (a) it is not possible for a person who wishes to report a complaint to reduce it to writing themselves;
 - (b) it is not possible for a complainant to send a written complaint to the FPB; or
 - (c) the complaint concerns an urgent matter making it inadvisable to insist on a written complaint, the complainant may call the FPB offices and request that the member of staff, duly designated, reduce the complaint to writing on behalf of the complainant and have it confirmed as the true statement of the complaint by the complainant.
- (2) An oral complaint must be reduced to writing by the member of staff, as duly designated, on a form which substantially corresponds with the form provided for in Annexure A to these Procedures.

10. Manner of lodging a complaint. – (1) An oral complaint in person or by telephone as contemplated in clauses 9 (1) of these Procedures may be submitted to the FPB as contemplated in clause 5 of these Procedures.

(2) A written complaint as contemplated in clause 9 (1) of these Procedures may be submitted to the FPB, in the following manner –

- (a) by handing it in during office hours;
- (b) by post;
- (c) by e-mail; or
- (d) by completing and submitting a complaint form online via the FPB's website.

11. Late lodging of a complaint. – (1) The FPB may, on good cause shown, grant condonation to a complainant to lodge a complaint with the FPB after the expiry of 90 (ninety) days from the occurrence of the alleged contravention.

(2) A complainant who wishes to lodge a complaint contemplated in clause 11 (1) must, on request of the FPB, in writing or orally, subject to the provisions of clause 9 (2) of these Procedures, provide the following information –

- (a) the reasons for the delay in lodging the complaint;
- (b) indicate whether the refusal to investigate the complaint will cause prejudice to the complainant, any other person, group or class of persons, association, organisation or organ of state;
- (c) indicate whether, to their knowledge, the complaint has not been resolved;
- (d) indicate whether, to their knowledge, the complaint is ongoing;
- (e) indicate whether, to their knowledge, a practical remedy for or solution to the complaint is available; and

- (f) any other relevant information that the complainant may regard as special circumstances as to why the complaint should be investigated.

CHAPTER 4

PROCESSING OF COMPLAINTS

- 12. Procedure followed after lodging a complaint.** – (1) If the FPB establishes, after conducting an investigation, that there is merit in a complaint or that prohibited, unclassified or potentially prohibited content is being distributed, the FPB may –
- (a) issue a takedown notice in accordance with ECTA in the case of non-commercial online distributors; or
 - (b) in the case of internet service providers, issue a takedown notice in terms of ECTA.
- (2) The notification of acknowledgement of receipt must advise the complainant that their complaint has been registered together with the reference number allocated to the complaint.
- (3) If the FPB makes a finding that the complaint should be rejected or referred, the complainant must, within 7 (seven) days of the finding, be notified thereof, in writing, together with the full reasons for the rejection or referral and be advised of their right of judicial review where a decision is made not to refer the complaint.
- (4) If the FPB makes a finding that the complaint should be referred, the respondent must be furnished with a copy of the complaint and the FPB's written findings pursuant to its investigation.

- (5) Thereafter, the respondent must be given an opportunity to address and/or remedy the complaint within 30 (thirty) days of receiving the notice of referral, before the complaint is referred.
- (6) If the FPB makes a finding that the complaint does not fall within the jurisdiction of the FPB, or could be dealt with more effectively or expeditiously by another organisation, institution, statutory body or institution created by the Constitution or any applicable legislation, the complainant must, within 7 (seven) days of the finding –
 - (a) be notified thereof, in writing;
 - (b) be provided with the contact details of the said organisation, institution or body in order to pursue the alternative option themselves (indirect referral); and
 - (c) be advised that they may contact the FPB again should they not be provided with a response from the said organisation, institution or body.
- (7) If the FPB makes a finding that the complaint constitutes a *prima facie* finding that there may have been distribution of unclassified content, prohibited content or potentially prohibited content in relation to services offered online by any person, including commercial online distributors and non-commercial distributors, the complainant must, within 7 (seven) days of the finding, be notified that the complaint is accepted, in writing.
- (8) The timeframes provided for in this clause must be complied with unless special circumstances warrant an extension of the prescribed timeframes. Where special circumstances warrant an extension of the prescribed timeframes, the FPB must, within 3 (three) days prior to the expiry of the prescribed timeframes, inform the complainant of the extension and the special circumstances warranting a longer period, in any manner they deem fit but by keeping written record thereof.

CHAPTER 5

CONCLUSION OF COMPLAINTS

13. Conclusion of complaints. – (1) A complaint is concluded under the following circumstances –

- (a) after conclusion of an assessment if the complaint is rejected or in the case of an indirect referral, if no further action is required;
- (b) after conclusion of an investigation where it is found that –
 - (i) there was no distribution of unclassified content, prohibited content or potentially prohibited content in relation to services offered online by any person, including commercial online distributors and non-commercial distributors; or
 - (ii) there was distribution of unclassified content, prohibited content or potentially prohibited content in relation to services offered online by any person, including commercial online distributors and non-commercial distributors, and the said contravention is remedied;
- (c) if a complaint is withdrawn by the complainant and the FPB is satisfied that there are no compelling reasons to proceed with the investigation;
- (d) after resolution of a matter subsequent to the institution of proceedings before the Enforcement Committee as contemplated in clause 14 of these Procedures.

14. Institution of legal proceedings before the Enforcement Committee. – (1) The FPB may institute proceedings before the Enforcement Committee, as contemplated in section 6B (1)(b) of the Act, in its own name, or on behalf of a

person or a group or class of persons at any stage after a complaint contemplated in clause 3 of these Procedures is received.

- 15. Repeal or amendment of Procedures.** – (1) These Procedures remain in force until repealed or amended by the FPB by publication in the *Gazette*.
- 16. Short title and commencement.** – (1) These Procedures are called the Film and Publication Board Complaints Handling Procedures and come into operation on the date of publication hereof in the *Gazette*.

**Head Office:**

Eco Glades 2, 420 Witch Hazel Avenue, Eco Park, Centurion, 0169
 Private Bag X31, Highveld Park, 0169
 Tel: +27 12 003 1400 | Fax: +27 12 661 0074
 Email: clientsupport@fpb.org.za | Website: www.fpb.org.za

**ANNEXURE A****FILM AND PUBLICATION BOARD****COMPLAINT FORM**

For office use only			
Province		City / Town	Complaint Reference Number

Please write clearly and use **CAPITAL LETTERS**. If there is not enough space on this form for your answer, please use a separate page and send it to us together with this form.

If there is more than one person who would like to send a complaint to us, each person must complete a separate form.

Part A: Your Details	
Full name(s) and Surname	
Identity Number	
Race	
Gender	
Address where you live	
Address where we can send letters	
Telephone number (work)	
Telephone number (home)	
Cellular number	
Email address	

Part B must only be filled in if you are writing on behalf of somebody else, for an association or organisation.

Part B: Details of Person, Association or Organisation	
Name and surname of person on whose behalf you are completing this form	
Identity Number	
Race	
Gender	
Address where they live	
Address where we can send them letters	
Telephone number (work)	
Telephone number (home)	
Cellular number	
Email address	
Details of association, organisation or organ of state on whose behalf you are completing this form	
Full name of the association, organisation or organ of state	
Registration number	
Person we should speak to at the association, organisation or organ of state	
Position of contact person	
Address	
Telephone number	
Cellular number	
Email address	

Part C: The Complaint	
Date	
State the nature of the complaint?	
Where did it happen?	
If you know, which section/s of the Act was or were contravened	

If you know, the full name(s) and surname(s) of person(s), association, organisation or organ of state who contravened the sections of the Act, please tell us	
If you do not know his / her / its / their names, please tell us anything you do know about him / her / it / them	
Did anybody see or hear what happened (only people who actually saw or heard what happened, not people who heard about it from someone else)?	
In your own words, tell us exactly what happened (include all information but be as brief as possible)	
Have you reported the matter to anyone else? If yes, please tell us who you have reported the contravention to	
Were any steps taken by the person / association / organisation / organ of state to resolve the matter?	
What outcome do you propose or expect from this	

complaint (tell us what you would like to achieve with this complaint and the relief sought)?	
Do you need an interpreter when attending any investigations at our offices? If yes, please tell us the language you speak	
Can we use your name in news reports or letters we write regarding this matter / complaint?	
Please tell us how you heard about the Film and Publication Board (e.g. radio advert, newspaper, poster, from a friend, etc.)	

Signature / Mark of Complainant

Date

(on behalf of yourself, another person, association, organisation or organ of state)

If on behalf of another person (including a child or a person with a mental disability), association, organisation or organ of state:

Signature of representative, parent, appropriate adult or guardian

Remember:

- (a) To attach any copies of documents which can assist in this matter.

DEPARTMENT OF EMPLOYMENT AND LABOUR

NO. 3200

24 March 2023

**COMPENSATION FOR OCCUPATIONAL INJURIES AND DISEASES ACT, 1993
(ACT No. 130 OF 1993), AS AMENDED****CONFIRMATION OF LIFE FOR ALL FOREIGN PENSIONERS AND
BENEFICIARIES IN THE COMPENSATION FUND**

I, Farzana Fakir, the Acting Commissioner for the Compensation Fund, hereby issue a notice in terms of section 6A of the COID Act to inform the pensioners, beneficiaries and recipients who receives a monthly pension from the Compensation Fund (Fund) to submit the confirmation of life documents before the 31st of May 2023. The submission of the confirmation of life documents will serve as a proof of verification of existence of pensioners, beneficiaries and recipients.

This notice affects all non-South African citizens residing in and outside of South Africa as well as all South African citizens residing outside South Africa. The individuals affected can either be the IOD/OD employees who receive a monthly pension from the Fund because of disability (in terms of Section 49 (4) of CODA), the dependents of deceased pensioners and the guardians receiving pension on behalf of dependents below the age of 18 years of age (in terms of section 54 (1) of COIDA).

Failure to submit the required and complete documents will result in the monthly pension payment being terminated with the assumption that the life status of the affected pensioners are deceased. No reinstatement of pension will be done for any pensioners after the termination of such pensions.

All affected pensioners, beneficiaries and recipients are hereby called upon to submit the confirmation of life documents as a proof of existence to avoid suspension/termination of their monthly pension with the Fund.

The following information should be submitted for confirmation of life:

1. Duly completed Wac.22 form.
2. Certified copy (not older than 3 months) of valid identification documents (applicable to the pensioner, spouses and the guardian).
3. Certified copy of the death certificate of the deceased employee.
4. Certified copy of marriage certificate (only applicable for Spouses receiving pension).
5. Certified copy of birth certificate of dependent in the approved format (only children dependents receiving pension).
6. Three-months bank statements reflecting recent three-month payments received from the Fund (3 months from date of submission).
7. Recent proof of residence with the details (name and surname, contact details) of the pensioner/dependents/dependents under 18 years and as well as the guardian.
8. Certified copy of a valid proof of guardianship documents (where applicable).
9. NB: Where the guardian is a recipient, both the information of the recipient and the dependent/s should be submitted.

The above information should be submitted to the Fund via email to #PensionersLifeConfirmation@LABOUR.gov.za with the subject line on the email 'Confirmation of life and claim number and or business partner number'.



.....
MS FARZANA FAKIR

ACTING COMMISSIONER: COMPENSATION FUND

LEGAL PRACTICE COUNCIL

NO. 3201

24 March 2023

NATIONAL OFFICE
Thornhill Office Park
Building 20
94 Bekker Road
Vorna Valley, Midrand
Tel: 010 001 8500



THE SOUTH AFRICAN LEGAL PRACTICE COUNCIL

NOTICE IN TERMS OF SECTION 95(1) & (4) OF THE LEGAL PRACTICE ACT, 28 OF 2014

Notice is hereby given that the Council intends to amend the Rules of the Council made under the authority of sections 95(1), 95(3) and 109(2) of the Legal Practice Act, 28 of 2014 (as amended) by amendment of the following rule(s) to the South African Legal Practice Council Rules:

Explanatory Note

Words in bold type square brackets [] indicate proposed deletions from the existing Rules.

Words in bold and underlined with a solid line indicate proposed insertions to the existing Rules.

Amendment to Rule 17.6.3

17.6 Copies of the following documents must be attached to the founding affidavit of the applicant, whether for admission as an attorney or as an advocate, and must be certified as being true copies of the originals by a notary public or by a commissioner of oaths –

17.6.3 degree certificate or certificates of the applicant **or documentary proof from an authorised person indicating that the applicant has satisfied all the requirements for the degree referred to in Section 26(1)(a) and (b) of the Act;**

In terms of Section 95(4)(a) of the Legal Practice Act, interested persons are called upon to comment to the Council in writing on the draft amendment.

Please note that all comments must be sent by email to rules@ipc.org.za by no later than 28 April 2023.

Signed at Midrand on 13 March 2023.

Ms Janine K Myburgh
Chairperson: Legal Practice Council

NATIONAL TREASURY

NO. 3202

24 March 2023

**FINANCIAL SECTOR LAWS AMENDMENT ACT, 2021:
COMMENCEMENT OF CERTAIN PROVISIONS**

In terms of section 63 of the Financial Sector Laws Amendment Act, 2021 (Act No. 23 of 2021 – “the Act”), I, Enoch Godongwana, Minister of Finance determine—

- (a) the date of publication of this notice in the *Gazette*, as the date on which the following provisions of Chapter 12A of the Financial Sector Regulation Act, 2017, inserted by section 51 of the Act, take effect:

Section 166AE
Sections 166AH to 166AS
Sections 166AU to 166BB
Section 166BF

- (b) 1 June 2023, as the date on which—

- (i) the following provisions of the Act take effect:

Section 1
Sections 4 to 11
Sections 13 to 50
Section 52
Sections 54 to 57
Sections 59 to 62

- (ii) the following provisions of Chapter 12A of the Financial Sector Regulation Act, 2017, inserted by section 51 of the Act, take effect:

Sections 166A to 166I
Sections 166J to 166P
Sections 166Q to 166Y
Section 166Z



**ENOCH GODONGWANA
MINISTER OF FINANCE**

KITSISO YA PUSO**MATLOTLO A SETŠHABA****MOLAO WA TLHABOLOLO YA MELAO YA LEPHATA LA DITŠHELETE, 2021:
TSENYOTIRISONG YA DITAELO TSE DI RILENG**

Go ya ka karolo 63 ya Molao wa Tlhabololo ya Molao ya Lephata la Ditšhelete, 2021 (Molao 23 wa 2021 – “Molao”), Nna, Enoch Godongwana, Tona ya Matlotlo ke tlhomamisa—

- (a) letlha la phasalatso ya kitsiso eno mo Lokwalodikgannyeng la Puso, jaaka letlha le ka lona ditaelo tse di latelang tsa Kgaolo 12A ya Molao wa Taolo ya Lephata la Ditšhelete, 2017, e e tsentsweng ka karolo 51 ya Molao, di tsenang mo tirisong:

Karolo 166AE
Dikarolo 166AH go fitlha go 166AS
Dikarolo 166AU go fitlha go 166BB
Karolo 166BF

- (b) 1 Seetebosigo 2023, jaaka letlha le ka lona—

- (i) ditaelo tse di latelang tsa Molao di tsenang mo tirisong:

Karolo 1
Dikarolo 4 go fitlha go 11
Dikarolo 13 go fitlha go 50
Karolo 52
Dikarolo 54 go fitlha go 57
Dikarolo 59 go fitlha go 62

- (ii) ditaelo tse di latelang tsa Kgaolo 12A ya Molao wa Taolo ya Lephata la Ditšhelete, 2017, e e tsentsweng ka karolo 51 ya Molao, di tsenang mo tirisong:

Dikarolo 166A go fitlha go 166I
Dikarolo 166J go fitlha go 166P
Dikarolo 166Q go fitlha go 166Y
Karolo 166Z



ENOCH GODONGWANA
TONA YA MATLOTLO

DEPARTMENT OF TRANSPORT

NO. 3203

24 March 2023



RAILWAY SAFETY REGULATOR GENERAL NOTICE

Notice No. 001 of 2023

NOTIFICATION OF PUBLICATION OF THE REGULATOR VERBAL SAFETY-CRITICAL COMMUNICATION STANDARD FOR IMPLEMENTATION AND COMPLIANCE BY THE RAILWAY OPERATORS

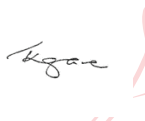
I, Tshepo Kgare, Chief Executive Officer of the Railway Safety Regulator (RSR), in terms of the Railway Safety Regulator Act No. 16 of 2002, as amended ("the Act"), hereby publish the Verbal Safety-Critical Communication Standard for implementation and compliance by Railway Operators.

This Standard applies to all Railway Operators as defined in terms of the Act. The Railway Operators are henceforth required to comply by implementing the requirements which are specified in the Standard.

Operator Implementation Guide which provides guidelines on the implementation of the Standard, will be shared with operators to ensure compliance.

This gazette supersedes all other gazettes issued regarding this matter.

Yours faithfully



Digitally signed
by Tshepo Kgare
Date: 2023.02.14
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TSHEPO KGARE
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Edition 1.0

REGULATOR STANDARD

RAILWAY SAFETY MANAGEMENT

Part 2-5-1: Verbal Safety-Critical Communication

RSR 00-2-5-1:2022

REGULATOR STANDARD

Railway Safety Management

Part 2-5-1: Railway Operations – Verbal Safety-Critical
Communication

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Regulator Standards are updated by amendment or revision. Users of Regulator Standards should ensure that they possess and are using the latest amendments or editions.

This Regulator Standard was researched and developed by the *Railway Safety Regulator's Standards Technical Committee* (TC RSR-001) and the *Working Group on Verbal Safety-Critical Communications* (WG RSR 00-2-5-1).

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REGULATOR STANDARD

Railway Safety Management

Part 2-5-1: Railway Operations – Verbal Safety-Critical Communication

NOTE: It is essential that this standards document is read together with the South African National Standards, SANS 3000-1 and SANS 3000-2-5.

Table of changes

Edition and version number	Date	Scope
1.0	March 2023	First published edition

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Foreword

This Regulator Standard was developed and approved by the Railway Safety Regulator's *Technical Committee for the Development of Regulator Standards for Railway Safety* (TC RSR-001), in accordance with the *National Railway Safety Regulator Act* (NRSRA) (Act No. 16, 2002), the *Safety Standards Development Regulations* and the *RSR Procedure for the Development of Regulator Standards*.

This document extends and augments the *SANS 3000* series of standards pertaining to railway safety that are published by the South African Bureau of Standards (SABS) on behalf of the Railway Safety Regulator and, in particular, technical requirements for engineering and operational standards Operational principles for safe movement on rail, the Railway Safety Regulator Standards, and the Standards for Transport of dangerous goods by rail

The *SANS 3000* series of standards presently consists of the following parts, under the general title of *Railway Safety Management*:

SANS 3000-1:2016 – Part 1: Railway Safety Management - General.

SANS 3000-2-1:2017 – Part 2-1: Requirements for systemic engineering and operational safety standards - Electrical distribution and overhead traction systems

SANS 3000-2-2:2016 – Part 2-2: Requirements for systemic engineering and operational safety standards: Track and associated civil infrastructure and installations.

SANS 3000-2-2-1:2021 – Part 2-2-1: Requirements for systemic engineering and operational safety standards – Track and associated civil infrastructure and installations – Level crossings.

SANS 3000-2-3:2017 – Part 2-3: Requirements for systemic engineering and operational safety standards - Rolling Stock

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SANS 3000-2-4:2013 – Part 2-4: Technical requirements for engineering and operational standards – Train authorization and control, and telecommunications.

SANS 3000-2-5:2013 – Part 2-5: Technical requirements for engineering and operational standards – Operational principles for safe movement on rail.

SANS 3000-2-6:2013 – Part 2-6: Technical requirements for engineering and operational standards – Interoperability, and interface and intraface management.

SANS 3000-4:2011 – Part 4: Human factors management.

The RSR 00 series of standards presently consists of the following parts, under the general title of Railway Safety Management:

RSR 00-2-3-1:2016 – Part 2-3-1: Requirements for systemic engineering and operational safety standards – Rolling stock – Wheels, axles and bearings.

RSR 00-2-7:2016 – Part 2-7: Requirements for systemic engineering and operational safety standards – Railway Stations.

RSR 00-3:2016 – Part 3: Occurrence management.

RSR 00-4-1:2016 – Part 4-1: Human factors management – Fatigue management.

The standard on the Transportation of dangerous goods by rail is the following:

SANS 10405:2014 - Transport of dangerous goods by rail.

Where reference is made to a specific published date, version or edition of a document that version of the document shall apply. Where reference is made to a document without specifying a date, version or edition, it should be assumed that the latest published version shall apply.

Annexure A is provided for information only.

Introduction

This document has been developed primarily with a view to achieving uniform and seamless Verbal Safety-Critical Communication (VSCC) within the railway operations in South Africa. The railway industry in South Africa has seen itself conducting operational activities including verbal communication under normal, abnormal, and degraded modes of working, and during emergency situations. Non-adherence to VSCC has contributed to numerous railway occurrences, including collisions and signals passed at danger (SPADS).

VSCC therefore is a crucial component of safe railway operations, and consequently non-adherence to it may contribute to occurrences.

This standard outlines the minimum requirements for the management of VSCC, including the framework to be implemented for safety related personnel in the execution of their operational activities. It seeks to explain the level of VSCCs required for safety related personnel within the railway industry in South Africa.

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1. Purpose and Scope

1.1. Purpose

- 1.1.1. To describe the VSCC requirements and approach applicable to safe railway operations;
- 1.1.2. To provide a communication framework for effective VSCCs during railway operations;
- 1.1.3. To clarify what VSCC within railway operations is and the procedure for using it to ensure safe and seamless railway operations;
- 1.1.4. To contribute to the reduction of railway occurrences attributable to communication errors;
- 1.1.5. To provide a standardised approach to VSCC within the railway operations in South Africa; and
- 1.1.6. To amplify and augment communication requirements outlined in SANS 3000-2-5.

1.2. Scope

- 1.2.1. The standard is applicable to all railway operations, applicable technologies, processes, procedures, rules, systems, sub-systems and components that form part of a railway system; and
- 1.2.2. It is designed for use by railway safety related personnel (safety-critical personnel included) when they communicate verbally during the execution of their operational duties that relates to safe movement of trains, regardless of the technology that is being used.

2. Normative References

- 2.1. The following referenced documents are indispensable for the understanding and application of this standard. For undated references, the latest edition of the standard (including any amendments) shall apply:
 - SANS 3000-1: Part 1: Railway safety management – General.
 - SANS 3000-2-4: Part 2-4: Technical requirements for engineering and operational standards – Train authorization and control, and telecommunications.
 - SANS 3000-2-5: Part 2-5: Technical requirements for engineering and operational standards – Operational principles for safe movement on rail.

SANS 3000-4: Railway safety management – Human factors management.

- 2.2. Information on current, valid national (SANS) and international standards (ISO) can be obtained from the South African Bureau of Standards (SABS), Standards Division. Website: <https://www.sabs.co.za/>.
- 2.3. Information on current, valid Regulator Standards can be obtained from the Railway Safety Regulator, South Africa. Website: <http://rsr.org.za/>.

3. Definitions and Abbreviations

3.1. Definitions

3.1.1 abnormal working

deviation from the train's normal working on a portion of the network that may or may not impact on the service capacity

3.1.2 authorisation

official permission or approval granted for the movement of rolling stock, i.e. train or shunt movement

3.1.3 competent

having the qualification, knowledge, skills, attitudes and capabilities required to function successfully, effectively and efficiently in a given job

3.1.4 communication barriers

obstacles in a workplace that prevent effective exchange of ideas or thoughts including status differences, gender differences, cultural differences, prejudices, the organizational environment and linguistic barriers

3.1.5 degraded mode

any deviation from the primary mode of train movement on a portion of the network, including the condition of the rolling stock and railway infrastructure elements, which impact on service capacity, but which are still safe

3.1.6 digital migration

migrating services from analogue to digital technology

3.1.7 emergency

serious, unexpected and potentially dangerous situation that requires immediate action

3.1.8 handshaking

exchange of information between an individual, group or device (or any combination of these) such that the sender and receiver(s) are in agreement that the information received is identical to that sent and that the interpretation of the information by the receiver(s) is the same as that intended by the sender

3.1.9 interoperability

ability of network, train and station operators (as defined in the National Railway Safety Regulator Act (Act No. 16 of 2002)) to allow the safe and uninterrupted movement of rolling stock (at interfaces and intrafaces), between and on different networks to accomplish the required levels of safety (for passengers, freight, public and the environment) and performance for those operations

3.1.10 interface

physical or organisational area, point or location where the activities or assets, or activities and assets of two or more railway operators or a railway operator and another organisation meet and interact or have the potential to affect one another or both

3.1.11 intraface

physical or organisational area, point or location where the activities or assets or activities and assets of two or more functional disciplines within a railway operator meet and interact or have the potential to affect one another

3.1.12 phonetic alphabet

set of symbols or codes used to show what a speech sound or letter sounds like

3.1.13 railway infrastructure

physical elements constituting the network comprised of the track, civil infrastructure, electrical infrastructure, train authorization and control, and telecommunication infrastructure

3.1.14 railway system

integration of technologies, statutory, environmental and business requirements, and human factors designed for the safe transportation of people and freight, and which is commercially and environmentally sustainable and includes where relevant, projects, products, policies, processes, procedures and assets

3.1.15 responsibility

ability to act or decide on one's own and to explain such actions or decisions when asked

3.1.16 risk

exposure to a hazard(s) that may result in injury or loss expressed in terms of likelihood (probability) and severity (impact)

3.1.17 risk management

process of identification of hazards, their quantification in terms of severity and likelihood (probability), the development of a plan/s to tolerate the risk, or transfer the risk, or treat the risk to reduce it to acceptable levels with the necessary controls, or terminate the risk, and thereafter to monitor the residual risk to ensure it remains tolerable

3.1.18 safety-critical work

functions and activities directly related to the authorization and control of rolling stock movements, and to the execution of the movement of rolling stock, including the direct supervision of persons undertaking these functions and activities

3.1.19 safety-related work

functions and activities that have an impact on safe railway operations, either directly (safety-critical work) or indirectly, including the certification of systems, subsystems or components for introduction as new or modified technologies for a network, train or station operation (or a combination thereof), or the maintenance of systems, subsystems or components which constitute a network, train or station operation (or a combination thereof), including the direct supervision of persons undertaking these functions and activities

3.1.20 technology

created capability or capacity (or both) relating to systems (including subsystems and components), processes, and procedures applicable to network, train and station operators, as well as other interested and affected parties in the railway industry

3.1.21 train authorisation and control system

system which provides a means to safely regulate the movement of trains on a railway system through the use of technology and competent persons in safety related positions

3.2. Abbreviations

ALARP:	As low as reasonably practicable
GOI:	General operating instructions
RSR:	Railway safety regulator
SOP:	Standard operating procedures
SPAD:	Signal passed at danger
TAC&T:	Train authorization and control, and telecommunication
TWR:	Train working rules
VSCC:	Verbal Safety-Critical Communication
WG:	Working group

4. Verbal Safety-Critical Communication Requirements

4.1. Risk Management

- 4.1.1. Operators shall identify all activities that require VSCC under normal, degraded, abnormal and emergency situations.
- 4.1.2. The operators shall develop processes and procedures to ensure that risks related to VSCC are identified and effective control measures are developed and implemented.
- 4.1.3. The operator shall ensure that the implementation of control measures shall not result in additional risks which require further mitigation.
- 4.1.4. When VSCC is used under abnormal or degraded mode of train operations, the railway operators shall ensure that the risks associated with the equipment and tools used in VSCC are adequately identified and mitigated.
- 4.1.5. The functional tools used, and method of working shall be appropriate for the mode of working.
- 4.1.6. The operator shall develop processes and procedures to stipulate and manage reasonable time frames for the use of VSCC under abnormal or degraded mode of train operation.
- 4.1.7. Operators shall ensure VSCC risk assessments are effective and communicated to all relevant structures within the organization

4.2. Regulatory and Compliance Review

The operator shall develop and implement processes and procedures to identify and ensure compliance with the published regulatory requirements related to VSCC rules and operating requirements.

4.3. Interoperability, Interfaces and Intrafaces

4.3.1. The operator shall develop and implement processes and procedures to manage VSCC at interfaces and intrafaces in accordance with the applicable requirements of the Safety Management System, SANS 3000-2-6 and in line with this standard, including:

- 4.3.1.1. the implementation of proper VSCC handover processes where two or more operators are interfacing; and
- 4.3.1.2. assurance that the language and equipment supporting or used for VSCC are aligned, interoperable and functional.

4.4. Verbal Safety-Critical Communication Requirements for Persons Undertaking Railway Safety-Related Work**4.4.1. Applicability**

4.4.1.1. Persons undertaking railway safety-related work include but not limited to:

- i) persons involved in the execution of the movement of rolling stock, including the direct supervision of persons undertaking these functions and activities;
- ii) persons involved in the authorization and control of rolling stock movements, including the direct supervision of persons undertaking these functions and activities;
- iii) persons involved in the declaration of rolling stock as service worthy, including the direct supervision of persons undertaking these functions and activities;
- iv) persons involved in the maintenance of railway infrastructure, when conducting activities that impact safe movement of trains, including the direct supervision of persons undertaking these functions and activities; and
- v) Persons involved in the construction of railway infrastructure, when conducting activities that impact safe movement of trains, including the direct supervision of persons undertaking these functions and activities.

4.4.1.2. Effective VSCC shall take cognisance of the following:

- i) availability, functionality and/or effectiveness of the system, tools and/or equipment used;
- ii) Train Working Rules and/or General Operating Instructions;
- iii) Standard Operating Procedures;
- iv) description of the line and the relevant line-side equipment associated with the route;
- v) timetables or scheduling; and
- vi) any other relevant documentation to be developed.

4.5. Competencies Requirements to Support VSCC in Railway Operations

4.5.1. Competencies

4.5.1.1. The operator shall establish, develop or adopt, document, implement and maintain policies, processes and procedures to ensure competencies of employees undertaking safety-related work in accordance with the applicable requirements of SANS 3000-4, including:

- i) education and training of employees undertaking safety related work that involve VSCC;
- ii) training and development shall be a dynamic and risk-driven process that is focused on specific communication requirements of a particular job, task or activity;
- iii) requirements of applicable legislation and standards, including those specified in this standard;
- iv) roles and responsibilities of operator's employees undertaking VSCC; and
- v) systems, tools and/or equipment used in VSCC.

4.5.2. Supervision

4.5.2.1. The operator shall develop processes and procedures for conducting VSCC supervision in accordance with the applicable requirements of SANS 3000-4, including:

- i) conducting task observations with immediate feedback and corrective action in

- case of any transgressions related to VSCC;
- ii) undertaking real-time observation and/or listening of VSCC messages and provision of feedback to enhance safe railway performances. Playback of recorded VSCC conversations and corrective action where applicable to monitor compliance; and
 - iii) provision of positive feedback where it is deserved, to motivate and promote safe railway operations.

Note: Safety briefings and symposiums shall also be utilised to discuss VSCC requirements.

4.5.3. Language Policy

- 4.5.3.1. The operator shall develop or adopt, document, implement and maintain a formal language policy which shall make provision for VSCC.
- 4.5.3.2. The language policy shall take into consideration the medium of communication, including written, electronic, verbal or non-verbal in accordance with the applicable requirements of SANS 3000-1, SANS 3000-2-4 and SANS 3000-2-5.

4.5.4. Communication requirements for safe railway operations

- 4.5.4.1. All the information necessary to ensure VSCC amongst safety critical and safety related personnel shall be set out in appropriate documents, including:
 - i) the assurance that safety critical messages are stated clearly, unambiguously, structured and in a formalized manner;
 - ii) the assurance that messages are repeated back and there is common understanding through a process of handshaking;
 - iii) the authorization, instruction or other information provided shall not be acted upon until the handshaking is complete;
 - iv) where handshaking cannot be completed, the instruction and/or authorization shall be terminated; and
 - v) for open system channels, information shall be communicated to all relevant and

affected parties.

4.6. Structure and responsibility

4.6.1. The operator shall:

4.6.1.1. Develop and implement processes and procedures to ensure compliance to applicable VSCC standards and processes.

4.6.1.2. Ensure that all safety related personnel take responsibility for how they communicate at work, taking into consideration the following:

- i) compliance with the guidance provided in this standard;
- ii) adherence to communication standards under normal, abnormal, emergency and any unusual scenario;
- iii) recognition that situations faced under pressure will still require clear and structured communications;
- iv) communicating properly under all situations;
Note: If good communication practice is well established, it is less likely to collapse under abnormal situations;
- v) allowing reasonable time to think what to say.
Note: This will save time even when tempted to speak fast. Slow the communication pace down, speak slowly and clearly to allow more thinking time and analysis;
- vi) staying calm and focused on the facts;
- vii) listening carefully to what is being communicated;
- viii) confirming understanding of the message received, by repeating what has been communicated and this will clarify any actions that will aid decision-making and help to remember what is required to be done; and
- ix) ensuring compliance to VSCC continuously for safe railway operations.

4.6.1.3. The operator shall ensure that the VSCC has a four-part structure including opening, information, actions and confirmations (refer to the Annexure A). This practice enhances clear communication and aids memory of important elements of a safety-critical conversation.

4.7. Safety emphasis for VSCC communication within railway operations

4.7.1. The employees undertaking VSCC shall ensure the following:

- a) messages are clear and unambiguous;
- b) VSCC has a common structure and a professional tone;
- c) communication is relayed through short, well-structured messages which are easy to understand;
- d) communicating by speaking in natural rhythm, using normal tone, dividing message into phases and speaking at a rate slightly slower than used in normal conversation;
- e) the recipient repeats back the message to ensure it is clearly understood;
- f) priority is given to emergency messages, safe working and other railway voice communications;
- g) correct identification is used when initiating or acknowledging safety related instruction;
- h) no false or irrelevant messages or information shall be communicated; and
- i) standard radio terms are used when operating with radios or telephones.

4.8. VSCC Communication during Emergency Situations

4.8.1. Reporting of emergency situations as detailed in the relevant railway operator processes and procedures shall be reported in accordance with this standard,

4.8.2. An emergency call shall have absolute priority over all other transmissions. Employees using the channel must immediately cease any transmission, which may interfere with the emergency call unless they are also dealing with an emergency.

4.8.3. The employee initiating the call must say the word "EMERGENCY" three times. The call shall be repeated at intervals until an answer is received. The intervals between repetitions of an emergency call must be sufficiently long to allow time for the person who has received the message to reply.

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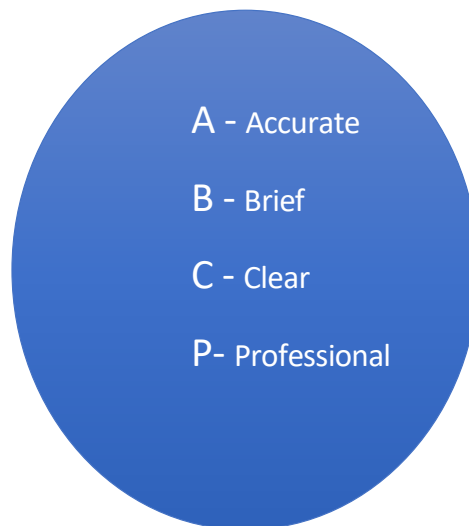
-
- 4.8.4. As soon as the emergency call is responded to, the employee initiating the call shall identify himself/herself and state exactly where he/she or the train is, the nature of distress and the kind of assistance required.
- 4.8.5. The applicable procedures to be followed in emergency situations which includes the following:
- a) To transmit an emergency message:
 - i) say "Emergency, Emergency, Emergency";
 - ii) Identify yourself;
 - iii) Emergency identification and location;
 - iv) state nature of the emergency; and
 - v) state type of assistance required.
 - b) Emergency messages shall:
 - i) be given priority over other transmissions; and
 - ii) be answered immediately.

4.9. Recording of safety critical conversations

- 4.9.1. All verbal radio or telephonic conversations between safety-critical personnel shall be recorded. These recordings assist in the following:
- supervision and monitoring adherence of personnel to communication standards;
 - assessing the quality of conversations in terms of background noise etc;
 - assessing the audibility of conversations;
 - identifying communication training needs; and
 - occurrence investigations.

4.10. VSCC Principles

4.10.1. When issuing VSCC, the principle of ABC-P shall be adhered to as described below:



4.10.2. The following shall be applied to achieve the principle of ABC-P:

- a) Speak at an acceptable pace, tone and pitch to ensure hearing and understanding by the intended receiver or receivers;
- b) Do not interrupt others;
- c) Be precise in your descriptions (for example: locations, obstructions);
- d) Use acceptable language (Do not use slang or informal language);
- e) Plan what you are going to say before you say it – think about structure;
and
- f) Repeat back what has been said.

4.11. The phonetic alphabet

4.11.1. The phonetic alphabet shall be used when transmitting location or equipment identifiers such as the prefix of the signal, points (turnouts) locations, kilometre points, etc. The key words have been carefully chosen so that they clearly

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represent each letter and don't sound alike (**e.g. proceed to signal RSR 1234 – this should read as follows – proceed to signal Romeo Sierra Romeo ONE, TWO, THREE, FOUR**).

- 4.11.2. Where required, the phonetic alphabet must be used to pronounce any letter to avoid possible confusion. The phonetic alphabet, word used and its pronunciation is as follows:

A	Alpha: AL-fah	N	November No-VEM-ber
B	Bravo: BRAH-voh	O	Oscar: OSS-cah
C	Charlie: CHAR-lee	P	Papa: pah PAH
D	Delta: DELL-tah	Q	Quebec: key-BECK
E	Echo: ECK-oh	R	Romeo: ROW-me-oh
F	Foxtrot: FOX-trot	S	Sierra: see-AIR-RAH
G	Golf: GOLF	T	Tango: TANG-go
H	hoh-TELL	U	Uniform: YOU-nee-form
I	India: IN-DEE-ah	V	Victor: VIC-tah
J	Juliet: JEW-lee-ETT	W	Whiskey: WISS-key
K	Kilo: KEY-loh	X	X ray: ECHS-RAY
L	Lima: LEE-mah	Y	Yankee: YANK-key
M	Mike: MIKE	Z	Zulu: ZOO-loo

4.12. Numbers

- 4.12.1. Standard spoken figures shall be pronounced in individual digits when relaying VSCC messages as described in clause 4.11.2 for numbers, to avoid possible confusion. (for example, proceed to signal RSR 01234 – should be relayed as follows – **proceed to signal Romeo Sierra Romeo Zero, ONE, TWO, THREE, FOUR**).

4.12.2. Spoken figures shall be as follows:

0	ZERO
1	ONE
2	TWO
3	THREE
4	FOUR
5	FIVE
6	SIX
7	SEVEN
8	EIGHT
9	NINE
Decimal	POINT
Point	

Note: The number "0" shall always be pronounced as "Zero".

4.13. Standard Radio Terms

4.13.1. When using radios or other equipment provided for operational communications, the following standard radio terms shall be used:

TERM	MEANING
Receiving	I (called party) acknowledge your call, proceed with message.
Message received	I have received your message and I understand it.
Over	My transmission has ended, and I expect a response from you.
Out	My transmission has been completed.
Correct	You are correct or what you have transmitted is correct.
Negative	No, or permission is not granted, or there is an error in your read back.
Stand-by	Wait, I will be back soon.
Please repeat	Repeat all, or the specified part, of this message exactly as

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	you received it.
Repeat	Repeat all, or the specified part, of your last transmission.
Say again	Please repeat your last message.
Loud and clear	Every word is understood.
Over and out	The transmission has ended, and no response is expected.

4.13.2. Definitions for shunting movements when using shunt radios/walkie-talkies

TERM	MEANING
Pull forward	to indicate that a hauling movement must be performed.
Push backward	to indicate that a propelling movement must be performed.
Pull slowly forward	to indicate that a hauling movement must be performed slowly.
Push slowly backward	to indicate that a propelling movement must be performed slowly.
Hokaai	to request a driver by means of a radio/walkie-talkie to stop.
Couple	to indicate to the driver to move back cautiously to couple or uncouple wagons.

(Note: The word "stop" must not be used since it can be mistaken for the word "skop".)

4.14. Transmission technique

4.14.1. The efficient use of radios depends on the words used and their pronunciation by the user. The following should be followed:

- i) Words should be spoken in a clear and plain manner;
- ii) The user must not shout, accent syllables in an unnatural way or talk too fast;
- iii) Words should be spoken at a constant rate;

- iv) It should be remembered that in all cases the person receiving the message must write it down;
- v) Preserve the rhythm of ordinary conversation; and
- vi) Separate words so that they do not run together.

4.14.2. The following words and phrases shall be used:

TERM	MEANING
REPEAT	Repeat all, or the specified part, of your last transmission..
CORRECT	You are correct or what you have transmitted is correct.
OVER	My transmission has ended, and I expect a response from you.
CONTINUE	Proceed with your message.
OVER AND OUT	The transmission has ended, and no response is expected.

Note: *Slang expressions shall not be used.*

5. General VSCC Communication Requirements

5.1. General

It shall always be remembered that safety critical communication is formal communication and shall not fall into a informal conversational style. Personnel shall know how to use the communication equipment provided.

5.2. Cell Phones and other wireless (radio) train authorisation systems

5.2.1. The use of cellphones or any wireless (radio) train authorisation systems including open channel radio authorities, shall only be considered on condition that such systems are safe, taking into account the following:

- (i) The use of cell phone shall not be used as the primary means of VSCC and shall be restricted to be a secondary form of communication.

- (ii) The cell phones shall be used when the primary mode of mission-critical communication has failed.
- (iii) The use of conventional cell phones for safety critical communication introduces significant operational risks and shall be avoided or prohibited. Embedded cell phone technology on the other hand may be used where applicable (e.g. train control systems)

5.2.2. Risks associated with use of permitted cellphones shall be considered adequately and mitigated, taking into account the disadvantages of full duplex (FD) audio transmission (e.g. cell phones) as compared to half duplex (HD) audio transmission (e.g. two-way radios / walkie-talkies), namely:

- (i) Concurrent transmission in a single time/frequency channel in the case of FD;
- (ii) Use of different time slots and/or frequency sub-bands in the case of HD;
- (iii) Cancellation of possible Self Interference (SI) in the case of FD;
- (iv) Minimisation and risk mitigation of End-to-End (E-to-E) delays, especially in the case of HD; and
- (v) Minimisation and risk mitigation of Link Reliability (LR) in both cases.

5.2.3. The risk factors listed in 5.2.2 above, amongst others, may have a negative impact on effective and seamless VSCC and therefore, VSCC rules shall also apply in the use of cellphones (where such use is permitted).

5.3. Communication skills

5.3.1. Communication skills refer to the underpinning competencies necessary for good communications. These include but not limited to:

- (i) listening and questioning;
- (ii) working with people;

- (iii) assertiveness;
- (iv) challenging; and
- (v) considering others' needs.

6. Communication barriers

- 6.1. Operators shall ensure that communication barriers to effective VSCC in the workplace are eliminated and where elimination is not practical or possible, the communication barriers should be reduced to ALARP.
- 6.2. Where the communication barriers are reduced to ALARP, the resultant risks should be identified and adequately mitigated.
- 6.3. Barriers to effective VSCCs arise from the following three main sources:

6.3.1. Environmental barriers

- 6.3.1.1. For communication, noise is the key environmental barrier, including the following:

- (i) noise from the weather or outdoor environment; and
- (ii) background noise either from the interior or exterior.

- 6.3.1.2 Noise not only makes it harder to hear what is being said, it can also lead to:

- (i) rushed speech;
- (ii) shouted messages; and
- (iii) simply giving up on communicating altogether.

- 6.3.1.3 Personnel must, if possible, find a dry, quiet location from which to communicate and ensure position of safety to be able to follow the communications structure and standards.

6.3.2. Equipment barriers

6.3.2.1 Analog and digital communication equipment have a potential to cause barriers due to the gaps in the overall coverage. This can be due to design , theft or vandalism. Both technologies are susceptible to the following:

- (i) transmission noise;
- (ii) interference;
- (iii) drop-out;
- (iv) theft and vandalism leading to high outage time; and
- (v) obsolescence leading to a shortage of spare equipment.

6.3.2.2 Digital Migration might lead to operators utilising different communication systems while sharing the same network which would impact safe interoperability at interfaces.





6.3.2.3 Operators sharing the same network shall ensure interoperability between the various communication networks which they use. This will mitigate any barriers that might arise from incompatible communication systems being used by different operators sharing the same network.

6.3.3. Linguistic barriers

6.3.3.1 Linguistic refers to the way we speak and the language that we use. To communicate clearly, personnel undertaking safety-related and safety critical work shall avoid using:

- (i) vague language; and
- (ii) jargon

ANNEX A (Informative): VSCC Four-Part Structure

	Opening	<p>The opening of a safety critical message should contain the following two pieces of information:</p> <p>This is who I am</p> <p>This is where I am</p> <p>Who I am</p> <ul style="list-style-type: none"> • State your role • It may also be necessary to state your name • This is to ensure the person who you are talking to knows exactly who you are <p>Where I am</p> <ul style="list-style-type: none"> • This should be a simple description of where you are • Identify your exact location that is recognisable to both parties, for example access points, level crossing, station, or platform. • If discussing overhead line equipment, you will need to give the structure number found on the stanchion.
	Information	<p>Information should always come before any actions are given. This:</p> <ul style="list-style-type: none"> • provides context • ensures the actions are fresh in everyone's mind • allows the actions to be agreed and then repeated back. <p>The information we provide must be concise and relevant. Where long messages or instructions are being given, it is better to break them down into manageable chunks.</p>
	Actions	<p>Actions are an essential part of the communication contract. Note:</p> <ul style="list-style-type: none"> • They can be passed in both directions. • They should be definitive, for example. "You must..." Definitive language in unambiguous and helps event misunderstanding. • The instruction 'Do nothing until...' is a valid action. People are often tempted to 'jump in' before it is safe to do so. This instruction makes it clear that an action should not take place until a certain condition is met, for example: remain at a stand until a Signaller instructs you to move.
	Confirmation	<p>To confirm that all parties have the same understanding of the communication, the person with Lead Responsibility must ask for a 'repeat back'.</p> <p>This is a crucial step in making sure the arrangements have been fully understood by both parties. It provides the opportunity to identify any</p>

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		<p>misinformation, misunderstandings, or omissions.</p> <p>The process of repeating back a message (saying it out loud and in our own words) also helps us to process the information more deeply. And makes it more likely that we will remember what has been said when the communication has ended.</p> <p>A repeat back means:</p> <ul style="list-style-type: none">• Repeating back the message we have been given and our understanding of what is required of us, so that any misunderstandings can be corrected.• Asking for a 'repeat back' at the end of a safety critical message if we are the person with Lead Responsibility, and if the other party has not already repeated their understanding of the message back to us.
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DEPARTMENT OF WATER AND SANITATION


NO. 3204

24 March 2023

**REGULATIONS RELATING TO ACCESS AND USE OF GOVERNMENT
WATERWORKS AND SURROUNDING STATE-OWNED LAND FOR
RECREATIONAL PURPOSES IN TERMS OF THE NATIONAL WATER ACT, 1998
(ACT. NO 36 OF 1998)**

I, Edward Senzo Mchunu, Minister of Water and Sanitation intends, in terms of section 116 of the National Water Act, 1998 (Act No. 36 of 1998) to make regulations in the Schedule.

Interested persons are invited to submit any substantiated comments or representations on the proposed amended Regulations to the Director-General, Department of Water and Sanitation, Private Bag X313, Pretoria, 0001; Email: muira@dws.gov.za (for the attention of Ms. Anet Muir) within two months of the date of publication of the notice.


MR EDWARD SENZO MCHUNU, MP
MINISTER OF WATER AND SANITATION
DATE: 24/01/23

SCHEDULE

Definitions

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

"accommodation" means facilities of any nature for the accommodation of day and overnight visitors;

"access point" means an authorised place of entry, including, but not limited to access gates;

"bioprospecting" means bioprospecting as defined in section 1 of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004);

"commercial fishing" means spearfishing, crossbow fishing, gill netting or any method used for revenue generation at a government waterworks;

"commercial activities" means recreational water use for revenue generation, including organised sporting activities and events;

"competent authority" in relation to the control over recreational, conservation and tourism use of the relevant government waterwork or portion thereof, includes the Director-General or any person designated by the Minister to carry out recreational, conservation and tourism use management functions;

"dangerous object" means any explosive or incendiary material, any explosive or incendiary device, any firearm, and any gas, material, weapon or other article, object or

instrument which may be employed to cause bodily harm to a person, or to render a person temporarily paralysed or unconscious, or to cause damage to property, as well as anything which the Minister of Police may by notice in the *Gazette* declare to be a dangerous object in terms of the Control of Access to Public Premises and Vehicles Act, 1985(Act No. 53 of 1985);

"event" means competitions, sporting, entertainment, educational, recreational, religious, cultural, exhibitional, organisational, or similar activities hosted at a government waterwork;

"event organiser" means any person who plans, is in charge of, manages, supervises or holds an event or sponsorship rights to an event or in any manner controls or has a material interest in the hosting of an event;

"hunt", in relation to all species, includes—

- (a) to intentionally kill such species by any means, method or device whatsoever;
- (b) to capture such species by any means, method or device whatsoever with the intent to kill or breed;
- (c) to search for, lie in wait for, pursue, shoot at, tranquillise or immobilise, such species with the intent to kill; or
- (d) to lure by any means, method or device whatsoever, such species with the intent to kill, but excludes the culling of a listed threatened or protected species in a protected area or on a registered game farm or for culling of a listed threatened or protected species that has escaped from a protected area and has become a damage causing animal;

"introduction", in relation to a species, means introduction of species as defined in section 1 of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004);

"night" means the period of time between sunset and sunrise;

"operational plan" means documents which provide detailed information on the manner, purpose and extent of the operation of recreational water use as approved by the Minister contained in Annexure A1, A2 and A3;

"recreational water use" means the use of government waterworks for recreational purposes and includes all activities that require the use of water, including the surface of water for—

- (a) events, including but not limited to sport, tourism and leisure;
- (b) personal use including, but not limited to, subsistence fishing, religious and cultural practices;
- (c) activities which contribute to the general health, well-being and skills development of individuals and society;
- (d) the purposes of research and education; and
- (e) commercial activities including, but not limited to, bioprospecting, aquaculture, inland fisheries, film production, photography and advertising;

"resource management plan" means a written plan, for the management of and control over the water surface and water body of a water resource including a water surface and water body of a government waterworks and the surrounding state-owned land, approved by the Minister and, in the absence of this resource management plan

includes historic zoning plans, sustainable utilisation plans or any recreational use plans approved by the Department;

"restricted area" means any area, building or place at a government waterwork in which public access is prohibited and access is limited only to designated personnel for management purposes;

"species" means a species as defined in section 1 of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004);

"surface water sport" means water skiing, including kite-surfing and parasailing, tubing, or other water sport in the water, on the water or under the water;

"the Act" means the National Water Act, 1998 (Act No. 36 of 1998); and

"vessel" means any conveyance floating on, in, or over water and designed for navigation on or in water, howsoever propelled and includes any canoe, floating platform, decked vessel, carrier vessel, or any vessel equipped with an inboard or outboard motor or any other craft, whether surface craft or submarine.

Application of Regulations

2. These Regulations are, unless specified otherwise, applicable to all government waterworks.

Control over government waterworks

3. (1) The Minister may, in writing and for a period of time, designate a competent authority, and assign to it the necessary powers to manage and control government waterworks and surrounding state owned land.

(2) The powers contemplated in subregulation (1) must be exercised subject to the provisions of these Regulations and terms and conditions the Minister may deem fit.

(3) The competent authority must keep records of aspects relating to water use, such as the nature of recreational activities, number of visitors and incidents.

(4) The competent authority must make the records referred to in subregulation (3) annually available to the Minister.

Access to government waterworks

4. (1) No person may enter a government waterwork without the written approval of the competent authority.

(2) Any person entering a government waterwork or any part thereof must, if requested by the competent authority, furnish his or her full personal and contact details.

(3) Any person who wishes to enter any part of a government waterwork, where an access point does not exist, must get written approval from the competent authority.

(4) Any person who wishes to enter a government waterwork in any vessel must ensure that he or she and the vessel comply with the requirements of the Merchant Shipping (National Small Vessel Safety) Regulations, 2007, published under Government Notice No.R. 705 of 2007 of 8 August 2007.

(5) The competent authority must refuse any person who fails to produce any required documentation in terms of the Merchant Shipping (National Small Vessel Safety) Regulations, 2007, and to provide safety appliances and equipment for the specific vessel access to the government waterwork.

(6) The competent authority may search any vehicle or person, who seeks to enter a government waterwork, for dangerous objects and may refuse access to the government waterwork if such dangerous objects are found.

Use of government waterworks

5. (1) A person who engages in recreational water use must comply with rules and standards which apply to the activity he or she engages in.

(2) The person contemplated in subregulation (1) must, when engaged in water use—

- (a) exercise due care to other users;
- (b) cooperate with any authorised personnel, including, but not limited to the Department's personnel, implementing agencies, safety officers, wash bay operators, the South African Police Services or any other emergency personnel; and
- (c) obey, respect and not tamper with any applicable safety rules and notices, warnings, navigational aids and signals.

(3) A person who is in control of any vessel in or under the water surface area or engages in surface water sport must—

- (a) not be under the influence of alcohol or a drug having a narcotic effect; and
- (b) exercise reasonable care for the safety of any passengers.

(4) No person other than a person on official duty may be in possession of any dangerous object in a government waterwork.

Application and approval of recreational water use

6. (1) A person who intends to engage in any activity on a government waterwork, must apply in writing for the approval of an operational plan for such recreational water use to the competent authority before commencing with the activity.

(2) A person who engages in any activity on a government waterwork, under the auspices of a lease agreement or any other appropriate permit, must apply in

writing for approval of an operational plan for such recreational water use within 60 days of the date on which he or she is notified in writing by the competent authority to do so.

(3) If upon expiry of the 60 days period, a person does not submit the operational plan contemplated in subregulation (2), the competent authority may order that person not to continue with the recreational activity at a government waterwork.

(4) The application forms contemplated in subregulation (2) are contained in Annexure A1 and A2 giving full details of information required for the competent authority to make the decision.

(5) The competent authority may request additional information from the person who engages in water use for recreational purposes contemplated in subregulations (1) and (2) above.

(6) The competent authority may direct that the operational plan in question be adjusted in the way that the competent authority may deem necessary.

(7) The competent authority must, as soon as reasonably practicable but not more than 90 days after the submission of the operational plan by the applicant, consider that plan for approval.

(8) The operational plan must demonstrate the measures put in place to mitigate and manage negative impacts on the water resource.

(9) If the competent authority deems the recreational activity unfit for the government waterwork, it may refuse the proposed activity or require that an existing activity be terminated.

(10) Any person who engages in commercial activities at a government waterwork, state land, or on private land using the water surface of the government

waterwork, must comply with Treasury Regulation 16, issued under the Public Finance Management Act, 1999 (Act No. 1 of 1999) which deals with Public-Private Partnership agreements where a private party acquires the use of state land for its own commercial benefits.

Application and approval of events, photography, film production and advertising

7. (1) Events, photography, film production and advertising at a government waterwork may take place only with the written permission of the competent authority.

(2) An application for a permission contemplated in subregulation (1) must be made to the competent authority by using the form contained in Annexure A3.

(3) The competent authority or an event organiser must adhere to the requirements set out in the Safety at Sports and Recreational Events Act, 2010 (Act No. 2 of 2010) to ensure the physical safety and security of persons and the property at an event.

Hygiene and waste management

8. (1) No person may, in a government waterwork, deposit or leave any litter, bottle, broken glass, pottery, plastic article, rubbish, refuse, seeds, fruit or vegetable matter or any other waste material, except in an area or receptacle provided for that purpose.

(2) No person may dump or discharge in any place on land or into the water of a government waterwork any refuse, waste, waste water or material of any kind whatsoever.

(3) All effluent from boats and accommodation facilities must be contained and disposed of to a licensed facility or a designated area.

Camping and accommodation

9. (1) No person may stay overnight in a government waterwork except in official accommodation or on sites reserved or available for that purpose.

(2) No activities are allowed at night on the water surface of a government waterwork.

(3) Licensed vessels providing accommodation must be moored at night at designated areas.

Damage to property

10. A person who intentionally or negligently causes damage to any government waterwork or other property within a government waterwork is liable for the damage.

Protection of biodiversity

11. (1) Any person entering a government waterwork may not hunt, kill, injure, capture or disturb any fauna or destroy the nest or eggs of any fauna without written permission from the competent authority.

(2) Any person entering a government waterwork may not cut, uproot or destroy or remove any flora from such area, unless permitted to do so by the competent authority.

(3) Any person who wishes to access any part of a government waterwork for bioprospecting or breeding of any species must obtain prior approval from the competent authority.

(4) Introduction of plant or animal species at a government waterwork without written approval from the competent authority is prohibited.

(5) Any person who intends to engage in activities contemplated in subregulations (1), (2), (3) and (4), must undertake such activities in compliance with the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004) and the National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003).

Rules and prohibited activities

12. (1) The competent authority may make general or specific rules for the safety of the public in a specific government waterwork in accordance with the powers assigned to it in terms of regulation 3(1).

(2) The rules contemplated in subregulation (1) must be posted up at the entrance of that government waterwork or must be placed in an area where they can be seen by every person accessing and using the government waterwork.

(3) Where an electric or mechanical driven infrastructure is sited on a government waterwork, recreational activities may occur only outside the demarcated areas.

(4) No person may undertake or pursue any activity which endangers the safety operation or interferes with the safety of the infrastructure at a government waterwork.

(5) Access to and use of a government waterwork for commercial fishing is prohibited, unless prior approval is obtained from the relevant government department.

(6) An activity at night at a government waterwork is allowed only for special approved recreational water use.

(7) No person may make a fire at a government waterwork except in a designated area.

(8) Only authorised personnel may enter a restricted area at a government waterwork.

(9) When making a decision and rules regarding access and use of a government waterwork for recreational use, the competent authority must take cognisance of the diversity, including, but not limited to religious and cultural practices.

Implementation of resource management plan on access and use of government waterwork

13. (1) Where the Minister has developed a resource management plan for the recreational use of a government waterwork, a person who engages in water use for recreational purposes must comply with the resource management plan information and any conditions of the government waterwork before accessing that government waterwork.

(2) The resource management plan for a prioritised government waterwork must be accessed from the Department's website or may be requested from the Department or the competent authority.

(3) The Minister may reserve, as part of a resource management plan, an area in a government waterwork, whether on land or on water, for use by specified persons.

(4) No person may enter the area reserved for the use by specified persons contemplated in subregulation (3), except with the approval of the competent authority.

(5) The approval contemplated in subregulation (4) is subject to a zoning plan provided for in a resource management plan.

Suspension and withdrawal of access and use permission

14. (1) The competent authority may, by notice in writing to any person permitted to access and use a government waterwork for recreational purposes under these Regulations, suspend or withdraw the permission, for a period of time, if the person fails to comply with—

- (a) any conditions of the permission;
- (b) the Act; or
- (c) these Regulations.

(2) Before effecting the suspension or withdrawal contemplated in subregulation (1), the competent authority must give the person to be affected by such suspension or withdrawal an opportunity to make a written representation, within a reasonable specified period, as to why the suspension or withdrawal should be effected.

(3) The competent authority may, for good cause shown, reinstate the permission suspended or withdrawn under subregulation (1).

(4) The competent authority may effect the suspension or withdrawal to access and use of a government waterwork for recreational purposes without notice to the permission holder, if the competent authority has reason to believe that the activity undertaken by the permission holder contravenes sections 19 and 20 of the Act.

Appeal

15. (1) An applicant who is aggrieved by the decision of the competent authority may lodge an appeal to the Minister within 30 days of becoming aware of the decision or after being provided with reasons for the decision.

(2) The Minister must, within 90 days of receiving the appeal contemplated in subregulation (1), make and communicate his or her decision to the applicant.

Offences and Penalties

16. Any person who contravenes or fails to comply with any provisions of these Regulations is guilty of an offence and liable, on conviction, to a fine or imprisonment not exceeding a period of five years.

Repeal

17. The Regulations published under Government Notice No. R.654 of 1 May 1964 are hereby repealed.

CONTINUES ON PAGE 130 OF BOOK 2

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Application of other laws

18. Any person who has been granted permission by the Minister to access and use a government waterwork is not exempted from having to comply with the provisions of any other laws.

Commencement

19. These Regulations come into effect on the date of publication thereof in the *Government Gazette*.

Index

No.	Form Name	Forms to be completed for;
1.	<p data-bbox="336 472 496 499"><u>Annexure A1</u></p> <ul data-bbox="336 524 582 633" style="list-style-type: none"> • Application form for operational plan for a caretaker /grazing agreement. <p data-bbox="336 660 496 687"><u>Annexure A2</u></p> <ul data-bbox="336 714 582 797" style="list-style-type: none"> • Application form for operational plan for a lease agreement. <p data-bbox="336 824 496 851"><u>Annexure A3</u></p> <ul data-bbox="336 878 582 1010" style="list-style-type: none"> • Application form for operational plan for events at government waterworks. 	<ul data-bbox="614 524 1235 633" style="list-style-type: none"> • Caretaker agreement where there is no exchange of money. • Grazing agreement for domestic use and for commercial use. <ul data-bbox="614 714 1177 770" style="list-style-type: none"> • Lease agreement for recreational water use for commercial activities. <ul data-bbox="614 878 1241 934" style="list-style-type: none"> • All events including photography, film production and advertising.

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**water & sanitation**

Department:
Water and Sanitation
REPUBLIC OF SOUTH AFRICA

ANNEXURE A1: APPLICATION FORM FOR OPERATIONAL PLAN FOR A CARETAKER/GRAZING AGREEMENT^{1,2}

1. BACKGROUND INFORMATION

Name of the applicant/company/organization:			
Identity Number/company/organization Registration Number			
Postal/Physical Address:			
		Postal code:	
Telephone:	()	Cell:	
E-mail:		Fax:	()

2. SITE LOCATION AND PROPERTY DESCRIPTION

Dam/Scheme Name:			
Coordinates:			
Latitude (S)	°	'	"
Longitude (E)	°	'	"
Municipality			
Closest City/Town			
Farm/Erf name(s) & number(s) including portion) (if available)			
Property size(s) in square metres (m ²)			
Development footprint size(s) in m ²			
Locality map			
Site layout plan			
Current land use			

¹ Provide information where applicable and if not applicable specify accordingly

² The required information must be typed within the spaces provided in the form. The sizes of the spaces provided are not necessarily indicative of the amount of information to be provided. It is in the form of a table that will expand itself as each space is filled with typing.

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3. OPERATIONAL PLAN

Describe in detail the proposed activity and associated infrastructure not limited to the following aspects:	
Proposal (in addition kindly stipulate if the proposal is for personal or commercial use)	
Type of livestock	
Number of livestock (capacity) per hectare	
Water provision for watering the livestock	
Describe the type of fencing to be erected	
Any structures to be erected (if any provide details)	
Describe potential risks or environmental impacts as a result of the proposal including the proposed management measures thereof	
Specify other information relevant to the proposal	
Attachments such as maps, plans and any other additional information must be attached in the Appendix section below	
Official company/organizations' letter must accompany this application form	

4. DECLARATIONS**The applicant**

I _____ in my **personal capacity or duly authorised** by _____ (name of the company/organization) thereto hereby declare that I regard the information contained in this form to be true and correct.

Signature of the applicant: _____

Name of the company/organization: _____

Date: _____

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APPENDIX

DO NOT COPY

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**water & sanitation**

Department:
Water and Sanitation
REPUBLIC OF SOUTH AFRICA

ANNEXURE A2: APPLICATION FORM FOR OPERATIONAL PLAN FOR A LEASE AGREEMENT^{1,2}**1. BACKGROUND INFORMATION**

Name of the applicant/company/organization:			
Identity Number/company/organization Registration Number			
Postal/Physical Address:			
		Postal code:	
Telephone:	()	Cell:	
E-mail:		Fax:	()

2. SITE LOCATION AND PROPERTY DESCRIPTION

Dam/Scheme Name:			
Coordinates:			
Latitude (S)	°	'	"
Longitude (E)	°	'	"
Municipality			
Closet City/Town			
Farm/Erf name(s) & number(s) including portion) (if available)			
Property size(s) in square metres (m ²)			
Development footprint size(s) in m ²			
Locality map			
Current land use			
Describe socio-economic context of the area and its immediate surrounds			

¹ Provide information where applicable and if not applicable specify accordingly

² The required information must be typed within the spaces provided in the form. The sizes of the spaces provided are not necessarily indicative of the amount of information to be provided. It is in the form of a table that will expand itself as each space is filled with typing.

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3. DETAILED PROPOSAL: OPERATIONAL PLAN

Describe in detail the proposed activity and associated infrastructure not limited to the following aspects:	
Proposed development / activity	
Site layout plan	
Availability of services such as water, electricity, waste refusal, etc.	
Accessibility to the site (road infrastructure)	
Describe types of waste (general, hazardous and effluent) including the estimated amount/volume likely to be generated. Waste management must be described in detail	
Provision of water (source) and the estimated volume required	
Describe potential risks or environmental impacts as a result of the proposal including the proposed management measures thereof	
Describe the emergency response management plan or system	
Describe the institutional management structures or systems with regards to the management of the proposal/activity	
Attach business plan including estimated financial projections	
Indicate if the club is affiliated to a sporting body recognised by the South African Sports Confederation and Olympic Committee (SASCOC). Club's constitution and the joining fee must be provided	
Insurance liability cover regarding the proposal and associated activities must be attached	
Indicate the involvement of local communities in terms of participation and beneficiation (job creation and empowerment)	
Specify other information relevant to the proposal	
Attachments such as maps, plans and any other additional information must be attached in the Appendix section below	
Official company/organizations' letter must accompany this application form	

CONFIDENTIAL

- 3 -

4. DECLARATIONS**The applicant**

I _____ in my **personal capacity or duly authorised** by _____ (name of the company/organization) thereto hereby declare that I regard the information contained in this form to be true and correct.

Signature of the applicant: _____

Name of the company/organization: _____

Date: _____

DO NOT COPY

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APPENDIX

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CONFIDENTIAL



water & sanitation

Department:
Water and Sanitation
REPUBLIC OF SOUTH AFRICA

ANNEXURE A3: APPLICATION FORM FOR OPERATIONAL PLAN FOR EVENTS AT GOVERNMENT WATERWORKS^{1,2}

1. BACKGROUND INFORMATION

Name of the applicant/company/organization:			
Identity Number/company/organization Registration Number			
Postal/Physical Address:			
		Postal code:	
Telephone:	()	Cell:	
E-mail:		Fax:	()

2. SITE LOCATION AND PROPERTY DESCRIPTION

Dam/Scheme Name:			
Coordinates:			
Latitude (S)	°	'	"
Longitude (E)	°	'	"
Municipality			
Closet City/Town			
Farm/Erf name(s) & number(s) including portion) (if available)			
Property size(s) in square metres (m ²)			
Development footprint size(s) in m ²			
Locality map			
Current land use			
Describe socio-economic context of the area and its immediate surrounds			

¹ Provide information where applicable and if not applicable specify accordingly

² The required information must be typed within the spaces provided in the form. The sizes of the spaces provided are not necessarily indicative of the amount of information to be provided. It is in the form of a table that will expand itself as each space is filled with typing.

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3. OPERATIONAL PLAN

Describe in detail the proposed event and associated infrastructure not limited to the following aspects:	
Describe the proposed event in details	
Date of the event	
Site layout plan	
Availability of services such as water, electricity, waste refusal, etc.	
Accessibility to the site (road infrastructure)	
Describe types of waste (general, hazardous and effluent) including the estimated amount/volume likely to be generated. Waste management must be described in detail	
Provision of water (source) and the estimated volume required	
Describe potential risks or environmental impacts as a result of the proposal including the proposed management measures thereof	
Describe the emergency response management plan or system	
Describe the institutional management structures or systems with regards to the management of the event	
Attach estimated financial projections of the proposed event	
Insurance liability cover regarding the proposed event must be attached	
Classification of the event by the South African Police Services (SAPS) in terms of the Safety at Sports and Recreational Events Act, 2010 (Act No 2 of 2010) must be provided and attached	
Indicate the involvement of local communities in terms of participation and beneficiation (job creation and empowerment)	
Specify other information relevant to the proposed event	
Attachments such as maps, plans and any other additional information must be attached in the Appendix section below	
Official company/organizations' letter must accompany this application form	
Event programme must be attached	

CONFIDENTIAL

- 3 -

4. DECLARATIONS**The applicant**

I _____ in my **personal capacity or duly authorised** by
_____ (name of the company/organization) thereto hereby declare that I
regard the information contained in this form to be true and correct.

Signature of the applicant: _____

Name of the company/organization: _____

Date: _____

DO NOT COPY

DEPARTMENT OF WATER AND SANITATION

NO. 3205

24 March 2023

DISESTABLISHMENT OF THE SCHWEIZER-RENEKE IRRIGATION BOARD IN TERMS OF SECTION 98 (2) OF THE NATIONAL WATER ACT, 1998 (ACT NO. 36 OF 1998) AS AMENDED, DISESTABLISHING AN IRRIGATION BOARD IN TERMS OF SECTION 96 IN LINE WITH THE LAW UNDER WHICH IT WAS ESTABLISHED OR NEED TO BE DISESTABLISHED BEING THE WATER ACT (ACT 54 OF 1956 SECTION 78).

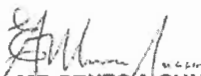
Under and by virtue of the powers vested in me by section 98(2) of the National Water Act, 1998 (Act No. 36 of 1998) read with section 78(1) of the Water Act, 1956 (Act No. 54 of 1956), and following a petition of the persons representing the majority of votes according to the latest voters list of who has voted in favor of the disestablishment, I, S Mchunu, in my capacity as Minister of Water and Sanitation, hereby disestablish the Schweizer-Reneke Irrigation board as in terms of section 78(1) of the Water Act, 1956 (Act No. 54 of 1956)

The application for disestablishment was lodged because since early 2000 very little irrigation took place in the Schweizer Reneke Irrigation District mainly because of decreasing run-off to the dam and increased municipal water use.

During 2007 the Schweizer Reneke Irrigation Board transferred their water entitlement to Dr. Ruth Segomotsi Mompoti District Municipality in terms of which the district municipality purchased their water use entitlement. This agreement enabled the board to clear its debts and had the added benefit of ensuring that the district municipality is in a position to meet the growing demand for domestic and industrial water supply in the area.

The board has not held a meeting in any of the last twelve consecutive months and the board also applied for its disestablishment.

A committee of the Department advised the Minister that the matters of the Schweizer Reneke Irrigation Board were properly wrapped up. Therefor the Schweizer Reneke Irrigation Board. can be disestablished.



MR SENZO MCHUNU, MP
MINISTER OF WATER AND SANITATION
DATE: 30/09/2022

GENERAL NOTICES • ALGEMENE KENNISGEWINGS

PARLIAMENT OF THE REPUBLIC OF SOUTH AFRICA**NOTICE 1693 OF 2023****MS SIVIWE GWARUBE, MP****NOTICE OF INTENTION TO INTRODUCE A PRIVATE MEMBER'S BILL
AND INVITATION FOR COMMENT THEREON, NAMELY THE
CONSTITUTION NINETEENTH AMENDMENT BILL, 2023**

Ms Siviwe Gwarube, MP, acting in accordance with section 73(2) of the Constitution of the Republic of South Africa, 1996, intends to introduce the Constitution Nineteenth Amendment Bill, 2023, in Parliament. An explanatory summary of the Bill is hereby published in accordance with Rule 295(1) of the Rules of the National Assembly (9th Edition).

BACKGROUND

South Africa is currently in a transitional phase where the ruling party no longer holds majorities in a number of metros or councils across South Africa. With the 2024 National Elections around the corner, these elections are poised to be the first instance where the ruling party will slip below 50% of the votes. What this means for South Africa is that coalition governments will now be the “new norm”. Parties and Independent Candidates will have to come together and form workable coalitions for the good of South Africa.

However, what we have witnessed at municipal level are continuous political attacks on coalition governments from opposition parties who politick smaller parties to cross the floor in exchange for valuable MEC positions should the current government be successfully removed by way of a motion of no confidence. What we see in practice is motions of no confidence being used as a political tool, rather than for the mechanism it was originally intended, being a process to remove a speaker or mayor from office due to them not fulfilling their duties adequately. In fact, these motions are brought on spurious grounds

only due to the fact that the opposition coalition has 50% +1 of the votes to pass the motion. The result is that these motions make cities or municipalities ungovernable as a new Executive is installed every other month, not allowing the current incumbent government enough time to actually make a difference.

There can be no question that this practice will work its way up to both provincial and national governments when the time comes which will have a disastrous impact on the stability of the country. What needs to change is simple – there needs to be a limitation on the number of motions of no confidence that are allowed to be brought either at national or provincial spheres in a certain time frame. This will, at the very least, give the respective government an uninterrupted period in which to perform or steady the country.

The draft Bill therefore intends to limit the number of motions of no confidence to be brought against a President or Premier to only one motion per every 12 months from the date of the last motion. However, as a safety net, the draft Bill will propose that additional motions of no confidence may be brought in exceptional circumstances such as a violation of the Constitution or law; misconduct or the inability to perform the functions of office. The purpose of this provision is to safeguard against instances where a motion of no confidence is brought against the President or Premier on frivolous political grounds but then shortly thereafter, there is a real and valid ground for their removal.

Organised local government, municipalities, interested parties and institutions are invited to submit written representations on the proposed content of the draft Bill to the Speaker of the National Assembly within 30 days of the publication of this notice. Representations can be delivered to the Speaker, New Assembly Building, Parliament Street, Cape Town; mailed to the Speaker, PO Box 15, Cape Town, 8000; or emailed to speaker@parliament.gov.za and copied to legislation@da.org.za.

Copies of the draft Bill, 2023, may, after introduction, be obtained from:

Democratic Alliance
PO Box 15, Cape Town, 8000
Attention: Ms Siviwe Gwarube
Email: legislation@da.org.za

DEPARTMENT OF TRADE, INDUSTRY AND COMPETITION

NOTICE 1694 OF 2023

INTERNATIONAL TRADE ADMINISTRATION COMMISSION

CUSTOMS TARIFF APPLICATIONSLIST 02/2023

The International Trade Administration Commission (herein after referred to as ITAC or the Commission) has received the following applications concerning the Customs Tariff. Any objection to or comment on these representations should be submitted to the Chief Commissioner, ITAC, Private Bag X753, Pretoria, 0001. Attention is drawn to the fact that the rate of duty mentioned in these applications is that requested by the applicant and that the Commission may, depending on its findings, recommend a lower or higher rate of duty.

CONFIDENTIAL INFORMATION

The submission of confidential information to the Commission in connection with customs tariff applications is governed by section 3 of the Tariff Investigations Regulations, which regulations can be found on ITAC's website at <http://www.itac.org.za/documents/R.397.pdf>.

These regulations require that if any information is considered to be confidential, then a non-confidential version of the information must be submitted, simultaneously with the confidential version. In submitting a non-confidential version the regulations are strictly applicable and require parties to indicate:

- ❑ Each instance where confidential information has been omitted and the reasons for confidentiality;*
- ❑ A summary of the confidential information which permits other interested parties a reasonable understanding of the substance of the confidential information; and*
- ❑ In exceptional cases, where information is not susceptible to summary, reasons must be submitted to this effect.*

This rule applies to all parties and to all correspondence with and submissions to the Commission, which unless clearly indicated to be confidential, will be made available to other interested parties.

The Commission will disregard any information indicated to be confidential that is not accompanied by a proper non-confidential summary or the aforementioned reasons.

If a party considers that any document of another party, on which that party is submitting representations, does not comply with the above rules and that such deficiency affects that party's ability to make meaningful representations, the details of the deficiency and the reasons why that party's rights are so affected must be submitted to the commission in writing forthwith (and at the latest 14 days prior to the date on which that party's submission is due).

Failure to do so timeously will seriously hamper the proper administration of the investigation, and such party will not be able to subsequently claim an inability to make meaningful representations on the basis of the failure of such other party to meet the requirements.

1. INCREASE IN THE GENERAL RATE OF CUSTOMS DUTY ON:

“Stay wire, classifiable under tariff subheading 7312.10.27, from 5% ad valorem to the WTO bound rate of 15% ad valorem”

APPLICANT:

Clear Creek Trading 167 (Pty) Ltd, trading as Wireforce
P O Box 4341
GERMISTON SOUTH
1411

ITAC Ref: **10/2022**, Enquires: Ms Diphetogo Rathete and Mr Pfarelo Phaswana, Tel: 01239436 83/3628 and/or alternatively email: drathete@itac.org.za/pphaswana@itac.org.za.

REASONS FOR THE APPLICATION AS STATED BY THE APPLICANT:

- The domestic industry manufacturing stay wire employs a significant number of people and has made significant investments over the years.
- There is an anomaly in the tariff structure as the main input material used in the manufacture of stay wire (wire rod) currently attracts a higher ordinary customs duty of 10% *ad valorem* whilst the end-product (stay wire) remains significantly below the WTO bound rate at only 5% *ad valorem*. The main input material (wire rod) used in the manufacture of stay wire is procured locally, thus supports local value-addition and supports the upstream steel sector;
- Stay wire products are currently imported at unsustainably low prices and, therefore, threaten the sustainability of the domestic manufacturing industry. This has, over the years, led to the erosion of the domestic market share to imports, mainly originating from Asian countries whilst the domestic industry's capacity utilisation remains substantially low;
- There is sufficient production capacity within the SACU region to meet the demand requirements for stay wire. The applicant has, over the years, made significant capital investment in the manufacture of the subject product; and
- An increase in the general rate of customs duty will assist the industry by levelling the play field vis-à-vis low-priced imported products, help the industry increase production capacity utilisation, retain existing jobs and create additional jobs.

PUBLICATION PERIOD:

Written representations must be submitted within **four (4) weeks** of the date of this notice.

2. REDUCTION IN THE GENERAL RATE OF CUSTOMS DUTY ON:

Canned minced anchovies classifiable under tariff subheading 1604.20.30 from 25 per cent *ad valorem* to a specific duty of 6c/kg, through the creation of an additional 8-digit tariff line for the subject product, which would read as follows: “*Minced, in airtight metal containers for human consumption*”.

APPLICANT:

Unique Selling Points (Namibia) CC

P.O. Box 2786

No. 7 – 7th Road

Walvis Bay

NAMIBIA

Enquiries: ITAC Ref: 12/2022, Mr Scelo Mshengu and Ms Manini Masithela at e-mail:

smshengu@itac.org.za / mmasithela@itac.org.za.

REASONS AS STATED BY THE APPLICANT:

The Applicant provided, *inter alia*, the following reasons for the application:

- “To provide people with limited financial resources access to a low-cost source of protein.
- The product is a low-cost fish product which is rich in protein and other nutrients. The product was initially produced in Peru to provide local people with limited financial resources with a high-quality low-priced source of protein. This is the Applicant’s exact intention for the product in the SACU.
- The target customer for this product is the lower-income citizens of Southern Africa who have limited disposable income available to sustain themselves. This product can provide them with much needed protein and omega at a low price.
- Other similar canned fish products do not attract the punitive 25% duty currently applicable to this product. This product will not compete with locally produced products at all. It should be compared to the tuna product variants, which are all attracting duties at 6c/kg and are also not produced in South Africa or SACU and are imported in their totality. The same applies to the canned minced anchovies, but the canned minced anchovies could be available to the local consumers at a much-reduced price compared to the other options. If the same duty is applied to the minced anchovies, it should present the SACU consumers with a more affordable option in this category.

- Reducing the 25% duty to the same level as for other canned fish products, will have no negative impact on any labour structure; as a matter of fact, it may well create a new line of product with distribution to all outlets which could indeed create additional employment.”

PUBLICATION PERIOD:

Representation should be submitted to the above officials within **four (4) weeks** from the date of this notice.

DEPARTMENT OF TRADE, INDUSTRY AND COMPETITION

NOTICE 1695 OF 2023

INTERNATIONAL TRADE ADMINISTRATION COMMISSION

NOTICE OF INITIATION OF THE INVESTIGATION INTO THE EXTENSION OF SAFEGUARD MEASURE ON IMPORTS OF THREADED FASTENERS OF IRON OR STEEL: BOLTS ENDS AND SCREW STUDS, SCREW STUDDING AND OTHER HEXAGON NUTS (EXCLUDING THOSE OF STAINLESS STEEL AND THOSE IDENTIFIABLE FOR AIRCRAFT)**INTRODUCTION**

Regulation 21.7 of the Amended Safeguard Regulations (SGR) provides that any definitive safeguard measure may be extended by a period of up to six years where the International Trade Administration Commission of South Africa (the Commission) finds that the lapse of the safeguard measure imposed in terms of Regulation 21.6 of the SGR is likely to lead to the recurrence of serious injury, and there is evidence that the Southern African Customs Union (SACU) industry is adjusting.

On 09 March 2023, the SACU industry submitted a properly documented application to the Commission, containing information on threaded fasteners of iron or steel relating to the likelihood of recurrence of serious injury and evidence that the SACU industry is adjusting. Based on the information submitted, the Commission found that the SACU industry submitted *prima facie* information to indicate that the expiry of the safeguard measure on imports of threaded fasteners of iron or steel will likely lead to the recurrence of serious injury; and there is evidence that the industry is adjusting.

In its meeting of 14 March 2023, the Commission decided to proceed with the investigation into the extension of safeguard measure on imports of threaded fasteners of iron or steel. The non-confidential application, containing the allegations and *prima facie* evidence that the Commission relied on in its decision to initiate, will be placed in the public file.

The public file is available for inspection at the Commission's offices by all interested parties, by appointment. Please take notice further that interested parties are encouraged to inspect the public file regularly.

THE APPLICANT

The application was lodged by South African Fasteners Manufacturers' Association (SAFMA), a representative organisation for the SACU industry, on behalf of its members.

SAFMA members collectively represent an industry standing of more than 90 percent of the domestic industry by production volumes.

DESCRIPTION OF THE SUBJECT PRODUCT UNDER INVESTIGATION

The subject product is described as threaded fasteners of iron or steel, consisting of bolts ends and screw studs, screw studding and other hexagon nuts (excluding those of stainless steel and those identifiable for aircraft), classifiable in subheadings 7318.15.41; 7318.15.42; and 7318.16.30.

ALLEGATION OF THE LIKELY RECURRENCE OF SERIOUS INJURY

The period of investigation for data evaluation for the purposes of determining the allegation of serious injury is 01 August 2020 to 31 July 2023, plus estimates for 01 August 2023 to 31 July 2024, should the safeguard measure be removed.

The injury analysis relates to information submitted by CBC Fasteners (Pty) Ltd and SA Bolts Manufacturers and T&I Chalmers Engineering, the three largest members of SAFMA for the subject product, representing a major proportion of more than 50 percent of the domestic industry by production volumes. The Applicant alleged and submitted *prima facie* information indicating that the industry is adjusting while the safeguard measure is still in place for the period 01 August 2020 to 31 July 2023, however, should the safeguard measure be removed, there is likelihood that the serious injury experienced by the industry during the original safeguard investigation (2015-2018) will recur, in the form of a decline in sales volumes, productivity, output, market share, employment and utilisation of capacity, and negative profits.

On this basis the Commission found that *prima facie* evidence was submitted to indicate that the expiry of the safeguard measure will likely lead to the recurrence of serious injury.

ALLEGATION THAT THE INDUSTRY IS ADJUSTING

The Applicant submitted the following information from its adjustment plan to substantiate that the SACU industry is adjusting:

Table 1: Progress on originally submitted Development Plan

Plan	Progress
Investment in new equipment and technology	Considerable investments (more than R6 million over the last 3 years) were made by the industry players to improve on their technological abilities to increase efficiencies and thereby be able to compete more equally with the imported product.
Job creation	The industry players have increased their employment force considerably, which in turn led to investment in skills development and higher overall production.
Product development	The industry, together with AMSA have rationalised raw material qualities thereby allowing AMSA higher production volumes on a narrower product range
Support the introduction of import surveillance system	At the Steel Master Plan meeting, SAFMA volunteered to pilot the Prior Surveillance Initiative, in conjunction with SAISI. Deliberations and discussions of ideas are already taking place for final approval.
Continuous training of SARS to improve customs control	SAFMA has contracted the services of IS Training, a certified customs training consultancy, to assist in this regard. In addition, SAFMA has attended all Downstream Steel Forums under the umbrella of SARS which deals with circumvention and import monitoring.
Support Higher levels of Designation and localisation	The industry can confirm that the SACU produced subject product is 97% local content.

Based on the above, the Commission found that *prima facie* evidence was submitted to prove that the Fasteners SACU industry is adjusting while protected by the safeguard measure.

LEGAL FRAMEWORK

This investigation is conducted in accordance with the International Trade Administration Act, 2002, (ITA Act), the International Trade Administration Commission Amended Safeguard Regulations, and giving due regard to the World Trade Organisation (WTO) Safeguard Agreement, as well as the Guidelines and conditions relating to the extension of safeguard measures ("the Guideline"). The Guidelines were published in the Government Gazette No. 43636 on 21 August 2020.

Please note that if any information is considered to be confidential, 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 correspondences 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.

PROCEDURES AND TIME LIMITS

All information submitted, including non-confidential copies thereof, should be received by the Senior Manager: Trade Remedies II by no later than 20 days from the date hereof. Late submissions will not be accepted.

Interested parties are invited to submit comments on the initiation of the investigation or any information regarding this matter to the following address or on the emails below:

Physical address

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

Postal address

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

Any interested party may request an oral hearing provided that reasons are given for not relying on written submissions only. No request for an oral hearing will be considered more than 60 days from the date of this publication. The Commission may refuse an oral hearing if granting such hearing will unduly delay the finalisation of the investigation.

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.

Should you have any queries, please do not hesitate to contact Mr Sandile Mantolo at smantolo@itac.org.za or Mr Thabelo Tshikomba at ttshikomba@itac.org.za

DEPARTMENT OF TRADE, INDUSTRY AND COMPETITION

NOTICE 1696 OF 2023

STANDARDS ACT, 2008
STANDARDS MATTERS

In terms of the Standards Act, 2008 (Act No. 8 of 2008), the Board of the South African Bureau of Standards has acted in regard to standards in the manner set out in the Schedules to this notice.

SECTION A: DRAFTS FOR COMMENTS

The following draft standards are hereby issued for public comments in compliance with the norm for the development of the South Africa National standards in terms of section 23(2)(a) (ii) of the Standards Act.

Draft Standard No. and Edition	Title, scope and purport	Closing Date
SANS 301489-27 Ed 1	<i>ElectroMagnetic Compatibility (EMC) standard for radio equipment & services – Part 27: Specific conditions for Ultra-Low Power Active Medical Implants (ULP-AMI) & related peripheral devices (ULP-AMI-P); Covering the essential requirements of article 3.1(b) Directive 2014/53/EU.</i> Covers the assessment of all radio transceivers associated with Ultra-Low Power Active Medical Implants (ULP-AMIs) and associated peripheral ULP-AMI-Ps) in respect of Electromagnetic Compatibility (EMC).	2023-05-15
SANS 15693-3 Ed 3	<i>Cards and security devices for personal identification – Contactless vicinity objects – Part 3: Anticollision and transmission protocol.</i> Specifies protocol and commands, other parameters required to initialize communications between a vicinity integrated circuit card and a vicinity coupling device, methods to detect and communicate with one card among several cards ("anticollision"), optional means to ease and speed up the selection of one among several cards based on application criteria.	2023-05-15
SANS 15693-2 Ed 3	<i>Cards and security devices for personal identification – Contactless vicinity objects – Part 2: Air interface and initialization.</i> Specifies the nature and characteristics of the fields to be provided for power and bi-directional communications between vicinity coupling devices (VCDs) and vicinity cards (VICCs).	2023-05-15
SANS 7811-1 Ed 4	<i>Identification cards – Recording technique – Part 1: Embossing.</i> Specifies requirements for embossed characters on identification cards.	2023-05-15
SANS 7811-2 Ed 3	<i>Identification cards – Recording technique – Part 2: Magnetic stripe – Low coercivity.</i> Defines the characteristics for identification cards as defined in Clause 4 of this document and the use of such cards for international interchange.	2023-05-15
SANS 7811-6 Ed 4	<i>Identification cards – Recording technique – Part 6: Magnetic stripe – High coercivity.</i> Specifies requirements for a high coercivity magnetic stripe (including any protective overlay) on an identification card.	2023-05-15
SANS 60335-2-74 Ed 3	<i>Household and similar electrical appliances – Safety – Part 2-74: Particular requirements for portable immersion heaters.</i> Deals with the safety of portable electric immersion heaters for household and similar purposes, their rated voltage being not more than 250 V.	2023-05-12
SANS 60335-2-50 Ed 5	<i>Household and similar electrical appliances – Safety – Part 2-50: Particular requirements for commercial electric bains-marie.</i> Deals with the safety of electrically operated commercial bains-marie, their rated voltage being not more than 250 V for single-phase appliances connected between one phase and neutral, and 480 V for other appliances.	2023-05-12

SANS 60335-2-115 Ed 1	<i>Household and similar electrical appliances – Safety – Part 2-115: Particular requirements for skin beauty care appliances.</i> Deals with the safety of electric appliances for skin beauty care of persons and intended for household, commercial and similar purposes, their rated voltage being not more than 250 V.	2023-05-12
SANS 60335-2-113 Ed 1	<i>Household and similar electrical appliances – Safety – Part 2-113: Particular requirements for beauty care appliances incorporating lasers and intense light sources.</i> Deals with the safety of cosmetic and beauty care appliances incorporating lasers or intense light sources for household and similar purposes, where their operation relies on contact with the skin, their rated voltage being not more than 250 V.	2023-05-12
SANS 60335-2-55 Ed 4	<i>Household and similar electrical appliances – Safety – Part 2-55: Particular requirements for electrical appliances for use with aquariums and garden ponds.</i> Deals with the safety of electric appliances for use with aquariums and garden ponds for household and similar purposes, their rated voltage being not more than 250 V, including direct current (DC) supplied appliances and battery-operated appliances.	2023-05-12
SANS 60335-2-34 Ed 6	<i>Household and similar electrical appliances – Safety – Part 2-34: Particular requirements for motor-compressors.</i> Deals with the safety of sealed (hermetic and semi-hermetic type) motor compressors, their protection and control systems, if any, which are intended for use in equipment for household and similar purposes and which conform with the standards applicable to such equipment.	2023-05-12
SANS 60335-2-111 Ed 1	<i>Household and similar electrical appliances – Safety – Part 2-111: Particular requirements for electric ondol mattress with a non-flexible heated part.</i> Deals with the safety of electric ondol-mattresses for household and similar purposes, their rated voltage being not more than 250 V.	2023-05-12
SANS 62841-4-2 Ed 1	<i>Electric motor-operated hand-held tools, transportable tools and lawn and garden machinery – Safety – Part 4-2: Particular requirements for hedge trimmers.</i> Applies to hand-held hedge trimmers which are designed for use by one operator for trimming hedges and bushes, including extended-reach hedge trimmers with a maximum length of 3,5 m.	2023-05-12
SANS 62841-3-10 Ed 1	<i>Electric motor-operated hand-held tools, transportable tools and lawn and garden machinery – Safety – Part 3-10: Particular requirements for transportable cut-off machines.</i> Applies to transportable cut-off machines intended to cut materials such as metals, concrete and masonry and to be fitted with one abrasive.	2023-05-12

SCHEDULE A.1: AMENDMENT OF EXISTING STANDARDS

The following draft amendments are hereby issued for public comments in compliance with the norm for the development of the South African National Standards in terms of section 23(2)(a) (ii) of the Standards Act.

Draft Standard No. and Edition	Title	Scope of amendment	Closing Date

SCHEDULE A.2: WITHDRAWAL OF THE SOUTH AFRICAN NATIONAL STANDARDS

In terms of section 24(1)(C) of the Standards Act, the following published standards are issued for comments with regard to the intention by the South African Bureau of Standards to withdraw them.

Draft Standard No. and Edition	Title	Reason for withdrawal	Closing Date
CKS 36 Ed 4.1	<i>Chalk writing boards for schools.</i>	Redefinition and clarification of the SABS' mandate by the introduction of the Standards Act, Act 8 of 2008 makes the development and maintenance of CKSs fall outside of the mandate of the SABS.	2023-05-19

SCHEDULE A.3: WITHDRAWAL OF INFORMATIVE AND NORMATIVE DOCUMENTS

In terms of section 24(5) of the Standards Act, the following documents are being considered for withdrawal.

Draft Standard No. and Edition	Title	Reason for withdrawal	Closing Date

SECTION B: ISSUING OF THE SOUTH AFRICAN NATIONAL STANDARDS**SCHEDULE B.1: NEW STANDARDS**

Standard No. and year	Title, scope and purport
SANS 61557-2:2023 Ed 1	<i>Electrical safety in low voltage distribution systems up to 1 000 V a.c. and 1 500 V d.c. – Equipment for testing, measuring or monitoring of protective measures – Part 2: Insulation resistance.</i> Specifies the requirements applicable to equipment for measuring the insulation resistance of equipment and installations in the de-energized state.
SANS 61557-6:2023 Ed 1	<i>Electrical safety in low voltage distribution systems up to 1 000 V a.c. and 1 500 V d.c. – Equipment for testing, measuring or monitoring of protective measures – Part 6: Effectiveness of residual current devices (RCD) in TT, TN and IT systems.</i> Specifies the requirements applicable to measuring equipment for testing the effectiveness of protective measures of residual current devices (RCD) installed in TT, TN and IT systems.
SANS 62271-2:2023 Ed 1	<i>Electrical safety in low voltage distribution systems up to 1 000 V a.c. and 1 500 V d.c. – Equipment for testing, measuring or monitoring of protective measures – Part 2: Insulation resistance.</i> Specifies the requirements applicable to equipment for measuring the insulation resistance of equipment and installations in the de-energized state.
SATS 62257-9-3:2023 Ed 1	<i>Recommendations for small renewable energy and hybrid systems for rural electrification – Part 9-3: Integrated system – User interface.</i> Specifies the general requirements for the design and the implementation of the interface equipment within the user's installation which connects to a microgrid or the generating part of a standalone system.
SANS 2091:2023 Ed 1	<i>Live, raw chilled and processed aquacultured urchins.</i> Specifies the requirements for the harvesting, preparation, processing, packing, conveyance and quality of live, raw chilled and processed aquacultured urchins.
SANS 60331-1:2023 Ed 2	<i>Tests for electric cables under fire conditions – Circuit integrity – Part 1: Test method for fire with shock at a temperature of at least 830 °C for cables of rated voltage up to and including 0,6/1,0 kV and with an overall diameter exceeding 20 mm.</i> Specifies the test apparatus and procedure and gives the performance requirements, including recommended flame application times, for low-voltage power cables of rated voltage up to and including 0,6/1,0 kV and control cables with a rated voltage which are required to maintain circuit integrity when subject to fire and mechanical shock under specified conditions.
SANS 62271-202:2023 Ed 3	<i>High-voltage switchgear and controlgear – Part 202: AC prefabricated substations for rated voltages above 1 kV and up to and including 52 kV.</i> Specifies the service conditions, rated characteristics, general structural requirements and test methods of enclosed high-voltage prefabricated substations.
SANS 52931:2023 Ed 2	<i>Chemicals used for treatment of water intended for human consumption – Chemicals for emergency use – Sodium dichloroisocyanurate, anhydrous.</i> Applies to sodium dichloroisocyanurate anhydrous used for emergency treatment of water intended for human consumption.

SCHEDULE B.2: AMENDED STANDARDS

The following standards have been amended in terms of section 24(1)(a) of the Standards Act.

Standard No. and year	Title, scope and purport
SANS 1494:2023 Ed 2.1	<i>Two-wheeled mobile refuse bins. Consolidated edition incorporating amendment No. 1.</i> Amended to update the clause on requirements for materials, and to delete the annex on notes to purchasers.
SANS 1008:2023 Ed 2.2	<i>Warp-knitted pocketing. Consolidated edition incorporating amendment No. 2.</i> Amended to delete the annex on notes to purchasers.
SANS 1249:2023 Ed 2.5	<i>Knitted uniform fabrics. Consolidated edition incorporating amendment No. 5.</i> Amended to update referenced standards, and to delete the annex on notes to purchasers.
SANS 1178:2023 Ed 2.2	<i>The production of coated steel pipes using fibre reinforced bituminous materials. Consolidated edition incorporating amendment No. 2.</i> Amended to delete the annex on notes to purchasers.
SANS 892:2023 Ed 3.6	<i>General purpose detergent (beads, granules and powders). Consolidated edition incorporating amendment No. 6.</i> Amended to update referenced standards and the subclause on insoluble matter.
SANS 1309:2023 Ed 2.1	<i>Printed labels for textiles. Consolidated edition incorporating amendment No. 1.</i> Amended to delete the annex on notes to purchasers.
SANS 5418:2023 Ed 3.1	<i>Dimensional changes of textile fabrics during steam pressing. Consolidated edition incorporating amendment No. 1.</i> Amended to delete tradenames, and the annex on notes to purchasers.
SANS 6009:2023 Ed 3.1	<i>Abrasion resistance of textile fabrics (Martindale test). Consolidated edition incorporating amendment No. 1.</i> Amended to delete the footnote on an organization, update the clause on apparatus and materials, and add a bibliography.
SANS 6026:2023 Ed 2.1	<i>Dry-cleaning pre-treatment of textile fabrics. Consolidated edition incorporating amendment No. 1.</i> Amended to delete the annex on notes to users.

SCHEDULE B.3: WITHDRAWN STANDARDS

In terms of section 24(1)(C) of the Standards Act, the following standards have been withdrawn.

Standard No. and year	Title

SCHEDULE B4: ESTABLISHMENT OF TECHNICAL COMMITTEES

In terms of the South African Norm for the development of South African National Standards, the following technical committee has been established:

Committee No.	Title	Scope

If your organization is interested in participating in these committees, please send an e-mail to Dsscomments@sabs.co.za for more information.

SCHEDULE B5: RETRACTION OF PREVIOUSLY GAZETTED ITEMS

Notice is hereby given that the following standards gazetted for public enquiry have been retracted.

Standard No.	Title	Scope	Date gazetted

SCHEDULE B6: GENERAL

Notice is hereby given that the following standards/draft standard have been renumbered.

Standard/draft No.	Title	Scope	New number/designation

SCHEDULE B7: ADDRESS OF THE SOUTH AFRICAN BUREAU OF STANDARDS HEAD OFFICE

Copies of the standards mentioned in this notice can be obtained from the Head Office of the South African Bureau of Standards at 1 Dr Lategan Road, Groenkloof, Private Bag X191, Pretoria 0001.

BOARD NOTICES • RAADSKENNISGEWINGS

BOARD NOTICE 408 OF 2023**SOUTH AFRICAN COUNCIL FOR THE ARCHITECTURAL PROFESSION**

Publication in terms of section 32(5) of the Architectural Profession Act No 44 of 2000 ("The Act") the finding and sanction imposed in accordance with the settlement agreement signed on 08 September 2022, pursuant to the admission of improper conduct charge(s) by the registered person.

Name of Person: Carlu G Swart

Registration Number: PrArch21005

Nature of the offence

Guilty of contravention of Rules 5.1, 4.1 and 5.10 of the Code of Professional Conduct for registered persons promulgated under Board Notice 154 of 2009 Government Gazette No 32731 of 27 November 2009.

Sanction:

- Mr. Carlu G Swart is fined R9 000.00 (Nine Thousand Rand) in terms of section 32(3)(a)(ii) of the Act, and reprimanded in terms of section 32(3)(a)(i) of the Act.

BOARD NOTICE 409 OF 2023**SOUTH AFRICAN COUNCIL FOR THE ARCHITECTURAL PROFESSION**

Publication in terms of section 32(5) of the Architectural Profession Act No 44 of 2000 ("The Act") the finding and sanction imposed in accordance with the settlement agreement signed on 29 August 2022, pursuant to the admission of improper conduct charge(s) by the registered person.

Name of Person: Cassim Mansoor

Registration Number: PrArch6469

Nature of the offence

Guilty of contravention of Rules 1.1(1.1.2), and 4.1 of the Code of Professional Conduct for registered persons promulgated under Board Notice 154 of 2009 Government Gazette No 32731 of 27 November 2009.

Sanction:

- Mr. Cassim Mansoor is fined R6 000.00 (Six Thousand Rand) in terms of section 32(3)(a)(ii) of the Act, and reprimanded in terms of section 32(3)(a)(i) of the Act.

BOARD NOTICE 410 OF 2023**SOUTH AFRICAN COUNCIL FOR THE ARCHITECTURAL PROFESSION**

Publication in terms of section 32(5) of the Architectural Profession Act No. 44 of 2000 ("The Act") the finding and sanction imposed in accordance with the Tribunal order signed on 07 October 2022, pursuant to the conclusion of the inquiry into alleged improper conduct of the registered person.

Name of Person: Charlse A. Hartzenberg

Registration Number: D1850

Nature of the offence

Guilty of contravention of Rule 1.1 (1.1.2) and Rule 4.1 of the Code of Professional Conduct for registered persons promulgated under Board Notice 154 of 2009 Government Gazette No 32731 of 27 November 2009.

Sanction:

- Mr. Charlse A. Hartzenberg is reprimanded in terms of section 32(3)(a)(i) of the Act, and fined R25 000.00 (Twenty-Five Thousand Rand) in terms of section 32(3)(a)(ii) of the Act, of which 50% is suspended for a period of 12 months provided that Mr. Charlse A. Hartzenberg is not found guilty of the same or similar offence within the period of suspension.

BOARD NOTICE 411 OF 2023**SOUTH AFRICAN COUNCIL FOR THE ARCHITECTURAL PROFESSION**

Publication in terms of section 32(5) of the Architectural Profession Act No 44 of 2000 ("The Act") of the finding and sanction imposed in accordance with the settlement agreement signed on 30 August 2022, pursuant to the admission of improper conduct charge(s) by the registered person.

Name of Person: Derrick Potgieter

Registration Number: PSAT24742462

Nature of the offence

Guilty of contravention of Rules 4.1 and 5.10 of the Code of Professional Conduct for registered persons promulgated under Board Notice 154 of 2009 Government Gazette No 32731 of 27 November 2009.

Sanction:

- Mr. Derrick Potgieter is fined R6 000.00 (Six Thousand Rand) in terms of section 32(3)(a)(ii) of the Act and reprimanded in terms of section 32(3)(a)(i) of the Act.

BOARD NOTICE 412 OF 2023**SOUTH AFRICAN COUNCIL FOR THE ARCHITECTURAL PROFESSION**

Publication in terms of section 32(5) of the Architectural Profession Act No 44 of 2000 ("The Act") of the finding and sanction imposed in accordance with the settlement agreement signed on 02 September 2022, pursuant to the admission of improper conduct charge(s) by the registered person.

Name of Person: Jacques Viljoen

Registration Number: PrArch7576

Nature of the offence

Guilty of contravention of Rules 5.4 and 5.10 of the Code of Professional Conduct for registered persons promulgated under Board Notice 154 of 2009 Government Gazette No 32731 of 27 November 2009.

Sanction:

- Mr. Jacques Viljoen is fined R6 000.00 (Six Thousand Rand) in terms of section 32(3)(a)(ii) of the Act, and reprimanded in terms of section 32(3)(a)(i) of the Act.

BOARD NOTICE 413 OF 2023**SOUTH AFRICAN COUNCIL FOR THE ARCHITECTURAL PROFESSION**

Publication in terms of section 32(5) of the Architectural Profession Act No 44 of 2000 ("The Act") of the finding and sanction imposed in accordance with the settlement agreement signed on 24 August 2022, pursuant to the admission of improper conduct charges by the registered person.

Name of Person: Khuthadzo Netswera

Registration Number: Cat49656779

Nature of the offence

Guilty of contravention of Rule 2.6 of the Code of Professional Conduct for registered persons promulgated under Board Notice 07 of 2021 Government Gazette No 44190 of 19 February 2021.

Sanction:

- Mr. Khuthadzo Netswera is fined R3 000 (Three Thousand Rand) in terms of section 32(3)(a)(ii) of the Act, and reprimanded in terms of section 32(3)(a)(i) of the Act.

BOARD NOTICE 414 OF 2023**SOUTH AFRICAN COUNCIL FOR THE ARCHITECTURAL PROFESSION**

Publication in terms of section 32(5) of the Architectural Profession Act No 44 of 2000 ("The Act") the finding and sanction imposed in accordance with the settlement agreement signed on 10 September 2022, pursuant to the admission of improper conduct charge(s) by the registered person.

Name of Person: Norman L. Matjila

Registration Number: D2927

Nature of the offence

Guilty of contravention of Rule 5.4 of the Code of Professional Conduct for registered persons promulgated under Board Notice 154 of 2009 Government Gazette No 32731 of 27 November 2009.

Sanction:

- Mr. Norman L. Matjila is fined R3 000.00 (Three Thousand Rand) in terms of section 32(3)(a)(ii) of the Act, and reprimanded in terms of section 32(3)(a)(i) of the Act.

BOARD NOTICE 415 OF 2023**SOUTH AFRICAN COUNCIL FOR THE ARCHITECTURAL PROFESSION**

Publication in terms of section 32(5) of the Architectural Profession Act No 44 of 2000 ("The Act") of the finding and sanction imposed in accordance with the settlement agreement signed on 24 August 2022, pursuant to the admission of improper conduct charge(s) by the registered person.

Name of Person: Olebile Legodi

Registration Number: PSAT24694961

Nature of the offence

Guilty of contravention of Rules 1.2, 4.1 and 5.9 of the Code of Professional Conduct for registered persons promulgated under Board Notice 07 of 2021 Government Gazette No 44190 of 19 February 2021.

Sanction:

- Mr. Olebile Legodi is fined R8 000.00 (Eight Thousand Rand) in terms of section 32(3)(a)(ii) of the Act, and reprimanded in terms of section 32(3)(a)(i) of the Act.

BOARD NOTICE 416 OF 2023**SOUTH AFRICAN COUNCIL FOR THE ARCHITECTURAL PROFESSION**

Publication in terms of section 32(5) of the Architectural Profession Act No 44 of 2000 ("The Act") of the finding and sanction imposed in accordance with the settlement agreement signed on 15 September 2022, pursuant to the admission of improper conduct charge(s) by the registered person.

Name of Person: Pieter G. Liebenberg

Registration Number: ST1371

Nature of the offence

Guilty of contravention of Rules 4.1 and 5.10 of the Code of Professional Conduct for registered persons promulgated under Board Notice 154 of 2009 Government Gazette No 32731 of 27 November 2009.

Sanction:

- Mr. Pieter G. Liebenberg is fined R6 000.00 (Six Thousand Rand) in terms of section 32(3)(a)(ii) of the Act, and reprimanded in terms of section 32(3)(a)(i) of the Act.

BOARD NOTICE 417 OF 2023
SOUTH AFRICAN COUNCIL FOR THE ARCHITECTURAL PROFESSION

Publication in terms of section 32(5) of Architectural Profession Act No 44 of 2000 ("The Act") the finding and sanction imposed in accordance with the Tribunal order signed on 13 April 2022, pursuant to the conclusion of the inquiry into alleged improper conduct of the registered person.

Name of Person: Pieter Steenberg

Registration Number: CANT20964

Nature of the offence

Guilty of contravention of Rule 5.1 of the Code of Professional Conduct for registered persons promulgated under Board Notice 154 of 2009 Government Gazette No 32731 of 27 November 2009.

Sanction:

- Mr. Pieter Steenberg is fined R10 000.00 (Ten Thousand Rand) in terms of section 32(3)(a)(ii) of the Act, and reprimanded in terms of section 3 (3)(a) (i) of the Act.

BOARD NOTICE 418 OF 2023**SOUTH AFRICAN COUNCIL FOR THE ARCHITECTURAL PROFESSION**

Publication in terms of section 32(5) of the Architectural Profession Act No 44 of 2000 ("The Act") of the finding and sanction imposed in accordance with the settlement agreement signed on 24 August 2022, pursuant to the admission of improper conduct charge(s) by the registered person.

Name of Person: Hatlane W. Maloka

Registration Number: CAD20830

Nature of the offence

Guilty of contravention of Rules 1.11, 2.6, 5.6, 5.9 and 5.10 of the Code of Professional Conduct for registered persons promulgated under Board Notice 07 of 2021 Government Gazette No 44190 of 19 February 2021.

Sanction:

- Mr. Hatlane W. Maloka is fined R10 000.00 (Ten Thousand Rand) in terms of section 32(3)(a)(ii) of the Act, and reprimanded in terms of section 32(3)(a)(i) of the Act.

BOARD NOTICE 419 OF 2023**SOUTH AFRICAN COUNCIL FOR THE ARCHITECTURAL PROFESSION**

Publication in terms of section 32(5) of the Architectural Profession Act No 44 of 2000 ("The Act") the finding and sanction imposed in accordance with the settlement agreement signed on 27 September 2022, pursuant to the admission of improper conduct charge(s) by the registered person.

Name of Person: Rudy R. Penny

Registration Number: T1370

Nature of the offence

Guilty of contravention of Rules 1.1(1.1.2), 4.1 and 5.10 of the Code of Professional Conduct for registered persons promulgated under Board Notice 154 of 2009 Government Gazette No 32731 of 27 November 2009.

Sanction:

- Mr. Rudy R. Penny is fined R8 000.00 (Eight Thousand Rand) in terms of section 32(3)(a)(ii) of the Act, and reprimanded in terms of section 32(3)(a)(i) of the Act.

BOARD NOTICE 420 OF 2023**SOUTH AFRICAN COUNCIL FOR THE ARCHITECTURAL PROFESSION**

Publication in terms of section 32(5) of the Architectural Profession Act No 44 of 2000 ("The Act") the finding and sanction imposed in accordance with the tribunal settlement agreement on 24 August 2022, pursuant to the admission of improper conduct charge(s) by the registered person.

Name of Person: Samuel Razwinzhi

Registration Number: CAT20841

Nature of the offence

Guilty of contravention of Rule 2.3 of the Code of Professional Conduct for registered persons promulgated under Board Notice 07 of 2021 Government Gazette No 44190 of 19 February 2021.

Sanction:

- Mr. Samuel Razwinzhi is fined R3 000.00 (Three Thousand Rand) in terms of section 32(3)(a)(ii) of the Act, and reprimanded in terms of section 32(3)(a)(i) of the Act.

BOARD NOTICE 421 OF 2023**SOUTH AFRICAN COUNCIL FOR THE ARCHITECTURAL PROFESSION**

Publication in terms of section 32(5) of the Architectural Profession Act No 44 of 2000 ("The Act") of the finding and sanction imposed in accordance with the settlement agreement signed on 29 August 2022, pursuant to the admission of improper conduct charge(s) by the registered person.

Name of Person: Sandisiwe S. Bashe

Registration Number: ST1820

Nature of the offence

Guilty of contravention of Rule 5.9 of the Code of Professional Conduct for registered persons promulgated under Board Notice 154 of 2009 Government Gazette No 32731 of 27 November 2009.

Sanction:

- Mr. Sandisiwe S. Bashe is fined R3 000.00 (Three Thousand Rand) in terms of section 32(3)(a)(ii) of the Act and reprimanded in terms of section 32(3)(a)(i) of the Act.

BOARD NOTICE 422 OF 2023**SOUTH AFRICAN COUNCIL FOR THE ARCHITECTURAL PROFESSION**

Publication in terms of section 32(5) of the Architectural Profession Act No. 44 of 2000 ("The Act") of the finding and sanction imposed in accordance with the Tribunal order signed on 08 October 2022, pursuant to the conclusion of the inquiry into alleged improper conduct of the registered person.

Name of Person: Stephen S. Long

Registration Number: 7833

Nature of the offence

Guilty of contravention of Rule 1.1 (1.1.2) and Rule 5.10 of the Code of Professional Conduct for registered persons promulgated under Board Notice 154 of 2009 Government Gazette No 32731 of 27 November 2009.

Sanction:

- Mr. Stephen S. Long is reprimanded in terms of section 32(3)(a)(i) of the Act, and fined R25 000.00 (Twenty-Five Thousand Rand) in terms of section 32(3)(a)(ii) of the Act.

BOARD NOTICE 423 OF 2023**SOUTH AFRICAN COUNCIL FOR THE ARCHITECTURAL PROFESSION**

Publication in terms of section 32(5) of the Architectural Profession Act No 44 of 2000 ("The Act") of the finding and sanction imposed in accordance with the settlement agreement signed on 12 September 2022, pursuant to the admission of improper conduct charge(s) by the registered person.

Name of Person: Theodorus Coetzee

Registration Number: PrArch7099

Nature of the offence

Guilty of contravention of Rule 5.1 of the Code of Professional Conduct for registered persons promulgated under Board Notice 154 of 2009 Government Gazette No 32731 of 27 November 2009.

Sanction:

- Mr. Theodorus Coetzee is fined R3 000.00 (Three Thousand Rand) in terms of section 32(3)(a)(ii) of the Act, and reprimanded in terms of section 32(3)(a)(i) of the Act.

BOARD NOTICE 424 OF 2023**SOUTH AFRICAN COUNCIL FOR THE ARCHITECTURAL PROFESSION**

Publication in terms of section 32(5) of the Architectural Profession Act No 44 of 2000 ("The Act") of the finding and sanction imposed in accordance with the settlement agreement signed on 24 August 2022, pursuant to the admission of improper conduct charge(s) by the registered person.

Name of Person: Wilfred M. Davids

Registration Number: D0298

Nature of the offence

Guilty of contravention of Rules 1.2 and 4.1 of the Code of Professional Conduct for registered persons promulgated under Board Notice 7 of 2021 Government Gazette No 44190 of 19 February 2021.

Sanction:

- Mr. Wilfred M. Davids is fined R6 000.00 (Six Thousand Rand) in terms of section 32(3)(a)(ii) of the Act, and reprimanded in terms of section 32(3)(a)(i) of the Act.

BOARD NOTICE 425 OF 2023**SOUTH AFRICAN COUNCIL FOR THE ARCHITECTURAL PROFESSION**

Publication in terms of section 32(5) of the Architectural Profession Act No 44 of 2000 ("The Act") of the finding and sanction imposed by Council in accordance with the Appeal Decision signed on 21 September 2022, pursuant to the conclusion of the inquiry into alleged improper conduct of the registered person.

Name of Person: BRADLEY F. STEIN

Registration Number: ST2033

Nature of the offence

Guilty of contravention of Rules 1.1 (1.1.2) and 4.1 of the Code of Professional Conduct for registered persons promulgated under Board Notice 154 of 2009 Government Gazette No 32731 of 27 November 2009.

Sanction:

- Mr. Bradley F Stein is fined R10 000.00 (Ten Thousand Rand) in terms of section 32(3)(a)(ii) of the Act of which R5000.00 (Five Thousand Rand) is suspended for a period of six months on condition that Mr. Stein is not found guilty of the same or similar offence during the period of suspension.
- Further Mr Bradley F Stein is fined R5 000.00 (Five thousand Rand) in terms of section 32(3)(a)(ii) of the Act wholly suspended for a period of six months on condition that the Appellant attends a SACAP CPD accredited Professional Practice course within the period of suspension, and provides proof of attendance thereof to the Council.

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