



Government Gazette Staatskoerant

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID AFRIKA

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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](mailto:GPW@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.

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.
36. In the event of a notice being cancelled, a refund will be made only if no cost regarding the placing of the notice has been incurred by the **Government Printing Works**.
37. The **Government Printing Works** reserves the right to levy an additional charge in cases where notices, the cost of which has been calculated in accordance with the List of Fixed Tariff Rates, are subsequently found to be excessively lengthy or to contain overmuch or complicated tabulation.

PROOF OF PUBLICATION

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

GOVERNMENT PRINTING WORKS CONTACT INFORMATION

Physical Address:

Government Printing Works
149 Bosman Street
Pretoria

Postal Address:

Private Bag X85
Pretoria
0001

GPW Banking Details:

Bank: ABSA Bosman Street
Account No.: 405 7114 016
Branch Code: 632-005

For Gazette and Notice submissions: Gazette Submissions:

For queries and quotations, contact: Gazette Contact Centre:

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

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

Tel: 012-748 6200

Contact person for subscribers: Mrs M. Toka:

E-mail: subscriptions@gpw.gov.za

Tel: 012-748-6066 / 6060 / 6058

Fax: 012-323-9574

GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

NO. 3792

18 August 2023

GENERAL NOTICE IN TERMS OF RESTITUTION OF LAND RIGHTS ACT, 1994 [ACT 22 OF 1994] AS AMENDED

Notice is hereby given in terms of Section 11[1] of the Restitution of the Land Rights Act 1994 [Act 22 of 1994] as amended, that a land claim for Restitution of Land Rights has been lodged by Mr Josia Qitha Mahlangu [ID No. 520510 5494 082] on behalf of Mahlangu Family on the property mentioned hereunder situated in Steve Tshwete Local Municipality, Nkangala District in the Mpumalanga Province: [KRP: 10630]]

CURRENT PARTICULARS OF THE PROPERTY
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Description of property	Owner of Property	Title Deed Number	Extent of Property	Bonds	Bond Holder	Other Endorsements
The remaining Extent of Portion 2	Ingwe Surface Holding Pty Ltd [196901635107]	T64936/2003	255.6714ha	None	None	<ul style="list-style-type: none"> I-765/2018C K2463/1990RM
Portion 11	Ingwe Surface Holding Pty Ltd [196901635107]	T11033/2010	242.1254	None	None	<ul style="list-style-type: none"> K59/2019S

The Regional Land Claims Commissioner, Mpumalanga Province will investigate all the claims in terms of the provisions of the Act, any party interested in the above mentioned property is hereby invited to submit within 30 [Thirty days] from the date of publication of this notice to submit any comments, or further information to:

Shop No. E 8
Saveways Crescent Centre
Cnr OR Thambo and Mandela Street
Witbank
1035

TEL NO: 013 655 1000
FAX NO: 013 690 2438

CHECKED BY: MRS R SINGH
RESTITUTION ADVISOR
DATE: 04/11/2020

MR. L. H. MAPHUTHA
COMMISSIONER FOR RESTITUTION OF LAND RIGHTS
DATE: 2021/01/20

DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

NO. 3793

18 August 2023

GENERAL NOTICE IN TERMS OF RESTITUTION OF LAND RIGHTS ACT, 1994 [ACT 22 OF 1994] AS AMENDED]

Notice is hereby given in terms of **Section 11[1]** of the **Restitution of the Land Rights Act 1994 [Act 22 of 1994]** as amended, that a **Land claim for Restitution of Land Rights** has been lodged by the late **Mr. Delela Abedigo Mkhonza ID. NO. 350315 5435 084** on behalf of Mkhonza family on the property mentioned here under situated in Albert Luthuli Local Municipality, Gert Sibande District in Mpumalanga Province (**KRP: 9111**)

CURRENT PARTICULARS OF THE PROPERTY

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Description of property	Owner of Property	Title Deed Number	Extent of Property	Bonds	Bond Holder	Other Endorsements
Remaining Extent of the farm	Nic Van Der Walt Trust	T24295/1989 T16626/2015	804444 ha (The affected extent is 55.0616ha)	B16060/2000 B26109/1989 B46898/1992 B66202/2000	Ann's Family Trust Trust Business Partners Ltd Sappi Forests Pty Ltd	

NB: The Total hectares affected by the claim is 55.0616 ha

Notice is hereby given in terms of **Section 11[1] of the Restitution of the Land Rights Act 1994 [Act 22 of 1994]** as amended, that a **Land claim for Restitution of Land Rights** has been lodged by the late **Mr. Delela Abedigo Mkhonza ID. NO. 350315 5435 084** on behalf of Mkhonza family on the property mentioned here under situated in Mkhondo Local Municipality, Gert Sibande District in Mpumalanga Province (**KRP: 9111**)

The Regional Land Claims Commissioner, Mpumalanga Province will investigate all the claims in terms of the provisions of the Act, any party interested in the above mentioned property is hereby invited to submit within **30 [thirty days]** from the date of publication of this notice to submit any comments, or further information to:

Commissioner for Restitution of Land Rights

Private Bag X 11330

Nelspruit

1200

or 30 Samora Machel Drive

Restitution House

Nelspruit

1200

TEL NO: 013 756 6000

FAX NO: 013 752 3859


MR. L.H. MAPHUTHA
REGIONAL LAND CLAIMS COMMISSIONER
MPUMALANGA PROVINCE

DATE: 31-03-2023

DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

NO. 3794

18 August 2023

GENERAL NOTICE IN TERMS OF THE RESTITUTION OF LAND RIGHTS ACT, 1994 (ACT 22 OF 1994) AS AMENDED

Notice is hereby given in terms of **Section 11 [1] of the Restitution of the Land Rights Act 1994 [Act 22 of 1994] as amended**, that the land claim for **Restitution of Land Rights** has been lodged by **Mr. Funda Abraham Nkwana, ID No 420508 5401 082 KRP 6630** on the properties mentioned hereunder in the Thembeisile Local Municipality, Nkangala District, Mpumalanga Province (Now Gauteng):

PARTICULARS OF THE PROPERTY

ROOIPOORT 440 JR

Description of property	Owner of Property	Title Deed Number	Extent of Property	Extent under claim	Bonds	Bond Holder	Other Endorsements
Portion 1 of the farm Rooipoort 440 JR	National Government of the Republic of South Africa	T6718/1986MPU	466.4573H	342.7911H	None	None	None
Remaining Extent of portion 2 of the farm Rooipoort 440 JR	National Government of the Republic of South Africa	T57004/1986MPU	536.9442H		None	None	None
Remaining Extent of portion 6 of the farm Rooipoort 440 JR	National Government of the Republic of South Africa	T5190/1986MPU	89.7076H		None	None	None
Remaining Extent of portion 7 of the farm Rooipoort 440 JR	National Government of the Republic of South Africa	T57004/1986MPU	119.3210H		None	None	None
Portion 8 of the farm Rooipoort 440 JR	National Government of the Republic of South Africa	T19331/1986MPU	89.4477H		None	None	None

Portion 11 of the farm Rooipoort 440 JR	National Government of the Republic of South Africa	T23089/1986MPU	1.3523H	None	None	None
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The Regional Land Claims Commissioner, Mpumalanga Province will investigate all the land claims in terms of the provisions of the Act, any party interested in the above mentioned properties is hereby invited to submit within **30 [thirty days]** from the date of the publication of this notice any comments, or further information to:

Commissioner for Restitution of Land Rights

Private Bag X7201
Witbank
1035

or Shop No. E 8
Saveways Crescent Centre
Cnr OR Tambo and Mandela Street
Witbank
1035
TEL NO: 013 – 655 1000

MR. L.H. MAPHUTHA
REGIONAL LAND CLAIMS COMMISSIONER
MPUMALANGA PROVINCE

DATE: 2023/04/24

DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

NO. 3795

18 August 2023

GENERAL NOTICE IN TERMS OF THE RESTITUTION OF LAND RIGHTS ACT, 1994 (ACT 22 OF 1994) AS AMENDED

Notice is hereby given in terms of Section 11[1] of the Restitution of the Land Rights Act 1994 [Act 22 of 1994] as amended, that a land claim for Restitution of Land Rights has been lodged by the late Mr. Moche Rufus Maubane, ID No: 330303 5378 087 on behalf of Bakgatla Ba Mocha community on the following properties mentioned hereunder situated under Dr JS Moroka Local Municipality, Nkangala District Municipality in Mpumalanga Province: KRP 6198

CURRENT PARTICULARS OF THE PROPERTY
ROOIFONTEIN 171 JR

Description of property	Owner of Property	Title Deed Number	Extent of Property	Bonds	Bond Holder	Other Endorsements
Portion 5	National Government of Republic of South Africa	T1243/1954BP	1127.8142	None	None	None
Portion 8	National Government of Republic of South Africa	T1243/1954BP	687.7581	None	None	None

The Regional Land Claims Commissioner, Mpumalanga Province will investigate all the land claims in terms of the provisions of the Act, any party interested in the above-mentioned properties is hereby invited to submit within 30 [thirty days] from the date of the publication of this notice any comments, or further information to:

Commissioner for Restitution of Land Rights
Private Bag X7201
Witbank
1035

MR. L.H. MAPHUTHA
REGIONAL LAND CLAIMS COMMISSIONER
MPUMALANGA PROVINCE
DATE: 2023/06/08

DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

NO. 3796

18 August 2023

GENERAL NOTICE IN TERMS OF RESTITUTION OF LAND RIGHTS ACT, 1994 (ACT 22 OF 1994) AS AMENDED

Notice is hereby given in terms of Section 11[1] of the Restitution of the Land Rights Act 1994 (Act 22 of 1994) as amended, that a Land claim for Restitution of Land Rights has been lodged by James Pienaar Nkosi on behalf of Nkosi Family on the properties mentioned hereunder situated in Emakhazeni Local Municipality, under Nkangala District of Mpumalanga Province as follows: KRP 10917

CURRENT PARTICULARS OF THE PROPERTY
WATERLOO 367 JT

Description of property and	Owner of Property	Title Deed Number	Extent of Property	Bonds	Bond Holder	Other Endorsements
The Remaining Extent of Portion 2	Sunsetbay Trading 282 Pty Ltd [200501371607]	T157230/2006	104.5370ha	None	None	K903/1970S VA1585/2014 in favour of Sunsetbay Trading 282 Pty Ltd

The Regional Land Claims Commissioner, Mpumalanga Province will investigate all the claims in terms of the provisions of the Act, any party interested in the above-mentioned property is hereby invited to submit within **30 (thirty days)** from the date of publication of this notice to submit any comments, or further information to:

Commissioner for Restitution of Land Rights
Private Bag X7201
Withbank
1035


CHECKED BY: MR. L.H. MAPHUTHA
REGIONAL LAND CLAIMS COMMISSIONER
MPUMALANGA PROVINCE

DATE: 2023/06/08

DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

NO. 3797

18 August 2023

GENERAL NOTICE IN TERMS OF RESTITUTION OF LAND RIGHTS ACT, 1994 [ACT 22 OF 1994] AS AMENDED

Notice is hereby given in terms of **Section 11[1]** of the Restitution of the Land Rights Act 1994 [Act 22 of 1994] as amended, that a land claim for **Restitution of Land Rights** has been lodged by **Mrs Ntloeng Maria Nkwane. ID [5101190627084]** on behalf of **Dibakwane Family** on the following property mentioned hereunder situated under **Greater Tubatse Fetakgomo Local Municipality, Sikhukhune District, Limpopo Province: KRP 11872**

CURRENT PARTICULAR OF THE PROPERTY

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Description of property	Owner of Property	Title Deed Number	Extent of Property	Bonds	Bond Holder	Other Endorsements
The Remaining Extent of Portion 37	Sunram boerdery (EDMS)LTD [201316662507]	T641/2019	209.3488ha	B261/2019	Tholo Game Lodge Pty Ltd	I-8140/2006CPTA K1745/1984RMPTA in favour of Erasmus Theodaras Cornelius Johannes K4443/2002RMPTA in favour of Erasmus Theodaras Cornelius Johannes

Notice is hereby given in terms of **Section 11(1) of the Restitution of the Land Rights Act 1994 [Act 22 of 1994]** as amended, that a land claim for **Restitution of Land Rights** has been lodged by **Mrs Ntlomeng Maria Nkwane. ID [5101190627084]** on behalf of **Dibakwane Family** on the following property mentioned hereunder situated under **Emakhazeni Local Municipality, Nkangala District, Mpumalanga Province: KRP 2352**

The Regional Land Claims Commissioner, Mpumalanga Province will investigate all the claims in terms of the provisions of the Act; any party interested in the above-mentioned property is hereby invited to submit within **30 [thirty days]** from the date of publication of this notice to submit any comments, or further information to:

Commissioner for Restitution of Land Rights
Private Bag X7201
Witbank
1035


MR L H MAPHUTHA
THE REGIONAL LAND CLAIMS COMMISSIONER
MPUMALANGA PROVINCE

DATE: 20/08/23

DEPARTMENT OF COMMUNICATIONS AND DIGITAL TECHNOLOGIES

NO. 3798

18 August 2023

FILM AND PUBLICATION BOARD

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

DRAFT REGULATORY INSTRUMENTS OF THE FILM AND PUBLICATION BOARD

1. I, Dr Mashilo Boloka, the Chief Executive Officer at the Film and Publication Board, hereby publishes for public comment the following draft regulatory instruments, namely:
 - 1.1. Draft Industry Code on Prevention of online harm;
 - 1.2. Draft Guidelines dealing with peer-to-peer video sharing; and
 - 1.3. Draft Guidelines to determine whether content is harmful.
2. Interested persons who wish to comment on any or all of the draft regulatory instruments listed above may submit their written representations **within 15 (fifteen) working days** of publication of this Notice.
3. All comments should be marked for the attention of **Mr Andrew Sebapu**, at the following contact details:


By hand: **The Film and Publication Board
Eco Glade 2
420 Witch Hazel Avenue
Centurion
1609**

By mail: **The Film and Publication Board
Private Bag X31
Highveld Park
0169**

By email: **clientsupport@fpb.org.za** (Kindly write ***draft Regulatory Instruments of the Film and Publication Board*** in the subject field of your email)

Enquiries: **012 003 1400**

4. A copy of the draft regulatory instruments listed above are also available at **www.fpb.org.za**.


Dr Mashilo Boloka
CEO
Film and Publication Board
Date: 14/07/2023

INDUSTRY CODE ON PREVENTION OF ONLINE HARM

Introduction

1. The Film and Publications Board (FPB) is an statutory body established in terms of the Films and Publications Act 65, (Act 65 of 1996) as amended (Act) to regulate the creation, production, possession and distribution of films, games, certain publications and the internet by way of classification of content.
2. The Act prohibits sharing of harmful and/or prohibited content such as child pornography, revenge porn, hate speech and content which amounts to propaganda for war, incitement of imminent violence, advocacy of hatred that is based on an identifiable group characteristic, and that constitutes incitement to cause harm.
3. Due to the proliferation of child sexual abuse material cases that the FPB is dealing with on a daily basis and the amount of harmful content distributed online as the Content Regulatory Authority of South Africa, the FPB is obligated to enhance the way it regulates such prohibited and or harmful content distributed online.

Scope of the Code

4. As part of its legislated mandate to protect the public and in particular, children from exposure to disturbing and harmful material distributed online, the FPB deemed it necessary to set some mechanism in place in order for the industry role players to prevent and mitigate the adverse impact of online harm. To this end, this code on prevention of online harm was developed in order to set minimum standards of measures to be put in place by all industry role players in ensuring that the public is protected from online harm acknowledging that some of the role players might already have some mechanism in place but at minimum,

the industry is expected so have the measures as outlined in the code. This code shall apply to industry role players such as commercial online distributors and social media platforms.

Content control

5. Industry role players such as commercial online distributors and social media must not use their services and or platforms to host or distribute prohibited content such as child pornography, revenge porn, hate speech and content which amounts to propaganda for war, incitement of imminent violence, advocacy of hatred that is based on an identifiable group characteristic, and that constitutes incitement to cause harm.
6. Where Industry role player becomes aware of prohibited content hosted or distributed using their services and or platforms, the Industry role player must immediately suspend access to that content. Where required to do so by law, report such prohibited content to the FPB and or to members of the South African Police Services.
7. Industry role players must not host or distribute any content that:
 - 7.1. explicit sexual conduct which violates or shows disrespect for the right to human dignity of any person;
 - 7.2. bestiality, incest, rape, conduct or an act which is degrading of human beings;
 - 7.3. explicit infliction of domestic violence; or
 - 7.4. explicit visual presentations of extreme violence.

Consumer support

8. Consumer support must be easily available thorough any means of communication such as emails, telephone, WhatsApp etc. Should the industry role player be unable to provide immediate support, consumer should be provided with the ability to leave a message.
9. Industry role players shall have a procedure allowing consumers to lodge complaints regarding the prohibited content hosted or distributed using the services or platforms.
10. Industry role players shall acknowledge receipt of complaints expeditiously and must respond to any complaints within a reasonable period of time.

Provision of Information about prohibited content including content in clause 7 of the Code

11. Industry role players shall notify the FPB if they become aware of any prohibited content including content in clause 7 being hosted or distributed using the services or platforms and the steps that have been taken in response within seven (7) days of becoming aware.
12. Industry role players shall keep records of any take-down notices they have received in terms of the Electronic Communications and Transactions Act, 2002 (Act 25 of 2002) for a period of three years. A copy of any content taken-down in response of a notice must also be kept for a three years, provided it is lawful to do so.

Annual statement of compliance

13. Industry role players shall confirm their compliance with the Industry Code on at least an annual basis.

Adult services

14. The industry role players shall ensure that children under the age of 18 would not be able to access such a film or game online classified as X18.
15. The industry role players shall ensure that the classification and age restriction are clearly displayed on the screen of the user throughout the screening.
16. The industry role players shall ensure that the user confirms that he or she is 18 years or older prior to commencing viewing of the film or playing a game.
17. The industry role players shall not distribute any promotion of the film or game to be accessed without it being paid for by way of a credit card or another child secure method agreed to by the Board.

Child oriented services

18. The industry role players shall moderate their child-orientated services and taken such reasonable steps as are necessary to ensure that such services are not being used by any person for the purpose of the commission of any offence against children;
19. The industry role players shall prominently display reasonable safety messages in a language that will be clearly understood by children, on all advertisements for a child oriented service, as well as in the medium used to access such child oriented service including, where appropriate, chatroom safety messages for chatrooms or similar contact services;
20. The industry role players shall provide a mechanism to enable children to report suspicious behaviour by any person in a chatroom to the service or access provider;
21. The industry role players shall report details of any information regarding behaviour which is indicative of the commission of any offence by any person against any child to a police official of the South African Police Service; and

22. Where technically feasible, provide children and their parents or primary caregivers with information concerning software or other tools which can be used to filter or block access to content services and contact services, where allowing a child to access such content service or contact service would constitute an offence under the FP Act or which may be considered unsuitable for children, as well as information concerning the use of such software or other tools.

Protection of consumers against prohibited content

23. Industry role players shall identify, prevent and mitigate the adverse impact of online harm by taking the following actions:

23.1. Ensure that a specific individual and/or a team is designated with responsibility for this process and has access to the necessary internal and external stakeholders.

23.2. Develop and implement safeguarding policies such as privacy, marketing and relevant codes of conduct.

23.3. Have in place grievance and reporting mechanisms for any harmful and inappropriate content online such as child sexual abuse material, material that depicts sexual violence and violence against children, private sexual photographs distributed with the consent of the person who appears on the photograph or film with the intention to cause harm (revenge porn), content which amounts to propaganda for war, incitement of imminent violence, advocacy of hatred that is based on an identifiable group characteristic and that constitutes incitement to cause harm (hate speech).

24. Developing standard processes to handle child sexual abuse material (CSAM)

24.1. In collaboration with government, law enforcement, civil society and hotline organizations, industry has a key role to play in combating child sexual abuse material by taking the following actions:

- 24.1.1. Put in place internal procedures to ensure compliance with South African laws as well as international laws on combating child sexual abuse material. Where national regulations do not provide sufficient protection, industry should seek to go above and beyond the national regulations and use their leverage to lobby for legislative changes to enable industry to take steps to combat child sexual abuse material.**
- 24.1.2. Use customer terms and conditions and policies to explicitly state the industry's position on the misuse of its services to store or share child sexual abuse material and harmful content online.**
- 24.1.3. Develop take down notice (TDN) and reporting processes that allow users to report child sexual abuse material or harmful and inappropriate content distributed online.**
- 24.1.4. Ensure a process is in place to act on those reports, and agree on procedures to capture evidence and remove harmful content and publish a quarterly report of the harmful content removed and cases acted on.**

25. Creating a safer and age appropriate online environment

25.1. Industry role players must help create a safer, more enjoyable digital environment for the public and for children of diverse ages by taking the following actions:

- 25.1.1. Employ appropriate technical measures such as parental control tools, age-differentiated experiences with password-protected content, block/allow lists, purchase/time controls, opt-out functions, filtering and moderating to prevent underage access and exposure to inappropriate content or services.
 - 25.1.2. Where possible, consider the use of age verification to limit access to content or material that, either by law or policy, is intended only for persons above a certain age.
 - 25.1.3. In addition to the terms and conditions, communicate clear rules in easily understood language that emphasizes what behaviour is and is not acceptable on the service, and is particularly geared for young users and for their parents and caregivers. Be sure to state the consequences of breaking any of these rules.
 - 25.1.4. Default privacy settings should be used. Offer clear reporting tools and develop a process to act on reports of inappropriate content and provide detailed feedback to service users on the reporting process.
26. Educating children, parents, and teachers about children's safety online by clearly describing available content and corresponding parental controls or family safety settings. Make language and terminology accessible, visible, clear and relevant for all users – including children, parents and caregivers especially in relation to terms and conditions, privacy policies, safety information and reporting mechanisms. Educate customers on how to manage concerns relating to Internet usage – including spam, data theft and inappropriate conduct such as bullying and grooming.

GUIDELINE FOR PEER-TO-PEER VIDEO SHARING

1. INTRODUCTION

The Film and Publications Board (FPB) is an Online Content Regulatory Authority established in terms of the Film and Publication Act 65 of 1996 as amended (Act). The mandate of the FPB is to regulate the creation, production, possession and distribution of films, games, certain publications and the internet by way of classification of content. The Act prohibits sharing of harmful and/or prohibited content such as child pornography, revenge porn, hate speech and content which amounts to propaganda for war, incitement of imminent violence, advocacy of hatred that is based on an identifiable group characteristic, and that constitutes incitement to cause harm.

In terms of section 18F (1) (a) and (b) no person may expose, through any medium, including the internet and social media, a private sexual photograph or film if the disclosure is made:-

- without the consent of the individual or individuals who appear in the photograph or film; and
- with the intention of causing that individual harm.

The Act further stipulates that a photograph or film is “sexual” if such a film or photograph:-

- shows all or part of an individual’s exposed female breasts, anus, genitals or pubic area;
- shows something that a reasonable person would consider to be sexual because of its nature; or
- its content, taken as a whole, is such that a reasonable person would consider it to be sexual (Section 18F of the Act).

2. PURPOSE

The purpose of the guideline is to provide guidance on how to share videos among peers and various peer groups operating in various platforms.

3. CONSTITUTIONAL FRAMEWORK.

South Africa is a democratic state founded on the values of the Constitution. The Bill of Rights is a cornerstone of democracy. It affirms the democratic values of human dignity, equality and freedom. It is therefore critical to consider rights applicable to all when sharing content:

3.1 Right to human dignity

Everyone has an inherent dignity and the right to have their dignity respected and protected.

3.2 Right to privacy

Everyone has the right to privacy, which includes the right not to have-

- (a) their person or home searched*
- (b) their property searched;*
- (c) their possession seized; or*
- (d) their privacy of their communications infringed.*

4, CONSEQUENCES

The following are the negative consequences for video sharing:

- 4.1 You will be committing an offence which will lead to arrest; on successful prosecution, imprisonment or payment of a fine.
- 4.2 Defaming another person and therefore exposing yourself to delictual liability on successful claim; it will lead to payment of damages

3. RULES TO CONSIDER

When determining how content can be shared on peer-to-peer platforms, it is important to consider guidelines that promote responsible and legal sharing while respecting the rights and well-being of others.

The general guidelines would be as follows:

- a) **Respect Copyright and Intellectual Property;**
- b) **Privacy Considerations;**
- c) **Lawful Content;**
- d) **User Guidelines and Terms of Service;**
- e) **Consent and Permissions;**
- f) **Context and Appropriateness;**
- g) **Attribution and Crediting; and**
- h) **User Safety and Well-being.**

Remember that these guidelines provide general principles, and specific platforms may have their own unique policies and guidelines. It is essential to familiarize yourself with the rules and regulations of the particular peer-to-peer platform you are using and abide by them to ensure responsible and ethical content sharing.

3. RESPECT COPYRIGHT AND INTELLECTUAL PROPERTY

Respecting copyright and intellectual property involves acknowledging and honouring the rights of creators and owners of original works.

To assist in determining how to respect copyright and intellectual property the following should be considered:

a) Obtain Proper Permissions

Seek permission from the copyright owner before using or sharing their copyrighted material. This includes written works, images, music, videos, software, and other creative works protected by copyright. If you are unsure about the copyright status or how to obtain permission, reach out to the copyright owner for clarification.

b) Use Public Domain or Creative Commons Works

Utilize works that are in the public domain or are licensed under Creative Commons licenses. These works may be freely available for use with specific conditions outlined by the copyright holder. Ensure that you comply with the terms of the particular license when using such works.

c) Fair Use and Fair Dealing

Understand the concept of fair use or fair dealing for certain limited purposes, such as criticism, commentary, news reporting, research, or educational purposes. Familiarise yourself with the specific criteria and limitations set by copyright laws in your jurisdiction.

d) Attribute and Credit the Source

When using or sharing copyrighted material, provide appropriate attribution and credit to the original creator or source. Clearly acknowledge their contribution by including the name, title, and source of the work. Follow any guidelines provided by the copyright owner regarding attribution.

e) Avoid Plagiarism

Do not present someone else's work as your own. When incorporating or referencing copyrighted material, properly cite and attribute the original source. Plagiarism is not only an ethical violation but can also infringe on copyright laws.

f) Be Aware of Licensing Agreements

Pay attention to licensing agreements, terms of use, or terms and conditions associated with content, software, or other intellectual property. Abide by the terms and restrictions specified in these agreements to respect the rights of the copyright owner.

- g) Seek Legal Advice:** If you have any doubts or concerns regarding copyright or intellectual property, seek legal advice from professionals specializing in copyright law. They can provide guidance specific to your situation and ensure compliance with the applicable laws and regulations.

Remember that copyright laws can vary between countries, and it is essential to be aware of the legal framework in your jurisdiction. Respecting copyright and intellectual property helps protect the rights of creators, encourages creativity, and promotes a fair and ethical use of intellectual works.

4. PRIVACY CONSIDERATION

When sharing content on peer-to-peer platforms, it's important to consider privacy considerations to protect the personal information and privacy rights of individuals.

The key privacy considerations are as follows:

a) Personal Information

Be mindful of sharing personal information that can identify individuals, such as names, addresses, contact details, or any other sensitive data. Avoid sharing such information without the explicit consent of the individuals involved.

b) Consent

Obtain the appropriate consent from individuals before sharing content that includes their personal information. Ensure that individuals are aware of how their information will be used and shared on the peer-to-peer platform.

c) Data Protection Laws

Familiarize yourself with the data protection laws and regulations applicable in your jurisdiction. Understand your obligations as a content sharer and ensure compliance with these laws, including obtaining necessary consent, implementing security measures, and respecting individuals' rights regarding their personal information.

d) Anonymisation and Pseudonymisation

Consider anonymising or pseudonymising personal information before sharing content. Removing or modifying personally identifiable information helps protect individuals' privacy and reduces the risk of unauthorised access or misuse.

e) Security Measures

Take appropriate security measures to safeguard the content and personal information you share on peer-to-peer platforms. Use strong passwords, enable encryption where possible, and follow recommended security practices to minimize the risk of data breaches or unauthorised access.

f) Platform Settings and Privacy Options

Understand and configure the privacy settings and options provided by the peer-to-peer platform. Familiarise yourself with the platform's privacy policies and features that allow you to control who can access and share your content.

g) Third-Party Access

Be cautious about sharing content on peer-to-peer platforms that may provide access to third parties or other users. Understand the platform's policies regarding data sharing with third parties and ensure that you are comfortable with the level of privacy and control provided.

h) Content Moderation

Consider the content moderation practices of the peer-to-peer platform. Ensure that the platform has mechanisms in place to address privacy concerns, handle user complaints, and remove inappropriate or unauthorised content.

i) Education and Awareness

Stay informed about privacy best practices, emerging threats, and changes in privacy regulations. Educate yourself and others about the importance of privacy protection when sharing content on peer-to-peer platforms.

It is important to note that privacy considerations can vary depending on the specific platform, jurisdiction, and nature of the content being shared. Always review and adhere to the platform's privacy policies and terms of service, as well as applicable privacy laws, to ensure that you are respecting individuals' privacy rights when sharing content on peer-to-peer platforms.

5. WHETHER CONTENT IS LAWFUL ON PEER-TO-PEER PLATFORMS

Assessing whether content is lawful on peer-to-peer platforms involves evaluating its compliance with applicable laws and regulations.

While specific laws may vary depending on the jurisdiction, here are some general steps to consider:

a) Understand Applicable Laws

Familiarise yourself with the relevant laws and regulations that govern content on peer-to-peer platforms. These may include laws related to copyright, intellectual property, defamation, hate speech, obscenity, child exploitation, privacy, and any other relevant legal provisions.

b) Review Platform Guidelines

Consult the guidelines and terms of service provided by the peer-to-peer platform. Platforms often have their own rules and policies regarding the type of content that is allowed or prohibited. Ensure that the content aligns with these guidelines.

c) Copyright Compliance

Verify that the content does not infringe upon copyright or intellectual property rights. Ensure that you have the necessary permissions or licenses to use and share copyrighted material. Respect the rights of content creators and owners by avoiding unauthorised sharing of their work.

d) Avoid Illegal or Harmful Content

Assess whether the content violates any laws or regulations, including those related to hate speech, incitement to violence, harassment, discrimination, child exploitation, or any other prohibited activities. Content that promotes illegal activities or causes harm should not be shared.

e) Consider Context and Intended Purpose

Evaluate the context in which the content is shared and its intended purpose. Certain content may be lawful in specific contexts or for specific purposes, such as educational, journalistic, or artistic uses. Assess whether the content falls within acceptable legal boundaries given its context and purpose.

f) Consult Legal Experts

If you are unsure about the legality of certain content, seek legal advice from professionals specialising in relevant areas of law. They can provide guidance based on the specific jurisdiction and legal framework.

g) Reporting and Compliance

If you come across content that you believe is illegal or violates the platform's guidelines, report it to the appropriate authorities or the platform's moderation team. Cooperate with any requests or investigations related to content compliance and take necessary action to ensure compliance with the law.

Remember that legal assessments of content on peer-to-peer platforms can be complex and may require expert legal advice. Laws can vary between jurisdictions, and it is essential to understand and comply with the specific legal framework applicable to your situation.

6. USER GUIDELINES AND TERMS OF SERVICE ON PEER-TO-PEER PLATFORMS

To determine the user guidelines and terms of service on peer-to-peer platforms, follow these steps:

a) Locate the Platform's Website

Visit the official website of the peer-to-peer platform you are using or interested in. The website typically provides information about the platform's terms of service and user guidelines.

b) Look for Legal and Policy Sections

Navigate to the legal or policy sections of the platform's website. These sections often contain important documents such as terms of service, user guidelines, acceptable use policies, community standards, or similar documents.

c) Read Terms of Service

Review the platform's terms of service thoroughly. Terms of service outline the contractual agreement between the platform and its users. Pay attention to the sections that address user obligations, content sharing policies, intellectual property, privacy, liability, and dispute resolution.

d) Explore User Guidelines or Community Standards

Check for user guidelines or community standards provided by the platform. These documents offer specific guidance on the types of content that are allowed or prohibited on the platform. They may cover topics such as hate speech, harassment, illegal activities, spam, or other content-related policies.

e) Understand Acceptable Use Policies

Some platforms have acceptable use policies that provide further details on the expected behaviour and use of the platform. These policies may cover issues such as spam prevention, user conduct, prohibited activities, and the consequences for violating the policies.

f) Note Specific Requirements or Restrictions

Take note of any specific requirements or restrictions mentioned in the user guidelines or terms of service. This could include limitations on file sizes, content formats, age restrictions, or geographical restrictions.

g) Clarify Ambiguities or Seek Clarification

If you encounter any ambiguities or have questions about the user guidelines or terms of service, contact the platform's support team or customer service. They can provide clarification and guidance regarding specific policies or rules.

h) Stay Updated

Keep in mind that user guidelines and terms of service may change over time. Periodically revisit the platform's website to stay updated on any revisions or amendments to the policies.

It is crucial to familiarise yourself with the user guidelines and terms of service to understand the platform's expectations, rules, and policies. Adhering to these guidelines helps ensure a positive and compliant user experience on peer-to-peer platforms.

7. CONSENT AND PERMISSIONS TO SHARE CONTENT ON PEER-TO-PEER PLATFORMS

Securing consent and permissions to share content on peer-to-peer platforms is an important step to respect the rights of content creators and individuals involved.

The general process to secure consent and permissions is as follows:

a) Identify the Content and Rights Holder

Determine who owns the rights to the content you wish to share. It could be the original creator, author, photographer, or any other person or entity with legal ownership or control over the content.

b) Determine the Purpose and Scope of Use

Clearly define the purpose for which you want to share the content and the specific ways in which it will be used. This helps you communicate your intentions to the rights holder and obtain appropriate permissions.

c) Contact the Rights Holder

Reach out to the rights holder and request their permission to share the content on the peer-to-peer platform. Provide detailed information about the content, your intended use, and any other relevant details. Use a clear and concise message to explain why you want to share the content and how it aligns with the rights holder's interests.

d) Consent Forms or Agreements

In some cases, especially for commercial or more formal uses, it may be necessary to use written consent forms or agreements. These documents outline the terms and conditions of the permissions granted by the rights holder. Consult legal professionals or use standard templates to create consent forms or agreements if needed.

e) Respect the Rights Holder's Decision

Once you receive a response from the rights holder, respect their decision. If they grant permission, ensure that you adhere to any conditions or limitations specified. If they decline or do not respond, refrain from sharing the content without explicit authorisation.

f) Document and Maintain Records

Keep a record of the permissions received and any supporting documentation, such as consent forms or email correspondence. This helps demonstrate your compliance with legal and ethical obligations.

g) Attribution and Credit

If the rights holder grants permission to share the content, ensure that you attribute it appropriately. Credit the rights holder by including their name, title, or any other information specified by them. Follow any guidelines or requirements they provide for proper attribution.

h) Review and Comply with Platform Policies

Familiarise yourself with the specific policies and guidelines of the peer-to-peer platform you are using. Ensure that your sharing of content aligns with their terms of service and any content-sharing rules they have in place.

Remember that the process of securing consent and permissions may vary depending on the nature of the content and the specific circumstances. It is important to communicate openly and transparently with the rights holders and to seek legal advice if you have any uncertainties regarding copyright or intellectual property laws. Respecting the rights of content creators and obtaining proper permissions helps ensure a responsible and ethical approach to content sharing on peer-to-peer platforms.

8. CONTEXT AND APPROPRIATENESS

Assessing the context and appropriateness of content before sharing it on peer-to-peer platforms is crucial to ensure responsible and respectful sharing.

The following steps should be considered:

a) Understand the Platform's Audience

Familiarise yourself with the platform's user base and the audience who will potentially view the content. Different platforms cater to various demographics, interests, or purposes. Assess whether the content aligns with the platform's overall tone and user expectations.

b) Evaluate the Content's Relevance

Determine if the content is relevant and appropriate for the intended audience and the purpose of the platform. Consider the platform's focus, theme, or topic and assess whether the content adds value, contributes to discussions, or aligns with the platform's goals.

c) Analyse the Content's Quality

Assess the quality of the content in terms of its accuracy, reliability, credibility, and overall value. Verify the information presented, fact-check if necessary, and ensure that the content is well-crafted and provides meaningful or useful insights.

d) Consider the Cultural and Social Context

Take into account the cultural, social, and historical context surrounding the content. Evaluate whether the content may be offensive, insensitive, or inappropriate given the context. Be aware of cultural sensitivities, political climate, or ongoing discussions that may impact how the content is perceived.

e) Assess Potential Impact

Consider the potential impact the content may have on individuals or groups. Evaluate whether the content could cause harm, perpetuate stereotypes, incite

violence, or spread misinformation. Strive to share content that is respectful, inclusive, and promotes positive engagement.

f) Seek Diverse Perspectives

Encourage diversity and inclusivity by seeking perspectives from different backgrounds, cultures, or communities. Ensure that the content represents a balanced view and respects the voices and experiences of marginalized or underrepresented groups.

g) Conduct Pre-Sharing Review

Before sharing the content, conduct a thorough review. Read or view the content in its entirety to understand its message, tone, and implications. Consider seeking feedback from trusted individuals or colleagues to gain alternative viewpoints.

h) Reflect on Personal Bias and Intentions

Take a moment to reflect on your own biases, motivations, and intentions behind sharing the content. Ensure that you are not promoting harmful ideologies, spreading misinformation, or using the content for inappropriate purposes.

i) Comply with Legal and Ethical Guidelines

Ensure that the content complies with legal requirements, such as copyright laws, privacy rights, and other applicable regulations. Adhere to ethical guidelines and respect the rights of content creators and individuals involved in the content.

By following these steps, you can assess the context and appropriateness of content before sharing it on peer-to-peer platforms. Remember that responsible content sharing contributes to a positive and constructive online environment.

9. ENSURE ATTRIBUTION AND CREDITING WHEN SHARING CONTENT ON PEER-TO-PEER PLATFORMS

Ensuring proper attribution and crediting when sharing content on peer-to-peer platforms is important to respect the rights of content creators and maintain ethical practices.

Guidelines to consider are as follows:

a) Identify the Content's Source

Determine the original source of the content you intend to share. This could be the creator's name, username, website, social media profile, or any other identifiable information associated with the content.

b) Provide Clear and Visible Attribution

Clearly attribute the content to its rightful owner or creator. Include their name, username, or any other relevant information that identifies them. Ensure that the attribution is prominently visible and easily identifiable in connection with the shared content.

c) Include Link or Reference

Whenever possible, provide a link or reference to the original source of the content. This could be a direct link to the creator's website, social media post, or any other platform where the content was originally published. Linking back to the source allows others to access the original content and supports the creator's work.

d) Follow the Creator's Preferred Attribution Format

Some content creators may specify a preferred format or style for attribution. Respect their preferences and follow their guidelines if provided. This could include specific wording, formatting, or placement of the attribution.

e) Verify Copyright and Licensing

Ensure that you have the necessary rights or permissions to share the content. Check for any copyright restrictions, licenses, or creative commons requirements associated with the content. Adhere to the terms and conditions set by the creator or copyright holder.

f) Credit Collaborators or Contributors

If the content involves multiple creators or contributors, make sure to attribute their contributions as well. Acknowledge their role in the creation of the content and give credit where it is due.

g) Attribute Quotes or Excerpts

When sharing a specific quote, excerpt, or portion of a larger work, attribute it to the original author or speaker. Clearly indicate that it is a quote and provide the necessary attribution in accordance with the creator's preferences.

h) Maintain Integrity of the Attribution

Ensure that the attribution remains intact even when the content is shared or reposted by others. Encourage others to provide proper attribution when they share the content as well.

i) Seek Permission for Modifications

If you plan to modify or adapt the content in any way, seek permission from the original creator. Respect their rights and creative integrity by obtaining explicit consent for any alterations.

Remember, attribution is not only a legal requirement in many cases but also an ethical practice that recognizes and honours the work of content creators. By properly attributing and crediting content on peer-to-peer platforms, you contribute to a culture of respect, fairness, and collaboration.

10. PRIORITISE USER SAFETY AND WELL-BEING WHEN SHARING CONTENT

Prioritising user safety and well-being when sharing content on peer-to-peer platforms is essential to create a positive and secure online environment.

Ways in which to prioritise user safety are as follows:

a) Verify the Accuracy and Credibility

Before sharing any content, ensure that it is accurate, reliable, and trustworthy. Misinformation or false information can harm users and contribute to the spread of misinformation. Fact-check the content from reputable sources before sharing.

b) Consider the Impact

Assess the potential impact of the content on users. Avoid sharing content that may be offensive, discriminatory, or harmful to individuals or communities. Be mindful of the potential emotional or psychological effects that the content may have on vulnerable users.

c) Respect Privacy and Consent

Always respect user privacy and obtain consent before sharing any personal information or sensitive content related to individuals. Be aware of privacy settings and permissions associated with the content you share.

d) Avoid Cyberbullying and Harassment

Do not engage in or promote cyberbullying, harassment, or any form of online abuse. Refrain from sharing content that targets or maligns individuals or encourages others to engage in harmful behaviour.

e) Use Trigger Warnings

If the content contains sensitive or triggering material, consider using trigger warnings. This allows users to make an informed decision about engaging with the content and helps prevent any negative emotional or psychological impact.

f) Report and Address Violations

If you come across content that violates platform guidelines, user safety, or well-being, report it to the appropriate authorities or platform moderators. Take necessary steps to protect users from harmful content, including blocking or unfollowing individuals who engage in harmful behaviour.

g) Foster Positive Engagement

Encourage respectful and constructive discussions among users. Promote inclusivity, diversity, and empathy in your interactions and content sharing. Actively participate in creating a supportive online community.

h) Educate and Inform

Share resources, tips, and information that promote digital literacy, online safety, and responsible content sharing. Help users understand the potential risks and empower them to make informed decisions about their online activities.

i) Be Mindful of Online Etiquette

Follow basic online etiquette and treat others with respect and kindness. Avoid engaging in online arguments, spreading hate, or participating in harmful behaviour. Be a positive role model for others.

By prioritising user safety and well-being when sharing content, you contribute to a healthier online ecosystem that fosters positive interactions, promotes safety, and respects the rights and dignity of all users.

11. CONCLUSIONS

When determining how content can be shared on peer-to-peer platforms, it is important to consider guidelines that promote responsible and legal sharing while respecting the rights and well-being of others.

GUIDELINES TO DETERMINE WHETHER CONTENT IS HARMFUL

1. INTRODUCTION

The Film and Publications Board (FPB) is an Online Content Regulatory Authority established in terms of the Film and Publication Act 65 of 1996 as amended (Act). The mandate of the FPB is to regulate the creation, production, possession and distribution of films, games, certain publications and the internet by way of classification of content. The Act prohibits sharing of harmful and/or prohibited content such as child pornography, revenge porn, hate speech and content which amounts to propaganda for war, incitement of imminent violence, advocacy of hatred that is based on an identifiable group characteristic, and that constitutes incitement to cause harm.

In terms of the Act, "harmful" means causing emotional, psychological or moral distress to a person, whether it be through a film, game or publication through any on or offline medium, including through the internet and "harm" has the corresponding meaning

2. PURPOSE

The purpose of the guideline is to assist the Appeal Tribunal to determine what constitute harmful and prohibited content.

3. CONSTITUTIONAL FRAMEWORK.

When determining whether speech is harmful, it is essential to consider the legal framework and principles that guide freedom of expression. In South Africa the Constitution of the Republic of South Africa, 1996 (Constitution) protects freedom of speech, subject to certain limitations outlined in the law.

2. GENERAL STEPS

The general steps to follow when assessing whether speech is harmful is as follows:

- a) Understand the constitutional framework;
- b) Identify potentially harmful speech;
- c) Analyse the context;
- d) Refer to legislation;
- e) Assess for hate speech; and
- f) Consider limitations on freedom of expression.

It is important to note that the above steps provide a general framework, and legal advice from experts should always be sought in specific cases to ensure compliance with South African law and judicial interpretations.

2.1. UNDERSTAND THE CONSTITUTIONAL FRAMEWORK

The constitutional framework in South Africa to assess whether speech is harmful is primarily based on the provisions of the Constitution.

In addition to the constitutional framework, specific legislation such as the Promotion of Equality and Prevention of Unfair Discrimination Act, 2000 (Act No. 4 of 2000) (PEPUDA), provide further guidance on identifying and addressing harmful speech, particularly hate speech and discrimination.

When assessing whether speech is harmful, these constitutional provisions and related legislation are considered, and courts interpret and apply them in specific cases.

The interpretation and application of these provisions by the courts contribute to the evolving understanding of harmful speech and its limitations within the South African legal framework.

2.2. IDENTIFY POTENTIALLY HARMFUL SPEECH

To determine the nature of the speech in question and assess whether it falls within the scope of speech that may cause harm, you can consider the following factors:

a) Content and Language

Analyse the content of the speech and the language used. Look for elements that may indicate hate speech, incitement to violence, defamation, discriminatory remarks, or speech that infringes on the rights of others. Evaluate whether the speech targets individuals or specific groups based on race, ethnicity, religion, gender, or other protected characteristics.

b) Intent and Context

Consider the intent behind the speech. Assess whether there is an intention to harm, demean, or incite violence against individuals or groups. Examine the context in which the speech was made, including the platform, audience, and historical or social backdrop. Context can help determine the potential impact and harm caused by the speech.

c) Effects and Consequences

Evaluate the potential effects and consequences of the speech. Consider whether it has the potential to cause real harm, such as physical violence, discrimination, or damage to the reputation and well-being of individuals or communities. Assess whether the speech could lead to an escalation of tensions, conflict, or harm to public order.

d) Legal Standards and Precedents

Refer to legal standards and precedents established by courts in South Africa. Judicial decisions and interpretations of the law provide guidance on what constitutes harmful speech, including hate speech and incitement to violence. Consider relevant legal definitions and principles to assess whether the speech aligns with these standards.

e) Social Impact and Community Perception

Take into account the broader social impact and community perception of the speech. Consider whether it contributes to fostering an environment of tolerance, respect, and inclusivity or if it has the potential to fuel division, hostility, or discrimination. Assess whether the speech undermines social cohesion or threatens the rights and dignity of individuals or groups.

2.3. ANALYSE THE CONTEXT

Considering the context in which the speech was made is crucial when assessing whether it may cause harm.

To effectively evaluate the context, you can take the following factors into account:

a) Platform or Setting

Consider the platform or setting where the speech occurred. Different contexts, such as public rallies, social media, academic discussions, or private conversations, may influence the impact and potential harm caused by the speech.

b) Audience

Analyze the intended audience of the speech. Assess whether the speech was directed towards a specific group or a wider audience. Understanding the characteristics, beliefs, and vulnerabilities of the audience can help determine the potential impact and harm caused by the speech.

c) Historical and Social Background

Consider the historical and social backdrop against which the speech was made. Historical tensions, conflicts, or inequalities may heighten the potential harm caused by certain types of speech. Assess whether the speech exacerbates existing divisions or conflicts in society.

d) Speaker's Position and Influence

Evaluate the position and influence of the speaker. Assess whether the speaker holds a position of authority or has a significant following that could amplify the impact of their speech. Consider the potential consequences of the speech in light of the speaker's influence on public opinion and behaviour.

e) Tone and Rhetoric

Examine the tone and rhetoric used in the speech. Assess whether it is inflammatory, derogatory, or dehumanizing. Evaluate whether the speech promotes understanding, dialogue, and respect, or if it fosters hostility, discrimination, or violence.

f) Immediate Context

Consider the immediate circumstances surrounding the speech. Analyse whether there were any specific events, incidents, or controversies that may have influenced the speech. Evaluate whether the speech was a response to a particular situation or if it was spontaneous.

By considering these contextual factors, you can gain a better understanding of the potential impact and harm caused by the speech. It is important to note that context alone cannot determine whether speech is harmful, but it plays a significant role in assessing the overall effect and implications of the speech in question.

2.4. ASSESS FOR HATE SPEECH

Determining whether speech qualifies as hate speech requires an assessment based on legal definitions and principles. In the South African context, hate speech is defined and regulated by various laws and legal precedents. Here are some steps to consider when determining whether speech qualifies as hate speech:

a) Review Legal Definitions

Familiarise yourself with the legal definitions of hate speech as outlined in legislation and court rulings. In South Africa, hate speech is typically defined as speech that propagates, incites, or justifies violence or discrimination based on race, ethnicity, gender, religion, or other protected grounds.

b) Assess Intent

Examine the intent behind the speech. Hate speech often involves the intentional promotion of hatred, animosity, or prejudice against a specific group. Consider whether the speech seeks to demean, dehumanize, or marginalize individuals or communities based on their protected characteristics.

c) Evaluate Targeted Group

Identify the group targeted by the speech. Determine whether the speech is directed at a specific racial, ethnic, religious, or other protected group. Consider whether the speech seeks to foster hostility, prejudice, or discrimination against that group.

d) Analyse Content and Language

Scrutinize the content and language used in the speech. Look for derogatory, offensive, or degrading statements targeting the protected group. Evaluate whether the speech employs stereotypes, slurs, or inflammatory rhetoric that promotes hatred or discrimination.

e) Consider Context

Assess the context in which the speech was made. Contextual factors, such as the platform, audience, historical background, and social impact, can contribute to determining the harm caused by hate speech. Consider whether the speech is likely to incite violence, discrimination, or hatred within the specific context.

f) Consult Legal Precedents

Examine relevant legal precedents established by courts in hate speech cases. Courts' interpretations and decisions can provide guidance on the threshold for hate speech and the factors considered in determining its presence.

g) Seek Legal Advice

If you are uncertain about whether the speech qualifies as hate speech, it is advisable to consult legal experts or organizations specialising in freedom of expression and discrimination law. They can provide specific guidance based on the legal framework and precedents.

Remember that the assessment of hate speech is a nuanced and complex task, and legal experts should be consulted for precise interpretations and guidance based on the specific circumstances and legal framework in South Africa.

2.5. CONSIDER LIMITATIONS ON FREEDOM OF EXPRESSION

Evaluating whether speech falls within the boundaries of constitutionally permissible limitations on freedom of expression requires a careful analysis of the specific circumstances and legal framework.

Steps to consider are as follows:

a) Understand Constitutional Provisions

Familiarize yourself with the relevant constitutional provisions that outline the limitations on freedom of expression. In South Africa, section 16(2) of the Constitution sets out the permissible limitations on freedom of expression, including restrictions on hate speech, incitement to violence, and advocacy of hatred based on protected characteristics.

b) Assess Legitimate Purposes

Determine whether the limitation on freedom of expression serves a legitimate purpose recognised by the Constitution. Legitimate purposes may include protecting the rights and reputation of others, maintaining public order, safeguarding national security, or preventing incitement to violence or harm.

c) Proportionality

Consider whether the limitation on freedom of expression is proportional to the importance of the purpose it seeks to achieve. Assess whether the restriction is necessary and reasonable in achieving the legitimate purpose and whether it goes no further than what is required to achieve that purpose.

d) Judicial Precedents

Examine relevant judicial precedents and court decisions related to the limitations on freedom of expression. Courts' interpretations and rulings provide guidance on the scope and boundaries of permissible limitations. Consider how courts have applied the constitutional provisions in similar cases.

e) Balancing of Rights

Evaluate the balancing of competing rights and interests. Freedom of expression must be balanced with other constitutional rights, such as the right to dignity, equality, and non-discrimination. Assess whether the limitation on freedom of expression strikes an appropriate balance between these rights.

f) International Human Rights Standards

Consider international human rights standards and treaties to which South Africa is a party. These standards may provide additional guidance on permissible limitations on freedom of expression.

g) Consult Legal Experts

If you are uncertain about the evaluation or application of the constitutional limitations, seek legal advice from experts in constitutional law or human rights. They can provide specific guidance based on their expertise and knowledge of the legal framework.

Remember that the evaluation of permissible limitations on freedom of expression requires careful consideration of the specific circumstances and legal context. Legal experts should be consulted for precise interpretations and guidance based on the particular case and the evolving legal framework.

3. CONCLUSION

This guideline assists to determine whether speech is harmful, and in doing so it is essential to consider the legal framework and principles that guide freedom of expression.

DEPARTMENT OF HEALTH

NO. 3799

18 August 2023

HEALTH PROFESSIONS ACT, 1974 (ACT NO.56 OF 1974)

REGULATIONS RELATING TO THE EVALUATION AND ACCREDITATION OF TRAINING
IN EDUCATIONAL AND TRAINING INSTITUTIONS

The Minister of Health intends, under section 61 of the Health Professions Act, 1974 (Act No. 56 of 1974) and after consultation with the Health Professions Council of South Africa, to make the regulations in the Schedule.

Interested persons are invited to submit any substantiated comments or representations on the proposed regulations to the Director-General of Health, Private Bag X828, Pretoria, 0001 (for attention of the Director: Public Entities Governance; mihloti.mushwana@health.gov.za and paul.tsebe@health.gov.za), within three month of the date of publication of this Notice.


DR M.J PHAAHLA, MP

MINISTER OF HEALTH

DATE:

24/07/2023

SCHEDULE

Definitions

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

“applicant” means a person or educational institution applying for approval of a training in terms of the regulations;

“council” means the Health Professions Council of South Africa established in terms of section 2 of the Act;

“person” means any natural or juristic person, or any training and educational institution;

“professional board” means the professional board established in terms of section 15 of Act;

“qualification” means a qualification which entitle a holder thereof to registration in terms of the Act;

“the Act” means the Health Professions Act, 1974 (Act No. 56 of 1974), and

“year” means a period of twelve months from the first of the month following the month during which the educational institution was accredited or re-accredited.

Procedure in accreditation and evaluation of training

2. (1) Any person or educational institution wishing to offer training referred to in section 16 (2) of the Act shall, before offering such training, apply to the professional board concerned in writing for accreditation of such training.
- (2) The application referred to in sub regulation (1) must be accompanied by the applicant's self-evaluation form supplied by the professional board and must meet the criteria determined by the professional board from time to time.
- (3) The registrar must-
- (a) provide the applicant with the criteria referred to in sub regulation (2);
 - (b) receive the application referred to in sub regulation (1) on behalf of the professional board; and
 - (c) after receipt of the application referred to in sub regulation (1), appoint the evaluation panel and make the necessary arrangements including but not limited to scheduling the date of the evaluation with the educational institution.
- (4) The evaluation panel referred to in sub regulation (3) (c) must conduct the evaluation in accordance with the criteria determined by the professional board and provide the professional board with the evaluation report and its recommendations.

- (5) The professional board must consider the application together with the evaluation report and the recommendations of the evaluation panel and decide on whether or not to accredit the training in question.
- (6) The professional board may, after considering the application together with the evaluation report and the evaluation panel's recommendations and before deciding on the application, direct the registrar to ask the educational institution to clarify specified aspects of the application or to provide any additional information to enable the professional board to make its own decision.
- (7) Having considered the application, evaluation report, recommendations of the evaluation panel, and any clarification or additional information from the educational institution, the professional board may approve or refuse the accreditation of the training and educational institution concerned.

Duration of Accreditation

- 3
- (1) If the application meet the criteria determined by the professional board, the professional board must accredit the training concerned for five years.
 - (2) The professional board must re-evaluate the training referred to in sub regulation (1) after every five years.
 - (3) The professional board may, at any time after accrediting training and before the expiry of the five-year period of accreditation, direct that an accredited training and educational institution be re-evaluated, should it be in receipt of the information to the effect that the accredited training and educational institution no longer meet the requirements prescribed by the professional board.
 - (4) The professional board may, at any time, withdraw the accreditation of the training and the educational institution referred to in these regulations should it be found that the training and the educational institution no longer meet the minimum requirements determined by the professional board.

Accreditation and annual fees

- 4.
- The Council must, on the recommendation of Board, determine and publish, by notice in the *gazette*, the fees payable for accreditation of training and the educational institution and the annual accreditation fees.

Withdrawal of accreditation

- 5 (1) The relevant professional board may withdraw accreditation of the training and an educational institution if:
- (a) it is found, during re-evaluation of the training and educational institution, that an educational institution no longer complies with the conditions determined by the professional board;
 - (b) information is brought to the relevant professional board to the effect that such training and an educational institution no longer complies with the conditions of accreditation as may have been determined by the relevant professional board; and
 - (c) the educational institution has failed, neglected, or refused to pay accreditation fees or annual fees for accreditation fees.
- (2) The relevant professional board must, prior to the withdrawal of the accreditation of training and an educational institution, give an educational institution 30 days within which to furnish the reasons why such training and an educational institution's accreditation should not be withdrawn.
- (3) The relevant professional board must consider the reasons furnished by an educational institution before withdrawing the accreditation of an educational institution.
- (4) Should the relevant professional board decide to withdraw accreditation of training and an educational institution, the relevant professional board must, in writing, inform such an educational institution and the students at such an educational institution of its decision accordingly.
- (5) The professional board may, having withdrawn the accreditation of the training in an educational institution, give any direction to the educational institution and the students at that educational institution.
- (6) The application for registration, in terms of the Act, of any person who is in possession of a qualification from an educational institution whose accreditation has been withdrawn shall be considered in terms of section 25 of the Act.
- (7) The relevant professional board may require the person referred to in sub regulation (6) to undergo and pass an evaluation before considering such person for registration in terms of the Act.

Invitation to the evaluation panel

- 6.
- (1) The registrar must convene a meeting of the professional board.
 - (2) The professional board must determine the criteria for the appointment of persons as members of the evaluation panel.
 - (3) The Registrar must, at least once every five years and by notice in the national newspaper and in any other form of communication, invite interested persons to apply, on a form supplied by the professional board, to be members of the evaluation panel.
 - (4) The professional board must, within thirty days after the closing date for the submission of applications referred to in sub regulation (3), appoint the qualifying applicants for purposes of enrolment in the list of members of the evaluation panel.
 - (5) The registrar must keep a list of members of the evaluation panel in respect of each professional board for five years.

Composition of the evaluation panel

- 7.
- (1) The composition of the evaluation panel shall be determined by the relevant professional board.
 - (2) The relevant professional board must appoint different panel members for each evaluation.
 - (3) The relevant professional board must, except for a follow up evaluation, not appoint the same panel to conduct the second evaluation on training and an educational institution.

Payment to panel members

- 8
- (1) The Council shall determine and publish, in the gazette from time to time, fees payable to members of the evaluation panel for the evaluation of the training and the educational institution and for the preparation of the evaluation report for accreditation or re-accreditation contemplated in these regulations.
 - (2) The registrar must pay members of the evaluation panel fees and disbursements due to the members of the evaluation panel on the submission, to the registrar, of the final evaluation report.

Short Title

9. These Regulations are called Regulations Relating to the Evaluation and Accreditation in Educational and Training Institutions, 2023.

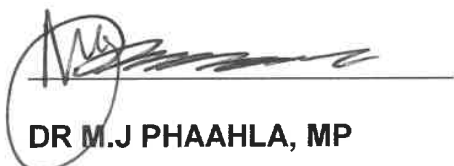
DEPARTMENT OF HEALTH

NO. 3800

18 August 2023

**EXCLUSION OF SCHEDULE ZERO (0) MEDICINES FROM THE OPERATIONS OF
SECTIONS 22G AND 18A OF THE MEDICINES AND RELATED SUBSTANCES ACT,
1965 (ACT No. 101 OF 1965)**

I, **DR M.J PHAAHLA**, the Minister of Health, in terms of Section 36 of the Medicines and Related Substances Act, 1965 (Act No. 101 of 1965) ("the Act") and on unanimous recommendations of the members of the Pricing Committee, hereby exclude all schedule zero medicines registered in terms of section 15 of the Act from the operations of sections 22G and 18A of the Act for a period of three (3) years from the date of publication of this Notice.

**DR M.J PHAAHLA, MP****MINISTER OF HEALTH**

DATE: 20/07/2023

SCHEDULE

Name of Medicine	Registration no:	Applicant
Schedule Zero (0) Medicines	Various	Various

DEPARTMENT OF HEALTH

NO. 3801

18 August 2023

MEDICINES AND RELATED SUBSTANCES ACT, (ACT NO. 101 OF 1965)**SECOND SINGLE EXIT PRICE INCREASE [SEPI] OF MEDICINES AND SCHEDULED SUBSTANCES FOR THE YEAR 2023 [TOP-UP SEPI]**

I, **DR MJ PHAAHLA**, the Minister of Health, have determined that the Single Exit Price (SEP) of Medicines and Scheduled Substances may be Topped -up with a SEP increase by not greater than **1.73%** of the SEP of medicines and their related pack sizes that was available on the database of medicines dated 17 July 2023 regardless of how that SEP was arrived at in the 2023 cycle. Applications for Top – up increase of the SEP may only be submitted for the first time in 2023 from 18 August 2023 and by no later than 18 September 2023.

All medicines and their related pack sizes with SEP approved with an effective date later than 17 July 2023 are not eligible for Top-Up SEP increase 2023. An applicant may only submit once in the Top-Up SEP 2023 cycle unless a re-submission is made for eligible medicines that have not been previously approved for Top-Up SEPA in the 2023 period in which an application was made. The final date for re-submissions will be 18 September 2023. **The contents of this notice should not be regarded as a precedent.**

An increase in the Top-Up SEP in terms of this Notice may only be implemented by the manufacturer or importer of the relevant medicine or scheduled substance, no later than 32 working days after the date that the manufacturer or importer has communicated the information requested by the Director-General in terms of the Notice published in terms of Regulation 21 of the Regulations Relating to a Transparent Pricing System for Medicines and Scheduled substances.



DR MJ PHAAHLA, MP
MINISTER OF HEALTH

DATE: 25/07/2023

DEPARTMENT OF HIGHER EDUCATION AND TRAINING

NO. 3802

18 August 2023

**SKILLS DEVELOPMENT ACT, 1998 (ACT No. 97 OF 1998): ADVERTISEMENT:
CALL FOR NOMINATIONS OF SUITABLE CANDIDATES TO SERVE AS THE
CHAIRPERSON OF THE NATIONAL SKILLS AUTHORITY (“NSA”)**

I, Bonginkosi Emmanuel Nzimande, Minister of Higher Education, Science, and Innovation hereby, in terms of section 6(1)(a) of the Skills Development Act, (Act 97 of 1998), as amended (“the SDA”), invite nominations for suitable candidate for the appointment to serve as the Chairperson of the National Skills Authority (“NSA”) for the period from 01 March 2023 to 31 January 2025. The NSA is a statutory body established in terms of section 4 of the SDA (1998) as amended. The primary function of the NSA is to advise the Minister on matters of national skills development and strategy, in accordance with section 5 of the SDA (1998) as amended.

Members of the public and/or the NSA constituencies are invited to nominate persons, to be considered for appointment as Chairperson of the National Skills Authority to serve the remaining terms of the fifth (5th) Authority, ending on 31 January 2025, and in accordance with section 6(1)(a) of the SDA. Persons nominated for appointment as Chairperson of the NSA must be persons who, amongst others:

- is a South African citizen,
- has leadership qualities and is committed to the primary object and mandate of the NSA;

- demonstrates possession of a shared vision for the development and improvement of the skills of the South African workforce, and be committed to the skills development policy outcomes, including the Skills Development Act, the NSDP, the NDP, White Paper on PSET System, amongst others.
- represents the interests of stakeholders identified in the National Skills Development Plan (NSDSP).
- has a blend and sound knowledge, skills and experience to carry out the functions of the NSA as stipulated by the Skills Development Act. These include sound knowledge and experience of corporate governance, skills development and training system, strategic management, public finance management act, knowledge of the South African PSET System, government-wide monitoring and evaluation system, amongst others.
- Is fit and proper, and does not have a record which will encumber his /her appointment as described in the NSA Constitution and Handbook for the appointment of persons to boards of state and state controlled institutions.

Nomination Particulars: Nominations of persons to serve as Chairperson of the NSA must be submitted to the Department of Higher Education, Science and Technology and must contain the following annexures:

- a. nominee's curriculum vitae;
- b. academic qualifications and/or proof of experience and identity document;
- c. police clearance certificate; and
- d. signed letter of recommendation/nomination explaining the nominee's suitability for appointment in terms of the criteria stated above.

Persons nominated shall be subjected to a selection and verification process.

No nomination will be considered unless all of the above are included.

Nominations must be submitted within 10 days of publication of this notice in the Gazette, to the following addresses:

By E-Mail: Sehlapelo.K@dhet.gov.za

By post: The Executive Officer: National Skills Authority
Department of Higher Education and Training
178 Francis Baard Street
Private Bag X174
Pretoria
0001

By hand: 178 Francis Baard Street
Ndinaye House, 6th floor Office No. 6111
Pretoria
0002

Any enquiries in connection with this Gazette notice can be directed to Ms Kgaugelo Sehlapelo, Telephone: 012 312 6344 /060 507 4235

The term of office for the Chairperson is one year eleven months ending 31 January 2025. The Chairperson will serve on a part-time basis. Remuneration of the Chairperson will be in line with the rates prescribed by the National Treasury.



DR BE NZIMANDE, MP

MINISTER OF HIGHER EDUCATION, SCIENCE AND INNOVATION

DATE: 14/06/2023

NATIONAL TREASURY**NO. 3803****18 August 2023****COMMENCEMENT OF CERTAIN PROVISIONS OF FINANCIAL INTELLIGENCE CENTRE
AMENDMENT ACT, 2017**

I, Enoch Godongwana, Minister of Finance, in terms of section 61 of the Financial Intelligence Centre Amendment Act, 2017 (Act No. 1 of 2017 – “the Act”), hereby determine that sections 6 and 43 of the Act take effect on the date of publication of this Notice.



**ENOCK GODONGWANA
MINISTER OF FINANCE**

NASIONALE TESOURIE**NO. 3803****18 Augustus 2023****INWERKINGTREDING VAN SEKERE BEPALINGS VAN WYSIGINGSWET OP
FINANSIËLE INTELLIGENSIESENTRUM, 2017**

Ek, Enoch Godongwana, Minister van Finansies, ingevolge artikel 61 van die Wysigingswet op Finansiële Intelligensiesentrum, 2017 (Wet No. 1 van 2017 – “die Wet”), bepaal hiermee dat artikels 6 en 43 van die Wet op die datum van publikasie van hierdie Kennisgewing in werking tree.



**ENOCK GODONGWANA
MINISTER VAN FINANSIES**

DEPARTMENT OF SPORTS, ARTS AND CULTURE

NO. 3804

18 August 2023

MINISTRY OF SPORT, ARTS AND CULTURE
REPUBLIC OF SOUTH AFRICA

Private Bag X896, Pretoria, 0001, South Africa	Tel: (012) 441 3702	Fax: (012) 440 4485
Private Bag X9137, Cape Town, 8000, South Africa	Tel: (021) 465 5620	Fax: (021) 465 5624
www.dsac.gov.za	www.arsa.gov.za	

IN TERMS OF SECTION 6 (9) SOUTH AFRICAN LANGUAGE PRACTITIONERS' COUNCIL ACT, (ACT NO. 8 OF 2014) - NOTICE OF APPOINTED BOARD MEMBERS OF THE SOUTH AFRICAN LANGUAGE PRACTITIONERS' COUNCIL

By virtue of powers vested in me by section 6(9) of the South African Language Practitioners' Council Act, (No. 8 of 2014) I, Ncediso Goodenough Kodwa, Minister of Sport, Arts and Culture hereby give notice of the appointed Board Members of the South African Language Practitioners' Council. The names of the Board Members are as follows:

Names	Appointment Date
Prof Monwabisi Knowledge Ralarala	01 July 2023
Dr Amos Judas Mokoena	01 July 2023
Ms Duduzile Kate Khethiwe DK Marais	01 July 2023
Prof Sihawukele Ngubane	01 July 2023
Prof Eleanor Cornelius	01 July 2023
Prof Gilbert Motsaathebe	01 July 2023
Mr Vonani Billa	01 July 2023
Ms Thelma Kotze	01 July 2023
Dr Zakhile Somlata	01 July 2023
Mr Freddy Raseota	01 July 2023
Dr Fio Dolly Gaebeng Dlavane	01 July 2023
Dr Britta Zawada	01 July 2023


MR N.G. KODWA, MP
MINISTER OF SPORT, ARTS & CULTURE
DATE: 28/07/2023

DEPARTMENT OF TRADE, INDUSTRY AND COMPETITION

NO. 3805

18 August 2023



Companies and Intellectual
Property Commission
a member of the **dtic** group

IMPORTANT NOTICE

DOMICILIUM ET EXECUTANDI REQUIREMENT

(Cell phone numbers, Email addresses of companies, close corporations, co-operatives, directors, and members)

This notice is issued in terms of Regulation 169(1) of the Companies Regulation, 2011, under the Companies Act of 2008 (Act 71 of 2008) ("The Act").

Section 6(10) of the Act states that where a notice is required or permitted to be given or published to any person, it is sufficient if the notice is transmitted electronically directly to that person in a manner and form such that the notice can conveniently be printed by the recipient within a reasonable time and at a reasonable cost. This section must also be read with Table CR3 of Annexure 3 of the Companies Regulations, 2011 as amended, which further state that a notice or document can be delivered to any person by the Commission by sending the notice or copy of the document by electronic mail if the person has an address for receiving electronic mail.

Therefore, in order to effectively enable such provision the Companies and Intellectual Property Commission ("the Commission"), from 1 July 2023 will regard the below, in addition to registered and postal addresses, as *domicilium et executandi* (and as verified communication specifically in terms of Companies Regulation 40(2)) for purposes of issuing notices and legal notices by the Commission in terms of the Act and any other legislation to be enforced by the Commission, as stated in Schedule 4 of the Act:-

1. Cell phone number of directors and members,
2. E-mail address of the company, close corporation or co-operative, and
3. E-mail address of directors and members.

The above will be effective from 1 July 2023.


Rory Voller
31/07/2023 10:06:33(UTC+02:00)
Signed by Rory Voller,
RVoller@cipc.co.za
Adv. Rory Voller
Commissioner: CIPC

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

GENERAL NOTICES • ALGEMENE KENNISGEWINGS

DEPARTMENT OF FORESTRY, FISHERIES AND THE ENVIRONMENT**GENERAL NOTICE 1981 OF 2023****DRAFT BIENNIAL UPDATE REPORT-5 FOR THE REPUBLIC OF SOUTH AFRICA**

I, Barbara Creecy, Minister of Forestry, Fisheries and the Environment, hereby publish the draft Fifth Biennial Update Report (BUR-5) to the United Nations Framework Convention on Climate Change (UNFCCC) for public comments. Members of the public may download the draft BUR-5 from the Department of Forestry, Fisheries and the Environment (DFFE) website at <https://bit.ly/BUR5SA>

Members of the public are invited to submit to the Minister, within 30 days of publication of this notice in the Gazette, written representations on or objections to the draft Biennial Update Report-5 to the following addresses:

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

By email to: smotshwanedi@dffe.gov.za or msteleki@dffe.gov.za; or

Hand delivered to the Department of Forestry, Fisheries, and the Environment, Environment House, 473 Steve Biko Road, Arcadia, Pretoria, 0001.

Any inquiries in connection with the draft BUR-5 can be directed to Ms S Motshwanedi at: 012 399 9155 or smotshwanedi@dffe.gov.za.

Kindly note that comments received after the closing date may not be considered.



BARBARA CREECY
MINISTER OF FORESTRY, FISHERIES AND THE ENVIRONMENT

DEPARTMENT OF MINERAL RESOURCES AND ENERGY

GENERAL NOTICE 1982 OF 2023



MINISTER
MINERAL RESOURCES AND ENERGY
REPUBLIC OF SOUTH AFRICA

Private Bag X59, Arcadia, 0007, 71 Trevenna Campus, Building 2C 4th Floor, Cnr Francis Baard and Meintjies Street, Sunnyside, Tel (+27 12) 444 3999,
Private Bag X9111, Cape Town, 8000, 7th Floor, 120 Plain Street, Cape Town. Tel (+27 21) 469 6400, Fax (+27 21) 461 0859

NATIONAL NUCLEAR REGULATOR ACT, 1999 (ACT NO 47 OF 1999)**Notice in terms of section 28 of the National Nuclear Regulator Act, 1999 (Act No 47 of 1999), on the proposed fees increase for National Nuclear Regulator.**

I Mr. Gwede Mantashe, Minister of Mineral Resources and Energy acting under section 28 of the National Nuclear Regulator Act, 1999 (Act No. 47 of 1999), on the recommendation of the NNR Board and in consultation with the Minister of Finance and by notice in the Government Gazette hereby determine the fees contained in the attached schedule payable to the Regulator in respect of —

- (a) any application for the granting of a nuclear authorisation;
- (b) an annual nuclear authorisation fee for the financial year (2023-24)

The fees shall be payable to the National Nuclear Regulator of South Africa, for the period of 01 April 2023- to 31 March 2024 by the licensed holders concerned.

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke, positioned above a horizontal line.

MR. GWEDE MANTASHE, MP
MINISTER OF MINERAL RESOURCES AND ENERGY

DATE: 26/04/2023

The fees payable by new applicants to the Nuclear Regulator for its regulatory services have increase from an hourly rate of R2,331 for the 2022-23 financial year to an hourly rate of R2,446 for the 2023-24 financial year.

Authorisation fees shall be billed annually in advance and payment of such fees shall be due within thirty (30) days of issuance of invoice. interest shall accrue on the outstanding amount after 30 days of the issuance of the invoice.

Furthermore, interest shall be calculated on the daily balance owing and compounded monthly. The rate determined by the Minister of finance in terms of section 80 of the Public Finance Management Act 1999, (Act no. 1 of 1999) shall be applicable.

Facilities	Type of Facility	Authorisation holders per category	Authorisation fees @5,7% for the 2022-23 R0,00	Authorisation fees for the 2023-24 f/y @ 4,9%. R0,00	Total authorization fees R0,00
Category 1	Small users, laboratories and refurbishes	43	R71, 573	R75,080	R3,228,443
Category 2	Scrap processors, scrap smelter and service providers	32	R89,467	R93,851	R3,003,228
Category 3	Fertilizers, other lesser mining and mineral processing facilities	5	R501,016	R525,566	R2,627,829

Facilities	Type of Facility	Authorisation holders per category	Authorisation fees @5,7% for the 2022-23 R0,00	Authorisation fees for the 2023-24 f/y @ 4,9%. R0,00	Total authorization fees R0,00
Category 4	Medium operators, other lesser mining, mineral processing facilities	33	R572,204	R600,242	R19,807,986
Category 5	Large operators, major mining and mineral processing facilities	9	R1,359,899	R1,426,534	R12,838,806
Total		122	R2,594,159	R2,721,273	R41,506,294
Eskom	KNPS-normal operation	1	R99,148,591	R104,006,872	R104,006,872
Eskom	KNPS-Steam generator replacement	1	R24,217,975	R25,404,656	R25,404,656
Eskom	Thyspunt-Nuclear installation site license application	1	R10,187,321	R10,686,500	R10,686,500
Eskom	- Long Term Operation application	1	R14,838,121	R15,565,189	R15,565,189
Necsa	Pelindaba	1	R52,275,759	R54,837,271	R54,837,271
Necsa	Vaalputs	1	R8,052,030	R8,446,579	R8,446,579
Sub-total		6	R208,719,797	R218,947,067	R218,947,067
Total accumulated fees		128	R211,313,956	R221,668,340	R260,453,360

DEPARTMENT OF TRADE, INDUSTRY AND COMPETITION**GENERAL NOTICE 1983 OF 2023****INTERNATIONAL TRADE ADMINISTRATION COMMISSION****NOTICE OF INITIATION OF AN INVESTIGATION INTO THE ALLEGED DUMPING OF ACTIVE YEASTS (BAKER'S COMPRESSED YEAST) ORIGINATING IN OR IMPORTED FROM THE REPUBLIC OF ZIMBABWE**

The International Trade Administration Commission of South Africa (the Commission) accepted an application alleging that active yeasts (baker's compressed yeast) originating in or imported from the Republic of Zimbabwe are being dumped into the Southern African Customs Union (SACU) market and causing material injury and threatening to cause material injury to the SACU industry concerned.

The applicant submitted sufficient evidence and established a *prima facie* case to enable the Commission to arrive at a reasonable conclusion that an investigation should be initiated on the basis of dumping, material injury, threat of material injury and causality.

THE APPLICANT

The application was lodged by Rymco (Pty) Ltd, trading as Anchor Yeast. Anchor Yeast is the only producer of the subject product in the SACU and therefore constitutes 100% of SACU domestic production of the subject product. Anchor Yeast constitutes a major proportion of total SACU production and thus provided material injury information.

THE PRODUCT

The product allegedly dumped are active yeasts (baker's compressed yeast) classifiable under tariff subheading 2102.10 originating in or imported from the Republic of Zimbabwe.

THE ALLEGATION OF DUMPING

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

The normal value of the subject product was determined based on cash sale invoice obtained from Lesaffre, a manufacturer in Zimbabwe.

The export price was determined based on official import statistics obtained from the South African Revenue Service (SARS).

On this basis, the Commission found that there was *prima facie* proof of dumping.

THE ALLEGATION OF MATERIAL INJURY

The applicant submitted *prima facie* evidence to indicate that there is price depression, price suppression and price undercutting. The applicant's information also indicated a decline in sales volume, loss of market share, declining profits, production decline, declining employment, declining return on investments, declining utilisation of production capacity, declining cash flow, declining inventory levels and slowdown in growth.

On this basis, the Commission found that there was *prima facie* proof of material injury.

THE ALLEGATION OF THREAT OF MATERIAL INJURY

The applicant submitted information indicating that there is substantial disposable capacity of the exporter in the Republic of Zimbabwe, significant increase of allegedly dumped imports into the SACU market which indicates the likelihood of substantially increased importation and that the subject product is entering the SACU market at prices which undercut the SACU manufacturer's prices that will have a depressing and suppressing effect on SACU prices and are likely to increase demand for further imports.

On this basis, the Commission found that there was *prima facie* proof of a threat of material injury.

CAUSAL LINK

On this basis, the Commission found there was *prima facie* proof of material injury and threat of material injury to the SACU industry and that there is causal link between the alleged dumped imports, the material injury experienced by the SACU industry and threat of material injury to the SACU industry.

PERIOD OF INVESTIGATION

The period of investigation for purposes of determining dumping margin is from 01 January 2022 to 31 December 2022. The period of investigation for purposes of determining material injury is from 01 January 2020 to 31 December 2022.

LEGAL PROCEDURAL FRAMEWORK

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

PROCEDURES AND TIME LIMITS

In order to obtain the information, it deems necessary for its investigation, the Commission will send non-confidential versions of the application and questionnaires to all known importers and exporters and known representative associations. The trade representatives of the exporting country have also been notified.

Importers and other interested parties are invited to contact the Commission as soon as possible in order to determine whether they have been listed and were furnished with the relevant documentation.

If not, they should immediately ensure that they are sent the necessary documents. The questionnaire has to be completed and any other representations must be made within the time limit set out below.

The Senior Manager: Trade Remedies II, should receive all responses, including non-confidential copies of the responses, not later than 30 days from the date hereof, or from the date on which the letter accompanying the abovementioned questionnaire was received.

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

The information submitted by any party may need to be verified by the investigating officers in order for the Commission to take such information into consideration. The Commission may verify the information at the premises of the party submitting the information, within a short period after the submission of the information to the Commission. Parties should therefore ensure that the information submitted would subsequently be available for verification. It is planned to do the verification of the information submitted by the exporters within three to five weeks subsequent to submission of the information.

This period will only be extended if it is not feasible for the Commission to do it within this time period or upon good cause shown, and with the prior written consent of the Commission, which should be requested at the time of the submission. It should be noted that unavailability of, or inconvenience to consultants will not be considered to be good cause.

Parties should also ensure when they engage consultants that they will be available at the requisite times, to ensure compliance with the above time frames. Parties should also ensure that all the information requested in the questionnaire response is provided in the specified detail and format. The questionnaires are designed to ensure that the Commission is provided with all the information required to make a determination in accordance with the rules of the Anti-Dumping Agreement. The Commission may therefore refuse to verify information that is incomplete or does not comply with the format in the questionnaire, unless the Commission has agreed in writing to a deviation from the required format.

Failure to submit an adequate non-confidential version of the response that complies with the rules set out above under the heading *Confidential Information* and in the questionnaire will be regarded as an incomplete submission.

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

Any interested party may request an oral hearing at any stage of the investigation in accordance with Section 5 of the ADR, provided that the party indicates reasons for not relying on written submission only. The Commission may refuse an oral hearing if granting such hearing will unduly delay the finalisation of a determination. Parties requesting an oral hearing shall provide the Commission with a detailed agenda for,

and a detailed version, including a non-confidential version, of the information to be discussed at the oral hearing at the time of the request.

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

CONFIDENTIAL INFORMATION

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

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

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

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

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

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

Section 2.3 of the ADR provides as follows:

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

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

ADDRESS

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

Physical address

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

Postal address

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

Enquiries may be directed to the investigating officers, Mr Rodney Pfananani Muumba at email address: rmumba@itac.org.za and Ms Portia Mathebula at email address: pmathebula@itac.org.za.

DEPARTMENT OF TRADE, INDUSTRY AND COMPETITION

GENERAL NOTICE 1984 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

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
SANS 5213 Ed 2.4	<i>Determination of total dissolved solids (TDS) in water using gravimetric method.</i>	Amended to change the title of the standard, update clause 3 and include reference to subclauses.	2023-09-27
SANS 5218 Ed 2.1	<i>Determination of albuminoidal ammonia content in water using Nessler method.</i>	Amended to change the title of the standard, to update clause 3 and inclusion of references to subclauses in 4.2.3, 6.2 and 6.3.	2023-09-27
SANS 5217 Ed 3.4	<i>Determination of free and saline ammonia content in water distillation-acidimetric titration.</i>	Amended to change the title of the standard and to update technical content in clause 3, 4.1.2 and 4.6.	2023-09-27
SANS 950 Ed 3.2	<i>Non-metallic conduit fittings for use in electrical installations.</i>	Amended to update the requirements on circular boxes and rectangular boxes.	2023-09-27
SANS 1085 Ed 3.6	<i>Metallic wall outlet boxes for the enclosure of electrical accessories.</i>	Amended to change the title, to update the scope and referenced standards, to update the requirements for modifications, and to renumber the subclauses accordingly.	2023-10-01

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

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 21417:2023 Ed 1	<i>Recreational diving services – Requirements for training on environmental awareness for recreational divers.</i> Specifies requirements for training programmes designed to educate participants in environmental awareness and sustainable environmental practices in recreational diving activities.
SATR 10228:2012 Ed 2	<i>Supplement to SANS 10228:2012 – Variations between SANS 10228 (aligned with UN Model Regulations, edition 16) and UN Model Regulations, edition 17.</i> Serves as a supplement to SANS 10228:2012.
SANS 5656:2013 Ed 3	<i>Determination of swelling of elastomeric material in swelling liquids.</i> Specifies a method for the determination of the swelling of elastomeric material in swelling liquids.
SANS 11138-3:2023 Ed 3	<i>Sterilization of health care products – Biological indicators – Part 3: Biological indicators for moist heat sterilization processes.</i> Specifies requirements for test organisms, suspensions, inoculated carriers, biological indicators and test methods intended for use in assessing the performance of sterilization processes employing moist heat as the sterilizing agent.
SANS 13632:2023 Ed.3	<i>Young people's shoes (stuck-on and stitch-down constructions).</i> Specifies requirements for shoes made according to the stuck-on and the stitch-down constructions and supplied in size ranges 7 (150) to 1½(205) or size range 2(210) and larger.
SANS 20344:2023 Ed 3	<i>Personal protective equipment - Test methods for footwear.</i> Specifies methods for testing footwear designed as personal protective equipment.

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 320:2023 Ed 4.3	<i>Men's heavy boots, service type (Goodyear welted). Consolidated edition incorporating amendment No. 3.</i> Amended to update referenced standards, and to delete the annex on notes to purchasers.
SANS 1318:2023 Ed 1.1	<i>Scholastic stationery. Consolidated edition incorporating amendment No. 1.</i> Amended to include additional requirement for soft cover and delete annex on notes to purchasers.
SANS 1756:2023 Ed 1.1	<i>Packaging, paper potato bag. Consolidated edition incorporating amendment No. 1.</i> Amended to delete the annex on notes to purchasers.
SANS 6320:2023 Ed 1.1	<i>Textiles – Solar UV protective properties – Method of test for apparel fabrics. Consolidated edition incorporating amendment No. 1.</i> Amended to update referenced standards.
SANS 1116-3:2023 Ed 3.1	<i>Retro-reflective number plates for motor vehicles – Part 3: Blank plates (plastics). Consolidated edition incorporating amendment No. 1.</i> Amended to update the optical quality requirement on blank plates.
SANS 1717-3:2023 Ed 1.1	<i>The design and approval of detonator initiation systems for use in mining and civil blasting applications – Part 3: Controlled blasting systems. Consolidated edition incorporating amendment No. 1.</i> Amended to update referenced standards, and to move reference to legislation to foreword.
SANS 3001-GR57:2023 Ed 1.1	<i>Civil engineering test methods – Part GR57: Determination of the initial stabilizer consumption of soils and gravels. Consolidated edition incorporating amendment No. 1.</i> Amended to update the introduction and the clause on apparatus, to add a new table on water classification and quality requirements, and to update the clause on procedure.
SANS 60754-2:2023 Ed 2.1	<i>Test on gases evolved during combustion of materials from cables – Part 2: Determination of acidity (by pH measurement) and conductivity. Consolidated edition incorporating amendment No. 1.</i> Amended to correct the flow rate formula, to change the procedure for weighing the combustion boat, to clarify the general method of evaluating the test results, to update the figures, Figure 3 – Test apparatus: method 1 – Use of synthetic or compressed air from a bottle, Figure 4 – Test apparatus: method 2 – Use of laboratory compressed air supply and figure 5 – Test apparatus: method 3 – Use of ambient air sucked by means of a suction pump.
SANS 1118-4:2023 Ed 3.3	<i>School clothing Part 4: Shirts. Consolidated edition incorporating amendment No.3.</i> Amended to delete the annex on notes to purchasers.

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.

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