



PROVINCE OF THE EASTERN CAPE
IPHONDO LEMPUMA KOLONI
PROVINSIE OOS-KAAP

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In line with these business rules, GPW has revised the notice submission deadlines for all gazettes. Please refer to the GPW website www.gpwonline.co.za to familiarise yourself with the new deadlines.

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take note!

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A reminder that documents must be attached separately in your email to GPW. (In other words, your email should have an Adobe Form plus proof of payment/purchase order – 2 separate attachments – where notice content is applicable, it should also be a 3rd separate attachment).

REMINDER OF THE GPW BUSINESS RULES

- Single notice, single email – with proof of payment or purchase order.
- All documents must be attached separately in your email to GPW.
- 1 notice = 1 form, i.e. each notice must be on a separate form
- Please submit your notice **ONLY ONCE**.
- Requests for information, quotations and inquiries must be sent to the Contact Centre **ONLY**.
- The notice information that you send us on the form is what we publish. Please do not put any instructions in the email body.

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Government Printing Works reserves the right to apply the 25% discount to all Legal and Liquor notices that comply with the business rules for notice submissions for publication in gazettes.

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No. *No.*

GENERAL NOTICES • ALGEMENE KENNISGEWINGS

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GENERAL NOTICES • ALGEMENE KENNISGEWINGS

NOTICE 177 OF 2015

**LUKHANJI MUNICIPALITY
BUDGET AND TREASURY DIRECTORATE**



FINAL INDIGENT BYLAW

*Prepared by Chief Financial Officer
045 807 2001/2
nntshanga@lukhanji.gov.za
Adopted 28 May 2015*

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DEFINITIONS

“child headed household” means a household where both parents are deceased and where all occupants of the property are children of the deceased and are under the legal age to contract for services;

“household” means as a registered owner or tenant with or without children who reside on the same premises;

“indigent” means any household or category of households, including a child headed household, earning a combined gross income, as determined by the municipality annually in terms of a social and economic analysis of its area for example two state pensioners, which qualifies for rebates/remissions, support or a services subsidy; provided that child support grants are not included when calculating such household income;

“Indigent Management System” an electronic management system applied by Lukhanji Municipality for the management of the register for indigent households;

“municipality” means the Lukhanji Local Municipality, established in terms of Section 12 of the Municipal Structures Act, 117 of 1998, and includes any political structure, political office bearer, councilor, duly authorized agent or any employee acting in connection with this by-law by virtue of a power vested in the municipality and delegated or sub-delegated to such political structure, political office bearer, councilor, agent or employee;

“FBS Co-ordinator” an official duly authorised by the municipality, or an employee of a service provider appointed by the municipality, who is responsible for the following:

- (a) to ensure that applications for indigent support are received and assessed;
- (b) to ensure that applications are captured on the Indigent Management System;
- (c) to ensure that information on applications are verified, screened and that regular audits/ site visits are executed; and
- (d) to authorise expenditure with regard to indigent support.

‘occupier’ means the person who controls and resides on or controls and otherwise uses immovable property, provided that-

- (a) the spouse of the owner of immovable property, which is used by such spouse or owner as a dwelling at any time, shall be deemed to be the occupier thereof;
- (b) where both spouses reside on immovable property and one of them is an occupier thereof, the other shall also be deemed an occupier;

'indigent debtor' means the head of an indigent household, inclusive of destitute indigent, being old age pensioner, the unemployed and households with a total monthly income as determined in this Bylaw:

- (a) who applies for the provision of service from the municipality, and
- (b) who makes application for indigent support in terms of this Bylaw,
- (c) who shall be regarded as the representative of all members of his/her household.
- (d) Which indigent household members shall not own any other fixed property other than the property for which application is made, which premises has access to municipal to municipal services.

'indigent register' means the Microsoft Access database, which has to be updated on a monthly basis, designed to contain all the inputted data contained within completed indigent application forms which contains the following key information:

- Indigent customer details
- Socio-economic details
- Skills details

In addition the indigent register is able to provide reports relating to, but not limited to the following:

- Indigent application exceptions
- Skills reporting required for LED/exit strategy
- Socio economic reporting

'owner', in relation to immovable property, means -

- (a) the person in whom is vested the legal title thereto provided that -
 - (i) the lessee of immovable property which is leased for a period of not less than fifty years, whether the lease is registered or not, shall be deemed to be the owner thereof; and
 - (ii) the occupier of immovable property occupied in terms of servitude or right analogous thereto shall be deemed the owner thereof;
- (b) if the owner is deceased, insolvent, has assigned his or her estate for the benefit of his or her creditors, has been placed under curatorship by order of court or is a company being wound up or under judicial management, then the person in whom the administration of such property is vested as executor, administrator, trustee, assignee, curator, liquidator or judicial manager, as the case may be;
- (c) if the owner is absent from the Republic or if his or her address is unknown to the municipality, then any person who as agent or otherwise receives or is entitled to receive the rent in respect of such property; or
- (d) if the municipality is unable to determine who such person is, then the person who is entitled to the beneficial use of such property;

'premises' includes any piece of land, the external surface boundaries of which are delineated on -

- (a) a general plan or diagram registered in terms of the Land Survey Act, 1997 (Act No. 8 of 1997) or in terms of the Deeds Registries Act, 1937 (Act No. 47 of 1937);
- (b) a general plan registered in terms of the Sectional Titles Act, 1986 (Act No. 95 of 1986), and situated within the jurisdiction of the municipality;

'rates' means any tax, duty or levy imposed on property by the Council;

"**Poverty**" is defined with reference to a poverty line i.e if a household earns gross income lower than the set amount that a household and its members are deemed to be living in poverty.

"**Municipal Manager**" means the municipal manager of Lukhanji municipality or his/her nominee acting in terms of power delegated to him/her by the said municipal manager with the concurrence of the council.

INTRODUCTION

As a developmental institution, the municipality needs to commit to supporting measures that assist and empower its community. It is accepted that large sections of the community cannot exist without intervention and it is therefore the duty of the municipality to support and to ensure that citizens are able to access their constitutional right to have access to a basic level of services.

The municipality must therefore at all times strive to fulfill the constitutional objectives as contemplated in Section 152 of the Constitution and to meet the criteria for a credible indigent Bylaw as laid down in the Credible Indigent Policy Assessment Framework, 2008, provided by the Department of Local Government.

The successful implementation of this Bylaw depends totally on affordability and the social analysis of the area as should be included in the municipality's IDP. With regard to affordability the foundation is laid in section 74 of the Municipal Systems Act, 2000, which stipulates that poor households must have access to basic services through tariffs that cover only the operating and maintenance costs.

The municipality therefore adopts an indigent support Bylaw which embodies an indigent support programme not only providing procedures and guidelines for the subsidisation of service charges to indigent households in its area of jurisdiction, but also to increase the quality of life of the beneficiaries by assisting them to exit from indigence.

1. BYLAW PRINCIPLES

In recognition of the abovementioned National Framework the municipality undertakes to promote the following principles:

- 1.1 To ensure that the Equitable Share received annually will be utilised for the benefit of the poor only and not to subsidize rates and services charges of those who can afford to pay;
- 1.2 To link this Bylaw with the municipality's IDP, local economic development (LED) initiatives and poverty alleviation programmes;
- 1.3 To promote an integrated approach to free basic service delivery; and
- 1.4 To engage the community in the development and implementation of this Bylaw;

2. BYLAW OBJECTIVES

In support of the above principles the objective of this Bylaw will be to ensure the following:

- 2.1 The provision of basic services to the community in a sustainable manner within the financial and administrative capacity of the Council;
- 2.2 The financial sustainability of free basic services through the determination of appropriate tariffs that contribute to such sustainability through cross subsidisation;
- 2.3 Establishment of a framework for the identification and management of indigent households including a socio-economic analysis and an exit strategy;
- 2.4 The provision of procedures and guidelines for the subsidisation of basic charges and the provision of free basic energy to indigent households;
- 2.5 To ensure co-operative governance with other spheres of government; and
- 2.6 To enhance the institutional and financial capacity of the municipality to implement the Bylaw.

3. THE LEGISLATIVE FRAMEWORK

This Bylaw is designed and implemented within the framework of the following legislation:

- The Constitution of the RSA, 1996;
- The Municipal Systems Act, 2000 (Act 32 of 2000);
- The Municipal Finance Management Act, 2003 (Act 56 of 2003);
- The Promotion of Administrative Justice Act, 2000 (Act 3 of 2000);
- The Promotion of Access to Information Act, 2000 (Act 2 of 2000);
- The Property Rates Act, 2004 (Act 6 of 2004).

4. QUALIFICATION CRITERIA

Qualification criteria for indigent support shall be determined by the municipality from time to time, provided that until the municipality determines otherwise, the following criteria shall apply:

- 4.1 The applicant must be a resident of the municipality.
- 4.2 The applicant must be in possession of a valid South African identity document.
- 4.3 The combined or joint gross income of all occupants or dependants in a single household which receives services from the municipality may not exceed the thresholds determined by the municipality annually during consideration of the budget for the next financial year. The guideline relating to the household income threshold is an income of not less than two state pensions per month.
- 4.4 The applicant must be the owner who receives municipal services and is registered as an account holder on the municipal financial system; provided that the requirement of being registered as an account holder does not apply to households in informal settlements where no accounts are rendered nor in rural areas where no accounts are rendered.
- 4.5 Any occupant or resident of the single household referred to above may not own any property in addition to the property in respect of which indigent support is provided.
- 4.6 The account of a deceased estate may be subsidised if the surviving spouse or dependants of the deceased who occupy the property, applies for assistance.

5. TARGETING OF INDIGENT HOUSEHOLDS

The effective targeting of indigent households and the implementation of this Bylaw will depend largely on the social analysis included in the IDP, the LED initiatives and other poverty relief programmes of the municipality. The socio-economic information and performance indicators contained in these documents must form the basis for the targeting of indigent households.

Against the background of such socio-economic analysis, the municipality must within its financial and institutional capacity decide which targeting approach or option should be applied.

Depending on capacity the municipality may apply any or a combination of the following targeting methods:

Targeting approach	Application
1. Service levels	Lowest service levels normally in informal settlements and rural areas.
2. Service consumption	Metered services in urban and rural areas.
3. Property value	Applicable only to registered indigents in respect of subsidised or RDP housing to a value determined in addition to the R15000 in terms of the Property Rates Act, 2004.

4. Household income	Threshold determined in terms of socio-economic analysis.
5. Geographical (Zonal) targeting	within the Lukhanji area.

6. EXTENT OF INDIGENT SUPPORT

The extent of the monthly indigent support granted to indigent households must be based on budgetary allocations for a particular financial year and the tariffs determined for each financial year.

Within the abovementioned budgetary process, and in striving to create a situation where poor households will be granted access to a full social package, the following assistance and support may be granted:

6.1 Electricity

Each registered indigent household shall receive electricity to a maximum of 50 kWh per month. This subsidy may also apply to registered indigent households in rural areas where the municipality is the electricity supplier while agreements with Eskom, where the latter is the supplier, may be negotiated to support such households.

6.2 Refuse removal

Each registered indigent household shall be fully subsidised for refuse removal as provided for in the annual budget.

6.3 Property Rates

Each registered indigent household shall be subsidised for property rates as provided for in the annual budget and subject to the provisions of the Municipal Property Rates Act, 2006.

6.4 Transfer of properties

In the event of the death of the title holder of a property in an indigent household, the municipality may enter into agreements with local attorneys, the Legal Aid Board or the provincial law society for the administration of the estate and the transfer of the property into the name of the successor at the lowest possible cost. Opening of accounts outside the normal process can only be done after a period of 2 years.

6.6 Basic Energy/Alternative Energy

Indigent households in informal settlements where limited or no electricity is available, are provided with alternative energy sources, which currently limited to: fire gel, provided that procurement of service providers or services shall be subject to the Supply Chain Management regulations of the

municipality and that the support given does not exceed amount paid for 50kwh for that particular month.

7. INDIGENT HOUSEHOLDS IN RETIREMENT CENTRES AND OLD AGE HOMES

Indigent consumers living in retirement centres or old age homes shall be eligible to qualify for assistance and support in terms of this Bylaw, subject to the following rules and procedures:

- 7.1 The onus will be on the unit owner to apply to the municipality for indigent status to be granted in respect property rates and related charges.
- 7.3 The representative will submit applications to the Chief Financial Officer.
- 7.4 The FBS Co-ordinator must verify all applications and he or she must notify:
 - 7.4.1 The unit owner whether an application was successful or not, with regard to the property rates and other related charges.
 - 7.4.2 The Chief Financial Officer will credit the monthly municipal account :-
 - 7.4.3. General rates and refuse charges account of the unit owner with the full amount charged.

8. ASSISTANCE PROCEDURES

8.1 Communication

The municipality must develop a communication strategy in terms of which communities will be informed and educated in order to have a clear understanding of this Bylaw and its implementation. Regular information dissemination and awareness campaigns must be undertaken to eliminate unrealistic expectations both in terms of qualifying for subsidy as well as service delivery in general and methods of communication may include, but will not be limited to:

- 8.1.1 Ward Committees;
- 8.1.2 Traditional Leaders, where applicable;
- 8.1.3 Community Development Workers[CDWs]
- 8.1.4 Community Based Organisations;[NGOs]
- 8.1.5 Local radio stations and news papers;
- 8.1.6 Municipal accounts;
- 8.1.7 Imbizo's and road shows; and

- 8.1.8 Jamborees where government and municipal officials are made available to assist residents with applications such as ID applications, pension- and social grant applications, etc.

8.2 Institutional arrangements

The municipality must designate existing staff or appoint officials, or engage properly Community Development Workers who have been trained in terms of the municipality's directions to assist with the implementation and development of this Bylaw and must establish appropriate registration points in its area.

8.3 Application/Registration

A person applying for indigent support must complete a formal indigent support application form approved by the municipality. Such forms will be available at approved registration points provided by the municipality and shall be dealt with in terms of the Procedures Manual.

8.4 Assessment & Screening of Applicants

Upon registration of an application, all information must be verified by the FBS Co-ordinator / Indigent Steering Committee.

8.5 Recommendation

Once the verification has been completed the Indigent Management System must generate a recommendation based on the information captured in the database. Those applications that qualify for Indigent support in accordance with the system are going to be referred to the Indigent Steering Committee [ISC] for approval.

The outcome of the process must be communicated to all customers and council at large.

8.6 Right of appeal

An applicant who feels aggrieved by a decision taken in respect of his or her application may lodge an appeal to the Municipal Manager of the municipality within 10 days from the date on which the decision was communicated to the applicant.

9. PROCESS MANAGEMENT

9.1 Applications

With the exception of Property and Zonal Targeting the indigent application form should be completed in full and then captured onto the relevant indigent register and accounting system.

9.2 Validity period

The validity period of assistance will be for the duration that the applicant remains indigent. Households, in terms of the audit and review process, will be subjected to scrutiny to determine

any change in status. Households may have to periodically re-apply, but this would be determined by the municipality from time to time.

9.3 Death of Registered Applicant

In the event that the approved applicant passes away the heir/s of the property must re-apply for indigent support, provided that the stipulated criteria are met.

9.4 Publication of Register of Indigent Households

Names of indigent beneficiaries must be open for public perusal and comment.

Written objections from the public must be referred to the FBS Co-ordinator who will be responsible for investigating the validity of the complaint and referral to the Indigent Committee for appropriate action.

9.5 Arrears and excess usage of allocations

9.5.1 Upon registration as an indigent household, the arrears on the account of the applicant will be kept pending for a period of at least six months after which it may be written off.

9.5.2 No interest may be calculated on the arrears.

9.5.3 If the applicant exits from the indigent support programme within the six months period in arrears will be re-introduced in the account and will be subject to the credit control and debt collection Bylaw of the municipality;

9.6 Termination of Indigent Support

Indigent Support will be terminated under the following circumstances:

9.6.1 Upon death of the account-holder or the head of the household where no accounts are rendered.

9.6.2 At the end of the 12 months cycle.

9.6.3 Upon sale of the property in respect of which support is granted.

9.6.4 When circumstances in the indigent household have improved to the extent where the income threshold as determined is exceeded..

9.6.5 If the applicant is found to have lied about his/her personal circumstances or has furnished false information regarding indigent status, in which case the following will apply:

9.6.5.1 All arrears will become payable immediately;

9.6.5.2 Stringent credit control measures will apply; and

9.6.5.3 The applicant will not be eligible to apply for indigent support for a period of 2 years.

9.7 Audit and review

The municipality may conduct regular audits of the indigent register with regard to the information furnished by applicants, possible changes in status, the usage of allocations and debt collection measures applied and where necessary review the status of applicants. The frequency of such audits will depend on the institutional capacity of the municipality to do so. It is proposed that at least monthly targeted audits and reviews are undertaken, with a complete review scheduled annually.

9.8 Exit Programme

Members of households registered as indigent must be prepared to participate in exit programmes coordinated by the municipality in collaboration with other government departments and the private sector.

As part of its broader poverty reduction programme the municipality undertakes to provide for the participation and accommodation of indigent persons in its local economic development (LED) initiatives and in the implementation of integrated development programmes where possible.

The municipality must promote exit from indigence by -

- 9.8.1 identifying indigents for inclusion in public works projects;
- 9.8.2 initiating local job creation projects such as cleansing operations, small infrastructure projects, etc;
- 9.8.3 facilitation of opportunities to enter the informal trade market;
- 9.8.4 facilitation of food security projects; and
- 9.8.5 liaison with National and Provincial departments to include indigent persons in their public works programmes.

10. MONITORING AND REPORTING

10.1 The Chief Financial Officer must report monthly to the Municipal Manager via the municipality's Service Delivery and Budget Implementation Plan to enable the Municipal Manager to report to Council and other interested parties. Such report shall reflect on:

- 10.1.1 Number of indigent households applications received;
- 10.1.2 Amount of subsidy allocated per benefit category;
- 10.1.3 Amount of debt accumulating and debt recovery information (number of customers; enquires; default arrangements; growth or diminishing of arrear debtors; ideally divided into wards, domestic, state, institutional and other such divisions);
- 10.1.4 Performance against targets set in respect of indigent support and poverty relief and in particular with regard to the following:
 - 10.1.4.1 Number of applications for indigent support dealt with;
 - 10.1.4.2 Time taken to process and finalise applications;
 - 10.1.4.3 Site visits undertaken;
 - 10.1.4.4 Awareness initiatives; and
 - 10.1.4.5 Exit initiatives.

10.1.5 Changes in the registered status of indigents.

11. CAPACITY BUILDING

11.1 The municipality must ensure that all officials and councillors are appropriately capacitated in Free Basic Services in terms of the following key areas:

- Database management
- Demand and revenue management
- Bylaw and by-law implementation

12. EFFECTIVE DATE

The Bylaw shall come to effect upon approval by Council.

13. BYLAW ADOPTION

This Bylaw has been considered and approved by the COUNCIL OF LUKHANJI LOCAL MUNICIPALITY as follows:

Resolution No:

ITEM Approval Date:



Clir N Makanda
Executive Mayor



S Nkonki
Acting Municipal Manager

IMPORTANT

Information

from Government Printing Works

Dear Valued Customers,

Government Printing Works has implemented rules for completing and submitting the electronic Adobe Forms when you, the customer, submits your notice request.

Please take note of these guidelines when completing your form.

GPW Business Rules

1. No hand written notices will be accepted for processing, this includes Adobe forms which have been completed by hand.
2. Notices can only be submitted in Adobe electronic form format to the email submission address submit.egazette@gpw.gov.za. This means that any notice submissions not on an Adobe electronic form that are submitted to this mailbox will be **rejected**. National or Provincial gazette notices, where the Z95 or Z95Prov must be an Adobe form but the notice content (body) will be an attachment.
3. Notices brought into GPW by "walk-in" customers on electronic media can only be submitted in Adobe electronic form format. This means that any notice submissions not on an Adobe electronic form that are submitted by the customer on electronic media will be **rejected**. National or Provincial gazette notices, where the Z95 or Z95Prov must be an Adobe form but the notice content (body) will be an attachment.
4. All customers who walk in to GPW that wish to submit a notice that is not on an electronic Adobe form will be routed to the Contact Centre where the customer will be taken through the completion of the form by a GPW representative. Where a customer walks into GPW with a stack of hard copy notices delivered by a messenger on behalf of a newspaper the messenger must be referred back to the sender as the submission does not adhere to the submission rules.
5. All notice submissions that do not comply with point 2 will be charged full price for the notice submission.
6. The current cut-off of all Gazette's remains unchanged for all channels. (Refer to the GPW website for submission deadlines – www.gpwonline.co.za)
7. Incorrectly completed forms and notices submitted in the wrong format 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)
8. All re-submissions by customers will be subject to the above cut-off times.
9. All submissions and re-submissions that miss the cut-off will be rejected to the customer to be submitted with a new publication date.
10. Information on forms will be taken as the primary source of the notice to be published. Any instructions that are on the email body or covering letter that contradicts the notice form content will be ignored.

You are therefore advised that effective from **Monday, 18 May 2015** should you not comply with our new rules of engagement, all notice requests will be rejected by our new system.

Furthermore, the fax number **012- 748 6030** will also be **discontinued** from this date and customers will only be able to submit notice requests through the email address submit.egazette@gpw.gov.za.



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