



# DIE PROVINSIE VAN GAUTENG

# **Provincial Gazette Provinsiale Koerant**

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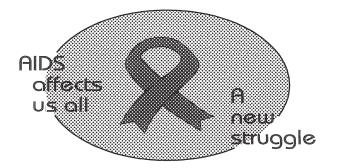
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Vol. 21

PRETORIA, 18 SEPTEMBER 2015

No. 411

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# **IMPORTANT**

# Information

# from Government Printing Works

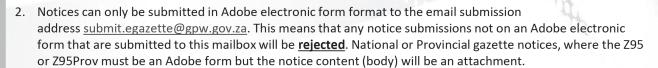
Dear Valued Customers,

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.



- 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 <u>rejected</u>. National or Provincial gazette notices, where the Z95 or Z95Prov must be an Adobe form but the notice content (body) will be an attachment.
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- 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 <u>discontinued</u> from this date and customers will only be able to submit notice requests through the email address <u>submit.egazette@gpw.gov.za.</u>







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## **ADVERTISEMENT**

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## GENERAL NOTICES • ALGEMENE KENNISGEWINGS

#### **NOTICE 2274 OF 2015**

#### THE LAW SOCIETY OF THE NORTHERN PROVINCES

#### **AMENDMENT OF RULES**

It is hereby notified that the following amendments to the Rules framed in terms of Section 74(1) of Act No. 53 of 1979 and which have been approved by the Chief Justice of South Africa in consultation with the Judges President of the Gauteng and North West Divisions of the High Court in terms of Section 74(2) of Act No. 53 of 1979, are promulgated by the Council of the Law Society of the Northern Provinces:

The words underlined to be substituted for the words in brackets:

- 1. Amendment of Rule 28: A Quorum at Meetings of Members:
  - 28. Quorum at Meetings of Members

Subject to rule 19.1, the quorum at a general or special meeting shall be  $\underline{50}$  [15] practising members personally present throughout the meeting.

- 2. Amendments of Rules 30 to 43 as follows:
  - An election shall be held in the manner in these rules prescribed by not later than 31 October 2015 and thereafter in every third year [in the year first following upon the year in which these rules are promulgated and in every third year after the year in which such election is held], provided however that such elections relate only to the twelve Council members appointed in terms of Rules 30A.1.1 to 30A.1.4 (both inclusive), specifically excluding the Black Lawyers Association and National Association of Democratic Lawyers Council members who hold office.

<u>Delete</u>: [Rule 30.2 is suspended indefinitely]

30A.1 The Council shall consist of twenty-four persons being members, but of whom no more than two may be declared members.

Of such twenty-four members—

- 30A.1.1 not more than <u>five</u> [three] in number shall—
- 30A.1.1.1 where they are practising members, have their principal places of practice; and
- 30A.1.1.2 where they are declared members, have their places of abode;

in the Magisterial Districts of Johannesburg/Randburg;

- 30A.1.2 not more than three [two] in number shall—
- 30A.1.2.1 where they are practising members, have their principal places of practice; and
- 30A.1.2.2 where they are declared members, have their places of abode;

in the Magisterial Districts of Pretoria/Wonderboom;

- 30A.1.3 not more than one in number shall—
- 30A.1.3.1 where he/she is a practising member, has his/her principal place of practice; and
- 30A.1.3.2 where he/she is a declared member has his/her place of abode;

in the remainder of the Province of Gauteng (excluding the Magisterial Districts referred to in 30A.1.1.2 and 30A.1.2.2);

- 30A.1.4 not more than one [two] in number shall—
- 30A.1.4.1 where <u>he/she</u> [they] <u>is</u> [are] <u>a</u> practising member[s], <u>has</u> [have] <u>his/her</u> [their] principal place[s] of practice; and
- 30A.1.4.2 where  $\underline{\text{he/she}}$  [they]  $\underline{\text{is}}$  [are]  $\underline{\text{a}}$  declared member[s],  $\underline{\text{has}}$  [have]  $\underline{\text{his/her}}$  [their] place[s] of abode;

respectively in each of the Limpopo Province, the North West Province and the Province of Mpumalanga;

<u>Delete</u>: ["The effect of Rule 31 up to and including Rule 42 is suspended indefinitely"]

Manner of election of members of the Council

- 31.1 After the issue of the notice of the general meeting in accordance with rule 11 in a year in which an election is due to be held, any two members may, in the manner herein prescribed, nominate any member or members, other than themselves, as a member or members of the Council for the then ensuing period of office.
- 31.2 All such nominations shall be made over the signature of the two nominating members in a document which shall identify each nominee named therein—
- 31.2.1 where he/she is a practising member, by—
- 31.2.1.1 his/her name;
- 31.2.1.2 the name of the firm of which he/she is the proprietor or a member or by which he/she is employed stating also whether he/she is the proprietor or a member of or is employed by that firm; and
- 31.2.1.3 the address of his/her principal place of practice; or

- 31.2.2 where he/she is declared member, by—
- 31.2.2.1 his/her name;
- 31.2.2.2 the nature of his/her employment, profession, business or other occupation, if any;
- 31.2.2.3 his/her own business address or, where he/she is employed, the name and business address of his/her employer; and
- 31.2.2.4 the address of his/her place of abode;

and on which shall be endorsed, over the signature of each nominee named therein, or over the signature of some other member duly authorised thereto in writing by the nominee, the acceptance of nomination by that nominee and his/her confirmation of the correctness of the information concerning himself/herself given therein.

- 31.3 Nominations shall be lodged with the secretary at least 42 clear days before the date of the general meeting concerned.
- 31.4 Any nomination which does not substantially comply with the provisions of this rule or which is not lodged with the secretary within the time prescribed shall not be recognised.
- 31.5 Notwithstanding anything in this rule contained, any member of the Council then in office shall be deemed automatically to have been nominated as a member of the Council for the then ensuing period of office and shall accordingly be included as a duly nominated candidate for all purposes under these rules, unless he/she shall, at least 42 clear days before the date of the general meeting concerned, have notified the secretary in writing that he/she is not available for re-election.
- 32.1 If no greater number of candidates be nominated than the number to be elected, the candidates nominated shall, subject to rules <u>30A.1</u> [30.1], 32.2 and 32.3, be deemed elected.
- 32.2 If the number of candidates nominated shall be eleven or less or shall otherwise not ensure that rule 30A.1 [30.1] is complied with, the secretary shall immediately in such manner as directed by the president, call on all members for additional nominations to be made within seven days. If at the end of that period the total number of nominations received remains less than twenty-four [fourteen], the candidates nominated shall take office as the incoming Council and shall there upon proceed to co-opt the number of additional members of Council required to bring its membership to such number and composition as will ensure compliance with rule 30A.1 [30.1]. If the candidates who have been so nominated do not comply with the provisions of rule 30A.1 [30.1] in that the number of candidates nominated exceeds the number required to be practising or have their places of abode in any of the provinces referred to in rule 30A.1 [30.1] respectively then an election shall be held only in that province in the manner in these rules prescribed.
- 32.3 If the number of candidates nominated shall be <u>twenty-two</u> [twelve] or <u>twenty-three</u> [thirteen], the candidates so nominated shall take office as the incoming Council and shall thereupon co-opt the additional member or members of council required to bring its membership to twenty-four [fourteen], subject always to the provisions of rule 30A.1 [30.1].

- 32.4 Notwithstanding anything contained in these rules and in particular in this rule 32, between the date on which the amendments to these rules are promulgated and the general meeting at which the result of the first election following such amendment is received, the Council shall be entitled to co-opt a member or members of the Council to fill any vacancy or vacancies in the number of Council members, and in so doing shall not be obliged to ensure the provisions of rule 30A.1 [30.1] shall thereafter be complied with, provided that the number of Council members shall not exceed twenty-four [14]. Any member so co-opted shall hold office only until the conclusion of the general meeting at which the result of such first election is received, but shall be eligible for re-election.
- 33. If the number of candidates nominated in respect of any province exceeds the number to be elected in that province, the secretary shall within 10 days after the last day upon which nominations are required to be lodged in terms of rule 31.3 post to each member practising in that province and to every declared member—
- an envelope on which the secretary's address is printed together with the words "voting papers";
- a smaller envelope on which is printed the words "ballot paper": that envelope shall clearly indicate on its face the province in respect of which candidates are to be elected;
- 33.3 a printed declaration in such form as the Council may direct containing appropriate spaces for—
- 33.3.1 the surname and forenames of the voting member;
- 33.3.1.1 where he/she is a practising member, the address of his/her main office;
- 33.3.1.2 where he/she is a declared member, his/her own business address or, as the case may be, the name and business address of his/her employer, or, if he/she has no occupation or employment, his/her residential address;
- 33.3.2 the date of signature by him/her and his signature, and
- a declaration by him/her above his/her signature that he/she has not already voted in the election concerned;
- 33.4 a ballot paper in such form as the Council may direct containing—
- the surnames and forenames in alphabetical order by surname, of the nominated candidates;
- 33.4.2 the date of birth of every nominated candidate, the year in which he/she was admitted and enrolled as an attorney and his/her academic and professional qualifications;
- 33.4.3 the magisterial district within which each candidate has—
- 33.4.3.1 where he/she is a practising member, his/her principal place of practice;
- 33.4.3.2 where he/she is a declared member, his/her place of abode;

- 33.4.4 in the case of each candidate who is a member of the Council then in office—
- 33.4.4.1 a simple statement to that effect;
- a date indicating the year in which he/she was first elected or co-opted as a member of the Council;
- in the case of each candidate a statement opposite his/her name—
- where he/she is a practising member, of the name of the firm of which he/she is the proprietor or a member or by which he/she is employed or, if he/she is a member of more than one firm or the proprietor of one firm and a member of another or others, the name of every such firm;
- 33.4.5.2 where he/she is a declared member, of the nature of his/her profession, business or other occupation or, if he/she is employed, of the name of his/her employer and the nature of his/her employment; and nothing more.
- 33.5 a letter in such form as the Council may direct requesting the member, if he/she wishes to record his/her vote, to—
- strike out on the accompanying ballot paper the name of each candidate for whom he/she does not intend to vote but so as to leave un cancelled, in the case of an election in respect of the Gauteng province, not more than nine [eight] nor less than seven [six] names and in the case of an election in respect of any of the other three provinces, not more and not less than one name [two names], and to make no other mark or alteration on the ballot paper;
- 33.5.2 place the ballot paper thereafter in the envelope marked "ballot paper";
- 33.5.3 seal the envelope containing the ballot paper;
- 33.5.4 complete and sign the form of declaration;
- 33.5.5 place the completed and signed declaration form, together with the envelope containing the ballot paper in and seal the envelope marked "voting papers";
- 33.5.6 despatch the envelope marked "voting papers" with its contents to the secretary so as to reach him/her at least seven clear days before the date of the general meeting; and containing—
- the warning that if, in the case of an election in respect of Gauteng province more than <u>nine</u> [eight] or less than <u>seven</u> [six] names are left uncancelled on the ballot paper, or in the case of an election in respect of any of the other three provinces more than <u>one name is</u> [two or less than two names are] left uncancelled on the ballot paper, or if any mark or alteration is made on the ballot paper other than the striking out of the names of the candidates for whom the member does not intend to vote, or if the form of declaration is not duly completed and signed by the member, the ballot paper will be void; and
- 33.5.8 a reference to the provisions of rule 38.

- 33A Notwithstanding anything contained in these rules —
- a member practising in a province referred to in rule 30A.1 [30.1] shall be entitled to nominate any member, other than himself/herself to be a member of the Council, but shall be entitled to receive voting papers only in respect of an election in the province in which he/she practises and shall be entitled to vote only in respect of candidates having their principal places of practise (or in the case of candidates who are declared members, having their places of abode) in the province in which he/she practises;
- a declared member shall be entitled to nominate any member, other than himself/herself, to be a member of the Council and shall further be entitled to receive voting papers in respect of an election in all of the provinces referred to in rule 30A.1 [30.1], but shall in any election for members of the Council be entitled to vote only in respect of candidates having their principal places of practice (or in the case of candidates who are declared members, having their places of abode) in one of those provinces.
- 34. Each member intending to vote in the election concerned shall comply with the procedure prescribed in rule 33.5 failing which, or failing receipt by the secretary of the member's voting papers within the period prescribed in rule 33.5.6 his/her votes shall not be recognised.
- 35.1 Within 10 days after the last day on which nominations are required to be lodged in terms of rule 31.3, the president shall, in writing over his/her signature, appoint a member as referee for the purpose of performing the duties assigned to the referee under these rules. The referee shall not be a candidate for office or a member who has nominated a candidate.
- On each day on which envelopes marked "voting papers" despatched to him/her are received by the secretary, or, if not practicable on that day, as soon as practicable thereafter, the secretary shall, in the presence of the referee, open each such envelope and shall remove its contents. The secretary and the referee shall then together examine each declaration form, shall verify, to such extent as may appear necessary, the information contained therein against the records of the secretary and shall satisfy them that the declaration form has been duly completed and signed by the member, failing which it shall be regarded as invalid. In the event of disagreement between the secretary and the referee as to the validity or invalidity of any form of declaration, the view of the referee shall prevail and his/her judgment in the matter shall be final. The referee shall, over his/her signature, endorse each form of declaration found to be invalid with the reason for its invalidity.
- 35.3.1 The secretary shall, in the presence of the referee, in respect of each declaration form found to be valid, place its accompanying envelope marked "ballot paper" unopened, through a slot in a ballot box of a design and construction approved by the Council, which shall have been securely locked and sealed in advance by the president and of which the president shall retain the key until the day following the last day upon which voting papers are required to reach the secretary in terms of rule 33.5.6. After placing the last of such envelopes duly received in the ballot box the secretary shall, in the presence of the referee, securely seal the slot. Upon the day following the aforesaid last day the president shall hand the key to the secretary. The secretary shall securely retain the ballot box, locked and sealed as aforesaid and shall, immediately after receipt of the key from the president, deliver

- the ballot box in that condition, together with its key, to the scrutineers appointed as in rule 37 provided.
- 35.3.2 Separate ballot boxes shall be used for ballot papers in respect of elections in each separate province.
- 36. Any envelope marked "ballot paper" which is accompanied by a form of declaration which has been found to be invalid shall not be placed in the ballot box, but the secretary shall, in the presence of the referee, replace in the envelope marked "voting papers" in which it was received, each such envelope marked "ballot paper" unopened, together with its accompanying form of declaration endorsed by the referee as in rule 35.2 provided, shall securely seal all those documents in the manner approved by the Council and shall separately retain them for a period of three months after the day of the holding of the general meeting and shall thereupon destroy all of them. The secretary shall keep a separate record of the number of declarations and envelopes thus retained by him/her and the referee shall report that information forthwith to the president in writing over his/her signature, stating also the reasons for the invalidity of the declaration forms.
- 37. Prior to or on the last day upon which voting papers are required to reach the secretary in terms of rule 33.5.6, the president shall, in writing over his/her signature, appoint, as scrutineers for the purpose of examining the ballot papers placed in the ballot box and counting the votes received, not less than two members, not being candidates for office or members who have nominated candidates, and none of whom shall be the member appointed as referee under these rules. Upon receipt by the scrutineers of the ballot boxes they shall break the seals, open the ballot boxes and remove their contents. They shall then open each of the envelopes marked "ballot paper", remove the ballot paper therein contained, examine the ballot paper and satisfy themselves of its validity in accordance with these rules, or, if not so satisfied, reject the ballot paper having endorsed on its reverse side over their signatures the reason for its rejection. They shall then count the votes recorded in the remaining ballot papers and record the result. Thereafter they shall replace all the ballot papers, including those rejected, in the ballot box and shall lock and reseal it.
- 38. Subject to rules 38.3A, 38.4 and 38.5 the following candidates shall be provisionally elected to office:
- 38.1 those, being not more than <u>nine</u> [eight] in number, who, in accordance with the provisions of these rules receive the greatest number of votes in diminishing order among those of the qualifying candidates who have—
- 38.1.1 where they are practising members, their principal places of practice; and
- 38.1.2 where they are declared members, their places of abode; in the province of Gauteng;
- 38.2 those, being not more than <u>one</u> [two] in number, who in accordance with the provisions of these rules, receive the greatest number of votes in diminishing order among those of the qualifying candidates who have—
- 38.2.1 where they are practising members, their principal places of practise; and
- 38.2.2 where they are declared members, their places of abode;

in each of the <u>Limpopo Province</u> [Northern provinces], the North West Province and the Province of Mpumalanga;

38.3 ......

- 38.3A.1 if among those candidates provisionally elected to office there shall be more than two declared members, the scrutineers shall strike from the list of provisionally elected members the names of all declared members other than those of the two declared members who rank respectively first and second or who tie for the first place in numerical order in respect of the total number of votes cast in favour of all provisionally elected declared members. The declared members whose names are so struck from the list shall be deemed not elected, their places as elected candidates being taken by the equivalent number of candidates who are practising members and who respectively rank next in order of the number of votes cast in favour of practising members in respect of each respective group referred to in rule 38 from which the name of the declared member whom each such practising member will replace has been struck. The candidates finally elected to office shall be those whose names appear on the list after such adjustment has been made;
- 38.3A.2 if among those candidates provisionally elected to office there shall be not more than two declared members, all the candidates thus provisionally elected shall *ipso facto* be confirmed as finally elected to office;
- 38.4 subject to the provisions of rule 32.2 if there are less than <u>nine</u> [eight] qualifying candidates in the groups referred to in rule 38.1 or less than <u>three</u> [four] qualifying candidates in the group referred to in rule 38.2 the incoming Council shall co-opt the additional member or members of the Council to fill the vacancy or vacancies from members who qualify as candidates in the relevant group.
- in the event of a tie between two or more candidates having the result of leaving undecided which of these candidates is elected, the question as to which of them shall be deemed elected shall be determined immediately by lot drawn by the scrutineers in the manner in rule 38.6 described;
- the manner in which the lot shall be drawn shall be by recording the names of each of the tying candidates in a particular group on a separate slip of paper, folding and then placing all the slips of that group in a container so that they are not visible to the scrutineers and thoroughly shaking the container so as to shuffle its contents. Thereupon, in the case where one place has been tied for, one of the slips of paper shall be withdrawn from the container by one of the scrutineers and the candidate whose name appears shall be deemed elected. In the case where more than one place has been tied for, the number of slips equivalent to the number of places tied for shall be withdrawn separately and consecutively from the container, by one of the scrutineers and the candidates whose names appear thereon shall be deemed elected:
- 38.7 the term "qualifying candidate" when used in this rule 38 means a candidate who receives 75 votes or more. No candidate who receives less than 75 votes shall qualify for election to the Council.
- 39. Upon completion of their scrutiny the scrutineers shall immediately report the result of the election in writing to the president. The report shall be signed by all of them and shall contain the following particulars:

- the total number of ballot papers received by them as well as the total number of ballot papers received in respect of candidates in each province;
- 39.2 the numbers of ballot papers rejected and the grounds of rejection;
- 39.3 the total number of votes in favour of each candidate;
- 39.4 the result of any lot drawn in terms of rule 38.5;
- 39.5 the names of those who are duly elected.
- 40. The president shall, on receipt of the report of the scrutineers, cause each candidate to be advised of the result of the election.
- 41. The report of the scrutineers shall be conclusive as to the effect of the election, notwithstanding any irregularity or informality.
- 42. The scrutineers, having completed their scrutiny, shall return the ballot box containing the examined ballot papers and locked in accordance with rule 37 to the secretary, together with its key. The secretary shall securely retain the ballot box in that condition for a period of three months after the day of the holding of the general meeting and shall thereupon break the seal, unlock the box, empty it of its contents and destroy all of them. He/she shall then also destroy all the valid declaration forms received by him/her.

Delete: Rule 43

<u>Delete</u>: [Rule 47.3 is suspended indefinitely]

- 3. <u>Insert of the following new Rule 47.4</u>
  - 47.4 In the event of a vacancy arising in the Council on the statutory component of the Society, the position shall be filled firstly with reference to the election results of unsuccessful candidates during the election immediately preceding such vacancy, who are then still available and eligible in descending order of votes obtained. In the absence of such candidates, the statutory component of the Council, sitting as a caucus, shall fill such vacancy in consultation with any active Attorneys' Association in the area, in the manner determined by it.

#### **Date of Commencement**

The effective date of the amendment of will be the date of publication thereof in the Government Gazette.

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