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

Alle Proklamasies, Goewermentskennisgewings, Algemene Kennisgewings en Raadskennisgewings gepubliseer, word vir verwysingsdoeleindes in die volgende Inhoudopgawe ingesluit wat dus weeklikse indeks voorstel. Laat uself deur die Koerantnommers in die regterhandse kolom lei:

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No FUTURE QUERIES WILL BE HANDLED IN CONNECTION WITH THE ABOVE.

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Closing times for **ORDINARY WEEKLY** **2018** **GOVERNMENT GAZETTE**

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

- **28 December 2017**, Thursday for the issue of Friday **05 January 2018**
- **05 January**, Friday for the issue of Friday **12 January 2018**
- **12 January**, Friday for the issue of Friday **19 January 2018**
- **19 January**, Friday for the issue of Friday **26 January 2018**
- **26 January**, Friday for the issue of Friday **02 February 2018**
- **02 February**, Friday for the issue of Friday **09 February 2018**
- **09 February**, Friday for the issue of Friday **16 February 2018**
- **16 February**, Friday for the issue of Friday **23 February 2018**
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- **09 March**, Friday for the issue of Friday **16 March 2018**
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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		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
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
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

GOVERNMENT PRINTING WORKS - BUSINESS RULES

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.
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.

GOVERNMENT PRINTING WORKS - BUSINESS 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 accompanied by the relevant notice reference number (N-) in the email body.

AMENDMENTS TO NOTICES

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

REJECTIONS

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

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

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

GOVERNMENT PRINTER INDEMNIFIED AGAINST LIABILITY

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

LIABILITY OF ADVERTISER

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

CUSTOMER INQUIRIES

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

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

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

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

GOVERNMENT PRINTING WORKS - BUSINESS RULES

PAYMENT OF COST

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

PROOF OF PUBLICATION

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

GOVERNMENT PRINTING WORKS CONTACT INFORMATION

Physical Address:
Government Printing Works

149 Bosman Street

Pretoria

Postal Address:

Private Bag X85

Pretoria

0001

GPW Banking Details:
Bank: ABSA Bosman Street

Account No.: 405 7114 016

Branch Code: 632-005

For Gazette and Notice submissions: Gazette Submissions:

For queries and quotations, contact: Gazette Contact Centre:

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

Contact person for subscribers: Mrs M. Toka:

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

Fax: 012-323-9574

GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF AGRICULTURE, FORESTRY AND FISHERIES**NO. 747****27 JULY 2018**

AGRICULTURAL PRODUCT STANDARDS ACT, 1990 (ACT No. 119 OF 1990)

**STANDARDS AND REQUIREMENTS REGARDING CONTROL OF THE EXPORT OF FRESH CUT FLOWERS
AND FRESH ORNAMENTAL FOLIAGE: AMENDMENT**

I, Billy Makhafola, appointed as Executive Officer in terms of section 2(1) of the Agricultural Product Standards Act, 1990 (Act No. 119 of 1990), hereby give notice under section 4(3) (c) of the said Act, that –

- (a) the standards and requirements regarding control of the export of fresh cut flowers and fresh ornamental foliage as stipulated in Government Notice No. R. 1983 of 23 August 1991 and promulgated in Government Notice No. 1768 of 21 November 1997, amended by Government Notice No. 562 of 14 March 2003, No. 507 of 25 April 2008 and No. 1006 of 30 October 2009 are hereby further amended; and
- (b) the standards and requirements mentioned in paragraph (a) –
 - (i) shall be available for inspection at the office of the Executive Officer: Agricultural Product Standards, Harvest House, 30 Hamilton Street, Arcadia, Pretoria;
 - (ii) may be obtained from the Executive Officer: Agriculture Product Standards, Department of Agriculture, Forestry and Fisheries Private Bag X343, Pretoria, 0001, Tel. (012) 319-6231 or Fax (012) 319-6265 or email: DibetsoK@daff.gov.za on payment of the prescribed fees or from the website <http://www.daff.gov.za>; and
 - (iii) shall come into operation seven days after publication of this notice.

BILLY MAKHAFOLA
Executive Officer: Agricultural Product Standards

DEPARTEMENT VAN LANDBOU, BOSBOU EN VISSERYE**NO. 747****27 JULIE 2018**

WET OF LANDBOUPRODUKSTANDAARDE, 1990 (WET No. 119 VAN 1990)

STANDAARDE EN VEREISTES BETREFFENDE BEHEER OOR DIE UITVOER VAN VARS SNYBLOMME EN SIERLOOF: WYSIGING

Ek, Billy Makhafola, ingevolge artikel 2(1) van die Wet op Landbouproduktstandaarde, 1990 (Wet No. 119 van 1990), as Uitvoerende Beampte aangewys, gee hiermee kragtens artikel 4(3) (c) van die vermelde Wet, kennis dat –

- (a) standaard en vereistes betreffende beheer oor die uitvoer van vars snyblomme en sierloof soos gestipuleer in Goewermentskennisgewing No. R 1983 van 23 Augustus 1991 en afgekondig in Goewermentskennisgewing No. 1768 of 21 November 1997, gewysig in Goewermentskennisgewings No. 562 van 14 Maart 2003, No. 507 van 25 April 2008 en No. 1006 van 30 Oktober 2009 hiermee verder gewysig word; en
- (b) die standaard en vereistes in paragraaf (a) vermeld –
 - (i) ter insae beskikbaar is by die kantoor van die Uitvoerende Beampte: Landbouproduktstandaarde, Harvest House, Hamiltonstraat 30, Arcadia, Pretoria;
 - (ii) verkry kan word van die Uitvoerende Beampte: Landbouproduktstandaarde, Departement van Landbou, Bosbou en Visserie, Privaatsak X343, Pretoria, 0001, Tel. (012) 319-6231 of Faks (012) 319-6265 of e-pos: Dibetsok@daff.gov.za teen betaling van die voorgeskrewe gelde of van die webwerf <http://www.daff.gov.za>; en
 - (ii) sewe dae na publikasie van hierdie kennisgewing in werking tree.

BILLY MAKHAFOLA**Uitvoerende Beampte: Landbouproduktstandaarde**

DEPARTMENT OF AGRICULTURE, FORESTRY AND FISHERIES

NO. 748

27 JULY 2018

**MARKETING OF AGRICULTURAL PRODUCTS ACT, 1996
(ACT No. 47 of 1996)****ESTABLISHMENT OF STATUTORY MEASURE AND DETERMINATION OF GUIDELINE
PRICE: LEVIES RELATING TO TABLE EGGS**

I, Senzeni Zokwana, Minister of Agriculture, Forestry and Fisheries, acting under sections 10, 13, 14 and 15 of the Marketing of Agricultural Products Act, 1996 (Act No. 47 of 1996), hereby establish the statutory measure set out in the attached Schedule.

SENZENI ZOKWANA
MINISTER OF AGRICULTURE, FORESTRY AND FISHERIES

SCHEDULE

1. DEFINITIONS

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

“**table eggs**” means non-fertile eggs of the species *Gallus gallus domesticus* for domestic consumption;

“**levy administrator**” means the South African Poultry Association, the juristic person entrusted with the implementation, administration and enforcement of the statutory measure established under this regulation;

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

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

The measure is required by the egg industry to fund –

- (a) Transformation in the developing sector;
- (b) Consumer education;
- (c) Consumer assurance;
- (d) Research and development;
- (e) Industry information and liaison;
- (f) Production development; and
- (g) Administration cost.

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

The statutory measure shall be administered by the levy administrator, who will appoint a third party to assist them with the collection of the statutory levy. The latter shall act in terms of the mandate and on behalf of the South African Poultry Association.

The statutory measure is necessary to finance the above-mentioned functions and the levy shall be utilised in accordance with the levy application. The Auditor-General shall also be responsible for auditing the statutory levies collected.

3. EMPLOYMENT OF STATUTORY LEVIES

It is hereby determined that, in respect of levies collected –

- a) approximately 70% of the funds shall be used for functions relating to consumer communication and education, consumer assurance, research, industry liaison and production development;
- b) at least 20% of the funds shall be used for transformation; and
- c) not more than 10% of the funds shall be used for administration cost.

4. PRODUCT TO WHICH STATUTORY MEASURE APPLIES

This statutory measure shall apply to –

- a) Table eggs sold to the trade.

5. AREA IN WHICH STATUTORY MEASURE APPLIES

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

6. DETERMINATION OF GUIDELINE PRICE

The guideline price is determined as follows:

- a) R13,77 per dozen of eggs sold to the trade.

7. AMOUNT OF LEVY

The amount of the levy payable:

	Dozen of eggs
From 1 April 2018 to 31 March 2019	R0,015 (VAT excluded)
From 1 April 2019 to 31 March 2020	R0,016 (VAT excluded)
From 1 April 2020 to 31 March 2021	R0,017 (VAT excluded)
From 1 April 2021 to 31 March 2022	R0,018 (VAT excluded)

8. PERSONS BY WHOM LEVY IS PAYABLE

The levy imposed in terms of this notice shall be –

- a) paid by persons involved in the sale of table eggs to the trade.

9. PAYMENT AND ENFORCEMENT OF LEVY

(1) The levy shall be paid to the levy administrator –

- a) by the fourteenth day of the month following the month in which the eggs were sold to the trade; and

(2) Payments shall be made by means of a cheque or electronic bank transfer in favour of the levy administrator, and shall –

- a) When paid by cheque, be addressed to –

The Levy Administrator
P O Box 1202
Honeydew
2040

- b) When electronically transferred, be paid to the account number obtainable from the levy administrator.

- (3) The implementation, administration and enforcement of the statutory measure established in this regulation is entrusted to the levy administrator in terms of section 14 of the Act.

10. COMMENCEMENT AND PERIOD OF VALIDITY

This statutory measure shall come into operation on the date of publication and will expire on 31 March 2022.

DEPARTMENT OF AGRICULTURE, FORESTRY AND FISHERIES

NO. 749

27 JULY 2018

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

**ESTABLISHMENT OF STATUTORY MEASURE: RECORDS AND RETURNS BY
SELLERS OF TABLE EGGS TO THE TRADE**

I, Senzeni Zokwana, Minister of Agriculture, Forestry and Fisheries, acting under sections 10, 13, 14 and 18 of the Marketing of Agricultural Products Act, 1996 (Act No. 47 of 1996), hereby establish the statutory measure set out in the attached Schedule.

SENZENI ZOKWANA

MINISTER OF AGRICULTURE, FORESTRY AND FISHERIES

SCHEDULE

1. DEFINITIONS

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

“**table eggs**” means non-fertile eggs of the species *Gallus gallus domesticus* for domestic consumption

“**levy administrator**” means the South African Poultry Association, the juristic person entrusted with the implementation, administration and enforcement of the statutory measure under this regulation; and

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

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

The purpose and aim of this statutory measure is to compel the sellers of table eggs to the trade to render records and returns to the levy administrator. This is necessary to ensure that continuous, timeous and accurate information relating to the selling of table eggs to the trade is available to all role players. Market information is deemed essential for all role players in order for them to make informed decisions. By prescribing the keeping of records with the rendering of returns on an individual basis, market information for the whole of the industry can be processed and disseminated. The establishment of the statutory measure should assist in promoting the efficiency of the marketing of eggs. The viability of the egg industry should thus be enhanced.

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

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

The measure shall be administered by the levy administrator who will appoint a third party to assist them with the administration of the statutory measure. The latter shall act in terms of the mandate and on behalf of the South African Poultry Association.

3. PRODUCTS TO WHICH THE STATUTORY MEASURE APPLIES

This statutory measure shall apply to –

- a) table eggs sold to the trade.

4. AREA IN WHICH STATUTORY MEASURE SHALL APPLY

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

5. RECORDS TO BE KEPT, RETURNS TO BE RENDERED AND THE ENFORCEMENT THEREOF

(1) Establishments selling table eggs to the trade, shall keep such records and render the returns as may be required by the levy administrator.

(2) The records referred to in sub-clause (1) shall –

- a) be recorded on a computer or with ink in a book; and
- b) be kept at the registered premises of the person required to keep such records for a period of at least three years.

(3) The returns referred to in sub-clause (1) shall be rendered on a form obtainable free of charge for this purpose from the levy administrator, and shall –

- a) be submitted, when forwarded by post, to

The Levy Administrator

P O Box 1202

Honeydew

2040

b) when sent by telefax, be addressed to – 011 795 2590.

(4) The implementation, administration and enforcement of the statutory measure established in this regulation is entrusted to the levy administrator in terms of section 14 of the Act.

6. COMMENCEMENT AND PERIOD OF VALIDITY

This statutory measure shall come into operation on the date of publication and will expire on 31 March 2022.

DEPARTMENT OF AGRICULTURE, FORESTRY AND FISHERIES

NO. 750

27 JULY 2018

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

**ESTABLISHMENT OF STATUTORY MEASURE: REGISTRATION BY SELLERS OF
TABLE EGGS TO THE TRADE**

I, Senzeni Zokwana, Minister of Agriculture, Forestry and Fisheries, acting under sections 10, 13, 14 and 19 of the Marketing of Agricultural Products Act, 1996 (Act No. 47 of 1996), hereby establish the statutory measure set out in the attached Schedule.

SENZENI ZOKWANA

MINISTER OF AGRICULTURE, FORESTRY AND FISHERIES

SCHEDULE

1. DEFINITIONS

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

“**table eggs**” means non-fertile eggs of the species *Gallus gallus domesticus* for domestic consumption

“**levy administrator**” means the South African Poultry Association, the juristic person entrusted with the implementation, administration and enforcement of the statutory measure established under this regulation; and

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

2. PURPOSE AND AIMS OF THE STATUTORY MEASURES AND THE RELATION THEREOF TO OBJECTIVES OF THE ACT

The purpose and aims of this statutory measure is to compel establishments selling table eggs to the trade to register with the levy administrator. This is necessary to ensure that continuous, timeous and accurate market information relating to eggs sold to the trade is available to all role-players. Market information is deemed essential for all role-players in order for them to make informed decisions.

The establishment of the statutory measure should assist in promoting the efficiency of the marketing of table eggs. The viability of the egg industry should thus be enhanced.

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

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

The measure shall be administered by the levy administrator who will appoint a third party to assist them with the registration of the identified role-players. The latter shall act in terms of the mandate and on behalf of the South African Poultry Association.

3. PRODUCT TO WHICH THE STATUTORY MEASURE SHALL APPLY

This statutory measure shall apply to –

- a) A dozen of table eggs sold to the trade.

4. AREA IN WHICH STATUTORY MEASURE SHALL APPLY

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

5. REGISTRATION AND ENFORCEMENT

- (1) Any table eggs establishment selling eggs to the trade.
- (2) Registration shall be done immediately upon receipt of a registration form obtainable free of charge for this purpose from the levy administrator, and shall –
 - a) be submitted, when forwarded by mail, to
The Levy Administrator
PO Box 1202
Honeydew
2040
 - b) When sent by telefax, be addressed to 011 795 2590.
- (3) Any establishment selling table eggs as defined in the levy notice may apply to the levy administrator for exemption from the provisions of clause 5(1) and 5(2) of these

regulations on the grounds that it is a welfare organisation as defined in terms of section 1 of the Value Added Tax Act, 1998 (Act no 89 of 1998).

- (4) The implementation, administration and enforcement of the statutory measure established in terms of this regulation is entrusted to the levy administrator in terms of section 14 of the Act.

6. COMMENCEMENT AND PERIOD OF VALIDITY

This statutory measure shall come into operation on the date of publication and will expire on 31 March 2022.

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT**NO. 751****27 JULY 2018**

The Amended National Policy Framework on Child Justice was tabled in Parliament on 28 May 2018. In terms of section 93(2)(b) and (d) of the Child Justice Act, 2008 (Act 75 of 2008) the Amended National Policy Framework on Child Justice is hereby published for public comment.

Comments should be submitted on or before 7 September 2018 to Ms Tabane-Shai via email at TTabane@justice.gov.za or hand delivered at Momentum Building, Pretorius Street 329, Pretoria or posted to Ms Tabane-Shai, Private Bag x 81, Pretoria, 0001.

Child Justice Act, 2008: National Policy Framework, 2018



**CHILD JUSTICE ACT, 2008
(ACT NO. 75 of 2008)**

**AMENDED NATIONAL POLICY FRAMEWORK
ON CHILD JUSTICE, 2018**

**DEPARTMENT OF JUSTICE AND CONSTITUTIONAL
DEVELOPMENT**

May 2018

7TH Version

*Child Justice Act, 2008: Amended National Policy Framework, 2018***Table of Contents**

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*Child Justice Act, 2008: Amended National Policy Framework, 2018***Abbreviations**

CA	Children's Act
CJA	Child Justice Alliance
CJS	Child Justice System or Criminal Justice System
DBE	Department of Basic Education
DCS	Department of Correctional Services
DG	Director General
DG ISCCJ	Directors-General Intersectoral Committee for Child Justice.
DHA	Department of Home Affairs
DOH	Department of Health
DOJ&CD	Department of Justice and Correctional Services
DSD	Department of Social Development
ISCCJ	Intersectoral Committee on Child Justice
NGO	Non-Governmental Organisation
NPA	National Prosecuting Authority
NPF	National Policy Framework
NT ISCCJ	National Technical Intersectoral Committee for Child Justice
PCJF	Provincial Committee for Child Justice Forum
SAPS	South African Police Service

Glossary of Terms

“Policy Framework” is a description of an interlinked and interdependent set of statements established as a policy guide to action and to support the achievement of the goal of a high quality of services.

“Children in conflict with the law” refers to any person younger than 18 years who comes into contact with the criminal justice system as a result of being suspected of the commissioning of an offence.

NPA (National Prosecuting Authority) means the National Prosecuting Authority established in terms of section 179 of the Constitution of the Republic of South Africa, 1996 and regulated by the National Prosecuting Authority Act, 1998 (Act No. 32 of 1998)

SAPS (South African Police Service) means the South African Police Service established in terms of the South African Police Service Act, 1995 (Act No. 68 of 1995).

National Treasury means National Treasury as established and regulated by the Public Finance Management Act, 1999 (Act No. 1 of 1999).

Child Justice Act, 2008: Amended National Policy Framework, 2018

An important aspect of the evolution of child justice over time has been the change of language and terminology. Some key changes include:

- Juvenile justice to child justice
- Secure care facilities and reform schools to Child and Youth Care Centres
- Juveniles to children
- Prisons to correctional facilities
- Awaiting trial to remand detainees.

*Child Justice Act, 2008: Amended National Policy Framework, 2018***AMENDED NATIONAL POLICY FRAMEWORK ON CHILD JUSTICE, 2018 (NPF, 2018)****1. Introduction**

- 1.1 On 1 April 2010, after more than a decade of advocacy, deliberations, development and drafting, the Child Justice Act, 2008 (Act No. 75 of 2008) (hereinafter referred to as “the Act”) was implemented in South Africa.
- 1.2 One of the main principles of the Act is to minimise children's contact with the criminal justice system, and to use detention only as a measure of last resort and for the shortest appropriate period of time. The Act places a focus on how children are managed in the first 48 hours following the child coming into contact with the system. Provisions encourage the avoidance of arrest, and where children are arrested, encourage their release as soon as possible into the care of their parents, guardians or other suitable adults. In addition, the preliminary inquiry is a key process introduced by the Act. It aims to ensure that a collective, determined effort is made to consider what should be done in the case of each child, and that the inquiry occurs within 48 hours of arrest if the child is detained. In line with the avoidance of prolonged contact with the criminal justice system, the Act has, as one of its main areas of focus, the diversion of children away from formal criminal court procedures into a diversion option or programme. This alternative to the formal criminal justice system is one where the child is held accountable for his or her actions throughout the process. It is worth noting that the Act requires the monitoring of the safety of children being held in police cells upon arrest as this is an area of potential danger for a child. The Act also addresses the issue of re-offending among child offenders which has been attributed, at least in part, to the corrupting and damaging effect that incarceration has on children in conflict with the law. It is in response to this, as well as the constitutional injunction of section 28 (1) (g), that the Act provides for the incarceration of children only as a measure of last resort and for the shortest appropriate period of time.

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- 1.3 Section 93(1)(a) to (d) of the Act, requires that the Cabinet member responsible for the administration of justice (currently the Minister of Justice and Correctional Services) (hereinafter referred to as “the Minister”) must, after consultation with those Cabinet members responsible for Safety and Security, Correctional Services, Social Development, Education and Health, adopt a National Policy Framework (NPF).
- 1.4 The NPF is an overarching framework for the implementation of the Act with as aim to ensure a uniform, coordinated and co-operative approach and is supported by relevant national directives, standing instructions, standing operating procedures, guidelines, and circulars of the relevant Government Departments and Institutions concerned.
- 1.5 In compliance with section 93(2)(a) and (b) of the Act the first Child Justice NPF was adopted, tabled in Parliament and published under General Notice 801 of 2010, in Government Gazette No. 33461, dated 13 August 2010, for public comment.
- 1.6 Section 93(2)(c) of the Act, requires the Minister to review the NPF within 3 years of its publication in the *Gazette* and at least once every 5 years thereafter.
- 1.7 Following intensive consultation with role players in the Child Justice Sector, this document sets out the current reviewed, amended and integrated NPF, 2018, inclusive of the outcomes of the reviews thereof. In terms of section 93(2) (c) of the Act the first and second review processes were dealt with since 2013 by the respective Departments and Institutions through the co-ordinated endeavor of the Directors-General Intersectoral Committee for Child Justice. These reviews were however not formally *Gazetted* or tabled. The aim is therefore to publish the Amended NPF, 2018, as a Review of the NPF by the Minister, in a *Gazette* for public comment during the 2018/2019 financial year, after tabling in Parliament.
- 1.8 The Departments and Institutions referred to in section 94(2) of the Act should consider the application of the Pareto Principle (80/20 Principle) in the development of their Annual Performance Plan in relation to the implementation of the Act.

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2. Review of the National Policy Framework

- 2.1 The review consultations and recommendations received since 2013, have led to the amendment of the NPF published in 2010, which is now referred to as “Amended NPF on Child Justice, 2018” to distinguish it from the previous 2010 version.
- 2.2 During the review processes since 2013, various challenges in the implementation of the Act were identified, including the following:
- a) The provisions of the Act were not adequately costed before the implementation of the Act and this has led to implementation challenges.
 - b) Implementing Departments/ Institutions did not receive any additional budget for the implementation of the Act and have been compelled to use their baseline budgets for implementation purposes.
 - c) There has been a lack of reliable and detailed data on the implementation of the Act as well as challenges in the collation of the data. This has impacted negatively on the reporting on the implementation of the Act to Parliament, as required in terms of section 96(3) of the Act. Various gaps in reporting on the child justice process have also been identified, which make it difficult to map the flow of children through the child justice system.
 - d) Information Management Systems and the integration of the systems have not been completed. There are also challenges to reference a child through the child justice system in the Information Management System.
 - e) The impact of capacity building has not been measurable yet, and the coordination of intersectoral training therefore requires more consideration.
 - f) Monitoring of children in the child justice system has not been adequately addressed, including the independent oversight of children in detention facilities.
 - g) The poor quality of assessment reports by some probation officers has been of concern as this impact negatively on the efforts to effectively deal with children in conflict with the law.

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- h) There is a shortage of properly skilled mental health practitioners to conduct the criminal capacity evaluation of children in terms of section 11(3) of the Act.
- i) Infrastructural challenges play a major role in the successful implementation of the Act, including the lack of mental health facilities, Child and Youth Care Centres and Treatment Centres for children struggling with substance abuse. The distances between courts and mental health facilities and Child and Youth Care Centres have also been highlighted as a challenge.
- j) Availability of diversion programmes in rural areas poses challenges in equal access to services as well as the coverage of different programmes in the country.
- k) The lack of educational programmes and vocational programmes as well as the coverage of these programmes available to sentenced children need more consideration.

2.3 The challenges indicated above are discussed further in the document and are addressed in the Implementation Plan, attached as "Annexure A".

2.4 Intergovernmental relations, specifically with reference to provincial competencies, still poses challenges, for instance different Social Development policies exist in dealing with children in conflict with the law with the result that children are being treated differently in the different provinces. It also impacts on co-ordination of functions including the allocation of resources to Non-Governmental Organisations (NGOs) and the management of Child and Youth Care Centres. In view of the above and especially regarding the challenges relating to the maintenance of Child and Youth Care Centres, the following needs to be borne in mind by the relevant institutions implementing the Act:

- a) Section 100 of the Constitution, 1996 provides the following:

"National intervention in provincial administration

(1) When a province cannot or does not fulfill an executive obligation in terms of the Constitution or legislation, the national executive may

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intervene by taking any appropriate steps to ensure fulfilment of that obligation, including-

- (a) issuing a directive to the provincial executive, describing the extent of the failure to fulfil its obligations and stating any steps required to meet its obligations; and
- (b) assuming responsibility for the relevant obligation in that province to the extent necessary to-
 - (i) maintain essential national standards or meet established minimum standards for the rendering of a service;
 - (ii) maintain economic unity;
 - (iii) maintain national security; or
 - (iv) prevent that province from taking unreasonable action that is prejudicial to the interests of another province or to the country as a whole.

(2) If the national executive intervenes in a province in terms of subsection (1) (b) -

- (a) it must submit a written notice of the intervention to the National Council of Provinces within 14 days after the intervention began;
- (b) the intervention must end if the Council disapproves the intervention within 180 days after the intervention began or by the end of that period has not approved the intervention; and
- (c) the Council must, while the intervention continues, review the intervention regularly and may make any appropriate recommendations to the national executive.

(3) National legislation may regulate the process established by this section.”

- b) Section 193 (1) of the Children’s Act, 2005 (Act No. 38 of 2005) provides that the MEC for Social Development must, from money appropriated by the relevant provincial legislature, provide and fund child and youth care centres for that province. Section 193(2) further provides that such child and youth care centres must be managed and maintained in accordance with the Children’s Act, 2005 and must comply with the structural, safety, health and

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other requirements of the municipality of the area in which the child and youth care centre is situated.

3. Legislative Requirements for the NPF

3.1 The Act, as detailed in section 93(1) (a) to (d), requires that the Minister must, after consultation with those Cabinet members responsible for Safety and Security, Correctional Services, Social Development, Education and Health, adopt a NPF in order to:-

- (i) ensure a uniform, coordinated and co-operative approach by all government departments, organs of state and institutions in dealing with matters relating to child justice;
- (ii) guide the implementation and administration of this Act;
- (iii) promote cooperation and communication with the non-governmental sector and civil society in order to ensure effective partnerships for the strengthening of the child justice system; and,
- (iv) enhance service delivery as envisaged by this Act by the development of a plan within available resources.

3.2 The responsibility for the appropriate implementing of the NPF lies with the Intersectoral Committee for Child Justice (ISCCJ) whose membership consists of the relevant Directors-General in the Criminal Justice System namely, Justice and Constitutional Development, Social Development, Health, and Education, the National Director of Public Prosecutions, the National Commissioner of the South African Police Service (SAPS) and the Commissioner of Correctional Services (section 94(2) of the Act). This Committee, chaired by the Director-General of Justice and Constitutional Development, is the primary structure responsible for co-ordination and implementation of the Act.

3.3 The NPF, as per the requirements of section 96 (1) of the Act, includes guidelines for:

- a) The implementation of the priorities and strategies contained in the NPF;
- b) measuring progress on the achievement of the NPF;

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- c) ensuring that the different organs of state comply with the primary and supporting roles and responsibilities allocated to them in terms of the NPF and the Act;
 - d) monitoring the implementation of the NPF and the Act; and
 - e) the establishment of an integrated information management system to enable effective monitoring, analysis of trends and interventions, to map the flow of children through the child justice system and to provide quantitative and qualitative data.¹ (*relating to a range of relative factors*).
- 3.4 This NPF is aligned to the broad objectives of the Act, and in particular relative to the following:
- (i) Protecting the rights of children as provided for in the Constitution, 1996;
 - (ii) promoting the spirit of *ubuntu* in the child justice system;
 - (iii) providing special treatment for children in the child justice system designed to break the cycle of crime, which will contribute to safer communities, and encourage these children to become law-abiding and productive adults;
 - (iv) preventing children from being exposed to the adverse effects of the formal criminal justice system by using, where appropriate, processes, procedures, mechanisms, services or options more suitable to the needs of children and in accordance with the Constitution, including the use of diversion, and
 - (v) promoting co-operation amongst government departments and between Government departments and the non-governmental sector and civil society to ensure an integrated and holistic approach in the implementation of the Act.

4. The Legal Framework Applicable to Child Justice

Whilst the Act is the primary piece of legislation regulating and informing the management of children in conflict with the law within the criminal justice system, various other pieces of legislation and policies are also significant in regulating services provided to these children. Hence the NPF must be read in conjunction with, amongst others, the following legislation, policies, procedures, guidelines and international instruments which relate to children at risk and children in conflict with the law.

¹ Section 96(1) of the Child Justice Act, 2008

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4.1. International and Regional Instruments

South Africa, in complying with international and regional instruments relating to children, takes guidance from a number of instruments and in particular the following:

- (i) The Declaration of the Rights of the Child (General Assembly Resolution 1386 (XIV) on 20 November 1959);
- (ii) The United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), 1985;
- (iii) The United Nations Convention on the Rights of the Child, 1989 (CRC);
- (iv) The African Charter on the Rights and Welfare of the Child, 1990 (ACRWC);
- (v) United Nations Rules for the Protection of Juveniles Deprived of their Liberty (JDL), 1990;
- (vi) The United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), 1990;
- (vii) The United Nations Committee on the Rights of the Child General Comment No 10 of 2007 on Juvenile Justice;
- (viii) The United Nations Resolution on the Administration of Human Rights, in Particular Juvenile Justice (A/HRC/10/L.15 on 20 March 2009).

4.2. South African Legislation

In addition to these international and regional instruments, the following South African legislation has a bearing on the Act:

- (i) **The Constitution of the Republic of South Africa, 1996** which sets out the rights of children in general and in the child justice system in particular.
 - a. Section 28(2) provides that a child's interests are of paramount importance in every matter concerning the child.
 - b. Section 28(1)(g) provides for the protection of the child right when detained and states that a child may only be detained as a measure of last resort and only for the shortest appropriate period of time. Children must be detained separately from adults and must be treated in a manner and kept in conditions that take account of the child's age.

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- c. Section 35 – the rights applicable to persons when arrested, detained and accused are applicable to children.
- (ii) **The Criminal Procedure Act, 1977 (Act No. 51 of 1977)** (“the CPA”) which applies to all persons in the criminal justice system, including children. Schedule 4 of the Act provides a synopsis of the provisions affected. The following provisions are highlighted:
- a. The Act amended section 7 of the CPA by providing that a private prosecution may not be instituted against a child in respect of whom a matter has been diverted in terms of section 59(2) of the Act;
 - b. The Act amended section 38 of the CPA by providing for new methods of securing the attendance of an accused child at a preliminary inquiry or in a child justice court;
 - c. The Act amended section 153 of the CPA by providing that, in terms of section 65(5) of the Act, no person may be present at the sitting of a child justice court, unless his or her presence is necessary in connection with the proceedings of the child justice court or the presiding officer has granted permission for the person to be there;
 - d. The Act amended section 302 of the CPA by changing the reference to a “reform school” to the term “child and youth care centre” in accordance with section 191(2)(j) of the Children’s Act, 2005;
 - e. The Act amended sections 309 and 316 of the CPA by aligning it with the provisions of section 84 of the Act.
- (iii) **The Children’s Act, 2005** provides for the protection of children in need of care and protection and for the establishment of child and youth care centres which provides for the reception, development and safe care of children in terms of an order under Chapter 10 of the Act. The child and youth care centres are managed by the Department of Social Development and the Department of Basic Education is responsible for the educational programmes of the children sentenced to compulsory residence in a child and youth care centre.

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(iv) **The Criminal Law (Sexual Offences and Related Matters)**

Amendment Act (Act No. 32 of 2007) is relevant in terms of the child who has allegedly committed a sexual offence. Sections 15, 16 and 50 have been amended, through the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2015 (Act No. 5 of 2015) (“the Amendment Act”). Section 15 was amended to decriminalise consensual sexual acts with a child who is 12 or older but under the age of 16 years, if the perpetrator was also within the same age group or if he or she was 16 or 17 years, if the age difference (between the victim and offender) is not more than two years. The amendments therefore decriminalise consensual sexual acts of children between the ages of 12 and 17. Section 16 was amended along the same lines and allows the Director of Public Prosecutions to decide whether to prosecute an offender who was 16 or 17 and the difference between the perpetrator and the victim was more than 2 years. Section 50 has been amended to regulate the inclusion of the names of children convicted of a sexual offence in the National Sex Offenders Register and provides that their names may only be included if the court is satisfied that substantial and compelling circumstances exist which justify the inclusion of their names.

(v) **The Correctional Services Act, 1998 (Act No. 111 of 1998)**,

contains provisions which deal specifically with children and provides for the following:

- (a) Section 7(2)(c) provides that children in detention must be kept separate from adult inmates and in accommodation appropriate to their age.
- (b) Section 13(6)(c) provides that in the case of a child, the National Commissioner must notify the appropriate state authorities who have statutory responsibility for the education and welfare of children as well as the parents or next of kin (including relatives) of such a child when the child has been admitted in the Department of Correctional Services facility or transferred to another facility.
- (c) Section 19 provides that –
 - (i) every inmate who is a child and is subject to compulsory education must attend and have access to such educational programmes;

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- (ii) where practicable, all children who are inmates and not subject to compulsory education must be allowed access to educational programmes;
 - (iii) the National Commissioner must provide every inmate who is a child with social work services, religious care, recreational programmes and psychological services; and
 - (iv) the National Commissioner must, if practicable, ensure that inmates who are children remain in contact with their families through additional visits and by other means.
- (d) Section 40(3) provides that a child who is a sentenced offender may only do work for the purposes of training aimed at obtaining skills for his or her development and may not be subjected to work if the work that is to be performed is inappropriate for the age of the child or if the work places the child's educational, physical, mental, moral or social well-being at risk.
- (e) ²Section 69 provides that –
- (i) a child who is subject to community corrections may be required to attend educational programmes whether or not he or she is otherwise subject to compulsory education; and
 - (j) the National Commissioner must, in addition to any programmes which the child may be required to take part in, ensure that if the child requires support, he or she has access to adequate social work services, religious care, recreational programmes and psychological services.
- (vi) **The Probation Services Act (Act No.116 of 1991)** contains important provisions relating to child justice, such as those relating to assessment, diversion and restorative justice. In addition to specific provisions in the Act, which spell out the various additional powers, duties and functions of probation officers, the Act also has amended several definitions contained in section 1 of the Probation Services Act, so as to more clearly reflect the intention contemplated by the Act.

² Section 69 should be read in conjunction with generic conditions that apply to community corrections as specified in section 52 of the Correctional Services Act (Act 111, 1998).

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5. Policy Considerations for the Implementation of the Act

The successful implementation of the Act depends on the following considerations and requirements:

- (i) **Priorities of the NPF:** Service delivery is based on the key priority areas of performance, as identified by the Act;
- (ii) **Roles and Responsibilities:** Each department/ institute must fulfill its mandate, taking a collective approach that involves other stakeholders, including the civil society; and
- (iii) **Managing Intersectoral Coordination:** The handover of responsibility towards children in conflict with the law between departments must be regulated, well-coordinated and well-managed.
- (iv) **Monitoring and Evaluation:** The implementation of the NPF, the Act and the flow of children through the child justice system must be monitored.

5.1 Priorities of the NPF

The key priorities of the NPF provide for overall guidance in and monitoring of the implementation of the Act and guide the requirements of reporting to Parliament as follows:

The information provided should include comparative analysis of previous financial years and analyses of current trends disaggregated by ages, offences and Provinces, where applicable.

5.1.1 Building Capacity in the Sector

(i) Human Capacity

The implementation of the Act requires capacity building within the Child Justice System both in terms of human resource skills and knowledge. Every government stakeholder is consequently required to provide adequate human resources at every service point. This could be achieved by prioritising the allocation of additional resources and budget to progressively achieve the balance between the service demands and the human

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resource capacity at each service point within the child justice system. It is borne in mind that budgetary constraints may hinder speedy provision in this regard.

(ii) Training and Education

- a) The Act establishes specialised services which require specialised skills. Personnel must therefore receive ongoing training to develop the requisite knowledge and skills. This training must be delivered within individual departments to build specific skills aligned to the mandate of such department. It is also necessary that it takes an intersectoral approach since the Act promotes the establishment of a co-ordinated and intersectoral child justice system.
- b) The Act expressly puts emphasis on training and development by certain implementing government stakeholders. Section 97 of the Act requires the National Director of Public Prosecutions, the National Commissioner of the South African Police Service, the Directors-General of Social Development and Health and the National Commissioner of Correctional Services to develop training courses to build skills and sensitivity when dealing with child justice matters. This provision is in line with the International Instruments. For instance, Rule 12 of the Beijing Rules draws attention to the need for specialised training for all law enforcement officials who are involved in the administration of child justice. There is a general opinion that some degree of specialisation amongst legal representatives for children in conflict with the law will establish a good overall standard of representation for children.³
- c) In order to monitor training and development, the following are required:
 - 1) The National Prosecuting Authority must report on the content of the training courses developed to build skills and sensitivity when dealing with child justice matters and on the impact of the training in the Institution.
 - 2) The South African Police Service must report on the content of the training courses developed to build skills and sensitivity when dealing with child justice matters and on the impact of the training in the Department.

³ Zaal, N & Skelton, A. 1998. Providing effective representation for Children in a new Constitutional Era: Lawyers in the Criminal and Children's Courts. SAJHR, p 539 - 559

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- 3) The Department of Social Development must report on the content of the training courses developed to build skills and sensitivity when dealing with child justice matters and on the impact of the training in the Department.
 - 4) The Department of Health must report on the content of the training courses developed to build skills and sensitivity when dealing with child justice matters and on the impact of the training in the Department.
 - 5) The Department of Correctional Services must report on the content of the training courses developed to build skills and sensitivity when dealing with child justice matters and on the impact of the training in the Department.
 - 6) Legal Aid South Africa must report on the content of the training courses developed to build skills and sensitivity when dealing with child justice matters and on the impact of the training.
- d) The intersectoral training and capacity building must be ongoing to improve and retain skills within the child justice system and also keep abreast of the progressive reforms brought by legislative developments and case law. Training must remain the standing agenda item in the Intersectoral Committees for Child Justice Fora to respond to the goals of the Act.
- e) It is further encouraged that the training offered by all stakeholders to be registered in terms of the South African Qualifications Authority (SAQA) to ensure that the country builds competencies in child justice.
- f) Awareness raising, education and training must be provided to all role players within the system to ensure a common understanding of the Act and its requirements.

5.1.2 Methods of securing attendance of children at preliminary inquiries

- a) Chapter 3 of the Act regulates the apprehension of a child alleged to have committed a criminal offence. Section 17(1) of the Act provides that the attendance of a child at the preliminary inquiry can be secured through:
- (i) A written notice;
 - (ii) A summons; or

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- (iii) An arrest.
- b) In order to monitor the attendance of children at preliminary inquiries, the following are required:
- (i) The number of children charged must be recorded and reported on by the South African Police Service.
 - (ii) The number of charges against children, disaggregated by province, must be recorded and reported on by the South African Police Service.
 - (iii) The type of offences that children are charged with, disaggregated by province, must be recorded and reported on by the South African Police Service.
 - (iv) The ages of children charged, disaggregated by province, must be recorded and reported on by the South African Police Service.
 - (v) The number of children whose attendance at the preliminary was secured with written notices/summons must be recorded and reported on by the South African Police Service.
 - (vi) The number of children whose attendance at the preliminary was secured with arrest (detention) must be recorded and reported on by the South African Police Service.
 - (vii) The number of children under the age of 10 years handed over by the South African Police Service to the Department of Social Development must be recorded and reported on by the South African Police Service.
 - (viii) The number of children charged with sexual offences must be recorded and reported on by the South African Police Service.
 - (ix) The ages of children charged with sexual offences, disaggregated by province, must be recorded and reported on by the South African Police Service.
 - (x) The sexual offences children are charged with, disaggregated by province, must be recorded and reported on by the South African Police Service.

5.1.3 Ensuring assessment of children

- a) The Act provides that every child alleged to have committed an offence must be assessed within a prescribed time frame, unless assessment has been

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dispensed with by the prosecutor, if it is in the best interest of the child to do so. Reasons for the dispensing with the assessment must be entered on the record of the proceedings by the presiding officer. This obligation requires the active participation of the South African Police Service in notifying the probation officer. The Department of Social Development must ensure that probation officers are available and accessible as required by the Act.

- b) In terms of section 34(2) of the Act, a probation officer, who has been notified by a police official that a child has been handed a written notice, served with a summons or arrested, must assess the child before the child appears at a preliminary inquiry within the time periods provided for in the Act.
- c) In order to monitor the assessment of children, the following are required:
 - (i) The number of assessments conducted must be recorded and reported on by the Department of Social Development.
 - (ii) The ages of the children assessed must be recorded and reported on by the Department of Social Development.
 - (iii) The offences committed by children assessed must be recorded and reported on by the Department of Social Development.
 - (iv) The number of children with foreign nationalities assessed must be recorded and reported on by the Department of Social Development.
 - (v) The number of children under the age of 10 years old assessed and the outcomes of these assessments must be recorded and reported on by the Department of Social Development.
 - (vi) The number of children referred for criminal capacity assessment to be reported by Department of Health.
 - (vii) The number of children assessed for criminal capacity assessment to be reported by the Department of Health.

5.1.4 Preliminary Inquiries

- a) A preliminary inquiry is an informal inquisitorial pre-trial procedure. It must be held in respect of every child who is alleged to have committed an offence, except where the:

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- (i) Matter has been diverted by a prosecutor before the preliminary inquiry in respect of a schedule 1 offence;
 - (ii) Child is under the minimum age of criminal capacity; or
 - (iii) Matter has been withdrawn/*nolle prosequed*.
- b) In terms of section 50 of the CPA read with section 43 of the Act, a child's appearance at a preliminary inquiry is regarded as his or her first appearance before a lower court.
- c) The objectives of the preliminary inquiry are to:
- (i) Consider the assessment report of the probation officer, with specific reference to:
 - a. The age estimation of the child, if the age is uncertain;
 - b. The view of the probation officer regarding the criminal capacity of the child if the age of the child is equal to or older than the minimum age of criminal capacity but under the age of 14 years and a decision as to whether an evaluation of the criminal capacity of the child by a suitably qualified person is necessary; and
 - c. Whether a further and more detailed assessment of the child is needed;
 - (ii) Establish whether the matter can be diverted before plea;
 - (iii) Identify suitable diversion options, where applicable;
 - (iv) Establish if the matter should be referred to a children's court for a children's court inquiry, if the child seems to be in need of care and protection;
 - (v) Ensure that all available information relevant to the matter is considered;
 - (vi) Ensure that the views of all persons present are considered before a decision is made;
 - (vii) Encourage the participation of the child and his or her parent, guardian or an appropriate adult; and
 - (viii) Determine the release or placement of a child, pending-
 - a. the conclusion of the preliminary inquiry;
 - b. the appearance of the child in a child justice court; or
 - c. the referral of the matter to a children's court, where applicable.

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- d) One of the most important decisions emanating from the preliminary inquiry relates to the release or detention of the child. The Act clearly defines both the role-players and the mechanism for holding a preliminary inquiry. Since these requirements must be met by a diverse range of departments and individuals, establishing a court level mechanism for co-operation and co-ordination remains fundamental.
- e) A preliminary inquiry may proceed in the absence of the child's parent, guardian or an appropriate adult if the inquiry magistrate is satisfied that to do so would be in the best interests of the child. If the preliminary inquiry proceeds in the absence of the child's parent, guardian or an appropriate adult, the inquiry magistrate must record the reasons for the decision.
- f) Section 81 of the Act makes it clear that it is not compulsory for a child to be legally represented at the preliminary inquiry but states that nothing precludes a child from being represented by a legal representative. For this reason, the Legal Aid South Africa provides legal aid services in cases where it is deemed necessary for the child to be assisted at preliminary inquiry stage of the proceedings. Legal representation is also a constitutional imperative that must be safeguarded and respected.
- g) In order to monitor the preliminary inquiry elements, the following are required:
- (i) The number of children whose cases were indicated as *nolle prosequi* before the preliminary inquiry must be recorded and reported on by the National Prosecuting Authority.
 - (ii) The number of children referred to the probation officer before the preliminary inquiry because of a lack of criminal capacity must be recorded and reported on by the National Prosecuting Authority.
 - (iii) The number of new preliminary inquiries must be recorded and reported on by the Department of Justice and Constitutional Development.
 - (iv) The outcome of preliminary inquiries must be recorded and reported on by the Department of Justice and Constitutional Development.
 - (v) The number of children represented by Legal Aid SA during the preliminary inquiries must be recorded and reported on by Legal Aid SA.

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- (vi) The ages of children represented by Legal Aid SA during the preliminary inquiries must be recorded and reported on by Legal Aid SA.
- (vii) The charges against the children represented by Legal Aid SA during the preliminary inquiries must be recorded and reported on by Legal Aid SA.
- (viii) The outcomes of preliminary inquiries of children represented by Legal Aid SA must be recorded and reported on by Legal Aid SA.
- (ix) The detention/release of children pending the finalization of the preliminary inquiry must be recorded and reported on by the Department of Justice and Constitutional Development.
- (x) The charges against children appearing at preliminary inquiries must be recorded and reported on by the Department of Justice and Constitutional Development.
- (xi) The ages of children appearing at preliminary inquiries must be recorded and reported on by the Department of Justice and Constitutional Development.

5.1.5. Diversion Services

(i) Provisioning of Diversion Services

- a) The implementation of the Act heralds a new era in the regulation of diversion service providers and programmes. In this regard, the Act, more particularly section 56 (2)(a) of the Act, places the responsibility of establishing and maintaining an accreditation system for diversion service providers and programmes on the Minister of Social Development.
- b) The Act introduces the requirement that a child may only be referred to a diversion service provider or programme that is accredited in terms of the Act. These service providers include government, non-governmental and educational bodies. It is envisaged that accreditation will ensure that service providers meet minimum standards and facilitate meaningful outcomes in diversion programmes. In addition to accreditation of diversion programmes being a requirement of the Act, the Act also provides for quality assurance, and the monitoring and evaluation of programmes and service providers.
- c) Consequently, the Department of Social Development developed a National Policy Framework and System for Accreditation of Diversion Service Providers

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and Programmes in South Africa. This Policy Framework outlines a management framework for the accreditation, quality monitoring and quality improvement of diversion service providers and programmes. It addresses the accreditation of:-

- (i) Service providers that provide rehabilitation and developmental services and programmes as diversion and sentence options to children at risk and children in conflict with the law; as well as
 - (ii) The content for diversion programmes and alternative sentences (offered either by government departments or service providers).
- d) It is the responsibility of the Department of Social Development to ensure that children who have been diverted are effectively reintegrated into society through restorative justice and diversion programmes that can give such children second chances to improve their lives and become productive citizens. To this end section 56(2)(a)(iii) of the Act further requires that the Department of Social Development ensures the availability of resources to implement diversion programmes.

In order to monitor the above aspects, the following are required:

- (i) The number of accredited diversion service providers and programmes, disaggregated by province must be recorded and reported on by the Department of Social Development.
- (ii) The accredited diversion service providers and programmes must be published in the *Government Gazette* by the Department of Social Development.

(ii) Application of diversion

- a) One of the primary objectives of the Act is to divert children in conflict with the law away from the formal criminal justice system, where appropriate. Diversion of child offenders therefore plays a central role in the Act. In this regard the Act provides for the possibility of diversion in all matters. There is no exclusion from the possibility of diversion based solely on the nature of the offence, and any child accused of committing any crime can therefore be diverted from the criminal justice system, if desirable in the circumstances.

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- b) The Act also provides a framework for diversion and therefore reduces the risk of discriminatory applications and practices relating to diversion. Diversion may be considered throughout the child justice process up until before closure of the case for the prosecution.
- c) In terms of section 51 of the Act, the objectives of diversion are to:
- (i) Deal with a child outside the formal criminal justice system in appropriate cases;
 - (ii) Encourage the child to be accountable for the harm caused by him or her;
 - (iii) Meet the particular needs of the individual child;
 - (iv) Promote the reintegration of the child into his or her family and community;
 - (v) Provide an opportunity to those affected by the harm to express their views on its impact on them;
 - (vi) Encourage the rendering to the victim of some symbolic benefit or the delivery of some object as compensation for the harm;
 - (vii) Promote reconciliation between the child and the person or community affected by the harm caused by the child;
 - (viii) Prevent stigmatising the child and prevent the adverse consequences flowing from being subject to the criminal justice system;
 - (ix) Reduce the potential for re-offending;
 - (x) Prevent the child from having a criminal record; and
 - (xi) Promote the dignity and well-being of the child, and the development of his or her sense of self-worth and ability to contribute to society.
- d) A matter may, after consideration of all relevant information presented at a preliminary inquiry, or during a trial, including whether the child has a record of previous diversions, be considered for diversion, if:
- (i) The child acknowledges responsibility for the offence;
 - (ii) The child has not been unduly influenced to acknowledge responsibility;
 - (iii) There is a *prima facie* case against the child;
 - (iv) The child and, if available, his or her parent, an appropriate adult or a guardian, consent to diversion; and

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- (v) The Prosecutor or the Director of Public Prosecutions indicates that the matter may be diverted (section 52 of the Act).
- e) In terms of section 41 of the Act, the prosecutor may divert a child accused of committing a Schedule 1 offence before the preliminary inquiry. Schedule 1 offences include common assault; statutory rape; illicit possession of dependence producing drugs, where the quantity does not exceed R500; theft, where the amount does not exceed R2 500; etc. If the prosecutor or Director of Public Prosecutions indicates that a matter may be diverted, the inquiry magistrate may divert any suitable matter during the preliminary inquiry, and the child justice court can divert any suitable matter at any time during the trial, but before closure of the case for the State. Matters may only be diverted during the preliminary inquiry and the proceedings in the child justice court, if the prosecutor indicates that the matter may be diverted.
- f) In order to monitor the diversion processes, the following are required:
 - (i) The number of diversions before the preliminary inquiry (section 41) must be recorded and reported on by the National Prosecuting Authority.
 - (ii) The number of diversions during the preliminary inquiry must be recorded and reported on by the National Prosecuting Authority.
 - (iii) The number of diversions during the trial must be recorded and reported on by the National Prosecuting Authority.
 - (iv) The types of offences diverted must be recorded and reported on by the National Prosecuting Authority.
 - (v) The ages of children diverted must be recorded and reported on by the National Prosecuting Authority.
 - (vi) The number of children that went through diversion programmes must be recorded and reported on by the Department of Social Development.
 - (vii) The outcome of diversion orders must be recorded and reported on by the Department of Social Development.
 - (viii) The number of children ordered to complete residential diversion orders in Child and Youth Care Centres must be recorded and reported on by the Department of Social Development.
 - (ix) The offences committed by children completing residential diversions in in Child and Youth Care Centres must be recorded and reported on by the Department of Social Development.

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- (x) The average duration of residential diversion orders completed in Child and Youth Care Centre must be recorded and reported on by the Department of Social Development.
- (xi) The ages of children ordered to complete residential diversion orders in Child and Youth Care Centre must be recorded and reported on by the Department of Social Development.

5.1.6 Awaiting trial, bail and placement

- a) The decision to grant bail or to detain a child pending trial and the placement of the child while in detention primarily falls under the discretion of the judiciary.
- b) The preliminary inquiry magistrate must decide on the release or placement of the child, waiting finalisation of the preliminary inquiry or trial, if the matter has been referred to the child justice court for trial. If the child is to be released, the inquiry magistrate must decide whether the child may be released in the care of a parent, guardian or an appropriate adult. The child may also be released on bail or on his/her own recognizance. If the child is to be detained, the inquiry magistrate must decide whether detention should be in prison, a police lockup or in a Child and Youth Care Centre.
- c) While awaiting trial in detention in correctional facilities or in a Child and Youth Care Centre, the Act provides that the child should appear before the presiding officer within prescribed periods of time. If the child is detained awaiting trial, the court must consider the continued detention of the child at each appearance.
- d) In order to monitor the detention of children, the following are required:
 - (i) The number of remand detainee children in Correctional Facilities must be monitored, recorded and reported on by the Department of Correctional Services, disaggregated by Province.
 - (ii) The duration of the time spent in detention by remand detainee children in Correctional Facilities must be monitored, recorded and reported on by the Department of Correctional Services.

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- (iii) The ages of remand detainee children in detention in Correctional Facilities must be recorded and reported on by the Department of Correctional Services.
- (iv) The number of remand detainee children granted bail (but not paid) and detained in Correctional Facilities (including the amount of bail set) must be recorded and reported on by the Department of Correctional Services.
- (v) The number of remand detainee children that escaped from detention in Correctional Facilities and those that absconded from community corrections must be monitored, recorded and reported on by the Department of Correctional Services.
- (vi) The number of children awaiting trial in Child and Youth Care Centres must be monitored, recorded and reported on by the Department of Social Development disaggregated by Province.
- (vii) The duration of the time spent in detention awaiting trial in Child and Youth Care Centres must be monitored, recorded and reported on by the Department of Social Development.
- (viii) The ages of children awaiting trial in Child and Youth Care Centres must be recorded and reported on by the Department of Social Development.
- (ix) The number of children that escaped from detention while awaiting trial in Child and Youth Care Centres must be monitored recorded and reported on by the Department of Social Development.
- (x) The number of children released into the care of a parent/guardian/appropriate adult, awaiting trial, must be recorded and reported on by the Department of Justice and Constitutional Development.
- (xi) The number of children released on bail must be recorded and reported on by the Department of Justice and Constitutional Development.
- (xii) The number of children released on their own recognizance must be recorded and reported on by the Department of Justice and Constitutional Development.

5.1.7 Trials

- a) If a charge against a child was not withdrawn, diverted or referred to the children's court during the preliminary inquiry, the matter must be referred to the child justice court for trial.

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- b) Section 83 of the Act prohibits a child from waiving his or her right to legal presentation when appearing before a child justice court. Section 82 of the Act gives a child access to legal representation at the State's expense by Legal Aid South Africa.
- c) In order to monitor the trial processes, the following are required:
- (i) The number of new trials in the child justice courts must be recorded and reported on by the Department of Justice and Constitutional Development.
 - (ii) The outcomes of trials in the child justice courts must be recorded and reported on by the Department of Justice and Constitutional Development.
 - (iii) The charges against children in the child justice courts must be recorded and reported on by the Department of Justice and Constitutional Development.
 - (iv) The ages of children appearing in the child justice courts must be recorded and reported on by the Department of Justice and Constitutional Development.
 - (v) The number of children represented by Legal Aid South Africa during trial must be recorded and reported on by Legal Aid South Africa.
 - (vi) The charges against children represented by Legal Aid South Africa during trial must be recorded and reported on by Legal Aid South Africa.
 - (vii) The outcomes of the trials against children represented by Legal Aid South Africa during trial must be recorded and reported on by Legal Aid South Africa.
 - (viii) The number of persons charged in terms of section 141(1)(d) read with section 305(1)(c) of the Children's Act, 2005 for using a child to commit a crime must be recorded and reported on by the South African Police Service.
 - (ix) The number of persons prosecuted in terms of section 141(1)(d) read with section 305(1)(c) of the Children's Act, 2005 for using a child to commit a crime must be recorded and reported on by the Department of Justice and Constitutional Development.
 - (x) The outcomes of cases where persons were prosecuted in terms of section 141(1)(d) read with section 305(1)(c) of the Children's Act, 2005 for using a child to commit a crime must be recorded and reported on by the Department of Justice and Constitutional Development.
 - (xi) The number of appeals and reviews lodged and finalised must be recorded and reported on by the Department of Justice and Constitutional Development.

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5.1.8 Sentencing

- a) The Act creates an effective sentencing framework for children to give effect to the constitutional mandate and international obligations that set the standards for sentencing in the Act, and the caution that detention of children should be a measure of last resort and for the shortest appropriate period of time. This is evident from, amongst others, section 3 on the general principles of the Act and section 69 which set out the objectives of sentencing. The sentencing framework in the Act therefore prioritises the use of alternative or non-custodial sentences and creates an approach to ensure that residential sentences are a last resort.
- b) Interdepartmental co-operation is required because sentencing is not just the responsibility of the presiding officer. Probation officers are responsible for compiling pre-sentence reports and monitoring non-custodial sentences, while the prosecution is responsible for obtaining victim impact statements, where appropriate, and guiding the court to an appropriate sentence. In addition, the new sentence category of compulsory residence in a Child and Youth Care Centre, created by section 76(3) of the Act, requires considerable co-ordination between Child and Youth Care Centres and the courts in the review of such a sentence.
- c) Furthermore, the managers of Child and Youth Care Centres, in cases where children are sentenced in terms of section 76(3) of the Act, have to ensure that they perform their responsibilities towards the child with the utmost care in order to give effect to section 28(1)(g) of the Constitution. This is because if they do not provide quality interventions and service during the time spent in the Child and Youth Care Centre in terms of section 76(3) of the Act, the child runs the risk of a sentence of imprisonment at the end of the Child and Youth Care Centre component of the sentence.
- d) All departmental role-players will ensure that systems are put in place to ensure that monitoring of non-custodial sentences; the execution of sentences in terms of section 76(3) of the Act and the designation of a Child and Youth Care Centres

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in terms of section 76(4) are effected as expeditiously as possible in the best interests of the affected children.

- e) In order to monitor the sentencing processes, the following are required:
- (i) The types of sentences imposed by child justice courts must be recorded and reported on by the Department of Justice and Constitutional Development.
 - (ii) The charges children are convicted of in child justice courts must be recorded and reported on by the Department of Justice and Constitutional Development.
 - (iii) The ages of children convicted in child justice courts must be recorded and reported on by the Department of Justice and Constitutional Development.
 - (iv) The number of children sentenced to imprisonment in Correctional Facilities must be recorded and reported on by the Department of Correctional Services disaggregated by Province.
 - (v) The ages of children sentenced to imprisonment must be recorded and reported on by the Department of Correctional Services.
 - (vi) The offences committed by sentenced children detained in Correctional Facilities must be recorded and reported on by the Department of Correctional Services.
 - (vii) The duration of the sentences of imprisonment of the children in Correctional Facilities must be recorded and reported on by the Department of Correctional Services.
 - (viii) The number of sentenced children in Correctional Facilities that escaped and those that absconded from community corrections must be recorded and reported on by the Department of Correctional Services.
 - (ix) The educational programmes offered in Correctional Facilities must be recorded and reported on by the Department of Correctional Services.
 - (x) The number of children placed under the system of community corrections must be recorded and reported on by the Department of Correctional Services.
 - (xi) The ages of children sentenced to compulsory residence in Child and Youth Care Centres must be recorded and reported on by the Department of Social Development.
 - (xii) The number of sentenced children in Child and Youth Care Centres must be recorded and reported on by the Department of Social Development disaggregated by Province.
 - (xiii) The offences committed by sentenced children in Child and Youth Care Centres must be recorded and reported on by the Department of Social Development.

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- (xiv) The duration of the sentences of compulsory residence in Child and Youth Care Centres must be recorded and reported on by the Department of Social Development.
- (xv) The number of sentenced children in Child and Youth Care Centres that escaped must be recorded and reported on by the Department of Social Development.
- (xvi) The number of children sentenced in terms of section 76(3) of the Act in Child and Youth Care Centres must be recorded and reported on by the Department of Social Development.
- (xvii) The educational programmes offered in Child and Youth Care Centres must be recorded and reported on by the Department of Basic Education.

5.1.9 Management of Infrastructure for the Implementation of the Act

The establishment and management of child-friendly infrastructure, such as courts and facilities for awaiting trial and sentenced children, should receive priority attention by all Departments, within the available resources of the State. This is to safeguard the right of children not to be detained except as a measure of last resort, and if detained, to be kept separately from adults, boys to be kept separately from girls, and also be treated in a manner that takes account of their age, as provided by section 28(1)(g) of the Constitution, 1996. Where separate child-appropriate facilities cannot be built, alternative measures must be taken to ensure that children are kept separately from detained adults.

(i) Child and Youth Care Centres

- a) Section 196 of the Children's Act, 2005 defines a Child and Youth Care Centre as a facility for the provision of residential care to more than 6 children outside the child's family environment. This definition covers not just children's homes but also places of safety, secure care centres and shelters for street children.
- b) Section 196(4) of the Children's Act, 2005 provides that all existing government children's homes, places of safety, secure care facilities, schools of industries and reform schools must be registered as Child and Youth Care Centres within two years of the commencement of the relevant provisions in the Children's Act, 2005.

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- c) In terms of the Children's Act, 2005 these centres must offer a therapeutic programme designed for the residential care of children outside the family environment, which may include a programme designed for, among other purposes:

“the reception, development and secure care of children awaiting trial or sentence;”

- d) Secure care is defined as a residential facility and/or programme of intervention which ensures the appropriate physical, behavioural and emotional containment of children who are charged with criminal offences and who are awaiting trial or have been sentenced. Such a facility provides an environment, milieu and programme conducive to the care, safety and healthy development of each child while at the same time ensuring the protection of communities.
- e) Secure care therefore forms part of one of the programmes included under the broad term of a Child and Youth Care Centre and as such must comply with all the prescriptions, as outlined for Child and Youth Care Centres in terms of the Children's Act, 2005.
- f) The Department of Social Development developed national guidelines for the establishment of the Child and Youth Care Centres, and must ensure that intersectoral consultation is done prior the establishment process to ensure that these Centres are established at places where the demand is collectively identified.
- g) In order to monitor the management of Child and Youth Care Centres, the following are required:
- (i) The number of Child and Youth Care Centres (Secure Care) disaggregated by province (differentiating between facilities catering for sentenced children and children awaiting trial) must be recorded and reported on by the Department of Social Development.
 - (ii) The available bed space in Child and Youth Care Centres (Secure Care) for sentenced children and children awaiting trial must be recorded and reported on by the Department of Social Development disaggregated by Province.

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(ii) One Stop Child Justice Centres

- a) Section 89(1) of the Act states that the Minister of Justice and Correctional Services may, in consultation with the Ministers of Social Development and Safety and Security, establish One Stop Child Justice Centres. These centres are intended to bring all services required by a child in conflict with the law under one roof to ensure 'an integrated and holistic approach in the implementation of this Act.'⁴
- b) The Act further holds the selected Ministers severally responsible for the resourcing of these Centres by their respective Departments, including the provision of services for the effective functioning of these Centres. In compliance with this provision, the resourcing stakeholders must sign a Service Level Agreement or similar agreement outlining the different roles and responsibilities of these stakeholders, including the resource commitments. The development of the Service Level Agreement must be facilitated by the concerned Provincial Child Justice Forum, recommended by the National Operational Intersectoral Committee for Child Justice and approved by the Directors-General Intersectoral Committee for Child Justice.
- c) The responsible Ministers may delegate the signing of the Service Level Agreement to their respective accounting officers or heads of participating Departments or Institutions.
- d) As required by section 89(5) of the Act, an intersectoral management committee must be established at each One Stop Child Justice Centre. It must draw its membership from the senior officials of the participating stakeholders, including the civil society organizations operating at each Centre.
- e) The National Guidelines for the establishment and management of the One Stop Child Justice Centres has been developed by the National Operational Intersectoral Committee for Child Justice and approved by the Child Justice Directors- General Intersectoral Committee for Child Justice.
- f) The establishment of the One Stop Child Justice Centres may be incrementally realised subject to the availability of resources and funding constraints. It is further

⁴ Section 89(3) of the Child Justice Act, 2008

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encouraged that existing buildings be used to establish these Centres, where possible.

- g) The management and performance of the exiting One Stop Child Justice Centres to be reported on by the Department of Justice and Constitutional Development.

(iii) Correctional Facilities

The number of Correctional Facilities catering for the detention of children in conflict with the law, disaggregated by province (differentiating between facilities catering for sentenced children and children awaiting trial) must be recorded and reported on by the Department of Correctional Services.

5.1.10 Resources and Budgets

- a) The implementation of the Act places increased demands on the Fiscus. In the absence of sufficient funding, limited services can be provided, particularly in the more rural and outlying areas. South Africa, given its international obligations, is compelled to increasingly give effect to the domestic legislation and the undertakings it makes to meet the set implementation priorities.
- b) The Departments/ Institutions are implementing the Act within existing budgets and are reprioritizing current budget allocations to ensure an effective child justice system in South Africa.
- c) Costing of the further and appropriated implementation of the Act should be prioritised during the review of the Act.

5.1.11 Public Education and Communication

- a) The Act has been in operation since 2010, but it still requires extensive communication in terms of *ubuntu* and Batho Pele-principles, with civil society, children, their families and communities. Government and civil society must therefore engage in awareness-raising and public education on an ongoing basis as part of the efforts to prevent crime.

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- b) One of the aims of the Act is to recognise the present realities of crime in the country and the need to be proactive in crime prevention by placing increased emphasis on the effective rehabilitation and reintegration of children in order to minimize the potential to reoffend. Section 2(b)(iv) of the Act requires the involvement of parents, families, victims and, where appropriate, other members of communities affected by the crime in procedures in terms of the Act to encourage the reintegration of children. The special treatment of children in conflict with the law in the child justice system, designed to break the cycle of violence, will contribute to safer communities, and encourage children to become law-abiding citizens and productive adults. An integral part of achieving this objective depends on the co-operation of and acceptance of children in conflict with the law by their families, communities and society in general. Effective public education on and communication and awareness raising about the child justice system and the benefits, not only to the children but to society in general, of treating children in conflict with the law differently forms an essential part of the successful implementation and application of the Act and crime prevention.
- c) The intersectoral public education programmes are requested to maintain the integrated implementation of the Act. Each Department/ Institution must develop educational interventions to reach out to children and community members.
- d) Each Department / Institution must submit on an annual basis their respective prevention interventions including content and implementation of the plan to the Intersectoral Committee for Child Justice.
- e) All relevant public education and communication campaigns dealt with by all the implementing Departments/Institutions must be recorded and reported on by each Department / Institution.

5.1.12 Development of an integrated information management system

- a) Section 96(1)(e) of the Act requires the establishment of an integrated information management system to enable effective monitoring, analysis of trends and interventions to map the flow of children through the child justice system and to provide qualitative and quantitative data relating to various identified areas.

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- b) The Integrated Justice System (IJS) Programme is a multi-year inter-departmental programme focused on the modernization of the CJS. This is a joint venture between the Justice, Crime Prevention and Security (JCPS) Cluster Departments/ Institutions. One of the primary objectives of the programme is to electronically integrate the end-to-end criminal justice business processes (i.e. from the report of a crime to the unconditional release of a convicted person) and the related inter-departmental information exchanges. The process focuses on integrations of Departmental systems where the operational transactional data collected and processed by a Department will then be communicated between the Departmental systems on a real-time basis. The inter-departmental data transmission is enabled through the use of a central IJS Transversal Hub. As the operational transactional data flows from the Departmental application system via the Departmental End-point through the IJS Transversal Hub, statistical data is collected from the operational transactional real time data- flowing through the IJS Transversal Hub. The statistical data will then be processed and displayed on the IJS Transversal Extranet Portal. The statistical data, as prescribed by the Act, will form part of the data displayed on the IJS Transversal Extranet Portal. The display mechanism on the IJS Transversal Extranet Portal has been developed, but is not yet fully functional due to the limited amount of operational transactional data transmitted through the Hub as result of the limited number of inter-Departmental information exchanges currently implemented. Until the time when all the relevant Child related data is transmitted through the IJS Transversal Hub, statistics will be captured by the Departmental systems and extracted for manual submission to IJS Transversal for compilation of a combined data set and submitted to the Department of Justice and Constitutional Development.
- c) Until the finalisation of the IJS Programme, each Department/ Institution is responsible for its data collection, management and reporting to Parliament.

5.2 Roles and Responsibilities of Stakeholders

All Departments/ Institutions responsible for the implementation of the Act must comply with the timeframes provided for in the Act and must submit their Annual Reports on the implementation of the Act, as prescribed by the Act. Each role player in the child justice environment has roles and responsibilities for which it is accountable in terms of the Act and these are summarised below:

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5.2.1. South African Police Service

The South African Police Service is the first point of contact for a child in conflict with the law and the Act affords the South African Police Service the following responsibilities:

- (i) Ensure the child's appearance at a preliminary inquiry, primarily by means of alternative methods provided for in the Act, other than arrest (arrest may only be used as a measure of last resort);
- (ii) Explain to the child suspect and his or her parent / guardian / an appropriate adult of procedure that will be followed (including the fact that the child will be assessed by a probation officer) and that the child has a right to legal representation, and if the family cannot afford their own legal representative, Legal Aid SA will assign a legal representative to the child. The Police must initiate contact with the nearest Legal Aid SA office if appropriate in the circumstances;
- (iii) Inform a probation officer *immediately* of the apprehended child, but if that is not possible, not later than 24 hours after the apprehension of such child, by means of either a written notice, summons or arrest, in order for an assessment to be done. The Police must keep the database of the probation officers received from the Department of Social Development;
- (iv) Notify the parent, appropriate adult or guardian of the child of the child's arrest and where he or she is being taken;
- (v) Release, where appropriate, a child older than 10 years who is suspected of having committed an offence(s) referred to in schedule 1, into the care of their parents, a guardian or an appropriate adult;
- (vi) To place, a child younger than 10 years, in the care of his or her parents, a guardian or an appropriate adult, or in a place of temporary safe care in accordance with the Children's Act, 2005, and inform the probation officer accordingly;
- (vii) Ensure the safety and care of the child whilst in the SAPS holding cell. The Station Commander of each police station must record the details on the detention of all children in police cells or lock-ups in a register in a manner that is clearly distinguishable from the details of adults;

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- (viii) Treat the child in custody in a manner and in conditions that take into account the age and gender of the child. This includes the provision of a mattress, blanket, food, sanitary towels and access to a toilet and washing facilities. Children must also be kept separately from adults, and boys should be kept separately from girls;
- (ix) Provide medical care by taking the child to a district surgeon or hospital for medical treatment, where necessary. This includes medical care when the child shows severe psychological trauma or injuries;
- (x) Transport the child to and from detention facilities, such as the Correctional Services Awaiting Trial Centres, Child and Youth Care Centres and the court;
- (xi) Provide services in relation to appearance of the child in court (the transfer of the child from the holding cells to the court, maintaining order and safety in the court, investigating criminal cases and the performance of court orderly duties);
- (xii) Issue a certificate for the expungement of a criminal record of a child, as contemplated in section 87(5)(b) of the Act.

5.2.2. Department of Social Development

The provincial Department of Social Development is responsible for:

- (i) Providing a probation officer to conduct an assessment of all children apprehended on allegations of having committed a criminal offence. In the event that a child is arrested an assessment must be done within 48 hours. The Department of Social Development must provide SAPS with the database of local probation officers;
- (ii) Providing a probation officer to present the recommendations following that assessment regarding the possible referral of a child to the children's court and/or counselling, the placement of a child should he or she not be released; and on the appropriateness of diversion including recommendations regarding a particular service provider or particular diversion options;
- (iii) Probation officers will also express a view on the criminal capacity of a child between the ages 10 and under 14 years as well as enquiring whether a child has been used by an adult to commit the crime;
- (iv) Ensuring the availability of a probation officer to perform duties in court, such as giving oral evidence, submitting assessment and pre-sentence reports and

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- participating in the preliminary inquiry. The probation officer should also furnish the inquiry magistrate with an estimation of the child's age, if applicable;
- (v) The management of children placed under probation, home-based supervision or released under pre-trial supervision orders;
 - (vi) Providing support, where possible, to the South African Police Service in family finding duties if a child is brought to assessment or the preliminary inquiry or court without a parent or guardian. The probation officer will instruct the assistant probation officer, or a designated family finder, to trace the parent or guardian and to bring them to court to assist the child in the case before court;
 - (vii) The delivery of all accredited diversion programmes, either directly and/ or through the contracting of external service providers. This includes monitoring and reporting on compliance, and making recommendations in the event of non-compliance by the child;
 - (viii) Ensuring the quality of such programmes *via* the Accreditation of Diversion Service Providers and Programmes;
 - (ix) Managing and monitoring children serving all non-custodial or community-based sentences and diversion orders;
 - (x) Submission of compliance/non-compliance reports (Form 9) in respect of diversion orders to the prosecutor and the clerk of the court;
 - (xi) Establishing and maintaining two registers, one for children under 10 years of age and one for children participating in diversion programmes as part of a process to monitor the effectiveness of the Department of Social Development's Prevention and Early Intervention programmes. (Described more fully in the Chapter: Monitoring and Evaluation);
 - (xii) Providing a pre-sentence report within 6 weeks when requested by the child justice court prior to the imposition of sentence;
 - (xiii) The provision and management of Child and Youth Care Centres for children awaiting trial in terms of the Children's Act (38 of 2005). From time to time a list with all the information relevant to the location of all Child and Youth Care Centres in South Africa, the amenities and features of each centre and the level of security offered by each centre must be provided by the Department of Social Development to the South African Police Service and to the Department of Justice and Constitutional Development;
 - (xiv) Develop the National Guidelines for the establishment and management of Child and Youth Care Centres, in consultation with the implementing stakeholders;

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- (xv) The submission of a report by the Head of the Child and Youth Care Centre on the child's completion of a compulsory residential sentence in such Centre to the child justice court which imposed the sentence in terms of section 76 of the Act.

In addition the Director-General: Department of Social Development must, in the prescribed manner, expunge the record of any diversion order made in respect of a child in terms of this Act on the date on which that child turns 21 years of age, unless the child has been convicted of any other offence before that date or has failed to comply with the diversion order in question.

5.2.3. Department of Justice and Constitutional Development

The Department of Justice and Constitutional Development is responsible for the application of the Act and therefore has to provide for a range of resources and services, which include:

- (i) The provision of human resources within the courts to ensure service delivery and these include-
 - a) An interpreter;
 - b) Clerical staff; and
 - c) Supervisory functions.
- (ii) Ensuring that children who are sentenced to Child and Youth Care Centres are transferred as soon as possible, but not later than one month after the order was made in terms of section 76 (4)(a) of the Act;
- (iii) Submission of diversion orders and compliance/ non-compliance report (Form 9) in respect of diversion orders to the designated official in the Department of Social Development;
- (iv) Establishment of a court in any One Stop Child Justice Centre established as prescribed in section 2 of the Magistrates' Courts Act, 1944 (Act No. 32 of 1944), and read with section 89 of the Act and the One Stop Child Justice Centre Guidelines;
- (v) Providing a Secretariat for the DG's ISCCJ, National Operational ISCCJ and provincial child justice forums;
- (vi) Maintaining and reviewing the Act, in consultation with the other relevant government departments and civil society stakeholders;
- (vii) Review this NPF at least once every five years;

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- (viii) Monitoring of and reporting on the impact of the implementation of the Act, in consultation with the other relevant Departments/ Institutions, and civil society stakeholders; etc.

5.2.4. National Prosecuting Authority (NPA)

The National Prosecuting Authority is responsible for:

- (i) The appointment and management of prosecutors for the implementation of the Act;
- (ii) The prosecutor participates in the preliminary inquiry, and gives an indication at any time during inquiry that the matter may be diverted, provided that all the requirements of diversion in terms of section 51(1) if the Act have been met;
- (iii) Decision making, as *dominus litis*, with regards to whether or not to prosecute the child offender or to divert the matter;
- (iv) If the child is charged with an offence listed in Schedule 1, the prosecutor may decide to divert the matter, and the diversion order is made an order of court in chambers. If no diversion decision is made at this stage, the matter proceeds to the preliminary inquiry;
- (v) The prosecutor participates in the preliminary inquiry, and gives an indication at any time during the preliminary inquiry, providing that all the requirements of diversion are met as provided in section 51(1) of the Act, that diversion may take place;
- (vi) If the matter is not diverted, withdrawn or referred to the children's court at the preliminary inquiry, the matter proceeds to plea and trial in the child justice court;
- (vii) Only the Director of Public Prosecutions and / or a Deputy Director of Public Prosecutions can decide on the diversion of a child who has allegedly committed a Schedule 3-offence. This decision by the Director of Public Prosecutions cannot be delegated to another person, as per section 52(3)(d) of the Act. A Director of Public Prosecutions or a prosecutor authorised in writing, has to issue a certificate to detain, in a prison, a child 14 years or older but below the age of 16;
- (viii) Ensuring that the required input is received from victims and relevant others during the preliminary inquiry or during the trial in the child justice court;

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- (ix) Reviewing the recommendations of the probation officer in agreeing to divert to appropriate diversion programmes;
- (x) Making a decision as to whether or not to prosecute a child 10 years or older but below the age of 14 years and who is presumed to lack criminal capacity taking into consideration, amongst others, the factors listed in section 10(1) of the Act;
- (xi) Monitor the reports on compliance/ non-compliance reports (Form 9) in respect of diversion orders and the submission of these reports to the clerk of the court.

5.2.5. Department of Correctional Services

The role of the Department of Correctional Services is to:

- (i) Detain remand detainee- and sentenced children separately from adults as well as in facilities appropriate to their ages;
- (ii) Provide food (of a nutritional value as per sec 8(2) of the Correctional Services Act and Regulation 4(10)(c)), basic health care services and medical treatment to ensure the safety of the child;
- (iii) Provide remand detainee- and sentenced children with services and programmes such as social work, spiritual care, recreational and correctional programmes as well as psychological services;
- (iv) Provide profiling services and develop correctional sentence plans for sentenced children;
- (v) Provide educational programmes for remand detainee- and sentenced children in line with section 19 of the Correctional Services Act;
- (vi) Manage children placed under the system of community corrections;
- (vii) Inform the appropriate state authorities who have statutory responsibility for the education and welfare of children as well as the parents, legal guardians or next of kin of the child when the child is transferred from one facility to another; and
- (viii) Allow legal representatives to consult with the remand detainee- and sentenced children.

5.2.6 Department of Basic Education

The Department of Basic Education is responsible for:

- (i) Providing educational programmes to children sentenced to compulsory residence in Child and Youth Care Centres;

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- (ii) Assisting the Department of Social Development, with the monitoring of compulsory school attendance orders, which can be imposed by a child justice court as either a diversion option or a non-custodial sanction;

5.2.7 Legal Aid South Africa

- a) Legal Aid South Africa provides legal assistance to children and has a Legal Aid Guide which can be accessed online⁵. In terms of the Legal Aid South Africa Act, 2014 (Act No. 39 of 2014), the Legal Aid Guide will shortly be replaced by Rules promulgated in terms of the Act, as well as a Legal Aid Manual, both of which will be available on the website.
- b) In terms of the Act, Legal Aid South Africa has the following responsibilities:
- (i) Provide legal representation to children in conflict with the law as all children are entitled to legal representation and cannot waive their right thereto when appearing before a child justice court;
 - (ii) Allow the child, as far as possible to give independent instructions regarding the case;
 - (iii) Explain the child's rights and duties and promote diversion, where appropriate, without unduly influencing the child;
 - (iv) Assist the child at a preliminary inquiry, where required to do so and with negotiations regarding diversion;
 - (v) Ensuring that the assessment, preliminary inquiry, trial or other proceedings in which the child is involved, are conducted without delay and deal with the matter in a manner to ensure that the best interests of the child are at all times of paramount importance;
 - (vi) Assist the child in plea proceedings and trial matters, and where necessary in appeal or review procedures;
 - (vii) Appoint, if necessary, a legal representative to assist the court if the child refuses legal representation, does not wish to have a legal representative or declines to give instructions to an appointed legal representative;

⁵ <http://www.legal-aid.co.za/index.php/Legal-Aid-Board-Guide.html>

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- (viii) Make available a database of Legal Aid SA offices to all role players via the ISCCJ on a quarterly basis.
- c) Because section 43(3)(c) of the Act states that a child's appearance at a preliminary inquiry is regarded as his or her first appearance before a lower court in terms of section 50 of the Criminal Procedure Act, it therefore forms part of a criminal trial and in terms of section 35 (3) of the Constitution every accused person has a right to a fair trial which includes the right to legal representation at state expense where substantial injustice would otherwise result. Substantial injustice would almost always result in the case of a child in conflict with the law. Legal representation should therefore be available to children appearing in preliminary inquiries, and should not be discretionary.
- d) Where these appearances occur in a normal trial court, Legal Aid SA has indicated that they should not have any resource constraints as the practitioner that normally covers the court will have to deal with the preliminary inquiries. However, in areas where separate Preliminary Inquiry Courts have been established, additional human resources may be required to service these courts.
- e) In addition to providing legal representation as required by the Act, Legal Aid SA undertakes strategic litigation in matters that affect children's rights where the matter involves constitutional questions, or will have an impact on a larger number of children.

5.2.8 Department of Home Affairs

The Department of Home Affairs has a responsibility in terms of issuing identification documents, and in particular has to:

- (i) Issue an identification document for the child⁶ in cases where the inquiry magistrate, child justice court or any other court makes a determination of the age of a child offender. A copy of such determination must be referred to the Department of Home Affairs for consideration;

⁶ Unaccompanied foreign minors who cannot be reunited with their parents or caregivers should be treated in the same manner as South African children in need of care and a court order facilitated via DSD

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- (ii) Report back to the inquiry magistrate or child justice court, the probation officer, the child and his or her parent, appropriate adult or guardian, once the age has been registered.

5.2.9 Department of Health

It is the Department of Health's responsibility to:

- (i) Provide mental health-facilities for children who are referred to mental health-facilities for observation/ criminal capacity evaluations, or who are declared as State patients because of a mental health-challenge;
- (ii) Assist with the provision of a suitably qualified person to conduct a criminal capacity evaluation and expert evidence regarding whether a child has criminal capacity in cases where the age of the child is equal to or older than the minimum age of criminal capacity but under the age of 14 years and the State has to prove criminal capacity.

5.2.10 Civil Society Organisations

The role of the civil society is of great importance in strengthening the child justice system through effective partnerships with government and through on-going communication, co-operation and collaboration. They have a role to play in, amongst others:

- (i) Offering a range of programmes for diversions or community-based sentencing options. While it is the overall responsibility of the Department of Social Development to develop, implement and manage diversion and treatment programmes, the Department of Social Development also work co-operatively and provide funding for a wide range of civil society organisations offering diversion and community-based programmes;
- (ii) Meet the requirements for the *Minimum Norms and Standards for Diversion Programmes* and should be accredited according to the Accreditation Framework managed by the Department of Social Development. Section 56(2)(f) of the Act stipulates that a certificate of accreditation once issued will be valid for a maximum of 4 years. A policy decision has been taken to allow the Department

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of Social Development and civil society organisations' service providers 2 years to fully implement this accreditation process;

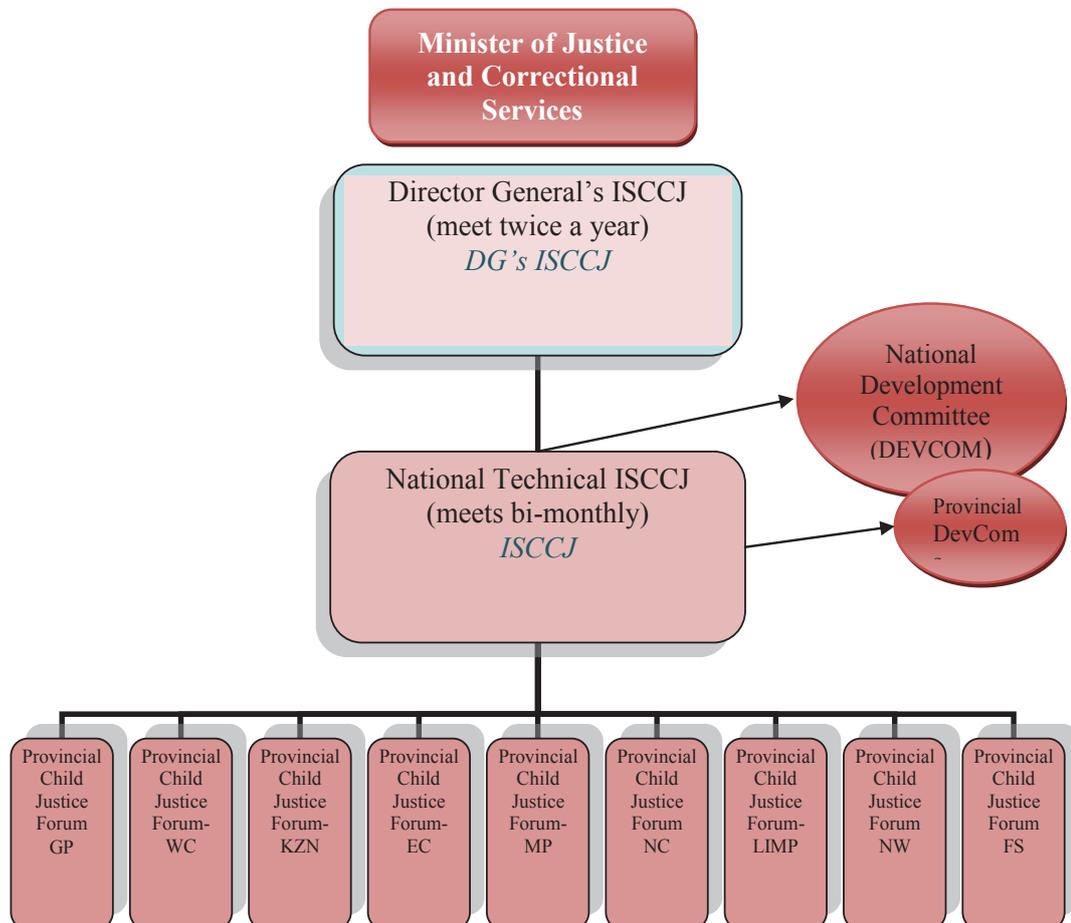
- (iii) Provide information and assistance through their experience and research activities, to monitor the implementation of the NPF and the Act;
- (iv) Share information when different organs of state fail to comply with their primary roles and responsibilities allocated to them in terms of this NPF and the Act.
- (v) Non-Governmental Organisations that are members of the PCJF and the NT ISCCJ must develop and submit prevention intervention plans to the PCJF and NT ISCCJ on an annual basis.
- (vi) Non-Governmental Organisations must report on the implementation of their prevention intervention plans.

5.3 Managing Intersectoral Co-ordination

The responsibility for ensuring compliance and supporting a uniform, coordinated and co-operative approach by all government departments, organs of state lies squarely within the mandate of the Directors-General Intersectoral Committee for Child Justice (DG ISCCJ).

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The diagram of the governance structures for child justice is depicted below:



5.3.1. The Directors-General Intersectoral Committee for Child Justice

- a) Section 94 of the Act provides for the establishment of “a Committee to be known as the Intersectoral Committee for Child Justice” which must meet at least twice a year. This Committee is responsible for developing this NPF and then measuring progress and monitoring compliance against this framework and the Act. This Committee is referred to as the DG ISCCJ.

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- b) The Intersectoral Committee for Child Justice comprises of the:
- (i) Director-General: Justice and Constitutional Development, who is the chairperson of the Committee;
 - (ii) National Director of Public Prosecutions;
 - (iii) National Commissioner of the South African Police Service;
 - (iv) National Commissioner of Correctional Services;
 - (v) Director-General: Social Development;
 - (vi) Director-General: Education; and
 - (vii) Director-General: Health.
- c) The DG ISCCJ is the most senior structure in a series of intersectoral committees which are in place at national, provincial and regional/ local levels in order to provide a vehicle for communication on, and the co-ordination of, services to children in conflict with the law. The DG ISCCJ chair is the Director-General of the Department of Justice and Constitutional Development and is expected to report directly to the Minister of Justice and Correctional Services.
- d) The DG ISCCJ may commission research studies to ensure the effective implementation of the Act.

5.3.2. The National Technical Intersectoral Committee for Child Justice (NT ISCCJ)

- a) Whilst the Act provides for the establishment of a DG ISCCJ which is comprised of Directors- General and which meets at least twice a year, there is an acknowledgement that in practice there is a need for a National Technical ISCCJ (NT ISCCJ) which is comprised of senior departmental officials. This committee meets bi-monthly. It provides technical support to the DG ISCCJ to ensure the achievement of the responsibilities, functions and duties assigned to the DG ISCCJ by section 96 of the Act.
- b) The NT ISCCJ comprises of senior officials designated by the Directors-General of:
- (i) Justice and Constitutional Development;
 - (ii) National Prosecuting Authority;

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- (iii) South African Police Service;
- (iv) Department of Correctional Services;
- (v) Department of Social Development;
- (vi) Department of Basic Education;
- (vii) Department of Health;

As well as the senior representatives from:-

- (viii) Department of Home Affairs;
- (ix) Legal Aid South Africa;
- (x) IJS Transversal; and the
- (xi) Chairperson of each of the 9 Provincial Child Justice Fora⁷.(PCJF).

- c) Section 93 (1) (c) of the Act also requires that the ISCCJ promotes co-operation and communication with the non-governmental sector⁸ and civil society in order to ensure effective partnerships for the strengthening of the child justice system. In order to facilitate this, the National Technical ISCCJ is also constituted by the civil society organisations representatives drawn from the:
- (i) Child Justice Alliance;
 - (ii) Chapter 9 Institutions; and
 - (iii) Other civil society organisations to give expert/technical input or advice, where necessary.
- d) The National Technical ISCCJ is chaired by the Department of Justice and Constitutional Development with the Department of Social Development as the deputy chairperson. The deputy chairperson shall preside at meetings of the committee in the absence of the chairperson and shall assist the chair in his/her functions.

⁷ The NT ISCCJ meeting should be attended by the Chair of the PCJF. When the PCJF chair is not available to attend a NT ISCCJ meeting, the deputy chair should attend in his/her absence. While many provincial representatives may be Justice Officials, it should be emphasized that by their attendance of NT ISCCJ meetings they are representing their provincial child justice fora and not the Department of Justice and Constitutional Development. Travel to the NT ISCCJ meetings should be covered by that Department in which the chair or deputy chair is employed

⁸ While the implementation of the Act requires the services of a number of NGOs in terms of diversion, restorative justice, etc, engagement with those NGOs who render a direct service to one or more of the Departments should be through bilateral meetings rather than via the NT ISCCJ.

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- e) In the absence of both the chair and deputy chair, the members present at a meeting must elect a person from among their members to preside at the meeting.
- f) The mandate of the Committee is to ensure the effective implementation of the Act with specific focus on:-
- (i) Coordinating, monitoring and supporting activities carried out in respect of the Act;
 - (ii) Interventions where necessary to ensure that the prescribed procedures, roles, responsibilities, functions, and duties are adhered to and achieved;
 - (iii) Identifying problem areas and recommending solutions thereto for the effective implementation of the Act;
 - (iv) Monitoring the implementation of interventions;
 - (v) Making decisions in respect of matters in dispute;
 - (vi) Receiving progress reports from provincial structures and NGOs;
 - (vii) Reporting to the DG ISCCJ which must make policy and strategy decisions in terms of sections 94 to 97 of the Child Justice Act, 2008; and
 - (viii) Assist the DG ISCCJ in monitoring the compilation of Annual Reports by the reporting Departments/ institutions for submission to Parliament in compliance with section 96(3) of the Act; and
 - (ix) Dealing with any other task assigned by the DG ISCCJ.

Each meeting therefore should have an agenda which allows for discussion around the above issues.

5.3.3. The Provincial Child Justice Fora

Provincial Child Justice Forums (PCJFs) are directly responsible for managing service delivery and for monitoring compliance against the Act at the regional level. They are constituted by representatives of the implementing Departments/ institutions. They also draw representatives from the provincial NGOs and must define their own rules of engagement in respect of civil society organisations and include partner civil society organisations in meetings as per the relevance to that particular province. Among their responsibilities, the PCJFs are required to:

- (i) Monitor the provincial implementation of the Act;

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- (ii) Identify challenges and resolve them to ensure the effective establishment of the child justice system at provincial level;
- (iii) Escalate unresolved challenges to the NT ISCCJ for consideration and possible solution;
- (iv) Report bi-monthly to the NT ISCCJ of the progress in the provincial implementation of the Act. This includes the submission of Departmental Annual Reports to the NT ISCCJ to ensure that the reporting members of the NT ISCCJ incorporate the provincial inputs into the National Departmental Annual Reports that must be submitted to Parliament in compliance with section 96(3) of the Act. The bi-monthly reports must reach the secretariat not later 2 weeks before the date of the next NT ISCCJ meeting;
- (v) Make necessary decisions for the effective implementation of the Act at provincial level;
- (vi) Meet either once a month or bi-monthly depending on the needs of each province; etc.

5.3.4. Secretariat Functions by DoJ&CD

The Department of Justice and Constitutional Development must provide the secretariat for meetings of the Intersectoral committees. There must a secretariat office established at national DoJ&CD and adequately capacitated to provide the following responsibilities and duties:

- (i) Compile Annual Meeting Calendar for both the DG ISCCJ and NT ISCCJ, and circulate to members not later than 31 December of each year. Section 95(a) of the Act requires the DG ISCCJ to meet at least twice a year, while the NT ISCCJ meets bi-monthly. The DG ISCCJ may decide to hold more than 2 meetings per annum depending on the needs;
- (ii) Convene and coordinate meetings, in consultation with the chairs of the ISCCJs;
- (iii) Prepare the Briefing Notes for the chairpersons of the DG ISCCJ and NT ISCCJ at least 2 weeks before the date of the next meeting;
- (iv) Prepare a draft agenda in consultation with the chairpersons, and ensure that it is circulated seven (7) days before the meeting;
- (v) Take or record minutes during meetings and circulate them to the ISCCJ members not later than 2 weeks after each meeting held;

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- (vi) Compile the Meeting Resolutions and circulate it to members for execution. The resolutions must be recorded only where there is consensus. The secretariat must monitor the execution of tasks/ resolutions by the relevant members;
- (vii) Compile reports for submission to the Minister of Justice and Correctional Services within one month after each meeting held by the DG ISCCJ. These reports must be approved by the chair of the DG ISCCJ before submission to the Minister in compliance with section 95(b) of the Act;
- (viii) Ensure that Departmental and Provincial reports are received not later than 2 weeks before the date of the next meeting;
- (ix) Distribute to committee members reports / documents to be read in preparation for the meeting not later than 1 week before the date of the next meeting;
- (x) Maintaining the membership directories and the attendance list to be circulated at each meeting;
- (xi) Ensure that a quorum for each meeting is met. The quorum will be decided by each Committee. In the absence of a quorum, the meeting may be adjourned and the minutes should record the reasons for the absence of a quorum together with the names of those present. No decision shall be taken at a meeting in the absence of a quorum;
- (xii) Ensure that the meeting logistics are met;
- (xiii) Perform any other function or duty related to the effective functioning of both Intersectoral Committees' meetings.

Though the ISCCJ is a committee of equals in which members are held accountable by their peers, the Act establishes the Department of Justice and Constitutional Development as the lead Department. Each Department must ensure compliance with their individual obligations, functions and responsibilities in terms of the Act and this NPF.

5.3.5. Reporting

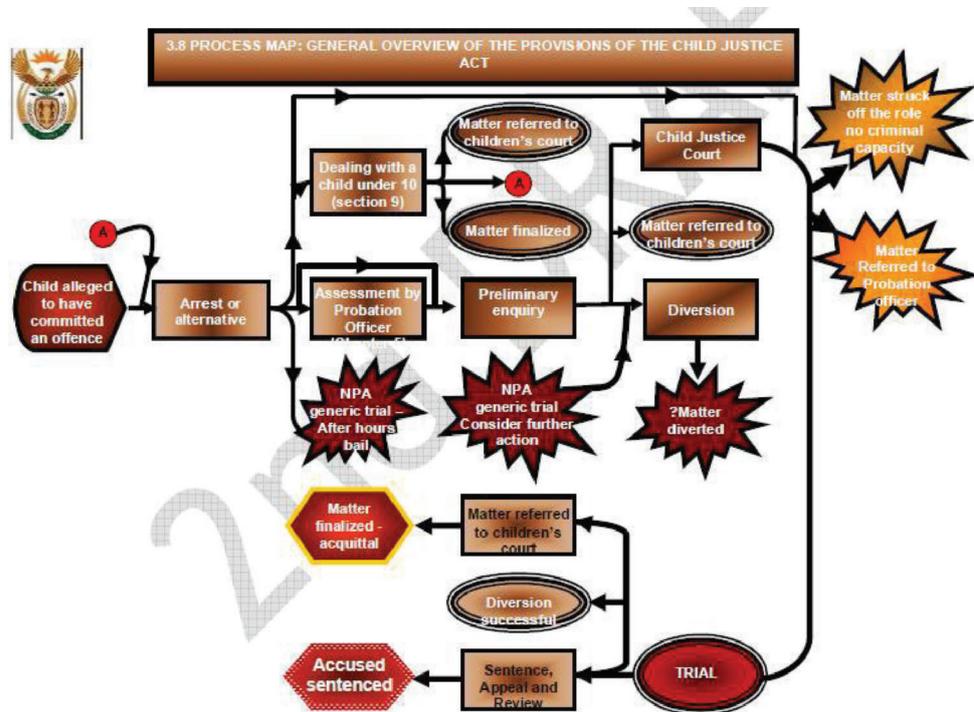
- (i) Each implementing Department/ Institution must submit reports of performance to their respective Committees timeously, i.e. not later than the dates set by each Committee;

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- (ii) The approved Departmental Annual Reports by all the implementing Departments/ Institutions must be submitted to the DG ISCCJ *via* the Secretariat not later than 30 June of the succeeding year for consideration;
- (iii) The heads of the implementing Departments/ Institutions must submit his/ her approved Annual Report to the Director-General of the Department of Justice and Constitutional Development not later than 31 August of the succeeding year;
- (iv) Each report must cover performance on the key priority areas identified in this NPF and by any governance structure and against any agreed upon deliverables in accordance to the period of reporting;
- (v) Each report must give an impact analysis on each key priority area to indicate as to whether the aspirations of the Act are achieved;
- (vi) Reports on statistics must be accompanied by an analysis with a comparison of performance of 1 or 2 previous years, or as decided by the NT ISCCJ/ DG ISCCJ.
- (vii) It must be noted that the DG ISCCJ will consider all Departmental Annual Reports before they are submitted to Parliament and advise the Departments, where necessary;
- (viii) The accounting officers or heads of the reporting Departments/ Institutions must sign off on the Annual Reports and recommend the submission to Parliament by the respective Minister.

6. Managing the Flow of Children through the System

- a) The child justice system, like the rest of the criminal justice system, involves moving a child, or person, through a range of sequential processes all managed by different Departments. A process flow map which describes the route followed by children through the child justice system and which shows the various transitional and decision making points is illustrated hereunder:

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- b) In any system which involves the movement of a case from one Department to another, there is the risk that there will be a gap in service during this transition. In the child justice system this could negatively impact on the appropriate handling of the child's case. This NPF thus aims to improve inter-departmental co-ordination in order to improve the transition of the child's case between those Departments.
- c) There are several non-negotiable principles of intersectoral co-operation:-
- (i) There is a need for regular operational meetings between role-players in order to ensure that each Department not only takes ownership of their own area of responsibility but also ensures that the interface between Departments is well managed;
 - (ii) It is essential that the child is at the centre of this process, and there should be acute awareness of all role-players that delays, particularly those which cause children to remain in detention, are extremely detrimental to the child's well-being;
 - (iii) The child should be moving through the system in a manner that promotes his or her safety and well-being as a priority; and

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- (iv) The changing of shifts or the allocation of different responsibilities to arresting officers and investigating officers should all be managed in such a way as to have minimum negative impact on children in the system;
 - (v) The development of interdepartmental and intersectoral Protocols, Service Level Agreements, guidelines or any relevant documents is encouraged to ensure proper co-ordination. The DG ISCCJ must set dates on which these protocols must reviewed and amended, where necessary;
 - (vi) The governance structures for child justice and the signatories must ensure the effective implementation and compliance with all protocols and other related agreements.
- d) There are numerous areas where decision making and services overlap and this requires co-operation and interaction between the various role-players in respect of a single child.
- e) The PCJFs should take primary responsibility for identifying and resolving problems which occur at the interface between Departments. Issues which cannot be resolved regionally must be escalated to the National Technical ISCCJ.

7. Maximum time-frames for management of cases involving children in conflict with the law

In line with the principle that children's contact with the criminal justice system should be kept to a minimum and that children should be detained as a measure of last resort and only for the shortest appropriate period of time, the Act prescribes certain time periods as follows:

Section	Matter dealt with	Responsibility	Prescribed time period
Section 18	Written notice to child to appear in court; and notification of probation officer	Police official.	Notifying the probation officer immediately but not later than 24 hours after handing written notice to child.
Section 19	Summons to child to appear in court; and notification of probation officer	Police official.	Notifying the probation officer immediately but not later than 24 hours

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Section	Matter dealt with	Responsibility	Prescribed time period
			after handing summons to child.
Section 20(4)	Notification to probation officer of arrest of child	Police official, where possible the police official who arrested the child	Notifying the probation officer immediately but not later than 24 hours after arrest
Section 20(5)	An arrested child to be taken to court for a preliminary inquiry.	Police official	As soon as possible but not later than 48 hours after arrest
Section 22	Release of child on written notice into care of parent, appropriate adult or guardian, if the child is in detention for an offence referred to in Schedule 1, unless there is a substantial risk that the child may harm any person.	Police official	As soon as possible and before the child appears at the preliminary inquiry.
Section 26	Consider the placement of the child in a suitable child and youth care centre	Police official	Prior to a child's first appearance at a preliminary inquiry within 48 hours after arrest
Section 30	Reconsideration of placement of child in a prison	Presiding officer ordering the detention of the child in prison	Direct that the child be brought before him or her or any other court every 14 days to reconsider the order.
Section 31	Error regarding placement	Person admitting the child where a child is placed in a child and youth care centre, police cell or lock-up or a person, to whose attention it comes that an error has been made	Commit the child as per the court order, but must, as soon as practicable, but not later than the next court day, refer the child back to the presiding officer in question for the error to be corrected.

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Section	Matter dealt with	Responsibility	Prescribed time period
		regarding placement.	
Section 33(2)(c)	Transporting of a child to or from the preliminary inquiry or child justice court, separately from adults: Provided that where it is not possible to transport the child separately from an adult, the police official must submit a written report to the presiding officer, furnishing reasons for non-compliance.	Police official	Within 48 hours of the transportation.
Section 34(2)	Assessment of child older than 10 years of age	Probation Officer	Assessment of child before the child appears at a preliminary inquiry within the time periods provided for in section 43(3)(b).
Section 34(3)	Assessment of child younger than 10 years of age	Probation Officer	Make arrangements to assess the child within seven days of the notification
Section 40(5)	Submission of assessment report to prosecutor	Probation Officer	Before the commencement of a preliminary inquiry, within time periods referred to in section 43(3)(b)
Section 41(2)	Diversion by prosecutor before preliminary inquiry in respect of offences referred to in Schedule 1	Prosecutor	After assessment of the child, except if the prosecutor has dispensed with the assessment if it is in the best interests of the child to do so; and before a preliminary inquiry.
Section 43(3)(b)	Preliminary Inquiry	Presiding Officer, supported by prosecutor, police and probation officer	PI must be held within 48 hours of arrest if a child is arrested and remains in detention; or within the time periods specified in the written notice or summons.

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Section	Matter dealt with	Responsibility	Prescribed time period
Section 48	Postponement of preliminary inquiry	Inquiry Magistrate	<p>* For a period not exceeding 48 hours, for specific reasons mentioned in section 48(1);</p> <p>* For a further period not exceeding 48 hours, if the postponement is likely to increase the prospects of diversion, after which the preliminary inquiry must be closed if it has not been concluded;</p> <p>* for a period not exceeding 14 days, if the probation officer has recommended a more detailed assessment of the child; or in order to obtain the written indication from the Director of Public Prosecutions having jurisdiction for diversion of a Schedule 3-offence; or</p> <p>* for a period determined by the inquiry magistrate where-</p> <p># the child is in need of medical treatment for illness, injury or severe psychological trauma; or</p> <p># the child has been referred for a decision relating to mental illness or defect in terms of section 77 or 78 of the Criminal Procedure Act.</p>
Section 53	Duration of diversion orders:	Presiding Officer	<p>* Level 1-diversion option:</p> <p># For a child under the age of 14years, order may not exceed 12 months;</p>

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Section	Matter dealt with	Responsibility	Prescribed time period
			<p># For a child 14 years or older, order may not exceed 24 months, except if reasons are given for an order exceeding the time period, on the record of the proceedings.</p> <p>* Level 2 diversion-order: # for a child under the age of 14 years, order may not exceed 24 months; # for a child older than 14 years, order may not exceed 48 hours, except if the reasons are entered on the record of the proceedings.</p>
Section 66	Time limits relating to postponements of trial in child justice court	Presiding Officer of child justice court	<p>* Must conclude all trials of children as speedily as possible and must ensure that postponements in terms of this Act are limited in number and duration.</p> <p>* If a child is in detention in prison, a child justice court may, prior to the commencement of a trial, not postpone the proceedings for a period longer than 14 days at a time.</p> <p>* If a child is in detention in a child and youth care centre, a child justice court may, prior to the commencement of a trial, not postpone the proceedings for a period longer than 30 days at a time;</p>

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Section	Matter dealt with	Responsibility	Prescribed time period
			* If a child has been released, the child justice court may, prior to the commencement of a trial, not postpone the proceedings for a period longer than 60 days at a time.
Section 71	Pre-sentence reports	Probation Officer	Must complete the report as soon as possible but no later than six weeks following the date on which the report was requested.
Section 76	Sentence of compulsory residence in child and youth care centre	Child justice court; and police (transport of child).	<p>* For a period not exceeding five years or for a period which may not exceed the date on which the child turns 21 years of age, whichever date is the earliest.</p> <p>* Child sentenced in terms of this section, must be taken to the centre specified as soon as possible, but not later than 1 month after the order was made.</p> <p>* Presiding officer must cause the matter to be retained on the court roll for one month, and must, at the re-appearance of the matter, inquire whether the child has been admitted to the child and youth care centre.</p>
Section 77	Sentence of imprisonment	Child justice court	*May not impose sentence of imprisonment on child who is under the age of 14 years at the time of being sentenced for the offence.

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Section	Matter dealt with	Responsibility	Prescribed time period
			*A child of 14 years or older at the time of being sentenced may be sentenced to imprisonment for a period not exceeding 25 years.

In addition, while children's cases should be completed as soon as possible, the members of the DG ISCCJ and NT ISCCJ have agreed on the following maximum time-frames for the management of children in conflict with the law:

- (i) For cases involving children heard in District Courts: 3 – 6 months;
- (ii) For cases involving children heard in Regional Courts: 6 – 9 months; and
- (iii) For cases involving children heard in High Courts: 9 – 12 months.

These case cycle and turn-around times will also be monitored by the ISCCJ.

8. Monitoring, Evaluation and Information Management

- a) The Act requires a monitoring and evaluation component in support of the implementation of the Act. This is in line with international trends which note that “when government officials and the institutions making up the child (juvenile (sic)) justice system do not have information either about the functioning of the system or the children who are in contact with it, abuse, violence and exploitation can occur with impunity, and the experience of the child is unlikely to be in his or her best interests. A child may spend long periods deprived of liberty or be sentenced to a measure that is inappropriate for ensuring his or her welfare. A delay in a child's case before the courts may go unnoticed for months or even years. Government officials may find it difficult to assess the impact of new child (juvenile (sic)) justice policies or guidelines. In short, a failure to carefully record and strategically make use of child (juvenile (sic)) justice related information contributes to a failure to ensure the protection of the child in conflict with the law”
- b) The Act addresses this need by providing for the establishment of an integrated information management system which should:-
- (i) enable effective monitoring;

Child Justice Act, 2008: Amended National Policy Framework, 2018

- (ii) allow for the analysis of trends and interventions, to map the flow of children through the child justice system, and
 - (iii) provide quantitative and qualitative data relating to, at least, the following:
 - a. Arrest or methods of securing attendance at criminal proceedings;
 - b. Assessment;
 - c. Preliminary inquiries;
 - d. Diversion;
 - e. Children awaiting trial;
 - f. Bail and placement;
 - g. Trials;
 - h. Sentencing;
 - i. Appeals and reviews;
 - j. Sexual offences committed by children; and
 - k. Children who lack criminal capacity.
- c) The Key Performance Indicators to monitor and evaluate the implementation of the Act were aligned to the following 15 key indicators as developed by UNICEF:

Child Justice Act, 2008: Amended National Policy Framework, 2018

Indicator		Definition
Quantitative Indicators		
1	Children in conflict with the law	▪ Number of children arrested during a 12 month period per 100,000 child population
2	Children in detention (CORE)	▪ Number of children in detention per 100,000 child population
3	Children in pre-sentence detention (CORE)	▪ Number of children in pre-sentence detention per 100,000 child population
4	Duration of pre-sentence detention	▪ Time spent in detention by children before sentencing
5	Duration of sentenced detention	▪ Time spent in detention by children after sentencing
6	Child deaths in detention	▪ Number of child deaths in detention during a 12 month period, per 1,000 children detained
7	Separation from adults	▪ Percentage of children in detention not wholly separated from adults
8	Contact with parents and family	▪ Percentage of children in detention who have been visited by, or visited, parents, guardian or an adult family member in the last 3 months
9	Custodial sentencing (CORE)	▪ Percentage of children sentenced receiving a custodial sentence
10	Pre-sentence diversion (CORE)	▪ Percentage of children diverted or sentenced who enter a pre-sentence diversion scheme
11	Aftercare	▪ Percentage of children released from detention receiving aftercare
Policy Indicators		
12	Regular independent inspections	▪ Existence of a system guaranteeing regular independent inspection of places of detention ▪ Percentage of places of detention that have received an independent inspection visit in the last 12 months
13	Complaints mechanism	▪ Existence of a complaints system for children in detention ▪ Percentage of places of detention operating a complaints system
14	Specialised juvenile justice system (CORE)	▪ Existence of a specialised juvenile justice system
15	Prevention	▪ Existence of a national plan for the prevention of child involvement in crime

(Note: the United Nations use "arrested" in the sample table above whereas in the South African context "charged" would be more appropriate)

In response to the requirements around monitoring and evaluation the DOJ&CD should:

- (i) Utilise the National Technical ISCCJ, which collects and analyses data *via* a set of data collection templates which are given to each Department, to analyse trends in the flow of children through the child justice system;
- (ii) Through the ISCCJ Secretariat and IJS Transversal, maintain this data base of quantitative and qualitative data relating to the requirements of the Act;
- (iii) The DOJ&CD developed an Integrated Case Management System Child Justice Module which will connect the data collection tool with the Integrated Justice System (IJS)⁹.

⁹ In the longer term the intention is to manage all data collection and statistical analysis via an integrated electronic system currently in development as one of the initiatives under the South

Child Justice Act, 2008: Amended National Policy Framework, 2018

(iv) Commission research to respond to particular issues in the Act.

The processes above will allow the Minister as the Cabinet member responsible for the administration of Justice, as per section 96 (3) of the Act, to co-ordinate the submission of Annual Reports to Parliament, by each Department/ Institution that is represented in the DG ISCCJ on the implementation of the Act an annual basis.

9. Registers

The Act also provides for certain Departments to keep records around specific aspects of the Act as follows:

9.1 National Register of Children Diverted: In terms of section 60 (1) of the Act, the Department of Social Development must establish and maintain a National Register of Children in respect of whom a Diversion Order has been made, with information provided by the clerk of the child justice court. The Director-General: Social Development must on a regular basis inspect the register with a view to identifying possible interventions and issuing the necessary instructions.

9.2 National Register of Children under the Minimum Age of Criminal Capacity: In terms of Section 97 (6) (a) of the Act, the Director General: Department of Social Development must keep a register, as prescribed, of children under the minimum age of criminal capacity in respect of whom a decision has been made and recorded by a probation officer in terms of section 9(6) regarding the outcome of the assessment.

African Government's Justice, Crime Prevention and Security (JCPS) Cluster's Programme of Action - namely the development of the Integrated Justice System (IJS)

The vision of the Integrated Justice System (IJS) Programme is to bring about the integration of the various business and system processes that make up the criminal justice system, thereby enabling the Cluster Departments to deliver effective and efficient criminal justice to the citizen. The envisaged benefits of this programme will be the introduction of electronic information sharing to reduce administrative delays, enabling the various justice service providers to respond efficiently and provide tools for the effective management and planning of the criminal justice system.

Child Justice Act, 2008: Amended National Policy Framework, 2018

9.3 Register of Children in Detention at Police Cells/ Lock-ups: The South African Police Service is required, in terms of section 28(3) of the Act, to ensure that a register is kept at every police station in which the details regarding the detention of children in police cells or lock-ups are recorded in a manner clearly distinguishable from those of adults (SAPS 14).

The Station Commander must also in terms of section 28 (2) (a) of the Act, submit a report to the National Commissioner of Police, detailing all complaints or observations about an injury sustained or severe psychological trauma suffered by a child while in custody in police cells (the SAPS 583 register).

10. Conclusion

As has been highlighted above the vision underpinning the Act is that if child offenders are dealt with appropriately, the vast majority of them will grow up to become law-abiding, effective citizens. If a child comes in conflict with the law this can be seen as an opportunity to effect meaningful change in that child's life and set him or her back on the path of conformity with the legally accepted rules and norms. An over-reaction can have the effect of the child seeing himself or herself as a victim of the system, and therefore failing to take responsibility for his or her actions.

The Act aims to ensure that the response to each child's offence is individualised and proportionate, not only to the offence, but also to the reality that the offender is not a fully responsible adult. Thus the Act recognises that children who commit crimes can and should be given a chance to change their ways.

In some cases this can be achieved through the opportunity of diversion. This ensures that the child takes responsibility for his or her behaviour and is linked with services that address identified risk factors for that individual child. The advantage of diversion is that it avoids stigmatisation of the child as a criminal and does not result in a criminal record. In other cases, it is necessary for children to go through a court process, and if found guilty, he or she will obtain a criminal record. In those cases, the sentencing provisions of the Act again provide scope for 'a second chance' through a range of options, which can be creatively applied.

Child Justice Act, 2008: Amended National Policy Framework, 2018

The Act aims to limit the use of custodial sentencing, and particularly imprisonment, so that it is only applied as a last resort, and for the shortest appropriate period of time. This is based on the idea that young offenders are very amenable to change and that children should be reintegrated into society as law-abiding citizens.

The number of Key Priority Areas in the NPF was increased during the review process to eliminate gaps in the areas of reporting identified in various reports on the implementation of the Act, including a report by the Parliamentary Researchers published in May 2015 and to address challenges identified since the implementation of the Act. The Key Priority Areas were also broadened to identify and include the specific information/ data that the implementing Departments / Institutions should be focusing on in their Annual Reports on the Implementation of the Act to provide a clearer picture of the flow of children through the child justice system. The review of the NPF will therefore result in the improvement of the reporting on the implementation of the Act, taking lessons learned into account.

This NPF, 2018 will be implemented and monitored by the various partners comprising the DG's ISCCJ and NT ISCCJ, to ensure that the best interests and rights of children in conflict with the law are promoted and protected.

The NPF, 2018, will be reviewed at 5-year intervals after *Gazetting* thereof, to ensure that the Framework and policies are kept updated and relevant to children's practical situations.

The implementation plan to deal with the Key Priority Areas are attached hereto as an Annexure, and outlines the activities to eliminate the challenges identified during the review process.

ANNEXURE A

INTERSECTORAL IMPLEMENTATION PLAN OF THE NATIONAL POLICY FRAMEWORK FOR CHILD JUSTICE

Each Department to develop specific key indicators to monitor the implementation of the key priority areas in the NPF and to report on the key priority areas in the NPF, including the specific data requirements referred to in heading 5 of the NPF.

Key Priority Area 1: Building Capacity in the Sector

Objective indicator	Activities	Output	Baseline	Time frames	Progress Report	Responsible Department
Training and Education	Provide training as per operational requirements	Improved service delivery in the child justice system	Child Justice Act	Annually	Quarterly	All implementing departments/ institutions
	Monitor and evaluate the impact of the training (effect on service delivery in child justice)	Improved service delivery in the child justice system	National Policy Framework	Annually	Quarterly	All implementing departments/ institutions

Key Priority Area 2 : Methods of securing attendance of children at preliminary inquiries

Objective indicator	Activities	Baseline	Time frames	Progress Report	Responsible Department
Provisioning of adequate policing services to children in conflict with the law	Dealing with children in conflict with the law in terms of the provisions of the Act	Child Justice Act National Instruction 2/2010 National Instruction 3/2010 SAPS Annual Report	Annually	Quarterly	SAPS

Key Priority 3 : Ensuring assessment of children

Objective indicator	Activities	Output	Baseline	Time frames	Progress Report	Responsible Department
Assessment of children charged	Ensuring uniformity in the reporting format	Standardised reporting format	DSD Report framework template	Annually	Quarterly	DSD
Criminal capacity assessments/evaluations of children in terms section 11(3)	Ensure the availability of adequate mental health care practitioners to conduct the evaluations by	Widespread of mental health care practitioners in all Provinces	Government Gazette	Annually	Quarterly	DOH

Child Justice Act, 2008: Amended National Policy Framework, 2018

Objective indicator	Activities	Output	Baseline	Time frames	Progress Report	Responsible Department
	inviting private practitioners to express their availability to assist with these evaluations and by offering training to mental health practitioners to develop reports for courts					

Key Priority Area 4: Preliminary Inquiries

Objective indicator	Activities	Output	Baseline	Time frames	Progress Report	Responsible Department
To hold preliminary inquiries	Ensuring uniformity in conducting preliminary inquiries	Standardised procedure followed in preliminary inquiries	Bench manual (OCJ) NPA Directives on Child Justice	Annually	Quarterly	OCJ/ NPA
Speedy finalisation of preliminary inquiries	Finalising preliminary inquiries within 90 days after first appearance	Elimination of unreasonable delay in the finalisation of	Child Justice Act DoJ & CD 2017/2018	Annually	Quarterly	DoJ & CD

Child Justice Act, 2008: Amended National Policy Framework, 2018

Objective indicator	Activities	Output	Baseline	Time frames	Progress Report	Responsible Department
		preliminary inquiries	APP			

Key Priority Area 5: Diversion Services

Objective indicator	Activities	Output	Baseline	Time frames	Progress Report	Responsible Department
Availability of diversion services in all districts	Ensure that there are accredited diversion sites in all districts	Equal access to diversion services	Government Gazette	Annually	Quarterly	DSD
		Accredited diversion services				
Report on the outcome of diversion orders	Submission Compliance/ non-compliance Report following diversion orders	Maintain diversion register	Diversion Register	Annually	Quarterly	DSD
	Submission of the compliance/ non-compliance report to the diversion register	Maintain diversion register	Diversion Circular 97 of 2016/ Form 9/ court book	Annually	Quarterly	DoJ & CD

Key Priority Area 6: Awaiting trial and bail and placement

Objective indicator	Activities	Output	Baseline	Time frames	Progress Report	Responsible Department
Speedy finalisation of child justice cases	Ensuring that the child pleads within three (3) months after first appearance	Elimination of unreasonable delay in the finalisation of child justice cases	Norms and standards for the performance of judicial functions	Annually	Quarterly	NPA

Key Priority Area 7: Trials

Objective indicator	Activities	Output	Baseline	Time frames	Progress Report	Responsible Department
Speedy finalisation of child justice cases	Finalising child justice cases within six (6) months after plea	Elimination of unreasonable delay in the finalisation of child justice cases	Norms and standards for the performance of judicial functions	Annually	Quarterly	OCJ

Key Priority Area 8: Sentencing

Objective indicator	Activities	Output	Baseline	Time frames	Progress Report	Responsible Department
Encourage the utilisation of restorative justice sentencing	Ensure awareness raising on the various restorative justice sentencing	Restorative justice options utilised	ADRM	Annually	Quarterly	NPA/DSD/OCJ

Child Justice Act, 2008: Amended National Policy Framework, 2018

Objective indicator	Activities	Output	Baseline	Time frames	Progress Report	Responsible Department
options	options					

Key Priority Area 9: Management of Infrastructure for the Implementation of the Act

Objective indicator	Activities	Output	Baseline	Time frames	Progress Report	Responsible Department
Identification of services available to children in conflict with the law	Consolidate the mapping of services available to children in conflict with the law	Identifying the gaps in services to children in conflict with the law	Existing geographical information on services to children in conflict with the law	Annually	Quarterly	IJS (DSD/DCS/DoJ & CD/SAPS/ Legal Aid SA/NPA/DOH)
Provisioning of educational programmes to all children in Child and Youth Care Centres	Ensuring proper teaching and learning to children in Child and Youth Care Centres	Availability of educational programmes	National Schools Curriculum	Annually	Quarterly	DBE
	Resourcing and implementation of vocational programmes to children in Child and Youth Care Centres	Availability of vocational programmes	Developed vocational programmes	Annually	Quarterly	DSD

Key Priority Area 10: Resources and Budgets

Objective indicator	Activities	Output	Baseline	Time frames	Progress Report	Responsible Department
Proper costing of the implementation of the Act	Cost the roles and responsibilities of each implementing department/institution	Adequate resources allocated to implement the Act	Baseline budget of each department/institution	Annually	Quarterly	IJS/DSD/DCS/DoJ & CD/SAPS/ Legal Aid SA/NPA/DOH/DBE

Key Priority Area 11: Public Education and Communication

Objective indicator	Activities	Output	Baseline	Time frames	Progress Report	Responsible Department
Popularising the provisions of the Act with children and community members	Developing and submission of prevention intervention plans to the ISCCJ	Increased awareness of provisions of the Act	Prevention intervention plans	Annually	Quarterly	DSD/DCS/DoJ & CD/SAPS/ Legal Aid SA/NPA/DOH/DBE/ NGO's
Popularising the provisions of the Act with traditional leaders and Queens (pending promulgation of the Traditional Courts Act by Parliament)	Training of traditional leaders and Queens on the Act after enactment of the Traditional Courts Bill	Increased awareness of provisions of the Act by traditional leaders and Queens	Child Justice Act Traditional Courts Bill	Annually	Quarterly	DSD/DCS/DoJ & CD/SAPS/ Legal Aid SA/NPA/DOH/DBE/ NGO'S

Key Priority Area 12: Development of an integrated information management system

Objective indicator	Activities	Output	Baseline	Time frames	Progress Report	Responsible Department
Development of an integrated electronic information management systems	Integration of the information management systems of the various JCPS Cluster departments/ institutions	Exchange of electronic information	Existing information management systems	Annually	Quarterly	IJS/DSD/DCS/ DoJ & CD/SAPS/ Legal Aid SA/NPA/DOH/DBE

Key Priority Area 13: Monitoring and evaluation

Objective indicator	Activities	Output	Baseline	Time frames	Progress Report	Responsible Department
Monitoring the implementation of the National Policy Framework and the Act	Reporting on the implementation of the Act in line with the NPF	Uniformity and collaboration in the implementation of the Act	Annual Reports NPF	Annually	Quarterly	IJS/DSD/DCS/ DoJ & CD/SAPS/ Legal Aid SA/NPA/DOH/DBE
	Conducting of research on the impact of the Act	Uniformity and collaboration in the implementation of the Act	Impact Research Report	Annually	Quarterly	IJS/DSD/DCS/ DoJ & CD/SAPS/ Legal Aid SA/NPA/DOH/DBE

Child Justice Act, 2008: Amended National Policy Framework, 2018

Objective indicator	Activities	Output	Baseline	Time frames	Progress Report	Responsible Department
	Review and amendment of the Act	Uniformity and collaboration in the implementation of the Act	Amendments to the Act Reviewed NPF	Annually	Quarterly	IJS/DSD/DCS/ DoJ & CD/SAPS/ Legal Aid SANPA/DOH/DBE

DEPARTMENT OF LABOUR

NO. 752

27 JULY 2018

LABOUR RELATIONS ACT, 1995

INVITATION TO MAKE REPRESENTATIONS

NOTICE IN TERMS OF SECTION 32(6) READ WITH SECTION 32(2) AND SECTION 32(5)(c) OF THE LABOUR RELATIONS ACT, 1995: THE SICK PAY FUND COLLECTIVE AGREEMENT OF THE METAL AND ENGINEERING INDUSTRIES BARGAINING COUNCIL

- 1 I, **Ian Macun**, the Director of Collective Bargaining, duly authorised by the Minister of Labour in terms of section 32(6) read with section 32(2) and section 32(5)(c) of the Labour Relations Act, 1995, publish a notice in accordance with the provisions of subsection 32(5)(c) inviting representations from the public in response to the Metal and Engineering Industries Bargaining Council's application for extension to non parties of the renewal of period of operation regarding its Sick Pay Fund Collective Agreement which was submitted to the Department of Labour on **11 July 2018**.
- 2 Representations must reach the Department of Labour not later than 21 days from the date of publication of this Notice.
- 3 A copy of this Application may be inspected or obtained c/o the Department of Labour, Laboria House, 215 Francis Baard Street, PRETORIA
- 4 Representations and/or enquiries regarding copies of the application should be submitted to the following addresses:

By Post or Fax:

Department of Labour
Directorate: Collective Bargaining
Attention: Ms M M Ngwetjana
Postal Address: Private Bag X117
PRETORIA, 0001
Fax: 012 309 4156/4848

Hand Deliveries:

Room 122/132
Laboria House
215 Francis Baard Street
PRETORIA

By e-mail:

mary.ngwetjana@labour.gov.za

grace.johnson@labour.gov.za


.....
I MACUN
DIRECTOR: COLLECTIVE BARGAINING
DATE: 17/7/2018

UMNYANGO WEZABASEBENZI**UMTHETHO WEZOBUDLELWANO KWEZABASEBENZI, 1995****ISIMEMO SOKULETHWA KWEZIKHALO****ISAZISO NGOKWESIGABA 32(6) SIFUNDWA NESIGABA 32(2) KANYE NE NESIGABA 32(5)(c) SOMTHETHO WOBUDLELWANO KWEZABASEBENZI, KA 1995:
THE SICK PAY FUND COLLECTIVE AGREEMENT OF THE METAL AND ENGINEERING INDUSTRIES BARGAINING COUNCIL**

- 1 Mina, **Ian Macun**, uMqondisi Wezokuxoxisana Phakathi Kwabaqashi nabaSebenzi, ngegunya lika Ngqongqoshe Webabasebenzi, lapha ngokwesigaba-32(6) sifundwa nesigaba 32(2) kanye nesigaba 32(5)(c) soMthetho Wezobudlelwano Kwezabasebenzi, ka 1995, ngikhipha isaziso ngokwezihlinzeko zesigatshana 32(5)(c) sokumema izikhalo zomphakathi mayelana nesicelo se **Metal and Engineering Industries Bargaining Council** sokuvuselelwa kwesikhathi sokusebenza kwesivumelwano sesikhwama seholo labagulayo selulelwa kulabo abangeyona ingxenye yaso esalethwa eMnyangweni Wezabasebenzi mhlaka **11 kuNtulikazi 2018**.
- 2 Izikhalo kumele zifike eMnyangweni Wezabasebenzi zingakapheli izinsuku ezingu 21 kusukela osukwini lokukhiswa kwalesiSaziso.
- 3 Ikhophi yalesisicelo ingahlolwa noma itholakale ku c/o Department of Labour, Laboria House, 215 Francis Baard Street PRETORIA
- 4 Izikhalo kanye/noma imibuzo mayelana namakhopi alesisicelo kumele zilethwe kulamakheli alandelayo:

Ngeposi noma ngefeksi:

Umnyango Wezabasebenzi

Umqondisi: Wezokuxoxisana kwabaqashi nabasebenzi

Iqondiswe ku: Ms M M Ngwetjana

Postal address: Private Bag X117

PRETORIA, 0001

Fax 012 309 4156/4848

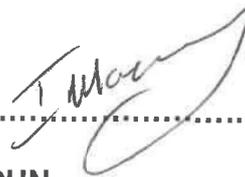
Okulethwa ngezandla:

Ihhovisi 122/132

Laboria House

215 Francis Baard Street

PRETORIA

mary.ngwetjana@labour.gov.zagrace.johnson@labour.gov.za

I MACUN

**UMQONDISI OBAMBELE WEZOKUXOXISANA
PHAKATHI KWABAQASHI NABASEBENZI**

DATE: 17/7/2018

NATIONAL TREASURY

NO. 753

27 JULY 2018

I, Nhlanhla M Nene, Minister of Finance, acting in terms of the Division of Revenue Act, 2018 (Act No. 01 of 2018), hereby publish in the attached Schedule -

- (a) The allocation of Schedule 7, Part A allocations to the Northern Cape and Western Cape

For ease of reference only and where applicable, the attached Schedule reflect the allocations published in the Division of Revenue Act, 2018 (Act No. 01 of 2018) Schedule 7, Part A.

This Government Notice is set out as follows:

- Part 1: Conditional allocations; and
Part 2: Explanatory memorandum relating thereto.



Nhlanhla M Nene, MP
Minister of Finance

Date: 13/7/2018

Explanatory Memorandum to the Provincial Allocations set out in the Schedules

This *Gazette* is published in terms of the Division of Revenue Act, 2018 (Act No. 01 of 2018), and provides information on adjustments to existing allocations to national departments and provinces in the 2018/19 financial year.

This is necessitated by the need to allocate a portion of the unallocated Schedule 7, Part A grant to Northern Cape and Western Cape following drought experienced by the both the provinces.

This *Gazette* therefore updates information that was published in the Division of Revenue Act, 2018.

This notice affects the Provincial Disaster Relief Grant,

- a) In compliance with Section 26 of the Division of Revenue Act, 2018 the National Department of Cooperative Governance and Traditional Affairs allocates R42.3 million to the Northern Cape and R38 Million to the Western Cape from the unallocated Provincial Disaster Grant (Schedule 7, Part A).

SCHEDULE 7, PART A
TRANSFERS FROM THE PROVINCIAL DISASTER GRANT

Vote	Name of allocation	Purpose	Province	Column A		
				2018/19 Main Allocation	Adjustment	2018/19 Adjusted Allocation
Cooperative Governance and Traditional Affairs (Vote 4)	Provincial Disaster Grant	To provide for the immediate release of funds for disaster response.	Eastern Cape	R'000	R'000	R'000
			Free State	-	-	-
			Gauteng	-	-	-
			KwaZulu-Natal	-	-	-
			Limpopo	-	-	-
			Mpumalanga	-	-	-
			Northern Cape	-	-	-
			North West	-	42 339	42 339
			Western Cape	-	38 000	38 000
			Unallocated	123 591	(80 339)	43 252
TOTAL			123 591	-	123 591	

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NO. 754

27 JULY 2018

GENERAL NOTICE IN TERMS OF SECTION 11A (4) OF THE RESTITUTION OF LAND RIGHTS ACT, NO. 22 OF 1994 (AS AMENDED).

WHEREAS a land claim was lodged by Thabo Lucky Mogagabe on behalf of Bakwena Ba Mare A Phogole Tribe, which claim was published in terms of Section 11(1) of the Restitution of Land Rights Act, No. 22 of 1994 (as amended), hereinafter referred to as "the Act".

and

WHEREAS during further investigation of the land claim in so far as it relates to properties referred to below, the Regional Land Claims Commissioner, has reason to believe that the criteria set out in Section 11(1)(b) of the Act, has not been met.

NOW THEREFORE NOTICE is hereby given in terms of Section 11A (4) of the Act that the notice of the claim previously published in terms of section 11(1) of the Act in Gazette No. 40402, under Notice 1377 of 2016, dated 4 November 2016, to the extent that it relates to the properties listed below will be withdrawn unless cause to the contrary is shown to the satisfaction of the Regional Land Claims Commissioner.

The details of the Gazette No. 40402, under Notice 1377 of 2016, dated 4 November 2016, relevant for this notice include the following:

Reference No: V 0057
Claimant: Mr Thabo Lucky Mogagabe
Property Description: See below
Total extent: See below
Owner: See below
Date Submitted: 19 May 1995

FARMS	PORTION NO	EXTENT	CURRENT LANDOWNERS	TITLE DEED
Diepkloof 319 IQ	2 (RE)	333.7495	Industrial Zone Pty Ltd	T14797/1998
	162	30.1669	Industrial Zone Pty Ltd	T14797/1998
	16	25.5498	Greater Johannesburg Metropolitan Oorgangraad	T16891/48 T12289/2001
	36	54.2987	Provincial government of Gauteng	T44388/1986
	40	0.7261	Republic of South Africa	T10423/1978
	47	0.9088	South African National Roads Agency Ltd	T129130/2001
	77		Diepkloof RTR	
	38	1.5260	National Government of Republic of South Africa	T22939/1978
	67	28.8823	South African Road Agency Ltd	T 129127/2006
	130	1.4991	Iprop Pty Ltd	T34755/1998

Elandsfontein 108 IR	159	30.5292	City of Johannesburg Metropolitan Municipality	T169982/2007
	151	60.2041	Devland Extension 2	
	501	1.2140	Pereilly INV Holdings PTY LTD	T96555/1999
	311	1.6187	Mun Alberton	T54445/1995
	310	1.7034	Ain Braira CC	T24269/1969
	556	1.5970	Wildlife Trading 4 CC	T95429/2015
	585	1.5577	Vuuren Hermanus Stephanus Jansen Van	T102465/1999
	624	1.3378	New Market Park Ext 13	
	320	3.7230	South African National Roads Agency LTD	T127916/2007
	332	2.2714	South African National Roads Agency LTD	T16573/2009
	343	21.0401	Provincial Government of the Province Gauteng	T38649/1972
	346	5.1097	Provincial Government of the Province Gauteng	T38503/1974
	347	2.4283	Provincial Government of the Province Gauteng	T38503/1974
	544	8996	No information at deeds office	
	245	14.7033	Mun Alberton	T26368/1991
	388	1.3626	No information at deeds office	
	395	2.8898	South African National Roads Agency LTD	T53112/2006
	396	0.7947	South African National Roads Agency LTD	T53112/2006
	2(RE)	9.5707	Pathem Trust	T22463/2002
	188(RE)	44.5781	Reading Country Club	T13905/1940
	321	0.1145	South African National Roads Agency LTD	T127916/2007
	394	16.0877	South African National Roads Agency LTD	T53112/2006
	112	7.6499	Glento Township Development Co PTY LTD	T7518/1970
	170	10.3921	WSA Prop PTY LTD	T204/1973
	372	5.2999	Ekurhuleni Metropolitan Municipality	T 30634/1982
	374	4.8310	Ekurhuleni Metropolitan Municipality	T30634/1982
	377(RE)	22.2335	Mun Alberton	T16046/1977
	465	1.0438	Mun Alberton	T26370/1991
	466(RE)	82.0702	No information at deeds office	
	554(RE)	0.2688	Plot 38 Newmarket Estates CC	T111954/1996
	379(RE)	15.5805	Mun Alberton	T25319/1979
	586(RE)	13.9091	JGM Trust	T54572/2001

	100	4425	No information at deeds office	
	12	13.7587	No information at deeds office	
	536 (RE)	0.8168	Petprops 66 CC	T19849/2005
	25	0.8094	Art 16 Wet 47/37	
	667	0.1513	South African National Roads Agency Soc LTD	T19213/2013
	189 (RE)	31.6214	Reading Country Club	T13907/1940
	261 (RE)	6.6092	Q Tique 0006 PTY LTD	T89173/2004
	559	0.2929	Ekurhuleni Metropolitan Municipality	T75522/2008
Glenanda 86 IR	2	0.2518	South African National Road Agency Ltd	T41687/2009
Gleneagles 102 IR	3	7.9964	South African National Roads Agency Ltd	T126024/2007
Klipriviersberg 106 IR	68 (RE)	0.5755	Anglogold Ashanti LTD	T156067/2005
	130 (RE)	40.6774	Randwaterraad	T11646/1965
	163	1.3587	South African National Roads Agency	T21649/2008
	176	7.1235	South African National Roads Agency	T17958/2009
	187	6.1200	Mun Alberton	T50095/1983
	201	4.5415	Johannesburg Diocesan Trustees	T56930/1993
	214 (RE)	10.1959	Bassonia Rock Ext 21	
	0	773.8567	No information	
	2 (RE)	463.5362	Pathem Trust	T22463/2002
	9 (RE)	2.7461	Church of the Province Southern Africa – South Eastern Transvaal	T3097/1927
	69	0.85653	Rand Water Board	T1856/1947
	136 (RE)	73.0794	Klipriviersberg Trust	T84172/1994
	175	26.3990	No information at deeds office	T19602/
	214 (RE)	10.1959	Bassonia Rock Ext 21	
	65	121.5005	City of Johannesburg Metropolitan Municipality	T14062/1948 T26816/2003
	153 (RE)	148.4488	Ekurhuleni Metropolitan Municipality	T10/1973 T7229/2004
	241 (RE)	110.9270	Armadillo Dev 303 Pty Ltd	T33829/2009
240 (RE)	197.9581	J M G Trust	T54572/2001	
Kroonheuwel 111 IR	8	11.6793	Ridgeway Development Pty Ltd	T42772/1974
	5	9.1078	Hoerskool President	T25313/1961
Liefde en Vrede 104 IR	26	3.8003	Gauteng Provincial Government	T98183/2001
	12 (RE)	35.6445	Liefde & Vrede Inv Pty Ltd	T59248/1994
	18	58.6870	Glenvista Country Club	T33385/1979
	7 (RE)	2.9442	Balwin Prop Ltd	T90802/2002

Pennylane 342 IQ	0	5.9301	Samphire maintance Pty Ltd	T 21591/2007
Rooikop 140 IR	26	9.8259	LY	
Turffontein 100 IR	146(RE)	2.0639	Ridge park sports club	T6986/1952
	204 of 146	0.6329	No information at deeds office	
	30	1.4161	Rand water board	T11819/1921
	36 of 25	0.2027	Chris Modes CC	T 16237/1966
	40 of 25	0.4297	Chris Modes CC	T16236/1966
	45(RE) of 1	0.4151	City of Johannesburg Metropolitan Municipality	T19659/2009
	50 of 43	0.0500	Fwamba Musweta Jaques & Fwamba Tshetla Kasongo	T 57401/2008
	55 of 45	1.7616	Rand Water Board	T 2501/1928
	71 of 100	0.5310	Mendes Maria Jesus Ferreira	T 19621/1994 & T 44906/1986
	27 of 1	10.6137	Government of Gauteng Province	T 7150/1920
	76 of 100	0.6909	Boniface Anna	T 4134/1995
	92 of 100	0.0937	Mutambe Jordao Baptista & Lucia Joaquina	T 26053/2013
	93 of 100	0.1012	Smith Martin Craig	T 138083/2000 & T 79432/2009
	95	0.3301	Reddy Silverani	T 145016/2003
	100	7.5284	Kaltran Inv Pty Ltd	T 53592/1969
	101	0.0121	Mun Johannesburg	G284/1939
	103	0.1039	Gilbert Clive Leonard	T30740/1991 & T 95149/1996
	110	0.2675	Nederduiste Gereformmerde Kerk van Transvaal – Townsview	T477097/1967
	111	0.0694	Smith Bradley Donovan & Ball Felicity Karen	T 109945/2004
	118	0.3811	Rand Water Board	T 9258/1941
124	0.1032	Moon Fan	T4908/1992	
125	0.4450	Rand Water Board	T 27459/1943	
130	0.2489	Antypas George & Elisabeth Da Costa Pereira	T 10112/2001	
132	4.4340	No information at deeds office	T 39917/1967	
134	1.3233	A K P Propvest 60 Pty Ltd	T 67256/2015	
139	0.5337	Rand Water Board	T 14514/1949	
141 of 25	0.1620	City of Johannesburg Metropolitan Municipality	T21666/1949	

142	0.1620	City of Johannesburg Metropolitan Municipality	T21666/1949
155	0.3370	Mun Johannesburg	T22119/1957
187	10.1800	Frances Vorwergskool Verlamde Kinders	T9906/1975
191	0.3800	Mun Johannesburg	T14590/1989
54	10.4725	Toymed CC	T38526/1983
114	0.1985	Mun Johannesburg	T10399/1940
97	2.5205	Al-Waaris Inv CC	T68954/2007
90	1.2194	Mun Johannesburg	T18045/1937
137	0.3752	Trask Llewellyn Frank	T136343/1999
104	0.1328	Carew Kenneth Eric & Carew Dorothy Joan	T58349/2008
20	4.0471	Provincial Government Of The Province Of Gauteng	TT8910/1917
49	0.3712	Big Name Inv 1039 CC	T153901/2000
51	0.0500	Moya Meisie	T101004/2006
58	0.5481	Groter Johannesburg Metropolitaanse Oorgangsraad	T13811/1929 T12290/2001
59	2.7565	Southern Metropolitan Substructure Of The Greater Johannesburg Transitional Metropolitan Council	T13812/1929 T14660/2001
96	0.4473	Coetzer Willem Hermanus	T23700/1937 T740/1939
99	2.9652	D & L Prop Trust	T19478/2007
102	8.1371	Toymed CC	T38526/1983
107	0.6932	Rand Water Board	T22232/1939
113	0.0121	Mun Johannesburg	T27517/1956
121	0.9170	Rand Water Board	T8851/1943
129	0.2343	Pereira Artur Jorge Dos Santos & Pereira Maria Do Rosario	T114339/2002
131	2.2553	No information at deeds office	
133	3.4643	Gauteng Provincial Government	T7403/1955 T99896/2014
163	12.0695	National Government Of The Republic Of South Africa	T5452/1963 T62581/2009
179	0.2220	Panorama Development Co Pty Ltd	T473/1968
195	171	No information at deeds office	
199	1967	Gauteng Provincial Government	T43437/1995
81	3.2375	Rand Water Board	T13648/1935
200	3,8491	No information at deeds office	

	115	176	Mun Johannesburg	T9257/1941
		1.7235	Free masons-TVL & OFS & Northern Cape Lodge	T30780/1954
	87			
	88	5.0150	Mun Johannesburg	T9446/1991
	37	1656	Mun Johannesburg	T12154/1923
	24	10.1170	Provincial Government of Gauteng	T5515/1919
	151	800	Republiek Van Suid Afrika	T44349/1974
	150	1.2140	Mun Johannesburg	T44348/1974
	52	4.9919	Balwin Prop LTD	T80465/2006
	203	2,4779	No information at deeds office	
	202	2,3118	No information at deeds office	
Zesfontein 27 IR	0 (RE)	0.0635	Now Benoni AH ext 2	
Tok 315 1Q	0 (RE)	33.3394	Hassan Family Trust	T87262/1989
	3	2.2859	Heemath Inv Pty Ltd	T16452/1984
	8	2.4529	Zakariyya Madressa	T14503/1985
	9	2.5687	Zakariyya Mandressa	T14503/1985
	10	2.6133	Zakariyya Mandressa	T14503/1985
	17	12.0188	Sivananda Yoga Vedanta Soc	T1483/1982
	18	12.0188	Gold Sun Farms Pty Ltd	T5321/1986
	19	8.5667	Appleelgin Centre Pty Ltd	T38888/1979
	22	18.1583	Patel Oosman	T31890/2016
	23	4.1057	Prinish Inv CC	T11986/1989
	24	9.3958	A M Hassan Trust	T87263/1989
	25	24.9339	Islamic Centre Trust	T6170/1985
	27	4.0014	Patel Usman Ismail & Patel Maryam Usman	T73442/2001
Driefontein 146 IR	0	849.7240	Boet Uys Familie Trust	T162315/2002
Rietfontein 33 IQ	0(RE)	222.6422	No information at deeds office	
	1(RE)	456.9909	No information at deeds office	
	2(RE)	146.6704	R H K Farming Enterprises Pty Ltd	T11581/2006
	3(RE)	1.9515	W W Bartlet Poultry Farming Pty Ltd	T25819/2014
	5(RE)	419.6821	Botha Johan Kichner	T15782/2012
	6(RE)	308.5259	Scheepers Hester Hendrina Elizabeth	T45708/1990
	7	14.0086	R H K Farming Enterprises Pty Ltd	T11581/2006
	9(RE)	561.0227	Sanders Errol Collin	T52891/2009

	11(RE)	295.4915	W W Bartley Poultry Farming Pty Ltd	T25819/2014
	12	93.4548	R H K Farming Enterprises Pty Ltd	T11581/2006
	13	46.7252	C Klinkert Pty Ltd	T69095/2014
	15(RE)	256.6885	Scheepers Hester Hendrina Elizabeth	T45708/1990
	16	124.4416	Scheepers Hester Hendrina Elizabeth	T45708/1990
	17(RE)	43.9596	Scheepers Hester Hendrina Elizabeth	T45708/1990
	18	130.2307	R H K Farming Enterprises Pty Ltd	T11581/2006
	19	42.3958	Buys Francois Pieter	T36599/2008
	21	121.4806	Merwe Susara Johanna Van Der	T85273/1992
	23	55.2520	Merwe Susara Johanna Van Der	T85273/1992
	24(RE)	192.8040	Schultz Maurits Cornelis. Schultz Kurt Eugene. Schult Carla Elizabeth. Schultz Bjorn Rudolph	T111188/1998
	25	55.2519	Merwe Susara Johanna Van Der	T85273/1992
	26	222.6422	Bosparadys Beleggings Pty Ltd	T80385/2004
	28	0.4815	Consolidated to portion 29	
	29	343.2882	Scheepers Hester Hendrina Elizabeth	T45708/1990
	30	184.0700	No information at deeds office	
	32	125.3826	R H K Farming Enterprises Pty Ltd	T11581/2006
	33 (RE)	83.9578	Merwe Susara Johanna Van Der	T85273/1992
	34	37.6954	Botha Abraham Absalon. Botha Magdalena Dorothea	T11782/2016
	35	89.2881	No information at deeds office	
	36	200	No information at deeds office	
Ormonde 99 IR	0(RE)	68.4256	Akani Egoli Prop Pty Ltd	T132789/2006
	4	31.0760	No information at deeds office	
	6(RE)	9.4249	Des Moines Prop Pty Ltd	T84075/1997
	7(RE)	0.7329	Booyens Micropark Pty Ltd	T83216/1990
	8(RE)	0.6060	No information at deeds office	

9	1.7335	No information at deeds office	
10	194.6180	No information at deeds office	
12	0.9302	Nelsin Road Prop cc	T41486/1971
14	0.9702	Howden Africa Pty Ltd	T32654/2008
15	2.7126	Howden Africa Pty Ltd	T60541/2008
16	76.1251	No information at deeds office	
18	0.2209	No information at deeds office	
19	8.5653	Provincial government of the province of Gauteng	T23972/1955
20	2.0039	Akani Egoli Prop Pty Ltd	T132789/2006
21	42.0644	No information at deeds office	
22(RE)	0.1352	No information at deeds office	
23	31.0923	No information at deeds office	
26	0.0235	Mun Johannesburg	T11575/1978
27	69.5698	Mun Johannesburg	T45339/1973
28	3.7396	No information at deeds office	
29	2.6335	No information at deeds office	
30	0.3236	Mun Johannesburg	T43058/1974
31	21.7385	Mun Johannesburg	T42351/1979
33	18.4457	South Africa National Road Agency Ltd	T81946/2008
34	0.3138	South Africa National Road Agency Ltd	T81946/2008
35	11.1930	No information at deeds office	
39	1.1208	No information at deeds office	
45	7.2216	No information at deeds office	
48	9.8286	No information at deeds office	
49	1.3692	No information at deeds office	
54	7.9352	No information at deeds office	
55	4.3220	No information at deeds office	
56	1.3236	No information at deeds office	
57	0.0118	South Africa National Road Agency Ltd	T26333/2009
58	2.0041	No information at deeds office	

	59	54.5230	No information at deeds office	
	60	0.3509	No information at deeds office	
	61	0.9904	No information at deeds office	
	62	9.4727	No information at deeds office	
	63	0.6798	No information at deeds office	
	64	0.2823	Booyens Micropark Pty Ltd	T129882/1998
	65	2.1294	No information at deeds office	
	66	4.9586	No information at deeds office	
	67	3.0617	No information at deeds office	
	68	3.2707	No information at deeds office	
	77	6	Akani-Egoli Pty Ltd	T46215/2001
	79	0.6293	I W C Prop Pty Ltd	T62803/2015
	80	0.4832	I W C Prop Pty Ltd	T62803/2015
	81(RE)	1.6874	Langford Street Inv Pty Ltd	T75153/2008
	83	17.4308	Akani-Egoli Pty Ltd	T157661/2005
Buffelsdoorn 143 IQ	1(RE)	288.5996	Randfontein Estate Ltd	T51657/2003
	3(RE)	167.4020	Cronje Johannes Petrus	T7930/2008
	4(RE)	262.8763	Cronje Johannes Petrus	T82550/2007
	7	147.9896	Randfontein Estate Ltd	T51657/2003
	8	300.0217	Randfontein Estate Ltd	T51657/2003
	9(RE)	297.1138	Randfontein Estate Ltd	T51657/2003
	10	6.6752	Cronje Johannes Petrus	T7930/2008
	11	4.7507	Wedela Plaaslike Oorgangsraad	T125584/1999
	12	2.8975	Nel Adriaan Jacobus	T25872/2007

	5.2948	Buys Leon Du. Anglogold Ashanti Ltd. Opperman Paul Jacobus.Schutte Jan Adriaan. Schutte Sarel.Bezuidenhout Pieter Lodewk.Pool Marianne.Buys Leon Du.Labuschagne Anna Catharina Magdalena.Schutte Jan Gerhardus Lodewikus.Vuuren Petronella Yvonne Jansen Van. Labuschagne Casper Jeremiah.Opperman Anna Susanna.Buys Leon Du. Buys Leon Du.Opperman Philippus Albertus.Schutte Anna Maria Elizabeth.Walt Tjaart Andries Van Der. Buys Leon Du.Opperman Paul Jacobus	T1175/1985.T 135450/1998. T16950/1935. T17209/1951. T17209/1951. T17305/1937. T28220/1984. T40232/1984. T45393/1965. T45393/1965. T47408/1974. T4928/1913. T4931/1913. T51731/1986. T69757/1987. T7550/1933. T7550/1933. T7550/1933. T7550/1933. T756/1985. T8181/1930
13			
14	4.0537	J A L Eiendomme Pty Ltd	T36198/1981
15(RE)	373.0625	Cronje Johannes Petrus	T29550/2005
16	13.7045	Cronje Johannes Petrus	T175161/2003
19	1.7131	Cronje Johannes Petrus	T8002/2010
20	132.6197	Cronje Johannes Petrus	T175161/2003
21(RE)	107.1668	Vandavista Pty Ltd	T101597/2014
22	103.6405	Schutte Tjaart Andries	T33745/1966
29	3.3269	Anglogolg Ashanti Ltd.Groenewald Wilhelm Roode.Groenewald Johanna Catharina	T135450/1998. T34527/2014. T34527/2014
31	150.1331	Randfontein Estate Ltd	T51657/2003
32	1.8991	Randfontein Estate Ltd	T51657/2003
33	8.5653	Mehtar Suliman B-E. Mather Rasulbebe.Mehtar Ismail Mohamed B-E. Bhokhary Hava. MEhtar Khadija.Gabru Fatima. RajahRookeya. Bulbulia Rabia Mohamed. Khan Hajira. Khan Ebrahim	T70181/2005
34	33.8940	Randfontein Estate Ltd	T51657/2003
35	107.0682	Randfontein Estate Ltd	T51657/2003
36	46.1572	Randfontein Estate Ltd	T51657/2003
37	46.1572	Randfontein Estate Ltd	T51657/2003

38	46.1572	Randfontein Estate Ltd	T51657/2003
39	46.1572	Randfontein Estate Ltd	T51657/2003
40	46.1572	Randfontein Estate Ltd	T51657/2003
41	46.1572	Randfontein Estate Ltd	T51657/2003
48	10.4661	Berg Josef Cornelius Van Der	T15199/1993
49	8.9483	Comdu Boerdery CC	T86811/2006
50	9.2872	Duvenhage Jan Adriaan	T139060/2001
51	9.6155	Steyn Jonnes Hendrik	T4542/1970
52	8.88651	Jacobs Daniel Johannies Petrus. Jacobs Martha Susan Catharina	T39213/2007
53	8.8670	Maartens Maarten Johann. Maartens Marinne Magdaline	T25301/2008
54	11.8016	Hattingh Paul Bester	T42475/2016
55	808810	Zyl Estelle Desire Van. Zyl Rudolph Hendrik Van	T86858/2007
56	8.8805	Saunders David Johannes. Saunders Penelope Patricia	T92975/2011
57	8.8838	Joubert Dawid Johannes. Joubert Sanet	T110260/2007
58	8.5804	Chasakara Edwin Tiri	T52559/2016
59	4.2827	Republiek Van Suid- Afrika	T21117/1950
60	149.7537	Randfontein Estate Ltd	T51657/2003
68	13.4596	Schutte Tjaart Andries. Schutte Anna	T43004/1992
69	68.4653	Groenewald Wilhelm Roode. Groenewald Johanna Catharina	T34527/2014
70(RE)	0.9656	Nel Johannes Petrus	T42507/1994
71	318.6279	Buffelsdoorn boerdery Pty Ltd	T104080/2015
72	144.0543	Deventer Gert Van. Deventer Sarie Elizabeth Van	T95385/2008
78(RE)	557.9582	Randfontein Estate Ltd	T51657/2003
79	75.2042	No information at deeds office	
81	15.2712	No information at deeds office	
82	40.4330	No information at deeds office	
83	38.3411	No information at deeds office	
91	103.7914	Randfontein Estate Ltd	T51657/2003
92	57.6805	No information at deeds office	
93	28.5639	No information at deeds office	

Palmietfontein 141 IQ	94	2.3640	Vince Prop Pty Ltd	T84053/2002
	95	31.3782	Wedela Plaaslike Oorgangsraad	T125584/1999
		0.0003889 7	No information at deeds office	
	100	28.3786	Barrie Island Prop Inv Pty Ltd	T2932/2008
	7(RE)	155.9009	City Of Johannesburg Metropolitan Municipality	T33238/1944
	8(RE)	5.7012	Minella Trust	T72987/2008
	12(RE)	12.1750	Ekurhulen Metropolitan Municipality	T41167/2011
	15(RE)	8.3169	Transnet Ltd	T11113/1924
	16	3.3019	Transnet Ltd	T11113/1924
	17	5.1292	Transnet Ltd	T3064/1925
	18	12.9277	Overnight logistics Pty Ltd	T105663/2007
	26(RE)	32.0431	Escom	T33150/1966
	27(RE)	2.9676	Minella Trust	T72987/2008
	30(RE)	2.8849	Transnet Ltd	T16762/1944
	31	2.2349	Transnet Ltd	T16762/1944
	32	49.0223	National Government of the Republic of South Africa	T33101/1969
	33(RE)	1.2640	Farm Sixty Two Palmietfontein Development Ltd	T3401/1975
	34(RE)	8.5718	Saurmainn Frederika	T127867/2003
	35(RE)	9.4010	Stylestar Prop 86 Pty Ltd	T59899/2014
	37(RE)	6.6927	Aloe Enterprises Pty Ltd	T28695/1981
	38(RE)	4.8454	P P Inv Pty Ltd	T130289/2006
	39(RE)	8.9940	Namru 89 cc	T33560/2012
	40	9.9740	Active Blue Trading 61 cc	T63131/2005
	43	2.2307	Transnet Ltd	T1369/1949
	45	16.1872	Briti Pty Ltd	T62902/1996
	48	130.8204	Ekurhulen Metropolitan Municipality	T17760/1995
	57(RE)	10.2784	Aandster Inv Alberton Pty Ltd	T1190/1970
	58	102784	Sinai Marketing cc	T142606/2007
	59	10.2784	Screenex Holdings Pty Ltd	T38072/1970
	61	2.9066	South African Rail Commuter Corp Ltd	T24017/1991
	69	0.6636	Mun Tokoza	T8285/1985
	74	12.3270	Rand Water Board	T5700/1966
78	0.5184	Mun Alberton	T16337/1977	
83(RE)	7.9291	Transnet Ltd	15840/1972	
84	4.0458	Briti Pty Ltd	T62902/1996	
85				

	88	8.5653	Ekurhuleni Metropolitan Municipality	T41167/2011
	93	0.3965	Telkom S A Ltd	T33075/1970
	100(RE)	51.8871	Gencor Ltd	T7997/1974
	102	4.8871	Mun Alberton	T7675/1975
	107(RE)	12.7830	Rivdowne Ind	T9791/1976
	109	2.7231	Mun Alberton	T33715/1976
	110(RE)	4.9339	Alroddev Pty Ltd	T33199/1978
	112	7180 (RE)	Republiek Van Suid-Afrika	T7996/1979
	113	0.7456	Republiek Van Suid-Afrika	T2656/19787
	118(RE)	15.4204	Gauteng Department of Housing	T42573/1979

The reasons the Regional Land Claims Commissioner believes that the criteria in section 11(1) of the Act may not have been met, is that:

- (a) The claimed land does not extend to the properties listed above;
- (b) The claimed land will be determined after completion of further investigations.


MR L H MAPHUTHA
 The Regional Land Claims Commissioner
 Private Bag X 03
 ARCADIA
 0007
 Tel: (012) 310-6500
 Fax: (012) 323-2961

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DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NO. 755

27 JULY 2018

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

Notice is hereby given in terms of section 11(1) of the Restitution of Land Rights Act, 1994 (Act No. 22 of 1994 as amended) that a claim for restitution of land rights on:

REF NO.	CLAIMANT	PROPERTY	PORTION	DISTRICT	CURRENT LAND OWNER	DEED OF TRANSFER	INTERESTED PARTIES
R 0041	Mr Ronald Mabale	Buffelsfontein 465 JQ	Portion 20	Bojanala District	Department of Rural Development & Land Reform	T622/2010	Bapo Ba Mogale Community
			Portion 21		Department of Rural Development & Land Reform	T622/2010	
			Portion 22		Phoenix Platinum Mining PTY LTD	T2773/2008	
			Portion 23		T622/2010	T2773/2008	
			Portion 24		Department of Rural Development & Land Reform	T622/2010	
			Portion 26		Lockeport Projects LTD	T8892/2011	
			Portion 27		Lockeport Projects LTD	T8892/2011	
			Portion 28		Samancor Chrome LTD	T28352/1999	

		Portion 29	Next level PROP PTY LTD	T155825/2007	
		Portion 104	T C Smelters PTY LTD	T81283/2016	
		Portion 118	Samancor Chrome LTD	T28352/1999	
		Portion 119	Samancor Chrome LTD	T28352/1999	
		Portion 120	Samancor Chrome LTD	T28352/1999	
		Portion 128	Samancor Chrome LTD	T28352/1999	

has been submitted to the Regional Land Claims Commissioner for North West Province and that the Commission on Restitution of Land Rights will investigate the claim in terms of the provisions of the Act in due course. Any person who has an interest in the above-mentioned land is hereby invited to submit, within 30 (Thirty) days from the publication of this notice, any comments/information to:

The Regional Land Claims Commissioner: North-West
 Private Bag X 8
MIMABATHO
 2735

Tel: (018) 389 -9600
 Fax: (018) 392-3083

Submissions may also be delivered to Crn. James Moroka & Sekame Drive, 2nd floor West Gallery, Megacity Mmabatho


MR L.H. MAPHUTHA
REGIONAL LAND CLAIMS COMMISSIONER: NORTH-WEST
 DATE: 2018/06/29

DEPARTMENT OF TRADE AND INDUSTRY

NO. 756

27 JULY 2018

CO-OPERATIVES TO BE STRUCK FROM THE REGISTER

1. SIJABULELA CATERING CO-OP LTD
2. ARTISANS AND TECHNICIANS AGENCY CO-OP LTD
3. SIHAMBAMBA KANYE KANYE CO-OP LTD
4. NOMYACA YOUTH BAKERY CO-OP LTD
5. FREE YOUR MIND CO-OP LTD
6. SOKHULA NAEMIZAMO CO-OP LTD
7. UBUHLE NDEBELE BEADED CRAFT CO-OP LTD
8. SILWANENDLALA UBUNTU FARMERS AGRICULTURAL CO-OP LTD
9. MASIBAMBISANENI CO-OP LTD
10. B H I M RAMSUMAR AND THILGAVATHIE PILLAY CO-OP LTD
11. YANDISA CO-OP LTD
12. KEEP SAFE CO-OP LTD
13. KUYASHESHA CLEANING SERVICE CO-OP LTD
14. KHANYA LAPHO UKHONA CO-OP LTD
15. KHONZEKHAYA CO-OP LTD
16. RED MOUNTAIN CATERING CO-OP LTD
17. UBUNTU CLEANING CO-OP LTD
18. HLUZINQONDO CO-OP LTD
19. IMASIBAMBANE CO-OP LTD
20. THE CONQUERERS YOUTH CO-OP LTD
21. PFANANI SEWING CO-OP LTD
22. ENKONKWENI SHEEP FARMING CO-OP LTD
23. LUKHANJI KHANYISA WOMEN'S CO-OP LTD
24. WORKING TOGETHER CLEANING CO-OP LTD
25. MINTORO JEWELLERY AND HANDCRAFT CO-OP LTD
26. MAHWAQA BEEF PRODUCTION CO-OP LTD
27. XONGANI JEWELLERY AND HANDCRAFT CO-OP LTD
28. ITHEMBELISHA BAKERY CO-OP LTD
29. KHETHANI BRICKS CO-OP LTD
30. TSWELELOPELE MULTI-SKILL CO-OP LTD
31. NOTHANDO TRANSPORT AND DISTRIBUTION TRADING CO-OP LTD
32. MUNJA MULTI PURPOSE CO-OP LTD
33. AMAJILI CO-OP LTD
34. MUZOKHANYAYO CO-OP LTD
35. THATHAKHONA CO-OP LTD
36. AKHAKAHLE CO-OP LTD
37. THOLUSIZO CO-OP LTD

Notice is hereby given that the names of the abovementioned co-operatives will, after the expiration of sixty days from the date of this notice, be struck off the register in terms of the provisions of section 73(1) of the Co-operatives Act, 2005, and the co-operatives will be dissolved unless proof is furnished to the effect that the co-operatives are carrying on business or are in operation.

Any objections to this procedure, which interested persons may wish to raise, must together with the reasons therefore, be lodged with this office before the expiration of the period of sixty days.

REGISTRAR OF CO-OPERATIVES

Office of the Registrar of Co-operatives

Dti Campus
77 Meintjies Street
Pretoria
0002Private Bag X237
Pretoria
0001

DEPARTMENT OF TRADE AND INDUSTRY

NO. 757

27 JULY 2018

CO-OPERATIVES TO BE STRUCK FROM THE REGISTER

1. INGONYAMA CONSTRUCTION CO-OP LTD
2. IMITHA YELANGA MULTI-PURPOSE CO-OP LTD
3. IKWEZI NGELETHU MULTI-PURPOSE CO-OP LTD
4. AZIBUYEEMASISWENI CO-OP LTD
5. NOLIZWE CO-OP LTD
6. BOSELE BAKING PROJECT CO-OP LTD
7. UVELAPHI ZAKHE CO-OP LTD
8. SBAMBENE CO-OP LTD
9. HLAKANIPHANI MA-AFRIKA TRADING CO-OP LTD
10. NEW CREATIVE MEDIA CO-OP LTD
11. THUL'UBUKE CO-OP LTD
12. G4M CO-OP LTD
13. NCILIBA HOUSING CO-OP LTD
14. EMFUNDISWENI JEWELLERY AND HANDCRAFT CO-OP LTD
15. ABASHANA CO-OP LTD
16. NDONYANE CO-OP LTD
17. ZIZAMELE CLEANING SERVICES CO-OP LTD
18. BALESENG CLOTHING MANUFACTURING CO-OP LTD
19. AMAGLALEKA MULTI-PURPOSE CO-OP LTD
20. XIDZIMBANYANI JEWELLERY CO-OP LTD
21. UMKHOMASE CO-OP LTD
22. MAQWABE B.T.N.N TRADING CO-OP LTD
23. CLICK IT ZONE CO-OP LTD
24. IMBUYISELOYETHU CO-OP LTD
25. JOBE PLASTICS CO-OP LTD
26. WOMEN LIKE THESE TRUCKING CO-OP LTD
27. SHINE RECORDING STUDIO CO-OP LTD
28. G AND P NONGOMA CO-OP LTD
29. LOXION CONSTRUCTION CO-OP LTD
30. QOQISIZWE CO-OP LTD
31. SINOMNQWENO CATERING CO-OP LTD
32. MTHOMBONGASHI CO-OP LTD
33. J FLAT WOMEN BUSINESS CO-OP LTD
34. ITHUBELIHLE DISPOSABLE NAPPIES CO-OP LTD
35. PUMZA-THOBEKANI MULTI-PURPOSE CO-OP LTD
36. GQAMANGEZENZO CO-OP LTD
37. SENZA NJE CO-OP LTD

Notice is hereby given that the names of the abovementioned co-operatives will, after the expiration of sixty days from the date of this notice, be struck off the register in terms of the provisions of section 73(1) of the Co-operatives Act, 2005, and the co-operatives will be dissolved unless proof is furnished to the effect that the co-operatives are carrying on business or are in operation.

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DEPARTMENT OF TRADE AND INDUSTRY

NO. 758

27 JULY 2018

CO-OPERATIVES TO BE STRUCK FROM THE REGISTER

1. SUKUMA SAKHE CO-OP LTD
2. MILESTONE CO-OP LTD
3. FODO CULTURAL CENTRE CO-OP LTD
4. SAKHILE BAKERY CO-OP LTD
5. SOPHUMELELA MULTI-PURPOSE CO-OP LTD
6. BIG 6 TRANSPORT CO-OP LTD
7. MSOMUHLE BAKERY CO-OP LTD
8. AMAFOLOZI CO-OP LTD
9. HEALTHY MIND PRODUCTIVE LABOURER CO-OP LTD
10. SENZANGAKHO INGEYETHU CO-OP LTD
11. LUNGISA STEEL WORKS CO-OP LTD
12. KHETHA INTERGRATED FARMING CO-OP LTD
13. ITHIMBA CO-OP LTD
14. NAKHE YOUTH ADVISORY AND SUPPORT CO-OP LTD
15. SIYATIKA CO-OP LTD
16. SIZANOTHO CO-OP LTD
17. KUMANI CO-OP LTD
18. ZISIZENI CO-OP LTD
19. REFILWE CATERING CO-OP LTD
20. MAGAYE'S COOKING CLUB CO-OP LTD
21. SIYADUDULA TRANSPORT CO-OP LTD
22. PARYS JOINT WOMEN DEVELOPMENT NATIONAL CO-OP LTD
23. SPEAK LIFE MANUFACTURING CO-OP LTD
24. UKWETHEMBA CO-OP LTD
25. TSWELOPELE WASTE MANAGEMENT CO-OP LTD
26. WOZA SAKHE IKHAYA LEMPILO CO-OP LTD
27. ISIKHWEBU SEGOLIDE CO-OP LTD
28. V F P CO-OP LTD
29. GAMBUSHE CO-OP LTD
30. IMBHALI CO-OP LTD
31. SINCENGIMPILO CO-OP LTD
32. SAKHASONKE CO-OP LTD
33. SIHLANGENE UMZAMO CO-OP LTD
34. MANGAUNG JOINT WOMEN DEVELOPMENT NATIONAL CO-OP LTD
35. LOKABEPA MULTI-PURPOSE CO-OP LTD
36. USIBA CO-OP LTD
37. WATERKLOOF AGRICULTURAL DEVELOPMENT CO-OP LTD

Notice is hereby given that the names of the abovementioned co-operatives will, after the expiration of sixty days from the date of this notice, be struck off the register in terms of the provisions of section 73(1) of the Co-operatives Act, 2005, and the co-operatives will be dissolved unless proof is furnished to the effect that the co-operatives are carrying on business or are in operation.

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DEPARTMENT OF TRADE AND INDUSTRY

NO. 759

27 JULY 2018

CO-OPERATIVES TO BE STRUCK FROM THE REGISTER

1. NOKWEZI MULTI-PURPOSE CO-OP LTD
2. UZWANO CO-OP LTD
3. NOMZAMO AGRICULTURAL CO-OP LTD
4. THANODU CO-OP LTD
5. PHEMBOKUHLE CO-OP LTD
6. KHOMBINDLELA UMZINGULU CO-OP LTD
7. VUMA CATERING CO-OP LTD
8. INJESUTHI CO-OP LTD
9. VUKANI MA-AFRIKA TRANSPORT AND ALLIED BUSINESS CO-OP LTD
10. ACHIB LIMPOPO (SEKHUKHUNE) CO-OP LTD
11. THULUBONE CO-OP LTD
12. KOPANO KE MATLA FUNERAL SERVICE CO-OP LTD
13. UNWELE OLUDE CO-OP LTD
14. OLEBILE -THABANG AGRICULTURAL CO-OP LTD
15. SABELOSETHU CO-OP LTD
16. ZULISA CO-OP LTD
17. UBUMBANOLWETHU CO-OP LTD
18. REALEBOA CO-OP LTD
19. ZAKHELE BRICKYARD CO-OP LTD
20. ZAMA-OKUHLE CO-OP LTD
21. METLARING BURIAL SOCIETY CO-OP LTD
22. ONDINI SANITARY MANUFACTURER CO-OP LTD
23. BATJHONJALO POULTRY FARMING CO-OP LTD
24. NONTHIZA CO-OP LTD
25. LAPHUMILANGA CO-OP LTD
26. QIKELELA CO-OP LTD
27. MFULENI CO-OP LTD
28. SUKUMUZENZELE CO-OP LTD
29. KGUTHALANG CO-OP LTD
30. MASIZAMENI CO-OP LTD
31. AFRICAN RENAISSANCE AND INDUSTRY MINING CO-OP LTD
32. SIYATHANDA CO-OP LTD
33. MNQUMA TRADING CENTRAL CO-OP LTD
34. UTHANDOLWENKOSI CO-OP LTD
35. EZETHU CO-OP LTD
- 36.24 SEVEN FUNERAL SERVICE AND CATERING CO-OP LTD
37. VUKANI MANGWENI PRIMARY AGRICULTURAL CO-OP LTD

Notice is hereby given that the names of the abovementioned co-operatives will, after the expiration of sixty days from the date of this notice, be struck off the register in terms of the provisions of section 73(1) of the Co-operatives Act, 2005, and the co-operatives will be dissolved unless proof is furnished to the effect that the co-operatives are carrying on business or are in operation. Any objections to this procedure, which interested persons may wish to raise, must together with the reasons therefore, be lodged with this office before the expiration of the period of sixty days.

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DEPARTMENT OF TRADE AND INDUSTRY

NO. 760

27 JULY 2018

CO-OPERATIVES TO BE STRUCK FROM THE REGISTER

1. SIYAMTHANDA SEWING CO-OP LTD
2. ARCHITECTURAL DESIGN TECHNOLOGY AND RENOVATION CO- OP L TD
3. SIFOSO KUHLE CO-OP LTD
4. VULEKA CO-OP LTD
5. HARDING SIYATHUTHA TRANSPORT CO-OP LTD
6. THRAW YOUTH CO-OP LTD
7. SIYOPHEPHELA CO-OP LTD
8. HLOMANI DIAPERS AND DISPOSABLE NAPPIES CO-OP LTD
9. GCINISIKO CO-OP LTD
10. IZINTO ZIYENZEKA CO-OP LTD
11. SIYABEKEZELA CLEANING SERVICE CO-OP LTD
12. JABAVIKELE CO-OP LTD
13. TRY MASIPHATHANE KAHLE CO-OP LTD
14. SIBAMBISENE CO-OP LTD
15. MASILEBISANE CO-OP LTD
16. S'BAHLE CO-OP LTD
17. CATCH A BITE CO-OP LTD
18. IKHETHELO CLEANING CO-OP LTD
19. TPS MANUFACTURING CO-OP LTD
20. LUNDINI CO-OP LTD
21. BUKUBUHLE CATERING AND BAKING CO-OP LTD
22. IMBIZA MULTI-PURPOSE CO-OP LTD
23. THAMELA CATERING CO-OP LTD
24. SONQOBA OBANJENI CO-OP LTD
25. NONJINGA BEADS CLUB CO-OP LTD
26. BONGIMVULA CO-OP LTD
27. UGQOZI LWENTSHA CO-OP LTD
28. C M L AGRI CO-OP LTD
29. THOLUBUHLE CO-OP LTD
30. MPHATLALATSANE CLEANING CO-OP LTD
31. GARDEN EXPERTS CLEANING CO-OP LTD
32. SIYASONDELA CO-OP LTD
33. RE A DIRA CLEANING CO-OP LTD
34. ITSOTSENG CLEANING CO-OP LTD
35. QOPHUMZEKELO CATERERS CO-OP LTD
36. TRINITY CO-OP LTD

Notice is hereby given that the names of the abovementioned co-operatives will, after the expiration of sixty days from the date of this notice, be struck off the register in terms of the provisions of section 73(1) of the Co-operatives Act, 2005, and the co-operatives will be dissolved unless proof is furnished to the effect that the co-operatives are carrying on business or are in operation.

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DEPARTMENT OF TRADE AND INDUSTRY

NO. 761

27 JULY 2018

CO-OPERATIVES THAT HAVE BEEN REMOVED FROM THE REGISTER

1. ABABHIKICI CO-OP LTD
2. PRETORIA UNITED LONG DISTANCE TAXI CO-OP LTD
3. IMVELISO AGRICULTURAL CO-OP LTD
4. BEERBUSH CO-OP LTD
5. QHAKAZA CO-OP LTD
6. VUKUZITHATHE YOUTH CO-OP LTD
7. ZIPHOLELE CO-OP LTD
8. KWASA WOMEN'S CLUB CO-OP LTD
9. DRIEFONTEIN FINANCIAL SERVICES CO-OP LTD
10. UMUSAWAKHE CO-OP LTD
11. ZIYASHA CO-OP LTD
12. MASIPHAKAME CO-OP LTD
13. SIYAKHULA SAKHIKAMVA CO-OP LTD
14. SKETHIWE CO-OP LTD
15. MISSIONVALE AND KLEINSKOOL CLEANSING CO-OP LTD
16. MASIKHUPHUKE CO-OP LTD
18. SOPHUMELELA DIAPER KINGS CO-OP LTD
19. SIZAMUKUPHILA CO-OP LTD
20. ABAHLOBO CO-OP LTD
21. SIYAHLWANYELA CO-OP LTD
22. JABUTHABANG CONSTRUCTION CO-OP LTD
23. UMHLONTLO CO-OP LTD
24. QHUBEKA AGRICULTURAL CO-OP LTD
25. NKULULEKO FOUNDATION CO-OP LTD
26. SIKHANGELENE DEVELOPMENT CO-OP LTD
27. ONYAWENI SEWING CO-OP LTD
28. AMAGAMANXA CO-OP LTD
29. SIMANYE CATERING SERVICES CO-OP LTD
30. SOBANE CLEANING CO-OP LTD
31. LUBUMBANO CO-OP LTD
32. AMAZAMELA CO-OP LTD
33. WOZOBONA CO-OP LTD
34. TSIBOGELO AGRICULTURAL CO-OP LTD
35. CHIBELIHLE CO-OP LTD
36. BHONGOZA CO-OP LTD
37. ASIQAME CO-OP LTD
38. EBENE-EZER CO-OP LTD
39. ILIMA LAMAKHOSIKAZI LUKHANJI CO-OP LTD

Notice is hereby given that the names of the abovementioned co-operatives have been removed from the register in terms of the provisions of section 73(1) of the Co-operatives Act, 2005.

REGISTRAR OF CO-OPERATIVES

Office of the Registrar of Co-operatives

Dti Campus

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DEPARTMENT OF TRADE AND INDUSTRY

NO. 762

27 JULY 2018

CO-OPERATIVES THAT HAVE BEEN REMOVED FROM THE REGISTER

1. ISITHOMBESIHLE CO-OP LTD
2. BULELWA CLEANING SERVICES CO-OP LTD
3. NHLANGANO YOUTH CO-OP LTD
4. RELEMOGILE CO-OP LTD
5. LUXOLWENI FARMER CO-OP LTD
6. MTHONGETHIWA BLOCK MAKING CO-OP LTD
7. MADIBANENG HOMEOPATHIC CLINIC CO-OP LTD
8. UMUZIWAKHILE COMMUNITY GARDEN CO-OP LTD
9. UNATHINJALO CO-OP LTD
10. BONANIKITHI CO-OP LTD
11. INANDA SISONKE YOUTH CATERERS CO-OP LTD
12. INQABAYETHU SEWING CO-OP LTD
13. UBOBO LEMBOKODO CO-OP LTD
14. MIDMARDAM CO-OP LTD
15. UMZAM'OMHLE LEATHER CRAFTING CO-OP LTD
16. LECHABILE CO-OP LTD
17. ALUNCEDO CO-OP LTD
18. UBUHLE BECHRIST CO-OP LTD
19. LIMBO GENERAL TRADING CO-OP LTD
20. ITEKENG COMMUNITY VEGETABLE GARDEN CO-OP LTD
21. IZINDOPHI CO-OP LTD
22. KOPUTJANANI DITLOU AGRI PRODUCTION CO-OP LTD
23. PHUMLANI LIVESTOCK CO-OP LTD
24. IKAMVA CO-OP LTD
25. KAMVA LETHU CO-OP LTD
26. SINEMPUMELELO CO-OP LTD
27. NOBUHLE LADY FRERE CO-OP LTD
28. SENZE-NJE CO-OP LTD
29. MOMANJA FARMING CO-OP LTD
30. SIPH'UTHO CO-OP LTD
31. UBUHLE BEMVELO CO-OP LTD
32. SIVUNO ESIHLE CO-OP LTD
33. SWEET MELODY CO-OP LTD
34. MOMBENI DEVELOPMENT CO-OP LTD
35. MBASHE WARD 12 CO-OP LTD
36. MASAKHANE WARD 16 CO-OP LTD
37. AFRICAN UNITED EMPOWERMENT CO-OP LTD

Notice is hereby given that the names of the abovementioned co-operatives have been removed from the register in terms of the provisions of section 73(1) of the Co-operatives Act, 2005.

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DEPARTMENT OF TRADE AND INDUSTRY

NO. 763

27 JULY 2018

CO-OPERATIVES THAT HAVE BEEN REMOVED FROM THE REGISTER

1. KHUTHALANI CO-OP LTD
2. MALUTI CO-OP LTD
3. KUPHILWAPHI TRADING CO-OP LTD
4. NOKUPHILA POULTRY CO-OP LTD
5. SIYOLO CO-OP LTD
6. ORANGE FARM TOURISM CO-OP LTD
7. OKOKOKO BAKING CO-OP LTD
8. INTHUTHANE CO-OP LTD
9. THUSANANG CO-OP LTD
10. PROUD YOUTH DEVELOPMENT CO-OP LTD
11. ZUSIPHE ZULU CULTURAL CO-OP LTD
12. PROBEER CO-OP LTD
13. IKAPESENG DRESS MAKING CO-OP LTD
12. GILIMITHI CO-OP LTD
14. IGUGU MULTI-PURPOSE CO-OP LTD
15. MOUNT AYLIFF CO-OP LTD
16. ALICEDALE SMALL BLACK FARMERS CO-OP LTD
17. RE PHOLOGILE TRANSPORT CO-OP LTD
18. INHLANGANISELA NKOMBA CO-OP LTD
19. PHOLA POULTRY AND BROILER CO-OP LTD
20. QUQUZELANI KUSILE WOMEN'S CO-OP LTD
21. IMVELISO POULTRY TRADING CO-OP LTD
21. PHEZUKOMKHONO ZINAMANDLA WOMEN'S CO-OP LTD
22. MANYANO T.C CO-OP LTD
23. HLUMANI KEISKAMMAHOEK CATERING CO-OP LTD
24. ITHUBA LOKWENZA CO-OP LTD
25. AKWANDE CO-OP LTD
26. ISOLOMZI CO-OP LTD
27. RISUNA TRADING CO-OP LTD
28. ALBANY SEWING CO-OP LTD
29. IPOPENG SEWING TRADING CO-OP LTD

Notice is hereby given that the names of the abovementioned co-operatives have been removed from the register in terms of the provisions of section 73(1) of the Co-operatives Act, 2005.

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DEPARTMENT OF TRADE AND INDUSTRY

NO. 764

27 JULY 2018

CO-OPERATIVES THAT HAVE BEEN REMOVED FROM THE REGISTER

1. INKAZA CO-OP LTD
2. UMNOTHO CO-OP LTD
3. UJIMA CO-OP LTD
4. THABANASWANA AGRICULTURAL CO-OP LTD
5. US CO-OP LTD
6. ASIBAMBISANE MULTI-PURPOSE CO-OP LTD
7. COGIC SOUTH AFRICA CO-OP LTD
8. NEMBENI FARMING CO-OP LTD
9. FUZISWA CO-OP LTD
10. SIZANECEBO CO-OP LTD
11. SESIFIKILE CO-OP LTD
12. TSOGA-O-DIRE PUDI CO-OP LTD
13. SINEZANDLA MULTY PURPOSE CO-OP LTD
12. ICAMAGU MAKHOS'KAZI CO-OP LTD
14. JOZI CO-OP LTD
15. SIMANYENE CO-OP LTD
16. CEBOLIHLE CO-OP LTD
17. THE RINSE CLEANING SERVICES CO-OP LTD
18. PIESANG TAXI CO-OP LTD
19. KHULUGQAME TRADING CO-OP LTD
20. UBUNTU DISTRIBUTORS AND CO-OP SERVICES LTD
21. IMPENDULO FLOWER CO-OP LTD
22. LUYOLO FARMERS CO-OP LTD

Notice is hereby given that the names of the abovementioned co-operatives have been removed from the register in terms of the provisions of section 73(1) of the Co-operatives Act, 2005.

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DEPARTMENT OF TRADE AND INDUSTRY

NO. 765

27 JULY 2018

CO-OPERATIVES TO BE STRUCK FROM THE REGISTER

1. NTANDWENHLE CO-OP LTD
2. MAFIKA-ZIHLANZE CO-OP LTD
3. BOKGOBAPUDI CO-OP LTD
4. BAMBELELA GLASS FITTERS CO-OP LTD
5. SIBONGUKHWAYEKA CO-OP LTD
6. VUKASISI CO-OP LTD
7. SIYAWELA CO-OP LTD
8. GAETSHO CO-OP LTD
9. JIKELELE CO-OP LTD
10. CAPRICON FARMERS CO-OP LTD
11. NODALANI SIYAPHAMBILI CO-OP LTD
12. UBUHLE HAIRDRESSING SALON CO-OP LTD
13. BATSHWENENG CO-OP LTD
14. ZIWAKHE POWDER COATERS CO-OP LTD
15. GWALAGWALA AGRICULTURAL CO-OP LTD
16. EAGLES SECONDARY CO-OP LTD
17. MSHINI WAMI LAUNDRY CO-OP LTD
18. THE TRADE AID CENTRE (TTAC) CO-OP LTD
19. ALVERTON PRIMRY TRADING CO-OP LTD
20. SIHAMBAKAHLE CO-OP LTD
21. ISOLESIZWE LANDSCAPING CO-OP LTD
22. ISAMBULO CATERING CO-OP LTD
23. MPATANISO CO-OP LTD
24. ZONKE BONKE CO-OP LTD
25. BUDLANKOMO CROPS FARMING CO-OP LTD
26. CETSHWAYO CO-OP LTD
27. MATLHASEDI CLEANING CO-OP LTD
28. NGIBONGELENI SEWING CO-OP LTD
29. LETHUM CO-OP LTD
30. TSHAPARI PIGGEREY CO-OP LTD
31. SHANGE DUMAKUDE CO-OP LTD
32. THULISIZWE CO-OP LTD
33. KHANYANI TRADING CO-OP LTD
34. KHETHUKUTHULA AGRICULTURAL CO-OP LTD
35. UMZAMOWETHU CO-OP LTD
36. MZOXOLO COALITION SECONDARY CO-OP LTD

Notice is hereby given that the names of the abovementioned co-operatives will, after the expiration of sixty days from the date of this notice, be struck off the register in terms of the provisions of section 73(1) of the Co-operatives Act, 2005, and the co-operatives will be dissolved unless proof is furnished to the effect that the co-operatives are carrying on business or are in operation.

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DEPARTMENT OF TRADE AND INDUSTRY

NO. 766

27 JULY 2018

CO-OPERATIVES THAT HAVE BEEN REMOVED FROM THE REGISTER

1. EZINCWELENI CO-OP LTD
2. DLULUNGENE CO-OP LTD
3. ISABELO CO-OP LTD
4. SIZAKAHLE CO-OP LTD
5. NCAMSILE CO-OP LTD
6. VICTOR POTO ZIJIKILE BAFAZI CENTRAL CO-OP LTD
7. SAMPOKWE CO-OP LTD
8. MASAKHANE EMALAHLENI WARD THIRTEEN CO-OP LTD
9. NCAMA CO-OP LTD
10. SAKH'IKUSASA CO-OP LTD
11. MVUSENI FREIGHT AND DEVELOPMENT CO-OP LTD
12. MATHUBU CO-OP LTD
13. D'IMANO CO-OP LTD
14. DUDUZA CIVILS AND CONSTRUCTION CO-OP LTD
15. BATHO PELE WATER DEMAND MANAGEMENT CO-OP LTD
16. MOUNT EDGECOMBE BLOCK SUPPLIERS CO-OP LTD
17. DUBELENKUNZI CO-OP LTD
18. FUNDANI ICT AND TRAINING CO-OP LTD
19. PHILA MANUFACTURING CO-OP LTD
20. MOUNT EDGECOMBE CATERING SERVICES CO-OP LTD
21. ANDILE CLEANING CO-OP LTD
22. EVERYDAY CLEANING CO-OP LTD
23. KEGOMODITSWE HOUSING CO-OP LTD
24. DIKGALE RE A KGONA TRADING CO-OP LTD
25. ANDZANI YOUTH CO-OP LTD
26. THEMBALIHLE GARDEN CO-OP LTD
27. ISIFOSETHU CO-OP LTD
28. ASETHEMBE CO-OP LTD
29. KOPANO KE MATLA PAPER MANUFACTURING CO-OP LTD
30. KWENA LEARAMELE CO-OP LTD
31. ACHIEVERS CO-OP LTD
32. ARISE AND SHINE BRICK- MAKING CO-OP LTD
33. EAST RAND FINANCIAL SERVICES CO-OP LTD
34. NAKELELA CLEANING SERVICES CO-OP LTD
35. FORTUNE FARMING CO-OP LTD
36. MAZIDLEKHAYA CO-OP LTD
37. REBAYONE GOAT FARMERS CO-OP LTD

Notice is hereby given that the names of the abovementioned co-operatives have been removed from the register in terms of the provisions of section 73(1) of the Co-operatives Act, 2005.

REGISTRAR OF CO-OPERATIVES

Office of the Registrar of Co-operatives
Dti Campus
77 Meintjies Street
Pretoria
0001

Private Bag X237
Pretoria
0002

DEPARTMENT OF TRADE AND INDUSTRY

NO. 767

27 JULY 2018

CO-OPERATIVES THAT HAVE BEEN REMOVED FROM THE REGISTER

1. AMANIKHWE AGRICULTURAL CO-OP LTD
2. LIHLUMELO CO-OP LTD
3. KHAWULEZA GENERAL TRADING CO-OP LTD
4. MFOHLANE YOUTH SKILL CO-OP LTD
5. MAIDSTONE CO-OP LTD
6. MAROBELE FARMERS CO-OP LTD
7. ILISO LENDEVANA CO-OP LTD
8. HLABA IHLOSILE CO-OP LTD
9. MASIVUYISANE CO-OP LTD
10. ZENZELENI BURIAL CO-OP LTD
11. VUVHA LIVESTOCK FARMERS AGRICULTURAL CO-OP LTD
12. KLIPTOWN ARTS AND CRAFTS CO-OP LTD
13. MHINGA XIKUNDU FARMERS AGRICULTURAL CO-OP LTD
14. MOONLIGHT WOMEN CO-OP LTD
15. LADZODZO CO-OP LTD
16. MASIHLUME MULTI-PURPOSE CO-OP LTD
17. GABA NGOLWAZI CO-OP LTD
18. QHOZANE MULTI-PURPOSE CO-OP LTD
19. SEKUPHILENI GARDEN CO-OP LTD
20. LITHELADUMA CENTRAL CO-OP LTD
21. INKWENKWEZI CO-OP LTD
22. PHEMBISIZWE FARMING CO-OP LTD
23. SOPHAKAMA PHILISANI CO-OP LTD
24. GOLD STAR CO-OP LTD
25. NDONGA NCEDOLWETHU AGRICULTURAL AND FARMING CO-OP LTD
26. ILITHA LETHU GENERAL CO-OP LTD
27. MPHATLALATSANE CO-OP LTD
28. MZABALAZO ADULT CO-OP LTD
29. ATLEHANG CO-OP LTD
30. IMPISI CO-OP LTD
31. HLANGANISANI BAFAZI WOMEN'S CO-OP LTD
32. GREEN BASKET CO-OP LTD
33. MASIHLANGANE POULTRY FARMING CO-OP LTD
34. LETLOTLO CO-OP LTD
35. SIYAQOBA ORGANIC AGRICULTURAL CO-OP LTD
36. MASILAKHE CO-OP LTD
37. SITJHETJHLE POULTRY CO-OP LTD

Notice is hereby given that the names of the abovementioned co-operatives have been removed from the register in terms of the provisions of section 73(1) of the Co-operatives Act, 2005.

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DEPARTMENT OF TRADE AND INDUSTRY

NO. 768

27 JULY 2018

CO-OPERATIVES THAT HAVE BEEN REMOVED FROM THE REGISTER

1. WOOLDRIDGE FARMER CO-OP LTD
2. GHETTO'S COMMUNITY CO-OP LTD
3. MMMQMDNM CO-OP LTD
4. MAZIDLEKHAYA TRADING CO-OP LTD
5. MPUMALANGA TIMBUTI AGRICULTURAL CO-OP LTD
6. MAKGOLWAKAGOBONA AGRICULTURAL CO-OP LTD
7. BOLOTWA MASAKHE CO-OP LTD
8. ISIKHALISETHU TRADING CO-OP LTD
9. UMKHONTO OBUKHALI CO-OP LTD
10. ISULEMPILO CO-OP LTD
11. BLOSSOM CO-OP LTD
12. ITHEMBA CO-OP LTD
13. ISIVUNO FARMERS TRADING CO-OP LTD
12. INYONITHWELE CO-OP LTD
14. IZINDOPHI UMKHUKHUZE CO-OP LTD
15. INKWEBEKO CO-OP LTD
16. UMONGO WESIZWE CO-OP LTD
17. INGWE TOURISM CO-OP LTD
18. IMICIBISHOLO CO-OP LTD
19. BATHETHILE CO-OP LTD
20. VEZONALO CO-OP LTD
21. UNITS 3 AND 4 TRADING CO-OP LTD
21. INGOMAKAZI CO-OP LTD
22. MOLEMONG WA TEMO CO-OP LTD
23. BAMBANANI BLOCK MARKING CO-OP LTD
24. ZAKHELENI SOCIETY FOR DISABLED CO-OP LTD
25. ISU LABASHA CO-OP LTD
26. D/ABILITY BUSINESS DEVELOPMENT CO-OP LTD
27. WAKE UP WOMEN AND YOUTH CO-OP LTD
28. BUSINESS ADVISORS NETWORK CO-OP LTD
29. UDUMO VULINDLELA CO-OP LTD
30. QOPHUMLANDO BERGVILLE DISTRICT CO-OP LTD
31. LIHLELI CO-OP LTD
32. ULUNDI CLOTHING AND TEXTILE TRADING CO-OP LTD
33. UPHUHLISO LWETHU CO-OP LTD
34. IMVUSO CO-OP LTD

Notice is hereby given that the names of the abovementioned co-operatives have been removed from the register in terms of the provisions of section 73(1) of the Co-operatives Act, 2005.

REGISTRAR OF CO-OPERATIVES

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DEPARTMENT OF TRADE AND INDUSTRY

NO. 769

27 JULY 2018

CO-OPERATIVES TO BE STRUCK FROM THE REGISTER

1. UPPER NCUNCUZO AGRICULTURAL CO-OP LTD
2. UMQONDOMUHLE CO-OP LTD
3. SAKHAISIZWE TRANSPORT CO-OP LTD
4. BUHLEBUZILE KNITTING CO-OP LTD
5. MARI GOLD TRADING CO-OP LTD
6. DUMISA CO-OP LTD
7. ACHIB KWAZULU-NATAL (UMGUNGUNDLOVU) CO-OP LTD
8. SIYAPHILISANA CLEANING AND GREENING CO-OP LTD
9. PHEMBA CO-OP LTD
10. NOMABASBONE CO-OP LTD
11. ENVIROGREEN CO-OP LTD
12. INTELEKO YOLWAZI CO-OP LTD
13. USIBA LWETHU CO-OP LTD
14. SIYAKHULA MULTI-PURPOSE CO-OP LTD
15. KHETHOKWAKHO FARMING CO-OP LTD
16. INTFUTFUKO AGRIC CO-OP LTD
17. YONLANDI ISIZWE CO-OP LTD
18. THUTO PROCUMENT CO-OP LTD
19. SICELUSIZO CO-OP LTD
20. KHUMSADA CO-OP LTD
21. DALINGCEBO CO-OP LTD
22. MANCENCE'S MULTISERVE CO-OP LTD
23. SIZAKANCANE WOMEN CO-OP LTD
24. ONA LE RONA BRICK PRODUCTION CO-OP LTD
25. THANDANANI ART CRAFT AND JEWELLERY CO-OP LTD
26. TSHWARANANG JEWELLERY AND HANCRAFT CO-OP LTD
27. KEFENTSE CO-OP LTD
28. HANYANI HANDCRAFT AND JEWELLERY CO-OP LTD
29. CC CONNECTION CO-OP LTD
30. SEABAKGWANA MANUFACTURING CO-OP LTD
31. SOZAMA NDEBELE BEADED CRAFT CO-OP LTD
32. NOKHETHWAKO HANDCRAFT AND JEWELLERY CO-OP LTD
33. MELOKO POULTRY AND EGGS FARMING CO-OP LTD
34. AHITWANANENI FARMERS AGRICULTURAL CO-OP LTD
35. NKUNGUMATHE FARMING CO-OP LTD
36. S M F BLOCKS CO-OP LTD

Notice is hereby given that the names of the abovementioned co-operatives will, after the expiration of sixty days from the date of this notice, be struck off the register in terms of the provisions of section 73(1) of the Co-operatives Act, 2005, and the co-operatives will be dissolved unless proof is furnished to the effect that the co-operatives are carrying on business or are in operation.

Any objections to this procedure, which interested persons may wish to raise, must together with the reasons therefore, be lodged with this office before the expiration of the period of sixty days.

REGISTRAR OF CO-OPERATIVES

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DEPARTMENT OF TRADE AND INDUSTRY

NO. 770

27 JULY 2018

CO-OPERATIVES TO BE STRUCK FROM THE REGISTER

1. UMHLAHLANDLELA CO-OP LTD
2. KUHLE KUYEZA CO-OP LTD
3. SIQONDIMPILO CO-OP LTD
4. LATITA CO-OP LTD
5. WELBEDACHT CO-OP LTD
6. LETSEMA-LE-THATA CLEANING CO-OP LTD
7. PHUM'UZAKHELE CO-OP LTD
8. UKHANYISO CO-OP LTD
9. UQUQABA CLEANING SERVICES CO-OP LTD
10. BOMBISANI-MHINGA POTTERY CO-OP LTD
11. MT LEWIS CO-OP LTD
12. SIZOBEKEZELA CO-OP LTD
13. LEITLHO CLEANING CO-OP LTD
14. POST MATRICULANTS CO-OP LTD
15. OCILWANE CEBOLETHU CO-OP LTD
16. UNIFASA CO-OP LTD
17. IPOPENG CLEANING CO-OP LTD
18. SIYAKHANYA SEWING CO-OP LTD
19. AMANDLAETHU SEWING CO-OP LTD
20. KE MONATE CO-OP LTD
21. MASIPHATHISANE CO-OP LTD
22. DOORNPAN CLEANING CO-OP LTD
23. INHLANSI CO-OP LTD
24. SIBHEKE CO-OP LTD
25. MASAKHE-IKHAYA CO-OP LTD
26. SBONELO CO-OP LTD
27. SIYENZA SISONKE CATERING CO-OP LTD
28. UNGIKHONA CO-OP LTD
29. KHETHOKUHLE CO-OP LTD
30. SYASIZA CO-OP LTD
31. S'BUYILE TRADING CO-OP LTD
32. MPHAKATI POULTRY FARMING CO-OP LTD
33. ZIZOZA CO-OP LTD
34. SINQOBILE CO-OP LTD
35. GLOBAL PROMOTIONS ADVERTISING AGENCY CO-OP LTD
36. ZIHLANDLA CO-OP LTD

Notice is hereby given that the names of the abovementioned co-operatives will, after the expiration of sixty days from the date of this notice, be struck off the register in terms of the provisions of section 73(1) of the Co-operatives Act, 2005, and the co-operatives will be dissolved unless proof is furnished to the effect that the co-operatives are carrying on business or are in operation.

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DEPARTMENT OF TRADE AND INDUSTRY

NO. 771

27 JULY 2018

CO-OPERATIVES TO BE STRUCK FROM THE REGISTER

1. QEDINDLALA POULTRY FARMING CO-OP LTD
2. INCHANGA CO-OP LTD
3. PEACE HEAVEN FUNERAL SERVICES CO-OP LTD
4. MASAKHENI BANTU CO-OP LTD
5. IGUGULESIZWE WASTE MANAGEMENT CO-OP LTD
6. ASIKHULUME CLEANING CO-OP LTD
7. MALINDI CO-OP LTD
8. ITHOLULWAZI CO-OP LTD
9. DAWNING DAY FARMING CO-OP LTD
10. IZIKHANYISELE CO-OP LTD
11. ACHIB NORTH WEST (MAKWASI) CO-OP LTD
12. ACHIB MPUMALANGA (THEMBISILE) CO-OP LTD
13. RIXILE MA-AFRICA CO-OP LTD
14. M D SISONKE CO-OP LTD
15. IMPUMELELO YETHU CO-OP LTD
16. ASIZIMISELENI IHLWEHLWE CO-OP LTD
17. SENZA SURE CO-OP LTD
18. SARON AGRICULTURAL CO-OP LTD
19. DIPHAGANE PRIMARY TRADING CO-OP LTD
20. SIKHUSELWE CO-OP LTD
21. DISANG PIGGERY CO-OP LTD
22. SINGABENKOSI CO-OP LTD
23. SUKUMANI BANTU CO-OP LTD
24. SINETHEMBA CO-OP LTD
25. TSHOLOFELO CO-OP LTD
26. CANE DEVELOPERS CO-OP LTD
27. ZUZULWAZI CO-OP LTD
28. ZAMEKILE CO-OP LTD
29. MALUSI CO-OP LTD
30. INALA BAKERY CO-OP LTD
31. WASIZA HYDROPONIC CO-OP LTD
32. FELETHEMBENI CO-OP LTD
33. THULA UZIBONELE CO-OP LTD
34. MBOMBELA CO-OP LTD
35. INKWENKWEZI CATERING CO-OP LTD
36. INANDA DIVERSION CO-OP LTD
37. INGWEBU CO-OP LTD

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Pretoria
0001

DEPARTMENT OF TRADE AND INDUSTRY

NO. 772

27 JULY 2018

CO-OPERATIVES TO BE STRUCK FROM THE REGISTER

1. MAMORUKI SEWING CO-OP LTD
2. PHELANG COMMUNITY PROJECT CO-OP LTD
3. MAYIHLASELE WOMEN'S CO-OP LTD
4. NGENA SIDLE CO-OP LTD
5. INKCUBEKO CO-OP LTD
6. NTABANHLE WELDING CO-OP LTD
7. MASTER PEER CO-OP LTD
8. LITTLE FLOWER NELSON MANDELA WARD FOURTY NINE CO-OP LTD
9. PILANE BURIAL SOCIETY CO-OP LTD
10. MASKEY CO-OP LTD
11. LIYABONA DEVELOPMENT NELSON MANDELA WARD FOURTY CO-OP LTD
12. RESOLOFETSE CLEANING CO-OP LTD
13. SOVUKA KUKHANYE CO-OP LTD
14. DIVERSITY BURIAL SOCIETY CO-OP LTD
15. PHEMBA ISIZWE SEWING CO-OP LTD
16. UMANYANO NELSON MANDELA WARD TEN CO-OP LTD
17. RING MY BELL CO-OP LTD
18. ISIBONELO ESIHLE CO-OP LTD
19. NTINGA NTAKANDINI NELSON MANDELA WARD FIFTY FIVE CO-OP LTD
20. ITEKENG BURIAL SOCIETY CO-OP LTD
21. PICK ME UP CO-OP LTD
22. NCEDOLWETHU NELSON MANDELA WARD THIRTY CO-OP LTD
23. MAKUYA FARMERS AGRICULTURAL CO-OP LTD
24. SIYALOPHETELA CO-OP LTD
25. HLELEKILE CO-OP LTD
26. INGCEBO YOMHLABA CO-OP LTD
27. UDUMOLWAKHE CO-OP LTD
28. IMPILOYETHU SEWING CO-OP LTD
29. PHAKAMANI BOMAMA NELSON MANDELA WARD EIGHTEEN CO-OP LTD
30. BOHLE KE BATHO CO-OP LTD
31. PREMIUM TRANSPORT CO-OP LTD
32. ISANDLWANA CO-OP LTD
33. QEDUMONA AGRICULTURAL CO-OP LTD
34. BOKAMOSO CLEANING CO-OP LTD
35. AMACIKO AKWANTU CO-OP LTD
36. SICELINHLANHLA BAKERY CO-OP LTD
37. ACHIB EASTERN CAPE (UITENHAGE) CO-OP LTD

Notice is hereby given that the names of the abovementioned co-operatives will, after the expiration of sixty days from the date of this notice, be struck off the register in terms of the provisions of section 73(1) of the Co-operatives Act, 2005, and the co-operatives will be dissolved unless proof is furnished to the effect that the co-operatives are carrying on business or are in operation.

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GENERAL NOTICES • ALGEMENE KENNISGEWINGS

DEPARTMENT OF AGRICULTURE, FORESTRY AND FISHERIES
NOTICE 410 OF 2018

National Agricultural
Marketing Council
Promoting market access for South African agriculture

REQUEST FOR THE CONTINUATION AND INCREASE OF STATUTORY LEVIES ON LUCERNE SEED AND LUCERNE HAY IN TERMS OF THE MARKETING OF AGRICULTURAL PRODUCTS ACT, ACT NO 47 OF 1996 (MAP ACT) AS AMENDED

INVITATION TO DIRECTLY AFFECTED GROUPS IN THE LUCERNE INDUSTRY TO COMMENT ON THE REQUEST FROM THE NATIONAL LUCERNE TRUST

The statutory levies on lucerne seed and lucerne hay, which were implemented for a period of four years, will lapse on 14 November 2018. These levies (VAT excluded) amount to: 80c per kg on clean seed; R4 per ton for lucerne hay not analysed by a Near Infrared Spectroscopy Instrument (NIR) Instrument; and R6 per ton for lucerne hay analysed by a NIR Instrument.

The National Agricultural Marketing Council (NAMC) received a request from the National Lucerne Trust (NLT), on behalf of directly affected groups in the lucerne industry, for the continuation and increase of statutory levies, to be promulgated as follows (VAT excluded):

LUCERNE PRODUCTS AND PERSONS RESPONSIBLE FOR PAYING THE LEVY	PROPOSED STATUTORY LEVY (VAT Excl) 15 Nov 2018 – 14 Nov 2022			
	Year 1 (15 Nov 2018 – 14 Nov 2019)	Year 2 (15 Nov 2019 – 14 Nov 2020)	Year 3 (15 Nov 2020 – 14 Nov 2021)	Year 4 (15 Nov 2021 – 14 Nov 2022)
Cleaned lucerne seed produced for commercial purposes: Payable by the lucerne seed cleaner. May be recovered from the person submitting the lucerne seed concerned for cleaning.	R0.85 per kg	R0.90 per kg	R0.95 per kg	R1.00 per kg
Lucerne hay produced for commercial purposes not analysed by the NIR instrument: Payable by the first lucerne hay dealer dealing with such lucerne hay. May be recovered from the person from whom such lucerne hay is obtained.	R6.50 per ton	R7.00 per ton	R7.50 per ton	R8.00 per ton
Lucerne hay produced for commercial purposes analysed by the NIR instrument: Payable by the owner of the NIR instrument. May be recovered from the person submitting such lucerne hay for analysis.	R6.50 per ton	R7.00 per ton	R7.50 per ton	R8.00 per ton

The request includes that the NLT be responsible for the collection and for the administration functions associated with the proposed statutory levies. Approximately 70% of levy income will be spent on functions such as Research and Development, Information and Technology Transfer, Quality Control and Certification Systems, not more than 10% on administration and at least 20% of total levy income on transformation.

The NLT is committed in developing the long-term sustainability and profitability, as well as the local and international competitiveness of the lucerne industry of South Africa. The estimated income from the proposed levies is between R1.77 million (for 2015/16) and R2.44 million (2016/17) per annum.

The proposed statutory levies will be used to fund, support and coordinate:

- Research and Development to ensure the continuous improvement and innovation with regard to lucerne seed (National Lucerne Evaluation Programme, cultivar development) and lucerne hay (development of the National Lucerne Hay Grading and Quality Scheme);
- Information and Technology Transfer by means of gathering, processing and compiling relevant information, and disseminating the knowledge capital obtained, to ensure that continuous, timeous, and accurate market and product information is available to all industry role players in the South African lucerne value chain;
- Quality Control and Certification Systems to ensure the maintenance of the lucerne seed cleaning, grading and/or classification standards and services, as well as the maintenance and further development of the National Lucerne Hay Grading and Quality Scheme;
- Transformation of previously disadvantaged individuals to ensure the development of emerging farmers to grow and produce commercially in a sustainable way and to extend their access to marketing opportunities with particular emphasis on enterprise- and skills-development programmes; and
- Close liaison between national, provisional and local government bodies; and local and international role players on industry related issues (imports, exports opportunities, varietal listing and trials) to ensure the overall sustainability of the lucerne industry of South Africa.

As the proposed statutory levies requested by the NLT are consistent with the objectives of the Marketing of Agricultural Products Act, the NAMC will investigate the possible implementation of the relevant statutory levies and make recommendations to the Minister of Agriculture, Forestry and Fisheries.

Directly affected groups in the lucerne industry are kindly requested to submit any comments or objections with regard to the proposed statutory levies to the NAMC in writing (fax 012 341 1911 or e-mail to lizettem@namc.co.za), on or before 10 August 2018, to enable the Council to formulate its recommendation to the Minister in this regard.

Lizette Mellet
Economist: Statutory Measures
National Agricultural Marketing Council

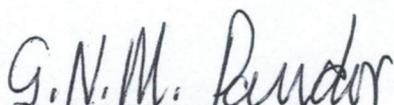
Tel: (012) 341 1115
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Fax: (012) 341 1811
E-mail: lizettem@namc.co.za

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Private Bag X935 | Pretoria | 0001.

**DEPARTMENT OF HIGHER EDUCATION AND TRAINING
NOTICE 411 OF 2018**

**STANDARD FOR SPECIFICATIONS FOR LOAD FILES FOR THE SKILLS
EDUCATION AND TRAINING MANAGEMENT INFORMATION SYSTEM
MONITORING REPORTS (SETMIS – MR)**

I, Grace Naledi Mandisa Pandor, Minister of Higher Education and Training in terms of section 3(1) of the Higher Education and Training Act, 1997 (Act No. 101 of 1997), read with section 8(2)(b) of the National Qualifications Framework Act, 2008 (Act No. 67 of 2008), section 26F(1)(c) of the Skills Development Act, 1998 (Act No. 97 of 1998) and the Higher Education and Training Information Policy published in Government Notice No. 832, Government Gazette No. 36973 of 01 November 2013, hereby amend Sections 5.3 and 5.7 of the published standard DHET 013: Specifications for load files for the Skills Education and Training Management Information System Monitoring Reports (SETMIS-MR) Standard as set out in the attached Schedule. The amended details of the Schedule are available at: <https://webapps.dhet.gov.za/USUS.aspx>.


Mrs GNM Pandor, MP

Minister of Higher Education and Training

Date: 6-7-2018

**DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT
NOTICE 412 OF 2018**

PROMOTION OF ACCESS TO INFORMATION ACT, 2000

DESCRIPTION SUBMITTED IN TERMS OF SECTION 15(1)

I, Tshililo Michael Masutha, Minister of Justice and Correctional Services, hereby publish under section 15(2) of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000), the descriptions submitted to me in terms of section 15(1) of the said Act by the –

DEPARTMENT OF AGRICULTURE AND RURAL DEVELOPMENT

As set out in the Schedule



**TSHILILO MICHAEL MASUTHA, MP (ADV)
MINISTER FOR JUSTICE AND CORRECTIONAL SERVICES**

“C”



REPUBLIC OF SOUTH AFRICA

FORM D

**AUTOMATICALLY AVAILABLE RECORDS AND ACCESS TO SUCH RECORDS:
(Section 15 of the Promotion of Access to Information Act 2000 (Act no. 2 of 2000))
[Regulation 5A]**

DESCRIPTION OF CATEGORY OF RECORDS AUTOMATICALLY AVAILABLE IN TERMS OF SECTION 15(1)(a) OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000	MANNER OF ACCESS TO RECORDS (e.g. website)(SECTION 15(1)(a))
FOR INSPECTION IN TERMS OF SECTION 15(1)(a)(i):	
The list of records are detailed in Section 3 of the PAIA Manual.	The records may be inspected on request in writing addressed to the Information Officer and or the Deputy Information Officers, Department of Agriculture and Rural Development, Private Bag X 9059, PIETERMARITZBURG, 3200, (fax number 033 355 9293) and on payment of the amount as per Appendix 1 of the PAIA Manual.
FOR PURCHASING IN TERMS OF SECTION 15(1)(a)(ii):	
The list of records are detailed in Section 3 of the PAIA Manual.	The records may be inspected on request in writing addressed to the Information Officer and or Deputy Information Officers, Department of Agriculture and Rural Development, Private Bag X 9059, PIETERMARITZBURG, 3200, (fax number 033 355 9293) and on payment of the amount as per Appendix 1 of the PAIA Manual.

FOR COPYING IN TERMS OF SECTION 15(1)(a)(ii)	
<p>(a) Delegations</p> <p>(b) Records relating to administrative decisions reached by the Department.</p>	<p>The records may be inspected on request in writing addressed to the Information Officer and or Deputy Information Officers, Department of Agriculture and Rural Development, Private Bag X 9059, PIETERMARITZBURG, 3200. (fax number 033 355 9293) and on payment of the amount as per Appendix 1 of the PAIA Manual.</p>
AVAILABLE FREE OF CHARGE IN TERMS OF SECTION 15(1)(a)(iii)	
<p>The list of records are detailed in Section 3 of the PAIA Manual, amongst others but not limited to:</p> <ul style="list-style-type: none"> - Strategic Plan and Annual Performance Plans. - Departmental Mission, Vision and Strategic Objectives. - Values of the Department. - Legislative Mandate of the Department. - Service Commitment Charter (SCC). - Service Delivery Improvement Plan (SDIP). - Quarterly Expenditure Reports. - Policies regarding Internal Practices. - Budget Vote of the MEC and other Speeches. - Departmental Publications. - Annual Reports - GIS mapping. - Mid term reviews. - Legislation. - Delegations. - Circulars. - KZN Librarian newsletters. - Internal Newsletters. - Media Releases (Umvelo, daily media monitoring). - Brochures (Ulwandle) 	<p>The records may be inspected on request in writing addressed to the Information Officer and or Deputy Information Officers, Department of Agriculture and Rural Development, Private Bag X 9059, PIETERMARITZBURG, 3200. (fax number 033 355 9293) and on payment of the amount as per Appendix 1 of the PAIA Manual.</p>

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT
NOTICE 413 OF 2018

PROMOTION OF ACCESS TO INFORMATION ACT, 2000

DESCRIPTION SUBMITTED IN TERMS OF SECTION 15(1)

I, Tshililo Michael Masutha, Minister of Justice and Correctional Services, hereby publish under section 15(2) of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000), the descriptions submitted to me in terms of section 15(1) of the said Act by the –

**LIMPOPO DEPARTMENT OF CO-OPERATIVE GOVERNANCE, HUMAN
SETTLEMENTS AND TRADITIONAL AFFAIRS**

As set out in the Schedule



**TSHILOLO MICHAEL MASUTHA, MP (ADV)
MINISTER FOR JUSTICE AND CORRECTIONAL SERVICES**



LIMPOPO
PROVINCIAL GOVERNMENT
REPUBLIC OF SOUTH AFRICA

**DEPARTMENT OF
CO-OPERATIVE GOVERNANCE,
HUMAN SETTLEMENTS & TRADITIONAL AFFAIRS**

PAIA MANUAL SECTION 15 OF THE PROMOTION OF ACCESS TO INFORMATION ACT 2 OF 2000

DESCRIPTION OF CATEGORY OF RECORDS AUTOMATICALLY AVAILABLE IN TERMS OF SECTION 15(1)(a) OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000	MANNER OF ACCESS TO RECORDS (e.g. Website) <u>(SECTION 15 (1) (b))</u>
For inspection in terms of <u>Section 15 (1) (a) (i)</u>	
Section 14 manual made available in terms of the Promotion of Access to Information Act 2 of 2000	Website: www.coghsta.limpopo.gov.za Departmental library
For purchasing in terms of Section 15 (1) (a) (ii)	
Photographs	Website: www.coghsta.limpopo.gov.za Communication Services Directorate
Tender Bulletins	Purchased within the Cashier Office at 20 Rabe Street, Hensa Towers, Polokwane - Department of Co-operative Governance, Human Settlements and Traditional Affairs.
For Copying in terms of Section 15 (1) (a) (ii)	
Speeches	Website: www.coghsta.limpopo.gov.za Communication Services Directorate, Departmental Library
Departmental Circulars	Website: www.coghsta.limpopo.gov.za Information Management Directorate
Newsletters	Website: www.coghsta.limpopo.gov.za Communication Services Directorate, Departmental Library
Budget and Strategic Plans	Website: www.coghsta.limpopo.gov.za

	<p>Budget Services Directorate</p> <p>Communication Services Directorate</p> <p>Departmental Library</p>
Annual Performance Plan	<p>Website: www.coghsta.limpopo.gov.za</p> <p>Departmental Library</p>
Departmental Contact Details	<p>Website: www.coghsta.limpopo.gov.za</p>
Policies, Acts and Regulations	<p>Website: www.coghsta.limpopo.gov.za</p>
Service Standards and norms	<p>Website: www.coghsta.limpopo.gov.za</p> <p>Service Delivery Improvement and Batho Pele Programme Directorate</p>
Forms	<p>Website: www.coghsta.limpopo.gov.za</p> <p>Information Management Directorate</p>
Financial Records Account Statements (telephone, cell phones)	<p>Departmental Expenditure and Housing Finance Directorate</p>
Departmental Structure	<p>Website: www.coghsta.limpopo.gov.za</p> <p>Human Resource Practices and Administration Directorate</p>
Registers	<p>Information Management Directorate</p>
Maps	<p>Website: www.coghsta.limpopo.gov.za</p> <p>Information Management Directorate</p>
Information Brochures	<p>Reception</p> <p>Communication Services Directorate</p>

**DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT
NOTICE 414 OF 2018**

PROMOTION OF ACCESS TO INFORMATION ACT, 2000

DESCRIPTION SUBMITTED IN TERMS OF SECTION 15(1)

I, Tshililo Michael Masutha, Minister of Justice and Correctional Services, hereby publish under section 15(2) of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000), the descriptions submitted to me in terms of section 15(1) of the said Act by the –

DEPARTMENT OF INTERNATIONAL RELATIONS AND COOPERATION

As set out in the Schedule



**TSHILILO MICHAEL MASUTHA, MP (ADV)
MINISTER FOR JUSTICE AND CORRECTIONAL SERVICES**



REPUBLIC OF SOUTH AFRICA
FORM D

AUTOMATICALLY AVAILABLE RECORDS AND ACCESS TO SUCH RECORDS:
(Section 15 of the Promotion of Access to Information Act 2000 (Act no. 2 of 2000))
[Regulation 5A]

DESCRIPTION OF CATEGORY OF RECORDS AUTOMATICALLY AVAILABLE IN TERMS OF SECTION 15(1)(a) OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000	MANNER OF ACCESS TO RECORDS (e.g. website)(SECTION 15(1)(a))
FOR INSPECTION IN TERMS OF SECTION 15(1)(a)(i):	
<p>Department of International Relations and Cooperation (DIRCO): <u>Home Page</u></p> <ul style="list-style-type: none"> • Current events/Monthly programme of events/What's new <p><u>About the Department</u></p> <ul style="list-style-type: none"> • Minister/Deputy Ministers/Director-General profiles and speeches • Vision, Mission, Strategic priorities and Values • Strategic plans/Annual reports/Annual Performance Plans/Budget Votes • African Renaissance and International Cooperation Fund (ARF) Strategic Plans and annual performance plans • Technical Indicator Descriptors for the Annual Performance Plans • Technical Indicator Descriptors for the Strategic Plans • Contact information- Who's who in the Department/After hours-helpline • Section 14 Manual <p><u>Diplomatic Immunities & Privileges (DIAP):</u></p> <ul style="list-style-type: none"> ○ Diplomatic Accreditation and Vehicle Application forms ○ Customs Clearance Certificate for Duty Free Import ○ Diplomatic Property Audit Form ○ Locally Recruited Personnel Personal Details Form ○ Signature Audit ○ Policy on the Management of Diplomatic Immunities and Privileges ○ DIAP Service Delivery Charter ○ Temporary Residence Visa Circular Note ○ Diplomatic Vehicles Audit Form ○ Mission Contact Detail Audit ○ Mission Vehicle application form <p><u>Promotion of Access to Information</u></p> <ul style="list-style-type: none"> • Promotion of Access to Information Act, 2000 (Act No. 2 of 2000) • Section 14: Manual on the Promotion of Access to Information Act No 2 of 2000 • Imanuali Ngokuhutshekiselwa phambili Komthetho wokufinyeleleka kolwazi Wesi-2 wonyaka we-2000 • Bukanataiso Ya ntshetsopele Ya molao wa ho fihlella Ditsebiso No 2 wa 2000 • Section 15: Automatic available records and access to such records 	<p><u>Website</u> <u>Home Page</u> www.dirco.gov.za</p> <p><u>Website</u> <u>About the Department</u> www.dirco.gov.za</p>

<p><u>News and events</u></p> <ul style="list-style-type: none"> • Media statements and Speeches/ Events calendar/ Parliament questions and replies <p><u>Foreign relations</u></p> <ul style="list-style-type: none"> • Bilateral relations • SA-EU strategic partnership • Multilateral relations • Diplomatic representation • SA representation abroad/Foreign representation in SA <p>Websites of South African Missions</p> <p><u>Consular information</u></p> <ul style="list-style-type: none"> • What are consular services and Contact details • Travelling abroad/Deaths abroad/Arrested abroad • Consular Notarial Services (Legislation of Official (Public) documents) • End User Certificates • Service Delivery Charter • SA representation abroad/Foreign representation in SA • South African Missions: Commissioner of Oaths <p><u>State Protocol</u></p> <ul style="list-style-type: none"> • General Protocol information: <ul style="list-style-type: none"> ○ Circular Note Verbales ○ Service Delivery Charter ○ Fact sheet and advice for travelers ○ Executive Database ○ Instructions regarding the flying of the South African flag • Diplomatic representation • South African Representation Abroad • Foreign relations in SA <p><u>Employment Information</u></p> <ul style="list-style-type: none"> • Employment Opportunities • Z.83 Form 	<p><u>Website</u> <u>News and events</u> www.dirco.gov.za</p> <p><u>Website</u> <u>Foreign relations</u> www.dirco.gov.za</p> <p><u>Website</u> <u>Websites of SA Missions</u> www.dirco.gov.za</p> <p><u>Website</u> <u>Consular information</u> www.dirco.gov.za</p> <p><u>Website</u> <u>State Protocol</u> www.dirco.gov.za</p> <p><u>Website</u> <u>Employment Information</u> www.dirco.gov.za</p>
FOR PURCHASING IN TERMS OF SECTION 15(1)(a)(ii):	
No records	
FOR COPYING IN TERMS OF SECTION 15(1)(a)(ii)	
<p><u>Procurement</u></p> <ul style="list-style-type: none"> ○ National Treasury Central Supplier Database registration ○ Supplier Leaflet ○ Treasury Central Supplier Database for Government ○ Database Registration form ○ Awarded bids ○ Received bid proposals ○ Terms of Reference (advertised tenders) <p><u>Office of the Chief State Law Advisor</u></p> <ul style="list-style-type: none"> ○ International law and treaties 	<p><u>Website</u> <u>Home</u> www.dirco.gov.za or <u>Collection at</u> <u>Supply Chain Management</u> OR Tambo Building, 460 Soutpansberg Road, Rietondale, Pretoria, 0084</p> <p><u>Website</u> <u>Foreign Relations</u> www.dirco.gov.za International law and treaties</p>
AVAILABLE FREE OF CHARGE IN TERMS OF SECTION 15(1)(a)(iii)	
<p><u>Publications</u></p> <ul style="list-style-type: none"> • Annual reports/Strategic plans/Annual Performance Plans (APP) • African Renaissance Fund/African Renaissance Fund (ARF) Strategic plan • Ubuntu magazine/ It's your voice – Ubuntu Diplomat • Measures and guidelines for the enhanced coordination of South Africa's International engagement 	<p><u>Website</u> www.dirco.gov.za or <u>Collection at</u> <u>Main Library/Public Diplomacy</u> OR Tambo Building, 460 Soutpansberg Road, Rietondale, Pretoria, 0084</p>

**DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM
NOTICE 415 OF 2018**

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

Notice is hereby given in terms of Section 11(1) of the Restitution of Land Rights Act, 1994 (Act No. 22 of 1994), as amended. This claim for the restitution of land rights is submitted to the Regional Land Claims Commissioner for the Western Cape. The particulars regarding this claim are as follow:

Reference Number : KRK 6/2/3/A/6/0/1756/16 (A440)

Properties : Remainder of Erf 1028 subdivided into Portion 1 and Portion 2 in Ottery, City of Cape Town Municipality

Current Owner : Old Apostolic Church of Africa

Claimant : Annie Johanna Abrahams (Pinto)

Date Submitted : 17 March 1997

The Regional Land Claims Commission will investigate this claim in terms of provisions of the Act in due course. Any party who has an interest in the above-mentioned land is hereby invited to submit, within 60 days from the publication of this notice, any comments / information to:

The Regional Land Claims Commission: Western Cape
Private Bag X9163
Cape Town
8000

Tel: (021) 409-0300
Fax: (021) 424-5146

CHECKED.....
DATE.....
13/6/18

APPROVED.....
DATE.....
2018/07/03
Mr. L.H Maphutha
Regional Land Claims Commissioner

**STATISTICS SOUTH AFRICA
NOTICE 416 OF 2018**

THE HEAD: STATISTICS SOUTH AFRICA notifies for general information that the Consumer Price Index is as follows:

Consumer Price Index, Rate (**Base Dec 2017=100**)

2018:

Rate: **June 2018 – 4,6**

DEPARTMENT OF TRADE AND INDUSTRY
NOTICE 417 OF 2018
INTERNATIONAL TRADE ADMINISTRATION COMMISSION OF SOUTH AFRICA

This notice replaces Notice No. 402 of 2018 in *Government Gazette* No. 41781 published on 20 July 2018.

DRAFT GUIDELINES AND CONDITIONS PERTAINING TO A SAFEGUARD APPLICATION IN TERMS OF ARTICLE 34 OF THE ECONOMIC PARTNERSHIP AGREEMENT BETWEEN THE EUROPEAN UNION AND ITS MEMBER STATES, OF THE ONE PART, AND THE SOUTHERN AFRICAN DEVELOPMENT COMMUNITY (SADC) EPA STATES, OF THE OTHER

Emanating from the Economic Partnership Agreement (EPA) between the European Community and its Member States, of the one part, and the Southern African Development Community (SADC) EPA States, of the other, Article 34 of the EPA provides for safeguard action in defined circumstances.

The International Trade Administration Commission of South Africa (the Commission) has drafted the attached reference and procedural guide pertaining to the application for safeguard action in terms of Article 34 of the EPA.

All interested parties are invited to comment on the draft guidelines within 10 calendar days of the date of publication of this notice. The Commission will finalise the guidelines after considering all comments received.

Comments can be submitted to the Chief Commissioner, International Trade Administration Commission of South Africa, Private Bag X 753, Pretoria or delivered by hand to the DTI Campus (Block E), 77 Meintjies Street, Sunnyside, Pretoria, 0002.

Further information can be obtained from the Senior Manager: Trade Remedies I, Ms Carina Janse van Vuuren, at (012) 394 3594.

Guidelines and conditions pertaining to a bilateral safeguard application in terms of Article 34 of the EPA



GUIDELINES AND CONDITIONS PERTAINING TO A BILATERAL SAFEGUARD APPLICATION IN TERMS OF ARTICLE 34 OF THE ECONOMIC PARTNERSHIP AGREEMENT (EPA) BETWEEN THE EUROPEAN UNION AND ITS MEMBER STATES, OF THE ONE PART, AND THE SOUTHERN AFRICAN DEVELOPMENT COMMUNITY (SADC) EPA STATES, OF THE OTHER

1. PURPOSE

- 1.1 The purpose of this document is to provide a reference and procedural guide pertaining to the application for bilateral safeguard action in terms of Article 34 of the EPA.

2. SCOPE

- 2.1 The scope of this document covers the application process by applicants for bilateral safeguard action in terms of Article 34 of the EPA which provides as follows in paragraph 2:

“Safeguard measures referred to in paragraph 1 above may be taken, if as a result of the obligations incurred by a Party under this Agreement, including tariff concessions, a product originating in a Party is being imported into the territory of another Party or SACU as the case may be, in such increased quantities and under such conditions as to cause or threaten to cause:

- (a) serious injury to the domestic industry producing like or directly competitive products in the territory of the importing Party or SACU as the case may be, or*
- (b) disturbances in a sector of the economy producing like or directly competitive products, particularly where these disturbances produce major social*

Guidelines and conditions pertaining to a bilateral safeguard application in terms of Article 34 of the EPA

- problems, or difficulties which could bring about serious deterioration in the economic situation of the importing Party or SACU as the case may be, or*
- (c) *disturbances in the markets of like or directly competitive agricultural products in the territory of the importing Party or SACU as the case may be.”*

3. PROCEDURE

- 3.1 In order for the Department of Trade and Industry (**thedti**) to raise the matter of a bilateral safeguard in the Trade and Development Committee, it will need to have a case to present, i.e. facts demonstrating that, as a result of the obligations incurred, a product is being imported from the EU in such increased quantities and under such conditions as to cause or threaten to cause serious injury to the SACU industry; or cause or threaten to cause disturbances in a sector of the SACU economy; or cause or threaten to cause disturbances in a sector of the economy; or cause or threaten to cause disturbances in an agricultural market. Facts supporting these allegations must be set forth in an application to the International Trade Administration Commission of South Africa (ITAC or the Commission). Further, if there is the need for immediate action pending a decision by the Implementation Committee, a case will need to be made why a delay would cause damage which would be difficult to repair. Facts supporting these allegations must be set forth in an application to ITAC.
- 3.2 Prior to the submission of an application with ITAC, the industry concerned must lodge a request with the Minister of Trade and Industry to invoke the remedies under Article 34 of the EPA.
- 3.3 Should the Minister of Trade and Industry be in agreement with the request to invoke the said remedies, the Minister will request the Minister of Economic Development to instruct the Commission, in terms of Section 16(d)(i) of the International Trade Administration Act, 2002 (Act 71 of 2002) (ITA Act) to investigate and evaluate an application for bilateral safeguard action in terms of Article 34 of the EPA.

Guidelines and conditions pertaining to a bilateral safeguard application in terms of Article 34 of the EPA

- 3.4 The industry concerned must then submit an application to the Commission, in the prescribed form. The Commission will consider the application and if warranted, initiate an investigation and publish a notice in the *Government Gazette* for comment. A period of 20 days from the date of publication of the initiation notice will be provided for interested parties to submit comments to the Commission.
- 3.5 The rules relating to confidential information as contained in the ITA Act will apply to ALL correspondence, which unless clearly 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. A public file will be available for inspection at the Commission's offices by all interested parties, by appointment, and interested parties are encouraged to inspect the public file regularly.
- 3.6 All interested parties will be informed of the essential facts to be considered by the Commission in making its preliminary determination. All interested parties will receive 7 days to comment on the essential facts. The Commission may grant parties a single extension on good cause shown. The Commission will take all relevant comments on the essential facts that have been timeously submitted into consideration in its determination.
- 3.7 Taking comments into account, the Commission will then make a preliminary determination which will form the basis for **thedti** to raise the matter in the Trade and Development Committee. On instruction of **thedti**, the Commission may request the Commissioner for South African Revenue Service (SARS) to impose provisional measures. Such measures will take the form of a provisional safeguard duty.
- 3.8 The provisional measures will stay in place for a period not exceeding 200 days. The duration of any such provisional measure shall be counted as a part of the two years for which safeguard measures may be applied. Such period

Guidelines and conditions pertaining to a bilateral safeguard application in terms of Article 34 of the EPA

shall contain clear elements progressively leading to their elimination at the end of the period for which measures are applied.

4. APPLICATION

- 4.1 Applications for safeguard action in terms of Article 34 of the EPA must be addressed to the Chief Commissioner, International Trade Administration Commission of South Africa, Private Bag X 753, Pretoria or delivered by hand to the dti Campus (Block E), 77 Meintjies Street, Sunnyside, Pretoria, 0002.
- 4.2 Applications must be submitted according to the requirements reflected in the attached application form (See Annexure A).
- 4.3 Applicants should provide full and accurate information and wherever possible provide supporting documentary evidence from commercial or governmental sources, e.g. commercial invoices or offers, official trade and production statistics. Failure to do so could detrimentally affect the case of the applicant. The Commission will not consider unsubstantiated information. All cost related information should be reconcilable to the financial statements or management accounts.
- 4.4 The Trade Remedies unit offers a public liaison service and if any party has particular problems in answering the questionnaire or requires more information or clarification on policy issues, the staff of the Trade Remedies section are ready to discuss these issues and to provide assistance. Please feel free to contact ITAC's Trade Remedies Unit.
- 4.5 If the application is based in part on confidential material, the application must contain a non-confidential version of the confidential material together with an explanation of why it is confidential. Section 33 of the ITA Act provides as follows:

Guidelines and conditions pertaining to a bilateral safeguard application in terms of Article 34 of the EPA

- “(1) A person may, when submitting information to the Commission, identify information that the person claims to be information that –
- (a) is confidential by its nature; or
 - (b) the person otherwise wishes to be recognized as confidential.
- (2) A person making a claim in terms of subsection (1) must support that claim with -
- (a) a written statement in the prescribed form-
 - (i) explaining, in the case of information that is confidential by its nature, how the information satisfies the requirements set out in the definition of “information that is by nature confidential” in section 1(2); or
 - (ii) motivating, in the case of other information, why that information should be recognized as confidential; and
 - (b) either –
 - (i) a written abstract of the information in a non-confidential form; or
 - (ii) a sworn statement setting out the reasons why it is impossible to comply with subparagraph (i).”

These summaries should be in sufficient detail to permit a reasonable understanding of the substance of the information submitted in confidence. Therefore where confidential and non-confidential versions are supplied, parties must:

- (1) Indicate each instance where confidential information has been omitted;
- (2) Provide reasons for confidentiality in each instance;
- (3) Provide a summary of the confidential information which permits a reasonable understanding of the substance of the confidential information in each instance; and
- (4) Where information is not susceptible to a non-confidential summary, indicate this in each instance and provide a sworn statement setting out the reasons why the information is not susceptible to summarization.

A sworn statement is defined as a written sworn statement of fact voluntarily made by an affiant or deponent under an oath or affirmation administered by a person authorized to do so by law. Such statement is witnessed as to the authenticity of the affiant's signature by a taker of oaths, such as a notary public or commissioner of oaths. An affidavit is a type of verified statement or

Guidelines and conditions pertaining to a bilateral safeguard application in terms of Article 34 of the EPA

showing, or in other words, it contains verification, meaning it is under oath or penalty of perjury and this serves as evidence to its veracity and is required for court proceedings.

The Commission will not formally accept an application until a proper non-confidential version has been submitted in accordance with the above guidelines. If, in terms of section 34 of the ITA Act, the Commission finds that a request for confidentiality is not warranted and if the applicant is either unwilling to make the information public or to authorize its disclosure in summarized format, the Commission will not consider such information in determining the merits of the application.

Please take note that the rules relating to confidential information and the submission of non-confidential versions of submissions applies to ALL correspondence, which unless clearly 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 document is indicated to be confidential but a proper non-confidential document complying with the above-mentioned rules is not filed, then the document will not be taken into consideration by the Commission. The public file is available for inspection at the Commission's offices by all interested parties, by appointment.

- 4.6 Note that interested parties are encouraged to inspect the public file regularly. The Commission and the Trade Remedies section will not check the public file on interested parties' behalf.
- 4.7 Information should be submitted in hard copies as well as in electronic format, such as on compact disks or flash disks. The Commission's computer system is based on Windows and it uses Excel and MS Word software. The disks must not be write protected and labeled clearly indicating:
1. Applicant's name;
 2. Product(s) concerned;
 3. Type of information on the disk;

Guidelines and conditions pertaining to a bilateral safeguard application in terms of Article 34 of the EPA

4. Software used; and
5. Whether or not confidential.

4.8 The Commission may verify information submitted. Should it be found that the information submitted is false or misleading, the Commission may decide not to proceed with the investigation.

5. CONDITIONS

5.1 SACU producers representing at least 50% of the total volume produced by all producers that express an opinion on the investigation must support the application, and a minimum of 25% (by production volume) of the total industry must support the application. Without this support the Commission cannot accept an application for investigation. Letters of support for the application must be attached to the application as Annexure 5.1. Additionally, the Commission may not make a determination of serious injury or disturbance unless it has evidence relating to “a major proportion” of the SACU industry for consideration.

5.2 A like product is defined as “a product which is identical, i.e. is alike in all respects to the product under investigation, or in the absence of such a product, another product which, although not alike in all respects, has characteristics closely resembling those of the product under investigation”, while a directly competitive product is “a product, other than a like product, that competes directly with the product under investigation”.

5.3 The following factors will be considered by the Commission in making a determination of serious injury or disturbance:

- a. the rate and volume of the increase in imports of the product under investigation from the EU –
 - (i) in absolute terms; or
 - (ii) relative to the production and demand in SACU; and
- b. whether the SACU industry is experiencing:

Guidelines and conditions pertaining to a bilateral safeguard application in terms of Article 34 of the EPA

- (i) price suppression;
- (ii) price depression;
- (iii) price undercutting/price disadvantage with regard to EU as well as other imports;
- (iv) a decline in exports;
- (v) a change in market share;
- (vi) any other relevant factors placed before the Commission.

None of these factors listed above is necessarily decisive on its own.

The information requested must relate only to the affected SACU product that is a like or directly competitive product to the product under investigation.

5.4 The SACU industry must provide the information as requested in Annexure A.

Guidelines and conditions pertaining to a bilateral safeguard application in terms of Article 34 of the EPA

ANNEXURE A

**INTERNATIONAL TRADE ADMINISTRATION
COMMISSION OF SOUTH AFRICA**

**APPLICATION FOR A BILATERAL SAFEGUARD MEASURE IN TERMS
OF ARTICLE 34 OF THE EPA ON**

[product]

APPLICANT

Name:

Address:

Guidelines and conditions pertaining to a bilateral safeguard application in terms of Article 34 of the EPA

INTRODUCTION

1. The purpose of this questionnaire is to help industry bring together in a concise and logical form the information needed by the International Trade Administration Commission of South Africa (the Commission) to decide whether or not to initiate a formal investigation, and will also serve as a basis for further investigation.
2. The legal framework is the International Trade Administration Act No.71 of 2002 (the ITA Act).

SECTION A APPLICANT

- A1 State the name, postal and street addresses, the telephone and fax numbers (including codes) and the E-mail address of your company.

Company: _____

Postal Address: _____

Physical Address: _____

Tel: (____) _____ Fax: (____) _____

Email: _____

- A2 State the names, telephone numbers of and positions held by the company's officers to be contacted.

Person: _____

Designation: _____

Direct line: (____) _____

Direct fax: (____) _____

Email: _____

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A3 Indicate the exact location of your manufacturing site(s). (Map to reach your offices)

A4 Indicate the legal structure of your firm, i.e. public or private company, closed corporation, etc. _____

A5 Have you appointed a consultant, legal or other representative to assist you in this application and/or ensuing investigation?
Yes/No.

If affirmative, please attach a copy of the letter of appointment, setting out the scope and duration of the appointment, as Annexure A5.

Guidelines and conditions pertaining to a bilateral safeguard application in terms of Article 34 of the EPA

SECTION B DOMESTIC INDUSTRY

B1 If there is a representative organisation submit the following information:

- (a) Name of organisation: _____
 Name of contact person: _____
 Designation: _____
 Postal address: _____
 Physical address: _____
 Tel: (____) _____ Fax: (____) _____
 Email: _____

(b) Name the producers in the industry affiliated to the organisation. (Supply the company names, postal, street and E-mail addresses, telephone and fax numbers and the names of contact persons).

Company: _____	Company: _____
Postal address: _____	Postal address: _____
Physical address: _____	Physical address: _____
Contact person: _____	Contact person: _____
Designation: _____	Designation: _____
Tel: (____) _____	Tel: (____) _____
Fax: (____) _____	Fax: (____) _____
Email: _____	Email: _____

B2 Name all other producers constituting the SACU industry concerned. Give their company names, postal and physical addresses, telephone and fax numbers, E-mail addresses and the names of contact persons.

Company: _____	Company: _____
Postal address: _____	Postal address: _____
Physical address: _____	Physical address: _____
Contact person: _____	Contact person: _____
Designation: _____	Designation: _____
Tel: (____) _____	Tel: (____) _____
Fax: (____) _____	Fax: (____) _____
Email: _____	Email: _____

Guidelines and conditions pertaining to a bilateral safeguard application in terms of Article 34 of the EPA

B3 Indicate the industry support and/or opposition to the application in the following format:

Industry Standing (Total domestic production of like goods for the 12 months preceding the lodging of the application)			
Producer	Production volume- Support Application	Production volume- Oppose application	Production volume- Neutral
Your Company			
Other producers			
1.			
2.			
3.			
Total SACU			

SECTION C PRODUCTS

C1 Imported (subject) product

Note If more than one type of imported product form part of this application, information should be submitted separately for each such product type.

C1.1 Describe the imported product in the following detail:

- (a) Detailed physical description:
 - scientific name.
 - common name and
 - trade name
- (b) Main raw materials/components/inputs used
- (c) Production/manufacturing process used
- (d) Technical characteristics
- (e) Application/use
- (f) Categories of users

Substantiate your description with catalogues, brochures and other literature/samples.

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C1.2 Enumerate in detail any differences between the imported product and the SACU like or directly competitive product.

C1.3 Customs classification

Supply the following information:

Tariff subheading	Description	Unit	Rate of duty

C1.4 Possible tariff loopholes

Indicate if you are aware of any loopholes in the tariff classification.

C2 SACU like product/directly competitive product

C2.1 Describe the subject product that you produce (attach photograph or brochure):

- (a) Detailed physical description
 - Scientific name (if any)
 - Common name
 - Trade name
- (b) Main raw materials/components/inputs used
- (c) Production/manufacturing process used
- (d) Technical characteristics
- (e) Application/use
- (f) Categories of users

Substantiate your description with catalogues, brochures and other literature/samples.

C2.2 Statutory or other standards/specifications

Give details of all standards/specifications applicable to the product concerned in the SA prescribed by law or otherwise.

Guidelines and conditions pertaining to a bilateral safeguard application in terms of Article 34 of the EPA

SECTION D SERIOUS INJURY/DISTURBANCE

All information provided in Sections D, E and F should be for the latest 3 financial years, as defined by D2.1.

D1 General Information

- D1.1 Provide a flow chart of your marketing/distribution channels for the product(s) concerned in the application and indicate the percentage off-take for each channel.
- D1.2 Provide full details of your terms and conditions of sale and selling price to each class of customer, e.g. wholesaler, retailer, downstream producer, etc. Attach a copy of your standard terms and conditions as **Annexure (D1.2)**.
- D1.3 Give the reasons and basis for your categorisation of customers.
- D1.4 Enumerate major changes over the past three years in your answers to the above questions.

D2 FINANCIAL INFORMATION

Note: All financial information should be in a reconciled format. If such requested information is not readily available in the same format or needs adjustment or re-apportionment please qualify by way of explanatory notes or discuss the merits of the situation with the Commission.

- D2.1 Indicate your normal accounting period.
- D2.2 Provide copies of your audited financial statements, including detailed manufacturing, trading and profit and loss statements for the most recent three financial years. If your statutory statements do not include detailed accounts/schedules, please provide such accounts/schedules separately.)

Guidelines and conditions pertaining to a bilateral safeguard application in terms of Article 34 of the EPA

D2.3 Provide copies of your year-to-date management accounts, including detailed manufacturing, trading and profit and loss accounts for the period between the last financial year-end and the most recent month end. Provide ancillary schedules if not part of published accounts.

D2.4 Provide a separate sales and profit (before tax) contribution analysis of all the product line items manufactured by your company, including a percentage analysis. The information should be sufficient to allow proper verification of your like product information. The requested income statements should be analysed in a departmental or divisionalised format detailing the product concerned as a separate activity. The analysis should also be in respect of three prior financial years and the most recent year-to-date management accounts period. **If the requested information is not available from your financial database, please discuss alternatives with the Commission.**

D3 IMPORTS

Give the following information on the imports of the product, being the subject of the application, for the latest three calendar years and separately on a monthly basis for the period subsequent to the end of the last calendar year.

D3.1 Annual import statistics

Import volumes and values per annum (State unit of measurement)

		Year 1	Year 2	Year 3	Current year
EU	Volume				
EU	Value				
EU	Average unit price				
Other imports	Volume				
Other imports	Value				
Other imports	Average unit price				

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D3.2 Import volumes and values per month

Attach as Annexure D3.2 a table indicating the monthly volumes, values and unit prices of imports for the last 18 consecutive months in the same format.

D3.3 Own imports

Provide the following information on your own imports of the product:

		Year 1	Year 2	Year 3	Current year
EU	Volume				
EU	Value				
EU	Average unit price				
Other imports	Volume				
Other imports	Value				
Other imports	Average unit price				

State your reasons for importing the product.

D4 Effects on the SACU prices

Definitions:

Price undercutting is the extent to which the price of the imported product is lower than the price of the SACU product. The price should be compared at the same level of trade and with the same terms of condition of trade, normally at the SACU ex-factory level compared to the landed cost of the imported product.

Price depression is the extent to which the SACU industry has been forced to reduce its prices, i.e. price depression takes place where there has been an absolute decrease in prices.

Price suppression takes place where the SACU industry is not able to increase prices in line with the increase in costs, i.e. where there is a relative decrease in prices.

Guidelines and conditions pertaining to a bilateral safeguard application in terms of Article 34 of the EPA

D4.1 Price undercutting

D4.1.1 Provide the following information with regard to your selling price per unit and the selling price per unit of the imported product:

(R/unit)	Year 1	Year 2	Year 3	Current Year
Your company				
Average landed cost (incl. duty) of imported product				
Undercutting per unit				
Undercutting %				

Undercutting %: express the undercutting per unit as a percentage of your price.

D4.1.2 Indicate the level of trade and selling conditions of your product and the imported product, i.e. ex-factory/delivered, payment terms, distributor/wholesaler/retailer.

D4.1.3 Comment on the trends indicated by this information and substantiate how this factor is indicative of serious disturbance. (If the trends do not support your argument, you must provide other substantiating evidence as proof.)

D4.2 Price suppression and depression

D4.2.1 Provide the following information with regard to your average per unit ex-factory selling prices:

Per unit	Year 1	Year 2	Year 3	Current Year
Your production cost				
Your total cost (incl. Selling, general and admin costs)				
Your ex-factory price				
Total cost % of selling price				

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D4.2.2 If your cost or prices changed significantly during the last 18 calendar months please additionally supply the abovementioned information on a monthly or quarterly basis. Please attach as Annexure D4.2.2.

D4.2.3 Indicate any other factors that have depressed your ex-factory selling price that do not reflect in the above table, e.g. longer payments terms, higher year-end rebates, additional free stock, etc.

D4.4 Cost build-up

D4.4.1 Please supply a cost build-up in the format indicated in **Annexure D4.4.1**. Where your management accounts do not allow for the specific cost elements indicated in the pro forma, please indicate the information that is available and supply as much detail as possible.

D4.4.2 Please supply a Bill of Materials for the domestic like or directly competitive product.

D5 SACU INDUSTRY SALES AND MARKET SHARE

D5.1 Please supply the following information on your sales volume in SA. State the unit of measurement.

	Year 1	Year 2	Year 3	Current Year
Your sales volume				
Sales by other SACU producers				
Total volume of SACU sales by SACU producers				
Volume of imports				
Your market share				
Total market share held by SACU producers				
Market share held by imports				

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D5.2 Indicate how the information in Tables D5.1 supports your allegation of serious injury to the domestic industry, disturbance to a sector of the economy or disturbance in the market.

D5.3 If sales of the product is of a cyclical nature comment on the nature thereof, indicating the length of the cycle and the prices both during the up and down phases.

D6 Other information

Please indicate any other information to be considered by the Commission and not covered by the questions above.

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SECTION E THREAT OF SERIOUS INJURY/DISTURBANCE

Note: It is not necessary to complete this section if you can prove actual current serious injury or disturbance.

Note: Any allegation of threat of serious injury or disturbance should be based on concrete evidence and not only mere conjecture or remote possibility.

- E1 Give details on the freely disposable capacity or imminent substantial increase in capacity of the exporter.
- E2 Substantiate any significant increase of imports into the SACU market indicating the likelihood of substantially increased importation.
- E3 State whether the products concerned enter the country at prices that will have a significant depressing or suppressing effect on SACU prices and are likely to increase demand for further imports. Substantiate your reply.
- E4 Give any other information relevant to your allegation that a serious injury or disturbance is imminent.

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SECTION F CAUSE OF SERIOUS INJURY/DISTURBANCE

- F1 Give the reasons for your belief that the imports are the cause of the alleged serious injury or disturbance.
- F2 Give a comparison between your actual ex-factory selling prices and the actual landed costs of the imported products concerned over the latest three financial years, and indicate what your actual (unsuppressed) prices ought to have been.
- F3 Give the details of any depression of your ex-factory selling prices to enable you to compete with the imported products (indicate price depression, extended payment terms or lower discounts granted, etc.)
- F4 Give the details of any suppression of your ex-factory selling prices to enable you to compete with the imported products. Refer to matters such as unavoidable increases in the cost of inputs that had to be absorbed partially or totally by your firm.
- F5 Indicate the view that your clients have regarding:
- (a) the quality of your product;
 - (b) your delivery times;
 - (c) your service; and
 - (d) your after sales service, including guarantees and warranties and technical training to customers.

Please elaborate on all of the above issues.

- F6 Have you had any strikes, go-slows or lock-outs during the past twelve calendar months? Please elaborate.
- F7 Has there been a contraction in demand for your product or has there been a change in consumption patterns? Please elaborate.

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- F8 Indicate the technology developments that have taken place since you last updated your manufacturing process.
- F9 Comment on your productivity vis-à-vis that of the exporters.

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SECTION G DAMAGE THAT WOULD BE DIFFICULT TO REPAIR

Paragraph 10 of Article 34 of the EPA provides as follows:

“Where delay would cause damage which it would be difficult to repair, the importing party concerned, whether the EC Party, or a SADC EPA States or SACU, as the case may be, may take the measures provided for....”

Provide substantiation which would warrant the Commission to take immediate action.

Guidelines and conditions pertaining to a bilateral safeguard application in terms of Article 34 of the EPA

SECTION H GENERAL

Provide any other evidence you wish to bring to the attention of the Commission.

Guidelines and conditions pertaining to a bilateral safeguard application in terms of Article 34 of the EPA

SECTION H CERTIFICATION

The information submitted must be accompanied by the following certificate:

"I, the undersigned, certify that the information given above is complete and correct to the best of my knowledge and belief and that I have been authorised to represent

_____.
Company

Date

Signature of authorised person

Name and title of authorised person **(in print)**

NB: HAVE YOU COMPLETED YOUR NON-CONFIDENTIAL SUBMISSION?

IN THE ABSENCE OF A PROPER NON-CONFIDENTIAL VERSION THE COMMISSION WILL NOT BE IN A POSITION TO REGARD YOUR COMPLAINT AS A PROPERLY DOCUMENTED APPLICATION AND NO INVESTIGATION CAN BE INITIATED.

Guidelines and conditions pertaining to a bilateral safeguard application in terms of Article 34 of the EPA

Annex D4.4.1	Products under investigation	All other products	Company total cost
<p>1. DIRECT COST:</p> <p>Materials # - Imported - Domestic Waste recovery * Components * - Imported - Domestic Direct labour & related costs Re-tooling * Power & fuel Royalties, etc Variable overheads * Other *</p>	<p><i>Separate cost analyses must be provided for each of the subject products in this format. Note that the cost data should reconcile to your company's income statement.</i></p>		
<p>2. FIXED OVERHEAD COST:</p> <p>Direct labour Utilities * Repair & maintenance Rates & insurance R & D Plant depreciation Other *</p>			
<p>3. TOTAL PRODUCTION COST: 4. Operating profit</p>			
<p>5. IN-STORE COST: (3&4) 6. SELLING & ADMINISTRATIVE EXPENSES:</p> <p>Administrative expenses - salaries & wages - rent - rates & insurance - depreciation - other * Selling expenses - salespersons salaries - advertising - warranties & guarantees - warehousing - other * Other costs *</p>			
<p>7. TOTAL COST: (5&6) 8. PROFIT, ETC:</p> <p>Subsidies Selling profit</p>			
<p>9. SELLING (LIST) PRICE (7&8) 10. DISCOUNTS, ETC:</p> <p>Discounts Settlements discounts Rebates</p>			

Guidelines and conditions pertaining to a bilateral safeguard application in terms of Article 34 of the EPA

11. NET EX-FACTORY PRICE (9&10) 12. Distribution costs *			
13. NET DELIVERED PRICE (11&12)			

- Supply a full Bill of materials, indicating the cost and volume of each material or component

* - Supply a detailed breakdown of the items.

Indicate the production volume on which the above cost and price build-ups are based.

This format serves as an indication of the details required by the Commission. However, you may use your own format, provided that the required amount of detail is submitted. This information should be reconcilable to your income statements. Provide a detailed breakdown of the basis of allocation in each case that an allocation has been made.

The cost and price build-ups should refer to the average costs for the 12-month period under investigation.

DEPARTMENT OF TRADE AND INDUSTRY
NOTICE 418 OF 2018



MEMORANDUM OF UNDERSTANDING

ENTERED INTO BY AND BETWEEN

THE B-BBEE COMMISSION

(An entity within the administration of the dti in terms of section 13B (1) of the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003) as amended and herein represented by Ms Zodwa Ntuli in her capacity as the Commissioner and she being duly authorized to enter into this agreement)

(Hereinafter referred to as "B-BBEE Commission")

AND

THE SOUTH AFRICAN REVENUE SERVICE

(a statutory entity established in terms of section 2 of the South African Revenue Service Act, 1997 (Act No. 34 of 1997) as amended and herein represented by Mr Mark Kingon in his capacity as the Acting Commissioner for SARS and duly authorised to enter into this Memorandum of Understanding)

(Hereinafter referred to as "SARS")

Two handwritten signatures in black ink, one above the other, positioned to the right of the text "(Hereinafter referred to as 'SARS')".

MEMORANDUM OF UNDERSTANDING BETWEEN SARS AND THE B-BBEE COMMISSION**PREAMBLE**

WHEREAS SARS is the nation's tax collecting authority responsible for administering the South African tax system and Customs and Excise service;

AND WHEREAS the mission of SARS is to optimise revenue yield, to facilitate trade and to enlist new tax contributors by promoting awareness of the obligation to comply with Tax and customs laws, and to provide a quality and responsive service to the public;

AND WHEREAS SARS' mandate is to collect all revenues due, ensure optimal compliance with Tax, Customs and Excise legislation and provide a customs and excise service that will facilitate trade as well as protect our economy and society;

AND WHEREAS the B-BBEE Commission is an entity within the administration of the Department of Trade and Industry established in terms of section 13B of the B-BBEE Act, as amended, entrusted with powers to oversee the implementation of the B-BBEE Act, promote compliance with the Act in the interest of the public, strengthen and foster collaboration between the public and the private sector to achieve the objectives of the B-BBEE Act;

AND WHEREAS the B-BBEE Commission has jurisdiction throughout the Republic of South Africa and its functions are, as set out in section 13F of the B-BBEE Act as follows:

- (a) To oversee, supervise and promote adherence to the B-BBEE Act in the interest of the public;
- (b) To strengthen and foster collaboration between the public and private sector in order to promote and safeguard the objectives of broad-based black economic empowerment;
- (c) To receive complaints relating to broad-based black economic empowerment in accordance with the B-BBEE Act;
- (d) To investigate, either on its own initiative or in response to complaints received, any matters concerning broad-based black economic empowerment;

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MEMORANDUM OF UNDERSTANDING BETWEEN SARS AND THE B-BBEE COMMISSION

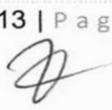
- (e) To promote advocacy, access to opportunities and educational programmes and initiatives of broad-based black economic empowerment;
- (f) To maintain a register of major broad-based black economic empowerment transactions, above a threshold determined by the Minister of Trade and Industry in the Gazette;
- (g) To receive and analyse such reports as may be prescribed concerning broad-based black economic empowerment compliance from organs of state, public entities and private sector enterprises;
- (h) To promote good governance and accountability by creating an effective environment for the promotion and implementation of broad-based black economic empowerment;
- (i) To exercise such other powers which are not in conflict with the B-BBEE Act as may be conferred on the B-BBEE Commission in writing by the Minister; and
- (j) Increase knowledge of the nature and dynamics and promote public awareness of matters relating to broad-based black economic empowerment by implementing education and awareness measures, providing guidance to the public and conducting research on matters relating to its mandate and activities.

AND WHEREAS SARS and the B-BBEE Commission are desirous to co-operate on issues of mutual interest and in reaching the desired collective goals as outlined below, the Parties undertake to co-operate on mutually beneficial terms as set out hereunder.

1. DEFINITION

In this Agreement, unless inconsistent with the context, the following terms shall have the meanings assigned to them:

- 1.1 **"Memorandum of Understanding"** means this MOU between SARS and the B-BBEE Commission;

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MEMORANDUM OF UNDERSTANDING BETWEEN SARS AND THE B-BBEE COMMISSION

- 1.2 **“Effective Date”** means the date of signature by the authorised representative of the Party signing last in time;
- 1.3 **“Parties”** means SARS and the B-BBEE Commission jointly, and the word “Party” shall refer to either SARS or the B-BBEE Commission as the case may be;
- 1.4 **“Projects and/or Programmes”** means initiatives agreed to by the Parties in pursuance of any of the purposes of this Agreement;
- 1.5 **“B-BBEE Commission”** means a statutory entity established in terms of section 13B of B-BBEE Act, Act No. 53 of 2003, as amended, with its principal place of business at 420 Witch-Hazel Avenue, Eco Glades 2 Office Park, Block C, Eco Park, Centurion; and
- 1.6 **“SARS”** means a statutory body established in terms of section 2 of the South African Revenue Service Act, Act No. 34 of 1997, with its principal place of business at 299 Bronkhorst Street, Nieuw Muckleneuk, Brooklyn, Pretoria.

2. PURPOSE**The purpose of the MOU is:**

- 2.1 To establish cooperation between SARS and the B-BBEE Commission regarding programs that may directly complement or supplement one another.
- 2.2 To refer matters of deemed contraventions that impact on each party's duties and mandate for consideration and resolution.
- 2.3 To identify, discuss and recommend common strategies and areas of cooperation.
- 2.4 To leverage resources by sharing resources, information and expertise for common beneficial purposes that will enhance both Parties' organisational strategies and mandates, subject to compliance with applicable legislation, in particular compliance with Chapter 6 of the Tax Administration Act, Act No. 28 of 2011, the Protection of Personal Information Act, Act No.4 of 2013, and other related legislation.

MEMORANDUM OF UNDERSTANDING BETWEEN SARS AND THE B-BBEE COMMISSION**3. ROLES & RESPONSIBILITIES**

3.1 Each Party agrees to conduct its respective activities in a coordinated and mutually beneficial manner:

3.1.1 SARS agrees to:

- a) Share such information as may be necessary with the B-BBEE Commission insofar as this would be consistent with the confidentiality requirements of legislation administered by the Commissioner for SARS.
- b) Collaborate with the B-BBEE Commission on such other matters as may be agreed to between the B-BBEE Commission and SARS from time-to-time.
- c) Share with the B-BBEE Commission information relating to possible fronting practices or non-compliance with the B-BBEE Act.

3.1.2 B-BBEE Commission agrees to, where applicable:

- a) Provide SARS with information, upon request, in so far as this would be consistent with confidentiality requirements in the B-BBEE Act, in relation to:
 - (i) Major broad-based black economic empowerment transactions concluded;
 - (ii) Ownership and management control details relating to broad-based black economic empowerment transactions entities;
 - (iii) Complaints received by the B-BBEE Commission concerning broad-based black economic empowerment transactions; and
 - (iv) Any other relevant information that will enable SARS to conduct checks on the service provider's tax compliance; and
- b) Share information with SARS on suspicious illegal activities that may potentially impact revenue collection.

MEMORANDUM OF UNDERSTANDING BETWEEN SARS AND THE B-BBEE COMMISSION**4. DURATION AND TERMINATION**

- 4.1 This MOU shall commence on the **Effective Date** and shall endure, subject to its terms and conditions, for a period three (3) of years, until terminated by the Parties.
- 4.2 Either Party may terminate this MOU by furnishing a thirty (30) days written notice to the other Party.
- 4.3 The termination of this MOU will not relieve the Parties hereto of any undertakings accruing up to date of such termination.

5. AMENDMENT

This MOU may only be amended by written agreement between the Parties.

6. IDENTIFICATION OF AREAS OF COLLABORATION

- 6.1 The detailed contents and contributions of the Parties towards any projects and/or programmes shall be agreed upon through discussion and negotiations between the Parties.
- 6.2 The Parties record that they will enter into separate substantive agreements, where applicable, to govern their roles and obligations with regards to various areas where the Parties have agreed to collaborate.

7. NATURE OF THE RELATIONSHIP

- 7.1 Both SARS and the B-BBEE Commission are public entities as stipulated in the Public Finance Management Act, Act No. 1 of 1999, and also organs of state as stipulated in section 239 of the Constitution of the Republic of South Africa, 1996 (Constitution). Accordingly, the Parties shall observe the principles and values of co-operative government as enjoined in section 41 (1) of the Constitution.
- 7.2 No Party shall present itself as the representative or agent of the other Party for any business, legal or any other reason, nor shall it have the power of authority to

MEMORANDUM OF UNDERSTANDING BETWEEN SARS AND THE B-BBEE COMMISSION

commit the other Party at any time. The Parties agree that nothing in this MOU shall be interpreted as establishing a partnership agreement between the Parties.

8. MANAGEMENT OF THIS MEMORANDUM

8.1 The Parties recognise that their respective accounting authorities are responsible for the implementation of this MOU.

8.2 In order to ensure the effective implementation of this MOU, the Parties shall, within a reasonable period from the **Effective Date**, establish a Steering Committee comprising of representatives from both Parties.

8.3 The Steering Committee shall be comprised of three (3) officials from each Party.

8.4 The functions and powers of the Steering Committee shall be:

8.4.1 To negotiate such other specific agreements necessary to give effect to this MOU;

8.4.2 To identify and recommend projects and/or programmes for consideration and approval by their respective accounting authorities;

8.4.3 To coordinate any projects relating to matters of mutual interest carried out by one or both of the Parties;

8.4.4 Where necessary, to establish a Working Group(s) responsible for ensuring that agreed projects and/or programmes are implemented in such a manner as to achieve the objectives of this MOU and any concluded agreements for projects and/or programmes;

8.4.5 To receive and forward requests and/or initiatives to the accounting authority(s) within each of the Parties;

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MEMORANDUM OF UNDERSTANDING BETWEEN SARS AND THE B-BBEE COMMISSION

8.4.6 To promote the sharing of information, subject to the laws governing the Parties (the exchange of information will have its own governance process to be agreed upon by the Parties);

8.4.7 To facilitate high-level meetings where appropriate; and

8.4.8 To resolve any contentious matters between the Parties.

8.5 The Parties shall, for purposes of this MOU, appoint official contact persons for the management of this MOU as a single point of contact for the requests to exchange information and/or assistance between Parties hereto.

8.6 The Parties appoint the following individuals as "Official Contact Persons" to whom the Parties assign the management of communication:

8.6.1. **B-BBEE Commission:**

Name: Madidimalo Ramare
Tel: (012) 649 0918
E-mail: MRamare@beecommission.gov.za

8.6.2. **SARS:**

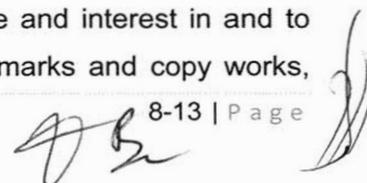
Name: Minee Hendricks
Tel: (012) 483 1729
E-mail: mhendricks@sars.gov.za

8.7 The Steering Committee shall meet quarterly or on such dates as may be agreed upon by the Parties.

8.8 The Steering Committee shall be governed in accordance with the Terms of Reference to be agreed upon between the Parties.

9. INTELLECTUAL PROPERTY RIGHTS

9.1 The Parties acknowledge and agree that all the rights, title and interest in and to any intellectual property, including but not limited to trademarks and copy works,



MEMORANDUM OF UNDERSTANDING BETWEEN SARS AND THE B-BBEE COMMISSION

regardless of whether it is registered or not, which is designed, produced or made available to one Party by the other Party from time to time, as a result of this MOU, shall remain exclusively the property of that Party.

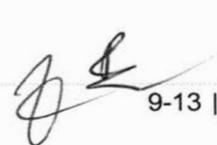
- 9.2 Neither Party shall in any manner alter or effect the display of the Party's respective rights in intellectual Property (and disclaimers) of the other Party without the prior written approval of the Party.

10. BUDGET

- 10.1 Neither Party is under any obligation to commit funds or other resources under this MOU.
- 10.2 In the event of the Parties identifying and agreeing on a specific form of co-operation that requires funding or other resources, the Parties will formalise the specifics, rights and obligations in a separate legally binding contract.
- 10.3 Where procurement of services and goods may be required, the Parties will adhere to their respective, applicable supply chain management policies and procedures.
- 10.4 Each of the Parties remains responsible for their own expenses, except as may be agreed in a contract contemplated in clause 10.2.
- 10.5 No legally binding obligations shall arise from a contract contemplated in clause 10.2 where the Parties applicable policies and procedures relating to the commitment of funding or other resources, has not been complied with.

11. VARIATION

No variation or modification of any provision of this MOU or consent to deviate therefrom will be valid, unless such variation or modification is in writing and has been signed by both Parties, and such variation, modification or consent will be valid only for a specific case and only for the purpose for which and extent to which it was made or given.

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MEMORANDUM OF UNDERSTANDING BETWEEN SARS AND THE B-BBEE COMMISSION**12. CONFIDENTIALITY**

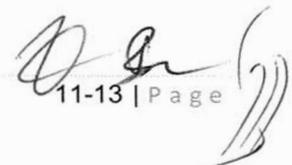
- 12.1 The Parties will hold, in confidence, all Confidential Information received from each other and not divulge the Confidential Information to any third parties, including any of their employees, agents, consultants and sub-contractors directly, unless the parties are involved with the execution of this MOU and then only on a need to know basis.
- 12.2 The Parties will prevent disclosure of the Confidential Information, except as may be required by law.
- 12.3 The Parties agree that they shall protect each other's Confidential Information using the same standard of care that each Party applies to safeguard its own Confidential Information and that the information shall be stored and handled in such a way as to prevent any unauthorised disclosure thereof.
- 12.4 Within thirty (30) days after the termination of this Agreement, for whatever reason, the receiving Party of Confidential Information shall return same or at the discretion of the disclosing Party of such Confidential Information, destroy such Confidential Information, and shall not retain copies, samples or excerpts thereof.
- 12.5 The disclosing Party of Confidential Information may at any time request the receiving Party of such Confidential Information to return any material containing, pertaining to or relating to Confidential Information disclosed pursuant to the terms of this Agreement, and may in addition request the receiving Party to furnish a written statement to the effect, that upon such return, the receiving Party has not retained in its possession or under its control either directly or indirectly any such material.
- 12.6 As an alternative to the return of the material contemplated in 12.4 above, the receiving Party shall at the instance of the disclosing Party, destroy such material and furnish the disclosing Party with a written statement to the effect that all such material has been destroyed.

MEMORANDUM OF UNDERSTANDING BETWEEN SARS AND THE B-BBEE COMMISSION

- 12.7 The receiving Party shall comply with the request in terms of clause 12.4 above and within fourteen (14) days of receipt of same.
- 12.8 It is recorded that the following information shall, for the purpose of this MOU, not be considered to be Confidential Information:
- 12.8.1 Information known to either of the Parties prior to the date that it was received by the other Party; or
- 12.8.2 Information known to the public or generally available to the public prior to the date that it was disclosed by either of the Parties to the other; or
- 12.8.3 Information which becomes known to the public or becomes generally available to the public subsequent to the date that it was disclosed by either of the Parties to the other, through no act or failure to act on the part of the recipient of such Information; or
- 12.8.4 Information which either of the Parties, in writing, authorise the other to disclose.
- 12.9 For the avoidance of any doubt, no provision of this MOU should be construed in such a way that the disclosing Party is deemed to have granted its consent to the receiving Party to disclose the whole or any part of the **Confidential Information** in the event that the receiving Party receives the request for the whole or any part of the **Confidential Information** in terms of the provisions of the Promotion of Access to Information Act, Act No. 2 of 2000.

13. COMPLIANCE WITH PROTECTION OF PERSONAL INFORMATION ACT OF 2013

- 13.1 The Parties acknowledge their respective obligations to comply with the substantive provisions of the Protection of Personal Information Act, Act No. 4 of 2013.

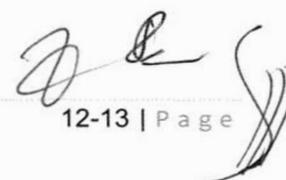

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MEMORANDUM OF UNDERSTANDING BETWEEN SARS AND THE B-BBEE COMMISSION

- 13.2 Each Party understands and acknowledges that the restrictions and obligations accepted by that other Party pursuant to this "MOU" are reasonable and necessary in order to protect the interests of the other Party and its employees.
- 13.3 Each Party therefore understands and agrees, notwithstanding any contrary provision in any other agreement between the Parties, that each Party retains its full rights to pursue legal or equitable remedies in the event of any breach or threatened breach of this MOU, and may prevent the other Party, any of its agents or subcontractors, or any third party who has received records from that Party from violating this MOU by any legal means available. Each Party further understands that violation of this MOU may subject that Party to applicable legal penalties, including those provided under Protection of Personal Information Act, Act No. 4 of 2013, and termination of any agreements entered into between the B-BBEE Commission and SARS.
- 13.4 Within thirty (30) days after the termination of this MOU, for whatever reason, the receiving Party of either Party's personal information shall, where feasible, return same or at the discretion of the disclosing Party of such personal information, destroy such personal information, and shall not retain copies, samples or excerpts thereof.
- 13.5 In cases where the disclosing Party has elected for the personal information to be destroyed, as provided for in clause 13.4 above, the receiving Party shall, within ten (10) days of receiving the instruction to destroy the personal information, send an affidavit confirming the destruction of personal information.

14. DISPUTE RESOLUTION

- 14.1. All disputes concerning or arising out of this MOU exists once a Party notifies the other Party in writing of the nature of the dispute and requires the dispute to be resolved. The Party giving the notice for dispute must initiate dispute resolution procedure by first, making every reasonable effort to settle the dispute by initiating direct negotiations with the other Party or through an intermediary.



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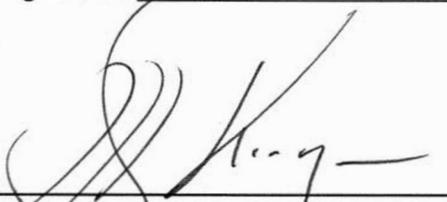
MEMORANDUM OF UNDERSTANDING BETWEEN SARS AND THE B-BBEE COMMISSION

14.2. If the dispute cannot be resolved by negotiations, either party may declare the dispute a formal Intergovernmental Dispute, in terms of the provisions of Chapter 4 (Settlement of Intergovernmental Disputes) of the Intergovernmental Relations Framework Act, Act No. 13 of 2005, and the procedure in accordance with the provisions of the Act shall be adopted in taking effort to resolve the dispute.

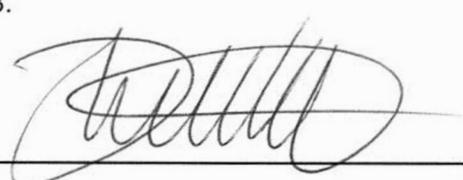
15. DOMICILIA AND NOTICES

All notices or correspondence in terms of this MOU shall be delivered by hand or sent by registered mail to the respective Party's physical address as reflected in clauses 1.5 and 1.6 above.

Thus signed at Pretoria on this the 05 day of May 2018.


Mr Mark Kingon**Acting Commissioner for SARS**

Thus signed at CENTURION on this the 21st day of MAY 2018.


Ms Zodwa Ntuli**B-BBEE Commissioner**


BUSISIWE NGWENYA
WITNESS

BOARD NOTICES • RAADSKENNISGEWINGS

BOARD NOTICE 94 OF 2018**ROAD ACCIDENT FUND****ADJUSTMENT OF STATUTORY LIMIT IN RESPECT OF CLAIMS FOR LOSS OF INCOME AND LOSS OF SUPPORT**

The Road Accident Fund hereby, in accordance with section 17(4A)(a) of the Road Accident Fund Act, No. 56 of 1996, as amended, adjusts and makes known that the amounts referred to in subsection 17(4)(c) are hereby adjusted to **R273 863**, with effect from **31 July 2018**, to counter the effects of CPI inflation.

Note: The CPI index based on the new "basket and weights" was used to calculate this adjustment, **effective from 31 July 2018** (with base year December 2016 = 100). The rebased CPI index for May 2008 was 62.63. The CPI index for May 2018 was 107.2. This adjustment was calculated by multiplying the R 160 000 limit by 107.2/62.63.

RAADSKENNISGEWING 94 VAN 2018**PADONGELUKFONDS****AANPASSING VAN STATUTÊRE LIMIET TEN OPSIGTE VAN EISE VIR VERLIES AAN INKOMSTE EN ONDERHOUD**

Die Padongelukfonds maak ooreenkomstig artikel 17(4A) (a) van die Padongelukfondswet, No. 56 van 1996, soos gewysig, bekend dat, met effek vanaf **31 Julie 2018**, die bedrae waarna verwys word in subartikel 17(4)(c) aangepas word tot **R273 863**, ten einde die uitwerking van VPI inflasie teen te werk.

Neem kennis: Die VPI indeks gebasseer op die nuwe "mandjie en gewigte" is gebruik om hierdie aanpassing, **effektief vanaf 31 Julie 2018**, te bereken (met basisjaar Desember 2016 = 100). Die heraanangepaste VPI indeks vir Mei 2008 was 62.63. Die VPI indeks vir Mei 2018 was 107.2. Hierdie aanpassing was bereken deur die R 160 000 limiet te vermenigvuldig met 107.2/62.63

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