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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:

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government
printing

Department:
Government Printing Works
REPUBLIC OF SOUTH AFRICA

HIGH ALERT: SCAM WARNING!!!

TO ALL SUPPLIERS AND SERVICE PROVIDERS OF THE GOVERNMENT PRINTING WORKS

It has come to the attention of the *GOVERNMENT PRINTING WORKS* that there are certain unscrupulous companies and individuals who are defrauding unsuspecting businesses disguised as representatives of the *Government Printing Works (GPW)*.

The scam involves the fraudsters using the letterhead of *GPW* to send out fake tender bids to companies and requests to supply equipment and goods.

Although the contact person's name on the letter may be of an existing official, the contact details on the letter are not the same as the *Government Printing Works*. When searching on the Internet for the address of the company that has sent the fake tender document, the address does not exist.

The banking details are in a private name and not company name. Government will never ask you to deposit any funds for any business transaction. *GPW* has alerted the relevant law enforcement authorities to investigate this scam to protect legitimate businesses as well as the name of the organisation.

Example of e-mails these fraudsters are using:

PROCUREMENT@GPW-GOV.ORG

Should you suspect that you are a victim of a scam, you must urgently contact the police and inform the *GPW*.

GPW has an official email with the domain as @gpw.gov.za

Government e-mails DO NOT have org in their e-mail addresses. All of these fraudsters also use the same or very similar telephone numbers. Although such number with an area code 012 looks like a landline, it is not fixed to any property.

GPW will never send you an e-mail asking you to supply equipment and goods without a purchase/order number. *GPW* does not procure goods for another level of Government. The organisation will not be liable for actions that result in companies or individuals being resultant victims of such a scam.

Government Printing Works gives businesses the opportunity to supply goods and services through RFQ / Tendering process. In order to be eligible to bid to provide goods and services, suppliers must be registered on the National Treasury's Central Supplier Database (CSD). To be registered, they must meet all current legislative requirements (e.g. have a valid tax clearance certificate and be in good standing with the South African Revenue Services - SARS).

The tender process is managed through the Supply Chain Management (SCM) system of the department. SCM is highly regulated to minimise the risk of fraud, and to meet objectives which include value for money, open and effective competition, equitability, accountability, fair dealing, transparency and an ethical approach. Relevant legislation, regulations, policies, guidelines and instructions can be found on the tender's website.

Fake Tenders

National Treasury's CSD has launched the Government Order Scam campaign to combat fraudulent requests for quotes (RFQs). Such fraudulent requests have resulted in innocent companies losing money. We work hard at preventing and fighting fraud, but criminal activity is always a risk.

How tender scams work

There are many types of tender scams. Here are some of the more frequent scenarios:

Fraudsters use what appears to be government department stationery with fictitious logos and contact details to send a fake RFQ to a company to invite it to urgently supply goods. Shortly after the company has submitted its quote, it receives notification that it has won the tender. The company delivers the goods to someone who poses as an official or at a fake site. The Department has no idea of this transaction made in its name. The company is then never paid and suffers a loss.

OR

Fraudsters use what appears to be government department stationery with fictitious logos and contact details to send a fake RFQ to Company A to invite it to urgently supply goods. Typically, the tender specification is so unique that only Company B (a fictitious company created by the fraudster) can supply the goods in question.

Shortly after Company A has submitted its quote it receives notification that it has won the tender. Company A orders the goods and pays a deposit to the fictitious Company B. Once Company B receives the money, it disappears. Company A's money is stolen in the process.

Protect yourself from being scammed

- If you are registered on the supplier databases and you receive a request to tender or quote that seems to be from a government department, contact the department to confirm that the request is legitimate. Do not use the contact details on the tender document as these might be fraudulent.
- Compare tender details with those that appear in the Tender Bulletin, available online at www.gpwonline.co.za
- Make sure you familiarise yourself with how government procures goods and services. Visit the tender website for more information on how to tender.
- If you are uncomfortable about the request received, consider visiting the government department and/or the place of delivery and/or the service provider from whom you will be sourcing the goods.
- In the unlikely event that you are asked for a deposit to make a bid, contact the SCM unit of the department in question to ask whether this is in fact correct.

Any incidents of corruption, fraud, theft and misuse of government property in the *Government Printing Works* can be reported to:

Supply Chain Management: Ms. Anna Marie Du Toit, Tel. (012) 748 6292.
Email: Annamarie.DuToit@gpw.gov.za

Marketing and Stakeholder Relations: Ms Bonakele Mbhele, at Tel. (012) 748 6193.
Email: Bonakele.Mbhele@gpw.gov.za

Security Services: Mr Daniel Legoabe, at tel. (012) 748 6176.
Email: Daniel.Legoabe@gpw.gov.za

Closing times for **ORDINARY WEEKLY** **GOVERNMENT GAZETTE** **2020**

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

- **24 December 2019**, Tuesday for the issue of Friday **03 January 2020**
- **03 January**, Friday for the issue of Friday **10 January 2020**
- **10 January**, Friday for the issue of Friday **17 January 2020**
- **17 January**, Friday for the issue of Friday **24 January 2020**
- **24 January**, Friday for the issue of Friday **31 January 2020**
- **31 February**, Friday for the issue of Friday **07 February 2020**
- **07 February**, Friday for the issue of Friday **14 February 2020**
- **14 February**, Friday for the issue of Friday **21 February 2020**
- **21 February**, Friday for the issue of Friday **28 February 2020**
- **28 February**, Friday for the issue of Friday **06 March 2020**
- **06 March**, Friday for the issue of Friday **13 March 2020**
- **13 March**, Thursday for the issue of Friday **20 March 2020**
- **20 March**, Friday for the issue of Friday **27 March 2020**
- **27 March**, Friday for the issue of Friday **03 April 2020**
- **02 April**, Thursday for the issue of Thursday **09 April 2020**
- **08 April**, Wednesday for the issue of Friday **17 April 2020**
- **17 April**, Friday for the issue of Friday **24 April 2020**
- **22 April**, Wednesday for the issue of Thursday **30 April 2020**
- **30 April**, Thursday for the issue of Friday **08 May 2020**
- **08 May**, Friday for the issue of Friday **15 May 2020**
- **15 May**, Friday for the issue of Friday **22 May 2020**
- **22 May**, Friday for the issue of Friday **29 May 2020**
- **29 May**, Friday for the issue of Friday **05 June 2020**
- **05 June**, Friday for the issue of Friday **12 June 2020**
- **11 June**, Thursday for the issue of Friday **19 June 2020**
- **19 June**, Friday for the issue of Friday **26 June 2020**
- **26 June**, Friday for the issue of Friday **03 July 2020**
- **03 July**, Friday for the issue of Friday **10 July 2020**
- **10 July**, Friday for the issue of Friday **17 July 2020**
- **17 July**, Friday for the issue of Friday **24 July 2020**
- **24 July**, Friday for the issue of Friday **31 July 2020**
- **31 July**, Thursday for the issue of Friday **07 August 2020**
- **06 August**, Thursday for the issue of Friday **14 August 2020**
- **14 August**, Friday for the issue of Friday **21 August 2020**
- **21 August**, Friday for the issue of Friday **28 August 2020**
- **28 August**, Friday for the issue of Friday **04 September 2020**
- **04 September**, Friday for the issue of Friday **11 September 2020**
- **11 September**, Friday for the issue of Friday **18 September 2020**
- **17 September**, Thursday for the issue of Friday **25 September 2020**
- **25 September**, Friday for the issue of Friday **02 October 2020**
- **02 October**, Friday for the issue of Friday **09 October 2020**
- **09 October**, Friday for the issue of Friday **16 October 2020**
- **16 October**, Friday for the issue of Friday **23 October 2020**
- **23 October**, Friday for the issue of Friday **30 October 2020**
- **30 October**, Friday for the issue of Friday **06 November 2020**
- **06 November**, Friday for the issue of Friday **13 November 2020**
- **13 November**, Friday for the issue of Friday **20 November 2020**
- **20 November**, Friday for the issue of Friday **27 November 2020**
- **27 November**, Friday for the issue of Friday **04 December 2020**
- **04 December**, Friday for the issue of Friday **11 December 2020**
- **10 December**, Thursday for the issue of Friday **18 December 2020**
- **17 December**, Thursday for the issue of Friday **24 December 2020**
- **23 December**, Wednesday for the issue of Friday **31 December 2020**

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.gpwonline.co.za

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

All notices received after the closing time will be rejected.

Government Gazette Type	Publication Frequency	Publication Date	Submission Deadline	Cancellations Deadline
National Gazette	Weekly	Friday	Friday 15h00 for next Friday	Tuesday, 15h00 - 3 working days prior to publication
Regulation Gazette	Weekly	Friday	Friday 15h00 for next Friday	Tuesday, 15h00 - 3 working days prior to publication
Petrol Price Gazette	Monthly	Tuesday before 1st Wednesday of the month	One day before publication	1 working day prior to publication
Road Carrier Permits	Weekly	Friday	Thursday 15h00 for next Friday	3 working days prior to publication
Unclaimed Monies (Justice, Labour or Lawyers)	January / September 2 per year	Last Friday	One week before publication	3 working days prior to publication
Parliament (Acts, White Paper, Green Paper)	As required	Any day of the week	None	3 working days prior to publication
Manuals	Bi- Monthly	2nd and last Thursday of the month	One week before publication	3 working days prior to publication
State of Budget (National Treasury)	Monthly	30th or last Friday of the month	One week before publication	3 working days prior to publication
<i>Extraordinary Gazettes</i>	As required	Any day of the week	<i>Before 10h00 on publication date</i>	<i>Before 10h00 on publication date</i>
Legal Gazettes A, B and C	Weekly	Friday	One week before publication	Tuesday, 15h00 - 3 working days prior to publication
Tender Bulletin	Weekly	Friday	Friday 15h00 for next Friday	Tuesday, 15h00 - 3 working days prior to publication
Gauteng	Weekly	Wednesday	Two weeks before publication	3 days after submission deadline
Eastern Cape	Weekly	Monday	One week before publication	3 working days prior to publication
Northern Cape	Weekly	Monday	One week before publication	3 working days prior to publication
North West	Weekly	Tuesday	One week before publication	3 working days prior to publication
KwaZulu-Natal	Weekly	Thursday	One week before publication	3 working days prior to publication
Limpopo	Weekly	Friday	One week before publication	3 working days prior to publication
Mpumalanga	Weekly	Friday	One week before publication	3 working days prior to publication

GOVERNMENT PRINTING WORKS - BUSINESS RULES

Government Gazette Type	Publication Frequency	Publication Date	Submission Deadline	Cancellations Deadline
Gauteng Liquor License Gazette	Monthly	Wednesday before the First Friday of the month	Two weeks before publication	3 working days after submission deadline
Northern Cape Liquor License Gazette	Monthly	First Friday of the month	Two weeks before publication	3 working days after submission deadline
National Liquor License Gazette	Monthly	First Friday of the month	Two weeks before publication	3 working days after submission deadline
Mpumalanga Liquor License Gazette	Bi-Monthly	Second & Fourth Friday	One week before publication	3 working days prior to publication

EXTRAORDINARY GAZETTES

3. *Extraordinary Gazettes* can have only one publication date. If multiple publications of an *Extraordinary Gazette* are required, a separate Z95/Z95Prov *Adobe* Forms for each publication date must be submitted.

NOTICE SUBMISSION PROCESS

4. Download the latest *Adobe* form, for the relevant notice to be placed, from the **Government Printing Works** website www.gpwonline.co.za.
5. The *Adobe* form needs to be completed electronically using *Adobe Acrobat / Acrobat Reader*. Only electronically completed *Adobe* forms will be accepted. No printed, handwritten and/or scanned *Adobe* forms will be accepted.
6. The completed electronic *Adobe* form has to be submitted via email to submit.egazette@gpw.gov.za. The form needs to be submitted in its original electronic *Adobe* format to enable the system to extract the completed information from the form for placement in the publication.
7. Every notice submitted **must** be accompanied by an official **GPW** quotation. This must be obtained from the *eGazette* Contact Centre.
8. Each notice submission should be sent as a single email. The email **must** contain **all documentation relating to a particular notice submission**.
 - 8.1. Each of the following documents must be attached to the email as a separate attachment:
 - 8.1.1. An electronically completed *Adobe* form, specific to the type of notice that is to be placed.
 - 8.1.1.1. For National *Government Gazette* or *Provincial Gazette* notices, the notices must be accompanied by an electronic Z95 or Z95Prov *Adobe* form
 - 8.1.1.2. The notice content (body copy) **MUST** be a separate attachment.
 - 8.1.2. A copy of the official **Government Printing Works** quotation you received for your notice. (*Please see Quotation section below for further details*)
 - 8.1.3. A valid and legible Proof of Payment / Purchase Order: **Government Printing Works** account customer must include a copy of their Purchase Order. **Non-Government Printing Works** account customer needs to submit the proof of payment for the notice
 - 8.1.4. Where separate notice content is applicable (Z95, Z95 Prov and TForm 3, it should **also** be attached as a separate attachment. (*Please see the Copy Section below, for the specifications*).
 - 8.1.5. Any additional notice information if applicable.

GOVERNMENT PRINTING WORKS - BUSINESS RULES

9. The electronic *Adobe* form will be taken as the primary source for the notice information to be published. Instructions that are on the email body or covering letter that contradicts the notice form content will not be considered. The information submitted on the electronic *Adobe* form will be published as-is.
10. To avoid duplicated publication of the same notice and double billing, Please submit your notice **ONLY ONCE**.
11. Notices brought to **GPW** by “walk-in” customers on electronic media can only be submitted in *Adobe* electronic form format. All “walk-in” customers with notices that are not on electronic *Adobe* forms will be routed to the Contact Centre where they will be assisted to complete the forms in the required format.
12. Should a customer submit a bulk submission of hard copy notices delivered by a messenger on behalf of any organisation e.g. newspaper publisher, the messenger will be referred back to the sender as the submission does not adhere to the submission rules.

QUOTATIONS

13. Quotations are valid until the next tariff change.
 - 13.1. **Take note:** **GPW's** annual tariff increase takes place on **1 April** therefore any quotations issued, accepted and submitted for publication up to **31 March** will keep the old tariff. For notices to be published from 1 April, a quotation must be obtained from **GPW** with the new tariffs. Where a tariff increase is implemented during the year, **GPW** endeavours to provide customers with 30 days' notice of such changes.
14. Each quotation has a unique number.
15. Form Content notices must be emailed to the *eGazette* Contact Centre for a quotation.
 - 15.1. The *Adobe* form supplied is uploaded by the Contact Centre Agent and the system automatically calculates the cost of your notice based on the layout/format of the content supplied.
 - 15.2. It is critical that these *Adobe* Forms are completed correctly and adhere to the guidelines as stipulated by **GPW**.
16. **APPLICABLE ONLY TO GPW ACCOUNT HOLDERS:**
 - 16.1. **GPW** Account Customers must provide a valid **GPW** account number to obtain a quotation.
 - 16.2. Accounts for **GPW** account customers **must** be active with sufficient credit to transact with **GPW** to submit notices.
 - 16.2.1. If you are unsure about or need to resolve the status of your account, please contact the **GPW** Finance Department prior to submitting your notices. (If the account status is not resolved prior to submission of your notice, the notice will be failed during the process).
17. **APPLICABLE ONLY TO CASH CUSTOMERS:**
 - 17.1. Cash customers doing **bulk payments** must use a **single email address** in order to use the **same proof of payment** for submitting multiple notices.
18. The responsibility lies with you, the customer, to ensure that the payment made for your notice(s) to be published is sufficient to cover the cost of the notice(s).
19. Each quotation will be associated with one proof of payment / purchase order / cash receipt.
 - 19.1. This means that **the quotation number can only be used once to make a payment.**

GOVERNMENT PRINTING WORKS - BUSINESS RULES**COPY (SEPARATE NOTICE CONTENT DOCUMENT)**

20. Where the copy is part of a separate attachment document for Z95, Z95Prov and TForm03
- 20.1. Copy of notices must be supplied in a separate document and may not constitute part of any covering letter, purchase order, proof of payment or other attached documents.
- The content document should contain only one notice. (You may include the different translations of the same notice in the same document).
- 20.2. The notice should be set on an A4 page, with margins and fonts set as follows:
- Page size = A4 Portrait with page margins: Top = 40mm, LH/RH = 16mm, Bottom = 40mm;
Use font size: Arial or Helvetica 10pt with 11pt line spacing;
- Page size = A4 Landscape with page margins: Top = 16mm, LH/RH = 40mm, Bottom = 16mm;
Use font size: Arial or Helvetica 10pt with 11pt line spacing;

CANCELLATIONS

21. Cancellation of notice submissions are accepted by **GPW** according to the deadlines stated in the table above in point 2. Non-compliance to these deadlines will result in your request being failed. Please pay special attention to the different deadlines for each gazette. Please note that any notices cancelled after the cancellation deadline will be published and charged at full cost.
22. Requests for cancellation must be sent by the original sender of the notice and must be accompanied by the relevant notice reference number (N-) in the email body.

AMENDMENTS TO NOTICES

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

REJECTIONS

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

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

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

GOVERNMENT PRINTER INDEMNIFIED AGAINST LIABILITY

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

LIABILITY OF ADVERTISER

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

CUSTOMER INQUIRIES

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

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

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

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

GOVERNMENT PRINTING WORKS - BUSINESS RULES

PAYMENT OF COST

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

PROOF OF PUBLICATION

38. Copies of any of the *Government Gazette* or *Provincial Gazette* can be downloaded from the **Government Printing Works** website www.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

PROCLAMATIONS • PROKLAMASIES

PROCLAMATION NO. 37 OF 2020

WORLD HERITAGE CONVENTION ACT, 1999
(ACT NO. 49 OF 1999)PROCLAMATION OF CERTAIN LAND IN THE NORTHERN CAPE PROVINCE TO BE THE
!Khomani Cultural Landscape World Heritage Site AND TO DECLARE THE
MANAGEMENT AUTHORITY

I, Barbara Dallas Greecy, Minister of Forestry, Fisheries and the Environment, hereby, under section 1(xxiv) (a) of the World Heritage Convention Act, 1999 (Act No. 49 of 1999) (the Act), proclaim the properties listed in the Schedule herein as the !Khomani Cultural Landscape World Heritage Site, and declare the South African National Parks (SANParks), in terms of Section 8 of the Act, as the management authority of the !Khomani Cultural Landscape World Heritage Site.

The management authority shall exercise those powers and duties referred to in section 13 of the Act. In order for the management authority to be able to perform its duties, I furthermore declare that section 33, 35, 36, 37, 39, 40 and 42 of the Act shall apply to the management authority.



MS BARBARA DALLAS CREECY, MP
MINISTER OF FORESTRY, FISHERIES AND THE ENVIRONMENT

DATE: 18/11/2020

SCHEDULE

1. Farm Lang Klaas Dam No. 21, Division of Gordonia Registration, Northern Cape Province, measuring 12507.5153 hectares;
2. Farm Bayip No. 13, Division of Gordonia Registration, Northern Cape Province, measuring 11351.9532 hectares;
3. Farm Groot Brak No. 11, Division of Gordonia Registration, Northern Cape Province, measuring 12382.1602 hectares;
4. Farm Seven Pans No. 26, Division of Gordonia Registration, Northern Cape Province, measuring 12872.8688 hectares;
5. Farm Tigna Bruaich No.58, Division of Gordonia Registration, Northern Cape Province, measuring 16842.1912 hectares;
6. Farm Innerleithen No.17, Division of Gordonia Registration, Northern Cape Province, measuring 13563.8070 hectares;
7. Farm Ellies Kolk No.27, Division of Gordonia Registration, Northern Cape Province, measuring 12716.8330 hectares;
8. Farm Muirfield No. 50, Division of Gordonia Registration, Northern Cape Province, measuring 9201.6964 hectares;
9. Farm Kousaunt No. 12, Division of Gordonia Registration, Northern Cape Province, measuring 14643.8412 hectares;
10. Farm Batu Pahat No. 31, Division of Gordonia Registration, Northern Cape Province, measuring 8506.1712 hectares;
11. Farm Dalkeith No. 53, Division of Gordonia Registration, Northern Cape Province, measuring 13624.1812 hectares;
12. Farm Tabuli Lagi No. 6, Division of Gordonia Registration, Northern Cape Province, measuring 11877.2404 hectares;
13. Farm Gemsbok Plain No. 64, Division of Gordonia Registration, Northern Cape Province, measuring 12546.7654 hectares;
14. Farm Kameelsleep No. 38, Division of Gordonia Registration, Northern Cape Province, measuring 12909.1451 hectares;
15. Farm Jacksons Draai No. 3, Division of Gordonia Registration, Northern Cape Province, measuring 9611.6141 hectares;
16. Farm Witkoois Kolk No. 35, Division of Gordonia Registration, Northern Cape Province, measuring 12512.2547 hectares;
17. Farm Sitszas No. 54, Division of Gordonia Registration, Northern Cape Province, measuring 12769.4004 hectares;
18. Farm Okuip No. 16, Division of Gordonia Registration, Northern Cape Province, measuring 13257.3301 hectares;
19. Farm Uri Karuus No. 60, Division of Gordonia Registration, Northern Cape Province, measuring 16019.9915 hectares;

20. Farm Driefendas No. 48, Division of Gordonia Registration, Northern Cape Province, measuring 15766.9913 hectares;
21. Farm The Little Outspan No. 32, Division of Gordonia Registration, Northern Cape Province, measuring 9292.9590 hectares;
22. Farm Kij Garries No.39 , Division of Gordonia Registration, Northern Cape Province, measuring 12650.0781 hectares;
23. Farm Kaspers Draai No. 30, Division of Gordonia Registration, Northern Cape Province, measuring 12817.3693 hectares;
24. Farm Bitter Pan No. 44, Division of Gordonia Registration, Northern Cape Province, measuring 14959.0515 hectares;
25. Farm Lijers Draai No. 10, Division of Gordonia Registration, Northern Cape Province, measuring 15388.4282 hectares;
26. Farm Bonally No. 43, Division of Gordonia Registration, Northern Cape Province, measuring 12503.3671 hectares;
27. Farm Nu-Quap No. 45, Division of Gordonia Registration, Northern Cape Province, measuring 13174.7430 hectares;
28. Farm Kannaguass No. 5, Division of Gordonia Registration, Northern Cape Province, measuring 12856.2751 hectares;
29. Farm Gopeng No. 46, Division of Gordonia Registration, Northern Cape Province, measuring 15399.8847 hectares;
30. Farm Kyky No. 92, Division of Gordonia Registration, Northern Cape Province, measuring 11154.7798 hectares;
31. Farm Kamfers Boom No. 65, Division of Gordonia Registration, Northern Cape Province, measuring 14801.1621 hectares;
32. Farm 643 No. 643, Division of Gordonia Registration, Northern Cape Province, measuring 77636.7313 hectares;
33. Farm Ardlamont No. 40, Division of Gordonia Registration, Northern Cape Province, measuring 9328.4594 hectares;
34. Farm Aba Qua No. 47, Division of Gordonia Registration, Northern Cape Province, measuring 13496.2297 hectares;
35. Farm Killiekrankie No. 93, Division of Gordonia Registration, Northern Cape Province, measuring 15387.0940 hectares;
36. Farm Dalmuir No. 49, Division of Gordonia Registration, Northern Cape Province, measuring 12904.0779 hectares;
37. Farms Moravet No. 42, Division of Gordonia Registration, Northern Cape Province, measuring 10156.8909 hectares;
38. Farm Coolan No. 19, Division of Gordonia Registration, Northern Cape Province, measuring 9716.1160 hectares;
39. Farm Braemar No. 34, Division of Gordonia Registration, Northern Cape Province, measuring 9280.6166 hectares;

40. Farm Montrose No. 63, Division of Gordonia Registration, Northern Cape Province, measuring 13186.7511 hectares;
41. Farm Cubitje Quap No. 25, Division of Gordonia Registration, Northern Cape Province, measuring 13316.8092 hectares;
42. Farm Oup S.A.M.R Reserve No. 67, Division of Gordonia Registration, Northern Cape Province, measuring 1984.4041 hectares;
43. Farm Urip Qua No. 24, Division of Gordonia Registration, Northern Cape Province, measuring 9989.9430 hectares;
44. Farm Lammermoor No. 18, Division of Gordonia Registration, Northern Cape Province, measuring 12292.4697 hectares;
45. Farm Craig Lockhart No. 52, Division of Gordonia Registration, Northern Cape Province, measuring 10644.2261 hectares;
46. Farm Koodoo Bush No. 9, Division of Gordonia Registration, Northern Cape Province, measuring 15047.6387 hectares;
47. Farm Kwang No. 22, Division of Gordonia Registration, Northern Cape Province, measuring 12558.9738 hectares;
48. Farm Namabies No. 33, Division of Gordonia Registration, Northern Cape Province, measuring 6975.2558 hectares;
49. Farm Dochfour No. 41, Division of Gordonia Registration, Northern Cape Province, measuring 11050.3163 hectares;
50. Farm Kaagan No. 7, Division of Gordonia Registration, Northern Cape Province, measuring 11814.1250 hectares;
51. Farm Karib Gnoos No. 62, Division of Gordonia Registration, Northern Cape Province, measuring 10666.5435 hectares;
52. Farm Haas Pan No. 20, Division of Gordonia Registration, Northern Cape Province, measuring 12165.2253 hectares;
53. Farm Sekwats No. 90, Division of Gordonia Registration, Northern Cape Province, measuring 11465.0387 hectares;
54. Farm Strathfillian No. 15, Division of Gordonia Registration, Northern Cape Province, measuring 8654.0964 hectares;
55. Farm Dikbaards Kolk No. 36, Division of Gordonia Registration, Northern Cape Province, measuring 12178.8972 hectares;
56. Farm Rooibrak No. 61, Division of Gordonia Registration, Northern Cape Province, measuring 9594.1010 hectares;
57. Farm Saint John's Dam No. 94, Division of Gordonia Registration, Northern Cape Province, measuring 15852.4688 hectares;
58. Farm Dankbaar No. 4, Division of Gordonia Registration, Northern Cape Province, measuring 10954.5734 hectares;
59. Farm Nelsies Pan No. 8, Division of Gordonia Registration, Northern Cape Province, measuring 11007.3554 hectares;

60. Farm Rooikop No. 28, Division of Gordonia Registration, Northern Cape Province, measuring 12641.7553 hectares;
61. Farm Mata Mata S.A.M.R Res No. 51, Division of Gordonia Registration, Northern Cape Province, measuring 2523.8295 hectares;
62. Farm Auap No. 23, Division of Gordonia Registration, Northern Cape Province, measuring 13733.3770 hectares;
63. Farm Eileen No. 29, Division of Gordonia Registration, Northern Cape Province, measuring 13197.6831 hectares;
64. Farm Wimbles Draai S.A.M.R Res No.37, Division of Gordonia Registration, Northern Cape Province, measuring 1649.4385 hectares;
65. Farm Stumkes Dam No.66, Division of Gordonia Registration, Northern Cape Province, measuring 12149.7147 hectares;
66. Farm Ooikolk No. 91, Division of Gordonia Registration, Northern Cape Province, measuring 14112.4282 hectares;
67. Farm Strathspey No.14, Division of Gordonia Registration, Northern Cape Province, measuring 13925.2000 hectares;
68. Farm Strathmore No.59, Division of Gordonia Registration, Northern Cape Province, measuring 16684.9986 hectares;
69. Farm Groot Kolk No. 2, Division of Gordonia Registration, Northern Cape Province, measuring 10204.7336 hectares;
70. Farm Unions End No. 1, Division of Gordonia Registration, Northern Cape Province, measuring 9379.2482 hectares;
71. Portion 1 of the Farm No. 643, Division of Gordonia Registration, Northern Cape Province, measuring 26086.3099 hectares;
72. Portion 4 of the Farm No. 643, Division of Gordonia Registration, Northern Cape Province, measuring 31632.9678 hectares.

PROCLAMATION NO. 38 OF 2020



by the

President of the Republic of South Africa

**COMMENCEMENT OF TRADITIONAL AND KHOI-SAN LEADERSHIP ACT, 2019
(ACT NO. 3 OF 2019)**

Under section 66 of the Traditional and Khoi-San Leadership Act, 2019 (Act No. 3 of 2019), I hereby determine 01 April 2021 as the date on which the said Act shall come into operation.

Given under my Hand and the Seal of the Republic of South Africa at Hyde Park on this 02 day of December Two thousand and Twenty.

A handwritten signature in black ink, appearing to be Cyril Ramaphosa, written over a horizontal line.

President

By Order of the President-in-Cabinet:

A handwritten signature in black ink, appearing to be Nkomo, written over a horizontal line.

Minister of the Cabinet

PROKLAMASIE NO. 38 VAN 2020



deur die
President van die Republiek van Suid-Afrika

INWERKINGTREDING VAN WET OP TRADISIONELE EN KHOI-SAN-LEIERSKAP, 2019 (WET NO. 3 VAN 2019)

Kragtens artikel 66 van die Wet op Tradisionele en Khoi-San-leierskap, 2019 (Wet No. 3 van 2019), bepaal ek hiermee 01 April 2021 as die datum waarop gemelde Wet in werking tree.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Hyde Park op hierdie 02 dag van Desember Tweeduisend en Twintig.

A handwritten signature in black ink, appearing to be Cyril Ramaphosa, written over a horizontal line.

President

Op Las van die President-in-Kabinet:

A handwritten signature in black ink, appearing to be Nkomo, written over a horizontal line.

Minister van die Kabinet

GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

NO. 1305

11 DECEMBER 2020

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

Amendment of Notice No 930 of 2019 as contained in Government Gazette No 42536 in respect of Mphahlele Kganki John land claim.

Notice is hereby given in terms of section 11A [4] of the Restitution of the Land Rights Act 22 of 1994 as amended, that an amendment is made to the Gazette Notice No 930 of 2019, Government Gazette No 42536 dated 21st June 2019.

The reason for the amendment of the Gazette Notice is to replace the farm Olifantspoort 479 KS with the farm Koppieskraal 475 KS.

Description of the property	Owner of the property	Title Deed Number	Extent of the Property	Bonds/Endorsement/Encumbrance	Bond Holder
The farm Koppieskraal 475 KS	Bakgaga Mphahlele Tribe	T31323/1994	724,3376ha	None	None

NOTICE IN TERMS OF SECTION 11A (4) READ WITH SECTION 11A (2) OF THE RESTITUTION OF LAND RIGHTS ACT, 1994 (22 OF 1994) AS AMENDED

Any interested party affected hereby may, within a period of 14 (Fourteen) days of the publication hereof, submit his/her/ its comments or objections hereto to the Office of the Regional Land Claims Commissioner: Limpopo at the address set out below, failing which the said notice shall automatically be amended at the expiry of the said period. **KRP:743**

Office the Regional Land Claims

Commissioner: Limpopo

Private bag X9552

POLOKWANE

0700

Submission may also be delivered to:

61 Biccard Street

Polokwane

0700


LEBJANE/MAPHUTHA
REGIONAL LAND CLAIMS COMMISSIONER

DATE: 2020/11/50

DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

NO. 1306

11 DECEMBER 2020

LAND REFORM (LABOUR TENANTS) ACT, 1996 (ACT NO. 3 OF 1996)

Notice is hereby given, in terms of Section 17 (2) (c) of the Land Reform (Labour Tenants) Act, 1996 (Act No 3 of 1996) ("the LTA"), that an Application for acquisition of land was lodged with the Director General of the Department of Land Affairs by the Applicants, and in respect of the Property set out in the Schedule.

Any party who may have an interest in the above-mentioned Application is hereby invited to make written representations to the Director General, within 30 days from the publication of this Notice. The representations must be forwarded to:

The Director General**c/o Deputy Director: Tenure Systems Reform****Department of Rural Development and Land Reform**

Nkangala District Shared Services Centre,

Private Bag X 7261

Witbank

1035,

Fax: (013) 656 03 75 1035,

Tel: (013) 655 1110 Fax: (013) 656 03 752

2nd Floor, Shop no: E8, Saveways Crescent, Cnr OR Tambo & Mandela Street, Die Heuwel.

SCHEDULE

Applicants:

No.	Name and Surname	Identity Number
1.	ABRAM GRANNY MASANGO	491010 5762 088

Property:

No.	Property Description	Locality (District)	Current Title Deed No	Current Owner	Bonds and Restrictive Conditions (Interdicts)
1	Portion 2 (Remaining Extent) of the Farm Haasfontein No. 28 IS, measuring 226 0498 HA	Nkangala	T21530/2003	1.ANGLO OPERATIONS PTY LTD	

[Signature]
For DIRECTOR-GENERAL: DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

SIGNED BY: *Kauni Nesquandani*
DEPUTY DIRECTOR: TENURE SYSTEMS REFORM, DULY AUTHORISED

DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

NO. 1307

11 DECEMBER 2020

LAND REFORM (LABOUR TENANTS) ACT, 1996 (ACT NO. 3 OF 1996)

Notice is hereby given, in terms of Section 17 (2) (c) of the Land Reform (Labour Tenants) Act, 1996 (Act No 3 of 1996) ("the LTA"), that an Application for acquisition of land was lodged with the Director General of the Department of Land Affairs by the Applicants, and in respect of the Property set out in the Schedule.

Any party who may have an interest in the above-mentioned Application is hereby invited to make written representations to the Director General, within 30 days from the publication of this Notice. The representations must be forwarded to:

The Director General
c/o Deputy Director: Tenure Systems Implementation
Department of Agriculture, Land Reform and Rural Development
 Provincial Shared Service Centre: Mpumalanga
 Directorate: Tenure Systems & Implementation
 Private Bag X7261
 Witbank
 1035
 Tel: 013 656 1000

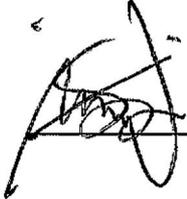
SCHEDULE**Applicants:**

No.	Name and Surname	Identity Number
1	Johanna Nomosa Zimu	5812140436083
(Hereinafter referred to as "the Applicants")		

Property:

No.	Property Description	Locality (District)	Current Title Deed No	Current Owner	Bonds and Restrictive Conditions (Interdicts)
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1	Portion 2 (R/E) of the farm De Roodekop 350 JS	Nkangala	T36372/1985	1. De Roodekop Trust	
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For **DIRECTOR-GENERAL: DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT REFORM**

SIGNED BY: Mami Nencatandan

DEPUTY DIRECTOR: TENURE SYSTEMS IMPLEMENTATION, DULY AUTHORISED

DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

NO. 1308

11 DECEMBER 2020

LAND REFORM (LABOUR TENANTS) ACT, 1996 (ACT NO. 3 OF 1996)

Notice is hereby given, in terms of Section 17 (2) (c) of the Land Reform (Labour Tenants) Act, 1996 (Act No 3 of 1996) ("the LTA"), that an Application for acquisition of land was lodged with the Director General of the Department of Land Affairs by the Applicants, and in respect of the Property set out in the Schedule.

Any party who may have an interest in the above-mentioned Application is hereby invited to make written representations to the Director General, within 30 days from the publication of this Notice. The representations must be forwarded to:

The Director General
c/o Deputy Director: Tenure Systems Implementation
Department of Rural Development and Land Reform
Nkangala District shared services Centre, 2nd floor, shop no: E8, Saveways Crescent, Cnr OR Tambo & Mandela street, Die Heuwel.

File Reference: File Reference: ET6/5/NH 2233 LT

SCHEDULE**Applicants:**

AARON F. MASANGO	580218 5637 083,
ANNA V. SIBANYONI	321113 0108 087,
PETROS SKOSANA	581016 5237 085,
SAMUEL T. SKHOSANA	511214 5237 085,
MATREK L. MALAZA	460507 5383 085,
BUTI J. MADONSELA	501002 5498 084,
BEN MASHIGA	480829 5487 088,
JOSEPH SIBANYONI	630318 5243 086,
FANNIE MLABA	680329 5374 087,
ELIAS SIBANYONI	570828 5692 086,
ROOI M. MASEMULA	750722 5601 083,

CHARLIE SIBANYONI	580402 5746 082,
BEN M. SINDANE	201012 5154 085,
ALBERT M. NDABA	671104 5211 081,
PHILLIE M. TLOU	460817 5211 081,
SAMUEL M KUWEWA	560312 5675 080,

Property:

No.	Property Description	Locality (District)	Current Title Deed No	Current Owner	Bonds and Restrictive Conditions (Interdicts)
1.	PORTION 1 (Remaining Extent) OF THE FARM BROODSNYERS 25 IS	Nkangala	T17778/2016	J.M DE BEER FAMILIE TRUST	



For DIRECTOR-GENERAL: DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

SIGNED BY: *Kevin Nkomo*

DEPUTY DIRECTOR: TENURE SYSTEMS IMPLEMENTATION / LABOUR TENANTS DULY AUTHORISED

DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

NO. 1309

11 DECEMBER 2020

LAND REFORM (LABOUR TENANTS) ACT, 1996 (ACT NO. 3 OF 1996)

Notice is hereby given, in terms of Section 17 (2) (c) of the Land Reform (Labour Tenants) Act, 1996 (Act No 3 of 1996) ("the LTA"), that an Application for acquisition of land was lodged with the Director General of the Department of Land Affairs by the Applicants, and in respect of the Property set out in the Schedule.

Any party who may have an interest in the above-mentioned Application is hereby invited to make written representations to the Director General, within 30 days from the publication of this Notice. The representations must be forwarded to:

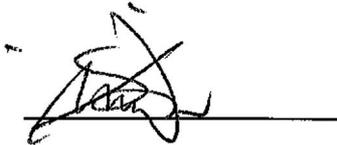
The Director General
c/o Deputy Director: Tenure Systems Reform
Department of Rural Development and Land Reform
 Provincial Shared Service Centre: Mpumalanga
 Directorate: Tenure Systems & Implementation
 Private Bag X7261
 Witbank
 1035
 Tel: 013 656 1000

SCHEDULE**Applicants:**

No.	Name and Surname	Identity Number
1)	SIBONANGAYE MATHEW MASHININI	5211275467080,
(Hereinafter referred to as "the Applicants")		

Property:

No.	Property Description	Locality (District)	Current Title Deed No	Current Owner	Bonds and Restrictive Conditions (Interdicts)
1	PORTION 1 OF THE FARM BOSCHMANSKRAL 184 IS	NKANGALA	T34163/1970	1. WYK ABRAHAM IZAK VAN	



For **DIRECTOR-GENERAL: DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM**

SIGNED BY: Iten Nematandani

DEPUTY DIRECTOR: TENURE SYSTEMS REFORM, DULY AUTHORISED

DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

NO. 1310

11 DECEMBER 2020

LAND REFORM (LABOUR TENANTS) ACT, 1996 (ACT NO. 3 OF 1996)

Notice is hereby given, in terms of Section 17 (2) (c) of the Land Reform (Labour Tenants) Act, 1996 (Act No 3 of 1996) ("the LTA"), that an Application for acquisition of land was lodged with the Director General of the Department of Land Affairs by the Applicants, and in respect of the Property set out in the Schedule.

Any party who may have an interest in the above-mentioned Application is hereby invited to make written representations to the Director General, within 30 days from the publication of this Notice. The representations must be forwarded to:

The Director General
c/o Deputy Director: Tenure Systems Implementation
Department of Rural Development and Land Reform
Nkangala District shared services Centre, 2nd floor, shop no: E8, Saveways Crescent, Cnr OR Tambo & Mandela street, Die Heuwel.

File Reference: ET6/5/NH/12397/ LT

SCHEDULE**Applicants:**

NO	NANE AND SURNAME	ID NUMBER
1.	SABATA J. SEPHIRI	5504175667084,

Property:

No.	Property Description	Locality (District)	Current Title Deed No	Current Owner	Bonds and Restrictive Conditions (Interdicts)
1.	PORTION 1 OF THE FARM EDE 463 JS	NKANGALA	T70050/1989	BIRK STEAD INV HOLDINGS PTY LTD	


For DIRECTOR-GENERAL: DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

SIGNED BY: *Itani Nenatindani*
DEPUTY DIRECTOR: TENURE SYSTEMS IMPLEMENTATION / LABOUR TENANTS
DULY AUTHORISED

DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

NO. 1311

11 DECEMBER 2020

LAND REFORM (LABOUR TENANTS) ACT, 1996 (ACT NO. 3 OF 1996)

Notice is hereby given, in terms of Section 17 (2) (c) of the Land Reform (Labour Tenants) Act, 1996 (Act No 3 of 1996) ("the LTA"), that an Application for acquisition of land was lodged with the Director General of the Department of Land Affairs by the Applicants, and in respect of the Property set out in the Schedule.

Any party who may have an interest in the above-mentioned Application is hereby invited to make written representations to the Director General, within 30 days from the publication of this Notice. The representations must be forwarded to:

The Director General
c/o Deputy Director: Tenure Systems Implementation
Department of Rural Development and Land Reform
23 Taute Street
Private bag X9081, Ermelo 2350

File Reference: ET6/5/PR

SCHEDULE

Applicants:

No.	Name and Surname	Identity Number
1.	Zondile Josia Mlambo	3005065241081
2.	Jabulani Hezekia Skosana	6412165580086

Property:

No.	Property Description	Locality (District)	Current Title Deed No	Current Owner	Bonds and Restrictive Conditions (Interdicts)
113 HT	Portion 0 (Remaining Extent) of the farm Driefontein	Pixley ka Seme	T8015/1998	PRETORIUS BERNIE BARTLETT	N/A


MR. S THOKA
DEPUTY DIRECTOR: TENURE SYSTEMS IMPLEMENTATION
DATE: 21/11/2020

DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

NO. 1312

11 DECEMBER 2020

LAND REFORM (LABOUR TENANTS) ACT, 1996 (ACT NO. 3 OF 1996)

Notice is hereby given, in terms of Section 17 (2) (c) of the Land Reform (Labour Tenants) Act, 1996 (Act No 3 of 1996) ("the LTA"), that an Application for acquisition of land was lodged with the Director General of the Department of Land Affairs by the Applicants, and in respect of the Property set out in the Schedule.

Any party who may have an interest in the above-mentioned Application is hereby invited to make written representations to the Director General, within 30 days from the publication of this Notice. The representations must be forwarded to:

The Director General
 c/o Deputy Director: Tenure Systems Implementation
 Department of Rural Development and Land Reform
 Ehlanzeni District Shared Service Centre
 4th Floor, Home Affairs Building, Corner Henshall & Brander Street, Private Bag X 11329
 Nelspruit 1200. Tel (013) 752 2064/66/89, fax 013)752 2079
 File Reference: ET6/5/ET 12460 L

SCHEDULE

Applicants:

No.	Name and Surname	Identity Number
1	MALETA JANTJIE LEDIMO	390223 5233 081

Property:

No.	Property Description	Locality (District)	Current Title Deed No	Current Owner	Bonds and Restrictive Conditions (Interdicts)
1	REMAINING EXT PORTION 0 OF PIETERSBURG 44 JT	THABA CHWEU	T9373/2017	BOOYSENDAL PLATINUM PTY LTD	


 For DIRECTOR-GENERAL: DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

SIGNED BY: Clement Maseko

DEPUTY DIRECTOR: TENURE SYSTEMS IMPLEMENTATION / LABOUR TENANTS

DULY AUTHORISED

DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

NO. 1313

11 DECEMBER 2020

LAND REFORM (LABOUR TENANTS) ACT, 1996 (ACT NO. 3 OF 1996)

Notice is hereby given, in terms of Section 17 (2) (c) of the Land Reform (Labour Tenants) Act, 1996 (Act No 3 of 1996) ("the LTA"), that an Application for acquisition of land was lodged with the Director General of the Department of Land Affairs by the Applicants, and in respect of the Property set out in the Schedule.

Any party who may have an interest in the above-mentioned Application is hereby invited to make written representations to the Director General, within 30 days from the publication of this Notice. The representations must be forwarded to:

The Director General
c/o Deputy Director: Tenure Systems Reform
Department of Rural Development and Land Reform
 Provincial Shared Service Centre: Mpumalanga
 Directorate: Tenure Systems & Implementation
 Private Bag X7261
 Witbank
 1035
 Tel: 013 656 1000

SCHEDULE**Applicants:**

No.	Name and Surname	Identity Number
1)	JOZI GEORGIE MASILELA	271017 5105 081,
(Hereinafter referred to as "the Applicants")		

Property:

No.	Property Description	Locality (District)	Current Title Deed No	Current Owner	Bonds and Restrictive Conditions (Interdicts)
1	PORTION 92 OF THE FARM BLINKWATER 213 JS	NKANGALA	T6433/2018	1. ROUX DANIEL PETRUS	



For DIRECTOR-GENERAL: DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

SIGNED BY: Jeani Nematanden!

DEPUTY DIRECTOR: TENURE SYSTEMS REFORM, DULY AUTHORISED

DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

NO. 1314

11 DECEMBER 2020

LAND REFORM (LABOUR TENANTS) ACT, 1996 (ACT NO. 3 OF 1996)

Notice is hereby given, in terms of Section 17 (2) (c) of the Land Reform (Labour Tenants) Act, 1996 (Act No 3 of 1996) ("the LTA"), that an Application for acquisition of land was lodged with the Director General of the Department of Land Affairs by the Applicants, and in respect of the Property set out in the Schedule.

Any party who may have an interest in the above-mentioned Application is hereby invited to make written representations to the Director General, within 30 days from the publication of this Notice. The representations must be forwarded to:

The Director General
c/o Deputy Director: Tenure Systems Implementation
Department of Rural Development and Land Reform
Nkangala District shared services Centre, 2nd floor, shop no: E8, Saveways Crescent, Cnr OR Tambo & Mandela street, Die Heuwel.

File Reference: ET6/5/NH/12364 LT

SCHEDULE

Applicants:

NO	NANE AND SURNAME	ID NUMBER
1	AARON JOHANNES MAHLANGU	4911195553080,
2.	FERNANDO JACOB NGOMA	6801285529081,

Property:

No.	Property Description	Locality (District)	Current Title Deed No	Current Owner	Bonds and Restrictive Conditions (Interdicts)
1.	PORTION 28 OF THE FARM DOORNRUG 302 JS	NKANGALA	T133027/2003	BOSHOFF HENDRIK LOUW	



For **DIRECTOR-GENERAL: DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM**

SIGNED BY: *Hemi Nematjani*
DEPUTY DIRECTOR: TENURE SYSTEMS IMPLEMENTATION / LABOUR TENANTS
DULY AUTHORISED

DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

NO. 1315

11 DECEMBER 2020

LAND REFORM (LABOUR TENANTS) ACT, 1996 (ACT NO. 3 OF 1996)

Notice is hereby given, in terms of Section 17 (2) (c) of the Land Reform (Labour Tenants) Act, 1996 (Act No 3 of 1996) ("the LTA"), that an Application for acquisition of land was lodged with the Director General of the Department of Land Affairs by the Applicants, and in respect of the Property set out in the Schedule.

Any party who may have an interest in the above-mentioned Application is hereby invited to make written representations to the Director General, within 30 days from the publication of this Notice. The representations must be forwarded to:

The Director General
 c/o Deputy Director: Tenure Systems Implementation
 Department of Rural Development and Land Reform
 23 corner Henshall & Brander street, Home affairs Building 4th Floor
 Nelspruit 1200. Tel: 0137522064; Fax: 013752820
 File Reference: ET6/5/L

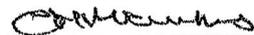
SCHEDULE

Applicants:

No.	Name and Surname	Identity Number
1.	NTABANYANE FRANCINAH MAIMELA	350904 0247 087

Property:

No.	Property Description	Locality (District)	Current Title Deed No	Current Owner	Bonds and Restrictive Conditions
1.	PORTION 21 OF THE FARM GOEDEHOOP 142 JT. MPUMALANGA PROVINCE	EHLANZENI	T78248/1996	ALEXANDER JOHN BULLEN	n/a



For DIRECTOR-GENERAL: DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

SIGNED BY: Clement Maseko

DEPUTY DIRECTOR: LABOUR TENANTS

DULY AUTHORISE

DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT**NO. 1316****11 DECEMBER 2020****LAND REFORM (LABOUR TENANTS) ACT, 1996 (ACT NO. 3 OF 1996)**

Notice is hereby given, in terms of Section 17 (2) (c) of the Land Reform (Labour Tenants) Act, 1996 (Act No 3 of 1996) ("the LTA"), that an Application for acquisition of land was lodged with the Director General of the Department of Land Affairs by the Applicants, and in respect of the Property set out in the Schedule.

Any party who may have an interest in the above-mentioned Application is hereby invited to make written representations to the Director General, within 30 days from the publication of this Notice. The representations must be forwarded to:

The Director General
c/o Deputy Director: Tenure Systems Implementation
Department of Agriculture Land Reform and Rural Development
GERT SIBANDE REGIONAL SHARED SERVICE CENTRE;
DIRECTORATE: TENURE REFORM IMPLEMENTATION; Private Bag X5020, Piet Retief,
2380; 91 Church Street, Piet Retief; Tel: 017 826 4363; Fax 017 826 4878; Web:
www.drdlr.gov.za

File Reference: ET6/5/SHL

SCHEDULE**Applicants:**

No.	Name and Surname	Identity Number
1	Stukwana Solomon Mthimunye	500212 5566 08 4

Property:

No.	Property Description	Locality (District)	Current Title Deed No	Current Owner	Bonds and Restrictive Conditions (Interdicts)
1	Portion 5(re) of the farm Naudesbank no 172 IS	ALBERT LUTHULI LOCAL MUNICIPALITY	T14571/2013	D V TRUST	N/A


 For DIRECTOR-GENERAL: DEPARTMENT OF AGRICULTURE LAND REFORM AND RURAL DEVELOPMENT

SIGNED BY: Sebitso Moko
 DEPUTY DIRECTOR: TENURE SYSTEMS IMPLEMENTATION / LABOUR TENANTS
 DULY AUTHORISED

DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

NO. 1317

11 DECEMBER 2020

LAND REFORM (LABOUR TENANTS) ACT, 1996 (ACT NO. 3 OF 1996)

Notice is hereby given, in terms of Section 17 (2) (c) of the Land Reform (Labour Tenants) Act, 1996 (Act No 3 of 1996) ("the LTA"), that an Application for acquisition of land was lodged with the Director General of the Department of Land Affairs by the Applicants, and in respect of the Property set out in the Schedule.

Any party who may have an interest in the above-mentioned Application is hereby invited to make written representations to the Director General, within 30 days from the publication of this Notice. The representations must be forwarded to:

The Director General
c/o Deputy Director: Tenure Systems Reform
Department of Rural Development and Land Reform
 Provincial Shared Service Centre: Mpumalanga
 Directorate: Tenure Systems & Implementation
 Private Bag X7261
 Witbank
 1035
 Tel: 013 656 1000

SCHEDULE**Applicants:**

No.	Name and Surname	Identity Number
1)	BHUTISHI ELIAS NDULI	6302245313089,
2)	MONGE JOHANNES JIYANE	5804155609084,
(Hereinafter referred to as "the Applicants")		

Property:

No.	Property Description	Locality (District)	Current Title Deed No	Current Owner	Bonds and Restrictive Conditions (Interdicts)
1	R/E of Portion 2 of the farm Klipnek 199 JS	Nkangala	T147864/2006	1. 2. TINA COWLEY FRANCHISE CC REPRESENTATIVE/S	



For **DIRECTOR-GENERAL: DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM**

SIGNED BY: Hani Nematsonde

DEPUTY DIRECTOR: TENURE SYSTEMS REFORM, DULY AUTHORISED

DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

NO. 1318

11 DECEMBER 2020

LAND REFORM (LABOUR TENANTS) ACT, 1996 (ACT NO. 3 OF 1996)

Notice is hereby given, in terms of Section 17 (2) (c) of the Land Reform (Labour Tenants) Act, 1996 (Act No 3 of 1996) ("the LTA"), that an Application for acquisition of land was lodged with the Director General of the Department of Land Affairs by the Applicants, and in respect of the Property set out in the Schedule.

Any party who may have an interest in the above-mentioned Application is hereby invited to make written representations to the Director General, within 30 days from the publication of this Notice. The representations must be forwarded to:

The Director General
c/o Deputy Director: Tenure Systems Implementation
Department of Rural Development and Land Reform
Ehlanzeni District Shared Service Centre
4th Floor, Home Affairs Building, Corner Henshall & Brander Street, Private Bag X 11329
Nelspruit 1200. Tel (013) 752 2064/66/89, fax 013)752 2079
File Reference: ET6/5/L12591

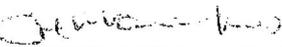
SCHEDULE

Applicants:

No.	Name and Surname	Identity Number
1	CIMANE MANZIMANE ANNIE	290324 0147 085

Property:

No.	Property Description	Locality (District)	Current Title Deed No	Current Owner	Bonds and Restrictive Conditions (Interdicts)
1	REMAINING EXT PORTION 2 OF HOUTENBEK 97 JT	THABA CHWEU	T16773/2015	O'GRADY MICHAEL JOSEPH	



For DIRECTOR-GENERAL: DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM
SIGNED BY: Clement Maseko
DEPUTY DIRECTOR: TENURE SYSTEMS IMPLEMENTATION / LABOUR TENANTS
DULY AUTHORISED

DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

NO. 1319

11 DECEMBER 2020

LAND REFORM (LABOUR TENANTS) ACT, 1996 (ACT NO. 3 OF 1996)

Notice is hereby given, in terms of Section 17 (2) (c) of the Land Reform (Labour Tenants) Act, 1996 (Act No 3 of 1996) ("the LTA"), that an Application for acquisition of land was lodged with the Director General of the Department of Land Affairs by the Applicants, and in respect of the Property set out in the Schedule.

Any party who may have an interest in the above-mentioned Application is hereby invited to make written representations to the Director General, within 30 days from the publication of this Notice. The representations must be forwarded to:

The Director General
c/o Deputy Director: Tenure Systems Reform
Department of Agriculture, Land Reform And Rural Development
 Provincial Shared Service Centre: Mpumalanga
 Directorate: Tenure Systems & Implementation
 Private Bag X7261
 Witbank
 1035
 Tel: 013 655 1000

SCHEDULE**Applicants:**

No.	Name and Surname	Identity Number
1.	APRIL PAUL SIBANYONI	680414 5614 086,
2.	SKHOSANA MANDLA CHRISTOPHER	620717 5460 083,

Property:

No.	Property Description	Locality (District)	Current Title Deed No	Current Owner	Bonds and Restrictive Conditions (Interdicts)
1	R/E of Portion 15 of the farm Kleinfontein 432 JS	Nkangala	T4085/2001	1. STATUTIS TRADING PTY LTD	


 For **DIRECTOR-GENERAL: DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT**

SIGNED BY: Itani Nemetandani
 DEPUTY DIRECTOR: TENURE SYSTEMS REFORM, DULY AUTHORISED

DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

NO. 1320

11 DECEMBER 2020

LAND REFORM (LABOUR TENANTS) ACT, 1996 (ACT NO. 3 OF 1996)

Notice is hereby given, in terms of Section 17 (2) (c) of the Land Reform (Labour Tenants) Act, 1996 (Act No 3 of 1996) ("the LTA"), that an Application for acquisition of land was lodged with the Director General of the Department of Land Affairs by the Applicants, and in respect of the Property set out in the Schedule.

Any party who may have an interest in the above-mentioned Application is hereby invited to make written representations to the Director General, within 30 days from the publication of this Notice. The representations must be forwarded to:

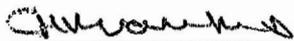
The Director General
 c/o Deputy Director: Tenure Systems Implementation
 Department of Rural Development and Land Reform
 23 corner Henshall & Brander street, Home affairs Building 4th Floor
 Nelspruit 1200. Tel: 0137522064; Fax: 013752820
 File Reference: ET6/5/L12591

SCHEDULE**Applicants:**

No.	Name and Surname	Identity Number
1.	MMAJIANE MARIA LETSOALO	390204 0341 08 7

Property:

No.	Property Description	Locality (District)	Current Title Deed No	Current Owner	Bonds and Restrictive Conditions
1.	Portion 6 of the farm Goedehoop 142 JT. Mpumalanga Province	Ehlanzeni	T99412/1996	NEL NICOLAAS JACOBUS	n/a



For DIRECTOR-GENERAL: DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

SIGNED BY: Clement Maseko

DEPUTY DIRECTOR: LABOUR TENANTS

DULY AUTHORISE

DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

NO. 1321

11 DECEMBER 2020

LAND REFORM (LABOUR TENANTS) ACT, 1996 (ACT NO. 3 OF 1996)

Notice is hereby given, in terms of Section 17 (2) (c) of the Land Reform (Labour Tenants) Act, 1996 (Act No 3 of 1996) ("the LTA"), that an Application for acquisition of land was lodged with the Director General of the Department of Land Affairs by the Applicants, and in respect of the Property set out in the Schedule.

Any party who may have an interest in the above-mentioned Application is hereby invited to make written representations to the Director General, within 30 days from the publication of this Notice. The representations must be forwarded to:

The Director General**c/o Deputy Director: Tenure Systems Reform****Department of Rural Development and Land Reform**

Nkangala District Shared Services Centre,

Private Bag X 7261

Witbank

1035,

Fax: (013) 656 03 75 1035,

Tel: (013) 655 1110 Fax: (013) 656 03 752

2nd Floor, Shop no: E8, Saveways Crescent, Cnr OR Tambo & Mandela Street, Die Heuwel.

SCHEDULE

Applicants:

No.	Name and Surname	Identity Number
1.	NTSWANE LEPONE MAARMAN	300705 55205 084

Property:

No.	Property Description	Locality (District)	Current Title Deed No	Current Owner	Bonds and Restrictive Conditions (Interdicts)
1	Portion 10 of the farm Rodekraans 133 JT, Measuring 130.9902 HA	Nkangala	T100947/1999	1. RODEKRAAN S FARM PORTION 10 PTY LTD	

For DIRECTOR-GENERAL: DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

SIGNED BY: *Hani Nematunda*
DEPUTY DIRECTOR: TENURE SYSTEMS REFORM, DULY AUTHORISED

DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

NO. 1322

11 DECEMBER 2020

LAND REFORM (LABOUR TENANTS) ACT, 1996 (ACT NO. 3 OF 1996)

Notice is hereby given, in terms of Section 17 (2) (c) of the Land Reform (Labour Tenants) Act, 1996 (Act No 3 of 1996) ("the LTA"), that an Application for acquisition of land was lodged with the Director General of the Department of Land Affairs by the Applicants, and in respect of the Property set out in the Schedule.

Any party who may have an interest in the above-mentioned Application is hereby invited to make written representations to the Director General, within 30 days from the publication of this Notice. The representations must be forwarded to:

The Director General
c/o Deputy Director: Tenure Systems Implementation
Department of Rural Development and Land Reform
23 corner Henshall & Brander street, Home affairs Building 4th Floor
Nelspruit 1200. Tel: 0137522064; Fax: 013752820
File Reference: ET6/5/L12575

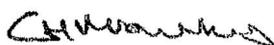
SCHEDULE

Applicants:

No.	Name and Surname	Identity Number
1.	MALEBESE PIET MOSOTHO	250104 5099 087
2.	MAGOMU MOSOTHO	510911 0216 086

Property:

No.	Property Description	Locality (District)	Current Title Deed No	Current Owner	Bonds and Restrictive Conditions
1.	PORTION 3 OF THE FARM DONKERHOEK 138 JT. MPUMALANGA PROVINCE	EHLANZENI	T2241/2016	NORDIN FARMS PTY LTD	n/a



For **DIRECTOR-GENERAL: DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM**

SIGNED BY: Clement Maseko

DEPUTY DIRECTOR: LABOUR TENANTS

DULY AUTHORISE

DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

NO. 1323

11 DECEMBER 2020

EXTENSION OF THE APPLICATION OF THE PROVISIONS OF THE INTERIM PROTECTION OF INFORMAL LAND RIGHTS ACT, 1996 (ACT NO. 31 OF 1996)

Whereas the application of the provisions of the Interim Protection of Informal Land Rights Act, 1996 (Act No. 31 of 1996), will expire on the 31 December 2020, I Thoko Angela Didiza, Minister of Agriculture, Land Reform and Rural Development, under section 5(2) of the said Act, hereby extend the application of the provisions of the said Act for a further period of 12 months ending on 31 December 2021.


MS AT DIDIZA (MP)

MINISTER FOR RURAL DEVELOPMENT AND LAND REFORM

DEPARTEMENT VAN LANDBOU, GRONDHERVORMING EN LANDELIKE ONTWIKKELING**NO. 1323****11 DESEMBER 2020****VERLENGING VAN DIE TOEPASSING VAN DIE BEPALINGS VAN DIE WET OP DIE TUSSENTYDSE BESKERMING VAN INFORMELE GRONDREGTE, 1996 (WET No. 31 VAN 1996)**

Aangesien die toepassing van die bepalings van die wet op die Tussentydse Beskerming van Informele Groendregte, 1996 (Wet No. 31 van 1996), op 31 Desember 2020 sal verstryk, verleng ek, Thoko Didiza, Minister vir Landbou, Grondhervorming end Landelike Ontwikkeling, kragtens artikel 5(2) van genoemde Wet, Hierby die toepassing van die bepalings van genoemde Wet vir 'n verdere tydperk van 12 maande, eindigende op 31 Desember 2021.



**MS AT DIDIZA (MP)
MINISTER VIR
ONTWIKKELING**

LANDBOU, GRONDHERVORMING END LANDELIKE

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

NO. 1324

11 DECEMBER 2020

INTERNATIONAL CO-OPERATION IN CRIMINAL MATTERS ACT, 1996**(ACT NO. 75 OF 1996)****MUTUAL LEGAL ASSISTANCE IN CRIMINAL MATTERS TREATY BETWEEN
THE REPUBLIC OF SOUTH AFRICA AND THE PEOPLE'S REPUBLIC OF
BANGLADESH**

I, Ronald Ozzy Lamola, Minister of Justice and Correctional Services, hereby give notice in terms of section 27(2) of the International Co-operation in Criminal Matters Act, 1996 (Act No. 75 of 1996), that the Parliament of the Republic of South Africa has on 2 June 2020 agreed to the ratification of the Mutual Legal Assistance in Criminal Matters Treaty between the Republic of South Africa and the People's Republic of Bangladesh as set out in the Schedule. The said Treaty entered into force on 6 October 2020.

Mr R.O Lamola

Minister of Justice and Correctional Services

SCHEDULE

TREATY BETWEEN

THE GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA

AND

THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF BANGLADESH

ON

MUTUAL LEGAL ASSISTANCE IN CRIMINAL MATTERS

THE GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA AND THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF BANGLADESH; (hereinafter jointly referred to as "States" and separately as a "State");

DESIRING to improve the effectiveness of both countries in the investigation, prosecution and suppression of crime, including crimes related to terrorism, through cooperation and mutual legal assistance in criminal matters;

RECALLING the Declaration of Intent between the States of 25 March 1997 that aims to strengthen cooperation;

HAVE AGREED as follows:

Article 1 Scope of Application

1. The States shall, in accordance with this Treaty and national legislation, grant each other mutual legal assistance in criminal matters.
2. Mutual legal assistance includes –
 - (a) locating and identifying persons and objects;
 - (b) serving documents, including documents seeking the attendance of persons;
 - (c) providing information, documents and records;
 - (d) providing objects, including lending exhibits;
 - (e) search and seizure;
 - (f) taking evidence and obtaining statements;
 - (g) authorizing the presence of persons from the Requesting State at the execution of requests;
 - (h) making detained persons available to give evidence or assist investigations;
 - (i) facilitating the appearance of witnesses or the assistance of persons in investigations;
 - (j) taking measures to locate, restrain or forfeit the proceeds of crime; and
 - (k) any other form of assistance not prohibited by the law of the Requested State.
3. This Treaty shall also apply to any requests for mutual legal assistance relating to acts or omissions committed before its entry into force.
4. Mutual legal assistance shall be provided without regard to whether the conduct which is the subject of the investigation, prosecution or proceedings in the Requesting State, would constitute an offence under the laws of the Requested State.

Article 2 Definitions

1. For the purpose of this Treaty –
 - (a) “criminal matters” means for the Republic of South Africa, both statutory and common law offences and, for the People’s Republic of Bangladesh, investigations, inquiries, trials or other proceedings relating to an offence created by Parliament or by the legislature of a state or province; and Criminal matters shall include investigations, prosecutions or proceedings relating to offences concerning taxation, duties, customs and foreign exchange.
 - (b) “Mutual legal assistance” or “assistance” means any assistance given by the Requested State in respect of investigations, prosecutions or proceedings to the Requesting State in criminal matters, irrespective of whether the assistance is sought or is to be provided by a court or some other authority.

Article 3 Central Authorities

1. For the purposes of this Treaty, the Central Authority in each State to receive requests for assistance is as follows:
 - (a) for the Republic of South Africa, be the Director-General:-, Department of Justice and Constitutional Development or a person designated by the Director-General; and
 - (b) for the People’s Republic of Bangladesh the Ministry of Home Affairs.

Article 4 Execution of Requests

1. Requests for assistance shall be executed promptly, in accordance with the law of the Requested State and, in so far as not prohibited by that law, in the manner specified by the Requesting State.
2. The Requested State shall, upon receipt of the request, inform the Requesting State of the date and place of execution of the request for assistance, if available.
3. The Requested State shall not refuse to execute a request on the grounds of bank secrecy.

Article 5 Contents of Requests

1. In all cases, requests for assistance shall indicate –
 - (a) the competent authority conducting the investigation, prosecution or proceedings to which the request relates;
 - (b) the nature of the investigation, prosecution or proceedings, and include a summary of the facts and a copy of the applicable laws;
 - (c) the purpose of the request and the nature of the assistance sought;
 - (d) the degree of confidentiality required and the reasons therefor; and
 - (e) any period of time within which the request should be executed.
2. Requests for assistance shall include –

- (a) in the case of requests for the taking of evidence, search and seizure, or the location, restraint or forfeiture of proceeds of crime, a statement indicating the basis for the belief that evidence or proceeds may be found in the Requested State;
 - (b) in the case of requests to take evidence from a person, an indication as to whether sworn or affirmed statements are required and a description of the subject matter of the evidence or statement sought;
 - (c) in the case of lending of exhibits, the current location of the exhibits in the Requested State and an indication of the person or class of persons who will have custody of the exhibits in the Requesting State, the place to which the exhibit is to be removed, any tests to be conducted and the date by which the exhibit will be returned;
 - (d) in the case of making a detained person available, an indication of the person or class of persons who will have custody during the transfer, the place to which the detained person is to be transferred and the probable date of that person's return; and
 - (e) in the case of requests in respect of search and seizure, a statement describing the basis of the belief that the money or property is the proceeds of crime and liable for search and seizure.
3. If necessary, and where possible, requests for assistance shall include –
- (a) the identity, nationality and location of a person who is the subject of the investigation, prosecution or proceedings;
 - (b) details of any particular procedure or requirement that the Requesting State wishes to be followed and the reasons therefor.
4. If the Requested State considers that the information is not sufficient to enable the request to be executed, it may request additional information.
5. A request shall be made in writing. In urgent circumstances, a request may be made orally but shall be confirmed in writing promptly thereafter.

Article 6

Refusal or Postponement of Assistance

1. Assistance may be refused if in the opinion of the Requested State, the execution of the request would impair its sovereignty, security, public order, and essential public interest or prejudice the safety of any person.
2. Assistance may be refused, if the execution of the request would be contrary to the domestic law of the Requested State.
3. Assistance may be refused, if the request relates to an offence in respect of which the accused person had been finally acquitted or pardoned.
4. Assistance may be refused, if the request seeking restraint, forfeiture or confiscation of proceeds of crime or seizure of property, is in respect of conduct or activity which cannot be made the basis for such restraint, forfeiture, confiscation or seizure in the Requested State.
5. Assistance may be postponed by the Requested State, if the execution of the request would interfere with an ongoing investigation or prosecution in the Requested State.
6. The Requested State shall promptly inform the Requesting State of its decision not to comply, in whole or in part, with a request for assistance, or to postpone execution, and shall give reasons for that decision.

7. Before refusing a request for assistance or before postponing the execution of a request, the Requested State shall consider, whether assistance may be provided, subject to such conditions as it deems necessary. If the Requesting State accepts assistance subject to those conditions, it shall comply with them.

Article 7 **Service of Documents**

1. The Requested State shall serve any document transmitted to it for the purpose of service.
2. The Requesting State shall transmit a request for the service of a document pertaining to a response or appearance, in the Requesting State, within a reasonable time, before the scheduled response or appearance.
3. The Requested State shall return a proof of service in the manner required by the Requesting State.

Article 8 **Provision of Information, Documents, Records and Objects**

1. The Requested State shall provide copies of publicly available information, documents and records of government departments, ministries and agencies.
2. The Requested State may provide any information, documents, records and objects in the possession of a government department or agency, but not publicly available, to the same extent and under the same conditions as they would be available to its own law enforcement and judicial authorities.
3. The Requested State may provide certified copies of documents or records, unless the Requesting State expressly requests originals.
4. Original documents, records or objects provided to the Requesting State shall be returned to the Requested State as soon as possible, upon request.
5. In so far as permitted by the law of the Requested State, documents, records or objects shall be provided in a form or accompanied by such certification as may be specified by the Requesting State in order to make them admissible according to the law of the Requesting State.

Article 9 **Search and Seizure**

1. Search and seizure shall be conducted by the Requested State in accordance with its domestic laws.
2. The competent authority that has executed a request for a search and seizure, shall provide such information as may be required by the Requesting State concerning, but not limited to; the identity, condition, integrity and continuity of possession of the documents, records or objects seized and the circumstances of the seizure.

Article 10 **Taking Evidence in the Requested State**

1. A person requested to testify and produce documents, records or objects in the Requested State may be compelled, if necessary, to appear, testify and produce such documents, records or objects, in accordance with the law of the Requested State.

2. Subject to the law of the Requested State, commissioners, other officials of the Requesting State and persons concerned in the proceedings in the Requesting State shall be permitted to be present when evidence is taken in the Requested State and to participate in the taking of such evidence in the manner as may be specified by the Requested State. The right to participate in the taking of evidence includes the right to pose questions.

3. The persons present at the execution of a request may be permitted to make a verbatim transcript of the proceedings. The use of technical means to make such a verbatim transcript may be permitted.

4. To the extent permitted by its law, the Requested State shall execute a request for the taking of evidence in the manner requested by the Requesting State.

Article 11

Presence of Persons at the Execution of Requests

To the extent permitted by the law of the Requested State, persons specified in the request shall be permitted to be present at the execution of the request.

Article 12

Making Detained Persons Available to Give Evidence or Assist in Investigations

1. Upon request, a person serving a sentence in the Requested State, shall be temporarily transferred to the Requesting State to assist in investigations or to testify, provided that the person consents thereto.

2. When the person transferred is required to be kept in custody under the law of the Requested State, the Requesting State shall hold that person in custody and shall return the person in custody at the conclusion of the execution of the request.

3. When the sentence imposed expires, or where the Requested State advises the Requesting State that the transferred person is no longer required to be held in custody, that person shall be released from custody and be treated as a person present in the Requesting State pursuant to a request seeking that person's attendance.

Article 13

Providing Evidence or Assisting in Investigations in the Requesting State

The Requested State may invite any person identified by the Requesting State, to assist in the investigation or to appear as a witness in the proceedings and seek that person's consent thereto. That person shall be informed of any expenses and allowances payable.

Article 14

Safe Conduct

1. Subject to Article 12(2), a person present in the Requesting State in response to a request shall not be prosecuted, detained or subjected to any other restriction of personal liberty in that State for any acts or omissions which preceded that person's departure from the Requested State, nor shall that person be obliged to give evidence in any proceeding other than that to which the request relates.

2. Paragraph 1 of this Article shall cease to apply if a person, being free to leave the Requesting State, has not left within thirty (30) days after receiving official notification that the person's attendance is no longer required, or having left, has voluntarily returned.

3. Any person who fails to appear in the Requesting State may not be subjected to any sanction or compulsory measure in the Requesting or the Requested State in relation to such failure to appear.

Article 15

Proceeds and Instruments of Crime

1. The Requested State shall, upon request, endeavor to ascertain whether any proceeds of a crime are located within its jurisdiction and shall notify the Requesting State of the results of its inquiries.

2. When, pursuant to paragraph 1 of this Article, suspected proceeds of crime are found, the Requested State shall take such measures as are permitted by its law to restrain and forfeit those proceeds.

3. Proceeds forfeited pursuant to this Treaty shall accrue to the Requested State, unless otherwise agreed.

Article 16

Restitution and Fine Enforcement

The Requested State shall, to the extent permitted by its law, provide assistance concerning restitution to the victims of crime and the collection of fines imposed as a sentence in a criminal prosecution.

Article 17

Confidentiality

1. The Requested State may require, after consultation with the Requesting State, that information or evidence furnished or the source of such information or evidence be kept confidential, disclosed or used only subject to such terms and conditions as it may specify.

2. The Requesting State may require that the request, its contents, supporting documents and any action taken pursuant to the request be kept confidential. If the request cannot be executed without breaching the confidentiality requirement, the Requested State shall so inform the Requesting State prior to executing the request and the latter shall then determine whether the request should nevertheless be executed.

Article 18

Limitation of Use

The Requesting State shall not disclose or use information or evidence furnished for purposes other than those stated in the request, without the prior consent of the Requested State.

Article 19

Authentication

Documents, records or objects transmitted pursuant to this Treaty shall not require any form of authentication, except as specified in Article 8, or as required by the Requesting State.

Article 20

Language

1. Requests shall be submitted in the English language.
2. Supporting documents, if not in the English language, shall be accompanied by an English translation.

Article 21

Expenses

1. The Requested State shall meet the cost of executing the request for assistance, except that the Requesting State shall bear –
 - (a) the expenses associated with conveying any person to or from the territory of the Requested State at the request of the Requesting State, and any expenses payable to that person while in the Requesting State pursuant to a request under Article 12 or 13 of this Treaty;
 - (b) the expenses and fees of experts either in the Requested State or the Requesting State; and
 - (c) the expenses of translators, interpreters and transcribers hired for the purpose of executing the request.
2. If it becomes apparent that the execution of the request requires expenses of an extraordinary nature, the States shall consult to determine the terms and conditions under which the requested assistance can be provided.

Article 22

Compatibility with other Treaties

Assistance and procedures set forth in this Treaty shall not prevent either State from granting assistance to the other State through the provisions of other applicable international conventions or agreements, or through the provisions of its domestic law. The States may also provide assistance pursuant to any bilateral arrangement, agreement or practice which may be applicable.

Article 23

Consultation

The Central Authorities of the States shall consult, at times mutually agreed to, by them, to promote the most effective implementation of this Treaty. The Central Authorities may also agree on such practical measures as may be necessary to facilitate the implementation of this Treaty.

Article 24
Entry into Force, Amendment and Termination

1. This Treaty shall be subject to ratification and the instruments of ratification shall be exchanged as soon as possible.
2. This Treaty shall enter into force on the date of exchange of the instruments of ratification.
3. This Treaty may be amended by mutual consent, through an exchange of notes through the diplomatic channel.
4. Either State may terminate this Treaty by written notice to the other State submitted through the diplomatic channel. The termination shall take effect three (3) months from the date on which it was notified to the other State.

IN WITNESS WHEREOF, the undersigned, being duly authorized thereto by their respective Governments, have signed and sealed this Treaty in two originals in the English and Bengali languages, all texts being equally authentic.

DONE at Dhaka this the 1st day of October of the year 2019 in two originals each, in English and Bengali, both texts being equally authentic. However, in case of divergence of interpretation, the English text shall prevail

MR RO LAMOLA
MINISTER OF JUSTICE AND
CORRECTIONAL SERVICES
FOR THE GOVERNMENT OF
THE
REPUBLIC OF SOUTH AFRICA

MR A KHAN
MINISTER OF HOME
AFFAIRS FOR
THE GOVERNMENT OF
THE PEOPLE'S
REPUBLIC OF
BANGLADESH

EXTRADITION ACT, 1962 (ACT NO. 67 OF 1962)**EXTRADITION TREATY BETWEEN THE REPUBLIC OF SOUTH AFRICA AND
THE PEOPLE'S REPUBLIC OF BANGLADESH**

I, Ronald Ozzy Lamola, Minister of Justice and Correctional Services, hereby give notice in terms of section 2(3) *ter* of the Extradition Act, 1962 (Act No. 67 of 1962), that the Parliament of the Republic of South Africa has on 2 June 2020 agreed to the ratification of the Extradition Treaty between the Republic of South Africa and the People's Republic of Bangladesh as set out in the Schedule. The said Treaty entered into force on 6 October 2020.

Mr R.O Lamola

Minister of Justice and Correctional Services

SCHEDULE

TREATY BETWEEN

THE GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA

AND

THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF BANGLADESH

ON

EXTRADITION

THE GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA AND THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF BANGLADESH hereby referred to as "the Contracting States";

RECALLING the Declaration of Intent between the Contracting States of 25 March 1997 that aims to strengthen cooperation;

DESIRING to make more effective their co-operation in the prevention and suppression of crime by concluding a Treaty on Extradition;

AFFIRMING their respect for each other's legal systems and judicial institutions;

HAVE AGREED as follows:

Article 1 **Obligation to Extradite**

Each Contracting State agrees to extradite to the other, in accordance with the provisions of this Treaty and in accordance with their domestic law, any persons who are wanted for prosecution or the imposition or enforcement of a sentence in the Requesting State for an extraditable offence.

Article 2 **Extraditable Offences**

1. For the purposes of this Treaty, extradition shall be granted for conduct which constitutes an offence under the laws of both Contracting States that is, punishable by imprisonment for a period of at least one year, or more.
2. Where the request for extradition relates to a person sentenced to imprisonment by a court of the Requesting State for an extraditable offence, extradition shall be granted if a period of at least six months of the sentence remains to be served.
3. For the purpose of this Article, in determining whether conduct is an offence against the law of the Requested State:
 - (a) it shall not matter whether the laws of the Contracting States, place the conduct constituting the offence within the same category of offence or describe the offence by the same terminology;
 - (b) the totality of the conduct alleged against the person whose extradition is sought shall be taken into account and it shall not matter whether, under the laws of the Contracting States, the constituent elements of the offence differ.
4. An offence of a fiscal character, including an offence against a law relating to taxation, customs duties, foreign exchange control or any other revenue matter, is an extraditable offence. Provided that the conduct for which extradition is sought is an offence in the Requested State, extradition may not be refused on the ground that the law of the Requested State does not impose the same kind of tax or duty or does not contain a tax, duty, customs, or exchange regulation of the same kind as the law of the Requesting State.
5. An offence is extraditable whether or not the conduct on which the Requesting State bases its request occurred in the territory over which it has jurisdiction. However, where the law of the Requested State does not provide for jurisdiction over an offence in similar circumstances, the Requested State may, in its discretion, refuse extradition on this basis.
6. Extradition may be granted pursuant to the provisions of this Treaty in respect

of an offence provided that:

- (a) it was an offence in the Requesting State at the time of the commission of the offence; and
- (b) the offence alleged, if it had taken place in the Requested State at the time of the making of the request for extradition, would have constituted an offence against the law of the Requested State.

7. If the request for extradition relates to a sentence of both imprisonment and a pecuniary sanction, the Requested State may grant extradition for the enforcement of both the imprisonment and the pecuniary sanction.

8. If the request for extradition relates to more than one offence, each of which is punishable under the laws of both States, but some of which do not meet the other requirements of paragraphs 1 to 6, the Requested State may grant extradition for such offences provided that the person is to be extradited for at least one extraditable offence.

Article 3 **Mandatory Refusal of Extradition**

Extradition shall be refused in any of the following circumstances:

1. Where the offence for which extradition is requested is considered by the Requested State to be a political offence. For the purpose of this paragraph, the following conduct does not constitute a political offence:

- (a) conduct that constitutes an offence mentioned in a multilateral convention or agreement to which both Contracting States are parties and are obliged to extradite the person or submit the matter to appropriate authorities for prosecution;
- (b) murder;
- (c) a murder of or other violent crime against a Head of State or a Head of Government or Deputy Head of State or Deputy Head of Government of the Requesting or Requested State, or a member of such person's family;
- (d) inflicting serious bodily harm;
- (e) sexual assault;
- (f) kidnapping, abduction, hostage-taking or extortion;
- (g) using explosives, incendiaries, devices or substances in circumstances in which human life is likely to be endangered or serious bodily harm or substantial property damage is likely to be caused; and
- (h) an attempt or conspiracy to engage in, counseling, aiding or abetting another person to engage in, or being an accessory after the fact in relation to the conduct referred to in any of paragraphs (a) to (g).

2. Where there are substantial grounds for believing that the request for extradition is made for the purpose of prosecuting or punishing the person by reason of that person's race, religion, nationality, ethnic origin, or sex.

3. Where the prosecution for the offence for which extradition is requested would be barred by lapse of time under the law of the Requesting State.

4. Where the offence for which extradition is requested constitutes an offence under military law, which is not an offence under ordinary criminal law.

5. Where the person sought has been finally acquitted or convicted in the Requested State for the same offence for which extradition is requested and, if convicted, the sentence imposed has been fully enforced or is no longer enforceable.

Article 4

Discretionary Refusal of Extradition

Extradition may be refused in any of the following circumstances:

1. Where the offence for which extradition is requested is subject to the jurisdiction of the Requested State and that State will prosecute that offence.
2. Where the person sought is being prosecuted by the Requested State for the offence for which extradition is requested.
3. Where the offence carries the death penalty under the law of the Requesting State, unless that State undertakes that the death penalty will not be sought, or if a sentence of death is imposed, it will not be carried out.
4. Where, in exceptional cases, the Requested State while also taking into account the seriousness of the offence and the interests of the Requesting State, considers that because of the personal circumstances, such as age, mental or physical ability to stand trial, of the person sought, the extradition would be incompatible with humanitarian considerations.
5. Where the person sought has been finally acquitted or convicted in a third State for the same offence for which extradition is requested and, if convicted, the sentence imposed has been fully enforced or is no longer enforceable.
6. Extradition may be refused unless the Requesting Party undertakes or gives such assurances as considered sufficient by the Requested Party that the person sought will not be:
 - a. Detained without trial;
 - b. Tortured in any way; or
 - c. Treated or punished in a cruel, inhumane or degrading way.
7. Where the probable penalty that may be imposed is in conflict with the fundamental principles of the laws of the Requested State.

Article 5

Nationality

Extradition shall not be refused on the ground of the nationality of the person sought.

Article 6

Central Authorities

1. The Central Authorities for Extradition shall be:
 - (a) in the case of the Republic of South Africa, to the Director-General for Justice and Constitutional Development;
 - (b) in the case of the Government of the People's Republic of Bangladesh, the Public Security Division, Ministry of Home Affairs.
2. A request for extradition shall be submitted to the Central Authorities through the diplomatic channels.

Article 7

Documents to be Submitted

The following documents shall be submitted in support of a request for extradition:

- (a) in all cases, whether the person is sought for prosecution or the imposition or enforcement of sentence –

- (i) information about the description, identity, location and nationality of the person sought;
- (ii) a statement describing briefly the conduct constituting the offence for which the extradition is requested, indicating the place and the date of the commission of the offence, and which provides a description or a copy of the text of the legal provisions describing the offence and the applicable penalty. This statement shall also indicate –
 - (aa) that these legal provisions were in force both at the time of the commission of the offence and at the time of the extradition request;
 - (bb) whether or not the prosecution of the offence, the imposition or the enforcement of any applicable penalty is barred by reason of lapse of time; and
 - (cc) where the offence occurred outside the territory of the Requesting State, the legal provisions establishing its jurisdiction; and
- (b) in the case of a person sought for prosecution for an offence:
 - (i) the original or a certified true copy of the warrant of arrest or of any document having the same force and effect, issued by a competent authority in the Requesting State;
 - (ii) a copy of the indictment, charge sheet or other charging document; and
 - (iii) evidence that would be sufficient to justify the committal for trial of the person sought, if the conduct had occurred in the Requested State. The record may include any report, statement or other relevant documentation.
- (c) in the case of a person sought for the imposition or enforcement of a sentence:
 - (i) a certified statement by the competent authority describing the conduct for which the person was convicted and attaching a copy of the document that records the conviction and, where applicable, sentence of the person; and
 - (ii) if a portion of the sentence has already been served, a statement by the competent authority specifying the duration of the sentence which remains to be served.

Article 8 **Authentication of Supporting Documents**

Where the law of the Requested State requires authentication, documents shall be authenticated by a statement by the Minister making the request, or a person designated by her or him, under the seal of that Minister identifying the person who has signed the document, including that person's position or title.

Article 9 **Language**

All documents submitted in accordance with this Treaty shall be in the English language.

Article 10 Additional Information

If the Requested State considers that the information furnished in support of a request for extradition is not sufficient in accordance with this Treaty to enable extradition to be granted, that State may request that additional information be furnished within such time as it specifies.

Article 11 Waiver

Extradition of a person may be granted on request pursuant to the provisions of this Treaty, notwithstanding that the requirements of Article 7 have not been complied with, provided that the person sought consents to being extradited.

Article 12 Provisional Arrest

1. In case of urgency, the competent authorities of the Requesting State may apply by any means (including through the International Police Organisation (INTERPOL)) which allows for a written record for the provisional arrest of the person sought.
2. An application for provisional arrest shall include the following:
 - (a) information about the description, identity, location and nationality of the person sought;
 - (b) a statement that a request for extradition will follow;
 - (c) a description of the nature of the offence and applicable penalty, with a brief summary of the facts of the case, including date and place of the offence;
 - (d) a statement attesting to the existence of a warrant of arrest or a conviction to which this Treaty applies and details thereof; and
 - (e) any other information which would justify provisional arrest in the Requested State.
3. The Requested State shall promptly inform the Requesting State of the measures taken pursuant to the application for provisional arrest.
4. Provisional arrest shall be terminated if the Requested State has not received the request within sixty (60) days of the arrest. The competent authorities of the Requested State, insofar as is permitted by the law of that State, may extend that delay with regard to the submission of the documents referred to in Article 7. However, the person sought must be considered for bail as soon as reasonably possible but not later than 48 hours after his or her arrest, subject to the conditions deemed necessary to ensure that the person does not leave the country.
5. The expiry of the sixty (60) day period does not preclude subsequent arrest and extradition if a request for extradition is subsequently received.

Article 13 Competing Requests

1. Where requests are received from two or more States for the extradition of the same person either for the same offence or for different offences, the Requested State shall determine to which of those States the person is to be extradited and shall notify

those States of its decision.

2. In determining to which State a person is to be extradited, the Requested State shall have regard to all the relevant circumstances, and, in particular, to:

- (a) the relative seriousness of those offences, if the requests relate to different offences;
- (b) the time and place of commission of each offence;
- (c) the respective dates of the requests;
- (d) the nationality of the person sought;
- (e) the ordinary place of residence of the person;
- (f) whether the requests were made pursuant to an extradition treaty;

- (g) the interests of the respective States; and
- (h) the nationality of the victim.

Article 14 Surrender

1. The Requested State shall, as soon as a decision on the request for extradition has been made, communicate that decision to the Requesting State. Reasons shall be given for any complete or partial refusal of an extradition request.

2. Where extradition is granted, the Requested State shall surrender the person in accordance with arrangements agreed to between the competent authorities of the Contracting States.

3. The Requesting State shall receive the person within such reasonable period as the Requested State specifies and, if the person is not removed within that period, the Requested State may refuse to extradite that person for the same offence.

4. If circumstances beyond its control prevent a Contracting State from surrendering or removing the person to be extradited, it shall notify the other Contracting State. The Contracting States shall decide upon a new date of surrender and the provisions of paragraph 3 of this Article shall apply.

Article 15 Postponed or Temporary Surrender

1. Where the person sought is being proceeded against or is serving a sentence in the Requested State for an offence other than that for which extradition is requested, the Requested State may surrender the person sought or postpone surrender until the conclusion of the proceedings or the service of the whole or any part of the sentence imposed. The Requested State shall inform the Requesting State of any postponement.

2. To the extent permitted by its law, where a person referred to in paragraph 1 of this Article has been found extraditable, the Requested State may temporarily surrender the person sought for the purposes of prosecution to the Requesting State in accordance with conditions to be determined between the Contracting States. The person so surrendered shall be kept in custody in the Requesting State and shall be returned to the Requested State after the conclusion of the proceedings against that person. A person who is returned to the Requested State following a temporary surrender shall be finally surrendered to the Requesting State to serve any sentence imposed, in accordance with the provisions of this Treaty.

Article 16

Surrender of Property

1. The Requested State shall, subject to its domestic law, and at the request of the Requesting State, seize and surrender property that may be used in the prosecution of the offence and which, at the time of the arrest, is found in the possession of the person sought or is discovered subsequently.
2. The property mentioned in paragraph 1 of this Article shall be surrendered even if extradition having been granted, cannot be carried out owing to the death or escape of the person sought.
3. Where the property, referred to in paragraphs 1 and 2 of this Article is required in the Requested State, in connection with civil or criminal proceedings, the Requested State may temporarily retain or surrender it on condition that it be returned.
4. Any rights that the Requested State or third parties may have acquired in the property shall be preserved. Where these rights exist, the property shall be returned without charge to the Requested State as soon as possible, after the trial.

Article 17

Rule of Specialty

1. A person who has been extradited shall not be prosecuted, sentenced or detained for any offence committed prior to the surrender, other than that for which that person was extradited, nor shall the person's liberty be restricted for any other reason, except in the following cases:
 - (a) where the Requested State consents and subject to such conditions as may be imposed by the Requested State;
 - (b) where the person, having had an opportunity to leave the Requesting State, has not done so within thirty (30) days of final discharge, or has voluntarily returned to that State after having left it; or
 - (c) where the person extradited consents before a judicial authority in the Requesting State.
2. A request for the consent of the Requested State under paragraph 1 of this Article shall, if required by the Requested State, be accompanied by the relevant documents required by Article 7 and a record of any statement made by the extradited person in respect of the offence concerned.
3. If the charge for which the person was extradited is subsequently changed, that person may be prosecuted or sentenced provided the offence under its revised description is:
 - (a) based on substantially the same facts contained in the extradition request and its supporting documents;
 - (b) punishable by the same maximum penalty as, or a lesser penalty than, the offence for which the person was extradited; and
 - (c) substantially the same in nature to the original offence.

Article 18

Re-extradition to a Third State

1. Where a person has been surrendered to the Requesting State, that State shall not extradite the person to any third State for an offence committed before that person's surrender unless:

- (a) the Requested State consents to that extradition; or
 - (b) the person has had an opportunity to leave the Requesting State and has not done so within thirty (30) days of final discharge in respect of the offence for which that person was surrendered by the Requested State or if the person has voluntarily returned to the Requesting State after having left it.
2. The Requested State may request the production of the documents submitted by the third State in relation to any consent pursuant to sub-paragraph 1(a) of this Article.

Article 19

Transit

1. To the extent permitted by its law, transit of a person sought in extradition proceedings by one Contracting State, through the territory of the other Contracting State, shall be granted on a request in writing. The request for transit:
 - (a) may be transmitted by any means; and
 - (b) shall contain the information referred to in paragraph 2 of Article 12, and the particulars of the transit and ultimate proposed surrender.
2. No authorization for transit shall be necessary when air travel is used and no landing is scheduled in the territory of the transit State. In the case of an unscheduled landing, the transit State may require the request for transit provided for in paragraph 1. To the extent permitted by its law, the transit State shall detain the person in transit until the request is received and the transit is carried out, provided that the request is received within forty eight (48) hours after the unscheduled landing.

Article 20

Expenses

1. The Requested State shall make all necessary arrangements for and meet the cost of any proceedings arising out of a request for extradition.
2. The Requested State shall bear the expenses incurred in its territory in the arrest of the person whose extradition is sought, and in the maintenance in custody of the person until surrender to the Requesting State.
3. The Requesting State shall bear the expense incurred in conveying the person extradited from the territory of the Requested State.

Article 21

International Obligations under Conventions and Treaties

The present Treaty shall not affect the rights and obligations of the Contracting States arising from international conventions or treaties to which they are parties.

Article 22

Consultation

The Department for Justice and Constitutional Development of the Republic of South Africa and the Ministry of External Affairs of Government of the People's Republic of Bangladesh or persons designated by the respective Ministers may consult with each other through the diplomatic channels in connection with the processing of individual cases and in furtherance of efficient implementation of this Treaty.

Article 23
Entry into Force, Amendment and Termination

1. This Treaty shall be subject to ratification and the instruments of ratification shall be exchanged as soon as possible.
2. This Treaty shall enter into force on the date of the exchange of instruments of ratification.
3. This Treaty may be amended by an exchange of notes through the diplomatic channel by mutual consent between the Contracting States.
Either Contracting State may terminate this Treaty by written notice to the other State submitted through the diplomatic channel. The termination shall take effect three (3) months from the date on which it was notified to the other Contracting State.

IN WITNESS WHEREOF, the undersigned, being duly authorized thereto by their respective Governments, have signed this Treaty.

DONE at, Dhaka this 1st day of October of the year 2019 in two originals each, in English and Bengali, both texts being equally authentic. However, in case of divergence of interpretation, the English text shall prevail.

MR RO LAMOLA
MINISTER OF JUSTICE AND
CORRECTIONAL SERVICES
FOR THE GOVERNMENT OF
THE
REPUBLIC OF SOUTH AFRICA

MR A KHAN
MINISTER OF HOME
AFFAIRS FOR
THE GOVERNMENT OF
THE PEOPLE'S
REPUBLIC OF
BANGLADESH

DEPARTMENT OF POLICE

NO. 1325

11 DECEMBER 2020

**PSIRA**
Private Security Industry Regulatory Authority**GENERAL NOTICE ANNUAL FEE INCREASE****PRIVATE SECURITY INDUSTRY REGULATIONS ACT 56 OF 2001 AND SECURITY OFFICERS ACT NO. 92 OF 1987****PUBLICATION OF AMENDMENT TO THE REGULATIONS MADE UNDER THE SECURITY OFFICERS ACT (ACT NO. 92 OF 1987)**

The Private Security Industry Regulatory Authority, with the concurrence of the Minister of Police, under sections 43 and 44(7) of the Private Security Industry Regulation Act, 2001 (Act 56 of 2001) read with section 32(1) of the Security Officers Act, 1987 (Act 92 of 1987), hereby intend to make the Regulations in the Schedule hereto.

PRIVATE SECURITY INDUSTRY REGULATORY AUTHORITY**SCHEDULE****AMENDMENT OF THE REGULATIONS MADE UNDER THE SECURITY OFFICERS ACT, 1987 (ACT 92 OF 1987)****Definitions**

1. In this Schedule-
 - (a) “the Act” means the Security Officers Act, 1987 (Act 92 of 1987);
 - (b) “the Authority” means the Private Security Industry Regulatory Authority established in terms of section 2(1) of the Private Security Industry Regulation Act, 2001 (Act 56 of 2001) and has the same meaning as the “Board” as defined in section 1 of the Act;
 - (c) “the Regulations” means the regulations published by Government Notice No. R.797 in *Government Gazette* No. 12413 of 2 April 1990, as amended;
 - (d) “the PSIR Act” means the Private Security Industry Regulation Act, 2001 (Act No. 56 of 2001); and
 - (e) “year” means a twelve-month period commencing on 1 April and ending on 31 March.

Commencement

2. The Regulations contained in this Schedule will come into effect on 01 April 2021

Amendment of regulation 1 of the Regulations

3. Regulation 1 of the Regulations is hereby amended-
 - (a) by the substitution for the definition of “prescribed amount” of the following definition:

“**prescribed amount**” in regard to a security business registered as such means the sum of the applicable amounts contemplated in regulation 9 (3), and in the case of any person registered as a security officer, but not a security business, the amount contemplated in regulation 9 (4);
 - (b) by the deletion of the definition of “prescribed fees”; and
 - (c) by the deletion of the definition of “Registrar of the Board”.

Amendment of regulation 7 of the Regulations

4. Regulation 7 of the Regulations is hereby amended-

"Payment of prescribed amounts and related matters

a. by the substitution for regulation (7), sub-regulation (3) (a), insertion of additional paragraphs and sub-regulations of the following sub-regulations:

7. (1) Every security business must –

(a) on or before the 15th day of each calendar month, furnish to the Board a document signed or authenticated by a responsible person acting on behalf of such security business, being a return containing, in respect of every security officer employed, used, deployed, engaged or made available by it during that month or any part of that month, their full names, identity numbers, contact telephone numbers, registration numbers allocated in terms of section 11 (3) of the Act, the period of their service during that month, and the geographic area or areas of such service;

(b) on or before the 15th day of each calendar month, furnish to the Board a completed South African Revenue Services Monthly Employer Declaration Form, otherwise referred to as EMP 201 form, together with a detailed supporting reconciliation report generated by the security business' payroll, document known as EMP 201 form, signed or authenticated by a responsible person acting on behalf of such security business;

(c) In the event the security business has sub-contracted services to another security business or it is involved in a joint venture, notify the Board of such arrangements and submit the relevant EMP 201 form for either the abovementioned arrangements;

(d) comply with the provisions as contemplated in sub-regulation (1) (b) and (c), in order to be issued with the letter of good standing.

(2) A registered security business must pay to the Board that portion of the prescribed amount as is referred to in regulation 9(3)(a) and 9(3)(b), in accordance with sub-regulation (3).

(3) (a) The prescribed amount for any year must, subject to this sub-regulation, in relation to security business employing 100 and more security officers be paid to the Board before or on 07 May of the year concerned.

- (b) In the case of a security business becoming registered in terms of section 11 of the Act on or after 1 April in a given year, the prescribed amount in respect of that year must be paid to the Board on or before the last day of the month during which the security business was so registered.
- (c) Where a security business increases in size to the point where it falls into a different category, as contemplated in regulation 9(3)(a), the supplementary amount which becomes due must be paid to the Board on or before the last day of the month in which the security business falls into a different category.
- (d) In the case of security business employing 21 – 100 security officers, 50% of the fees is payable by 7 May of each year. The remaining 50% is payable in 2 equal instalments. The first instalment will be due by 7 June and the second instalment due by 7 July of each year.
- (e) In case of security business employing 0 – 20 security officers, 50% of the fees is payable by 7 May of each year. The remaining 50% is payable in 5 equal instalments first instalment due on 7 June second instalment due on 7 July third instalment due on 7 August fourth instalment due on 7 September and the fifth instalment due on 7 October of each year.
- (4) A security business must pay to the Board that portion of the prescribed amount arrived at in accordance with regulation 9 (3)(c), within three (3) days after the end of the calendar month in respect of which it is due.
- (4A) (a) A security business must pay to the Board an amount equal to the prescribed amount referred to in regulation 9(4), for every security officer employed, used, deployed or made available by that security business to render a security service during April in a given year, to the Board on or before 07 May of the year concerned.
- (b) In respect of security officers not employed, used, deployed or made available by a security business to render a security service during April in a given year, but who become employed, or are used, deployed or made available by a security business to render a security service in any later month in a given year, the security business must pay to the Board, on or before the last day of such later month in that year, an amount equal to the prescribed amount referred to in regulation 9(4), for every such security officer.
- (c) Any person who or which is not a security business but who employs, uses or deploys a security officer, must pay to the Board an amount equal to the prescribed amount referred to in regulation 9(4), for every security officer so employed, used or deployed during April in a given year, to the Board on or before 07 May of the year concerned.
- (d) In respect of security officers who become employed, or are used or deployed by any person who or which is not a security business, to render a security service in any month other than April in a given year, such person must pay to the Board, on or before the last day of such

- later month in that year, an amount equal to the prescribed amount referred to in regulation 9(4), for every such security officer.
- (e) A security officer who renders a security service in any year but who is not employed, used, deployed or made available by a security business or any other person liable for payment in terms of sub-regulations (a), (b), (c) or (d) above, must pay to the Board an amount equal to the prescribed amount referred to in regulation 9(4), on or before 07 May of each year.
- (f) The provisions of these regulations shall also apply to any service, activity or practice or any equipment or any person or entity plying their trade in the private security industry.
- (5) Nothing in this regulation prevents a written agreement being entered between the Board and any security business regarding the method and date of payment of the prescribed amount.
- (6) Any amounts paid in accordance with the requirements of the Regulations are not refundable.
- (7) A security officer registered in terms of section 21 (3) and issued with a registration certificate in terms of section 25 of the PSIR Act, must renew such certificate annually, on the anniversary date of the certificate.
- (8) The provisions of sub-regulation (7) apply to security service providers registered after 1 April of the year these regulations are published.
- (9) The Authority shall annually prescribe processes and forms relating to the renewal of registration certificate.
- (10) The information in terms of these regulations shall be processed, recorded and filed in accordance with the Protection of Personal Information Act, 2013 (Act No. 04 of 2013) or any other legislation governing the protection of information.
- (11) The Authority when offering services to security service providers, shall ensure that all relevant information, is made available and accessible to such security service providers using various mediums of communication and in accordance with the Electronic Communications and Transactions Act, 2002 (Act No. 25 of 2002).

- (12) Any security business which fails to pay to the Board, within the period allowed for such payment—
- (a) the prescribed amount payable in terms of this regulation;
 - (b) the prescribed amount payable in terms of an agreement referred to in sub-regulation (5); or
 - (c)
 - (d) an amount deducted by it in terms of section 18 (4) (a) of the Act,
- must pay to the Board- Interest and Penalties for Non-Payment of Prescribed Fees
- (a) the unpaid amount referred to above;
 - (b) interest on the unpaid amount at the rate determined from time to time in terms of the Prescribed Rate of Interest Act, 1975 (Act No. 55 of 1975); and
 - (c) a penalty arrived at by calculating ten (10) per cent of that sum arrived at by adding to the unpaid amount the interest accrued thereon to date of calculation of the penalty:

Provided that if the Board is satisfied that the failure to pay or pay over any amount in terms of this regulation was not due to an intent to evade or postpone payment or otherwise evade obligations in terms of this regulation or the Act, it may remit the whole or part of the penalty imposed in terms of paragraph (c) of this sub-regulation.

- (13) Any amount of interest and any penalty owing to the Board in terms of sub-regulation (8) will be regarded as part of the prescribed amount as contemplated in section 18 (1) and section 18 (2) of the Act.
- (14) Failure to renew a certificate as contemplated in sub-regulation (7), a month prior to the anniversary date, will result in the immediate lapsing of the certificate.

- c. by the insertion of the following title and sub-regulation immediately after sub-regulation (14) of the following:

— **Penalties for Non- Disclosure**

- (15) - Any security business which
- (a) fails to provide the Board with the return contemplated in sub-regulation (1) within the period allowed;
 - (b) fails to provide the Board with a return that materially complies with the requirements contained in sub-regulation (1);

- (c) intentionally or negligently submits a return to the Board which is false or misleading in any material respect;
- (d) fails to provide to the Board, within the period allowed, the additional information required by the Board in terms of sub-regulation (3) (d); or
- (e) fails to deduct an amount as contemplated in section 18 (4) (a) of the Act from the remuneration of a security officer that it should have deducted,

will be guilty of an offence and on conviction liable to a fine not exceeding R500,000.00.

- (f) A conviction for an offence in terms of these regulations shall not exempt the security business convicted from the payment of any penalty or interest payable in accordance with the provisions of these regulations.
- d. by the insertion of the following title and sub-regulation immediately after sub-regulation (15) of the following:

Computation of Penalties and Investigations for Non-Disclosure

- (16A) Notwithstanding the provisions of sub – regulation (15), any security business which intentionally or negligently (a) fails to submit a return to the Board disclosing security officers employed to evade payment of prescribed annual fees or (b) submits a return to the Board which is false or misleading in relation to the number of security officers employed,
- (i) will be liable to a penalty not exceeding an amount equal to double the amount of the prescribed annual fees referred to in paragraph (a) or the difference “determined” between the amount of annual fees that were due and payable by the security business to the Board and the amount the security business has paid to the Board in case of paragraph (b); and
 - (ii) will be a subject of an investigation by the Board to check into the security business’ reporting as required in terms of sub – regulation (1) for the preceding 3 years. Any non-compliance found, the Board may levy penalties not exceeding the amount equal to double the amount of the prescribed fees or the determined difference for every year of failure to disclose as prescribed.
- (16AA) The envisaged investigation under (16A) will assist the Board to determine the appropriate percentage of penalty, in relation to whether,
- (a) the non- disclosure was substantial
 - (b) the non-disclosure was intentional

- (17) Any director, member, owner, partner, trustee, administrator or manager, according to the case, of a security business—
- (a) who fails to take all reasonable steps to ensure that the security business of which he or she is a director, member, owner, partner, trustee, administrator or manager, according to the case—
- (i) complies with an obligation in terms of sub-regulation (1);
- (ii) complies with an obligation in terms of sub-regulation (3) (d);
- (iii) complies with an obligation in terms of section 18 (4) (a) of the Act to deduct an amount from the remuneration of a security officer; or
- (iv) does not contravene a provision of sub-regulation (13); or
- (b) who intentionally or negligently submits a return referred to in sub-regulation (1) to the Board or allows such a return to be submitted to the Board on behalf of the security business in question, which is false or misleading in any material respect,
- will be guilty of an offence and on conviction be liable to a fine not exceeding R500,000.00 or to imprisonment for a period not exceeding twenty-four (24) months.

Substitution of regulation 9 of the Regulations

5. The following regulation is hereby substituted for regulation 9 of the Regulations:

“Prescribed amounts. —

9(1)

(2)

- (3) The prescribed amount contemplated in section 18 (1) of the Act must, in the case of a security business registered as a security service provider, be determined by adding together the amounts contemplated in paragraphs (a) or (b) and (c) below:

- (a) the amount specified in **Schedule A** applicable to the category in which the security business falls, per year, provided that if a security business increases in size to the point where it falls into a different category at any date during a year, it shall be liable to pay the difference between the amount already paid and the amount applicable to the category in which it then falls; or

- (b) in the case of a security business becoming registered in terms of section 11 of the Act on or after 1 April in a given year, one twelfth of the applicable amount referred to in sub-regulation (a), multiplied by the number of months in that year in which the security business was registered, commencing in the month during which the security business was so registered, and ending in March; and
 - (c) the amount specified in **Schedule B** per calendar month or any part thereof, multiplied by the number of security officers employed, used, deployed or made available to render a security service during each calendar month or any part thereof.
- (4) The prescribed amount contemplated in section 18 (1) of the Act, in the case of a person registered as a security officer, but not acting as a security business, is the amount specified in **Schedule C** per year, regardless of the date on which the security officer is registered as such.

SCHEDULE A

Category of security business	Applicable fee per year
Large (>5 000 SOs employed)	R65 500
Large (2 001 to 5 000 SOs employed)	R60 000
Large (801 to 2 000 SOs employed)	R56 000
Medium (401 to 800 SOs employed)	R40 500
Medium (201 to 400 SOs employed)	R38 500
Emerging Small (101 to 200 SOs employed)	R18 300
Small (51 to 100 SOs employed)	R11 300
Smaller A (21 to 50 SOs employed)	R8 500
Smaller B (6 to 20 SOs employed)	R7 800
Smaller C (0-5 SOs employed)	R6 900

SCHEDULE B

Category of security business	Applicable fee per month for each security officer employed
Large (>5 000 SOs employed)	R4.00
Large (2 001 to 5 000 SOs employed)	R4.00
Large (801 to 2 000 SOs employed)	R4.00
Medium (401 to 800 SOs employed)	R3.80
Medium (201 to 400 SOs employed)	R3.80
Emerging Small (101 to 200 SOs employed)	R3.50
Small (51 to 100 SOs employed)	R3.20
Smaller A (21 to 50 SOs employed)	R3.20
Smaller B (6 to 20 SOs employed)	R3.20
Smaller C (0-5 SOs employed)	R3.20

SCHEDULE C

Category of person	Applicable fee per year
Security officer	R120.00

CONSULTATION PROCESS

1. Industry Stakeholder Consultations

The Authority will embark on a consultative drive pursuant to the principles under the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000). The consultation process will be geared towards informing our stakeholders and all interested parties in proposing the fee increase.

2. Industry Stakeholder Consultations

The Authority hereby issue a notice calling all stakeholders of the Private Security Industry to participate in the consultation process for the review of the 2021/22 annual fees, which will include relevant government departments and entities, security officers, labour organisations and active security service provider associations and consumers and employer organisations within the Private Security Industry.

To broaden the scope and to enhance transparency, the consultation process will be two-fold.

Firstly, the Authority will publish the approved notice of Review of the Annual Fees for the Private Security Industry in the Government Gazette, and consultation meetings will be held in every province using virtual methods. The foregoing method is in recognition of the times the world finds itself because of COVID-19.

Secondly, the industry will be given an opportunity to submit their written comments and representations on the proposed annual fee review which will be open until 31 January 2021.

The following schedule has been prepared to manage the envisaged virtual consultations;

3. Consultation Schedule

CATEGORY OF CONSULTATIONS	METHODS/A REAS	LOCATION/DATES	CONTACT DETAILS	DATES/TIME
Written Representations	Email, Letters and Facsimile (All 9 Provinces)	420 Witch-Hazel Avenue, Block B – Eco Glades 2 Office Park, Highveld Ext 70	Ms. Siziwe Zuma Email: Fees.Comments@PSiRA.co.za Tel: 012 003 0683 Fax: 086 219 0670 (for all written presentations)	29 January 2021 16h00
Consultative Workshops	Gauteng Province	Virtual (Microsoft Teams)	Ms. Siziwe Zuma Sharon.Matiopoto@psira.co.za (RSVP for workshops) Tel: 012 003 0662	12 January 2021 9h30-12h00
Consultative Workshops	Western Cape Province	Virtual (Microsoft Teams)	Mr Marius Bruwer Marius.Bruwer@PSiRA.co.za (RSVP for workshops) Mobile: 082 804 4768	13 January 2021 9h30-12h00
Consultative Workshops	Kwa Zulu Natal Province	Virtual (Microsoft Teams)	Mr Ntokozo Ngcobo Sandile.Ngonyama@PSiRA.co.za (RSVP for workshops) Tel: 031 003 0558	14 January 2020 9h30-12h00
Consultative Workshops	Eastern Cape Province	Virtual (Microsoft Teams)	Mr Sidney Stander Stella.Fourie@psira.co.za (RSVP for workshops) Tel :041 585 1848	15 January 2021 9h30-12h00
Consultative Workshops	Limpopo Province	Virtual (Microsoft Teams)	Mr Peter Mafologela Peter.Mafologela@psira.co.za (RSVP for workshops)	18 January 2021 9h30-12h00

CATEGORY OF CONSULTATIONS	METHODS/A REAS	LOCATION/DATES	CONTACT DETAILS	DATES/TIME
			Mobile: 072 624 2105	
Consultative Workshops	Mpumalanga Province	Virtual (Microsoft Teams)	Mr Mlungisi Shongwe Sharon.Matiopoto@psira.co.za (RSVP for workshops) Tel :013 752 4059/4060	19 January 2021 9h30-12h00
Consultative Workshops	North West Province	Virtual (Microsoft Teams)	Mr Jan Sambo Sharon.Matiopoto@psira.co.za (RSVP for workshops) Mobile: 083 629 7625	15 January 2021 9h30-12h00
Consultative Workshops	Northern Cape Province	Virtual (Microsoft Teams)	Mr Gresham Singh Sharon.Matiopoto@psira.co.za (RSVP for workshops) Mobile: 083 629 7619	19 January 2021 9h30-12h00
Consultative Workshops	Free State Province	Virtual (Microsoft Teams)	Mr Gresham Singh Sharon.Matiopoto@psira.co.za (RSVP for workshops) Mobile: 083 629 7619	14 January 2021 9h30-12h00

4. Industry Stakeholder Consultations

The Authority wishes to reaffirm its commitment to service the private security industry in a transparent and effective manner. To this end, the Authority request all parties who wish to send comments and or representations to do so within the time frames proposed. PSiRA regrets that no extensions will be granted for written representations unless they are received in writing before the closing

DEPARTMENT OF PUBLIC WORKS AND INFRASTRUCTURE

NO. 1326

11 DECEMBER 2020

CALL FOR NOMINATION OF CANDIDATES TO SERVE AS BOARD MEMBERS OF THE CONSTRUCTION INDUSTRY DEVELOPMENT BOARD

The Honourable Minister of Public Works and Infrastructure, Ms P. de Lille (MP), hereby invites nominations for new members to serve on the Board of the Construction Industry Development Board (CIDB).

The CIDB is a statutory body established in terms of Section 2 of the Construction Industry Development Board Act, 2000 (Act No. 38 of 2000) ("the CIDB Act"), to provide strategic leadership to construction industry stakeholders in order to stimulate sustainable growth, and promote performance, enhanced service delivery and transformation within an enabling and regulated environment.

REQUIREMENTS

The Board members of the CIDB must have demonstrable leadership qualities and be committed to the development and transformation of the construction industry. **They must possess knowledge and/or expertise of the following:** construction sector; construction procurement and any other supply chain prescripts; black economic empowerment and the emerging sector; training, research and development; law, including construction law and legislation governing labour relations; built environment professions; communication, marketing and public relations; project management and financing; accounting compliance and reporting; and audit and risk management, including combating fraud and corruption. Due consideration will be given to race, gender, disability and geographic location in the composition of the Board.

DISQUALIFICATION

The following persons are not eligible for appointment to the Board of the CIDB:

A person who:

- (a) is not a South African citizen and not ordinarily resident in the Republic;
- (b) is an unrehabilitated insolvent, whose insolvency was caused by his or her negligence or incompetence;
- (c) has been employed as a consultant by the CIDB in the past three financial years, is a supplier or customer, has a contractual relationship with or is a professional advisor to the CIDB;
- (d) was convicted:
 - (i) in South Africa, of an offence other than an offence committed prior to 27 April 1994 associated with political objectives, and was sentenced to imprisonment without the option of a fine or, in the case of fraud or corruption, to a fine or imprisonment or both;
 - (ii) in a foreign country, of an offence which is also an offence in South Africa, and was sentenced to imprisonment without an option of a fine or, in the case of fraud or corruption, to a fine or imprisonment or both; or
- (e) has been declared by a court to be mentally ill or unfit.

A political office bearer must vacate his/her political position as soon as they are appointed as a Board member.

TERM OF OFFICE

The term of office of Board members is three years effective from the date of appointment. Individual Board members may be reappointed to the Board for one consecutive term. Candidates will be subjected to a security screening process.

NOMINATION PARTICULARS

Nominations must be in writing, completed in the accompanying prescribed form* and contain the following information:

- Full name, address and contact details of the nominating person or organisation;
- Full name, identity number and contact details of the nominee;
- Signed acceptance of the nomination by the nominee;
- Declaration by nominee* that he/she is qualified to serve on the CIDB Board in terms of Section 6 of the CIDB Act;
- A motivation (one page only) for appointment of the nominee to the Board of the CIDB;
- A Curriculum Vitae of the nominee (not more than two pages) covering the following: the nominee's full name, ID number, race, gender, contact addresses, telephone numbers, qualifications, experience, knowledge and skills and current and former board memberships as well as the names and contact details of at least two referees;
- Certified copy of the nominee's South African ID document; and
- Certified copies of the nominee's qualifications.

*** The nomination form to be downloaded through the following link:**

http://www.publicworks.gov.za/PDFs/DPWI-0050-ENG_ADV_Call_for_nominations_CIDB_AVZ_ed_HL_qc_clean_fin.docx

THE CLOSING DATE FOR NOMINATIONS IS 12 FEBRUARY 2021

NOMINATIONS MUST BE POSTED TO: The Director-General (Attention: Mr Mpho Mashaba), Department of Public Works and Infrastructure, Private Bag X65, Pretoria, 0001 or **HAND-DELIVERED** at the CGO Building, Corner Bosman and Madiba Streets, Pretoria.

ENQUIRIES:

Mr Mpho Mashaba, tel. 012 406 1671 / cell: 082 974 4790 **OR** Ms Karabo Mokoena, tel. 012 406 1905 / cell: 066 282 7043

***Declaration by nominee (to be completed and returned with his/her nomination)**

I, _____ (full name),
ID No. _____, hereby declare that I am qualified to serve on the Board of the Construction Industry Development Board in terms of Section 6 of the Construction Industry Development Board Act, 2000 (Act No. 38 of 2000), and authorise the Minister of Public Works and Infrastructure to investigate any record in relation to such qualification or requirement.

DEPARTEMENT VAN OPENBARE WERKE EN INFRASTRUKTUUR

NO. 1326

11 DESEMBER 2020

OPROEP OM BENOEMING VAN KANDIDATE OM TE DIEN AS LEDE VAN DIE RAAD VAN DIE BOUBEDRYFONTWIKKELINGSRAAD

Die Agbare Minister van Openbare Werke en Infrastruktuur, me. P. de Lille (LP), versoek hiermee nominasies van nuwe lede om te dien op die Raad van die Boubedryfontwikkingsraad (CIDB).

Die CIDB is 'n statutêre liggaam wat ingevolge artikel 2 van die "Construction Industry Development Board Act, 2000" (Wet No. 38 van 2000) ("die CIDB-wet"), ingestel is om strategiese leierskap aan belanghebbendes in die boubedryf te verskaf ten einde volhoubare groei te stimuleer en prestasie, verhoogde dienslewering en transformasie in 'n bemagtigende en gereguleerde omgewing te bevorder.

VEREISTES

Die Raadslede van die CIDB moet demonstratiewe leierseienskappe beskik en hulle verbind tot die ontwikkeling van en transformasie in die boubedryf. **Hulle moet kennis en/of kundigheid oor die volgende beskik:** bousektor; bouverkryging en enige ander voorsieningskettingsvoorskrifte; swart ekonomiese bemagtiging en die opkomende sektor; opleiding, navorsing en ontwikkeling; die reg, ook wetgewing oor die boubedryf en arbeidsbetrekkings; bouomgewingsberoep; kommunikasie, bemaking en openbare betrekkings; projekbestuur en -finansiering; rekeningkundige nakoming en verslagdoening; en audit- en risikobestuur, ook die bekamping van korrupsie en bedrog. Behoorlike oorweging word geskenk aan ras, geslag, gestremdeheid en geografiese ligging in die samestelling van die Raad.

DISKWALIFIKASIE

Die volgende persone kwalifiseer nie vir aanstelling op die Raad van die CIDB nie:

Iemand wat—

- nie 'n Suid-Afrikaanse burger is en nie gewoonlik in die Republiek woonagtig is nie;
- 'n ongerehabiliteerde insolvent is, wie se insolvensie die gevolg is van sy of haar eie nalatigheid of onbevoegdheid;
- in die afgelope drie boekjare as 'n konsultant deur die CIDB in diens geneem is, 'n verskaffer of kliënt van die CIDB is, 'n kontraktuele verhouding met die CIDB het of 'n beroepsadviseur vir die CIDB is;
- skuldig bevind is—
 - in Suid-Afrika, aan 'n misdryf, uitgesonderd 'n misdryf wat begaan is voor 27 April 1994 wat verband hou met politieke doeleindes, en gevonnissen is tot gevangenisstraf sonder die keuse van 'n boete of, in die geval van bedrog of korrupsie, tot 'n boete of gevangenisstraf of beide;
 - in die buiteland, aan 'n misdryf wat ook 'n misdryf is in Suid-Afrika en gevonnissen is tot gevangenisstraf sonder die keuse van 'n boete of, in die geval van bedrog of korrupsie, tot 'n boete of gevangenisstraf of beide; of
- deur 'n hof as geestesiek of ongeskik verklaar is.

'n Politieke ampsdraer moet sy of haar politieke amp neerlê sodra hy of sy as Raadslid aangestel word.

AMPSTERMYN

Die ampstermyn van Raadslede is drie jaar vanaf die datum van aanstelling. Individuele Raadslede kan vir een opvolgende termyn op die Raad heraan gestel word. Die kandidate word onderwerp aan 'n veiligheidskeuring.

NOMINASIEBESONDERHEDE

Nominasies moet skriftelik geskied word in die meegaande voorgeskrewe vorm en die volgende inligting bevat:

- Volle naam, adres en kontakbesonderhede van die benoemende persoon of organisasie.
- Volle naam, ID-nommer en kontakbesonderhede van die benoemde.
- Die benoemde se getekende aanvaarding van die benoeming.
- Verklaring deur benoemde* dat hy of sy ingevolge artikel 6 van die CIDB-wet kwalifiseer om te dien op die Raad van die CIDB.
- 'n Motivering (slegs een bladsy) vir aanstelling van die benoemde op die Raad van die CIDB.
- 'n Curriculum Vitae van die benoemde (hoogstens twee bladsye) wat die volgende dek: die benoemde se volledige naam, ID-nommer, ras, geslag, kontakadresse, telefoonnummers, kwalifikasies, ervaring, kennis en vaardighede, en huidige en vorige lidmaatskap van rade, asook die name en kontakbesonderhede van minstens twee referente.
- 'n Gewaarmerkte afskrif van die benoemde se Suid-Afrikaanse ID-dokument.
- Gewaarmerkte afskrifte van die benoemde se kwalifikasies

*** Die nominasievorm moet afgelaai word via die volgende skakel:**

http://www.publicworks.gov.za/PDFs/DPWI-0050-ENG_ADV_Call_for_nominations_CIDB_AVZ_ed_HL_qc_clean_fin.docx

DIE SLUITINGSDATUM VIR NOMINASIES IS 12 FEBRUARIE 2021

DIE NOMINASIES MOET GEPOS WORD AAN: Die Direkteur-generaal (Vir aandag: Mnr. Mpho Mashaba), Departement van Openbare Werke en Infrastruktuur, Privaat Sak X65, Pretoria, 0001, of per **HAND AFGELEWER** word by die CGO-gebou, h/v Bosman- en Madibastraat, Pretoria.

NAVRAE:

Mnr. Mpho Mashaba, 012 406 1671/082 974 4790 **OF** Me. Karabo Mokoena, 012 406 1905/066 282 7043

***Verklaring deur benoemde (moet ingevul en by die nominasie ingesluit word)**

Ek, _____ (volle naam),
ID-no. _____, verklaar hiermee dat ek ingevolge artikel 6 van die "Construction Industry Development Board Act, 2000" (Wet No. 38 van 2000), kwalifiseer om te dien op die Raad van die Boubedryfontwikkingsraad en magtig die Minister van Openbare Werke en Infrastruktuur om enige rekord te ondersoek wat betrekking het op sodanige kwalifikasie of vereistes.

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NO. 1327

11 DECEMBER 2020

LAND REFORM (LABOUR TENANTS) ACT, 1996 (ACT NO. 3 OF 1996)

Notice is hereby given, in terms of Section 17 (2) (c) of the Land Reform (Labour Tenants) Act, 1996 (Act No 3 of 1996) ("the LTA"), that an Application for acquisition of land was lodged with the Director General of the Department of Land Affairs by the Applicants, and in respect of the Property set out in the Schedule.

Any party who may have an interest in the above-mentioned Application is hereby invited to make written representations to the Director General, within 30 days from the publication of this Notice. The representations must be forwarded to:

The Director General
c/o Deputy Director: Tenure Systems Reform
Department of Agriculture, Land Reform And Rural Development
 Provincial Shared Service Centre: Mpumalanga
 Directorate: Tenure Systems & Implementation
 Private Bag X7261
 Witbank
 1035
 Tel: 013 655 1000

SCHEDULE

Applicants:

No.	Name and Surname	Identity Number
1.	MHLOPHE CATHERINE SKHOSANA	591006 0345 084,

Property:

No.	Property Description	Locality (District)	Current Title Deed No	Current Owner	Bonds and Restrictive Conditions (Interdicts)
1	R/E of Portion 2 of the farm Kleinfontein 432 JS	Nkangala	T13335/2018	1. STATUTIS TRADING PTY LTD	


 For DIRECTOR-GENERAL: DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

SIGNED BY: Itani Nematandani
 DEPUTY DIRECTOR: TENURE SYSTEMS REFORM, DULY AUTHORISED

DEPARTMENT OF TRADE, INDUSTRY AND COMPETITION

NO. 1328

11 DECEMBER 2020

**PUBLICATION OF THE FINAL FORESTRY
SECTOR IMPACT ASSESSMENT REPORT****1. BACKGROUND**

Section 21A of the Competition Act, No. 89 of 1998 (as amended) (“the Act”) provides for the Competition Commission (“Commission”) to conduct an impact study of any decision, ruling or judgement of the Commission, the Competition Tribunal (“Tribunal”) or the Competition Appeal Court (“CAC”). The forestry sector impact assessment was conducted based on the decisions of the Commission on the mergers and acquisitions that have taken place as well as abuse of dominance complaints received in the forestry sector since its inception.

While these mergers and acquisitions were largely approved, they raised a central theme which continues to persist to date and this relates to deepening vertical integration in the forestry sector and log supply access concerns, particularly by small integrated and non-vertically integrated businesses. Notably, the complaints received also raise the same issues. It is for this reason that the Commission conducted this impact assessment, to assess the cumulative impact of its merger decisions in the sector. Specifically, the study assessed the impact of vertical integration on security of supply and the ability for non-vertically integrated players and smaller vertically integrated players’ ability to access logs.

On 31 July 2020, the Commission published a report of its preliminary findings and recommendations, inviting stakeholders to make submissions on same.¹ On 16 September 2020, the Commission published a gazette granting stakeholders an extended period for making submissions.²

2. PUBLICATION OF FINAL REPORT

The Commission has considered the submissions received and incorporated same into the drafting and finalisation of the report which sets out its final findings and recommendations in respect of the forestry sector impact assessment. The final report is available on the Commission’s website on www.compcom.co.za.

¹ Government Gazette no: 43571.

² Government Gazette no: 43668.

DEPARTMENT OF TRADE, INDUSTRY AND COMPETITION

NO. 1329

11 DECEMBER 2020

NOTICE IN TERMS OF SECTION 10(6) OF THE COMPETITION ACT NO. 89 OF 1998
(AS AMENDED)

THE COMPETITION COMMISSION OF SOUTH AFRICA

NOTICE OF APPLICATION FOR AN EXEMPTION

1. Notice is hereby given in terms of section 10(6)(a) of the Competition Act, No 89 of 1998, as amended (the “**Act**”) that Marang Africa Healthcare Proprietary Limited (“**Marang Health**”) has applied to the Competition Commission (“**Commission**”), in terms of section 10(1) of the Act, to be exempted from certain provisions of Chapter 2 of the Act.¹
2. Marang Health is a wholly owned subsidiary of Marang Global Capital Proprietary Limited (Marang Global) that was established in 2015 as a financial advisory firm focusing on healthcare investments, healthcare finance and healthcare asset finance. Marang Health is a private company registered in accordance with the laws of South Africa under registration number 2015/206975/07 and has its principal business address at 1702 Portland Crescent, Dainfern, Johannesburg.
3. The application for the exemption relates to the agreements and/or practices between Marang Health and Mediclinic Southern Africa Proprietary Limited (Mediclinic) under the establishment of an operating company (“OpCo”) which will include the determination and negotiation of tariffs by Mediclinic on behalf of Marang Health and each of the Marang Health Hospitals.
4. Marang Health is requesting permission to:
 - 4.1. Enter into a partnership agreement where Mediclinic obtains a 25% equity stake in the OpCo.
 - 4.2. Have Mediclinic manage and operate the OpCo which includes negotiating and setting tariffs on behalf of Marang Health and each of Marang Health’s hospitals.
5. The above conduct will establish both a horizontal and vertical relationship between them. The exemption is in relation to the horizontal nature of the arrangement as Marang Health and Mediclinic are competitors or potential competitors thus the above conduct may constitute a prohibited practice under s4(1)(b) of the Act. S4(1)(b) of the Act is a *per se* contravention and is therefore incapable of being justified on grounds of efficiency, technological or pro-competitive gains.

¹ Competition Commission case number: 2020Oct0008.

6. Marang Health submits that the above conduct is in line with the objective under section 10(b)(ii) of the Act in that it will promote a greater spread of ownership and more specifically increase the ownership stakes of historically disadvantaged persons.
7. Marang Health submits that the private healthcare sector is highly concentrated with extensive barriers for historically disadvantaged participants to enter and is subsequently characterised by the limited participation of historically disadvantaged individuals in the sector. These barriers include gaining access to capital, land, infrastructure, and equipment costs. Due to the difficulties of accessing capital, smaller players sell their licenses to the larger more established groups who are better positioned to access capital.
8. Through the above conduct, Marang Health suggests that the partnership will facilitate entry into and serve as an innovative way of deconcentrating the highly concentrated and increase expansion of HDIs in the private health care sector.
9. Marang Health seeks an exemption from the Act in relation to the conduct set out in paragraph 4 above, for a period of 10 (ten) years.
10. Notice is hereby given in terms of section 10(6)(b) of the Act to allow interested parties twenty (20) business days from the date of the publication of this notice to make written representations to the Commission as to why the exemption should, or not, be granted.
11. Such representations must be directed to:

Ms Nomalungelo Mthiyane
Competition Commission
Market Conduct Division
Tel: 012 763 8650
Email: NomalungeloM@compcom.co.za.
12. Kindly make use of the following case number when sending correspondences in relation to this notice: **Case No: 2020Oct0008**.

DEPARTMENT OF TRADE, INDUSTRY AND COMPETITION

NO. 1330

11 DECEMBER 2020

NOTICE IN TERMS OF SECTION 10(6) OF THE COMPETITION ACT NO. 89 OF 1998 (AS AMENDED) BY VARIOUS INDEPENDENT CHROME ORE PRODUCERS

THE COMPETITION COMMISSION OF SOUTH AFRICA

NOTICE OF APPLICATION FOR AN EXEMPTION

1. Notice is hereby given in terms of section 10(6)(a) of the Competition Act, No. 89 of 1998, as amended (the “**Act**”) by the following entities:
 - 1.1. Rustenburg Platinum Mines Limited and Atomic Trading Proprietary Limited;¹
 - 1.2. Assore Limited and its subsidiaries, including but not limited to: Dwarsrivier Chrome Mine Proprietary Limited and Ore & Metal Company (collectively, “Assore”);
 - 1.3. Bauba Resources Limited and the firms controlled thereby, whether directly or indirectly;
 - 1.4. Chrometco Limited and the firms controlled thereby, whether directly or indirectly;
 - 1.5. Impala Platinum Holdings Limited and the firms controlled thereby, whether directly or indirectly;
 - 1.6. Northam Platinum Limited and the firms controlled thereby, whether directly or indirectly;
 - 1.7. Sibanye-Stillwater Limited and the firms controlled thereby, whether directly or indirectly;
 - 1.8. Siyanda Resources Proprietary Limited and the firms controlled thereby, whether directly or indirectly; and
 - 1.9. Tharisa plc, including its subsidiaries: Tharisa Minerals Proprietary Limited, Arxo Resources Limited and Arxo Metals Proprietary Limited.
2. The above-named entities are hereinafter referred to collectively as **Independent Chrome Ore Producers (“ICOPs”)** or the (**‘Applicants’**). The ICOPs, on behalf of whom the present application is lodged, are not members of any association which has been formed for purposes of the present Application. The Applicants engage among other things, in mining and production of chrome ore, a key input which is required to produce ferrochrome. The majority of ferrochrome is used in the production of stainless steel and the balance is used in other types of steel production.
3. The application is submitted in terms of section 10(1)(b) of the Competition Act, which section provides that a firm may make an application to the Competition Commission (“Commission”) to be exempted from the application of Chapter 2 of the Competition Act. The exemption is requested for a period of two years, commencing on and from the date on which the

¹With both such entities being subsidiaries, alternatively, affiliates of Anglo American Platinum Limited.

Commission ought to grant the exemption.

4. The Applicants became aware of plans to introduce an export tax on the outbound chrome ore (“**proposed tax**”) to support the deteriorating state of South Africa’s domestic ferrochrome production industry.² The Applicants are requesting the Commission to approve a two year exemption to facilitate the undertaking of research to find more viable and consolidated appropriate approach which can considered to support the ferrochrome industry. The Applicants seek to explore interventions which may be possibly implemented to assist the declining domestic ferrochrome industry. The exploration of interventions may involve sharing competitively sensitive information and it is against this background that the Applicants are seeking an exemption.
5. The Applicants submit that the exploration process may involve the following interventions:
 - a) Palatable and non-destructive form of chrome ore export tax;
 - b) Appropriate offtake arrangements in terms of which the chrome ore sector obtains assurance that it will not be left with unsold volumes of, or reduced prices for, chrome ore, as a result of any export tax; and
 - c) Appropriate energy production or purchasing arrangements which improve the cost-effectiveness for the production of both chrome ore and ferrochrome.
6. The Applicants submit that an exploration of the contemplated interventions will also necessitate a variety of interactions that may be both horizontal and vertical in nature which may contravene sections 4(1) and 5(1) of the Competition Act.
7. Notice is hereby given in terms of section 10(6)(b) of the Act to allow interested parties twenty (20) business days from the date of the publication of this notice to make written representations to the Commission as to why the exemption should, or not, be granted.
8. The representations must be directed to:

Ms Balisa Mhambi
Competition Commission of South Africa
Market Conduct Division
Tel: 012 763 8613
Email: BalisaM@compcom.co.za
9. For the purposes of your representations, please make use of the following Case Number: **2020Sep0032** when sending correspondences in relation to this notice.

² Application filed with the Competition Commission South Africa by the various independent chrome ore producers dated September 2020.

DEPARTMENT OF WATER AND SANITATION

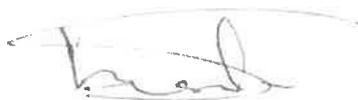
NO. 1331

11 DECEMBER 2020

**USE OF OFFICIAL LANGUAGES ACT, 2012 (ACT NO.12 OF 2012)
DWS LANGUAGE POLICY**

I, **LINDIWE NONCEBA SISULU**, Minister of Human Settlements, Water and Sanitation, hereby give notice to the Members of the Public that the Language Policy for the Department of Water and Sanitation (DWS) has now been adopted, under Regulation 3(2) of the Use of Official Languages Act, 2012 (Act No 12 of 2012) set out in the Schedule hereto.

Any enquiries in connection with the notice can be directed to Mr S Ratau (012) 336 8264.

LINDIWE NONCEBA SISULU**MINISTER OF HUMAN SETTLEMENTS, WATER AND SANITATION**

DATE: 30/07/2020



water & sanitation

Department:
Water and Sanitation
REPUBLIC OF SOUTH AFRICA

LANGUAGE POLICY OF THE NATIONAL DEPARTMENT OF WATER AND SANITATION

JULY 2020

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1. Acronyms

DWS	The National Department of Water and Sanitation – also referred to as the department
DG	Director-General
PanSALB	Pan South African Languages Board
UOLA	The Use of Official Languages Act No.12 of 2012 was enacted
SASL	South African Sign Language
NWA	National Water Act of 1998
WSA	Water Services Act of 1997

2. Definition of Terms

Department	The Department of Water and Sanitation (also referred to as DWS)
Director-General	The Director-General of the Department of Water and Sanitation
Official Languages of the Department	The selected South African Official Languages that the department will use for government purposes.
South African Sign Language	The official sign language that is recognised and used as a first language by a large number of Deaf South Africans.
Working Days	Any days other than Saturdays, Sundays or public holidays
Braille	A written form of communication, aimed at the blind. For purposes of this policy, it is not classified as a separate language
Language Practitioners	Employees appointed to lead language policy implementation for the Department of Water and Sanitation
Multilingualism	The use of more than one language by an individual or by a group of speakers such as the inhabitants of a particular region or a nation.

3. Introduction

Section 4 of the Constitution mandates national and provincial government departments to regulate and monitor their use of languages. The Use of Official Languages (UOLA) Act No.12 of 2012 was enacted to realise this constitutional mandate.

This policy is therefore compiled as a statutory requirement in compliance with Section 4 (1) of UOLA which mandates national departments to adopt a language policy that will command its use of official languages for government purposes.

The policy represents the National Department of Water and Sanitation and is not applicable to its entities and provincial departments.

4. Purpose

As prescribed in Section 4 (2) of UOLA, a language policy intends to:

- 4.1** Identify at least three official languages a department will use in rendering its services;
- 4.2** Stipulate how official languages will be used in: effectively communicating with the public, official notices, government publications, and inter and intra-government communication;
- 4.3** Describe how a department will effectively communicate with the members of the public whose language of choice is not one of its chosen official languages, or is South African Sign Language
- 4.4** Describe how members of the public can access the language policy;
- 4.5** Provide complaints mechanism to enable members of the public to lodge complaints regarding the use of official languages in a department.

5. Nature of the National Department of Water and Sanitation

5.1 Vision

5.1.1 Equitable and sustainable water and sanitation services that support socio-economic growth and development, and the well-being of current and future generations.

5.2 Mission

To ensure the universal access of all South Africans to equitable water resources, and sustainable water and sanitation services by:

- 5.2.1 Protecting, developing, conserving, managing and regulating water resources;
- 5.2.2 Managing, regulating and providing efficient and effective water and sanitation resources;
- 5.2.3 Providing strategic leadership and evidence-based policy direction that will result in a coordinated water and sanitation sector for improved sector performance and service delivery;
- 5.2.4 Building the skills and capabilities of the sector and enhancing information management to inform decision making; and
- 5.2.5 Enhancing communication and stakeholder partnerships with communities and sector constituencies to advance the national development agenda.

5.3 Values

- 5.3.1 Promoting and maintaining high standards of professional ethics;
- 5.3.2 Utilising resources efficiently and effectively;
- 5.3.3 Providing service impartially, fairly, equitably and without bias;
- 5.3.4 Responding to people's needs;
- 5.3.5 Encouraging citizens to participate in policy making;
- 5.3.6 Rendering an accountable, transparent, and development-oriented public administration.

5.4 Legislative and other mandates

- 5.4.1 The Constitution of the Republic of South Africa: The Constitution sets out water resources management as a national competency. It also states that everyone has a right to an environment that is not harmful to their health or wellbeing and supports socially justifiable economic development. The Constitution indicates the rights of individuals to have access to basic water and sanitation and sets out the institutional framework for the provision of these services. It gives municipalities the Executive Authority and the right to administer the provision of water services within their areas of jurisdiction. The Constitution gives national and provincial government authority to regulate local government in terms of water services. It further gives them the obligation to support and strengthen the capacity of local government to provide services.
- 5.4.2 The National Water Act, 1998 (Act No.36 of 1998): the National Water Act seeks to ensure that the country's water resources are protected, used, developed, conserved,

managed and controlled in a sustainable and equitable manner for the benefit of all people. The Act assigns national government as the public trustee of the water resources. Acting through the Minister, the department has the power to regulate the allocation, use, flow and control of all water in the Republic.

5.4.3 The Water Services Act, 1997 (Act No. 108 of 1997): the Water Services Act prescribes the legislative duty of municipalities as water services authorities to supply water and sanitation in accordance with the national norms and standards set out by the Minister. In addition, it regulates Water Boards as water services providers. This Act compels the Minister to maintain a National Water Services Information System and to monitor the performance of all water services institutions.

5.4.4 The Water Research Act, 1971 (Act No. 34 of 1971): this Act established the Water Research Commission and the Water Research Fund and thus promotes water related research. The Minister appoints members of the Water Research Commission (the Commission) and thus exercises executive oversight over the Commission.

6. Official languages of the Department

6.1 The Constitution promotes the use of all eleven official languages in line with its mandate as explained above. However, owing to financial constraints, the department's language policy will focus on functional multilingualism by striking a balance between financial considerations and the need to ensure effective communication with members of the public.

6.2 The department uses English as its operating language. Thus internal correspondence will be in English. Efforts will be made to ensure that externally focused communication will accommodate other languages depending on the availability of funds.

6.3 The Department has, in addition to English as its language of business, identified six (6) other languages based on either their frequency of use in South African homes, or according to special needs of a particular language group. These languages are: isiZulu, Sepedi, Xitsonga, isiXhosa, Afrikaans and Braille. Because the policy now is undergoing a review, a decision to add Setswana on a list of languages adopted by the Department has consciously been made, which will make this language the seventh language adopted. All seven (7) languages will be used as languages of communication when communicating with members of the public. The Department will further endeavour to facilitate communication in other official languages depending on the practicality and effectiveness of doing so.

6.4 Provincial and practicality requirements will still apply in influencing languages to use in a particular area, e.g. Public Participation Programmes (Izimbizos) and other provincial proceedings will be conducted in the dominant language of a particular province depending on the target audience, feasibility and cost effectiveness.

6.5 In the light of the motivation made above, the Department of Water and Sanitation thus adopts the following languages (in no preferential order):

6.5.1 English

6.5.2 isiZulu

6.5.3 Sepedi

6.5.4 Xitsonga

6.5.5 isiXhosa

6.5.6 Afrikaans

6.5.7 Braille

6.6 The following factors were taken into account in arriving at the choice of official language(s) DWS will use in each context/situation:

6.6.1 Practicality,

6.6.2 Expense,

6.6.3 Regional circumstance,

6.6.4 The needs and preferences of the public,

6.6.5 Section 6 (2) of the Constitution, which mandates government departments to take practical and positive measures to elevate the status and advance the use of indigenous languages.

7. Communication with the members of the public whose language of choice is not one of the official languages of the Republic

7.1 A member of the public who wishes to communicate with DWS in a language that is not one of the official languages of the Republic must notify DWS in writing.

7.2 DWS will arrange for appropriate translation and interpreting within 20 working days of the date of the request having been received.

8. Communication with members of the public whose language of choice is South African Sign Language

8.1 A member of the public who wishes to communicate with the department in the South African Sign Language must notify the department in writing.

8.2 DWS will arrange for appropriate interpreting within 20 working days of the date of request having been received by the department.

9. Publication of and access to this Policy

9.1 This policy will be gazetted for public knowledge in English.

9.2 The approved policy will be made available in at least three languages and will be placed on the departmental website (www.dws.gov.za).

9.3 The summary of the approved language policy will be placed at prominent areas within DWS premises, including regions.

10. Complaints mechanism

10.1 Any person who is dissatisfied with the decision of DWS regarding its use of official languages may lodge a complaint to the DG.

10.2 The complaint must be lodged in writing, and within three (3) months of the complaint arising.

10.3 The complaint should be addressed to:

The Director-General

National Department of Water and Sanitation

Private Bag X350

Pretoria

0001

Email: centralp@dws.gov.za

- 10.4** Any complaint lodged must state the name, address, and contact information of the person lodging it.
- 10.5** Any complaint lodged must provide a full and detailed description of the incident.
- 10.6** The DG may request a complainant to supply any additional information necessary to consider the complaint, and to attend a meeting for the purpose of making an oral enquiry into the complaint.
- 10.7** The DG will consider the complaint and respond in writing not later than three months after the complaint was lodged, informing the complainant of the decision.

11. Appeals procedure

- 11.1** A complainant not satisfied with the decision of the DG may lodge an appeal with the Minister of Water and Sanitation.
- 11.2** The appeal must be in writing and should be lodged within one (1) month of a decision by the DG.
- 11.3** The appeal should state the name, address, and contact information of the person lodging the appeal, with full description of the complaint.
- 11.4** The appeal should be addressed to:

Minister of Water and Sanitation

Private Bag x350

Pretoria

0001

Email: ministry@dws.gov.za

- 11.5** The Minister of Water and Sanitation will consider the appeal and make a decision no later than three (3) months after the appeal was lodged, and inform the complainant (in writing) of the decision.

12. Review of Policy

This policy will be reviewed every two (2) years and as when necessary.

GENERAL NOTICES • ALGEMENE KENNISGEWINGS

DEPARTMENT OF EMPLOYMENT AND LABOUR

NOTICE 704 OF 2020

NOTICE OF DECEMBER 2020

PLEASE FIND SET OUT BELOW A LIST OF BARGAINING COUNCILS THAT HAVE BEEN ACCREDITED BY THE CCMA IN TERMS OF THE PROVISIONS OF THE LABOUR RELATIONS ACT 66 OF 1995 (AS AMENDED) FOR CONCILIATION AND/ OR ARBITRATION AND/ OR INQUIRY BY ARBITRATOR, WITH THE TERMS OF ACCREDITATION ATTACHED FOR THE PERIOD 01 NOVEMBER 2020 TO THE 31 DECEMBER 2023

**BARGAINING COUNCILS ACCREDITED TO CONDUCT CONCILIATION AND ARBITRATION,
SUBJECT TO CONDITIONS WHERE APPLICABLE
(RENEWAL OF ACCREDITATION AS WELL AS THE SUBSIDY AMOUNT PAYABLE PER CLOSED
CASE IS R711.84 AS FROM 01 APRIL 2020 (FOR 2020/2021 FINANCIAL YEAR ONLY)**

Name of Council	Accredited Functions
<u>PRIVATE SECTOR BARGAINING COUNCILS</u>	
Bargaining Council for the Laundry, Cleaning and Dyeing Industry (Cape)	Accredited for conciliations and arbitrations (including Inquiry by Arbitrator) from 01 January 2021 until 31 December 2023 .
<u>PUBLIC SECTOR BARGAINING COUNCILS</u>	
General Public Service Sectoral Bargaining Council	Accredited for conciliations and arbitrations (including Inquiry by Arbitrator) from 01 November 2020 until 31 October 2023 .
Public Service Co-Ordinating Bargaining Council	Accredited for conciliations and arbitrations (including Inquiry by Arbitrator) from 01 November 2020 until 31 October 2023 .

<u>STATUTORY COUNCILS</u>	
Statutory Council of the Printing, Newspaper and Packaging Industry of South Africa	Accredited for conciliations and arbitrations (including Inquiry by Arbitrator) from 01 November 2020 until 31 October 2023 .

(RENEWAL OF SUBSIDY)

The Governing Body of the CCMA resolved to grant renewal of subsidy to the following Bargaining Councils:

1. Bargaining Council for the Laundry, Cleaning and Dyeing Industry (Cape)
2. General Public Service Sectoral Bargaining Council
3. Public Service Co-Ordinating Bargaining Council
4. Statutory Council of the Printing, Newspaper and Packaging Industry of South Africa

TERMS OF ACCREDITATION FOR CONCILIATION, ARBITRATION AND INQUIRY BY ARBITRATOR

1. SCOPE OF ACCREDITATION:

Herewith categories of disputes for which Councils are eligible to apply for accreditation.

COUNCILS ARE ACCREDITED TO PERFORM THE FOLLOWING DISPUTE RESOLUTIONS FUNCTIONS:

Unfair dismissal disputes	- Section 191
Unfair Labour practice	- Section 191
Mutual Interest disputes	- Section 64
Interpretation of Collective Agreement disputes	- Section 24 (1)
Essential Services disputes	- Section 74
Pre-dismissal arbitrations	- Section 188A
Temporary Employment Service	- Section 198, 198A, 198B, 198C and 198D
Disputes about Interpretation and Application of Chapter 2	- Section 9

COUNCILS MAY NOT SEEK ACCREDITATION FOR THE FOLLOWING DISPUTE RESOLUTION FUNCTIONS REGARDING DISPUTES OVER THE FOLLOWING (see FOOTNOTE 11 of SECTION 51):

Organisational rights (sections 16, 21 and 22);

Collective Agreements where the agreement does not provide for a dispute resolution procedure or the procedure is inoperative or any party frustrates the resolution of disputes (section 24(2) to (5));

Agency shops and closed shops (section 24(6) and (7) and section 26(11));

Determinations made by the Minister in respect of proposals made by a Statutory Council (section 45);

The interpretation and application of Collective Agreements of a Council whose registration has been cancelled (section 61(5) to (8));

Demarcation of sectors and areas of Councils (section 62);

The Interpretation or application of Part C (Bargaining Councils), Part D (Bargaining Councils in the Public Service), Part E (Statutory Councils) and Part F (General Provisions concerning Councils) (Section 63);

Picketing (section 69(8) to 10);

Proposals which are the subject of joint-decision making in a workplace forum (section 86);

Disclosure of information to workplace forums (section 89);

Interpretation or Application of the provisions of Chapter 5 of the LRA which deals with workplace forums (section 94);

Enforcement of the Collective Agreements by Bargaining Councils (section 33A) and;

Enforcement of arbitration awards in terms of section 143. Only the Director of the CCMA, unless the power has been delegated to a CCMA Senior Commissioner may certify awards as if it were an order of the Labour Court;

Facilitating mass retrenchment disputes section 189(A).

2. POWERS OF ACCREDITATION:

Only those persons who are accredited by the CCMA, or are part-time Commissioners appointed by the Governing Body of the Commission in the terms of section 117 (2) of the Labour Relations Act, may perform the accreditation functions of the council for the Council.

The following provisions of the LRA, as amended apply to Councils accredited for conciliation and arbitration:

- (a) For the purpose of this paragraph any reference in Part C of Chapter VII of the LRA to:
 - “Commission” must be read as a reference to the Council;
 - “Commissioner” must be read as a reference to a conciliator or arbitrator appointed by the Council.
 - “Director” must be read as a reference to the Secretary of the Council.

- (b) The provisions of the sections contained in Part C of Chapter VII (section 127(6)) of the LRA shall apply to the Council in the performance of its accredited functions subject to the Council’s Constitution and/or Collective Agreements. For the purpose of this sub-paragraph the following applies:
 - (i) The provisions of section 133 to 136;
 - (ii) The provisions of section 138 to 142, S142A , S143, S144 and S145;
 - (iii) The provisions of section 146 unless the Collective Agreement of the Council provides that the Arbitration Act, Act 42 of 1965 applies to any arbitration conducted under its accredited function and which Collective Agreement is binding on the parties to the disputes; and
 - (iv) The provisions of section 148.

3. EXTENSION OF ACCREDITATION:

Despite the expiry of the period of accreditation as stated in the Certificate of Accreditation, the Council may continue to perform its accredited functions in respect of any dispute referred to it during the period of accreditation, but not yet resolved by the time the period expires, until the dispute is resolved either through conciliation or arbitration.

4. TRANSGRESSION OF TERMS OF ACCREDITATION:

If the accredited Council fails to comply with the terms of accreditation, the Governing Body of the CCMA may revoke accreditation. In terms of section 130 of the LRA, as amended the Governing Body of the CCMA may withdraw accreditation after having given reasonable notice of withdrawal.

5. AMENDMENT OF ACCREDITATION:

An Accredited Council may apply to the Governing Body of the CCMA in terms of section 129 of the LRA to amend its accreditation.

DEPARTMENT OF ENVIRONMENT, FORESTRY AND FISHERIES
NOTICE 705 OF 2020
NATIONAL ENVIRONMENTAL MANAGEMENT: BIODIVERSITY ACT, 2004
(ACT NO. 10 OF 2004)

NOTICE OF INTENT TO DECLARE THE THOHYANDOU NATIONAL BOTANICAL GARDEN IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT: BIODIVERSITY ACT, 2004 (ACT NO. 10 OF 2004)

I, Barbara Dallas Creecy, Minister of Forestry, Fisheries and the Environment, hereby under section 33(1)(a), read with section 99 and 100, of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004) give notice of my intention to declare ERF 451 Thohoyandou-D EXT 1 as the Thohoyandou National Botanical Garden, as depicted in the Schedule.

Members of the public are invited to submit written representations or objections, within 60 days from the date of publication of this notice in the *Government Gazette* to the following addresses:

By post to: The Acting Director-General
 Department of Environment, Forestry and Fisheries
 Attention: Ms Pamela Kershaw
 Private Bag X447
 Pretoria
 0001

By hand at: Ground Floor (Reception), Environment House, 473 Steve Biko, Corner Steve Biko
 and Soutpansberg Road, Arcadia, Pretoria, 0001

By email: pkershaw@environment.gov.za

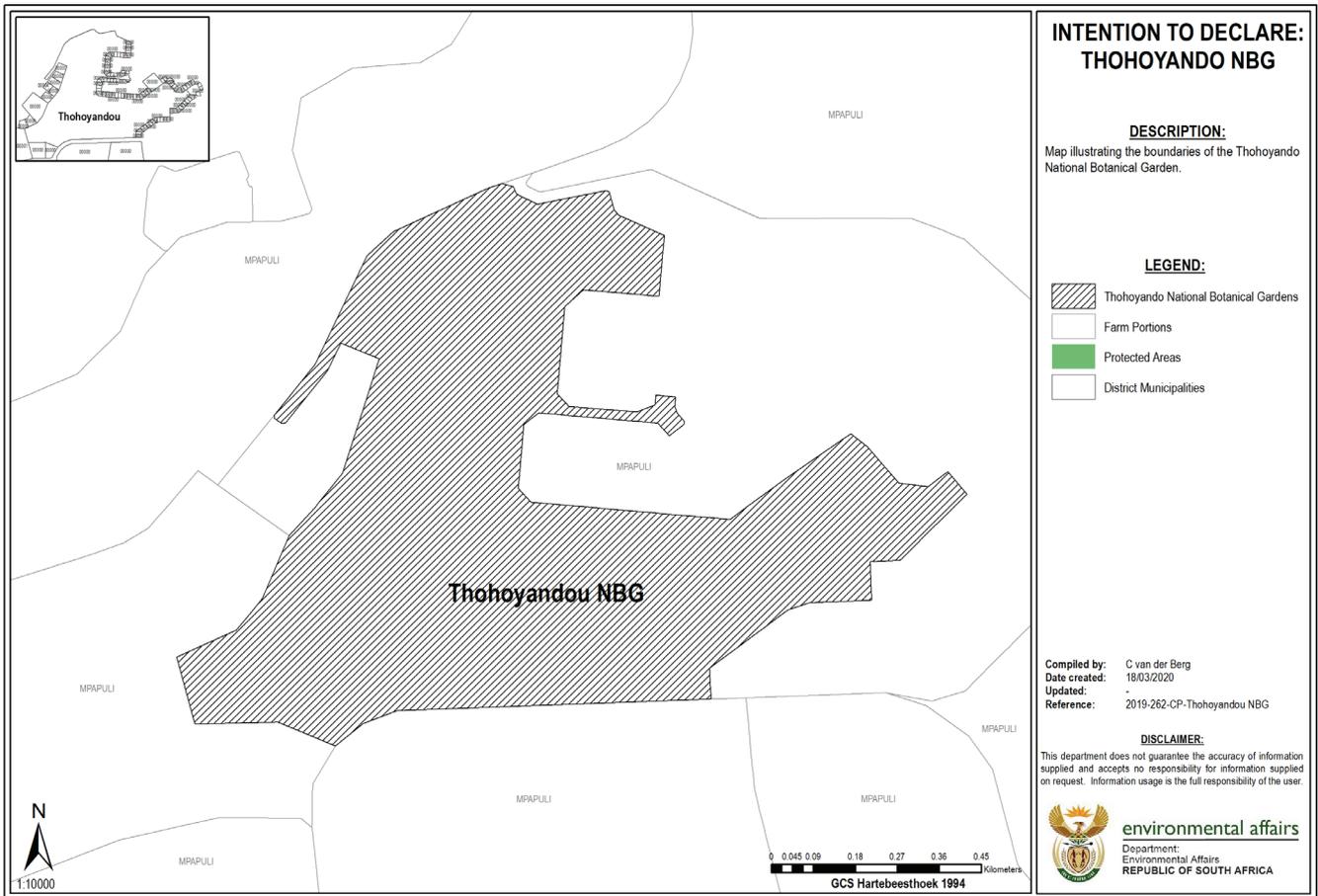
All enquiries in connection with the notice can be directed to Ms Pamela Kershaw at Tel: 012 399 9585.

Comments received after the closing date may be disregarded.



BARBARA DALLAS CREECY
MINISTER OF FORESTRY, FISHERIES AND THE ENVIRONMENT

SCHEDULE



DEPARTMENT OF ENVIRONMENT, FORESTRY AND FISHERIES**NOTICE 706 OF 2020****NATIONAL ENVIRONMENTAL MANAGEMENT: BIODIVERSITY ACT, 2004 (ACT NO. 10 OF 2004)****NATIONAL BOTANICAL GARDEN EXPANSION STRATEGY 2019-2030**

I, Barbara Dallas Creecy, the Minister of Forestry, Fisheries and the Environment, hereby in terms of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004), publish the South African National Botanical Garden Expansion Strategy 2019-2030 (Strategy), in the Schedule hereto, for implementation.

The Strategy provides a strategic approach for the establishment, expansion and maintenance of a network of botanical gardens across South Africa. The strategy is aligned with the National Development Plan, 2030 timeframe.



BARBARA DALLAS CREECY, MP
MINISTER OF FORESTRY, FISHERIES AND THE ENVIRONMENT

NATIONAL ENVIRONMENTAL MANAGEMENT: BIODIVERSITY ACT, 2004 (ACT NO. 10 OF 2004)**NATIONAL BOTANICAL GARDEN EXPANSION STRATEGY 2019-2030**

I, Barbara Dallas Creecy, the Minister of Forestry, Fisheries and the Environment, hereby in terms of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004), publish the South African National Botanical Garden Expansion Strategy 2019-2030 (Strategy), in the Schedule hereto, for implementation.

The Strategy provides a strategic approach for the establishment, expansion and maintenance of a network of botanical gardens across South Africa. The strategy is aligned with the National Development Plan, 2030 timeframe.

BARBARA DALLAS CREECY, MP
MINISTER OF FORESTRY, FISHERIES AND THE ENVIRONMENT

SCHEDULE



National Botanical Garden Expansion Strategy 2019–2030



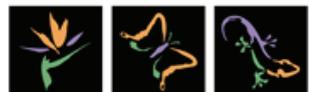
environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

SANBI

Biodiversity for Life

South African National Biodiversity Institute



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Acronyms and abbreviations

APP	Annual Performance Plan
BGCI	Botanic Gardens Conservation International
BRI	Botanical Research Institute
CBD	Convention on Biological Diversity
CSP	Corporate Strategic Plan
DEA	Department of Environmental Affairs (former government department)
DFFE	Department of Forestry Fisheries and the Environment
DRDLR	Department of Rural Development and Land Reform (former government department)
ECPTA	Eastern Cape Parks and Tourism Agency
EXCO	Executive Committee
GIS	Geographic Information System
ICT	Information and Communication Technology
IDP	Integrated Development Plan
KZN	KwaZulu-Natal
LEDET	Limpopo Department of Economic Development, Environment and Tourism
MoA	Memorandum of Agreement
MoU	Memorandum of Understanding
MSBP	Millennium Seed Bank Partnership
MTEF	Medium Term Expenditure Framework
MTSF	Medium Term Strategic Framework
NBF	National Biodiversity Framework
NBG	National Botanical Garden
NBI	National Botanical Institute
NBSAP	National Biodiversity Strategy and Action Plan
NDP	National Development Plan
NEMBA/NEM:BA	National Environmental Management: Biodiversity Act
NEMPAA/NEM:PAA	National Environmental Management: Protected Areas Act
NGO	Non-Governmental Organisation
SABONET	Southern African Botanical Diversity Network
SADC	Southern African Development Community
SANBI	South African National Biodiversity Institute
SANParks	South African National Parks
WWF-SA	World Wide Fund for Nature South Africa

1 Introduction

The South African National Biodiversity Institute (SANBI) has a vital role to play in raising awareness about the importance of biodiversity and its status. South Africa's ten (10) national botanical gardens (NBGs), serving as windows and embassies of biodiversity and culture and heritage, play key roles in the conservation, research, enjoyment and education of the general public and learners through their displays, conservation and environmental education programmes (both within the gardens and in surrounding communities). These gardens serve as refugia for threatened plant species, and serve an important role in climate change adaptation. Horticultural research in national botanical gardens is conducted by SANBI's horticulturists all of whom participate in SANBI's Horticultural Career Ladder. More than two million people make use of SANBI's national botanical gardens each year, offering an opportunity for gardens to provide information to visitors about biodiversity, conservation and sustainable use, as well as to promote the beauty of South Africa's indigenous plants and use of the gardens for spiritual upliftment. The gardens together generate over R60 million income annually through garden-based activities, plant sales, rents and admission fees. This income assists in partially offsetting staff salaries and operational costs in the various national botanical gardens.

Botanical gardens are defined internationally as 'institutions holding documented collections of living plants for the purposes of scientific research, conservation, display and education' (Wyse Jackson 2000). Botanical gardens serve a unique role in conservation (see Annexure 1), and are defined by having the following characteristics:

- adequate labelling of the plants
- an underlying scientific basis for the collections
- communication of information to other gardens, institutions, organisations and the public
- exchange of seeds or other materials with other botanical gardens, arboreta or research stations
- long-term commitment to, and responsibility for, the maintenance of plant collections
- maintenance of research programmes in plant taxonomy in associated herbaria
- monitoring of the plants in the collection
- open to the public
- promoting conservation through extension and environmental education activities
- proper documentation of the collections, including those of wild origin
- undertaking scientific or technical research on plants in the collections.

2 Goal and strategic approaches

This document describes a Strategy for the establishment, expansion and maintenance of a network of botanical gardens across South Africa, up till 2030, being aligned with the time frame prescribed for South Africa's National Development Plan.

The goal of this Strategy is to raise awareness, contribute to education about biodiversity, and to support conservation by establishing, maintaining and expanding a representative network of botanical gardens with their associated biodiversity (plants and animals) and ecological interactions, across South Africa.

This goal will be achieved through:

- Establishing at least one national botanical garden in each province of South Africa

- Establishing a botanical/demonstration garden¹ representative of each biome in South Africa
- The use of opportunities to expand existing national botanical gardens, where considered feasible and appropriate
- Entering into agreements with other institutions that manage botanical gardens in South or southern Africa

3 Status Quo

SANBI's existing ten national botanical gardens and associated reserves (Edith Stephens Wetland Park (Cape Town) and Tinie Versfeld Wildflower Reserve (Darling), both managed by Kirstenbosch) are currently located mainly in, or close to, large urban centres in seven of nine South African provinces (see Figure 1), and include representative portions of South Africa's biomes as follows:

Eastern Cape (East London): Kwelera National Botanical Garden

Biome(s) represented: Forest, Grassland, Albany Thicket

Free State (Bloemfontein): Free State National Botanical Garden

Biome(s) represented: Grassland, Nama Karoo

Gauteng (Pretoria): Pretoria National Botanical Garden

Biome(s) represented: Grassland, Savanna

Gauteng (Roodepoort/Mogale City): Walter Sisulu National Botanical Garden

Biome(s) represented: Savanna

KwaZulu-Natal (Pietermaritzburg): KwaZulu-Natal National Botanical Garden

Biome(s) represented: Savanna

Mpumalanga (Nelspruit): Lowveld National Botanical Garden

Biome(s) represented: Savanna

Northern Cape (Nieuwoudtville): Hantam National Botanical Garden

Biome(s) represented: Succulent Karoo, Fynbos (Renosterveld)

Western Cape (Betty's Bay): Harold Porter National Botanical Garden

Biome(s) represented: Fynbos, Forest

Western Cape (Cape Town): Kirstenbosch National Botanical Garden

Biome(s) represented: Fynbos, Forest

Western Cape (Cape Town): Edith Stephens Wetland Park

Biome(s) represented: Fynbos

Western Cape (Darling): Tinie Versfeld Wildflower Reserve

Biome(s) represented: Fynbos

Western Cape (Worcester): Karoo Desert National Botanical Garden

Biome(s) represented: Succulent Karoo, Fynbos

¹ In this Strategy, a **demonstration garden** is defined as an area of land within, or directly adjacent to, an existing protected conservation area where indigenous plants representative of the biome (in which the protected conservation area is located) are established, maintained, protected and showcased through relevant interpretive material.

Gaps in terms of which South African biomes are not included in existing national botanical gardens, and which provinces currently do not have national botanical gardens, are summarised in Table 1. A description of which vegetation types are included in SANBI's existing national botanical gardens is provided in Annexure 2, with an historical overview of the national botanical gardens provided in Annexure 3. Milestones in the establishment and management of SANBI and its national botanical gardens are included in Annexure 4.

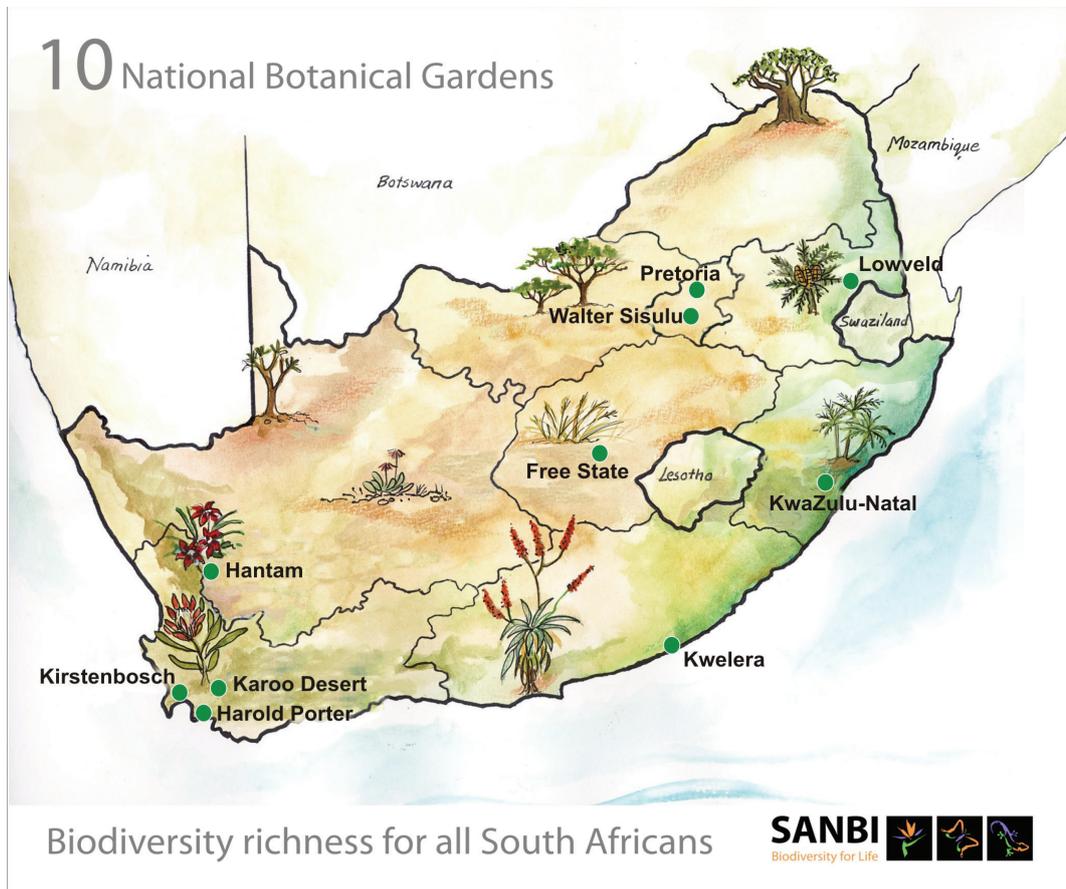


Figure 1. Geographical location of South Africa's 10 national botanical gardens across seven provinces in 2019.

Table 1. Representation of existing proclaimed national botanical gardens (and associated satellite reserves) in South African provinces and biomes, showing gaps (shaded).

Biome	Province								
	Western Cape	Eastern Cape	Northern Cape	Free State	KwaZulu-Natal	Gauteng	Mpumalanga	Limpopo	North West
Fynbos	Kirstenbosch, Harold Porter, Karoo Desert, Edith Stephens Wetland Park, Tinie Versfeld Wildflower Reserve		Hantam						
Forest	Kirstenbosch, Harold Porter	Kwelera							
Albany Thicket		Kwelera							
Grassland		Kwelera		Free State		Pretoria			
Savanna					KwaZulu-Natal	Pretoria, Walter Sisulu	Lowveld		
Nama Karoo				Free State					
Succulent Karoo	Karoo Desert		Hantam						
Indian Ocean Coastal Belt									
Desert									

4 Policy Context

SANBI and its national botanical gardens, as windows on biodiversity, make an important contribution to national development through ensuring that it is aligned with government priorities. They contribute to the **National Development Plan 2030 (NDP 2030)**, which aims to eliminate poverty and reduce inequality. It achieves this by making a direct link between biodiversity, capacity building and development. The areas in the National Development Plan 2030 that the gardens specifically support are reflected in Annexure 5.

South Africa's 2nd **National Biodiversity Strategy and Action Plan (NBSAP): 2015 – 2025** (Government of South Africa 2015), sets the 10-year vision to "Conserve, manage and sustainably use biodiversity to ensure equitable benefits to the people of South Africa, now and in the future", with six supporting strategic objectives.

The strategic objective of the NBSAP that this core function addresses directly is Strategic Objective 1: Management of biodiversity assets and their contribution to the economy, rural development, job creation and social wellbeing is enhanced. Outcomes under the NBSAP's strategic objectives relevant to the national botanical gardens include the following:

- The network of protected areas and conservation areas includes a representative sample of ecosystems and species, and is coherent and effectively managed (1.1);
- Species of special concern are sustainably managed (1.2);

SANBI's botanical gardens play a lead role in achieving outcome 1.2 with a specific activity to:

- Ensure sufficient *ex situ* conservation of threatened and useful species to address impacts from climate change, habitat transformation and unsustainable use (1.2.2).

The *ex situ* target listed in the second edition of the NBSAP includes the following to be achieved by 2015:

- 60% of threatened plant species conserved *ex situ*, and
- 1% of species with *ex situ* collections active in restoration programmes.

Both of these targets are listed and stated as such in SANBI's **National Strategy for Plant Conservation**.

South Africa's **National Biodiversity Framework (NBF)** published by DEA in August 2009 stated under Strategic Objective 5 (Protected areas and conservation areas) that SANBI should develop a National Botanical Gardens Expansion Strategy (which will include a revision of the criteria for establishing national botanical gardens) and establish at least one new national botanical garden by 2013. SANBI and DEA are listed in the NBF as joint lead agents in this process.

South Africa's national botanical gardens have, and continue to, contribute to the formulation and implementation of the **Global Strategy for Plant Conservation** (2011-2020; adopted under the Convention of Biological Diversity, or CBD), **International Agenda for Botanic Gardens in Conservation (2nd edition, 2012)**, and South Africa's **National Strategy for Plant Conservation (2016)**.

5 Legal Mandate

SANBI is the only institution within South Africa mandated, through the **National Environmental Management: Biodiversity Act No. 10 of 2004 (NEMBA)**, to manage, maintain and develop national botanical gardens. According to Section 11 of NEMBA, SANBI:

- must manage, control and maintain all national botanical gardens;
- must establish facilities for horticulture display, environmental education, visitor amenities and research;
- must establish, maintain, protect and preserve collections of plants in national botanical gardens;
- must collect, generate, process, coordinate and disseminate information about biodiversity and the sustainable use of indigenous biological resources, and establish and maintain databases in this regard;
- may allow, regulate or prohibit access by the public to national botanical gardens, herbaria and other places under the control of the Institute, and supply plants, information, meals or refreshments or render other services to visitors;
- may undertake and promote research on indigenous biodiversity and the sustainable use of indigenous biological resources.

Part 6 of NEMBA clearly outlines details regarding the declaration and amendment or withdrawal of national botanical gardens (Annexure 6).

6 Key Actions

6.1 Investigate the feasibility and location of new gardens

6.1.1 At least one garden in each province

By 2030 to have established at least one national botanical garden in every South African province, conserving vegetation types, ecosystems and habitats representative of each province. Provinces where new national botanical gardens still need to be established include the Limpopo Province (Thohoyandou) and the North West Province. SANBI has developed criteria that will be used to review potential sites for the establishment of new national botanical gardens (Annexure 7).

Limiting factors include sourcing the necessary operational funding and ability to locate and secure the most appropriate site for a botanical garden in these provinces.

Various types of botanical gardens have been defined by Botanic Gardens Conservation International (BGCI) (Wyse Jackson & Sutherland 2000, see Annexure 8). Nine of SANBI's current ten national botanical gardens (Free State, Harold Porter, Karoo Desert, Kirstenbosch, KwaZulu-Natal, Kwelera, Lowveld, Pretoria and Walter Sisulu) are classified as '**conservation gardens**' that according to BGCI's definition contain, or have associated areas of, natural vegetation in addition to their cultivated collections. The ten current gardens are represented in seven of South Africa's nine provinces. SANBI's Garden in Nieuwoudtville (formally declared as the Hantam NBG by the DEA Minister on 12 December 2008), Northern Cape, is considered a '**natural or wild garden**' that contains an area of natural or semi-natural vegetation, which is protected and managed. Most natural or wild gardens are established to play conservation and public education roles and include areas where indigenous plants are grown. Garden-based biodiversity, through the ecosystem services they support, makes an important contribution to both climate-change mitigation and adaptation.

New gardens should represent unique vegetation types, and habitats that are typical of/unique to the particular area and province. As far as possible, as little duplication with existing gardens and the habitats/biomes/vegetation types they contain should be effected. When establishing new gardens, the potential for using the gardens as Long Term Ecological Research sites for the region should be investigated and considered.

In establishing new national botanical gardens, SANBI will investigate innovative ways of having joint partnerships, agreements and management arrangements with national and provincial conservation agencies, municipalities, and developing cost-effective stewardship and lease arrangements with private land owners. Attempts will at all times be made to minimize the necessity and requirement to purchase and acquire new private land on behalf of the State. It is imperative that SANBI's National Botanical Gardens Division consult with relevant SANBI research and biodiversity planning staff as well as other divisions within the organisation. The purpose of this interaction would be to identify potential and suitable sites for new gardens, benefit from fine-scale planning processes, determine *in situ* plant conservation and related biodiversity benefits and also to benefit from GIS expertise within other SANBI Divisions.

In establishing new gardens, one needs to be aware of the chance of benefiting from 'strategic opportunism', where potential areas and/or funding may unexpectedly become available. Opportunities should, however, always be thoroughly investigated and critically evaluated *before* making use of the opportunities to establish new national botanical gardens.

Feasibility studies should be a prerequisite before establishing new national botanical gardens. Feasibility studies, incorporating key stakeholder inputs, should be used to explore all aspects of a proposed project, including its purpose, structure and future funding requirements. These studies should inform future garden management plans and be used to determine potential costs and benefits to SANBI through the establishment of the new national botanical garden. Questions to include in new botanical garden feasibility studies are clearly articulated in Wyse Jackson (2003). Feasibility studies could conclude with a case either for or against a national botanical garden and/or the choice of possible locations for its establishment.

Location is an essential element for the establishment of a new Garden. The purpose and function of the new Garden will determine the desired location. The location should be sited to ensure that as much natural biodiversity is conserved within the boundaries of the new Garden, and that the land should ideally form a contiguous area. It is important that the gardens are included and acknowledged by local municipalities in their Integrated Development Plans (IDPs).

6.1.2 Demonstration gardens for specific biomes

South Africa's national botanical gardens, both current and proposed, are representative of seven of South Africa's nine biomes (after Mucina & Rutherford 2006, see Figure 2). These include Grassland, Savanna, Succulent Karoo, Nama Karoo, Forest, Fynbos and Albany Thicket (see Annexure 1).

Gardens are not represented in two of South Africa's nine biomes, namely:

- **Desert Biome** (south of South Africa's southern border with Namibia, which extends from Onseepkans and Pofadder in the east to Alexander Bay in the west, and includes parts of the Richtersveld National Park)
- **Indian Ocean Coastal Belt** (from the mouth of the Great Kei River northwards along the coastal belt to the South African border with Mozambique).

Instead of establishing new national botanical gardens in these two biomes, opportunities exist to partner and collaborate with existing government or parastatal agencies that manage protected conservation areas representative of these two biomes, more specifically SANParks that manages the Richtersveld National Park in the Desert Biome, and either eThekweni Municipality that manages the Durban Botanic Gardens, iSimangaliso Wetland Park, Eastern Cape Parks and Tourism Agency (ECPTA) or Ezemvelo KZN Wildlife, that all four manage representative conservation estates in the Indian Ocean Coastal Belt. Areas identified in these biomes would become botanical/demonstration gardens accessible to the public, but not be classified as national botanical gardens. SANBI would enter into a formal agreement with the institution hosting the area designated as a botanical/demonstration garden.

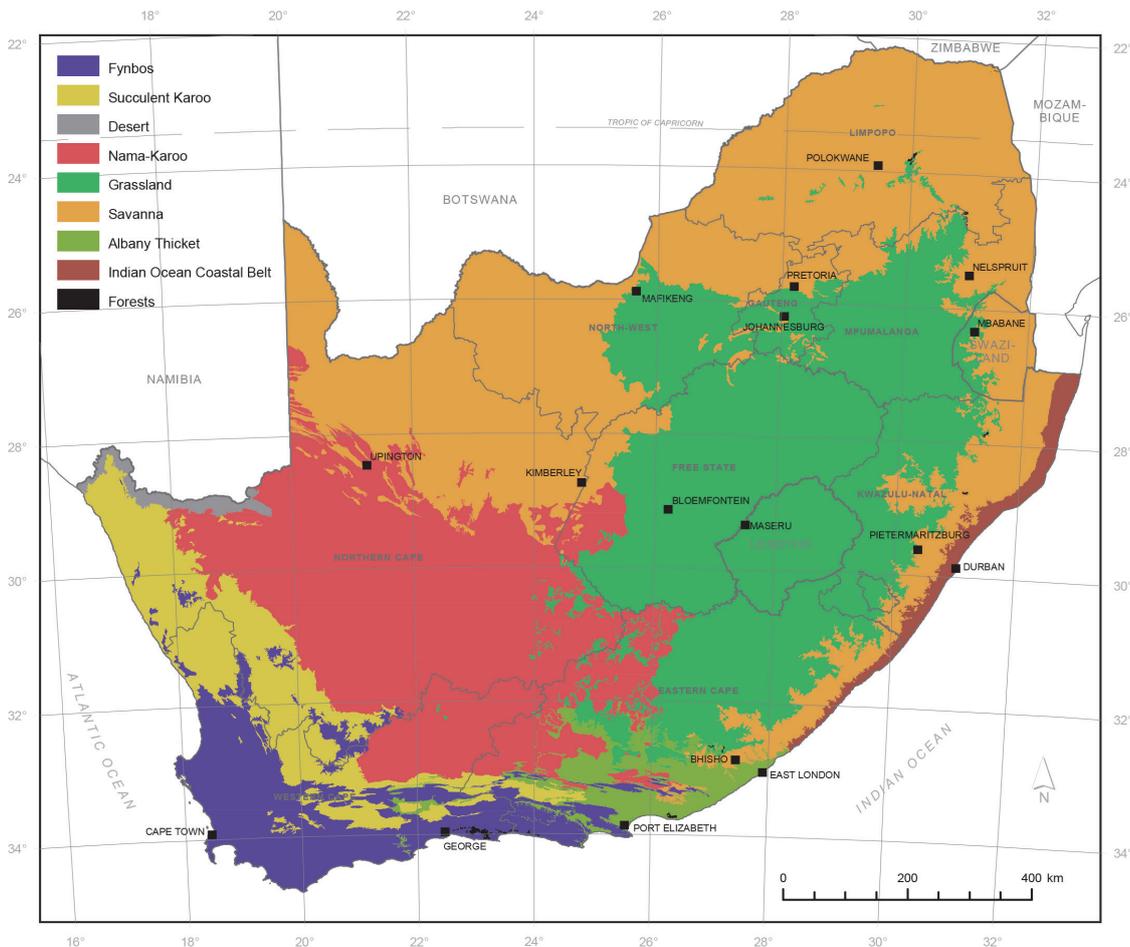


Figure 2. Map of South Africa showing the location of the country's nine biomes.

6.2 Expanding existing gardens

Opportunities exist to expand selected national botanical gardens into suitable adjacent natural habitats (e.g. Harold Porter, Lowveld and Walter Sisulu NBGs). The main purpose for such expansion would be for either:

- (a) **incorporation of additional unique and/or threatened species, vegetation types and habitats currently not represented into the Garden,**
- (b) **conserving adjacent habitats through integrated land use planning and/or available protection mechanisms in order to minimize impacts on the sense of place or conservation value of the Garden, or**
- (c) **incorporation of additional natural habitat that can serve as useful biodiversity and climate adaptation corridors for flora and fauna, both inside and outside the Garden** (e.g. SANBI approved in 2011 acceptance of an offer from Silverstar Casino to incorporate, under a 99-year lease agreement, a portion of 9.31 ha of land (Erf 645) into the Walter Sisulu NBG).

Opportunities may exist to assist establish **satellite gardens** near existing botanical gardens in partnership with local communities. These satellite or outreach gardens are often established as a joint effort between SANBI's National Botanical Gardens Division and the Biodiversity Education and

Empowerment Directorate, and form an important part of SANBI's outreach programme contributing to both horticulture and education skills development.

6.3 Collaborative agreements with other gardens

SANBI has initiated the process of partnering with other existing municipal/university/private botanical gardens through signed Memoranda of Understanding. Gardens associated with SANBI through formal MoUs need to fulfil certain criteria (see Annexure 9) that are aligned with SANBI's NBGs.

By 2015, SANBI had signed formal MoUs with both the Garden Route Botanical Garden Trust (October 2013; George, Western Cape) and the University of Stellenbosch Botanical Garden (May 2014; Stellenbosch, Western Cape). Further MoUs may in future be established directly with other non-SANBI gardens as the need arises, or as deemed strategic and/or beneficial for SANBI and the associated garden involved. These MoUs do not imply any commitment from SANBI or expectation from the associated garden of financial support (from SANBI) or enhanced/national status of the garden concerned. SANBI's NBGs are also included as potential partners in the following SANBI MoUs: eThekweni (Durban Botanic Gardens) and University of Pretoria.

SANBI shall also consider entering into formal collaborative agreements with other botanical gardens in Africa, with special focus on botanical gardens located within southern Africa.

6.4 Schemes to raise funds

Finances required to establish new gardens include funds required to rent or purchase land, install necessary services and infrastructure, appointment of new staff as well as provision of necessary operational equipment for use in the new Garden. It should be realised that it may never be possible for a Garden to become self-sufficient in terms of funding, and that in considering the establishment of new gardens there needs to be a realisation that ongoing commitment towards the operation, maintenance and development of the gardens and their associated infrastructure and living collections, will be required from SANBI.

The main source of funds to establish, manage and maintain national botanical gardens is from the national Department of Forestry, Fisheries and the Environment (DFFE), both through dedicated annual MTEF grants to SANBI as well as **Expanded Public Works Programme** project allocations (under DEA's DFFE's Working for Water, Working for Wetlands, Working for the Coast and Environmental Monitor programmes).

Other funding sources that may assist in managing and maintaining NBGs include sourcing funds from SANBI's Invasive Species Programme, NGOs (such as the Botanical Society of South Africa, which has been SANBI's longest-serving strategic partner, since the establishment of Kirstenbosch in 1913), private bequests, sponsorships and donations. Partnering with programmes, such as the Millennium Seed Bank Partnership (MSBP), an international conservation project coordinated by the Royal Botanic Gardens, Kew, UK, provides opportunities for international collaboration, additional funding sources and mutual support.

Critical partners required for the successful implementation of this Strategy include the following: National Department of Forestry, Fisheries and the Environment, Botanic Gardens Conservation International, Botanical Society of South Africa, national (e.g. SANParks)/provincial conservation authorities, and local municipalities.

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6.5 Implementation of the strategy

In summary, the National Botanical Garden Expansion Strategy 2019–2030 aims to raise awareness, contribute to education about biodiversity, and to support conservation by establishing, maintaining and expanding a representative network of botanical gardens, with their associated plants and animals, across South Africa. SANBI will achieve this Strategy using a range of pre-determined criteria, primarily biodiversity criteria, through (a) establishing at least one national botanical garden in each province of South Africa, (b) establishing a botanical/demonstration garden representative of each biome in South Africa, (c) using opportunities to expand existing national botanical gardens, where considered feasible and appropriate, and finally (d) by entering into agreements with other institutions that manage botanical gardens in South or southern Africa. The establishment and maintenance of strategic partnerships, with national and provincial conservation authorities in particular, will be critical to SANBI's successful implementation of this Strategy.

SANBI will ensure that the National Botanical Garden Expansion Strategy 2019–2030 is implemented by including specific actions in the organisation's formal planning processes, including being incorporated into SANBI's Corporate Strategic Plan (CSP) and Annual Performance Plan (APP).

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Annexure 1. Major activities of botanical gardens around the world.

The list below demonstrates the unique potential resources, experience and skills of botanical gardens for conservation in a way that no other institution can (after Wyse Jackson & Sutherland 2000).

- arboriculture
- city and town planning, resource allocation and land use
- conservation biology
- cultivar conservation and maintenance
- dendrology
- empowering and building the capacity of local and rural communities for conservation
- environmental education programmes
- ethnobiological research
- field gene banks
- herbarium studies and plant taxonomy
- horticultural research
- horticultural training
- integrated pest control management
- laboratory research, including in vitro (tissue culture) plant cultivation
- library services and information centres
- ornamental horticulture and floriculture
- plant reintroductions and research in habitat restoration
- pollution abatement and monitoring programmes
- public recreation
- remedial training and therapy
- seed store and tissue banking
- conservation networks and community groups
- systematics
- teacher training
- tourism
- wild plant species research, conservation and management *ex situ* and *in situ*

Annexure 2. Biome and vegetation type representation in South Africa's existing national botanical gardens and associated satellite reserves.

PROVINCE	NAME OF GARDEN	BIOME	VEGETATION TYPES REPRESENTED
Eastern Cape	Kwelera	Forest Grassland Albany Thicket	AT 9 Albany Coastal Belt FOz 6 Southern Coastal Forest
Free State	Free State	Grassland Nama Karoo	Gh 7 Winburg Grassy Shrubland Gh 8 Bloemfontein Karroid Shrubland Gh 5 Bloemfontein Dry Grassland
Gauteng	Pretoria	Grassland Savanna	SVcb 6 Marikana Thornveld
	Walter Sisulu	Savanna	SVcb 9 Gold Reef Mountain Bushveld
KwaZulu-Natal	KwaZulu-Natal	Savanna	SVs 4 Ngongoni Veld
Limpopo	<i>to be determined</i>	Savanna	SVcb21 Soutpansberg Mountain Bushveld
Mpumalanga	Lowveld	Savanna	SVI 9 Legogote Sour Bushveld SVI 10 Pretoriuskop Sour Bushveld
Northern Cape	Hantam	Succulent Karoo Fynbos	FRd 1 Nieuwoudtville-Roggeveld Dolerite Renosterveld FRs 2 Nieuwoudtville Shale Renosterveld SKt 2 Hantam Karoo
Western Cape	Harold Porter	Fynbos Forest	FFd 6 Hangklip Sand Fynbos FFs 11 Kogelberg Sandstone Fynbos FOz 1 Southern Afrotemperate Forest FS 7 Overberg Dune Strandveld
	Karoo Desert	Succulent Karoo Fynbos	FFh 4 Breede Shale Fynbos FRs 8 Breede Shale Renosterveld SKv 7 Robertson Karoo
	Kirstenbosch	Fynbos Forest	FFg 3 Peninsula Granite Fynbos FFh 5 Cape Winelands Shale Fynbos FFs 9 Peninsula Sandstone Fynbos FOz 1 Southern Afrotemperate Forest
	Edith Stephens Wetland Park (Kirstenbosch)	Fynbos	FFd 5 Cape Flats Sand Fynbos
	Tinie Versfeld Wildflower Reserve (Kirstenbosch)	Fynbos	FRg 2 Swartland Granite Renosterveld

Annexure 3. South Africa's national botanical gardens: history

The establishment of NBGs in South Africa goes back to 1913 when Kirstenbosch and the National Botanic Gardens were formed on 1 July 1913. The late Prof. Harold Pearson, the first Director of the National Botanic Gardens, once said that owing to geographic considerations it would be necessary to have at least ten National Botanic Gardens in South Africa, one in each of the main climatic regions, and that one (he suggested it be based on the Cape Peninsula) should be the administrative centre for them all. The Karoo Desert National Botanical Garden was founded in 1921, and up until the 1950s, the National Botanic Gardens had only two gardens under its control, both in the Western Cape. Another garden in the Western Cape, the Harold Porter NBG, was founded in 1959. It was not until 1967 that the National Botanic Gardens of South Africa extended its activities outside the then Cape Province. The purpose of this programme of expansion was (a) to provide sites where eventually the entire South African flora could be cultivated, and (b) to make botanical gardens accessible to as many people in the country as possible. To provide the maximum contribution to science it was considered that the various botanical gardens would, as far as possible, be situated near large educational centres or near areas of dense population. The next gardens to be founded were the Drakensberg and Eastern Free State (Harrismith; officially opened on 18 May 1967), Free State (Bloemfontein; 30 June 1967), KwaZulu-Natal (Pietermaritzburg; 12 November 1969), Lowveld (Nelspruit; 19 November 1969), Walter Sisulu (Roodepoort/Mogale City; 11 March 1982) and Hantam (Nieuwoudtville; 12 December 2008) National Botanical Gardens. Lack of local support and remoteness unfortunately resulted in the Drakensberg and Eastern Free State Botanic Garden being handed back to the Harrismith Municipality in 1985.

By 1954, when Prof. Brian Rycroft succeeded Prof. Harold Compton as the third Director of the National Botanic Gardens, only Kirstenbosch and the Karoo National Botanical Garden had been established. During his term as Director, Prof. Rycroft was responsible for establishing the following five National Botanical Gardens that still exist today, namely Harold Porter, Free State, KwaZulu-Natal, Lowveld and the Walter Sisulu NBG.

Two pieces of land were donated to SANBI in 1957, a 3.4 ha piece of land on the Cape Flats donated by Edith Stephens, and the 20 ha Tinie Versfeld Wildflower Reserve near Darling in the Western Cape. The Edith Stephens Wetland Park (which incorporates SANBI's portion and a larger portion of land owned by the City of Cape Town) is jointly managed by SANBI and the City of Cape Town, whereas the Tinie Versfeld Wildflower Reserve is managed by Kirstenbosch staff, with the support of local BotSoc members.

The Pretoria National Botanical Garden, officially opened in 1958, was managed by the former Botanical Research Institute (BRI) until amalgamation in 1989, when it was brought under the control of the newly formed National Botanical Institute (NBI), as South Africa's eighth national botanical garden.

Site location

Experience has shown that while most of the existing NBGs are well located, some are not. Most of the gardens were developed on property that became available either by personal bequest or donation from municipalities, for the purpose of the establishment of a botanical garden, and in several cases were not established on optimal sites.

NBGs with perennial water running through the properties include Harold Porter, Kirstenbosch, Lowveld, KwaZulu-Natal and Walter Sisulu. Free State NBG has water flowing through the garden only occasionally during the summer rainy season from November to March/April. Pretoria and Karoo Desert NBGs neither have perennial water sources in their gardens and this is a major limiting factor in

both cases as municipal (additional expense) or borehole water has to be used for irrigation purposes. Moving a botanical garden from one site to another is often not a viable option due mainly to the expense involved. It has, however, been done twice before in the history of the national botanical gardens. The Karoo Desert NBG was moved from its original position at Whitehill near Matjiesfontein to Worcester in 1946, 25 years after the garden had been established. A combination of drought, a new national road and little public support, especially during the Second World War, forced the National Botanic Gardens in 1946 to vacate the Whitehill site and re-establish the Karoo Garden in Worcester, where it was officially opened on 25 September 1948. Three years after its inception, the Drakensberg and Eastern Free State Botanic Garden near Harrismith was moved 29 km from its original site in Major's Drift to Waterworks Valley at the foot of the Platberg to ensure a reliable water supply (Hawkins 1970).

Gardens expansion

Although Prof. Rycroft was successful in establishing NBGs in each of the then four provinces of South Africa (Cape Province, Orange Free State, Transvaal and Natal) at the time, he continued to explore the options of establishing other 'regional gardens'. In the National Botanic Garden's Annual Report of 1971/2, Prof. Rycroft indicated having had various discussions concerning new regional botanical gardens. These included the following:

- Zululand Botanic Garden (at the mouth of the Umlalazi River)
- Eastern Cape Botanic Garden (in the Baakens River Valley)
- Northern Cape Botanic Garden (on the banks of the Vaal River at Riverton)
- Vaal River Catchment Botanic Garden (Woody Island and surrounding islands in the Vaal River near Parys)
- Highveld Botanic Garden (close to Krugersdorp; now the Walter Sisulu NBG)
- Oudtshoorn Botanic Garden (created to house succulents from the Swartberg and Outeniqua Mountains).

In an Addendum to the minutes of the National Botanic Gardens EXCO Meeting held on 7 August 1974, Prof. Rycroft said the following:

"It would be unwise to try to give the ultimate number of regional gardens; as the population increases the need for more gardens will expand. To supplement the existing gardens, at least another eight to ten are required to satisfy the need to have gardens where there are large concentrations of people, or in important centres.

Negotiations have already commenced and may be in an advanced stage for the following gardens:

- | | |
|---------------------|--|
| • Port Elizabeth: | <i>Eastern Cape Botanic Garden</i> |
| • Krugersdorp: | <i>Transvaal Botanic Garden</i> |
| • East London: | <i>Kaffrarian Botanic Garden</i> |
| • Kimberley: | <i>Griqualand West Botanic Garden</i> |
| • Pietermaritzburg: | <i>Natal Forest Botanic Garden</i> |
| • Durban: | <i>Mangrove and Coast Botanic Garden</i> |
| • Oudtshoorn: | <i>Southern Cape Botanic Garden</i> |
| • Phalaborwa: | <i>Bushveld Botanic Garden</i> |
| • Graskop: | <i>Transvaal Forest Botanic Garden</i> |
| • Vryheid: | <i>Northern Natal Botanic Garden.</i> |

In addition, negotiations are taking place for the establishment of a KwaZulu Botanic Garden on the northern banks of the Umlalazi River at Mtunzini. Although negotiations have not been commenced, it

is desirable that botanic gardens should be established also in the Northern Transvaal [now Limpopo Province], the Knysna Forest Region, the Cape West Coast and one, or possibly two, in South West Africa [now Namibia].

It is impossible at this stage to provide a final list of possible new gardens. Our policy in the future could be largely dictated by township development schemes and generous offers of suitable sites.”

Of the possible gardens listed by Prof. Rycroft in 1974, apart from the Transvaal Botanic Garden (that shortly after its official opening in 1982 was renamed the Witwatersrand NBG and on 16 March 2004 renamed the Walter Sisulu NBG), the only option that was pursued into the 1980s and early 1990s was that of a botanical garden in the Eastern Cape. In the NBG's Annual Report of 1982, two gardens were listed as being possible in the Eastern Cape: one in Port Elizabeth (Baakens River Valley) and the other in East London. Both the Port Elizabeth and East London City Councils agreed to make an annual financial contribution (which would be subject to review from time to time) towards the establishment and maintenance of the respective gardens (Note: the practice of local municipalities each making direct annual financial contributions to support South Africa's national botanical gardens ceased after South Africa's first democratic elections were held in 1994). During the second half of the 1980s, when Prof. Kobus Eloff succeeded Prof. Rycroft as the organisation's fourth Director, the following statement, published in the June 1988 edition of *Veld & Flora*, was made by the Board: "The NBG should grow in usefulness and not necessarily in size, e.g. by developing fewer gardens more intensively rather than more gardens at a lower level" (Eloff 1988).

The 1991/1992 edition of the NBI's Annual Review had the following to say about the establishment of a National Botanical Garden in the Eastern Cape:

"The NBI has been approached on many occasions over the past 20 years concerning the establishment of another National Botanical Garden in Port Elizabeth – specifically at Settlers' Park – for which detailed plans and proposals were submitted by a team of our senior horticultural staff. However, the combined factors of continued controversy, both from various organisations and the Port Elizabeth public, and severe financial constraints, make it impossible for the NBI to accept this undertaking. The matter may be reconsidered at a later date, should all factors involved appear more favourable."

The matter of an additional garden being added to the network of National Botanical Gardens was last listed in the 1992/1993 Annual Review, where it states: "A further NBG has been proposed for Port Elizabeth, but despite several top level meetings, funding is unlikely to be forthcoming in the foreseeable future."

New gardens: 2007 to 2015

The 10 national botanical gardens managed by SANBI are currently located in seven of South Africa's nine provinces, namely Northern Cape (one; Nieuwoudtville), Western Cape (three; Cape Town, Betty's Bay and Worcester), Free State (Bloemfontein), KwaZulu-Natal (Pietermaritzburg), Mpumalanga (Nelspruit), Gauteng (two; Pretoria and Roodepoort/Mogale City) and Eastern Cape (East London; co-managed with the Eastern Cape Parks & Tourism Agency).

The farm Glenlyon Estates (see Willis (2007) and Willis, Marinus & Rust 2010) was purchased by SANBI in October 2007 in order to establish SANBI's ninth national botanical garden, the Hantam National Botanical Garden, near Nieuwoudtville in the Northern Cape Province. This Garden was formally gazetted on 12 December 2008. Due to the incredible diversity and density of indigenous bulbs, Nieuwoudtville's biodiversity is of international significance and it is often referred to as 'the bulb capital of the world'. The new national botanical garden comprises large natural patches of renosterveld fynbos and succulent karoo vegetation, including many range-restricted or endemic species. The

national botanical garden in Nieuwoudtville in the Northern Cape provides an important conservation area which should be used by SANBI to promote nature-based tourism, the conservation of the area's unique biodiversity, environmental education opportunities and long term ecological research in this botanical hotspot of global significance.

On 25 July 2014 the 160 ha Kwelera Nature Reserve was declared in East London, Eastern Cape, by the DEA Minister, as the Kwelera National Botanical Garden in terms of NEMBA. Prior to the garden being declared, SANBI had signed a Memorandum of Agreement (MoA) with the Eastern Cape Parks & Tourism Agency (ECPTA) to co-manage the 160 ha natural coastal dune forest and grassland with ECPTA as the natural portion of the garden. In March 2016, SANBI completed the acquisition of an additional 10.48 ha of adjacent land (Farm 1505) to serve as the landscaped/cultivated portion of the garden. This land portion was formally declared by the DEA Minister as an extension to the existing Kwelera NBG in July 2018.

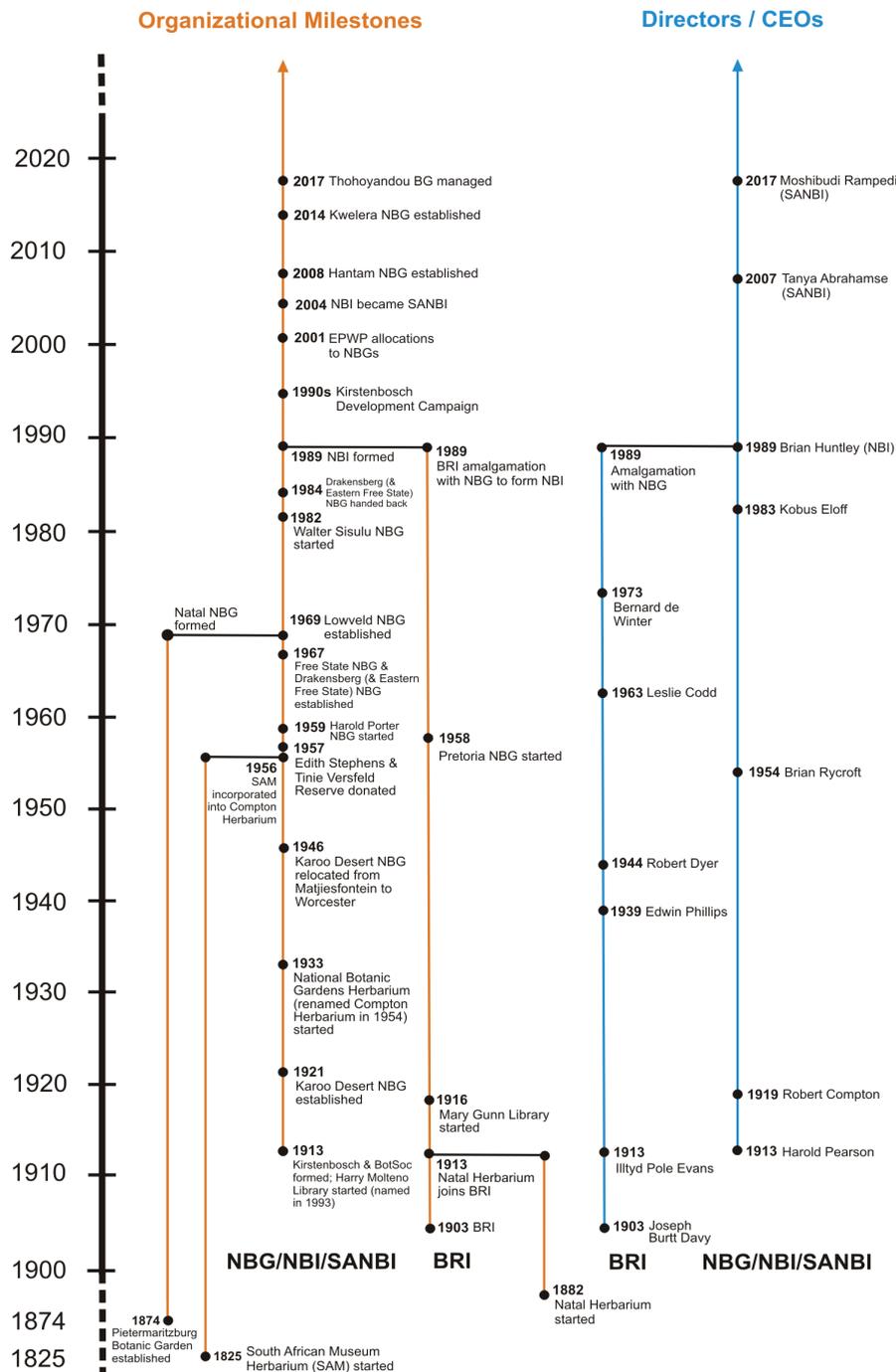
Table 1. Summary of establishment and expansion of South Africa's existing national botanical gardens, spanning a period of more than 100 years.

National Botanical Garden	Year established	Notes
Kirstenbosch (WC)	1913	
Karoo Desert (WC)	1921	garden moved from Whitehill (Matjiesfontein) to Worcester in 1946
Pretoria (GP)	1958	managed by the Botanical Research Institute (BRI), separately from the other national botanical gardens, from 1958 to 1989 (when the National Botanic Gardens (NBG) and BRI amalgamated to form the National Botanical Institute (NBI) on 1 April 1989)
Harold Porter (WC)	1959	
Free State (FS)*	1967	
KwaZulu-Natal (KZN)*	1969	managed by the Natal Botanic Society from 1874 to 1969
Lowveld (MP)*	1969	
Walter Sisulu (GP)	1982	
Hantam (NC)	2008	
Kwelera (EC)	2014	
Harold Porter (WC) extension	2017	adjacent erf 5562 (1.3616 ha) declared as an extension to the existing Garden
Kwelera (EC) extension	2018	adjacent Farm 1505 (10.48 ha) declared as an extension to the existing Garden

*The sequence of four new national botanical gardens (Drakensberg and Eastern Free State (no longer a national botanical garden), Free State, KwaZulu-Natal and Lowveld) being established within a period of three years in the late 1960s was a direct result of the increased interest shown countrywide as a result of the Kirstenbosch National Botanical Garden's golden jubilee (50-years; 1913 to 1963) celebrations and activities championed by Prof. Brian Rycroft during 1963.

Annexure 4. Milestones in the establishment and management of SANBI and its national botanical gardens.

SANBI HISTORY– Graphic presentation



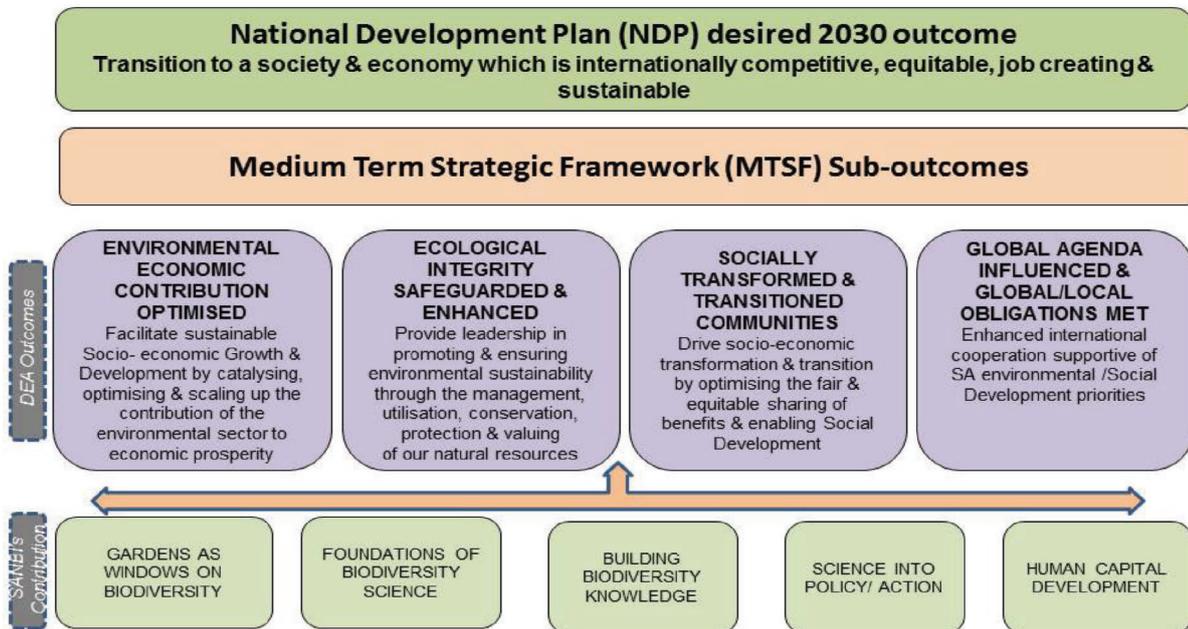
Annexure 5. Areas of South Africa's National Development Plan 2030 that the national botanical gardens support.

- Supporting job creation through use of local businesses and SMMEs
- Being supported by DFFE through infrastructure budget allocations and grants via the expanded public works programme and other national labour-intensive programmes
- Employing staff to manage, develop and maintain the gardens
- Improving the local tourism product offering to visitors
- Maintaining and expanding the garden-based tourism infrastructure
- Expanding tourism partnerships
- Improving the energy-efficiency of buildings (as set out in the South African National Standard 204) and promoting energy saving
- Aiming for a zero-carbon building standard by 2030
- Infrastructure investment should give priority to ICT and "green infrastructure"
- Gardens supporting municipalities in promoting local arts, culture and heritage
- Supporting education, training and innovation
- Improving the transition to a low-carbon economy and the use of renewable energy
- Supporting and promoting local and regional economic development
- Maintaining, expanding and developing public-private partnerships
- Providing opportunities to support environmental education of learners and teachers
- Avoiding maintenance and refurbishment backlogs
- Promoting the gardens as green urban spaces
- Improving the quality of office and staff accommodation
- Investing in information and communication technology (ICT) infrastructure
- Providing opportunities to support tertiary horticultural and nature conservation students
- Promoting active lifestyles and health awareness
- Building safer communities
- Investing in continuous skills training for workers and managers
- Assisting in transforming society and promoting a united, prosperous, non-racial, non-sexist and democratic South Africa
- Supporting the cooperation with, development and management of, other botanical gardens in the Southern African Development Community (SADC) region and across Africa
- Supporting South Africa's employment equity plan
- Supporting social integration.

While SANBI contributes to a number of the critical actions outlined in the plan, it makes a direct contribution to Critical Action 7 regarding interventions to ensure environmental sustainability and resilience to future shocks. SANBI is also guided by the 2014-2019 Medium Term Strategic Framework (MTSF) which provides a 5-year building block towards the 2030 vision of the National Development Plan. The MTSF sub-outcomes include:

- **Sub-outcome 1:** Ecosystems are sustained and natural resources are used efficiently
- **Sub-outcome 2:** An effective climate change mitigation and adaptation response
- **Sub-outcome 3:** An environmentally sustainable, low-carbon economy resulting from a well-managed just transition
- **Sub-outcome 4:** Enhanced governance systems and capacity
- **Sub-outcome 5:** Sustainable human communities

Outlined below is a summary of SANBI’s contribution to DFFE outcomes and government priorities:



Annexure 6. Extract from NEMBA (2004) that clearly specifies details regarding the declaration and amendment or withdrawal of national botanical gardens.

NATIONAL BOTANICAL GARDENS

Declaration

33. (1) The Minister, acting with the approval of the Cabinet member responsible for the administration of the land in question may, by notice in the Gazette, declare any state land described in the notice as a—

- (a) national botanical garden; or
- (b) part of an existing national botanical garden.

(2) The Minister, acting in accordance with an agreement with the owner of the land described in that agreement may, by notice in the Gazette declare that land as a—

- (a) national botanical garden; or
- (b) part of an existing national botanical garden.

(3) A notice in terms of subsection (1)(a) or (2)(a) must assign a name to the national botanical garden.

(4) The sites described in Schedule 1 to the Forest Act, 1984 (Act No.122 of 1984), must be regarded as having been declared as national botanical gardens in terms of this section.

Amendment or withdrawal of declarations

34. (1) The Minister may, by notice in the Gazette—

- (a) amend or withdraw a notice referred to in section 33, subject to subsection (2); or
- (b) amend the name assigned to a national botanical garden.

(2) The declaration of state land as a national botanical garden, or part of an existing national botanical garden, may not be withdrawn and a part of a national botanical garden on state land may not be excluded from it except by resolution of each House of Parliament.

Annexure 7. SANBI criteria used for establishing new national botanical gardens

Based on the experience of the SANBI, national botanical gardens should ideally be strategically positioned according to most of the following criteria (see Willis & Huntley 2004):

Community support

- linked to an active local branch of the Botanical Society of South Africa
- supported by the local community and civil society

Services

- with a perennial river(s) flowing through the property
- with a suitable water supply
- with a reliable supply of electricity and sewerage lines

Horticultural potential

- with suitable areas of arable soil for the landscaped portion of the garden

Landscape

- includes varying topography, slopes, environmental conditions and microclimates

Accessibility

- SANBI may allow, regulate or prohibit access by the public to the national botanical garden
- close to (within 20 km of) a major urban centre
- within a 30 km catchment area of at least 250,000 people
- easily accessible to staff and potential visitors from major road routes

Biodiversity

- includes a large area of relatively undisturbed natural habitats/vegetation representative of at least some of the main vegetation type(s) of the province, with the area's associated indigenous biodiversity (plants and animals) and ecological interactions

Land

- land should be available on a 99-year lease to SANBI, sold or transferred to SANBI
- current land owners are willing to lease, sell or transfer the land
- existing botanical gardens (in provinces where there are no national botanical gardens) or nature reserves under either private, university or state ownership, as well as other protected areas, will be reviewed as potential sites for the establishment of new national botanical gardens
- state land under the provincial Department of Public Works must be transferred to the national Department of Public Works (as national functions cannot be performed on provincial land) and the management vested in SANBI
- land should not comprise geographically separated areas but should form a single portion of land
- if land portions comprising a garden are owned by different entities (e.g. SANBI/Department of Public Works), they should be adjacent to one another.

Education and Research

- easily accessible to educational and research institutions.

Size and potential room for expansion in the future should be additional factors to consider in assessing possible sites.

Annexure 8. Types of botanical gardens as defined by Botanic Gardens Conservation International (BGCI)(Wyse Jackson & Sutherland 2000).

1. 'Classic' multi-purpose gardens

Institutions with a broad range of activities in horticulture and horticultural training; research, particularly in taxonomy with associated herbaria and laboratories and public education and amenity. They are generally state supported.

2. Ornamental gardens

Often very beautiful establishments with diverse plant collections that are documented. Some are privately owned and many municipal gardens fall into this category.

3. Historical gardens

Include the earliest gardens developed for the teaching of medicine; some were established for religious purposes.

4. Conservation gardens

Developed in response to local needs for plant conservation. Contain, or have associated areas of, natural vegetation in addition to their cultivated collections. Included in this category are indigenous plant gardens, which only cultivate plants from their surrounding region or national flora. Most conservation gardens play a role in public education.

5. University gardens

Many universities maintain botanic gardens for teaching and research. Many are open to the public.

6. Combined botanical and zoological gardens

Are currently reassessing the roles of their botanical collections. Plant collections are being researched and developed that provide habitats for the displayed fauna, and interpretation of these habitats to the general public is an important element.

7. Agro-botanical and germplasm gardens

Function as an ex situ collection of plants of economic value or potential for conservation, research, plant breeding and agriculture. Several are experimental stations associated with agricultural or forestry institutes and contain associated laboratory, plant breeding and seed testing facilities but many are not open to the public.

8. Alpine or mountain gardens

Are most frequently found in mountainous regions of Europe and some tropical countries. They are specifically designed for the cultivation of mountain and alpine flora. Some alpine and mountain gardens are satellite gardens of larger lowland botanic gardens.

9. Natural or wild gardens

Contain an area of natural or semi-natural vegetation, which is protected and managed. Most are established to play conservation and public education roles and includes areas where native plants are grown.

10. Horticultural gardens

Are often owned and maintained by horticultural societies and open to the public. They exist primarily to foster the development of horticulture through the training of professional gardeners, plant breeding, registration and conservation of garden plant varieties.

11. Thematic gardens

These specialise in growing a limited range of related or morphologically similar plants or plants grown to illustrate a particular theme generally in support of education, science, conservation and public display. These include orchid, rose, Rhododendron, bamboo and succulent gardens or gardens established on such themes as ethnobotany, medicine, bonsai, topiary, butterfly gardens, carnivorous plants and aquatics.

12. Community gardens

Are generally small gardens with limited resources, developed for, and by, a local community to fulfil its particular needs, such as recreation, education, conservation, horticultural training, and the growth of medicinal and other economic plants.

Annexure 9. Criteria developed by SANBI for partnering with other botanical gardens.

Gardens partnering and being associated with SANBI's national botanical gardens should fulfil at least most of the following criteria:

- Promote biodiversity research
- Promote plant conservation/restoration programs
- Promote environmental education/awareness programs
- Be accessible and open to the public
- Make biodiversity information available to visitors through interpretation (labels, brochures, publications, display boards)
- Promote biodiversity awareness
- Promote local heritage/cultural awareness
- Have a Vision/Mission/and Business Plan/Model compatible with SANBI's mandate
- Promote the cultivation, display and long-term maintenance of local/regional indigenous South African plants and collections
- Promote plant collections of wild origin
- Be committed to staff development, training and capacity development
- Be committed to eradication of alien invasive plants on their estates
- Be committed to generating new biodiversity knowledge through research and strategic partnerships
- Be committed to promoting sustainable development practices
- Have an association with, but not necessarily supported financially by, the Botanical Society of South Africa and other relevant environmental NGOs
- Be committed to promoting the conservation and awareness of wildlife on the estate
- Encourage and support the inclusion of historically disadvantaged stakeholders/communities.

Annexure 10. Key targets and risks associated with the National Botanical Gardens Expansion Strategy 2019-2030.

PROVINCE	2030-TARGET	ACTIONS	ASSUMPTIONS
Eastern Cape	10.48 ha of SANBI land adjacent to the Kwelera NR/NBG declared as an extension to the existing Kwelera National Botanical Garden and to be used as the landscaped/cultivated area of the garden. Farm 1505 (10.48 ha) of SANBI land was declared as an extension to the existing Kwelera NBG by the DEA Minister on 13 July 2018 (notice no.705 was published in the Government Gazette No. 41766).	Kwelera NBG is in the process of being developed. Continue collaboration with Eastern Cape Parks & Tourism Agency (ECPTA) Site for a botanical/demonstration garden representing the flora of the Indian Ocean Coastal Belt Biome should be sought in either the Eastern Cape or KwaZulu-Natal Provinces.	Sufficient funds are provided by DFFE for the establishment and operations of the Kwelera NBG
Free State	No immediate priority for expansion		
Gauteng	Expanded network of associated botanical gardens	Consider expanding the Walter Sisulu NBG to incorporate populations of the threatened Albertina Sisulu Orchid, <i>Brachycorythis conica</i> subsp. <i>transvaalensis</i>. Consider establishing MoUs with existing botanical gardens in the province (e.g. University of Pretoria, Johannesburg Botanical Garden)	Other gardens in the province are willing and interested to become associated gardens
North West	Establish new national botanical garden and associated botanical gardens in the province	In consultation with provincial authorities and SANBI's biodiversity planning units, establish a preferred site for new national botanical garden Determine funding source(s) for the new garden Support sought from national, provincial and local authorities and conservation agencies Consider establishing MoU with North-West University Botanical Garden (Potchefstroom) and other gardens in the province (e.g. Lost City Botanical Garden, Sun City)	Suitable site for the new garden can be found Funds are available for establishing and managing new garden Other gardens in the province are willing and interested to become associated gardens

KwaZulu-Natal	Establish a botanical/demonstration garden in Indian Ocean Coastal Belt Biome	Establish linkages with iSimangaliso Wetland Park and/or Ezemvelo KZN Wildlife Find a suitable site for a botanical/demonstration garden representative of the Indian Ocean Coastal Belt Biome in either the Eastern Cape or KwaZulu-Natal. Formal agreement established with the organisation responsible for managing the conservation area	A mutually agreeable management arrangement can be established between SANBI and either ECPTA, iSimangaliso Wetland Park or Ezemvelo KZN Wildlife A suitable site can be found to establish a botanical/demonstration garden that can display living collections of plants indigenous and endemic to the Indian Ocean Coastal Belt Biome
Limpopo	Establish new national botanical garden in Thohoyandou Services Agreement signed between SANBI and LEDET in 2017. SANBI took over responsibility for management of the Thohoyandou Botanical Garden in July 2017. New SANBI staff appointed to manage the garden.	Resolution by the DRDLR of the Mphaphuli Land Claim Finalise management arrangements with the Mphaphuli Community linked to land claim Formal name agreed for the national botanical garden and national botanical declared by the DFFE Minister	A mutually agreeable management arrangement can be established between SANBI and the Mphaphuli land claimants Suitable funding is available for appointing new SANBI personnel, and developing and improving the existing Thohoyandou Botanical Garden
Mpumalanga	No immediate priority for expansion		
Northern Cape	Establish a botanical/demonstration garden in the Desert Biome Collaboration established through a formal Memorandum of Understanding (MoU) signed in May 2018 between SANBI and SANParks for the establishment of the Richtersveld Desert Botanical Garden at Senderlingsdrift Camp in the Richtersveld National Park	Develop and sign a Collaboration Agreement with SANParks for the joint management of the proposed Richtersveld Desert Botanical Garden at Senderlingsdrift Camp in the Richtersveld National Park	SANParks supports the establishment of the Richtersveld Desert Botanical Garden in the Richtersveld National Park A mutually agreeable Collaboration Agreement can be formalised between SANBI and SANParks
Western Cape	Expansion of Harold Porter NBG to the coastal high water mark. The Intention to Declare this land portion as part of the Harold Porter NBG was published by the Minister on 20 November 2015. The DEA Minister declared, on 9 June 2017	Develop a Management Agreement with WWF-SA for incorporation of erf 3007 (1.15 ha) into the natural estate portion (conservation estate) of the Garden. Request DFFE to have the DFFE Minister formally	Support from local municipality (Overstrand Municipality), Kogelberg Branch of the Botanical Society of SA and local residents

	<p>(Government Gazette No. 40898, no. 541), under section 33(1)(b), erf 5562 (1,3616 ha in size) as an extension to the existing Harold Porter National Botanical Garden, Betty's Bay, Overstrand Municipality. The total area of the Harold Porter NBG is now 201.86 ha.</p> <p>Additional contract workers sourced to manage and maintain the Dawidskraal River catchment area above and below Clarence Drive.</p>	<p>declare erf 3007 as an extension to the existing Harold Porter NBG.</p>	
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**LEGAL PRACTICE COUNCIL
NOTICE 707 OF 2020**

NATIONAL OFFICE
Thornhill Office Park
Building 20
94 Bekker Street
Vorna Valley, Midrand
1686
Tel: 010 001 8500



Date: 2 December 2020

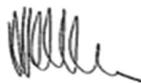
**THE SOUTH AFRICAN LEGAL PRACTICE COUNCIL
APPLICATION FOR ACCREDITATION TO PRESENT PRACTICAL VOCATIONAL
TRAINING STRUCTURED PROGRAMMES**

The Legal Practice Council has approved the Norms and Standards Guidelines for Accreditation as a Training Service Provider. Any institution or training provider wishing to become accredited to offer training for 2021 must complete the application form, attach all supporting documents, and submit the application on or before 15 December 2020.

The applications will be considered by the Education, Standards and Accreditation Committee in January 2021, and approved at the Council meeting of 23 January 2021. Applicants will be informed of the outcome of the application following this Council meeting.

Please send your application to melissam@lpc.org.za or deliver/courier the documents to
Building 20, Thornhill Office Park
94 Bekker Road
Midrand
Jhb 1684

SIGNED AT MIDRAND THIS 2nd DAY OF DECEMBER 2020



Ms Kathleen Dlepu Matolo-Dlepu
Chairperson: Legal Practice Council

EXECUTIVE COMMITTEE: Ms Kathleen Matolo-Dlepu (*Chairperson*) | Adv Anthea Platt SC (*Deputy Chairperson*) |
Adv. Greg Harpur SC | Ms Trudie Nichols | Mr Lutendo Sigogo | Mr Jan Stemmett | Adv. Ghandi Badela
Executive Officer: Ms Charity Nzuza



**THE NORMS AND STANDARDS
APPROVED BY THE LEGAL PRACTICE
COUNCIL**

**APPLICATION FOR
ACCREDITATION AS A
PRACTICAL VOCATIONAL TRAINING
SERVICE PROVIDER**

LEGAL PRACTICE COUNCIL

APPLICATIONS FOR ACCREDITATION TO PRESENT THE PROGRAMME OF STRUCTURED COURSE WORK FOR PRACTICAL VOCATIONAL TRAINING

MANDATE OF THE LEGAL PRACTICE COUNCIL

VISION

Our vision is of a South Africa in which all South Africans have access to law and justice at an affordable fee, which in turn will contribute to improving the quality of life of all South Africans and the building of a peaceful, prosperous and democratic society where it matters not whether one is rich or poor because the courts are open to all.

MISSION

To provide legal practitioners and candidate legal practitioners in the legal profession with adequate training programmes as contemplated in the Legal Practice Act 28 of 2014.

MANDATE

The vision for the transformation of the legal profession is set out in the preamble to the Legal Practice Act. Central to this vision is the building of a legal profession that is broadly representative of the demographics of South Africa and that grasps the intellectual and professional challenges facing South Africans in the 21st century and meets the needs of legal practitioners and the development needs of our society and economy.

The building of such a system necessitates, among other things, the promotion of high standards of legal education and training, compulsory post-qualification professional development, continuing legal education and trial advocacy training not only in public universities, but also in organisations and institutions accredited by the Legal Practice Council: such courses need to be accessible and sustainable training courses for law graduates aspiring to be admitted and enrolled as legal practitioners having due regard to our inherited legacy and the aspirations of the new constitutional dispensation.

The accreditation of training institutions and organisations applies only to those which offer training programmes that contribute to the qualification of legal practitioners and candidate legal practitioners. Accreditation means that an institution or organisation is granted the legal authority to offer duly accredited programmes.

The aim of accrediting training institutions and organisations is to ensure that-

- (a) all accredited institutions and organisations offer a high quality of legal education as determined by the norms and standards applied by the Legal Practice Council;
- (b) all such institutions and organisations provide accessible and sustainable training of law graduates aspiring to be admitted and enrolled as legal practitioners;

- (c) all accredited institutions and organisations have the resources, capacity and expertise to deliver accredited programmes;
- (d) all accredited institutions and organisations will develop programmes in order to empower historically disadvantaged legal practitioners, as well as candidate legal practitioners; and,
- (e) the system continues on a path of transformation in accordance with the design of the Legal Practice Act and complementary government policy and regulation.

Accreditation can be seen as a means of protecting the integrity of the legal system and the interests of the public and the Constitution of the Republic of South Africa, 1996.

Chapter 2 of the Legal Practice Act deals specifically with training organisations and institutions. The Regulations for the accreditation of such institutions, of which this guide and the application form are an appendix, provide the legal framework within which the Legal Practice Council is required to regulate the accreditation of private institutions.

EXPLANATORY NOTE FOR APPLICATION FOR ACCREDITATION

The Council has considered the comments by the legal profession concerning the Norms and Standards published on 3 April 2020 in Government Gazette 43192. The Norms and Standards are the draft Guidelines for any application for accreditation to be made to the Council to present the practical vocational training.

Accordingly, the Council has adopted the amendments published in this Government Gazette. Applicants are requested to take note of the following three matters in particular.

First, the Council will accept applications for accreditation from natural and juristic persons, trusts, voluntary associations, non-profit organisations and non-governmental organisations.

Second, the Council will accept applications for accrediting a cluster of courses, or for courses dedicated to training candidate legal practitioners as attorneys, or referral advocates or non-referral advocates or for any combination thereof and will also consider applications for training candidate legal practitioners in all three forms of legal practice contemplated in section 34 of the Legal Practice Act. Applicants are requested to modify the Application Form at Tables 01, 02 and 03 to suit their preferred accreditation.

Third, the Council will accept applications for accreditation of courses where the applicant has not developed the course material itself but has obtained course material lawfully from any other relevant training institution.

GUIDELINES

Introduction

1. These are the guidelines for prospective applicants desiring to apply for accreditation to the Legal Practice Council (“the Council”).
2. All interested parties must apply for accreditation to the Council to present the practical vocational training (“PVT”) structured programmes for the year 2021 and thereafter. Those parties who have already received accreditation for the year 2020 must treat such accreditation as valid only for the year 2020. Accreditation henceforth will be valid for three years and must be renewed thereafter. The Council may withdraw accreditation at any time should an applicant fail to abide by the terms of accreditation.

The Guidelines

3. The purpose of these guidelines is to assist applicants to apply for accreditation. The guidelines are the following:
 - 3.1. In **Part A** the application process is set out: this includes the prescribed forms to be completed. Part A commences with the logistical requirements and contains the minimum standards applicants have to meet.
 - 3.2. The logistical requirements stipulated by the Council will be subject to verification and inspection by officials from the Council.
 - 3.3. Applicants must submit their course material for accreditation. The Council provides minimum standards and guidelines for teaching and training methods.
 - 3.4. In **Part B** the required curriculum and details of the course work are set out. Applicants must comply with the structured course work approved by the Council.
 - 3.5. The Council will approve or reject the applicant’s curriculum and course content. Applicants must comply with the Council’s norms and standards set out below.

PART A

Logistical Requirements

4. All applicants will have to meet the following requirements:
 - 4.1. There must be a comfortable teaching and learning environment;
 - 4.2. There must be a venue capable of accommodating the number of candidates the applicant wishes to train;
 - 4.3. The venue may be used as a moot court; this is not a compulsory requirement.
 - 4.4. The venue may accommodate break-away rooms for candidates to work on case studies. This is not a compulsory requirement;
 - 4.5. There must be reasonable access to basic textbooks and relevant legislation;
 - 4.6. There must be reasonable access to the internet for research purposes;
 - 4.7. The venue may be fitted with data projectors and screens with audio facilities; This is not a compulsory requirement;
 - 4.8. A computer room may be established to assist candidates to use technology;
 - 4.9. There should be access to refreshments;
 - 4.10. Ablution facilities must be provided;
 - 4.11. A rest area may be provided.

Site Visits

5. Applicants are informed that the Council will conduct site visits, upon reasonable notice to the training institution, to verify that minimum standards are met.

Training and Teaching Personnel

6. The Council will require that all teaching and training personnel be drawn from the ranks of experienced legal practitioners, lecturers and trainers. Applicants will be required to provide details of the number of trainers and facilitators to be deployed. All trainers and facilitators are expected to meet the norms and standards published by the Council. Minimum standards for teaching methods are stated below in Part B.

Non-Refundable Fee

7. Applicants will be expected to pay the following fees, in terms of the Rules:
 - 7.1. A non-refundable fee to be paid on application for accreditation; and
 - 7.2. A non-refundable fee to be paid on renewal of accreditation;
 - 7.3. The fee payable on application for accreditation is R 5 000 and must accompany the application. Absent payment, the application will not be processed.
 - 7.4. The fee payable for any renewal is R 2 500 and must accompany applications for renewal of accreditation.
 - 7.5. All fees will be subject to review by the Council.

Application Form

8. Applicants should complete the Application Form after having read these Guidelines. The Application Form is a separate document appended at the end of the Guidelines. See the document entitled APPLICATION FOR ACCREDITATION AS A TRAINING INSTITUTION (*In terms of s 6(5)(g) of the Legal Practice Act 28 of 2014*).

PART B

Curriculum and Structured Course Work

9. All applicants are required to provide details of the structured course work to be offered to candidate legal practitioners. The following is expected:
 - 9.1. A full description of every course on offer with details of the course content;
 - 9.2. Applicants must present their course materials and manuals. Course materials may be written by the applicants or lawfully obtained from any other training institution.
 - 9.3. Applicants must present a timetable for their part of the PVT programme, indicating the required hours of study and how those hours are earned. There must be an indication of how many hours of class study, case studies, independent study and on-line study are proposed.
 - 9.4. The applicant is expected to provide a brief and clear statement of what the candidate can expect to achieve on successful completion of each course (outcomes).
 - 9.5. Applicants must satisfy the Council that they can comply with the norms and standards. The Council may assess the teaching methodology.

Guidelines for Teaching Methods

10. The following are the basic guidelines for teaching and training candidate legal practitioners (“candidates”) in the PVT programme and optional programmes. This is not an exhaustive list: applicants are encouraged to develop their own training methods. Please note: The Council does not expect applicants to redo the LLB.
 - 10.1. An appropriate and well-managed presentation; reading to candidates from books and legislation serves no practical purpose;
 - 10.2. Instructors must remain relevant to the content being dealt with;
 - 10.3. Instructors must focus on the candidates’ understanding of the concepts and how to apply this in practice;
 - 10.4. Instructors should engage candidates by asking questions and calling for comment: candidates need to be encouraged to ask questions and participate;
 - 10.5. Instructors need to impress upon candidates that any drafting assignments be carried out without assistance and without the use of precedents;
 - 10.6. The course must be subdivided into appropriate units, lessons or modules;
 - 10.7. A sequential exposition is a must, with new material building on previous material;
 - 10.8. The use of a variety of approaches, including summaries, visual material and illustrative examples to illuminate particular concepts is encouraged;
 - 10.9. All instructors are to make candidates aware of recent judgments and amendments to legislation; and
 - 10.10. The inclusion of clear instructions to guide candidates through the material.
 - 10.11. Applicants must produce an assessment questionnaire for candidates who must complete the questionnaire at the end of each course.

Fees for Training the PVT Programme

11. Applicants who intend to charge fees for attendance at PVT programmes must disclose the amount in their application. **Proposed fees are subject to Council approval.**

Accreditation for Coursework

12. Applicants may apply for accreditation to provide the PVT programme. Applicants may also apply to provide the specialised courses in addition to the PVT programme or one or combination of the specialised courses.

- 12.1. The following is a list of such specialised courses:

- Trial Advocacy
- Legal Writing
- Drafting commercial contracts
- Accounts management
- Business practice and management
- Wills and estates
- Conveyancing
- Notaries

- 12.2. The courses above are typically three to five-day courses and are intensive. The course content and norms and standards are set by the Council. Applicants are expected to provide full details of the curriculum, coursework and outcomes.

- 12.3. Applicants must disclose the fees for such training in the application: the fees are subject to approval by the Council.

Financial Information

- 13.1 The Council must be satisfied, at least for the period that accreditation is sought, that the applicant is financially capable of sustaining the training programme. The Council will apply a flexible and reasonable assessment of the documentation the applicant presents for accreditation.

- 13.2 Applicants are requested to attach a copy of their lease agreement for the training facilities, or a copy of the Service Level Agreement with the hotel/conference venue where the training will take place, in the event that training is taking place in a physical venue. The Legal Practice Council reserves the right to conduct site visits to ensure the training venue is suitable and minimum standards are met at all times.

Quality Control

14. The Council is mandated to carry out oversight regarding the quality of training provided by applicants. Applicants are informed of the following:

- 14.1 A programme of quality control and oversight measures will be determined by the Council and published to all interested parties.
- 14.2 Applicants will be subjected to regular inspection;
- 14.3 Council staff may attend programmes to assess that minimum standards are being met;
- 14.4 Poor or indifferent quality will result in termination of accreditation.
- 14.5 The Council is committed to continuous improvement. Applicants are encouraged actively to improve course contents and training methods. The Council will release regular notices or newsletters to deal with new training materials and how to deal with changes and updates to the law and practice.

NORMS AND STANDARDS

- 15. Regulations 6(11) and 7(10) require the Council to provide training standardised in terms of norms and standards for the structured PVT coursework. The document, setting out the required norms and standards, is annexed to these Guidelines as Annexure B. All applicants for accreditation are expected to meet such standards.
- 16. Applicants are requested to prepare their applications for accreditation based on the norms and standards published by the Council. Applicants may modify Tables 01, 02 and 03 in the Application Form to suit their own accreditation request.

Certificate of Accreditation

- 17. The Council will issue all successful applicants for accreditation with a certificate of accreditation. The certificate will contain the date of issuance of accreditation and the time period during which the certificate remains valid.

APPLICATION FOR ACCREDITATION AS A TRAINING INSTITUTION

(In terms of s 6(5)(g) of the Legal Practice Act 28 of 2014)

Note: Applicants must consult the document: *A Guide for Completing the Application for Accreditation as a Training Institution*. Applicants may be juristic persons which also include trusts, voluntary associations, non-profit organisations or non-governmental organisations.

SECTION A: ADMINISTRATIVE DATA

1 NAME OF THE APPLICANT:

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2 PARTICULARS OF AUTHORISED CONTACT PERSON OR KEY INDIVIDUAL:

(a) Name:

--

(b) Designation of contact person (e.g. Ms, Mr, Dr, Prof, etc.):

--

(c) Telephone number:

--

(d) Email address:

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3 POSTAL ADDRESS OF THE APPLICANT

Code

4 PHYSICAL ADDRESS AND CONTACT DETAILS OF THE APPLICANT'S MAIN OFFICE

Code
Telephone
E-mail address

5 WEBSITE ADDRESS (if any):

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**SECTION B:
COMPANY, VOLUNTARY ASSOCIATION OR OTHER PERSON**

7 NAME OF THE APPLICANT (same as in Item 1):

8 OFFICIAL TRADING NAME, ABBREVIATION, ACRONYM OR TRANSLATION (if applicable):

9 TYPE OF JURISTIC PERSON (if a voluntary association –*universitas personarum* – attach its constitution):

10 COMPANY REGISTRATION NUMBER/IDENTITY NUMBER (if applicable):

11 PARTICULARS OF THE MANAGEMENT

(a) CHIEF EXECUTIVE OFFICER OR HEAD OF THE TRAINING INSTITUTION

(i) Name

(ii) Title

(iii) Identity number (passport number and citizenship if not South African)

(iv) Telephone number including cellular phone number, if available

(b) NAMES AND IDENTITY NUMBERS OF ALL THE APPLICANT'S CURRENT DIRECTORS OR KEY INDIVIDUALS

Surname & Initials	Title	Designation	Identity Number or Passport number

12 TAX AND BUSINESS REGISTRATION DETAILS

(a) VAT Registration Number (if applicable):

(b) Income Tax Number (if applicable):

13 APPLICANT'S PROPOSED TUITION FEES

Tuition fees of the Training Institution	Are fees to be charged?		Amount	LPC check
	Yes	No		
Tuition fees for the whole course	State the amount of the fee for the whole course			
Tuition fees for each course charged separately	State the amount of the fee per course			

14 PAYMENT OF THE NON-REFUNDABLE LPC FEE FOR THE ACCREDITATION APPLICATION/RENEWAL APPLICATION

	Payment to the Legal Practice Council	Date paid	LPC check
Application for whole course accreditation	R 5,000.00		
Application for renewal	R 2,500.00		
Application for select courses accreditation	Amount to be determined by the LPC		
Application for renewal	Amount to be determined by the LPC		

SECTION C: PARTICULARS OF LEARNING PROGRAMMES
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- 15 Table 01: Programmes submitted to the LPC for accreditation in terms of the Legal Practice Act:** On 26 October 2019 the LPC approved the Norms and Standards of the course content set out below in the left column of Table 01. Regulations published in GG No. 41879 on 31 August 2018 concerning legal practitioners qualifying as attorneys or advocates, with or without fidelity fund certificates – are to be read in conjunction with the approved course content of the practical vocational training programme. To compare the course names, see **Annexure A**.

Name of programme in the Norms and Standards approved by the LPC on 26 October 2019	List of course names	Mode of delivery	Language of instruction	Minimum duration in hours	Contact with students

Taking Instructions and Obtaining a Mandate	1					Full-time	Part-time
Plain language Writing and Analytical Thinking	2						
Drafting Legal Documents – Pleadings & Motions	3						
Ethics for legal Practitioners	4						
Civil Procedure & Trial Advocacy	5						
Criminal Court Practice & Trial Advocacy	6						
Insolvency practice	7						
Drafting of Contracts	8						
Matrimonial Matters & Divorce	9						
Delictual Claims Including Personal Injury Claims	10						
Legal Practitioners Accounts Management	11						
Labour Dispute Resolution	12						
Alternative Dispute Resolution	13						
Wills and Estates	14						
Introduction to e-commerce and application of ECTA including the use of electronic signatures	15						
Basic Business Transactions							
Business Rescue							
Constitutional law	16						
Legal Technology (Online)	17						
Introduction to practice management (Online)	18						
Introduction to Cyber law (Online)	19						
Customary Law (Online)	20						
Numeracy skills training	21						
Legal Costs	22						

Table 02: Optional courses

The table below may be modified by the Applicant.

Name of programme (see Guide)	Section and Rules	Mode of delivery	Language of instruction	Minimum duration in hours	Contact with students	
					Full-time	Part-time
Trial advocacy training programme	Five-day course (40 hours)					
Advanced drafting course	Five-day course (40 hours)					

Table 03: Proposed sites for programme delivery/website

The table below may be modified by the Applicant.

20 ANNEXURE C: Accounting course. Norms and Standards approved by the Legal Practice Council on 26 October 2019 – Amendment to regulations pending

**SECTION F:
DECLARATION**

I, _____ declare that this application and the documents and electronic documents submitted as evidence in part of this application are the rightful property of the training institution/are duly contracted/licenced to the training institution. I accept the terms and conditions of the application and grant permission to the Legal Practice Council to proceed with the invoicing and evaluation of this application.

SIGNATURE

DATE

ANNEXURE A: HOW TO UNDERSTAND THE APPROVED PROGRAMME NAMES

Table A shows the PVT courses from the perspective of the LPC approval dated 26 October 2019.
Table B shows the PVT courses from the perspective of Regulation 6 (candidate attorneys) and Regulation 7 (pupils).

TABLE A

Name of programme in the Norms and Standards approved by the LPC on 26 October 2019	List in Annex B	Names in regulations	Regulation section numbers	Names in regulations	Regulation section numbers
Taking Instructions and Obtaining a Mandate	1				
Plain language Writing and Analytical Thinking	2				
Drafting Legal Documents – Pleadings & Motions	3	Legal writing and drafting	7(9)(g)		
Ethics for legal Practitioners	4	Professional legal ethics	6(10)(b)	Professional conduct & legal ethics of advocates	7(9)(f)
Civil Procedure & Trial Advocacy	5	High Court practice	6(10)(d)	Advocacy skills, including trial & motion court proceedings & attendance of court proceedings	7(9)(b)
		Magistrate’s Court practice	6(10)(e)	Civil procedure	7(9)(d)
Criminal Court Practice & Trial Advocacy	6	Criminal Court practice	6(10)(f)	Criminal procedure	7(9)(e)
Insolvency practice	7				
Drafting of Contracts	8	Drafting of contracts	6(10)(m)		
Matrimonial Matters & Divorce	9	Matrimonial law	6(10)(k)		
Delictual Claims Including Personal Injury Claims	10	Personal injury claims	6(10)(c)		
Legal Practitioners Accounts Management	11	Attorneys’ bookkeeping	6(10)(i)	For pupils intending to be admitted as advocates referred to in section 34(2)(b) of the Act, bookkeeping as contemplated in regulation 6(10)(i)	7(9)(a)

Labour Dispute Resolution	12	Labour dispute resolution	6(10)(g)		
Alternative Dispute Resolution	13	Alternative dispute resolution	6(10)(h)	Alternative dispute resolution	7(9)(c)
Wills and Estates	14	Wills and estates	6(10)(j)		
Introduction to e-commerce and application of ECTA including the use of electronic signatures	15				
Constitutional law	16	Constitutional practice	6(10)(a)	Constitutional law & Customary law	7(9)(h)
Legal Technology (Online)	17				
Introduction to practice management (Online)	18	Introduction to practice management	6(10)(o)		
Introduction to Cyber law (Online)	19	Information & communication technology for practice, and associated aspects of cyber law	6(10)(n) 7(9)(i)		
Customary Law (Online)	20				
Numeracy skills training	21				
Legal Costs	22	Legal costs	6(10)(l)		
Trial advocacy training programme	23 25(3)(a)(i) Rule 19				
Post-qualification professional development	5(h), 6(1)(a)(ix), & (5)(e),(g)				
Continuing education and training	6(5)(e)				

TABLE B

Name of programme in the Regulations	Regulations Reg 6 listed from (10)(a) to (o) with Reg 7 integrated into the sequence of Reg 6.	Name of programme in the Norms and Standards approved by the LPC on 26 October 2019	List in Annex B
		Taking Instructions and Obtaining a Mandate	1
		Plain language Writing and Analytical Thinking	2
		Insolvency practice	7

		Introduction to e-commerce and application of ECTA including the use of electronic signatures	15
		Legal Technology (Online)	17
		Customary Law (Online)	20
		Numeracy skills training	21
Constitutional practice	6(10)(a)	Constitutional law	16
Constitutional law & Customary law	7(9)(h)	Constitutional law	16
		Customary Law	20
Professional legal ethics	6(10)(b)	Ethics for legal Practitioners	4
Professional conduct & legal ethics of advocates	7(9)(f)	Ethics for legal Practitioners	4
Personal injury claims	6(10)(c)	Delictual Claims Including Personal Injury Claims	10
High Court practice	6(10)(d)	Civil Procedure & Trial Advocacy	5
Advocacy skills, including trial & motion court proceedings & attendance of court proceedings	7(9)(b)	Civil Procedure & Trial Advocacy	5
Magistrate's Court practice	6(10)(e)	Civil Procedure & Trial Advocacy	5
Civil procedure	7(9)(d)	Civil Procedure & Trial Advocacy	5
Criminal Court practice	6(10)(f)	Criminal Court Practice & Trial Advocacy	6
Criminal procedure	7(9)(e)	Criminal Court Practice & Trial Advocacy	6
Labour dispute resolution	6(10)(g)	Labour Dispute Resolution	12
Alternative dispute resolution	6(10)(h)	Alternative Dispute Resolution	13
Attorneys' bookkeeping	6(10)(i)	Legal Practitioners Accounts Management	11
For pupils intending to be admitted as advocates referred to in section 34(2)(b) of the Act, bookkeeping as contemplated in regulation 6(10)(i)	7(9)(a)	Legal Practitioners Accounts Management	11
Wills and estates	6(10)(j)	Wills and Estates	14
Matrimonial law	6(10)(k)	Matrimonial Matters & Divorce	9
Legal costs	6(10)(l)	Legal Costs	22
Drafting of contracts	6(10)(m)	Drafting of Contracts	8
Legal writing and drafting	7(9)(g)	Drafting Legal Documents – Pleadings & Motions	3
Information & communication technology for practice, and associated aspects of cyber law	6(10)(n) 7(9)(i)	Introduction to Cyber law (Online)	19
Introduction to practice management	6(10)(o)	Introduction to practice management (Online)	18

ANNEXURE B

(formerly Annexure D in GG 43192 of 3 April 2020, now amended)

PROGRAMME OF STRUCTURED COURSE WORK

NORMS AND STANDARDS : REGULATIONS 6 (11) AND 7 (10)

(Published in Government Gazette 41879 on 31 August 2018 under section 109 (1)(a) of the Legal Practice Act 28 of 2014)

Subject and curriculum	ALL FORMS OF LEGAL PRACTICE SECTION 34	Outcomes	Remarks	Minimum contact hours
<p>1 <u>Taking Instructions and Obtaining a Mandate</u></p> <p>Content: This course starts with FICA and CPA compliance. An explanation why a client is entitled to an estimate of fees and disbursements. Reference to tariffs of fees and templates for making fee assessments. How to prepare for a first consultation. How to conduct a first consultation. How to contextualise a client's problem. How to arrange follow up consultations. The importance of first obtaining all the relevant facts. How to obtain relevant documentation. How to listen to a client without interrupting. How to ask relevant questions to bring out the facts. How to structure questions. Why leading questions must be avoided. When to write letters and when not to write letters. How much detail to include in a letter and what type of detail. An introduction on how to carry out legal research.</p> <ul style="list-style-type: none"> o Where to find the law. o How to find the law quickly. o How to use annotations effectively. 	Expected Outcomes	<p>The candidate must understand the following:</p> <p>a) What to do to prepare for a first consultation with a potential client.</p> <p>b) What are the basic compliance requirements?</p> <p>c) How to carry out the first interview or consultation.</p> <p>d) How to go about taking instructions. How to obtain the relevant facts.</p> <p>e) Techniques in carrying out a consultation.</p> <p>f) An understanding of applied research as opposed to academic research.</p> <p>g) How to use the available research tools.</p> <p>How to do research in an effective and efficient manner.</p>	<p><u>Note to Trainer</u></p> <p>This module contemplates training on a practical level.</p> <p>Candidates must know what to do, why we do it and how to do it.</p> <p>An assessment of the candidates will take place through both formative and summative assessments.</p> <p>Candidates will have to score a minimum of 50% to pass an assessment.</p>	8
				2
				10

			Minimum contact hours	Assignments	Notional hours
<ul style="list-style-type: none"> o How to use electronic Law reports. o What is meant by: “the best statement of the law is to be found in the most recent decision of the highest court.” 			8	3	11
<p style="text-align: center;">ALL FORMS OF LEGAL PRACTICE SECTION 34</p>					
<p>2 Plain Language Writing and Analytical Thinking</p> <p>Content: A sensitive assessment of English language competency needs to be done. What is plain language writing: why plain language is relevant to lawyers: and, how to achieve writing in plain language. A short course on writing skills to cover grammar, syntax, sentence construction, punctuation and vocabulary. Assistance with comprehension skills. Introduction of a compulsory reading programme. All candidates are required to read at least one book, of their own choice, per month throughout the period of the PVT contract. Principals and pupil masters must ensure compliance. Candidates must be encouraged to write on their own without copying and pasting from office precedents.</p> <p>Problem Solving</p> <ul style="list-style-type: none"> o An explanation of how to analyse a legal problem. o How to think like a lawyer. o How to apply logic. o How to find solutions to legal problems. o Critical thinking: o What is critical thinking? o How to apply critical thinking. o The object is to develop application of cognitive skills. o How to apply the law to the peculiar facts of 	<p>Expected Outcomes</p> <p>The ability to write well is an essential skill. The following is expected of candidates:</p> <ul style="list-style-type: none"> a) Candidates must write in plain English on their own. They must not become slaves to precedents. b) After the PVT contract is completed, there must be a demonstrable improvement in the candidate’s literacy skills. c) During PVT contracts, candidates must be encouraged to develop a culture of reading and writing. d) Candidates must demonstrate the ability to write as a lawyer without <i>sounding</i> like one. Candidates must not use jargon or “legalese”. e) Candidates must understand how to approach a legal problem. They must grasp that the facts are the most important: only then should one consider the law. f) An understanding of how to gather the known facts and analyse them is an essential skill. g) The candidate must understand that first the facts have to be obtained, then the matter can be contextualised as to the area of the law that is applicable. h) Candidates have to understand that any legal solution must be supported by the facts of the case. 	<p>Note to Trainer</p> <p>The module is extremely important: an effort has to be made to improve literacy skills amongst candidates. Principals and pupil masters must be aware of their roles in this.</p> <p>An experienced English teacher must present the plain English writing module. The module must have writing and reading assignments from the outset: one book per month.</p> <p>Principals and pupil masters must monitor candidates from the outset. Assessment of writing skills needs to take place throughout the PVT contract.</p> <p>The final assessments will include the ability to write.</p> <p>Experienced practitioners (at least seven years’ experience in practice or a comparable level of expertise) must explain the concept of how to understand a legal problem: how to analyse and contextualise the problem. Then follows the method of finding answers for a client with reference to the facts and the law.</p> <p>Writing involves thinking. There is a method in this. Candidates must apply their minds before putting pen to paper. This must be taught during the first month of the PVT contract.</p> <p>NB: Candidates cannot expect to pass exams and assessments if they are unable</p>			

to write properly due to poor literacy skills.	Minimum contact hours	Assignments	Notional hours
<p>one's case.</p> <p>o Facts first: law second.</p> <p>3 Drafting Legal Documents – Pleadings and Motions</p> <p>Content:</p> <p>Managing Facts:</p> <p>a) How to obtain relevant facts.</p> <p>b) What are the sources of fact.</p> <p>c) Obtaining documents including electronic documents. How to preserve documents.</p> <p>d) Obtaining witness statements.</p> <p>e) Carrying out <i>in loco</i> inspections if necessary: how to record the evidence.</p> <p>f) How to obtain and preserve relevant exhibits: what exhibits are.</p> <p>g) The explanation above is required before any papers are drafted.</p> <p>Analysing Fact.</p> <p>a) Candidates must understand what to do after gathering the facts.</p> <p>b) Candidates must learn, at the outset, to sequence all the facts and documents.</p> <p>c) Candidates must be able to analyse facts on the basis that only relevant facts must be retained and presented at a hearing; only facts that are admissible, in terms of the rules of evidence, can be relied on. Further, candidates must understand that any version of facts they intend to rely on, must be probable in relation to the circumstances of the case.</p> <p>d) Candidates must learn, early in their careers, that they cannot go to court with a version that is improbable or implausible.</p> <p>e) Candidates must be able to work out that there are facts which support their own client's</p>	<p>ALL FORMS OF LEGAL PRACTICE SECTION 34</p> <p>Expected Outcomes</p> <p>Candidates will know the following:</p> <p>a) Candidates must understand the skills listed in the content column. They are not expected to be expert drafters already.</p> <p>b) Candidates must be able to recognise the procedures and be able to assist in dealing with cases under the supervision of principals and pupil masters.</p> <p>c) Candidates will be subjected to both formative and summative assessments.</p> <p>d) Candidates will know how to analyse three sets of affidavits in motion matters.</p> <p>e) Candidates will know how to grasp findings of facts on affidavits, including the <i>Plascon-Evans</i> test.</p> <p>f) Candidates will know how to bring an interdict [as part of the case studies].</p>	<p>Note to Trainers</p> <p>Note: for this module we expect the trainers to have at least 7 to 10 years of practical experience or a comparable level of expertise in all areas of dispute resolution and litigation in particular.</p> <p>When assessing assignments, assist by correcting the faults and ask the candidate to redraft; in this way there will be some skills transfer.</p> <p>Remember to explain managing facts before allowing candidates to start drafting pleadings.</p> <p>Explain that the sequence of facts forms the crux of chronologies needed in terms of Directives in many Courts.</p> <p>Emphasise the importance of drafting pleadings without using a precedent.</p> <p>We recommend using case studies to assist candidates to understand the test whether to proceed by way of motion or action.</p> <p>Explain a referral to evidence and a referral to trial. In each case use a case study of how such referrals are drafted.</p> <p>Emphasise that candidates draft on their own without the assistance of a precedent.</p>	

<p>version of what actually happened; and that there will be facts that do not support their client's version.</p> <p>f) Candidates must understand that carrying out such an analysis is the only way for lawyers to understand the facts of their client's case.</p> <p>g) Merely reading witness statements and documents is of no value. Nor is it of any value merely to accept a version on the basis that "those are my instructions"; one must carry out an objective fact analysis first.</p> <p><u>Working out the case concept (or theory of your case)</u></p> <p>a) What happened according to your client's version of the facts?</p> <p>b) What are the issues, factual and legal, that emerge from the facts?</p> <p>c) What are you going to tell the judge at the hearing?</p> <p>d) What version are you going to present in your papers?</p> <p>e) How will you present evidence?</p> <p>f) Who will be the witnesses and what documents will you need?</p> <p>g) How will you run the case from pleadings to final argument?</p> <p>h) This process has to be applied before any papers are drafted.</p> <p><u>Working out the cause of action or defence</u></p> <p>a) There must be a comprehensive explanation, using case studies, of how one takes a set of facts and works out what your client's cause of action or defence is. Look to the case concept and the applicable law. Do not draft papers without first undertaking this step.</p> <p>b) Candidates must understand the meaning of the elements of one's cause of action or defence and where and how to find those elements in</p>	<p>Explain the method of drafting with reference to Rules 18 and 22 of the Uniform Rules of Court.</p> <p>Use case studies to assist candidates to draft all causes of action.</p> <p>Assignments can be submitted on e-learning platforms. Trainers must assess each assignment.</p> <p>Explain the lay-out of pleadings with proper paragraph numbering, appropriate spacing, font types, use of headings and point first drafting.</p> <p>Explain what is meant by a pleading that is vague and one that does not disclose a cause of action.</p> <p>Explain that in a plea there must be a response to the plaintiff's facts and that evasive drafting is not tolerated. They are not to draft bare denials without setting out their client's version.</p> <p>Explain a "Special Plea", when it is used and how it is drafted.</p> <p>Use case studies and get the candidates to draft on their own.</p> <p>Explain the purpose of founding, answering and replying affidavits.</p> <p>Online Drafting exercises and case studies will have to be completed.</p>	
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<p>the peculiar facts of your case and with reference to the law.</p> <p>c) Candidates must know how to recognise and formulate a cause of action and defence before any drafting commences.</p> <p>d) The object is for candidates to understand this method instead of consulting a precedent first.</p> <p><u>Deciding what procedure to use Action / Application</u></p> <p>a) Candidates must understand the test whether to proceed by way of action or motion.</p> <p>b) Candidates must understand the main differences between actions and applications.</p> <p>c) Refer to the Uniform Rules of Court and practice directives.</p> <p>d) What is meant by a dispute of fact: how does one test a set of facts?</p> <p>e) Candidates must know what happens in court when an application cannot be adjudicated on the papers.</p> <p><u>Drafting pleadings</u> (including how to get to your first rough draft)</p> <p>a) Candidates must draft on their own without the assistance of a precedent.</p> <p>b) Candidates must read and understand rules 18 and 22 of the Uniform Rules.</p> <p>c) Candidates must know how to draft particulars of claim and a plea.</p> <p>d) Candidates must draft causes of action in contract, delict, divorce and unjust enrichment. The focus must be on contract and delict.</p> <p>e) Candidates must do assignments for formative assessments.</p> <p>f) Candidates must grasp the lay-out of pleadings with proper paragraph numbering, appropriate spacing, font types, use of headings and point first drafting.</p> <p>g) No pleading may be vague: each pleading must</p>					
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<p>disclose a cause of action.</p> <p>h) A plea must comply with Rule 22 of the Uniform Rules. Bare denials are not allowed. Candidates must plead their client's version, which, if proved, will amount to a defence to plaintiff's claim.</p> <p>i) Candidates must be able to draft a Special Plea and to know when and how to draft a Special Plea.</p> <p><u>Drafting Notices of Motion and three sets of affidavits</u></p> <p>a) Candidates must learn the different types of notices of motion and when each is used. This must include a long form notice of motion, a short form notice of motion and a Two-Part notice of motion.</p> <p>b) Candidates must know when and how each of the three types is used.</p> <p>c) Candidates must learn to draft founding, answering and replying affidavits.</p> <p>d) Candidates must know the required lay-out of each of the affidavits with reference to the requirements in the Uniform Rules and directives.</p> <p>e) Candidates must know how to index and paginate court files.</p>	<p>ALL FORMS OF LEGAL PRACTICE SECTION 34</p>				Notional hours
		Minimum contact hours	Assignments		

		Note to Trainer	6	0	6
	ALL FORMS OF LEGAL PRACTICE SECTION 34	We provide for six days of training	36	6	42
<p>4 Ethics for legal Practitioners</p> <p>Content: A single contact session as well as Ethics for Legal Practitioners needs to be incorporated into the introduction to each module recommended in this programme.</p> <p>Candidates must be aware of the ethical requirements for all types of practitioner.</p> <p>Details of course content The seven universal ethical principles.</p> <p>Universal ethical principles</p> <ol style="list-style-type: none"> 1 honesty 2 trustworthiness 3 loyalty 4 respect for others 5 adherence to the law 6 doing good and avoiding harm to others 7 accountability <p>The current Code of Conduct of 29 March 2019:</p> <p>Section 3 of the general provisions in the Code of Conduct requires attention.</p> <p>Section 56 The scope and limits of legitimate cross-examination are particularly important.</p>	<p>Expected Outcomes</p> <ol style="list-style-type: none"> a) Candidates will know the seven universal ethical principles that apply to all professions. b) Candidates will know any specific rule in the Code of Conduct that applies to any module. c) Candidates will be able to apply the Code of Conduct applicable to all branches of the legal profession, be it attorney, advocate or advocate with a trust account. d) All candidates will understand and know the provisions of section 3. e) All candidates will be able to apply section 56 of the Code when doing the Trial Advocacy programme and in the summative assessment of the open book exam. <p>The universal ethical principles text is from https://www.iaa.govt.nz/for-advisers/adviser-tools/ethics-toolkit/professional-ethics-and-codes-of-conduct/</p>	<p>The content of the course must be uniform for all candidate legal practitioners.</p> <p>Currently the regulations and the Code of Conduct provide for three types of legal practitioner. So, the candidate must be aware of the ethical requirements for all three.</p> <p>The summative assessment must be an open book exam. Candidates must have open book access to the Code of Conduct and relevant regulations during the assessment.</p> <p>Candidates will answer questions based on applying the Code.</p> <p>Only the seven ethical principles set out in the first column must be memorised by rote.</p>	6	0	6
<p>5 Civil Procedure and Trial Advocacy</p> <p>Content: There is a substantial overlap in the Uniform Rules of Court and Magistrates' Courts Rules. Candidates must have knowledge of the rules in both courts. The differences must be highlighted. In particular the difference in powers and functions regarding the Magistrate's Court.</p>	<p>Expected Outcomes</p> <p>Candidates must understand the process and procedures in taking a matter to trial from pleadings to hearing.</p> <p>The purpose is to ensure that candidates</p>	<p>Note to Trainers</p> <p>What follows is part of the Trial Advocacy programme. For purposes of this PVT programme we expect the various disciplines to be dealt with in a programme which can be included within</p>	36	6	42

<p>Candidates must be made familiar with Practice Directives in both the High Court and Magistrate’s Court. Candidates must know where to find the directives and how they are applied.</p> <p>The following must be dealt with: <u>Mediation</u> The impact of and compliance with Rule 41A of the Uniform Rules of Court</p> <p><u>Contingency Litigation:</u> What is contingency litigation and how to decide whether to take a matter on contingency? What are the rules and how to charge contingency fees? What do courts say about contingency litigation?</p> <p><u>Case management:</u> What is Case Management, and how to apply it in your practice and in court proceedings. Candidates must learn that modern day litigation is less adversarial and more cooperative with the object being to resolve disputes quickly and at a reasonable cost. Candidates must know how to refer a matter to case management, the process and procedures in case management.</p> <p><u>Certification:</u> Candidates must understand how the trial certification process works. In particular that a judge will require the parties to agree and record the triable issue/s.</p> <p><u>Trial Preparation:</u> Candidates must understand that there is a duty on a practitioner to settle a matter at any stage. The earlier the matter gets settled, the better.</p> <p>Candidates must acquire the following skills:</p>	<p>understand the practical steps required to be taken and how to prepare for a trial.</p> <p>Candidates will know how to set down a matter for trial.</p>	<p>the high court and magistrates court practice and procedure. The minimum hours must be achieved. This course is not to be confused with the five-day advanced course that we recommend for those practitioners who want to appear in court trials and applications. That advanced course is dealt with separately, below. The instruction method is practical: this requires the use of case studies. Advocacy is a performance skill: so, trainers are expected to give demonstrations. This can also be included in a moot court programme.</p> <p><u>Note to Trainers</u> Since instruction is of a practical nature, trainers must use case studies so that candidates can actually carry out various tasks or see how they are done. The trainers for this module must have at least 7 to 10 years’ experience or a comparable level of expertise in dispute resolution.</p> <p>Instruction must be given about the process and procedures in case management and certification process: this must include attending case conferences and certifications with a judge.</p> <p><u>Note to Trainer</u> Explain what is meant by “door settlements” and why our courts are against them. Explain the consequences of making door settlements.</p> <p>Explain that the intended purpose of the pre-trial conference must be achieved; it</p>	
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<ul style="list-style-type: none"> o How to analyse pleadings. o How to determine triable issues. o How to limit the issues for trial. o How to initiate case conferences for certification and for trial readiness. o How to do pre-trial conferences, and how to draft the agenda. o How to carry out a proof analysis. Candidates must understand what is meant by “proof of a fact” and how to discharge the onus. o How to carry out witness and documentation analysis. o How to prepare chronology documents. <p><u>Discovery:</u></p> <ul style="list-style-type: none"> o Candidates must understand latest Developments on how to obtain, preserve and present relevant documentation including Electronic Documents. o Candidates must understand the concept of narrow discovery and proportionality. o Candidates must know how to prepare trial bundles. This must include the importance of sequencing. <p><u>How to Attend Pre-Trial Conferences and Case Conferences:</u></p> <ul style="list-style-type: none"> o Candidates must understand the purpose of these conferences and how that purpose can be achieved. <p><u>Trial Procedure</u> Requirement of practice notes for the court. When are these notes expected to be filed and what are the contents?</p> <p><u>The content</u> Before proceeding with this programme, candidates must be made aware of their Case Concept, how they intend to proceed with the hearing and discharge the</p>	<p>is not merely a step requiring compliance.</p> <p>Explain that once the issues are settled, candidates have to consider how they will go about proving their client’s version.</p> <p><u>Note to Trainer</u> This will include an explanation of case conferencing with judicial officers. Explain how to prepare for a case or pre-trial conference.</p> <p>Explain the purpose of practice notes.</p> <p>Explain how a typical set of heads of argument is laid out.</p> <p>Trainers explain how to draft heads of argument.</p>	
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<p>onus.</p> <ul style="list-style-type: none"> o Witness briefing. Candidates must know how to prepare a witness for court appearances. o Opening Statement. o Leading a witness in chief. o Cross examination. o Re-examination. o Presenting argument. <p>Note: this is part of the trial advocacy programme. These skills will be split up as separate modules which will be incorporated into and presented as part of the civil procedure programme. Different instructors can be used.</p> <p><u>Heads of Argument.</u></p> <ul style="list-style-type: none"> o When are heads required. o What is meant by “main heads of argument”. o What are Short heads and Comprehensive heads. o How to draft heads of argument 	<p>ALL FORMS OF LEGAL PRACTICE SECTION 34</p> <p><u>Expected Outcomes</u></p> <p>Candidates will understand the process involved in conducting a criminal matter, from obtaining the charge sheet to final argument.</p> <p>In particular candidates must have a practical understanding of what is entailed with regard to: Bail: Chapters 9 and 10 of the CPA. Section 35(1)(f) of the Constitution, 1996. The charge: ss 80 to 104 of the CPA The plea: ss 105 to 122 of the CPA How pleas are drafted (form and content) and plea and sentence agreements Conduct of proceedings: ss 144 to 146 and Chapter 22 of the CPA Discharge applications at the close of the</p>	<p><u>Note to Trainers</u></p> <p>This module contemplates training on a practical level. So, avoid repeating the university lectures on criminal procedure.</p> <p>Candidates are expected to attend criminal trials and bail applications in the Magistrate’s Court and High Court during the duration of the PVT contract. Use case studies and demonstrate what happens in court.</p> <p>The trial advocacy component can be incorporated into the trial advocacy training for the High Court.</p>	<p>Minimum contact hours 12</p>	<p>Assignments 4</p>	<p>Notional hours 16</p>
<p><u>6 Criminal Court Practice and Trial Advocacy</u></p> <p><u>Content:</u> Candidates must know the peculiar requirements in a criminal trial thus:</p> <p><u>Course Content</u></p> <ul style="list-style-type: none"> o How to obtain and analyse the charge sheet and docket. o How to take instructions and obtain your client’s version. o How to obtain witness statements and ensure witness presence in court. o How to do plea bargaining. o How to do bail applications. o How to plead effectively, including when to make a Plea explanation. 					

			Minimum contact hours	Assignments	Notional hours
<ul style="list-style-type: none"> o How to attend trial and pre-trial conferences. o How to cross-examine state witnesses. o How to present your client's version to a state witness. o How to lead evidence in chief including the decision to call your client as a witness. o How to present argument o How to present sentencing options and evidence in mitigation. <p>Note: the court craft here will also be a module of Trial Advocacy.</p>	<p>State's case: section 174 of the CPA</p> <p>Competent verdicts: Chapter 26 of the CPA</p> <p>Sentencing: Chapter 28 and 29 of the CPA</p> <p>Appeals and reviews: Chapters 30 and 31 of the CPA (sections 302-324)</p>	<p>Despite the admonition to avoid repeating the LLB, trainers may verify whether candidates can apply the rules of evidence such as:</p> <p>Confirmation or cautionary rules in regard to:</p> <p>Single witnesses:</p> <p>Section 208 of the CPA;</p> <p>Evidence of identification:</p> <p>Complaints in matters of a sexual nature: children;</p> <p>Confessions:</p> <p>Section 209 of the CPA; and</p> <p>Accomplices</p>	12	4	16
<p>7 Insolvency practice</p> <p>Content:</p> <p>How to bring an:</p> <p>Application for sequestration both:</p> <ul style="list-style-type: none"> - Voluntary and - Compulsory <p>Liquidation and,</p> <p>Business rescue.</p> <p>Application for Rehabilitation.</p> <p>Discussion of the relevant provisions of the Insolvency Act and Companies Act. Candidates must understand the effect of a sequestration of a person's estate and the effect of the winding up of a juristic person. Candidates are not expected to run meetings of creditors. That experience is gained inhouse while in practice with senior lawyers.</p> <p>Blended learning: made up of contact sessions + online work.</p>	<p>ALL FORMS OF LEGAL PRACTICE SECTION 34</p> <p>Expected Outcomes</p> <p>The candidate will be able to:</p> <ol style="list-style-type: none"> a) Draft a notice of motion for each type of application, be it liquidation or sequestration. b) Draft the founding affidavit for each type of application so that the allegations contain all the basic compliance requirements. c) Understand the difference between friendly and voluntary applications for sequestration. d) Understand the effect of sequestration on the insolvent's property. e) Find the applicable law concerning the winding-up and liquidation of companies. f) Be able to apply the relevant practice directives. 	<p>Note to Trainer</p> <p>The course requires formative assessments while candidates get used to drafting the notices of motion and founding affidavits.</p> <p>Summative assessments need to be open book exams in the sense that candidates have access to the Insolvency Act 24 of 1936, the Companies Act 71 of 2008 and Chapter XIV of the Companies Act 61 of 1973.</p> <p>The summative assessment must establish whether the candidate can produce a valid application: it must not rehash the LLB degree.</p>	12	4	16

		Minimum contact hours	Assignments	Notional hours
	ATTORNEYS AND NON-REFERRAL ADVOCATES			
	<u>Expected Outcomes</u>			
<p>8 <u>Drafting of Contracts</u></p> <p><u>Content:</u></p> <ul style="list-style-type: none"> o General techniques in drafting a commercial contract: o Obtaining instructions: o The basic provisions for effective contracts: o The structure of a contract (international best practice): o How to use commercial precedents. o How to draft the standard boilerplate provisions. o How to draft transactional provisions. o Where relevant, questions of basic compliance must be addressed. o Introduction to due diligence. 	<p>Candidates must understand that drafting a contract involves much more than merely reaching for a precedent.</p> <p>Understanding the transaction is of vital importance followed by due diligence.</p>	12	3	15
			<p><u>Note to Trainer</u></p> <p>The emphasis must be on how to understand the transaction, then to draft the provisions.</p> <p>There must be a critical method in using precedents. It is not a mere copy and paste exercise.</p> <p>We recommend the use of a case study which will become part of the formative assessment.</p>	
	ALL FORMS OF LEGAL PRACTICE SECTION 34			
	<u>Expected Outcomes</u>			
<p>9 <u>Matrimonial Matters and Divorce</u></p> <p><u>Content:</u></p> <p>Taking instructions in detail.</p> <p>Advice on marriage and its consequences</p> <p>Ante-nuptial contracts</p> <p>Advice on out of community of property with or without the accrual system and marriage in community of property</p> <p>Divorce and its consequences</p> <p>Drafting particulars of claim / defence.</p> <p>Drafting Rule 43 Applications.</p> <p>How to settle matrimonial disputes outside Court.</p> <p>ADR in Family Law.</p> <p>Advice on rights and duties concerning children in a marriage, including:</p> <p style="padding-left: 20px;">Adoptive children:</p> <p style="padding-left: 20px;">Step-children: and,</p>	<p>Candidates must appreciate that all family law matters are dealt with differently. Our courts do not encourage adversarial litigation and expect the parties to cooperate towards a reasonable settlement.</p> <p>These matters must be dealt with in a sensitive and sensible manner. Candidates must be alive to this especially where minor children are involved.</p> <p>The candidate must understand the following:</p> <p>a) How to carry out the first consultation to get all the facts.</p> <p>b) How to advise on marriage, ante-nuptial contracts with or without the accrual</p>	10	6	16
			<p><u>Note to Trainers</u></p> <p>This module must be presented by a practitioner with 7 years or more experience or a comparable level of expertise in all aspects of family law.</p> <p>The course requires formative assessments while candidates get used to drafting pleadings for divorce and Rule 43 applications.</p> <p>Summative assessments need to be open book exams in the sense that candidates have access to the Children’s Act 38 of 2005, and legislation like the Marriage Act 25 of 1961, Recognition of Customary Marriages Act 120 of 1998,</p>	

<p>Children in foster care. How to deal with custody of children. The best interests of the child principle. Maintenance of children and, if applicable, former spouses. A discussion on the judgement in <u>Brownlee v Brownlee</u>. The duty of a practitioner in all family matters to resolve disputes quickly and cheaply. Blended learning: made up of contact sessions + online work.</p>	<p>system, community of property and the consequences of marriage. c) How to advise on divorce and its consequences. d) How to settle matrimonial disputes outside Court and to introduce clients to the idea of settlement through ADR. e) How to draft divorce particulars of claim or defence. f) How to draft Rule 43 applications. g) How to give advice concerning the Children's Act 38 of 2005, especially the Hague Convention. h) How to work out maintenance for children, and where applicable, former spouses. i) How to enforce divorce settlement agreements. j) Able to identify the principle in the Brownlee case.</p>	<p>Civil Union Act 17 of 2006 and Divorce Act 70 of 1979, and all applicable practice directives and practice manuals. Emphasis must be on the application of the law, not rote learning of statutes. 50% is required to pass an assessment. One must assume that candidates dealt in their LLB with the law relating to engagement, the contract of marriage, the formalities required for a valid marriage in terms of the Marriage Act, the Recognition of Customary Marriages Act and the Civil Union Act. Likewise, one assumes the LLB dealt with the Child Care Act 38 of 2005 and the Divorce Act 70 of 1979.</p>	<p>Minimum contact hours 6</p>	<p>Assignments 6</p>	<p>Notional hours 12</p>
<p>10 Delictual Claims Including Personal Injury Claims Content:</p> <ul style="list-style-type: none"> o How to gather & analyse the facts before deciding on a cause of action. o How to work out the cause of action. o How to draft the cause of action (particulars of claim). o How to assess quantum. o Candidates must be familiar with the Uniform Rules of Court and practice directives relating to these claims. o Case studies on RAF claims and medical negligence claims. o How and when to engage an expert and the case management of experts before the matter is allocated a trial date (case management process). 	<p>ALL FORMS OF LEGAL PRACTICE SECTION 34 Expected Outcomes Delictual claims, including personal injury claims are an important part of any litigation practice. Candidates must know how to obtain the facts, contextualise the matter and formulate a cause of action with reference to the facts and the law. Candidates are expected to know that there is a process of "certification" in court which case manages these claims from issue to hearing.</p>	<p>Note to Trainer This module requires a trainer of more than 7 years of practical experience or a comparable level of expertise. It is important for trainers to point out that there are abuses that take place, such as the over-inflation of quantum. Candidates must avoid this and where possible, settle the claim as soon as possible. There should be no "door settlements". In new directives, door settlements may require the legal practitioners to forego</p>	<p>Minimum contact hours 6</p>	<p>Assignments 6</p>	<p>Notional hours 12</p>

	ATTORNEYS AND NON-REFERRAL ADVOCATES	their fees or, worse, pay the fees of the parties.	Minimum contact hours	Assignments	Notional hours
<p>o The impact of Rule 41A of the URC</p> <p>11 <u>Legal Practitioners Accounts Management</u></p> <p>See Annexure “E”</p> <p>Old content:</p> <ul style="list-style-type: none"> o Cash book. o Ledgers. o Transfer Procedures. o VAT. o Section 86 (3) and Section 86 (4) Trust Investments + Rules. o Conveyancing Transactions. o Correspondents Transactions and Accounts. o Trust Banking Accounts. <p>Note that the above is a decades’ old programme, roundly criticised for not serving any useful purpose. It has become outdated and irrelevant.</p> <p>Suggested reviewed programme:</p> <p>First Module</p> <ul style="list-style-type: none"> o How to use accounting software. o Comprehensive training on the management of trust funds and trust accounts – the rules and obligations. o Thorough knowledge of Sections 86 to 91 of the Legal Practice Act. o The rules and requirements of the Fidelity Fund. o Applying for a Fidelity Fund Certificate. <p>Second Module</p> <ul style="list-style-type: none"> o How to manage the finances of one’s practice. o How to manage personal finance. <p>Third Module</p> <ul style="list-style-type: none"> o Introduction to Legal Practice Management 	<p>ATTORNEYS AND NON-REFERRAL ADVOCATES</p> <p>See Annexure “E”</p>	<p>See Annexure “E”</p> <p>Note 01: <u>The Legal Practice Management</u> course is currently undertaken at any time after completion of this course.</p>	<p>30</p>	<p>6</p>	<p>36</p>

		Minimum contact hours	Assignments	Notional hours
<p>12 Labour Dispute Resolution</p> <p>Content: Industrial Relations Framework. Identification of an employee Permanent employees. Temporary employees. Disciplinary Proceedings and Hearings. Dismissals. Bargaining Agents, Forums and Collective Bargaining. Dispute resolution. Labour Relations Act 66 of 1995. Basic Conditions of Employment Act. Employment Equity Act 75 of 1997. Rules for the Conduct of Proceedings in the Labour Court (GN 1665 of 1996: GG 17495 of 14 Oct 1996) Rules for the Conduct of Proceedings in the Labour Appeal Court (GN 1666 of 1996: GG 17495 of 14 Oct 1996)</p>	<p>ALL FORMS OF LEGAL PRACTICE SECTION 34</p> <p>Expected Outcomes</p> <p>The candidate will understand the following:</p> <ol style="list-style-type: none"> How to conduct consultations to get all the facts, especially to obtain a balanced understanding of any dispute between the parties. How to identify an employee. How to identify temporary and permanent employees. How to identify the difference between temporary employees and independent contractors: Chapter IX of the LRA. How to draft a statement of claim into Form 2, Rule 6 Referrals of the Labour Court Rules. How to draft applications into Form 4, Rule 7 Applications of the Rules. Whether a dismissal complies with Chapter VIII and Schedule 8: Code of Good Practice: Dismissal of the LRA. 	12	0	12
<p>13 Alternative Dispute Resolution</p> <p>Content: The impact of Rule 41A of the Uniform Rules of Court Defining and understanding: - what is a conflict. Negotiation. Mediation. Protection of Investment Act 22 of 2015, section 13. Arbitration. Arbitration Act 42 of 1965 and the International Arbitration Act 15 of 2017.</p>	<p>ALL FORMS OF LEGAL PRACTICE SECTION 34</p> <p>Expected Outcomes</p> <p>The candidate must understand the following:</p> <ol style="list-style-type: none"> How to identify a conflict. The differences between negotiation, mediation, arbitration and litigation. The pros and cons of negotiation, mediation, arbitration and litigation. When is mediation appropriate? When does mediation not work? How arbitration differs to litigation. Is arbitration appropriate for organs of state 	6	0	6
	<p>Note to Trainer</p> <p>The course requires formative assessments while candidates draft founding affidavits for the Labour Court, and appeals to the Labour Appeal Court.</p> <p>Summative assessments need to be open book exams in the sense that candidates have access to the Labour Relations Act, the Basic Conditions of Employment Act, and the Employment Equity Act.</p> <p>The summative assessment must establish whether the candidate can produce a valid pleading: it must not rehash the LLB degree.</p>			
	<p>Note to Trainer</p> <p>The course requires formative assessments while candidates engage in case studies.</p> <p>Summative assessments need to be open book exams. Candidates have access to the Arbitration Act, the International Arbitration Act and section 13 of the Protection of Investment Act 22 of 2015.</p>			

	that are audited by the Auditor General?		Minimum contact hours	Assignments	Notional hours
<p>The role of ADR in litigation. The LSSA Manual on Alternative Dispute Resolution.</p>					
<p>14 Wills and Estates</p> <p>Content: Wills.</p> <ul style="list-style-type: none"> o The Wills Act 7 of 1953 o The Trust Property Control Act 57 of 1988. o Drafting Wills. o Taking instructions, what one needs to know to draft a will. Proper consultation. o The role of sound literacy skills. o Interpreting (archaic) Wills. o Drafting Living Wills. o Does the National Health Act 61 of 2003 make provision for a living will? <p>Testate and Intestate Succession. Intestate Succession Act 81 of 1987. Maintenance of Surviving Spouses Act 27 of 1990 Recognition of Customary Marriages Act 120 of 1998 Reform of Customary Law of Succession and Regulation of Related Matters Act 11 of 2009. Administration of deceased estates. Administration of Estates Act 66 of 1965 Estate duty. Estate Duty Act 45 of 1955.</p>	<p>that are audited by the Auditor General?</p> <p>ATTORNEYS AND NON-REFERRAL ADVOCATES</p> <p>Expected Outcomes</p> <p>The candidate must understand the following:</p> <ol style="list-style-type: none"> a) How to conduct a comprehensive consultation with clients before advising on the law of succession and drafting a will. b) How to draft a will. c) How to draft a living will. d) How to apply the Trust Property Control Act to trusts established in a will. e) How to apply the Intestate Succession Act. f) How to apply the Administration of Estates Act from reporting the estate to the final liquidation and distribution account. g) How to apply the Estate Duty Act. h) Candidates must be familiar with the other legislation mentioned in the first column. 	<p>18</p> <p>4</p>	<p>22</p>		
<p>15 Introduction to E- Commerce and application of the Electronic Communications and Transactions Act 25 of 2002, including the use of electronic signatures</p> <p>Content:</p>	<p>ALL FORMS OF LEGAL PRACTICE SECTION 34</p> <p>Expected Outcomes</p> <p>This module is intended to introduce candidates to the ever-changing world of digital technologies and how this impacts on the work</p>	<p>3</p> <p>0</p>	<p>3</p> <p>3</p>		
		<p>Note to Trainer</p> <p>The course requires formative assessments while candidates engage in drafting wills.</p> <p>Summative assessments need to be open book exams.</p> <p>Candidates must have access to the Wills Act, the Trust Property Control Act, the Intestate Succession Act and the Reform of Customary Law of Succession and Regulation of Related Matters Act.</p>		<p>Note to Trainers</p> <p>The trainer for this module must be an experienced practitioner who is routinely involved in digital commerce.</p>	

			Minimum contact hours	Assignments	Notional hours
<p>A discussion on the content of “ECTA”, the Electronic Communications and Transactions Act 25 of 2002.</p> <p>What is an electronic signature? How to deal with these signatures in practice.</p> <p>What is an advanced signature and where is it required in practice?</p> <p>The effect of ECTA on drafting contracts, in particular “non-variation clauses”.</p> <p>The effect on business and legal practice of the internet and cloud technology.</p> <p>An introduction to Block Chain technology and smart contracts.</p>	<p>of practitioners, how clients access legal services and the impact on how contracts are drafted and concluded.</p> <p>It is important for candidates to understand what is meant by an electronic signature and how this impacts on commercial transactions.</p>	<p>ALL FORMS OF LEGAL PRACTICE SECTION 34</p>			
<p>Basic Business Transactions</p> <p>Content:</p> <p>The seven main business transactions.</p> <ul style="list-style-type: none"> o Sale of business o Sale of shares o Lease of immovable property o Employment of an independent contractor o Partnership agreement o Joint venture o Service level agreement <p>Good faith, public policy and legal certainty in drafting contracts.</p> <p>Performance and administration of business contracts.</p> <p>Remedies for breach of contracts.</p> <p>NB. Responsible use of precedents is allowed.</p>	<p>Expected Outcomes</p> <p>The candidate must understand the following:</p> <ol style="list-style-type: none"> a) How to identify the seven main business transactions. b) How to understand the peculiar transaction client is engaged in. c) How to apply the general principles of contract from offer and acceptance to capacity and reciprocal obligations. d) How to negotiate, plan, draft and administer a contract. e) How to weigh key elements of the contract like liabilities and debts, taxes, manageability and business growth with reciprocal obligations (rights and duties). f) When and whether good faith is an element of a contract: implied, tacit, express, or required by law – like case law. 	<p>ATTORNEYS AND NON-REFERRAL</p>			
	<p>This module will not be subject to any summative assessments.</p>				
	<p>Note to Trainer</p> <p>Summative assessments need to be open book exams.</p> <p>The instruction must focus on candidates drafting their own contracts without recourse to precedents insofar as it relates to the transaction.</p> <p>Ensure candidates can understand the difference between a sale and a lease; and a partnership and a joint venture.</p> <p>For a critical comparison of constitutionalism bringing potential uncertainty to contract law, see the article by Judge of Appeal Malcolm Wallis ‘<i>Commercial Certainty and Constitutionalism: Are They Compatible?</i>’ (2016) 133 SALJ 545.</p>				

	hours		hours	Assignments	Notional hours
<p>Business Rescue</p> <p>Content:</p> <p>Definition & purpose of business rescue</p> <p>Definition of financially distressed</p> <p>How to accomplish business rescue</p> <p>Who may object to business rescue and the grounds of objection?</p> <p>How an affected person applies to court for an order placing a company under supervision and commencing business rescue proceedings.</p> <p>How a company may legally dispose of its property while under business rescue.</p> <p>The order of preference of creditors when a company lacks money to meet its debts.</p> <p>Effects of business rescue on contracts: employees, shareholders and directors.</p> <p>Rights of employees during business rescue.</p> <p>Participation by creditors and holders of company securities.</p> <p>Requirements of a business rescue plan.</p> <p>Implementing a business plan.</p> <p>Consequences for failure to implement the plan.</p>		<p>ADVOCATES</p> <p>Expected Outcomes</p> <p>The candidate must understand the following:</p> <ol style="list-style-type: none"> How business rescue in Chapter 6 of the Companies Act is applied. How to assess whether a company is financially distressed. The advantages and disadvantages of business rescue generally. How an affected person applies to court to place a company under business rescue. What is the effect of such an order? How to draft such founding affidavit. How to draft an answering affidavit against business rescue. Who has preference in claims against the company under rescue? The effect on contracts, employees, shareholders and directors. Who has a right to participation in the business rescue proceedings? The requirements of a business rescue plan. How a plan is implemented and the consequences if it is not. 			
<p>16 Constitutional law</p> <p>Content:</p> <p>Introduction to Constitutional law and Customary law. For Customary Law see the online course below at item 20.</p> <p>Constitutional Law:</p> <p>Citation of Constitutional Laws Act 5 of 2005</p> <p>Jurisdiction of our courts to hear constitutional</p>		<p>ALL FORMS OF LEGAL PRACTICE</p> <p>SECTION 34</p> <p>Expected Outcomes</p> <p>The candidate must understand the following:</p> <ol style="list-style-type: none"> How to conduct a comprehensive consultation with clients before advising on the Constitution. How to assess a constitutional issue. How to draft applications in terms of the Rules of the Constitutional Court. How to draft applications for leave to 			
<p>Note to Trainer</p> <p>Summative assessments need to be open book exams.</p> <p>Trainers need to discuss the pros and cons of business rescue and ensure candidates know the extent and effect of the moratorium on legal proceedings and the protection of the company's property interests.</p> <p>Candidates should know the general powers of business rescue practitioners.</p> <p>The rights and duties of the affected persons from employees, directors, shareholders to creditors needs to be understood generally.</p> <p>Finally, the implementation of a business plan must be understood as well as the consequences for default.</p>	6		6	3	9
<p>Note to Trainer</p> <p>Summative assessments need to be open book exams.</p> <p>Candidates must have access to the Constitution, 1996 and the Constitutional Court Rules and the Uniform Rules of Court.</p>					

				Minimum contact hours	Assignments	Notional hours
<p>matters.</p> <p>The 2013 change to the jurisdiction of the Constitutional Court.</p> <p>Introduction to the Rules and Directives in the Constitutional Court.</p> <p>Eleven ways to get to the Constitutional Court.</p> <p>How to enforce Constitutional rights.</p> <p>How to advise clients about their Constitutional rights, duties and obligations.</p> <p>How to apply Chapter 2 of the Bill of Rights and the limitations clause.</p> <p>How to apply the rest of the Constitution in giving advice to clients.</p>	<p>e) appeal to the Constitutional Court.</p> <p>How to explain and give clients advice about the remedies permitted to the Constitution.</p>	<p>Candidates must understand and be able to apply the: Citation of Constitutional Laws Act 5 of 2005 when drafting legal documents.</p>		0	6	6
<p>17 Legal Technology (Online)</p> <p>Content:</p> <p>This module is intended to introduce candidates to the impact of technology on legal practice.</p> <p>Candidates must be aware of how a modern legal practice is set up and what technologies avail practitioners.</p> <p>Candidates must be made aware of how technology has changed the way clients, or consumers, access legal services. This must include how practitioners make use of technology to market their firms and remain relevant to their clients.</p>	<p>ALL FORMS OF LEGAL PRACTICE SECTION 34</p> <p>Expected Outcomes</p> <p>This module represents an introduction to the use of technology in a 21st century law practice.</p> <p>Candidates must understand how technology has changed how consumers access legal services.</p> <p>Candidates must be encouraged constantly to keep up with the changes that flow from the increasing use of technology in our practices.</p>	<p>Note to Trainers</p> <p>All candidates must be introduced to Caselines and how it works.</p> <p>This module must be presented by a practitioner in a practice that makes use of the latest technologies.</p> <p>Trainers must impress on candidates that technology will constantly influence how we work and serve our clients.</p> <p>There will not be any summative assessments of this module.</p>		0	6	6
<p>18 Introduction to practice management (Online)</p> <p>Content:</p> <p>The role of management</p> <p>Organisational behaviour</p>	<p>ATTORNEYS AND NON-REFERRAL ADVOCATES</p> <p>Expected Outcomes</p> <p>This module is vital to candidates who seek eventually to open their own practices.</p>	<p>Note to Trainers</p> <p>This module may be presented by an experienced practitioner who started his or her own practice from scratch.</p>		0	6	6

			Minimum contact hours	Assignments	Notional hours
<p>Business plan Marketing Financial management Administration Risk management Personal management Starting a practice The attorney and insurance</p>					
<p>19 Introduction to Cyber law (Online)</p> <p>Content: Awareness of cyberattacks. Protective risk management strategy. Data response plan. Chapter 1: Technology Chapter 2: Organisational processes Chapter 3: Staff training Responsibility for personal/commercial information. Specific cyber security tips. The future of artificial intelligence as a boon and a threat to legal practitioners.</p>	<p>ALL FORMS OF LEGAL PRACTICE SECTION 34</p> <p>Expected Outcomes Candidates will be able: a) to make adequate decisions about the technology required to sustain a reasonable measure of cybersecurity in the context of a law firm/practice, b) to have a good grasp of the organisational processes involved in a law practice to maintain adequate cybersecurity, and, c) to have an appreciation of what is required to keep all staff in a law practice, in particular – oneself – up-to-date with the essential elements of cybersecurity.</p>	<p>There will not be any summative assessments of this module.</p> <p>Note to Trainer Currently the cybersecurity course is an online course. Summative assessments are done online during the course.</p>	0	6	6
<p>20 Customary Law (Online)</p> <p>Content: Customary law in the context of the Constitution, 1996. The anomaly of the <i>Bhe</i> decision (living versus official customary law) Marriages ito customary law – section 15 of the Constitution</p>	<p>ALL FORMS OF LEGAL PRACTICE SECTION 34</p> <p>Expected Outcomes After having studied this study unit, candidates are able to: a) explain the concept customary law b) differentiate between living customary law and official customary law c) differentiate between customary law and common law</p>	<p>Note to Trainer Currently, the Customary Law course is an online course. Aspects of the course that need to be emphasised are the <ul style="list-style-type: none"> • status of customary marriages • Proprietary consequences of customary marriages and </p>	0	4	4

			Minimum contact hours	Assignments	Notional hours
Recognition of Customary Marriages Act 120 of 1998 Language and culture – section 30 of the Constitution Traditional leadership – ss 211 & 212 of the Constitution Social structure of indigenous communities Succession and inheritance Land and property rights	d) Analyse the significance of customary law in relation to the Constitution e) Give advice about customary law marriages. f) Give advice about inheritance and succession under customary law. g) Give advice about land and property rights.	contractual capacity of spouses and • Communal ownership of land compared with individual ownership Summative assessments are done online during the course.	0	6	6
ALL FORMS OF LEGAL PRACTICE SECTION 34					
21 Numeracy skills training Content: The numerical system Basic symbols and terminology in mathematics Using your calculator Basic calculations Order of calculations Rounding off Substitution into formulae Introduction to fractions Adding and subtracting fractions Multiplying and dividing Fractions, decimals and percentages Percentage increase and decrease Value Added Tax and averages Simple and compound interest Proportional allocation Introduction to ratios Comparing ratios Proportional allocation Apportionment of damages	Expected Outcomes After having studied this study unit, candidates will be able to: a) understand Roman numerals and writing and reading numbers; b) The windows calculator, the ordinary calculator and the scientific calculator; c) Addition, subtraction, multiplication and division; d) Rounding off, fractions and the concept of the lowest common denominator; e) Adding, subtracting, multiplying and dividing fractions. f) Calculating interest and VAT; g) Understand proportions, ratios and proportional allocation; and h) Apportionment of damages.	Note to Trainer Be patient with candidates. There is no exam for numeracy skills. The trainer must be competent in teaching mathematics to adults. There will not be any summative assessments of this module.	0	6	6

	ATTORNEYS AND NON-REFERRAL ADVOCATES		Minimum contact hours	Assignments	Notional hours
<p>22 Legal Costs</p> <p>Content: Section 35(4) of the Legal Practice Act provides that the SALRC must investigate legal costs and report to the Minister within two years. Until then the tariffs determined by the Rules Board for Courts of Law apply. In the interim the content of the module is as follows: The concept of “legal costs” non-litigious matters civil litigious matters Early advice to client and estimate of costs Estimate of fees and disbursements Mandate Taking a deposit Contingency fees Retainers Agreed fees Ethics in relation to costs overreaching undercharging recovery / attempted recovery of costs for work not strictly necessary Keeping proper accounting records Failure to render accounts Different cost orders party and party costs attorney and client costs attorney and own client costs costs <i>de bonis propriis</i> wasted costs reserved costs / costs to stand over costs in the cause costs of the day all costs/costs/taxed costs no order made / no order as to costs</p>	<p>Expected Outcomes</p> <p>After having studied this module, candidates will be able to:</p> <ol style="list-style-type: none"> explain the concept of legal costs; differentiate non-litigious matters and litigious matters; give a client an accurate estimate of the costs of a matter concerning fees and disbursements to the sheriff, counsel and expert witnesses (if any); understand and apply the law about contingency fees; understand the need to keep proper accounting records; understand the need to account to client in terms of the mandate between client and attorney; understand the different costs orders and be able to explain the orders to a client; draw a bill of costs; attend at taxation and give a useful and meaningful response to the Taxing Master on items in the Bill of Costs. 	<p>Note to Trainer</p> <p>Summative assessments may be done online during the course.</p>	6	0	6

specific cost orders	
Settlement agreements	
Payments into court and tenders	
Cost consultants	
settling of bills of cost	
formal requirements for taxation	
notice of taxation	
taxability of costs	
appearance on taxation	
interest on a taxed allocatur	
consent to taxation	
Review of taxation	

OPTIONAL COURSES

The LPC will have to accredit institutions to provide the two options below. The LPC can anticipate applications for the options below. The structured course work and the norms and standards appear below. These courses will be attended by practitioners as well.

<p>23 Optional courses:</p> <p>a) Advanced Trial Advocacy – 5 days (40 hrs) This is a structured course as contemplated in Section 25 (3) (a) of the LPA and rule 19.2. The programme must satisfy the requirement of 40 hours, minimum. Advocacy is a performance skill. The course is divided into four parts: the first two parts comprise theory: the last two parts are performances in a mock trial situation under supervision as indicated in the third column, notice to trainers. Part one, how to assess facts. Fact analysis. Part two, how to adopt a strategy for trial, aka a trial theory: a candidate will learn the essential difference between a leading question (for use in cross-examination) and a valid question in leading a witness (the who, what, when, where, why, how and how much questions). Part three, performing in the mock trial as counsel for plaintiff and/or defendant: one day a candidate will be counsel for plaintiff, the next counsel for defendant <i>et cetera</i>. Part four, cross-examination in a mock criminal law trial: all candidates will practice this session.</p> <p>The theory and mock trial performances deal with:</p> <ul style="list-style-type: none"> • Opening statement • Examination-in-chief • Cross-examination (civil & criminal) • Re-examination (to be avoided) • Final argument 	<p><u>Expected Outcomes</u></p> <p>The trial advocacy training will ensure that:</p> <ol style="list-style-type: none"> a) Candidates appreciate and understand how to conduct trials with confidence despite their natural nervousness when performing in court. b) Candidates will be able to assess facts that are in their client’s favour and against their client’s case. c) Equally, candidates will be able to assess facts that favour the other litigant in the case as well as facts that do not favour the other litigant. d) Candidates will have a good grasp of the Good fact – Bad fact assessment. The model assesses good and bad facts for each party independently, first for the plaintiff and then for the defendant. e) Candidates will be able to present an opening statement. f) Candidates will be able to conduct an examination-in-chief using, <i>inter alia</i>, the piggy-back or looping method. g) Candidates will be able to conduct cross-examination in civil cases. h) Candidates will understand that leading questions are permissible ONLY in cross-examination. i) Candidates will be able to conduct cross-examination in criminal cases. The core duty in criminal cases is to put the version of the accused to the witnesses for the State. Failure to do so renders the accused at risk of being found guilty as charged. j) Candidates will understand why re-examination is not advised. k) Finally, candidates will be able to present a 	<p><u>Note to Trainer</u></p> <p>The course requires formative assessments while candidates engage in mock trials. The trainer must identify the following six steps during the training and require the candidate to repeat the drill.</p> <ol style="list-style-type: none"> 1. Headnote – a catchy phrase to identify only one fault in the candidate’s performance. 2. Playback – repeat exactly the phrase the candidate used which requires improvement. 3. Rationale – explain the nature of the problem and why the performance needs improvement. 4. Prescription – a clear pithy statement of how the performance can be improved. 5. Demonstration – the trainer shows the candidate how to perform. 6. Replay – then candidates immediately repeat the critical part of their performance to show they have grasped the lesson. The replay must be short and to the point. <p>The method requires all candidates to be present for each performance. Learning is incremental and each candidate learns from other candidates’ performances. Candidates must also be witnesses in the mock trials while they are not performing as counsel in the mock trial. Accordingly, candidates must read the trial exercises carefully and have a thorough recollection of the role each witness plays in the mock trial.</p> <p>NB the trainers will be responsible for both formative and summative assessments of the candidates. The standard of such assessment must be approved by the LPC.</p>
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<p>NB: it is assumed that the candidates have an adequate knowledge of the rules of court, the rules of evidence, how to draft pleadings and heads of argument, and a good grasp of ethics.</p> <p>It is also assumed that candidates will read the trial exercises properly before attending the trial advocacy course.</p>	<p>coherent final argument at the end of the trial.</p>	<p><u>At the end of the training a candidate must receive a certificate of competence in terms of Rule 19.2.4.</u></p>
<p>b) Advanced drafting course – 5 days</p> <p><u>Content:</u></p> <p>Candidates must receive practical training in the following skills:</p> <p><u>Drafting Pleadings</u></p> <p>Candidates must receive training in the following disciplines:</p> <ol style="list-style-type: none"> How to obtain the facts and documents; How to sequence the facts and documents; How to contextualise the matter in law; Where to find the applicable law; How to apply the law to the facts of the case; How to work out the cause of action or defence. <p><u>Drafting skills</u></p> <p>With the use of case studies, candidates must draft the following:</p> <ol style="list-style-type: none"> Be able to write down the material facts of the case; Be able to recognise the material elements of the cause of action or defence; Be able to use this to prepare a rough draft of particulars of claim; Draft particulars of claim with reference to the Uniform Rules and practice directives; Draft particulars of claim with reference to the 	<p><u>The Expected Outcomes</u></p> <p>Candidates are expected to have a working knowledge of how to draft.</p> <p>An assessment must be made using an open book format of examination combined with the assignments completed during the course.</p> <p>This course must be done after the candidate completed the course on plain English writing. The candidate must also be part of the literacy programme which requires the candidate to read and complete one book per month.</p>	<p><u>Note to Trainers</u></p> <p>This module is an intensive course.</p> <p>Encourage candidates to write on their own from day one. We encourage the use of case studies. Give candidates a statement of fact and require them to draft particulars of claim on their own and without the assistance of precedents.</p> <p>Candidates are expected to draft particulars of claim in Contract and Delict. Each effort must be assessed by a trainer and candidates must be encouraged to repeat the draft until they get it right. This is time consuming and trainers are to impress upon candidates that they are expected to work long hours and at home to complete case studies.</p> <p>The trainer for this module must have more than 10 years' experience or a comparable level of expertise in drafting for litigation.</p>

<p>peculiar facts of the case; Draft particulars of claim without reference to precedents. Be able to draft a plea with reference to the Uniform Rules and practice directives; Be able to draft a version setting out a defence to plaintiff's claim. Candidates must be introduced into drafting statements of claim and statements of defence.</p>		
<p><u>Motion Court</u> Candidates must learn the following skills: a) To assess the facts and the law to decide whether a matter may be dealt with in an application rather than an action. When is a dispute of fact not capable of being adjudicated on the papers? b) To draft notices of motion; including long and short form notices as well as two-part notices of motion. A notice of motion in search and seizure applications (Anton Pillar Order). c) To draft a founding affidavit. This must include the recommended layout in the Uniform Rules and practice directives. Candidates must learn how to set out the cause of action and the supporting evidence and be able to provide justification for the order sought. d) To draft an answering affidavit. The most effective layout must be explained including how to set out a version that will answer an applicant's case. e) To draft a replying affidavit. It must be short and only drafted if strictly necessary. f) To know how to use annexures. Avoid bulky documents and ones not strictly necessary to support the deponent's case. g) Candidates must know how to apply the <i>Plascon-Evans</i> test.</p> <p><u>Heads of Argument</u> Candidates must be familiar with the layout and method</p>		<p><u>Note to Trainers</u> This module requires trainers with at least 10 years of experience or a comparable level of expertise in drafting motion papers. We recommend the use of case studies where candidates must draft on their own under supervision of a trainer. We recommend that one of the case studies include drafting papers for an interdict. This is an intensive course and requires intensive application by trainers. We therefore recommend that no more than 20 candidates be accommodated per 5-day session.</p>

<p>of drafting the different types of heads of argument (concise heads; comprehensive heads; main heads of argument (SCA) and written argument (CC)).</p> <p>The following must be in this module:</p> <ol style="list-style-type: none"> The typical layout of heads of argument; The method to be used in Applications; The method to be used in Trials; The method to be used in Appeals and Reviews. <p>e) Candidates must know how to draft chronology documents to be filed with heads of argument.</p> <p>Candidates must know the relevant Rules and practice directives; in particular regarding page limitations and the prohibition of copying and pasting from authorities.</p>		
<p><u>Writing Opinions</u> Candidates must learn how to set out and write an opinion.</p> <p><u>Course content</u> The following must be in this module:</p> <ol style="list-style-type: none"> The modern method of setting out an opinion. Understanding the question. The need to answer the question and provide recommendations. An efficient approach to legal research. How to write short opinions. How to justify your position with reference to the facts and the law. 		<p><u>Note to Trainers</u> It is recommended that candidates be given a simple opinion to write under supervision of the trainer.</p>

ANNEXURE C: LEGAL PRACTITIONERS ACCOUNTS MANAGEMENT

CURRENT CURRICULUM CONTENT	RELEVANT SECTION IN LEGAL PRACTICE ACT	RECOMMENDATIONS
Chapter 1 – Introduction		
Bookkeeping and Accounting	<p>Rule 54.6 – A Legal Practitioner shall have and keep Business and Trust Account transactions as are necessary to enable the firm to satisfy its obligations in terms of the Act, these rules and any other law with respect to the preparation of financial statements that present fairly and in accordance with Acceptable financial reporting framework in South Africa.</p> <p>Rule 54.6.1. Records showing all assets and liabilities as required in terms of Section 87.</p> <p>Rule 54.6.2 Records containing entries from day to day of all moneys received and paid by it on its own account.</p>	In light of Rule 54 it seems as if the Legislature envisioned that an attorney's firm should go further than to do the mere bookkeeping of transactions (as described by Rule 54.6.2) they should further have accounting records which is in line with IFRS and IFRS for SME's (Rule 54.6) and Records showing all assets and liabilities (Rule 54.6.1). Practitioners need an understanding that there is a reporting standard; but are not expected to actually comply themselves. An accountant will prepare the books accordingly.
What is a Business?	Section 34(5)	This is still relevant and explains that a Legal Practitioner can act on their own account, as part of a juristic entity, Law Clinic, Legal Aid, State. It also gives the forms of business enterprise for the previously known "Advocates".
Difference between owner and Business		In this section take the opportunity to introduce the <u>Personal Finance Management</u> , and include budgets, cash flow forecasts on a personal finance level. This will also reduce the risks associated with maintaining Trust Accounts.
The Bookkeeping Process		This is still very relevant and must be included in the curriculum as it explains the double entry bookkeeping system.
The Cash Book	Rule 54.6.2 for recording Day to day transactions; Rule 54.8 Keeping Trust and Business accounts separate	This is the starting point of all Cash transactions and must be explained to students.
Balances Brought Down		This is the balancing of T-Accounts and will have to be explained to

		students to get an understanding of what is the balance of an account at the end of the month.
Debit and Credits		This also needs to be explained as students will have to complete the double entry bookkeeping system which started with the Cash book.
Chapter 2 – Cash Book	Rule 54.6.2 ; Rule 54.14.13, Rule 54.14.14	
Basic cashbook principles, recording transactions		This is still very relevant as this is the first leg of the double entry bookkeeping system and the starting point of writing up transactions where movement of money is involved. Look at different types of deposits that we get, for example credit cards, perhaps discuss the do's and don'ts for cell phone banking, electronic payments and banking apps etc. Instead of cheques.
Balancing of cash books		Still relevant
Bank reconciliation statements and Supplementary Cash books		Still relevant for purposes of understanding why one needs to do this.
Extracting a list of Trust Creditors	Rule 54.15.1, Rule 54.14.8	This is very important to ensure that you always have enough money in your Trust Account to cover your liabilities towards clients.
Chapter 3 – Petty Cash		
How to record petty cash		This is still being used in practice and students should know how to implement internal controls to manage petty cash correctly. They require the theory.
Chapter 4 – Journals Chapter 6 – Transfer Journal and Transfer Procedures		
Transfer journals	Rule 54.14 Internal Controls- Rule 54.14.12	This is an important aspect of attorneys bookkeeping as the Trust moneys will now be transferred into your Business account and could create a Trust deficit if you are not careful.
Trust Journals		How to deal with Trust errors and with transactions where money should be transferred from one client to another within the practice

Fee Journals	Section 35	Fees will become even more important as we move forward under the LPA. Section 35 (which is not in effect yet) will prescribe tariffs for attorneys. Further we need to also include contingency fees and the practical working thereof under this heading. (Section 35(12)) We would also like to see a section on time management and the recording of time as a Legal Practitioner as well as how to deal with your time on Pro-Bono matters.
Chapter 5 - Ledgers		As these are the books of secondary entry, the practitioners need to understand this process to give effect to the double entry bookkeeping system and therefore this should also be kept in the curriculum.
Chapter 6 – Transfer Journals (as discussed under Chapter 4)		
Chapter 7 – Value Added Tax		This is still a very relevant topic and should be included in the curriculum as it also goes hand-in-hand with fees as well.
Chapter 8 - Investments	Section 86(3); section 86(4) and Section 55	Investments on behalf of the LPFF and for the client's benefit should still be discussed in detail and we would put a little more emphasis on the theory aspect thereof as well. Further with regards to Section 55 Investment Practices, I think we should discuss this in more detail in the notes and especially the FAIS requirements thereof.
Chapter 9 - Conveyancing		This is still a very relevant and important part of attorneys' practices and also the area where there is a lot of risk involved. The practical writing up of the accounts are still relevant as well as the theoretical aspect thereof. We intend to include due diligence for purposes of transferring funds and making payments to client. Avoids fraud.
Chapter 10 – Correspondent	Code of Conduct; Part III Conduct	In particular Practitioners need an

Transactions	of Attorneys; Rule 12 Sharing of fees; Rule 14 Payment of commission; Rule 19	understanding of how fees and disbursements are managed when a correspondent is engaged. Fee sharing and payment of commission as well as pro-bono work should be dealt with under this heading.
Chapter 11 - Theory		This chapter in the current curriculum discusses the theory surrounding all of the above, however we find that students hardly ever go through this chapter in preparation for the exam. We would prefer if the theory is included in the relevant sections before the practical writing up of the books are done for the specific topic.

PARLIAMENT OF THE REPUBLIC OF SOUTH AFRICA
NOTICE 708 OF 2020

Ms Liezl Van der Merwe, MP

**NOTICE OF INTENTION TO INTRODUCE A PRIVATE MEMBER'S BILL
AND INVITATION FOR COMMENT ON THE DRAFT BILL, NAMELY THE
EMPLOYMENT SERVICES AMENDMENT BILL, 2021**

Ms Liezl Van der Merwe, MP acting in accordance with section 73(2) of the Constitution of the Republic of South Africa, 1996, intends to introduce the Employment Services Amendment Bill (“draft Bill”), in Parliament. An explanatory summary of the Bill is hereby published in accordance with Rule 276(1)(c) of the Rules of the National Assembly (9th Edition).

The high rate of unemployed South Africans and the high representation of foreign nationals employed in lower occupation levels, particularly in the unskilled sector is a critical concern. With due regard to the Promotion of Equality and Prevention of Unfair Discrimination Act, 2000 (Act No. 4 of 2000), there should be deliberate attempts by the State to control the increasing preference by certain sectors in the workforce to employ foreign nationals over South African citizens, without justification on the basis of skills. Therefore, it is imperative to regulate the employment of foreign nationals in South Africa, in order to stem the narrative that the ratio of job opportunities between foreign nationals and South African citizens are skewed towards foreign nationals.

The draft Bill aims to amend the Employment Services Act, 2014 (Act No 4 of 2014), with the intention to regulate the recruitment of foreign nationals in certain economic sectors and to strengthen the current regulatory framework regarding the recruitment of foreign nationals in South Africa. The draft Bill requires that when recruiting potential employees, an employer must confirm that there are no suitable South African citizens that can be employed in that position, prior to recruiting a foreign national. The Bill further proposes that the Minister must publish a notice that provides for the identification of certain sectors in the workforce for the purpose of ensuring that

suitable qualified South African citizens are equitably represented in those sectors and furthermore that the Minister must set numerical targets for the identified economic sectors.

The draft Bill therefore seeks to provide the following:

- (a) New definitions for “Commission”, “employer”, “Employment Equity Act”, “numerical target”, “permanent resident”, “sector”, “Statistics South Africa”, “Standard Industrial Classification Code”, and “work visa”, which replaces the term “work permit” to align the Act with the Immigration Act (Act No. 3 of 2002);
- (b) setting out the measures that must be met prior to the employment of a foreign national within South Africa, instead of deferring such measures to regulations;
- (c) allowing an employer to make use of public employment services or private employment agencies to assist the employer to recruit suitable South Africans;
- (d) requiring that an employer must prepare a skills transfer plan in respect of any position in which a foreign national is employed;
- (e) empowering the Minister to, after consulting the Employment Service Board, make regulations to facilitate the employment of foreign nationals.
- (f) requiring the Minister to publish a notice in the Government Gazette identifying sectors and setting numerical targets for those sectors, to ensure equitable representation;

Interested parties and institutions are invited to submit written representations on the proposed content of the draft Bill to the Speaker of the National Assembly by the 11 February 2021. Representations can be delivered to the Speaker, New Assembly Building, Parliament Street, Cape Town; mailed to the Speaker, P O Box 15 Cape Town 8000, or emailed to speaker@parliament.gov.za and copied to research1@ifp.co.za.

Copies of the Employment Services Amendment Bill may, after introduction, be obtained from:
Party name: Inkatha Freedom Party
M106, Marks Building, Parliament
Attention: Ms L van der Merwe

**DEPARTMENT OF SMALL BUSINESS DEVELOPMENT
NOTICE 709 OF 2020**

CO-OPERATIVES ADMINISTRATIVE REGULATIONS, 2016

**PUBLICATION OF NATIONAL SMALL ENTERPRISE AMENDMENT BILL, 2020,
FOR PUBLIC COMMENTS**

1. Interested parties are invited to submit comments on the National Small Enterprise Amendment Bill, 2020 within sixty (60) days from date of this publication.
2. Comments and enquiries can be directed to:

**Director: Legislation
Ms Elize Koekemoer
Department of Small Business Development
77 Meintjies Street
Sunnyside
Pretoria
0002
E-mail: ekoekemoer@dsbd.gov.za**


**Khumbudzo Ntshavheni, MP
MINISTER OF SMALL BUSINESS DEVELOPMENT
DATE: 24 - NOVEMBER 2020**

REPUBLIC OF SOUTH AFRICA

NATIONAL SMALL ENTERPRISE AMENDMENT BILL, 2020

*(As introduced in the National Assembly (proposed section 75); explanatory
summary of Bill published in Government Gazette No. of 2020)
(The English text is the official text of the Bill)*

(MINISTER OF SMALL BUSINESS DEVELOPMENT)

[B —2020]

GENERAL EXPLANATORY NOTE:

- [] Words in bold type in square brackets indicate omissions from existing enactments
- _____ Words underlined with a solid line indicate insertions in existing enactments
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BILL

To amend the National Small Enterprise Act, 1996, so as to insert certain definitions and to substitute a definition; to provide for the establishment, powers and functions of the Office of Small Enterprise Ombud Service; to empower the Minister to declare certain practices in relation to small enterprises to be prohibited unfair business practices; and to provide for matters connected therewith.

PARLIAMENT of the Republic of South Africa enacts as follows:—

Amendment of section 1 of Act 102 of 1996, as amended by section 1 of Act No. 26 of 2003 and section 1 of Act 29 of 2004

1. Section 1 of the National Small Enterprise Act, 1996 (Act No.102 of 1996) (hereinafter referred to as the principal Act), is hereby amended—

- (a) by the insertion after the definition of "Chief Executive Officer", of the following definitions:

" **'complaint'** means any complaint lodged, as contemplated in Chapter 3A, by a small enterprise or small enterprise organisation against—

(a) an enterprise that does not fall within the meaning of "small enterprise";

(b) a state-owned company as defined in section 1 of the Companies Act, 2008 (Act No. 71 of 2008); or

(c) an organ of state as defined in section 239 of the Constitution, in relation to the interpretation of the terms of an agreement for the procurement of goods or services or the late or non-payment of amounts due and payable to the small enterprise;

'complainant' means a small enterprise or small enterprise organisation;

'Director' means the Director of the Office of the Small Enterprise Ombud Service appointed in terms of section 17I;"

(b) by the substitution for the definition of "Minister", of the following definition:

" **'Minister'** means the Minister responsible for small enterprise development;"

(c) by the insertion after the definition of "Ntsika", of the following definitions:

" **'Office'** means the Office of the Small Enterprise Ombud Service established by section 17D;

'Ombud' means the Ombud appointed in terms of section 17E;"

(d) by the insertion after the definition of "prescribed", of the following definition:

" **'rule'** means a rule made under section 17N;" and

- (e) by the substitution for the full stop at the end of the definition of "this Act" of a semi colon, the substitution for the full stop at the end of the definition of "Trust" of "; and" and the insertion after the definition of "Trust", of the following definition:

" **'unfair trading practice'** means a practice contemplated in section 17S."

Repeal of Chapter 2 of Act 102 of 1996

2. Chapter 2 of the principal Act is hereby repealed.

Insertion of Chapter 3A in Act 102 of 1996

3. The following Chapter is hereby inserted after Chapter 3 of the principal Act:

"CHAPTER 3A

DISPUTE RESOLUTION MECHANISM

Office of Small Enterprise Ombud Service

Establishment of Office of Small Enterprise Ombud Service

17D. (1) The Office of the Small Enterprise Ombud Service is hereby established, as a juristic person.

(2) The functions of the Office are performed by the Small Enterprise Ombud.

(3) The Ombud, with the approval of the Minister, must determine the national head office of the Office and, where necessary, may establish regional offices.

(4) A regional office contemplated in subsection (3) must be headed by a deputy Ombud, appointed in terms of section 17E(1)(b), who must exercise the powers of the Ombud in respect of the relevant regional office.

(5) The objective of the Ombud is to consider and dispose of complaints by small enterprises in a procedurally fair, informal, economical and expeditious manner and by reference to what is equitable in all the circumstances, with due regard to—

(a) the contractual arrangement or other legal relationship between the complainant and any other party to the complaint; and

(b) the provisions of this Act.

(6) When dealing with complaints in terms of this Chapter, the Ombud and any deputy Ombud must act independently and impartially.

(7) The provisions of section 10(2) apply to the Office with the necessary changes.

Appointment of Ombud and deputy Ombud

17E. (1) The Minister—

(a) must appoint, as Ombud, a person qualified in law and who possesses adequate knowledge of small enterprises, trade, industry, finance or the economy;

(b) may appoint one or more persons qualified in law and who possess adequate knowledge of small enterprises, trade, industry, finance or the economy, as deputy Ombud.

(2) The remuneration and other terms of appointment of the Ombud and a deputy Ombud must be determined by the Minister, in consultation with the Minister of Finance.

(3) The Ombud or deputy Ombud may resign by submitting a written notice to the Minister at least three calendar months prior to the intended date of vacation of office, unless the Minister allows a shorter period.

(4) The Minister may, on good cause shown, remove the Ombud or deputy Ombud from office on the ground of misconduct, incapacity or incompetence, after affording the person concerned a reasonable opportunity to be heard.

Powers and functions of Ombud

17F. (1) The Ombud—

- (a) must consider and dispose of complaints by small enterprises in terms of this Chapter;
- (b) must consider and approve the strategic plan of the Office;
- (c) must consider and decide on all major capital acquisitions and transactions that have not been delegated to the Director;
- (d) must prepare reports on any major issues affecting the Office for submission to the Minister; and
- (e) may conduct any business that is required for the proper maintenance and development of the Office.

(2) (a) For the purposes of subsection (1)(a), the Ombud is competent to investigate, on receipt of a complaint by a small enterprise or a small enterprise organisation, any alleged—

- (i) unfairness in relation to a contractual arrangement or other legal relationship between the complainant and any other party to the complaint;

(c) be signed by the Ombud or a person authorised by him or her; and

(d) be served as determined in the rules.

(5) (a) The Ombud may, subject to paragraph (b), in the manner he or she deems fit, make known to any person or body any report, finding, recommendation or determination in respect of a matter investigated by him or her.

(b) The report, finding, recommendation or determination in respect of an investigation by the Ombud must, when he or she deems it fit but as soon as possible, be made available to the complainant and to any person or body implicated thereby.

(c) A report or finding, recommendation or determination in respect of an investigation by the Ombud must be open to the public, unless the Ombud is of the opinion that exceptional circumstances require that the report, finding, recommendation or determination be kept confidential.

Receipt of complaints, prescription, jurisdiction and investigation

17G. (1) On submission of a complaint to the Office, the Ombud must—

(a) determine whether the requirements of the rules contemplated in section 17N have been complied with;

(b) in the case of any non-compliance, act in accordance with the rules made under that section; and

(c) otherwise officially receive the complaint if it qualifies as a complaint.

(2) Official receipt of a complaint by the Ombud suspends the running of prescription in terms of the Prescription Act, 1969 (Act No. 68 of 1969), for the period after such receipt of the complaint until the complaint has either been withdrawn, or determined by the Ombud.

(3) The following jurisdictional provisions apply to the Ombud in respect of the investigation of complaints:

- (a) (i) The Ombud must decline to investigate any complaint which relates to an act or omission which occurred on or after the date of commencement of this Act but on a date more than three years before the date of receipt of such complaint by the Office.
- (ii) Where the complainant was unaware of the occurrence of the act or omission contemplated in subparagraph (i), the period of three years commences on the date on which the complainant became aware or ought reasonably to have become aware of such occurrence, whichever occurs first.
- (b) (i) The Ombud must decline to investigate a complaint if, before the date of official receipt of the complaint, proceedings have been instituted by the complainant in any Court in respect of a matter which would constitute the subject of the investigation.
- (ii) Where any proceedings contemplated in subparagraph (i) are instituted during an investigation by the Ombud, such investigation must not be proceeded with.
- (c) The Ombud may, on reasonable grounds, determine that it is more appropriate that the complaint be dealt with by a Court or through any other available dispute resolution process, and decline to entertain the complaint.
- (4) The Ombud must not proceed to investigate a complaint officially received, unless the Ombud—
- (a) has, in writing, informed every other interested party to the complaint of the receipt thereof;
- (b) is satisfied that all interested parties have been provided with such particulars as will enable the parties to respond thereto; and
- (c) has provided all interested parties the opportunity to submit a response to the complaint.

(5) The Ombud—

- (a) may, in investigating or determining an officially received complaint, follow and implement any procedure (including mediation) which the Ombud deems appropriate, and may allow any party the right of legal representation;
- (b) must, in the first instance, explore any reasonable prospect of resolving a complaint by a conciliated settlement acceptable to all parties;
- (c) may, in order to resolve a complaint speedily by conciliation, make a recommendation to the parties, requiring the parties to confirm whether or not they accept the recommendation and, where the recommendation is not accepted by a party, require that party to give reasons for not accepting it: Provided that where the parties accept the recommendation, such recommendation has the effect of a final determination by the Ombud, contemplated in section 17H(1);
- (d) may, in a manner that the Ombud deems appropriate, delineate the functions of investigation and determination between various functionaries of the Office;
- (e) may, on terms specified by the Ombud, mandate any person or tribunal to perform any of the functions referred to in paragraph (d).

(6) For the purposes of any investigation or determination by the Ombud, the provisions of the Commissions Act, 1947 (Act No. 8 of 1947), regarding the summoning and examination of persons and the administering of oaths or affirmations to them, the calling for the production of books, documents and objects, and offences by witnesses, apply with the necessary changes.

Determinations by Ombud

17H. (1) The Ombud must in any case where a matter has not been settled or a recommendation referred to in section 17G(5)(c) has not been accepted by all parties concerned, make a final determination, which may include—

- (a) the dismissal of the complaint; or

(b) the upholding of the complaint, wholly or partially, in which case—

- (i) the complainant may be awarded an amount as fair compensation for any financial prejudice or damage suffered; and
- (ii) a direction may be issued that the other party concerned take such steps in relation to the complaint as the Ombud deems appropriate and just.

(2) (a) A monetary award may provide for the amount payable to bear interest at a rate, and as from a date, determined by the Ombud.

(b) The Minister may by rule determine—

- (i) the maximum monetary award for a particular kind of financial prejudice or damage;
- (ii) different maximum monetary awards for different categories of complaints;
- (iii) the granting of costs, including costs against a complainant in favour of the Office or the respondent if in the opinion of the Ombud—

(aa) the conduct of the complainant was improper or unreasonable;
or

(bb) the complainant was responsible for an unreasonable delay in the finalisation of the relevant investigation: Provided that an amount payable under a cost award bears interest at a rate and as from a date determined by the Ombud.

(3) Any award of interest by the Ombud in terms of subsection (2) may not exceed the rate which a Court would have been entitled to award, had the matter been heard by a Court.

(4) The Ombud must reduce a determination to writing, including the reasons therefor, sign the determination, and send copies thereof to all parties concerned with the complaint and to the clerk or registrar of the court which would have had jurisdiction in the matter had it been heard by a Court.

(5) A determination is regarded as a civil judgment of a Court, had the matter in question been heard by a Court, and must be so noted by the clerk or registrar, as the case may be, of that Court.

(6) (a) A writ of execution may, in the case of a determination amounting to a monetary award, be issued by the clerk or the registrar referred to in subsection (4) and may be executed by the sheriff of such Court after expiration of a period of two weeks after the date of the determination.

(b) Any other determination must be given effect to in accordance with the applicable procedures of a Court after expiration of a period of two weeks after the date of the determination.

Staff of Office

171. (1) In order to perform the functions of the Office, the Ombud must—

(a) employ a director as the administrative head and chief executive officer of the Office; and

(b) employ such administrative staff as may be necessary.

(2) The Ombud must appoint a director for an agreed term not exceeding five years which may be renewed for one additional term not exceeding five years and on the conditions as the Minister, in consultation with the Minister of Finance, may determine.

(3) The Director is responsible for the general administration of the Office, and must—

(a) manage and direct the activities of the Office, subject to the direction of the Ombud;

(b) appoint and supervise the administrative staff of the Office; and

(c) enter into contracts with service providers and accept liability on behalf of the Office for the expenses incurred as a result of such services being rendered.

(4) The Minister must, after consultation with the Minister of Finance, determine—

(a) the Director's remuneration, allowances, benefits and other terms and conditions of employment; and

(b) the staff establishment of the Office, the remuneration, allowances, benefits, and other terms and conditions of appointment of the members of staff.

Delegation by Ombud, deputy Ombud and Director

17J. (1) The Ombud may delegate any of his or her powers and assign any of his or her duties to a deputy Ombud or the Director.

(2) A deputy Ombud or the Director, as the case may be, may delegate any of his or her powers and assign any of his or her duties to an employee of the Office.

(3) A delegation contemplated in subsection (1) or (2)—

(a) may be made subject to such conditions as the Ombud, a deputy Ombud or the Director, as the case may be, may determine;

(b) must be communicated to the delegatee in writing;

(c) may be amended or withdrawn in writing by the Ombud, a deputy Ombud or the Director, as the case may be.

(4) Despite a delegation or assignment contemplated in subsection (1) or (2), the Ombud, a deputy Ombud or the Director, as the case may be, remains accountable for any power delegated or function assigned, and is not divested of any power or duty so delegated or assigned.

Funding of Office

17K. (1) Expenditure in connection with the administration and functioning of the Office must be defrayed from—

(a) money appropriated by Parliament for this purpose;

(b) any fees payable in terms of this Chapter; and

(c) funds accruing to the Office from any other source.

(2) The Office must deposit all funds in an account opened with a bank registered under the Banks Act, 1990 (Act No. 94 of 1990).

(3) The Office may invest funds which are not required for immediate use—

(a) in a call account or short-term fixed deposit with any registered bank contemplated in subsection (2); or

(b) in an investment account with the Public Investment Corporation established by section 2 of the Public Investment Corporation Act, 2004 (Act No. 23 of 2004).

(4) Funds standing to the credit of the Office in the account mentioned in subsection (2) at the end of the financial year, as well as funds invested under subsection (3), must, subject to section 53(3) of the Public Finance Management Act, 1999 (Act No. 1 of 1999), be carried forward to the next financial year.

(5) The Office must comply with the Public Finance Management Act, 1999.

Accountability

17L. (1) Subject to the Public Finance Management Act, 1999, the Director—

(a) is charged with the responsibility of accounting for money received or paid out for or on account of the administration and functioning of the Office; and

(b) must cause the necessary accounting and other related records to be kept.

(2) The financial year of the Office is the period from 1 April to 31 March, except that the first financial year of the Office begins on the date on which this Chapter comes into operation, and ends on 31 March of the following year.

(3) Within five months after the end of each financial year, the Director must prepare financial statements in accordance with established accounting practice, principles and procedures, comprising—

(a) a statement, with suitable and sufficient particulars, reflecting the income and expenditure of the Office during the preceding financial year; and

(b) a balance sheet showing the state of its assets, liabilities and financial position as at the end of that financial year.

(4) The Auditor-General must, in accordance with the Public Audit Act, 2004 (Act No. 25 of 2004), ensure that the financial statements of the Office are audited each year.

Disestablishment and liquidation of Office

17M. (1) The Office may not be disestablished or liquidated except by an Act of Parliament.

(2) In the event of such disestablishment or liquidation, the surplus assets of the Office, if any, accrue to the Agency.

Rules applicable to Ombud

17N. (1) The Minister may make rules, including different rules in respect of different categories of complaints or investigations by the Ombud, regarding—

- (a) (i) any matter which is required or permitted under this Act to be regulated by rule;
- (ii) the category of small enterprises qualifying as complainants;
- (iii) the types of complaint justiciable by the Ombud;
- (iv) the rights of complainants in connection with complaints, including the manner of submitting a complaint to the Ombud;
- (v) the rights and duties of any other party to the complaint on receipt of a complaint, particularly in connection with the furnishing of replies to the complainant;
- (vi) the rights of a complainant to submit a complaint to the Ombud where the complainant is not satisfied with a reply received from the party concerned;
- (vii) the circumstances under which the Ombud may dismiss a complaint without consideration of its merits;
- (viii) the power of the Ombud to fix a time limit for any aspect of the proceedings before the Ombud and to extend a time limit;
- (b) the payment to the Office by a party involved in a complaint submitted to the Ombud, of case fees in respect of the consideration of the complaint by the Ombud;
- (c) any other administrative or procedural matter necessary or expedient for the better achievement of the objects of this Chapter, but which is not inconsistent with a provision of this Act.

(2) The Minister must—

- (a) ensure that no rule made under subsection (1) undermines or affects the independence of the Ombud in any material way; and
- (b) publish the rules made under subsection (1) in the Gazette.

Record-keeping

17O. (1) The Ombud must keep proper files and records in respect of complaints as well as a record of any determination proceedings conducted in terms of section 17H.

(2) Any interested person may, subject to the discretion of the Ombud and applicable rules of confidentiality, obtain a copy of any record on payment of a fee determined by the Ombud.

Annual Report of Ombud

17P. (1) The Office must prepare and submit to the Minister an annual report, as determined in the rules, within five months after the end of its financial year.

(2) The annual report referred to in subsection (1) must include the following documents:

(a) The audited financial statements prepared in terms of this Chapter;

(b) the report prepared in terms of the Public Audit Act, 2004; and

(c) a report of the activities undertaken in terms of the functions of the Ombud set out in this Chapter.

(3) The Minister must table in Parliament each annual report submitted in terms of this section.

Penalties

17Q. A person who—

(a) commits any act in respect of the Ombud or an investigation by the Ombud which, if committed in respect of a court of law, would have constituted contempt of court, is guilty of an offence and liable on conviction to a penalty which may be imposed on a conviction of contempt of court; or

- (b) (i) anticipates a determination of the Ombud in any manner calculated to influence the determination; or
- (ii) wilfully interrupts proceedings conducted by the Ombud, is guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding one year.

Promotion of stakeholder education

17R. The Office may take any steps conducive to stakeholder education and the promotion of awareness of the nature and availability of the Ombud and other enforcement measures established by or in terms of this Chapter, including arrangements with organs of state, representative bodies of business and other stakeholders, to assist in the provision of information to the general public on matters relating to the work of the Ombud.

Promotion of inter-agency co-ordination and collaboration

17S. The Office may take any steps in line with the Intergovernmental Relations Framework Act of 2005 to facilitate, promote and establish inter-agency collaboration and co-ordination measures including institutional arrangements, agreements and joint programmes with similar organisations chief amongst these being the Competition Commission, Consumer Commission and the Companies and Intellectual Property Commission.

Unfair trading practices

- 17T. (1) The Minister—
- (a) may, subject to subsections (2) to (5), on recommendation by the Ombud, by notice in the *Gazette*, declare certain practices in relation to small enterprises to be prohibited unfair trading practices;
- (b) may make regulations requiring specified enterprises—

- (i) to provide in the prescribed manner, prescribed information about their contracting and payment practices and policies relating to small enterprises; and
- (ii) to publish such information in the prescribed manner; and
- (c) must make regulations regarding the application of this section;
- (d) must consult with the Minister responsible for trade, industry and competition before making regulations regarding the application of this section and receive a response within 30 working days thereof.
- (e) must, in the performance of a function in terms of this section, consult with any Minister responsible for a national function affected by the performance of that function.

(2) Small enterprises have the right to choose, trade and transact freely, including—

- (a) the right to fair and unambiguous business contract;
- (b) the right to a reasonable payment date and interest on late payments;
- (c) the right to disclosure of information;
- (d) the right to fair and honest dealing; and
- (e) the right to accountability from large enterprises and organizations.

(3) The practices contemplated in subsection (1)(a) include—

- (a) ambiguous contract terms;
- (b) lack of written contracts;
- (c) retrospective changes to arrangements;
- (d) the transfer of commercial risk to the weaker party.
- (e) the use of information outside the purpose for which the other party discloses it;

- (f) sudden and unjustified termination of a commercial relationship or termination without reasonable notice;
- (g) long-term exclusive agreements aimed at preventing weaker parties from entering an existing market;
- (h) unfair exclusionary compliance requirement practices; or
- (i) unfair contract terms in retail and commercial leases for small enterprises.

(4) The following principles must guide the Minister and the Ombud in considering whether or not a declaration contemplated in subsection (1) may be made:

- (a) That the practice concerned, directly or indirectly, has or is likely to have the effect of—
 - (i) harming the sustainability and competitiveness of small enterprises;
 - (ii) unreasonably prejudicing any small enterprise;
 - (iii) deceiving any small enterprise; or
 - (iv) unfairly affecting any small enterprise; and
- (b) that if the practice is allowed to continue, one or more objects of this Act will, or is likely to be defeated.

(5) Before making a declaration or regulations contemplated in subsection (1), the Minister must—

- (a) by notice in the Gazette—
 - (i) publish an intention to make—
 - (aa) the declaration and give reasons therefor; or
 - (bb) the regulations, indicating where a copy of the regulations may be obtained; and

(ii) invite interested persons to make written representations in relation thereto, so as to reach the Minister within 21 days after the date of publication of that notice; and

(b) consider any representations received in terms of paragraph (a)(ii).

(6) An affected party may not, on or after the date of the publication of a notice referred to in subsection (1), carry on the practice concerned.

(7) The Ombud may direct a party who, on or after the date of the publication of a notice referred to in subsection (1), carries on the practice concerned in contravention of that notice, to rectify, to the satisfaction of the Ombud, any harm which was caused by, or arose out of, the carrying on of the practice concerned.

(8) Any party who, under subsection (7), is directed to rectify any harm, must do so within 60 days after such direction is issued.

(9) The Ombud may, after affording the party concerned a reasonable opportunity to make representations, impose an administrative penalty in the amount prescribed by the Minister for any contravention of subsection (6) or failure by the party concerned to comply with subsection (7), read with subsection (8)."

Amendment of section 19 of Act 102 of 1996, as substituted by section 6 of Act 26 of 2003

4. Section 19 of the principal Act is hereby amended—

(a) by the substitution for subsection (1) of the following subsection:

"(1) (a) As soon as practicable after the end of every financial year **[the Advisory Body and]** the Agency must **[each]** compile a report on **[their respective]** its activities during that year.

(b) **[These reports, the respective constitutions]** The report, constitution, as well as the **[respective]** audited annual financial

statements of the Agency, must be submitted to the Minister, who must table them in Parliament.";

(b) by the substitution for subsection (2) of the following subsection:

"(2) The **[Advisory Body and the]** Agency must furnish the Minister with any such other reports as the Minister may request."; and

(c) by the substitution in subsection 3 for paragraph (a) of the following paragraph:

"(a) particulars of the work performed by the Agency **[and Advisory Body]** and of progress achieved in furtherance of the objects of the National Small Enterprise Support Strategy;".

Amendment of the long title to Act 102 of 1996

5. The following long title is substituted for the long title of the principal Act:

"To provide for the establishment of [the Advisory Body and] the Small Enterprise Development Agency; to provide for the establishment of the Office of the Small Enterprise Ombud Service; to provide guidelines for organs of state in order to promote small enterprise in the Republic; and to provide for matters incidental thereto."

Short title and commencement

6. This Act is called the National Small Enterprise Amendment Act, 2020, and comes into operation on a date fixed by the President by proclamation in the *Gazette*.

DEPARTMENT OF TRADE AND INDUSTRY AND COMPETITION
NOTICE 710 OF 2020

STANDARDS ACT, 2008
STANDARDS MATTERS

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

SECTION A: DRAFTS FOR COMMENTS

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

Draft Standard No. and Edition	Title, scope and purport	Closing Date
SANS 8528-2 Ed 3	<i>Reciprocating internal combustion engine driven alternating current generating sets - Part 2: Engines.</i> Specifies the principal characteristics (including the speed governing and speed characteristics) of a reciprocating internal combustion engine when used for a.c. generating set applications.	2021-01-19

SCHEDULE A.1: AMENDMENT OF EXISTING STANDARDS

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

Draft Standard No. and Edition	Title	Scope of amendment	Closing Date
SANS 6103 Ed 2.1	<i>Linear density of yarns in weft-knitted fabrics.</i>	Amended to update sampling requirements.	2021-01-17
SANS 10076-5 Ed 2.2	<i>The assessment of defects in textile piece-goods and made-up articles - Part 5: Defects in woven woollen and worsted piece-goods.</i>	Amended to delete reference to organizations and notes to purchasers.	2021-01-17
SANS 10076-3 Ed 2.2	<i>The assessment of defects in textile piece-goods and made-up articles - Part 3: Defects in woven ducks.</i>	Amended to delete reference to organizations and notes to purchasers.	2021-01-17
SANS 1879 Ed 2.1	<i>Precast concrete suspended slabs</i>	Amended to update referenced standards, to update and renumber definitions, and the requirements.	2021-01-20

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

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

Draft Standard No. and Edition	Title	Reason for withdrawal	Closing Date
SANS 1448	<i>Wax emulsion for coating citrus fruit</i>	No committee members registered on GD to maintain the standard. Investigations to be done.	2020-01-31
SANS 10055-3	<i>ISO 9001: 2000 Process auditing Part 3: Generic process performance model and work products</i>	The standard is obsolete	2020-01-31

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

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

Standard No. and year	Title, scope and purport
SANS 61854:2020 Ed 1	<i>Overhead lines – Requirements and tests for spacers.</i> Applies to spacers for conductor bundles of overhead lines.
SANS 62382:2020 Ed 1	<i>Control systems in the process industry – Electrical and instrumentation loop check.</i> Describes the steps recommended to complete a loop check, which comprises the activities between the completion of the loop construction (including installation and point-to-point checks) and the start-up of cold commissioning.
SATS 62561-8:2020 Ed 1	<i>Lightning protection system components (LPSC) - Part 8: Requirements for components for isolated LPS.</i> Specifies the requirements and tests for insulating stand-offs, used in conjunction with an air-termination system and down-conductors with the aim of maintaining the proper separation distance, and the requirements and tests for insulating down-conductors, including their specific fasteners, able to reduce the separation distance.
SATS 62786:2020 Ed 1	<i>Distributed energy resources connection with the grid.</i> Provides principles and technical requirements for distributed energy resources (DERs) connected to the distribution network, and applies to the planning, design, operation and connection of DERs to distribution networks.
SATR 60076-26:2020 Ed 1	<i>Power transformers - Part 26: Functional requirements of insulating liquids for use in power transformers.</i> Serves as a general reference document for the transformer industry, including liquid suppliers as well as relevant scientific and technical bodies dealing with insulating liquids (materials).
SANS 8528-8:2020 Ed 2	<i>Reciprocating internal combustion engine driven alternating current generating sets - Part 8: Requirements and tests for low-power generating sets.</i> Defines design requirements, minimum performances and type tests for lowpower generating sets driven by reciprocating internal combustion engines for land and marine use (domestic, recreational and industrial application), excluding generating sets used on aircraft.
SANS 60947-1:2020 Ed 6	<i>Low-voltage switchgear and controlgear - Part 1: General rules.</i> Applies, when required by the relevant product standard, to low-voltage switchgear and controlgear hereinafter referred to as "equipment" or "device" and intended to be connected to circuits, the rated voltage of which does not exceed 1 000 V AC or 1 500 V DC.
SANS 61400-25-2:2020 Ed 2	<i>Wind turbines - Part 25-2: Communications for monitoring and control of wind power plants - Information models.</i> Specifies the information model of devices and functions related to wind power plant applications, and specifies common attribute types and common data classes related to wind turbine applications.
SANS 9308-2:2020 Ed 2	<i>Water quality – Enumeration of Escherichia coli and coliform bacteria - Part 2: Most probable number method.</i> Specifies a method for the enumeration of E.coli and coliform bacteria in water, based on the growth of the target organism in liquid medium and calculation of Most probable number (MPN) by reference to MPN tables. The method can be applied to all types of water.
SANS 61439-1:2020 Ed 3	<i>Low-voltage switchgear and controlgear assemblies - Part 1: General rules.</i> Lays down the general definitions and service conditions, construction requirements, technical characteristics and verification requirements for low-voltage switchgear and controlgear assemblies.

SCHEDULE B.2: AMENDED STANDARDS

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

Standard No. and year	Title, scope and purport
SANS 1777:2020 Ed 1.5	<i>Photoelectric control units for lighting (PECUs). Consolidated edition incorporating amendment No.5.</i> Amended to update the scope, referenced standards, definitions and the clauses on requirements and on methods of test, and to delete the annex on notes to purchasers.
SANS 60238:2020 Ed 5.2	<i>Edison screw lampholders. Consolidated edition incorporating amendment No.2.</i> Amended to delete the alternative depth indentation method described for the calculation of the indentation diameter, and to update the creepage distances for the purpose of insulation coordination.
SANS 151:2020 Ed 8.2	<i>Fixed electric storage water heaters. Consolidated edition incorporating amendment No.2.</i> Amended to update referenced standards, definitions, general requirements, constructional requirements, performance requirements, inspection and methods of test, marking and instructions, to delete the annex on notes to purchasers, and to update the annexes on materials, construction methods and tests for hot water storage containers and on energy labelling of storage water heaters.
SANS 1182:2020 Ed 1.5	<i>Light gauge welded steel pipes. Consolidated edition incorporating amendment No.5.</i> Amended to update referenced standards, the sub-clause on weld integrity test, to add a sub-clause on eddy current test, and to delete the annex on notes to purchasers.
SANS 10329:2020 Ed 1.4	<i>The design and construction of sectional steel tanks for storage of liquids at or above ground level. Consolidated edition incorporating amendment No.4.</i> Amended to update referenced standards, and to delete the annex on notes to purchasers.
SANS 1227:2020 Ed 1.6	<i>Textured wall coatings, emulsion base, for interior and exterior use. Consolidated edition incorporating amendment No.6.</i> Amended to update the clause on inspection and methods of test, and to delete the appendix on notes to purchasers.
SANS 62504 Ed 1.1	<i>General lighting – Light emitting diode (LED) products and related equipment – Terms and definitions. Consolidated edition incorporating amendment No. 1.</i> Amended to update terms and definitions, and to update the annex on overview of LED products and terms under consideration.

SCHEDULE B.3: WITHDRAWN STANDARDS

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

Standard No. and year	Title

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

SCHEDULE 5: ADDRESS OF THE SOUTH AFRICAN BUREAU OF STANDARDS HEAD OFFICE

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

DEPARTMENT OF TRADE AND INDUSTRY

NOTICE 711 OF 2020

STANDARDS ACT, 2008
STANDARDS MATTERS

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

SECTION A: DRAFTS FOR COMMENTS

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

Draft Standard No. and Edition	Title, scope and purport	Closing Date
SANS 20000-1 Ed 3	<i>Information technology – Service management – Part 1: Service management system requirements.</i> Specifies requirements for an organization to establish, implement, maintain and continually improve a service management system (SMS).	2021-01-30
SANS 20000-2 Ed 3	<i>Information technology - Service management – Part 2: Guidance on the application of service management systems.</i> Provides guidance on the application of a service management system (SMS) based on ISO/IEC 20000-1.	2021-01-31
SANS 20000-3 Ed 3	<i>Information technology – Service management – Part 3: Guidance on scope definition and applicability of ISO/IEC 20000-1.</i> Provides guidance on the scope definition and applicability to the requirements specified in ISO/IEC 20000-1.	2021-01-31
SANS 61984 Ed 1	<i>Connectors – Safety requirements and tests.</i> Applies to connectors with rated voltages above 50 V and up to 1000 V a.c. and d.c. and rated currents up to 125 A per contact, for which either no detail specification (DS) exists or the DS calls up this standard for safety aspects.	2021-01-30
SANS 62793 Ed 1	<i>Protection against lightning – Thunderstorm warning systems.</i> Describes the characteristics of thunderstorm warning systems (TWSs) in order to implement lightning hazard preventive measures.	2021-01-31
SATR 27918 Ed 1	<i>Carbon Dioxide Capture, Transportation and Geological Storage – Lifecycle Risk Management for Integrated CCS Projects.</i> Designed to be an information resource for the potential future development of standard overall risk management for CCS projects.	2021-01-26
SANS 4309 Ed 3	<i>Cranes – Wire ropes – Care, maintenance, installation, examination and discard.</i> Establishes general principles for the care and maintenance, and inspection and discard of steel wire ropes used on cranes and hoists..	2021-01-17
SANS 20380 Ed 1	<i>Public swimming pools – Computer vision systems for the detection of drowning accidents in swimming pools – Safety requirements and test methods.</i> Describes the minimum operational, performance and safety requirements and test methods for computer vision systems used to detect drowning accidents, does not apply to the systems used in domestic swimming pools and pool basins with a surface area of less than 150 m ² .	2021-01-13

SCHEDULE A.1: AMENDMENT OF EXISTING STANDARDS

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

Draft Standard No. and Edition	Title	Scope of amendment	Closing Date
SANS 62282-6-100 Ed 1.1	<i>Fuel cell technologies – Part 6-100: Micro fuel cell power systems – Safety.</i>	Amended to update referenced standards, and to replace the mass loss with the hydrogen leakage test.	2021-01-30
SANS 1459 Ed 2.1	<i>Traffic lights.</i>	Amended to remove the annex A which is note to purchasers.	2021-01-30
SANS 60034-18-41 Ed 2.1	<i>Rotating electrical machines – Part 18-41: Partial discharge free electrical insulation systems (type I) used in rotating electrical machines fed from voltage converters – Qualification and quality control tests</i>	Amended to update the terms and definitions, the recommendations on routine tests, the annex on derivation of test voltages for Type I insulation systems, the annex on derivation of allowable voltages in service, to add an annex on derivation of routine withstand test voltages and an example for a 500 V rated machine, and to update referenced standards.	2021-01-30
SANS 60335-2-31 Ed 4.1	<i>Household and similar electrical appliances – Safety – Part 2-31: Particular requirements for range hoods and other cooking fume extractors.</i>	Amended to update referenced standards, and to update the clauses on marking and instructions, heating, construction and resistance to heat and fire.	2021-01-30
SANS 60601-1-11 Ed 2.1	<i>Medical electrical equipment – Part 1-11: General requirements for basic safety and essential performance – Collateral Standard: Requirements for medical electrical equipment and medical electrical systems used in the home healthcare environment.</i>	Amended to update related standards, referenced standards and terms and definitions, to update the clauses on ME equipment identification, marking and documents, protection against excessive temperatures and other HAZARDS, and to update the annex on general guidance and rationale.	2021-01-30
SANS 60570 Ed 2.2	<i>Electrical supply track systems for luminaires.</i>	Amended to update the scope, referenced standards and terms and definitions, to update the clauses on general test requirements, marking, general requirements and ratings, construction, creepage distances and clearances, external and internal wiring, protection against electric shock, insulation resistance and electric strength, terminals and connections for external wiring, and to add the annex on test to be carried out on luminaires supplied with track systems providing control signals.	2021-01-30
SANS 10004 Ed 4.2	<i>Terms and definitions for textiles and textile merchandise.</i>	Amended to modify the scope and to update referenced standards.	2021-01-26
SANS 1640 Ed 1.3	<i>Reconditioned manually operated chain hoists.</i>	Amended to update referenced standards, the definitions, and to delete the annex on notes to customers.	2021-01-26

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

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

Draft Standard No. and Edition	Title	Reason for withdrawal	Closing Date
SANS 10398 Ed 1.1	<i>Cosmetic cellulite products.</i>	The standard has no use in industry anymore. It has become dormant.	2021-01-31

SCHEDULE A.3: WITHDRAWAL OF INFORMATIVE AND NORMATIVE DOCUMENTS

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

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

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

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

Standard No. and year	Title, scope and purport
SANS 19104:2020 Ed 1	<i>Geographic information – Terminology.</i> Specifies requirements for the collection, management and publication of terminology in the field of geographic information.
SANS 21505:2020 Ed 1	<i>Project, programme and portfolio management – Guidance on governance.</i> Describes the context in which the governance of projects, programmes and portfolios is conducted and provides guidance for the governance of projects, programmes and portfolios.
SANS 6110:2020 Ed 2	<i>Accumulated impact strength of ladies' shoe heels of height greater than 25 mm.</i> Specifies a method for the determination of accumulated impact strength of ladies shoe heels of height greater than 25 mm.
SANS 6131:2020 Ed 2	<i>Pull-off strength of ladies' shoe heels.</i> Specifies a method for the determination of pull-off strength of ladies' shoe heels.
SANS 50937:2020 Ed 2	<i>Chemicals used for treatment of water intended for human consumption – Chlorine.</i> Applicable to chlorine used for treatment of water intended for human consumption.
SANS 55002:2020 Ed 2	<i>Asset management – Management systems – Guidelines for the application of ISO 55001.</i> Gives guidelines for the application of an asset management system, in accordance with the requirements of ISO 55001 (published in South Africa as an identical adoption under the designation SANS 55001).

SCHEDULE B.2: AMENDED STANDARDS

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

Standard No. and year	Title, scope and purport
SANS 1221:2020 Ed 3.1	<i>Detergent skin cleansers (non-cosmetic). Consolidated edition incorporating amendment No.1.</i> Amended to update the title of the standard, to modify the requirements for consistency and for marking, and to delete the annex on notes to purchasers.

SANS 534-2:2020 Ed 1.1	<i>Vehicle security – Whole-of-vehicle marking – Part 2: Microdot systems - MID requirements. Consolidated edition incorporating amendment No.1.</i> Amended to update the introduction and definitions, and to update the clause on requirements.
SANS 534-3:2020 Ed 1.1	<i>Vehicle security – Whole-of-vehicle marking – Part 3: Microdot systems – Fitment under OEM control. Consolidated edition incorporating amendment No.1.</i> Amended to add the clause on off-premises service.

SCHEDULE B.3: WITHDRAWN STANDARDS

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

Standard No. and year	Title
SANS 7202:2012 Ed 1	<i>Fire protection – Fire extinguishing media – Powder</i>

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

SCHEDULE 5: ADDRESS OF THE SOUTH AFRICAN BUREAU OF STANDARDS HEAD OFFICE

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

DEPARTMENT OF TRADE, INDUSTRY AND COMPETITION**NOTICE 712 OF 2020****COMPETITION TRIBUNAL
NOTIFICATION OF DECISION TO APPROVE MERGER**

The Competition Tribunal gives notice in terms of rules 34(b)(ii) and 35(5)(b)(ii) of the "Rules for the conduct of proceedings in the Competition Tribunal" as published in Government Gazette No. 22025 of 01 February 2001 that it approved the following mergers:

Case No.	Acquiring Firm	Target Firm	Date of Order	Decision
LM118Sep20	Kagiso Capital (RF) (Pty) Ltd	EMSS Consulting (Pty) Ltd T/A Alphawave Holdings	05/11/2020	Approved
LM119Sep20	Emerging African Property Partners (Pty) Ltd	Enigma Empowerment Fund	05/11/2020	Approved
LM027May20	Alstom Societe Anonyme	Bombarder Transportation (Investment) UK Ltd	19/11/2020	Approved Subject to Conditions
LM101Aug20	Ivlyn Consolidated Holdings (Pty) Ltd	Fairy Tales Boutiques (Pty) Ltd and Others	20/11/2020	Approved
LM138Oct20	Corvest 12 (Pty) Ltd	The Alternative Power (Pty) Ltd	25/11/2020	Approved
LM139Oct20	Fortyelllow (Pty) Ltd	DSV Real Estate Johannesburg (Pty) Ltd	25/11/2020	Approved
LM145Oct20	RMB Investments and Advisory (Pty) Ltd and Redefine Properties Ltd	Mall of the South	25/11/2020	Approved
LM148Oct20	Main Street 1788 (Pty) Ltd	Octotel (Pty) Ltd	25/11/2020	Approved

The Chairperson
Competition Tribunal

DEPARTMENT OF TRADE, INDUSTRY AND COMPETITION**NOTICE 713 OF 2020****COMPETITION TRIBUNAL****NOTIFICATION OF COMPLAINT REFERRAL**

The Competition Tribunal gives notice in terms of Section 51(3) & (4) of the Competition Act 89 of 1998 as amended, that it received the c COVCR074Jul20 complaint referrals listed below. The complaint(s) alleges that the respondent(s) engaged in a prohibited practice in contravention of the Competition Act 89 of 1998.

Case No.	Complainant	Respondent	Date received	Sections of the Act
FTN154Nov20	Competition Commission	Shashe Trading (Pty) Ltd and Devenco 44 (Pty) Ltd	09/11/2020	13A(3)

The Chairperson
Competition Tribunal

DEPARTMENT OF TRANSPORT

NOTICE 714 OF 2020

**AIR SERVICE LICENSING ACT, 1990 (ACT NO.115 OF 1990)
APPLICATION FOR THE GRANT OR AMENDMENT OF DOMESTIC AIR
SERVICE LICENCE**

Pursuant to the provisions of section 15 (1) (b) of Act No. 115 of 1990 and Regulation 8 of the Domestic Air Regulations, 1991, it is hereby notified for general information that the application detail of which appear in the appendix, will be considered by the Air Service Licensing Council. Representation in accordance with section 15 (3) of the Act No.115 of 1990 in support of, or in position, an application, should reach the Air Service Licensing Council. Private Box X 193, Pretoria, 0001, within 21 days of date of the publication thereof.

APPENDIX I

(A) Full name and trade name of the applicant. (B) Full business or residential address of the applicant. (C) Class of licence applied for. (D) Type of air service to which application applies. (E) Category of aircraft to which application applies.

(A) Ross Air Sebenza (Pty) Ltd. (B) 11 Jan van Riebeeck, Wellington, 7656. (C) Class II & III. (D) Type N1, N2, G2, G3, G4, G5, G7, G8, G10 & G16 (RPAS). (E) Category H2.

APPENDIX II

(A) Full Name and trade name of the applicant. (B) Full business or residential address of the applicant. (C) The Class and number of license in respect of which the amendment is sought (D) Type of air service and the amendment thereto which is being applied for (E) Category of aircraft and the amendment thereto which is being applied for.

(A) Titanoffshore (Pty) Ltd. (B) THG Building, 115 Aviation Crescent, Airport City, Cape Town, 7490. (C) Class II & III; N794D & G795D. (D) Type N1, N2, G3, G10, G15 & G16 (Ship to Shore Operations). (E) Category H1 & H2. **Change to the MP:** J. F. Erasmus replaces L. Potgieter as the RP: Flight Operations, G. P. Oosthuizen replaces G. R. Donald as the RP: Aircraft & G. W. Asaram replaces C. W. Frost as the Air Service Safety Officer.

(A) Ultimate Heli (Pty) Ltd. (B) 2nd Floor, Ultimate Heliport, Waterfall Logistics Precinct, Corner of Bridal Veil and K101, Midrand. (C) Class II & III; N1042D & G1043D. (D) Type N1, N2, G2, G3, G4, G5, G6, G8, G10, G11, G12, G13, G15 & G16 (Ship to Shore Operations Night Vision Systems & RPAS). (E) Category H1 & H2. **Changes to the MP:** Mr J. M. Swanepool replaces Mr D. N. Simelane as the RP: Flight Operations, Mr R. van der Walt replaces Mr C. W. Cornwell as the RP: Aircraft & Mr R. van der Walt replaces Mr J. D. Huff as the Air Service Safety Officer.

(A) Comair Limited; Kulula.com & British Airways. (B) 1 Marignane Drive, Bonaero Park, Kemton Park, 1619. (C) Class I & II; S066D & N067D. (D) Type S1, S2, N1 & N2. (E) Category A1 & A2. **Change to the MP:** Captain Glen Warden replaces Captain Deen Wayne Gielink as the RP: Flight Operations

(A) Comair Limited; Kulula.com & British Airways. (B) 1 Marignane Drive, Bonaero Park, Kemton Park, 1619. (C) Class I & II; S066D & N067D. (D) Type S1, S2, N1 & N2. (E) Category A1 & A2. **Change to the MP:** Glen Wayne Orsmond is appointed as the Chief Executive Officer & P. Mathonsi is appointed as the RP: Aircraft.

This publication rectifies errors and omissions contained in the publication that was published in the General Notice 34 of 2020 and in the Government Gazette No 42980 of January 31,, 2020.

DEPARTMENT OF TRANSPORT**NOTICE 715 OF 2020****INTERNATIONAL AIR SERVICE ACT, (ACT NO.60 OF 1993)
GRANT /AMENDMENT OF INTERNATIONAL AIR SERVICE LICENSE**

Pursuant to the provisions of section 17 (12) of Act No.60 of 1993 and Regulation 15 (1) and 15 (2) of the International Air Regulations, 1994, it is hereby notified for general information that the applications, detail of which appear in the Schedules hereto, will be considered by the International Air Services Council (Council) Representation in accordance with section 16(3) of the Act No. 60 of 1993 and regulation 25(1) of International Air Services Regulation, 1994, against or in favour of an application, should reach the Chairman of the International Air Services Council at Department of Transport, Private Bag X 193, Pretoria, 0001, within 28 days of the application hereof. It must be stated whether the party or parties making such representation is / are prepared to be represent or represented at the possible hearing of the application.

APPENDIX I

(A) Full name, surname and trade name of the applicant. (B) Full business or residential address of the applicant. (C) Class of licence applied for. (D) Type of International Air Service to which application pertains. (E) Category or kind of aircraft to which application pertains. (F) Airport from and the airport to which flights will be undertaken. (G) Area to be served. (H) Frequency of flight.

(A) **Ultimate Heli (Pty) Ltd.** (B) 2nd Floor, Ultimate Heliport, Waterfall Logistics Precinct, Corner of Bridal Veil and K101, Midrand. (C) Class II & III. (D) Type N1, N4, G2, G3, G4, G5, G8, G10, G11, G13, G15 & G16 (Ship to Shore Operations, Night Vision Systems & RPAS). (E) Category H1 & H2.

APPENDIX II

(A) Full Name and trade name of the applicant. (B) Full business or residential address of the applicant. (C) The Class and number of license in respect of which the amendment is sought (D) Type of air service and the amendment thereto which is being applied for (E) Category of aircraft and the amendment thereto which is being applied for.

(A) **Comair Limited; Kulula.com & British Airways.** (B) 1 Marignane Drive, Bonaero Park, Kemton Park, 1619. (C) Class I & II; I/S025 & I/N026. (D) Type S1, S2, N1 & N4. (E)Category A1 & A2. **Change to the MP:** Captain Glen Warden replaces Captain Deen Wayne Gielink as the RP: Flight Operations

(A) **Comair Limited; Kulula.com & British Airways.** (B) 1 Marignane Drive, Bonaero Park, Kemton Park, 1619. (C) Class I & II; I/S025 & I/N026. (D) Type S1, S2, N1 & N4. (E)Category A1 & A2. **Change to the MP:** Glen Wayne Orsmond is appointed as the Chief Executive Officer & P. Mathonsi is appointed as the RP: Aircraft.

This publication rectifies errors and omissions contained in the publication that was published in the General Notice 34 of 2020 and in the Government Gazette No 42980 of January 31,, 2020.

(A) **Airlink (Pty) Ltd; Airlink.** (B) ## Greenstone Hill Office Park, Emerald Boulevard, Greenstone Hill, Modderfontein, 1609. (C) Class I; I/S073. Type S1. (E) Category A1 (F) OR Tambo International Airport. (G) & (H) Adding the following.

State	Destination	Frequencies
Malawi	Blantyre	Seven (7) return flights per week.
Malawi	Lilongwe	Seven (7) return flights per week.
DRC	Kinshasa	Seven (7) return flights per week.

BOARD NOTICES • RAADSKENNISGEWINGS

BOARD NOTICE 143 OF 2020**SOUTH AFRICAN COUNCIL FOR THE ARCHITECTURAL PROFESSION**

Publication in terms of section 32(5) of the Architectural Profession Act No. 44 of 2000 ("The Act") of the finding and sanction imposed in accordance with the settlement agreement signed on 02 September 2020, into alleged improper conduct of the registered person.

Name of Person: Shawn Rowley

Registration Number: ST0772

Nature of the offence

Guilty of the contravention of Rules 1.1.(1.1.2), (1.1.3), 4.1 and 5.9 of the Code of Professional Conduct for registered persons promulgated under Board Notice 154 of 2009 Government Gazette No 32731 of 27 November 2009.

Sanction:

- Mr. Shawn Rowley is reprimanded in terms of section 32 (3) (a) (i) and fined R22 000.00 (twenty-two thousand rand) in terms of section 32 (3) (a) (ii) of the Act.

BOARD NOTICE 144 OF 2020**SOUTH AFRICAN COUNCIL FOR THE ARCHITECTURAL PROFESSION**

Publication in terms of section 32(5) of the Architectural Profession Act No. 44 of 2000 ("The Act") of the finding and sanction imposed in accordance with the settlement agreement signed on 30 October 2020, into alleged improper conduct of the registered person.

Name of Person: Donovan H. Beetge

Registration Number: CSAT59984197

Nature of the offence

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

Sanction:

- Mr. Donovan H. Beetge, is fined R2 000.00 (two thousand rand) in terms of section 32 (3) (a) (ii) of the Act.

BOARD NOTICE 145 OF 2020**SOUTH AFRICAN COUNCIL FOR THE ARCHITECTURAL PROFESSION**

Publication in terms of section 32(5) of the Architectural Profession Act No. 44 of 2000 ("The Act") of the finding and sanction imposed in accordance with the settlement agreement signed on 04 August 2020, into alleged improper conduct of the registered person.

Name of Person: Tjaard Du Plessis

Registration Number: T0242

Nature of the offence

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

Sanction:

- Mr. Tjaard Du Plessis is reprimanded in terms of section 32 (3) (a) (i) of the Act and fined R12 000.00 (twelve thousand rand) in terms of section 32 (3) (a) (ii) of the Act.

BOARD NOTICE 146 OF 2020**SOUTH AFRICAN COUNCIL FOR THE ARCHITECTURAL PROFESSION**

Publication in terms of section 32(5) of the Architectural Profession Act No. 44 of 2000 ("The Act") of the finding and sanction imposed in accordance with the settlement agreement signed on 25 September 2020, into alleged improper conduct of the registered person.

Name of Person: Johannes Reeds

Registration Number: D 0675

Nature of the offence

Guilty of the contravention of Rules 1.1(1.1.2), 2.4 and 4.1 of the Code of Professional Conduct for registered persons promulgated under Board Notice 154 of 2009 Government Gazette No 32731 of 27 November 2009.

Sanction:

- Mr. Johannes Reeds is fined R15 000.00 (Fifteen thousand rand) in terms of section 32 (3) (a) (ii) of the Act.

BOARD NOTICE 147 OF 2020**SOUTH AFRICAN COUNCIL FOR THE ARCHITECTURAL PROFESSION**

Publication in terms of section 32(5) of the Architectural Profession Act No. 44 of 2000 ("The Act") of the finding and sanction imposed in accordance with the settlement agreement signed on 25 September 2020, into alleged improper conduct of the registered person.

Name of Person: Andre Casper Kruger

Registration Number: T.1483

Nature of the offence

Guilty of the contravention of Rules 1.1(1.1.2), 4.1, 5.1 and 5.10 of the Code of Professional Conduct for registered persons promulgated under Board Notice 154 of 2009 Government Gazette No 32731 of 27 November 2009.

Sanction:

- Mr. Andre Casper Kruger, is fined R5 000.00 (Five thousand rand) in terms of section 32 (3) (a) (ii) of the Act.

BOARD NOTICE 148 OF 2020**SOUTH AFRICAN COUNCIL FOR THE ARCHITECTURAL PROFESSION**

Publication in terms of section 32(5) of the Architectural Profession Act No. 44 of 2000 ("The Act") of the finding and sanction imposed in accordance with the settlement agreement signed on 25 September 2020, into alleged improper conduct of the registered person.

Name of Person: Andre Casper Kruger

Registration Number: T.1483

Nature of the offence

Guilty of the contravention of Rules 2.4, 4.1, 5.1 and 5.10 of the Code of Professional Conduct for registered persons promulgated under Board Notice 154 of 2009 Government Gazette No 32731 of 27 November 2009.

Sanction:

- Mr. Andre Casper Kruger, is fined R10 000.00 (Ten thousand rand) in terms of section 32 (3) (a) (ii) of the Act.

BOARD NOTICE 149 OF 2020**SOUTH AFRICAN COUNCIL FOR THE ARCHITECTURAL PROFESSION**

Publication in terms of section 32(5) of the Architectural Profession Act No. 44 of 2000 ("The Act") of the finding and sanction imposed in accordance with the settlement agreement signed on 25 September 2020, into alleged improper conduct of the registered person.

Name of Person: BUHLE N MATHOLE

Registration Number: Pr. Arch 21048

Nature of the offence

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

Sanction:

- Ms. Buhle Mathole is fined R10 000.00 (Ten thousand rand) in terms of section 32 (3) (a) (ii) of the Act.

BOARD NOTICE 150 OF 2020**SOUTH AFRICAN COUNCIL FOR THE ARCHITECTURAL PROFESSION**

Publication in terms of section 32(5) of the Architectural Profession Act No. 44 of 2000 ("The Act") of the finding and sanction imposed in accordance with the settlement agreement signed on 30 September 2020, into alleged improper conduct of the registered person.

Name of Person: Deon Ceronio

Registration Number: Pr. Arch 20721

Nature of the offence

Guilty of the contravention of Rules 1.1(1.1.2), (1.1.3), 2.4, 4.1 and 5.10 of the Code of Professional Conduct for registered persons promulgated under Board Notice 154 of 2009 Government Gazette No 32731 of 27 November 2009.

Sanction:

- Mr. Deon Ceronio is fined R20 000.00 (Twenty thousand rand) in terms of section 32 (3) (a) (ii) of the Act.

BOARD NOTICE 151 OF 2020**SOUTH AFRICAN COUNCIL FOR THE ARCHITECTURAL PROFESSION**

Publication in terms of section 32(5) of the Architectural Profession Act No. 44 of 2000 ("The Act") of the finding and sanction imposed in accordance with the settlement agreement signed on 30 October 2020, into alleged improper conduct of the registered person.

Name of Person: Mholiwezizwe F Mthembu

Registration Number: Pr. Arch 21106

Nature of the offence

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

Sanction:

- Mr. Mholiwezizwe F Mthembu, is fined R5 000.00 (five thousand rand) in terms of section 32 (3) (a) (ii) of the Act.

BOARD NOTICE 152 OF 2020**SOUTH AFRICAN COUNCIL FOR THE ARCHITECTURAL PROFESSION**

Publication in terms of section 32(5) of the Architectural Profession Act No. 44 of 2000 ("The Act") of the finding and sanction imposed in accordance with the settlement agreement signed on 24 August 2020, into alleged improper conduct of the registered person.

Name of Person: Siyabonga Elvis Moloi

Registration Number: D0981

Nature of the offence

Guilty of the contravention of Rules 1.1(1.1.2), (1.1.3) and 4.1 of the Code of Professional Conduct for registered persons promulgated under Board Notice 154 of 2009 Government Gazette No 32731 of 27 November 2009.

Sanction:

- Mr. Siyabonga Elvis Moloi is reprimanded in terms of section 32 (3) (a) (i) of the Act and fined R6 000.00 (six thousand rand) in terms of section 32 (3) (a) (ii) of the Act.

BOARD NOTICE 153 OF 2020**SOUTH AFRICAN COUNCIL FOR THE ARCHITECTURAL PROFESSION**

Publication in terms of section 32(5) of the Architectural Profession Act No. 44 of 2000 ("The Act") of the finding and sanction imposed in accordance with the settlement agreement signed on 30 October 2020, into alleged improper conduct of the registered person.

Name of Person: Poovendran Ellen

Registration Number: ST 1618

Nature of the offence

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

Sanction:

- Mr. Poovendran Ellen, is fined R5 000.00 (five thousand rand) in terms of section 32 (3) (a) (ii) of the Act.

BOARD NOTICE 154 OF 2020**SOUTH AFRICAN COUNCIL FOR THE ARCHITECTURAL PROFESSION**

Publication in terms of section 32(5) of the Architectural Profession Act No. 44 of 2000 ("The Act") of the finding and sanction imposed in accordance with the settlement agreement signed on 16 September 2020, into alleged improper conduct of the registered person.

Name of Person: Rohan Young

Registration Number: Pr. Arch 7261

Nature of the offence

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

Sanction:

- Mr. Rohan Young is fined R5 000.00 (Five thousand rand) in terms of section 32 (3) (a) (ii) of the Act.

BOARD NOTICE 155 OF 2020**SOUTH AFRICAN COUNCIL FOR THE ARCHITECTURAL PROFESSION**

Publication in terms of section 32(5) of the Architectural Profession Act No. 44 of 2000 ("The Act") of the finding and sanction imposed in accordance with the settlement agreement signed on 21 August 2020, into alleged improper conduct of the registered person.

Name of Person: Sadekah Hassangy

Registration Number: D2621

Nature of the offence

Guilty of the contravention of Rules 1.1(1.1.2), 2.4 and 4.1 of the Code of Professional Conduct for registered persons promulgated under Board Notice 154 of 2009 Government Gazette No 32731 of 27 November 2009 and section 18(2) read with section 26(3) of Act.

Sanction:

- Ms. Sadekah Hassangy is reprimanded in terms of section 32 (3) (a) (i) of the Act and fined R8 000.00 (Eight thousand rand) in terms of section 32 (3) (a) (ii) of the Act.

BOARD NOTICE 156 OF 2020**SOUTH AFRICAN COUNCIL FOR THE ARCHITECTURAL PROFESSION**

Publication in terms of section 32(5) of the Architectural Profession Act No. 44 of 2000 ("The Act") of the finding and sanction imposed in accordance with the settlement agreement signed on 30 October 2020, into alleged improper conduct of the registered person.

Name of Person: Siyabonga Bhengu

Registration Number: ST20663

Nature of the offence

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

Sanction:

- Mr. Siyabonga Bhengu, is fined R5 000.00 (five thousand rand) in terms of section 32 (3) (a) (ii) of the Act.

BOARD NOTICE 157 OF 2020**SOUTH AFRICAN COUNCIL FOR THE ARCHITECTURAL PROFESSION**

Publication in terms of section 32(5) of the Architectural Profession Act No. 44 of 2000 ("The Act") of the finding and sanction imposed in accordance with the settlement agreement signed on 30 October 2020, into alleged improper conduct of the registered person.

Name of Person: Siyabonga E Moloji

Registration Number: D0981

Nature of the offence

Guilty of the contravention of Rules 1.1(1.1.2), 4.1, 5.1 and 5.10 of the Code of Professional Conduct for registered persons promulgated under Board Notice 154 of 2009 Government Gazette No 32731 of 27 November 2009.

Sanction:

- Mr. Siyabonga E Moloji , is fined R5 000.00 (five thousand rand) in terms of section 32 (3) (a) (ii) of the Act.

BOARD NOTICE 158 OF 2020**SOUTH AFRICAN COUNCIL FOR THE ARCHITECTURAL PROFESSION**

Publication in terms of section 32(5) of the Architectural Profession Act No. 44 of 2000 ("The Act") of the finding and sanction imposed in accordance with the settlement agreement signed on 27 July 2020, into alleged improper conduct of the registered person.

Name of Person: Sphelele Mavundla

Registration Number: PAT20655

Nature of the offence

Guilty of the contravention of Rules 3.1, 5.7, 5.9 and 5.10 of the Code of Professional Conduct for registered persons promulgated under Board Notice 154 of 2009 Government Gazette No 32731 of 27 November 2009 and section 18(2) read with section 26(3) of Act.

Sanction:

- Mr. Sphelele Mavundla is reprimanded in terms of section 32 (3) (a) (i) of the Act and fined R20 000.00 (twenty thousand rand) in terms of section 32 (3) (a) (ii) of the Act.

BOARD NOTICE 159 OF 2020**SOUTH AFRICAN COUNCIL FOR THE ARCHITECTURAL PROFESSION**

Publication in terms of section 32(5) of the Architectural Profession Act No. 44 of 2000 (“The Act”) of the finding and sanction imposed in accordance with the settlement agreement signed on 23 September 2020, into alleged improper conduct of the registered person.

Name of Person: Tauriq Bloew

Registration Number: D 0912

Nature of the offence

Guilty of the contravention of Rules 2.4 and 5.4 of the Code of Professional Conduct for registered persons promulgated under Board Notice 154 of 2009 Government Gazette No 32731 of 27 November 2009.

Sanction:

- Mr. Tauriq Bloew is fined R10 000.00 (Ten thousand rand) in terms of section 32 (3) (a) (ii) of the Act.

BOARD NOTICE 160 OF 2020**SOUTH AFRICAN COUNCIL FOR THE ARCHITECTURAL PROFESSION**

Publication in terms of section 32(5) of the Architectural Profession Act No. 44 of 2000 (“The Act”) of the finding and sanction imposed in accordance with the settlement agreement signed on 22 September 2020, into alleged improper conduct of the registered person.

Name of Person: Thesigan Naidoo

Registration Number: ST 0657

Nature of the offence

Guilty of the contravention of Rules 1.1 (1.1.2), (1.1.3), 4.1, 5.4, 5.9, and 5.10 of the Code of Professional Conduct for registered persons promulgated under Board Notice 154 of 2009 Government Gazette No 32731 of 27 November 2009.

Sanction:

- Mr. Thesigan Naidoo, is fined R20 000.00 (Twenty thousand rand) in terms of section 32 (3) (a) (ii) of the Act.

BOARD NOTICE 161 OF 2020**SOUTH AFRICAN COUNCIL FOR THE ARCHITECTURAL PROFESSION**

Publication in terms of section 32(5) of the Architectural Profession Act No. 44 of 2000 (“The Act”) of the finding and sanction imposed in accordance with the settlement agreement signed on 23 September 2020, into alleged improper conduct of the registered person.

Name of Person: Tisetso N Nyakane

Registration Number: CSAT 57127143

Nature of the offence

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

Sanction:

- Mr. Tisetso N Nyakane, is fined R5 000.00 (Five thousand rand) in terms of section 32 (3) (a) (ii) of the Act.

BOARD NOTICE 162 OF 2020**SOUTH AFRICAN COUNCIL FOR THE ARCHITECTURAL PROFESSION**

Publication in terms of section 32(5) of the Architectural Profession Act No. 44 of 2000 ("The Act") of the finding and sanction imposed in accordance with the settlement agreement signed on 22 September 2020, into alleged improper conduct of the registered person.

Name of Person: Willem Van Der Merwe

Registration Number: ST 2044

Nature of the offence

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

Sanction:

- Mr. Willem Van Der Merwe, is fined R10 000.00 (Ten thousand rand) in terms of section 32 (3) (a) (ii) of the Act.

BOARD NOTICE 163 OF 2020**SOUTH AFRICAN COUNCIL FOR THE ARCHITECTURAL PROFESSION**

Publication in terms of section 32(5) of the Architectural Profession Act No. 44 of 2000 (“The Act”) of the finding and sanction imposed in accordance with the settlement agreement signed on 11 August 2020, into alleged improper conduct of the registered person.

Name of Person: Hendrik Willemse

Registration Number: ST2208

Nature of the offence

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

Sanction:

- Mr. Hendrik Willemse is reprimanded in terms of section 32 (3) (a) (i) of the Act and fined R7 000.00 (seven thousand rand) in terms of section 32 (3) (a) (ii) of the Act.

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