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REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID AFRIKA

Regulation Gazette

No. 11636

Regulasiekoerant

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

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government
printing

Department:
Government Printing Works
REPUBLIC OF SOUTH AFRICA

HIGH ALERT: SCAM WARNING!!!

TO ALL SUPPLIERS AND SERVICE PROVIDERS OF THE GOVERNMENT PRINTING WORKS

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

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

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

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

Example of e-mails these fraudsters are using:

PROCUREMENT@GPW-GOV.ORG

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

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

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** **REGULATION GAZETTE** **2023**

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

- **29 December**, Thursday for the issue of Friday **06 January 2023**
- **06 January**, Friday for the issue of Friday **13 January 2023**
- **13 January**, Friday for the issue of Friday **20 January 2023**
- **20 January**, Friday for the issue of Friday **27 January 2023**
- **27 January**, Friday for the issue of Friday **03 February 2023**
- **03 February**, Friday for the issue of Friday **10 February 2023**
- **10 February**, Friday for the issue of Friday **17 February 2023**
- **17 February**, Friday for the issue of Friday **24 February 2023**
- **24 February**, Friday for the issue of Friday **03 March 2023**
- **03 March**, Friday for the issue of Friday **10 March 2023**
- **10 March**, Friday for the issue of Friday **17 March 2023**
- **16 March**, Thursday for the issue of Friday **24 March 2023**
- **24 March**, Friday for the issue of Friday **31 March 2023**
- **30 March**, Thursday for the issue of Thursday **06 April 2023**
- **05 April**, Wednesday for the issue of Friday **14 April 2023**
- **14 April**, Friday for the issue of Friday **21 April 2023**
- **20 April**, Thursday for the issue of Friday **28 April 2023**
- **26 April**, Wednesday for the issue of Friday **05 May 2023**
- **05 May**, Friday for the issue of Friday **12 May 2023**
- **12 May**, Friday for the issue of Friday **19 May 2023**
- **19 May**, Friday for the issue of Friday **26 May 2023**
- **26 May**, Friday for the issue of Friday **02 June 2023**
- **02 June**, Friday for the issue of Friday **09 June 2023**
- **08 June**, Thursday for the issue of Thursday **15 June 2023**
- **15 June**, Thursday for the issue of Friday **23 June 2023**
- **23 June**, Friday for the issue of Friday **30 June 2023**
- **30 June**, Friday for the issue of Friday **07 July 2023**
- **07 July**, Friday for the issue of Friday **14 July 2023**
- **14 July**, Friday for the issue of Friday **21 July 2023**
- **21 July**, Friday for the issue of Friday **28 July 2023**
- **28 July**, Friday for the issue of Friday **04 August 2023**
- **03 August**, Thursday for the issue of Friday **11 August 2023**
- **11 August**, Friday for the issue of Friday **18 August 2023**
- **18 August**, Friday for the issue of Friday **25 August 2023**
- **25 August**, Friday for the issue of Friday **01 September 2023**
- **01 September**, Friday for the issue of Friday **08 September 2023**
- **08 September**, Friday for the issue of Friday **15 September 2023**
- **15 September**, Friday for the issue of Friday **22 September 2023**
- **21 September**, Thursday for the issue of Friday **29 September 2023**
- **29 September**, Friday for the issue of Friday **06 October 2023**
- **06 October**, Friday for the issue of Friday **13 October 2023**
- **13 October**, Friday for the issue of Friday **20 October 2023**
- **20 October**, Friday for the issue of Friday **27 October 2023**
- **27 October**, Friday for the issue of Friday **03 November 2023**
- **03 November**, Friday for the issue of Friday **10 November 2023**
- **10 November**, Friday for the issue of Friday **17 November 2023**
- **17 November**, Friday for the issue of Friday **24 November 2023**
- **24 November**, Friday for the issue of Friday **01 December 2023**
- **01 December**, Friday for the issue of Friday **08 December 2023**
- **08 December**, Friday for the issue of Friday **15 December 2023**
- **15 December**, Friday for the issue of Friday **22 December 2023**
- **20 December**, Wednesday for the issue of Friday **29 December 2023**

LIST OF TARIFF RATES FOR PUBLICATION OF NOTICES

COMMENCEMENT: 1 APRIL 2018

NATIONAL AND PROVINCIAL

Notice sizes for National, Provincial & Tender gazettes 1/4, 2/4, 3/4, 4/4 per page. Notices submitted will be charged at R1008.80 per full page, pro-rated based on the above categories.

Pricing for National, Provincial - Variable Priced Notices		
Notice Type	Page Space	New Price (R)
Ordinary National, Provincial	1/4 - Quarter Page	252.20
Ordinary National, Provincial	2/4 - Half Page	504.40
Ordinary National, Provincial	3/4 - Three Quarter Page	756.60
Ordinary National, Provincial	4/4 - Full Page	1008.80

EXTRA-ORDINARY

All Extra-ordinary National and Provincial gazette notices are non-standard notices and attract a variable price based on the number of pages submitted.

The pricing structure for National and Provincial notices which are submitted as **Extra ordinary submissions** will be charged at **R3026.32** per page.

GOVERNMENT PRINTING WORKS - BUSINESS RULES

The **Government Printing Works (GPW)** has established rules for submitting notices in line with its electronic notice processing system, which requires the use of electronic *Adobe Forms*. Please ensure that you adhere to these guidelines when completing and submitting your notice submission.

CLOSING TIMES FOR ACCEPTANCE OF NOTICES

1. The *Government Gazette* and *Government Tender Bulletin* are weekly publications that are published on Fridays and the closing time for the acceptance of notices is strictly applied according to the scheduled time for each gazette.
2. Please refer to the Submission Notice Deadline schedule in the table below. This schedule is also published online on the Government Printing works website www.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.gpwnonline.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

GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT**NO. R. 4003****27 October 2023**

PLANT IMPROVEMENT ACT, 1976
(ACT No. 53 OF 1976)

SOUTH AFRICAN HEMP CERTIFICATION SCHEME: ESTABLISHMENT

I, Angela Thokozile Didiza, Minister of Agriculture, Land Reform and Rural Development, acting under section 23 of the Plant Improvement Act, 1976 (Act No. 53 of 1976), read with section 24, after consultation with the Minister of Finance, hereby publish the South African Hemp Certification Scheme for public comments.

Interested parties are invited to submit written comments within 30 days from the date of publication of this Notice to the following address:

The Director Plant Production: Mr. Joseph Mahlabe and Acting Registrar Plant Improvement Act: Mr. Herman Mootane

Directorate: Plant Production

Department of Agriculture, Land Reform and Rural Development

Private Bag X250

PRETORIA

0001

Tel: +2712 319 6358

Fax: +2712 319 6353

E-mail: JosephMa@Dalrrd.gov.za or HermanMo@Dalrrd.gov.za

30 Hamilton Street, Harvest House

Arcadia, PRETORIA 0001



MRS ANGELA THOKOZILE DIDIZA

MINISTER FOR AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

DATE: 03/10/2023

SCHEDULE

Definition

1. In this Schedule, “the Scheme” means the South African Hemp Certification Scheme published by Government Notice No. R. of

Definition

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

“Analysis Report”

means the test report issued by a seed testing laboratory which has been registered in terms of the Act;

“approved”

means approved by the authority;

“authority”

means the authority designated in terms of Section 24(1) of the Plant Improvement Act and section 4 of this scheme;

“authorised person”

means a person authorised in terms of section (3) of this Scheme to carry out specific tasks in terms of recognised Schemes;

“basic plants”

also known as daughter plants, means hemp plants, including seedlings, cuttings, plugs and transplants derived from certified pre-basic plants or seeds, and which have been certified in terms of a recognised Scheme;

“basic seed”

means seed which has been certified in terms of an applicable recognised Scheme as basic seed, or in the case of Association of Official Seed Certifying Agencies (AOSCA) as “Registered Seed”;

“breeder”

means a person or entity that has bred a variety, hybrid and/or inbred lines suitable for certification;

"breeder seed"

means seed of a particular generation of an inbred line or a variety which has been produced under the supervision of the breeder thereof, the person to whom the rights therein have been transferred, or another person who maintains the generation concerned;

"breeder plant stock"

means propagation material identified by the breeder, or the breeder's representative. The breeder must also declare and document the way parent lines are selected and how the plant stock is maintained.

"bulking"

means combining unprocessed seed of the same variety from different origins before conditioning and packaging takes place, and "bulked" has a corresponding meaning;

"certificate of registration"

in relation to a unit, means the certificate of registration which was issued in terms of section 6 of the Scheme in respect of the unit concerned;

"Certification Standing Committee"

means a body consisting of technical experts in seed certification of the various crop groups;

"certified seed"

means seed which has been certified in terms of a recognised Scheme as certified seed;

"certified plants"

means plants or any part of hemp plants, including seedlings, cuttings, plugs and transplants derived from certified basic plants or seeds, and which have been certified in terms a recognised Scheme;

"closed system"

as far as isolation is concerned, means that the plants intended for seed production are protected in such a way that contamination by pollen from unwanted sources and/or pathogens is prevented and includes structures such as greenhouses;

"clones"

means a form of asexual reproduction occurring in plants in which a new plant is grown from a cutting made from a mother or daughter parent plant and thereby retaining the genetic composition of the parent plant;

"coated seeds"

means seeds covered with material that may contain pesticides, fungicides, dyes or other additives. The following types of coated seeds are defined:

- (a) Encrusted seed – units more or less retaining the shape of the seed with the size and weight changed to a measurable extent.

- (b) Film-coated seed – units retaining the shape and the general size of the raw seed with a minimal weight gain. The coating shall result in a continuous covering.
- (c) Seed granules – units, more or less cylindrical, including types with more than one seed per granule.
- (d) Seed mats – broad sheets of material, such as paper or other degradable material, with seeds placed in rows, groups or at random throughout the sheets.
- (e) Seed pellets – more or less spherical units, usually incorporating a single seed with the size and shape of the seed no longer readily evident.
- (f) Seed tapes – narrow bands of material, such as paper or other degradable material, with seeds spaced randomly, in groups or in a single row.
- (g) Treated seed – seeds with treatments, which have not resulted in a significant change in size, shape or addition to the weight of the original seed.

“cutting”

means a fragment taken from a parent plant which will be used to establish a rooted clone of the parent plant;

“deviating plant”

with regard to a particular variety, means a plant of such variety which does not correspond to the official recognised description of a typical plant of that variety;

“dioecious type”

means plants with male and female flowers on separate plants;

“feminized hemp”

means the progeny of a dioecious female plant that has been pollinated with pollen derived from the same or another dioecious female plant that has been induced to produce pollen. It is a true female plant with XX chromosomes;

“field”

means a specified portion or portions of a farm or premises which is intended for registration as a unit, i.e. a seed production area enclosed by natural borders such as ditches, contours, roads, buildings, fences, tree lines, or a minimum of 3 meter tilled, cut or clean break, or otherwise enclosed by walls, glass or netting such as for greenhouses;

“grower”

means a person to whom the certificate of registration in respect of a unit has been issued, and includes producers of vegetative propagating material according to the provisions of this Scheme;

“hemp”

means low THC plants or parts of plants of *Cannabis sativa* L. cultivated for agricultural or industrial purposes, of which the leaves and flowering heads do not contain more than 0.2% THC;

“Hemp Permit”

means the permit issued by the Registrar in accordance with clause 4(2) to a person who intends to perform an activity with low THC *Cannabis* (hemp);

“hybrid”

means seed which is the first generation of a cross between Basic seed of a female parent and a male parent or pollen donor, which is intended for the production of crops for purposes other than seed production;

“inbred line”

means a breeding line which has become homozygotic through inbreeding and selection;

“monoecious type”

means plants with male and female flowers on the same plant;

“owner of a variety”

refers to the applicant/holder/local distributor of a variety, as indicated against the denomination of the specific variety in the applicable varietal list;

“pollen parent”

also known as ‘reversed females’ means in the case of hemp, female plants that are induced to produce pollen utilized to create a hybrid, in replacement of true male plants;

“plug”

means young hemp plants raised in small, individual cells, ready to be transplanted to another production site;

“post control sample”

means a quantity of seed or cuttings obtained from a registered unit in order to verify the varietal purity and identity;

“premises”

means a premises which has been registered in terms of the Act;

“pre-basic seed”

means seed that has been certified as pre-basic seed in terms of an applicable recognised Scheme, or in the case of AOSCA as “Foundation Seed”, and is the seed –

- (a) of generations preceding ‘basic seed’; and
- (b) of the generations between ‘breeder seed’ and ‘basic seed’ if such seed have been produced in accordance with the stipulations of the Scheme and comply with the minimum requirements of ‘basic seed’ for the specific crop;

“pre-basic plants”

also known as mother plants, means hemp plants produced from breeder plant stock and certified as pre-basic plants;

“pure seed”

means seed free from inert matter and free from other seed distinguishable by appearance or by test;

“recognised Scheme”

means the following seed certification schemes and standards:

- (a) The South African Hemp Certification Scheme;
- (b) the Organization of Economic Cooperation and Development (OECD) Seed Schemes; and
- (c) the Association of Official Seed Certifying Agencies (AOSCA) Seed Certification Standards.

“seedling”

means young hemp plants grown from seeds;

“seed”

means seed intended for cultivation;

“seed lot”

means a specified quantity of seed that is physically and uniquely identifiable;

“seed parent”

means a dioecious female plant;

“THC”

means (-)-transdelta-9-tetrahydrocannabinol that occurs in plants and parts of plants of *Cannabis sativa* L.;

“the Act”

means the Plant Improvement Act, 1976 (Act No 53 of 1976), and the regulations made thereunder;

“the Authority”

means the authority designated in section 3 of this Scheme;

“the Minister”

means the Minister responsible for the Act;

“the Registrar”

means the officer designated under section 3 of the Act as Registrar of Plant Improvement, 1976 (Act No 53 of 1976);

“transplants”

means hemp plants that originate from either seed or clones that are kept in a vegetative state (before flowering) that will be moved to another production site.

"unit"

means a field which is registered in terms of this Scheme, and on which seed or vegetative propagating material is multiplied in terms of a recognised Scheme;

"varietal identity"

means that all plants cultivated from the seed or vegetative propagating material concerned correspond to the description of a plant of the variety concerned, and are clearly distinguishable from plants of any other variety of the same kind of plant; resulting from a given genotype or combination of genotypes;

"varietal list"

means the current version of the varietal list kept in terms of the Act; as well as the OECD Seed Schemes List of Varieties Eligible for Seed Certification;

"varietal purity"

in relation to seed of a particular variety, means the percentage of plants or seed within the population that conforms to the official recognised description of the variety concerned. Plants or seeds are considered as deviating (off-types) when they are obviously different from the variety;

"vegetative propagating material"

means plants or any part of plants, including seedlings, cuttings, plugs, clones and transplants derived from a source acceptable to the authority, and which may be further multiplied to produce certified seed of a specific generation in terms of this Scheme.

NAME OF SCHEME

2. This Scheme shall be known as the South African Hemp Certification Scheme.

DESIGNATION OF AUTHORITY

- 3.(1) The South African National Seed Organization (SANSOR), a voluntary organisation which is a juristic person by virtue of a provision to this effect in its statute, is hereby designated, at own expenses, as authority to exercise the powers, perform the functions and carry out the duties conferred upon, assigned to or imposed upon the authority under this Scheme and have no recourse against the State for any expenses thus incurred. The authority will be supported and advised in decision making by the Certification Standing Committee.

- 3.(2) The authority referred to in subsection (1), shall exercise its powers, perform its functions and carry out its duties subject to the directions of the Registrar of Plant Improvement designated by the Minister under section 3(1) of the Act.
- 3.(3) The authority designated in terms of subsection 1), may in terms of subsection 24(2)(a) of the Act, authorise a person to exercise the powers, perform the functions and carry out the duties conferred upon that authority.
- 3.(4) The authority determines the requirements and conditions according to which a person contemplated in subsection (3) is authorised.

APPLICATION OF SCHEME

- 4.(1) This Scheme shall apply to seed and vegetative propagating material of -
- (a) those varieties of hemp the denominations of which are entered in the varietal list;
 - (b) multiplication of generations of pre-basic and basic seed and vegetative propagating material of hemp varieties in process of evaluation for the purpose of variety listing;
 - (c) those inbred lines and crosses of hemp which are used in the production of seed and vegetative propagating material of the varieties referred to in paragraph (a); and
 - (d) varieties of hemp which is eligible for certification in terms of a recognised Scheme.
- 4.(2) The provisions of the applicable recognised Scheme shall be binding on the grower as from the date of registration of the unit concerned.

CONDITIONS FOR CERTIFICATION

5. Seed or vegetative propagating material of hemp may be certified in terms of a recognised Scheme if -
- (a) the field on which it was produced, is registered by the authority in terms of section 6 of this Scheme as a unit;
 - (b) it has, subject to the provisions of sections 8 and 16 of this Scheme, been produced by the grower to whom the certificate of registration in respect of the unit concerned has been issued;
 - (c) the seed or vegetative propagating material which was used to establish the plants from which it has been produced, complies with the requirements referred to in section 11 of this Scheme, and was planted in accordance with the establishment requirements referred to in that section;
 - (d) the unit on which it was produced has been isolated in accordance with the isolation requirements referred to in section 12 of this Scheme, or if it has been produced in terms of another recognised Scheme, in accordance to the requirements of the applicable Scheme;
 - (e) The plants from which it was produced, comply with the requirements referred to in section 12 of this Scheme, and have been inspected in accordance with the provisions of section 13 of this Scheme, or if it has been produced in terms of another recognised Scheme, in accordance to the requirements of the applicable Scheme;

- (f) it complies with the physical requirements referred to in section 14 of this Scheme, or if it has been produced in terms of another recognised Scheme, in accordance to the requirements of that Scheme;
- (g) the containers thereof comply with the requirements set out in section 18 of this Scheme, and are labelled as required in that section, or if it has been produced in terms of another recognised Scheme, in accordance to the requirements of that Scheme;
- (h) it is presented for certification in accordance with the provisions of section 19 of this Scheme, or if it has been produced in terms of another recognised Scheme, in accordance to the requirements of the applicable Scheme; and
- (i) all the other provisions of this Scheme, or if it has been produced in terms of another recognised Scheme, in accordance to the requirements of the applicable Scheme with regard to the seed or vegetative propagating material concerned and the processes in connection with the production thereof have been complied with.
- (j) all provisions of the Act relating to hemp, have been complied with.

REGISTRATION OF UNITS

- 6.(1) An application for the registration of a field as a unit shall be made on a form which is obtainable from the authority, or has been approved by the authority for this purpose.
- 6.(2) Such a form shall –
- (a) be completed by the person who intends to produce seed for certification in terms of a recognised Scheme on the field concerned, who may be either the grower or the company for which the seeds or plants are being produced for under contract;
 - (b) be lodged with the authority; be it in hard copy or electronic. In the last-mentioned case, a signed hard copy must be produced to the authority on request;
 - (c) be thus lodged within 28 days of the date on which the establishment of seed or planting material on the field concerned has commenced;
 - (d) be accompanied by the applicable amount determined by the authority, or proof of payment of the amount concerned;
 - (e) produce on request a locality map or locality information which clearly indicates where the field concerned is situated, and
 - (f) be accompanied by a copy of a valid Hemp Permit applicable to the activities being conducted, issued in terms of the Act by the Registrar of Plant Improvement to the grower concerned.
- 6.(3) The authority may, in the case of an application for the registration of a field which is intended for the production of seed or vegetative propagating material of an inbred line or cross referred to in section 4(1)(c) of this Scheme or a variety referred to in sections 4(1)(b) and 4(1)(d) of this Scheme, regardless in terms of which recognised Scheme the seed will be certified, require that the recognised description of a typical plant of that inbred line, cross or variety be furnished, and such application shall be

considered only if the authority is satisfied that the description concerned is sufficient to determine whether the plants of that inbred line, cross or variety –

- (a) are by reason of a conspicuous characteristic clearly distinguishable from the plants of any other inbred line, cross or variety of the same kind of plant;
- (b) are sufficiently homogeneous having regard to the particular features of the reproduction thereof;
- (c) are stable with regard to the essential characteristics thereof, and remain true to the description thereof after repeated propagation; and
- (d) are identified by a denomination which can be linked by the authority to a specific line, cross or variety.

6.(4) In the case where application is made for the registration for the production of a specific variety, where the owner of the variety concerned is not the applicant, the authority will only approve the application for the certification of that variety if the owner of the variety concerned provides written approval for such application,

6.(5) Separate applications shall be submitted in terms of this section in respect of different fields on the same farm on which seed or vegetative propagating material of different varieties is to be produced, or in the case of closed systems, where different varieties are produced in the same closed system.

6.(6) In the case where seed productions of the same variety and on the same farm exceeds 50 hectares, the fields must be divided into units not exceeding 50 hectares, and separate applications for the registration of a field as a unit shall be lodged for each separate field.

6.(7) If the authority approves an application, the field or closed system concerned shall be registered as a unit, and the authority shall confirm it as such.

6.(8) A field shall not be registered as a unit if the authority or authorised person is satisfied that –

- (a) the seed or vegetative propagating material used to establish the unit concerned does not comply with the requirements as determined in section 11(1) of this Scheme or another recognised Scheme.
- (b) the field concerned -
 - (i) does not comply with the field requirements referred to in section 10 and isolation requirements in section 12 of this Scheme;
 - (ii) is situated in an area which does not lend itself to the production of seed or vegetative propagating material of the variety concerned which will be suitable for certification in terms of a recognised Scheme; or
 - (iii) cannot at all times readily be reached for the purpose of inspection;
- (c) in the case of an application referred to in subsection (3), the description submitted does not comply with the provisions of that subsection; or
- (d) the application concerned contains a material misrepresentation.

TERM OF REGISTRATION

7. The registration of a unit shall, subject to earlier termination in terms of this Scheme, be valid only from the date of issue of the certificate of registration concerned to the removal from the unit concerned of

the seed crop or vegetative propagating material of the growing season to which such registration relates.

TRANSFER OF REGISTRATION

- 8.(1) The certificate of registration which has been issued to a grower in respect of a unit shall not be transferable to any other person.
- 8.(2) If a grower transfers his right of disposal in the plants which have been established on a unit, to another person, he shall forthwith notify the authority thereof in writing.
- 8.(3) If a person to whom a right of disposal referred to in subsection (2) has been transferred, desires to continue with participation in this Scheme in respect of the unit concerned, he shall, notwithstanding the provisions of section 6(2)(c) or 6(2)(d) of this Scheme, forthwith lodge an application in accordance with section 6 of this Scheme for the registration of that unit in his name.

TERMINATION OF REGISTRATION

- 9.(1) The registration of a unit shall lapse if the grower concerned transfers his right of disposal referred to in section 8(2) of this Scheme, to another person.
- 9.(2) The registration of a unit may at any time be withdrawn if the authority is satisfied that –
 - (a) the applicable provisions of this Scheme with regard to the unit concerned, the plants established thereon or the seed produced thereon, have not been complied with; or
 - (b) circumstances prevail or information has come to light which, if it had prevailed or come to light earlier, would have resulted in a refusal to register the unit concerned.
- 9.(3) The authority shall withdraw the registration of a unit which is intended for the production of certified seed or vegetative propagating material if the seed or vegetative propagating material which was used to establish plants thereon –
 - (a) was seed or vegetative propagating material in respect of which an approval referred to in section 11(2) of this Scheme was issued, and such approval has since then been withdrawn; or
 - (b) was basic seed, and the certification thereof has since then been withdrawn in terms of section 21 of the Scheme.
- 9.(4) If the withdrawal of the registration of a unit in terms of subsection (2) arises from a deficiency which could in the opinion of the authority possibly be rectified through the application of a particular treatment, the authority and/or authorised person shall advise the grower concerned of such deficiency and treatment.
- 9.(5) A grower who applied a treatment referred to in subsection (4) may request that the authority and/or authorised person re-inspect the unit concerned with a view to revoke the withdrawal of the registration thereof.
- 9.(6) If an application referred to in subsection (5) is approved, the authority may require that the amount determined by it, be paid by the grower concerned.

FIELD AND CLOSED SYSTEM REQUIREMENTS

- 10.(1) A field on which hemp plants are established, may be registered as a unit if it complies with the requirement of fields or closed systems, as applicable, as set out in Annexure 1, or if it has been produced in terms of another recognised Scheme, in accordance to the requirements of the applicable Scheme.
- 10.(2) A unit shall, while the registration thereof remains in force, comply with the requirements referred to in subsection (1) or if it has been produced in terms of another recognised Scheme, in accordance to the requirements of the applicable Scheme.
- 10.(3) A field for the production of hemp seed or plants may not exceed 50 hectares.

PARENTAL SOURCE AND PLANTING REQUIREMENTS

- 11.(1) The seed which is used to establish plants on a unit for certification purposes shall –
- (a) in the case of the intended production of pre-basic seed, be breeder seed or breeder clones;
 - (b) in the case of the intended production of basic seed, be breeder or pre-basic seed or plants;
 - (c) in the case of the intended production of 1st generation certified seed or hybrids, subject to the provisions of subsection (3), be certified basic seed or plants; and
 - (d) in the case of a recognised Scheme where the generations are identified differently, then according to the provisions of the Scheme concerned.
- 11.(2) All certified vegetative propagating material must be grown from a generation of certified seed or certified plants to assure genetic purity. The cuttings which is used to establish clones of plants on a unit for certification purposes shall –
- (a) in the case of the intended production of pre-basic plants, be taken from breeder plant stock;
 - (b) in the case of the intended production of basic plants, be taken from breeder or pre-basic plants;
 - (c) in the case of the intended production of certified plants, be taken from basic plants;
 - (d) Pre-basic plants and basic plants may be cut repeatedly to produce clones of basic plants and certified plants respectively.
- 11.(3) The authority may on application of a grower approve in writing that seed other than basic seed or basic vegetative propagating material may be used to establish plants for the production of certified seed.
- 11.(4) An application referred to in subsection (3) shall be submitted in writing to the authority by the grower concerned, and shall state the reasons for such application, and supply any other information requested by the authority in this regard.
- 11.(5) An approval referred to in subsection (3) –
- (a) shall be granted only if the authority is satisfied that the seed or basic vegetative propagating material concerned was produced in accordance with a method which renders it suitable for use in terms of this Scheme in the place of basic seed and if all requirements of the authority were complied with; and
 - (b) may at any time be withdrawn if the authority is satisfied that the plants which have been established from the seed concerned, are not true to variety.
- 11.(6) All labels and seals on containers of seed or vegetative propagating material which are planted with a view to the production of seed or vegetative propagating material in terms of a recognised Scheme shall

be retained until those labels and seals have on request been produced to the authority or authorised person, or the seed or vegetative propagating material which was produced from that seed or vegetative propagating material has been certified, whichever may be the earlier.

- 11.(7) Plants established on a unit intended for certification shall be established in accordance with the planting requirements as specified in Annexure 1.

ISOLATION AND PLANT REQUIREMENTS

- 12.(1) A unit on which hemp plants are established for certification in accordance with a recognised Scheme, shall be isolated in accordance with the isolation requirements specified in Annexure 1, or as set out for hemp in the recognised Scheme concerned.
- 12.(2) The plants which are established on a unit shall –
- (a) be cared for in a manner which is conducive to the production of seed or vegetative propagating material of a high quality;
 - (b) not be overgrown by weeds; and
 - (c) comply with the requirements for plants of the kind concerned as specified in Annexure 1.
- 12.(3) A grower shall remove all plants which are or appear to be deviating, or the pollen-shedding or seed-bearing parts of such plants, from the unit on a continuous basis: Provided that the authority or authorised person may, at the time of inspection in terms of this Scheme, direct a grower or a person acting on instructions from a grower, to suspend such removal for the duration of inspection concerned.
- 12.(4) A grower shall notify the authorised person and/or authority forthwith of –
- (a) the occurrence of any harmful insect pest or pathogen on the plants which are established on a unit; or
 - (b) any damage to such plants through climatological or other factors.
- 12.(5) Subject to the provisions of subsection (7), no person shall –
- (a) establish on a unit any plants other than plants of a variety which is intended for the production of seed or vegetative propagating material in terms of a recognised Scheme; or
 - (b) use any plant or part or yield of a plant which is established on a unit, for any purpose other than the production of seed or vegetative propagating material in terms of this Scheme.
- 12.(6) On recommendation from the authorised person, the authority may exempt a grower in writing from compliance with the provisions of subsection (5).
- 12.(7) An application for an exemption referred to in subsection (6) shall be submitted in writing to the authorised person by the grower concerned, and shall state the reasons for such application.
- 12.(8) An exemption referred to in subsection (6) –
- (a) shall only be granted if the authority is satisfied that the quality of the seed or vegetative propagating material to be harvested from the plants on the unit concerned will not be detrimentally affected by such exemption; and
 - (b) shall be subject to such conditions as the authority may in each case determine.

INSPECTION REQUIREMENTS

- 13.(1) (a) The plants which are established on a unit shall be inspected by a person authorised as such by the authority, on the times and methods in accordance with the inspection requirements as specified in Annexure 1;
- (b) The authority may require that the amount determined by it, be paid by the grower concerned in respect of each inspection referred to in subsection (1)(a).
- 13.(2) The authorised person must carry out as many additional inspections as may be deemed necessary for the purposes of subsection (1)(a).
- 13.(3) If the authorised person fails to carry out the required inspections referred to in subsection (1)(a) in respect of a unit due to circumstances beyond his/her control, the certification of the seed produced thereon shall not be refused solely on account thereof. The authority may in such cases set additional conditions.
- 13.(4) Reporting in respect of each inspection referred to in subsection (1)(a) must be done in a way that has been approved by the authority.

PHYSICAL REQUIREMENTS FOR SEED AND VEGETATIVE PROPAGATING MATERIAL

- 14.(1) Seed or vegetative propagating material harvested from plants which were established for certification in terms of a recognised Scheme, shall comply with the physical requirements as specified in the Annexure.
- 14.(2) Notwithstanding the provisions of subsection (1), basic seed which does not comply with the physical requirements referred to in that subsection may also be certified as basic seed if –
- (a) all the other applicable provisions of this Scheme with regard to the seed concerned have been complied with; and
- (b) the authority is of the opinion that the genetic value thereof justifies such deviation.
- 14.(3) Seed of the same variety and generation which was produced on different units may, prior to the presentation thereof for certification, only be bulked with the written approval of the authorised person, after which the particulars must be supplied to the authority. The requirements for such bulking are determined by the authority.

HARVESTING, THRESHING AND STORAGE

- 15.(1) Equipment which is used in connection with the harvesting or threshing of seed which has been produced in terms of a recognised Scheme shall be cleaned beforehand in order to prevent the admixing of any other seed with the seed concerned.
- 15.(2) Seed which has been produced in terms of a recognised Scheme shall be kept in containers which are sound and clean.

- 15.(3) The containers in which seed which has been produced in terms of a recognised Scheme is kept prior to the cleaning thereof shall be marked in clearly legible symbols, letters and figures with, or be fastened with labels on which are likewise indicated –
- (a) the words "uncleaned seed";
 - (b) the name of the kind of plant to which that seed belongs;
 - (c) the denomination which identify the variety of that seed;
 - (d) the code number which is used by the grower concerned for the identification of the unit on which that seed was produced; and
 - (e) the name of the grower by whom that seed was produced.
- 15.(4) Seed which has been produced in terms of a recognised Scheme shall at all times be stored in such a manner that –
- (a) it is protected against damage by insects and rodents;
 - (b) excessive humidity and high temperatures which may affect it adversely are avoided;
 - (c) it is kept separately from anything else, including other seed intended for certification, by storing it in a separate store, or by separating it from anything else by means of solid partitions or by means of open spaces of at least one meter wide;
 - (d) has efficient lighting so that any marks, printing or writing on containers of propagating material or on labels attached to such containers may readily be read;
 - (e) access thereto can readily be obtained; and
 - (f) the admixing thereof with other seed is prevented.
- 15.(5) The provisions of subsection (4) shall *mutatis mutandis* apply to the storage of vegetative material which are intended for use in connection with the production of seed or further generations of vegetative propagating material in terms of a recognised Scheme.

MOVEMENT OF SEED AND VEGETATIVE PROPAGATING MATERIAL

- 16.(1) A grower may prior to the certification of the seed which has been produced by him in terms of a recognised Scheme –
- (a) remove such seed to another premises in order to clean it there or to present it there for certification.
 - (b) remove such seed to a premises where seed is cleaned in order to have it cleaned there; or
 - (c) subject to the provisions of subsection (2), sell such seed to the owner or occupier of establishment premises where seed is cleaned or repacked for sale, or where seed is sold.
- 16.(2) Seed may be sold in terms of subsection (1) (c) only if the buyer concerned has furnished an undertaking on a form which is obtainable from the authority, or approved by the authority, for this purpose, to comply, as from the date on which such seed is delivered or sold to him, with the provisions of the recognised Scheme concerned.
- 16.(3) the provision of subsection (2) is *mutatis mutandis* applicable on seed being moved from one premises to another.
- 16.(4) An undertaking referred to in subsection (2) –
- (a) shall be lodged with the authority within 14 days of the sale concerned; and

- (b) shall have the effect that the buyer of the seed concerned shall in the application of a recognised Scheme be deemed to be the grower in respect of that seed.
- 16.(5) Movement of seed and vegetative propagating material of Hemp is subject to a transport declaration issued by the grower, as well as a valid Hemp Permit applicable to the activities being conducted, issued in terms of the Act by the Registrar of Plant Improvement to the consignee concerned.

CLEANING OF SEED

- 17.(1) Seed which has been produced in terms of a recognised Scheme shall be cleaned before being presented for certification.
- 17.(2) The premises where the seed referred to in subsection (1) is cleaned, and/or graded and/or treated with the purpose to present it for certification, must be registered in terms of the Act as a cleaner of seed.
- 17.(3) The owner of the premises must be in possession of a valid Hemp Permit issued in terms of the Act by the Registrar of Plant Improvement, and applicable to the activities being conducted.
- 17.(4) Equipment which is used in connection with the cleaning of seed shall be cleaned beforehand to prevent the admixing of any other seed with the seed which is to be presented for certification.

CONTAINERS AND LABELLING OF SEED AND VEGETATIVE PROPAGATING MATERIAL

- 18. (1) The containers in which seed which has been produced in terms of this Scheme, is presented for certification shall –
 - (a) be new and not previously have been used for another purpose; and
 - (b) be closed up in such a manner that entry to the seed therein can only be obtained by forcible opening, or leaving evidence that the container was opened, or by the removal of the seals that were affixed to such containers in terms of section 19 of this Scheme.
- 18. (2) The containers in which vegetative propagating material which has been produced in terms of this Scheme, is presented for certification shall –
 - (a) be fit for the purpose and in good condition; and
 - (b) in the case of cuttings packed in containers, be sealable.
- 18.(3) (a) Each container shall be provided with a label that is obtainable on request from the authority – only labels that have been obtained from the authority may be used for this purpose. Such labels are identified with a unique number. Different labels will be supplied for seed that is being certified under the various recognized Schemes.
- (b) The amount determined by the authority for this purpose shall be payable in respect of labels thus issued.
- (c) The labels for the various generations shall be identified with –
 - (i) in the case of pre-basic seed or vegetative propagating material, a white label with a diagonal purple band;
 - (ii) in the case of basic seed or vegetative propagating material, a white label;

- (iii) in the case of certified seed, 1st generation, hybrids or certified vegetative propagating material, a blue label.
 - (e) In the case of a recognised Scheme where the labels are identified differently, then according to the provisions of the Scheme concerned.
 - (f) Complete records must be kept on the use of every certification label received from the authority and annual returns thereof must be submitted to the authority.
- 18.(4) After the applicable particulars have been entered on the labels referred to in subsection 18.(3), it must be affixed to the containers of the seed concerned in such manner as the authority may determine.
- 18.(5) The letters and figures which are used to indicate the particulars concerned on such labels shall –
- (a) be of a letter type which can easily be read;
 - (b) be of a colour which is clearly contrasting to the colour of the labels on which they appear; and
 - (c) be entered indelibly in black type by using a printer with colour-fast ink.
- 18.(6) (a) In the case of seed, all labels referred to in subsection (3), shall indicate –
- (i) the words “Spesie:” and/or “Specie:” followed by followed by “*Cannabis sativa* L.”;
 - (ii) the words “Soort:” and/or “Kind:” followed by “Hemp”;
 - (iii) the words “Variëteit:” and/or “Variety:” followed the recognised name of the variety of the plant to which such seed belongs;
 - (iv) the words “Saadgrootte:” and/or “Seed Size:” followed by the class or size of the seed, where applicable; and in addition, or instead thereof, the words “DKM:” and/or “TSW:” followed by the thousand seed weight, may be indicated;
 - (v) the words “Verwysings Nr.:” and/or “Reference No.:” followed by the reference or lot number assigned to the seed lot concerned;
 - (vi) the words “Sertifikaat Nr.:” and/or “Certificate No.:” followed by the certificate number assigned to the seed lot concerned;
 - (vii) the words “Netto Massa met verpakking:” and/or “Nett Mass when packed:” followed by the nett mass, in kilograms, of the seed in the container concerned; and/or the words “Aantal sade per houer:” and/or “Number of seeds per container:” followed by the number which represent the calculated number of seeds in the container concerned;
 - (viii) the words “S.A. Gesertifiseerde (Generasie) Saad” and/or “S.A. Certified (Generation) Seed” with the applicable generation to which the seed belongs inserted respectively where (Generasie) and/or (Generation) is indicated; and in the case of seed referred to section 16(1), the words “Nie-Finaal Gesertifiseerde Saad” and/or “Not-Finally Certified Seed” followed by the Generation to which the seed belongs; and
 - (ix) the name of the Designated Authority.
- (b) In the case of vegetative propagating material, all labels referred to in subsection (3), shall indicate –
- (i) the words “Spesie:” and/or “Specie:” followed by followed by “*Cannabis sativa* L.”;
 - (ii) the words “Soort:” and/or “Kind:” followed by “Hemp”;
 - (iii) the words “Variëteit:” and/or “Variety:” followed the recognised name of the variety of the plant to which such seed belongs;

- (iv) the words "Verwysings Nr.:" and/or "Reference No.:" followed by the reference or lot number assigned to the seed lot concerned;
 - (v) the words "Sertifikaat Nr.:" and/or "Certificate No.:" followed by the certificate number assigned to the seed lot concerned;
 - (vii) the words "S.A. Gesertifiseerde (Generasie) Materiaal" and/or "S.A. Certified (Generation) Material" with the applicable generation to which the vegetative propagating material belongs, inserted respectively where (Generation) and (Generasie) are indicated; and
 - (viii) the name of the Designated Authority.
- (c) In the case where seed or vegetative propagating material is certified according to the provisions of another recognised Scheme, information required by the Scheme concerned must be indicated.
- 18.(6) Any space not occupied by the information required in subsection (5)(a) or (5)(b) as the case may be, may be used for additional information, provided the information –
- (a) is in letters not larger than those used for the prescribed information;
 - (b) contain no advertising matter;
 - (c) do not create or could create a false or misleading impression relating to the possible certification of the seed concerned;
 - (d) do not qualify the possible certification of the seed concerned or are not in conflict therewith; or
 - (e) are not false, derogatory, inaccurate or vague in relation to any seed or grower.

PRESENTATION FOR CERTIFICATION

- 19.(1) (a) The total mass of seed which has been produced in terms of a recognised Scheme on a unit during a particular growing season shall be presented for certification within 18 months of being harvested unless the authority, after consideration of a written request by the grower concerned, determines otherwise.
- (b) In cases where the total mass of seed mentioned in subsection (1)(a) which is presented for certification exceeds the maximum mass of a seed lot allowed for the species concerned by the current Rules of the International Seed Testing Association (ISTA); the seed shall be sub-divided into separate, identifiable seed lots which do not exceed the maximum seed lot size, each of which shall be identified by a separate unique reference number and Certificate number.
- (c) Every container of a seed lot presented for certification must readily be reachable for sampling and sealing purposes.
- (d) Every container of a lot of vegetative propagating material presented for certification must readily be reachable for inspection purposes.
- 19.(2) (a) The authorised person must ensure that as soon as possible after the date of which he has been notified that the seed is ready for certification –
- (i) examine the containers of the seed concerned in order to determine whether the provisions on section 18 of this Scheme, or in the case where the seed was produced in terms of another recognised Scheme, the provisions of the Scheme concerned, have been complied in connection therewith;

- (ii) a person that has been authorised as such, must take a sample of the seed in accordance of the methods as determined by the International Seed Testing Association (ISTA); and
 - (iii) affix a seal to each such container, where the sealing method provides for it.
 - (iv) Only seals supplied by the authority may be used for this purpose. Such seals are identified by a unique identification number.
 - (v) Complete records must be kept and annual returns must be submitted on the use of all certification seals received from the authority.
 - (b) Such seal shall -
 - (i) be of a type which cannot be removed or reused without becoming damaged; and
 - (ii) be affixed in such a manner that a label affixed to a container in terms of section 18(2) of this Scheme can be removed only by removing or damaging the seal concerned in the process.
- 19.(3) _ (a) In the case of seed, the authorised person shall obtain a certificate of analysis in respect of a sample which was taken in terms of subsection (2)(a)(ii).
- (b) A certificate of analysis referred to in subsection (3)(a) shall be issued by the responsible analyst of a test laboratory for seed which is registered in terms of the Act.
 - (c) Such a Certificate of Analysis shall contain at least the following particulars:
 - (i) The respective dates on which the seed lot was sampled and when the sample of the seed concerned was received at the laboratory.
 - (ii) The name and authorisation number of the authorised sampler who took the sample concerned;
 - (iii) The kind of seed of the sample concerned as indicated on the containers or on labels attached to the containers from which the sample was taken;
 - (iv) The name of the variety of the seed concerned, as indicated on the containers or on labels attached to the containers from which the sample was taken;
 - (v) The number of containers and the total weight of the seed lot concerned from which the sample was taken;
 - (vi) The serial numbers of the labels attached to the containers, as contemplated in sub-section 18(2)(a),
 - (vii) The serial numbers of the seals attached to the containers, as contemplated in sub-section 19(2)(a),
 - (viii) The weight of the submitted sample;
 - (ix) The name and address of the owner of the seed lot concerned;
 - (x) The reference number allocated to the seed lot concerned, of which the first part must contain the code number of the unit on which the seed was produced, as it was registered with the authority;
 - (xi) The certificate number, as provided by the authority and allocated by the owner to the seed lot concerned;
 - (xii) The laboratory reference number which was allocated by the person referred to in subparagraph 19.(3)(b) to the sample concerned;
 - (xiii) The date on which the testing, examination or analysis of the sample concerned was concluded; and

- (xiv) The results of the test, examination or analysis of the sample concerned in which the applicable particulars are indicated.
 - (d) In the case of vegetative material where specific tests are required for the species concerned, the report of analysis must be issued by a competent laboratory which is recognised by the authority as such.
 - (e) The authority and/or authorised person may require that the grower concerned reimburse him/her for any expenses incurred to obtain such certificate of analysis.
- 19.(4) (a) Subject to the provisions of subparagraph (4)(c), an authorised person must obtain a sample from seed or vegetative propagating material produced on a registered unit for the purpose of determining the varietal purity and identity according to procedures determined by the authority. Such sample must be submitted to the authority before the deadline for the submission of post control samples for the crop concerned expires.
- (b) The authority may plant such sample as a post control, or have it planted or otherwise tested in order to determine the varietal purity and/or identity.
 - (c) In cases where specific conditions are applicable, the authority may instruct the grower to conduct the post control grow-outs under authority's supervision, and/or have plant material tested for specific traits.
- 19.(5) (a) The authority or authorised person may require that the amount determined by the authority, be paid by the applicant concerned in respect of the performance of the acts referred to in subsection (3)(a) and (d).
- (b) The amount determined by the authority shall be payable to it by the applicant concerned in respect of seals attached to the containers of seed as contemplated in subsection (2)(a).
 - (c) The authority may, in the case of the determination of the varietal purity and/or identity, require that the amount determined by it, be paid to it by the applicant concerned.

CERTIFICATION OF SEED AND VEGETATIVE PROPAGATING MATERIAL

- 20.(1) A seed lot may be certified if the authority is satisfied that –
- (a) the applicable certificate of analysis referred to in section 19(3)(a) of this Scheme, confirms that the seed lot concerned complies with the applicable seed requirements referred to in section 14 of this Scheme, or in the case where the seed was produced in terms of another recognised Scheme, the requirements of the Scheme concerned. The date between the sampling of the seed lot and submission of the certificate of analysis to the authority may not exceed six months; and
 - (b) all the other applicable provisions of the Scheme concerned have been complied with in relation to that seed.
- 20.(2) A quantity of vegetative propagating material may be certified if the authority is satisfied that all the applicable provisions of the Scheme concerned have been complied with in relation to that vegetative propagating material.
- 20.(3) The certification of seed or vegetative propagating material in terms of a recognised Scheme shall be confirmed by a certificate in which such particulars as the authority may deem necessary are indicated,

or prescribed by a recognised Scheme, as well as the generation the seed or propagating vegetative material is certified as.

- 20.(4) Such a certificate is identified by a unique number allocated by the owner and which must be obtained from a list of numbers provided by the authority annually. Such certificate number must be indicated on each container or on a label attached to the containers of the seed lot or quantity of vegetative propagating material concerned to which the certificate relates to.
- 20.(5) Such certificate shall only be issued after the applicant concerned has paid to the authority all amounts due by him in terms of this Scheme.
- 20.(6) If the authority refuses to certify seed which has been presented for certification in terms of a recognised Scheme, that seed may be sold in terms of section 22(1) of the Act for purposes of cultivation, or for any other purpose only after the grower concerned has removed the labels referred to in section 18(2) of this Scheme and the seals referred to in section 19(3) of this Scheme from the containers of that seed.
- 20.(7) If a refusal to certify seed or vegetative propagating material arises from a deficiency, which could in the opinion of the authority possibly be rectified through the application of a particular treatment, the authority shall advise the applicant concerned of such deficiency and treatment.
- 20.(8) An applicant who applied a treatment referred to in subsection (6) may request that the authority re-examine the seed or vegetative propagating material concerned with a view to revoke the refusal to certify that seed.
- 20.(9) If the authority approves an application referred to in subsection (7), the provisions of sections 18 and 19 of this Scheme shall *mutatis mutandis* apply to the representation of the seed or vegetative propagating material concerned for certification.

WITHDRAWAL OF CERTIFICATION

- 21.(1) The certification of seed in terms of a recognised Scheme may at any time be withdrawn if the authority is satisfied that –
 - (a) the seed or vegetative propagating material concerned is not true to variety;
 - (b) the seed or vegetative propagating material concerned no longer complies with the applicable physical requirements referred to in section 14 of this Scheme; or in the case where the seed or vegetative propagating material was produced in terms of another recognised Scheme, the provisions of that Scheme; or
 - (c) any other provision of a recognised Scheme with regard to the seed or vegetative propagating material concerned has not been complied with.
- 21.(2) The authority shall notify applicant in writing of the withdrawal of the certification of seed or vegetative propagating material, and such applicant shall thereupon forthwith –
 - (a) remove the labels referred to in section 18(2) of this Scheme and the seals referred to in section 19(3)(a) of this Scheme from the containers of the seed or vegetative propagating material concerned which is still in his custody;
 - (b) notify each person to whom one or more containers of the seed or vegetative propagating material concerned have been delivered, in writing of the withdrawal of the certification thereof and request

such persons to remove the labels and seals specified in paragraph 19(3)(a) from the containers of that seed or vegetative propagating material; and

(c) furnish the authority with a copy of each such notice issued by him.

- 21.(3) The authority may publish a notice in the Government Gazette or an applicable publication in which the relevant particulars of the withdrawal of the certification of seed and the name of the applicant affected thereby, are indicated.
- 21.(4) Prior to issuing a notice as contemplated in subsection (2), the Authority shall notify the applicant in writing of the Authority's intention to withdraw the certification and the reasons for such intended withdrawal and afford the applicant 30 days within which to furnish reasons why the certification should not be withdrawn.

POWERS OF INSPECTION

- 22.(1) The powers of inspection specified in section 25 of the Act are hereby for the purpose of the application of this Scheme granted to the authority, as well as to any person authorized in writing by the authority to enforce any provision of this Scheme and any other recognised Scheme, or to conduct specific tasks in terms of the Scheme concerned.
- 22.(2) An inspection in terms of the recognised Scheme concerned shall be carried out in accordance with the methods determined by the authority.
- 22.(3) The number of plants which are inspected on a unit and the quantity of seed which is taken as a sample shall for the purpose of the application of the recognised Scheme concerned be deemed to be representative respectively of all the plants which have been established on the unit concerned, and of all the seed or plants from which the sample concerned has been taken.
- 22.(4) The authority and a person authorized as contemplated in subsection (1) may require that an applicant or his employee, agent or manager shall render to him all reasonable assistance which he may require to enable him to carry out an inspection in terms of the recognised Scheme concerned.
- 22.(5) No compensation shall be payable in respect of assistance rendered in terms of subsection (4).

DISCRETIONARY POWER OF THE AUTHORITY

- 23.(1) The authority may consider any application or request made in terms of the recognised Scheme concerned, and may make any investigation or enquiry in connection therewith which the authorised person may deem necessary, and may for the purposes of such investigation or enquiry require that the applicant concerned submit to him such other documents or evidence as he may require.
- 23.(2) A permission or an approval by the authority in terms of a recognised Scheme may –
- (a) be made subject to such conditions as the authority may in each case determine in writing; and
 - (b) in a particular case be amended or withdrawn by the authority in writing if he deems it necessary.
- 23.(3) If the authority by virtue of a discretionary power vested in him by this or other recognised Scheme –
- (a) refuses to approve an application or a request which has been submitted to him in writing;
 - (b) amends or withdraws a permission or an approval or authority;

- (c) withdraws the registration of a unit; or
- (d) refuses to certify seed which has been presented for certification in terms of section 19 of this Scheme or in terms of a stipulation of another recognised Scheme, the authority shall notify the applicant or person concerned in writing of his decision and of the grounds on which it is based.

APPEALS

24. The provisions of section 32 of the Act shall *mutatis mutandis* apply with regard to any person who feels aggrieved by any decision or action taken by the authority in terms of this or other recognised Schemes.

PAYMENT OF FEES

- 25.(1) Postage on and delivery costs of any application, notice, appeal or other document which is submitted in terms of this and other recognised Schemes, as well as on or of anything else pertaining thereto, shall be prepaid by the sender thereof.
- 25.(2) Any amount which is payable in terms of this Scheme to the authority shall be paid by bank deposit or by electronic funds transfer in favour of SANSOR.
- 25.(3) An amount paid in terms of this and other recognised Schemes shall not be repayable.

ADDRESSES FOR THE SUBMISSION OF DOCUMENTS AND PAYMENT OF FEES

- 26.(1) Any application, notice or other documents, as well as anything else pertaining thereto, which in terms of this and other recognised Schemes is required to be submitted to the authority, and any fees which are payable to the authority in terms of and other recognised Schemes shall –
- (a) when forwarded by post, be addressed to the Technical Manager, South African National Seed Organization, P.O. Box 72981, Lynnwood Ridge, 0040; and
 - (b) when submitted by hand, be delivered at the office of the Technical Manager, South African National Seed Organization, 352 Kiepersol Rd, Lynnwood, Pretoria, 0081.
- 26.(2) The document by means whereof an appeal referred to in section 24 is lodged, shall –
- (a) when forwarded by post, be addressed to the Director-General: Department of Agriculture, Land Reform and Rural Development, Private Bag X250, Pretoria, 0001; and
 - (b) when submitted by hand, be delivered at the office of the Director-General: Department of Agriculture, Land Reform and Rural Development, Agriculture Place, 20 Steve Biko Street, Arcadia, Pretoria, 0001.

ANNEXURE 1**REQUIREMENTS RELATING TO HEMP (*Cannabis sativa* L.)****1 Field and closed system requirements**

- 1.1 A closed system be registered as a unit only if –
 - 1.1.1 no plants of any species have been established therein for seed production or otherwise for six weeks prior to receiving plants at the beginning of the crop year or production season unless the previous crop was the same variety.
 - 1.1.2 no plants other than plants for certified hemp production may be present in a closed system.
 - 1.1.3 In the case of hybrid seed production where the different seed parents of more than one hybrid are utilising the same pollen donor, more than one hybrid may be produced in a singular closed system.
 - 1.1.4 The seed parents of each variety, as well as the pollen parent must be clearly labelled and easily identifiable from one another.
 - 1.1.5 None withstanding the provisions of 1.1, a closed system may be registered as a unit within the six-week period if sanitation to remove residual soil, pathogens, plant material and pollen have been carried out. If sanitation is used to reduce the hemp free period, a sanitation plan must be submitted to and approved by the authority.
- 1.2 A field may be registered as a unit only if no plants of any species of *Cannabis* have been established thereon for seed production or otherwise during –
 - 1.2.1 in the case of production of pre-basic and basic seed, three growing seasons preceding the registration thereof.
 - 1.2.2 in the case of the production of certified seed, subject to the provisions of 2.3, two growing seasons preceding the registration thereof.
 - 1.2.3 A field which is intended for the production of certified seed of a particular hemp variety may also be registered as a unit, if certified pre-basic seed or basic seed of the same variety has been produced thereon two growing seasons preceding registration thereof.
- 1.3 A field for the production of hemp seed or plants may not exceed 50 hectares.

2 Planting requirements

- 2.1 In the case of hemp being propagated in closed systems according to the provisions of this Scheme –
 - 2.1.1 plants may be established in containers or seedbeds.
 - 2.1.2 each container or seed bed must be marked with the name and unit code of the variety; and
 - 2.1.3 the pollen parents must be kept separately from the seed parent and be clearly marked.
- 2.2 In the case of hemp being propagated in fields, according to the provisions of this Scheme –
 - 2.2.1 plants shall be established in rows on a unit.
 - 2.2.2 In fields established with seeds, gap filling shall not be permissible.
 - 2.2.3 In the case of the intended production of seed of a hybrid variety –
 - 2.2.3.1 the plants of the seed parent and those of the pollen parent shall be established in separate rows; and
 - 2.2.3.2 rows containing plants of the pollen parent shall be clearly marked.

3 Isolation requirements

- 3.1.1 A closed system unit must be surrounded by an area of 3 meters that is free of any vegetation except grass for stabilising purposes, which must be kept short at all times.
- 3.1.2 Within the system and in cases of hybrid seed productions where the different seed parents of more than one hybrid are utilising the same pollen donor, the different parents must be grouped together and each be surrounded by an isolation area which is at least 1 meter wide.
- 3.2 A field unit shall, subject to the provisions of 3.3, be surrounded by an isolation area which –
 - 3.2.1 in the case of the intended production of certified pre-basic and basic seed of –
 - 3.2.1.1 a dioecious type, a monoecious type or a hybrid Hemp variety, is respectively at least 5 000 meters wide;
 - 3.2.1.2 between a monoecious type hemp variety and a lower generation seed production unit of any monoecious type hemp variety, of at least 3 000 meters wide;
 - 3.2.1.3 between a dioecious type hemp variety and a lower generation seed production unit of the same variety, is at least 2 000 meters wide;
 - 3.2.1.4 between productions of the same generation and variety, of at least 3 meters wide.
 - 3.2.2 in the case of the intended production of certified seed of –
 - 3.2.2.1 a feminized type hemp variety, of at least 5 000 meters wide;
 - 3.2.2.2 a hybrid, of at least 1 000 meters wide;
 - 3.2.2.3 a monoecious type hemp variety and hybrids, of at least 1 000 meters wide;
 - 3.2.2.4 a dioecious type hemp variety, of at least 800 meters wide; and
 - 3.2.2.5 between certified productions of the same variety, of at least 3 meters wide.
- 3.3 The first 200 meters of such isolation distance from the perimeter of the seed production crop must be free from any *Cannabis* plant, and not more than 10 plants per hectare may occur beyond 200 meters.

4 Requirements for plants

- 4.1 The number of deviating plants on a unit, based on 10 000 plants shall, in the case of the intended production of –
 - 4.1.1 certified pre-basic seed, not exceed 0,03 percent;
 - 4.1.2 certified basic seed, not exceed 0,1 percent; and
 - 4.1.3 certified seed, not exceed 0,2 percent; and
- 4.2 The number of dioecious male plants shedding pollen on a unit for the production of a monoecious type hemp variety or hybrid, based on 10 000 plants, shall –
 - 4.2.1 in the case of the intended production of certified pre-basic seed, not exceed 0,01 percent at the stage at which 5,0 percent or more of the plants of the seed parent have pollen-susceptible flowers;
 - 4.2.2 in the case of the intended production of certified basic seed, not exceed 0,02 percent at the stage at which 10,0 percent or more of the plants of the seed parent have pollen-susceptible flowers; and
 - 4.2.3 in the case of the intended production of certified seed, not exceed 1,0 percent at the stage at which 20,0 percent or more of the plants of the seed parent have pollen-susceptible flowers.

5 Inspection requirements

- 5.1 Plants which are established on a unit shall be inspected –
 - 5.1.1 before the flowering stage thereof;
 - 5.1.2 during the flowering stage thereof;

- 5.1.3 during the full seed stage thereof; and
- 5.1.4 in the case of a hybrid variety, after the plants of the pollen parent have been removed.
- 5.2 If plants of a hybrid variety have been established on a unit –
 - 5.2.1 the grower concerned shall notify the authorised person at least 10 days prior to the date on which –
 - 5.2.2 the plants of the seed parent are expected to start flowering; and
 - 5.2.3 the plants pollen parents are to be removed.
- 5.3 The seed of the plants of the seed parent may not be harvested before the inspection referred to in paragraph 4.2.3 has been carried out.
- 5.4 A representative sample of the plants on a unit shall be taken during the flowering stage.
- 5.5 A minimum of six counts of 1 000 plants each, shall be conducted when determining the number of deviating and pollen-shedding plants on a unit.
- 5.6 Inspections and sampling shall be conducted according to the methods as determined by the authority.

6 Physical and analytic requirements

- 6.1 Plants shall, or in the case of seed or vegetative propagating material, the plants from which the propagating material or seed was derived, not contain more than 0.2% THC.
- 6.2 Seed shall –
 - 6.3 have a germination percentage of at least 80;
 - 6.4 have at least 98,0 percent pure seed;
 - 6.5 not contain more than –
 - 6.5.1 0,1 percent other seed; and
 - 6.5.2 2,0 percent other material.
 - 6.5.3 Notwithstanding the provisions of paragraph 6.5.1, not more than one seed of any of the restricted weed seed species may occur in a 600-gram working sample for the determination of other seed by number.

DEPARTMENT OF EMPLOYMENT AND LABOUR

NO. R. 4004

27 October 2023

LABOUR RELATIONS ACT, 1995

NOTICE OF INTENTION TO CANCEL THE REGISTRATION OF AN
EMPLOYERS' ORGANISATION

I, Lehlohonolo Daniel Molefe, Registrar of Labour Relations, hereby, in terms of section 106(2B) of the Act, give notice of my intention to cancel the registration of **KwaZulu-Natal Engineering Industries Association (LR 2/6/3/21)** for the following reasons:

- The organisation has ceased to function in terms of its constitution.
- The organisation has failed to comply with the provisions of sections 98, 99 and 100 of the Act.

The employers' organisation and all interested parties are hereby invited to make written representations as to why the registration should not be cancelled. **Only representations pertaining to this Notice and the following case number: 221/23 will be considered.**

Objections must be lodged to me, c/o the Department of Employment and Labour, Laboria House, 215 Francis Baard Street, PRETORIA. [Postal address: Private Bag X117, PRETORIA, 0001 – Fax No. (012) 309-4156/4848, within 60 days of the date of this notice.



REGISTRAR OF LABOUR RELATIONS

DATE: 16 October 2023

DEPARTMENT OF EMPLOYMENT AND LABOUR

NO. R. 4005

27 October 2023

LABOUR RELATIONS ACT, 1995

NOTICE OF INTENTION TO CANCEL THE REGISTRATION OF AN
EMPLOYERS' ORGANISATION

I, Lehlohonolo Daniel Molefe, Registrar of Labour Relations, hereby, in terms of section 106(2B) of the Act, give notice of my intention to cancel the registration of **Information Technology Association of South Africa (ITA) (LR 2/6/3/51)** for the following reasons:

- The organisation has ceased to function in terms of its constitution.
- The organisation has failed to comply with the provisions of sections 98, 99 and 100 of the Act.

The employers' organisation and all interested parties are hereby invited to make written representations as to why the registration should not be cancelled. **Only representations pertaining to this Notice and the following case number: 222/2023 will be considered.**

Objections must be lodged to me, c/o the Department of Employment and Labour, Laboria House, 215 Francis Baard Street, PRETORIA. [Postal address]: Private Bag X117, PRETORIA, 0001 – Fax No. (012) 309-4156/4848, within 60 days of the date of this notice.



REGISTRAR OF LABOUR RELATIONS

DATE: 16 October 2023

DEPARTMENT OF EMPLOYMENT AND LABOUR

NO. R. 4006

27 October 2023

LABOUR RELATIONS ACT, 1995

NOTICE OF INTENTION TO CANCEL THE REGISTRATION OF AN
EMPLOYERS' ORGANISATION

I, Lehlohonolo Daniel Molefe, Registrar of Labour Relations, hereby, in terms of section 106(2B) of the Act, give notice of my intention to cancel the registration of **Surface Coatings Industry Employers Association (LR 2/6/3/193)** for the following reasons:

- The organisation has ceased to function in terms of its constitution.
- The organisation has failed to comply with the provisions of sections 98, 99 and 100 of the Act.

The employers' organisation and all interested parties are hereby invited to make written representations as to why the registration should not be cancelled. **Only representations pertaining to this Notice and the following case number: 219/2023 will be considered.**

Objections must be lodged to me, c/o the Department of Employment and Labour, Laboria House, 215 Francis Baard Street, PRETORIA. [Postal address]: Private Bag X117, PRETORIA, 0001 – Fax No. (012) 309-4156/4848, within 60 days of the date of this notice.

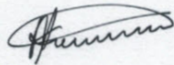


REGISTRAR OF LABOUR RELATIONS

DATE: 16 October 2023

DEPARTMENT OF PUBLIC SERVICE AND ADMINISTRATION**NO. R. 4007****27 October 2023****PUBLIC SERVICE AMENDMENT REGULATIONS, 2023**

The Minister for the Public Service and Administration, in terms of section 41 of the Public Service Act, 1994 (Proclamation No. 103 of 1994), hereby makes the Regulations as set out in the Schedule.



MS NOXOLO KIVIET, MP**MINISTER FOR THE PUBLIC SERVICE AND ADMINISTRATION****DATE: 09/10/23**

Schedule

Definition

1. In this Schedule "the Regulations" means the Public Service Regulations, 2016 published in Government Notice No. R. 877 of 29 July 2016, as amended by Government Notices Nos. R. 125 of 08 February 2019 and R. 581 of 11 April 2019.

Amendment of regulation 2 of the Regulations

2. Regulation 2 of the Regulations is hereby amended by the insertion in subregulation (2) of the following definition before the definition of "CDWP":

"**Basic Conditions of Employment Act** means the Basic Conditions of Employment Act, 1997 (Act No. 75 of 1997);".

Amendment of regulation 13 of the Regulations

3. Regulation 13 of the Regulations is hereby amended—

(a) by the substitution for paragraph (a) of the following paragraph:

"(a) not receive, solicit or accept any gratification, as defined in section 1 of the Prevention and Combating of Corrupt Activities Act, 2004 (Act No. 12 of 2004), in return for performing or not performing his or her official duties;"

(b) by the substitution for paragraph (b) of the following paragraph:

"(b) not engage in any conduct that is in conflict with or infringes on the execution of his or her official duties;"

(c) by the substitution for paragraph (d) of the following paragraph:

"(d) recuse himself or herself from any official action or decision-making process which may result in improper personal gain or conflict of interest, and this shall immediately be properly declared by the employee;" and;

(d) by the substitution for paragraph (h) of the following paragraph:

"(h) not receive or accept any gift in the course and scope of his or her employment to the cumulative value exceeding R500 per year, unless approval is obtained from the relevant executive authority;".

Amendment of regulation 14 of the Regulations

4. Regulation 14 of the Regulations is hereby amended—

(a) by the substitution for paragraph (m) of the following paragraph:

"(m) not release official information unless he or she is authorised or has the necessary approval;"

(b) by the deletion of the word "and" after paragraph (p):

(c) by the substitution for paragraph (q) of the following paragraph:

"(q) immediately report any non-compliance with the Act to the head of department and in the event that the non-compliance is by the head of department, report such non-compliance to the executive authority;" and

(d) by the addition of the following paragraphs:

"(r) not claim any intellectual property over work done in the course and scope of his or her employment; and

(s) not act in a manner that brings his or her department or the public service into disrepute.".

Amendment of regulation 16 of the Regulations

5. Regulation 16 of the Regulations is hereby amended by the substitution for the definition of “**form**” of the following definition:

“‘**form**’ means a form contemplated in regulation 18;”.

Amendment of regulation 18 of the Regulations

6. Regulation 18 of the Regulations is hereby amended —

(a) by the substitution for subregulation (1) of the following subregulation:

“(1) An SMS member, except for a head of department shall, not later than 30 April of each year, disclose to the relevant head of department, in the form directed for this purpose by the Minister, particulars of all his or her interests in respect of the previous financial year.”;

(b) by the substitution for subregulation (2) of the following subregulation:

“(2) A head of department shall, not later than 30 April of each year, disclose to the relevant executive authority, in the form directed for this purpose by the Minister, particulars of all his or her interests in respect of the previous financial year.”; and

(c) by the substitution for subregulation (4) of the following subregulation:

“(4) Any person who assumes duty as a designated employee on or after 1 April shall make such disclosure within 30 days after assumption of duty in respect of the previous financial year.”.

Amendment of regulation 19 of the Regulations

7. Regulation 19 of the Regulations is hereby amended by the addition of the following paragraph:

- "(k) Other financial liabilities:
- (i) nature of liability;
 - (ii) date on which liability was incurred;
 - (iii) principal amount of liability;
 - (iv) institution or person to whom liable; and
 - (v) period over which liability will be paid."

Amendment of regulation 20 of the Regulations

8. Subregulation (1) of regulation 20 of the Regulations is hereby amended—

(a) by the—

- (i) deletion of the word "and" after paragraph (g); and
- (ii) substitution for the full stop after paragraph (h) of a semi-colon; and

(b) by the addition of the following subparagraphs:

- "(i) subject to the approval of the executive authority in respect of the information of a head of department or the head of department in respect of the information of any other employee—
 - (i) persons appointed to investigate, initiate or conduct disciplinary proceedings; and
 - (ii) law enforcement agencies charged with investigating or prosecuting an alleged offence; and
- (j) a person or institution authorised by statute."

Amendment of regulation 21 of the Regulations

9. Regulation 21 of the Regulations is hereby amended—

(a) by the deletion in subregulation (2) of paragraph (d); and

(b) by the addition of the following subregulation:

"(3) An executive authority, in respect of a head of department, and a head of department, in respect of other designated employees, shall—

- (a) conduct a risk analysis of the disclosed interests and income of the employee;
- (b) in the event that the risk analysis indicates a discrepancy between the disclosed interests and the income of the employee, consult with the employee concerned to obtain an explanation for the discrepancy;
- (c) in the event that the explanation referred to in subregulation (3)(b) does not sufficiently address the discrepancy—
 - (i) investigate whether disciplinary steps must be taken and if so, institute such disciplinary action; and
 - (ii) if there is a reasonable suspicion of a criminal offence, refer the matter to the relevant law enforcement agencies."

Amendment of regulation 22 of the Regulations

10. Regulation 22 of the Regulations is hereby amended—

(a) by the substitution for paragraph (c) of the following paragraph:

- "(c) establish a system that encourages and allows employees and citizens to report allegations of corruption and other unethical conduct, and such system shall provide for—
- (i) confidentiality of reporting;
 - (ii) the recording of all allegations of corruption and unethical conduct received through the system; and
 - (iii) mechanisms to ensure that employees and citizens are made aware of such system;"

(b) by the substitution for paragraph (d) of the following paragraph:

- "(d) establish an information system that—
- (i) records all allegations of corruption and unethical conduct;
 - (ii) monitors the management of the allegations of corruption and unethical conduct;
 - (iii) identifies any systemic weaknesses and recurring risks;
 - (iv) maintains records of the outcomes of the allegations of corruption and unethical conduct; and
 - (v) records all gifts accepted by employees as contemplated in regulation 13(h); and".

Substitution of regulation 23 of the Regulations

11. The following regulation is hereby substituted for regulation 23 of the Regulations:

"Ethics Officer

- (1) An executive authority shall designate or appoint such number of ethics officers as may be appropriate, for the department to-
 - (a) promote integrity and ethical behaviour in the department;
 - (b) advise employees on ethical matters;
 - (c) identify and report unethical behaviour and corrupt activities to the head of department;
 - (d) manage the financial disclosure system; and
 - (e) manage the processes and systems relating to remunerative work performed by employees outside their employment in the relevant department.
- (2) The head of department shall establish an ethics committee or designate an existing committee, chaired by a member of the SMS, preferably a Deputy Director-General, to provide oversight on ethics management in the department."

Amendment of regulation 25 of the Regulations

12. Regulation 25 of the Regulations is hereby amended—

(a) by the substitution for paragraph (b) in subregulation (2) of the following paragraph:

“(b) define and create the posts necessary to perform the relevant functions of the department while remaining within—

- (i) the current budget;
- (ii) the Medium-Term Expenditure Framework of the department; and
- (iii) the norms and standards determined by the Minister for post provisioning for occupations or categories of employees,

and the posts so defined and created shall constitute the department's approved establishment, which shall be made publicly available on the department's website;” and

(b) by the insertion after subregulation (2) of the following subregulation:

“(2A) If the executive authority approves an organisational structure which is not in accordance with the recommendations emanating from consultations contemplated in subregulation (2)(a)(i) or (ii), the reasons therefor shall be recorded;”.

Substitution of regulation 29 of the Regulations

13. The following regulation is hereby substituted for regulation 29 of the Regulations:

“29 Assessment of efficiency and effectiveness

An executive authority must assess the efficiency and effectiveness of a department in supporting that department's service delivery objectives using the assessment tools as may be directed by the Minister.”.

Insertion of regulation 34A in the Regulations

14. The following regulation is hereby inserted in the Regulations after regulation 34:

“34A Abolition of government components and specialised service delivery units

An executive authority may abolish a government component, as contemplated in section 7(5)(c) or (d) of the Act, or a specialised service delivery unit, as contemplated in section 7B of the Act, after —

- (a) complying with regulation 32 in respect of the transfer of functions; and
- (b) withdrawing a notice issued in terms of sections 7A(5) or 7B(5) of the Act.”.

Substitution of regulation 35 of the Regulations

15. The following regulation is hereby substituted for regulation 35 of the Regulations as follows:

“35 Organisational functionality assessment

An executive authority shall conduct an organisational functionality assessment, as directed by the Minister, to assess the effectiveness of a department’s internal systems and processes.”.

Amendment of regulation 39 of the Regulations

16. Regulation 39 of the Regulations is hereby amended—

- (a) by the substitution for paragraph (a) in subregulation (3) of the following paragraph:

“(a) a system of remuneration for an occupational category; and”;

and

(b) by the substitution for subregulation (4) of the following subregulation:

“(4) An executive authority shall link all posts in his or her department as contained in a remuneration system contemplated in subregulation (3)(a) to an occupation listed in the occupational classification system referred to in subregulation (3)(b).”.

Amendment of regulation 41 of the Regulations

17. Regulation 41 of the Regulations is hereby amended by the substitution for paragraph (d) in subregulation (2) of the following paragraph:

“(d) issue directives that determine the evaluation and grading of any job or category of jobs.”.

Amendment of regulation 44 of the Regulations

18. Regulation 44 of the Regulations is hereby amended —

(a) by the substitution in subregulation (1) for the words preceding paragraph (a) of the following words:

“(1) Except where otherwise provided for in an OSD and subject to subregulation (2) to (4) an executive authority may set the salary of an employee above the minimum notch of the salary level indicated by the job weight-”;

(b) by the substitution for paragraph (c) in subregulation (2) of the following paragraph:

“(c) the counter offer made is limited to the higher salary notch closest to the external offer; and”;

(c) by the substitution for paragraph (d) in subregulation (2) of the following

paragraph:

"(d) the counter offer shall not exceed the salary level of the post occupied by the employee."; and

(d) by the substitution for subregulation (3) of the following subregulation:

"(3) The setting of a higher salary notch, as contemplated in subregulation (1) to recruit a person, shall only take place on the first day of the month following the date of approval if-

- (a) the executive authority has complied with the process contemplated in regulation 64;
- (b) the person was earning a higher salary immediately before the date of appointment;
- (c) the higher salary does not exceed the closest higher salary notch than that of the person immediately prior to the appointment; and
- (d) the higher salary does not exceed the salary level of the post, unless such employee has been awarded a higher salary attached to the grade of the post in terms of any other provision of the Act."

Amendment of regulation 45 of the Regulations

19. Regulation 45 of the Regulations is hereby amended by the substitution for paragraph (b) in subregulation (2) of the following paragraph:

"(b) has received a fully effective rating in his or her most recent annual moderated and approved performance assessment in the post and where the incumbent has not yet been assessed, his or her performance shall first be assessed to determine whether the performance is fully effective;"

Amendment of regulation 49 of the Regulations

20. Regulation 49 is hereby amended by the substitution for subregulation (1) of the following subregulation:

"(1) An executive authority shall, subject to any collective agreement and the Basic Conditions of Employment Act, compensate an employee, other than a member of the SMS, for overtime work if—

- (a) the department has an approved written policy on overtime;
- (b) the executive authority has provided written authorisation in advance for the work;
- (c) the monthly compensation for overtime constitutes less than—
 - (i) 30 percent of the employee's monthly basic salary; or
 - (ii) 30 percent of the monthly salary calculated on the minimum basic annual salary determined by the Minister,whichever is the lesser;
- (d) the approval is not inconsistent with a collective agreement or the Basic Conditions of Employment Act;
- (e) the hours of overtime is in accordance with the Basic Conditions of Employment Act;
- (f) such overtime is in the interest of service delivery; and
- (g) funds are available within the budget of the department."

Substitution of regulation 51 of the Regulations

21. The following regulation is hereby substituted for regulation 51 of the Regulations:

"51 Working hours

Subject to any collective agreements and the Code of Good Practice on Arrangement of Working Time issued in terms of section 87 of the Basic Conditions of Employment Act, a head of department shall determine—

- (a) the work week and daily hours of work for employees; and
- (b) the opening and closing times of places of work of the department,

taking into account—

- (i) the needs of the public with due regard to the department's service delivery improvement plan; and
- (ii) the needs and circumstances of employees, including family obligations and transport arrangements.”.

Insertion of regulation 56A in the Regulations

22. The following regulation is hereby inserted in the Regulations after regulation 56:

“56A Reasonable accommodation

Subject to any directives issued by the Minister, a head of department shall develop a policy for the reasonable accommodation in the workplace of employees with disabilities, which shall include, as far as possible, measures to—

- (a) make the workplace accessible;
- (b) provide access to information and communication;
- (c) provide assistive devices and technology;
- (d) provide the necessary tools and assistance for the performance of the employee's duties;
- (e) manage safety and well-being; and
- (f) regulate the work arrangements.”.

Amendment of regulation 57 of the Regulations

23. Regulation 57 of the Regulations is hereby amended —

(a) by the substitution for subregulation (2) of the following subregulation:

“(2) An executive authority may, unless otherwise authorised by the Act, within the available budget and at a salary level linked to a grade determined through job evaluation or as determined in an OSD, employ persons additional to the establishment, where—

- (a) the incumbent of the post is expected to be absent for such a

period that his or her duties cannot be performed by other employees;

- (b) there is a temporary increase in the volume of work for a period not exceeding 12 calendar months;
- (c) an employee's post has been abolished and he or she cannot be transferred into another post;
- (d) an employee is part of a development programme as contemplated in regulation 58;
- (e) the nature of the work for which the employee is employed is of limited or definite duration; or
- (f) it is necessary for any other justifiable reason to temporarily increase the staff of the department for a period not exceeding 12 calendar months."; and

(b) by the deletion of subregulation (4).".

Substitution of regulation 58 of the Regulations

24. The following regulation is hereby substituted for Regulation 58 of the Regulations:

"58 Developmental programmes

An executive authority may appoint persons in a developmental programme, including but not limited to, internships, learnerships and apprenticeships, on such terms and conditions that shall be determined by the Minister."

Amendment of regulation 60 of the Regulations

25. Regulation 60 of the Regulations is hereby amended by the substitution for paragraph (a) in subregulation (3) of the following paragraph:

- "(a) the appointment is made for a period not exceeding 12 calendar months; and"

Amendment of regulation 61 of the Regulations

26. Regulation 61 of the Regulations is hereby amended—

(a) by the substitution for the Table in subregulation (1) of the following Table:

	ACT OF MISCONDUCT	PERIOD OF PROHIBITION
1.	(a) Financial misconduct as contemplated in section 81 or 82 of the Public Finance Management Act.	Ten (10) years
2.	Misconduct involving elements of dishonesty or gross negligence.	Five (5) years
3.	(a) Sexual harassment; (b) Unfair discrimination against others on the basis of race, gender, disability, sexuality or other grounds prohibited by section 9(3) of the Constitution; or (c) Assault with intent to do grievous bodily harm.	Five (5) years
4.	Misconduct resulting from a criminal conviction where an employee has been sentenced to imprisonment without the option of a fine.	Five (5) years
5.	(a) Use of position as a senior manager or confidential information for private gain or improperly benefit another person; or (b) Disclosure of any privileged or confidential information obtained during the course of duty to an unauthorised person or persons.	Five (5) years
6.	Conducting business with the State as contemplated in section 8 of the Public Administration Management Act.	Five (5) years

7.	Receiving, soliciting or accepting directly or indirectly any gratification that may influence the exercise of his or her functions, the performance of his or her duties or other grounds prohibited by the Constitution.	Five (5) years
8.	Any other act of misconduct.	Two (2) years

(b) by the substitution for subregulation (3) of the following subregulation:

“(3) Notwithstanding subregulation (1) an employee who is deemed to have been dismissed in terms of section 17(3)(a) of the Act and who is not re-instated in terms of section 17(3)(b), shall not be re-appointed in the public service for a period of one year after the effective date of his or her deemed dismissal.”.

Amendment of regulation 62 of the Regulations

27. Regulation 62 of the Regulations is hereby amended by the substitution for paragraph (b) in subregulation (1) of the following paragraph:

“(b) the period of secondment does not exceed 12 calendar months, which period shall not be extended or renewed unless due to operational reasons determined otherwise by the Minister; and.”.

Insertion of regulation 62A in the Regulations

28. The following regulation is hereby inserted in the Regulations after regulation 62:

“62A Transfers

The transfer of an employee in terms of section 14 of the Act shall only take place if—

- (a) in respect of a transfer to another department, the executive authorities of the two relevant departments have agreed in writing to such a transfer;
- (b) due regard has been had to the inherent requirements of the job and the employee has the competencies to perform the functions of the post to which he or she is being transferred; and
- (c) the employee is not transferred into a post in the Office of an executive authority, Deputy President or Deputy Minister.”.

Amendment of regulation 65 of the Regulations

29. Regulation 65 of the Regulations is hereby amended —

- (a) by the deletion of subregulation (3);
- (b) by the substitution for subregulation (4) of the following subregulation:
 - “(4) An executive authority shall advertise a vacant post, as a minimum, in the public service vacancy circular issued by the Department of Public Service and Administration, but may also advertise such post—
 - (a) within the department;
 - (b) locally; or
 - (c) nationwide.”;
- (c) by the deletion of subregulation (5);
- (d) by the substitution for subregulation (7) of the following subregulation:
 - “(7) A funded vacant post shall be filled within eight months after becoming vacant.”;
- (e) by the substitution in subregulation (8) for the words preceding paragraph (a) of the following words:

"An advertisement contemplated in subregulation (4) may be utilised to create a pool of potential candidates for a period of not more than three calendar months from the date of advertisement to fill any vacancy in the relevant department if—"; and

- (f) by the substitution in subregulation (9) for the words preceding paragraph (a) of the following words:

"With due regard to the criteria in regulation 67(5)(b) to (d), an executive authority may fill a vacant post without complying with subregulations (3) and (4) if—".

Substitution of regulation 66 of the Regulations

30. The following regulation is hereby substituted for regulation 66 of the Regulations:

"66 Filling of posts in Offices of executive authorities, the Deputy President and Deputy Ministers

(1) An executive authority may only fill vacancies in the Office of an executive authority, Deputy President, or a Deputy Minister by means of an appointment in terms of section 9 of the Act for the term of office of the incumbent executive authority, Deputy President or Deputy Minister which will terminate at the end of the month after the month in which the term of that executive authority, Deputy President or Deputy Minister terminates for any reason.

(2) Subject to the appointment criteria in regulation 67(5)(b) to (d), an executive authority may fill a post in the Office of the executive authority, Deputy President or a Deputy Minister in terms of subregulation (1) without advertising the post and without convening a selection panel as contemplated in regulations 65 and 67 respectively.

(3) Subregulation (1) shall not be construed as preventing the secondment in terms of section 15(2) or (3) of the Act of a person or

an employee or an assignment in terms of section 32 of the Act of an employee to perform the functions of a post in the office of an executive authority, a Deputy President or a Deputy Minister.

(4) An employee employed in terms of subregulation (1) shall not be transferred within the department or to another department.”.

Amendment of regulation 67 of the Regulations

31. Regulation 67 of the Regulations is hereby amended-

(a) by the insertion in subregulation (2) after paragraph (f) of the following paragraph:

“(fA) a Deputy Director-General in the Presidency, shall be chaired by a Minister in the Presidency and include at least two Deputy Ministers and a head of department;”;

(b) by the substitution for subregulation (7) of the following subregulation:

“(7) If the selection committee is unable to recommend a suitable person for appointment from those who applied in terms of subregulation (5), the executive authority may, after that selection process has been completed approve—

(a) the headhunting of one or more persons with the requisite competencies and subject such person or persons to the same selection process as those who applied; or

(b) re-advertise the post.”;

(c) by the substitution for subregulation (8) of the following subregulation:

“(8) If an executive authority does not approve a recommendation of a selection committee, he or she shall record the reasons for his or her decision in writing and may approve—

(a) the headhunting of one or more persons with the requisite competencies and subject such person or persons to the same selection process as those who applied; or

(b) re-advertise the post.”; and

(d) by the substitution for paragraph (a) in subregulation (9) of the following paragraph:

“(a) satisfy himself or herself that due processes have been complied with, the candidate qualifies in all respects for the post and that his or her claims in his or her application for the post have been verified as directed by the Minister; and”.

Amendment of regulation 71 of the Regulations

32. Regulation 71 of the Regulations is hereby amended—

(a) by the substitution for paragraph (c) in subregulation (5) of the following paragraph:

“(c) monitoring the employee’s performance on a continuous basis with oral feedback on his or her performance at least quarterly if the employee’s performance is fully effective and in writing if the employee’s performance is not fully effective;”; and

(b) by the substitution for paragraph (f) in subregulation (5) of the following paragraph:

“(f) approval of the annual moderated performance assessments referred to in paragraph (e) by 30 November of the financial year following the year of the assessments.”.

Amendment of regulation 72 of the Regulations

33. Regulation 72 of the Regulations is hereby amended—

(a) by the substitution for subregulation (1) of the following subregulation:

"(1) An employee shall enter into a performance agreement or an agreement of similar nature within three calendar months of his or her date of appointment and thereafter within two calendar months of the beginning of each financial year. This agreement may be reviewed from time to time."; and

(b) by the substitution for subregulation (12) of the following subregulation:

"(12) If an employee is absent with permission for a continuous period of three months or longer, the affected employee shall be regarded as having performed fully effective as contemplated in regulation 71(5)(c) for that period of absence within the performance cycle.".

Insertion of regulation 87A in the Regulations

34. The following regulation is hereby inserted in the Regulations after regulation 87:

" 87A Extension of term of head of department

(1) The relevant executive authority may at the expiry of the term of office of a head of department or at the expiry of an extended term of office, extend that term for a period of not more than five years at a time if the head of department—

- (a) achieved an overall average performance rating of fully effective in relation to his or her duties over that term;
- (b) continues to meet the inherent requirements of the post; and
- (c) remains a fit and proper person.

(2) The relevant executive authority and head of department may agree on an extension not more than six calendar months before the expiry of the term of the contract.".

Substitution of regulation 93 of the Regulations

35. The following regulation is hereby substituted for regulation 93 of the Regulations:

“93 Information management and use of information and communication technology

- (1) The head of department shall ensure—
 - (a) that information of the department is collected, processed, stored and disseminated appropriately; and
 - (b) improved knowledge management practices.
- (2) The head of department shall ensure that the acquisition, management and use of information and communication technologies by the department—
 - (a) enhances direct or indirect service delivery to the public, including, but not limited to, equal access by the public to services delivered by the department;
 - (b) improves the productivity of the department;
 - (c) promotes an environmentally friendly public service;
 - (d) ensures cost-efficiency for the department; and
 - (e) promotes public access to information and encourages public participation.”.

Insertion of regulation 97A in the Regulations

36. The following regulation is hereby inserted in the Regulations after regulation 97:

“97A Government Information Technology Council and Officers

- (1) The Minister may establish a Government Information Technology Officers Council (hereinafter referred to as “the GITOC”) as an inter-departmental forum to improve electronic government and information management in the public service.
- (2) The GITOC shall, amongst others,-

- (a) advise on measures to improve integrated information and communication technology systems across the public service;
- (b) propose and advise on appropriate information and communication technology solutions and practices;
- (c) support information and communication technology monitoring and planning in the public service; and
- (d) collaborate to improve the use of information and communication technology in the public service.

(3) A head of department shall nominate an employee of the relevant department as a Government Information Technology Officer who shall be a member of the GITOC, which shall be chaired by an employee of the Department of Public Service and Administration designated by the Minister.

(4) The Government Information Technology Officer shall advise and support the head of department on—

- (a) Information and Communication Technology strategies;
- (b) innovative methods to digitalise Information and Communication Technology within the department;
- (c) establishing reliable and secure Information and Communication Technology systems, services and infrastructure;
- (d) optimising expenditure, reducing duplication and increasing interoperability of Information and Communication Technology systems; and
- (e) the management of Information and Communication Technology assets.”.

Short title and commencement

37. These Regulations shall be called the Public Service Amendment Regulations, 2023, and shall come into operation on 01 November 2023.

SOUTH AFRICAN REVENUE SERVICE

NO. R. 4008

27 October 2023

**CUSTOMS AND EXCISE ACT, 1964.
AMENDMENT OF SCHEDULE NO. 1 (NO. 1/1/1900)**

In terms of section 48 of the Customs and Excise Act, 1964, Part 1 of Schedule No. 1 to the said Act is hereby amended, with retrospective effect from 21 February 2021, to the extent set out in the Schedule hereto.



**ENOCH GODONGWANA
MINISTER OF FINANCE**

SCHEDULE

By the substitution of Additional Note 6(a) in Chapter 22 of Section IV to Part 1 of Schedule No. 1 with the following:

- | | |
|-----|--|
| (a) | Subheading 2206.00.19 is limited to other fermented beverages that are manufactured from a liquor (wort) of non-malted milled cereals listed in the table in Chapter Note 2 to Chapter 11, provided the fermentable sugars are derived solely from the liquor (wort) without the addition of any other sugars during or prior to fermentation. |
|-----|--|

SUID-AFRIKAANSE INKOMSTEDIENS

NO. R. 4008

27 Oktober 2023

**DOEANE- EN AKSYNSWET, 1964.
WYSIGING VAN BYLAE NO. 1 (NO. 1/1/1900)**

Kragtens artikel 48 van die Doeane- en Aksynswet, 1964, word Deel 1 van Bylae No. 1 by bogenoemde Wet hiermee gewysig, met terugwerkende krag vanaf 21 Februarie 2021, in die mate in die Bylae hierby aangeleen.



**ENOCH GODONGWANA
MINISTER VAN FINANSIES**

BYLAE

Deur Addisionele Opmerking(s) 6(a) in Hoofstuk 22 by Afdeling IV van Deel 1 van Bylae No. 1 deur die volgende te vervang:

- | | |
|-----|---|
| (a) | Subpos 2206.00.19 word beperk tot ander gegiste drank wat vervaardig word van 'n drank (wort) van nie-gemoute bewerkte graansoorte gelys in die tabel in Hoofstuk Opmerking 2 by Hoofstuk 11, met dien verstande dat die gisbare suikers alleenlik van die drank (wort) verkry word sonder die byvoeging van enige ander suikers gedurende of voor gisting. |
|-----|---|

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