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REPUBLIC OF SOUTH AFRICA
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No. 38693

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

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IMPORTANT ANNOUNCEMENT

Closing times **PRIOR TO PUBLIC HOLIDAYS** for

**GOVERNMENT NOTICES, GENERAL NOTICES,
REGULATION NOTICES AND PROCLAMATIONS**

2015

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

- ▶ **22 April**, Wednesday, for the issue of Thursday **30 April 2015**
- ▶ **30 April**, Thursday, for the issue of Friday **8 May 2015**
- ▶ **11 June**, Thursday, for the issue of Friday **19 June 2015**
- ▶ **6 August**, Thursday, for the issue of Friday **14 August 2015**
- ▶ **17 September**, Thursday, for the issue of Friday **25 September 2015**
- ▶ **10 December**, Thursday, for the issue of Friday **18 December 2015**
- ▶ **15 December**, Tuesday, for the issue of Thursday **24 December 2015**
- ▶ **22 December**, Tuesday, for the issue of Thursday **31 December 2015**
- ▶ **30 December**, Wednesday, for the issue of Friday **8 January 2016**

Late notices will be published in the subsequent issue, if under special circumstances, a late notice is accepted, a double tariff will be charged

The copy for a SEPARATE *Government Gazette* must be handed in not later than three calendar weeks before date of publication

BELANGRIKE AANKONDIGING

Sluitingstye **VOOR VAKANSIEDAE** vir

**GOEWERMENTS-, ALGEMENE- & REGULASIE-
KENNISGEWINGS ASOOK PROKLAMASIES**

2015

Die sluitingstyd is stiptelik 15:00 op die volgende dae:

- ▶ **22 April**, Woensdag, vir die uitgawe van Donderdag **30 April 2015**
- ▶ **30 April**, Donderdag, vir die uitgawe van Vrydag **8 Mei 2015**
- ▶ **11 Junie**, Donderdag, vir die uitgawe van Vrydag **19 Junie 2015**
- ▶ **6 Augustus**, Donderdag, vir die uitgawe van Vrydag **14 Augustus 2015**
- ▶ **17 September**, Donderdag, vir die uitgawe van Vrydag **25 September 2015**
- ▶ **10 Desember**, Donderdag, vir die uitgawe van Vrydag **18 Desember 2015**
- ▶ **15 Desember**, Dinsdag, vir die uitgawe van Donderdag **24 Desember 2015**
- ▶ **22 Desember**, Dinsdag, vir die uitgawe van Donderdag **31 Desember 2015**
- ▶ **30 Desember**, Woensdag, vir die uitgawe van Vrydag **8 Januarie 2016**

Laat kennisgewings sal in die daaropvolgende uitgawe geplaas word. Indien 'n laat kennisgewing wel, onder spesiale omstandighede, aanvaar word, sal 'n dubbeltarief gehef word

Wanneer 'n APARTE *Staatskoerant* verlang word moet die kopie drie kalenderweke voor publikasie ingedien word

GOVERNMENT NOTICES GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF COMMUNICATIONS DEPARTEMENT VAN KOMMUNIKASIE

No. 319

17 April 2015

FILM AND PUBLICATION BOARD

FILMS AND PUBLICATIONS ACT, 1996

The Film and Publication Board has, in terms of section 18(4)(a)(ii) of the *Films and Publications Act, 1996*, as amended, classified the films listed below X18 – RESTRICTED TO ADULTS ONLY.

The films contain scenes of explicit sexual conduct and may be distributed only by a holder of a licence to conduct the business of adult premises, issued by a licensing authority in terms of Item 2(h) of the *Business Act, No. 71 of 1991*, registered with the Film and Publication Board, subject to the conditions set out in section 24(2) of the *Films and Publications Act*.

DATE	TITLE	DISTRIBUTOR
29/01/2015	SWINGERS AND SWAPPERS # 2	ADULT WORLD
29/01/2015	FOOT PRINTS	ADULT WORLD
29/01/2015	MAID TO SEDUCE	ADULT WORLD
29/01/2015	HARD SCORE HARD CUT	ADULT WORLD
29/01/2015	BIG COCK GO DEEP	ADULT WORLD
30/01/2015	BIG BREASTS ARE BEST # 1	ADULT WORLD
30/01/2015	VACATION IN RIO DE JANEIRO	ADULT WORLD
30/01/2015	TEEN CUM TRAPS	ADULT WORLD
30/01/2015	MY BOSS IS A COUGAR	ADULT WORLD
30/01/2015	ANALICIOUS	ADULT WORLD
12/02/2015	2 DICKS IN 1 GIRL	ADULT WORLD
12/02/2015	I CAN'T BELIEVE I TOOK THE WHOLE THING # 10	ADULT WORLD
12/02/2015	BLACK INSIDE	ADULT WORLD
12/02/2015	SHANE DIESEL'S DIRTY LITTLE BABYSITTER	ADULT WORLD
12/02/2015	BOSS FANTASIES TALES FROM THE EDGE	ADULT WORLD
12/02/2015	ALL REAL COUPLES	ADULT WORLD
12/02/2015	MY LITTLE PANTIES	ADULT WORLD
12/02/2015	SEX PASSION AND LUSTFILLED WITH PLEASURE	ADULT WORLD
12/02/2015	SHANE DIESEL'S STRETCHED OUT SNATCH # 4	ADULT WORLD

**DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT
DEPARTEMENT VAN JUSTISIE EN STAATKUNDIGE ONTWIKKELING**

No. 321

17 April 2015

PROMOTION OF ACCESS TO INFORMATION ACT, 2000

DESCRIPTION SUBMITTED IN TERMS OF SECTION 15(1)

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

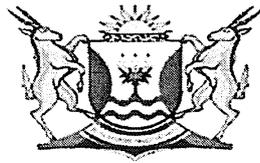
**EASTERN CAPE PROVINCIAL GOVERNMENT: OFFICE OF THE
PREMIER**

As set out in the Schedule



TSHILILO MICHAEL MASUTHA, MP (ADV)

MINISTER FOR JUSTICE AND CORRECTIONAL SERVICES



Province of the
EASTERN CAPE
OFFICE OF THE PREMIER

OFFICE OF THE PREMIER

FORM "D"

AUTOMATICALLY AVAILABLE RECORDS AND ACCESS TO SUCH RECORDS:

(Section 15 of the Promotion of Access to Information Act, 2000 (Act 2 of 2000))

(Regulation 5A)

DESCRIPTION OF CATEGORY OF RECORDS AUTOMATICALLY AVAILABLE IN TERMS OF SECTION 15(1)(a) OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000	MANNER OF ACCESS TO RECORDS (SECTION 15(1)(b))
FOR INSPECTION IN TERMS OF SECTION 15(1)(a)(i):	
Departmental Strategic Plans Departmental Annual Performance Plan Employment Equity Reports Approved Organizational Structures Departmental file plans Audited financial statements Departmental policies and procedure manuals Promotion of Access to Information Manual Service Standards Service Delivery Charter Departmental Events Calendar Premiers State of the Province Speech Departmental Circulars Public Service Forms Staff Contact details Directory Journals and magazines Tender Documents News letters Promotional materials	The records may be inspected at the Department on request in writing addressed to the Information Officer, Eastern Cape Office of the Premier Private Bag X0047, BHISHO, 5605 Tel No: 040 – 609 6382 Fax No: 040 – 639 1419

FOR PURCHASING IN TERMS OF SECTION 15(1)(a)(ii):	
Tender documents	Tender Documents are purchased at Supply Chain Management
FOR COPYING IN TERMS OF SECTION 15(1)(a)(ii):	
Departmental Strategic Plans Departmental Annual Performance Plan Employment Equity Reports Approved Organizational Structures Departmental file plans Audited financial statements Departmental policies and procedure manuals Promotion of Access to Information Manual Service Standards Service Delivery Charter Departmental Events Calendar Premiers State of the Province Speech Departmental Circulars Public Service Forms Staff Contact details Directory Journals and magazines Tender Documents News letters Promotional materials	The records may be inspected at the Department on request in writing addressed to the Information Officer, Eastern Cape Office of the Premier Private Bag X0047, BHISHO, 5605 Tel No: 040 – 609 6382 Fax No: 040 – 639 1419

No. 322

17 April 2015

PROMOTION OF ACCESS TO INFORMATION ACT, 2000**DESCRIPTION SUBMITTED IN TERMS OF SECTION 15(1)**

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

UMHLATHUZE MUNICIPALITY

As set out in the Schedule

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

CITY OF uMHLATHUZE

UYAZISWA UKUTHI UMQULU WEZOKUSEBENZA KANYE NOLWAZI OLUGCINWE IDOLOBHA uMHLATHUZE NGOKUHAMBISANA NOMTHETHO ONGUNOMBOLO 2 KA 2000(WEZOKUNKIKEZELWA KOLWAZI) USUBUYE WABUYEKEZWA, USUZOBIZWA NGESISHICILELO SESITHUPHA OMQULU UKHOMBISA UKUTHI LOLULWAZI OLULANDELAYO SELUYATHOLAKA NGAPHANDLE KOKUTHI KUZE KWENZIWE ISICELO UKULANDELA LOMTHETHO OSHIWO NGENHLA

ISIGABA 15(2) ISAZISO SOKUNIKEZELWA KOLWAZI(UMTHETHO UNGUNOMBOLO 2 KA 2000)UKUDALULA NGAPHANDLE KWEMPOQO KANYE NOKUTHOLAKALA KOLWAZI OLUGCINIWE

AMAGAMA AMADOKODO NGOKWAHLUKANA AKWAZI UKUTHOLAKALA NGOKWESIGABA 15(1)(b) SOMTHETHO WOKUFINYELELA KULWAZI KA 2000.	INDLELA YOKUFINYELELA KUMADOKODO (isibonelo. website) (ISIGABA 15(1)(b))
ANGAHLOLWA NGOKWESIGABA 15(1)(a)(i):	
AKHOKHELWAYO NGOKWESIGABA 15(1)(a)(ii):	
Ibalazwe (Kwezokuncebeleka)	Etafuleni likaMasipala lapho kutholakala khona ulwazi
ANGAGAYWA NGOKWESIGABA 15(1)(a)(ii):	
Isakhamuzi esikwazi ukufaka isicelo	Atholakala emnyangweni wobuNjiniyela
Inoma imuphi umthetho osuka ezinqumeni zoMkhandlu (osephepheni)	Atholakala emnyangweni Wezokuphathwa kwemisebenzi kaMasipala
Inoma iyiphi inkokhiso ekhokhiswa uMkhandlu (osephepheni)	Atholakala emnyangweni Wezokuphathwa kwemisebenzi kaMasipala
Inoma iluphi uhlelo lwesikimu sokuhlela idolobha noma uhlelo lwentuthuko oluphethwe uMkhandlu	Atholakala emnyangweni wokuhlela nokuqinisekisa intuthuko
Ufinyelela kanjani emisebenzini elethwa uMkhandlu	Itholakala kuMasipala waseMhlathuze
Ulwazi ngokuhleleka kwezindawo	Itholakala emnyangweni wobuNjiniyela
Uhla lwemisebenzi (Ngokulandelana nangokwezinombolo)	Itholakala emnyangweni wobuNjiniyela
Inhloso yengqalasizinda	Itholakala emnyangweni wobuNjiniyela
Imidwebo ethatthwe ngebhanoyi	Itholakala emnyangweni wobuNjiniyela
Olayini bemvelo ngaphezu kolwandle	Itholakala emnyangweni wobuNjiniyela
Amaminithi oMkhandlu neKomidi elikhulu	Itholakala emnyangweni Wezokuphathwa kwemisebenzi kaMasipala
Ngomtapo wezincwadi onobuchwepheshe Amabhuku ayizinkomba Nemibiko	Itholakala emnyangweni wobuNjiniyefa

Nokufayelwa kwezinhlelo (ngolwazi lwedolobha) Ngamaphepha agciniwe Ngezithombe ezincane ezisebenza kwikhomputha	Itholakala emnyangweni wobuNjiniyela
Nebalazwe (okusemaphepheni / emshinini kwikhomputha)	Itholakala emnyangweni wobuNjiniyela
Nezinhlelo ezibhaliswe emnyangweni wabahleli (okusemaphepheni / emshinini kwikhomputha)	Itholakala emnyangweni wobuNjiniyela
Uhlaka lonke lokuhlelwa kwedolobha (okusemaphepheni / emshinini kwikhomputha)	Itholakala emnyangweni wobuNjiniyela
Nebalazwe ngokwehlukana kwezindawo (okusemaphepheni / emshinini kwikhomputha)	Itholakala emnyangweni wobuNjiniyela
Izinhlelo zezindawo eziqashisile (okusemaphepheni/ emshinini)	Itholakala emnyangweni Wezokuphathwa kwemisebenzi kaMasipala
Uhlahlomali luhlanganisa nezimali ezibuyekeziwe (okusemaphepheni / emshinini)	Itholakala kuMgcimafa omkhulu
Ama-oda nezincwajana ezisalayo (okusemaphepheni)	Itholakala kuMgcinimafa omkhulu
Izimali ezitshaliwe nezibhalwe phansi (ibhukwana)	Itholakala kuMgcinimafa omkhulu
Izimali ezibolekiwe nezibhalwe phansi (ibhukwana)	Itholakala kuMgcinimafa omkhulu
Uhla lwezimpahla ezikhona (emshinini kwikhomputha)	Itholakala kuMgcinimafa omkhulu
Isaziso ngezimali (ibhukwana ngekhomputha)	Itholakala kuMgcinimafa omkhulu
Umlando ngezikweletu (ngekhomputha)	Itholakala kuMgcinimafa omkhulu
Ukubuyekeza ezocwaningo lwezemvelo	Atholakala kuMqondisi emnyangweni wokuhlela nokuqinisekisa intuthuko
Amapulani okwakha	Atholakala eMnyangweni weZokuthuthukiswa kweDolobha
Amarekodi aphaathelene nokwemukelwa, ukufaka noma ukuchitshiyelwa kohlelo njengoba kutholakala eMthethweni ongunombolo 6 ka 2008 wokuhlela nokuThuthukisa.	Atholakala eMnyangweni weZokuthuthukiswa kweDolobha
Amarekodi aphaathelene nokuhlelwa nokuhlukaniswa iziqephu noma ukuhlanganiswa komhlaba	Atholakala eMnyangweni weZokuthuthukiswa kweDolobha
Amarekodi aphaathelene nokuhlelwa kokuthuthukiswa komhlaba okuhlongozwayo njengoba kutholakala eMthethweni ongunombolo 6 ka 2008 wokuhlela nokuThuthukisa	Atholakala eMnyangweni weZokuthuthukiswa kweDolobha
Amarekodi aphaathelene nokuhlelwa ukuhlukaniswa phakathi noma ukusulwa kwepulani.	Atholakala eMnyangweni weZokuthuthukiswa kweDolobha

Amarekodi aphantselene nokuhlelwa kokulungiswa, ukumiswa noma ukususwa kwezithiyo eziphathelene nohlelo lokwakha.	Atholakala eMnyangweni weZokuthuthukiswa kweDolobha
Amarekodi aphantselene nokuhlelwa kokuvalwa unomphela komgwaqo kamasipala noma kwendawo yomphakathi	Atholakala eMnyangweni weZokuthuthukiswa kweDolobha
Amarekodi aphantselene nokuqhutshwa komthetho njengoba kutholakala eMthethweni ongunombolo 6 ka 2008 wokuHlela nokuThuthukisa.	Atholakala eMnyangweni weZokuthuthukiswa kweDolobha
Amarekodi aphantselene nezikhalazo njengoba kutholakala eMthethweni ongunombolo 6 ka 2008 wokuHlela nokuThuthukisa	Atholakala eMnyangweni weZokuthuthukiswa kweDolobha
Amarekodi aphantselene nokuhlelwa kwesifundazwe kanye nokuthuthukiswa kwezinkambiso kanye nemigomo	Atholakala eMnyangweni weZokuthuthukiswa kweDolobha
Amarekodi amayelana nokunikezelwa amandla njengoba kutholakala eMthethweni ongunombolo 6 ka 2008 wokuHlela nokuThuthukisa	Atholakala eMnyangweni weZokuthuthukiswa kweDolobha
ITHOLAKALA MAHALA NGOKUKA SECT 15(1)(a)(iii):	
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Imithetho kaMasipala	Itholakala kwi-website www.umhlathuze.gov.za
Imininingwane yamakhansela	Itholakala kwi-website www.umhlathuze.gov.za
Demographics	Itholakala kwi-website www.umhlathuze.gov.za
Ibalazwe elikhombisa imizila	Itholakala kwi-website www.umhlathuze.gov.za
Geographic Information System	Itholakala kwi-website www.umhlathuze.gov.za
Ibhukwana ngokomthetho wokugquzela ukufinyelela elwazini	Itholakala kwi-website www.umhlathuze.gov.za nasemahovisi kaMasipala.
Amabhukwana ezindaba/Umbiko wonyaka	Itholakala kwi-website www.umhlathuze.gov.za
Imigomo/Ukwaziswa	Itholakala kwi-website www.umhlathuze.gov.za
Izinkokhelo	Itholakala kwi-website www.umhlathuze.gov.za
Amathenda / izaziso zomphakathi	Itholakala kwi-website www.umhlathuze.gov.za
Ulwazi ngezokuncebeleka	Itholakala kwi-website www.umhlathuze.gov.za

Uma udinga iminimigwana ungasibhalela noma usithinte kule zizinombolo ezingezansi:

Ikheli:

Isikhulu Solwazi
Idolobha Mhlathuze
Private Bay X1004
RICHARDS BAY
3900

Inombolo yocingo: 035-907 5000
Isikhahlamenzi: 035-907 5444/5/6/7
email address: reg@umhlathuze.gov.za

Amahhovisi kaMasipala
Private Bag X1004
RICHARDS BAY
3900

DR N SIBEKO
MUNICIPAL MANAGER

(dms1014078/kcm)

CITY OF UMHLATHUZE

NOTICE IS GIVEN THAT THE MANUAL ON FUNCTIONS AND RECORDS HELD BY THE CITY OF UMHLATHUZE IN COMPLIANCE TERMS OF THE ACCESS TO INFORMATION ACT NO 2 OF 2000 HAS BEEN UPDATED AND TERMED THE SIXTH EDITION. THIS MANUAL REFLECTS THAT THE FOLLOWING RECORDS ARE AUTOMATICALLY AVAILABLE WITHOUT HAVING TO REQUEST ACCESS IN TERMS OF THE AFOREMENTIONED ACT.

SECTION 15 (2) NOTICE OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000 (ACT NO 2 OF 2000): VOLUNTARY DISCLOSURE AND AUTOMATIC AVAILABILITY OF RECORDS

DESCRIPTION OF CATEGORY OF RECORDS AUTOMATICALLY AVAILABLE IN TERMS OF SECTION 15(1)(a) OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000	MANNER OF ACCESS TO RECORDS (e.g. website) (SECTION 15(1)(b))
FOR INSPECTION IN TERMS OF SECTION 15(1)(a)(i):	
NA	NA
FOR PURCHASING IN TERMS OF SECTION 15(1)(a)(ii):	
Maps (Tourism)	Information counters at Municipality
FOR COPYING IN TERMS OF SECTION 15(1)(a)(ii):	
Fixed property owned by the applicant	Available from Department: Corporate Services
Any by-law framed by Council (hard copy)	Available from Department: Corporate Services
Any tariff charged by Council (hard copy)	Available from Department : Financial Services
Any town planning scheme or development plan administered by Council	Available from Department : City Development
How to obtain access to any service rendered by the Council	Available from the uMhlatuze Municipality
Geographic Information System	Available from Department: Infrastructure and Technical Services
Service register (alphanumerical data)	Available from Department: Infrastructure and Technical Services
Infrastructure themes	Available from Department: Infrastructure and Technical Services
Orthophotos	Available from Department: Infrastructure and Technical Services
Digital terrain modules (DTM's)	Available from Department: Infrastructure and Technical Services
Minutes of open Council and Executive Committee	Available from Department : Corporate Services
Technical Library: Reference books Reports	Available from Department: Infrastructure and Technical Services

Plan filing (civic information) Paper based Microfilm	Available from Department: Infrastructure and Technical Services
Cadastral maps (paper based/electronic)	Available from Department: Infrastructure and Technical Services
Surveyor general plans (paper based/ electronic)	Available from Department: Infrastructure and Technical Services
Framework plans (paper based/electronic)	Available from Department: Infrastructure and Technical Services
Scheme maps (paper based/electronic)	Available from Department: Infrastructure and Technical Services
Lease area plans (paper based/electronic)	Available from Department: City Development
Budget including adjustment budget (paper based/electronic)	Available from Department: Financial Services
Orders & remittances (paper based)	Available from Department: Financial Services
Investment register (manual)	Available from Department: Financial Services
Loan register (manual)	Available from Department: Financial Services
Asset register (electronic manual)	Available from Department: Financial Services
Financial statements (electronic manual)	Available from Department: Financial Services
Debtors history (electronic)	Available from Department: Financial Services
Strategic environmental assessment	Available from Department : City Development
Building plans	Available from Department: City Development
Records relating to the adoption, replacement or amendment of a scheme as contained in the Planning and Development Act 2008(Act 6 of 2008)	Available from Department: City Development
Records relating to a proposal to subdivide or consolidate land	Available from Department: City Development
Records relating to a proposal to develop land as contained in the Planning and Development Act 2008(Act 6 of 2008)	Available from Department: City Development
Records relating to a proposal to divide or cancel a layout plan	Available from Department: City Development
Records relating to a proposal to alter, suspend or delete a restriction relating to land	Available from Department: City Development
Records relating to a proposal to permanently close a municipal road or public place	Available from Department: City Development

Records relating to enforcement as contained in the Planning and Development Act 2008(Act 6 of 2008)	Available from Department: City Development
Records relating to appeals as contained in the Planning and Development Act 2008(Act 6 of 2008)	Available from Department: City Development
Records relating to provincial planning and development norms and standards	Available from Department: City Development
Records relating to delegations as contained in the Planning and Development Act 2008(Act 6 of 2008)	Available from Department: City Development
AVAILABLE FREE OF CHARGE IN TERMS OF SECTION 15(1)(a)(iii):	
Budget	Available on website www.umhlathuze.gov.za
Budget related policies	Available on website www.umhlathuze.gov.za
Performance agreements	Available on website www.umhlathuze.gov.za
Service delivery agreements	Available on website www.umhlathuze.gov.za
Long term borrowing contracts	Available on website www.umhlathuze.gov.za
Contracts/information/public partnership agreements as prescribed in section 75 of the Municipal Financial Management Act	Available on website www.umhlathuze.gov.za
Bylaws	Available on website www.umhlathuze.gov.za
Councillor details	Available on website www.umhlathuze.gov.za
Demographics	Available on website www.umhlathuze.gov.za
Direction maps	Available on website www.umhlathuze.gov.za
Geographic Information System	Available on website www.umhlathuze.gov.za
Manual on Promotion of Access to Information Act	Available on website www.umhlathuze.gov.za and at Municipal offices.
Newsletters/Annual report	Available on website www.umhlathuze.gov.za
Policies/Statutory reporting	Available on website www.umhlathuze.gov.za
Tariff of charges	Available on website www.umhlathuze.gov.za
Tenders/public notices	Available on website www.umhlathuze.gov.za
Tourism Information	Available on website www.umhlathuze.gov.za

Requests for information can be made in writing, per fax or electronically as follows:

Postal Address:

The Information Officer
City of uMhlathuze
Private Bay X1004
RICHARDS BAY
3900

Telephone Number: 035-907 5000

Fax Number: 035-907 444/5/6/7

eMail address: reg@umhlathuze.gov.za

Municipal Office
Private Bag X1004
RICHARDS BAY
3900

DR N SIBEKO
MUNICIPAL MANAGER

STAD UMHLATHUZE

KENNIS GESKIED HIERMEE DAT DIE HANDLEIDING VAN FUNKSIES EN REKORDS IN TERME VAN DIE TOEGANG TOT INLIGTING (WET NO 2 VAN 2000) GEHOU DEUR DIE STAD VAN UMHLATHUZE OPDEDATEER IS EN STAAN BEKEND AS DIE SESDE UITGAWE .DIE HANDLEIDING DUI DAAROP DAT DIE VOLGENDE REKORDS AUTOMATIES BESKIKBAAR IS SONDER DAT TOESTEMMING NODIG IS IN TERME VAN DIE GENOEMDE WET.

ARTIKEL 15 (2) KENNISGEWING VAN DIE BEVORDERING VAN TOEGANG TOT INLIGTING, 2000 (WET NO 2 VAN 2000):VRYWILLIGE OPENBAARMAKING EN AUTOMATIESE BESKIKBAARHEID VAN REKORDS.

INLIGTINGSKATEGORIE WAT BESKIKBAAR IS SONDER DIE NODIGHEID VAN AANSOEK DAARTOE VOLGENS DIE WET (ARTIKLE (2) VAN DIE WET OP BEVORDERING TOT TOEGANG TOT INLIGTING NR 2 VAN 2000)	TOEGANG TOT REKORDS (BVL WEBBLAD) (ARTIKLE 15(1)(b))
VIR INSPEKSIE VOLGENS ARTIKLE 15(1)(a)(i):	
NVT	NVT
VIR AANKOOP VOLGENS ARTIKLE 15(1)(a)(ii):	
PADKAARTE (Toerisme)	Inligtingstonbanke by al die kantore
VIR AFSKRIFTE VOLGENS ARTIKLE 15(1)(a)(ii):	
Vaste eiendom in besit van die aansoeker	Beskikbaar by Departement Korporatiewedienste
Enige Bywette deur die Raad opgestel	Beskikbaar by Departement: Korporatiewedienste
Enige Tariewe deur die Raad gehef	Beskikbaar by Departement: Korporatiewedienste
Enige Dorpsbeplanningskema of Ontwikkelingsplan wat deur die Raad beheer word	Beskikbaar by Departement: Stadsontwikkeling
Hoe om inligting te bekom oor dienste deur die Raad gelewer	Beskikbaar by die Munisipaliteit
Geografiese Inligtingstelsel	Beskikbaar by: Departement Infrastruktuur en Tegniesedienste
Notules van oop Raads- en Uitvoerendekomiteevergaderings	Beskikbaar by: Departement Korporatiewedienste
Tegniese Biblioteek Naslaanboeke Verslae	Beskikbaar by: Departement Infrastruktuur en Tegniesedienste
Plan Liasseerstelsel (Munisipale Inligting) Harde kopieë / Mikrofilm	Beskikbaar by: Departement Infrastruktuur en Tegniesedienste
Kadasterkaart (Harde kopieë / elektronies)	Beskikbaar by: Departement Infrastruktuur en Tegniesedienste

Algemene landmeterplanne (Harde kopieë / elektronies)	Beskikbaar by: Departement Infrastruktuur en Tegniesedienste
Raamwerkplanne (Harde kopieë / elektronies)	Beskikbaar by: Departement Infrastruktuur en Tegniesedienste
Projekkaarte (Harde kopieë / elektronies)	Beskikbaar by: Departement Infrastruktuur en Tegniesedienste
Huurplanne (Harde kopieë / elektronies)	Beskikbaar by: Departement Stadsontwikkeling
Begroting insluitend aansuiwerings begroting (Harde kopieë / elektronies)	Beskikbaar by: Departement Finansiëledienste
Bestellings en betalingsadviese (Harde kopieë)	Beskikbaar by: Departement Finansiëledienste
Beleggingsregister (Boekvorm)	Beskikbaar by: Departement Finansiëledienste
Leningsregister (Boekvorm)	Beskikbaar by: Departement Finansiëledienste
Bate register (Elektroniese Boekvorm)	Beskikbaar by: Departement Finansiëledienste
Finansiële State (Elektroniese Boekvorm)	Beskikbaar by: Departement Finansiëledienste
Debtors history (electronic) Debiteurgeskiedenis (Elektronies)	Beskikbaar by: Departement Finansiëledienste
Strategiese omgewings beplanning	Beskikbaar by: Departement Stadsontwikkeling
Bouplanne	Beskikbaar by: Departement Stadsontwikkeling
Rekords ten opsigte van die aanvaarding, vervanging of wysiging van 'n skema soos vervat in die Beplanning en Ontwikkelings Wet 2008 (Wet 6 van 2008)	Beskikbaar by: Departement Stadsontwikkeling
Rekords met betrekking tot 'n voorstel om grond te onderverdeel of te konsolideer	Beskikbaar by: Departement Stadsontwikkeling
Rekords ten opsigte van 'n voorstel om grond te ontwikkel	Beskikbaar by: Departement Stadsontwikkeling
Rekords ten opsigte van 'n voorstel om 'n uitlegplan te verdeel of te kanselleer	Beskikbaar by: Departement Stadsontwikkeling
Rekords ten opsigte van 'n voorstel om 'n beperking met betrekking tot grond te wyslg, op te skort of te skrap	Beskikbaar by: Departement Stadsontwikkeling
Rekords ten opsigte van 'n voorstel om 'n munisipale pad of openbare plek permanent te sluit	Beskikbaar by: Departement Stadsontwikkeling
Rekords ten opsigte van toepassing	Beskikbaar by: Departement Stadsontwikkeling
Rekords ten opsigte van appëlle soos vervat in die Beplanning en Ontwikkelings Wet 2008 (Wet 6 van 2008)	Beskikbaar by: Departement Stadsontwikkeling
Rekords ten opsigte van provinsiale beplannings- en ontwikkelingsnorme en -standaarde	Beskikbaar by: Departement Stadsontwikkeling

Rekords ten opsigte van delegasies soos vervat in die Beplanning en Ontwikkelings Wet 2008 (Wet 6 van 2008)	Beskikbaar by: Departement Stadsontwikkeling
GRATIS BESKIKBAAR VOLGENS ARTIKLE 15(1)(a)(iii):	
Begroting en aansuiweringsbegroting	Beskikbaar op webblad www.umhlathuze.gov.za
Begroting verwante beleide	Beskikbaar op webblad www.umhlathuze.gov.za
Prestasieooreenkomste	Beskikbaar op webblad www.umhlathuze.gov.za
Diensleweringooreenkomste	Beskikbaar op webblad www.umhlathuze.gov.za
Lang termyn lenings kontrakte	Beskikbaar op webblad www.umhlathuze.gov.za
Kontrakte / inligting / openbare vennootskap ooreenkomste soos voorgeskryf in artikel 75 van die Wet op Munisipale Finansiële Bestuur	Beskikbaar op webblad www.umhlathuze.gov.za
Bywette	Beskikbaar op webblad www.umhlathuze.gov.za
Inligting van Raadslede	Beskikbaar op webblad www.umhlathuze.gov.za
Demografie	Beskikbaar op webblad www.umhlathuze.gov.za
Padkaarte	Beskikbaar op webblad www.umhlathuze.gov.za
Geografiese inligtingstelsel	Beskikbaar op webblad www.richemp.org.za
Handleiding van die Wet op Bevordering Van Toegang tot Inligting: Nr 2 van 2000	Beskikbaar op webblad www.umhlathuze.gov.za
Nuusbriefe/Jaarverslae	Beskikbaar op webblad www.umhlathuze.gov.za
Beleid/Statutere Verslagdiening	Beskikbaar op webblad www.umhlathuze.gov.za
Tariewe	Beskikbaar op webblad www.umhlathuze.gov.za
Tenders/Publiekekenningsgewings	Beskikbaar op webblad www.umhlathuze.gov.za
Toerisme Inligting	Beskikbaar op webblad www.umhlathuze.gov.za

Versoeke vir inligting kan per skrif , faks of elektronies gerig word aan:

Posaddress : Die Inligtingsbeampte
uMhlathuze Stad
Privaatsak X1004
RICHARDSBAAI
3900

Telefoonnommer: 035-907 5000
Faksnommer: 035-907 444/5/6/7
eposadres: reg@umhlathuze.gov.za

Munisipale Kantore
Privaatsak X1004
RICHARDSBAAI
3900

DR N SIBEKO
MUNISIPALE BESTUURDER

**SOUTH AFRICAN RESERVE BANK
SUID-AFRIKAANSE RESERWEBANK**

No. 320

17 April 2015

BANKS ACT, 1990**DESIGNATION OF INSTITUTION OF WHICH THE ACTIVITIES DO NOT
FALL WITHIN THE MEANING OF "THE BUSINESS OF A BANK"
("ITHALA SOC LIMITED" A WHOLLY OWNED SUBSIDIARY OF ITHALA
DEVELOPMENT FINANCE CORPORATION LIMITED)**

Under paragraph (cc) of the definition of "the business of a bank", in section 1(1) of the Banks Act, 1990 (Act No. 94 of 1990), I, Nhlanhla Musa Nene, Minister of Finance, hereby designate, for the period commencing 1 January 2015 and expiring on 30 June 2015, and subject to the conditions set out in paragraph 3 of the Schedule, an institution specified in paragraph 2 of the Schedule as an institution of which the activities do not fall within the meaning of "the business of a bank".

N M NENE

Minister of Finance

SCHEDULE**1. Definitions**

In this Schedule, "the Banks Act" means the Banks Act, 1990 (Act No. 94 of 1990), and any word or expression to which a meaning has been assigned in the Banks Act or the Regulations relating to Banks shall bear the meaning so assigned thereto and, unless the context otherwise indicates-

"KwaZulu-Natal Ithala Development Finance Corporation Act" means the KwaZulu-Natal Ithala Development Corporation Act, 2013 (Act No. 5 of 2013);

"Ithala Development Finance Corporation Limited" formerly known as "KwaZulu-Finance and Investment Corporation Limited" means the development corporation known as Ithala Development Finance Corporation Limited, referred to in section 2 of the KwaZulu-Natal Ithala Development Finance Corporation Act;

"Ithala Corporation" means Ithala Development Finance Corporation Limited, a public company registered in terms of the Companies Act, 2008 (Act No. 71 of 2008);

"**Ithala SOC Limited**" means Ithala SOC Limited, a wholly-owned subsidiary of Ithala Corporation, being a state-owned company registered in terms of the Companies Act, 2008 (Act No. 71 of 2008)

"**Regulations relating to Banks**" means the Regulations relating to Banks published under Government Notice No. R. 1029 of 31 December 2012 as amended from time to time;

2. **Institution**

Ithala SOC Limited.

3. **Conditions**

3.1 The activities of a Ithala SOC Limited shall, in so far as they correspond to the activities contemplated in paragraphs (a), (b), (c) and (d) of the definition of "the business of a bank" in section 1(1) of the Banks Act, be performed by virtue of the powers conferred in terms of the provisions of the KwaZulu-Natal Ithala Development Finance Corporations Act: Provided that Ithala SOC Limited may not, in the performance of its activities-

3.1.1 use, or refer to itself or any of its divisions by any name, description or symbol indicating, or calculated to lead persons to infer, that it or such a division is a bank registered as such under the Banks Act;

3.1.2 in respect of itself or any of its divisions or undertakings use a name or description that includes the word "bank", or any derivative thereof, or the words "building society", or any derivative thereof, unless such name or description is composed of words that include the word "bank" as part of a place-name or a personal name.

3.2 The activities of Ithala SOC Limited shall be-

3.2.1 managed in such a way that the sum of its issued primary and secondary share capital and its primary and secondary unimpaired reserve funds in the Republic does not at any time amount to less than an amount which represents 10 (ten) per cent of the sum of the amounts calculated by multiplying the average amounts of such different categories of-

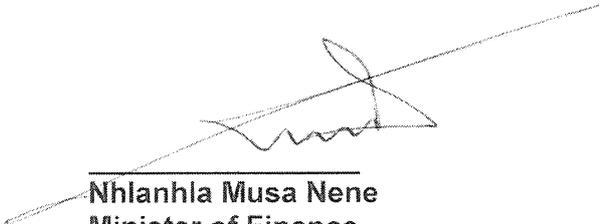
(i) assets; and

(ii) other risk exposures in the conduct of Ithala's business, as prescribed by the Regulations relating to Banks, by risk weights expressed as percentages, as so set forth, in respect of such different categories of assets and other risk exposures;

3.2.2 performed whilst Ithala SOC Limited at all times holds an average daily amount of liquid assets in the Republic that shall not be less than an amount equal to 5 (five) per cent of its total liabilities to the public.

- 3.3 Ithala Corporation maintains, at its own cost, to the satisfaction of the Registrar of Banks, the "ring-fencing" of any deposit-taking activities within a separately capitalised and limited corporation, Ithala SOC Limited.
- 3.4 Ithala Corporation maintains a separation between the lending activities of Ithala Corporation, in particular the current loan and advances exposures, and any current and future deposit-taking activities, which deposit-taking activities will be conducted by Ithala SOC Limited.
- 3.5 Ithala SOC Limited shall fully comply with such prudential, reporting, and other regulatory requirements, which may be imposed by the Registrar of Banks, from time to time.

This notice substitutes Government Notice No. 238 as published in *Government Gazette* No. 37490 dated 04 April 2014.



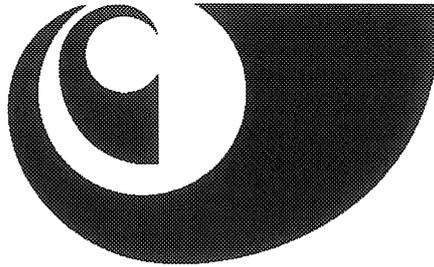
Nhlanhla Musa Nene
Minister of Finance

Signed at on this the day of 2015

**DEPARTMENT OF ECONOMIC DEVELOPMENT
DEPARTEMENT VAN EKONOMIESE ONTWIKKELINGS**

No. 323

17 April 2015



***competition*commission**
south africa

**Guidelines for the Determination of Administrative
Penalties for Prohibited Practices**

Effective 1 May 2015

Final

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PREFACE

These guidelines have been prepared in terms of section 79(1) of the Competition Act No. 89 of 1998 (as amended) ("the Act") which allows the Competition Commission ("Commission") to prepare guidelines to indicate its policy approach on any matter falling within its jurisdiction in terms of the Act.

There has been a growing need from the Competition Tribunal ("Tribunal"), the Competition Appeal Court ("CAC") and stakeholders for the Commission to develop guidelines for determining administrative penalties.¹

These guidelines present the general methodology that the Commission will follow in determining administrative penalties for purposes of concluding consent orders and settlement agreements and recommending an administrative penalty in a complaint referral before the Tribunal. The Commission recognises that the imposition of administrative penalties is not a precise science. Therefore these guidelines will not prevent the Commission from exercising its discretion on a case-by-case basis. The primary objective of these guidelines is to provide objectivity and transparency in the method of determining administrative penalties.

¹ See *Competition Commission v. Southern Pipelines Contractors & Conrite Walls (Pty) Ltd* Case No.: 23/CR/Feb09 at paragraphs 40, 42 and 43
See *Southern Pipelines Contractors & Conrite Walls (Pty) Ltd v. Competition Commission* Case Nos.: 105 & 106/CAC/Dec10

1. DEFINITIONS

1.1. Unless the context indicates otherwise, the following terms are applicable to these guidelines –

- 1.1.1. “The Act” means the Competition Act No. 89 of 1998 (as amended);
- 1.1.2. “Administrative penalty” means a monetary penalty that may be imposed by the Tribunal in terms of section 59 of the Act;
- 1.1.3. “Affected turnover” means the annual turnover of the firm in the Republic and exports from the Republic based on the sales of products or services that can be said to have been affected by the contravention;²
- 1.1.4. “Base amount” means a proportion of the affected turnover determined in accordance with the methodology stated below;
- 1.1.5. “Base year” means the most recent financial year in which there is evidence that the firm participated in the contravention;
- 1.1.6. “The CAC” means the Competition Appeal Court as established in terms of section 36 of the Act;
- 1.1.7. “CLP” means the Competition Commission’s Corporate Leniency Policy as defined in Notice 195 of 2004, Government Gazette No. 25963 of 6 February 2004 (as amended);
- 1.1.8. “The Commission” means the Competition Commission, a juristic person established in terms of section 19 of the Act;
- 1.1.9. “Duration” means the number of months or years of participation in the contravention by a firm;

² See paragraph 134 of the Competition Tribunal decision in Competition Commission v. Aveng Africa Limited t/a Steeledale, Reinforcing Mesh Solutions (Pty) Ltd, Vulcania Reinforcing (Pty) Ltd & BRC Mesh Reinforcing (Pty) Ltd Case No.: 84/CR/Dec09

- 1.1.10. "Firm" includes a person (juristic or natural), partnership or a trust. This may include a combination of firms that form part of a single economic entity, a division and/or a business unit of a firm;
- 1.1.11. "Firm's annual turnover" means the firm's annual turnover in the Republic and its exports from the Republic in a financial year;
- 1.1.12. "Holding company" means holding company as defined in section 1 of the Companies Act No. 71 of 2008, as amended;
- 1.1.13. "The Tribunal" means the Competition Tribunal, a juristic person established in terms of section 26 of the Act.

2. INTRODUCTION

- 2.1. The Commission regards administrative penalties as an important tool in enforcing the Act. The primary objective of administrative penalties is deterrence. Administrative penalties serve as a specific deterrent against future anti-competitive behaviour by firms that have contravened the Act and as a general deterrent to other firms that may consider engaging in anti-competitive conduct.
- 2.2. The Act provides for administrative penalties to be imposed on firms for engaging in conduct that is prohibited in terms of sections 4(1)(b), 5(2) or 8(a), (b) or (d) of the Act and for engaging in conduct that is substantially a repeat by the same firm of conduct previously found by the Tribunal to be a prohibited practice in terms of sections 4(1)(a), 5(1), 8(c) or 9(1) of the Act.
- 2.3. The Tribunal and the CAC have now provided guidance on how administrative penalties ought to be determined. This has culminated in a specific six-step methodology developed by the Tribunal³ and the CAC.⁴ The Commission issues

³ *Competition Commission v. Aveng (Africa) Limited t/a Steeledale, Reinforcing Mesh Solutions (Pty) Ltd, Vulcania Reinforcing (Pty) Ltd and BRC Mesh Reinforcing (Pty) Ltd* Case No.: 84/CR/Dec09

these guidelines setting out its interpretation of the application of the Tribunal's methodology in consent or settlement agreements as well as in recommending the imposition of administrative penalties before the Tribunal and the CAC.

3. OBJECTIVES

- 3.1. The primary objective of these guidelines is to provide some measure of transparency and objectivity in how the Commission will determine administrative penalties.
- 3.2. In developing these guidelines, the Commission conducted a review and comparison of guidelines and penal codes developed by other competition authorities such as the European Commission and the United Kingdom's Competition and Markets Authority as well as the principles laid out by the Tribunal (and endorsed by the CAC) in its six-step methodology. In doing so, the Commission was mindful of the nuances and variations in each jurisdiction, including the statutory mandate that the competition authorities in these jurisdictions have to impose administrative penalties. The Commission was further mindful of the differences in the nature of prohibited practices under Chapter 2 of the Act.

4. LEGISLATIVE FRAMEWORK

- 4.1. These guidelines have been prepared in terms of section 79(1) of the Act which allows the Commission to prepare guidelines to indicate its policy approach on any matter falling within its jurisdiction in terms of the Act. These guidelines are aimed at providing guidance in terms of section 79(2)(b) of the Act and are not

⁴ Reinforcing Mesh Solutions (Pty) Ltd and Vulcania Reinforcing (Pty) Ltd v. Competition Commission 119 & 120/CAC/May2013

binding on the Commission, the Tribunal or the CAC in the exercise of their respective discretion, or their interpretation of the Act.

- 4.2. The Commission is not the final arbiter of administrative penalties, nor is it the final arbiter of consent orders or settlement agreements. Rather, the decisions taken by the Commission in terms of administrative penalties are subject to the approval of the Tribunal and oversight by the courts through appeals and/or review.
- 4.3. In terms of section 58(1)(a)(iii) and (b) of the Act, read together with section 59, the Tribunal may impose an administrative penalty for a prohibited practice in contravention of sections 4(1)(b), 5(2), 8(a), (b),(d) of the Act. The Tribunal may also impose an administrative penalty for a prohibited practice in contravention of sections 4(1)(a), 5(1), 8(c) or 9(1) of the Act if the conduct is substantially a repeat by the same firm of conduct previously found by the Tribunal to be a prohibited practice.
- 4.4. Pursuant to sections 49D and 58(1)(b) of the Act, the Commission and the respondent may reach an agreement on the terms of an appropriate order, which may be confirmed by the Tribunal. The terms of such order may include an agreement on the payment of an appropriate administrative penalty.
- 4.5. Pursuant to section 27 of the Act, the Tribunal may adjudicate on any prohibited conduct and upon making a determination, may impose an administrative penalty as a remedy provided for in the Act.

5. METHODOLOGY FOR THE CALCULATION OF PENALTIES

- 5.1. As a general approach, the Commission will apply the Tribunal's six-step methodology when determining the administrative penalty that a firm will be liable to pay for contravening the relevant sections of the Act, namely:

- 5.1.1. **Step 1:** Determination of the affected turnover in the base year;
 - 5.1.2. **Step 2:** Calculation of the base amount being that proportion of the affected turnover relied upon;
 - 5.1.3. **Step 3:** Multiplying the amount obtained in step 2 by the duration of the contravention;
 - 5.1.4. **Step 4:** Rounding off the figure obtained in step 3 if it exceeds the cap provided for by section 59(2) of the Act;
 - 5.1.5. **Step 5:** Considering factors that might mitigate and/or aggravate the amount reached in step 4, by way of a discount or premium expressed as a percentage of that amount that is either subtracted from or added to it; and
 - 5.1.6. **Step 6:** Rounding off this amount if it exceeds the cap provided for in section 59(2) of the Act.
- 5.2. Where appropriate, the amount calculated in terms of the above methodology may be further adjusted:
- 5.2.1. By application of settlement discount(s); and
 - 5.2.2. In exceptional circumstances, the inability to pay as provided under paragraph 7 (seven) below.

Step 1: Determination of Affected Turnover

- 5.3. The affected turnover is the firm's turnover derived from the sales of products and services that can be said to have been affected by the contravention.⁵

⁵ See paragraph 134 of the Competition Tribunal decision in *Competition Commission v. Aveng Africa Limited t/a Steeledale, Reinforcing Mesh Solutions (Pty) Ltd, Vulcania Reinforcing (Pty) Ltd & BRC Mesh Reinforcing (Pty) Ltd* Case No.: 84/CR/Dec09

See paragraph 45 of the Competition Tribunal decision in *Competition Commission v. DPI Plastics (Pty) Ltd, Petzetakis Africa (Pty), Marley Pipe Systems (Pty) Ltd, Swan Plastics (Pty) Ltd, Amitech South Africa (Pty) Ltd, Flo-Tek Pipes & Irrigation (Pty) Ltd, MacNeil Agencies (Pty) Ltd, Andrag (Pty) Ltd, Gazelle Plastics (Pty) Ltd & Gazelle Engineering (Pty) Ltd* Case No.: 15/CR/Feb09

- 5.4. The Commission, as a general approach, will have regard to the firm's affected turnover during the base year.
- 5.5. The Commission will have regard to the firm's audited financial statements. Where audited financial statements are not available, the Commission may consider any other reliable records reflecting the firm's affected turnover or estimate the affected turnover based on available information.
- 5.6. Where the contravention took place within the auspices of an association of firms and the association is responsible for aiding, organising and/or executing the contravention, the association will be liable for payment of the administrative penalty, separately from the members of the association. The affected turnover that will generally be considered shall be based on the total revenue / members' contributions to fees, of the association.
- 5.7. In circumstances where the affected turnover of a firm is zero for a particular market (for example, in the case of market allocation agreements precluding entry into certain product or geographical areas), the Commission may consider the firm's annual turnover in the market that was protected as a result of the conduct, that is the market that was allocated to the firm as a result of the conduct.
- 5.8. In cases where there is a once-off bid-rigging contravention:
- 5.8.1. For the firm that is awarded the tender, and that was party to the collusive agreement, the Commission will consider the affected turnover to be the greater of (1) the value of the bid submitted by the successful bidder or (2) the value of the contract concluded or to be concluded pursuant to the tender process or (3) the amount ultimately paid to the successful bidder pursuant to the tender;
- 5.8.2. For the firm that was not awarded the tender, but was party to a collusive agreement in respect of the tender in question and submitted or agreed to submit purportedly competitive bids, or where it agrees to not submit a bid, or to submit a bid at a particular level to

ensure that the tender is won by another firm, the Commission will consider the affected turnover to be the greater of (1) the value of the bid submitted by the unsuccessful firm in question (2) the value of the contract concluded or to be concluded pursuant to the tender process or (3) the amount ultimately paid to the successful bidder pursuant to the tender.

Step 2: Calculation of the Base Amount

- 5.9. The Commission will calculate the base amount of the administrative penalty to be imposed with reference to the firm's affected turnover.
- 5.10. The base amount will be calculated as a proportion of the affected turnover on a scale from zero percent (0%) to thirty per cent (30%)⁶. The proportion applied will be based on some of the factors listed in section 59(3), specifically section 59(3)(a), (b), and (d), which are:
- 5.10.1. The nature, gravity and extent of the contravention;
 - 5.10.2. Any loss or damage suffered as a result of the contravention; and
 - 5.10.3. The market circumstances in which the contravention took place.
- 5.11. In determining whether the proportion of the base amount will be at the higher end or lower end of the scale (i.e. 0 to 30%), in light of the factors listed above, the Commission will consider the following:
- 5.11.1. The nature of the affected product(s);
 - 5.11.2. The structure of the market;
 - 5.11.3. The market shares of the firms involved;
 - 5.11.4. Barriers to entry in the market; and

⁶ See paragraph 147 of *Competition Commission v. Aveng Africa Limited t/a Steeledale, Reinforcing Mesh Solutions (Pty) Ltd, Vulcania Reinforcing (Pty) Ltd & BRC Mesh Reinforcing (Pty) Ltd* Case No.: 84/CR/Dec09

- 5.11.5. The impact of the contravention on competitors and consumers, and the likely impact on small and medium-sized enterprises and on low income consumers.
- 5.12. Notwithstanding the above, the Commission notes that it may not always be possible to measure or estimate the loss or damage suffered as a result of the conduct with any precision especially where given the nature of the conduct, it would not be possible to construct the counterfactual. For cartel conduct, harm is presumed and will not be proved.
- 5.13. The higher end of the scale will be reserved for the most serious contraventions such as hard-core cartel conduct (price-fixing, market allocation, and collusive tendering) and some forms of abuse of dominance or unilateral conduct (excessive pricing, predation, refusal to provide access to essential facilities, inducement-related practices, and buying-up a scarce supply of intermediate goods or resources).⁷

Step 3: Duration of the Contravention

- 5.14. Once the Commission has established an appropriate base amount, it will take into account the duration of the firm's participation in the contravention. In doing so, the Commission will multiply the base amount by the number of years of participation in the contravention.
- 5.15. If the contravention existed prior to the Competition Act, the duration will begin from 1 September 1999, which is the date of the commencement of the Competition Act.
- 5.16. For contraventions lasting less than 1 year, the Commission will apply a duration multiplier equal to the proportion of the year over which the contravention lasted.

⁷ Ibid at paragraphs 140 – 147

Commission v. Telkom Case No. 11/CR/Feb04 (decision 7 August 2012); and *Commission v. Sasol Chemical Industries* Case No. 48/CR/Aug2010 [011502]

For example, if the contravention lasted for 8 months, the Commission will apply a duration multiplier of 8/12⁸.

- 5.17. For contraventions relating to section 4(1)(b)(iii) of the Act, i.e. collusive tendering, the Commission will use the number of years for which the contract lasts, as the multiplier⁹. In cases relating to compensation payments¹⁰, the Commission may consider the duration as extending to the period up to the date when the final compensation payment was made.¹¹

Step 4: Statutory Limit

- 5.18. Where the administrative penalty determined in step 3 exceeds the maximum allowable limit of 10% of the firm's annual turnover during its preceding financial year, the Commission must have regard to the maximum allowable statutory limit in line with section 59(2) of the Act for the purposes of proceeding with the administrative penalty calculation.

Step 5: Aggravating and Mitigating Factors

- 5.19. Once the base amount has been determined, the Commission will adjust this figure upwards or downwards based on the relevant factors in section 59(3) of the Act which assess the aggravating and mitigating circumstances of each firm and its conduct, which may have not been considered in step 2 above. These factors include:

⁸ In *Commission v DPI Plastics & Others*, the Tribunal applied a 7/12 duration multiplier on MacNeil's for its 7 month participation in the contravention

⁹ *Videx Wire Products (Pty) Ltd v Competition Commission of South Africa* Case No.: 124/CAC/OCT12

¹⁰ Compensation payments occur where two or more bidders each prepare and submit their own bids on condition that the winning party will pay the losing party an agreed sum of money. See decision of the Office of Fair Trading, No. CA98/02/2009: *Bid rigging in the construction industry in England* 21 September 2009 (Case CE/4327-04)

¹¹ See decision of the Office of Fair Trading, No. CA98/02/2009: *Bid rigging in the construction industry in England* 21 September 2009 (Case CE/4327-04)

- 5.19.1. Section 59(3)(c) of the Act which relates to the behaviour of the firm in the market during the period of the contravention, that is, in relation to consumers and competitors, as opposed to how it responds to the competition authorities. This will also include but is not limited to a consideration of:
- 5.19.1.1. The nature of the firm's involvement in the contravention i.e. whether the firm was proactive in initiating the contravention, whether it was a passive participant or whether it was coerced by other firms who are party to the contravention;
 - 5.19.1.2. Bona fide, negligence or deliberate and wilful engagement in the contravention;
 - 5.19.1.3. The involvement of directors and/or senior management in the contravention;
 - 5.19.1.4. The firm's encouragement of staff to participate in the contraventions, for example through personal incentives linked to the success of the contravention;
 - 5.19.1.5. Whether the firm continued with its conduct or ceased the conduct, following its knowledge of the Commission's investigation;
 - 5.19.1.6. Whether the firm was proactive and timeous in exercising its initiative by, for example, instituting corrective measures within the firm;
 - 5.19.1.7. Evidence that demonstrates the termination of the conduct as soon as the Commission intervened;
 - 5.19.1.8. Whether the firm implemented the anticompetitive conduct.
- 5.19.2. Section 59(3)(e) of the Act which relates to the profit derived from contravention. This may include but is not limited to a consideration of an assessment of the level of profit achieved by the firm as a result of the contravention. The Commission notes that this may not always be

possible to assess in all cases. This is because the benefits of participation in some anticompetitive conduct not only translate to quantifiable monetary benefit but also extend to the protection of participants from the demands of competition such as efficiency, investment and service. For section 4(1)(b) cases, there will be a presumption that the conduct was profitable.

5.19.3. Section 59(3)(f) of the Act which relates to the degree of co-operation with the Commission and Tribunal. This may include but is not limited to a consideration of:

5.19.3.1. The extent to which the firm, inter alia, delayed, obstructed, and/or assisted in expediting the investigation and litigation process;

5.19.3.2. Whether the firm co-operated through tangible actions to facilitate the speedy resolution of the case.

5.19.4. Section 59(3)(g) of the Act which relates to whether the respondents has previously been found in contravention of this Act . This may include but is not limited to a consideration of:

5.19.4.1. Whether the firm has engaged in conduct which is substantially a repeat by that firm of conduct previously found by the Tribunal to be a prohibited practice;

5.19.4.2. Instances where the firm was granted leniency in terms of the Commission's CLP, for any conduct found to be a prohibited practice by the Tribunal and or finalised through settlement and/or by consent order.

Step 6: Consideration of the Statutory Limit

- 5.20. As stipulated in section 59(2) of the Act, the administrative penalty may not exceed 10% of the firm's annual turnover in the Republic and its exports from the Republic during the firm's preceding financial year.
- 5.21. Where the administrative penalty determined above exceeds the maximum allowable statutory limit of 10% of the firm's annual turnover during its preceding financial year, the Commission will apply the maximum allowable administrative penalty.
- 5.22. Where an association of firms is liable for payment of an administrative penalty on the basis of its own turnover or income, the administrative penalty imposed will not exceed 10% of that turnover or income in the preceding financial year.
- 5.23. The preceding financial year that the Commission will generally consider for the purposes of the statutory cap, will be the financial year preceding that in which the administrative penalty is imposed. If there is no turnover in that preceding financial year it shall be the last year in which there is turnover available.

6. DISCOUNT FOR SETTLEMENT OF CASES BY FIRM

- 6.1. The Commission, at its sole discretion, may offer a discount of between 10% - 50% off the administrative penalty derived in applying the six-step methodology above. In doing so, the Commission will consider, inter alia:
- 6.1.1. The firm's demonstrated willingness to expeditiously conclude settlement with the Commission. Firms that settle their cases with the Commission in the early stages of the investigation are likely to enjoy a greater settlement discount than those firms who settle on the eve of litigation;
- 6.1.2. The extent to which the firm assists in the prosecution of other firms involved in the contravention. The Commission may take into account relevant factors, such as whether the firm provided timeous, complete and/or accurate information that will corroborate other evidence

gathered by the Commission during the investigation. The following factors provide guidance on the Commission's expectations from a firm and these may earn the firm a maximum discount for co-operating with the Commission and Tribunal:

6.1.3. Being proactive in approaching the Commission with information of the possible existence of anti-competitive conduct. This does not negate the objectives of the Commission's CLP in respect of cartel activity, but may be beneficial (earn discounts) to a firm that does not achieve full immunity in terms of the Commission's CLP;

6.1.3.1. Providing full evidence, such as documents, under the control and/or possession of the contravening firm which may be relevant to the Commission's ongoing investigations and/or prosecutions that enable the Commission to effectively and expeditiously prosecute cases; and

6.1.3.2. Make available to the Commission all and any witnesses to testify at the Tribunal in support of the Commission's case.

7. ABILITY TO PAY THE ADMINISTRATIVE PENALTY

7.1. The Commission may, after determining an appropriate administrative penalty and in exceptional circumstances, consider the firm's ability to pay the administrative penalty. This will be the exception and there must be no expectation that the administrative penalty will be adjusted on this basis. In these circumstances, the Commission will be mindful of the firm's financial position and market circumstances in order to avoid imposing substantial hardship on a particular firm that may lead to a significant reduction in competition. This does not negate the need for consideration of the principle of proportionality and fairness.

- 7.2. To be considered for this, the firm must provide the Commission with objective evidence¹² that the imposition of the administrative penalty as provided for in these guidelines would irretrievably jeopardise the ability of the firm concerned to continue trading and exit. This evidence may include, but will not be limited to, audited financial statements attesting the veracity of the firm's financial position. The Commission will consider the financial viability of the firm as a whole and not of any specific division(s).
- 7.3. The mere existence of a loss making financial situation will not suffice for purposes of obtaining special discounts under this consideration.
- 7.4. If a firm is able to demonstrate its inability to pay the administrative penalty in accordance with paragraphs 7.1 and 7.2 above, the Commission may consider the use of favourable payment terms. The Commission will only consider a discount on this basis if a firm can objectively demonstrate that, even in the long term, it will still not be in a position to pay the administrative penalty.

8. LIABILITY OF A HOLDING COMPANY LIABILITY FOR ADMINISTRATIVE PENALTY

- 8.1. The Commission may impute liability for payment of the final administrative penalty on a holding company (parent company) where its subsidiary has been found to have contravened the Act. In determining the applicability of this section the Commission will consider whether:
- 8.1.1. The parent or holding company wholly owned the subsidiary;
- 8.1.2. The parent or holding company directly controlled the subsidiary or had decisive or material influence over the commercial policy of the subsidiary. Material influence in this instance is analogous to that considered under section 12(2)(g) of the Act which refers to, "the ability to materially influence policy of the firm in a manner

¹² For example information relating to business rescue proceedings, insolvency proceedings etcetera

- comparable to a person who, in ordinary commercial practice, can exercise an element of control referred to in paragraphs (a) to (f).”;
- 8.1.3. The parent or holding company had knowledge of the subsidiary’s participation in the contravention; or
- 8.1.4. The parent derived substantial benefit from the activities of the subsidiary.
- 8.2. In order to determine whether the parent or holding company had material influence over its subsidiary, the Commission will, based on the facts and on a case-by-case basis, analyse the overall relationship between the parent or holding company and its subsidiary. The Commission will consider whether the parent or holding company had the ability materially to influence policy relevant to the behaviour of the subsidiary in the marketplace. Such policy will include the strategic direction and ability of the parent or holding company to define and achieve commercial objectives through its subsidiary.
- 8.3. When determining the appropriate penalty in cases where the Commission has imputed liability of payment of the administrative penalty on the parent or holding company, the statutory cap at step 4 above, will be based on the subsidiary’s annual turnover during the preceding financial year. At step 6, the statutory cap will be based on the annual turnover of the parent or holding company during the preceding financial year.
- 8.4. In the case of full functioning joint venture (and any other joint ventures) which contravened the Act, the Commission may impute liability, jointly or severally, for payment of the final administrative penalty on the parent companies of the joint venture. The Commission will do so if the parent companies of the joint venture are shown to have decisive or material influence over the commercial policy of the subsidiary¹³. Material influence is the same as discussed in paragraph 8.1.2 above. The Commission will take account of, based on the facts and on a case-by-case basis analysis, the overall relationship between the parent companies

¹³ *El du Pont de Nemours and Company v. European Commission*, Case C-172/12 P

and the joint venture and whether the parent companies had the ability materially to influence the strategic and commercial policy of the joint venture¹⁴.

- 8.5. If the Commission imputes the liability of paying the administrative penalty on the parent or holding company, the statutory limit in step 6 will be calculated on the consolidated annual turnover of that parent or holding company during the preceding financial year.
- 8.6. In instances where a division or business unit of the firm has contravened the Act, the firm legally responsible for the division or business unit may be held liable for the final administrative penalty.

9. GENERAL AND SPECIAL PROVISIONS

- 9.1. Notwithstanding the imposition of an administrative penalty, the Commission may consider other remedies that seek to address the harm caused to competition as a result of the contravention. The remedies can be over and above the final administrative penalty.
- 9.2. In certain cases the Commission may impose a nominal administrative penalty taking into account the facts of each case.
- 9.3. Where applicable, the Commission will determine the interest payable in relation to the imposed administrative penalty in terms of section 80(1)(b) of the Public Finance Management Act 1 of 1999 and the Prescribed Rate of Interest Act No. 55 of 1975.

¹⁴ *Coöperatieve Verkoop- en Productievereniging van Aardappelmeel en Derivaten Avebe BA v. Commission of the European Communities*, Case T-314/01

10. DISCRETION

The above process presents the general methodology that the Commission will follow in the determination of administrative penalties. Notwithstanding the above, this will not fetter the discretion of the Commission and/or the Tribunal and/or the CAC and other courts to consider administrative penalties on a case-by-case basis should a need arise.

11. EFFECTIVE DATE AND AMENDMENTS

These guidelines become effective on the date indicated in the Government Gazette and may be amended by the Commission from time to time.

GENERAL NOTICES ALGEMENE KENNISGEWINGS

NOTICE 331 OF 2015

APPLICATION FOR THE IMPLEMENTATION OF STATUTORY MEASURES IN THE POMEGRANATE INDUSTRY

NAMC REQUESTING COMMENTS

On 16 March 2015, the Minister of Agriculture, Forestry and Fisheries received a request from the Pomegranate Association of South Africa (POMASA) for the implementation of statutory measures in the pomegranate industry for four years effective from January 2016.

The POMASA requested the introduction and promulgation of the following statutory measures in the pomegranate industry:

- Section 15 of the Marketing of Agricultural Products Act (MAP): Levies;
- Section 18 of the MAP Act: Records and returns; and
- Section 19 of the MAP Act: Registration.

POMASA indicated that the proposed statutory levy will finance the following functions, namely -

- Research and technology development & technology transfer;
- Information and statistics;
- Quality standards;
- Communication, consumer education and market development; and
- Transformation and training.

The proposed statutory measures relating to records and returns to be submitted to POMASA is necessary to ensure continuous, timeous and accurate market information.

The proposed statutory measures relating to registration of the relevant role players with POMASA is necessary to assist the administrator to ensure that continuous, timeous and accurate market information relating to the pomegranate industry is available to all role players.

Currently POMASA members contributes a once-off joining fee of R500 and an annual membership fee of R500. When the statutory measures is implemented, these fees will no longer be applicable. POMASA indicated that it is a growing industry and needs sustainable funding over the medium term to finance important activities e.g. research and technology development.

The proposed levy amount:

Pomegranates	2016	2017	2018	2019
Fresh pomegranates exported	13c/Kg	13c/Kg	14c/Kg	14c/Kg
Fresh pomegranates imported	13c/Kg	13c/Kg	14c/Kg	14c/Kg
Pomegranates delivered for processing	7c/Kg	7c/Kg	8c/Kg	8c/Kg

Council members: Mr AD Young (Acting Chairperson), Mr AM Cronje, Ms MM Gill, Mr A Hendricks, Dr LL Magingxa,
Dr JL Purchase, Ms JM van der Merwe and Ms TE Zimu.

POMASA's proposed budget

Estimate Kg		2016	2017		2018	2019
		kg				
Class 1 & 2 exports		4 500 000	5 060 000		5 560 000	6 000 000
Class 1 & 2 imports		200 000	210 000		220 000	240 000
Processed		1 356 000	1 525 743		1 678 000	1 827 500
Income per year:	levy c/kg	2016	2017	levy c/kg	2018	2019
Class 1 & 2 exports	0,13	R 585 000	R 657 800	0,14	R 778 400	R 840 000
Class 1 & 2 imports	0,13	R 26 000	R 27 300	0,14	R 30 800	R 33 600
Processed	0,07	R 94 920	R 106 802	0,08	R 134 240	R 146 200
Total income		R 705 920	R 791 902		R 943 440	R 1 019 800

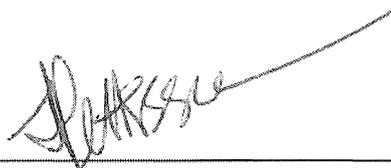
Directly affected groups in the pomegranate industry are kindly requested to submit any comments, in writing, regarding the proposed statutory measures, to the NAMC on or before 16 Mei 2015, to enable the Council to finalise its recommendation to the Minister in this regard.

ENQUIRIES:

National Agricultural Marketing Council
 Mathilda van der Walt
 e-mail: mathilda@namc.co.za
 Tel.: (012) 400 9745
 Fax No.: (012) 341 1911

NOTICE 332 OF 2015**DEPARTMENT OF ENERGY****Electricity Act, 1987 (Act no. 41 of 1987)****License fees payable by licensed generators of electricity**

I Tina Joemat-Pettersson, Minister of Energy, acting under section 5 (b) of the Electricity Act, 1987 (Act No. 41 of 1987), hereby prescribe that a levy of 0.07625 cents per kWh, in respect of electricity generated for supply by licensed electricity generators, shall be payable to National Energy Regulator of South Africa, for the period 01 April 2015 to 31 March 2016, by the licensed holders concerned.



MS TINA JOEMAT-PETTERSSON, MP
MINISTER OF ENERGY

DATE:

20/3/2015.

NOTICE 333 OF 2015**COUNCIL FOR MEDICAL SCHEMES****MEDICAL SCHEMES ACT, 1998 (ACT NO. 131 OF 1998)**

NOTICE OF INTENTION TO PUBLISH DECLARATION OF CERTAIN ELECTORAL AND VOTING PRACTICES UNDESIRABLE BUSINESS PRACTICE IN TERMS OF SECTION 61(2) OF THE MEDICAL SCHEMES ACT, 1998 (ACT NO.131 OF 1998).

1. In terms of section 61(2) of the Medical Schemes Act, 131 of 1998, the Registrar of Medical Schemes hereby:
 - a. publishes his intention to make the following undesirable business practice declaration; and
 - b. Invites written representations in respect of the proposed declaration.

2. The written representations addressed to: The Registrar of Medical Schemes (Attention: Sibonelo Cele), Block A, Eco Glades 2 Office Park, 420 Witch-Hazel Avenue, Eco Park, Centurion, or email: s.cele@medicalschemes.com are to reach the Registrar of Medical Schemes within 21 days after the date of publication of this notice.

DRAFT DECLARATION

In terms of section 61(1) of the Medical Schemes Act, 1998 (Act No. 131 of 1998), the Registrar of Medical Schemes, with the concurrence of the Council for Medical Schemes and the Minister of Health, makes declaration contained in the Schedule to this notice, which shall be applicable to all medical schemes and its members.

SCHEDULE

It shall be undesirable business practice for-

1. A member of a medical scheme who also is an officer of the same medical scheme to participate as a member in the electoral process on one hand, on the other hand serves as an officer in regard to the election processes.

2. For a person that is a service provider to a medical scheme (including holding company, subsidiary, joint venture or associate of such service provider), and or officers or agents of such service provider to:

- 2.1. influence or campaign for an employee(s) of the service provider to serve as a proxy or proxies to be appointed to vote to elect trustee(s) at a general meeting of members;
 - 2.2. influence or campaign for a proxy or proxies of their choice to be appointed to vote in general meetings in order to elect trustee(s) or take decisions that affect rights of members and interests of medical schemes at a general meeting of members; or
 - 2.3. influence or campaign for candidate(s) of their choice to be elected as trustee(s) at a general meeting of members.
3. For any person who -by virtue of services provided to a medical scheme and its beneficiaries- has access to or possession of information and details of members of a medical scheme to use such information and details, and/ or alternatively provide such details and information to another person, for purposes of campaigning or influencing the outcome of election of members of a board of trustees.

Note: The above practices do not apply to ordinary campaigns and election processes of a medical scheme that are required of medical schemes –through their officers or delegates- in accordance with the rules of a medical scheme.



DANIEL LEHUTJO
THE ACTING REGISTRAR OF MEDICAL SCHEMES

NOTICE 334 OF 2015**NOMINATION OF MEMBERS TO SERVE ON THE COUNCIL OF THE
NATIONAL HOME BUILDERS REGISTRATION COUNCIL (NHBRC)**

A notice is hereby given that the Minister of Human Settlements invites nominations of persons to serve on the Council of the National Home Builders Registration Council (NHBRC).

In terms of section 4(1) & (2) of the Housing Consumers Protection Measures Act, 1998 (Act 95 of 1998), the council of NHBRC consists of at least seven and not more than fifteen (15) persons:

- (a) who are representative of the interests of housing consumers;
- (b) broadly representative of the interests of home builders, the suppliers of housing goods and services and associated professions;
- (c) having skills and experience regarding—
 - (i) having skills and experience regarding structural defects in homes and the prevention thereof (Practicing Engineers); and
 - (j) the managements of funds (Chartered Accountants or persons with financial background).
- (k) who shall as far as possible reflect broadly the race, gender and geographic composition of South Africa.

The following attributes, when viewed collectively, will serve as an advantage for the nominated candidates:

- Commitment to development and the principles of good corporate governance;
- Visionaries, who are able to formulate and implement strategy, define policies and priorities consistent with the housing delivery responsibility of the government;
- Theoretical and/or practical knowledge in housing policy development,

DISQUALIFICATION

No person shall be appointed as a member of the Council if he/she-

- a) Is an unrehabilitated insolvent;
- b) Has failed or is unable to comply in full with a judgment or order, including an order of costs, given against him or her by a court of law in civil proceedings;
- c) Has been convicted of an offence involving an element of dishonesty;
- d) Is not a South African citizen permanently resident in the Republic;
- e) Has been, or is, removed from an office of trust on account of misconduct in respect of fraud or the misappropriation of money;
- f) Is otherwise disqualified from serving as a member of a Board in terms of the Companies Act, 2008 (Act No. 71 of 2008); or
- g) Has or acquires an interest in a business or enterprise, which may conflict or interfere with the proper performance of the duties of a member of the Council.

NOMINATION PARTICULARS

Nominations should be submitted in writing and must have the following details:

1. Full name and address of the persons or organisation nominating the candidate;
2. A curriculum vitae of the candidate which must include:-
 - Candidate's full names, ID number and gender;
 - Contact address, telephone, fax and email address;
 - Certified copies of all qualifications; and
 - At least two names and contact details of references.
3. A signed letter of acceptance of the nomination from candidate;

Strict compliance with the nomination requirements is essential.

Nominations must be posted to Mr Mbulelo Tshangana, the Chief Operations Officer, Department of Human Settlements, Private Bag X644, Pretoria, 0001 or hand delivered to Govan Mbeki House, 240 Justice Mahomed Street, Sunnyside, Pretoria, on or before 13 April 2015. Enquiries may be directed to Ms Tsepiso Moloji at 012 421 1472.

N.B No emailed or faxed nominations will be considered. Correspondence will be limited to the successful candidates.

NOTICE 335 OF 2015**CALL FOR NOMINATION OF MEMBERS TO FILL EXISTING VACANCIES
IN THE BOARD OF THE ESTATE AGENCY AFFAIRS BOARD (EAAB)**

A notice is hereby given that the Minister of Human Settlements invites nominations of persons from the estate agents' industry to fill the existing vacancies in the Board of the EAAB.

Section 3 of the Estate Agency Affairs Act, 1976 (Act No. 112 of 1976), requires the Minister to appoint fifteen (15) members of the Board including a Chairman and Vice-Chairman for the period not exceeding three years at a time.

The Act dictates that the Minister shall appoint as members of the Board:

- Five members from the estate agents' industry,
- Five members from civil society, representing consumer interest, and
- Five members from related professions and institutions such as legal profession, financial institutions, property owners and developers.

The following attributes, when viewed collectively, will serve as an advantage for the nominated candidates:

- Commitment to development and the principles of good corporate governance;
- Visionaries, who are able to formulate and implement strategy, define policies and priorities consistent with the housing delivery responsibility of the government;
- Theoretical and/or practical knowledge in housing policy development,
- Commitment to the deracialization of residential space in South Africa.

These candidates shall as far as possible reflect broadly the race, gender and geographic composition of South Africa.

DISQUALIFICATION

No person shall be appointed as a member of the Board if he/she-

- a) Is an unrehabilitated insolvent;
- b) Has failed or is unable to comply in full with a judgment or order, including an order of costs, given against him or her by a court of law in civil proceedings;
- c) Has been convicted of an offence involving an element of dishonesty;
- d) Is not a South African citizen permanently resident in the Republic;
- e) Has been, or is, removed from an office of trust on account of misconduct in respect of fraud or the misappropriation of money;
- f) Is otherwise disqualified from serving as a member of a Board in terms of the Companies Act, 2008 (Act No. 71 of 2008); or
- g) Has or acquires an interest in a business or enterprise, which may conflict or interfere with the proper performance of the duties of a member of the Board.

NOMINATION PARTICULARS

Nominations should be submitted in writing and must have the following details:

1. Full name and address of the persons or organisation nominating the candidate;
2. A curriculum vitae of the candidate which must include:
 - Candidate's full names, ID number and gender;
 - Contact address, telephone, fax and email address;
 - Certified copies of all qualifications; and
 - At least two names and contact details of references.

3. A signed letter of acceptance of the nomination from candidate.

Strict compliance with the nomination requirements is essential.

Nominations must be posted to Mr Mbulelo Tshangana, the Chief Operations Officer, Department of Human Settlements, Private Bag X644, Pretoria, 0001 or hand delivered to Govan Mbeki House, 240 Justice Mahomed Street, Sunnyside, Pretoria, on or before 13 April 2015. Enquiries may be directed to Ms Tsepiso Moloï at 012 421 1472.

N.B No emailed or faxed nominations will be considered. Correspondence will be limited to the successful candidates.

NOTICE 336 OF 2015**TO LODGE LAND CLAIMS ON CERTAIN PROPERTIES IN THE GERT SIBANDE DISTRICT OF MPUMALANGA PROVINCE**

The Chief Land Claims Commissioner has exercised her discretion to cause notice to be published in terms of section 12(4) of the Restitution of Land Rights Act. The aforementioned is done due to the coming into operation of NOTICE 1 July 2014 of the Restitution Amendment Act 15 of 2014. The Amendment affords persons or communities who did not lodge claims before the 1998 cut-off date to do so by no later than 30 June 2019. The Properties listed in the schedule below are affected by the Matters of Hlatshwayo Community referred to the Land Claims Court in terms of section 14(1) of the Restitution of Land Rights Act 22 of 1994, issued under case numbers LCC136/2011

Take notice that the Chief Land Claims Commissioner has in accordance with the aforesaid draft order of the Honourable Court determined in terms of section 12(4) of the Restitution of Land Rights Act No 22 of 1994 as amended ("the Act"), that the resources of the Commission on Restitution of Land Rights and the Land Claims Court will be more effectively utilised if all claims for restitution of rights in land in terms of the Act in respect of the properties listed in the schedule below were to be investigated at the same time.

Claims are lodged in person through an electronic system and potential claimants who wish to lodge land claims in respect of the properties listed in the schedule must lodge them at the Offices of the Department of Rural Development and Land Reform in Mbombela and Polokwane by no later than 30 September 2015. The address of the Department of Rural Development and Land Reform are: 30 Samora Machel Drive, Mbombela for attention to Mr ES Nkosi.

Steps will be taken by the Office of the Regional Land Claims Commissioner for Mpumalanga to make it known in the Districts that there is such a Notice and no claim for restoration of rights in land shall be lodged after 30 September 2015 provided that the Commission may allow a claimant, on good cause shown, to lodge a land claim after the expiry of such a period, but not later than 30 June 2019.

No claim in respect of the matter contemplated in subsection (4) shall be lodged after 30 September 2015; provided that the Commission may allow a claimant on good cause shown, to lodge a claim after the expiry of such period, but not later than 30 June 2019.

If you do not understand the notice, need more information or wish to make representations in regard to the content of this notice kindly contact the following officials at the Offices of the Regional Land Claims Commissioner: Mpumalanga, namely:-

1. Ms. Samukelisiwe Dlamini: Telephone number (013) 756 6089

Email address: Samukelisiwe.dlamini@drrdlr.gov.za

SCHEDULE

Any portions or remaining extents of the following properties (save where a property has not been subdivided in which event the whole of the farm is referred to):

1. ZWARTWATERS 161 HT

Property Description	Owner	Extent	Title Deed	Bond	Bondholder	Endorsements
Remaining Extent of Portion 1	Johannes Martin (6209305013089)	809.3692 HA	T62472/1994	B161076/2006	ABSA BANK	<ul style="list-style-type: none"> • K221/19775 • K3374/1981S • K2374/1981S • K976/1988S
Portion 4	Johannes Martin (6209305013089)	197.8775HA	T4834/1995	B161076/2006	ABSA BANK	None

2. ZAAIPLAATS 210 HT

Portion 5	Elgens Wolfgang Egon (5209195078086)	199.6362HA	T18169/1988	<ul style="list-style-type: none"> • B 24994/1998 	First National Bank	None
Portion 6	Elgens Wolfgang Egon (5209195078086)	202.3572HA	T18169/1988	<ul style="list-style-type: none"> • B24995/1998 • B 24994/1998 	First National Bank	None
Portion 9	Kussel Berthold Egon (3305035017086)	199.5591HA	T12424/1967	<ul style="list-style-type: none"> • B24995/1998 None	None	None
Portion 10	Klingenberg Oscar Heinrich (3305035017086)	65.0124HA	T182/1973	B82522/1996	Absa	None

4. TALAGA 183 HT

Portion 5	Talaku Trust (2859/20010)	746.4957HA	T110268/2002	None	None	<ul style="list-style-type: none"> • K2163/1978RM in favour Schuttee Gustav Weiner • K2165/1978RM in favour of Schutte Gustav Christian Heinrich • K2793/1981S • K856/1978S
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5.VRYE GUNST 201 HT

Remaining extent of Portion 3	Hinze Siegmair Heinrich (3702155007089)	489.9272HA	T502/1977	None	None	None
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MS. N.GOBODO
 CLCC FOR RESTITUTION OF LAND RIGHTS
 DATE 20/03/2015

NOTICE 337 OF 2015**TO LODGE LAND CLAIMS ON CERTAIN PROPERTIES IN THE GERT SIBANDE DISTRICT OF MPUMALANGA PROVINCE**

The Chief Land Claims Commissioner has exercised her discretion to cause notice to be published in terms of section 12(4) of the Restitution of Land Rights Act. The aforementioned is done due to the coming into operation of NOTICE 1 July 2014 of the Restitution Amendment Act 15 of 2014. The Amendment affords persons or communities who did not lodge claims before the 1998 cut-off date to do so by no later than 30 June 2019. The Properties listed in the schedule below are affected by the Matters of Mavuso family (UITSOEK COMMUNITY) referred to the Land Claims Court in terms of section 14(1) of the Restitution of Land Rights Act 22 of 1994, issued under case numbers LCC95/2012

Take notice that the Chief Land Claims Commissioner has in accordance with the aforesaid draft order of the Honourable Court determined in terms of section 12(4) of the Restitution of Land Rights Act No 22 of 1994 as amended ("the Act"), that the resources of the Commission on Restitution of Land Rights and the Land Claims Court will be more effectively utilised if all claims for restitution of rights in land in terms of the Act in respect of the properties listed in the schedule below were to be investigated at the same time.

Claims are lodged in person through an electronic system and potential claimants who wish to lodge land claims in respect of the properties listed in the schedule must lodge them at the Offices of the Department of Rural Development and Land Reform in Mbombela and Polokwane by no later than 30 September 2015. The address of the Department of Rural Development and Land Reform are: 30 Samora Machel Drive, Mbombela for attention to Mr ES Nkosi.

Steps will be taken by the Office of the Regional Land Claims Commissioner for Mpumalanga to make it known in the Districts that there is such a Notice and no claim for restoration of rights in land shall be lodged after 30 September 2015 provided that the Commission may allow a claimant, on good cause shown, to lodge a land claim after the expiry of such a period, but not later than 30 June 2019.

No claim in respect of the matter contemplated in subsection (4) shall be lodged after 30 September 2015; provided that the Commission may allow a claimant on good cause shown, to lodge a claim after the expiry of such period, but not later than 30 June 2019.

If you do not understand the notice, need more information or wish to make representations in regard to the content of this notice kindly contact the following officials at the Offices of the Regional Land Claims Commissioner: Mpumalanga, namely:-

1. Ms. Samukelisiwe Dlamini: Telephone number (013) 756 6089

Email address: Samuke.lisiwe.dlamini@drdlr.gov.za

SCHEDULE

Any portions or remaining extents of the following properties (save where a property has not been subdivided in which event the whole of the farm is referred to):

UMGWEMPISI 309 IT

Description of Property	Property Description	Owner	Extent	Title Deed No.	Bond	Bondholder	Endorsements
Remaining Extent of the Farm 309 IT	M.F. Gerken Plantations Pty Ltd (72/14363)	234.703HA	T3203/1973	None	None	None	None
Remaining extent of Portion 1	Hans Gerken Trust (7833/1995)	297.1738HA	T34041/1978	None	None	None	None
Portion 2	Hans Gerken Trust (7833/1995)	298.0303HA	T34041/1978	None	None	None	None
Remaining Extent of Portion 3	Hans Gerken Trust (7833/1995)	541.0714HA	T34041/1978	None	None	None	None
Portion 4	M.F. Gerken Plantations Pty Ltd (72/14365)	325.3369HA	T3203/973	None	None	None	None

MS. N. GOBODO

CLCC FOR RESTITUTION OF LAND RIGHTS

DATE: 20/04/2015

NOTICE 338 OF 2015

TO LODGE LAND CLAIMS ON CERTAIN PROPERTIES IN THE GERT SIBANDE DISTRICT OF MPUMALANGA PROVINCE

The Chief Land Claims Commissioner has exercised her discretion to cause notice to be published in terms of section 12(4) of the Restitution of Land Rights Act. The aforementioned is done due to the coming into operation of NOTICE 1 July 2014 of the Restitution Amendment Act 15 of 2014. The Amendment affords persons or communities who did not lodge claims before the 1998 cut-off date to do so by no later than 30 June 2019. The Properties listed in the schedule below are affected by the Matters of J.W. Kapp family Trust referred to the Land Claims Court in terms of section 14(1) of the Restitution of Land Rights Act 22 of 1994, issued under case numbers LCC32/2011

Take notice that the Chief Land Claims Commissioner has in accordance with the aforesaid draft order of the Honourable Court determined in terms of section 12(4) of the Restitution of Land Rights Act No 22 of 1994 as amended ("the Act"), that the resources of the Commission on Restitution of Land Rights and the Land Claims Court will be more effectively utilised if all claims for restitution of rights in land in terms of the Act in respect of the properties listed in the schedule below were to be investigated at the same time.

Claims are lodged in person through an electronic system and potential claimants who wish to lodge land claims in respect of the properties listed in the schedule must lodge them at the Offices of the Department of Rural Development and Land Reform in Mbombela and Polokwane by no later than 30 September 2015. The address of the Department of Rural Development and Land Reform are; 30 SamoraMachel Drive, Mbombela for attention to Mir ES Nkosi.

Steps will be taken by the Office of the Regional Land Claims Commissioner for Mpumalanga to make it known in the Districts that there is such a Notice and no claim for restoration of rights in land shall be lodged after 30 September 2015 provided that the Commission may allow a claimant, on good cause shown, to lodge a land claim after the expiry of such a period, but not later than 30 June 2019.

No claim in respect of the matter contemplated in subsection (4) shall be lodged after 30 September 2015; provided that the Commission may allow a claimant on good cause shown, to lodge a claim after the expiry of such period, but not later than 30 June 2019.

If you do not understand the notice, need more information or wish to make representations in regard to the content of this notice kindly contact the following officials at the Offices of the Regional Land Claims Commissioner: Mpumalanga, namely:-

1. Ms. Samukelisiwe Dlamini: Telephone number (013) 756 6089

Email address: Samukelisiwe.dlamini@drdir.gov.za

SCHEDULE

Any portions or remaining extents of the following properties (save where a property has not been subdivided in which event the whole of the farm is referred to):

KAFFERSKRAAL 520 IS

DESCRIPTION OF PROPERTY	OWNER	EXTENT	TITLE DEED NUMBER	BOND	BONDHOLDER	ENDORSEMENTS
Remaining Extent of Portion 1	JW KapoFamile Trust (4947/2000)	780.8489HA	T10070/2006	None	None	<ul style="list-style-type: none"> • K1975/B2PC • K3897/1983S • K3523/1987 S in favour of BoschhoffCornelis De willers


Ms. M. GOBODO

CLCC FOR RESTITUTION OF LAND RIGHTS

DATE: 20/03/2015

NOTICE 339 OF 2015**TO LODGE LAND CLAIMS ON CERTAIN PROPERTIES IN THE GERT SIBANDE DISTRICT OF MPUMALANGA PROVINCE**

On the 09th of March 2015, Judge Mpshe ordered that the Chief Land Claims Commissioner exercise her discretion to cause notice to be published in terms of section 12(4) of the Restitution of Land Rights Act. The aforementioned draft order was made in view of the coming into operation on NOTICE 1 July 2014 of the Restitution Amendment Act 15 of 2014. The Amendment affords persons or communities who did not lodge claims before the 1998 cut-off date to do so by no later than 30 June 2019. The Properties listed in the schedule below are affected by the Matters of Kwamunyamane Community referred to the Land Claims Court in terms of section 14(1) of the Restitution of Land Rights Act 22 of 1994, issued under case numbers LCC114/2008.

Take notice that the Chief Land Claims Commissioner has in accordance with the aforesaid draft order of the Honourable Court determined in terms of section 12(4) of the Restitution of Land Rights Act No 22 of 1994 as amended ("the Act"), that the resources of the Commission on Restitution of Land Rights and the Land Claims Court will be more effectively utilised if all claims for restitution of rights in land in terms of the Act in respect of the properties listed in the schedule below were to be investigated at the same time.

Claims are lodged in person through an electronic system and potential claimants who wish to lodge land claims in respect of the properties listed in the schedule must lodge them at the Offices of the Department of Rural Development and Land Reform in Mbombela and Polokwane by no later than 30 September 2015. The address of the Department of Rural Development and Land Reform are; 30 Samora Machel Drive, Mbombela for attention to Mir ES Nkosi.

Steps will be taken by the Office of the Regional Land Claims Commissioner for Mpumalanga to make it known in the Districts that there is such a Notice and no claim for restoration of rights in land shall be lodged after 30 September 2015 provided that the Commission may allow a claimant, on good cause shown, to lodge a land claim after the expiry of such a period, but not later than 30 June 2019.

No claim in respect of the matter contemplated in subsection (4) shall be lodged after 30 September 2015: provided that the Commission may allow a claimant on good cause shown, to lodge a claim after the expiry of such period, but not later than 30 June 2019.

If you do not understand the notice, need more information or wish to make representations in regard to the content of this notice kindly contact the following officials at the Offices of the Regional Land Claims Commissioner: Mpumalanga, namely:-

1. Ms. Samukelisiwe Dlamini: Telephone number (013) 756 6089

Email address: Samukelisiwe.dlamini@drdlr.gov.za

SCHEDULE

Any portions or remaining extents of the following properties (save where a property has not been subdivided in which event the whole of the farm is referred to):

HARTEBEEFONTEIN 134 HS

Property Description	Owner	Extent	Title Deed	Bond	Bondholder	Endorsements
Portion 2	Deacon Trust (4469/2002)	1747,8780	T133903/2002	B93279/2002	LAND BANK	<ul style="list-style-type: none"> K1307/1989S in favour of Roetepalings K2144/1985S 1989S in favour of Roetepalings K2680/1983RM 1989S in favour of Roetepalings K5584/1983RM 1989S in favour of Roetepalings K6798/2001RM in favour of BHP Billiton energy Coal South Africa Ltd
Portion 3	Hartbeestontein Trust (2149/3003)	1871,6323	T1636/1934	B31239/1999	MW De Jager Kindertrust	<ul style="list-style-type: none"> K2782/1981S K6798/2001RM in favour of BHP Billiton Energy Coal South Africa Ltd K73/1980RM in favour of Hartbeestontein Farms Pty Ltd

Ms. N. GOBODO

CLCC FOR RESTITUTION OF LAND RIGHTS

DATE: 20/03/2015

NOTICE 340 OF 2015

TO LODGE LAND CLAIMS ON CERTAIN PROPERTIES IN THE GERT SIBANDE DISTRICT OF MPUMALANGA PROVINCE

The Chief Land Claims Commissioner has exercised her discretion to cause notice to be published in terms of section 12(4) of the Restitution of Land Rights Act. The aforementioned is done due to the coming into operation on NOTICE 1 July 2014 of the Restitution Amendment Act 15 of 2014. The Amendment affords persons or communities who did not lodge claims before the 1998 cut-off date to do so by no later than 30 June 2019. The Properties listed in the schedule below are affected by the Matters of Jagdrift Belegings Pty Ltd v RLCC referred to the Land Claims Court in terms of section 14(1) of the Restitution of Land Rights Act 22 of 1994, issued under case numbers LCC 98/12

Take notice that the Chief Land Claims Commissioner has in accordance with the aforesaid draft order of the Honourable Court determined in terms of section 12(4) of the Restitution of Land Rights Act No 22 of 1994 as amended ("the Act"), that the resources of the Commission on Restitution of Land Rights and the Land Claims Court will be more effectively utilised if all claims for restitution of rights in land in terms of the Act in respect of the properties listed in the schedule below were to be investigated at the same time.

Claims are lodged in person through an electronic system and potential claimants who wish to lodge land claims in respect of the properties listed in the schedule must lodge them at the Offices of the Department of Rural Development and Land Reform in Mbombela and Polokwane by no later than 30 September 2015. The address of the Department of Rural Development and Land Reform are; 30 Samora Machel Drive, Mbombela for attention to Mr ES Nkosi.

Steps will be taken by the Office of the Regional Land Claims Commissioner for Mpumalanga to make it known in the Districts that there is such a Notice and no claim for restoration of rights in land shall be lodged after 30 September 2015 provided that the Commission may allow a claimant, on good cause shown, to lodge a land claim after the expiry of such a period, but not later than 30 June 2019.

No claim in respect of the matter contemplated in subsection (4) shall be lodged after 30 September 2015; provided that the Commission may allow a claimant on good cause shown, to lodge a claim after the expiry of such period, but not later than 30 June 2019.

If you do not understand the notice, need more information or wish to make representations in regard to the content of this notice kindly contact the following officials at the Offices of the Regional Land Claims Commissioner: Mpumalanga, namely:-

1. Ms. Samukelisiwe Dlamini: Telephone number (013) 756 6089

Email address: Samukelisiwe.dlamini@dtdlr.gov.za

SCHEDULE

Any portions or remaining extents of the following properties (save where a property has not been subdivided in which event the whole of the farm is referred to):

1. HAARLEM 469 IT

DESCRIPTION OF PROPERTY	OWNER	EXTENT	TITLE DEED NUMBER	BOND	BONDHOLDER	ENDORSEMENTS
Remaining Extent of the Farm 469 IT	Jagt'drift Beleggings PTY LTD (200000569407)	946.5737HA	T151529/2000	B16.10/2008	First Rand Bank	<ul style="list-style-type: none"> • K226/1974RM in favour of Stassen Johan Nico • K2964/1983RM

2. KROMRIVIER 445 IT

Remaining Extent of the Farm 445 IT	Hlelo Beleggings Pty Ltd (200000599107)	446.8784HA	T138255/2003	None	None	K. 379/1976PC in favour of Martin Otto Herbet Johannes
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MS. N. GOBODO

CLCC FOR RESTITUTION OF LAND RIGHTS

DATE: 30/04/2015

NOTICE 341 OF 2015**WITHDRAWAL OF THE GAZETTE NOTICE NUMBER 1076 OF 1999 IN TERMS OF SECTION 11A OF THE RESTITUTION OF LAND RIGHTS ACT 1994, (ACT No. 22 OF 1994) AS AMENDED.**

Notice is hereby given in terms of Section 11A of the Restitution of Land Rights Act, 1994 (Act No. 22 of 1994), as amended of the withdrawal of the above-mentioned gazette notice. The claim for the restitution of land rights was submitted to the Regional Land Claims Commissioner for the Western Cape. The particulars regarding the claim are as follows:

Property : Erf 48657 Claremont-Cape Town was consolidated into Erf 106304

Deeds of Transfer : T1071/47, T12839

Date submitted : 97/02/26

Current owner : Shopland Pty(Ltd): T812/75

Claimant : AM Mowzer

The Regional Land Claims Commission intends withdrawing the gazette notice in respect of the above-mentioned claim. Any party who has an interest in making representations in respect of the withdrawal of this notice is invited to submit, within 60 days from the publication of this notice, any comments / information to:

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

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

CHECKED.....*[Signature]*

DATE.....*2015/04/15*

APPROVED.....*[Signature]*

DATE.....*2015/01/26*

Mr. L.H Maphutha
Regional Land Claims Commissioner

NOTICE 342 OF 2015**GENERAL NOTICE IN TERMS OF THE RESTITUTION OF LAND RIGHTS ACT 1994, (ACT No. 22 OF 1994) AS AMENDED.**

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

Project Name : Newlands
 Number of Claims : 1
 Areas : Newlands
 Type of Claim : Ownership
 Property : Erf 48662
 Date Submitted : 26 February 1997

REF NO	CLAIMANT	PROPERTY DESCRIPTION	CURRENT OWNERS
KRK6/2/3/A/6/0/391/ 338 (M444)	A M Mowzer	Erf 48662	Petersen Ronald and Petersen Regina Veronica

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

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

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

CHECKED.....


DATE.....
 28/4/15

APPROVED.....


DATE.....
 2014/12/24

Mr. L.H Maphutha
 Regional Land Claims Commissioner

NOTICE 343 OF 2015**GENERAL NOTICE IN TERMS OF THE RESTITUTION OF LAND RIGHTS ACT 1994, (ACT No. 22 OF 1994) AS AMENDED.**

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

Project Name : Constantia individual claims
Number of Claims : 6
Areas : Constantia
Type of Claim : Tenancy
Property : Erf 2136, Constantia

N O.	Ref.	Claimant	Lodgement date	Property claimed as reflected on the Claim Form	Current Owner
1.	KRK 6/2/3/A/6/0/422/91 (A 974),	AF Adonis	28/12/1998	Main Road, Constantia, Next to Abbas' shop	Pagasvlei Trust
2.	KRK6/2/3/A/6/0/422/8 (D 522),	G Daniels	31/12/1998	Cloetes Cottage Spaansgmatt Rd Constantia	Pagasvlei Trust
3.	KRK6/2/3/A/6/0/422/92 (M396)	S Matthews	29/11/1996	No 3 Pagasvlei, Constantia	Pagasvlei Trust
4.	KRK6/2/3/A/6/0/422/64 (M 370)	FJ Marco	29/11/1996	Off Main Road and Paggasvlei Road Remainder Erf 2136	Pagasvlei Trust
5.	KRK6/2/3/A/6/0/422/83 (P 217),	CW Petersen	29/11/1996	No. 2 Paggasvlei Constantia	Pagasvlei Trust
6.	KRK6/2/3/A/6/0/422/103 (R 372)	MC Reid	31/12/1998	Cloete's Farm	Pagasvlei Trust

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

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

Tel: (021) 409-0300

Fax: (021) 424-5146

CHECKED.....

DATE..... 08/04/15

APPROVED.....

DATE..... 2015/01/22

Mr. L.H Maphutha
 Regional Land Claims Commissioner

NOTICE 344 OF 2015**GENERAL NOTICE IN TERMS OF THE RESTITUTION OF LAND RIGHTS ACT 1994, (ACT No. 22 OF 1994) AS AMENDED.**

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

Project Name : Constantia individual claims
Number of Claims : 11
Areas : Constantia
Type of Claim : Ownership and tenancy
Properties : As listed below

NO.	Ref.	Claimant	Lodgement date	Property description	Current Owner
1.	KRK6/2/3/A/2/0/422/94 (S85),	Yusuf Solomon	10/01/1996	Erf 1191,	Creative Homes Ltd.
				Erf 4724	City of Cape Town
2.	KRK 6/2/3/A/6/0/422/19 (F122)	Maria Fortuin	21/11/1996	Erf 5802	Regional Services Council-Cape Metropole
3.	KRK6/2/3/A/6/0/422/155 (B4)	Maroweya Brennan	29/05/1996	Erf 5801	Regional Services Council-Cape Metropole
4.	KRK6/2/3/A/6/0/422/104 (H6),	Monica Julie	11/05/1995	Erf 5804	Blue Route Pty Ltd and Yossowitz Colman
5.	KRK 6/2/2/A/6/0/0/11 (H412)	David Arthur Hendrikse	20/11/1998	Erf 4728	Sentrabou Ltd, Zwaanswyk Dorpsgebiede and Communicare
6.	KRK (J473),	A Jacob	31/12/1998	Erf 80096,	Durrel Fernando John
				Erf 80098,	Klein Mark David
				Lot FB, Portion of Lot 13 of the place called Sillery.	No info
7.	KRK6/2/3/6/0/422/108 (K108)	A Karriem	11/09/1995	Erf 2467	Peter Muller Family Trust
				Erf 2529	Regional Services Council-Cape Metropole
8.	KRK6/2/3/A/6/0/422/123 (WC117)	Ismail Davids	27/06/1995	Erf 2548	No info
				Erf 2549	Townsend Yvonne
				Erf 2550	Regional Services Council-Cape Metropole
9.	KRK6/2/3/A/6/0/422/109 (J495)	Josephs Peter	31/12/1998	Erf 2566	Meintosh David Bruce
10.	KRK6/2/3/A/6/0/422/102 (R231)	AD Rawbotham	09/10/1996	Erf 73510	SS Burnham Place No 520/2005

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

days from the publication of this notice, any comments / information to:

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

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

CHECKED.....



DATE.....

09/04/15

APPROVED.....



DATE

2015/02/30

Mr. L.H Maphutha
Regional Land Claims Commissioner

NOTICE 345 OF 2015**NOTICE TO DEFENCEX AND ASSOCIATED ENTITIES* INVESTORS AND INTERESTED PARTIES**

****DEFENCEX, Net Income Solutions CC, Cycle4dollars, Online Mega Profits Academy, First Wealth is Health, Common Sense Online Invest, Mlamuli Online Mega Profits, Online Wallet Management, Empowered Networkers and EFT4me***

On 4 February 2014, the South African Reserve Bank appointed the Applicants as repayment administrators in terms of section 84 of the Banks Act, No 94 of 1990 ("the Banks Act"), to manage and control the repayment of the monies obtained by Defencex from members of the public in contravention of section 11 of the Banks Act.

This notice serves to notify individuals that have invested in Defencex ("investors") that:

1. Application ("the Application") has been made by the Applicants in the Western Cape Division of the High Court of South Africa ("the Court") for an order ("the Final Order") in the following terms:
 - 1.1 Authorising and directing the Applicants to effect repayment to the investors in accordance with the repayment plan attached to the founding affidavit marked "MC7" ("the repayment plan").
 - 1.2 Directing investors to register their claims for repayment, if any, under the repayment plan within three months of the granting of the order sought in paragraph 1.1 above.
 - 1.3 Declaring that the expiry of the late registration window, being one month after the expiry of the three month period referred to in paragraph 1.2 above, will be the final cut-off date for the registration of claims and the consequent qualification of any investor to participate in any distribution arising from the repayment plan.
2. On 9 March 2015 the Court ordered that all interested parties are to be called upon to show cause on 29 April 2015 at 10h00, or so soon thereafter as counsel may be heard, why the final order should not be granted.
3. A full copy of the Application and the court order dated 9 March 2015 is available on www.rawa.co.za.
4. Defencex investors are invited to forthwith register their claims as per the steps published on www.rawa.co.za, pending the granting of the Final Order.
5. Should the Final Order not be granted on 29 April 2015, this will be published on www.rawa.co.za and interested parties will be advised of the steps to be followed in that event.
6. Interested parties are advised to check www.rawa.co.za regularly.

For further information or enquiries, please log onto www.rawa.co.za and visit the FAQ page or call our helpdesk on (012) 429 0033.

NOTICE 346 OF 2015**SUBMIT YOUR INPUTS IN RESPECT TO THE FOLLOWING BILLS**

The Minister of Sport and Recreation intends to publish following draft Bills for comment:-

BILLS:

NAME	SUMMARY	PAGE NUMBERS
1. NATIONAL SPORT AND RECREATION AMENDMENT BILL, 2016	To amend the National Sport and Recreation Act, 1998 so as to amend, insert and delete certain definitions; to provide for policy framework with regard to the promotion and development of sport and recreation; to provide for the establishment of commissions; to allow for the development of sport and the intervention of Sport and Recreation South Africa in sport matters at school level; to develop policy framework for talent identification and development programme; to establish a Sport Arbitration Tribunal to resolve disputes in sport or recreation bodies; to provide for offences and penalties; and to provide for matters connected therewith.	
2. SOUTH AFRICAN INSTITUTE FOR DRUG – FREE SPORT AMENDMENT BILL, 2017	To amend the South African Institute For Drug – Free Sport Act 14 of 1997, so as to insert new definitions; to provide for an inquiry with regard to the removal of a member of	

	<p>Institute from office and for the resignation of a member; to make provisions for a resolution of the National Assembly calling for the removal of a member of Institute or for the dissolution of the Institute; to provide for the appointment of interim members of the Institute; to provide for the consent in random testing of learners in schools that participate in sport; and to provide for matters connected therewith.</p>	
<p>3. SOUTH AFRICAN COMBAT SPORT BILL, 2017</p>	<p>To provide for the administration, governance and regulation of combat sport in the Republic; to establish a Combat Sport Regulatory Authority to oversee combat sport; to make provision for the establishment and constitution of a Council and the appointment of its councilors to implement the oversight function of the Authority; to provide for the establishment of Committees to assist the Council; to make provision for appeals against decisions in combat sport; to provide for the appointment of inspectors and their powers to monitor combat sport and investigate complaints; and to provide for</p>	

	matters connected therewith.	
4.FITNESS INDUSTRY REGULATORY BILL, 2017	To provide for the establishment of Fitness Industry Regulatory Authority, the establishment of a Council and the appointment of councilors; to provide for the registration of fitness controlling bodies, fitness professionals and the accreditation of fitness establishments in the Republic; to provide for disciplinary action against fitness professionals, owners or managers; to provide for the maintenance and upkeep of a register of registered fitness controlling bodies, fitness professionals and accredited fitness establishments; to provide for the constitutions and powers of fitness controlling bodies; to provide for the offences,	

Role players as well as the public at large are hereby invited to submit its inputs on the above mentioned Bills **not later than 30 July 2015 to-**

- Adv. Nkosana Mehloakulu at nkosana@srsa.gov.za or legalservices@srsa.gov.za and
- Mr. Gideon Boshoff at Gideon@srsa.gov.za or legalservices@srsa.gov.za

- SRSA, Private Bag X896, PRETORIA, 0001 (marked for the attention of Legal Services); or
- The following fax no: 0866449707 (Attention: Legal Services)

BOARD NOTICE RAADSKENNISGEWING

BOARD NOTICE 84 OF 2015

FINANCIAL SERVICES BOARD

COLLECTIVE INVESTMENT SCHEMES CONTROL ACT, 2002

CAPITAL REQUIREMENTS WITH WHICH A MANAGER OF A COLLECTIVE INVESTMENT SCHEME IN HEDGE FUNDS MUST COMPLY

I, Dube Phineas Tshidi, Registrar of Collective Investment Schemes, hereby determine, under section 88 (1) of the Collective Investment Schemes Control Act, 2002 (Act No. 45 of 2002), the capital to be maintained by a manager of a collective investment scheme in hedge funds for the matters and risks set out in the Schedule.



**DP TSHIDI
REGISTRAR OF COLLECTIVE INVESTMENT SCHEMES**

SCHEDULE

PREAMBLE

The Registrar determines the capital to be employed and maintained by a manager of a collective investment scheme in hedge funds to:

- (a) ensure that a manager has sufficient capital to enable the continued operation of 13 weeks (operational capital);
- (b) provide funds to cover the initial expenses in a portfolio (seed capital); and
- (c) ensure that there is sufficient capital when a manager buys participatory interests from and sells participatory interests to investors for the own account of the manager (position risk capital).

CAPITAL TO BE MAINTAINED BY MANAGER

1. The capital to be maintained by a manager of a collective investment scheme in hedge funds must be calculated in relation to the financial statements of a manager as prepared in terms of International Financial Reporting Standards (IFRS) in the manner set out in the Table below:

1.	Eligible capital consisting of the total of— <ul style="list-style-type: none"> (a) issued ordinary share capital; (b) issued preference share capital (if not redeemable within one year and not redeemable at the option of the holder);
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	<p>(c) share premium account;</p> <p>(d) non-distributable reserves;</p> <p>(e) retained income—</p> <p style="padding-left: 20px;">(i) if audited, 100 per cent must be included; and</p> <p style="padding-left: 20px;">(ii) 50 per cent of the positive unaudited retained income or 100 per cent of the negative unaudited retained income must be included;</p> <p>(f) loans (only if properly subordinated in favour of the manager);</p> <p>(g) guarantees (only from a third party and only if exercisable on demand by the manager).</p>
2.	<p>Less adjustment for—</p> <p>(a) intangible assets;</p> <p>(b) guarantees provided by the manager;</p> <p>(c) contingent liabilities;</p> <p>(d) net deferred tax assets;</p> <p>(e) any assets which are not convertible into cash within 14 business days including but not limited to –</p> <p style="padding-left: 20px;">(i) fixed assets, net of related secured loans;</p> <p style="padding-left: 20px;">(ii) investment in unlisted businesses.</p>
3.	Adjusted capital [paragraph 1 Table item 1 <i>minus</i> paragraph 1 Table item 2].
4.	<p>Less required capital to be maintained consisting of—</p> <p>(a) a basic capital which must be a sum equivalent to 13 weeks' annual fixed expenditure for the whole of the collective investment scheme business of a manager or such other amount as the registrar may determine in a particular case as provided for under 2 (4); <i>plus</i></p> <p>(b) seed capital of R1 million to be invested by the manager in each portfolio administered by the manager: Provided that—</p> <p style="padding-left: 20px;">(i) the prescribed amount may be withdrawn once the portfolio reaches a size of R50 million net asset value under management; and</p> <p style="padding-left: 20px;">(ii) the sum of R1 million is to be re-invested in the portfolio where the net asset value of the portfolio has been reduced to below R50 million for a continuous period of 6 months; <i>plus</i></p> <p>(c) where the manager buys from and sells to investors participatory interests of its scheme for its own account, position risk capital of a sum equivalent to a percentage of the amount paid for participatory interests in a portfolio determined as follows in respect of each type of hedge fund:</p> <ul style="list-style-type: none"> •Qualified Investor Hedge Fund: 35% •Retail Hedge Fund : 40%

5.	Liquid resources [paragraph 1 Table item 3 <i>minus</i> paragraph 1 Table item 4], which must be a positive amount.
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FIXED EXPENSE AMOUNTS

2. (1) For the purposes of paragraph 1 Table item 4 (a) fixed expense amounts must be determined as set out in the computation table and notes below:

COMPUTATION OF FIXED EXPENSE BASE REQUIREMENT			
Expense Category	Treat as Fixed Expense Amounts	Treat as Trading Expense and "non-cash" items	Expenses per Income Statement
Accounting and secretarial or other services, charges, etc.	X		
Auditors' remuneration	X		
Depreciation		X (Note (a))	
Insurance	X		
Interest paid other than to Directors			
Bank overdraft	X	X (Note (f))	
Other Finance	X	X (Note (f))	
Charges and fees	X	X (Note (b))	
Motor vehicle expenses	X		
Net loss on realisation of fixed assets		X (Note (a))	
Office rental	X		
Machine and other leasing charges/rentals	X		
Printing and Stationery	X		
Salaries and wages	X	X (Note (c))	
Telephone, telex and postages	X		
Other expenses	X	X (Notes (d)+(g))	
Directors' Salaries	X	X (Note (e))	
Directors' Fees	X	X (Note (e))	
Interest	X	X (Note (e))	
			TOTAL

Notes to the computation table: In determining fixed cost amounts, the following principles must be applied:

- (a) Depreciation and profits or losses on sales of fixed assets are non-cash items and must not be taken into account.
- (b) Charges relating to active trading must be excluded. Fixed charges must be included. Asset management fees that are calculated as a percentage of assets under management may be excluded. Any fixed amount or any portion of asset

management fees not calculated as a percentage of assets under management, contractually agreed to with the asset manager, must be included. Any other variable fee that is calculated as a percentage of assets under management may be excluded: Provided that any fixed contracted portion thereof must be included and treated as fixed costs. This includes, but is not limited to, the fixed portion payable to an intermediary or employed sales personnel before the percentage commission is applied, as well as any fixed amount in outsourcing costs for administration.

- (c) Non-contractual payments by way of profit share or performance related bonuses must be excluded.
 - (d) Exceptional or extraordinary items may be excluded.
 - (e) Payments to directors must only be included to the extent that they are made irrespective of profitability.
 - (f) Interest paid to counterparties which is trade related may be excluded.
 - (g) Loss arising from the conversion of foreign currency balances may be excluded.
- (2) The 13 weeks' annual fixed expenditure must be calculated as the previous financial year's divided by four or if no financial year was completed, this amount must be budgeted for to the satisfaction of the registrar. All assumptions must be clearly stated and demonstrably incorporated into the budget.
- (3) The 13 weeks' liquid capital may not be invested in any portfolios other than a money market portfolio.
- (4) The registrar may, where the registrar has reason to believe that the size of the operations of a manager has been or is likely to be expanded during any financial period, require a manager to submit a budget based on the expanded operations. Where a manager has reason to believe that its operations in any financial period will decline from that of the previous year, it may submit a revised budget for approval by the registrar.

REPORTING TO REGISTRAR

3. The calculation of the capital position by a manager must be submitted to the registrar as at the last business day of each calendar month, within 14 business days after the end of such calendar month, in the form determined by the registrar.

EVALUATION OF RISK

4. A manager must, at least once a year, evaluate its risk to professional liability and fidelity claims and must in accordance with the risk identified during risk evaluation maintain suitable professional indemnity or fidelity insurance cover of no less than R5 million.

COMMENCEMENT

5. (1) This Notice comes into effect on date of publication.
- (2) Paragraph 1 Table item 4(b) must be complied with within 6 months from the date that this Notice comes into effect.