



# Government Gazette Staatskoerant

REPUBLIC OF SOUTH AFRICA  
REPUBLIEK VAN SUID AFRIKA

Vol. 623

19 May  
Mei 2017

No. 40847

**PART 1 OF 5**

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ISSN 1682-5843



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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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- **27 October**, Friday, for the issue of Friday **03 November 2017**
- **03 November**, Friday, for the issue of Friday **10 November 2017**
- **10 November**, Friday, for the issue of Friday **17 November 2017**
- **17 November**, Friday, for the issue of Friday **24 November 2017**
- **24 November**, Friday, for the issue of Friday **01 December 2017**
- **01 December**, Friday, for the issue of Friday **08 December 2017**
- **08 December**, Friday, for the issue of Friday **15 December 2017**
- **15 December**, Friday, for the issue of Friday **22 December 2017**
- **20 December**, Wednesday, for the issue of Friday **29 December 2017**



# LIST OF TARIFF RATES FOR PUBLICATION OF NOTICES

**COMMENCEMENT: 1 APRIL 2016**

## NATIONAL AND PROVINCIAL

Notice sizes for National, Provincial & Tender gazettes 1/4, 2/4, 3/4, 4/4 per page. Notices submitted will be charged at R1000 per full page, pro-rated based on the above categories.

Pricing for National, Provincial - Variable Priced Notices		
Notice Type	Page Space	New Price (R)
Ordinary National, Provincial	1/4 - Quarter Page	250.00
Ordinary National, Provincial	2/4 - Half Page	500.00
Ordinary National, Provincial	3/4 - Three Quarter Page	750.00
Ordinary National, Provincial	4/4 - Full Page	1000.00

## EXTRA-ORDINARY

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

The pricing structure for National and Provincial notices which are submitted as **Extra ordinary submissions** will be charged at **R3000** per page.

### GOVERNMENT PRINTING WORKS - BUSINESS RULES

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

#### CLOSING TIMES FOR ACCEPTANCE OF NOTICES

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

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

**All notices received after the closing time will be rejected.**

Government Gazette Type	Publication Frequency	Publication Date	Submission Deadline	Cancellations Deadline
National Gazette	Weekly	Friday	Friday 15h00 for next Friday	Tuesday, 12h00 - 3 days prior to publication
Regulation Gazette	Weekly	Friday	Friday 15h00, to be published the following Friday	Tuesday, 12h00 - 3 days prior to publication
Petrol Price Gazette	As required	First Wednesday of the month	One week before publication	3 days prior to publication
Road Carrier Permits	Weekly	Friday	Thursday 15h00, to be published the following Friday	3 days prior to publication
Unclaimed Monies (justice, labour or lawyers)	January / As required 2 per year	Any	15 January / As required	3 days prior to publication
Parliament (acts, white paper, green paper)	As required	Any		3 days prior to publication
Manuals	As required	Any	None	None
State of Budget (National Treasury)	Monthly	Any	7 days prior to publication	3 days prior to publication
Legal Gazettes A, B and C	Weekly	Friday	One week before publication	Tuesday, 12h00 - 3 days prior to publication
Tender Bulletin	Weekly	Friday	Friday 15h00 for next Friday	Tuesday, 12h00 - 3 days prior to publication
Gauteng	Weekly	Wednesday	Two weeks before publication	3 days after submission deadline
Eastern Cape	Weekly	Monday	One week before publication	3 days prior to publication
Northern Cape	Weekly	Monday	One week before publication	3 days prior to publication
North West	Weekly	Tuesday	One week before publication	3 days prior to publication
KwaZulu-Natal	Weekly	Thursday	One week before publication	3 days prior to publication
Limpopo	Weekly	Friday	One week before publication	3 days prior to publication
Mpumalanga	Weekly	Friday	One week before publication	3 days prior to publication
Gauteng Liquor License Gazette	Monthly	Wednesday before the First Friday of the month	Two weeks before publication	3 days after submission deadline
Northern Cape Liquor License Gazette	Monthly	First Friday of the month	Two weeks before publication	3 days after submission deadline
National Liquor License Gazette	Monthly	First Friday of the month	Two weeks before publication	3 days after submission deadline
Mpumalanga Liquor License Gazette	2 per month	Second & Fourth Friday	One week before	3 days prior to publication



## GOVERNMENT PRINTING WORKS - BUSINESS RULES

### EXTRAORDINARY GAZETTES

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

### NOTICE SUBMISSION PROCESS

4. Download the latest *Adobe* form, for the relevant notice to be placed, from the **Government Printing Works** website [www.gpwonline.co.za](http://www.gpwonline.co.za).
5. The *Adobe* form needs to be completed electronically using *Adobe Acrobat / Acrobat Reader*. Only electronically completed *Adobe* forms will be accepted. No printed, handwritten and/or scanned *Adobe* forms will be accepted.
6. The completed electronic *Adobe* form has to be submitted via email to [submit.egazette@gpw.gov.za](mailto:submit.egazette@gpw.gov.za). The form needs to be submitted in its original electronic *Adobe* format to enable the system to extract the completed information from the form for placement in the publication.
7. Every notice submitted **must** be accompanied by an official **GPW** quotation. This must be obtained from the *eGazette* Contact Centre.
8. Each notice submission should be sent as a single email. The email **must** contain **all documentation relating to a particular notice submission**.
  - 8.1. Each of the following documents must be attached to the email as a separate attachment:
    - 8.1.1. An electronically completed *Adobe* form, specific to the type of notice that is to be placed.
      - 8.1.1.1. For *National Government Gazette* or *Provincial Gazette* notices, the notices must be accompanied by an electronic Z95 or Z95Prov *Adobe* form
      - 8.1.1.2. The notice content (body copy) **MUST** be a separate attachment.
    - 8.1.2. A copy of the official **Government Printing Works** quotation you received for your notice .  
(Please see *Quotation* section below for further details)
    - 8.1.3. A valid and legible Proof of Payment / Purchase Order: **Government Printing Works** account customer must include a copy of their Purchase Order. **Non-Government Printing Works** account customer needs to submit the proof of payment for the notice
    - 8.1.4. Where separate notice content is applicable (Z95, Z95 Prov and TForm 3, it should **also** be attached as a separate attachment. (Please see the *Copy Section* below, for the specifications).
    - 8.1.5. Any additional notice information if applicable.
9. The electronic *Adobe* form will be taken as the primary source for the notice information to be published. Instructions that are on the email body or covering letter that contradicts the notice form content will not be considered. The information submitted on the electronic *Adobe* form will be published as-is.
10. To avoid duplicated publication of the same notice and double billing, Please submit your notice **ONLY ONCE**.
11. Notices brought to **GPW** by "walk-in" customers on electronic media can only be submitted in *Adobe* electronic form format. All "walk-in" customers with notices that are not on electronic *Adobe* forms will be routed to the Contact Centre where they will be assisted to complete the forms in the required format.
12. Should a customer submit a bulk submission of hard copy notices delivered by a messenger on behalf of any organisation e.g. newspaper publisher, the messenger will be referred back to the sender as the submission does not adhere to the submission rules.

**GOVERNMENT PRINTING WORKS - BUSINESS RULES****QUOTATIONS**

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

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

20. Where the copy is part of a separate attachment document for Z95, Z95Prov and TForm03

20.1. Copy of notices must be supplied in a separate document and may not constitute part of any covering letter, purchase order, proof of payment or other attached documents.

The content document should contain only one notice. (You may include the different translations of the same notice in the same document).

20.2. The notice should be set on an A4 page, with margins and fonts set as follows:

Page size = A4 Portrait with page margins: Top = 40mm, LH/RH = 16mm, Bottom = 40mm;  
Use font size: Arial or Helvetica 10pt with 11pt line spacing;

Page size = A4 Landscape with page margins: Top = 16mm, LH/RH = 40mm, Bottom = 16mm;  
Use font size: Arial or Helvetica 10pt with 11pt line spacing;

**CANCELLATIONS**

21. Cancellation of notice submissions are accepted by **GPW** according to the deadlines stated in the table above in point 2. Non-compliance to these deadlines will result in your request being failed. Please pay special attention to the different deadlines for each gazette. Please note that any notices cancelled after the cancellation deadline will be published and charged at full cost.

22. Requests for cancellation must be sent by the original sender of the notice and must be accompanied by the relevant notice reference number (N-) in the email body.

**AMENDMENTS TO NOTICES**

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

**REJECTIONS**

24. All notices not meeting the submission rules will be rejected to the customer to be corrected and resubmitted. Assistance will be available through the Contact Centre should help be required when completing the forms. (012-748 6200 or email [info.egazette@gpw.gov.za](mailto:info.egazette@gpw.gov.za)). Reasons for rejections include the following:

24.1. Incorrectly completed forms and notices submitted in the wrong format, will be rejected.

24.2. Any notice submissions not on the correct *Adobe* electronic form, will be rejected.

24.3. Any notice submissions not accompanied by the proof of payment / purchase order will be rejected and the notice will not be processed.

24.4. Any submissions or re-submissions that miss the submission cut-off times will be rejected to the customer. The Notice needs to be re-submitted with a new publication date.

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

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

**GOVERNMENT PRINTER INDEMNIFIED AGAINST LIABILITY**

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

**LIABILITY OF ADVERTISER**

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

**CUSTOMER INQUIRIES**

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

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

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

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

## GOVERNMENT PRINTING WORKS - BUSINESS RULES

### PAYMENT OF COST

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

### PROOF OF PUBLICATION

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

## GOVERNMENT PRINTING WORKS CONTACT INFORMATION

#### Physical Address:

**Government Printing Works**

149 Bosman Street

Pretoria

#### Postal Address:

Private Bag X85

Pretoria

0001

#### GPW Banking Details:

**Bank:** ABSA Bosman Street

**Account No.:** 405 7114 016

**Branch Code:** 632-005

**For Gazette and Notice submissions:** Gazette Submissions:

**For queries and quotations, contact:** Gazette Contact Centre:

**E-mail:** [submit.egazette@gpw.gov.za](mailto:submit.egazette@gpw.gov.za)

**E-mail:** [info.egazette@gpw.gov.za](mailto:info.egazette@gpw.gov.za)

**Tel:** 012-748 6200

**Contact person for subscribers:** Mrs M. Toka:

**E-mail:** [subscriptions@gpw.gov.za](mailto:subscriptions@gpw.gov.za)

**Tel:** 012-748-6066 / 6060 / 6058

**Fax:** 012-323-9574

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**GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS**

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**DEPARTMENT OF AGRICULTURE, FORESTRY AND FISHERIES****NO. 433****19 MAY 2017****NATIONAL AGRICULTURAL MARKETING COUNCIL  
MARKETING OF AGRICULTURAL PRODUCTS ACT, 1996, AS AMENDED  
(ACT No. 47 OF 1996)**

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**REQUEST FOR THE CONTINUATION OF STATUTORY MEASURES RELATING TO  
LEVIES, REGISTRATION AND RECORDS & RETURNS IN THE DAIRY INDUSTRY IN  
TERMS OF THE MARKETING OF AGRICULTURAL PRODUCTS ACT**

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It is hereby made known that, in terms of section 11 of the Marketing of Agricultural Products Act, 1996 (Act No.47 of 1996) (MAP Act), the Minister of Agriculture, Forestry and Fisheries has received a request from the dairy industry for the continuation of statutory measures relating to levies, registration, the keeping of records and the rendering of returns.

The South African Milk Processors' Organisation (SAMPRO), a directly affected group and representative organisation of the secondary dairy industry, applied for these statutory measures. The Milk Producers' Organisation (MPO), the representative organisation of the primary dairy industry, is also supporting the application. The current statutory measures for the dairy industry will expire on 31 December 2017. SAMPRO requested ministerial approval for the continuation of these statutory measures for a new period of four years, to lapse on 31 December 2021.

SAMPRO proposed that the current statutory levies increase by 6 percent per annum. According to SAMPRO, due to inflation since the current levies were first implemented in 2013, the income generated by these statutory levies is not sufficient to satisfactorily pursue the objectives of the regulations in the period for which the extension of the validity of the regulations is requested. The proposed new levies will be as follows:

Customs Tariff Classification	Product Description	Levy (Vat exclusive)			
		2018 c/kg	2019 c/kg	2020 c/kg	2021 c/kg
04.01	Milk and cream, not concentrated nor containing added sugar or other sweetening matter.	1,37	1,46	1,54	1,64
04.02	Milk and cream, concentrated or containing added sugar or other sweetening matter.	13,25	14,04	14,88	15,78
04.03	Buttermilk, curdled milk and cream, yoghurt, kephir and other fermented or acidified milk and cream, whether or not concentrated or containing added sugar or other sweetening matter or flavoured or containing added fruits, nuts or cocoa.	4,98	5,28	5,59	5,93
04.04	Whey, whether or not concentrated or containing added sugar or other sweetening matter; Products consisting of natural milk constituents, whether or not containing added sugar or other sweetening matter, not elsewhere specified or included	4,02	4,26	4,52	4,79
04.05	Butter and other fats and oils derived from milk, dairy spreads	14,20	15,05	15,95	16,91
04.06	Cheese and Curd	19,82	21,01	22,27	23,60

The estimated income from the proposed levies is between R46,8 million for 2018 and it will be R49,93 million, R52,69 million and R56,09 million respectively for 2019, 2020 and 2021.

The proposed statutory levies will finance the following functions, namely –

- Consumer education (40% of levy income);
- Improvement of the quality of milk and other dairy products (17% of levy income);
- Empowerment of previously disadvantaged individuals (20% of levy income);
- Research and development (6.5% of levy income);
- Industry information (6.5% of levy income); and
- Administration of regulatory measures (10% of levy income)

The MAP Act stipulates that a statutory levy may not exceed 5% of the price realised for a specific agricultural product at the first point of sale. The maximum of 5% must be based on a guideline price calculated as the average price at the first point of sale over a period not

exceeding three years. For the proposed statutory levies, the guideline prices will be as follows:

Customs Tariff Classification	Product Description	Guideline prices R/kg	Levy as a percentage of guideline price (percent)			
			2018 %	2019 %	2020 %	2021 %
04.01	Milk and cream, not concentrated nor containing added sugar or other sweetening matter.	4.65	0.29	0.31	0.33	0.35
04.02	Milk and cream, concentrated or containing added sugar or other sweetening matter.	60.00	0.22	0.23	0.24	0.26
04.03	Buttermilk, curdled milk and cream, yoghurt, kephir and other fermented or acidified milk and cream, whether or not concentrated or containing added sugar or other sweetening matter or flavoured or containing added fruits, nuts or cocoa.	23.00	0.21	0.22	0.24	0.25
04.04	Whey, whether or not concentrated or containing added sugar or other sweetening matter; Products consisting of natural milk constituents, whether or not containing added sugar or other sweetening matter, not elsewhere specified or included	14.00	0.28	0.30	0.32	0.34
04.05	Butter and other fats and oils derived from milk, dairy spreads	58.00	0.24	0.25	0.27	0.29
04.06	Cheese and Curd	84.00	0.23	0.25	0.26	0.28

The purpose of the statutory measure relating to registration is to compel all secondary industry role-players in the Republic of South Africa to register with Milk South Africa (the administrator). Registration will facilitate better communication in the industry on matters of common interest such as technical issues, food safety, product standards and other issues.

The purpose of the statutory measure relating to records & returns is to provide a statutory mechanism for dairy processors, traders, brokers, producer distributors, importers and exporters of dairy products, to keep records and furnish returns to Milk South Africa. The



information and analysis thereof will enable Milk South Africa to make market signals available to role-players and government institutions.

The National Agricultural Marketing Council (NAMC) took cognisance that the proposed continuation of the statutory measures relating to levies, registration, the keeping of records and the rendering of returns in the dairy industry as requested by SAMPRO, is consistent with the objectives of the MAP Act. The request is currently being investigated by the NAMC and recommendations in this regard will be made to the Minister in the near future.

**Directly affected groups in the dairy industry are kindly requested to submit any comments, regarding the proposed statutory measures, to the NAMC on or before 2 June 2017, to enable the Council to finalise its recommendation to Minister in this regard.**

**Submissions should be in writing and be addressed to:**

**National Agricultural Marketing Council  
Private Bag X 935  
PRETORIA  
0001  
Enquiries: Mr Ndumiso Mazibuko  
E-mail: [ndumiso@namc.co.za](mailto:ndumiso@namc.co.za)  
Tel.:(012) 341 1115  
(012) 441 0596  
(073) 551 8388  
Fax No.: (012) 341 1911**

## DEPARTMENT OF ARTS AND CULTURE

NO. 434

19 MAY 2017

## BUREAU OF HERALDRY

AMENDMENT AND REGISTRATION OF HERALDIC REPRESENTATIONS, A NAME AND  
SPECIAL NAMES

The Bureau of Heraldry hereby gives notice in terms of section 10 of the Heraldry Act, 1962 (Act No. 18 of 1962), that the following have been amended/registered:

(H4/3/1/4142) The ARMS of the Ocularist Association of Southern Africa, as published under Government Notice No. 105 of 10 February 2017.

(H4/3/1/4146) The ARMS of the Sefako Makgatho Health Sciences University, as published under Government Notice No. 105 of 10 February 2017.

(H4/3/1/4148) The NAME AND SPECIAL NAMES of SPQR – Noble Order of the Roman Empire, as published under Government Notice No. 107 of 10 February 2017.

(H4/3/4/1021) The ARMS of Flynn Theo Faithfull, as published under Government Notice No. 691 of 10 June 2016.

(H4/3/4/1026) The ARMS of Borja Villalonga I García, as published under Government Notice No. 105 of 10 February 2017, is hereby registered without the hammer and sickle in the claw of the demi-wyvern in the crest.

(H4/3/1/1031) The ARMS of Diego Pantaleone Francesco Spanò, as published under Government Notice No. 105 of 10 February 2017.

(H4/3/4/1034) The ARMS of David Andrew Mauchline, as published under Government Notice No. 105 of 10 February 2017.

(H4/3/4/1029) The ARMS of Jason Charles Klascius-Fernandez, as published under Government Notice No. 105 of 10 February 2017.

## DEPARTEMENT VAN KUNS EN KULTUUR

NO. 434

19 MEI 2017

## BURO VIR HERALDIEK

WYSIGING EN REGISTRASIE VAN HERALDIESE VOORSTELLINGS 'N NAAM EN SPESIALE  
NAME

Die Buro vir Heraldiek gee hierby ingevolge artikel 10 van die Heraldiekwet, 1962 (Wet No. 18 van 1962), kennis dat die volgende gewysig/geregistreer is:

(H4/3/1/4142) Die WAPEN van die Okulêriste Vereniging van Suider-Afrika soos by Goewermentskennisgewing No. 105 van 10 Februarie 2017 gepubliseer.

(H4/3/1/4146) Die WAPEN van die Sefako Makgatho Gesondheidswetenskappe Universiteit soos by Goewermentskennisgewing No. 105 van 10 Februarie 2017 gepubliseer.

(H4/3/1/4148) Die NAAM EN SPESIALE NAME van SPQR - Edele Orde van die Romeinse Ryk soos by Goewermentskennisgewing No. 107 van 10 Februarie 2017 gepubliseer.

(H4/3/4/1021) Die WAPEN van Flynn Theo Faithfull, soos by Goewermentskennisgewing No. 691 van 10 Junie 2016 gepubliseer.

(H4/3/4/1026) Die WAPEN van Borja Villalonga I Garcia, soos in Goewermentskennisgewing No. 105 van 10 Februarie 2017 gepubliseer, word hiermee, sonder die hammer en sekel in die klou van die halwe-draak in die helmteken geregistreer.

(H4/3/4/1031) Die WAPEN van Diego Pantaleone Francesco Spanò soos by Goewermentskennisgewing No. 105 van 10 Februarie 2017 gepubliseer.

(H4/3/4/1034) Die WAPEN van David Andrew Mauchline soos by Goewermentskennisgewing No. 105 van 10 Februarie 2017 gepubliseer.

(H4/3/4/1029) Die WAPEN van Jason Charles Klascius-Fernandez soos by Goewermentskennisgewing No. 105 van 10 Februarie 2017 gepubliseer.

## DEPARTMENT OF HEALTH

NO. 435

19 MAY 2017

**HEALTH PROFESSIONS ACT, WE-1974 (UMTHETHO WAMA-56 WEZI-1974)****IMITHETHOZIMISO ECHAZA UMTHAMO WOBUNGCWETI BEZOKUNAKEKELWA  
KOMLOMO**

UNgqongqoshe wezeMpilo uqonde, ukwenza iMithethozimiso kuSheduli, ngokwemigomo yesigaba sama-33(1) esifundwa nesigaba sama-61(2) se-*Health Professions Act, 1974* (uMthetho wama-56 wezi-1974), kanye nasezincomeni zoMkhandlu woNgcweti bezeMpilo eNingizimu Afrika kanye neBhodi loNgcweti Bezokwelashwa Kwamazinyo kanye nokuNakekelwa Komlomo.

Abantu abanentshisekelo bayamenywa ukuthi bahambise imibono yabo esekelwe noma ukumelwa kumithethozimiso ehlongoziwe kuMqondisi-Jikelele wezeMpilo, *Private Bag X828, Pretoria, 0001* (ukunakwa nguMqondisi: Amagatsha Okuphathwa Komphakathi), ezinyangeni ezintathu kushicilelwe lesi saziso.

  
DKT MOTSOLEDI, MP

UNGQONGQOSHE WEZEMPILO

USUKU: 15/4/2017

## ISHEDULI

### Izincazelo

1. Kule Mithethozimiso noma yiliphi igama noma inkulumo lapho incazelo ifakwe eMthethweni kumele iphathe leyo ncazelo, futhi ngaphandle uma ingqikithi isho okunye –

“**ibhodi**” kusho iBhodi loChwepheshe lokweLashwa kwaMazinyo kanye nokuNakekelwa koMlomo elashungulwa ngokwemigomo yesigaba se-15(1) soMthetho;

“**ukunakekelwa komlomo**” kusho ubungcweti bomuntu obhalisile njengomnakekeli womlomo ngokwemigomo yoMthetho;

“**umnakekeli womlomo**” kusho umuntu obhalisile ukuba njalo ngokwemigomo yoMthetho;

“**uMthetho**” kusho i-*Health Professions Act, 1974* (uMthetho wama-56 wezi-1974).

### Umthamo wobungcweti bokunakekelwa komlomo

2. Imithetho elandelayo ibeka imithetho okumele, ibonwe njengemithetho ephathelene nobungcweti bokunakekelwa komlomo, ngezinhloso zokusetshenziswa koMthetho:

- (a) Ukuthuthukiswa, ukuqaliswa kanye nokuhlolwa kwezinhlelo zokukhuthazwa kwezempilo zomlomo.
- (b) ukuhlolwa kwesiguli ngokuxoxisana naso kanye nokuhlola kokwelapha komlomo;
- (c) ukwenziwa komfanekiso kanye nezithombe ze-eksreyi kanye nezithombe zokwelapha;

- (d) ukwenziwa kokuxilongwa ukuthola isifo somlomo kanye nokuthuthukiswa kohlelo lokwelapha olufanele phakathi emthameni wobungcweti bowezokunakekelwa komlomo.
- (e) ukululekwa kanye nokufundiswa kweziguli mayelana nokuzinakekela umlomo okufaka phakathi amakhemikhali kanye nephilisi lokwelapha ngamakhemikhali, ukweluleka ngomsoco kanye nokumiswa kogwayi;
- (f) Ukululeka iziguli ngomsoco kanye ngokudla okukhethiwe, ikhemikhali ye-fluoraydi, kanye nokulwa nezilwanyana ezibanga izifo (ngaphandle kwemithi ebulala izilwanyana ezincane) okuhambisana nokunqanda isifo somlomo;
- (g) ukusetshenziswa kwezinto zamanje njengezinto ezivikela ukubola kwamazinyo, izinto zokufakela, izinto zokwenza ukuthi amazinyo engazweli, izinto zokubulala imizwa ngaphandle kanye nezinto eziyiphilisi lokulawulo;
- (h) ukusetshenziswa kwezinto zokuvala umgodi kanye nokuvuleka
- (i) ukususwa kwezicubu, ukukala, ukususa imbangela yesifo, ukugezwa kwemifakela yamazinyo kanye nokupholisha amazinyo.
- (j) ukwenziwa kokwakheka kabusha kwezinyo ukuthi likhiqize into ekhucululayo evikela amazinyo.
- (k) *ukusetshenziswa kwenqubo engasabalali kakhulu njengenqubo ebuyiselekayo egwema ukulimazeka kwezicubu (ART) kanye nokubuyiselwa kokuvalwa, kanye nalapho kunesidingo kokusiza le nqubo, ukufakwa kanye nokususa idamu eliyisikilingi kanye nebhande elimboza izinyo.;*
- (l) ukwelashwa kokushesha ukuzwela kwamazinyo kanye ukulimala kwesibeletho sezinyo ngenxa yezinto ezithithile;

- (m) ukupholisha kanye kokwakhiwa kabusha kwezinto ezibuyiselwe ezingamanga kahle;
- (o) ukusetshenziswa kwezinto zokubulala imizwa, maqondana nesigaba sama-22A(4)(a)(v)(aa) se-*Medicines and Related Substances Act*, 1965 (uMthetho we-101 we-1965);
- (p) ukuphathwa kwezinto zokubulala imizwa, maqondana nesigaba sama-22A(4)(a)(v)(aa) se-*Medicines and Related Substances Act*, 1965 (uMthetho we-101 we-1965);
- (q) ukunika usizo abeluleki bezamazinyo, odokotela bamazinyo, kanye nochwepheshe bezamazinyo ngokwenza inqubo ethile futhi esezingeni eliphezulu lokwelapha
- (r) ukusetshenziswa inqubo ebalulekile yokwenza amazinyo ukuthi abe mhlophe;
- (s) ukwenziwa kwezinqubo elandelayo yokwelapha eyesekayo njengoba kunqume adokotela bamazinyo kanye nochwepheshe bamazinyo:
  - (i) ukuthathwa kokuhlolwa kwamasele;
  - (ii) ukuhlanganiswa kwamazinyo axegayo
  - (iii) ukusetshenziswa kanye nokususwa kwezinto ezifakwa ukusiza ukupholisha
  - (iv) ukususwa kwezitishi zokuhlinzwa;
  - (v) ukufakwa kwemifakela yesikhashana njengendlela ephuthumayo;
  - (vi) ukukhonkwa kwesikhashana kwezimbobo emazinyweni, into yokubuyisela esimweni amazinyo kanye nokuvala namagebe;
  - (vii) ukufakwa kolwelwesi oluthambile emazinyweni ukusiza isicubu;
  - (viii) ukwenziwa kokuhlaziya kokuxhumana kwamazinyo nethambo lekhandu;
  - (ix) ukudambisa ubuhlungi obenziwe izinto ebezenziwa ngaphakathi nangaphandle komlomo, njengokusikwa kwezingcingo ezigobekayo;
  - (x) ukuthathwa kwendlela yemicabango, ukukhobisa kanye nokunquma kanye nomsebenzi wokuqala;



- (xi) ukubekwa kwemishini esivele icushiwe yokuqondisa amazinyo, ukususa izinto ezinanyekwe emazinyweni zokuwaqondisa kanye namabhande (ukufakwa kanye nokususwa izincingo ezinwebekayo kanye nezixhumanisayo, ukufakwa kanye nokucushwa kwezincingo esigobekayo); kanye
- (xii) Ukukhonkwa kabusha izigcini zokuqondiswa kwamazinyo.

### **Ukwenziwa kwesenzo sobuchwepheshe bezokunakekelwa komlomo umfundi**

#### **3. Umfundi wobuchwepheshe kumele enze izenzo:**

- (a) okukhulunywe ngazo kumthethosimiso wesi-2 (a)-(r), kuphela kaphansi kokuqashwa uchwepheshe wamazinyo, udokotela wamazinyo, umelaphi wamazinyo, noma owezokunakekelwa komlomo;
- (b) okukhulunywe ngazo kumthethosimiso wesi-2 (s) kuphela ngaphansi kokuqashwa uchwepheshe wamazinyo kanye nodokotela wamazinyo.

### **Izimo zokusebenza zowezokunakekelwa komlomo obhalise**

- 4. (1) owezokunakekelwa komlomo obhalisile angasebenza ngokuzimela, ngobuchwepheshe bakhe kuphela -
  - (b) emuva kokusebenza isikhathi okungenani esingangonyaka owodwa ngaphansi kokuphathwa kanye nokuqashwa udokotela wamazinyo obhalisile, umelaphi wamazinyo noma omunye wezokunakekelwa komlomo, kanye nokuvunyelwa iBhodi;
  - (b) emuva kokuthola iziqu kwezokunakekelwa komlomo ezivuyelwe yiBhodi, futhi uma iziqu ezinjalo zatholakala ngaphambi konyaka wezi-2001, kumele aphinde athole ezinye futhi iziqu emisebenzini ekhulisiwe yezokunakekelwa komlomo ezihlinzekwa yinoma isiphi isikhungo sokuhlola esivunyelwe yibhodi; kanye



- (c) emuva kokuqeda ngempumelelo iZinga lesi-3 Lezosizo Lokuqala lokuqeqeshwa esikhungweni sokuqeqesha esivunyelwe yi-SETA yezeMpilo kanye nezeNhlalakahle.
- (2) Owezokunakekelwa komlomo obhalisile ohlobeni "lokusebenza okuqashiwe" kumele enze imisebenzi okukhulunywe ngayo kumthethosimiso wesi-2 ngaphansi kokuqashwa nguchwepheshe wamazinyo, udokotela wamazinyo, umelaphi wamazinyo, noma owezokunakekelwa komlomo, futhi kuphela uma owezokunakekelwa komlomo okukhulunywe ngaye kulomthethosimiswanyana ethole imfundo efanele, ukuqeqeshwa kanye enesipiliyoni esanele; futhi enza le misebenzi ngaphansi kwezimo ezifanele.

### **Ukuchithwa**

5. Imithethozimiso eshicilelwe eSazisweni sikaHulumeni R.800 *kuSomqulu kaHulumeni* wezi-36944 wamhla ziye-17 kuMfumfu wezi-2013 ichithiwe lapha

### **Isihloko esincane**

6. Le Mithethozimiso ibizwe ngeMithethozimiso Echaza Umthamo Wezokunakekelwa Komlomo.

## DEPARTMENT OF HEALTH

NO. 436

19 MAY 2017

**MEDICINES AND RELATED SUBSTANCES ACT, (ACT NO. 101 OF 1965)**  
**(ANNUAL SINGLE EXIT PRICE ADJUSTMENT (SEPA) OF MEDICINES AND SCHEDULED**  
**SUBSTANCES FOR THE YEAR 2018)**

In terms of Regulation 8 (1) of the Regulations Relating to the Transparent Pricing System for Medicines and Scheduled Substances of the Medicines and Related Substances Act, 1965 (No. 101 of 1965) as amended, the Minister of Health is required to determine on an annual basis, the extent to which medicine prices may be adjusted. In making this determination the Minister considers the following provisions of Regulation 8 (1)-

- (a) the average CPI for the preceding year;
- (b) the average PPI for the preceding year;
- (c) changes in the rates of foreign exchange and purchasing power parity;
- (d) international pricing information relating to medicines and scheduled substances;
- (e) comments received from interested persons in terms of regulation 8(2); and
- (f) the need to ensure the availability, affordability and quality of medicines and scheduled substances in the Republic.

Comments received from previous annual reviews on the adjustment methodology have indicated that stakeholders would like to have a CPI weighting and a foreign exchange weighting in the review of the SEP adjustment as follows:

**70% (South African CPI) + 30% (foreign exchange rate) = % adjustment**

The Pricing Committee in its recommendation for the next annual adjustment cycle may consider this weighting **in addition** to the provisions of Regulation 8(1) as listed above.

The official data to be used with respect to the Consumer Price Index (CPI) for South Africa and the foreign exchange rates would be obtained from official publications by the Statistics South Africa at [www.statssa.gov.za](http://www.statssa.gov.za) and the South African Reserve Bank at [www.resbank.co.za](http://www.resbank.co.za) respectively.

The exchange rate for each company's weightings may be considered from import and export information obtained from the Department of Trade and Industry. A pooled aggregate of the individual company's import and export information may then be used to inform the foreign exchange rate calculations used in the SEP adjustment.

Interested persons are invited to submit any substantiated comments in writing, both on a compact disc and a hard copy within three months from the date of publication of this Notice to:

**The Director-General: Health**

**For Attention: Director (Pharmaceutical Economic Evaluations)**


**Room 0419 South Tower**

**Civitas Building**

**Corner Thabo Sehume & Struben Streets**

**PRETORIA, 0001**

For any further enquires please contact the Directorate: Pharmaceutical Economic Evaluations: telephone: 012 395 8181/4/5; e-mail: [sepupdates@health.gov.za](mailto:sepupdates@health.gov.za)



**Dr A MOTSOALEDI, MP**  
**MINISTER OF HEALTH**  
**DATE:** 23/3/2017

## DEPARTMENT OF HEALTH

NO. 437

19 MAY 2017

**MEDICINES AND RELATED SUBSTANCES ACT, 1965 (ACT NO. 101 OF 1965)****REGULATIONS RELATING TO A TRANSPARENT PRICING SYSTEM FOR MEDICINES AND SCHEDULED SUBSTANCES: (DRAFT DISPENSING FEE FOR PHARMACISTS)**

I, DR A MOTSOLEDI, the Minister of Health have, on recommendation of the Pricing Committee, in terms of section 22G (2) (b) of the Medicines and Related Substances Act, 1965 (Act No. 101 of 1965) as amended, made the regulations in the Schedule.

Interested persons are requested to submit comments in writing, both on a compact disc and hard copy, on the proposed regulations within three months of publication of this notice to the following address:

The Director-General: National Department of Health

**Attention to the Director: Pharmaceutical Economic Evaluations Directorate  
Room 419, South Tower Civitas Building, Corner: Thabo Sehume & Bloed Streets  
Pretoria 0001**

**SCHEDULE****Definitions**

1. In these regulations any word or expression to which a meaning has been assigned in the Act shall have such meaning and, unless the context indicates otherwise-

**“dispense”** means the supply of medicines based on a prescription to a patient or someone on behalf of the patient by a health professional authorized by law to supply medicines and includes-

- (a) the interpretation and evaluation of the prescription;
- (b) the selection, reconstitution, dilution, labelling, recording and the actual supply of the medicine;
- (c) the provision of information and instructions to ensure safe and effective use of a medicine by a patient; or
- (d) the provision of information as contemplated in section 22F (1) (a) of the Act.

**“dispensing fee”** means a fee determined in terms of these regulations, exclusive of Value Added Tax, that may be charged to dispense a medicine; and

**“the Regulations”** means the Regulations Relating to the Transparent Pricing System for Medicines and Scheduled Substances published under government Notice No. R1102 of November 2005 as amended.

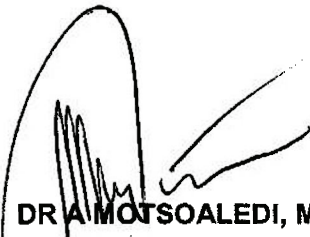
### **Amendment of Regulation 10**

2. The following regulation is hereby substituted for regulation 10 of the regulations:

- “10. (1) The appropriate dispensing fee, exclusive of VAT, as contemplated in section 22G (2) (b) of the Act to be charged by pharmacists, must:
- (a) where the single exit price of a medicine or scheduled substance is less than one hundred and seven rand and fifteen cents (R107.15), the dispensing fee shall not exceed R11.00 plus 46% of the single exit price in respect of that medicine or scheduled substance;

- (b) where the single exit price of a medicine or scheduled substance is greater than or equal to one hundred and seven rand and fifteen cents (R107.15) but less than two hundred and eighty five rand and eighty cents (R285.80), the dispensing fee shall not exceed R24.30 plus 33% of the single exit price in respect of that medicine or scheduled substance;
  - (c) where the single exit price of a medicine or scheduled substance is greater than or equal to two hundred and eighty five rand and eighty cents (R285.80) but less than one thousand rand and thirty three cents (R1000.32), the dispensing fee shall not exceed R74.00 plus 15% of the Single Exit Price in respect of that medicine or scheduled substance;
  - (d) where the single exit price of a medicine or scheduled substance is greater than or equal to one thousand rand and thirty three cents (R1000.33), the dispensing fee shall not exceed R173.00 plus 5% of the Single Exit Price in respect of that medicine or scheduled substance.
- (2) The provisions of regulation 10 must be reviewed annually by the Minister after taking into account-
- (a) the need to ensure the availability and affordability of quality medicines and scheduled substances in the Republic;
  - (b) annual inflation rates published periodically by Statistics South Africa;
  - (c) information supplied by pharmacists in accordance with guidelines determined by the Minister from time to time by Notice in the Gazette; and
  - (d) any other information the Minister may deem necessary to consider.

- (3) A pharmacist dispensing a medicine must-
- (a) by means of a clearly displayed notice in the pharmacy, inform members of the public of the maximum fee structure used by such pharmacist to determine the dispensing fee; and
  - (b) provide an invoice in respect of the sale of each medicine that clearly indicates the-
    - (i) dispensing fee charged; and
    - (ii) the single exit price.



**DR A MOTSOLEDI, MP**

**MINISTER OF HEALTH**

**DATE:**

23/3/2017

## DEPARTMENT OF HEALTH

NO. 438

19 MAY 2017

**MEDICINES AND RELATED SUBSTANCES ACT, 1965 (ACT NO. 101 OF 1965) AS AMENDED****REGULATIONS RELATING TO A TRANSPARENT PRICING SYSTEM FOR MEDICINES AND SCHEDULED SUBSTANCES: (DRAFT DISPENSING FEE TO BE CHARGED BY PERSONS LICENSED IN TERMS OF SECTION 22C (1) (a))**

I, DR A MOTSOALEDI, the Minister of Health have, on the recommendation of the Pricing Committee, in terms of Section 22G (2) (b) of the Medicines and Related Substances Act, 1965 (Act No. 101 of 1965) as amended, made the regulations in the schedule.

Interested persons are requested to submit comments in writing, both on a compact disc and hard copy, on the proposed regulations within 3 months of publication of this notice to the following address:

The Director-General: National Department of Health

**Attention to the Director: Pharmaceutical Economic Evaluations Directorate Room 419,  
South Tower Civitas Building, Corner: Thabo Sehume & Bloed Streets Pretoria 0001**

**SCHEDULE****Definitions**

1. In these regulations any word or expression to which a meaning has been assigned in the Act shall have such meaning and, unless the context indicates otherwise-



**"the Regulations"** means the Regulations Relating to the Transparent Pricing System for Medicines and Scheduled Substances published under Government Notice No. R1102 of November 2005 as amended.

### **Substitution of Regulation 12**

2. The following regulation is hereby substituted for Regulation 12 of the Regulations:

"12. The appropriate dispensing fee as contemplated in section 22G (2) (b) of the Act to be charged by persons licensed in terms of section 22C (1) (a) of the Act must be calculated, exclusive of VAT, as follows:

- (a) Where the single exit price of a medicine or scheduled substance is less than one hundred and twenty rand (R120.00), the dispensing fee must not exceed 30% of the single exit price in respect of that medicine or scheduled substance;
- (b) Where the single exit price of a medicine or scheduled substance is equal to or greater than one hundred and twenty rand (R120.00), the dispensing fee must not exceed thirty six rand (R36.00) in respect of that medicine or scheduled substance;

3. The provisions of Regulation 12 must be reviewed annually by the Minister after taking into account-

- (a) the need to ensure the availability and affordability of quality medicines and scheduled substances in the Republic;
- (b) annual inflation rates published periodically by Statistics South Africa;
- (c) information supplied by persons licensed to dispense in terms of section 22C (1)(a) in accordance with guidelines determined by the Director-General from time to time by Notice in the Gazette; and
- (d) any other information the Minister may deem necessary to consider.

4. Persons Licensed to dispensing in terms of section 22C (1) (a) must-
- (a) by means of a clearly displayed notice in the dispensing practice, inform members of the public of the maximum fee structure used by such dispensing practice to determine the dispensing fee; and
  - (b) provide an invoice in respect of each medicine that clearly indicates the-
    - (i) dispensing fee charged; and
    - (ii) the single exit price;



**DR A MOTSOALEDI, MP**

**MINISTER OF HEALTH**

**DATE**

23/3/2017.

## DEPARTMENT OF HEALTH

NO. 439

19 MAY 2017

**HEALTH PROFESSIONS ACT, 1974 (ACT NO. 56 OF 1974)****REGULATIONS DEFINING THE SCOPE OF THE PROFESSION OF ORAL HYGIENE**

The Minister of Health intends, in terms of section 33(1) read with section 61(2) of the Health Professions Act, 1974 (Act No. 56 of 1974), and on the recommendation of the Health Professions Council of South Africa and the Professional Board for Dental Therapy and Oral Hygiene, to make the Regulations in the Schedule.

Interested persons are invited to submit any substantiated comments or representations on the proposed regulations to the Director-General of Health, Private Bag X828, Pretoria, 0001 (for attention of the Director: Public Entities Governance), within three months of the date of publication of this notice.

  
\_\_\_\_\_  
**DR A MOTSOALEDI, MP****MINISTER OF HEALTH****DATE:** 15/4/2017

## SCHEDULE

### Definitions

1. In these Regulations any word or expression to which a meaning has been assigned in the Act shall bear that meaning, and unless the context otherwise indicates –

**"board"** means the Professional Board for Dental Therapy and Oral Hygiene established in terms of section 15(1) of the Act;

**"oral hygiene"** means the profession of a person registered as an oral hygienist in terms of the Act;

**"oral hygienist"** means a person registered as such in terms of the Act;

**"the Act"** means the Health Professions Act, 1974 (Act No. 56 of 1974).

### Scope of the profession of oral hygiene

2. The following acts are hereby specified as acts which shall, for the purposes of the application of the Act, be deemed to be acts pertaining to the profession of oral hygiene:

- (a) The development, implementation and evaluation of oral health promotion programmes.
- (b) the assessment of a patient by means of an interview and an oral clinical examination;
- (c) the performance of analogue and digital radiography and the taking of clinical photographs;
- (d) the making of an oral hygiene diagnosis and the development of an appropriate treatment plan within the scope of the profession of oral hygienist.

- (e) the advising and education of patients about oral self-care practices including mechanical and chemotherapeutic plaque control, nutritional counselling and tobacco cessation;
- (f) Advising patients about nutrition and diet, fluorides, and anti-microbial agents (excluding antibiotics) in relation to oral disease prevention;
- (g) the application of topical agents such as caries-preventive agents, remineralising agents, tooth-desensitising agents, surface anaesthetics and plaque-controlling agents;
- (h) the application of pit and fissure sealants;
- (i) the performance of debridement, scaling, root planing, the cleaning of dental implants and the polishing of teeth.
- (j) the making of a study cast to produce protective vacuum formed mouth guard.
- (k) *the application of minimally invasive procedures such as atraumatic restorative techniques (ART) and sealant restorations, and only when necessary to facilitate these procedures, the placing and removing of rubber dam and matrix band.;*
- (l) the treatment of dentine hypersensitivity and cervical abrasion lesions with glass ionomer cement;
- (m) the polishing and recontouring of overhanging restorations;
- (o) the application of topical anaesthesia, subject to Section 22A(4)(a)(v)(aa) of the Medicines and Related Substances Act, 1965 (Act No. 101 of 1965);
- (p) the administration of local anaesthesia, subject to Section 22A(4)(a)(v)(aa) of the Medicines and Related Substances Act, 1965 (Act No.101 of 1965);

- (q) the giving of assistance to dental therapists, dentists, dental specialists with the performance of basic and advanced clinical procedures;
- (r) the application of vital tooth whitening techniques and procedures;
- (s) the performance of the following supportive clinical procedures as prescribed by dentists and dental specialists:
  - (i) The taking of cytological smears;
  - (ii) the splinting of mobile teeth;
  - (iii) the application and removal of periodontal packs; and
  - (iv) the removal of surgical sutures;
  - (v) the placing of temporary restorations as an emergency measure;
  - (vi) the performance of temporary cementing of inlays, crowns and bridges;
  - (vii) the placement of soft linings in dentures as tissue conditioners;
  - (viii) the performance of cephalometric tracings;
  - (ix) the relieving of trauma caused by intra-and extra-oral appliances, such as the cutting of distal ends of arch wires;
  - (x) the taking of impressions, cast and trim study and primary work models;
  - (xi) placement of pre-activated orthodontic appliances, the removal of orthodontic attachments and bands (the placement and removal of elastics and ligature wires, the placement and activation of arch wires); and
  - (xii) the re-cementing of orthodontic retainers.

### **Performance of professional act by student in oral hygiene**

#### **3. A student in oral hygiene shall perform acts:**

- (a) referred to in regulation 2 (a)-(r), only under the supervision of a dental specialist, dentist, dental therapist, or oral hygienist;
- (b) referred to in regulation 2 (s) only under the supervision of dental specialists and dentists.



**Conditions of practice by registered oral hygienist**

4. (1) A registered oral hygienist may practice independently, his or her profession, only -
- (a) after serving a period of at least one year under the control and supervision of a registered dentist, dental therapist or another registered oral hygienist, and with approval of the Board;
  - (b) after obtaining any of the qualifications in oral hygiene approved by the Board, and if such qualification was obtained prior to 2001, he or she must have also obtained a further qualification in expanded clinical functions in oral hygiene offered by any of the examining authorities approved by the Board; and
  - (c) after successfully completing a First Aid Level 3 training at a training institution approved by the Health and Welfare SETA.
- (2) An oral hygienist registered in the category "supervised practice" shall perform acts referred to in regulation 2 under the supervision of a dental specialist, dentist, dental therapist, or an oral hygienist, and only if an oral hygienist referred to in this sub regulation has received adequate education, training and is sufficiently experienced; and perform these acts under proper and appropriate conditions.

**Repeal**

5. The regulations published in Government Notice R.800 in *Government Gazette* No. 36944 of 17 October 2013 are hereby repealed.

**Short title**

6. These Regulations are called the Regulations Defining the Scope of Oral Hygiene.



## DEPARTMENT OF HEALTH

NO. 440

19 MAY 2017

**HEALTH PROFESSIONS ACT, 1974 (MOLAO 56 WA 1974)****MELAWANA YEO E HLAŁOŠAGO SEBOPEGO SA PROFEŠENE YA TŠA HLWEKO YA  
LEGANO**

Tona ya Maphelo o ikemišeditše, go ya ka karolo 33(1) e balwa le karolo 61(2) ya *Health Professions Act, 1974* (Molao 56 wa 1974), mme ka keletšo ya Khansele ya Profešene ya Maphelo ya Afrika Borwa le Boto ya Profešene ya Kalafo ya Meno le Hlweko ya Legano, go dira Melawana Šetuleng.

Batho bao ba nago le kgahlego ba bitšwa go romela diswayaswayo tša mabaka goba dikemedi ka ga melawana yeo e šišintšwego go Molaodi Kakaretšo wa Maphelo, Private Bag X828, Pretoria, 0001 (e lebišitšwe go Molaodi: Pušo ya Dihlongwa tša Setšhaba), mo dikgweding tše tharo tša letšatšikgwedi la kgatišo ya tsebišo ye.

  
\_\_\_\_\_  
NGAKA A MOTSOALEDI, MP

TONA YA MAPHELO

LETŠATŠIKGWEDI: 15/5/2017

## ŠETULE

### Dihlalošo

1. Mo Melawaneng ye, lentšhu lefe goba lefe goba mmolelwana yo o nago le hlalošo Molaong o tla šomiša hlalošo yeo, ntle le ge tshwaraganyo e hlaloša ka tsela ye nngwe –

**"boto"** e ra Boto ya Profešene ya Kalafo ya Meno le Hlweko ya Legano yeo e hlanngwego go ya ka karolo 15(1) ya Molao;

**"hlweko ya legano"** e ra profešene ya motho yo a ngwadišitšwego bjalo ka mohlwekiši wa legano go ya ka Molao;

**"mohlwekiši wa legano"** e ra motho yo a ngwadišitšwego bjalo ka seo go ya ka Molao;

**"Molao"** e ra *Health Professions Act, 1974* (Molao 56 wa 1974).

### Sebopego sa profešene ya hlweko ya legano

2. Ditiragalo tše di latelago tše di hlalošitšwego, bakeng sa mohola wa tiragatšo ya Molao, di tla bonwa bjalo ka ditiragalo tše malebana le profešene ya hlweko ya legano:

- (a) tšweletšo, tsenyotirišong le phetleko ya mananeo a kgodišo ya maphelo a tša legano.
- (b) phetlelo ya molwetši ka potšološo le hlahlobo ya bongaka ya legano;
- (c) tiragatšo ya radiokrafi ya analoko le titšithale le go tšea diswantšho tša bongaka;
- (d) tiragatšo ya phekolo ya hlweko ya legano le tšweletšo ya leano la kalafo sebopegong sa profešene ya mohlwekiši wa legano.

- (e) keletšo le thuto ya balwetši ka ga ditiragatšo tša go ihlokomelela legano go akaretšwa taolo ya polaka ya mekhenikhale le khemoterapi, keletšo ya dijo le go tlogela kgogo;
- (f) keletšo ya balwetši ka ga dijo tša dikotla, foloraete, le dilo tša *anti-microbial* (go sa akaretšwe dianthibaothiki) malebana le thibelo ya malwetši a legano;
- (g) go šomiša dilo tša setho se itšego go swana le dilo tša thibelo ya go bola ga meno, dilo tša pušetšo ya diminerae, dilo tša tlošotšhišimišo menong, tša kidibatšo le dilo tša go laola polaka;
- (h) tšhomišo ya ditswaledi tša mešoba ya meno;
- (i) tiragatšo ya tlošo ya tlhalenama tše di senyegilego, hlwekišo ye e tseneletšego, hlwekišo ya medu go thibela malwetši, go hlwekiša ditokelo tša meno le go phadimiša meno.
- (j) go dira sekaedi sa meno go tšweletša sešireletši seo se hlanngwego sa legano.
- (k) tiragatšo ya ditiragalo tše di sego tše šoro kudu go swana le thekgeniki ya tšošološo ya ateromthiki (ART) le ditšošološo, mme ge fela go na le hlokego ya go nolofatša ditshepetšo tše, go bea le go tloša sedirišwa sa raba lerekere ya *metrix*;
- (l) kalafo ya tšhišimišegokgolo ya meno le tshenyego ya kgohlano ya sefikese ka sephari sa *ionomer*;
- (m) go phadimiša le go bopa la leswa ga ditšošološi tše di lekeletšego;
- (o) tiragatšo ya kidibatšo, go ya ka Karolo 22A(4)(a)(v)(aa) ya *Medicines and Related Substances Act, 1965* (Molao101 wa 1965);

- (p) tiragatšo ya thibelo ya bohloko sethong sa mmele se itšego, go ya ka Karolo 22A(4)(a)(v)(aa) ya *Medicines and Related Substances Act, 1965* (Molao 101 wa1965);
- (q) go thuša baalafi ba meno, dingaka tša meno, ditsebi tša meno ka tiragatšo ya ditshepetšo tša motheo le tša tšweletšo tša bongaka;
- (r) tiragatšo ya dithekgeniki tša tshweufatšo ya meno le ditshepetšo;
- (s) tiragatšo ya ditshepetšo tše di latelago tša bongaka bjalo ka ge go beilwe ke dingaka tša meno le ditsebi tša meno:
  - (i) go tšea setlolo sa saetholotši
  - (ii) go thekga meno ao a tlogago;
  - (iii) tiragatšo le tlošo ya dipheke tša swaraganyo ya meno; le
  - (iv) go tlošwa ga dilomaganyo ka karo;
  - (v) go bewa ga ditšošološi tša nakwana bjalo ka legato la tšhoganyetšo;
  - (vi) tiragatšo ya go phara ga nakwana ga tša ka gare, dikhraone le maborogo;
  - (vii) tsenyo ya dišireletši tše bonolo menong a maitirelo bjalo ka dipeakanyetšo tša ditlhalenama;
  - (viii) tiragatšo ya go lota mohlala ya sephalometriki;
  - (ix) go fediša kgatelelo yeo e hlotšwego ke tsenyo ya dilo tša legano tša ka gare le ka ntle, go swana le go sega tša metato ya mafelelong;
  - (x) go tšea ditaetšo, nyakišišo ya ditiragatšo le go bopa le mekgwa ya go šoma ya motheo;
  - (xi) go tsenya didirišwa tša meno tše di diragaditšwego pele ga nako, go tloša dilomaganyo tša meno le direkere ( go tsenya le go tloša direkere le metato ya tlaleletšo, go tsenya le go diragatšwa metato ya diatšhe);le
  - (xii) go phara gape ga dihlokomedi tša meno.

### **Tiragatšo ya tiro ya profešene ka moithuti hlwekišong ya legano**

#### **3. Moithuti wa hlwekišo ya legano o tla diragatša ditiragalo:**

- (a) tše di hlalošitšwego go molawana 2 (a)-(r), fela ka tlase ga taelo ya setsebi sa meno, ngaka ya meno, mohlokamedi wa meno, goba mohlwekiši wa meno;
- (b) tše di hlalošitšwego go molawana 2 (s) fela ka tlase ga taolo ya ditsebi tša meno le dingaka tša meno.

**Maemo a tiragatšo ka mohlwekiši wa legano**

4. (1) Mohlwekiši wa legano yo a ngwadišitšwego a ka dira ka boikemelo, profešeneng ya gagwe, fela -

- (a) morago ga go šoma nako ya botelele bja ngwaga ka tlase ga taolo le hlokomelo ya ngaka ya meno yeo e ngwadišitšwego, mohlokamedi wa meno goba mohlwekiši wa meno yo a ngwadišitšwego, mme ka tumelelo ya Boto;
- (b) morago ga go hwetša boithutelo bja hlwekišo ya meno bjo bo dumeletšwego ke Boto, mme ge boithutelo bjo bo hweditšwe pele ga 2001, o swanetše go ba le boithutelo bjo bongwe mešomong yeo e okeditšwego ya tša bongaka hlwekišong ya legano bjo bo neilwego ke bolaodi bofe goba bofe bjo bo dumeletšwego ke Boto; le
- (c) morago ga go phethagatša katišo ya Thušo ya Pele ya Maemo 3, sehlongweng sa katišo seo se dumeletšwego ke tša Maphelo le Boitekanelo SETA.

(2) Mohlokamedi wa legano yo a ngwadišitšwego legorong la "tiragatšo yeo e hlokometšwego" o tla dira ditiragalo tše di hlalošitšwego go molawana 2 ka tlase ga hlokomelo ya setsebi sa meno, ngaka ya meno, mohlokamedi wa meno, goba mohlwekiši wa meno, mme ge fela mohlwekiši wa meno yo a hlalošitšwego melawaneng ye a hweditše thuto ye e lekanetšego, katišo mme o na le boitemogelo bjo bo lekanego; mme o dira ditiragalo tše ka tlase ga maemo a lokilego ebile ao a swanetšego.

**Phumolo**

5. Melawana ye e gatišitšwe Tsebišong ya Mmušo R.800*Kuranteng ya Mmušoya* bo. 36944 ya 17 Diphlane 2013e a phumolwa.

**Thaetlele ye kopana**

6. Melawana ye e bitšwa Melawana yeo e Hlalošago Sebopego sa Hlweko ya Meno.

DEPARTMENT OF HEALTH

NO. 441

19 MAY 2017



health

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Department:  
Health  
**REPUBLIC OF SOUTH AFRICA**

**GUIDELINES FOR THE LICENSING OF  
RESIDENTIAL AND DAY CARE FACILITIES FOR  
PEOPLE WITH MENTAL AND/OR INTELLECTUAL  
DISABILITIES**



## EXECUTIVE SUMMARY

Mental Health care users require access to community based mental health services to ensure their recovery and/or attainment of their life goals and potential.

The development of community based mental health residential and day care services and facilities are promoted by the Mental Health Care Act, 2002 (Act No. 17 of 2002) as well as the National Mental Health Policy Framework and Strategic Plan 2013-2020. The development of these services and/or facilities contribute to the successful re-integration of mental health care users into their respective communities and minimises stigma associated with mental illness.

Residential and Day care services and/or facilities for persons with mental illness or intellectual disability have been predominantly provided by non-governmental organisations. These organisations were registered by the National Department of Social Development, licensed by the Provincial Department of Health and funded by either the Provincial Departments of Health and Social Development, and at times by both.

Previously, licensing procedures have been determined by Provinces, based on their interpretation of relevant legislation. This guideline serves to provide norms and standards for the licensing and monitoring of licenses issued to residential and day care facilities and/or services for mental health care users.

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## INTRODUCTION

- 1.1 The Mental Health Care Act, 2002 (Act No. 17 of 2002), promotes the provision of community based care, treatment and rehabilitation services. It also obliges persons who provide care, treatment and rehabilitation services to provide such services in a manner that facilitates community care of mental health care.
- 1.2 The General Regulations to the Mental Health Care Act, 2002 further define which organisations should be licensed, how it should be done and the conditions attached to it.
- 1.3 This guidelines serves to outline:-
  - (a) the Norms and Standard for community based mental health facilities;
  - (b) procedure for license application;
  - (c) criteria for evaluation for licensing applications; and
  - (d) the monitoring of compliance to licensing agreement.

## DEFINITIONS

Unless the context indicates otherwise, and for the purposes of these Guidelines:-

- 2.1 **Applicant** means a person or organization that is applying to provide a mental health service or operate a residential or day care facility;
- 2.2 **Accessibility** means the environment; including information that should be accessible and easily understood by people with disabilities and should comply with basic Health and Safety regulations;
- 2.3 **Care** means the holistic provision of mental health care users' physical, psychological and material needs where they are unable to provide these for themselves in order to live quality life;
- 2.4 **Caregiver** means any person who provides care to a person with a disability;

- 2.5 **Care and rehabilitation centres** means health establishments for the care, treatment and rehabilitation of people with intellectual disabilities;
- 2.6 **Care and Supervision** means any one or more of the following activities provided by a care giver or facility to meet the needs of mental health care users:-
- (a) Assistance in dressing, grooming, bathing and other personal hygiene;
  - (b) Assistance with taking medication;
  - (c) Central storing and/or distribution of medication as stipulated by the South African Pharmacy Council;
  - (d) Support users in accessing necessary health care service;
  - (e) The implementation of measures to ensure the safety and security of users;
  - (f) Supervision of programmes and activities for users;
  - (g) Maintenance and/or supervision of users' assets or property; and
  - (h) Monitoring weight, blood pressure and glucose level, body temperature, food intake and or special diets.
- 2.7 **Community based care** means a care that is provided outside of institutional and hospital settings, as near as possible to the places where people live, work and study;
- 2.8 **Community health worker** refers to any lay worker whose primary function is to promote basic health or the delivery of basic health services within the home or community based facility;
- 2.9 **Day care** (sometimes referred to as partial care) means services that offer daytime activities which include amongst others, socialisation, stimulation and skills development;
- 2.10 **Facility** means a building or structure which is ordinarily used in the course of providing services;

- 2.11 **Health establishment** means institutions, facilities, buildings or places where persons receive care, treatment, rehabilitative assistance, diagnostic or therapeutic interventions or health services and includes facilities such as community health and rehabilitations centres, clinic, hospitals and psychiatric hospitals;
- 2.12 **Integration** refers to a process that brings people with and without disabilities together in shared physical settings such as school or other social or community undertakings where meaningful social interactions can be fostered to ensure that people just not only live in but are also members of their respective communities;
- 2.13 **Manager** means a person who is responsible for the day-to-day management of the residential and or day care facility;
- 2.14 **Mental health care user for the purposes of this guideline, means** a person receiving care, treatment and rehabilitation services or using a health service at a health establishment aimed at enhancing the mental health status of this person;
- 2.15 **Mental Health care practitioner** means a psychiatrist or registered medical practitioner, nurse, occupational therapist, psychologist or social worker who has been trained to provide prescribed mental health care, treatment and rehabilitation services;
- 2.16 **Mental illness:** means a positive diagnosis of a mental health related illness in terms of accepted diagnostic criteria made by a mental health care practitioner authorised to make such diagnosis;
- 2.17 **People with Disabilities/Persons with Disabilities** include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others;
- 2.18 **Psychiatric hospital** means a health establishment that provides care, treatment and rehabilitation services for users with mental illness only;

- 2.19 **Psycho-social rehabilitation** refers to a mental health services that bring together approaches from the rehabilitation and the mental health fields, combining pharmacological treatments, skills training, and psychological and social support to clients and families in order to improve their lives and functional capabilities;
- 2.20 **Rehabilitation** means a process that facilitates an individual attaining an optimal level of independent functioning;
- 2.21 **Resident** refers to a person with a disability residing in a residential facility;
- 2.22 **Standard** means a minimum measures or levels at which a service provider has to operate and has a time, cost, quality, equity or quantity dimension and refers to quantitative and qualitative statements that describe and constitute acceptable or adequate performance or resources;
- 2.23 **Severe or profound intellectual disability** means a range of intellectual functioning extending from a partial self-maintenance under close supervision together with limited self-protection skills in a controlled environment through limited self care and requiring constant aid and supervision, to severely restricted sensory and motor functioning and requiring nursing care;
- 2.24 **Social Integration** refers to the abilities of the people with disabilities and on the “environmental” barriers that they experience, to make full integration into society possible. Social integration is the key measure by which one can assess whether people with psychiatric and intellectual disabilities enjoy their full rights and are treated equally to all other citizens;
- 2.25 **Volunteer** refers to a person who works for an organisation without being paid; and
- 2.26 **Stimulation** refers to a process whereby the activities that encourages learning and maintenance skills and abilities are provided and includes the provision of different sensory inputs to users who are unable to learn in a formal settings.



**Purpose**

3. These Guidelines provide for the Principles for licensing of residential and day care facilities which provide services to five(5) or more persons with mental and intellectual disabilities.

**Legislative framework**

4. The following legal prescripts have been used in the formulation of these Guidelines, namely:-
  - 4.1 The Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996);
  - 4.2 The National Mental Health Policy Framework and Strategic Plan, 2013-2020;
  - 4.3 United Nations Convention on the Rights of persons with Disabilities;
  - 4.4 The Mental Health Care Act, 2002 (Act No. 17 of 2002), and its Regulations;
  - 4.5 Regulations Governing Private Hospitals and Unattached Operating Theatre Units, Published under Government Notice R. 158 of 1 February 1980;
  - 4.6 Infrastructure unit support systems (IUSS): health facility guides for mental health services, 2014;
  - 4.7 National Health Act, 2003 (Act No. 61 of 2003);
  - 4.8 National Core Standards for Health Establishments, 2011;
  - 4.9 Not-for-Profit Organisation Act, 1997 (Act No 71 of 1997);
  - 4.10 Prevention and Combating of Corrupt Activities Act, 2004 (Act No 12 of 2004);
  - 4.11 Occupational Health and Safety Act, 1993 (Act No. 85 of 1993);

4.12 Public Finance Management Act, 1999 (Act No. 1 of 1999);

4.13 Medicine and Related Substances Act, 1965 (Act No. 101 of 1965);

4.14 Nursing Act, 2005 (Act No. 33 of 2005);

4.15 Pharmacy Act, 1974 (Act No. 53 of 1974);

4.16 Children's Act, 2005 (Act No. 38 of 2005);

4.17 Prevention and Treatment for Substance Abuse Act, 2008 (Act No. 70 of 2008);

4.18 Promotion of Access to Information Act, 2000 (Act No. 2 of 2000); and

4.19 National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977).

### **Applicability**

5. These Guidelines apply to all facilities which provide residential and day care services to five(5) or more people with mental and or intellectual disabilities.

### **Guiding Principles for licensing residential and day care facilities for people with mental and intellectual disabilities**

- 6.1 Facilities providing mental health care, treatment and rehabilitation must ensure the protection of the basic human rights of mental health care users.
- 6.2 Mental health care users must receive care, treatment and rehabilitation in environments which are safe, therapeutic and least restrictive.

- 6.3 The care, treatment and rehabilitation programmes provided in these facilities or services, must promote the physical, spiritual, emotional and social well being of mental health care users.
- 6.4 A multi-disciplinary approach to culturally sensitive and evidence based psycho-social rehabilitation programmes will be followed in these facilities.
- 6.5 There must be collaboration with stakeholders that have a role in the provision of community-based mental health services including the non- governmental organization, Departments of Labour, Social Development, Basic Education, Human Settlements and Local Government.
- 6.6 Services must aim at improving social competence by enhancing individuals' social skills, psychological and occupational functioning.
- 6.7 Programmes and facilities for community care, treatment and rehabilitation of people with mental health problems must be culture sensitive and evidence-based.
- 6.8 The programmes for all people with disabilities including mental disabilities must be people-driven.
- 6.9 Services can be provided in the form of day and residential care centres for persons with severe mental illnesses who have been discharged from hospitals.
- 6.10 The environment where residential and day care services are provided will be accessible and easily understood by mental health care users and should comply with basic health and safety regulations.
- 6.11 All organisations who provide residential and day care services to mental health care users should be accountable for the delivery of appropriate, effective and efficient interventions.
- 6.12 All services provided by these facilities will be appropriate and relevant to mental health care users, their families and the community.

- 6.13 Residential and day care services will be offered in the context of the community environment and will provide capacity building and support to communities.
- 6.14 Residential and day care services will offer a wide range of services and programmes that are specific to each users' developmental and therapeutic needs.
- 6.15 Residential and day care services should be holistic, intersectoral and delivered or supported by a multi-disciplinary team, where possible.
- 6.16 Residential day care facilities will meet all infrastructure requirements as set by the South African Bureau Standards, municipal by-laws and other relevant legislation (eg. IUSS facility guide, accessibility requirements, etc).

### **Licensing of a residential or day care service/facility**

#### **Licensing**

- 7.1.1 The organs of State, health establishments, non-profit organisations, volunteer or consumer groups, profit making organisations, individuals registered with a relevant health or social service statutory council or registered training institutions may be licensed to provide for programmes and facilities for community care, treatment and rehabilitation.
- 7.1.2 Any service which is not a designated psychiatric hospital or care and rehabilitation centre, but which provides residential or day-care facilities for 5 people or more with mental disorders must -
- (a) obtain a licence from the provincial department of health to operate, and;
  - (b) be subjected to an annual audit by designated officials of the provincial department of health.

#### **Type of services to be licensed**

- 7.2 License may be issued for:-
- 7.2.1 medical care;
  - 7.2.2 residential community accommodation;
  - 7.2.3 day care centres;
  - 7.2.4 counselling;

- 7.2.5 support or therapeutic groups;
- 7.2.6 psychotherapy;
- 7.2.7 vocational rehabilitation programmes;
- 7.2.8 psychosocial rehabilitation programmes; and
- 7.2.9 any other service, which would assist the recovery of the person to optimal functioning.

### **Mental Health Care Users**

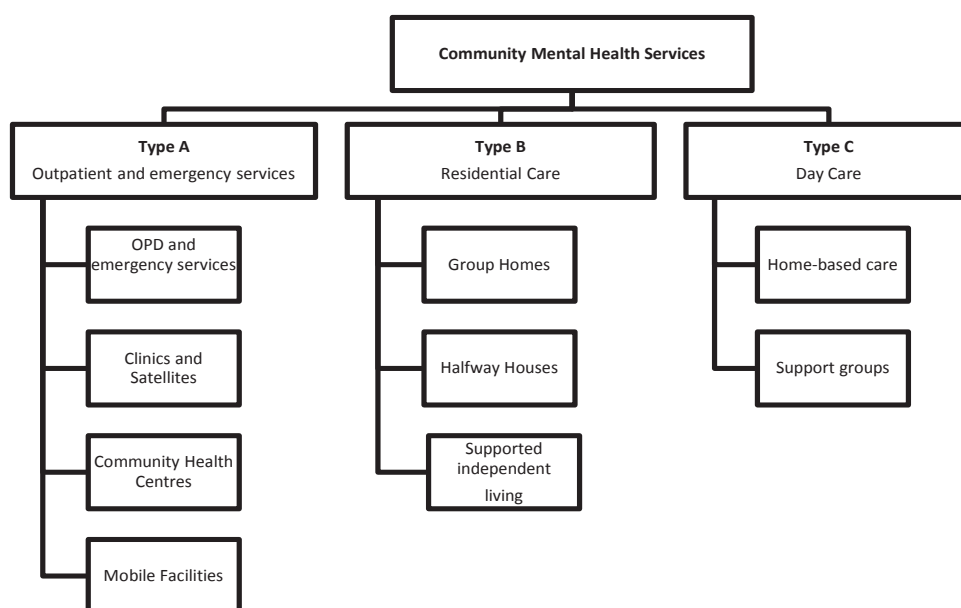
- 7.3 Licenses can be issued for providing residential and day care services to the following mental health care users:
- (a) adults with severe psychiatric disabilities; or
  - (b) children, adults or geriatrics with severe to profound intellectual disability.

### **Community mental health services**

- 8.1 Community mental health services comprise of outpatient and emergency services, residential and day care service. For the purposes of this guideline, we will focus on residential and day care services.

### **Community mental health services model**

- 8.2 The model below has been used as a framework for developing community based mental health services. Based on the level of function and care needs of mental health care users, users will be placed in facilities with the competencies to provide for their needs.



*Adapted from 'A framework for community mental health services in South Africa. Flisher, A, et al. 2003. University of Cape Town'*

## Types of community based mental health services

The norms for community based mental health services, developed by Flisher, et al. (2003) and the Primary Mental Health Care Training Manual, 2008/2009 (NDOH), defines the various community based facilities and /or services as the following:

### Residential Services

9.1 These are facilities that offer accommodation, housing or support in homes or facilities like board and care homes to mental health care users.

#### Group Home

9.2 (a) These are homes based in the community with a staff complement who provide support with semi-independent living to mentally ill adults and assist them to re-integrate into the community. Some of the homes offer vocational groups for individuals who are not able to work in a protective environment.

(b) Group homes also provide supported accommodation in a homely environment to mental health care users who cannot live independently due to their temporary/permanent mental incapacity, social integration or occupational placement challenges. It also provides the opportunity for mental health care

users who have been previously institutionalised to gradually reintegrate into community living.

### **Halfway House**

9.3 A residence for mental health care users who had either been cared for in their communities, or had been formerly institutionalised, designed to facilitate the readjustment of individuals to community life.

### **Supported Independent/assisted living**

9.4 (a) This term refers to the ongoing support in the form of individual or group supervision and instruction in basic skills of everyday living that mental health care user receive in the community. The philosophy behind Independent Living is primarily to recognize disabled people as citizens first and only then as passive receivers of healthcare, rehabilitation or social services. The removal of infrastructural, institutional and attitudinal barriers and the adoption of the Universal Design principle are the pillars on which this philosophy rests; and

(b) Supported or assisted living is a housing option to encourage the independent functioning of people with disabilities and to facilitate deinstitutionalisation. This option could be community based or attached to a residential facility.

### **Day Care Services**

9.5 (a) Day care services offers day time activities and social contact for mental health care users (individual and or groups), including treatment, rehabilitation, prevention and promotion activities.

(b) The emphasis of care is on the provision of stimulation/training and skills development programmes that are offered on a daily basis.

(c) A special day care centre is a facility for the non-residential care, education and stimulation/training of severely and profoundly intellectually disabled children under 21 years of age. A special day care centre is also for persons with psychiatric disabilities and includes people getting together on a daily basis to share a meal (usually prepared together), work together on a vegetable garden, or on various craft activities, which can also become income-generating projects.



- (d) Other day care services could include support group, home based care, sheltered employment, social/recreational clubs.

### **Support Group**

- 9.6 (a) These are groups that meet to provide regular ongoing support for mental health care users. Through these groups mental health care users are enabled to increase their functioning so that they can be successful and satisfied with living,
- (b) Support groups provides invaluable emotional, spiritual, physical and psychological support to individuals and families. Benefits include having contact with others who are experiencing similar challenges in their lives, obtaining useful information and developing different ways of dealing with the demands of mental illness.
- (c) Support groups are useful for providing information and guidance regarding illness, gaining insight into one's self, networking and to access referral systems.
- (d) The support group provides a sense of belonging and enables the expression and sharing of feelings, as well as concerns. Most importantly, it provides and encourages a sense of hope and positive living. In a follow up care, the support group may promote adherence to treatment.

### **Home-based Care**

- 9.7 Home based care refers to services offered at the homes of the mental health care users, providing psychosocial support in the areas of living, learning, socialisation and working.

### **Protective Workshops**

- 9.8 Protective workshops provides a protected environment outside of the open labour market, offering vocational services, e.g. vocational guidance, vocational training and selective placement, designed to secure and maintain suitable employment for mentally ill persons who cannot be integrated into the open labour market.

## PROCESS OF APPLICATION FOR LICENSING

### Application procedure

10.1 Any person who intend to operate a community based mental health facility must apply to the department of health in the Province on Form attached to these Guidelines.

10.2 The completed Form must be accompanied by certified copies of the following:-

- (a) Registration documents;
- (b) Zoning or re-zoning certificate issued by the municipality;
- (c) Occupancy certificate (structure) issued by the municipality;
- (d) Certificate of acceptability for food handling (issued by local municipality);
- (e) Health certificate issued by the municipality;
- (f) Constitution of the Applicant;
- (g) List of board members of the community based health facility and their designations;
- (h) Copy of Business Plan with costing for proposed activities;
- (i) Proof of ownership of property or lease agreement;
- (j) Bank Account Details and three month bank statement;
- (k) Valid tax clearance certificate;
- (l) South African Police Service clearance certificate for board members and staff;
- (m) Identity Documents;
- (n) Valid proof of registration for professionals with the relevant statutory body;
- (o) If funded by Department of Social Development, valid proof of registration; and
- (p) Facility plans (layout).

10.3 All applications must be submitted to the Provincial Mental Health Directorate.

10.4 Applications will only be considered if all documents are provided and a physical inspection of the facility has been conducted.

10.5 Applicants will be informed in writing if the application is incomplete or have insufficient information.

10.6 Applicants will be given a due date to re-submit the complete application.

10.7 Failure to meet the deadline will result in the application to be cancelled.

### **Adjudication Panel**

11.1 The Head of the Provincial Department must constitute an Adjudication panel with the necessary skills and qualifications to consider and make recommendations to the Head of Department on the application.

11.2 This panel should include, but is not limited to:

- (a) psychiatrist / psychiatric nurse.
- (b) Occupational therapist/ clinical psychologist/ social worker).
- (c) legal practitioner.
- (d) environmental health practitioner.
- (e) financial officer.
- (f) dietician/nutritionist/food service officer.
- (g) administrator.

### **Assessment of application**

12.1 The Adjudication Panel will only assess only the completed applications and make recommendation to the Head of Department for approval.

12.2 The assessment process must include the following:

- (a) review of all documents submitted and verification of authenticity.
- (b) assess business plan.
- (c) review programmes and services to be offered.
- (d) establish whether the manager has previously provided a similar service.
- (e) check the credentials of the applicant.
- (f) Assess the written submission of the facility plans.
- (g) Inspect the proposed facility's premises to verify that they conform with the

written submission and meet the legislative building and safety requirements.

- (h) Ensure appropriate approvals from other departments have been received, eg. fire approvals, environmental health, local municipality zoning and registration documents.
- (i) Assess the applicants' suitability to operate the proposed residential or day care facility and/or service.
- (j) Assess the manager's suitability or the process by which a manager will be appointed.
- (k) Assess the staff complement in relation to the number and needs of the specific user group that the applicant intends to accommodate.

### **Issuing of license**

13.1 The Head of Department may, on recommendation of the Adjudication Panel, issue or refuse to issue operating licence to a health facility.

13.2 The Head of Department must, if he or she refuses to issue the operating license to a health facility, provide reasons for the refusal and also advise the applicant of their right to appeal his or her decision to the Member of Executive Council for Health in the Province.

13.3 The license must be issued per facility with a specific physical address.

13.4 The duration of the licence must be specified on the licence and the duration should not exceed three years.

13.5 The licence issued to a facility is not transferable to other facilities including facilities within an organisation.

13.6 The number of mental health care users to be accommodated must be indicated in the license and should, under no circumstance, be exceeded.

13.7 The categories of mental health care users for example children, adults or geriatrics must be indicated.

13.8 The service requirements for the organisation must be indicated on the licence.

## **Conditional licensing**

- 14 The Head of Department may issue conditional license specifying the condition that must be complied with and the duration thereof.

## **Cancellation of license**

- 15.1 The license of a facility may be cancelled if:

- (a) the facility compromises the safety of the users , staff and public.
- (b) contravenes the relevant provincial or national policies on licensing of facilities.
- (c) the facility is not maintained in accordance with prescribed national norms and standards.
- (d) there is a breach of the conditions on which the licence or renewal was issued.
- (e) the licence holder becomes unfit as a person to operate the facility/service.

- 15.2 If the license of the facility is cancelled/revoked based on the above, the facility must cease to operate and within the time frame which will be specified by the Head of Department, to allow for the transfer of users to other facilities.

## **Appeal process after cancellation of a license**

- 16.1 Anyone whose license has been cancelled by the Head of Department may, within 10 days after the cancellation of the license, on good grounds request the Head of Department to reinstate the license.

- 16.2 The Head of Department may, on good grounds shown, reinstate the license with or without conditions.

## **Notice of enforcement**

- 17.1 The Head of Department may by way of a written notice of enforcement instruct a person operating an unlicensed residential or day care facility/service to stop operating a facility or to apply for licensing.

- 17.2 If the person or organisation decided to apply for licensing, they can be allowed to operate the facility until a final decision is made regarding the licensing application.

**Amendment of licence**

- 18.1 The operating license may be amended if:-
- (a) the conditions and clinical status of the mental health users changed after the license was granted; and
  - (b) circumstances and epidemiological conditions changed.
- 18.2 If there is a deviation from the conditions and requirements for the registration on the initial application for registration was granted, the applicant/organisation within 30 days of becoming of such a deviation, apply to the Head of Department for amendment of the license.
- 18.3 To amend a license, an applicant must follow the entire application process.

**Appeal procedure**

- 19.1 An applicant may within ten(10) days of being notified of the outcome of the application, lodge an appeal with the Member of Executive Council for Health in the Province and must include the grounds of the appeal.
- 19.2 The Member of Executive Council for Health must submit a copy thereof to the Head of Department to respond to the appeal.
- 19.3 The Head of Department must within thirty(30) days of receipt of the appeal, submit a written response to thereto to the Member of Executive Council for Health.
- 19.4 The Member of Executive Council for Health may appoint persons who are not employees in the Department or members to advise him or her on the appeal.
- 19.5 The Member of Executive Council for Health may uphold or dismiss an appeal and may in the event that the appeal is upheld, replace the decision of the Head of Department with any decision he or she deems fit.
- 19.6 An appeal must be adjudicated by the Member of Executive Council for Health within sixty (60) days of the receipt of the HOD's response.

- 19.7 The Member of Executive Council for Health must communicate the decision on the appeal in writing to the appellant within 60 days

### **Renewal of license**

- 20.1 The license is valid for a period specified on it but the period may not exceed three years.
- 20.2 The application for renewal of license must be submitted three months before its expiry period as indicated on the license.
- 20.3 The license may be renewed only on condition that all requirements are met.
- 20.4 Renewals are only to be considered upon the availability of all audit reports and compliance to recommendations

### **Compliance and monitoring**

- 21.1 Mental health teams in the districts shall conduct quarterly inspections of facilities to monitor compliance to prescripts.
- 21.2 The Provincial government will conduct annual audits of these facilities.
- 21.3 All inspection teams to comprise of psychiatric nurse, occupational therapist, social worker, dietician, environmental health practitioner and other relevant officials, as required.
- 21.4 Reports on facilities must be accompanied by quality improvement plans.
- 21.5 Renewals are only to be considered upon the availability of all audit reports and compliance to recommendations.



**NORMS AND STANDARDS (Please see Annexure B)****Infrastructure Norms**

- 22.1 All facilities must comply with national, provincial and municipal norms relating to infrastructure.
- 22.2 All community-based mental health facilities must:
- (a) Comply with the legislative framework for such services.
  - (b) Adopt a multidisciplinary team approach and have services of health professionals with mental health expertise including nurse/s trained in mental health, psychiatrists, psychologists, occupational therapists and social workers.
  - (c) Aim at improving the quality of care for people with mental disabilities.
  - (d) All facilities must have admission criteria.

**Human resource norms**

23. Appropriate number of trained staff in relation to the services and needs of the mental health care users

**Clinical Processes and Programmes**

24. Clinical processes and programmes are implemented in accordance with clinical protocols and needs of the users.

**Administration and governance**

25. The governance and administration of the facility must comply with the prescripts and other legislative requirements.

## **Material and equipment**

26. All necessary material and equipment for the specific service is available and functional on site.

## **STANDARDS**

### **Infrastructure**

- 27.1 The building must have a ground plan that is approved by the local authority.
- 27.2 The facility must have a secure perimeter wall of brick or reinforced electrical fence for safety and security of mental health care users. The electrical lining of the fence must be used to alert the management of any activity around the perimeter and should thus be of low voltage.
- 27.3 There must be a constant supply of running water and proper sanitation that meet environmental health standard.
- 27.4 The rooms should be well ventilated with lighting fittings.
- 27.5 Areas for recreation, relaxation, visiting with families, sleeping, medical procedures, food storage and cooking must be provided for.
- 27.6 Access to the facility must be non-discriminatory and be determined by priority of need alone.
- 27.7 Structural fittings should allow for access for people with physical disabilities.
- 27.8 Exclude the possibility of users harming themselves/others or property.
- 27.9 The layout and design must allow for easy supervision and observation.
- 27.10 The layout and design should provide enough space for mobility to freely move within the facility.

27.11 The building must be maintained in a condition that fosters safety and meets all infrastructure standards.

27.12 The facility must provide for the privacy of mental health care users.

27.13 A communal dining room, with tables and chairs, which may be combined with a recreation area (if multi-purpose, there needs to be adequate space).

27.14 Outdoor recreational space must also be available.

27.15 The entire facility must be adequately secured appropriate to the environment and the clients' needs.

27.16 Electrical fittings should be safe.

27.17 Fire precautionary measures and management procedures should be in place.

27.18 Toilets, bathrooms and showers should provide privacy and safety.

27.19 All areas must be clean and well maintained at all times.

27.20 Separate accommodation must be provided for children and adults, if housed in the same facility, and provide for gender separation where appropriate.

27.21 The facility must have a functional telephone (landline or facility-based cellular phone).

### **Clinical Governance**

28.1 The facility must have a clear guideline on the referral processes to the nearest health facility.

28.2 The facility must have a written statement on clients' rights displayed in public area and provided to clients on admission.

28.3 Mental health care users who suffer from chronic diseases should be monitored regularly and lifestyle changes implemented.

28.4 Infection control measures and procedures to minimise risk to clients, staff and visitors should be implemented.

- 28.5 The facility should provide proper administration, control and storage of psychotropic drugs as provided for in the legislation.
- 28.6 Plans for care and follow-up of mental health care users must be made with health facilities.
- 28.7 Clear plans to prevent homicide and suicide through assessment, risk management and interventions.
- 28.8 The facility must have clear guidelines which must included, but is not limited to:
- (a) assessment and admission procedures.
  - (b) informed consent and access to information.
  - (c) confidentiality.
  - (d) complaints management.
  - (e) management of emergencies.
  - (f) management of adverse incidents.
- 28.9 The facility must keep and store health records of mental health care users according to applicable legislation.
- 28.10 The facility must have a policy or clear guidelines on management of death in the facility. The management must ensure that all staff members are acquainted with the policy or guidelines and its implementation.

## **Medication**

- 29.1 Mental health care users who are on psychotropic drugs and other medications for co-morbid conditions should be monitored for side-effects.
- 29.2 Only appropriately trained and licensed staff members are allowed to administer medication.
- 29.3 All medicines are stored according to package instructions in a lockable cupboard and keys are kept by a responsible person.

## **Programmes**

- 30.1 The facility should have appropriate rehabilitation, stimulation, skills development and recreational programmes for the users.
- 30.2 Programmes contemplated in 30.1 should aim at improving the physical, psychological, occupational and social functioning of mental health care users as well as user's satisfaction.
- 30.3 The programmes must provide for the users' recreational needs and relaxation.

## **HUMAN RESOURCES**

### **Staff numbers and skills mix**

- 31.1 The numbers and skill mix of staff should ensure that mental health care users are appropriately treated and cared for at all times.
- 31.2 The role and responsibilities of staff members are well-documented and staff is aware of the expectations, and are capable of executing the workload
- 31.3 All the staff members must be considerate of the users' needs and be readily accessible.
- 31.4 All professional staff must be registered with the relevant statutory bodies.
- 31.5 Staff members must annually submit the clearance certificate from the SAPS.

### **Staff training**

- 32.1 All staff members should be trained in risk management and understand when to refer clients for expert guidance in the context of multi-professional team.
- 32.2 The staff should have basic training on how to observe and manage difficult or challenging behaviour of and among mental health care users.
- 32.3 Staff members must maintain confidentiality and should receive ongoing training on importance thereof.

32.4 Staff induction and ongoing training should make reference to professional regulation and accountability.

32.5 Staff must be trained in the use of medical equipment within their scope of practice.

### **Governance**

33.1 The facility must have an accountable governance structure in place that runs the affairs of the facility. The structure is accountable to the Provincial Department of Health with oversight from the Mental Health Review Board.

33.2 Facilities must comply with general health accepted norms and standards.

33.3 The facility must have written policies and systems, which must include, but not limited to:

- (a) management of complaints and abuses.
- (b) policy on all aspects of sexual activity ( children, adults and staff).
- (c) infection control.
- (d) occupational health and safety.
- (e) quality assurance.
- (f) visitation.
- (g) access to communication within means of resources.
- (h) control of firearms, dangerous weapons and illegal substances.
- (i) medical management of chronic and acute medical and psychiatric conditions.
- (j) management of users assets.
- (k) smoking policy.
- (l) fees and tariffs policy.
- (m) management of disruptive and dangerous behaviour.
- (n) management of protective measures.
- (o) management of medicines and medical supplies.

**MONITORING**

- 34.1 The provincial health department is responsible for the implementation and monitoring of these Guidelines with oversight by the Mental Health Review Board and the National Department of Health.
- 34.2 Reports on audits and inspections conducted by the Province must be submitted to the National Department as and when required by the Director-General.
- 34.3 Inspections must be conducted in terms of the assessment tool attached hereto as Annexure D.

**REPORTING**

- 35.1 All facilities are required to provide monthly reports on operation of the facility the Provincial Department.
- 35.2 Quarterly reporting on set indicators must be submitted to the Provincial Head of Department.



## DEPARTMENT OF HOME AFFAIRS

NO. 442

19 MAY 2017



# home affairs

Department:  
Home Affairs  
**REPUBLIC OF SOUTH AFRICA**

Private Bag X114, **PRETORIA**, 0001, 230 Johannes Ramokhoase Street, Pretoria

**19 MAY 2017****DISCUSSION PAPER ON THE REPOSITIONING OF THE DEPARTMENT OF HOME AFFAIRS**

I, Hlengiwe Mkhize, Minister of Home Affairs, intend in terms of section 85 of the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996) to publish the discussion document on the repositioning of the Department of Home Affairs (DHA) for public comments.

Interested persons and organisations are invited to submit any substantiated comments or representations by no later than 30 September 2017. Submissions may be sent to the DHA on the following address:

**Mail:** The Director-General: Department of Home Affairs, Private bag X114, **Pretoria**, 0001

**Hand Deliver:** 230 Johannes Ramokhoase Street (Hallmark building), **Pretoria** CBD

For the attention: Dr John Carneson, Chief Director: Policy & Strategic Management

**Email:** [Repositioning@dha.gov.za](mailto:Repositioning@dha.gov.za)

(Please note that the email is limited to **5MB** attachments)

  
**PROF. HLENGIWE MKHIZE, MP**  
**MINISTER OF HOME AFFAIRS**



**home affairs**

Department:  
Home Affairs  
REPUBLIC OF SOUTH AFRICA

# **DISCUSSION PAPER ON THE REPOSITIONING OF THE DEPARTMENT OF HOME AFFAIRS**

## **19 MAY 2017**

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**ACRONYMS**

<b>APP</b>	Advance Passenger Processing
<b>ALO</b>	Airline Liaison Officer
<b>BMA</b>	Border Management Authority
<b>COGTA</b>	Cooperative Governance and Traditional Affairs
<b>CS</b>	Correctional Services
<b>DDG</b>	Deputy Director General
<b>DHA</b>	Department of Home Affairs
<b>DIRCO</b>	Department of International Relations and Cooperation
<b>eMCS</b>	Enhanced Movement Control System
<b>FICA</b>	Financial Intelligence Centre Act
<b>GCIS</b>	Government Communication and Information system
<b>GPW</b>	Government Printing Works
<b>IT</b>	Information Technology
<b>JCPS</b>	Justice, Crime, Prevention and Security
<b>MCS</b>	Movement Control System
<b>MISS</b>	Minimum Information Security Standard
<b>NDP</b>	National Development Plan
<b>NIS</b>	National Identity System
<b>NPR</b>	National Population Register
<b>POPI</b>	Protection of Private Information
<b>RICA</b>	Regulation of Interception of Communications and Provision of Communication-Related Information Act
<b>RSA</b>	Republic of South Africa
<b>SADC</b>	South African Development Community
<b>SANDF</b>	South African National Defence Force
<b>SAPS</b>	South African Police Service
<b>SARS</b>	South African Revenue Service
<b>SITA</b>	State Information Technology Agency
<b>SSA</b>	State Security Agency
<b>UK</b>	United Kingdom

## FOREWORD BY MINISTER

All South African citizens are dependent on the Department of Home Affairs (DHA) because of its sole mandate to secure and manage official identity and status. The DHA affirms our unique identity and our nationality; enables access to rights and services; and ensures that we can travel to other countries. These are rights that are precious to any citizen of a sovereign state, and especially so in our young democracy. Citizens of other states who want to visit or stay in South Africa are dependent on the DHA as it has the sole mandate to manage international migration. This includes, among other functions, authorising the exit and entry of all people through ports of entry.

As outlined in Chapter One, over the past ten years the DHA has gone through a robust transformation process, which included re-thinking its mandate and the critical role it must play in building a capable state. The mandate of the department is now clearly understood as the use of its identity and migration functions to empower citizens; to enable economic development and efficient government; and to secure our country. Our vision is of a department staffed by committed professionals who secure and manage trusted digital systems that enable every person access to efficient services and relevant information. This will make a decisive contribution to creating an environment supportive of radical economic transformation through inclusive development.

As set out in Chapter Two, the DHA requires anchor legislation that defines its mandate and role in a democratic, sovereign state that must confront deeply rooted challenges of social justice, economic development and efficient government. The public and stakeholders have until 30 September 2017 to comment on the initiatives, policies and strategies discussed in this document. This will inform the drafting of a White Paper that will be the policy basis for all future DHA legislation.

Chapter Three explains why the DHA must be positioned within the security system of the state. Firstly, the management of identity and international migration are crucial elements of national security in any state, particularly in a complex, dynamic world. Secondly, the data and systems of the department must be protected as they are essential for the effective and secure functioning of all sectors of society, public and private. If ID numbers cannot be trusted then all your accounts, qualifications, licences and contracts will be compromised. Thirdly, the DHA is the guardian of data that, if accurate, could greatly improve the effectiveness of planning by government and business. However, as currently positioned, the DHA does not have the capacity, systems, legislation or level of security required to enforce compliance and to secure its systems and its data sufficiently.

How the future DHA will operate, be organised and obtain sufficient funding is discussed in Chapters Four, Five and Six respectively. The DHA is building a trusted National Identity System, linked to an immigration system, which all people and institutions will interface with through multiple channels. The DHA aims to be the backbone of a digital economy and the nerve centre of a national security system that protects us all. Achieving this vision will require staff armed with appropriate skills and values; and developing partnerships across the state and across all social and economic sectors.

Repositioning the DHA as a modern, secure department will provide our nation with a powerful tool for rapid economic and social transformation, both in South Africa and in the region. Achieving this vision should be embraced by all citizens and residents as a critical and exciting national project that will improve all our lives.

# 1 OVERVIEW AND PROBLEM STATEMENT

## 1.1 The critical importance of identity and international migration

There is nothing more personal or important to Busi Dlamini than her name. Yet when she wrote her name on a piece of paper and tried to use it to access her account at a bank, she was turned away.

Tom Grootboom was offered a scholarship to study in London. He used his birth certificate to obtain an ID from the Department of Home Affairs (DHA) and later used the ID to obtain a passport.

These two stories tell us that identity is not just a personal matter. In pre-industrial societies people lived in small, stable communities where your identity is constantly affirmed by those you grew up with. The world today is divided into over 200 states<sup>1</sup> and each one of them has a department responsible for keeping a register of citizens and affirming their identity. Without that function, they could not issue a passport that would be accepted by any other state. Nor could they efficiently collect taxes, deliver services or hold elections. People whose identity and civil status is unknown are most often the poor and marginalised. They will have very restricted access to rights and services.

The Constitution of the Republic of South Africa (Act No. 108 of 1996) states that:

- South Africa is one, sovereign, democratic state (1)
- There is a common South African citizenship (3.1)
- Every child has a right to a name and a nationality from birth (28.1.a)

From this, we can infer that every South African has a right to an official identity and citizenship, and that this identity and status has value because it is guaranteed by a sovereign state. The Vision Statement of the DHA reflects its importance as the guardian of all the identities of the citizens who collectively form our nation: *'A safe, secure South Africa where all of its people are proud of, and value, their identity and citizenship.'*

The relationship between your identity and your personal safety and security is clear. If your identity is compromised, you are immediately put at risk and will not be able to access most of the rights and services you take for granted. Your expectation is that this will not happen because the DHA has put systems in place to protect your identity. The expectation of the state and other citizens is that you will take care of your documents and report any identity theft or fraud.

The management of identity is just as important for national security. This can be understood as the securing of our country against threats to its people, systems, institutions and capacity to provide for the nation. False identities are used by criminals and terrorists who not only harm individuals, but also the economy and job creation.

The civil registration function of the DHA involves the recording of any birth that takes place on our territory, the affirming of the nationality of the child, and changes in status such as marriage or death. These are mandatory functions and by law all people in South Africa must comply with regulations such as registering all births within 30 days. However, as it is currently positioned, the DHA does not have sufficient capacity to enforce these laws or protect its systems. The capacity of the state to protect and manage identity is thus weakened. Amongst other consequences, this creates security risks, resulting in higher levels of fraud and statistics that are less reliable.

The management of international migration is the second core function of the DHA. The challenges and policy issues are addressed systematically in the White Paper (2017) on International Migration<sup>2</sup>. The first key policy message in the White Paper is that international migration is essential for South Africa to thrive and grow. This applies to our citizens leaving the country and returning, as well as to the entry and exit of foreign nationals.

The second key message in the White Paper is that international migration must be managed securely and strategically in support of social, economic and cultural development. The only way to manage immigration securely is by assessing

<sup>1</sup> 194 states are members of the United Nations. Others are not members or their status is disputed.

<sup>2</sup> The White Paper is approved and will be published in 2017. The Green Paper is on the DHA website on the link: [http://www.dha.gov.za/files/GreenPaper\\_on\\_InternationalMigration-%2022062016.pdf](http://www.dha.gov.za/files/GreenPaper_on_InternationalMigration-%2022062016.pdf).

risk, and that is largely dependent on knowing the identity of all migrants. Without a reliable national identity system that incorporates a National Population Register, the capacity of a state to manage international migration is compromised.

In the sections that follow, the historical roots of the problems confronting the DHA are exposed. An account is then given of the programmes that have been initiated in response to these problems; the successes that have been achieved; and the constraints that are blocking further progress.

The journey that is described shows that much progress has been made. In 2007, the average time from application to delivery of an unsecure green ID book was about 140 days with no reliable service standards. From 2009 over 90% of green IDs books were delivered within 45 days; and currently the Smart ID Card, which has won an international award for security, is typically delivered within a week and can be applied for online. From 2010, when the DHA played a vital part in delivering a secure FIFA world cup, the DHA has worked closely with the Justice, Crime Prevention and Security clusters of department (JCPS) and has demonstrated its value as an essential part of the security system of the state. A repositioned DHA will be able to complete its transformation journey and contribute decisively to achieving national development goals and to the nation feeling safe and being safe.

## 1.2 The situation under colonialism and apartheid: 1910 - 1993

When the first government of South Africa established the Department of the Interior in 1910, the real power lay in London. The Secretary for Home Affairs in London was responsible for national security and was in charge of the police, domestic intelligence, prisons, civil registration, immigration and the public service. As a Crown Colony, the primary purpose of the union government was to suppress the rights of the majority based on racial classification, and extract maximum value from the migrant labour system, which stretched across southern Africa. A Department of the Interior was established as a colonial administrative department rather than an essential function of the state.

The primary purpose of the Department of the Interior was to perform general administrative services for the colony, such as official printing, the registration of newspapers, public holidays, elections, statistics and the management of asylums and scientific centres. The continuity of these functions is illustrated by the fact that official printing, elections and public holidays still fall under the Minister of Home Affairs. Newspaper registration became the Censorship Board under apartheid and after 1994, was transformed into the Film and Publications Board that until recently also fell under the Home Affairs Minister. This continuity shows how the apartheid regime adapted British colonial systems to service and strengthen the white minority, extend the system of racial and ethnic oppression and manage the migrant labour system.

It is important to understand what kind of administrative machinery the first democratic government of South Africa inherited in 1994. The Department of Home Affairs (DHA) under apartheid provided fewer than five million South Africans classified as white or European with the level of service received by citizens of a middle-income country. Approximately 33 million South Africans classified as coloured, Indian and African were subjected to an extreme form of colonialism known as apartheid, with laws and systems used to deny them citizenship and basic rights. Much of apartheid was based on Dutch and British colonial systems and laws. One law was the Masters and Servants Act, which protected employers while disregarding workers' rights and required absolute loyalty and obedience.<sup>3</sup>

Civil registration for South Africans classified as Indian, Coloured and <sup>4</sup>African was administered by eight separate departments, with Africans further divided according to ethnicity. Birth registration for Africans was not compulsory and in general, people in this racial group were considered units of cheap labour to be absorbed into a migrant labour system that stretched across southern Africa. The four supposedly independent "TVBC"<sup>5</sup> states were only recognised by the apartheid government so they could only issue passport for use by so-called white South Africa. The "white" Department of Home Affairs, working closely with the government's security structures, thus issued international passports and regulated immigration to strengthen the population designated white and to deny passports and visas to opponents of the regime.

While from 1986, it was no longer compulsory in South Africa for Africans to carry passes, but the laws were not immediately repealed and the "homeland" system was strengthened. A mass of racially and ethnically based regulations and systems continued to perpetuate white rule and deny the majority of South Africans their basic human rights. The Home Affairs department that served those classified as white had a central computerised population register that continued to reflect

<sup>3</sup> The law was last used in the 1970s in a labour dispute. It then became part of other apartheid legislation.

<sup>4</sup> The apartheid state used the terms Native, non-European and Bantu to deny Africans their dignity.

<sup>5</sup> Transkei, Bophuthatswana, Venda and Ciskei. Another six states were "self-governing".



the system of racial classification. Departments for people classified as “bantú”<sup>6</sup>, coloured and Indian used paper-based systems and local registers that were administered in ways that were notoriously complicated, callous, arbitrary and corrupt.

### 1.3 The development trajectory of Home Affairs: 1994–2017

In 1994, with the birth of a democratic South Africa, the priority was to deracialise the laws, unify the eight apartheid departments that had previously carried out civil registration and build the first truly National Population Register (NPR). Officials worked around the clock to create the first register of citizens. The first non-racial voters’ role was based on this register and the country’s first democratic election was held on 27 April 1994.

Over the next ten years, the priority was to provide the Home Affairs services previously reserved for 4.5 million citizens previously classified as white to all South African citizens. By the year 2000, the DHA had 170 regional and district offices, and a presence at 58 ports of entry, seven international airports and 56 consulates abroad. A major achievement was the building of a national system connecting the offices of the DHA to the National Population Register. However, given the deliberate underdevelopment of large areas of South Africa under apartheid, many rural and urban communities remained without Home Affairs offices. In 2005, the DHA launched its first fleet of 67 mobile offices<sup>7</sup> with satellite links that could visit such communities on a weekly or monthly basis.

By 2006, the poor quality of services and high levels of corruption at the DHA were having a negative impact on the lives of citizens, and in particular the poor. Identity documents (IDs) were necessary to access services – from renewing a licence, to getting married or opening an account. Yet the average turnaround time was 140 days, with many applications taking even longer. Passports could take three months or longer to be delivered. South African identity and travel documents were increasingly regarded as a risk internationally because identity and citizenship documents could easily be acquired fraudulently.

#### Strategic responses to the challenges: 2006–2017

The first response of the Minister of Home Affairs, with the support of Cabinet, was to request the intervention of a team drawn from the Public Service Commission, the National Treasury and the Department of Public Service and Administration (the Support Intervention Team). The team’s summary report, presented to Parliament in early 2007, called for the Home Affairs department to take drastic action to address deep-seated problems of leadership, management, systems, technology, organisation and corruption.

#### 1.3.0.1 The Turnaround Programme: 2007–2009

The second strategic initiative, in response to the Support Intervention Team’s report, was to launch a large-scale Turnaround Programme in 2007 with four major goals: improve management, change staff culture to a client-centred approach, transform key business processes, and gain public trust and confidence by delivering key services consistently.

By the end of 2009, all four goals had been achieved to a significant degree, with most IDs delivered consistently within 45 days and passports within a six weeks of an applications being received. Security, efficiency and the client experience were improved through operations management, combined with staff training, the use of technology and the upgrading of offices. Surveys commissioned by the Government Communication and Information System (GCIS) and by the DHA have indicated that the improvement in services was most appreciated by the poor and marginalised. They often do not have money for public transport or child minders and cannot afford to leave scarce employment.

The use of SMS notifications and establishing a call centre reduced queues, as 40% of visitors to DHA offices had been going to make enquiries. At a macro level, this meant millions of saved hours, which people could use more productively. The Turnaround Programme also impacted the organisation, with improved management, structures and administration. Skills such as project management, operations management and business process development were transferred from the consultants to a number of officials.

<sup>6</sup> A racially loaded term for Africans that replaced the use of “natives” in apartheid laws and institutions.

<sup>7</sup> In 2007, additional mobile offices were procured, bringing the current total to 117.

### 1.3.0.2 The 2010 Soccer World Cup and National Population Registration campaign

In 2010, two strategic initiatives were launched that in different ways built on the Turnaround Programme and took the transformation of the DHA to another level. The first initiative was the active participation and leadership shown by the DHA in meeting certain FIFA World Cup guarantees. The development and implementation of an enhanced movement control system (eMCS) was the most critical. This was achieved through a team led by the DHA that included the South African Revenue Service and other departments.

Another important outcome of meeting 2010 World Cup guarantees was better integration with the Justice, Crime Prevention and Security (JCPS) cluster of departments. A third outcome were the steps taken to actively manage migration risks away from the borders of the Republic of South Africa (RSA). In 2009, an Advance Passenger Processing (APP) system was put in place to obtain information from airlines on passengers before they board a plane to the RSA. For the period of the World Cup in 2010, airline liaison officers (ALOs) were stationed in strategic airports abroad and they proved effective in screening travellers for risks. The use of ALOs was later discontinued due to budget constraints but the APP was retained and its use by airlines flying into the RSA has been made compulsory in the Immigration Amendment Act of 2011. The approach and systems introduced over this period have since helped to make South Africa a premier venue for international events, thus creating jobs, bringing in foreign currency and boosting tourism.

The second strategic initiative in 2010 was the National Population Registration campaign launched by the President with three main objectives: firstly, to ensure that all births are registered within 30 days as required by law, as early birth registration is the only way to ensure the integrity of a population register; secondly, to register the birth of citizens who had remained invisible in terms of the NPR so they can access rights and services; and thirdly, to ensure all 16-year-olds apply for IDs so their biometrics can be captured and their identity protected.

The NPR campaign had a large impact on several levels. While the campaign is ongoing, in the first two years the identity and citizenship of over a million people across all age groups were confirmed when their births were recorded. These people could finally access certain services and rights, including the right to vote, and more accurate statistics were available to the government for planning for the population's needs.

At a policy level, the NPR campaign resulted in an important shift in understanding the mandate of the DHA from primarily being the provider of services to primarily being the guardian of a secure National Population Register and the identities and status of citizens.

At the level of the organisation and its position within the state and civil society<sup>8</sup>, the NPR campaign brought about another important shift. A larger number of DHA officials were mobilised and the campaign was taken to every community in every municipality. Since late registration of birth was often fraudulent, the NPR campaign aimed to put an end to this process, and several hundred local committees were established to verify the identity of people in such cases. Stakeholder forums were set up under municipal structures with the participation of local organisations and departments, such as Health, Education and Social Development. Unlike the Turnaround Programme, there were no consultants involved and the staff who had gained skills could extend them, with some being promoted into more senior positions.

### 1.3.0.3 The Modernisation Programme: from 2012

The goal of the Modernisation Programme (or Modernisation) is to build a Home Affairs that has completely replaced its legacy systems with an automated, secure environment managed strategically and securely by professionals. The operating model will incorporate an integrated digital platform that has at its heart a National Identity System (NIS) linked to the Movement Control System (MCS) and other immigration systems.

The current systems are not integrated and many processes are partly paper-based. Only citizens, permanent residents and refugees are registered on the National Population Register (NPR). Changes to identity and status that are made in the immigration system should automatically reflect in the NPR and vice versa, but currently this happens through lengthy manually controlled processes that are not reliable or secure. The NPR was designed in the 1980s and a typical problem is that separate searches have to be conducted for records of males and females. Biometric and biographical data are stored on a mixture of paper and digital records that are not sufficiently reliable.

<sup>8</sup> Civil society can be defined as consisting of all those who have a claim on the state.

The new National Identity System (NIS) will store the official identity, and civil and immigration status of every person who is a citizen (wherever they reside), who is on our territory, who is processed at a port of entry or who applies to enter South Africa. Biometric data will be used to secure and affirm identity, together with biographical data and records of official transactions. The primary objective is to know the identity, and civil and immigration status of all citizens and people on our territory with a high degree of accuracy and completeness. All other systems within the DHA, as well as many systems across government and society, will depend on the integrity of this data to confirm identity through interfaces with the NIS.

The Modernisation Programme consists of multiple projects: short-, medium- and long-term. In 2017, there will be at least 16 projects underway. Elements that are being rolled out include the Smart ID Card, fully digital ID and passport processes, online applications and a partnership with banks, capture of biometrics at ports of entry, an automated system for asylum seekers to make appointments, and upgrades to the movement control and biometric systems.

#### 1.3.0.4 The Moetapele Programme: from 2015

In Tswana, *moetapele* means a leader. In parallel to the Modernisation Programme, the Moetapele Programme was launched in May 2015 to challenge DHA officials to initiate improvements in managing processes and in service delivery. Through improving the lives of clients, they must demonstrate that they embody the values of the department by being:

- People-centred and caring
- Patriotic
- Professional, with integrity
- Corruption-free and ethical
- Efficient and innovative.

Managers in approximately 400 frontline offices of the DHA were the first group to receive training on the use of tools such as operations management and the quality management of areas like client information and signage, client flow, business processes and management practices.

Of these approximately 400 frontline offices, by March 2017, a total of 179 have fully digital processes for applying for and receiving IDs and passports. Thirty-eight digitised offices have managers and staff who have been equipped with new skills and tools, and the training is being extended to other offices. The overall goal of the programme is to provide clients with an excellent service experience. Strategic objectives include building a cadre of leaders and managers that is client-centred and professional, and establishing and maintaining consistent quality standards.

#### 1.3.1.5 The Repositioning Programme: from 2015

By 2015 it was clear that the DHA might improve services incrementally, but as currently positioned it would not be able to deliver against its constitutional mandate effectively, or complete, protect or maintain the systems it is building.

Repositioning the department requires founding legislation that defines and protects the DHA's mandate, as well as much higher levels of security, a fully functioning digital platform, adequate funding and officials with appropriate skills. The term repositioning was used because the mandate of the department would not change although it was evident that, for historical reasons, it is widely misunderstood by South Africans. In particular, the importance of the functions of the DHA as a key element of economic development and national security is not sufficiently understood.

After initial research conducted in 2015, a report was given to Cabinet that outlined the problem and put forward a proposal for a Business Case to be developed. This was approved in March 2015 and a project was initiated to implement the decision. An immediate measure agreed on was that the DHA would be formally integrated into the Justice, Crime Prevention and Security (JCPS) cluster. Given the nature of its mandate and functions, the DHA had already been an active participant in the JCPS structures and programmes for more than a decade.

On 2<sup>st</sup> March 2017, Cabinet made the following announcement:

On 1st March 17 Cabinet approved the proposed measures set out in the Business Case to reposition the Department of Home Affairs. The Department must be positioned within the security system of the state so that it contributes to national security and is able to protect its people, systems and data. This will better enable the department to deliver against its full mandate as a critical enabler of inclusive economic development, national security, effective service delivery and efficient administration.

The full implementation of the repositioning of the DHA will require the coordination and completion of the strategic initiatives outlined in this chapter. This should be considered by all sectors of society as a national programme to build a strategic resource for the development and security of the nation.

## 1.4 The problem statement and the challenge

### The problem

- Despite improvements made through transformation programmes, the DHA remains constrained by a legacy of legislation, funding, security, systems and capacity that is not aligned with the needs of a sovereign, democratic state.
- As currently positioned the DHA cannot deliver against its full mandate as a critical enabler of inclusive development, national security, effective service delivery and efficient administration.

### The challenge

- To deliver against its full mandate, the DHA must be repositioned through:
  - Founding legislation, that defines the mandate and purpose of the department.
  - Modernising all of its systems and processes
  - Appropriate operating, organisational and funding models
  - Securing the department and locating it within the security system of the state.

The Repositioning Programme was initiated to respond to the challenge outlined above. In each of the chapters that follow, a specific area of repositioning is addressed. The main challenge in that area is identified; a situation analysis is provided; and a way forward is indicated. The public and stakeholders are invited to make substantiated comments on any aspect of the Discussion Paper. All inputs will be considered when drafting the White Paper, which once approved by Cabinet will provide a policy platform for future DHA legislation and a framework to guide strategy and operations.

## 2.1 Situational analysis

### The policy challenge

- The Department of Home Affairs (DHA) cannot deliver against its full mandate, which is to manage identity and international migration effectively to empower citizens and to be a critical enabler of economic development, national security and efficient government.
- The reason for this is that the DHA is functioning with a legacy of staffing, security, systems and funding that is not aligned with its mandate in a sovereign, democratic state.
- **A policy framework is needed that provides a clear understanding of the mandate and importance of the DHA and guides the drafting of enabling legislation.**

## 2.2 Background

The DHA was not established through an act of parliament, and it does have an overall policy framework set out in a White Paper and enabled by a Home Affairs Act, such as the Correctional Services Act, 1998 (Act No. 111 of 1998). Only one of the Acts it administers had a White Paper that provides an extensive policy framework – the 1999 White Paper on International Migration that has been replaced by the 2017 White Paper<sup>9</sup>. This lack of attention to policy is further evidence that the DHA has been positioned on the periphery of the state, as a routine administrative department that is not strategic.

One consequence of this situation is that the full mandate and importance of the DHA is not generally understood and agreed on. The specific gaps in policy and legislation have also had a negative impact on the country and on people's lives. With regard to immigration, after the 2008 attacks on foreign nationals and South African migrants, Cabinet responded with the decision that a complete review of immigration policy was needed. A policy Directorate was established and after an extensive process of research, as well as internal and external consultation, a new Green Paper on International Migration was published in June 2016 and a new White Paper will be published in 2017.

Regarding civil registration, as detailed in Chapter One, from 2010 a large effort has been made to establish a credible National Population Register. The DHA arrived at a clear understanding that its most critical mandate was to be the guardian of the unique identities and civil status of the citizens who constitute the nation. This led to the reformulation of its vision as: *"A safe, secure South Africa where all of its people are proud of, and value, their identity and citizenship."*

To achieve this vision, the DHA initiated the transformation projects that are outlined in Chapter One. There are five underlying principles that were used to define the mandate of the DHA. These principles evolved during a process of reflection, experience, research and engagement, which included national and international partners.

- A. Identity and migration are fundamental aspects of human society and history.** Neither the state nor society in general can function if individual identities are not known – and not only because they are the basis of all contracts and many critical systems. The need to migrate is equally fundamental. All societies have been formed by people who have moved to find security and resources. Movement of people and the related flow of ideas, technology and other elements of culture, have been and still are essential to human development.
- B. The DHA is responsible for functions that support core constitutional principles.** Only Home Affairs has the legal authority to affirm a citizen's official identity and status, and to allow anyone to enter or leave South

<sup>9</sup> The 2017 White Paper on International Migration has been approved and is being prepared for publication.

Africa. The management of identity, the affirmation of citizenship and international migration are connected to the founding provisions that underpin the Constitution. Therefore, identity must be managed within the framework of the Constitution, and the human rights of both citizens and other nationals must be respected and protected (sections 10, 14 and 28 of the Constitution). If there is no nation, populated by citizens as defined by law, then logically there can be no sovereign state. If South Africa loses its sovereignty, then everything else is lost, since decisions will be made elsewhere, as in the colonial era. Democracy is a form of contract between government and the governed that depends on the identity and citizenship of voters being verified.

- C. The DHA is a key element of national security, and must be located and protected within the security system of the state.** All people within the borders of our republic have a basic human right to safety and security. As the custodian of identity and manager of international migration, the DHA plays a critical role in the national security system. The departments designated as security services in the Constitution must work closely with the DHA or they cannot protect the integrity of our state or society. The justice system, the police, army and intelligence depend on the systems of the DHA, as do agencies such as the South African Revenue Service (SARS) and financial regulatory bodies. The security of the systems of all organs of state, as well as trade unions, churches and banks depend on the integrity of the NPR. If your identity is stolen, then your finances and many other aspects of your life are immediately put at risk. You will be denied access to many rights and services until the DHA is able to affirm your identity.

The DHA needs to operate in a highly secure environment because its data and systems are crucial national assets, provided they are secure. The same data and systems are under constant threat because of high value to criminals, terrorists and other states. The security of the systems of the DHA must be the responsibility of the whole of government and of all citizens.

- D. The DHA is a critical enabler of empowered citizens, economic development and a capable state.** Citizens are empowered by access to rights, services and information. Economies develop because businesses of all kinds are enabled by a capable state that creates and sustains an appropriate environment. The active involvement of all citizens in a radically restructured economy is a policy imperative in South Africa for economic, social and political reasons. A repositioned DHA can use the same modern identity and international migration systems to enable and integrate both outcomes. In a globalised, digital economy, this will become a strategic imperative for all countries. The state must be able to respond to a rapid industrial revolution with digital platforms such as Uber and Airbnb disrupting whole industries. A secure identity system could provide a digital platform that enables the state and private sectors to modernise and enables the creation of millions of connected small businesses.

There are other strategic reasons why South Africa urgently needs to build a more capable state. Development requires stability and security; it must be noted that the impact of global warming on the environments human security is contributing to wars and mass migration. The future of South Africa depends on every state in the region building the capabilities required for cooperation and integration. A repositioned DHA can play a key role in this process.

- E. The DHA as an organisation must have the capabilities required to enforce mandatory legislation; secure and manage its systems; and be strategic, professional and committed to service.** Given the nature of its functions, policy imperatives and operating environment, the DHA requires world-class systems and a professional staff that is security-conscious, patriotic and committed to humbly improving the lives of all the people it serves. The operating environment of the DHA includes four major aspects: the internal environment (the back office), where the data systems and specialist units reside; the interface with the public (the front office), with multiple channels and professional support provided; the developmental and commercial environment, where the interface is with institutions and sectors, including international; and the security environment, where risks and threats are managed. All units and individuals must have a common departmental identity, share the same values and meet common standards.

The capacity of the DHA cannot be viewed separately from government and national capacity, strategies and programmes. No single department or cluster of departments has the capacity to protect South Africa from cyber threats, or roll out a digital strategy. Only an integrated state with strong partnerships can be a capable state.



## 2.3 Possible implications of the policy framework for legislation

Anchor legislation based on a White Paper for Repositioning the Department of Home Affairs will be required. The DHA ACT<sup>10</sup> will, among other matters, set out the mandate and purpose of the DHA; define its conditions of service; and specify the mandatory powers and obligations of the DHA, other departments, non-government institutions and the public. The role of the DHA, in being the sole custodian of official identity and civil status, must be strengthened. The only legally recognised procedure to be used in official transactions must be affirming of identity and civil status by the DHA using the Smart ID Card or approved digital systems.

Operational needs and positioning the DHA within the security system of the state may require the “DHA ACT” to specify how the DHA should relate to departments on which the DHA currently depends. Examples are the Public Service Act, under which all DHA officials currently fall; the State Information Technology Agency (SITA), through which the DHA is obliged to procure network services, and the role played by the Department of Public Works in providing accommodation.

The fully inclusive National Identity System (NIS) will be at the centre of a digital platform that will interface with all sectors of the state and the economy. The DHA ACT will have to specify how the NIS will relate to existing policy frameworks and legislation administered by other departments. This will certainly apply to the Cybercrimes and Cybersecurity Bill that is currently being processed through Parliament, and the Protection of Personal Information Act (POPI, 2013). It may also apply to many departments that regulate services provided to the public. The underlying principle is that the legislation must seek to protect and empower citizens through improving access to rights, efficient services and information, including their right to dignity and privacy.

It is unlikely that the National Treasury will be able to provide the repositioned DHA with a sufficient increase in funding. However, the value of the digital data and systems of a repositioned DHA will be immense, without compromising the right of citizens to privacy. The principle of a department not making a profit from providing a public service must also be observed. However, the cost of maintaining a modern DHA will be large and it will be necessary to cross-subsidise those who have least resources by offering specialist and premier services to the commercial sector and other parties that can afford them. Also, a mechanism will be needed for recovering costs from government departments who use dedicated interfaces with DHA systems. The DHA ACT might have to make provision for these factors in terms of intellectual property, good governance and other considerations.

As the DHA ACT will be designed to frame and guide future legislation, sufficient provision should be made for structural changes, such as establishing advisory bodies and entities that will require their own Acts. In the short- to medium-term, no such development is envisaged, besides founding a college that can provide the kind of training that will be required by the Act under conditions of service. Nobody can foresee the results of the ongoing technology-driven industrial revolution, but the DHA will have pivotal role to play in a digital economy.

<sup>10</sup> This may not be the official name of the Act; and it is used here for convenience.



### 3 SECURITY

#### 3.1 Situational analysis

##### The security challenge

- If the DHA is not placed in a position to secure itself fully, including its data and systems, the security of all other institutions and every person in South Africa are at risk of being compromised.
- A secure DHA will be a critical enabler of a developmental state and will play a key role in ensuring the safety of people and the integrity of all institutions, public or private.
- **As currently funded, operated and organised, and with outdated systems that are not integrated, the DHA cannot be secured and it cannot be effective as a key element of national security.**

#### 3.2 The centrality of the DHA regarding national security

National security can be defined as the capability of a state to defend and provide for the nation and protect its sovereignty and the integrity of its social, economic and political institutions. The Constitution of the Republic of South Africa 198(a) states: *“National security must reflect the resolve of South Africans, as individuals and as a nation, to live as equals, to live in peace and harmony, to be free from fear and want and to seek a better life.”*

The above principle points to broader aspects of national security, such as combatting crime, ensuring water and food security, and having the capacity to respond to disasters and emergencies. It also relates to the relationship between safety, security and development, which is a key element of the National Development Plan

The need for national and individual security is the highest priority for South Africa, alongside restructuring the economy and the eradication of poverty and inequality. As indicated in the National Development Plan, the two goals are linked: economic growth requires radical steps to ensure inclusion and a stable South Africa and region. The world in which these goals must be achieved is characterised by the impact of climate change, a rapid industrial revolution, and social and political instability. States have to be capable of dealing with manifestations such as wars, mass migration, cyber-attacks, pandemics and economic and environmental crises. Globalisation involves the rapid movement of people, goods, technology and information, and this has created large opportunities as well as serious threats, such as terrorism and a high level of transnational crime.

The programmes of government are designed to produce 12 outcomes. The concept of national security is embedded in Outcome 3: *All people in South Africa are and feel safe*. The Justice, Crime Prevention and Security (JCPS) cluster is responsible for Outcome 3. From March 2016, the DHA has been a full member of the cluster, along with the three security services mandated in the Constitution (SANDF, SAPS, SSA) and the justice system (prosecution, courts and correctional services).

In the programme of the JCPS, the DHA is given responsibility to build the capability of the state to manage identity, civil status and international migration. Without the DHA's active support and involvement, the three security services, the justice system, and the social and administration clusters cannot function effectively. In support of this goal, key targets the DHA must achieve in 2017- 2018 include<sup>11</sup>:

- System design and development for National Identity System finalised (phased approach)
- Biometrics at ports of entry rolled out in phased approach
- Key elements of Counter Corruption Strategy of DHA implemented in respect of prevention, detection, investigation and resolution
- Compliance with service standards set for enabling documents issued to foreigners

<sup>11</sup> These are selected targets from the Annual Performance Plan 2017/2018 posted on the website of the DHA. [http://www.dha.gov.za/files/APP2017\\_18.pdf](http://www.dha.gov.za/files/APP2017_18.pdf)

- Immigration and Refugee policy and legislation development concluded
- Border Management Authority (BMA) operational
- The DHA repositioned as a backbone of the security system of the RSA

The above list provides a concrete sense of the projects the DHA has initiated to improve both security and the delivery of services critical for development, such as the issuing of visas and border management. The aim is to develop immigration systems to achieve a single and integrated view of the traveller by 2019/2020. This will enable a risk-based approach to be followed where legitimate travellers are processed quickly; and risks are detected and dealt with effectively in partnership with relevant departments and international bodies.

### 3.3 Locating the DHA in the security system of the state

On 1 March 2017, Cabinet decided that the DHA must be located within the security system of the state. This extends beyond the JCPS cluster to all the organs of state and private institutions that must work together to provide everyone in South Africa with acceptable levels of safety and security. Everything – money, vehicles, and businesses – links back to the identity of individuals, their civil status and in many cases, their transnational movements. The BMA, for example, is comprised of six core departments and agencies, with 11 other institutions – such as financial intelligence and regulatory entities – also being involved in the border environment.

A repositioned DHA with modern systems and a cadre of suitably qualified and trained professionals will be the nerve centre of the national security system. The department would operate within policy and legislative frameworks as prescribed in the Constitution of the Republic of South Africa under (198) Governing principles:

(c) *National security must be pursued in compliance with the law, including international law.*

(d) *National security is subject to the authority of Parliament and the national executive.*

The DHA is not yet organised, staffed and funded to be able to operate effectively in this environment or secure its systems and data. Worldwide, the concept of a national security system is based on the logical assumption that if any element becomes a security risk, then the entire system is compromised. Ultimately, a Home Affairs department that cannot protect itself will create risks rather than manage risks effectively.

### 3.4 DHA security requirements

Any organisation that is a key element of a national security system must operate within a highly secure environment, whether or not it is in the security cluster. Specific requirements will vary, but there are general standards that must be met by acquiring capacity or support through appropriate departments or agencies. Some of these standards are legal requirements, such as meeting minimum information and physical security standards (MISS and MPSS) and the National Key Points Act. Other standards that must be established, achieved and maintained after a determining security requirement are:

- Legislative promulgation:** There is a need for legislation that will define the DHA as a key element of the security system and provide for all the requirements that will enable it to function as such, some of which are captured below.
- Vetting and recruitment practices strengthened:** Appropriate staff must be recruited against the values, skills and attitudes required to perform duties and be a security asset rather than a risk. Currently, the DHA conducts part of the vetting process and hands over the file to SSA for evaluation and issuance of clearance certificates. Ongoing vetting, re-vetting and lifestyle audits must become the norm and authorisation for the DHA to take more responsibility for vetting should be considered.
- Classification of DHA services as essential.** The DHA is the first line of defence against threats, whether it is responding to a new pandemic, identifying criminals or reducing human smuggling and trafficking. Officials responsible for managing and operating the systems of the DHA play a key role in national security.

- D. **Cadre formation:** It is essential that staff share the same patriotic, service-oriented and security-conscious outlook in terms of their responsibilities and purpose. Typically, this will require all recruits to undertake a residential course at a dedicated training college. Apart from the importance of sharing the same culture, there are situations, such as a cyber-attack, where command, control and a rapid response is required.
- E. **Content of training:** The training will have to be relevant in term of the service-delivery and security challenges faced by the DHA and its clients. The SSA would have to design and deliver those courses that relate to their mandate, such as intelligence and counter-intelligence. The DHA is under constant threat by local and transnational syndicates because of the high value of its systems and products. Terrorists and other states have an interest in creating and exploiting vulnerabilities for the same reason. All courses will have to have an appropriate mix of theoretical and applied knowledge.
- F. **Cyber-security:** This will require a layered approach, from general awareness and controls, to highly specialised units and control centres at a departmental level, linked to regional and national structures and systems. Security must be taken into account in the design, testing and piloting of systems, and there must be adequate disaster recovery, business continuity and redundancy. In this area, the DHA will have to have sufficient capacity, but can only be secured within a set of national, regional and global policies, legislation, controls and systems that will involve trusted partners. The DHA and its partners must have the research and design capacity to keep a step ahead of the rapid emergence of new technologies, risks and threats.
- G. **Monitoring, analysis and reviews:** There must be adequate capacity in terms of specialist security staff that can provide these functions and liaise with relevant departments and agencies. A repositioned DHA would provide the security cluster with an early warning of events or trends that could pose a threat to the safety and security of citizens, borders or institutions.
- H. **Prevention, detection and enforcement:** Without enforcement of mandatory laws, the systems and data on which the DHA and stakeholders rely will be compromised. International migration cannot be managed without the capacity to enforce immigration laws. The effective combatting of fraud, corruption and related crimes is also essential, with capacity in place to be a serious deterrent while creating a culture of zero-tolerance.

The NIS and linked immigration systems will depend for their routine security on business rules that are constantly monitored and adapted in response to intended and unintended risks. The back office and front office will both require operational intelligence staff, research and analysis units and business process experts.

The following chapter will give an indication of how the operational model is designed to be risk-based. The identity and immigration systems have different security environments, but as in the case of domestic and offshore threats, there will increasingly be an overlap as a result of globalisation and the digital revolution. In general, international migration is more complex and dynamic with rapid response required that is guided by intelligence and that that involve many parties. A key strategy worldwide is to keep risks offshore, but in a digital world, the focus must also be on maintaining the integrity of systems that may extend globally.

Those organisations (public or private) that have services or data required by the DHA for security purposes, should have to sign formal agreements with the DHA within a framework established via the DHA's anchor legislation (the DHA ACT). A repositioned DHA will have systems and data on which many institutions will depend to meet their own security needs and standards. The same legal framework (that is, the DHA ACT) will have to guide the drawing up of contracts, and specify in which circumstances this would be mandatory. A separate policy and regulatory framework might have to apply in the case of organisations within the security system of the state. In all instances, however, the underlying principle should be that enforceable legislation is the norm, rather than agreements that carry no legal consequences. Given the very large number of institutions that will be interconnected, an efficient arbitration, dispute and enforcement mechanism might be necessary.

## 4 OPERATIONAL MODEL

### 4.1 Situational analysis

#### The operational challenge

- The DHA has the largest client base of any department: all citizens in the Republic and abroad; nationals of other countries who apply to visit or stay in the country and those who live among us; as well as all South African institutions and those of other countries or multinational bodies that require DHA services. The current operating model, even if well-funded, cannot consistently deliver acceptable standards of access, and the kind of services expected, to any of these clients.
- The current operational model is designed for routine administrative processes that require low levels of security and low-level technology. Given global dynamics and the risks and threats confronting us, a model is needed that can adequately secure the DHA and enable it to contribute to ensuring that the nation is safe, secure and provided for.
- **Our nation and the state that serves it urgently need the DHA to have an operating model that will enable the efficient, secure and strategic management of identity and international migration. The DHA, in turn, will be a critical enabler of security, economic development and the empowerment of all citizens.**

### 4.2 The current operational model: Civic Services

Basic civic services, delivered at approximately 400 frontline offices, are mostly registering births, marriages and deaths, and issuing identity and travel documents. Almost all the offices are leased and vary greatly in quality, level of security and quality of staffing. The poor and marginalised often must travel long distances to access services; all citizens are compelled to use DHA services several times over their lifetimes and often far more frequently. By comparison, clinics, schools and police stations are purpose-built and are more accessible, but the DHA has been classified and funded as a routine administrative department and not as a strategic department that delivers key services.

All standard civic services require connections to the National Population Register, situated in the national back office. About 50% of offices have introduced fully digital processing of Smart ID Cards and new highly secure passports. The DHA must currently use several different network providers, making the system unreliable and impossible to monitor at local office level. This often results in long queues of people waiting to access modern digital services. Many of the remaining offices cannot be connected to suitable IT infrastructure, yet for security and service delivery reasons, all offices must be digitised.

Colonialism and its extreme form, apartheid, left a legacy of millions of broken families and many citizens with inaccurate records or no civil registration records. Citizens without these problems, who can access one of the better DHA offices and apply for standard services, generally have a good experience. However, if their documents are not in order, or they want a service that requires paper records to be checked or immigration systems to be accessed, then the procedure can take months. A combination of problems rooted in the outdated operating model can combine to turn a routine request into a nightmarish process with serious risks. The DHA has not received significant funding to archive or secure paper records, or to digitise them, and finding a document can be a major challenge. Systems are partly manual and not integrated, creating many possibilities for mistakes and fraud. The staff profile is skewed towards the lower ranks, with 60% having only matric or lower qualifications, and there are far too few managers and supervisors. Officials who cannot resolve problems give excuses or tell clients to come back. The situation encourages bribery and extortion.

### 4.3 The current operational model: Immigration Services

The immigration operating environment is dynamic and complex, and involves domestic, border and international elements. It requires integrated systems and professionals making decisions based on reliable information and intelligence<sup>12</sup>

<sup>12</sup> Intelligence is information which has been collected, processed and assessed within a given context to meet specific needs.

provided by the security and related services. Risks and threats can have an immediate impact on the safety of citizens, as well as the integrity and stability of a country. Immigration that is efficiently and strategically managed can be a powerful enabler of domestic and regional development.

Until recently, with the release of the Green Paper on International Migration, the importance of immigration has been even less well understood than civic services. This is reflected in a lack of resources being available. Less than 15% of DHA staff work in immigration services and its operating budget is less than a billion rand, although it is responsible for 72 ports of entry, over 30 consulates, the visa and permitting system, managing asylum seekers and refugees, deportations and domestic enforcement of immigration laws. There are more police stationed at OR Tambo International Airport than immigration inspectors available to serve the whole of South Africa.

The current operating and funding model is based on an administrative approach, with lower-level officials trained to engage with people and documents in compliance with checklists and standard procedures. The few supervisors and managers focus mainly on trying to maintain levels of efficiency. Training covers policy, legislation and security. Potentially useful information is generated by several systems – and yet there are no professional analysts or security specialists. The situation is compounded by systems that are partly paper-based and outdated. There is lack of integration with the NPR systems managed by civic services, and across immigration systems such as movement control and the system to register and process asylum seekers and refugees.

As serious, is the situation where adjudication of some types of visas and permits is done in our foreign missions. There is no adequate network in place to transmit documents to the adjudication centre in South Africa. The cost of stationing an official in a mission is high and DHA officials are present in about 25% of missions with trained Department of International Relations and Cooperation (DIRCO) staff processing applications at the other missions. The level of DHA staff in missions is generally low because of budget limitations and much of the administrative work is done by locally hired staff.

The lack of investment in managing immigration comes at a large cost to South Africa. Levels of corruption and fraud are high and there is serious exposure to transnational crime. Just a few high-profile foreign criminals based in South Africa can result in costs to the state and society that are greater than the annual operating budget of immigration. The overall loss to the economy is much higher. Factors are inefficiencies impacting on trade, investment and gaps in critical skills; foreign migrants without legal documentation accessing services; and the high cost of social unrest. Gaps in policy relating to asylum seekers and irregular labour flows have been particularly costly. These gaps are the result of a DHA operating model and related budget that only allow few professional posts to be established and minimal research and policy development to be carried out.

Without sufficient resources to develop policy and strategy, and enforce immigration laws, there can be little effective management of international migration. There is greater risk to both migrants and citizens, and higher levels of human rights abuse where immigration systems are not managed securely and efficiently.

#### 4.4 The future operating model of the DHA

As outlined in Chapter One, over the past ten years, the DHA has initiated several large-scale transformation initiatives. These have resulted in major advances in organisational culture, management, systems, services and public confidence. However, the most important result has been a better understanding of the full mandate of the DHA and a vision of what it must become to deliver against that mandate. It has become clear that the vision can only be realised by repositioning the DHA as a critical national resource at the centre of a capable state. To achieve the vision of a secure, modern department operated by professionals, it is necessary to completely replace the legacy operating, organisational and funding models that have been blocking development.

#### 4.5 Five policy-related imperatives that informed the design of the operating model

1. The model must enable the DHA to deliver mandatory services efficiently to all citizens and other clients, and to enforce that mandate.
2. The model must enable the DHA to be secure and to operate effectively as a key element of the security system that ensures the nation is safe, secure and provided for.

3. The model must give the DHA the capability to manage identity and international migration in the interest of the empowerment of citizens, inclusive economic development and effective government.
4. The model must enable the DHA to connect to, and work with, the whole of government and its social, economic and international partners in managing identity and international migration.
5. The model must enable the DHA to be relevant and responsive in the context of a globalised world and a continent that are undergoing rapid change: technological, economic, social, political and environmental.

#### 4.6 Overview of the general operating model

All mandatory services (core services) will be delivered to citizens and foreign nationals through systems that are part of an integrated digital platform. All civic and immigration systems will connect to an inclusive National Identity System (NIS) that will form the backbone of the single DHA platform. The NIS will store the biometric, specified biographical details, and civil and international migration<sup>13</sup> status of all citizens and foreign nationals who have entered or left South Africa, or who have applied to enter. The NIS will be linked to the Movement Control System, to which all other immigration systems are linked, such as the visa and permitting system, and the asylum seeker and refugee management system.

A fundamental operating principle will be the distinction between the back office, where the systems are housed and clients are not engaged with, and the front office, where officials or trusted partners engage with clients face-to-face or by phone, email, letters or other means. A second operating principle is that all changes to data on the systems can only be implemented in the back office after an application has passed through risk-engines and quality checks. A third principle is that all exceptions must be actively managed by staff at appropriate levels for risk and to ensure that clients receive appropriate assistance. This includes all applications processed by partners: protocols will be in place and systems continually monitored.

All applications will be made digitally, but they can be assisted or facilitated by approved officials or trusted partners. The contact centre will play a crucial role in this regard. This allows risks to be controlled while making use of multiple service channels, which will include a diminishing number of walk-in centres as other channels expand.

More complex or higher-risk cases will be dealt with through an appointment made with a more senior official or an intervention by a relevant specialist. Investment in world-class cyber-security by South Africa is not an option for many reasons. The systems of the DHA need to be rated as among the most strategic resources that require the highest levels of protection.

Technologically enabled core services will become embedded in society and increasingly taken for granted as legacy problems are resolved and compliance becomes part of our culture. Non-core services are those that are not mandatory in terms of the DHA's legislation but provide government departments and non-government institutions access to DHA systems or data through requests or dedicated interfaces. These are expanded on in Chapter Six which deals with economic growth and the funding model.

A key component of the operating model outlined above is the business rules that govern the software and the processes. In designing the business rules, systems and processes, there must be a strong policy and ethical imperative to be service-oriented and responsive to the rights and needs of citizens and other clients – especially those who are marginalised and vulnerable. Robust governance structures must be in place to monitor implementation, as well as systems and professionals that provide sound management information and relevant analyses.

Other professional units that are required to support operations are information technology specialists, systems analysts, research and development specialists, data managers and statisticians, and security operatives. Generating income from non-core services will require marketing specialists and account managers. The systems will be connected domestically, regionally and globally, and will require professionals to develop and manage these relationships.

The following chapter on the organisational model deals with capacity requirements in more depth, including the implications of being part of the state security system and functions that are specific to civic and to immigration services. Connections with the Border Management Authority (BMA) and Government Printing Works (GPW) are briefly discussed.

<sup>13</sup> This includes both emigration status (the countries South African citizens reside in, and details of dual citizenship), and the immigration status and nationality or nationalities of all foreign migrants.



## 4.7 Summing up what is being proposed

Elements of the future operating model are being built within the limitations imposed by operating within legacy systems, capacity and budgets. The strategy adopted is to initiate processes that have two, five- and ten-year horizons. Some processes will start later than others and some will run in parallel.

Within two years, the DHA staff must be fully involved, the policy and legislative framework in place, and short-term security, funding and network issues addressed. Within five years, the basic National Identity System and key DHA systems must be piloted and operational, acceptable security levels achieved, critical posts filled and the DHA able to operate effectively within the state security system. Within ten years, the DHA must be fully secure, highly professional, the backbone of the digital economy, the nerve centre of the security system, and world-class in terms of quality of services delivered locally, regionally and globally.

## 5 ORGANISATIONAL MODEL

### 5.1 Situational analysis

#### The organisational challenge

- The current organisational model is not supportive of the full mandate of the DHA and the achievement of national goals.
- The current organisational model is not aligned to the operational model that the department is in the process of developing.
- The current organisational model does not enable the DHA to secure itself or to play an effective role as an essential part of the security system of the state.
- **The challenge going forward for the DHA and for the nation is to build a professional, modern and secure organisation that manages identity and international migration effectively.**

The focus of Chapter Four (Operational Model) was how the different parts of the DHA must work together to perform its mandated functions and deliver value to citizens and the nation. Chapter Five focuses on the factors that support the operational model by enabling the DHA to function effectively as an organisation. The key question to ask is how far the current and proposed organisation aligns with the mandate, functions and values of the DHA. In answering this question, the factors that must be considered include the organisation's environment, structure, culture and capacity.

### 5.2 High-level view of the DHA as an organisation

The DHA is functionally connected to two other organisations that report to the Minister of Home Affairs: the Government Printing Works, which produces secure documents for government, with the DHA being its largest client, and the Border Management Authority (BMA) that is in the process of being established. The Ports of Entry Chief Directorate will be formally integrated into the BMA, which will strengthen the management of international migration in the same way it will strengthen the core systems of SAPS, the SANDF, SARS, Health, Agriculture and other departments active in the border environment. The BMA is based on the principle of integrating all units at an operational level, while participating departments retain full control over policy and legislation. With Cabinet announcing in March 2016 that the DHA must be fully integrated into the security cluster, the DHA is now better positioned within the state to deliver against its mandate.

If the DHA can assure the security of its people, systems, data and infrastructure, and complete its modernisation programme, then it will be central in the rollout of e-government and will be a critical enabler of the digital economy. The value of the DHA depends largely on the security of its people, systems and data. Amid an unprecedented industrial

revolution, countries that make this transition will attract the most investment. At the same time, efficient management of international migration will boost trade and tourism, close skills gaps and help open SADC to development. The DHA is already active in SADC structures, as well as bilateral and multilateral commissions and negotiations.

The largest single factor blocking the DHA from continuing its transformation trajectory is its legacy operational model and related organisational and funding models. The most critical factor, as always, is not technology but human organisation: individual officials working together to achieve a common purpose. Through statistics and comparative data, the section that follows shows how the DHA as currently positioned does not have the capacity to secure or maintain a modern department. However, despite this legacy, the officials of the DHA have repeatedly shown that they can develop and apply skills and knowledge to achieve astonishing results with minimal resources. Examples given in Chapter One include the 2010 World Cup, the Population Registration Campaign, the digitisation of key business processes, and the generally smooth operation of ports of entry at peak seasons.

To get to the next stage, however, a repositioned DHA requires the resources and partnerships to undertake multi-level transformation – changing the way the organisation and each official thinks and acts, how it views its roles and functions, what type of skills it employs, how it shares information with various stakeholders, and its mode of delivery of key services.



### 5.3 The current organisational profile of the DHA

As at 31 December 2016, the DHA had 9813 funded posts, distributed as indicated in Figure 1 below.

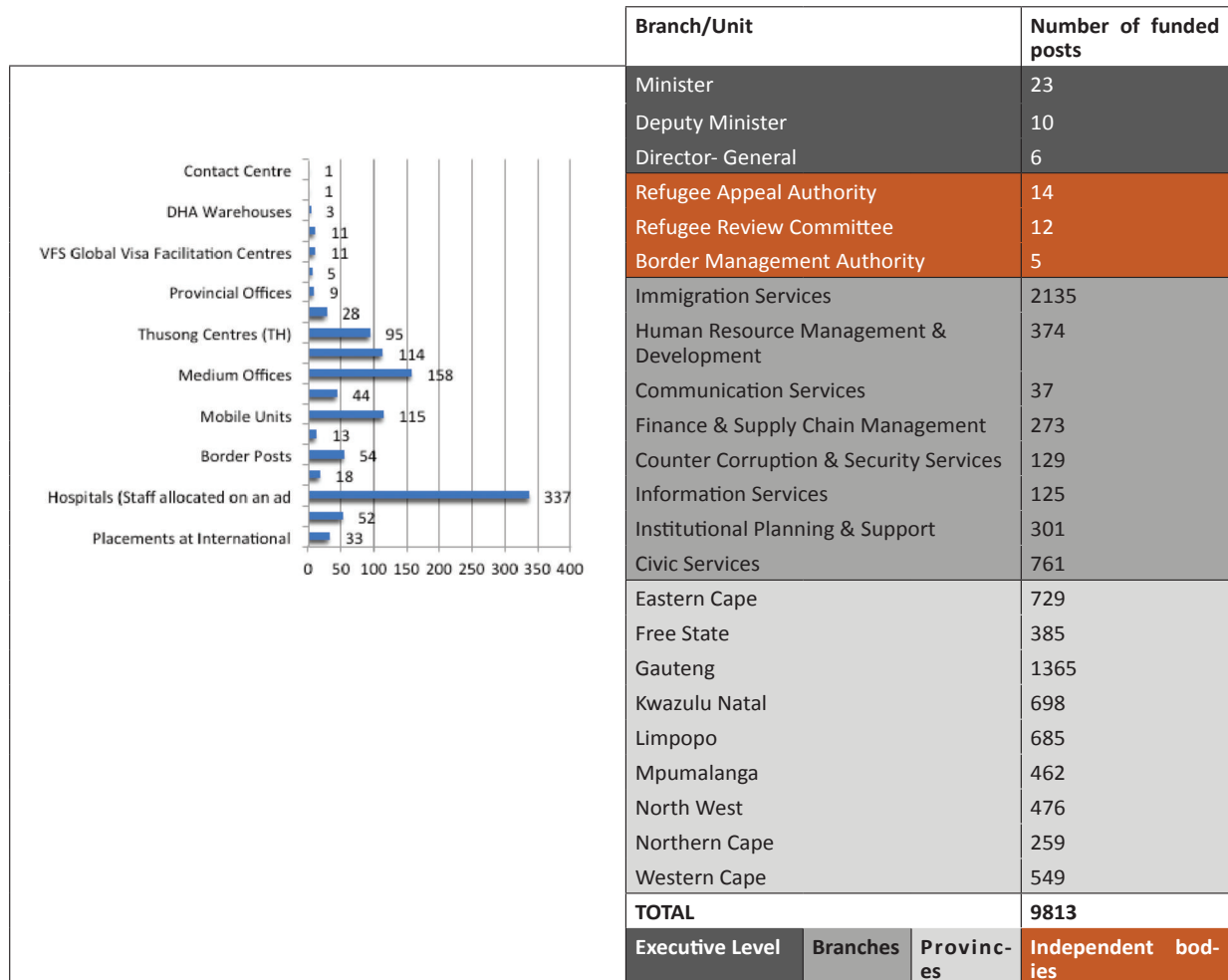


Fig. 1 Funded Establishment Posts as at 31 December 2016

**Capacity comparison by function:** An analysis of capacity across the three programmes of the DHA shows that Programme 1: Administration has 33% of posts, with five support branches; Programme 2: Civic Services has 43%; and Programme 3: Immigration Services has 43%, with only 15% of the operating budget and only 12% of posts in provinces. By contrast, in Australia's Department of Immigration and Border Protection and their Department of Foreign Affairs and Trade (also responsible for citizen affairs), immigration has 79% of staff across the two functions. South Africa's historical underfunding of immigration regulation is also reflected in the level of at ports of entry and in the Inspectorate, which is lower than other departments and below international norms. A Director heads OR Tambo in Johannesburg, Africa's largest airport.

**Capacity overstretched across core functions:** Shifting staff between programmes will not assist: capacity in both civic and immigration services are both overstretched. An internet survey of countries that publish relevant data reveals that the ratio of DHA officials to the South African population at 1: 5470 is far higher than that of departments carrying out civic and immigration functions in India, Kenya, Canada, Australia and the United Kingdom (UK). India had the lowest ratio at 1: 1278 and the UK the highest, after South Africa, at 1: 2613.

**Low skills and supervisory levels:** The DHA is very thin in terms of leadership, management and higher professional technical competencies. The DHA does not have the traditional pyramid-shaped organisation, the benefit of which is that employees continually build valuable, organisation-specific experience as they are promoted higher up the pyramid system. The pyramid model is strong on retained knowledge, but it is also costly. The DHA's organisation (capacity) shape has too few managers and professional levels, with the bulk of its staff at a junior or administrative level (Salary level 6). A further analysis also reveals varying spans of control. There are too many foot-soldiers at the DHA and not enough staff in supervisory levels. This is indicated in a comparison of departments that display typical capacity shapes, as shown in Figure 2 below.

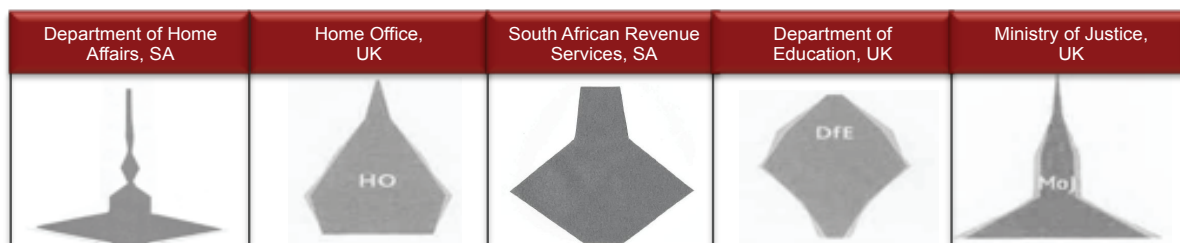


Fig. 2 Organisation's Capacity Shapes Compared

**Skills and competency:** The IT function is extremely understaffed, given the department's mandate and digitisation strategy. Only 1.27% of staff work in IT and the international norm is 5.2%. Only 0.8% of staff can be classified as business analysts and in 2011 the international norm was 7.6%. Low education and competency levels mean critical complex functions suffer and the organisation is not positioned to meet future demands. Using education levels as a proxy for the level of skills and competencies available to meet new, increasing and complex service demands and security needs, a review of 2015/16 establishment data indicates that 69% of DHA staff either only have a Grade 11- or matric-level education, with most of these staff members serving in the provinces. Less than 2% of staff had a postgraduate degree and only 23% with 27% have NQF 5-7 qualifications (23.2% Bachelor's degree and 3.4% Higher Certificate or Diploma).

**Resulting organisational challenges:** The gaps outlined above are a result of systemic underfunding based on an historic lack of appreciation of the scope and strategic importance of the mandate of the DHA. However, because of high levels of commitment, there are areas of excellence and in some areas of delivery, exceptional work is being done. Nevertheless, as listed below, there are systemic issues that are inevitable given the large gaps in capacity:

- **Processes and coordination:** Poor collaboration, information and knowledge sharing, and process mapping and improvement.
- **Resources and funding:** Limited enforcement of mandate; highly uneven level of service, especially to rural and poor communities; DHA must remain with non-digital offices and outdated organisation structures.
- **People practices, capabilities and capacity:** Counter corruption and enforcement limited by lack of skills; inconsistent service delivery; new income streams cannot be generated, and data cannot be quality assured and analysed to assist economic development and planning.
- **Governance and accountability:** Too few supervisors and relevant specialists to ensure that procedures are followed; unqualified staff and third parties work with high-risk data; decision-making must be centralised to minimise delays, inefficiencies and weak accountability.
- **Structure:** Poor alignment of current structure and capacity for digital strategy; working in silos is the norm; dependence on a few middle managers without sufficient oversight; fragmented enforcement processes; duplication across some functions; inconsistent spans of control.

## 5.4 The future organisational model of the DHA

### 5.4.1 General organisational requirements

The DHA that is being built will be fit for purpose when every official and all structures can consistently deliver against the DHA's mandate securely, strategically and professionally. The DHA will be positioned at the centre of the state, within the security system, and will be considered a strategic resource by all South Africans. Achieving this will require the involvement of all staff members and a change management and training programme of unprecedented scope and depth. The building blocks are there, as shown by the success of the Turnaround Programme and other programmes over the past ten years, as well as the current work being done by project teams supported by the Learning Academy of the DHA.

Globalisation, digitisation, improved communication, changing organisational cultures, attitudes and work arrangements are changing the traditional "pyramid" structure to "diamond shaped" organisations (see Fig. 2). Routine transactions are being replaced by the smart management of systems, and exceptions by subject matter specialists and project managers. Citizens and other clients who require more than routine assistance must be served by professionals who understand their requirements and know how to escalate them. Such organisations require strong governance and management systems with access to real-time information, and must be connected to internal and external learning networks. They can only function effectively with transversal and specialist units that provide efficient support to core business.

### 5.4.2 Specific organisational requirements

**Distinct strategic, support and operational functions:** To meet the requirement for improved coordination of policy and strategy, the proposed organisational model separates the policy, strategy and oversight functions from the support and operational functions (see Chapter Four on the Operational Model). This separation creates focused functional areas, enabling staff to focus on multiple strategic priorities in parallel.

**Digital strategy and its implementation:** When considering the digital strategy and its implementation, the first question is where this capability should be in the organisation and who should "own" it. Responsibility must be placed where it benefits from strong functional leadership. The management of digital processes and data should be a dedicated function that includes shared learning, consistency and control, effective governance and strategic focus; and achieves economies of scale, as the function will make specialised resources available across the organisation.

**Security, protection and enforcement functions:** With the DHA being part of the security cluster, and acknowledged as a key element in the security system of the state, there is a need to enhance its capability to mitigate risks, deal with threats and respond to national security initiatives. Most critical is the protection of its citizen and non-citizen movement data, as well as identity and status data. This requires building and maintaining a security system around its people, systems, data and infrastructure in close collaboration with the security services. A central protection and enforcement function is required, which will use data analytics and predictive data analysis as a major part of its function. The recruitment and training of a staff that is security-aware is critical to establishing the kind of secure environment needed. Staff will also have to receive enhanced security training along the lines of departments such as Correctional Services. Training will be mandatory for confirmation of probation and promotion purposes at all levels. For this reason, a DHA College must be part of the organisational model.

**Client services:** The digitisation of the service delivery model (see Chapter Four) will also lead to the DHA adopting integrated client oriented practices where business processes and IT infrastructure is integrated across the department to deliver on-demand services to clients, agents and partners. Service delivery must be regarded and resourced at the same level as officials working with policy or systems. This will require being committed to clients and responding quickly to their needs; enhancing the organisation's ability to use client-specific knowledge; facilitating rules-based driven operations; and monitoring and managing automated services.

**Economic Development:** Facilitating economic restructuring, growth and development is one of the four core aspects of DHA's future vision. A "Strategic and Economic Services" structure should be considered to address this need. Functions could include policy, research and strategic planning; life-cycle ID management which interfaces with the NIS to plan

for future government services; stakeholder engagement with core employment creation and economic development departments, to ensure that strategic and critical skills are identified to support future growth prospects for the country; inter-governmental relations and regional and international cooperation; monitoring, reporting and evaluation; and knowledge management.

**Transversal functions:** Transversal cooperation is about working together across cultural, departmental, national and organisational barriers, and it is about letting go of silos without letting go of specialised units. In the proposed DHA Organisational Model, the corporate services, strategic and economic services, and protection and enforcement functions will be working across the organisation to streamline collective functioning. The digital platform will also act as a transversal system to ensure effective cooperation.

**People management practices:** The availability of a skilled and specialised workforce characterised by their agility and capacity for learning is essential for the successful and effective functioning of a more secure and digitised Home Affairs. In general, the repositioned DHA will require staff with a depth of skills and expertise in their functions, while having the ability to collaborate across disciplines with experts in other areas and to apply knowledge in areas of expertise other than their own. Sound people management practices must be given priority at all levels, including rewarding innovation and talent management.

**Critical generic skills:** In line with the greater digitisation of DHA's operations, all employees will be required to have basic IT skills and a working knowledge of the digital applications used by the department. Staff with specialised knowledge and skills will be needed to design and maintain the digital platforms needed in the proposed operating models. Traditional management skills need to be updated and strengthened to deal with the impact of digitisation, and there needs to be a greater focus on the use of data to enhance the security mandate of the department. Management will have to understand the role of new technology in policy-making and service delivery, and the importance of digital skills to manage and analyse data and to deliver electronic services.

## 5.5 Summing up what is being proposed

Elements of the future operating model are being built within the limitations imposed by legacy systems, capacity and budgets. The strategy adopted is to initiate processes that have two-, five- and ten-year horizons. Some processes will start later than others and some will run in parallel.

Repositioning the DHA as an organisation calls for transformation on many levels, while keeping in step with changes in legislation, technology, operations and security. This should be considered a national project, given that it will greatly enhance the capacity of the state to deal with critical challenges that confront all South Africans.

Over the next two years, a priority is to mobilise the staff and external partners in support of a change management and training programme that includes process and systems development. Within five years, a DHA College and key elements of the new organisational model must be in place. The new structures must have the posts required to function effectively, including a critical number of specialists in areas such as IT, business analysis, security, research and statistics. It will take longer for the new organisational culture to completely replace the decades-long legacy that affects the department, and for the DHA to recruit and train staff to its required capacity.

## 6. FUNDING A SECURE, MODERN DHA

### 6.1 Situational analysis

#### The challenge of funding and enabling economic development

- The DHA is currently allocated a budget based on the assumption that it delivers routine services and therefore does not require a professional staff and a secure environment.
- The consequences of the funding and security deficit have been very costly; and have not allowed the DHA to fulfil its mandate as a key enabler of economic development, security and efficient government.
- **A secure, modernised and professional DHA funded at an appropriate level would be a key enabler of economic development and would generate new revenue streams.**

### 6.2 The current funding model

The DHA receives three main kinds of funding from the National Treasury. Firstly, the budget that pays for personnel, goods and services and other operational costs. Part of this budget is transferred to the Independent Electoral Commission leaving the DHA with under R5 billion. Secondly, additional earmarked funds to pay for specified projects. Thirdly, Treasury has agreed that revenue raised through charges by the DHA, such as fees paid for passports, can be retained to offset the costs of those services.

Over the past six years (2010- 2016) the operating budgets available to the DHA have been the lowest in the administrative and security cluster departments<sup>14</sup>. While the budgets of the other departments have increased except for DIRCO, the DHA's budget declined in real terms by 2% if inflation is considered. A similar pattern of chronic underfunding has been repeated since 1994. There have been relatively large earmarked funds for special projects such as the Turnaround Programme and modernisation; and for once-off capital purchases such as the fleet of mobile offices. These initiatives have resulted in greater efficiencies and much better service delivery in some areas of the department. However, there has been no capital funding on the scale required to reposition the DHA holistically as a secure, modern department staffed by professionals.

At a macro level, the argument for investing in the DHA is based on its potential as a cost-effective enabler of empowerment, efficiency, security and growth in a digital environment. However, much more limited value can be extracted from the current National Population Register and associated systems of the DHA. The immigration system is a key enabler of tourism and international events but it has very little capacity to manage immigration strategically in support of investment and competing globally for critical skills.

The DHA does not have a budget sufficient to enable it to secure its people and systems; enforce its mandatory laws effectively; or manage risks proactively in either the civic or immigration environment. The resulting cost to the state and society is huge. Public perceptions are that it is immigration-related, but levels of identity fraud and lack of compliance by South Africans is common and their numbers are much larger. Fraud related to social grants and defrauding retail sectors are two examples. Crimes impacting on civic and immigration functions are often related, as in foreign nationals using fraudulent marriages to remain in South Africa and who approach criminal syndicates to obtain identity documents fraudulently.

#### 6.2.1 Opportunity costs<sup>15</sup> of the current situation

Current demographic data has serious gaps. Significant numbers of irregular migrants are not reflected, as well as citizens who are absent or not accurately recorded because of historical factors, outdated systems and widespread fraud. It is not surprising that there were 20, 000 places in schools more than was planned for in Gauteng at the start of the 2017

<sup>14</sup> COGTA, DIRCO, CS, SANDF, Justice, the DHA and SAPS were compared.

<sup>15</sup> Opportunity cost refers to a benefit that a person could have received, but gave up, to take another course of action.

school year. Budgeting for clinics and hospitals becomes a matter of guesswork. The provision of accurate statistics for planning could realise substantial savings and greater efficiencies by both public and private sectors.

The same systems could drastically reduce many kinds of fraud, such as qualifications fraud and fraudulent acquisition of land and housing. Another example of an opportunity cost is the failure to capacitate the two bodies that adjudicate asylum seeker appeals<sup>16</sup>. This contributes to over 100, 000 people remaining in South Africa for many years, where many compete for scarce resources with desperate South Africans. The overall impact of higher levels of fraud and social unrest is a brake on economic development. Even if limited to improving planning and reducing categories of fraud, the opportunity costs of not repositioning the DHA are much higher than the cost of funding a secure, modern department.

### 6.2.2 Efficiency gains and creating an environment for growth

The National Development Plan identifies the following key performance areas where the DHA should be a key enabler:

- Efficiently facilitating the entry and stay of migrants with skills that are scarce and are critical for economic growth.
- Playing a key role in enabling regional development by working with SADC countries to establish efficient, secure and managed movements of people.
- Contributing to social stability by effectively managing immigration and by enabling marginalised citizens to access their rights and services.
- Reducing fraud and the cost of doing business, and enabling e-government, thus attracting more domestic and international investment to fund economic restructuring and growth.

Large sectors such as health, education, local government, banking and insurance are at different levels of development in terms of the efficiency of processes – both within and between sectors. Yet the revolution in technology will bring far higher efficiency levels across all sectors. The introduction of relatively old technology into DHA processes - the use of SMS notifications and scanning barcodes on documents - saved the public from spending millions of wasted hours in queues or chasing applications. Turnaround times became reliable and reduced from 140 days average to 45 days for the ID book. In comparison, the new smart ID card is printed overnight and currently takes five to ten days to reach you. This clearly demonstrates one of the advantages of digital technology.

A similar transformation in processes could happen much faster across all sectors when the DHA is in a position to verify the identity of all people within our borders accurately and securely. The current NPR is being used to reduce fraud on a small scale within government and the private sector; but it is not integrated, reliable, secure and comprehensive enough to serve as a platform with which modern e-government and e-commerce systems can interface. Countries that offer efficiency and convenience are attracting investment and migrants with critical skills. Those that remain with outdated systems will lose skills and capital. In South Africa it takes many weeks to get a deed registered or obtain many kinds of licences and records. There are many opportunities for errors and fraud. Automated digital systems typically take a few minutes or seconds; with a large saving of time and costs and little chance of fraud if the identities of the parties are verified.

## 6.3 The future funding model

### 6.3.1 Basic assumptions

The state and society at large is greatly dependent on the DHA; while the value of the DHA's services are dependent on the integrity and protection of the organisation and its systems. In a world of increasing technology platforms with ease of access to transact along government service platforms, the DHA needs to migrate onto a digital platform and transform its service offering.

<sup>16</sup> Refugee Appeals Board and the Standing Committee for Refugee Affairs



There is a clear need to develop a funding strategy and baseline for the new operating model and leverage its capabilities to bring in new revenue streams that will make a substantial contribution to the fiscus. This additional funding must represent value for money for citizens and taxpayers. The funding model must have a sound policy basis and the following five assumptions could inform the formulation of policies that will be set out in the White Paper for Repositioning the Department of Home Affairs.

- There will be legislation that recognises the sole mandate and authority of the DHA to determine and affirm the official identity and the civil and immigration status of all citizens and all people on the territory of the RSA.
- The DHA will have an integrated digital platform that is secure and managed professionally; and a National Identity System that will provide interfaces to all legitimate clients.
- The state must provide a budget sufficient for the DHA to deliver against its full mandate and to maintain an appropriate level of security for a department that is a critical element of the security system and that will be the backbone of an expanding digital economy.
- The DHA will generate substantial revenue streams and have a generally positive effect impact on the fiscus, while observing the principle of not making a profit from the provision of standard services to citizens and other individual clients.
- With respect to realising the economic value of the systems and data of the DHA, there will be policy and legislation that defines the rights and obligations of all relevant parties and that establishes the means of ensuring good governance and respect for Constitutional rights and related legislation.

### 6.3.2 Funding strategy must be linked to economic development

Imagine, if for some reason, we could not use mobile phones in South Africa and had to go back to relying on landlines. Isolated pensioners in rural areas would be as outraged as a wealthy business owner or a truck driver because all of their lives would be disrupted. The pressure for cheaper data and access to the internet is driven by the reality that without access to information and to internet-enabled services you are already disempowered.

As the digital revolution<sup>17</sup> accelerates it will not be long before every citizen will take rapid access to information and services for granted. The repositioned DHA will be a key enabler of this fundamental change, which will be a critical factor in radical economic restructuring and inclusive development. Only a capable state with integrated planning, budgeting and systems can lead development in this environment. The integrated digital platform built around the National Identity System will empower citizens and enable the rapid growth of e-government and e-business.

### 6.3.3 The benefits of a repositioned DHA and potential sources of income

At a high level a secure, modern DHA will be:

- An essential security agent - the sole verifier of the official identity and status of every South African citizen, globally, and anyone within the border and wishing to visit the RSA.
- A catalyst for innovative products and services that can be developed by new entrepreneurs, in addition to generating additional revenue streams for the department
- South Africa's key enabler of integrated e-government services that can meet individual needs by providing rapid access to relevant information and efficient services.
- A strong example of how data, collaboration and digital back-office processes come together to enable a professional staff to be mission-driven, service oriented and security conscious.

Within five year the basic National Identity System (NIS) linked to a fully digital immigration system could be operational.

<sup>17</sup> This is one element of the 4th Industrial Revolution, which refers to the global impact of combinations of rapid technological advances in fields such as computing, energy, materials and biology.

The rapid and secure entry and exit of legitimate travellers through ports of entry would be piloted and rolled out to larger ports first. The passage of goods and conveyances would be faster due to the integrated systems established by the Border Management Authority. Not only would fraud and various forms of trafficking be greatly reduced and the change would boost regional trade and South African exports. The data generated by the same automated systems would enable smart, strategic management as well as the adjusting of fees and sharing of revenue to pay for the development and maintenance of the system by various departments.

Official transactions that require identity to be verified, such as the transfer of a house or a vehicle, would attract a fee for a check against the NIS on a cost-recovery basis. Other examples of mandatory compliance requiring DHA biometric identity checks are:

- Banks complying with FICA legislation requirements;
- Airlines verifying the identity of passengers;
- Telecom providers for RICA compliance;
- Higher education student verification for registration and access to examination centres;
- Public schools for student registrations;
- Public hospitals for admission entry;
- Social grant system for identification purposes of grant collection.

If charges for verification of the above services were between either R1.00 or R4.00, then between R500 million and R2 billion could be collected at current volumes of the few transactions list above. The prevention of fraud and other crimes by improving the rate of compliance would certainly save the service providers much larger amounts.

Another source of income would be higher fees charged for value-added or premium services. An example is the one-stop centre for visa and permit advice and applications that has been opened by the DHA in partnership with the Gauteng Development Corporation and a visa facilitation company. These funds contribute to keeping fees at acceptable levels for standard transactions.

The largest new revenue stream would probably be identity verification provided to the commercial sector. This could be in the form of fees charged for maintaining an interface with the NIS, charges for each verification and fees charged for incorporating a connection to DHA verification systems into hardware and software. Fees for connecting hardware and software to the DHA verification systems could be kept lower for start-up companies and other categories for strategic reasons.

There is high value in comprehensive, detailed, current statistics on national and local populations. The NIS will be a relational database and without giving access to data that could identify any person, the DHA could produce "big data" statistical analyses for a fee. Statistics South Africa and other government agencies and departments would have access to such data, which would significantly enhance the capabilities of the state to plan, conduct research, monitor the impact of policies, deliver services effectively and manage risks.

The budget provided to the DHA must accommodate research and development to ensure the DHA can manage risks effectively, keep abreast of developments and respond to needs. It would also ensure that the DHA would attract and retain specialists.

#### 6.3.4 South Africa's position relative to global developments and trends

Over the past ten years many countries have begun investing in the development of platforms similar to the NIS that is at an early stage of development in South Africa. Some have put in place robust digital strategies that are already paying large dividends, even though their infrastructure is less well developed.

One of the reasons digital service are many time more effective is that once a system is established, clients can be added at a very low cost. India has allowed companies to leverage off their Smart ID Card and offer very cheap insurance and banking to the very poor. This has provided food security for millions of people, who can buy or insure a boat or a bicycle



that sustains a family. Nigeria has partnered with MasterCard so that their Smart ID Card can double as a bankcard, bringing millions more into the formal sector and generating capital for investment. Rwanda has demonstrated the potential of a digital strategy harnessed to a national development plan.

Estonia, Finland, Dubai and Singapore are building among the most advanced e-government systems and many cities are investing in becoming “smart” to meet the expectations of citizens, reduce costs and remain competitive. Larger countries such as Canada and Australia have introduced single government portals to access many of their services and these will become powerful enablers with the on-going development of “intelligent” automation that can interact with clients to provide relevant information.

Studies by the World Economic Forum and other bodies indicate that South Africa is well positioned to develop and implement a digital strategy that can be harnessed to social and economic development. A repositioned DHA can play a key enabling role in making this happen.

#### 6.4 Summing up what is being proposed

Elements of the future funding model are being built within the limitations imposed by operating with legacy systems, capacity and budgets. The strategy adopted is to initiate processes that have two, five and ten year horizons. Some processes will start later than others and others will run in parallel.

Within five years, if supported by state and civil society partners, the DHA can have a basic National Identity System secured and operational and sharing an integrated platform with a digital immigration system. This can be used to pilot and scale-up various services that will support development and generate revenue. As the platform develops additional sectors will be linked and within ten years almost all organisations and individuals would be connected directly to the NIS, or indirectly through accessing services.

## DEPARTMENT OF HOME AFFAIRS

NO. 443

19 MAY 2017

## ALTERATION OF SURNAMES IN TERMS OF SECTION 26 OF THE BIRTHS AND DEATHS REGISTRATION ACT, 1992 (ACT NO. 51 OF 1992)

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171. Masenyane Frans Manganyi - 751007 5531 088 - C 703 Itsoseng, RANDBURG, 2194 - *Baloi*
172. Matodzi Prince Munyai - 870213 6078 089 - A 50 Makause, Primrose, GERMISTON, 1401 - *Nemaitoni*
173. Eugene Saziso Buthelezi - 950815 6413 083 - 129 – 3rd Avenue, ALEXANDRA, 2012 - *Dlamini*
174. Myekeni Dlamini - 760823 5569 087 - Etshekani Area, MUDEN, 3200 - *Xaba*
175. Nteseng Justice Mohale - 840620 5805 089 - P O Box 691, VONGANI, 0950 - *Mashapa*
176. Dudu Innocent Sibanyoni - 930629 0124 082 - 186 Isiziba Section, TEMBISA, 1632 - *Mononyane*
177. Tshepo Bruce Maphage - 931105 5889 085 - 9919 Extension 9, Ivory Park, MIDRAND, 1620 - *Sebatane*
178. Phumzile Masilela - 870119 0834 080 - 3365 Ramza Street, DAVEYTON, 1520 - *Ngwenya*
179. Mmadintsi Shirley Mokgoloboto - 760203 0831 081 - Ramokako Village, LENYENYE, 0357 - *Masedi*
180. Sakhile Sizwe Mtethwa - 980908 6381 089 - Emmaus Area, BERGVILLE, 3300 - *Makhathini*
181. Avela Wellcome Vimbi - 951130 5153 089 - 149 / 12 Enxiweni Section, TEMBISA, 1632 - *Makhubo*
182. Zethembe Mathenjwa - 981021 6002 082 - Shoba Area, VRYHEID, 3100 - *Zungu*
183. Kwanda Mabaso - 940715 5972 084 - Pendu, MQANDULI, 5099 - *Xholo*
184. Mcebisi Ncele - 931210 6249 089 - 1485 Marikana West, RUSTENBURG, 0300 - *John*
185. Relebogile Lorrain Pholoholo - 811030 0438 081 - 1442 Goo-Ramoletu Section, Dinokana Village, LEHURUTSHE, 2800 - *Mothupi*
186. Motsamai Jackson Seane - 820426 5891 085 - 5616 Hector Pietersen Street, Phase 7, ROODEPOORT, 1724 - *Xilongo*
187. Daryl Siyanda Mavundla - 840627 6055 085 - 2565 / 43 Mcdonald Street, NATURENA, 2091 - *Majola*
188. Darion Siyabonga Mavundla - 840627 6136 083 - 2565 / 43 Mcdonald Street, NATURENA, 2091 - *Majola*
189. Predityle Madimolla - 940225 5759 085 - 1801 Zone 14, GARANKUWA, 0010 - *Davhana*
190. Tsebagae Clifford Magane - 830731 5518 085 - B 886 Alaska, MAMELODI EAST, 0001 - *Sekele*
191. Mzolisi Mkhundlu - 630101 8616 082 - Mgojweni Area, NGQELENI, 5140 - *Tyabule*
192. Luyanda Mpho Mpshe - 961128 0683 082 - 4 Karree Street, Leondale, GERMISTON, 1401 - *Zonele*
193. Elmon Samson Sumbane - 910506 5370 080 - 78 Wynard Smith Street, PHILLIP NEL PARK, 0198 - *Makgato*
194. Happy Mthembu - 751117 5313 088 - 3988 Doornkop Road, SOWETO, 1824 - *Mthembu-Masina*
195. Manto Albertina Sebela - 650412 0435 081 - 13212 Phase 2, BRAAMFISCHERVILLE, 1724 - *Nthlane*
196. Ntita Phina Ramalepe - 950927 0730 089 - House No 6853, Clayville, MIDRAND, 1685 - *Sekotlong*
197. Joseph Ntsoereng - 901109 5389 084 - 4260 Extension 3, EVATON WEST, 1984 - *Zengele*
198. Ayanda Nayo - 750712 5455 086 - 2025 Embekeni, MDANTSANE, 5201 - *Voyi*
199. Nonkululeko Thafeng - 910618 0421 089 - 1247 Makapane Street, MAPETLA, 1818 - *Hlongwane*

200. Sihawukele Siphosethu Mthembu - 920918 6527 089 - Unit 6, 63 Bon Accord No, Ellis Street, JOHANNESBURG, 2001 - *Tembe*
201. Titus Mashao Tefu - 920523 5575 087 - 14342 Tjabaedi Street, MAMELODI EAST, 0123 - *Motsepe*
202. Mlungisi Khanyile - 840112 5286 080 - 1232 Brilwewer Street, Extension 8, Windmill Park, BOKSBURG, 1460 - *Malinga*
203. Tshepiso Catherine Mashigo - 860214 0759 080 - 10210 Unit C, SHAKUNG, 0219 - *Motsepe*
204. Johannes Thomas Khumalo - 630818 5609 089 - 1336 Mathema Street, Mailula Park, Extension 3, BOKSBURG, 1460 - *Nkosi*
205. Bonginkosi Prince Nokeri - 960225 5263 083 - 434 Dube Street, TOKOZA, 1426 - *Mkhabela*
206. Dumisani Cleopas Mota - 710324 5442 087 - 627 Mavimbela Section, KATLEHONG, 1400 - *Hleza*
207. Mojalefa Joseph Lekgeu - 821022 5349 080 - 1404 Extension 1, Shilakwe Street, THOKOZA, 1426 - *Mofokeng*
208. Bafana Daniel Nhlapo - 870306 5400 088 - 73 Mazibuko Street, THOKOZA, 1401 - *Makhubele*
209. Lehlohonolo Gift Maikoshosho - 900907 5408 080 - 801 K, BOTSHABELO, 9781 - *Sekhonyana*
210. Humbulani Mambree Mashamba - 910912 0593 082 - P O Box 257, VHUFHULI, 0900 - *Mathaba*
211. Fana Moses Tshaka - 930110 6189 080 - 727 Tsietshi Mashinini Street, Sinqobile, Phase 2, KAGISO, 1754 - *Nkuna*
212. Nkanyiso Edward Nyangule - 920205 5565 082 - Ndzangiseni Location, MT AYLIFF, 4735 - *Sishi*
213. Azola Tantsi - 940824 6406 082 - Ntlavini Area, NTABANKULU, 5130 - *Nkomonye*
214. Mthobisi Thokozani Emmanuel Magubane - 940625 6375 080 - No 2375 Extension 2, KWAZAMOKUHLE, 1800 - *Ntshangase*
215. Thandeka Loveness Xulu - 790101 1206 085 - P O Box 7262, EMPANGENI, 3910 - *Molaolwa*
216. Mpho Hebert Chiloane - 760828 5417 088 - Stand No 295, KANYAMAZANE, 1214 - *Gondwe*
217. Kuni Archibald Moseithi - 780819 5757 082 - 852 Moraladi Street, Ikageng Location, POTCHEFSTROOM, 2520 - *Sebento*
218. Joseph Rapula Mathithibala - 741127 5555 086 - 2147 Mothabeng Section, KANANA, 0320 - *Seome*
219. Myboy Petros Mbongo - 570330 5744 082 - Khumalo Road, PIETERMARITZBURG, 3200 - *Khumalo*
220. Rubushe Lindile Madinga - 640317 5854 082 - Dudumashe A/A, NQAMAKWE, 4990 - *Rubushe*
221. Xolani Benedict Matsomane - 810503 5662 088 - 16 Legodi Street, Kwa Thema, SPRINGS, 1575 - *Hlophe*
222. Siyabonga Mvuyisi Kawe - 720102 7140 083 - Corana Area, LIBODE, 5160 - *Duba*
223. Sphamandla Wiseman Soni - 990505 6434 088 - J 1488, UMLAZI, 4001 - *Phuthini*
224. Wandile Dladla - 961019 5885 089 - Emakhambang Area, MTUBATUBA, 3935 - *Masuku*
225. Lethukuthula Ayanda Cebekhulu - 970722 6264 084 - Nyakaza Area, NQUTU, 3135 - *Sibiya*
226. Tshepiso Shevonne Lekgau - 950609 6096 083 - 634 B Dikwateng, SABIE, 1120 - *Mokoena*
227. Mfana Dlamini - 970710 6201 081 - P O Box 621, HARDING, 4680 - *Ntozakhe*
228. Themba Hope Gumede - 860624 5437 088 - Amaotana Area, VERULAM, 4340 - *Mfeka*
229. Vuyokazi Tsholi - 921005 1418 081 - 1484 New Rest, Marcelle Location, Bushmans, PORT ALFRED, 6170 - *Mtsatse*
230. Mutshidzi Themeli - 910801 6250 088 - Mamiini Area, THOHOYANDOU, 0970 - *Muthavhine*
231. Nthabiseng Motsoane - 980825 1288 087 - 3363 Harry Gwala, MATATIELE, 4730 - *Marareni*
232. Kabelo Xorile - 960908 6104 089 - Sibi Area, Mazizini Location, MATATIELE, 4730 - *Mashapa*
233. Victor Collen Mbuyane - 950920 6217 086 - Ga-Modireng, BURGERSFORT, 1150 - *Mokoena*



234. Malesela Simon Makgaka - 950806 5410 089 - House No C009, Marulaneng, Bakenberg, MOKOPANE, 0611 - *Mekwa*
235. Ellen Tiny Nkosi - 760120 0515 086 - Stand No 1313, MATSULU, 1203 - *Sungula*
236. Dinah Van Wyk - 620320 0851 081 - House No 1477, Rdp Elton, DELAREYVILLE, 2770 - *Buso*
237. Lucas Lebogang Gaobuse - 940521 6117 087 - House No 988 Y, Mokgareng, TAUNG, 8584 - *Kuduntwane*
238. Collen Rofhiwa Tsebula - 881016 5147 087 - 3980 Prune Road, BRAAMFISCHERVILLE, 1724 - *Raborife*
239. Mncedisi Lewis - 800319 5943 085 - F 94 Flenter Location, KNYSNA, 6570 - *Qwesha*
240. Nomvula Charity Tamarana - 961205 0363 087 - 8026 Kabelo Maraudi Street, Radibile, KIMBERLEY, 8345 - *Lebona*
241. Chad Michael Gulston - 921114 5095 083 - 26 Gateway Park, 180 Randles Road, Sydenham, DURBAN, 4001 - *Young*
242. Lerutla Thomas Kolobe - 750510 6267 082 - P O Box 1388, BURGERSFORT, 1150 - *Rakgalakane*
243. Lawrence Mogopudi Namane - 710101 8193 085 - Za 184, Tafelkop Village, BOLEU, 0474 - *Ntheko*
244. Mathoromela Nelson Mohale - 490503 5609 086 - P O Box 1500, KGAPANE, 0838 - *Selotole*
245. Florah Caroline Mkhize - 780901 0355 086 - 11206 Extension 3, WINTERVELDT, 0198 - *Taylor*
246. Arnot Thapelo Seboya - 970909 6183 089 - 367 Mundzhedzi, MUNDZHEDZI, 0948 - *Mabasa*
247. Edmond Kgodiso Monama - 961219 6028 081 - F 73 Toitskraal, MARBLE HALL, 0450 - *Mmakola*
248. Sejabeng Andries Sebopela - 840831 5866 084 - Kotsiri, SEKHUKHUNE, 1124 - *Manogo*
249. Mmashela Sophia Nyamane - 700114 0584 088 - P O Box 0748, Juno, GA-MATLALA, 0700 - *Choke*
250. Makgupje Alfred Motong - 780302 5818 089 - Malemeng Section 28, MARISHANE, 1059 - *Bapela*
251. John Kgabo Makgae - 860826 5328 080 - 3998 Tshetlo, Marapong Location, LEPHALALE, 0556 - *Shiko*
252. Morole Zacharia Sebopela - 870209 5951 086 - Kotsiri, SEKHUKHUNE, 1124 - *Manogo*
253. Sehlana Johannes Matlhadi - 900705 6072 081 - P O Box 93, Ga-Chere Village, MARKEN, 0605 - *Mathekga*
254. Magoroshi Margaret Sebopela - 920829 0643 089 - Kotsiri, SEKHUKHUNE, 1124 - *Manogo*
255. Oupa Thomas Mkhwebane - 700820 5869 080 - 7282 Dube Street, Thokoza Gardens, GERMISTON, 1426 - *Mnisi*
256. Yulen Vermeulen - 980118 5039 080 - 43 Chestnut Place, BELHAR, 7490 - *Lombard*
257. Thuto Kokeletso Tshwanelo Mereotlhe - 920918 0509 083 - 1010 Firerich Estate, Montana, PRETORIA, 0100 - *Moleli*
258. Jabulani Hlatshwayo - 910710 5184 083 - 20812 Euphrates Street, Protea Glen, Extension 20, KRUGERSDORP, 1819 - *Morolong*
259. Gcinikhaya Sinani - 821120 6076 080 - Sitebe Area, MTHATHA, 5099 - *Mdeni*
260. Mohube Raymond Diketane - 880719 5938 089 - Stand No 114, NGWALEMONG, 0400 - *Kgolane*
261. Avela Zibele - 940818 6095 085 - Mvalweni A/A, MT AYLIFF, 4800 - *Mlonzi*
262. Tumelo Linah Kekana - 871215 1244 086 - 2796 Koloti, MOLETJIE, 0160 - *Mohafe*
263. Goitseone Hellen Moubane - 920504 0759 082 - 10035 Marapallo Section, RUSTENBURG, 0344 - *Everson*
264. Bongekile Phakade - 901003 5920 081 - Ngqane Location, NTABANKULU, 5130 - *Nomgogwana*
265. Melusi Charles Hadebe - 980728 5385 083 - Stand No 797, DRIEFONTEIN, 2300 - *Vilakazi*
266. Sunny-Boy Peter Ndlovu - 720222 5878 086 - 3013 Extension 9, GERMISTON, 1401 - *Nkashe*
267. Tumelo Macdonald Taolo - 981223 5178 083 - P O Box 01, MOKOKWENG, 8614 - *Louw*

268. Kgabo Anna Ngoepe - 750317 0665 083 - P O Box 247, JUNO, 0700 - *Sekwaila*
269. Bongiwe Manana - 970424 0660 082 - 47 Zone 1, SESHEGO, 0699 - *Manamela*
270. Thando Gift Consolver - 970203 5201 088 - 57 Cosa Del Sol Nossob Street, Winchester Hills, JOHANNESBURG, 2001 - *Nkosi*
271. Thanduxolo Tutu - 750609 5401 088 - 72 Songololo Street, Walmer, PORT ELIZABETH, 6001 - *Mcophele*
272. Rinae Makhwedzha - 900805 6124 088 - 334 Connecticut Street, Cosmo City, RANDBURG, 2188 - *Muhali*
273. Keamohetswe Pricilla Monosi - 970407 0229 081 - 16156 Phase Two, Bloemanda, BLOEMFONTEIN, 9323 - *Jonas*
274. Tshepo Monyela - 961025 6103 083 - L/O, TZANEEN, 0850 - *Rathobela*
275. Brain Molapo - 980804 6115 082 - Ga-Malekane, NGWAABE, 1058 - *Mankge*
276. Vincent Bongani Velemani - 790613 6046 084 - 4260 Macfadyen Street, Orlando East, SOWETO, 1717 - *Malete*
277. Motlatso Juda Lesodi - 841012 5484 082 - 468 Kwena, Moloto II, SESHEGO, 0742 - *Makgato*
278. Siyabonga Richard Zama - 911013 5525 085 - P O Box 75314, PIETERMARITZBURG, 3200 - *Ndlovu*
279. Sakhumzi Dambuza - 900510 5765 085 - 47 Chapmans Peak, Aerorand, MIDDELBURG, 1050 - *Zwelibanzi*
280. Tshepo Masekwameng - 941118 5537 081 - 15360 Ivory Park, MIDRAND, 1685 - *Mogajana*
281. Petrus Rapule Mphofu - 951217 5763 080 - Private Bag X1327, SOEKMEKAAR, 0810 - *Senyolo*
282. Maputle Jim Mokgwadi - 821222 5597 080 - Manganeng, SEKHUKHUNE, 1129 - *Riba*
283. Malla Francina Tjali - 620217 0622 084 - 44 Mawaneng Village, Moletlane, ZEBEDIELA, 0628 - *Madiba*
284. Joshua Rakotse Phala - 841121 5483 083 - Mohlaletse, SEKHUKHUNE, 1124 - *Maredi*
285. Mpalaza Thomas Mahlaola - 681010 6592 088 - 2022 Mamapyane, MARBLE HALL, 0450 - *Sithole*
286. Rasemate Frans Mahlaola - 720423 5633 089 - 240 Mew Stand, MOGANYAWA, 0459 - *Sithole*
287. Sfiso Rakgalakane - 920524 6105 080 - 1425 Unit A, Monsterlus, MPUDULLE, 1057 - *Masimola*
288. Thembinkosi Dlamini - 850921 5284 086 - 1829 Phase 2, Ironside, TSHEPONG, 1984 - *Molemane*
289. Sphamandla Gift Siyamdumisa Mkhize - 950617 5836 086 - 26 Mzomkhulu Avenue, Ncanou Park, NEWCASTLE, 2940 - *Moloi*
290. Sduduzo Minenhle Mthimkhulu - 980415 5778 083 - Nkanini Area, ESHOWE, 3815 - *Ngcobo*
291. Tshepo Pico - 940529 5512 083 - Houseno 605, Galotlhare, KURUMAN, 8460 - *Segami*
292. Vusumuzi Edgar Phiri - 930514 6099 084 - Stand No 153, MATAFFIN, 1204 - *Thela*
293. Liaison Mfundisi Silawule - 630827 5766 088 - 595 C, MKHUHLU, 1246 - *Godi*
294. Senzo Nuwase Magagula - 920107 5290 085 - Stand No 2586, Matsulu C, NELSPRUIT, 1200 - *Sumbane*
295. Thendo Moses Ratshitanga - 920415 5933 087 - 22 Bracelet Crescent, Sonneheuvel, NELSPRUIT, 1200 - *Daswa*
296. Dumisani Hilton Mathebula - 8207245296 085 - Stand No 7131, Daantjie Trust, NELSPRUIT, 1200 - *Mgwenya*
297. Musa Moses Mathebula - 741011 5387 080 - Stand No 113, Khumbulekhaya, Phiva Trust, NELSPRUIT, 1200 - *Mgwenya*
298. Fanie Lemeck Mathebula - 900905 5531 083 - Stand No 7151, Daantjie Trust, NELSPRUIT, 1200 - *Mgwenya*
299. Ishmael Velaphi Nkosi - 740112 5318 082 - Stand No 1313, MATSULU, 1203 - *Sungula*
300. Hlamalani Dick Ngubeni - 870701 5332 085 - 26406 Extension 38, Emaphupheni, DAVEYTON, 1501 - *Ndlovu*
301. Themba Sibiya - 951212 5349 089 - Stand No A262, Matsulu A, NELSPRUIT, 1200 - *Chanza*

302. Sipho Prenky Mandlazi - 890219 5779 086 - 2357 Verena, EMPUMALANGA, 0458 - *Maselela*
303. Tshepiso Andronica Taubeng - 990106 0394 087 - House No D83, Tlhaping Section, GANYESA, 8613 - *Ketshabang*
304. Johannes Albertus Potgieter - 960824 5103 081 - 142 Deockre Street, POMEROY, 1610 - *Correia*
305. Mpho Lubengu - 980423 0547 081 - 13053 Emililo Street, Extension 12, Ivory Park, MIDRAND, 1685 - *Moremi*
306. Mnikeneni Julius Ngwane - 800605 5342 082 - Private Bag X4200, UMZINTO, 4200 - *Mkhize*
307. Nosipho Lethokuhle Alicia Miya - 950105 1686 085 - Woodford, BERGVILLE, 3350 - *Ndlovu*
308. Tebatso Godfrey Mosomane - 880808 5992 087 - 2247 Mamba Street, Zone 2, DIEPKLOOF, 1710 - *Ramodike*
309. Nobuhle Nokwazi Khoza - 940713 1240 085 - P O Box 2205, NQUTU, 3135 - *Ngobese*
310. Banele Banson Mhlanga - 860915 5485 089 - Stand No 447 A, MATSULU, 1203 - *Mazibuko*
311. Nqobile Danzele Magagula - 950210 5725 085 - 4936 Mocke Street, BENONI, 1520 - *Khumalo*
312. Sejamorogo Koos Mphela - 431116 5144 087 - 582 Troya Village, MPUMALANGA, 0010 - *Moloto*
313. Linda Queenton Mabuza - 860916 5325 085 - Stand No 017770, Msogwaba, NELSPRUIT, 1215 - *Mogale*
314. Tsepo Elkin Ndlovu - 940713 5723 086 - Stand No 512, Dwaleni Trust, KABOKWENI, 1245 - *Maziya*
315. Phakamani Sabelo Mhlungu - 890207 5645 084 - H 1989 Idada Street, ESIKHALENI, 3887 - *Ngidi*
316. Lunga Gamede - 900217 6138 086 - Shelley Beach, PORT SHEPSTONE, 4240 - *Malunga*
317. Amogelang Thato Mosoa - 981005 5504 081 - 12445 Robert Selepe Street, KAGISO, 1754 - *Mokoena*
318. David Kebonang Mlangeni - 870927 5649 083 - House No 402, Lenatong, PHOKENG, 1739 - *Medupe*
319. Philippa Emma Abrahamse - 900715 0031 082 - 30 Richmond Road, Mowbray, CAPE TOWN, 8001 - *Henry*
320. Ntombizanele Ngemntu - 861114 0739 083 - 15690 Charles Street, Bloekombos, KRAAIFONTEIN, 7570 - *Ziwele*
321. Delisha Catherine Gidlan - 880916 0191 082 - V 7 Magnolia Flats, PAARL, 7646 - *Moses*
322. Mfundo Budaza - 980622 6271 089 - 78 Msobomvu Township, BUTTERWORTH, 4960 - *Sobekwa*
323. Nkosinathi Fatman - 880709 6128 087 - 29698 Ngena Street, Dunoon, MILNERTON, 7441 - *Matu*
324. Thabong Moloto - 950710 6071 082 - 1225 Block Kk, SOSHANGUVE, 0152 - *Mabotha*
325. Danice Moloto - 920817 6059 087 - Stand No 3, Zenzele, EMPUMALANGA, 0458 - *Mohlallo*
326. Alpheus Matsobane Mathatho - 810116 5881 085 - 5 Shamahansi Street, Extension 4531, RANDBURG, 2189 - *Selepe*
327. Sifiso Ndebele - 810816 5752 083 - 49 Viscount Avenue, Windsor East, RANDBURG, 2194 - *Sikakane*
328. Violet Anny Kgapole - 710310 0331 086 - Private Bag X9040, BURGERSFORT, 1180 - *Magabe*
329. Siphamandla Jerry Motaung - 950205 5436 089 - 1550 Printech Avenue, Lazer Park, HONEYDEW, 2070 - *Jiyane*
330. Matefo Papsi Moloi - 651128 0276 080 - 4940 Kgotsong, BOTHAVILLE, 9660 - *Tshabalala*
331. Andile Patrick Mngxati - 950625 5431 089 - 615 Springfield, DURBAN, 4001 - *Peter*
332. Kwandokuhle Zuma - 951223 5931 081 - Nxamalala, Sweetwater, PIETERMARITZBURG, 3200 - *Madonda*
333. Mzwandile Mbatha - 931104 6230 084 - P O Box 2012, NQUTU, 3135 - *Buthlezi*
334. Mzwenkosi Gumede - 840514 5354 083 - 13013 Mgogozi Road, BOTHAS HILL, 3660 - *Ngwane*
335. Moxolise Praises Shibambu - 941031 5215 089 - 29953 Extension 10, MAMELODI EAST, 0122 - *Nkosi*

336. Siphosethu Moya - 931106 6139 082 - Mamata Location, KING WILLIAMS TOWN, 5600 - *Hoya*
337. Nicholus Bheki Nyawo - 840415 6114 080 - B 1119 Parkgate, VERULAM, 4339 - *Myeni*
338. Xolisa Blekiwe - 971014 6102 087 - 30 Mossie Street, Rosedale, UITENHAGE, 6229 - *Tikise*
339. Bulelwa Sinki Mavatha - 800920 0951 088 - Phillip Sweethome, WYNBERG, 7824 - *Nontshakaza*
340. Gifty Muleya - 950119 6044 083 - Muswodi, MUTALE, 0956 - *Mahandana*
341. Gopolang Isaac Majahe - 970226 6167 081 - P O Box 70, GANYESA, 8613 - *Witbooi*
342. Olesego Sydney Moshe - 960714 6071 082 - 77 – 1st Avenue, TLHABANE, 0299 - *Motlhakoe*
343. Sandile Nyali - 931110 6404 082 - A 77 Folweni Township, UMBUMBULU, 4105 - *Jeje*
344. Xoliswa Thandeka Hadebe - 950309 1162 085 - P O Box 1893, ESTCOURT, 3310 - *Cilo*
345. Asanda Mfiki - 970412 1080 087 - Chibini, NTHABANKULU, 5130 - *Nama*
346. Vusi Malele - 901212 6127 089 - P O Box 37, BUSHBUCKRIDGE, 1280 - *Mdhluli*
347. Tiego Jonas Morudi - 941212 6131 083 - 1688 Ga-Madiba, MOKOPANE, 0600 - *Sekhasimbe*
348. Sandile Bonga Sitole - 930207 6125 088 - 479 Flathele, OSIZWENI, 2952 - *Mntambo*
349. Puleng Jacob Makgopya - 631003 5698 080 - 14905 Extension 76, SESHEGO, 0699 - *Mokwatlo*
350. Xolani Ronny Ngcobo - 850228 5285 083 - 1384 Tshepisong, Phase 6, ROODEPOORT, 1724 - *Moalusi*
351. Ntombizanele Thabisile Madhlaba - 900705 0277 082 - 58 Copper Crescent, NELSPRUIT, 1200 - *Masinga*
352. Thihe Oupa Raganya - 830618 5459 081 - Stand No 20, Balloon, GA-SEKORORO, 0100 - *Malavila*
353. Karabo Irvin Moremi - 931205 5082 085 - 1444 Tang Fish Street, Extension 2, Kaalfontein, MIDRAND, 1685 - *Moremi-Hopane*
354. Andile Nhlapo - 880501 6187 084 - 364 Emfihlweni Section, TEMBISA, 1632 - *Samela*
355. Lucia Mbali Shabalala - 980326 0406 085 - 2237 Grape Street, Extension 3, GELUKSDAL, 1550 - *Sabeka*
356. Thembelani Sizwe Dlamini - 930503 5900 087 - Springvalle, HIGHFLATS, 3200 - *Dludlu*
357. Tebogo Christopher Mokhwai - 771212 6324 089 - House No B53, TSEGE, 8612 - *Moepedi*
358. Vuyo Joy Machere - 950922 5204 081 - 4846 Nkosi Street, Ikageng, POTCHEFSTROOM, 2531 - *Jack*
359. Kenneth Tshikalange - 731103 5995 087 - P O Box 1116, THOHOYANDOU, 0950 - *Thabela*
360. Tshepo Otto - 961112 5419 080 - P O Box 393, GANYESA, 8613 - *Mochwaedi*
361. Dumisani Dube - 890313 5921 085 - E 7375, Section 5, MADADENI, 2951 - *Kotelo*
362. Demca Nkosi - 890406 6081 089 - P O Box 388, HAZYVIEW, 1242 - *Mabuza*
363. Mahlodi Norah Raseloma - 650712 0395 080 - Stand No 427, BOCHUM, 0920 - *Maloka*
364. Sphehile Wandile Ngolwa - 970608 6179 085 - M 730, UMLAZI, 4031 - *Sithole*
365. Ralibone David Dlangudlangu - 870517 5378 088 - 19565 Extension 19, JOUBERTON, 2571 - *Selebano*
366. Mandla Johanne Ntuli - 780313 5351 088 - Stand No 7839, Tushula Trust, KABOKWENI, 1245 - *Mokoena*
367. Bongani Tabede - 980705 5710 080 - Block D, EMONDLO, 3105 - *Mcabhi*
368. Lizzy Ntombikayise Ngomane - 780808 1311 085 - Stand No 133, Newington A, THULAMASHASHE, 1245 - *Mthombeni*
369. Ndinannyi Ronald Materetere - 770111 5968 089 - Stand No 50308, KHUBVI, 0900 - *Ragimana*

370. Jerome Nico Isaks - 920212 5290 083 - 29 Drywe Avenue, RAASWATER, 8800 - *Mabula*
371. Nqayi Albert Doyisa - 470501 5598 089 - Kwa Madlala Location, UMZUMBE, 4225 - *Ngcungama*
372. Michael Setumo Ratsela - 761111 5846 088 - Stand No 1306, Napier Section, Mmamethake Village, SIYABUSWA, 0432 - *Matjiane*
373. Thozama Sandi - 800304 1136 082 - 11 Ngadla Street, Nu 9, Motherwell, PORT ELIZABETH, 6001 - *Mbalane*
374. Anathi Kabane - 980930 5702 081 - 438 Nekkies, KNYSNA, 6570 - *Lufundo*
375. Nokuthula Innocent Moyikwa - 980219 0096 081 - 7 Thulani Street, Bongolethu, OUDTSHOORN, 6625 - *Modikwe*
376. Siphonini Mncube - 941211 6152 081 - 22 Princess And Julies Street, JEPPESTOWN, 2001 - *Xulu*
377. Tshepo Ndaba - 900215 5393 082 - 5471 Bomvana Street, DAVEYTON, 1520 - *Mashego*
378. Tshepo Mashele - 950701 6066 081 - P O Box 101, BUSHBUCKRIDGE, 1280 - *Mathebula*
379. Vincent Mungu Skhosana - 751216 5691 087 - 912 Langa Street, Sakhile, STANDERTON, 2430 - *Motaung*
380. Chulumanco Merile - 980314 0384 080 - 791 Zone 4, ZWELITSHA, 5600 - *Botha*
381. Mphephe John Monyebodi - 830914 5860 083 - 20306 Selek, Village 7, LEPHALALE, 0555 - *Mokonyane*
382. Winnie Palesa Mohau Matsi - 950116 0715 080 - 18 A Klipdam, LADANNAH, 0699 - *Mamabolo*
383. Galida Jacobs - 911218 0038 089 - 2998 Welbedach West, CHATSWORTH, 4092 - *Jafta*
384. Thumekile Sotshozi - 620427 5929 083 - Qandu Area, PORT ST JOHNS, 5100 - *Mtshazi*
385. Thokozani Zethemba Manyoni - 960105 5892 083 - Masangweni Area, BABANANGO, 3850 - *Sikhakhane*
386. Muzi Isaac Madonsela - 670613 5683 080 - 328 M Mbonani Street, Siluma Gardens, Katlehong Gardens, KATLEHONG, 1432 - *Sidu*
387. Matome Stranger Motloutsi - 870320 5826 085 - P O Box 262, LENYENYE, 0857 - *Malatjie*
388. Sphamandla Simosakhe Sibiya - 951001 6063 082 - Mkhazane Area, MAHLABATHINI, 3838 - *Ntombela*
389. Modikisheng Gloria Thamaga - 730919 1100 088 - P O Box 268, SEKHUKHUNE, 1124 - *Rakgoale*
390. Machawe Malibongwe Mthembu - 970725 6317 083 - Stand No 56, Longhomes, BARBERTON, 1300 - *Jele*
391. Given Dankel Mdhuli - 921001 6094 084 - Stand No 1083, SABIE, 1260 - *Gorden*
392. Ntuthuko Ndlela - 980314 5087 084 - 331 Madlala, THOKOZA, 1426 - *Mtshali*
393. Vezokuhle Excellent Ndlovu - 971127 5739 087 - Stand No, KANYAMAZANE, 1214 - *Thwala*
394. Mpho Sello - 880823 6250 088 - 3938 Barcelona, Extension 27, Etwatwa, DAVEYTON, 1519 - *Khumalo*
395. Perseverance Refilwe Duduzile Mahlangu - 930213 0182 083 - 29381 Ndimas Street, Extension 11, TSAKANE, 1550 - *Mokoena*
396. Mpilo Allen Chonco - 951206 6310 082 - 10815 Isizinda Road, HAMMARSDALE, 3609 - *Zwane*
397. Thuso Mokonyane - 980824 0286 085 - P O Box 4289, POLOKWANE, 0700 - *Hlako*
398. Sandisiwe Gogo - 980118 0437 081 - 6899 Matoku Street, Asla Park, MOSSEL BAY, 6500 - *Jonase*
399. Bontle Ramawa - 950809 0296 081 - Mzinto A/A, MOUNT FRERE, 5090 - *Mzozo*
400. Mbali Siphesihle Rose Hadebe - 981025 0806 083 - Enyandu Area, TUGELA FERRY, 3010 - *Ntanzi*
401. Thulani Sihle Mabika - 891128 6397 088 - Esibhoweni Area, UBOMBO, 3970 - *Gumede*
402. Lithalethu Jikingqina - 820212 6214 083 - 38071 Freedom Square, BLOEMFONTEIN, 9323 - *Mankayi*



403. Nkosiphendule Tshetsa - 980115 5701 081 - 13997 Ukhozi Street, Wasand, ATLANTIS, 7349 - *Mlungu*
404. Sydney Zithulele Makhaya - 780614 5839 083 - Maaphela Road, KWA MASHU, 4360 - *Langa*
405. Chirinda Celia - 981003 0160 082 - F 1656 Phase 1, FREEDOM PARK, 0308 - *Chirinda*
406. Mapula Kholofelo Legodi - 970109 1000 087 - 17 Francois Street, BIRCHLEIGH, 1619 - *Makwela*
407. Samuel Molwantwa Tolo - 890330 5416 080 - Stand No 1693, Leeuwfontein, MOGANYAKA, 0459 - *Mokobaki*
408. Sydwele Sabane Tolo - 921229 5239 083 - Stand No 693, Leeuwfontein, MOGANYAKA, 0459 - *Mokobaki*
409. Siyabonga Ayanda Gift Sibiya - 930403 5277 083 - J 214 Mdoni Road, KWA MASHU, 4360 - *Mhlongo*
410. Nduduzo Mabaso - 970216 5843 089 - Nqutshini Reserve, ESHOWE, 3815 - *Ntombela*
411. Thandeka Nokuthula Gabela - 940301 1410 088 - P O Box, MAHLABATHINI, 3800 - *Majozi*
412. Thembele Siculo - 640202 2019 089 - Nqadu Area, WILLOWVALE, 5100 - *Kwenene*
413. Simphiwe Ivin Khoza - 981231 5932 086 - P O Box 185, MBONAMBI, 3915 - *Nqulunga*
414. Andile George Ngomane - 961215 5706 081 - Stand No 204, MASIBEKELA, 1342 - *Mahlalela*
415. Lawrance Bheki Gumede - 720407 5588 088 - Obanjeni Reserve, MTHUNZINI, 3867 - *Madida*
416. Bonginkosi Elphas Ngcobo - 501103 5232 083 - Mzaba Road, CATORIDGE, 3201 - *Mkhize*
417. Mzwanele Hebert Mkwambi - 690121 5340 087 - 229 Mtendwe Street, Nu 7, MOTHERWELL, 6211 - *Mandla*
418. Mokgethoa Stephen Aphane - 500711 5601 080 - P O Box 79, GOMPIES, 0631 - *Maphoso*
419. Andile Majola - 930620 0912 089 - Bomveni Reserve, NGWELEZANE, 3900 - *Sibiya*
420. Ayanda Berthy Mkhwenkwe - 911121 1243 080 - Mantlani Area, LUSIKISIKI, 4820 - *Ndilani*
421. Siyabonga Sibiya - 970916 6508 082 - Madagane Location, PORT SHEPSTONE, 4240 - *Bhayinethe*
422. Brian Xolani Mvula - 741210 5600 084 - 22 Pinedale Close, Newlands West, DURBAN, 4001 - *Mkhwanazi*
423. Sibusiso Ntimba - 900620 6502 088 - 1300 Mangweni Trust, NKOMAZI, 1341 - *Mashabane*
424. Phumlani Nzuza - 800107 5307 082 - 13 Charles Street, UMKOMAAS, 4170 - *Zulu*
425. Lethusang Mathadira - 720721 0668 087 - 35 Carnwal Manor, Oakland East, BRAKPAN, 1541 - *Ntilane*
426. Goodman Mdungazi Matshanyela - 741203 5541 085 - 9060 Elbe Street, Extension 6, PALM RIDGE, 1431 - *Phati*
427. Maotwane Ajax Sebopela - 800714 5591 084 - Kotsiri, SEKHUKHUNE, 1124 - *Manogo*
428. Manganeng Sydwele Sebopela - 951003 5648 087 - Kotsiri, SEKHUKHUNE, 1124 - *Manogo*
429. Simamkele Singata - 940701 5379 082 - 47 Celu Street, GRAHAMSTOWN, 6139 - *Stofu*
430. Grace Netshineho - 980415 1298 086 - House No 1527, Mushongo Village, MUSINA, 0900 - *Chirwa*
431. Margaretha Johanna Gebhardt - 990103 0056 089 - P O Box 833, TZANEEN, 0850 - *De Nysschen*
432. Siphumelele Shaun Galada - 801204 5954 085 - Badibanise Area, MOUNT FRERE, 5090 - *Nyokana*
433. Lazarus Edward Chiloane - 790224 5511 084 - 792 Block 9, Doornkop, DOBSONVILLE, 1874 - *Malele*
434. Sipho Eric Ntuli - 610606 6148 080 - K 992 Umlazi Township, DURBAN, 4001 - *Cele*
435. Nthlenyane Sixolile Ramawa - 980405 5145 086 - Mzinto Area, MT FRERE, 5090 - *Mzozo*
436. David Vincent Mokoena - 680717 5388 083 - 5 Vulture Reyno Ridge, WITBANK, 1049 - *Mbizane*

437. Lesedi Kiletsi Mahanyele - 971127 5922 089 - Stand No 190, Moletjie, GA-MAMADILA, 0700 - *Mashiane*
438. Sinowethu Angel Siqathule - 930312 1055 080 - Ngutyana Area, BIZANA, 4800 - *Tikisa*
439. Njabulo Sibisi - 990122 5154 087 - B 217 Fannin Extension, Clermont, KWADEBEKA, 3601 - *Nteyi*
440. Rallai Emmanuel Payile - 840621 5386 088 - Stand No 267, THABAKHUBEDU, 0400 - *Maleka*
441. Matsela Frans Ntuli - 831114 5910 082 - 353 Tafelkop, BOLEU, 0474 - *Mnguni*
442. Lindokuhle Innocent Ngidi - 900726 5886 081 - R 614 Noodsberg Road, Nsuze Area, OZWATHINI, 3242 - *Ngcobo*
443. Thandiwe Mthembu - 960312 0930 088 - Imbizo Reserve, Umlazi, ESHOWE, 3815 - *Mpungose*
444. Malephotse Sarah Nkadimeng - 620928 0392 086 - Zie 426, Tafelkop, BOLEU, 0474 - *Leope*
445. Kedidimetse Motsepe - 950125 0585 088 - Tsimanyane, MARBLE HALL, 0450 - *Rakolote*
446. Ayanda Dani - 950615 6417 088 - Ezizityaneni Location, BIZANA, 4800 - *Cele*
447. Tsholofelo Davidson Thulare - 950405 5564 084 - Leeufontein, MOGANUYAKA, 0459 - *Sebesho*
448. Khehlo Petros Gumede - 721210 5443 083 - Nomavimbela High, UMBUMBULU, 4105 - *Mvuyana*
449. Ndivho Luckton Mukwevho - 961228 5943 083 - Mafukani, MUTALE, 0956 - *Tshinyadzo*
450. Frans Khunedi Mphoka - 790512 5359 086 - No 10401, Molekane Village, Mapela, MOKOPANE, 0610 - *Mabusela*
451. Amukelani Reginal Mashaba - 910628 6208 083 - P O Box 24, MALAMULELE, 0982 - *Makhubele*
452. Luthando Qhawe Tsolekile - 940325 5205 087 - Southerwood, UMTATA, 5010 - *Madala*
453. Thanduxolo Israel Mcube - 640919 5754 087 - Lower Ngqungqu A/A, MQANDULI, 5050 - *Mniki*
454. Peleka Dilikile - 921117 0943 082 - Zimbane Area, MTHATHA, 5099 - *Shwashwa*
455. Thandokazi Kratshini - 930727 1551 087 - Stofile Street, UMTATA, 5100 - *Pali*
456. Sibongile Maduna - 980621 0838 083 - Majola Area, PORT ST JOHNS, 5100 - *Gadla*
457. Thomas Mndawe Sithole - 791220 6159 088 - Stand No 33, LEHAU, 1215 - *Mabuyangwe*
458. Ayanda Khanyile - 970723 5406 080 - Unit 4, Bryntirion Estate, ARCADIA, 0084 - *Hadebe*
459. Mavuso Tshazi - 980921 6209 085 - 21 Claridge Place, Tom Claridge Avenue, PHILLIP NEL PARK, 0100 - *Sosibo*
460. Mulalo Justice Mudau - 970219 5798 089 - P O Box 96, VUWANI, 0952 - *Mbedzi*
461. Sizwe Elvis Mdluli - 840909 5239 088 - 1935 Longhomes, PIET RETIEF, 2380 - *Phakathi*
462. Anele August - 910126 5975 083 - 511209 Sakuba Street, Zwide, PORT ELIZABETH, 6000 - *Plaatjies*
463. Senzo Mthobisi Dlamini - 950210 6413 087 - 31 Truiman Road, Kenville, DURBAN, 4001 - *Langa*
464. Kubongakwenkosi Zakwe - 981117 5918 086 - Nkomsa Area, MUDEN, 3251 - *Dlamini*
465. Leon Ndamase - 960611 5768 082 - Dube Village, OHLANGE, 4310 - *Richards*
466. Sifiso Ndlovu - 760312 5767 081 - 818 Chesterville Location, DURBAN, Sir - *Chunu*
467. Sonwabiso Mfihlo - 861010 6155 086 - 15 Opperman Street, PRETORIA, 0157 - *Mayongo*
468. Nokukhanya Banda - 960814 0904 088 - B 362, UMLAZI, 4001 - *Ndaba*
469. Mosima Given Phalafala - 810302 0561 084 - Sloophoek Village, Raditshaba, BOCHUM, 0748 - *Leshiba*
470. Mpho Nkosinathi Maloka - 971104 5621 086 - 5540 Rdp, Extension 6, SAKHILE, 2430 - *Tshabalala*

471. Siyabulela Buntu Mnyamana - 881030 5561 080 - 43 Tuna Crescent, Amalinda, EAST LONDON, 5249 - *Gwadiso*
472. Matiwane Prince Seboto - 900605 5384 083 - 2606 Zone 13, SEBOKENG, 1782 - *Hlongwane*
473. Lesiba Emmanuel Lebea - 930525 5627 089 - 1088 Zone 4, SESHEGO, 0742 - *Tshoga*
474. Wellcome Dlamini - 860429 5924 089 - 1651 C White City, Mhlanga Street, JABAVU, 1868 - *Zwane*
475. Sekonyela Meshack Cindi - 890504 6115 087 - 3194 Extension 6, Qalabotjla, VILLIERS, 9840 - *Molefe*
476. Kgaugelo Mkonto - 940316 5849 081 - 3812 Mhlongo Street, Extension 3, DELMAS, 2210 - *Mkhonto*
477. Itumeleng Lordley Kgopane - 831123 5368 084 - 4 Cornus Street, Extension 3, Ormonde, JOHANNESBURG, 2010 - *Mokoatsi*
478. Sinekhaya Ncasamba - 950428 6121 084 - Gabazi Location, QUMBU, 5180 - *Mzaza*
479. Thabo Victor Mokgata - 780828 6578 082 - P O Box 522, LEBOWAKGOMO, 0727 - *Mphahlele*
480. Tshepho Samuel Sethole - 581012 5687 084 - 1204 Block Ff, SOSHANGUVE, 0152 - *Seleka*
481. Namama Lahaba Mathunzi - 690922 0646 083 - Makotse Village, LEBOWAKGOMO, 0737 - *Kau*
482. Mbizelwa Maguju - 471209 5248 080 - Mathunzi, RICHARDS BAY, 3900 - *Magutshwa*
483. Thabiso Sikhumbuzo Ndlovu - 820107 5818 084 - 23522 Lemon Crescent, Extension 26, PROTEA GLEN, 1750 - *Mokhema*
484. Simphiwe Trevor Hlongwa - 830825 5914 086 - Mbotsha Location, PORT SHEPSTONE, 4240 - *Sima*
485. Katlego Chuene - 890630 6073 081 - 05 Block G, SOSHANGUVE, 0152 - *Tseka*
486. Dylan Damon - 971229 5043 088 - 42 Wild Olive Street, WINCHESTER HILLS, 2091 - *Price*
487. Siphelele Mngadi - 980317 5465 085 - Mevamhlophe Reserve, EMPANGENI, 3880 - *Silwange*
488. Ophney Rapulane - 861028 5579 080 - Ga-Mathabohala, LEBOWAKGOMO, 0737 - *Molokoane*
489. Dikgang Vincent Pooe - 760205 5369 082 - 504 Folmar Street, Ormonde View, SOWETO, 1700 - *Modiko*
490. Lizo Magadla - 980609 5898 087 - Mango Location, MATATIELE, 4730 - *Mlobeli*
491. Mc Cool Ponbo Sekese - 740922 5869 086 - 1882 Phara Street, VOSLOORUS, 1475 - *Thobejane*
492. Risimati Joseph Baloyi - 650630 5427 080 - 3035 Amazinyo Street, PALMRIDGE, 1456 - *Chabalala*
493. Koko Cynthia Mthethwa - 820202 1460 088 - 10 Rapodile Street, KWATHEMA, 1575 - *Malinga*
494. S'phamandla Ndabeni - 970621 6063 084 - Mpopoheni Township, JAPANI, 1221 - *Gebixeku*
495. Mandlenkosi Jeremiah Dhlamini - 710719 5396 086 - 11 Bhudi Street, Kwa Thema, SPRINGS, 1575 - *Maruping*
496. Alfred Sgwili Dladla - 700616 5569 088 - Rietvlei Area, Senzokuhle School, GREYTOWN, 3250 - *Khanyile*
497. Keenan Alrich Louw - 990103 5225 085 - 269 B Van Den Berg Street, Elandspoort, PRETORIA WEST, 0183 - *Freeman*
498. Tito Mazwana - 900910 6001 086 - 84 Riley Street, PAROW, 7500 - *George*
499. Simon Ntokozo Khanyile - 830109 5910 083 - Mahashini, ESTCOURT, 3310 - *Radebe*
500. Zandisile Witi - 780916 5534 089 - 7 Ncera Village, Kidds Beach, EAST LONDON, 5201 - *Fatman*
501. Halalisani Innocent Khanyile - 800506 5560 089 - P O Box 713, MELMOTH, 3830 - *Biyela*
502. Marie-Claudine Shevel - 710408 0086 088 - 30 Rhine Road, SEAPOINT, 8001 - *Micheletti*
503. Alack Mehlokazulu Mhlongo - 490101 7226 080 - P O Box 229, Yanguye Area, MELMOTH, 3835 - *Biyela*
504. Bakang Innocent Mokoena - 940815 5402 080 - 40418 Newtown Section, BAPONG, 0269 - *Modise*



505. Alex Mathew Abrahams - 950608 5289 087 - 23 Chestnut Avenue, New Orleans, PAARL, 7646 - *Tsigourakos*
506. Never Thomas Rambau - 821106 5684 081 - 9996 B Mngomezulu Street, ORLANDO WEST, 1804 - *Mokherere*
507. Siphелеle Ndlabi - 941017 6117 085 - Mfinizweni Area, LUSIKISIKI, 4800 - *Madikizela*
508. Molobelwa Aaron Rampou - 451206 5456 089 - 6508 Zone 5, GA-RANKUWA, 0208 - *Rampou-Kotsokoane*
509. Nomsa Sesana Mavundza - 720513 0282 088 - P O Box 703, LETSITELE, 0875 - *Mabunda*
510. Bokang Lesupi - 830929 5875 089 - 1192 Ngculu Street, Orlando East, SOWETO, 1809 - *Xorile*
511. Zinhle Natalie Mhlana - 830515 0270 085 - 784 Block 9, Doornkop, DOBSONVILLE, 1874 - *Kubeka*
512. Mduduze Jeffrey Mbonani - 680715 5468 087 - 3816 Zone 2, Zonhizizwe, KATLEHONG, 1432 - *Ngubane*
513. Anele Ntsete - 890810 5404 087 - 7286 Extension 8, Mayfield, DAVEYTON, 1507 - *Qhinga*
514. Noxolo Nokuphila Gloria Ngubo - 970826 1123 086 - Ndwebu Location, PIETERMARITZBURG, 3200 - *Radebe*
515. Buang Lucratia Motedi - 950123 1137 082 - P O Box 1283, BURGERSFORT, 1150 - *Mokgosana*
516. Mpjane John Tebele - 760601 5650 085 - Momarekoma, JANE FURSE, 1085 - *Mdebele*
517. Ndamulelo Donald Mudau - 970903 5710 083 - P O Box 1141, VUWANI, 0944 - *Thiswana*
518. Mzwakhe Kevin Shongwe - 970515 5217 081 - 7589 Phuti Street, TSAKANE, 1550 - *Mateman*
519. Thabang Nkokoto - 990222 6448 080 - 0479 D Extension 9, Thembelihle, LENASIA, 1820 - *Mdaweni*
520. Mxolisi Cyril Mnyandu - 851214 5989 089 - 1473 Magadeni, PIET RETIEF, 2380 - *Nkosi*
521. Mmapela Anna Kataka - 5608040880 085 - 1071 Itsoseng Section, PANKOP, 0414 - *Matlala*
522. Ayanda Mthembu - 960808 0268 080 - 2044 Bhelebele Road, Imbali Unit 2, PIETERMARITZBURG, 3200 - *Ngidi*
523. Mondli Makhanya - 950425 6388 085 - P O Box 1024, Phangisa Primary School, UMBUMBULU, 4105 - *Ndlovu*
524. Elly Mlondi Mnguni - 971113 5977 083 - Njane Location, UMZINTO, 4200 - *Mbelu*
525. Gugu Shangase - 981212 1252 083 - 104 Lacex Road, SYDENHAM, 4001 - *Gwamanda*
526. Celani Mcebiseni Hlongwane - 970413 6107 081 - Ngoba Location, BERGVILLE, 3350 - *Hlatshwayo*
527. Lloyd Sthembile Cele - 980104 1036 080 - 2038 Subakwali Quarry Heights, DURBAN, 4001 - *Shwabede*
528. Mishack Tompa Kataka - 820517 5681 086 - 1071 Itsoseng Section, PANKOP, 0414 - *Matlala*
529. Makala Johannes Lekwadu - 850720 5337 088 - Private Bag X9040, BURGERSFORT, 1150 - *Malaka*
530. Simon Zakhele Buthelezi - 621206 5289 089 - Mission, HLABISA, 3900 - *Mtshali*
531. Bongzi Precious Maseko - 960501 1359 087 - 4018 Extension 4, BETHAL, 2310 - *Nkosi*
532. Collin Khosa - 990422 5868 086 - P O Box 2183, MALAMULELE, 0982 - *Mzamani*
533. Getta Kopodi Sithole - 640119 0697 080 - 3613 Gunton Gardens, Motla, HAMMANSKRAAL, 0407 - *Chokwe*
534. Samukelisiwe Happiness Bhengu - 980510 0846 081 - H 2269 Buhlebesizwe Road, KWA MASHU, 4020 - *Mbhele*
535. Wandile Ngcobo - 981101 5238 083 - A 2363 Hialele Road, NEWTOWN, 4309 - *Ndhlovu*
536. Mthobisi Philasande Sibiya - 980923 6485 087 - 109 Botanle Gardens, DURBAN, 4001 - *Maphanga*
537. Nonjabulo Lungile Ngubane - 940529 0754 086 - 125547 Nsingizi Road, DURBAN, 4023 - *Gento*
538. Sanele Wiseman Myeki - 951024 6120 082 - K 2045 Newlands Heights, KWA MASHU, 4360 - *Gasa*

539. Thandeka Lovener Sibiya - 960702 1237 089 - B 2585 Drum Castle, NEWLANDS, 4037 - *Buthelezi*
540. Ncamsile Fortunate Biyase - 661206 0594 088 - 4629 – 37 Th Avenue, CLERMONT, 3601 - *Khumalo*
541. Khayaletu Sibukwana - 870816 5243 080 - N 42 Kume Crescent, Site B, KHAYELITSHA, 7784 - *Rewu*
542. Alfred Thabo Saane - 860725 5469 086 - 532 Lebanon, MABOPANE, 0190 - *Mabalane*
543. Zamokwakhe Solanus Magubane - 580628 5627 084 - Emzebekweni, HIGHFLATS, 3306 - *Nyembe*
544. Eugene Tambo Mogale - 890817 5573 084 - Ixopo Arear, IXOPO, 3270 - *Sikhakhane*
545. Sinesipho Mandisa Mtshali - 981230 0187 084 - Fobane Village, Mangolong A/A, MATATIELE, 4730 - *Potwana*
546. Pealmar Nsimbine - 980710 0833 085 - 893 Gabon Street, Chief Albert, Luthuli Park, GERMISTON, 1400 - *Chauke*
547. Tumisang Sam Nyao - 950305 5863 082 - 34 Solute Street, Tasbet Park, Extension 3, WITBANK, 1035 - *Khune*
548. Nkateko Ngobeni - 900623 5150 081 - 64 Nqolase Street, Atteridgeville, PRETORIA, 0008 - *Malindi*
549. Tate James Sekhoto - 740904 5396 088 - 1871 Hale Street, Spruitview, KATLEHONG, 1431 - *Tsotetsi*
550. Tshepo Skompi - 911230 5360 087 - 11 Sunstone Street, Extension 6, ENNERDALE, 1830 - *Mokoena*
551. Musawenkosi Victor Mtshali - 850802 6334 080 - No 5548 Section 4, MADADENI, 2951 - *Khumalo*
552. Siboniso Maxwell Khumalo - 901029 5652 085 - Mawozini Area, MSINGA, 3010 - *Mvelase*
553. Terrence Sabelo Zwane - 920625 5333 084 - 140 Hlongwane Section, KATLEHONG, 1431 - *Yende*
554. Siyanda Dlamini - 960207 5670 087 - G 241, UMLAZI, 4001 - *Soni*
555. Sphiwe Patrick Ngqulunga - 720805 5815 080 - Sdakeni Area, TUGELA FERRY, 3010 - *Mbata*
556. Nkosinathi Cliff Zama - 810618 5432 082 - 109 Crown Bishop, Parklands Estate, Van Wyk Louw Drive, BOKSBURG, 1459 - *Shange*
557. Philile Simangele Mdletshe - 990209 0761 089 - Mabuyeni A/A, ESIKHAWINI, 3887 - *Buthelezi*
558. Qiniso True-Love Ntombela - 980621 0085 081 - 39 Inanda Road, HILLCREST, 3650 - *Shozi*
559. Waylynnne Warren Kouter - 980425 5035 087 - 30 Visser Crescent, Tuscany Glen, BLUE DOWNS, 7100 - *Cooper*
560. Mulisa Munzhedzi - 970916 6288 081 - Matshavhawe Village, Stand No 37, MAKHADO, 0926 - *Muremi*
561. Hlamulo Patient Hlongwane - 980131 0400 082 - P O Box 937, MALAMULELE, 0982 - *Mabasa*
562. Mbuyiselo Innocent Mohlatsane - 820718 5396 085 - 32 Maqabangqa Street, KWANONQABA, 6506 - *Hlalela*
563. Khorommbi Peter Baldwin Netshakhuma - 660425 5732 086 – and five minor children – Mavhandu Netshakhuma – 051006 6128 081 – Vuhwawho Netshakhuma – 990301 5262 088 - Takalani Netshakhuma – 021117 0775 087 – Mbonalo Netshakhuma – 030618 0642 085 – Ndugiselo Netshakhuma – 090317 6408 081 - Dopeni Village, THOHOYANDOU, 0950 - *Mavhandu*
564. Thulani Phenious Mbanjwa - 811125 6032 084 – your wife – Babongile Purity Mbanjwa – 840106 0348 085 and two minor children Ayabonga Mzindle – 130313 5640 081 – Likhona Mzindle – 080327 5325 089 - P O Box 2313, PORT SHEPSTONE, 4240 - *Mbele*
565. Lettie Neo Molauza - 881130 0244 086 – and a minor child – Kamogelo Bonolo Molauza – 130424 0698 089 - 15938 Thababosiu Street, Extension12, MAGALE CITY, 1754 - *Maseko*
566. Zithobile Chris Sobetwa - 810421 5440 084 – and your wife – Thandiwe Sobetwa – 860304 0876 081 - 23893 Moses Kotane Street, Makhaya, KHAYELITSHA, 7784 - *Centane*
567. Resimate Hosea Nkuna - 620107 5780 088 – and your wife – Ramadimetja Paulina Nkuna – 700901 0499 089 - 1105 G A-Rakgwatha, ZEBEDIELA, 0628 - *Mashele*
568. Ramathabathe Kente Mphahlele - 740410 0791 083 – and two minor children – Raesetje Precious Mphahlele – 050219 0274 089 – Peakanyo Kgolamosadi Mphahlele – 070913 5542 088 - P O Box 6577, TOOSENG, 0745 - *Leshilo*

569. Malesela Peter Mabusela - 531224 5374 081 – and your wife – Ramokone Rosina Mabusela – 661110 0398 088 - 1947 Ivory Park, TEMBISA, 1632 - *Mabotja*
570. Nadia Lucinda Stevens - 871009 0115 086 – and a minor child – Mason Stevens – 140314 5266 081 - 26 Baring Meks, Baring Street, WORCESTER, 6850 - *Priga*
571. Oageng Mark Masapo - 821210 5511 086 – and your wife – Lydia Masapo – 880910 0332 085 - 320 Maloka Village, GANNALAAGTE, 2732 - *Barkhuizen*
572. Gadifele Evance Magwai - 740622 0316 089 – and a minor child – Mpho Pabalelo Magwai – 080724 1139 086 - P O Box 19, BOCHUM, 0790 - *Lamola*
573. Mmamashiane Lethabo Matlala - 8411040354 087 – and a minor child – Oratilwe Bothale Malekotsane Matlala – 070628 5082 089  
- 3971 Unit D, Extension 6, TEMBA, 0407 - *Modise*
574. Tebogo Credo Mathebula - 810607 5551 082 – and two minor children – Phenyio Odile Mathebula – 150304 5925 080 – Tshagofatso Rorisang Mathebula – 091017 0249 080 - 90 North Road, Clayville East, OLIFANSFONTEIN, 1665 - *Molemi*
575. Mbhekeni Andrew Nxumalo - 850831 5486 088 – your wife Mbali Nontobeko Nxumalo – 860629 0966 080 – and a minor child – Alondwe Ayabonga Nxumalo – 140423 0667 084 - Ratland Area, DANNHOUSER, 3580 - *Mbele*
576. Sarah Phinah Maenetja - 750428 0787 080 – and a minor child – Olive Ntebo Maenetja – 070318 0671 082 - Rampepe Village, BOLEU, 0837 - *Mochaodi*
577. Fuzo Mgijima - 720309 5871 086 – and your wife – Veliswa Mgijima – 720717 1019 080 - 6077 Yawani Street, Zone 9, Thembaletu, GEORGE, 6539 - *Gubanca*
578. Unati Pupuma - 850415 0983 081 – and a minor child Zenande Iyana Mbalentle Pupuma – 160201 0317 081 - 5 Flemmer Road, Chishurt Extension, Cambridge East, LONDON, 5201 - *Ngumbela*
579. Daniel Dintwe Baloyi - 760505 5887 086 – your wife – Rosinah Ntefeleng Baloyi – 750523 0706 088 – and a minor child – Tshapiso Junior Baloyi – 051107 5059 085 - 7929 Extension 3, SOSHANGUVE, 0152 - *Ndaba*
580. Bongeka Ndakaza - 910725 1118 083 – and two minor children – Ayema Ndakaza – 120113 1387 089 – Liyema Ndakaza – 090616 1241 086 - Bangibizo Location, Ward18, I,TJWA;I,E, 4186 - *Luthuli*
581. Siphio Emmanuel Bhengu - 561120 5785 081 – and your wife – Duduzile Eugenia Bhengu – 550722 0676 083 - Mantlaneni Area, LUSIKISIKI, 4820 - *Dinwayo*
582. Ndoli Maxase - 970312 0834 080 – and a minor child – Bahle Owethu Maxase – 150131 1187 088 - 2517 Dinizulu Street, Kagiso 2, KRUGERSDORP, 1754 - *Zondi*
583. Refilwe Joyce Kosene - 720914 0403 080 – and two minor children – Magdeline Phuti Kosene – 030130 0680 081 – Bassie Isaac Kosene – 000430 5107 080 - 4202 Block F3, NEW EESTERUS, 0402 - *Mokwatsi*
584. William Hlubi Mtshali - 530620 5317 080 – your wife – Elizabeth Sesiwe Mtshali – 680412 0742 084 – and a minor child – Banele Lucky Mtshali – 020923 5293 088 – - 13681 Seshemane Street, Extension 2, KWATHAMA, 1560 - *Nkosi*
585. Mthokozisi Henson Mbotho – 780309 6043 088 – your wife – Ntokozo Precious Mbotho – 870413 0399 081 and a minor child – Msawakhe Siyabulela Mbotho – 150324 5663 085 - Nkulu Location, GAMALAKHE, 4249 - *Cele*
586. Stephen Sebetoane - 851120 5688 086 – and your wife – Nompumelelo Sebetoane – 901108 0247 081 - 1924 B ,[Jat;A;Atsame Street, Naledi Location, KWA XUMA, 1868 - *Hlongwane*
587. Mutisile Mpumlo - 440610 5467 083 – and your wife – Nopiani Mpumlo – 370212 0099 088 - Teko Fihla Location, CENTANE, 4980 - *Juta*
588. David Mabuswa Mathe - 700101 6191 083 – and your wife – Paulinah Thandi Mathe – 710310 1137 086 - 372 Block G G, SOSHANGUVE, 0152 - *Shibanda*
589. Ntombovuyo Tyabule - 851128 0419 084 – and a minor child - Precious Luthando Tyabule – 151222 0475 084 - No 95 Nqadu Road, Ncambedlana, MTHATHA, 5100 - *Sodinga*
590. Baleseng Talana - 830408 0780 081 – and two minor children – Kgodiso Talana – 020213 5558 080 – Poelo Talana – 141110 0363 082 - P O Box 790, MASEMOLA, 1060 - *Mokalapa*

591. Zamide Richard Nqayana - 600103 5665 084 – and your wife Nongaka Eunice Nqayana – 730825 0923 083 - 104 Harry Gwala, ZAMDELA, 1949 - *Tshali*
592. Thandi Prudence Moretsele - 800825 0305 088 and a minor child - Naledi Chantell Moretsele – 050523 0567 081 - 798 Zone A, LEBOWAKGOMO, 0737 - *Chuene*
593. Thembelani Mdutyana - 630924 5926 083 – your wife Honorino Noloyiso Mdutyana – 701225 2191 083 and two minor children – Sivikele Mdutyana – 980912 5495 080 – Kholosa Mdutyana – 000808 0832 085 - Rode Area, MOUNT AYLIFF, 5087 - *Zibobo*
594. Siphosenkosi Ntuli - 830409 5315 089 – your wife – Zanele Elizabeth Ntuli – 870116 0269 085 – and two minor children – Philasande Bright Ntuli – 140312 5677 083 – Philile Ayanda Kimberley Ntuli – 110905 0397 080 - B1123 Hubo Road, Kwamashu, DURBAN, 4359 - *Ngubane*
595. Thembani Kleinbooi Jantjie- 761220 5957 082 – your wife – Hannah Jantjie – 791213 0058 083 – and three minor children – Fezeka Emelda Jantjie – 020506 0518 086 – Thembisa Mckaila Jantjie – 070315 0860 087 – Sphamandla Emmanuel Jantjie – 110319 5303 087 - 24 Boom Street, BRITSTOWN, 8782 - *Jali*
596. Thaini Charles Matlala - 561113 5803 087 – and your wife – Susanna Matlala – 630811 0196 087 - 15167 Makola Street, MAMELODI EAST, 0122 - *Nkomo*
597. Dumisani Nicholas Madubedube - 880223 5423 085 – and your wife – Nothukela Amanda Madubedube – 900718 0580 082 - Makhangiso Street, Motherwell, PORT ELIZABETH, 6211 - *Rumbu*
598. Alfred Monnagotla Lentswetshi - 670424 5662 086 – and your wife – Panki Elis Lentswetshi – 770205 0844 087 - 1189 Setlopo Village, MAFIKENG, 2745 - *Mothibi*
599. Papi Frans Mmako - 551125 5445 083 – and your wife Elizabeth Themba Mmako – 601020 0438 086 - 279 Kameelpoort, KWAMHLANGA, 1022 - *Bodiba*
600. Jabulani Samuel Khubeka - 740718 5367 083 – and your wife – Mantwa Portia Khubeka – 761129 0977 088 - 9 Peter Binikos Avenue, Norkem Park, KEMPTON PARK, 1618 - *Tswayi*
601. Philani Vincent Mvundla - 800707 5374 089 – your wife – Sibongile Virginia Mvundla – 800603 0477 086 – and two minor children - Bongumusa Charles Mvundla – 111108 5964 082 – Sande Mvundla – 141101 6042 085 - Madakano Location, MURCHSON, 4250 - *Gwala*
602. Siyabonga Kakaza - 880917 5812 086 – and your wife – Neliswa Precious Kakaza – 950122 0434 086 - P O Box 231, KING WILLIAMS TOWN, 5600 - *Bakumeni*
603. Emmanuel Nkosinathi Mbanjwa - 790501 5437 083 – and your wife – Zonke Mbanjwa – 850510 0392 083 - Shange Area, PIETERMARITZBURG, 3201 - *Mkhize*
604. Zubenathi Bruce Mkwaimba - 770101 7121 084 – and your wife – Nombulelo Nontobeko Mkwaimba – 780201 0336 081 - 376 Verbina Crescent, GREENFIELDS, 1458 - *Dyosi*
605. Thandi Khoza - 900908 0356 084 – and a minor child Reamogetse Masego Khoza – 100110 5471 087 - 3403 Tswana Section, Khutsong, CARLETONVILLE, 2499 - *Mojahi*
606. Lindiwe Ganya - 850630 0510 086 – and three minor children – Lateefah Fantelas – 060122 1032 084 – Muhamed Jibreel Ganya – 070829 6042 086 – Ayola Kutlwano Ganya – 150620 6052 081 - 704 Sweetwaters, KING WILLILAMS TOWN, 5600 - *Ngqawana*
607. Rebecca Molefe 801007 0551 081 – and two minor children – Keamogetswe Molefe – 010922 5499 085 – Thabo Alexandra Molefe – 050505 5459 083 - 562 Kgaoganong Street, KAGISO, 1754 - *Phetoe*
608. Stephen Shimane Malebye - 790731 5508 084 – and your wife Constance Kholeka Malebye – 831015 0827 082 - 3858 Bomu Street, Phase II, Tshepisong, ROODEPOORT, 1727 - *Lefakane*
609. Sithembiso Nicholas Ngcobo - 790901 5903 086 – your wife – Thokozani Evelyn Ngcobo – 791205 0884 088 – and two minor children - Malibongwe Andile Ngcobo – 130610 5577 084 – Emmanuel Nkosingiphile Ngcobo – 021004 5256 083 - Ezinembeni Area, CAMPERTOWN, 3720 - *Sikhakhane*
610. Bhekokwakhe Ernest Gumede - 731001 5682 087 – your wife – Fikile Lindiwe Gumede – 750403 0985 083 - Ntshongwe Area, MBAZWANA, 3974 - *Zikhali*
611. Zolani Ntlangwini -890819 5415 084 – and your wife – Linda Nomsingathi Ntlangwini – 720803 0831 087 - Ndumangeni Location, STUTTERHEIM, 4930 - *Gotywa*

612. Dumoluhle Ayonela Tambodala - 920722 0549 085 – and two minor children – Sandisele Luyanda Tambodala – 120225 5248 081 – Solulele Lwandile Tambodala – 120225 5247 083 - Malizole Area, LUSIKISIKI, 4820 - *Ngcobo*
613. Mosebetsi David Mosia - 560528 5483 088 – and your wife Martha Puleng Mosia – 640817 0238 082 - 3562 Themba Kubeka, DENEYSVILLE, 9830 - *Dlamini*
614. Maswase Christoper Khomo - 770403 5616 085 – your wife Maleqhoa Alletta Khomo – 800113 0653 082 – and two minor children – Xengiwe Hadio Miya – 070904 0550 085 – Sifiso Siphelele Miya – 110127 5408 081 - 640 Matsikeng, WITSIESHOEK, 9870 - *Tshabalala*
615. Bauty Seke Mashilo - 870805 0773 084 – and three minor children - Karabo Thabile Mashilo – 080805 0837 083 - Khutso Johannes Surprise Mashilo – 131226 5209 088 - Lerato Prudence Mashilo – 120630 0327 089 - T269 Extension 4, REFILWE, 1003 - *Molelekeng*
616. Philasande Andisiwe Tambodala -880411 1011 083 - and three minor children - Alakhe Sekela Tambodala – 070911 5547 081 - Lukho Tabang Tambodala – 140129 5332 083 – Hlumela Tambodala – 050319 0566 086 - Malizole Area, LUSIKISIKI, 4820 - *Ngcobo*
617. Mantase Jacob Setati - 521108 5579 082 – and your wife –Mokgadi Georgina Setati – 590101 1668 088 - P O Box 686, BOCHUM, 0790 - *Theledi*
618. Lazarus Mbuyiseni Sithole - 610405 5743 086 – and your wife Phindile Orelia Sithole – 640929 0285 086  
- 1497 Sofasonke Street, Orlando East, SOWETO, 1804 - *Butshingi*
619. Thembeke Theodora Nkonyeni - 840308 0342 080 – and a minor child - Ntsindiso Nkonyeni – 140912 5882 086 - P O Box 103, IZINGOLWENI, 4260 - *Madiba*
620. Thelevhale Samson Khubana - 450220 5346 084 – and your wife – Musumuvhi Grace Khubana – 630804 1039 083 - P O Box 15, MUNGOMANI, 0992 - *Mambona*
621. Dorcas Materene Morobe - 870625 1289 082 – and two minor children Rebecca Morobe – 051013 1127 084 – William Morobe – 080406 5889 086 - 5614 Phahament, VILJOENSKROON, 9520 - *Mosololi*
622. Butinyana Johannes Gambuza - 560824 5284 083 and your wife Mmatseta Onica Gambuza – 491111 0628 082  
- X2015 Benitau Street, JOUBERTON, 2574 - *Sethene*
623. Hilton Letsiane Nkadameng - 650914 5506 089 – and your wife – Diphala Sylvia Nkadameng – 720630 0598 089 - Stand No 179, MANGANENG, 1127 - *Seloane*
624. Siphesihle Eugene Shelembe - 830522 5286 082 – and your wife – Siviwe Lomcebo Shelembe – 760308 1220 083 - 668 Dlangalala Street, GLENCOE, 2920 - *Buthelezi*
625. Mandla Mkhize - 640409 5283 089 – your wife – Lorraine Mkhize – 660809 0399 084 – and a minor child – Mondli Mkhize – 060214 5225 085 - 30214 Extension 11, Meadowsnda, SOWETO, 1852 - *Ndaba*
626. Siphiwo Lawrence Mangcu - 560324 5757 089 – your wife Nomakaya Mangcu – 710530 0530 086 – and two minor children – Uluncedo Dyantyi – 080421 0659 087 – Nqobile Dyantyi – 060211 0268 086 - 10153 Unati Nkefa, EZIBELENI, 5326 - *Shenxane*
627. Khuselwa Mabindisa - 950520 1124 087 – and a minor child - Siphathise Khayoninkosi Mabindisa – 151028 5273 089 - Gwaba Location, KING WILLIAMS TOWN, 5600 - *Makalaka*
628. Leslie Ngobeni -780510 5492 081 – and your wife Jacqueline Ngobeni – 800103 1336 084 - 1792 Masupha Street, SOWETO, 1864 - *Chauke*

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# Government Gazette Staatskoerant

REPUBLIC OF SOUTH AFRICA  
REPUBLIEK VAN SUID AFRIKA

Vol. 623

19 May  
Mei 2017

No. 40847

**PART 2 OF 5**

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ISSN 1682-5843



40847



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## DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NO. 444

19 MAY 2017

**NOTICE OF AMENDMENT IN TERMS OF SECTION 11A(4) OF  
RESTITUTION OF LAND RIGHTS ACT, 22 OF 1994**

Notice is hereby given in terms of Section 11A (4) of the Restitution of Land Rights Act no. 22 of 1994, that the Regional Land Claims Commissioner hereby amends General Notice published in Government Gazette No. 859 of 2014 on 10 October 2014, by amending the reference numbers to:

Reference No.                      KRG 6/2/3/J/957/2193/0/1    (M1613)  
   KRK 6/2/2/B/98/0/0/8            (M264)

Claimant:                            Chief K.I.K Mothibi

NO.	PLOT NO.	AREA (H/M2)	CURRENT OWNER	TITLE DEED DETAILS
1	662	17.3439	Holloway J.H	T1681/1998
2	663	18.1426	Blom D.	T3149/2008
3	664	18.9359	Blom D.	T3149/2008
4	665	17.9794	Chara Trust	T4713/2007
5	667	17.2304	Bouwer B.D	T2595/2002
6	668	18.7150	Bouwer B.D	T712/2012
7	669	17.1375	C.J.J.N Trust	T338/2012
8	670	18.6780	I.H Oberholzer	T2634/1995
9	671	19.7186	I.H Oberholzer	T2634/1995
10	672	19.4369	C.J Bezuidenhout Trust	T1495/2008
11	673	20.3540	C.J Bezuidenhout Trust	T1495/2008
12	674	19.9410	C.J Bezuidenhout Trust	T1495/2008
13	675	18.5206	PlakkieBoere CC	T874/2003
14	676	18.5259	PlakkieBoere CC	T874/2003
15	677	188283	PlakkieBoere CC	T874/2003
16	687	21.1387	PlakkieBoere CC	T874/2003
17	679	17.3012	Gillyfrost 15 PTY LTD	T170/2008
18	680	17.2161	Gillyfrost 15 PTY LTD	T170/2008
19	681	16.9426	Gillyfrost 15 PTY LTD	T170/2008
20	682	17.0328	Gillyfrost 15 PTY LTD	T170/2008
21	683	17.1044	Gillyfrost 15 PTY LTD	T170/2008
22	685	17.2342	Gillyfrost 15 PTY LTD	T170/2008
23	686	17.4829	E.C Basson Gillyfrost 15 PTY LTD	T1401/1987 T170/2008
24	687	17.2193	Gillyfrost 15 PTY LTD	T170/2008

25	688	18.1552	Gillyfrost 15 PTY LTD	T170/2008
26	1124	48.4194	Tripple B Trust	T3278/2003
27	1125	67.4100	Tripple B Trust	T3278/2003
28	1126	47.4790	Tripple B Trust	T2366/2001
29	1127	58.5250	H.J Viljoen Familie Trust	T1765/2001
30	1128	57.5450	C.B Butler	T2530/2012
31	1130	1.8108	C.B Butler	T2530/2012
32	1131	71.1972	Calcrete Trust	T3099/2007
33	1132	101.9108	F N F Boerdery CC	T934/2001
34	1133	91.8372	Schwarzer Kater Landbou Kontrakteurs PTY LTD	T1906/2012
35	1134	72.1972	Pheko Development Trust	T3614/2007
36	1135	7277.0000SQM	Pheko Development Trust	T3614/2007
37	1136	8526.0000SQM	Frances Baard District Municipality	T2054/2002 T1/1974
38	1141	18.2270	Payne Family Trust	T1197/2013
39	1142	17.2298	Payne Family Trust	T1197/2013
40	689	17.0949	Gillyfrost 15 PTY LTD	T170/2008
41	690	17.0949	M.J Van Rensburg	T1006/1989
42	692	17.1306	A.F Van Rensburg	T1416/1995
43	693	17.0568	A.P.J Pottas	T3050/2000
44	694	17.2011	L.Z Du Preez	T1082/2001
45	695	17.1305	L.Z Du Preez	T1082/2001
46	696	20.3997	L & C Trust	T3195/2007
47	697	20.8949	L & C Trust	T3194/2007
48	698	19.8455	L & C Trust	T3194/2007
49	705	31.0880	J.J Becker	T4016/2005
50	706	24.8774	J.J Becker	T694/1992
51	707	28.6297	D.P Becker	T370/2001
52	708	23.9657	A. Collins	T2622/2001
53	709	21.9973	J.I Becker	T1403/2006
54	710	22.0591	H.P Davel	T466/1994
55	711	22.6898	H.P Davel	T466/1994
56	712	23.4503	Becker Boerdery Trust	T1617/2006
57	713	22.5748	Quickgrass Trust	T3815/1997
58	714	230989	J.J Becker	T232/1975
59	715	230989	Hartsberg Boerdery CC	T3205/2004
60	716	30.9400	Frans Wolhunter Trust	T2520/2012
61	717	27.2028	Van Rensburg Familie Trust	T1913/2005
62	718	27.0567	Van Rensburg Familie Trust	T2012/2003
63	720	28.1412	Van Rensburg Gesins Trust	T2012/2003
64	1157	6.2579	M.G Horn	T344/1978
65	1158	1.4359	Kerkraad van die N G Gemeente Noorderharts	T468/1975
66	1162	17.8772	Uppington Congretional Church	T614/1976
67	1160	3.0645	SENWES LTD	T614/1976
68	1161	7240.0000SQM	SENWES LTD	T1579/2002



69	1162	17.8772	Trustees van die Magogongse Landboutoonstellinggenootskap	T1872/1974
70	1163	2.3694	SENWES LTD	T4766/1198
71	1165	4225.0000SQM	S.J Conradie	T5454/2005
72	721	23.7955	Duglor Trust	T3332/2002
73	722	23.7878	Duglor Trust	T3332/2002
74	723	23.7552	Tanya Trust	T3493/2002
75	724	24.5338	Tanya Trust	T3493/2002
76	725	23.2118	Gerrit Trust	T3492/2002
77	726	23.8139	Gerrit Trust	T3491/2002
78	727	24.3313	7 M 7 Boeredery Trust	T1545/2002
79	728	29.3389	7 M 7 Boeredery Trust	T1545/2002
80	729	23.4236	Snydersdrift Trust	T584/2008
81	730	23.6538	J.G van Zyl	T2322/1996
82	731	23.6743	Duglor Trust	T3308/1999
83	732	24.6334	Duglor Trust	T3308/1999
84	734	22.7429	Duglor Trust	T180/2002
85	735	27.0742	W. Van der Merwe	T599/1973
86	736	27.7447	T J Collins Trust	T2001/2002
87	737	23.7488	Choctow Boeredery CC	T3103/009
88	738	23.7102	D.P Brand	T460/2012
89	740	24.8017	J.G Van Zyl	T1039/1990
90	741	23.9413	Frans Wolhunter Trust	T1468/2011
91	742	23.9214	Frans Wolhunter Trust	T1468/2011
92	743	24.8128	J.A Engelbrecht	T740/1991
93	744	28.0665	P.M Engelbrecht	T3126/1994
94	745	23.7033	C.J.G Wolhunter	T684/1993
95	746	23.8732	C.J.G Wolhunter	T3381/2001
96	747	24.4069	V. Theunissen	T3380/2001
97	1187	9.5493	W.F Van De Ryst	T3130/2001
98	1188	1873.0000SQM	P.R Derks D.s Van Romburg	T3535/2013
99	748	24.5282	V. Theunissen	T691/1987 T2211/2003
100	749	24.1645	Frans Wolhuter Trust	T1460/2011
101	750	23.0838	Frans Wolhuter Trust	T1460/2011
102	752	28.5489	Universal Pulse Trading PTY LTD	T2177/2010
103	753	25.7997	CC Wolhuter Family Trust	T2671/2009
104	754	25.5836	C.J.G Wolhuter	T1071/1991
105	755	25.4863M	Frans Wolhuter Trust	T2327/2010
106	757	30.2756	Frans Wolhuter Trust	T2013/2001
107	758	30.5320	Frans Wolhuter Trust	T1459/2001
108	759	24.0180	Dubbelrand Products Marketing CC	T414/1998
109	760	24.0555	J.R.E Puttick	T1072/1991
110	761	23.8042	J.R.E Puttick	T527/1980
111	762	23.7906	D.P Brand	T350/1988
112	763	24.3616	S.H Du Plessis	T918/1965

113	764	30.0464	K&W Du Plessis eiendomme PTY LTD	T693/2006
114	765	29.8469	K&W Du Plessis eiendomme PTY LTD	T693/2006
115	766	30.1505	K&W Du Plessis eiendomme PTY LTD	T925/1998
116	767	29.6788	K&W Du Plessis eiendomme PTY LTD	T925/1998
117	768	25.7713	K&W Du Plessis eiendomme PTY LTD	T249/2008
118	769	25.8521	Ses Heuwels CC	T674/1993
119	770	35.7052	J.H Du Plessis	T162/1986
120	717	32.7658	DUGLOR CC	T362/2011
121	773	37.1154	Dirk Jansen Boerdery Trust	T28/2007
122	774	23.9820	G.J Opperman	T1200/1992
123	775	25.6862	G.J Opperman	T1637/1984
124	777	25.6568	Engelbrecht Boerdery Trust	T2453/2009
125	778	25.5657	Engelbrecht Boerdery Trust S.L Botes	T2452/2009 T1343/1989
126	779	25.7715	Hoe Poe Pecan Estates CC	T1189/2001
127	780	23.6744	P.A van Niekerk	T2632/2008
128	781	25.8524	P.A van Niekerk	T2/2002
129	782	25.3087	M. van Niekerk	T549/1986
130	783	25.7453	M van Niekerk	T548/1986
131	784	25.7503	M.D.J Grobbelaar	T610/1989
132	785	25.1808	S.H Janse Van Rensburg	T956/1992
133	786	23.8500	J.M Grobbelaar	T4108/2007
134	787	25.4086	J.M Grobbelaar	T4108/007
135	788	25.6501	F.H.J Nel	T579/1997
136	789	25.6236	H.M Nel	T1140/1995
137	790	25.6443	EM JEE Trust	T4587/1998
138	791	25.8888	EM JEE Trust	T4587/1998
139	793	25.5519	F.H.J Nel	T1307/1972
140	794	25.6512	F.H.J Nel	T415/1998
141	795	25.5245	A.L Murry	T68/2009
142	796	25.5686	Tanya Trust	T3707/2008
143	797	25.9190	Wolhuter Family Trust Cc	T2672/2009
144	798	23.7691	Dubble Products Marketing Cc	T2057/2003
145	800	25.7243	Dubble Products Marketing Cc	T5409/2005
146	801	25.5406	Dubble Products Marketing Cc	T5409/2005
147	802	25.5620	Oryx Trust	T3/2004
148	353	25.6333	D.Visser	T3701/2000
149	354	25.6297	Van Resnsburg P.J.J	T830/2008
150	360	25.6217	Alfonso Visser Familie Trust	T623/2001
151	804	24.9753	W.C.Roets	T2872/2013
152	805	25.1064	J.G. AGRI TRUST	T209/2009
153	806	25.1209	F.J. Van Der Merwe	T4192/2006
154	807	25.2061	Dubblebrand Products Marketing Cc	T1516/2010 2000



155	808	25.1079	L. Du Preez	T1477/1989
156	809	25.5820	L. Du Preez	T1479/1988
157	810	25.6930	F.P.G. Holtzhausen	T3236/2007
158	811	25.4528	F.P.G. Holtzhausen	T198//1999
159	812	25.2736	Duglor Cc	T3637/1998
160	814	25.1609	Bosaar Boerdery Trust	T3124/2009
161	815	25.6331	Bosaar Boerdery Trust	T3124/2009
162	816	25.3199	W.C. Roets	T2534/1998
163	817	25.5844	W.C. Roets	T2534/1998
164	818	25.6326	Schwarzer Katers Landbou Kontrakteurs PTY LTD	T2206/2010
165	819	25.5257	J.J. Hamman	T1866/1995
166	823	8061.0000SQM	Rethuse Boerdery Cc	T2123/2010
167	366	25.6448	P.A. Visser	T1931/1998
168	371	25.6109	Esterhuizen Trust	T1264/2007
169	372	25.6236	Willie Kruger Familie Trust	T1822/2012
170	377	24.3936	D.P Payne	T46/2000
171	378	25.6451	D.J Opperman	T1743/1997
172	383	25.6299	L. Du Plessis	T3031/2008
173	384	25.6358	L. Du Plessis	T250/2009
174	389	25.6294	Payne Familie Trust	T2470/2012
175	390	25.6345	Payne Familie Trust	T250/2009
176	1293	983.0000SQM	W.P Scheepers P.J Scheepers	T2734/2013
177	1299	28.8094	M.J Van Rensburg	T1006/1989
178	1313	7126.0000SQM	M.G Horn	T797/1988
179	1327	4.2500	Departement van Onderwys, Opleiding, Kuns en Kultuur Noordkaap	T2196/2000
180	1330	1.1160	P.J Pieterse	T426/1990
181	395	25.6397	Payne Family Trust	T1197/2013
182	936	25.6552	Payne Family Trust	T1197/2013
183	406	2.5696	Provincial Government of North West Province	T87/1955
184	424	6.1502	SENWES LTD	T4766/1998
185	1339	3.3007	Phokwane Municipality	T3093/2007
186	1342	7.8915	L.J Vorster	T4660/2007
187	6	8.5652	Provincial Government of the North – West Province RSA	(G87/19550 T87/1955
188	1696	1.1368	Lemoenkop Sitrus Pakhuis CC	T2527/2000
189	1698	1.1293	Skema Produkte CC	T1335/2001
190	1706	3729.0000SQM	UNREGISTERED PROPERTY	
191	1707	2612.0000SQM	UNREGISTERED PROPERTY	
192	505	25.6831	J. Stoltz C.M. Stoltz	T3588/2006
193	506	25.7585	J.M Coetzee	T713/2002
194	507	25.2515	D.G.E Puttick	T1103/1986
195	508	25.6134	J.T.E Puttick	T2519/1996
196	509	25.5916	D.G.E Puttick	T413/1998

197	510	25.5564	Schwarzer Kater Landbou Kontrakteurs PTY LTD	T2206/2010
198	511	25.5829	J.J Hamman	T1006/1986
199	1997	2021.0000SQM	Phokwane Municipality	T1394/2006
200	1998	2486.0000SQM	Phokwane Municipality	T1394/2006
201	1999	1504.0000SQM	Phokwane Municipality	T1394/2006
202	2000	900.0000SQM	D.H Madieng	T2916/2003
203	2001	908.0000SQM	O.A Chubisi M.J Chubisi	T2138/2003
204	2002	915.0000SQM	Phokwane Municipality	T1394/2006
205	2003	863.0000SQM	M.E. Mocumi M.H Mocumi	T1818/2003
206	2004	1043.0000SQM	Phokwane Municipality	T1394/2006
207	2005	836.0000SQM	G.O. Baisitse J.K. Baisitse	T3295/2003
208	2006	885.0000SQM	Menan Family Trust	T382/2003
209	2007	861.0000SQM	Baisitse Trust	T2733/2003
210	2008	860.0000SQM	J. Micheals A.K. Micheals	T2970/2009
211	2009	889.0000SQM	S.S Paul K. Paul	T2420/2003
212	512	25.9625	J.Stolz C.M Stolz	T1769/2010
213	513	32.5872	C.B. Butler	T2530/2012
214	514	25.6607	C.B. Butler	T2530/2012
215	515	25.7238	H.J.Viljoen Familie	T1765/2001
216	516	25.6021	Triple B Trust	T2366/2001
217	517	25.7086	Tripple B Trust	T3278/2003
218	518	25.2241	Tripple B Trust	T3278/2003
219	519	18.5803	Stewy Cc	T3025/1999
220	520	20.4690	Stewy Cc	T3025/1999
221	521	20.0958	F.J. Bennie	T203/1982
222	522	26.3327	C. Bennie	T135/1978
223	524	25.1544	F.J. Bennie	T822/1976
224	525	25.6354	F.J Bennie	T806/1992
225	526	25.5432	C.J. Lourens Testamentere Trust	T1142/2011
226	527	25.6635	C.J. Lourens Testamentere Trust	T1142/2011
227	528	25.9122	S.J. Bennie	T1933/1994
228	530	25.5119	Alfonso Visser Familie Trust	T743/1995
229	531	25.5938	P.A. Fouche Trust	T4518/2000
230	532	25.5887	L.B. Mullin	T120/2010
231	533	25.6489	D&G Mullin Farms Cc	T121/2010
232	534	25.8567	P.A. Fouche Trust	T4518/2000
233	535	24.7193	Steyn Boerdery Trust	T2298/1999
234	536	25.5143	Steyn Boerdery Trust	T2034/2008
235	537	25.5679	C.H. Steyn	T2034/2008
236	538	255096.0000	C.H Steyn	T2034/2008
237	984	27.0758	Denjo Trust	T1168/2013



238	989	52.1638	Mamepe Trust	T213/2004
239	990	23.7172	P.A Fouche Trust	T4518/2000
240	991	0.0000 Unknown	Republic of South Africa	T332/1944
241	539	25.4731	Engelbrecht Boerdery Trust	T1692/2010
242	540	26.2924	Engelbrecht Boerdery Trust	T1692/2010
243	542	25.4463	S.M Payne	T4923/2005 T430/1982
244	543	25.7287	Payne Familie Trust	T547/2000
245	544	25.8724	D.P. Payne	T2839/1997
246	545	25.6187	Payne Familie Trust	T547/1997
247	546	25.6622	D.J. Opperman	T686/2002
248	547	25.0349	Goldenspot Trading 79 Cc	T3908/2005
249	548	25.3797	Goldenspot Trading 79 Cc	T5357/2005
250	549	25.6017	S.M Payne	T4923/2005 T430/1982
251	550	25.7971	Eintracht Trust	T1023/2012
252	551	25.4485	Kambro Trust	T4458/2008
253	552	25.9964	Kambro Trust	T4458/2008
254	553	24.8653	M.G. Horn	T1244/1981
255	554	25.6999	M.G. Horn	T791/1995
256	555	25.5084	D.S. Roets	T1792/2012 T2533/1998
257	556	25.6690	D.S Roets	T1792/2012 T2533/1998
258	558	26.0394	E.H. Van Biljon	T1147/1977
259	559	24.8798	Bennie Boerderye CC	T3262/1998
260	560	25.6107	C Bennie	T1584/1989
261	561	25.5271	Calcrete Trust	T3099/2007
262	562	25.5478	J.M. Grobelaar	T419/2001
263	563	25.4305	F.J. Bennie	T1077/1988
264	564	30.3797M	C.Jacobs	T905/1968
265	997	2467.0000SQM	I.C Van Niekerk E.C Human	T1112/1993 T1994/2005
266	1012	1.0000m	Uppington Congregational Church	G86/1957
267	1017	10.4030SQF	Onderwystrustees	G93/1957
268	566	27.0586	A.D. Robinson	T31128/2000
269	567	36.6003	A.D. Robinson	T3179/2004
270	568	29.7059	W.Van Wyk Du Plessis	T3144/2002
271	569	16.6950	W.Van Wyk Du Plessis	T3143/2002
272	570	26.2545	Pheko Development Trust	T3614/2007
273	571	29.0928	Schwarzer Kater Landbou PTY LTD	T2206/2010
274	572	32.7266	Schwarzer Kater Landbou PTY LTD	T2206/2010
275	573	24.1993	Schwarzer Kater Landbou PTY LTD	T2206/2010
276	574	25.8128	Schwarzer Kater Landbou PTY	



			LTD	T1906/2012
277	576	29.4564	Schwarzer Kater Landbou PTY LTD	T1906/2012
278	578	29.4430	S.J. Viviers	T2486/2013 T1203/1970
279	579	32.1375	Calcrete Trust	T3099/2007
280	301	2.0000M	Kerkraad Van die N.G. Gemeente Van Suid Afrika	T992/1953
281	1036	8565.0000SQM	C.B. Wolhuter	T1580/2002
282	1038	800.0000DUM	No Data For this Query	
283	1039	21.0273	G.P. Conradie	T1359/2004
284	611	18.7767	D.C.J Bloem	T786/1966
285	612	18.8545	P.L. Bloem	T1121/1993
286	613	19.1181	P.L. Bloem	T1121/1993
287	620	16.8511	Rowan Tree 1040 Cc	T25/2004
288	621	16.8578	Lemoenfontein Trust	T1416/2012
289	622	16.9334	P.E. Scholtz	T164/2012
290	630	17.3775	Tswina Boerdery Trust	T173/2012
291	632	14.7880	Tswina BoerderyTrust	T3086/2000
292	633	18.9641	B.J.B Trust	T330/2000
293	634	19.1395	B.J.B Trust	T330/2000
294	1078	1.6716	Frances Baard Distret Municipality	G1/1964 T2053/2002
295	1080	9.2971	Republic of South Africa	T208/1971 T1628/1991
296	1086	1484.0000SQM	P.R. Derks D.S. Van Romburg	T3535/2013
297	1089	1.8983	JaniorTrust	T3081/1999
298	1091	1.1408	I.M Keaton	T684/2010
299	635	19.2056	D.M. Snyman	T138/2003
300	636	20.3614	M.D.J. Grobelaar	T55/1987
301	637	17.1372	Lemoenkop Sitrus Pakhuis Cc	T3630/2006
302	639	17.1443	D.M Snyman	T138/2003
303	640	17.1438	J.J. Cornelius P.J. Cornelius	T2877/1995
304	641	17.1250	B.J.B. Trust	T1115/1998
305	642	17.1439	B.J.B. Trust	T1115/1998
306	643	17.1363	B.J.B Trust	T1282/2008
307	644	17.1494	L. Bouwer	T1508/2001
308	645	17.1378	Shadow Line Trading 027 Cc	T3591/2004
309	646	17.6251	R.J. Van Niekerk	T703/1998
310	647	17.7830	R.E. Van Wyk	T2065/2007
311	648	18.6478	Pietco Trust	T680/2007
312	649	18.2270	J.J. Cornelius P.J. Cornelius	T2877/1995

313	650	17.8130	Trustees of Lechuti Commercial Gardens Trust	T67/2008
314	651	18.1375	Trustees of Lechuti Commercial Gardens Trust	T67/2008
315	652	17.3911	Trustees of Lechuti Commercial Gardens Trust	T67/2008
316	653	15.3443	J.H.Holloway	T1139/1993
317	655	16.8858	Lets Trade 1228 Cc	T304/2012
318	657	16.8999	Universal Pulse Trading 358 PTY LTD	T2227/2008
319	658	16.9778	Universal Pulse Trading 358 PTY LTD	T2227/2008
320	659	16.8804	Universal Pulse Trading 358 PTY LTD	T2228/2008
321	660	16.8434	Universal Pulse Trading 358 PTY LTD	T2228/2008
322	661	17.1303	Universal Pulse Trading 358 PTY LTD	T2227/2008
323	1099	1.5453	J.J Becker	T3326/2002
324	1110	12,79.00	R.J. Van Niekerk	T7031/1998
325	1111	6.3078	R.E. Van Wyk	T2065/2007
326	1112	4.4962	Pietco Trust	T680/2007
327	1113	5.9483	J.J. Cornelius P.J. Cornelius	T2877/1995
328	1114	7.3483	Trustees of Lechuti Commercial Trust	T67/2008
329	1115	1.9860	Trustees of Lechuti Commercial Trust	T67/2008
330	1116	37.3218	Frans Wolhuter Trust	T1459/2011
331	1117	61.3121	S.H. Du Plessis	T860/1976
332	1118	77.6961	K&W Du Plessis Eiendomme PTY LTD	T925/1998
333	1119	61.3585	K&W Du Plessis Eiendomme Cc	T925/1998
334	1120	54.2505	J.H. Du Plessis	T162/1986
335	1121	102.1634	Dirk Jansen Boerdery Trust	T28/2007
336	1123	83.1178	Duglor Cc	T362/2011
337	523	25.3533	F.J. Bennie	T574/1970
338	656	16.9789	B.B. Mullin Lets Trade 1228 Cc	T1622/1995 T3042/2012
339	577	35.8610	F.N.F. Boerdery Cc	T934/2001
340	803	25.8988	S.I. Grobelaar	T149/1998
341	739	23.6970	J.G. Van Zyl	T962/1993
342	359	25.6313	Alfonso Visser Familie Trust	T3702/2000
343	565	29.4505	M.G.Horn	T344/1978
344	666	17.4467	Emlo Trust	T662/2002
345	684	17.1417	Gillyfrost 15 PTY LTD	T170/2008
346	691	17.1321	M.J. Van Rensburg	T1006/1989
347	704	33.7839	Becker Boerdery Trust	T4015/2005
348	719	25.5282	Van Rensburg Familie Trust	T1913/2005



349	733	22.3990	Duglor Trust	T180/2002
350	751	24.2786	Universal Pulse Trading 358 PTY LTD	T2177/2010
351	756	34.4518	Frans Wolhuter	T2238/2010
352	772	32.1832	Dirk Jansen Boerdery Trust	T23/2007
353	776	25.6179	B.S. Van Rooyen	T1932/2003
354	792	23.5683	G.J.Opperman	T685/2002
355	799	25.6026	D.P. Brand	T285/1988
356	813	25.1880	F.S.Holtzhausen M.E.J. Holtzhausen	T91/1991
357	365	25.6389	Alfonso Visser Family Trust	T2071/1999
358	1292	1169.0000SQM	South African Post Office LTD	T551/1980 T1348/1991
359	404	43206.0000SQM	Kerkraad van die Nederduitse Gereformeerde Noorderharts	G77/1960
360	529	24.8802	P.A.Visser	T996/1994
361	541	25.0566	S.M. Payne	T430/1982 T4923/2005
362	557	25.5942	E.H. VAN Biljon	T1915/2002
363	575	27.8439	Schwarzer Kater Landbou PTY LTD	T1906/2012
364	604	2.6445	Provincial Government of the North West Province	G87/1955
365	1079	1.6577	Frances Baard District Municipality	G1/1964 T2053/2002
366	638	17.1426	TEMPCHEM CC	T67/2007
367	654	19,95,52HA SQM	LETS TRADE 1228CC	T2102/2013
368	1122	125.2940	Dirk Jansen Boerdery Trust	T28/2007
369	1108	25.4401	Hartsberg Boerdery Cc	T2282/2005
370	1109	800.0000DUM	NO OWNER'S DETAILS	
371	1105	800.0000DUM	NO OWNER'S DETAILS	
372	1129	33.5674	C.B.Butler	T2530/2012
373	1107	800.0000DUM	NO OWNER'S DETAILS	
374	1106	800.0000DUM	NO OWNER'S DETAILS	
375	1156	6541.0000	Bennie Boerdery Cc	T3262/1998
376	999	66.8348	TRANSNET LTD	T915/1963

Date submitted: 14 September 1995 - KRG 6/2/3/J/957/2193/0/1 (M1613)  
 30 December 1998 - KRK 6/2/2/B/98/0/0/8 (M264)

The Regional Land Claims Commissioner

Northern Cape

P.O Box 2458

Kimberley

8300

Tel: 053 807 5700

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**Lebjane Maphutha**

**Regional Land Claims Commissioner**

## DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NO. 445

19 MAY 2017

**NOTICE OF AMENDMENT IN TERMS OF SECTION 11A(4) OF  
RESTITUTION OF LAND RIGHTS ACT, 22 OF 1994**

Notice is hereby given in terms of Section 11A (4) of the Restitution of Land Rights Act no. 22 of 1994, that the Regional Land Claims Commissioner hereby amends General Notice published in Government Gazette No. 859 of 2014 on 10 October 2014, by amending the reference numbers to:

Reference No.                      KRG 6/2/3/J/957/2193/0/1      (M1613)  
   KRK 6/2/2/B/98/0/0/8              (M264)

Claimant:                              Chief K.I.K Mothibi

NO.	PLOT NO.	AREA (H/M2)	CURRENT OWNER	TITLE DEED DETAILS
1	662	17.3439	Holloway J.H	T1681/1998
2	663	18.1426	Blom D.	T3149/2008
3	664	18.9359	Blom D.	T3149/2008
4	665	17.9794	Chara Trust	T4713/2007
5	667	17.2304	Bouwer B.D	T2595/2002
6	668	18.7150	Bouwer B.D	T712/2012
7	669	17.1375	C.J.J.N Trust	T338/2012
8	670	18.6780	I.H Oberholzer	T2634/1995
9	671	19.7186	I.H Oberholzer	T2634/1995
10	672	19.4369	C.J Bezuidenhout Trust	T1495/2008
11	673	20.3540	C.J Bezuidenhout Trust	T1495/2008
12	674	19.9410	C.J Bezuidenhout Trust	T1495/2008
13	675	18.5206	PlakkieBoere CC	T874/2003
14	676	18.5259	PlakkieBoere CC	T874/2003
15	677	18.8283	PlakkieBoere CC	T874/2003
16	687	21.1387	PlakkieBoere CC	T874/2003
17	679	17.3012	Gillyfrost 15 PTY LTD	T170/2008
18	680	17.2161	Gillyfrost 15 PTY LTD	T170/2008
19	681	16.9426	Gillyfrost 15 PTY LTD	T170/2008
20	682	17.0328	Gillyfrost 15 PTY LTD	T170/2008
21	683	17.1044	Gillyfrost 15 PTY LTD	T170/2008
22	685	17.2342	Gillyfrost 15 PTY LTD	T170/2008
23	686	17.4829	E.C Basson Gillyfrost 15 PTY LTD	T1401/1987 T170/2008
24	687	17.2193	Gillyfrost 15 PTY LTD	T170/2008



25	688	18.1552	Gillyfrost 15 PTY LTD	T170/2008
26	1124	48.4194	Tripple B Trust	T3278/2003
27	1125	67.4100	Tripple B Trust	T3278/2003
28	1126	47.4790	Tripple B Trust	T2366/2001
29	1127	58.5250	H.J Viljoen Familie Trust	T1765/2001
30	1128	57.5450	C.B Butler	T2530/2012
31	1130	1.8108	C.B Butler	T2530/2012
32	1131	71.1972	Calcrete Trust	T3099/2007
33	1132	101.9108	F N F Boerdery CC	T934/2001
34	1133	91.8372	Schwarzer Kater Landbou Kontrakteurs PTY LTD	T1906/2012
35	1134	72.1972	Pheko Development Trust	T3614/2007
36	1135	7277.0000SQM	Pheko Development Trust	T3614/2007
37	1136	8526.0000SQM	Frances Baard District Municipality	T2054/2002 T1/1974
38	1141	18.2270	Payne Family Trust	T1197/2013
39	1142	17.2298	Payne Family Trust	T1197/2013
40	689	17.0949	Gillyfrost 15 PTY LTD	T170/2008
41	690	17.0949	M.J Van Rensburg	T1006/1989
42	692	17.1306	A.F Van Rensburg	T1416/1995
43	693	17.0568	A.P.J Pottas	T3050/2000
44	694	17.2011	L.Z Du Preez	T1082/2001
45	695	17.1305	L.Z Du Preez	T1082/2001
46	696	20.3997	L & C Trust	T3195/2007
47	697	20.8949	L & C Trust	T3194/2007
48	698	19.8455	L & C Trust	T3194/2007
49	705	31.0880	J.J Becker	T4016/2005
50	706	24.8774	J.J Becker	T694/1992
51	707	28.6297	D.P Becker	T370/2001
52	708	23.9657	A. Collins	T2622/2001
53	709	21.9973	J.I Becker	T1403/2006
54	710	22.0591	H.P Davel	T466/1994
55	711	22.6898	H.P Davel	T466/1994
56	712	23.4503	Becker Boerdery Trust	T1617/2006
57	713	22.5748	Quickgrass Trust	T3815/1997
58	714	230989	J.J Becker	T232/1975
59	715	230989	Hartsberg Boerdery CC	T3205/2004
60	716	30.9400	Frans Wolhunter Trust	T2520/2012
61	717	27.2028	Van Rensburg Familie Trust	T1913/2005
62	718	27.0567	Van Rensburg Familie Trust	T2012/2003
63	720	28.1412	Van Rensburg Gesins Trust	T2012/2003
64	1157	6.2579	M.G Horn	T344/1978
65	1158	1.4359	Kerkraad van die N G Gemeente Noorderharts	T468/1975
66	1162	17.8772	Upington Congretional Church	T614/1976
67	1160	3.0645	SENWES LTD	T614/1976
68	1161	7240.0000SQM	SENWES LTD	T1579/2002



69	1162	17.8772	Trustees van die Magogongse Landboutoonstellinggenootskap	T1872/1974
70	1163	2.3694	SENWES LTD	T4766/1198
71	1165	4225.0000SQM	S.J Conradie	T5454/2005
72	721	23.7955	Duglor Trust	T3332/2002
73	722	23.7878	Duglor Trust	T3332/2002
74	723	23.7552	Tanya Trust	T3493/2002
75	724	24.5338	Tanya Trust	T3493/2002
76	725	23.2118	Gerrit Trust	T3492/2002
77	726	23.8139	Gerrit Trust	T3491/2002
78	727	24.3313	7 M 7 Boeredery Trust	T1545/2002
79	728	29.3389	7 M 7 Boerdery Trust	T1545/2002
80	729	23.4236	Snydersdrift Trust	T584/2008
81	730	23.6538	J.G van Zyl	T2322/1996
82	731	23.6743	Duglor Trust	T3308/1999
83	732	24.6334	Duglor Trust	T3308/1999
84	734	22.7429	Duglor Trust	T180/2002
85	735	27.0742	W. Van der Merwe	T599/1973
86	736	27.7447	T J Collins Trust	T2001/2002
87	737	23.7488	Choctow Boerdery CC	T3103/009
88	738	23.7102	D.P Brand	T460/2012
89	740	24.8017	J.G Van Zyl	T1039/1990
90	741	23.9413	Frans Wolhunter Trust	T1468/2011
91	742	23.9214	Frans Wolhunter Trust	T1468/2011
92	743	24.8128	J.A Engelbrecht	T740/1991
93	744	28.0665	P.M Engelbrecht	T3126/1994
94	745	23.7033	C.J.G Wolhunter	T684/1993
95	746	23.8732	C.J.G Wolhunter	T3381/2001
96	747	24.4069	V. Theunissen	T3380/2001
97	1187	9.5493	W.F Van De Ryst	T3130/2001
98	1188	1873.0000SQM	P.R Derks D.s Van Romburg	T3535/2013
99	748	24.5282	V. Theunissen	T691/1987 T2211/2003
100	749	24.1645	Frans Wolhuter Trust	T1460/2011
101	750	23.0838	Frans Wolhuter Trust	T1460/2011
102	752	28.5489	Universal Pulse Trading PTY LTD	T2177/2010
103	753	25.7997	CC Wolhuter Family Trust	T2671/2009
104	754	25.5836	C.J.G Wolhuter	T1071/1991
105	755	25.4863M	Frans Wolhuter Trust	T2327/2010
106	757	30.2756	Frans Wolhuter Trust	T2013/2001
107	758	30.5320	Frans Wolhuter Trust	T1459/2001
108	759	24.0180	Dubbelrand Products Marketing CC	T414/1998
109	760	24.0555	J.R.E Puttick	T1072/1991
110	761	23.8042	J.R.E Puttick	T527/1980
111	762	23.7906	D.P Brand	T350/1988
112	763	24.3616	S.H Du Plessis	T918/1965

113	764	30.0464	K&W Du Plessis eiendomme PTY LTD	T693/2006
114	765	29.8469	K&W Du Plessis eiendomme PTY LTD	T693/2006
115	766	30.1505	K&W Du Plessis eiendomme PTY LTD	T925/1998
116	767	29.6788	K&W Du Plessis eiendomme PTY LTD	T925/1998
117	768	25.7713	K&W Du Plessis eiendomme PTY LTD	T249/2008
118	769	25.8521	Ses Heuwels CC	T674/1993
119	770	35.7052	J.H Du Plessis	T162/1986
120	717	32.7658	DUGLOR CC	T362/2011
121	773	37.1154	Dirk Jansen Boerdery Trust	T28/2007
122	774	23.9820	G.J Opperman	T1200/1992
123	775	25.6862	G.J Opperman	T1637/1984
124	777	25.6568	Engelbrecht Boerdery Trust	T2453/2009
125	778	25.5657	Engelbrecht Boerdery Trust S.L Botes	T2452/2009 T1343/1989
126	779	25.7715	Hoe Poe Pecan Estates CC	T1189/2001
127	780	23.6744	P.A van Niekerk	T2632/2008
128	781	25.8524	P.A van Niekerk	T2/2002
129	782	25.3087	M. van Niekerk	T549/1986
130	783	25.7453	M van Niekerk	T548/1986
131	784	25.7503	M.D.J Grobbelaar	T610/1989
132	785	25.1808	S.H Janse Van Rensburg	T956/1992
133	786	23.8500	J.M Grobbelaar	T4108/2007
134	787	25.4086	J.M Grobbelaar	T4108/007
135	788	25.6501	F.H.J Nel	T579/1997
136	789	25.6236	H.M Nel	T1140/1995
137	790	25.6443	EM JEE Trust	T4587/1998
138	791	25.8888	EM JEE Trust	T4587/1998
139	793	25.5519	F.H.J Nel	T1307/1972
140	794	25.6512	F.H.J Nel	T415/1998
141	795	25.5245	A.L Murry	T68/2009
142	796	25.5686	Tanya Trust	T3707/2008
143	797	25.9190	Wolhuter Family Trust Cc	T2672/2009
144	798	23.7691	Dubble Products Marketing Cc	T2057/2003
145	800	25.7243	Dubble Products Marketing Cc	T5409/2005
146	801	25.5406	Dubble Products Marketing Cc	T5409/2005
147	802	25.5620	Oryx Trust	T3/2004
148	353	25.6333	D.Visser	T3701/2000
149	354	25.6297	Van Resnsburg P.J.J	T830/2008
150	360	25.6217	Alfonso Visser Familie Trust	T623/2001
151	804	24.9753	W.C.Roets	T2872/2013
152	805	25.1064	J.G. AGRI TRUST	T209/2009
153	806	25.1209	F.J. Van Der Merwe	T4192/2006
154	807	25.2061	Dubblebrand Products Marketing Cc	T1516/2010 2000



155	808	25.1079	L. Du Preez	T1477/1989
156	809	25.5820	L. Du Preez	T1479/1988
157	810	25.6930	F.P.G. Holtzhausen	T3236/2007
158	811	25.4528	F.P.G. Holtzhausen	T198//1999
159	812	25.2736	Duglor Cc	T3637/1998
160	814	25.1609	Bosaar Boerdery Trust	T3124/2009
161	815	25.6331	Bosaar Boerdery Trust	T3124/2009
162	816	25.3199	W.C. Roets	T2534/1998
163	817	25.5844	W.C. Roets	T2534/1998
164	818	25.6326	Schwarzer Katers Landbou Kontrakteurs PTY LTD	T2206/2010
165	819	25.5257	J.J. Hamman	T1866/1995
166	823	8061.0000SQM	Rethuse Boerdery Cc	T2123/2010
167	366	25.6448	P.A. Visser	T1931/1998
168	371	25.6109	Esterhuizen Trust	T1264/2007
169	372	25.6236	Willie Kruger Familie Trust	T1822/2012
170	377	24.3936	D.P Payne	T46/2000
171	378	25.6451	D.J Opperman	T1743/1997
172	383	25.6299	L. Du Plessis	T3031/2008
173	384	25.6358	L. Du Plessis	T250/2009
174	389	25.6294	Payne Familie Trust	T2470/2012
175	390	25.6345	Payne Familie Trust	T250/2009
176	1293	983.0000SQM	W.P Scheepers P.J Scheepers	T2734/2013
177	1299	28.8094	M.J Van Rensburg	T1006/1989
178	1313	7126.0000SQM	M.G Horn	T797/1988
179	1327	4.2500	Departement van Onderwys, Opleiding, Kuns en Kultuur Noordkaap	T2196/2000
180	1330	1.1160	P.J Pieterse	T426/1990
181	395	25.6397	Payne Family Trust	T1197/2013
182	936	25.6552	Payne Family Trust	T1197/2013
183	406	2.5696	Provincial Government of North West Province	T87/1955
184	424	6.1502	SENWES LTD	T4766/1998
185	1339	3.3007	Phokwane Municipality	T3093/2007
186	1342	7.8915	L.J Vorster	T4660/2007
187	6	8.5652	Provincial Government of the North – West Province RSA	(G87/19550 T87/1955
188	1696	1.1368	Lemoenkop Sitrus Pakhuis CC	T2527/2000
189	1698	1.1293	Skema Produkte CC	T1335/2001
190	1706	3729.0000SQM	UNREGISTERED PROPERTY	
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192	505	25.6831	J. Stoltz C.M. Stoltz	T3588/2006
193	506	25.7585	J.M Coetzee	T713/2002
194	507	25.2515	D.G.E Puttick	T1103/1986
195	508	25.6134	J.T.E Puttick	T2519/1996
196	509	25.5916	D.G.E Puttick	T413/1998

197	510	25.5564	Schwarzer Kater Landbou Kontrakteurs PTY LTD	T2206/2010
198	511	25.5829	J.J Hamman	T1006/1986
199	1997	2021.0000SQM	Phokwane Municipality	T1394/2006
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204	2002	915.0000SQM	Phokwane Municipality	T1394/2006
205	2003	863.0000SQM	M.E. Mocumi M.H Mocumi	T1818/2003
206	2004	1043.0000SQM	Phokwane Municipality	T1394/2006
207	2005	836.0000SQM	G.O. Baisitse J.K. Baisitse	T3295/2003
208	2006	885.0000SQM	Menan Family Trust	T382/2003
209	2007	861.0000SQM	Baisitse Trust	T2733/2003
210	2008	860.0000SQM	J. Micheals A.K. Micheals	T2970/2009
211	2009	889.0000SQM	S.S Paul K. Paul	T2420/2003
212	512	25.9625	J.Stolz C.M Stolz	T1769/2010
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222	522	26.3327	C. Bennie	T135/1978
223	524	25.1544	F.J. Bennie	T822/1976
224	525	25.6354	F.J Bennie	T806/1992
225	526	25.5432	C.J. Lourens Testamentere Trust	T1142/2011
226	527	25.6635	C.J. Lourens Testamentere Trust	T1142/2011
227	528	25.9122	S.J. Bennie	T1933/1994
228	530	25.5119	Alfonso Visser Familie Trust	T743/1995
229	531	25.5938	P.A. Fouche Trust	T4518/2000
230	532	25.5887	L.B. Mullin	T120/2010
231	533	25.6489	D&G Mullin Farms Cc	T121/2010
232	534	25.8567	P.A. Fouche Trust	T4518/2000
233	535	24.7193	Steyn Boerdery Trust	T2298/1999
234	536	25.5143	Steyn Boerdery Trust	T2034/2008
235	537	25.5679	C.H. Steyn	T2034/2008
236	538	255096.0000	C.H Steyn	T2034/2008
237	984	27.0758	Denjo Trust	T1168/2013



238	989	52.1638	Mamepe Trust	T213/2004
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242	540	26.2924	Engelbrecht Boerdery Trust	T1692/2010
243	542	25.4463	S.M Payne	T4923/2005 T430/1982
244	543	25.7287	Payne Familie Trust	T547/2000
245	544	25.8724	D.P. Payne	T2839/1997
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247	546	25.6622	D.J. Opperman	T686/2002
248	547	25.0349	Goldenspot Trading 79 Cc	T3908/2005
249	548	25.3797	Goldenspot Trading 79 Cc	T5357/2005
250	549	25.6017	S.M Payne	T4923/2005 T430/1982
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253	552	25.9964	Kambro Trust	T4458/2008
254	553	24.8653	M.G. Horn	T1244/1981
255	554	25.6999	M.G. Horn	T791/1995
256	555	25.5084	D.S. Roets	T1792/2012 T2533/1998
257	556	25.6690	D.S Roets	T1792/2012 T2533/1998
258	558	26.0394	E.H. Van Biljon	T1147/1977
259	559	24.8798	Bennie Boerderye CC	T3262/1998
260	560	25.6107	C Bennie	T1584/1989
261	561	25.5271	Calcrete Trust	T3099/2007
262	562	25.5478	J.M. Grobelaar	T419/2001
263	563	25.4305	F.J. Bennie	T1077/1988
264	564	30.3797M	C.Jacobs	T905/1968
265	997	2467.0000SQM	I.C Van Niekerk E.C Human	T1112/1993 T1994/2005
266	1012	1.0000m	Uppington Congregational Church	G86/1957
267	1017	10.4030SQF	Onderwystrustees	G93/1957
268	566	27.0586	A.D. Robinson	T31128/2000
269	567	36.6003	A.D. Robinson	T3179/2004
270	568	29.7059	W.Van Wyk Du Plessis	T3144/2002
271	569	16.6950	W.Van Wyk Du Plessis	T3143/2002
272	570	26.2545	Pheko Development Trust	T3614/2007
273	571	29.0928	Schwarzer Kater Landbou PTY LTD	T2206/2010
274	572	32.7266	Schwarzer Kater Landbou PTY LTD	T2206/2010
275	573	24.1993	Schwarzer Kater Landbou PTY LTD	T2206/2010
276	574	25.8128	Schwarzer Kater Landbou PTY	

			LTD	T1906/2012
277	576	29.4564	Schwarzer Kater Landbou PTY LTD	T1906/2012
278	578	29.4430	S.J. Viviers	T2486/2013 T1203/1970
279	579	32.1375	Calcrete Trust	T3099/2007
280	301	2.0000M	Kerkraad Van die N.G. Gemeente Van Suid Afrika	T992/1953
281	1036	8565.0000SQM	C.B. Wolhuter	T1580/2002
282	1038	800.0000DUM	No Data For this Query	
283	1039	21.0273	G.P. Conradie	T1359/2004
284	611	18.7767	D.C.J Bloem	T786/1966
285	612	18.8545	P.L. Bloem	T1121/1993
286	613	19.1181	P.L. Bloem	T1121/1993
287	620	16.8511	Rowan Tree 1040 Cc	T25/2004
288	621	16.8578	Lemoenfontein Trust	T1416/2012
289	622	16.9334	P.E. Scholtz	T164/2012
290	630	17.3775	Tswina Boerdery Trust	T173/2012
291	632	14.7880	Tswina Boerdery Trust	T3086/2000
292	633	18.9641	B.J.B Trust	T330/2000
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295	1080	9.2971	Republic of South Africa	T208/1971 T1628/1991
296	1086	1484.0000SQM	P.R. Derks D.S. Van Romburg	T3535/2013
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304	641	17.1250	B.J.B. Trust	T1115/1998
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307	644	17.1494	L. Bouwer	T1508/2001
308	645	17.1378	Shadow Line Trading 027 Cc	T3591/2004
309	646	17.6251	R.J. Van Niekerk	T703/1998
310	647	17.7830	R.E. Van Wyk	T2065/2007
311	648	18.6478	Pietco Trust	T680/2007
312	649	18.2270	J.J. Cornelius P.J. Cornelius	T2877/1995



313	650	17.8130	Trustees of Lechuti Commercial Gardens Trust	T67/2008
314	651	18.1375	Trustees of Lechuti Commercial Gardens Trust	T67/2008
315	652	17.3911	Trustees of Lechuti Commercial Gardens Trust	T67/2008
316	653	15.3443	J.H.Holloway	T1139/1993
317	655	16.8858	Lets Trade 1228 Cc	T304/2012
318	657	16.8999	Universal Pulse Trading 358 PTY LTD	T2227/2008
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323	1099	1.5453	J.J Becker	T3326/2002
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325	1111	6.3078	R.E. Van Wyk	T2065/2007
326	1112	4.4962	Pietco Trust	T680/2007
327	1113	5.9483	J.J. Cornelius P.J. Cornelius	T2877/1995
328	1114	7.3483	Trustees of Lechuti Commercial Trust	T67/2008
329	1115	1.9860	Trustees of Lechuti Commercial Trust	T67/2008
330	1116	37.3218	Frans Wolhuter Trust	T1459/2011
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334	1120	54.2505	J.H. Du Plessis	T162/1986
335	1121	102.1634	Dirk Jansen Boerdery Trust	T28/2007
336	1123	83.1178	Duglor Cc	T362/2011
337	523	25.3533	F.J. Bennie	T574/1970
338	656	16.9789	B.B. Mullin Lets Trade 1228 Cc	T1622/1995 T3042/2012
339	577	35.8610	F.N.F. Boerdery Cc	T934/2001
340	803	25.8988	S.I. Grobelaar	T149/1998
341	739	23.6970	J.G. Van Zyl	T962/1993
342	359	25.6313	Alfonso Visser Familie Trust	T3702/2000
343	565	29.4505	M.G.Horn	T344/1978
344	666	17.4467	Emlo Trust	T662/2002
345	684	17.1417	Gillyfrost 15 PTY LTD	T170/2008
346	691	17.1321	M.J. Van Rensburg	T1006/1989
347	704	33.7839	Becker Boerdery Trust	T4015/2005
348	719	25.5282	Van Rensburg Familie Trust	T1913/2005

349	733	22.3990	Duglor Trust	T180/2002
350	751	24.2786	Universal Pulse Trading 358 PTY LTD	T2177/2010
351	756	34.4518	Frans Wolhuter	T2238/2010
352	772	32.1832	Dirk Jansen Boerdery Trust	T23/2007
353	776	25.6179	B.S. Van Rooyen	T1932/2003
354	792	23.5683	G.J.Opperman	T685/2002
355	799	25.6026	D.P. Brand	T285/1988
356	813	25.1880	F.S.Holtzhausen M.E.J. Holtzhausen	T91/1991
357	365	25.6389	Alfonso Visser Family Trust	T2071/1999
358	1292	1169.0000SQM	South African Post Office LTD	T551/1980 T1348/1991
359	404	43206.0000SQM	Kerkraad van die Nederduitse Gereformeerde Noorderharts	G77/1960
360	529	24.8802	P.A.Visser	T996/1994
361	541	25.0566	S.M. Payne	T430/1982 T4923/2005
362	557	25.5942	E.H. VAN Biljon	T1915/2002
363	575	27.8439	Schwarzer Kater Landbou PTY LTD	T1906/2012
364	604	2.6445	Provincial Government of the North West Province	G87/1955
365	1079	1.6577	Frances Baard District Municipality	G1/1964 T2053/2002
366	638	17.1426	TEMPCHEM CC	T67/2007
367	654	19,95,52HA SQM	LETS TRADE 1228CC	T2102/2013
368	1122	125.2940	Dirk Jansen Boerdery Trust	T28/2007
369	1108	25.4401	Hartsberg Boerdery Cc	T2282/2005
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373	1107	800.0000DUM	NO OWNER'S DETAILS	
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375	1156	6541.0000	Bennie Boerdery Cc	T3262/1998
376	999	66.8348	TRANSNET LTD	T915/1963

Date submitted: 14 September 1995 - KRG 6/2/3/J/957/2193/0/1 (M1613)  
 30 December 1998 - KRK 6/2/2/B/98/0/0/8 (M264)

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## DEPARTMENT OF TRANSPORT

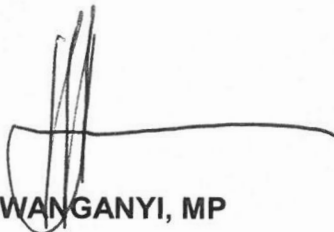
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19 MAY 2017

**NATIONAL RAILWAY SAFETY REGULATOR ACT, 2002 (ACT NO.16 OF 2002)****DETERMINATION OF PERMIT FEES UNDER SECTION 23(2) (a) OF THE  
NATIONAL RAILWAY SAFETY REGULATOR ACT, 2002**

I, Joe Maswanganyi, Minister of Transport, in terms of section 23(2)(a) of the National Railway Safety Regulator Act, 2002 (Act No. 16 of 2002) as amended, hereby determine as indicated in the Schedule, fees that the Railway Safety Regulator must charge for safety permits, with effect from 1 April 2017 to 31 March 2018.

The Safety Permit Fees are published for compliance and general information.



**JOE MASWANGANYI, MP**

**MINISTER OF TRANSPORT**

**DATE:** 05 May 2017



## SCHEDULE

### PERMIT FEES PAYABLE TO THE RAILWAY SAFETY REGULATOR

#### DEFINITIONS

1. **For the purpose of calculating fees:**

**“annual passengers”** means the total number of passengers transported aboard railway operator’s passenger and/or commuter rolling stock between two points (i.e. a station of boarding and of disembarkation) with the exception of a train operator’s personnel, over the period of an operator’s most recently completed financial year;

**“annual tons”** The total sum of the mass of dangerous and/or general goods loaded onto a locomotive by a train operator in the preceding financial year, and transported along the portion of a rail network for which the train operator has a permit to traverse;

**“cape gauge”** A type of railway track where the distance between the two rails of the track is 1,067 millimetres in length;

**“general freight or passenger operators”** means network, train or station operators (or a combination thereof) whose operations include the transportation of passengers and freight that excludes dangerous and/or mining goods;

**“mine operations”** means the operations undertaken above surface by train, network, and station operators to support mining activities;

**“non-rail related revenue”** means revenue generated by Train Operators, Network Operators or Station Operators whose railway operation is incidental to its main business;

**“passengers”** means people transported by a train between two points (i.e. a station of boarding and of disembarkation) with the exception of a train operator’s personnel;

**“rail-related revenue”** means the gross inflow of cash arising from all rail operating activities of an operator;

**“relevant risk based fee rate”** means the rand value equivalent of the risks attributable to rail activities. The units of measurement include R/Kilometres (for network

operations), R/number of stations (for station operator), R/passenger kilometres (for passenger operations), and R/ton kilometre (for freight operations);

“**standard gauge**” railway track where the distance between the two rails of the railway track is 1,435 millimetres in length; and

“**tourist passengers**” means passengers transported aboard railway operator's rolling stock between two points (i.e. a station of boarding and of disembarkation) for recreational purposes, with the exception of a train operator's personnel and commuter passengers.

### **APPLICATION FEES**

2. A non-refundable application fee must accompany an application for a safety permit. The fees specified in the categories OPERATOR CATEGORY AND AMOUNT column of the Schedule shall be payable in respect of the corresponding APPLICATION FEES FOR GENERAL SAFETY PERMIT that is applied for as specified in the first column of the Schedule indicated as follows:

APPLICATION FEES FOR GENERAL SAFETY PERMIT	OPERATOR CATEGORY AND AMOUNT (RANDS)		
	Transportation of Mining Goods	Transportation of Dangerous Goods	Transportation of passengers or General Freight
<b>Group A:</b> Train, Network and Station operators Application Fee	R50 374.50	R50 374.50	R50 374.50
<b>Group B:</b> Train, Network and Station Operators Application Fee	R16 507.50	R16 507.50	R2 982.00
<b>Group C:</b> Train, Network and Station Operators Application Fee	R6 922.50	R6 992.50	R2 982.00



**OTHER SAFETY PERMIT FEES FOR RAILWAY OPERATIONS**

3. The fees specified in the categories OPERATOR CATEGORY AND AMOUNT column of the Schedule shall be payable in respect of the corresponding APPLICATION FEES FOR OTHER SAFETY PERMIT being applied for specified in the first column of the Schedule indicated as follows:

APPLICATION FEES FOR OTHER SAFETY PERMIT	OPERATORS CATEGORY AND AMOUNT		
	GROUP A	GROUP B	GROUP C
Temporary Safety Permit	R114 487.50	R91 590.00	R12 594.00
Construction Train Safety Permit	R572 437.50	R74 417.00	R3 435.00
Test and Commissioning Safety Permit	R1 144 875.00	R114 487.50	R45 795.00

**PERMIT FEE RATES FOR NON RAIL-RELATED REVENUE GENERATING TRAIN OPERATORS, NETWORK OPERATORS AND STATION OPERATORS**

- 4.1 The fees payable shall be calculated by multiplying the unit specified in Column 3 with the relevant risk based fee rate specified in Column 4 in respect of the corresponding activities specified in Column 2 of the Schedule, except where a flat rate has been indicated.

COLUMN 1 Operator Category	COLUMN 2 Rail Activities	COLUMN 3 Unit	COLUMN 4 Relevant Risk Based Fee Rate		
			Mine Operations	Dangerous Goods Operations	Transportation of Passenger Operations
(a) Train	Running Lines for Tourist / Passengers	Total annual passenger number x Total length of running line (Km)	N/A	N/A	N/A
	Private Siding Lines for General Freight/ Dangerous Goods	Annual Tons x Total length of siding (Km)	Flat Rate: R60 000.00	Flat Rate: R400 000.00	Flat Rate: R8 774.15
	Private Siding Lines for Tourist / Passengers	Total annual passenger number x Total length of siding (Km)	N/A	N/A	Flat Rate: R8 774.15
(b) Network	Running Lines for Cape Gauge	Total length of Cape Gauge running line (Km)	N/A	N/A	N/A
	Siding Lines for Cape Gauge	Total length of Cape Gauge siding (Km)	32.033452	11 846.03	2965.278
(c) Station	On and off boarding sites/ zones for passengers	Number of stations	N/A	N/A	Flat Rate: R97 556.25

**PERMIT FEE RATES FOR RAIL-RELATED REVENUE GENERATING TRAIN OPERATORS, NETWORK OPERATORS AND STATION OPERATORS**

4.2 The Operators have been grouped as follows:

(a) **Group A: Train Operators, Network Operators and Station Operators**

Railway Operators who transport 500 000 tons or more of general goods, 50 000 tons or more of dangerous goods, or passengers are liable to pay railway safety permit fees determined in accordance with the formula below.

(b) **Group B: Train Operators, Network Operators and Station Operators**

Railway Operators who transport between 200 000 tons and 500 000 tons of general goods, less than 50 000 tons of dangerous goods or tourists are liable to pay railway safety permit fees determined in accordance with the formula below.

**(c) Group C: Train Operators, Network Operators and Station Operators**

Railway Operators who transport less than 200 000 tons of general goods are liable to pay a flat fee of R 8 774.15

- 4.3 (a) The formula below is used as a basis to calculate Group A Operators annual safety permit fee:

$$W = (Y - U - V) * X/Z$$

**Where:**

**U** is the total amount of the railway safety permit fees payable by all Group C Operators for the most recently completed and audited financial year; **(R51 880.65)**

**V** is the total amount of the railway safety permit fees payable by all Group B Operators for the most recently completed and audited financial year; **(R2 576 290.64)**

**W** is the amount of railway safety fees payable by the relevant Group A Operators. (Use formula to determine contribution);

**X** is the annual rail-related revenue of the relevant Group A Operators for the most recently completed and audited financial year;

**Y** is the total amount of the railway safety permit fees due to the Railway Safety Regulator for the 2017/18 financial year; **(R143 100 000.00)** and

**Z** is the total annual rail-related revenue of all the Group A Operators for the most recently completed and audited financial year **(R93 027 135 824.56)**

- (b) Table below is used as a basis to calculate railway Operators annual safety permit fee:

OPERATOR GROUP	BAND	PERMIT FEE PAYABLE (Proportionate revenue distribution)
<b>GROUP A:</b>  Train Station Network	Dangerous goods $\geq 50\,000\text{t}$  General goods $\geq 500\,000\text{t}$  All passengers	<b><math>W = (Y-U-V) * X/Z</math></b>
<b>GROUP B</b>  Train Station Network	Dangerous goods $< 50\,000\text{t}$  General goods $\geq 200\,000\text{t}$ and $< 500\,000\text{t}$  All tourists	0.15% of relevant (with respect to the most recently completed and audited financial year) annual rail-related revenue
<b>GROUP C</b>  Train Station Network	General goods $< 200\,000\text{t}$	Flat Rate: <b>R8 774.15</b>

#### **APPLICATION OF NOTICE**

5.1 The permit fee rates and formulae specified in sections 4.1 and 4.3 of this schedule do not apply to the following legal entities:

- (a) Transnet SOC Ltd.
- (b) Passenger Rail Agency of South Africa (PRASA)
- (c) Bombela Operating Company
- (d) All registered non-South African train operators operating in the Republic of South Africa.

5.2 The permit fee rates determined for the 2017/18 financial year shall apply to the following entities:

- (a) Transnet SOC Ltd: **R85 282 291.20**
- (b) Passenger Rail Agency of South Africa (PRASA): **R27 822 133.76**

- (c) Bombela Operating Company: **R2 900 000.00**
- (d) Non-South African train operators operating in the Republic of South Africa will pay their 2016/17 permit fee amounts plus a **10%** annual increase;
  - CFM Mozambique Railways: **R2 930 532.51**
  - Swaziland Railways: **R128 502.34**
  - Botswana Railways: **R1 064 800.00**

#### **SHORT TITLE AND COMMENCEMENT**

6. This notice is called the Determination of Permits Fees for the 2017/18 financial year, and will come into operation at a date to be determined by the Minister.

Note:

- I. No operator will pay less than what they are currently paying + CPI % adjustment rate.
- II. All operators are required to provide the Railway Safety Regulator ("Regulator"), on NIMS, with all applicable data to ensure that the Regulator conduct audits for calculations of operator fees to ensure accuracy and validity of information reported.
- III. All safety permits are valid for twelve (12) months unless agreed with the Regulator.



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**GENERAL NOTICES • ALGEMENE KENNISGEWINGS**

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**ECONOMIC DEVELOPMENT DEPARTMENT****NOTICE 351 OF 2017****COMPETITION TRIBUNAL****NOTIFICATION OF DECISION TO APPROVE MERGER**

The Competition Tribunal gives notice in terms of rule 35(5)(b)(ii) of the “Rules for the conduct of proceedings in the Competition Tribunal” as published in Government Gazette No. 22025 of 01 February 2001 that it approved the following large mergers.

Case No.	Acquiring Firm	Target Firm	Date of Order	Decision
LM218Feb17	Sanlam Life Insurance Limited.	BrightRock Holdings (Pty) Ltd and Lombard Life Limited.	12/04/2017	Approved
LM253Mar16	Hollard Holdings (Pty) Ltd Ltd	Regent Life Insurance Company Ltd, Regent Life Assurance Company Ltd	24/04/2017	Approved Subject to Conditions
LM207Feb17	TWK AGRI Proprietary Limited.	BedRock Mining Support Proprietary Limited.	26/04/2017	Approved

**The Chairperson  
Competition Tribunal**



**ECONOMIC DEVELOPMENT DEPARTMENT****NOTICE 352 OF 2017****COMPETITION TRIBUNAL****NOTIFICATION OF COMPLAINT REFERRAL**

The Competition Tribunal gives notice in terms of Section 51(3) & (4) of the Competition Act 89 of 1998 as amended, that it received the complaint referrals listed below. The complaint(s) alleges that the respondent(s) engaged in a prohibited practice in contravention of the Competition Act 89 of 1998.

<b>Case No.</b>	<b>Complainant</b>	<b>Respondent</b>	<b>Date received</b>	<b>Sections of the Act</b>
CR005Apr17	Competition Commission	Kawasaki Kisen Kaisha Ltd; Mitsui O.S.K. Lines Ltd; Nippon Yusen Kabushiki Kaisha Ltd	10/04/2017	4(1)(b)(i),(ii) &(iii)
CR006Apr17	Competition Commission	Kawasaki Kisen Kaisha Ltd; Mitsui O.S.K. Lines Ltd; Nippon Yusen Kabushiki Kaisha Ltd	10/04/2017	4(1)(b)(i),(ii) &(iii)
CR007Apr17	Competition Commission	Kawasaki Kisen Kaisha Ltd; Mitsui O.S.K. Lines Ltd; Nippon Yusen Kabushiki Kaisha Ltd; Wallenius Wilhelmsen Logistics AS	10/04/2017	4(1)(b)(i),(ii) &(iii)
CR008Apr17	Competition Commission	Kawasaki Kisen Kaisha Ltd; Mitsui O.S.K. Lines Ltd; Nippon Yusen Kabushiki Kaisha Ltd; Wallenius Wilhelmsen Logistics AS	10/04/2017	4(1)(b)(i),(ii) &(iii)
CR009Apr17	Competition Commission	Kawasaki Kisen Kaisha Ltd; Mitsui O.S.K. Lines Ltd; Nippon Yusen Kabushiki Kaisha Ltd	10/04/2017	4(1)(b)(i),(ii) &(iii)
CR010Apr17	Competition Commission	Kawasaki Kisen Kaisha Ltd; Mitsui O.S.K. Lines Ltd; Nippon Yusen Kabushiki Kaisha Ltd; Wallenius Wilhelmsen Logistics AS	10/04/2017	4(1)(b)(i),(ii) &(iii)
CR011Apr17	Competition Commission	Kawasaki Kisen Kaisha Ltd; Mitsui O.S.K. Lines Ltd; Nippon Yusen Kabushiki Kaisha Ltd	10/04/2017	4(1)(b)(i),(ii) &(iii)
CR012Apr17	Competition Commission	Kawasaki Kisen Kaisha Ltd ; Mitsui O.S.K. Lines Ltd	10/04/2017	4(1)(b)(i),(ii) &(iii)
CR013Apr17	Competition Commission	Kawasaki Kisen Kaisha Ltd; Mitsui O.S.K. Lines Ltd; Nippon Yusen Kabushiki Kaisha Ltd; Eukor Car Carries Inc.	10/04/2017	4(1)(b)(i),(ii) &(iii)
CR014Apr17	Competition Commission	Kawasaki Kisen Kaisha Ltd; Mitsui O.S.K. Lines Ltd; Nippon Yusen Kabushiki Kaisha Ltd; Wallenius Wilhelmsen Logistics AS	10/04/2017	4(1)(b)(i),(ii) &(iii)

**The Chairperson  
Competition Tribunal**

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT  
NOTICE 353 OF 2017

**PROMOTION OF ACCESS TO INFORMATION ACT, 2000**

**DESCRIPTION SUBMITTED IN TERMS OF SECTION 15(1)**

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

**DEPARTMENT OF HIGHER EDUCATION AND TRAINING**

As set out in the Schedule



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

**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]**  
**DEPARTMENT OF HIGHER EDUCATION AND TRAINING**

DESCRIPTION OF CATEGORIES OF RECORDS AUTOMATICALLY AVAILABLE IN TERMS OF SECTION 15 (1) OF THE PROMOTION OF ACCESS TO INFORMATION ACT , 2000	MANNER OF ACCESS TO RECORDS
<b>FOR INSPECTION IN TERMS OF SECTION 15(1) (a) (i)</b>	
<ol style="list-style-type: none"> <li>1. Departmental Strategic Plans</li> <li>2. Departmental Annual Reports</li> <li>3. Departmental Annual Performance Plans</li> <li>4. Tenders / Bid Documents</li> <li>5. List of Public Higher Education Institutions</li> <li>6. List of Public Technical and Vocational Education and Training (TVET) Colleges</li> <li>7. List of Public Community Education and Training Colleges</li> <li>8. Legislation administered by the Department</li> <li>9. Vacancies</li> <li>10. Promotion of Access to Information manual</li> <li>11. Register of Private Higher Education Institutions</li> <li>12. Register of Private TVET Colleges</li> <li>13. Scarce skills list</li> <li>14. Budget Speeches</li> <li>15. Departmental Media Statements and Speeches</li> <li>16. Departmental Publications</li> <li>17. Policy documents</li> <li>18. Forms</li> </ol>	<p>These records are available for inspection at the Department on request or addressed to the Office of the Deputy Information Officer, Department of Higher Education and Training, Private Bag x 174, Pretoria, 0001</p> <p>Or visit our website on <a href="http://www.dhet.gov.za">www.dhet.gov.za</a></p>
<b>FOR COPYING IN TERMS OF SECTION 15(1) (a) (ii)</b>	
<ol style="list-style-type: none"> <li>1. Departmental Strategic Plans</li> <li>2. Departmental Annual Reports</li> <li>3. Departmental Annual Performance Plans</li> <li>4. Tenders / Bid Documents</li> <li>5. List of Public Higher Education Institutions</li> <li>6. List of Public Technical and Vocational Education and Training (TVET) Colleges</li> </ol>	<p>These records are available for copying at the Department on request or addressed to the Office of the Deputy Information Officer, Department of Higher Education and Training, Private Bag x 174, Pretoria, 0001</p> <p>Or visit our website on <a href="http://www.dhet.gov.za">www.dhet.gov.za</a></p>

<ol style="list-style-type: none"> <li>7. List of Public Community Education and Training Colleges</li> <li>8. Legislation administered by the Department</li> <li>9. Vacancies</li> <li>10. Promotion of Access to Information manual</li> <li>11. Register of Private Higher Education Institutions</li> <li>12. Register of Private TVET Colleges</li> <li>13. Scarce skills list</li> <li>14. Budget Speeches</li> <li>15. Departmental Media Statements and Speeches</li> <li>16. Departmental Publications</li> <li>17. Policy documents</li> <li>18. Forms</li> </ol>	
<b>AVAILABLE FREE OF CHARGE IN TERMS OF SECTION 15(1)(a)(iii):</b>	
<ol style="list-style-type: none"> <li>1. Departmental Strategic Plans</li> <li>2. Departmental Annual Reports</li> <li>3. Departmental Annual Performance Plans</li> <li>4. Tenders / Bid Documents</li> <li>5. List of Public Higher Education Institutions</li> <li>6. List of Public Technical and Vocational Education and Training (TVET) Colleges</li> <li>7. List of Public Community Education and Training Colleges</li> <li>8. Legislation administered by the Department</li> <li>9. Vacancies</li> <li>10. Promotion of Access to Information manual</li> <li>11. Register of Private Higher Education Institutions</li> <li>12. Register of Private TVET Colleges</li> <li>13. Scarce skills list</li> <li>14. Budget Speeches</li> <li>15. Departmental Media Statements and Speeches</li> <li>16. Departmental Publications</li> <li>17. Policy documents</li> <li>18. Forms</li> </ol>	<p>These records are available free of charge at the Department on request or addressed to the Office of the Deputy Information Officer, Department of Higher Education and Training, Private Bag x 174, Pretoria, 0001</p> <p>Or visit our website on <a href="http://www.dhet.gov.za">www.dhet.gov.za</a></p>

## NON-GOVERNMENTAL ORGANIZATION

## NOTICE 354 OF 2017

**CALL FOR PUBLIC COMMENT ON THE DRAFT NATIONAL VOCATIONAL CERTIFICATE: A QUALIFICATION AT NQF LEVEL 4, BEING A REVIEW OF THE NC(V) LEVELS 2 - 4**

In terms of Section 24 of the National Qualifications Framework Act, Act 67 of 2008, Umalusi is the Quality Council for General and Further Education and Training. Section 27(h) (iii) of the act requires Umalusi to ensure the development of such qualifications or part qualifications as are necessary for the sector.

In terms of section 27 of the Act, hereby give notice of the publication the draft policy for the National Vocational Certificate arising from the review of the NC(V) qualifications, Levels 2 – 4.

The policy may be accessed at

[http://www.umalusi.org.za/documents/legislation/draft\\_national\\_certificate\\_vocational](http://www.umalusi.org.za/documents/legislation/draft_national_certificate_vocational)

If the party is unable to access the document from the website for any reason, please contact Mr D Twala at 012 030 0966 for assistance.

All interested persons and organisations are invited to comment on the draft National Vocational Certificate in writing, and to direct their comments to:

The Chief Executive Officer  
Umalusi  
PO Box 151  
Perseus Technopark  
Pretoria  
0020  
South Africa

Attention: Mr D Twala  
E -mail: [Dennis.Twala@umalusi.org.za](mailto:Dennis.Twala@umalusi.org.za)  
Fax: (012) 349 1099

Kindly provide the name, address, telephone number, fax number and e -mail address of the person or organisation when submitting comments.

Comments should reach the department within 30 calendar days of the publication of this notice.



Prof J Volmink  
**Chairperson**  
**Umalusi Council**



Council for Quality Assurance in  
General and Further Education and Training

# **Policy for the National Certificate (Vocational):**

## **A Qualification at Level 4**

**on**

## **the General and Further Education and Training Qualifications Sub-Framework**

**of**

## **the National Qualifications Framework**

**Umalusi Review**

**Draft for public comment**

**May 2017**



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## ABBREVIATIONS AND ACRONYMS

AET	Adult Education and Training
CAERT	Credit Accumulation, Exemption, Recognition and Transfer
CCFOs	Critical cross-field outcomes
CEO	Chief Executive Officer
CET	Community Education and Training
DBE	Department of Basic Education
DHET	Department of Higher Education and Training
FET	Further Education and Training
GFETQSF	General and Further Education and Training Qualifications Sub-Framework
ICASS	Internal Continuous Assessment
ISAT	Integrated Summative Assessment Task
IT	Information Technology
LOLT	Language of Learning and Teaching
LTSM	Learning and Teaching Support Material
NQF	National Qualifications Framework
NC(V)	National Certificate (Vocational)
NSC	National Senior Certificate
OQSF	Occupational Qualifications Sub-Framework
QC	Quality Council
QCTO	Quality Council for Trades and Occupations
RPL	Recognition of Prior Learning
SAQA	South African Qualifications Authority
TVET	Technical and Vocational Education and Training
USAf	Universities South Africa (formerly Higher Education South Africa (HESA))
WPBL	Workplace-based Learning

**DEFINITIONS**

<b>Access</b>	Opportunity to pursue education and training, including relevant qualifications and part-qualifications, for all prospective students.
<b>Applied competence</b>	The ability to put into practice in the relevant context the exit-level Learning Outcomes and Assessment Standards required for obtaining the qualification.
<b>Approved/accredited institutions</b>	The NC(V) requires that public institutions offering the NC(V) be approved for the programme(s) they intend offering in terms of the specific criteria outlined for such programmes; private institutions wishing to offer the NC(V) must receive accreditation from Umalusi in order to do so.
<b>Articulation</b>	The process of forming connections between qualifications and/or part-qualifications where possible to allow for the vertical, lateral and diagonal movement of students through the formal education and training system and to the world of work.
<b>Assessment body</b>	A department of education or any other body accredited by Umalusi, the Council for quality assurance in General and Further Education and Training, as a body responsible for managing provision and conducting external assessment.
<b>Critical Cross-Field Outcomes</b>	The generic outcomes which inform all learning and teaching on the National Qualifications Framework.
<b>Certification</b>	The formal recognition of a qualification or part-qualification awarded to a successful student.
<b>Condonation</b>	The limited and rule-bound relaxation of the final pass/certification requirements in the case of a student who comes very close to meeting such requirements.
<b>Credit accumulation, recognition, exemption and transfer</b>	The process of recognizing credits/subjects from one qualification for the purpose of transferring them to another qualification, thus allowing exemption from study of those credits/subjects.
<b>Curriculum</b>	<p>The curriculum encompasses three components:</p> <p>a) The intended curriculum: an official guideline document which provides the core features, principles, topic areas, specified content and skills, the expected levels of difficulty and the levels of expected cognitive demands.</p> <p>b) The enacted curriculum: the enactment/implementation/delivery of the curriculum in an institution which includes leadership and management, the ethos and values, the</p>



	teaching and learning, extra-curricular activities, student support, institutional performance and the management of quality towards continuous improvement.
<b>Examination</b>	c) The assessed curriculum: the internal assessment and the external examination of the intended curriculum. The national external examination for the National Certificate (Vocational), conducted by the Department of Higher Education and Training and/or another Umalusi-accredited assessment body, and quality assured by Umalusi.
<b>External assessment</b>	An assessment conducted by the Department of Higher Education and Training and/or a body accredited by Umalusi to conduct such assessment of all, or some of the subjects for the National Certificate (Vocational): A qualification at Level 4 on the NQF.
<b>Flexible modes of delivery</b>	The possibility of offering a qualification in a variety of ways such as offering it as year-long programmes per level; as semester modules; in part, as structured workplace learning and/or via distance education options.
<b>Full-time student</b>	A student who has enrolled for tuition and who studies for a National Certificate (Vocational) programme in a full-time capacity at a public or private institution accredited to offer the NC(V).
<b>General and Further Education and Training Qualifications Sub-framework</b>	One of three qualifications sub-frameworks which comprise the National Qualifications Framework. The General and Further Education and Training Qualifications Sub-Framework is developed and managed by Umalusi, Council for Quality Assurance in General and Further Education and Training.
<b>Internal assessment</b>	Any assessment conducted by the institution, the outcomes of which count towards the achievement of a qualification. Internal Assessment thus refers to Site-Based Assessment, Continuous Assessment (CASS) and Performance Assessment that form part of the final assessment.
<b>Mastery of skill</b>	A demonstration of comprehensive accomplishment of skills acquired within specified time frames to specified level of quality.
<b>Modes of delivery</b>	Different modes used to teach/offer a vocational programme
<b>National Certificate</b>	All qualifications registered at NQF Level 4 on the General and Further Education and Training Qualifications Sub-framework are designated as National Certificates.
<b>National Certificate(s) (Vocational)</b>	Three one-year qualifications at NQF Levels 2,3 and 4, determined in Government Gazette No 28 677 of 29 March 2006. The review of the NC(V) qualifications has given rise to the one three-year NC(V) qualification at NQF level 4.
<b>Part-time student</b>	A person who does not receive full-time tuition.

<b>Practical component</b>	A component of the qualification consisting of a combination of workplace-based learning (WPBL) and/or simulated practical assignments organized according to the programme curriculum in an accredited setting.
<b>Programme</b>	A set of subjects which determines the vocational orientation of the NC(V) selected for study. The name of the programme forms part of the certified qualification's name, as in, for example: the National Certificate (Vocational): Primary Agriculture.
<b>Programme description</b>	A programme description frames a field of vocational study in the NC(V). It includes any specific entrance requirements associated with the particular vocational field, and explains the requirements for an institution to be approved/accredited to offer the programme, and any other information specific to that vocational programme.
<b>Progression</b>	Progression is the process of allowing a student to study part of a subject (e.g. a semester module) without having passed the preceding module, on condition that the student registers for the examination of the failed module for the next examination cycle. A student may not be progressed from Level 2 to Level 3, or from Level 3 to Level 4 in the NC(V) without having completed and passed all the required subjects for that level.
<b>Promotion</b>	Promotion is the act of acknowledging the successful completion of all attendance and assessment requirements for all subjects required at a particular level as contemplated in the qualification policy. Promotion constitutes permission for a student to register for the subjects at the next level of the qualification. A student successfully completing all subjects in Level 4 is promoted – in the sense described above, but will also be formally certified in recognition of the completion of the entire qualification.
<b>Quality Council for Trades and Occupations (QCTO)</b>	The Quality Council responsible for the management and development as well as the quality assurance of occupational qualifications. It, like Umalusi, is one of the three Quality Councils regulated by the National Qualifications Act, Act No 67 of 2008.
<b>Qualification</b>	A planned combination of exit-level learning outcomes, which has a defined purpose and that is intended to provide students with applied competence and a basis for further learning. This learning culminates in the formal recognition of successful learning achievement through the award of a formal certificate.
<b>Qualifications Reference Group</b>	A Qualifications Reference Group (QRG) is a group of experts nominated and appointed to assist Umalusi in the task of developing or reviewing a qualification. The work of the QRG is

	governed by a Terms of Reference and they report to the Qualifications Standards Committee, a committee of Umalusi Council
<b>Recognition of Prior Learning</b>	Principles and processes through which the prior knowledge and skills of a person are made visible, mediated, assessed and recognised for the purpose of alternative access and admission, and/or certification, or further learning and development.
<b>Simulation practical assignments</b>	Simulation practical assignments which supplement or replace the opportunities offered by workplace-based learning, when such opportunities are unavailable. The experience afforded by simulation practicals must allow for the internalization of vocational knowledge, the acquisition of extended practical skills and the development of insight. The assessment of these assignments will be managed by the relevant assessment body.
<b>Student</b>	Any person, including part-time students, receiving education at a public or private college or school offering the NC(V).
<b>Subject of specialization</b>	The critical vocational/occupational area of learning for a particular programme in which comprehensive accomplishment of skills must be demonstrated by the student.
<b>Umalusi</b>	The Council for General and Further Education and Training Quality Assurance established in terms of the <i>General and Further Education and Training Quality Assurance Act, 2001 (Act No. 58 of 2001)</i> , as amended, and as the Quality Council for General and Further Education and Training in terms of the NQF Act, Act No 67 of 2008.
<b>Workplace-based learning (WPBL)</b>	Workplace-based learning is an educational approach through which a person internalises knowledge, gains insights and acquires skills and competencies through exposure to a workplace to achieve specific outcomes applicable to employment.

## OVERVIEW

During the process of reviewing the *National Certificate (Vocational) (NC(V))* at the request of the Minister of Higher Education and Training, many of the lessons learned in the implementation of the three NC(V) qualifications have been drawn on in the re-imagining of this qualification. The Minister requested that the qualification policies for the NC(V) be reviewed with the following issues to be comprehensively dealt with: internal and external assessment; certification, the system of quality assurance for the revised qualification; modes of delivery; provision for credit recognition and transfer; and articulation arrangements. All these issues have driven a thoughtful and comprehensive renewal process by a group of experts in technical and vocational education and training nominated and appointed to assist Umalusi in the task of reviewing this qualification.

The NC(V) is a National Certificate at NQF Level 4 on the General and Further Education and Training Qualifications Sub-framework (GFETQSF) of the National Qualifications Framework (NQF). It is registered as a 420-credit, three-year qualification. It covers three NQF levels terminating at NQF Level 4, as does the schools' *National Senior Certificate*. The qualification follows on from the end of compulsory schooling i.e. Grade 9, and marks a point on the GFETQSF where students should be allowed to exercise a choice in respect of further education and training. The NC(V) is suited to all who decide to follow a vocational pathway.

The NC(V) is organized into a number of vocational programmes, each with a set of prerequisite subjects. Every programme has a strong practical component underpinned by a sound theoretical framing. Supported by national curricula, every subject is nationally, externally assessed at NQF Level 4 by the relevant assessment bodies and quality assured and certified by Umalusi.

The quality assurance of the practical components of the vocational programme for the qualification may, through mutual agreement, be jointly undertaken with the Quality Council for Trades and Occupations (QCTO).

Being flexible in terms of delivery, the qualification may be offered on a full time basis (as year-long programmes per level) and/or on a part-time basis. The qualification may only be offered in institutions which have been adequately equipped and staffed.

The qualification may be offered using face-to-face (contact) methods or, in part, by using distance education methods and/or a blended methodology. Where institutions elect to offer the NC(V) using blended or distance methods,

they will need to fulfill the criteria associated with the programme and be approved/accredited to do so.

All the vocational programmes encompass both theory and practical, with a strong emphasis on the practical expression of the skills being developed. All programmes include subjects that are compulsory to the relevant field. The focus in the practical is on mastery of the skills, not simply acquaintance with them: as a result, each year of the programme will include some exposure for students to the workplace, the provision of which is a responsibility which the approved/accredited institutions must take on, unless the student is already in the workplace. The theory and practical components of vocational subjects will be reported on separately at the points of assessment and at certification; this will also apply in Life Orientation where the student's final IT marks will be recorded as a separate percentage.

As with all qualifications on the GFETQSF, the foundational learning components, which include at least one language (which is also the language of learning and teaching) and some form of mathematics, and life skills (including basic computer-skills) are intended to improve opportunities for entry into employment or study in higher education institutions. The form of mathematics required is determined by the requirements of the particular vocational programme.

The potential for CAERT and RPL with related occupational qualifications on the QQSF is recognized, and will be optimized through co-operative efforts with the QCTO. The credit transfer and recognition process with regards to Mathematics, English and Physical Sciences from the *National Senior Certificate*, which was applied to the NC(V), will be retained for the reviewed NC(V).

Institutions wishing to offer NC(V) programmes will need to fulfill all the particular programme requirements in terms of appropriately qualified staff, the necessary workshops and/or simulation rooms, equipment and other resources in order to be allowed to offer the qualification. No institution will be allowed to offer the qualification unless it complies with all the minimum programme requirements before students are registered. Continued compliance will be monitored by the relevant assessment body and Umalusi as part of their quality assurance processes.

The institutional requirements for offering a particular programme will be determined by the representative teams, drawn by the DHET and/or the DBE from relevant stakeholder groups, which develop the actual programme description and develop/review the relevant related curricula.



In TVET colleges, the NC(V) examinations are ideally offered twice a year – in October-November and in June-July – to facilitate semester-based modular delivery as well as full-time and/or part-time study/distance learning. No supplementary examinations are to be offered. In TVET colleges, the intake for the registration of the NC(V) takes place twice a year – in December-January and in May-June, and is thereby linked to the two semester and examination cycles.

In institutions where the qualification or programme is offered on a full-time basis, the programme(s) will follow an annual cycle. Registration for the qualification takes place in January, and the examinations take place in October-November. Institutions will, however, also need to make arrangements for their students to have access to workplaces during their normal operations, even though this may also be in holiday time.

It is anticipated that, properly implemented in the national educational system in both schools and colleges, the NC(V) will ultimately absorb up to 60% of students in the post-NQF Level 1 environment (FET Phase) and deliver cohorts of young people capable of entering the workforce with good quality and much needed skills, as well as provide a pathway for the most capable directly into selected programmes in institutions of higher learning.

The NC(V) Level 4 replaces the three one-year qualifications – the *National Certificates (Vocational) Levels 2 – 4*. In the re-writing of the qualification, Life Orientation has been allocated a full 20 credits in recognition of the substantive role that the subject plays. The policy conforms to the requirements for qualifications on the General and Further Education and Training Qualifications Sub-framework.

It must be noted that curricula, policies and regulations related to the conduct, administration and assessment of the qualification, as well as guidelines for ISAT and ICASS will require re-working to accommodate the different contexts and delivery options contemplated in this revised NC(V) policy.

Finally, also in the re-writing the various pass requirements have been adjusted somewhat. The intention has been to keep the positive expectations within the qualification but to make it less prohibitively demanding as was the case with the three one-year qualifications.

This policy also fulfills the SAQA requirements for the registration of qualifications and part-qualifications on the National Qualifications Framework.



## CHAPTER 1

### INTRODUCTION: THE NATIONAL CERTIFICATE (VOCATIONAL): A QUALIFICATION AT NQF LEVEL 4

#### 1. Policy Framework

1. The Minister of Higher Education and Training shall in terms of *Section 41(B) of the Continuing Education and Training Act, 2006 (Act 16 of 2006)* as amended, determine national education policy in accordance with the provisions of the Constitution and this Act.
2. This policy document forms the basis for the Minister of Higher Education and Training to prescribe, in accordance with section 43(1) of the *Continuing Education and Training Act, 2006 (Act 16 of 2006)* as amended, the minimum norms and standards for continuing education and training qualifications and part-qualifications that are offered at colleges, both for Technical and Vocational Education and Training (TVET) and Continuing Education and Training (CET); a policy which pertains to students in technical and vocational education and training.
3. However, in agreement with the Minister of the Department of Higher Education and Training, the Minister of Basic Education, may provide for the use of the *NC(V)* qualification in schools, both public and independent, as contemplated in *Chapters 3 and 5 of the South African Schools Act, 1996 (Act 84 of 1996)*.
4. This policy document stipulates the following:
  - a. Qualification requirements;
  - b. Conditions for the issuing of a *NC(V)*.
  - c. Rules of combination for the issuing of a *NC(V)*.
  - d. Rules of admission for entry into higher education for students completing the *NC(V)*.

5. Approved public colleges, approved schools and/or registered and Umalusi-accredited independent institutions offering the NC(V) must give effect to the norms and standards set out in this document.
6. The outcomes and standards underpinning the curriculum, as well as the processes and procedures for the assessment of student achievement stipulated in this document will be translated into regulations.
7. This policy document must be read in conjunction with the following acts, policy and guideline documents:
  - a. *General and Further Education and Training Quality Assurance Act, 2001 (Act 58 of 2001), as amended;*
  - b. *The National Qualifications Framework Act, 2009 (Act 67 of 2008)*
  - c. *Continuing Education and Training Act, 2006 (Act No 16 of 2006,) as amended;*
  - d. *The White Paper on Post School Education and Training (DHET, 2013);*
  - e. *The draft Qualifications in Higher Education for Adult Education and Training Educators and Community Education and Training College Lecturers (DHET, 2014);*
  - f. *Establishment of Public Colleges (DHET, 16 March 2015).*
  - g. *The Policy on Community Colleges (2014)*
  - h. *The Policy for the General and Further Education and Training Qualifications Sub-framework (September 2014, as amended);*
  - i. *Standards and Quality Assurance for General and Further Education and Training – Umalusi Policy (September 2014, as amended);*
  - j. *The Programme description, criteria, as well as the subject curricula and assessment guidelines for the various subjects listed in this document;*
  - k. *Policy and regulations pertaining to the conduct, administration and management of assessment for the National Certificate (Vocational) (to be developed after the publication of this qualification policy);*
  - l. *Umalusi's Directives for certification for the National Certificate (Vocational) (to be developed after the publication of this qualification policy);*
  - m. *Policy framework for the quality assurance for qualifications on the General and Further Education and Training Qualifications Sub-framework (2016,as amended);*

- n. *The guideline document for the administration of the Integrated Summative Assessment Task (ISAT);*
  - o. *The internal continuous assessment (ICASS) guideline document for the National Certificate (Vocational) qualification (to be amended after the publication of this policy).*
8. This policy, and the policy and regulations pertaining to the conduct, administration and management of assessment for the *National Certificate (Vocational)* describe the rules and provisos for the award of the NC(V). The NC(V) is awarded to successful students for the achievement of the specific exit-level outcomes explicated in the curriculum documents underpinning the NC(V) for all three years of the qualification.
9. It must be noted that curricula, policies and regulations related to the conduct, administration and assessment of the qualification, as well as guidelines for ISAT and ICASS will require reworking to accommodate the different contexts and delivery options contemplated in this revised NC(V) policy.

## **2 Rationale for the National Certificate (Vocational)**

1. Currently the lack of options in the final three years of post-compulsory schooling results in many young people choosing to leave school before achieving a qualification. This means they enter the world without a necessary minimum of skills and knowledge to make them good employable prospects for employers.
2. The National Senior Certificate (NSC) is focused on providing students in high school with a largely academic curriculum – and the more vocationally directed subjects in the NSC are struggling and failing because their value is under-recognised as part of that qualification.
3. The reworked NC(V) qualification is intended to provide a desirable, powerful alternative to the NSC, one which will draw many students because of its value in gaining entrance to employment, without neglecting the option of further study.
4. As an alternative qualification, the NC(V) also intends to help address the critical skills shortage in South Africa. By drawing young students in the 16 -19 year category actively into vocational areas such as primary agriculture, safety, education and development, the qualification grooms them for entry into a variety of fields already with an active sense of what such work entails.

5. Vocational learning has a very poor uptake in South Africa because, amongst other reasons, work in such fields is somehow considered inferior in status. However, the common structure of the NSC and the NC(V) points to the fact that the NC(V) remains a *general vocational* qualification even though the NC(V) includes a strong practical vocational emphasis. This comparable structure, designed to improve the status of vocational study, is intended to create the conditions for parity of esteem between the two pathways of study, a goal which the review aims to strengthen. Uptake and the ultimate value of the qualification depends, however, on sustained quality of delivery, selection of only the most suitable of candidates, and a well thought-through advocacy process for the renewed qualification.
6. The NC(V) is based on the premise that a good grounding in a language, such as English, and in Mathematics or Mathematical Literacy, remain the most generally useful and valued vocational skills on offer. When these subjects are combined with a sound practical and theoretical grounding, which focuses on productive thinking and mastery of the needed skills, the whole qualification will support successful students to enter the workplace well prepared or to embark on further technical and vocational study.
7. In South Africa (as in many developed countries) where full-time education or training up to the age of 18 has become the intended norm, and is largely paid for by the state, the quality of education in the last three years of schooling and college ought to make a critical difference to the future lives of those leaving school or college and to their ability to contribute to and strengthen the economy of the state. This is a responsibility which all institutions offering the qualification must take to heart: the reworking of the qualification has been focused on providing (a) greater flexibility in delivery, and (b) direction in respect of the extent and quality of the practical component, which has frequently failed to be of high quality in the delivery of the NC(V).
8. Vocational programmes require a co-operative approach to curriculum which brings the Department of Higher Education and Training and the Department of Basic Education, higher education institutions (individually and through USAf), Umalusi, private assessment bodies, experienced lecturers and/or teachers, the QCTO, professional bodies (where relevant) and industry together to create the curricula for a qualification with currency in both the workplace and higher education. This injunction for co-operation between the public and private sector, between further education and its higher education counterpart, and between the quality councils intends to drive the articulation agenda for this qualification as well as the drive for widespread recognition. Nonetheless, the primary purpose of the qualification must remain the holistic

development of its target students. Young students cannot simply become employment fodder.

9. Because the possibility exists for introducing or reviewing (or withdrawing) a vocational programme, the qualification is able to remain responsive to the needs of the economy. Indeed, each vocational programme should be regarded as a site in which each sector should invest in order to maximize the benefit of studying – for each student, and for the sector also.
10. By amending the delivery options, and by separating the assessment reporting for the theoretical component and the practical components, the NC(V) should be able to serve the need of all students, regardless of method or mode of delivery implemented by TVET colleges (full-time, part-time, distance education or using blended methods). If offered in schools, the only option will be full-time delivery.
11. The NC(V) is one of the five pathways identified by the Chief Directorate: National Artisan Development for vocational learning leading to artisan status. This review should strengthen the capacity of the qualification to develop students with a sound skills base for entry into artisanal occupations.

### **3. Purpose of the National Certificate (Vocational): A qualification at Level 4 on the NQF**

1. The purpose of the reviewed qualification is to:
  - a. More fully meet the needs of target groups which have not been well served by the NSC because their aptitudes and interests are not fully recognised nor developed in that qualification;
  - b. Simultaneously prepare students for meaningful entry into the economy with a strong skills set in - and knowledge of - a field of learning and work, and with sound language, some form of mathematical reasoning, life skills and computer fundamentals in place;
  - c. Allow students not able to access the qualification full-time nevertheless to be able to enrol for study and to progress accordingly;
  - d. Allow students to access the qualification in an institution of their choice, and
  - e. Encourage students to value learning sufficiently to become life-long students.



2. The development of vocational capabilities and commitment to a field of work lies at the heart of the purpose of the NC(V).
3. Through a more flexible delivery structure, the NC(V) is intended to enable young people – and people already in employment – to acquire the necessary knowledge/ theory and practical skills required to access employment and/or career growth within a particular vocation or to gain entrance into higher education. It is, however, also suited to a technical school environment, where the qualification can be offered as a three-year programme in the last phase of schooling (FET Phase).
4. The inclusion of language, some form of mathematical reasoning, life skills and computer skills is an integral part of the proper development of vocational capabilities, and central to all qualifications on the GFETQSF.
5. The qualification is now designed as a three-year qualification where the subject curricula ensure student progression towards the demonstration – both of understanding progressively more complex theory, and of practice. The development of a student's thinking to include creative analysis, synthesis and problem-solving within the vocational context forms part of the approach embraced by the qualification. This approach is strengthened by the centrality of the critical cross-field and the developmental outcomes. Furthermore, skills development presupposes mastery of identified skills in the practical environment.
6. While the purpose of the qualification is to serve the educational needs of a large cohort of students, the NC(V) must simultaneously be aligned to the needs of the economy. To this end, the NC(V) is conceived as an opportunity to strengthen partnerships between industry and the institutions offering the NC(V): such co-operative relationships will ensure the possibility of experiential learning in the workplace during the time of study, and will help employers to identify talent for future inclusion into their business.
7. Workplace learning does not constitute a formal qualification requirement. It is however open to the delivery of the practical component for those students already in a relevant work environment (and where on-going assessment may be supervised by an appointed supervisor and recorded in a log). In addition, colleges will be required to find short-term openings for students to experience their chosen field in the workplace. (However, as schools and colleges become more proficient and develop long-term relationships with local industries, the inclusion of a formal workplace learning component may become a regulated part of the three-year programme.)
8. This reviewed qualification is intended to strengthen public perception as to the value and usefulness of career paths in the vocational/technical environment, which means that students entering study and the



world of work will feel proud of their achievement, and see that others recognize its worth also.

9. Finally, the purpose of the qualification should be to instill in students a sense of their own capability and the beginnings of a formal professional identity; remind them of their rights and responsibilities in respect of their fellow citizens and society, and encourage them to find pleasure and satisfaction in both study and work.

#### **4. Exit Level Outcomes and Associated Assessment Criteria**

1. In terms of the exit level outcomes for the NC(V), students will be able, within the context of their chosen programme, to:
  - a. Demonstrate a good grounding in a language, such as English, which will prepare them to learn and study the programme of their choice, including understanding and being able to efficiently use the discourse of the particular vocational area of their choice;
  - b. Demonstrate a good grounding in mathematical reasoning, particularly in respect of how it is applied in the vocational area of their choice;
  - c. Demonstrate an ability to apply the skills and knowledge acquired to deal with problems – practical, social and ethical – in the workplace and in their personal lives;
  - d. Demonstrate an ability to use information technology in support of their study and for personal purposes; and
  - e. Demonstrate a sound practical and theoretical grounding in the vocational area of choice, which is actively reflected in productive thinking and mastery of the needed skills.
2. Such outcomes must be framed in terms of the holistic development of the individual student, preparing him or her for entry into the workplace and/or further technical and vocational study.
3. The following assessment criteria are associated with the exit level outcomes identified in paragraph 1, above. The student will be able to:
  - a. Use the language to communicate orally, in writing and through formal presentations, assignments and reports;
  - b. Use mathematical reasoning to be creative thinkers and provide solutions to problems in their personal life and in work situations; through analytical thinking, calculation, reasoning and sense-making;

- c. Use knowledge and skills acquired through learning to think logically and behave appropriately in a variety of contexts;
  - d. Use information technology to provide technical solutions required in the work environment and to use computer and telecommunication systems to access, store and retrieve information and data to enhance their personal lives; and
  - e. Use knowledge of theory and practice acquired in vocational learning and training to demonstrate the effective acquisition of the skills associated with the programme of their choice, and to make choices and decisions that would impact positively and productively on their personal and professional lives.
4. The award of the NC(V) confirms that a successful student is regarded as competent – through the assessment of the required combination of subjects – in the capabilities expressed in the exit-level outcomes, and is consequently granted a nationally recognized Level 4 qualification.

## **5. The identity of the particular target group for the National Certificate (Vocational)**

1. The NC(V) is regarded as sufficiently flexible to be offered in a number of ways which can be adapted to the target group, and in turn to the institutions offering one of more of the NC(V) programmes.
2. The target audience for the NC(V) in TVET colleges is those wishing to study either full-time or part time in a vocational direction.
3. Young people who may already be in employment, should be able to access the NC(V) on a part-time basis or through distance education and/or open/lifelong learning. Such students may, for example, select only to do the theoretical component of the NC(V) at the college, especially if the practical side of the qualification is primarily undertaken during work-time.
4. Students in the FET Phase (typically in the 16 -19 age group) are equally a target group for the NC(V) which should be offered in suitably equipped and resourced schools.

## **6. Entrance requirements**

The minimum entrance requirements for the National Certificate (Vocational) are:

- a) A Grade 9 school report which indicates a pass at Grade 9; or
- b) An Adult Education and Training (AET) NQF Level 1 Certificate; or
- c) A recognised equivalent qualification obtained at NQF Level 1 which includes at least one language; or
- d) Evidence of having passed an approved bridging programme designed for the specific purpose of access to NQF Level 2; or
- e) A Recognition of Prior Learning (RPL) assessment programme, which meets the basic requirements for access to NQF Level 2.
- f) Over and above the requirements in (a) – (e) of this paragraph, competence for access into the NC(V) will have to be determined through a compulsory readiness test/placement assessment. Such a test will be used to direct potential students to the most appropriate forms of study given their current academic proficiency and natural aptitude(s).

## **7. Duration and general requirements of the National Certificate (Vocational)**

1. The minimum duration for the NC(V) is three years.
2. For students to be issued with the NC(V), they must have fulfilled the assessment requirements for each of the first two years of the qualification; have achieved the distinct learning outcomes for each subject and attained the associated assessment standards of the qualification.
3. For students to be issued with a NC(V), they must have complied with both the attendance and the internal assessment requirements for all the required subjects as well as the Integrated Summative Assessment Tasks (ISATs) for all the vocational subjects of the qualification. Further, they must fulfil the external examination requirements of NC(V) Level 4, as contemplated in curricula of the various subjects underpinning the qualification, and listed in Annexure C of this document.
4. A NC(V) will be issued to both full- and part-time students once they have successfully met all the requirements set out in paragraphs 11 – 15 of this qualification policy.

## 8. Articulation

1. Students who have successfully completed the NC(V) will be able to access opportunities for further study and be considered for access to qualifications beyond NQF Level 4, subject to their having met the entry requirements of those qualifications at the given institutions (e.g. Universities of Technology).
2. The qualification is designed to enable articulation with other qualifications on GFETQSF, the Occupational Qualifications Sub-framework of the NQF and the Higher Education Qualifications Sub-framework of the NQF.
3. In collaboration with the QCTO, certain components achieved in the NC(V) will, through a co-operative process of research, be recognised towards an occupational award, and conversely, components achieved towards an occupational qualification in employment may be recognised for NC(V) qualification purposes. This process is dependent on a co-operative review and development of the relevant programme descriptions and curricula.
4. Students who have successfully completed a NC(V) learning programme will be considered ready to take up entry-level employment in the particular vocational field in which they have studied.
5. Students exiting before the completion of the full NC(V) are entitled to a transcript which will reflect such learning as has been completed, and the achievements to date. The transcript will be the joint responsibility of the assessment body and institution involved.

## CHAPTER 2

### STRUCTURE AND DESIGN OF THE NATIONAL CERTIFICATE (VOCATIONAL)

#### 9. The structure of the National Certificate (Vocational)

1. The NC(V) is registered as a 420-credit qualification at NQF Level 4. It comprises both a *fundamental* and a *vocational* component. The fundamental component, comprising three subjects is assigned a credit value of 60 per NC(V) level/year. The remaining 80 credits per NC(V) level/year are assigned to the subjects identified in the vocational component.
2. The *fundamental learning component* is an essential part of the structure of the qualification, and strengthens the basis for all other learning in the NC(V). It comprises the following three subjects, selected from Annexure D:
  - a. 20 credits at each of Levels 2, 3 and 4 in the language (for academic purposes) which is the language of learning and teaching (LOLT) at the institution of study.
  - b. 20 credits for the appropriate Mathematics subject (determined by the programme selected) at each of the 3 levels of the NC(V).
  - c. 20 credits for Life Orientation at each of the three levels of the NC(V). Ten of these credits in each year are allocated to the development of computer-use skills.
3. The subjects for the vocational component constitute 240 credits across the three years of study. These 80 credits per year will include:
  - a. where relevant, a science subject which is determined by the demands of the vocational programme. For example, Preventative Health would be regarded as essential to any NC(V) in the Organising Field, *Health Sciences and Social Services*; and Physical Science may be regarded as essential for all/some

programmes located in the organising field, *Manufacturing, Engineering and Technology* (Organising Field 6) and *Physical Planning and Construction* (Organising Field 12). These subjects may be of 1, 2, or 3-year duration, depending on the demands of the programme, and will be determined at the programme level.

- b. 1 subject of specialisation, which represents the critical vocational/occupational area for the particular programme, and which is taken across all three years of the qualification. This subject includes the acquisition of the relevant contextual knowledge required to function safely and efficiently in the working environment (both simulated and actual). This subject focuses on the development, strengthening and mastery of skills required in the vocational/occupational area. This subject embraces the workplace experience that is built in to the programme. In addition, this subject assists in the formation of some form of professional identity associated with the area of specialization.
  - c. Up to a maximum of three additional subjects identified as necessary to the holistic development of the student entering the field of specialization selected. So, for example, in Tourism, while the specialization subject allows for developing the skills required to work in various capacities in a guest house or hotel and/or for working in a travel agency, it may be important for there to be a separate subject focused on Geography, with a specific focus on the needs of students going into the Tourism industry.
  - d. The allocation of credits among the subjects is likely to differ; and may also differ across the three years, as for example, the focus on problem-solving and innovation intensifies, and as opportunities in the workplace become longer in the last year. The allocation of credits is identified and explained per programme in the relevant programme description.
  - e. In effect, Sections 9 and 10 of this policy allow the curriculum developers scope to optimize the learning time available in terms of the requirements of inducting students into the vocational area of choice.
4. The three fundamental learning subjects, described in Paragraph 9.2, above, and the mix of vocational subjects selected per programme as outlined in paragraph 9.3, above, together make up the NC(V).



5. It is not permissible to 'mix and match' subjects from different programmes.
6. The fundamental subjects, the subject of specialization and the additional subjects identified per programme must all be passed in order to fulfill the final certification requirements.
7. Where applicable, workplace-based experience should be effected as per the recommendations in the programme description, taking into account the document, *Implementation Guidelines for Work Integrated Learning in colleges*.

## **10. The design of the National Certificate (Vocational)**

1. The purpose of each vocational programme locates it within one of the organising fields (Annexure C).
2. The purpose of the programme, together with the Exit-Level Outcomes for the qualification and the Critical Cross-field and Developmental Outcomes, provides the framework for curriculum development. Responsibility for the management of the development of the curricula lies primarily with the Department of Higher Education and Training, as contemplated in the *Guideline document on the development of subjects and learning programmes*.
3. However, curriculum development must always be a co-operative, multi-stakeholder undertaking which includes expertise from the DHET, the DBE, higher education institutions (individually and through USAf), the relevant QCs, the relevant industry/-ies and experienced, qualified staff from the institutions teaching the programme.
4. After due consultation with the relevant stakeholders, the new programmes are approved by the Minister(s) of Education and regulated.
5. Should the need for a new vocational programme be identified, the Departments should develop the new programme together in the manner outlined in Paragraph 10.3 above.
6. Private providers may amend curricula provided that their provision meets or exceeds the minimum norms and standards set by the Minister.

## **11. Qualification requirements including rules of combination**

1. Subject to Section 7, a NC(V) is issued to a student who has complied with the programme requirements of the qualification at Level 4, by having

taken all the NC(V) Level 4 subjects identified in the programme, and written examinations in:

- a. Three Fundamental subjects selected as follows:
    - I. A language that is chosen is the language of learning and teaching (LOLT) of the institution, from among the languages listed at Table D1 at Annexure D.
    - II. One of the mathematics subjects listed in Table D2 at Annexure D, and which accords with the programme-specific requirements where relevant.
    - III. Life Orientation listed in Table D3 at Annexure D.
  - b. The vocational subjects determined for the entire programme, as described in paragraph 9.3, in accordance with the relevant requirements stipulated in the specific vocational programme.
  - c. The assessment of subjects may be offered on a modular basis within a semester; the module preceding must be completed and passed before the subsequent module can be recognized as passed. However, a student may carry a maximum of two modules for a single semester and re-write the examinations at the end of that semester. Should the student fail the module a second time, he/she will need to re-register for the module and undertake the assessments once more.
2. Registration for students enrolling for a year-long NC(V) programme will occur at the beginning of the academic year; registration for a semesterized NC(V) will take place at the start of every semester.

## 12. Provisos

A student may not take two kinds of mathematics subjects nor offer two kinds of science subjects.

## 13. Certification Requirements

1. Students may only register for and enter the NC(V) final examinations at Level 4 if they have fulfilled all the promotion requirements for the first two years of the qualification, including the course work, practical assignments, projects, tests and examinations associated with those

years.

2. Students will only be allowed to enter the examinations if they have achieved the required pass for internal assessment. This requirement is applicable to full-time and part-time students alike.
3. Students must have passed both the theory and practical components for each of the vocational subjects in order to enter and write the final set of examinations. Should a student not have passed either one of the two components at the point of the final examination, the final examination must be deferred until the student has fulfilled all the necessary requirements for entry into the examination.
4. Before certification, a student must pass a final practical examination, the Integrated Summative Assessment Task (ISAT) externally set and moderated per programme. This assessment can be done concurrently or upon completion of the NC(V) Level 4 examinations per subject.
5. Subject to the provisions of Section 16(4)(d) and (e) of the General and Further Education and Training Quality Assurance Act, 2001 (Act No. 58 of 2001) as amended, and subject to Sections 11 and 12 of this policy document, a NC(V) at NQF Level 4 shall be issued to a student who has complied with the following promotion requirements:
  - a. Obtained at least 40% in the required official language as contemplated in paragraph 11.1 a (i) above.
  - b. Obtained at least 30% in the pre-requisite form of Mathematics or Mathematical Literacy as contemplated in paragraph 11.1 a (ii) above.
  - c. Obtained at least 40% in Life Orientation as contemplated in paragraph 11.1 a (iii) above. The student must, however, also pass the computer skills component of the subject with at least 40%. This component will be reported separately on the final certificate, thus providing potential employers with an indication of the student's computer capabilities.
  - d. Obtained at least 50% in each of the vocational component subjects as described in the relevant programme description, as outlined in paragraph 11.1 b. Students must achieve at least 40% in the theoretical component, and at least 60% in the practical component in order to pass a vocational subject. These components are reported on separately at reporting and certification.
  - e. The possibility of condonation is only considered in the final year of the qualification, at the point when the award of the qualification is considered.
  - f. Only one condonation may be applied to a single subject and only if the condonation is required for the student to achieve the full qualification or to improve its status in terms of admission to

higher education. It may be applied either in terms of a fundamental subject or in terms of one of the vocational subjects.

- g. A condonation of a maximum of one fundamental subject will be applied as follows:

If a student obtains 38% in either the language subject or Life Orientation, or 28% in Mathematics or Mathematical Literacy, his or her result may be condoned by a maximum of 2% to the required promotion requirement.

- h. In the event that a condonation is required for a student to pass a vocational subject and thereby the qualification, a maximum of 2% may be added to the final *combined* theory and practical mark to achieve the minimum 50%. The condonation will be reflected as having been added to either the practical or the theory, and marked with a C, indicating its condoned status.
- i. When a condonation is reflected on a statement of results, its conditional nature must be apparent to the students. Should the students re-write one or more of the subjects that have been failed, the condonation is re-evaluated at the point of certification, and may no longer need to be applied. This point must be made clear in the communication of results to students.
- j. Students who do not enrol for any subsequent examinations to improve their marks are understood to have accepted the condonation, which will be awarded on the final certificate.
6. It should be noted that the value of the students' logbooks be foreground as a record of attested achievement. This value needs to be publicized during the advocacy of the qualification. It forms an adjunct to the certificate or subject statement issued in the student's name.

## 14. Concessions

1. An immigrant student is:
- (a) a child or a dependent of a diplomatic representative of a foreign government accredited in South Africa; or
  - (b) a person who:
    - (i) first entered a South African school in Grade 7 or a more senior grade (that is, enrolled in and attended a South African school), or

- (ii) having begun his or her schooling at a school in South Africa, has attended school outside South Africa for two or more consecutive years after Grade 6 or its equivalent.
  - (c) To be classified as an immigrant student, such a student must be in possession of:
    - (i) The relevant official documentation issued by the Department of Home Affairs; and
    - (ii) The relevant official documentation issued by the school where the student entered the South African school system for the first time.
2. Concessions may be applied to students who experience barriers related to aural impairment, aphasia and dyslexia:
- (a) In certain programmes, students suffering from dyscalculia may be exempted from the offering of Mathematical Literacy or Mathematics, provided that another subject is offered in lieu of Mathematical Literacy or Mathematics. However, certain programmes may have a compulsory mathematical requirement for the vocational programme, in which case, the students cannot take advantage of this concession. The institution must work closely with the national examinations and assessment unit to register such students, where the concession is applied.
  - (b) Visually impaired and blind students may not be able to be accommodated in all vocational programmes because of the nature of the work. Where such students can and are admitted to a programme, they must be fully supported by the institution concerned to enable them to make the most of their study. The concessions at assessment may include, among others, enlarged format papers, Braille papers, a reader and/or amanuensis.
  - (c) *White Paper 6 on Special Needs Education: Building an Inclusive Education and Training System*, released by the Ministry in 2001, guides policies related to students experiencing barriers to learning.

## **15. Minimum requirements for admission to Higher Education**

### **Higher Certificate**

1. Subject to institutional admission requirements, the minimum admission requirements to a Higher Certificate programme are (a) a National Certificate (Vocational) NQF Level 4, and (b) compliance with the requirements for the language of learning and teaching (LOLT) in the higher education institution.

### **Diploma**

2. Subject to institutional admission requirements, the minimum admission requirements is a National Certificate (Vocational), NQF Level 4 issued by the Council for General and Further Education and Training.
3. In addition, a student must (a) achieve at least 50% in the language of learning and teaching in the higher education institution, (b) achieve at least 60% in three vocational subjects, including the specialization.

### **Bachelor's Degree**

4. Subject to institutional admission requirements, the minimum admission requirements is a National Certificate (Vocational), NQF Level 4, issued by the Council for General and Further Education and Training.
5. In addition, a student must achieve (a) at least 50% in the language of learning and teaching and Life Orientation; (b) at least 40% in Mathematics or Mathematical Literacy and (c) at least 60% in three vocational subjects, including the specialization.



## CHAPTER 3

### PLANNING FOR AND THE IMPLEMENTATION OF THE THE NATIONAL CERTIFICATE (VOCATIONAL)

#### 16. The curriculum overview

1. The NC(V) is underpinned by:
  - a. this qualification policy
  - b. a programme description for each of the vocational programmes
  - c. the national subject curricula
  - d. ICASS guideline
  - e. ISAT guideline
  - f. the regulations governing the *Conduct and Administration of the NC(V) examinations*, and
  - g. the relevant policies and directives for quality assurance, accreditation and certification developed by Umalusi.
2. The programme and regulated curricula must provide guidance for the teaching and assessment of the subjects, including continuous assessment, and where relevant, integrated final assessments, while conforming to the necessary curriculum dimensions.
3. The programme description (one per vocational area/specialization) includes any entry requirements associated with the particular vocational field; the requirements for an Institution to be approved/accredited to offer the programme and any other information specific to that vocational programme. This description will also indicate which concessions may – and may not – be applied for the programme.
4. The curriculum underpinning the NC(V) must align with the purpose and outcomes/objectives of the qualification, the vocational requirements in the particular vocational field and the needs of the target group(s) identified. It must also ensure the systematic development of the Critical Cross-field Outcomes across all three years (Annexure B).
5. The Department of Higher Education and Training, in consultation with the relevant stakeholders including the DBE and Umalusi, is responsible for the development and review of the programme descriptions

(including the criteria for approval/accreditation to offer) and the curriculum.

## **17 Selection of appropriate NC(V) Programmes**

1. Institutions must select NC(V) programmes that are responsive to the regional economic indicators within their particular region. These institutions must plan to offer programmes, and the numbers to be enrolled within them, accordingly.
2. Institutions must therefore offer NC(V) programmes that are sustainable in terms of the immediate geographical location. Students must have a reasonable likelihood of opportunities for placement in employment. The planning for the implementation of NC(V) programmes must also take into account the necessary resources needed to successfully implement them. These resources include suitable staff (leadership, teaching and administrative staff), facilities, expertise within the lecturing staff and workplace-based learning opportunities.
3. Programme approval for institutions to offer the NC(V) will only be granted based on the ability of an institution to meet the necessary criteria for successful programme delivery i.e. institutional infrastructure; human resources for teaching and assessment; learning and teaching support materials (LTSMs) as well as the consumables and any programme specific resources. Institutions will be monitored for the quality of delivery of the programmes and those performing well will be identified as Centres of Specialization. Such institutions will jointly and cooperatively be supported and monitored by the relevant assessment body and Umalusi.
4. Work place experience (WPBL) must be planned for both staff and students to ensure that the NC(V) qualification remains relevant to the needs of industry.

## **18. Requirements for teaching and learning**

1. The Critical Cross-field and Developmental Outcomes, the qualification exit-level outcomes and the attainment levels associated with each programme must underpin the development of the curriculum for each subject since the purpose of the subject is to contribute to the holistic development of the student through the teaching, learning and assess-

ment processes. These same sets of outcomes must inform the development of all teaching and learning materials, including log books used for monitoring the development and mastery of skills.

2. All teaching and learning in the NC(V) should be directed towards the development of competence in the skills associated with the subject and confidence in the knowledge that the student knows the theory and can apply it in relevant situations.
3. The idea of mastery of skills is intrinsic to the subjects with practical components. Students will be evaluated accordingly by the assessment body involved, whether these assessments take place at a school, college and/or in a workplace.
4. The approach to formative/continuous assessment is intended to inform the students, challenge them and help them to raise the level of their own performance, whether this is through successful achievement or a meaningful failure to match the challenge provided in the learning tasks. All assessment must be seen to be intrinsic to the teaching and learning process and should conform to the notion that it provides evidence of competent performance. Final assessments should not differ from the approach taken to ongoing assessment within the programme.
5. A criterion-referenced approach to assessment is required.

## **19. Modes of delivering vocational programmes**

1. The intended mode of delivery for the vocational programmes is full-time. However alternative modes of delivery can be considered which include open/lifelong learning in which instances a separate institutional policy needs to be developed to ensure the smooth implementation and that standards are maintained as required in the full time delivery mode.

## CHAPTER 4

### ASSESSMENT

#### 20. Assessment Structure

1. Assessment of learning for certification in the NC(V) consists of two components of assessment, namely; a portfolio of evidence of achievement gathered during the process of study (and workplace-based learning), and some form of external assessment. This is a requirement for each of the three years of the qualification.

##### **Assessment in the first two years of the qualification**

2. Assessment of learning for progression to the following year/level in the National Certificate (Vocational) consists of two components:
  - a. internal continuous assessment (written and practical components) and
  - b. Final assessment (written and practical components).
3. The portfolio of evidence and the external assessment are specified in the related policy documents. Internal continuous assessment cannot also function as part of the external assessment, but forms part of the final mark for resulting purposes. (For example, oral marks awarded as part of an ICASS mark cannot be used a second time as part of the external assessment marks.)
4. The purpose of the portfolio of evidence is to provide evidence of the meaningful learning opportunities given for student development. Its intention is thus largely formative. It includes the internal continuous assessment (ICASS) tasks completed, both as written tasks and practical assignments, and the evidence of achievement gathered during the process of study. This combined mark serves as the year mark for the student.
5. The final – and summative – assessment in the first two years of the programme consist of a written examination component, and a practical, undertaken under examination conditions. For these two NC(V) levels, the written examination is set by two or more institutions and

moderated by a separate college/school also offering the same programme. The marking will be undertaken at college/school level. A similar approach applies to the practical examination. Inter-college/school moderation will be required, and will be verified by the assessment body while Umalusi will verify only the sampling process undertaken by the assessment body involved.

### **Assessment for certification in the final year of the NC(V)**

6. The final external assessment consists of written and practical assessment components that are externally set and marked by one of the Departments of Education or an accredited assessment body, and is externally moderated by Umalusi.
7. The external assessment function for the vocational parts of the qualification, specifically the practical, may be shared with or possibly delegated to the QCTO through a Memorandum of Agreement by Umalusi Council, in terms of section 28(2) of the General and Further Education and Training Quality Assurance Act, 2001 (Act No. 58 of 2001) as amended.
8. The final summative assessment in NC(V) Level 4 consists of a written examination component and a practical (integrated summative assessment task), undertaken under examination conditions. The examinations will be set by the relevant assessment body/ies and externally moderated by Umalusi.
9. The final mark per subject is a combination of the ICASS/year mark and the final assessment marks as determined by the relevant curriculum and policy documents.

### **The weighting of the assessment components**

10. The weighting of the various assessment components for the subjects is as follows:
  - a. The portfolio of evidence mark for each of the **three (3) fundamental subjects**, as contemplated in paragraph 11(1)(a), will be 25%, and the external assessment mark, 75% of the total mark.
  - b. The portfolio of evidence mark for each of the **four (4) subjects in the vocational component**, as contemplated in paragraph 11(1)(b), accounts for 50% of the total mark, and the external assessment for the remaining 50% of the total mark.
  - c. The practical assessment of the vocational subjects must be subjected to an external moderation verification process conducted by Umalusi and/or by the QCTO through a

Memorandum of Agreement set up in terms of section 28(2) of the General and Further Education and Training Quality Assurance Act, 2001 (Act No. 58 of 2001) as amended.

## 21. Recording and reporting of student achievement

1. Seven levels of competence have been established. These descriptions are intended to assist lecturers to assess students and place them at the correct level. The various achievement levels and their corresponding percentage bands are as shown in the table below.
2. In the first two years of the qualification, the institution issues a progress report at the end of each semester. Such a report indicates the student's performance in terms of the subjects undertaken, both in terms of the theory and practical components, and indicates also the student's attendance status (duly performed) for the semester. In the case of students following a modularized programme, the report should indicate which modules the student should undertake in the following semester.
3. In the vocational subjects, the performance on the theory and practical components will be reported on separately, in a ratio of 40:60.

## 22. Rating scale

The rating codes will be translated into attainment levels for each subject in the NC(V). This forms part of the programme description and curriculum development process.

**TABLE 1: SCALE OF ACHIEVEMENT**

<b>RATING CODE</b>	<b>MARKS %</b>
7	80 – 100
6	70 – 79
5	60 – 69
4	50 – 59
3	40 – 49
2	30 – 39
1	0 – 29



**23. NC(V) Level 4 examination cycles**

1. *In colleges, examinations are offered twice a year – in October/ November and again in May/June for the NC(V). There is no supplementary examination offered in February. Students who fail a subject(s) in one of the semesters will be allowed to re-write up to a maximum of two (2) subjects during the following semester examination cycle.*
2. The examinations in both cycles will form a complete set of examinations per subject, including both the theoretical and practical final assessments. Both examination cycles will be subjected to the standard quality assurance processes as prescribed by Umalusi.
3. In colleges, all subjects in a programme are divided into semester-long modules; all subjects can be offered in both semesters. Students may move on to the next module in the subject if the previous semester's work has been passed. Students may be allowed to carry up to a maximum of two (2) failed subjects per semester. Students will not be allowed to move to the next NC(V) level with outstanding subjects.
4. A student may not register for a subject at Levels 3 of 4 without having passed the subject at the preceding level.
5. In schools, however, the teaching and learning process proceeds as an annual cycle. The Level 4 examination cycle at schools will also function on an annual basis.
6. In colleges, the subjects for the first two years of the NC(V) require local external assessments for both semesters. However, the subjects for the final year of the NC(V) (NQF Level 4) require formal, national external assessments for both semesters.
7. If a NC(V) student has not met the minimum promotion requirements for 2 subjects in a particular examination cycle, as contemplated in paragraph 20(1), he or she must re-register for those two subjects in the next examination cycle. (i.e. if a student fails a subject, the student can re-write the subject in the next semester. If the student then fails the re-write, the student must re-register for the subject and redo the subject and all assessments by attending all classes during the semester.)
8. A student who wishes to improve his or her performance in one examination cycle may register for the next examination cycle in a maximum of two subjects.
9. In the case of a death in the immediate family or other special reasons for absence, such as illness, admission to the next examination cycle is at the discretion of the head of the TVET College or the provincial head of examinations or the CEO of a private assessment body.

## CHAPTER 5

### ACCREDITATION

#### 24. Accreditation

1. A private assessment body that has an interest in conducting the external examinations of the NC(V) must meet all the accreditation requirements as set out in Umalusi's accreditation policy for assessment bodies, and be accredited by Umalusi to offer the NC(V) examinations.
2. Public and private learning institutions that have an interest in delivering the programmes of the NC(V) must meet all the accreditation requirements as set out in Umalusi's accreditation policy and be approved / accredited by Umalusi to offer the qualification.
3. Private examination centres examining the NC(V) must be registered as examination centers with the Department of Higher Education and Training or with a private assessment body that has been accredited by Umalusi to examine the NC(V).

## CHAPTER 6

### TRANSITIONAL ARRANGEMENTS

#### 25. Repeal of policy

1. This policy replaces the *National Policy Regarding Further Education and Training Programmes: Approval of the Documents, Policy for the National Certificate (Vocational): Qualifications at Levels 2 to 4 on the National Qualifications Framework (NQF)*, as published in Government Gazette No 28 677 of 29 March 2006, and the *National Policy Regarding Further Education and Training Programmes: Approval of Amendments to the Certification Requirements of the National Certificate (Vocational)* as published in Government Gazette No 30 266 of 7 September 2007, at a date to be determined by the Minister: DHET in a Government Gazette.

#### 26. Transitional arrangements

1. Transitional arrangements must ensure an orderly phasing out of existing NC(V) qualifications and the phasing in of the new, three-year NC(V).
2. From a date determined by the Minister, no new enrolments of full-time or part-time students will be registered on the NC (V) Level 2 programmes as contained in the policy document mentioned in Section 25 above. At the beginning of the following year, no further NC (V) Level 3 students will be enrolled. At the beginning of the third year from the date determined by the Minister, no further NC (V) Level 4 students will be registered. That is, no new enrolments of students will be registered on existing NC (V) programmes where a revised programme has been developed and is ready for implementation in institutions.
3. Unsuccessful full-time students in the final (Level 4) examination for the programmes listed in the policy document mentioned in Section 25 as well as part-time students already enrolled for these programmes, will be given an opportunity to write the examination in the following semester/year. If such students are still not successful, they will be given an opportunity to re-register for the National Certificate (Vocational): A

qualification at Level 4 of the NQF, at the level in which they wrote the examination and were not successful.

4. The Minister of Basic Education may, if it is considered necessary, in terms of Sections 3(4)(l) and 7 of the National Education Policy Act, 1996 (Act No. 27 of 1996) promulgate such regulations as are suited to the schooling sector in terms of the applicable legislation.

## **27. Commencement and date of implementation**

1. This policy for the National Certificate (Vocational): A qualification at Level 4 on the General and Further Education and Training Qualifications Sub-framework of the NQF, will commence on the day of its promulgation in a Government Gazette and becomes effective on a date determined by the Minister.
2. The short title for this policy is *The National Certificate (Vocational)*.

## ANNEXURE A

### NQF Level Four: SAQA Level Descriptors

- 1 Scope of knowledge, in respect of which a student is able to demonstrate a fundamental knowledge base of the most important areas of one or more fields or disciplines, in addition to the fundamental areas of study, and a fundamental understanding of the key terms, rules, concepts, established principles and theories in one or more fields or disciplines.
- 2 Knowledge literacy, in respect of which a student is able to demonstrate an understanding that knowledge in one field can be applied to related fields.
- 3 Method and procedure, in respect of which a student is able to demonstrate the ability to apply essential methods, procedures and techniques of the field or discipline to a given familiar context, and the ability to motivate a change using relevant evidence.
- 4 Problem solving, in respect of which a student is able to demonstrate the ability to use own knowledge to solve common problems within a familiar context, and the ability to adjust an application of a common solution within relevant parameters to meet the needs of small changes in the problem or operating context with an understanding of the consequences of related actions.
- 5 Ethics and professional practice, in respect of which a student is able to demonstrate the ability to adhere to organisational ethics and a code of conduct, and the ability to understand societal values and ethics.
- 6 Accessing, processing and managing information, in respect of which a student is able to demonstrate a basic ability in gathering relevant information, analysis and evaluation skills, and the ability to apply and carry out actions by interpreting information from text and operational symbols or representations.
- 7 Producing and communicating information, in respect of which a student is able to demonstrate the ability to communicate and present information reliably and accurately in written and in oral or signed form.
- 8 Context and systems, in respect of which a student is able to demonstrate an understanding of the organisation or operating environment as a system within a wider context.
- 9 Management of learning, in respect of which a student is able to demonstrate the capacity to take responsibility for own learning within a supervised environment, and the capacity to evaluate own performance against given criteria.

- 10 Accountability, in respect of which a student is able to demonstrate the capacity to take decisions about and responsibility for actions, and the capacity to take the initiative to address any shortcomings found.



## **ANNEXURE B**

### **B.1 CRITICAL CROSS-FIELD OUTCOMES**

- 1 Identify and solve problems and make decisions using critical and creative thinking.
- 2 Work effectively with others as members of a team, group, organisation and community.
- 3 Organise and manage themselves and their activities responsibly and effectively.
- 4 Collect, analyse, organise and critically evaluate information.
- 5 Communicate effectively using visual, symbolic and/or language skills in various modes.
- 6 Use science and technology effectively and critically showing responsibility towards the environment and the health of others.
- 7 Demonstrate an understanding of the world as a set of related systems by recognising that problem-solving contexts do not exist in isolation.

### **B.2 THE DEVELOPMENTAL OUTCOMES**

- 1 Reflect on and explore a variety of strategies to learn more effectively.
- 2 Participate as responsible citizens in the life of local, national, and global communities.
- 3 Be culturally and aesthetically sensitive across a range of social contexts.
- 4 Explore education and career opportunities.
- 5 Develop entrepreneurial opportunities.

**ANNEXURE C****THE NATIONAL CERTIFICATE (VOCATIONAL) PROGRAMMES  
ARRANGED IN TERMS OF THE NQF ORGANISING FIELDS**

<b>No</b>	<b>Organising fields</b>	<b>No.</b>	<b>NC(V) Programmes</b>
1.	Agriculture and Nature Conservation	1.	Primary Agriculture
2.	Culture and Arts		
3.	Business, Commerce and Management Studies	2.	Finance, Economics and Accounting
		3.	Management
		4.	Marketing
		5.	Office Administration
4.	Communication Studies and Language		
5	Education, Training and Development	6.	Early Childhood Development
6.	Manufacturing, Engineering and Technology	7.	Engineering and Related Design
		8.	Electrical Infrastructure Construction
		9.	Mechatronics
		10.	Process instrumentation
		11.	Process Plant Operations
7.	Human and Social Studies		
8.	Law, Military Science and Security	12.	Safety in Society
9.	Health Sciences and Social Services	13.	Primary Health
10.	Physical, Mathematical, Computer and Life Sciences	14.	Information Technology and Computer Sciences

11.	Services	15.	Tourism
		16.	Hospitality
		17.	Transport and Logistics
12.	Physical Planning and Construction	18.	Drawing Office Practice
		19.	Civil Engineering and Building Construction

**ANNEXURE D**

**NATIONALLY APPROVED SUBJECTS THAT COMPLY WITH  
THE FUNDAMENTAL PROGRAMME REQUIREMENTS OF THE  
NATIONAL CERTIFICATE (VOCATIONAL)**

**TABLE D1: OFFICIAL LANGUAGES FOR ACADEMIC PURPOSES**

SUBJECT	SUBJECT NUMBER		
	NQF Level 2	NQF Level 3	NQF Level 4
Afrikaans	04100012	04100023	04100034
English	04100072	04100083	04100094
IsiNdebele	04100132	04100143	04100154
IsiXhosa	04100192	04100203	04100214
IsiZulu	04100252	04100263	04100274
Sepedi	04100312	04100323	04100334
Sesotho	04100372	04100383	04100394
Setswana	04100432	04100443	04100454
SiSwati	04010492	04100503	04100514
Tshivenda	04100552	04100563	04100574
Xitsonga	04100612	04100623	04100634

**TABLE D2: MATHEMATICAL SCIENCES**

SUBJECT	SUBJECT NUMBER		
	NQF Level 2	NQF Level 3	NQF Level 4
Mathematical Literacy	10400012	10400023	10400034
Mathematics	10500042	10500053	10500064

**TABLE D3: HUMAN AND SOCIAL SCIENCES**

<b>SUBJECT</b>	<b>SUBJECT NUMBER</b>		
	<b>NQF Level 2</b>	<b>NQF Level 3</b>	<b>NQF Level 4</b>
Life Orientation	07600012	07600023	07600034

**VOCATIONAL SUBJECTS**

The individual subjects identified per vocational programme will be identified at the programme description stage and subject codes allocated thereafter.

## **ANNEXURE E**

### **NC(V) PROGRAMME AND SUBJECT CODING FOR RECORDING PURPOSES**

#### **Programmes**

- 1 The programme codes consist of 8 digits, which have the following meaning:
  - first and second digits: organising field (up to two digits) (Table D.1)
  - third and fourth digit: type of programme or sub-field;
  - fifth, sixth and seventh digits: unique programme codes; and
  - eighth digit: level of the programme.
  
- 2 The subject codes consist of 8 digits, which have the following meaning:
  - first and second digits: organising field (up to two digits) (Table D.1);
  - third and fourth digits: the subject groupings or sub-fields, as defined in Annexure A and (Table D.2);
  - fifth, sixth and seventh digits: unique subject codes within each organising field; and
  - eighth digit: NQF level of the subject.



**Table E.1 Organising fields as they relate to the fields and sub-fields, and subject coding system**

<b>DIGIT</b>	<b>ORGANISING FIELD</b>
01	Agriculture and Nature Conservation
02	Arts and Culture
03	Business, Commerce and Management Studies
04	Communication and Language Studies
05	Education, Training and Development
06	Manufacturing, Engineering and Technology
07	Human and Social Studies
08	Law, Military Science and Security
09	Health Science and Social Services
10	Physical, Mathematical, Computer and Life Sciences
11	Services
12	Physical Planning and Construction

**Table E.2 Subject Groupings**

<b>DIGIT</b>	<b>SUBJECT GROUP</b>
10	Official Languages
20	NOT USED
30	NOT USED
40	Mathematical Literacy
50	Mathematics
60	Life Orientation

**NON-GOVERNMENTAL ORGANIZATION****NOTICE 355 OF 2017****CALL FOR PUBLIC COMMENT ON THE DRAFT NATIONAL VOCATIONAL CERTIFICATE: A QUALIFICATION AT NQF LEVEL 4, BEING A REVIEW OF THE NC(V) LEVELS 2 - 4**

In terms of Section 24 of the National Qualifications Framework Act, Act 67 of 2008, Umalusi is the Quality Council for General and Further Education and Training. Section 27(h)(iii) of the act requires Umalusi to ensure the development of such qualifications or part qualifications as are necessary for the sector.

In terms of section 27 of the Act, hereby give notice of the publication the draft policy for the National Vocational Certificate arising from the review of the NC(V) qualifications, Levels 2 – 4.

The policy may be accessed at

[http://www.umalusi.org.za/documents/legislation/draft\\_national\\_certificate\\_vocational](http://www.umalusi.org.za/documents/legislation/draft_national_certificate_vocational)

If the party is unable to access the document from the website for any reason, please contact Mr D Twala at 012 030 0966 for assistance.

All interested persons and organisations are invited to comment on the draft National Vocational Certificate in writing, and to direct their comments to:

The Chief Executive Officer  
Umalusi  
PO Box 151  
Persequor Technopark  
Pretoria  
0020  
South Africa

Attention: Mr D Twala  
E -mail: [Dennis.Twala@umalusi.org.za](mailto:Dennis.Twala@umalusi.org.za)  
Fax: (012) 349 1099

Kindly provide the name, address, telephone number, fax number and e -mail address of the person or organisation when submitting comments.

Comments should reach the department within 30 calendar days of the publication of this notice.



Prof J Volmink  
**Chairperson**  
**Umalusi Council**



Council for Quality Assurance in  
General and Further Education and Training

**Policy for the National Certificate (Vocational):  
A Qualification at Level 4  
on  
the General and Further Education and Training  
Qualifications Sub-Framework  
of  
the National Qualifications Framework**

**Umalusi Review**

**Draft for public comment**

**May 2017**

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## ABBREVIATIONS AND ACRONYMS

AET	Adult Education and Training
CAERT	Credit Accumulation, Exemption, Recognition and Transfer
CCFOs	Critical cross-field outcomes
CEO	Chief Executive Officer
CET	Community Education and Training
DBE	Department of Basic Education
DHET	Department of Higher Education and Training
FET	Further Education and Training
GFETQSF	General and Further Education and Training Qualifications Sub-Framework
ICASS	Internal Continuous Assessment
ISAT	Integrated Summative Assessment Task
IT	Information Technology
LOLT	Language of Learning and Teaching
LTSM	Learning and Teaching Support Material
NQF	National Qualifications Framework
NC(V)	National Certificate (Vocational)
NSC	National Senior Certificate
OQSF	Occupational Qualifications Sub-Framework
QC	Quality Council
QCTO	Quality Council for Trades and Occupations
RPL	Recognition of Prior Learning
SAQA	South African Qualifications Authority
TVET	Technical and Vocational Education and Training
USAf	Universities South Africa (formerly Higher Education South Africa (HESA))
WPBL	Workplace-based Learning

**DEFINITIONS**

<b>Access</b>	Opportunity to pursue education and training, including relevant qualifications and part-qualifications, for all prospective students.
<b>Applied competence</b>	The ability to put into practice in the relevant context the exit-level Learning Outcomes and Assessment Standards required for obtaining the qualification.
<b>Approved/accredited institutions</b>	The NC(V) requires that public institutions offering the NC(V) be approved for the programme(s) they intend offering in terms of the specific criteria outlined for such programmes; private institutions wishing to offer the NC(V) must receive accreditation from Umalusi in order to do so.
<b>Articulation</b>	The process of forming connections between qualifications and/or part-qualifications where possible to allow for the vertical, lateral and diagonal movement of students through the formal education and training system and to the world of work.
<b>Assessment body</b>	A department of education or any other body accredited by Umalusi, the Council for quality assurance in General and Further Education and Training, as a body responsible for managing provision and conducting external assessment.
<b>Critical Cross-Field Outcomes</b>	The generic outcomes which inform all learning and teaching on the National Qualifications Framework.
<b>Certification</b>	The formal recognition of a qualification or part-qualification awarded to a successful student.
<b>Condonation</b>	The limited and rule-bound relaxation of the final pass/certification requirements in the case of a student who comes very close to meeting such requirements.
<b>Credit accumulation, recognition, exemption and transfer</b>	The process of recognizing credits/subjects from one qualification for the purpose of transferring them to another qualification, thus allowing exemption from study of those credits/subjects.
<b>Curriculum</b>	<p>The curriculum encompasses three components:</p> <p>a) The intended curriculum: an official guideline document which provides the core features, principles, topic areas, specified content and skills, the expected levels of difficulty and the levels of expected cognitive demands.</p> <p>b) The enacted curriculum: the enactment/implementation/delivery of the curriculum in an institution which includes leadership and management, the ethos and values, the</p>

	teaching and learning, extra-curricular activities, student support, institutional performance and the management of quality towards continuous improvement.
<b>Examination</b>	c) The assessed curriculum: the internal assessment and the external examination of the intended curriculum. The national external examination for the National Certificate (Vocational), conducted by the Department of Higher Education and Training and/or another Umalusi-accredited assessment body, and quality assured by Umalusi.
<b>External assessment</b>	An assessment conducted by the Department of Higher Education and Training and/or a body accredited by Umalusi to conduct such assessment of all, or some of the subjects for the National Certificate (Vocational): A qualification at Level 4 on the NQF.
<b>Flexible modes of delivery</b>	The possibility of offering a qualification in a variety of ways such as offering it as year-long programmes per level; as semester modules; in part, as structured workplace learning and/or via distance education options.
<b>Full-time student</b>	A student who has enrolled for tuition and who studies for a National Certificate (Vocational) programme in a full-time capacity at a public or private institution accredited to offer the NC(V).
<b>General and Further Education and Training Qualifications Sub-framework</b>	One of three qualifications sub-frameworks which comprise the National Qualifications Framework. The General and Further Education and Training Qualifications Sub-Framework is developed and managed by Umalusi, Council for Quality Assurance in General and Further Education and Training.
<b>Internal assessment</b>	Any assessment conducted by the institution, the outcomes of which count towards the achievement of a qualification. Internal Assessment thus refers to Site-Based Assessment, Continuous Assessment (CASS) and Performance Assessment that form part of the final assessment.
<b>Mastery of skill</b>	A demonstration of comprehensive accomplishment of skills acquired within specified time frames to specified level of quality.
<b>Modes of delivery</b>	Different modes used to teach/offer a vocational programme
<b>National Certificate</b>	All qualifications registered at NQF Level 4 on the General and Further Education and Training Qualifications Sub-framework are designated as National Certificates.
<b>National Certificate(s) (Vocational)</b>	Three one-year qualifications at NQF Levels 2,3 and 4, determined in Government Gazette No 28 677 of 29 March 2006. The review of the NC(V) qualifications has given rise to the one three-year NC(V) qualification at NQF level 4.
<b>Part-time student</b>	A person who does not receive full-time tuition.

<b>Practical component</b>	A component of the qualification consisting of a combination of workplace-based learning (WPBL) and/or simulated practical assignments organized according to the programme curriculum in an accredited setting.
<b>Programme</b>	A set of subjects which determines the vocational orientation of the NC(V) selected for study. The name of the programme forms part of the certified qualification's name, as in, for example: the National Certificate (Vocational): Primary Agriculture.
<b>Programme description</b>	A programme description frames a field of vocational study in the NC(V). It includes any specific entrance requirements associated with the particular vocational field, and explains the requirements for an institution to be approved/accredited to offer the programme, and any other information specific to that vocational programme.
<b>Progression</b>	Progression is the process of allowing a student to study part of a subject (e.g. a semester module) without having passed the preceding module, on condition that the student registers for the examination of the failed module for the next examination cycle. A student may not be progressed from Level 2 to Level 3, or from Level 3 to Level 4 in the NC(V) without having completed and passed all the required subjects for that level.
<b>Promotion</b>	Promotion is the act of acknowledging the successful completion of all attendance and assessment requirements for all subjects required at a particular level as contemplated in the qualification policy. Promotion constitutes permission for a student to register for the subjects at the next level of the qualification. A student successfully completing all subjects in Level 4 is promoted – in the sense described above, but will also be formally certified in recognition of the completion of the entire qualification.
<b>Quality Council for Trades and Occupations (QCTO)</b>	The Quality Council responsible for the management and development as well as the quality assurance of occupational qualifications. It, like Umalusi, is one of the three Quality Councils regulated by the National Qualifications Act, Act No 67 of 2008.
<b>Qualification</b>	A planned combination of exit-level learning outcomes, which has a defined purpose and that is intended to provide students with applied competence and a basis for further learning. This learning culminates in the formal recognition of successful learning achievement through the award of a formal certificate.
<b>Qualifications Reference Group</b>	A Qualifications Reference Group (QRG) is a group of experts nominated and appointed to assist Umalusi in the task of developing or reviewing a qualification. The work of the QRG is

	governed by a Terms of Reference and they report to the Qualifications Standards Committee, a committee of Umalusi Council
<b>Recognition of Prior Learning</b>	Principles and processes through which the prior knowledge and skills of a person are made visible, mediated, assessed and recognised for the purpose of alternative access and admission, and/or certification, or further learning and development.
<b>Simulation practical assignments</b>	Simulation practical assignments which supplement or replace the opportunities offered by workplace-based learning, when such opportunities are unavailable. The experience afforded by simulation practicals must allow for the internalization of vocational knowledge, the acquisition of extended practical skills and the development of insight. The assessment of these assignments will be managed by the relevant assessment body.
<b>Student</b>	Any person, including part-time students, receiving education at a public or private college or school offering the NC(V).
<b>Subject of specialization</b>	The critical vocational/occupational area of learning for a particular programme in which comprehensive accomplishment of skills must be demonstrated by the student.
<b>Umalusi</b>	The Council for General and Further Education and Training Quality Assurance established in terms of the <i>General and Further Education and Training Quality Assurance Act, 2001 (Act No. 58 of 2001)</i> , as amended, and as the Quality Council for General and Further Education and Training in terms of the NQF Act, Act No 67 of 2008.
<b>Workplace-based learning (WPBL)</b>	Workplace-based learning is an educational approach through which a person internalises knowledge, gains insights and acquires skills and competencies through exposure to a workplace to achieve specific outcomes applicable to employment.



## OVERVIEW

During the process of reviewing the *National Certificate (Vocational) (NC(V))* at the request of the Minister of Higher Education and Training, many of the lessons learned in the implementation of the three NC(V) qualifications have been drawn on in the re-imagining of this qualification. The Minister requested that the qualification policies for the NC(V) be reviewed with the following issues to be comprehensively dealt with: internal and external assessment; certification, the system of quality assurance for the revised qualification; modes of delivery; provision for credit recognition and transfer; and articulation arrangements. All these issues have driven a thoughtful and comprehensive renewal process by a group of experts in technical and vocational education and training nominated and appointed to assist Umalusi in the task of reviewing this qualification.

The NC(V) is a National Certificate at NQF Level 4 on the General and Further Education and Training Qualifications Sub-framework (GFETQSF) of the National Qualifications Framework (NQF). It is registered as a 420-credit, three-year qualification. It covers three NQF levels terminating at NQF Level 4, as does the schools' *National Senior Certificate*. The qualification follows on from the end of compulsory schooling i.e. Grade 9, and marks a point on the GFETQSF where students should be allowed to exercise a choice in respect of further education and training. The NC(V) is suited to all who decide to follow a vocational pathway.

The NC(V) is organized into a number of vocational programmes, each with a set of prerequisite subjects. Every programme has a strong practical component underpinned by a sound theoretical framing. Supported by national curricula, every subject is nationally, externally assessed at NQF Level 4 by the relevant assessment bodies and quality assured and certified by Umalusi.

The quality assurance of the practical components of the vocational programme for the qualification may, through mutual agreement, be jointly undertaken with the Quality Council for Trades and Occupations (QCTO).

Being flexible in terms of delivery, the qualification may be offered on a full time basis (as year-long programmes per level) and/or on a part-time basis. The qualification may only be offered in institutions which have been adequately equipped and staffed.

The qualification may be offered using face-to-face (contact) methods or, in part, by using distance education methods and/or a blended methodology. Where institutions elect to offer the NC(V) using blended or distance methods,

they will need to fulfill the criteria associated with the programme and be approved/accredited to do so.

All the vocational programmes encompass both theory and practical, with a strong emphasis on the practical expression of the skills being developed. All programmes include subjects that are compulsory to the relevant field. The focus in the practical is on mastery of the skills, not simply acquaintance with them: as a result, each year of the programme will include some exposure for students to the workplace, the provision of which is a responsibility which the approved/accredited institutions must take on, unless the student is already in the workplace. The theory and practical components of vocational subjects will be reported on separately at the points of assessment and at certification; this will also apply in Life Orientation where the student's final LT marks will be recorded as a separate percentage.

As with all qualifications on the GFETQSF, the foundational learning components, which include at least one language (which is also the language of learning and teaching) and some form of mathematics, and life skills (including basic computer-skills) are intended to improve opportunities for entry into employment or study in higher education institutions. The form of mathematics required is determined by the requirements of the particular vocational programme.

The potential for CAERT and RPL with related occupational qualifications on the QQSF is recognized, and will be optimized through co-operative efforts with the QCTO. The credit transfer and recognition process with regards to Mathematics, English and Physical Sciences from the *National Senior Certificate*, which was applied to the NC(V), will be retained for the reviewed NC(V).

Institutions wishing to offer NC(V) programmes will need to fulfill all the particular programme requirements in terms of appropriately qualified staff, the necessary workshops and/or simulation rooms, equipment and other resources in order to be allowed to offer the qualification. No institution will be allowed to offer the qualification unless it complies with all the minimum programme requirements before students are registered. Continued compliance will be monitored by the relevant assessment body and Umalusi as part of their quality assurance processes.

The institutional requirements for offering a particular programme will be determined by the representative teams, drawn by the DHET and/or the DBE from relevant stakeholder groups, which develop the actual programme description and develop/review the relevant related curricula.

In TVET colleges, the NC(V) examinations are ideally offered twice a year – in October-November and in June-July – to facilitate semester-based modular delivery as well as full-time and/or part-time study/distance learning. No supplementary examinations are to be offered. In TVET colleges, the intake for the registration of the NC(V) takes place twice a year – in December-January and in May-June, and is thereby linked to the two semester and examination cycles.

In institutions where the qualification or programme is offered on a full-time basis, the programme(s) will follow an annual cycle. Registration for the qualification takes place in January, and the examinations take place in October-November. Institutions will, however, also need to make arrangements for their students to have access to workplaces during their normal operations, even though this may also be in holiday time.

It is anticipated that, properly implemented in the national educational system in both schools and colleges, the NC(V) will ultimately absorb up to 60% of students in the post-NQF Level 1 environment (FET Phase) and deliver cohorts of young people capable of entering the workforce with good quality and much needed skills, as well as provide a pathway for the most capable directly into selected programmes in institutions of higher learning.

The NC(V) Level 4 replaces the three one-year qualifications – the *National Certificates (Vocational) Levels 2 – 4*. In the re-writing of the qualification, Life Orientation has been allocated a full 20 credits in recognition of the substantive role that the subject plays. The policy conforms to the requirements for qualifications on the General and Further Education and Training Qualifications Sub-framework.

It must be noted that curricula, policies and regulations related to the conduct, administration and assessment of the qualification, as well as guidelines for ISAT and ICASS will require re-working to accommodate the different contexts and delivery options contemplated in this revised NC(V) policy.

Finally, also in the re-writing the various pass requirements have been adjusted somewhat. The intention has been to keep the positive expectations within the qualification but to make it less prohibitively demanding as was the case with the three one-year qualifications.

This policy also fulfills the SAQA requirements for the registration of qualifications and part-qualifications on the National Qualifications Framework.

## CHAPTER 1

# INTRODUCTION: THE NATIONAL CERTIFICATE (VOCATIONAL): A QUALIFICATION AT NQF LEVEL 4

### 1. Policy Framework

1. The Minister of Higher Education and Training shall in terms of *Section 41(B) of the Continuing Education and Training Act, 2006 (Act 16 of 2006)* as amended, determine national education policy in accordance with the provisions of the Constitution and this Act.
2. This policy document forms the basis for the Minister of Higher Education and Training to prescribe, in accordance with section 43(1) of the *Continuing Education and Training Act, 2006 (Act 16 of 2006)* as amended, the minimum norms and standards for continuing education and training qualifications and part-qualifications that are offered at colleges, both for Technical and Vocational Education and Training (TVET) and Continuing Education and Training (CET); a policy which pertains to students in technical and vocational education and training.
3. However, in agreement with the Minister of the Department of Higher Education and Training, the Minister of Basic Education, may provide for the use of the NC(V) qualification in schools, both public and independent, as contemplated in *Chapters 3 and 5 of the South African Schools Act, 1996 (Act 84 of 1996)*.
4. This policy document stipulates the following:
  - a. Qualification requirements;
  - b. Conditions for the issuing of a NC(V).
  - c. Rules of combination for the issuing of a NC(V).
  - d. Rules of admission for entry into higher education for students completing the NC(V).

5. Approved public colleges, approved schools and/or registered and Umalusi-accredited independent institutions offering the NC(V) must give effect to the norms and standards set out in this document.
6. The outcomes and standards underpinning the curriculum, as well as the processes and procedures for the assessment of student achievement stipulated in this document will be translated into regulations.
7. This policy document must be read in conjunction with the following acts, policy and guideline documents:
  - a. *General and Further Education and Training Quality Assurance Act, 2001 (Act 58 of 2001), as amended;*
  - b. *The National Qualifications Framework Act, 2009 (Act 67 of 2008)*
  - c. *Continuing Education and Training Act, 2006 (Act No 16 of 2006,) as amended;*
  - d. *The White Paper on Post School Education and Training (DHET, 2013);*
  - e. *The draft Qualifications in Higher Education for Adult Education and Training Educators and Community Education and Training College Lecturers (DHET, 2014);*
  - f. *Establishment of Public Colleges (DHET, 16 March 2015).*
  - g. *The Policy on Community Colleges (2014)*
  - h. *The Policy for the General and Further Education and Training Qualifications Sub-framework (September 2014, as amended);*
  - i. *Standards and Quality Assurance for General and Further Education and Training – Umalusi Policy (September 2014, as amended);*
  - j. *The Programme description, criteria, as well as the subject curricula and assessment guidelines for the various subjects listed in this document;*
  - k. *Policy and regulations pertaining to the conduct, administration and management of assessment for the National Certificate (Vocational) (to be developed after the publication of this qualification policy);*
  - l. *Umalusi's Directives for certification for the National Certificate (Vocational) (to be developed after the publication of this qualification policy);*
  - m. *Policy framework for the quality assurance for qualifications on the General and Further Education and Training Qualifications Sub-framework (2016,as amended);*

- n. *The guideline document for the administration of the Integrated Summative Assessment Task (ISAT);*
  - o. *The internal continuous assessment (ICASS) guideline document for the National Certificate (Vocational) qualification (to be amended after the publication of this policy).*
8. This policy, and the policy and regulations pertaining to the conduct, administration and management of assessment for the *National Certificate (Vocational)* describe the rules and provisos for the award of the NC(V). The NC(V) is awarded to successful students for the achievement of the specific exit-level outcomes explicated in the curriculum documents underpinning the NC(V) for all three years of the qualification.
9. It must be noted that curricula, policies and regulations related to the conduct, administration and assessment of the qualification, as well as guidelines for ISAT and ICASS will require reworking to accommodate the different contexts and delivery options contemplated in this revised NC(V) policy.

## **2 Rationale for the National Certificate (Vocational)**

1. Currently the lack of options in the final three years of post-compulsory schooling results in many young people choosing to leave school before achieving a qualification. This means they enter the world without a necessary minimum of skills and knowledge to make them good employable prospects for employers.
2. The National Senior Certificate (NSC) is focused on providing students in high school with a largely academic curriculum – and the more vocationally directed subjects in the NSC are struggling and failing because their value is under-recognised as part of that qualification.
3. The reworked NC(V) qualification is intended to provide a desirable, powerful alternative to the NSC, one which will draw many students because of its value in gaining entrance to employment, without neglecting the option of further study.
4. As an alternative qualification, the NC(V) also intends to help address the critical skills shortage in South Africa. By drawing young students in the 16–19 year category actively into vocational areas such as primary agriculture, safety, education and development, the qualification grooms them for entry into a variety of fields already with an active sense of what such work entails.



5. Vocational learning has a very poor uptake in South Africa because, amongst other reasons, work in such fields is somehow considered inferior in status. However, the common structure of the NSC and the NC(V) points to the fact that the NC(V) remains a *general vocational* qualification even though the NC(V) includes a strong practical vocational emphasis. This comparable structure, designed to improve the status of vocational study, is intended to create the conditions for parity of esteem between the two pathways of study, a goal which the review aims to strengthen. Uptake and the ultimate value of the qualification depends, however, on sustained quality of delivery, selection of only the most suitable of candidates, and a well thought-through advocacy process for the renewed qualification.
6. The NC(V) is based on the premise that a good grounding in a language, such as English, and in Mathematics or Mathematical Literacy, remain the most generally useful and valued vocational skills on offer. When these subjects are combined with a sound practical and theoretical grounding, which focuses on productive thinking and mastery of the needed skills, the whole qualification will support successful students to enter the workplace well prepared or to embark on further technical and vocational study.
7. In South Africa (as in many developed countries) where full-time education or training up to the age of 18 has become the intended norm, and is largely paid for by the state, the quality of education in the last three years of schooling and college ought to make a critical difference to the future lives of those leaving school or college and to their ability to contribute to and strengthen the economy of the state. This is a responsibility which all institutions offering the qualification must take to heart: the reworking of the qualification has been focused on providing (a) greater flexibility in delivery, and (b) direction in respect of the extent and quality of the practical component, which has frequently failed to be of high quality in the delivery of the NC(V).
8. Vocational programmes require a co-operative approach to curriculum which brings the Department of Higher Education and Training and the Department of Basic Education, higher education institutions (individually and through USAf), Umalusi, private assessment bodies, experienced lecturers and/or teachers, the QCTO, professional bodies (where relevant) and industry together to create the curricula for a qualification with currency in both the workplace and higher education. This injunction for co-operation between the public and private sector, between further education and its higher education counterpart, and between the quality councils intends to drive the articulation agenda for this qualification as well as the drive for widespread recognition. Nonetheless, the primary purpose of the qualification must remain the holistic

development of its target students. Young students cannot simply become employment fodder.

9. Because the possibility exists for introducing or reviewing (or withdrawing) a vocational programme, the qualification is able to remain responsive to the needs of the economy. Indeed, each vocational programme should be regarded as a site in which each sector should invest in order to maximize the benefit of studying – for each student, and for the sector also.
10. By amending the delivery options, and by separating the assessment reporting for the theoretical component and the practical components, the NC(V) should be able to serve the need of all students, regardless of method or mode of delivery implemented by TVET colleges (full-time, part-time, distance education or using blended methods). If offered in schools, the only option will be full-time delivery.
11. The NC(V) is one of the five pathways identified by the Chief Directorate: National Artisan Development for vocational learning leading to artisan status. This review should strengthen the capacity of the qualification to develop students with a sound skills base for entry into artisanal occupations.

### **3. Purpose of the National Certificate (Vocational): A qualification at Level 4 on the NQF**

1. The purpose of the reviewed qualification is to:
  - a. More fully meet the needs of target groups which have not been well served by the NSC because their aptitudes and interests are not fully recognised nor developed in that qualification;
  - b. Simultaneously prepare students for meaningful entry into the economy with a strong skills set in - and knowledge of - a field of learning and work, and with sound language, some form of mathematical reasoning, life skills and computer fundamentals in place;
  - c. Allow students not able to access the qualification full-time nevertheless to be able to enrol for study and to progress accordingly;
  - d. Allow students to access the qualification in an institution of their choice, and
  - e. Encourage students to value learning sufficiently to become life-long students.

2. The development of vocational capabilities and commitment to a field of work lies at the heart of the purpose of the NC(V).
3. Through a more flexible delivery structure, the NC(V) is intended to enable young people – and people already in employment – to acquire the necessary knowledge/ theory and practical skills required to access employment and/or career growth within a particular vocation or to gain entrance into higher education. It is, however, also suited to a technical school environment, where the qualification can be offered as a three-year programme in the last phase of schooling (FET Phase).
4. The inclusion of language, some form of mathematical reasoning, life skills and computer skills is an integral part of the proper development of vocational capabilities, and central to all qualifications on the GFETQSF.
5. The qualification is now designed as a three-year qualification where the subject curricula ensure student progression towards the demonstration – both of understanding progressively more complex theory, and of practice. The development of a student's thinking to include creative analysis, synthesis and problem-solving within the vocational context forms part of the approach embraced by the qualification. This approach is strengthened by the centrality of the critical cross-field and the developmental outcomes. Furthermore, skills development presupposes mastery of identified skills in the practical environment.
6. While the purpose of the qualification is to serve the educational needs of a large cohort of students, the NC(V) must simultaneously be aligned to the needs of the economy. To this end, the NC(V) is conceived as an opportunity to strengthen partnerships between industry and the institutions offering the NC(V): such co-operative relationships will ensure the possibility of experiential learning in the workplace during the time of study, and will help employers to identify talent for future inclusion into their business.
7. Workplace learning does not constitute a formal qualification requirement. It is however open to the delivery of the practical component for those students already in a relevant work environment (and where on-going assessment may be supervised by an appointed supervisor and recorded in a log). In addition, colleges will be required to find short-term openings for students to experience their chosen field in the workplace. (However, as schools and colleges become more proficient and develop long-term relationships with local industries, the inclusion of a formal workplace learning component may become a regulated part of the three-year programme.)
8. This reviewed qualification is intended to strengthen public perception as to the value and usefulness of career paths in the vocational/technical environment, which means that students entering study and the

world of work will feel proud of their achievement, and see that others recognize its worth also.

9. Finally, the purpose of the qualification should be to instill in students a sense of their own capability and the beginnings of a formal professional identity; remind them of their rights and responsibilities in respect of their fellow citizens and society, and encourage them to find pleasure and satisfaction in both study and work.

#### **4. Exit Level Outcomes and Associated Assessment Criteria**

1. In terms of the exit level outcomes for the NC(V), students will be able, within the context of their chosen programme, to:
  - a. Demonstrate a good grounding in a language, such as English, which will prepare them to learn and study the programme of their choice, including understanding and being able to efficiently use the discourse of the particular vocational area of their choice;
  - b. Demonstrate a good grounding in mathematical reasoning, particularly in respect of how it is applied in the vocational area of their choice;
  - c. Demonstrate an ability to apply the skills and knowledge acquired to deal with problems – practical, social and ethical – in the workplace and in their personal lives;
  - d. Demonstrate an ability to use information technology in support of their study and for personal purposes; and
  - e. Demonstrate a sound practical and theoretical grounding in the vocational area of choice, which is actively reflected in productive thinking and mastery of the needed skills.
2. Such outcomes must be framed in terms of the holistic development of the individual student, preparing him or her for entry into the workplace and/or further technical and vocational study.
3. The following assessment criteria are associated with the exit level outcomes identified in paragraph 1, above. The student will be able to:
  - a. Use the language to communicate orally, in writing and through formal presentations, assignments and reports;
  - b. Use mathematical reasoning to be creative thinkers and provide solutions to problems in their personal life and in work situations; through analytical thinking, calculation, reasoning and sense-making;

- c. Use knowledge and skills acquired through learning to think logically and behave appropriately in a variety of contexts;
  - d. Use information technology to provide technical solutions required in the work environment and to use computer and telecommunication systems to access, store and retrieve information and data to enhance their personal lives; and
  - e. Use knowledge of theory and practice acquired in vocational learning and training to demonstrate the effective acquisition of the skills associated with the programme of their choice, and to make choices and decisions that would impact positively and productively on their personal and professional lives.
4. The award of the NC(V) confirms that a successful student is regarded as competent – through the assessment of the required combination of subjects – in the capabilities expressed in the exit-level outcomes, and is consequently granted a nationally recognized Level 4 qualification.

## **5. The identity of the particular target group for the National Certificate (Vocational)**

1. The NC(V) is regarded as sufficiently flexible to be offered in a number of ways which can be adapted to the target group, and in turn to the institutions offering one of more of the NC(V) programmes.
2. The target audience for the NC(V) in TVET colleges is those wishing to study either full-time or part time in a vocational direction.
3. Young people who may already be in employment, should be able to access the NC(V) on a part-time basis or through distance education and/or open/lifelong learning. Such students may, for example, select only to do the theoretical component of the NC(V) at the college, especially if the practical side of the qualification is primarily undertaken during work-time.
4. Students in the FET Phase (typically in the 16 -19 age group) are equally a target group for the NC(V) which should be offered in suitably equipped and resourced schools.

## **6. Entrance requirements**

The minimum entrance requirements for the National Certificate (Vocational) are:



- a) A Grade 9 school report which indicates a pass at Grade 9; or
- b) An Adult Education and Training (AET) NQF Level 1 Certificate; or
- c) A recognised equivalent qualification obtained at NQF Level 1 which includes at least one language; or
- d) Evidence of having passed an approved bridging programme designed for the specific purpose of access to NQF Level 2; or
- e) A Recognition of Prior Learning (RPL) assessment programme, which meets the basic requirements for access to NQF Level 2.
- f) Over and above the requirements in (a) – (e) of this paragraph, competence for access into the NC(V) will have to be determined through a compulsory readiness test/placement assessment. Such a test will be used to direct potential students to the most appropriate forms of study given their current academic proficiency and natural aptitude(s).

## **7. Duration and general requirements of the National Certificate (Vocational)**

1. The minimum duration for the NC(V) is three years.
2. For students to be issued with the NC(V), they must have fulfilled the assessment requirements for each of the first two years of the qualification; have achieved the distinct learning outcomes for each subject and attained the associated assessment standards of the qualification.
3. For students to be issued with a NC(V), they must have complied with both the attendance and the internal assessment requirements for all the required subjects as well as the Integrated Summative Assessment Tasks (ISATs) for all the vocational subjects of the qualification. Further, they must fulfil the external examination requirements of NC(V) Level 4, as contemplated in curricula of the various subjects underpinning the qualification, and listed in Annexure C of this document.
4. A NC(V) will be issued to both full- and part-time students once they have successfully met all the requirements set out in paragraphs 11 – 15 of this qualification policy.



## 8. Articulation

1. Students who have successfully completed the NC(V) will be able to access opportunities for further study and be considered for access to qualifications beyond NQF Level 4, subject to their having met the entry requirements of those qualifications at the given institutions (e.g. Universities of Technology).
2. The qualification is designed to enable articulation with other qualifications on GFETQSF, the Occupational Qualifications Sub-framework of the NQF and the Higher Education Qualifications Sub-framework of the NQF.
3. In collaboration with the QCTO, certain components achieved in the NC(V) will, through a co-operative process of research, be recognised towards an occupational award, and conversely, components achieved towards an occupational qualification in employment may be recognised for NC(V) qualification purposes. This process is dependent on a co-operative review and development of the relevant programme descriptions and curricula.
4. Students who have successfully completed a NC(V) learning programme will be considered ready to take up entry-level employment in the particular vocational field in which they have studied.
5. Students exiting before the completion of the full NC(V) are entitled to a transcript which will reflect such learning as has been completed, and the achievements to date. The transcript will be the joint responsibility of the assessment body and institution involved.

## CHAPTER 2

### STRUCTURE AND DESIGN OF THE NATIONAL CERTIFICATE (VOCATIONAL)

#### 9. The structure of the National Certificate (Vocational)

1. The NC(V) is registered as a 420-credit qualification at NQF Level 4. It comprises both a *fundamental* and a *vocational* component. The fundamental component, comprising three subjects is assigned a credit value of 60 per NC(V) level/year. The remaining 80 credits per NC(V) level/year are assigned to the subjects identified in the vocational component.
2. The *fundamental learning component* is an essential part of the structure of the qualification, and strengthens the basis for all other learning in the NC(V). It comprises the following three subjects, selected from Annexure D:
  - a. 20 credits at each of Levels 2, 3 and 4 in the language (for academic purposes) which is the language of learning and teaching (LOLT) at the institution of study.
  - b. 20 credits for the appropriate Mathematics subject (determined by the programme selected) at each of the 3 levels of the NC(V).
  - c. 20 credits for Life Orientation at each of the three levels of the NC(V). Ten of these credits in each year are allocated to the development of computer-use skills.
3. The subjects for the vocational component constitute 240 credits across the three years of study. These 80 credits per year will include:
  - a. where relevant, a science subject which is determined by the demands of the vocational programme. For example, Preventative Health would be regarded as essential to any NC(V) in the Organising Field, *Health Sciences and Social Services*; and Physical Science may be regarded as essential for all/some

programmes located in the organising field, *Manufacturing, Engineering and Technology* (Organising Field 6) and *Physical Planning and Construction* (Organising Field 12). These subjects may be of 1, 2, or 3-year duration, depending on the demands of the programme, and will be determined at the programme level.

- b. 1 subject of specialisation, which represents the critical vocational/occupational area for the particular programme, and which is taken across all three years of the qualification. This subject includes the acquisition of the relevant contextual knowledge required to function safely and efficiently in the working environment (both simulated and actual). This subject focuses on the development, strengthening and mastery of skills required in the vocational/occupational area. This subject embraces the workplace experience that is built in to the programme. In addition, this subject assists in the formation of some form of professional identity associated with the area of specialization.
  - c. Up to a maximum of three additional subjects identified as necessary to the holistic development of the student entering the field of specialization selected. So, for example, in Tourism, while the specialization subject allows for developing the skills required to work in various capacities in a guest house or hotel and/or for working in a travel agency, it may be important for there to be a separate subject focused on Geography, with a specific focus on the needs of students going into the Tourism industry.
  - d. The allocation of credits among the subjects is likely to differ; and may also differ across the three years, as for example, the focus on problem-solving and innovation intensifies, and as opportunities in the workplace become longer in the last year. The allocation of credits is identified and explained per programme in the relevant programme description.
  - e. In effect, Sections 9 and 10 of this policy allow the curriculum developers scope to optimize the learning time available in terms of the requirements of inducting students into the vocational area of choice.
4. The three fundamental learning subjects, described in Paragraph 9.2, above, and the mix of vocational subjects selected per programme as outlined in paragraph 9.3, above, together make up the NC(V).

5. It is not permissible to 'mix and match' subjects from different programmes.
6. The fundamental subjects, the subject of specialization and the additional subjects identified per programme must all be passed in order to fulfill the final certification requirements.
7. Where applicable, workplace-based experience should be effected as per the recommendations in the programme description, taking into account the document, *Implementation Guidelines for Work Integrated Learning in colleges*.

## 10. The design of the National Certificate (Vocational)

1. The purpose of each vocational programme locates it within one of the organising fields (Annexure C).
2. The purpose of the programme, together with the Exit-Level Outcomes for the qualification and the Critical Cross-field and Developmental Outcomes, provides the framework for curriculum development. Responsibility for the management of the development of the curricula lies primarily with the Department of Higher Education and Training, as contemplated in the *Guideline document on the development of subjects and learning programmes*.
3. However, curriculum development must always be a co-operative, multi-stakeholder undertaking which includes expertise from the DHET, the DBE, higher education institutions (individually and through USAf), the relevant QCs, the relevant industry/-ies and experienced, qualified staff from the institutions teaching the programme.
4. After due consultation with the relevant stakeholders, the new programmes are approved by the Minister(s) of Education and regulated.
5. Should the need for a new vocational programme be identified, the Departments should develop the new programme together in the manner outlined in Paragraph 10.3 above.
6. Private providers may amend curricula provided that their provision meets or exceeds the minimum norms and standards set by the Minister.

## 11. Qualification requirements including rules of combination

1. Subject to Section 7, a NC(V) is issued to a student who has complied with the programme requirements of the qualification at Level 4, by having

taken all the NC(V) Level 4 subjects identified in the programme, and written examinations in:

- a. Three Fundamental subjects selected as follows:
    - I. A language that is chosen is the language of learning and teaching (LOLT) of the institution, from among the languages listed at Table D1 at Annexure D.
    - II. One of the mathematics subjects listed in Table D2 at Annexure D, and which accords with the programme-specific requirements where relevant.
    - III. Life Orientation listed in Table D3 at Annexure D.
  - b. The vocational subjects determined for the entire programme, as described in paragraph 9.3, in accordance with the relevant requirements stipulated in the specific vocational programme.
  - c. The assessment of subjects may be offered on a modular basis within a semester; the module preceding must be completed and passed before the subsequent module can be *recognized* as passed. However, a student may carry a maximum of two modules for a single semester and re-write the examinations at the end of that semester. Should the student fail the module a second time, he/she will need to re-register for the module and undertake the assessments once more.
2. Registration for students enrolling for a year-long NC(V) programme will occur at the beginning of the academic year; registration for a semesterized NC(V) will take place at the start of every semester.

## 12. Provisos

A student may not take two kinds of mathematics subjects nor offer two kinds of science subjects.

## 13. Certification Requirements

1. Students may only register for and enter the NC(V) final examinations at Level 4 if they have fulfilled all the promotion requirements for the first two years of the qualification, including the course work, practical assignments, projects, tests and examinations associated with those

years.

2. Students will only be allowed to enter the examinations if they have achieved the required pass for internal assessment. This requirement is applicable to full-time and part-time students alike.
3. Students must have passed both the theory and practical components for each of the vocational subjects in order to enter and write the final set of examinations. Should a student not have passed either one of the two components at the point of the final examination, the final examination must be deferred until the student has fulfilled all the necessary requirements for entry into the examination.
4. Before certification, a students must pass a final practical examination, the Integrated Summative Assessment Task (ISAT) externally set and moderated per programme. This assessment can be done concurrently or upon completion of the NC(V) Level 4 examinations per subject.
5. Subject to the provisions of Section 16(4)(d) and (e) of the General and Further Education and Training Quality Assurance Act, 2001 (Act No. 58 of 2001) as amended, and subject to Sections 11 and 12 of this policy document, a NC(V) at NQF Level 4 shall be issued to a student who has complied with the following promotion requirements:
  - a. Obtained at least 40% in the required official language as contemplated in paragraph 11.1 a (i) above.
  - b. Obtained at least 30% in the pre-requisite form of Mathematics or Mathematical Literacy as contemplated in paragraph 11.1 a (ii) above.
  - c. Obtained at least 40% in Life Orientation as contemplated in paragraph 11.1 a (iii) above. The students must, however, also pass the computer skills component of the subject with at least 40%. This component will be reported separately on the final certificate, thus providing potential employers with an indication of the student's computer capabilities.
  - d. Obtained at least 50% in each of the vocational component subjects as described in the relevant programme description, as outlined in paragraph 11.1 b. Students must achieve at least 40% in the theoretical component, and at least 60% in the practical component in order to pass a vocational subject. These components are reported on separately at reporting and certification.
  - e. The possibility of condonation is only considered in the final year of the qualification, at the point when the award of the qualification is considered.
  - f. Only one condonation may be applied to a single subject and only if the condonation is required for the students to achieve the full qualification or to improve its status in terms of admission to



higher education. It may be applied either in terms of a fundamental subject or in terms of one of the vocational subjects.

- g. A condonation of a maximum of one fundamental subject will be applied as follows:

If a student obtains 38% in either the language subject or Life Orientation, or 28% in Mathematics or Mathematical Literacy, his or her result may be condoned by a maximum of 2% to the required promotion requirement.

- h. In the event that a condonation is required for a student to pass a vocational subject and thereby the qualification, a maximum of 2% may be added to the final *combined* theory and practical mark to achieve the minimum 50%. The condonation will be reflected as having been added to either the practical or the theory, and marked with a C, indicating its condoned status.
- i. When a condonation is reflected on a statement of results, its conditional nature must be apparent to the students. Should the students re-write one or more of the subjects that have been failed, the condonation is re-evaluated at the point of certification, and may no longer need to be applied. This point must be made clear in the communication of results to students.
- j. Students who do not enrol for any subsequent examinations to improve their marks are understood to have accepted the condonation, which will be awarded on the final certificate.
6. It should be noted that the value of the students' logbooks be foreground as a record of attested achievement. This value needs to be publicized during the advocacy of the qualification. It forms an adjunct to the certificate or subject statement issued in the student's name.

## 14. Concessions

1. An immigrant student is:
- (a) a child or a dependent of a diplomatic representative of a foreign government accredited in South Africa; or
  - (b) a person who:
    - (i) first entered a South African school in Grade 7 or a more senior grade (that is, enrolled in and attended a South African school), or

- (ii) having begun his or her schooling at a school in South Africa, has attended school outside South Africa for two or more consecutive years after Grade 6 or its equivalent.
  - (c) To be classified as an immigrant student, such a student must be in possession of:
    - (i) The relevant official documentation issued by the Department of Home Affairs; and
    - (ii) The relevant official documentation issued by the school where the student entered the South African school system for the first time.
2. Concessions may be applied to students who experience barriers related to aural impairment, aphasia and dyslexia:
- (a) In certain programmes, students suffering from dyscalculia may be exempted from the offering of Mathematical Literacy or Mathematics, provided that another subject is offered in lieu of Mathematical Literacy or Mathematics. However, certain programmes may have a compulsory mathematical requirement for the vocational programme, in which case, the students cannot take advantage of this concession. The institution must work closely with the national examinations and assessment unit to register such students, where the concession is applied.
  - (b) Visually impaired and blind students may not be able to be accommodated in all vocational programmes because of the nature of the work. Where such students can and are admitted to a programme, they must be fully supported by the institution concerned to enable them to make the most of their study. The concessions at assessment may include, among others, enlarged format papers, Braille papers, a reader and/or amanuensis.
  - (c) *White Paper 6 on Special Needs Education: Building an Inclusive Education and Training System*, released by the Ministry in 2001, guides policies related to students experiencing barriers to learning.

## **15. Minimum requirements for admission to Higher Education**

### **Higher Certificate**

1. Subject to institutional admission requirements, the minimum admission requirements to a Higher Certificate programme are (a) a National Certificate (Vocational) NQF Level 4, and (b) compliance with the requirements for the language of learning and teaching (LOLT) in the higher education institution.

### **Diploma**

2. Subject to institutional admission requirements, the minimum admission requirements is a National Certificate (Vocational), NQF Level 4 issued by the Council for General and Further Education and Training.
3. In addition, a student must (a) achieve at least 50% in the language of learning and teaching in the higher education institution, (b) achieve at least 60% in three vocational subjects, including the specialization.

### **Bachelor's Degree**

4. Subject to institutional admission requirements, the minimum admission requirements is a National Certificate (Vocational), NQF Level 4, issued by the Council for General and Further Education and Training.
5. In addition, a student must achieve (a) at least 50% in the language of learning and teaching and Life Orientation; (b) at least 40% in Mathematics or Mathematical Literacy and (c) at least 60% in three vocational subjects, including the specialization.

## CHAPTER 3

# PLANNING FOR AND THE IMPLEMENTATION OF THE THE NATIONAL CERTIFICATE (VOCATIONAL)

### 16. The curriculum overview

1. The NC(V) is underpinned by:
  - a. this qualification policy
  - b. a programme description for each of the vocational programmes
  - c. the national subject curricula
  - d. ICASS guideline
  - e. ISAT guideline
  - f. the regulations governing the *Conduct and Administration of the NC(V) examinations*, and
  - g. the relevant policies and directives for quality assurance, accreditation and certification developed by Umalusi.
2. The programme and regulated curricula must provide guidance for the teaching and assessment of the subjects, including continuous assessment, and where relevant, integrated final assessments, while conforming to the necessary curriculum dimensions.
3. The programme description (one per vocational area/specialization) includes any entry requirements associated with the particular vocational field; the requirements for an Institution to be approved/accredited to offer the programme and any other information specific to that vocational programme. This description will also indicate which concessions may – and may not – be applied for the programme.
4. The curriculum underpinning the NC(V) must align with the purpose and outcomes/objectives of the qualification, the vocational requirements in the particular vocational field and the needs of the target group(s) identified. It must also ensure the systematic development of the Critical Cross-field Outcomes across all three years (Annexure B).
5. The Department of Higher Education and Training, in consultation with the relevant stakeholders including the DBE and Umalusi, is responsible for the development and review of the programme descriptions

(including the criteria for approval/accreditation to offer) and the curriculum.

## **17 Selection of appropriate NC(V) Programmes**

1. Institutions must select NC(V) programmes that are responsive to the regional economic indicators within their particular region. These institutions must plan to offer programmes, and the numbers to be enrolled within them, accordingly.
2. Institutions must therefore offer NC(V) programmes that are sustainable in terms of the immediate geographical location. Students must have a reasonable likelihood of opportunities for placement in employment. The planning for the implementation of NC(V) programmes must also take into account the necessary resources needed to successfully implement them. These resources include suitable staff (leadership, teaching and administrative staff), facilities, expertise within the lecturing staff and workplace-based learning opportunities.
3. Programme approval for institutions to offer the NC(V) will only be granted based on the ability of an institution to meet the necessary criteria for successful programme delivery i.e. institutional infrastructure; human resources for teaching and assessment; learning and teaching support materials (LTSMs) as well as the consumables and any programme specific resources. Institutions will be monitored for the quality of delivery of the programmes and those performing well will be identified as Centres of Specialization. Such institutions will jointly and cooperatively be supported and monitored by the relevant assessment body and Umalusi.
4. Work place experience (WPBL) must be planned for both staff and students to ensure that the NC(V) qualification remains relevant to the needs of industry.

## **18. Requirements for teaching and learning**

1. The Critical Cross-field and Developmental Outcomes, the qualification exit-level outcomes and the attainment levels associated with each programme must underpin the development of the curriculum for each subject since the purpose of the subject is to contribute to the holistic development of the student through the teaching, learning and assess-

ment processes. These same sets of outcomes must inform the development of all teaching and learning materials, including log books used for monitoring the development and mastery of skills.

2. All teaching and learning in the NC(V) should be directed towards the development of competence in the skills associated with the subject and confidence in the knowledge that the student knows the theory and can apply it in relevant situations.
3. The idea of mastery of skills is intrinsic to the subjects with practical components. Students will be evaluated accordingly by the assessment body involved, whether these assessments take place at a school, college and/or in a workplace.
4. The approach to formative/continuous assessment is intended to inform the students, challenge them and help them to raise the level of their own performance, whether this is through successful achievement or a meaningful failure to match the challenge provided in the learning tasks. All assessment must be seen to be intrinsic to the teaching and learning process and should conform to the notion that it provides evidence of competent performance. Final assessments should not differ from the approach taken to ongoing assessment within the programme.
5. A criterion-referenced approach to assessment is required.

## **19. Modes of delivering vocational programmes**

1. The intended mode of delivery for the vocational programmes is full-time. However alternative modes of delivery can be considered which include open/lifelong learning in which instances a separate institutional policy needs to be developed to ensure the smooth implementation and that standards are maintained as required in the full time delivery mode.



## CHAPTER 4

### ASSESSMENT

#### 20. Assessment Structure

1. Assessment of learning for certification in the NC(V) consists of two components of assessment, namely; a portfolio of evidence of achievement gathered during the process of study (and workplace-based learning), and some form of external assessment. This is a requirement for each of the three years of the qualification.

##### **Assessment in the first two years of the qualification**

2. Assessment of learning for progression to the following year/level in the National Certificate (Vocational) consists of two components:
  - a. internal continuous assessment (written and practical components) and
  - b. Final assessment (written and practical components).
3. The portfolio of evidence and the external assessment are specified in the related policy documents. Internal continuous assessment cannot also function as part of the external assessment, but forms part of the final mark for resulting purposes. (For example, oral marks awarded as part of an ICASS mark cannot be used a second time as part of the external assessment marks.)
4. The purpose of the portfolio of evidence is to provide evidence of the meaningful learning opportunities given for student development. Its intention is thus largely formative. It includes the internal continuous assessment (ICASS) tasks completed, both as written tasks and practical assignments, and the evidence of achievement gathered during the process of study. This combined mark serves as the year mark for the student.
5. The final – and summative – assessment in the first two years of the programme consist of a written examination component, and a practical, undertaken under examination conditions. For these two NC(V) levels, the written examination is set by two or more institutions and

moderated by a separate college/school also offering the same programme. The marking will be undertaken at college/school level. A similar approach applies to the practical examination. Inter-college/school moderation will be required, and will be verified by the assessment body while Umalusi will verify only the sampling process undertaken by the assessment body involved.

### **Assessment for certification in the final year of the NC(V)**

6. The final external assessment consists of written and practical assessment components that are externally set and marked by one of the Departments of Education or an accredited assessment body, and is externally moderated by Umalusi.
7. The external assessment function for the vocational parts of the qualification, specifically the practical, may be shared with or possibly delegated to the QCTO through a Memorandum of Agreement by Umalusi Council, in terms of section 28(2) of the General and Further Education and Training Quality Assurance Act, 2001 (Act No. 58 of 2001) as amended.
8. The final summative assessment in NC(V) Level 4 consists of a written examination component and a practical (integrated summative assessment task), undertaken under examination conditions. The examinations will be set by the relevant assessment body/ies and externally moderated by Umalusi.
9. The final mark per subject is a combination of the ICASS/year mark and the final assessment marks as determined by the relevant curriculum and policy documents.

### **The weighting of the assessment components**

10. The weighting of the various assessment components for the subjects is as follows:
  - a. The portfolio of evidence mark for each of the **three (3) fundamental subjects**, as contemplated in paragraph 11(1)(a), will be 25%, and the external assessment mark, 75% of the total mark.
  - b. The portfolio of evidence mark for each of the **four (4) subjects in the vocational component**, as contemplated in paragraph 11(1)(b), accounts for 50% of the total mark, and the external assessment for the remaining 50% of the total mark.
  - c. The practical assessment of the vocational subjects must be subjected to an external moderation verification process conducted by Umalusi and/or by the QCTO through a

Memorandum of Agreement set up in terms of section 28(2) of the General and Further Education and Training Quality Assurance Act, 2001 (Act No. 58 of 2001) as amended.

## 21. Recording and reporting of student achievement

1. Seven levels of competence have been established. These descriptions are intended to assist lecturers to assess students and place them at the correct level. The various achievement levels and their corresponding percentage bands are as shown in the table below.
2. In the first two years of the qualification, the institution issues a progress report at the end of each semester. Such a report indicates the student's performance in terms of the subjects undertaken, both in terms of the theory and practical components, and indicates also the student's attendance status (duly performed) for the semester. In the case of students following a modularized programme, the report should indicate which modules the student should undertake in the following semester.
3. In the vocational subjects, the performance on the theory and practical components will be reported on separately, in a ratio of 40:60.

## 22. Rating scale

The rating codes will be translated into attainment levels for each subject in the NC(V). This forms part of the programme description and curriculum development process.

**TABLE 1: SCALE OF ACHIEVEMENT**

RATING CODE	MARKS %
7	80 – 100
6	70 – 79
5	60 – 69
4	50 – 59
3	40 – 49
2	30 – 39
1	0 – 29

**23. NC(V) Level 4 examination cycles**

1. *In colleges, examinations are offered twice a year – in October/ November and again in May/June for the NC(V). There is no supplementary examination offered in February. Students who fail a subject(s) in one of the semesters will be allowed to re-write up to a maximum of two (2) subjects during the following semester examination cycle.*
2. *The examinations in both cycles will form a complete set of examinations per subject, including both the theoretical and practical final assessments. Both examination cycles will be subjected to the standard quality assurance processes as prescribed by Umalusi.*
3. *In colleges, all subjects in a programme are divided into semester-long modules; all subjects can be offered in both semesters. Students may move on to the next module in the subject if the previous semester's work has been passed. Students may be allowed to carry up to a maximum of two (2) failed subjects per semester. Students will not be allowed to move to the next NC(V) level with outstanding subjects.*
4. *A student may not register for a subject at Levels 3 of 4 without having passed the subject at the preceding level.*
5. *In schools, however, the teaching and learning process proceeds as an annual cycle. The Level 4 examination cycle at schools will also function on an annual basis.*
6. *In colleges, the subjects for the first two years of the NC(V) require local external assessments for both semesters. However, the subjects for the final year of the NC(V) (NQF Level 4) require formal, national external assessments for both semesters.*
7. *If a NC(V) student has not met the minimum promotion requirements for 2 subjects in a particular examination cycle, as contemplated in paragraph 20(1), he or she must re-register for those two subjects in the next examination cycle. (i.e. if a student fails a subject, the student can re-write the subject in the next semester. If the student then fails the re-write, the student must re-register for the subject and redo the subject and all assessments by attending all classes during the semester.)*
8. *A student who wishes to improve his or her performance in one examination cycle may register for the next examination cycle in a maximum of two subjects.*
9. *In the case of a death in the immediate family or other special reasons for absence, such as illness, admission to the next examination cycle is at the discretion of the head of the TVET College or the provincial head of examinations or the CEO of a private assessment body.*

## CHAPTER 5

### ACCREDITATION

#### 24. Accreditation

1. A private assessment body that has an interest in conducting the external examinations of the NC(V) must meet all the accreditation requirements as set out in Umalusi's accreditation policy for assessment bodies, and be accredited by Umalusi to offer the NC(V) examinations.
2. Public and private learning institutions that have an interest in delivering the programmes of the NC(V) must meet all the accreditation requirements as set out in Umalusi's accreditation policy and be approved / accredited by Umalusi to offer the qualification.
3. Private examination centres examining the NC(V) must be registered as examination centers with the Department of Higher Education and Training or with a private assessment body that has been accredited by Umalusi to examine the NC(V).

**CONTINUES ON PAGE 258 - PART 3**





# Government Gazette Staatskoerant

REPUBLIC OF SOUTH AFRICA  
REPUBLIEK VAN SUID AFRIKA

Vol. 623

19 May  
Mei 2017

No. 40847

**PART 3 OF 5**

N.B. The Government Printing Works will not be held responsible for the quality of "Hard Copies" or "Electronic Files" submitted for publication purposes

ISSN 1682-5843



40847



**AIDS HELPLINE: 0800-0123-22 Prevention is the cure**

## CHAPTER 6

### TRANSITIONAL ARRANGEMENTS

#### 25. Repeal of policy

1. This policy replaces the *National Policy Regarding Further Education and Training Programmes: Approval of the Documents, Policy for the National Certificate (Vocational): Qualifications at Levels 2 to 4 on the National Qualifications Framework (NQF)*, as published in Government Gazette No 28 677 of 29 March 2006, and the *National Policy Regarding Further Education and Training Programmes: Approval of Amendments to the Certification Requirements of the National Certificate (Vocational)* as published in Government Gazette No 30 266 of 7 September 2007, at a date to be determined by the Minister: DHET in a Government Gazette.

#### 26. Transitional arrangements

1. Transitional arrangements must ensure an orderly phasing out of existing NC(V) qualifications and the phasing in of the new, three-year NC(V).
2. From a date determined by the Minister, no new enrolments of full-time or part-time students will be registered on the NC (V) Level 2 programmes as contained in the policy document mentioned in Section 25 above. At the beginning of the following year, no further NC (V) Level 3 students will be enrolled. At the beginning of the third year from the date determined by the Minister, no further NC (V) Level 4 students will be registered. That is, no new enrolments of students will be registered on existing NC (V) programmes where a revised programme has been developed and is ready for implementation in institutions.
3. Unsuccessful full-time students in the final (Level 4) examination for the programmes listed in the policy document mentioned in Section 25 as well as part-time students already enrolled for these programmes, will be given an opportunity to write the examination in the following semester/year. If such students are still not successful, they will be given an opportunity to re-register for the National Certificate (Vocational): A

qualification at Level 4 of the NQF, at the level in which they wrote the examination and were not successful.

4. The Minister of Basic Education may, if it is considered necessary, in terms of Sections 3(4)(l) and 7 of the National Education Policy Act, 1996 (Act No. 27 of 1996) promulgate such regulations as are suited to the schooling sector in terms of the applicable legislation.

## **27. Commencement and date of implementation**

1. This policy for the National Certificate (Vocational): A qualification at Level 4 on the General and Further Education and Training Qualifications Sub-framework of the NQF, will commence on the day of its promulgation in a Government Gazette and becomes effective on a date determined by the Minister.
2. The short title for this policy is *The National Certificate (Vocational)*.

## ANNEXURE A

### NQF Level Four: SAQA Level Descriptors

- 1 Scope of knowledge, in respect of which a student is able to demonstrate a fundamental knowledge base of the most important areas of one or more fields or disciplines, in addition to the fundamental areas of study, and a fundamental understanding of the key terms, rules, concepts, established principles and theories in one or more fields or disciplines.
- 2 Knowledge literacy, in respect of which a student is able to demonstrate an understanding that knowledge in one field can be applied to related fields.
- 3 Method and procedure, in respect of which a student is able to demonstrate the ability to apply essential methods, procedures and techniques of the field or discipline to a given familiar context, and the ability to motivate a change using relevant evidence.
- 4 Problem solving, in respect of which a student is able to demonstrate the ability to use own knowledge to solve common problems within a familiar context, and the ability to adjust an application of a common solution within relevant parameters to meet the needs of small changes in the problem or operating context with an understanding of the consequences of related actions.
- 5 Ethics and professional practice, in respect of which a student is able to demonstrate the ability to adhere to organisational ethics and a code of conduct, and the ability to understand societal values and ethics.
- 6 Accessing, processing and managing information, in respect of which a student is able to demonstrate a basic ability in gathering relevant information, analysis and evaluation skills, and the ability to apply and carry out actions by interpreting information from text and operational symbols or representations.
- 7 Producing and communicating information, in respect of which a student is able to demonstrate the ability to communicate and present information reliably and accurately in written and in oral or signed form.
- 8 Context and systems, in respect of which a student is able to demonstrate an understanding of the organisation or operating environment as a system within a wider context.
- 9 Management of learning, in respect of which a student is able to demonstrate the capacity to take responsibility for own learning within a supervised environment, and the capacity to evaluate own performance against given criteria.

- 10 Accountability, in respect of which a student is able to demonstrate the capacity to take decisions about and responsibility for actions, and the capacity to take the initiative to address any shortcomings found.

## **ANNEXURE B**

### **B.1 CRITICAL CROSS-FIELD OUTCOMES**

- 1 Identify and solve problems and make decisions using critical and creative thinking.
- 2 Work effectively with others as members of a team, group, organisation and community.
- 3 Organise and manage themselves and their activities responsibly and effectively.
- 4 Collect, analyse, organise and critically evaluate information.
- 5 Communicate effectively using visual, symbolic and/or language skills in various modes.
- 6 Use science and technology effectively and critically showing responsibility towards the environment and the health of others.
- 7 Demonstrate an understanding of the world as a set of related systems by recognising that problem-solving contexts do not exist in isolation.

### **B.2 THE DEVELOPMENTAL OUTCOMES**

- 1 Reflect on and explore a variety of strategies to learn more effectively.
- 2 Participate as responsible citizens in the life of local, national, and global communities.
- 3 Be culturally and aesthetically sensitive across a range of social contexts.
- 4 Explore education and career opportunities.
- 5 Develop entrepreneurial opportunities.



**ANNEXURE C****THE NATIONAL CERTIFICATE (VOCATIONAL) PROGRAMMES  
ARRANGED IN TERMS OF THE NQF ORGANISING FIELDS**

No	Organising fields	No.	NC(V) Programmes
1.	Agriculture and Nature Conservation	1.	Primary Agriculture
2.	Culture and Arts		
3.	Business, Commerce and Management Studies	2.	Finance, Economics and Accounting
		3.	Management
		4.	Marketing
		5.	Office Administration
4.	Communication Studies and Language		
5	Education, Training and Development	6.	Early Childhood Development
6.	Manufacturing, Engineering and Technology	7.	Engineering and Related Design
		8.	Electrical Infrastructure Construction
		9.	Mechatronics
		10.	Process instrumentation
		11.	Process Plant Operations
7.	Human and Social Studies		
8.	Law, Military Science and Security	12.	Safety in Society
9.	Health Sciences and Social Services	13.	Primary Health
10.	Physical, Mathematical, Computer and Life Sciences	14.	Information Technology and Computer Sciences

11.	Services	15.	Tourism
		16.	Hospitality
		17.	Transport and Logistics
12.	Physical Planning and Construction	18.	Drawing Office Practice
		19.	Civil Engineering and Building Construction

**ANNEXURE D**

**NATIONALLY APPROVED SUBJECTS THAT COMPLY WITH  
THE FUNDAMENTAL PROGRAMME REQUIREMENTS OF THE  
NATIONAL CERTIFICATE (VOCATIONAL)**

**TABLE D1: OFFICIAL LANGUAGES FOR ACADEMIC PURPOSES**

SUBJECT	SUBJECT NUMBER		
	NQF Level 2	NQF Level 3	NQF Level 4
Afrikaans	04100012	04100023	04100034
English	04100072	04100083	04100094
IsiNdebele	04100132	04100143	04100154
IsiXhosa	04100192	04100203	04100214
IsiZulu	04100252	04100263	04100274
Sepedi	04100312	04100323	04100334
Sesotho	04100372	04100383	04100394
Setswana	04100432	04100443	04100454
SiSwati	04010492	04100503	04100514
Tshivenda	04100552	04100563	04100574
Xitsonga	04100612	04100623	04100634

**TABLE D2: MATHEMATICAL SCIENCES**

SUBJECT	SUBJECT NUMBER		
	NQF Level 2	NQF Level 3	NQF Level 4
Mathematical Literacy	10400012	10400023	10400034
Mathematics	10500042	10500053	10500064

**TABLE D3: HUMAN AND SOCIAL SCIENCES**

<b>SUBJECT</b>	<b>SUBJECT NUMBER</b>		
	<b>NQF Level 2</b>	<b>NQF Level 3</b>	<b>NQF Level 4</b>
Life Orientation	07600012	07600023	07600034

**VOCATIONAL SUBJECTS**

The individual subjects identified per vocational programme will be identified at the programme description stage and subject codes allocated thereafter.

## ANNEXURE E

### NC(V) PROGRAMME AND SUBJECT CODING FOR RECORDING PURPOSES

#### Programmes

- 1 The programme codes consist of 8 digits, which have the following meaning:
  - first and second digits: organising field (up to two digits) (Table D.1)
  - third and fourth digit: type of programme or sub-field;
  - fifth, sixth and seventh digits: unique programme codes; and
  - eighth digit: level of the programme.
  
- 2 The subject codes consist of 8 digits, which have the following meaning:
  - first and second digits: organising field (up to two digits) (Table D.1);
  - third and fourth digits: the subject groupings or sub-fields, as defined in Annexure A and (Table D.2);
  - fifth, sixth and seventh digits: unique subject codes within each organising field; and
  - eighth digit: NQF level of the subject.

**Table E.1 Organising fields as they relate to the fields and sub-fields, and subject coding system**

<b>DIGIT</b>	<b>ORGANISING FIELD</b>
01	Agriculture and Nature Conservation
02	Arts and Culture
03	Business, Commerce and Management Studies
04	Communication and Language Studies
05	Education, Training and Development
06	Manufacturing, Engineering and Technology
07	Human and Social Studies
08	Law, Military Science and Security
09	Health Science and Social Services
10	Physical, Mathematical, Computer and Life Sciences
11	Services
12	Physical Planning and Construction

**Table E.2 Subject Groupings**

<b>DIGIT</b>	<b>SUBJECT GROUP</b>
10	Official Languages
20	NOT USED
30	NOT USED
40	Mathematical Literacy
50	Mathematics
60	Life Orientation



**NON-GOVERNMENTAL ORGANIZATION****NOTICE 356 OF 2017****NON-GOVERNMENTAL ORGANISATION****AGENCY FOR FOOD SAFETY (AFS)****AGRICULTURAL PRODUCT STANDARDS ACT NO. 119 OF 1990****INSPECTION FEES**

Agency for Food Safety (Pty) Ltd being appointed as assignee, in terms of section 2(3)(a) of the Agricultural Product Standards Act, 1990 (Act No. 119 of 1990) to apply sections 3(1) and 4A of the said Act with respect to all regulated animal products (poultry meat and eggs, as well as any other meat and meat products for which regulations may be promulgated). These inspection fees will be valid from 1 June 2017:

**INSPECTION FEES****ABATTOIRS, PRODUCTION AND PACKAGING PLANTS**

<b>Types of Animal Product</b>	<b>Rate</b>	<b>Point of Inspection</b>
Poultry Meat	R0.008 per carcass produced/ packaged per month	Abattoirs; Production and Packaging Plants
Eggs	R0.0006 per egg produced/packaged per month	Production and Packaging Plants
Laboratory costs are included in the rates for abattoirs, production and packaging plants		

**FURTHER PROCESSING/PACKAGING FACILITIES****Poultry Meat and Eggs**

Normal Time (8am – 5pm)	R400.00 per hour
Normal Overtime (Mon – Sat)	R450.00 per hour
Sundays & Public Holidays	R500.00 per hour
Kilometre Rate	R4.50 per kilometre
Laboratory Costs	To be invoiced (if applicable)

Where hourly rates are charged, a minimum fee for an hour will be charged. Thereafter time will be charged in half hour segments. The same principle will be applied to Normal Overtime, Sundays and Public Holidays when required.

**PORTS OF ENTRY**

Number of Containers per Month	Tariff per Month
<10	R2 000.00
10 – 24	R2 500.00
25 – 49	R3 000.00
50 – 74	R3 500.00
>75	R4 000.00

**RETAILERS AND INFORMAL SECTOR**

Retailers and the informal sector will be exempt from fees. However, inspections will take place from time-to-time and samples may be taken at retail level, from road stalls, home industries, informal shops, roadside vendors, etc.

All fees exclude Value Added Tax (VAT).

**NON-GOVERNMENTAL ORGANIZATION  
NOTICE 357 OF 2017**

**CATHSSETA DISCRETIONARY GRANTS 2017/18 WINDOW 2 APPLICATIONS**

**OPENING DATE: 22 May 2017**

**CLOSING DATE: 19 June 2017 at 23h59**

The Culture, Arts, Tourism, Hospitality and Sport Sector Education and Training Authority (CATHSSETA) is a statutory body established in terms of the skills development Act (1998), as amended, to advance skills levels in accordance with the National Skills Development Strategy III.

**CATHSSETA HEREBY INVITES APPLICATIONS FROM STAKEHOLDERS AND LEGAL ENTITIES WHO FALL WITHIN THE CATHSSETA SCOPE.**

***Applications for Discretionary Grants Funding for the following PIVOTAL Programmes:***

LEARNING PROGRAMME	TARGET APPLICANTS	TARGET BENEFICIARIES		SCARCE SKILLS		ALLOCATION PER LEARNER
		Employed	Unemployed	Occupation Code	Occupation	
Learnerships	Employers	156	76	112101	Director	Employed Learner NQF Level 4 & 5 = R20 000 NQF Level 2 & 3 = R18 000
				143101	Betting Agency Manager	
				143102	Gaming Manager	
				143107	Fitness Centre Manager	
				213301	Conservation Scientist	Unemployed Learner NQF Level 4 & 5 = R50 000 NQF Level 2 & 3 = R42 000
				213307	Park Ranger	
				243204	Event Producer	
				342201	Sports Development Officer	
				342301	Fitness Instructor	
				343902	Light Technician	
				421204	Bookmaker's Clerk	
				421202	Gaming Worker	
				422102	Travel Consultant	
				511302	Tour Guide	
				422201	Inbound Contact Centre Consultant	
Bursary	Public Universities; Universities of Technology (UoTs) TVET Colleges Employers	550	336	112101	Director	R35 000 per employed learner
				134909	Museum Manager	
				141101	Hotel Manager	
				141201	Reservations Manager	
				141203	Catering Production Manager	
				141204	Restaurant Manager	
				143107	Fitness Centre Manager	
				213107	Marine Biologist	R67 000 per unemployed learner

LEARNING PROGRAMME	TARGET APPLICANTS	TARGET BENEFICIARIES		SCARCE SKILLS		ALLOCATION PER LEARNER
		Employed	Unemployed	Occupation Code	Occupation	
Skills Programme	Employers NGOs Trade Unions SMMEs Cooperatives	1091	658	213302	Environmental Scientist	R150 per credit, up to 60 credits, maximum of R10 000 per learner
				243204	Event Producer	
				251301	Multimedia Specialist	
				342201	Sports Development Officer	
				342301	Fitness Instructor	
				343902	Light Technician	
				243204	Event Producer	
				342201	Sports Development Officer	
				342301	Fitness Instructor	
				343902	Light Technician	
Apprenticeship	Employers	-	240	342302	Outdoor Adventure Guide	R50 000 per learner
				343401	Chef	
				512101	Cook	
Internships	Public Universities; Universities of Technology (UoTs); & Employers	-	826	343401	Chef	R42 000 per learner
				512101	Cook	
				213107	Marine Biologist	
				251301	Multimedia Specialist	
				342201	Sports Development Officer	
				134901	Environmental Manager	
				141203	Catering Production Manager	
Work Integrated Learning NCV Level 4	TVET Colleges; and Employers	-	500	441903	Program or Project Administrator	R18 000 per unemployed learner for a period of 6 months
				141204	Reservations Manager	
				251301	Multimedia Specialist	
				422102	Travel Consultant	
Work Integrated Learning Nated	TVET Colleges; and Employers	-	1000	422201	Inbound Contact Centre Consultant	R36 000 per unemployed learner for a period of 12 months
				343401	Chef	
				512101	Cook	
				511302	Tour Guide	

**APPLICATION FORMS:**

The submission of applications will be done via the CATHSSETA online portal, which is on the CATHSSETA website, [www.cathsseta.org.za](http://www.cathsseta.org.za). The Discretionary Grant application procedures and related information are accessible on the CATHSSETA website, [www.cathsseta.org.za](http://www.cathsseta.org.za).

**APPLICATION GUIDELINES**

- **Applications should reach CATHSSETA no later than 19 June 2017. The online portal will be closed at 23h59. No applications will be accepted after the deadline.**
- Only applications that **comply** with and support the **CATHSSETA Sector Scarce and Critical Skills** reflected above and in the CATHSSETA Discretionary Grants policy will be considered.
- Online applications should be properly completed and **ALL** required supporting documents must be uploaded.
- Incomplete applications will not be considered.
- Only application forms addressing the scarce skills will be considered.
- Target beneficiaries per province are available on the CATHSSETA website.
- Bursary applications are only available for undergraduate qualifications.
- Employers applying for Work Integrated Learning NCV Level 4 & Nated 6 should recruit learners from TVET Colleges.
- Levy paying employers applying for Skills Programmes must be up to date with their levies and mandatory grants
- Employers applying for Internships should recruit learners from public education & training institutions (universities & universities of technology).
- It is the responsibility of applicants to familiarise themselves with CATHSSETA's Discretionary Grants Policy.
- Upon submitting your application form, you will receive an automated response containing a DG reference number.

For further enquiries, please contact the regional managers as follows:

REGION	REGIONAL MANAGER	EMAIL ADDRESS
Eastern Cape	Ms Nelly Pambo	<a href="mailto:nelisap@cathsseta.org.za">nelisap@cathsseta.org.za</a>
Mpumalanga & Limpopo	Ms Phamela Khosa	<a href="mailto:phamela@cathsseta.org.za">phamela@cathsseta.org.za</a>
Free State & Northern Cape	Ms Makhotsa Seekoei	<a href="mailto:makhotsos@cathsseta.org.za">makhotsos@cathsseta.org.za</a>
KwaZulu-Natal	Ms Zandile Ntshangase	<a href="mailto:zandilen@cathsseta.org.za">zandilen@cathsseta.org.za</a>
Western Cape	Ms Martha Collett	<a href="mailto:martha@cathsseta.org.za">martha@cathsseta.org.za</a>
Gauteng & North West	Ms Sharon Mukhola	<a href="mailto:sharon@cathsseta.org.za">sharon@cathsseta.org.za</a>

Discretionary Grants are allocated at the sole discretion of CATHSSETA depending on the availability of funds, specific criteria as per the CATHSSETA Discretionary Grants Policy and Guidelines, as well as approval from the CATHSSETA Accounting Authority.

**NON-GOVERNMENTAL ORGANIZATION  
NOTICE 358 OF 2017  
SOUTH AFRICAN SUGAR ASSOCIATION**

**CORRECTION NOTICE**

The following is a correction to the Government Gazette Notice No. 40711 appearing in the Non-Governmental Notice No. 235 of 24 March 2017. The Notice is hereby corrected with the below:

**AMENDMENT TO NOTICE UNDER CLAUSES 77 AND 78 OF THE SUGAR INDUSTRY  
AGREEMENT, 2000, PUBLISHED IN GOVERNMENT GAZETTE NUMBER 21600:  
29 SEPTEMBER 2000: NOTICE 3425 OF 2000**

Notice is hereby given by the South African Sugar Association, in terms of Clause 78 of the Sugar Industry Agreement, 2000, that paragraph [(3)(c)] and [(3)(d)] of the Notice Under Clauses 77 and 78 of the Sugar Industry Agreement, 2000, published in Government Gazette No. 21600 dated 29 September 2000 as Notice 3425 of 2000, is hereby replaced with the following:

- (3)(c) If the pest Longhorn beetle (Cerambycid) is found in sugarcane within a grower's land, the following measures shall be taken or caused to be taken by the grower concerned:
- (i) In the event of a heavy infestation as determined by the Committee on the land concerned the crop shall be harvested and the crop sent to the mill by a date determined by the Committee in consultation with the Mill Group Board, where after and by a date specified by the Committee the crop shall be eradicated by ploughing the infested stools such that the entire crop is killed. Thereafter, a minimum fallow period of at least one year shall be enforced or until the pest has been completely destroyed.
  - (ii) In the event of light infestations as determined by the Committee, the grower shall remove or cause to remove infested stools from the field or apply a registered insecticide to the field or parts of the field as directed by the Committee.
- (3)(d) If a disease is found in sugar cane on a grower's land, unless the Committee is satisfied that the level of infestation is such that it does not constitute a hazard, the following measures shall be taken or caused to be taken by the grower concerned:



- (i) In respect of smut all diseased cane and stools shall be removed and destroyed within a period prescribed by the Committee, which shall also prescribe the period during which the affected field or fields shall remain fallow in order to allow all volunteers of the diseased crop to be removed and destroyed by the grower concerned, Only disease-free seedcane of duly approved varieties recommended by the Committee may thereafter be planted on the land concerned.
- (ii) In respect of mosaic all diseased cane and stools shall be removed and destroyed within a period prescribed by the Committee, which shall also prescribe the period during which the affected field or fields shall remain fallow in order to allow all volunteers of the diseased crop to be removed and destroyed by the grower concerned. Only disease-free seedcane of duly approved varieties recommended by the Committee may thereafter be planted on such land.
- (iii) In respect of leaf scald, in the case of sporadic infestation, affected stools shall be removed and destroyed, In the case of heavy infestation, all diseased cane and stools shall be removed and destroyed, In every case the Committee shall determine the degree of infestation and the action which shall be taken and shall prescribe the periods within which the required action shall be performed and, in the case of heavy infestation, the period during which affected fields or parts thereof shall remain fallow in order to allow all volunteers of the diseased crop to be removed and destroyed by the grower concerned, Only disease-free seedcane of duly approved varieties recommended by the Committee may thereafter be planted on the land concerned.
- (iv) In respect of RSD diseased cane may not be used as seedcane unless the cane concerned is treated in every case in accordance with methods specified by the Committee, which shall also prescribe the period during which affected fields shall remain fallow in order to allow all volunteers of the diseased crop to be removed and destroyed by the grower concerned, The Committee shall determine any preventive treatment to be applied by seedcane producers in order to control the disease in seedcane.

- (v) In respect of yellow leaf syndrome all diseased cane and stools shall be removed and destroyed within a period prescribed by the Committee, which shall also prescribe the period during which the effected field or fields shall remain fallow in order to allow all volunteers of the diseased crop to be removed and destroyed by the grower concerned. Only disease-free seedcane of duly approved varieties recommended by the Committee may thereafter be planted on such land.
- (3)(e) If a grower fails, within the period prescribed by the Committee, to carry out any measures required to be taken by that grower, the Committee shall have the power to declare the whole of that grower's land, or any specified portion thereof to be quarantined for such period or periods as may be determined by it.

## DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

## NOTICE 359 OF 2017

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

Notice is hereby given in terms of Section 11 (1) of the Restitution of Land Rights Act, 1994 (Act No. 22 of 1994) that a claim for the restitution of land rights on the following properties have been lodged with the Regional Land Claims Commissioner: KwaZulu-Natal and that the Commission on Restitution of Land Rights will further investigate the claim in terms of provisions of the Act in due course:

<b>Property</b>	:	1. <b>Portion 63 of the farm Drie Fonteinen No. 1127</b> 2. <b>Portion 88 of the farm Lot M Clairmont Estate No. 11217</b>
<b>Extent of property</b>	:	1. <b>12, 1406 ha</b> 2. <b>0, 1481 ha</b>
<b>Magisterial District</b>	:	<b>Lower Tugela</b>
<b>Administrative District</b>	:	<b>KwaZulu-Natal</b>
<b>Previous Title Deed</b>	:	1. <b>T15896/1986</b> 2. <b>T3749/1956</b>
<b>Current Title Deed No.</b>	:	1. <b>T8209/2013</b> 2. <b>Not Registered</b>
<b>Current Owner</b>	:	1. <b>Kwa Dukuza Municipality</b> 2. <b>Not Registered</b>
<b>Bonds &amp; Restrictive Conditions (Interdicts)</b>	:	1. <b>None</b> 2. <b>I-5384/1993LG</b>
<b>Claimant</b>	:	<b>Mandlakayise Patrick Dlamini</b>
<b>Date claim lodged</b>	:	<b>30 December 1998</b>
<b>Reference number</b>	:	<b>KRN6/2/2/E/20/0/0/43</b>

Any party/parties who have an interest in the above-mentioned properties is hereby invited to submit, within **30 days** from the date of publication of this notice, any representations and/ or information which shall assist the Commissioner in proving or disproving this claim.

Should no information and/ or representations from the affected party/ parties be forthcoming within the stipulated period, the affected party/parties shall be *ipso facto* barred from further doing so and the Commission shall continue with the subsequent processes towards completion of the investigation.

Any comments and information should be submitted to:

The Regional Land Claims Commissioner: KwaZulu-Natal  
Private Bag X9120  
Pietermaritzburg 3200

Tel: (033) 355 - 8400  
Fax: (033) 342 - 3409

Submissions may also be delivered to Second Floor, African Life Building, 200 Church Street, Pietermaritzburg.

**LEBJANE MAPHUTHA**  
**REGIONAL LAND CLAIMS COMMISSIONER: KWAZULU NATAL**  
**DATE:**

**DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM**  
**NOTICE 360 OF 2017**

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

Notice is hereby given in terms of Section 11 (1) of the Restitution of Land Rights Act, 1994 (Act No. 22 of 1994) that a claim for the restitution of land rights on the following properties have been lodged with the Regional Land Claims Commissioner: KwaZulu-Natal and that the Commission on Restitution of Land Rights will further investigate the claim in terms of provisions of the Act in due course:

<b>Property</b>	:	<b>Remainder of the farm Leicester No. 2970</b>
<b>Extent of property</b>	:	<b>912, 1334 ha</b>
<b>Magisterial District</b>	:	<b>Dannhauser</b>
<b>Administrative District</b>	:	<b>KwaZulu-Natal</b>
<b>Current Title Deed No.</b>	:	<b>T30544/1989</b>
<b>Current Owner</b>	:	<b>Willem Petrus Rouwenhorst</b>
<b>Bonds &amp; Restrictive Conditions (Interdicts)</b>	:	<b>EX272/1997-25/4/1997; K143/1985S; K158/1999S; K568/1993S; K789/1999S;</b>
<b>Claimant</b>	:	<b>Thoko Jane Mvelase on behalf of the Mvelase Family</b>
<b>Date claim lodged</b>	:	<b>3 December 1998</b>
<b>Reference number</b>	:	<b>KRN6/2/2/E/6/0/0/21</b>

Any party/parties who have an interest in the above-mentioned properties is hereby invited to submit, within **30 days** from the date of publication of this notice, any representations and/ or information which shall assist the Commissioner in proving or disproving this claim.

Should no information and/ or representations from the affected party/ parties be forthcoming within the stipulated period, the affected party/parties shall be *ipso facto* barred from further doing so and the Commission shall continue with the subsequent processes towards completion of the investigation.

Any comments and information should be submitted to:

The Regional Land Claims Commissioner: KwaZulu-Natal  
Private Bag X9120  
Pietermaritzburg 3200

Tel: (033) 355 - 8400  
Fax: (033) 342 - 3409

Submissions may also be delivered to Second Floor, African Life Building, 200 Church Street, Pietermaritzburg.

**LEBJANE MAPHUTHA**  
**REGIONAL LAND CLAIMS COMMISSIONER: KWAZULU NATAL**  
**DATE:**

**DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM  
NOTICE 361 OF 2017**

**GENERAL NOTICE IN TERMS SECTION 11 (1) OF THE RESTITUTION OF LAND RIGHTS ACT, 1994 (ACT NO. 22 OF 1994)**

Notice is hereby given in terms of Section 11 (1) of the Restitution of Land Rights Act, 1994 (Act No. 22 of 1994) that a claim for the restitution of land rights on the following properties have been lodged with the Regional Land Claims Commissioner: KwaZulu-Natal and that the Commission on Restitution of Land Rights will further investigate the claim in terms of provisions of the Act in due course:

<b>Property</b>	<b>:</b>	<b>That portion of Durban commonly known as 7 Mafutha, Cato Manor</b>
<b>Magisterial District</b>	<b>:</b>	<b>Ethekwini</b>
<b>Administrative District</b>	<b>:</b>	<b>KwaZulu-Natal</b>
<b>Claimant</b>	<b>:</b>	<b>Delisiwe Constance Nxhotho on behalf of the Nxhotho Family</b>
<b>Date claim lodged</b>	<b>:</b>	<b>30 December 1998</b>
<b>Reference number</b>	<b>:</b>	<b>KRN6/2/3/E/8/817/2716/3817</b>

Any party/parties who have an interest in the above-mentioned properties is hereby invited to submit, within **30 days** from the date of publication of this notice, any representations and/ or information which shall assist the Commissioner in proving or disproving this claim.

Should no information and/ or representations from the affected party/ parties be forthcoming within the stipulated period, the affected party/parties shall be *ipso facto* barred from further doing so and the Commission shall continue with the subsequent processes towards completion of the investigation.

Any comments and information should be submitted to:

The Regional Land Claims Commissioner: KwaZulu-Natal  
Private Bag X9120  
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Tel: (033) 355 - 8400  
Fax: (033) 342 - 3409

Submissions may also be delivered to Second Floor, African Life Building, 200 Church Street, Pietermaritzburg.

**LEBJANE MAPHUTHA**  
**REGIONAL LAND CLAIMS COMMISSIONER: KWAZULU NATAL**  
**DATE:**

**DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM**  
**NOTICE 362 OF 2017**

**GENERAL NOTICE IN TERMS SECTION 11 (1) OF THE RESTITUTION OF LAND RIGHTS ACT, 1994 (ACT NO. 22 OF 1994)**

Notice is hereby given in terms of Section 11 (1) of the Restitution of Land Rights Act, 1994 (Act No. 22 of 1994) that a claim for the restitution of land rights on the following properties have been lodged with the Regional Land Claims Commissioner: KwaZulu-Natal and that the Commission on Restitution of Land Rights will further investigate the claim in terms of provisions of the Act in due course:

<b>Property</b>	:	<b>1. Sub 3 of 5 of Lot 1 Block C of the Townlands of Durban No. 1737</b> <b>2. Sub 4 of 5 of Lot 1 Block C of the Townlands of Durban No. 1737</b>
<b>Extent of property</b>	:	<b>1. 0, 0303 ha</b> <b>2. 0, 0373 ha</b>
<b>Magisterial District</b>	:	<b>Ethekwini</b>
<b>Administrative District</b>	:	<b>KwaZulu-Natal</b>
<b>Previous Title Deed No.</b>	:	<b>T20788/1971</b>
<b>Claimant</b>	:	<b>Imtiaz Ahmed Shaik on behalf of the Shaik Family</b>
<b>Date claim lodged</b>	:	<b>24 June 1998</b>
<b>Reference number</b>	:	<b>KRN6/2/2/E/8/817/2722/292</b>

Any party/parties who have an interest in the above-mentioned properties is hereby invited to submit, within **30 days** from the date of publication of this notice, any representations and/ or information which shall assist the Commissioner in proving or disproving this claim.

Should no information and/ or representations from the affected party/ parties be forthcoming within the stipulated period, the affected party/parties shall be *ipso facto* barred from further doing so and the Commission shall continue with the subsequent processes towards completion of the investigation.

Any comments and information should be submitted to:

The Regional Land Claims Commissioner: KwaZulu-Natal  
Private Bag X9120  
Pietermaritzburg 3200

Tel: (033) 355 - 8400

Fax: (033) 342 - 3409

Submissions may also be delivered to Second Floor, African Life Building, 200 Church Street, Pietermaritzburg.

**LEBJANE MAPHUTHA**  
**REGIONAL LAND CLAIMS COMMISSIONER: KWAZULU NATAL**  
**DATE:**



**DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM  
NOTICE 363 OF 2017**

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

Notice is hereby given in terms of Section 11 (1) of the Restitution of Land Rights Act, 1994 (Act No. 22 of 1994) that a claim for the restitution of land rights on the following properties have been lodged with the Regional Land Claims Commissioner: KwaZulu-Natal and that the Commission on Restitution of Land Rights will further investigate the claim in terms of provisions of the Act in due course:

<b>Property</b>	:	<b>That portion of Durban, commonly known as Shack No. 296 Newlands Township</b>
<b>Magisterial District</b>	:	<b>Ethekwini</b>
<b>Administrative District</b>	:	<b>KwaZulu-Natal</b>
<b>Claimant</b>	:	<b>Lindiwe Gladness Shangase</b>
<b>Date claim lodged</b>	:	<b>20 December 1998</b>
<b>Reference number</b>	:	<b>KRN6/2/3/E/8/817/1637/125</b>

Any party/parties who have an interest in the above-mentioned properties is hereby invited to submit, within **30 days** from the date of publication of this notice, any representations and/ or information which shall assist the Commissioner in proving or disproving this claim.

Should no information and/ or representations from the affected party/ parties be forthcoming within the stipulated period, the affected party/parties shall be *ipso facto* barred from further doing so and the Commission shall continue with the subsequent processes towards completion of the investigation.

Any comments and information should be submitted to:

The Regional Land Claims Commissioner: KwaZulu-Natal  
Private Bag X9120  
Pietermaritzburg 3200

Tel: (033) 355 - 8400  
Fax: (033) 342 - 3409

Submissions may also be delivered to Second Floor, African Life Building, 200 Church Street, Pietermaritzburg.

**LEBJANE MAPHUTHA**  
**REGIONAL LAND CLAIMS COMMISSIONER: KWAZULU NATAL**  
**DATE:**

**DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM****NOTICE 364 OF 2017****GENERAL NOTICE IN TERMS OF THE RESTITUTION OF LAND RIGHTS ACT, 1994 (ACT NO. 22 OF 1994)**

Notice is hereby given in terms of Section 11 (1) of the Restitution of Land Rights Act, 1994 (Act No. 22 of 1994) that a claim for the restitution of land rights on the following properties have been lodged with the Regional Land Claims Commissioner: KwaZulu-Natal and that the Commission on Restitution of Land Rights will further investigate the claim in terms of provisions of the Act in due course:

<b>Property</b>	:	1. <b>Sub 18 of the farm Broughton No. 925</b> 2. <b>Remainder of Sub 12 of the farm Broughton No. 925</b>
<b>Extent of property</b>	:	1. <b>19, 2049 ha</b> 2. <b>192, 7312 ha</b>
<b>Magisterial District</b>	:	<b>Umgungundlovu</b>
<b>Administrative District</b>	:	<b>KwaZulu-Natal</b>
<b>Previous Title Deed No.</b>	:	<b>T6672/1976</b>
<b>Claimant</b>	:	<b>Harisha Singh on behalf of the Singh Family</b>
<b>Date claim lodged</b>	:	<b>22 October 1998</b>
<b>Reference number</b>	:	<b>KRN6/2/2/E/38/0/0/82</b>

Any party/parties who have an interest in the above-mentioned properties is hereby invited to submit, within **30 days** from the date of publication of this notice, any representations and/ or information which shall assist the Commissioner in proving or disproving this claim.

Should no information and/ or representations from the affected party/ parties be forthcoming within the stipulated period, the affected party/parties shall be *ipso facto* barred from further doing so and the Commission shall continue with the subsequent processes towards completion of the investigation.

Any comments and information should be submitted to:

The Regional Land Claims Commissioner: KwaZulu-Natal  
Private Bag X9120  
Pietermaritzburg 3200

Tel: (033) 355 - 8400  
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Submissions may also be delivered to Second Floor, African Life Building, 200 Church Street, Pietermaritzburg.

**LEBJANE MAPHUTHA**  
**REGIONAL LAND CLAIMS COMMISSIONER: KWAZULU NATAL**  
**DATE:**

**DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM**  
**NOTICE 365 OF 2017**

**GENERAL NOTICE IN TERMS SECTION 11 (1) OF THE RESTITUTION OF LAND RIGHTS ACT, 1994 (ACT NO. 22 OF 1994)**

Notice is hereby given in terms of Section 11 (1) of the Restitution of Land Rights Act, 1994 (Act No. 22 of 1994) that a claim for the restitution of land rights on the following properties have been lodged with the Regional Land Claims Commissioner: KwaZulu-Natal and that the Commission on Restitution of Land Rights will further investigate the claim in terms of provisions of the Act in due course:

<b>Property</b>	<b>:</b>	<b>Subdivision 4 of Lot 783 Ladysmith Township</b>
<b>Extent of property</b>	<b>:</b>	<b>0, 0613 ha</b>
<b>Magisterial District</b>	<b>:</b>	<b>Klip River</b>
<b>Administrative District</b>	<b>:</b>	<b>KwaZulu-Natal</b>
<b>Previous Title Deed No.</b>	<b>:</b>	<b>T5822/1982</b>
<b>Claimant</b>	<b>:</b>	<b>Ismail Vorajee on behalf of the Vorajee Family</b>
<b>Date claim lodged</b>	<b>:</b>	<b>2 May 1995</b>
<b>Reference number</b>	<b>:</b>	<b>KRN6/2/3/E/17/1/1/40</b>

Any party/parties who have an interest in the above-mentioned properties is hereby invited to submit, within **30 days** from the date of publication of this notice, any representations and/ or information which shall assist the Commissioner in proving or disproving this claim.

Should no information and/ or representations from the affected party/ parties be forthcoming within the stipulated period, the affected party/parties shall be *ipso facto* barred from further doing so and the Commission shall continue with the subsequent processes towards completion of the investigation.

Any comments and information should be submitted to:

The Regional Land Claims Commissioner: KwaZulu-Natal  
Private Bag X9120  
Pietermaritzburg 3200

Tel: (033) 355 - 8400  
Fax: (033) 342 - 3409

Submissions may also be delivered to Second Floor, African Life Building, 200 Church Street, Pietermaritzburg.

**LEBJANE MAPHUTHA**  
**REGIONAL LAND CLAIMS COMMISSIONER: KWAZULU NATAL**  
**DATE:**

**DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM**  
**NOTICE 366 OF 2017**

**GENERAL NOTICE IN TERMS SECTION 11 (1) OF THE RESTITUTION OF LAND RIGHTS ACT, 1994 (ACT NO. 22 OF 1994)**

Notice is hereby given in terms of Section 11 (1) of the Restitution of Land Rights Act, 1994 (Act No. 22 of 1994) that a claim for the restitution of land rights on the following properties have been lodged with the Regional Land Claims Commissioner: KwaZulu-Natal and that the Commission on Restitution of Land Rights will further investigate the claim in terms of provisions of the Act in due course:

<b>Property</b>	<b>:</b>	<b>That portion of Durban commonly known as 132 Fairbreeze, Cato Manor</b>
<b>Magisterial District</b>	<b>:</b>	<b>Ethekwini</b>
<b>Administrative District</b>	<b>:</b>	<b>KwaZulu-Natal</b>
<b>Claimant</b>	<b>:</b>	<b>Siphiwo Edisius Sibisi on behalf of the Sibisi Family</b>
<b>Date claim lodged</b>	<b>:</b>	<b>29 December 1998</b>
<b>Reference number</b>	<b>:</b>	<b>KRN6/2/3/E/8/817/2716/5250</b>

Any party/parties who have an interest in the above-mentioned properties is hereby invited to submit, within **30 days** from the date of publication of this notice, any representations and/ or information which shall assist the Commissioner in proving or disproving this claim.

Should no information and/ or representations from the affected party/ parties be forthcoming within the stipulated period, the affected party/parties shall be *ipso facto* barred from further doing so and the Commission shall continue with the subsequent processes towards completion of the investigation.

Any comments and information should be submitted to:

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Private Bag X9120  
Pietermaritzburg 3200

Tel: (033) 355 - 8400  
Fax: (033) 342 - 3409

Submissions may also be delivered to Second Floor, African Life Building, 200 Church Street, Pietermaritzburg.

**LEBJANE MAPHUTHA**  
**REGIONAL LAND CLAIMS COMMISSIONER: KWAZULU NATAL**  
**DATE:**

**DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM  
NOTICE 367 OF 2017**

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

Notice is hereby given in terms of Section 11 (1) of the Restitution of Land Rights Act, 1994 (Act No. 22 of 1994) that a claim for the restitution of land rights on the following properties have been lodged with the Regional Land Claims Commissioner: KwaZulu-Natal and that the Commission on Restitution of Land Rights will further investigate the claim in terms of provisions of the Act in due course:

<b>Property</b>	<b>:</b>	<b>That portion of Durban, commonly known as 39 KM KwaButhelezi, Cato Manor</b>
<b>Magisterial District</b>	<b>:</b>	<b>Ethekwini</b>
<b>Administrative District</b>	<b>:</b>	<b>KwaZulu-Natal</b>
<b>Claimant</b>	<b>:</b>	<b>Njabulo Pretty Zuma on behalf of the Zuma family</b>
<b>Date claim lodged</b>	<b>:</b>	<b>2 January 1998</b>
<b>Reference number</b>	<b>:</b>	<b>KRN6/2/3/E/8/817/2716/5633</b>

Any party/parties who have an interest in the above-mentioned properties is hereby invited to submit, within **30 days** from the date of publication of this notice, any representations and/ or information which shall assist the Commissioner in proving or disproving this claim.

Should no information and/ or representations from the affected party/ parties be forthcoming within the stipulated period, the affected party/parties shall be *ipso facto* barred from further doing so and the Commission shall continue with the subsequent processes towards completion of the investigation.

Any comments and information should be submitted to:

The Regional Land Claims Commissioner: KwaZulu-Natal  
Private Bag X9120  
Pietermaritzburg 3200

Tel: (033) 355 - 8400  
Fax: (033) 342 - 3409

Submissions may also be delivered to Second Floor, African Life Building, 200 Church Street, Pietermaritzburg.

**LEBJANE MAPHUTHA**  
**REGIONAL LAND CLAIMS COMMISSIONER: KWAZULU NATAL**  
**DATE:**

**DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM  
NOTICE 368 OF 2017**

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

Notice is hereby given in terms of Section 11 (1) of the Restitution of Land Rights Act, 1994 (Act No. 22 of 1994) that a claim for the restitution of land rights on the following properties have been lodged with the Regional Land Claims Commissioner: KwaZulu-Natal and that the Commission on Restitution of Land Rights will further investigate the claim in terms of provisions of the Act in due course:

<b>Property</b>	<b>:</b>	<b>That portion of Durban, commonly known as KM 9 Ridgeview Road, Cato Manor</b>
<b>Magisterial District</b>	<b>:</b>	<b>Ethekwini</b>
<b>Administrative District</b>	<b>:</b>	<b>KwaZulu-Natal</b>
<b>Claimant</b>	<b>:</b>	<b>Neli Mnyandu on behalf of the Mnyandu family</b>
<b>Date claim lodged</b>	<b>:</b>	<b>2 January 1998</b>
<b>Reference number</b>	<b>:</b>	<b>KRN6/2/3/E/8/817/2716/5644</b>

Any party/parties who have an interest in the above-mentioned properties is hereby invited to submit, within **30 days** from the date of publication of this notice, any representations and/ or information which shall assist the Commissioner in proving or disproving this claim.

Should no information and/ or representations from the affected party/ parties be forthcoming within the stipulated period, the affected party/parties shall be *ipso facto* barred from further doing so and the Commission shall continue with the subsequent processes towards completion of the investigation.

Any comments and information should be submitted to:

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Submissions may also be delivered to Second Floor, African Life Building, 200 Church Street, Pietermaritzburg.

**LEBJANE MAPHUTHA**  
**REGIONAL LAND CLAIMS COMMISSIONER: KWAZULU NATAL**  
**DATE:**



## DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

## NOTICE 369 OF 2017

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

Notice is hereby given in terms of Section 11 (1) of the Restitution of Land Rights Act, 1994 (Act No. 22 of 1994) that a claim for the restitution of land rights on the following properties have been lodged with the Regional Land Claims Commissioner: KwaZulu-Natal and that the Commission on Restitution of Land Rights will further investigate the claim in terms of provisions of the Act in due course:

<b>Property</b>	:	<b>Lot 3778 Newcastle Township, now known as:</b> 1. <b>Remainder of Portion 0 of Erf 3778 Newcastle;</b> 2. <b>Portion 1 of Erf 3778 Newcastle; and</b> 3. <b>Portion 2 of Erf 3778 Newcastle.</b>
<b>Extent of property</b>	:	1. <b>0, 2403 ha</b> 2. <b>0, 0018 ha</b> 3. <b>0, 0681 ha</b>
<b>Magisterial District</b>	:	<b>Newcastle</b>
<b>Administrative District</b>	:	<b>KwaZulu-Natal</b>
<b>Previous Title Deed No.</b>	:	<b>T10892/1969</b>
<b>Current Title Deed No.</b>	:	1. <b>T23186/1992</b> 2. <b>T23184/1992</b> 3. <b>T45063/2002</b>
<b>Current Owner</b>	:	1. <b>Alpha Pharm KZN (Pty) Ltd</b> 2. <b>Newcastle Municipality</b> 3. <b>Newcastle Municipality</b>
<b>Bonds &amp; Restrictive Conditions (Interdicts)</b>	:	1. <b>B17176/2010; B5195/2000</b> 2. <b>None</b> 3. <b>I-8721/1992C-14/9/1992/23185/1992T</b>
<b>Claimant</b>	:	<b>Poobalan Thunguval Padayachee on behalf of the Padayachee Family</b>
<b>Date claim lodged</b>	:	<b>11 October 1994</b>
<b>Reference number</b>	:	<b>KRN6/2/3/E/31/1/1/54</b>

Any party/parties who have an interest in the above-mentioned properties is hereby invited to submit, within **30 days** from the date of publication of this notice, any representations and/ or information which shall assist the Commissioner in proving or disproving this claim.

Should no information and/ or representations from the affected party/ parties be forthcoming within the stipulated period, the affected party/parties shall be *ipso facto* barred from further doing so and the Commission shall continue with the subsequent processes towards completion of the investigation.

Any comments and information should be submitted to:

The Regional Land Claims Commissioner: KwaZulu-Natal  
Private Bag X9120  
Pietermaritzburg 3200

Tel: (033) 355 - 8400  
Fax: (033) 342 - 3409

Submissions may also be delivered to Second Floor, African Life Building, 200 Church Street, Pietermaritzburg.

**LEBJANE MAPHUTHA**  
**REGIONAL LAND CLAIMS COMMISSIONER: KWAZULU NATAL**  
**DATE:**

**DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM  
NOTICE 370 OF 2017**

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

Notice is hereby given in terms of Section 11 (1) of the Restitution of Land Rights Act, 1994 (Act No. 22 of 1994) that a claim for the restitution of land rights on the following properties have been lodged with the Regional Land Claims Commissioner: KwaZulu-Natal and that the Commission on Restitution of Land Rights will further investigate the claim in terms of provisions of the Act in due course:

<b>Property</b>	:	<b>Portion 14 of the farm Loch Lomond No. 7477</b>
<b>Extent of property</b>	:	<b>10, 9062 ha</b>
<b>Magisterial District</b>	:	<b>Dannhauser</b>
<b>Administrative District</b>	:	<b>KwaZulu-Natal</b>
<b>Current Title Deed No.</b>	:	<b>T1771/2000</b>
<b>Current Owner</b>	:	<b>Clement Mduduzi Radebe</b>
<b>Bonds &amp; Restrictive Conditions (Interdicts)</b>	:	<b>None</b>
<b>Claimant</b>	:	<b>Albertina Nontombi Radebe on behalf of the Radebe Family</b>
<b>Date claim lodged</b>	:	<b>7 December 1998</b>
<b>Reference number</b>	:	<b>KRN6/2/2/E/17/0/0/151</b>

Any party/parties who have an interest in the above-mentioned properties is hereby invited to submit, within **30 days** from the date of publication of this notice, any representations and/ or information which shall assist the Commissioner in proving or disproving this claim.

Should no information and/ or representations from the affected party/ parties be forthcoming within the stipulated period, the affected party/parties shall be *ipso facto* barred from further doing so and the Commission shall continue with the subsequent processes towards completion of the investigation.

Any comments and information should be submitted to:

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Submissions may also be delivered to Second Floor, African Life Building, 200 Church Street, Pietermaritzburg.

**LEBJANE MAPHUTHA**  
**REGIONAL LAND CLAIMS COMMISSIONER: KWAZULU NATAL**  
**DATE:**

**DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM  
NOTICE 371 OF 2017**

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

Notice is hereby given in terms of Section 11 (1) of the Restitution of Land Rights Act, 1994 (Act No. 22 of 1994) that a claim for the restitution of land rights on the following properties have been lodged with the Regional Land Claims Commissioner: KwaZulu-Natal and that the Commission on Restitution of Land Rights will further investigate the claim in terms of provisions of the Act in due course:

<b>Property</b>	:	<b>A portion of the Remainder of Portion 1 of the farm Yellow-Wood No. 13732</b>
<b>Extent of property</b>	:	<b>56, 6603 ha</b>
<b>Magisterial District</b>	:	<b>Lions River</b>
<b>Administrative District</b>	:	<b>KwaZulu-Natal</b>
<b>Current Title Deed No.</b>	:	<b>T21726/1996</b>
<b>Current Owner</b>	:	<b>Sappi Southern Africa Limited</b>
<b>Bonds &amp; Restrictive Conditions (Interdicts)</b>	:	<b>None</b>
<b>Claimant</b>	:	<b>Tshapa Cebekhulu on behalf of the Cebekhulu Family</b>
<b>Date claim lodged</b>	:	<b>25 November 1998</b>
<b>Reference number</b>	:	<b>KRN6/2/2/E/19/0/0/22</b>

Any party/parties who have an interest in the above-mentioned properties is hereby invited to submit, within **30 days** from the date of publication of this notice, any representations and/ or information which shall assist the Commissioner in proving or disproving this claim.

Should no information and/ or representations from the affected party/ parties be forthcoming within the stipulated period, the affected party/parties shall be *ipso facto* barred from further doing so and the Commission shall continue with the subsequent processes towards completion of the investigation.

Any comments and information should be submitted to:

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**LEBJANE MAPHUTHA**  
**REGIONAL LAND CLAIMS COMMISSIONER: KWAZULU NATAL**  
**DATE:**

**DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM**  
**NOTICE 372 OF 2017**

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

Notice is hereby given in terms of Section 11 (1) of the Restitution of Land Rights Act, 1994 (Act No. 22 of 1994) that a claim for the restitution of land rights on the following properties have been lodged with the Regional Land Claims Commissioner: KwaZulu-Natal and that the Commission on Restitution of Land Rights will further investigate the claim in terms of provisions of the Act in due course:

<b>Property</b>	:	<b>Sub 33 (of 10) of the farm Garibaldi No. 2161, now known as Portion 33 of the farm Garibaldi No. 2161</b>
<b>Extent of property</b>	:	<b>2, 4281 ha</b>
<b>Magisterial District</b>	:	<b>Umgungundlovu</b>
<b>Administrative District</b>	:	<b>KwaZulu-Natal</b>
<b>Previous Title Deed No.</b>	:	<b>T17051/1984</b>
<b>Current Title Deed No.</b>	:	<b>T17051/1984</b>
<b>Current Owner</b>	:	<b>Regional &amp; Land Affairs</b>
<b>Bonds &amp; Restrictive Conditions (Interdicts)</b>	:	<b>B4822/1983; I-1067/2003LG</b>
<b>Claimant</b>	:	<b>Lakraji Prithipall Sukhoo on behalf of the Sukhoo Family</b>
<b>Date claim lodged</b>	:	<b>21 December 1998</b>
<b>Reference number</b>	:	<b>KRN6/2/2/E/38/0/0/140</b>

Any party/parties who have an interest in the above-mentioned properties is hereby invited to submit, within **30 days** from the date of publication of this notice, any representations and/ or information which shall assist the Commissioner in proving or disproving this claim.

Should no information and/ or representations from the affected party/ parties be forthcoming within the stipulated period, the affected party/parties shall be *ipso facto* barred from further doing so and the Commission shall continue with the subsequent processes towards completion of the investigation.

Any comments and information should be submitted to:

The Regional Land Claims Commissioner: KwaZulu-Natal  
Private Bag X9120  
Pietermaritzburg 3200

Tel: (033) 355 - 8400  
Fax: (033) 342 - 3409

Submissions may also be delivered to Second Floor, African Life Building, 200 Church Street, Pietermaritzburg.

**LEBJANE MAPHUTHA**  
**REGIONAL LAND CLAIMS COMMISSIONER: KWAZULU NATAL**  
**DATE:**

**DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM  
NOTICE 373 OF 2017**

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

Notice is hereby given in terms of Section 11 (1) of the Restitution of Land Rights Act, 1994 (Act No. 22 of 1994) that a claim for the restitution of land rights on the following properties have been lodged with the Regional Land Claims Commissioner: KwaZulu-Natal and that the Commission on Restitution of Land Rights will further investigate the claim in terms of provisions of the Act in due course:

<b>Property</b>	:	<b>Remainder of the farm Uitvlugt No. 858</b>
<b>Extent of property</b>	:	<b>57, 1098 ha</b>
<b>Magisterial District</b>	:	<b>Camperdown</b>
<b>Administrative District</b>	:	<b>KwaZulu-Natal</b>
<b>Current Title Deed No.</b>	:	<b>T16863/1988</b>
<b>Current Owner</b>	:	<b>Ashley David Price</b>
<b>Bonds &amp; Restrictive Conditions (Interdicts)</b>	:	<b>K1348/2016S; K1349/2016S; K1302/2013S; K530/1996S; K746/1984S; VA2011/2010</b>
<b>Claimant</b>	:	<b>Joseph Mphephetheni Nkomo on behalf of the Nkomo Family</b>
<b>Date claim lodged</b>	:	<b>29 December 1998</b>
<b>Reference number</b>	:	<b>KRN6/2/2/E/4/0/0/55</b>

Any party/parties who have an interest in the above-mentioned properties is hereby invited to submit, within **30 days** from the date of publication of this notice, any representations and/ or information which shall assist the Commissioner in proving or disproving this claim.

Should no information and/ or representations from the affected party/ parties be forthcoming within the stipulated period, the affected party/parties shall be *ipso facto* barred from further doing so and the Commission shall continue with the subsequent processes towards completion of the investigation.

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**LEBJANE MAPHUTHA**  
**REGIONAL LAND CLAIMS COMMISSIONER: KWAZULU NATAL**  
**DATE:**

**DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM  
NOTICE 374 OF 2017**

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

Notice is hereby given in terms of Section 11 (1) of the Restitution of Land Rights Act, 1994 (Act No. 22 of 1994) that a claim for the restitution of land rights on the following properties have been lodged with the Regional Land Claims Commissioner: KwaZulu-Natal and that the Commission on Restitution of Land Rights will further investigate the claim in terms of provisions of the Act in due course:

<b>Property</b>	:	<b>That portion of Durban, commonly known as 141 Ryde Place, Malacca Road, Redhill</b>
<b>Magisterial District</b>	:	<b>Ethekwini</b>
<b>Administrative District</b>	:	<b>KwaZulu-Natal</b>
<b>Claimant</b>	:	<b>Kasalingum Pillay</b>
<b>Reference number</b>	:	<b>KRN6/2/3/E/8/817/1970/119</b>

Any party/parties who have an interest in the above-mentioned properties is hereby invited to submit, within **30 days** from the date of publication of this notice, any representations and/ or information which shall assist the Commissioner in proving or disproving this claim.

Should no information and/ or representations from the affected party/ parties be forthcoming within the stipulated period, the affected party/parties shall be *ipso facto* barred from further doing so and the Commission shall continue with the subsequent processes towards completion of the investigation.

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**LEBJANE MAPHUTHA**  
**REGIONAL LAND CLAIMS COMMISSIONER: KWAZULU NATAL**  
**DATE:**



**DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM  
NOTICE 375 OF 2017**

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

Notice is hereby given in terms of Section 11 (1) of the Restitution of Land Rights Act, 1994 (Act No. 22 of 1994) that a claim for the restitution of land rights on the following properties have been lodged with the Regional Land Claims Commissioner: KwaZulu-Natal and that the Commission on Restitution of Land Rights will further investigate the claim in terms of provisions of the Act in due course:

<b>Property</b>	:	<b>see attached schedule</b>
<b>Extent of property</b>	:	<b>see attached schedule</b>
<b>Magisterial District</b>	:	<b>Babanango</b>
<b>Administrative District</b>	:	<b>KwaZulu-Natal</b>
<b>Current Title Deed No.</b>	:	<b>see attached schedule</b>
<b>Current Owner</b>	:	<b>see attached schedule</b>
<b>Bonds &amp; Restrictive Conditions (Interdicts)</b>	:	<b>see attached schedule</b>
<b>Claimant</b>	:	<b>Phuzukumila Alois Thungo on behalf of the Thungo, Mtshali, Mhlongo, Khumalo and Ntombela Families</b>
<b>Date claim lodged</b>	:	<b>29 December 1998</b>
<b>Reference number</b>	:	<b>KRN6/2/2/E/2/0/0/25</b>

Any party/parties who have an interest in the above-mentioned properties is hereby invited to submit, within **30 days** from the date of publication of this notice, any representations and/ or information which shall assist the Commissioner in proving or disproving this claim.

Should no information and/ or representations from the affected party/ parties be forthcoming within the stipulated period, the affected party/parties shall be *ipso facto* barred from further doing so and the Commission shall continue with the subsequent processes towards completion of the investigation.

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**LEBJANE MAPHUTHA**  
**REGIONAL LAND CLAIMS COMMISSIONER: KWAZULU NATAL**  
**DATE:**

## SCHEDULE

NO.	PROPERTY DESCRIPTION	EXTENT	CURRENT TITLE DEED NO.	CURRENT OWNER	BONDS & RESTRICTIVE CONDITIONS (INTERDICTS)
21	Remainder of the farm Tusschenby No. 411	228, 9920 ha	T3654/1990	Kosie Howard Ngcobo	VA2981/2007
2	Remainder of Portion 1 of the farm Tusschenby No. 411	265, 9822 ha	T3654/1990	Kosie Howard Ngcobo	VA2981/2007
3	Portion 3 of the farm Tusschenby No. 411	228, 9918 ha	T3654/1990	Kosie Howard Ngcobo	VA2981/2007
4	Portion 4 of the farm Tusschenby No. 411	228, 9918 ha	T6679/2008	Emcakwini Community Trust-Trustees	None
5	Portion 6 of Portion 1 of the farm Tusschenby No. 411	239, 8725 ha	T28832/2000	Nkosinathi M. Zulu & Nomathamsanqa M. R. Zuma	None
6	Remainder of Portion 1 of the farm Vlakhoek No. 548	798, 6533 ha	T15639/2002	Esibongweni Communal Property Trust-Trustees	K3697/2002S
7	Portion 3 of the farm Vlakhoek No. 548	4 ha	T1186/1986	ELCSA Property Management Co	I-7375/1986LG
8	Remainder of the farm Vlakhoek No. 847	794, 3813 ha	T15638/2202	Esibongweni Communal Property Trust-Trustees	K3697/2002S
9	Portion 1 of the farm Vlakhoek No. 847	508, 0778 ha	T15039/1998	Joseph Khoza	B5314/2013

**DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM  
NOTICE 376 OF 2017**

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

Notice is hereby given in terms of Section 11 (1) of the Restitution of Land Rights Act, 1994 (Act No. 22 of 1994) that a claim for the restitution of land rights on the following properties have been lodged with the Regional Land Claims Commissioner: KwaZulu-Natal and that the Commission on Restitution of Land Rights will further investigate the claim in terms of provisions of the Act in due course:

<b>Property</b>	<b>:</b>	<b>That portion only of Durban, commonly known as Lot 113, Road 6, Cato Manor</b>
<b>Magisterial District</b>	<b>:</b>	<b>Ethekwini</b>
<b>Administrative District</b>	<b>:</b>	<b>KwaZulu-Natal</b>
<b>Claimant</b>	<b>:</b>	<b>Philisiwe Ngidi on behalf of the Zuma Family</b>
<b>Date claim lodged</b>	<b>:</b>	<b>5 July 1996</b>
<b>Reference number</b>	<b>:</b>	<b>KRN6/2/3/E/8/817/2716/1662</b>

Any party/parties who have an interest in the above-mentioned properties is hereby invited to submit, within **30 days** from the date of publication of this notice, any representations and/ or information which shall assist the Commissioner in proving or disproving this claim.

Should no information and/ or representations from the affected party/ parties be forthcoming within the stipulated period, the affected party/parties shall be *ipso facto* barred from further doing so and the Commission shall continue with the subsequent processes towards completion of the investigation.

Any comments and information should be submitted to:

The Regional Land Claims Commissioner: KwaZulu-Natal  
Private Bag X9120  
Pietermaritzburg 3200

Tel: (033) 355 - 8400  
Fax: (033) 342 - 3409

Submissions may also be delivered to Second Floor, African Life Building, 200 Church Street, Pietermaritzburg.

**LEBJANE MAPHUTHA**  
**REGIONAL LAND CLAIMS COMMISSIONER: KWAZULU NATAL**  
**DATE:**

**DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM**  
**NOTICE 377 OF 2017**

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

Notice is hereby given in terms of Section 11 (1) of the Restitution of Land Rights Act, 1994 (Act No. 22 of 1994) that a claim for the restitution of land rights on the following properties have been lodged with the Regional Land Claims Commissioner: KwaZulu-Natal and that the Commission on Restitution of Land Rights will further investigate the claim in terms of provisions of the Act in due course:

<b>Property</b>	:	1. <b>Remainder of Sub B of Lot F of Lot V of the farm Melk Houte Kraal No. 789</b> 2. <b>Lot J of Lot V of the farm Melk Houte Kraal No. 789</b> 3. <b>Lot 1 of Lot K of Lot V of the farm Melk Houte Kraal No. 790</b>
<b>Extent of property</b>	:	1. <b>3, 7527 ha</b> 2. <b>1, 6433 ha</b> 3. <b>0, 8094 ha</b>
<b>Magisterial District</b>	:	<b>Ethekwini</b>
<b>Administrative District:</b>	:	<b>KwaZulu-Natal</b>
<b>Previous Title Deed No.</b>	:	1. <b>T933/1961</b> 2. <b>T933/1961</b> 3. <b>T6038/1960</b>
<b>Claimant</b>	:	<b>Inderum Tularam on behalf of Sukmanan and the Estate Late Ramessur</b>
<b>Date claim lodged</b>	:	<b>28 May 1996</b>
<b>Reference number</b>	:	<b>KRN6/2/2/E/14/0/0/18</b>

Any party/parties who have an interest in the above-mentioned properties is hereby invited to submit, within **30 days** from the date of publication of this notice, any representations and/ or information which shall assist the Commissioner in proving or disproving this claim.

Should no information and/ or representations from the affected party/ parties be forthcoming within the stipulated period, the affected party/parties shall be *ipso facto* barred from further doing so and the Commission shall continue with the subsequent processes towards completion of the investigation.

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**LEBJANE MAPHUTHA**  
**REGIONAL LAND CLAIMS COMMISSIONER: KWAZULU NATAL**  
**DATE:**

**DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM****NOTICE 378 OF 2017****GENERAL NOTICE IN TERMS OF THE RESTITUTION OF LAND RIGHTS ACT, 1994 (ACT NO. 22 OF 1994)**

Notice is hereby given in terms of Section 11 (1) of the Restitution of Land Rights Act, 1994 (Act No. 22 of 1994) that a claim for the restitution of land rights on the following properties have been lodged with the Regional Land Claims Commissioner: KwaZulu-Natal and that the Commission on Restitution of Land Rights will further investigate the claim in terms of provisions of the Act in due course:

<b>Property</b>	<b>:</b>	<b>That portion of Durban, commonly known as 137 Emhlangeni, Cato Manor</b>
<b>Magisterial District</b>	<b>:</b>	<b>Ethekwini</b>
<b>Administrative District</b>	<b>:</b>	<b>KwaZulu-Natal</b>
<b>Claimant</b>	<b>:</b>	<b>Fikile Phyllis Kubheka on behalf of the Kubheka Family</b>
<b>Date claim lodged</b>	<b>:</b>	<b>31 December 1998</b>
<b>Reference number</b>	<b>:</b>	<b>KRN6/2/3/E/8/817/2716/4625</b>

Any party/parties who have an interest in the above-mentioned properties is hereby invited to submit, within **30 days** from the date of publication of this notice, any representations and/ or information which shall assist the Commissioner in proving or disproving this claim.

Should no information and/ or representations from the affected party/ parties be forthcoming within the stipulated period, the affected party/parties shall be *ipso facto* barred from further doing so and the Commission shall continue with the subsequent processes towards completion of the investigation.

Any comments and information should be submitted to:

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**LEBJANE MAPHUTHA**  
**REGIONAL LAND CLAIMS COMMISSIONER: KWAZULU NATAL**  
**DATE:**

**DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM  
NOTICE 379 OF 2017**

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

Notice is hereby given in terms of Section 11 (1) of the Restitution of Land Rights Act, 1994 (Act No. 22 of 1994) that a claim for the restitution of land rights on the following properties have been lodged with the Regional Land Claims Commissioner: KwaZulu-Natal and that the Commission on Restitution of Land Rights will further investigate the claim in terms of provisions of the Act in due course:

<b>Property</b>	:	<b>That portion of Durban, commonly known as 48A Emhlangeni, Cato Manor</b>
<b>Magisterial District</b>	:	<b>Ethekwini</b>
<b>Administrative District</b>	:	<b>KwaZulu-Natal</b>
<b>Claimant</b>	:	<b>Simon Mfana Mkhize on behalf of the Mkhize Family</b>
<b>Date claim lodged</b>	:	<b>25 June 1996</b>
<b>Reference number</b>	:	<b>KRN6/2/3/E/8/817/2716/2174</b>

Any party/parties who have an interest in the above-mentioned properties is hereby invited to submit, within **30 days** from the date of publication of this notice, any representations and/ or information which shall assist the Commissioner in proving or disproving this claim.

Should no information and/ or representations from the affected party/ parties be forthcoming within the stipulated period, the affected party/parties shall be *ipso facto* barred from further doing so and the Commission shall continue with the subsequent processes towards completion of the investigation.

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**LEBJANE MAPHUTHA**  
**REGIONAL LAND CLAIMS COMMISSIONER: KWAZULU NATAL**  
**DATE:**



## DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

## NOTICE 380 OF 2017

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

Notice is hereby given in terms of Section 11 (1) of the Restitution of Land Rights Act, 1994 (Act No. 22 of 1994) that a claim for the restitution of land rights on the following properties have been lodged with the Regional Land Claims Commissioner: KwaZulu-Natal and that the Commission on Restitution of Land Rights will further investigate the claim in terms of provisions of the Act in due course:

Property	:	Remainder of Portion 24 of the farm Welgevonden No. 969
Extent of property	:	121, 4245 ha
Magisterial District	:	Lions River
Administrative District	:	KwaZulu-Natal
Current Title Deed No.	:	T16082/2011
Current Owner	:	Mpathana Farm Property cc
Bonds & Restrictive Conditions (Interdicts)	:	K3597/2013S; K407/1994S; K979/1998S
Claimant	:	Sikhosphi Shelembe and Sphelele Ndlovu on behalf of the Colbourne Community
Date claim lodged	:	28 December 1998
Reference number	:	KRN6/2/2/E/19/0/0/41

Any party/parties who have an interest in the above-mentioned properties is hereby invited to submit, within **30 days** from the date of publication of this notice, any representations and/ or information which shall assist the Commissioner in proving or disproving this claim.

Should no information and/ or representations from the affected party/ parties be forthcoming within the stipulated period, the affected party/parties shall be *ipso facto* barred from further doing so and the Commission shall continue with the subsequent processes towards completion of the investigation.

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**REGIONAL LAND CLAIMS COMMISSIONER: KWAZULU NATAL**  
**DATE:**

**DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM**  
**NOTICE 381 OF 2017**

**AMENDMENT NOTICE**

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

Amending Notice 176 of 2006 published in *Government Gazette* No. 28458 on 10 February 2006 in the Dube Community, under Reference No. KRN6/2/2/E/20/0/0/28 to **WITHDRAW** the properties listed in the table below:

NO.	PROPERTY DESCRIPTION	EXTENT	CURRENT TITLE DEED NO.	CURRENT OWNER	BONDS & RESTRICTIVE CONDITIONS (INTERDICTS)
1	The farm Alray No. 15771	83, 1273 ha	T27782/1996	Alray (Pty) Ltd	B32862/1994 B8965/1997 K1057/1996s
2	The farm Blythdale No. 17461	1979, 6162 ha	T47905/2004	Ushukela Milling (Pty) Ltd	B41297/2004
3	The farm Rouillard No. 17191	58, 8979 ha	T43019/2002	Emoyeni Estates (Pty) Ltd	K1078/1998s
4	The farm Newlands No. 16511	76, 9444 ha	T43019/2002	Emoyeni Estates (Pty) Ltd	K236A/1998s
5	The farm Emoyeni No. 16510	238, 0295 ha	T13036/1993	Emoyeni Estates (Pty) Ltd	B15185/2001
6	Remainder of the farm Reynolds No. 16509	18, 7326 ha	T13030/1993	Charles Lyon Carlyon Reynolds Will Trust-Trustees	I-11741/2000LG B13732/1999 B16881/1997
7	A portion of the consolidated farm Gledhow No. 17285, known before consolidation as Portion 1 of the farm Gledhow Mount No. 1983	4, 0469 ha	T41675/1999	Illovo Sugar Ltd	None
8	Remainder of the farm Lot 1 No. 1672	108, 2090 ha	T1488/1913	Tongaat-Hulett Group Ltd	K214/1987L K674/1986L K682/1994s K839/1995L VA1230/1995 VA1231/1995
9	Remainder of Portion 4 of Portion 3 of the farm Lot 1 No. 1672	0, 1640 ha	T46742/2002	Pigeonwood Trust-Trustees	None
10	Portion 5 of the farm Lot 1 No. 1672	0, 0809 ha	T7778/2000	Pietts Family Trust-Trustees	B10277/2000
11	Portion 6 of the farm Lot 1 No. 1672	0, 0809 ha	T6643/1994	Alexander Wallace Bell	B9903/1994
12	Portion 7 of the farm Lot 1 No. 1672	0, 0809 ha	36229/1993	Tinley Bay Cottage cc	B11736/2005

NO.	PROPERTY DESCRIPTION	EXTENT	CURRENT TITLE DEED NO.	CURRENT OWNER	BONDS & RESTRICTIVE CONDITIONS (INTERDICTS)
13	Portion 9 of the farm Lot 1 No. 1672	0, 1161 ha	T10585/1990 T21160/1969 T21160/1969 T21160/1969 T24101/2003 T67014/2002 T67014/2002 T67014/2002 T7956/1952	Doris Hazel Campbell Ferguson Derrick John Adendorff Jennifer Jean Mignon Adendorff Roderick Karl Adendorff Doris Hazel Campbell Ferguson Derrick John Adendorff Roderick Karl Adendorff Jennifer Jean Mignon Watson Doris Hazel Campbell Ferguson	VA101/1983-21160/69T
14	Portion 14 of the farm Lot 1 No. 1672	0, 2882 ha	T9495/1977	Muchwind (Pty) Ltd	None
15	Portion 17 of the farm Lot 1 No. 1672	3, 7483 ha	T3343/1968	Hulett's Sugar Corp Ltd	I-2346/1977LG
16	A portion of the consolidated Remainder of Portion 30 of the farm Umhlali Wagen Drift No. 1559, known before consolidation as the Remainder of the farm Umhlali Wagen Drift No. 1559	729, 3844 ha	T13028/1993	Tongaat-Hulett Group Ltd	K674/1986L
17	A portion of Tinley Manor Beach, previously known as the Remainder of Portion 2 of the farm Umhlali Wagen Drift No. 1559	101, 6356 ha		Not Registered	I-370/1980LG
18	Portion 12 of the farm Umhlali Wagen Drift No. 1559	79, 0379 ha	T21795/2004	Larbrad Property (Pty) Ltd	B18685/2004
19	Portion 17 of the farm Umhlali Wagen Drift No. 1559	1, 4860 ha	T15008/1986	Development & Services Board – Tinley Manor Beach	None
20	Remainder of Portion 18 of the farm Umhlali Wagen Drift No. 1559	93, 2669 ha	T24952/2001	Emoyeni Estates (Pty) Ltd	None
21	Remainder of Portion 25 of the farm Umhlali Wagen Drift No. 1559	7, 1407 ha	T45626/2005	Larbrad Property (Pty) Ltd	None
22	Portion 27 of the farm Umhlali Wagen Drift No. 1559			Not Registered	
23	Remainder of Portion 30 of the farm Umhlali Wagen Drift No. 1559	134, 1838 ha	T13028/1993	Tongaat-Hulett Group Ltd	K1077/1998s

NO.	PROPERTY DESCRIPTION	EXTENT	CURRENT TITLE DEED NO.	CURRENT OWNER	BONDS & RESTRICTIVE CONDITIONS (INTERDICTS)
24	Remainder of Portion 31 of the farm Umhlali Wagen Drift No. 1559	167, 5812 ha	T13029/1993	Charles Lyon Carlyon Reynolds Will Trust-Trustees	B13732/1999 B16881/1997
25	Portion 34 of the farm Umhlali Wagen Drift No. 1559	96, 7317 ha	T13031/1993	Marie Joseph Michel Rey	B9564/1997
26	Portion 37 of the farm Umhlali Wagen Drift No. 1559	0, 3083 ha	T13029/1993	Charles Lyon Carlyon Reynolds Will Trust-Trustees	B13732/1999 B16881/1997
27	Portion 55 of the farm Umhlali Wagen Drift No. 1559	12, 9001 ha	T45808/1999	Andrew Reynolds Trust-Trustees	B20626/1999
28	Portion 56 of Portion 18 of the farm Umhlali Wagen Drift No. 1559	72, 7427 ha	T63969/2004	Deslev Properties (Pty) Ltd	None
29	of the farm Umhlali Wagen Drift No. 1559				
30	Portion 8 of the farm Addington No. 1385	1, 3787 ha	T6418/1990	Mildred Shirley Jex	K1418/200s
31	Portion 21 of the farm Addington No. 1385	235, 4937 ha	T10185/1997	Addington Trust-Trustees	B9754/1997 K387/1997s K877/1997s
32	Portion 24 of the farm Addington No. 1385			Not Registered	
33	Portion 25 of the farm Addington No. 1385			Not Registered	
34	Portion 26 of the farm Addington No. 1385	105, 4626 ha	T48265/2004	Poppro Property (Pty) Ltd	K879/1997s
35	Portion 33 of the farm Addington No. 1385	5, 2822 ha	T18140/2001	Kijabe Estates (Pty) Ltd	B10871/2001 B10872/2001 K942/2001s
36	Portion 34 of the farm Addington No. 1385	9, 7793 ha	T28549/2000	Jex Estates cc	K1418/2000s
37	Portion 35 of Portion 23 of the farm Addington No. 1385	5, 6808 ha	T23470/2004	Wilkes Family Trust-Trustees	B20205/2004
38	Portion 36 of Portion 23 of the farm Addington No. 1385	7, 9254 ha	T35509/2000	Corpco 501 cc	B21686/2000 K1804/2000s
39	Portion 156 of the farm Erasmus Dam No. 1397	30, 0125 ha	T35809/1996	Sappi Manufacturing (Pty) Ltd	K41/1988s
40	Portion 162 of Portion 2 of the farm Erasmus Dam No. 1397	0, 7450 ha		Not Registered	
41	Remainder of the farm Blyth Dale No. 1380	0, 1587 ha	T1638/1913	Gledhow Sugar Co Ltd	None

NO.	PROPERTY DESCRIPTION	EXTENT	CURRENT TITLE DEED NO.	CURRENT OWNER	BONDS & RESTRICTIVE CONDITIONS (INTERDICTS)
42	Remainder of Portion 6 of the farm Blyth Dale No. 1380	18, 8432 ha	T18584/2001 T5999/1952	Shikar Salikram Partab Luke Lalsing	B11197/2001
43	Portion 8 of the farm Blyth Dale No. 1380	0, 8094 ha	T47912/2004	Ushukela Milling (Pty) Ltd	B41304/2004
44	Portion 20 of the farm Blyth Dale No. 1380			Not Registered	
45	Remainder of Portion 112 of the farm Blyth Dale No. 1380	2, 0234 ha		Not Registered	
46	Remainder of Portion 113 of the farm Blyth Dale No. 1380	2, 0234 ha		Not Registered	
47	Remainder of Portion 14 of the farm New Guelderland No. 1404	2, 0471 ha	T27879/1994	Moonie Properties cc	None
48	A portion of the consolidated Portion 149 of the farm New Guelderland No. 1404, known before consolidation as a portion of the consolidated Portion 144 of the farm New Guelderland No. 1404, previously known as the Remainder of Portion 38 of the farm New Guelderland No. 1404	3, 4985 ha	T23088/2002	Moonie Properties cc	None
49	A portion of the consolidated Portion 149 of the farm New Guelderland No. 1404, known before consolidation as Portion 122 of the farm New Guelderland No. 1404	0, 3116 ha	T23088/2002	Moonie Properties cc	None
50	A portion of the consolidated Portion 149 of the farm New Guelderland No. 1404, known before consolidation as Portion 123 of the farm New Guelderland No. 1404	0, 4069 ha	T23088/2002	Moonie Properties cc	None
51	A portion of the consolidated Portion 149 of the farm New Guelderland No. 1404, known before consolidation as Portion 144 of the farm New Guelderland No. 1404	4, 1696 ha	T23088/2002	Moonie Properties cc	None
52	Erf 162, Blythdale Beach Township	27, 4005 ha	T5350/1970	Blyth Dale Beach Estates Ltd	None

NO.	PROPERTY DESCRIPTION	EXTENT	CURRENT TITLE DEED NO.	CURRENT OWNER	BONDS & RESTRICTIVE CONDITIONS (INTERDICTS)
53	A portion of the consolidated Remainder of Erf 327, Blythedale Beach Township, known before consolidation as Erf 163, Blythedale Beach Township	4, 0537 ha	T111025/2005	Evening Star Trading 8 (Pty) Ltd	I-8848/2002LG VA3139/2003
54	A portion of the consolidated Portion 1 of Erf 195, Blythedale Beach Township, known before consolidation as a portion of the consolidated Portion 351, Blythedale Beach Township, previously known as the Remainder of Erf 194, Blythedale Beach Township	1, 3336 ha	T26863/1998	Blythedale Chalets Share Block (Pty) Ltd	None
55	A portion of the consolidated Remainder of Erf 350, Blythedale Beach Township, known before consolidation as the Remainder of Erf 195, Blythedale Beach Township	0, 3009 ha	T34434/2003	Christiaan J. P. Joubert & Maria L. Joubert	None
56	Erf 196, Blythedale Beach Township	0, 5385 ha	T2448/1971	Ninety-Nine Prop (Pty) Ltd	I-4243/1985C-24/6/85 B1925/1971 B5342/1981
57	Erf 198, Blythedale Beach Township	0, 5389 ha	T12051/1972	Mini-Villas (Pty) Ltd	B18151/1986 B3274/1980
58	Erf 199, Blythedale Beach Township	0, 4047 ha		Not Registered	
59	Erf 200, Blythedale Beach Township	0, 7547 ha	T47912/2004	Ushukela Milling (Pty) Ltd	B41304/2004

LEBJANE MAPHUTHA  
REGIONAL LAND CLAIMS COMMISSIONER: KWAZULU NATAL  
DATE:



**DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM**  
**NOTICE 382 OF 2017**

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

Notice is hereby given in terms of Section 11 (1) of the Restitution of Land Rights Act, 1994 (Act No. 22 of 1994) that a claim for the restitution of land rights on the following properties have been lodged with the Regional Land Claims Commissioner: KwaZulu-Natal and that the Commission on Restitution of Land Rights will further investigate the claim in terms of provisions of the Act in due course:

<b>Property</b>	: see attached schedule
<b>Extent of property</b>	: see attached schedule
<b>Magisterial District</b>	: Mooi River
<b>Administrative District</b>	: KwaZulu-Natal
<b>Current Title Deed No.</b>	: see attached schedule
<b>Current Owner</b>	: see attached schedule
<b>Bonds &amp; Restrictive Conditions (Interdicts)</b>	: see attached schedule
<b>Claimant</b>	: Gugu Buthelezi on behalf of the Game Pass Community
<b>Date claim lodged</b>	: 29 December 1998
<b>Reference number</b>	: KRN6/2/E/24/0/10

Any party/parties who have an interest in the above-mentioned properties is hereby invited to submit, within **30 days** from the date of publication of this notice, any representations and/or information which shall assist the Commissioner in proving or disproving this claim.

Should no information and/or representations from the affected party/ parties be forthcoming within the stipulated period, the affected party/parties shall be *ipso facto* barred from further doing so and the Commission shall continue with the subsequent processes towards completion of the investigation.

Any comments and information should be submitted to:

The Regional Land Claims Commissioner: KwaZulu-Natal  
Private Bag X9120  
Pietermaritzburg 3200

Tel: (033) 355 - 8400  
Fax: (033) 342 - 3409

Submissions may also be delivered to Second Floor, African Life Building, 200 Church Street, Pietermaritzburg.

**LEBJANE MAPHUTHA**  
**REGIONAL LAND CLAIMS COMMISSIONER: KWAZULU NATAL**  
**DATE:**

**SCHEDULE**

NO.	PROPERTY DESCRIPTION	EXTENT	CURRENT TITLE DEED NO.	CURRENT OWNER	BONDS & RESTRICTIVE CONDITIONS (INTERDICTIONS)
1	Remainder of the farm Game Pass B No. 6028	197, 1399 ha	T5383/1952	Thurston Randell Greene	EX702/1989-5/12/1989
2	Portion 1 of the farm Game Pass B No. 6028	8, 4532 ha	T16865/1989	Republic of South Africa	None
3	Remainder of the farm Game Pass E No. 15936	48, 4418 ha	6793/1952	Dulcie Randell Greene, Thurston Randell Greene and Gwendolyn Marian Van Schaik	EX701/1989-5/12/1989 I01386/1987LG
4	Portion 1 of the farm Game Pass E No. 15936	169, 7203 ha	T19522/1979	Game Pass Trust-Trustees	EX667/1989-27/11/1989
5	Remainder of Portion 2 of the farm Game Pass E No. 15936	84, 2201 ha	T2329/1983	Gerald Edward Greene Trust	EX668/1989-28/11/89 I-1386/1987LG
6	Portion 3 of the farm Game Pass E No. 15936	28, 9194 ha	T7917/1983	Republic of South Africa	I-1386/1987LG
7	Portion 4 of the farm Game Pass E No. 15936	1, 8885 ha	T10558/1985	Republic of South Africa	I-1386/1987LG
8	The farm Gamepass No. 2 No. 7240	709, 6801 ha	T16865/1989	Republic of South Africa	None
9	Remainder of the farm Twalitshe No. 14707	248, 2359 ha	T18653/1976	Thurston Randell Greene	EX702/1989-5/12/1989 I-3501/1989C-18/7/19
10	Remainder of the farm Twalitshe No. 14707	200, 4875 ha	T16865/1989	Republic of South Africa	

**DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM  
NOTICE 383 OF 2017**

**GENERAL NOTICE IN TERMS SECTION 11 (1) OF THE RESTITUTION OF LAND RIGHTS ACT, 1994 (ACT NO. 22 OF 1994)**

Notice is hereby given in terms of Section 11 (1) of the Restitution of Land Rights Act, 1994 (Act No. 22 of 1994) that a claim for the restitution of land rights on the following properties have been lodged with the Regional Land Claims Commissioner: KwaZulu-Natal and that the Commission on Restitution of Land Rights will further investigate the claim in terms of provisions of the Act in due course:

<b>Property</b>	<b>:</b>	<b>Lot 801 Ladysmith Township</b>
<b>Extent of property</b>	<b>:</b>	<b>0, 4047 ha</b>
<b>Magisterial District</b>	<b>:</b>	<b>Klip River</b>
<b>Administrative District</b>	<b>:</b>	<b>KwaZulu-Natal</b>
<b>Previous Title Deed No.</b>	<b>:</b>	<b>T13340/1974</b>
<b>Claimant</b>	<b>:</b>	<b>Yusuf Vawda on behalf of the Vawda Family</b>
<b>Date claim lodged</b>	<b>:</b>	<b>12 March 1997</b>
<b>Reference number</b>	<b>:</b>	<b>KRN6/2/3/E/17/1/1/24</b>

Any party/parties who have an interest in the above-mentioned properties is hereby invited to submit, within **30 days** from the date of publication of this notice, any representations and/ or information which shall assist the Commissioner in proving or disproving this claim.

Should no information and/ or representations from the affected party/ parties be forthcoming within the stipulated period, the affected party/parties shall be *ipso facto* barred from further doing so and the Commission shall continue with the subsequent processes towards completion of the investigation.

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**LEBJANE MAPHUTHA**  
**REGIONAL LAND CLAIMS COMMISSIONER: KWAZULU NATAL**  
**DATE:**

**DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM**  
**NOTICE 384 OF 2017**

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

Notice is hereby given in terms of Section 11 (1) of the Restitution of Land Rights Act, 1994 (Act No. 22 of 1994) that a claim for the restitution of land rights on the following properties have been lodged with the Regional Land Claims Commissioner: KwaZulu-Natal and that the Commission on Restitution of Land Rights will further investigate the claim in terms of provisions of the Act in due course:

<b>Property</b>	<b>:</b>	<b>Sub A (Road) of 2 of d/10 Block C of the Townlands of Durban No. 1737</b>
<b>Extent of property</b>	<b>:</b>	<b>0, 0639ha</b>
<b>Magisterial District</b>	<b>:</b>	<b>Ethekwini</b>
<b>Administrative District</b>	<b>:</b>	<b>KwaZulu-Natal</b>
<b>Previous Title Deed No.</b>	<b>:</b>	<b>T4874/1968</b>
<b>Claimant</b>	<b>:</b>	<b>Getta Reddy on behalf of the Pillay Family</b>
<b>Date claim lodged</b>	<b>:</b>	<b>26 July 1996</b>
<b>Reference number</b>	<b>:</b>	<b>KRN6/2/3/E/8/817/2722/133</b>

Any party/parties who have an interest in the above-mentioned properties is hereby invited to submit, within **30 days** from the date of publication of this notice, any representations and/ or information which shall assist the Commissioner in proving or disproving this claim.

Should no information and/ or representations from the affected party/ parties be forthcoming within the stipulated period, the affected party/parties shall be *ipso facto* barred from further doing so and the Commission shall continue with the subsequent processes towards completion of the investigation.

Any comments and information should be submitted to:

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**LEBJANE MAPHUTHA**  
**REGIONAL LAND CLAIMS COMMISSIONER: KWAZULU NATAL**  
**DATE:**

**DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM  
NOTICE 385 OF 2017**

**GENERAL NOTICE IN TERMS SECTION 11 (1) OF THE RESTITUTION OF LAND RIGHTS ACT, 1994 (ACT NO. 22 OF 1994)**

Notice is hereby given in terms of Section 11 (1) of the Restitution of Land Rights Act, 1994 (Act No. 22 of 1994) that a claim for the restitution of land rights on the following properties have been lodged with the Regional Land Claims Commissioner: KwaZulu-Natal and that the Commission on Restitution of Land Rights will further investigate the claim in terms of provisions of the Act in due course:

<b>Property</b>	<b>:</b>	<b>Remainder of Lot 952 Ladysmith Township</b>
<b>Extent of property</b>	<b>:</b>	<b>0, 0968 ha</b>
<b>Magisterial District</b>	<b>:</b>	<b>Klip River</b>
<b>Administrative District</b>	<b>:</b>	<b>KwaZulu-Natal</b>
<b>Previous Title Deed No.</b>	<b>:</b>	<b>T2067/1969</b>
<b>Claimant</b>	<b>:</b>	<b>Mahmoud Ismail Kharva on behalf of the Kharva Family</b>
<b>Date claim lodged</b>	<b>:</b>	<b>10 June 1994</b>
<b>Reference number</b>	<b>:</b>	<b>KRN6/2/3/E/17/1/1/46</b>

Any party/parties who have an interest in the above-mentioned properties is hereby invited to submit, within **30 days** from the date of publication of this notice, any representations and/ or information which shall assist the Commissioner in proving or disproving this claim.

Should no information and/ or representations from the affected party/ parties be forthcoming within the stipulated period, the affected party/parties shall be *ipso facto* barred from further doing so and the Commission shall continue with the subsequent processes towards completion of the investigation.

Any comments and information should be submitted to:

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**LEBJANE MAPHUTHA**  
**REGIONAL LAND CLAIMS COMMISSIONER: KWAZULU NATAL**  
**DATE:**

**DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM  
NOTICE 386 OF 2017**

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

Notice is hereby given in terms of Section 11 (1) of the Restitution of Land Rights Act, 1994 (Act No. 22 of 1994) that a claim for the restitution of land rights on the following properties have been lodged with the Regional Land Claims Commissioner: KwaZulu-Natal and that the Commission on Restitution of Land Rights will further investigate the claim in terms of provisions of the Act in due course:

<b>Property</b>	:	<b>Portion 48 of the farm Klipspruit No. 106</b>
<b>Extent of property</b>	:	<b>4, 9570 ha</b>
<b>Magisterial District</b>	:	<b>Utrecht</b>
<b>Administrative District</b>	:	<b>KwaZulu-Natal</b>
<b>Current Title Deed No.</b>	:	<b>T21573/2004</b>
<b>Current Owner</b>	:	<b>Kingsley Community Trust-Trsutees</b>
<b>Bonds &amp; Restrictive Conditions (Interdicts)</b>	:	<b>None</b>
<b>Claimant</b>	:	<b>Nomtushu Bertina Mtshali on behalf of William Mtshali</b>
<b>Date claim lodged</b>	:	<b>22 December 1998</b>
<b>Reference number</b>	:	<b>KRN6/2/2/E/49/0/0/29</b>

Any party/parties who have an interest in the above-mentioned properties is hereby invited to submit, within **30 days** from the date of publication of this notice, any representations and/ or information which shall assist the Commissioner in proving or disproving this claim.

Should no information and/ or representations from the affected party/ parties be forthcoming within the stipulated period, the affected party/parties shall be *ipso facto* barred from further doing so and the Commission shall continue with the subsequent processes towards completion of the investigation.

Any comments and information should be submitted to:

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Private Bag X9120  
Pietermaritzburg 3200

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Fax: (033) 342 - 3409

Submissions may also be delivered to Second Floor, African Life Building, 200 Church Street, Pietermaritzburg.

**LEBJANE MAPHUTHA**  
**REGIONAL LAND CLAIMS COMMISSIONER: KWAZULU NATAL**  
**DATE:**



**DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM**  
**NOTICE 387 OF 2017**

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

Notice is hereby given in terms of Section 11 (1) of the Restitution of Land Rights Act, 1994 (Act No. 22 of 1994) that a claim for the restitution of land rights on the following properties have been lodged with the Regional Land Claims Commissioner: KwaZulu-Natal and that the Commission on Restitution of Land Rights will further investigate the claim in terms of provisions of the Act in due course:

<b>Property</b>	:	<b>see attached schedule</b>
<b>Extent of property</b>	:	<b>see attached schedule</b>
<b>Magisterial District</b>	:	<b>Mhlabathini</b>
<b>Administrative District</b>	:	<b>KwaZulu-Natal</b>
<b>Current Title Deed No.</b>	:	<b>see attached schedule</b>
<b>Current Owner</b>	:	<b>see attached schedule</b>
<b>Bonds &amp; Restrictive Conditions (Interdicts)</b>	:	<b>see attached schedule</b>
<b>Claimant</b>	:	<b>Siphamehlo Bhukumndeni Sithole on behalf of the Ibuyafuthi Community</b>
<b>Date claim lodged</b>	:	<b>24 November 1998</b>
<b>Reference number</b>	:	<b>KRN6/2/E/23/0/16</b>

Any party/parties who have an interest in the above-mentioned properties is hereby invited to submit, within **30 days** from the date of publication of this notice, any representations and/or information which shall assist the Commissioner in proving or disproving this claim.

Should no information and/or representations from the affected party/ parties be forthcoming within the stipulated period, the affected party/parties shall be *ipso facto* barred from further doing so and the Commission shall continue with the subsequent processes towards completion of the investigation.

Any comments and information should be submitted to:

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**LEBJANE MAPHUTHA**  
**REGIONAL LAND CLAIMS COMMISSIONER: KWAZULU NATAL**  
**DATE:**

#### SCHEDULE

NO.	PROPERTY DESCRIPTION	EXTENT	CURRENT TITLE DEED NO.	CURRENT OWNER	BONDS & RESTRICTIVE CONDITIONS (INTERDICTS)
1	A portion of the farm Zungu No. 16507	6, 7398 ha		NOT REGISTERED	
2	A portion of the Mahlabthini Townlands No. 14638	290, 4802 ha		NOT REGISTERED	
3	A portion of Portion 4 of the farm Reserve No. 20 No. 15840	378, 9323 ha	T69140/2002	Ingonyama Trust-Trustees	None

**DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM**  
**NOTICE 388 OF 2017**

**GENERAL NOTICE IN TERMS SECTION 11 (1) OF THE RESTITUTION OF LAND RIGHTS ACT, 1994 (ACT NO. 22 OF 1994)**

Notice is hereby given in terms of Section 11 (1) of the Restitution of Land Rights Act, 1994 (Act No. 22 of 1994) that a claim for the restitution of land rights on the following properties have been lodged with the Regional Land Claims Commissioner: KwaZulu-Natal and that the Commission on Restitution of Land Rights will further investigate the claim in terms of provisions of the Act in due course:

<b>Property</b>	<b>:</b>	<b>Sub 1 of Lot 794 Ladysmith Township</b>
<b>Extent of property</b>	<b>:</b>	<b>0, 2023 ha</b>
<b>Magisterial District</b>	<b>:</b>	<b>Klip River</b>
<b>Administrative District</b>	<b>:</b>	<b>KwaZulu-Natal</b>
<b>Previous Title Deed No.</b>	<b>:</b>	<b>T10619/1974</b>
<b>Claimant</b>	<b>:</b>	<b>Cassim Moolla and Ismail Moolla on behalf of the Moolla Family</b>
<b>Date claim lodged</b>	<b>:</b>	<b>1 April 1996</b>
<b>Reference number</b>	<b>:</b>	<b>KRN6/2/3/E/17/1/1/25</b>

Any party/parties who have an interest in the above-mentioned properties is hereby invited to submit, within **30 days** from the date of publication of this notice, any representations and/ or information which shall assist the Commissioner in proving or disproving this claim.

Should no information and/ or representations from the affected party/ parties be forthcoming within the stipulated period, the affected party/parties shall be *ipso facto* barred from further doing so and the Commission shall continue with the subsequent processes towards completion of the investigation.

Any comments and information should be submitted to:

The Regional Land Claims Commissioner: KwaZulu-Natal  
Private Bag X9120  
Pietermaritzburg 3200

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Submissions may also be delivered to Second Floor, African Life Building, 200 Church Street, Pietermaritzburg.

**LEBJANE MAPHUTHA**  
**REGIONAL LAND CLAIMS COMMISSIONER: KWAZULU NATAL**  
**DATE:**

## DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

## NOTICE 389 OF 2017

## NOTICE OF WITHDRAWAL IN TERMS OF SECTION 11A (3) OF THE RESTITUTION OF LAND RIGHTS ACT, 1994 (ACT NO. 22 OF 1994)

Notice is hereby given in terms of section 11A (3) of the Restitution of Land Rights Act, 1994 (Act No. 22 of 1994), that the notice of the claim lodged by Mr. Christopher Balwane Dladla on behalf of the Wosiyane Community, in the District of New Hanover, KwaZulu-Natal, which was published under Notice No. 97 of 2006, in *Government Gazette* No. 28413 dated 27 January 2006, has been withdrawn by the Regional Land Claims Commissioner: KwaZulu-Natal in terms of the Court Order dated 27 February 2017 issued in the Land Claims Court under Case No. LCC 82/2008 for purposes of further investigation.

Any party/parties who have an interest in the above-mentioned properties is hereby invited to submit under reference number **KRN6/2/2/E/30/0/0/20** within **30 days** from the date of publication of this notice, any representations and/ or information which shall assist the Commissioner in proving or disproving this claim.

Should no information and/ or representations from the affected party/ parties be forthcoming within the stipulated period, the affected party/parties shall be *ipso facto* barred from further doing so.

Any comments and information should be submitted to:

The Regional Land Claims Commissioner: KwaZulu-Natal  
Private Bag X9120, Pietermaritzburg 3200

Tel: (033) 355 - 8400

Fax: (033) 342 - 3409

Submissions may also be delivered to Second Floor, African Life Building, 200 Church Street, Pietermaritzburg.

LEBJANE MAPHUTHA  
REGIONAL LAND CLAIMS COMMISSIONER: KWAZULU NATAL  
DATE:

**DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM  
NOTICE 390 OF 2017**

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

Notice is hereby given in terms of Section 11 (1) of the Restitution of Land Rights Act, 1994 (Act No. 22 of 1994) that a claim for the restitution of land rights on the following properties have been lodged with the Regional Land Claims Commissioner: KwaZulu-Natal and that the Commission on Restitution of Land Rights will further investigate the claim in terms of provisions of the Act in due course:

<b>Property</b>	<b>:</b>	<b>A portion of Portion 0 of the farm Onrust No. 848</b>
<b>Extent of property</b>	<b>:</b>	<b>23, 06517 ha</b>
<b>Magisterial District</b>	<b>:</b>	<b>Umgungundlovu</b>
<b>Administrative District</b>	<b>:</b>	<b>KwaZulu-Natal</b>
<b>Current Title Deed No.</b>	<b>:</b>	<b>T47900/2000</b>
<b>Current Owner</b>	<b>:</b>	<b>Joseph Baynes Timber Trust-Trustees</b>
<b>Bonds &amp; Restrictive Conditions (Interdicts)</b>	<b>:</b>	<b>B28368/2000; K2359/20000S; K2360/2000L</b>
<b>Claimant</b>	<b>:</b>	<b>Zenzile Khanyisile Bhengu on behalf of the Bhengu Family</b>
<b>Date claim lodged</b>	<b>:</b>	<b>30 December 1998</b>
<b>Reference number</b>	<b>:</b>	<b>KRN6/2/2/E/38/0/0/88</b>

Any party/parties who have an interest in the above-mentioned properties is hereby invited to submit, within **30 days** from the date of publication of this notice, any representations and/ or information which shall assist the Commissioner in proving or disproving this claim.

Should no information and/ or representations from the affected party/ parties be forthcoming within the stipulated period, the affected party/parties shall be *ipso facto* barred from further doing so and the Commission shall continue with the subsequent processes towards completion of the investigation.

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**LEBJANE MAPHUTHA**  
**REGIONAL LAND CLAIMS COMMISSIONER: KWAZULU NATAL**  
**DATE:**

**DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM**  
**NOTICE 391 OF 2017**

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

Notice is hereby given in terms of Section 11 (1) of the Restitution of Land Rights Act, 1994 (Act No. 22 of 1994) that a claim for the restitution of land rights on the following properties have been lodged with the Regional Land Claims Commissioner: KwaZulu-Natal and that the Commission on Restitution of Land Rights will further investigate the claim in terms of provisions of the Act in due course:

Property	:	Portion 95 of the farm Hebron No. 914
Extent of property	:	184, 2203 ha
Magisterial District	:	Lions River
Administrative District	:	KwaZulu-Natal
Current Title Deed No.	:	1. T18026/2011 2. T27176/1997
Current Owner	:	1. Yate Properties cc 2. Robert Melmoth Smith
Bonds & Restrictive Conditions (Interdicts)	:	B13966/2011; K1038/1997S; K1616/2011S
Claimant	:	Gca Lemina Nxele on behalf of the Nxele Family
Date claim lodged	:	23 December 1998
Reference number	:	KRN6/2/2/E/19/0/0/43

Any party/parties who have an interest in the above-mentioned properties is hereby invited to submit, within **30 days** from the date of publication of this notice, any representations and/ or information which shall assist the Commissioner in proving or disproving this claim.

Should no information and/ or representations from the affected party/ parties be forthcoming within the stipulated period, the affected party/parties shall be *ipso facto* barred from further doing so and the Commission shall continue with the subsequent processes towards completion of the investigation.

Any comments and information should be submitted to:

The Regional Land Claims Commissioner: KwaZulu-Natal  
Private Bag X9120  
Pietermaritzburg 3200

Tel: (033) 355 - 8400  
Fax: (033) 342 - 3409

Submissions may also be delivered to Second Floor, African Life Building, 200 Church Street, Pietermaritzburg.

**LEBJANE MAPHUTHA**  
**REGIONAL LAND CLAIMS COMMISSIONER: KWAZULU NATAL**  
**DATE:**



**DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM  
NOTICE 392 OF 2017**

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

Notice is hereby given in terms of Section 11 (1) of the Restitution of Land Rights Act, 1994 (Act No. 22 of 1994) that a claim for the restitution of land rights on the following properties have been lodged with the Regional Land Claims Commissioner: KwaZulu-Natal and that the Commission on Restitution of Land Rights will further investigate the claim in terms of provisions of the Act in due course:

<b>Property</b>	<b>:</b>	<b>That portion of Durban, commonly known as Mjafethe Ridgeview Road, Cato Manor</b>
<b>Magisterial District</b>	<b>:</b>	<b>Ethekwini</b>
<b>Administrative District</b>	<b>:</b>	<b>KwaZulu-Natal</b>
<b>Claimant</b>	<b>:</b>	<b>Johannes Mkhize on behalf of the Mkhize family</b>
<b>Date claim lodged</b>	<b>:</b>	<b>31 December 1998</b>
<b>Reference number</b>	<b>:</b>	<b>KRN6/2/3/E/8/817/2716/3608</b>

Any party/parties who have an interest in the above-mentioned properties is hereby invited to submit, within **30 days** from the date of publication of this notice, any representations and/ or information which shall assist the Commissioner in proving or disproving this claim.

Should no information and/ or representations from the affected party/ parties be forthcoming within the stipulated period, the affected party/parties shall be *ipso facto* barred from further doing so and the Commission shall continue with the subsequent processes towards completion of the investigation.

Any comments and information should be submitted to:

The Regional Land Claims Commissioner: KwaZulu-Natal  
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Tel: (033) 355 - 8400  
Fax: (033) 342 - 3409

Submissions may also be delivered to Second Floor, African Life Building, 200 Church Street, Pietermaritzburg.

**LEBJANE MAPHUTHA**  
**REGIONAL LAND CLAIMS COMMISSIONER: KWAZULU NATAL**  
**DATE:**

**DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM****NOTICE 393 OF 2017****GENERAL NOTICE IN TERMS OF THE RESTITUTION OF LAND RIGHTS ACT, 1994 (ACT NO. 22 OF 1994)**

Notice is hereby given in terms of Section 11 (1) of the Restitution of Land Rights Act, 1994 (Act No. 22 of 1994) that a claim for the restitution of land rights on the following properties have been lodged with the Regional Land Claims Commissioner: KwaZulu-Natal and that the Commission on Restitution of Land Rights will further investigate the claim in terms of provisions of the Act in due course:

**Property** : That portion of Durban commonly known as 325 Benoni, Cato Manor

**Magisterial District** : Ethekewini

**Administrative District** : KwaZulu-Natal

**Claimant** : Sipiwe Petros Mthabela on behalf of the Mthabela Family

**Date claim lodged** : 17 November 1998

**Reference number** : KRN6/2/3/E/8/817/2716/4075

Any party/parties who have an interest in the above-mentioned properties is hereby invited to submit, within **30 days** from the date of publication of this notice, any representations and/ or information which shall assist the Commissioner in proving or disproving this claim.

Should no information and/ or representations from the affected party/ parties be forthcoming within the stipulated period, the affected party/parties shall be *ipso facto* barred from further doing so and the Commission shall continue with the subsequent processes towards completion of the investigation.

Any comments and information should be submitted to:

The Regional Land Claims Commissioner: KwaZulu-Natal  
Private Bag X9120  
Pietermaritzburg 3200

Tel: (033) 355 - 8400

Fax: (033) 342 - 3409

Submissions may also be delivered to Second Floor, African Life Building, 200 Church Street, Pietermaritzburg.

**LEBJANE MAPHUTHA**

**REGIONAL LAND CLAIMS COMMISSIONER: KWAZULU NATAL**

**DATE:**

**DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM**  
**NOTICE 394 OF 2017**

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

Notice is hereby given in terms of Section 11(1) of the Restitution of Land Rights Act, 1994 (Act No. 22 of 1994) that a claim for the restitution of land rights on the following properties have been lodged with the Regional Land Claims Commissioner: KwaZulu-Natal and that the Commission on Restitution of Land Rights will further investigate the claim in terms of provisions of the Act in due course:

<b>Property</b>	:	see attached schedule
<b>Extent of property</b>	:	see attached schedule
<b>Magisterial District</b>	:	Mhlabathini
<b>Administrative District</b>	:	KwaZulu-Natal
<b>Current Title Deed No.</b>	:	see attached schedule
<b>Current Owner</b>	:	see attached schedule
<b>Bonds &amp; Restrictive Conditions (Interdicts)</b>	:	see attached schedule
<b>Claimant</b>	:	Boy Cyprian Mzimela on behalf of the Sishwili Qedizwe Community
<b>Date claim lodged</b>	:	12 December 1998
<b>Reference number</b>	:	KRN6/2/E/23/0/0/5

Any party/parties who have an interest in the above-mentioned properties is hereby invited to submit, within **30 days** from the date of publication of this notice, any representations and/or information which shall assist the Commissioner in proving or disproving this claim.

Should no information and/or representations from the affected party/ parties be forthcoming within the stipulated period, the affected party/parties shall be *ipso facto* barred from further doing so and the Commission shall continue with the subsequent processes towards completion of the investigation.

Any comments and information should be submitted to:

The Regional Land Claims Commissioner: KwaZulu-Natal  
Private Bag X9120  
Pietermaritzburg 3200

Tel: (033) 355 - 8400  
Fax: (033) 342 - 3409

Submissions may also be delivered to Second Floor, African Life Building, 200 Church Street, Pietermaritzburg.

**LEBJANE MAPHUTHA**  
**REGIONAL LAND CLAIMS COMMISSIONER: KWAZULU NATAL**  
**DATE:**

#### SCHEDULE

NO.	PROPERTY DESCRIPTION	EXTENT	CURRENT TITLE DEED NO.	CURRENT OWNER	BONDS & RESTRICTIVE CONDITIONS (INTERDICTS)
1	A portion of the Remainder of the farm Reserve No. 20 No. 15840	36, 1887 ha	T7103/2002	Ingonyama Trust-Trustees	I-105/2009C I-1172/2013LG I-3187/2004LG
2	Remainder of Portion 17 of the farm Reserve No. 20 No. 15840	15905, 0902 ha	T6788/2001	Ingonyama Trust-Trustees	I-1631/2006LG K341/2001S
3	A portion of Portion 70 of the farm Reserve No. 20 No. 15840	164, 4565 ha		NOT REGISTERED	
4	A portion of Portion 112 of the farm Reserve No. 20 No. 15840	189, 1940 ha		NOT REGISTERED	

**DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM  
NOTICE 395 OF 2017**

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

Notice is hereby given in terms of Section 11 (1) of the Restitution of Land Rights Act, 1994 (Act No. 22 of 1994) that a claim for the restitution of land rights on the following properties have been lodged with the Regional Land Claims Commissioner: KwaZulu-Natal and that the Commission on Restitution of Land Rights will further investigate the claim in terms of provisions of the Act in due course:

<b>Property</b>	<b>:</b>	<b>That portion of Durban, commonly known as 157 KwaBhengu, Cato Manor</b>
<b>Magisterial District</b>	<b>:</b>	<b>Ethekwini</b>
<b>Administrative District</b>	<b>:</b>	<b>KwaZulu-Natal</b>
<b>Claimant</b>	<b>:</b>	<b>Stanley Molefe on behalf of the Molefe Family</b>
<b>Date claim lodged</b>	<b>:</b>	<b>23 July 1996</b>
<b>Reference number</b>	<b>:</b>	<b>KRN6/2/3/E/8/817/2716/689</b>

Any party/parties who have an interest in the above-mentioned properties is hereby invited to submit, within **30 days** from the date of publication of this notice, any representations and/ or information which shall assist the Commissioner in proving or disproving this claim.

Should no information and/ or representations from the affected party/ parties be forthcoming within the stipulated period, the affected party/parties shall be *ipso facto* barred from further doing so and the Commission shall continue with the subsequent processes towards completion of the investigation.

Any comments and information should be submitted to:

The Regional Land Claims Commissioner: KwaZulu-Natal  
Private Bag X9120  
Pietermaritzburg 3200

Tel: (033) 355 - 8400  
Fax: (033) 342 - 3409

Submissions may also be delivered to Second Floor, African Life Building, 200 Church Street, Pietermaritzburg, 3200.

**LEBJANE MAPHUTHA**  
**REGIONAL LAND CLAIMS COMMISSIONER: KWAZULU NATAL**  
**DATE:**

**DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM**  
**NOTICE 396 OF 2017**

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

Notice is hereby given in terms of Section 11 (1) of the Restitution of Land Rights Act, 1994 (Act No. 22 of 1994) that a claim for the restitution of land rights on the following properties have been lodged with the Regional Land Claims Commissioner: KwaZulu-Natal and that the Commission on Restitution of Land Rights will further investigate the claim in terms of provisions of the Act in due course:

<b>Property</b>	:	see attached schedule
<b>Extent of property</b>	:	see attached schedule
<b>Magisterial District</b>	:	Klip River
<b>Administrative District</b>	:	KwaZulu-Natal
<b>Previous Title Deed No.</b>	:	T2368/1966
<b>Current Title Deed No.</b>	:	see attached schedule
<b>Current Owner</b>	:	see attached schedule
<b>Bonds &amp; Restrictive Conditions (Interdicts)</b>	:	see attached schedule
<b>Claimant</b>	:	Josiah Dlamini on behalf of the Dlamini Family
<b>Date claim lodged</b>	:	3 July 1996
<b>Reference number</b>	:	KRN6/2/2/E/17/0/0/74

Any party/parties who have an interest in the above-mentioned properties is hereby invited to submit, within **30 days** from the date of publication of this notice, any representations and/or information which shall assist the Commissioner in proving or disproving this claim.

Should no information and/or representations from the affected party/ parties be forthcoming within the stipulated period, the affected party/parties shall be *ipso facto* barred from further doing so and the Commission shall continue with the subsequent processes towards completion of the investigation.

Any comments and information should be submitted to:

The Regional Land Claims Commissioner: KwaZulu-Natal  
Private Bag X9120  
Pietermaritzburg 3200

Tel: (033) 355 - 8400  
Fax: (033) 342 - 3409

Submissions may also be delivered to Second Floor, African Life Building, 200 Church Street, Pietermaritzburg.

**LEBJANE MAPHUTHA**  
**REGIONAL LAND CLAIMS COMMISSIONER: KWAZULU NATAL**  
**DATE:**

#### SCHEDULE

NO.	PROPERTY DESCRIPTION	EXTENT	CURRENT TITLE DEED NO.	CURRENT OWNER	BONDS & RESTRICTIVE CONDITIONS (INTERDICTS)
1	A portion of the consolidated farm Crane Valley No. 16258, known before consolidation as a portion of the consolidated Portion 102 of the farm Crane Valley No. 7576, previously known as Portion 34 of the farm Crane Valley No. 7576	11, 4956 ha	T15261/2008	Propatique Corp 23 cc	I-4661/1977LG
2	A portion of the consolidated farm Crane Valley No. 16258, known before consolidation as a portion of the consolidated Portion 102 of the farm Crane Valley No. 7576, previously known as the Remainder of Portion 52 of the farm Crane Valley No. 7576	10, 0788 ha	T15261/2008	Propatique Corp 23 cc	I-4661/1977LG



**DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM**  
**NOTICE 397 OF 2017**

**GENERAL NOTICE IN TERMS SECTION 11 (1) OF THE RESTITUTION OF LAND RIGHTS ACT, 1994 (ACT NO. 22 OF 1994)**

Notice is hereby given in terms of Section 11 (1) of the Restitution of Land Rights Act, 1994 (Act No. 22 of 1994) that a claim for the restitution of land rights on the following properties have been lodged with the Regional Land Claims Commissioner: KwaZulu-Natal and that the Commission on Restitution of Land Rights will further investigate the claim in terms of provisions of the Act in due course:

<b>Property</b>	:	1.	<b>A portion of the consolidated farm Roodt No. 15287, previously known as Portion 7 of the farm A B C D Millie Hoogte No. 994</b>
		2.	<b>Portion 43 of the farm Broughton No. 925</b>
<b>Extent of property</b>	:	1.	<b>17, 1409 ha</b>
		2.	<b>189, 1251 ha</b>
<b>Magisterial District</b>	:		<b>Umgungundlovu</b>
<b>Administrative District</b>	:		<b>KwaZulu-Natal</b>
<b>Current Title Deed No.</b>	:	1.	<b>T27477/189</b>
		2.	<b>T4091/2003</b>
<b>Current Owner</b>	:	1.	<b>Dieter Oscar Ringelman</b>
		2.	<b>Vic Rencken Family Trust-Trustees</b>
<b>Bonds &amp; Restrictive Conditions (Interdicts)</b>	:	1.	<b>I-2838/1976LG</b>
		2.	<b>None</b>
<b>Claimant</b>	:		<b>Fathar Singh</b>
<b>Date claim lodged</b>	:		<b>22 December 1998</b>
<b>Reference number</b>	:		<b>KRN6/2/2/E/38/0/0/78</b>

Any party/parties who have an interest in the above-mentioned properties is hereby invited to submit, within **30 days** from the date of publication of this notice, any representations and/ or information which shall assist the Commissioner in proving or disproving this claim.

Should no information and/ or representations from the affected party/ parties be forthcoming within the stipulated period, the affected party/parties shall be *ipso facto* barred from further doing so and the Commission shall continue with the subsequent processes towards completion of the investigation.

Any comments and information should be submitted to:

The Regional Land Claims Commissioner: KwaZulu-Natal  
 Private Bag X9120  
 Pietermaritzburg 3200

Tel: (033) 355 - 8400  
 Fax: (033) 342 - 3409

Submissions may also be delivered to Second Floor, African Life Building, 200 Church Street, Pietermaritzburg.

**LEBJANE MAPHUTHA**  
**REGIONAL LAND CLAIMS COMMISSIONER: KWAZULU NATAL**  
**DATE:**

## DEPARTMENT OF TRADE AND INDUSTRY

## NOTICE 398 OF 2017

STANDARDS ACT, 2008  
STANDARDS MATTERS

In terms of the Standards Act, 2008 (Act No. 8 of 2008), the Board of the South African Bureau of Standards has acted in regard to standards in the manner set out in the Schedules to this notice.

## SCHEDULE 1: DRAFTS FOR COMMENT

The following draft standards are hereby issued for public comments in compliance with the norm for the development of South Africa National standard in terms of section 23(2)(a) (ii) of the Standards Act.

Draft Standard No. and Edition	Title, scope and Purpose	Closing Date
SANS 885:2017 (E.d 4)	<i>Processed meat products.</i> This standard specifies the requirements for the handling, preparation, processing, refrigeration, freezing, chilling and storage of processed meat products and includes microbiological and compositional requirements for these products. It excludes requirements for canned meats, raw boerewors, species sausages, mixed species sausages and raw processed meats, all which are governed by the relevant national legislation (see foreword).	2017-06-26
SANS 1151:2017 (E.d 3.3)	<i>Portable rechargeable fire extinguishers — Halogenated hydrocarbon type extinguishers.</i> Specifies the characteristics of stored pressure, portable rechargeable fire extinguishers of the halogenated hydrocarbon type, of capacity not exceeding 12 Kg and suitable for use on fires of classes A, B and C.	2017-06-22
SANS 1688:2017 (E.d 1)	<i>Conformity assessment for African traditional medicine preparations.</i> Covers the quality assurance, provides general technical guidance in the assessment of African traditional medicine products for human application and consumption.	2017-06-26
SANS 1731:2017 (E.d 1)	<i>Polyethylene storage tanks for water and chemicals.</i> Specifies requirements for the design and manufacture of polyethylene storage tanks, 2000 litres and greater that are rotationally moulded in one-piece seamless construction.	2017-06-20
SANS 17247:2017 (E.d 2)	<i>Coal - Ultimate analysis.</i> Establishes a practice for the ultimate analysis of coal and is intended for general utilization by the coal industry to provide a basis for comparison of coals.	2017-06-26

## SCHEDULE 2: AMENDMENT OF EXISTING STANDARDS

The following draft standards are hereby issued for public comments in compliance with the norm for the development of South Africa National standard in terms of section 23(2)(a) (ii) of the Standards Act.

Draft Standard No. and Edition	Title, scope	Purpose of amendment	Closing Date
SANS 1737:2017 (E.d 1.4)	<i>Body-worn escape type breathing apparatus.</i>	Amended to update the foreword, to change (in the introduction) "devices" to "apparatus", to update referenced standards, to add definitions of "dry air", to renumber definitions accordingly, to add the definition "licensed mine rescue team member", to update the requirements for classification, to update the requirements for leak-tightness and to reference accordingly, to add "breathing simulator" equipment, and, to change the temperature of the inhaled gas in the chemical oxygen escape apparatus, to update the requirements for test subjects, and to change "test subjects" to "licensed mine rescue team members", to replace hydrostatic pressure with the pressure differential test (including its method of test) and to exchange the order of the pressure differential test and leak-tight tests, to delete "resistance to hydrostatic pressure" paragraph, to replace "dry nitrogen" and "dry oxygen" by "dry air", to add tolerances on Table 2, and to move a reference to legislation to the foreword and to update the prototype	2017-06-26

		testing sequences accordingly.	
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**SCHEDULE 3: WITHDRAWAL OF STANDARDS**

In terms of section 24(1)(C) of the Standards Act, the following standards are issued for comments with regard to the intention by the SABS to withdrawn them.

Draft Standard No. and Edition	Title	Reason for withdrawal	Closing Date
SANS 479:2017 (E.d 1)	<i>Milk and milk products - Determination of copper content - Photometric method (Reference method).</i>	Other standards that reference this standard	2017-07-31
SANS 10339:2017 (E.d 2 1)	<i>Underground rail trackwork in mines.</i>	Other standards that reference this standard	2017-07-31

**SCHEDULE 4: ESTABLISHMENT OR DISBANDMENT OF TECHNICAL COMMITTEES**

In terms of section 4(2) (l) the SABS has established the following technical committees to review the draft standards for public comments:

Technical Committee No.:	Title	Scope

If your organization is interested in participating in these committees, please send an e-mail to [Dsscomments@sabs.co.za](mailto:Dsscomments@sabs.co.za) for more information.

**SCHEDULE 5: WITHDRAWAL OF INFORMATIVE AND NORMATIVE DOCUMENTS**

In terms of section 24(5) of the Standards Act, the following documents are being considered for withdrawal.

Draft Standard No. and Edition	Title	Reason for withdrawal	Closing Date

**SCHEDULE 6: ADDRESSES OF SABS OFFICES**

The addresses of offices of the South African Bureau of Standards where copies of standards mentioned in this notice can be obtained, are as follows:

1. Gauteng head office, 1 Dr Lategan Road, Groenkloof, Private Bag X191, Pretoria 0001.
2. Western Cape Regional Office, SABS, Liesbeek Park Way, Rosebank, PO Box 615, Rondebosch 7701.
3. Eastern Cape Regional Office, SABS, 30 Kipling Road, cor. Diaz and Kipling Roads, Port Elizabeth, PO Box 3013, North End 6056.
4. KwaZulu-Natal Regional Office, SABS, 15 Garth Road, Waterfall Park, Durban, PO Box 30087, Mayville 4058.

## DEPARTMENT OF TRADE AND INDUSTRY

## NOTICE 399 OF 2017

STANDARDS ACT, 2008  
STANDARDS MATTERS

In terms of the Standards Act, 2008 (Act No. 8 of 2008), the Board of the South African Bureau of Standards has acted in regard to standards in the manner set out in the Schedules to this notice.

## SCHEDULE 1: ISSUE OF NEW STANDARDS

The following standards have been issued in terms of section 24(1)(a) of the Standards Act.

Standard No. and year	Title, scope and purpose
SANS 1286:2017	<i>Local goods, services and works – Measurement and verification of local content.</i> Specifies requirements and procedures to define, measure, declare and verify the local content of goods, services and works when required for procurement and other purposes.
SATS 33052:2017/ ISO/IEC TS 33052:2016	<i>Information technology – Process reference model (PRM) for information security management.</i> Defines a process reference model (PRM) for the domain of information security management.

## SCHEDULE 2: AMENDMENT OF EXISTING STANDARDS

The following standards have been amended in terms of section 24(1)(a) of the Standards Act.

Standard No. and year	Title, scope and purpose
SANS 292:2017/ (E.d 3.1)	<i>Wooden handles for hammers. Consolidated edition incorporating amendment No. 1.</i> Amended to update nominal dimensions of wooden handle in the figure on handle for engineers' ball peen or cross peen hammers, the figure on handle for fitters' hammers, the figure on handle for boiler scaling hammers, the figure on handle for bricklayers' hammer (standard and scutch patterns), the figure on handle for club hammers, and the figure on handle for double-face sledge and spalling hammers.
SANS 1835:2017/ (E.d 1.2)	<i>Ductile iron pipes, fittings, accessories and their joints, for use in high and low pressure systems for potable and foul water. Consolidated edition incorporating amendment No. 2.</i> Amended to update reference to national legislation in the foreword, to update referenced standards, to update technical requirements for materials in contact with potable water, and to update subclause on quality assurance system.
SANS 11722:2017/ ISO 11722: 2013 (E.d 2)	<i>Solid mineral fuels – Hard coal – Determination of moisture in the general analysis test sample by drying in nitrogen.</i> Specifies a method for determining the moisture in the general analysis test sample of hard coal by drying in nitrogen.
SANS 20109:2017/ ECE R109: 2010 (E.d 2)	<i>Uniform provisions concerning the approval for the production of retreaded pneumatic tyres for commercial vehicles and their trailers.</i> Covers the production of retreaded pneumatic tyres designed primarily for vehicles of category M2, M3, N, O3 and O4.

## SCHEDULE 3: WITHDRAWAL OF STANDARDS

In terms of section 24(1)(C) of the Standards Act, the following standards have been withdrawn.

Standard No. and year	Title
SANS 10317:2004	<i>Instructions for the use of consumer products – Electrical appliances.</i>
SANS 61643-1:2006/ IEC 61643-1:2005	<i>Low-voltage surge protective devices Part 1: Surge protective devices connected to low-voltage power distribution systems – Requirements and tests.</i>

## SCHEDULE 4: ESTABLISHMENT OR DISBANDMENT OF TECHNICAL COMMITTEES

In terms of section 4(2) (l) the SABS has established the following technical committees:

Technical Committee No.:	Title	Scope

If your organization is interested in participating in these committees, please send an e-mail to [rose.masha@sabs.co.za](mailto:rose.masha@sabs.co.za) for more information.

#### **SCHEDULE 5: WITHDRAWAL OF INFORMATIVE AND NORMATIVE DOCUMENTS**

In terms of section 24(5) of the Standards Act, the following documents have being considered withdrawn.

NONE

#### **SCHEDULE 6: ADDRESSES OF SABS OFFICES**

The addresses of offices of the South African Bureau of Standards where copies of standards mentioned in this notice can be obtained, are as follows:

1. Gauteng head office, 1 Dr Lategan Road, Groenkloof, Private Bag X191, Pretoria 0001.
2. Western Cape Regional Office, SABS, Liesbeek Park Way, Rosebank, PO Box 615, Rondebosch 7701.
3. Eastern Cape Regional Office, SABS, 30 Kipling Road, cor. Diaz and Kipling Roads, Port Elizabeth, PO Box 3013, North End 6056.
4. KwaZulu-Natal Regional Office, SABS, 15 Garth Road, Waterfall Park, Durban, PO Box 30087, Mayville 4058.

## DEPARTMENT OF TRADE AND INDUSTRY

## NOTICE 400 OF 2017

## INTERNATIONAL TRADE ADMINISTRATION COMMISSION

CUSTOMS TARIFF APPLICATIONSLIST 04/2017

The International Trade Administration Commission (herein after referred to as ITAC or the Commission) has received the following application concerning the Customs Tariff. Any objection to or comments on this representation should be submitted to the Chief Commissioner, ITAC, Private Bag X753, Pretoria, 0001. Attention is drawn to the fact that the rate of duty mentioned in this application is that requested by the applicant and that the Commission may, depending on its findings, recommend a lower or higher rate of duty.

**CONFIDENTIAL INFORMATION**

*The submission of confidential information to the Commission in connection with customs tariff applications is governed by section 3 of the Tariff Investigations Regulations, which regulations can be found on ITAC's website at <http://www.itac.org.za/documents/R.397.pdf>. These regulations require that if any information is considered to be confidential, then a non-confidential version of the information must be submitted, simultaneously with the confidential version. In submitting a non-confidential version the regulations are strictly applicable and require parties to indicate:*

- ☐ *Each instance where confidential information has been omitted and the reasons for confidentiality;*
- ☐ *A summary of the confidential information which permits other interested parties a reasonable understanding of the substance of the confidential information; and*
- ☐ *In exceptional cases, where information is not susceptible to summary, reasons must be submitted to this effect.*

*This rule applies to all parties and to all correspondence with and submissions to the Commission, which unless clearly indicated to be confidential, will be made available to other interested parties.*

*The Commission will disregard any information indicated to be confidential that is not accompanied by a proper non-confidential summary or the aforementioned reasons.*

*If a party considers that any document of another party, on which that party is submitting representations, does not comply with the above rules and that such deficiency affects that party's ability to make meaningful representations, the details of the deficiency and the reasons why that party's rights are so affected must be submitted to the commission in writing forthwith (and at the latest 14 days prior to the date on which that party's submission is due).*

*Failure to do so timeously will seriously hamper the proper administration of the investigation, and such party will not be able to subsequently claim an inability to make meaningful representations on the basis of the failure of such other party to meet the requirements.*

#### **INCREASE IN THE RATE OF DUTY ON:**

Biaxially oriented polymers of propylene (excluding that which is self-adhesive on both sides), of a width not exceeding 200 mm from 10% *ad valorem* to 20% classifiable in subheadings 3919.10.43 and 3919.10.47 by amending the scope of subheading 3919.10.43 to the following: “Of biaxially oriented polymers of propylene (excluding that which is self-adhesive on both sides) and that of subheading 3919.10.47 to the following: “Other biaxially oriented polymers of propylene, self-adhesive on both sides”.

The duty on self-adhesive biaxially oriented polymers of propylene will remain unchanged at 10% *ad valorem* in 3919.10.47.

#### **APPLICANT:**

Sicad SA (Pty) Ltd  
P O Box 1500  
**GERMISTON**  
1400

[Ref: 29/2016 Enquiries: Email: Mrs. Ayanda Gandi, Fax: (012) 394 4724 [endou@itac.org.za](mailto:endou@itac.org.za) and Mr Nkulana Phenya, Fax: (012) 394-4677; Email: [nphenya@itac.org.za](mailto:nphenya@itac.org.za).]

#### **REASON FOR THE APPLICATION:**

As a reason for the application, the applicant indicated, among others, the following:

*“Similar products which do not add value to the SACU market, are imported at cheaper prices. Some of the similar products are imported under a tariff subheading which is free of duty”.*

#### **PUBLICATION PERIOD:**

Representation should be submitted to the above address within **four (4) weeks** of the date of this notice.




**DEPARTMENT OF TRANSPORT  
NOTICE 401 OF 2017**

**DEPARTMENT OF TRANSPORT**

**No.**

**WHITE PAPER ON NATIONAL CIVIL AVIATION POLICY 2017  
OFFICIAL PUBLICATION FOR GENERAL INFORMATION**

I, Joe Maswanganyi, Minister of Transport, hereby publish the White Paper on National Civil Aviation Policy 2017 for general information.



**MR JOE MASWANGANYI, MP**

**MINISTER OF TRANSPORT**

**DATE:** 08/05/2017



**transport**

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Department:  
Transport  
**REPUBLIC OF SOUTH AFRICA**

# **WHITE PAPER**

## **ON**

# **NATIONAL CIVIL AVIATION POLICY**

**FEBRUARY 2017**

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## EXECUTIVE SUMMARY

Civil aviation is vital to international trade, investment, and tourism, as well as contributing to domestic transport, sports and recreation. Therefore, an efficient, reliable and sustainable South African aviation industry should be promoted, while maintaining control over international and domestic air transport services within a well-defined regulatory framework. This framework should be flexible enough to cater for changing needs and circumstances. These changes are part of globalisation and include important matters such as the liberalisation of air transport, introduction of technologically advanced airport and air traffic management systems, greater emphasis on factors affecting the environment, protecting the interests of users of air transport services, and the increased need to regulate Remotely Piloted Aircraft Systems (RPAS).

The Convention on International Civil Aviation of 1944 (Chicago Convention) imposes responsibility for compliance with aviation safety and security standards and practices on Contracting States. Aviation safety and security are of paramount importance and should be enhanced as far as possible. In this context, national Government should retain overall regulatory accountability to ensure the unbiased regulation of aviation safety and security in accordance with international standards and recommended practices (SARPS) as defined by the International Civil Aviation Organisation (ICAO). The South African Civil Aviation Authority (SACAA) created in terms of the Civil Aviation Act, 2009, should remain the designated authority for purposes of conducting safety and security oversight of civil aviation in the Republic.

Civil aviation policy cannot be considered in isolation and should be in harmony with Government's broad policy framework. The White Paper has therefore evolved within the parameters set by the Constitution of South Africa, the National Development Plan (NDP), the White Paper on National Transport Policy and various legal instruments and international conventions relating to civil aviation. These parameters were used in defining goals, principles and objectives to guide the formulation of civil aviation policy.

The White Paper acknowledges that the present airport infrastructure, with ownership vested in all spheres of government as well as the private and non-profit sector, is an integral part of the South African transport system. This infrastructure contributes to the socio-economic development of the country in terms of direct job creation and economic activity, stimulating economic activity in the wider airport precinct (including through "airport cities" and "aerotropolises") as well as by facilitating domestic and international tourism and trade. However, these airports are currently not integrated into a meaningful airport network and an integrated system involving all spheres of government should be introduced. The Department of Transport (DOT) should therefore develop a National Airports Development Plan which will guide all present and future airport development.

In addressing the integration of an airport into its environment, the White Paper emphasises the need to maintain a balance between the airport's interests and those of stakeholders in the vicinity of the airport in terms of the following principles:

- The airport should fit into, and be in harmony with its environment and also be integrated into its surroundings; and
- The authorities responsible for land-use developments, spatial planning and local economic planning close to the airport should help to integrate the airport into its environment as well as support the airport's development and effective operation. This is a key factor highlighted through the advent of the concept of "airport cities" and "aerotropolises".

In airspace matters, the fundamental premise is that South Africa has full and sole sovereignty over the airspace above its territory, in accordance with the Chicago Convention. The system of air traffic services and air navigation services must ensure orderly, expeditious, safe and secure aircraft movements in South Africa's airspace. These services are part of the global operational concept of air traffic management aimed at creating seamless skies for the civil aviation sector.

As is the case with airports, the actual provision of air traffic and navigation services is regarded as an "economic" service. Authorised service providers should provide air traffic and navigation services on the basis of sustainability and viability as well as safety. The White Paper recommends that these service providers should, as far as possible, recover the cost of such services from the users in line with the "user-pays" principle.

Airspace, particularly the controlled airspace in the vicinity of South Africa's busiest airport, namely OR Tambo International, is becoming congested as the capacity of a designated airspace, commonly referred to as airspace slots, is affected by several operational considerations. The White Paper requires that the slot allocation system should be further developed with due regard to the national strategic importance of this function and to maximise the effective use of airports and airspace capacity.

The White Paper acknowledges that the domestic air transport policy for South Africa should continue to be based on the following principles:

- Aviation safety and security are of paramount importance;
- Economic decisions should be resolved by the market;
- Users' interests in relation to safety and reliability should be considered; and
- All participants in the air transport market should be treated equally before the law.

In giving effect to market-related decisions within the *domestic* air transport market, the White Paper calls for the application of the following principles:

- Free and fair competition, aimed specifically at developing the air carrier industry, should be promoted in accordance with existing competition law, and air carriers

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should be free to operate autonomously. Similarly, air carrier pricing should continue to be deregulated;

- Computer reservation systems should, however, be regulated to ensure transparency and to ensure that users have the widest possible choice of options;
- No limits should be placed on the number of domestic air carriers, nor on the number operating on specific routes;
- Air carrier ownership and control should remain vested in the air service licensee; and
- Airline co-operative agreements on domestic code-sharing, franchising and wet-leasing should be permitted, subject to the relevant domestic law governing competition, aviation safety and aviation security.

In dealing with *international air transport*, the concept of “*National Interest*” is critical to formulating an international air transport policy that would best serve the people of South Africa. It is recognised that the National Interest of the country may not necessarily be the same, or could even be in conflict with the interests of service providers, consumers or the general public. The White Paper therefore provides for a trade-off between these various interests in the following manner:

- International air transport should facilitate and enhance the expansion of international trade, investment and tourism in general, and exports and the tourism industry in particular;
- Economic decisions should, as far as possible, be resolved by the market;
- The State's strategic objective to develop export-oriented sectors, capable of competing on international markets, should be pursued;
- An efficient, reliable and sustainable South African aviation industry should be developed and maintained; and
- Control should be maintained over international air transport services within a well-defined regulatory framework that is flexible enough to cater for changing needs and circumstances.

In addition to aviation safety and security requirements as well as the users' interests, various economic or aero-political considerations are important, such as the exchange of traffic rights within a rapidly liberalising regulatory environment. These matters are generally handled through negotiating bilateral air services agreements between countries. It is imperative for South Africa to have a well-founded strategic approach for such negotiations. Provisions for specific items are normally included in the bilateral agreements and the associated policy statements, have been formulated as follows:

- The multiple designation of licensed airlines to perform international scheduled air services on behalf of South Africa is promoted;

- air services operated in terms of the Yamoussoukro Decision (YD) will be allowed freely, subject to compliance with the conditions of the YD and applicable competition rules;
- all airports designated as international ports of entry should be promoted equally as points of entry into South Africa;
- air tariffs should be deregulated as far as possible to allow airlines the freedom to set tariffs in response to demand, subject to general control over economic activities, which applies to all industries, and the requirements of the Yamoussoukro Decision in respect of intra-African air services; and
- South African and foreign airlines would be allowed to enter into co-operative arrangements such as code-sharing, franchising and wet-lease agreements subject to the relevant Bilateral Air Services Agreements and domestic law governing competition, aviation safety and aviation security.

The term “*Remotely Piloted Aircraft Systems*” has been adopted when referring to aircraft that are piloted remotely by the Remote Pilot or autonomous from their point of departure, to their destination. Other acronyms used include UAS (Unmanned Aircraft System), Drone and UAV (Unmanned Aerial Vehicle).

South Africa has been highly successful in the development and application of RPAS for military operations, and demand for their use in civilian roles has experienced a steady increase. The White Paper addresses the need to regulate these systems to ensure the safety and security of such operations.

In addition to air transport for reward, there are a range of other aspects of aviation that form a major part of the South African civil aviation industry. These include general air services; flying schools and adventure aviation, as well as non-reward flights, including private and non-reward operations such as sport aviation, corporate aviation, recreation, and personal-use.

In addition to consideration of environmental impact management and disaster risk reduction, the White Paper specifically addresses environmental matters at source, relating to aircraft noise and engine emissions in accordance with ICAO environmental protection goals. The White Paper calls for the establishment of Airport Environmental Committees at those airports that are required to calculate aircraft noise contours and conduct monitoring of aircraft noise; and/or air quality monitoring. These Committees will form part of an airport consultation forum to provide a communication link between various interested and affected parties to discuss the environmental impact of aircraft operations.

The growing number of flights by older generation aircraft, which create unacceptable levels of noise pollution, is causing increasing resistance from the communities close to airports. ICAO has played a leading role in dealing with the problem of aircraft noise and many governments worldwide have already initiated programmes based on ICAO’s balanced approach to aircraft noise management. This includes the restriction

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or prohibition on the use of Chapter 2 aircraft (as defined in Annexure 2). In this regard, the White Paper recommends the implementation of ICAO's "non-addition" and "phasing-out" rules whereby South African air carriers should not be allowed to add Chapter 2 aircraft to their fleets with effect from a date to be prescribed in terms of the Civil Aviation Regulations. Likewise, foreign air carriers operating to South Africa should not be allowed to increase the number of flights operated with Chapter 2 aircraft. The remaining Chapter 2 aircraft operated to, from, and within South Africa should be phased out within a period of two (2) years from the aforementioned prescribed date.

In order to promote the future development of the civil aviation system, the White Paper also sets out principles for supporting innovation, human resource development and transformation within the context of existing frameworks.

This White Paper provides a primary framework for the future actions of the Department of Transport in the area of civil aviation. The goals, objectives and deliverables set out in this White Paper will be translated into a practical implementation plan.

In conclusion, Government has national as well as international responsibilities relating to civil aviation. The Standards and Recommended Practices of ICAO are core principles in civil aviation and are paramount with respect to aviation safety and security, environmental protection and search and rescue operations. This White Paper will position the country to benefit from the ongoing global changes in the economic and aero-political fields of civil aviation, while meeting the needs of the people of South Africa and regional and international obligations.

## PART A: CONTEXT, VISION AND OBJECTIVES

### 1. INTRODUCTION

#### 1.1 BACKGROUND

The world's economic scene and aero-political landscape have undergone fundamental changes since the last aviation policy review in South Africa in the early 1990s. Since the mid-1990s, government has also defined new goals and priorities, which have impacted on civil aviation. These goals are geared towards a better life for all, through sustainable development, economic growth and poverty reduction. Civil Aviation policy must, *inter alia*, promote tourism, investment and trade as well as job creation. It also has to take into account the continental integration initiatives such as those embodied in the African Union (AU) and the New Partnership for Africa's Development (NEPAD). The White Paper has been developed within the parameters set by the Constitution of South Africa, the National Development Plan (NDP), and various legal instruments and international conventions relating to civil aviation.

For the first time a framework is in place for expanding international co-operation addressing African needs. The NEPAD plan *inter alia* emphasises economic good governance based on international standards as a precondition for regional and global co-operation. From an aviation perspective, the implementation of the Yamoussoukro Decision (YD) illustrates the importance given to the stimulation of trade and tourism on the African Continent by adopting a more liberal approach to regulation of air transport.

Air transport is one of the world's most important service industries. It plays a major role in world economic activity and opens up world markets to local business. Many industrial and commercial activities rely almost entirely on air transport for their existence. It is also one of the fastest growing sectors of the world economy. According to the IATA Vision 2050, over the past 40 years there has been a tenfold expansion in travel volumes and a 14 times expansion in freight, which compares to a 3 to 4 times growth of the world economy.

According to the Airports Council International (ACI) it is projected that 9 billion passengers will use air transport each year by 2025, up from 4 billion in 2007. Whilst it is acknowledged that the slow recovery from the world-wide financial crisis is still impacting on growth, it is expected that global aviation will recover and still realise the original projected growth over the medium to long term.

ACI also reports that the global air transport industry generates significant employment by providing around 32 million work opportunities directly or indirectly to the world's labour force. Similarly, travel and tourism play an important role in the economy of South Africa. A study by Oxford Economics on the *Economic Benefits from Air Transport in South Africa*, 2011, found that the aviation sector contributes R50.9 billion (2.1%) to the South African GDP. This sector also supports 227 000 direct jobs with another 116 000 people employed through catalytic (tourism) effects of aviation.

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In South Africa, the airport network is estimated to carry around 40 million passengers a year as at 2015, of which an estimated 86% flows through the ACSA network with three major airports handling the majority of traffic in the ACSA network, namely O.R. Tambo, Cape Town and King Shaka International Airport. Privately owned airports are also playing a key role, e.g. Lanseria International Airport handled an estimated 25% of domestic traffic in 2015.

The integration of South Africa into the world market since 1994 resulted in vastly extending trade relations with current major trading partners as well as the entering into arrangements with new partners. Airports and air cargo facilities play a significant role in import and export activities. Information on air cargo movements in the South African network is incomplete; within the ACSA network 470,000 tonnes of air cargo were recorded in 2014, and SARS data show air freight values of R148 billion for exports and R179 billion for imports in 2014.

In terms of air traffic movements, data are not readily available on the entire network. However, within the ATNS operated network there were just under one million movements in 2014, excluding military flight movements. Given that the majority of registered aircraft in the country are used for private and recreational flights which are often operated outside of the ATNS network, the overall number of air traffic movements is likely to be significantly higher.

Irrespective of the various international opinions and definitions attached to "*general aviation*", it is recognised that these activities form a significant component of the South African civil aviation industry and represent a major contributor to the South African economy. It must be noted that the spread of these activities is also not homogenous at all airports. General aviation is also acknowledged as the "spawning ground" for future pilots and technical support personnel, without which the commercial air transport sector will be experiencing huge challenges in continuity of operations.

The aviation industry clearly has a vital role to play in the global and national economies. The challenge therefore is to create an air services environment which will give the suppliers and consumers of an air transport service reasonable flexibility and choice. This environment should also ensure sustainable development in the aviation and air transport industries, and also further enhance the initiatives for tourism and trade expansion. Global developments such as "open skies," low-cost no-frills carriers, e-commerce and privatisation initiatives have all had a direct impact on the South African aviation industry.

The review of the South African aviation policy should therefore be seen in the context of a global aviation industry. During the past decade the global aviation industry has changed the emphasis from a highly regulated environment to the concept of progressive liberalisation. This was achieved by incrementally removing regulatory restrictions as well as entering into new liberal trading agreements. South Africa needs a long-term policy framework that would maximise the beneficial aspects of aviation and minimise the negative aspects. The aim is to ensure that the South African air

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transport industry is safe, cost-efficient, sustainable and globally competitive and environmentally friendly.

## 1.2 CIVIL AVIATION SYSTEM

There are two distinctly different sets of regulatory functions and requirements that affect the civil aviation system, namely:

- *Safety, security and environmental regulatory functions and requirements* - referring to policies, legislation and requirements to achieve an appropriate level of safety, security and environmental compliance in the system both on the ground and in flight. These also include accident and incident investigations and related matters specific to Remotely Piloted Aircraft Systems.
- *Wider regulatory functions and requirements* - referring to policies, legislation and requirements such as infrastructure planning, licensing of air services, allocation of traffic rights internationally, economic considerations and monitoring of the financial practices and performance of air carriers.

The civil aviation system is also influenced by four categories of stakeholders, namely:

- *Governance stakeholders* - responsible for policy, enabling and regulatory legal instruments and carrying out the requirements of the Chicago Convention (Convention on International Civil Aviation, 1944). These stakeholders are represented mostly by the Department of Transport as well as the South African Civil Aviation Authority. Other governance related stakeholders include the economic regulator, competition authorities, Department of Environmental Affairs, and the provincial and municipal government departments responsible for provincial and municipal airports, where appropriate;
- *Commercial stakeholders* - normally associated with buying goods and services such as aircraft, maintenance and fuel, the provision of air transport services, general air services, aircraft and flying training and with selling goods and services for use in the civil aviation system. This group includes all air carriers, air service licensees, airports, air traffic and navigational service providers, flying training schools and aviation training academies, aircraft maintenance organisations and aircraft manufacturers; they are also represented by various industry associations and clubs;
- *Support stakeholders* - normally facilitating the operational aspects of the civil aviation system such as travel agents, insurance companies, banks and shippers of cargo; and
- *Society stakeholders* - comprising groups outside the civil aviation system, but with a direct interest in what goes on inside the system and what the system produces. This group is also interested in the economic, safety, security and environmental

performance of the civil aviation system. The group includes passengers, entities which use freight services, civil society, environmental groups and residents near airports, organised labour and the news media.

- *Security Stakeholders* - responsible for policy, enabling and regulating instruments pertaining to national security, and carrying out governmental imperatives regarding national security. These stakeholders are represented by the Department of Defence and Military Veterans, Secret Services Agencies, SA Police Services, Border Control Organisations and other security related bodies.

### 1.3 STRUCTURE OF THE DOCUMENT

This document is structured in terms of six main parts:

- **Part A** provides the current regulatory and institutional context, as well as the vision, mission, objectives, goals and principles;
- **Part B** addresses South African international obligations in terms of civil aviation, in particular in terms of safety and security, and confirms the institutional arrangements to meet these obligations;
- **Part C** deals with aviation infrastructure, including airports, integrated planning and land use management for airports within their surrounding areas, and airspace;
- **Part D** covers issues relating to aviation operations, including operations for reward and those not for reward, as well as RPAS and environment considerations related to aviation operations. The term "General Aviation" (GA) means different things to different authorities; there is no universally accepted definition for GA. Therefore, all the different aspects of what people may consider part of air transport and general aviation under different definitions have been dealt with individually in this document depending on the nature of the activity, namely:
  - *Activities for reward (commercial)*: Scheduled (international and domestic) and non-scheduled air transport operations, general air services (including all facets of aerial work), air ambulances, and adventure aviation
  - Note that safety and security regulation in terms of the Civil Aviation Act, the Air Services Licensing Act and the International Air Services Act apply equally to scheduled, non-scheduled and general air services when such air services are operated for reward.
  - Activities that are not for reward (non-commercial): Corporate Aviation, training or instruction in respect of flying an aircraft, sport and recreation, and private use.
- **Part E** gives consideration to issues that will support the future development and growth of civil aviation in South Africa, including human resource development and innovation, research and development; and

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- **Part F** provides an implementation framework and way forward.

#### **1.4 REGULATORY FRAMEWORK OF THE CIVIL AVIATION SYSTEM**

Emanating from the Chicago Convention, objectives were set for the safe, secure, efficient and orderly development of civil aviation. On the aero-political level there are still many constraints on traffic rights and market access, which are mostly handled on a bilateral basis. On the technical level, however, the Chicago Convention contains Annexes which prescribes standards and recommended practices (SARPs).

States that have ratified the Chicago Convention (and other related conventions and agreements) have to incorporate their commitments into their national legislation. Legislation takes place at two levels. Primary legislation is processed at Parliamentary level and regulations (secondary legislation) are enabled by the primary legislation and promulgated by the relevant Ministers.

Under these statutes, authorisation is delegated for the issuing of technical standards, rules and requirements to implement the objectives of the appropriate Acts and Regulations.

#### **1.5 MANDATE TO FORMULATE POLICY ON CIVIL AVIATION**

In terms of the Constitution of the Republic of South Africa (the Constitution), the President assigns powers and functions to Ministers. One of the powers vested in the Minister of Transport is the function of policy formulation. The Department of Transport is responsible for civil aviation and this has enabled the Department to begin a process of reviewing and further developing the national civil aviation policy. It is foreseen that appropriate national legislation will emanate from this White Paper.

A policy on airport planning, development and operation is part of this White Paper. As the Constitution assigns airports other than international and national airports as a functional area of concurrent national and provincial legislative competence, the provincial authorities are part of this review process. On 17 March 1998, the Minister of Transport and the Ministers of the Executive Councils responsible for transport in their respective provinces published the White Paper on National Policy on Airports and Airspace Management. This document, suitably amended, has been incorporated into this White Paper.

A policy of this nature will have interfaces with other organs of state on matters over which those organs have jurisdiction. These include matters relating to the environment, tourism, spatial and land use planning, national security, military, local government and competition regulation. In formulating this White Paper, the principles of co-operative government and intergovernmental relations as contained in the Constitution have prevailed.

## 1.6 AVIATION POLICY DEVELOPMENT SINCE 1990

Aviation policy has developed since 1990 under the guidance of the Department of Transport and the following milestone events have had a profound impact on this White Paper:

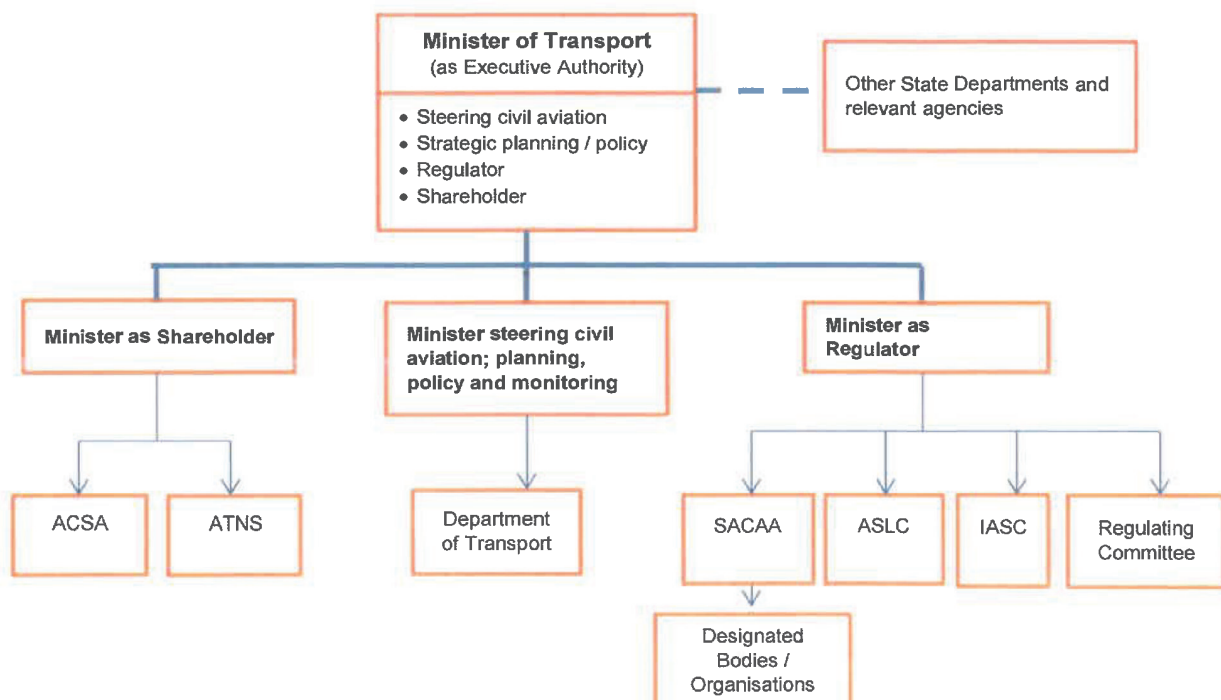
- The Domestic Air Transport Policy, resulting in the deregulation of domestic air transport in South Africa in May 1990;
- The International Aviation Policy of South Africa, enabling significant liberalisation in international air transport for South Africa effective from March 1992;
- The Policy on State Airports and Air Traffic and Navigation Services, entrusting the commercialisation of state airports and air traffic and navigation services to two government-owned commercial institutions in July 1992;
- The South African State Airports Policy review, confirming the commercialisation process for the two service functions in March 1995;
- The White Paper on National Transport Policy *inter alia* reiterating the policy positions contained in the domestic and international aviation policies, albeit with minor adjustments in 1996;
- Various studies on airline co-operation, air cargo operations and aircraft noise and engine emissions during 1998;
- The restructuring of the Civil Aviation Authority for South Africa into an independent government-owned agency responsible for the regulation of aviation safety and security in South Africa in 1998;
- The White Paper on National Policy on Airports and Airspace Management, 1998;
- Airlift Strategy, 2006; and
- Draft Air Transport Strategy 2016.

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## 2 CURRENT INSTITUTIONAL ARRANGEMENTS

### 2.1 INTRODUCTION

The establishment of an effective institutional arrangement is critical to ensure that proper effect can be given to the implementation of the revised policy. Government departments as well as organs of State have assumed certain roles, requiring that the current situation be critically assessed to gain a thorough understanding of the roles and responsibilities of the respective parties. Such understanding would subsequently ensure that measures would be introduced for the continued effective functioning of the civil aviation system. Figure 1 below provides a diagrammatic perspective of the current civil aviation institutional arrangements at the national sphere:



**Figure 1: Roles and responsibilities of the major role players in civil aviation regulation**

### 2.2 THE MINISTER WITH OVERALL RESPONSIBILITY FOR TRANSPORT:

The Minister is responsible and accountable for all transport matters at national level. Civil aviation matters include-

- developing and steering civil aviation in line with Government's stated national objectives and strategy;
- formulating policy to guide civil aviation towards achieving objectives;
- planning the strategic development of civil aviation;
- ensuring that the enabling legal instruments are in place to give effect to policy;

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- regulating aviation safety and security;
- regulating economic and social/environmental matters in relation to air transport and aircraft operations;
- shareholding of the State-owned entities, ACSA and ATNS;
- administering the civil aviation functions within DOT; and
- liaising internationally.

### 2.3 THE MINISTER AS REGULATOR:

Government has established the following legal entities as independent regulators to assume responsibility for aviation-specific activities:

- *The South African Civil Aviation Authority (SACAA)*, a financially self-sustaining, non-profit, government agency operating on the basis of the “user-pays” principle with responsibilities as prescribed by the Civil Aviation Act, as amended from time to time, including –
  - aviation safety oversight and regulation – this includes cooperation with- and oversight of bodies or organisations designated by the Director of Civil Aviation;
  - aviation security oversight and regulation;
  - aviation environmental regulation;
  - flight inspection for air navigational aids and equipment, and
  - promotion of aviation development.
- *The International Air Services Council (IASC)*, an economic regulator, appointed by the Minister and financially dependent on DOT funds, with responsibilities for-
  - regulating access to the international air transport market through the issuance of air services licences within the international air services system<sup>1</sup>;
  - promoting –
    - trade with, and tourism to and from South Africa;
    - competition between international air service operators;
    - a high standard of safety in the operation of international air services;
    - the development and interest of the local international air services industry; and
    - the interests and needs of users of air services in South Africa.
- *The Air Services Licensing Council (ASLC)*, appointed by the Minister and financially dependent on DOT funds with responsibilities for –
  - regulating access to the domestic air transport market based on safety and reliability criteria (i.e., no economic regulation), through the issuance of air service licences; and
  - monitoring the performance of licence holders.

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<sup>1</sup> Section 17(4)(b) of the International Air Services Act, 1993 (Act No. 60 of 1993)

- *The Regulating Committee*, an economic regulator appointed by the Minister and financially dependent on DOT funds with responsibilities for –
  - regulating the tariffs of the State-owned entities, ATNS and ACSA;
  - monitoring the financial performance of the two State-owned entities; and
  - regulating the service standards at ACSA airports and ATNS Company operations.

The Department of Transport retains the responsibility of oversight of these entities.

## **2.4 THE MINISTER AS SHAREHOLDER:**

*The Minister has a shareholding function in respect of the following entities:*

- *The Air Traffic and Navigation Services (ATNS) Company, a commercialised, financially autonomous State-owned enterprise with the responsibilities for providing air navigation infrastructure in South Africa; providing air traffic management and navigation services; and training staff members to provide the above services.*
- *The Airports Company South Africa (ACSA), a commercialised, financially autonomous and mainly State-owned enterprise with responsibility for operating the nine State airports which DOT previously managed.*

## **3 POLICY VISION, MISSION, STRATEGIC OBJECTIVES AND PRINCIPLES**

### **3.1 VISION**

Building on the overall vision set by the National Transport Policy of 1996, and taking into account that this Civil Aviation White Paper deals with both air transport and wider aspects of aviation, the vision is as follows:

*Safe, secure, reliable, effective, efficient and fully integrated civil aviation operations and infrastructure that meet the needs of users at improving levels of service and cost in a fashion which supports government strategies for economic and social development whilst being environmentally and economically sustainable.*

### **3.2 MISSION**

The mission of the Civil Aviation Policy, as stated in the White Paper on National Transport Policy of 1996, is “to maintain a competitive civil aviation environment which ensures safety in accordance with international standards and enables the provision of services in a reliable, efficient and environmentally friendly manner at improving levels of service and cost while contributing to the social and economic development of South Africa and the region”.

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### 3.3 STRATEGIC OBJECTIVES

The strategic overarching objectives of the Civil Aviation Policy are the following:

- To promote and enhance civil aviation safety, security and environmental compliance in all spheres of the civil aviation industry;
- To promote the National Interest of South Africa and facilitate the expansion of trade and tourism (including sport and adventure tourism);
- To further promote the development of an efficient and productive aviation industry, which is capable of competing both domestically and internationally;
- To ensure that civil aviation contributes meaningfully to the development of human resources, meeting basic needs and broadening all South African citizens' participation in the economy;
- To maintain an appropriate and cost-effective regulatory framework, ensuring safe, secure, environmentally friendly and reliable air services, capable of responding to changing circumstances;
- To facilitate the application of free-market principles as far as possible, relevant to economic decisions in all industries, which will apply equally to aviation services with a view to maximising consumer choice and satisfying consumer's needs;
- To meet the needs of all users of aviation-related services;
- To enable preservation of aviation heritage;
- To be environmentally and economically sustainable;
- To promote sound relations with other countries, groups of countries and related regional and other international organisations;
- To transform the aviation industry by broadening economic participation in the provision of aviation-related services; and
- To provide for adequate consultative forums in well-defined communication systems.

### 3.4 GOALS AND PRINCIPLES

Building on the broad policy goals and principles of the National Government's transport policy, contained in the White Paper on National Transport Policy, 1996, as it pertains to *civil aviation*, the goals and principles for this policy are as follows –

#### 3.4.1 Goals

- Meeting the basic needs of people, growing the economy, developing human resources and democratising decision making;
- Enabling customers requiring transport to access the transport system in ways which best satisfy their chosen criteria;

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- Improving the safety, security, reliability, quality and speed of transporting goods and people;
- Improving South Africa's competitiveness and that of its infrastructure and operations through greater effectiveness and efficiency, to better meet the needs of different customer groups, both locally and globally;
- Investing in the infrastructure of transport systems in ways which will satisfy social, economic, or strategic investment criteria. Achieving the above objectives in a manner which is economically and environmentally sustainable, and minimises negative effects; and
- Acting as a responsible shareholder.

### 3.4.2 Principles

- *Role of National Government* - focusing on policy, substantive regulation, strategic planning, and intergovernmental coordination across line functions and spheres of government. In addition, national government will act as a responsible shareholder and ensure effective oversight of its agencies;
- *Institutional principles* – addressing arrangements for the various relationships among all spheres of government as well as the structure for non-government or statutory transport bodies;
- *Financing principles* – a distinction is made between:
  - Elements of “*economic*” infrastructure and operations which provide a measurable economic or financial return, such as airports, where the “user-pays” principle or cost recovery directly from users could be applied. This category also includes financially viable freight and passenger operations such as air transport services which should be run on commercial principles; and
  - Elements of infrastructure and operations for which the user cannot or should not pay, but which provide social benefits greater than the costs. Subject to budget availability, funding could be in the form of appropriations to achieve an equitable distribution of resources, or as an incentive to provide services that are desirable in a broader social context. It is recognised that the current funding of aviation infrastructure in terms of this principle is inadequate. In all cases of government funding, the return on investment (whether financial, economic or social) of monetary and other resources must be justifiable;
- *Principles of regulation* –The intention is to regulate only where it is essential. Government will apply different forms of regulation to provide for *inter alia* aviation safety, security, environment, regulation of monopolies, competing operators and the provision of services under contract.



## **PART B: INTERNATIONAL OBLIGATIONS AND OVERALL INSTITUTIONAL ROLES**

### **4 GIVING EFFECT TO INTERNATIONAL AVIATION SAFETY AND SECURITY OBLIGATIONS**

#### **4.1 COMPLIANCE WITH CHICAGO CONVENTION**

##### **(a) Background**

Signatories to the Chicago Convention are obliged to adhere to aviation safety and security standards and to endeavour to follow recommendations. The benefits of this system are that Member States can have mutual reliance on each other to ensure an acceptable level of safety and security in operations under their jurisdiction. If, for some reason, a State finds it impossible to comply with a standard or has a distinct way of complying with that standard, the State has to file a difference with ICAO, who will then notify all Member States accordingly. This, however, should be the exception rather than the rule.

The 32nd Session of the Assembly of the International Civil Aviation Organisation (ICAO) in Resolution A32-11 directed the Council to establish the ICAO Universal Safety Oversight Audit Programme (USOAP), providing for regular, mandatory, systematic and harmonized safety audits to be carried out by ICAO, that such universal safety oversight programme shall apply to all Contracting States, and that greater transparency and increased disclosure be implemented in the release of audit results.

In 2011, the USOAP evolved from a programme performing periodic audits to a new approach based on the concept of '*continuous monitoring*' (CMA). This systematic and more proactive risk based approach to the conduct of monitoring activities provides ICAO with the ability to continue to perform audits as well as additional activities such as ICAO Coordinated Validation Missions (ICVM). ICVMs help to validate progress made by States in resolving safety deficiencies identified during USOAP audits.

ICAO implemented the *Universal Security Audit Programme in 2002*. This programme subsequently evolved into the *Universal Security Audit Programme - Continuous Monitoring Approach* (USAP-CMA) in January 2015. The objective of the USAP-CMA is to promote global aviation security through continuous auditing and monitoring of Member States.

##### **(b) Issue**

Clear responsibility is needed for giving effect to the international standards and recommended practices (SARPS) applicable to aviation safety and security and be applied across industry segments.

**(c) Policy Statement on Compliance with Chicago Convention:****PS. 1**

***Aviation safety and security are of paramount importance and should be enhanced as far as possible. In this context, national Government should retain overall regulatory accountability to ensure the unbiased regulation of aviation safety and security in accordance with international standards and recommended practices as defined by ICAO.***

***The Department of Transport should enhance the role and functions of the current National Aviation Security Committee to ensure effective coordination of aviation- and national security imperatives.***

***SACAA shall remain the designated authority for purposes of conducting safety and security oversight of civil aviation in the Republic.***

**4.2 OVERSIGHT OF VISITING FOREIGN REGISTERED AIRCRAFT****(a) Background**

In accordance with ICAO standards and recommended practices, States are required to perform oversight of visiting foreign registered aircraft to ensure that they comply with international safety and security standards and recommended practices and meet national requirements.

It is therefore critical that a State has the ability to oversee the safety and security of foreign registered aircraft when these aircraft fly into its airspace.

**(b) Issue**

The safety and security oversight of foreign registered aircraft is of critical importance to ensure the safety of South African and other passengers travelling on foreign registered aircraft as well as third parties on the ground within the territory of the Republic of South Africa. This is of particular importance in respect of commercial operations conducted in terms of Foreign Operator's Permits (FOPs) or Flight Clearances. South Africa currently has limited capacity to oversee the safety and security of all visiting foreign registered aircraft.

Monitoring of aircraft crossing the South African air border without a flight plan, FOP or flight clearance is also of concern.

Clear responsibility for oversight of foreign registered aircraft is needed to give effect to the international standards and recommended practices applicable to these aircraft.

**(c) Policy Statement on the Oversight of Visiting Foreign Registered Aircraft:****PS. 2**

***SACAA remains the designated authority for purposes of conducting civil aviation safety and security oversight of foreign registered aircraft flying to, from and within the Republic and for ensuring that these operations comply with relevant South African legislation.***

***In the interests of national security and sovereignty, the South African National Defence Force should continue to provide oversight in terms of aircraft crossing the air border without a flight plan, foreign operator's permit or flight clearance, and a robust system of information sharing should be created between DOT, ATNS (and other ATS service providers as may be applicable) and the SANDF.***

**4.3 REGIONAL COOPERATION WITH RESPECT TO AVIATION SAFETY AND SECURITY OVERSIGHT****(a) Background**

As indicated above, all ICAO Member States are obliged to adhere to aviation safety and security standards and to implement recommendations as far as possible. Contracting States are, therefore, mutually reliant on each other to ensure an acceptable level of safety and security in respect of aircraft operations under their jurisdiction.

Unfortunately not all Regions and States have equal access to resources required to establish effective safety oversight systems. The Comprehensive Regional Implementation Plan for Aviation Safety in Africa (AFI Plan) was developed to address the concerns expressed by the ICAO Council on the safety status of aircraft operations in the Africa-Indian Ocean (AFI) Region. The Council recognized that the problem facing the States in the AFI Region and many other States are similar in nature. In July 2012, the African Union adopted the "Plan of Action on Aviation Safety in Africa" following the African Ministerial Conference on Aviation Safety in Africa, held in Abuja, Nigeria.

South Africa has access to sufficient national resources to play a significant role in the regional cooperation programmes identified through this initiative and it is critical that South Africa participates in programmes to strengthen aviation safety and security oversight within the region.

**(b) Issue**

South Africa's role in respect of the regional cooperation programmes needs to be clearly defined to strategically enable South Africa to benefit from regional alliances

and to assist with improved aviation safety and security oversight within the AFI Region.

**(c) Policy Statement on Aviation Regional cooperation with respect to Safety and Security Oversight:**

**PS. 3**

***Aviation safety and security within the Africa-Indian Ocean Region are of paramount importance and should be enhanced as far as possible. National Government should support regional programmes to improve the level of aviation safety and security oversight within the region.***

***Furthermore, SACAA should:***

- ***Support regional aviation safety and security programmes and provide technical assistance to regional authorities for purposes of conducting safety and security oversight of civil aviation within the Region; and***
- ***Assist with technical and developmental assistance, training and relevant support to regulators within the Region without compromising its oversight function in South Africa.***

#### **4.4 AVIATION SECURITY AT AIRPORTS**

**(a) Background**

The primary objective of civil aviation security is to ensure the protection and safeguarding of passengers, crew, ground personnel, the general public, aircraft and facilities of an airport serving civil aviation, against acts of unlawful interference. South Africa is required to give effect to Annex 17 to the Convention, which provides that each Contracting State must establish its own National Aviation Security Programme (NASP). ICAO developed the Security Manual for Safeguarding Civil Aviation against Acts of Unlawful Interference which assists States to promote safety and security in civil aviation by developing a legal framework, practices and procedures to prevent and, where necessary, respond to unlawful acts. This is carried out through a combination of measures and the marshalling of various human and material resources at the international and national airport levels. The implementation of an aviation security policy is based upon the requirements of the aviation security programmes at each of these levels, for both the administrations and operators in the area of air transport. Aviation security needs to be in conformity with the principle that the level of security measures is commensurate with the assessed risk or threat.

Civil aviation security oversight in South Africa is governed in terms of the Civil Aviation Act, 2009. This Act gives effect to the Tokyo Convention, The Hague Convention and the Montreal Convention. The above-mentioned conventions deal

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with unlawful acts on international flights, unlawful seizure or “hijacking” of aircraft and measures against terrorism by dealing with sabotage committed on the ground and unlawful interference with air navigation installations, facilities and services at airports, control towers and radio installations.

There are two distinct areas of responsibility for security at all security-designated airports:

- The first area is *Civil Aviation Security*. The National Aviation Security Programme addresses the security related responsibilities of the operator of a designated airport; the Air Traffic and Navigation Services Company, any air carrier and any other aviation participant designated by the Minister from time to time. SACAA monitors, on a continuous basis, compliance with national and international civil aviation standards.
- The second area of security is *National Security*. Civil aviation security is a sub-set of the broader national security environment. This area involves, *inter alia*, the following national government departments: Transport, South African Police Service, State Security Agency, International Relations and Cooperation, Home Affairs (Immigration) and South African Revenue Service (Customs) and the South African National Defence Force. The abovementioned Departments as well as the Air Traffic Navigation Services Company and Airports Company South Africa are represented in the National Aviation Security Committee (NASC).

#### **(b) Issue**

The following issues have been identified:

- Need to clearly identify responsibility for the development and review of the NASP, as well as the implementation thereof;
- In respect of airports, the NASP is currently applicable to designated airports.
- Cost of compliance with security facility and staffing requirements at designated airports has been identified as a concern for airports with small volumes of scheduled traffic.



**(c) Policy Statement on Aviation Security at Airports:*****PS. 4***

*The Department of Transport is responsible for the development of national civil aviation security policies. This includes the compilation, revision and development of the National Aviation Security Programme (NASP) which, amongst others, addresses airport security, in compliance with Annex 17 of the Chicago Convention.*

*SACAA will remain responsible to oversee the implementation and compliance with the NASP.*

*Where the cost of security oversight is recovered from the users, this should be done in a fair and equitable manner, subject to consultation with affected parties and guided by ICAO's Policies on Charges for Airports and Air Navigation Services (Doc. 9082).*

**4.5 CIVIL AVIATION SAFETY AND SECURITY ISSUES: AIR TRANSPORT****(a) Background**

South Africa, as a signatory to international conventions on civil aviation pertaining to safety and security, has certain functions and obligations in terms of these conventions. These functions and obligations are mainly of a technical nature and not subject to negotiations with another country.

It should be noted that the Chicago Convention imposes the responsibility for compliance with standards and practices related to safety and security on the Contracting States. In South Africa, safety, security and environmental oversight have been delegated to SACAA, but the IASC and the ASLC also play a complementary role through the granting of air services licences.

The successful achievement of safety and security objectives depends on people, equipment, facilities and systems. The respective regulatory authorities have different roles to play, but with one common goal in their monitoring, namely, the achievement of safety and security objectives.

**(b) Issue**

The air transport market is being continually liberalised. The relationship between economic liberalisation and aviation safety and security regulation should be carefully balanced between costs and benefits to achieve an optimal level of safety and security.

The South African Government, through DOT and SACAA, has an obligation to ensure that any person providing an air transport service complies with at least the minimum

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norms and standards laid down in the international conventions on civil aviation, as incorporated into South Africa's domestic law.

**(c) Policy Statement on civil aviation safety and security issues: Air Transport:**

**PS. 5**

***Civil aviation safety and security within the air transport sector are of paramount importance, and the quality of operators regarding those factors which affect operational safety and security should be enhanced as far as possible.***

***Air transport services should at all times comply with the international norms and standards pertaining to aviation safety and security, as contained in the relevant international conventions to which South Africa subscribes.***

***In the context of a liberalising environment, the fundamental importance of operational safety and security is reiterated with the emphasis on the following:***

- The aircraft to be used in providing an air service should be safe and should continuously be kept in a safe condition.***
- The persons operating, i.e. flying and maintaining the equipment, should be properly trained and should operate such equipment in a safe manner.***
- The air service licensee or holder of a foreign operator's permit should operate the air service in a safe and secure manner. To ensure this, an operator should be recognised as an entity and be monitored and regulated as such.***
- Safety and security aspects of air services should be monitored on a continuous basis to ensure compliance with the regulatory framework and effective enforcement measures should be introduced where necessary.***



## 5 OVERALL INSTITUTIONAL ARRANGEMENTS

### 5.1 DEPARTMENT OF TRANSPORT'S CAPACITY FOR ITS CIVIL AVIATION RESPONSIBILITIES

#### (a) Background

The changes in the institutional arrangements for civil aviation and the separation of service delivery and regulatory functions did not leave DOT untouched. In many instances, experienced staff in specialised disciplines left the Department to take up new positions with SACAA or with ACSA and ATNS. This left a void which the Department had to manage for quite a long time before suitable capacity could be acquired.

This situation is not uncommon in the international civil aviation community. Several countries are currently struggling with a mismatch between departmental oversight capacity and the operational strength of autonomous institutions.

#### (b) Issue

The changes in the institutional arrangements have had a negative influence on the Department's capacity. As a result DOT does not have the required capacity to fulfil its functional responsibilities for civil aviation, which include, amongst others, formulation of policy and oversight of state entities.

#### (c) Policy Statement on DOT's capacity for its civil aviation responsibilities:

**PS. 6**

***Government is committed to ensuring that the Department of Transport is suitably equipped to fulfil its functional responsibilities for civil aviation effectively, efficiently and meaningfully.***

### 5.2 INDEPENDENCE OF REGULATORS IN THE CIVIL AVIATION INDUSTRY

#### (a) Background

Regulation is a form of Government intervention with the intention to regulate only where it is essential. In utilising some form of independent regulation, Government has instituted the following arrangements with respect to civil aviation regulation:

- Regulation of the core elements of safety, security and environmental matters in the civil aviation system;
- Regulation of monopolies with respect to airports and air traffic and navigation services; and
- Regulation of competing air service providers.

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**(b) Issue**

A potential conflict of interest has been identified between State ownership and State regulatory control of the aviation sector that has the potential of affecting the industry, particularly with the increasing number of private sector participants entering the market.

Each of the regulatory institutions involving civil aviation need to be reviewed to assess the extent to which it is independent and the possible influence the commercial interests of Government may have on decision-making.

A clearer definition of the accountability framework for regulators could considerably clarify their role and formalise the manner of their interaction with other facets of the State. It would also help to define the respective roles of all the parties whose operations impinge, to a greater or lesser extent, on the mandate of the various regulators.

Independent regulators need to be able to exercise their powers and authority without hindrance. For this reason DOT needs to ensure that potential areas of conflict or issues that might discredit the regulators are eliminated.

The part-time nature of the economic regulators poses a very serious challenge for both DOT and industry. The regulators are not fully resourced and this limits their level of intervention and support on regulatory matters.

The primary legislation that supports the establishment of these regulatory institutions is weak and outdated. As a result, the Department faces challenges in responding to the needs of the industry. This calls for a need to review the regulatory framework so that it responds to the needs of the industry and assist DOT to achieve its policy mandate.

The role of DOT in the economic regulation space needs to be enhanced through the establishment of a permanent regulatory institution<sup>2</sup>. The review would address the current challenges relating to regulatory independence, capacity building and the ability of the DOT to issue policy directives to the regulators in response to the dynamic nature of government priorities.

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<sup>2</sup> The plans for a single transport economic regulator may result in an evolution of roles.

**(c) Policy Statement on the independence of regulators in the civil aviation industry:**

**PS. 7**

*Government recognises the independence of the economic regulators as well as that of the aviation safety and security regulator which have been established, as well as the accompanying responsibility and accountability associated with their independence, with due regard to the relevant founding legislation.*

**5.3 MANAGING THE MINISTER OF TRANSPORT'S SHAREHOLDING RESPONSIBILITIES AND POLICY, PLANNING AND REGULATORY RESPONSIBILITIES**

**(a) Background**

The Airports Company Act and the Air Traffic and Navigation Services Company Act provide for the President to designate a Minister as Shareholding Minister. The Regulating Committee for ACSA and ATNS has been established through the Airports Company Act No. 44 of 1993. Its main functions include the regulation of aeronautical tariffs, the service standards of ATNS and ACSA, as well as considering complaints.

The Minister of Transport, who is currently the shareholding Minister, is also responsible for appointing the chairperson and four members of the Regulating Committee. The term of office of the Regulating Committee is prescribed by the Minister.

**(b) Issue**

Under the present arrangement, the Minister of Transport has a dual role, namely:

- Responsibility for policy development, strategic planning and regulation; and
- Exercising the rights attached to the shares in ATNS and ACSA of which the State is the holder.

The Minister of Transport's dual role holds a potential for conflict of interests, which could jeopardise the integrity of the Regulating Committee. For this reason, those roles need to be effectively managed.

**(c) Policy Statement on managing the Minister of Transport's shareholding responsibilities and policy, planning and regulatory responsibilities:**

**PS. 8**

*The Minister's shareholding responsibilities and his/her policy, planning and regulatory responsibilities should be effectively managed in order to avoid any conflict of interests between vested responsibilities in ATNS and ACSA as business entities, and the responsibility for exercising regulatory control over their operations.*

## **5.4 ENFORCEMENT POWERS OF THE REGULATORS**

### **(a) Background**

The powers to enforce the regulatory regime effectively in terms of current legislation can be subdivided into the four broad categories listed below. It must be noted that the regulator's actions would be subject to judicial review or that the regulator may institute court proceedings seeking a court order to give further effect to the exercising of such powers:

- Investigative powers give the regulator the authority to conduct investigations into and gather information about the performance or intended performance of aviation-related activities, and to grant specific rights (licences), or order that certain actions must be undertaken as a result of such probing.
- Remedial powers provide that if a regulated person or entity is engaged in practices that contravene the regulatory rules in a manner that would adversely affect a third party and that if, owing to the urgency of the matter, the adversely affected third party regards the normal procedures of investigation and subsequent prosecution as an insufficient response, the regulator need to take appropriate action with immediate effect.
- Punitive powers allow the regulator to take immediate action if non-compliance is observed, e.g. the revocation/restriction/suspension of an acquired right, such as a licence.
- Monitoring (auditing) powers allow the regulator to find out to what extent an order given in exercising any of the above powers, has been put into effect.

### **(b) Issue**

A critical review of the current situation resulted in the identification of the following issues, which may apply with varying degrees to the regulatory regime:

- The present institutional arrangement is not sufficiently robust to respond to the challenges of an increasingly complex aviation industry; and
- The present legislation provides for a judicial review of a regulatory decision, but provides for little or no enforcement.

**(c) Policy Statement on the enforcement powers of the regulators:**

**PS. 9**

*In exercising their authority, the powers of the civil aviation regulators should be enhanced by providing appropriate enforcement instruments to give effect to the decisions taken or rulings made.*

*The Department of Transport should review the current regulatory framework governing the economic regulation of ACSA and ATNS pending the establishment of a permanent economic regulator.*

## **5.5 AIRCRAFT ACCIDENT AND INCIDENT INVESTIGATION**

### **(a) Background**

The Accident and Incident Investigation Division's (AIID) activities concern the investigation of accidents and incidents with the purpose of preventing the recurrence of such accident or incident in compliance with Annex 13 of the Chicago Convention. It is not the function of this Division to assign fault or determine criminal liability. Its sole function is, therefore, to promote aviation safety.

International practice shows that accident investigation is usually part of the duties of a specialised independent aviation accident investigation body or part of an organisation to investigate transport accidents and incidents on a multi-modal basis. As the "user-pays" principle cannot cover the cost of investigations into aircraft accidents, Government needs to continue to fund the investigations and establish such an independent investigating body specific to aviation, or multimodal.

The function of investigating aircraft accidents and incidents was transferred to SACAA in 1998 as an interim measure. This function was conducted by SACAA on behalf of DOT in terms of a formal arrangement until early 2013. Section 4 of the Civil Aviation Act, 2009, has not been promulgated due to challenges relating to its implementation.

### **(b) Issue**

As aviation investigations may well negatively implicate SACAA itself and create a conflict of interests, it is not appropriate for the function of aircraft accident and incident investigations to be conducted by SACAA on behalf of DOT. To eliminate the potential for such a conflict of interest, the Minister of Transport has issued an Order in

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terms of the Civil Aviation Act, 2009, as an interim measure to ensure functional independence of the AIID. However, a more permanent solution is required. There is a parallel process of amending the Civil Aviation Act in order to remedy the conflict of interest situation with due regard to fiscal constraints.

**(c) Policy Statement on Aircraft Accident and Incident Investigation**

**PS. 10**

***A functionally independent Aviation Safety Investigation Board should be established, housed within the DOT, for Aircraft Accident and Incident Investigation as provided by Annex 13 of the Chicago Convention and relevant Standards and Recommended Practices (SARPS).***

**5.6 AERONAUTICAL INFORMATION SERVICES**

**(a) Background**

The Report on the Restructuring of the Civil Aviation Authority (1997) identifies aeronautical information services (AIS) as a service delivery function. The functions of AIS include the following:

- The collection, verification and distribution of AIS. This can be regarded as a service delivery function.
- The authorisation of the publication of information. This is a regulatory function and includes setting standards on what information should be published and the correctness of such information, as well as authorising any changes to the information.

**(b) Issue**

As the service delivery functions of AIS are not aligned with the regulatory functions of SACAA, consideration needs to be given to transferring AIS to another organisation best equipped to perform such functions. This principle was also highlighted in the recent ICAO Coordinated Validation Mission of July 2013.

Although SACAA is currently the official supplier of AIS, it seems that ATNS would be better equipped to deliver this service cost-effectively. In the case of Australia, New Zealand and the UK, the AIS service delivery function has been separated from the regulatory function and outsourced to private suppliers.

As there may be duplication when splitting the AIS functions, all responsibilities need to be clearly defined and allocated.



**(c) Policy Statement on aeronautical information services:****PS. 11**

***The service delivery aspect of aeronautical information services should be separated from SACAA and transferred to ATNS.***

***SACAA to retain the regulatory oversight of AIS, including the verification and sign-off on information as well as regulatory oversight of the Central Airspace Management Unit (CAMU), the ATNS Aeronautical Information Services quality system as well as data integrity.***

**5.7 FLIGHT INSPECTION****(a) Background**

After SACAA was established, the South African flight inspection capability was transferred from DOT to SACAA. The Flight Inspection Unit (FIU) of SACAA could be seen as a strategic resource because it provides, *inter alia*, a flight inspection service in South Africa for civil as well as military navigation equipment, and also for certain states in Africa.

The FIU performs flight inspection of the correct calibration of aviation navigation aids which is a part of its ICAO required oversight functions.

SACAA holds international as well as domestic air service licences for providing flight calibration services for reward. It operates the FIU on a cost-recovery basis.

**(b) Issue**

The FIU currently performs activities which can be classified into a regulatory category and a service provision category. The international trend as can be seen in Australia and the United Kingdom is to separate the service provision functions from the regulatory functions.

The FIU forms part of SACAA. As aviation safety regulator, SACAA also conducts safety oversight on the Part 121 operations of the FIU as well as oversee the navigation aids that are flight inspected. Extension of calibration certificates, e.g. when the Unit is not available to do flight inspection, are currently recommended from within the same entity being the SACAA that also houses the FIU. This potential conflict of interest is currently managed by suitable internal processes within SACAA.

It is difficult to separate the calibration service from regulatory oversight as both functions take place at the same time. SACAA inspectors oversee the accuracy of the calibration at the same time when the flight inspection service is provided. Splitting the safety oversight function from the calibration service provision into two independent operations would make both functions far more costly.

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**(c) Policy Statement on Flight Inspection:*****PS. 12***

***SACAA to retain the responsibility for flight inspection. There should, however, be a distinct separation of responsibilities between service provision and safety oversight in respect of flight inspection of navigation and surveillance aids and flight procedures to prevent SACAA's role as a safety regulator being compromised.***

## **PART C: CIVIL AVIATION INFRASTRUCTURE**

This Part of the document deals with the various infrastructural aspects of the civil aviation systems, including airports, spatial and land use planning of airports within their surrounding areas, as well as airspace. It should be read in conjunction with Part D, which addresses some elements that may have implications for airport operations and communication.

### **6 AIRPORTS**

The airport or airport system is one of the key elements of the transport infrastructure in South Africa. Historically, Government has invested significant funds in airport infrastructure. Despite the establishment of autonomous authorities to operate airports as business entities, all spheres of government still own, and to a lesser extent, operate the vast majority of airports.

It is estimated that, as at 2015, South Africa's airport network consists of 135 licences airports, 60 registered airports, 33 military airports and up to 1,600 unlicensed and unregistered aerodromes.

#### **6.1 NATIONAL AIRPORTS DEVELOPMENT PLAN**

##### **(a) Background**

Airports that link South Africa with domestic, regional and intercontinental destinations collectively constitute the "national" (South African) airports system. The system therefore includes all airports which link one location or community with other destinations inside South Africa and abroad, regardless of the status of such airport.

An airport as a public utility in many rural areas in South Africa is still highly relevant and likely to remain so in future, but the public utility approach has given way to airports as commercial entities, albeit still under public ownership in most cases.

The national Government, through SACAA, bears responsibility for the safety and security of the entire network of airports, in terms of legislation and international conventions on safety and security. It may also determine standards and provide guidelines for the planning, development and operation of airports. The airport licensees are, however, responsible for the necessary planning, design, construction, operation and further development of airports.

##### **(b) Issue**

In the past, airports have not always developed within socio-economic parameters and the airport system at present does not conform meaningfully to an integrated network of airports that could contribute to growing the wealth of the country and ensure that potential investments are used to best effect.

With all three spheres of Government involved in one way or another with integrated planning involving *inter alia* airport planning, operation and regulation, there is little or no proper direction or method for co-ordinating the responsibilities in this area.

Airport development should not be considered in isolation, but be integrated into all national, provincial and municipal economic and spatial development initiatives. At the same time, airport development also needs to meet the social needs and objectives of local communities. There therefore needs to be synergy between airport development and the development strategies of all spheres of government, with emphasis on the following:

- The national planning and integration of airports into the broader transport network in respect of modal integration as well as in the context of the total air transport system, need to be co-ordinated with the other spheres of government.
- Airport development and planning also need to be incorporated into the planning initiatives of the appropriate sphere of government as an airport may influence provincial and municipal socio-economic development. Aviation knows no borders. There is therefore a possibility of conflict between airport planning initiatives of two neighbouring provinces, where their planning involves two different airports close to each other and which may consequently be detrimental to the system as a whole, from a safety and operational as well as an economic point of view.
- Planning for airports furthermore needs to be included in a provincial transport plan which, in turn, would form part of the economic development plan for the province.
- The socio-economic "value" of an airport in relation to the total system as well as from a more localised point of view, is another consideration when making decisions about seamless transport systems, private investment and the designation of additional, or the reduction of the number of, international airports or the allocation of public funding.
- Airport development needs to be planned holistically in accordance with a structured National Airports Development Plan, which would support national, provincial and local community objectives. Such development needs to complement the airport system, and in some cases may even allow for competition within the system, to the benefit of the user.

Airports in South Africa arose from a widespread acceptance of airports as quasi-public utilities which the national or local government of the day financed and operated. However, the existing network of airports has evolved along uncoordinated lines and now the network has to be further developed, operated, maintained, protected and properly utilised in an integrated system.

In general, private-sector involvement in airport development is hampered by uncertainty about the relative importance of the potential investment in the airport network. The perceived success of commercialised airports has, however, motivated

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private enterprise to plan and establish new airport facilities. These developments, which in some cases show limited regard for macro-economic considerations, illustrate that the uncoordinated approach of the past still dominates. Private sector investment into airport infrastructure is a function of economic regulation and it is noted that this sector will not invest, unless it has certainty that there will be a return on investment. This will require that long term operating licences are issued to ensure that any debt financing can be repaid and that there is a return on equity that is comparable to other asset classes.

**(c) Policy Statement on the National Airports Development Plan:**

**PS. 13**

***The Department of Transport will develop a National Airports Development Plan which would guide all present and future airport development in consultation with all relevant stakeholders. Planning and integration of airports into the broader transport network should be co-ordinated through the National Airports Development Plan.***

## **6.2 ENVIRONMENTAL SUSTAINABILITY OF AIRPORT DEVELOPMENT<sup>3</sup>**

### **(a) Background**

Sustainable development in its simplest form is “*development that will endure*” or alternatively is “*development which meets the needs of the present, without compromising the ability of future generations to meet their own needs*”. Viability requires that benefits should exceed costs.

To ensure the optimal use of funds for airport development, the concepts of sustainability, especially in the context of environmental considerations, are critical. Airports need to evolve on the basis of sustainability and viability in accordance with the factors presented below. The interdependence of these factors should however be clearly recognised when formulating policy.

According to Part 139 of the SA-CAR titled “*Aerodromes and Heliports: Licensing and Operation*”, an environmental impact report, if required in terms of the Environmental Management Act, has to be submitted as part of an application for a licence or an amendment thereof.

In terms of Section 21 of the Environmental Conservation Act, the Minister of Water and Environmental Affairs has identified activities which may have a substantially detrimental effect on the environment and which will, under certain circumstances, be

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<sup>3</sup> Also note “*AIRCRAFT OPERATIONS AND THE ENVIRONMENT*”

subject to an appropriate environmental impact assessment. These activities include the construction or upgrading of airfields and associated structures outside the borders of town-planning schemes, as well as changes in land use from, for example, agriculture to any other land use, including that of airports.

#### **(b) Issue**

Environmental sustainability emphasises the interdependence of social and economic development and environmental protection. It is therefore important for investment decisions to take environmental implications into account. However, investment decisions can only be consistent with environmental objectives if the environmental implications have been identified and assessed. These assessments need to be done at an early stage and inform the planning and design of individual projects.

The Government's policy on environmental management indicates that all development which might have an impact on the environment has to follow the Integrated Environmental Management (IEM) process, thus providing sufficient information to decision makers about the impact of the development on the environment. Different tools may be used to ensure IEM, which could range from Strategic Environmental Assessments and Plans, which take place at a more strategic level, to Environmental Impact Assessments (EIA), which are more project-specific. The EIA regulations made in terms of the National Environmental Management Act list airports as an activity for which either an EIA or a basic assessment is compulsory.

Smaller airports are not always sufficiently aware of their obligations, whether a Basic Assessment or full EIA, and the cost of completing an EIA may be prohibitive for airports with limited activity for reward.

#### **(c) Policy Statement on Environmental Sustainability of Airport Development:**

##### ***PS. 14***

***Airport development, expansion and operation should be in line with the Government's policy on environmental management.***

***The environmental sustainability of airports should be assessed as a prerequisite, whether at strategic planning level or for individual projects, using the appropriate tools.***

### **6.3 FINANCIAL SUSTAINABILITY AND VIABILITY**

#### **(a) Issue**

Most airports in South Africa and around the world are not financially sustainable based on aeronautical revenue alone. In particular, provincially and municipally-owned airports in South Africa are struggling with financial sustainability. Ultimately the success or failure of an airport facility, in financial terms, is demand-driven and

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depends upon the willingness of direct and indirect clients to make use and contribute towards the costs of the facility, as well as the optimisation of non-aeronautical revenue and compatible development in the surrounding airport precinct (whether a small airport precinct in a small town or a large aerotropolis in a metropolitan area).

The development of new and existing airports needs to be justified by commercial sustainability socio-economic contribution, or both. A distinction has to be made between airports operated as viable commercial entities or which have the potential to become commercially attractive, and those that will remain a utility, serving only community interests such as medical rescue or firefighting.

**(b) Policy Statement on Financial Sustainability and Viability:**

**PS. 15**

***Existing and new airports should as far as possible be developed and operated on the basis of financial sustainability and viability, as guided by the National Airports Development Plan.***

***Existing publicly owned airports, excluding military airports, are encouraged to make every effort to become viable and sustainable, including through optimising non-aeronautical revenue and airport precinct development. Failing that, other justifications relating to social or economic benefits could be supported, should there be sufficient willingness for local or provincial government to cover associated costs. Where neither financial viability nor socio-economic justification can be achieved, alternative uses for such assets should be investigated, with due regard to the high cost of developing a new airport to cater for future demand.***

## **6.4 FUNDING OF AIRPORTS AND PRIVATE SECTOR PARTICIPATION**

### **6.4.1 “User pays” principle**

#### **(a) Background**

Due to the diversity of the sustainability and viability factors which apply to the development, ownership and control of an airport, different considerations may play a role in determining the most suitable funding model.

International experience indicates that successful providers of infrastructure services generally operate these services on commercial principles and have four basic characteristics, namely, focused goals, financial independence, management autonomy and accountability for results.



**(b) Issue**

In the White Paper on National Transport Policy, airports are classified as “economic infrastructure”. As such, the principle of “user-pays” or cost recovery directly from users could be applied, where possible.

Economic infrastructure is economic in the sense that there are important links between the availability of this infrastructure and the potential for economic activity and growth. Where possible and appropriate, the “user-pay” principles mean that tariffs will have to be set in accordance with the cost of providing a service. This principle need to be applied with due regard to a reasonable rate of return.

At present many South African airports do not base their charges on the cost of providing services and are not run on acceptable business principles. Sound financial management and accountability will have to be introduced at all airports to enable airports to move towards the introduction of the “user-pays” principle.

**(c) Policy Statement on “user pays” principle:****PS. 16**

*The “user-pays” principle in respect of services rendered at cost-related levels should be introduced at all airports, where feasible. When implementing this principle, the rate of return must be pre-determined based on acceptable business principles applicable to this sector to ensure that it does not yield a disincentive for efficient service provision.*

**6.4.2 Government and private participation in airport funding and operations****(a) Background**

Demands on the Government's funds are high, and current Government priorities are focused more on the need to provide for basic needs. Alternative and innovative methods of funding airport development, maintenance and operations will therefore have to be developed.

Airports differ in their suitability and economic viability for recovering costs through the “user-pays” principle, and/or directly recovering investments made by the private-sector. Accordingly, a distinction has to be made between:

- utility airports generating no revenue, and requiring government funding or a “subsidy”;
- airports suitable for indirect “user-pay” arrangements, e.g. concession fees, local levies and tax; and
- airports that can be fully financed through private-sector investment.



**(b) Issue**

At present there are no specific incentives for investing in airports.

The funding of provincially and locally owned airports is currently perceived as a challenge. Private financing is required to ease the burden on government financing, but it will also encourage better risk sharing, accountability, monitoring and management. However, it is important to note that financial viability is a prerequisite for private-sector involvement.

**(c) Policy Statement on funding sources and private participation strategies:*****PS. 17***

***Local and international private sector participation in the provision and operation of airport infrastructure should be encouraged in all spheres of government.***

***Airports should also be permitted to operate under a range of types of management and control, allowing airports some flexibility in their business model, but without risking the core aeronautical activities of such airport.***

**6.4.3 Government funding of airports****(a) Background**

Following the establishment of ACSA, national Government's current direct financial role in airports has been limited to that of majority shareholder in ACSA and economic regulation of the charges that ACSA levies on users of its facilities.

In the broader context DOT is responsible for the development and management of the National Airports Development Plan. It will be essential for the Government to assist and appropriate funds to meet stated national strategic objectives so as to give effect to this Plan.

In addition, provinces and municipalities own an estimated 100 airports within the South African airport network, only some of which have private sector participation in their maintenance and operations.

**(b) Issue**

Due to fiscal constraints in the short to medium terms, and the "user pays" principle, national government is not in a position to fund airport operations. Provincial and municipal authorities have insufficient funds to allocate to airports they currently own, as the limited funds available are allocated to other social priorities. Many of these airports are ill-equipped to serve local communities both socially and commercially.

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**(c) Policy Statement on government funding of airports:**

**PS. 18**

***National Government should not provide any direct operational funding for any airport. National Government as responsible owner/shareholder of certain airports must, however, continue to meet its obligations in respect of large scale capital expansion of such airports or development of a new airport when further expansion is not possible to meet market demand, when required.***

***The provinces and the municipalities should remain responsible for prioritising their funding requirements in accordance with their established needs, including aviation infrastructure needs for the facilities these authorities plan, own and operate.***

**6.4.4 International Donor Funding and Partnerships**

**(a) Background**

The Department of International Relations and Cooperation (DIRCO) co-ordinates donor funds, grants and donations to all spheres of government. This includes funds to parastatals, which are linked to Government. DIRCO will commit these funds to the different departments as agreed. However, the establishment of direct relations would encourage the direct flow of funds to the private sector, non-governmental/community-based organisations, research institutions and research units at universities.

The encouragement of partnerships could also open avenues to obtain international funds and expertise.

**(b) Issue**

Donations from international sources and concessionaire funds are also options for the funding of infrastructure development. However, these options have to be carefully evaluated, as their use may distort priorities. There are many instances worldwide, where international funding has led to the development of inappropriate infrastructure.

**(c) Policy Statement on international donor funding and partnerships:**

**PS. 19**

***The use of international donor funds should be in line with national policies and priorities. In addition, partnerships at new and existing airports between the public and private sectors as well as local and international investors should be encouraged in all spheres of government.***

## **6.5 AIRPORT LICENSING OR REGISTRATION**

### **(a) Background**

Annex 14 to the Chicago Convention contains SARPs for the design and operation of airports used for international civil aviation. South Africa is obliged to conform to these standards at international airports. From a safety and security perspective it is highly desirable that such standards are applied to licensed domestic airports.

In terms of current legislation, SACAA has to ensure minimum aviation safety and security standards at licensed airports and heliports. To assist with fulfilling this obligation, a licensing system has been adopted in terms of which airports meeting certain safety and operational criteria are authorised to accommodate aircraft movements on and within a predefined airspace in the immediate vicinity of an airport.

Licensing of airports is restricted to the aviation safety and security aspects of an airport. It therefore follows that SACAA does not involve itself directly with the other elements of project development, such as land-use planning and environmental assessments, nor does it fall within the ambit of SACAA's responsibility to ensure compliance with other authorities in this regard. In terms of the Constitution of South Africa these issues are mainly to be managed by national, provincial and/or local government.

### **(b) Issue**

It is recognised that the vast majority of airports in South Africa are currently unlicensed. These airports play an important role especially in respect of aircraft used for sport, recreation and private use, but in some cases also support air services for indirect reward. From a safety and security perspective, a revised airport licensing and registration system is needed to record all landing facilities, and where appropriate, to regulate the standards and operations of such facilities. Standards for the various types of facilities need to be set at an appropriate level, given the type of operations taking place at the relevant facility.

**(c) Policy Statement on airport licensing and registration:****PS. 20**

*The current airport licensing system should be reviewed and aligned with the National Airports Development Plan and the National Airspace Master Plan. All airports should be required to obtain appropriate aerodrome licences or to be registered. To this end, criteria for licensing and registration would be different for different types of airports.*

*Unlicensed airports that accommodate air services for reward (direct and indirect) should be licensed. In addition all airports situated within a specified distance, to be prescribed in terms of the Civil Aviation Regulations, of the geographical footprint of any Terminal Area (TMA) or Control Zone (CTR) of an existing licensed airport, must be licenced after all airspace and interdependency aspects, including master planning, have been considered.*

**6.6 DESIGNATION OF AIRPORTS AS INTERNATIONAL PORTS OF ENTRY****(a) Background**

Airports in general are classified in a number of ways, depending on their functional characteristics as referred to in the Constitution, airport licensing system and Annex 14 of the Chicago Convention.

International airports are designated *ports of entry* where the necessary facilities and services are provided to accommodate international flights. The ownership of an international airport may be vested in all spheres of government as well as in the private sector.

To address border control issues effectively, the Cabinet decided in 1998 to rationalise the ports of entry. This decision restricted the number of international airports to ten. At present these airports are distributed among the nine provinces of South Africa, with two in Gauteng.

**(b) Issue**

Due to the reduction in the number of international airports, the current ten international airports are also used by aircraft operators utilising small aircraft for the sole purpose of customs and immigration clearance. Due to increased congestion at the international airports (especially in Gauteng), additional airports may need to be designated as ports of entry, and the feasibility of establishing “regional-international” airports in order to facilitate small aircraft movements to and from Southern African Development Community (SADC) need to be investigated.

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**(c) Policy Statement on Designation of Airports as International Ports of Entry:****PS. 21**

*The framework for the designation of international airports (ports of entry) in respect of existing domestic and planned new international (green-field) airports should form an integral part of the National Airports Development Plan and provide for the criteria and requirements for the development and designation of such airports.*

*The Department of Transport, in consultation with all relevant Organs of State, should investigate the feasibility of providing for “regional-international” airports as a sub-set of international designation in order to facilitate small aircraft movements between South Africa and Southern African Development Community States, factoring in all relevant national security implications and imperatives. As is the case with international airports, the feasibility of regional-international airports must show financial viability with sufficient demand for passenger and freight air services.*

**6.7 FACILITATION****(a) Background**

From a consumer's point of view, efficiency at an airport is measured by how well an airport operator facilitates the arrival and departure of aircraft, people, cargo and other articles at airports. Annex 9 to the Chicago Convention requires the establishment of a National Air Transport Facilitation Committee and Airport Facilitation Committees as required, for the purpose of coordinating facilitation activities between departments, agencies, and other organizations of the State concerned with, or responsible for, various aspects of international civil aviation as well as with airport and aircraft operators.

In order to give effect to this requirement, South Africa established the National Air Transport Facilitation (NATF) Committee.

**(b) Issue**

Ineffective or lack of proper facilitation at airports is one of the main causes of consumer complaints in respect of a number of activities or services ranging from passenger and baggage handling, customs and immigration services, security screening, retail business, ground transport, and ability to meet the general needs of persons with disabilities as well as accommodating well-wishers, 'meeters' and 'greeters'.

**(c) Policy Statement on Facilitation:****PS. 22**

***The Department of Transport should enhance the role and functions of the current National Air Transport Facilitation Committee.***

***The airport licensees/airport operators of airports serving international air services may be required by the National Air Transport Facilitation Committee to establish Airport Facilitation Committees for the purpose of coordinating civil aviation facilitation matters at airport level. These committees, chaired by the airport licensees/airport operators, will be composed of local representatives of the major stakeholders in civil air transport facilitation at such airports.***

**6.8 AIRPORT EMERGENCY MANAGEMENT PLANS****(a) Background**

Airport emergencies can often be exacerbated by human behaviour and operational processes, which increase risk and vulnerability. In many instances, emergencies tend to be seen as an expected result of poor risk management, instead of isolated occurrences.

Over the years, airport operators/licensees have developed a procedural approach to ensure they are prepared to deal with aircraft in distress while taking-off or landing, as aircraft are more vulnerable to distress at these times. The SARPs contained in Annex 14 to the Chicago Convention contains the standard emergency requirements, specifically at international airports, for fire-fighting and emergency medical services.

It is acknowledged that it is more effective to prevent and mitigate than to react to actual incidents. This acknowledgement has brought about a more holistic attitude to emergency risk management through multidisciplinary processes involving a wide range of stakeholders.

Airport and aircraft operations take place in a highly regulated safety environment. This alone, however, is not sufficient to deal with all the complexities of an aviation emergency. The key elements of emergency management in the context of an airport normally include the following:

- Prevention – compliance with aviation safety regulations in respect of airport and aircraft operations, and factoring in disaster risk reduction and climate change in development and operations,
- Mitigation – taking measures to minimise the destructive and disruptive effects of disasters, such as proper engineering, spatial planning or combating fire hazards,



- Preparedness – the maintenance of inventories of resources, the training of staff, regular risk assessments and contingency planning or logistical readiness supported by an all hazard early warning system,
- Post Disaster Recovery and Rehabilitation - such as search-and-rescue plans, medical care or handling the next of kin immediately after a disaster, and dealing with damage control, ensuring that systems will be operative again, and tending to the victims of the disaster.

#### **(b) Issue**

The current airport emergency plans are mainly reactive and do not provide for the multidisciplinary and integrated processes which would ensure the co-ordination of plans, strategies and resources, and the building of capacity and knowledge to deal with emergencies. Similarly the concept of emergency management is not adequately provided for in development planning. These plans need to be integrated with the Local, Provincial and National disaster management plans. At the moment these exist in isolation from each other.

#### **(c) Policy Statement on airport emergency management plans:**

##### **PS. 23**

*All licensed airports, unless exempted by regulation, must prepare, implement and maintain an emergency management plan. Where appropriate, the plan should also incorporate and integrate the emergency management plans (or similar planning) of all air carriers providing air transport services to such airport. These plans also need to be integrated with the Local, Provincial and National disaster plans.*

### **6.9 USE OF MILITARY AIRPORTS FOR PURPOSES OF CIVIL AVIATION AND FINANCIAL RESPONSIBILITY FOR EXCLUSIVE MILITARY UTILISATION OF CIVIL AIRPORT FACILITIES**

#### **(a) Background**

The SANDF has reduced its activities and withdrawn from some airports, but in many cases civil airports are still being used for military purposes.

In terms of Part 139.01.2(1) of SA-CAR and subject to the approval of the Minister of Defence, the controlled use of military airports may be authorised for civil aviation purposes, provided certain conditions are met.

Similarly, civil airports may be used for military purposes in accordance with the rules and regulations applicable to all users. In respect of certain civil airports, however, the provision, operation and maintenance of a portion of the facilities, equipment and services are for the sole benefit of the SANDF.

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**(b) Issue**

The following issues need to be addressed:

- The operational conditions under which some of the SANDF facilities could be used for the benefit of civil aviation while ensuring that the functioning of the SANDF would not be prejudiced.
- The exclusive use of certain facilities at civil airports for military purposes and the financial responsibility of the SANDF in matters related thereto.

**(c) Policy Statement on the use of military airports for purposes of civil aviation and financial responsibility for exclusive military utilisation of civil airport facilities:****PS. 24**

*Where there is a demand, the co-use of military airports for civil aviation purposes could be negotiated where practical, provided that military utilisation of the facilities would at all times have priority. However, it is not intended that the military should enter the business of providing airport facilities for the purposes of civil aviation, or that the civil use of any military facility should interfere with the constitutional responsibilities of the SANDF.*

*The SANDF should accept financial responsibility for the exclusive military utilisation of facilities at civilian airports.*

**6.10 COMMUNICATION AND CONSULTATION<sup>4</sup>****(a) Background**

To enable sustainable airport development and operation, it is vital to have adequate and on-going consultation and liaison with the stakeholders concerned.

The Committee of Transport Officials (COTO), a consultative forum between the national and provincial governments, has been established with responsibilities for *inter alia* airports, airspace and civil aviation in general.

International relations are the responsibility of the national Government. These include relations with neighbouring countries, other foreign countries and international and regional aviation organisations such as ICAO, African Union (AU), the African Civil Aviation Commission (AFCAC) the Southern African Development Community (SADC)

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<sup>4</sup> Please also note Section 12.1 "ESTABLISHMENT OF AIRPORT ENVIRONMENTAL COMMITTEES"

and its various Committees (Civil Aviation Committee, etc.) and various other African Regional Economic Communities.

**(b) Issue**

In some cases there are no fora for consultation about airport operations and in others, they do not function consistently at all airports.

At present the processes and responsibilities for communication and consultation on airport and airport operational matters are non-existent or not clearly defined or inoperative.

Due to the influence of the larger airports on their environment and the important transport and economic role they play, a number of authorities and organisations have an interest in or are affected by airports and their operations. A consultative forum for such authorities and stakeholders, where deliberations could take place and information be exchanged, would be beneficial.

**(c) Policy Statement on communication and consultation:**

**PS. 25**

***Government should encourage the establishment of consultative fora at licensed airports to facilitate consultations between all stakeholders, including airport licensees, airport operators, aircraft operators, other service providers and the travelling public.***

## **6.11 ECONOMIC REGULATION OF AIRPORTS**

**(a) Background**

Economic regulation, as a form of Government intervention, means the regulation of tariffs and market entry on grounds other than safety and security considerations.

The White Paper on National Transport Policy states that it is Government's intention to regulate only where it is essential. Furthermore, the benefits of regulation need to outweigh the costs. The said White Paper spells out the principles of regulation, and indicates the areas in which Government will engage in regulation. These are as follows:

- Regulation of monopolies: Government has a duty to ensure that proper tariffs are levied and to set service and safety standards; and
- Regulation of operations of competing operators: The role of Government will be to ensure level playing fields and to regulate safety and security, thereby leaving the operator as much freedom as possible to provide the customer services demanded in a competitive environment.

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The Regulating Committee regulates the maximum tariffs and minimum levels of service for the core services which ACSA renders. The Competition Authorities play an overall role in the economy to address anti-competitive practices.

**(b) Issue**

The most appropriate approach to economic regulation of all South African airports needs to be determined.

**(c) Policy Statement on economic regulation of airports:**

**PS. 26**

*The economic regulatory mechanisms applicable to ACSA airports, as reviewed from time to time, are endorsed. The conduct of airports, other than those economically regulated, may be subject to oversight or investigation by the Competition Authorities to avoid abuse of market dominance.*

## 6.12 ALLOCATION OF ROLES AND RESPONSIBILITIES

**(a) Background**

In determining the relative roles and responsibilities of Government and other institutions, it is important to consider the existing legislation. Schedule 4 of the Constitution lists airports, other than international and national, as being of concurrent national and provincial legislative competence. Schedule 4 part B of the Constitution lists local government responsibilities as including municipal airports.

**(b) Summarised statement on the allocation of roles and responsibilities in respect of airports**

The roles and responsibilities in respect of airports are allocated as follows:

Entity	Role / Responsibility
Department of Transport (DOT)	<ul style="list-style-type: none"> <li>• The establishment of the National Airports Development Plan.</li> <li>• The establishment and enforcement of norms and standards through SACAA in line with ICAO SARPs, covering the following: <ul style="list-style-type: none"> <li>– Safety regulation and aviation security, including an airport licensing and registration system;</li> <li>– airport emergency management plans; and</li> </ul> </li> <li>• The co-ordination of relations with – <ul style="list-style-type: none"> <li>– neighbouring countries and bodies, including consultation with the provinces where appropriate;</li> </ul> </li> </ul>

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	<ul style="list-style-type: none"> <li>– foreign countries and international bodies, such as ICAO, but has an obligation to inform and consult provincial authorities where matters are likely to have a direct impact upon provinces;</li> <li>– other government departments, in particular the military (SANDF); and</li> <li>– all relevant role players in respect of DOT's responsibilities and functions.</li> <li>– ensuring the economic regulation of ACSA and other airports, as and when necessary, through the Regulating Committee.</li> <li>– In performing its functions and responsibilities, DOT will consult with stakeholders.</li> </ul>
Provincial Governments	<ul style="list-style-type: none"> <li>• Responsible for planning, developing and integrating new airports (regardless of ownership) into their provincial transport and economic development plans. However, where the plans of two provinces contradict each other or where one plan is likely to prejudice another, or if plans are contradictory or prejudicial to the National Interest, National Government has, in terms of the Constitution, the right to intervene and rule in the National Interest. Provincial Governments are also responsible for feedback to and co-ordination between provincial, municipal and private airports, where necessary.</li> <li>• Provision and maintenance of provincial sport and recreational facilities in terms of Constitutional jurisdictions and Department of Sport &amp; Recreation's "Norms and Standards for Sport and Recreation Infrastructure Provision and Management" (however, recreational airports not currently included in the listed sports and recreational codes)</li> </ul>
District and local municipalities	<ul style="list-style-type: none"> <li>• Planning for municipally-owned airports, and selection of appropriate funding, management and operational models for these airports in line with processes set out in the Municipal Systems Act</li> <li>• Planning for and maintenance of municipal sports and recreational facilities in terms of Constitutional jurisdictions and the recommended local facilities strategy and quantitative assessment and comparison utilisation levels and participation patterns in the Department of Sport &amp; Recreation's "Norms and Standards for Sport and Recreation Infrastructure Provision and Management"; in the case of under-utilised facilities they may be considered for informal community open space use prior to being</li> </ul>

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# Government Gazette Staatskoerant

REPUBLIC OF SOUTH AFRICA  
REPUBLIEK VAN SUID AFRIKA

Vol. 623

19 May  
Mei 2017

No. 40847

**PART 4 OF 5**

N.B. The Government Printing Works will not be held responsible for the quality of "Hard Copies" or "Electronic Files" submitted for publication purposes

ISSN 1682-5843



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	released for other land uses (however, recreational airports not currently included in the listed sports and recreational codes)
Airport licensees	<ul style="list-style-type: none"><li>• The implementation of the relevant norms and standards set by DOT, SACAA and the Provincial and Municipal Governments. This responsibility may be delegated to the airport operator if the operator/licensee is not the owner;</li><li>• Ensuring that adequate security is in place at their airports in accordance with the SA-CARs and NASP, as applicable;</li><li>• Prepare, implement and maintain disaster management plans; and.</li><li>• Establishing consultative forums to allow for consultation and an exchange of information between stakeholders and authorities on airport development and operation.</li></ul>



## 7 INTEGRATION OF THE AIRPORT INTO ITS SURROUNDINGS

### 7.1 INTRODUCTION

This key policy area addresses the interaction between an airport and its environment and vice versa, and attempts to deal with all the aspects of land-use, which are not *directly* related to the operation of the airport. It should, however, be borne in mind that this policy area deals with issues which are normally local in scope and specific to given circumstances. These issues are included in the national policy as a uniform approach to specific principles is required nationally and the airport has to be seen in its wider context, as an important component of the multi-modal transport system as well as a facilitator of economic development throughout South Africa.

The airport environment in broad terms refers to the vicinity or area of influence of an airport. As such, the area of influence of an airport includes the airside as well as the landside of the airport. It also includes the geographic areas surrounding the airport, which are directly or indirectly affected by the airport or airport operation and vice versa. It therefore follows that the policy under this theme includes integrated development planning, land use on and around the airport and local emergency- and bulk municipal services, and development of the airport precinct and surrounding areas.

Airport activities in general and aircraft operations in particular could have a major impact on the local environment as a whole. This subject is addressed in Chapter 12 of this White Paper.

The direct impact of the airport on its vicinity and vice versa is normally not as complex and problematic in the rural areas as in the metropolitan and urban areas. Consequently the national policy is focused more on the metropolitan and urban areas to facilitate the integration of the airport into its built environment and to ensure optimal utilisation of the development opportunities which the airport presents.

It is necessary to distinguish between different types of airports for which the vicinity issues are of prime concern, namely:

- *International airports*, i.e. airports serving international travellers and the economy of the country and region as a whole.
- Other airports located in an urban built environment, i.e. airports located in metropolitan or urban areas and residential areas, which have a major impact on their direct surroundings and the residents of these areas.

## **7.2 INTEGRATED DEVELOPMENT PLANNING**

### **7.2.1 Integrated Metropolitan and Local Planning**

#### **(a) Background**

An airport can be viewed as an important modal transfer facility and significant to land use. An airport, particularly an airport with high activity levels, has a significant impact on the land transport system and on the land use in its vicinity. For this reason the planning of an airport needs to form part of the overall development planning of the area. In particular, there needs to be a balance between the airport's interests and those of stakeholders in the vicinity of the airport. This balance implies the following:

- The airport needs to fit into and be in harmony with its environment.
- The authorities responsible for the area surrounding the airport needs to facilitate the integration of the airport into its environment and, in their own interest, support the development and effective operation of the airport.

This approach needs to ensure that all major role players (airport licensees and local/provincial authorities) would strive to integrate the airport into its environment. The obligation placed on the authorities in this regard arises from the benefits that local communities would gain from an airport which is well integrated into its environment. This approach ensures that the airport and the airport licensee/operator comply with the framework of existing legislation relating to matters in the vicinity of the airport.

The Spatial Planning and Land Use Management Act of 2013 (Act No. 16 of 2013) (SPLUMA) specifies the relationship between the spatial planning and the land use management system and other kinds of planning e.g. to address past spatial and regulatory imbalances; promote greater consistency and uniformity in the application procedures and decision-making by authorities responsible for land use decisions and development application. The Municipal Systems Act requires spatial development frameworks and detailed plans reflecting actual land use and provincial planning ordinances and municipal by-laws must be followed during airport development planning processes.

DOT and provincial government departments responsible for transport have joint competence for transport planning and an airport would form part of the national, provincial and local transport system. The White Paper on National Transport Policy, 1996, indicates that detailed transport planning needs to be done at the local level to complement the land-use planning and control for which municipalities are responsible.

For airport planning, a distinction is made between a master plan, a precinct plan and an airport development plan (or implementation programme):

- A master plan does not only deal with aviation matters, but more importantly, also deals with the ultimate, strategic 'end-picture' of an airport. It may therefore

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include aviation and non-aviation matters. At present these Master Plans have no legal status in terms of land use planning.

- A precinct plan integrates technical and artistic aspects of the design of a specific precinct at an airport at a deeper level of detail than a master plan. It may be prepared for either an aviation related precinct or a purely commercial precinct, or a combination thereof.
- An airport development plan or implementation programme addresses all the elements contained in the master plan and also in the various precinct plans, but has a particular focus on the medium term and tactical steps around implementation towards the vision as captured in the master plan.

#### **(b) Issue**

Problems arise, such as the sub-optimal use of scarce resources, when airports are planned in isolation from the development planning undertaken for the area in which they are established, or if an airport development is planned without due regard to municipal planning relating to where the airport will be located. Likewise, problems arise when municipal developments and transport plans do not take account of the long-term needs, growth projections and environmental impact of airport activities.

In addition, the potential of wider airport precincts to support both aeronautical activity and non-aeronautical revenue, in order to improve the sustainability of airports, is not yet being fully realised. However, in order for developments such as airport precincts, airports cities and aerotropolises to be viable, they need to take into account their local economic context and LED plans, be demand driven, and be coordinated effectively with public and private partners, and make use of joint spatial planning.

#### **(c) Policy Statement on integrated metropolitan and local planning:**

##### ***PS. 27***

***Provincial and municipal government should jointly incorporate airports as part of a holistic planning approach to the total transport system and the environment in which the airports are located, and ensure that airports would be included in the formulation of spatial development frameworks in terms of the Spatial Planning and Land Use Management Act, the Integrated Development Plans (IDPs) and Local Economic Development Plans. In addition, airports should be included in all transport plans prepared in terms of the National Land Transport Act (and the proposed Multi-modal Transport Planning and Co-ordination Act).***

### 7.3 PROVINCIAL TRANSPORT PLANNING

#### (a) Background

In terms of the Constitution, provincial government has legal competence for, *inter alia*, provincial planning and public transport planning.

#### (b) Issue

The planning of areas in the vicinity of airports has mainly a local impact. Where municipalities have the capacity to undertake the detailed planning themselves, the province may choose devolve this function to this sphere of government. However, Provinces remain responsible for ensuring effective planning, particularly for the higher activity or more significant airports within their jurisdiction.

The transport planning functions of provinces with respect to airports have to be clarified. This applies to a wide spectrum of matters including the planning of airports as part of the provincial transport network. It must also be noted that an airport may be physically located in one geographical area and yet impact directly on another when dependencies such as airspace utilisation (flight paths) are considered.

#### (c) Policy Statement on provincial transport planning:

**PS. 28**

***Provincial Governments should include airports in their provincial transport plans and also include the policies and strategies relevant to airport development for all airports in the relevant Provincial Transport Framework and in the provincial development plans. Airport development should be included in the spatial development frameworks.***

***Where new airport developments are scoped as national and international airports, Provinces need to seek National Government's approval for the demarcation of the particular area for the development of such aerodrome, as guided by the National Airports Development Plan.***

### 7.4 LAND USE ON AIRPORTS AND LAND USE AROUND AIRPORTS

#### (a) Background

There are a growing number of commercial developments at and around airports, including offices, shops, tourism facilities, hotels, restaurants, fuel stations and warehouses. These developments are often motivated by the need to optimise utilisation of the available land, and to maximise non-aeronautical revenue.

**(b) Issue**

Land-use developments around airports often encroach upon the airport, making it difficult to extend the airport or to use it to its full potential in future. Local authorities in the past have not always been successful in controlling inappropriate land-use developments in the areas adjacent to and affected by airports. This may have related to different planning cycles for airports and local municipalities, a lack of knowledge of airport operations by some municipalities, or a lack of enforcement capacity.

Clarity is needed about the responsibilities and powers of airport licensees in connection with the development of land uses not related to aviation land-use on the airport precinct.

There is a need to control land-use development at airports and in the areas adjacent to and affected by airports, and to ensure appropriate and compatible developments, as the land-use needs of airports differ greatly from those of residential or industrial areas.

In addition, land use can be optimised to increase the economic contribution of airports, including through development of airport cities and aerotropolis urban sub-regions with an integrated economy, mixed use developments and integrated transport.

**(c) Policy Statement on land use on airports and land use around airports:****PS. 29**

***The airport licensee/operator should develop the airport development plan, airport master plan and precinct plans of the airport for any new developments in consultation with the responsible local government, as well as the SANDF, if applicable.***

***The Master Plan should enable long-term planning, such as 50 years. The airport licensee/operator should be responsible for informing the responsible municipality of the obstacle-free zone which is determined in accordance with the regulations under the Aviation Act.***

***The authorities responsible for land-use planning and control in the vicinity of an airport should ensure that the future zoning of areas close to the airports would be compatible with the airport development. This should be addressed by means of the appropriate Land Development Objectives, the Integrated Development Plans and inclusion of master plans into spatial development frameworks.***

## 7.5 LOCAL EMERGENCY SERVICES AND BULK MUNICIPAL SERVICES

### (a) Background

Municipalities are responsible for determining and assessing risks and for ensuring that there are adequate emergency services in their area of jurisdiction. The relevant municipalities would have to assist with providing emergency medical and fire-fighting services in any major incident requiring emergency services at or in the vicinity of an airport.

The airport is in most instances a user of essential bulk municipal services.

### (b) Issue

The planning of emergency services at an airport is not always properly co-ordinated with the emergency services of the municipalities in the vicinity of the airport.

The functions allocated to the provincial and the local spheres of government for the rendering of emergency services are sometimes controversial, and need to receive on-going attention.

### (c) Policy Statement on local emergency services and bulk municipal services:

#### **PS. 30**

*The licensees/operators of airports should plan and monitor their emergency services, as well as the required bulk municipal services, in consultation with the relevant municipal and provincial governments which are responsible for emergency medical, fire-fighting and disaster management services. The municipalities concerned should ensure that these services are integrated into their own disaster management plans.*

## 7.6 ALLOCATION OF ROLES AND RESPONSIBILITIES

### (a) Background

Policy and legislation are already in place and provide for functions in relation to transport matters to be allocated between the different spheres of government. The summarised statement below is intended to align the airport-related responsibilities emanating from the preceding policy statements with the established transport policy and legislation, and clarifies them where necessary.



**(b) Summarised statements on the allocation of roles and responsibilities for the integration of an airport into its environment**

In line with the National Land Transport Act<sup>5</sup>:

Entity	Role / Responsibility
<b>Department of Transport (DOT)</b>	<ul style="list-style-type: none"> <li>• DOT would have the following functions pertaining to integrated planning for airports and overarching functions pertaining to public transport:               <ul style="list-style-type: none"> <li>– Drafting national policy and national legislation,</li> <li>– Establishing norms and standards,</li> <li>– Conducting transport research,</li> <li>– Developing national guidelines on the provision of access to airports, and</li> <li>– Developing national guidelines on the inclusion of airports in transport plans and transport frameworks.</li> </ul> </li> </ul>
Provincial Governments	<ul style="list-style-type: none"> <li>• Drafting provincial transport/traffic policy and legislation,</li> <li>• Planning the airports on a provincial macro scale (e.g. location, including the effect of adjacent airports on one another), and determining the community's needs,</li> <li>• Setting provincial norms and standards for the landside of the airports,</li> <li>• Ensuring that airport planning is included in Spatial Development Frameworks,</li> <li>• Including airport planning and operation in the Provincial Transport Framework,</li> <li>• Ensuring, where appropriate and within budgetary and priority constraints, the planning, design, construction and funding of road access to serve the airport,</li> <li>• Ensuring and controlling the provision of public transport services, where warranted,</li> <li>• Co-ordinating the land-use planning and transport planning in the areas adjoining the airports, and</li> <li>• Legislating for the environmental impact requirements.</li> </ul>

<sup>5</sup> In future, this may be replaced by the proposed Multi-modal Transport Planning and Coordination Act



Entity	Role / Responsibility
Local Governments	<ul style="list-style-type: none"><li>• Ensuring compatible land-use zoning and control,</li><li>• Ensuring that airport development is included in land-use zoning schemes, and transport- and land use plans,</li><li>• Planning and controlling road and pedestrian access to new and existing airports,</li><li>• Controlling the environmental impact,</li><li>• Controlling public transport services,</li><li>• Managing and enforcing road traffic legislation in public areas,</li><li>• Planning bulk services and emergency services in accordance with disaster management plans to serve the airport, in consultation with the airport licensee,</li><li>• Managing and controlling access to public transport, and</li><li>• Planning public transport to ensure that services are provided and monitoring such transport in terms of approved Integrated Transport Plans (ITPs).</li></ul>

## 8 AIRSPACE

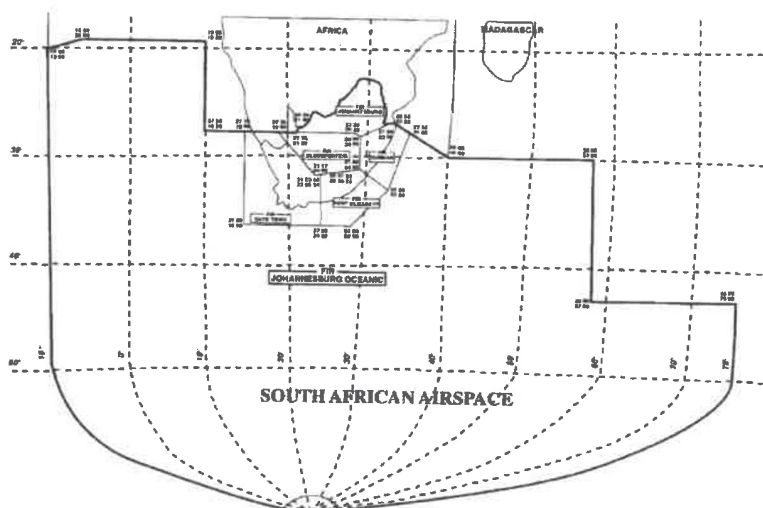
### 8.1 INTRODUCTION

In terms of Article 1 of the Chicago Convention, every contracting State has complete and exclusive sovereignty over the airspace above its territory. In terms of Article 2 of the Convention, the territory of a State includes the land areas and territorial waters adjacent thereto, under the sovereignty, protection or mandate of such State. *South African airspace is therefore the airspace above the land areas and the territorial waters adjoining them, comprising the Republic of South Africa.*

A system of air traffic services (ATS) and air navigation services (ANS) is in place in order to ensure orderly, efficient, safe and secure aircraft movements in the South African airspace. ATS is a generic term with several meanings, such as a flight information service, an alerting service, an air traffic advisory service and/or an ATC service (area control service, approach control service or aerodrome control service). ANS is the collective term for the provision and maintenance of air navigation infrastructure and facilities, such as radar, radio navigational beacons and telecommunication infrastructure. ATS and ANS are part of the Communication, Navigation and Surveillance/Air Traffic Management (CNS/ATM) system.

In terms of ICAO resolutions and regional arrangements (agreements) in this regard, portions of airspace above the high seas, which are of undetermined sovereignty, have been delegated to the South African Government for the purposes of providing technical support, such as during Search and Rescue (SAR) operations.

Therefore the policy set out in this section applies to aviation and related activities in the airspace (South African and the area assigned by ICAO to South Africa for technical support) described above. This airspace is shown in Figure 2 below.

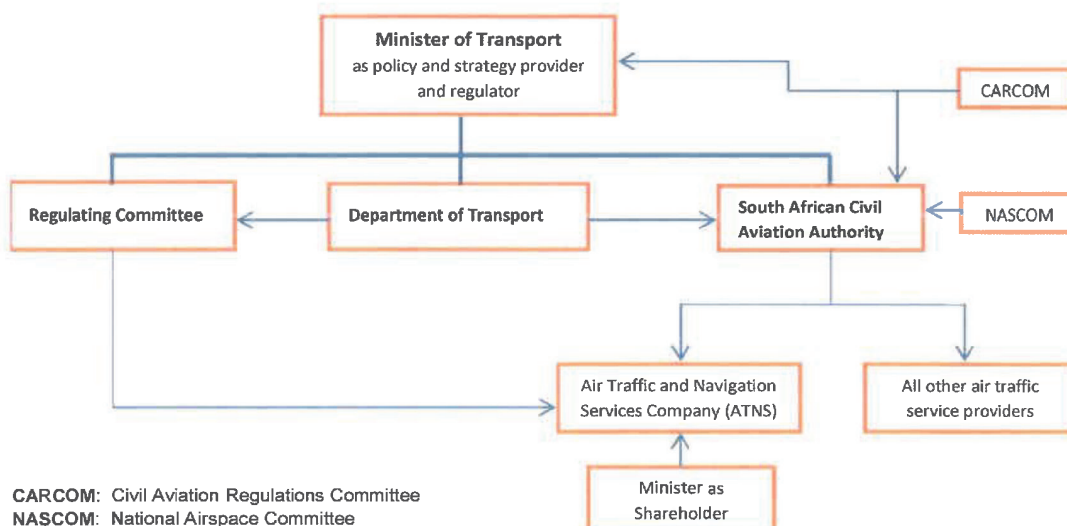


### Figure 2: South African airspace

In terms of the current institutional arrangement applicable to civilian airspace and airspace management, the Minister has, from an aviation point of view, many roles to perform, namely as a strategy planner, policy provider and regulator and in addition also to represent the State as shareholder in the Air Traffic and Navigation Services (ATNS) Company.

Figure 3 illustrates this relationship as well as the relationships of the other civilian role players. [Note that there is close collaboration between the SANDF (South African Air Force) and the DOT on all airspace related matters, including *flexible use of airspace*.]

The Regulating Committee is responsible for the economic regulation of ATNS whereas SACAA is the safety regulator for the management and provision of ATS and ANS in South Africa.



### Figure 3: Institutional arrangement for regulating civilian air traffic and navigation services

## 8.2 GLOBAL ATM OPERATIONAL CONCEPT

ICAO has adopted the operational concept of air traffic management (ATM) to guide the implementation of CNS/ATM technology and know-how further on a global scale. The concept describes the services that will be required to operate the global air traffic system, of which South Africa is a part, up to and beyond 2025. It addresses what will be required to increase user flexibility and maximise operating efficiencies so that system capacity can be increased and safety levels improved in the future air traffic management system.

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The system is characterised by strategic and tactical collaboration in which the appropriate members of the ATM community will participate in defining services and service levels. This will also lead to sharing the information required for future decision-making.

The ATM system will be based on the provision of integrated services and the concept contains the following operational system components:

- Airspace organisation and management – the establishment of airspace structures to accommodate the different types of air activity, volume of traffic and the various levels of service;
- Airport operations – the provision of the necessary ground infrastructure, including lighting, taxiways, runways and runway exits, and precise surface guidance to improve safety and enable the efficient use of an airport's capacity;
- Demand and capacity balancing – the strategic evaluation of system-wide traffic flows and airport capacities to allow airspace users to determine when, where and how they will operate, while mitigating conflicting needs for airspace and airport capacity;
- Traffic synchronisation – the tactical establishment and maintenance of a safe, orderly and efficient flow of air traffic;
- Airspace user operations – dealing with the ATM-related aspect of flight operations;
- Conflict management – addressing strategic conflict management by means of organising and managing the airspace, balancing demand and capacity, synchronising traffic, providing for separation and avoiding collisions; and
- ATM service delivery (ATMSD) management – will address the seamless operation from gate to gate for all phases of flight and across all service providers, by balancing and consolidating the decisions of the various processes/services.

Management of the above must be conducted in close coordination and cooperation with the SANDF to ensure that national security aspects and other related military initiatives are not compromised.

The 37<sup>th</sup> General Assembly of ICAO held in 2010 identified the need for global airspace interoperability while maintaining focus on aviation safety. At the 38<sup>th</sup> ICAO Assembly held in October 2013, the revised Global Air Navigation Plan (GAMP) was approved.

ICAO has subsequently initiated the Aviation System Block Upgrades (ASBU) initiative as a programmatic framework that develops a set of air traffic management solutions or upgrades, takes advantage of current equipment, establishes a transition plan and

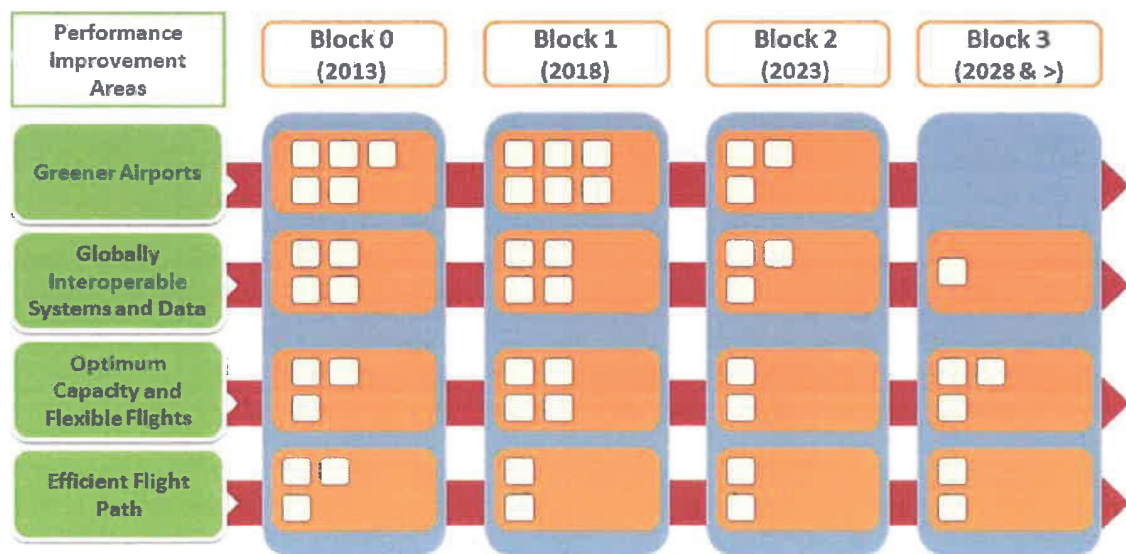
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enables interoperability. The aim is to assist Member States to follow a programme of implementation which will support harmonisation and global interoperability.

ASBU is a set of operational improvement modules that can be implemented globally according to flexible timelines to enhance the performance of the Air Traffic Management system (ATM). The high-level summary of the ASBU framework includes modules describing operational improvements over a series of blocks, supported by technology roadmaps, which serve to progressively enhance many aspects of civil aviation operations; including ICAO Standards and Recommended Practices (SARPs). To standardise future work done, the ASBU focusses on broad timescales associated with the ASBU framework (Block 0 = 2013, Block 1 = 2018, Block 2 = 2023, Block 3 = 2028). It also specifies key performance areas, which are as follows:

- Greener Airports;
- Globally interoperable systems and data – through interoperable System-wide Information Management;
- Optimum Capacity and Flexible Flight through global collaborative ATM
- Efficient Flight Path through trajectory-based operations.

Figure 4 illustrates the timing of each Block relative to each other, with Blocks 1 and 2 representing the most mature of the Modules.



**Figure 4: Summary of Blocks Mapped to Performance Improvement Areas**

Performance Based Navigation (PBN) is one of several enablers of an ATM Operational concept, the others being communications, navigation, surveillance and Air Traffic Management. The concept of PBN specifies that aircraft RNAV/ RNP/ RNP AR system performance requirements be defined in terms of accuracy, integrity, availability, continuity and functionality required for the proposed operations in the context of a particular airspace concept, when supported by the appropriate navigation



infrastructure. In that context, the PBN concept represents a shift from sensor-based to performance based navigation. Performance requirements are identified in navigation specifications, which also identify the choice of navigation sensors and equipment that may be used to meet the performance requirements.

Under PBN, generic navigation requirements are defined based on operational requirements where after operators evaluate navigation solution options allowing the solution to be the most cost effective for the operator as opposed to a solution being established as part of the operational requirements. PBN offers a number of advantages over the sensor-specific method of developing airspace and obstacle clearance criteria, including a reduction in the need to maintain sensor-specific routes and procedures and their associated costs, negates the need for development of sensor-specific operations with each new navigation system and will allow for more efficient use of airspace, e.g., route placement, fuel efficiency, noise abatement, reduction of greenhouse gas emissions, etc.

The ATM Operational Concept is intended to give distinct benefits for all members of the ATM community and sets the scene for the policy formulation to follow.

### 8.3 ESTABLISHMENT OF AIRSPACE

#### (a) Background

ICAO has as its aim the development of the principles and techniques of international air navigation so as to ensure, *inter alia*, the safe and orderly growth of international civil aviation. Accordingly, ICAO provides SARPs for the operation of international air navigation. South Africa, as signatory to the Chicago Convention, and thus a member of ICAO, is obliged to comply with these SARPs. The Annexes and other documentation that are specifically relevant to airspace matters include amongst others the following:

- Annex 1 : Personnel Licensing;
- Annex 2: Rules of the Air;
- Annex 3: Meteorological Services for International Air Navigation,
- Annex 4: Aeronautical Charts;
- Annex 5: Units of Measurement to be Used in Air and Ground Operations;
- Annex 10: Aeronautical Telecommunications;
- Annex 11: Air Traffic Services;
- Annex 12: Search and Rescue;
- Annex 14: Aerodrome Design Standards and associated Airport Planning Manual;
- ICAO Doc. 4444 – PANS-ATM; and
- ICAO Doc 9426 – ATS Planning Manual.

The Civil Aviation Act provides that the Minister of Transport is responsible for carrying out the provisions of the Chicago Convention, which forms part of this Act. In terms of the Civil Aviation Act, the Minister appoints a functionary and delegates the function of

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designating airspace for the purposes of providing ATS in such airspace, to such person in terms of the regulations made under the Civil Aviation Act. The provision of ATS needs to be supported by the appropriate CNS/ATM system elements.

Current functions delegated by the Minister of Transport to the Civil Aviation Authority include:

- The Designation of airspace and airports for the purposes of providing ATS in such airspace and at such airports. This must be done in accordance with transparent procedures and in collaboration with the affected ATM Community.
- Safety oversight of the appropriate ATS as supported by CNS.

Current functions delegated by the Minister to ATNS include the provision of the required infrastructure and ATM service delivery.

#### **(b) Issue**

Due to the need for harmonisation of seamless airspace and safety requirements, control of upper airspace is centralised and needs to be a national function. The sphere(s) of government which would be responsible for giving effect to the above-mentioned arrangements, and the manner in which these functions have to be performed need to be clarified.

#### **(c) Policy Statement on the establishment of airspace:**

##### ***PS. 31***

***The Minister of Transport remains responsible for giving effect to the provisions of the Chicago Convention, and for the standards and recommended practices contained in the relevant Annexes to the Convention, particularly with regard to the establishment of civilian airspace and related airspace matters. This will be executed in coordination with the Minister of Defence and Military Veterans to ensure that strategic national security needs are met.***

## **8.4 COLLABORATION AND COMMUNICATION**

### **(a) Background**

To facilitate interaction between SACAA and the aviation industry, and between ATNS and the industry, three specialised working committees have been established:

- The Civil Aviation Regulations Committee (CARCOM) amongst others, advising the Minister on proposals with regard to the introduction of new regulations and amendment or withdrawal of regulations;



- the National Airspace Committee (NASCOM) assisting SACAA with all matters relating to airspace utilisation, including the designation of airspace in accordance with the National Airspace Master Plan; and
- the National CNS/ATM Co-ordinating Committee—responsible for structuring the National CNS/ATM Implementation Plan through ATNS, in order to facilitate the transition to CNS/ATM and ensure alignment with the regional CNS/ATM Implementation Plan.

**(b) Issue**

A proper communication system needs to be established that would ensure appropriate collaboration and participation in the planning and implementation of CNS/ATM systems.

**(c) Policy Statement on collaboration and communication:**

**PS. 32**

*The Department of Transport should ensure adequate collaboration between the members of the ATM Community concerning the harmonised planning and implementation of the key enablers of the ICAO ATM Operational Concept through the established National CNS/ATM Co-ordinating Committee in support of the National Airspace Committee and the Civil Aviation Regulations Committee respectively.*

## **8.5 SUSTAINABLE PROVISION OF AIR TRAFFIC MANAGEMENT SERVICE DELIVERY (INCLUDING ATS AND ANS)<sup>6</sup>**

**(a) Background**

The provision of ATMSD is of national strategic importance to South Africa. International trends and technological developments, along with the strategic objectives and guiding principles noted above, dictate that national Government must ensure that ATS and ANS are provided, where required. There is also a need to ensure the most effective designation and management of airspace to ensure that the safest and most efficient service is provided to all users, in the interest of the State and the general public. This has informed the decision-making when delegating the responsibility for the provisioning of ATS and ANS.

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<sup>6</sup> Please also refer to Section 10.2 "AIRSPACE MATTERS FROM A NON-COMMERCIAL AVIATION PERSPECTIVE"

National strategic objectives require the optimal use of airspace and the associated infrastructure. This needs to be done in the most flexible manner with minimal constraints. This includes the promotion of seamless skies, integrated planning utilising collaborative decision-making, as well as ATMSD. Competition is also encouraged to facilitate improved service delivery, service related fees and increased efficiency.

The White Paper on National Transport Policy states that national Government will restrict its role to focus on policy and strategy formulation as well as substantive regulation (such as SACAA) while not directly involving itself in the operation and provision of these types of “economic” services and infrastructure. As is the case with airports, the principle of sustainability and viability in the provision of ATS and ANS is endorsed.

At present there are several ATS providers in South Africa. ATNS is the main provider and also the only source providing a comprehensive service involving all elements of ATMSD. In addition, certain provincial governments, the SANDF and some private organisations or persons provide ATS for the purposes of civil aviation.

ATNS was established in terms of the ATNS Company Act. The objectives of the Company are to acquire, establish, develop, provide, maintain, manage, control and/or operate ATS and ANS in addition to ATMSD. In August 1993, in terms of the said Act, the Minister of Transport formally transferred the responsibility for the maintenance and provision of ATS and ANS to ATNS.

With respect to aviation infrastructure, ATNS owns all en-route and approach control facilities whereas airport licensees/operators are responsible for the provision of landing aids.

Some of the provincial governments provide, *inter alia*, aerodrome control, aerodrome flight information and approach control services at certain airports that the relevant provincial governments own. The SANDF provides ATS primarily in military (special use) airspace and at military airports.

At any time, and in any given airspace, only one ATS unit may provide ATS services in that airspace. Monopolistic services are, however, properly and firmly regulated. For example, the Regulating Committee regulates the ATNS’ service standards in terms of the ATNS Act.

#### **(b) Issue**

There is a need for the most effective designation and management of airspace in order to achieve a balance between safety, cost effectiveness, the environment and service efficiency, to the benefit of all users, and in the interest of the State and the general public. This requires national, regional and global integration through collaborative decision-making (CDM) and information management (IM).

The manner in which DOT ensures that the provision of ATS and ANS would be safe, sustainable and viable must be clarified.

**(c) Policy Statement on the sustainable provision of air traffic management service delivery (including ATS and ANS):**

**PS. 33**

***Air traffic services and air navigation services should be provided on the basis of sustainability and viability. The cost of such services should be recovered from the users of these services in line with the “user-pays” principle where possible.***

## **8.6 MILITARY PROVISION OF ATS**

### **(a) Background**

The SANDF is mandated and equipped chiefly to fulfil its primary mission of defence against acts of war. As such the SANDF is exempted from the provisions of the Civil Aviation Act. The SANDF provides ATS at military airports and in portions of airspace designated for military (special use) purposes. Some services have been delegated to ATNS.

Civilian aircraft making use of military airports or flying through military (special use) airspace are naturally under the control of, or receive ATS from military ATS units. In such instances the civilian aircraft also have to comply with military requirements. Likewise, military aircraft flying through civilian airspace and landing at civilian airports have to comply with civilian requirements.

Large portions of airspace previously designated as military-restricted airspace have now been designated as flexible airspace in response to the ATM Operational Concept. This is particularly relevant to the upper airspace, i.e. above flight level 200 (20 000 ft.). The SANDF also has staff, skills and resources that are used in the performance of various non-military tasks.

### **(b) Issue**

Growing numbers of air traffic movements in civilian airspace can impact negatively on the provision of safe and efficient ATMSD. The implementation of flexible use of airspace below flight level 200 (lower airspace) needs to be addressed.

While the military provision of ATS should be for military purposes, it may be necessary to secure the services of military ATS for the continued safety and efficiency of civil aviation. In such instance, consideration must be given to the future integration of military and civil ATS so that available resources, namely airspace, staff

and infrastructure could be utilised optimally. Funding arrangements in this regard needs also be explored.

**(c) Policy Statement on military provision of ATS:**

**PS. 34**

***When necessary for the safety of civil aviation and on recommendation of SACAA, military ATS could be provided to civil aviation traffic. This must be done in accordance with the standards and procedures applicable to civil aviation and may include recovery of cost. Such involvement should be at the request of the Department of Transport, with the consent of the users and for a limited period only.***

## **8.7 DESIGNATION OF AIRSPACE**

### **(a) Background**

The Minister of Transport is responsible for giving effect to the provisions of the Chicago Convention, including the establishment of airspace.

SACAA, through delegated authority of the Minister, has the power to designate controlled airspace strategically, to declare restricted, danger and prohibited areas and to determine the extent of such airspace and/or areas. SACAA also has the power to establish or permit the establishment of ATS units and/or flight information centres in an airspace and/or to provide ATS in these areas, as may be required or necessary after appropriate collaboration.

SACAA (the Director of Civil Aviation) is currently advised by the NASCOM, which is a statutory body with clearly defined terms of reference. It is also indicated that transparent procedures should be followed and set criteria be applied in this process. On the one hand there is a need to formalise the procedure for the designation of airspace and the delegation of responsibility for such airspace to ATS providers. On the other hand, ATS have to be provided to users on a cost-recovery basis. Consultation with users, so as to ensure efficient and cost-effective services, is therefore necessary.

Fundamental to the designation of airspace is the establishment of a National Airspace Master Plan, strategically harmonised with the global, regional and ATM community member individual plans (entity plans).

### **(b) Issue**

The nature of ATS makes it impossible to prescribe a rigid set of criteria for service provision. The introduction of the ATM Operational Concept involving *inter alia* collaborative decision-making as well as airspace organisational management necessitates a regular review of the National Airspace Master Plan as a guidance

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document to allow for strategic and tactical decision-making. It is necessary to determine transparent procedures and criteria for, and the roles and responsibilities of the various stakeholders in the designation of airspace and the provision of ATS in such airspace.

Provision also needs to be made for the particular requirements of sport and recreational aviation, where appropriate.

**(c) Policy Statement on the designation of airspace:**

**PS. 35**

*The Department of Transport, through the National Airspace Committee, should ensure the periodic review and amendment of the National Airspace Master Plan to ensure strategic harmonisation with, amongst others, the ICAO ATM Operational Concept, the Global Air Navigation Plan and relevant regional plans.*

*Airspace management should be dynamic, flexible and based on services required.*

*The principles of cooperative government and intergovernmental relations should guide all activities of government departments and institutions relating to airspace matters and any restrictions on airspace utilisation should require the Minister of Transport's concurrence prior to implementation.*

## **8.8 ALLOCATION OF AIRSPACE AND AIRPORT SLOTS**

### **(a) Background**

It is foreseen that access to and departure from South Africa's airports will require proper planning in order to meet the needs of the economy and the further growth expected in air traffic. As in the case with any other transport infrastructure, civil aviation facilities may also have peak-time traffic and congestion. Traffic congestion at certain airports has already become a big problem worldwide and is one of the major operational challenges facing air transport. Causes of congestion include:

- **Congested airspace**

Airspace (particularly controlled airspace) could become congested for a number of reasons. The capacity of an airspace, commonly referred to as airspace slots (i.e. the number of air traffic movements which can be accommodated in a particular portion of airspace in a specific period of time), is limited and is affected by, *inter alia*, separation criteria and the ability of air traffic controllers to handle air traffic movements. Implementation of Performance-Based Navigation (PBN) is expected to alleviate this pressure in that it aims to increase flight efficiency and



optimise available airspace while ensuring safety in meeting the growing demand. PBN includes other benefits in that it will enable harmonised, predictable flight paths resulting in the more efficient use of aircraft capabilities, improve safety, ensure greater airspace capacity and improved fuel efficiency.

The overriding concern in the case of congested airspace is safety, although commercial considerations are part of the issue.

- **Congested airport**

Physical constraints such as the capacity of the runway(s) and other airport facilities (including availability of aircraft parking bays) could cause airport congestion. Traffic peaking at airports generates an overcrowded environment with severe economic repercussions, such as the under-utilisation of costly airport facilities and services, and delays to aircraft and passengers.

Economic factors are, therefore, generally the major concern in the case of a congested airport.

- **The dynamics of slot allocation**

Slot allocation involves both a safety case and a business case. The allocation of airspace and airport slots suggests that there needs to be a process for the co-ordination of flight schedules. The frequent changes and the need to update the scheduling continuously are typical of the scheduling process at any particular airport. The following factors have an effect on the scheduling and illustrate its dynamics:

- The capacity of the airspace at an airport is influenced by the capacity of the airport and vice versa,
- ATM Operational Concept in relation to demand and capacity balancing and traffic synchronisation,
- Peak and off-peak periods at the airport,
- Potential for discrimination,
- Changing airline flight schedules,
- Historical precedence,
- Rule on priorities,
- New entrants,
- Possibility of exchanging slots between aircraft operators,
- The commercial value of airport slots and the possibility of auctioning or trading slots between airlines,
- The process of consultation/collaboration,
- Aircraft size in terms of passengers and/or cargo,
- Aircraft noise,
- Frequency of services,
- Under-utilisation of the allocated slots,

- Traffic mix,
- Bilateral air services agreements, and
- Curfews.

ICAO guidelines for the allocation of airspace slots and priorities for airspace use (a "first-come, first-served" basis) have in recent years been amended to take commercial realities into account. At the ICAO 5th World Wide Conference it was concluded that "any slot allocation system should be fair, non-discriminatory and transparent, and should take into account the interests of all stakeholders. It should also be globally compatible, aimed at maximizing effective use of airport capacity, simple, practicable and economically sustainable".

#### **(b) Issue**

As airspace and airport congestion are becoming major issues and have associated commercial implications, and although it is envisaged that the implementation of Performance-Based Navigation (PBN) will alleviate some of the congestion, the present system no longer responds adequately to the dynamics of slot allocation.

In a congested environment, a conflict may develop between the technical (safety and operational) and commercial considerations of congested airspace, and the commercial and facilitation considerations of a congested airport. Operational slots have to be prioritised in accordance with a schedule co-ordination process, to ensure orderly and safe operation in the airspace and at the airports.

A slot allocation system is currently operational in South Africa in terms of the Airport Slot Regulations, 2012, and is aligned with international best practice. This system needs to be monitored and revised, as necessary, to ensure the efficient and safe use of scarce resources as represented by airport and airspace slots.

#### **(c) Policy Statement on the allocation of airspace and airport slots:**

##### **PS. 36**

***Due to the national strategic importance of effective slot management, the slot allocation system should continue to be fair, non-discriminatory and transparent, taking into account the interests of all stakeholders. The system should also remain globally compatible, specifically aimed at maximising the effective use of airport and airspace capacity, practicable and economically sustainable.***



## **8.9 SEARCH AND RESCUE**

### **(a) Background**

Annex 12 to the Chicago Convention deals with search and rescue (SAR). This Annex requires States to arrange for SAR services within their sovereign territory and over the high seas for which they have accepted responsibility. The South African area for SAR differs from the area shown in Figure 2, in that South Africa has, to date, also accepted responsibility for providing SAR in the Windhoek, Mbabane, and Maseru flight information regions (FIRs). SAR services have to be provided in accordance with the provisions of the Annex and be co-ordinated with adjacent States. These services must be provided and must be available at all times.

Under the requirements of Annex 12 to the Chicago Convention, States are to establish rescue co-ordination centres as may be required and designate public or private service elements as rescue units, with defined functions. Each rescue co-ordination centre has to have a detailed plan for the conduct of SAR operations in its area of responsibility.

The South African Search and Rescue Organisation (SASAR) is a statutory body and currently co-ordinates SAR services in South Africa from two rescue co-ordination centres. One centre is located in Johannesburg (for the aeronautical region) and the other in Cape Town (for the maritime region). DOT heads this organisation.

### **(b) Issue**

Technological developments, particularly in the supporting communication infrastructure enhances the safety, effectiveness, efficiency and reliability of any SAR system as it reduces time required to locate casualties thus ensuring speedy and expedient rescue of survivors of distress situations. The Department in conjunction with the national search and rescue community would consider and endeavour implementing appropriate emerging technologies that would enhance and promote search and rescue communication and system's efficiency.

The regional approach to the provision of SAR services is advocated and encouraged by both the International Maritime Organisation (IMO) and ICAO as the means of most expeditiously achieving a global SAR system. This approach offers most benefits to both beneficiaries of SAR services and to States that provide them, for instance, duplication of efforts can be avoided.

The establishment of Joint Rescue Co-ordination Centres (JRCCs) is a recommended practice to States by both the IMO and ICAO. South Africa currently operates separate Rescue Co-ordination Centres, one dedicated and the other on a voluntary basis. It is imperative to review the current operational institutional arrangements taking into consideration what the global SAR community regards as best practice and the fact that some of the critical or core SAR operational functions cannot be continue to be rendered on an over and above basis.

It is a requirement in terms of international standards and recommended practices (SARPS) to develop and implement SAR Regulatory Oversight and Safety Management Systems to ensure the safety of SAR systems worldwide. Annex 19, dealing with the implementation of safety systems for all the domains of aviation entered into force in November 2013 and there is a need to comply with its provisions. This can be achieved by the creation of a dedicated SAR safety oversight unit within the Department as a body responsible for overseeing and regulating the safety of SAR services.

**(c) Policy Statement on search and rescue:**

**PS. 37**

*The Department of Transport (DOT) should remain responsible for ensuring the provision of aeronautical and maritime search and rescue services, including the financial responsibility for services in terms of the South African Maritime and Aeronautical Search and Rescue Act.*

*The South African Search and Rescue Organisation (SASAR) should retain the mandate of co-ordinating an effective and efficient provision of maritime and aeronautical SAR services within the South African Search and Rescue Regions.*

*DOT in conjunction with SASAR should endeavour to implement appropriate emerging technologies that would enhance and promote search and rescue communication and system's efficiency.*

**DOT should:**

- *Lead and pursue the regional integration of SAR services within the Southern Africa region in line with international and regional standards and recommended practices; and*
- *Pursue the establishment of a Joint Rescue Co-ordination Centre to conduct and co-ordinate both aeronautical and maritime search and rescue operations.*
- *Ensure the development of a SAR safety management system (SMS) and the establishment of a SAR Regulatory and Oversight capacity to carry out safety oversight tasks and regulatory functions over SASAR, as the service provider of SAR services.*

## 8.10 REGIONAL INTEGRATION – AIRSPACE

### (a) Background

The objective of the global CNS/ATM systems planning and implementation is a seamless, globally co-ordinated system of air navigation which will be able to accommodate the worldwide growth in air traffic demand. South Africa forms part of the African Indian Ocean Area (AFI). The AFI plan, which was introduced in 1995, sets out a number of planning targets. Many of these targets dealing with the ATM operational concept have been met through the regional and national harmonisation of systems.

International and regional institutional structures, of which South Africa is a part, are in place to plan the implementation of specific elements of the system. But the actual implementation of the new systems is the responsibility of individual States.

South Africa has played a major role in regional integration and has also been involved in projects towards regional integration from a regulatory perspective.

### (b) Issue

Giving full effect to the AFI plan requires timely attention to the implementation of the various elements of the ATM operational concept to ensure appropriate and adequate CNS/ATM systems which are in harmony with those of the other members of the AFI Region.

The Air Traffic and Navigation Services Company Act currently does not expressly provide for ATNS' engagement in regional service provision outside the borders of South Africa.

### (c) Policy Statement on regional integration - Airspace:

#### **PS. 38**

***Government confirms the country's continued support for and active participation in the ICAO structures responsible for the planning, implementation, monitoring and regulation of a regionally harmonised CNS/ATM system as contemplated in the ATM Operational Concept, as well as the implementation of such systems in South Africa.***

***ATNS should be allowed to engage in service provision, technical and developmental assistance, training and relevant support beyond the borders of South Africa, provided that such expansion of services are catered for within the current economic regulatory regime and does not put at risk, financially or otherwise, the services currently provided in South Africa.***

## 8.11 ALLOCATION OF ROLES AND RESPONSIBILITIES

### (a) Background

This section has dealt with several airspace issues, including the allocation of roles and functions to various stakeholders. These functions have been summarised and appear below as a clear guide to the designation of functions and responsibilities relating to airspace matters.

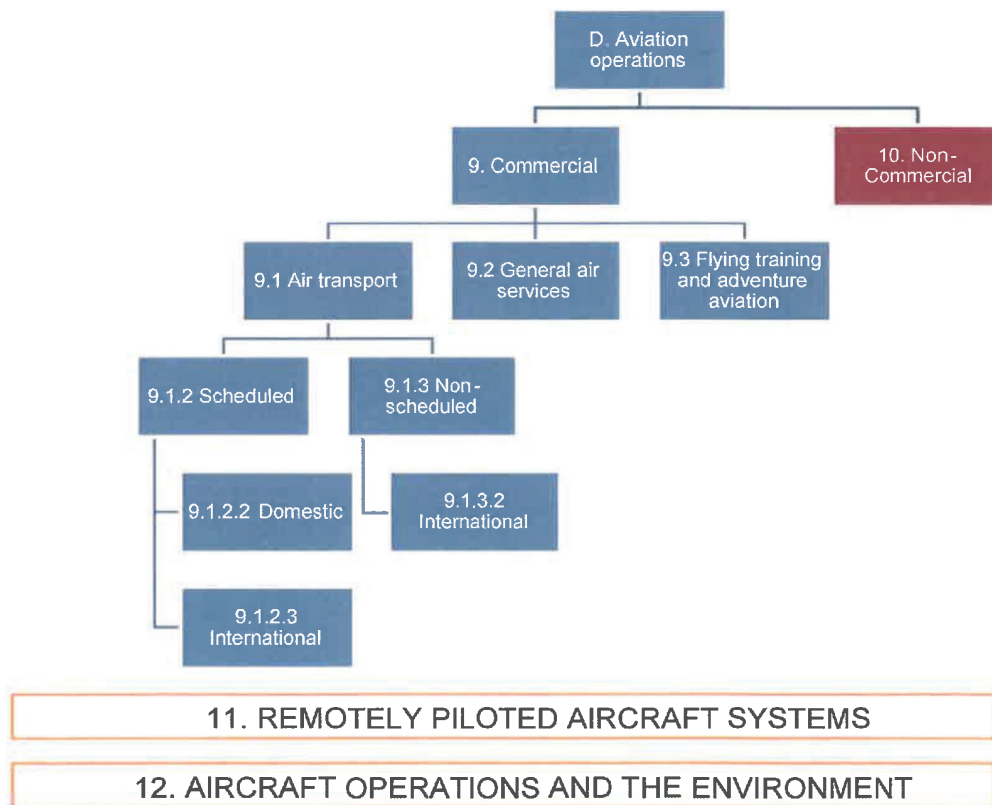
### (b) Summarised statement on the allocation of roles and responsibilities in respect of airspace:

Entity	Role / Responsibility
Minister of Transport	<ul style="list-style-type: none"> <li>Giving effect to the provisions of the Chicago Convention, particularly with respect to the establishment of airspace and related airspace matters.</li> </ul>
South African Civil Aviation Authority (SACAA)	<ul style="list-style-type: none"> <li>Designating portions of airspace for different uses and for determining the criteria for the provision of ATS within such portions of airspace, in accordance with transparent procedures and the set criteria, and also by involving stakeholders;</li> <li>Designating ATS units to provide ATS in specified airspaces;</li> <li>Identifying the airports where ATS should be provided;</li> <li>Ensuring that ATS are provided at identified airports by such airport operators as required;</li> <li>Setting safety standards pertaining to the provision of ATS and ANS. This includes setting the rules and procedures to be followed in the various types of airspace. These standards, rules and procedures have to be in accordance with those set out in the Chicago Convention and its Annexes;</li> <li>Ensuring the publication of aeronautical information and charts in accordance with the SARPs prescribed by ICAO;</li> <li>Monitoring compliance with the above safety standards, rules and procedures; and</li> <li>Monitoring compliance with ICAO requirements.</li> </ul>

Entity	Role / Responsibility
Department of Transport (DOT)	<ul style="list-style-type: none"> <li>• The National Airspace Master Plan which is periodically reviewed and amended through the National Airspace Committee;</li> <li>• Regional liaison on the development and implementation of the ICAO AFI regional plan and AFI CNS/ATM Implementation Plan;</li> <li>• Maintaining legislative provision of the airport and airspace slot management system;</li> <li>• Ensuring the provision of SAR services in accordance with ICAO requirements;</li> <li>• Ensuring the establishment and operation of rescue co-ordination centres and rescue sub-centres; and co-ordinating SAR arrangements with adjacent States.</li> </ul>
South African National Defence Force (SANDF)	<ul style="list-style-type: none"> <li>• The provision of ATS for military purposes;</li> <li>• Final authority pertaining to national security, inclusive of civil aviation security;</li> <li>• Provision of ATS for military purposes;</li> <li>• Provision of ATS for civil purposes, if required (subject to meeting civil aviation standards and procedures);</li> <li>• To be represented on aviation forums;</li> <li>• Functions and responsibilities pertaining to aviation and aviation security assigned to the SANDF through legislation and the NATJOINTS.</li> </ul>
Air Traffic Services providers	<ul style="list-style-type: none"> <li>• Provision of services in accordance with applicable legislation; and</li> <li>• Should be represented on NASCOM.</li> </ul>

## PART D CIVIL AVIATION OPERATIONS

The graphic below provides an overview of the various elements of aviation operations which form the structure of this Part:



**Figure 5: Overview of the structure of aviation operations and the section structure**



## 9 COMMERCIAL AVIATION

This Chapter deals with policy matters in terms of air services for reward, including both scheduled and non-scheduled air transport services, general air services and activities such as adventure aviation.

### 9.1 AIR TRANSPORT

Air transport as a system has as its primary objective the safe and efficient transport of people and goods from one place to another. All the functions needed to perform this primary task together make up the air transport system. The fundamental components of this system are contained in an interactive *modus operandi* and these components can be considered as systems in their own right as follows:

- *Aviation infrastructure* – providing the facilities for the take-off and landing of aircraft, the loading and unloading of passengers and cargo, arranging sufficient space for aircraft movement including the required navigation, air traffic services and information services needed for completing flights safely;
- *Air transport services* – which include the system for the conveyance of people and goods in an orderly, safe and effective manner both domestically and internationally while using the aviation infrastructure and aircraft provided for that purpose; and
- *Aircraft operations* – which include the provision and maintenance of aircraft, their operation and other support services. This will also include the emerging commercial operations of Remotely Piloted Aircraft Systems (RPAS).

Enabling and regulatory functions and requirements affect and govern all three of these components. There are two distinctly different sets of regulatory functions and requirements that affect the three subsystems referred to above, namely:

- *Air transport regulatory functions and requirements* - referring to policies, legislation and requirements to enable air transport and to satisfy air transport needs such as infrastructure planning, licensing of air services, allocation of traffic rights internationally, economic considerations and monitoring of the financial practices and performance of air carriers; and
- *Safety, security and environmental regulatory functions and requirements* - referring to policies, legislation and requirements to achieve an appropriate level of safety, security and environmental compliance in the air transport system both on the ground and in flight. These also include accident and incident investigations and related matters specific to unmanned aircraft systems.

Air transport can be divided into two distinct areas, namely scheduled and non-scheduled traffic. There are also variations within the regulation of domestic air transport and international air transport. In formulating aviation policy this distinction



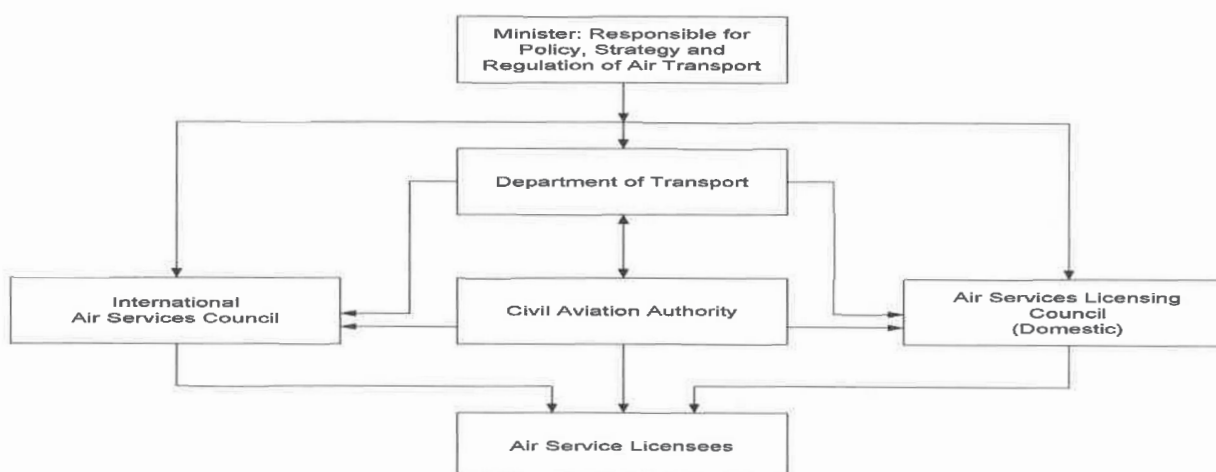
has been adopted to emphasise the difference in the policy approach to domestic and international air services. In the case of domestic air transport, National Government has full power of decision over domestic policies, but it has to consult or negotiate with other governments on the implementation of international policies.

For this reason, scheduled and non-scheduled, and domestic and international air transport considerations are addressed separately in order to capture the essential characteristics that distinguish the one from the other. It is, however, recognised that there are similarities, especially with consumer protection issues and airline co-operative arrangements, and these are addressed together within the initial sections of this chapter.

### 9.1.1 Institutional arrangements

In terms of the institutional arrangement which applies to air transport, the Minister is responsible for policy and strategic planning, as well as safety and security regulation and, where appropriate, also the economic regulation of international air transport.

The relationship between the functional components in the institutional arrangement is shown in Figure 3 below:



**Figure 3: Institutional arrangement: Air Transport**

### 9.1.2 Scheduled Air Transport Services

#### 9.1.2.1 Policy statements applicable to both domestic and international air services

##### Introduction

The Air Services Licensing Council (ASLC) and the International Air Services Council (IASC) are respectively responsible for the adjudication of applications for air service

licenses. Apart from the support the Department of Transport provides to the two Councils, DOT is also responsible for the negotiation of bilateral and multilateral air services agreements to enable international air transport services. SACAA is responsible for the regulation of aviation safety, security and environmental protection.

### **Liberalisation of Air Transport**

Over the past decade the emphasis in air transport has shifted to privatisation, liberalisation and globalisation as well as developing new and innovative trading agreements. For different reasons, various approaches are being taken to economic factors, particularly in respect to market access and its regulation. These approaches vary from purely protectionist at the one extreme, with the liberal “open skies concept” at the other extreme.

International aviation relations among States have become increasingly complex due to differences in their ability to enter and participate in the air transport market. Of particular importance in the national regulation of international air services are the following underlying principles:

- “*Comity*” which means that one State has to give due deference to the official actions of another State; and
- “*Reciprocity*” which means one State grants a specific right or benefit to another State, provided that the recipient State grants a similar right or benefit to the State which first granted (or willing to grant) such right or benefit.

The ultimate objective would be free market access, also referred to as an “*open skies regime*” between States. Within agreements on bilateral air services, individual States are moving to a less regulated regime, and have an arrangement covering, amongst others, market access on the basis of progressive liberalisation, i.e. gradually stepping up the removal of regulatory restrictions. Part of this arrangement is the introduction of a safeguard mechanism for exceptional circumstances when there is a clear threat to a State's ability to maintain an adequate level of market participation.

The arrangements one State may have with another about progressive liberalisation can differ from the arrangement which the same State may have with a third State based on their bilateral relationships.

It is important to note that the international aviation community does not uniformly define the term “open skies”. Reference to “open skies” may refer to the creation of a regulatory regime that allows freedom of market access, unlimited capacity and no control on pricing. Differences in opinion regarding the level of freedom allowed by air services agreements will result in different categorisations of such agreements<sup>7</sup>.

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<sup>7</sup> Please note “ANNEXURE 2 - DEFINITIONS” for descriptions of the various Freedoms of the Air.

Since 1990, the domestic air transport services market is economically deregulated. A moderately liberalised regime was accepted in 1992 for international air transport services. The approach taken in this White Paper on National Civil Aviation Policy is to formulate policies for the implementation of a liberal regulatory regime with African States bound by the Abuja Treaty, aligned with the principles and objectives of the Yamoussoukro Decision. In the case of other States, the concept of progressive liberalisation should be carried further and speeded up, where possible.

The following policy statements relate to both domestic and international scheduled air transport services:

**i. Product distribution**

**(a) Background**

The proliferation of Global Distribution Systems (GDS), the rapid expansion of code-sharing arrangements between airlines and the importance of appropriate screen presence within the computer reservation systems (CRS) necessitate some practical guidelines for orderly application. In addition, ensuring level playing fields in the product distribution arena has become essential.

In the South African air transport market, the major airlines (domestic and international) are aligned to specific GDS, and consumers and travel agents need to be able to make reservations on a non-discriminatory basis.

**(b) Issue**

There is currently no code of conduct or policy for regulating the product distribution of scheduled air transport services in South Africa in respect of both domestic and international air services.

**(c) Policy Statement on product distribution:**

**PS. 39**

***Computer reservation systems in respect of domestic and international scheduled air transport services should be regulated according to the ICAO principles of transparency, accessibility and non-discrimination in order to enhance fair competition among airlines and vendors of computer reservation systems, and to ensure that users of air transport services would have the widest possible choice of options.***

**ii. Denied boarding**

**(a) Background**

Airlines worldwide overbook flights to offset what are called "no-shows" or passengers who book but do not turn up for the flight. This practice is used as one of the means

to maximise the revenue gained from a flight. Statistical analysis is used to predict the number of no-shows and set the overbooking profiles per class to maximise passenger loads but minimise disruption to passengers. However, when more passengers arrive for the flight than there are seats available, the airline denies boarding to certain passengers.

**(b) Issue**

Denied boarding or the cancellation of a flight at short notice is extremely disruptive to passengers. There is, however, no uniform worldwide policy to deal with denied boarding.

In South Africa, Section 47 of the Consumer Protection Act deals with over-selling and overbooking, with provisions as follows:

*... (3) If a supplier makes a commitment or accepts a reservation to supply goods or services on a specified date or at a specified time and, on the date and at the time contemplated in the commitment or reservation, fails because of insufficient stock or capacity to supply those goods or services, or similar or comparable goods or services of the same or better quality, class or nature, the supplier must—*

*(a) refund to the consumer the amount, if any, paid in respect of that commitment or reservation, together with interest at the prescribed rate from the date on which the amount was paid until the date of reimbursement; and*

*(b) in addition, compensate the consumer for costs directly incidental to the supplier's breach of the contract, except to the extent that subsection (5) provides otherwise [Subsection 5 deals with issues outside of the control of the service provider].*

As at 2015, each airline uses its own procedures to manage denied boarding or flight cancellation. Passengers are therefore subjected to different denied-boarding procedures.

**(c) Policy Statement on denied boarding:**

**PS. 40**

***To ensure an acceptable level of consumer protection against denied boarding or the cancellation of a specific flight, the Department of Transport should in consultation with stakeholders and in close collaboration with the Department of Trade and Industry develop guidelines on denied-boarding compensation procedures and information sharing, based on the Consumer Protection Act provisions, ICAO recommendations, and international best practice.***

### iii. Disruptive behaviour of aircraft passengers

#### (a) Background

The Civil Aviation Act, 2009, provides for penalties for disruptive behaviour. The intention of the Act is to deal with unlawful interference. The SA-CAR also addresses certain aspects of unruly passenger conduct which may endanger the safety of fellow passengers.

#### (b) Issue

The air passenger environment has changed greatly and the current legislation must be regularly reviewed to ensure the implementation of effective and adequate measures to address unruly passenger conduct.

#### (c) Policy Statement on disruptive behaviour of aircraft passengers:

**PS. 41**

*The safety of passengers is of prime concern and effective regulatory measures should be ensured to deal with passengers who fail to respect the rules of conduct on board aircraft or to follow the legitimate instructions of aircrew members. To this end, South Africa should sign and ratify the Protocol to Amend the Convention on Offences and Certain other Acts Committed on Board Aircraft, Montreal, 2014.*

### iv. Passengers with special needs

#### (a) Background

The number of passengers with special needs, such as, but not limited to, persons with reduced mobility, infants and unaccompanied minors who travel by air, is growing. The SA-CAR deals with certain aspects of passengers with special needs and the limitations on the carriage of infants from an aviation safety perspective.

The Constitution makes a general provision which recognises everyone as being equal before the law and with the right to equal protection and benefit of the law.

#### (b) Issue

Due to safety considerations and the associated requirements for resources, airlines can only accommodate a certain number of passengers with special needs on each flight. This often leads to discontent and dissatisfaction among these passengers.

**(c) Policy Statement on passengers with special needs:*****PS. 42***

***All airport licensees and airlines as well as other service providers rendering direct services to the travelling public should provide facilities and services to passengers with special needs. Such facilities should enable such passengers' ease of access and movement to all airline- or other infrastructure facilities in accordance with the Constitution, but with due regard to aviation safety standards and facility constraints.***

***Relevant information must be available so that people with special needs and others involved in providing travel services have access to information, such as information about access policies and matters concerning the specific needs of a passenger, e.g. seat dimensions, air circulation/air changes and accessible toilets.***



### 9.1.2.2 Domestic Air Transport Services

#### i. Equal treatment

##### (a) Background

To achieve effective and fair competition, it is important to treat all air carriers equally. This principle applies specifically to a situation where a government enterprise competes with a private enterprise in the same market. The need for equal treatment is often referred to as the need to “level the playing field” and is generally regarded as important.

##### (b) Issue

The principle of equal treatment implies that all participants in the air transport market should be treated equally in terms of legislation, rules and opportunities. Consistent with the spirit of sound commercial operations, air carriers should have no obligation to provide services below cost to any institutions whether Government or otherwise, unless such intervention is required based on National Interest considerations and subject to appropriate financial compensation.

##### (c) Policy Statement on equal treatment:

**PS. 43**

***All South African air carriers should be treated equally under the rules relating to, inter alia:***

- ***Entry into and exit from the market,***
- ***shareholder interventions,***
- ***capacity,***
- ***air fares,***
- ***routes,***
- ***access to aviation infrastructure and services,***
- ***safety, security and environmental requirements, and***
- ***government contracts, reciprocal privileges, and the strategic use of aircraft.***

***In addition, in terms of Government's public service obligations, air transport services on routes that are not economically viable (subsidised) must be invited through a transparent public tender process.***



## ii. Competition:

### (a) Background

The air carrier industry operates in a highly competitive environment. As each air carrier strives to gain a competitive advantage, such carriers take certain initiatives to achieve their goal of expanding their market share and increasing their profitability. Air carriers may perceive actions which their competitors take as being anti-competitive. Competition legislation has been instituted in South Africa to deal with competition issues across the economy.

### (b) Issue

The Competition Act applies inter alia to the air transport industry and complaints are submitted to the Competition Commission for a decision. Delays may occur in this process.

The inability to deal speedily with any complaints about anti-competitive behaviour and prolonged exposure to such behaviour could harm the image of the industry, and might force the complainant carrier to close down.

### (c) Policy Statement on competition:

#### **PS. 44**

***Free and fair competition, aimed specifically at developing the air carrier industry, should be promoted. The Competition Act should be actively applied to the air transport industry to ensure that users' interests are taken into account and to prevent participants in the market from using anti-competitive practices.***

## iii. Air carrier pricing

### (a) Background

Prior to deregulation in 1990, tariffs were regulated due to the absence of effective market forces within the domestic aviation market.

Pricing for all domestic air carriers is currently deregulated and they may offer whatever fares they deem necessary to attract business while maintaining a profitable operation. In a case where a carrier considers fares to be anti-competitive, the appropriate remedy would be to file a complaint with the Competition Commission.

### (b) Issue

There is a need to balance market liberalisation and ensuring fair competition, and to prevent abuse of a dominant market position and predatory pricing practices.

**(c) Policy Statement on air carrier pricing:****PS. 45**

***Domestic air carrier pricing should remain deregulated with the primary principle being that the market should determine the price, subject to the general controls over economic activity applicable to all industries, including the Competition Act.***

**iv. Conditions of carriage by air****(a) Background**

The development of conditions of carriage by air carriers in general, is a requirement for international air services in terms of the Montreal Convention, 1999. Reference to these conditions of carriage is made on the ticket issued to the passenger. Traditionally, travel and cargo agents fulfilled the task of selling the capacity (seats and cargo space) on the aircraft of the scheduled airlines. Currently, the air transport industry has adopted the wider use of e-commerce in which e-tickets and internet bookings directly affect passengers.

**(b) Issue**

In the absence of prescribed conditions of carriage applicable to domestic air services, domestic passengers' consumer rights may be compromised.

Though e-commerce has distinct advantages for the air carriers as well as their passengers, such arrangements should not detract from the basic requirements in respect of access to information and conditions of carriage. Air carriers need to ensure through their systems and operational procedures that passengers are fully informed, as required.

**(c) Policy Statement on the conditions of carriage by air:****PS. 46**

***The prescribed conditions of carriage for passengers and cargo in terms of the Montreal Convention, 1999, should be introduced in the domestic air transport market.***

**v. Provision of flight information to travel agents and passengers****(a) Background**

The provision of adequate or comparative information to customers is essential to enable them to make informed decisions about the best choice of airline or flights to meet their travel plans.

The National Consumer Protection Act already establishes various rights, including the right to disclosure and information (Chapter 2, Part D) in accessible language in order to provide for informed choices by consumers, and clear sales records including the full price and specifying the cost of applicable taxes. Provisions also include disclosure by intermediaries. It also deals with fair and responsible marketing.

**(b) Issue**

It is vital for passengers to have adequate or comparative information at the time of booking so that they can make informed choices. Sources of information are currently fragmented and in cases, difficult to find. This is becoming increasingly important with the increased complexity due to practices around code-sharing, franchising, taxes and service related charges and the rise of low cost carrier practices of itemised costs such as check-in luggage, airport check-in, seat reservations, etc.

**(c) Policy Statement on the provision of flight information to travel agents and passengers:**

***PS. 47***

***In accordance with the requirements of the Consumer Protection Act, information, not of a confidential nature to an airline, which passengers and travel agents may request to enable them to make informed decisions about their travel choices on a specific airline, including but not limited to conditions of carriage, code-sharing operations and denied-boarding/flight cancellation compensation, must be made available to agents and to passengers on request.***

**vi. Air carrier emergency management plans**

**(a) Background**

The management plans and the associated operational manuals which air carriers develop also invariably deal with emergency procedures and the management of emergencies. In the overall context of disaster management, these plans or procedures have a major role to play in complementing, *inter alia*, the Airport Emergency Management Plans addressed in Section 6.8 of this White Paper.

**(b) Issue**

Air carrier emergencies may occur at, or in close proximity to, the airport or in some remote and inaccessible area. In their emergency management plans, air carriers need to provide for both situations by ensuring that their plans could be co-ordinated and integrated with airport emergency management plans and/or the similar plans of organs of State.

(c) Policy Statement on air carrier emergency management plans:

**PS. 48**

*Each air carrier must develop, implement and maintain an emergency management plan or similar arrangement prior to the commencement of the air service. The plan should be integrated with airport emergency management plans, the National Search and Rescue Plan and the disaster management plans of the relevant organs of State.*

vii. Market access: Licensing

(a) Background

As the domestic market has been deregulated since 1990, there are theoretically no limits on the number of domestic operators that may enter the market. Market forces would, however, determine the commercial opportunities and the ultimate number of air carriers that are able to operate commercially sustainable air services.

The Air Services Licensing Act requires the air service licensees to provide safe and reliable air services. By implication, the licensees must prove the safety of operations as well as reliability of services on a sustainable basis.

The ASLC is mainly concerned with financial and operational requirements whereas SACAA deals with technical matters with emphasis on safety-related issues.

(b) Issue

A balanced approach needs to be taken to the application of the licensing system to ensure that stability in the market place is not negatively affected, but at the same time that its application would not be construed as a material barrier to entry, especially in respect of previously disadvantaged individuals. In particular, the lengthy time required for air service licence applications to be processed is a challenge. Other processes, such as applying to SACAA for an Operating Certificate, cannot be started in parallel, resulting in a long and costly period before market entry.

(c) Policy Statement on licensing:

**PS. 49**

*The Air Services Licensing Council, with the administrative support of the Department of Transport (DOT), should continue to be responsible for adjudicating applications for new licences and applications for amendments to existing licences on the basis of safety and reliability; and*

*The DOT, in consultation with the Air Services Licensing Council, should investigate the feasibility of introducing an "air service licence of intent" to facilitate the introduction of new entrants to the market.*

**viii. Air carrier ownership and control****(a) Background**

At present the Air Services Licensing Act regulates the acquisition of equity stakes in domestic air carriers. The Act prescribes the maximum stake which foreigners may hold in South African air carriers and requires the control of such air carriers to remain in the hands of South African residents.

**(b) Issue**

The issue of ownership and control cuts across the various segments of air transport. These issues are important because of the need to ensure that licensees remain in control of the air services provided in terms of the licences issued.

**Policy Statement on air carrier ownership and control:****PS. 50**

***Ownership and control in respect of domestic air services should be regulated as follows:***

- ***Substantial ownership of at least 75% and effective control of an air service should be vested in South African residents, unless otherwise agreed to and subject to such conditions as may be determined by the Minister of Transport.***
- ***Commercial control (as applicable):***
  - ***in the case of a company, as defined in the Companies Act, at least 50% plus one member of the Board should be South African residents;***
  - ***the Chairperson of the Board or entity should be a South African resident; and***
  - ***the headquarters and principal place of business of the air carrier should be in South Africa (i.e., registered office in South Africa).***
- ***Regulatory control must remain the responsibility of the Department of Transport, ASLC and SACAA.***

**ix. Airline co-operative commercial arrangements****(a) Background**

In reaction to the rapidly changing global economy, many airlines have adopted co-operative arrangements from interlining to other arrangements such as code-sharing and franchises to extend their global reach and enhance their competitive position. These include the following:

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- **Code-sharing**

South Africa currently has an interim policy for dealing with code-sharing. In practice, provision is made for code-sharing within the bilateral framework to ensure reciprocal benefits. Airlines then negotiate the commercial arrangements among themselves. In the domestic market, code-sharing is not commonly practised between domestic airlines, other than airlines within the same 'stable' (e.g. SAA and Mango on the Cape Town – Durban; Cape Town – Bloemfontein; Cape Town – Port Elizabeth; and Johannesburg – George routes). This is probably due to the highly competitive nature of the deregulated domestic market. Code-sharing is permitted and widely practised by domestic airlines in commercial co-operation with foreign airlines. In these cases, the South African-based airline operates the service and the foreign airline shares this capacity (i.e., seats / capacity marketed under its own brand). The emerging trend of inter-modal code-sharing (e.g. between air and high-speed rail) is not yet evident in the South African market.

- **Franchising**

Franchising occurs when one airline (the franchiser) grants another airline (the franchisee) a franchise, or right, to use elements of its corporate identity, such as livery and marketing symbols. This means that in a franchise, the airline supplying aircraft and staff (the franchisee) takes the risk of selling the seats, even though they are sold under the name of another airline (the franchiser). Unlike code-sharing which involves the *rationalisation of equipment*, franchising involves the *use of intellectual property*.

- **Aircraft leasing**

There has been a growing increase in the practice of aircraft leasing in air transport, where a carrier rents an aircraft from another carrier or other entities to provide commercial air transport. Leases generally take the form of a "dry" lease (lease of aircraft without crew) or "wet" lease (lease of aircraft with crew). The practice of leasing may raise potential safety and economic issues in cases where the leased aircraft is registered in a different State from that of the operator.

**Global Alliances** such as Star and OneWorld have emerged using these cooperative arrangements, and have introduced increased complexity and concerns about transparency.

**(b) Issue**

Certain co-operative arrangements involve more than simple marketing or operating issues, and therefore consumer and competition issues need to be addressed.

Currently the South African industry lease-in as well as leases-out aircraft for use by domestic carriers and foreign-based carriers respectively. In both cases, responsibility for compliance with minimum safety standards needs to be ensured.

**(c) Policy Statement on airline co-operative commercial arrangements:****PS. 51**

***South African domestic and foreign designated airlines should be allowed to enter into co-operative commercial arrangements on domestic routes with airlines of their choice, subject to the domestic law governing competition, rules applicable to the type(s) of arrangements, and relevant bilateral air services agreements.***

***A robust regulatory framework addressing domestic code-sharing, franchising and leasing of aircraft should be developed in accordance with international best practice, aligned with South Africa's national interest and aero-political obligations.***

**9.1.2.3 Users' interest****(i) Air carrier liability****(a) Background**

Regulation 5 (1) of the Domestic Air Services Regulations requires licensees to be insured at all times. Insurance limits are set in terms of criteria based on the number of seats, weight of cargo and size of the aircraft.

Two new Conventions relating to liability and compensation were adopted at the ICAO Diplomatic Conference on Air Law on 2 May 2009. These Conventions, although primarily aimed at international air transport, may also be applied to domestic flights, subject to the filing of a declaration in this regard with the Depository (ICAO, in this instance). These Conventions are: *The Convention on Compensation for Damage Caused by Aircraft to Third Parties, 2009*, and the *Convention on Compensation for Damage to Third Parties, Resulting from Acts of Unlawful Interference Involving Aircraft, 2009*.

**(b) Issue**

Experience has shown that air carriers do not always comply with the terms and conditions of their insurance policies, with the result that insurers reject the claims of passengers.

Some domestic air carriers (notably small non-scheduled air carriers) have introduced special provisions regarding liability in their conditions of carriage. In terms of these provisions, certain air carriers effectively contract out of their liability. This is clearly unfair and harmful to the travelling public.

The need to ensure adequate and comprehensive insurance cover against all claims arising from accidents and incidents, including claims resulting from unlawful interference, requires urgent attention.



**(c) Policy Statement on air carrier liability:****PS. 52**

*All persons who wish to provide domestic air services must at all times be adequately insured against claims that may arise against such person(s) as prescribed in applicable domestic law. In addition, the concept of strict liability should be introduced in the domestic air transport market based on the principles contained in the Montreal Convention of 1999.*

*Once identified legal concerns have been resolved, South Africa should ratify the Convention on Compensation for Damage Caused by Aircraft to Third Parties, 2009, and the Convention on Compensation for Damage to Third Parties, Resulting from Acts of Unlawful Interference Involving Aircraft, 2009. Consideration should also be given to declare, as part of the ratification process, that these Conventions will apply to domestic air transport, as applicable.*

**9.1.2.4 Bankruptcy of an airline****(a) Background**

Due to the close relationship between some of the safety and commercial factors, a perception has developed over the years among certain members of the public that the users of air services are entitled to compensation in the event where an air carrier fails to meet the expectations of passengers. The increasing dominance of credit cards as the payment method for air tickets has in part addressed this issue due to the insurance they offer.

In general terms, however, consumer protection, insolvency and business rescue for all industries fall in the domain of the DTI. The measures for which DOT should be responsible in relation to air transport are therefore sector-related and need to be aligned with or complementary to the rules applicable to all industries.

Since deregulation in 1990, several South African airlines providing scheduled services have become insolvent or ceased to exist. Measures to provide the consumer with some protection in the event that an air service operator closes its business are contained in Regulation 6A of the Domestic Air Services Regulations.

**(b) Issue**

An airline must currently provide the ASLC with a suitable guarantee for the protection of consumers in the case of bankruptcy. However, this Regulation is difficult to enforce and there is generally limited compensation available to passengers when an air carrier closes down.

**(c) Policy Statement on bankruptcy of airlines:****PS. 53**

***Airlines becoming insolvent or bankrupt should be subject to the same regulations applicable to all industries***

***The Air Services Licensing Council should actively monitor the financial performance of licensees in order to enhance the safety and reliability of scheduled air services and to ensure the early detection of airlines in financial distress. The ASLC should advise SACAA once they detect financial distress in order to assist SACAA in monitoring safety and security that might be compromised as a result.***

***In addition, the Department of Transport should monitor global developments regarding bankruptcy protection and consider the possible strengthening of the rights of passengers in the event of bankruptcy of airlines in line with international best practice.***

**9.1.2.5 Domestic non-scheduled air transport services**

Please note that Policy Statements 43, 44, 45, 46, 48, 49, 50, and 52 under Sections 9.1.2.2 and 9.1.2.3 also apply to non-scheduled domestic air services.

**9.1.2.6 Allocation of roles and responsibilities**

**Summarised statement on the allocation of roles and responsibilities in respect of domestic air transport:**

Entity	Role / Responsibility
Minister of Transport	<ul style="list-style-type: none"> <li>Responsible for giving effect to national policy and legislation relating to domestic air transport, including the appointment of the Members of the Air Services Licensing Council.</li> </ul>
Air Services Licensing Council	<ul style="list-style-type: none"> <li>Considering applications for the award and/or amendment of domestic air services licences; and</li> <li>Monitoring the performance of air service licence holders in terms of the applicable legislation, including the possible institution of certain actions as a result of such monitoring.</li> </ul>
Department of Transport (DOT)	<ul style="list-style-type: none"> <li>Giving administrative and legal support to the Air Services Licensing Council; and</li> </ul>

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Entity	Role / Responsibility
	<ul style="list-style-type: none"><li>• Interacting with the aviation industry and SACAA on matters relating to domestic air transport.</li></ul>
SACAA	<ul style="list-style-type: none"><li>• Regulating aviation safety and security of domestic air services in general;</li><li>• Assessing safety-related issues in licence applications and providing input to the Air Services Licensing Council; and</li><li>• Issuing and renewing of the operating certificates of domestic air carriers.</li></ul>

### 9.1.2.7 International Scheduled Air Transport Services

#### i. Introduction

The current South African international air transport policy arose from extensive investigations conducted and implemented in the early 1990s. The main thrust of the policy review at the time was the liberalisation of international air transport. The White Paper on National Transport confirms the direction taken by DOT; however, the civil aviation system is very dynamic.

Two distinctly different forms of international air transport are addressed in this section, namely scheduled international air transport services and non-scheduled international air transport services.

#### ii. Regulatory framework for international air services

The current framework for regulating the provision of scheduled international air transport services consists of the Chicago Convention and the Transit Agreement (both included as Schedules to the Civil Aviation Act), several other international conventions on aviation, the International Air Services Act, regional multilateral arrangements (Yamoussoukro Decision and SADC Protocol) and various bilateral air services agreements.

The Montreal Convention of 1999 and the Cape Town Convention are important instruments incorporated into South Africa's legal framework in 2007. The main purpose of these two conventions is to lay down certain uniform rules, norms and standards in connection with air carrier liability and to facilitate the financing of mobile equipment (aircraft, engines, etc.) respectively.

The International Air Services Act regulates and controls the provision of international air services. It regulates South African air carriers that wish to provide international air services through a licensing system, and foreign airlines providing services to South Africa through a system of Foreign Operator's Permits (FOPs). The main purposes of the licensing and FOP systems are to ensure that authorised air carriers comply with at least the minimum internationally recognised technical norms and standards, and to regulate, where appropriate, entry into the market on an economic basis.

A bilateral air services agreement normally confirms the participating countries' commitment to the use of internationally accepted norms and standards. It regulates the detailed operational and economic aspects of the scheduled air transport service to be provided between two countries, including the extent and frequency of the service, tariffs, and the routes and airports to be used, and applicable freedoms of the air. The current South African bilateral air services agreements negotiated to date vary from conservative to liberal, depending on the policy positions of bilateral partners and national considerations.

### iii. Concept of “National Interest” for international air transport

#### (a) Background

To ensure greater alignment with government policies and strategies, in particular with the Tourism Growth Strategy, mandates for air services negotiations must be aligned with the National Interest of South Africa. The concept of “National Interest” is a fundamental element in determining negotiating mandates.

#### (b) Issue

The globalisation of international air transport is manifested in the search for a more liberalised environment, commonly referred to as “open skies”, initially spearheaded by the United States of America. This approach creates potential conflict of interests. These interests may be seen as the National Interest of the country, the interests of service providers in the air transport industry and the interests of the consumers of air transport services. It is also recognised that the National Interest of the country may not necessarily be the same as the interests of the suppliers, consumers, labour or general public, respectively.

#### (c) Policy Statement on concept of “National Interest” for international air transport:

##### ***PS. 54***

***International air transport should promote the National Interest of South Africa within a framework of the country's macro and micro economic policies, with emphasis on the following:***

- ***Sovereignty of airspace should continue to be vested in the State;***
- ***Facilitation and expansion of international trade, investment, tourism; and***
- ***Promotion of the development of an efficient, productive and sustainable South African aviation industry.***

### iv. Network of scheduled international air transport services

#### (a) Background

By definition, a scheduled international air transport service involves at least two countries and requires authorisation from the respective governments before services may begin. The outcome of negotiations between the aeronautical authorities of the relevant countries will determine the scope of services that may be provided and will also depend on the policies of the countries involved.

**(b) Issue**

A basis for the maintenance and expansion of a network of scheduled international air transport services need to be defined.

**(c) Policy Statement on a network of scheduled international air transport services:*****PS. 55***

***International air transport should facilitate and enhance the expansion of international trade, investment and tourism through the development and maintenance of a network of scheduled international air transport services effectively linking South Africa with international destinations.***

**v. Regulatory framework for scheduled international air transport services****(a) Background**

Two major components govern the regulatory regime for scheduled international air transport. The first component is the regulation of the technical aspects of the provision of safe, secure, reliable and environmentally friendly air services. The second component addresses economic matters and other aero-political considerations which normally form part of bilateral air services agreements.

**(b) Issue**

Due to the highly complex nature of safety, security and economic regulation of scheduled international air transport, a robust regulatory regime must be established and maintained. The regulatory regime requires constant attention to ensure aviation safety, security as well as the provision of reliable and environmentally friendly air services.



**(c) Policy Statement on a regulatory framework for scheduled international air transport services:**

**PS. 56**

***Scheduled international air transport services should be controlled and regulated within a well-defined regulatory framework addressing safety, security and environmental matters as well as economic and aero-political considerations, in order to ensure the provision of safe, orderly and reliable scheduled air transport services to and from South Africa.***

***This will be achieved through the Civil Aviation Act, the International Air Services Act; the framework of bilateral or multilateral air services agreements; international conventions which South Africa has ratified or adheres to; and an implementation strategy as adopted by the DOT from time to time.***

**vi. Air carrier ownership and control**

**(a) Background**

At present the International Air Services Act regulates the acquisition of equity stakes in international air carriers. The Act prescribes the maximum stake which foreigners may hold in South African air carriers and requires that control of such air carriers should be vested in South African residents.

The Yamoussoukro Decision introduced the concept of “principal place of business” as an alternative to the traditional “ownership and control” criteria in an effort to encourage the development of new African-based air carriers.

**(b) Issue**

The issue of ownership and control cuts across the various segments of air transport, as well as international general air services. These issues are important because of the need to ensure that licensees remain in control of the air services provided in terms of the licences issued.

The concept of “principal place of business” in terms of the YD needs to be recognised.



**(c) Policy Statement on air carrier ownership and control:****PS. 57**

***Ownership and control in respect of international air services should be regulated as follows:***

***(a) For South African licensees: In the case of –***

- ***a scheduled air service to countries not bound by the Yamoussoukro Decision, substantial ownership and effective control of such air service must be vested in South African residents, unless otherwise agreed to and subject to such conditions as the Minister of Transport may determine; or***
- ***an air service to countries which are bound by the Yamoussoukro Decision, the entity providing such air service should have its headquarters, central administration and principal place of business in South Africa and be under the effective regulatory control of the relevant South African authorities.***

***In both cases, the South African entity to which an international air service licence is issued must at all times be actively and effectively in control of the air service.***

***(b) For foreign air service providers: In the case of –***

- ***an air service from countries not bound by the Yamoussoukro Decision, substantial ownership and effective control of such air service provider must be vested in the government or residents of the country from where it operates, unless otherwise agreed to and subject to such conditions as the Minister of Transport may determine;***
- ***an air service from countries which are bound by the Yamoussoukro Decision, the entity providing such air service must-***
  - ***have its headquarters, central administration and principal place of business in the country from where it operates;***
  - ***be under the effective regulatory control of the relevant authorities of the country from where it operates, or***
  - ***in the case of a State Party designating an airline from another State Party to operate scheduled air services on its behalf, the above requirements should be met, but with the necessary changes required by the context, in compliance with the Yamoussoukro Decision.***

***In both cases, the foreign airline to which a foreign operator's permit is issued must at all times be actively and effectively in control of the air service.***

## **vii. Bankruptcy of South African airlines**

### **(a) Background**

Since partial liberalisation of international air services in 1993, several South African airlines providing scheduled international air services have become insolvent or ceased to exist. Research has shown that Australia and New Zealand made no provision for failed operations in their international air transport industries. The European Union (EU) currently prescribes stringent financial entry criteria for new air carriers and annual review of the financial fitness of their licensed international air carriers.

### **(b) Issue**

A licensee must currently provide the IASC with a suitable guarantee for the protection of consumers as part of the evaluation of an applicant's financial capability. This system is, however, difficult to enforce and there is generally limited compensation available to passengers when an airline becomes insolvent and closes down.

### **(c) Policy Statement on bankruptcy of South African airlines:**

#### **PS. 58**

***South African airlines becoming insolvent or bankrupt should be subject to the same regulations applicable to all industries.***

***In order to enhance the safety and reliability of air services and to ensure the early detection of airlines in financial distress, the International Air Services Council should actively monitor the financial performance of licensees. In addition the Department of Transport, in consultation with the Department of Trade and Industry, should monitor global developments regarding bankruptcy protection and consider the possible strengthening of the rights of passengers in the event of bankruptcy of airlines in line with international best practice.***

## **viii. Insurance Requirements**

### **(a) Background**

South Africa has enacted the Montreal Convention of 1999 through the amended Carriage by Air Act on 19 June 2007. The Montreal Convention of 1999 is applicable to all international carriage by aircraft of persons, baggage or cargo for reward and specifies the liability of air carriers and extent of compensation payable in the event of death or injury of passengers and damage of baggage or cargo.

On 2 May 2009, two Conventions relating to liability and compensation were adopted at the Diplomatic Conference on Air Law held under the auspices of ICAO in 2009. These Conventions are:

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- **The Convention on Compensation for Damage Caused by Aircraft to Third Parties, 2009:** This Convention applies to damage to 3<sup>rd</sup> parties caused by an aircraft in flight on an international flight, other than as a result of an act of unlawful interference. It will replace the *Convention on Damage Caused by Foreign Aircraft to Third Parties on the Surface, 1952* (also known as the Rome Convention) and may be extended to also include domestic flights. South Africa is not a signatory to the Rome Convention.
- **The Convention on Compensation for Damage to Third Parties, Resulting from Acts of Unlawful Interference Involving Aircraft, 2009:** This Convention applies to damage to 3<sup>rd</sup> parties caused by an aircraft in flight on an international flight as a result of an act of unlawful interference. It may be extended to also include domestic flights. The Convention prescribes operators' liability based on the mass of the aircraft involved as well as the requirement to maintain adequate insurance or guarantee covering such liability.

This Convention addresses the serious difficulties experienced shortly after the 11 September 2001 disaster when the international insurance market initially cancelled and then partially re-instated coverage against losses and damages arising from acts of war, hijacking and other related perils for air carriers and service providers.

In terms of the Convention, an International Civil Aviation Compensation Fund (referred to as the "International Fund") is established, funded through contributions in respect of each passenger and each tonne of cargo departing from an intentional airport in a State Party. In the event that insurance in respect of damage covered by the Convention is wholly or partially unavailable, the International Fund may, at its discretion, in respect of future events, pay damages for which air carriers would have been liable.

#### **(b) Issue**

The tragic attack of 11 September 2001 highlighted the vulnerability of air carriers and the risks posed to air carriers, passengers and infrastructure. The need to ensure adequate insurance cover against claims arising from accidents, incidents, war and related activities requires urgent and ongoing attention.

**(c) Policy Statement on insurance requirements:**

**PS. 59**

*All air carriers who wish to provide international air transport services to and from South Africa must at all times be adequately insured against claims that may arise against such entity as prescribed in the applicable domestic law.*

*Once identified legal concerns have been resolved, South Africa should take the necessary steps to ratify the Convention on Compensation for Damage Caused by Aircraft to Third Parties, 2009, and the Convention on Compensation for Damage to Third Parties, Resulting from Acts of Unlawful Interference Involving Aircraft, 2009.*

**ix. Regulation of economic aspects of scheduled international air transport services**

**(i) Fundamental principle**

**(a) Background**

The economic aspects of scheduled international air transport services are normally subject to negotiations between countries and are mostly related to the economic regulation of air services. In addition, air services operated by South African and international air carriers are subject to the conditions of valid international air services licences and foreign operator's permits respectively.

**(b) Issue**

Economic regulatory measures need to be aligned with national priorities as articulated in the applicable macro- and micro economic policies of Government. In order to serve the National Interest of South Africa, all economic regulatory measures pertaining to scheduled international air transport services need to be clearly defined.

**(c) Policy Statement relating to the regulation of the economic aspects of international scheduled air transport services:**

**PS. 60**

*In order to serve the National Interest, all regulatory measures pertaining to the economic aspects of scheduled international air transport services should have as their purpose to:*

- *Encourage effective competition in the market place;*
- *Safeguard where necessary, the National Interest; and*
- *Encourage South African participation in the market.*

(ii) **Designation of airlines for providing international scheduled air transport services**

(a) **Background**

The parties to a Bilateral Air Services Agreement normally authorise airlines in a process of formal designation to provide an international scheduled air service. A distinction can be drawn between single (one airline) and multiple (more than one airline) designation as part of economic regulation. The applicable designation regime is dependent on the policy positions of the bilateral partners.

(b) **Issue**

The traditional single designation of airlines per route has impacted negatively on air transport in general, leading to high tariffs, low frequency of flights and mediocre service levels. To encourage airlines to compete on routes, provision needs to be made for the designation of more than one airline per route.

(c) **Policy Statement on the designation of airlines for providing international scheduled air transport services:**

**PS. 61**

*The multiple designation of airlines on routes to and from South Africa and in particular, the designation of more than one South African airline on the same route and/or city pair/airport combination to provide scheduled international air transport services, should be promoted. Participating South African and foreign airlines must hold valid international air services licences and foreign operator's permits respectively.*

(iii) **Granting of capacity and/or flight frequencies to airlines**

(a) **Background**

The allocation of capacity (seat allocation) and flight frequencies (number of flights per week) is normally regulated through Bilateral Air Services Agreements. This is an important tool which has traditionally been used to ensure an acceptable level of reciprocity and market share.

(b) **Issue**

Air services in a free market environment are governed by supply and demand. Due to government interferences (e.g. direct/indirect subsidisation of national airlines), certain airlines may abuse access to surplus capacity through various means, including predatory pricing. The unrestricted allocation of capacity on all routes

worldwide may impact negatively on the ability of South African airlines to compete on certain routes.

**(c) Policy Statement on the granting of capacity and/or flight frequencies to airlines:**

**PS. 62**

*Unlimited flight frequencies based on third, fourth and fifth freedom rights will be granted in terms of the Yamoussoukro Decision (YD); however, the actual granting of such rights may be subject to reciprocity due to the interim bilateral implementation of the YD principles.*

*With the exception of scheduled air services between South Africa and countries bound by the Yamoussoukro Decision, flight frequencies based on third and fourth freedom traffic rights should form the basis for negotiating the exchange of traffic rights, but the actual capacity provided on any route would be determined by the Department of Transport in consultation with stakeholders and with due regard to route and region-specific requirements.*

**(iv) South African airports as points of entry<sup>8</sup>**

**(a) Background**

The number of international airports in South Africa was reduced from thirty eight to ten during 1998, i.e., one per province and two in Gauteng.

**(b) Issue**

Existing airports with international designation across the provinces of South Africa have shown interest in improving the level of utilisation of their international airports. In the interest of promoting economic growth in all Provinces, South African and foreign air carriers need to be allowed to utilise all the current international airports (ports of entry), based on economic viability and passenger demand.

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<sup>8</sup>Note Section 6.6 :

DESIGNATION OF AIRPORTS AS INTERNATIONAL PORTS OF ENTRY"



**(c) Policy Statement on South African airports as points of entry:****PS. 63**

*All airports designated as international airports (excluding military airports with port of entry status) with the necessary and appropriate facilities to accommodate international flights should be promoted equally as points of entry to South Africa.*

**(v) Traffic Rights****(a) Background**

The granting of traffic rights is mainly regulated through Bilateral Air Services Agreements, augmented with certain tri-lateral and Multilateral Agreements. Traffic rights are the right of an air carrier to load or unload passengers or cargo in a specific country. In terms of international conventions, various freedom rights are defined and are reflected in "ANNEXURE 2 - DEFINITIONS" to this White Paper.

**(b) Issue**

Fifth freedom traffic rights may impact on the viability of point-to-point (direct) air services operated by airlines on the same route. The granting of 5th freedom traffic rights needs to be addressed within a clear policy framework.

**(c) Policy Statement on traffic rights:****PS. 64**

*Own-stopover rights in respect of passenger services should be exchanged on a reciprocal basis, subject to applicable domestic law.*

*Fifth freedom traffic rights should be granted in respect of passenger/cargo combination services subject to the following:*

- *Free exchange of fifth freedom traffic rights to/from all destinations in countries bound by the Yamoussoukro Decision. The exchange of such rights may, however, be subject to restrictions based on the need for reciprocity of all participating states during the period leading up to the full implementation by all participating States of the Yamoussoukro Decision;*
- *Fifth freedom traffic rights with countries not bound by the Yamoussoukro Decision should be exchanged on a reciprocal or comparable benefit basis and only in circumstances where scheduled third and fourth freedom services are not available and on condition that these services should be phased out over a period of six (6) months if a third or fourth freedom service is introduced by a South African airline; or*
- *Only in exceptional cases after the potential consequences have been evaluated and only if reciprocal or comparable rights or benefits have been obtained for South Africa.*

*Fifth freedom traffic rights in respect of all-cargo services should be freely exchanged worldwide on a reciprocal or comparable benefit basis.*

**(vi) Tariff Control****(a) Background**

Tariffs are normally regulated through Bilateral Air Services Agreements. The Multilateral Yamoussoukro Decision (YD) aims at regulating tariffs for intra-African air services on a Continental level.

**(b) Issue**

A balanced approach to international tariffs is needed with the necessary control mechanisms to intervene, as may be required to prevent abuse of a dominant market position and predatory pricing practices.

**(c) Policy Statement on tariff control:****PS. 65**

***Economic decisions should, as far as possible, be resolved by the market, subject to the general competitive principles applicable to all industries, with a view to maximising consumer choice.***

***Tariffs should generally be deregulated as far as possible to allow air carriers the freedom to set tariffs in response to demand, subject to the general controls over economic activities applicable to all industries. Tariffs of intra-African air services conducted within the framework of the Yamoussoukro Decision (YD) will be regulated in compliance with the YD.***

***A tariff clause should be included in bilateral air services agreements, negotiated with countries, other than countries bound by the Yamoussoukro Decision, which should provide for a flexible filing arrangement, allowing the aeronautical authorities of the participating countries to request tariff filings from the designated airlines as might be required to ensure compliance with competition legislation.***

**(vii) Airline Commercial Co-Operative Arrangements<sup>9</sup>****(a) Background**

Many airlines have adopted code-sharing and other forms of co-operative arrangements and joined Global Alliances to extend their global reach and to enhance their competitive position, including recent inter-modal agreements.

**(b) Issue**

As certain co-operative arrangements involve more than simple marketing or operating techniques, concerns about consumer interests and the implications for competition must be addressed. Consumer interests (i.e., prevention of consumer deception regarding the identity of airlines actually providing air services) and the implications for effective airline competition must be addressed. Impact of Global Alliances competing for market-share and potential impact on anti-competitive / restrictive behaviour of airlines participating in such Alliances need to be monitored.

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<sup>9</sup> Also note Section 9.1.2.2ix) Airline co-operative commercial arrangements within the Domestic Scheduled Traffic Section.

The practice of leasing of aircraft raises potential safety and economic issues in cases where the leased aircraft is registered in a different State from that of the operator.

**(c) Policy Statement on airlines' commercial co-operative arrangements:**

**PS. 66**

***South African and foreign-designated airlines should be allowed to enter into commercial co-operative arrangements on international routes, subject to compliance with the applicable domestic law governing competition and the provisions of the applicable Bilateral Air Services Agreements. In addition, a robust regulatory framework addressing international code-sharing, franchising and leasing of aircraft should be developed.***

**9.1.2.8 Summarised statement on the allocation of roles and responsibilities in respect of international air transport**

Entity	Role / Responsibility
Minister of Transport	<ul style="list-style-type: none"> <li>• Giving effect to national policy and legislation on international air transport;</li> <li>• Giving effect to the implementation of the international conventions in connection with civil aviation which the Government has acceded to or ratified; and</li> <li>• Appointing the Members of the International Air Services Council.</li> </ul>
International Air Services Council	<ul style="list-style-type: none"> <li>• Considering applications for the granting and/or amendment of international air services licences in line with the air services agreements entered into with other States;</li> <li>• Chairperson to consider applications for the granting and/or amendment of foreign operator's permits; and</li> <li>• Monitoring the performance of air service licence holders in terms of the relevant legislation, including the possible institution of certain actions as a result of such monitoring.</li> </ul>
Department of	<ul style="list-style-type: none"> <li>• Acting as Aeronautical Authority in the negotiation of bilateral air services agreements;</li> </ul>

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Entity	Role / Responsibility
Transport (DOT)	<ul style="list-style-type: none"> <li>• Liaising with ICAO and other multilateral civil aviation organisations;</li> <li>• Giving administrative and legal support to the International Air Services Council;</li> <li>• Undertaking interdepartmental liaison on international civil aviation; and</li> <li>• Interacting with the aviation industry and SACAA on matters relating to international air transport.</li> </ul>
SACAA	<ul style="list-style-type: none"> <li>• Regulating aviation safety and security in general;</li> <li>• Assessing safety-related issues in licence and foreign operator's permit applications and providing input to the International Air Services Council;</li> <li>• Issuing and renewing the operating certificates of South African-based air carriers once such air service licences have been granted, issued or amended; and</li> <li>• Giving technical support to DOT and International Air Services Council.</li> </ul>

### 9.1.3 Non-scheduled international air transport services

#### 9.1.3.1 Role of non-scheduled international air transport services

##### (a) Background

Although various types of and variations in non-scheduled international air services can be identified, this White Paper addresses two main types of non-scheduled operations based on the purpose of the services rendered, namely:

- **Ad hoc flights**, where an aircraft is hired for a specific flight with a specific purpose, for instance for the conveyance of cargo only; passengers only; or a combination of passengers, cargo or mail. This can include affinity group charters, student charters, diplomatic and VIP flights, and special-event charters. This type of operation normally takes place on a once-off basis or is limited to a single-entity contract requiring a specified number of return flights to satisfy such entity's transport requirements.

- **Programmed charter flights**, consisting of a series of flights from a specific origin to a specific destination. These flights are normally sold as part of an inclusive tour, which includes land arrangements. Although the flights are normally provided on a programmed basis, the service needs to generally not be regarded as a scheduled service, since it should not be open to use by the public, as defined.

**(b) Issue**

The main area of regulatory concern regarding international non-scheduled services is how to strike a balance between the commercial interests of the scheduled service operators and those of the charter operators in the same markets or routes, while taking into account the overall economic interests of the country. For this reason, certain restrictions or controls may have to be imposed to ensure that non-scheduled air services do not seriously impair the economic viability and efficiency of scheduled air services. Whilst charter flights are normally operated during peak seasons, scheduled air services are required to continue operations, even during periods of low passenger demand, potentially impacting negatively on the continued viability of scheduled air services.

**(c) Policy Statement on the role of non-scheduled international air transport services:**

**PS. 67**

*The network of scheduled international air transport services should be complemented by non-scheduled international air transport services. These services should be allowed within the framework of formulated goals and objectives.*

**9.1.3.2 Non-scheduled international air transport services**

**i. Regulation of non-scheduled international air transport services**

**(a) Background**

Scheduled international air services are regulated primarily on the basis of bilateral or multilateral agreements between countries. By contrast, states generally regulate non-scheduled international air services based on their relevant national laws, in compliance with Article 5 of the Chicago Convention.

**(b) Issue**

In general, non-scheduled air services lack the formal regulatory structure of scheduled air services. It would also appear as if certain states are applying less stringent requirements on the operations of these non-scheduled operators. This has significant implications for the economic stability, safety and security of the international air transport system.

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**(c) Policy Statement on the regulation of non-scheduled international air transport services:**

**PS. 68**

*Aviation safety, security, environmental and economic considerations regarding non-scheduled international air transport services should in future continue to be controlled and regulated within a well-defined regulatory framework in order to ensure and facilitate the provision of safe and reliable non-scheduled international air transport services to and from South Africa.*

**ii. Non-scheduled international air transport services: Small Aircraft**

**(a) Background**

The International Air Services Act, 1993, provides for the economic deregulation of commercial operations with small aircraft. Small aircraft has been defined as Categories A3, A4, H1 and H2 (note *ANNEXURE 2 - DEFINITIONS* of this White Paper).

**(b) Issue**

Economic regulatory requirements applicable to non-scheduled and general air service operations with large aircraft are complex and do not suit the needs of operators of small aircraft. Many South African operators of small aircraft are holders of domestic air service licences and should be allowed to operate internationally (regionally) to avoid unnecessary duplication. Likewise, due to the small impact of non-scheduled operations conducted with small aircraft, these services need to be exempted from *economic* regulation.

**(c) Policy Statement on non-scheduled international air transport services with small aircraft:**

**PS. 69**

*South African and foreign operators of small aircraft (categories A3, A4, H1 and H2 as defined), providing non-scheduled international air transport services to and from South Africa should continue to be allowed to operate freely, subject only to safety, security and environmental regulation. In the case of foreign operators, such services will be subject to a reciprocity agreement with the relevant states.*

### iii. Non-scheduled international air transport services: Large Aircraft

#### (a) Background

Non-scheduled air services are regulated through the International Air Services Act of 1993 and the regulations promulgated there under.

#### (b) Issue

Due to the potential negative impact that non-scheduled air services operated with large aircraft may have on the stability of the network of scheduled air services, guidance is needed in respect of the regulation of services such as:

- Non-scheduled services competing with scheduled air services on the same route / market;
- non-scheduled services competing with scheduled air services on intra-African routes in terms of the Yamoussoukro Decision;
- charter flights for the purpose of conveying tourists to South Africa as part of an inclusive tour;
- non-scheduled services on routes where no scheduled air services are operated; and
- non-scheduled cargo-only services.

#### (c) Policy Statement on non-scheduled international air transport services with large aircraft:

##### **PS. 70**

***Non-scheduled international air transport services operated with large aircraft to and from South Africa should complement the network of scheduled international air transport services, especially with a view to stimulating tourism, investment and trade, and to developing new air links. To this end, the current regulatory framework addressing the various types of non-scheduled air services should be reviewed.***

***Non-scheduled air services for the purpose of conveying passengers, cargo or mail in combination between South Africa and countries bound by the Yamoussoukro Decision should be allowed freely, and flights should only be subject to safety, security and environmental regulation.***

## 9.2 GENERAL AIR SERVICES

Please note that Policy Statements 43, 44, 49, 50 and 52 under Section 9.1.2.2 and 9.1.2.3 also apply to *domestic* general air services.

### (a) Background

General air services in the South African context include aerial work and air ambulance operations.

CARS Part 1 defines **Aerial Work** as “an aircraft operation in which an aircraft is used for specialised services as determined by the Director such as –

- (a) agricultural spraying, seeding and dusting;
- (b) cloud spraying, seeding and dusting;
- (c) culling;
- (d) construction;
- (e) aerial harvesting;
- (f) aerial patrol, observation and survey;
- (g) aerial advertisement, including banner towing and other towing of objects;
- (h) search and rescue;
- (i) parachuting;
- (j) aerial recording by photographic or electronic means;
- (k) fire spotting, control and fighting; and
- (l) spraying, seeding or dusting other than for agricultural purposes and clouds;”

**An air ambulance** is defined by CARS as “*an aircraft used for the purposes of transporting a patient, or a person for whom there can be reasonable expectations that they will require medical attention during the transportation, and equipped in accordance with the provisions of Part 138.*” **An air ambulance operation** is defined as “*air transportation of a patient, or person for whom there can be a reasonable expectation that they will require medical attention during the transportation which is operated in terms of Part 138*”;

From a regulatory perspective, there are certain grey areas between air services operated for reward and non-revenue-generating aviation activities. For example there is confusion about the so-called “hire and fly” operations, leasing, emergency evacuation flights, ferry flights and own-use charter flights.

It is important to note that within the South African context, limited commercial use is made of aircraft defined as “Non-type Certified Aircraft” (NTCA). Although these aircraft do not subscribe to the specified ICAO standards and recommended practices (as applicable to other aircraft), these operations are governed by the individual sovereign states in which they operate. Many states simply refer to this as “Experimental Aviation”. South Africa follows the international trends and subscribes to international norms in this regard, although no formal international prescription

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exists. This is mainly aimed at encouraging research and development within an acceptable aviation safety environment.

It must also be noted that there is a difference between aircraft in experimental aviation and non-type certified aircraft. "Experimental aircraft" usually refers to owner designed and built or commercially designed and owner built aircraft while non-type certified aircraft, although including experimental aircraft, also includes factory built aircraft. These aircraft are mainly used in the private recreational environment, and include vintage, veteran and ex-military aircraft, but may be used for education, training and awareness programmes. Commercial operations are generally limited to areas where no suitable type certified aircraft exist in a specific application.

#### **(b) Issue**

Given the commercial nature of these activities, a certain level of aviation safety and security regulation is required in order to deal with issues of liability and responsibility, but in a manner that is appropriate and supports the economic sustainability of these activities.

The distinction between non-commercial activities and air services for reward needs to be clarified. There is also a lack of in-principle and regulatory guidance on the handling of specific flying operations. The specific needs regarding the commercial use of aircraft referred to as "Non-type Certified Aircraft" (NTCA) needs to be addressed.

#### **(c) Policy Statement on General Air Services:**

##### **PS. 71**

***General air services should continue to be regulated within a well-defined regulatory framework to ensure compliance with international norms and standards pertaining to aviation safety and security, as contained in the relevant international conventions to which South Africa subscribes. This should be aimed at:***

- ***Ensuring the provision of safe, secure, reliable, sustainable and environmentally friendly general air services and operations, with due recognition of the needs of the users of Non-type Certified Aircraft for the provision of general air services for reward; and***
- ***Creating a clear distinction between the regulation of general air services for reward and non-reward activities.***

### 9.3 FLYING TRAINING SCHOOLS AND ADVENTURE AVIATION<sup>10</sup>

#### 9.3.1 Flying training schools

##### (a) Background

Flying training, whilst not involving transport of passengers, nevertheless involves an element of reward for the services offered. Flying training constitutes a significant proportion of air traffic movements in South Africa, and also represents an important economic opportunity for the country. There has been strong growth in the number of foreign students learning to fly in South Africa, which is increasingly recognised as a value for money option. Flying training is excluded from the definition of an "air service" (Air Services Licensing Act, 1990) and are regulated under Part 141 of the SA-CARs).

##### (b) Issue

Given the nature of flying training, the users of the services do accept some element of risk. However, the rapid growth of flying schools requires regulation and oversight in order to ensure safe operations and retain the reputation of South Africa as a centre of flying training.

##### (c) Policy Statement on Flying Training:

**PS. 72**

*Flying training schools should continue to be regulated within a well-defined regulatory framework to ensure compliance with international norms and standards pertaining to aviation safety, security and environmental protection.*

#### 9.3.2 Adventure aviation

##### (a) Background

Adventure aviation has significant scope as a tourism service offering within the adventure and extreme sports category, which could generate new enterprises and employment opportunities. Adventure flights provide an introduction to recreational aviation experiences through adventure flights to adventure seekers, the sport and adventure tourism industry and for social or corporate purposes. Adventure flights are conducted in two-seater aircraft which are limited by design to only carry one pilot and one passenger during any given flight, and may or may not be type certified aircraft. These aircraft are operated under the national or glider pilot's licenses, or tandem

<sup>10</sup> Also note Chapter 10 on "NON-COMMERCIAL AVIATION"



hang glider, para glider or parachute ratings, and in the case of non-type certified aircraft, SA-CARs, Parts 24 and 96 apply.

**(b) Issue**

To date in South Africa, adventure aviation for reward has not been adequately regulated; there is therefore a need to create a suitable regulatory framework that enables safe, secure and environmentally friendly adventure aviation operations. Users need to be made fully aware of the risks, and operators need to maintain professional operations and core safety requirements. A balance is therefore required between supporting the growth of adventure aviation by avoiding unnecessary barriers to entry, and providing a minimum level of oversight, given that they are paid for services, and in order to ensure a sound reputation for these industries.

**(c) Policy Statement on Adventure Aviation for reward:**

**PS. 73**

*Adventure flying activities for reward should be regulated within a suitable regulatory framework which provides for the clear, safe, secure and environmentally friendly regulation of this activity, and creates a legal pathway to adequately approve, control and oversee all areas of adventure flight operations, without undue and onerous barriers to entry.*

## **10 NON-COMMERCIAL AVIATION**

### **10.1 APPROACH TO REGULATION OF NON-COMMERCIAL AVIATION**

**(a) Background**

Non-revenue generating aviation activities, including private use, sport and recreation, and corporate aviation account for the bulk of aircraft ownership and air traffic movements in South Africa. These activities represent a key segment of civil aviation.

Recreational aviation includes private, social and pleasure flights, whilst sports aviation includes competition and special air events. In order to enable these flight, additional activities and resources are required such as training, personnel, associations and clubs, equipment and facilities, design, building and restoration of non-type certified aircraft.

The smaller airports used by many non-revenue-generating activities are in most cases unmanned. Safety and security concerns are left to the operator of an aircraft, who has to ensure the security of the aircraft and the safety of the operation. As there are no passengers or revenue generation, liability issues are limited. Recreational aviation, personnel licenses, its aircraft and activities are therefore mostly not provided for, or subject to ICAO SARPS as they do not operate with licenses in terms of Annex



1 or certified aircraft in terms of Annex 8. Within this segment, pilots carry the responsibility for ensuring aircraft that they are flying are properly maintained and airworthy, and taking proper care to ensure the safety of flights, as well as checking on conditions of take-off and landing areas.

Accordingly such activities are conducted by members of various approved, recreational aviation organisations, which in turn are controlled and overseen by the Recreation Aviation Administration of South Africa (RAASA) as currently designated by the Civil Aviation Authority.

**(b) Issue**

As the liabilities and requirements for air services for reward differ from those for non-revenue-generating activities, the measures prescribed need to differ. Any measures prescribed need to recognise the role of non-revenue-generating activities and the specific environment in which they operate.

**(c) Policy Statement on non-commercial aviation:**

**PS. 74**

***Non-commercial aviation should continue to be regulated within a well-defined organisational and regulatory framework to ensure compliance within a uniquely South African environment and requirements and where applicable international norms and standards pertaining to aviation safety, by the SACAA or any organization designated in terms of the Civil Aviation Act. This should be aimed at:***

- ***Promoting and encouraging continued growth and development of all its various disciplines and facets, thereby ensuring sustainable and continued industry growth, skills development, and creation of employment.***
- ***Developing applicable regulations and standards for recreation aviation and its various areas of operation, to promote safety, industry standards and to control and oversee all areas of recreational flying activities.***

## 10.2 AIRSPACE MATTERS FROM A NON-COMMERCIAL AVIATION PERSPECTIVE<sup>11</sup>

### (a) Background

As commercial and non-commercial activities can take place in the same airspace, it is important to clearly provide for the various types and classes of airspace, from formal controlled airspace to uncontrolled airspace. The class of airspace also dictates the minimum equipment required on board the aircraft in such airspace, as well as the flight information service to be rendered.

### (b) Issue

The policy needs to foster an environment conducive to enhanced communication between air traffic control and pilots involved in non-commercial activities in the interest of aviation safety, and ensuring sufficient provision for sport and recreational airspace. Within this context, information sharing with the non-commercial aviation community is needed, and relief from normal air traffic service charges for non-commercial activities may need to be explored.

### (c) Policy Statement on airspace matters from a non-commercial aviation perspective:

#### **PS. 75**

***Non-commercial activities should continue to be regulated within a well-defined airspace structure that is conducive to development whilst ensuring compliance with the international norms and standards pertaining to aviation safety as contained in the relevant international conventions to which South Africa subscribes.***

***Consideration should be given to airspace provision for sport and recreational aviation based on the principle of flexible use of airspace, as applicable.***

***Consideration may be given to the development of a differentiated system of air traffic service charges applicable to non-commercial activities.***

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<sup>11</sup> Also note Chapter on AIRSPACE"

## 11 REMOTELY PILOTED AIRCRAFT SYSTEMS

### (a) Background

The SACAA adopted the term “*Remotely Piloted Aircraft Systems*” when referring to this particular sector of aviation. The acronyms UAS (Unmanned Aircraft System), UAV (Unmanned Aerial Vehicle) Drones and RPAS (Remotely Piloted Aircraft Systems) are terms often used as synonyms, describing the same sector of aviation. These acronyms refer to aircraft that are piloted remotely by the Remote Pilot or autonomous from their point of departure, to their destination.

Unmanned aircraft may be remotely piloted, fully autonomous or a combination. Current efforts of integrating UAS into civil airspace will exclude fully autonomous unmanned aircraft for the foreseeable future.

South Africa has been highly successful in the development and application of unmanned aircraft for military operations, for example, Denel Aerospace for surveillance missions and high speed target practice, and Advanced Technologies and Engineering (ATE) for artillery fire correction missions. However, in recent years, demand for their use in civilian roles has experienced a steady increase. South Africa, for example, is one of the first countries that has successfully used unmanned aircraft for civilian missions such as monitoring the 1994 Democratic Elections and carrying out crime prevention operations with the SEEKER UAS. Recently, RPAS have been used by the South African Weather Services for the rain seeding project in collaboration with ATE.

RPAS are increasingly being considered for a number of purposes, such as:

- Dull, monotonous and long endurance missions where human pilots would not want to execute such missions, such as coastal and marine protection;
- Dangerous and risky missions that would pose a threat to the life of pilots, such as during meteorological missions in thunderstorms; and for dirty and hazardous missions that would pose a health risk to pilots, such as during nuclear radiation monitoring missions;
- Photography;
- Recreational flying;
- Surveys;
- Anti-game poaching purposes; and
- Parcel, food, blood delivery

The demand for usage in other areas is also increasing, for example, fire fighting management and disaster monitoring; transportation of cargo; border patrol and law enforcement; game counting and prevention of poaching; pipeline / electrical line monitoring; re-broadcasting of radio information; remote environmental research, including pollution assessment and monitoring; as well as for oceanography and other scientific missions. A number of requests for RPAS civil applications have been

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received, including the National Health Laboratory Services, the South African Weather Services (“Intsikizi Rainbird Project”) and others.

The need to regulate pilotless aircraft was recognised as early as 1944 and is addressed in Article 8 of the Chicago Convention (pilotless aircraft), which states that *“...No aircraft capable of being flown without a pilot shall be flown without a pilot over the territory of a contracting State without special authorization by that State and in accordance with the terms of such authorization. Each contracting State undertakes to insure that the flight of such aircraft without a pilot in regions open to civil aircraft shall be so controlled as to obviate danger to civil aircraft”*.

South Africa is a member of the RPAS Panel (RPASP) established by ICAO in 2014. This Panel has been tasked to coordinate and develop Standards and Recommended Practices (SARPs), with supporting Procedures for Air Navigation Services (PANS) and guidance material to facilitate the safe, secure and efficient integration of remotely piloted aircraft (RPA) into non-segregated airspace and aerodromes.

SACAA is responsible for the integration of RPAS in national airspace and safety and security regulation of their operations. The operation of RPAS in South Africa is currently governed in terms of Part 101 of the CARs, effective from 1 July 2015.

#### **(b) Issue**

RPAS operations are expected to increase in both the public and private sectors. In particular, there is an increased demand for civilian RPAS operations in the commercial aerial work domain in the short, medium and long-term. The regulatory framework therefore needs to support the evolution of RPAS whilst ensuring a sufficient level of safety and security, including protection of lives and property on the ground as well as minimising the risk of collisions with other traffic.

Since there are fundamental differences between traditional aircraft and RPAS, integration efforts of RPAS into civil airspace should consider these differences. As an example, traditionally all civil aviation regulations have been written on the assumption that a person would be in the cockpit of an aircraft. This difference and others might require a different approach in development of regulations for RPAS. RPAS regulation should consider the uniqueness of RPAS compared to traditional aircraft.

**(c) Policy Statement on Remotely Piloted Aircraft Systems:****PS. 76**

*The South African Civil Aviation Authority should remain responsible for the regulation of civilian Remotely Piloted Aircraft Systems (RPAS) within a well-defined regulatory framework to ensure compliance with international norms and standards pertaining to aviation safety, security and environmental protection, as contained in the relevant international conventions to which South Africa subscribes.*

*Civilian RPAS operations must at all times be conducted in compliance with the Chicago Convention, its relevant Annexes and applicable domestic law. The regulatory framework must continue to support the evolution of RPAS whilst ensuring a sufficient level of safety and security.*

*All civilian RPAS registered in South Africa, or operated by an entity established in South Africa, will remain subject to SACAA's aviation safety, security and environmental oversight, including their operators, pilots and maintenance personnel. Furthermore, all civilian RPAS operators established outside South Africa wishing to conduct aerial work for reward in the airspace over South African territory, must request and obtain authorisation from all relevant authorities prior to the commencement of such operations.*

## 12 AIRCRAFT OPERATIONS AND THE ENVIRONMENT<sup>12</sup>

### 12.1 ESTABLISHMENT OF AIRPORT ENVIRONMENTAL COMMITTEES

#### (a) Background

In South Africa and internationally, there is a growing interest in and concern about the environmental impact of aircraft operations. This impact includes noise and air pollution as well as human-induced climate change.

One of the greatest environmental and developmental challenges in the 21<sup>st</sup> century will be that of controlling and coping with climate change. The international political response to climate change began with the adoption of the United Nations Framework Convention on Climate Change (UNFCCC) in 1992, which sets out a framework for action aimed at stabilising atmospheric concentrations of greenhouse gases to avoid anthropogenic or human interference with the climate system. In addition, the Kyoto Protocol under the UNFCCC entered into force on 16 February 2005.

South Africa is Party to both the UNFCCC and the Kyoto Protocol and hosted the 17<sup>th</sup> Conference of the Parties (COP 17) to the United Nations Framework Convention on Climate Change from 28 November to 9 December 2011 in Durban.

At the 38<sup>th</sup> Assembly held in 2013, ICAO highlighted recent developments in respect to civil aviation on climate change through state action plans and assistance to states, sustainable alternative fuels for aviation, market-based measures, and global aspirational goals.

Noise pollution from aircraft operations is inextricably linked to aviation infrastructure. The White Paper on National Transport Policy, 1996, acknowledges that the provision of transport infrastructure and the operation of the transport system have the potential for causing damage to the physical and social environment, *inter alia* through atmospheric and noise pollution. Government is cognisant of the detrimental effect this may have on local communities and the Department of Transport is therefore committed to an integrated environmental management approach in the provision of transport.

Most of the activities embracing civil aviation and affecting the environment are either airport-related or arise from, and end at airports. It would therefore be appropriate to provide for an arrangement at airports that could facilitate a consultative forum in respect of environmental matters.

#### (b) Issue

The nature and scope of aviation-related environmental matters at airports suggests that dedicated and representative workgroups or committee may need to be considered.

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<sup>12</sup> Please note Section 6.2 (Environmental Sustainability of Airport Development).



**(c) Policy Statement on the establishment of Airport Environmental Committees:****PS. 77**

*The airport licensee of an airport that is required to calculate and predict aircraft noise contours and conduct regular monitoring of aircraft noise and/or air quality monitoring should establish a standing Airport Environmental Committee as part of an airport consultation forum to provide a communication link between various interested and affected parties to discuss the environmental impact of aircraft operations.*

**12.1.1 Environmental Management Programmes**

*Please also refer to Section 6.2, ENVIRONMENTAL SUSTAINABILITY OF AIRPORT DEVELOPMENT, which includes requirements for Environmental Impact Assessments for airport developments and expansions.*

**(a) Background**

Under the maintenance of an aerodrome environmental management programme, the licence holder must operate the aerodrome in accordance with the provisions of the Environmental Management Act and the regulations made there under as applicable.

The environmental impact management during the construction or upgrading of airports and associated structures and changes in land use from, for example, agriculture to any other land use, including that of airports, as well as reconstruction of disaster damaged infrastructure should factor in climate change, and disaster risk reduction in accordance with the National Climate Change White Paper, Disaster Management Act, and the Hyogo Framework of Action 2005-2015, which calls for the reduction in disaster risk through building resilience to hazards.

**(b) Issue**

Ongoing operations of airports also need to comply with environmental requirements, including in some cases in terms of noise and emissions monitoring, where specified by the Director of Civil Aviation.

Environmental Management Plans, particularly in the case of smaller airports, may not always be properly carried through into practice and monitored. The mechanism is therefore not currently being fully utilised as a tool to monitor and control emissions.

**(c) Policy Statement on Environmental Management Programmes:****PS. 78**

*An Environmental Management Programme should be used to monitor and control environmental impacts and emissions at licenced airports. This programme should include the current airport operations, air carriers, flight frequencies, proposed developments at the airport, local structure plan, airport controls to minimise the impact of aircraft emissions on the surrounding environment, local planning controls, measures aimed at minimising disaster risk as well as climate change considerations.*

**12.2 AIRCRAFT NOISE****12.2.1 Balanced approach to aircraft noise management****(a) Background**

The International Civil Aviation Organisation (ICAO) addresses aircraft noise through a programme which takes into account the *balance* of four elements comprising:

- The reduction of noise at source,
- land-use planning and management,
- noise abatement operational procedures and
- operating restrictions.

The 38<sup>th</sup> Session of the Assembly, urged States to adopt the balanced approach to noise management, taking full account of guidance contained in ICAO Doc 9829 Guidance on the Balanced Approach to Aircraft Noise Management, when addressing aircraft noise problems at international airports.

Annex 16 (Environmental Protection - Volume 1) to the Chicago Convention contains the international Standards and Recommended Practices (SARPs) with regard to aircraft noise. It classifies aircraft into different groups, specifically with regard to noise. Generally, noisier aircraft fall into two groups, namely the non-noise-certified jet aircraft manufactured between 1949 and 1965, and the Chapter 2 subsonic jet aircraft certified before 6 October 1977.

Subsonic jet aircraft certified after 6 October 1977 are classified as Chapter 3 aircraft, and subsonic aircraft certified after 1 January 2006 are classified as Chapter 4 aircraft. Propeller-driven aircraft, depending on their certification date and maximum take-off weight, fall under Chapters 3, 5, 6 and 10, whereas helicopters fall under Chapters 8 and 11. Supersonic aircraft are addressed in Chapter 12. Comprehensive definitions of the above aircraft classification are contained in the International Standards and Recommended Practices on Environmental Protection, Annex 16, Volume I to the Chicago Convention.

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The Civil Aviation Act allows SACAA to issue technical standards for civil aviation on matters prescribed by regulation. South African noise standards are specified as those contained in Annex 16 Volume I to the Chicago Convention, Volume 1, through the South African Civil Aviation Technical Standards, SA-CATS-ENVIRO Part 36, “Noise Certification”.

**(b) Issue**

Local authorities claim that the uncontrolled increase in noise pollution caused by aircraft is sterilising major areas of developable land, especially land close to airports. One of the major concerns is the fact that certain air service providers, especially all-cargo air carriers, are using aircraft which are unacceptable in other parts of the world from a noise pollution point of view.

Some air carriers are making use of noisy aircraft because of short-term financial considerations. These noisy aircraft plus the growing number of aircraft operations over residential areas, including flights at night, are causing growing annoyance and resistance from communities in the affected areas.

**(c) Policy Statement on balanced approach to aircraft noise management:**

**PS. 79**

***Decisions regarding the implementation of measures for the control of aircraft noise should be taken in accordance with the International Civil Aviation Organisation’s (ICAO) balanced approach to noise management.***

**12.2.2 Reduction of aircraft noise at source**

**12.2.2.1 Acceptability of certain types of aircraft**

**(a) Background**

Many developed countries throughout the world have introduced measures to reduce the number of, and eventually prohibit, the use of old, noisy aircraft. As a result, the relative prices of such aircraft have become low and there has been an inflow of these aircraft to countries which have not implemented restrictions on such aircraft. Furthermore, air traffic movements at some of the major airports in South Africa have increased dramatically over the past 20 years and the number of foreign operators to and from South Africa has trebled from the mere 21 airlines in 1994.

As at 2016, the maximum age of current Chapter 2 aircraft (as defined in Annex 16 Volume 1 to the Chicago Convention) is 39 years, and it is unlikely that most of these aircraft would still be commercially operational after 40 years of service. The vast majority of flights are currently being undertaken by air carriers with the more acceptable Chapter 3 and 4 aircraft.

For South Africa, as a developing country, affordability is an important principle when considering restrictions on Chapter 2 aircraft. This relates, *inter alia*, to the cost of replacing the existing Chapter 2 aircraft.

The restriction of older-generation aircraft may impact on relations between South Africa and other African States. In this regard, ICAO urged contracting States to co-operate to ensure the greatest possible harmonisation of programmes, plans and policies. The African Civil Aviation Commission (AFCAC), of which South Africa is a member, is also addressing this issue and it is evident that other African countries (member States of AFCAC) are also considering and implementing restrictions on environmentally insensitive aircraft.

#### **(b) Issue**

The continued use of noisy aircraft to, from and within South Africa results in unacceptable noise and engine emission pollution at South Africa's larger airports and within its airspace.

South Africa needs to deal with restrictions on the use of the noisier types of aircraft within the South African airspace, guided by the ICAO balanced approach to dealing with aircraft noise.

#### **(c) Policy Statement on acceptability of certain types of aircraft:**

##### **PS. 80**

***South Africa should restrict air carriers from adding Chapter 2 aircraft to their existing fleets and foreign air carriers from increasing the number of flights with Chapter 2 aircraft with effect from a date to be prescribed in terms of the Civil Aviation Regulations. In addition, all services operated with Chapter 2 aircraft to, from and within South Africa should be phased out over a period as prescribed, with due regard to preservation of heritage aircraft.***

***The Department of Transport should monitor developments at ICAO and international trends regarding the possible future phasing out of Chapter 3 aircraft.***

#### **12.2.2.2 Regulation and control of noise restrictions**

##### **(a) Background**

The current legislative framework provides a sound foundation for the implementation of an aircraft noise policy. The SA-CARs and other civil aviation regulations relating to aircraft and air services are the logical point for proceeding with an appropriate regulation and control system.

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*1) South African-registered aircraft*

The applicable aviation legislation provides for the issuance of a registration certificate, certificates of airworthiness (whether standard, restricted or experimental), type certificates, operating certificates and various other permits or authorisations.

The periods of validity of these certificates or authorisations may vary from predetermined time frames to an indefinite period, provided that the circumstances at the time of certification still prevail. Aircraft owners and operators cannot be allowed to use aircraft which are no longer acceptable in terms of noise restrictions.

*2) South African-licensed airports*

The prevalent system of airport licensing is a sound basis for regulation and for implementing the noise abatement policy.

*3) Foreign-registered aircraft*

Aircraft operated by foreign air carriers for commercial purposes are regulated through Foreign Operator's Permits. Use of unacceptable aircraft could be prevented through this system.

**(b) Issue**

An effective regulation and control system needs to be established that would enable the successful implementation of the policy on aircraft noise.

**(c) Policy Statement on the regulation and control of noise restrictions:**

**PS. 81**

***The implementation of the policy on aircraft noise of South African-registered aircraft and licensed airports should be regulated and controlled through the process of registration, licensing, certification and other forms of authorisation, whereas in the case of foreign-registered aircraft, compliance would be assured by issuing the appropriate foreign operator's permits.***

***In addition, foreign aircraft which do not require foreign operator's permits (private or non-revenue flights) could be regulated by imposing landing restrictions on airports that would effectively prohibit Chapter 2 aircraft from using the South African airspace.***

### 12.2.2.3 Modification of Aircraft Engines

#### (a) Background

Technology is available for reducing noise generated by aircraft engines. Alternatively, new engines could be fitted to reduce noise, or existing aircraft could be re-certified to reduce the permissible maximum take-off mass to meet acceptable noise specifications.

#### (b) Issue

A government policy is required regarding the acceptability of engine modifications, such as hush-kitting, engine replacements and the re-certification of existing aircraft.

#### (c) Policy Statement on modification of aircraft engines:

**PS. 82**

***Modifications to aircraft and aircraft engines would be permitted if the modified aircraft complies with Annex 16 to the Chicago Convention (Volume 1) applicable to at least Chapter 3 noise certification standards as well as meeting all the aviation safety requirements.***

### 12.2.2.4 Existing Undesirable Land-Uses within Various Noise Contours<sup>13</sup>

#### (a) Background

Various techniques and procedures can reduce the undesirable effects of aircraft and associated noise. Land-use planning and control are deemed to be among the best countermeasures. This implies taking advantage of available land-use control techniques to ensure that land surrounding the airport and major departure routes is used in a manner compatible with and in harmony with the airport environment and activities.

The 38<sup>th</sup> Session of the Assembly encouraged States to apply land-use planning and management policies to limit the encroachment of incompatible development into noise sensitive areas.

The 38<sup>th</sup> Session of the Assembly further urged States to define zones around airports associated with different noise levels taking into account population levels and growth as well as forecasts of traffic and establish criteria for the appropriate use of such land.

Acceptable noise levels for different land use purposes is published in SANS 10103 titled “*The measurement and rating of environmental noise with respect to land use, health, annoyance and speech communication*”, seem to be generally accepted. This

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<sup>13</sup> Please also note SECTION 7.4 “LAND USE ON AIRPORTS AND LAND USE AROUND AIRPORTS”



National Standard takes into account the effect of noise on the persons living, working and participating in activities in the various noise zones. It endeavours to strike a balance between the interests of the individual, the local authority, the airport and the aircraft operator. ICAO Doc 9184 Airport Planning Manual Part 2 Land Use and Environmental Control, provides guidance on land use planning in the vicinity of airports and on environmental control regarding airport development and operations.

**(b) Issue**

The need for balance between the interests of the airport and those of stakeholders near the airport need to be considered in the land-use development allowed in the vicinity of airports. There need to be clear guidelines on which land uses are allowed within which noise level contours.

When new airports are constructed in undeveloped semi-rural areas, it is easier to prescribe and enforce land-use control around the airport according to the predicted noise contours. However, many of the existing airports are located in urban areas where considerable development has taken place around the airports. Certain developments have not taken into account the noise contours of the airport, resulting in what can be called "undesirable" or "incompatible" land use in relation to the specific noise zone within which the development took place. Land use needs are addressed through Land Development Objectives (LDOs) and Integrated Development Plan (IDPs), but some undesirable and incompatible land-uses developed the past and are at present located within certain noise zones in the vicinity of many airports and major standard air routes.

A future approach is needed to improve this situation. When new policies are being promulgated or existing policies confirmed, the question arises what should be done about such previously misplaced development.

**(c) Policy Statement on existing undesirable land-uses within various noise contours:**

**PS. 83**

***Once the noise contours for the airport have been established and the proposed land-uses have been accepted for the different noise zones as determined, the relevant municipality should survey all land-uses within these noise contours and compare them with acceptable land-uses to determine any existing non-compatible or undesirable land-uses.***

***Where buildings and other infrastructure are used for a purpose which is incompatible with certain noise zones, these buildings and infrastructure should be used for a more compatible purpose which is permissible in that particular noise zone. However, the practical implications of such a change in the use of buildings and infrastructure must be considered.***

### 12.2.3 Noise Abatement

#### 12.2.3.1 Aircraft Safety and Operational Noise Controls

##### (a) Background

The 38<sup>th</sup> Session of the Assembly encouraged States to apply noise abatement operating procedures to the extent possible without affecting the safety of aircraft. Aircraft operation control applies to the actual operation of the aircraft on arrival and departure, and at a low altitude in the vicinity of the airport. The safe operation of an aircraft must always be the overriding consideration.

##### (b) Issue

Pilots cannot be forced to follow procedures which distract their attention from the control of their aircraft, or to use runways that are not optimised for departures and arrivals. However, pilots need to take into account the noise generated by their aircraft and, unless the safe operation of the aircraft is in jeopardy, need to take appropriate measures to reduce aircraft noise. It is anticipated that future aircraft noise and track conformance-monitoring systems will assist in ensuring that operational controls are implemented.

##### (c) Policy Statement on aircraft safety and operational noise controls:

**PS. 84**

*Pilots should operate aircraft under their control in a way that reduces the noise impact wherever possible. However, the pilot in command remains the ultimate judge about the use of noise-related operational controls to ensure that the safety of the aircraft is not compromised.*

#### 12.2.3.2 Departure and arrival procedures, preferential runways, and related noise abatement measures

##### (a) Background

Noise abatement procedures are applied to aircraft operations when aircraft are close to the ground during the approach and departure phases of flight.

The 38<sup>th</sup> Session of the Assembly encouraged States to apply noise abatement operating procedures to the extent possible considering interdependencies with other environmental concerns, such as aircraft emissions.

ICAO Doc 8168 provides guidance on the development and design of noise abatement departure and arrival procedures, and ICAO Circular 317 provides guidance on the effects of noise abatement procedures on aircraft noise and emissions.

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**(b) Issue**

When implementing noise abatement measures, consideration of the benefits to be gained and impacts of various measures need to be taken into account which amongst others, address the following:

- Departure and arrival procedures.
- The use of preferential runways, depending on the individual layout (terminal buildings, taxiways and runway orientation), prevailing winds and the types of land use in the immediate vicinity of the airport.
- Aircraft operated in a standard circuit at airports (e.g. training flights) could have a significant noise impact on communities surrounding the airport.
- The use of reverse thrust after landing.
- Engine run-ups on aircraft to identify problems and after maintenance work has been performed. Run-ups are often carried out at night when aircraft maintenance is done, thus creating a noise disturbance for people who live near the airport.
- Noise generated by aircraft auxiliary power units (APU) can be disturbing when aircraft are parked in areas close to the airport perimeter.

**(c) Policy Statement on departure and arrival procedures, preferential runways, and related noise abatement measures****PS. 85**

***The airport licensee of an airport that is required to calculate and predict aircraft noise contours and/or conduct monitoring of aircraft noise should ensure that appropriate noise abatement procedures and measures are developed and published after approval by SACAA. Aircraft-, airport- and air traffic service unit operators must implement such noise abatement procedures and measures as applicable.***

**12.2.3.3 Operating Restrictions****(a) Background**

Under the ICAO Balanced Approach, an operating restriction is defined as “any noise-related action that limits or reduces an aircraft’s access to an airport”. Operating restrictions can improve the noise climate by limiting or prohibiting movements of the noisiest aircraft at an airport, enabling the airport to contain or shrink the noise contours around the airport.

Aircraft noise at night is perceived to have a greater negative influence on people in the areas surrounding the airport, *inter alia*, because of sleep disturbance. This is also the cause of most noise-related complaints.

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There are several options for eliminating or reducing aircraft noise at night:

**Option 1:** *Close the airport at night*

Airports may be closed at night during times when noise would be most disruptive, for example between 22:00 and 06:00. In such cases, no flights are permitted to land or depart during these times with the exception of emergency flights.

The *advantage* of airport closure at night is the elimination of the main source of noise pollution.

The *disadvantages* are that such measures severely curtail the activities of passenger and freight operations. The economic viability of air carriers and/or airports may be at risk and increased traffic peaking could also result.

During summer at high-altitude airports, some flights are delayed until temperatures have decreased so that the density altitude is suitable for a fully laden aircraft to take off safely. These flights may have to off-load cargo, passengers and fuel, or a combination of all three in order to meet a curfew. In such cases, if aircraft capacity for freight and passengers is under-utilised, more flights would have to be operated to meet demand, leading to more noise.

**Option 2:** *Prohibit noisy aircraft from operating at night*

Airports remain open on a 24-hour basis with operating restrictions on noisier aircraft types. For example, non-noise-certificated and Chapter 2 aircraft could be prohibited from operating between 22:00 and 06:00. This option may be phased in over time, for example with an initial ban between 00:00 and 06:00.

The advantage is that noise impact would be reduced substantially. At the same time, operators using non-noise-certificated and Chapter 2 aircraft would be encouraged to take action to replace their fleets with quieter aircraft.

**Option 3:** *Limit noisy aircraft at night through penalties*

Airports could continue to remain open on a 24-hour basis with no operating restrictions on noisier aircraft types. However, financial penalties would be imposed on non-noise-certificated and Chapter 2 aircraft operations to encourage operators to move towards the use of quieter aircraft.

**Option 4:** *Limit the number of night operations*

In combination with the above options, the relevant airport licensee in consultation with the Airport Environmental Committee could negotiate a daily, weekly or monthly number of night operations. The airport and aircraft operators would have to effectively manage this agreement during the applicable period to ensure that the number of night operations would not be exceeded.

**Option 5: Agree on a night-time noise level which may not be exceeded**

A night-time noise level could be established by means of modelling and/or monitoring. Operations may proceed, provided that the agreed night-time noise level is not exceeded.

The 38<sup>th</sup> Session of the Assembly, urged States not to apply operating restrictions as a first resort but only after consideration of the benefits to be gained from the other elements of the ICAO balanced approach, and taking into account the possible impact of such restrictions at other airports.

**(b) Issue**

The number of aircraft in operation is normally much lower late at night than during the rest of the day. Curfews will eliminate or substantially reduce aircraft noise. Curfews and operating restrictions do, however, affect the aviation industry's ability to facilitate the movement of people and goods. Consideration of all ICAO's balanced approached elements must be taken into account before considering curfews and operating restrictions to address night operations.

**(c) Policy Statement on operating restrictions:****PS. 86**

*The airport licensee of an airport that is required to calculate and predict aircraft noise contours and to conduct monitoring of aircraft noise may, if necessary propose, for consideration by SACAA, any or a combination of operating restrictions for eliminating or reducing aircraft noise.*

**12.2.3.4 Airports for which noise contours should be calculated****(a) Background**

The generation of noise contours is essential for airport operations and in particular, for the long-term planning of land-uses around existing and future airports. The relevance of noise contours around airports is furthermore time-related which implies regular updating.

When dealing with the calculation and prediction of aircraft noise around airports, two sets of standards apply:

- SANS 10117 - Calculation and Prediction of Aircraft Noise Around Airports for Land Use Planning, and
- ICAO (Doc 9911) - Recommended Method for Computing Noise Contours Around Airports.



**(b) Issue**

There are four key issues to consider:

- The compulsory generation of noise contours for long-term planning of land-uses around existing and future airports;
- The prediction model used for generating noise contours;
- Changes to noise contours due to changes in airport activities and development; and
- The responsibility for enforcing and regulating the calculation of noise contours around relevant airports.

**(c) Policy Statement on airports for which noise contours should be calculated:*****PS. 87***

***SACAA must, in terms of formulated criteria as prescribed, determine which airports are required to calculate aircraft noise contours.***

***The airport licensee should be responsible for calculating and predicting aircraft noise in accordance with the prediction model set in the National Code of Practice and ICAO and bear the financial responsibility;***

***The airport noise contours should be established in a manner that would not subject land-use development rights to frequent change.***

***SACAA should have overall responsibility for enforcing and regulating the calculation of aircraft noise contours at airports as determined.***

**12.2.3.5 Noise and Track Conformance Monitoring****(i) Noise and track conformance-monitoring systems****(a) Background**

Airport operators have a major role to play in minimising the impact of noise caused by aircraft operations and in demonstrating to the public that the industry is behaving responsibly. Monitoring aircraft noise around airports is a primary instrument in minimising the impact of aircraft noise.

International noise monitoring systems are widely used as powerful tools for controlling the impact of aircraft noise around airports and for developing databases on aircraft noise. This can only be done effectively through permanently installed systems, which have been designed and dedicated to the task of monitoring aircraft noise and track conformance, further complemented by mobile/portable monitoring equipment for evaluating specific site impact.

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It is international practice that the airport operator is responsible for installing and maintaining the permanent noise-monitoring system. The airport licensee could, therefore, be assigned the responsibility for this activity to ensure consistency with the assignment of responsibilities.

The requirements for permanently installed systems are set in the international standard ISO 20906: "Acoustics – Unattended Monitoring of Aircraft Sound in the Vicinity of Airports".

#### **(b) Issue**

There are three main issues concerning the monitoring of noise levels around airports:

- Which airports are required to implement noise and track conformance monitoring systems;
- The requirements for noise and track conformance monitoring; and
- It is essential to assign the responsibility for funding, installing and maintaining the permanent noise-monitoring system to one relevant entity to ensure integrity of the system.

#### **(c) Policy Statement on noise and track conformance monitoring systems:**

##### ***PS. 88***

***SACAA must in terms of formulated criteria, as prescribed, determine which airports are required to conduct regular monitoring of aircraft noise.***

***SACAA will be responsible for the regulation of the standards and requirements for aircraft noise monitoring systems in line with international practice as well as enforcing the monitoring of aircraft noise.***

***The airport licensee will be responsible for funding the procurement, installation, operation and maintenance of the permanent noise monitoring equipment.***

#### **12.2.3.6 Handling Complaints, Claims and Exceptions**

##### **(a) Background**

Public participation is important to inform decision making, especially where residents on land surrounding airports, airport users and other stakeholders would be affected by the development, expansion and upgrading of the airport or adjacent land-uses. This would also be particularly relevant to the preparation of Spatial Development Frameworks (SDFs) and Integrated Development Plans (IDPs).

**(b) Issue**

At present, due to the limited deployment of continuous noise measurement equipment, the frequency and nature of complaints cannot be evaluated against the actual aircraft movements at all affected airports. It is important to monitor noise levels effectively and to have the information available when handling complaints.

Attention needs to be given to consultation mechanisms between local governments, SACAA and airport licensees regarding any proposed developments in the various noise zones or noise-controlled areas around an airport. The general public need to have access to noise contours and other noise-related information.

**(c) Policy Statement on the handling of complaints, claims and exceptions:*****PS. 89***

***The airport licensee must address all noise-related enquiries and complaints in consultation with the Airport Environmental Committee established at such airport, and should endeavour to share information on noise issues monitoring and mitigation with the public.***

**12.2.3.7 Enforcement of Noise-related Procedures and Aircraft Flight Tracks****(a) Background**

The philosophy adopted in this White Paper largely favours self-regulation.

In accordance with the Civil Aviation Regulations, certain airport licence holders are required to address aircraft noise on and in the vicinity of their airports and to report violations to the Director of Civil Aviation.

**(b) Issue**

It may be necessary to introduce punitive measures to ensure compliance with regulatory requirements such as noise abatement procedures and aircraft flight tracks.

**(c) Policy Statement on the enforcement of noise-related procedures and aircraft flight tracks:**

**PS. 90**

*Air traffic service units, airport licensees, airport operators and aircraft operators should ensure that all approved noise abatement procedures are adhered to, including aircraft flight track conformance.*

*Compliance with noise-related procedures and prescribed aircraft flight tracks should first and foremost be based on self-regulation and should be encouraged. However, if the air traffic service provider, aircraft operator or the airport licensee contravenes the approved noise-related procedures and prescribed aircraft flight track, such contravention should be punishable by means of a system of punitive measures which should be implemented by the SACAA.*

**12.2.3.8 Consolidated statement on the allocation of roles and responsibilities in relation to aircraft noise**

Entity	Role / Responsibility
Department of Transport (DOT)	<ul style="list-style-type: none"> <li>Ensuring implementing of the ICAO SARPs and guidelines on aircraft noise pollution;</li> <li>Restricting air carriers from adding Chapter 2 aircraft to their existing fleets and phasing out of such aircraft as prescribed;</li> <li>Monitor developments at ICAO and international trends regarding possible future phasing out of Chapter 3 aircraft;</li> <li>Provide recommendations to the Air Services Licensing Council and the International Air Services Council on the issuance of air services licences to South African operators and FOPs to foreign air carriers respectively, based on noise criteria.</li> </ul>
Airport licensees of airports	<ul style="list-style-type: none"> <li>Required to calculate noise contours and regular monitoring of aircraft noise, are responsible for the following:               <ul style="list-style-type: none"> <li>Establish an Airport Environmental Committee as consultation forum to discuss environmental impact of aircraft operations;</li> <li>Control the noise-related activities at the airport including the development of noise abatement procedures and measures;</li> <li>Funding the procurement, installation, operation and</li> </ul> </li> </ul>

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Entity	Role / Responsibility
	<p>maintenance of the permanent noise monitoring equipment;</p> <ul style="list-style-type: none"> <li>- Calculate and predict noise contours;</li> <li>- Monitor changes to noise contours;</li> <li>- Monitor noise and track conformance and report violations to SACAA;</li> <li>- Propose, for consideration of the SACAA, any or a combination of operating restrictions for eliminating or reducing aircraft noise; and</li> <li>- Liaise with local, provincial and national authorities.</li> </ul>
Air Traffic Service Providers	<ul style="list-style-type: none"> <li>• Ensure that all noise abatement and other noise-related procedures are adhered to.</li> </ul>
Aircraft Operators	<ul style="list-style-type: none"> <li>• Ensure that all noise abatement and other noise-related procedures are adhered to.</li> </ul>
SA Civil Aviation Authority	<ul style="list-style-type: none"> <li>• Determine which airports are required to: <ul style="list-style-type: none"> <li>- Conduct appropriate aircraft noise studies to determine whether a noise problem exists at the aerodrome;</li> <li>- calculate and predict aircraft noise contours; and</li> <li>- conduct regular monitoring of aircraft noise in terms of formulated criteria, as prescribed;</li> </ul> </li> <li>• Issue certificates of aircraft registration, airworthiness and other forms of authorisation;</li> <li>• Introduce punitive measures to ensure compliance with regulatory requirements such as the cancellation, restriction or suspension of an acquired authorisation and assessing violations and imposing of administrative monetary penalties;</li> <li>• Responsible for enforcing and regulating the calculation of aircraft noise contours at airports as determined by the Director of Civil Aviation;</li> <li>• Responsible for the regulation of the standards and requirements for aircraft noise monitoring systems;</li> <li>• Approve and publish appropriate noise abatement procedures and measures as developed by affected airports;</li> <li>• Provide AIPs and AICs on noise-abatement procedures;</li> <li>• Carry out reviews and updates as required by this Policy,</li> <li>• Provide recommendations to the DOT on the issuance of air services licences to South African operators and FOPs to foreign air carriers respectively, based on noise criteria;</li> </ul>

Entity	Role / Responsibility
	and <ul style="list-style-type: none"> <li>• Liaise with air traffic services providers, airport operators/owners, national government departments, local and provincial authorities.</li> </ul>
Municipalities	<ul style="list-style-type: none"> <li>• Ensure appropriate land-use zoning around airports based on current and future noise contours, as informed by the relevant airport's master plan;</li> <li>• Monitor and regulate matters on noise pollution within its area of jurisdiction;</li> <li>• Gain an understanding/knowledge of other pollution sources in the area;</li> <li>• Monitor noise in their area of jurisdiction; and</li> <li>• Liaise with the public, airport licensees, Airport Environmental Committees, government departments, local industry and provincial government.</li> </ul>
Department of Environmental Affairs	<ul style="list-style-type: none"> <li>• Process EIAs and Basic Assessments for airport developments and expansion, as appropriate.</li> </ul>
Airport Environmental Committee	<ul style="list-style-type: none"> <li>• Act as a consultative forum on environmental issues at the relevant identified airports; and</li> <li>• Ensure open lines of communication among all stakeholders.</li> </ul>



## 12.3 AIRCRAFT ENGINE EMISSIONS

### Introduction

Aircraft engines produce emissions that are similar to other emissions produced by fossil fuel combustion. At present, aviation is a relatively small contributor of greenhouse gases. However, the scientific findings of the Intergovernmental Panel on Climate Change (IPCC) identified a clear urgency for action from all sectors.

In 1999, the IPCC, at the request of the International Civil Aviation Organisation (ICAO), produced a special report on *“Aviation and the Global Atmosphere”*. The report assessed the consequences of greenhouse gases from aircraft engines and the potential effects from aviation on both the stratospheric ozone depletion and global climate change. In 1999 it was estimated that the contribution made by aviation to world greenhouse gases was about 3.5%, and this percentage excluded the effects of possible changes in cirrus clouds, which was expected to grow. A more recent IPCC assessment revised aviation's estimated contribution to about 3% of the world's greenhouse gasses. This reports also estimated that aviation was responsible for approximately 2% of the world's carbon dioxide emissions, from which just part is attributed to international traffic.

ICAO addresses aircraft engine emissions through local air quality and global emissions:

- Local air quality environmental concerns are created as a result of aircraft landing and take-off. These emissions typically occur up to 3 000 feet (or 915 metres) above ground level. The effects of aircraft emissions on local air quality are addressed using 3 approaches, namely, the reduction of engine emissions at source, through the use of technology and standards, operational measures, and through market based measures.
- Global emissions environmental concerns are aircraft engine gases and particles that are emitted directly into the upper troposphere and lower stratosphere where they have an impact on atmospheric composition. The effects of aircraft engine emissions on global emissions are addressed using 4 approaches, namely, the reduction of engine emissions at source, through the use of technology and standards, operational measures, through market based measures, and the use of alternative fuels.

#### 12.3.1 Acceptance of certain aircraft types

##### (a) Background

ICAO Annex 16, Volume II - Environmental Protection: Aircraft Engine Emissions, to the Chicago Convention establishes engine emission requirements applicable to aircraft engines.

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The number of aircraft engines that produce harmful emissions need be reduced. The Policy Statement on the reduction of aircraft noise at source contained in this White Paper provides for the phasing out of Chapter 2 aircraft (as defined by ICAO Annex 16, Volume I – Environmental Protection: Aircraft Noise) that will also contribute to the reduction of engine emissions.

**(b) Issue**

Older-generation aircraft engines emit more harmful greenhouse gases than modern engines. It is therefore important to formulate policy on the acceptance of older generation aircraft and restrictions to be imposed on domestic and international flights operated with such aircraft within the South African airspace.

**(c) Policy Statement on the acceptance of certain aircraft types:**

**PS. 91**

***Government supports the phasing out of Chapter 2 aircraft as defined by ICAO Annex 16 Volume II to reduce aircraft engine emissions, with due regard to preservation of heritage aircraft.***

**12.3.2 Operational measures to reduce fuel consumption**

**(a) Background**

Recognising the special circumstances and respective capabilities of different countries, particular developing countries, and the commitments of developed countries under the UNFCCC and its Kyoto Protocol, the 37<sup>th</sup> Session of the ICAO Assembly, resolved to achieve a global annual average fuel efficiency improvement of 2% until 2020 and an aspirational global fuel efficiency improvement rate of 2% per annum from 2021 to 2050, calculated on the basis of volume of fuel used per revenue tonne kilometre performed.

The 38<sup>th</sup> Session of the ICAO Assembly recognised that air traffic management measures under the ICAO's Global Air Navigation Plan contribute to enhanced operational efficiency and the reduction of aircraft carbon dioxide emissions.

ICAO Circular 303: "Operational Opportunities to Minimise Fuel Use and Reduce Emissions Manual" provides operational guidelines for airport authorities, air traffic service providers and aircraft operators to minimise fuel use and reduce emissions.

**(b) Issue**

In order to reduce aviation's negative impact on climate change, it is necessary to implement operational measures to minimise fuel use and reduce emissions, and monitor and report fuel efficiency.

**(c) Policy Statement on operational measures to reduce fuel consumption:**

**PS. 92**

***Airport authorities, air traffic service providers and aircraft operators should adopt operational measures to minimise fuel use and reduce emissions. Fuel efficiency gains, as defined by ICAO, should be reported to the Department of Transport on an annual basis.***

**12.3.3 Market based measures**

**(a) Background**

The 37<sup>th</sup> Session of the ICAO Assembly, recognised that an aspirational goal of 2% annual fuel efficiency improvement for international aviation is unlikely to deliver the level of reduction necessary to stabilize and then reduce international aviation's absolute emissions contribution to climate change, and that other measures, such as market based measures will need to be considered to deliver a sustainable path for aviation.

The 38<sup>th</sup> Session of the ICAO Assembly, resolved that market based measures should take into account the special circumstances and respective capabilities of States, in particular developing countries, while minimizing market distortion. It was also resolved that when States design new and implement existing aviation emissions trading schemes, States should:

- Engage in constructive bilateral and /or multilateral consultations and negotiations with other States to reach agreement, and
- Grant exemptions for application of emissions trading schemes on routes to and from developing States whose share of international civil aviation activities is below the threshold of 1% of total revenue ton kilometres of international civil aviation, until the global emissions trading scheme is implemented.

**(b) Issue**

Emissions trading schemes should take into account the special circumstances and respective capabilities of States, in particular developing countries.

**(c) Policy Statement on Market Based Measures to reduce emissions:****PS. 93**

*Government supports the principle that Market Based Measures to reduce carbon dioxide emissions should respect the sovereignty of Contracting States, be implemented on the basis of mutual agreement and take into account the special circumstances and respective capabilities of developing countries, based on common, but differentiated responsibilities (CBDR).*

*The Department of Transport should monitor developments on various carbon pricing schemes that have implications on aviation sector and participate in ICAO's work towards the further development of a Global Market Based Measure such as the ICAO "Carbon Offsetting Scheme for International Aviation" (COSIA).*

**12.3.4 Voluntary Measures****(a) Background**

At the 33rd Session of the ICAO Assembly, ICAO encouraged States to take voluntary action to limit or reduce aviation emissions that impact on climate change, and to do so in a consistent manner to both domestic and international aviation emissions.

At the 38th Session of the ICAO Assembly, ICAO encouraged States to submit their voluntary actions outlining their respective policies and actions, and annual reporting on international aviation fuel consumption and carbon dioxide emissions to ICAO.

In line with this, South Africa is developing a State Action Plan for the Reduction of carbon dioxide emissions. South Africa also has obligations in terms of the UN Framework Convention on Climate Change to report progress made in reducing emissions through the National Communication (once every four years) and Biennial Report (once every two years).

**(b) Issue**

There is currently a lack of reliable data on the level of emissions from aviation, as at present only the uplift of aviation fuel is being tracked, which can be a misleading measure.

South Africa also needs to reconcile differences in approach between ICAO State Action Plan and the UNFCCC obligations.

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**(c) Policy Statement on voluntary measures:****PS. 94**

***Airport operators, air traffic service units and aircraft operators should report on voluntary measures implemented to limit or reduce aviation's emissions, to the Department of Transport, on an annual basis. Aircraft operators that are registered in South Africa should report on fuel consumption to the Department of Transport and the Department of Energy whilst carbon dioxide emissions should be reported to the Department of Environmental Affairs, on an annual basis***

**12.3.5 Alternative fuels****(a) Background**

ICAO identified the use of alternative fuels, as part of a basket of measures to reduce and limit carbon emissions from international aviation.

Progress over the last five years has demonstrated that drop-in alternative fuels (fuel that is compatible with conventional aviation jet fuel and existing fuel systems) are a technically sound solution that will not require changes to aircraft fuel delivery infrastructure. *See also 14 on Technology and Innovation.*

The 38<sup>th</sup> Session of the ICAO Assembly, requested States to adopt measures to ensure the sustainability of alternative fuels for aviation, building on existing approaches or combination of approaches and monitor, at a national level, the sustainability of the production of alternative fuels for aviation. The Assembly further requested that States ensure that alternative fuels:

- achieve net greenhouse gas emissions reduction on a life cycle basis,
- respect the areas of high importance for biodiversity, conservation and benefits for people from ecosystems, in accordance with international and national regulations,
- contribute to local social and economic development, and
- competition with food and water should be avoided.

**(b) Issue**

There are two main issues concerning the use of alternative fuel for aviation:

- The commercial development and operational use of alternative fuels; and
- The sustainable deployment of alternative fuels.

**(c) Policy Statement on alternative fuels:****PS. 95**

***Government supports and promotes the full cycle of innovation (including research, development, demonstration, diffusion and commercialisation) of alternative fuels for use in aviation in accordance with ICAO policies and principles.***

**12.3.6 Local Air Quality Monitoring****(a) Background**

Historically, air quality was not widely monitored in South Africa. However, in order to comply with the National Environmental Management: Air Quality Act, which meets the requirements relating to greenhouse gas emissions under the United Nations Framework Convention on Climate Change, in 2008 the Department of Environmental Affairs commenced with the development and implementation of a comprehensive South African Air Quality Information System.

Air quality monitoring stations would be the ideal at airports, but the cost in comparison to the relatively low impact of aircraft engine emissions may be excessive. If, however, the proposed monitoring reveals that the negative impact on air quality due to aircraft emissions is more serious than anticipated, the frequency of monitoring would have to be increased and other mitigating steps taken.

**(b) Issue**

When dealing with aircraft engine emissions, it is important to remember that aircraft are part of a complex system and attention also needs to be given to the ambient air quality. Therefore two sets of criteria are relevant:

- Ambient air quality - National Environmental Management: Air Quality Act and SANS 1929 need to be recognised and enforced.
- Measurements - ICAO Airport Air Quality Guidance Manual (Doc 9889).

**(c) Policy Statement on local air quality monitoring:****PS. 96**

***An appropriate monitoring system should be introduced for the capturing of relevant data concerning engine emissions. Airports meeting the criteria for air-quality monitoring, as determined by the Department of Transport in consultation with the Department of Environmental Affairs, should be subject to the monitoring of ambient air quality.***



## **PART E: ENABLING FUTURE DEVELOPMENT AND COMPETITIVENESS OF THE AVIATION SYSTEM**

This part deals with three key areas that can help to support the future growth and competitiveness of the aviation system in South Africa, namely:

- human resource development across the wide range of skills sets required in the aviation system;
- transformation of the aviation industry; and
- keeping pace with global technological developments, as well as local innovation, research and development.

### **13 AVIATION HUMAN RESOURCE DEVELOPMENT**

#### **13.1 HUMAN RESOURCE DEVELOPMENT**

##### **13.1.1 Education and training coordination and alignment**

###### **(a) Background**

With regard to human resources, the aviation industry covers a broad spectrum of skills requirements, ranging from highly technological and aviation-specific skills to more generic skills similar to the requirements of other service industries. Careers in the sector are diverse; include the more well-known and visible professions such as pilots and flight attendants, but also many more fields in both commercial and recreational aviation sub-sectors. Some examples include:

- aircraft design
- aircraft building and restoration
- airport design
- aviation electronics engineering
- aircraft maintenance and repair, including mechanics and technicians
- aviation systems engineering
- airport maintenance
- airport operations
- adventure flight operations
- aerodynamics
- equipment engineering
- testing and inspection
- aviation food service/catering
- instructors
- air traffic control
- general air services operators and support e.g. crop spraying, aerial photograph, flight doctor
- air cargo agents
- baggage/air cargo handling

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The skills and competencies for these various fields are quite different, and paths followed to enter these careers have different prerequisites (e.g. whether or not they require maths, science, design, or engineering subjects) and take different amounts of time to qualify. Exposure to career options within aviation can begin at school level, both within the curriculum and through extramural activities such as air cadet programmes. Although the White Paper on National Transport Policy states that line departments and parastatals do not seem to be adequately engaged in training, these institutions have given indications that the status has improved substantially. Many services and training institutions have developed or are engaged in developing training courses that address or influence various occupational groups in the aviation industry, although critical shortages in certain areas remain unaddressed.

The future and full potential of the aviation sector is dependent on the full participation of all individuals, companies and training institutions. Recognising the past policies that excluded black groups from fully participating in this sector prior to 1994, amongst others, the BBBEE codes as developed and published by the Department of Trade and Industry that apply to this sector.

#### **(b) Issue**

There is a lack of adequate co-ordination and integration in the training of personnel within the various disciplines of civil aviation. Human resources development needs to therefore be given considerably more attention to meet the needs of the industry, especially in the technical field.

#### **(c) Policy Statement on education and training coordination and alignment:**

##### **PS. 97**

*The Department of Transport, in line with the Department of Basic Education curriculum development process and the Department of Higher Education and Training's policy proposals on the Skills Development Strategy for Economic and Employment Growth in South Africa and the 2014 White Paper for Post-School Education and Training, would encourage the public and private sectors of the aviation industry to develop and improve education and training systems through participation in the appropriate education and training institutions.*

### **13.1.2 Role of the Transport Education and Training Authority (TETA)**

#### **(a) Background**

Various training facilities and training institutions throughout South Africa offer learning programmes in the field of civil aviation. Though a number of South African Qualifications Authority (SAQA)-based/unit standard-based and well-defined trade training programmes are being run, there is still a huge need for specific accredited

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courses currently not presented. Airport licensees, aircraft maintenance engineers, airspace management and ATS employers provide on-the-job training. A number of other training programmes are presented to the industry in accordance with SA-CAR requirements, and the TETA accepts these as accredited training.

Training in generic skills, such as management and financial management, is provided through generic accredited courses. Aviation-specific, core-function training is co-ordinated and funded through TETA structures, such as the Aerospace Chamber.

TETA also plays a role in funding aviation training through the disbursement of levy grants.

#### **(b) Issue**

At present the training of aviation staff for administration and management is not being sufficiently co-ordinated and managed, consequently certain critical needs are not being addressed. No industry standards have been developed in certain areas and there is also inadequate utilisation of certain limited training resources.

#### **(c) Policy Statement on the role of the Transport Education and Training Authority (TETA):**

##### **PS. 98**

***The Department of Transport will work with TETA and aviation industry bodies to promote the functioning of the Aerospace Chamber in order to ensure the establishment of relevant national, regional, continental and internationally comparable standards, and funding for aviation training.***

## **13.2 TRANSFORMATION**

### **(a) Background**

Whilst it is generally understood that the aviation sector has to significantly transform to prosper, the transformation agenda since the inception of democracy in 1994 has been fraught with challenges. A huge imbalance between the country's demographic structure and the structure of the aviation industry still exists. This is in contrast to the South African Constitution's imperatives to reverse injustices, heal the divisions of the past and create a society based on social justice, and the specific obligations of the Broad-Based Black Economic Empowerment Act, associated regulations and the Aviation Sub-Sector Broad-Based Black Economic Empowerment Charter. This code sets targets for the various aspects of empowerment, including equity, management control, skills development, preferential procurement, enterprise development and socio-economic development, and proposes amongst other, the development of creative financial instruments to enable greater BEE equity participation.

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Government is committed to a macro-economic and social strategy, to the development of its people and the upliftment of marginalised communities. It has accepted a broad transversal policy on this matter and will implement this policy, covering also the multidisciplinary field of civil aviation.

**(b) Issue**

The participation of Previously Disadvantaged Individuals (PDIs) in the aviation industry has remained limited. The collaborative efforts of the aviation industry to promote aviation as a career of choice amongst learners prioritising peri-urban and rural areas has not yielded the desired impact. This indicates that there are a number of factors inhibiting transformation of the sector, including lack of funding, lack of complete and reliable information on aviation careers, and barriers to market entry for PDIs.

**(c) Policy statement on transformation:**

**PS. 99**

*The Department of Transport should formulate a national civil aviation transformation strategy for implementation in the aviation industry in line with the Aviation Sub-Sector Broad-Based Black Economic Empowerment Charter, working closely with other organizations in the aviation industry.*

## **14 TECHNOLOGY AND INNOVATION**

**(a) Background**

The pro-competitive nature of the global economy stresses the important role of Government in the context of promoting the international competitiveness of its industries through Research and Development (R&D) activities. In this regard, the importance of R&D for stimulating growth and employment is well established in the economic literature.

Cabinet has accepted the National Research and Development Strategy in 2002, which formed the basis for the National System of Innovation. The Technology Innovation Agency has been established to help increase innovation levels in South Africa.

Aerospace transportation vehicles and infrastructure offer substantial economic opportunities in the launching market for small satellites, space tourism and space sciences such as microgravity research, earth observation, in addition to high speed point-to-point cargo and passenger transportation. Aerospace transportation enables access to space without the need for extensive and financially prohibitive launch vehicles and associated launch infrastructure. These systems can greatly enhance the implementation of a coordinated regional transportation systems. The African

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Union's Agenda 2063 has five central pillars which can be effectively enhanced by the effective use of new modes of aerospace vehicles. These objectives are, inter alia, investing in human capital development, promoting science, technology and innovation, sustainable management of natural resources, and effective development of public and private sectors.

DOT's current Transport Innovation and Technology Research Strategy is an endeavour to develop innovation and technology research programmes and strategies over the medium and long term. This would provide vital transport research that could enable the transport sector to contribute to the twin objectives of economic growth and social development. The Department of Trade and Industry's Aerospace Customised Sector Programme also includes elements relating to innovation in aircraft system manufacture, which may play through into the aviation system both in South Africa and internationally. As part of the DTI's Industrial Policy Action Plan, the Joint Aerospace Steering Committee (JASC) was established as a multi-stakeholder forum to support competitiveness and export development of the aerospace sector in South Africa, in order to contribute to growth and development in South Africa. ATNS also has an R&D division relating to developments in airspace management. The field of RPAS is also demonstrating rapid innovation which presents opportunities for civil aviation development.

With regard to civil aviation, promising R&D initiatives or technology innovation in the areas of safety and security, the environment, the use of e-commerce and e-technology by SMMEs, the effective utilisation of existing infrastructure and liberalisation in the field of air transport would yield considerable benefits.

With reference to Air Traffic Management and associated services, proven methodologies and technologies are considered, exploited and further developed to accelerate the Aviation Communities applied research capability, development and regional competitiveness. To this extent strategic alliance with local Universities, Research Institutes and Research Organisations are significantly alleviating some challenges that the Aviation Community is facing and will continue to advance economic performance, infrastructure development and business efficiencies.

#### **(b) Issue**

There are various initiatives within the Aviation Community but there is no coordinated strategic approach to technology adoption, innovation, research and development (R&D) in the area of civil aviation in South Africa (with the exception of JASC which focuses on aerospace design and manufacturing). Technology development and adoption, as well as new product, service and system innovations could generate growth and transformation opportunities for the sector in South Africa if effectively supported coordinated.

In addition, the development and introduction of new modes of aerospace transportation has blurred the lines between aviation and space. These systems seamlessly traverse through the airspace en-route to outer space challenging the

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existing policy and legal frameworks governing the two domains. Government needs to take heed of these new technological developments and create a responsive policy and legal regime to harness the benefits derived therefrom in order to achieve the vision of a prosperous and dynamic force premised on self-reliance, industrialisation and regional integration.

The cross-cutting nature of these new technologies will require an intergovernmental coordinated approach including other Government Departments with interest in space science, trade and tourism. A co-ordinated effort is therefore required to identify the current initiatives in order to prioritise, support and undertake selected R&D and innovation projects to respond to the critical challenges that the aviation sector faces, and to ensure that South African civil aviation can benefit from and grow as a result of these developments.

**(c) Policy Statement on technology and innovation:**

**PS. 100**

***The Department of Transport should co-ordinate a strategic approach to technology adoption and innovation needs of civil aviation, including emerging aerospace transportation, and promote the formation of partnerships with the private sector, innovation support agencies and academia to accelerate technology adoption and innovation, as well as undertaking priority research.***

## **PART F: IMPLEMENTATION FRAMEWORK**

### **15 THE WAY FORWARD**

#### **15.1 POLICY IMPLEMENTATION FRAMEWORK**

This White Paper provides a primary framework for the future actions of the Department of Transport in the area of civil aviation.

Those elements that would require only administrative action should be implemented immediately where sufficient institutional capacity already exists. It is recognised that certain elements of the White Paper which represent a significant change from existing policy cannot be implemented immediately. In such cases, in discussion with the stakeholders affected, the implementation will be phased over a transitional period in a planned manner. In some cases, additional budget and human capacity will need to be secured to give full effect to the policy statements.

Where new policy directives require new or amended legislation, appropriate new bills, amendment bills and regulations, as required, will be drafted.

#### **15.2 POLICY MONITORING, EVALUATION AND REVIEW**

Policy formulation is never a static process. Internal as well as external factors influencing this process need to be assessed on an on-going basis. The Department of Transport, as the overall implementing agency, will monitor international as well as local developments and trends impacting on civil aviation.

Progress towards meeting the targets, objectives and deliverables of this White Paper will be evaluated annually in line with DOT and national government performance monitoring frameworks, followed by a comprehensive consolidated review after five years to determine the overall status of implementation and to determine whether the policy direction remains appropriate.

In addition, and due to the current lack of information on the impact of aircraft engine emissions on the environment, the monitoring process as well as other developments, both local and international (ICAO, United Nations Framework Convention on Climate Change (UNFCCC) and Intergovernmental Panel on Climate Change (IPCC)), would require constant review. The Department of Transport should adopt a research programme for reviewing and updating the part addressing aircraft operations and the environment of this Policy in a three-year cycle or as required by changes in the environmental legislation in South Africa, technological developments and international trends.



### **15.3 COMMUNICATION**

This White Paper should be communicated to all participants within the aviation industry and those other industries that depend on the Aviation Industry for their operations. Communications should also be extended to the full logistics chain due to civil aviation's integral role in the high value freight movements to, from and within South Africa.

There should also be clear communications with all spheres of government (as applicable) in order to promote intergovernmental coordination of activities relating to aviation, such as international relations, environment, tourism, trade and industry, defence, communications, land use and spatial planning, and weather services.

## **ANNEXURE 1 - ACKNOWLEDGEMENTS**

Aeroclub of South Africa (AeCSA)  
Air Line Pilots' Association South Africa (ALPA-SA)  
Air Traffic and Navigation Services Company (ATNS)  
Aircraft Owners & Pilots Association (AOPA-SA)  
Airlines Association of Southern Africa (AASA)  
Airports Company South Africa (ACSA)  
Air Services Licencing Council (ASLC)  
Association of South African Travel Agents (ASATA)  
Comair Limited  
Commercial Aviation Association of Southern Africa (CAASA)  
Competition Commission  
Congress of South African Trade Unions (COSATU)  
Department of Defence (DOD)  
Department of Environmental Affairs (DEA)  
Department of Home Affairs (DHA)  
Department of International Relations and Cooperation (DIRCO)  
Department of Public Enterprises (DPE)  
Department of Trade and Industry (DTI)  
Department of Tourism  
Department of Transport (DOT)  
Interair  
International Air Services Council  
Lanseria International Airport (LIA)  
Kruger Mpumalanga International Airport (KMIA)  
Perishable Products Export Control Board (PPECB)  
Polokwane International Airport  
Recreation Aviation Administration South Africa (RAASA)  
Ross Air Charters  
SA Airlink  
SA Express  
SAFAIR  
South Africa Bureau of Standards (SABS)  
South African Airways (SAA)  
South African Chamber of Business (SACOB)  
South African Civil Aviation Authority (SACAA)  
South African Revenue Service (SARS)  
South African Transport and Allied Workers Union (SATAWU)  
Southern African Tourism Service Association (SATSA)  
State Security Agency (SSA)  
Tourism Business Council of South Africa (TBCSA)  
Tourism South Africa  
Tshwane Metropolitan Municipality  
Wonderboom Airport

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***Particular gratitude is expressed to those who participated in the NCAP National Consultative Workshop in July 2015, as shown below.***

Airports and Aerodromes Association of Southern Africa (AAA-SA)  
Airlines Association of Southern Africa (AASA)  
Airports Company South Africa (ACSA)  
Aeroclub of South Africa (AeCSA)  
Air Traffic and Navigation Services Company (ATNS)  
South African Civil Aviation Authority (SACAA)  
Commercial Aviation Association of Southern Africa (CAASA)  
City of Ekurhuleni  
City of Tshwane  
Comair Limited  
Department of Home Affairs  
Department of International Relations and Cooperation (DIRCO)  
Department of Public Enterprise (DPE)  
Department of Trade and Industry (DTI)  
Eastern Cape Provincial Government  
Exxaro  
Department of Environment Affairs  
Gauteng Provincial Government  
International Air Services Licensing Council (IALC)  
KwaZulu-Natal Provincial Government  
Lanseria International Airport  
Mango Airlines  
National Treasury  
National Disaster Management Centre (NDMC)  
North West Provincial Government  
Recreation Aviation Administration South Africa (RAASA)  
South African Airways (SAA)  
South African Revenue Services (SARS)  
Soaring Society of South Africa (SSSA)  
State Security Agency (SSA)  
Department of Tourism

## ANNEXURE 2 - DEFINITIONS

**“Abuja Treaty”** means the Treaty Establishing the African Economic Community adopted at Abuja, Nigeria on the 3rd day of June 1991 and which entered into force on 12 May 1994;

**“Adventure aviation”** means flights carrying passengers for hire or reward, where the purpose is for the passenger’s recreational experience;

**“Aeronautical Authority”** means in the case of South Africa the Minister responsible for civil aviation or any person or body authorised to perform any particular function relating to civil aviation in general and the negotiation of air services agreements in particular. In the case of a foreign State it refers to an authorised institution or person entrusted with negotiating on behalf of that State with South Africa;

**“Aerotropolis”** means an urban sub-region whose infrastructure, land use, and economy is centred on an airport, and includes a mixed use development that provides high-value employment and economic opportunities in its hinterland;

**“Aircraft”** means any machine that can derive support in the atmosphere from the reactions of the air, other than the reactions of the air against the surface of the earth;

**“Air carrier”** means a commercial air transport operator providing either a scheduled or a non-scheduled air service;

**“Aircraft owner”** means the person in whose name the aircraft is registered, and includes-

- (a) any person who is or has been acting as agent in the Republic for a foreign owner, or any person by whom the aircraft is hired at the time;
- (b) a person who has the right of possession of an aircraft for 14 days or longer;
- (c) for the purposes of Part 91 and Part 93 of the Civil Aviation Regulations, 2011, an operator of an aircraft engaged in non-commercial operations;

**“Airline”** means a commercial air transport operator providing a scheduled air service;

**“Airport”<sup>14</sup>**, means any demarcated area on land or water or any building which is used or intended to be used, either wholly or in part, for the arrival or departure of an aircraft, and includes any building, installation or equipment within such area which is

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<sup>14</sup> The term airport is used rather than the term “aerodrome” which is used in a generic sense and also applied in legislation and ICAO documentation. The two terms are considered synonymous for the purposes of this White Paper.

used or intended to be used in connection with the arrival, departure or movement of an aircraft.;

**“Airports Company Act”** means the Airports Company Act, 1993 (Act No. 44 of 1993), as amended;

**“Airport development plan”** means the overarching development plan of an airport, that includes all aspects in the master plan and the precinct plans of the airport, including future infrastructure and operational changes;

**“Airport licensee”** means the person who holds an airport license issued by the appropriate authority and who is responsible to adhere to certain conditions under which the license has been issued, further operational requirements imposed by legislation as well as liabilities associated with such requirements. As the functional responsibilities of the airport owner, the airport operator or the airport licensee may vest in more than one person, the ultimate responsibility for actions of all parties vest in the licensee. Where an airport is not licensed, this responsibility vests in the owner of the land on which the airport is located;

**“Airport master plan”** presents the planner’s conception of the ultimate development of a specific airport. Master plans are applied to the modernisation and expansion of existing airports and to the construction of new airports;

**“Air service”** means any service operated by means of an aircraft for reward, but shall not include—

- (a) the hiring out of an aircraft together with the crew to a licensee;
- (b) a service operated solely for the benefit of a company or a group of companies, or any subsidiary thereof, in its commercial activities by a person who is a member or in the employ of such company or group of companies or subsidiary, and which is not offered for reward to the public in general;
- (c) the conducting of flight testing or assessment of skills in respect of flying an aircraft;
- (d) any type of training or instruction in respect of flying an aircraft;
- (e) the participation in any air race, navigation rally or other aviation sporting event of an aircraft which is sponsored, if the sole advertisement by such aircraft consists of the display of the name or logo of, or any other reference to, the sponsor in question;

**“Air service licence”** refers to a licence issued in terms of the Air Services Licensing Act or the International Air Services Act;

**“Air service licensee”** is a generic term, which means a person, organisation or enterprise engaged in or offering to engage in a commercial air service operation whether domestically or internationally, who holds an appropriate licence issued by the appropriate authority and who is responsible to adhere to certain conditions under which the licence has been issued, further operational requirements imposed by legislation as well as liabilities associated with such requirements;

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**“Air Services Licensing Act”** refers to the Air Services Licensing Act, 1990 Act No. 115 of 1990;

**“Airspace”** is the space above the surface of the earth up to a height where an aircraft is no longer able to derive support from the atmosphere;

**“Approach control services”** means an ATC service for arriving or departing flights in a defined airspace;

**“Area control services”** means an ATC service for flights in a defined controlled airspace;

**“ATM community”** means the aggregate of organisations, agencies or entities that may participate, collaborate, and co-operate in the planning, development, use, regulation, operation and maintenance of the ATM system;

**“ATNS Company Act”** means the Air Traffic and Navigation Services Company Act, 1993 (Act No. 45 of 1993);

**“Aviation disaster”** means an aviation-related incident affecting the civil aviation system and which causes or threatens to cause death or injury to persons, damage to property or infrastructure and is of a magnitude that exceeds the ability of those affected by the disaster to cope with its effects using only their own resources;

**“Cape Town Convention”** means the Convention on International Interests in Mobile Equipment and its Protocol on matters specific to Aircraft Equipment, 2000;

**“Cargo-only service”** is a dedicated service for the public transport of freight and mail only;

## CATEGORIES OF AIRCRAFT

- **“Category A1”** means any aircraft, excluding a helicopter, with a maximum certificated mass exceeding 20 000 kilograms;
- **“Category A2”** means any aircraft, excluding a helicopter, with a maximum certificated mass exceeding 5 700 kilograms but not exceeding 20 000 kilograms;
- **“Category A3”** means any aircraft, excluding a helicopter, with a maximum certificated mass exceeding 2 700 kilograms but not exceeding 5 700 kilograms;
- **“Category A4”** means any aircraft, excluding a helicopter, with a maximum certificated mass of 2 700 kilograms or less;
- **“Category H1”** means any multi-engine helicopter; and
- **“Category H2”** means any single-engine helicopter;



**“Chapter 2 aircraft”** refers to subsonic jet aircraft certified before 6 October 1977. For the purpose of this White Paper it will include non-noise certificated or any other aircraft emitting noise levels equal to or higher than Chapter 2 aircraft;

**“Chapter 3 aircraft”** refers to subsonic jet aircraft certified after 6 October 1977. For the purpose of this White Paper it will include any other aircraft emitting noise levels equal to or less than Chapter 3 aircraft;

**“Charterer”** means a person such as a tour operator or freight forwarder who:

- has concluded a contractual arrangement with a non-scheduled air carrier, at an agreed amount, for the exclusive use of an aircraft or part thereof for one or more flights;
- seats and cargo capacity are for sale to the public; and
- accepts the financial risk of utilising the capacity purchased from the non-scheduled air carrier;

**“Chicago Convention”** means the Convention on International Civil Aviation, 1944 as incorporated in the Civil Aviation Act;

**“Civil Aviation Regulations”** means the Civil Aviation Regulations, 2011, as amended;

**“Civil Aviation Act”** means the Civil Aviation Act, 2009 (Act No. 13 of 2009), as amended;

#### **“CLASSES OF DOMESTIC AIR SERVICES”**

- **“Class I”**: Scheduled domestic public air transport service;
- **“Class II”**: Non-scheduled public air transport service;
- **“Class III”**: General air service;

#### **“CLASSES OF INTERNATIONAL AIR SERVICES”**

- **“Class I”**: Scheduled international public air transport service operated by a South African operator;
- **“Class II”**: Non-scheduled international public air transport service operated by a South African operator;
- **“Class III”**: General international air service; and
- **“Class IV”**: Non-scheduled international public air transport service operated by a foreign operator;

**“Commercial aviation”** means an air service as defined in Section 1 of the Air Services Licensing Act, 1990, including the classes of air services referred to in Regulation 2 of the Domestic Air Services Regulations, 1991 and the International Air Services Regulations, 1994, respectively;

**“Competition Act”** means the Competition Act 1998 (Act No. 89 of 1998), as amended;

**“Corporate aviation”** means a non-commercial operation or use of aircraft by a company for the carriage of passengers or goods as an aid to the conduct of company business, flown by a professional pilot(s) employed to fly the aircraft;

**“Countries bound by the Yamoussoukro Decision”** means:

- States signatory to the Abuja Treaty;
- any other African country which, though not party to the said Treaty, has declared in writing its intention to be bound by the Yamoussoukro Decision; and
- States referred to above who have given effect to the implementation of the Yamoussoukro Decision in terms of their respective domestic laws;

**“Code-share”** means the use of the flight designator code of one air carrier on a service performed by a second air carrier, which service is usually also identified as a service of and being performed by the second air carrier;

**“Combination service”** refers to a service that carries both passengers and cargo on board the same aircraft;

**“Commercial agreements”** in the context of air transport refers to any agreement between two or more commercial entities for purposes of commercial benefit to all parties concerned;

**“Computer Reservation System”** means a computer system that provides displays of schedules, space availability and tariffs of air carriers, and through which reservations on air transport services can be made;

**“Constitution”** means the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996), as amended;

**“Contestability”** means open to competition;

**“Core airport functions (or relevant activities)”** mean the provision at an airport of any service or facility for the purposes of:

- the landing, parking or take-off of an aircraft,
- the handling or cleaning of an aircraft, the supply of provisions to an aircraft, emergency servicing of an aircraft on the apron, including the supply of fuel, and

- the handling of passengers, their baggage or cargo at all stages while they are on the premises of such airport;

**“Designated Airport”** refers to an airport designated in terms of the Civil Aviation Act, 2009;

**“Director of Civil Aviation”** is as defined by the Civil Aviation Act.

**“Disaster”** refers to “Aviation Disaster”;

**“Disaster Management Act”** refers to the Disaster Management Act, 2002 Act No. 57 of 2002);

**“Domestic air transport”** refers to an air service operated wholly within the territory of South Africa;

**“Economic infrastructure”** means transport infrastructure, such as an airport, which supports economic activity;

**“Economic sustainability”** means the continued existence of positive economic conditions;

**“Effective control”** means a relationship constituted by rights, contracts or any other means which, either separately or jointly and having regard to the considerations of fact or law involved, confers the possibility of directly or indirectly exercising a decisive influence on an undertaking, in particular by-

- the right to use all or part of the assets of an undertaking; and
- rights or contracts which confer a decisive influence on the composition, voting or decisions of the bodies of an undertaking or otherwise confer a decisive influence on the running of the business of the undertaking;

**“Effective regulatory control”** means control being exercised over an air carrier through the issuance of a valid operating licence or permit issued by the relevant licensing authority such as an International Air Service Licence and Operating Certificate in the case of South Africa or an Air Operator Certificate (AOC) in respect of foreign airlines, and meets the criteria of the designating Party for the operation of international air services, such as proof of financial health, ability to meet public interest requirement, obligations for assurance of service; and the designating Party has and maintains safety and security oversight programmes in compliance with ICAO standards;

**“Environment”** means the surroundings within which humans exist and that are made up of:

- land, water and the atmosphere of the earth;
- micro-organisms, plant and animal life;

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- any part of (i) and (ii) and the interrelationship among and between them; and
- the physical, chemical, aesthetical and cultural properties and conditions of the foregoing that influence human health and well-being;

**“Environmental Conservation Act”** means the Environment Conservation Act, 1989 (Act No. 73 of 1989);

**“Environmental Impact Assessment”** means “a systematic process of identifying, assessing and reporting environmental impacts associated with an activity and includes basic assessment and S&EIR [scoping and environmental impact reporting]”; as defined by the National Environmental Management Act: Environmental Impact Assessment Regulations

**“Environmental Management”** is a management tool which incorporates the means of planning, monitoring, evaluation and providing feedback, and should form part of the management and reporting system for aircraft noise and engine emissions at new and existing airports;

**“Environmental sustainability”** means the continued existence of positive environmental conditions;

**“Financial sustainability”** means the continued existence of positive financial conditions;

**“Foreign operator’s permit”** refers to a permit issued in terms of the International Air Services Act;

**“Franchising arrangement”** means the granting of an air carrier of a franchise or right to use various of its corporate identity elements, such as its flight designator code, livery and marketing symbols, to a franchisee, i.e. the entity granted the franchise to market or deliver its air service product, typically subject to standards and controls intended to maintain the quality desired by the franchiser;

#### **“FREEDOMS OF THE AIR”**

- **“First freedom traffic right”** means the right or privilege to fly without landing across the territory of another State;
- **“Second freedom traffic right”** means the right or privilege to land for non-traffic purposes in the territory of another State;
- **“Third freedom traffic right”** means the right or privilege, in respect of scheduled international air services, granted by one State to another State to put down, in the territory of the first State, traffic coming from the home State of the carrier;
- **“Fourth freedom traffic right”** means the right or privilege, in respect of scheduled international air services, granted by one State to another State to take

on, in the territory of the first State, traffic destined for the home State of the carrier;  
and

- **“Fifth freedom traffic right”** means the right or privilege, in respect of scheduled international air services, granted by one State to another State to put down and to take on, in the territory of the first State, traffic coming from or destined to a third State;

**“Freely”** in the context of air traffic rights refers to the free exercising of the rights of the first, second, third, fourth and fifth freedoms of the air on scheduled and non-scheduled international air transport services;

**“General air service”** means an air service other than a public air transport service;

**“Hague Convention”** refers to the Convention for the Suppression of Unlawful Seizure of Aircraft, 1970;

**“Inclusive Tour”** means a tour which is sold as a package consisting of –

- the transport of persons by air to and from any destination in the Republic of South Africa; and
- such fixed accommodation and other land arrangements for such persons for at least seven (7) days in the Republic of South Africa;

**“Integrated development plan (IDP)”** means a plan prepared and managed by local government which addresses transport, land use and other aspects, as stipulated in the Spatial Planning and Land Use Management Act, 2013;

**“Integrated transport plan (ITP)”** means a plan prepared by a transport authority in terms of the National Land Transport Act, 2009 (Act No. 5 of 2009) or any similar provincial legislation, which covers the planning, development, regulation, provision and management of the land transport system, including transport infrastructure used for private and public transport, and public transport services;

**“International airport”** means an airport equipped with facilities and services needed to accommodate international flights (“port of entry”);

**“International Air Services Act”** means the International Air Services Act, 1993 (Act No. 60 of 1993);

**“International and national airports”**, as referred to in the Constitution, means airports owned and/or operated by ACSA as well as other airports designated in terms of the Civil Aviation Act, 2009;

**“Large aircraft”** refers to any aircraft of a certificated mass exceeding 5 700 kilograms;

**“Local authority”** refers to “Municipality”;

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**“Marketing carrier”** in relation to code-share arrangements means the airline whose IATA designator code is shown in the carrier code box of a passenger’s flight coupon for a particular flight, but which is not the Operating Carrier;

**“Master plan”** means the plan that addresses developments to the airside of the airport, including aviation elements such as runways, taxiways and loading areas;

**“Military airport”** means an airport operated by the SANDF in terms of the SANDF Act, normally for military use and control;

**“Montreal Convention”** means the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, 1971;

**“Montreal Convention, 1999”** means the Convention for the Unification of Certain Rules Relating to International Carriage by Air, 1999;

**“Municipal airport”** means an airport owned by a municipality;

**“Municipal Systems Act”** means the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000);

**“Municipality”** means a metropolitan municipality, a local municipality or a district municipality as contemplated respectively in terms of categories A, B or C as provided for in the Constitution. “Local authority” will have a similar meaning;

**“National airport”** means an airport designated in terms of the Civil Aviation Act, 2009;

**“National Environmental Management Act”** means the National Environmental Management Act, 1998 (Act No. 107 of 1998);

**“National Environment Management: Air Quality Act”** means the National Environmental Management: Air Quality Act, 2004 (Act No. 39 of 2004);

**“National Land Transport Act”** means the National Land Transport Act, 2009 (Act No. 5 of 2009);

**“Network of airports”** means a system of effective and efficient airports;

**“Non-commercial aviation”** means an activity other than ‘commercial aviation’;

**“Non-scheduled air transport service”** means an air transport service other than a scheduled international air transport service in connection with which:

- a specific flight or a series of flights are undertaken;
- such flight or flights are not listed in a published timetable or computer reservation system; and
- air carriers’ passenger and/or cargo capacity may be offered and sold:

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- only to a charterer in respect of services on routes currently served by scheduled air services; and in addition
- directly to the public or through a 3rd party (charterer) in the case of -
  - passenger and cargo services operated between South Africa and countries bound by the Yamoussoukro Decision on routes not served by scheduled air services, and
  - development of new cargo links, i.e. all-cargo services on routes not served by scheduled air services;

**“Noise or noise nuisance caused by aircraft”** can be defined as unwanted sound;

**“Organ of state”** refers to a national (national department or national public entity), provincial (a provincial department or provincial public entity) or a municipal (a municipality, a department within municipal administration or a municipal entity) organ of state;

**“Open Skies”<sup>15</sup>** refers to the terms of an air service agreement which provides for unrestricted operation of international air services by the air carriers between the countries who are parties to the agreement;

**“Operating carrier”** in relation to code-share arrangements means the airline exercising control over all aspects of aircraft operations;

**“Operating certificate”** refers to an operating certificate issued in terms of the SA-CARs authorising an operator of a commercial air transport aircraft to carry out specified air transport operations;

**“Performance Based Navigation (PBN)”** is area navigation based on performance requirements for aircraft operating along an ATS route, on an instrument approach procedure or in a designated airspace;

**“Precinct plans”** means the plans that address land use developments on the landside of the airport, including aviation related and non-aviation related developments on the airport property;

**“Principal place of business”** in relation to an airline means an airline that has been established in the territory of the designating Party in accordance with relevant national laws and regulations, has a substantial amount of its operations and capital investment in physical facilities in the territory of the designating Party, pays income tax, registers and bases its aircraft there, and employs a significant number of nationals in managerial, technical and operational positions;

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<sup>15</sup> Note that the international aviation community does not uniformly define the term “open skies”. Differences in opinion regarding the level of freedom allowed by air services agreements will result in different categorisations of such agreements.

**“Privately owned airports”** means airports owned by private persons or companies from the private sector;

**“Private-use airports”** means airports used exclusively by private persons or companies for their own private aviation needs, or which can only be used by prior permission of the owner or licensee;

**“Provincial airport”** means an airport owned by a provincial government;

**“Public air transport service”** means an air service that has as its main purpose the transport of passengers, cargo or mail;

**“Publicly owned airports”** means airports owned by the national Government, provincial government or a municipality, or airports owned by parastatals, including those owned by ACSA for as long as the State has a majority share in ACSA;

**“Public-use airports”** means airports that are used by the general public and which are accessible to members of the public;

**“Pollution”** means any change in the environment caused by:

- substances;
- radio-active or other waves; and
- noise, odours, dust or heat
- emitted from any activity, including the storage or treatment of waste or substances, construction and the provision of services, whether engaged in by any person or organ of state, where that change has an adverse effect on human health or well-being or on the composition, resilience and productivity of natural or managed eco-systems, or on materials useful to people, or will have such an effect in the future;

**“Recreational aviation”** means non-revenue generating flying of microlight, glider, balloon, gyroplane, hang glider, paraglider, model aircraft, light sport aircraft, touring motor glider, parachute or involvement in aviation events;

**“Regulating Committee”** means the Regulating Committee established in terms of the Airports Company Act;

**“Reliable air service”** in the context of air transport services refers to a sustained air service which is trustworthy in financial, technical and operational terms;

**“Remote pilot”** means the person who manipulates the flight controls or manages the flight command instructions of a remotely piloted aircraft;

**“Remote pilot station”** means the station at which the remote pilot manages the flight of the remotely piloted aircraft;

**“Remotely Piloted Aircraft Systems”** means a set of configurable elements consisting of a remotely piloted aircraft, its associated remote pilot station(s), the required command and control links and any other system elements as may be required at any point during operation;

**“Remotely piloted aircraft”** means an unmanned aircraft which is piloted from a remote pilot station, excluding model aircraft and toy aircraft as defined in the Civil Aviation Regulations, 2011;

**“Scheduled air transport service”** means an air transport service in connection with which flights are undertaken:

- (a) (i) between the same two or more points; or
- (ii) with such a slight variation from the same two or more points that each flight can reasonably be regarded as being between the same two or more points;
- (b) (i) according to a published timetable; or
- (ii) with such a degree of regularity and frequency that they constitute a recognisable systematic series; and
- (c) in such a manner that each flight is open to use by members of the public;

**“Scheduled international air transport service”** means an air transport service in connection with which flights are undertaken:

- (a) through the airspace over the territory of more than one state;
- (b) (i) between the same two or more airports; or
- (ii) with such a slight variation from the route referred to in (i) that each flight can reasonably be regarded as being between the same two or more airports;
- (c) (i) according to a published timetable; or
- (ii) with such a degree of regularity and frequency that they constitute a recognisable systematic series of flights and in such a manner that each flight is open to use by members of the public;

**“Skills Development Act”** refers to the Skills Development Act, 1998 (Act No. 97 of 1998);

**“Slot”** means the permission given by the Slot Coordinator in accordance with the Airport Slot Coordination Regulations, 2012, to use the full range of airport

infrastructure necessary to operate an aircraft at a coordinated airport on a specific date and time for the purpose of landing or take-off;

**“Small aircraft”** refers to any aircraft with a certificated mass not exceeding 5 700 kilograms;

**“Social sustainability”** means the continued existence of positive social conditions;

**“South African Maritime and Aeronautical Search and Rescue Act”** means the South African Maritime and Aeronautical Search and Rescue Act, 2002 (Act No. 44 of 2002);

**“Spatial Planning and Land Use Management Act”** means the Spatial Planning and Land Use Management Act 2013 (Act No. 16 of 2013);

**“Sports aviation”** means flying for competition or event purposes;

**“State Party”** means a State signatory to the Abuja Treaty and such other African country which, though not a party to the said Treaty, has declared in writing its intention to be bound by the Yamoussoukro Decision. (Also see: “Countries bound by the Yamoussoukro Decision”);

**“Subsonic aircraft”** means an aircraft incapable of sustaining level flight at speeds exceeding flight Mach number 1 (speed of sound);

**“Tax”** refers to any levy to raise revenue for national, provincial or municipal treasuries, which will be used for general or specific public (i.e. non-aviation) purposes;

**“Tokyo Convention”** means the Convention on Offences and Certain Other Acts Committed on Board Aircraft, 1963;

**“Transit Agreement”** means the International Air Services Transit Agreement, 1944, as incorporated in the Civil Aviation Act;

**“Transport authority”** means a local or provincial authority responsible for transport planning and development, which had been declared as such in terms of the National Land Transport Act, 2009, or similar provincial legislation;

**“Users’ interests”** means the rights and obligations of persons using or intending to use air transport services;

**“Vicinity”** means the influence area of an airport, including the landside of the airport;

**“Wet-lease”** means the acquisition of an aircraft including crew, maintenance and insurance (ACMI) through a commercial agreement between the air carrier and the supplier of such aircraft;

**“White Paper on National Transport Policy”** means the White Paper on National Transport Policy, 1996; and

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**“Yamoussoukro Decision”** means the “Decision Relating to the Implementation of the Yamoussoukro Declaration Concerning the Liberalisation of Access to Air Transport Markets in Africa” adopted by the Assembly of Heads of States and Government in Lome, Togo, on 12 July 2000.

**ANNEXURE 3 - ABBREVIATIONS AND ACRONYMS**

ACSA	-	Airports Company South Africa SOC Limited
AeCSA	-	Aeroclub of South Africa
AFCAC	-	African Civil Aviation Commission
AIC	-	Aeronautical Information Circular
AIP	-	Aeronautical Information Publication
AIS	-	Aeronautical Information Services
ANS	-	Air Navigation Services
AOC	-	Air Operator's Certificate
APU	-	Auxiliary Power Unit
ASLC	-	Air Services Licensing Council
ATC	-	Air Traffic Control
ATM	-	Air Traffic Management
ATMSD	-	ATM Service Delivery
ATNS	-	Air Traffic and Navigation Services SOC Limited
ATS	-	Air Traffic Services
AU	-	African Union
BASA	-	Bilateral Air Services Agreement
BBBEE	-	Broad Based Black Economic Empowerment
CAASA	-	Commercial Aviation Association of Southern Africa
CARCOM		Civil Aviation Regulations Committee
CBAA	-	Carriage by Air Act, 1946 (Act No. 17 of 1946), as amended
CC	-	Competition Commission
CDM	-	Collaborative Decision-Making
CEO	-	Chief Executive Officer
CNS/ATM	-	Communication Navigation Surveillance/Air Traffic Management (System)

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COP	- Conference of Parties to the United Nations Framework Convention on Climate Change
COTO	- Committee of Transport Officials
CRS	- Computer Reservation System
CSIR	- Council for Scientific and Industrial Research
DIRCO	- Department of International Relations and Cooperation
DOT	- Department of Transport
DEA	- Department of Environmental Affairs
EIA	- Environmental Impact Assessment
EU	- European Union
FAA	- Federal Aviation Administration (USA)
FIR	- Flight Information Region
FOP	- Foreign Operator's Permit
GA	- General Aviation
GDP	- Gross Domestic Product
GDS	- Global Distribution Systems
GNSS	- Global Navigation Satellite System
GPU	- Ground Power Unit
IASC	- International Air Services Council
IATA	- International Air Transport Association
ICAO	- International Civil Aviation Organisation
ICGs	- Implementation Co-ordination Groups
IDP	- Integrated Development Plan
IEM	- Integrated Environmental Management
IM	- Information Management
IPCC	Inter-governmental Panel on Climate Change
ISO	- International Organisation for Standardisation
ITP	- Integrated Transport Plan
JASC	- Joint Aerospace Steering Committee

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MINCOM	- Committee of Ministers of Transport
NASC	- National Aviation Security Committee
NASCOM	- National Airspace Committee
NASP	- National Aviation Safety Plan
NATJOINTS	- National Joint Operational and Intelligence Structure
NEPAD	- New Partnership for Africa's Development
NQF	- National Qualifications Framework
PBN	- Performance-based Navigation
PFMA	- Public Finance Management Act
RAASA	- Recreation Aviation Administration South Africa (RAASA)
RDP	Reconstruction and Development Programme
RNAV	- Area Navigation
RNP	- Required Navigation Performance
RNP AR	- Required Navigation Performance, Authorisation Required
RPAS	- Remotely Piloted Aircraft Systems
SANDF	- South African Defence Force
SAASCO	- South African Aviation Safety Committee
SABS	- South African Bureau of Standards
SACAA	- South African Civil Aviation Authority
SA-CARs	- Civil Aviation Regulations, 2011
SADC	- Southern Africa Development Community
SANDF	- South African National Defence Force
SANS	- South African National Standards
SAQA	- South African Qualifications Authority
SAR	- Search and Rescue
SARPs	- Standards and Recommended Practices issued by ICAO
SASAR	- South African Search and Rescue Organisation
SDFs	- Spatial Development Frameworks

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SDPs	- Spatial Development Plans
SDRs	- Special Drawing Rights
SETA	- Sector Education and Training Authority
SMME	- Small, Medium and Micro Enterprises
TETA	- Transport Education and Training Authority
UAS	- Unmanned Aircraft Systems
UAV	- Unmanned Aerial Vehicle
UNFCCC	- United Nations Framework Convention on Climate Change

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**BOARD NOTICES • RAADSKENNISGEWINGS**

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**BOARD NOTICE 65 OF 2017****SOUTH AFRICAN COUNCIL FOR THE ARCHITECTURAL PROFESSION**

Publication in terms of section 32(5) of the South African Council for the Architectural Profession Act No 44 of 2000 ("The Act") of the finding and sanction imposed by the Council in accordance with the settlement agreement signed on 03 February 2017, into alleged improper conduct of the registered person.

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**Name of Person:** Jabulani Msowoya

**Registration Number:** D1789

**Nature of the offence**

**Guilty** of contravention of Rule 4.1 of the Code of Professional Conduct for registered persons promulgated under Board Notice 154 of 2009 Government Gazette No 32731 of 27 November 2009.

**Sanction:**

- Mr Jabulani Msowoya is reprimanded in terms of section 32 (3) (a) (i) of the Architectural Profession Act (Act No. 44 of 2000).
- Mr Jabulani Msowoya is fined R2 000.00 (Two thousand rand) in terms of section 32 (3) (a) (ii) of the Architectural Profession Act, and R400.00 (Four hundred rand) of this amount is suspended for a period of one (1) year on condition that he is not found guilty of the same offences during this period.

**CONTINUES ON PAGE 514 - PART 5**



# Government Gazette Staatskoerant

REPUBLIC OF SOUTH AFRICA  
REPUBLIEK VAN SUID AFRIKA

Vol. 623

19 May  
Mei 2017

No. 40847

**PART 5 OF 5**

N.B. The Government Printing Works will not be held responsible for the quality of "Hard Copies" or "Electronic Files" submitted for publication purposes

ISSN 1682-5843



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**BOARD NOTICE 66 OF 2017****SOUTH AFRICAN COUNCIL FOR THE ARCHITECTURAL PROFESSION**

Publication in terms of section 32(5) of the South African Council for the Architectural Profession Act No 44 of 2000 ("The Act") of the finding and sanction imposed by the Council in accordance with the settlement agreement signed on 03 February 2017, into alleged improper conduct of the registered person.

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**Name of Person: Lucky Ndlovu**

**Registration Number: D0808**

**Nature of the offence**

**Guilty** of contravention of Rule 4.1 and 5.10 of the Code of Professional Conduct for registered persons promulgated under Board Notice 154 of 2009 Government Gazette No 32731 of 27 November 2009.

**Sanction:**

- Mr Lucky Ndlovu is fined R3 000.00 (Three thousand rand) in terms of section 32 (3) (a) (ii) of the Architectural Profession Act, and R600.00 (Six hundred rand) of this amount is suspended for a period of one (1) year on condition that Mr L Ndlovu is not found guilty of the same offences during this period.

**BOARD NOTICE 67 OF 2017****SOUTH AFRICAN COUNCIL FOR THE ARCHITECTURAL PROFESSION**

Publication in terms of section 32(5) of the South African Council for the Architectural Profession Act No 44 of 2000 ("The Act") of the finding and sanction imposed by the Council in accordance with the settlement agreement signed on 03 February 2017, into alleged improper conduct of the registered person.

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**Name of Person: Akesh Balraj**

**Registration Number: ST2017**

**Nature of the offence**

**Guilty** of contravention of Rule 4.1 of the Code of Professional Conduct for registered persons promulgated under Board Notice 154 of 2009 Government Gazette No 32731 of 27 November 2009.

**Sanction:**

- Mr Akesh Balraj is reprimanded in terms of section 32 (3) (a) (i) of the Architectural Profession Act (Act No. 44 of 2000).
- Mr Akesh Balraj is fined R2 000.00 (Two thousand rand) in terms of section 32 (3) (a) (ii) of the Architectural Profession Act, and R400.00 (Four hundred rand) of this amount is suspended for a period of one (1) year on condition that he is not found guilty of the same offences during this period.

**BOARD NOTICE 68 OF 2017****SOUTH AFRICAN COUNCIL FOR THE ARCHITECTURAL PROFESSION**

Publication in terms of section 32(5) of the South African Council for the Architectural Profession Act No 44 of 2000 ("The Act") of the finding and sanction imposed by the Council in accordance with the settlement agreement signed on 03 February 2017, into alleged improper conduct of the registered person.

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**Name of Person: Ndivhoniswani Nemadandila**

**Registration Number: ST0587**

**Nature of the offence**

**Guilty** of contravention of Rule 4.1 and 5.10 of the Code of Professional Conduct for registered persons promulgated under Board Notice 154 of 2009 Government Gazette No 32731 of 27 November 2009.

**Sanction:**

- Mr Ndivhoniswani Nemadandila is fined R8 500.00 (Eight thousand five hundred rand) in terms of section 32 (3) (a) (ii) of the Architectural Profession Act, and R1 700.00 (One thousand seven hundred rand) of this amount is suspended for a period of one (1) year on condition that he is not found guilty of the same offences during this period.

**BOARD NOTICE 69 OF 2017****SOUTH AFRICAN COUNCIL FOR THE ARCHITECTURAL PROFESSION**

Publication in terms of section 32(5) of the South African Council for the Architectural Profession Act No 44 of 2000 ("The Act") of the finding and sanction imposed by the Council in accordance with the settlement agreement signed on 03 February 2017, into alleged improper conduct of the registered person.

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**Name of Person: Graham Holland**

**Registration Number: ST0364**

**Nature of the offence**

**Guilty** of contravention of Rule 5.10 (5.9.3) of the Code of Professional Conduct for registered persons promulgated under Board Notice 154 of 2009 Government Gazette No 32731 of 27 November 2009.

**Sanction:**

- Mr Graham Holland is fined R2 000.00 (Two thousand rand) in terms of section 32 (3) (a) (ii) of the Architectural Profession Act, and R400.00 (Four hundred rand) of this amount is suspended for a period of one (1) year on condition that Mr Liebenberg is not found guilty of the same offences during this period.

**BOARD NOTICE 70 OF 2017****SOUTH AFRICAN COUNCIL FOR THE ARCHITECTURAL PROFESSION**

Publication in terms of section 32(5) of the South African Council for the Architectural Profession Act No 44 of 2000 ("The Act") of the finding and sanction imposed by the Council in accordance with the settlement agreement signed on 03 February 2017, into alleged improper conduct of the registered person.

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**Name of Person:** Johan Andre Breytenbach

**Registration Number:** D1215

**Nature of the offence**

**Guilty** of contravention of Rule 3.1 of the Code of Professional Conduct for registered persons promulgated under Board Notice 154 of 2009 Government Gazette No 32731 of 27 November 2009.

**Sanction:**

- Johan Andre Breytenbach is fined R2 000.00 (Two thousand rand) in terms of section 32 (3) (a) (ii) of the Architectural Profession Act, and R400.00 (Four hundred rand) of this amount is suspended for a period of one (1) year on condition that he is not found guilty of the same offences during this period.

**BOARD NOTICE 71 OF 2017****SOUTH AFRICAN COUNCIL FOR THE ARCHITECTURAL PROFESSION**

Publication in terms of section 32(5) of the South African Council for the Architectural Profession Act No 44 of 2000 ("The Act") of the finding and sanction imposed by the Council in accordance with the settlement agreement signed on 03 February 2017, into alleged improper conduct of the registered person.

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**Name of Person: Indirean Naidoo**

**Registration Number: T0576**

**Nature of the offence**

**Guilty** of contravention of Rule 4.1 and 5.10 of the Code of Professional Conduct for registered persons promulgated under Board Notice 154 of 2009 Government Gazette No 32731 of 27 November 2009.

**Sanction:**

- Mr Indirean Naidoo is reprimanded in terms of section 32 (3) (a) (i) of the Architectural Profession Act (Act No. 44 of 2000).
- Mr Indirean Naidoo is fined R3 000.00 (Three thousand rand) in terms of section 32 (3) (a) (ii) of the Architectural Profession Act, and R600.00 (Six hundred rand) of this amount is suspended for a period of one (1) year on condition that he is not found guilty of the same offences during this period.



**BOARD NOTICE 72 OF 2017****SOUTH AFRICAN COUNCIL FOR THE ARCHITECTURAL PROFESSION**

Publication in terms of section 32(5) of the South African Council for the Architectural Profession Act No 44 of 2000 ("The Act") of the finding and sanction imposed by the Council in accordance with the settlement agreement signed on 03 February 2017, into alleged improper conduct of the registered person.

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**Name of Person: Layton Billy Madike**

**Registration Number: D20798**

**Nature of the offence**

**Guilty** of contravention of Rule 1.1.2, 4.1 and 5.10 of the Code of Professional Conduct for registered persons promulgated under Board Notice 154 of 2009 Government Gazette No 32731 of 27 November 2009.

**Sanction:**

- Mr Layton Billy Madike is fined R10 000.00 (Ten thousand rand) in terms of section 32 (3) (a) (ii) of the Architectural Profession Act, and R2 000.00 (Two thousand rand) of this amount is suspended for a period of one (1) year on condition that he is not found guilty of the same offences during this period.

**BOARD NOTICE 73 OF 2017****SOUTH AFRICAN COUNCIL FOR THE ARCHITECTURAL PROFESSION**

Publication in terms of section 32(5) of the South African Council for the Architectural Profession Act No 44 of 2000 ("The Act") of the finding and sanction imposed by the Council in accordance with the settlement agreement signed on 03 February 2017, into alleged improper conduct of the registered person.

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**Name of Person: Sidesh Rajballi**

**Registration Number: CAT20781**

**Nature of the offence**

**Guilty** of contravention of Rule 2.3, 5.1 and 5.2 of the Code of Professional Conduct for registered persons promulgated under Board Notice 154 of 2009 Government Gazette No 32731 of 27 November 2009.

**Sanction:**

- Mr Sidesh Rajballi is reprimanded in terms of section 32 (3) (a) (i) of the Architectural Profession Act (Act No. 44 of 2000).
- Mr Sidesh Rajballi is fined R4 000.00 (Four thousand rand) in terms of section 32 (3) (a) (ii) of the Architectural Profession Act, and R2 000.00 (Two thousand rand) of this amount is suspended for a period of one (1) year on condition that he is not found guilty of the same offences during this period.

**BOARD NOTICE 74 OF 2017****SOUTH AFRICAN COUNCIL FOR THE ARCHITECTURAL PROFESSION**

Publication in terms of section 32(5) of the South African Council for the Architectural Profession Act No 44 of 2000 ("The Act") of the finding and sanction imposed by the Council in accordance with the settlement agreement signed on 03 February 2017, into alleged improper conduct of the registered person.

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**Name of Person: Suzette Fourie Hammer**

**Registration Number: T0935**

**Nature of the offence**

**Guilty** of contravention of Rule 3.1 of the Code of Professional Conduct for registered persons promulgated under Board Notice 154 of 2009 Government Gazette No 32731 of 27 November 2009.

**Sanction:**

- Ms Suzette Fourie Hammer is fined R2 000.00 (Two thousand rand) in terms of section 32 (3) (a) (ii) of the Architectural Profession Act, and R400.00 (Four hundred rand) of this amount is suspended for a period of one (1) year on condition that she is not found guilty of the same offences during this period.

**BOARD NOTICE 75 OF 2017****SOUTH AFRICAN COUNCIL FOR THE ARCHITECTURAL PROFESSION**

Publication in terms of section 32(5) of the South African Council for the Architectural Profession Act No 44 of 2000 ("The Act") of the finding and sanction imposed by the Council in accordance with the settlement agreement signed on 03 February 2017, into alleged improper conduct of the registered person.

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**Name of Person: Andre Anthony Griessel**

**Registration Number: D0110**

**Nature of the offence**

**Guilty** of contravention of Rule 1.1 and 4.1 of the Code of Professional Conduct for registered persons promulgated under Board Notice 154 of 2009 Government Gazette No 32731 of 27 November 2009.

**Sanction:**

- Mr Andre Anthony Griessel is reprimanded in terms of section 32 (3) (a) (i) of the Architectural Profession Act (Act No. 44 of 2000).
- Mr Andre Anthony Griessel is fined R5 000.00 (Five thousand rand) in terms of section 32 (3) (a) (ii) of the Architectural Profession Act, and R2 000.00 (Two thousand rand) of this amount is suspended for a period of one (1) year on condition that he is not found guilty of the same offences during this period.

**BOARD NOTICE 76 OF 2017****SOUTH AFRICAN COUNCIL FOR THE ARCHITECTURAL PROFESSION**

Publication in terms of section 32(5) of the South African Council for the Architectural Profession Act No 44 of 2000 ("The Act") of the finding and sanction imposed by the Council in accordance with the settlement agreement signed on 03 February 2017, into alleged improper conduct of the registered person.

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**Name of Person: Andre du Toit**

**Registration Number: PrArch 6234**

**Nature of the offence**

**Guilty** of contravention of Rule 1.1 (1.1.2), 4.1 and 5.10 of the Code of Professional Conduct for registered persons promulgated under Board Notice 154 of 2009 Government Gazette No 32731 of 27 November 2009.

**Sanction:**

- Mr Andre du Toit is fined R8 500.00 (Eight thousand five hundred rand) in terms of section 32 (3) (a) (ii) of the Architectural Profession Act, and R1 700.00 (One thousand seven hundred rand) of this amount is suspended for a period of one (1) year on condition that he is not found guilty of the same offences during this period.

**BOARD NOTICE 77 OF 2017****SOUTH AFRICAN COUNCIL FOR THE ARCHITECTURAL PROFESSION**

Publication in terms of section 32(5) of the South African Council for the Architectural Profession Act No 44 of 2000 ("The Act") of the finding and sanction imposed by the Council in accordance with the settlement agreement signed on 03 February 2017, into alleged improper conduct of the registered person.

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**Name of Person: Chanel Vorster**

**Registration Number: ST2017**

**Nature of the offence**

**Guilty** of contravention of Rule 1.1 (1.1.2) and 4.1 of the Code of Professional Conduct for registered persons promulgated under Board Notice 154 of 2009 Government Gazette No 32731 of 27 November 2009.

**Sanction:**

- Chanel Vorster is fined R8 500.00 (Eight thousand five hundred rand) in terms of section 32 (3) (a) (ii) of the Architectural Profession Act, and R1 700.00 (One thousand seven hundred rand) of this amount is suspended for a period of one (1) year on condition that she is not found guilty of the same offences during this period.



**BOARD NOTICE 78 OF 2017****SOUTH AFRICAN COUNCIL FOR THE ARCHITECTURAL PROFESSION**

Publication in terms of section 32(5) of the South African Council for the Architectural Profession Act No 44 of 2000 ("The Act") of the finding and sanction imposed by the Council in accordance with the settlement agreement signed on 03 February 2017, into alleged improper conduct of the registered person.

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**Name of Person:** Hendrik J Pienaar

**Registration Number:** D0419

**Nature of the offence**

**Guilty** of contravention of Rule 4.1 of the Code of Professional Conduct for registered persons promulgated under Board Notice 154 of 2009 Government Gazette No 32731 of 27 November 2009.

**Sanction:**

- Mr Hendrik J Pienaar is reprimanded in terms of section 32 (3) (a) (i) of the Architectural Profession Act.
- Mr Hendrik J Pienaar is fined R2 000.00 (Two thousand rand) in terms of section 32 (3) (a) (ii) of the Architectural Profession Act, and R400.00 (Four hundred rand) of this amount is suspended for a period of one (1) year on condition that he is not found guilty of the same offences during this period.

**BOARD NOTICE 79 OF 2017****SOUTH AFRICAN COUNCIL FOR THE ARCHITECTURAL PROFESSION**

Publication in terms of section 32(5) of the South African Council for the Architectural Profession Act No 44 of 2000 ("The Act") of the finding and sanction imposed by the Council in accordance with the settlement agreement signed on 03 February 2017, into alleged improper conduct of the registered person.

---

**Name of Person:** Indirean Naidoo

**Registration Number:** T0576

**Nature of the offence**

**Guilty** of contravention of Rule 1.1 and 4.1 of the Code of Professional Conduct for registered persons promulgated under Board Notice 154 of 2009 Government Gazette No 32731 of 27 November 2009.

**Sanction:**

- Mr Indirean Naidoo is reprimanded in terms of section 32 (3) (a) (i) of the Architectural Profession Act (Act No. 44 of 2000).
- Mr Indirean Naidoo is fined R4 000.00 (Four thousand rand) in terms of section 32 (3) (a) (ii) of the Architectural Profession Act, and R500.00 (Five hundred rand) of this amount is suspended for a period of one (1) year on condition that he is not found guilty of the same offences during this period.

**BOARD NOTICE 80 OF 2017****SOUTH AFRICAN COUNCIL FOR THE ARCHITECTURAL PROFESSION**

Publication in terms of section 32(5) of the South African Council for the Architectural Profession Act No 44 of 2000 ("The Act") of the finding and sanction imposed by the Council in accordance with the settlement agreement signed on 03 February 2017, into alleged improper conduct of the registered person.

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**Name of Person: Kingsley McCarthy**

**Registration Number: CAD21337**

**Nature of the offence**

**Guilty** of contravention of Rule 1.1, 2.1, 2.3, 4.1 and 5.10 of the Code of Professional Conduct for registered persons promulgated under Board Notice 154 of 2009 Government Gazette No 32731 of 27 November 2009.

**Sanction:**

- Mr Kingsley McCarthy is fined R13 500.00 (Thirteen thousand five hundred rand) in terms of section 32 (3) (a) (ii) of the Architectural Profession Act.

**BOARD NOTICE 81 OF 2017****SOUTH AFRICAN COUNCIL FOR THE ARCHITECTURAL PROFESSION**

Publication in terms of section 32(5) of the South African Council for the Architectural Profession Act No 44 of 2000 ("The Act") of the finding and sanction imposed by the Council in accordance with the settlement agreement signed on 03 February 2017, into alleged improper conduct of the registered person.

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**Name of Person: Michael Liebenberg**

**Registration Number: ST0004**

**Nature of the offence**

**Guilty** of contravention of Rule 3.1, 4.1 and 5.9.3 of the Code of Professional Conduct for registered persons promulgated under Board Notice 154 of 2009 Government Gazette No 32731 of 27 November 2009.

**Sanction:**

- Mr Michael Liebenberg is reprimanded in terms of section 32 (3) (a) (i) of the Architectural Profession Act (Act No. 44 of 2000).
- Mr Michael Liebenberg is fined R8 000.00 (Eight thousand rand) in terms of section 32 (3) (a) (ii) of the Architectural Profession Act, and R3 000.00 (Three thousand rand) of this amount is suspended for a period of one (1) year on condition that he is not found guilty of the same offences during this period.

**BOARD NOTICE 82 OF 2017****SOUTH AFRICAN COUNCIL FOR THE ARCHITECTURAL PROFESSION**

Publication in terms of section 32(5) of the South African Council for the Architectural Profession Act No 44 of 2000 ("The Act") of the finding and sanction imposed by the Council in accordance with the settlement agreement signed on 03 February 2017, into alleged improper conduct of the registered person.

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**Name of Person:** Indirean Naidoo

**Registration Number:** T0576

**Nature of the offence**

**Guilty** of contravention of Rule 4.1 and 5.10 of the Code of Professional Conduct for registered persons promulgated under Board Notice 154 of 2009 Government Gazette No 32731 of 27 November 2009.

**Sanction:**

- Mr Indirean Naidoo is reprimanded in terms of section 32 (3) (a) (i) of the Architectural Profession Act (Act No. 44 of 2000).
- Mr Indirean Naidoo is fined R3 000.00 (Three thousand rand) in terms of section 32 (3) (a) (ii) of the Architectural Profession Act, and R600.00 (Six hundred rand) of this amount is suspended for a period of one (1) year on condition that he is not found guilty of the same offences during this period.

**BOARD NOTICE 83 OF 2017****SOUTH AFRICAN COUNCIL FOR THE ARCHITECTURAL PROFESSION**

Publication in terms of section 32(5) of the South African Council for the Architectural Profession Act No 44 of 2000 ("The Act") of the finding and sanction imposed by the Council in accordance with the settlement agreement signed on 03 February 2017, into alleged improper conduct of the registered person.

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**Name of Person: Phil Muller**

**Registration Number: D1657**

**Nature of the offence**

**Guilty** of contravention of Rule 1.1 of the Code of Professional Conduct for registered persons promulgated under Board Notice 154 of 2009 Government Gazette No 32731 of 27 November 2009.

**Sanction:**

- Mr Phil Muller is reprimanded in terms of section 32 (3) (a) (i) of the Architectural Profession Act (Act No. 44 of 2000).
- Mr Phil Muller is fined R1 500.00 (One thousand five hundred rand) in terms of section 32 (3) (a) (ii) of the Architectural Profession Act, and R500.00 (Five hundred rand) of this amount is suspended for a period of one (1) year on condition that he is not found guilty of the same offences during this period.



**BOARD NOTICE 84 OF 2017****SOUTH AFRICAN COUNCIL FOR THE ARCHITECTURAL PROFESSION**

Publication in terms of section 32(5) of the South African Council for the Architectural Profession Act No 44 of 2000 ("The Act") of the finding and sanction imposed by the Council in accordance with the settlement agreement signed on 03 February 2017, into alleged improper conduct of the registered person.

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**Name of Person: Paul Simon Cooke**

**Registration Number: D21118**

**Nature of the offence**

**Guilty** of contravention of Rule 1.1 (1.1.2), 4.1 and 5.10 of the Code of Professional Conduct for registered persons promulgated under Board Notice 154 of 2009 Government Gazette No 32731 of 27 November 2009.

**Sanction:**

- Mr Paul Simon Cooke is fined R8 500.00 (Eight thousand five hundred rand) in terms of section 32 (3) (a) (ii) of the Architectural Profession Act, and R1 700.00 (One thousand seven hundred rand) of this amount is suspended for a period of one (1) year on condition that he is not found guilty of the same offences during this period.

**BOARD NOTICE 85 OF 2017****SOUTH AFRICAN COUNCIL FOR THE ARCHITECTURAL PROFESSION**

Publication in terms of section 32(5) of the South African Council for the Architectural Profession Act No 44 of 2000 ("The Act") of the finding and sanction imposed by the Council in accordance with the settlement agreement signed on 03 February 2017, into alleged improper conduct of the registered person.

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**Name of Person: Magdalena Sophia Holloway**

**Registration Number: ST20714**

**Nature of the offence**

**Guilty** of contravention of Rule 1.1.2, 1.1.3, 3.4 and 5.9.3 of the Code of Professional Conduct for registered persons promulgated under Board Notice 154 of 2009 Government Gazette No 32731 of 27 November 2009.

**Sanction:**

- Ms Magdalena Sophia Holloway is reprimanded in terms of section 32 (3) (a) (i) of the Architectural Profession Act (Act No. 44 of 2000).
- Ms Magdalena Sophia Holloway is fined R15 000.00 (Fifteen thousand rand) in terms of section 32 (3) (a) (ii) of the Architectural Profession Act, and R4 000.00 (Four thousand rand) of this amount is suspended for a period of one (1) year on condition that she is not found guilty of the same offences during this period.

## BOARD NOTICE 86 OF 2017

## The Engineering Council of South Africa

**Rules: Continuing Professional Development and  
Renewal of Registration**

The Engineering Council of South Africa has in terms of section 36(1) made amendments to the Rules published in **Board Notice 16 of 2014 dated 21 February 2014**, in relation to continuing professional development as contemplated in section 13(k) of the Engineering Profession Act, 2000 (Act No 46 of 2000), and in relation to renewal of registration as contemplated in section 22(2) of that Act, as set out in Schedule hereto:

**These rules are to come into operation on the effective date.** \_ \_ \_ \_ \_

**SCHEDULE****1. Interpretation:**

- (1) **“Conditions for Renewal of Registration”**, in the context of section 22(2) of *the Act*, refers to those contained in these rules.
- (2) In these rules, a word or expression to which a meaning has been assigned by the Engineering Profession Act, 2000 (Act No 46 of 2000) has the same meaning unless the context indicates otherwise, and
  - (i) **“applicant”** refers to a person applying for registration, re-registration, recording or approval of CPD activities and/or credits;
  - (ii) **“approved CPD provider”** refers to a recognised *“voluntary association”* by *the Council* or an *“approved educational institution”* or any private educational institution approved by Council for purposes of offering appropriate learning in respect of category 1 CPD activities as contemplated in **Appendix A**;
  - (iii) **“approved educational institution”** refers to an educational institution which offers engineering programmes which have been granted accreditation by *the Council* in terms of section 13(b) of *the Act*;
  - (iv) **“competence”** refers to a cluster of related abilities, commitments, knowledge, skills and experience necessary to perform engineering work effectively;

- (v) **“continuing professional development”** also referred to in these rules as **“CPD”** refers to continuous education and training as contemplated in section 13(k) of the Act and also refers to the systematic maintenance improvement and broadening of knowledge and skills and the development of personal qualities necessary for the execution of professional and engineering duties through a person’s engineering career. It is the learning and development that takes place after completion of educational studies and by refers to of which registered persons maintain and develop competencies to continue to perform their role competently’
- (vi) **“CPD validator”** refers to a Recognised Voluntary Association, Approved Educational Institution or the Council (ECSA) which verifies CPD providers and/or validates CPD activities;
- (vii) **“credit”** is defined in notional hours where one (1) credit is equal to ten (10) hours of learning towards the defined outcomes;
- (viii) **“effective date”** refers to the date of the coming into effect of these rules;
- (ix) **“expiry date”** as contemplated in section 22(1) of *the Act*, refers to the date marking every cycle end date (or every fifth year) on which such a registered person has to renew his/her registration with the Engineering Council of South Africa;
- (x) **“non-engineering management role”** refers to a management role where no engineering-related decisions that are normally carried out by registered persons that practice engineering, are taken;
- (xi) **“Registered person”** refers to a person registered in terms of section 18(a) and 18(c) of *the Act*; viz. Professional Engineers, Professional Engineering Technologists, Professional Engineering Technicians and Professional Certificated Engineers. It is also applicable to those persons who are registered in the category of Registered Technicians, including Master Technicians and all specified categories.
- (xii) **“Recognised Voluntary Association”** refers to an association, institute, institution or society which is recognised by the Council as a voluntary association in terms of section 25(3) of the Engineering Profession Act, 2000.
- (xiii) **“the Act”** refers to the Engineering Profession Act, 2000 (Act No. 46 of 2000);
- (xiv) **“the Council”** for purposes of these rules refers to *the Council*, established in terms of section 2 of *the Act*, the *members* of which are approved in terms of section 4 of *the Act*, and which is the ultimate policy-making authority under *the Act*, and includes the executive committee thereof in so far as the executive committee is authorised to make the same decisions as the *Council*. For purposes of these rules, it also refers to a generic reference to any committee established by *the Council*, person or persons duly authorised by *the Council* to perform specified functions in terms of these rules;

## 2. Principles underlying CPD

- (1) *The Council* is responsible for regulating the practice of engineering in South Africa. This is in terms of the Engineering Professions Act No. 46 of 2000 (the Act). Section 13(k) of the Act empowers *the Council* to determine, in consultation with *voluntary associations* (as defined in the Act) and registered persons, requirements for continuing professional development and training. *The Council* is enjoined by Government in terms of the Act to serve and protect the safety and health of the public by establishing and maintaining minimum standards of practice, knowledge and skills of registered persons in the country as well as to establish and maintain standards of professional ethics amongst them.
- (2) Registered persons are required by the Rules of Conduct for registered persons to practice strictly within their area of competence, to maintain and enhance their competence. They therefore have the responsibility to keep abreast of developments and knowledge in their areas of expertise in order to maintain their competence. In addition to maintaining their own competence, they should strive to contribute to the advancement of the body of knowledge in which they practice and to the engineering profession in general.
- (3) The competencies needed to function effectively as a registered person (in all engineering categories): whether in business, education, professional practice, the public sector or any other environment, is to continue to evolve, change and expand their engineering knowledge. Registered persons in all categories face increased expectations to display professional knowledge and skills in this ever-changing environment. Therefore maintaining and continuously developing professional competence is critical to meet new engineering challenges.
- (4) Whilst the foundation and basis for registration with *the Council* is the engineering competency of the registered persons, it is equally important for registered persons to develop and maintain their non-engineering competencies (general skills), such as ethical behaviour, leadership and engineering allied management skills, as these competences are also regarded as relevant CPD activities.
- (5) Registered persons are expected to ensure that, in their conformance to *the Council's* CPD requirements, the CPD activities undertaken by them must be relevant and must contribute to the development and maintenance of specific professional competencies required by the registered person's current and possible future roles.
- (6) CPD compliance in *the Council* is linked to the renewal of registration. Section 22(1) of the Act imposes a duty on a registered person to apply for the renewal of his/her registration with *the Council* "at least three months prior to the prescribed expiry date of his/her registration". Subsection (2) of this section confers the power on *the Council* to determine conditions for renewal of registration.
- (7) The discretion provided for in Section 13k of the Act for *the Council* "to determine, after consultation with the recognised voluntary associations and registered persons, conditions relating to the nature and extent of continuing education and training", influence the *Council's* decision to use Continuing Professional Development (CPD) as a mechanism to determine renewal of registration. *The Council's* objective is to maintain a culture of CPD for the South African engineering profession.
- (8) The International Engineering Alliance (IEA) to which ECSA is a signatory; visa viz International Professional Engineers Agreement (IPEA), The International

Engineering Technologist Agreement (IETA) and The Agreement for International Engineering Technicians (AIET) as a requirement for the recognition of *the Council's* assessment process, inclusive of the International Professional Attributes, continued registration of individuals, and the maintenance of competence through a system of continuing professional development. South African internationally registered persons would therefore need to undertake CPD activities in order to maintain their international registration.

- (9) Whilst *the Council* is to monitor and enforce compliance by registered persons with the CPD requirements, it is also intent on ensuring that CPD activities are objectively viewed and assessed, accessible and affordable to registered persons. In addition, it is *the Council's* duty to ensure that the content of the engineering activities that the registered person attends for purposes of compliance with *the Council's* CPD requirements is of an acceptable high standard. In this regard, and in line with best practice, *the Council* is to play an active and leading role in the area of CPD administration.

### **3. Continuing Professional Development in context**

- (1) CPD is based on the following three pillars:
- (a) Professional competence;
  - (b) Professional attitude; and
  - (c) Professional values and ethics
- (2) It is the duty of every registered person to strike a balance between the abovementioned three developmental pillars in complying with *the Council's* CPD requirements. In monitoring compliance with CPD, *the Council* shall specifically pay attention to the requisite balance in this regard.
- (3) It should be noted that CPD is not only limited to education, practical experience and training. It also extends to learning and development activities such as coaching and mentoring, networking, observation, feedback and reflection.

### **4. Application of these Rules to Registered Persons**

- (1) These rules apply in respect of all persons registered in all categories of registration as embodied in section 18(a) and 18(c) of the Act. The rules also apply to recognised voluntary associations approved by *The Council*, Educational Institutions and other CPD providers (to an extent that they play a role in the Council's CPD requirements).
- (2) These rules also apply in respect of registered persons who are practicing abroad, subject to the following conditions:
- (a) ECSA registered persons who are registered with other build environment councils or equivalent bodies that are either signatories to the International Engineering Alliance (IEA) Agreements; or who are registered with statutory or related professional bodies with which *the Council* has concluded reciprocity agreements through Memoranda of Agreement (MoA) and Mutual Exemption Agreements (MEA's) shall upon a formal notification to ECSA, be recognised for the Council's CPD purposes.



- (b) In respect of persons registered with engineering councils or equivalent bodies that are signatories to the International Engineering Alliance (IEA) Agreements or those bodies with which *the Council* has concluded reciprocity agreements or Mutual Exemption Agreements (MEA's), such persons may choose to comply either with *Council's* CPD rules requirements or that of the other councils or bodies.
- (c) Should registered persons choose to comply with the CPD policy/rules of other engineering councils or equivalent bodies that are signatories to the International Engineering Alliance (IEA) Agreements, or those with which *the Council* has concluded reciprocity agreements or Memoranda of Understanding (MoU) or Mutual Exemption Agreements (MEA's), then such registered persons will be deemed to be compliant with the *Council* CPD rules requirements for the year/s in question. There will be no need to also comply with *the Council's* CPD requirements for that year or year/s.
- (d) Registered persons who elect this option should comply with the CPD policy/rules of the engineering councils or equivalent bodies that are signatories to the International Engineering Alliance (IEA) Agreements, or those with which *the Council* has concluded reciprocity agreements or Memoranda of Understanding (MoU) or Mutual Exemption Agreements (MEA's), are required to inform *Council* on an annual basis in writing and declare compliance with the other engineering councils or equivalent bodies' CPD policy/rules.
- (e) Educational programs or courses completed under an International Engineering Alliance (IEA) Accord Signatory will be recognised for CPD purposes.
- (f) In the absence of full compliance by any registered person with rule 4(2)(c) of these Rules, the registered persons registered abroad shall be expected to fully comply with *the Council's* CPD rules.
- (g) In absence of such proof of compliance as referred to in rule 4(2)(f) or in the case where a formal CPD system is not in place in the country concerned, documentary proof of CPD activities undertaken abroad will have to be submitted to ECSA for evaluation against the requirements defined in these Rules.
- (h) Irrespective of living abroad or belonging to any of the other international bodies, organisations or associations recognised under any of the Agreements or Accords, the Application for Renewal of Registration at the end of the cycle remains compulsory for all registered persons.

## 5. Objectives and Benefits of the CPD System

- (1) *The Council's* CPD requirements are based on the continuous monitoring of conformance by registered persons with regards to the three pillars referred to in rule 3(1), in ensuring that its duty as in section 14 of the Act is carried out.
- (2) Registered persons have a duty to, in their compliance with *the Council's* CPD requirements ensure a balance between the three CPD development pillars stated in rule 3(1).
- (3) CPD is introduced for all registered persons in order to:

- (a) Protect the public and the environment against unethical engineering practices;
  - (b) Generate and strengthen public trust in the engineering profession;
  - (c) Ensure through the creation of a culture of CPD, that all registered persons maintain their competence throughout their period of registration;
  - (d) Develop a commitment (positive attitude) to lifelong learning to maintain and develop professional competence;
  - (e) Link satisfactory CPD to the requirements for renewal of registration;
  - (f) Take responsibility for undertaking relevant CPD activities to remain competent in their roles;
  - (g) Take responsibility for recording their CPD activities to demonstrate that they have undertaken relevant and appropriate learning activities; and
  - (h) Provide high quality service to clients, employers and other stakeholders.
- (4) The following are the benefits of the CPD system for registered persons:
- (a) The capacity of registered persons to develop their engineering and professional knowledge is enhanced and improved;
  - (b) Registered persons continuously fulfill their responsibilities and duties competently;
  - (c) Career prospects and career progression with current employers or future employers are enhanced; and
  - (d) Public trust in their ability to carry out their functions competently is enhanced.

## 6. The role of *the Council* in the Administration of CPD

- (1) In compliance with section 13(k) of *the Act*, the determination of CPD requirements is the responsibility of *the Council*.
- (2) With effect from the effective date *the Council* shall:
- (a) Unless specified otherwise, or by agreement with a recognised *voluntary association*, become the sole authority accrediting/validating and monitoring all Category 1 CPD providers and activities in terms of these rules, and may allocate appropriate credits for such activities; and
  - (b) Develop and publish on its website a list of all accredited CPD providers and validated activities acceptable for Category 1: Developmental Activities.

## 7. Role of Employers of Registered Persons

Employers are responsible for creating a suitable work environment, which supports and promotes the participation of registered person's in activities that maintain their competence. Employers also share a responsibility to maintain a work environment in which the continued development of registered persons is assured.

## 8. Exemptions from the CPD Rules

### (1) Candidacy Categories

These rules do not apply in respect of persons registered in a candidate category contemplated in section 18(1)(b) of the Act.

### (2) Registered Persons

The following registered persons are exempted from obtaining CPD credits but not from applying for the renewal of registration in terms of these rules:

- (a) Registered persons who have retired completely and no longer carry out any engineering work either in a consulting capacity or in a salaried position and who are listed on *The Councils* registers as “retired”;
  - (b) Retired registered persons who are listed on *the Council’s* register of retired persons, and who carry out part-time engineering work **within** the limits defined by *the council* for purposes of listing as a retired person (less than 300 hours per year), are exempted from the requirement to accumulate five credits in Category 1 specified in **Table B: Category Activities**, but must accumulate at least one (1) credit per year in of the categories;
  - (c) Registered persons who are seventy (70) years of age or more, who remain active in engineering and carry out more than the 300 hours per year of engineering work are exempted from the requirement to accumulate five credits in Category 1 specified in **Table B: Category Activities**, but must accumulate at least three (3) credits per year in any of the categories; and
  - (d) Registered persons who take extended leave from engineering work for whatever reason (including but not limited to: unemployment, illness or incapacitation).
- (3) Should an exempted registered person, listed in rule 2(a) above resume engineering work or related activities without *the Council* being formally notified, then such activities could amount to misconduct and such person shall be referred to *the Council’s* Investigation Committee for appropriate action.
- (4) Exemption from the CPD rules in terms of these rules does not affect the registration status of a registered person. Every registered person’s duties and responsibilities shall persist notwithstanding the exemption. Registered persons to whom exemption is granted are required to re-apply for exemption of their registration status on an annual basis with *the Council*.
- (5) The following grounds shall not be deemed adequate by *the Council* for partial or full exemption of the application of the CPD rules:
- (a) Partial retirement by any registered person;
  - (b) Registered persons undertaking engineering work on a part-time basis exceeding three hundred (300) hours per year; and
  - (c) Practicing engineering abroad/outside South Africa.
- (6) Should an exempted registered person resume engineering work or related activities after a significant period during which such activities were not performed,

*the Council* may require such a person to undertake additional relevant CPD activities or to provide a plan which sets out in detail how the registered person will update their knowledge and ensure that they can perform their responsibilities competently and with due care.

- (7) The above exemptions are not automatic. A formal application by a registered person to *Council*, accompanied by supporting documentation as well as a sworn statement/affidavit outlining the circumstances and reasons for their application, is required. *The Council* shall then communicate its decision to the registered person concerned.

## 9. The CPD Cycle and Measurement

- (1) Subject to an initial phasing-in period referred to under transitional provisions in rule 19, the CPD system shall function in a cycle of five (5) years.
- (2) The five-year cycle of each registered person commences on the anniversary of the date on which such registered person initially became registered with *the Council*, this date appears on the person's certificate of registration and this date also constitutes the *expiry date*, as defined in these rules, when such person is required to apply for renewal of his or her registration. In this regard refer to **Table A: CPD Cycle**. The date on which a person has been registered is also obtainable from *the Council's* website [www.ecsa.co.za](http://www.ecsa.co.za).

**TABLE A: CPD CYCLE**

A	B	C	D	E	F
Year of Registration			1969	1970	1971
	1972	1973	1974	1975	1976
	1977	1978	1979	1980	1981
	1982	1983	1984	1985	1986
	1987	1988	1989	1990	1991
	1992	1993	1994	1995	1996
	1997	1998	1999	2000	2001
	2002	2003	2004	2005	2006
	2007	2008	2009	2010	2011
	2012	2013	2014	2015	2016
	2017	2018	2019	2020	2021
Renewal of Registration Cycle	2017	2018	2019	2020	2021
	2022	2023	2024	2025	2026
	2027	2028	2029	2030	2031

- (3) During each five (5) year cycle every registered person must accumulate a minimum of twenty-five (25) credits in order to qualify for renewal of his/her registration.

- (4) CPD credits must be obtained in at least two of the three categories as listed, in **Table B: Category Activities**.

Category Activities of CPD categories are fully described in **Appendix A**. Registered persons required at least five (5) credits per five-year cycle from Category 1. The minimum permissible credits which may be accumulated over the five-year cycle are as depicted in **Table B: Category Activities**. These credits may not be carried over into the next cycle. A limit which may be achieved annually is indicated below in under credits of **Table B: Category Activities**.

- (5) Every registered person must ensure that the CPD activities that they embark upon are approved and validated. Non approved and non-validated CPD activities will result in these activities not being recorded by *the Council*.
- (6) A registered person may not accumulate less than three (3) credits per year in at least two of the categories of activities referred to in **Table B: Category Activities** read in conjunction with **Appendix A** of these rules.
- (7) Registered members applying for re-registration with *the Council* needs to provide proof that he/she complied with the CPD requirements and has obtained at least three (3) CPD credits in Category 1: Developmental Activities prior to becoming reregistered. Such CPD credits must have been obtained during the twelve (12) months preceding the application.

**TABLE B: CATEGORY ACTIVITIES**

Categories	Activities	Credits
<b>Category 1</b>	<b>Developmental Activities</b>	Minimum of five (5) credits per five-year cycle
<b>Category 2</b>	<b>Work-based Activities</b>	
	Engineering work	Maximum two (2) credits per year (300 notional hours/1 credit)
	Mentoring of candidate engineering practitioners	Maximum one (1) credit per year (50 notional hours)
<b>Category 3</b>	<b>Individual Activities</b>	
	Membership of a recognised Voluntary Association	Maximum one (1) credit per year
	Other Activities	Credits as listed on <b>ANNEXURE A</b>

#### **10. Recording of CPD Activities for Registered Persons**

- (1) Unless exempted by *the Council* in terms of these rules, registered persons are responsible for documenting the relevant professional development activities which they have undertaken. This is in addition to each registered person's

responsibility for planning and undertaking activities that maintain and develop their professional competence.

- (2) Registered persons are required to demonstrate participation in a relevant CPD activity by keeping record of their CPD activities in the following manner:
  - (a) Either manually on form ECPD1 by emailing it to *the Council*; or
  - (b) Electronically, by refers of the web portal via *the Council's* website [www.ecsa.co.za](http://www.ecsa.co.za).
- (3) Registered persons may record individual CPD activities on a continuous basis as they occur during each year, provided that all CPD activities undertaken during each year must be recorded no later than thirty (30) days after the completion of that year, except for the final year of his/her five-year cycle, then the CPD points should be recorded at least thirty (30) Days prior to the expiry date.
- (4) Every registered person must retain documentary evidence of all CPD activities undertaken during each five-year cycle and be able to present such evidence when requested by *the Council*. Examples of such supporting documentation are:
  - (a) Certificates of attendance/Attendance registers;
  - (b) Program as received at the activity;
  - (c) Short synopsis written by the applicant him/herself;
  - (d) Minutes of meetings;
  - (e) Examination results;
  - (f) Published papers;
  - (g) Independent assessments of a learning activity performed; and
  - (h) Confirmation letter from the institution in regard to the NQF level activity attended.

## 11. Auditing of recorded CPD activities

- (1) *The Council* shall undertake a monitoring process to ensure –
  - (a) that CPD undertaken is relevant and appropriate to the current and future role of the registered person;
  - (b) that records and supporting documentation such as certificates, a list of results and records of attendance are verified;
  - (c) all international activities have gone through an evaluation process.
- (2) In order to assess whether registered persons meet the requirements of these rules, *the Council* will conduct random audits. Such audits will be in the form of a cycle of all CPD records belonging registered persons in the different categories at *the Council's* own discretion.
- (3) The onus rests on the registered persons to/be provide evidence to demonstrate that competence was developed and/or maintained.
- (4) In the event that a registered person selected to be audited, such registered person must send, within four (4) weeks of receiving notification, all relevant information that ECSA may seek for purposes of the audit.
- (5) If a Recognised *Voluntary Association* or an *Approved Educational Institution* provided a CPD activity, written verification from such recognised *voluntary association* or *approved educational institution* will be recognised as sufficient evidence of attendance.



- (6) Where a CPD activity was provided by any other person or organisation who is not an *approved CPD provider*, approval of such CPD activity must be obtained from *the provider* and proof of attendance certificate must be submitted. In this regard rule 9(4) will apply.
- (7) The *Council* must advise a registered person of the outcome of such audit within thirty (30) days after completion of an audit.
- (8) If a registered person is assessed as having failed to meet the requirements (during an audit), *the Council* shall take the necessary steps as may be deemed necessary and appropriate to deal with the matter.

## **12. Application for Renewal and Assessment against CPD requirements**

- (1) In terms of Section 22(1) of *the Act*, and subject to the transitional provisions contained in rule 19, a registered person must apply in the prescribed manner to *the Council* for the renewal of his or her registration at least three (3) months prior to the prescribed *expiry date* of his or her registration,
- (2) *The Council* shall notify a registered person at least five (5) months prior to the relevant expire date as a registered person is required in terms of these rules to apply for his/her registration at least 3 (months) prior to the expiry date.
- (3) The application for renewal must be submitted in the format as determined by *the Council*. Copies of which are published on *the Council's* website ([www.ecsa.co.za](http://www.ecsa.co.za)).
- (4) Upon receipt of an application *the Council* must consider the application and decide whether or not the requirements of these rules have been complied with.
- (5) *The Council* may call for such documentary evidence from the applicant as it may deem it necessary in order to validate the credits claimed by the applicant.
- (6) If *the Council* is satisfied that the applicant has met the requirements of these rules, *the Council* must record this decision in the applicable register maintained by *the Council* and, within thirty (30) days of making the decision, advise the applicant of the outcome, and that his/her registration will, subject to these rules, remain valid for a further period of five years until the next *expiry date*, subject to continued compliance by the registered person.
- (7) If *the Council* is convinced that the applicant has failed to comply with the requirements of these rules, the relevant provisions pertaining to non-compliance contained in rule 12 shall apply, and the applicant will be advised of the decision as well as of the implications resulting therefrom, within thirty (30) days from the date on which that decision was made.

## **13. Non-Compliance with these rules**

### **13.1 At Audit Stage**

- 1) If *the Council* is of the opinion that a registered person has failed to comply with the requirements of rule 10 of these rules, *the Council* may decide if any remedial steps are necessary at that stage and inform such registered person of the

deficiency and the remedial steps to be taken in order to comply with the requirements of these to remedy the deficiency.

- 2) Unless a shorter period has been prescribed by *the Council*, any registered person who failed to comply with the requirements is automatically subject to a re-audit during the following year.
- 3) If an applicant is still not compliant with the requirements, then:
  - the matter must be referred to the Central Registration Committee of *the Council* to consider whether or not renewal of such person's registration should be refused and ensure that due processes were followed prior to a decision being made on whether such a person's registration should be renewed or not.

### 13.2 At Renewal Stage

- (a) If after consideration of an application for renewal of a person's registration referred to in rule 13, *the Council* is convinced that the applicant has failed to comply with the requirements of these rules, *the Council* must –
  - record this fact in the applicable register; and
  - inform the non-compliant applicant of this fact and afford such applicant an opportunity to submit a written explanation why the requirements have not been met and to indicate how the applicant plans to remedy the deficiency.
- (b) If, after consideration of the applicant's response in terms of rule 13.2(a), the *Council* accepts the explanation and remedial measures proposed by the applicant *the Council* may grant an extension of time to enable the applicant to comply with the requirements;
- (c) If *the Council* does not accept the explanation or the remedial measures proposed by the applicant, *the Council* must determine which other remedial measures must be taken to comply with the requirements and also determine the period of extension to be granted in order for the applicant to meet the requirements;
- (d) The applicant must, within two weeks before the end of the period determined by *the Council* in terms of rule 13.2(c), submit documentary evidence of compliance; and
- (e) If *the Council* is convinced that the applicant is still not compliant with the requirements, then:
  - It must refer the matter to the Central Registration Committee of the *Council* to consider whether or not renewal of such person's registration should be refused; and
  - It must ensure that due processes are followed prior to a decision being made on whether a person's registration should be renewed or refused.

**14. Refusal to renew a person's registration**

If the Central Registration Committee is convinced that the registered person's application for renewal must be refused, the Committee must confirm its refusal to renew such registration/s and within thirty (30) days from the date on which such refusal is made, formally inform the registered person of the decision, and at the same time instruct the registered person to return the certificate/s of registration, originally issued to such person, to *the Council* within thirty (30) days from the date of such instruction.

**15. Return of Registration Certificate**

The provisions of section 23 of *the Act* apply *mutatis mutandis* in respect of a person whose registration has been declined as a result of the non-renewal of his or her registration/s in terms of these rules.

**16. Refusal by Registered Person to comply with these rules**

Any registered person who willfully refuses to undertake CPD activities or to comply with these rules is guilty of improper conduct, and the provisions of sections 27(3), 28, 29, 30, 31, 32, 33, and 34 of *the Act* apply *mutatis mutandis* in respect of such person.

**17. Right of Appeal**

- (1) The provisions of section 24(1), read with 24(3) of *the Act*, apply *mutatis mutandis* in respect of a person who is aggrieved by a decision of *the Council* to refuse renewal of a person's registration/s.
- (2) Any registered person or a non-approved CPD provider may make representations to *the Council* should they feel aggrieved by an assessment/validation by any CPD Validator of a CPD activity, either in terms of content or credit allocated, and such representation must be made no later than thirty (30) days after an assessment has been made by *the Council*.

**18. Verification of CPD Providers**

- (1) All CPD providers will have to make application and go through a formal verification process to obtain approval for the purpose of offering Category 1 CPD activities.
- (2) In verifying a CPD provider, the CPD validator must ensure that the following criteria have been met:
  - (a) The CPD provider submits a company profile.
  - (b) The CPD provider submits a valid company registration certificate or equivalent.
  - (c) The CPD provider submits a valid SARS tax clearance certificate.

- (3) The Council shall publish on their website the list of approved CPD providers.

**19. Validation of CPD Activities**

- (1) Any provider who desires validation of a Category 1 CPD activity must apply to approved CPD Validator for validation of such activity, using Form ECPD2, which is published on the Council's website [www.ecsa.co.za](http://www.ecsa.co.za).
- (2) In validating a Category 1 CPD activity, the CPD Validator must ensure that the following aspects are covered:
- (a) The accessibility of the activity to registered people (the location of its offering);
  - (b) The costing of the activity;
  - (c) The relevance of the activity;
  - (d) The extent to which the activity is to serve to maintain or enhance the knowledge, skills and competence of all those who participate in it;
  - (e) The extent to which the activity meets an educational and developmental need to provide an effective learning experience for the participants;
  - (f) The participant or group of participants must be specified (e.g. professional engineers, professional technologists, professional certificated engineers, professional technicians, registered technicians or a specified category, e.g. registered lift inspectors) and where appropriate, the discipline should also be specified;
  - (g) The depth and breadth of the subject matter covered must be appropriate allowing sufficient time for discussion;
  - (h) The subject covered should provide a balanced view and should not be unduly promotional;
  - (i) The presenters should have proven practical and/or academic experience and be good communicators; and
  - (j) Post-activity evaluation forms (for obtaining feedback from participants on the activity) must be provided for rating of the relevance, quality and effectiveness of the activity.
- (3) The provider of these courses, conferences or seminars. would therefore have to approach the approved CPD validator for such validation or approval of the activity that they wish to present and will be charged a fee for such validation or approval.
- (4) An approved CPD activity, which must be identified by a unique identification number, is valid for such period as specified by *the Council* on its website.

**20. Amendment of the rules**

If *the Council* at any stage decides to amend these rules, the *Council* must-

- (a) Inform all Recognised *Voluntary Associations, approved educational institutions* and *registered persons* of its decision, and provide them with the proposed amendments;
- (b) Call for comments on the amendments from the Recognised *Voluntary Associations, approved educational institutions and registered persons*; and
- (c) Prescribe such amendments in terms of section 36 of the Act.

**21. Transitional Provisions**

- (1) These rules are to come into effect on the effective date.
- (2) It is not anticipated that the amendment of these rules shall have any effect on the current renewal periods in respect of registered persons.
- (3) Voluntary Associations, Educational Institutions and CPD providers shall have a period as stated in signed agreements between the Council and themselves to be compliant with rule 6 of these rules.
- (4) The Council may at its discretion and on application by the affected Voluntary Association, Educational Institution or CPD provider referred to in rule 20(3), extend the period stated in the signed agreement by an additional period not exceeding six(6) months, if the Council is satisfied that the Voluntary Association, Educational Institution or CPD provider has taken appropriate steps to comply with the signed agreement and these rules, but has nevertheless not succeeded to comply in the allocated timeframes.
- (5) If a Voluntary Association, Educational Institution or CPD provider fails or refuses to comply with the signed agreement and these rules within the allocated timeframe allowed, then the Council shall take steps it deems appropriate from the date when the Council resolves that a Voluntary Association, Educational Institution or CPD provider ceased to comply with the requirements.

## APPENDIX A

### CATEGORIES OF CPD ACTIVITIES

#### Category 1: Developmental Activities

Attendance of structured educational/developmental meetings will be credited with one (1) credit per ten (10) notional hours. A full day activity is regarded as being ten (10) notional hours and a half-day activity is regarded as five (5) notional hours, hence half a credit. A minimum of five (5) credits (50 notional hours) must be accumulated over a five-year cycle and may be undertaken in any period within the five (5) year cycle. Additional credits earned in a five-year cycle are not transferrable to the following cycle.

- Conferences
- Congresses
- Large group workshops
- Lectures
- Seminars
- Refresher courses
- Colloquiums
- E-learning
- Relevant additional completed accredited qualifications at benchmark level or above = (five (5) credits).
- Relevant additional qualification (these are exceptional qualifications). A completed post graduate qualification = (five (5) credits).

#### Category 2: Work-based Activities:

Since registered persons also improve their knowledge and competence by performing their day-to-day engineering responsibilities, a weighting of one (1) credit for every 300 notional hours per year for engineering related work (including management) is awarded in this category. A maximum of two (2) credits for 600 notional hours per year may be earned in respect of this activity.

In addition, the mentoring of candidate persons in the workplace will be recognised as a CPD activity with a maximum of one (1) credit for 50 notional hours of mentoring per year. In-house skills training sessions organised by employer/engineering company as well as career guidance for candidates may also be presented under this sub-category.

#### Category 3: Individual Activities

Membership of an ECSA recognised *Voluntary Association* will result in a maximum of one (1) credit per year.

Other activities include and will be credited as follows:



- Part-time lecturing to undergraduate and postgraduate students: one (1) credit for every 10 notional hours of lecturing.
- Supervision of students undertaking postgraduate studies: two (2) credits per year.
- Supervision of oral examinations of final year and postgraduate students: one (1) credit for every 10 notional hours of active involvement.
- Evaluation of M dissertations and PhD theses by external examiners: two (2) credits per year.
- Evaluation of final year engineering student's by external examiners: one (1) credit per year.
- Publication of research papers in peer reviewed journals: a single author: two (2) credits per publication. Where paper has a number of authors: one (1) credit per publication per author.
- Publication of technical articles: one (1) credit per article published.
- Papers presented at conferences or congresses/poster presentations: one (1) credit each.
- Participation in statutory, professional, institutional, engineering or non-engineering committees or task groups: one credit for every 10 notional hours of active participation.
- Evaluation of educational programmes at Universities and Universities of Technology for accreditation purposes: one (1) credit for every 10 notional hours of active involvement. Evaluation of educational qualifications for ECSA's Committee: one (1) credit for every 10 notional hours of active involvement.
- Evaluation of competence and applications for registration for ECSA's Committees: one (1) credit for every 10 notional hours of active involvement.
- Self-study which includes, but is not restricted to studying of journals or electronic or computerized material, one credit for every 10 national hours of study. All activities under this item must be verified.

**BOARD NOTICE 87 OF 2017****FINANCIAL SERVICES BOARD****FINANCIAL MARKETS ACT, 2012****AMENDMENTS TO THE JSE LISTINGS REQUIREMENTS**

I, Dube Phineas Tshidi, Registrar of Securities Services, hereby give notice under section 71(3) (c) (ii) of the Financial Markets Act, 2012 (Act No. 19 of 2012) that the amendments to the JSE Listings Requirements have been approved. Please be advised that the listing requirements are available on the official website of the Financial Services Board ([www.fsb.co.za](http://www.fsb.co.za)) and that of the exchange ([www.jse.co.za](http://www.jse.co.za)).

The amendments come into operation within 30 (thirty) days of the publication of this Notice.

**D P TSHIDI****REGISTRAR OF SECURITIES SERVICES**

**BOARD NOTICE 88 OF 2017****NOTICE OF THE DEFINITION OF THE PRODUCTION AREA CAPE COASTAL AND AMENDMENT OF THE DEFINITIONS OF THE PRODUCTION AREAS COASTAL REGION AND OLIFANTS RIVER**

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(In terms of Section 6 of the Wine of Origin Scheme published by Government Notice No. R.1434 of 29 June 1990)  
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Please note that the Board gave permission for the demarcation of the production area Cape Coastal (overarching region) to produce Wine of Origin.

The boundaries of Cape Coastal includes the regions Cape South Coast and Coastal Region. It includes the area situated within an eight kilometre buffer from the coastline, the wards Lamberts Bay and Bamboes Bay and the district Lutzville Valley. Thence generally north-west with the 100 metre contour line to a point where said contour line joins the south western boundary of the geographical unit Western Cape. Coastal Region will extend its boundaries to the north and the north-western boundary of the production area Olifants River (region) will be amended.

The proposed boundaries can be viewed at [www.sawis.co.za](http://www.sawis.co.za) – "Certification – News and Information – Notice of application for the definition of production area" or contact Jackie Cupido at 021 807 5704.

Anyone having any objection against this application is hereby notified to lodge their objections, with motivations, in writing with the Secretary, Wine and Spirit Board, P O Box 2176, Dennesig, Stellenbosch, 7599 within 30 (thirty) days of publication of this notice.

**RAADSKENNISGEWING 88 VAN 2017****OMSKRYWING VAN DIE PRODUKSIEGEBIED KAAP KUS EN DIE WYSIGING VAN DIE OMSKRYWINGS VAN DIE PRODUKSIEGEBIEDE KUSTREEK EN OLIFANTSRIVIER**

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(Ingevolge Artikel 6 van die Wyn van Oorsprong-skema gepubliseer by Goewermentskennisgewing No. R.1434 van 29 Junie 1990)  
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Neem kennis dat die Raad toestemming verleen het vir die afbakening van die produksiegebied Kaap Kus (oorkoepelende streek) om Wyn van Oorsprong te produseer.

Die grense van Kaap Kus sluit die streke Kaap Suidkus en Kustreek in. Ingesluit is die area geleë binne die 8 kilometer buffer van die kuslyn af, die wyke Lambertsbaai en Bamboesbaai en die distrik Lutzville Vallei. Daarvandaan noord-wes met die 100 meter kontoerlyn tot by 'n punt waar genoemde kontoerlyn aansluit by die suidwestelike grens van die geografiese eenheid Wes-Kaap. Kustreek se grense word noordwaarts uitgebrei en die noordwestelike grens van die produksiegebied Olifantsrivier (streek) sal gewysig word.

Die voorgestelde grense is ter insae by [www.sawis.co.za](http://www.sawis.co.za) – "Sertifisering – Nuus en inligting – Kennisgewing van die omskrywing van produksiegebied" of kontak Jackie Cupido by 021 807 5704.

Enigeen wie beswaar het teen die aansoek, moet sy/haar beswaar, met opgaaf van redes, skriftelik indien by die Sekretaris, Wyn- en Spiritusraad, Posbus 2176, Dennesig, Stellenbosch, 7599, binne 30 dae van publikasie van hierdie kennisgewing.

**BOARD NOTICE 89 OF 2017****NOTICE OF APPLICATION FOR DEFINING OF PRODUCTION AREA STETTYN**

(In terms of Section 6 of the Wine of Origin Scheme published by Government Notice No. R.1434 of 29 June 1990)

Please note that Stettyn Wynkelder (Edms) Bpk applied to the Board for the definition of the production area Stettyn (ward) to produce Wine of Origin.

This area is situated east of the Stettyn Mountain and is mostly demarcated on farm boundaries. The south-western boundary of the production area Stettyn, adjoin the production area Theewater (ward).

The proposed boundaries can be viewed at [www.sawis.co.za](http://www.sawis.co.za) under "Certification – News and Information – Notice of application for defining of production area" or contact Jackie Cupido at 021 807 5704.

Anyone having any objection against this application is hereby notified to lodge their objections, with motivations, in writing with the Secretary, Wine and Spirit Board, P O Box 2176, Dennesig, Stellenbosch, 7599 within 30 (thirty) days of publication of this notice.

**RAADSKENNISGEWING 89 VAN 2017****KENNISGEWING VAN AANSOEK VIR DIE OMSKRYWING VAN PRODUKSIEGEBIED STETTYN**

(Ingevolge Artikel 6 van die Wyn van Oorsprong-skema gepubliseer by Goewermentskennisgewing No. R.1434 van 29 Junie 1990)

Neem kennis dat Stettyn Wynkelder (Edms) Bpk by die Raad aansoek gedoen het vir die omskrywing van die produksiegebied Stettyn (wyk) om Wyn van Oorsprong te produseer.

Dié gebied is geleë oos van die Stettynsberg en is hoofsaaklik afgebaken op plaasgrense. Die suidwestelike grens van die produksiegebied Stettyn, grens aan die produksiegebied Theewater (wyk).

Die voorgestelde grense is ter insae by [www.sawis.co.za](http://www.sawis.co.za) onder "Sertifisering – Nuus en inligting – Kennisgewing van aansoek vir die omskrywing van produksiegebied" of kontak Jackie Cupido by 021 807 5704.

Enigeen wat beswaar het teen die aansoek, moet sy/haar beswaar, met opgaaf van redes, skriftelik indien by die Sekretaris, Wyn- en Spiritusraad, Posbus 2176, Dennesig, Stellenbosch, 7599, binne 30 dae van publikasie van hierdie kennisgewing.







Printed by and obtainable from the Government Printer, Bosman Street, Private Bag X85, Pretoria, 0001  
Contact Centre Tel: 012-748 6200. eMail: [info.egazette@gpw.gov.za](mailto:info.egazette@gpw.gov.za)  
Publications: Tel: (012) 748 6053, 748 6061, 748 6065