



Government Gazette Staatskoerant

REPUBLIC OF SOUTH AFRICA
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government
printing

Department:
Government Printing Works
REPUBLIC OF SOUTH AFRICA

HIGH ALERT: SCAM WARNING!!!

TO ALL SUPPLIERS AND SERVICE PROVIDERS OF THE GOVERNMENT PRINTING WORKS

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

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

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

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

Example of e-mails these fraudsters are using:

PROCUREMENT@GPW-GOV.ORG

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

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

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

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

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

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

Fake Tenders

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

How tender scams work

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

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

OR

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

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

Protect yourself from being scammed

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

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

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

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

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

Closing times for **ORDINARY WEEKLY** **GOVERNMENT GAZETTE** **2022**

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

- **31 December 2021**, Friday for the issue of Friday **07 January 2022**
- **07 January**, Friday for the issue of Friday **14 January 2022**
- **14 January**, Friday for the issue of Friday **21 January 2022**
- **21 January**, Friday for the issue of Friday **28 January 2022**
- **28 January**, Friday for the issue of Friday **04 February 2022**
- **04 February**, Friday for the issue of Friday **11 February 2022**
- **11 February**, Friday for the issue of Friday **18 February 2022**
- **18 February**, Friday for the issue of Friday **25 February 2022**
- **25 February**, Friday for the issue of Friday **04 March 2022**
- **04 March**, Friday for the issue of Friday **11 March 2022**
- **11 March**, Friday for the issue of Friday **18 March 2022**
- **17 March**, Thursday for the issue of Friday **25 March 2022**
- **25 March**, Friday for the issue of Friday **01 April 2022**
- **01 April**, Friday for the issue of Friday **08 April 2022**
- **07 April**, Thursday for the issue of Thursday **14 April 2022**
- **13 April**, Wednesday for the issue of Friday **22 April 2022**
- **21 April**, Thursday for the issue of Friday **29 April 2022**
- **28 April**, Thursday for the issue of Friday **06 May 2022**
- **06 May**, Friday for the issue of Friday **13 May 2022**
- **13 May**, Friday for the issue of Friday **20 May 2022**
- **20 May**, Friday for the issue of Friday **27 May 2022**
- **27 May**, Friday for the issue of Friday **03 June 2022**
- **03 June**, Friday for the issue of Friday **10 June 2022**
- **09 June**, Thursday for the issue of Friday **17 June 2022**
- **17 June**, Friday for the issue of Friday **24 June 2022**
- **24 June**, Friday for the issue of Friday **01 July 2022**
- **01 July**, Friday for the issue of Friday **08 July 2022**
- **08 July**, Friday for the issue of Friday **15 July 2022**
- **15 July**, Friday for the issue of Friday **22 July 2022**
- **22 July**, Friday for the issue of Friday **29 July 2022**
- **29 July**, Friday for the issue of Friday **05 August 2022**
- **04 August**, Thursday for the issue of Friday **12 August 2022**
- **12 August**, Friday for the issue of Friday **19 August 2022**
- **19 August**, Friday for the issue of Friday **26 August 2022**
- **26 August**, Friday for the issue of Friday **02 September 2022**
- **02 September**, Friday for the issue of Friday **09 September 2022**
- **09 September**, Friday for the issue of Friday **16 September 2022**
- **16 September**, Friday for the issue of Friday **23 September 2022**
- **23 September**, Friday for the issue of Friday **30 September 2022**
- **30 September**, Friday for the issue of Friday **07 October 2022**
- **07 October**, Friday for the issue of Friday **14 October 2022**
- **14 October**, Friday for the issue of Friday **21 October 2022**
- **21 October**, Friday for the issue of Friday **28 October 2022**
- **28 October**, Friday for the issue of Friday **04 November 2022**
- **04 November**, Friday for the issue of Friday **11 November 2022**
- **11 November**, Friday for the issue of Friday **18 November 2022**
- **18 November**, Friday for the issue of Friday **25 November 2022**
- **25 November**, Friday for the issue of Friday **02 December 2022**
- **02 December**, Friday for the issue of Friday **09 December 2022**
- **08 December**, Thursday for the issue of Thursday **15 December 2022**
- **15 December**, Thursday for the issue of Friday **23 December 2022**
- **22 December**, Thursday for the issue of Friday **30 December 2022**

LIST OF TARIFF RATES FOR PUBLICATION OF NOTICES

COMMENCEMENT: 1 APRIL 2018

NATIONAL AND PROVINCIAL

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

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

EXTRA-ORDINARY

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

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

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GOVERNMENT PRINTING WORKS - BUSINESS RULES

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

CLOSING TIMES FOR ACCEPTANCE OF NOTICES

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

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

All notices received after the closing time will be rejected.

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

GOVERNMENT PRINTING WORKS - BUSINESS RULES

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

EXTRAORDINARY GAZETTES

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

NOTICE SUBMISSION PROCESS

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

GOVERNMENT PRINTING WORKS - BUSINESS RULES

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

QUOTATIONS

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

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

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

CANCELLATIONS

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

AMENDMENTS TO NOTICES

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

REJECTIONS

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

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

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

GOVERNMENT PRINTER INDEMNIFIED AGAINST LIABILITY

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

LIABILITY OF ADVERTISER

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

CUSTOMER INQUIRIES

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

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

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

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

GOVERNMENT PRINTING WORKS - BUSINESS RULES

PAYMENT OF COST

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

PROOF OF PUBLICATION

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GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT**NO. 2149****10 June 2022****AGRICULTURAL PRODUCT STANDARDS ACT, 1990 (ACT NO. 119 OF 1990)****REGULATIONS REGARDING CONTROL OF THE EXPORT OF VARIOUS AGRICULTURAL PRODUCTS
REGULATED UNDER THE AGRICULTURAL PRODUCT STANDARDS ACT, 1990 (ACT NO.119 OF 1990):
PROPOSED AMENDMENTS**

I, Angela Thokozile Didiza, Minister of Agriculture, Land Reform and Rural Development, acting under section 15 of the Agricultural Product Standards Act, 1990 (Act No. 119 of 1990), hereby make known that I intend to publish amendments to the following export regulations:

TITLE	REGULATION NUMBER
1) Regulations regarding control of the export of Fresh Fruits	No. R.748 of 3 October 2014
2) Regulations regarding control of the export of Fresh Cut Flowers and Fresh Ornamental Foliage	No. R.886 of 14 November 2014
3) Regulations regarding control of the export of Grains	No. R.1026 of 19 December 2014
4) Regulations regarding control of the export of Feed Products	No. R.1030 of 19 December 2014
5) Regulations regarding control of the export of Fresh Vegetables	No. R.1031 of 19 December 2014
6) Regulations regarding control of the export of Animal Products	No. R.422 of 22 May 2015
7) Regulations regarding control of the export of Processed Products	No. R.423 of 22 May 2015
8) Regulations regarding control of the export of Tree Nuts	No. R.65 of 29 January 2016

All interested parties are invited to submit comments or make representations concerning the proposed amendments to the regulations within **30 days** from the date of publication of this notice to the following address:

Executive Officer: Agricultural Product Standards
Department of Agriculture, Land Reform and Rural Development
Private Bag X343, Pretoria, 0001
Agriculture Place Building, 20 Steve Biko Street, Office No. LA-GF 08, Arcadia, Room 148
Tel. no. 012 319 7306; Fax no. 012 319 6505
Email: BillyM@dalrrd.gov.za

The proposed amendments are available on the Department's website at www.dalrrd.gov.za, go to "Branches", then to "Agricultural Production, Health & Food Safety", then to "Food Safety & Quality Assurance" and then to "Draft legislation for comments", or can be forwarded via electronic mail or posted on request.

MRS ANGELA THOKOZILE DIDIZA
MINISTER FOR AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

NO. 2150

10 June 2022

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

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

REFERENCE : 6/2/3/D/50/780/875/73

CLAIMANT : **Henry Mc Carthy**

PROPERTY DESCRIPTION : Erf 168, Backhouse Hoek in Hankey,
Kouga Local Municipality, Sarah Baartman District in
the Eastern Cape Province

EXTENT OF LAND : 2.2704 sqm

TITLE DEED : T4158/1912

DATE CLAIM SUBMITTED : 1 August 1995

CURRENT OWNER : Henry Mc Carthy

Has been submitted to the Regional Land Claims Commissioner for the Eastern Cape and that the Commission on Restitution of Land Rights will investigate the claim in terms of the provisions of the Act in due course.

Any person who has an interest in the above-mentioned land is hereby invited to submit, within fourteen (14) days from the publication of this notice, any comments/information to:

Office of the Regional Land Claims Commissioner : Eastern Cape
Department of Agriculture, Land Reform and Rural Development
PO Box 1375
East London
5200
Tel : 043 700 6000, Fax : 043 743 3687


Mr. L.H. Maphutha
Regional Land Claims Commissioner

DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

NO. 2151

10 June 2022

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

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

REFERENCE : 6/2/2/D/1002/0/0/8

CLAIMANT : Chief J. Mkanyelwa (On behalf of Buthongweni Community)

PROPERTY DESCRIPTION : Ngqeleni Commonage Erf 1, in the Ngqeleni District, Nyandeni Local Municipality, O.R. Tambo District, Eastern Cape Province

EXTENT OF LAND : 1526.8664 Hectares

TITLE DEED : T864/1998

DATE CLAIM SUBMITTED : 31 December 1998

CURRENT OWNER : Nyandeni Local Municipality

Has been submitted to the Regional Land Claims Commissioner for the Eastern Cape and that the Commission on Restitution of Land Rights will investigate the claim in terms of the provisions of the Act in due course.

Any person who has an interest in the above-mentioned land is hereby invited to submit, within fourteen (14) days from the publication of this notice, any comments/information to:

Office of the Regional Land Claims Commissioner : Eastern Cape
Department of Agriculture, Land Reform and Rural Development
PO Box 1375
East London
5200
Tel : 043 700 6000, Fax : 043 743 3687



Mr. L.H. Maphutha
Regional Land Claims Commissioner

DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

NO. 2152

10 June 2022

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

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

REFERENCE : 6/2/3/D/50/780/875/56

CLAIMANT : William Plaatjies (On behalf of Japie Jafta)

PROPERTY DESCRIPTION : Erf 305 Centerton in Hankey, Thorndale in Hankey, Kouga Local Municipality, Sarah Baartman District in the Eastern Cape Province

EXTENT OF LAND : 991 sqm

TITLE DEED : T6151/1948

DATE CLAIM SUBMITTED : 1/08/1995

CURRENT OWNER : Japie Jafta

Has been submitted to the Regional Land Claims Commissioner for the Eastern Cape and that the Commission on Restitution of Land Rights will investigate the claim in terms of the provisions of the Act in due course.

Any person who has an interest in the above-mentioned land is hereby invited to submit, within fourteen (14) days from the publication of this notice, any comments/information to:

Office of the Regional Land Claims Commissioner : Eastern Cape
Department of Agriculture, Land Reform and Rural Development
PO Box 1375
East London
5200
Tel : 043 700 6000, Fax : 043 743 3687


Mr. L.H. Maphutha
Regional Land Claims Commissioner

DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

NO. 2153

10 June 2022

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

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

REFERENCE : 6/2/2/D/1078/0/0/40

CLAIMANT : Russel Harry Jordaan (Christopher Adams)

PROPERTY DESCRIPTION	EXTENT OF LAND	TITLE DEED	CURRENT OWNER
Remainder of Farm No. 428 Stockenstrom	5.0036 Hactares	T3/1943 CT	Apostolic of the Prefecture Apostolic, Queenstown
Portion 1 of Farm No. 428 Stockenstrom	6.9408 Hactares	T 6449/2002	Maasdorp Jurieshoek Communal Property Association
Farm No. 479 Stockenstrom	67.2906 Hactares	T3183/2002	Maasdorp Jurieshoek Communal Property Association

All properties are situated in Stockenstrom / Mpofu, Nkonkobe Municipality, Amathole District, Eastern Cape Province

DATE CLAIM SUBMITTED : 25/09/1998

Has been submitted to the Regional Land Claims Commissioner for the Eastern Cape and that the Commission on Restitution of Land Rights will investigate the claim in terms of the provisions of the Act in due course.

Any person who has an interest in the above-mentioned land is hereby invited to submit, within fourteen (14) days from the publication of this notice, any comments/information to:

Office of the Regional Land Claims Commissioner : Eastern Cape
Department of Agriculture, Land Reform and Rural Development
PO Box 1375
East London
5200
Tel : 043 700 6000, Fax : 043 743 3687


Mr. L.H. Maphutha
Regional Land Claims Commissioner

DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

NO. 2154

10 June 2022

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

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

REFERENCE : 6/2/3/D/993/2161/0/2

CLAIMANT : (Mr. Titus Keke Pemba)

PROPERTY DESCRIPTION : Erf 677, in Mdantsane in East London, Buffalo City Metropolitan Municipality, in the Eastern Cape

EXTENT OF LAND : 569 sqm

TITLE DEED : T2840/2000

DATE CLAIM SUBMITTED : 09/09/1996

CURRENT OWNER : Mr. Davani Msiteli Peter

Has been submitted to the Regional Land Claims Commissioner for the Eastern Cape and that the Commission on Restitution of Land Rights will investigate the claim in terms of the provisions of the Act in due course.

Any person who has an interest in the above-mentioned land is hereby invited to submit, within fourteen (14) days from the publication of this notice, any comments/information to:

Office of the Regional Land Claims Commissioner : Eastern Cape
Department of Agriculture, Land Reform and Rural Development
PO Box 1375
East London
5200
Tel : 043 700 6000, Fax : 043 743 3687


Mr. L.H. Maphutha
Regional Land Claims Commissioner

DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

NO. 2155

10 June 2022

PLANT IMPROVEMENT ACT, 2018 (ACT NO. 11 OF 2018)

REGULATIONS MADE IN TERSM OF THE PLANT IMPROVEMENT ACT, 2018

I, Angela Thokozile Didiza, Minister for Agriculture, Land Reform and Rural Development acting under section 58 of the Plant Improvement Act, 2018 (Act No. 11 of 2018), has made the regulations set out in the Schedule.


MRS ANGELA THOKOZILE DIDIZA
MINISTER FOR AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT
DATE: 03/02/2022

SCHEDULE

Arrangement of Regulations:

Chapter

- I. Definitions
- II. Application of Regulations
- III. Registration of Business and Premises
- IV. Conditions for Sale of Plants and Propagating Material
- V. Registration of Varieties
- VI. Schemes
- VII. General
- VIII. Tables

Chapter I: Definitions

Definitions

1. Unless the context indicates otherwise, words and expressions in these regulations have the meaning assigned to them in the Act, and -

"certified" means certified in terms of a scheme contemplated in section 45;

"coated seed" means seeds covered with material that may contain pesticides, fungicides, dyes or other additives and includes the following:

- (a) Encrusted seed – units more or less retaining the shape of the seed with the size and weight changed to a measurable extent.
- (b) Seed granules – units, more or less cylindrical, including types with more than one seed per granule.
- (c) Seed mats – broad sheets of material, such as paper or other degradable material, with seeds placed in rows, groups or at random throughout the sheets.
- (d) Seed pellets – more or less spherical units, usually incorporating a single seed with the size and shape of the seed no longer readily evident.
- (e) Seed tapes – narrow bands of material, such as paper or other degradable material, with seeds spaced randomly, in groups or in a single row;

"container" -

- (a) in the case of a plant, means the container in which such plant grows or is packed; and
- (b) in the case of propagating material, means the container in which such propagating material is packed, but does not include a shipping container in which such propagating material is imported;

"crop groups" refer to the categories of crops according to their general usage as agricultural, vegetable and fruit crops, specified in Table 1 for the respective kinds of plants;

"grain" refers to harvested material that is intended for consumption, not for cultivation;

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

"Hemp Permit" means the permit issued by the Registrar in accordance with Regulation 4 to a person who intends to perform an activity with low THC Cannabis (hemp) specified in this regulation;

"hemp seed" means seed intended for cultivation that is certified in an approved manner as having been produced from hemp for agricultural or industrial purposes or when cultivated, will produce hemp in compliance with the prescribed THC level not exceeding 0.2%;

"inert matter", in relation to seed, means all material excluding other seed and pure seed which is present therein;

"introducer" means the person, including the agent, who introduces a variety into the local market on behalf of the breeder or when the breeder is not known;

"ISTA" means the International Seed Testing Association;

"lot" or batch means a quantity of plants or propagating material of which the properties are homogeneous to the extent required by the Act and these regulations and, if applicable, the scheme concerned;

"lot number" or batch number means a code number which a person has allocated to a particular lot of plants or propagating material for purposes of identification or traceability and which differs from the lot number allocated by him or her to any other lot of plants or propagating material;

"Medicines Act" means the Medicines and Related Substances Act, 1965 (Act No. 101 of 1965) as amended;

"other material" -

- (a) in the case of coated seed, means all matter excluding the pure units of coated seed which are present therein;
- (b) in the case of seed of a specific kind which is uncoated, means all material, including other seed, which is present therein and is visually distinguishable from seed of the kind concerned; and
- (c) in the case of a mixture which is uncoated, means all matter, including other seed which is visually distinguishable from seed of the kinds comprising the mixture;

"other seed" -

- (a) in the case of seed of a specific kind, means all seed, irrespective whether it is of a kind to which the Act applies, which is present therein and is visually distinguishable from seed of the kind concerned; and
- (b) in the case of a mixture, means all seed, irrespective whether it is of a kind to which the Act applies, which is present therein and is visually distinguishable from seed of the kinds which are specified on containers of that mixture or on labels attached to the containers concerned, as kinds comprising that mixture;

"pest" means any species, strain or biotype of plant, animal or pathogenic agent injurious to plants or plant products

"PIA registration number" means the registration number assigned to a person or company for the registration of one or more types of business in terms of section 12 of the Act;

"port of entry" means a place through which plants and propagating material may be imported into the country in terms of section 43 of the Act;

"pre-packer" means the type of business where seed is packed into containers of limited size in accordance with the requirements specified in Table 4;

"pure seed", in relation to seeds of a specific kind, means all whole seeds of that kind and portions thereof which are larger than half the original size;

"pure units of coated seed", in relation to coated seed - means undamaged units, units with obvious cracks or fissures and damaged units larger than the original size, irrespective of whether those units contain any seed;

"restricted weed seed" means seed of the following plant species:

- (a) *Cuscuta* spp. – Dodder;
- (b) *Datura* spp. – Thorn apple;
- (c) *Solanum elaeagnifolium* Cav – Silverleaf bitter apple; and
- (d) *Stipa* spp. excluding *S. capensis* Thunb. and *S. dregeana* Steud.- Serrated Tussock, Nasella;

"SAPS" means the South African Police Service;

"seed" means seed which is propagating material intended for cultivation;

"seed mixture", means a lot consisting of seed of varieties of various kinds of plants and/or various varieties of a kind of plant which, with a view to its usefulness for agricultural purposes, is obtained by mixing such seed in a particular proportion;

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

"the Act" means the Plant Improvement Act, 2018 (Act No. 11 of 2018);

"TPS" means true potato seed in the botanical context, that is used to produce seedling tubers;

"true to type" with regard to a plant of a particular kind, means the plant corresponds with the description of the kind of plant concerned;

"true to variety", in relation to -

- (a) seed of a particular variety referred to in regulation 27, means that all plants cultivated from the seed concerned correspond to the description of the variety concerned, and are clearly distinguishable from any other variety of the same kind of plant ; and
- (b) plants and propagating material other than seed, of a particular variety referred to in regulation 46, means that all plants correspond to the description of the variety concerned and are clearly distinguishable from any other variety of the same kind of plant;

"UPOV code" means the abbreviation of the scientific name for a kind of plant in accordance with the International Union for the Protection of New Varieties of Plants (UPOV) system;

"visually free" means the physical examination of a plant or plant material where an employee or authorised person -

- (a) is unable to visually observe the occurrence or symptoms of a pest on that plant or plant material without using a microscope or magnifying glass; or
- (b) has visually observed the characteristic symptoms that are caused by a pest on a plant, but the testing, examination or analysis of that plant or plant material in a laboratory has not confirmed the presence of such pest on or in that plant;

"weed seed" means the seeds of all kinds of plants generally recognized as weeds in the country.

"withdrawal of application" means voluntary withdrawal of an application by the applicant or agent whilst the application is still under consideration and before a decision could be reached on the compliance of the variety with DUS.

Chapter II: APPLICATION OF REGULATIONS

Kinds of plants declared in terms of the Act

2.(1) These regulations apply to the kinds of plants declared in terms of Section 2 of the Act by the Minister to the extent specified in column 2 of Table 1 for the kind of plant concerned.

(2) Varieties of the kinds of plants stipulated in Table 1 that are intended for a use other than what is indicated in column 5 of the said table for the kind of plant concerned, i.e. for

- (a) ornamental or decorative purposes or
- (b) sports fields or
- (c) green manure or
- (d) use in an immature form (e.g. sprouts, microgreens)

are exempted from the application of these regulations.

Application for declaration of kinds of plants

3.(1) An application for the declaration of a kind of plant in terms of section 2(2) of the Act must be submitted to the Registrar in writing and must at least contain the following information:

- (a) Name, address and contact details of the applicant;
- (b) scientific name of the genus and species concerned;
- (c) confirmation of the existence of any cultivated varieties of the kind of plant concerned;
- (d) potential value for cultivation and use of the kind of plant, if available;
- (e) information on whether the plants or variety require prior authorization for release under legislation concerning the protection of the environment, human and animal health; and
- (f) in case of seed propagated kinds of plants, germination and purity data as required for inclusion in Table 4.

(2) The Registrar must consider the application received and decide whether-

- (a) the kind of plant is eligible for declaration; and
- (b) all or specific varieties must be listed for the kind of plant in accordance with regulation 54(2).

(3) The Registrar must decide on the application within 30 days from receiving the application.

(4) The Registrar must notify the Minister immediately after making the decision and request the Minister to publish a notice of declaration in the Gazette.

(5) In instances where the kind of plant has been approved for declaration with an open list recognising all varieties, the applicant or respective industry, as applicable, may at any time request closing of the list in order to list specific varieties of the kind of plant concerned.

Hemp permit

4.(1) A person undertaking activities referred to in subregulation (2) relating to hemp must obtain a hemp permit for one or more such activities from the Registrar.

(2) A permit referred to in subregulation (1) relates to the following activities:

- (a) importation of plants or propagating material for breeding, research or cultivation;
- (b) propagation of plants by a breeder or researcher in relation to a breeding or research program to develop new or improved hemp varieties;
- (c) sale of hemp seed, seedlings, plants or cuttings;
- (d) cultivation of hemp for -
 - (i) seed production;
 - (ii) seedling production;
 - (iii) production of grain or material for industrial purposes;
- (e) cleaning and conditioning of seed for cultivation; and
- (f) export of plants or propagating material for cultivation purposes.

(3) An application for a hemp permit must be submitted on the form obtainable from the Registrar and must be accompanied by proof of payment of the fee specified in item 9(a) of Table 2.

(4) The Registrar must consider each application and after evaluation of the information provided, issue a hemp permit to the applicant, if all the requirements have been met.

(5) A hemp permit issued in terms of sub-regulation (4) is-

- (a) valid for a period of 5 years;

- (b) renewable once after the initial period for a further 5 years, where after a new application must be submitted and accompanied by a fee specified in item 9(b) of Table 2.
- (c) not transferable to another person.

(6) The permit holder must notify the Registrar of any change with regard to information in the permit after issuance thereof, within 30 days of the occurrence of the change or becoming aware of the change:

- (a) change in the contact details of the permit holder, including postal address;
- (b) change in the name of the business or premises;
- (c) change in the physical address where the authorized activity is to be conducted;
- (d) change in the person responsible for or supervising the activity on the premises; and
- (e) change in the ownership of the premises where the authorized activity is to be conducted, if the permit holder is not the owner.

(7) The Registrar may revoke a permit if the permit holder –

- (a) requests revocation thereof in writing;
- (b) stops the activities for which the permit was required;
- (c) has failed to notify the Registrar of any change of information as stipulated in sub-regulation (6);
- (d) perform any activity not authorized on the hemp permit and
- (e) infringes any of the provisions of these regulations or the Act.

(8) The holder of a hemp permit for cultivation must submit a notice of planting to the Registrar on the form obtainable from the Registrar within 30 days from planting and a copy thereof must be submitted to each of the nearest office of SAPS and Inspection Services of the Department.

Exemption for plants and propagating material

5. (1) For purposes of section 23(2)(a) of the Act, the non-commercial scale for cultivation and sale of unprotected variety of any kind of plant regulated under the Act refers to cultivation and sale in limited quantities and mainly intended for use by –

- (a) household and subsistence producers/farmers who produce primarily for household consumption and may have a limited surplus production for selling; and
- (b) smallholder producers/farmers who produce for household consumption and derive a source of income from agriculture activities.

(2) The maximum amount of seed per variety imported or sold by a person on a non-commercial scale stipulated in subregulation (1), is specified in Table 3, limited to the amounts indicated in column 2 per year and column 3 per container for the respective kind of plant.

(3) In cases where the amount of seed for a variety exceeds that indicated in column 2 or 3 of Table 3 for the respective kind of plant, the exemption from the provisions of the Act for national listing is no longer applicable.

(4) A fruit tree variety is considered non-commercial if the number of trees sold per nursery per annum does not exceed 100.

(5) The provisions of subregulations (1) to (4) shall not apply to plants and propagating material of hemp.

Exempted types of business

6.(1) The following types of business are exempted from registration in terms of section 19 of the Act:

- (a) import and export of plants or propagating material by agents that only take care of documentation and the clearing processes of consignments on behalf of importers or exporters, provided that the agents themselves are not involved in the sale of plants and propagating material;
- (b) selling of seed limited to non-commercial varieties contemplated in section 23(1)(d) of the Act and in accordance with the limitations specified in Table 3, subject to the provisions of regulation 5(3);
- (c) running of a nursery where –
 - (i) only seedlings of the kinds of plants of which the seed is regulated in terms of this Act are grown and/or sold, except for *Cannabis sativa* (hemp); and
 - (ii) only plants and propagating material of non-commercial varieties contemplated in section 23(1)(d) of the Act and subject to the provisions of regulation 5(4) are grown and/or sold;
- (d) the following multiplication/conservation facilities:
 - (i) *in vitro* or tissue culture facility;
 - (ii) genebank (seedbank and/or field genebank);
- (e) the following laboratories: –
 - (i) analytical laboratory conducting analytical services relating to chemical compounds in plant material;
 - (ii) molecular laboratory performing any type of genetic analysis or varietal identity on plant material

(2) Notwithstanding the provisions of subregulation (1)(b) to (d), an application for registration may be submitted if required by the person or in order for the business to comply with a certification scheme contemplated in section 45 of the Act or a type of national, regional or international certification.

(3) The exemption for registration of a business shall not apply to any type of business relating to *Cannabis sativa* (hemp), except for multiplication facilities referred to in subregulation (1)(d) that are not multiplying for the purpose of selling plants or propagating material and laboratories referred to in subregulation (1)(e).

Exempted premises

7.(1) Premises shall be exempted from registration in terms of section 19 of the Act if –

- (a) only seed that has been prepacked at premises registered in terms of section 10 of the Act, is sold in the original unopened containers in which it was thus prepacked;
- (b) only seed potatoes are produced and/or sold for cultivation purposes; and
- (c) only plants originating from a nursery registered in terms of section 10 of the Act, is sold there: Provided that the seller of such plants must on demand furnish written proof that the plants originate from such nursery or premises.

(2) The exemption for registration of premises shall not apply to any premises relating to plants and propagating material of *Cannabis sativa* (hemp), except for multiplication facilities and laboratories referred to in regulation 6(1)(d) and (e).

Application for exemption from registration of business and premises

8.(1) Application for exemption from registration referred to in section 19(2) of the Act for any other type of business or premises than referred to in regulations 6 and 7, must be submitted to the Registrar in writing, indicating –

- (a) whether exemption is sought for business only or for both business and premises,
- (b) the type of business for which exemption is sought;
- (c) the kinds of plants relating to the plants and propagating material which are intended to be propagated and/or sold by the business or from the premises, and
- (d) motivation for the request.

(2) The Registrar must consider the application received and after consultations with the applicant, if required, submit a recommendation for consideration by the Minister.

(3) The Registrar must notify the applicant in writing within 30 days of receiving the decision from the Minister and publish a notice in the Gazette, if approved by the Minister.

Chapter III: Registration of Business and Premises

Register of businesses and premises

9.(1) The register of businesses and premises must at least contain the following information:

- (a) PIA registration number issued to each person or company registering one or more types of business and subsequent registration numbers for all premises registered in relation to that business;
- (b) name under which the business will be conducted;
- (c) postal and physical address of the business;
- (d) name and contact details of owner or person in charge of the business;
- (e) name and physical address of each premises in relation to the business;
- (f) name and contact details of person in charge of the premises;
- (g) type of business conducted on each premises;
- (h) crop groups that are handled at the respective business and premises;
- (i) starting and expiry date of registration period; and
- (j) any amendment of information in accordance with section 15(2) of the Act.

(2) Any person requiring a copy of a document relating to particulars in the register, must –

- (a) apply in writing to the Registrar; and
- (b) pay the fee specified in item 2 of Table 2 and provide proof thereof to the Registrar.

Certificate of registration for business and premises

10.(1) The registration certificate issued in terms of section 12(1) of the Act in respect of a business registered without premises, must contain at least the following information:

- (a) PIA registration number;
- (b) name of the person or company under which the business is registered;
- (c) name of the person in control of the business, if different from paragraph (b);
- (d) physical and postal address, as applicable;

- (e) types of business, as applicable;
- (f) crop groups or kinds of plants as applicable; and
- (g) date of registration.

(2) The registration certificate issued in terms of section 12(2) of the Act in respect of each business premises must contain at least the following information:

- (a) PIA registration number of the business premises;
- (b) name of the premises, if different from subregulation (1)(b);
- (c) the details specified in subregulation (1)(b) and (e);
- (d) physical and postal address of the premises, if different from subregulation (1)(d);
- (e) name of the person in control of the premises, if different from (1)(c);
- (f) relevant type of business conducted on the premises;
- (g) crop groups or kinds of plants as applicable for the premises; and
- (h) duration of the registration period.

(3) In cases where a type of business is conducted from a mobile facility, the certificate must contain the information specified in subregulation (2), except for (2)(d) where the information must be replaced with details of the mobile unit.

Return of certificate of registration

11. Upon termination of the registration of a business or premises in terms of section 20 of the Act, the relevant certificate of registration must be collected by the Registrar within 90 days of the date of termination in accordance with section 21(2) of the Act.

Application for registration of business and premises

12.(1) An application for the registration of business and premises in terms of section 11 of the Act, must be submitted on the form obtainable from the Registrar for this purpose and accompanied by –

- (a) a locality sketch or map and Global Positioning System (GPS) coordinates which clearly indicate where the premises concerned is situated;
- (b) proof of payment of the fee stipulated in item 7.1(a), (b) or (c), as applicable, of Table 2 relating to the type of business; and
- (c) if hemp is one of the kinds of plants with which business is intended to be conducted, a copy of the valid hemp permit.

(2) In the case of an application in terms of section 11(1)(a) only, the documents referred to in subregulation (1)(b) and (c) must accompany the application.

(3) An application for any additional type of business or premises with a valid registration in terms of section 11, must be made on an application form obtainable from the Registrar which must be submitted with proof of payment of the fee specified in item 7.1(a), (b) or (c), as applicable, of Table 2.

(4) An application for the registration of a laboratory as a type of business on the same premises as other types of registered business, must be submitted on a separate application for registration of such a laboratory and must be submitted on the form obtainable from the Registrar and accompanied by the documents referred to in subregulation (1)(a) and (b).

Notification of change of circumstances

13.(1) The person in whose name a type of business or premises has been registered, must notify the Registrar in writing in terms of section 15 of the Act within 30 days of a change in any of the following circumstances or when becoming aware of such change with regard to that business or premises:

- (a) change in the contact person or contact details, including postal address;
- (b) change in the name of the business or premises;
- (c) relocation of the business to another address;
- (d) change in the person in charge of the premises; or
- (e) change in the ownership of the business.

(2) If the change relates to that stipulated in subregulation (1)(c) to (e), an inspection of the premises must be conducted and the new owner or person in control, as applicable, evaluated to determine compliance in terms of section 12 of the Act, prior to the issuance of a new registration certificate.

(3) A notice for change in information referred to in subregulation (1) that requires the issuance of a new certificate, must be accompanied by proof of payment of the fee specified in item 8 of Table 2.

Application for renewal of registration of premises

14.(1) Application for the renewal of a registered premises referred to in section 16(1) of the Act, must be submitted by the person to whom a certificate of registration has been issued on the form obtainable from the Registrar for that purpose.

(2) The application for renewal of premises must be accompanied by proof of payment of the fee specified in item 7.2 of Table 2.

(3) Any changes that are required to be made at the time of renewal, must be indicated on the renewal application and in case of changes referred to in regulation 13 (1)(c) to (e), inspection is required before a decision for renewal of the registration is made.

Records and reports

15.(1) Businesses and premises registered in terms of section 12 of the Act, must comply with the following requirements relating to records:

- (a) keeping of records in accordance with the requirements specified in the regulations relating to the respective type of business;
- (b) in case of business relating to hemp, keeping of records in accordance with the respective hemp permit requirements as applicable;
- (c) in cases where different types of business of the same company are conducted on the same premises, the records in respect of a lot that went through the respective processes of each such business, may be kept jointly;
- (d) preservation of the records referred to in paragraphs (a) and (b) at the premises of the type of business concerned, or such other place as determined by the management of the company concerned for safekeeping, for at least three years after the date on which the lot concerned was removed, delivered or sold, or in the case of laboratories, the sample concerned was tested, examined or analysed, as the case may be.
- (e) upon request by the Registrar, submit a written report within 30 days of the request, indicating -

- (i) the required particulars regarding the contents of any records kept in terms of paragraphs (a) to (c); and
- (ii) the quantity of plants or propagating material, as applicable, and such information relevant for a specified period relating to specified kinds of plants and varieties.

Requirements for a business relating to seed

16. (1) The types of business relating to seed stipulated in section 9(1)(a) to (c) of the Act, may be registered if the owner and person in direct control, as applicable, –

- (a) have a sound knowledge and understanding of the requirements of the Act, the facilities, equipment and practices for operating such seed facility as applicable.
- (b) have available premises or access to premises or a mobile facility for the services and kinds of plants or crop groups as indicated on the application form; and
- (c) in the case of hemp, ensure compliance with the hemp permit requirements and only buy from or sell to people in possession of a valid hemp permit.

(2) Premises on which business relating to seed is conducted, may be registered and the registration thereof may be renewed if –

- (a) the place where seed is kept on the premises concerned –
 - (i) is an enclosed structure with a solid floor and, where required, ensure controlled access to seed;
 - (ii) has efficient lighting so that any marks, printing or writing on containers of seed or on labels attached to such containers may readily be read;
 - (iii) has efficient ventilation so that excessive humidity and high temperatures which may detrimentally affect seed are prevented; and
 - (iv) is kept in an orderly, tidy and clean condition at all times;
- (b) the available facilities and equipment at the premises concerned are adequate and sufficient to ensure the satisfactory conduct of the service relating to the kinds of plants and varieties of seed handled there;
- (c) seed is handled and stored at the premises concerned in such a manner that –
 - (i) it is protected against damage by pests;
 - (ii) in case of a cleaning and conditioning facility, uncleaned seed and screenings are kept separate from cleaned seed;
 - (iii) cleaned seed at cleaning and conditioning facilities and cleaned seed at prepacking and seed selling businesses, is kept separate from anything else that is not seed, by storing it in separate stores, or by dividing it by means of solid partitions;
 - (iv) each seed lot is separated by a space of at least one metre from another seed lot to ensure unobstructed access to each lot; and
 - (v) admixing of seed of different kinds of plants is prevented, except if seed mixtures are being made intentionally in accordance with the provisions of regulation 33 or when adding a pollinator;
- (d) at a cleaning and conditioning facility, the following are marked, printed or written on the containers of uncleaned seed at such premises, or on labels attached to the containers concerned –

- (i) the words "uncleaned seed";
 - (ii) the kind and variety of the seed concerned; and
 - (iii) the name and address of the person from whom the seed concerned was received;
- (e) at facilities other than indicated in paragraph (d), the applicable particulars required in terms of these regulations, are marked, printed or written on seed containers, or on labels attached to the containers concerned;
- (f) seed intended for selling must comply with the requirements stipulated in Table 4 for the respective kind of plant concerned;
- (g) in the case of hemp seed -
 - (i) received for cleaning and conditioning, prepacking or selling, request the hemp permit, acknowledgement of planting notification and transport declaration, as applicable, from the person who provided the seed;
 - (ii) presented for sale, ensure that each buyer of hemp seed is in possession of a valid Hemp Permit for the purpose for which the seed is bought; and
 - (ii) furnish the buyer or carrier with a transport declaration and retain a copy thereof; and
- (h) the person in direct control of the premises has knowledge and understanding of the requirements of the Act, the facilities, equipment and practices for operation of such activities.

(3) When the person in direct control of the premises or operations is replaced, the registration of the premises will only be renewed if the new person has the knowledge and understanding referred to in subregulation (2)(h).

(4) In case of a mobile facility, the provisions of subregulations (1) and (2)(b), (c)(v), (e) to (h) and subregulation (3), as applicable, must be complied with.

Records at businesses and premises where propagating material is cleaned and conditioned

17. (1) The owner or person in control of a premises at which the business of cleaning and conditioning of seed for sale is conducted must, in respect of all seed handled there, keep complete records of -

- (a) the date on which the seed concerned was received;
- (b) the kind and variety of the seed concerned;
- (c) the name and address of the person from whom the seed concerned was received;
- (d) the total mass of the seed concerned and the number of containers in which it was contained;
- (e) the total mass of the cleaned seed and the number of containers in which it was contained;
- (f) the lot number of the cleaned seed, and if such seed was certified after cleaning, also the number of the certificate issued in respect thereof;
- (g) the names and addresses of the persons to whom the cleaned seed was supplied;
- (h) the mass of cleaned seed which was supplied to each such person; and
- (i) the dates on which the cleaned seed was so supplied.

Records at businesses and premises where seed is prepacked

18. (1) The owner or person in control of a premises at which the business of the prepacking of propagating material for sale is conducted must, in respect of each lot of propagating material handled there, keep complete records of -

- (a) the date on which the lot concerned was received;
- (b) the kind and variety of the seed in the lot concerned: Provided that, in the case of a mixture, the names of the kinds of plants and varieties presented therein, as well as the percentage contents of each, must be recorded;
- (c) the name and address of the person from whom the lot concerned was received;
- (d) the total mass or number of units of the seed in the lot concerned;
- (e) the lot number of the lot concerned;
- (f) the number of the certificate issued in respect of the seed in the lot concerned if that seed was certified; and
- (g) the date on which prepacking of the lot concerned was completed.

Records at businesses and premises where seed is sold

19. (1) The owner or person in control of the premises at which the business of the selling of seed is conducted must, in respect of each seed lot which is handled there, keep complete records of -

- (a) the date on which the lot concerned was received;
- (b) the kind and variety of the seed in the lot concerned: Provided that in the case of a mixture, the names of the kinds of plants and varieties presented therein, as well as the percentage contents of each, must be recorded;
- (c) the name and address of the person from whom the lot concerned was received;
- (d) the total mass or number of units of the seed in the lot concerned and the number of containers in which it is packed;
- (e) the lot number of the lot concerned;
- (f) the number of the certificate issued in respect of the seed in the lot concerned if that seed was certified; and
- (g) the date on which the lot concerned was sold out.

Requirements for the business of running a nursery and other multiplication facilities

20. (1) The type of business for a nursery or other multiplication facility stipulated in section 9(1)(d) of the Act, may be registered if the owner and person in direct control or responsible official, as applicable-

- (a) have a sound knowledge and understanding of the requirements of the Act, the facilities and practices for operating such a facility;
- (b) have available premises or access to premises to conduct the business in respect of the kinds of plants or crop groups indicated on the application form; and
- (c) in the case of hemp, ensure compliance with hemp permit requirements and only buy from or sell to people in possession of a valid hemp permit.

(2) Notwithstanding the exemption for registration of the multiplication or conservation facilities referred to in regulation 6(1), an application for the business and premises of such facility may be submitted, provided the respective conditions in these regulations are complied with.

(3) Premises on which the business of a nursery is conducted may be registered and the registration thereof renewed if -

- (a) the premises concerned is kept free from volunteer plants and effective weed control is applied;
- (b) plants are cultivated in such a manner at the premises concerned that -
 - (i) they are protected against damage or contamination by pests;
 - (ii) different kinds of plants and varieties of plants are kept in separate groups so that access to each group can be readily obtained and, where required, ensure controlled access to plants;
 - (iii) different kinds of plants and varieties of plants are identified by means of suitable and clearly legible name boards or labels in accordance with regulation 47; and
 - (iv) in the case of plants and propagating material which are certified, the requirements relating to the keeping and storage thereof as determined in the scheme concerned, are complied with;
- (c) the place where plants are sold on the premises concerned -
 - (i) has efficient lighting so that any marks, printing or writing on containers of plants or on labels attached to plants or containers may readily be read; and
 - (ii) is kept in an orderly, tidy and clean condition at all times;
- (d) plants that are kept for sale or, in the case where such plants are packed in bundles, each separate bundle is provided with a label on which the information referred to in subregulations (1) and (2) of regulation 47 is indicated;
- (e) the plants comply with the requirements stipulated in regulation 46;
- (f) in the case of hemp, ensure that each buyer of hemp plants or seedlings is in possession of a valid hemp permit for the purpose the plants are bought and furnish the buyer or carrier with a transport declaration while retaining a copy thereof; and
- (g) the person in direct control of the premises has knowledge and understanding of the requirements of the Act, the facilities, equipment and practices for operation of such activities.

(4) Premises on which the business of a multiplication or conservation facility referred to in regulation 6(d) is conducted, may be registered and the registration thereof renewed if -

- (a) the available facilities and equipment at the premises concerned are adequate and sufficient to ensure the satisfactory conducting of the multiplication or conservation service relating to the kinds of plants and varieties which are handled there;
- (b) the identity of all samples and accessions introduced and handled/conserved are maintained throughout the various processes;
- (c) documentation of data and information about the material, including passport data and source information are recorded;
- (d) the relevant protocols and operational procedures are in place;

- (e) the responsible official of the technical operations at the premises is in possession of the relevant qualifications required for the operation of such facility; and
- (f) the person in paragraph (e) has sufficient knowledge and understanding of the requirements of the Act, the facilities, equipment and practices for conducting the operations at the premises.

(5) When the person in direct control or responsible official referred to in subregulations (3)(g) and (4)(e) of the premises or operations as applicable is replaced, the registration of the premises will only be renewed if the new person complies with the requirements stipulated in the respective subregulations.

Records at nurseries and other multiplication or conservation facilities

21. (1) The owner or person in control of a nursery must, in respect of each lot or batch of plants cultivated there for sale, keep complete records of -

- (a) the date on which the lot or batch concerned was made available for sale;
- (b) the kind and variety of the plants in the lot or batch concerned;
- (c) the number of plants in the lot batch concerned;
- (d) the lot number of the lot or batch concerned; and
- (e) the number of the certificate issued in respect thereof if the plants in that lot or batch were certified.

(2) The owner or responsible person of the technical operations at a multiplication or conservation facility must, in respect of each lot or batch or accession received and maintained there, keep complete records of -

- (a) the date on which the samples or accessions were received;
- (b) the kind of plant and variety name or accession number of the material concerned;
- (c) the name and address of the person from whom the material concerned was received;
- (d) the amount of the material concerned and the number of containers, as applicable;
- (e) the lot/batch number of the lot concerned, if applicable;
- (f) germination and viability data for each accession, as applicable;
- (g) when material is requested, the name and address of the person to whom such material was supplied;
- (h) details of the identity and amount of material supplied to the person mentioned in paragraph (g); and
- (i) the date on which material mentioned in paragraph (g) was supplied.

Requirements for the business of running a laboratory

22. (1) The type of business relating to the running of a laboratory stipulated in section 9(1)(e) of the Act, may be registered if the owner and person in direct control, as applicable, -

- (a) have a sound knowledge and understanding of the requirements of the Act, the facilities and practices for operating such a facility;
- (b) have available premises or access to premises to conduct the business in respect of the kinds of plants or crop groups indicated on the application form;
- (c) employ a suitably qualified person who is in possession of the necessary qualifications, as responsible official of the technical operations at such laboratory; and

- (d) immediately notify the Registrar in terms of regulation 13 as soon as the services of such person is no longer available.
- (2) Any premises on which the business of a laboratory is conducted, may be registered and the registration thereof renewed if -
- (a) the place where samples of plants and propagating material are stored, tested, examined or analysed on the premises concerned -
 - (i) is an enclosed structure with a solid floor;
 - (ii) has efficient lighting so that any marks, printing or writing on containers of samples or on labels attached to such samples may readily be read, and that observations in connection with the tests, examinations or analyses concerned may readily be made; and
 - (iii) is kept in an orderly, tidy and clean condition at all times;
 - (b) the available facilities and equipment at the premises concerned are adequate and sufficient to ensure that the tests, examinations and analyses referred to in subregulation (3), of samples of the kinds of plants and propagating material referred to in that subregulation can be performed properly; and
 - (c) a quality management system is in place and a quality manual available.
- (3) The testing, examination or analysis of samples of plants and propagating material at a laboratory registered in terms of section 12 of the Act, shall -
- (a) be restricted to samples of those kinds of plants and propagating material, and to those kinds of examinations, tests and analyses which are specified in the certificate of registration mentioned in respect thereof; and
 - (b) be performed in accordance with such validated methods as the registrar may determine.
- (4) The registrar may require the owner or responsible person of a laboratory to carry out referee or proficiency tests with samples of plants and propagating material with such instructions as the registrar may issue.
- (5) The owner or responsible official of a laboratory must furnish a report which complies with the requirements referred to in regulation 23, in connection with the testing, examination or analysis of each sample to the person who submitted that sample.
- (6) The owner or person in control of a laboratory must keep at that premises a quantity of each sample which was tested, examined or analysed there, and which is sufficient to repeat that test, examination or analysis when so required -
- (a) in the case of plant material other than seed for a period of at least three months after the test, examination or analysis concerned has been completed, and stored under conditions in which the samples concerned will not be destroyed or affected by any organism; and
 - (b) in the case of seed for a period of at least 12 months after the test, examination or analysis concerned has been completed, and stored under conditions in which the seed will retain its potential to germinate.
- (7) The responsible person of the technical operations at the premises is in possession of the relevant qualifications and has sufficient knowledge and understanding of the requirements of the Act, the

facilities, equipment and practices for conducting the operations at the premises and has successfully completed an evaluation conducted by an inspector from the Department to confirm his knowledge.

(8) When the person in direct control or responsible person referred to in subregulation (1)(c) of the premises or operations is replaced, the registration of the premises will only be renewed if the new person complies with the requirements stipulated in the subregulation (7).

Records and reports at test laboratories

23.(1) The owner or person in control of a premises at which the business of a laboratory is conducted, must in respect of each sample of plant and propagating material handled there, compile a report which contains at least the following particulars:

- (a) the date on which the sample concerned was received;
- (b) the kind of plant and variety identity, if applicable, of the sample concerned as indicated by the person who submitted it;
- (c) the name and address of the person who submitted the sample concerned for testing, examination or analysis;
- (d) the reference numbers respectively allocated to the sample concerned by the person referred to in paragraph (c) and the owner or person in control of the premises concerned;
- (e) the respective dates on which the testing, examination or analysis of the sample has commenced and was completed;
- (f) the result of the testing, examination or analysis of the sample concerned, in which the following applicable particulars shall be indicated:
 - (i) in the case of plants or plant material -
 - (aa) the method used to carry out the test, examination or analysis on the sample concerned;
 - (bb) the part of the plant, or type of plant material which was tested, examined or analysed;
 - (cc) the type of organism tested, examined or analysed for;
 - (dd) the pest found in or on the material;
 - (ee) any remarks which the person who has performed the test, examination or analysis concerned, wishes to make in connection with the result concerned; and
 - (ff) the name of the person who carried out the tests; and
 - (ii) in the case of seed -
 - (aa) the physical purity, expressed as a percentage by mass;
 - (bb) the germination or viability expressed as percentage by number or where applicable, expressed as the number of normal seedlings per weight (kg);,
 - (cc) the number of days in which germination was achieved;
 - (dd) moisture content, expressed as a percentage by mass, if determined; and
 - (ee) any remarks which the person who has performed the test, examination or analysis concerned, wishes to make in connection with the result concerned.

(2) Such owner or person in control must keep a copy of each such report.

(3) The results obtained from the test, examination or analysis carried out at the laboratory in terms of section 42(2)(d) of the Act on a sample must be recorded in accordance with the records system of the laboratory.

Chapter IV: Conditions for Sale of Plants and Propagating Material

Requirements for seed which is certified

24.(1) Seed of a variety which has been certified in terms of a scheme referred to in section 45 of the Act, may be sold with an indication that it has been certified if -

- (a) such seed complies with the requirements for seed of the kind of plant to which that of the variety belongs in the scheme concerned; and
- (b) the seller of such seed is in possession of documentary evidence substantiating the fact that such seed has been certified.

(2) If the provisions of subregulation (1) cannot be complied with in respect of seed which was certified, such seed may only be sold if -

- (a) it complies with the applicable provisions referred to in regulation 27 or 35, as the case may be; and
- (b) prior to, at or after the sale of such seed no reference whatsoever is made of the fact that it was presented for certification or was certified.

(3) Notwithstanding the provisions of subregulation (2), seed of the varieties that are subject to the provisions of regulation 25 that does not comply with the provisions of subregulation (1), may only be sold with written authorisation from the Registrar and under the conditions stipulated in the authorisation.

Certification of seed for certain varieties required

25.(1) Any variety that has been approved for national listing which requires compulsory certification in terms of a Scheme established in terms of section 45 of the Act to maintain varietal integrity during multiplication, may be submitted for inclusion in Table 5.

(2) The seed of a variety referred to in subregulation (1) may, from the date specified in column 3 of Table 5 opposite the said variety, only be sold if that seed is certified.

(3) The applicant for national listing of a variety referred to in subregulation (1) or his agent, may apply for inclusion of the denomination of the variety in question in Table 5 through the designated authority of the scheme in question on the forms available from that authority.

(4) The Registrar must consider the application for inclusion in Table 5 received from the designated authority and submit a recommendation to the Minister for consideration within 30 days from receiving the request.

(5) The Registrar must notify the designated authority in writing within 30 days of receiving the decision from the Minister and publish a notice in the Gazette if the Minister approved the inclusion of the varieties.

(6) The denomination of a variety included in Table 5 may be removed and the requirement for compulsory certification terminated upon request from the applicant or his agent referred to in subregulation (3) through the designated authority to the Registrar.

(7) Upon receiving a request for removal of a variety denomination from Table 5, the Registrar must submit a recommendation to the Minister for consideration in accordance with the procedure stipulated in subregulations (4) and (5).

Marking and labelling of seed that is certified

26.(1) A container in which seed that has been certified is sold must be marked in accordance with the requirements of the scheme concerned.

(2) Notwithstanding the provisions of subregulation (1), the indication of the germination group or viability group, where applicable, referred to in regulation 29(1)(d), shall not be required on the containers of certified maize seed.

(3) In addition to the information referred to in subregulation (1), the requirements of regulation 29(2)(a) apply with the necessary changes on certified seed.

Requirements for seed which is not certified

27.(1) Subject to the provisions of regulation 25, seed of a kind of plant specified in column 1 of Table 4, which has not been certified or prepacked, may be sold if -

- (a) the percentages of other material, other seed and weed seed in such seed do not exceed the percentages specified in columns 3, 4 and 5 of the said Table opposite the name of the kind concerned, respectively;
- (b) the percentage germination or viability; or number of normal seedlings per weight (kg), where applicable, of such seed is equal to or more than that specified in column 6, 7 or 8, where applicable, of the said Table opposite the name of the kind concerned;
- (c) such seed is true to variety;
- (d) such seed does not contain more restricted weed seeds than specified in column 5 of Table 4;
- (e) such seed is homogenous; and
- (f) no live pests occur in the seed.

Maximum mass of seed lots

28.(1) The maximum mass of a seed lot of a kind of plant indicated in column 1 of Table 4 must be in accordance with the mass specified in column 13 of said table or the latest version of the ISTA rules for the kind concerned: Provided that the maximum seed lot size of any kind of plant may not be exceeded by more than 5%.

(2) In the case of coated seed, the maximum seed lot size may not exceed 1 billion seeds or 42 tons, regardless of the kind of plant.

Marking and labelling of seed which is not certified

29.(1) A container in which seed referred to in regulations 27 and 25, which is not certified or prepacked, is sold, must be marked in clearly legible symbols, letters and figures with, or be furnished with a label on which is likewise indicated -

- (a) the scientific and/or common name, as indicated in Table 1, of the kind of plant to which such seed belongs;
- (b) the denomination of the variety to which such seed belongs stipulated in terms of section 22(1)(a) and (b) of the Act;
- (c) the lot number of such seed;
- (d) the words "Percentage Germination" or "Percentage Viability", where applicable, followed by the group within which the actual percentage germination or the actual percentage viability, where applicable, of such seed falls, which shall be expressed as -
 - (i) 10 - 19 or 15-19 in the case of *Digitaria eriantha* Steud. only;
 - (ii) 20 - 29;
 - (iii) 30 - 39;
 - (iv) 40 - 49;
 - (v) 50 - 59;
 - (vi) 60 - 69;
 - (vii) 70 - 79;
 - (viii) 80 - 89; and
 - (ix) 90 - 100;
- (e) in the case of *Chloris gayana* Kunth where germination is alternatively determined by the weighed replicate method, germination shall be expressed as the number of normal seedlings per weight (kg); and
- (f) the name and address of the premises where such seed is sold: Provided that where such seed is resold, the name and address of the premises from which it was obtained, may also, or instead thereof, be indicated.

(2) In addition to the information referred to in subregulation (1) -

- (a) the wording on the container in which seed is sold or on the label attached to such container must comply with the requirements relating to seed, as prescribed in terms of other relevant national legislation;
- (b) notwithstanding the provisions of subregulation (a) of regulation 27, the words "Percentage pure seed" followed by the actual percentage pure seed in such seed, if the percentage pure seed in such seed is 97 or less;
- (c) the number of pure units of coated seed per mass unit shall also, in the case of coated seed, be indicated on a container in which seed is sold, or on a label attached to such container; and
- (d) the word "Hybrid" may only be indicated on a container in which seed is sold, or on a label attached to such container, if the seed in that container consists of at least 90 per cent hybrid seed of the variety concerned.

(3) The word "certified" may not be used in relation to seed that has not been produced and certified in terms of a scheme contemplated in section 45 of the Act.

Permissible tolerance with regard to the indication of germination or viability groups

30.(1) The germination or viability percentage groups indicated in terms of regulation 29(1)(d) on a container or on a label attached to a container, are accepted as correct if -

- (a) the actual percentage germination or viability used to determine the groups concerned; and
 - (b) the percentage germination or viability of the seed concerned, as determined by a test, examination or analysis in terms of section 42(2)(d) of the Act,
- when compared, the tolerance provided for the relevant test, examination or analysis, is not exceeded.

(2) The rule of tolerance, referred to in subregulation (1), shall only be applied when the actual percentage germination or viability referred to in subregulation 1(a), has been obtained from a test report that has been drawn up in accordance with the terms of regulation 23(1) and such test report has been made available for inspection to the registrar, an employee or an authorised person.

Requirements for containers

31.(1) A container in which seed is sold must be fit for use, clean and suitable for the seed of the kind of plant concerned.

Use of trade marks on labels

32.(1) When a variety is advertised, offered for sale or marketed, it is permissible to associate a trademark, trade name or other similar indication with the approved variety denomination.

(2) A trademark, trade name or other similar indication referred to in subregulation (1) may not be used alone without the approved variety denomination; provided the variety denomination is at all times easily recognisable.

Requirements for seed mixtures which are not certified

33.(1) Seed of different kinds of plants or of varieties of such kinds, may be used in a mixture if each of the kinds comply with the requirements specified in Table 4 for such kind of plant prior to mixing.

(2) In addition to the provisions of subregulation (1), the seed -

- (a) of each of the varieties present in such mixture must be true to variety;
- (b) of such mixture must be homogenous; and
- (f) must not contain any live pests.

(3) Notwithstanding the provisions of subregulation (1), it is prohibited to include seed of hemp in any seed mixture.

Marking and labelling of seed mixtures which are not certified

34.(1) A container in which a seed mixture referred to in regulation 33, which is not prepacked, is sold, must be marked in clearly legible symbols, letters and figures with, or be furnished with a label on which is likewise indicated -

- (a) the word "Mixture" followed by the name of the mixture, if applicable;
- (b) purpose of the mixture;
- (c) the lot number of the mixture;

- (d) the particulars referred to in regulation 29(1)(a) and (b) in respect of each of the kinds and varieties present in such mixture; provided that if the mixture contains a kind of plant that is not a kind declared in terms of this Act, the species name of that kind must be indicated;
- (e) the actual percentage contents, calculated on a mass basis, of each of the kinds and varieties present in such mixture;
- (f) the lot number of each of the components of the mixture;
- (g) the percentage germination or viability, where applicable, expressed in the manner indicated in regulation 29(1)(d), of each of such kinds and varieties present in such mixture;
- (h) the name and address of the premises where such seed is sold: Provided that where such seed is resold, the name and address of the premises from which it is obtained, may also, or instead thereof, be indicated; and
- (i) notwithstanding the provisions of subregulation (a) of regulation 27, the words "Percentage pure seed" followed by the actual percentage pure seed of each of the kinds and varieties present in such mixture, if the percentage pure seed in such seed is 97 or less.

(2) Notwithstanding the requirements of subregulation (1), the information stipulated in paragraphs (d) to (i) of subregulation (1) may be replaced with a digital code, provided the information stipulated in paragraphs (a) to (c) is printed on the label.

(3) In addition to the information referred to in subregulation (1), the requirements of regulation 29(2)(a) apply with the necessary changes on seed mixtures.

Requirements for prepacked seed

35.(1) Subject to the provisions of regulation 25, prepacked seed of a kind of plant specified in column 1 of Table 4, may be sold, if -

- (a) the percentage of other material, other seed and weed seed in such seed -
 - (i) in the case of coated and uncoated seed, does not exceed the percentages specified in columns 3, 4 and 5 of the said Table opposite the name of the kind concerned, respectively;
 - (ii) in the case of a mixture, are as indicated in regulation 33(a) or (b), as the case may be;
- (b) the percentage germination or viability; or number of normal seedlings per weight (kg), where applicable, of such seed, or in the case of a mixture, of each of the kinds or varieties present therein, is equal to or more than that specified in column 6, 7 or 8, where applicable, of the said Table opposite the name of the kind concerned;
- (c) such seed, or in the case of a mixture, the seed of each of the varieties present therein, is true to variety;
- (d) a working sample for other seed by number determination in accordance with ISTA rules, does not contain more than one restricted weed seed;
- (e) such seed is homogenous; and
- (f) no live pests occur in the seed.

(2) The maximum mass of seed of a kind of plant specified in column 1 of Table 4 of this Act which may be prepacked per container, must not exceed the mass specified in column 9 of the said Table opposite the name of the kind concerned.

Marking and labelling of prepacked seed

36.(1) A container in which seed referred to in regulation 35, which has been prepacked, is sold, must be marked in clearly legible symbols, letters and figures with, or be furnished with a label on which is likewise indicated –

- (a) the particulars referred to in regulation 29(1)(a), (b) and (c) and (2)(a), (b) and (e);
- (b) the name and address of the premises where such seed was prepacked; and
- (c) the words "Prepacked Seed" if the net mass of the seed in the container concerned exceeds the mass specified in column 11 of Table 4 or if the number of seeds in the container concerned exceeds the number of seeds specified in column 12 of Table 4 opposite the name of the kind of plant concerned.

(2) An indication relating to percentage germination, percentage viability, the actual percentage pure seed or the number of normal seedlings per weight (kg) may appear on a container in which prepacked seed is sold or on a label attached to such container: Provided that the date on which the seed has been tested shall be marked in clearly legible letters on the container or on the label.

(3) If such seed is certified, the words "South African Certified Seed" and the certification number the lot concerned must be indicated if the net mass of the seed in the container concerned exceeds the mass specified in column 11 of Table 4 or, if the number of seeds in the container concerned exceeds the number of seeds specified in column 12 of said table for the kind of plant concerned.

(4) In addition to the information referred to in subregulation (1), the requirements of regulation 29(2)(a) apply with the necessary changes on prepacked seed.

Sealing of containers of prepacked propagating material

37.(1) A container in which propagating material is prepacked must be sealed at the premises where it was prepacked in such a manner that access to the propagating material concerned can be obtained only by breaking such seal of the container concerned.

(2) When the seal of a container in which propagating material was prepacked or the container concerned is broken for reasons other than sampling in terms of section 42 of the Act, such propagating material shall not be deemed to have been prepacked.

Inspection and sampling of seed

38.(1) Seed at registered premises which has been produced in the country or imported or intended for export, must be presented for inspection and sampling in terms of sections 41(2), 42(1)(e) or 42(6) of the Act in such a manner that –

- (a) access to the seed concerned can be readily obtained; and
- (b) all the marks, printing or writing on the containers of the seed concerned or on labels attached to such containers may readily be read.

(2) In cases where the Registrar, employee or authorised person cannot inspect premises or take samples due to –

- (a) inability to access the area, or
- (b) insufficient light to read the marks, printing or writing on the containers of the seed concerned, or on labels attached to such containers,

the person in charge of the place or premises in question or, in the case of seed that is imported or is being exported, the importer or exporter thereof or his agent, must render all reasonable assistance to enable the required sampling and identification of the seed concerned.

(3) When an inspection of seed is undertaken or samples of such seed is tested, examined or analysed upon request of the owner or person in control of the premises for purposes of export or otherwise, the applicant concerned must pay the applicable fees specified in items 12(b) to (e) of Table 2, as applicable.

Requirements for imported seed

39.(1) Seed of a kind of plant specified in column 1 of Table 1 that is imported into the country must -

- (a) be true to variety;
- (b) comply with the applicable requirements referred to in regulation 35(1)(a) in respect of other material and other seed;
- (c) at the time of the presentation thereof for examination and sampling in terms of section 43(5) of the Act, comply with the minimum requirements for the kind of plant specified in Table (4), supported by a test report confirming the quality of the seed in the consignment, and
- (d) be imported through a port of entry as indicated in Table 6 through which seed may be imported into the country.

(2) In addition to the requirements of subregulation (1), if the seed is of a variety of a kind of plant stipulated in column 1 of Table 1 of which the denomination thereof is not yet entered in the national list contemplated in section 24(1) of the Act, an import authorisation must be obtained from the Registrar in terms of section 43(3) of the Act by submitting an application and proof of payment of the fee specified in item 11(a) of Table 2 for this purpose prior to the import of the consignment.

(3) In addition to the provisions of subregulation (1) and (2), import of any plant, seed or other propagating material of hemp must at all times be accompanied by an import authorisation obtained from the Registrar prior to the import of the consignment and must comply with the stipulated requirements.

Marking and labelling of imported seed

40.(1) The provisions of regulation 29(1)(a), (b) and (c) and (2)(c) and (d) shall apply with the necessary changes to the particulars which must appear on a container of seed which is imported into the country, or on a label attached to such container, except that the name and address of the premises where such seed is sold, is not required.

Examination and sampling of imported seed

41.(1) Seed which is imported into the Country or is intended for export must be presented in accordance with regulation 38.

Declaration relating to seed imported for immediate export or for purposes other than cultivation

42.(1) A declaration relating to each consignment of seed that is imported into the country for immediate export or for purposes other than the cultivation thereof must, prior to or on the arrival thereof, be lodged in the form obtainable from the Registrar by the person who intends to import that seed.

(2) The declaration form in respect of a consignment of seed that is imported must accompany the consignment or, if the consignment arrived without the declaration, be presented upon request to the relevant employee of the Department at the port of entry.

(3) A consignment of seed may be removed from the port of entry only after the declaration referred to in subregulation (1) in respect thereof has been received at the office of the Department referred to in subregulation (2).

Application for certificate for export of seed

43.(1) In cases where the seed intended for export does not comply with the requirements of the Act, an application for an export certificate must be submitted in terms of section 44(3) of the Act on the form obtainable from the Registrar for that purpose.

(2) An application referred to in subregulation (1) must be submitted in respect of each separate consignment of seed, and each such application must -

- (a) be accompanied by the application fee specified in item 12(a) of Table 1; and
- (b) reach the registrar at least 30 days prior to the date of intended export.

(3) Notwithstanding the provisions of subregulation (1), an application for an export certificate for the export of hemp seed must be submitted for all consignments of hemp seed.

(4) In addition to the provisions of subregulations (2) and (3), the following must accompany the application for an export certificate for hemp seed -

- (a) a copy of the hemp permit of the exporter,
- (b) a copy of the analysis report issued by a competent laboratory confirming the THC content of the material, and
- (c) proof of certification or confirmation of the source of the seed.

Examination and sampling of seed intended for export

44.(1) Seed which is intended for export must be presented for examination and sampling in accordance with the provisions of regulation 38.

Requirements for plants and vegetative propagating material which are certified

45.(1) Plants and vegetative propagating material which have been certified, may be sold with an indication that they have been thus certified, if -

- (a) such plants or propagating material comply with the requirements determined therefor in the relevant scheme established in terms of section 45 of the Act and are labelled as required by such scheme; and
- (b) the seller of such plants or propagating material is in possession of documentary evidence substantiating the fact that such plants or propagating material have been thus certified.

(2) If the provisions of subregulation (1) cannot be complied with in respect of a lot of plants or propagating material which was certified in terms of a scheme, no reference whatsoever shall prior to, at or after the sale of such plants or propagating material be made to the fact that the aforesaid plants or propagating material were presented for certification or were thus certified.

(3) In addition to the provisions of subregulation (1), plants, cuttings and seedlings of hemp varieties may be considered certified if proof of the source of the material and certification thereof is available.

Requirements for plants that are not certified

46.(1) Subject to the provisions of subregulations (2), (3), (4), and (5), a plant of such a kind of plant and a plant of any other kind of plant that has not been certified, may be sold, if -

- (a) such plant and, if it has been grafted or budded, the rootstock thereof, as applicable, is -
 - (i) true to type and true to variety;
 - (ii) free from the regulated pests specified in the Agricultural Pests Act, 1983 (Act No. 36 of 1983) or any national Plant Health legislation and regulations; and
 - (iii) visually free from any other pest; and
- (b) where applicable -
 - (i) such plant shows vigorous growth in all respects;
 - (ii) the graft or bud union of such plant has grown together right around;
 - (iii) no signs of nutritional deficiency, drying out or physiological, chemical, pest, hail, cold or serious mechanical damage are visible on such plant; and
 - (iv) the root system of such plant is well-developed.

(2) A plant of *Citrus* spp., *Fortunella* spp., *Poncirus* spp. and any cross of such plants that has not been certified may be sold, if -

- (a) all seed, budwood and grafting material required for the propagation of plants of the Citrus group, have been certified in terms of the scheme established in terms of section 45 of the Act and obtained from premises registered and certified in terms of that scheme;
- (b) in the case of seed for a rootstock, such seed contains not more than 5 per cent under-developed seed and not more than 5 per cent damaged seed: Provided that the aggregate of the under-developed and damaged seed content shall not exceed 5 per cent;
- (c) in the case of budwood for a scion the thorns, leaves and side shoots of such budwood have been removed immediately after the collection thereof;
- (d) in the case of a nursery plant grafted or budded -
 - (i) the graft or bud union of such plant is at least 200 mm above the ground;
 - (ii) the scion of a nursery plant is at least 150 mm above the graft or bud union; and
 - (iii) the difference between the diameter of the scion and the rootstock of such plant 50 mm above and 50 mm below the graft or bud union, does not exceed 5,0 mm; and
- (e) in the case of a nursery plant that is not grafted or budded, such plant is at least 350 mm above the ground.
- (f) in the case of any nursery plant -
 - (i) the stem of such plant is straight;

- (ii) such a plant is not subject to bark flaking or any other abnormality; and
 - (iii) if such plant has been cut back, it is not shorter than 500 mm;
- (3) A plant of *Malus* spp., *Prunus armeniaca* L., *Prunus avium* L., *Prunus cerasus* L., *Prunus domestica* L., *Prunus persica* Batsch, *Prunus salinica* Lindl or *Pyrus communis* L. that has not been certified may be sold, if -
- (a) in the case of seed for seedlings -
 - (i) the percentage germination of that seed is at least 75; and
 - (ii) that seed contains not more than 5 per cent under-developed seed and not more than 5 per cent damaged seed: Provided that the aggregate of the under-developed and damaged seed content must not exceed 5 per cent;
 - (b) in the case of graftwood or budwood -
 - (i) that wood is well-matured; and
 - (ii) the side shoots and spurs on that wood were removed immediately after collection;
 - (c) in the case of an unrooted hardwood cutting, that cutting originates from the growth of the previous growing season;
 - (d) in the case of a rooted rootstock cutting -
 - (i) that cutting is not older than two years;
 - (ii) the length of that cutting above the uppermost root is at least 300 mm;
 - (iii) the diameter of that cutting above the uppermost root is 8 mm;
 - (iv) that cutting is straight; and
 - (v) that cutting has at least two roots with a minimum length of 50 mm each;
 - (e) in the case of an apple seedling or apple layer -
 - (i) that seedling or layer is not older than one year;
 - (ii) the stem of that seedling or layer is straight;
 - (iii) the root system of that seedling or layer is well-developed; and
 - (iv) the stem diameter 200 mm above the uppermost root of that seedling or layer is not more than 15 mm; and
 - (f) in the case of a nursery plant -
 - (i) of a stone fruit, any graft or bud union is between 120 mm and 200 mm above the uppermost root;
 - (ii) of a pome fruit, any graft or bud union is between 150 mm and 250 mm above the uppermost root;
 - (iii) the stem diameter 50 mm above the graft or bud union of a one-year-old and two-year-old plant is at least 7 mm and 8 mm respectively;
 - (iv) the side shoots of that plant after leaf drop have not been cut back to shorter than 100 mm;
 - (v) no side shoots appear below the graft or bud union of that plant;
 - (vi) that plant has not been cut back to shorter than 1,5 m above the graft or bud union: Provided that where such a plant has been established in a container, that plant has not been cut back to shorter than 500 mm above the graft or bud union;
 - (vii) the pruning wound above the graft or bud union of that plant is sealed with a wound sealer;

- (viii) the roots of that plant are not pot-bound and, if cut back, are not shorter than 150 mm;
 - (ix) that plant has no dead or torn roots;
 - (x) the stem of that plant is straight; and
 - (xi) where such a plant has been established in a container, that plant has not been established in such container for longer than one year:
- (4) A plant of *Vitis* spp. that has not been certified may be sold, if -
- (a) in the case of a scion graft shoot -
 - (i) that shoot does not originate from a plant younger than two years;
 - (ii) the buds of that shoot are dormant for graft purposes and show no signs of budding or swelling;
 - (iii) that shoot is well-matured over the entire length thereof; and
 - (iv) the diameter between the nodes over the entire length of that shoot is between 6 mm and 12 mm;
 - (b) in the case of a scion plant shoot -
 - (i) that shoot does not originate from a plant younger than two years;
 - (ii) the buds of that shoot are dormant and show no signs of budding or swelling;
 - (iii) that shoot is at least 300 mm in length;
 - (iv) that shoot is well-matured over the entire length thereof;
 - (v) that shoot has no anchors or side shoots;
 - (vi) that shoot is straight enough to fit in its length between two parallel straight lines 30 mm apart; and
 - (vii) the diameter of that shoot between the two upper buds is not less than 4 mm;
 - (c) each rootstock graft shoot, rootstock plant shoot, rootstock of a grafted plant and rooted rootstock plant originates from a parent plantation that is cultivated only for the production of rootstocks;
 - (d) in the case of a rootstock graft shoot -
 - (i) that shoot does not originate from a plant younger than two years;
 - (ii) that shoot is well-matured over the entire length thereof;
 - (iii) a node appears on the base of that shoot;
 - (iv) the length of that shoot is between 260 mm and 280 mm;
 - (v) the diameter between nodes over the entire length of that shoot is between 6 mm and 12 mm;
 - (vi) that shoot has no anchors or side shoots; and
 - (vii) that shoot is straight enough to fit in its length between two parallel straight lines 30 mm apart;
 - (e) in the case of a rootstock plant shoot -
 - (i) that shoot does not originate from a plant younger than two years;
 - (ii) that shoot is well-matured over the entire length thereof;
 - (iii) that shoot is at least 300 mm in length;
 - (iv) the diameter of that shoot between the two upper buds is not less than 4 mm;
 - (v) that shoot has no anchors or side shoots; and

- (vi) that shoot is straight enough to fit in its length between two parallel straight lines 30 mm apart;
- (f) in the case of a rooted rootstock plant -
 - (i) that plant has at least one mature shoot with a minimum length of 150 mm, or at least two mature shoots with minimum length of 100 mm each;
 - (ii) the two-year-old part of that plant is at least 250 mm long;
 - (iii) at least two well developed roots appear on the base of that plant;
 - (iv) no dead parts appear on that plant; and
 - (v) the roots of that plant have not been cut back shorter than 100 mm;
- (g) in the case of a rooted rootstock plant in a container, excluding a plant that is cultivated from a one-bud cutting, that plant has -
 - (i) a stem at least two years old and 200 mm in length and with an internode diameter of at least 5 mm;
 - (ii) at least one well hardened off one-year-old shoot with a minimum length of 150 mm, that, when dormant, is well-matured over at least two thirds thereof; and
 - (iii) at least two well developed roots on the base thereof;
- (h) in the case of a rooted rootstock plant that is cultivated from a one-bud cutting and is established in a container -
 - (i) that plant has at least one shoot with a minimum length of 100 mm that, when dormant, is well-matured over at least two thirds of the length thereof; and
 - (ii) at least two well developed roots appear on the base of that plant;
- (i) in the case of a rooted grafted plant that is not established in a container -
 - (i) the diameter of the scion of that plant is not more than 3 mm thicker and not more than 3 mm thinner than the rootstock;
 - (ii) at least two well developed roots appear on the base of that plant;
 - (iii) no signs are visible of the removal of roots thicker than 2 mm in diameter from the scion of that plant;
 - (iv) no live buds appear on the rootstock of that plant;
 - (v) that plant has at least one mature shoot with a minimum length of 100 mm when it is of the variety Barlinka or Hanepoot and 150 mm when it is of another variety;
 - (vi) the rootstock of that plant is at least 200 mm in length; and
 - (vii) no dead parts appear on that plant; and
- (j) in the case of a grafted plant in a container -
 - (i) the side graft union of that plant is firmly callused through at least the bottom three quarters of that union;
 - (ii) the top graft union of that plant is firmly callused right around;
 - (iii) the diameter of the scion of that plant is not more than 2 mm thicker or more than 3 mm thinner than the rootstock;
 - (iv) the length of any rootstock stem originating from dormant wood is at least 150 mm and the internode diameter thereof is at least 5 mm;

- (v) with the exception of a cartonaged plant, that plant has at least one shoot with a minimum length of 150 mm that, when dormant, is well-matured over at least two-thirds of the length thereof;
 - (vi) when cartonaged, that plant has at least one shoot with a minimum length of 100 mm;
 - (vii) at least three well-developed roots appear on the base of that plant; and
 - (viii) no signs are visible of the removal of roots thicker than 2 mm in diameter from the scion of that plant; and
- (k) in the case of a rooted green-grafted plant in a container –
- (i) the graft union of a green-grafted plant in a container must be firmly callused right around;
 - (ii) the internodal diameter of the scions of such a plant must be at least 1,5 mm;
 - (iii) each one-year-old plant, when dormant, must have at least one mature shoot with a minimum length of 80 mm;
 - (iv) each one-year-old plant, when not dormant, which has stood over for one season after grafting, must have at least one green shoot with a minimum length of 80 mm;
 - (v) the rootstock of such a plant must have a length of at least 100mm, with an internodal diameter of at least 1,5 mm and be well-matured over the entire length thereof; and
 - (vi) each plant must have at least three well-developed roots that are evenly spread around the base thereof.

Marking and labelling of plants

47.(1) Subject to the provisions of subregulation (4), a plant that is sold must be furnished with a label on which is indicated in clearly legible symbols, letters and figures -

- (a) the recognised name of the kind to which such plant belongs;
- (b) the denomination which is generally used for the variety concerned, unless the registrar determines otherwise in respect of a particular kind of plant;
- (c) in the case of a plant referred to in regulations 31(2), (3) and (4) that has been grafted into a rootstock, also the particulars referred to in paragraphs (a) and (b) in respect of such rootstock;
- (d) the name and address of the premises where such plant is sold or was grown: Provided that where such plant is resold, the name and address of the premises from which it was obtained, may also, or instead thereof, be indicated;
- (e) the number of the lot/batch of plants to which such plant belongs.

(2) If a plant referred to in subregulation (1) is certified, the label in respect of such plant must also contain -

- (a) the certification number of the certificate issued in respect of the lot/batch concerned; and
- (b) the further information which must appear on such label in terms of the scheme concerned.

(3) The appropriate information referred to in subregulations (1) and (2) -

- (a) may be indicated as an alternative on a container in which a plant grows when sold, or on a label attached to such container; and
 - (b) may, in the case where plants are packed in bundles, be indicated on a label attached to each separate bundle.
- (4) The provisions of subregulation (1) shall not apply to the sale of plants that are cultivated in containers and supplied on a large scale direct to a producer for commercial planting: Provided that -
- (a) such producer must take delivery of the plants at the nursery, or the nursery concerned must deliver the plants direct to the producer at his premises; and
 - (b) the information referred to in subregulation (1) is furnished in an accompanying invoice.
- (5) When a variety is advertised, offered for sale or marketed, it is permitted to associate a trademark, trade name or other similar indication with an approved variety denomination.
- (6) The trademark, trade name or other similar indication referred to in subregulation (5) may not be used alone without the approved variety denomination; the variety denomination must at all times be easily recognisable.

Inspection and sampling of plants and vegetative propagating material

48.(1) Plants and propagating material grown at registered premises must be presented for inspection and sampling in terms of sections 41(2), 42(1)(e) or 42(6) of the Act in such a manner that -

- (a) access to the plants and propagating material concerned can be readily obtained; and
 - (b) all the marks, printing or writing on the plants or containers or on labels attached to such containers can be readily read.
- (2) Plants and propagating material is intended for export, must comply with the requirements of this Act.
- (3) In cases where the Registrar, employee or authorised person cannot inspect premises or take samples due to -
- (a) inability to access the area, or
 - (b) insufficient light to read the marks, printing or writing on the containers of the seed concerned, or on labels attached to such containers,

the person in charge of the place or premises in question, the exporter thereof or his agent, must render all reasonable assistance required to enable him to obtain the required sample and to identify the plants or material concerned.

(4) When an inspection of plants or propagating material is undertaken and/or samples of such material is tested, examined or analysed upon request of the owner or person in control of the premises for purposes of export or otherwise, the applicant concerned is liable for the cost of such sampling and tests.

Declaration relating to plants or propagating material imported for immediate export or for purposes other than cultivation

49.(1) The provisions of regulation 42 shall apply with the necessary changes for the import of plants and propagating material for immediate export or import for purposes other than cultivation thereof.

Application for export certificate for plants or vegetative propagating material

50.(1) In cases where plants or vegetative propagating material intended for export does not comply with the requirements of the Act, an application for an export certificate must be submitted in terms of section 44(3) of the Act on the form obtainable from the Registrar for this purpose.

(2) An application referred to in subregulation (1) must be submitted in respect of each separate consignment and each such application must -

- (a) be accompanied by the application fee specified in item 1(a) of Table 1; and
- (b) reach the registrar at least 30 days prior to the date of intended export to allow for the period to conduct the required laboratory tests.

Examination and sampling of plants or vegetative propagating material intended for export

51.(1) Plants or vegetative propagating material intended for export must be presented for examination and sampling in accordance with the provisions of regulation 48.

(2) When an inspection of plants or propagating material is undertaken and/or samples of such material is tested, examined or analysed upon request of the owner or person in control of the premises for purposes of export or otherwise, the applicant concerned is liable for the cost of such sampling and tests.

Chapter V: Registration of Varieties

Register of varieties

52.(1) The register of varieties referred to in section 6 of the Act must contain the following information

-

- (a) the denomination of each variety and any approved amendment thereof, including the date of such amendment;
- (b) breeder's reference, where available;
- (c) the approved synonym for each variety, where applicable;
- (d) the name of the applicant for each variety;
- (e) the country code for the country of origin of the variety;
- (f) the name of the person who has been appointed as the local agent;
- (g) the kind of plant for each variety indicating the scientific and common name;
- (h) the UPOV code for the kind of plant for each variety;
- (i) the application number and filing date for each variety;
- (j) National Varietal List Journal number and publication date on which the application was published for each variety;
- (k) the date on which an application for national listing is withdrawn or rejected;
- (l) the approval number and date of approval for each variety, if approved;
- (m) National Varietal List Journal number and publication date on which the decision for approval was published for each variety;

- (n) National Varietal List Journal number and publication date on which an application has been withdrawn, lapsed or rejected, or a variety denomination has been removed from the national list; and
- (o) such other particulars as the registrar may deem necessary, subject to the provisions of the Act.

(2) Any person requiring a copy of a document referred to in section 6(3) relating to particulars in the register of varieties, must -

- (a) apply in writing to the Registrar; and
- (b) pay the fee specified in item 4 of Table 2 and provide proof thereof to the Registrar.

National varietal list journal

53. (1) The Registrar must publish the particulars specified in Table 7 in respect of the following in the National varietal list journal referred to in section 40 of the Act-

- (a) applications for national listing;
- (b) withdrawal, lapsing or rejection of an application for national listing;
- (c) decisions relating to the approval or refusal for national listing;
- (d) amendment of the applicant and/or agent,
- (e) change of ownership of a variety;
- (f) intention to amend an approved variety denomination;
- (g) amendment of an approved variety denomination;
- (h) addition of a synonym to an approved variety denomination;
- (i) removal of a variety denomination from the national list; and
- (j) any other matter as deemed necessary.

(2) The Registrar must publish the National Varietal List Journal on a quarterly basis –

- (a) on the website of the Department; and
- (b) by electronic circulation to relevant stakeholders.

(3) The publication date of the National Varietal List Journal is the date on which the journal is broadcast electronically.

National varietal list

54. (1) The national varietal list referred to in section 24 of the Act must at least contain the following information:

- (a) the kind of plant (scientific and common name) for each variety;
- (b) the variety denomination or approved amendment thereof for each variety;
- (a) the approved synonym for each variety, where applicable.

(2) In the case of kinds of plants where specific varieties are not required to be listed, referred to as "open list" in column 3 of Table 1, the expression "All varieties" is indicated for the respective kind of plant in the varietal list.

(3) Notwithstanding the provisions of sub-regulation (2), specific varieties may be listed for the purposes of a certification scheme contemplated in section 45 for the kinds of plants with an open list, but must be clearly indicated as "Varieties eligible for certification" below the expression "All varieties".

Inspection and copies of documents

55.(1) Any person requiring to inspect a document in terms of section 8(1) must

- (a) make an appointment with the Registrar;
- (b) pay the fee specified in item 5 of Table 2 and provide proof thereof to the Registrar.

(2) Any person requiring a copy of a document referred to in section 8(2) must

- (a) apply in writing to the Registrar; and
- (b) pay the fee specified in item 6 of Table 2 and provide proof thereof to the Registrar.

(3) No person may inspect or be furnished a copy of the confidential information stipulated in section 8(3) of the Act and any correspondence to the applicant regarding approval and refusal for national listing.

Application for removal of variety denomination

56. (1) An application for the removal of a variety denomination in terms of section 26(1)(g) by a third party, must be submitted on the form obtainable from the Registrar and must be accompanied by the fee specified in item 10(h) of Table 2.

Submission of application and payment of application fees

57. (1) An applicant or agent must submit to the Registrar an original signed application with accompanying documents specified in section 28(1) of the Act by hand, courier or mail to the office of the Registrar.

(2) Proof of payment of the application fee payable in terms of section 28(1)(e) of the Act is specified in item 10(a) of Table 2.

(3) Application fees paid for applications that are subsequently withdrawn or rejected are non-refundable.

(4) In the case of hemp, the application must also be accompanied by --

- (a) a copy of the hemp permit contemplated in regulation 4.;
- (b) confirmation of variety registration by the registration or designated authority of another country, if the variety is imported;
- (c) an analytical report confirming the THC content in the plants (flowering heads and leaves) of the variety from which the propagating material was obtained; and
- (d) if the THC content exceeds 0.2%, a copy of the relevant permit in terms of the Medicines Act."

Appointment of agent

58.(1) An applicant for national listing in terms of section 28 of the Act must, if appointing an agent, submit to the Registrar a duly completed form obtainable from the office of the Registrar or letter stipulating appointment of such agent.

(2) An applicant who is not domiciled and resident in the country may only submit an application through an agent and must inform the Registrar of the appointment of such agent by submitting a duly completed form obtainable from the Registrar or letter stipulating appointment of such agent.

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(3) The original signed form or letter referred to in subregulation (1) and (2) must be submitted together with an application for national listing.

(4) In the event where an applicant substitutes an appointed agent, the applicant must notify the Registrar of such a substitution by submitting duly completed form obtainable from the office of the Registrar or letter stipulating substitution of such agent.

(5) Notwithstanding the provisions of subregulation (1) and (2), if the breeder cannot be traced, a declaration referred to in section 28(3) of the Act must be submitted on the form obtainable from the Registrar.

Withdrawal of an application for national listing

59.(1) The applicant for national listing must submit a notice for the withdrawal of an application to the Registrar on the form obtainable from the office of the Registrar.

(2) A duly completed and signed form must be sent electronically, mailed, couriered or hand delivered to the office of the Registrar.

Submission of plant material and payment of examination fees for tests and trials

60. (1) An applicant or agent must provide material for tests and trials in accordance to section 35 of the Act to the Registrar in the following manner –

- (a) in the case potatoes, trees and vines, the required amount of plant material must be made available for tests and trials within 5 years from the filing date and the applicant or agent must deliver the material to the office of the Registrar or inform the Registrar of the location of the material, as applicable;
- (b) in the case of all other crops, the required amount of propagating material must be delivered to the office of the Registrar within 24 months from the filing date;
- (c) the specific amount of material to be submitted is obtainable from the office of the Registrar; and
- (d) if the plant material has been submitted for the same variety in terms of the Plant Breeders' Rights Act, 2018 (Act 12 of 2018), another sample is not required in terms of this Act.

(2) Upon delivery of the material or receipt of notification of the availability thereof, the Registrar must issue an invoice to the applicant or agent, as applicable.

(3) The examination fee payable in terms of section 28(1)(e) of the Act is payable in the year that the material is made available for tests and trials and the fee payable is specified in item 10(c) of Table 2.

(4) Upon payment of the examination fee, the applicant or agent must submit proof of payment to the office of the Registrar.

(5) In the case where an application for the same variety has been submitted simultaneously for granting of a plant breeder's right in terms of the Plant Breeders' Rights Act, 2018 (Act 12 of 2018) and the examination fee has been paid in respect of that application, no examination fee is payable.

(6) In the case where an application for national listing is filed after the grant of a plant breeder's right in terms of the Plant Breeders' Rights Act, 2018 (Act 12 of 2018) for the same variety by the same applicant, the Registrar may take over results of the DUS test and trials conducted for plant breeders' rights.

(7) If the Registrar takes over results of DUS test and trials for plant breeders' rights in terms of subregulation (6), no examination fees are payable by the applicant.

(8) In cases where results for tests and trials are taken over from the relevant authority of another country in accordance with section 55 of the Act, the applicant must -

- (a) pay the examination fee to the authority of the providing country and furnish the Registrar with the proof of payment, and
- (b) furnish the Registrar with propagating material where applicable and upon request.

(9) The examination fee paid for the tests and trials for a variety subsequently refused for approval for national listing is non-refundable.

Application for extension to submit material for tests and trials

61.(1) An applicant or agent who did not furnish the Registrar with material for tests and trials within the prescribed period in accordance to section 35 of the Act, must -

- (a) apply to the Registrar for an extension not exceeding the initial period stipulated in regulation 60(1) on the form obtainable from the Registrar; and
- (b) in the event of imported material, the application must be accompanied with a sworn affidavit as proof that the plant material has been imported into the Country.

Amendment of application for national listing

62.(1) An applicant or agent may apply for amendment of an application for national listing in accordance with section 31 of the Act on the relevant form available from the Registrar for:

- (a) change of applicant or owner;
- (b) change of local agent;
- (c) addition or removal of a synonym;
- (d) any other change as agreed upon by the Registrar.

(2) Amendments affecting the description of the variety are not acceptable.

(3) An applicant or agent must submit proof of payment of the fee specified in item 10(b) of Table 2 for amendment of the application.

Objection to application for national listing

63.(1) Any person may, within 60 days of the publication of particulars in respect of an application made in accordance to section 28 of the Act in a National Varietal List Journal, lodge an objection with the Registrar in accordance to section 32 (1) of the Act.

(2) Notwithstanding subregulation (1), such an objection must be lodged before approval of the variety concerned, as approval for listing constitutes a decision of the Registrar for which an appeal may be lodged in accordance with section 47 of the Act.

(3) The documentation for the objection may be sent electronically or hand delivered, couriered or mailed to the Registrar, and such an objection must:

- (a) state the name and address of the person objecting;
- (b) state the kind of plant and the denomination of the variety in question;
- (c) state the publication date of the Varietal List Journal in which the particulars of the application of the variety concerned were published;

- (d) state the grounds for the objection, substantiated by such proof as may be deemed necessary; and
 - (e) be accompanied by proof of payment of the fee specified in item 10(f) of Table 2.
- 4) If the applicant decides to lodge a counterstatement in accordance to section 32 (3) of the Act, such a counter-statement must:
- a) be sent electronically or hand delivered, couriered or mailed to the Registrar within 60 days of receiving the notification of the objection from the Registrar;
 - b) provide detailed responses to the grounds for the relevant objection, substantiated by such proof as may be deemed necessary.

Denomination of variety –

64. (1) The applicant must propose a variety denomination to the Registrar in accordance with section 33 of the Act and such denomination must-

- (a) be suitable to identify the variety;
- (b) be the same as submitted in any other country for the same variety;
- (c) be different from known denominations of any existing varieties of the same or a closely related kind of plant in any other country;
- (d) be aligned with the relevant accepted international practices
- (e) not be used more than once in the same variety denomination class.
- (f) not be such as to be liable to mislead or to lead to confusion concerning the characteristics, value, geographical origin, identity of the variety in question or the identity of the breeder thereof;
- (g) subject to the provisions of subregulation (2) not be identical with or similar to, or liable to lead to confusion with a mark which enjoys the protection accorded thereto by the Trade Marks Act, 1963 (Act No. 62 of 1963); and
- (h) be in accordance with a list of the denomination classes available from the Registrar.

(2) Notwithstanding anything to the contrary contained in these regulations –

- (a) a mark referred to in subregulation (1)(g) may only be approved as a denomination for a variety if the applicant concerned submits documentary proof that the holder of the mark concerned renounces his or her right to such mark as from the date of filing an application for national listing for the variety concerned; and
- (b) the denomination approved by the registrar for a variety in respect of which protection or national listing has been granted by, or an application for protection or listing has been lodged with the appropriate authority in another country in accordance with the laws in force in that country must be the same as the denomination thus protected or thus applied for in such country, on condition however that the provision of subparagraph (a) are complied with and that a priority claim on such denomination is not proved by another person.

(3) If the Registrar finds that the proposed denomination does not satisfy the requirements of subregulation (1), the Registrar must within 14 days of receipt of the application request the applicant in writing to propose an alternative denomination.

(4) The applicant must within 30 days from the date of request propose an alternative denomination using form obtainable from the Registrar.

(5) The duly completed and signed Schedule must be mailed, hand delivered or couriered to the office of the Registrar.

Amendment of denomination

65.(1) A request for the amendment of the approved denomination for a variety in terms of section 34(3) must –

- (a) be in accordance with regulation 64;
- (b) be submitted to the Registrar by the applicant using Form obtainable from the Registrar; and
- (c) the duly completed signed original Schedule accompanied by the proof of payment of the fee specified in item 10(d) of Table 2 must be mailed, hand delivered or couriered to the office of the Registrar.

(2) If the Registrar intends to approve the amendment of the denomination, the particulars specified in item 10 of Table 7 in respect thereof must be published in accordance with regulation 53.

(3) The documentation for the objection against the intended amendment of an approved variety denomination in terms of section 34(5) of the Act must –

- (a) be lodged with the Registrar in writing within 30 days from the date on which the particulars thereof were published in terms of section 40 of the Act;
- (b) state the name and address of the person objecting;
- (c) indicate the published particulars of the application concerned;
- (d) state the grounds on which it is based; and
- (e) be accompanied by proof of payment of the fee specified in item 10(g) of Table 2.

(4) The Registrar must within 14 days of the receipt of an objection,

- (a) inform the applicant concerned in writing of the objection; and
- (b) provide the applicant with a copy of the objection.

(5) The applicant may lodge with the Registrar a counter-statement against the objection within 30 days of notification.

(6) In considering the objection, the Registrar may request that further information be furnished as may be deemed necessary.

(7) After considering all the evidence, the Registrar must make a decision and thereafter in writing inform the person objecting and the applicant concerned of his or her decision and of the grounds on which it is based.

(8) If the objection against the intended amendment of denomination referred to in subregulation (2) is upheld, the applicant must propose another denomination and if approved, the Registrar must publish such denomination.

(9) If no objection was lodged or if the objection referred to in subregulation (3) was not successful, the denomination published in terms of subregulation (2) will be considered the approved denomination.

Addition of synonym for an approved variety denomination

66.(1) The agent or introducer of a variety may request the addition of a synonym for an approved variety denomination in the national list on Form obtainable from the Registrar.

(2) The duly completed signed original Schedule accompanied by the proof of payment of the fee specified in item 3 of Table 2 must be mailed, hand delivered or couriered to the office of the Registrar and must be accompanied by written approval from the breeder, if known, for the synonym concerned.

(3) The synonym requested in subregulation (1) must comply with the requirements stipulated in regulation 64.

Evaluation of variety for value, cultivation and use

67.(1) The Registrar must notify the applicant of a variety in writing of his or her intention to evaluate the variety in question in terms of section 38 of the Act and specify –

- (a) the reason for the intended evaluation;
- (b) the quantity of plants or propagating material required for evaluation; and
- (c) the date and place for delivery.

(2) The variety will be evaluated in accordance with international accepted standards for the kind of plant in relation to the respective traits that are to be evaluated.

Hearing of an objection

68.(1) The procedure at the hearing of an objection in terms of section 39 of the Act must be as follows:

- (a) parties must submit their evidence to the Registrar and exchange same between themselves within seven days of the date of receipt of notification of the hearing from the Registrar.
- (b) at the hearing, the Registrar or his or her representative will chair the proceedings, and provide Secretariat services to record the proceedings.
- (c) all parties or their representatives will be allowed to call witnesses during the hearing and to cross-examine other witnesses;
- (d) the onus rests with each party to notify his or her witnesses of the date, place and time of the hearing and to ensure their presence at the hearing;
- (e) the person who lodged the objection or their representative will be allowed to present his or her case first and to call witnesses; and
- (f) the person who holds the plant breeder's right against which an objection is lodged, or their representative, will then be allowed to present his or her case and to call witnesses.

(2) The Registrar may, when considering the matter at the hearing utilize one or more of the persons contemplated in section 48 to assist and advise with regard to the hearing of the objection.

(3) After hearing all the evidence, the Registrar must within 21 days consider the evidence and reach a decision, and in writing advise all parties concerned, of his decision and of the grounds on which it is based.

(4) The Registrar must make copies of the proceedings to the parties concerned within 14 days of the finalisation of the matter.

(5) The Registrar must publish any amendment resulting from a decision on an objection.

Chapter VI: Schemes

Application for establishment of a scheme

69. (1) An application referred to in section 45(5) of the Act, must be submitted in writing to the Registrar containing at least the following information:

- (a) name of the proposed scheme and the kinds of plants that will be subject to the scheme
- (b) name and address of the organisation or association seeking to be the designated authority
- (c) the constitution of the organisation or association
- (d) whether the scheme must be voluntary or compulsory
- (e) the main objective of the scheme, whether it is phytosanitary and/or varietal integrity
- (f) name and address of the organisation that will be responsible for operation of the scheme, if applicable, to which the functions and duties of the authority will be delegated
- (g) confirmation that the scheme will be operated at own cost, or if not at own cost, the source of finances for such operations;
- (h) proposed scheme containing at least the elements set out in regulation 70.

(2) The Registrar must consider the application received and submit a recommendation for consideration by the Minister after consultations with the applicant and relevant industry.

(3) The Registrar must notify the applicant in writing within 30 days of receiving the decision from the Minister and if approved, publish a notice in the Gazette.

(4) A written agreement in the form of a Memorandum of Agreement must be entered into between the designated authority and the Department upon appointment of the organisation as designated authority. The agreement must contain at least the following:

- (a) role and duties of the designated authority including key responsibilities
- (b) role and duties of the Department
- (c) monitoring and evaluation of the scheme

(5) A person who feels aggrieved by the decisions or actions of the designated authority, must follow the appeal procedure in terms of section 47 of the Act.

Provisions of the scheme

70.(1) The Minister must in a notice relating to the establishment of a scheme, -

- (a) indicate the kinds of plants and varieties thereof to which the provisions of the scheme will apply;
- (b) provide that an area of land utilized for the cultivation of plants or propagating material in terms of a scheme, must be registered as a unit with the designated authority referred to in section 45(6)(a);
- (c) provide for the manner in which an application for registration as a unit must be

- submitted, the information which must accompany such an application and the circumstances under which such registration shall lapse, be refused or be cancelled;
- (d) determine the requirements and conditions to which a unit must comply to be eligible for registration, and the period of validity of such registration;
 - (e) determine that, as from the date on which a unit is registered in terms of a scheme, the provisions of such scheme shall be binding on the person in whose favour that unit is registered;
 - (f) provide for the manner in which and the control subject to which plants and propagating material intended for certification under a scheme must be produced and treated;
 - (g) determine the manner in which and the times at which any inspection of units or of plants or propagating material with reference to which the provisions of a scheme are applicable, shall be carried out, and authorize the designated authority to determine the forms to be used in connection with such an inspection;
 - (h) determine the requirements and standards of quality that plants and propagating material must comply with for certification in terms of a scheme;
 - (i) determine the way in which plants and propagating material must be certified, the form of a certificate in connection therewith and the circumstances under which such a certificate shall lapse;
 - (j) determine the way in which certified plants and propagating material must be packed, marked, labelled, sealed, stored or distributed, and the specifications of the labels and seals to be used therefore;
 - (k) determine the information which must appear on the containers in which certified plants and propagating material are packed, or on labels affixed thereto;
 - (l) determine the records to be kept and the information to be furnished by any person in whose favour a unit is registered under a scheme;
 - (m) determine the fees or charges payable in terms of a scheme, or where the designated authority has been appointed to operate at own cost, authorize such authority to determine the fees or charges, and stipulate that the rendering of any service may be refused to a person who is indebted to any such authority in any amount in respect of such fees or charges;
 - (n) confer on the designated authority or on any person authorized in writing by any such authority to enforce any provision of a scheme, the powers of inspection referred to in section 42(1);
 - (o) declare that the provisions of section 47 shall *mutatis mutandis* apply with reference to any person who feels aggrieved by any decision or action taken in connection with a scheme by a designated authority; and
 - (p) provide generally for any other matter which, in the opinion of the Minister, is necessary or expedient in order to further or better achieve the objects of a scheme, the generality of the powers conferred by this paragraph not being limited by the preceding paragraphs.

(2) The designated authority referred to in section 45(6)(a) of the Act, must enter into written agreement with the person it authorizes to exercise, perform or carry out any power, function or duty

of that authority as provided for in section 46(2) of the Act.

(3) A designated authority who desires to extend the scope of the established scheme to include a kind of plant that has been declared in terms of the Act, a request for the inclusion of such plant must be submitted to the Registrar.

(4) In the case where there is a need to extend the scope of an established scheme to a kind of plant that has been declared in terms of the Act, the designated authority must submit a request for such extension to the Registrar.

(5) The provisions of regulation 69(2) and (3) are applicable with the necessary changes for processing the request referred to in subregulation (4).

Chapter VII: General

Appeal against decision or action of Registrar or designated authority

71.(1) An appeal in terms of section 47 of the Act must -

- (a) be lodged through the Director-General in writing within 60 days of the date on which the Registrar or Designated Authority has given any person referred to in that section written notice of the decision or action concerned or publication of the decision or action concerned in terms of regulation (journal);
- (b) state the reference number and date of the document or National Varietal List Journal by means of which such person was notified of such decision or action;
- (c) state the kind of plant, variety denomination and application or approval number of the variety concerned for which such a decision or action was taken;
- (c) state the grounds on which the appeal is based; and
- (d) be accompanied by proof of payment of the fee specified in item 10(i) of Table 2.

(2) The contact details of the Director-General, to which the appeal documentation must be submitted, may be obtained upon request from the office of the Registrar located within the department.

Remuneration of persons appointed in terms of the Act

72. (1) A person who is appointed in terms of :

- a) section 39 (3) for hearing of an objection; and
- b) section 48 (1) for consideration of an appeal

and who is not an employee, must be remunerated according to Category C 2 of the Manual for the Application of the System for the Administration of the Service Benefit Packages for Office-bearers of Certain Statutory and other Institutions.

(2) A member of the Advisory Committee appointed in terms of section 51 of the Act must receive subsistence and travelling allowance as determined by National Treasury regulations, and in accordance with the department's prescripts.

Chapter VIII: Tables

Table 1: Kinds of plants regulated by the Act

Table 2: Tariffs

Table 3: Quantities for non-commercial seed.

Table 4: Requirements for seed

Table 5: Compulsory certification of varieties

Table 6: Ports of entry

Table 7: Particulars relating to varieties published

TABLE 1
KINDS OF PLANTS AND PROVISIONS OF ACT APPLICABLE
[Reg. 2]

1 Kind of plant		2	3	4	5
Scientific name	Common name	Sections of the Act not applicable	Status of varietal list (closed / open)	Type of propagation (seed / vegetative)	Use (Agriculture Vegetable Fruit)
<i>×Agrotriticum</i> spp.	Agrotriticum	24-38	open	S	A
<i>Actinidia</i> spp.	Kiwi fruit	24-38	open	V	F
<i>Allium cepa</i> L.	Onion		closed	S	V
<i>Allium fistulosum</i> L.	Bunching onion	24-38	open	S	V
<i>Allium fistulosum</i> L. x <i>A. cepa</i> L.	New bunching onion	24-38	open	S	V
<i>Allium porrum</i> L.	Leek	24-38	open	S	V
<i>Anacardium occidentale</i> L.	Cashew nut	24-38	open	V	F
<i>Antherophora pubescens</i> Nees	Bottlebrush grass, Wool grass		closed	S	A
<i>Arachis hypogaea</i> L.	Groundnut		closed	S	A
<i>Asparagus officinalis</i> L.	Asparagus	24-38	open	S, V	V
<i>Avena nuda</i> L.	Naked oats		closed	S	A
<i>Avena sativa</i> L.	Oats		closed	S	A
<i>Avena sativa</i> L. [syn. <i>Avena byzantina</i> K. Koch]	Red oats	24-38	open	S	A
<i>Avena strigosa</i> Schreb.	Black oats	24-38	open	S	A
<i>Bertholletia excelsa</i> Humb. & Bonpl.	Brazil nut	24-38	open	V	F
<i>Beta vulgaris</i> L.	Fodder beet	24-38	open	S	A
<i>Beta vulgaris</i> L.	Garden beet		closed	S	V
<i>Beta vulgaris</i> L.	Sugar beet		closed	S	A
<i>Beta vulgaris</i> L.	Swiss chard	24-38	open	S	V
<i>Brassica napus</i> L.	Forage rape	24-38	open	S	A
<i>Brassica napus</i> L.	Swede	24-38	open	S	V
<i>Brassica napus</i> L.	Oilseed rape (canola)		closed	S	A
<i>Brassica oleracea</i> L.	Cauliflower		closed	S	V
<i>Brassica oleracea</i> L.	Cabbage		closed	S	V
<i>Brassica oleracea</i> L.	Brussels sprouts	24-38	open	S	V
<i>Brassica oleracea</i> L.	Kohlrabi, Stem turnip	24-38	open	S	V
<i>Brassica oleracea</i> L.	Broccoli		closed	S	V
<i>Brassica oleracea</i> L.	Savoy cabbage	24-38	open	S	V
<i>Brassica oleracea</i> L.	Curly kale, Borecole	24-38	open	S	V

1						
Kind of plant						
Scientific name	Common name	2	3	4	5	
<i>Brassica oleracea</i> L.	Fodder kale	24-38	open	S	A	
<i>Brassica rapa</i> L. [including <i>B. campestris</i> L.; <i>B. chinensis</i> L.; <i>B. pekinensis</i> (Lour.) Rupr.; <i>B. perviridis</i> (L.H. Bailey) L.H. Bailey]	Turnip	24-38	open	S	V	
<i>Brassica rapa</i> L. [including <i>B. campestris</i> L.; <i>B. chinensis</i> L.; <i>B. pekinensis</i> (Lour.) Rupr.; <i>B. perviridis</i> (L.H. Bailey) L.H. Bailey]	Chinese cabbage, pak-choi	24-38	open	S	V	
<i>Bromus catharticus</i> Vahl	Rescue grass		closed	S	A	
<i>Cajanus cajan</i> (L.) Huth	Pigeon Pea	24-38	open	S	A	
<i>Camellia sinensis</i> (L.) Kuntze [syn. <i>Thea sinensis</i> L.]	Tea	24-38	open	V	F	
<i>Cannabis sativa</i> L.	Hemp		closed	S,V	A	
<i>Capsicum</i> spp.	Chilli, Hot pepper, Sweet pepper, Paprika, Pepper rootstock		closed	S	V	
<i>Carica papaya</i> L.	Papaya	24-38	open	V	F	
<i>Carya illinoensis</i> (Wagenh.) K. Koch	Pecan nut	24-38	open	V	F	
<i>Castanea sativa</i> Mill.	Chestnut	24-38	open	V	F	
<i>Cenchrus ciliaris</i> L.	Blue buffalo grass		closed	S	A	
<i>Chloris gayana</i> Kunth	Rhodes grass		closed	S	A	
<i>Citrullus lanatus</i> (Thunb.) Matsum. et Nakai	Watermelon		closed	S	V	
<i>Citrullus lanatus</i> (Thunb.) Matsum. et Nakai	Wild melon, makataan	24-38	open	S	V	
<i>Citrus</i> spp.	Lemon, lime, orange, tangerine, mandarin and mandarin hybrids, grapefruit and pummelo	24-38	open	V	F	
<i>Coffea</i> spp.	Coffee	24-38	open	V	F	
<i>Coriandrum sativum</i> L.	Coriander	24-38	open	S	V	
<i>Corylus avellana</i> L.	Hazel nut	24-38	open	V	F	
<i>Cucumis melo</i> L.	Sweet melon		closed	S	V	
<i>Cucumis sativus</i> L.	Cucumber		closed	S	V	
<i>Cucumis</i> spp.	Cucumis rootstock		closed	S	V	
<i>Cucurbita maxima</i> Duch.	Pumpkin, Squash		closed	S	V	
<i>Cucurbita moschata</i> Duch.	Pumpkin, Squash		closed	S	V	
<i>Cucurbita pepo</i> L.	Squash, Zucchini, Vegetable marrow		closed	S	V	

1 Kind of plant		2 Sections of the Act not applicable	3 Status of varietal list (closed / open)	4 Type of propagation (seed / vegetative)	5 Use (Agriculture Vegetable Fruit)
Scientific name	Common name				
<i>Cucurbita</i> spp.	Cucurbita rootstock		closed	S	V
<i>Cydonia</i> spp.	Quince	24-38	open	V	F
<i>Cydonia</i> spp.	Quince rootstock		closed	V	F
<i>Dactylis glomerata</i> L.	Cocksfoot		closed	S	A
<i>Daucus carota</i> L.	Carrot		closed	S	V
<i>Desmodium intortum</i> (Mill.) Urb.	Green leaf desmodium	24-38	open	S	A
<i>Desmodium uncinatum</i> (Jacq.) DC.	Silver leaf desmodium	24-38	open	S	A
<i>Digitaria eriantha</i> Steud.	Smuts finger grass		closed	S	A
<i>Echinochloa crus-galli</i> (L.) P. Beauv.	Japanese Millet	24-38	open	S	A
<i>Eleusine corocana</i> (L.) Gaertn.	Finger millet	24-38	open	S	A
<i>Eragrostis curvula</i> (Schrad.) Nees	Weeping lovegrass		closed	S	A
<i>Eragrostis tef</i> (Zucc.) Trotter	Teff		closed	S	A
<i>Fagopyrum esculentum</i> Moench	Buckwheat	24-38	open	S	A
<i>Festuca arundinacea</i> Schreb.	Tall fescue		closed	S	A
<i>xFestulolium</i> spp.	Festulolium		closed	S	A
<i>Ficus</i> spp.	Fig	24-38	open	V	F
<i>Foeniculum vulgare</i> Mill.	Fennel	24-38	open	S	V
<i>Fortunella</i> spp.	Kumquat	24-38	open	V	F
<i>Fragaria x ananassa</i> Duch.	Strawberry	9-21	closed	V,S	F
<i>Glycine max</i> (L.) Merrill	Soya bean		closed	S	A
<i>Gossypium hirsutum</i> L. [including interspecific hybrids]	Cotton		closed	S	A
<i>Helianthus annuus</i> L.	Sunflower		closed	S	A
<i>Hordeum vulgare</i> L.	Barley		closed	S	A
<i>Juglans regia</i> L.	Walnut	24-38	open	V	F
<i>Kummerowia striata</i> (Thunb.) Schindl. [syn. <i>Lespedeza striata</i> (Thunb.) Hook. et Arn.]	Common Lespedeza	24-38	open	S	A
<i>Lablab purpureus</i> (L.) Sweet [syn. <i>Dolichos lablab</i> L.]	Lab-Lab bean	24-38	open	S	A
<i>Lactuca sativa</i> L.	Lettuce	24-38	open	S	V
<i>Lespedeza cuneata</i> (Dum. Cours.) G. Don	Chinese Lespedeza	24-38	open	S	A
<i>Lespedeza striata</i> (Thunb.) Hook. et Arn. -- see Kummerowia striata					
<i>Litchi chinensis</i> Sonn	Litchi	24-38	open	V	F

1 Kind of plant					
Scientific name	Common name	2 Sections of the Act not applicable	3 Status of varietal list (closed / open)	4 Type of propagation (seed / vegetative)	5 Use (Agriculture Vegetable Fruit)
<i>Lolium xboucheanum</i> Kunth – see <i>Lolium xhybridum</i>					
<i>Lolium xhybridum</i> Hausskn. [syn. <i>Lolium xboucheanum</i> Kunth]	Hybrid ryegrass		closed	S	A
<i>Lolium multiflorum</i> Lam.	Italian and Westerwold ryegrass		closed	S	A
<i>Lolium perenne</i> L.	Perennial ryegrass		closed	S	A
<i>Lolium rigidum</i> Gaudin	Wimmera ryegrass, Rigid ryegrass	24-38	open	S	A
<i>Lotus corniculatus</i> L.	Birdsfoot trefoil	24-38	open	S	A
<i>Lupinus albus</i> L.	White lupin		closed	S	A
<i>Lupinus angustifolius</i> L.	Narrow leaf lupin		closed	S	A
<i>Lupinus luteus</i> L.	Yellow lupin	24-38	open	S	A
<i>Lycopersicon esculentum</i> Mill. – see <i>Solanum lycopersicum</i>					
<i>Macadamia</i> spp.	Macadamia nut	24-38	open	V	F
<i>Malus</i> spp.	Apple		closed	V	F
<i>Mangifera indica</i> L.	Mango	24-38	open	V	F
<i>Medicago littoralis</i> Rohde ex Loisel.	Strand medic	24-38	open	S	A
<i>Medicago polymorpha</i> L.	Burr medic	24-38	open	S	A
<i>Medicago rugosa</i> Desr.	Gama medic	24-38	open	S	A
<i>Medicago sativa</i> L.	Lucerne		closed	S	A
<i>Medicago scutellata</i> (L.) Mill.	Snail medic	24-38	open	S	A
<i>Medicago truncatula</i> Gaertn.	Barrel medic	24-38	open	S	A
<i>Megathyrsus maximus</i> (Jacq.) B.K. Simon & S.W.L. Jacobs [syn. <i>Panicum maximum</i> Jacq.]	White buffalo grass		closed	S	A
<i>Melilotus albus</i> Medik.	White sweet clover	24-38	open	S	A
<i>Nicotiana tabacum</i> L.	Tobacco		closed	S	A
<i>Olea europaea</i> L.	Olive	24-38	open	V	F
<i>Ornithopus compressus</i> L.	Yellow serradella	24-38	open	S	A
<i>Ornithopus sativus</i> Brot.	Serradella	24-38	open	S	A
<i>Oryza sativa</i> L.	Rice		closed	S	A
<i>Panicum coloratum</i> L.	Small Buffalo grass	24-38	open	S	A
<i>Panicum maximum</i> Jacq. – see <i>Megathyrsus maximus</i>					

1 Kind of plant		2	3	4	5
Scientific name	Common name	Sections of the Act not applicable	Status of varietal list (closed / open)	Type of propagation (seed / vegetative)	Use (Agriculture Vegetable Fruit)
<i>Paspalum dilatatum</i> Poir.	Dallis grass	24-38	open	S	A
<i>Paspalum notatum</i> Flügge	Bahia grass	24-38	open	S	A
<i>Passiflora</i> spp.	Granadilla	24-38	open	V	F
<i>Pastinaca sativa</i> L.	Parsnip	24-38	open	S	V
<i>Pennisetum clandestinum</i> Hochst. ex Chiov.	Kikuyu	24-38	open	S	A
<i>Pennisetum glaucum</i> (L.) R. Br.	Pearl millet	24-38	open	S	A
<i>Persea americana</i> Mill.	Avocado	24-38	open	V	F
<i>Petroselinum crispum</i> (Mill.) Fuss	Parsley	24-38	open	S	V
<i>Phalaris aquatica</i> L.	Harding grass	24-38	open	S	A
<i>Phaseolus coccineus</i> L.	Kidney bean	24-38	open	S	A
<i>Phaseolus vulgaris</i> L.	Dry bean		closed	S	V
<i>Phaseolus vulgaris</i> L.	Garden bean (dwarf & runner)		closed	S	V
<i>Pistacia</i> spp.	Pistachio	24-38	open	V	F
<i>Pisum sativum</i> L. <i>sensu lato</i>	Dry pea		closed	S	A
<i>Pisum sativum</i> L. <i>sensu lato</i>	Garden pea		closed	S	V
<i>Poncirus trifoliata</i> Raf.	Trifoliate orange	24-38	open	V	F
<i>Prunus amygdalus</i> Batsch. – see <i>Prunus dulcis</i>					
<i>Prunus armeniaca</i> L. [including interspecific hybrids]	Apricot		closed	V	F
<i>Prunus avium</i> (L.) L.	Sweet cherry		closed	V	F
<i>Prunus cerasus</i> L.	Sour cherry		closed	V	F
<i>Prunus domestica</i> L.	Plum, European plum		closed	V	F
<i>Prunus dulcis</i> (Mill.) D.A. Webb [syn. <i>P. amygdalus</i> Batsch.]	Almond		closed	V	F
<i>Prunus persica</i> (L.) Batsch	Peach		closed	V	F
<i>Prunus persica</i> (L.) Batsch var. <i>nucipersica</i> (Sukow) C.K. Schneid.	Nectarine		closed	V	F
<i>Prunus salicina</i> Lindl. [including interspecific hybrids]	Japanese plum		closed	V	F
<i>Prunus</i> spp.	Prunus rootstock		closed	V	F
<i>Psidium guajava</i> L.	Guava	24-38	open	V	F
<i>Pyrus</i> spp.	Pear		closed	V	F
<i>Raphanus sativus</i> L.	Fodder radish		closed	S	A
<i>Raphanus sativus</i> L.	Garden radish	24-38	open	S	V

1 Kind of plant		2	3	4	5
Scientific name	Common name	Sections of the Act not applicable	Status of varietal list (closed / open)	Type of propagation (seed / vegetative)	Use (Agriculture Vegetable Fruit)
<i>Ricinus communis</i> L.	Castor oil		closed	S	A
<i>Secale cereale</i> L.	Rye		closed	S	A
<i>Setaria sphacelata</i> (Schum.) Stapf & C. E. Hubb.	Setaria	24-38	open	S	A
<i>Sinapis alba</i> L.	White mustard	24-38	open	S	A
<i>Solanum lycopersicum</i> L. [syn. <i>Lycopersicon esculentum</i> Mill.; <i>L. lycopersicum</i> (L.) H. Karst.]	Tomato		closed	S	V
<i>Solanum melongena</i> L.	Eggplant; Aubergine, Brinjal	24-38	open	S	V
<i>Solanum</i> spp. [excluding declared weed species]	<i>Solanum</i> Rootstock		closed	S	V
<i>Solanum tuberosum</i> L.	Potato	9-21 for tubers 22-38 for laboratories	closed	V,S	A
<i>Sorghum bicolor</i> (L.) Moench [syn. <i>S. vulgare</i> Pers.; including <i>S. dochna</i> (Forssk.) Snowden]	Grain sorghum		closed	S	A
<i>Sorghum</i> spp. [<i>S. xalmum</i> Parodi; <i>S. bicolor</i> (L.) Moench x <i>S. sudanense</i> (Piper) Stapf; <i>S. sudanense</i> (Piper) Stapf [excluding declared weed species]	Annual Forage sorghum	24-38	open	S	A
<i>Sorghum</i> spp. [excluding declared weed species]	Perennial Forage sorghum		closed	S	A
<i>Sorghum</i> spp. [excluding declared weed species]	Industrial sorghum		closed	S	A
<i>Sporobolus fimbriatus</i> (Trin.) Nees	Dropseed grass		closed	S	A
<i>Stylosanthes hamata</i> (L.) Taub.	Caribbean stylo	24-38	open	S	A
<i>Thea sinensis</i> L. – see <i>Camellia sinensis</i>					
<i>Trifolium fragiferum</i> L.	Strawberry clover	24-38	open	S	A
<i>Trifolium hirtum</i> All.	Rose clover	24-38	open	S	A
<i>Trifolium incarnatum</i> L.	Crimson clover	24-38	open	S	A
<i>Trifolium pratense</i> L.	Red clover	24-38	open	S	A
<i>Trifolium repens</i> L.	White clover		closed	S	A
<i>Trifolium resupinatum</i> L.	Persian clover		closed	S	A
<i>Trifolium subterraneum</i> L.	Subterranean clover	24-38	open	S	A
<i>Trifolium vesiculosum</i> Savi	Arrow leaf clover	24-38	open	S	A

1 Kind of plant		2	3	4	5
Scientific name	Common name	Sections of the Act not applicable	Status of varietal list (closed / open)	Type of propagation (seed / vegetative)	Use (Agriculture Vegetable Fruit)
<i>xTriticosecale Wittm. ex A. Camus</i>	Triticale		closed	S	A
<i>Triticum aestivum</i> L. ssp. <i>aestivum</i>	Wheat		closed	S	A
<i>Triticum durum</i> Desf. see <i>Triticum turgidum</i>					
<i>Triticum turgidum</i> L. subsp. <i>durum</i> (Desf.) van Slageren [syn. <i>Triticum durum</i> Desf.]	Durum wheat		closed	S	A
<i>Vicia faba</i> L.	Broad bean	24-38	open	S	A
<i>Vicia sativa</i> L. (including <i>V. angustifolia</i> L.)	Common vetch	24-38	open	S	A
<i>Vicia villosa</i> Roth (including <i>V. dasycarpa</i> Ten.)	Hairy vetch	24-38	open	S	A
<i>Vigna unguiculata</i> (L.) Walp. [syn. <i>V. sinensis</i> (L.) Savi ex Hassk.; incl. <i>Dolichos biflorus</i> L.]	Cowpea	24-38	open	S	A
<i>Vitis</i> spp.	Grapevine		closed	V	F
<i>Zea mays</i> L.	White and yellow maize		closed	S	A
<i>Zea mays</i> L.	Sweetcorn		closed	S	A

TABLE 2

FEES PAYABLE IN TERMS OF PLANT IMPROVEMENT ACT, 2018 (ACT NO. 11 OF 2018)

No.	Particulars of service and purpose	Tariff (to be determined in consultation with Minister of Finance)
1	Inspection of the register for Business and Premises	
2	A copy of any particulars in the register for Business and Premises [Reg. 9(2)(b)] hard copy and soft copy	
3	Inspection of the register of varieties	
4	A copy of any particulars in the register of varieties [Reg. 52(2)(b)] hard copy and soft copy	
5	Inspection of a document submitted to the registrar in connection with an application for national listing [Reg. 55(1)(b)]	
6	A copy of any particulars of a document submitted to the registrar in connection with an application for national listing [Reg. 55(2)(b)]	
7	Registration of business and premises under section 12	
7.1	Application for registration	
	a) application for registration of a business only [Reg. 12(1)(b)]	
	b) application for registration of premises in respect of a type of business [Reg. 12(1)(b)]	
	c) application for registration of additional type of business on the same premises (excluding laboratory) [Reg. 12(1)(b)]	
7.2	Renewal of registration	
	a) application for renewal of premises registration in respect of a type of business [Reg. 14(2)]	
	b) application for renewal of additional types of business on the same premises [Reg. 14(2)]	
8	Amendment of certificate of registration [Reg. 13(3)]	
9	Hemp Permit	
	a) Application for a Hemp Permit [Reg. 4(3)]	
	b) Renewal of a Hemp Permit [Reg. 4(6)]	
10	National listing of a variety	
	a) Application fee [Reg. 57(2)]	
	b) amendment to application for national listing [Reg. 62(1)]	
	c) Examination fee [Reg. 60(3)]	
	<u>Note:</u> (i) If examination fee has been paid for a plant breeder's right in terms of Plant Breeders' Rights Act, 2018 (Act No. 12 of 2018) for the same variety, the NL examination fee is not payable [Reg. 60(5)] (ii) If a plant breeder's right has been granted in terms of Plant Breeders' Rights Act, 2018 (Act No. 12 of 2018) for the same variety, the NL examination fee is not payable [Reg. 60(6)]	
	d) Application for the amendment or supplementation of the denomination of a variety [Reg. 65(1)(c)]	
	e) Application for addition of a synonym for approved denomination of a variety [Reg. 66(2)]	

No.	Particulars of service and purpose	Tariff (to be determined in consultation with Minister of Finance)
	f) Objection to application for national listing of a variety [Reg. 63(e)]	
	g) Objection to intended amendment of an approved denomination [Reg. 65(3)(e)]	
	h) Application for removal of an approved variety denomination by third party [Reg. 56(1)]	
	i) Lodgement of appeal against a decision of or steps taken by the Registrar [Reg. 71(1)(d)]	
11	Unlisted varieties:	
	a) authorisation to import [Reg. 39(2)]	
12	Export Certificate in terms of section 44	
	a) Application for a certificate [Reg. 43(2); 50(2)]	
	b) Inspection and sampling of plant and propagating material within official office hours [Reg. 38(3)]	
	c) Seals for sealing containers of seed for which an export certificate has been issued under section 44 [Reg. 38(3)]	
	d) Purity analysis [Reg. 38(3)]	
	e) Germination [Reg. 38(3)]	
	TARIFFS NOT PROVIDED FOR BY LEGISLATION	
13	Inspections relating to unjustified complaints concerning plants or propagation material	
	a) Inspection, sampling and sealing of containers within official office hours	
	b) Purity analysis (grasses excluded)	
	c) Purity analyses on grasses (excluding where degluming or the blowing method is required)	
	d) Purity analysis on grasses that require degluming	
	e) Purity analysis on grasses that require the uniform blowing method	
	f) Germination test	
	g) Weighed replicate germination test	
	h) Tetrazolium test	
14	International seed quality certificates	
	a) Issuing of seed quality certificates	
	b) Sampling and sealing of containers within official office hours	
	c) Seals for sealing containers	
15	Seed analyses	
	a) Purity analysis (grasses excluded)	
	b) Purity analyses on grasses (excluding where degluming or the blowing method is required)	
	c) Purity analysis on grasses that require degluming	
	d) Purity analysis on grasses that require the uniform blowing method	

No.	Particulars of service and purpose	Tariff (to be determined in consultation with Minister of Finance)
	e) Germination test	
	f) Weighed replicate germination test	
	g) Other seed determination	
	h) Alkaloid test	
	i) Moisture determination	
	j) Tetrazolium test	
	k) Preference testing for (a) to (j) above	
	l) Seed identification	
	m) Seed quality investigation	
16	Seed technological examinations	
	a) Annual courses presented in seed testing methods and techniques for a trainee seed analyst	
	b) Specialist workshop in seed testing methods and techniques for a qualified seed analyst	
	c) practical examination for a seed analyst to act as responsible officer of a seed testing laboratory	
17	Plant Improvement services rendered in respect of the maintenance and provision of plant propagation material derived from nucleus plants kept at a departmental quarantine station	
	a) Vegetative propagation material (buds)	
	b) Vegetative propagation material (cuttings)	
	c) Vegetative propagation material (growing tips for <i>in vitro</i> propagation)	
	d) Plants of various fruit crops	
	e) Management of gene source material in repositories	

TABLE 3
QUANTITIES FOR NON-COMMERCIAL SEED [Reg. 5]

1 Kind of plant		2	3
Scientific name	Common name	Max seed per variety per year (kg)	Max seed per packet (g)
<i>Allium cepa</i> L.	Onion	3500	20
<i>Antheophora pubescens</i> Nees	Bottlebrush grass, Wool grass		
<i>Arachis hypogaea</i> L.	Groundnut	1000	500
<i>Avena nuda</i> L.	Naked oats		
<i>Avena sativa</i> L.	Oats	500	500
<i>Beta vulgaris</i> L.	Garden beet	2500	20
<i>Beta vulgaris</i> L.	Sugar beet		
<i>Brassica napus</i> L.	Oilseed rape (canola)		
<i>Brassica oleracea</i> L.	Broccoli	250	10
<i>Brassica oleracea</i> L.	Cabbage	250	10
<i>Brassica oleracea</i> L.	Cauliflower	250	10
<i>Bromus catharticus</i> Vahl	Rescue grass		
<i>Capsicum</i> spp.	Chilli, Hot pepper, Sweet pepper, Paprika, Pepper rootstock	350	15
<i>Cenchrus ciliaris</i> L.	Blue buffalo grass		
<i>Chloris gayana</i> Kunth	Rhodes grass		
<i>Citrullus lanatus</i> (Thunb.) Matsum. et Nakai	Watermelon	500	50
<i>Cucumis melo</i> L.	Sweet melon	500	30
<i>Cucumis sativus</i> L.	Cucumber	500	20
<i>Cucumis</i> spp.	Cucumis rootstock		
<i>Cucurbita maxima</i> Duch.	Pumpkin, Squash	1000	60
<i>Cucurbita moschata</i> Duch.	Pumpkin, Squash	1000	60
<i>Cucurbita pepo</i> L.	Squash, Zucchini, Vegetable marrow	1000	30
<i>Cucurbita</i> spp.	Cucurbita rootstock		
<i>Dactylis glomerata</i> L.	Cocksfoot		
<i>Daucus carota</i> L.	Carrot	3000	20
<i>Digitaria eriantha</i> Steud.	Smuts finger grass		
<i>Eragrostis curvula</i> (Schröd.) Nees	Weeping lovegrass		
<i>Eragrostis tef</i> (Zucc.) Trotter	Teff		
<i>Festuca arundinacea</i> Schreb.	Tall fescue		
* <i>Festulolium</i> spp.	Festulolium		
<i>Glycine max</i> (L.) Merrill	Soya bean	1000	500
<i>Gossypium hirsutum</i> L. [including interspecific hybrids]	Cotton		
<i>Helianthus annuus</i> L.	Sunflower	500	100
<i>Hordeum vulgare</i> L.	Barley	1000	500
<i>Lolium ×boucheanum</i> Kunth – see <i>Lolium ×hybridum</i>			
<i>Lolium ×hybridum</i> Hausskn. [syn. <i>Lolium ×boucheanum</i> Kunth]	Hybrid ryegrass		
<i>Lolium multiflorum</i> Lam.	Italian and Westerwold ryegrass		
<i>Lolium perenne</i> L.	Perennial ryegrass		
<i>Lupinus albus</i> L.	White lupin	1000	500
<i>Lupinus angustifolius</i> L.	Narrow leaf lupin	1000	500
<i>Lycopersicon esculentum</i> Mill. – see <i>Solanum lycopersicum</i>			
<i>Medicago sativa</i> L.	Lucerne	500	100

1		2	3
Kind of plant			
Scientific name	Common name	Max seed per variety per year (kg)	Max seed per packet (g)
<i>Megathyrsus maximus</i> (Jacq.) B.K. Simon & S.W.L. Jacobs [syn. <i>Panicum maximum</i> Jacq.]	White buffalo grass		
<i>Nicotiana tabacum</i> L.	Tobacco		
<i>Oryza sativa</i> L.	Rice	500	500
<i>Panicum maximum</i> Jacq. – see <i>Megathyrsus maximus</i>			
<i>Phaseolus vulgaris</i> L.	Dry bean	6000	500
<i>Phaseolus vulgaris</i> L.	Garden bean (dwarf & runner)	6000	500
<i>Pisum sativum</i> L. <i>sensu lato</i>	Dry pea	5000	500
<i>Pisum sativum</i> L. <i>sensu lato</i>	Garden pea	5000	500
<i>Raphanus sativus</i> L.	Fodder radish		
<i>Ricinus communis</i> L.	Castor bean		
<i>Secale cereale</i> L.	Rye	500	500
<i>Solanum lycopersicum</i> L. [syn. <i>Lycopersicon esculentum</i> Mill.; <i>L. lycopersicum</i> (L.) H. Karst.]	Tomato	700	10
<i>Solanum</i> spp. [excluding declared weed species]	<i>Solanum</i> Rootstock		
<i>Sorghum bicolor</i> (L.) Moench [syn. <i>S. vulgare</i> Pers.; including <i>S. dochna</i> (Forssk.) Snowden]	Grain sorghum	500	500
<i>Sorghum</i> spp. [excluding declared weed species]	Industrial sorghum		
<i>Sorghum</i> spp. [excluding declared weed species]	Perennial Forage sorghum		
<i>Sporobolus fimbriatus</i> (Trin.) Nees	Dropseed grass		
<i>Trifolium repens</i> L.	White clover	500	50
<i>Trifolium resupinatum</i> L.	Red clover	500	50
<i>Triticum aestivum</i> L. ssp. <i>aestivum</i>	Wheat	500	500
<i>Triticum durum</i> Desf. see <i>Triticum turgidum</i>			
<i>Triticum turgidum</i> L. subsp. <i>durum</i> (Desf.) van Slageren [syn. <i>Triticum durum</i> Desf.]	Durum wheat	500	500
× <i>Triticosecale</i> Wittm. ex A. Camus	Triticale	500	500
<i>Zea mays</i> L.	Sweetcorn	2500	500
<i>Zea mays</i> L.	White and yellow maize	2500	500
<i>Solanum tuberosum</i> L.	Potato tubers / kg seed	
<i>Fragaria x ananassa</i> Duch.	Strawberry	25 000 plants / 10 kg	

TABLE 4
 REQUIREMENTS FOR SEED AND SEED SAMPLES [Reg. 27]
 (*No. of footnote)

Kind of plant		Maximum content (%)			Minimum percentage		Minimum number per weight (kg)	Prepacked seed		Exempted from indication "Prepacked seed"		Maximum mass (kg) of a seed lot
Botanical name	Common name	Other matter	Other seed	Weed seed (%)	Germination by number	Viability		Max.mass (g) per container	Approx. no. of seed per container	Max. mass (g) per container	Approx. no. of seed per container	
1	2	3	4	5	6	7	8	9	10	11	12	13
<i>xAgrotriticum</i> Cif. & Giacom	Agrotiticum	4	0.2		60			5 000	165 000	500	16 000	20 000
<i>Allium cepa</i> L.	Onion	4	0.2		60			500	170 500	50	17 050	10 000
<i>Allium fistulosum</i> L.	Bunching onion	4	0.2		60			500		50		10 000
<i>Allium fistulosum</i> L. x <i>A. cepa</i> L.	New Bunching onion	4	0.2		60			500		50		10 000
<i>Allium porrum</i> L.	Leek	4	0.2		60			500	198 000	50	19 800	10 000
<i>Anthephora pubescens</i> Nees (*)	Bottle brush grass.											
	(i) Uncoated seed	10	0.3		20			5 000	905 000	500	90 500	10 000
(ii) Coated seed		5	0.3		20			5 000	145 000	500	14 500	10 000
<i>Arachis hypogaea</i> L.	Groundnut	2	0.1		70			5 000	5 000	500	500	30 000
<i>Asparagus officinalis</i> L.	Asparagus	4	0.2		60			500	25 300	50	2 500	20 000
<i>Avena nuda</i> L. (*)	Naked oats	0.5	0.3	TR	80			5 000	200 000	500	20 000	30 000
<i>Avena sativa</i> L. [incl. <i>A. byzantina</i> K. Koch]	Oats, Red oats	1	0.3	0.1	80			5 000	200 000	500	20 000	30 000
<i>Avena strigosa</i> Schreb.	Black oats	2.5	2.0	0.1	70			5 000		500		30 000
<i>Beta vulgaris</i> L.	Fodder beet, Garden beet, Sugar beet and Swiss chard	6	0.3		60			1 000	58 000	100	5 800	20 000
<i>Brassica napus</i> L. var. <i>napus</i>	Oilseed rape	2.0	0.2		70			500		50		10 000
<i>Brassica napus</i> L. var. <i>napobrassica</i> (L.) Rchb.	Forage rape and Swede	4	0.2		60			500	157 500	50	15 750	10 000
<i>Brassica oleracea</i> L.	Broccoli, Brussels sprouts, Cabbage, Cauliflower, Fodder kale, Kale, Kohlrabi and Savoy cabbage	4	0.2		60			500	157 500	50	15 750	10 000

Kind of plant		Maximum content (%)			Minimum percentage		Minimum number per weight (kg)	Prepacked seed		Exempted from indication "Prepacked seed"		Maximum mass (kg) of a seed lot
Botanical name	Common name	Other matter	Other seed	Weed seed (%)	Germination by number	Viability	Germination by weighed replicate	Max.mass (g) per container	Approx. no. of seed per container	Max. mass (g) per container	Approx. no. of seed per container	
1	2	3	4	5	6	7	8	9	10	11	12	13
<i>Brassica rapa</i> L. [incl. <i>B. campestris</i> L.; <i>B. chinensis</i> L.; <i>B. pekinensis</i> (Lour.) Rupr.; <i>B. pervinidis</i> (L.) H. Bailey] L.H. Bailey	Chinese cabbage, Pak- choi, Turnip	4	0.2		60			500	316 500	50	31 650	10 000
	<i>Bromus catharticus</i> Vahl	8	0.5		50							
	<i>Calanus cajan</i> (L.) Huth	4	0.2		60			5 000	720 000	500	72 000	10 000
	<i>Cannabis sativa</i> L. (*)	2	0.08	0.1	80							10 000
	<i>Capsicum</i> spp.	4	0.2		60			500	83 500	50	8 350	10 000
	<i>Cenchrus ciliaris</i> L.	4	0.3		20			5 000	2 675 000	500	267 000	10 000
		(i) Uncoated seed	4	0.3		20		5 000	290 000	500	29 000	10 000
	<i>Chloris gayana</i> Kunth	15	1.5	1.0	20	20	800 000	5 000	23 620 000	500	2 362 000	10 000
		(ii) Coated seed	5	1.5	1.0	20	20	5 000	2 580 000	500	258 000	10 000
	<i>Citrullus lanatus</i> (Thunb.) Matsum. et Nakai	Watermelon	4	0.1		60			1 000	11 000	100	1 100
<i>Conandrum sativum</i> L. <i>Cucumis melo</i> L. <i>Cucumis sativus</i> L. <i>Cucumis</i> spp. <i>Cucurbita maxima</i> Duch. <i>Cucurbita moschata</i> Duch. <i>Cucurbita pepo</i> L. <i>Cucurbita</i> spp. <i>Dactylis glomerata</i> L. <i>Daucus carota</i> L. <i>Desmodium intortum</i> (Mill.) Urb. (*)	Coriander	1	0.3		60							10 000
	Sweet melon	4	0.1		60			1 000	45 000	100	4 500	10 000
	Cucumber	4	0.1		60			1 000	38 000	100	3 800	10 000
	Cucumis rootstock	4	0.1		60			1 000		100		10 000
	Pumpkin, Squash	4	0.1		60			1 000	5 000	100	500	20 000
	Pumpkin, Squash	4	0.1		60			1 000	14 000	100	1 400	10 000
	Squash, Vegetable marrow, Zucchini	4	0.1		60			1 000	14 000	100	1 400	20 000
	Rootstock	4	0.1		60			1 000		100		10 000
	Cocksfoot	15	2.5	0.5	60			5 000	8 280 000	500	828 000	10 000
	Carrot	4	0.2		60			500	413 000	50	41 300	10 000
<i>Desmodium uncinatum</i> (Jacq.) DC. (*)	Green leaf desmodium	6	1.0	0.5	50			5 000	3 240 000	500	324 000	10 000
	Silver leaf desmodium	6	1.0	0.5	50			5 000	1 010 000	500	101 000	20 000
	<i>Digitaria eriantha</i> Steud. [syn. <i>D. smutsii</i> Stent.; <i>D.</i> <i>decumbens</i> Stent.]	8.0	1.0	0.5	15			5 000	10 660 000	500	1 066 000	10 000
	(i) Uncoated seed	8.0	1.0	0.5	15			5 000	5 235 000	500	523 500	10 000
<i>Echinochloa crus-galli</i> (L.) P. Beauv.	Japanese millet	10	0.7		60							10 000
<i>Eileusine corocana</i> (L.) Gaertn.	Finger millet	10			60							10 000

Kind of plant		Maximum content (%)			Minimum percentage		Minimum number per weight (kg)	Prepacked seed		Exempted from indication "Prepacked seed"		Maximum mass (kg) of a seed lot
Botanical name	Common name	Other matter	Other seed	Weed seed (%)	Germination by number	Viability		Max.mass (g) per container	Approx. no. of seed per container	Max. mass (g) per container	Approx. no. of seed per container	
1	2	3	4	5	6	7	8	9	10	11	12	13
<i>Eragrostis curvula</i> (Schrad.) Nees (*5)	Weeping lovegrass	4	1.0	0.3	70			500	1 641 000	50	164 100	10 000
<i>Eragrostis tef</i> (Zucc.) Trotter	Teff	4	1.0	0.3	70			500	2 304 000	50	230 400	10 000
<i>Festuca arundinacea</i> Moench	Buckwheat	6			60							10 000
<i>Festuca arundinacea</i> Schreb.	Tall fescue	4	1.5	0.3	60			5 000	2 500 000	500	250 000	10 000
<i>Festulolium</i> Asch. & Graebn.		4	1.5	0.3	60			5 000		500		10 000
<i>Foeniculum vulgare</i> Mill.	Fennel	2	0.5		60							10 000
<i>Glycine max</i> (L.) Merrill	Soya bean	4	0.1		70			10 000	60 000	1 000	6 000	30 000
<i>Gossypium hirsutum</i> L.	Cotton	4	0.2		70			10 000	80 000	1 000	8 000	25 000
<i>Helianthus annuus</i> L.	Sunflower	4	0.1		70			10 000	160 000	1 000	16 000	25 000
<i>Hordeum vulgare</i> L. subsp. vulgare (*6)	Barley	2,5	0.3	TR	80			5 000	150 000	500	15 000	30 000
<i>Kummerowia striata</i> (Thunb.) Schindl.	Common Lespedeza	4	0.3		60			5 000	3 750 000	500	375 000	10 000
<i>Lablab purpureus</i> (L.) Sweet (syn. <i>Dolichos lablab</i> L.)	Lab-Lab bean	6			60							20 000
<i>Lactuca sativa</i> L.	Lettuce	6	0.2		60			500	500 000	50	50 000	10 000
<i>Lespedeza cuneata</i> (Dum. Cours.) G. Don (*1)	Chinese Lespedeza	4	0.3		60			5 000	4 100 000	500	410 000	10 000
<i>Lespedeza striata</i> – see <i>Kummerowia striata</i>												
<i>Lolium multiflorum</i> Lam.	Italian and Westerwold ryegrass	4	1.5	0.3	60	60		5 000	2 500 000	500	250 000	10 000
<i>Lolium perenne</i> L.	Perennial ryegrass	4	1.5	0.3	60	60		5 000	2 500 000	500	250 000	10 000
<i>Lolium rigidum</i> Gaudin	Wimmeria ryegrass, Annual ryegrass	4	1.5	0.3	60	60		5 000	1 035 000	500	103 500	10 000
<i>Lolium ×bouceanum</i> – see <i>Lolium ×hybridum</i>												
<i>Lolium ×hybridum</i> Hausskn. (syn. <i>L. ×bouceanum</i> Kunth)	Hybrid ryegrass	4	1.5	0.3	60			5 000	1 925 000	500	192 500	10 000
<i>Lotus corniculatus</i> L. (*3)	Birdfoot trefoil	4	0.6	0.3	60			5 000	4 070 000	500	407 000	10 000
<i>Lupinus albus</i> L. (*3)	White lupin	2	0.3	0.1	70			10 000	70 000	1 000	7 000	30 000
<i>Lupinus angustifolius</i> L. (*3)	Narrow leaf lupin	2	0.3	0.1	70			10 000	70 000	1 000	7 000	30 000
<i>Lupinus luteus</i> L. (*3)	Yellow lupin	2	0.3	0.1	70			10 000	90 000	1 000	9 000	30 000

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1	2	3	4	5	6	7	8	9	10	11	12	13	
<i>Lycopersicon esculentum</i> (syn. <i>L. lycopersicum</i>) – see <i>Solanum lycopersicum</i>													
<i>Medicago littoralis</i> Rhode ex Loisel. (*)	Strand medic	4	0.2		60			5 000	1 805 000	500	180 500	10 000	
<i>Medicago polymorpha</i> L. (*)	Burr medic	3	0.8	0.3	60			5 000	1 380 000	500	138 000	10 000	
<i>Medicago rupestris</i> Desr. (*)	Gama medic	3	0.5	0.3	60			5 000	705 000	500	70 500	10 000	
<i>Medicago sativa</i> L. [incl. <i>Medicago × varia</i> Martyn; <i>M. falcata</i> L.] (*)	Lucerne	3	0.5	0.3	70			2 000	730 000	200	73 000	10 000	
<i>Medicago scutellata</i> (L.) Mill. (*)	Snail medic	3	0.5	0.3	60			5 000	255 000	500	25 500	10 000	
<i>Medicago truncatula</i> Gaertn. (*)	Barrel medic	3	1.0	0.3	60			5 000	1 190 000	500	119 000	10 000	
<i>Megathyrus maximus</i> (Jacq.) B.K. Simon & S.W.L. Jacobs [syn. <i>Panicum maximum</i> Jacq.]	White buffalo grass, (i) Uncoated seed (ii) Coated seed	2.5 2.5	0.7 0.7	0.5 0.5	10 10	20 20		5 000 5 000	11 035 000 3 845 000	500 500	1 103 500 384 500	10 000 10 000	
<i>Melilotus albus</i> Medik.	White sweet clover	6			60							10 000	
<i>Nicotiana glauca</i> L.	Tobacco	4	0.2		80			5 000	78 125 000	500	7 812 500	10 000	
<i>Onitholobus compressus</i> L. (*)	Yellow serradella	4	1.5	0.5	70			5 000	1 035 000	500	103 500	10 000	
<i>Onitholobus sativus</i> Brot. (*)	Serradella	2	0.5	0.3	60			5 000	1 135 000	500	113 500	10 000	
<i>Oryza sativa</i> L.	Rice	4	0.1		70			10 000	660 000	1 000	66 000	30 000	
<i>Panicum coloratum</i> L.	Small Buffalo grass (i) Uncoated seed (ii) Coated seed	2 2	0.7 0.7	0.5 0.5	20 20			5 000 5 000		500 500		10 000 10 000	
<i>Panicum maximum</i> – see <i>Megathyrus maximus</i>													
<i>Paspalum dilatatum</i> Poir.	Dallis grass	40	0.3		40			5 000	2 960 000	50	29 600	10 000	
<i>Paspalum notatum</i> Flugge	Bahia	40	0.3		40			5 000	1 830 000	50	18 300	10 000	
<i>Pastinaca sativa</i> L.	Parsnip	7	0.2		50			500	214 500	50	21 450	10 000	
<i>Pennisetum clandestinum</i> Hochst. ex Chiov.	Kikuyu	5	0.3		60			500	185 500	50	18 550	10 000	
<i>Pennisetum glaucum</i> (L.) R. Br.	Pearl millet	7	0.2		60			5 000	970 000	500	97 000	10 000	
<i>Petroleolum crispum</i> (Mill.) Fuss	Parsley	6	0.2		50			500	324 000	50	32 400	10 000	
<i>Phalaris aquatica</i> L.	Harding grass	6	0.3		60			5 000	2 980 000	500	298 000	10 000	
<i>Phaseolus coccineus</i> L.	Kidney bean	4	0.1		60			5 000	5 000	500	500	30 000	
<i>Phaseolus vulgaris</i> L.	Dry bean	4	0.1		60			5 000	20 000	500	2 000	30 000	
<i>Phaseolus vulgaris</i> L.	Garden bean – Runner	4	0.1		60			5 000	20 000	500	2 000	30 000	
<i>Phaseolus vulgaris</i> L.	Garden bean - Dwarf	4	0.1		60			5 000	20 000	500	2 000	30 000	
<i>Pisum sativum</i> L. <i>sensu lato</i>	Dry pea, Garden pea	4	0.1		60			5 000	25 000	500	2 500	30 000	
<i>Raphanus sativus</i> L.	Fodder radish	4	0.2		60			5 000	375 000	500	37 500	10 000	
<i>Raphanus sativus</i> L.	Garden radish	4	0.2		60			500	60 000	50	6 000	10 000	
<i>Ricinus communis</i> L.	Castor oil	4	0.1		70			10 900	50 000	1 000	5 000	20 000	

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1	2	3	4	5	6	7	8	9	10	11	12	13
<i>Secale cereale</i> L.	Rye	2	0.5	0.2	70			5 000	200 000	500	20 000	30 000
<i>Setaria sphacelata</i> (Schumacher) Stapf & C.E. Hubb.	Setaria	40	0.3		30			5 000	7 825 000	500	782 500	10 000
<i>Sinapis alba</i> L.	White mustard	4	0.2		60			500	284 500	50	28 450	10 000
<i>Solanum lycopersicum</i> L. [syn. <i>Lycopersicon esculentum</i> Mill., <i>L. lycopersicum</i> (L.) H. Karst.]	Tomato	2	0.2		60			500	202 500	50	20 250	10 000
<i>Solanum melongena</i> L.	Aubergine, Brinjal, Eggplant	4	0.2		60			500	114 000	50	11 400	10 000
<i>Solanum</i> spp. (excluding <i>S. elaeagnifolium</i> Cav.)	Rootstock	4	0.2		60			500		50		10 000
<i>Sorghum bicolor</i> (L.) Moench subsp. <i>bicolor</i> [syn. <i>S. bicolor</i> (L.) Moench; <i>S. vulgare</i> Pers.; including <i>S. dochna</i> (Forssk.) Snowden]	Grain sorghum	4	0.1		70			5 000	150 000	500	15 000	30 000
<i>Sorghum</i> spp. (excl. <i>S. halepense</i> (L.) Pers.) (<i>S. bicolor</i> (L.) Moench subsp. <i>bicolor</i> x <i>S. bicolor</i> (L.) Moench subsp. <i>drummondii</i> (Steud.) de Wit ex Davidse [syn. <i>Sorghum sudanense</i> (Piper) Stapf] and hybrids with seeds not retained in tight bracts)	Forage sorghum	7	0.2		60			5 000	650 000	500	65 000	30 000
<i>Sorghum</i> spp. (excl. <i>S. halepense</i> (L.) Pers.) (<i>S. bicolor</i> (L.) Moench subsp. <i>drummondii</i> (Steud.) de Wit ex Davidse [syn. <i>S. sudanense</i> (Piper) Stapf] and hybrids with seeds mostly retained in tight bracts)	Forage sorghum	7	0.2		60	70		5 000	650 000	500	65 000	10 000
<i>Sorghum</i> spp. (excl. <i>S. halepense</i> (L.) Pers.) (<i>S. xalmum</i> Parodi) (*)	Forage sorghum	7	0.2		60	70		5 000	650 000	500	65 000	30 000
<i>Sporobolus fimbriatus</i> (Trin.) Nees (*)	Dropseed grass	4	1	0.3	70			500		50		10 000
<i>Stylosanthes hamata</i> (L.) Taub. (*)	Caribbean stylo	10	1.0	0.5	50			5 000	2 450 000	500	245 000	10 000
<i>Trifolium fragiferum</i> L. (*)	Strawberry clover	6	0.3		60			1 000	635 000	100	63 500	10 000
<i>Trifolium hirtum</i> All. (*)	Rose clover	4	0.3		60			1 000	358 000	100	35 800	10 000

Kind of plant		Maximum content (%)			Minimum percentage		Minimum number per weight (kg)	Prepacked seed		Exempted from indication "prepacked seed"		Maximum mass (kg) of a seed lot
Botanical name	Common name	Other matter	Other seed	Weed seed (%)	Germination by number	Viability		Max. mass (g) per container	Approx. no. of seed per container	Max. mass (g) per container	Approx. no. of seed per container	
1	2	3	4	5	6	7	8	9	10	11	12	13
<i>Trifolium incarnatum</i> L. (*3)	Crimson clover	4	0.3		60			1 000	330 000	100	33 000	10 000
<i>Trifolium pratense</i> L. (*3)	Red clover	6	0.3		60			1 000	600 000	100	60 000	10 000
<i>Trifolium repens</i> L. (*2)	White clover	6	0.3		60			1 000	1 500 000	100	150 000	10 000
<i>Trifolium resupinatum</i> L. (*3)	Persian clover	4	0.3		60			1 000	1 416 000	100	141 600	10 000
<i>Trifolium subterraneum</i> L. (*3)	Subterranean clover	6	0.3		60			1 000	119 000	100	11 900	10 000
<i>Trifolium vesiculosum</i> Savi (*1)	Arrow leaf clover	4	0.3		60			1 000	699 000	100	69 900	10 000
* <i>Triticosecale</i> Wittm. ex A. Camus	Triticale (<i>Triticum</i> × <i>Secale</i>)	3	0.5		80			5 000	130 000	500	13 000	30 000
<i>Triticum aestivum</i> L. subsp. <i>aestivum</i> (*6)	Wheat	1.5	0.3	TR	80			5 000	250 000	500	25 000	30 000
<i>Triticum durum</i> – see <i>Triticum turgidum</i>												
<i>Triticum turgidum</i> L. subsp. <i>durum</i> (Desf.) van Stangeren [syn. <i>Triticum durum</i> Desf.] (*6)	Durum wheat	1	0.3	TR	80			5 000	250 000	500	25 000	30 000
<i>Vicia faba</i> L. (*3)	Broad bean	4	0.5	0.2	70			5 000	5 000	500	500	30 000
<i>Vicia sativa</i> L.	Common vetch	4	0.2		60			5 000	95 000	500	9 500	30 000
Incl. <i>V. angustifolia</i> L. (*3)												
<i>Vicia villosa</i> Roth	Hairy vetch	4	0.2		60			5 000	125 000	500	12 500	30 000
Incl. <i>V. dasycarpa</i> Ten. (*3)												
<i>Vigna unguiculata</i> (L.) Walp. [syn. <i>V. sinensis</i> (L.) Savi ex Hassk.; incl. <i>Dolichos biflorus</i> L.] (*3)	Cowpea	4	0.1		60			5 000	40 000	500	4 000	30 000
<i>Zea mays</i> L.	White and yellow maize	4	0.1		70			10 000	36 000	1 000	3 600	40 000
<i>Zea mays</i> L.	Sweetcorn	4	0.1		70			10 000	60 000	1 000	6 000	40 000

FOOTNOTE

1.	In the case of <i>Lespedeza cuneata</i> (Dum. Cours.) G. Don, <i>Kummerowia striata</i> (Thunb.) Schindl. [Syn.: <i>Lespedeza striata</i> (Thunb.) Hook. et Arn.], <i>Ornithopus compressus</i> L., <i>Stylosanthes hamata</i> (L.) Taub. and <i>Trifolium vesiculosum</i> Savi, up to 60 % hard seeds may be counted as germinated or viable seeds.
2.	In the case of <i>Desmodium intortum</i> (Mill.) Urb., <i>Desmodium uncinatum</i> (Jacq.) DC., <i>Medicago littoralis</i> Rohde ex Loisel., <i>Medicago polymorpha</i> L., <i>Medicago rugosa</i> Desr., <i>Medicago sativa</i> L., <i>Medicago scutellata</i> (L.) Miller, <i>Medicago truncatula</i> Gaertn. and <i>Trifolium repens</i> L., up to 40 % hard seeds may be counted as germinated or viable seeds.
3.	In the case of <i>Lotus corniculatus</i> L., <i>Lupinus albus</i> L., <i>Lupinus angustifolius</i> L., <i>Lupinus luteus</i> L., <i>Ornithopus sativus</i> Brot., <i>Trifolium fragiferum</i> L., <i>Trifolium hirtum</i> All., <i>Trifolium incarnatum</i> L., <i>Trifolium pratense</i> L., <i>Trifolium resupinatum</i> L., <i>Trifolium subterraneum</i> L., <i>Vicia faba</i> L., <i>Vicia sativa</i> L., <i>Vicia villosa</i> Roth and <i>Vigna unguiculata</i> (L.) Walp., [syn. <i>V. sinensis</i> (L.) Savi ex Hassk.; incl. <i>Dolichos biflorus</i> L.] up to 20 % hard seeds may be counted as germinated or viable seeds.
4.	In the case of <i>Sorghum</i> spp. the test for viability is only applicable where seed is still enveloped by the flower parts.
5.	In the case of <i>Eragrostis curvula</i> (Schrad.) Nees, not more than 0,2 % nematode galls caused by <i>Anguina</i> spp., are allowed.
6.	In the case of <i>Avena nuda</i> L., <i>Hordeum vulgare</i> L. subsp. <i>vulgare</i> , <i>Triticum aestivum</i> L. subsp. <i>aestivum</i> and <i>Triticum turgidum</i> L. subsp. <i>durum</i> (Desf.) van Slangenren [syn. <i>Triticum durum</i> Desf.], TR means trace components amounting to less than 0,05 %.
7.	In the case of <i>Antheophora pubescens</i> Nees and <i>Sporobolus fimbriatus</i> (Trin.) Nees, seed sampling and testing methods are available from the Official Seed Testing Laboratory.
8.	In the case of <i>Cannabis sativa</i> L. (hemp), the maximum THC content is 0,2%.
9.	If one seed of the following Restricted Weed Seed species are found during purity analysis, then other seed-by-number-determination must be carried out and no more than one seed may be present in the working sample: <i>Datura</i> spp., <i>Cuscuta</i> spp., <i>Slipa trichotoma</i> Nees [= <i>Nasella trichotoma</i> (Nees) Hack. Ex Arechav.], <i>Solanum elaeagnifolium</i> Cav

TABLE 5

VARIETIES IN RESPECT OF WHICH CERTIFICATION IS REQUIRED [REG. 25]

Botanical name Botaniese naam	Common name Gewone naam	Denomination of variety/ Benaming van variëteit	Date of commencement / Datum van inwerkingtreding
<i>Allium cepa</i> L.	Onion / Ui	Capricio Radium Rion 1 Rion 2 Rion 3 Rion 4	2003-03-01 1988-06-01 1996-01-01 1996-01-01 1996-01-01 1996-01-01
<i>Arachis hypogaea</i> L.	Groundnut / Grondboon	Akwa Anel ARC-AkwaPlus ARC-Oleic 2 ARC-Opal 1 ARC-SelliePlus Harts KANOSel Kwarts Mwenje Nyanda SA Juweel Tamnut OL 06 Tufa	1997-07-01 1997-07-01 2016-12-01 2013-01-01 2013-01-01 2016-12-01 1995-01-30 2013-01-01 1995-01-30 2010-01-31 2010-01-31 2008-01-31 2016-12-01 2012-01-01
<i>Avena sativa</i> L.	Oats / Hawer	Le Tucana Maluti Simonsberg SSH 39 W SSH 405 SSH 491 Towerberg	2004-09-01 1997-07-01 2013-03-14 2016-12-01 2016-12-01 2000-06-01 2013-03-14
<i>Brassica napus</i> L.	Oil seed rape / Oliesaadraap	Varola 54	2001-12-01
<i>Cenchrus ciliaris</i> L.	Blue buffalo grass / Bloubuffelsgras	Bergbuffel	2000-06-01
<i>Cucurbita maxima</i> Duchesne ex Lam.	Pumpkin & Squash / Pampoen en Skorsie	Flat White Boer-Van Niekerk/ Plat Wit Boer-Van Niekerk Sunproof	1988-06-01 2003-03-01
<i>Cucurbita pepo</i> L.	Squash / Skorsie	Blanco Rolet	2003-03-01 1988-06-01
<i>Daucus carota</i> L.	Carrot / Geelwortel	Brazilia	1991-12-01
<i>Digitaria eriantha</i> Steud.	Smuts finger grass / Smutsvingergras	Tip Top	1998-01-01
<i>Eragrostis curvula</i> (Schrud.) Nees	Weeping lovegrass / Oulandsgras	Agpal Umgeni	2000-06-01 1995-10-01
<i>Eragrostis tef.</i> (Zucc.) Trotter	Teff / Tefgras	Emerald Emerson Highveld Ivory Rooiberg Witkop	2007-02-01 2007-02-01 2007-02-01 2007-02-01 2007-02-01 2007-02-01
<i>Festuca arundinacea</i> Schreb.	Tall fescue / Langswenkgras	Boschhoek Jenna Panalex Verdant	2007-02-01 2007-02-01 2007-02-01 2007-02-01
<i>Glycine max</i> (L.) Merril.	Soybean / Sojaboon	PAN 1867	2012-01-01

Botanical name Botaniese naam	Common name Gewone naam	Denomination of variety/ Benaming van variëteit	Date of commencement / Datum van inwerkingtreding
		PAN 1454 R	2012-01-01
		PAN 1664 R	2012-01-01
		PAN 1666 R	2012-01-01
		SSS 4945 (tuc)	2016-12-01
		SSS 5052 (tuc)	2016-12-01
		SSS 5449 (tuc)	2016-12-01
		SSS 5755 (tuc)	2016-12-01
		SSS 6560 (tuc)	2016-12-01
<i>Hordeum vulgare</i> L.	Barley / Gars	Agulhas	2018-12-01
		Cocktail	2013-01-01
		Elim	2018-12-01
		Hessekwa	2018-12-01
		Puma	2006-02-01
		S 5	2013-03-14
		SabbiErica	2013-01-01
		SabbiNemesia	2013-01-01
<i>Lolium x hybridum</i> Hausskn.	Hybrid ryegrass / Basterraagras	Captivate	2007-02-01
		Titan	2007-02-01
<i>Lolium multiflorum</i> Lam.	Italian and westerwold Ryegrass / Italiaanse en Westerwold raaigras	AgriBoost	2013-01-01
		Agri-Hilton	2007-02-01
		Agriton	2000-06-01
		Burgundy	2007-02-01
		Captain	2007-02-01
		Caversham	2007-02-01
		Dairy Delight	2007-02-01
		Dargle	2007-02-01
		Enhancer	2007-02-01
		Hutton	2007-02-01
		Kamma	2013-01-01
		Midmar	1988-06-01
		Mispah	2007-02-01
		Performer	2007-02-01
		Sophia	2007-02-01
		Springboard	2007-02-01
		Springfield	2013-01-01
		Sukari	2013-01-01
		Supreme Q	2007-02-01
		Sustainer	2013-01-01
		Winter Gold	2007-02-01
<i>Lupinus albus</i> L.	White lupin / Witlupien	Alida	2003-03-01
		Esta	2003-03-01
		Vladimir	2003-03-01
<i>Medicago sativa</i> L.	Lucerne / Lusern	S.A. Select	2004-09-01
<i>Panicum maximum</i> Jacq.	White buffalo grass / Witbuffelgras	Puk P 8	2007-02-01
<i>Phaseolus vulgaris</i> L.	Dry bean / Droëboon	Bonus	1988-06-01
		CAR 2008	2019-09-01
		DBS 310	2006-02-01
		DBS 360	2006-02-01
<i>Phaseolus vulgaris</i> L.	Dry bean / Droëboon	Jenny	2008-01-31
		Kamiesberg	2019-09-01
		Kranskop	2008-01-31
		Kranskop-HR 1	2008-01-31
		Majuba	1988-06-01
		Maskam	1988-06-01
		Mkuzi	1989-01-01

Botanical name Botaniese naam	Common name Gewone naam	Denomination of variety/ Benaming van variëteit	Date of commencement / Datum van inwerkingtreding
		OPS-KW 1	2008-01-31
		OPS-RS 1	2008-01-31
		OPS-RS 2	2008-01-31
		OPS-RS 4	2008-01-31
		PAN 116	2012-01-01
		PAN 123	2012-01-01
		PAN 128	2012-01-01
		PAN 148	2012-01-01
		PAN 9249	2012-01-01
		Roodeberg	2019-09-01
		RS 5	2008-01-31
		RS 6	2019-09-01
		RS 7	2019-09-01
		Sederberg	2008-01-31
		SW 1	2019-09-01
		Teebus	1988-06-01
		Teebus RCR 2	2008-01-31
		Teebus RR1	2008-01-31
		Tygerberg	2019-09-01
		Werna	2019-09-01
<i>Pisum sativum</i> L. <i>sensu lato</i>	Dry pea / Droë ert	Aragorn	2019-09-01
		Greenwood	2019-09-01
<i>Raphanus sativus</i> L.	Fodder radish / Voerradys	Endurance	2018-12-01
		Geisha	2007-02-01
		Lomo	2007-02-01
		Samurai	2007-02-01
		Star 1650	2007-02-01
		Star 1651	2007-02-01
		Sterling	2007-02-01
<i>Secale cereale</i> L.	Rye / Rog	Blue Chip	2007-02-01
		Echo	2007-02-01
		LS 35	2007-02-01
		LS 62	2007-02-01
		NCD Grazer	2007-02-01
		PAN 263	2007-02-01
		Southern Blue	2007-02-01
		Southern Green	2007-02-01
		Trojan	2007-02-01
		Wintergrazer 70	2012-01-01
<i>Solanum lycopersicum</i> L. (= <i>Lycopersicon</i> <i>esculentum</i>)	Tomato / Tamatie	Rotam 4	1988-06-01
		Stevens	1988-06-01
<i>Sorghum bicolor</i> (L.) Moench.	Grain sorghum / Graansorghum	NS 5511	2009-01-31
		NS 5655	2012-01-01
<i>Sorghum</i> spp.	Perennial forage Sorghum / Meerjarige Voersorghum	Jaffa	2007-02-01
		Silk	1995-01-01
<i>Trifolium repens</i> L.	White clover / Witklawer	AgriDan	2013-01-01
		AgriMatt	2013-01-01
		Dusi	1988-03-01
<i>Triticum aestivum</i> L.	Wheat / Koring	Baviaans	2004-09-01
		Betta DN	1999-01-01
		Caledon	2004-09-01
		CRN 826	2004-09-01
		Duzi	2006-02-01
		Elands	2004-09-01

Botanical name Botaniese naam	Common name Gewone naam	Denomination of variety/ Benaming van variëteit	Date of commencement / Datum van inwerkingtreding
		Gariep	1997-07-01
		Kariega	1998-01-01
		Komati	2004-09-01
		Koonap	2013-03-01
		Krokodil	2006-02-01
		Kwartel	2013-03-01
		Limpopo	1999-01-01
		Mac B	2004-09-01
		Matlabas	2006-02-01
		Olifants	2004-09-01
		PAN 3118	2003-03-01
		PAN 3120	2012-01-01
		PAN 3355	2012-01-01
		PAN 3368	2012-01-01
		PAN 3379	2012-01-01
		PAN 3408	2012-01-01
		PAN 3471	2012-01-01
		PAN 3478	2012-01-01
		Ratel	2013-03-01
		Sabie	2010-01-31
		Senqu	2013-03-01
		SST 88	2000-06-01
		SST 94	2000-06-01
		SST 015	2004-09-01
		SST 027	2004-09-01
		SST 047	2009-01-31
		SST 056	2009-01-31
		SST 087	2010-01-31
		SST 0147	2018-12-01
		SST 0166	2018-12-01
		SST 322	2004-09-01
		SST 347	2009-01-31
		SST 356	2009-01-31
		SST 363	1999-11-01
		SST 374	2010-01-31
		SST 387	2010-01-31
		SST 398	2013-03-01
		SST 399	2009-01-31
		SST 806	2009-01-31
		SST 822	1999-11-01
		SST 835	2004-09-01
		SST 843	2013-03-01
		SST 866	2013-03-01
		SST 867	2010-01-31
		SST 875	2010-01-31
		SST 876	1999-11-01
		SST 877	2010-01-31
<i>Triticum aestivum</i> L.	Wheat / Koring	SST 884	2013-03-01
		SST 895	2013-03-01
		SST 896	2013-03-01
		SST 3149	2016-12-01
		SST 8125	2016-12-01
		SST 8135	2016-12-01
		SST 8154	2018-12-01
		SST 8155	2018-12-01
		Steenbras	2004-09-01
		Tankwa	2010-01-31
<i>Triticum durum</i> Desf.	Durum wheat / Durum koring	SSD 8113	2018-12-01
		SSD 8124	2018-12-01

Botanical name Botaniese naam	Common name Gewone naam	Denomination of variety/ Benaming van variëteit	Date of commencement / Datum van inwerkingtreding
		SSD 8133	2018-12-01
		SSD 8143	2018-12-01
		SSD 8154	2018-12-01
<i>x Triticosecale</i> Witt. ex A. Camus (<i>Triticum x Secale</i>)	Triticale / Korog, Tritikale	AgBeacon AgBentley AgMarcell Cloc 1 Kiewiet Rex Snel US 2007 US 2011 US 2014	2012-01-01 2016-12-01 2018-12-01 1993-11-30 1997-07-01 1997-07-01 2016-12-01 2008-01-31 2016-12-01 2016-12-01
<i>Vigna unguiculata</i> (L.) Walp	Cowpea / Akkerboon	Agri-Nawa Encore	2007-02-01 2007-02-01
<i>Zea mays</i> L.	Yellow maize / Geelmielie	Colorado	2003-03-01
<i>Zea mays</i> L.	White maize / Witmielie	Afric 1 Border King NI/05 Mac Medium Pearl Nelson's Choice Nevada ZM 521 ZM 1421 ZM 1423 ZM 1523 ZM 1623	2004-09-01 2007-02-01 1995-01-30 2004-09-01 2003-03-01 2004-09-01 2008-01-31 2008-01-31 2008-01-31 2008-01-31
<i>Zea mays</i> L.	High Quality Protein White Maize / Hoë Proteïen Witmielie	Obatanpa SR QS-King Qsoba	2008-01-31 2009-01-31 2006-02-01

TABLE 6
PORTS OF ENTRY AND ADDRESSES FOR SUBMISSION OF DECLARATIONS [REG. 39, 42]

Port of entry	Address for submission
1	2
Cape Town: (i) Harbour. (ii) Container Depot. (iii) Cape Town International Airport (iv) Main Post Office.	The Regional Manager, Western Cape; Directorate: Inspection Services. (i) Fifth Floor, Customs Building, Lower Heerengracht Street, Foreshore, Cape Town Port, 8012 (ii) Corner Agent and Boeing Road, Cargo Section, Cape Town International Airport (iii) Private Bag X9037, Cape Town, 8000. (iv) Grand Central Building, Plein Street, Cape Town City Centre, Cape Town, 8000
Durban: (i) Harbour. (ii) Container Depot. (iii) King Shaka International Airport. (iv) Main Post Office.	The Regional Manager, KwaZulu-Natal; Directorate: Inspection Services. (i) 20 th Floor, John Ross House, 23/25 Margaret Mncadi Avenue, Durban, 4001. (ii) South African Container Depot (SACD) Pier 2, 30 Breede Road, Bayhead, Durban port. (iii) King Shaka Drive, La Mercy, 4407 (iv) 95 Masabalala Yengwa Ave, Stanford Hill, Durban, 4001
East London: (i) Harbour. (ii) Airport. (iii) Main Post Office.	The Officer in Charge, East London; Directorate: Inspection Services. (i) No. 7 Arundel Crescent, Stirling, East London, 5201. (ii) Private Bag X9006, East London, 5200.
Port Elizabeth: (i) Harbour. (ii) Container Depot. (iii) Port Elizabeth Airport. (iv) Main Post Office.	The Regional Manager, Eastern Cape; Directorate: Inspection Services. (i) I.C.I. Building, 54 Paterson Road, North End, Port Elizabeth, 6056. (ii) Private Bag X3917, Port Elizabeth, 6056.
Johannesburg: (i) Container Depot. (ii) Main Post Office. Kempton Park: (i) OR Tambo International Airport.	The Officer in Charge, Kempton Park; Directorate: Inspection Services. (i) Perishable Cargo Triangle, Northern Perimeter Road, OR Tambo International Airport. (ii) Private Bag X4, OR Tambo International Airport, 1627.
Pretoria: (i) Main Post Office.	The Officer in Charge, Pretoria; Directorate: Inspection Services. (i) 140 Hamilton Street, Pretoria, 0002. (ii) Private Bag X258, Pretoria, 0001.
Voorsdrift Border Post	The Directorate: Inspection Services. i. Voorsdrift border post, N7, 8244 ii. Private bag x1015, Steinkopf, 8244
Nakop border Post	The Directorate: Inspection Services. i. Nakop border Post, N10, Nakop, 8800 ii. P.O. Box 1523, Upington, 8800
Ramatlabama Border Post	The Directorate: Inspection Services. i. Ramatlabama Border Post, Mikga, Mafikeng, 2735. ii. P.O. Box 5603, Mmabatho, 2735.
Skilpadshek Border Post	The Directorate: Inspection Services. i. Skilpadshek Border Post, N4 ii. P.O. Box 5603, Mmabatho, 2735.
Kopfontein Border Post	The Directorate: Inspection Services. i. Kopfontein Border Post, R49 ii. P.O. Box 5603, Mmabatho, 2735.
Grobblersbridge Border Post	The Officer in Charge,; Directorate: Inspection Services. i. Groblersbridge Border Post, N11, Tomburge ii. P.O. Box 143, Tom Burge, 3170 iii.
Beitbridge Border Post	The Directorate: Inspection Services.

Plant Improvement Act – Table 5

	i. Beitbridge Border Post, N1, Musina ii. Private bag X4002, Musina, 0900
Lebombo Border Post	The Directorate: Inspection Services. i. Lebombo Border Post, N4, Komatipoort. ii. P.O. Box 1241, Komatipoort, 1340.
Mananga Border Post	The Directorate: Inspection Services. i. Mananga Border Post, R571, Tonga area ii. P.O. Box 666, Komatipoort, 1340
Jeppesreef Border Post	The Directorate: Inspection Services. i. Jeppesreef Border Post, R570, Shongwe Mission ii. P.O. Box 1491, Shongwe Mission, 1331
Oshoek Border Post	The Directorate: Inspection Services. i. Oshoek border Post, N17, Oshoek ii. P.O. Box 247, Oshoek, 2356
Mahamba Border Post	The Directorate: Inspection Services. i. Mahamba border Post, R543, Mahamba ii. P/Bag 5024, Piet retief, 2380
Golela Border Post	The Directorate: Inspection Services. i. Golela border Post. ii. P.O. Box 164, Pongola, 3170
Kosibay Border post	The Directorate: Inspection Services. i. Kosibay, Emanguzi, Kwangwanase. ii. P.O. Box 509, Kwa Nwanase, 3973
Maseru Bridge Border Post	The Directorate: Inspection Services. i. Maserubridge Border Post, N8, Ladybrand. ii. P.O. Box 1451, Lady Brand, 9745

[Table 5 substituted by R. 1590 of 27 August 1993 and of]

TABLE 7
PARTICULARS RELATING TO VARIETIES TO BE PUBLISHED IN NATIONAL VARIETAL LIST
JOURNAL [REG. 53]

No	Subject of publication	Particulars to be published
1	Registration of an application for national listing [Reg. 57]	Kind of plant (scientific and common name) Application number (NLI number) Approved variety denomination Name of applicant Country of origin of the variety Name of agent Filing Date of application
2	Withdrawal of an application for national listing [Reg. 59]	Kind of plant (scientific and common name) Application number (NLI number) Name of applicant Name of agent Variety denomination or approved amendment thereof Withdrawal Date
3	Lapsing of an application for national listing	Kind of plant (scientific and common name) Application number (NLI number) Name of applicant Name of agent Variety denomination or approved amendment thereof Lapsing date
4	Rejection of an application for national listing	Kind of plant (scientific and common name) Application number (NLI number) Name of applicant Name of agent Variety denomination or approved amendment thereof Rejection date
5	Approval for national listing [Sec. 37]	Kind of plant (scientific and common name) Application number (NLI number) Variety denomination or approved amendment thereof Name of applicant Name of agent Approval number Approval date

No	Subject of publication	Particulars to be published
6	Refusal for national listing [Sec 36]	Kind of plant (scientific and common name) Application number (NLI number) Name of applicant Name of agent Variety denomination or approved amendment thereof Refusal date
7	Amendment of the agent [Reg. 62]	Kind of plant (scientific and common name) Application or Approval number Name of applicant Variety denomination or approved amendment thereof Name of previous agent Name of new agent Date of amendment
8	Amendment of the applicant [Reg. 62]	Kind of plant (scientific and common name) Application number (NLI number) Application date Variety denomination or approved amendment thereof Name of previous applicant Name of new applicant Name of agent Date of amendment
9	Change of ownership of an approved variety [Reg. 62]	Kind of plant (scientific and common name) Approval number Approval date Variety denomination or approved amendment thereof Name of previous owner (holder) Name of new owner (holder) Name of agent Date of amendment
10	Intention to amend an approved variety denomination [Reg. 65]	Kind of plant (scientific and common name) Application or Approval number Name of applicant Name of agent Previous Denomination Proposed alternative denomination

DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

NO. 2156

10 June 2022

PLANT BREEDERS' RIGHTS ACT, 2018 (ACT No. 12 OF 2018)

REGULATIONS MADE IN TERMS OF THE PLANT BREEDERS' RIGHTS ACT

I, Angela Thokozile Didiza, Minister for Agriculture, Land Reform and Rural Development intends in terms of section 54 of the Plant Breeders' Rights Act, 2018 (Act No. 12 of 2018), to make the regulations in the Schedule.

Interested persons are invited to send their comments on the proposed regulations within 30 days of publication of this notice to the Director General: Department of Agriculture, Land Reform and Rural Development for the attention of:

Dr Noluthando Netnou-Nkoana, Private Bag X973, Pretoria, 0001 or by email to NoluthandoN@dalrrd.gov.za; and Ms Angeline Dibiloane, email: AngelineD@dalrrd.gov.za


MRS ANGELA THOKOZILE DIDIZA
MINISTER FOR AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT
DATE: 03/02/2022

SCHEDULE

Definitions

1. In these regulations, unless the context otherwise indicates, regulations means the regulations made in terms of section 54 of the Plant Breeders' Rights Act, 2018 (Act No. 12 of 2018), published under Government Notice No. R.511 of 29 March 2019; and

"Director-General" means the Director-General of the department responsible for Agriculture;

"DUS test" means Distinctness, Uniformity and Stability test

"section" means a section of the Act;

"Special edition" means an edition of the Plant Variety Journal published annually, with a list of valid plant breeders' rights as at the end of that particular year.

"the Act" means the Plant Breeders' Rights Act, 2018 (Act No. 12 of 2018).

"UPOV code" means the abbreviation of the scientific name of a kind of plant in accordance with the International Union for the Protection of New Varieties of Plants (UPOV) system

"withdrawal of application" means voluntary withdrawal of an application by the applicant or agent whilst the application is still under consideration and before a decision could be made on the application.

REGISTER OF PLANT BREEDERS' RIGHTS

Register of plant breeders' rights

2 (1) The register of varieties referred to in section 4 of the Act must contain the following information:

- (a) the denomination of each variety and any approved amendment thereof, including the date of such amendment;
- (b) breeder's reference, where available;
- (c) the name of the applicant for each variety;
- (d) the country code for the country of origin of the variety;
- (e) the name of the person who has been appointed as the local agent;
- (f) the kind of plant for each variety indicating the scientific and common name;
- (g) the UPOV code for the kind of plant for each variety;
- (h) the application number and filing date for each variety;
- (i) Plant Variety Journal number and publication date on which a PBR application was published for each variety;
- (j) the date on which an application for a plant breeder's right is withdrawn or rejected;
- (k) the grant number and date on which the plant breeder's right was granted for each variety;
- (l) Plant Variety Journal number and publication date on which a plant breeder's right granted has been published for each approved variety;
- (m) Plant Variety Journal number and publication date on which a plant breeder's right application has been withdrawn, lapsed or rejected, or a plant breeder's right granted has been terminated;
- (n) duration of the plant breeder's right Sole Right Period and the expiry date thereof for each variety;
- (o) duration of plant breeder's right period (PBR period) and the expiry date thereof for each variety;
- (p) the date on which a plant breeder's right was terminated and the reason thereof and

such other particulars as the Registrar may deem necessary, subject to the provisions of the Act.

- (2) The fee specified in item 1 of Table 1 shall be payable by a person requesting inspection of the register of plant breeders' rights.

Inspection of documents

- 3 (1) Any person requiring to inspect a document in terms of section 6(1) must -

- (a) make an appointment for such inspection with the Registrar
- (b) pay the fee specified in item 2 of Table 1, and furnish proof of payment thereof to the Registrar

- (2) Any person requiring a copy of a document in terms of section 6(2) must -

- (a) apply in writing to the Registrar, and
- (b) pay the fee specified in item 3 of Table 1, and furnish proof of payment thereof to the Registrar.

- (3) For the purposes of section 6(3)(c) no person other than the persons listed in section 6(4) may inspect or be furnished with a copy of any correspondence between the Registrar and the applicant, pertaining to the granting or refusal of a plant breeder's right.

PLANT BREEDERS' RIGHT

Duration of a Plant Breeder's Right and sole right period

- 4 (1) The period of duration of a plant breeder's right in terms of section 8 and of the sole right in terms of section 9 of the Act for each kind of plant is specified in Table 2.

- (2) The Registrar must amend the Table upon receiving an application for a new kind of plant not listed in the Table at the time of lodging such an application,

Exceptions to plant breeder's right

- 5 (1) For a variety of the kind of plant that is included in the categories of plants listed in regulation 6 involving exceptions to the plant breeder's rights in terms of section 10 of the Act, a plant breeder's right shall not be infringed by a farmer who, within reasonable limits and subject to the safeguarding of

the legitimate interests of the breeders, uses the propagating material of the protected variety in accordance to subregulation (3).

(2) For the purposes of section 10(2)(i) farmers are categorised into the following categories, reflecting different types of producers in the Republic:

- a) Vulnerable household producer: producers that produces primarily for household consumption to meet the daily dietary needs and has limited resources and skills to operate a market-oriented production system and this category includes vulnerable women and youth, child headed households, persons with disabilities, farm dwellers and households producing in communal land and commonages that are registered as indigents or meet the criteria for registration as indigents with their municipality.
- b) Subsistence household producer: producer that produces primarily for household consumption to meet daily dietary needs who are not classified as indigents by their municipalities and do not meet the criteria to be registered as indigents with their municipalities and they may market limited surplus production.
- c) Smallholder producers: a venture undertaken by an individual or business entity for the purpose of household consumption and derive a source of income from agriculture activities along the value chain and are usually new entrants in the agricultural sector.
- d) Medium Scale Commercial Producer: a venture undertaken by an individual or business entity for the purpose of deriving a source of income from agriculture activities along the value chain and are established enterprises producing for market to make a profit.
- e) Large Scale Commercial producer: a venture undertaken by an individual or business entity for the purpose of production and sale of agriculture products to make a profit and are established enterprises producing for market to make a profit.

(3) A plant breeder's right shall not be infringed by:

- (a) A farmer included in subregulation (2)(a), (b) and (c), who produces the prescribed maximum quantities of protected varieties of kinds of plants listed in regulation 6 and save on his own holding, or exchange within their category, for propagating purposes, propagating material of such protected varieties.
- (b) A farmer included in subregulation (2)(d) and (e), and any other farmer who produces quantities of protected varieties for the kinds of plants listed in regulation 6 in excess of the prescribed maximum quantities, may save for propagation purposes, on their own holding, the product of the harvest which they have obtained by planting, on their own holding the protected variety of a kind of plant listed in regulation 6 provided that such a farmer:

- (aa) has legitimately obtained propagating material of the protected plant variety concerned;
- (bb) notifies, in writing, the breeder or the holder of the plant breeder's right of the protected variety concerned as to the volumes of saved propagating material thereof;
- (cc) pays the breeder or the holder of the breeders' right of the protected variety concerned a reasonable remuneration for using the saved propagating material thereof, in compliance with market conditions, an amount which is considerably lower than the level of remuneration of the purchased propagating material of the same variety in the Republic and the remuneration payable shall be agreed upon by the breeder or holder of the plant breeder's right and the farmer in a written licence agreement in accordance to section 34; and
- (dd) preserves the identity of the protected variety at all times by clearly indicating on the label of any container containing saved propagating material of a protected variety the following information:
 - i) name of the kind of plant (crop);
 - ii) variety denomination (name) approved in terms of the Act; and
 - iii) name and address of the producer of the propagating material.

(4) The exception to a plant breeder's right in terms of section 10(1)(d) does not apply to protected varieties of ornamental plants, and to any protected varieties of any kind of plant not listed under regulation 6.

(5) For any of the kinds of plants listed in regulation 6, relevant industry or commodity groups may apply to the Minister responsible for Agriculture for a statutory levy as may be applicable.

Section 10(2)(a)(ii) categories of plants

6. The categories of plants on which section 10(2)(a)(ii) applies are listed below and a farmer included in accordance to categories in subregulation (2)(a), (b) and (c) is a farmer who produces quantities not exceeding the prescribed maximum quantities for each kind of plant.

Categories of plants	Maximum seed produced per year per protected variety (kg)
Category A: AGRICULTURAL CROPS	
<i>Arachis hypogea</i> L. (Groundnut)	2 000
<i>Avena sativa</i> L. (Oats)	1 000
<i>Eleusine corocana</i> (L.) Gaertn. (Finger millet)	1 500

<i>Glycine max</i> (L.) Merr. (conventional Soy bean)	2 500
<i>Helianthus annuus</i> L. (Sunflower)	2 000
<i>Pennisetum glaucum</i> (L.) R.BR. (Pearl millet)	1 500
<i>Sorghum bicolor</i> (L.) Moench (Sorghum)	2 000
<i>Triticum aestivum</i> L.f. (Wheat)	2 500
<i>Triticum turgidum</i> L. (=T. durum) (Durum wheat)	1 500
<i>Vigna radiata</i> (L.) Wilczek (Mung bean)	1 000
<i>Vigna subterranea</i> (L.) Verdc. (Jungo beans)	1 000
<i>Vigna unguiculata</i> L. Walp. (Cowpea)	2 000
<i>Zea Mays</i> L. (Conventional white and yellow maize)	3 000
<i>Zea mays</i> L. var. <i>saccharata</i> (Sturtev.) L.H.Bailey (Sweet corn)	3 000
Category B: VEGETABLE CROPS	
<i>Allium</i> L. (onion)	1 000
<i>Brassica oleracea</i> L. (Cabbage)	500
<i>Citrullus lanatus</i> (Thunb.) Matsum. & Nakai (Watermelon)	1 500
<i>Colocasia esculenta</i> (L.) Schott (Taro, amadumbe)	10 000 tubers
<i>Cucumis melo</i> L. (Sweet melon)	500
<i>Cucurbita maxima</i> Duchesne (Pumpkin)	1 500
<i>Cucurbita moschata</i> Duchesne (Squash, butternut)	1 000
<i>Cucurbita pepo</i> L. (Squash, zucchini, vegetable marrow)	1 500
<i>Lagenaria siceraria</i> (Molina) Standl. (Calabash)	500
<i>Ipomoea batatas</i> (L.) Lam (Sweet potato)	1 000
<i>Solanum lycopersicum</i> L. (Tomato)	1 500
<i>Manihot esculenta</i> Crantz (Cassava)	7 000 tubers
<i>Solanum tuberosum</i> L. (Potato)	1 500
<i>Phaseolus vulgaris</i> L. (Garden bean)	2 500
Category C: FRUIT CROPS	Maximum number of trees produced per protected variety
All species as reflected in the Plant Breeders' Rights register maintained in terms of section 4 of the Act	100

Transfer of a plant breeder's right

7(1) The holder of a plant breeder's right must in terms of section 13 notify the Registrar of the transfer of a right or any part thereof to another person by submitting a duly completed form obtainable from the office of the Registrar.

(2) The original signed form referred to in subregulation (1) must be mailed, couriered or hand delivered to the office of the Registrar:

- (a) within 30 days from the date on which the plant breeder's right concerned, or the portion thereof was transferred; and

(b) be accompanied by proof of payment for the fee specified in item 4 of Table 1

~~(3) If a person to whom a plant breeder's right or a portion thereof was transferred wants to appoint an agent, they must within 30 days of the transfer, notify the Registrar by submitting a duly completed form obtainable from the office of the Registrar~~

APPLICATION FOR GRANT OF A PLANT BREEDER'S RIGHT

Appointment and substitution an agent

8 (1) An applicant for the grant of a plant breeder's right in terms of section 16 of the Act must, if appointing an agent, submit to the Registrar a duly completed form obtainable from the office of the Registrar.

(2) An applicant who is not domiciled and resident of the Republic of South Africa can only submit an application through an agent, and must inform the Registrar of an appointment of such an agent by submitting a duly completed form referred to in subregulation (1).

(3) The original signed form referred to in subregulations (1) must be submitted together with an application for a grant of a plant breeder's right.

(4) In the event where an applicant or a holder of plant breeder's right substitutes an appointed agent, the applicant or holder must notify the Registrar of such a substitution by submitting a duly completed form obtainable from the office of the Registrar within 30 days of the appointment of the new agent.

(5) A duly completed and signed original form must be mailed, hand delivered or couriered to the office of the Registrar.

Submission of an application and payment of application fees for a plant breeder's right

9 (1) An applicant or agent must submit an original signed application with accompanying documents in terms of section 16(1) by mail or couriered or hand delivered to the office of the Registrar.

(2) In order to obtain a filing date, copies of the application and accompanying documents may be sent electronically to the Registrar, following which original documents must be submitted within three months in a manner described in subregulation (1).

(3) The application fee payable in terms of section 16 is specified in item 5 of Table 1.

(4) Application fees paid for applications that are subsequently withdrawn, rejected or lapsed are non-refundable.

Voluntary withdrawal of an application for a plant breeder's rights

10 (1) A notice by the applicant of a plant breeder's right of a withdrawal of an application for a plant breeder's right submitted in terms of section 16 must be furnished to the Registrar on a form obtainable from the office of the Registrar.

(2) A duly completed and signed form must be sent electronically, mailed, hand delivered or couriered to the office of the Registrar.

Priority and redating of applications

11 (1) In order for the Registrar to give priority for an application in accordance to section 17, the applicant or agent must:

- (a) upon payment of application fees specified in item 6 of Table 1, submit proof of payment to the Registrar.
- (b) within three months of submission of an application in terms of section 17(1)(a), mail, hand deliver or courier the documents specified in section 17 (2) of the Act to the Registrar.

Provisional protection

12 (1) Publication of particulars of an application for a plant breeder's right in a Plant Variety Journal published in terms of Section 40 is considered to constitute a notification of provisional protection as contemplated in section 18(4).

Amendment of an application

13 (1) An applicant or agent may apply for an amendment to the application for a plant breeder's right in accordance with section 21 in a relevant form obtainable from the office of the Registrar.

- (2) Duly completed and signed original forms for the following amendments must be mailed, hand delivered or couriered to the office of the Registrar:
- (a) amendment of an applicant of a plant breeder's right
 - (b) substitution of an agent
 - (c) amendment of the holder of a plant breeder's right
 - (c) amendment of a variety denomination
 - (d) any other applicable amendment as deemed necessary and agreed upon with the Registrar.

3) The fee payable for amendment of an application is specified in item 7 of Table 2.

Objection to application for grant of plant breeder's right

14(1) Any person, may within 60 days of the publication of particulars in respect of an application made in accordance to section 16 in a Plant Variety Journal, lodge an objection with the Registrar in accordance to section 22 (1).

(2) Notwithstanding subsection (1) such an objection must be lodged before a plant breeder's rights for the variety concerned is granted, as granting of a plant breeder's right constitutes a decision of the Registrar of which an appeal may be lodged in accordance to section 41.

(3) The documentation for the objection may be sent electronically, mailed, hand delivered or couriered to the office of the Registrar, and such an objection must:

- a) state the name and address of the person objecting;
- b) state the kind of plant and the denomination of the variety in question;
- c) state the publication date of the Plant Variety Journal in which the particulars of the application of the variety concerned were published;
- d) state the grounds for the objection, substantiated by such proof as may be deemed necessary;
- e) be accompanied by the proof of payment for the fee specified in item 8 of Table 1.

4) If the applicant decides to lodge a counterstatement in accordance to section 22 (3), such a counter-statement must:

- a) be sent electronically or mailed, hand delivered or couriered to the office of the Registrar within 60 days of receiving the notification of the objection from the Registrar; and
- b) provide detailed responses to the grounds for the relevant objection, substantiated by such proof as may be deemed necessary.

VARIETY DENOMINATIONS

Denomination of variety

15.(1) The applicant must propose a variety denomination in accordance to section 23 of the Act and such denomination must –

- (a) be suitable to identify the variety concerned;
- (b) be the same as submitted in all convention countries or agreement countries for the same variety;

- (c) be different from known denominations of any existing varieties of the same or a closely related kind of plant in any other country;
- (d) be in line with relevant international practices;
- (e) not be used more than once in the same variety denomination class. A list of the denomination classes is available from the office of the Registrar upon request;
- (f) not be such as to be liable to mislead or to lead to confusion concerning the characteristics, value, geographical origin, or identity of the variety in question or the identity of the breeder thereof;
- (g) subject to the provisions of sub regulation (2) not be identical with or similar to, or liable to lead to confusion with a mark which enjoys the protection accorded thereto by the Trade Marks Act, 1963 (Act No. 62 of 1963); and
- (h) not be against public order or contrary to morality.

(2) Notwithstanding anything to the contrary contained in these regulations-

- (a) a mark referred to in sub-regulation (1)(g) may only be approved as a denomination for a variety if the applicant concerned submits documentary proof that the holder of the mark concerned renounces his or her right to such mark as from the date of filing an application for a plant breeder's right for the variety concerned; and
- (b) the denomination approved by the Registrar for a variety in respect of which protection has been granted, or an application for protection has been lodged with the appropriate authority in a convention country or an agreement country in accordance with the laws in force in that country, must be the same as the denomination thus protected or thus applied for in such country, on condition however that the provision of sub paragraph (a) is complied with and that a priority claim on such denomination is not proved by another person.

(3) If the Registrar finds that a proposed denomination does not satisfy the requirements of sub regulation (1), the Registrar must within 14 days of receipt of the application request the applicant in writing to propose an alternative denomination.

(4) The applicant must within 30 days from the date of request propose an alternative denomination using Form 4A obtainable from the office of the Registrar.

(5) The duly completed and signed form must be mailed, hand delivered or couriered to the office of the Registrar.

Amendment of denomination

16(1) A request for an amendment of the approved variety denomination in terms of section 24(3) must-

- (a) be in accordance to the provisions of regulation 15 above; and

- (b) be submitted to the Registrar by the applicant using a form obtainable from the office of the Registrar.
- (2) A duly completed, signed original form, accompanied by the proof of payment for the fee specified in item 9 of Table 1 must be mailed, hand delivered or couriered to the office of the Registrar.
- (3) If the Registrar intends to approve the amendment of the denomination, the particulars specified in Table 3 in respect thereof must be published in accordance with regulation 25.
- (4) The documentation for the objection of an approved variety denomination in terms of section 24(5) may be sent electronically or mailed, hand delivered or couriered to the office of the Registrar, and such an objection must:
- (a) be lodged with the Registrar in writing within 60 days from the date on which the particulars thereof were published in terms of section 40 of the Act;
 - (b) state the name and address of the person objecting;
 - (c) state the kind of plant and the denomination of the variety in question;
 - (d) state the publication date of the Plant Variety Journal in which the particulars of the application of the variety concerned were published.;
 - (e) state the grounds for the objection, substantiated by such proof as may be deemed necessary; and
 - (f) be accompanied by the proof of payment for the fee specified in item 10 of Table 1.
- (5) The Registrar must within 14 days of the receipt of an objection -
- (a) notify the applicant concerned in writing of the objection, and
 - (b) provide the applicant with a copy of the objection.
- (6) The applicant may lodge with the Registrar a counter statement against the objection within 30 days of receipt of the notification.
- (7) In considering the objection, the Registrar may request that further information be furnished by either party as may be deemed necessary.
- (8) After considering all the evidence, the Registrar must make a decision and thereafter, in writing, inform the person objecting and the applicant concerned of his or her decision and of the grounds on which it is based.
- (9) If an objection is upheld, the applicant must propose another denomination and if approved, the Registrar must publish particulars thereof in accordance with section 40.

(10) If no objection was lodged against an approved variety denomination or in cases where an objection lodged was not upheld, the variety denomination published in terms of subregulation (3) will be considered an approved denomination for the variety concerned.

Marking of labels and containers

17 (1) Any propagating material of a variety in respect of which a plant breeder's right has been granted, which is being sold for the purposes of propagation or for any other purpose must on each container have a clear and legible label in terms of section 25 and such label must contain the:

- (a) scientific and common names of the kind of plant concerned;
- (b) denomination (name) of the variety approved in terms of the Act for the variety concerned;
- (c) words "protected by plant breeders' rights", followed by the registration number, if the variety concerned has already been granted a plant breeder's right;
- (d) words "application for a plant breeder's right", followed by an application number if the variety concerned has an application submitted and pending the Registrar's decision for the granting of a plant breeder's right; and
- (e) trade name and/or registered trademark where applicable

(2) Labels for harvested material sold for any purpose other than propagation must at least contain the approved variety denomination and an indication on whether the variety is an application for, or protected by a plant breeder's right as reflected in subregulation (1)(c) and (d).

EXAMINATION OF VARIETY AND GRANT OF A PLANT BREEDER'S RIGHT

Submission of material and payment of examination fees for tests and trials

18 (1) An applicant or agent must provide material for tests and trials in accordance to section 26 to the Registrar in the following manner:

- (a) in the case of potatoes, trees and vines, the required amount of plant material must be made available for tests and trials within 5 years from the filing date and the applicant or agent must deliver the material to the office of the Registrar or inform the Registrar of the location of the material as applicable;
- (b) in the case of all other crops, the required amount of plant material must be delivered to the office of the Registrar within 24 months from the filing date; and
- (c) The specific of amounts of material to be submitted is obtainable from the office of the Registrar.

(2) The examination fees payable in terms of section 16 is payable in the year that the material is made available for tests and trials and the fee payable is specified in item 11 of Table 1.

(3) Upon payment of examination fees, the applicant or agent must submit proof of payment to the office of the Registrar.

(4) The examination fees paid for the tests and trials are non-refundable where:

- a) the variety concerned was subsequently refused for granting of a plant breeder's right in terms of section 27; and
- b) the applicant or an agent withdraws an application at any point before the conclusion of tests and trials for the variety concerned.

(5) In cases where a variety has been approved for National Listing in terms of the Plant Improvement Act, 2018 (Act No. 11 of 2018), and an application for a plant breeder's right for the same variety is submitted by the same applicant in terms of section 16 within one year of approval for National Listing, the Registrar may take over results of DUS test and trials conducted for National Listing.

(6) If the Registrar takes over results of DUS test and trials for National Listing in terms of subregulation (5), no examination fees are payable by the applicant in terms of this Act.

(7) In cases where DUS results for tests and trials are taken over from a Plant Breeders' Rights authority of another country in accordance with section 50, the applicant or agent must:

- (a) pay the examination fee to the Plant Breeders' Rights authority of the providing country and furnish the Registrar with proof of payment thereof;
- (b) furnish the Registrar with propagating material of the variety concerned where applicable and upon request by the Registrar.

Application for extension to submit material for tests and trials

19.(1) An applicant or agent who did not furnish the Registrar with material for tests and trials within the prescribed period in accordance to section 26 must:

- (a) apply to the Registrar for an extension not exceeding the initial period stipulated in sub section 17(1) above on a form obtainable from the Registrar; and
- (b) in the event of imported material, the application must be accompanied with a sworn affidavit as proof that the plant material has been imported into the Republic.

(2) A duly completed and signed form, accompanied by the sworn affidavit where applicable, must be sent electronically, mailed, hand delivered or couriered to the office of the Registrar.

OBJECTIONS

Hearing of an objection

20.(1) The procedure at the hearing of an objection in terms of section 29 is as follows:

- (a) parties must submit their evidence to the Registrar and exchange same between themselves within seven days of the date of receipt of notification of the hearing from the Registrar.
- (b) at the hearing, the Registrar or their representative will chair the proceedings, and provide the Secretariat services for the recording thereof.
- (c) all parties or their representatives will be allowed to call witnesses during the hearing and to cross-examine other witnesses;
- (d) the onus rests with each party to notify his or her witnesses of the date, place and time of the hearing and to ensure their presence at the hearing;
- (e) the person who lodged the objection or their representative will be allowed to present his or her case first and to call witnesses; and
- (f) the person who holds the plant breeder's right against which an objection is lodged, or their representative, will then be allowed to present his or her case and to call witnesses.

(2) The Registrar may when considering the matter at the hearing utilize one or more of the persons contemplated in section 42 to assist and advise with regard to the hearing of the objection.

(3) After hearing all the evidence, the Registrar must within 21 days consider the evidence and reach a decision, and in writing advise all parties concerned of his or her decision and of the grounds on which it is based.

(4) The Registrar must make copies of the proceedings to the parties concerned within 14 days of the finalisation of the matter.

(5) If the decision of the Registrar requires any amendment to the application of a plant breeder's right or of any matter published in accordance to section 40 such amendments must be duly published.

OBLIGATIONS OF THE HOLDER OF A PLANT BREEDER'S RIGHT

Payment of annual fees

21 (1) An applicant or agent must, upon receipt of an annual fee invoice from the Registrar, pay annual fees in accordance to section 30 for a plant breeder's right that has been granted in terms of section 28.

(2) The annual fees payable are specified in item 14 of Table 1, and the proof of payment thereof must be sent electronically or mailed, hand delivered or couriered to the office of the Registrar.

(3) An annual fee for each plant breeder's right granted is payable for the duration of the plant breeder's right in question, failure of which will lead to the cancellation of that plant breeder's right in accordance with section 38 (1)(d)(ii).

LICENCES

Application for compulsory licences

22 (1) An application for the issuing of a compulsory licence in terms of section 35 of the Act must be submitted to the Registrar on a form obtainable from the office of the Registrar.

(2) A duly completed and signed form accompanied by the proof of payment for the fee specified in item 15 of Table 1 must be sent electronically or mailed, hand delivered or couriered to the office of the Registrar.

Hearing of application for compulsory licence

23 (1) The procedure at the hearing of a compulsory licence in terms of section 36 of the Act must be as follows:

- (a) parties must submit their evidence to the Registrar and exchange same between themselves within seven days of the date of receipt of notification of the hearing from the Registrar.
- (b) at the hearing, the Registrar or their representative will chair the proceedings, and provide the Secretariat for the recording thereof.
- (c) all parties or their representatives will be allowed to call witnesses during the hearing and to cross-examine other witnesses;
- (d) the onus rests with each party to notify his or her witnesses of the date, place and time of the hearing and to ensure their presence at the hearing;
- (e) the person who applied for the compulsory licence or their representative will be allowed to present his or her case first and to call witnesses; and
- (f) the person who holds the plant breeder's right of which a compulsory license is sought, or their representative, will then be allowed to present his or her case and to call witnesses.

(2) The Registrar may when considering the matter at the hearing utilize one or more of the persons contemplated in section 42 to assist and advise with regard to the hearing of the objection.

(3) After hearing all the evidence, the Registrar must within 21 days consider the evidence and reach a decision, and in writing advise all parties concerned, of his or her decision and of the grounds on which it is based.

(4) The Registrar must make copies of the proceedings to the parties concerned within 14 days of the finalisation of the matter.

(5) If the decision of the Registrar requires any amendment to the application of a plant breeder's right or of any matter published in accordance with section 40 of the Act, such amendments must be duly published.

TERMINATION OF A PLANT BREEDER'S RIGHT

Voluntary surrender of a plant breeder's right

24 (1) A notice by the holder of a plant breeder's right of a surrender of their plant breeder's right in terms of section 39 must be submitted to the Registrar on a form obtainable from the office of the Registrar.

(2) A duly completed and signed form, accompanied by the original certificate issued in respect of the plant breeder's right concerned, must be mailed, hand delivered or couriered to the office of the Registrar.

PLANT VARIETY JOURNAL

Matters to be published in the Plant Variety Journal

25 (1) The Registrar must publish the particulars specified in Table 3 in respect of the following in the Plant Variety Journal referred to in section 40-

- (a) registration of an application for the grant of a Plant Breeder's Right;
- (b) withdrawal, lapsing and rejection of an application for a Plant Breeder's Right;
- (c) decisions relating to the granting or refusal of a Plant Breeder's Right;
- (d) amendment of applicant;
- (e) amendment of agent;
- (f) transfer of a Plant Breeder's Right;
- (g) intention to amend an approved variety denomination;
- (h) amendment of an approved variety denomination;
- (i) expiry of a Plant Breeder's Right;
- (j) cancellation of a Plant Breeder's Right;
- (k) surrender of a Plant Breeder's Right; and
- (l) any other matter as deemed necessary

(2) The Registrar must publish the Plant Variety Journal on a quarterly basis :

- (a) by notice in the Government Gazette
- (b) publication on the website of the Department;

- (c) electronic circulation to relevant stakeholders; and
- (d) as applicable, by notice in at least two (2) newspapers circulating nationally or through other means of effective communication.

(3) A Special Edition of the Plant Variety Journal, listing only valid Plant Breeders' Rights, must be published on an annual basis as in subregulation 2(a), (b), (c) and (d) with the following particulars:

- (a) kind of plant
- (b) variety denomination
- (c) name of applicant
- (d) name of agent
- (e) grant number
- (f) grant date
- (g) expiry date

(4) A publication date of the Plant Variety Journal is the date on which the notification thereof is published in the Government Gazette in terms of subregulation 2(a).

APPEALS

Right to appeal

26 (1) An appeal in terms of sections 41, 42, 43 and 44 must –

- (a) be lodged through the Director-General in writing within 60 days from the publication of the decision or action concerned in terms of regulation 25;
- (b) state the Plant Variety Journal number and the publication date thereof;
- (c) state the kind of plant, the variety denomination and the application number or registration number of the variety for which such a decision or action was taken;
- (d) state the grounds on which the appeal is based; and
- (e) be accompanied by the fee specified in item 16 of Table 1.

(2) The contact details of the Director-General, to which the appeal documentation must be mailed, hand delivered or couriered, may be obtained upon request from the office of the Registrar located within the department.

REMUNERATION OF PERSONS APPOINTED IN TERMS OF THE ACT

27 (1) A person who is appointed in terms of :

- a) section 29 (3) of the Act, for hearing of an objection;
- b) section 36 (2) of the Act, for hearing of application for and issue of a compulsory licence;
and
- c) section 42 (1) of the Act for consideration of an appeal,

and who is not employed in the public service, must be remunerated according to the Manual for the Application of the System for the Administration of the Service Benefit Packages for Office-bearers of Certain Statutory and other Institutions.

(2) A member of the Advisory Committee appointed in terms of section 46 must receive subsistence and travelling allowance as determined by National Treasury regulations, and in accordance to the department's prescripts.

GENERAL PROVISIONS

Request for DUS test and trials results by authority of another country

28 (1) The Registrar may in terms of section 50 provide to an appropriate authority the DUS test results derived from tests and trials undertaken in terms of section 26 upon payment of the fee specified in Item 17 of Table 1.

(2) The DUS tests and trials results will not be provided to any person other than the Plant Breeder's Right Authority of the requesting country.

TABLE 1

FEES PAYABLE IN TERMS OF THE PLANT BREEDERS' RIGHTS ACT, 2018 (ACT NO. 12 OF 2018)

No.	Purpose	Amount (will be determined upon consultation with the Minister of Finance)
1.	Inspection of the register of plant breeders' right [Reg. 2(2)]	
2.	Inspection of a document submitted to the registrar in connection with an application for the grant of a plant breeders' right [Reg. 3(1)(b)]	
3.	A copy of any particulars in the register or of a document submitted to the registrar in connection with an application for the grant of a plant breeders' right [Reg. 3(2)(b)]	
4.	Notice of the transfer of a plant breeders' right [Reg. 7(2)(b)]	
5.	An application for the grant of a Plant Breeder's Right [Reg. 9(3)]	
6.	A claim to give priority in terms of section 17 of the Act to an application for the grant of the plant breeders' right [Reg. 11(1)(a)]	
7.	Amendment of an application [Reg. 13(3)]	
8.	An objection to the grant of a plant breeder's right [Reg. 14(3)(e)]	
9.	An application for the alteration or supplementation of the denomination approved for a variety [Reg. 16(2)]	
10.	An objection against the intended approval of an alteration or supplementation of the denomination approved for a variety [Reg. 16(4)(f)]	
11.	Examination fee for a plant breeder's right: All kinds of plants [Reg.18(2)]	

12.	Examination fee for a variety of which a plant breeder's right application is submitted within one year of approval of the same variety for National Listing in terms of the Plant Improvement Act, 2018 (Act No. 11 of 2018) [Reg. 18(5)]	
13.	Obtaining of results of tests and trials in the event that such test and trials are undertaken by another appropriate authority in another country [Reg 18(7)]	
14.	Annual fee for a plant breeders' right [Reg. 13(1)(d)]	
15.	An application for the issue of a compulsory licence in respect of a plant breeders' right [Reg. 22(2)]	
16.	Submission of appeal against any decision or action taken by the registrar in terms of the Act [Reg.26(1)(e)]	
17.	Provision of results of tests and trials undertaken by the registrar, to the appropriate authority in a requesting country [Reg 28(1)]	

TABLE

DURATION OF PLANT BREEDERS' RIGHTS AND SOLE RIGHT PERIODS UNDER THE PLANT BREEDERS' RIGHT ACT, 2018 (ACT NO. 12 OF 2018)

1		2	3
Kind of plant/Soort plant			
Botanical name Botaniese naam	Common name Gewone naam	Period of plant breeder's right (years) Termyn van Planttelersreg (jare)	Period of sole right (years) Termyn van alleenreg (jare)
AGRICULTURAL CROPS			
<i>Anthephora pubescens</i> Nees	Bottle brush grass/Borseltjiegras	20	5
<i>Arachis</i> L. (All/Alle spp.)	Groundnut/Grondboon	20	5
<i>Aspalathus</i> L. (All/Alle spp.)	Aspalathus/Rooibos	20	5
<i>Avena</i> L. (All/Alle spp.)	Oats/Hawer	20	5
<i>Brachiaria</i> (Trin.) Griseb. (All/Alle spp.)	Brachiaria, signal grass	20	5
<i>Brachiaria brizantha</i> (Hochst. ex A. Rich.) Stapf [See/sien <i>Urochloa brizantha</i> (Hochst. Ex A. Rich.) R.D. Webster]	Beard grass, Palisade grass		
<i>Bromus catharticus</i> Vahl (= <i>B willdenowii</i>)	Rescue grass/Reddingsgras	20	5
<i>Cenchrus ciliaris</i> L.	Blue buffalo grass/Bloubuffelgras	20	5
<i>Cenchrus</i> L. (all spp.)	Buffelgrasses/sandburs/ Birdwood grass	20	5
<i>Cichorium intybus</i> L.	Chicory/Sigorei	20	5
<i>Coffea arabica</i> L.	Coffee/Koffie	25	8
<i>Cnidoscolus</i> Pohl (All/Alle spp.)	Cnidoscolus, Tread-softly, Spurge nettle	25	8
<i>Chloris gayana</i> Kunth	Rhodes grass/Rhodesgras	20	5
<i>Cynodon</i> L. (All/Alle spp.)	Bermuda grass, Couch grass/Bermudagrass, Kweekgras	20	5
<i>Dactylis glomerata</i> L.	Cocksfoot/Kropaargras	20	5
<i>Desmodium</i> Desv. (All/Alle spp.)	Tick Trefoil/Desmodium	20	5
<i>Digitaria eriantha</i> Steud. (=D. <i>Smutsii</i> Stent.)	Smuts finger grass/Snustsvingergras	20	5
<i>Eragrostis curvula</i> (Schrad.) Nees	Weeping lovegrass/Oulandsgras	20	5

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<i>Eragrostis tef</i> (Zucc.) Trotter	Teff/Tefgras	20	5
<i>Festuca arundinacea</i> Schreber	Tall fescue/Langswenkgras	20	5
<i>X Festulolium Aschers. et Graebn. (Festuca x Lolium)</i>	Festulolium, Hybrid fescue/Baster swenkgras	20	5
<i>Glycine max</i> (L.) Merrill	Soya bean/Sojaboon	20	5
<i>Gossypium hirsutum</i> L.	Cotton/Katoen.	20	5
<i>Helianthus annuus</i> L.	Sunflower/Sonneblom	20	5
<i>Helianthus tuberosus</i> L.	Jerusalem artichoke, Girasole/Jerusalemartisjok, Knolartisjok	20	5
<i>Hordeum</i> L. (All/Alle spp.)	Barley/Gars	20	5
<i>Humulus lupulus</i> L.	Hops/Hop	20	5
<i>Lablab Adans. (all spp.)</i>	Lab Lab bean	20	5
<i>Lolium</i> L. (All/Alle spp.)	Rye grass/Raaigras	20	5
<i>Lupinus</i> L. (All/Alle spp.)	Lupin/Lupien	20	5
<i>Medicago</i> L. (All/Alle spp.)	Lucerne, Medic/Lusern, Medic	20	5
<i>Nicotiana tabacum</i> L.	Tobacco/Tabak	20	5
<i>Ornithopus compressus</i> L.	Yellow Serradella/Geel Serradella	20	5
<i>Ornithopus sativus</i> Brot.	Serradella	20	5
<i>Oryza sativa</i> L.	Rice/Rys	20	5
<i>Panicum</i> L. (All spp.)	Panicum	20	5
<i>Paspalum</i> L. (All spp.)	Paspalum	20	5
<i>Pennisetum clandestinum</i> Hochst. Ex Chiov.	Kikuyu/Kikoejoe	20	5
<i>Pennisetum glaucum</i> (L.) R.Br. emend. Stuntz	Pearl millet/Babala	20	5
<i>Phalaris aquatica</i> Hack.	Phalaris	20	5
<i>Phalaris arundinacea</i> L.	Reed canary grass, Ribbon grass/Rietkanariegras, Bandgras	20	5
<i>Phaseolus coccineus</i> L.	Kidney Bean/Nierboon	20	5
<i>Phaseolus vulgaris</i> L.	Dry Bean/Droëboon	20	5

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<i>Pisum</i> L. (All/Ale spp.)	Dry Pea/Droëert	20	5
<i>Ricinus communis</i> L.	Castor bean, Castor-oil-plant/Kasterolie	20	5
<i>Saccharum officinarum</i> L.	Sugar cane/Suikerriet	30	10
<i>Secale cereale</i> L....	Rye/Rog	20	5
<i>Setaria nigrirostris</i> (Nees) Dur. et Schinz	Black seed bristle grass/Swartsaadmannagras	20	5
<i>Setaria</i> P.Beauv. (All/Ale spp.)	Bristle grass	20	5
<i>Setaria sphacelata</i> (Schum.) Stapf et C.E. Hubb.	Common setaria/Gewone setaria	20	5
<i>Sinapis alba</i> L.	White mustard/Wit Mosterd	20	5
<i>Solanum tuberosum</i> L.	Potato/Aartappel	30	10
<i>Sorghum bicolor</i> (L.) Moench	Grain sorghum/Graansorghum	20	5
<i>Sorghum</i> Moench. [<i>S. alnum</i> Parodi, <i>S. sudanense</i> (Piper) Stapf and/en hybrids/hibriede]	Forage sorghum/Voersorghum	20	5
<i>Sporobolus fimbriatus</i> (Trin.) Nees	Rush Grass/Fynvleigras	20	5
<i>Trifolium</i> L. (All spp./Alle spp.)	Clover/Klawer	20	5
<i>X Triticosecale</i> Witt. (<i>Triticum x Secale</i>)	Triticale/Tritikale, Korog.	20	5
<i>Triticum</i> L. (All/Ale spp.)	Wheat/Koring	20	5
<i>Urochloa brizantha</i> (Hochst. ex A. Rich.) R.D. Webster (= <i>Brachiaria brizantha</i> (Hochst. ex A. Rich.) Stapf)	Bread grass	20	5
<i>Urochloa</i> L. (All spp.)	Dubi grass	20	5
<i>Vicia faba</i> L.	Broad Bean/Boerboon	20	5
<i>Vicia sativa</i> L. [including/insluitend <i>V. angustifolia</i> L.]	Common Vetch/Gewone Wiek	20	5
<i>Vicia villosa</i> Roth [including/insluitend <i>V. dasycarpa</i> Ten.]	Hairy vetch, Woolly-pod vetch/Harige wiek	20	5
<i>Vigna subterranea</i> (L.) Verdc.	Bambara groundnut	20	5

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<i>Vigna unguiculata</i> (L.) Walp. [including/insluitend <i>V. sinensis</i> (L.) Savi ex Hassk. and/en <i>Dolichos biflorus</i> L.]	Cowpea/Akkerboon	20	5
<i>Zea mays</i> L.	Grain malze/Graanmielie	20	5
<i>Zea mays</i> L. var. <i>saccharata</i> Bailey	Sweetcorn/Soetmielie, Sulkermielie	20	5
VEGETABLE CROPS			
<i>Allium</i> L. (All spp.)	Onion genus	20	5
<i>Asparagus officinalis</i> L.	Asparagus/Aspersie	20	5
<i>Beta vulgaris</i> L.	Beetroot, Fodder Beet, Swiss Chard/Beet, Voerbeet, Snybeet	20	5
<i>Brassica juncea</i> (L.) Czern	Indian Mustard/Indiese Mosterd	20	5
<i>Brassica napus</i> L.	Forage rape, Swede/Welkool, Sweedse raap	20	5
<i>Brassica oleracea</i> L.	Fodder Kale, Kohlrabi, Curly Kale, Cauliflower, Broccoli, Cabbage, Savoy Cabbage, Brussels Sprouts/Beeskool, Knolkool, Boerkool, Blomkool, Brokkoli, Kopkool, Savoikool, Brusselse Spruitjies	20	5
<i>Brassica rapa</i> L. [including/insluitend <i>B. campestris</i> & spp. previously known as/voorheen bekend as <i>B. chinensis</i> and/en <i>B. pekinensis</i>]	Turnip/Raap	20	5
<i>Capsicum</i> L. (All/Alle spp.)	Pepper, Paprika/Rissie, Paprika	20	5
<i>Cucumis</i> L. (All/Alle spp.)	Sweet melon, Cucumber/Spanspek/Komkommer	20	5
<i>Cucurbita</i> L. (All/Alle spp.)	Pumpkin, Squash/Pampoen, Skorsie	20	5
<i>Daucus carota</i> L.	Carrot/Geelwortel	20	5
<i>Foeniculum</i> Mill. (All spp.)	Fennel	20	5
<i>Ipomoea batatas</i> (L.) Lam.	Sweet potato/Patat	20	5

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<i>Lactuca sativa</i> L.	Lettuce/Slaai	20	5
<i>Lycopersicon esculentum</i> Mill. (= <i>L. lycopersicum</i> (L.) Karsten ex Farwell)	Tomato/tamatie	20	5
<i>Ocimum basilicum</i> L.	Basil, Sweer basil/Basiliekruid, Soetbasilkruid	20	5
<i>Pastinaca sativa</i> L.	Parsnip/Witwortel	20	5
<i>Petroselinum crispum</i> (Mill.) Nyman ex A.W. Hill	Parsley/Pietersielie	20	5
<i>Phaseolus vulgaris</i> L.	Garden Bean/Tuinboon.	20	5
<i>Pisum</i> L. (All/Alle spp.)	Garden Pea/Tuinert	20	5
<i>Raphanus sativus</i> L.	Garden Radish, Fodder Radish/Radys, Voerradys.	20	5
<i>Rosmarinus</i> L. (All/Alle spp.)	Rosemary/Roosmaryn	20	5
<i>Solanum melongena</i> L. var. <i>esculentum</i> Nees	Egg fruit, Aubergine, Brinjal/Eiervrug	20	5
FRUIT CROPS			
<i>Ananas comosus</i> (L.) Merrill	Pineapple/Pynappel	25	8
<i>Carica papaya</i> L.	Pawpaw/Papaja	25	8
<i>Carya illinoensis</i> (Wangenh.) K. Koch	Pecannut/Pekanneut	25	8
<i>Citrullus lanatus</i> (Thunb.) Matsum. et Nakai	Watermelon/Waatlemoen, Makataan	20	5
<i>Citrus</i> L. (All/Alle spp.)	Sweet orange, Lemon, Grapefruit, Loose skin citrus types, Other citrus (Bitter Seville, Lime)/Soetlemoen, Suurlemoen, Pomelo, Losskil sitrussoorte, ander sitrus (Bitter Seville, Lemmetjie)	30	10
<i>Cydonia</i> Mill. (All/Alle spp.)	Quince/Kweper	25	8
<i>Ficus</i> L.	Fig tree/Vyeboom	25	8
<i>Fortunella</i> Swingle	Kumquat/Kumkwat	25	8
<i>Fragaria x ananassa</i> Duchesne	Strawberry/Aarbei	20	5

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<i>Hylocereus</i> (A. Berger) Britton & Rose (All/Alle spp.)	Dragon fruit	25	8
<i>Juglans</i> L. (All/Alle spp.)	Walnut/Okkerneut	25	8
<i>Litchi chinensis</i> Sonn.	Litchi/Lietsjie	25	8
<i>Macadamia</i> F. Mueller (All/Alle spp.)	Macadamia/Makadamia	25	8
<i>Malus</i> Mill. (All/Alle spp.)	Apple/Appel	25	8
<i>Mangifera indica</i> L.	Mango	25	8
<i>Musa acuminata</i> Colla	Banana/Piesang	25	8
<i>Olea</i> L. (All/Alle spp.)	Olive/Olyf	25	8
<i>Opuntia ficus indica</i> (L.) Mill. (only spineless cultivars, sweet prickly pear)	Sweet prickly pear	25	8
<i>Passiflora</i> L. (all spp. Excluding <i>P. caerulea</i> L., <i>P. mollissima</i> (Kunth) L.H. Bailey, <i>P. suberosa</i> L. and <i>P. subpeltata</i> Ortega)	Passion flower	20	5
<i>Persea americana</i> Mill.	Avocado/Avokado	25	8
<i>Pistacia</i> L. (All/Alle spp.)	Pistachio/Pimperneut	25	8
<i>Prunus amygdalus</i> Batsch. [See/Sien <i>Prunus dulcis</i> (Mill.) D. Webb]			
<i>Prunus armeniaca</i> L.	Apricot/Appelkoos	25	8
<i>Prunus avium</i> (L.) L.	Sweet cherry/Soetkersie	25	8
<i>Prunus cerasifera</i> Ehrh.	Cherry plum, Myrobalan plum	25	8
<i>Prunus cerasus</i> L.	Sour cherry/Suurkersie	25	8
<i>Prunus domestica</i> L.	European plum/Europese pruim, Pruimedant	25	8
<i>Prunus dulcis</i> (Mill.) D. Webb (= <i>Prunus amygdalus</i> Batsch)	Almond/Amandel	25	8
<i>Prunus laurocerasus</i> L.	Cherry laurel	25	8
<i>Prunus persica</i> (L.) Batsch	Peach/Perske	25	8
<i>Prunus persica</i> (L.) Batsch var. <i>nucipersica</i> Schneid.	Nectarine/Nektarien	25	8

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<i>Prunus salicina</i> Lindl.	Japanese plum/Japanse pruim	25	8
<i>Psidium guajava</i> L.	Guava/Koejawel	25	8
<i>Punica granatum</i> L.	Pomegranate/Granaat	25	8
<i>Pyrus</i> L. (All/Alle spp.)	Pear/Peer	25	8
<i>Ribes</i> L. (All/Alle spp.)	Currant, Gooseberry/Kruisbessie	25	8
<i>Rubus</i> L. (All/Alle spp.)	Bramble, Raspberry/Braam, Framboos	25	8
<i>Sclerocarya birrea</i> (A. Rich.) Hochst. subsp. <i>caffra</i> (Sond.) Kokwaro	Marula/Maroela	25	8
<i>Vaccinium</i> L. (All/Alle spp.)	Blueberry, Cranberry/Bosbessie	25	8
<i>Vitis</i> L.	Table Grape/Druif	25	8
<i>Vitis vinifera</i> L.	Wine grape	25	8
<i>Ziziphus jujube</i> Mill.	Jujube	20	5
ORNAMENTAL CROPS			
<i>Abelia</i> R.Br. (All/Alle spp.)	Abelia	20	5
<i>Abelmoschus</i> Medik. (All/Alle spp.)	Gumbo, Lady's fingers	25	8
<i>Abutilon</i> Mill. (All/Alle spp.)	Flowering maple, Chinese lantern/Blomwattel, Chinese lantern	25	8
<i>Acacia podalyrifolia</i> A. Cunn. Ex G. Don	Queensland silver wattle, Pearl acacia/Lierwattel, Vaalmimosa	25	8
<i>Achillea</i> L. (All spp.)	Yarrow	25	8
<i>Acmadenia</i> Bartl. & H.L. Wendl (all spp./alle spp.)	Acmadenia	25	8
<i>Acorus</i> L. (All/Alle spp.)	Sweet flag	20	5
<i>Actinidia</i> Lindley (All/Alle spp.)	Kiwifruit/Kiwivrug	25	8
<i>Adenanthos</i> Labill. (All/Alle spp.)	Adenanthos	20	5
<i>Agapanthus</i> L'Hérit. (All/Alle spp.)	Agapanthus, Blue lily/Agapant, Bloukandelaar, Bloulilie	20	5

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<i>Agastache</i> L. (All /Alle spp.)	Agastache, Hyssop	25	8
<i>Agathosma</i> Willd. [Barosma Willd.] (All/Alle spp.)	Agathosma, Buchu/Agathosma, Boegoe	20	5
<i>Agave</i> L. (All spp. except <i>A. sisalana</i> Perrine)	Agave	20	5
<i>Ageratina</i> Spach (All/Alle spp.)	Ageratina	20	5
<i>Aglaonema</i> Schott (All/Alle spp.)	Aglaonema	20	5
<i>X Agrotriticum</i> Ciferri et Giacom. (<i>Agropyron</i> x <i>Triticum</i>)	Agrotriticum	20	5
<i>Ajuga</i> L. (All/Alle spp.)	Bugleweed/Senegroen	20	5
<i>Akebia</i> Decne (all spp.)	Chocolate vine	25	8
<i>Aloe</i> L. (All/Alle spp.)	Aloe/Aalwyn	20	5
<i>Alstroemeria</i> L. (All/Alle spp.)	Peruvian lily, Inca lily/Perulelie, Inkalelie	20	5
<i>Alternanthera</i> Forssk. (except for <i>A. philoxeroides</i> (Mart.) Griseb.)	Joyweeds Joseph's Coat	20	5
<i>Alyogyne huegelli</i> (Endl.) Fryxell	Blue hibiscus	25	8
<i>Amaranthus</i> L. (All spp.)	Amaranth	20	5
<i>Anemone</i> L. (All spp.)	Anemone, Windflower, Lily-of-the-field	20	5
<i>Angelonia</i> Humb. & Bonpl. (All/Alle spp.)	Angelonia	20	5
<i>Anigozanthos</i> Labill.	Kangaroo Paw	20	5
<i>Anisodonteia</i> K. Presl. (All/Alle spp.)	George mallow, Hairy mallow/Georgemalva, Harige malva	20	5
<i>Anthurium</i> Schott (All/Alle spp.)	Anthurium	20	5
<i>Antirrhinum</i> L. (All/Alle spp.)	Snapdragon/Leeubekkie	20	5
<i>Arctotis</i> L. (All/Alle spp.)	Arctotis/Gousblom	20	5
<i>Argyranthemum</i> Webb ex Sch. Bip. (All/Alle spp.)	Daisy bush, White marguerite/Madellefiebos	20	5
<i>Artemisia</i> L. (All/Alle spp.)	Artemisia	20	5

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<i>Asparagus densiflorus</i> (Kunth) Jessop	Asparagus fern/varing	20	5
<i>Aster</i> L. (All/Alle spp.)	Michaelmas daisy, Frost flower/Michaelmas Madeliefie	20	5
<i>Aulax</i> Berg (All/Alle spp.)	Aulax	25	8
<i>Barleria</i> L. (All/Alle spp.)	Barleria	20	5
<i>Bauhinia</i> L. [excluding <i>B. purpurea</i> L. and <i>B. variegata</i> L.]	Bauhinia; Orchid tree	25	8
<i>Begonia</i> (All/Alle spp.)	Begonia	20	5
<i>Bergenia</i> Moench. (All/Alle spp.)	Elephant's ear, Siberian saxifrage/Siberiese steenbreek	20	5
<i>Beschorneria</i> Kunth. (All/Alle spp.)	Beschorneria	20	5
<i>Bidens</i> L. (All spp.)	Arizona beggarticks	20	5
<i>Bougainvillea</i> Comm. ex Juss. (All/Alle spp.)	Bougainvillea	25	8
<i>Bouvardia</i> Salisb. (All/Alle spp.)	Bouvardia	20	5
<i>Brachyscome</i> Cass. (All/Alle spp.)	Swan river daisy/Australiese madeliefie	20	5
<i>Bracteantha</i> Anderb. & Haegi (See/sien <i>Xerochrysum</i>)	Bracteantha		
<i>Brunfelsia latifolia</i> (Pohl) Benth.	Brunfelsia	20	5
<i>Brunia</i> Lam. (All/Alle spp.)	Brunia/Stompie	25	8
<i>Buddleja</i> L. (All/Alle spp.)	Sagewood/Salie	20	5
<i>Bulbine</i> Wolf. (All/Alle spp.)	Bulbine	20	5
<i>Cajanus</i> L. (All spp.)	Cajanus	20	5
<i>Calibrachoa</i> Llave & Lex (All/Alle spp.)	Miniature Petunia/Miniatuur Petunia	20	5
<i>Callistemon</i> R. Br. (All/Alle spp.)	Bottle brush/Bottelborsel, Perdestert	25	8
<i>Camellia</i> L. (All/Alle spp.)	Camellia, Japonica/Kamellia, Japonika	25	8
<i>Camellia sinensis</i> (L.) O. Kuntze (= <i>Thea sinensis</i> L.)	Tea/Tee	25	8
<i>Campanula</i> L. (all spp./alle spp.)	Bellflower	20	5

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<i>Canna</i> L. (All/Alle spp.)	Canna/Kanna	20	5
<i>Carex brunnea</i> Thunb.	Greater brown sedge	20	5
<i>Carex oshimensis</i> Nakai	Oshima sedge, Japanese sedge	20	5
<i>Ceanothus dentatus</i> Torr. & A. Gray	Red Root/Rooiwortel	20	5
<i>Chamelacium</i> Desf. (All/Alle spp.)	Wax flower, Wax plant/Wasblom	25	8
<i>Cheiranthus</i> L. (All/Alle spp.)	Wall flower/Muurblom	20	5
<i>Chironia</i> L. (All/Alle spp.)	Christmas berry, Wild gentian/Bitterbos, Perdebossie	20	5
<i>Chlorophytum</i> Ker-Gawl. (All/Alle spp.)	St Bernard's Lily/St Bernardlelie	20	5
<i>Choisya x dewitteana</i> Geerinck.	Mexican Orange	25	8
<i>Chondropetalum</i> Rottb. (All spp.)	Chondropetalum	20	5
<i>Chrysanthemum</i> L. (All/Alle spp.) [including <i>Dendranthema</i> (DC.) Desm.]	Chrysanthemum/Krisant, Aster	20	5
<i>Citharexylum</i> Mill. (All/Alle spp.)	Fiddlewood/Vioolhout	25	8
<i>Clematis</i> L. (All/Alle spp.)	Clematis, Leather flower/Leerblom	20	5
<i>Cleome</i> L. (All spp.)	Cleome	20	5
<i>Clivia</i> Lindl. (All/Alle spp.)	Bush lily/Boslelie	20	5
<i>Coleonema</i> Bartl. & H.L. Wendl (all spp.)	Coleonema	20	5
<i>Coleostephus</i> Cass. (All/Alle spp.)	Coleostephus	20	5
<i>Colocasia</i> Schott. (All spp.)	Elephant ear	20	5
<i>Coprosma</i> J. R. Forster et G. Forster (All/Alle spp.)	Mirror plant/ Spieëlplant	20	5
<i>Corchorus</i> L. (All spp.)	Mallow	20	5
<i>Cordyline</i> Comm. ex Juss. (All/Alle spp.)	Dragon tree/Drakeboom	20	5
<i>Coreopsis lanceolata</i> L. (HYBRIDS ONLY)	Lanceleaf coreopsis	25	8
<i>Coreopsis pubescens</i> Elliott	Star tickseed	25	8
<i>Coreopsis rosea</i> Nutt	Pink tickseed	25	8
<i>Coriandrum</i> L. (All spp.)	Coriandrum	20	5

1		2	3
Kind of plant/Soort plant			
Botanical name Botaniese naam	Common name Gewone naam	Period of plant breeder's right (years) Termyn van Planttelersreg (jare)	Period of sole right (years) Termyn van alleenreg (jare)
<i>Corylus</i> L. (All/Alle spp.)	Hazelnut/Haselneut	25	8
<i>Cosmos atrosanguineus x hybrid</i>	Chocolate cosmos	20	5
<i>Cotyledon</i> L. (All spp./alle spp.)	Cotyledon	25	8
<i>Crambe abyssinica</i> Hochst. Ex R.E. Fr.	Abyssinian-kale, Crambe	20	5
<i>Crassula</i> L. (all spp./alle spp.)	Crassula	25	8
<i>Crinum</i> L. (All/Alle spp.)	Cape Lily	20	5
<i>Crocasmia</i> Planchon (All/Alle spp.)	Coppertip/Falling stars	20	5
<i>Cuphea hyssopifolia</i> HBK	False heather/Valsheide	20	5
<i>x Cupressocyaparis</i> Dallim.		25	8
<i>Cupressus</i> L. (All/Alle spp.)	Cypress/Sipres	25	8
<i>Curcuma</i> L. (All spp.)	Hidden cone gingers	20	5
<i>Cyathea</i> Sm. (All/Alle spp.)	Tree fern/Boomvaring	25	8
<i>Cyclopla</i> Vent. (All/Alle spp.)	Honeybush Tea/Heuningbostee	20	5
<i>Cyperus</i> L. (All/Alle spp.)	Sedge.	20	5
<i>Cyrtanthus</i> L. (All/Alle spp.)	Fire lily/Vuurlelie.	20	5
<i>Dahlia</i> Cav. (All/Alle spp.)	Dahlia	20	5
<i>Daphne x transatlantica</i> C.D. Brickell & A.R.White	Daphne	25	8
<i>Delosperma</i> N.E.Br. (All/Alle spp.)	Delosperma	20	5
<i>Dendranthema</i> (DC.) Desm. [See/sien <i>Chrysanthemum</i> L.]			
<i>Dianella</i> Lam. (All/Alle spp.)	Dianella, Flax Lily/Dianella, Vlaslelie	20	5
<i>Dianthus</i> L. (All/Alle spp.)	Carnation/Angelier, Dianthus, Pink	20	5
<i>Dianthus x alwodii</i> Hort.	Dianthus	20	5
<i>Diascia</i> Link et Otto (All/Alle spp.)	Twinspur/Pensie	20	5
<i>Dieffenbachia</i> Schott (All/Alle spp.)	Dieffenbachia, Dumb cane/Stomriet, Verdoofblaar	20	5
<i>Dierama</i> C.Koch. (All/Alle spp.)	Wandflower	20	5

1		2	3
-- Kind of plant/Soort plant --			
Botanical name Botaniese naam	Common name Gewone naam	Period of plant breeder's right (years) Termyn van Planttelersreg (jare)	Period of sole right (years) Termyn van alleenreg (jare)
<i>Diets</i> Salisb. ex Klatt (All/Alle spp.)	Fortnight Lily; African Iris	20	5
<i>X Diglipsis (Digitalis x Isoplexis)</i>	Illumination flame	20	5
<i>Dimorphotheca</i> Vaill. ex Moench (All/Alle spp.)	Bito, Daisy/Bietou, Madeliefie, Magrietjie	20	5
<i>Dipladenia</i> A. DC. [See/Sien <i>Mandevilla</i> Lindl.]			
<i>Dracaena</i> L. (All/Alle spp.)	Dracaena	20	5
<i>Drimlopsis</i> Lindl. [See/sien <i>Ledebouria</i> Roth.]			
<i>Duranta</i> L. (All/Alle spp.)	Forget-me-not tree/Vergeet-my-nieboom	20	5
<i>Echeveria</i> DC. (All spp.)	Hen-n-Chicks, Mexican Rose	20	5
<i>Echinacea</i> Moench. (All spp.)	Coneflower	20	5
<i>Echinocloa</i> P. Beauv. (All spp.)	Echinocloa	20	5
<i>Elegia</i> L. (All/Alle spp.)	Cape Thatching Reed	25	8
<i>Eleusine</i> Gaertn. (all spp.)	Goosegrass/Finger Millet	20	5
<i>Erica</i> L. (All/Alle spp.)	Heath/Heide	25	8
<i>Eriobotrya</i> Lindl. (All/Alle spp.)	Loquat	25	8
<i>Eriosephalus</i> L. (All/Alle spp.)	Eriosephalus, Kapok bush/Eriosephalus, Kapokbos	20	5
<i>Eryngium</i> L. (All/Alle spp.)	Eryngo, Sea holly/ Bloudissel, Kruisdissel	20	5
<i>Escallonia</i> Mutis ex L.f. (All spp.)	Escallonia	20	5
<i>Eucalyptus</i> L'Hér. (All/Alle spp.)	Eucalypt, Gumtree/Bloekom	25	8
<i>Eucomis</i> L'Hér. (All/Alle spp.)	Pineapple lily	20	5
<i>Euonymus</i> L. (All/Alle spp.)	Spindle tree/Speekbeenboom	20	5
<i>Eupatorium</i> L. (All/Alle spp.)	Eupatorium	20	5
<i>Euphorbia hypericifolia</i> L.	Spurge	25	8
<i>Euphorbia pulcherrima</i> Willd. ex Klotzsch	Poinsettia/Poinsettia, Karlienblom	20	5
<i>Euphorbia X martini</i>	Red spurge	20	5
<i>Euryops</i> Cass. (All/Alle spp.)	Resin bush, Daisy bush/Harpuisbos	20	5

1		2	3
Kind of plant/Soort plant			
Botanical name Botaniese naam	Common name Gewone naam	Period of plant breeder's right (years) Termyn van Planttelersreg (jare)	Period of sole right (years) Termyn van alleenreg (jare)
<i>Fagopyrum</i> Mill. (all spp.)	Buckwheat	20	5
<i>Felicia</i> Cass. (All/Alle spp.)	Felicia	20	5
<i>Ferraria</i> Burm. ex Mill. (All/Alle spp.)	Ferraria	20	5
<i>Ficus</i> L.	Rubber plant/Rubberboom	25	8
<i>Freesia</i> Klatt (All/Alle spp.)	Freesia/Freesia, Kammetjie	20	5
<i>Fuchsia</i> L. (All/Alle spp.)	Fuchsia, Ladies' eardrops/Fuchsia, Foksia	20	5
<i>Gallardia x grandiflora</i> hort. ex Van Houtte	Blanket Flower	20	5
<i>Gardenia</i> Ellis (All/Alle spp.)	Gardenia/Katjeeperling	25	8
<i>Gasteria</i> Duval (All/Alle sp)	Tongue plant	20	5
<i>Gaura</i> L. (All/Alle spp.)	Gaura	20	5
<i>Gazania</i> Gaertn. (All/Alle spp.)	Gazania/Gousblom, Botterblom	20	5
<i>Gelsemium sempervirens</i> (L.) Ait.	Carolina jasmine/Vals jasmyn	20	5
<i>Gerbera</i> L. (All/Alle spp.)	Barberton daisy, Gerbera/Barbertonse madeliefie	20	5
<i>Gladiolus</i> L. (All/Alle spp.)	Gladiolus/Swaardlelie	20	5
<i>Glandularia</i> J.F. Gmel. (All/Alle spp.)	Glandularia	20	5
<i>Gloriosa</i> L. (All spp.)	Flame lily	20	5
<i>Goniolimon</i> Boiss. (All/Alle spp.)	Goniolimon	20	5
<i>Grevillea</i> R. Br. (All/Alle spp.)	Grevillea	25	8
<i>Gypsophila</i> L. (All/Alle spp.)	Gypsophila, Baby's breath/Gipskruid	20	5
<i>Haemanthus</i> L. (All/Alle spp.)	Haemanthus	20	5
<i>Hardenbergia</i> Benth (All/Alle spp.)	Australian lilac/Australiese lilac	20	5
<i>Hebe</i> Comm. ex Juss. (All/Alle spp.)	Shrubby veronica/Bosveronica	20	5
<i>Hedera</i> L. (All/Alle spp.)	Ivy/Hedera, Klimop	20	5
<i>Helopsis helianthoides</i> (L.) Sweet	False sunflower	20	5
<i>Hemerocallis</i> L. (All/Alle spp.)	Day lily/Daglelie	20	5
<i>Hermannia</i> L. (All/Alle spp.)	Doll's roses	25	8

1		2	3
Kind of plant/Soort plant			
Botanical name Botaniese naam	Common name Gewone naam	Period of plant breeder's right (years) Termyn van Planttelersreg (jare)	Period of sole right (years) Termyn van alleenreg (jare)
<i>Heterantheris</i> Schott (All/Alle spp.)	Heterantheris	20	5
<i>Heuchera</i> L. (All/Alle spp.)	Coral bells	20	5
<i>X Heucherella tiarelloides</i>	Foamy bells	20	5
<i>Hibiscus</i> L. (All/Alle spp.)	Hibiscus, Rosemallow, Kenaf/Hibiskus, Vuurblom	25	8
<i>Hippeastrum</i> Herb. (All/Alle spp.)	Amaryllis/Narsinglelie	20	5
<i>Hosta</i> Tratt. (All/Alle spp.)	Plaintain lily/Funkia	20	5
<i>Hydrangea</i> L. (All/Alle spp.)	Hydrangea/Krismisroos, Hortensia	20	5
<i>Hypericum</i> L. (All/Alle spp.)	Saint John's wort/Sint-Janskruid	20	5
<i>Hypoestes</i> Soland. ex R.Br.	Ribbon bush/Lintbos	20	5
<i>Hypoxis</i> L. (All/Alle spp.)	Yellow star; Star lilly; African potato	20	5
<i>Iberis</i> L. (All/Alle spp.)	Candy tuft/Skeefblom	20	5
<i>Ilex crenata</i> iThunb	Japanese holly, Box leaved holly	25	
<i>Ilex dimorphophylla</i> Koidz	Holly	25	8
<i>Impatiens</i> L. (All/Alle spp.)	Snapweed/Springsaad, Springkruid	20	5
<i>Iris</i> L. (All/Alle spp.)	Iris	20	5
<i>Isoglossa</i> Oerst. (All/Alle spp.)	Isoglossa	20	5
<i>Isopogon</i> RBr ex Knight (All/Alle spp.)		25	8
<i>Jamesbrittenia</i> O. Kuntze (All/Alle spp.)	Jamesbrittenia	20	5
<i>Juniperus</i> L. (All/Alle spp.)	Juniper, Cedar/Seder	25	8
<i>Kalanchoe</i> Adans. (All/Alle spp.)	Kalanchoe, Chandelier plant/Kandelaarplant	20	5
<i>Kniphofia</i> Moench (All/Alle spp.)	Poker plant	20	5
<i>Koeleria</i> Pers. (All/Alle spp.)	Hair grass/Haargras	20	5
<i>Kunzea</i> Reichb. (All/Alle spp.)	Burgan, White tea tree	20	5
<i>Lachenalia</i> Jacq. F. ex J. Murr. (Alle/All spp.)	Lachenalia, Cowslip/Viooltjie, Kalossie	20	5
<i>Lagerstroemia indica</i> L.	Crape myrtle/Crepe myrtle	25	8

1		2	3
Kind of plant/Soort plant			
Botanical name Botaniese naam	Common name Gewone naam	Period of plant breeder's right (years) Termyn van Planttelersreg (jare)	Period of sole right (years) Termyn van alleenreg (jare)
<i>Lamium maculatum</i> L.	Spotted deadnettle/Bontnetel	20	5
<i>Lampranthus</i> N.E.Br.	Midday plants	25	8
<i>Lantana montevidensis</i> (Sprengel) Briq.	Weeping lantana/Treurlantana	20	5
<i>Lathyrus tingitanus</i> L.	Tangier scarlet pea, T. sweet pea, Gypsy sweet pea/Pronkertjie	20	5
<i>Lavandula</i> L. (All/Alle spp.)	Lavender/Laventei	20	5
<i>Ledebouria</i> Roth. (All/Alle spp.) [including <i>Drimiopsis</i> Lindl. & Paxton and <i>Resnova</i> Van der Merwe]	Ledebouria	20	5
<i>Leptospermum</i> J.R. Forster et G. Foster (All/Alle spp.)	Myrtle/Mirt	20	5
<i>Lespedeza cuneata</i> (Dum. Cours.) G. Don	Chinese Bush-clover/Lespedeza	20	5
<i>Lespedeza striata</i> (Thunb.) Hook & Arn.	Annual/Eenjarige Lespedeza	20	5
<i>Leucadendron</i> R. Br. (All/Alle spp.)	Conebush, Yellowbush/Tolbos, Geelbos	25	8
<i>Leucanthemum</i> Mill.	Leucanthemum	20	5
<i>Leucospermum</i> R. Br. (All/Alle spp.)	Pincushion/Speldekussing	25	8
<i>Libertia ixioides</i> (G. Forst.) Spreng.	New Zealand Iris	20	5
<i>Lilium</i> L. (All/Alle spp.)	Lily/Lelie	20	5
<i>Limonium</i> Mill (All/Alle spp.)	Statice, Sea Lavender, Marsh Rosemary/Papierblom	20	5
<i>Liriope muscari</i> (Decne.) L.H.Bailey	Border grass	20	5
<i>Lobelia erinus</i> L.	Edging lobelia	20	5
<i>Lobularia maritima</i> (L.) Desv.	Sweet alyssum	20	5
<i>Lomandra</i> Labill. (All/Alle spp.)	Lomandra	20	5
<i>Lonicera</i> L. (All/Alle spp.)	Honeysuckle/Kamferfoelie	20	5
<i>Loropetalum</i> R.Br. ex Rchb. (All/Alle spp.)	Chinese fringe-flower	25	8
<i>Lotus corniculatus</i> L.	Birdsfoot Trefoil/Rolklawer	20	5
<i>Lycianthes rantonnetii</i> (Carriere) Bitter (see <i>Solanum rantonetii</i> (Carrière) Bitter			

1		2	3
Kind of plant/Soort plant-			
Botanical name Botaniese naam	Common name Gewone naam	Period of plant breeder's right (years) Termyn van Planttelersreg (jare)	Period of sole right (years) Termyn van alleenreg (jare)
<i>Lycium</i> L. (All/Alle spp.)	Wolfberry, Boxthorn/Lycium	20	5
<i>Lysimachia</i> L. (All/Alle spp.)	Money wort/Penningkruid	20	5
<i>Magnolia</i> L. (All/Alle spp.)	Magnolia	25	8
<i>Malva</i> L. (All/Alle spp.)	Mallow/Malva	20	5
<i>Mandevilla</i> Lindl. (All/Alle spp.) (= <i>Dipladenia</i> A. DC.)	Chilean jasmine/Chileense jasmyn	20	5
<i>Mecardonia procumbens</i> (Mill.) Small	Baby jump-up	20	5
<i>Melia azedarach</i> L.	Persian lilac, Bead tree, Seringa/Sering	25	8
<i>Melilotus</i> (L.) Mill. (All/Alle spp.)	Melilot, Sweet clover	20	5
<i>Merwillia</i> Speta (All/Alle spp.) [including/ insluitend <i>Scilla natalensis</i> Planch.]	Merwillia, Blue Hyacinth/Merwillia, Blou Hiasint	20	5
<i>Mesembryanthemum</i> L. (All spp.)	Icicle plant	20	5
<i>Mimetes</i> Salisb. (All/Alle spp.)	Cape bottlebrush/Stompie	25	8
<i>Miscanthus x giganteus</i> J.M. Greef & Deuter ex Hodk. & Renvoize	Giant Miscanthus	25	8
<i>Monarda</i> L. (All/Alle spp.)	Wild bergamot, Horsemint/Monarda.	20	5
<i>Monopsis</i> Salisb. (All/Alle spp.)	Wild violet/Wilde vlootjie	20	5
<i>Moraea</i> Mill. (All/Alle spp.)	Butterfly Iris	20	5
<i>Moringa</i> Adans (All spp.)	Moringa	25	8
<i>Murraya paniculata</i> (L.) Jack	Oranje jasmine/ Oranje jasmyn	20	5
<i>Nandina</i> Thunb. (All/Alle spp.)	Heavenly Bamboo, Sacred Bamboo/Hemelse, Heilige Bamboes	20	5
<i>Narcissus</i> L. (All/Alle spp.)	Narcissus/Narsing	20	5
<i>Nemesia</i> Vent. (All/Alle spp.)	Nemesia	20	5
<i>Neonotonia wightii</i> Whight & Arn. J Lackey.	Neonotonia	20	5
<i>Nephrolepis</i> Schott (All/Alle spp.)	Sword fern/Swaardvaring	20	5
<i>Nerine</i> Herb. (All/Alle spp.)	Nerine/Nerina, Berglelie	20	5
<i>Nerium</i> L. (Alle/Alle spp.)	Oleander/Selonsroos.	25	8

CONTINUES ON PAGE 130 OF BOOK 2

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TABLE 3

MATTERS TO BE PUBLISHED IN TERMS OF THE PLANT BREEDERS' RIGHTS ACT, 2018 (ACT NO. 13 OF 2018)

No.	Subject or publication	Particulars to be published
1.	Change of ownership of an approved variety	Kind of plant (scientific and common name)
	[sec 14, reg 25(2)(c)]	Approval number
		Approval date
		Variety denomination or approved amendment thereof
		Name of previous holder
		Name of new holder
		Name of agent
		Portion transferred where applicable
		Date of amendment
2.	Registration of an application for plant breeders' rights	Kind of plant (scientific and common name)
	[sec 16(1)(a)]	Application number (PI number)
		Approved variety denomination
		Name of applicant
		Country of origin of the variety
		Name of agent
		Filing Date of application
3.	Rejection of an application for plant breeders' rights [sec 19; reg 25(1)(b)]	Kind of plant (scientific and common name)
		Application number (PI number)
		Name of applicant
		Name of agent
		Variety denomination or approved amendment thereof
		Rejection date

4.	Amendment of the agent [sec 21, reg 13]	Kind of plant (scientific and common name) Application or Approval number Name of applicant Variety denomination or approved amendment thereof Name of previous agent Name of new agent Date of amendment
5.	Amendment of the applicant [sec 21, reg 25(1)(a)]	Kind of plant (scientific and common name) Application number (if available) Application date Variety denomination or approved amendment thereof Name of previous applicant Name of new applicant Name of agent Date of amendment
6.	Intention to amend an approved variety denomination [sec 24, reg 26(1)(a)]	Kind of plant (scientific and common name) Application or Approval number Name of applicant Name of agent Previous denomination Proposed alternative denomination
7.	Approval or rejection of a request to amend a variety denomination [sec 24, reg 32(1)(b)]	Kind of plant (scientific and common name) Application or Approval number Name of applicant Name of agent Previous denomination

		Approved alternative denomination (if approved) denomination
		Case of amendment
8.	Refusal for plant breeder's rights (sec 27, reg 25(1)(c))	Kind of plant (scientific and common name)
		Application number (PT number)
		Name of applicant
		Name of agent
		Variety denomination or approved amendment thereof
		Refusal date
9.	Approval for plant breeder's rights (sec 28, reg 25(2)(a))	Kind of plant (scientific and common name)
		Application number (PT number)
		Variety denomination or approved amendment thereof
		Name of applicant
		Name of agent
		Grant number
		Approval date
10.	Expiry of a plant breeder's right (sec 37, reg 25(1)(d))	Kind of plant (scientific and common name)
		Grant number
		Grant date
		Variety denomination or approved amendment thereof
		Name of applicant
		Name of agent
		Expiry date
11.	Cancellation of a plant breeder's right (sec 38, reg 25(1)(e))	Kind of plant (scientific and common name)
		Grant number
		Grant date
		Variety denomination or approved amendment thereof

		Name of applicant
		Name of agent
		Cancellation date
12.	Surrender of a plant breeder's right (sec 38, reg 25(1)(k))	Kind of plant (scientific and common name)
		Grant number
		Grant date
		Variety denomination or approved amendment thereof
		Name of applicant
		Name of agent
		Surrender date
13.	Withdrawal of an application for plant breeder's rights (sec 40; reg 30)	Kind of plant (scientific and common name)
		Application number (PT number)
		Name of applicant
		Name of agent
		Variety denomination or approved amendment thereof
		Withdrawal Date
14.	Lapsing of an application for plant breeder's rights (sec 40; reg 33(1)(h))	Kind of plant (scientific and common name)
		Application number (PT number)
		Name of applicant
		Name of agent
		Variety denomination or approved amendment thereof
		Lapsing date

DEPARTMENT OF BASIC EDUCATION

NO. 2157

10 June 2022

SOUTH AFRICAN SCHOOLS ACT, 1996 (ACT NO. 84 OF 1996)**INVITATION TO COMMENT ON THE AMENDMENTS TO THE REGULATIONS RELATING TO MINIMUM UNIFORM NORMS AND STANDARDS FOR PUBLIC SCHOOL INFRASTRUCTURE ISSUED IN TERMS OF SECTION 5A(1)(a) OF THE SOUTH AFRICAN SCHOOLS ACT, 1996 (ACT NO. 84 OF 1996).**

I, Angelina Matsie Motshekga, Minister of Basic Education, acting under section 5A (1) (a) of the South African Schools Act, 1996 (Act No. 84 of 1996) after consultation with the Minister of Finance and the Council of Education Ministers, intend to make the regulations in the Schedule.

Interested persons or organizations are hereby invited to submit written comments on the draft regulations within 30 calendar days from the date of publication. Written comments must be forwarded for the attention of Mr E. R. Mafoko by

(a) post to:

Department of Basic Education
Private Bag X895,
Pretoria,
0001;

(b) hand to:


Department of Basic Education
Sol Plaatje House,
222 Struben Street,
Pretoria;

(c) fax to:

012 323 5732

(d) by email to:

Mafoko.r@dbe.gov.za



MRS AM MOTSHEKGA, MP
MINISTER OF BASIC EDUCATION
DATE: 12/05/2022

SCHEDULE

Definition

1. In this Schedule the "Regulations" means the Regulations Relating to Minimum Uniform Norms and Standards for Public School Infrastructure, as published under Government Notice No. R920, in Government Gazette No. 37081 of 29 November 2013.

Amendment of regulation 4 of the Regulations

2. Regulation 4 of the Regulations is hereby amended—

(a) by the substitution in sub-regulation (1) for paragraph (a) of the following paragraph:

"(a) must be applied to all new schools and additions, alterations and improvements to schools;"

(b) by the substitution in sub-regulation (1) for paragraph (b) of the following paragraph:

"(b) as far as schools contemplated in sub-regulation 4(1)(a) are concerned, the following in order of priority must be prioritised for planning and implementation-

- (i) all schools and classrooms built entirely or substantially from mud as well as those schools built entirely or substantially from materials such as asbestos, metal and wood must be replaced with structures which comply to the National Building regulations: SANS 10-100 and Occupational Health and Safety Act 85 of 1993;
- (ii) all those schools that do not have access to any form of power and water supply or sanitation to comply with the norms and standards prescribed in regulations 10, 11 and 12 of the regulations;

- (iii) all those schools that do not have sufficient classrooms to accommodate the learners enrolled in the schools;
 - (iv) all those schools that do not have adequate perimeter fencing to comply with the norms and standards described in regulations 17 of the regulations;
 - (v) all schools that do not have other minimum education areas for an enabling school environment*;
- (c) by the insertion after paragraph (v) of the following paragraph:
- “(c) All the norms and standards contained in these regulations must be planned, prioritised and phased in in line with the National Development Plan.”;
- (d) by the substitution for sub-regulation (2) of the following sub-regulation:
- “(2) In implementing these regulations every reasonable possible avenue must be explored and alternatives considered to give effect to the norms and standards contained in these regulations.”;
- (e) by the substitution for sub-regulation (3) of the following sub-regulation:
- “(3) The Department of Basic Education must, as far as practicable, facilitate and co-ordinate the responsibilities of the government agencies and entities who have a role in the provision of infrastructure and related services.”;
- (f) by the substitution for sub-regulation (4) of the following sub-regulation:
- “(4) Each Provincial Department of Education, must annually on a date and in the manner determined by the Minister, provide the Minister with detailed report on plans and progress on the implementation of the norms. These progress reports and plans shall be published on the DBE website and websites of all nine provincial education departments for access by the public.”;

(g) by the substitution for sub-regulation (5) of the following sub-regulation:

“(5) Measures which are taken to comply with the norms and standards contained in these regulations must be funded through the relevant budgetary sources and processes for new facilities and the upgrading of existing facilities at schools;”;

(h) by the deletion of sub-regulation (6), (7) and (8).

(i) by the substitution of regulation (18) (15) with the following regulation

(15) Where the use of alternative or innovative building technologies are to be considered for the implementation of the norms and standards contained in these regulations, certification of Agrément South Africa or alternatively, all such must be signed off by a competent person, as per the National Building Regulations.

Commencement

3. These regulations are called the Amendments to the Regulations Relating to Minimum Uniform Norms and Standards for Public School Infrastructure and come into operation on the date of publication by the Minister in the *Government Gazette*.

DEPARTMENT OF SOCIAL DEVELOPMENT

NO. 2158

10 June 2022

INVITATION FOR APPLICATIONS FOR THE ACCREDITATION OF DIVERSION PROGRAMMES AND DIVERSION SERVICE PROVIDERS

The Minister of Social Development hereby invite interested Persons and Organisations, inclusive of Government Departments, to apply for accreditation of diversion programmes and diversion service providers in terms of section 56 (2) (c) (ii) of the Child Justice Act 75 of 2008 (Act No. 75 of 2008).

Application and self-assessment forms can be obtained from the following persons per province:

Province	Physical Address	Contact Details
GAUTENG	Thusanong Building, 4th Floor, 69 Commissioner Street, Johannesburg, 2000.	Ms Pearl Moabelo/ Ms Veronica Sihawu/ Mr Mandla Makhubela: Telephone No: 011 227 0034/ 011 355 7827, 011 355 7691 Mobile: 071 686 4082/071 492 1074/ 066 044 3540. Email addresses: pearl.moabelo@gauteng.gov.za/ veronica.sihawu@gauteng.gov.za/ Mandla.makhubela@gauteng.gov.za
FREE STATE	Old Mutual Building, 2nd Floor Room 206 Charlotte Maxeke Street, Bloemfontein, 9300.	Ms Prudence Ramolehe/ Ms Tshepiso Sejane-Mokgomo: Telephone Number: 051 409 0315/ 051 409 0574, Mobile: Civilia Building, 9th Floor Room 918 Meriam Makeba Street, Bloemfontein, 9300. Mobile: 079 168 9692/ 060 987 6799, Email addresses: Prudence.Ramolehe@fssocdev.gov.za

		Tshepiso.Sejane@fssocdev.gov.za
EASTERN CAPE	Eastern Cape Social Development, Beacon Hill Office Park, Corner of Hargreaves Road and Hockley Close, Private Bag x 0039, Bhisho, 5605.	Mr Andile Mankayi/ Mr Lizo Cagwe/ Mr Thanduxolo Zimba: Telephone No: 043 605 5189, Mobile: 082 729 6622; Telephone: 043 605 5188, Mobile: 082 729 6568; Telephone: 043 605 5191, Mobile: 082 7243477. Email addresses: andile.mankayi@ecdscd.gov.za , lizo.cagwe@ecdscd.gov.za ; and thanduxolo.zimba@ecdscd.gov.za Website: www.socdev.ecprov.gov.za
KWAZULU- NATAL	Administrative Building, 174 Mayors Walk, Pietermaritzburg, 3200.	Mr Pravin Chetty/ Ms Faith Simamane: Telephone No: 033 341 7949 / 033 341 7990, Mobile: 072 696 9414 /072 261 3582/ 066 474 8476. Email addresses: pravin.chetty@kzndsd.gov.za , faith.simamane@kzndsd.gov.za
NORTH WEST	4 th Floor Provident House, University Drive, Mmabatho, 2735.	Ms Dolly Modise/ Mr Watson Seattle: Telephone No: 018 388 1693/ 018 388 2829, Mobile: 082 470 4689/ 082 329 4191. Email addresses: Dmodise@nwpq.gov.za , WSeattle@nwpq.gov.za
LIMPOPO	21 Biccard Street, Olympic Towers Building, Polokwane, 0700.	Ms K.A. Maibele/ Mr Donald Lukhwareni/Mr Frederick Letsoalo: Telephone No: 015 230 4336/ 015 851 7911/ Mobile: 082 089 4839/ 064 870 5250/ 082 094 9006. Email addresses: MaibeleKA@dsd.limpopo.gov.za , LukhwareniDL@dsd.limpopo.gov.za , menthab999@gmail.com

MPUMALANGA	Sonjoy Building, Government Boulevard, Riverside Office Park, Nelspruit, 1200.	Ms Gloria Mazibuko/ Ms Bonisile Biya Telephone No: 013 766 3362/3185 or 013 766 3185 Mobile: 082 335 3820/ 082 668 1308. Email address: GloriaM@dsdmpu.gov.za Bonib@dsdmpu.gov.za
NORTHERN CAPE	Northern Cape Province, Social Development, Mimosa Complex, Barkley Road, Homestead, Kimberley, 8300.	Mr Donald Whitebooi/ Ms Karen van Wyk: Telephone No: 053 874 9162/053 874 9100. Mobile: 082 591 6965/ 076 441 0022. Email addresses: dwhitebooi@ncpg.gov.za kvanwyk@ncpg.gov.za
WESTERN CAPE	8th Floor, Union House, 14 Queen Victoria Street. Cape Town, 8000.	Mr Mzukisi Gaba/ Ms Michele Palmer: Telephone No: 021 483 4212 /021 483 4405. Mobile: 076 538 0755/082 560 8403. Email addresses: Mzukisi.Gaba@westerncape.gov.za / Michele.Palmer@westerncape.gov.za

Application forms must upon completion be submitted to the respective Provincial coordinators (mentioned above) by no later than 30 April 2022. Applications also be made electronically by visiting: <https://portal.dsd.gov.za/ADS>

Service providers may obtain a copy of the Policy Framework for Accreditation of Diversion Services in South Africa at the said offices to assess their organizations and programmes using the criteria as outlined in the document or visit www.dsd.gov.za to access the document on Policy Framework for Accreditation of Diversion Services in South Africa. For any further assistance kindly contact the relevant official mentioned above in the respective Province for guidance and support.

DEPARTMENT OF SOCIAL DEVELOPMENT

NO. 2159

10 June 2022

INVITATION FOR APPLICATIONS FOR THE ACCREDITATION OF DIVERSION PROGRAMMES AND DIVERSION SERVICE PROVIDERS

The Minister of Social Development hereby invite interested Persons and Organisations, inclusive of Government Departments, to apply for accreditation of diversion programmes and diversion service providers in terms of section 56 (2) (c) (ii) of the Child Justice Act 75 of 2008 (Act No. 75 of 2008).

Application and self-assessment forms can be obtained from the following persons per province:

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FREE STATE	Old Mutual Building, 2nd Floor Room 206 Charlotte Maxeke Street, Bloemfontein, 9300.	Ms Prudence Ramolehe Telephone Number: 051 409 0626. Mobile: 061 866 4263/ 071 857 4086, Email addresses: Prudence.Ramolehe@fssocdev.gov.za Ms Tshepiso Sejane-Mokgomo: Telephone number : 051 409 0574. Mobile 066 487 6136

		Tshepiso.Sejane@fssocdev.gov.za
EASTERN CAPE	Eastern Cape Social Development, Beacon Hill Office Park, Corner of Hargreaves Road and Hockley Close, Private Bag x 0039, Bhisho, 5605.	Mr Andile Mankayi/ Mr Lizo Cagwe/ Mr Thanduxolo Zimba: Telephone No: 043 605 5189, Mobile: 082 729 6622; Telephone: 043 605 5188, Mobile: 082 729 6568; Telephone: 043 605 5191, Mobile: 082 7243477. Email addresses: andile.mankayi@ecdsc.gov.za lizo.cagwe@ecdsc.gov.za ; and thanduxolo.zimba@ecdsc.gov.za Website: www.socdev.ecprov.gov.za
KWAZULU- NATAL	Administrative Building, 174 Mayors Walk, Pietermaritzburg, 3200.	Mr Pravin Chetty/ Ms Faith Simamane: Telephone No: 033 341 7949 / 033 341 7990, Mobile: 072 696 9414 / 072 261 3582/ 066 474 8476. Email addresses: pravin.chetty@kzndsc.gov.za faith.simamane@kzndsc.gov.za
NORTH WEST	4 th Floor Provident House, University Drive, Mmabatho, 2735.	Ms Dolly Modise/ Mr Watson Seattle: Telephone No: 018 388 1693/ 018 388 2829, Mobile: 082 470 4689/ 082 329 4191. Email addresses: Dmodise@nwpq.gov.za WSeattle@nwpq.gov.za
LIMPOPO	21 Biccard Street, Olympic Towers Building, Polokwane, 0700.	Ms K.A. Maibele/ Mr Donald Lukhwareni/Mr Frederick Letsoalo: Telephone No: 015 230 4336/ 015 851 7911/ Mobile: 082 089 4839/ 064 870 5250/ 082 094 9006. Email addresses: MaibeleKA@dsd.limpopo.gov.za LukhwareniDL@dsd.limpopo.gov.za/ menthab999@gmail.com

MPUMALANGA	Sonjoy Building, Government Boulevard, Riverside Office Park, Nelspruit, 1200.	Ms Gloria Mazibuko/ Ms Bonisile Biya Telephone No: 013 766 3362/3185 or 013 766 3185 Mobile: 082 335 3820/ 082 668 1308. Email address: GloriaM@dsdmpu.gov.za BoniB@dsdmpu.gov.za
NORTHERN CAPE	Northern Cape Province, Social Development, Mimosa Complex, Barkley Road, Homestead, Kimberley, 8300.	Mr Donald Whitebooi/ Ms Karen van Wyk: Telephone No: 053 874 9162/053 874 9100. Mobile: 082 591 6965/ 076 441 0022. Email addresses: dwhitebooi@ncpg.gov.za kvanwyk@ncpg.gov.za
WESTERN CAPE	8th Floor, Union House, 14 Queen Victoria Street. Cape Town, 8000.	Mr Mzukisi Gaba/ Ms Michele Palmer: Telephone No: 021 483 4212 /021 483 4405. Mobile: 076 538 0755/082 560 8403. Email addresses: Mzukisi.Gaba@westerncape.gov.za / Michele.Palmer@westerncape.gov.za

Application forms must upon completion be submitted to the respective Provincial coordinators (mentioned above) by no later than **12 August 2022**.

Applications also be made electronically by visiting:
<https://portal.dsd.gov.za/ADS>

Service providers may obtain a copy of the Policy Framework for Accreditation of Diversion Services in South Africa at the said offices to assess their organizations and programmes using the criteria as outlined in the document or visit www.dsd.gov.za to access the document on Policy Framework for Accreditation of Diversion Services in South Africa. For any further assistance kindly contact the relevant official mentioned above in the respective Province for guidance and support.

DEPARTMENT OF TRADE, INDUSTRY AND COMPETITION

NO. 2160

10 June 2022

**4TH GENERATION ENVIRONMENTAL IMPLEMENTATION PLAN (EIP
2020/2021-2024/2025) FOR THE DEPARTMENT OF TRADE, INDUSTRY AND
COMPETITION.**

Prepared in terms of section 11 (1) of the National Environmental Management Act (Act No. 107 of 1998), the Department of Trade, Industry and Competition (**the dtic**) hereby publishes in terms of section 15 of the Act, its Environmental Implementation Plan for implementation.

The plan is accessible through the following hyperlink:
<http://www.thedtic.gov.za/environmental-implementation-plane/>

ANY ENQUIRIES OR VIEWS ON THE PLAN, CAN BE DIRECTED TO THE
OFFICE OF THE DIRECTOR-GENERAL.

Customer care contact centre: +27 (0) 86 184 3384

THE FOLLOWING OFFICIALS FROM THE GREEN INDUSTRIES UNIT, CAN
ALSO BE CONTACTED DIRECTLY: MR. THABANI ZONDO:
TZondo@thedtic.gov.za or DR. PHILLIP NINELA: PNinela@thedtic.gov.za

GENERAL NOTICES • ALGEMENE KENNISGEWINGS

DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

NOTICE 1078 OF 2022



Block A | 4th Floor | Meintjiesplein Building | 536 Francis Baard Street | Arcadia | 0002
 Private Bag X935 | Pretoria | 0001
 Tel: 012 341 1115 | Fax: 012 341 1811/1911
<http://www.namc.co.za>

NEWS STATEMENT BY THE NATIONAL AGRICULTURAL MARKETING COUNCIL

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

**REQUEST FOR COMMENTS / INPUTS FROM ROLE PLAYERS
 IN THE MACADAMIA INDUSTRY**

On 20 May 2022, Macadamias South Africa (SAMAC), on behalf of directly affected groups in the macadamia industry, applied to the Minister of Agriculture, Land Reform and Rural Development, for the establishment of the statutory measures (levies, registrations and records & returns) on macadamias (both in nurseries and in the field) for a four year period.

SAMAC applied for the following statutory measures:

Statutory measure	Product	Affected groups
Payment of Levies to SAMAC	Macadamia nuts	Producers Processors Consolidators Importers Exporters
Registrations with SAMAC;	Macadamia nuts; and Macadamia products for sale as nut in shell.	Producers Processors Consolidators Importers Exporters Nurseries
Keeping of records; and submission of returns to SAMAC	Macadamia nut (in shell and kernel) Macadamia trees; Domestic production and processing; and Volumes imported and exported.	Producers Processors Consolidators Importers Exporters Nurseries

Council Members: Mr. A. Petersen (Chairperson), Ms. T. Ntshangase (Deputy Chairperson),
 Prof. A. Jooste, Mr. S.J. Mhlaba, Ms. F. Mkile, Ms. N. Mokose, Ms. S. Naidoo, Mr. G. Schutte and Dr. S.T. Xaba.

The proposed levy is needed by SAMAC to finance the following functions, namely -

- i) Collection, processing and dissemination of reliable production and market information.
- ii) Production, post-harvest, product and market research.
- iii) Technology transfer.
- iv) Stimulation of consumption of macadamia nuts.
- v) Determination of quality standards.
- vi) Liaison with local and international governments, organisations and interested groups.
- vii) Promotion of co-operation between growers, handlers, processors and other industry role players.
- viii) Promotion of market access including gaining, retaining and optimising markets.
- ix) Facilitation of transformation within the industry.
- x) Medical and other research to promote the health aspects of macadamia nut consumption.
- xi) Benchmarking and determination of best practices.

The current and proposed statutory levies on dry nut in shell (DNIS) (excluding VAT) are as follows:

	Current levy	Proposed levy				
Period*	15/11/2022 to 15/11/2023	15/11/2022 to 28/02/2023	1/03/2023 to 28/02/2024	1/03/2024 to 28/02/2025	1/03/2025 to 28/02/2026	1/03/2026 to 28/02/2027
Levy per kg NIS at NIS industry standard	R0.68	R0.68	R0.68	R0.70	R0.72	R0.74

*Please note that the statutory measures period has been aligned with SAMAC's financial year.

The proposed levy for the first year (R0.68 p/kg DNIS), would represent approximately 0.91% of the domestic producers' selling price (first point of sale).

The proposed business plan for the four (4) year period, is as follows:

	2023/24	2024/25	2025/26	2027/28
Total Estimated Income	R40 800 000	R43 400 000	R46 080 000	R48 840 000
Research Programmes (20%)	R15 708 000	R16 709 000	R17 740 800	R18 803 400
Market Development (17%)	R6 732 000	R7 161 000	R7 603 200	R8 058 600
Transformation Development (20%)	R8 160 000	R8 680 000	R9 216 000	R9 768 000
Industry Projects (15%)	R6 120 000	R6 510 000	R6 912 000	R7 326 000
(Inspectors fees, production benchmark, farmers' crime support desk and macadamia industry days)				
Administration (10%)	R4 080 000	R4 340 000	R4 608 000	R4 884 000
Total Estimated Expenditure	R40 800 000	R43 400 000	R46 080 000	R48 840 000

Registration, records and returns are necessary to:

- Ensure the availability and provision of continuous, timeous and accurate information relating to macadamia nuts and macadamia nut products to all stakeholders in the industry, which is essential in ensuring informed decision making and a stable and profitable industry;
- Ensure adherence to sound product handling, quality control systems and ethical trading; as well as transformation of the industry, and
- Administer the proposed levy.

The establishment of these statutory measures will assist in promoting the efficiency of the marketing of macadamia nuts and its products. The viability of the macadamia nuts industry should thus be enhanced. The measures will not be detrimental to the number of employment opportunities or to fair labour practices. Any information obtained will be dealt with in a confidential manner and no sensitive client-specific information will be made available to any party without the prior approval of the party whose rights may be affected.

Directly affected groups in the macadamia nut industry are kindly requested to submit any comments regarding support or objections relating to the proposed establishment of statutory measures to the NAMC in writing (e-mail to mathildavdw@namc.co.za) before or on 24 June 2022, to enable the Council to finalise its recommendation to the Minister in this regard.

DEPARTMENT OF EMPLOYMENT AND LABOUR

NOTICE 1079 OF 2022

LABOUR RELATIONS ACT, 1995

NOTICE OF INTENTION TO CANCEL THE REGISTRATION OF A TRADE UNION

I, Mongwadi Mary Ngwetjana, Deputy Registrar of Labour Relations, hereby, in terms of section 106(2B) give notice of my intention to cancel the registration of **National Democratic Change and Allied Workers Union (NDCAWU) (LR2/6/2/1082)** for the following reasons:

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

The organisation and all interested parties are hereby invited to make written representations as to why the registration should not be cancelled. **Only representations pertaining to this Notice will be considered. All correspondence should refer to case number: 2022/112.**

Objections must be lodged to me, c/o the Department of Employment and Labour, Laboria House, 215 Francis Baard Street, PRETORIA. [Postal address: Private Bag X117, PRETORIA, 0001 – email address: registrar.labourrelations@labour.gov.za ; mary.ngwetjana@labour.gov.za], within 60 days of the date of this notice.



DEPUTY REGISTRAR OF LABOUR RELATIONS

DEPARTMENT OF EMPLOYMENT AND LABOUR

NOTICE 1080 OF 2022

LABOUR RELATIONS ACT, 1995

CHANGE OF NAME OF A TRADE UNION

I, Lehlohonolo Daniel Molefe, Registrar of Labour Relations, hereby notify, in terms of section 109(2) of the Labour Relations Act, 1995, that **Electronic, Allied Metal Workers Union of South Africa (EAMWUSA) (LR2/6/2/111)** resolved to change its name.

With effect from 20 May 2022 the trade union is registered as **National Industries and Medicare Union of South Africa (NAMESA)**.

The name of the trade union is entered into the Register of Trade Unions.



REGISTRAR OF LABOUR RELATIONS

DEPARTMENT OF TRADE, INDUSTRY AND COMPETITION

NOTICE 1081 OF 2022

STANDARDS ACT, 2008
STANDARDS MATTERS

In terms of the Standards Act, 2008 (Act No. 8 of 2008), the Board of the South African Bureau of Standards has acted in regard to standards in the manner set out in the Schedules to this notice.

SECTION A: DRAFTS FOR COMMENTS

The following draft standards are hereby issued for public comments in compliance with the norm for the development of the South Africa National standards in terms of section 23(2)(a) (ii) of the Standards Act.

Draft Standard No. and Edition	Title, scope and purport	Closing Date
SANS 16283-3 Ed 1	<i>Acoustics - Field measurement of sound insulation in buildings and of building elements - Part 3: Façade sound insulation.</i> Specifies procedures to determine the airborne sound insulation of façade elements (element methods) and whole façades (global methods) using sound pressure measurements.	2022-07-16
SANS 14002-1 Ed 2	<i>Environmental management systems – Guidelines for using ISO 14001 to address environmental aspects and conditions within an environmental topic area – Part 1 General.</i> Gives general guidance for organisations seeking to systematically manage environmental aspects or responds to the effect of changing environmental conditions within one or more environmental topic areas, based on ISO14001.	2022-07-16
SANS 61158-3-22 Ed 1	<i>Industrial communication networks – Fieldbus specifications – Part 3-22: Data-link layer service definition – Type 22 elements.</i> Provides common elements for basic time-critical messaging communications between devices in an automation environment. The term "time-critical" is used to represent the presence of a time-window, within which one or more specified actions are required to be completed with some defined level of certainty. Failure to complete specified actions within the time window risks failure of the applications requesting the actions, with attendant risk to equipment, plant and possibly human life. This standard defines in an abstract way the externally visible service provided by the Type 22 fieldbus data-link layer in terms of the primitive actions and events of the service, the parameters associated with each primitive action and event, and the form which they take and the interrelationship between these actions and events, and their valid sequences. The purpose of this standard is to define the services provided the Type 22 fieldbus application layer at the boundary between the application and data-link layers of the fieldbus reference model, and systems management at the boundary between the data-link layer and systems management of the fieldbus reference model.	2022-07-21
SANS 14403-1 Ed 1	<i>Water quality – Determination of total cyanide and free cyanide using flow analyses (FIA and CGA) – Part 1: method using flow injection analysis (FIA).</i> Specifies methods for the determination of cyanide in various types of water (such as ground, drinking, surface, leachate, and waste water) with cyanide concentrations from 2 µp/l to 500 µp/l expressed as cyanide ions in the undiluted sample.	2022-07-25
SANS 14403-2 Ed 1	<i>Water quality – Determination of total cyanide and free cyanide using flow analyses (FIA and CGA) - Part 2: method using continuous flow analysis (CFA).</i> Specifies methods for the determination of cyanide in various types of water (such as ground, drinking, surface, leachate, and waste water) with cyanide concentrations usually from 2 µp/l to 500 µp/l expressed as cyanide ions in the undiluted sample. The range of application can be changed by varying the operation conditions, e.g. by diluting the original sample or changing the pathlength of the flow cell.	2022-07-25

SANS 51278 Ed 2	<i>Chemicals used for treatment of water intended for human consumption – Ozone.</i> Applicable to ozone used for treatment of water intended for human consumption. It describes the characteristics of ozone and specifies a test method for determining the ozone concentration in other gases.	2022-07-25
SANS 62271-37-013 Ed 2	<i>High-voltage switchgear and controlgear Part 37-013: Alternating current generator circuit-breakers.</i> Applies to three-phase AC high-voltage generator circuit-breakers, hereafter called generator circuit-breakers, designed for indoor or outdoor installation and for operation at frequencies of 50 Hz and 60 Hz on systems having voltages above 1 kV and up to 38 kV.	2022-07-23

SCHEDULE A.1: AMENDMENT OF EXISTING STANDARDS

The following draft amendments are hereby issued for public comments in compliance with the norm for the development of the South African National Standards in terms of section 23(2)(a) (ii) of the Standards Act.

Draft Standard No. and Edition	Title	Scope of amendment	Closing Date
SANS 1044 Ed 3.4	<i>Industrial laundry detergents</i>	Amended to delete notes to purchasers	2022-07-17
SANS 1127 Ed 2.1	<i>Algaecides for use in freshwater swimming pools.</i>	Amended to delete notes to purchasers	2022-07-25

SCHEDULE A.2: WITHDRAWAL OF THE SOUTH AFRICAN NATIONAL STANDARDS

In terms of section 24(1)(C) of the Standards Act, the following published standards are issued for comments with regard to the intention by the South African Bureau of Standards to withdraw them.

Draft Standard No. and Edition	Title	Reason for withdrawal	Closing Date

SCHEDULE A.3: WITHDRAWAL OF INFORMATIVE AND NORMATIVE DOCUMENTS

In terms of section 24(5) of the Standards Act, the following documents are being considered for withdrawal.

Draft Standard No. and Edition	Title	Reason for withdrawal	Closing Date

SECTION B: ISSUING OF THE SOUTH AFRICAN NATIONAL STANDARDS

SCHEDULE B.1: NEW STANDARDS

The following standards have been issued in terms of section 24(1)(a) of the Standards Act.

Standard No. and year	Title, scope and purport
SANS 2239:2022 Ed 1	<i>Adansonia digitata L. (baobab) seed oil.</i> Applies to <i>Adansonia digitata L. (baobab)</i> seed oil suitable for cosmetic use.
SATS 33054:2022 Ed 1	<i>Information technology – Process assessment – Process reference model for service management.</i> Defines a process reference model for the domain of service management; the model specifies a process architecture for the domain and comprises a set of processes.
SANS 3001-GR60:2022 Ed 1	<i>Civil engineering test method Part-GR60: Determination of the electrolytic conductivity of water, soil, gravel and graded crushed rock for construction purposes.</i> Describes a method of determining the electrolytic conductivity of construction water and saturated soil-paste using an electrical conductivity meter.

Standard No. and year	Title, scope and purport
SANS 23531:2022 Ed 1	<i>Systems and software engineering – Capabilities of issue management tools.</i> Defines the capabilities of issue management tools and is used to select the most appropriate one from many issue management tools.
SANS 60076-24:2022 Ed 1	<i>Power transformers - Part 24: Specification of voltage regulating distribution transformers (VRDT).</i> Applies to medium power transformers from 25 kVA to 3 150 kVA with highest voltage for equipment up to 36 kV, or in low voltage (LV) networks with highest voltage for equipment of up to 1,1 kV equipped with voltage regulatory devices.
SATS 62257-6:2022 Ed 1	<i>Recommendations for renewable energy and hybrid systems for rural electrification - Part 6: Acceptance, operation, maintenance and replacement.</i> Describes the various rules to be applied for acceptance, operation, maintenance and replacement (AOMR) of decentralized rural electrification systems (DRES) which are designed to supply electric power for sites which are not connected to a large interconnected system, or a national grid, in order to meet basic needs.
SATS 62257-8-1:2022 Ed 1	<i>Recommendations for renewable energy and hybrid systems for rural electrification - Part 8-1: Selection of batteries and battery management systems for stand-alone electrification systems - Specific case of automotive flooded lead-acid batteries available in developing countries.</i> Proposes simple, cheap, comparative tests in order to discriminate easily, in a panel of automotive flooded lead-acid batteries, the most acceptable model for PV individual electrification systems and is particularly useful for project implementers to test in laboratories of developing countries, the capability of locally made car or truck batteries to be used for their project.
SANS 16326:2022 Ed 3	<i>Systems and software engineering – Life cycle processes – Project management.</i> Intends to aid project managers in managing to successful conclusion those projects concerned with systems, including software systems.
SANS 23026:2022 Ed 2	<i>Systems and software engineering – Engineering and management of websites for systems, software, and services information.</i> Defines system engineering and management requirements for the life cycle of websites including strategy, design, engineering, testing and validation, and management and sustainment for Intranet and Extranet environments.
SANS 60079-26:2022 Ed 4	<i>Explosive atmospheres - Part 26: Equipment with Separation Elements or combined Levels of Protection.</i> Specifies requirements for construction, testing and marking for Ex Equipment that contains parts of the equipment with different Equipment Protection Levels (EPLs) and a separation element.
SANS 61515:2022 Ed 2	<i>Mineral insulated metal-sheathed thermocouple cables and thermocouples.</i> Establishes the requirements for simplex, duplex and triplex mineral-insulated metal-sheathed thermocouple cables and thermocouples, which are intended for use in general industrial applications.
SANS 61558-1:2022 Ed 3	<i>Safety of transformers, reactors, power supply units and combinations thereof - Part 1: General requirements and tests.</i> Deals with safety aspects of transformers, reactors, power supply units and combinations thereof such as electrical, thermal and mechanical safety.
SANS 62056-5-3:2022 Ed 2	<i>Electricity metering data exchange - The DLMS/COSEM suite Part 5-3: DLMS/COSEM application layer.</i> Specifies the DLMS/COSEM application layer in terms of structure, services and protocols for DLMS/COSEM clients and servers, and defines rules to specify the DLMS/COSEM communication profiles.
SANS 62056-6-2:2022 Ed 2	<i>Electricity metering data exchange – The DLMS/COSEM suite Part 6-2: COSEM interface classes.</i> Specifies a model of a meter as it is seen through its communication interface(s).

SCHEDULE B.2: AMENDED STANDARDS

The following standards have been amended in terms of section 24(1)(a) of the Standards Act.

Standard No. and year	Title, scope and purport
ARP 056:2022 Ed 1.2	<i>Low smoke solid fuel (LSSF) for household use. Consolidated edition incorporating amendment No.2.</i> Amended to update the cross references in the clause on methods of test and to delete the annex on notes to purchasers.
SANS 1399:2022 Ed 2.4	<i>Wood charcoal and charcoal briquettes for household use. Consolidated edition incorporating amendment No.4.</i> Amended to delete the annex on notes to purchasers.

SCHEDULE B.3: WITHDRAWN STANDARDS

In terms of section 24(1)(C) of the Standards Act, the following standards have been withdrawn.

Standard No. and year	Title
ARP 062-1:2005 Ed 2	<i>Recommendations for small renewable energy and hybrid systems for rural electrification Part 1: General introduction to rural electrification.</i>
ARP 062-4:2006 Ed 1	<i>Recommendations for small renewable energy and hybrid systems for rural electrification Part 4: System selection and design.</i>
ARP 062-5:2006 Ed 1	<i>Recommendations for small renewable energy and hybrid systems for rural electrification Part 5: Protection against electrical hazards.</i>

SCHEDULE B4: ESTABLISHMENT OF TECHNICAL COMMITTEES

Committee No.	Title	Scope

If your organization is interested in participating in these committees, please send an e-mail to Dsscomments@sabs.co.za for more information.

SCHEDULE 5: ADDRESS OF THE SOUTH AFRICAN BUREAU OF STANDARDS HEAD OFFICE

Copies of the standards mentioned in this notice can be obtained from the Head Office of the South African Bureau of Standards at 1 Dr Lategan Road, Groenkloof, Private Bag X191, Pretoria 0001.

DEPARTMENT OF TRADE, INDUSTRY AND COMPETITION**NOTICE 1082 OF 2022****COMPETITION TRIBUNAL****NOTIFICATION OF COMPLAINT REFERRAL**

The Competition Tribunal gives notice in terms of Section 51(3) & (4) of the Competition Act 89 of 1998 as amended, that it received the c
COVCR074Jul20omplaint referrals listed below. The complaint(s) alleges that the respondent(s) engaged in a prohibited practice in
contravention of the Competition Act 89 of 1998.

Case No.	Complainant	Respondent	Date received	Sections of the Act
CRP043May22	Mastersmith Trading and Projects 72 (Pty) Ltd	Truvelo Africa Electronics Division (Pty) Ltd	17/05/2022	8(1)(d)(ii), 8(1)(c)

The Chairperson
Competition Tribunal

DEPARTMENT OF TRADE, INDUSTRY AND COMPETITION**NOTICE 1083 OF 2022****COMPETITION TRIBUNAL****NOTIFICATION OF DECISION TO APPROVE MERGER**

The Competition Tribunal gives notice in terms of rules 34(b)(ii) and 35(5)(b)(ii) of the "Rules for the conduct of proceedings in the Competition Tribunal" as published in Government Gazette No. 22025 of 01 February 2001 that it approved the following mergers:

Case No.	Acquiring Firm	Target Firm	Date of Order	Decision
LM132Dec21	Ardagh Group S.A	Consol Holdings (Pty) Ltd	29/04/2022	Approved Subject to Conditions
LM178Feb22	Project Oxygen Bidco (Pty) Ltd	Long4life Ltd	12/05/2022	Approved
LM188Mar22	CFAO Motors (Pty) Ltd	William Simpson Cars (Pty) Ltd	12/05/2022	Approved
LM006Apr22	U Reit Collins	Collins Property Projects	20/05/2022	Approved
LM125Nov21	Main Street 1878 (Pty) Ltd	Grindrod Intermodal Business	24/05/2022	Approved Subject to Conditions
LM157Dec21	Seriti New Largo (Pty) Ltd	New Largo Coal (Pty) Ltd	24/05/2022	Approved
LM199Mar22	Hapag-Lloyd Aktiengesellschaft	Dal Deutsche Afrika-Linien GMBH and CO.KG	24/05/2022	Approved Subject to Conditions

**The Chairperson
Competition Tribunal**

DEPARTMENT OF TRADE, INDUSTRY AND COMPETITION**NOTICE 1084 OF 2022****NORTHERN CAPE PROVINCIAL GOVERNMENT****DEPARTMENT OF ECONOMIC DEVELOPMENT AND TOURISM****NORTHERN CAPE CONSUMER PROTECTION BILL**

I, Mr Abraham Vosloo MPL, Member of Executive Council of Finance, Economic Development and Tourism, Northern Cape do hereby publish the Northern Cape Consumer Protection Bill, in terms of Rule 164 of The Standing Rules of the Provincial Legislature, for public comment.

Any person who wishes to comment on the said Bill must submit such comment in writing within 30 days of publication hereof.

Comments must be submitted-

By post to :

**The Head of Department
Department of Economic Development and Tourism
Private Bag X6108,
Kimberley
8300
Tel : 053 839 4002**

Or

Hand delivered to :

**The Head of Department
Department of Economic Development and Tourism
13th Floor,
Metlife Towers,
Kimberley**

Or emailed to :

Attention : **The Head of Department**
Email : UNgomane@ncpg.gov.za

Any enquiries in connection with the intended Bill can be directed to Adv DP Olivier at 053 8394000

Comments submitted after closing date will not be considered.



**HON. ABRAHAM VOSLOO
MEC FOR ECONOMIC DEVELOPMENT AND TOURISM
NORTHERN CAPE**

BILL

To repeal the Northern Cape Consumer Protection Act, 2012 (Act No. 1 of 2012); to make provision for certain definitions; to provide for the Provincial Consumer Protection Authority as a Unit within the Department of Economic Development and Tourism; to provide for the appointment of the Consumer Protector, Deputy Consumer Protector; and to provide for all management arrangements related to the Authority and Consumer Court; to provide for the establishment of a Consumer Court for the Province; to provide for the appointment of members and a Registrar for the Consumer Court; to provide for the functioning and administration of the Consumer Court; and to provide for matters connected therewith.

PREAMBLE

WHEREAS a need exists within the Northern Cape Province to protect the rights of consumers;

AND WHEREAS national legislation provides for concurrent consumer protection functions to be exercised by provincial consumer protection entities,

BE IT THEREFORE ENACTED by the Northern Cape Provincial Legislature, as follows:-

ARRANGEMENT OF ACT

CHAPTER 1

INTERPRETATION AND PURPOSE OF ACT

Part A

INTERPRETATION

1. Interpretation

Part B

OBJECTS AND APPLICATION OF ACT

2. Objects of Act
3. Application of Act

CHAPTER 2**PROVINCIAL CONSUMER PROTECTION AUTHORITY*****Part A******ESTABLISHMENT OF PROVINCIAL CONSUMER PROTECTION
AUTHORITY***

4. The Provincial Consumer Protection Authority
5. Appointment of Consumer Protector and Deputy Consumer Protector

Part B***FUNCTIONING OF THE AUTHORITY***

6. Referral of matters to Consumer Court
7. Appointment of inspectors and investigators
8. Investigation by Authority
9. Outcome of investigation
10. Consent orders
11. Referral to Consumer Court by complainant
12. Responsible Member may direct policy and other matters and require investigation

Part C***POWERS IN SUPPORT OF INVESTIGATION***

13. Summons
14. Authority to enter and search under warrant
15. Powers to enter and search
16. Conduct of entry and search
17. Claims that information is confidential

CHAPTER 3**NORTHERN CAPE CONSUMER COURT*****Part A******ESTABLISHMENT AND FUNCTIONING OF CONSUMER COURT***

18. Establishment and constitution of Consumer Court
19. Functions of Consumer Court
20. Qualifications of members of Consumer Court
21. Term of office of members of Consumer Court
22. Deputy Chairperson of Consumer Court

- 23. Consumer Court proceedings
- 24. Hearings by Consumer Court
- 25. Conflicts and disclosure of interest
- 26. Acting by member of Consumer Court after expiry of term of office

Part B

ADMINISTRATION OF CONSUMER COURT

- 27. Registrar of Consumer Court

CHAPTER 4

GENERAL PROVISIONS

Part A

***MATTERS PERTAINING TO MEMBERS OF CONSUMER PROTECTION
UNIT***

- 28. Eligibility to serve as functionary of a consumer protection unit
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- 30. Removal from office
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ADMINISTRATIVE PROVISIONS

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Part C

OFFENCES AND PENALTIES

- 33. Breach of confidence
- 34. Hindering administration of Act
- 35. Offences relating to Consumer Protector and Consumer Court
- 36. Offences relating to prohibited conduct
- 37. Penalties
- 38. Administrative fines
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Part D

MISCELLANEOUS MATTERS

- 40. Regulations
- 41. Repeal of laws
- 42. Transitional and founding arrangements
- 43. Short title and commencement

CHAPTER 1**INTERPRETATION AND PURPOSE OF ACT*****Part A******INTERPRETATION*****Interpretation**

1. (1) In this Act, any word or expression to which a meaning has been assigned in the Consumer Protection Act, 2008 (Act No. 68 of 2008) has the meaning so assigned to it, and, unless the context otherwise indicates –

“**Authority**” means the Provincial Consumer Protection Unit within the Department of Economic Development and Tourism;

“**Constitution**” means the Constitution of the Republic of South Africa, 1996;

“**consumer**”, in respect of any particular goods or services, means –

- (a) a person to whom those particular goods or services are marketed in the ordinary course of the supplier’s business;
- (b) a person who has entered into a transaction with a supplier in the ordinary course of the supplier’s business, unless the transaction is exempt from the application of the Consumer Protection Act by section 5(2) or in terms of section 5(3) of that Act;
- (c) if the context so requires or permits, a user of those particular goods or a recipient or beneficiary of those particular services, irrespective of whether that user, recipient or beneficiary was a party to a transaction concerning the supply of those particular goods or services; and
- (d) a franchisee in terms of a franchise agreement, to the extent applicable in terms of section 5(6)(b) to (e) of the Consumer Protection Act;

“**Consumer Court**” means the Northern Cape Consumer Court established by section 18;

“**Consumer Protection Act**” means the Consumer Protection Act, 2008 (Act No. 68 of 2008);

“**consumer protection unit**” means the Authority or the Consumer Court;

“**Consumer Protector**” means the Northern Cape Consumer Protector appointed in terms of section 5(1), subject to the Public Service Act, 1994 as amended;

“**Credit Act**” means the National Credit Act, 2005 (Act No. 34 of 2005);

“**Department**” means the Department responsible for economic development in the Province;

“**Deputy Consumer Protector**” means the Deputy Consumer Protector appointed in terms of section 5(4), subject to the Public Service Act, 1994 as amended;

“**functionary of a consumer protection unit**” means the Registrar, the Consumer Protector or the Deputy Consumer Protector and a member of the Consumer Court;

“**goods**” include –

- (a) anything marketed for human consumption;
- (b) any tangible object not otherwise contemplated in paragraph (a), including any medium on which anything is or may be written or encoded;
- (c) any literature, music, photograph, motion picture, game, information, data, software, code or other intangible product written or encoded on any medium, or a licence to use any such intangible product;
- (d) a legal interest in land or any other immovable property, other than an interest that falls within the definition of “service” in this section; and
- (e) gas, water and electricity;

“**institution**” means –

- (a) the Provincial Consumer Protection Authority established by section 4; or
- (b) the Northern Cape Consumer Court established by section 18;

“**Province**” means the Northern Cape Province referred to in section 103(1)(g) of the Constitution, or any part thereof;

“**Provincial Gazette**” means the *Provincial Gazette* of the Province;

“**Public Finance Management Act**” means the Public Finance Management Act, 1999 (Act No. 1 of 1999);

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“**Registrar**” means the Registrar of the Consumer Court appointed in terms of section 27, subject to the Public Service Act, 1994 as amended;

“**responsible Member**” means the Member of the Executive Council responsible for economic development in the Province;

“**service**” includes, but is not limited to –

- (a) any work or undertaking performed by one person for the direct or indirect benefit of another;
- (b) the provision of any education, information, advice or consultation, except advice that is subject to regulation in terms of the Financial Advisory and Intermediary Services Act, 2002 (Act No. 37 of 2002);
- (c) any banking services, or related or similar financial services, or the undertaking, underwriting or assumption of any risk by one person on behalf of another, except to the extent that any such service –
 - (i) constitutes advice or intermediary services that is subject to regulation in terms of the Financial Advisory and Intermediary Services Act, 2002 (Act No. 37 of 2002); or
 - (ii) is regulated in terms of the Long-term Insurance Act, 1998 (Act No. 52 of 1998), or the Short-term Insurance Act, 1998 (Act No. 53 of 1998);
- (d) the transportation of an individual or any goods;
- (e) the provisions of –
 - (i) any accommodation or sustenance;
 - (ii) any entertainment or similar intangible product or access to any such entertainment or intangible product;
 - (iii) access to any electronic communication infrastructure;
 - (iv) access, or of a right of access, to an event or to any premises, activity or facility; or
 - (v) access to or use of any premises or other property in terms of a rental;
- (f) a right of occupancy of, or power or privilege over or in connection with, any land or other immovable property, other than in terms of a rental; and
- (g) rights of a franchisee in terms of a franchise agreement, to the extent applicable in terms of section 5(6)(b) to (e) of the Consumer Protection Act,

irrespective of whether the person promoting, offering or providing the services participates in, supervises or engages directly or indirectly in the service;

“**supplier**” means supplier as defined in section 1 of the Consumer Protection Act;

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“**supply chain**” means supply chain as defined in section 1 of the Consumer Protection Act, 2008 (Act No. 68/2008);

“**this Act**” includes any regulation made under this Act; and

“**Tribunal**” means the National Consumer Tribunal established by section 26 of the Credit Act.

- (2) In this Act, whenever a provision of the Consumer Protection Act or the Credit Act is to apply, read with the changes required by the context, in such application, unless the context otherwise indicates, a reference in those Acts to –
- (a) the “Act” must be construed as a reference to “this Act”;
 - (b) the “Commission” must be construed as a reference to the “Authority”;
 - (c) the “Minister” must be construed as a reference to the “responsible Member”; and
 - (d) the “Tribunal” must be construed as a reference to the “Consumer Court”.

Part B

OBJECTS AND APPLICATION OF ACT

Objects of Act

2. (1) The objects of this Act are to promote and advance the social and economic welfare of consumers in the Province in accordance with provisions and principles set out in the Consumer Protection Act, by providing for institutions to –
- (a) investigate;
 - (b) mediate; or
 - (c) adjudicate,
- any alleged infringement of consumers’ rights as set out in Chapter 2 of the Consumer Protection Act.
- (2) For the purposes of this Act, sections 3 and 4 of the Consumer Protection Act, each read with the changes required by the context, apply.

Application of Act

3. Subject to the exemptions set out in section 5 of the Consumer Protection Act, this Act applies within the Province to all activities referred to in that section to which

that Act applies.

CHAPTER 2

PROVINCIAL CONSUMER PROTECTION AUTHORITY

Part A

ESTABLISHMENT OF PROVINCIAL CONSUMER PROTECTION AUTHORITY

Establishment of Provincial Consumer Protection Authority

4. (1) A Provincial Consumer Protection Authority for the Province functions as a unit within the Department.
- (2) The Authority must, by notice in the *Provincial Gazette*, be designated by the responsible Member to have general authority to deal with consumer protection matters, and –
- (a) is a unit within the Department;
 - (b) has jurisdiction throughout the Province;
 - (c) must perform the specific functions –
 - (i) assigned to it by this Act, any other applicable law or by the responsible Member;
 - (ii) assigned to a provincial consumer protection authority by the Consumer Protection Act,
- in the most cost-efficient and effective manner and in accordance with the values and principles mentioned in section 195 of the Constitution.

Appointment of Consumer Protector and Deputy Consumer Protector

5. (1) The responsible Member must, subject to the provisions of the Public Service Act, 1994 as amended appoint a person with suitable experience and at least an university degree in economics, law, commerce, industry or public affairs as Provincial Consumer Protector in the Office of the Authority, who must perform all the functions of the Authority under this Act or any other law.
- (2) The Head of Department is the accounting authority for the Authority, and as such is responsible for –
- (a) all income and expenditure of the Authority;

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- (b) all revenue collected by the Authority;
 - (c) all assets, and the discharge of all liabilities of the Authority; and
 - (d) the proper and diligent implementation of the Public Finance Management Act with respect to the Authority.
- (3) The responsible Member must appoint a person with suitable experience and at least an university degree in economics, law, commerce, industry or public affairs as Deputy Consumer Protector who –
- (a) must assist the Consumer Protector in carrying out the functions of the Authority, and
 - (b) must perform the functions of the Authority whenever –
 - (i) the Consumer Protector is unable for any reason to perform the functions of the Authority; or
 - (ii) the office of the Consumer Protector is vacant.
- (4) The Consumer Protector may in writing –
- (a) assign management or other duties to the Deputy Consumer Protector or to employees of the Authority with appropriate skills to assist the Consumer Protector in the management or control over the functioning of the Authority; and
 - (b) delegate, with or without conditions, any of the powers or functions of the Authority to the Deputy Consumer Protector or to any suitably qualified employee of the Authority, but any such delegation does not divest the Consumer Protector of responsibility for the exercise of any power or performance of any such function.

Part B

FUNCTIONING OF THE AUTHORITY

Referral of matters to Consumer Court

6. (1) Subject to subsections (2) and (4), a matter to be considered by the Consumer Court in terms of this Act or the Consumer Protection Act may only be considered if referred in writing to the Consumer Court by the Authority.

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- (2) A person contemplated in section 4(1) of the Consumer Protection Act who seeks to enforce any right in accordance with section 69(c)(ii) of that Act by applying directly to the Consumer Court, may do so only –
 - (a) if a complaint has beforehand been filed with and investigated by the Authority; and
 - (b) the Authority has issued a notice of non-referral to the person.
- (3) Proceedings before the Consumer Court must, subject to subsection (2), be prosecuted by the Authority, which may be represented by an advocate, attorney or any other person appointed in writing by the Consumer Protector.
- (4) The provisions of subsections (1), (2) and (3) do not apply to a matter referred to the Consumer Court in terms of sections 140 or 141 of the Credit Act.

Appointment of inspectors and investigators

- 7. (1) The responsible Member, after consultation with the Consumer Protector –
 - (a) may appoint or designate any suitable employee of the Authority or any other suitable person employed by the Department, as an inspector or investigator; and
 - (b) must issue each inspector or investigator with a certificate in the prescribed form stating that the person has been appointed or designated as an inspector or investigator in terms of this Act.
- (2) Whenever an inspector or investigator appointed or designated under subsection (1)(a), performs a function under this Act in the presence of any person affected thereby, the inspector or investigator must, on demand by such person, produce to him or her the certificate referred to in subsection (1)(b).

Investigation by Authority

- 8. (1) Upon initiating or receiving a complaint in terms of this Act or the Consumer Protection Act, the Authority may –
 - (a) issue a notice of non-referral to the complainant in the prescribed form, if the complaint –
 - (i) appears to be frivolous or vexatious;
 - (ii) does not allege any facts which, if true, would constitute grounds for a remedy under this Act; or
 - (iii) is prevented, in terms of section 116 of the Consumer

Protection Act, from being referred to the Consumer Court;

- (b) direct an inspector or investigator to investigate the complaint as quickly as practicable, in any other case.
- (2) At any time during an investigation, the Consumer Protector may designate one or more persons to assist the inspector or investigator conducting the investigation contemplated in subsection (1).

Outcome of investigation

9. After concluding an investigation into a complaint, the Authority may –
- (a) issue a notice of non-referral to the complainant in the prescribed form;
 - (b) refer the matter to the National Prosecuting Authority, if the Authority alleges that a person has committed an offence in terms of this Act; or
 - (c) if the Authority believes that a person has engaged in prohibited conduct –
 - (i) propose a draft consent order in terms of section 10; or
 - (ii) issue a compliance notice in terms of section 100 of the Consumer Protection Act.

Consent orders

10. (1) If a matter has been investigated by the Authority, and the Authority and the respondent agree to the proposed terms of an appropriate order, the Consumer Court or a court, without hearing any evidence, may confirm that agreement as a consent order.
- (2) After hearing a motion for a consent order, the Consumer Court or a court must –
- (a) make an order as agreed to and proposed by the Authority and the respondent;
 - (b) indicate any changes that must be made in the draft order before the order is made; or
 - (c) refuse to make the order.
- (3) With the consent of a complainant, a consent order confirmed in terms of subsection (1) may include an award of damages to the complainant.

Referral to Consumer Court by complainant

11. (1) If a notice of non-referral in response to a complaint, other than on the grounds contemplated in section 116 of the Consumer Protection Act, 2008

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(Act No. 68/2008) was issued, the complainant concerned may refer the matter directly to the Consumer Court, in accordance with Section 75(1)(a) of the Consumer Protection Act, 2008 (Act No. 68/2008) with leave of the Consumer Court.

- (2) A referral to the Consumer Court, whether by the Authority or by a complainant in terms of subsection (1), must be in the prescribed form, subject to Provincial Legislation governing that Consumer Court.

Responsible Member may direct policy and other matters and require investigation

12. The responsible Member may –

- (a) by notice in the *Provincial Gazette*, issue policy directives to the Authority with respect to the application, administration and enforcement of this Act, but any such directive must be consistent with this Act and the Consumer Protection Act; and
- (b) at any time direct the Authority to –
- (i) investigate an alleged contravention of this Act or the Consumer Protection Act;
 - (ii) investigate any matter or circumstances with respect to the purposes of this Act or the Consumer Protection Act, whether or not those circumstances appear at the time of the direction to amount to a possible contravention of this Act or the Consumer Protection Act; or
 - (iii) give effect to any arrangement contemplated in section 83(1) of the Consumer Protection Act.

Part C

POWERS IN SUPPORT OF INVESTIGATION

Summons

13. (1) At any time during an investigation being conducted in terms of section 8(1)(b), the Consumer Protector may issue a summons to any person who is believed to be able to furnish any information on the subject of the investigation, or to have possession or control of any book, document or other object that has a bearing on that subject –
- (a) to appear before the Authority, or before an inspector or independent investigator, to be questioned at a time and place specified in the summons; or
 - (b) to deliver or produce to the Authority, or to an inspector or independent investigator, any book, document or other object referred to in paragraph (a) at a time and place specified in the

summons.

- (2) A summons contemplated in subsection (1) –
 - (a) must be signed by the Consumer Protector, or by an employee of the Authority designated by the Consumer Protector; and
 - (b) may be served in the same manner as a subpoena in a criminal case issued by the magistrate's court.
- (3) An inspector or investigator before whom a person is summoned to appear, or to whom a person is required to deliver any book, document or other object, may –
 - (a) interrogate and administer an oath to, or accept an affirmation from, the person named in the summons; and
 - (b) retain any such book, document or other object for examination, for a period not exceeding two months, or such longer period as the Consumer Court, on application and good cause shown, may allow.
- (4) A person questioned by the Authority or by an inspector or investigator conducting an investigation must answer each question truthfully and to the best of that person's ability, but –
 - (a) a person is not obliged to answer any question if the answer is self-incriminating; and
 - (b) the person asking the questions must inform that person of the right set out in paragraph (a).
- (5) No self-incriminating answer given or statement made by any person to the Authority or an inspector or investigator exercising powers in terms of this Act, will be admissible as evidence against that person in criminal proceedings against that person instituted in any court, except in criminal proceedings for perjury or in which that person is tried for an offence contemplated in section 37(3) or 38(2)(d), and then only to the extent that the answer or statement is relevant to prove the offence charged.

Authority to enter and search under warrant

- 14. (1) A judge of the High Court or a magistrate may issue a warrant to enter and search any premises that are within the jurisdiction of that judge or magistrate if, from information on oath or affirmation, there are reasonable

grounds to believe that –

- (a) a contravention of this Act has taken place, is taking place, or is likely to take place on or in those premises; or
 - (b) anything connected with an investigation in terms of this Act is in the possession of, or under the control of, a person who is on or in those premises.
- (2) A warrant to enter and search may be issued at any time and must specifically –
 - (a) identify the premises that may be entered and searched; and
 - (b) authorise an inspector, investigator or a police officer to enter and search the premises and to do anything listed in section 15.
- (3) A warrant to enter and search is valid until –
 - (a) the warrant is executed;
 - (b) the warrant is cancelled by the person who issued it or, in that person's absence, by a person with similar authority;
 - (c) the purpose for issuing it has lapsed; or
 - (d) the expiry of one month after the date it was issued.
- (4) A warrant to enter and search may be executed only during the day, unless the judge, regional magistrate or magistrate who issued it authorises that it may be executed at night at a time that is reasonable under the circumstances.
- (5) A person authorised by warrant issued in terms of subsection (2) may enter and search premises named in that warrant.
- (6) Immediately before commencing with the execution of a warrant, a person executing that warrant must either –
 - (a) if the owner, or person in control, of the premises to be searched is present –
 - (i) provide identification to that person and explain to that person the authority by which the warrant is being executed; and
 - (ii) hand a copy of the warrant to that person or to the person

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named in it; or

- (b) if none of those persons is present, affix a copy of the warrant to the premises in a prominent and visible place.

Powers to enter and search

15. (1) A person who is authorised under section 14 to enter and search premises may –
- (a) enter upon or into those premises;
 - (b) search those premises;
 - (c) search any person on those premises if there are reasonable grounds for believing that the person has personal possession of an article or document that has a bearing on the investigation;
 - (d) examine any article or document that is on or in those premises that has a bearing on the investigation;
 - (e) request information about any article or document from the owner of, or person in control of the premises or from any person who has control of the article or document, or from any other person who may have the information;
 - (f) take extracts from, or make copies of, any book or document that is on or in the premises that has a bearing on the investigation;
 - (g) use any computer system on the premises, or require assistance of any person on the premises to use that computer system, to-
 - (i) search any data contained in or available to that computer system;
 - (ii) reproduce any record from that data;
 - (h) seize any output from that computer for examination and copying; and
 - (i) attach and if necessary remove from the premises for examination and safekeeping anything that has a bearing on the investigation.
- (2) Section 13(5) applies equally to an answer given or statement made to an inspector, investigator or police officer in terms of this section.
- (3) An inspector or investigator authorised to conduct an entry and search in terms of section 14 may be accompanied and assisted by a police officer.

Conduct of entry and search

16. (1) A person who enters and searches any premises under section 15 must conduct the entry and search with strict regard for decency and order, and with regard for each person's right to dignity, freedom, security and privacy.
- (2) During any search under section 15(1)(c), only a female inspector, investigator or police officer may search a female person, and only a male inspector, investigator or police officer may search a male person.
- (3) A person who enters and searches premises under section 15, before questioning anyone, must –
- (a) advise that person of the right to be assisted at the time by an advocate or attorney; and
 - (b) allow that person to exercise that right.
- (4) A person who removes anything from premises being searched must –
- (a) issue a receipt for it to the owner of, or person in control of, the premises; and
 - (b) return it as soon as practicable after achieving the purpose for which it was removed.
- (5) During a search, a person may refuse to permit the inspection or removal of an article or document on the grounds that it contains privileged information.
- (6) If the owner or person in control of an article or document refuses in terms of subsection (5) to give that article or document to the person conducting the search, the person conducting the search may request the Registrar or sheriff of the High Court that has jurisdiction to attach and remove the article or document for safe custody until that court determines whether or not the information is privileged.
- (7) A police officer who is authorised to enter and search premises under section 13, or who is assisting an inspector or investigator who is authorised to enter and search premises under section 14, may overcome resistance to the entry and search by using as much force as is reasonably required, including breaking a door or window of the premises.
- (8) Before using force in terms of subsection (6), a police officer must audibly demand admission and must announce the purpose of the entry, unless it is reasonable to believe that doing so may induce someone to destroy or dispose of an article or document that is the object of the search.

- (9) The Authority may compensate anyone who suffers damage because of a forced entry during a search when no one responsible for the premises was present.

Claims that information is confidential

17. (1) When submitting information to the Authority, the Consumer Court, or an inspector or investigator appointed in terms of this Act, a person may claim that all or part of that information is confidential.
- (2) Any claim contemplated in subsection (1) must be supported by a written statement explaining why the information is confidential.
- (3) The Authority, Consumer Court, inspector or investigator, as the case may be, must –
- (a) consider any claim made in terms of subsection (1); and
- (b) notify the claimant whether or not the information contemplated in subsection (1) will be treated as if it had been determined to be confidential.
- (4) When making any ruling, decision or order in terms of this Act or the Consumer Protection Act, the Authority or Consumer Court may take into account any information that has been the subject of a claim in terms of subsection (1).
- (5) If any reasons for a decision in terms of this Act or the Consumer Protection Act would reveal any information that has been the subject of a claim in terms of subsection (1), the Authority or Consumer Court, as the case may be, must provide a copy of the proposed reasons to the party claiming confidentiality at least five business days before publishing those reasons.
- (6) Within five business days after receiving a notice in terms of subsection (3) (b), or a copy of proposed reasons in terms of subsection (5), a party may apply to a court for an appropriate order to protect the confidentiality of the relevant information.

CHAPTER 3**NORTHERN CAPE CONSUMER COURT*****Part A******ESTABLISHMENT AND FUNCTIONING OF CONSUMER COURT*****Establishment and constitution of Consumer Court**

18. (1) There is hereby established a body to be known as the Northern Cape Consumer Court, which –
- (a) is a unit within the Department;
 - (b) has jurisdiction throughout the Province;
 - (c) is a court of record; and
 - (d) must exercise its functions in accordance with this Act or any other applicable legislation.
- (2) The Consumer Court consists of a Chairperson and not more than 6 other members appointed by the responsible Member, on a full or part-time basis.
- (3) The responsible Member must, subject to section 20, –
- (a) appoint the Chairperson and other members of the Consumer Court from time to time; and
 - (b) appoint a person to fill any vacancy on the Consumer Court.

Functions of Consumer Court

19. The Consumer Court or a member of the Consumer Court acting alone may, in accordance with this Act –
- (a) adjudicate in relation to any –
 - (i) application that may be made to it in terms of this Act, the Credit Act or the Consumer Protection Act and make any order provided for in this Act in respect of such an application; or

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- (ii) allegations of prohibited conduct by determining whether prohibited conduct has occurred and, if so, by imposing a remedy provided for in this Act, the Credit Act or the Consumer Protection Act;
- (b) grant an order for costs; and
- (c) exercise any other power conferred on it by law.

Qualifications of members of Consumer Court

20. (1) The members of the Consumer Court, viewed collectively –
- (a) must represent a broad cross-section of the population of the Province; and
 - (b) must comprise sufficient persons with legal training and experience to satisfy the requirements of section 23(2).
- (2) Each member of the Consumer Court must –
- (a) be a citizen of South Africa;
 - (b) have suitable experience and at least an university degree in economics, law, commerce, industry or consumer affairs; and
 - (c) be committed to the purposes of this Act, the Credit Act and the Consumer Protection Act.

Term of office of members of Consumer Court

21. (1) Each member of the Consumer Court serves for a term of five years.
- (2) The responsible Member may re-appoint a member of the Consumer Court at the expiry of that member's term of office, but no person may be appointed to the office of the Chairperson of the Consumer Court for more than two consecutive terms.
- (3) The Chairperson, on one month's written notice addressed to the responsible Member, may –
- (a) resign from the Consumer Court; or
 - (b) resign as Chairperson, but remain as a member of the Consumer Court.
- (4) A member of the Consumer Court other than the Chairperson may resign by giving at least one month's written notice to the responsible Member.

Deputy Chairperson of Consumer Court

22. (1) The responsible Member must designate a member of the Consumer Court as Deputy Chairperson of the Consumer Court.
- (2) The Deputy Chairperson performs the functions of Chairperson whenever –
- (a) the office of Chairperson is vacant; or
 - (b) the Chairperson is for any other reason temporarily unable to perform those functions.

Consumer Court proceedings

23. (1) The Chairperson is responsible to manage the caseload of the Consumer Court, and must assign each matter referred to the Consumer Court to –
- (a) a member of the Consumer Court; or
 - (b) a panel composed of any three members of the Consumer Court, in any other case.
- (2) When assigning a matter to a member or a panel in terms of subsection (1), the Chairperson must –
- (a) in the case of a single member, ensure that the member is a person who has suitable legal qualifications and experience; and
 - (b) in the case of a panel –
 - (i) ensure that at least one member of the panel is a person who has suitable legal qualifications and experience; and
 - (ii) designate a member of the panel to preside over the panel's proceedings.
- (3) If, because of resignation, illness, death, unwillingness or withdrawal from a hearing in terms of section 21, a member of the panel is unable to complete the proceedings in a matter assigned to that panel, the Chairperson must –
- (a) direct that the hearing of that matter proceed before the remaining members of the panel, subject to the requirements of subsection (2)(b); or
 - (b) terminate the proceedings before that panel and constitute another panel, which may include any member or members of the original

panel, and direct that panel to conduct a new hearing.

- (4) The decision of a panel on a matter referred to it must be in writing and include reasons for that decision.
- (5) A decision of a single member of the Consumer Court hearing a matter as contemplated in subsection (1)(a), or of a majority of the members of a panel in any other case, is the decision of the Consumer Court.

Hearings by Consumer Court

24. (1) When the Consumer Court hears a matter referred to it in terms of this Act, the Consumer Protection Act or the Credit Act, the provisions of Parts D and E of Chapter 7 of the Credit Act, each read with the changes required by the context, apply to the hearing.
- (2) An order of the Consumer Court made after hearing a matter contemplated in subsection (1), has the same force and effect as if it had been made by a consumer court making an order in terms of section 140 of the Credit Act or section 73 of the Consumer Protection Act, respectively.
- (3) In any matter brought before the Consumer Court in terms of this Act-
The Consumer Court must-
- (a) promote the spirit and purposes of this act;
 - (b) make appropriate orders to give practical effect to the consumer's right of access to redress, including but not limited to-
 - (i) any order provided for in this Act; and
 - (ii) any innovative order that better advances, protects, promotes and assures the realization by consumers of their rights in terms of this Act, including publication of the orders of the Consumer Court.

Conflicts and disclosure of interest

25. (1) A member of the Consumer Court may not represent any person before the Consumer Court.
- (2) If, during a hearing in which a member of the Consumer Court is participating, it appears to that member that the matter concerns a financial or other interest of that member contemplated in section 29, that member must –
- (a) immediately and fully disclose the fact and nature of that interest to the Chairperson and to the presiding member at that hearing; and
 - (b) withdraw from any further involvement in that hearing.

Acting by member of Consumer Court after expiry of term of office

26. If, on the expiry of the term of office of a member of the Consumer Court, that member is still considering a matter before the Consumer Court, that member may continue to act as a member in respect of that matter only.

Part B

ADMINISTRATION OF CONSUMER COURT

Registrar of Consumer Court

27. (1) The responsible Member must, in consultation with the Consumer Protector and subject to the provisions of the Public Service Act 1994 as amended, appoint a person with suitable experience and at least a university degree in economics, law, commerce, industry or public affairs as Registrar of the Consumer Court, who is responsible for all matters pertaining to the administrative functions of the Consumer Court.

CHAPTER 4

GENERAL PROVISIONS

Part A

MATTERS PERTAINING TO MEMBERS OF CONSUMER COURT

Eligibility to serve as functionary of a Consumer Court

28. (1) To be eligible to serve as a functionary of a Consumer Court, and to continue to hold that office, a person must –
- (a) be a fit and proper person;
 - (b) not be subject to any disqualification set out in subsection (2);
 - (c) have submitted to the responsible Member the affidavit referred to in subsection (3); and
 - (d) be a citizen of the Republic.
- (2) A person may not be a functionary of Consumer Court if that person –
- (a) is a political office-bearer;
 - (b) is an unrehabilitated insolvent, or becomes insolvent and the

insolvency results in the sequestration of his or her estate;

- (c) was once, or is removed from an office of trust on account of misconduct;
 - (d) is subject to an order of a competent court holding that person to be mentally deranged;
 - (e) within the previous ten years has been, or is, convicted in the Republic or elsewhere of theft, fraud, forgery or uttering a forged document, perjury, an offence under the Prevention and Combating of Corrupt Activities Act, 2004 (Act No. 12 of 2004), an offence under Chapter 2 or 3 of the Prevention of Organised Crime Act, 1998 (Act No. 121 of 1998), an offence under the Financial Intelligence Centre Act, 2001 (Act No. 38 of 2001) or an offence involving dishonesty; or
 - (f) has been convicted of any other offence committed after the Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993), took effect, and sentenced to imprisonment without the option of a fine.
- (3) Before being appointed a functionary of a Consumer Court, the candidate must submit to the responsible Member an affidavit in which such candidate declares that he or she –
- (a) is eligible for such appointment; and
 - (b) is not disqualified in terms of this Act from such appointment.
- (4) The responsible Member is at any time entitled to call for proof to his or her satisfaction of the continued eligibility of any functionary of a Consumer Court or to undertake or cause to be undertaken any investigation or enquiry in that regard.

Conflicting interests

29. (1) A functionary of a Consumer Court must not –
- (a) engage in any activity that may undermine the integrity of the Consumer Court;
 - (b) attend, participate in or influence the proceedings of the Consumer Court if, in relation to the matter before the Consumer Court, that functionary has any financial or other interest that precludes the

functionary from performing the duties of a functionary of the Consumer Court in a fair,

- (c) unbiased and proper manner;
 - (d) vote at any of the proceedings of the Consumer Court in connection with a matter contemplated in paragraph (b);
 - (e) make private use of, or profit from, any confidential information obtained as a result of performing duties as a functionary of the Consumer Court; or
 - (e) divulge any information referred to in paragraph (d) to any third party, except as required as part of that person's official functions as a member of the Consumer Court.
- (2) For the purpose of subsection (1)(b), a financial interest does not include an indirect interest held in any fund or investment if the person contemplated in that subsection has no control over the investment decisions of that fund or investment.
- (3) If, at any time, it appears to a functionary of a Consumer Court that a matter before the Consumer Court concerns an interest of that functionary referred to in subsection (1)(b), the functionary must –
- (a) immediately and fully disclose the nature of that interest to the Consumer Court; and
 - (b) withdraw from the proceedings to allow the remaining functionaries to discuss the matter and determine whether the functionary should be prohibited from participating in any further proceedings concerning that matter.

Removal from office

- 30.** (1) The responsible Member must, by written notice, remove any functionary of a Consumer Court from office if the functionary becomes subject to a disqualification contemplated in section 28(2).
- (2) The responsible Member may, after considering the findings of an investigating tribunal appointed by him or her, by written notice, remove from office any functionary of a Consumer Court if the functionary –
- (a) fails or refuses to comply with the provisions of this Act incumbent on the execution of his or her duties;
 - (b) is, without sound reason, absent from his or her office or from two or more scheduled activities of the Consumer Court concerned in one year, or, in the case of absence due to medical reasons, fails to

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present a valid medical certificate;

- (c) is found guilty of improper conduct, or is found to be unable to duly perform his or her duties in terms of this Act.
- (3) A tribunal investigating allegations against a functionary of a Consumer Court in accordance with subsection (2), may make a finding only after considering representations made by the functionary regarding the allegations made against him or her.
- (4) A notice contemplated in subsection (1) or (2) must state the reasons for removal of the functionary.

Remuneration and benefits of functionaries of Consumer Court

31. A functionary of a Consumer Court must be paid such reasonable remuneration and allowances out of the funds of the Department as the responsible Member, in consultation with the Member of the Executive Council responsible for Finance in the Province, may from time to time determine by notice in the *Provincial Gazette*.

Part B

ADMINISTRATIVE PROVISIONS

Staff of consumer protection unit

32. (1) The responsible Member must –
- (a) determine a staff establishment for the consumer protection unit, and
 - (b) appoint such staff as may be necessary on the establishment of the unit subject to the provisions of the Public Service Act, 1994 as amended, to enable it to perform its functions.
- (2) The responsible Member, in consultation with the Member of the Executive Council responsible for financial matters in the Province, must beforehand determine the salary and other terms and conditions of service of a person appointed in terms of subsection (1)(b).
- (3) The responsible Member may in writing delegate the power to appoint a person in terms of subsection (1)(b) to the Consumer Protector or a functionary of the unit.
- (4) All employees of the current Consumer Protection Authority are, with the commencement of this Act, transferred on the same terms and conditions of employment, including remuneration and other benefits, subject to the provisions of the Public Service Act, 1994 as amended, to the permanent staff establishment of the unit within the Department.

Part C
OFFENCES AND PENALTIES

Breach of confidence

- 33.** (1) It is an offence to disclose any personal or confidential information concerning the affairs of any person obtained –
- (a) in carrying out any function in terms of this Act; or
 - (b) as a result of initiating a complaint or participating in any proceedings in terms of this Act.
- (2) Subsection (1) does not apply to information disclosed –
- (a) for the purpose of the proper administration or enforcement of this Act;
 - (b) for the purpose of the administration of justice; or
 - (c) at the request of an inspector, investigator, regulatory authority or Consumer Court member entitled to receive the information.

Hindering administration of Act

- 34.** (1) It is an offence to hinder, oppose, obstruct or unduly influence any person who is exercising a power or performing a function delegated, conferred or imposed on that person by this Act.
- (2) A person commits an offence if that person, having been summoned –
- (a) fails without sufficient cause to appear at the time and place specified or to remain in attendance until excused; or
 - (b) attends as required, but –
 - (i) refuses to be sworn in or to make an affirmation; or
 - (ii) fails to produce a book, document or other item as ordered, if it is in the possession of, or under the control of that person.
- (3) A person commits an offence if that person, having been sworn in or having made an affirmation –

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- (a) fails to answer any question fully and to the best of his or her ability, subject to section 13(5); or
- (b) gives false evidence, knowing or believing it to be false.

Offences relating to Consumer Protector and Consumer Court

35. (1) A person commits an offence if that person contravenes or fails to comply with an order of the Consumer Court.
- (2) A person commits an offence if that person –
- (a) does anything calculated to improperly influence the Consumer Court or a regulatory authority concerning any matter connected with an investigation;
 - (b) anticipates any findings of the Consumer Court or a regulatory authority concerning an investigation in a way that is calculated to influence the proceedings or findings;
 - (c) does anything in connection with an investigation that would have been contempt of court if the proceedings had occurred in a court of law;
 - (d) knowingly provides false information to a regulatory authority;
 - (e) brings the Consumer Court, or a member of the Consumer Court, in their respective official capacities, into disrepute;
 - (f) wilfully interrupts the proceedings of a hearing or misbehaves in the place where a hearing is being conducted;
 - (g) acts contrary to a warrant to enter and search; or
 - (h) without authority, but claiming to have authority in terms of section 14 –
 - (i) enters or searches premises; or
 - (ii) attaches or removes an article or document.
- (3) No self-incriminating answer given or statement made by any person to the Consumer Court, Consumer Protector, or an inspector or investigator exercising powers in terms of this Act, will be admissible as evidence against

that person in criminal proceedings against that person instituted in any court, except in criminal proceedings for perjury or in which that person is tried for an offence contemplated in subsection (2)(d) or section 37(3), and then only to the extent that the answer or statement is relevant to prove the offence charged.

Offences relating to prohibited conduct

36. (1) It is an offence for any person to alter, obscure, falsify, remove or omit a displayed price, labelling or trade description without authority.
- (2) It is an offence to fail to act in accordance with a compliance notice, but no person may be prosecuted for such an offence in respect of the compliance notice if, as a result of the failure of that person to comply with that notice, the Consumer Protector has applied to the Consumer Court for the imposition of an administrative fine.

Penalties

37. (1) Any person convicted of an offence in terms of this Act is liable –
- (a) in the case of a contravention of section 33(1), to a fine or to imprisonment for a period not exceeding 10 years, or to both a fine and imprisonment; or
- (b) in any other case, to a fine or to imprisonment for a period not exceeding 12 months, or to both a fine and imprisonment.
- (2) Despite anything to the contrary contained in any other law, a Magistrate's Court has jurisdiction to impose any penalty provided for in subsection (1)

Administrative fines

38. (1) The Consumer Court may impose an administrative fine in respect of prohibited or required conduct.
- (2) An administrative fine imposed in terms of this Act may not exceed the greater of –
- (a) 10 per cent of the respondent's annual turnover during the preceding financial year; or
- (b) R1 000 000,
- or such higher percentage or larger sum of money as the responsible Member may, from time to time, determine by notice in the *Provincial Gazette*.
- (3) When determining an appropriate administrative fine, the Consumer Court must consider –

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- (a) the nature, duration, gravity and extent of the contravention;
 - (b) any loss or damage suffered as a result of the contravention;
 - (c) the behaviour of the respondent;
 - (c) the market circumstances under which the contravention took place;
 - (e) the level of profit derived from the contravention;
 - (f) the degree to which the respondent has co-operated with the Consumer Protector and the Consumer Court; and
 - (g) whether the respondent has previously been found in contravention of this Act.
- (4) For the purpose of this section, the annual turnover of a supplier at the time when an administrative fine is assessed, is the total income of that supplier during the immediately preceding year, as determined in the prescribed manner.
- (5) A fine payable in terms of this Act must be paid into the Provincial Revenue Fund referred to in section 226 of the Constitution.

Vicarious liability

39. (1) If an employee or agent of a person is liable in terms of this Act for anything done or omitted in the course of that person's employment or activities on behalf of their principal, the employer or principal is jointly and severally liable with that person.
- (2) This section does not apply in respect of criminal liability.

Part D***MISCELLANEOUS MATTERS*****Regulations**

40. (1) The responsible Member may make regulations regarding –
- (a) any form required to be used for the purpose of this Act;
 - (b) any matter which in terms of this Act is required or permitted to be prescribed;
 - (c) any fee payable in terms of this Act; and
 - (d) in general, any matter in respect of which it is necessary or expedient to make regulations in order to achieve the objects of this Act.

- (2) Before making regulations in terms of subsection (1), the responsible Member must publish the draft regulations for public comment in the *Provincial Gazette*.
- (3) Any regulation made in terms of subsection (1)(c) or (d), may only be made with the concurrence of the Member of the Executive Council responsible for financial matters in the Province.

Repeal and amendments of laws

- 41. (1) The Northern Cape Consumer Protection Act, 2012 (Act No. 1 of 2012), is hereby repealed.
- (2) The responsible Member may, after consultation with the Consumer Protector and the Members of the Consumer Court, amend this Act, by proclamation.

Transitional and founding arrangements

- 42. (1) For the purpose of this section, “previous Act” means the Northern Cape Consumer Protection Act, 2012 (Act No. 1 of 2012).
- (2) Any investigation done or arrangement concluded under the previous Act, is regarded to have been done or concluded under a comparable provision of this Act.
- (3) Any other thing done under a provision of the previous Act and which may be done under a corresponding provision of this Act is regarded to have been done under the latter provision.

Short title and commencement

- 43. This Act is called the Northern Cape Consumer Protection Act, 2021 and comes into operation on a date fixed by the Premier by proclamation in the *Provincial Gazette*.

DEPARTEMENT VAN HANDEL, NYWERHEID EN KOMPETISIE

KENNISGEWING 1084 VAN 2022

WETSONTWERP

Om voorsiening te maak vir die herroeping van die Noord-Kaapse Verbruikersbeskermingswet, 2011 (Wet No. 1/2012); om voorsiening te maak vir sekere definisies; die instelling van 'n Provinsiale Verbruikersbeskermingseenheid as 'n Eenheid binne die Departement van Ekonomiese Ontwikkeling en Toerisme en om voorsiening te maak vir die aanstelling van 'n Verbruikersbeskermmer en Adjunk-verbruikersbeskermmer; en om voorsiening te maak vir alle finansiële bestuur verbandhoudend tot die Verbruikersbeskermingseenheid en Verbruikershof; om voorsiening te maak vir die instelling van 'n Verbruikershof vir die Provinsie; om voorsiening te maak vir die aanstelling van lede en 'n Griffier vir die Verbruikershof; om voorsiening te maak vir die werking en administrasie van die Verbruikershof; om voorsiening te maak vir die funksionering en administrasie van die Verbruikershof; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

AANHEF

AANGESIEN daar in die Provinsie Noord-Kaap 'n behoefte bestaan om die regte van verbruikers te beskerm;

EN AANGESIEN nasionale wetgewing voorsiening maak vir die verrigting van gelyklopende verbruikersbeskermingswerkzaamhede deur provinsiale verbruikersbeskermingsentiteite,

DAAROM WORD DAAR deur die Provinsiale Wetgewer van die Provinsie Noord-Kaap soos volg bepaal:-

INDELING VAN WET

HOOFSTUK 1

UITLEG EN DOEL VAN WET

*Deel A**UITLEG*

1. Uitleg

*Deel B**DOELSTELLINGS EN TOEPASSING VAN WET*

2. Doelstellings van Wet
3. Toepassing van Wet

HOOFSTUK 2**PROVINSIALE VERBRUIKERSBESKERMINGSOWERHEID***Deel A****INSTELLING VAN PROVINSIALE
VERBRUIKERSBESKERMINGSOWERHEID***

4. Instelling van Provinsiale Verbruikersbeskermingsowerheid
5. Aanstelling van Verbruikersbeskermer en Adjunk-verbruikersbeskermer

*Deel B****WERKING VAN DIE OWERHEID***

6. Verwysing van aangeleenthede na Verbruikershof
7. Aanstelling van inspekteurs en ondersoekers
8. Ondersoek deur Owerheid
9. Uitslag van ondersoek
10. Toestemmingsbevele
11. Verwysing na Verbruikershof deur klaer
12. Verantwoordelike Lid kan beleid en ander aangeleenthede voorskryf en ondersoek eis

*Deel C****BEVOEGDHEDE TER ONDERSTEUNING VAN ONDERSOEK***

13. Dagvaarding
14. Magtiging om op gesag van lasbrief te betree en te deursoek
15. Bevoegdhede om te betree en te deursoek
16. Uitvoer van betreding en deursoeking
17. Aansprake dat inligting vertroulik is

HOOFSTUK 3**NOORD-KAAPSE VERBRUIKERSHOF***Deel A****INSTELLING EN WERKING VAN VERBRUIKERSHOF***

18. Instelling en samestelling van Verbruikershof
19. Werksaamhede van Verbruikershof
20. Geskiktheid van lede van Verbruikershof
21. Ampstermyn van lede van Verbruikershof
22. Adjunk-voorsitter van Verbruikershof

- 23. Verbruikershofverrigtinge
- 24. Verhore deur Verbruikershof
- 25. Botsings en openbaarmaking van belange
- 26. Optrede van lid van Verbruikershof ná verstryking van ampstermyn

Deel B

ADMINISTRASIE VAN VERBRUIKERSHOF

- 27. Griffier van Verbruikershof

HOOFSTUK 4

ALGEMENE BEPALINGS

Deel A

***AANGELEENTHEDE RAKENDE LEDE VAN
VERBRUIKERSBESKERMINGSEENHEID***

- 28. Geskiktheid om as ampsbeker van 'n verbruikersbeskermingseenheid te dien
- 29. Botsende belange
- 30. Verwydering uit die amp
- 31. Vergoeding en voordele van ampsbeker van verbruikersbeskermingseenheid

Deel B

ADMINISTRATIEWE BEPALINGS

- 32. Personeel van verbruikersbeskermingsentiteite

Deel C

MISDRYWE EN STRAWWE

- 33. Vertrouensbreuk
- 34. Belemmering van administrasie van Wet
- 35. Misdrywe met betrekking tot Verbruikersbeskermer en Verbruikershof
- 36. Misdrywe met betrekking tot verbode handeling
- 37. Strawwe
- 38. Administratiewe boetes
- 39. Middellike aanspreeklikheid

*Deel D***ALLERLEI AANGELEENTHEDE**

- 40. Regulasies
- 41. Herroeping van wette
- 42. Oorgangs- en oprigtingsmaatreëls
- 43. Kort titel en inwerkingtreding

HOOFSTUK 1**UITLEG EN DOEL VAN WET***Deel A***UITLEG****Uitleg**

- 1. (1) In hierdie Wet het enige woord of uitdrukking waaraan 'n betekenis deur die "Consumer Protection Act, 2008 (Act No. 68 of 2008)" toegeken is, die betekenis wat sodanig daaraan toegeken is en, tensy uit die samehang anders blyk, beteken –
 - "**Adjunk-verbruikersbeskermer**" die Adjunk-verbruikersbeskermer kragtens artikel 5(4) aangestel;
 - "**ampsbekermer van 'n verbruikersbeskermingsentiteit**" beteken die Griffier, die Verbruikersbeskermer of die Adjunk-verbruikersbeskermer;
 - "**Departement**" die Departement verantwoordelik vir ekonomiese ontwikkeling in die Provinsie;
 - "**diens**" ook, maar is nie beperk tot –
 - (a) enige werk of onderneming wat deur een persoon vir die regstreekse of onregstreekse voordeel van 'n ander uitgevoer word;
 - (b) die verskaffing van enige opvoeding, advies of konsultasie, uitgesonder advies wat aan regulering kragtens die "Financial Advisory and Intermediary Services Act, 2002 (Act No. 37 of 2002)" onderworpe is;
 - (c) enige bankdienste, of verwante of soortgelyke finansiële dienste, of die onderneming, onderskrywing of aanvaarding van enige risiko deur een persoon namens 'n ander, behalwe in die mate wat enige sodanige diens –
 - (i) uit advies of bemiddelende dienste behoudens regulering kragtens die "Financial Advisory and Intermediary Services Act, 2002 (Act No. 37 of 2002)" bestaan; of
 - (ii) gereguleer word kragtens die Langtermynversekeringswet, 1998 (Wet No. 52 van 1998), of die Korttermynversekeringswet, 1998 (Wet No. 53 van 1998);

- (d) die vervoer van 'n individu of enige goedere;
- (e) die voorsiening van –
 - (i) enige akkommodasie of voedsel;
 - (ii) enige vermaak of soortgelyke ontasbare produk of toegang tot enige sodanige vermaak of ontasbare produk;
 - (iii) toegang tot enige elektroniese kommunikasie-infrastruktuur;
 - (iv) toegang, of 'n reg van toegang, tot 'n geleentheid of tot enige perseel, aktiwiteit of fasiliteit; of
 - (v) toegang tot of die gebruik van enige perseel of ander eiendom vir huurgeld;
- (f) 'n reg op besetting van, of volmag of privilegie oor of ten opsigte van enige grond of ander vaste eiendom, behalwe vir huurgeld; en
- (g) regte van 'n konsessie kragtens 'n konsessie-ooreenkoms, insoverre kragtens artikel 5(6)(b) tot (e) van die Verbruikersbeskermingswet van toepassing,

afgesien daarvan of die persoon wat die dienste bevorder, aanbied of verskaf, aan die dienste deelneem, daaroor toesig hou, of regstreeks of onregstreeks daarby betrokke is;

“goedere” ook –

- (a) enigiets wat vir menslike verbruik bemark word;
- (b) enige tasbare ding wat nie andersins in paragraaf (a) bedoel word nie, insluitende enige medium waarop enigiets geskryf of geënkodeer mag wees;
- (c) enige literatuur, musiek, foto, rolprent, spel, inligting, data, programmatuur, kode of ander ontasbare produk wat op enige medium gedruk of geënkodeer is, of 'n lisensie om enige sodanige ontasbare produk te gebruik;
- (d) 'n regsbelang by grond of enige ander vaste eiendom, uitgesonder 'n belang wat binne die omskrywing van “diens” in hierdie artikel val; en
- (e) gas, water en elektrisiteit;

“Griffier” die Griffier van die Verbruikershof kragtens artikel 27 aangestel, onderworpe aan die Staatsdiens Wet, 1994 soos gewysig;

“Grondwet” die Grondwet van die Republiek van Suid-Afrika, 1996;

“hierdie Wet” ook enige regulasie ingevolge hierdie Wet gemaak;

“instelling”

- (a) die Provinsiale Verbruikersbeskermingseenheid by artikel 4 ingestel; of
- (b) die Noord-Kaapse Verbruikershof by artikel 18 ingestel;

“**Kredietwet**” die “National Credit Act, 2005 (Act No. 34 of 2005)”;

“**Owerheid**” die Provinsiale Verbruikersbeskermingseenheid by artikel 4 ingestel;

“**Provinsiale Koerant**” die *Provinsiale Koerant* van die Provinsie;

“**Provinsie**” die Provinsie Noord-Kaap in artikel 103(1)(g) van die Grondwet vermeld, of enige gedeelte daarvan;

“**Tribunaal**” die “National Consumer Tribunal” by artikel 26 van die Kredietwet ingestel;

“**verantwoordelike Lid**” die Lid van die Uitvoerende Raad verantwoordelik vir ekonomiese ontwikkeling in die Provinsie;

“**verbruiker**”, ten opsigte van enige spesifieke goedere of dienste –

- (a) iemand aan wie daardie spesifieke goedere of dienste in die normale loop van die verskaffer se besigheid bemark word;
- (b) iemand wat ‘n kontrak aangegaan het met ‘n verskaffer in die normale loop van die verskaffer se besigheid, tensy die transaksie vrygestel is van die toepassing van die Verbruikersbeskermingswet by artikel 5(2) of kragtens artikel 5(3) van daardie Wet;
- (c) indien die kontrak sodanig vereis of toelaat, ‘n gebruiker van daardie spesifieke goedere of ‘n ontvanger of begunstigde van daardie spesifieke dienste, afgesien daarvan of daardie gebruiker, ontvanger of begunstigde gedeel het in ‘n transaksie rakende die verskaffing van daardie spesifieke goedere of dienste; en
- (d) ‘n konsessie-houer kragtens ‘n konsessie-ooreenkoms, insoverre van toepassing kragtens artikel 5(6)(b) tot (e) van die Verbruikersbeskermingswet.

“**Verbruikersbeskermer**” die Noord-Kaapse Verbruikersbeskermer kragtens artikel 5(1) aangestel, onderworpe aan die Staatsdiens Wet, soos gewysig;

“**verbruikersbeskermingseenheid**” die Owerheid en die Verbruikershof;

“**Verbruikersbeskermingswet**” die “Consumer Protection Act, 2008 (Act No. 68 of 2008)”;

“**Verbruikershof**” die Noord-Kaapse Verbruikershof by artikel 18 ingestel;

“**verskaffer**” ‘n verskaffer soos in artikel 1 van die Verbruikersbeskermingswet omskryf; en

“**Wet op Openbare Finansiële Bestuur**” die Wet op Openbare Finansiële Bestuur, 1999 (Wet No. 1 van 1999).

- (2) Waar ‘n bepaling van die Verbruikersbeskermingswet of die Kredietwet in hierdie Wet van toepassing is, gelees in samehang met die veranderings

vereis deur die konteks, word in sodanige toepassing, tensy uit die samehang anders blyk, 'n verwysing in daardie Wette na –

- (a) die “Wet” as “hierdie Wet” vertolk;
- (b) die “Kommissie” as die “Owerheid” vertolk;
- (c) die “Minister” as die “verantwoordelike Lid” vertolk; en
- (d) “Tribunaal” as die “Verbruikershof” vertolk.

Deel B

DOELSTELLINGS EN TOEPASSING VAN WET

Doelstellings van Wet

2. (1) Die doelstellings van hierdie Wet is om die sosiale en ekonomiese welsyn van verbruikers in die Provinsie, ooreenkomstig bepalings en beginsels in die Verbruikersbeskermingswet aangedui, aan te moedig en te bevorder deur voorsiening te maak vir instellings om enige beweerde skending van verbruikersregte soos in Hoofstuk 2 van die Verbruikersbeskermingswet aangedui, te kan –
- (a) ondersoek;
 - (b) bemiddel; of
 - (c) beslis.
- (2) Vir die doeleindes van hierdie Wet is artikels 3 en 4 van die Verbruikersbeskermingswet, elk gelees in samehang met die veranderings vereis deur die konteks, van toepassing.

Toepassing van Wet

3. Behoudens die vrystellings in artikel 5 van die Verbruikersbeskermingswet omskryf, is hierdie Wet binne die Provinsie van toepassing op alle aktiwiteite vermeld in daardie artikel waarop daardie Wet van toepassing is.

HOOFTUK 2**PROVINSIALE VERBRUIKERSBESKERMINGSOWERHEID***Deel A****INSTELLING VAN PROVINSIALE
VERBRUIKERSBESKERMINGSOWERHEID*****Instelling van Provinsiale Verbruikersbeskermingsowerheid**

4. (1) 'n Provinsiale Verbruikersbeskermingsowerheid word ingestel as 'n eenheid binne die Departement.
- (2) Die Owerheid word, by kennisgewing in die *Provinsiale Koerant*, deur die verantwoordelike Lid beklee met algemene bevoegdheid om verbruikersbeskermingsaangeleenthede te hanteer, en –
- (a) is 'n eenheid binne die Departement;
 - (b) het regsbevoegdheid in die hele Provinsie;
 - (c) verrig die spesifieke werksaamhede –
 - (i) aan hom opgedra deur hierdie Wet of enige ander toepaslike wet of deur die verantwoordelike Lid;
 - (ii) aan 'n provinsiale verbruikersbeskermingsowerheid opgedra deur die Verbruikersbeskermingswet,
- op die mees spaarsamige en doeltreffende wyse en ooreenkomstig die waardes en beginsels in artikel 195 van die Grondwet vermeld.

Aanstelling van Verbruikersbeskermer en Adjunk-verbruikersbeskermer

5. (1) Die verantwoordelike Lid moet, kragtens die bepalings van die Staatsdiens Wet, soos gewysig, iemand met toepaslike ondervinding en minstens 'n universiteitsgraad in ekonomie, regte, handel, nywerheid of openbare sake aanstel as Provinsiale Verbruikersbeskermer in die Kantoor van die Owerheid, wat al die werksaamhede van die Owerheid ingevolge hierdie Wet of enige ander wet verrig.

- (2) Die Departementshoof is die rekenpligtige gesag vir die Owerheid en is as sodanig verantwoordelik vir –
- (a) alle ontvangste en uitgawe van die Owerheid;
 - (b) alle inkomste wat die Owerheid invorder;
 - (c) alle bates en die nakoming van alle verpligtinge van die Owerheid; en
 - (d) die behoorlike en sorgvuldige toepassing van die Wet op Openbare Finansiële Bestuur met betrekking tot die Owerheid.
- (3) Die verantwoordelike Lid stel iemand kragtens die bepalings van die Staatsdiens Wet, 1994, soos gewysig, met toepaslike ondervinding en minstens 'n universiteitsgraad in ekonomie, regte, handel, nywerheid of openbare sake aan as Adjunk-verbruikersbeskermer, wat –
- (a) die Verbruikersbeskermer bystaan met die verrigting van al die werksaamhede van die Owerheid;
 - (b) die werksaamhede van die Owerheid verrig wanneer ook al –
 - (i) die Verbruikersbeskermer om enige rede nie in staat is om die werksaamhede van die Owerheid te verrig nie; of
 - (ii) die amp van Verbruikersbeskermer vakant is.
- (4) Die Verbruikersbeskermer kan skriftelik –
- (a) bestuurs- of ander pligte aan die Adjunk-verbruikersbeskermer of aan werknemers van die Owerheid met geskikte vaardighede deleger om die Verbruikersbeskermer met die bestuur van of beheer oor die werking van die Owerheid by te staan; en
 - (b) met of sonder voorwaardes enige van die bevoegdhede of werksaamhede van die Owerheid aan die Adjunk-verbruikersbeskermer of enige toepaslik-gekwalfiseerde werknemer van die Owerheid deleger, maar enige sodanige delegasie onthef die Verbruikersbeskermer nie van die verantwoordelikheid vir die uitoefening van enige bevoegdheid of die verrigting van sodanige werksaamheid nie.

Deel B

WERKING VAN DIE OWERHEID

Verwysing van aangeleenthede na Verbruikershof

6. (1) Behoudens subartikels (2) en (4) kan 'n aangeleentheid wat kragtens hierdie Wet of die Verbruikersbeskermingswet deur die Verbruikershof oorweeg staan te word, slegs oorweeg word indien dit skriftelik deur die Owerheid na die Verbruikershof verwys word.
- (2) Iemand in artikel 4(1) van die Verbruikersbeskermingswet bedoel wat 'n reg ooreenkomstig artikel 69(c)(ii) van daardie Wet wil afdwing deur regstreeks by die Verbruikershof aansoek te doen, kan dit slegs doen –
- (a) indien 'n klage vooraf ingedien is by, en ondersoek is deur die Owerheid; en
- (b) die Owerheid 'n kennisgewing van geen verwysing aan die persoon uitgereik het.
- (3) Behoudens subartikel (2) word verrigtinge in die Verbruikershof aangekla deur die Owerheid, wat verteenwoordig kan word deur 'n advokaat, prokureur of enige ander persoon wat skriftelik deur die Verbruikersbeskermer aangestel is.
- (4) Die bepalings van subartikels (1), (2) en (3) is nie van toepassing op 'n aangeleentheid wat kragtens artikels 140 of 141 van die Kredietwet na die Verbruikershof verwys is nie.

Aanstelling van inspekteurs en ondersoekers

7. (1) Die verantwoordelike Lid, na konsultasie met die Verbruikersbeskermer –
- (a) kan enige geskikte werknemer van die Owerheid of enige ander geskikte persoon in diens van die Departement as 'n inspekteur of ondersoeker aanstel of aanwys; en
- (b) reik aan elke inspekteur of ondersoeker 'n sertifikaat uit op die voorgeskrewe vorm, wat meld dat die persoon kragtens hierdie Wet as 'n inspekteur of ondersoeker aangestel of aangewys is.
- (2) Wanneer ook al 'n inspekteur of ondersoeker wat ingevolge subartikel (1)(a) aangestel of aangewys is 'n werksaamheid ingevolge hierdie Wet verrig in die teenwoordigheid van enigiemand wat daardeur geraak word, toon die inspekteur of ondersoeker die sertifikaat in subartikel (1)(b) vermeld op versoek aan sodanige persoon.

Ondersoek deur Owerheid

8. (1) By die instelling of ontvangs van 'n klage kragtens hierdie Wet of die Verbruikersbeskermingswet, kan die Owerheid –
- (a) 'n kennisgewing van geen verwysing op die voorgeskrewe vorm aan die klaer uitreik, indien die klage –
- (i) beuselagtig of kwelsugtig blyk te wees;

- (ii) nie enige feite openbaar wat, indien dit waar is, gronde vir 'n remedie ingevolge hierdie Wet sou uitmaak nie; of
 - (iii) kragtens artikel 116 van die Verbruikersbeskermingswet verhinder word om na die Verbruikershof verwys te word;
 - (b) in enige ander geval 'n inspekteur of ondersoeker opdrag gee om die klag so gou doenlik te ondersoek.
- (2) Die Verbruikersbeskermer kan te eniger tyd gedurende 'n ondersoek een of meer persone aanwys om die inspekteur of ondersoeker by te staan wat die ondersoek in subartikel (1) bedoel, uitvoer.

Uitslag van ondersoek

9. Ná voltooiing van 'n ondersoek van 'n klag kan die Owerheid –
- (a) 'n kennisgewing van geen verwysing op die voorgeskrewe vorm aan die klaer uitreik;
 - (b) die aangeleentheid na die Nasionale Vervolgingsowerheid verwys, indien die Owerheid beweer dat iemand kragtens hierdie Wet 'n misdryf gepleeg het; of
 - (c) indien die Owerheid glo dat iemand by 'n verbode handeling betrokke was –
 - (i) 'n konsept toestemmingsbevel kragtens artikel 10 voorstel; of
 - (ii) 'n nakomingskennisgewing kragtens artikel 100 van die Verbruikersbeskermingswet uitreik.

Toestemmingsbevele

10. (1) Indien 'n aangeleentheid deur die Owerheid ondersoek is en die Owerheid en die respondent oor die voorgestelde bepalinge van 'n gepaste bevel ooreenkom, kan die Verbruikershof of 'n hof daardie ooreenkoms sonder aanhoor van enige getuie as 'n toestemmingsbevel bevestig.
- (2) Ná die aanhoor van 'n mosie vir 'n toestemmingsbevel –
- (a) maak die Verbruikershof of 'n hof 'n bevel soos ooreengekom en voorgestel deur die Owerheid en die respondent;
 - (b) dui die Verbruikershof of 'n hof enige veranderings aan wat aan die konsepbevel gemaak moet word voordat die bevel gegee word; of
 - (c) weier die Verbruikershof of 'n hof om die bevel te maak.
- (3) Met die toestemming van 'n klaer kan 'n toestemmingsbevel wat kragtens subartikel (1) bevestig is, 'n toekenning van skadevergoeding aan die klaer insluit.

Verwysing na Verbruikershof deur klaer

11. (1) Indien 'n kennisgewing van geen verwysing ingevolge 'n klagte uitreik is, buiten op die gronde in artikel 116 van die Verbruikersbeskermingswet bedoel, kan die betrokke klaer, met toestemming van die Verbruikershof, kragtens artikel 75(1)(a) van die "Consumer Protection Act, 2008 (Wet No. 68/2008) die aangeleentheid regstreeks na die Verbruikershof verwys.
- (2) 'n Verwysing na die Verbruikershof, hetsy deur die Owerheid of deur 'n klaer kragtens subartikel (1), word op die voorgeskrewe vorm gedoen, behoudens die Provinsiale wetgewing wat die werking van daardie Verbruikershof beheer.

Verantwoordelike Lid kan beleid en ander aangeleenthede voorskryf en ondersoek eis

12. Die verantwoordelike Lid kan –
- (a) beleidsvoorskrifte met betrekking tot die toepassing, administrasie en afdwingbaarheid van hierdie Wet by kenniswing in die *Provinsiale Koerant* aan die Owerheid uitreik, maar enige sodanige voorskrif moet met hierdie Wet en die Verbruikersbeskermingswet versoenbaar wees; en
- (b) te eniger tyd die Owerheid opdrag gee om –
- (i) 'n beweerde oortreding van hierdie Wet of die Verbruikersbeskermingswet te ondersoek;
- (ii) enige aangeleentheid of omstandighede met betrekking tot die doelstellings van hierdie Wet of die Verbruikersbeskermingswet te ondersoek, hetsy daardie omstandighede ten tyde van die opdrag op 'n moontlike oortreding van hierdie Wet of die Verbruikersbeskermingswet neerkom, al dan nie; of
- (iii) uitvoering te gee aan enige reëling bedoel in artikel 83(1) van die Verbruikersbeskermingswet.

Deel C***BEVOEGDHEDE TER ONDERSTEUNING VAN ONDERSOEK*****Dagvaarding**

13. (1) Die Verbruikersbeskermer kan te eniger tyd gedurende 'n ondersoek wat kragtens artikel 8(1)(b) ingestel word, 'n dagvaarding uitvaardig aan enigiemand wat vermoedelik enige inligting oor die aangeleentheid van die ondersoek kan verskaf of in besit of beheer is van enige boek, dokument of enige ander voorwerp wat op daardie aangeleentheid betrekking het –
- (a) om voor die Owerheid, of voor 'n inspekteur of onafhanklike ondersoeker, te verskyn vir ondervraging op 'n tyd en plek wat in

die dagvaarding aangedui word; of

- (b) om enige boek, dokument of ander voorwerp in paragraaf (a) vermeld aan die Owerheid of 'n inspekteur of onafhanklike ondersoeker te oorhandig of te toon op 'n tyd en plek wat in die dagvaarding aangedui word.
- (2) 'n Dagvaarding in subartikel (1) bedoel –
- (a) word onderteken deur die Verbruikersbeskermer of deur 'n werknemer van die Owerheid deur die Verbruikersbeskermer aangewys; en
 - (b) kan beteken word op dieselfde wyse as 'n getuiedagvaarding wat in 'n strafsak deur 'n landroshof uitgevaardig word.
- (3) 'n Inspekteur of ondersoeker voor wie iemand gedagvaar is om te verskyn, of aan wie iemand enige boek, dokument of ander voorwerp moet oorhandig, kan –
- (a) die persoon in die dagvaarding vermeld, ondervra en 'n eed afneem, of 'n plegtige verklaring afneem; en
 - (b) behou enige sodanige boek, dokument of ander voorwerp vir ondersoek vir 'n tydperk van hoogstens twee maande of sodanige langer tydperk as wat die Verbruikershof by aansoek en op voldoende gronde mag toelaat.
- (4) Iemand wat ondervra word deur die Owerheid of 'n inspekteur of ondersoeker wat 'n ondersoek doen, moet elke vraag na waarheid en na die beste van sy of haar vermoë antwoord, maar –
- (a) is nie verplig om enige vraag te antwoord as die antwoord self-inkriminerend is nie; en
 - (b) die persoon wat die vrae vra, moet daardie persoon meedeel van die reg in paragraaf (a) uiteengesit.
- (5) Geen self-inkriminerende antwoord verskaf of verklaring gemaak deur enigiemand aan die Owerheid of 'n inspekteur of ondersoeker wat bevoegdhede kragtens hierdie Wet uitoefen, is toelaatbaar as getuienis teen daardie persoon in strafregtelike verrigtinge wat in enige hof teen daardie persoon ingestel word nie, behalwe in strafregtelike verrigtinge ten opsigte van meened of waar daardie persoon teregstaan op 'n misdryf in artikel 37(3) of 38(2)(d) bedoel, en dan slegs insoverre die antwoord of verklaring ter sake is om die betrokke misdryf te bewys.

Magtiging om op gesag van lasbrief te betree en te deursoek

14. (1) 'n Regter van die Hoë Hof of 'n landdros kan 'n lasbrief uitvaardig vir betreding en deursoeking van enige perseel wat binne die regsbevoegdheid van daardie regter of landdros val, indien daar uit inligting onder eed of plegtige verklaring redelike gronde bestaan om te glo dat –
- (a) 'n oortreding van hierdie Wet in of op daardie perseel plaasgevind het, plaasvind, of waarskynlik sal plaasvind; of
 - (b) enigiets wat verband hou met 'n ondersoek kragtens hierdie Wet in die besit of onder beheer van iemand in of op daardie perseel is.
- (2) 'n Lasbrief vir betreding en deursoeking kan te eniger tyd uitgevaardig word en –
- (a) identifiseer spesifiek die perseel wat betree en deursoek mag word; en
 - (b) magtig spesifiek die inspekteur, ondersoeker of 'n polisiebeampte om die perseel te betree en te deursoek en enigiets te doen wat in artikel 15 aangedui word.
- (3) 'n Lasbrief vir betreding en deursoeking is geldig totdat –
- (a) die lasbrief uitgevoer is;
 - (b) die lasbrief gekanselleer word deur die persoon wat dit uitgereik het of, in die afwesigheid van daardie persoon, deur iemand met soortgelyke gesag;
 - (c) die doel vir die uitreiking daarvan weggeval het; of
 - (d) een maand ná die datum van uitreiking verstryk het.
- (4) 'n Lasbrief vir betreding en deursoeking kan slegs gedurende die dag uitgevoer word, tensy die regter, streekslanddros of landdros wat dit uitgereik het, magtiging gee dat dit in die nag uitgevoer kan word op 'n tyd wat redelik is in die omstandighede.
- (5) Iemand wat op gesag van 'n lasbrief uitgereik kragtens subartikel (2) gemagtig is, kan persele wat in daardie lasbrief genoem word, betree en deursoek.
- (6) Net voordat iemand wat 'n lasbrief uitvoer met die uitvoering daarvan begin, moet hy of sy –
- (a) indien die eienaar of persoon in beheer van die perseel wat ondersoek gaan word, teenwoordig is –

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- (i) identifikasie aan daardie persoon toon en aan daardie persoon verduidelik op welke gesag die lasbrief uitgevoer word; en
 - (ii) 'n afskrif van die lasbrief oorhandig aan daardie persoon of die persoon daarin vermeld; of
- (b) indien geen van hierdie persone teenwoordig is nie, 'n afskrif van die lasbrief op 'n opvallende en sigbare plek op die perseel aanbring.

Bevoegdhede om te betree en te deursoek

15. (1) Iemand wat ingevolge artikel 14 gemagtig is om 'n perseel te betree en te deursoek, kan –
- (a) daardie perseel betree of binnegaan;
 - (b) daardie perseel deursoek;
 - (c) enigiemand op daardie perseel deursoek indien redelike gronde bestaan om te glo dat die persoon 'n voorwerp of dokument wat op die ondersoek betrekking het, op sy persoon het;
 - (d) enige voorwerp of dokument wat op of in daardie perseel is of wat op die ondersoek betrekking het, ondersoek;
 - (e) inligting oor enige voorwerp of dokument vra by die eienaar of die persoon in beheer van die perseel, of by enigiemand wat beheer oor die voorwerp of die dokument het, of by enigiemand wat oor die inligting mag beskik;
 - (f) uittreksels neem of afskrifte maak van enige boek of dokument op of in die perseel wat op die ondersoek betrekking het;
 - (g) enige rekenaarstelsel op die perseel gebruik of hulp verkry by enigiemand op die perseel om daardie rekenaarstelsel te gebruik om –
 - (i) enige data op daardie rekenaar, of wat deur daardie rekenaarstelsel toeganklik is, te deursoek;
 - (ii) enige rekord van daardie data te reproduseer;
 - (h) op enige drukstukke van daardie rekenaar beslag lê vir ondersoek en kopiëring; en
 - (i) beslag lê op enigiets wat op die ondersoek betrekking het en, indien nodig, van die perseel verwyder vir ondersoek en veilige bewaring.
- (2) Artikel 13(5) geld dienooreenkomstig vir 'n antwoord of verklaring wat kragtens hierdie artikel aan 'n inspekteur, ondersoeker of polisiebeampte gemaak word.

- (3) 'n Inspekteur of ondersoeker wat gemagtig is om 'n betreding en deursoeking kragtens artikel 14 te uit te voer, kan deur 'n polisiebeampte vergesel en bygestaan word.

Uitvoer van betreding en deursoeking

16. (1) Iemand wat enige perseel ingevolge artikel 15 betree en deursoek, voer die betreding en ondersoek uit met nougesette aandag aan ordentlikheid en orde, en met respek vir elke persoon se reg op waardigheid, vryheid, veiligheid en privaatheid.
- (2) Tydens enige ondersoek ingevolge artikel 15(1)(c) mag alleenlik 'n vroulike inspekteur, ondersoeker of polisiebeampte 'n vroulike persoon deursoek, en alleenlik 'n manlike inspekteur, ondersoeker of polisiebeampte 'n manlike persoon ondersoek.
- (3) Voordat 'n persoon ondervra word, moet iemand wat 'n perseel kragtens artikel 15 betree en ondersoek –
- (a) daardie persoon inlig oor die reg om op daardie tydstip deur 'n advokaat of prokureur bygestaan te word; en
- (b) daardie persoon toelaat om daardie reg uit te oefen.
- (4) Iemand wat enigiets verwyder vanaf 'n perseel wat deursoek word –
- (a) reik 'n kwitansie daarvoor uit aan die eienaar of die persoon in beheer van die perseel;
- (b) besorg dit sou gou doenlik terug nadat die doel waarvoor dit verwyder is, bereik is.
- (5) Tydens 'n deursoeking kan 'n persoon weier om die ondersoek of verwydering van 'n artikel of dokument toe te laat, op grond daarvan dat dit bevoorregte inligting bevat.
- (6) Indien die eienaar of persoon in beheer van 'n artikel of dokument kragtens subartikel (5) weier om daardie artikel of dokument te gee aan die persoon wat die ondersoek uitvoer, kan die persoon wat die ondersoek uitvoer die Griffier of die balju van die Hoë Hof wat regsbevoegdheid het, versoek om op die artikel of dokument beslag te lê en dit te verwyder vir veilige bewaring totdat die hof bepaal of die inligting bevoorreg is, al dan nie.
- (7) 'n Polisiebeampte wat ingevolge artikel 13 gemagtig is om 'n perseel te betree en te ondersoek of wat 'n inspekteur of 'n ondersoeker bystaan wat ingevolge artikel 14 gemagtig is om 'n perseel te betree en te ondersoek, kan weerstand teen die betreding en ondersoek oorkom deur soveel dwang te gebruik as wat redelikerwys nodig is, met inbegrip van die breek van 'n deur of venster van die perseel.

- (8) Voordat 'n polisiebeampte kragtens subartikel (6) dwang uitoefen, eis hy of sy hoorbaar toegang en kondig die doel van die toegang aan, tensy dit redelikerwys geglo kan word dat dit iemand aanleiding sal gee om 'n voorwerp of dokument wat die oogmerk van die deursoeking is, te vernietig of daarvan ontslae te raak.
- (9) Die Owerheid kan enigiemand vergoed wat skade ly vanweë 'n geforseerde toegang tydens 'n ondersoek waar niemand wat vir die perseel verantwoordelik is, teenwoordig was nie.

Aansprake dat inligting vertroulik is

- 17. (1) Wanneer iemand inligting aan die Owerheid, die Verbruikershof of 'n inspekteur of ondersoeker wat kragtens hierdie Wet aangestel is, voorlê, kan daardie persoon daarop aanspraak maak dat al die inligting of 'n gedeelte daarvan vertroulik is.
- (2) Enige aanspraak in subartikel (1) bedoel, word gesteun deur 'n skriftelike verklaring wat verduidelik hoekom die inligting vertroulik is.
- (3) Die Owerheid, Verbruikershof, inspekteur of ondersoeker, na gelang van die geval –
 - (a) oorweeg enige aanspraak kragtens subartikel (1) gemaak; en
 - (b) stel die aanspraakmaker in kennis of die inligting in subartikel (1) bedoel, hanteer sal word asof dit as vertroulik bevind is, al dan nie.
- (4) By enige bevinding, besluit of bevel kragtens hierdie Wet of die Verbruikersbeskermingswet, kan die Owerheid of die Verbruikershof enige inligting ten opsigte waarvan 'n aanspraak kragtens subartikel (1) gemaak is, in aanmerking neem.
- (5) Indien enige redes vir 'n besluit kragtens hierdie Wet of die Verbruikersbeskermingswet enige inligting ten opsigte waarvan 'n aanspraak kragtens subartikel (1) gemaak is, sou bekend maak, stel die Owerheid of Verbruikershof, na gelang van die geval, 'n afskrif van die voorgestelde redes minstens vyf besigheidsdae voor die publikasie van daardie redes beskikbaar aan die party wat op vertroulikheid aanspraak maak.
- (6) 'n Party kan binne vyf besigheidsdae ná ontvangs van 'n kennisgewing kragtens subartikel (3)(b) of van 'n afskrif van die voorgestelde redes kragtens subartikel (5) by 'n hof aansoek doen om 'n toepaslike bevel om die vertroulikheid van die betrokke inligting te beskerm.

HOOFSTUK 3**NOORD-KAAPSE VERBRUIKERSHOF***Deel A****INSTELLING EN WERKING VAN VERBRUIKERSHOF*****Instelling en samestelling van Verbruikershof**

18. (1) Daar word hierby 'n liggaam ingestel wat bekend sal staan as die Noord-Kaapse Verbruikershof, wat –
- (a) 'n regspersoon is;
 - (b) regsbevoegdheid in die hele Provinsie het;
 - (c) 'n hof van rekord is; en
 - (d) sy werksaamhede ooreenkomstig hierdie Wet of enige ander toepaslike wetgewing verrig.
- (2) Die Verbruikershof bestaan uit 'n Voorsitter en hoogstens 6 ander lede wat deur die verantwoordelike Lid op 'n voltydse of deeltydse basis aangestel word.
- (3) Die verantwoordelike Lid stel, behoudens artikel 20 –
- (a) die Voorsitter en ander lede van die Verbruikershof van tyd tot tyd aan;
 - (b) iemand aan om enige vakature in die Verbruikershof te vul.

Werksaamhede van Verbruikershof

19. Die Verbruikershof of 'n lid van die Verbruikershof wat alleen handel, kan in ooreenstemming met hierdie Wet –
- (a) beregting doen met betrekking tot enige –
 - (i) aansoek wat kragtens hierdie Wet, die Kredietwet of die Verbruikersbeskermingswet by hom gemaak kan word en kan enige bevel maak waarvoor in hierdie Wet met betrekking tot so 'n aansoek voorsiening gemaak word; of

- (ii) bewerings van verbode handeling deur te bepaal of verbode handeling plaasgevind het en, indien wel, deur 'n remedie te voorsien waarvoor in hierdie Wet, die Kredietwet of die Verbruikersbeskermingswet voorsiening gemaak word;
- (b) 'n bevel vir kostes toestaan onderworpe aan die bepalings van die Nasionale Kredietwet; en
- (c) enige ander bevoegdheid wat wetlik aan hom opgedra is, uitoefen.

Geskiktheid van lede van Verbruikershof

20. (1) Die lede van die Verbruikershof, gesamentlik gesien, moet –
- (a) 'n breë dwarsprofiel van die bevolking van die Provinsie verteenwoordig;
 - (b) uit genoeg mense met regsopleiding en -ervaring om aan die vereistes van artikel 23(2) te voldoen, bestaan.
- (2) Elke lid van die Verbruikershof moet –
- (a) 'n burger van Suid-Afrika wees;
 - (b) gepaste ondervinding hê en minstens oor 'n universiteitsgraad in ekonomie, regte, handel, nywerheid of verbruikersake beskik; en
 - (c) verbind wees tot die doelstellings van hierdie Wet, die Kredietwet en die Verbruikersbeskermingswet.

Ampstermyn van lede van Verbruikershof

21. (1) Elke lid van die Verbruikershof dien vir 'n termyn van vyf jaar.
- (2) Die verantwoordelike Lid kan 'n lid van die Verbruikershof by die verstryking van daardie lid se ampstermyn heraanstel, maar niemand kan vir meer as twee opeenvolgende termyne in die amp van die Voorsitter van die Verbruikershof aangestel word nie.
- (3) Die Voorsitter kan per skriftelike kennisgewing van een maand, geadresseer aan die verantwoordelike Lid –
- (a) uit die Verbruikershof bedank; of
 - (b) as Voorsitter bedank, maar as 'n lid van die Verbruikershof aanbly.
- (4) 'n Lid van die Verbruikershof, uitgesonder die Voorsitter, kan bedank deur minstens een maand skriftelik kennis te gee aan die verantwoordelike Lid.

Adjunk-voorsitter van Verbruikershof

22. (1) Die verantwoordelike Lid wys 'n lid van die Verbruikershof as Adjunk-voorsitter van die Verbruikershof aan.
- (2) Die Adjunk-voorsitter verrig die werksaamhede van die Voorsitter wanneer –
- (a) die amp van Voorsitter vakant is; of
 - (b) die Voorsitter om enige ander rede tydelik nie in staat is om daardie werksaamhede te verrig nie.

Verbruikershofverrigtinge

23. (1) Die Voorsitter is verantwoordelik vir die bestuur van die sake-lading van die Verbruikershof en dra elke aangeleentheid wat na die Verbruikershof verwys word op aan –
- (a) 'n lid van die Verbruikershof; of
 - (b) in enige ander geval, 'n paneel bestaande uit drie lede van die Verbruikershof.
- (2) By die opdra van 'n aangeleentheid aan 'n lid of 'n paneel kragtens subartikel (1), maak die Voorsitter seker –
- (a) in die geval van 'n enkele lid, dat die lid iemand is wat geskikte regskwalifikasies en ondervinding het; en
 - (b) in die geval van 'n paneel –
 - (i) dat minstens een lid van die paneel iemand is wat geskikte regskwalifikasies en ondervinding het; en
 - (ii) wys 'n lid van die paneel aan om die paneel se verrigtinge te lei.
- (3) Indien 'n lid van die paneel vanweë bedanking, siekte, dood, onwilligheid, of onttrekking van 'n verhoor kragtens artikel 21 nie die verrigtinge rakende 'n aangeleentheid wat aan daardie paneel opgedra is, kan voltooi nie, moet die Voorsitter –
- (a) gelas dat die verhoor van daardie saak voor die oorblywende lede van die paneel voortgaan, behoudens die vereistes van subartikel (2)(b); of

- (b) die verrigtinge voor daardie paneel beëindig en 'n ander paneel saamstel, wat enige lid of lede van die oorspronklike paneel kan insluit, en gee aan daardie paneel opdrag om 'n nuwe verhoor te hou.
- (4) Die besluit van 'n paneel oor 'n saak wat na hom verwys is, word op skrif gestel en sluit die redes vir daardie besluit in.
- (5) 'n Besluit van 'n enkele lid van die Verbruikershof wat 'n saak in subartikel (1)(a) bedoel, aanhoor, of van 'n meerderheid van die lede van 'n paneel in enige ander geval, is die besluit van die Verbruikershof.

Verhore deur Verbruikershof

- 24. (1) Wanneer die Verbruikershof 'n saak verhoor wat kragtens hierdie Wet, die Verbruikersbeskermingswet of die Kredietwet na hom verwys is, is die bepalings van Dele D en E van Hoofstuk 7 van die Kredietwet, elk gelees in samehang met die veranderings vereis deur die konteks, op die verhoor van toepassing.
- (2) 'n Bevel wat die Verbruikershof uitreik ná die verhoor van 'n saak in subartikel (1) bedoel, het regsgeldigheid soortgelyk aan 'n bevel gemaak deur onderskeidelik 'n verbruikershof kragtens artikel 140 van die Kredietwet of artikel 73 van die Verbruikerswet.
- (3) In 'n aangeleentheid wat ingevolge hierdie Wet voor die Verbruikershof gebring word moet die Verbruikershof-
 - (a) die gees en oogmerke van hierdie Wet bevorder; en
 - (b) gepaste bevels maak om praktiese uitvoering aan die verbruikers se reg op toegang tot herstel, met inbegrip van, maar nie beperk nie tot-
 - (i) 'n bevel in hierdie wet bepaal; en
 - (ii) 'n innoverende bevel wat die verwesenliking van verbruikers se regte ingevolge hierdie Wet beter verhoog, beskerm, bevorder en verseker, insluitende publikasie van die hofbevel.

Botsings en openbaarmaking van belange

- 25. (1) 'n Lid van die Verbruikershof verteenwoordig nie iemand voor die Verbruikershof nie.
- (2) Indien dit tydens 'n verhoor waaraan 'n lid van die Verbruikershof deelneem vir daardie lid lyk asof die saak 'n finansiële of ander belang in artikel 29 bedoel, van daardie lid raak, moet –
 - (a) daardie lid die feite en aard van daardie belang onmiddellik en volledig aan die Voorsitter en die voorsittende lid by daardie verhoor bekend maak; en
 - (b) daardie lid onttrek van enige verdere betrokkenheid by daardie verhoor.

Optrede van lid van Verbruikershof ná verstryking van ampstermyn

26. Indien 'n lid van die Verbruikershof steeds besig is om 'n saak voor die Verbruikershof te oorweeg wanneer daardie lid se ampstermyn verstryk, kan daardie lid voortgaan om as 'n lid op te tree ten opsigte van daardie aangeleentheid alleenlik.

Deel B***ADMINISTRASIE VAN VERBRUIKERSHOF*****Griffier van Verbruikershof**

27. (1) Die verantwoordelike Lid stel, in konsultasie met die Verbruikersbeskermer, iemand met geskikte ondervinding en minstens 'n universiteitsgraad in ekonomie, regte, handel, nywerheid of openbare sake aan as Griffier van die Verbruikershof, wat vir alle sake wat betrekking het op die administratiewe werksaamhede van die Verbruikershof verantwoordelik is.

HOOFSTUK 4**ALGEMENE BEPALINGS*****Deel A******AANGELEENTHEDE RAKENDE LEDE VAN VERBRUIKERSHOF*****Geskiktheid om as ampsbekleër van 'n Verbruikershof te dien**

28. (1) Om geskik te wees om te dien as 'n ampsbekleër van 'n Verbruikershof, en om in daardie amp voort te gaan, word vereis dat iemand –
- (a) 'n geskikte en gepaste persoon is;
 - (b) nie onderworpe is aan enige diskwalifisering in subartikel (2) omskryf nie;
 - (c) die beëdigde verklaring in subartikel (3) vermeld aan die verantwoordelike Lid voorgelê het; en
 - (d) 'n burger van die Republiek is en normaalweg in die Provinsie woonagtig is.
- (2) Iemand kan nie 'n ampsbekleër van 'n Verbruikershof wees nie indien daardie persoon –

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- (a) 'n politieke ampsdraer is;
 - (b) 'n ongerehabiliteerde insolvente persoon is, of insolvent word en die insolvensie tot die sekwestrasie van sy of haar boedel lei;
 - (c) vanweë wangedrag uit 'n vertrouenspos ontslaan word, of vantevore ontslaan is;
 - (d) behoudens 'n bevel van 'n hof met regsbevoegdheid as geestelik versteurd verklaar is;
 - (e) gedurende die voorafgaande tien jaar in die Republiek of elders skuldig bevind is aan diefstal, bedrog, vervalsing of die uitgee van 'n vervalsde dokument, meened, 'n misdryf ingevolge die Wet op die Voorkoming en Bestryding van Korrupte Bedrywighede, 2004 (Wet No. 12 van 2004), 'n misdryf ingevolge Hoofstuk 2 of 3 van die Voorkoming van Georganiseerde Misdaadwet, 1998 (Wet No. 121 van 1998), 'n misdryf ingevolge die Finansiële Inligtingsentrumwet, 2001 (Wet No. 38 van 2001) of 'n misdryf wat oneerlikheid behels; of
 - (f) skuldig bevind is aan enige ander misdryf gepleeg ná die inwerkingtreding van die Grondwet van die Republiek van Suid-Afrika, 1993, (Wet No. 200 van 1993), en tot tronkstraf sonder die keuse van 'n boete gevonnissen is.
- (3) Vóór aanstelling as 'n ampsbekleër van 'n Verbruikershof lê die kandidaat aan die verantwoordelike Lid 'n beëdigde verklaring voor, waarin sodanige kandidaat verklaar dat hy of sy –
- (a) geskik is vir sodanige aanstelling; en
 - (b) nie kragtens hierdie Wet vir sodanige aanstelling gediskwalifiseer word nie.
- (4) Die verantwoordelike Lid het deurentyd die reg om aan te dring op voldoende bewys van die volgehoue geskiktheid van enige ampsbekleër van 'n Verbruikershof of om 'n ondersoek of navraag in daardie verband te doen of te laat doen.

Botsende belange

29. (1) 'n Ampsbekleër van 'n Verbruikershof –
- (a) doen nie mee aan enige aktiwiteit wat die integriteit van die Verbruikershof kan ondermyn nie;

- (b) woon nie die verrigtinge van die Verbruikershof by, neem nie daaraan deel of oefen nie 'n invloed daarop uit indien daardie ampsbeker met betrekking tot die aangeleentheid wat voor die Verbruikershof dien enige finansiële of ander belang het wat die ampsbeker verhinder om die pligte van 'n ampsbeker van die Verbruikershof op 'n regverdige, onbevooroordeelde en behoorlike wyse na te kom nie;
 - (c) stem nie by enige verrigtinge van die Verbruikershof aangaande 'n aangeleentheid in paragraaf (b) bedoel nie;
 - (d) maak nie privaat gebruik van of trek nie voordeel uit enige vertroulike inligting verkry in die nakoming van pligte as 'n ampsbeker van die Verbruikershof nie; of
 - (e) maak nie enige inligting in paragraaf (d) vermeld aan enige derde party bekend, tensy dit as deel van daardie persoon se amptelike werksaamhede as 'n lid van die Verbruikershof vereis word nie.
- (2) Vir die doel van subartikel (1)(b) sluit 'n finansiële belang nie 'n onregstreekse belang by enige fonds of belegging in indien die persoon in daardie subartikel bedoel geen beheer oor die beleggingsbesluite van daardie fonds of belegging het nie.
- (3) Indien dit te eniger tyd vir 'n ampsbeker van 'n Verbruikershof lyk of 'n aangeleentheid wat voor die Verbruikershof dien op 'n belang van daardie ampsbeker in subartikel (1)(b) vermeld, betrekking het –
- (a) onthul die ampsbeker die aard van daardie belang onmiddellik en volledig aan die Verbruikershof; en
 - (b) onttrek die ampsbeker van die verrigtinge, sodat die oorblywende ampsbekers die aangeleentheid kan bespreek en bepaal of die ampsbeker verbied behoort te word om aan enige verdere verrigtinge aangaande daardie aangeleentheid deel te neem.

Verwydering uit die amp

30. (1) Die verantwoordelike Lid kan, by skriftelike kennisgewing, enige ampsbeker van 'n verbruikersbeskermingsentiteit uit die amp verwyder, indien die ampsbeker onderworpe raak aan 'n diskwalifisering in artikel 28(2) bedoel.
- (2) Die verantwoordelike Lid kan, ná oorweging van die bevindinge van 'n ondersoektribunaal deur hom of haar aangestel, enige ampsbeker van 'n Verbruikershof uit die amp verwyder, indien die ampsbeker –
- (a) versuim of weier om die bepalings van hierdie Wet rakende die nakoming van sy of haar pligte na te kom;

- (b) sonder geldige rede uit sy of haar werkplek of in een jaar van meer as twee geskeduleerde werksaamhede van die betrokke Verbruikershof afwesig is of, in die geval van afwesigheid om mediese redes, versuim om 'n geldige mediese sertifikaat te toon;
 - (c) skuldig bevind word aan onbehoorlike gedrag of onbekwaam bevind word om sy of haar pligte kragtens hierdie Wet behoorlik na te kom.
- (3) 'n Tribunaal wat bewerings teen 'n ampsbeker van 'n Verbruikershof subartikel (2) ondersoek, kan slegs 'n bevinding maak ná oorweging van verhoë deur die ampsbeker oor die bewerings wat teen hom of haar gemaak is.
- (4) 'n Kennisgewing in subartikel (1) of (2) bedoel, meld die redes vir die verwydering van die ampsbeker.

Vergoeding en voordele van ampsbekers van verbruikersbeskermingsentiteite

31. 'n Ampsbeker van 'n Verbruikershof word sodanige redelike vergoeding en toelaes uit die fondse van die Verbruikershof betaal as wat die verantwoordelike Lid, in oorleg met die Lid van die Uitvoerende Raad verantwoordelik vir Finansies in die Provinsie, van tyd tot tyd by kennisgewing in die *Provinsiale Koerant* mag bepaal.

Deel B

ADMINISTRATIEWE BEPALINGS

Personeel van owerheid

32. (1) Die verantwoordelike Lid –
- (a) bepaal 'n diensstaat vir die owerheid; en
 - (b) stel sodanige personeel aan, onderworpe aan die Staatsdienswet 1994, soos gewysig, as wat nodig is op die diensstaat van die owerheid aan om hom in staat te stel om sy werksaamhede te verrig.
- (2) Die verantwoordelike Lid, in oorleg met die Lid van die Uitvoerende Raad verantwoordelik vir finansiële aangeleenthede in die Provinsie, bepaal vooraf die salaris en ander bedinge en voorwaardes van diens van iemand wat kragtens subartikel (1)(b) aangestel word.
- (3) Die verantwoordelike Lid kan skriftelik die bevoegdheid om iemand kragtens subartikel (1)(b) aan te stel, deleger aan die Verbruikersbeskermer of 'n ampsbeker by die owerheid.
- (4) Al die werknemers van die bestaande Verbruikersbeskermingsowerheid word met die inwerkingtreding van hierdie Wet, met behoud van bestaande bepalings en diensvoorwaardes, insluitende vergoeding en ander voordele, ooreenkomstig die bepalings van die Staatsdiens Wet, 1994 soos gewysig, na

die permanente diensstaat van die owerheid binne die Departement oorgeplaas.

Deel C

MISDRYWE EN STRAWWE

Vertrouensbreuk

33. (1) Dit is 'n misdryf om enige persoonlike of vertroulike inligting rakende enigiemand se sake bekend te maak, wat verkry is –
- (a) in die verrigting van enige werksaamheid kragtens hierdie Wet; of
 - (b) as gevolg van die indiening van 'n klag of deelname aan enige verrigtinge kragtens hierdie Wet.
- (2) Subartikel (1) geld nie vir inligting wat bekend gemaak is –
- (a) vir die doel van behoorlike administrasie of toepassing van hierdie Wet nie;
 - (b) vir die doel van regspleging nie; of
 - (c) op die versoek van 'n inspekteur, ondersoeker, owerheidsliggaam of Verbruikershoflid wat gemagtig is om die inligting te ontvang nie.

Belemmering van administrasie van Wet

34. (1) Dit is 'n misdryf om enigiemand wat 'n bevoegdheid uitoefen of 'n werksaamheid verrig wat deur hierdie Wet aan daardie persoon gedelegeer, toegeken of opgelê is, te belemmer, teë te staan, te dwarsboom of onredelik te beïnvloed.
- (2) Dit is 'n misdryf as iemand wat gedagvaar is –
- (a) sonder voldoende rede versuim om op die gespesifiseerde tyd en plek te verskyn, of om aanwesig te bly tot hy of sy verskoon word; of
 - (b) opdaag soos vereis, maar –
 - (i) weier om ingesweer te word of 'n plegtige verklaring af te lê; of
 - (ii) versuim om 'n boek, dokument of ander voorwerp soos gelas voor te lê as dit in besit of onder beheer van daardie persoon is.

- (3) Dit is 'n misdryf as iemand wat ingesweer is of 'n plegtige verklaring afgelê het –
- (a) versuim om enige vraag volledig en na die beste van sy of haar vermoë te antwoord, behoudens artikel 13(5); of
- (b) valse getuienis gee met die wete of in die geloof dat dit vals is.

Misdrywe met betrekking tot Verbruikersbeskermer en Verbruikershof

35. (1) Dit is 'n misdryf as iemand 'n bevel van die Verbruikershof oortree of versuim om dit na te kom.
- (2) Dit is 'n misdryf as iemand –
- (a) enigiets doen wat bedoel is om die Verbruikershof of 'n beheerinstansie onbehoorlik te beïnvloed rakende 'n aangeleentheid wat met 'n ondersoek verband hou;
- (a) enige bevindinge van die Verbruikershof of 'n beheerinstansie rakende 'n ondersoek vooruitloop op 'n wyse wat bedoel is om die verrigtinge of bevindinge te beïnvloed;
- (b) enigiets rakende 'n ondersoek doen wat minagting van die hof sou wees indien die verrigtinge in 'n geregshof plaasgevind het;
- (d) met opset vals inligting aan 'n beheerinstansie verskaf;
- (e) die Verbruikershof, of 'n lid van die Verbruikershof, in hul onderskeie amptelike hoedanighede in diskrediet bring;
- (f) moedswilliglik die verrigtinge van 'n verhoor onderbreek of hom of haar wangedra in die plek waar 'n verhoor gehou word;
- (g) strydig met 'n lasbrief vir betreding en ondersoek optree; of
- (h) sonder magtiging, maar onder voorwendsel van magtiging kragtens artikel 14 –
- (i) 'n perseel betree en deursoek; of
- (ii) op 'n voorwerp of dokument beslag lê of dit verwyder.

- (3) Geen self-inkriminerende antwoord verskaf of verklaring gemaak deur enigiemand aan die Owerheid of 'n inspekteur of ondersoeker wat bevoegdhede kragtens hierdie Wet uitoefen, is toelaatbaar as getuienis teen daardie persoon in strafregtelike verrigtinge in enige hof teen daardie persoon nie, behalwe in strafregtelike verrigtinge ten opsigte van meened of waar daardie persoon teregstaan op 'n misdryf in subartikel(2)(d) of artikel 37(3) bedoel, en dan slegs insoverre die antwoord of verklaring ter sake is om die betrokke misdryf te bewys.

Misdrywe met betrekking tot verbode handeling

36. (1) Dit is 'n misdryf as enigiemand sonder magtiging 'n tentoongestelde prys, etikettering of handelsbenaming verander, verberg, vervals, verwyder of uitlaat.
- (2) Dit is 'n misdryf om te versuim om ooreenkomstig 'n nakomingskennisgewing op te tree, maar niemand kan vir sodanige misdryf ten opsigte van 'n nakomingskennisgewing vervolg word indien die Verbruikersbeskermer na aanleiding van die versuim van daardie persoon om daardie kennisgewing na te kom by die Verbruikershof aansoek gedoen het vir die oplegging van 'n administratiewe boete nie.

Strawwe

37. (1) Enigiemand wat aan 'n misdryf kragtens hierdie Wet skuldig bevind word, kan –
- (a) in die geval van oortreding van artikel 36(1), 'n boete of tronkstraf vir 'n tydperk van hoogstens 10 jaar, of beide 'n boete en tronkstraf opgelê word; of
- (b) in enige ander geval, 'n boete of tronkstraf vir 'n tydperk van hoogstens 12 maande, of beide 'n boete en tronkstraf opgelê word.

(2) Ondanks enige andersluidende wetsbeplaging, het 'n landdroshof regsbevoegdheid om 'n straf in subartikel (1) bepaal, op te lê

Administratiewe boetes

38. (1) Die Verbruikershof kan 'n administratiewe boete ten opsigte van 'n verbode of verpligte handeling oplê.
- (2) 'n Administratiewe boete kragtens hierdie Wet opgelê, oorskry nie –
- (a) 10 persent van die respondent se jaarlikse omset gedurende die voorafgaande boekjaar; of
- (b) R1 000 000,

of sodanige hoër persentasie of groter som geld as wat die verantwoordelike Lid van tyd tot tyd by kennisgewing in die *Provinsiale Koerant* mag bepaal nie.

- (3) By die bepaling van 'n gepaste administratiewe boete, oorweeg die Verbruikershof –
- (a) die aard, duur, erns en omvang van die oortreding;
 - (b) enige verlies of skade gelyk as gevolg van die oortreding;
 - (c) die gedrag van die respondent;
 - (d) die markomstandighede waarin die oortreding plaasgevind het;
 - (e) die vlak van wins gemaak uit die oortreding;
 - (f) die mate waarin die respondent met die Verbruikersbeskermer en die Verbruikershof saamgewerk het; en
 - (g) of die respondent vantevore hierdie Wet oortree het.
- (4) Vir die doel van hierdie artikel is die jaarlikse omset van 'n verskaffer ten tyde van die beraming van 'n administratiewe boete die totale inkomste van daardie verskaffer in die onmiddellik-voorafgaande jaar, soos op die voorgeskrewe wyse bepaal.
- (5) 'n Boete betaalbaar kragtens hierdie Wet word inbetaal by die Provinsiale Inkomstefonds vermeld in artikel 226 van die Grondwet.

Middellike aanspreeklikheid

39. (1) Indien 'n werknemer of agent of iemand kragtens hierdie Wet aanspreeklik is vir enigiets wat in die loop van daardie persoon se diens of aktiwiteite namens hul hoof gedoen of nagelaat is, is die werkgewer of hoof gesamentlik en afsonderlik saam met daardie persoon aanspreeklik.
- (2) Hierdie artikel is nie van toepassing met betrekking tot strafregtelike aanspreeklikheid nie.

Deel D

ALLERLEI AANGELEENTHEDE

Regulasies

40. (1) Die verantwoordelike Lid kan regulasies maak met betrekking tot –
- (a) enige vorm wat vir die doel van hierdie Wet gebruik moet word;
 - (b) 'n aangeleentheid wat kragtens hierdie Wet vereis word of voorgeskryf mag word;
 - (c) 'n geld betaalbaar kragtens hierdie Wet; en

- (d) in die algemeen, enige aangeleentheid ten opsigte waarvan dit nodig of wenslik is om regulasies te maak om die doelstellings van hierdie Wet te verwesenlik.
- (2) Voordat enige regulasies kragtens subartikel (1) gemaak word, publiseer die verantwoordelike Lid die konsepregulasies in die *Provinsiale Koerant* vir openbare kommentaar.
- (3) 'n Regulasie kragtens subartikel (1)(c) of (d) gemaak, kan slegs met die instemming van die Lid van die Uitvoerende Raad verantwoordelik vir finansiële aangeleenthede in die Provinsie gemaak word.

Herroeping van wette

41. (1) Die Noord-Kaapse Verbruikersbeskermingswet, 2012 (Wet No. 1/2012) word hierby herroep.
- (2) Die verantwoordelike Lid mag, na konsultasie met die Verbruikersbeskermer en die Lede van die Verbruikershof, hierdie Wet deur proklamasie wysig.

Oorgangs- en oprigtingsmaatreëls

42. (1) Vir die doeleindes van hierdie artikel beteken “vorige Wet” die Noord-Kaapse Verbruikersbeskermingswet, 2012 (Wet No. 1/2012).
- (2) 'n Ondersoek gedoen of reëling gemaak ingevolge die vorige Wet, word geag gedoen of gemaak te gewees het ingevolge 'n vergelykbare bepaling van hierdie Wet.
- (3) Enigiets anders wat ingevolge 'n bepaling van die vorige Wet gedoen is en wat ingevolge 'n ooreenstemmende bepaling van hierdie Wet gedoen kan word, word geag gedoen te wees ingevolge die laasgenoemde bepaling.

Kort titel en inwerkingtreding

43. Hierdie Wet heet die Noord-Kaapse Verbruikersbeskermingswet, 2021, en tree in werking op 'n datum wat die Premier by proklamasie in die *Provinsiale Koerant* bepaal.

BOARD NOTICES • RAADSKENNISGEWINGS

BOARD NOTICE 292 OF 2022**FINANCIAL SECTOR CONDUCT AUTHORITY****FINANCIAL MARKETS ACT, 2012****APPROVED AMENDMENTS TO
THE JSE DEBT LISTING REQUIREMENTS – SOVEREIGN
ISSUERS**

The Financial Sector Conduct Authority ("FSCA") hereby gives notice under section 11(6)(d)(ii) of the Financial Markets Act, 2012 (Act No. 19 of 2012) that the amendments to the **JSE Debt Listing Requirements** have been approved. Please be advised that the Listing Requirements have been published on the official website of the FSCA (www.fsca.co.za) and the website of JSE (www.jse.co.za).

The amendments come into operation on 11 July 2022.



Ms. Astrid Ludin Deputy
Commissioner

Financial Sector Conduct Authority

BOARD NOTICE 293 OF 2022
FINANCIAL MARKETS ACT, 2012

**PROPOSED AMENDMENTS TO THE JSE LISTING REQUIREMENTS-
ACTIVELY MANAGED EXCHANGE TRADED FUNDS**

PUBLICATION FOR COMMENT

The Financial Sector Conduct Authority (FSCA) hereby gives notice under section 11(6)(c)(ii) of the Financial Markets Act, 2012 (Act No. 19 of 2012) that the proposed amendments to the JSE Listing Requirements have been published on the official website of the FSCA (www.fsc.co.za) for public comment. All interested persons who have any objections or comments to the proposed amendments are hereby called upon to lodge their comments or objections with the FSCA by email to: Queries.Marketinfrastructures@fsc.co.za within a period of fourteen (14) days from the date of publication of this notice.



Ms. Astrid Ludin

Deputy Commissioner

Financial Sector Conduct Authority

BOARD NOTICE 294 OF 2022

SOUTH AFRICAN PHARMACY COUNCIL

RULES RELATING TO THE SERVICES FOR WHICH A PHARMACIST MAY LEVY A FEE AND GUIDELINES FOR LEVYING SUCH A FEE OR FEES

The South African Pharmacy Council herewith publishes *Rules relating to the services for which a pharmacist may levy a fee and guidelines for levying such fee or fees*, in terms of sections 35A (b)(iii) and 49(4) of the Pharmacy Act, 53 of 1974, as amended, which rules shall replace the existing *Rules relating to the services for which a pharmacist may levy a fee and guidelines for levying such fee or fees*, as published under Board Notice 69 on 9 July 2021. These rules must be read in conjunction with the *Rules relating to Good Pharmacy Practice* (GPP) as published by the South African Pharmacy Council.

As amended by

BN 33, in GG 35095 of 2 March 2012
BN 432, in GG 40812 of 6 June 2017
BN 35, in GG 42337 of 29 March 2019
BN 27, in GG 43073 of 6 March 2020
BN 69, in GG 44822 of 9 July 2021

SCHEDULE

Services for which a pharmacist may levy a fee or fees

1. A pharmacist may levy a fee or fees for one or more of the services that may be provided in the various categories of pharmacies as prescribed in the *Regulations relating to the practice of pharmacy* (GNR.1158 of 20 November 2000), subject to the guidelines for levying such a fee as approved by Council from time to time.
2. A pharmacist who wishes to levy a fee or fees for the services referred to in **Annexure B** must comply with the provisions of these rules.
3. Services for which a pharmacist wishes to levy a fee or fees must be provided in accordance with Regulation 20 of the *Regulations relating to the practice of pharmacy* (GNR.1158 of 20 November 2000).
4. Council may add services for which a fee or fees may be levied as listed in **Annexure B** to the Schedule from time to time. The fee that may be charged for such a service may be based on a fee for a comparable service or procedure appearing in Annexure B.
5. A pharmacist must ensure, when a service for which he or she wishes to levy a fee or fees involves the supply of medicine, whether supplied on a prescription or not, that the patient for whom such medicine is supplied is furnished with adequate advice or information for the safe and effective use of the medicine(s) supplied by him or her, whether such medicine(s) is supplied personally (face-to-face) or by any other means.
6. Services for which a pharmacist may levy a fee or fees may not be advertised in any manner that –
 - (a) is not factually correct;
 - (b) is misleading;
 - (c) harms the dignity or honour of the pharmacy profession;

- (d) disparages another pharmacist;
 - (e) is calculated to suggest that his or her professional skill or ability or his or her facilities or that of the pharmacy owner, as the case may be, for practising his or her profession or rendering the service(s) concerned are superior to those of other pharmacists.
7. A pharmacist may not tout or attempt to tout for services for which he or she wishes to levy a fee or fees.
8. A pharmacist may not levy a fee or fees for a service for which he or she is not trained or for which prior authorisation from Council is required before he or she may provide such service(s) until such authorisation is obtained. Acceptable documentary evidence of training, experience or competence, must be provided if and when required by Council, which could include but shall not be limited to-
- (a) the successful completion of further education and training at a provider accredited by a competent authority; or
 - (b) practical experience gained under controlled circumstances and the mentorship of a competent person or authority; or
 - (c) the successful completion of continuing professional development (CPD) courses offered by a provider accredited by a competent authority.
9. A pharmacist may provide any one or more of the services referred to in **Annexure B** without levying a fee or fees.
10. A pharmacist who wishes to levy a fee or fees for the services referred to in **Annexure B** must inform patients regarding the fee to be levied prior to providing any of the services listed in the schedule.
11. A pharmacist who wishes to levy a fee or fees for the services referred to in **Annexure B** must display a list of services and fees conspicuously in the pharmacy.
12. A pharmacist who wishes to levy a fee or fees for the services referred to in **Annexure B** must indicate clearly on the invoice and/or receipt provided, the service for which a fee is levied and the amount of the fee per service.

Guidelines for the levying of a fee or fees

13. The guidelines published herewith as **Annexure A** shall constitute the only guidelines for levying a fee or fees for any one or more of the services referred to in **Annexure B**.



**VM TLALA
REGISTRAR**

ANNEXURE A

GUIDELINES FOR LEVYING A FEE OR FEES

General guidelines governing the determination of a fee or fees

1. Definitions

“**Compounding**” means the preparing, mixing, combining, packaging and labelling of a medicine for dispensing as a result of a prescription for an individual patient by a pharmacist or a person authorised in terms of the Medicines and Related Substances Act, 101 of 1965 (“Medicines Act”).

“**Dispensing**” means the interpretation and evaluation of a prescription, the selection, manipulation or compounding of the medicine, the labelling and supply of the medicine in an appropriate container according to the Medicines Act and the provision of information and instructions by a pharmacist to ensure the safe and effective use of medicine by the patient and “dispense” has a corresponding meaning.

“**Therapeutic medicine monitoring**” means the use of serum medicine concentrations, the mathematical relationship between a medicine dosage regimen and resulting serum concentrations (pharmacokinetics), and the relationship of medicine concentrations at the site of action to pharmacological response (pharmacodynamics) to optimise medicine therapy in individual patients taking into consideration the clinical status of the patient.

2. Nature of services provided

A pharmacist may, in charging a fee for professional services rendered by him/her take into account one or more of the following factors –

- (a) the nature of the professional service rendered;
- (b) the time of day and circumstances under which the service is rendered.

3. Call out service, delivery of medicines and after-hour fees

- (a) Where a pharmacist is called out from his/her pharmacy, or the pharmacy in which he/she practises, or from his or her residence or other place where he or she may be, a fee including the travelling time and costs according to the South African Revenue Services (SARS) travelling reimbursement table, as published from time to time, may be charged.
- (b) Where a pharmacist is required to deliver a service after normal operating hours, an after-hours fee may be charged. The recommended fee is one and a half times the normal fee for a specific procedure code. The hours of opening of a pharmacy must be clearly displayed.
- (c) Where a pharmacist is required by the patient or caregiver to transport a medicine to a patient, the transport costs according to the South Africa Revenue Services (SARS) travelling reimbursement table, as published from time to time, may be charged.
- (d) Where a pharmacist is reclaiming expenses, details of the expenses must be individually itemised.

4. Collaboration with other health care professionals

Services may be provided in collaboration with a registered nurse or other registered health care professional as agreed to by the Council and other statutory health councils, as applicable.

5. A pharmacist's guide to fees

5.1 Procedures

- 5.1.1 Services for which a fee or fees may be levied shall be divided into procedures as indicated in **Annexure B**. A separate fee shall be charged for each procedure.
- 5.1.2 The fee per procedure shall be based on a procedure code as listed in **Annexure B**.
- 5.1.3 The fee for after-hours and/or call-out services must be levied separately as per Clause 3 using the designated procedure codes as listed in **Annexure B**.
- 5.1.4 The fees will be reviewed on an annual basis.
- 5.1.5 All expenses claimed must be indicated separately.

6. Pharmacy support personnel

The fee or fees may be levied by a pharmacist whether the service concerned is provided by the pharmacist, any other person registered in terms of the Pharmacy Act, or a healthcare professional employed in the pharmacy. Provided that any such person may only provide a service or perform an act which falls within his or her scope of practice.

7. Chronic Medicines Authorisation

A fee may be levied by a pharmacist where he/she needs to liaise with a medical scheme, an entity concerned with the management of pharmaceutical benefits and/or a medical practitioner to initiate or renew a chronic medicine authorisation or update a chronic medicine authorisation.

8. Guidelines for charging fees where one or more services may be provided

The following examples are provided as guidelines:

	Scenario	Fees that may be levied for services provided	Procedure Codes
i.	A patient presents a prescription for dispensing to the pharmacist which requires the compounding of a product.	A professional fee for compounding plus the fee for dispensing may be levied.	Procedure codes 0002 and 0001
ii.	A patient presents a prescription for dispensing to the pharmacist which includes the preparation of a sterile product.	A professional fee for the preparation of a sterile product plus the fee for dispensing may be levied.	Procedure codes 0003 and 0001
iii.	A patient presents a prescription for dispensing to the pharmacist which includes the preparation of an intravenous admixture or parenteral solution.	A professional fee for the preparation of an intravenous admixture or parenteral solution plus the fee for dispensing may be levied.	Procedure codes 0004 and 0001
iv.	A patient presents a prescription for dispensing to the pharmacist which includes the preparation of a total parenteral nutrition product.	A professional fee for the preparation of a total parenteral nutrition product plus the fee for dispensing may be levied.	Procedure codes 0005 and 0001

	Scenario	Fees that may be levied for services provided	Procedure Codes
v.	A patient presents a prescription for dispensing to the pharmacist which includes a cytotoxic preparation.	A professional fee for cytotoxic preparation plus the fee for dispensing may be levied.	Procedure codes 0006 and 0001
vi.	A patient requests information regarding the use of medicine dispensed by another entity authorised to dispense medicines.	A professional fee for the provision of information concerning the medicines may be levied.	Procedure code 0008
vii.	A patient presents him/herself to the pharmacist with a prescription for dispensing and requests blood glucose monitoring.	A professional fee for blood glucose monitoring plus the fee for dispensing may be levied.	Procedure codes 0012 and 0001
viii.	A patient presents him/herself to the pharmacist with a prescription for dispensing and requests blood cholesterol and/or triglyceride monitoring.	A professional fee for blood cholesterol and/or triglyceride monitoring plus the fee for dispensing may be levied.	Procedure codes 0013 and 0001
ix.	A patient presents him/herself to the pharmacist with a prescription for dispensing and requests blood pressure monitoring.	A professional fee for blood pressure monitoring plus the dispensing fee may be levied.	Procedure codes 0015 and 0001
x.	A patient presents him/herself to the pharmacist with a prescription for dispensing and requests a peak flow measurement.	A professional fee for peak flow measurement plus the fee for dispensing may be levied.	Procedure codes 0019 and 0001
xi.	A patient requests immunisation.	A professional fee for the administration of immunisation plus the fee for dispensing may be levied.	Procedure codes 0022 and 0001
xii.	A patient requests that the medicine on a prescription dispensed in the pharmacy be delivered to a given address.	A delivery fee plus the fee for dispensing may be levied.	Procedure codes 0025 and 0001
xiii.	The pharmacist is called to the pharmacy after hours to dispense a prescription.	A fee for a call-out service plus the fee for dispensing may be levied.	Procedure codes 0024 and 0001
xiv.	A patient presents herself to the pharmacist for emergency postcoital contraception (EPC).	A professional fee for EPC plus the fee for pharmacist-initiated therapy may be levied.	Procedure codes 0027 and 0001
xv.	A patient presents him/herself for pharmacist-initiated therapy.	A professional fee for pharmacist-initiated therapy plus the fee for dispensing may be levied.	Procedure codes 0028 and 0001

ANNEXURE B

Procedure Code	Procedure	Performed by	Reference	Categories of pharmacies in which services may be provided	Time in Minutes	Fee (VAT exclusive) (Rands)	Fee (VAT inclusive) (Rands)
	DISPENSING PROCEDURES						
0001(a)	Independent evaluation of a prescription with regards to the appropriateness of items prescribed for the individual, legality, content and correctness. It includes evaluating the dosage, safety of the medicine, interactions with other medicines used by the patient, pharmaceutical and pharmacological incompatibilities, treatment duplications and possible allergies to the medicine prescribed.	Pharmacist	GPP Manual Sections: Facilities: 1.2.1 through 1.2.13, 1.3 (institutional pharmacies), 1.4 (mobile pharmacies) Dispensing service: 2.7.1, 2.7.2, 2.7.3, 2.7.4, Standards for patient information and advice: 2.8 and 2.7.5(b)	Community and Public or Private Institutional	1	Refer to <i>Regulations relating to a transparent pricing system for medicines and scheduled substances: Amendment (Dispensing fee for pharmacists)</i> , GNR 1090, published on 19 November 2010 published in terms of the Medicines and Related Substances Act (Act 101 of 1965)	
0001(b)	Preparation of the medicine(s) as per a prescription, which includes the picking, packaging, labelling of medicine, checking of expiry dates, and keeping of appropriate dispensing records in compliance with the Medicines and Related Substances Act, 101 of 1965, as amended.	Pharmacist		Community and Public or Private Institutional	3		
0001(c)	Handing of medicines to the patient/caregiver, including the provision of advice/instructions and a patient information leaflet/ written material regarding the safe and efficacious use of the medicine dispensed.	Pharmacist		Community and Public or Private Institutional	1		
0002	Compounding of an extemporaneous preparation for a specific patient. It refers to the compounding of any non-sterile pharmaceutical product prepared as a single preparation for a patient (a new product is manufactured) including the necessary documentation.	Pharmacist	GPP Manual 2.18	Community and Public or Private Institutional	10	206,96	238,00
0003	Preparation of a sterile product including the preparation of the documentation, equipment, and the area for the preparation of sterile products.	Pharmacist	GPP Manual 1.2, 2.4, 2.10, 2.17	Community and Public or Private Institutional	14	398,06	457,77

Procedure Code	Procedure	Performed by	Reference	Categories of pharmacies in which services may be provided	Time in Minutes	Fee (VAT exclusive) (Rands)	Fee (VAT inclusive) (Rands)
0004	Preparation of an intravenous admixture or parenteral solution, including the preparation of the documentation, equipment, the area for the preparation of the sterile products and the quality control of the final product.	Pharmacist	GPP Manual 2.4, 2.10, 2.17.1	Public or Private Institutional	6	187,17	215,25
0005	Preparation of a total parenteral nutrition preparation (TPN), including the preparation of the documentation, equipment, the area for the preparation of the sterile products and the quality control of the final product.	Pharmacist	GPP Manual 2.10, 2.17.2, 2.18	Public or Private Institutional	13	395,02	454,27
0006	Preparation of cancer chemotherapy for intravenous, intramuscular or intrathecal administration, including the preparation of the documentation, equipment, the area for the preparation of the sterile products, the admixing and reconstitution thereof for dispensing in a large/small volume parenteral, or a syringe for a specific patient.	Pharmacist	GPP Manual 2.4, 2.10, 2.17.3,	Public or Private Institutional	17	510,36	586,91
	CLINICAL PHARMACY						
0007	Performance of a consultation to establish the pharmacokinetic dosing of a medicine and perform therapeutic medicine monitoring. This includes the review of the data collected, the necessary calculations, review and the formulation of recommendations and the necessary consultation with the prescriber.	Pharmacist registered as a specialist in pharmacokinetics	GPP Manual 2.11.3	Consultant, Public or Private Institutional	18	573,11	659,08
0008	Provision of information concerning a particular patient's condition or medicine following evaluation by the pharmacist in a situation where no dispensing activity occurs.	Pharmacist	GPP Manual 2.8	Community or Consultant or Private or Public Institutional	4	82,89	95,32

Procedure Code	Procedure	Performed by	Reference	Categories of pharmacies in which services may be provided	Time in Minutes	Fee (VAT exclusive) (Rands)	Fee (VAT inclusive) (Rands)
0009	The application of pharmaceutical expertise to help maximise medicine efficacy and minimise medicine toxicity in individual patients by contributing to the care of the individual patient through the provision of medicine information and assisting in problem-solving in the ward environment for individual patients, where no dispensing activity occurs.	Pharmacist	GPP Manual 2.11	Private or Public Institutional	3	70,41	80,97
0010	PCDT: A face-to-face consultation with a patient where a pharmacist personally takes down a patient's history, performs an appropriate health examination including observations, and plans appropriate interventions/treatment, which may include referral to another health care professional.	A pharmacist who has completed supplementary training in PCDT and registered such course with Council and who is the holder of a permit issued in terms of Section 22A(15) (or its predecessor) of the Medicines Act	GPP Manual 2.12	Community	8	249,20	286,58
0011	Medicine use review: Reviewing of the patient's overall medication requirements, as requested by the patient or the patient's health care professional, to ensure the effective use of medicine in response to a diagnosis made by another health care professional in order to maximise therapeutic outcomes. It involves analysing the patient's medication record to assess the appropriateness and/or cost-effectiveness of treatment to ensure rational medicine use, and to identify possible interactions and adverse drug reactions. It also involves developing a plan of action in collaboration with other health care professionals and the patient. It may involve a consultation with the patient. Full records must be kept in accordance with the GPP standard	Pharmacist	GPP Manual 2.25	Community or Consultant or Private or Public Institutional	4	125,31	144,11

Procedure Code	Procedure	Performed by	Reference	Categories of pharmacies in which services may be provided	Time in Minutes	Fee (VAT exclusive) (Rands)	Fee (VAT inclusive) (Rands)
PROMOTION OF PUBLIC HEALTH SCREENING AND TESTING OF BIOLOGICAL AND PHYSICAL PARAMETERS.							
0012	Blood glucose	Pharmacist	GPP Manual 2.13.7	Community and Public or Private Institutional	4	94,11	108,23
0013	Blood cholesterol and/or triglycerides	Pharmacist	GPP Manual 2.13.6	Community and Public or Private Institutional	7	153,66	176,71
0014	Urine analysis	Pharmacist	GPP Manual 2.13.9	Community and Public or Private Institutional	7	140,47	161,54
0015	Blood pressure monitoring	Pharmacist	GPP Manual 2.13.3	Community and Public or Private Institutional	4	83,43	95,94
0016	HIV and AIDS pre-test counselling	Pharmacist	GPP Manual 2.13.5	Community and Public or Private Institutional	24	667,05	767,11
0017	HIV and AIDS testing and post-test counselling	Pharmacist	GPP Manual 2.13.5	Community and Public or Private Institutional	17	475,24	546,53
0018	Pregnancy screening	Pharmacist	GPP Manual 2.13.8	Community and Public or Private Institutional	7	149,56	171,99
0019	Peak Flow measurement	Pharmacist	GPP Manual 2.13.4	Community and Public or Private Institutional	4	75,04	86,30
0020	Reproductive health service	Pharmacist	GPP Manual 2.15	Community and Public or Private Institutional	5	132,09	151,90
0021	Administration of an intra-muscular or sub-cutaneous injection.	Pharmacist	GPP Manual 2.15	Community and Public or Private Institutional	4	91,28	104,97
0022	Administration of immunisation.	Pharmacist	GPP Manual 2.14	Community and Public or Private Institutional	5	102,67	118,07
REIMBURSABLE EXPENSE CODES							
0023	Chronic medicine authorisation assistance: A fee may be levied by a pharmacist where she/he needs to liaise with a medical scheme / PBM and or doctor to initiate or renew a chronic medicine authorisation or update a chronic medicine authorisation where there has been a dosage or other prescription change, which may include completion of application forms.	Pharmacist		Community and Public or Private Institutional			

Procedure Code	Procedure	Performed by	Reference	Categories of pharmacies in which services may be provided	Time in Minutes	Fee (VAT exclusive) (Rands)	Fee (VAT inclusive) (Rands)
0024	Call Out: Where a pharmacist is called out from his/her pharmacy, or the pharmacy in which he/she practises, or from his or her residence or other place where he or she may be, a fee including the travelling time and costs according to the South African Revenue Services (SARS) travelling reimbursement table as published from time to time, may be charged.	Pharmacist	GPP Manual 4.2.3.2 and 4.3.6	Community and Public or Private Institutional			
0025	Delivery of medicine: Where it is necessary, at the request of a patient or the patient's agent and by agreement with the patient or his or her agent, for medicine to be transported to a place requested by the patient or his or her agent, the costs involved in that transportation can be charged back to the patient as a reimbursable expense. The travelling cost per kilometre must be based on the SARS rate.		GPP Manual 2.7.5	Community and Public or Private Institutional			
0026	After-hours service: where a pharmacist is required to deliver a service after normal operating hours, an after-hours fee may be charged. The recommended fee is one and a half times the normal fee.		GPP Manual 4.2.3.2 and 4.3.6	Community and Public or Private Institutional			
ADDITIONAL DISPENSING PROCEDURES							
0027	Emergency post-coital contraception (EPC)	Pharmacist	GPP manual 2.26	Community and Public or Private Institutional	3.	69,51	79,94
0028	Pharmacist-Initiated Therapy (PIT)	Pharmacist	GPP manual	Community and Public or Private Institutional	3	65,77	75,64

BOARD NOTICE 295 OF 2022



ALLIED HEALTH PROFESSIONS COUNCIL OF SOUTH AFRICA

6 CASTELLI, IL VILLAGGIO, 5 DE HAVILLAND CRESCENT SOUTH, PEREQUOR TECHNOPARK, PRETORIA, 0184

Telephone: (012) 349 2331 Facsimile: (012) 349 2327

Email: registrar@ahpcsa.co.zaWebsite: www.ahpcsa.co.za

DEFINITION

1. In this notice, "the regulations" means the Regulations pertaining to the Allied Health Professions Act (63/1982), as amended, and published in terms of Government Notice No R 127 of 12 February 2001.

2022 ANNUAL FEES

2. The amounts of the fees referred to in 37(1) and (2), 38, 39, 40, 41 and 42 (1) and (2) of the regulations, have been determined by Council as shown in the table below.
3. These amounts apply to annual fees in respect of the calendar year 1 January 2022 to 31 December 2022, which are due on 1 January 2022, and which must be received by the Council by 31 March 2022 (final date for payment); note fee increase thereafter as per the table below in the respective categories.

FEES TABLE

<u>Description</u>	<u>Fee Payable</u> <u>(Rands)</u>
Application fee for registration in whichever practitioner or therapist category	2600
Registration fee for temporary registration	2400 per annum or pro-rata
Any AHPCSA examination fee	5000

Application and registration fee for first year students	600
Annual student registration fee for years subsequent to the first year	600
Fee for late registration as student	4500
Student restoration fee	1200
The amount the council may advance to the registrar in cash	2000
Annual registration fee in respect of one profession where fees are paid on or after 1 January and before 1 April	2400
Annual registration fee in respect of one profession where fees are paid after 31 March, annual registration fee plus administration fee per invoice issued by the AHPCSA accountants	2400, plus applicable interest, plus 250 per invoice issued
Annual registration fee in respect of two professions where fees paid on or after 1 January and before 1 April	4800
Annual registration fee in respect of two professions where fees are paid after 31 March, annual registration fee plus administration fee per invoice issued by the AHPCSA accountants	4800, plus applicable interest, plus 250 per invoice issued
Annual registration fee in respect of three or more professions where fees are paid on or after 1 January and before 1 April	7200
Annual registration fee in respect of three professions where fees are paid after 31 March, annual registration fee plus administration fee per invoice issued by the AHPCSA accountants	7200, plus applicable interest, plus 250 per invoice issued
Senior citizen fee (70 to 74 years) per profession	-50%
Senior citizen fee (+75 years) per profession	300
Fee for the issuance of any certificate or letter of good standing	900
Restoration fee in the case prior deregistration at own request fees by the practitioner or student	Payment of all outstanding fees, if any, plus applicable interest; no restoration fee
Restoration fee in the case of non-payment of fees by the practitioner or student	Payment of all outstanding fees, if any, plus applicable interest, plus 1500
Restoration fee in the case of disciplinary action by the council against the practitioner or student.	Payment of all outstanding fees, if any, plus applicable interest, plus 5000
Fee payable to the council an intern for each year of registration as an intern beyond the first year.	1100

<p>Allowances (honoraria) payable by the Council in respect of:</p> <p>(a) the attendance of meetings of the council, executive committee of the council and professional boards by members of the council and professional boards, are as follows—</p> <p>(i) to the chairperson and vice-chairperson of the council, members of the executive committee of the council and chairpersons of the professional boards</p> <p>(ii) to other council and professional board members</p> <p>(b) the attendance of other meetings such as that of the Finance Committee or the Education Committees of the council</p>	<p>R2640 per meeting</p> <p>R2175 per meeting</p> <p>R2175 per meeting</p>
<p>Allowance payable where a member of the council or professional board is required to use his or her own transport so as to attend meetings out of Pretoria or to attend other council business at places not more than 750 kilometres distant from his or her ordinary residence</p>	<p>In accordance with the current travel allowances published by the South African Revenue Services on its website but not exceeding the amount of the economy class airfare that would have been payable had the member travelled by air to the meeting</p>
<p>Extract from the register</p>	<p>N/A</p>
<p>Fee for conducting a review of an external educational institution</p>	<p>Actual costs plus 25%</p>
<p>Honorarium payable by the Council in respect of visits by external institutional reviewers to external education institutions for review purposes or for examiners / moderators conducting examinations</p>	<p>4000</p>
<p>Fee for an application for the opening of a new register</p>	<p>130 000</p>
<p>Accreditation fees payable to the council for continuing professional development activities -</p> <p>Level 1: Activities encompassing non-measurable outcomes-</p> <p><u>Large groups(100 delegates or more):</u></p> <p>(i) Conferences or seminars; (ii) Congresses; (iii) Symposia; (iv) Web-based seminars; (v) International conferences</p> <p><u>Small groups (less than 100 delegates):</u></p> <p>(i) Formally organised meetings by professional societies; (ii) Structured small group discussions with a minimum of three practitioners involved; (iii) Case study discussions with a minimum number of three practitioners involved; (iv) Formally organised special purpose lectures; (v) Formally organised special purpose lectures that are not part of a</p>	<p>3000</p> <p>750</p>

business meeting; (vi) Interest groups meeting less than six times per year	
<u>Other:</u> (i) membership of an association/society; (ii) serving on professional bodies	
Level 2: Activities encompassing measurable outcomes – (These activities include those that have a clearly measurable outcome or formal evaluation process after the activity)	
(i) involving less than 10 persons	1200
(ii) involving 10 to 20 persons	2100
(iii) involving 20 to 30 persons	2600
(iv) involving more than 30 persons	4000
Level 3: Activities associated with formally structured learning programmes (This is structured learning, namely a formal programme presented by an Education and Training Quality Assurance body-accredited, National Department of Higher Education registered- and Allied Health Professions Council-approved training or educational institution with a measurable outcome)	NO CHARGE
Other matter not covered by the above considered by any CPD committee	AHPCSA DISCRETION



DR LOUIS MULLINDER

REGISTRAR: ALLIED HEALTH PROFESSIONS COUNCIL OF SOUTH AFRICA

25 MAY 2022

BOARD NOTICE 296 OF 2022
CONSTRUCTION INDUSTRY DEVELOPMENT BOARD

FINDINGS AND SANCTIONS OF THE INVESTIGATING COMMITTEE PUBLISHED IN TERMS OF THE CONSTRUCTION INDUSTRY DEVELOPMENT REGULATIONS, 2004 (AS AMENDED)

The Construction Industry Development Board hereby publishes in terms of regulation 29(26) of the Construction Industry Development Regulations the details of the findings and sanctions of the investigating committee as set out in the **Schedule**.

Contractor Name	Employer Registration Number	Company/ Corporation Registration Number	Nature of Complaint
Pikitup LTD (SOC)	ERN: 500670	N/A	The Respondent is charged with the following: a) Contravention of Regulation 27A read with the Cidb Code of Conduct and Regulation 9(2) of the Preferential Procurement Regulations, 2017. b) Contravention of Regulation 27A read with the Cidb Code of Conduct and Regulation 9(3) of the Preferential Procurement Regulations, 2017. c) Contravention of Regulation 27A read with the Cidb Code of Conduct and the Cidb Practice Note 7.
Sanction imposed by CIDB			
Effective date: 05 May 2021			
The Board orders that:			

1. The Respondent to pay a fine of R100 000.00 (One Hundred Thousand Rands) in terms of Regulation 29(18) of the Construction Industry Development Regulations, 2004 (as amended)
2. The fine is payable to the cidb within 6 months of issues of this sanction.
3. Should the fine or any portion thereof still be outstanding at the expiry of 6 months referred to in order 2 above, the Respondent shall be restricted from applying for any registration and/or upgrade until the fine has been settled in full.

BOARD NOTICE 297 OF 2022



South African Council for Social Service Professions

Social Service Professions Act 110 of 1978

ANNOUNCEMENT OF THE RESULTS OF THE ELECTIONS FOR MEMBERS TO SERVE ON THE 5TH SOUTH AFRICAN COUNCIL FOR SOCIAL SERVICE PROFESSIONS (SACSSP), 5TH PROFESSIONAL BOARD FOR SOCIAL WORK AND 4TH PROFESSIONAL BOARD FOR CHILD AND YOUTH CARE WORK

1. NOTICE

1.1 Notice is herewith given that the election for Members to serve on the 5th South African Council for Social Service Professions (SACSSP), 5th Professional Board for Social Work and 4th Professional Board for Child and Youth Care Work was concluded on 16 May 2022 in accordance with the announcement in *Board Notice 248 of 2022* published in Government Gazette 46288 of 29 April 2022.

1.2 The Returning Officer determined the results of the elections in terms of regulations 14 and 15 of the *Regulations relating to election of members of the South African Council for Social Service Professions* (Government Notice No R. 1698 published in Government Gazette 19644 of 31 December 1998) as follows:

Category	Number of ballot papers received	Number of ballot papers rejected in terms of regulation 15(2).	Number of ballot papers accepted
5th South African Council for Social Service Professions (SACSSP)			
section 5(1)(a)	680	233	1823
section 5(1)(b)	225	90	389
5th Professional Board for Social Work			
regulation 3(a)	970	203	1577
regulation 3(h)	80	9	68
4th Professional Board for Child and Youth Care Work			
regulation 3(a)	323	181	738

2. RESULTS OF THE ELECTION

2.1 Notice is herewith given in terms of regulation 15(11) of the *Regulations relating to election of members of the South African Council for Social Service Professions* (Government Notice No R. 1698 published in Government Gazette 19644 of 31 December 1998) and regulation 15 of *Regulations regarding the election and appointment of members of a Professional Board* (Government Notice No 1427 published in Government Gazette 24039 of 8 November 2002) of the results of the elections for Members to serve on the 5th South African Council for Social Service Professions, 5th Professional Board for Social Work and 4th Professional Board for Child and Youth Care Work.

2.2 5TH SOUTH AFRICAN COUNCIL FOR SOCIAL SERVICE PROFESSIONS (SACSSP)**2.2.1 Section 5(1)(a): election of six (6) social workers**

2.2.1.1 Election by social workers of six (6) social workers to serve on the 5th South African Council for Social Service Professions (SACSSP) in terms of section 5(1)(a) of the Social Service Professions Act 110 of 1978 in alphabetical order by surname with the number of votes recorded for each candidate in terms of the Regulations.

2.2.1.2 RESULTS

SURNAME	FIRST NAMES	SACSSP Registration number	Number of votes
BALGOBIND	Chandika	10-18168	39
DE SOUSA	Amanda Maria	10-13085	78
GALLANT	Elwin Edgar	10-07085	88
KHEU	Thabiso Petrus	10-20241	83
MATHYE	Mihlohi Annah Eunice	10-07959	111
MBEDZI	Rembuluwani Paul	10-21021	260
MDLETSHE	Thokozile Prudence	10-16995	105
MOKHELE	Caroline	10-22070	110
MOKONE	Jocomina Malebo	10-09865	146
MURIDILI	Murendeni	10-28804	157
SHAMAM	Femada Bibi	10-18297	47
SUKANTAKA	Nomvuyiso	10-30219	52
SWART	Ashwill Denzill	10-31645	80
THIBELA	Bishop Dishupeng	10-21288	128
VAN DER WALT	Nicolette Marguerite	10-05929	118
VIVIERS	Andries	10-12729	120
ZONDI	Bhekinkosi Zacharia	10-21918	101

2.2.2 Section 5(1)(b): election of three (3) child and youth care workers

2.2.2.1 Election by child and youth care workers and auxiliary child and youth care workers of *three (3) child and youth care workers* to serve on 5th South African Council for Social Service Professions (SACSSP) in terms of section 5(1)(b) of the Social Service Professions Act 110 of 1978 in alphabetical order by surname with the number of votes recorded for each candidate in terms of the Regulations.

2.2.2.2 RESULTS

SURNAME	FIRST NAMES	SACSSP Registration number	Number of votes
ALLSOPP	Janet Merle	70-00013	106
GALLANT	Elwin Edgar	90-10504	59
HARRIS	Alfred Anthony	70-00101	73
NHLAPO	Themba Cornellius	90-10907	62
NDHLOVU	Hloniphile	90-00686	89

2.3 5TH PROFESSIONAL BOARD FOR SOCIAL WORK**2.3.1 Regulation 3(a): election of four (4) social workers**

2.3.1.1 Election by social workers of four (4) social workers in terms of regulation 3(a) to serve on the 5th Professional Board for Social Work as contemplated in the *Regulations regarding the establishment and constitution of a Professional Board for Social Work* in alphabetical order by surname with the number of votes recorded for each candidate in terms of the Regulations.

2.3.1.2 RESULTS

SURNAME	FIRST NAMES	SACSSP registration number	Number of votes
BHEMBE	Nqaba Khanyakwezwe	10-37842	301
MATHONSI	Frans Lesetja	10-33929	361
MOKOENA	Bethuel Pusetso	10-40686	385
MOKONE	Jocomina Malebo	10-09865	210
SIKHWEZA	Mzonke Wilford	10-20380	147
STRYDOM	Alida Frances	10-05195	173

2.3.2 Regulation 3(h): election of one social auxiliary worker

2.3.1.1 Election by social auxiliary workers of election of one (1) social auxiliary worker in terms of regulation 3(h) to serve on the 5th Professional Board for Social Work as contemplated in the *Regulations regarding the establishment and constitution of a Professional Board for Social Work* in alphabetical order by surname with the number of votes recorded for each candidate in terms of the Regulations.

2.3.1.2 RESULTS

SURNAME	FIRST NAMES	SACSSP Registration number	Number of votes
MADELA	Prudence Samukelisiwe	50-04498	19
MOLAWO	Malekutu Lafter	50-12165	27
NOKO	Atlholang Crosby	50-06427	22

2.3.3 **Regulation 3(c): election of one social worker nominated by social work education and training institutions**

2.3.3.1 Election by social workers of one (1) social worker nominated by social work education and training institutions in terms of regulation 3(c) to serve on the 5th Professional Board for Social Work as contemplated in the *Regulations regarding the establishment and constitution of a Professional Board for Social Work*.

2.3.3.2 Result in terms of regulation 13(1) of the *Regulations regarding the election and appointment of members of a Professional Board* (Government Notice No 1427 published in Government Gazette 24039 of 8 November 2002).

SURNAME	FIRST NAMES	SACSSP Registration number
NADESAN	Varoshini Subramoney	10-10156

2.3.4 **Regulation 3(f): election of one (1) social worker engaged in full-time or part-time private practice**

2.3.4.1 Election by social workers of one (1) social worker engaged in full-time or part-time private practice in terms of regulation 3(f) to serve on the 5th Professional Board for Social Work as contemplated in the *Regulations regarding the establishment and constitution of a Professional Board for Social Work*.

2.3.4.2 Result in terms of regulation 13(1) of the *Regulations regarding the election and appointment of members of a Professional Board* (Government Notice No 1427 published in Government Gazette 24039 of 8 November 2002).

SURNAME	FIRST NAMES	SACSSP Registration number
THOMPSON	Jessie Annie	10-10903

2.4 **4TH PROFESSIONAL BOARD FOR CHILD AND YOUTH CARE WORK**2.4.1 **Regulation 3(a): election of five (5) child and youth care workers**

2.4.1.1 Election by child and youth care workers and auxiliary child and youth care workers of five (5) child and youth care workers by child and youth care workers in terms of in terms of regulation 3(a) to serve on the 4th Professional Board for Child and Youth Care Work as contemplated in the *Regulations regarding the establishment and constitution of a Professional Board for Child and Youth Care* in alphabetical order by surname with the number of votes recorded for each candidate in terms of the Regulations.

2.4.1.2 Results

SURNAME	FIRST NAMES	SACSSP registration number	Number of votes
BARON	Samantha Evette	70-00526	91
CORNELIUS	Francisco Gerard	90-00299	54
DU TOIT	Lesley Sharon	90-11283	47
HARRIS	Alfred Anthony	70-00101	56
MAMABOLO	Seeng	70-00363	47
MZULWINI	Sibongile Gladys	70-00584	55
NGHONYAMA	Muchuchi Donald	70-00504	76
NZAMA	Simphiwe Siyabonga	70-00525	104
SINGH	Charlene	70-00403	75
SITHOLE	Benny	90-02751	133

2.4.2 Regulation 3(c): election of one child and youth care worker nominated by child and youth care education and training institutions

2.4.2.1 Election by child and youth care workers and auxiliary child and youth care workers of one (1) child and youth care worker or a person involved in the education and training of child and youth care workers nominated by child and youth care education and training institutions in terms of regulation 3(c) to serve on the 4th Professional Board for Child and Youth Care Work as contemplated in the *Regulations regarding the establishment and constitution of a Professional Board for Child and Youth Care*.

2.4.2.2 Result in terms of regulation 13(1) of the *Regulations regarding the election and appointment of members of a Professional Board* (Government Notice No 1427 published in Government Gazette 24039 of 8 November 2002).

SURNAME	FIRST NAMES	SACSSP Registration number
MOLEPO	Lesiba Phineas	70-00016

3. The election of Members to serve on the 5th South African Council for Social Service Professions (SACSSP), 5th Professional Board for Social Work and 4th Professional Board for Child and Youth Care Work is concluded.

.....
Langi Malamba(Ms)

Returning officer/ Registrar

South African Council of Social Services Professions

37 Annie Botha Avenue, Riviera, Pretoria 0001, South Africa

Office: +27 12 356 8300 Email: elections@sacssp.co.za

10 June 2022

Date

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