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REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID AFRIKA

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N.B. The Government Printing Works will not be held responsible for the quality of "Hard Copies" or "Electronic Files" submitted for publication purposes

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AIDS HELPLINE: 0800-0123-22 Prevention is the cure

IMPORTANT NOTICE:

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

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government
printing

Department:
Government Printing Works
REPUBLIC OF SOUTH AFRICA

HIGH ALERT: SCAM WARNING!!!

TO ALL SUPPLIERS AND SERVICE PROVIDERS OF THE GOVERNMENT PRINTING WORKS

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

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

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

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

Example of e-mails these fraudsters are using:

PROCUREMENT@GPW-GOV.ORG

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

GPW has an official email with the domain as [@gpw.gov.za](mailto:GPW@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** **2023**

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

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

LIST OF TARIFF RATES FOR PUBLICATION OF NOTICES

COMMENCEMENT: 1 APRIL 2018

NATIONAL AND PROVINCIAL

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

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

EXTRA-ORDINARY

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

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

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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

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

GOVERNMENT PRINTING WORKS CONTACT INFORMATION

Physical Address:

Government Printing Works
149 Bosman Street
Pretoria

Postal Address:

Private Bag X85
Pretoria
0001

GPW Banking Details:

Bank: ABSA Bosman Street
Account No.: 405 7114 016
Branch Code: 632-005

For Gazette and Notice submissions: Gazette Submissions:

For queries and quotations, contact: Gazette Contact Centre:

E-mail: submit.egazette@gpw.gov.za

E-mail: info.egazette@gpw.gov.za

Tel: 012-748 6200

Contact person for subscribers: Mrs M. Toka:

E-mail: subscriptions@gpw.gov.za

Tel: 012-748-6066 / 6060 / 6058

Fax: 012-323-9574

GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF COMMUNICATIONS AND DIGITAL TECHNOLOGIES

NO. 2921

6 January 2023

FILM AND PUBLICATION BOARD

FILMS AND PUBLICATIONS ACT, 1996 (ACT NO. 65 OF 1996), AS AMENDED

DRAFT REGULATORY INSTRUMENTS OF THE FILM AND PUBLICATION BOARD

1. I, Ms Zamantungwa Mkosi, the Chairperson of Council at the Film and Publication Board, in terms of section 31 (1)(a) (c) and (f) of the Films and Publications Act, 1996 (Act No. 65 of 1996), as amended (FP Act), hereby publishes for public comment the following draft regulatory instruments, namely:
 - 1.1. the draft Enforcement Committee Rules;
 - 1.2. the draft Complaints Handling Procedures;
 - 1.3. the draft Films and Publications Amendment Tariff's Regulations; and
 - 1.4. the draft Regulations on the Processes and Procedures for Applying or Registering, Amending, Transferring and Renewing Licences and Terms and Conditions to be Applied to such Licences.
2. Interested persons who wish to comment on any or all of the draft regulatory instruments listed above may submit their written representations **within 30 (thirty) working days** of publication of this Notice.
3. All comments should be marked for the attention of **Mr Pandelis Gregoriou**, at the following contact details:

By hand: **The Film and Publication Board**
Eco Glade 2
420 Witch Hazel Avenue
Centurion
1609

By mail: **The Film and Publication Board**
Private Bag X31
Highveld Park
0169

By email: **clientsupport@fpb.org.za**

Kindly write ***draft Regulatory Instruments of the Film and Publication Board*** in the subject field of your email.

Enquiries: **012 003 1400**

4. A copy of the draft regulatory instruments listed above are also available at **www.fpb.org.za**.


Ms Zamantungwa Mkosi
Chairperson of Council
Film and Publication Board
Date:

DEPARTMENT OF COMMUNICATIONS AND DIGITAL TECHNOLOGIES**NO. 2922****6 January 2023****FILMS AND PUBLICATIONS ACT, 1996 (ACT NO. 65 OF 1996), AS AMENDED****REGULATIONS ON THE PROCESSES AND PROCEDURES FOR APPLYING
OR REGISTERING, AMENDING, TRANSFERRING AND RENEWING
LICENCES AND TERMS AND CONDITIONS TO BE APPLIED TO
SUCH LICENCES IN TERMS OF THE FILMS AND PUBLICATIONS ACT, 1996 (ACT
NO. 65 OF 1996), AS AMENDED**

I, Ms Khumbudzo Phophi Silence Ntsavheni, the Minister of Communications and Digital Technologies hereby, under section 31(1) of the Films and Publications Act, 1996 (Act No. 65 of 1996), as amended, after consultation with the Council, the Appeals Tribunal, the Enforcement Committee, whichever is applicable, made the Regulations in the Schedules listed below.

The Regulations concerned will come into operation on publication in the Government Gazette.

MS K. P. S. NTSAVHENI, MP**MINISTER OF COMMUNICATIONS AND DIGITAL TECHNOLOGIES**

Date:

SCHEDULE 1

PART 1

1. **Definitions.** – In this Schedule, any word or expression to which a meaning has been assigned in the Act, shall have the meaning so assigned and, unless the context otherwise indicates –

“Act” means the Films and Publications Act, 1996 (Act No. 65 of 1996), as amended from time to time;

“adult content” means content in publications, films and games that is classified as suitable for people of 18 (eighteen) years and above;

“adult premises” means any premises –

- (a) at which the holder of a registration certificate to distribute or exhibit materials classified as "X18" may conduct business;
- (b) at which entry of any person under the age of 18 (eighteen) years, is prohibited; and
- (c) which is licensed to conduct the business of adult premises under the Businesses Act, 1991 (Act No. 71 of 1991);

“business of adult premises” means a business contemplated in section 24 (1) of the Act;

“certificate” means a certificate issued by the FPB in terms of any applicable provision of the Act empowering the FPB to issue a licence or permit after receipt of an application;

“child” means a person under the age of 18 (eighteen) years;

"classification guidelines" means the classification guidelines contemplated in section 4A (1)(a) of the Act;

"commercial online distributor" means a distributor in relation to films, games and publications which are distributed for commercial purposes using the internet;

"commercial purposes" means to sell or hire, offer to sell or hire, or cause to be sold or hire, in exchange for commercial consideration;

"day" means any number of days prescribed in these Regulations and shall be reckoned exclusively of the first and inclusively of the last day unless the last day falls on a Saturday, Sunday or official South African Public Holiday, in which case the last day shall be the next succeeding business day;

"FPB" means the Film and Publication Board, established in terms of section 3 of the Act;

"non-compliant" means a failure or refusal to comply with the Act, Regulations, Classification Guidelines or the terms and conditions contained in an online distribution agreement;

"prescribed fee" means the applicable fee prescribed by regulation by the Minister, in consultation with the Minister of Finance, from time to time, under section 31 (1)(a) of the Act;

"public holiday" means a public holiday referred to in section 1 of the Public Holidays Act, 1994 (Act 36 of 1994);

"rating" means the allocation of an appropriate age restriction on a film, game or publication to –

(a) provide consumer advice to enable adults to make informed viewing, reading and

gaming choices, both for themselves and for children in their care; and

- (b) protect children from exposure to disturbing and harmful materials and from premature exposure to adult experiences;

“reasonable period of time” means the amount of time that is fairly required to do whatever is required to be done, conveniently under the permitted circumstances; and

PART 2

GENERAL PROVISIONS

- 2. **General provisions applicable to applications for licences and permits, and registrations for licences and permits.** – (1) Applicants for licences and permits, must comply with these general application provisions and the specific provisions of these regulations applicable to licences and permits.

- (2) Application and registration forms to be used when submitting applications or when registering, together with instructions and information as to the submission of such forms, whether in paper format or electronically, may be accessed from the FPB’s offices on Monday to Friday, excluding public holidays, from 9h00 to 16h00 or obtained electronically from the FPB’s website.
- (3) Applications and registrations submitted to the FPB must be complete and contain all information requested on the applicable form, together with the instructions and any additional information required by these Regulations and any Regulations pertaining to the specific application or registration.
- (4) Failure to supply all required information required may result in the FPB not considering the application or registration.
- (5) Applicants are responsible for the accuracy and completeness of information

furnished in their applications or registrations during the period they are pending before the FPB and whenever the information furnished in the pending application or registration is inaccurate and/or incomplete, the applicant, shall within 15 (fifteen) days of notification by the FPB, provide the amendments to the applications or registrations which provides the additional or corrected information.

- (6) All applicants must comply with requests by the FPB to supply information, including supporting documentation to supplement their applications or registrations and participate in any process established by the FPB for reviewing and considering such applications or registrations.
- (7) The failure to timely supply information or participate in a process established by the FPB, following due notice, can result in dismissal of the application or registration.
- (8) Every applicant must include as part of their application or registration –
 - (a) a form signed by the applicant that it will comply with all applicable standard terms and conditions, any additional terms and conditions applicable to its licence or permit, and the obligations imposed by the FPB;
 - (b) the information contained in its application or registration, including any attachments thereto, or documentation incorporated therein is, to the best of the applicant's knowledge is correct, complete and accurate;
 - (c) where the application or registration is not submitted by a natural person, proof of registration of the business of the applicant in terms of the applicable legislation;
 - (b) a document confirming that the applicant's tax affairs are in order;

- (e) a declaration that the applicant warrants to the best of its knowledge and insofar as it is reasonably aware, that it complies with the laws and regulations applicable to it, with its legal obligations pertaining to its business in general and with its obligations as a distributor of content and undertakes to continue to take all reasonable and necessary steps to ensure that such compliance is maintained; and
 - (f) proof of payment of the prescribed fee.
- (9) Registrations, applications, amendments, and related statements of fact required by the FPB must be signed as follows (either electronically or manually) –
- (a) by the applicant, if the applicant is a natural person;
 - (b) by one of the partners, if the applicant or registrant is a partnership;
 - (c) by an employee or director, if the applicant is a juristic person; or
 - (d) where the registration, application, amendment, or related statement of fact is filed on behalf of a government entity, it must be signed by a duly appointed official who is authorised to do so under applicable law.
- (10) The FPB may revoke a licence or permit if at any time any material statement made or information submitted by an applicant is found to be false and to have been made by the applicant or any member or employee thereof, knowing it to be false.
- (11) To provide false information or to withhold relevant information with the intention to mislead the FPB constitutes an offence in terms of section 24D of the Act and may result in the person being liable to a fine or to imprisonment or to both a fine and such imprisonment.

(12) The validity of licences and permits once approved shall be for a period of 5 (five) years unless surrendered as set out in sub-regulation 7 of these Regulations.

3. Prohibitions, offences, penalties, tariffs, and standard terms and conditions.

– (1) Applicants' attention is directed to section 24A of the Act on prohibitions, offences and penalties that may be imposed on anyone contravening these Regulations and the provisions of the Act.

(2) The licence fees associated with applications and registrations are set out in the Films and Publications Tariff's Regulations.

(3) The standard terms and conditions to be applied to licences and permits are set out in Schedule 2 of these Regulations.

(4) Where a Licence Holder or Permit Holder fails to comply with any standard terms and conditions or any specific term or condition of its licence or term or condition applicable to any licence or permit, such Licence Holder or Permit Holder shall be subject to the penalties set out in the Act, where sections 24A, 24B, 24C and 27A (2),(3) and (4) apply to offences and penalties that may be imposed on anyone acting contrary to these regulations and the provisions the Act.

4. Amendment of licences and permits. – (1) Amendments to licenses and permits must be made in accordance with this clause of the Regulations.

(2) The fees set out in the Films and Publications Tariff's Regulations apply to applications to amend licences and permits.

(3) Applications for the amendment of licences and permits must be submitted using the forms, whether in paper format or electronically, which may be accessed from the FPB's offices on Monday to Friday, excluding public holidays, from 9h00 to 16h00 or obtained electronically from the FPB's

website.

- (4) The application form must be completed in all respects, including the provision of attachments.
- (5) The general provisions of regulation 2 of these Regulations apply to applications to amend licences and permits.

5. Renewal of licences and permits. – (1) Renewal of licences and permits must be made in accordance with this clause of these Regulations.

- (2) Applications for renewal of licenses and permits must be submitted at least 6 (six) months prior to the expiration of the licence and permit term.
- (3) The fees set out in the Films and Publications Tariff's Regulations apply to applications to renew licences and permits.
- (4) Applications for the renewal of licences and permits must be submitted using the forms, whether in paper format or electronically, which may be accessed from the FPB's offices on Monday to Friday, excluding public holidays, from 9h00 to 16h00 or obtained electronically from the FPB's website.
- (5) The general provisions of regulation 2 of these Regulations apply to applications for renewals.

6. Transfer of licences and permits, and changes in ownership and control. –

- (1) Applications for transfer of a licence or permit, including transfers of control or ownership must be filed using the forms, whether in paper format or electronically, accessed from the FPB's offices on Monday to Friday, excluding public holidays, from 9h00 to 16h00 or obtained electronically from the FPB's website.

- (2) The forms must be completed in all respects, including attachments.

- (3) For the purposes of regulation 6 of these Regulations, use of the term "transfer", includes both transfers of the licence and permit to another person and transfers of controlling interests in a licensee and permit from one person to another.
- (4) An application for the transfer of a licence and permit must be made in writing, by the person to whom the licence and permit will be transferred and the application must –
- (a) provide a motivation as to the reason for the requested transfer;
 - (b) identify the licence and permit including the licence and permit number to be transferred; and
 - (c) identify the applicant.
- (5) If the applicant is a natural person, the following information must be furnished –
- (a) the full name of the applicant;
 - (b) the identity number of the applicant;
 - (c) the nationality of the applicant;
 - (d) the applicant's permanent physical address;
 - (e) the applicant's principal place of business address;
 - (f) the applicant's telephone and fax numbers; and
 - (g) the applicant's e-mail address and website, if the applicant has one or both.

- (6) Where the applicant is a juristic person, the following information must be furnished –
- (a) the business name and address (including e-mail address and website) the telephone and fax numbers of the applicant, and where applicable, certified copies of all the founding documents of the applicant;
 - (b) full names, business and residential addresses and the telephone numbers of each shareholder or member owning shares interests in the applicant; and
 - (c) affiliated ownership interests of the applicant in other persons holding a licence in terms of the Act.
- (7) The applicant must identify the licensee or permit holder, in the case where the licence and permit is being transferred from one person to another or, in the case of a transfer of control, the identity of the persons transferring control of the licensee or the permit holder to the applicant.
- (8) In the case where the licensee or permit holder has been liquidated, the applicant must identify the liquidator, including all relevant contact details and obtain from the liquidator written consent of the transfer to the applicant.
- (9) In the case of a deceased estate, the executor of the deceased estate must give written consent to the transfer.
- (10) Except in cases involving sub-regulation 6 (8) and (9) of these Regulations, the applicant must include with its registration form an affidavit from the licensee or the permit holder or, in the case of a transfer of control, the controlling shareholders consent to the transfer of the licence or permit to the applicant.

(11) The fees set out in the Films and Publications Tariff's Regulations apply to applications for licences and permits.

(12) The general filing provisions of regulation 2 apply to applications for transfer licences and permits.

7. Surrender of licences and permits. – (1) License and permit holders may surrender their licences and permits in accordance with these Regulations.

(2) Except as provided for in sub-regulation 7 (3) and (4) of these Regulations, a license and permit holder may surrender its licence and permit by filing written notification with the FPB in compliance with sub-regulation 7 (6), (7) and (8) of these Regulations.

(3) Where the surrender of a licence and permit involves the discontinuation of any service, at least sixty (60) days before discontinuation of service and the surrender a licence and permit, the licensee and permit holder shall notify in writing all affected subscribers of the licensee's and permit holder's intention to discontinue the service and surrender its licence and permit.

(4) At a minimum the notice must inform subscribers of the date service will be discontinued, which date may not be less than 30 (thirty) days before the date of the notice.

(5) In addition to notifying subscribers per sub-regulation 7 (3) and (4) of these Regulations, licensees and permit holders intending to discontinue service and surrender their licences and permits, shall post a notice on their website and post a public notice in at least one national newspaper.

(6) To effect the surrender of a licence and permit, the licensee and permit holder shall file with the FPB, written notification of its intention to surrender the licence and permit.

- (7) The notice of surrender of the license and permit must be published in a national newspaper.
- (8) The written notice must be accompanied by a copy of the licence and permit to be surrendered and, where sub-regulation 7 (3) and (4) of these Regulations applies
 - (a) a copy of the notification to subscribers; and
 - (b) a copy of the newspaper publication.
- (9) The licensee and permit holder must include with the notification, full payment of any outstanding monies owed to the FPB, or in cases where no outstanding balance is owed, certification stating that all accounts have been paid.

8. Temporary registration. – (1) The FPB may grant temporary registration to distribute content on a limited basis.

- (2) In addition to any terms and conditions the FPB may impose in the authorisation document, temporary registrations shall be subject to the following terms and conditions –
 - (a) Temporary registrations are granted subject to the condition that they may be cancelled by the FPB at any time upon due notice to the licensee and permit holder; and
 - (b) Temporary registrations are intended to be of limited duration, unless a longer duration is specified by the FPB and shall automatically expire and have no further force or effect 3 (three) months from the effective date.
- (3) A grant of temporary registration does not provide any right to or provide any assurance that the FPB will grant an application for a licence and permit.

9. Compliance. – (1) Failure to comply with any provision of this Regulation constitutes an offence and is subject to the penalties set out in the Act.

(2) In this regard, section 24A of the Act applies to offences and penalties that may be imposed on anyone acting contrary to these Regulations and the provisions of the Act.

SCHEDULE 2

PART 1

REGISTRATION AS DISTRIBUTOR

10. Registration as a distributor. – (1) An application for registration as a distributor of films and games in terms of section 18 (1)(a) of the Act must be filed using the forms, whether in paper format or electronically, accessed from the FPB's offices on Monday to Friday, excluding public holidays, from 9h00 to 16h00 or obtained electronically from the FPB's website.

(2) A member of the Press Council of South Africa or a member of the Advertising Regulatory Board, are both exempt from the requirement to register as a distributor in terms of sub-regulation 10 (1) of these Regulations for film content.

(3) Every applicant must include as part of their registration –

- (a) proof of registration of the business of the distributor in terms of the applicable legislation;
- (b) a document confirming that the applicant's tax affairs are in order;
- (c) a declaration that the applicant warrants to the best of its knowledge

and insofar as it is reasonably aware, that it complies with the laws and regulations applicable to it, with its legal obligations pertaining to its business in general and with its obligations as a distributor of films and undertakes to continue to take all reasonable and necessary steps to ensure that such compliance is maintained; and

(d) proof of payment of the prescribed fee.

- (4) The registration issued by the FPB may shall be valid for a period of 1 (one) year from the date of issue thereof.
- (5) The issuing of a temporary registration shall be valid for a period of not more than 3 (three) months from the date of issue thereof.
- (6) The FPB may impose any conditions it considers necessary for the better achievement of the objects and purposes of the Act for the registrations referred to in sub-regulation (4) and (5).

11. Renewal of registration as distributor. – (1) An application for the renewal of a registration certificate as a distributor, including as an online distributor, must be filed using the forms, whether in paper format or electronically, accessed from the FPB's offices on Monday to Friday, excluding public holidays, from 9h00 to 16h00 or obtained electronically from the FPB's website.

- (2) The application referred to in sub-regulation 11 (1) of these Regulations must be accompanied with the proof of payment of the prescribed fee and either a confirmation that the supporting documents are still valid and accurate, or where there have been any changes to provide copies of the said supporting documentation.
- (3) The application for the renewal of a registration certificate as a distributor in terms of sub-regulation 11 (1) of these Regulations must be made

within 60 (sixty) days from the date of expiry of the registration certificate issued by the FPB.

- (4) If an application for the renewal of a registration certificate as distributor is not made within 60 (sixty) days from the date of expiry of that registration certificate, such distributor shall cease to be registered as a distributor of films or games.
- (5) A distributor who has made an application for the renewal of a registration certificate within the 60 (sixty) days from date of expiry of that registration certificate, the registration certificate of such a distributor will be deemed to be of full force and effect until such time as the renewal application has been processed and the outcome of the application has been communicated by the FPB.
- (6) Where a distributor fails to comply with any standard terms and conditions or any specific term or condition of its registration or term or condition applicable to any registration, such distributor shall be subject to the penalties set out in the Act where section 24A applies to offences and penalties that may be imposed on anyone acting contrary to these regulations and the applicable provisions the Act.

12. Standard terms and conditions. (1) [*Classification and Licencing Sub-programme to provide the standard terms and conditions*]

- (2) These standard terms and conditions may be amended from time to time by the FPB in accordance with section 18 of the Act.
- (3) Upon the coming into force of any such amendment, the standard terms and conditions, as amended, shall be binding on all current and future holders of any registration certificate.
- (3) Nothing in these standard terms and conditions shall absolve a distributor

or exempt a distributor from any requirement in law or otherwise to obtain any additional licences or permits as may be necessary for the distribution of content and for the exercise of its rights or discharge of its obligations under the registration certificate issued by the FPB.

13. Additional terms and conditions. – (1) The FPB may impose additional terms and conditions in terms of section 18 of the Act that are consistent with the objects of the Act.

(2) Additional terms and conditions that apply to individual licences may be specified by the FPB.

(3) Where the FPB intends to apply additional terms and conditions to a registration certificate, such additional terms and conditions will be published in the Gazette.

PART 2

ACCREDITATION OF A FOREIGN OR INTERNATIONAL CLASSIFICATION SYSTEM

14. Accreditation of a Foreign or International Classification System. – (1) An application for the licence to accredit classification ratings issued by any foreign or international classification authority or body in relation to the classification of publications, where applicable, films or games in terms of section 18D of the Act must be made on the application and registration forms to be used when submitting applications or when registering, together with instructions and information as to the submission of such forms, whether in paper format or electronically, may be accessed from the FPB's offices on Monday to Friday, excluding public holidays, from 9h00 to 16h00 or obtained electronically from the FPB's website.

(2) The application referred to in sub-regulation 14 (1) of these Regulations must

indicate –

- (a) the accessibility by the FPB of the applicant's online service for compliance, monitoring and auditing purposes; and
 - (b) the alignment of the foreign or international ratings to the applicable ratings in terms of the Act and the Classification Guidelines of the FPB.
- (4) On approval of the application, the FPB shall issue the applicant with a Notice of Accreditation of the classification ratings issued by any foreign or international classification authority or body in terms of section 18D of the Act and shall only be valid for 1 (one) year.

15. Renewal of the accreditation of a Foreign or International Classification

System. – (1) An application for the renewal of the accreditation of a foreign or international classification system must be filed using the forms, whether in paper format or electronically, accessed from the FPB's offices on Monday to Friday, excluding public holidays, from 9h00 to 16h00 or obtained electronically from the FPB's website.

- (2) The application referred to in sub-regulation 15 (1) of these Regulations must be accompanied with the proof of payment of the prescribed fee and either a confirmation that the supporting documents are still valid and accurate, or where there have been any changes to provide copies of the said supporting documentation.
- (3) The application for the renewal of the accreditation of a foreign or international classification system in terms of sub-regulation 15 (1) of these Regulations must be made within 90 (ninety) days from the date of expiry of the Notice of Accreditation issued by the FPB.
- (4) If an application for the renewal of the accreditation of a foreign or international classification system is not made within 90 (ninety) days from

the date of expiry of that Notice of Accreditation, such accreditation shall cease to be valid.

- (5) A distributor who has made an application for the renewal of the accreditation of a foreign or international classification system within the 90 (ninety) days from date of expiry of the Notice of Accreditation, the Notice of Accreditation will be deemed to be of full force and effect until such time as the renewal application has been processed and the outcome of the application has been communicated by the FPB.

16. Suspension of the accreditation of a Foreign or International Classification System. – (1) Should the classification ratings issued by any duly approved foreign or international classification authority or body fail to meet all the requirements of sub-regulation 12 (2) of these Regulations and the commercial online distributor fails to remedy any noncompliance within 30 (thirty) days of receipt of written notice from the FPB calling upon it to do so, the accreditation shall be suspended pending the rectification or remedying of such noncompliance.

17. Standard terms and conditions. (1) [Classification and Licencing Sub-programme to provide the standard terms and conditions]

- (2) These standard terms and conditions may be amended from time to time by the FPB in accordance with section 18 of the Act.
- (3) Upon the coming into force of any such amendment, the standard terms and conditions, as amended, shall be binding on all current and future holders of any registration certificate.
- (3) Nothing in these standard terms and conditions shall absolve a distributor or exempt a distributor from any requirement in law or otherwise to obtain any additional licences or permits as may be necessary for the distribution of content and for the exercise of its rights or discharge of its obligations under the registration certificate issued by the FPB.

18. Additional terms and conditions. – (1) The FPB may impose additional terms and conditions in terms of section 18 of the Act that are consistent with the objects of the Act.
- (2) Additional terms and conditions that apply to individual licences may be specified by the FPB.
- (3) Where the FPB intends to apply additional terms and conditions to a registration certificate, such additional terms and conditions will be published in the Gazette.

PART 3

PROCEDURES FOR APPLICATION FOR SELF-CLASSIFICATION OF FILMS, GAMES AND PUBLICATIONS

- 19. Procedure for application for self-classification of films, games and publications.** – (1) An application for the annual Permit to conduct classifications of publications, where applicable, films or games, in terms of section 18C of the Act must be made on the application and registration forms to be used when submitting applications or when registering, together with instructions and information as to the submission of such forms, whether in paper format or electronically, may be accessed from the FPB's offices on Monday to Friday, excluding public holidays, from 9h00 to 16h00 or obtained electronically from the FPB's website.
- (2) The application referred to in sub-regulation 19 (1) of these Regulations must include –
- (a) proof of registration of the business of the applicant in terms of the applicable legislation;
- (b) a document confirming that the applicant's tax affairs are in order;

- (c) a declaration that the applicant warrants to the best of its knowledge and insofar as it is reasonably aware, that it complies with the laws and regulations applicable to it, with its legal obligations pertaining to its business in general and with its obligations as a distributor of films or games and undertakes to continue to take all reasonable and necessary steps to ensure that such compliance is maintained; and
 - (d) proof of payment of the prescribed fee.
- (3) The applicant must ensure that it commits to undertake self-classification of publications, where applicable, films or games distributed by it on its own online distribution platform in accordance with the Act, the Films and Publications Regulations, 2022, and the Classification Guidelines of the FPB.
- (4) The commercial online distributor must inform the FPB within 7 (seven) days after the Permit has been issued of its “XX” and “X18” classifications of publications, films or games to enable the FPB to publish these classifications in the Government Gazette, after which such classifications are deemed to have been made by the FPB.
- (5) Should any of the publications, films or games after due inquiry be in conflict with, or the commercial online distributor not classify publications, films or games in accordance with the Act, these Regulations and the Classification Guidelines of the FPB and the commercial online distributor fails to remedy any noncompliance within 30 (thirty) days of receipt of written notice from the FPB calling upon it to do so, the Permit shall be suspended pending the rectification or remedying of such noncompliance by the commercial online distributor.
- (6) Until such time that the application contemplated in sub-regulation 19 (1) of these Regulations is approved by the FPB, the applicant must submit any

publication, where applicable, film or game which is to be distributed by it on its own online distribution platform to the FPB together with the relevant Form provided by the FPB, and the prescribed fee, for examination and classification before it may be distributed within the Republic.

20. Renewal of the annual Permit to self-classify films, games and publications.

- (1) An application for the renewal of the annual Permit to conduct classifications of publications, where applicable, films or games must be filed using the forms, whether in paper format or electronically, accessed from the FPB's offices on Monday to Friday, excluding public holidays, from 9h00 to 16h00 or obtained electronically from the FPB's website.
- (2) The application referred to in sub-regulation 20 (1) of these Regulations must be accompanied with the proof of payment of the prescribed fee and either a confirmation that the supporting documents are still valid and accurate, or where there have been any changes to provide copies of the said supporting documentation.
- (3) The application for the renewal of the annual Permit to conduct classifications of publications, where applicable, films or games, in terms of sub-regulation 20 (1) of these Regulations must be made within 90 (ninety) days from the date of expiry of the annual Permit issued by the FPB.
- (4) If an application for the renewal of the annual Permit to conduct classifications of publications, where applicable, films or games is not made within 90 (ninety) days from the date of expiry of that annual Permit, such annual Permit shall cease to be valid.
- (5) A distributor who has made an application for the renewal of the annual Permit to conduct classifications of publications, where applicable, films or games within the 90 (ninety) days from date of expiry of the annual Permit, the Annual Permit will be deemed to be of full force and effect until such time as the renewal application has been processed and the outcome of the

application has been communicated by the FPB.

- 21. Suspension of the annual Permit to conduct classifications of publications, where applicable, films or games.** – (1) Should the classification ratings issued by a commercial online distributor in terms of the annual Permit issued fail to meet all the requirements of sub-regulation 19 (3) of these Regulations and the commercial online distributor fails to remedy any noncompliance within 30 (thirty) days of receipt of written notice from the FPB calling upon it to do so, the annual Permit shall be suspended pending the rectification or remedying of such noncompliance.
- 22. Standard terms and conditions.** (1) [*Classification and Licencing Sub-programme to provide the standard terms and conditions*]
- (2) These standard terms and conditions may be amended from time to time by the FPB in accordance with section 18 of the Act.
- (3) Upon the coming into force of any such amendment, the standard terms and conditions, as amended, shall be binding on all current and future holders of any registration certificate.
- (3) Nothing in these standard terms and conditions shall absolve a distributor or exempt a distributor from any requirement in law or otherwise to obtain any additional licences or permits as may be necessary for the distribution of content and for the exercise of its rights or discharge of its obligations under the registration certificate issued by the FPB.
- 23. Additional terms and conditions.** – (1) The FPB may impose additional terms and conditions in terms of section 18 of the Act that are consistent with the objects of the Act.
- (2) Additional terms and conditions that apply to individual licences may be specified by the FPB.

- (3) Where the FPB intends to apply additional terms and conditions to a registration certificate, such additional terms and conditions will be published in the Gazette.

PART 4

EXEMPTION APPLICATIONS

- 24. Application to be exempted from the Act in respect of certain publications, films and games.** – (1) An application to be exempted from section 24A, 24B or 24C of the Act in terms of section 22 of the Act must be made on the application and registration forms to be used when submitting applications or when registering, together with instructions and information as to the submission of such forms, whether in paper format or electronically, may be accessed from the FPB's offices on Monday to Friday, excluding public holidays, from 9h00 to 16h00 or obtained electronically from the FPB's website.
- 25. Standard terms and conditions.** (1) [*Classification and Licencing Sub-programme to provide the standard terms and conditions*]
- (2) These standard terms and conditions may be amended from time to time by the FPB in accordance with section 18 of the Act.
- (3) Upon the coming into force of any such amendment, the standard terms and conditions, as amended, shall be binding on all current and future holders of any registration certificate.
- (3) Nothing in these standard terms and conditions shall absolve a distributor or exempt a distributor from any requirement in law or otherwise to obtain any additional licences or permits as may be necessary for the distribution of content and for the exercise of its rights or discharge of its obligations under the registration certificate issued by the FPB.

26. Additional terms and conditions. – (1) The FPB may impose additional terms and conditions in terms of section 18 of the Act that are consistent with the objects of the Act.

(2) Additional terms and conditions that apply to individual licences may be specified by the FPB.

(3) Where the FPB intends to apply additional terms and conditions to a registration certificate, such additional terms and conditions will be published in the Gazette.

PART 5

ADULT PREMISES

27. Application for exemption to distribute films, games and publications classified as "X18" at a physical premises. – (1) An application to be for an exemption to exhibit or distribute a publication, film or game classified as "X18" in terms of section 24 (1) of the Act at a physical premises must be made on the application and registration forms to be used when submitting applications or when registering, together with instructions and information as to the submission of such forms, whether in paper format or electronically, may be accessed from the FPB's offices on Monday to Friday, excluding public holidays, from 9h00 to 16h00 or obtained electronically from the FPB's website.

(2) The application referred to in sub-regulation 27 (1) of these Regulations must include –

(a) a licence to conduct the business of adult premises, issued by a licensing authority in terms of the Businesses Act, 1991 (Act No. 71 of 1991);

- (b) proof of registration of the business of the applicant in terms of the applicable legislation;
 - (c) a document confirming that the applicant's tax affairs are in order;
 - (d) a declaration that the applicant warrants to the best of its knowledge and insofar as it is reasonably aware, that it complies with the laws and regulations applicable to it, with its legal obligations pertaining to its business in general and undertakes to continue to take all reasonable and necessary steps to ensure that such compliance is maintained;
 - (e) proof of payment of the prescribed fee;
 - (f) an illustration in the form of a photograph, of the prominent display at all entrances of the premises, prohibiting the entry of persons under the age of 18 (eighteen) years; and
 - (g) an explanation indicating how the business shall ensure that children under the age of 18 (eighteen) would not be able to access the premises.
- (2) On approval of the application, the FPB shall issue the applicant with a licence in terms of section 24 (1) of the Act and shall only be valid for 1 (one) year.

28. Renewal of the licence to conduct the business of an adult premises. – (1)

An application for the renewal of the licence to conduct the business of an adult premises must be filed using the forms, whether in paper format or electronically, accessed from the FPB's offices on Monday to Friday, excluding public holidays, from 9h00 to 16h00 or obtained electronically from the FPB's website.

- (2) The application referred to in sub-regulation 28 (1) of these Regulations must

be accompanied with the proof of payment of the prescribed fee and either a confirmation that the supporting documents are still valid and accurate, or where there have been any changes to provide copies of the said supporting documentation.

- (3) The application for the renewal of the licence in terms of sub-regulation 28 (1) of these Regulations must be made within 90 (ninety) days from the date of expiry of the licence issued by the FPB.
- (4) If an application for the renewal of the licence is not made within 90 (ninety) days from the date of expiry of that licence, such licence shall cease to be valid.

29. Suspension of the licence to conduct the business of an adult premises. –

- (1) Should the holder of the licence issued by the FPB fails to meet all the requirements of section 24 (2) of the Act, the licence shall be suspended pending the rectification or remedying of such noncompliance.

30. Standard terms and conditions. (1) [*Classification and Licencing Sub-programme to provide the standard terms and conditions*]

- (2) These standard terms and conditions may be amended from time to time by the FPB in accordance with section 18 of the Act.
- (3) Upon the coming into force of any such amendment, the standard terms and conditions, as amended, shall be binding on all current and future holders of any registration certificate.
- (3) Nothing in these standard terms and conditions shall absolve a distributor or exempt a distributor from any requirement in law or otherwise to obtain any additional licences or permits as may be necessary for the distribution of content and for the exercise of its rights or discharge of its obligations under the registration certificate issued by the FPB.

- 31. Additional terms and conditions.** – (1) The FPB may impose additional terms and conditions in terms of section 18 of the Act that are consistent with the objects of the Act.
- (2) Additional terms and conditions that apply to individual licences may be specified by the FPB.
- (3) Where the FPB intends to apply additional terms and conditions to a registration certificate, such additional terms and conditions will be published in the Gazette.

PART 6

DISTRIBUTION OF FILMS OR GAMES CLASSIFIED AS “X18” ONLINE

- 32. Application for exemption to distribute publications, films and games classified as "X18" online.** – (1) An application to be for an exemption by a registered film or game distributor to distribute a film or game classified as “X18” online in terms of section 24 (3) of the Act must be made on the application and registration forms to be used when submitting applications or when registering, together with instructions and information as to the submission of such forms, whether in paper format or electronically, may be accessed from the FPB’s offices on Monday to Friday, excluding public holidays, from 9h00 to 16h00 or obtained electronically from the FPB’s website.
- (2) The application referred to in sub-regulation 32 (1) of these Regulations must include –
- (a) proof of registration of the business of the applicant in terms of the applicable legislation;

- (b) a document confirming that the applicant's tax affairs are in order;
 - (c) a declaration that the applicant warrants to the best of its knowledge and insofar as it is reasonably aware, that it complies with the laws and regulations applicable to it, with its legal obligations pertaining to its business in general and undertakes to continue to take all reasonable and necessary steps to ensure that such compliance is maintained; and
 - (d) proof of payment of the prescribed fee.
- (3) The application referred to in sub-regulation 32 (1) of these Regulations must indicate how the distributor shall ensure –
- (a) that children under the age of 18 (eighteen) would not be able to access a film or game classified as “X18” online or any promotion of such a film or game;
 - (b) that the classification and age restriction are clearly displayed on the screen of the user throughout the screening;
 - (c) that the user has confirmed that he or she is 18 (eighteen) years or older prior to commencing viewing of the film, playing the game or viewing the promotion of the film or game;
 - (d) that it shall not distribute any promotion of the film or game to be accessed without it being paid for by way of a credit card or another child secure method agreed to by the FPB; and
 - (e) the keeping of a register, solely for the distributor's private records and kept for 1 (one) year from the date on which distribution took place, indicating –

- (i) all instances where access was granted to a user; and
- (ii) the user's name, address and verified age.

- (4) On approval of the application, the FPB must issue the applicant with a Notice of Exemption in terms of section 24 (3) of the Act.

33. Renewal of the licence to distribute publications, films and games classified as "X18" online. – (1) An application for the renewal of the licence to distribute publications, films and games classified as "X18" online must be filed using the forms, whether in paper format or electronically, accessed from the FPB's offices on Monday to Friday, excluding public holidays, from 9h00 to 16h00 or obtained electronically from the FPB's website.

- (2) The application referred to in sub-regulation 33 (1) of these Regulations must be accompanied with the proof of payment of the prescribed fee and either a confirmation that the supporting documents are still valid and accurate, or where there have been any changes to provide copies of the said supporting documentation.
- (3) The application for the renewal of the licence in terms of sub-regulation 33 (1) of these Regulations must be made within 90 (ninety) days from the date of expiry of the licence issued by the FPB.
- (4) If an application for the renewal of the licence is not made within 90 (ninety) days from the date of expiry of that licence, such licence shall cease to be valid.

34. Suspension of the licence to distribute publications, films and games classified as "X18" online. – (1) Should the holder of the licence issued by the FPB fails to meet all the requirements of section 24 (3) of the Act, the licence shall be suspended pending the rectification or remedying of such noncompliance.

35. Standard terms and conditions. (1) [*Classification and Licencing Sub-programme to provide the standard terms and conditions*]

- (2) These standard terms and conditions may be amended from time to time by the FPB in accordance with section 18 of the Act.
- (3) Upon the coming into force of any such amendment, the standard terms and conditions, as amended, shall be binding on all current and future holders of any registration certificate.
- (3) Nothing in these standard terms and conditions shall absolve a distributor or exempt a distributor from any requirement in law or otherwise to obtain any additional licences or permits as may be necessary for the distribution of content and for the exercise of its rights or discharge of its obligations under the registration certificate issued by the FPB.

36. Additional terms and conditions. – (1) The FPB may impose additional terms and conditions in terms of section 18 of the Act that are consistent with the objects of the Act.

- (2) Additional terms and conditions that apply to individual licences may be specified by the FPB.
- (3) Where the FPB intends to apply additional terms and conditions to a registration certificate, such additional terms and conditions will be published in the Gazette.

PART 7

INTERNET SERVICE PROVIDERS

37. Internet Service Providers. – (1) An application for registration as an internet service provider in terms of section 27A of the Act must be made on the

application and registration forms to be used when submitting applications or when registering, together with instructions and information as to the submission of such forms, whether in paper format or electronically, may be accessed from the FPB's offices on Monday to Friday, excluding public holidays, from 9h00 to 16h00 or obtained electronically from the FPB's website.

- (2) The application referred to in sub-regulation 37 (1) of these Regulations must include –
- (a) proof of registration of the business of the applicant in terms of the applicable legislation;
 - (b) a document confirming that the applicant's tax affairs are in order; and
 - (c) a declaration that the applicant warrants to the best of its knowledge and insofar as it is reasonably aware, that it complies with the laws and regulations applicable to it, with its legal obligations pertaining to its business in general and undertakes to continue to take all reasonable and necessary steps to ensure that such compliance is maintained.
- (3) Every internet service provider must, when making an application for registration as an internet service provider, indicate in the application form:
- (a) all measures, or steps taken or put in place to ensure that children are not exposed to child pornography and pornography; and
 - (b) that their services are being used for the hosting and distribution child pornography, propaganda for war, incitement of imminent violence or advocacy of hatred based on an identifiable group characteristic and that constitutes incitement to cause harm.

38. Renewal of the registration as an internet service provider. – (1) An

application for the renewal of the registration as an internet service provider in terms of section 27A of the Act must be filed using the forms, whether in paper format or electronically, accessed from the FPB's offices on Monday to Friday, excluding public holidays, from 9h00 to 16h00 or obtained electronically from the FPB's website.

- (2) The application referred to in sub-regulation 38 (1) of these Regulations must be accompanied with the proof of payment of the prescribed fee and either a confirmation that the supporting documents are still valid and accurate, or where there have been any changes to provide copies of the said supporting documentation.
- (3) The application for the renewal of the registration in terms of sub-regulation 39 (1) of these Regulations must be made within 90 (ninety) days from the date of expiry of the registration issued by the FPB.
- (4) If an application for the renewal of the registration is not made within 90 (ninety) days from the date of expiry of that registration, such registration shall cease to be valid.

40. Suspension of the registration as an internet service provider. – (1) Should the holder of the registration issued by the FPB fails to meet all the requirements of section 24C (2) and 27A (2) of the Act, the registration shall be suspended pending the rectification or remedying of such noncompliance.

41. Standard terms and conditions. (1) [*Classification and Licencing Sub-programme to provide the standard terms and conditions*]

- (2) These standard terms and conditions may be amended from time to time by the FPB in accordance with section 18 of the Act.
- (3) Upon the coming into force of any such amendment, the standard terms and conditions, as amended, shall be binding on all current and future

holders of any registration certificate.

- (3) Nothing in these standard terms and conditions shall absolve a distributor or exempt a distributor from any requirement in law or otherwise to obtain any additional licences or permits as may be necessary for the distribution of content and for the exercise of its rights or discharge of its obligations under the registration certificate issued by the FPB.

42. Additional terms and conditions. – (1) The FPB may impose additional terms and conditions in terms of section 18 of the Act that are consistent with the objects of the Act.

- (2) Additional terms and conditions that apply to individual licences may be specified by the FPB.
- (3) Where the FPB intends to apply additional terms and conditions to a registration certificate, such additional terms and conditions will be published in the Gazette.

SCHEDULE 3

TRANSITIONAL ARRANGEMENTS

43. Continuation of pre-existing online distribution agreements. – (1) As of the general effective date of these Regulations, every pre-existing online distribution agreement that was, immediately before that date, entered into in terms of section 22 of the Act, continues to exist for a period of 6 (six) months after which a commercial online distributor would need to ensure compliance with the applicable standard terms and conditions or special terms and conditions as required in terms of these Regulations.

- (2) An application that, before the effective date, had been filed in accordance with the Films and Publications Regulations, 2022 must be regarded as

having been satisfactorily filed for any comparable purpose of these Regulations, subject to the amendment of such applications in order to meet the requirements of these Regulations.

SHORT TITLE

- 44. Short title.** – These Regulations are called the Regulations on the Processes and Procedures for Applying or Registering, Amending, Transferring and Renewing Licences and Terms and Conditions to be applied to such Licences in terms of the Films and Publications Act, 1996 (act no. 65 of 1996), as amended, 2022.

GENERAL NOTICES • ALGEMENE KENNISGEWINGS

DEPARTMENT OF TRADE, INDUSTRY AND COMPETITION**NOTICE 1538 OF 2023****INTERNATIONAL TRADE ADMINISTRATION COMMISSION OF SOUTH AFRICA**

Rebate item 460.11/00.00/01.00: Used overcoats, car-coats, raincoats, anoraks, ski-jackets, duffle coats, mantles, three-quarter coats, greatcoats, hooded caps, trench coats, gabardines, padded waistcoats and parkas (but no other clothing articles) classifiable under tariff headings 61.01, 61.02, 62.01, 62.02 and 6309.00.13 in such quantities, at such times and subject to such conditions as the International Trade Administration Commission may allow by specific permit

ITAC hereby invites new importers to submit permit applications in terms of the abovementioned rebate provision, for 2023, **within three (3) weeks from the date of this publication.**

It is imperative that new importers acquaint themselves and comply with the interim guidelines, rules and conditions pertaining to the rebate provision concerned, together with the relevant Application form, which are obtainable on ITAC's website at www.itac.org.za by following the links: 'Services – Tariff investigations – Government Gazette Notices – Other publication notices.'], before applying for a rebate permit.

Please note that movement on the DTIC Campus is still restricted to the public. Kindly submit a duly completed application electronically to Mr Christopher Sako, email: csako@itac.org.za and Ms Kokami Legodi, email: KLegodi@itac.org.za.

Note: Goods imported under this rebate item require both rebate and import permits. It is therefore advisable that permits in relation to rebate provisions, which are subject to a permit being issued by ITAC, be applied for and received before the goods concerned are cleared.

For enquires contact: Mr Christopher Sako, email: csako@itac.org.za, Tel: (012) 394 3669, Tel: (012) 394 3672 or Ms Kokami Legodi email: klegodi@itac.org.za, Tel: (012) 394 3812.

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